

<b>JDF 86</b>	<b>Guide to Issuing a Subpoena</b> For Cases Outside of Colorado
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These standard instructions are for informational purposes only and do not constitute legal advice about your case. If you choose to represent yourself, you are bound by the same rules and procedures as an attorney.

## General Information

- Colorado Revised Statutes (C.R.S.) § 13-90.5-103, provides the authority to any district court in Colorado to issue a subpoena for the appearance and deposition testimony of a witness who resides or can be found in Colorado where such deposition has been authorized by a court of record in the United States.
- C.R.S. § 13-90.5-103, provides the authority to any district court in Colorado to issue a subpoena duces tecum commanding a person to produce documents.
- The Request can be filed by an attorney (licensed in Colorado or licensed out-of-state) or by any party not represented by counsel.
- The Request must be filed in the county where the deposition/discovery will be conducted.
- A Foreign Subpoena must be filed along with the Request. A Foreign Subpoena is a subpoena issued under authority of a court of record of a foreign jurisdiction.
- A Subpoena to Appear, in this context, is a document issued by the clerk at the request of one of the parties to require the appearance of a witness at a deposition.
- A Subpoena to Produce (Subpoena Duces Tecum) is a document issued by the clerk at the request of one of the parties to require a person to bring certain documents or evidence in their possession with them to a specified location.
- A Subpoena issued pursuant to C.R.S. § 13-90.5-103. must be served in compliance with section §13-90-115, C.R.S. and Rule 45 of the Colorado Rules of Civil Procedure.
- For additional information, please review C.R.S. §§ 13-90.5-102 – 107.
- If you have a disability and need a reasonable accommodation to access the courts, please contact your local court's Americans with Disabilities Act (ADA) Coordinator.  
[[www.coloradojudicial.gov/ada-coordinators](http://www.coloradojudicial.gov/ada-coordinators)].

## Fees

Visit [[www.coloradojudicial.gov/self-help/list-fees](http://www.coloradojudicial.gov/self-help/list-fees)] for a list of filing fees and info on fee waivers.

## Forms

Visit [[www.coloradojudicial.gov/self-help-forms](http://www.coloradojudicial.gov/self-help-forms)] to find forms by name or JDF number.

- JDF 80                District Court Subpoena
- JDF 80.3           Subpoena Affidavit
- JDF 87             Request to Issue Subpoena (Case Outside of Colorado)
- JDF 98             Affidavit of Service

## Step-By-Step

### Step 1: Forms

- a) List the party's roles (*examples: Petitioner or Defendant*) the same as they are listed in the originating state case.
- b) Create a set of forms for each witness you want to subpoena.

#### JDF 87 – Request to Issue Subpoena

- Attach any supporting Order issued by the foreign court.
- Attach a copy of the Foreign Subpoena.

#### JDF 80 – Subpoena

- A Subpoena must incorporate the terms used in the Foreign Subpoena and must contain or be accompanied by the names, addresses, and telephone number of all counsel of record in the proceeding to which the Subpoena relates and of any party not represented by counsel.
- When requesting a witness to bring certain items, be specific and clear when identifying the items.
- Attach a completed Subpoena Affidavit (Form JDF 80.3).

### Step 2: File with the Court

- a) File the Step 1 Paperwork in the District Court in the County where the witness lives or works.
- b) Make sure you have two copies of every Subpoena you request the Court to issue.
- c) Pay the filing fee for each case. You will need to start a separate case for each witness.
- d) Provide the Court with a self-addressed stamped envelope to receive the Subpoenas.

### Step 3: Prepare a Check for each Witness.

Pursuant to C.R.S. § 13-33-103, you must compensate mileage for each witness.

### Step 4: Service

Complete Personal Service Pursuant to C.R.S. § 13-90-115, and C.R.C.P. 45. Helpful Hints to Complete Personal Service:

- Complete sections A to D of the Affidavit of Service (Form JDF 98)

- Service must be completed:
  - No later than 7 days before the scheduled date identified on the Subpoena for deposition testimony.
  - No later than 14 days before the date identified on the Subpoena for Production of Documents.
- Take the Subpoena (Form JDF 80), Subpoena Affidavit (Form JDF 80.3), and Affidavit of Service to a private process server, or anyone 18 years or older and not a party to the action.
- Attach the mileage check to the copy of the Subpoena to be served on the witness.
- The process server must follow the Service of Process requirements stated in Rule 45 of the Rules of Civil Procedure.
- Be sure to direct the sheriff, private process server, or person serving the Subpoena to return the completed Affidavit of Service to you as soon as possible after service has been completed. File a copy of that Affidavit of Service into your case.
- Bring a copy of the Subpoena and completed Affidavit of Service when you come to the deposition or other appearance date.