



Memorandum of Understanding:
Use of Court Seal and Clerk Signature on Electronically Generated Subpoenas
in Criminal Proceedings

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). The purpose of this MOU is to set forth the understanding and expectations of the USDC Clerk's Office and the USAO-DC with respect to the issuance of electronically generated subpoenas in connection with criminal proceedings.

Background: Federal Rule of Criminal Procedure 17 governs the issuance and use of subpoenas in criminal proceedings. It 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). In recent years, the USAO-DC has moved away from the use of paper subpoena forms and developed a system to generate electronically grand jury and trial subpoenas for use in criminal cases. The USAO-DC uses an electronic court seal and signature, provided by the USDC Clerk's Office, on electronically generated subpoena forms.

Authorized Use: Pursuant to this MOU, the 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)*, 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 the USDC seal and USDC Clerk signature have been provided by the Clerk's Office to the USAO-DC for such use. As with paper subpoena forms, the USAO-DC is responsible for ensuring appropriate case-specific information is included on any subpoena issued electronically.

Limitations:

1. Use of the USDC seal and USDC Clerk signature is limited to standard subpoena forms *AO-110*, *AO-89*, and *AO-90* issued electronically by the 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.

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:

6/19/17

Jonathan M. Malis

Chief, Criminal Division USAO-DC

Date:

6/19/17