

# NJ Court Rules for Civil Litigators

## Summary Guide 2023 - (Parts I & IV)

by Yale I. Markus, Esq., APN

### PART I. RULES OF GENERAL APPLICATION

#### CHAPTER I. PROCEDURE

##### R. 1:1 – Applicability, Scope, Construction, Relaxation, Citation

R. 1:1-1 – *Applicability; Scope* - Part 1 rules are applicable to all courts.

R. 1:1-2 – *Construction, Relaxation* - (a) Rules are construed/relaxed/dispensed with to do justice/fairness, eliminate expense/delay, and/or consistent with case/trial management. (b) *[Omitted.]*

R. 1:1-3 – *Citation* - Rules are "N.J. Court Rules, 1969," cited, e.g., as "R. 1:1-3."

##### R. 1:2 – Conduct of Proceedings Generally

R. 1:2-1 – *Open Court* - (a) All proceedings are in open court unless rule or statute. (b) Court may permit electronic transmission of testimony for cause. (c) No sealing of record unless cause per R. 1:38-11(b) put

##### R. 1:5 – Papers – Service/Filing

R. 1:5-1 – *Service* – (a) Pleadings, motions, orders, etc. to be served on all attorneys/pro se parties, but not defaulting parties unless new relief sought. Order/J must be served w/in **7 days** or per court. (b) *[Criminal omitted.]*

R. 1:5-2 - *Manner of Service* – To attorney's office via ordinary mail or hand delivery. To pro se party (or attorney without office) via personal service per R. 4:4-4, or via certified + ordinary mail to last known address (no known street address, can do P.O. box or substituted service on clerk with affidavit of diligent inquiry (good for 6 months), R. 1:5-3 proof of service required) *[electronic filing options omitted]*.

R. 1:5-3 – *Proof of Service* – Must be made by acknowledgment (by party receiving), affidavit (by person serving), or certification (by attorney serving). Must be filed before relief sought, and where appropriate, identify parties/last known address, attorneys, and representation. Failure to file does not affect validity of service.

R. 1:5-4 – *Time of Receipt* - (a) If certified/registered mail only service refused, subsequent ordinary mail permitted. (b) Service is complete upon ordinary mailing, or upon receipt if only via certified mail. (c) Next