

NOTICE TO THE BAR

PUBLICATION FOR COMMENT – PROPOSED AMENDMENT TO RPC 7.3(b)(5)

The Supreme Court is considering amending RPC 7.3(b)(5)(i) to require that both an unsolicited attorney communication and its outside envelope contain the word “ADVERTISEMENT” unless there is a family, personal, or prior professional relationship with the recipient. The Court has determined to publish its proposal for comment. Publication of the proposal accompanies this Notice.

PLEASE NOTE: Comments submitted in response to this Notice should not address the previously published proposal to amend RPC 7.3(b)(4). In July 2009, the Court published for comment the report of the Professional Responsibility Rules Committee (PRRC), which proposed amending RPC 7.3(b)(4) relating to the thirty-day waiting period applicable to certain unsolicited contact with prospective clients. The period for written comment on that proposal closed in October 2009. That proposal remains pending before the Court and is not referenced in the proposal accompanying this Notice.

Those seeking to comment on the accompanying proposal to amend RPC 7.3(b)(5)(i) must do so, in writing, by Friday, April 16, 2010, at the following address:

Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts
Rules Comments (Re: RPC 7.3(b)(5))
Hughes Justice Complex; P.O. Box 037
Trenton, New Jersey 08625-0037

Alternatively, comments on the accompanying proposal 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). However, comments submitted in response to this notice will be maintained in confidence 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 proposal.

/s/ Glenn A. Grant

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

Dated: March 18, 2010

RPC 7.3 Personal Contact with Prospective Clients

(a) . . . no change.

(b) A lawyer shall not contact, or send a written communication to, a prospective client for the purpose of obtaining professional employment if:

(1) . . . no change

(2) . . . no change

(3) . . . no change

(4) . . . no change

(5) the communication involves unsolicited direct contact with a prospective client concerning a specific event not covered by section (4) of this Rule when such contact has pecuniary gain as a significant motive except that a lawyer may send a letter by mail to a prospective client in such circumstances provided the letter:

(i) bears the word “ADVERTISEMENT” prominently displayed in capital letters at the top of the first page of text and on the outside envelope, unless the lawyer has a family, close personal, or prior professional relationship with the recipient; and

(ii) contains the following notice at the bottom of the last page of text: “Before making your choice of attorney, you should give this matter careful thought. The selection of an attorney is an important decision.”; and

(iii) contains an additional notice also at the bottom of the last page of text that the recipient may, if the letter is inaccurate or misleading, report same to the Committee on Attorney Advertising, Hughes Justice Complex, P.O. Box 037, Trenton, New Jersey 08625.

(c) . . . no change

(d) . . . no change

(e) . . . no change

(f) . . . no change.