

SELF-HELP CENTER

PLEASE NOTE: THE COURT DOES NOT PROVIDE SUBPOENA FORMS. YOU MAY OBTAIN THE FORM (SUCH AS THE BLUMBERG B69 FORM) FROM A LEGAL STATIONERY STORE. YOU WILL NEED ONE ORIGINAL FORM TO SUBMIT TO THE COURT, AND ONE COPY FOR EACH PERSON TO BE SERVED. SERVICE IS EXPLAINED BELOW.

*****PLEASE NOTE: A SUBPOENA MUST BE SIGNED BY A JUDGE *BEFORE IT IS* SERVED ON THE WITNESS.**

ALL FORMS MUST BE PRINTED, IN BLACK INK ONLY.

INSERT THE FOLLOWING INFORMATION:

1. Supreme Court
2. County of _____ (County where action filed).
3. Index number (for example, 2004-5362).
4. Name of Plaintiff(s). If the caption contains numerous litigants, you may write the name of the first named Plaintiff or Defendant, followed by the words "et al." which means "and others." For example, "**JOHN DOE** et al., against JOHN SMITH, et al."
5. Calendar number. With certain unusual exceptions, you must have a calendar number in order to have your subpoena signed.
6. Name of Defendant(s).
7. Name and address of the person you wish to subpoena.
8. Name of the Justice (Judge) assigned to your case, as follows: "the Hon. [name of Justice] followed by the letters J.S.C. (which means Justice of the Supreme Court).
9. Building address of the court where your case is pending: e.g., 92 Court Street, Binghamton, New York 13 90 1.
- 10., 11., 12., and 13. Day, month, year, and time of the scheduled trial or hearing.
14. State whether the witness will appear in the morning (A.M.) or afternoon (P.M.) by inserting "fore" or "after."
15. If you are the plaintiff in the lawsuit, insert the word "Plaintiff." If you are the defendant, insert "Defendant."
16. Describe any items you are requesting the witness to bring to court, such as relevant documents or other items.

17. Insert the name of the Judge assigned to your case [same as Number 9, above].
18. Insert the word "Justices."
19. Address of the court [same as No. 9 above].
- 20., 21., 22. Leave the spaces for the date, month, and year blank until the Justice signs the subpoena.
23. Leave this space blank for the Justice's signature.
24. Cross out the words "Attorney for" and indicate whether you are the Plaintiff or Defendant.
25. Insert your name, address, and telephone number.

After you have filled out all the above information, bring it to the Court Clerk's Office. The Clerk will forward it to the Judge and inform you when it will be signed. Do NOT go directly to chambers. After it has been "So Ordered," a subpoena must be served in the same manner as a summons. Read the attached pamphlet, "How to Serve Papers."

A subpoena fee must be paid when a subpoena is served. See the Civil Practice Law and Rules ("CPLR") section 2303. Effective January 1, 1989, the subpoena fee for attendance is \$15.00. You should check the CPLR, Section 8001 (a), for information on fees and to confirm that the fee has not been changed. You may check the CPLR section at any Public Access Law Library. The subpoena must be served in the same manner as a summons and complaint.

A subpoena must be served in the same manner as a paper which initiates a court action or proceeding. The person serving must be 18 years of age or older and must not be a party to the case. CPLR 2103(a). The papers may be delivered by a professional process server or a friend or non-party relative of the proper age. The proper manner of service is largely set out in Article 3 of the CPLR, which should be consulted before service is made.

Insert the following information on the reverse side of the subpoena:

26. Index No.

27. **SUPREME COURT**

28. **COUNTY OF (name of county)**

29. Name of Plaintiff 30. Name of Defendant

31. Cross out words "Attorney for" and insert name and address of party for whose benefit subpoena is being served.

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SAMPLE FORM

1. COURT
COUNTY OF 2.

4.,

Plaintiff/Petitioner,

Index No. 3.

-against-

Calendar No. 5.

6.,

Defendant/Respondent.

JUDICIAL SUBPOENA
DUCES TECUM

The People of the State of New York

TO 7.

WE COMMAND YOU, that all business and excuses being laid aside, you and each of you appear and attend before

8.

at

9.

on the 10 day of 11 20012. at 13. o'clock, in the 14. noon, and at any recessed or adjourned date to give testimony in this action on the part of 15. and that you bring with you, and produce at the time and place aforesaid, a certain

16.

now in your custody, and all other deeds, evidences and writings, which you have in your custody or power, concerning the premises

Failure to comply with this subpoena is punishable as a contempt of Court and shall make you liable to the person on whose behalf this subpoena was issued for a penalty not to exceed fifty dollars and all damages sustained by reason of your failure to comply.

WITNESS, Honorable 17 one of the 18. of said
Court, at 19. the 20. day of 21, 2000_
22.

23. _____
24. (Attorney for)
25.