

# OUT OF STATE SUBPOENA PROCEDURE

## Court Cases Venued Outside of Wisconsin

**Follow the instructions below to have a Wood County Wisconsin resident subpoenaed.**

References below to “circuit court judge” refer to the Duty Judge in Wood County.

### 1. Statement

A statement must be issued by the out-of-state court of jurisdiction to the circuit court judge. Typically, the attorney taking the deposition petitions his or her court or judge to issue a statement to the judge in Wood County thereby empowering him or her to issue a subpoena for the witness’s appearance. The statement should state the parties, who they are and that the witness is necessary for the case to proceed per Wisconsin Statutes 887.25.

### 2. Petition for Issuance of Subpoena

This is a request for the circuit court judge to issue a subpoena, authorized by the above statement. The petition should contain reference to your state’s statutes regarding deposition testimony reciprocity with Wisconsin Statutes 887.24, 887.25 and 887.26. An attachment of your state statute is required.

### 3. Subpoena

[s. 885.02(1)] This is the actual subpoena, signed by the person requesting the deposition (usually the petitioning attorney), which will be served on the witness. This document may contain requests for records production or duces tecum [s. 885.02(2)]. Use Wisconsin Circuit Court Form GF-126.

### 4. Submit Subpoena

Send the original plus a minimum of one copy of all three documents to the Wood County Clerk of Circuit Court, PO Box 8095, Wisconsin Rapids, WI 54495-8095 to be directed to the circuit court judge for the required signatures. Include a self addressed stamped envelope for the documents to be returned to you.

### 5. Witness Payments and Arrange Service

After completion of the above steps, prepare a check payable to the witness for \$5.00 [regular depo, [s. 814.67(1)(a)1] or \$16.00 [video/evidentiary depo or court appearance, s. 814.67(1)(am)] plus \$0.20/mile [s. 814.67(1)(c)] for the round trip mileage for the witness to the deposition site or circuit court.

Arrange for service of subpoena [s.885.03] Any subpoena may be served by any person by exhibiting and reading it to the witness, or by giving the witness a copy thereof, or by leaving such copy at the witness’s abode.

**Fees:** There is no filing fee for a subpoena in Wood County.