



Subpoena Requests

Policies & Procedures

Understanding Subpoenas

A subpoena is a formal written order that requires a person to appear before a court, or other legal proceedings (such as a Congressional hearing), and testify, or produce documentation.

Attorneys typically request subpoenas, which are issued by the court and served through mail, email, or personal delivery.

A subpoena cannot be ignored as it is a court order and a failure to respond to it may be punishable as contempt of court.

Essentially, a subpoena, which literally means 'under penalty', requires one to inform under oath (testify) on the facts that are at issue in a pending case. A subpoena is typically requested by an attorney on behalf of the court and issued by a court clerk, notary public, or justice of the peace. A subpoena may be served on an individual either through personal delivery, email, certified mail or even by reading it out aloud. It is also called a writ or administrative summons. A subpoena cannot be ignored as it is a court order and a failure to respond to it may be punishable as contempt of court.

Criminal and civil attorneys use subpoenas to obtain information that may bolster their client's case. If a witness is served with a subpoena but does not appear in court on the specified date, the attorney who had initiated the subpoena can ask the court for an adjournment to another date to buy more time to contact the witness. Alternately, the attorney may request a warrant from the court to be issued for the witness's arrest due to failure to appear in court.

Types of Subpoenas

There are three types of subpoenas:

1. A *witness subpoena* is a court order that requires someone to appear in court on a certain date and testify as a witness. The purpose of a witness subpoena is to ensure that relevant testimony is provided under oath, aiding in the fact-finding process and helping to establish the truth in a legal case.
2. A *subpoena duces tecum* is a court order that requires the subpoenaed individual to produce evidence such as documents or records at a specified time and place in a court hearing. This

is usually part of the pre-trial discovery process. The Latin term "duces tecum" translates to "bring with you".

3. A *deposition subpoena* is a court order requiring a person who is a third-party—not a party to a lawsuit—to provide copies of records and/or appear at a deposition to answer questions asked by one of the parties involved in the lawsuit.

Document Verification:

1. Any clinician commanded to appear as a representative of Family Service of El Paso shall be served through the administration office via email or in person by a courier or the sheriff department.
 - a. ***If clinician is served directly at either their home address or via their personal/work email, but the documentation has a subline referencing Family Service of El Paso, clinician must forward documentation to the Custodian of Records immediately.*
2. Part of the verification process is to ensure the correct clinician has been served as well ensure that the subpoena documentation is linked to the correct client & that the served clinician is/was linked to at some point during their service with FSEP.
3. Subpoena must be served at least 72 hours prior to the date of the appearance request date.
4. The current Custodian of Records (Dalilah Guerrero) will verify the necessary information and forward it to the served clinician(s).
5. If at any point during this request, the clinician is uncertain about their appearance due to discrepancies on the documentation, date, or simply there is unwillingness to appear for any reason, clinician must notify the Custodian of records immediately in writing. With proper review, the Custodian of Records will forward request to FSEPs Legal counsel. If FSEPs Legal counsel determines that the request is not substantial or legitimate, clinician will be notified in writing. If clinician is still unwilling to appear, clinician is responsible for hiring an attorney to challenge the subpoena. If FSEPs legal counsel determines there is substantial reasons to challenge the subpoena, FSEPs legal counsel will be asked to file a motion to quash the subpoena.

reject

Payment:

The requesting party (either the Client, Clients Attorney, the Court, or other) must ensure that our appearance service fee is paid no more than 48 hours prior to appearance service date.

If Subpoena documents are served at the front desk, the Custodian of Records will provide payment link ([Subpoena Payment Form \(jotform.com\)](#)) and collection of payment is due immediately.

The appearance service fee starts at a base cost of \$240, which includes the first hour and travel costs. Any additional hour is \$125/hour.

Document request fee is \$12 for the complete client case file.

When the Subpoena Payment form is completed, the requesting party may pay with Credit card online, cash or check at the front desk.