

NOTICE TO THE BAR

ATTORNEYS WHO PARTICIPATE IN LEGAL SERVICE PLANS ARE RESPONSIBLE FOR THE ACCURACY OF STATEMENTS MADE IN LEGAL SERVICE PLAN PROMOTIONAL MATERIALS

The Committee on Attorney Advertising received several grievances regarding inaccurate or misleading statements made in brochures and other promotional materials distributed in connection with certain legal service plans. The brochures or promotional materials at issue in those grievances were designed to steer clients of those legal service plans to living trusts and included erroneous statements exaggerating the benefits of living trusts and the costs and dangers of probate. The Committee previously notified New Jersey attorneys that “if they undertake to include specific advice and statements about the law in their advertising, they should exercise great care to ensure that the statements they make are accurate and not in any way misleading.” Committee on Attorney Advertising Opinion 25, Living Trusts, 153 N.J.L.J. 1298 (September 21, 1998), 7 N.J.L. 2250 (September 28, 1998). This Notice to the Bar is to remind members of the bar that any New Jersey attorney who participates in a legal service plan is responsible for the accuracy of statements made in promotional materials distributed in connection with that legal service plan. Inaccurate or misleading statements in such promotional materials could subject the participating attorney to discipline by the Committee on Attorney Advertising.

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

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