ATTORNEY ADVERTISING RULES UPDATE

2023 Seminar Material

MI1333.23

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ATTORNEY ADVERTISING RULES UPDATE

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Everything You Ever Wanted to Know About Attorney Advertising But Were Afraid to Ask

Carol Johnston, Esq.

Bruce S. Rosen, Esq.

Avoiding Ethics Problems



- Committee on Attorney Advertising

Court Rule 1:19A-1 et seq., 7 members (5 attorneys and 2 lay persons)

Powers of Committee

- Issue advisory opinions
- Issue Guidelines
- **Impose discipline** for violation of Rules of Professional Conduct

Who submits grievances to the Committee?

Prospective Clients – people who receive solicitation letters

- Lawyers who have received cease and desist letters from the Committee and note that other lawyers' websites/print ads have the same problem

- Current and former Committee members who stumble across bad advertising



Grievance Process

- Grievance sent to Secretary/Counsel
- Submitted to Committee at quarterly meeting
- Committee issues cease and desist letter to lawyer
- Lawyer fixes problem advertising and provides new advertising with certification to Committee
- Committee dismisses matter



OR

- Lawyer ignores Committee or
- the advertising is egregious/repugnant or
- the advertising was previously the subject of Committee action or
- repeat offender
- THEN:
- Committee refers matter to Office of Attorney Ethics for issuance of complaint
- Hearing before the Committee
- Recommendation of discipline
- Matter proceeds to the Disciplinary Review Board



What Is "Advertising"?

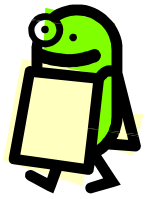
"Advertising" includes **all communications** of a lawyer about the lawyer, the lawyer's services, or the law firm



What Is "Advertising"?

Includes marketing or promotional materials, letterhead, business cards, websites, social media for lawyer or law firm, and any other communications about the lawyer or the lawyer's services

Attorneys can advertise in any medium, forum, or format – newspaper, billboards, fliers, giveaway items, bus placards, Internet, mail, Yellow Pages, radio, television, "lectures"



Rules of Professional Conduct Governing Advertising – RPC 7.1

- RPC 7.1(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;" communication is considered misleading if it omits a necessary fact



First Amendment – Same Standard

- Commercial speech that is false, deceptive, or misleading can be prohibited
- Bates v. State Bar of Arizona, 433 U.S. 350 (1977);
- Virginia State Board of Pharmacy v. Virginia Citizens Consumer Counsel, 425 U.S. 748 (1976)

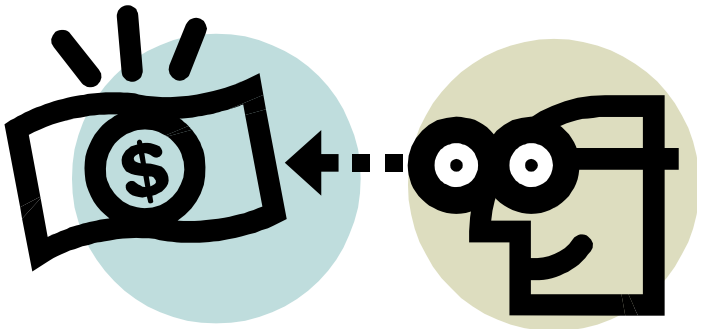
Inaccurate and Misleading Statements

- Claims to have handled certain kinds of cases (aviation plane crash litigation) (In re Anis, 126 N.J. 448 (1992) (cert. den. 504 U.S. 956 (1992))
- Extent of trial experience (murder trial in Washington DC that resulted in mistrial)
- Years in practice (or "combined" years)
- Law firm names – "& Associates" when there are no associates, "Group" when there is only a solo practitioner



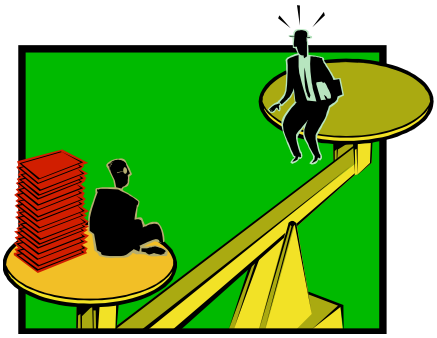
Communications Deemed to be False or Misleading

- Statements that "are likely to create an unjustified expectation about results the lawyer can achieve" – RPC 7.1(a)(2)



Statements that Compare the Lawyer's Services to Other Lawyers' Services Are Deemed Misleading, RPC 7.1(a)(3)

- Comparisons of lawyers' services usually are factually unsupportable
- Claims about the QUALITY of legal services generally cannot be supported by objective facts



Comparative Statements / Quality of Legal Services

- "Unlike other lawyers I have a better method of serving clients …"
- "I charge less than other lawyers"
- Lawyer is "Super," "Best," "Awesome," "Top Rated" - Opinions 42 and 48





Listing of Recovery Amounts or Results Obtained

- Listing recoveries in other cases generally is permitted but must be accompanied by **disclaimer**, Opinion 15: "Results may vary depending on your particular facts and legal circumstances."





Testimonials



- Testimonial must be made by an actual **named** person who received the lawyer's services (initials are acceptable);
- Opinion 15 (Opinion 33 is stayed by Court order) requires that any testimonial **not** be "likely to create unjustified expectations about results the lawyer can achieve," RPC 7.1(a)(2)
- **Disclaimer is required**: "Results may vary depending on your particular facts and legal circumstances."

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Testimonials



- Client can say lawyer was responsive and caring but client generally is not qualified to comment on lawyer's legal abilities



- Even with the disclaimer, some statements on past performance still will be misleading, for example a table of "past results" that includes only one incredibly great outcome.



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Advertisements Must Include Contact Information

- Attorney Advertising Guideline 1:
  - All attorney advertising "shall include contact information for the attorney or law firm."
  - Contact information includes at least: business address; mailing address; telephone number; email address; law firm website URL

- BILLBOARDS MUST INCLUDE LEGIBLE CONTACT INFORMATION!

Internet Marketing and Solicitation

- Same rules and principles apply to electronic communication as for print media

- Firm lawyer profiles – caution when mentioning credentials (Super, Best, Million Dollar Club, Awesome Attorney)



Avvo, Yelp, and Similar Third-Party Websites

- Avvo – third-party website, postings by visitors to page, not considered attorney's own advertising. Attorney's **own** postings on Avvo **are** subject to the rules.
- When a site is not the lawyer's own communication about his or her own practice, but it is a third-party site – improper posting on that site by others will not result in attorney discipline

Control the Content!

- If third persons post improper material on lawyer's website, it may be considered part of the lawyer's own advertising
- Facebook or LinkedIn page may permit third-party postings. Need to have control over the postings or ability to block outsider postings



Facebook & LinkedIn

- Personal Facebook page can be considered lawyer advertising if predominant effect is an intent to solicit business
- LinkedIn profile is attorney advertising!

Awards – Claims About Quality of Legal Services

- Advertising that makes claims about the "quality of the legal services . . . are not susceptible of measurement or verification; accordingly, such claims may be so likely to be misleading as to warrant restriction." Bates v. State Bar of Arizona, 433 U.S. 350, 383-84 (1977).
- Lawyers who state that they are included on a list called "Top Attorneys" are making a statement of fact – they were included on the list – but they are also making a statement that supports an inference about the quality of their legal services, that their services are "top" or better than other lawyers' services. Such statements can be misleading.
- RPC 7.1(a)(3) prohibits lawyers from making comparative statements.

Awards, honors, or accolades that compare the lawyer's services to other lawyers' services

- "Super" Lawyer
- "Best" Lawyer
- "Leading" Lawyer
- "Top-Rated" Lawyer
- "Top 100" Attorney
- "Rising Star" Lawyer

Super/Best/Top-Rated Awards

- Do not say that you are “a” Super Lawyer.
- There is a difference between <u>being</u> “a Super Lawyer” and saying that one received an accolade or honor by being included on a <u>list called</u> “Super Lawyers.”

CAA Opinion 48 (2022)

Advertising the receipt of an award, honor, or accolade that compares the lawyer's services to other lawyers' services

Lawyer must ascertain whether the organization conferring the award has made "inquiry into the attorney's fitness." Official Comment to Rule of Professional Conduct 7.1.

This inquiry into the lawyer's fitness must be more rigorous than a simple tally of the lawyer's years of practice and lack of disciplinary history.

"The rating or certifying methodology must have included inquiry into the lawyer's qualifications and considered those qualifications in selecting the lawyer for inclusion." In re Opinion 39, 197 N.J. 66, 76 (2008); see also Committee on Attorney Advertising Opinion 42 (December 2010).

Pursuant to Rule of Professional Conduct 7.1(a)(3)(ii), the basis for the comparison must be substantiated, bona fide, verifiable, rigorous, and independent.

HONORS AND ACCOLADES

Numerous awards, honors, and accolades do not include a bona fide inquiry into the fitness of the lawyer.

Some of these awards are the result of popularity contests – the lawyer "wins" the award when enough people email, telephone, or text their vote.

Other awards are issued for a price.

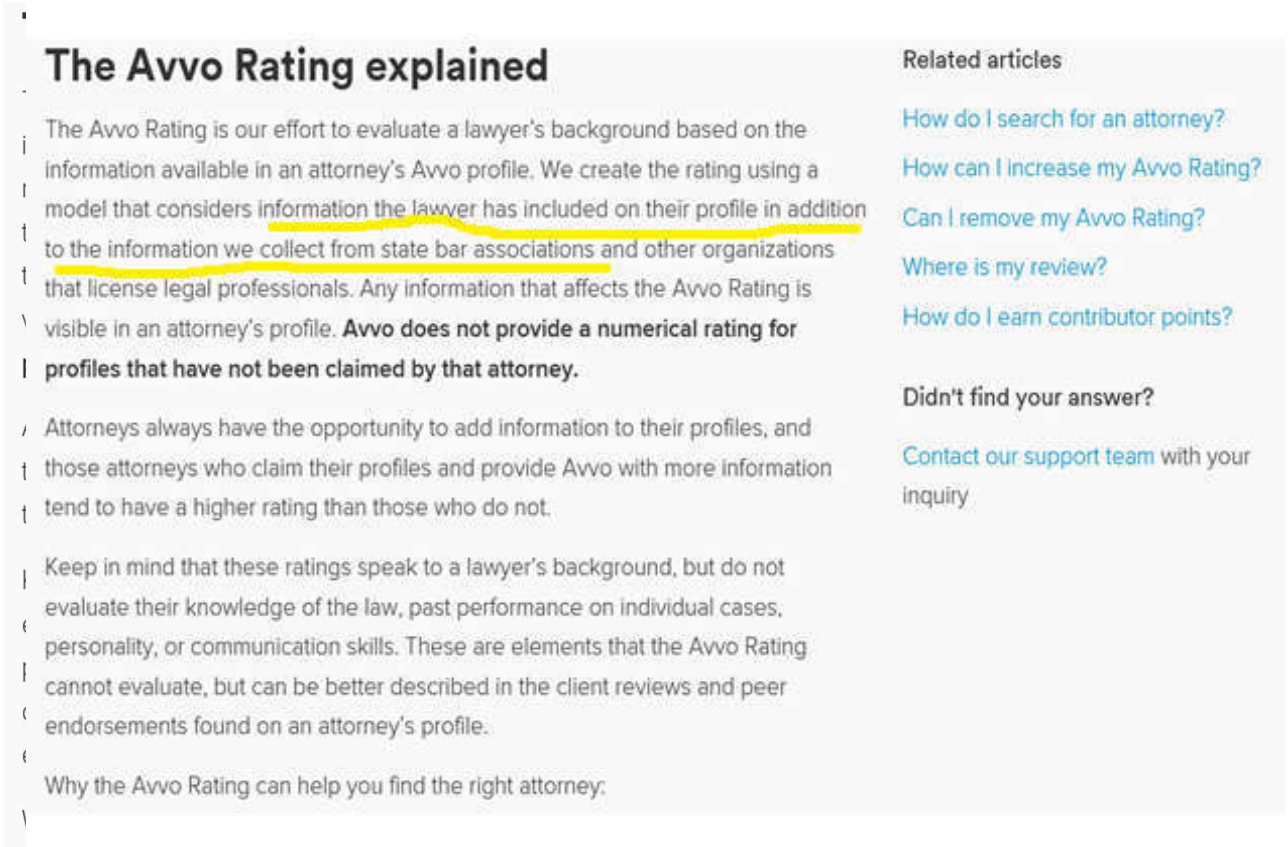
Still others are generated based in large part on the participation of the lawyer with the conferring organization's website. For example, a lawyer can enhance his or her "rating" with the organization by endorsing other lawyers, becoming endorsed in return, responding to questions from the public about legal matters on the organization's website, and the like.

Factors such as the payment of money for the issuance of the award or for membership in the organization that will issue the award, as well as factors such as the level of participation of a lawyer on the organization's Internet website, render such awards suspect.

Lawyers may not advertise receipt of such awards unless, as a threshold matter, the conferring organization made adequate and individualized inquiry into the professional fitness of the lawyer.

AVVO

- Does Avvo's rating methodology include a bona fide inquiry into the fitness of the lawyer?



The Avvo Rating explained

The Avvo Rating is our effort to evaluate a lawyer's background based on the information available in an attorney's Avvo profile. We create the rating using a model that considers information the lawyer has included on their profile in addition to the information we collect from state bar associations and other organizations that license legal professionals. Any information that affects the Avvo Rating is visible in an attorney's profile. **Avvo does not provide a numerical rating for profiles that have not been claimed by that attorney.**

Attorneys always have the opportunity to add information to their profiles, and those attorneys who claim their profiles and provide Avvo with more information tend to have a higher rating than those who do not.

Keep in mind that these ratings speak to a lawyer's background, but do not evaluate their knowledge of the law, past performance on individual cases, personality, or communication skills. These are elements that the Avvo Rating cannot evaluate, but can be better described in the client reviews and peer endorsements found on an attorney's profile.

Why the Avvo Rating can help you find the right attorney:

Related articles

How do I search for an attorney?

How can I increase my Avvo Rating?

Can I remove my Avvo Rating?

Where is my review?

How do I earn contributor points?

Didn't find your answer?

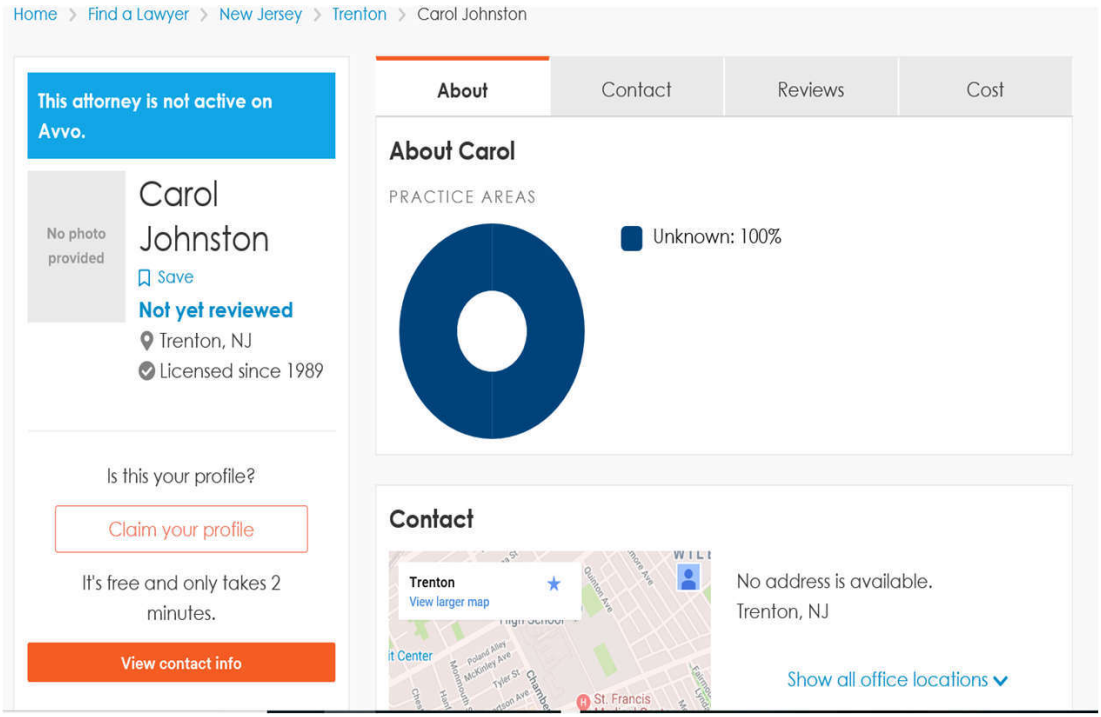
Contact our support team with your inquiry

Avvo Selection Methodology

- Information the lawyer included on their profile
  - Claim the profile
  - Reviews (from anyone, including Anonymous)
  - Endorsements from other lawyers (perhaps from the same firm
- Information from the licensing body
  - Years of practice
  - Disciplinary history

Avvo – in 2016

- Carol Johnston Avvo rating was 6.7
- ACPE Chair and then-Rutgers Co-Dean Ron Chen Avvo rating was 6.5
- Chief Justice Stuart Rabner Avvo rating was 6.5


Home › Find a Lawyer › New Jersey › Trenton › Carol Johnston
This attorney is not active on Avvo.
No photo provided
Carol Johnston
Save
Not yet reviewed
Trenton, NJ
Licensed since 1989
Is this your profile?
Claim your profile
It's free and only takes 2 minutes.
View contact info
About
Contact
Reviews
Cost
About Carol
PRACTICE AREAS
Unknown: 100%
Contact
Trenton
View larger map
No address is available.
Trenton, NJ
Show all office locations

Avvo - Bruce Rosen



Bruce Rosen

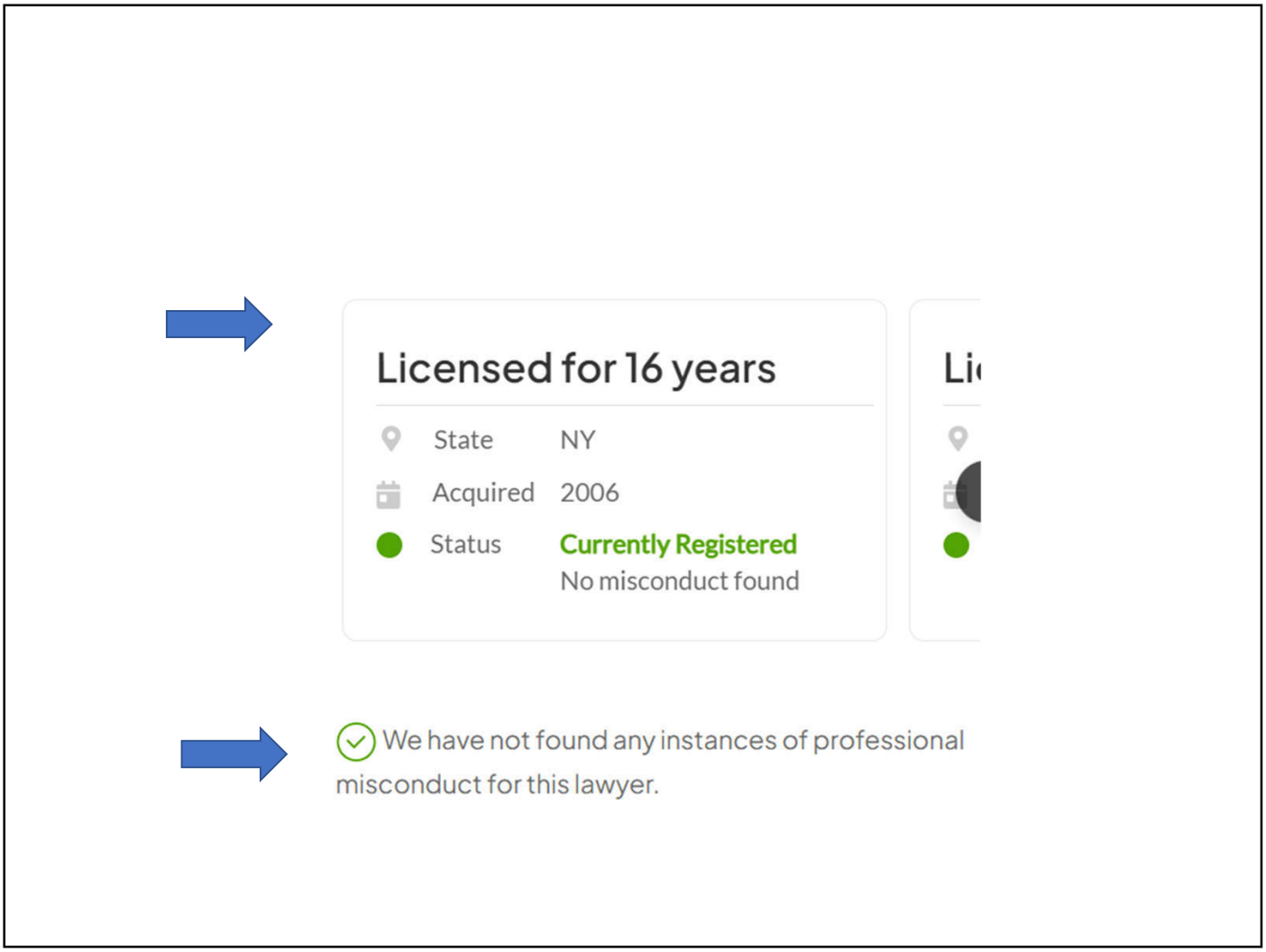
New Jersey Attorney

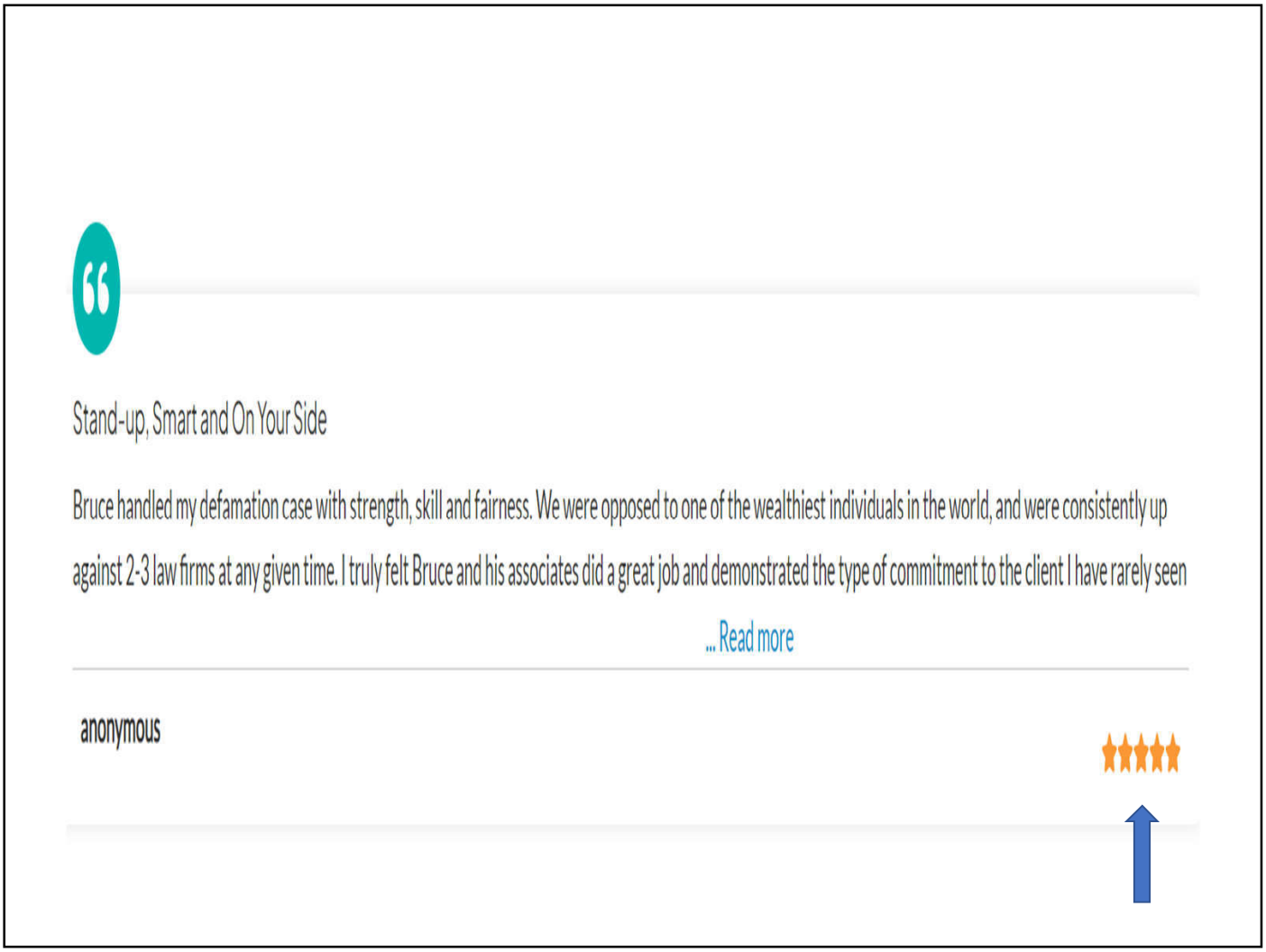
Save

1 review

Avvo Rating: **8.6** Licensed for 36 years

Review: "Bruce handled my defamation case with strength, skill and fairness. We were opposed to one of the wealthiest individuals in the world, and were consistently up against 2-3 law firms at any given time. I truly felt Bruce...


Licensed for 16 years
State NY
Acquired 2006
Status Currently Registered
No misconduct found
We have not found any instances of professional misconduct for this lawyer.

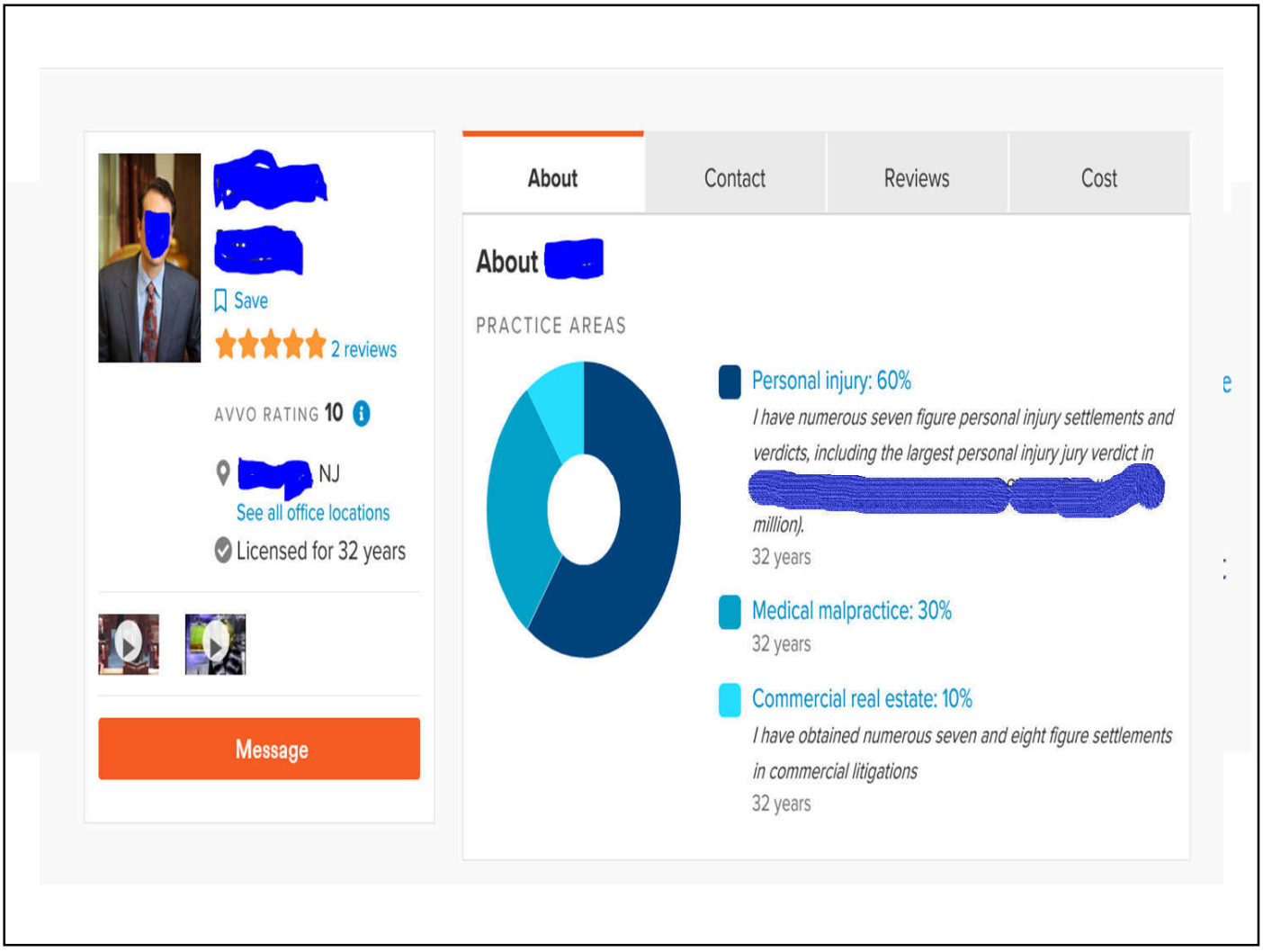


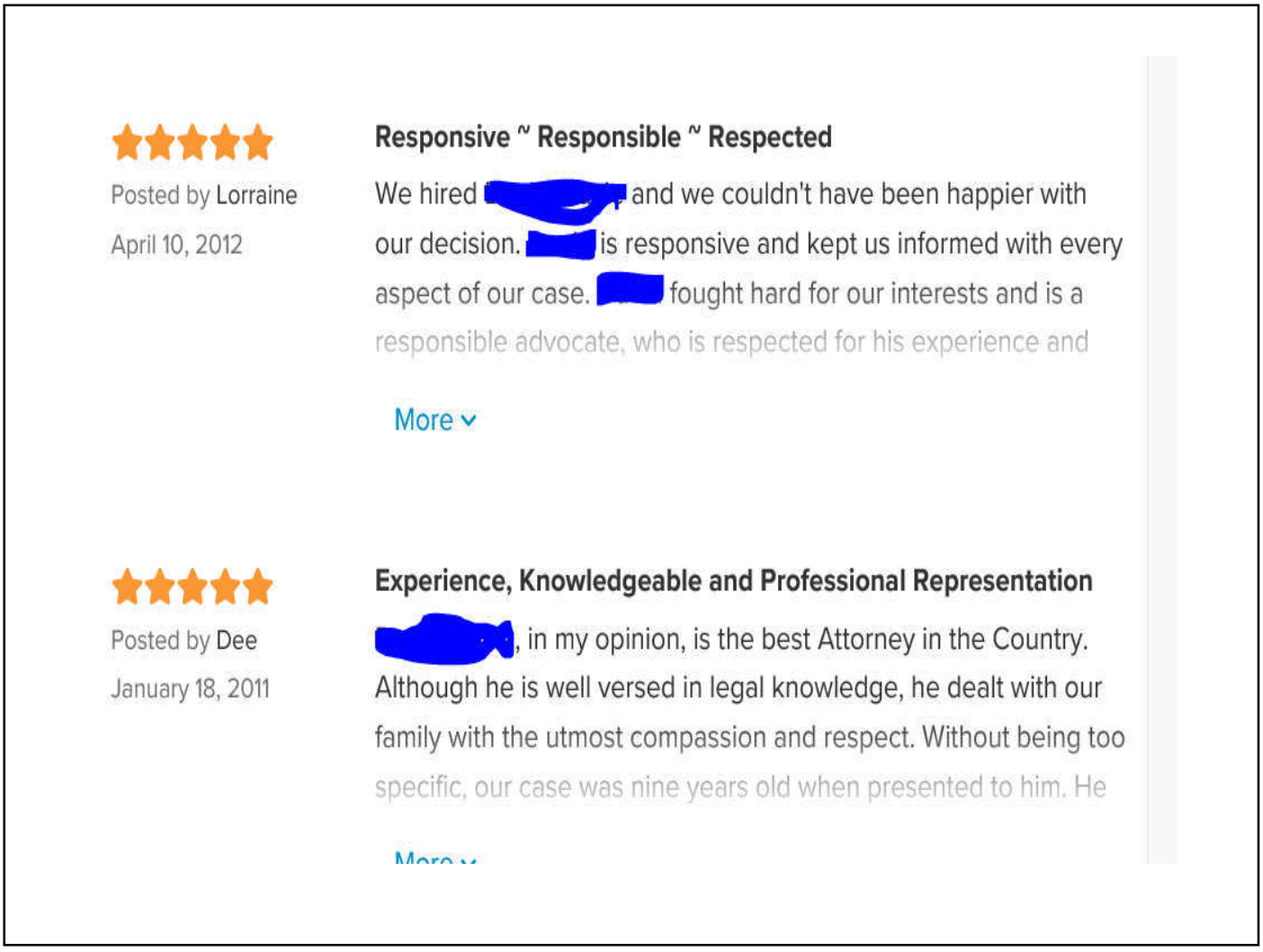
Stand-up, Smart and On Your Side

Bruce handled my defamation case with strength, skill and fairness. We were opposed to one of the wealthiest individuals in the world, and were consistently up against 2-3 law firms at any given time. I truly felt Bruce and his associates did a great job and demonstrated the type of commitment to the client I have rarely seen

... Read more

anonymous


[redacted]
Save
2 reviews
AVVO RATING 10
[redacted] NJ
See all office locations
Licensed for 32 years
Message
About
Contact
Reviews
Cost
About [redacted]
PRACTICE AREAS
Personal injury: 60%
I have numerous seven figure personal injury settlements and verdicts, including the largest personal injury jury verdict in [redacted] million).
32 years
Medical malpractice: 30%
32 years
Commercial real estate: 10%
I have obtained numerous seven and eight figure settlements in commercial litigations
32 years



★★★★★

Posted by Lorraine

April 10, 2012

Responsive ~ Responsible ~ Respected

We hired [redacted] and we couldn't have been happier with our decision. [redacted] is responsive and kept us informed with every aspect of our case. [redacted] fought hard for our interests and is a responsible advocate, who is respected for his experience and

More

★★★★★

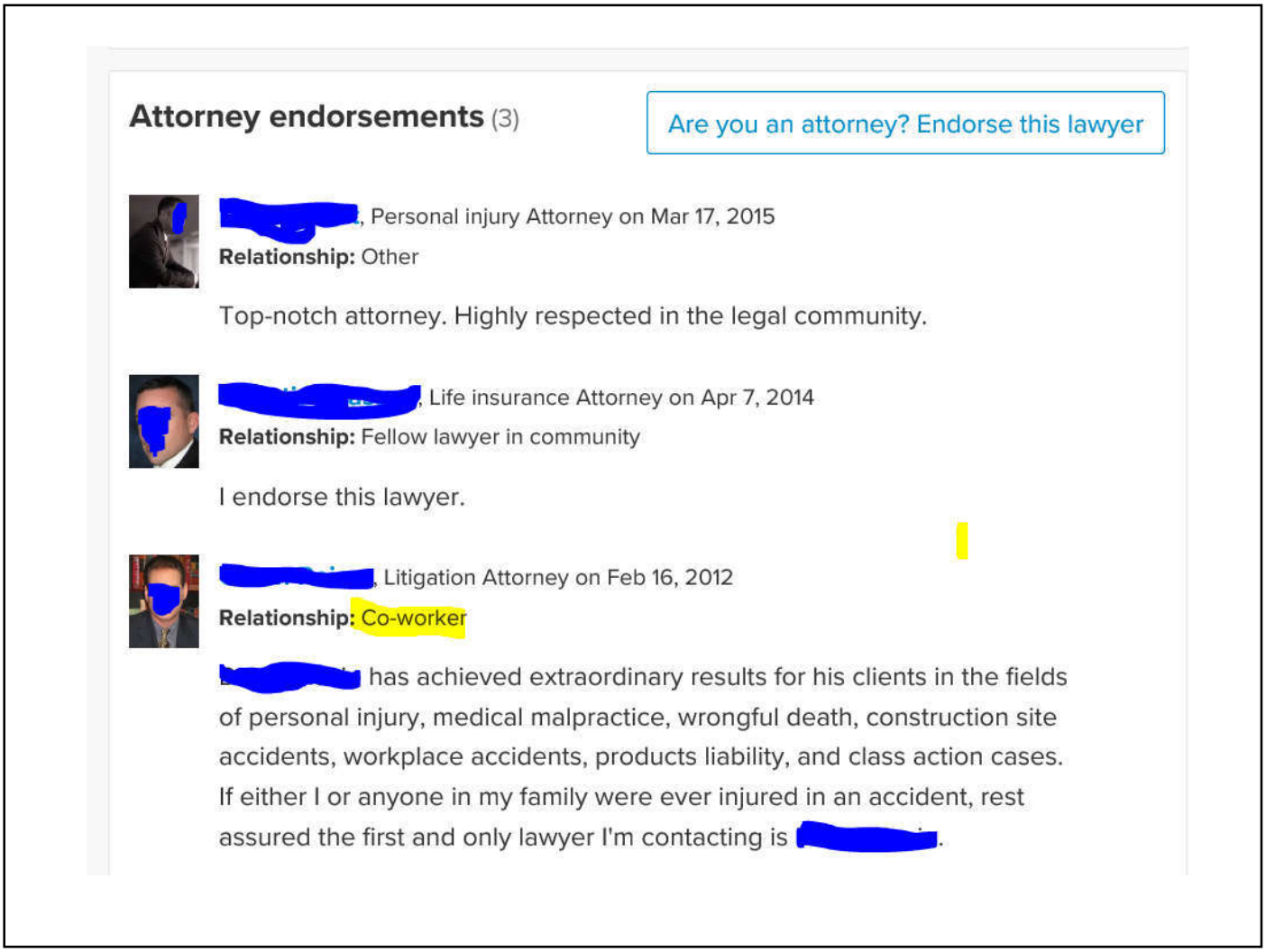
Posted by Dee

January 18, 2011

Experience, Knowledgeable and Professional Representation

[redacted], in my opinion, is the best Attorney in the Country. Although he is well versed in legal knowledge, he dealt with our family with the utmost compassion and respect. Without being too specific, our case was nine years old when presented to him. He

More



Attorney endorsements (3)

Are you an attorney? Endorse this lawyer

[redacted], Personal injury Attorney on Mar 17, 2015

Relationship: Other

Top-notch attorney. Highly respected in the legal community.

[redacted], Life insurance Attorney on Apr 7, 2014

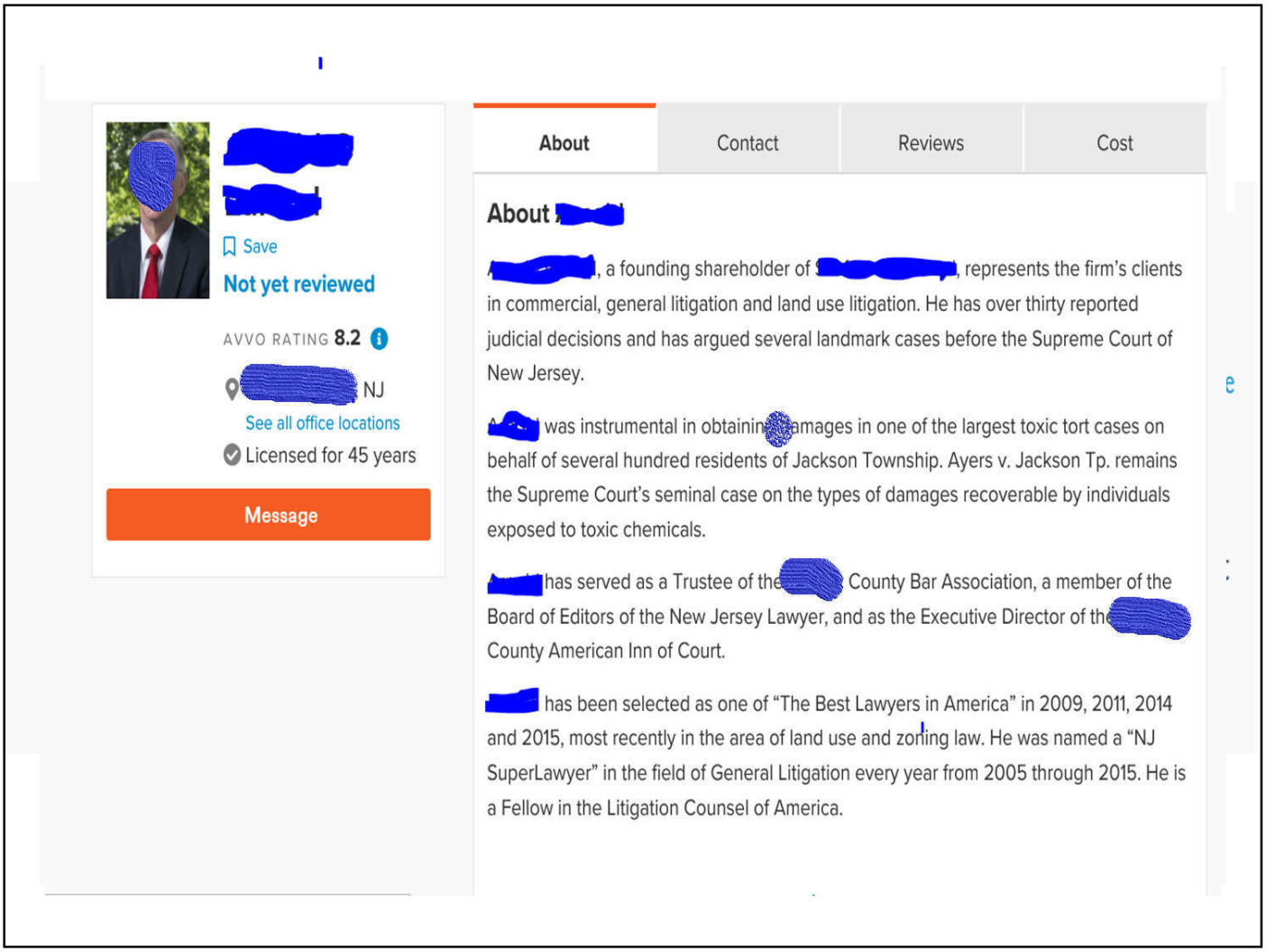
Relationship: Fellow lawyer in community

I endorse this lawyer.

[redacted], Litigation Attorney on Feb 16, 2012

Relationship: Co-worker

[redacted] has achieved extraordinary results for his clients in the fields of personal injury, medical malpractice, wrongful death, construction site accidents, workplace accidents, products liability, and class action cases. If either I or anyone in my family were ever injured in an accident, rest assured the first and only lawyer I'm contacting is [redacted].


Save
Not yet reviewed
AVVO RATING 8.2
NJ
See all office locations
Licensed for 45 years
Message
About
Contact
Reviews
Cost
About
, a founding shareholder of , represents the firm's clients in commercial, general litigation and land use litigation. He has over thirty reported judicial decisions and has argued several landmark cases before the Supreme Court of New Jersey.
was instrumental in obtaining damages in one of the largest toxic tort cases on behalf of several hundred residents of Jackson Township. Ayers v. Jackson Tp. remains the Supreme Court's seminal case on the types of damages recoverable by individuals exposed to toxic chemicals.
has served as a Trustee of the County Bar Association, a member of the Board of Editors of the New Jersey Lawyer, and as the Executive Director of the County American Inn of Court.
has been selected as one of "The Best Lawyers in America" in 2009, 2011, 2014 and 2015, most recently in the area of land use and zoning law. He was named a "NJ SuperLawyer" in the field of General Litigation every year from 2005 through 2015. He is a Fellow in the Litigation Counsel of America.

Are you satisfied that this organization makes a bona fide inquiry into the fitness of the lawyer?

Can you substantiate or verify the selection methodology?

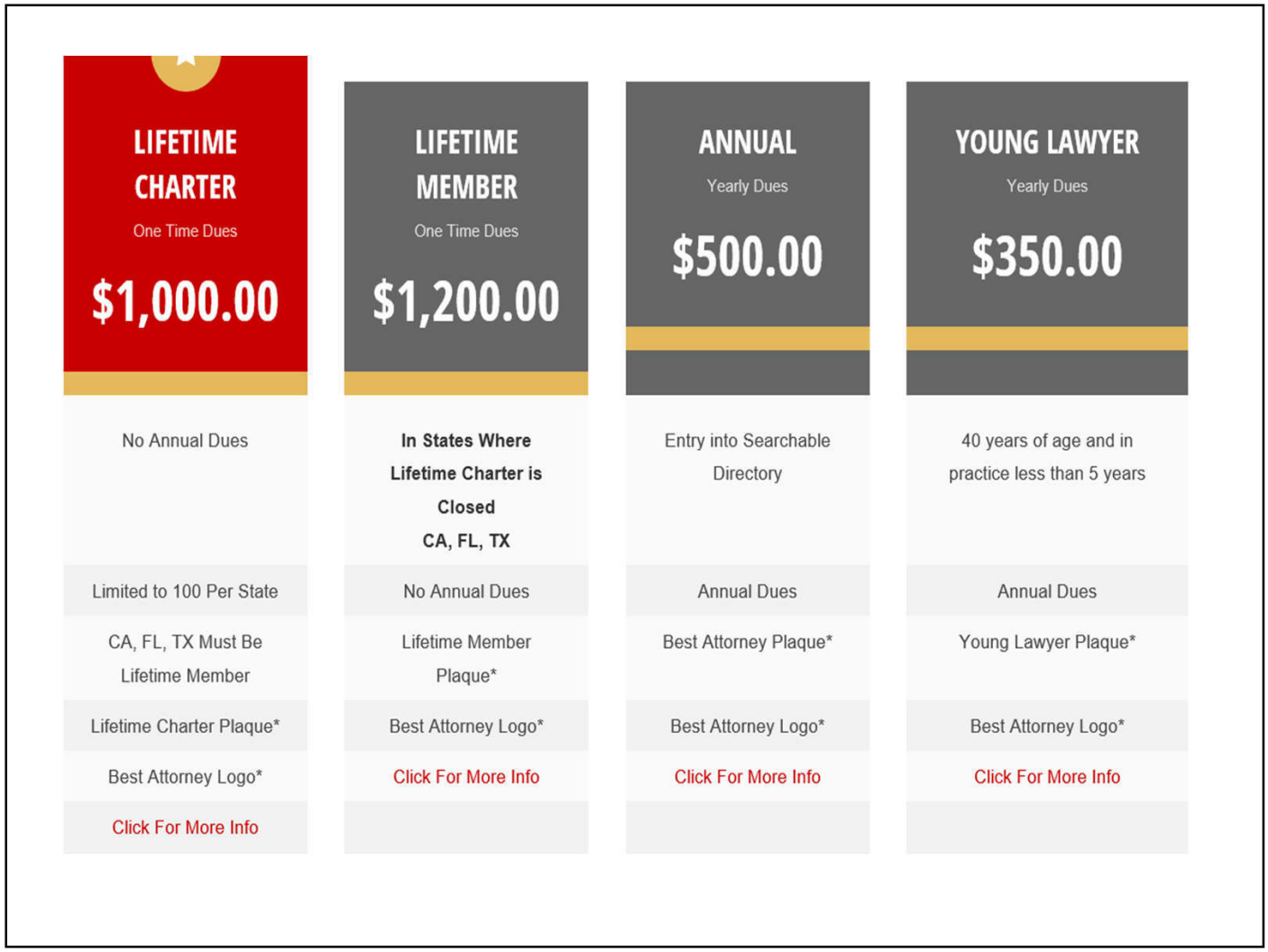
Payment of fees for the accolade renders the accolade suspect.

Some fees are straightforward – others are disguised as organization "membership fees."

If the factual basis for the comparison is not based on a readily verifiable inquiry into the fitness of the lawyer, or the accolade is issued for a price, lawyers may not mention it in their attorney advertising.

Best Attorneys of America





LIFETIME CHARTER One Time Dues $1,000.00	LIFETIME MEMBER One Time Dues $1,200.00	ANNUAL Yearly Dues $500.00	YOUNG LAWYER Yearly Dues $350.00
No Annual Dues	**In States Where Lifetime Charter is Closed CA, FL, TX**	Entry into Searchable Directory	40 years of age and in practice less than 5 years
Limited to 100 Per State	No Annual Dues	Annual Dues	Annual Dues
CA, FL, TX Must Be Lifetime Member	Lifetime Member Plaque*	Best Attorney Plaque*	Young Lawyer Plaque*
Lifetime Charter Plaque*	Best Attorney Logo*	Best Attorney Logo*	Best Attorney Logo*
Best Attorney Logo*	Click For More Info	Click For More Info	Click For More Info
Click For More Info			

The Most Highly-Rated Attorneys

Limited to 100 Attorneys in Each State

Best Attorney Lifetime Charter Members are extraordinary lawyers with an extraordinary level of legal expertise, competency, professional reputation, professionalism and ethical standards. Best Attorneys of America® Lifetime Charter Membership is limited to 100 attorneys in each state.

This Membership has a one-time membership fee of $1,000 (No annual dues). Invited Attorneys who do not accept Lifetime Charter Membership (or if Charter Membership is Closed), still are invited to join as an Annual General Member.

Lifetime Charter Members are entered into our searchable attorney directory and can be found by name, location, and area of law by those seeking legal services from a respected and highly qualified attorney.

California, Florida, and Texas attorneys must choose a Lifetime or Annual Membership. ×



0 Remaining

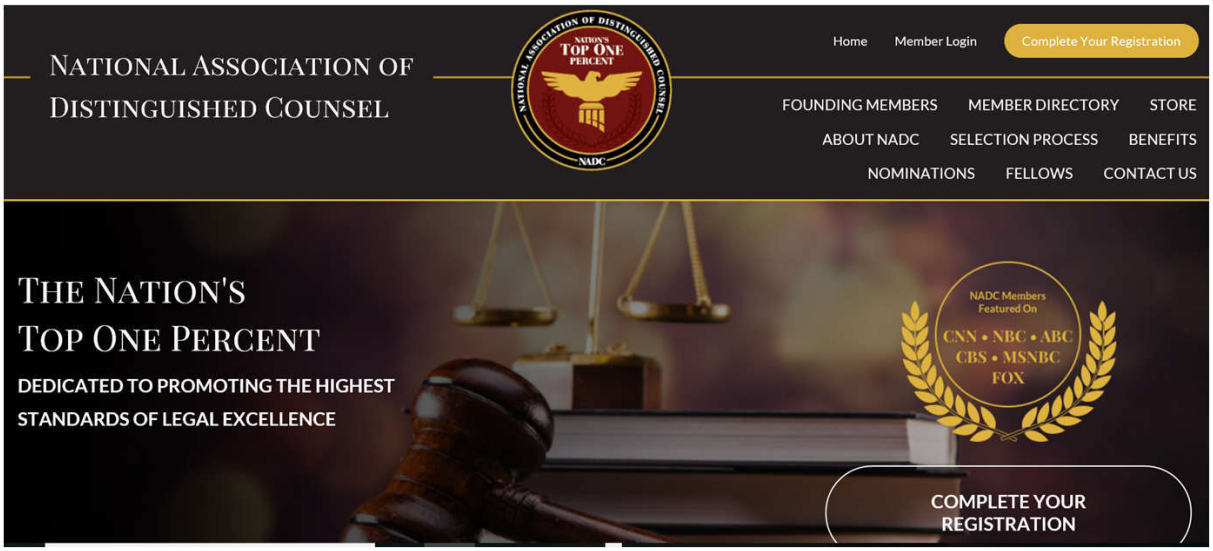


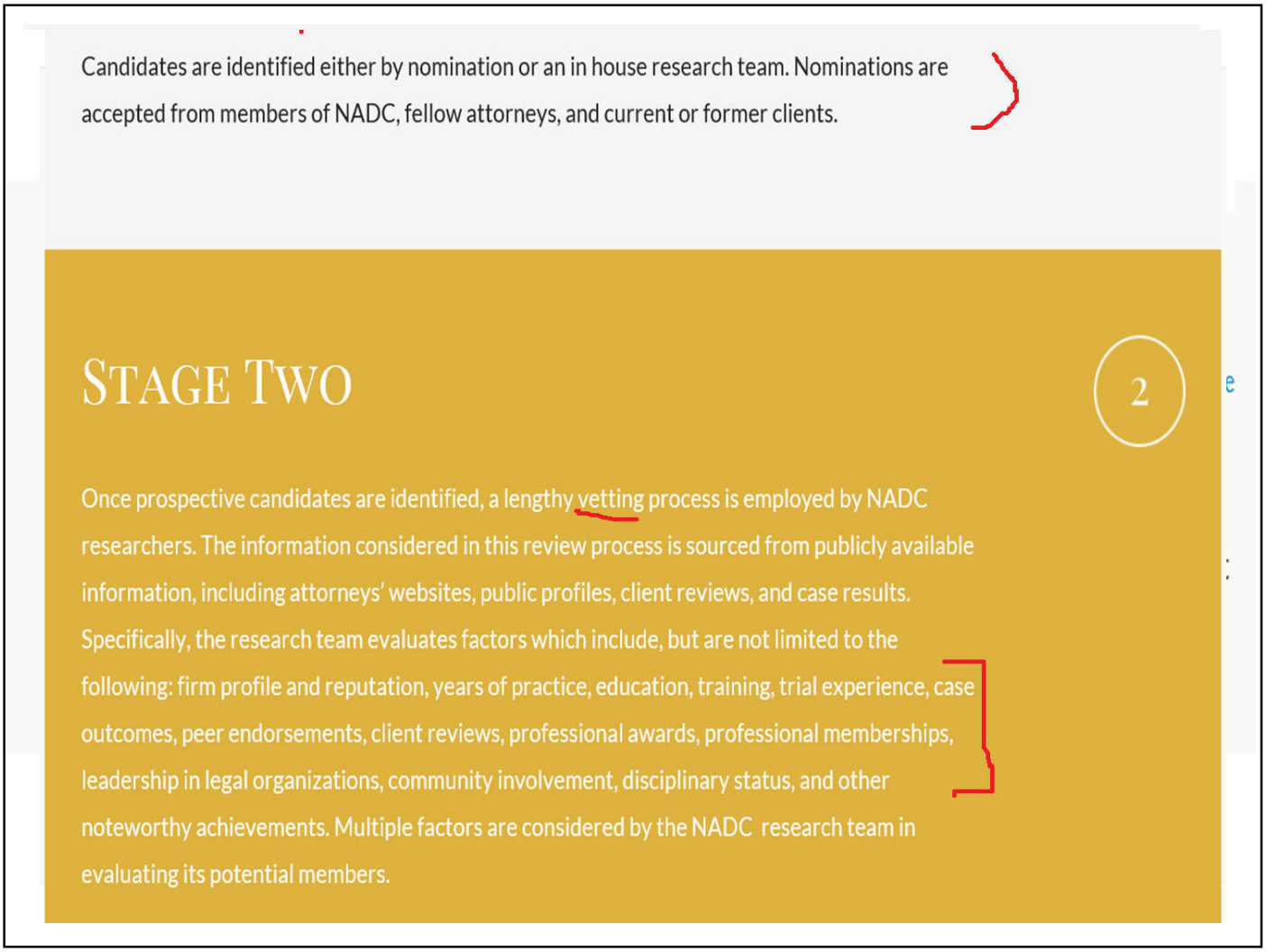
0 Remaining



24 Remaining

National Ass'n of Distinguished Counsel





Candidates are identified either by nomination or an in house research team. Nominations are accepted from members of NADC, fellow attorneys, and current or former clients.

Stage Two

2

Once prospective candidates are identified, a lengthy vetting process is employed by NADC researchers. The information considered in this review process is sourced from publicly available information, including attorneys' websites, public profiles, client reviews, and case results. Specifically, the research team evaluates factors which include, but are not limited to the following: firm profile and reputation, years of practice, education, training, trial experience, case outcomes, peer endorsements, client reviews, professional awards, professional memberships, leadership in legal organizations, community involvement, disciplinary status, and other noteworthy achievements. Multiple factors are considered by the NADC research team in evaluating its potential members.

STAGE THREE

A blue ribbon panel of attorneys studies the results provided by the NADC research team. These attorneys, having achieved podium status in their own right by multiple independent organizations, separate and apart from the NADC, are specially positioned with the perspective and knowledge in selecting "Nation's Top Attorneys." While considering the information presented to them, they make careful determinations as to who among their peers possesses the background, accomplishments, and prowess to serve as an example to other attorneys. The result is a list of attorneys who are considered truly elite.

STAGE FOUR

A judicial review board, led by a group of former judges, weighs in on the final candidates. The purpose of this phase is to ensure that those who are named "Nation's Top Attorneys" have epitomized the ideals of the legal profession. They finalize the process of selecting the attorneys

Membership Fees

Membership fees cover the calendar year of the year of selection for any given member. Membership fees are fixed for any given calendar year and are not prorated for members who join part-way through the year.

Store Policy

Return Policy

Our standard policy is that there are no refunds, on account of the temporal nature of the membership and the customized nature of the showcase items.

Delivery

Web badge: members may obtain the code for the website badge, to input to their website framework, directly from their account, or via email, at their choosing.

Video: members will have the customized video file emailed to them. Members must supply their email addresses.

Press release: members will have the customized file emailed to them. Members must supply their email addresses.

Plaque/statue/marquee: these items will be sent via UPS, with the estimated time frame for delivery being four to six weeks from the date of order.

National Trial Lawyers
TOP 100! (in the nation!)





The National Trial Lawyers: Top 100 is an invitation-only organization composed of the premier trial lawyers from each state or region who meet stringent qualifications as civil plaintiff and/or criminal defense trial lawyers. Selection is based on a thorough multi-phase objective and uniformly applied process which includes peer nominations combined with third-party research. Membership is extended only to the select few of the most qualified attorneys from each state or region who demonstrate superior qualifications of leadership, reputation, influence, stature and public profile measured by objective and uniformly applied standards in compliance with state bar and national Rule 4-7.

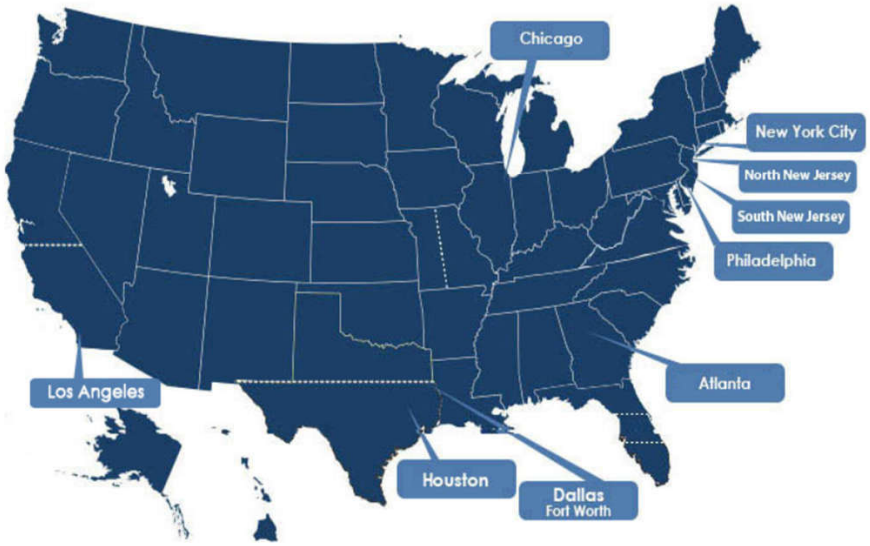
The National Trial Lawyers: Top 100 is an essential source of information, education and networking for the most accomplished trial lawyers throughout America. Through unique and professional networking opportunities, information and CLE programs, we continually strive to give our members a competitive edge in today's ever-changing legal profession. It is the mission of The National Trial Lawyers to provide networking opportunities, advocacy training, and the highest quality educational programs for the nation's leading trial lawyers.

Each of our distinguished **Top 100** members possesses the knowledge, skill, experience and success held by only the best and finest lawyers in America. By combining resources, power, and influence, **The National Trial Lawyers: Top 100** is devoted to preserving and protecting justice for all.

Top 100 Civil Plaintiff Map

Click on one of the states below to see members in that area:

Search by Last name | Search by City | Civil Plaintiff | -- Select State/Province -- | Search



- North Jersey – Civil practice – 52 lawyers
- South Jersey – Civil practice – 47 lawyers
- North Jersey – Criminal practice – 25 lawyers
- South Jersey – Criminal practice – 17 lawyers

- And in other states?

PERMISSIBLE HONORS AND ACCOLADES

When an award, honor, or accolade meets this preliminary test, the lawyer must include additional information when referring to it in attorney advertising, whether that advertising be a website, law firm letterhead, lawyer email signature block, or other form of communication.

- provide a description of the standard or methodology on which the award, honor, or accolade is based, either in the advertising itself or by reference to a "convenient, publicly available source." Official Comment to RPC 7.1.

- include the name of the comparing organization that issued the award (note that the name of the organization is often different from the name of the award or the name of the magazine in which the award results were published). RPC 7.1(a)(3)(i). For example, Martindale-Hubbell ("AV Preeminent"), Thomson Reuters ("Rising Stars" and "Super Lawyers"), Woodward-White ("Best Lawyers"), and US News & World Report ("Top-Rated Lawyers").

- include this disclaimer "in a readily discernible manner: 'No aspect of this advertisement has been approved by the Supreme Court of New Jersey.'" RPC 7.1(a)(3)(iii).

All of this additional, accompanying language must be presented in proximity to the reference to the award, honor, or accolade.

On a website, this additional information must be presented **on the same (laptop-size) screenshot**. Only the description of the standard or methodology may be presented via a hyperlink; the Rule Official Comment permits this to be presented "by reference."

The accompanying information cannot be buried at the bottom of a page, or in tiny print, or placed outside the screen shot on a website.

If the lawyer displays, in advertising, badges or logos of comparative awards (such as the yellow “Super Lawyers” badge), the lawyer must also include the required additional information (description of standard or methodology; name of comparing organization; disclaimer sentence) in a discernible manner in proximity to the reference to the award.

Lawyers' Websites





















"Blawgs"

- Advertising or scholarly work?
- scholarly material (albeit a form of self-promotion) versus advertising (more solicitation of clients than substantively informational).
- if interactive blawg, looks like advertising.
- if primary purpose to solicit clients, then advertising.
- Context: if blawg is connected to a law firm web page, it may be considered part of the advertising of the firm

Inadvertent Formation of Lawyer-Client Relationships

- Disclaimer that emails to the author will not comprise the formation of a lawyer-client relationship not effective.
- A lawyer-client relationship may form regardless of the blogger's attempt to disavow such a relationship
- A person seeking legal advice in response to a blog could provide confidential information and expect that the information will be held in confidence.
- See Committee on Attorney Advertising Opinion 17 (April 25, 1994); see also RPC 1.18 (duties regarding prospective clients).

Expertise, Expert, Specialist, Specialize

- CAA Opinion 45 (November 8, 2018)
- "Expert" – may only be used by certified lawyers
- "Expertise" – reflects special skill and extensive experience in an area of law
- "Specialist" & "Specialize" – the lawyer devotes or limits his or her practice to some special area of law

CAA Opinion 45

- The Committee will require the lawyer to substantiate the accuracy of the claim.
- The substantiation of “expertise” calls for a higher showing of accomplishment and capability than “specialist” and “specialization,” which connotes a concentration of time in a particular area.

CAA Opinion 45

- Factors supporting the claim of "expertise," "specialist," or "specialization" include education, experience, and training.

- Inclusion on attorney ratings lists such as Super Lawyers and Best Lawyers, or receipt of similar accolades, **does not** support the claim that a lawyer has "expertise" in a field of law.

Retain Copies of Advertising / Back-up Law Firm Website

- RPC 7.2 (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. Lawyers shall capture all material on their websites, in the form of an electronic or paper backup, including all new content, on at least a monthly basis, and retain this information for three years.

Back-Up Law Firm Websites

- Website administrator can do this as part of contract
- If website is DIY, copy and paste the website pages onto a flash drive
- DATA STORAGE IS CHEAP!
- The “way back machine” method of reviewing old websites does not capture information on a regular basis; it is unreliable.

Ethics hotline:
(609) 815-2924

About the Panelists…

Carol Johnston, New Jersey Supreme Court Clerk's Office in Trenton, New Jersey, joined the Administrative Office of the Courts in 2006 and serves as Secretary to the Advisory Committee on Professional Ethics, the Committee on Attorney Advertising and the Committee on the Unauthorized Practice of Law. She also answers the attorney ethics research assistance hotline.

Ms. Johnston formerly served as a Deputy Attorney General with the New Jersey Attorney General's Office, Division of Law, for 15 years. She was Ethics Officer for the Department of Law and Public Safety and a member of the Prosecutor's Code of Ethics Committee.

Ms. Johnston has lectured for ICLE, the American Law Institute-American Bar Association (ALI-ABA), the New Jersey State Bar Association, the New Jersey Judiciary, the National Association of Retail Collection Attorneys, and several county bar associations and American Inns of Court. In 2017 she was the recipient of ICLE's Distinguished Service Award for Excellence in Continuing Legal Education.

Ms. Johnston is a graduate of Hamilton College and New York Law School. She clerked for Chief Justice Robert N. Wilentz.

Bruce S. Rosen is a Partner in Pashman Stein Walder Hayden, P.C. in Hackensack, New Jersey. He has been a media lawyer for more than 25 years, following a career as an award-winning newspaper reporter and editor. He has been associated with high-profile First Amendment litigations related to free speech, media law (including defamation, access to courts and open public records) and religious freedom. More recently, Mr. Rosen has been involved with crisis management, web defamation, workplace privacy, appropriation of image and data theft. He also represents public corporate clients as well as individuals who own and/or manage private businesses, and has extensive experience in complex and standard commercial litigation, including employment litigation and counseling, environmental law and insurance coverage, business disputes, class action defense and public-school issues, as well as web defamation, workplace privacy, appropriation of image and data theft.

Mr. Rosen is admitted to practice in New Jersey, New York and the District of Columbia, and before the United States District Court for the District of New Jersey and the Eastern, Northern, and Southern Districts of New York; the United States Court of Appeals for the Second and Third Circuits; and the United States Supreme Court. A Fellow of the American Bar Foundation, he is a member of the New Jersey Supreme Court Committee on Attorney Advertising, the Association of the Federal Bar of New Jersey, the Association of Criminal Defense Lawyers-NJ and the Editorial Board of the *New Jersey Law Journal*. Mr. Rosen is a founding member of the New Jersey Media Lawyers Association, has been a member of the Defense Counsel Section of the Media Law Resource Center and is Past Chair of the Media Law Committee of the New Jersey State Bar Association. He is a former member of the New Jersey Supreme Court Criminal Practice Committee and serves on the United States District Court Criminal Justice Act Panel.

Professor Rosen has been an adjunct professor of Law and Mass Communications for Rutgers University School of Law-Newark since 2003. His articles have appeared in the *New Jersey*

Lawyer, the *New Jersey Law Journal* and other publications, and he has lectured for a number of organizations and CLE providers.

Professor Rosen received his B.S. from Georgetown University School of Foreign Service and his J.D. from Seton Hall University School of Law, where he served as an editor of the *Seton Hall Legislative Journal*. He clerked for the Honorable H. Lee Sarokin, United States District Court for the District of New Jersey, in Newark, New Jersey.