

**New Jersey Department of Transportation**  
**CONSTRUCTION ADVISORY**

<b>NUMBER:</b> 43	<b>Receipt of Subpoena and Notice for Deposition</b>	10/25/2019
<b>CATEGORY:</b> Legal		

If personally served with a Subpoena or Notice for Deposition there is probably no Deputy Attorney General assigned to the matter. However, a request for legal representation from the Office of Attorney General (OAG) can be made.

As set forth in Policy 605, to request representation send a written request, e-mail is acceptable, to your Manager. Failure to expeditiously transmit the request to Department management could negatively affect the availability of State-appointed counsel at initial court proceedings. The request must include a full description of the events related to the action, how the action is related to the employee's official duties, and include any legal documents received and any supporting documents. Include work unit address, work email address, work phone number and personal phone number.

The employee's manager shall review the request and confirm, to the best of their ability, that the matter pertains to the employee's State employment and their official duties. The manager shall forward the request and attachments to the Custodian of Records (COR) at [NJDOT.Records@dot.nj.gov](mailto:NJDOT.Records@dot.nj.gov) or Office of the Inspector General, 1035 Parkway Avenue, MOB Floor 2, West Trenton, NJ 08625. Email correspondence must copy the employee's manager and Director.

A former employee must submit a written request to their former manager. If the former manager is unavailable, the written request should be directed to the person that has assumed that role or equivalent title. The contact information should be the former employee's personal contact phone number, personal email address, and home address, as well as indication of the best method to reach the former employee.

The COR will review the request to determine if the matter arose out of or within the scope of the employee's official duties as well as the relationship of the charges to NJDOT operations and forward to the OAG. The OAG will make the final determination as to whether the incident occurred within the Employee's scope of employment with the Department.

**The OAG will determine whether or not the Division of Law will provide counsel and notify the requesting employee of the decision.**

If the employee's request is approved and there is no DAG available for legal representation, the OAG may authorize and designate an outside counsel for the legal representation.

Albert Balluch  
Director, Construction & Materials

