

Notice to the Bar

Proposed Attorney Advertising Guideline 2 – For Comment

The Supreme Court has approved the publication for comment of the following proposed Attorney Advertising Guideline 2 from the Court's Committee on Attorney Advertising ("Committee"). The proposed guideline addresses the minimum font size to be used for notices required by the Rules of Professional Conduct in attorney advertising documents, as well as the requirement to include the word "advertisement" on envelopes or mailers used in direct mail solicitations. The Committee has proposed this guideline to clarify application of the Rules governing advertisements and other communications within the Committee's area of responsibility. Comments are being sought pursuant to Rule 1:19A-2(c) prior to the Court's consideration of the proposed guideline.

Proposed Attorney Advertising Guideline 2:

(a) The word "ADVERTISEMENT" required by RPC 7.3(b)(5)(i) must be at least two font sizes larger than the largest size used in the advertising text.

(b) The font size of notices required by RPC 7.3(b)(5)(ii and iii) must be no smaller than the font size generally used in the advertisement.

(c) When envelopes or self-contained mailers used for sending direct mail solicitations are imprinted or stamped with any message relating to the subject matter of the solicitation, the envelopes or self-contained mailers must also bear the word "ADVERTISEMENT" as required by RPC 7.3 (b)(5)(i).

Commentary: The proposed language in (c) is derived, in part, from CAA Opinion 20, published June 10, 1996. The proposal excludes the Opinion 20 requirement that the notices under RPC 7.3(b)(5)(ii and iii) be printed on the envelope.

Comments on proposed Attorney Advertising Guideline 2 should be sent in writing by January 14, 2005 to the Committee on Attorney Advertising at the following address:

Samuel D. Conti, Esq., Committee Secretary
Supreme Court Committee on Attorney Advertising
Professional Services Unit
Hughes Justice Complex, P.O. Box 037
Trenton, New Jersey 08625-0037

/s/ Philip S. Carchman
Philip S. Carchman, J.A.D.
Acting Administrative Director of the Courts

Dated: November 30, 2004