

OFFICE OF ATTORNEY ETHICS

OF THE



SUPREME COURT OF NEW JERSEY

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Director

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"Ethics is knowing the difference between what you have a right to do and what is right to do." Justice Potter Stewart

Dear Counsel:

As we welcome 2017, I hope that the New Year brings personal and professional fulfillment to each of you. The New Year also marks the time to complete your Annual Attorney Registration Statement and pay your assessment as mandated by the New Jersey Supreme Court. This is the second year that the attorney registration process will be conducted entirely online. We hope you found the process convenient and will join us as we continue to conserve resources. The annual assessment - - among the lowest in the country - - supports the New Jersey Lawyers' Fund for Client Protection, the Lawyer's Assistance Program, the Board on Continuing Legal Education, and the various components of the attorney disciplinary system.

Please review and timely complete the online Attorney Registration Statement, which collects essential demographic and practice information utilized by the Supreme Court. Please provide accurate information after a thorough review of the statement. You will be required to certify that the information is true and correct. Additionally, should your information change during the calendar year, you are required by the Court to notify the Lawyer's Fund for Client Protection of any change in your billing address, and the Office of Attorney Ethics of any change in your home address or primary law office address or phone number. You are also required to notify the Office of Attorney Ethics of changes to the financial institution or account numbers for your primary trust and business accounts, either prior to the change or within 30 days thereafter. *R. 1:20-1(c)*. It is essential that the computer systems are updated with accurate information so that no member of the bar misses any important notices.

After you complete the registration statement, I suggest that you review the New Jersey Rules of Professional Conduct, and *R. 1:21-6* on trust and business account record keeping. They can be found online on the Judiciary's website: www.judiciary.state.nj.us/rules. These Rules govern our behavior as lawyers and your understanding of each one is essential to your practice. Please be aware that in April 2016, the Court issued reports adopting certain amendments to the Rules in response to review by working groups on metadata, and other "advances in technology and global legal practice developments," including lawyer mobility and client confidentiality in the digital age. The Court also adopted the Uniform Bar Examination and admission by motion as part of this study. You may want to review these reports as well.

I am proud to be a member of this diverse, distinguished, and philanthropic bar. I specifically thank the many diligent volunteers who serve the ethics and fee arbitration systems. I also thank the other members of the bar who provide *pro bono* assistance or serve any number of the worthy community or charitable causes. Best wishes for a productive and rewarding 2017.

Sincerely yours,

A handwritten signature in cursive script that reads "Charles Centinaro".

Charles Centinaro

2017 FREQUENTLY ASKED QUESTIONS

The Practice of New Jersey Law:

1. What must I do if I want to engage in the private practice of New Jersey law?

In order to engage in private practice in New Jersey, you must:

- a. be current in payment of the annual assessment;
- b. complete the annual registration and billing form by going to www.njcourtsonline.com and keeping the data current throughout the year;
- c. fulfill the requirements of R. 1:21-6, including trust and business accounts in an approved New Jersey financial institution;
- d. keep trust accounts IOLTA-compliant (R. 1:28A);
- e. meet the CLE requirements; and
- f. maintain required levels of malpractice insurance under Court Rules if practicing in a P.A., P.C., L.L.P., or L.L.C.

2. I am a per diem attorney and work for law firms or the public defender. I don't have any personal clients of my own. Do I need to have trust and business accounts?

Per diem attorneys are considered in private practice and therefore are required to fulfill the requirements of R.1:21-6.

3. I do not have my own law practice but occasionally I provide legal services to friends and family on a pro bono basis. Am I considered to be engaged in the private practice of NJ law?

Yes. Even if you do not collect fees for your services, you would be considered to be engaged in the private practice of NJ law and would be subject to the requirements as listed under Question 1.

4. I am currently employed by a law firm and also work Of Counsel for another firm. How can I list both firms?

Currently, you can only associate yourself to your primary law firm through the on-line system. If you need to be associated to additional firms, you must call the Office of Attorney Ethics at 609-530-4328 or via email at OAE CAMS.mailbox@judiciary.state.nj.us for assistance.

5. I don't practice New Jersey law and I don't want to pay the fees. I want to be placed on inactive status. What are my options?

There is no "inactive status" in New Jersey. Your options are as follows:

- a. if you meet the standards on the registration form, you can claim an exemption from payment by completing the certification (without alteration or qualification) for (i) Military, AmeriCorps, or Peace Corps or (ii) Retired completely from the practice of law. If you are not exempt and do not pay the required fees, you will be declared ineligible and not in good standing in New Jersey; or
- b. you may formally resign from the New Jersey Bar as noted in the answer to Question 6.

6. How do I resign from the New Jersey Bar?

First, please review Court Rule 1:20-22. In particular, note that you cannot resign if any disciplinary or criminal proceeding is pending in any jurisdiction to which you are admitted. If you qualify, and if you comply with the notice requirements set forth in the form, you may complete the original form of Resignation Without Prejudice (pdf) printable from our website, www.judiciary.state.nj.us/oea/index.htm and mail it to: Resignation Without Prejudice Unit, Office of Attorney Ethics, P.O. Box 963, Trenton, NJ 08625. If your resignation is accepted by the Supreme Court, it will terminate your membership in the bar. To be readmitted, you will have to retake the New Jersey Bar Examination.

7. Where can I find information about mandatory licensing of In-House Counsel pursuant to R. 1:27-2?

Please visit the Board of Bar Examiners' website at www.njbarexams.org, or call them at (609) 984-2111.

8. How do I change my name or correct my name on my registration statement?

For either situation, the same name change certification/affidavit must be used. You can download this form from the Board of Bar Examiners' website at www.njbarexams.org.

9. If the information submitted on my registration form changes before the next billing cycle, what must I do?

Within 30 days, update changes in home address, employment status, primary law office address, main law office telephone, or trust and business account information by returning to <http://www.judiciary.state.nj.us/attyreg/index.htm>, selecting the Update Contact tab, and editing your information.

10. I have a question not addressed here. Where can I find help?

The answers to most questions can be found on the Judiciary's website at www.njcourts.com. By clicking the Legal Tab, and then Attorney & Judicial Regulation, you can access the home pages for Pro Bono, Continuing Legal Education, the Lawyers' Fund for Client Protection and the Office of Attorney Ethics. You can also find information on eCourts (Judiciary Electronic Filing System) and the Judiciary Account Charge System (JACS) on the www.njcourts.com home page.