

Division of Administrative Law

State of Louisiana

JOHN BEL EDWARDS
Governor



EMALIE A. BOYCE
Director

DIVISION OF ADMINISTRATIVE LAW INFORMATION REGARDING SERVICE OF 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 Division of Administrative Law hearing shall be served in one of the following ways:

- (1) by certified mail, return receipt requested;
- (2) by any person at least eighteen years of age who is not a party;
- (3) by any agent of the regulatory agency;
- (4) by the sheriff; or
- (5) any other officer authorized to serve process in this state.

The return of service for a subpoena must be filed with the Administrative Hearings Clerk. You can file your fully executed return by delivering it to the Division of Administrative Law via hand-delivery, postal mail, fax, or by electronic means.

For hand delivery, bring to 1020 Florida Street, Baton Rouge 70802. For postal mail, send to P.O. Box 44033, Baton Rouge, LA 70804-4033. For fax, send to 225-342-1812. To transmit your return electronically, contact the Clerk for the correct electronic processing box address for your case's particular area of law. If you have any questions, you may contact the Administrative Hearings Clerk or the case assistant assigned to the case at (225) 342-1800.

Division of Administrative Law

State of Louisiana

JOHN BEL EDWARDS
Governor



EMALIE A. BOYCE
Director

WITNESS FEE POLICY and PROCEDURE

I. Law Enforcement Officers:

A. DWI hearings: MAY NOT BE COMPELLED TO TESTIFY (Act 559 of 2012 Legislative Session)

B. OTHER hearings:

Law enforcement officers may be subpoenaed in other types of hearings (Example: Fire Marshall Cases). **FEE REQUIRED:** If the law enforcement officer is subpoenaed in such a case the witness fee is forty (40) dollars a day. If the officer is a state trooper or a DPS officer, the check should be made payable to "Office of State Police". Otherwise, the check should be made payable to the name of the individual officer.

II. Lay Witnesses

A. Telephone hearings: NO FEE REQUIRED

B. In-Person hearings: YES FEE IS REQUIRED:

If the witness resides or is employed within the parish where the hearing is to be held, or outside the parish but within (25) miles from the place of the hearing: (R.S. 13:3671)

1. Eight (8) dollars a day, plus
2. Mileage rate of sixteen (16) cents a mile for the distance she/he is required to travel going to and returning from the place where the hearing is held.

If the witness resides outside the parish where the hearing is to be held, but within the State: (R.S. 13:3661)

And more than twenty-five (25) miles from where the hearing is to be held:

1. Witness fee at the rate of twenty-five (25) dollars a day, plus
2. Reimbursement of the traveling expenses of the witness in traveling to the hearing and returning, at the rate of twenty (20) cents a mile, plus
3. Hotel and meal expenses at the rate of five (5) dollars a day.