

## NOTICE TO THE BAR

### **RETIRED ATTORNEYS – PERMISSION TO PROVIDE PRO BONO SERVICES; EXEMPTIONS FROM ANNUAL ASSESSMENT FEE AND CONTINUING LEGAL EDUCATION REQUIREMENTS**

The Supreme Court has adopted amendments to Rule 1:28-2 (“Payment to the Fund; Assessment”) and Board of Continuing Legal Education Regulation 202:1 (“Exemptions”) to codify that a retired attorney remains eligible to claim exemptions from the annual assessment fee and CLE requirements if the attorney’s only participation in any aspect of legal practice is as a volunteer for Legal Services of New Jersey (“LSNJ”) or for a certified organization under Rule 1:21-11(b), for which practice the attorney receives no remuneration. The Court’s December 10, 2020 Order is attached.

More than a decade ago, the Court authorized retired attorneys to provide pro bono services without paying the annual assessment fee on the recommendation of the Professional Responsibility Rules Committee, as announced in a [September 29, 2010](#) notice to the bar. A second notice issued on [March 4, 2014](#) reminded retired attorneys of the option to participate as pro bono volunteers without paying the annual fee. Retired attorneys, including those providing pro bono services, also are exempt from CLE requirements.

The Court’s action formally establishes that retired attorneys are permitted to participate as volunteers without jeopardizing their retired status. A retired attorney volunteer who seeks to claim those exemptions must complete and submit a required [form](#) to the Judiciary.

Questions on this notice may be directed to Supreme Court Clerk Heather Joy Baker at [SupremeCT.mbx@njcourts.gov](mailto:SupremeCT.mbx@njcourts.gov).

A handwritten signature in black ink, reading "Glenn A. Grant", is written over a horizontal line.

Hon. Glenn A. Grant, J.A.D.

Acting Administrative Director of the Courts

Dated: December 10, 2020

# **SUPREME COURT OF NEW JERSEY**

It is ORDERED that the attached amendments to Rule 1:28-2 of the Rules Governing the Courts of the State of New Jersey and Continuing Legal Education Regulation 202:1 are adopted to be effective immediately.

For the Court,



Chief Justice

Dated: December 10, 2020

## 1:28-2. Payment to the Fund; Enforcement

(a) ...no change

(b) Exceptions. The following categories of plenary license holders shall be exempt from payment to the Fund:

(1) ...no change

(2) ...no change

(3) ...no change

(4) Attorneys who have retired completely from the practice of law, but they shall be considered in all respects inactive New Jersey attorneys. An attorney who claims the exemption set forth in this subparagraph will retain the exemption if the attorney's only participation in any aspect of legal practice is as an attorney volunteer for Legal Services of New Jersey or for a certified organization under Rule 1:21-11(b), for which legal practice the attorney receives no remuneration. A retired attorney participating as a pro bono volunteer must complete and submit the required form to the Judiciary.

(c) ...no change.

Note: Source-R.R. 1:22A-2; amended July 17, 1975 to be effective September 8, 1975; amended January 31, 1984 to be effective February 15, 1984; amended June 29, 1990 to be effective September 4, 1990; redesignated paragraph (a) amended and paragraph (b) adopted July 14, 1992 to be effective September 1, 1992; paragraphs (a) and (b) amended February 8, 1993, to be effective immediately; paragraph (a) amended and new paragraph (c) added July 28, 2004 to be effective September 1, 2004; paragraph (a) amended July 23, 2010 to be effective September 1, 2010; subparagraph (b)(4) amended December 10, 2020 to be effective immediately.

Regulation 202:1. Exemptions.

(a) Consistent with the provisions of Rule 1:28-2(b), only attorneys who have been admitted to practice law in any State or the District of Columbia for fifty years or more, those who have reached age seventy-five regardless of length of tenure at the Bar, those on full-time active duty in the military, VISTA or Peace Corps, and those retired completely from the practice of law are exempted from the mandatory CLE requirement. An attorney who claims the exemption set forth in this paragraph will retain the exemption if the attorney's only participation in any aspect of legal practice is as an attorney volunteer for Legal Services of New Jersey or for a certified organization under Rule 1:21-11(b), for which legal practice the attorney receives no remuneration. A retired attorney participating as a pro bono volunteer must complete and submit the required form to the Judiciary.

(b) ...no change

[Source Note for All Continuing Legal Education Regulations]

Note: These regulations were approved by the Board on Continuing Legal Education on January 15, 2020, and by the Supreme Court of New Jersey on January 26, 2020; amendments to Regulations 103:1(a), 201:2, 201:6, 201:8, 202:1, and 401:4 were approved by the Board on March 28, 2011 and by the Supreme Court on July 21, 2011 to be effective immediately; amendments to Regulations 103:1(j) and (l), 201:4, 201:6, 201:8, 202:2, 202:3, 302:4, 302:10, 402:1, 402:2, and 402:3 were approved by the Board on September 28, 2012 and by the Supreme Court on October 23, 2012 to be effective November 9, 2012, and with the amendment to Regulation 201:8 to be applied retroactively; amendments to Regulation 103(k) and 201:1 were approved by the Supreme Court on October 20, 2020 to be effective January 1, 2021; Regulation 202:1 amended December 10, 2020 to be effective immediately.