



FOURTH JUDICIAL DISTRICT, STATE OF COLORADO

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**CHIEF JUDGE ORDER 2018-02**

**RE: POLICY ON SUBPOENAS AND SUBPOENAS DUCES TECUM FOR ALL CASE TYPES**

To save administrative costs and time for parties, practitioners, and court staff, neither **witness subpoenas** nor their returns of service will be accepted for filing by the Clerk's Office. Parties shall keep all original witness subpoenas and returns of service in their files for presentation in court, should it be necessary for the court to take any action in connection with such subpoenas.

A **pro se party** requesting the issuance of **witness subpoenas** in a **criminal case** shall file a motion requesting such issuance in the Clerk's Office. Pro se parties requesting the issuance of witness subpoenas in a **non-criminal case** shall submit their proposed witness subpoenas to the Clerk's Office for issuance.

**Attorneys** issuing **subpoenas duces tecum** in **criminal cases** shall obtain a return date from the division the case is assigned to and then upload to the Colorado Courts E-filing system (CCE) a copy of the subpoena duces tecum and any return of service. For **attorney-issued subpoenas duces tecum** in **non-criminal cases**, neither subpoenas duces tecum nor returns of service will be accepted for filing by the Clerk's Office, except when attached as an exhibit to a motion to quash a subpoena duces tecum. Attorneys in non-criminal cases shall keep all original subpoenas duces tecum and returns of service in their files for presentation in court, should it be necessary for the court to take any action in connection with such subpoenas duces tecum.

**Pro Se parties** requesting a **subpoena duces tecum** in a **criminal case** shall first file the appropriate motion under Criminal Rule 17(b) in the Clerk's Office. If the motion is granted by the Court, the pro se party shall obtain a return date from the division the case is assigned to prior to the Clerk's Office issuing the subpoena duces tecum. A copy of every pro se subpoena duces tecum in a criminal case and any return of service shall be filed in the Clerk's Office. **Pro se parties** requesting a **subpoena duces tecum** in a **non-criminal case** shall make such request in the Clerk's Office. A copy of every pro se subpoena duces tecum and any return of service shall be retained for presentation in court, should it be necessary for the court to take any action in connection with such subpoenas duces tecum.

This Order supersedes Chief Judge Directive 2011-01.

DONE AND SIGNED ON THIS 2<sup>nd</sup> DAY OF March, 2018.

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WILLIAM B. BAIN  
Chief Judge  
Fourth Judicial District