

NOTICE TO THE BAR

**SUPREME COURT PROFESSIONAL RESPONSIBILITY RULES
COMMITTEE REPORT (2018-2024) –
PUBLICATION FOR COMMENT**

The New Jersey Supreme Court invites written comments on the Report of the Professional Responsibility Rules Committee dated August 22, 2024 and covering the period 2018 through 2024. The report is posted on the committee reports page of the Judiciary's [website here](#). The Committee in its report recommends amendments to RPC 8.4(g) (Discriminatory Conduct) and RPC 1.5(b) (Basis and Rate of Fee), and further recommends a pilot program permitting the Attorney General to waive conflicts of interest by public entities under RPC 1.7. The Committee declined to recommend an amendment to RPC 1.6(d)(2) (responding to negative online reviews).

Specifically, the Committee recommends that the terminology of RPC 8.4(g) be amended to mirror that in the New Jersey Law Against Discrimination (LAD), N.J.S.A. 10:5-3 (protected classifications: race, creed, color, national origin, ancestry, age, sex, gender identity or expression, affectional or sexual orientation, marital status, familial status, liability for service in the Armed Forces of the United States, disability, or

nationality), with the addition of religion. It further recommends that a sentence be added as an Official Comment: “It is intended that this provision be interpreted to include harassment.” Lastly, it decided to retain the existing language defining the scope of lawyers’ conduct (conduct in a “professional capacity”) rather than adopt the ABA language (“conduct related to the practice of law”), finding the current language narrower than that of the ABA.

Further, the Committee recommends that RPC 1.5(b) be amended to provide that lawyers must state the basis or rate of the fee in writing at the beginning of the representation and also state in writing whenever there is a material change in the fee structure. It also recommends that the Rule clarify that if the fee structure will remain the same, no subsequent writing is required.

Additionally, the Committee recommends that the Court enact a two-year pilot program to permit the Attorney General to waive conflicts of interest for clients represented by the Attorney General’s Office. Currently, RPC 1.7(b)(1) prohibits public entities from waiving conflicts.

Lastly, the Committee declined to recommend an amendment to RPC 1.6(d)(2) to permit lawyers to disclose otherwise confidential information about their clients online in response to negative reviews. The amendment

was requested by the New Jersey State Bar Association (NJSBA).

Please send any comments on the Committee's proposed rule amendments or other recommendations in writing by **Wednesday, October 30, 2024** to:

Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts
Rules Comments – PRRC Report
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Comments may also be submitted via e-mail to the following address:
Comments.Mailbox@njcourts.gov.

The 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 are subject to public disclosure upon receipt.

/s/ Glenn A. Grant

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

Dated: September 30, 2024