

**Advisory Committee on Professional Ethics
Appointed by the Supreme Court of New Jersey**

**Opinion 703
Advisory Committee on Professional Ethics**

**Conduct Prejudicial to the Administration of Justice: Contacting Lawyers for
Representation on Pretextual Basis to Disqualify Potential Adversary Counsel**

An inquirer raised concern about a practice under which a client was advised to contact other lawyers for representation essentially on a pretextual basis, in order to disqualify those lawyers from representation of an adversary. The example given involved matrimonial cases. It appears that a lawyer or firm engaged to represent the party may be advising clients to take this step in order to disqualify potential adversary counsel.

The inquirer asks whether such a practice by a firm would run afoul of the Rules of Professional Conduct. It is the opinion of the Committee that any such advice by a lawyer to a client plainly would constitute prohibited “conduct prejudicial to the administration of justice” under *RPC* 8.4(d), in that it would impede a litigant’s effective access to counsel of choice, and should cease immediately.