



OREGON CRIMINAL DEFENSE LAWYERS ASSOCIATION

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[Indigent Defense](#) : [Out-of-State Subpoena Process](#)

Out-of-State Subpoena Process Indigent Expense

1. Upon receipt of Authorization for Attorney Services, you will have to create the following documents:
 - a. Certificate (either for Witness or for Records)/Oregon Case number;
 - b. Request for Attendance/Oregon case number;
 - c. Order to Show Cause/no case number;
 - d. Order to Show Cause Affidavit/no case number;
 - e. Subpoena or subpoena duces tecum/no case number;
 - f. Summons/no case number;
 - g. Acceptance of Service/no case number.
2. Get written information regarding witness names and counties of residence from trial attorney and complete request for attendance and certificate. Send the originals of these documents to trial attorney. Be sure to let the attorney know that you need certified true copies of the documents once they have been signed by the judge/filed with the court. Be sure to let the trial attorney know that you need these back as soon as possible.
3. Upon receipt of the certificate and request for attendance, complete the Order to Show Cause Affidavit, and have the trial attorney sign (must be notarized). After all these documents are complete, DTM must take the OSC ex parte to appropriate county (counties) in Washington, have a judge sign the OSC, arrange for an hearing and have a case number assigned.
4. Upon return of the signed OSC, arrange for service of the OSC (original and true copy); Send along the original and a true (but they will be unsigned) copy of the subpoena and the summons, and the original Acceptance of Service and a true copy, and be sure that the process server offers the witness the option of signing the original Acceptance and avoiding the OSC hearing. Be sure that process server knows that you need the originals of all documents back, and the witness gets the true copies.
5. Upon return of the OSC and acceptance of service (if signed), Mr. McDonald must go back to court (ex parte to the same judge if Acceptance signed or at the date of the hearing if witness chooses to come to the OSC), have the judge sign the subpoena and summons, and have those served upon the witnesses (original to be shown to the witness and true copy left with the witness) with a check for witness fees and mileage. Once the documents are served and returned to our office, then the originals are to be filed with the Washington court and certified true copies should be sent to trial attorney for filing in the Oregon court.
 - a. Note: per diem witness fees/mileage are set by statute. RCW

10.55.020 and ORS 136.603. For flight payment/lodging/per diem meals, trial attorney must request authorization from Ann Christian. That should be done early in this process and copies should be obtained from the trial attorney.

6. Once all this is completed and all expenses in, bill Indigent Defense Services.

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