

## How To Fill Out the Subpoena Form

A subpoena is an order to someone, authorized by statute, either

- (1) to appear for a hearing or
- (2) to make documents or other items available.

### 1. FILL IN THE CAPTION

Fill in the name **of the case as shown** on the notice of hearing you received.

### 2. FILL IN THE NAME AND ADDRESS OF THE PERSON YOU WANT SUBPOENAED

Fill in this information after the word "TO:"

### 3. CHOOSE "ATTEND" OR "PRODUCE"

#### **ATTEND**

If you want the person to appear for a hearing, check the line before the words, "You are commanded to attend and fill in the date, time and location of the hearing.

#### **PRODUCE**

If you want the person to bring documents or other items, check the line before the words, "You are commanded to produce , and describe what you want brought. Fill in a date and location only if it is other than for the hearing itself.

**Special note:** An Administrative Law Judge may require a statement of the relevance of testimony and documents. To avoid delay, attach a statement along with the subpoena for the Administrative Law Judge to review.

### 4. GIVE YOUR NAME & TELEPHONE NUMBER:

Place you name and telephone number after the words "AT THE REQUEST OF..."

### 5. HAVE THE SUBPOENA SIGNED

Take the completed subpoena to the Office of Administrative Hearings and have the administrative law judge assigned to your case review and sign it. If appropriate, the subpoena will be signed. You may send the completed subpoena to the Office by mail, but be sure to send along a self-addressed, stamped envelope in order to have the subpoena returned to you for service.

### 6. HAVE THE SUBPOENA SERVED

Take the signed subpoena and have it served either by a process server or someone who is completely disinterested (not a friend, relative or party). That person must personally give the subpoena to the person commanded in the subpoena, and fill out the Affidavit of Service. The original of the subpoena and the Affidavit of Service must be returned to the Office of Administrative Hearings.

### 7. MAKE PAYMENT OF \$12.00/DAY AND .20/MILE TRANSPORTATION TO THE PERSON SUBPOENAED

The law requires that you reimburse anyone you subpoena in the amount of \$12.00 per day (witness fee) and 20 cents per mile for transportation (one way). These fees must be paid when the subpoena is served.

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

)  
) Docket No. \_\_\_\_\_  
) **SUBPOENA (Duces Tecum)**  
) Under the Authority of  
) Arizona Revised Statutes 41-1092.07C  
)

\_\_\_\_\_

**TO:** Name: \_\_\_\_\_  
Address: \_\_\_\_\_

\_\_\_\_\_ You are commanded to **ATTEND** a hearing in this matter at the date, time and location listed below and to remain until excused.

Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Location: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ You are commanded to **PRODUCE** documents or other tangible items for the above entitled matter, specifically: (describe items) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

for the hearing listed above OR (if another date other than the hearing) then on or before \_\_\_\_\_, \_\_\_\_\_ at (location): \_\_\_\_\_  
\_\_\_\_\_.)

The Office of Administrative Hearings endeavors to ensure the accessibility of its hearings to all persons with disabilities. Should you need special accommodations please contact the Office of Administrative Hearing at (602)-542-9826 at least three working days prior to the hearing.

**DATED this \_\_\_\_\_ day of \_\_\_\_\_.**

\_\_\_\_\_  
Administrative Law Judge

AT THE REQUEST OF: \_\_\_\_\_

TELEPHONE NUMBER: \_\_\_\_\_

**IN THE OFFICE OF ADMINISTRATIVE HEARINGS**

)  
)  
)  
)  
) No. \_\_\_\_\_  
)

) **AFFIDAVIT OF SERVICE**  
) of subpoena issued  
) Under the Authority of  
Arizona Revised Statutes 41-1092.07C

\_\_\_\_\_

I certify that I personally served upon \_\_\_\_\_, a copy of the subpoena, the original of which is attached to this affidavit. I showed the person the subpoena, explained its contents and left the subpoena with the person on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ am/pm.

\_\_\_\_\_  
Signature

SUBSCRIBED AND SWORN TO before me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_