

NOTICE TO THE BAR

MODIFICATION OF METHOD OF MAKING MADDEN PRO BONO ASSIGNMENTS TO ATTORNEYS TO REPRESENT PAROLEES IN PAROLE REVOCATION HEARINGS – STATEWIDE PILOT PROGRAM

The Supreme Court has approved a statewide pilot program modifying the method of making pro bono assignments related to parole revocation hearings pursuant to Madden v. Delran, 126 N.J. 591 (1992). Parole revocation hearings are proceedings before the State Parole Board to revoke the parole because of the individual’s alleged violation of a condition of parole. Pending the hearing, the parolee is held in custody. Attorneys are appointed under Madden to represent the parolee in the parole revocation hearing. The one-year statewide pilot will begin on January 1, 2021. This notice explains the changes to the process of assigning parole revocation matters to attorneys under Madden.

Attorneys at present are given Madden assignments to represent indigent defendants in parole revocation hearings based on the location of the jail or prison where the indigent defendant is being detained pending the revocation hearing. That creates a potential disadvantage for the defendant who is assigned representation by an attorney who works hundreds of miles away from the defendant’s home since the large majority of parole revocation hearings take place in Cumberland and Mercer Counties because of the prison locations. That has resulted in an inequitable number and percentage of Madden parole revocation assignments being made to attorneys in those two counties. The pilot seeks to correct that uneven distribution of assignments.

The Supreme Court has authorized a one-year statewide test in which the Madden assignment of attorneys in these cases will be made based on the county in which the underlying offense occurred (“county of commitment”), rather than the

county in which the parolee is being detained pending the revocation hearing. All parole revocation hearings at present are being conducted by the Parole Board remotely using teleconference or video conferencing. Attorneys may participate in the remote Parole Board hearings from the courthouse in the county of commitment (where available), the Parole Board's local district office, or the Parole Board's central office in Trenton.

Information about the Judiciary's pro bono program may be found at <https://www.njcourts.gov/notices/2010/n101008a.pdf>. The Judiciary's website includes training materials related to the authorized categories of Madden assignments, including domestic violence contempts, parole revocations, and municipal court appeals. Attorneys may contact the pro bono program by email at probono.mailbox@njcourts.gov.

Questions regarding this notice may be directed to Superior Court Clerk Michelle Smith by phone at (609) 815-2900 ext. 54200 or by email at michelle.smith@njcourts.gov.


Hon. Glenn A. Grant, J.A.D.
Acting Administrative Director
of the Courts

Dated: December 23, 2020