

Buying Keyword Search in Competitor's Name Doesn't Breach Ethics Rules, 4-1 Ruling Says

In the News

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The New Jersey Supreme Court has ruled that attorneys may purchase search engine keywords using the names of competing lawyers, so long as they include a clear disclaimer on any landing page. Common in digital marketing, the practice was found not inherently unethical under RPC 8.4(c), despite concerns raised by both the New Jersey State Bar Association and the Bergen County Bar Association. Archer partner **Andrew Cevasco**, who represented the Bergen County Bar Association, acknowledged the court's attempt to balance innovation with transparency, stating: "I am gratified that the Supreme Court has reiterated that attorney advertising must be transparent and ethical and that the court now requires that an attorney who purchases the name of a competitor as a search term must include a disclaimer." Still, Andrew expressed disappointment with the ruling's limits, aligning with Justice Douglas Fasciale's dissent, which characterized the practice as ethically questionable: "I respectfully wish that the court had adopted Justice Fasciale's dissent... and holds attorneys to a higher standard of ethical conduct and professionalism." While the majority found the keyword practice permissible with safeguards, Andrew and others remain concerned about the potential for misleading consumers, especially during sensitive moments when legal help is being sought.

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