#001

Guaranteed Subpoena Service, Inc.

"If we don't serve it, you don't pay"®

February 29, 2016

Honorable Glenn A. Grant
Hughes Justice Complex
P.O. Box 037
Trenton, NJ 08625

RE: Changes to R.1:9-3

Dear Judge Grant,

Thank you for bringing our "mailed subpoena" problem to the attention of the Rules Committee. We read with a great deal of interest the suggested changes and feel that they fall short of the prevailing problems.

Mailed service of a subpoena is ladened with fraud. An attorney requesting records of his/her client only needs the client's authorization not a subpoena. My personal medical records were obtained from Beth Israel Hospital in Newark, NJ by a non-attorney who simply placed an "ESQ." after his name on a subpoena sent by mail. I am a non-attorney and I dare say, that I can get your records using the same method. Personal service allows the victim to trace the subpoena back to its origins. Process servers, law firms, attorneys, and requestors of service are all traceable with personal service. No other nation allows the service of process by mail. Even the Hague has all its process personally served.

The language of a subpoena is threatening on the face-of-it. The average custodian of records, doctor, insurance carrier representative or banking institution fear that failure to respond will cause monetary fines, incarceration and more. The last sentence of the suggested change beginning with "a subpoena which seeks only the production of documents or records etc" and continuing with "shall be enforceable only upon receipt of a signed acknowledgement or waiver of personal service". If a notice so stating is not included with the subpoena sent by mail, the respondent would not be aware that the subpoena is not enforceable.

We humbly suggest that if mailing a subpoena is allowed as the rule change, suggest, then a notice be included with all subpoena's sent by mail. A waiver or signed acknowledgment should be sent back with the records or documents requested.

Because almost all mailed subpoenas are delivered and received without the mandatory fees, it would not be unreasonable that a subpoena sent by mail should include an acknowledgement or waiver and a prepaid return addressed envelope.

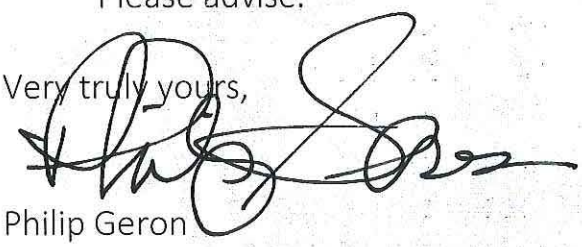
As a secondary reason why mailed service of a subpoena is objectionable, we know, that attorneys use the subpoenas as an investigative tool. Plaintiff attorneys seek the records of the defendant and vice-versa. The subpoena for records utilizes the duces tecum format. This form comes with certain restrictions, namely R.4:14-7(c). Mailing a subpoena often waives the mandates of this Rule. This is wrong.

In the rule change commentary, it was also mentioned that economics, the cost of PROPER SERVICE was a factor for using mailed service. It is really a shame when money dictates what our judiciary does. This is also wrong.

The Rule was clear as it existed and this change does not clarify anything. The existing Rule should just be enforced. Of course the court will do as it will. We cannot however understand how the suggested change makes things better for anyone.

Please advise.

Very truly yours,



Philip Geron
President