



NEW JERSEY STATE BAR ASSOCIATION

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Honorable Stuart Rabner
Chief Justice, New Jersey Supreme Court
Hughes Justice Complex
P.O. Box 037
Trenton, NJ 08625-0037

Dear Chief Justice Rabner:

Attorney solicitation has long been a source of frustration, both for the vulnerable individuals on the wrong side of an accident or traffic ticket receiving what is often a barrage of solicitations, and for the legal profession, trying to maintain the integrity of the legal system despite the grim warnings, outrageous accusations and wild sanction claims contained in some of those solicitations.

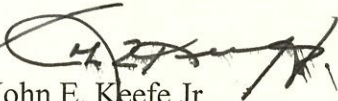
At the outset of my term as president of the New Jersey State Bar Association, I appointed an ad hoc committee charged with studying attorney advertising and whether limits should be placed on solicitation of personal injury clients. The committee discovered that, with today's technology, the issue has expanded from a plethora of paper letters sent to victims within days of an accident. Mobile phone apps allow text and email messages to be sent, and geotargeted marketing allows pop-ads to appear on victims' social media sites as they await treatment in a hospital or doctor's office.

After a year of study, discussion and debate, the committee concluded that protecting vulnerable individuals from invasive direct solicitations requires a two-pronged approach: (1) legislation to address how and when accident information is obtained, and (2) clarification in the ethics rules about what can be done with that information once acquired. Specifically, the Committee recommended, and the NJSBA Board of Trustees agreed, that RPC 7.3(b)(4), which places a 30-day ban on solicitations following a mass disaster, be expanded to apply to all accidents, not just mass disasters. A similar recommendation was made by the Court's Professional Responsibility Rules Committee almost 10 years ago, but was rejected. The NJSBA believes the time has come for the issue to be reconsidered, especially in light of the technological advances mentioned above. While the First Amendment rights of attorneys must be protected, they need to be balanced against the need to protect vulnerable accident victims from being unnecessarily preyed upon. A 30-day moratorium would not shutter an attorney's ability to speak to potential clients, it would merely

provide an appropriate delay to allow victims time to adequately recover from their trauma and be ready to intelligently evaluate their options.

For all of these reasons, the NJSBA respectfully requests that the Court reconsider extending the 30-day ban on attorney solicitations contained in RPC 7.3(b)(4) to all accidents. I would welcome an opportunity to speak with you further about this. Thank you for your consideration.

Respectfully,



John E. Keefe Jr.
President

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cc: Hon. Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts
Evelyn Padin, Esq., NJSBA President-Elect
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