



## ALERTS

### Amendments To The Rules Of Courts Of New Jersey For The Court Year 2024-2025

September 4, 2024

#### Highlights

New amendments to the rules governing the Courts of New Jersey became effective on Sept. 1, 2024

The rules now expressly recognize service of certain documents when sent to an attorney's email address listed on eCourts

The rules now have meet and confer requirements when noticing the deposition of a corporate representative

The Supreme Court of New Jersey approved [new amendments to the rules governing the Courts of New Jersey](#). These amendments became effective on Sept. 1, 2024.

#### Service By Email

Rule 1:5-2 now expressly allows service "by email by an attorney to the email addresses listed on an approved electronic court system pursuant to Rule 1:32-2A(a)" of the papers listed in Rule 1:5-1. Currently, Rule 1:5-1 lists "pleadings subsequent to the original complaint, written motions (not made ex parte), briefs, appendices, petitions and other papers except

#### RELATED PEOPLE



#### Kaitlyn E. Stone

Partner  
New Jersey

P 973-775-6103  
F 973-775-6102  
Kaitlyn.Stone@btlaw.com



#### Bryan Castro

Associate  
New Jersey

P 973-775-6115  
F 973-775-6102  
Bryan.Castro@btlaw.com



#### Michael C. Zogby

Partner-in-Charge, New Jersey  
and Philadelphia Offices  
New Jersey, Philadelphia, New  
York

P 973-775-6110  
F 973-775-6102  
Michael.Zogby@btlaw.com

#### RELATED PRACTICE AREAS

Litigation

a judgment signed by the clerk.”

## **Rule of Professional Conduct 4.2 and Social Media**

The official comment to Rule of Professional Conduct 4.2, which governs communications with individuals represented by counsel relative to social media, now states that “[a] lawyer shall not engage in a prohibited communication through the acts of another,” and that “[c]ommunications that are intended to gain access to non-public social media postings of a represented party fall within the prohibition of this Rule.”

## **Meet and Confer Requirements for Corporate Representative Depositions**

The amendments establish new meet and confer requirements for corporate representative depositions under Rule 4:14-2. Rule 4:14-2 now includes meet and confer requirements revolving the deposition of a corporate representative, as stated per the amended text:

- “In its notice or subpoena, a party may name as the deponent a public or private corporation, a partnership, an association, a governmental agency, or other entity and must describe with reasonable particularity the matters for examination.”
- “The named organization must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on its behalf; and it may set out the matters on which each person designated will testify.”
- “Before or promptly after the notice or subpoena is served, the parties and any nonparty organization must confer in good faith about the matters for examination.”
- “A subpoena must advise a nonparty organization of its duty to confer with all parties and to designate each person who will testify.”
- “The persons designated must testify about information known or reasonably available to the organization.”
- Regarding the production of things, “[b]efore or promptly after the notice or subpoena is served, the serving party and the organization must confer in good faith about the matters for examination on notice to all parties and with opportunity for all to participate in that good faith conference.”

## **Rule 4:22-1 Mirrors Federal Rule of Civil Procedure 36(a)**

Rule 4:22-1, which governs requests for admissions, now provides that “[a] party may serve upon any other party a written request to admit, for purposes of the pending action only, the truth of any matters within the scope of R. 4:10-2 **relating to facts, the application of law to fact, or opinions about either . . .**”

For more information, please contact the Barnes & Thornburg attorney with whom you work or Kaitlyn Stone at 973-775-6103 or

[kaitlyn.stone@btlaw.com](mailto:kaitlyn.stone@btlaw.com), Bryan Castro at 973-775-6115 or [bryan.castro@btlaw.com](mailto:bryan.castro@btlaw.com), or Michael Zogby at 973-775-6110 or [michael.zogby@btlaw.com](mailto:michael.zogby@btlaw.com).

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