

NOTICE TO THE BAR

PROPOSED ATTORNEY ADVERTISING GUIDELINE 4 – USE OF ENDORSEMENTS OR TESTIMONIALS FROM CLIENTS

With the approval of the Supreme Court, the Committee on Attorney Advertising pursuant to Rule 1:19A-2(c) here publishes for comment proposed Attorney Advertising Guideline 4 which addresses the use by lawyers or law firms of endorsements or testimonials from clients. The Committee on Attorney Advertising believes that adoption of this proposed guideline is necessary to clarify the application of the Rules governing attorney advertisements and other communications within the Committee's jurisdiction. The proposed guideline, if approved by the Supreme Court and formally adopted by the Committee on Attorney Advertising, would supersede Committee on Attorney Advertising Opinion 15 regarding "Testimonials" (133 *N.J.L.J.* 1370, April 5, 1993 and 2 *N.J.L.* 588, April 12, 1993).

Any comments on proposed Guideline 4 should be sent by March 1, 2006 to the Supreme Court Committee on Attorney Advertising, Attention: Committee Secretary, Professional Services, Richard J. Hughes Justice Complex, P.O. Box 037, Trenton, New Jersey 08625-0037. Comments may also be submitted via Internet e-mail to the following address: 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 in response to this notice will be maintained in confidence only if the author specifically requests confidentiality. In the absence of such a request, the author's identity

and his or her comments may be subject to public disclosure after the Court has acted on the proposed guideline.

/s/ George J. Kenny

George J. Kenny, Esq., Chair
Supreme Court Committee on
Attorney Advertising

Dated: December 30, 2005

COMMITTEE ON ATTORNEY ADVERTISING

PROPOSED ATTORNEY ADVERTISING GUIDELINE 4

Client Endorsements and Testimonials

A lawyer or law firm may use endorsements or testimonials from clients when:

- (a) The endorsement or testimonial is, in fact, that of the identified client, is truthful in all respects, and does not compare one lawyer to another;
- (b) Does not describe the work or the quality of the work that the lawyer has performed for the client; and
- (c) The client consents to the use of the endorsement or testimonial in the marketing or advertising program of the attorney.

An appropriate client endorsement or testimonial may state, for example, that the lawyer was sympathetic or concerned, returned calls, communicated frequently, was prompt in responding to client requests, or was professional in his or her dealings.

The use of any endorsement or testimonial given by a client under the above guidelines must cease when the lawyer has a reasonable basis to believe that the client's opinion has changed. Notification of a change in the client's opinion need not come directly from the client but may be implied or inferred from actions or statements that would lead to a reasonable belief that the client is no longer satisfied with the lawyer or the law firm.

This proposed guideline would supersede Committee on Attorney Advertising Opinion 15, Testimonials, (133 *N.J.L.J.* 1370, April 5, 1993 and 2 *N.J.L.* 588, April 12, 1993).

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