

Rules Governing the Courts of the State of New Jersey

1:21-3. Appearance by Law Graduates and Students; Special Permission for Out-of- State Attorneys

- **(a) Appearance Prior to Passing Bar Examination.** A graduate of a law school approved by the American Bar Association who has successfully completed an approved skills and methods course may, before passing the bar examination, appear in any court for the purpose of answering the calendar call in an action in which the attorney or firm employing the graduate is the attorney of record.
- **(b) Appearance by Law Students and Graduates.** A third year law student at, or graduate of, a law school approved by the American Bar Association may appear before a trial court or agency in accordance with a program approved by the Supreme Court on submission by such law school, a legal aid society, legal services project, or an agency of municipal, county or state government. A program once approved, need not be resubmitted to the Supreme Court provided that reports are filed listing the participants and the nature of their assignments, as required by the Administrative Office of the Courts. Participation in a program pursuant to this paragraph by a law graduate who has not passed the New Jersey bar examination shall terminate upon the graduate's failure to pass the bar examination for the third time, or after two years of employment following graduation, whichever is sooner.
- **(c) Permission for Out-of-State Attorneys to Practice in This State.** A graduate of an approved law school who is a member of the bar of another state or of the District of Columbia and is employed by, associated with, or serving as a volunteer pro bono attorney with an organization described in R. 1:21-1(e) and approved by the Supreme Court, shall be permitted to practice, under the supervision of a member of the bar of the State, before all courts of this State in all causes in which the attorney is associated or serving pro bono with such legal services program, subject to the following conditions:
 - **(1)** Permission for an out-of-state attorney to practice under this rule shall become effective on filing with the Clerk of the Supreme Court evidence of graduation from an approved law school, a certificate of any court of last resort certifying that the out-of-state attorney is a member in good standing of the bar of another state or of the District of Columbia, and, (a) in the case of attorneys employed by or associated with an approved R. 1:21-1(e) organization, a statement signed by the President, Legal Services of New Jersey, that the out-of-state attorney is currently employed by or associated with such organization; or (b) in the case of a pro bono attorney with an approved R. 1:21-1(e) organization, on the filing of a statement by the executive director of that organization certifying that the attorney is serving on a voluntary pro bono basis with the organization;
 - **(2)** Permission to practice under this rule shall cease whenever the out-of-state attorney ceases to be employed by, associated with, or serving as a volunteer pro bono attorney with an approved R. 1:21-1(e) organization in this State;

- **(3)** Notice of said cessation shall be filed with the Clerk of the Supreme Court by the President, Legal Services of New Jersey, within five days after being notified of the cessation of the out-of-state attorney's employment or association; or by the executive director of the organization, in the case of a volunteer pro bono attorney;
- **(4)** Permission to practice in this State under this rule shall remain in effect no longer than 2 1/2 years, except that there is no time limit on volunteer pro bono service with an approved R. 1:21-1(e) organization;
- **(5)** Permission to practice in this State under this rule may be revoked or suspended by the Supreme Court, in its discretion, at any time either by written notice to the out-of-state attorney or by amendment or deletion of this rule; and
- **(6)** Out-of-state attorneys permitted to practice under this rule are not, and shall not represent themselves to be, members of the bar of this State.

Note: Source - R.R. 1:12-8A(a)(b)(c). Caption amended and paragraph (d) adopted July 1, 1970 effective immediately; paragraph (c) amended July 7, 1971 to be effective September 13, 1971; paragraph (a) amended April 2, 1973 to be effective immediately; paragraph (c) amended July 17, 1975 to be effective September 8, 1975; caption and paragraph (a) amended July 29, 1977 to be effective September 6, 1977; paragraph (c) amended July 16, 1979 to be effective September 10, 1979; paragraph (c) amended October 9, 1979 to be effective immediately but amendment stayed October 31, 1979; paragraph (c) amended July 21, 1980 to be effective September 8, 1980; paragraph (d) amended July 16, 1981 to be effective September 14, 1981; former paragraph (b) deleted and former paragraphs (c) and (d) redesignated as (b) and (c) November 1, 1985 to be effective January 2, 1986; paragraphs (a), (b) and (c) amended July 13, 1994 to be effective September 1, 1994; paragraph (c) amended July 12, 2002 to be effective September 3, 2002; paragraph (c) amended July 27, 2006 to be effective September 1, 2006.