Press Coverage | July 15, 2026

NJ Supreme Court Rules CFA Exemption Does Not Apply to Insurance Professionals

Matthew J. Berns, a counsel in Troutman Pepper Locke's Regulatory Investigations, Strategy + Enforcement Practice Group, was quoted in the July 15, 2026, *New Jersey Law Journal* article, "NJ Supreme Court Rules CFA Exemption Does Not Apply to Insurance Professionals."

> Matthew J. Berns of Troutman Pepper Locke in Philadelphia and Princeton, New Jersey—who previously oversaw the New Jersey Attorney General's Office's Consumer Fraud Act enforcement—said the decision "did not go quite as broadly as the oral argument indicated that it could have," and that its limits reflected "an exercise of judicial restraint."
>
> "During oral argument, several of the justices questioned the 'Learned Professionals' exemption itself and suggested it has little basis in the text of the Consumer Fraud Act," Berns said. "Instead of saying that they're going to overrule their precedent involving learned professionals, the court expressed doubts in its opinion about the continued application of that exception."
>
> Berns said future cases involving physicians and attorneys, two of the three professions historically recognized by the court as "learned," may lead the state Supreme Court to overrule the "Learned Professionals" exemption in its entirety.
>
> "This decision is yet another example of New Jersey courts accepting the Attorney General's broad interpretation of the New Jersey Consumer Fraud Act," Berns said. "Companies that are potentially subject to regulation should carefully evaluate other enforcement actions by the Attorney General and statements reflecting how the Attorney General plans to exercise the office's enforcement authority, to evaluate how they might implicate the insurance industry's practices."

RELATED INDUSTRIES + PRACTICES

- Regulatory Investigations, Strategy + Enforcement

