



RESOLUTION

WHEREAS, a committee of the New Jersey Supreme Court is considering recommending to the Court that all candidates for admission to the Bar of the State complete a minimum of fifty (50) hours of *pro bono* legal services or other public service as a prerequisite to the practice of law in this State; and

WHEREAS, the New Jersey State Bar Association is the largest organization of attorneys in New Jersey, and its mission is, in part, to *promote access to the justice system and fairness in its administration and encourage participation in voluntary pro-bono activities and to provide educational opportunities to New Jersey attorneys to enhance the quality of legal services and the practice of law*; and

WHEREAS, the New Jersey State Bar Association produces programs and opportunities for the lawyers of this State to provide *pro bono* services to citizens, such as the Hurricane Sandy Response Program, Wills for Heroes, and the Military Legal Assistance Program; and

WHEREAS, the New Jersey Supreme Court has imposed a requirement of mandatory *pro bono* upon all members of the Bar, a requirement that does not exist in any other state, including New York; and

WHEREAS, all citizens to whom *pro bono* services are provided deserve representation by knowledgeable, experienced and educated attorneys; and

WHEREAS, the existing New Jersey requirement for *pro bono* service (the "Madden" requirement) ensures that *pro bono* services are provided by only licensed, practicing attorneys; and

WHEREAS, the recipient of legal services provided by an inexperienced bar candidate poses potential irreparable harm to the recipient and the public in general;

WHEREAS, law school education is rigorous, costly, and time consuming. Further, law students who have not yet completed their education do not have the skills and experience of the licensed attorneys of this State;

WHEREAS, the three New Jersey law schools currently provide many clinical and public service programs as do law schools throughout the county, which programs satisfy the purported goals to the committee proposal to give "real life" experience to students and to instill a sense of duty to provide *pro bono* service during their careers;

WHEREAS, a significant number of law school graduates choose a career of public service as Assistant Attorneys General, Assistant County Prosecutors, Public Defenders, and Legal

Service Attorneys, and there is no distinction in the committee proposal between such graduates and those who choose private practice;

WHEREAS, the imposition of this additional time commitment will disproportionately affect low income, older and/or "second career" individuals because fulfilling the pro bono requirement will likely involve time away from work and/ or conflict with otherwise gainful employment;

WHEREAS, there has been no evidence or data produced to demonstrate that mandatory pre-admission *pro bono* service would assist in the delivery of legal services to the citizens of this State; and

NOW THEREFORE BE IT RESOLVED, the New Jersey State Bar Association finds the proposal for mandatory *pro bono* service by individuals who have not yet been admitted to the Bar be unnecessary, unworkable and an affront to consumers who expect experienced practitioners to provide legal services. The New Jersey State Bar association, therefore, urges the New Jersey Supreme Court that the Court reject the proposal and recognize and appreciate the extraordinary *pro bono* service provided by the Bar and to work in conjunction with the New Jersey State Bar Association to identify any need for additional programs or services to assure the prompt and effective delivery of legal services to all citizens of the State.

IT IS FURTHER RESOLVED, that a true copy of this Resolution be served upon the Working Committee, the New Jersey Supreme Court, the Administrative Office of the Courts, all County Bar Associations, and all Specialty Bar Associations, this 15th day of February, 2013.