

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
CHAMPAIGN COUNTY, ILLINOIS

ADMINISTRATIVE ORDER 2008-2

ADMINISTRATIVE ORDER AND PROTOCOL  
FOR THE ISSUANCE AND RETURN OF A SUBPOENA *DUCES TECUM*  
PENDING IN CRIMINAL AND TRAFFIC CASES

Effective immediately, the following protocol will control the issuance and return of a subpoena *duces tecum* in any pending criminal or traffic case.

- 1) In all cases involving alleged violations of the Illinois Criminal Code and Illinois Vehicle Code, no subpoena *duces tecum* may be issued by the Circuit Clerk unless a specific date and time for return of the subpoena has first been obtained from the judge assigned to the case.
- 2) Any subpoena issued must designate a) the date and time of the required return and b) the courtroom and presiding judge to which and before whom the subpoena is returnable.
- 3) The command of the subpoena and the scope of any demand for the production of documents must be appropriately drafted to seek only relevant information. The scope of any demand must further be tailored to minimize any potential claims of overbreadth or violation of evidentiary privilege.
- 4) The command of the subpoena must also explicitly inform the person to whom it is directed that the documents must be produced in court at the designated time and place and delivered to the judge presiding. Delivery of the documents to any intermediary or to an agent for either party to the proceeding *in lieu* of production of the documents in court is forbidden.
- 5) Written notice to the adverse party of issuance of a subpoena must be mailed within one business day of issuance. In addition, written proof of mailing of notice must be filed with the Circuit Clerk with courtesy copy of subpoena to the court.
- 6) The failure to comply with the terms of the foregoing protocol may result in the subpoena being quashed.

IT IS SO ORDERED.

DATE: 4/10/08

ENTER: Thomas J. James