

# Civil Division Frequently Asked Questions

## **Filing a Case**

1. Do I need a lawyer? Should I hire a lawyer? ..... 1
2. Will you look over my form and tell me if I have completed it correctly? ..... 1
3. What is the statute of limitations for the claim in my case? ..... 1
4. Has the statute of limitations run in my case? ..... 1
5. How many copies of the complaint should I file? ..... 1
6. Who can serve my complaint? ..... 2

## **After the Case is Filed**

7. Where can I find a subpoena form? ..... 2
8. How much do I have to pay a witness to testify in my case? ..... 2
9. Where can I find a form for a motion that I can use in a Law Division, Civil Part case? ..... 2
10. May I speak with the judge handling my case? ..... 2
11. When does the discovery period begin to run in a Law Division, Civil Part case? ..... 2
12. When will the judge render a decision in my case? ..... 2

## **After the Case Has Been Decided**

13. How can I get a transcript of my hearing or trial? ..... 2
14. If I disagree with the judge's decision in my case, what can I do? ..... 2
15. How can I collect on a judgment? ..... 2
16. How can I obtain a warrant for satisfaction of a judgment? ..... 3
17. What is the fee to file a warrant to satisfy judgment? ..... 3
18. What happens when someone obtains a judgment against me? ..... 3
19. How can I satisfy a judgment against me? ..... 3
20. How do I remove a satisfied judgment or a tax lien from my credit report? ..... 4
21. How can I enforce a judgment from another state in New Jersey? ..... 4

## **Miscellaneous Questions**

22. Where can I find a list of fees charged by the Court? ..... 4
23. What are the pre-judgment and post-judgment interest rates? ..... 4
24. How can I take the deposition of a person in New Jersey to use in a case filed in another state? ..... 4
25. How can I take the deposition of a person who does not live in New Jersey for a case filed in New Jersey? ..... 4
26. How do I obtain a letter rogatory? ..... 4
27. Where can I get a marriage or civil union license? ..... 5
28. Who can solemnize or perform a marriage or civil union? ..... 5
29. Where can I find information about how to change my name or my minor child's name? ..... 5

30.If I am changing my entire family’s name, do I have to pay a fee for each family member?.. 5  
31.Where can I get a notice of tort claim form? ..... 5  
32.How do I file a contractor (or mechanic) lien? ..... 5  
33.Do I have to get a court order to get a title for an automobile issued in my name? ..... 6  
34.How do I file a complaint against my lawyer? Against the judge? ..... 6  
35.What do I have to do to be admitted pro hac vice in New Jersey? ..... 6  
36.I am an attorney in New Jersey. How can I obtain a certificate of good standing? ..... 6  
37.How can I incorporate my business? ..... 6

## Civil Division Frequently Asked Questions

### Filing a Case

#### **1. Do I need a lawyer? Should I hire a lawyer?**

You have the right to represent yourself in court and are not required to be represented by attorney. If you can get a lawyer, however, it is a good idea to do so. New Jersey laws, the proofs necessary to present your case, and the procedural rules governing your case are complex. Since valuable claims or large judgments may be at stake, most litigants appearing in the Law Division, Civil Part have a lawyer.

If you are being sued or are filing a lawsuit and you want to be represented by an attorney, you have several options. If you can afford an attorney, you can hire an attorney on your own. If you cannot afford an attorney, you can contact the legal services program in your county or the Legal Services of New Jersey to see if you qualify for free or reduced fee legal services. There are also a variety of organizations of minority lawyers throughout New Jersey, as well as organizations of lawyers who handle specialized types of cases. Contact information for the [Lawyer Referral and Legal Services Office of New Jersey](#) is available on our [Self Help Resource Center](#) forms page.

#### **2. Will you look over my form and tell me if I have completed it correctly?**

Court staff can only review your form to make sure you have answered all the questions. Staff cannot tell you whether the information you have provided is correct or complete. You are responsible to know whether your documents contain correct and complete information.

#### **3. What is the statute of limitations for the claim in my case?**

Court staff cannot tell you what the applicable statute of limitations is for your case. *N.J.S.A. 2A:14-1 et. seq.* sets forth the limitations for various causes of action. You can refer to this statute to determine the statute of limitations in your case. In general, the statute of limitations for a contract action is 6 years and for a personal injury action is 2 years. You should be aware, however, that various factors may alter these time periods.

#### **4. Has the statute of limitations run in my case?**

Court staff cannot make that determination. Whether the statute of limitations has run is a legal issue that must be decided by a court based upon the type of case you have, when the incident occurred that gave rise to the case or when the plaintiff became aware of it, and the applicable limitations period which is set by statute, *N.J.S.A. 2A:14-1 et seq.*

#### **5. How many copies of the complaint should I file?**

It is recommended that you file an original and at least two copies of your complaint along with your filing fee, a completed [Civil Case Information Statement](#), and a self-addressed stamped envelope (so that the court can return the Track Assignment Notice). Court staff will mark the copies “filed” and return them to you. Copies of the filed complaint must be served on all parties to the case and you can keep additional copies for your records. More information about [how to file a complaint](#) in the Law Division is available on our Self Help Resource Center.

## **6. Who can serve my complaint?**

There are two ways to have your complaint served. In New Jersey, the sheriff's officers in the various counties can serve complaints. You should contact the sheriff's officers in the county where you filed your lawsuit. You can also use a private process server or any adult with no connection to or interest in the case. See *Rule 4:4-3*.

## **After the Case is Filed**

### **7. Where can I find a subpoena form?**

There are two subpoena forms on our [Legal forms page](#), listed under the Law Division, Civil Part. The [subpoena duces tecum](#) is used when you need to subpoena documents and the [subpoena ad testificandum](#) is used when you want the person to appear and testify.

### **8. How much do I have to pay a witness to testify in my case?**

*N.J.S.A 22A:1-4* states that a witness must be paid \$2.00 per day to appear in court. If the witness does not live in the county where the case is to be heard, the witness gets an additional allowance of \$2.00 for every 30 miles of travel from home to the court and back.

### **9. Where can I find a form for a motion that I can use in a Law Division, Civil Part case?**

The Judiciary has a self-help packet entitled "[How to File a Motion in the Superior Court of New Jersey - Law Division - Civil Part](#)" that can be found on our Self Help Resource Center. You may have to adapt this packet to request the particular relief you want.

### **10. May I speak with the judge handling my case?**

When your case is scheduled for a hearing, a conference, or a trial, you will have the opportunity to speak to the judge. The judge will not speak with one party unless everyone in the case is present.

### **11. When does the discovery period begin to run in a Law Division, Civil Part case?**

Pursuant to *Rule 4:24-1(a)*, the discovery period begins to run from the date the first answer is filed or from 90 days after the first defendant is served, whichever occurs first.

### **12. When will the judge render a decision in my case?**

Court staff has no way of knowing when the judge will issue a decision in your case.

## **After the Case Has Been Decided**

### **13. How can I get a transcript of my hearing or trial?**

You should contact the Operations Manager in the county in which the case was heard.

### **14. If I disagree with the judge's decision in my case, what can I do?**

You can file either a motion for reconsideration (see response to question 9, above) or use the [kit for filing a notice of appeal](#) to the Appellate Division.

### **15. How can I collect on a judgment?**

The Judiciary has published brochures that provide information on how to enforce or collect a judgment in the Law Division, Civil Part and [collecting a money judgment](#) in the Special Civil Part.

### **16. How can I obtain a warrant for satisfaction of a judgment?**

You can use the Judiciary's form for a [warrant to satisfy judgment](#) found on our Legal Forms page. If the docket number begins with a "J," the warrant should be filed in the county where the judgment was obtained. If the judgment was docketed as a statewide lien and has a docket number that begins with "DJ," the warrant should be filed with the Superior Court Clerk's Office in Trenton.

### **17. What is the fee to file a warrant to satisfy judgment?**

There is no fee to file a warrant to satisfy judgment for cases with docket numbers beginning with "J" and there is a \$50.00 fee for cases with docket numbers beginning with "DJ."

### **18. What happens when someone obtains a judgment against me?**

The creditor will likely try to collect the amount of the judgment from you. This can happen in several ways. If you are employed, the creditor may obtain a court order to garnish you wages which will mean a certain amount of money will be deducted from your paychecks until the full amount of the judgment is paid. The creditor may also apply to the court for an order to turn over money in your bank accounts to satisfy the judgment. The creditor may also request the sheriff levy on your personal property (jewelry, electronic equipment, automobile, etc.) and sell the items at a public sale. You may designate \$1,000.00 worth of your property as exempt from the sheriff's levy. If the creditor docketed the judgment as a statewide lien, a creditor can also levy and execute on your real property.

### **19. How can I satisfy a judgment against me?**

A judgment can be fully satisfied by paying the judgment creditor (the person who has the judgment against you) in full and receiving from the creditor a Warrant of Satisfaction. The Warrant of Satisfaction must be filed as set forth above in Questions 16 and 17. If the judgment creditor refuses or cannot be located to sign a warrant of satisfaction, you must file a [motion](#) in the county where the judgment was entered and ask the court to enter an order stating that the judgment is satisfied. Include proof of payment of the judgment with your motion. For information on motions, see Question 9. If an objection is received, the matter will be scheduled for a hearing.

If you claim the lien was discharged in bankruptcy, you must obtain an order from the United States Bankruptcy Court specifically discharging the lien of the particular judgment. This must be done within one year of the date of the bankruptcy discharge. If more than one year from the date of the discharge in bankruptcy has passed, you must file a motion to discharge the lien of the judgment in Superior Court in the underlying action giving rise to the judgment.

## **20. How do I remove a satisfied judgment or a tax lien from my credit report?**

If there is a judgment or lien on your credit report and that judgment has been satisfied, you must contact the credit reporting agency in writing and include copies of the documents that support your position, for example, a copy of the signed warrant to satisfy judgment. You must supply your complete name and address and identify each item in the report that you dispute. State your position and request the deletion or correction of the item in question. You should follow the same procedure if there is incorrect information on your credit report.

## **21. How can I enforce a judgment from another state in New Jersey?**

If the debtor is in New Jersey, you can enforce the judgment in New Jersey. Instructions are available in our packet entitled “[Docketing Foreign Judgments](#)” located on our Legal forms page.

## **Miscellaneous Questions**

### **22. Where can I find a list of fees charged by the Court?**

[Court fees](#) are listed in *N.J.S.A. 2A:2-37.1* and *2A:2-37.2* and are also available on our Self Help Resource Center.

### **23. What are the pre-judgment and post-judgment interest rates?**

The judiciary publishes the [pre-judgment and post-judgment interest rates](#) on the Civil Practice Division web page. This information is also contained in *Rule 4:42-11*.

### **24. How can I take the deposition of a person in New Jersey to use in a case filed in another state?**

Information and forms for taking a deposition in New Jersey for a case filed elsewhere can be found in our packet entitled “[Discovery in Aid of Foreign Litigation](#)” on our Legal Forms page.

### **25. How can I take the deposition of a person who does not live in New Jersey for a case filed in New Jersey?**

*Rule 4:11-5* sets forth three ways in which a deposition may be taken outside New Jersey for use in New Jersey. You may take it on notice to all parties, or in accordance with a commission or letter rogatory issued by a court in this state, or in any manner stipulated to by the parties. The party seeking to take the deposition must apply to the foreign state pursuant to the rules of that state. New Jersey Court Rules are available on our website at [njcourts.gov](http://njcourts.gov).

### **26. How do I obtain a letter rogatory?**

You must make an application to the court on notice to the parties in order to obtain a commission or letter rogatory. See *Rule 4:12-3*. Your application must include a proposed order. Once the judge has issued an order for a letter rogatory, send a copy of the order, the letter rogatory, and the \$35.00 fee to the Superior Court Clerk’s Office in Trenton for processing. The Clerk of the Superior Court will sign the letter, affix and emboss a seal.

## **27. Where can I get a marriage or civil union license?**

*N.J.S.A. 37:1-3* states that the marriage or civil union license shall be issued by the licensing officer in the municipality in which either party resides or, if neither party is a resident of the State, in the municipality in which the proposed marriage or civil union is to be performed.

## **28. Who can solemnize or perform a marriage or civil union?**

The following individuals may perform ceremonies in New Jersey:

- Judges of the following courts: United States Court of Appeals for the 3d circuit, Federal District Court, Municipal Court, Superior Court and Tax Court as well as retired judges of the Superior Court or Tax Court or a judge of the Superior Court or Tax Court who has resigned in good standing.
- U.S. Magistrates, surrogates of any county, county clerks, mayors or deputy mayors who have been authorized by the mayor to solemnize a marriage, chairpersons of any township committee or village.
- Ministers of every religion, religious societies, institutions and organizations may perform marriage ceremonies according to the rules and customs of the society institution or organization.

Information about individual authorized to perform ceremonies can be obtained from the county or federal court house or the *New Jersey Lawyers Diary*.

## **29. Where can I find information about how to change my name or my minor child's name?**

The Judiciary has kits available for name changes for both [adults](#) and [minors](#) on our Self Help Resource Center.

## **30. If I am changing my entire family's name, do I have to pay a fee for each family member?**

No, only one filing fee is required when multiple parties in the same family are changing their names.

## **31. Where can I get a notice of tort claim form?**

The Judiciary does not have a standard form on its website. The usual practice is to contact the entity against whom you wish to file the claim. In most situations, the entity has forms available for you to use. Another suggestion is to consult the *New Jersey Practice* books for model forms. Law libraries and some municipal or county libraries have that set of books. You should also look at the statute, *N.J.S.A. 59:8-3*, which sets forth what information must be included in the notice of tort claim.

## **32. How do I file a contractor (or mechanic) lien?**

The Judiciary does not have any forms for these liens on its website. The procedure is set forth in *N.J.S.A. 2A:44A-6 et seq.* Statute books are generally available in municipal or county libraries or in law libraries. Section *N.J.S.A. 2A:44A-8* has a sample notice of claim which is to be filed with the county clerk within 90 days of the date payment was due. You

may also contact the county clerk's office. That office may have a form available for you to use and may be able to give you more specific instructions. Sample forms also can be found in the *New Jersey Practice* series of books, available at libraries as well.

**33. Do I have to get a court order to get a title for an automobile issued in my name?**

This is a decision that the Motor Vehicle Commission must make. You may call the legal department there and you will be advised as to whether you need a court order or whether you can use their internal procedure to get the title issued in your name. The number for you to call is 609-777-4379.

**34. How do I file a complaint against my lawyer? Against the judge?**

To register a complaint about an attorney, contact the Office of Attorney Ethics at 1-800-406-8594 and/or the Disciplinary Review Board at 609-292-1011. To complain about a judge's conduct, contact the Advisory Committee on Judicial Conduct at 609-292-2552.

**35. What do I have to do to be admitted pro hac vice in New Jersey?**

Contact the Lawyers' Fund for Client Protection by calling 609-292-7179 or follow the instructions on our [New Jersey Lawyers' Fund for Client Protection](#) web page.

**36. I am an attorney in New Jersey. How can I obtain a certificate of good standing?**

Contact the Supreme Court, Office of the Clerk at (609) 292-2012. There is a cost for this service.

**37. How can I incorporate my business?**

The [New Jersey Department of the Treasury Division of Revenue and Enterprise Services](#) provides information and links to help you form and register a business entity.