

# Subpoena Instructions

## How to Obtain and Serve a Subpoena or Subpoena Duces Tecum

**CHECKLIST:** You may use the forms and instructions in this packet if . . .

- ✓ You want a legal order summoning a witness to testify or submit evidence, or
- ✓ You want a legal order for someone to produce or make documents, records or objects available for your inspection
  - **AND** You have already filed and have a case open in the Superior court
  - **AND** The person (or company or organization, etc.) to whom the subpoena is to be given is NOT a party to the case
  - **AND** The person (or company or organization, etc.) to whom the subpoena is to be given will be served within the state of Arizona.

**WARNING:** *There are additional requirements for requesting MEDICAL RECORDS by subpoena. Those requirements and additional forms that may be needed for that purpose are NOT included in this packet. Refer to Arizona Revised Statute §12-2294.01 or consult an attorney for additional information.*

### INSTRUCTIONS: How to Complete the Subpoena

A **subpoena** is a legal order summoning a witness to testify or submit evidence. A **subpoena duces tecum** is a legal order requiring the production of documents, electronically stored information, records or objects.

- To complete this form, you will need your case number and the name and address of the person (who is NOT a party to the case) you want to appear as a witness in court, or who is in charge of the documents, electronically stored information, records, or objects you want to examine
- **PRINT CLEARLY. USE BLACK INK.**
- Fill in the information requested at top left for the person who is requesting the subpoena
- Fill in the party's names and case number exactly as it appears on the original court papers
- Check the box for **subpoena duces tecum** to order someone to produce or allow inspection of documents electronically stored information, records, or objects

#### Where it reads:

- THE STATE OF ARIZONA TO: **Fill** in the name of the person (or company, organization, etc.) to receive the subpoena
- BEFORE WHOM APPEARANCE TO BE MADE: **Fill** in the name of the judge who is handling your case. If the information is to be sent directly to the person who is requesting the subpoena, put in their name.
- DATE AND TIME OF APPEARANCE: **Fill** in the date and time of the hearing. If the information is to be sent directly to the person who is requesting the subpoena, put in the date the information should be provided by.

- PLACE OF APPEARANCE: **Fill** in the Superior Court address where the hearing will be held (for Kingman, BHC or LHC). If the information is to be sent directly to the person who is requesting the subpoena, put in their address.
- YOU ARE ALSO COMMANDED . . . . : Be sure to **clearly identify** the information, documents, records, objects, or electronically stored information you are seeking. *If you are not specific in your request for the information, document, object, or electronically stored information, the other party may object to your request for not being specific enough.*
- YOU HAVE BEEN SUBPOENED BY: **Fill** in the name of the person requesting the subpoena.

## **PROCEDURES: How to Obtain and Serve a Civil Subpoena**

- Complete the Subpoena
- Take the original subpoena to the Clerk of the Superior Court in Kingman, BHC or LHC. The cost is \$30.00 per subpoena issued. The Clerk will sign and date the subpoena and return it to you. If you are requesting the subpoena be issued to you by mail, provide payment of \$30.00 (per subpoena) made out to Clerk of Superior Court along with a self-addressed return stamped envelope to: Clerk of Superior Court, PO Box 7000, Kingman, AZ, 86402. The Clerk will return the subpoena to you by mail.
- Make copies
  - Make one copy for your records, plus one copy for every party in the case
- Mail one copy to every party in the case
- Serve the Subpoena. Have the original subpoena served on (personally delivered to) the person (or company or organization, etc.) you want to appear in court or who is in control of the documents or objects you want to examine. The original subpoena may be served by any person over the age of 18 who is NOT a party to the case. The person serving the subpoena must file an Affidavit of Service with the Court as proof of delivery (included in packet).
- FREQUENTLY ASKED QUESTIONS (FAQs): When must the subpoena be served? How far in advance of when I want the person to appear or the documents, records, objects or place made available for inspection must the subpoena be delivered? ANSWER: The rules of court known as the Arizona Rules of Civil Procedure (A.R.C.P.) do not specify any particular number of days that the subpoena must be delivered before the person is to appear or the documents or objects delivered or placed made available for inspection. The Rules do say that if the person receiving the subpoena feels that the length of time is unreasonable or otherwise objects, he or she must file an objection with the Court within 14 days of receiving the subpoena or before the date listed on the subpoena for the person to appear or to produce or provide access to the documents, records, objects, or location listed on the subpoena. A.R.C.P. 45(C)(5). Identical provisions are contained in Arizona Rules of Family Law Procedure (A.R.F.L.P.) Rule 52.

**READ ME:** *Consulting a lawyer before filing documents with the court may help prevent unexpected results. A list of lawyers you may hire to advise you on handling your own case or to perform specific tasks can be found on the Law Library Resource Center website.*