

NOTICE TO THE BAR

Re: Proposal for Creation of Residential Real Estate Certification

The Supreme Court considered the proposal of the Board on Attorney Certification to create a certification in respect of residential real estate. At its conference on March 5, 2002, the Court reviewed the Board's initial report, the comments the report elicited, the Board's response to those comments, and the dissenting report of Board Member Arnold Stein, J.A.D. (retired). After doing so, the Court concluded that expansion of the attorney certification program into the field of residential real estate was not warranted.

As noted by the New Jersey State Bar Association in its comments on the proposal, "it remains the Court's position that home buyers and sellers may participate in residential real estate closings without a need for an attorney" Overall, the Court concluded that a persuasive case for expanding the certification program into residential real estate had not been made. The Court has informed the Board, however, that its disposition of this proposal does not suggest a change in direction in respect of the attorney certification program generally. The Justices greatly appreciated the time and effort that went into the development of the proposal by the Board. Although the process was a lengthy one, the Court believes that it appropriately took action only after the issues had been the subject of a very thorough presentation and analysis.

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Clerk of the Supreme Court
Dated: April 24, 2002

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