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**Using This Revisable PDF Form**

1. Copies
  - a. Original – to the sheriff to be served on the person being subpoenaed.
  - b. First copy - to court.
  - c. Second copy – to opposing party.
2. Prepared by attorney for the party.
3. Attachments – check for service fees if the subpoena is served by the sheriff.
4. Preparation Details – This is a form for a subpoena duces tecum that may be issued directly by a party’s attorney who is an active member in good standing of the Virginia State Bar. It can be used only in civil cases. It cannot be used in habeas corpus proceedings, delinquency proceedings, child abuse and neglect proceedings, protective order proceedings in cases of domestic violence or stalking, habitual offender proceedings, proceedings to contest an administrative license suspension under Va. Code § 46.2-391.2 and proceedings pursuant to petitions for writs of prohibition or mandamus.

SUBPOENA DUCES TECUM (CIVIL) -
ATTORNEY ISSUED VA. CODE §§ 8.01-413, 16.1-89, 16.1-265;
Commonwealth of Virginia Supreme Court Rules 1:4, 4:9

Case No. 1
2
HEARING DATE AND TIME

3 Court

4 COURT ADDRESS

5 v./In re: 6

TO THE PERSON AUTHORIZED BY LAW TO SERVE THIS PROCESS:

You are commanded to summon

7 NAME

8 STREET ADDRESS

CITY STATE ZIP

TO the person summoned: You are commanded to make available the documents and tangible things designated and described below:

9

at 10 LOCATION at 11 DATE AND TIME

to permit such party or someone acting in his or her behalf to inspect and copy, test or sample such tangible things in your possession, custody or control.

This Subpoena Duces Tecum is issued by the attorney for and on behalf of

12 PARTY NAME

NAME OF ATTORNEY

VIRGINIA STATE BAR NUMBER

13 OFFICE ADDRESS

13 TELEPHONE NUMBER OF ATTORNEY

OFFICE ADDRESS

FACSIMILE NUMBER OF ATTORNEY

14 DATE ISSUED

15 SIGNATURE OF ATTORNEY

Notice to Recipient: See page two for further information.

RETURN OF SERVICE (see page two of this form)

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**Data Elements, *page one***

1. Insert case number.
2. Insert hearing date and time.
3. Court name and type of court in which case is pending.
4. Address of court.
5. Name of Plaintiff.
6. Name of Defendant or the subject of the suit.
7. Name of person who is the custodian of the documents and tangible things being requested.
8. Address of custodian.
9. Describe documents and tangible things to be produced.
10. Insert location where the documents and tangible things to be produced should be made available.
11. Insert date and time when the documents and tangible things to be produced should be made available.
12. Insert the name of the party whose attorney is issuing the subpoena.
13. Insert the name, office address, bar number, telephone number and facsimile number of the attorney issuing the subpoena.
14. Date the subpoena is issued.
15. Signature of attorney issuing the subpoena.

TO the person summoned:

If you are served with this subpoena less than 14 days prior to the date that compliance with this subpoena is required, you may object by notifying the party who issued the subpoena of your objection in writing and describing the basis of your objection in that writing.

1 [ ] This SUBPOENA DUCES TECUM is being served by a private process server who must provide proof of service in accordance with Va. Code § 8.01-325.

TO the person authorized to serve this process: Upon execution, the return of this process shall be made to the clerk of court.

NAME: .....
ADDRESS: .....
[ ] PERSONAL SERVICE Tel. No. ....
Being unable to make personal service, a copy was delivered in the following manner:
[ ] Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above:
[ ] Posted on front door or such other door as appear to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)
[ ] NOT FOUND ..... Sheriff
7 DATE by ..... 9 Deputy Sheriff

CERTIFICATE OF COUNSEL

I, ..... 10, counsel for ..... 11 hereby certify
that a copy of the foregoing subpoena duces tecum was ..... 12 DELIVERY METHOD
to ..... 13, counsel of record for ..... 14,
on the ..... 15 day of ..... 15,
16 SIGNATURE OF ATTORNEY

NOTICE: Upon receipt of the subpoenaed documents, the requesting party must, if requested, provide true and full copies of those documents to any other party or to the attorney for any other party, provided the other party or attorney for the other party pays the reasonable cost of copying or reproducing those documents. This does not apply when the subpoenaed documents are returnable to and maintained by the clerk of the court in which the action is pending. Va. Code § 8.01-417

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**Data Elements, *page two***

1. Check box if a private process server is being utilized to serve the subpoena.
2. Name, address and phone number of person being served.
3. Check if personal service is made.
4. Check if delivered to a family member and insert name and age of the recipient and the relationship of the recipient to the person to be served.
5. Check if posted service.
6. Check if not found.
7. Insert date of service.
8. Name of sheriff.
9. Name of deputy sheriff who served the subpoena.
10. Name of attorney issuing subpoena.
11. Name of party attorney represents.
12. Delivery method used to deliver document to opposing counsel.
13. Name of opposing counsel.
14. Name of party represented by opposing counsel.
15. Date on which delivery is made.
16. Signature of attorney issuing subpoena.