

RULES GOVERNING THE COURTS OF THE STATE OF NEW JERSEY
RULE 3:8 APPEARANCE OF COUNSEL

3:8-1. Filing Appearance

The attorney for a defendant in a criminal action shall forthwith file an appearance with the criminal division manager's office of the county wherein venue is laid.

Note: Source -- R.R. 3:5-4(b). Rule designation and caption adopted and text formerly designated R. 3:8 redesignated R. 3:8-1 July 16, 1979 to be effective September 10, 1979; amended July 13, 1994 and December 9, 1994, to be effective January 1, 1995.

3:8-2. Joint Representation

No attorney or law firm shall be permitted to enter an appearance for or represent more than one defendant in a multi-defendant indictment without securing permission of the court.

Such motion shall be made in the presence of the defendants sought to be represented as early as practicable in the proceedings but no later than the arraignment so as to avoid delay of the trial. For good cause shown, the court may allow the motion to be brought at any time.

Note: Adopted July 16, 1979 to be effective September 10, 1979; amended July 13, 1994 to be effective January 1, 1995; amended April 12, 2016 to be effective May 20, 2016.

3:8-3. Representation by Public Defender

(a) Application; Determination; Referral. The criminal division manager's office shall receive applications for services of the Public Defender and shall determine indigence. A defendant who qualifies for service shall be referred to the Office of the Public Defender no later than the arraignment. The defense counsel appointed by the Office of the Public Defender shall promptly file an appearance.

(b) Scope of Services. The Office of the Public Defender shall represent indigent defendants who qualify for its services through:

- (1) Direct appeal from conviction;
- (2) Post-conviction proceedings for which the Rules of Court provide assigned counsel;
- (3) Direct appeal from those post-conviction proceedings; and

(4) Review of cases after the Appellate Division issues a judgement in an appeal as of right and compliance with the provisions of paragraph (c) of this Rule following that review.

(c) Services Following Appellate Division Judgment. In cases that present a potentially meritorious petition for certification in accordance with the standards in R. 2:12-4, the Office of the Public Defender shall file a petition for certification accompanied by a letter brief or a letter relying on defendant's Appellate Division arguments. In cases in which defense counsel appointed by the Office of the Public Defender cannot certify that a petition "presents a substantial question and is filed in good faith," as required by R. 2:12-7(a), the Office of the Public Defender shall not file a petition but shall notify defendant of this position in writing and offer copies of relevant briefs, transcripts, and any other documents.

Note: Adopted July 5, 2000 to be effective September 5, 2000; amended April 12, 2016 to be effective May 20, 2016; text amended and captioned as paragraph (a), new paragraphs (b) and (c) adopted July 29, 2019 to be effective September 1, 2019.