



Exemption from Court-Appointed Mandatory Pro Bono Assignments In New Jersey Through Pro Bono Partnership

What is the Mandatory Pro Bono Requirement in New Jersey?

Assignment judges in New Jersey have the authority to assign pro bono cases to counsel who primarily practice in that county. The assigned cases tend to be family law matters, such as termination of parental rights, or motor vehicle violations, such as DWI cases. However, some assigned cases are more involved civil or criminal matters. The authority of assignment judges to assign pro bono cases was challenged in Madden v. Delran, 126 NJ 591 (1992), but the New Jersey Supreme Court determined that such assignments are appropriate. The Madden case is the source of the “mandatory pro bono” requirement in New Jersey.

Note: Attorneys who serve as in-house counsel in New Jersey are not exempt if they have a plenary license.

How Does An Attorney Qualify for Exemption from a Court-Appointed Mandatory Assignment?

Annually the New Jersey Supreme Court issues a determination of the exemption categories, and defines those exemptions by code number. Among other specified exemptions, Code #88 provides an exemption for attorneys who certify on the Annual Attorney Registration Statement form “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 conjunction with [certain] legal services organizations...or a...pro bono program that has been approved by the Supreme Court”. Pro Bono Partnership is the only such program especially designed for in-house counsel that has been approved by the New Jersey Supreme Court.

How Does Participation in the Pro Bono Partnership’s Program Qualify an Attorney for the Exemption?

When a New Jersey licensed attorney provides 25 or more hours of volunteer service in New Jersey for one of Pro Bono Partnership’s clients in a single calendar year, the following year the attorney will be able to certify on the Annual Attorney Registration Statement form that he or she is “exempt” from court-appointed mandatory pro bono assignments. The Registration Statement form is typically mailed in March or April. In order for the volunteer assignment to count towards the 25 hours, the pro bono client must be an organization that serves the poor, the needy, or the disadvantaged. The majority of Pro Bono Partnership’s clients fall into this category.