

New Jersey Businesses: Do You Know What to Do If You Receive a Subpoena?

by Christine M. Vanek on June 19, 2012

As New Jersey business lawyers, we regularly deal with subpoenas. However, for a New Jersey business owner, being served with a subpoena can be a stressful situation. This post dispels some of the uncertainty by answering the question: “What do I do now?”

In general terms, a subpoena is a legal document that compels a person, in their individual capacity or as a representative of a New Jersey business, to appear at a certain time and place to testify in connection with a lawsuit. Depending on the type of subpoena received, the testimony may be held in a courtroom or in an attorney’s office through a deposition. In addition to providing oral testimony, subpoenas may also request that the recipient produce certain documents specified in the subpoena.

If you are legally served with a subpoena, you are bound to appear unless the court orders otherwise. Therefore, it is imperative to consult with an experienced New Jersey business lawyer as soon as possible. In many cases, you will only have a certain number of days to file a written objection.

Below are several common arguments that can be raised to block a subpoena:

- The subpoena requests privileged or confidential information. The recipient may have grounds for a protective order if the request seeks certain medical records, personnel files, attorney-client communications, or other privileged information.
- The subpoena is too vague. If the subpoena is not specific as to what records it requests, the recipient may object or negotiate with the attorney who sent it for more specific terms.
- The recipient is not given enough time to respond. If the subpoena fails to allow a reasonable time for compliance, the recipient may object or negotiate a longer response time.
- Compliance would require burdensome travel. If the subpoena forces the individual to travel too far, the recipient may also object or negotiate for an alternative location. In other cases, depositions can be held remotely.

In addition, experienced New Jersey business attorneys are sometimes able to resolve the subpoena informally by speaking with the attorney who issued it. Therefore, it is important to seek legal counsel as soon as possible.