



Michigan Supreme Court

State Court Administrative Office

Trial Court Services Division

Michigan Hall of Justice

P.O. Box 30048

Lansing, Michigan 48909

Phone (517) 373-4835

Steven D. Capps
Director

MEMORANDUM

DATE: June 9, 2011

TO: Circuit Court Administrators and County Clerks
cc: Chief Circuit Judges

FROM: Jim Inloes, Management Analyst

RE: Filing Fee for Petition for Subpoena to Testify Out-of-State

It has come to the attention of the State Court Administrative Office that circuit courts throughout the state have inconsistent practices regarding the processing of a petition, including assessment of a filing fee, to obtain a subpoena for use in an out-of-state proceeding. MCL 600.1852 and MCR 2.305(E) regulate the process for acting on such a petition.

The filing of a petition to obtain a subpoena does not create a case. Therefore, no case-type code should be assigned and no filing fee should be collected. Authorization to assess a fee would necessitate a change in the statute (MCL 600.2529). Petitions and subpoenas can be maintained in a group file in accordance with [Component 18 \(Group Files\) of the Michigan Trial Court Case File Management Standards](#).

Court and county clerk staff who have questions should contact Jim Inloes at inloesj@courts.mi.gov or 517-373-0122.