

## [N.J. Court Rules, R. 4:14-3](#)

Current with changes received through September 1, 2018

*New Jersey Court Rules > RULES GOVERNING THE COURTS OF THE STATE OF NEW JERSEY > PART IV. RULES GOVERNING CIVIL PRACTICE IN THE SUPERIOR COURT, TAX COURT AND SURROGATE'S COURTS > CHAPTER III. PRETRIAL DISCOVERY; PRETRIAL CONFERENCE PROCEDURE > RULE 4:14. DEPOSITIONS UPON ORAL EXAMINATION*

### **Rule 4:14-3. Examination and cross-examination; record of examination; oath; objections**

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(a)Examination and Cross-Examination. Examination and cross-examination of deponents may proceed as permitted in the trial of actions in open court, but the cross-examination need not be limited to the subject matter of the examination in chief.

(b)Oath; Record. The officer before whom the deposition is to be taken shall put the witness on oath and shall personally, or by some one acting under the officer's direction and in the officer's presence, record the testimony of the witness. The testimony shall be recorded and transcribed on a typewriter unless the parties agree otherwise.

(c)Objections. No objection shall be made during the taking of a deposition except those addressed to the form of a question or to assert a privilege, a right to confidentiality or a limitation pursuant to a previously entered court order. The right to object on other grounds is preserved and may be asserted at the time the deposition testimony is proffered at trial. An objection to the form of a question shall include a statement by the objector as to why the form is objectionable so as to allow the interrogator to amend the question. No objection shall be expressed in language that suggests an answer to the deponent. Subject to [R. 4:14-4](#), an attorney shall not instruct a witness not to answer a question unless the basis of the objection is privilege, a right to confidentiality or a limitation pursuant to a previously entered court order. All objections made at the time of the examination to the qualifications of the officer taking the deposition or the person recording it, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objection to the proceedings, shall be noted by the officer upon the deposition. Evidential objections to a videotaped deposition of a treating physician or expert witness which is taken for use in lieu of trial testimony shall be made and proceeded upon in accordance with [R. 4:14-9\(f\)](#).

(d)No Adjournment. Except as otherwise provided by [R. 4:14-4](#) and [R. 4:23-1\(a\)](#) all depositions shall be taken continuously and without adjournment unless the court otherwise orders or the parties and the deponent stipulate otherwise.

(e)Written Questions. In lieu of participating in an oral examination, parties may serve written questions in a sealed envelope on the party taking the deposition and that party shall transmit them to the officer, who shall propound them to the witness and record the answers verbatim.

(f)Consultation with the Deponent. Once the deponent has been sworn, there shall be no communication between the deponent and counsel during the course of the deposition while testimony is being taken except with regard to the assertion of a claim of privilege, a right to confidentiality or a limitation pursuant to a previously entered court order.

### **History**

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Source-R.R. 4:16-3, 4:20-3. Paragraphs (b), (d) and (e) amended July 14, 1972 to be effective September 5, 1972 (Paragraph (a) formerly R. 4:10-3); paragraph (c) amended July 21, 1980 to be effective September 8, 1980; paragraphs (b) and (e) amended July 13, 1994 to be effective September 1, 1994; paragraph (c) amended and paragraph (f) added June 28, 1996 to be effective September 1, 1996.

NEW JERSEY COURT RULES ANNOTATED

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