

**Comparison of Newly Adopted New Jersey Rules of Professional Conduct  
with ABA Model Rules**

	NEW JERSEY
	<p>Revised rules as adopted by New Jersey Supreme Court to be effective 1/1/04.</p> <p>NJ does not include Comments. Variations from the Model Rules are noted.</p>
Preamble	no Preamble
Scope	no Scope
Rule 1.0	<p>“confirmed in writing”: do not include the last sentence. add definition of “primary responsibility”: “denotes actual participation in the management and direction of the matter at the policy-making level or responsibility at the operational level as manifested by the continuous day-to-day responsibility for litigation or transaction decisions.” Screened: “Screened” denotes the isolation of a lawyer from any participation in a matter through the timely <del>imposition of procedures within a firm that are</del> <u>adoption and enforcement by a law firm of a written procedure pursuant to RPC 1.10(f) which is</u> reasonably adequate under the circumstances to protect information that the isolated lawyer is obligated to protect under these Rules or other law. Tribunal: “... an arbitrator in a <del>binding an</del> <u>arbitration proceeding</u> ...”</p>
Rule 1.1	A lawyer shall not: “(a) Handle or neglect a matter entrusted to the lawyer in such manner that the lawyer’s conduct constitutes gross negligence. (b) Exhibit a pattern of negligence or neglect in the lawyer’s handling of legal matters generally.”
Rule 1.2	<p>(a) <del>Subject to paragraphs (c) and (d),</del> A lawyer shall abide by a client's decisions concerning the <u>scope and</u> objectives of representation, <u>subject to paragraphs (c) and (d),</u> and as required by RPC 1.4 shall consult with the client <del>as to</del> <u>about</u> the means <del>by which they are to be pursued</del> <u>to pursue them</u>. A lawyer may take such action on behalf of the client as is impliedly authorized to carry out the representation. A lawyer shall abide by a client's decision whether to settle a matter. In a criminal case, the lawyer <u>shall consult with the client and, following consultation,</u> shall abide by the client's decision, <del>after consultation with the lawyer, as to a</del> <u>on the</u> plea to be entered, <del>whether to waive</del> jury trial, and whether the client will testify.</p> <p>(d) A lawyer shall not counsel a <del>client to engage,</del> or assist a client in conduct that the lawyer knows is <u>illegal,</u> criminal or fraudulent, <u>or in the preparation of a written instrument containing terms the lawyer knows are expressly prohibited by law,</u> but a lawyer may <del>discuss the legal consequences of any proposed course of conduct with a client and may</del> counsel or assist a client in a good faith effort to determine the validity, scope, meaning or application of the law.</p>
Rule 1.3	Identical
Rule 1.4	the proposed rule has 4 paragraphs. The first paragraph in unlike the MR and states: “A lawyer shall fully inform a prospective client of how, when, and where

	<p>the client may communicate with the lawyer and where the client files are kept.” Paragraphs b, c, and d are equivalent to MRs (a)(3) through (a)(5) and (b). There is no equivalent to MRs (a)(1) and (a)(2).</p>
Rule 1.5	<p>did not change (a); kept old MR.                  (b): the writing is required, not preferable. [this is not a change for NJ]                  (e): adds as subparagraph (2) an additional provision that “the client is notified of the fee division.”                  (e)(3) (redlined to former MR (e)(2)): the client <del>is advised of and does not object consents</del> to the participation of all the lawyers involved; and</p>
Rule 1.6	<p>(a) A lawyer shall not reveal information relating to representation of a client unless the client consents after consultation, except for disclosures that are impliedly authorized in order to carry out the representation, and except as stated in paragraphs (b), (c), and (d).                  (b) A lawyer shall reveal such information to the proper authorities, as soon as, and to the extent the lawyer reasonably believes necessary, to prevent the client or another person                  (1) from committing a criminal, illegal or fraudulent act that the lawyer reasonably believes is likely to result in death or substantial bodily harm or substantial injury to the financial interest or property of another;                  (2) from committing a criminal, illegal or fraudulent act that the lawyer reasonably believes is likely to perpetrate a fraud upon a tribunal.                  (c) If a lawyer reveals information pursuant to RPC 1.6(b), the lawyer also may reveal the information to the person threatened to the extent the lawyer reasonably believes is necessary to protect that person from death, substantial bodily harm, substantial financial injury or substantial property loss                  (d) lawyer may reveal such information to the extent the lawyer reasonably believes necessary:                  (1) to rectify the consequences of a client's criminal, illegal or fraudulent act in the furtherance of which the lawyer's services had been used;                  (2) to establish a claim or defense on behalf of the lawyer in a controversy between the lawyer and the client, or to establish a defense to a criminal charge, civil claim or disciplinary complaint against the lawyer based upon the conduct in which the client was involved; or                  (3) to comply with other law.                  (e) Reasonable belief for purposes of RPC 1.6 is the belief or conclusion of a reasonable lawyer that is based upon information that has some foundation in fact and constitutes prima facie evidence of the matters referred to in subsections (b), (c), or (d).</p>
Rule 1.7	<p>Did not change rule title.                  b); MR (b)(4) is placed first as (b)(1) and the following language is added at the end of (b)(1): “after full disclosure and consultation, provided, however, that a public entity cannot consent to any such representation. When the lawyer represents multiple clients in a single matter, the consultation shall include an explanation of the common representation and the advantages and risks involved.”</p>
Rule 1.8	<p>second half of (a)(1) is slightly different: “... and transmitted in writing <u>to the</u></p>

	<p><u>client</u> in a manner that can be <del>reasonably</del> understood by the client.”</p> <p>adds in (a)(2): legal counsel “of the client’s choice”</p> <p>(b): <del>Except as permitted or required by these rules,</del> a lawyer shall not use information relating to representation of a client to the disadvantage of the client unless the client <u>after full disclosure and consultation,</u> gives informed consent; <del>except as permitted or required by these Rules.</del></p> <p>Adds (e)(3): a non-profit organization authorized under R. 1:21-1(e) may provide financial assistance to indigent clients whom it is representing without fee.</p> <p>(g): A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregated agreement as to guilty or no contest pleas, unless each client gives informed consent <del>in a writing signed by the client. The lawyer’s disclosure after a consultation</del> that shall include disclosure of the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement.</p> <p>(h)(1), adds after the word “malpractice”: “unless the client fails to act in accordance with the lawyer’s advice and the lawyer nevertheless continues to represent the client at the client’s request. Notwithstanding the existence of those two conditions, the lawyer shall not make such an agreement unless permitted by law and the client” is independently represented in making the agreement.</p> <p>(i): did not make the change from “granted” to “authorized”</p> <p>(j): did not add</p> <p>Adds (k): A lawyer employed by a public entity, either as a lawyer or in some other role, shall not undertake the representation of another client if the representation presents a substantial risk that the lawyer’s responsibilities to the public entity would limit the lawyer’s ability to provide independent advice or diligent and competent representation to either the public entity or the client.</p> <p>Adds (l): A public entity cannot consent to a representation otherwise prohibited by this Rule.</p>
Rule 1.9	<p>(a): A lawyer who has <del>formerly</del> represented a client in a matter shall not thereafter represent another <del>person</del> <u>client</u> in the same or a substantially related matter in which that <del>person’s</del> <u>client’s</u> interests are materially adverse to the interests of the former client unless the former client gives informed consent confirmed in writing.</p> <p>(b)(2), adds: about whom the lawyer, “while at the former firm, had personally...”</p> <p>adds after (b)(2): Notwithstanding the other provisions of this paragraph, neither consent shall be sought from the client nor screening pursuant to RPC 1.10 permitted in any matter in which the attorney had sole or primary responsibility for the matter in the previous firm.</p> <p>Adds (d): A public entity cannot consent to a representation otherwise prohibited by this Rule.</p>
Rule 1.10	<p>adds a screening provision as (c). The provision is similar to the E2k November 2000 draft with the difference that (c)(1) provides: “the matter does not involve a proceeding in which the personally disqualified lawyer had a primary role.”</p> <p>adds as (f): “Any law firm that enters a screening arrangement, as provided by</p>

	<p>this Rule, shall establish appropriate written procedures to insure that: 1) all attorneys and other personnel in the law firm screen the personally disqualified attorney from any participation in the matter, 2) the screened attorney acknowledge the obligation to remain screened and takes action to insure the same and 3) the screened attorney is apportioned no part of the fee therefrom.”</p>
Rule 1.11	<p>(a) Except as law may otherwise expressly permit, <u>and subject to RPC 1.9</u>, a lawyer who formerly has served as a <u>government lawyer or public officer or employee of the government shall not represent a private client in connection with a matter:</u></p> <p><del>(1) is subject to Rule 1.9(c); and</del> <del>(2)(1) shall not otherwise represent a client in connection with a matter in which the lawyer participated personally and substantially as a public officer or employee, unless the appropriate government agency gives its informed consent, confirmed in writing, to the representation or</del> <u>(2) for which the lawyer had substantial responsibility as a public officer or employee; or</u> <u>(3) when the interests of the private party are materially adverse to the appropriate government agency, provided, however, that the application of this provision shall be limited to a period of six months immediately following the termination of the attorney’s service as a government lawyer or public officer.</u></p> <p><del>(e)(b) Except as law may otherwise expressly permit, a lawyer having information that the lawyer knows is confidential government information about a person acquired when the lawyer was a who formerly has served as a government lawyer or public officer or employee of the government:</del> <u>(1) shall be subject to RPC 1.9(c)(2) in respect of information relating to a private party or information that the lawyer knows is confidential government information about a person acquired by the lawyer while serving as a government lawyer or public officer or employee of the government, and</u> <u>(2) may shall not represent a private client person whose interests are adverse to that person private party in a matter in which the information could be used to the material disadvantage of that person party.</u> (Definition of “confidential government information moved to (e)(2); rest of MR deleted)</p> <p><del>(b)(c) When In the event a lawyer is disqualified from representation under paragraph (a) or (b), no lawyer in the lawyer may not represent a private client, but a firm with which that lawyer is associated may knowingly undertake or continue representation in such a matter unless if:</del> <u>(1) the disqualified lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom, and</u> <u>(2) written notice is given promptly to the appropriate government agency to enable it to ascertain compliance with the provisions of this Rule.</u></p> <p>(d) Except as law may otherwise expressly permit, a lawyer <del>currently</del> serving as a <u>government lawyer or public officer or employee of the government:</u> <u>(1) is shall be subject to RPC 1.7 and 1.9(c)(2) in respect of information relating to a private party acquired by the lawyer while in private practice or nongovernmental employment,</u></p>

	<p>(2) shall not participate in a matter (i) in which the lawyer participated personally and substantially while in private practice or nongovernmental employment, <del>unless the appropriate government agency gives its informed consent, confirmed in writing</del> or (ii) <u>for which the lawyer had substantial responsibility while in private practice or nongovernmental employment, or (iii) with respect to which the interests of the appropriate government agency are materially adverse to the interests of a private party represented by the lawyer while in private practice or nongovernmental employment, unless under applicable law no one is, or by lawful delegation may be, authorized to act in the lawyer's stead in the matter or unless the private party gives its informed consent, confirmed in writing, and</u> (3) shall not negotiate for private employment with any person who is involved as a party or as attorney for a party in a matter in which the lawyer is participating personally and substantially <u>or for which the lawyer has substantial responsibility</u>, except that a lawyer serving as a law clerk <del>to a judge, other adjudicative officer or arbitrator</del> may negotiate for private employment as permitted by Rule 1.12(b) and <u>shall be</u> subject to <del>the conditions stated in</del> RPC 1.12<b>(b)(c)</b>.</p> <p>(e)(2): definition of “confidential government information” moved from MR (c)</p>
Rule 1.12	<p>Includes “Or Law Clerk” in the title. Switches order of MR (b) and (c) (d) An arbitrator selected <del>as a partisan of</del> <u>by</u> a party in a multi-member arbitration panel is not prohibited from subsequently representing that party.</p>
Rule 1.13	<p>did not change existing NJ rule. (a): A lawyer employed or retained to represent an organization represents the organization as distinct from its directors, officers, employees, members, shareholders or other constituents. For the purposes of RPC 4.2 and 4.3, however, the organization's lawyer shall be deemed to represent not only the organizational entity but also the members of its litigation control group. Members of the litigation control group shall be deemed to include current agents and employees responsible for, or significantly involved in, the determination of the organization's legal position in the matter whether or not in litigation, provided, however, that "significant involvement" requires involvement greater, and other than, the supplying of factual information or data respecting the matter. Former agents and employees who were members of the litigation control group shall presumptively be deemed to be represented in the matter by the organization's lawyer but may at any time disavow said representation. (b) did not make Cheek changes (c) is similar to original Kutak proposal: When the organization's highest authority insists upon action, or refuses to take action, that is clearly a violation of a legal obligation to the organization, or a violation of law which reasonably might be imputed to the organization, and is likely to result in substantial injury to the organization, the lawyer may take further remedial action that the lawyer reasonably believes to be in the best interest of the organization. Such action may include revealing information otherwise protected by RPC 1.6 only if the lawyer reasonably believes that: (1) the highest authority in the organization has acted to further the personal or financial interests of members of that authority</p>

	<p>which are in conflict with the interests of the organization; and (2) revealing the information is necessary in the best interest of the organization.</p> <p>(d) – second half is different from MR (f): “...a lawyer shall explain the identity of the client when the lawyer believes that such explanation is necessary to avoid misunderstanding on their part.”</p> <p>(e) same as MR (g)</p> <p>adds (f): “For purposes of this rule "organization" includes any corporation, partnership, association, joint stock company, union, trust, pension fund, unincorporated association, proprietorship or other business entity, state or local government or political subdivision thereof, or non-profit organization.”</p>
Rule 1.14	Did not change title
Rule 1.15	<p>(a) A lawyer shall hold property of clients or third persons that is in a lawyer's possession in connection with a representation separate from the lawyer's own property. Funds shall be kept in a separate account maintained in a financial institution in <del>the state where the lawyer's office is situated, or elsewhere with the consent of the client or third person</del> <u>New Jersey</u>. <u>Funds of the lawyer that are reasonably sufficient to pay bank charges may, however, be deposited therein.</u></p> <p>Other property shall be identified as such and appropriately safeguarded. Complete records of such account funds and other property shall be kept by the lawyer and shall be preserved for a period of <del>five</del> <u>seven</u> years after the event that they record.</p> <p>Does not include MR (b), but includes similar language in (a). do not have MR (c).</p> <p>(b), MR (d), does not include last phrase of MR which states that upon request by the client or third person, the lawyer shall promptly render a full accounting regarding such property.</p> <p>(c), MR (e), does not have any of the changes made by E2k to this provision which is the old MR (c).</p> <p>adds (d): “A lawyer shall comply with the provisions of R. 1.21-6 (“Recordkeeping”) of the Court Rules.”</p>
Rule 1.16	(d): does not add the words “or expense”
Rule 1.17	<p>does not include sale of an area of practice.</p> <p>(a) The seller ceases to engage in the private practice of law in <del>the this</del> <u>this</u> jurisdiction <del>in which the practice has been conducted.</del></p> <p>(c) is worded differently: Written notice is given to each of the seller's clients stating that the interest in the law practice is being transferred to the purchaser; that the client has the right to retain other counsel; that the client may take possession of the client's file and property; and that if no response to the notice is received within sixty days of the sending of such notice, or in the event the client's rights would be prejudiced by a failure to act during that time, the purchaser may act on behalf of the client until otherwise notified by the client.</p> <p>(1) If the seller is the estate of a deceased lawyer, the purchaser shall cause the notice to be given to the client and the purchaser shall obtain the written consent of the client provided that such consent shall be presumed if no response to the notice is received within sixty days of the date the notice was sent to the client's last known address as shown on the records of the seller, or the client's rights</p>

	<p>would be prejudiced by a failure to act during such sixty-day period.</p> <p>(2) In all other circumstances, not less than sixty days prior to the transfer the seller shall cause the notice to be given to the client and the seller shall obtain the written consent of the client prior to the transfer, provided that such consent shall be presumed if no response to the notice is received within sixty days of the date of the sending of such notice to the client's last known address as shown on the records of the seller.</p> <p>(3) The purchaser shall cause an announcement or notice of the purchase and transfer of the practice to be published in the <i>New Jersey Law Journal</i> and the <i>New Jersey Lawyer</i> at least thirty days in advance of the effective date of the transfer.</p> <p>(d) The fees charged to clients shall not be increased by reason of the sale <u>of the practice</u>.</p> <p>Adds (e) and (f): (e) If substitution in a pending matter is required by the tribunal or these Rules, the purchasing lawyer or law firm shall provide for same promptly.</p> <p>(f) Admission to or withdrawal from a partnership, professional corporation, or limited liability entity, retirement plans and similar arrangements, or sale limited to the tangible assets of a law practice shall not be deemed a sale or purchase for purposes of this Rule.</p>
Rule 1.18	<p>Title is "Prospective Client"</p> <p>(a) (MR b): <del>Even when no client-lawyer relationship ensues,</del> A lawyer who has had discussions <u>in consultation</u> with a prospective client shall not use or reveal information <del>learned</del> <u>acquired</u> in the consultation, <u>even when no client-lawyer relationship ensues</u>, except as RPC 1.9 would permit in respect of information of a former client.</p> <p>(b) is similar to MR (c), but does not include the last sentence of MR (c) and refers to "former prospective clients."</p> <p>(c) is similar to MR (d). The first sentence of (c) is from last sentence of MR (c). The exception for screening is like the Ethics 2000 August 2001 draft.</p> <p>(d) (MR a), adds: and if no client-lawyer relationship is formed, is a "former prospective client."</p>
Rule 2.1	Identical
Rule 2.2	Identical
Rule 2.3	<p>(b) provides that the lawyer shall not provide the evaluation unless "<u>(1) the lawyer describes the conditions of the evaluation to the client, in writing, including disclosure of information otherwise protected by RPC 1.6; (2) the lawyer consults with the client, and (3) the client gives informed consent.</u>"</p> <p>adds (d): "In reporting an evaluation, the lawyer shall indicate any material limitation that were imposed on the scope of the inquiry or on the disclosure of information."</p>
Rule 2.4	(b): Does not include "unrepresented" in first sentence.
Rule 3.1	A lawyer shall not bring or defend a proceeding, nor assert or controvert an issue therein unless <u>the lawyer knows or reasonably believes that there is a basis in law</u>

	and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification, or reversal of existing law, <u>or the establishment of new law.</u> ...
Rule 3.2	adds at the end, “.. and shall treat with courtesy and consideration all persons involved in the legal process.”
Rule 3.3	did not make changes to their current rule which is generally the same as the old MR. (b)(2): adds “illegal” before “criminal” adds (a)(5): “fail to disclose to the tribunal a material fact with knowledge that the tribunal may tend to be misled by such failure.” (d) In an ex parte proceeding, a lawyer shall inform the tribunal of all <del>material</del> <u>relevant</u> facts known to the lawyer that <del>will enable</del> <u>should be disclosed to permit</u> the tribunal to make an informed decision, whether or not the facts are adverse.
Rule 3.4	adds (g): “present, participate in presenting, or threaten to present criminal charges to obtain an improper advantage in a civil matter.”
Rule 3.5	did not make changes to their current rule which is the same as the old MR.
Rule 3.6	(a): deleted “will be disseminated by means of public communication” and, at the end, “in the matter.” did not include (d) of MR.
Rule 3.7	Identical
Rule 3.8	(c): adds “post-indictment” before “pretrial” (d): “make timely disclosure to the defense of all evidence <del>or information</del> ...” (e)(1) and (2): combined, language is the same.
Rule 3.9	A lawyer representing a client before a legislative body or administrative <del>agency</del> <u>tribunal</u> in a nonadjudicative proceeding shall disclose that the appearance is in a representative capacity and shall conform to the provisions of RPC 3.3(a) through (ed), RPC 3.4(a) through (eg), and RPC 3.5(a) through (c).
Rule 4.1	covers MR (a) and (b) as (a)(1) and (a)(2). Adds in (a)(2), “fail to disclose a material fact <u>to a third person....</u> ” (b) similar to last part of MR (b): “The duties in this Rule apply even if compliance requires disclosure of information otherwise protected by RPC 1.6.”
Rule 4.2	“In representing a client, a lawyer shall not communicate about the subject of the representation with a person the lawyer knows, or by the exercise of reasonable diligence should know, to be represented by another lawyer in the matter, including members of an organization's litigation control group as defined by RPC 1.13, unless the lawyer has the consent of the other lawyer, or is authorized by law or court order to do so, or unless the sole purpose of the communication is to ascertain whether the person is in fact represented. Reasonable diligence shall include, but not be limited to, a specific inquiry of the person as to whether that person is represented by counsel. Nothing in this rule shall, however, preclude a lawyer from counseling or representing a member or former member of an organization's litigation control group who seeks independent legal advice.”
Rule 4.3	Did not amend their existing RPC. Title: <u>Dealing with Unrepresented Person; Employee of Organization</u> The first two sentences are the same as the MR. It then states: “If the person is a

	<p>director, officer, employee, member, shareholder or other constituent of an organization concerned with the subject of the lawyer's representation but not a person defined by RPC 1.13(a), the lawyer shall also ascertain by reasonable diligence whether the person is actually represented by the organization's attorney pursuant to RPC 1.13(e) or who has a right to such representation on request, and, if the person is not so represented or entitled to representation, the lawyer shall make known to the person that insofar as the lawyer understands, the person is not being represented by the organization's attorney.”</p>
Rule 4.4	<p>(b): “A lawyer who receives a document and has reasonable cause to believe that the document was inadvertently sent shall not read the document if he or she has not begun to do so or stop reading the document, promptly notify the sender and return the document to the sender.”</p>
Rule 5.1	<p>Title: Responsibilities of Partners, <del>Managers and</del> Supervisory Lawyers, <u>and Law Firms</u></p> <p>(a) provides for law firm discipline: “Every law firm, government entity, and organization authorized by the Court Rules to practice law in this jurisdiction shall make reasonable efforts to ensure that member lawyers or lawyers otherwise participating in the organization's work undertake measures giving reasonable assurance that all lawyers conform to the Rules of Professional Conduct.”</p> <p>(c) is worded differently but is basically the same: “A lawyer shall be responsible for another lawyer's violation of the Rules of Professional Conduct if: (1) the lawyer orders or ratifies the conduct involved; or (2) the lawyer having direct supervisory authority over the other lawyer knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.”</p>
Rule 5.2	Identical
Rule 5.3	<p>(a) “every lawyer, law firm or organization authorized by the Court Rules to practice law in this jurisdiction shall adopt and maintain reasonable efforts to ensure that the conduct of nonlawyers retained or employed by the lawyer, law firm or organization is compatible with the professional obligations of the lawyer.”</p> <p>(c): “a lawyer shall be responsible for conduct of such a person that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer if: (1) the lawyer orders or ratifies the conduct involved; (2) the lawyer has direct supervisory authority over the person and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action; or (3) the lawyer has failed to make reasonable investigation of circumstances that would disclose past instances of conduct by the nonlawyer incompatible with the professional obligations of a lawyer, which evidence a propensity for such conduct.”</p>
Rule 5.4	<p>Adds to beginning of Rule: Except as otherwise provided by the Rules of Court: inserts an additional provision as (a)(2): “a lawyer who undertakes to complete unfinished legal business of a deceased lawyer may pay to the estate of the deceased lawyer that proportion of the total compensation that fairly represents the services rendered by the deceased lawyer;”</p>

	<p>(a)(3): <u>lawyers or law firms</u> who purchase a practice <u>from the estate of a deceased, disabled or disappeared lawyer, or from any person acting in a representative capacity for a disabled or disappeared lawyer</u>, may, pursuant to the provisions of RPC 1.17, pay to the estate or other representative of that lawyer the agreed upon <del>purchase</del> price;</p> <p>(d): adds “or limited liability entity” after “association”</p> <p>(d)(2): does not add the new language in this provision</p>
Rule 5.5	<p>Lawyers Not Admitted to the Bar of This State and the Lawful Practice of Law</p> <p>(a) A lawyer shall not:</p> <p>(1) practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction; or</p> <p>(2) assist a person who is not a member of the bar in the performance of activity that constitutes the unauthorized practice of law.</p> <p>(b) A lawyer not admitted to the Bar of this State who is admitted to practice law before the highest court of any other state, territory of the United States, Puerto Rico, or the District of Columbia (hereinafter a United States jurisdiction) may engage in the lawful practice of law in New Jersey only if:</p> <p>(1) the lawyer is admitted to practice <i>pro hac vice</i> pursuant to R. 1:21-2 or is preparing for a proceeding in which the lawyer reasonably expects to be so admitted and is associated in that preparation with a lawyer admitted to practice in this jurisdiction; or</p> <p>(2) the lawyer is an in-house counsel and complies with R. 1:27-2; or</p> <p>(3) under any of the following circumstances:</p> <p>(i) the lawyer engages in the negotiation of the terms of a transaction in furtherance of the lawyer's representation on behalf of an existing client in a jurisdiction in which the lawyer is admitted to practice and the transaction originates in or is otherwise related to a jurisdiction in which the lawyer is admitted to practice;</p> <p>(ii) the lawyer engages in representation of a party to a dispute by participating in arbitration, mediation or other alternate or complementary dispute resolution program, the representation is on behalf of an existing client in a jurisdiction in which the lawyer is admitted to practice, and the dispute originates in or is otherwise related to a jurisdiction in which the lawyer is admitted to practice;</p> <p>(iii) the lawyer investigates, engages in discovery, interviews witnesses or deposes witnesses in this jurisdiction for a proceeding pending or anticipated to be instituted in a jurisdiction in which the lawyer is admitted to practice; or</p> <p>(iv) the lawyer practices under circumstances other than (i) through (iii) above, with respect to a matter where the practice activity arises directly out of the lawyer's representation on behalf of an existing client in a jurisdiction in which the lawyer is admitted to practice, provided that such practice in this jurisdiction is occasional and is undertaken only when the lawyer's disengagement would result in substantial inefficiency, impracticality or detriment to the client.</p> <p>(c) A lawyer admitted to practice in another jurisdiction who acts in this jurisdiction pursuant to sub-paragraph (b) above shall:</p> <p>(1) be licensed and in good standing in all jurisdictions of admission and not be the subject of any pending disciplinary proceedings, nor a current or pending</p>

	<p>license suspension or disbarment;</p> <p>(2) be subject to the Rules of Professional Conduct and the disciplinary authority of the Supreme Court of this jurisdiction;</p> <p>(3) consent to the appointment of the Clerk of the Supreme Court as agent upon whom service of process may be made for all actions against the lawyer or the lawyer's firm that may arise out of the lawyer's participation in legal matters in this jurisdiction;</p> <p>(4) not hold himself or herself out as being admitted to practice in this jurisdiction;</p> <p>(5) maintain a bona fide office in conformance with R. 1:21-1(a), except that, when admitted pro hac vice, the lawyer may maintain the bona fide office within the bona fide law office of the associated New Jersey attorney pursuant to R. 1:21-2(a)(1)(B); and</p> <p>(6) annually complies with R. 1:20-1(b) and (c), R. 1:28-2, and R. 1:28B-1(e) during the period of practice.</p>
Rule 5.6	did not amend their RPC which is the same as the old MR
Rule 5.7	do not have Rule 5.7
Rule 6.1	<p>Voluntary Public Interest Legal Service</p> <p>Every lawyer has a professional responsibility to render public interest legal service. A lawyer may discharge this responsibility by providing professional services at no fee or a reduced fee to persons of limited means or to public service or charitable groups or organizations, by service in activities for improving the law, the legal system or the legal profession, and by financial support for organizations that provide legal services to persons of limited means.</p>
Rule 6.2	Identical
Rule 6.3	<p>A lawyer may serve as a director, officer or member of a legal services organization, other than the law firm with which the lawyer practices, notwithstanding that the organization serves persons having interests adverse to a client of the lawyer if:</p> <p>(a) the organization complies with RPC 5.4 concerning the professional independence of its legal staff; and</p> <p>(b) when the interests of a client of the lawyer could be affected, participation is consistent with the lawyer's obligations under RPC 1.7 and the lawyer takes no part in any decision by the organization that could have a material adverse effect on the interest of a client or class of clients of the organization or upon the independence of professional judgment of a lawyer representing such a client.</p>
Rule 6.4	adds at the end: “.. except that when the organization is also a legal services organization, RPC 6.3 shall apply.”
Rule 6.5	Identical
Rule 7.1	<p>RPC 7.1. Communications Concerning a Lawyer’s Service</p> <p>(a) A lawyer shall not make false or misleading communications about the lawyer, the lawyer's services, or any matter in which the lawyer has or seeks a professional involvement. A communication is false or misleading if it:</p> <p>(1) contains a material misrepresentation of fact or law, or omits a fact necessary</p>

	<p>to make the statement considered as a whole not materially misleading;</p> <p>(2) is likely to create an unjustified expectation about results the lawyer can achieve, or states or implies that the lawyer can achieve results by means that violate the Rules of Professional Conduct or other law;</p> <p>(3) compares the lawyer's services with other lawyers' services; or</p> <p>(4) relates to legal fees other than:</p> <p>(i) a statement of the fee for an initial consultation;</p> <p>(ii) a statement of the fixed or contingent fee charged for a specific legal service, the description of which would not be misunderstood or be deceptive;</p> <p>(iii) a statement of the range of fees for specifically described legal services, provided there is a reasonable disclosure of all relevant variables and considerations so that the statement would not be misunderstood or be deceptive;</p> <p>(iv) a statement of specified hourly rates, provided the statement makes clear that the total charge will vary according to the number of hours devoted to the matter, and in relation to the varying hourly rates charged for the services of different individuals who may be assigned to the matter;</p> <p>(v) the availability of credit arrangements; and</p> <p>(vi) a statement of the fees charged by a qualified legal assistance organization in which the lawyer participates for specific legal services the description of which would not be misunderstood or be deceptive</p> <p>(b) It shall be unethical for a lawyer to use an advertisement or other related communication known to have been disapproved by the Committee on Attorney Advertising, or one substantially the same as the one disapproved, until or unless modified or reversed by the Advertising Committee or as provided by Rule 1:19-3(d).</p>
<p>Rule 7.2</p>	<p>(a) Subject to the requirements of RPC 7.1, a lawyer may advertise services through public media, such as a telephone directory, legal directory, newspaper or other periodical, radio or television, internet or other electronic media, or through mailed written communication. All advertisements shall be predominantly informational. No drawings, animations, dramatizations, music, or lyrics shall be used in connection with televised advertising. No advertisement shall rely in any way on techniques to obtain attention that depend upon absurdity and that demonstrate a clear and intentional lack of relevance to the selection of counsel; included in this category are all advertisements that contain any extreme portrayal of counsel exhibiting characteristics clearly unrelated to legal competence.</p> <p>(b) A copy or recording of an advertisement or written communication shall be kept for three years after its dissemination along with a record of when and where it was used.</p> <p>(c) A lawyer shall not give anything of value to a person for recommending the lawyer's services, except that: (1) a lawyer may pay the reasonable cost of advertising or written communication permitted by this Rule; (2) a lawyer may pay the reasonable cost of advertising, written communication or other notification required in connection with the sale of a law practice as permitted by RPC 1.17; and (3) a lawyer may pay the usual charges of a not-for-profit lawyer referral service or other legal service organization.</p>
<p>Rule 7.3</p>	<p>RPC 7.3. Personal Contact with Prospective Clients</p>

	<p>(a) A lawyer may initiate personal contact with a prospective client for the purpose of obtaining professional employment, subject to the requirements of paragraph (b).</p> <p>(b) A lawyer shall not contact, or send a written communication to, a prospective client for the purpose of obtaining professional employment if:</p> <p>(1) the lawyer knows or reasonably should know that the physical, emotional or mental state of the person is such that the person could not exercise reasonable judgment in employing a lawyer; or</p> <p>(2) the person has made known to the lawyer a desire not to receive communications from the lawyer; or</p> <p>(3) the communication involves coercion, duress or harassment; or</p> <p>(4) the communication involves unsolicited direct contact with a prospective client within thirty days after a specific mass-disaster event, when such contact concerns potential compensation arising from the event; or</p> <p>(5) the communication involves unsolicited direct contact with a prospective client concerning a specific event not covered by section (4) of this Rule when such contact has pecuniary gain as a significant motive except that a lawyer may send a letter by mail to a prospective client in such circumstances provided the letter:</p> <p>(i) bears the word "ADVERTISEMENT" prominently displayed in capital letters at the top of the first page of text; and</p> <p>(ii) contains the following notice at the bottom of the last page of text: "Before making your choice of attorney, you should give this matter careful thought. The selection of an attorney is an important decision."; and</p> <p>(iii) contains an additional notice also at the bottom of the last page of text that the recipient may, if the letter is inaccurate or misleading, report same to the Committee on Attorney Advertising, Hughes Justice Complex, P.O. Box 037, Trenton, New Jersey 08625.</p> <p>(c) A lawyer shall not knowingly assist an organization that furnishes or pays for legal services to others to promote the use of the lawyer's services or those of the lawyer's partner, or associate, or any other lawyer affiliated with the lawyer or the lawyer's firm, as a private practitioner, if:</p> <p>(1) the promotional activity involves use of a statement or claim that is false or misleading within the meaning of RPC 7.1; or</p> <p>(2) the promotional activity involves the use of coercion, duress, compulsion, intimidation, threats, unwarranted promises of benefits, overreaching, or vexatious or harassing conduct.</p> <p>(d) A lawyer shall not compensate or give anything of value to a person or organization to recommend or secure the lawyer's employment by a client, or as a reward for having made a recommendation resulting in the lawyer's employment by a client except that the lawyer may pay for public communications permitted by RPC 7.1 and the usual and reasonable fees or dues charged by a lawyer referral service operated, sponsored, or approved by a bar association.</p> <p>(e) A lawyer shall not knowingly assist a person or organization that furnishes or pays for legal services to others to promote the use of the lawyer's services or those of the lawyer's partner or associate or any other lawyer affiliated with the</p>
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	<p>lawyer or the lawyer's firm except as permitted by RPC 7.1. However, this does not prohibit a lawyer or the lawyer's partner or associate or any other lawyer affiliated with the lawyer or the lawyer's firm from being recommended, employed or paid by or cooperating with one of the following offices or organizations that promote the use of the lawyer's services or those of the lawyer's partner or associate or any other lawyer affiliated with the lawyer or the lawyer's firm if there is no interference with the exercise of independent professional judgment in behalf of the lawyer's client:</p> <ul style="list-style-type: none"><li>(1) a legal aid office or public defender office:<ul style="list-style-type: none"><li>(i) operated or sponsored by a duly accredited law school.</li><li>(ii) operated or sponsored by a bona fide nonprofit community organization.</li><li>(iii) operated or sponsored by a governmental agency.</li><li>(iv) operated, sponsored, or approved by a bar association.</li></ul></li><li>(2) a military legal assistance office.</li><li>(3) a lawyer referral service operated, sponsored, or approved by a bar association.</li><li>(4) any bona fide organization that recommends, furnishes or pays for legal services to its members or beneficiaries provided the following conditions are satisfied:<ul style="list-style-type: none"><li>(i) such organization, including any affiliate, is so organized and operated that no profit is derived by it from the furnishing, recommending or rendition of legal services by lawyers and that, if the organization is organized for profit, the legal services are not rendered by lawyers employed, directed, supervised or selected by it except in connection with matters when such organization bears ultimate liability of its member or beneficiary.</li><li>(ii) neither the lawyer, nor the lawyer's partner or associate or any other lawyer or nonlawyer affiliated with the lawyer or the lawyer's firm directly or indirectly who have initiated or promoted such organization shall have received any financial or other benefit from such initiation or promotion.</li><li>(iii) such organization is not operated for the purpose of procuring legal work or financial benefit for any lawyer as a private practitioner outside of the legal services program of the organization.</li><li>(iv) the member or beneficiary to whom the legal services are furnished, and not such organization, is recognized as the client of the lawyer in the matter.</li><li>(v) any member or beneficiary who is entitled to have legal services furnished or paid for by the organization may, if such member or beneficiary so desires, and at the member or beneficiary's own expense except where the organization's plan provides for assuming such expense, select counsel other than that furnished, selected or approved by the organization for the particular matter involved. Nothing contained herein, or in the plan of any organization that furnishes or pays for legal services pursuant to this section, shall be construed to abrogate the obligations and responsibilities of a lawyer to the lawyer's client as set forth in these Rules.</li><li>(vi) the lawyer does not know or have cause to know that such organization is in violation of applicable laws, rules of court and other legal requirements that govern its legal service operations.</li></ul></li></ul>
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	<p>(vii) such organization has first filed with the Supreme Court and at least annually thereafter on the appropriate form prescribed by the Court a report with respect to its legal service plan. Upon such filing, a registration number will be issued and should be used by the operators of the plan on all correspondence and publications pertaining to the plan thereafter. Such organization shall furnish any additional information requested by the Supreme Court.</p> <p>(f) A lawyer shall not accept employment when the lawyer knows or it is obvious that the person who seeks the lawyer's services does so as a result of conduct prohibited under this Rule.</p>
Rule 7.4	<p>Title: Replaces "Specialization" with "Certification."</p> <p>(a): adds to end (similar to former Rule): "A lawyer may not, however, state or imply that the lawyer has been recognized or certified as a specialist in a particular field of law except as provided in paragraphs (b), (c), and (d) of this Rule."</p> <p>(d): A lawyer may communicate that the lawyer has been certified as a specialist or certified in a field of practice only when the communication is not false or misleading, states the name of the certifying organization, and states that the certification has been granted by the Supreme Court of New Jersey or by an organization that has been approved by the American Bar Association. If the certification has been granted by an organization that has not been approved, or has been denied approval, by the Supreme Court of New Jersey or the American Bar Association, the absence or denial of such approval shall be clearly identified in each such communication by the lawyer.</p>
Rule 7.5	<p>(a) A lawyer shall not use a firm name, letterhead, or other professional designation that violates RPC 7.1. Except for organizations referred to in R. 1:21-1(d), the name under which a lawyer or law firm practices shall include the full or last names of one or more of the lawyers in the firm or office or the names of a person or persons who have ceased to be associated with the firm through death or retirement.</p> <p>(b) A law firm with offices in more than one jurisdiction may use the same name in each jurisdiction. In New Jersey, identification of all lawyers of the firm, in advertisements, on letterheads or anywhere else that the firm name is used, shall indicate the jurisdictional limitations on those not licensed to practice in New Jersey. Where the name of an attorney not licensed to practice in this State is used in a firm name, any advertisement, letterhead or other communication containing the firm name must include the name of at least one licensed New Jersey attorney who is responsible for the firm's New Jersey practice or the local office thereof.</p> <p>(c) A firm name shall not contain the name of any person not actively associated with the firm as an attorney, other than that of a person or persons who have ceased to be associated with the firm through death or retirement.</p> <p>(d) Lawyers may state or imply that they practice in a partnership only if the persons designated in the firm name and the principal members of the firm share in the responsibility and liability for the firm's performance of legal services.</p> <p>(e) A law firm name may include additional identifying language such as "&amp; Associates" only when such language is accurate and descriptive of the firm. Any firm name including additional identifying language such as "Legal Services" or</p>

	<p>other similar phrases shall inform all prospective clients in the retainer agreement or other writing that the law firm is not affiliated or associated with a public, quasi-public or charitable organization. However, no firm shall use the phrase "legal aid" in its name or in any additional identifying language.</p> <p>(f) In any case in which an organization practices under a trade name as permitted by paragraph (a) above, the name or names of one or more of its principally responsible attorneys, licensed to practice in this State, shall be displayed on all letterheads, signs, advertisements and cards or other places where the trade name is used.</p>
Rule 7.6	Rule 7.6 not adopted
Rule 8.1	Identical
Rule 8.2	(b): replaces "is a candidate" with "has been confirmed"
Rule 8.3	<p>(c): does not include last phrase.</p> <p>adds (d): "Paragraph (a) of this Rule shall not apply to knowledge obtained as a result of participation in a Lawyers Assistance Program established by the Supreme Court and administered by the New Jersey State Bar Association, except as follows: (i) if the effect of discovered ethics infractions on the practice of an impaired attorney is irremediable or poses a substantial and imminent threat to the interests of clients, then attorney volunteers, peer counselors, or program staff have a duty to disclose the infractions to the disciplinary authorities, and attorney volunteers have the obligation to apply immediately for the appointment of a conservator, who also has the obligation to report ethics infractions to disciplinary authorities; and (ii) attorney volunteers or peer counselors assisting the impaired attorney in conjunction with his or her practice have the same responsibility as any other lawyer to deal candidly with clients, but that responsibility does not include the duty to disclose voluntarily, without inquiry by the client, information of past violations or present violations that did not or do not pose a serious danger to clients."</p>
Rule 8.4	adds (g): "engage, in a professional capacity, in conduct involving discrimination (except employment discrimination unless resulting in a final agency or judicial determination) because of race, color, religion, age, sex, sexual orientation, national origin, language, marital status, socioeconomic status, or handicap where the conduct is intended or likely to cause harm."
Rule 8.5	<p>recommends new model rule, except:</p> <p>(b)(2): did not include last sentence.</p>

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As of April 18, 2006