



## NEW JERSEY STATE BAR ASSOCIATION

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March 3, 2025

Hon. Glenn A. Grant  
Acting Administrative Director of the Courts  
Comments on Attorney Succession Planning  
Hughes Justice Complex / P.O. Box 037  
Trenton, NJ 08625-0037

Re: Comments on Attorney Succession Planning

Dear Judge Grant:

The New Jersey State Bar Association (NJSBA) recognizes the critical importance of succession planning. The effort of considering succession planning issues and working toward developing a succession plan to ensure ethical obligations to clients are met in the event of an attorney's death or disability is an important part of owning a firm and an issue of importance to the NJSBA for over a decade.

The NJSBA began discussions about these issues with its Lawyers Helping Lawyers Task Force, where it was recommended that attorneys be encouraged to identify a successor during the annual attorney registration process. Discussions continued in the context of the NJSBA's Putting Lawyers First Task Force, where a lack of guidance, training and clear expectations about succession planning was noted.

Please accept this letter in response to the Jan. 15 Notice to the Bar seeking comments on succession planning strategies going forward.

We appreciate the Judiciary's consideration of succession planning issues, particularly in connection to attorney well-being. However, the NJSBA suggests it is premature to affirmatively make the designation of a successor a *requirement* of attorney registration. Rather, we recommend the Judiciary develop information and guidance for attorneys to consider how best to address the issue for their own circumstances and provide opportunities for attorneys to implement the strategies they deem appropriate. The NJSBA pledges to work as a partner in this effort and

engage in educational outreach to ensure attorneys are better equipped to make appropriate decisions for themselves and their firms.

In addition, the NJSBA strongly believes that any conversation about resources for attorneys in developing a succession plan must also include information and guidance for attorneys acting as the designated successor, with consideration of limitations and safeguards for those individuals who perform the service in good faith. We recommend the Judiciary engage in discussions about what protections can be put in place, so attorneys are not discouraged from agreeing to serve in a successor role.

Ultimately, the NJSBA recommends the Judiciary follow the third approach noted in the Jan. 15 Notice to the Bar to formally recommend that all attorneys strive to develop and maintain a succession plan. Further, we recommend that the Judiciary provide directly or encourage organizations like the NJSBA to provide guidance and resources for attorneys to engage in succession planning in a comprehensive manner. Finally, we recommend the development of similar resources for attorneys selected as a designated successor, and consideration of protections for attorneys who act as a successor in good faith. The NJSBA believes the status of succession planning should be revisited in two years to determine if additional efforts are needed.

Thank you again for the Judiciary's work in this important area, and for providing an opportunity for the NJSBA to share the thoughts and perspectives of its members. We appreciate the additional time granted to provide these comments and stand ready to assist the Judiciary in educating and guiding attorneys in making critical decisions addressing this important issue.

Sincerely,



William H. Mergner, Jr., Esq.  
President

cc: Christine A. Amalfe, Esq., NJSBA President-Elect  
Angela C. Scheck, NJSBA Executive Director