

Rule 14. Subpoenas

(a) Procedures or attorneys.

(1) Attendance of witnesses. SCR-Civil 45 shall govern issuance of subpoenas for attendance of witness in civil protection order and civil contempt actions except when it is inconsistent with section (b) of this rule. SCR-Criminal 17 shall govern the issuance of subpoenas for attendance of witnesses in criminal contempt actions arising out of an intrafamily case except when it is inconsistent with section (b) of this rule.

(2) Production of tangible evidence and documents and taking depositions. SCR-Civil 45 shall govern the issuance of subpoenas for production of tangible evidence and documents, and taking depositions in civil protection order and civil contempt actions, and SCR-Criminal 17 shall govern the issuance of subpoenas for production of tangible evidence and documents, and taking depositions in criminal contempt actions arising out of intrafamily cases, except when issuance of the subpoena without court authorization would be inconsistent with the discovery requirements of Domestic Violence Unit Rule 8(a) and (b) and section (b) of this rule.

(3) Medical records. Issuance of subpoenas for the medical records of an opposing party must be authorized by the Court as required by *D.C. Code § 14-307*.

(b) Procedure for party not represented by an attorney. Parties who are not represented by an attorney shall follow the same procedures as set forth in subsection (a)(1), (a)(2) and (a)(3), except that prior judicial authorization is required before any subpoena may issue. Except when inconsistent with this rule, the presiding judge of the Unit may designate the Clerk or Deputy Clerk of the Unit, or other court employee in the Clerk's Office to authorize the issuance of subpoenas based on guidelines established by the presiding judge.

COMMENT

SCR-Civil 45 and SCR-Criminal 17 have no restrictions regarding the Clerk distributing subpoenas to parties not represented by an attorney. SCR Dom Rel 45 states that a party not represented by an attorney may obtain from the Clerk and complete a blank subpoena, and submit it to the Clerk to be signed. That rule also provides that the Clerk may sign subpoena if it relates to a case in which action is pending; otherwise the Clerk shall refer the subpoena to a judicial officer for consideration. Section (b) of this rule requires judicial authorization before the Clerk issues a subpoena to a party not represented by an attorney. The purpose of this section is to prevent one party from harassing the other party through the subpoena process given the nature of the intrafamily proceedings before the court. This section is not intended to prevent any party from obtaining subpoenas for witnesses or other documents or records relevant to the proceeding. It is only intended to provide some judicial oversight in the issuance of subpoenas. Section (b) permits the presiding judge of the Unit to designate the Clerk or Deputy Clerk or a court employee in the Clerk's Office to review requests for subpoenas based on guidelines established by the presiding judge of the Unit.