

HOW TO FILL OUT THE SUBPOENA FORM

A subpoena is an order to someone, authorized by statute, either (1) to appear at a hearing to give testimony or (2) to make documents or other items available either at hearing or at a date prior to hearing.

1. FILL IN THE CAPTION

Fill in the name **of the case as shown** on the notice of hearing you received.

2. FILL IN THE NAME AND ADDRESS OF THE PERSON YOU WANT SUBPOENAED

Fill in this information after the word "TO:"

3. SUBPOENA TO APPEAR OR PRODUCE RECORDS AT HEARING

CHOOSE "ATTEND" OR "PRODUCE"

- ATTEND

If you want the person to appear at hearing to testify, check the box before the words, "You are commanded to attend...", and fill in the date, time and location of the hearing as indicated on the Notice of Hearing you received.

- PRODUCE

If you want the person to bring documents or other items, check the box before the words, "You are commanded to produce...", and describe what you want brought in Attachment "A" and attach to the Subpoena.

4. SUBPOENA TO PRODUCE RECORDS ON A DATE PRIOR TO HEARING – Fill in the date, time and location of the place where you want the documents produced and then describe the documents that you want produced in Attachment "A" and attach to the Subpoena.

5. GIVE YOUR NAME & TELEPHONE NUMBER:

Place your name and telephone number after the words "AT THE REQUEST OF..."

6. HAVE THE SUBPOENA SIGNED

You must submit the completed subpoena form to the office of the Industrial Board of Appeals to have the subpoena reviewed and signed. If the subpoena is issued (signed and returned to you) you will be responsible for effecting service of each subpoena.

7. HAVE THE SUBPOENA SERVED

Arrange to have the signed subpoena served either by a process server or someone, over 18, who is not a party in your case. That person must personally give the subpoena to the person commanded in the subpoena, and fill out the Affidavit of Service and sign the Affidavit before a notary public. If serving a state agency, it is also necessary to effect service on the Attorney General at one of his offices. The original of the subpoena and the Affidavit of Service must be returned to the Industrial Board of Appeals.

8. WITNESS FEES

Pursuant to CPLR § 8001(a) (2008): "Any person whose attendance is compelled by a subpoena, whether or not actual testimony is taken, shall receive for each day's attendance **fifteen dollars for attendance fees and twenty-three cents as travel expenses for each mile to the place of attendance from the place where he or she was served, and return. There shall be no mileage fee for travel wholly within a city.**"