

NOTICE TO THE BAR

FILING PRACTICES FOR SUBSTITUTIONS OF ATTORNEY AND NOTICES OF APPEARANCE – RULE RELAXATION

The Supreme Court by Order dated February 8, 2018, has supplemented and relaxed Rule 1:11-2 (“Withdrawal or Substitution”) to clarify that a matter filed and pending with the court belongs to the law firm, law practice, professional corporation, non-profit or government entity engaged in the practice of law. The Court in that order provides further clarification of those instances requiring the filing of a substitution of attorney and those requiring the filing of a notice of appearance. A copy of the Court’s order is published with this notice.

Specifically, in accordance with the Court’s order, a substitution of attorney must be filed (1) where an attorney’s law practice or law firm dissolves; (2) where an attorney’s law practice or law firm merges with another law firm; (3) where an attorney is disbarred from practice, resulting in the dissolution or merger of that law practice or law firm; (4) where an attorney leaves a law firm and a client of that law firm seeks to remain with that attorney; or (5) where a law firm seeks to transfer a matter to another law firm. Each substitution of attorney submitted for filing must be accompanied by the \$35 substitution of attorney filing fee.

Additionally, the Court addressed Rule 1:11-3 (“Termination of Responsibility in Trial Court; Responsibility on Appeal”) so as (a) to provide clarification that a letter of termination is not required once the time for appeal has expired; the case management system will continue to reflect the last attorney to appear in the case; and (b) to relax and supplement the Rule to reaffirm the requirement that after the expiration of time for appeal, a newly retained law firm, law practice or attorney seeking to represent a party must file a notice of appearance with the trial court; each notice of appearance submitted for filing must be accompanied by the \$50 notice of appearance filing fee (\$30 filing fee for Special Civil Part cases).

Further, the following filing requirements as detailed in the October 13, 2016 notice to the bar remain unchanged:

Bulk Substitutions of Attorney for 100 or more matters:

Where a law practice, law firm or an attorney seeks to file a substitution of attorney for more than 100 matters at one time, those substitutions of attorney must be filed with the Superior Court Clerk's Office. The Superior Court Clerk's Office will provide the firm or attorney with standard forms and instructions on how to complete the bulk substitution. Such bulk process does not change the \$35 filing fee requirement for each case in which the attorney or firm is substituting.

Attorney Correspondence Required for Firm Name Change:

Where a law practice or firm seeks simply to change its name, the Clerk of the Superior Court must be notified in writing by an attorney in the firm that a name change is required. Substitutions of attorney are not required to be filed for such firm name changes. Firms must comply with all of the requirements necessary to effectuate the name change throughout the Judiciary's electronic systems and databases. The firm requesting the name change will be responsible for the nominal cost of any programming necessary to complete the name change.

Procedure Where Substitution of Attorney Cannot Be Obtained

Where the substituting attorney is unable to obtain the required document transferring the case to him or her for representation, the filing of a notice of appearance

is sufficient to change the attorney of record with the court. The attorney is required to pay the necessary notice of appearance filing fee of \$50 (\$30 filing fee for Special Civil Part cases).

Questions regarding this notice may be directed to Michelle M. Smith, Clerk of the Superior Court, by email at michelle.smith@njcourts.gov or by telephone at 609-815-2900 ext. 54200.



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

Dated: February 15, 2018

SUPREME COURT OF NEW JERSEY

Pursuant to N.J. Const. Art. VI., sec. 2 par. 3, it is ORDERED that the provisions of Rule 1:11-2 (“Withdrawal or Substitution”) of the Rule Governing the Courts of the State of New Jersey are supplemented and relaxed so as to clarify that a matter filed and pending with the court belongs to the law firm, law practice and professional corporation, non-profit or government entity engaged in the practice of law.

It is FURTHER ORDERED that the filing of a substitution of attorney is required where (1) an attorney’s law practice or law firm dissolves; (2) an attorney’s law practice or law firm merges with another law firm; (3) an attorney is disbarred from practice, resulting in the dissolution or merger of that law practice or law firm; (4) an attorney leaves a law firm and a client of that law firm seeks to remain with that attorney; or (5) a law firm seeks to transfer a matter to another law firm.

It is FURTHER ORDERED that the provisions of Rule 1:11-3 (“Termination of Responsibility in Trial Court; Responsibility on Appeal”) are relaxed and supplemented so as to require a newly retained law firm or attorney of record to file a Notice of Appearance with the trial court after the time for appeal from final judgment has expired or an order is entered therein. Where the prior law firm or attorney of record continues to represent the client after the expiration of the time for appeal, a notice of appearance will not be required.

The provisions of this order are effective immediately and until the adoption of conforming rule amendments.

For the Court,



Chief Justice

Dated: February 8, 2018