



Maricopa County Justice Courts

INSTRUCTIONS FOR ISSUING AND SERVING A CIVIL SUBPOENA FOR THE APPEARANCE OF A PERSON

1. Complete the Subpoena for Appearance of a Person form (can be obtained from the court).
2. Pay the issue fee to the Court.
3. Select a process server:
Rule 45(b) and Justice Court Rules Civil Procedure 137b
(1) "A subpoena may be served by any person who is not a party and is not less than eighteen years of age."
4. Give the process server the original Subpoena and a copy, along with service instructions. See information below for attaching necessary witness fees to the served subpoena.

Attach a money order or cashier's check for witness fees in the sum of \$12.00, plus \$.20 per mile from the witness' place of residence to the court. Make the check payable to the witness.

ARS 12-303 Witness fees and mileage:

"A material witness attending the trial of a civil action shall be paid twelve dollars for each day's attendance to and including the time it was necessary for him to leave his residence and go to the place of trial and his discharge as a witness. The witness shall also be paid mileage at the rate of twenty cents for each mile actually and necessarily traveled from his place of residence in the state of Arizona to the place of trial, to be computed one way only."



Maricopa County Justice Courts, Arizona

CASE NUMBER: _____

Plaintiff(s) Name / Address / Email / Phone

Defendant(s) Name / Address / Email / Phone

SUBPOENA Appearance of a Person

JCRCP Rule 137b

APPEARANCE OF A PERSON for Attendance of Witness(es) at Hearing or Trial

To: _____

Phone: _____

Address: _____

YOU ARE COMMANDED to appear in the above named Justice Court at the time specified below to testify at:

- ☐ A Trial in the above cause on behalf of the ☐ Plaintiff ☐ Defendant
☐ A Hearing

Date: _____ Time: _____

YOU ARE TO REMAIN UNTIL EXCUSED BY THE JUDGE

If you fail to appear a Civil Arrest Warrant may be issued to bring you before the Court to answer why your failure to appear should not be treated as contempt.

Date: _____
Justice of the Peace

Be in court at least 15 minutes before the scheduled hearing.

YOU MUST CHECK IN AT THE FRONT COUNTER BEFORE ENTERING THE COURT ROOM.

(Esté en el tribunal por lo menos 15 minutos antes de la audiencia programada.)

(DEBE REGISTRARSE EN EL MOSTRADOR DELANTERO ANTES DE ENTRAR EN LA SALA DEL TRIBUNAL)

REQUESTS FOR REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES SHOULD BE MADE TO THE COURT AS SOON AS POSSIBLE.

(LAS SOLICITUDES PARA ARREGLOS O ADAPTACIONES RAZONABLES PARA PERSONAS CON DISCAPACIDADES SE DEBEN PRESENTAR ANTE EL TRIBUNAL LO MAS ANTES POSIBLE.)

If an interpreter is needed, please contact the court listed above to request an interpreter be provided.

(En caso de necesitarse un intérprete, favor de comunicarse con el Tribunal antes mencionado para solicitar que se brinden los servicios de un intérprete.)

IT IS ORDERED DENYING THIS SUBPOENA

Date: _____
Justice of the Peace

AFFIDAVIT OF SERVICE

Date served: _____ Who served: _____
Time served: _____ Address of service: _____

I certify and declare under penalty of perjury that I served this subpoena, that I am not a party to this matter and, that I am not less than 18 years of age.

Signature of person serving process



Maricopa County Justice Courts

YOUR DUTIES IN RESPONDING AND YOUR RIGHT TO OBJECT TO THIS SUBPOENA

YOUR DUTIES IN RESPONDING TO THIS SUBPOENA

Attendance at a Trial: If this subpoena commands you to appear at a trial or hearing, you must appear at the place, date, and time designated in the subpoena unless you file a timely motion with the court and the court quashes or modifies the subpoena. See Rule 137 of the Justice Court Rules of Civil Procedure (JCRCP). See also "Your Right To Object To This Subpoena" section below. Unless a court orders otherwise, you are required to travel to any part of the state to attend and give testimony at a trial. *See Rule 137 of the JCRCP.*

Attendance at a Hearing or Deposition: If this subpoena commands you to appear at a hearing or deposition, you must appear at the place, date and time designated in this subpoena unless either:

- (1) you file a timely motion with the court and the court quashes or modifies the subpoena; or
- (2) you are not a party or a party's officer and this subpoena commands you to travel to a place other than:
 - (a) the county in which you reside or you transact business in person; or
 - (b) the county in which you were served with the subpoena or within forty (40) miles from the place of service; or
 - (c) such other convenient place fixed by a court order.

See Rule 137 of the JCRCP. See also "Your Right To Object To This Subpoena" section below.

YOUR RIGHT TO OBJECT TO THIS SUBPOENA

Generally: If you have concerns or questions about this subpoena, you should first contact the party or attorney who served the subpoena. The party or attorney serving the subpoena has a duty to take reasonable steps to avoid imposing an undue burden or expense on you. The superior court enforces this duty and may impose sanctions upon the party or attorney serving the subpoena if this duty is breached. *See Rule 137 of the JCRCP.*

Procedure for Objecting to a Subpoena for Attendance at a Hearing, Trial or Deposition: If you wish to object to a subpoena commanding your appearance at a hearing, trial or deposition, you must file a motion to quash or modify the subpoena with the court to obtain a court order excusing you from complying with this subpoena. See Rules 137 of the JCRCP. The motion must be filed in the Justice Court precinct in which the case is pending or from which the subpoena was issued. See Rule 137 of the JCRCP. The motion must be filed before the time specified for compliance or within 14 days after the subpoena is served, whichever is earlier. See Rule 137 of the JCRCP. You must send a copy of any motion to quash or modify the subpoena to the party or attorney who served the subpoena.

See Rules 137 of the JCRCP.

The court must quash or modify a subpoena:

- (1) if the subpoena does not provide a reasonable time for compliance;
- (2) unless the subpoena commands your attendance at a trial, if you are not a party or a party's officer and if the subpoena commands you to travel to a place other than:
 - (a) the county in which you reside or transact business in person;
 - (b) the county in which you were served with a subpoena, or within forty (40) miles from the place of service; or
 - (c) such other convenient place fixed by a court order; or
- (3) if the subpoena requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (4) if the subpoena subjects you to undue burden.

See Rule 137 of the JCRCP.

The court may quash or modify a subpoena:

- (1) if the subpoena requires you to disclose a trade secret or other confidential research, development or commercial information;
- (2) if you are an unretained expert and the subpoena requires you to disclose your opinion or information resulting from your study that you have not been requested by any party to give on matters that are specific to the dispute;
- (3) if you are not a party or a party's officer and the subpoena would require you to incur substantial travel expense; or
- (4) if the court determines that justice requires the subpoena to be quashed or modified. *See Rule 137 of the JCRCP.*

In these last four circumstances, a court may, instead of quashing or modifying a subpoena, order your appearance or order the production of material under specified conditions if:

- (1) the serving party or attorney shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (2) if your travel expenses or the expenses resulting from the production are at issue, the court ensures that you will be reasonably compensated. *See Rule 137 of the JCRCP.*