



**Issue Date: 23 November 2010**

Case No. 2011-MIS-00002

*In the Matter of*

## **IMPLEMENTATION OF NEW SUBPOENA FORMS**

### **ADMINISTRATIVE NOTICE**

The United States Department of Labor, Office of Administrative Law Judges (OALJ) may issue subpoenas for use in cases before the United States Department of Labor in which OALJ has lawful authority to issue subpoenas, and in longshore or black lung cases pending before the District Director, Office of Workers' Compensation programs (OWCP).

For many years, OALJ has utilized a single subpoena form that was used regardless of the nature of the subpoena. Effective immediately, OALJ will use three new forms that are specific to the intended use of the subpoena and are similar to those used in Federal District Courts: (1) Subpoena to Appear and Testify at a Hearing, (2) Subpoena to Appear and Testify at a Deposition, and (3) Subpoena to Produce Documents, Information or Objects, or to Permit Inspection of Premises.

The revised forms retain –

1. The limitation that the subpoena may only be used for proceedings before the OALJ or OWCP.
2. The prohibition against including Social Security numbers on the subpoena or attachments.
3. The notice that without an OALJ Seal being affixed, the subpoena is not an order from an administrative tribunal under the Health Insurance Portability and Accountability Act of 1996 (HIPPA).

No change has been made to the manner in which a subpoena may be issued. Where cases have been assigned, requests for subpoenas must be made to the presiding judge at that judge's office. Where cases have not yet been assigned, requests for subpoenas may be made directed to the National Office in Washington, D.C.

Accordingly, administrative notice is hereby provided that the following revised subpoena forms replace the current December 2001 subpoena form and are available for download in Adobe format at [www.oalj.gov/subpoenas.htm](http://www.oalj.gov/subpoenas.htm) -

- Subpoena to Appear and Testify at a Hearing (11/2010)
- Subpoena to Appear and Testify at a Deposition (11/2010)
- Subpoena to Produce Documents, Information or Objects, or to Permit Inspection of Premises (11/2010)

Beginning on Wednesday, December 1, 2010, use of the new forms will be mandatory. The following transition schedule will apply:

1. Subpoenas issued for particular cases before Wednesday, December 1, 2010 remain in effect.
2. All subpoenas issued on and after Wednesday, December 1, 2010 must be on the new form appropriate to the purpose of the subpoena.
3. The revised (11/2010) subpoena forms may be used prior to Wednesday, December 1, 2010.

Entered on behalf of the  
Office of Administrative Law Judges by:

**A**

**STEPHEN L. PURCELL**  
Acting Chief Administrative Law Judge