

# **SUPREME COURT OF NEW JERSEY**

## **NOTICE TO THE BAR**

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### **Revised Exemptions from Madden v. Delran Pro Bono Counsel Assignments**

Beginning in 1993 with a memorandum to the Bar implementing its holding in *Madden v. Delran*, 126 N.J. 591 (1992), the Supreme Court has annually issued a list of permitted exemptions from Madden pro bono counsel assignments. Set forth below is a list of exemption categories approved by the Supreme Court for 2001. Please note that some of the categories have been revised, including exemption categories 86 and 88. This information is also included with the 2001 Pro Bono Counsel Assignment Questionnaire distributed as part of the annual attorney registration package.

#### **Exemption Code 2001 Exemption Categories**

81. Attorneys who work full time for any local, county, State, Federal agency or authority and who by statute, rule, administrative directive, Executive Order, published Ethics Codes or Opinions, are prohibited from the private practice of law are exempt. A claim for exemption under this category must cite the specific authority under which private practice is prohibited.
82. All Supreme Court Justices; all Superior Court and Tax Court Judges; all retired Justices and Judges; all Workers' Compensation Judges; all Administrative Law Judges; all Surrogates and Deputy Surrogates; all Child Support Hearing Officers or Juvenile Referees; all Federal Court Judges; and all Municipal Court Judges are exempt.
83. All attorneys working full time for the Administrative Office of the Courts, or on the staff of any State or Federal Judge, or any vicinage of the Superior Court or any Municipal Court, County Clerk or Surrogate are exempt. Attorneys serving as part-time municipal court directors, administrators, deputy administrators and violations bureau clerks are also exempt.
84. All County and full-time Municipal Prosecutors and Assistant Prosecutors, all attorneys in the Office of Counsel to the Governor, the Attorney General and all Deputy Attorneys General, the Public Defender and all Deputy Public Defenders and all full-time Municipal Public Defenders are exempt. Part-time Municipal Prosecutors, part-time Municipal Public Defenders and Public Defender Pool Attorneys are not exempt.
85. All attorneys who work full time for criminal law enforcement or investigative agencies, such as police forces, the Federal Bureau of Investigation, County Sheriff, Federal Marshals, Casino Control Commission or the Internal Revenue Service are exempt.
86. Attorneys who are ineligible to practice law in New Jersey pursuant to a Statute, Rule of Court (for example, R. 1:21-1(a)), or Court Order are exempt. Attorneys are also exempt if the legal services performed in New Jersey, during the period in which the attorney seeks to maintain an exemption, are limited exclusively to: 1) appearing pro se or pro hac vice; or 2) appearing as the guardian of a party in interest. Attorneys who serve as in-house counsel are not exempt under this category. Attorneys claiming an exemption must include a certification that the preceding requirements have been met.
87. Attorneys employed full time by a Legal Services Organization, as described in R. 1:21-1(e), and by a Legal Aid Society are exempt.

88. Attorneys who certify that they have performed at least twenty-five (25) hours of pro bono services in the form of legal assistance to the poor, in conjunction with a R. 1:21-1(e) legal services organization, Legal Aid Society, the United States Bankruptcy Court Pro Bono Program, Domestic Violence Service Programs, the U.S. Immigration Court Pro Bono Program, the United States District Court Civil Pro Bono Program, or a county or regional pro bono program that has been approved by the Supreme Court, within the year next prior to the annual New Jersey Lawyers' Fund for Client Protection registration date, are exempt.

89. Attorneys who are members of the District Ethics Committees, Fee Arbitration Committee, Disciplinary Review Board, Disciplinary Oversight Committee, Trustees for the New Jersey Lawyers Fund for Client Protection, Supreme Court Committee on the Unauthorized Practice of Law, Supreme Court Committee on Attorney Advertising, Advisory Committee on Professional Ethics, Committee on Character and Advisory Committee on Judicial Conduct are exempt.

Any questions concerning the 2001 exemption categories should be directed to the office of the Assignment Judge of the attorney's county of primary practice. The phone number for that office is shown in the "For Questions Call" box found on the front of the 2001 Pro Bono Counsel Assignment Questionnaire. However, attorneys who do not reside or practice law in New Jersey can direct their questions to (609)984-1560. The Supreme Court very much appreciates the Bar's continued support of and cooperation with the Madden pro bono counsel assignment program.

Dated: February 26, 2001 \_\_\_\_\_ Richard J. Williams, J.A.D.  
Administrative Director of the Courts

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[Notices to the Bar](#)