

Assignment of Counsel

Directive #20-69
Directive #22-70
Issued by:

February 13, 1970
June 25, 1971
Edward B. McConnell
Administrative Director

1. For Indigents

Please note that under the last sentence of the first paragraph of *R. 1:15-4* partners and associates of municipal court judges may be assigned to represent indigent defendants. This includes assignments by the Public Defender's Office in indictable cases and assignment in other cases from the master list or such other system that has been approved. Such assigned counsel, of course, may not appear in the municipal court of which his or her partner or associate is the judge.

2. Exemptions

The Supreme Court has asked me to advise you that as a matter of general policy members of the staff of the Public Defender's Office should be exempt from assignment to represent indigent defendants in the Municipal Courts. You will recall that such exemptions previously had been directed by the Supreme Court some years ago when it was necessary to assign counsel in other matters. In addition to such exemptions, of course, there are numerous others, such as members of the Prosecutor's and Attorney General's staff, Municipal Court judges, etc., who are exempt because of the conflict of interest. Please note, however, that under *R. 1:15-4* the limitations of *R. 1:15* upon attorneys do not preclude assignments of their partners, employers or office associates.

EDITOR-S NOTE

These two directives have been combined. Only the first paragraph of #20-69 has been used. The remaining paragraphs of that directive dealt with unrelated topics. Directive #22-70 has been modified by deleting the reference to the defunct OEO Legal Services Office in the first sentence and by deleting the reference in parenthesis to the last sentence of *R. 1:15-4*. The position of that sentence had been changed by the 1981 addition of a second paragraph to *R. 1:15-4*.

Note that the assignment of counsel to indigent defendants charged with non-indictable offenses both has survived constitutional attack (*Madden v. Twp of Delran*, 126 N.J. 591 (1992)), and has been regularized through a computerized assignment system administered by the Administrative Office of the Courts' Municipal Court Services Division.

Chapter 7 of the Rules Governing the Courts of the State of New Jersey governs practice in municipal courts. This chapter was substantially revised in 1997 and users of this compilation should consult the revised chapter for any changes that may affect these directives.