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DIRECTIVE #05-17

[Superseded Directive #03-71]

[Questions or comments may be directed to
(609) 815-2900, ext. 55350]

TO: Assignment Judges
Family Presiding Judges
Trial Court Administrators

FROM: Glenn A. Grant, J.A.D. 

SUBJECT: Counsel Fees

DATE: June 23, 2017

In cases in which a party is represented by a Legal Services office and a counsel fee is appropriately awarded to the party so represented, the allowance should be made payable to the Legal Services office which provided the representation rather than to the Treasurer of the United States as was done in the case of *Ferrigno v. Ferrigno*, 115 N.J. Super. 283 (Ch. Div. 1971).

Your cooperation in this matter will be appreciated.

EDITOR'S NOTE

2017 Update – This Superseding Directive adds a subsequent case reference as an editor's note. In *Spoto v. McCarroll*, 250 N.J. Super. 66 (App. Div. 1991), the court found that the trial judge had the authority and discretion to award fees against defendant in the custody action, notwithstanding the fact that plaintiff's attorney was employed by legal services. The court remanded for the trial court's reconsideration of fees with the awareness that fees could be awarded to a publicly funded agency.

9/30/1971 – Directive 03-71 - Originally issued by Edward B. McConnell, Administrative Director.

cc: Chief Justice Stuart Rabner
Steven D. Bonville, Chief of Staff
AOC Directors and Assistant Directors
Ann Marie Fleury, Special Assistant
Melaney S. Payne, Special Assistant
Amelia Wachter-Smith, Chief
Family Division Managers
Vicinage Chief Probation Officers