

**ORANGE COUNTY BAR ASSOCIATION
MANDATORY FEE ARBITRATION COMMITTEE**

Post Office Box 6130, Newport Beach, California 92658
Telephone: 949-440-6700 Facsimile: 949-440-6710

In the Matter of the Arbitration of _____ PETITIONER and _____ RESPONDENT	OCBA CASE NO.: SUBPOENA FOR PERSONAL APPEARANCE AND/OR PRODUCTION OF DOCUMENTS AND THINGS AT ARBITRATION HEARING
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TO (name, address, and telephone number of witness, if known):

1. YOU ARE ORDERED TO APPEAR AS A WITNESS in this proceeding at the date, time, and place shown in the box below UNLESS your appearance is excused as indicated in Section 2 or if you make an agreement with the person named in Section 4.

Date: _____	Time: _____
Address: _____	

This subpoena is for the arbitration hearing only, not for discovery. The date, time, and address in the above box must match the date, time and address of the arbitration hearing.

2. AND YOU ARE

- a. ordered to appear in person. b. ordered to appear telephonically.
- c. ordered to appear in person and to produce the records described in the accompanying affidavit. The personal attendance of the custodian or other qualified witness and the production of the original records is required by this subpoena. The procedure authorized by subdivision (b) of section 1560, and sections 1561 and 1562, of the Evidence Code will not be deemed sufficient compliance with this subpoena.
- d. not required to appear in person if you produce (i) the records described in the declaration on page two or the attached declaration or affidavit and (ii) a completed declaration of custodian of records in compliance with Evidence code sections 1560, 1561, 1562 and 1271. (1) Place a copy of the records in an envelope. Enclose the original declaration of the custodian with the records. Seal the envelope. (2) Attach a copy of this subpoena to the envelope or write on the envelope the case name and number; your name; and the date, time, and place from item 1 in the box above. (3) Place this first envelope in an outer envelope, seal it, and mail it to the Presiding Arbitrator's office listed in item 5. Mail a copy of your declaration to the attorney or party listed in item 4.

3. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES WITNESSES AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.

4. IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE FOR YOU TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON WHO HAS REQUESTED THIS SUBPOENA BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:

Name: _____ Telephone: _____
Street: _____
City: _____ State: _____ Zip: _____

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS A CONTEMPT OF A COURT OF COMPETENT JURISDICTION UPON APPLICATION THEREFORE BY THE PARTY REQUESTING ITS ISSUANCE. THIS SUBPOENA IS ISSUED PURSUANT TO THE PROVISIONS, INTER ALIA, OF BUSINESS AND PROFESSIONS CODE §6200(g)(3) AND ORANGE COUNTY BAR ASSOCIATION RULES OF PROCEDURE FOR MANDATORY FEE ARBITRATION RULE 18.

5. Dated: _____ By: _____
(Presiding Arbitrator)

Presiding Arbitrator Address and Phone: _____

**DECLARATION IN SUPPORT OF SUBPOENA FOR PERSONAL APPEARANCE AND/OR
PRODUCTION OF DOCUMENTS AND THINGS AT ARBITRATION HEARING**

STATE OF CALIFORNIA, COUNTY OF ORANGE

The undersigned states:

That they are a party attorney for the party to the above-entitled proceeding;

That _____ has in his possession or under his control the following documents:

That said books, papers, and documents or other things are material to the proper presentation of his case, and good cause exists for their production by reason of the following facts:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on _____, 20 _____

(Signature of Declarant)