

NOTICE TO THE BAR

Supreme Court Action on 2008-2010 Report of the Professional Responsibility Rules Committee

In June and July the Supreme Court considered various rule and non-rule recommendations contained in the 2008-2010 report of the Professional Responsibility Rules Committee ("PRRC"). Rule changes adopted by the Court were included in the 2010 Omnibus Rule Amendment Order dated July 23, 2010 to be effective September 1, 2010. See www.judiciary.state.nj.us/notices/index.htm. The Court did not approve the PRRC's proposal to extend the applicability of the 30-day waiting period contained in RPC 7.3(b). The Court approved the following non-rule recommendations from the PRRC:

(1) Volunteer Pro Bono Services by Retired Attorneys. The Court approved a proposed alternative form of "Certification of Retirement" for use by otherwise-retired New Jersey attorneys to claim an exemption from paying the annual attorney assessment if the only legal services performed by the attorney are provided pro bono as a volunteer for Legal Services of New Jersey or a Rule 1:21-1(e) legal services organization. For more information, interested attorneys should contact the Lawyers' Fund for Client Protection.

(2) Creation of Ad Hoc Committee on Attorney Malpractice Insurance. The Court agreed to create a committee with representatives from the bar, professional liability insurance industry, and other affected groups to assess the potential benefits and burdens of mandatory attorney malpractice insurance disclosure and coverage requirements.

(3) Coverage of Attorney Ethics Hearings. The Court agreed that the *Guidelines for Still and Television Camera and Audio Coverage of Proceedings in the Courts of New Jersey* (www.judiciary.state.nj.us/rules/appcamera.htm) should apply to attorney ethics hearings, subject to the following modifications and supplemental procedures:

- (i) Members of the public and press are encouraged, but not required except as provided by the *Guidelines*, to provide advance notice of attendance at attorney ethics hearings and of the use of audio or visual recording equipment.
- (ii) Disciplinary authorities are encouraged to (a) provide reasonably frequent updates to the posted hearing notices on the Judiciary's Internet site, and (b) when scheduling hearings, anticipate outside interest and consider the importance of public notice and current posting procedures.
- (iii) There shall be no coverage of proceedings deemed non-public under Rule 1:20-9(c).
- (iv) If there is a dispute about public or media attendance at or press coverage of a hearing, the District Ethics Committee Chair (or special master, as the case may be) shall make the initial decision, with a right to appeal to the Disciplinary Review Board. Further review may be sought pursuant to Rule 1:20-16(f).

/s/ Glenn A. Grant

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

Dated: September 29, 2010