



State of New Jersey
OFFICE OF THE PUBLIC DEFENDER

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Governor
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Office of the Public Defender
Pool Attorney Guidelines and Application Process

February 2024

Attorneys who are licensed in good standing with the New Jersey Board of Bar Examiners and are interested in becoming pool attorneys with the New Jersey Office of the Public Defender (OPD) should send the Regional Deputy Public Defender or Managing Attorney of their choice the following items:

1. Letter of Interest
2. Resume
3. Signed copy of the OPD Pool Attorney Guidelines (p. 16)
4. Completed Contact Information Sheet (p.17)
5. Certificate of Good Standing
<https://www.njbarexams.org/certificate-of-good-standing-form>
6. Certificate of Ethical Conduct
[Attorney Ethics and Discipline | NJ Courts](#)
7. Entire Completed Vendor Compliance Package

The Deputy Public Defender or Managing Attorney should schedule an conduct and interview with the Pool Attorney applicant.

If the Pool Attorney applicant is acceptable, the Deputy/Managing Attorney should then forward the Pool Attorney Application, along with all accompanying documents listed above, to P.D. Management with a letter (or e-mail) of recommendation to the attention of Sepideh Ghorbani at: Sepideh.Ghorbani@opd.nj.gov

Once the Pool Application has been approved by P.D. Management for addition to the OPD's Pool List, the attorney's Vendor Contract Compliance documents will be forwarded to Sepideh Ghorbani of the Professional Services Vendor Support Unit for review and certification.

The contact information for the Office of the Public Defender is as follows:

Practice Area	Office	Contact
Criminal/Trial	See " Regional Offices " section on OPD website	Deputy Public Defender
Criminal/Juvenile Appellate	Office of the Public Defender, Appellate Section 31 Clinton St. Post Office Box 46003 Newark, NJ 07101 Tel: (973) 877-1200 Fax: (973) 877-1239	Jodi Ferguson Assistant Deputy Public Defender
Conviction Integrity	Office of the Public Defender – Conviction Integrity Unit (formerly Post Conviction Relief Unit) 31 Clinton Street, PO Box 46003 Newark, NJ 07101 Tel: (973) 877-1200 Fax: (973) 877-1239	Kathryn Marron Deputy Public Defender

Practice Area	Office	Contact
Representation of Children in Title 9 and Title 30 cases	See " Office of Law Guardian " section on OPD website for Office of Law Guardian offices Office of Law Guardian, Appellate Section 840 Bear Tavern Road, Suite 200 Ewing, NJ 08628 Tel: (609) 530-3623 Fax: (609) 530-7885	Managing Attorney Alexis Pollock Deputy Public Defender (Appellate)
Representation of Parents in Title 9 and Title 30 matters	See " Office of Parental Representation " section on OPD website for Office of Parental Representation offices Office of Parental Representation, Appellate Section 31 Clinton St. Post Office Box 46003 Newark, NJ 07101 Tel: (973) 877-1265 Fax: (973) 273-0132	Managing Attorney Richard Foster Deputy Public Defender (Appellate)
Megan's Law	Office of the Public Defender – Special Hearings Unit 25 Market Street - P.O. Box 850 Trenton, New Jersey 08625-0850 Tel: (609) 292-7677 Fax: (609) 292-7689	Fletcher Duddy Chief Counsel

Mental Health	Office of Mental Health Advocacy "Mental Health Advocacy" 25 Market Street – P.O. Box 850 Trenton, New Jersey 08625-0850 Tel: (609) 292-1750 Fax: (609) 984-3396	Carl J. Herman, Director
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Miscellaneous:

- Attorneys who are interested in representing clients in the areas of Appellate and/or Conviction Integrity Relief (formerly Post-Conviction Relief) must provide a writing sample with their application and must also sign an additional Designated Counsel Contract which will be provided by the Appellate Section or Conviction Integrity Unit.
- The Office of Law Guardian (OLG) and the Office of Parental Representation (OPR) each require mandatory training on their respective case types before cases from their offices can be pooled to newly approved pool attorneys.
- Pool attorneys shall not simultaneously represent both OLG and OPR clients in the same vicinage.

The Regional Deputy Public Defender or Managing Attorney will submit all applications for pool attorney assignments to the Office of the Public Defender Headquarters Management for final approval.

New Jersey Office of the Public Defender Pool Attorney Guidelines (08-2023)

Effective July 2012, all New Jersey Office of the Public Defender (OPD) pool attorneys must adhere to the following guidelines.

I. Requirement to Provide High Quality Representation

- A. Pursuant to the Rules of Professional Conduct and our clients' constitutional right to counsel, pool attorneys must provide clients with effective legal representation, act with diligence and promptness in their representation, keep clients informed about the status of a matter, and promptly comply with their clients' reasonable requests for information.
- B. OPD assignments are made to the individual pool attorney and not to a law firm or multiple associates. The pool attorney may not assign or delegate any portion of the legal work to other attorneys without prior written approval from an Assistant Public Defender. In the event of a scheduling conflict due to sickness, vacation, or some other emergency, express approval for reassignment must be received in writing from the Regional Deputy Public Defender or Managing Attorney.
- C. Pool attorneys must make every effort to visit those clients who are in jail at the very earliest opportunity. Pool attorneys must meet with all OPD clients within 3-5 business days after they receive a case file. Pool attorneys must also meet or speak with their clients regularly to discuss their cases and give them updated information on the status of their cases. OLG Pool Attorneys must make every effort to visit with their clients as soon as possible and as often as possible during the litigation. OPR Pool Attorneys must make every effort to meet with their clients as soon as possible and make every effort to maintain regular contact with their clients.
- D. Pool attorneys should make arrangements to use the video link available in OPD regional offices to have video conferences with clients who are in State Prison. This makes it unnecessary to travel to the State prison for every meeting with clients.
- E. Attorneys must be physically present in the courtroom with their clients and may not advocate for their clients via telephone or speakerphone except with express permission from the Regional Deputy.
- F. Pool attorneys assigned to represent children in child welfare cases (Title 9 and Title 30 cases) and juveniles charged with acts of delinquency must meet and regularly communicate with their clients in a developmentally appropriate manner and must maintain a normal attorney-client relationship to the extent feasible.

II. Practice of Law

- A. All pool attorneys must be admitted to the practice of law in the State of New Jersey.
- B. All pool attorneys admitted to practice law in the State of New Jersey must be in good standing.
- C. All pool attorneys must abide by the Rules concerning the practice of law as set forth by the Rules Governing the Courts of the State of New Jersey and the Rules of Professional Conduct as set forth by the Office of Attorney Ethics and the New Jersey Supreme Court.
- D. All pool attorneys must have a current resume on file with the Office of the Public Defender's Headquarters Office and with the regional offices for which they perform pool work.
- E. All pool attorneys accepting Title 9 or Title 30 Division of Child Protection and Permanency (DCP&P) parental representation cases must accept training from the OPD as required by statute. All Parental Representation pool attorneys must complete an OPR-specific orientation prior to accepting any new cases. All Pool Attorneys accepting Title 9 or Title 30 Division of Child Protection and Permanency (DCP&P) Law Guardian cases must accept training from the OPD as required by statute. All OLG Pool Attorneys must complete an OLG-specific orientation prior to accepting any new cases. **Please note that, in order to remain in good standing on the OPR/OLG pool attorney lists, a pool attorney must attend at least one OPR/OLG training session per year. Failure to do so may result in your removal from the OPR/OLG pool attorney lists.**
- F. All pool attorneys must notify the Ethics Liaison Officer of the OPD in writing immediately upon becoming aware of any arrest, formal complaint, or ethics grievance filed against them in any jurisdiction in which they are licensed.
- G. All pool attorneys representing OPD clients are strictly prohibited from representing the same client privately in the assigned case, or any other matters during the pendency of the assigned case. Failure to abide by this directive may result in removal from the OPD pool attorney list.

III. Vendor Contract Compliance Package

- A. For payments to be issued by the State of New Jersey for services rendered to the OPD, each attorney must complete and submit a series of vendor contract compliance documents in addition to registering as a vendor with the Department of the Treasury's NJSTART. These forms are initially required to be submitted on, or before, acceptance of an application to become a pool attorney and are subsequently required to be resubmitted prior to the expiration of the OPD's 3-year contract compliance period. The Vendor Contract Compliance requirements can be found on the OPD

website at: <http://www.state.nj.us/defender/> under the heading of Vendor Contract Compliance or directly at the following link:
<http://www.state.nj.us/defender/vendor/index.shtml>

It should be noted that NJSTART vendor registration is only required once. If you are currently registered as a vendor in NJSTART, and an address change occurs, you must log on to your NJSTART account to update the "General Address" and the "Remit Address". If assistance is needed with NJSTART, the NJSTART Help Desk is available from 8:30AM – 4:30PM, Monday-Friday (except holidays), at: (609) 341-3500. The OPD does not have the authority to update your NJSTART account information.

- B. All pool attorneys, who have their earnings sent to a firm's bank account for Public Defender cases, must submit the following items within fifteen working days of separation from the firm:
1. Pool attorney billable hours, for work rendered up to and including their last day, must be entered in PATS and invoiced to the OPD accordingly.
 2. Pool attorneys must notify each Regional Office that has assigned them cases as to this change, and must submit a new vendor contract compliance package along with a new Pool Attorney Application.

IV. Billable Rates

The only fees that a pool attorney may receive for Public Defender cases are the hourly fees that this Office pays. A pool attorney may not charge clients a retainer fee or any other fee for his or her services. A pool attorney shall not accept or solicit funds from the client's family or friends for any legal work; nor shall the pool attorney accept funds in order to purchase any item for the client.

The rates for billable work are as follows:

Regional Cases:

In-Court	\$100 per hour
Out-of-Court	\$100 per
hour Full Day (per diem)	\$300 per day

Appellate Cases

In-Court	\$100 per hour
Out-of-Court	\$100 per hour

In-court time refers to the time an attorney is on record in the courtroom representing his or her client or before a judge in chambers discussing a particular case.

When requesting discovery, or filing court documents, pool attorneys must clarify that they are Public Defender pool counsel and entitled to Public Defender rates.

For example, Public Defender pool attorneys are entitled to a waiver of any court filing fees and entitled to the Public Defender rates for discovery, including discovery from prosecutors and reports from treating hospitals and doctors.

V. **Billable Hours**

- A. Pool attorneys must exercise great care to submit invoices that accurately reflect the date and the number of hours of services rendered in each case. Pool attorneys should record their hours accurately on-line on PATS (Pool Attorney Timekeeping System) within 30 days of the action.
- B. The OPD's IT Unit will e-mail the pool attorney an authorization code to needed to access PATS through the pool attorney's MyNewJersey account. Instructions to establish a MyNewJersey account and the PATS on-line User Guide can be found at the following link: <https://www.state.nj.us/defender/documents/PATS%20Setup%20and%20Manual%202011-2018.pdf>
- C. Pool attorneys requiring assistance with PATS must contact Sepideh Ghorbani at: sepideh.ghorbani@opd.nj.gov.
- D. The OPD will evaluate cases and require detailed justification for all hours. Both hours worked and the ratio of in-court to out-of-court time should be reasonable and will be scrutinized according to case type and disposition.
- E. Pool attorneys must bill to the day that they actually did the work and not bill all hours on the date that the court rendered a decision on the case. Invoices must clearly provide the date and year when legal services were rendered and not simply indicate a range of dates.
- F. In-court and out-of-court hours must be clearly delineated. **Pool attorneys may only bill up to 9 hours of billable time on any given day.** In-court time is defined as time spent on the record or in chambers.
- G. Billing time must accurately reflect work performed for each client in fractions of tenths of an hour worked, e.g., .1 = 6 minutes, .2 =12 minutes, etc.

H. Work performed on behalf of the OPD should not routinely exceed the following time limits. (Note: These times merely provide guidance, and attorneys must bill accurately to the actual time spent on any service provided.)

- | | |
|---|-----------------------------|
| 1. Telephone calls: | 0.1 (Out-of-Court) per call |
| 2. Review of Orders and letters: | 0.1 (Out-of-Court) per item |
| 3. Pre-trial conferences, arraignments, calendar calls, sentences, review hearings, summary hearings, and other routine hearings: | .25 to .5 (In-Court time) |
| 4. Trial court day: | 6.0 (In-Court time) |

Any additional time in excess of the time periods indicated above must be supported with a detailed justification in the “Other” box of the PATS time sheet detail or in a separate justification document accompanying the time sheet and invoice.

I. When clients with an open case receive a new criminal charge, the Regional Office will open a new case file with a separate RO (Regional Office) number, and pool attorneys must prorate their hours between the separate case files to reflect accurately the time provided on the consolidated case. For example, if an attorney spends 4 hours in court on a consolidated case, the **total hours** billed between the two cases must be 4 hours and not 8. A pool attorney should consolidate time and billing records for multiple ROs on a single client.

J. Before a pool attorney begins to represent a client in a criminal trial or juvenile case, Special Hearing Unit case, or OPR case, the attorney must ensure that a Uniform Intake Defendant Form (5A form) has been approved for that client, and the case is assigned to him or her. The pool attorney shall inform the client about Flat Fee Billing. The Flat Fee Billing policy can be found on the OPD website at the following link: <http://www.state.nj.us/defender/documents/Notice%20of%20Adoption.pdf>. Pool attorneys cannot bill for a case before the date that they formally receive the case, nor can they bill for time spent on a case after the case is already closed.

K. Billing associated with opening a file shall reflect the actual time spent up to a maximum of .5 hour. Billing associated with closing a file shall reflect the actual time spent up to a maximum of 1 hour.

L. Pool attorneys in OLG or OPR cases must clearly indicate on their time sheets whether their case is a Title 9 or a Title 30 case and whether their bill is an interim or final bill.

M. When OPR-DCP&P clients with an open case receive a new DCP&P complaint, the OPR regional office will add that docket to the pending case under the same file number. A new 5A application must be completed and approved by the Court for additional dockets/complaints. Billing for two or more dockets is allowed on the same file number in PATS; however, combined billing for Title 9 and Title 30 cases is not allowed. These must be billed separately.

N. OPR pool attorneys may bill for cases as assigned by the Managing Attorney of the vicinage. The case should be opened in Case Management using the Dodd date as an "open" date in Case Management. This will generate that same "open" date into the attorney's PATS list allowing the Dodd attorney to bill.

When an OLG/OPD FN case is closed out in favor of an FG case or an FG is closed out in favor of an FC case, the Pool Attorney must notify the Regional Office to update Case Management and process a new Pool Attorney form for the respective case designation. Attorneys should forward a copy of the dismissal Order from the prior matter to the Regional Office as soon as possible.

O. Attorneys with a per diem assignment may not bill the OPD for work done on pool cases during the same time period.

VI. **Reimbursable Expenses**

A. Telephone – All telephone charges will be reimbursed when appropriate receipts are attached to the invoice.

B. Copying - Copying of less than 1,000 pages is reimbursable at \$.05 per page or the actual cost, whichever is less, with a \$50 cap per copying project. For any copying project over \$50, the pool attorney must make arrangements for copying by the regional office or, in extraordinary circumstances, by our Appellate Office with the approval of the Appellate Deputy Public Defender. In appropriate cases (e.g., document-intensive matters such as wiretaps, money laundering, fraud, etc.), outside vendors may be used only with prior approval of Public Defender Management. If approval is not obtained prior to the incurring of the expense, the expense will not be reimbursable. To receive reimbursement for this expense, a receipt for the copying must be attached to the invoice.

C. Faxes – The cost of faxing documents on Public Defender cases is not reimbursable unless accompanied by the phone bill which documents the cost of the particular fax.

D. Mailing/Couriers - Federal Express, Overnight Mail, or the use of other couriers must receive prior approval of the Regional Deputy Public Defender or Managing Attorney, and should occur rarely. To receive reimbursement for this expense, a mailing receipt must be attached to the invoice. OPR pool attorneys are permitted to bill for regular mail postage

costs for returning the trial file to the appropriate OPR office. The cost of packaging materials is NOT reimbursable.

- E. Mileage - Mileage to and from the pool attorney's office or home is not reimbursable. Mileage to the courthouse, county jail, or regional office is also not reimbursable. Travel to the State prisons, institutions, hospitals, and other non-routine State travel is reimbursable at the rate applicable to Public Defender staff; this rate is currently \$.47 per mile. Pool attorneys should seek use of the video link available in the regional office to avoid travel costs to State prison whenever possible.
- F. Parking – In instances where free parking is not available for the attorneys, parking is reimbursable up to \$8.00 daily if a dated receipt is attached to the invoice. Any parking reimbursements above \$8.00 per day (with a receipt only) will be considered for approval, provided reasonable parking is not available within walking distance of the courthouse. If a pool attorney is handling both OPD and private matters while parked, the parking expense should be prorated accordingly.
- G. Research - All research must be explained on the Attorney Case Time Sheet. If a unique legal issue arises for which an extraordinary amount of research is needed (i.e., over 5 hours per case), the Regional Deputy Public Defender or Managing Attorney should be contacted during the research period and advised of the circumstances. Payment for computerized research, such as Lexis and Westlaw, requires prior approval from Public Defender Management. This form of research will be authorized only if it appears to be necessary based upon a pool attorney submitting a short memo explaining the need for it to the Regional Deputy Public Defender or Managing Attorney.
- H. Reimbursement for any other expense not outlined above must be approved in writing in advance of incurring the cost.

VII. Non-Reimbursable Expenses

- A. Any other costs incurred by pool counsel are not reimbursable without the prior approval of Public Defender Management.
- B. Attorney travel time is not reimbursable; however, under extenuating circumstances, and only with express written permission from the Regional Deputy, travel time may be approved for reimbursement at a rate of \$25.00 per hour.
- C. Secretarial, paralegal, or law clerk time is not compensable. Only the attorney time described in Section III is compensable.
- D. The OPD will provide investigative services upon request and approval of the assigning Regional Deputy Public Defender or Managing Attorney. Public Defender Investigators are available to serve documents and to retrieve medical records from hospitals and other medical facilities at a

negotiated Public Defender rate. Therefore, any fees to serve subpoenas or other documents are not reimbursable.

- E. Collect telephone calls from clients or others are not reimbursable.
- F. Public Defender pool attorneys are entitled to a waiver of fees to file documents in court. The OPD cannot reimburse for any filing fees incurred by pool attorneys.

VIII. **Billing Protocol**

- A. Once a case is dismissed from litigation*, a pool attorney must return the entire file and submit his or her final bill, together with a copy of the client's reimbursement agreement, within 30 days of his or her receipt of the final order. The pool attorney must ensure that orders submitted under the 5- day rule are not outstanding for more than 30 days. If an order has not been submitted in a timely manner, the pool attorney must conduct follow-up, including submission of a proposed order, if necessary.

In order for the OPD to process the final bill for payment, every returned trial file must include the following documents:

1. A signed Client Reimbursement Agreement for case types that use them;
2. A PATS-generated Attorney Case Time Sheet;
3. A PATS-generated Disposition and Billing Information form or a Judgment of Conviction or Final Order (signed and stamped "Filed");
4. A copy of the signed Initial Letter to Client from Pool Attorney;
5. A signed Notice of Right to Appeal form;
6. A completed and signed Appeal Transmittal form; and
7. A completed checklist on Use of Expert (if applicable).

**Only Title 9 cases that convert to Title 30 cases, as evidenced by the final Order in the Title 9 matter, will have final bills processed without the return of the entire trial file.*

- B. To be complete, all bills must be submitted on a PATS-generated form or on an original State of New Jersey Payment Voucher form and must include the following:

- (1) Docket Number
- (2) R.O. Number
- (3) Client's Social Security Number
- (4) Vendor ID#
- (5) Clear indication if bill is an Interim or Final Bill
- (6) Clear indication if case is a Title 9 or a Title 30 case
- (7) PATS-generated, or typed, or legible time sheets
- (8) All receipts for out-of-pocket expenses must be attached

Any billing submitted in non-compliance with these criteria will be returned without action.

- C. If a pool attorney invoice is deemed excessive or otherwise in violation of these pool attorney guidelines, the Regional Deputy Public Defender or Managing Attorney who reviewed the invoice shall correct the excessive amounts and correct any items billed in violation of the pool attorney guidelines. The Regional Deputy Public Defender or Managing Attorney may either submit the corrected invoice for payment or may return the invoice to the pool attorney for review and reconsideration.
- D. Regional Deputy Public Defenders or Managing Attorneys will process all invoices that are in compliance with pool attorney guidelines within 30 days of their receipt of the invoice.
- E. No voucher may be approved by any Regional Deputy Public Defender or Managing Attorney unless he or she has first evaluated the case file to determine compliance with the pool attorney guidelines. (Except vouchers submitted for Title 9 cases that convert to Title 30 cases.)
- F. Any interim bills improperly submitted shall be returned to the pool attorney without processing or payment.
- G. **Title 9 Cases:** Pool attorneys will be permitted to submit one interim invoice and a final invoice. The interim invoice can be submitted 7 months after case assignment. The final bill is to be submitted at the conclusion of the case. OPR and OLG Managing Attorneys will have the discretion to permit the submission of a second interim invoice if warranted by special circumstances. Special circumstances can include cases which can reasonably be expected to continue significantly beyond 8 months after interim invoice or 15 months from the outset of the case.

Title 30 Cases: Interim invoices will not be accepted unless, in the discretion of the Managing Attorney, it is warranted by special circumstances.
- H. Every pool attorney accepting a Title 9 or a Title 30 case must handle the case until its conclusion, including the completion of the Title 30 litigation if a Title 30 action is filed. The intent is to provide continuity of representation in Title 9 and Title 30 cases whenever possible. A pool attorney who represents a child or a parent in a Title 9 matter is expected to continue to represent the client in all subsequent related litigation. For example, a pool attorney who represents a child in a child welfare case should continue to represent the client until the client achieves permanency either through reunification with a parent, placement with a relative through Kinship Legal Guardianship, or adoption. Pool attorneys who represent children in Title 30 matters (termination of parental rights cases) are expected to continue to represent the client in post-termination review hearings designed to monitor DCP&P's efforts to achieve permanency.

- I. Once the Title 30 action is filed, the pool attorney who represents the parent must direct the client to obtain and complete a new Uniform Intake Defendant Form (5A form) from the Court Clerk. This is required to determine the client's eligibility for OPD services, even if the client had a Public Defender in the Title 9 action. **While the pool attorney may continue to represent the client while the 5A form is being processed, the OPD cannot pay for any Title 30 legal services until the OPD receives the approved 5A form for the Title 30 matter.**
- J. Title 30 cases will be "re-pooled" to the pool attorney under the new Public Defender/RO file number. Once the Title 30 action has commenced, the pool attorney must separately bill for the Title 30 work using a new time sheet which designates the matter as Title 30 work. The client must sign a new Reimbursement Agreement for the Title 30 case and must complete additional authorizations to release information as needed.
- K. Files that are closed and returned with a payment voucher must include all documents for full payment; including the clients' most recent contact information, the last time the clients were seen, and the case disposition. The Deputy retains the discretion to adjust the bill to comport with the documents in the file.

IX. Interim Billing

Interim billing is permissible in Title 9 and Title 30 DCP&P matters. Interim billing in Appellate, C I U , and Criminal cases is generally not permitted. Requests for exceptions must be submitted in writing to the Regional Deputy Public Defender or Managing Attorney who will then seek written authorization from the Assistant Public Defender responsible for the management of that Region. Interim bills submitted without the receipt of written authorization from an Assistant Public Defender will be returned unpaid.

X. Violations

The OPD will not accept over-billing of any kind and will take the action which it deems appropriate given the level of the over-billing violation. Such action may include, but is not limited to, collection of the debt, suspension from the pool attorney list, or, in the event of egregious over billing, the filing of a complaint, a referral to the New Jersey Office of Attorney Ethics, and/or a referral to the Office of the Attorney General.

- A. In the event the OPD is over-billed, all such overcharged amounts must be returned by check or money order payable to the Treasurer, State of New Jersey. If the pool attorney has other billings pending, then the over-charges will be deducted from any amount which may be owed to him or her.
- B. Any violation of these guidelines may lead to a pool attorney's temporary or permanent suspension from the OPD Pool Attorney List.

XI. Limitation on OPR Pool Attorney Assignments Under Title 30

With respect to Title 9 and Title 30 cases, the OPD is authorized by statute to provide legal representation to indigent parents in child neglect and abuse cases and in termination of parental rights proceedings. The OPR will not compensate an attorney for any work that is not related or collateral to these child welfare actions. Although parents may be entitled by statute or constitutional requirement to receive other services under Title 30, and a court may wish to assign other Title 30 work to an attorney, all attorneys engaged by the Public Defender must explain to the court that they are not permitted, either as a staff attorney or as designated counsel, to undertake any work for a client that is not related or collateral to a child welfare proceeding. If the court nonetheless purports to assign additional work to counsel that is not permitted by this section, the attorney shall put on the record that such an assignment is not authorized and must immediately notify the OPR office from which the original Title 30 assignment was received.

XII. Appellate Section Assignments

Appellate Section assignments are subject to requirements set forth in the Appellate Pool attorney contracts. Those contracts are issued by the Appellate Section in Newark and supplement these guidelines. If these guidelines and the Appellate contract are in conflict, the individual Appellate contract takes precedence over the portion of the pool attorney guidelines it contradicts.

XIII. Experts

- A. No expert or other service provider may be retained without prior written approval from Public Defender Management through a Regional Deputy Public Defender or Managing Attorney. A request to hire an expert not routinely used by the OPD should be accompanied by a copy of the expert's *curriculum vitae*. Copies of approval must be attached to the invoice.
- B. The original cost estimate should contain sufficient detail to allow the OPD to determine the reasonableness of the request.
- C. Reimbursable travel for experts cannot exceed \$25 an hour.
- D. Each expert should be advised to alert the retaining attorney if the need arises to exceed the estimated cost of that expert's services because the retaining attorney must obtain advance written approval from Public Defender Management before the expert can exceed the original cost estimate. Failure to receive prior approval to exceed the agreed upon expert costs will be cause for the OPD to deny payment of the excess amount.

XIV. Transcripts

Expedited and daily rate transcripts may not be ordered without prior written approval from Public Defender Management obtained through a Regional Deputy Public Defender or Managing Attorney. A copy of the approval must be attached to the invoice. The OPD is not required by the Administrative Office of the Court's directive to pay court reporters, transcribers, etc., for postage and handling. All transcript orders should only be for the original transcript.

XV. Rights

- A. The OPD has the right to audit assigned files in the possession of the pool attorney at any time.
- B. The files assigned to pool attorneys are the exclusive property of the OPD and may be recalled at any time.
- C. All DCP&P files are confidential, and disclosure of any DCP&P documents that pertain to an individual case to anyone other than a client in that case is forbidden.

XVI. Public Information Guidelines

Pool attorneys must read the OPD Press Policy, and shall familiarize themselves with the Policy. The Policy can be found on the OPD website under the *Pool Attorney Information* icon or at the link below:

<https://nj.gov/defender/documents/Press%20Policy%202-2024.pdf>

When representing OPD clients, pool attorneys shall follow the Policy exactly as it applies to OPD full-time personnel. Any questions regarding media coverage of an OPD-assigned case shall be directed by the pool attorney to Jennifer Sellitti, Deputy Public Defender/Director of Training and Communications at (609) 292-7087. Any future amendments made to the Press Policy shall apply to pool attorneys just as they apply to OPD full-time staff.

XVII. Policy Against Sexual Harassment

Pool attorneys must read the OPD Policy Against Sexual Harassment, and shall familiarize themselves with the Policy. The Policy can be found on the OPD website under the *Pool Attorney Information* icon or at the link below:

<http://www.state.nj.us/defender/documents/Sexual%20Harassment%20Policy.pdf>

When representing OPD clients, pool attorneys shall follow this Policy.

XVIII. Policy Against Workplace Violence

Pool attorneys must read the OPD Policy Against Workplace Violence, and shall familiarize themselves with the Policy. The Policy can be found on the OPD website under the *Pool Attorney Information* icon or at the link below:

nj.gov/defender/documents/OPD%20Workplace%20Violence%20Policy%207-2021.pdf

When representing OPD clients, pool attorneys shall follow this Policy.

XIX. NJ State Policy Prohibiting Discrimination in The Workplace

Pool attorneys must read the New Jersey State Policy Prohibiting Discrimination in the Workplace, and shall familiarize themselves with the Policy. The Policy can be found at the link below:

https://www.nj.gov/csc/about/divisions/eeo/pdf/State%20Policy_8-18-2020.pdf

When representing OPD clients, pool attorneys shall follow this Policy.

XX. Indemnification

The Public Defender of New Jersey is the attorney of record for indigent defendants who are assigned Public Defender counsel. Public Defender pool attorneys and per diem attorneys will be indemnified for the legal work that they perform within their scope of authority as pool attorneys and per diem attorneys, provided that they engage in no acts of intentional misconduct. Pool attorneys and per diem attorneys must notify the OPD Ethics/Liaison Officer within 10 days of receiving any Complaint.

I hereby acknowledge that I have received and reviewed a copy of the Pool Attorney Guidelines and have had the opportunity to discuss the content of the Guidelines with a member of the New Jersey Office of the Public Defender Management Staff.

I further agree that I will abide by the Guidelines as set forth above.

I certify that I am licensed to practice law in New Jersey and that my license is active and current.

I further certify that I have no matters pending before a District Ethics Committee, the Disciplinary Review Board, the Supreme Court of the State of New Jersey, or any other similar administrative or judicial body in another state or jurisdiction, and no pending arrests. I agree that I will immediately notify the Office of the Public Defender in writing if any matter is filed against me, and I agree to delineate the type of action pending and its current status.

Pool Attorney Signature

Date: _____

Pool Attorney Printed Name
Attorney at Law
State of New Jersey

Signature of Regional Deputy Public
Defender or Managing Attorney

Date: _____

Printed Name

POOL ATTORNEY CONTACT INFORMATION SHEET

Vendor Tax ID: _____

NJSTART V#: _____

NAME : _____

OFFICE ADDRESS: _____

CITY, STATE, ZIP: _____

TELEPHONE: _____

FAX: _____

CELL: _____

E-MAIL ADDRESS: _____

FOREIGN LANGUAGES SPOKEN: _____

COUNTIES REQUESTED: _____

DIVISION(S) REQUESTED	
<input type="checkbox"/> CRIMINAL TRIAL – ADULT	<input type="checkbox"/> CRIMINAL TRIAL - JUVENILE
<input type="checkbox"/> APPELLATE	<input type="checkbox"/> CONVICTION INTEGRITY (PCR)
<input type="checkbox"/> LAW GUARDIAN*	<input type="checkbox"/> PARENTAL REPRESENTATION*
<input type="checkbox"/> LAW GUARDIAN APPELLATE*	<input type="checkbox"/> PARENTAL REPRESENTATION APPELLATE*
<input type="checkbox"/> SPECIAL HEARINGS UNIT	<input type="checkbox"/> MENTAL HEALTH ADVOCACY

***Attorneys may not represent both parents and children in Title 9 and Title 30 matters simultaneously in the same vicinage.**