

## Subpoenas

In order to prove certain facts in your case, you may need evidence that another person has or you may need a witness to testify at your hearing. If the person with the evidence will not give it to you voluntarily or the witness does not want to come to your hearing, you can request the court to issue a subpoena.

### What is a subpoena?

A subpoena is a court order that tells someone to produce certain evidence or attend a court hearing.

### What is the difference between a subpoena and a subpoena *duces tecum*?

A subpoena is a directive to a person to attend a particular event/proceeding. A subpoena *duces tecum* is a directive to a person to produce documents or other things and/or attend a particular event/proceeding.

### How do I get a subpoena?

If you are representing yourself, you must have the court issue the subpoena before you serve it. See JCRCP 45. To do so, fill out a subpoena and include the following information:

1. The name of the court.
2. The title of the action
3. The case number, and
4. Command a specific person to testify or produce something at a specific time and place.

### How must a subpoena be served?

It must be served personally along with witness fees.

Pursuant to NRS 50.225: **Fees and expenses of witnesses.**

1. For attending the courts of this State in any criminal case, or civil suit or proceeding before a court of record, master, commissioner, justice of the peace, or before the grand jury, in obedience to a subpoena, each witness is entitled:

(a) To be paid a fee of \$25 for each day's attendance, including Sundays and holidays.

(b) Except as otherwise provided in this paragraph, to be paid for attending a court of the county in which the witness resides at the standard mileage reimbursement rate for which a deduction is allowed for the purposes of federal income tax for each mile necessarily and actually traveled from and returning to the place of residence by the shortest and most practical route. A board of county commissioners may provide that, for each mile so traveled to attend a court of the county in which the witness resides, each witness is entitled to be paid an amount equal to the allowance for travel by private conveyance established by the State Board of Examiners for state officers and employees generally. If the board of county commissioners so provides, each witness at any other hearing or proceeding held in that county who is entitled to receive the payment for mileage specified in this paragraph must be paid mileage in an amount equal to the allowance for travel by private conveyance established by the State Board of Examiners for state officers and employees generally.

2. In addition to the fee and payment for mileage specified in subsection 1, a board of county commissioners may provide that, for each day of attendance in a court of the county in which the witness resides, each witness is entitled to be paid the per diem allowance provided for state officers and employees generally. If the board of county commissioners so provides, each witness at any other hearing or proceeding held in that county who is a resident of that county and who is entitled to receive the fee specified in paragraph (a) of subsection 1 must be paid, in addition to that fee, the per diem allowance provided for state officers and employees generally.

3. If a witness is from without the county or, being a resident of another state, voluntarily appears as a witness at the request of the Attorney General or the district attorney and the board of county commissioners of the county in which the court is held, the witness is entitled to reimbursement for the actual and necessary expenses for going to and returning from the place where the court is held. The witness is also entitled to receive the same per diem allowance provided for state officers and employees generally.

4. Any person in attendance at a trial who is sworn as a witness is entitled to the fees, the per diem allowance, if any, travel expenses and any other reimbursement set forth in this section, irrespective of the service of a subpoena.

5. Witness fees, per diem allowances, travel expenses and other reimbursement in civil cases must be taxed as disbursement costs against the defeated party upon proof by affidavit that they have been actually incurred. Costs must not be allowed for more than two witnesses to the same fact or series of facts, and a party plaintiff or defendant must not be allowed any fees, per diem allowance, travel expenses or other reimbursement for attendance as a witness in his or her own behalf.

6. A person is not obligated to appear in a civil action or proceeding unless the person has been paid an amount equal to 1 day's fees, the per diem allowance provided by the board of county commissioners pursuant to subsection 2, if any, and the travel expenses reimbursable pursuant to this section.

(Added to NRS by 1971, 792; A 1975, 1422; 1977, 776; 1981, 367; 1987, 549; [1993, 920](#); [1995, 105](#); [2007, 582](#), [597](#))

#### **Can a person dispute a subpoena?**

A person may serve a written objection to inspection or copying of any or all of the designated materials or of the premises which requires the person serving the subpoena to file a motion to compel production of documents, etc . A person may also file a motion to quash or modify the subpoena if it requires compliance in an unreasonable amount of time, requires a nonparty to travel more than 100 miles, requires disclosure of privileged information or subjects a person to an undue burden.

#### **What is the penalty for disobeying a subpoena?**

Contempt of court.

*For more information regarding subpoenas, go to <http://www.leg.state.nv.us>*