

NOTICE TO THE BAR

ASSIGNMENT OF PRO BONO COUNSEL PURSUANT TO MADDEN V. DELRAN - UPDATE ON THE RECOMMENDATIONS OF THE JUDICIARY WORKING GROUP ON ATTORNEY PRO BONO ASSIGNMENTS; NEW APPLICATION FOR APPOINTMENT OF MADDEN COUNSEL

This notice provides an update on the Supreme Court's consideration of the Report of the Judiciary Working Group on Attorney Pro Bono Assignments.

Background

In 2022, the Administrative Director of the Courts established the Working Group to take a fresh look at the longstanding approach to fulfillment of the professional responsibilities recognized by the Supreme Court in Madden v. Delran, 126 N.J. 591 (1992). As requested, the broad-based Working Group examined various issues associated with attorney representation of indigent defendants without pay where the Legislature has made no provision for the Public Defender to represent defendants who are entitled to counsel.

The Working Group's report and recommendations were published for public comment by [May 8, 2023](#) notice to the bar. Six comments were submitted in response to the notice.

Recent Developments and Pending Proposals

On September 12, 2023, then Acting Governor Way signed S3772 into law as L. 2023, c. 157, establishing a unit within the Office of the Public Defender to provide legal representation for any person on parole who is charged with a violation of that parole or who is under consideration for revocation of parole.

This new law resolved certain key issues highlighted in the Working Group's report. Further, other bills currently pending before the Legislature would allocate to the Office of the Public Defender responsibility to handle domestic violence contempt matters, which would address many of the other recommendations offered by the Working Group.

Limited Areas for Supreme Court Consideration

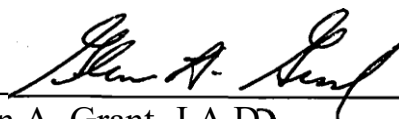
In light of these enacted and potential changes to the types and volume of cases handled by the Office of the Public Defender, as contrasted to those cases potentially requiring court assignment of Madden counsel, the Court has considered only certain portions of the Working Group's report and recommendations. This notice provides an update on those areas, as follows:

- The current county-based system of pro bono assignments will continue and will not be replaced by a regional or statewide model for assignment of Madden counsel;
- The Judiciary will continue to refine data collection practices and statistical analysis regarding Madden assignments;
- The Judiciary will continue to explore future enhancements to the Attorney Online Registration System so as to collect information that could be used to improve pro bono appointments; and
- In collaboration with stakeholders, the Judiciary will continue to update and improve resources for attorneys appointed to provide pro bono Madden representation to indigent defendants.

New Statewide Application for Appointment of Madden Counsel

To support consistency, this notice promulgates the attached form to be used by defendants in applying for the appointment of Madden pro bono counsel. In addition to the form, applicants seeking pro bono counsel also will receive up-to-date information regarding the types of cases in which such appointments may be available.

Questions regarding this notice should be directed to Superior Court Clerk Michelle M. Smith at (609) 815-2900 ext. 54200.



Glenn A. Grant, J.A.D.

Acting Administrative Director of the Courts

Dated: April 16, 2024