

Division of Administrative Law

State of Louisiana

JOHN BEL EDWARDS
Governor



EMALIE A. BOYCE
Director

DATE: August 16, 2020

RE: Subpoenas Issued by the Division of Administrative Law (DAL)

Rule 711 of DAL's Administrative Rules Relative to Subpoenas

- All requests for subpoenas must be received by DAL at least fifteen business days prior to the date of the hearing, unless otherwise ordered by the administrative law judge or provided by law. In those instances, the administrative law judge will determine how far in advance subpoena requests must be received by DAL.
- If you are not submitting your request using the form available on DAL's website, your request must include all of the following:
 1. A proper heading for DAL filings as described by Rule 507(B);

STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW

[AGENCY] *
*
IN THE MATTER OF * DOCKET NUMBER
*
_____ *

SUBPOENA REQUEST

2. The name of the party and the representative or attorney requesting the subpoena;
3. The complete name, service address (with directions, if necessary), and telephone number of the person being subpoenaed;
4. A sufficient description of any documents or items requested to be produced;
5. A brief statement demonstrating the potential relevance of the testimony or evidence sought;
6. The date, time, place and proceeding for which the subpoena is requested;
7. A check or money order, made payable to each witness subpoenaed, to cover witness fees and all other costs, fees, and expenses required by or as referenced in La. R.S. 49:956(5).

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Service of DAL Subpoenas

The party requesting a subpoena is responsible for serving the subpoena. Under the Louisiana Administrative Procedure Act, La. R.S. 49:956(5)(B), a subpoena compelling a witness to appear at a hearing held by DAL shall be served in one of the following ways:

1. By certified mail, return receipt requested;
2. By any person who is at least eighteen years of age and who is not a party;
3. By any agent of the agency requesting a subpoena;
4. By the sheriff; or
5. By any other officer authorized to serve process in Louisiana.

The return of service for a subpoena must be filed with the Administrative Hearings Clerk. A fully executed return may be delivered by:

Hand-delivery: Division of Administrative Law
1020 Florida Street
Baton Rouge, Louisiana 70802

(Entrance and parking for the office is located on Convention Street,
between 10th and 11th Streets)

Postal Mail: Division of Administrative Law
Attention: Subpoena Processing
Post Office Box 44033
Baton Rouge, Louisiana 70804-4033

Facsimile: 225-342-1812
Attention: Subpoena Processing

To transmit your subpoena return electronically, contact the Clerk's Office at 225-342-1800 for the correct e-mail address responsible for processing documents related to the case.

If you have any questions, please contact the Clerk's Office at 225-342-1800.

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Witness Fees for Subpoenas

Please note that a check or money order, made payable to each witness subpoenaed, to cover witness fees and all other costs, fees, and expenses required by or as referenced in La. R.S. 49:956(5) must be submitted to the Division of Administrative Law in advance of the hearing date.

A. Law Enforcement Officers

1. Law enforcement officers are not compelled to testify for cases involving driver's license suspensions. La. R.S. 32:668(A).
2. Law enforcement officers may be subpoenaed in other types of hearings and is entitled to a witness fee of forty dollars (\$40) a day. The check should be made payable to the individual officer by name. If the officer is a state trooper or DPS officer, the check may also be made payable to the "Office of State Police."

B. Lay Witnesses

1. Telephone Hearings: no witness fee is required.
2. In-person Hearings
 - a. If the witness resides or is employed within the parish where the hearing is scheduled to be held, or outside the parish, but within twenty-five (25) miles from the scheduled location of the hearing, the witness fee is:
 - i. eight dollars (\$8) a day, plus,
 - ii. mileage reimbursement, at a rate of sixteen cents per mile for the distance the witness is required to travel for going to and returning from the hearing.

*Witness fee includes both of the above costs. La. R.S. 13:3671.

- b. If the witness resides in Louisiana, but outside of the parish where the hearing is scheduled to be held and more than twenty-five (25) miles from the scheduled location of the hearing, the witness fee is:
 - i. twenty-five dollars (\$25) a day;
 - ii. reimbursement of the traveling expense, at a rate of twenty cents a mile for the distance the witness is required to travel for going to and returning from the hearing; and
 - iii. hotel and meal expenses at a rate of five dollars (\$5) per day.

*Witness fee includes all three of the above costs. La. R.S. 13:1661.

- C. Expert Witness Fees must be discussed with the administrative law judge assigned to your case.