

NOTICE TO THE BAR (Corrected)

USE OF TRADE NAMES – PROPOSED AMENDMENTS TO RPC 7.5

The Supreme Court is seeking comments on proposed amendments to RPC 7.5 (“Firm Names and Letterheads”) of the Rules of Professional Conduct relating to the use of trade names. The proposed amendment would be to paragraph (d) of RPC 7.5 as follows (with proposed new text shown by underscoring):

(e) A law firm name may include additional identifying language such as “& Associates” only when such language is accurate and descriptive of the firm. Use of a trade name shall be permissible so long as it describes the nature of the firm’s legal practice in terms that are accurate, descriptive, and informative, but not misleading, comparative, unprofessional, or suggestive of the ability to obtain results. Such trade names should be accompanied by the name of the attorney who is responsible for the management of the organization. Any firm name containing additional identifying language such as “Legal Services” or other similar phrases shall inform all prospective clients in the retainer agreement or other writing that the law firm is not affiliated or associated with a public, quasi-public or charitable organization. However no firm shall use the phrase “legal aid” in its name or in any additional identifying language.

The amended rule would be accompanied by an official comment in order to provide the bar with illustrative examples, as follows:

Official comment (2011): By way of example, “Millburn Tax Law Associates, John Smith, Esq.” would be permissible under the trade name provision of this rule, as would “Millburn Personal Injury Group, John Smith, Esq.” However, neither “Best Tax Lawyers” nor “Tax Fixers” would be permissible, the former being comparative and the latter being unprofessional.

Those seeking to comment on the proposal must do so, in writing, by **May 6, 2011**, to the following address:

Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts
Rules Comments (Re: Trade Name Rule Amendment)
Hughes Justice Complex; P.O. Box 037
Trenton, New Jersey 08625-0037

Comments may be submitted by e-mail to: Comments.Mailbox@judiciary.state.nj.us.

The Supreme Court will not consider comments submitted anonymously. Thus, those submitting comments by mail should include their name and address (and those submitting comments by e-mail should include their name and e-mail address). Comments submitted will be subject to public disclosure.

/s/ Glenn A. Grant

Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts

Dated: April 6, 2011