

Instructions for Filling out a Judicial Subpoena Duces Tecum with Sample Attached

Please Note: The Court does not provide subpoena forms. You may obtain the form (such as a Blumberg B69) from a legal stationery store. You will need an original to submit to the Court and one copy for each person to be served. Service is explained below. A SUBPOENA MUST BE SIGNED BY A JUDGE *BEFORE* IT IS SERVED.

Print or type and use black ink only.

- 1** Print or type the County where the action was filed.
- 2** Print or type the name of the Plaintiff(s). If the caption contains more than one Plaintiff, you may write the name of the first named Plaintiff, followed by the words "et al." which means "and others" (For example: **JOHN DOE**, et al., against **JOHN SMITH**, et al.).
- 3** Print or type the name of the Defendant(s). If the caption contains more than one Defendant, see instructions above in #2.
- 4** Print or type the Index Number that was assigned to the action (For example: 2004-5362).
- 5** Print or type the name and address of the person you wish to subpoena.
- 6** Print or type the name of the Justice (Judge) assigned to your case as follows: "the Hon. [put in name of Justice]" followed by the letters "J.S.C.", which means Justice of the Supreme Court.
- 7** Print or type the address of the court where the case is pending (For example: 92 Court Street, Binghamton, New York 13901).
- 8-10** Print or type the day, month, and year of the scheduled trial or hearing.
- 11-12** Print or type the time and whether the witness will appear in the morning or afternoon by putting "fore" (a.m.) or "after" (p.m.).
- 13** Print or type who the witness will be appearing on behalf of. If Plaintiff is preparing the subpoena, put "Plaintiff". If Defendant is preparing the subpoena, put "Defendant".

- 14** Describe any items you are requesting the witness to bring to Court, such as relevant documents or other items.
- 15** Print or type the name of the Judge assigned to your case again.
- 16** Print or type the word "Justices".
- 17** Print or type the address of the court again.
- 18-20** Leave the spaces blank for the date, month and year as it will be completed by the Court.
- 21** Leave this blank as this is where the Judge will sign.
- 22** Cross out the words "Attorney for" and indicate whether you are the Plaintiff or Defendant. Print or type your name, address, and telephone number underneath.

After you have filled out the subpoena, bring it to the Court Clerk's Office. The Clerk will forward it to the Judge and inform you when it is 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.

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

The person serving the subpoena must be 18 years of age or older and can not be a party to the case (CPLR §2103[a]). The papers may be delivered by a professional process server, a friend, or a 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.

Please note that there is information that must be completed on the reverse side of the subpoena as well.

SUPREME COURT
COUNTY OF 1

2,

Plaintiff,

-against-

3,

Defendant.

S A M P L E

Index No. 4

**JUDICIAL SUBPOENA
DUCES TECUM**

The People of the State of New York

TO: 5

WE COMMAND YOU, that all business and excuses being laid aside, you and each of you appear and attend before 6 at 7 on the 8 day of 9, 2010 at 11 o'clock, in the 12 noon, and at any recessed or adjourned date to give testimony in this action on the part of 13 and that you bring with you, and produce at the time and place aforesaid, a certain 14 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 15 one of the 16 of said Court,
at 17 the 18 day of 19, 2020.

21
22 Attorney for