

SP-1 SUBPOENA FOR WITNESS TESTIMONY

Purpose of this packet:

You have an upcoming trial or evidentiary hearing and would like to command that a person (who is not the other party) appear and testify. The witness is unwilling to attend voluntarily.

Attention: Per Nevada Rules of Civil Procedure 45, you are required to pay fees for one day's attendance at a hearing plus mileage traveled to and from court. **The fees and mileage must be paid at the time the subpoena is served on the witness.**

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Note: The penalty for willfully making a false statement under penalty of perjury is a minimum of 1 year, and a maximum of 4 years in prison, in addition to a fine of not more than \$5,000.00.

N.R.S. §199.145

Instructions:

❑ Step 1: Sign up for an electronic filing account (if you don't already have one)

The Second Judicial District Court requires all documents to be electronically filed using the eFlex system. Sign up for a free eFlex account in person at the Resource Center, or online at: <https://www.washoecourts.com/EFiling/SignUp>.

❑ Step 2: Fill out and file the following form:

- Subpoena to Testify at Trial or Evidentiary Hearing

Complete the Subpoena form. Leave the Deputy Clerk's signature line blank. Court staff will "issue" the Subpoena by adding a clerk's signature and court seal once it has been uploaded to eFlex.

Electronically file the Subpoena yourself or bring your completed Subpoena to the Resource Center to get help filing it.

🔗 How to get your Subpoena issued using eFlex:

1. Sign in to your eFlex account: <https://wcefex.washoecourts.com/>.
2. Click "Home;" click "Existing Cases."
3. Locate the case you are filing into and click on the blue "eFile" link next to the case number.
4. To file each document, you will select the applicable Document Type, click "Choose File" or "Browse," then locate your document file on your computer, and click "Add."

Follow the prompts to upload the document below:

Note: Select eFlex Document Category: Issuance

- Subpoena to Testify at Trial or Evidentiary Hearing
(Document Type: **Document Issued by the Court)
5. When the document has been uploaded, review it by clicking on the hyperlinked file name in the "View Document" column. When you have confirmed everything is correct, click "Next."
 6. When you are ready to submit your document to the court, click "Submit the Filing."

You will receive an eFlex notification when your filed Subpoena has been issued by the court (it will have a stamped court seal and a clerk's signature).

☐ **Step 3: Serve the Subpoena and witness fees**

You must serve (give) the witness a copy of the Subpoena and witness fees at the time of service. The court **WILL NOT AND CANNOT** serve the documents for you.

The witness is entitled to witness fees for one day's attendance and mileage cost traveled to and from the court. See Nevada Rules of Civil Procedure 45(b)(1).

Information about the witness fees can be found in Nevada Revised Statutes (NRS) 50.255. The Standard Reimbursement Mileage Rate can be found at www.irs.gov.

The witness must be **personally served** with the Subpoena (and witness fees).
Personal service cannot be completed by you.

Print out a copy of the Subpoena from your eFlex account to provide to the person who will serve the Subpoena along with a money order or cashier's check for witness fees.

Service of the Subpoena (and witness fees) may be completed by:

- Any person over the age of 18 years who is not party to the case; or
- The civil division of the sheriff's office in the county where the person you are serving resides or works (there may be a fee); or
- A private process service (there may be fee).

Personal service is completed by a person over the age of 18, the sheriff's office, or a private process server by:

- Handing a copy to the witness; or
- Leaving a copy at the witness's home with a person of suitable age and discretion who lives there; or
- Delivering a copy to an agent authorized to receive service (such as an attorney).

☐ **Step 4: File proof of service**

Fill out the top portion of the Declaration of Personal Service of Subpoena with your contact information, the plaintiff and defendant names, case number and department.

The rest of the Declaration of Personal Service form must be completed by the person who served the documents (not you).

(Note: If you used a private process service, you may discard the Declaration of Personal Service form and contact the Resource Center or the Law Library for instructions on how to file your receipt.)

Electronically file the Declaration of Personal Service form yourself or bring it to the Resource Center to get help filing it.

👉 How to file your Declaration of Personal Service using eFlex:

1. Sign in to your eFlex account: <https://wcefex.washoecourts.com/>.

Follow the prompts to upload the following document to your existing case:

Note: Leave the eFlex Document Category field blank.

- Declaration of Personal Service of Subpoena
(Document Type: Affidavit/Declaration of Service)
2. Review the document by clicking on the hyperlinked file name in the “View Document” column. When you are ready to submit your document to the court, click “Next” and “Submit the Filing.”

Please note: The witness or other parties may object to the subpoena or file a motion to quash the subpoena. See Nevada Rules of Civil Procedure 45(d)(2) and 45(c)(3)(A).

For procedural questions, or help with electronically filing your documents, visit or contact:

Resource Center
1 South Sierra St., 3rd Floor
Reno, NV 89501
775-325-6731

Law Library
75 Court St., Room 101
Reno, NV 89501
775-328-3250

Legal Assistance Information

The information in this packet is provided as a courtesy only. This packet is not a substitute for the advice of an attorney. Counsel is always recommended for legal matters.

If you do not have an attorney, you are encouraged to seek the advice of a licensed attorney or contact the Resource Center or the Law Library. **The Resource Center and the Law Library staff cannot give legal advice** but can give information regarding court procedures.

You may wish to speak with a lawyer at no cost through the Law Library's Lawyer in the Library program. The Lawyer in the Library program is held via Zoom; you must register ahead of time to participate. No walk-ins accepted as space is limited.

LAWYER IN THE LIBRARY

Sign up on our website:

<https://www.washoecourts.com/LawLibrary/LawyerInLibrary>

For questions, contact the Law Library at 775-328-3250

To seek assistance from other free or reduced-cost legal resources in the area, please contact:

NEVADA LEGAL SERVICES

449 S. Virginia St.
Reno, NV 89501

775-284-3491 – leave a message,
if necessary

<https://nevadalegalservices.org>

NORTHERN NEVADA LEGAL AID

1 S. Sierra St., 1st Floor
Reno, NV 89501

775-321-2062 – leave a message,
if necessary

<https://nnlegalaid.org>