

Foreign Subpoena / Subpoena Duces Tecum
Trial Court Fairfax Circuit Court / Witness Out-of-State

Uniform Interstate Deposition & Discovery Act - §8.01-412.8 through §8.01-412.15

(Applies to depositions, production of documents and inspection of premises requested by an out-of-state court which will be served on a person or entity in Virginia. This uniform act replaces the repealed Uniform Foreign Depositions Act §8.01-411 through §8.01-412.1

DEFINITIONS:

- **Foreign Jurisdiction** means a state including, Commonwealth of Virginia, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. This does not apply to foreign countries).
- **Foreign Subpoena** means a subpoena issued under authority of a court of record of a foreign jurisdiction.

OUR FEES:

\$ 4.00	witness without production of documents
\$ 7.00	witness with production of documents

Methods of Payment:

- Fees may be paid by cash, certified check or money order, payable to:
Clerk of the Circuit Court
4110 Chain Bridge Road
Fairfax, Virginia 22030
Attention: Civil Intake

NOTE: No Personal Checks Accepted
- The Court accepts check payment by members of the Virginia State Bar Association.
 - Check must provide counsel's Virginia State Bar Association number.
- Credit Cards – Visa and MasterCard (ONLY) a 4% convenience fee is assessed.

PROCESSES:

The attorney or *Pro-Se* party must first contact the out-of-state jurisdiction to find out if they grant reciprocal privileges to the citizens of the Commonwealth of Virginia and their filing requirements.

If they have adopted the new Uniform Interstate Deposition & Discovery Act:

REQUIRED Documents:

- Request for issuance of a subpoena or subpoena duces tecum
- Written statement that the law of the foreign jurisdiction grants reciprocal privileges to citizens of the Commonwealth for taking discovery.
(Statement does not have to be notarized.)
- Virginia State Foreign Subpoena form – fully completed (original + 1 copy)
Form location on the Fairfax Circuit Court website at:
<https://www.fairfaxcounty.gov/circuit/sites/circuit/files/assets/documents/pdf/foreign-subpoena.pdf>

NOTE: If you are unable to meet the requirements of this court, it will be necessary to file a Motion in the existing case and put it on the Friday 9:00 a.m. With Judge Motions Docket.

IF USING: Commission

REQUIRED Documents:

- Request for issuance of Commission for out-of-state subpoena (original + 1 copy)
 - a written statement that the law of the foreign jurisdiction grants reciprocal privileges to citizens of the Commonwealth for taking discovery.
- Commission for judge to sign
- Virginia State Foreign Subpoena form # CC-1439 – fully completed (original + 1 copy)
<https://www.fairfaxcounty.gov/circuit/sites/circuit/files/assets/documents/pdf/foreign-subpoena.pdf>
- After Commission has been signed the documents may be picked up at the Civil Intake counter or mailed back if a self-addressed, stamped envelope is provided.