

## *News from the Somerset County Surrogate's Office*

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### **Surrogates Announce State Ruling on Attorney Misrepresentations *Consumer Grievance Procedure Instituted***

SOMERVILLE – The Surrogates from six area counties made a joint announcement this week about a ruling on attorney misrepresentations regarding living trusts.

Somerset County Surrogate Frank G. Bruno was joined by Union County Surrogate James S. LaCorte, Middlesex County Surrogate Kevin J. Hoagland, Camden County Surrogate Patricia Egan Jones, Bergen County Surrogate Michael Dressler and Atlantic County Surrogate James Carney at a May 6 press conference on the steps of the Somerset County Administration building to announce an advisory opinion of the Committee on Attorney Advertising appointed by the New Jersey Supreme Court.

This opinion warns attorneys against actually or potentially misleading consumers through advertising about the use of living trusts.

The Surrogates also announced that consumers have a vehicle to address their grievances through the Administrative Office of the Courts.

Recently, Surrogate Bruno warned consumers about attorneys possibly misrepresenting the facts by extolling the virtues of living trusts over traditional estate planning.

“My fellow surrogates and I have seen a proliferation of living trusts,” he said. “Some may be necessary, but many are not, and the cost can often times be greater than the probate of regular wills.

“The buyer must beware, but attorneys must have a fiduciary responsibility to their clients, and this is having an effect on the quality of sound estate planning,” he said. “Misleading advertising has caused a misunderstanding of the probate process and as a result, living trusts are being sold to people who do not benefit. The people they are sold to are often new immigrants and seniors who can least afford this plan. The Committee on Attorney Advertising also has stated disciplinary action can be taken against attorneys who engage in misleading or improper advertising.”

[Advisory Opinion on Attorney Advertising](#)  
[Constitutional Officers of New Jersey Web Site](#)  
[Somerset County Surrogate's Web Page](#)