

The following is a brief list of rules governing the service of Superior Court Subpoenas in the State of New Jersey.

Subpoena Ad Testificandum 4:14-7

- Upon individual, personally upon person named in the subpoena, substitute service is not permitted.

Subpoena Duces Tecum

- Upon individual, personally upon person named in the subpoena, substitute service is not permitted.
- Upon a corporation, company or other business entity, by serving an officer, director, registered agent, managing agent or title named in the subpoena.

Witness and Mileage Fees

- \$2.00 Witness Fee
- \$2.00 appearance fee, plus \$2.00 for each county traveled through between county of service and county of appearance.

Time of Service

- Deposition, at least 10 days prior to deposition.
- Trial or Hearing, at any time prior to.

Distance Limitation

- Depositions, only within the county in which the witness resides or works.
- Trial or Hearing, anywhere within the State of New Jersey.

FEDERAL SUBPOENAS

Subpoena Ad Testificandum

- Same way and manner as NJ subpoena

Subpoena Duces Tecum

- Same way and manner as NJ subpoena

NOTE: The reverse side of a federal subpoena **must** be served together with the front page and any attachments.

Witness and Mileage Fees

- \$40.00 Witness Fee
- Witness fee is 51 cents per mile, to and from place of hearing or deposition.

NOTE: No fee is required if the subpoena seeks only production of documents.

Time for Service

- Deposition at least 10 days prior to deposition date.
- Trial or Hearing, at any time prior to trial or hearing.

Distance Limitations

- Depositions, anywhere with federal district or, if outside district, within 100 miles of place of deposition.
- Trial or Hearing, anywhere within the U.S.



The following is a brief list of rules governing the service of Summons and complaints in the State of New Jersey.

Service upon an individual R. 4:4-4 (a)(1)

- Personally upon defendant wherever they are found within the State of New Jersey.
- Substituted service upon a competent member of the household who is over 14 years of age, only at the defendant's dwelling house or usual place of abode.

Service upon a minor under 14 R. 4:4-4 (a)(2)

- By serving parent or guardian wherever found in New Jersey or a competent adult member of household only where minor resides.

Service upon a mentally incapacitated individual R. 4:4-4 (a)(3)

- By serving guardian, a competent adult member of the household, or director or chief executive officer of institution where defendant resides.

Service upon individual proprietors and real property owners R. 4:4-4 (a)(4)

- By serving the individual, the managing or general agent or an employee or agent in the discharge of duties related to management of the real property.

Service upon partnerships and unincorporated associations R. 4:4-4 (a)(5)

- By serving an officer, managing agent or general partner.

Service upon corporation. R.4:4-4(a)(6)

- By serving any officer, director, trustee, managing agent, general agent, registered agent, statutory agent, or person in charge at registered office.
- If service cannot be made upon any of the above, then upon a person in charge of the principal place of business within the state.
- If service cannot still be made upon any of the above, then upon an employee of the corporation found within the state in the discharge of his or her duties.

Service upon the State of NJ. R. 4:4-4 (a)(7)

- Generally, by serving the NJ Attorney General, or a person designated in writing to accept service of process.
- In matters involving a recognizance or criminal judgment, by serving the county prosecutor to accept service of process.

Service upon other public bodies. R. 4:4-4 (a)(8)

- By serving the presiding officer or clerk or secretary thereof

FEDERAL

Rule 4(e) generally provides that service of a federal summons and complaints is to be made upon a defendant in the same matter as a New Jersey summons and complaint.

8:43G-15.3 Medical record patient services

(a) Health care practitioners who provide clinical services to the patient shall enter clinical/progress notes in the patient's medical record, when the services are rendered.

(b) Notes that provide a full and accurate description of the care provided to the patient shall be made in the medical record at the time clinical services are provided. Notes that provide a description and an evaluation of the patient's response to treatment shall be made in the medical record.

(c) The medical record shall either accompany the patient when he leaves the patient care unit for clinical services in other departments of the hospital or shall be retrievable by authorized personnel on a computerized system with a restricted access and entry system.

(d) If a patient or the patient's legally authorized representative requests, in writing a copy of his or her medical record, a legible written copy of the record shall be furnished at a fee based on actual costs. ("Legally authorized representative" means spouse, immediate next of kin, legal guardian, patient's attorney or third party insurer where permitted by law.) One copy of the medical record from an individual admission shall be provided to the patient or the patient's legally authorized representative within 30 days of request, in accordance with the following:

1. The fee for copying records shall not exceed \$1.00 per page or \$100.00 per record for the first 100 pages. For records which contain more than 100 pages, a copying fee of no more than \$0.25 per page may be charged for pages in excess of the first 100 pages, up to a maximum of \$200.00 for the entire record.
2. In addition to per page costs, the following charges are permitted:
 - i. A search fee of no more than \$10.00 per patient per request;
 - ii. A postage charge of actual costs for mailing, not to exceed \$5.00. No charges shall be assessed other than those permitted in (d)1 and 2 above.
3. The hospital shall establish a policy assuring access to copies of medical records for patients who do not have the ability to pay; and
4. The hospital shall establish a fee policy providing an incentive for use of abstracts or summaries of medical records. The patient or his or her representative, however, has a right to receive a full or certified copy of the medical record.

(e) If the patient or the patient's legally authorized representative subsequently requests additional copies of a medical record which has been furnished in accordance with (d) above, the additional copy(s) shall be furnished at a fee based on actual costs, and in no case shall exceed \$1.00 per page.

(f) The Department shall periodically reevaluate the reasonableness of the fee scale contained in (d) above, and shall report to the Health Care Administration Board on or before July 1, 1993 on the need of assessment.

(g) Access to the medical record shall be limited only to the extent necessary to protect the patient. A verbal explanation for any denial of access shall be given to the patient or legal guardian by the physician and there shall be documentation of this in the medical record. In the event that direct access to a copy by the patient is medically contraindicated (as documented by a physician in the patient's medical record), the medical record shall be made available to a legally authorized representative of the patient or the patient's physician.

(h) The patient shall have the right to attach a brief comment or statement to his or her medical record after completion of the medical record.

(i) Incidents, including patient injuries and mishaps, shall be fully documented in the patient's record.



22:A:1-4 Fees and Mileage of Witnesses and Others

Witnesses and others hereinafter mentioned shall be entitled to the following fees:

Each witness attending any of the following, in his county, per day of attendance, \$2.00; a court: (a joint committee of the Legislature, a standing committee of either house or any special committee, which shall have been, by resolution, directed to enter upon any investigation or inquiry, the purpose of which shall necessitate sending for persons and papers and the examination of witness; a commissioner or commissioners; a master; a referee; an arbitrator) an officer taking a deposition; or any proceeding issuing out of any court.

Each witness so attending from a foreign county, at the rate of \$2.00 a day, together with, for each day of attendance, an allowance of \$2.00 for every 30 miles of travel in going to the place of attendance from his place of residence and in returning.

For the Secretary of State or any clerk attending on subpoena with records, wills or other written evidence, at the rate of \$2.00 a day and mileage as aforesaid.

Rule 234.2. SUBPOENA. ISSUANCE. SERVICE. COMPLIANCE. FEES. PRISONERS.

(a) Upon the request of a party, the prothonotary shall issue a subpoena signed and under the seal of the court but otherwise in blank, substantially in the form prescribed by Rule 234.6.

(b) A copy of the subpoena may be served upon any person within the Commonwealth by an adult in the manner prescribed by Rule 402(a); by any form of mail requiring a return receipt, postage prepaid, restricted delivery. Service is complete upon delivery of the mail to the person subpoenaed or any of the persons referred to in Rule 402(a)(2). The return receipt may be signed by the person subpoenaed or any of such persons; or by ordinary mail. The mail shall contain two copies of the Notice and Acknowledgement prescribed by Rule 234.9 and a self-addressed stamped envelope.

(c) The fee for one day's attendance and round trip mileage shall be tendered upon demand at the time the person is served with a subpoena. If a subpoena is served by mail, a check in the amount of one day's attendance and round trip mileage shall be enclosed with the subpoena.

[Note: See 42 Pa.C.S. § 5903 for the compensation and expenses of witnesses.

See also *Evans v. Otis Elevator Co.*, 403 Pa. 13, 168 A.2d 573 (1961), regarding the right of an expert witness to refuse to testify on behalf of an adverse party.]

(d) A court may compel the attendance of any person confined in jail or prison by issuing, upon motion, an order directed to the custodian of the person so confined to release the person to the custodian of a sheriff or other appropriate agent.

Rule 402. Service Upon Individuals. Adults. Minors. Incapacitated Persons.

(a) Original process may be served upon a defendant who is an adult

(1) by handing a copy to the defendant; or (2) by handing a copy:

(i) at the residence of the defendant to an adult member of the family with whom the defendant resides; but if no adult member of the family is found, then to an adult person in charge of such residence; or

(ii) at the hotel, inn, apartment house, boarding house or other place of lodging at which the defendant resides to the manager or other person authorized to accept deliveries of United States mail; or

(iii) at any office or usual place of business of the defendant to the defendant's agent or to the person for the time being in charge.

(b) If the defendant is a minor or an incapacitated person, original process shall be served

(1) upon the minor or the incapacitated person in the manner prescribed for service of original process upon an adult defendant, or

(2) by handling a copy to the guardian of the minor or incapacitated person.

Adopted June 20, 1985, effective January 1, 1986; amended June 14, 1999, effective July 1, 1999.