

NOTICE TO THE BAR

**SUPREME COURT COMMITTEE ON ATTORNEY ADVERTISING –
PROPOSED AMENDMENTS TO ATTORNEY ADVERTISING GUIDELINE 2**

The Committee on Attorney Advertising, pursuant to Rule 1:19A-2(c), publishes for comment proposed amended Attorney Advertising Guideline 2, to align the Guideline with recent amendments to the Rules of Court. Guideline 2, paragraph (c), concerns language on the outside of the envelope of solicitation letters and would be revised to reflect the amendment to Rule of Professional Conduct 7.3(b)(5)(i), which now provides that the outside envelope “shall contain nothing other than the lawyer’s name, firm, return address and “ADVERTISEMENT” prominently displayed.” The Committee on Attorney Advertising deems the proposed amended Guidelines to be necessary in clarifying the application of the rules governing advertisements and other communications within its jurisdiction. The Guideline, 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 December 19, 2014 to the Committee on Attorney Advertising, Attention: Committee Secretary, Hughes Justice Complex, P.O. Box 037, Trenton, New Jersey 08625-0037. Comments may also be submitted by e-mail to the following address: 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 through this process are subject to public disclosure.

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

Dated: November 14, 2014

ATTORNEY ADVERTISING GUIDELINE 2

- (a) The word “ADVERTISEMENT” required by RPC 7.3(b)(5)(i), at the top of the first page of text of a solicitation letter, must be at least two font sizes larger than the largest size used in the advertising text in the body of the letter.
- (b) The font size of notices required by RPC 7.3(b)(5)[(ii)](iii) and [(iii)] (iv) 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 font 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).] The envelope shall contain no language other than the lawyer’s name, firm, and address, the word “ADVERTISEMENT,” and the recipient’s name and address.