

(ALSO SEE FEDERAL RULE OF CIVIL PROCEDURE #45)

1. Fed. R. Civ. P. 45 provides two methods for issuing subpoenas:
 - a. Preferably attorneys will create and issue their own subpoenas (no court seal required) in the name of any court in which they are authorized to practice; and in the case of a deposition or a production of documents taking place in another district, in the name of the court where the deposition or production is to take place. The attorney need not be a member of the bar or admitted pro hac vice in the district in whose name the subpoena is issued, so long as the deposition or production pertains to a primary action in a court in which the attorney is authorized to practice.
 - b. The clerk of this court may issue signed, but otherwise blank and unsealed, subpoenas.
2. There is generally NO requirement to file any subpoena or completed certificate of service with the court! These need be filed only when otherwise necessary (e.g., in a formal dispute).
3. An original subpoena is needed, along with a copy for each party to be served (i.e., to complete the actual service).
4. Witness fees and mileage fees are subject to periodic change and are therefore only included in the court's list of fees which is available for free on the Court's Internet site at www.orb.uscourts.gov.
5. For rules regarding subpoenas for taking depositions/place of examination - see Fed. R. Civ. P.s 26(c), 30(b), 31(b) and 45.
6. For rules regarding a subpoena to witness in a foreign country - see Fed. R. Civ. P. 45(b)(2) and 28 USC §1783.

***** SEE [LOCAL FORM #ADV](#) FOR ADVERSARY PROCEEDING FILING INSTRUCTIONS *****