

# Ethics

## Law Day Seminar 2019

1. Recent Developments in Ethics Issues Relating to Workers' Compensation.
  - a. Committee on Attorney Advertising Docket 01-2017 Geo Fencing / Location Based Advertising
  - b. Advisory Committee on Professional Ethics - Advisory Opinion 732 – Lawyer's Participating in Impermissible Lawyer Referral Services for Unregistered Legal Services, Plans – AVVO, LegalZoom, Rocket Lawyer and Similar Companies. (6/21/17)
  - c. Notice To Bar from Committee on Attorney Advertising – Attorney Advertising of Awards, Honors, and Accolades that Compare a Lawyer's Services to Other Lawyers' Services. (5/4/16)
  - d. Advisory Committee on Professional Ethics - Advisory Opinion 729 – Lawyers May Not Threaten Sanctions for Noncompliance When Sending a Subpoena Duces Tecum by Mail. (10/30/15)
2. RPC 3.4 Fairness to Opposing Party and Counsel
  - a. Can't allude to inadmissible evidence or state personal opinion as the justness of a cause, credibility of a witness while in trial.
  - b. Appropriateness of Attorney signed certifications for motions. Wang V. Allstate, 125 N.J. 2 (1991); Murray v. Allstate, 209 N.J. Super. 163 (App. Div. 1986)
3. Medical Records and Ex-Parte interviews with treating physicians.
  - a. N.J.S.A. 34:15-128.4 - Withholding of Medical Information.
  - b. Rule 4:10(d)(1) – Discovery of communication between attorney and expert of facts and data considered by the expert in rendering the report.
  - c. Rule 4:10(d)(4) – No voluntary interview with another party's treating physician without specific authorization. Stempler v. Speidell, 100 N.J. 368 (1985).

4. Legal Fees and Costs

- a. R.P.C. 1.5 – Contingent Fee in Writing and N.J.S.A. 34:15-64 Court Approval / The Voluntary Tender
- b. Matter of Bolson DRB 12-148- no “forwarding fees” by attorney note Certified by the Supreme Court of New Jersey as a Workers’ Compensation Law Attorney.
- c. Specialized Medical Expert Allowances in excess of section 64 - 1/28/11  
Memorandum of Director Calderone and Pschunder-Haaf v. Synergy Home Care of South Jersey (A-5428-14T3) (App. Div. 2016)