

## **NOTICE TO THE BAR**

### **PROPOSED AMENDMENTS TO COURT RULE 1:20-20** **(“FUTURE ACTIVITIES OF ATTORNEY WHO HAS BEEN DISCIPLINED** **OR TRANSFERRED TO DISABILITY-INACTIVE STATUS”)** -- **COMMENTS REQUESTED BY JANUARY 30, 2026**

The Supreme Court is requesting comments on the attached proposed amendments to Rule 1:20-20 (“Future Activities of Attorney who has been Disciplined or Transferred to Disability-Inactive Status”) as developed by the NJ Lawyers’ Fund for Client Protection (LFCP) in consultation with the Office of Attorney Ethics and the Office of Board Counsel.

The proposed amendments are intended to prohibit a disciplined attorney from providing legal services through a website, electronic communications, or other technology-involved means. Further, the proposed amendments would require updating of the disciplined or inactive attorney’s voicemail and website to inform the public that the attorney is ineligible to practice law.

The basis for the proposed amendments is the LFCP’s discovery that some disciplined attorneys have continued to maintain active firm websites and phone numbers with no mention of their disciplined status. Additionally, others have continued to use personal email addresses that give the appearance that they are still practicing law.

Please send any comments in writing by Friday, January 30, 2026, to:

Hon. Michael J. Blee, Acting Administrative Director  
Comments on Proposed Rule 1:20-20 Amendments  
Hughes Justice Complex; P.O. Box 037  
Trenton, New Jersey 08625-0037

Comments may also be submitted by email to [Comments.Mailbox@njcourts.gov](mailto:Comments.Mailbox@njcourts.gov).

The Supreme Court will not consider comments submitted anonymously. Thus, those submitting comments by mail should include their name and address and those submitting comments by email should include their name and email

address. Comments submitted in response to this notice are subject to public disclosure.

/s/ Michael J. Blee

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Hon. Michael J. Blee, J.A.D.  
Acting Administrative Director of the Courts

Dated: December 23, 2025

Rule 1:20-20. Future Activities of Attorney Who Has Been Disciplined or Transferred to Disability-Inactive Status

(a) Prohibited Association. ... no change

(b) Notice to Clients, Adverse Parties and Others. An attorney who is suspended, transferred to disability-inactive status, disbarred, or disbarred by consent or equivalent sanction:

(1) shall not practice law in any form either as principal, agent, servant, clerk or employee of another, and shall not appear as an attorney before any court, justice, judge, board, commission, division or other public authority or agency;

(2) shall not occupy, share or use office space in which an attorney practices law;

(3) shall not furnish legal services, give an opinion concerning the law or its application or any advice with relation thereto, or suggest in any way to the public through any means, including but not limited to online or electronic communication, email address, domain name, website, social media account, or username on any public platform, [that suggests in any way to the public] an entitlement to practice law, or draw any legal instrument;

(4) shall not use any stationery, sign, [or] advertisement, online or electronic communication, email address, domain name, website, social media account, or username on any public platform suggesting that the attorney, either alone or with any other person, has, owns, conducts, or maintains a law office or office of any kind for the practice of law, or that the attorney is entitled to practice law;

(5) shall, except for the purposes of disbursing trust monies for the 30-day period stated in this subparagraph, cease to use any bank accounts or checks on which the attorney's name appears as a lawyer or attorney-at-law or in connection with the words "law office." If the suspension is for a period greater than six months, or involves a temporary suspension that lasts for more than six months, or involves transfer to disability-inactive status, disbarment, disbarment by consent or their equivalent sanction, the attorney shall, within the 30-day [30 day] period prescribed in subparagraph (15), disburse all attorney trust account monies that are appropriate to be disbursed and shall arrange to transfer the balance of any trust monies to an attorney admitted to practice law in this state and in good standing for appropriate disbursement, on notice to all interested parties, or dispose of the balance of funds in accordance with Rule 1:21-6(j), "Unidentifiable and Unclaimed Trust Fund Accumulations and Trust Funds Held for Missing Owners"; however, it shall not be a violation of this subparagraph for an attorney to take appropriate action to comply after the stated 30-day period;

(6) shall, from the date of the order imposing discipline (regardless of the effective date thereof), not solicit or procure any legal business or retainers for the disciplined attorney or for any other attorney;

(7) shall promptly request the telephone company to remove any listing in the telephone directory indicating that the attorney is a lawyer, or holds a similar title;

(8) shall update voicemail messages at the former place of business advising of the attorney's disciplinary or disability-inactive status and stating that the attorney is ineligible to practice law;

(9) [(8)] Shall promptly request the publishers of Martindale-Hubbell Law Directory, the New Jersey Lawyers Diary and Manual, and any other law list in which the attorney's name appears, including all websites on which the

attorney's name appears, to remove any listing indicating that that attorney is a member of the New Jersey Bar in good standing;

(10) shall, if a solo practitioner, prominently display on the landing page of the firm's website a notice advising of the attorney's disciplinary or disability-inactive status and stating that the attorney is ineligible to practice law;

(11) shall be prohibited from referring to themselves in any communication, writing, or advertisement as a "retired" attorney if they were disbarred, even if such disbarment was by consent;

(12) [(9)] shall notify the admitting authority in any jurisdiction to whose bar the attorney has been admitted of the disciplinary action taken in the State of New Jersey;

(13) [(10)] shall, except as otherwise provided by paragraph (d) of this rule, promptly notify all clients in pending matters, other than litigation or administrative proceedings, of the attorney's suspension, transfer to disability-inactive status, disbarment, or disbarment by consent, and of the attorney's consequent inability to act as an attorney due to disbarment, suspension, or disability-inactive status, and shall advise said clients to seek legal advice elsewhere and to obtain another attorney to complete their pending matters. Even if requested by a client, the attorney may not recommend another attorney to complete a matter. When a new attorney is selected by a client, the disciplined or former attorney shall promptly deliver the file and any other paper or property of the client to the new attorney or to the client if no new attorney is selected, without waiving any right to compensation earned as provided in subparagraph [paragraph] [(13)](16) below;

(14) [(11)] shall, except as otherwise provided by paragraph (d) of this rule, as to litigated or administrative proceedings pending in any court or administrative agency, promptly give notice of the suspension, transfer to disability-inactive status, disbarment, or disbarment by consent and of the consequent inability to act as an attorney due to disbarment, suspension, or disability-inactive status, to: (1) each client; (2) the attorney for each adverse party in any matter involving any clients; and (3) the Assignment Judge with respect to any action pending in any court in that vicinage, or the clerk of the appropriate appellate court or administrative agency in which a matter is pending. The notice to clients shall advise them to obtain another attorney and promptly to substitute that attorney for the disciplined or former attorney. Even if requested by a client, the disciplined or former attorney may not recommend an attorney to continue the action. The notices to opposing attorneys and the Assignment Judge or Court Clerk shall clearly indicate the caption and docket number of the case or cases and name and place of residence of each client involved. In the event a client involved in litigation or a pending proceeding does not obtain a substitute attorney within 20 days of the mailing of said notice, the disciplined or former attorney shall move pro se in the court or administrative tribunal in which the action or proceeding is pending for leave to withdraw therefrom. When a client selects a new attorney, the disciplined or former attorney shall promptly deliver the file and any other paper or property of the client to the new attorney or to the client if no attorney is selected, without waiving any right to compensation earned, as provided in subparagraph (16) [paragraph (13)], below;

(15) [(12)] shall, in all cases in which the attorney is then acting, or who thereafter attempts to obtain letters of appointment from a Surrogate to act, in any specified fiduciary capacity, including, but not limited to, executor, administrator, guardian, receiver, or conservator, promptly notify in writing all (1) co-fiduciaries, (2) beneficiaries, (3) Assignment Judges and Surrogates of any vicinage and county out of which the matter arose, of the attorney's suspension, transfer to disability-inactive status, disbarment, or disbarment by consent. Such notice shall clearly state the name of the matter, any caption and docket number, and, if applicable, the name and date of death or current

residence of the decedent, settlor, individual, or entity with respect to whose assets the attorney is acting as a fiduciary;

(16) [(13)] shall not share in any fee for legal services performed by any other attorney following the disciplined or former attorney's prohibition from practice, but may be compensated for the reasonable value of services rendered and disbursements incurred prior to the effective date of the prohibition, provided the attorney has fully complied with the provisions of this rule and has filed the required affidavit of compliance under subparagraph (18) below [(b)(15)]. The reasonable value of services for the disciplined or former attorney and the substituted attorney shall not exceed the amount the client would have had to pay had no substitution been required. If an attorney-trustee has been appointed under Rule 1:20-19, all fees for legal services and other compensation due the attorney shall be paid solely to the attorney-trustee for disbursement as directed by the court in accordance with the provisions of that rule. Compensation shall include any monies or other thing of value paid for legal services due or that is related to any agreement, sale, assignment, or transfer of any aspect of the attorney's share of a law firm;

(17) [(14)] shall maintain:

(A) files, documents, and other records relating to any matter that was the subject of a disciplinary investigation or proceeding;

(B) files, documents, and other records relating to all terminated matters in which the disciplined or former attorney represented a client prior to the imposition of discipline;

(C) files, documents, and other records of pending matters in which the disciplined or former attorney had responsibility on the date of, or represented a client during the year prior to, the imposition of discipline or resignation;

(D) all financial records related to the disciplined or former attorney's practice of law during the seven years preceding the imposition of discipline, including but not limited to bank statements, time and billing records, checks,

check stubs, journals, ledgers, audits, financial statements, tax returns, and tax reports; and

(E) all records relating to compliance with this rule.

(18) ~~[(15)]~~ shall within 30 days after the date of the order of suspension (regardless of the effective date thereof) file with the Director of the Office of Attorney Ethics the original of a detailed affidavit specifying by correlatively numbered paragraphs how the disciplined attorney has complied with each of the provisions of this rule and the Supreme Court's order. Signed copies of that affidavit shall be provided at the same time to the Clerk of the Supreme Court and to the Disciplinary Review Board. The affidavit shall be accompanied by a copy of all correspondence sent pursuant to this rule and shall also set forth the current residence or other address and telephone number of the disciplined or former attorney to which communications may be directed. The disciplined or former attorney shall thereafter inform the Director of the Office of Attorney Ethics of any change in such residence, address, or telephone number. The affidavit shall also set forth whether the attorney maintained malpractice insurance coverage for the past five years and, for each policy maintained, the name of the carrier, the carrier's address, the policy number, and the dates of coverage. The affidavit shall also attach an alphabetical list of the names, addresses, telephone numbers, and file numbers of all clients whom the attorney represented on the date of discipline or transfer to disability-inactive status.

(c) Failure to Comply. Failure to comply fully and timely with the obligations of this rule and file the affidavit of compliance required by subparagraph (b)(18) [paragraph (b)(15)] within the 30- day period, unless extended by the Director of the Office of Attorney Ethics for good cause, shall, in the case of a suspension, preclude the Board from considering any petition for reinstatement until the expiration of six months from the date of filing proof of compliance in accordance with Rule 1:20-21(i)(A). Such failure shall also constitute a violation of RPC 8.1(b) (failure to cooperate with ethics authorities) and RPC 8.4(d) (conduct prejudicial to the administration of



justice). The Director of the Office of Attorney Ethics also may file and prosecute an action for contempt pursuant to Rule 1:10-2.

(d) Definite Suspension of Six Months or Less. A lawyer who has been suspended for a definite period of six months or less is exempt from the requirements of subparagraphs [paragraph] (b)(7) and (b)(9) [(b)(8)].

(e) Responsibility of Partners and Shareholders. An attorney who is affiliated with the disciplined or former attorney as a partner, shareholder, or member shall take reasonable actions to ensure that the attorney complies with this rule. In lieu of compliance by the attorney with the requirement of subparagraphs (b)(13) and (b)(14) [paragraph (b)(10) and (b)(11)], the firm, corporation, or limited liability entity may promptly notify all clients represented by the disciplined or former attorney of the attorney's inability to act due to disbarment, suspension, or disability-inactive status and that the firm will continue to represent the client unless the client requests in writing that the firm withdraw from the matter and substitute a new attorney.

If the disciplined or former attorney fails to comply with this rule within 30 days of the date of suspension, transfer, or disbarment, the law firm shall do so. Proof of compliance shall be by verified affidavit of a member of the firm, shareholder, or member filed with the Director of the Office of Attorney Ethics within 30 days of the date of suspension, transfer, or disbarment. The affidavit shall be accompanied by a copy of all notices sent to clients pursuant to this paragraph.

**Note:** Adopted February 23, 1978, to be effective April 1, 1978; amended January 31, 1984 to be effective February 15, 1984; amended July 13, 1994 to be effective September 1, 1994; paragraph (a) was former R. 1:21-8, new paragraphs (b), (c) and (d) adopted January 31, 1995 to be effective March 1, 1995; paragraph (d) amended July 10, 1998 to be effective September 1, 1998; paragraphs (a), (b)(10), (b)(11) and (d) amended, paragraphs (b)(12), (b)(13), and (b)(14) amended and redesignated as paragraphs (b)(13), (b) (14), and (b)(15), and new paragraph (b)(12) adopted July 5, 2000 to be effective September 5, 2000; caption of rule amended, paragraphs (a) and (b) amended, former paragraph (c) redesignated as (d), former paragraph (d) redesignated as (e) and amended, and new paragraph (c) adopted July 28, 2004 to be effective September 1, 2004; subparagraphs (b)(5), (b)(7), and (b)(8) amended July 9, 2008 to be effective

September 1, 2008; subparagraphs (b)(3), (b)(4), and (b)(5) amended, new subparagraph (b)(8) adopted, former subparagraph (b)(8) renumbered as subparagraph (b)(9), new subparagraphs (b)(10) and (b)(11) adopted, former subparagraph (b)(9) renumbered as subparagraph (b)(12), former subparagraphs (b)(10), (b)(11), (b)(12), and (b)(13) amended and renumbered as subparagraphs (b)(13), (b)(14), (b)(15), and (b)(16), former subparagraph (b)(14) renumbered as subparagraph (b)(17), former subparagraph (b)(15) amended and renumbered as subparagraph (b)(18), paragraphs (c), (d) and (e) amended, and closing paragraph amended to be effective.