

NOTICE TO THE BAR

GUARDIANSHIPS OF INCAPACITATED ADULTS – EXEMPTION FROM MADDEN REQUIREMENTS FOR ATTORNEYS WHO PROVIDE PRO BONO SERVICES IN ADULT GUARDIANSHIP MATTERS; RELAXATION OF RULE 1:21-12

The Supreme Court will allow New Jersey attorneys who provide at least 25 hours of services in adult guardianship matters to claim an exemption from the Madden v. Delran, 126 N.J. 591 (1992) pro bono requirement for the subsequent year. The Madden exemption is available to attorneys who are appointed by the court to serve as (i) attorney for an alleged incapacitated person; (ii) Guardian Ad Litem in a guardianship matter; (iii) temporary pendente lite guardian; (iv) permanent guardian of an adjudicated incapacitated person; or (v) special medical guardian. The Court's March 1, 2021 Order is attached.

The Court's establishment of a Madden exemption for attorneys who provide pro bono assistance in adult guardianship matters reflects recognition of the importance of this work and the substantial time commitment of the existing limited pool of attorneys with expertise to handle these matters. The hope is that the availability of a Madden exemption also will encourage more attorneys to take on these important assignments, which involve the most vulnerable members of our communities.

An attorney who seeks to claim an exemption from Madden requirements based on pro bono services in adult guardianship matters must submit a [certification](#) to the Court via the Judiciary's pro bono unit.

Questions about this notice may be directed to Assistant Director for Civil Practice Taironda E. Phoenix at (609) 815-2900 x54900 or Superior Court Clerk Michelle M. Smith at (609) 815-2900 x54200.



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

Dated: March 4, 2021

SUPREME COURT OF NEW JERSEY

IT IS ORDERED, pursuant to N.J. Const. (1947), Art. VI, sec. 2, par. 3, that effective immediately and until further order, the provisions of Rule 1:21-12 (“Madden-Exemption Based on Volunteer Qualifying Pro Bono Service”) of the Rules Governing the Courts of the State of New Jersey are supplemented and relaxed so as to permit attorneys who provide at least 25 hours of pro bono legal representation or other services in adult guardianship matters during the course of one year, to request an exemption from court-appointed pro bono service under Madden v. Delran, 126 N.J. 591 (1992) for the following year.

An attorney shall be entitled to request an exemption from other court-appointed pro bono service if they are appointed by the court on a pro bono basis to serve in any of the following roles: (i) attorney for an alleged incapacitated person; (ii) Guardian Ad Litem in a guardianship matter; (iii) temporary pendente lite guardian for an alleged incapacitated person, pending adjudication of the guardianship matter; (iv) permanent guardian of an adjudicated incapacitated person; or (v) special medical guardian.

The provisions of this order shall remain in effect pending adoption of conforming rule amendments.

For the Court,

A handwritten signature in blue ink, appearing to read "Stuart Palmer".

Chief Justice

Dated: March 1, 2021