

Civil Division FAQ Section

A *subpoena* is a command to appear at a certain time and place to give testimony upon a certain matter. If a witness will not agree to appear voluntarily, you may make a written request asking the Clerk to issue a subpoena commanding their appearance.

A *subpoena duces tecum* is a court process, initiated by a party in litigation, compelling production of certain specific documents and other items, material that is relevant to facts in issue in a pending judicial proceeding, which documents and items are in custody and control of person or body served with process.

Should there be a need to issue a subpoena and/or subpoena duces tecum, you must make a written request asking the Clerk to issue either, or both, commanding the appearance of an individual and/or production of specific documents, items, material, etc.

If a witness is not subpoenaed and does not appear at the trial, his/her absence will not ordinarily constitute good grounds for a postponement or continuance of your case. In such cases, you may be required to proceed to trial even if your “un-subpoenaed” witness fails to appear.

In addition, the issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena.

The request for issuance of subpoenas shall be directed to the Clerk of Court/Judicial Administrator IN WRITING (including both name and address of witness(es) not less than fifteen (15) days prior to the date upon which a trial or evidentiary hearing is to be held. ALL Civil subpoena requests must be filed in the Civil Division, Room 251, at 233 St. Louis Street, Baton Rouge, Louisiana.