NOTICE TO THE BAR

LANDLORD/TENANT – EXEMPTION FROM MADDEN REQUIREMENTS FOR ATTORNEYS PROVIDING PRO BONO REPRESENTATION IN RESIDENTIAL EVICTION ACTIONS; RELAXATION OF RULE 1:21-12

The Supreme Court will allow New Jersey attorneys who provide at least 25 hours of pro bono legal assistance to certain litigants in landlord/tenant 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 limited to attorneys providing services to residential tenants and/or to residential landlords (individuals, sole proprietors or general partners (Rules 1:21-1(c) and 6:10)) who have been determined to meet the criteria for legal representation by a qualifying pro bono organization pursuant to Rule 1:21-11. The Court's October 20, 2020 Order is attached.

The Court's action will support greater equity in eviction proceedings that directly affect the housing stability of many New Jersey residents. It thus advances one of the objectives highlighted in the Court's July 16, 2020 Action Plan for Ensuring Equal Justice. Providing a Madden exemption will work in tandem with earlier steps to improve landlord/tenant case processing, including revisions to statewide forms and various procedures intended to address eviction actions during the ongoing COVID-19 pandemic.

Supporting legal representation in residential landlord/tenant cases will facilitate more equitable case processes, which improvements inure to the benefit of all parties. Increased representation also will help the Judiciary to effectively and fairly handle the large number of eviction cases that are anticipated when the ongoing eviction moratorium established by Executive Order 106 concludes. Beyond those immediate COVID-19 related benefits, a Madden exemption also will support more balanced landlord/tenant processes going forward.

Additional details on the Madden exemption for attorneys providing pro bono representation in landlord/tenant cases, including training materials for attorneys, will be provided in the future.

Questions on this notice may be directed to Assistant Director for Civil Practice Taironda E. Phoenix at (609) 815-2900 x 54900 or Superior Court Clerk Michelle M. Smith at (609) 815-2900 x54200.

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

Dated: October 20, 2020

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 to residential tenants and/or to residential landlords (individuals, sole proprietors or general partners (Rules 1:21-1(c) and 6:10)) who have been determined to meet the criteria for legal representation by a qualifying pro bono organization pursuant to Rule 1:21-11, to request an exemption from court-appointed pro bono service under Madden v. Delran, 126 N.J. 591 (1992) for the following year, subject to protocols to be promulgated by the Administrative Director of the Courts.

For the Court,

Chief Justice

Dated: October 20, 2020