

**ADMINISTRATIVE OFFICE OF THE COURTS
STATE OF NEW JERSEY**

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OF THE COURTS



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MEMORANDUM TO: Members of the Bar
FROM: Glenn A. Grant, J.A.D.
SUBJECT: Madden v. Delran, 126 N.J. 591 (1992), Pro Bono Counsel Assignments – 2010 Revised Exemption Categories
DATE: March 23, 2010

This memorandum is to assist members of the Bar in complying with the requirements of the Judiciary's pro bono counsel assignment program and in completing the enclosed 2010 Pro Bono Counsel Assignment Questionnaire.

Set forth below is the list of exemption categories approved for use during 2010. **Please note that these exemption categories exempt attorneys from receiving pro bono assignments, but not from payment of the annual fee.** The language of some of the exemption categories has changed from last year in order to clarify their meaning. Please carefully review the language of an exemption category before taking that exemption, particularly the language of exemption codes 86 and 90, which have been extensively revised.

Further information about the mandatory pro bono program may be found at our website: www.njcourts.com/cpf/index.htm. If you have any additional questions, please call the telephone number preprinted in the "Pro Bono Questions?" box on the front of the 2010 Pro Bono Counsel Assignment Questionnaire. If no number is listed, you may direct questions to 609-984-1560.

The Supreme Court very much appreciates the Bar's continued support of and cooperation with the pro bono counsel assignment program.

Change of Exemption Status

If, after submitting the 2010 Pro Bono Counsel Assignment Questionnaire, your exemption status changes, you must immediately notify the Supreme Court. If you registered on-line, you must immediately make the change through the Attorney Online Registration and Payment Center at www.njcourts.com/cpf/index.htm. If, however, you registered through the traditional paper form, you must immediately write to the office of the Assignment Judge of your assignment county (as indicated on the front of the Pro Bono Counsel Assignment Questionnaire) regarding the change of status. If "out of state" is indicated as your assignment county, the request for a change in exemption status should be forwarded, in writing, to the Municipal Court Services Division, Administrative Office of the Courts, P.O. Box 986, Trenton, N.J. 08625.

Special Instructions to Attorneys who Practice Law on a Per Diem Basis or through a Temporary Employment Agency

The Supreme Court has determined that attorneys who practice law in New Jersey on a per diem basis or through a temporary employment agency are not eligible to claim an exemption from pro bono assignments.

The Court has further determined that these attorneys are eligible to receive assignments only during the time that they are practicing law. Therefore, if an attorney receives an assignment when not actively practicing law, the attorney must immediately contact the office of the Assignment Judge of the assignment county.

2010 Pro Bono Exemption Categories

Attorneys claiming an exemption must complete the certification on the Pro Bono Questionnaire stating that the specific requirements for exemption have been met.

81. Attorneys who work full time for any local, county, State or Federal agency or authority and who, by statute, rule, administrative directive, Executive Order, published Ethics Code or Opinion, are prohibited from the private practice of law, are exempt.
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/Domestic Violence 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 working in the Office of Counsel to the Governor, the Attorney General and Deputy Attorney Generals, the Public Defender and Deputy Public Defenders, full-time Municipal Public Defenders, the Public Advocate and Deputy Public Advocates are exempt. **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 but not limited to, 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 not currently practicing law, including those who are completely retired, are exempt. Attorneys are considered not practicing law or retired if the following applies since January 2010: the attorney's employment is not related to the practice of law, the attorney does not have to be an attorney to hold his or her position, the attorney does not review legal documents, the attorney does not render legal assistance or advice on the law, the attorney does not teach law, and the attorney does not serve in the judiciary in any capacity, in any jurisdiction.

Attorneys who are ineligible to practice law in New Jersey under statute, Rule of Court or court order are also exempt. An attorney who appears pro se or pro hac vice or as the guardian of a party in interest may still claim this exemption if those are the only legal services performed in New Jersey. Attorneys who serve as in-house counsel in New Jersey are **not** exempt under this category.

87. Attorneys employed full time by a Legal Assistance Organization, as described in R. 1:21-1(e), or 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 New Jersey in the form of legal assistance to the poor in the year prior to the registration date, in conjunction with a R. 1:21-1(e) Legal Assistance Organization, Legal Aid Society or a Supreme Court approved program are exempt. A list of Supreme Court approved programs may be found at www.njcourts.com/cpf/index.htm. Additionally, attorneys who satisfy the same twenty-five (25) hour requirement by serving as a court-appointed attorney-trustee pursuant to R. 1:20-19 or who volunteer to handle Termination of Parental Rights Appeals as compensated Public Defender Pool Attorneys are also exempt under this category.
89. Attorneys who are members of a District Ethics Committee, a Fee Arbitration Committee, the Disciplinary Review Board, the Disciplinary Oversight Committee, the Board of Trustees for the New Jersey Lawyers Fund for Client Protection, the Supreme Court Committee on the Unauthorized Practice of Law, the Supreme Court Committee on Attorney Advertising, the Advisory Committee on Professional Ethics, the Committee on Character or the Advisory Committee on Judicial Conduct are exempt.
90. Attorneys who practice law out-of-state and do not practice in New Jersey are exempt. **Attorneys claiming this exemption must certify that they will not practice law in New Jersey during 2010.** An attorney who appears pro se or pro hac vice or as the guardian of a party in interest may still claim this exemption if those are the only legal services performed in New Jersey.
91. Attorneys who serve as part-time Municipal Prosecutors are exempt from all criminal and quasi-criminal pro bono cases. However, they **may** still be assigned civil pro bono cases.

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