

**Using This Form**

1. Copies
  - a. Original – to the sheriff or private process server 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 for witness that may be issued directly by a party's attorney. It can be used only in civil cases. It cannot be used in habeas corpus proceedings, delinquency proceedings, child abuse and neglect proceedings, civil forfeiture proceedings, 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 in connection with criminal proceedings.

**SUBPOENA FOR WITNESS (CIVIL) –  
ATTORNEY ISSUED**

Commonwealth of Virginia  
VA. CODE §§ 8.01-407; 16.1-265; Supreme Court Rules 1:4, 4:5

Case No. **1** .....

**2** .....

HEARING DATE AND TIME

**3** ..... Court

**4** .....  
ADDRESS OF COURT

**5** ..... **6** ..... *v./In re:* .....

**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 appear

**9** [ ] in the ..... Court

**10** [ ] at **11** .....  
ADDRESS (DEPOSITION USE IN CIRCUIT COURT ONLY)

on **12** ..... at ..... to testify in the above-named case.

This subpoena is issued by the attorney for and on behalf of

**13** .....  
PARTY NAME

**14** .....  
NAME OF ATTORNEY

**14** .....  
VIRGINIA STATE BAR NUMBER

OFFICE ADDRESS

TELEPHONE NUMBER OF ATTORNEY

OFFICE ADDRESS

FACSIMILE NUMBER OF ATTORNEY

**15** .....  
DATE ISSUED

**16** .....  
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 being subpoenaed.
8. Address of person being subpoenaed.
9. Check box if the person is required to appear at the court and insert the name of the court where the person subpoenaed is to appear.
10. Check box if the person is required to appear for a deposition (only for use in circuit court).
11. If data element 10 is checked, insert the address when the person is required to appear for the deposition (only for use in circuit court).
12. Insert the date and time for when the person is required to appear.
13. Insert the name of the party whose attorney is issuing the subpoena.
14. Insert the name, office address, bar number, telephone number and facsimile number of the attorney issuing the subpoena.
15. Date the subpoena is issued.
16. Signature of attorney issuing the subpoena.

**TO the person summoned:**

If you are served with this subpoena less than 5 calendar days before your appearance is required, the court may, after considering all of the circumstances, refuse to enforce the subpoena for lack of adequate notice. If you are served less than 5 calendar days before your appearance is required and you are a judicial officer generally incompetent to testify pursuant to § 19.2-271, this subpoena has no legal force or effect. If you are served with this subpoena less than 5 calendar days before your appearance is required, you may wish to contact the attorney who issued this subpoena and the clerk of the court.

**1**  This SUBPOENA FOR WITNESS 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: ..... <b>2</b> .....	
<b>3</b> <input type="checkbox"/> PERSONAL SERVICE	Tel. No. ....
Being unable to make personal service, a copy was delivered in the following manner:	
<b>4</b> {	<input type="checkbox"/> Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.
	<input type="checkbox"/> 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: ..... .....
	<input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)
<b>5</b> <input type="checkbox"/> not found	..... <b>7</b> ....., Sheriff
..... <b>6</b> ..... <small>DATE</small>	By ..... <b>8</b> ....., Deputy Sheriff

**CERTIFICATE OF COUNSEL**

I, ..... **9** ....., counsel for ..... **10** ....., hereby certify that a copy of the foregoing subpoena for witness was ..... **11** .....  
DELIVERY METHOD  
to ..... **12** ....., counsel of record for ..... **13** .....,  
on the ..... day of ..... **14** .....

..... **15** .....  
SIGNATURE OF ATTORNEY

**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. Indicate method of substitute service, if not personally served. If delivered to a family member, insert name and age of the recipient and the relationship of the recipient to the person to be served.
5. Check if not found.
6. Insert date of service.
7. Name of sheriff.
8. Name of deputy sheriff who served the subpoena.
9. Name of attorney issuing subpoena.
10. Name of party attorney represents.
11. Delivery method used to deliver document to opposing counsel.
12. Name of opposing counsel.
13. Name of party represented by opposing counsel.
14. Date on which delivery is made.
15. Signature of attorney issuing subpoena.