

## **NOTICE TO THE BAR**

### **SUPREME COURT COMMITTEE ON ATTORNEY ADVERTISING – PROPOSED AMENDMENTS TO ATTORNEY ADVERTISING GUIDELINES 1 and 2**

The Committee on Attorney Advertising, pursuant to Rule 1:19A-2(c), publishes for comment proposed amended Attorney Advertising Guidelines 1 and 2, to align the Guidelines with recent amendments to the Court Rules. Guideline 1 requires that advertisements include the bona fide street address of the attorney or law firm; the Guideline would be amended to require that advertisements include contact information in the form of a street address, mailing address, telephone number, or email address. Guideline 2, paragraph (c), concerns language on the outside envelope of solicitation letters and would be revised to reflect the amendment to Rule of Professional Conduct 7.3(b)(5)(i) and the requirements set forth in Committee Opinion 20. The Committee on Attorney Advertising deems the adoption of these proposed amended Guidelines to be necessary in clarifying the application of the rules governing advertisements and other communications within its jurisdiction. The Guidelines, if approved by the Supreme Court, would be binding on all New Jersey attorneys.

Any comments on the proposed amended Guidelines should be sent by April 30, 2013 to the Committee on Attorney Advertising, Attention: Committee Secretary, 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](mailto:Comments.Mailbox@judiciary.state.nj.us).

The Committee will not consider comments submitted anonymously. Thus, those submitting comments by mail should include their name and mailing 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 Guidelines.

Cynthia A. Cappell, Esq., Chair  
Supreme Court Committee on Attorney Advertising

Dated: March 15, 2013

## PROPOSED AMENDED ATTORNEY ADVERTISING GUIDELINE 1

In any advertisement by an attorney or law firm, the advertisement shall include contact information for the attorney or law firm in the form of a [the] bona fide street address, mailing address, telephone number, or email address [of the attorney or law firm].

Comment by the Committee:

This proposal reflects the recent amendment to Rule 1:21-1(a), which removed the requirement that attorneys maintain a bona fide law office. The Committee, however, needs to be able to contact attorneys and law firms regarding their advertisements. Accordingly, attorneys would be required to include contact information in the form of a street address, mailing address, telephone number, or email address on all advertisements.

## PROPOSED AMENDED 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) The word “ADVERTISEMENT” required by RPC 7.3(b)(5)(i) on the face of the outside of the envelope must be at least one font size larger than the largest size used on the envelope. If any words on the outside of the envelope are in bold, the word “ADVERTISEMENT” must also be in bold. Pursuant to Committee Opinion 20, if the envelope contains a message relating to the subject matter of the correspondence to be found inside, the attorney must ensure that the face of the envelope also includes the notices required by RPC 7.3(b)(5)(ii) and (iii). [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).]

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

Comment by the Committee:

The Supreme Court amended Rule of Professional Conduct 7.3(b)(5)(i) to require that the word “ADVERTISEMENT” be “prominently displayed” on the outside envelope of direct mail solicitation letters. This proposal reflects the amendment to the Rule of Professional Conduct and also includes in the text of the Guideline the requirements of Committee Opinion 20.