

SUBPOENA INSTRUCTIONS

A copy of the subpoena form which you requested is attached. If you need additional copies, you can photocopy this form and use the copies. The subpoena should be completed according to the following directions and served on the person named in the subpoena either in person or by certified mail return receipt requested a reasonable time in advance of the hearing. If possible, the subpoena should be served at least five days before the hearing date.

The subpoenaed witness must be paid \$2 per day and, if the witness does not live in the county where the hearing will be held, \$2 for every thirty miles of travel between the witness' home and the hearing location. The witness fee should be included with the subpoena.

The upper left hand section of the subpoena should include the name and address of the attorney. If you do not have an attorney and are representing yourself, your name and address should be placed here. Non-lawyer representatives should also place their name and address in this section.

Insert the case name in the following boxed section. This information can be obtained from the notice of filing or notice of hearing you received from the Office of Administrative Law.

The subpoena should be directed to the witness. Insert the witnesses' name and address after the "To." The date, time and location of the hearing are inserted into the first paragraph. If you wish the witness to supply any documents, those must also be listed at the end of this paragraph.

Finally, you must complete the proof of service section indicating the date of service of the subpoena and certifying that the appropriate attendance fee was provided. This section is to be completed on your copy of the subpoena form after you have served the subpoena and should be retained for your records. It is not necessary to forward this information to the OAL. You should bring this form with you to the hearing.

In most instances, a subpoena can be signed by an attorney, a non-lawyer representative appearing pursuant to *N.J.A.C. 1:1-5.4*, or a *pro se* party. However, if you wish to subpoena a high-level government official such as the Governor, an agency head, an Assistant Commissioner, a Deputy Commissioner, or a Division Director, the subpoena must be submitted to an administrative law judge for signature. You must also explain why you need that individual' s testimony. You must demonstrate that the subpoenaed official has firsthand knowledge of or, was directly involved with the facts of your case, or that the individual' s testimony is necessary to prevent an injustice.



State of New Jersey

Attorney(s):
Office Address & Telephone No.:
Attorney(s) for:

OFFICE OF ADMINISTRATIVE LAW
OAL DOCKET NO.
SUBPOENA

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TO:

As provided by N.J.S.A. 52:14F-1, et seq. and N.J.A.C. 1:1-10.1, et seq., you are directed to appear and testify before the Office of Administrative Law at _____

_____ on _____, 19__ at ___ o'clock __.m., and any continuations thereafter, on behalf of _____ in the above-entitled action. You must also bring with you documents indicated below, if any:

Questions concerning this subpoena shall be directed to the party requesting your appearance. If you have good cause not to appear at the hearing or produce any listed documents, you must present your reasons to the judge.

Failure to appear and bring the requested documents with you may subject you to a penalty.

Date: _____, 19__ By _____ (Signature of pro se party, attorney or non-lawyer representative)

Subpoena requested by _____ telephone number _____.

PROOF OF SERVICE

On _____, 20__, I served the original of this subpoena by delivering it to the person named at _____, or by mailing the original subpoena, certified mail return receipt requested, to the person named at _____.

I have paid to that person an attendance fee of \$2.00 per day and, if the witness is not a resident of the county where the hearing will be held, a mileage fee of \$2.00 per 30 miles of travel to and from the hearing.

I certify that the foregoing statements made by me are true. I am aware that if any of the statements made by me are willfully false, I am subject to punishment.

Dated: _____ 19__ SIGNATURE _____