

SUPREME COURT OF NEW JERSEY

It is ORDERED that the attached amendments to Rules 1:19A-4 ("Ethics Grievances") and 1:20-3 ("District Ethics Committees; Investigations") of the Rules Governing the Courts of the State of New Jersey are adopted to be effective immediately.

For the Court,

A handwritten signature in blue ink, appearing to read "S. G. ...", is written over the text "For the Court,".

Chief Justice

Dated: May 9, 2019

1:19A-4. Ethics Grievances

(a) ... no changes

(b) Initial Review and Dismissal by Advertising Committee. At the conclusion of the expiration of time provided for the attorney's filing of any initial response, the Advertising Committee shall review the matter. If it concludes that there is a need for further investigation, the Advertising Committee shall direct the Secretary to proceed accordingly and it shall reconsider the matter following such further investigation. Upon any matter within its jurisdiction coming to its attention, the Advertising Committee may arrange an informal conference with the lawyer or law firm. If the Advertising Committee finds unethical conduct in the form of minor advertising violations, it may direct the lawyer to take immediate steps to discontinue use of the advertisement and to submit a revised advertisement for the Advertising Committee's review. If the lawyer has discontinued the use of the advertisement and the revised advertisement complies with the advertising rules, the Advertising Committee may dismiss the grievance and so notify the parties in writing. If the Advertising Committee concludes that there is no unethical conduct, it shall dismiss the grievance and so notify the parties in writing, briefly stating the reasons therefor. An appeal from the decision of the Advertising Committee to dismiss a grievance shall be available in accordance with Rule 1:20-15(e), but the Disciplinary Review Board shall be limited in its review to the legal conclusion of the Advertising Committee as to whether there is unethical conduct.

(c) Formal Complaint and Answer. In all other cases where the Advertising Committee concludes that the facts may demonstrate by clear and convincing evidence that unethical conduct

has occurred, it shall [direct the Secretary to] refer the case to the Office of Attorney Ethics, which may file a formal complaint in accordance with Rule 1:20-4(d). The [Secretary] Office of Attorney Ethics shall serve the formal complaint [upon] on the original grievant, if any, and [upon] on the respondent, who shall be required to file a formal answer within ten days of service of the formal complaint, all in accordance with Rule 1:20-4(e).

(d) Hearing Where Material Facts Not Disputed. Where in the opinion of the Advertising Committee there are no material controverted issues of fact, it shall bring the matter on for oral argument (which shall be electronically or stenographically recorded) on notice to the respondent. Respondent may waive oral argument. The [Advertising Committee] Director of the Office of Attorney Ethics shall designate a presenter. The sole issue before the Advertising Committee shall be whether, and the extent to which, discipline is required. The Advertising Committee shall prepare a written dated report containing its findings of fact on each issue presented in accordance with Rule 1:20-6(c)(2)(E). If public discipline is recommended, the report shall also contain a specific recommendation as to the extent of such discipline [thereof]. Unless it dismisses the matter, the Advertising Committee shall promptly file its report and recommendation with the Disciplinary Review Board, which shall proceed in accordance with Rule 1:20-15(f). Dismissals shall be appealable and notice thereof given, as set forth in section (b) above.

(e) Hearings Where Material Facts Are Disputed. Where in the opinion of the Advertising Committee there are material controverted issues of fact (including, but not limited to, instances of alleged false, fraudulent, misleading, or deceptive advertisements or other communications), it [may] shall, after the filing of a formal complaint and answer, [(1)] hear and determine the matter

itself in accordance with Rule 1:20-6(a) and (c) (in which case the hearing shall be electronically or stenographically transcribed). [, or (2) refer the matter to the appropriate District Ethics Committee for hearings in accordance with Rule 1:20-6 and the filing of a report with the Advertising Committee, which report shall be limited to findings of fact on the issues presented, in accordance with Rule 1:20-6(c)(2)(E). In either event the] The Advertising Committee shall, unless it dismisses the matter, render its report and recommendation to the Disciplinary Review Board in accordance with Rule 1:20-6(c)(2)(E). If public discipline is recommended, the report shall also contain a specific recommendation as to the extent of such discipline [thereof]. If the matter is dismissed, notification of parties and appeal shall be the same as set forth in section (b) above.

(f) ... no changes

(g) Attorney for Respondent; Subpoenas. Insofar as necessary, Rules 1:20-4(g)(2) and 1:20-7(i) shall be applicable to proceedings by the Advertising Committee. Subpoenas may be signed [either by any member of the Advertising Committee, or by its Secretary] by Office of Attorney Ethics ethics counsel.

(h) ... no changes

Note: Adopted June 26, 1987 to be effective July 1, 1987; paragraph (b) amended November 7, 1988 to be effective January 2, 1989; paragraphs (b), (c), (d), (e), (f), (g) and (h) amended July 10, 1998 to be effective September 1, 1998; paragraphs (b), (c), (d), (e), and (g) amended May 9, 2019 to be effective immediately.

Rule 1:20-3. District Ethics Committees; Investigations

(a) ... no changes

(b) ... no changes

(c) ... no changes

(d) ... no changes

(e) Screening; Docketing. The secretary shall evaluate inquiries and grievances in accordance with this rule and shall docket, decline, or dismiss the matters within 45 days of their receipt. The secretary shall not conduct an investigation of a grievance.

(1) ... no changes

(2) The secretary shall decline jurisdiction if:

(A) the attorney is not subject to the jurisdiction of the Supreme Court of New Jersey, in which case the matter shall be declined and referred to the appropriate entity in any jurisdiction in which the attorney is admitted;

(B) the matter involves an inquiry or grievance regarding advertising or other related communications within the jurisdiction of the Committee on Attorney Advertising (R. 1:19A-2(a)), in which case the matter shall be sent to that committee unless the matter has been referred by the Advertising Committee in accordance with R. 1:19A-4(h) [1:19A-4(e) or (h)];

(C) the facts stated in the inquiry or grievance involve circumstances which the Supreme Court has determined through the adoption of court rules or administrative guidelines will not be entertained, in which case the matter shall be declined;

(D) the grievance involves aspects of a substantial fee dispute and a charge of unethical conduct, unless so directed by the Director or unless the matter is referred by the Fee Committee in accordance with Rule 1:20A-4.

(3) ... no changes

(4) ... no changes

(5) ... no changes

(6) ... no changes

(f) ... no changes

(g) ... no changes

(h) ... no changes

(i) ... no changes

(j) ... no changes

Note: Former Rule redesignated as Rule 1:20-4 January 31, 1984 to be effective February 15, 1984. Source-Former Rule 1:20-2 adopted February 23, 1978, to be effective April 1, 1978; paragraphs (a), (h), (l) and (m) amended January 17, 1979, which were superseded on March 2, 1979, to be effective April 1, 1979; and paragraphs (n) and (o) restored on March 22, 1979, to be effective April 1, 1979; subparagraph (l)(3) deleted and new paragraph (p) adopted June 19, 1981, to be effective immediately; paragraphs (c), (h), (j) and (l)(1)(i) amended July 16, 1981, to be effective September 14, 1981; Rule redesignated as Rule 1:20-3; paragraphs (a) through (e) amended; paragraphs (f), (g) and part of (k) deleted; paragraphs (h), (i), (j), (k), (l), (m), (n), (o) and (p) amended and redesignated (f), (h), (i), (j), (k), (l), (m), (n) and (o) and new paragraphs (g) and (p) adopted January 31, 1984, to be effective February 15, 1984; paragraphs (f), (g), (h), (i), (l), (n), (o) and (p) amended November 5, 1986, to be effective January 1, 1987; paragraphs (e) and (m) amended June 26, 1987 to be effective July 1, 1987; paragraphs (i), (j) and (o) amended November 7, 1988 to be effective January 2, 1989; paragraphs (f) and (i) amended, and paragraph (n)(3) caption and text amended June 29, 1990 to be effective September 4, 1990; paragraph (f) amended July 13, 1994 to be effective September 1, 1994; paragraph (g) and (n)(2) captions and text amended August 8, 1994 to be effective immediately; paragraphs (a), (b), (c) and (d) amended, paragraphs (e) through (p) deleted and new paragraphs (e) through (j) adopted January 31, 1995 to be effective March 1, 1995; paragraphs (f), (g)(5), and (h) amended July 5, 2000 to be effective September 5, 2000; paragraph (g)(1) amended July 12, 2002 to be effective September 3, 2002; paragraphs (a), (b), (c), (e), (f), (g), (h), (i) (text and caption), and (j) amended July 28, 2004 to be effective September 1, 2004; paragraph (b) amended June 15, 2007 to be effective September 1, 2007; paragraphs (b) and (c) amended July 22, 2014, to be effective September 1, 2014; subparagraph (e)(2)(B) amended May 9, 2019 to be effective immediately.