

HOW TO SUBPOENA A WITNESS

It is often very helpful to have a witness.

It is helpful to have a witness in court with you who knows firsthand the facts of the case and can support your point of view, or you may need documents or records you do not have to prove your case.

If your witness will not voluntarily come to court.

If a witness will not voluntarily come to court or will not provide the documents or records you need, you can subpoena them. A subpoena (Form SC-107) is a court order that requires a person to come to court or to bring certain papers or records to court. These documents must be delivered to the court on or before the date of the trial.

Use Form SC-107.

A subpoena form may be obtained from the small claims clerk or the SHARP office. A copy of the subpoena must be delivered to the witness personally. Any person, including yourself, may deliver a copy of the subpoena.

Witness Fees.

A witness can ask for fees of \$35.00 per day and 20 cents a mile each way. Witness fees for law officers are higher. If a witness asks for fees, he or she does not have to appear if they are not received. The person who serves the subpoena should be prepared to pay the fees at the time of service if they are requested. If the witness does not ask for fees, you do not have to offer them.

To subpoena documents.

You would use the same form (SC-107) to subpoena documents or other papers. You will need to know exactly which documents or papers you need, since the subpoena must be served with a copy of a declaration describing the documents you need. The declaration is part of the subpoena that the clerk will give you.

Filing of the subpoena and proof of service.

After the subpoena is served, you must file the original subpoena and the completed *Proof of Service* with the court before the date of the trial.