



Memorandum of Understanding

Use of Electronically Generated Subpoenas in Criminal Matters

This Memorandum of Understanding (MOU) is entered into by the Clerk of the United States District Court for the District of Columbia (USDC) and the United States Attorney's Office for the District of Columbia (USAO-DC), and supersedes the MOU, dated June 19, 2017, governing electronically generated subpoenas. The understandings and expectations of the USDC Clerk's Office and USAO-DC regarding the use of electronically generated subpoenas in criminal matters are set forth below.

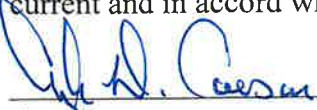
Background: Federal Rule of Criminal Procedure 17 governs the issuance and use of subpoenas in criminal proceedings. This Rule mandates that the Clerk of Court issue blank subpoenas, signed and with court seal, upon request of a party. FED. R. CRIM. P. 17(a).

Authorized Use: USAO-DC is authorized to generate electronically standard subpoena forms *AO-110* (Subpoena to Testify Before a Grand Jury), *AO-89* (Subpoena to Testify at a Hearing or Trial in a Criminal Case), *AO-89B* (Subpoena to Produce Documents, Information, or Objects in a Criminal Case), and *AO-90* (Subpoena to Testify at a Deposition in a Criminal Case) with an electronically affixed USDC seal and USDC Clerk signature. Electronic versions of these subpoena forms have been provided to USAO-DC for such use. As with paper subpoena forms, USAO-DC is responsible for ensuring appropriate case-specific information is included on any subpoena generated electronically.

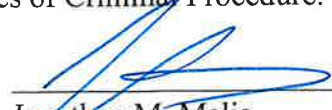
Limitations:

1. Use of the electronic USDC seal and USDC Clerk signature is limited to standard subpoena forms *AO-110*, *AO-89*, *AO-89B*, and *AO-90* generated electronically by USAO-DC. The USDC seal and USDC Clerk signature may not be used for any other purposes, affixed to any other documents, or used by any other entities or parties.
2. All legal requirements relating to the proper use, service and/or scope of subpoenas issued in connection with criminal proceedings, including any provisions requiring court orders, remain in full force and effect.
3. USAO-DC is authorized to include language on the face of *AO-110* grand jury subpoenas and attachments to such subpoenas permitting the recipient to return subpoenaed materials directly to USAO-DC (or a law enforcement representative designated by USAO-DC) in lieu of personal appearance before the grand jury. Any legal requirements regarding presentment of subpoenaed materials to the grand jury remain in full force and effect.

Periodic review: The USDC Clerk of Court and the USAO-DC will review this process and communicate as needed in order to ensure that the electronic subpoena forms, USDC seal and USDC Clerk signature remain current and in accord with the mandates of the Federal Rules of Criminal Procedure.



Angela D. Caesar
Clerk of Court
Date: 2/23/18



Jonathan M. Malis
Chief, Criminal Division, USAO-DC
Date: 2/22/18