

NOTICE TO THE BAR (corrected)

ATTORNEY MALPRACTICE INSURANCE – NEW RULE 1:21-1D (“INDIVIDUALS OR PARTNERSHIPS ENGAGED IN THE PRIVATE PRACTICE OF LAW; REPORTING OF PROFESSIONAL LIABILITY INSURANCE”); RELATED CONFORMING AMENDMENTS

The Supreme Court has adopted new Court Rule 1:21-1D (“Individuals or Partnerships Engaged in the Private Practice of Law; Reporting of Professional Liability Insurance”), applicable to certain attorneys engaged in the private practice of law who elect voluntarily to obtain a policy of professional liability insurance. Under the new Rule, such an attorney must file (or to cause an insurer to file) with the Court a certificate of insurance setting forth basic policy information and any policy amendments, renewals, or terminations. Such information will be accessible by the public in the same manner as the information required under Rules 1:21-1A (“Professional Corporations for the Practice of Law”), 1:21-1B (“Limited Liability Companies for the Practice of Law”), and 1:21-1C (“Limited Liability Partnerships for the Practice of Law”).

The Court’s attached December 21, 2021 Order implements one of the recommendations of the Supreme Court Ad Hoc Committee on Attorney Malpractice Insurance in its 2017 [report](#). All necessary technological enhancements have been completed to support implementation of the new reporting requirement, including integration of attorney malpractice information into the existing attorney index available on the Judiciary’s website.

The Court has also adopted conforming amendments to Rules 1:21-1A, -1B, and -1C to require only the last four digits of the policy number rather than the full policy number to be reported for malpractice insurance policies held by Professional Corporations (Rule 1:21-1A), Limited Liability Companies (Rule 1:21-1B), and Limited Liability Partnerships (Rule 1:21-1C).

The Court’s December 21, 2021 Order is effective January 1, 2022.

Questions on this notice should be directed to the Supreme Court Clerk’s Office at (609) 815-2955.

[Note: This corrected version is being published because some text intended to be retained in the three amended rules was inadvertently not included.]



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

Dated: December 23, 2021 (corrected)

SUPREME COURT OF NEW JERSEY

It is ORDERED that the attached amendments to Rules 1:21-1A (“Professional Corporations for the Practice of Law”), 1:21-1B (“Limited Liability Companies for the Practice of Law”), and 1:21-1C (“Limited Liability Partnerships for the Practice of Law”), and new Rule 1:21-D (“Individuals or Partnerships Engaged in the Private Practice of Law; Reporting of Professional Liability Insurance”) of the Rules Governing the Courts of the State of New Jersey are adopted to be effective January 1, 2022.

For the Court,



Chief Justice

Dated: December 21, 2021 (corrected)

1:21-1A. Professional Corporations for the Practice of Law

(a) ... no change

(b) Within 30 days after filing its certificate of incorporation or, in the case of a foreign professional legal corporation, the filing of its registration with the Secretary of State, each professional corporation formed to engage in the practice of law shall file with the Clerk of the Supreme Court a certificate of insurance, issued by the insurer, setting forth the name and address of the insurance company writing the insurance policies required by paragraph (a)(3) of this rule[and], the last four digits of the policy number, and the policy limits. The professional corporation shall also file such other information as the Supreme court may from time to time prescribe.

Amendments to and renewals of the certificate of insurance shall be filed with the Clerk of the Supreme Court within 30 days after the date on which such amendments or renewals become effective.

(c) – (f) ... no change.

Note: Adopted December 16, 1969 effective immediately; paragraph (a) amended July 7, 1971 to be effective September 13, 1971; paragraph (c) amended June 29, 1973 to be effective September 10, 1973; paragraphs (a), (b), (c), (d) and (e) amended and paragraph (f) adopted July 16, 1981 to be effective September 14, 1981; paragraph (c) amended January 16, 1984 to be effective immediately; paragraph (c) amended July 14, 1992 to be effective September 1, 1992; paragraph (d) amended July 13, 1994 to be effective

September 1, 1994; paragraph (a) amended December 9, 1994 to be effective January 2, 1995; paragraphs (a), (b), (c), (e), and (f) amended April 30, 1996 to be effective immediately; paragraph (c) amended September 9, 2020 to be effective immediately; paragraph (b) amended December 21, 2021 to be effective January 1, 2022.

1:21-1B. Limited Liability Companies for the Practice of Law

(a) ... no change.

(b) Within 30 days after filing its certificate of formation or, in the case of a foreign limited liability company, the filing of its application for registration with the Secretary of State, each limited liability company engaged in the practice of law shall file with the Clerk of the Supreme Court a certificate of insurance, issued by the insurer, setting forth the name and address of the insurance company writing the insurance policies required by paragraph (a)(4) of this rule[and], the last four digits of the policy number, and the policy limits. The limited liability company shall also file such other information as the Supreme Court may from time to time prescribe.

Amendments to and renewals of the certificate of insurance shall be filed with the Clerk of the Supreme Court within 30 days after the date on which such amendments or renewals become effective.

(c) – (f) ... no change.

Note: Adopted November 18, 1996 to be effective January 1, 1997; paragraph (c) amended September 9, 2020 to be effective immediately; paragraph (b) amended December 21, 2021 to be effective January 1, 2022.

1:21-1C. Limited Liability Partnerships for the Practice of Law

(a) ... no change

(b) Within 30 days after filing its application, or in the case of a foreign limited liability partnership, the filing of its registration with the Secretary of State, each limited liability partnership engaged in the practice of law shall file with the Clerk of the Supreme Court a certificate of insurance, issued by the insurer, setting forth the name and address of the insurance company writing the insurance policies required by paragraph (a)(3) of this rule[and], the last four digits of the policy number, and the policy limits. The limited liability partnership shall also file such other information as the Supreme Court may from time to time prescribe.

Amendments to and renewals of the certificate of insurance shall be filed with the Clerk of the Supreme Court within 30 days after the date on which such amendments or renewals become effective.

(c) – (e) ... no change.

Note: Adopted November 18, 1996 to be effective January 1, 1997; paragraphs (a)(1) and (c) amended July 28, 2004 to be effective September 1, 2004; paragraph (c) amended September 9, 2020 to be effective immediately; paragraph (b) amended December 21, 2021 to be effective January 1, 2022.

1:21-1D. Individuals or Partnerships Engaged in the Private Practice of Law;
Reporting of Professional Liability Insurance.

(a) If an attorney engaged in the private practice of New Jersey law as an individual or partnership not subject to Rules 1:21-1A, 1:21-1B or 1:21-1C obtains a policy of professional liability insurance, the attorney or partnership shall, within 30 days after securing such policy, electronically file or cause to be electronically filed with the Clerk of the Supreme Court, a certificate of insurance, issued by the insurer, setting forth the name and address of the insurance company providing each such professional liability insurance policy, the last four digits of the policy number, and the policy limits.

(b) Amendments to and renewals of the attorney's certificate of professional liability insurance shall be electronically filed with the Clerk of the Supreme Court, within 30 days after the date on which such amendments or renewals become effective.

(c) The information regarding attorneys' certificates of professional liability insurance filed in accordance with paragraphs (a) and (b) of this rule

will be maintained in an electronic database that shall be available to and accessible by the public.

Note: Adopted December 21, 2021 to be effective January 1, 2022.