

FILED

JUL 31 2020

In the Iowa Supreme Court

**In the Matter of Iowa Court)
Rule 1.1901—Form 14: Subpoena)
Form to Testify at Hearing or)
Trial in a Civil Action)**

Order

CLERK SUPREME COURT

The Iowa Supreme Court requested that its Iowa Rules of Civil Procedure Advisory Committee (Committee) review and make a recommendation on a practitioner’s request to amend Iowa Court Rule 1.1901—Form 14: Subpoena Form to Testify at Hearing or Trial in a Civil Action (Form 14). After consideration of the matter and the Committee’s recommendation, the court amends Form 14 as set forth below.

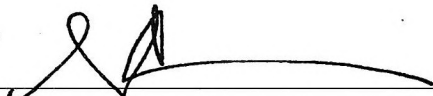
Currently, Form 14 provides a proof of service checkbox option for leaving a “subpoena at the individual’s dwelling house or usual place of abode with . . . a person residing therein who is at least 18 years old.” Iowa Rule of Civil Procedure 1.1701(3)(a), however, provides that “serving a subpoena requires delivering a copy to the *named person*” (emphasis added), and there are no rules allowing for substitute service of subpoenas. The substitute service option of Form 14 is incompatible with civil procedure rule 1.1701(3)(a).

The Committee recommends, and the court adopts, an amendment to Form 14 that removes the substitute service option under the proof of service section of the form. The amended version of Form 14 is provided with this order.

The amended Form 14 is temporarily adopted and effective immediately. The amended form will permanently take effect subject to Iowa Legislative Council review consistent with the provisions of Iowa Code section 602.4202.

Dated this 31st day of July, 2020.

The Iowa Supreme Court

By  _____
Susan Larson Christensen, Chief Justice

Cc:
Iowa Supreme Court
Iowa Court of Appeals
Chief Judges
Senior Judges
District Court Judges
District Associate Judges
Judicial Magistrates
State Court Administrator
District Court Administrators
Supreme Court Clerk
Clerks of Court
State Public Defender
The Iowa State Bar Association
Polk County Bar Association
Iowa Academy of Trial Lawyers
Iowa Association for Justice
Iowa Legal Aid
Iowa Defense Counsel Association
Iowa Association of Criminal Defense Lawyers
Public Defenders Association of Iowa
Iowa County Attorneys Association
Thomson Reuters (Westlaw)
Mead Data Central, Inc. (Lexis)

FILED

JUL 31 2020

Rule 1.1901 — Form 14: Subpoena Form to Testify at Hearing or Trial

THE IOWA DISTRICT COURT FOR _____ COUNTY

CLERK SUPREME COURT

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No. _____

SUBPOENA TO APPEAR AND TESTIFY
AT A HEARING OR TRIAL IN A CIVIL ACTION

To: _____

YOU ARE COMMANDED to appear in the Iowa District Court for _____ County at the time, date, and place specified below to testify at a hearing or trial in the above case. When you arrive, you must remain in the court until a judge or court officer allows you to leave. If you are an organization that is not a party in this case, you must designate one or more officers, directors, or managing agents, or designate other person who consents to testify on your behalf about the following matter, or those set forth in an attachment:

Place: _____

Date: _____ Time: _____

You must also bring with you the following books, documents, electronically stored information, or tangible things:

Form of electronically stored information to be produced: _____

Date: _____

Signature of Clerk of the District Court

OR

Attorney's signature

PLEASE NOTE: If you require the assistance of auxiliary aids or services to participate in court because of a disability, immediately call your district ADA coordinator at _____. (If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942).

The name, address, e-mail, and telephone number of the attorney representing (name of party) _____

_____, who issues or requests this subpoena:

PROOF OF SERVICE

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

- I personally served the subpoena on the individual at *(place)* _____
_____ on *(date)* _____; or
- I served the subpoena on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or
- I returned the subpoena unexecuted because _____; or
- Other *(specify)*:

WITNESS FEES

- No witness fee requested or required under Iowa Code section 622.74.
- I have tendered to the witness fees for one day's attendance in the amount of \$ _____ and the
mileage allowed by law in the amount of \$ _____, for a total of \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a genuine copy of the foregoing document was served upon the persons
named below and at the address indicated on the ___ day of _____, 20__ by the following method _____:

Name and address of party or attorney: _____

Signature of server

Rule 1.1901 — Form 14: *Subpoena Form to Testify at Hearing or Trial*

THE IOWA DISTRICT COURT FOR _____ COUNTY

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No. _____

**SUBPOENA TO APPEAR AND TESTIFY
AT A HEARING OR TRIAL IN A CIVIL ACTION**

To: _____

YOU ARE COMMANDED to appear in the Iowa District Court for _____ County at the time, date, and place specified below to testify at a hearing or trial in the above case. When you arrive, you must remain in the court until a judge or court officer allows you to leave. If you are an organization that is not a party in this case, you must designate one or more officers, directors, or managing agents, or designate other person who consents to testify on your behalf about the following matter, or those set forth in an attachment:

Place: _____

Date: _____ Time: _____

You must also bring with you the following books, documents, electronically stored information, or tangible things:

Form of electronically stored information to be produced: _____

Date: _____

Signature of Clerk of the District Court
OR

Attorney's signature

PLEASE NOTE: If you require the assistance of auxiliary aids or services to participate in court because of a disability, immediately call your district ADA coordinator at _____. (If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942).

The name, address, e-mail, and telephone number of the attorney representing (name of party) _____
_____, who issues or requests this subpoena:

PROOF OF SERVICE

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

- I personally served the subpoena on the individual at *(place)* _____
_____ on *(date)* _____; or
- ~~I left the subpoena at the individual's dwelling house or usual place of abode with *(name)* _____
_____, a person residing therein who is at least 18 years old; or~~
- I served the subpoena on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or
- I returned the subpoena unexecuted because _____; or
- Other *(specify)*:

WITNESS FEES

- No witness fee requested or required under Iowa Code section 622.74.
- I have tendered to the witness fees for one day's attendance in the amount of \$ _____ and the
mileage allowed by law in the amount of \$ _____, for a total of \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a genuine copy of the foregoing document was served upon the persons
named below and at the address indicated on the ___ day of _____, 20__ by the following method _____
_____:

Name and address of party or attorney: _____

Signature of server