

BRINGING YOUR WITNESSES TO TESTIFY AT THE HEARING

To supply a greater amount of evidence to support your case you may choose to bring witnesses to testify on your behalf at the Hearing. To guarantee that your witnesses will appear at the Hearing, you need to subpoena them.

WHAT IS A SUBPOENA?

A subpoena is an official document requiring a person to appear at the Hearing. If the subpoenaed person does not attend, he or she can be penalized and the Hearing can be postponed until he or she is available.

Subpoena forms are available from the Hearing Examiner. You will need to fill out the names, addresses and telephone numbers of those you wish to subpoena. Also you must attach a check to each subpoena to pay the witness for his or her service.

Payment must include:

- a) \$16 for each day you anticipate the Witness will be at the Hearing;

AND

- b) 20 cents for every mile the Witness must travel between his or her home and the Hearing;

AND

- c) \$10 fee required by the Department of Civil Rights.

Next, the subpoena and check must be delivered by hand to the witness. This **CANNOT** be done by you. It must be done by a Wisconsin resident who is over the age of 18 and who does not have an interest in the case. It is possible to pay a person called a "private processor server" to deliver the subpoena, or to have the County Sheriff's Office deliver it as well.

The subpoena must be delivered to the witness directly, but if it is very difficult to deliver the subpoena face-to-face, the deliverer may post the subpoena on the witness's home. If this is done it is important to post the subpoena in a very obvious place, like the witness's front door.

After the person delivers the subpoena, he or she must fill out a form called an "affidavit." The affidavit must include a statement saying that the deliverer is a Wisconsin resident, has no interest in the complaint and is over the age of 18. It must also include where and when the person delivered the subpoena.

PREPARING YOUR WITNESSES TO TESTIFY AT THE HEARING

It is important that you prepare your witnesses before they speak at the Hearing.

Run through the questions that you will ask them, and listen closely to their responses.

This will help you learn whether or not their testimony will be helpful to your case.

Remember that, in general, witnesses must have directly seen or heard the discriminatory actions or comments you claim. Their testimony will probably not help strengthen your case if they have only heard of your discrimination from another person.

COLLECTING VERBAL STATEMENTS FROM THE OTHER PARTY'S WITNESSES

Collecting a statement from the other party's witness is called "taking a deposition."

To do this you must contact the Respondent and make a written request to take a deposition.

To take a deposition you will need to set up a date, time, and neutral place (like a library room or conference room) to meet. You must also contact a court reporter who will record the conversation and type up a document that can be used during the Hearing. Court reporters can be found by searching the yellow pages. You are responsible for all of the costs of taking a deposition.

If the other party denies your request to question one of its witnesses, you may fill out a form called a "Notice of Deposition."

You may be able to get a "Notice of Deposition" from an office supply store.

After filing out the form, send a copy to both the other party, or their attorney, and the witness you wish to question. This "Notice of Deposition" forces the other party to supply their witness or face legal consequences. In addition, you should subpoena the witness to the deposition.

Please feel free to contact the
Department of Civil Rights,
Equal Opportunities Division,
during business hours,
Monday-Friday, 8:00 am-4:30 pm
at (608) 266-4910
with any questions that you have.

PLEASE NOTE:

If you need materials in alternate formats
or other accommodations in order to
access this service, please contact the
Department of Civil Rights,
Equal Opportunities Division.

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Lucía Núñez, Director
Department of Civil Rights
Equal Opportunities Division
210 Martin Luther King, Jr. Blvd., Room 523
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(608) 266-4910 (Voice)
(608) 266-6514 (Fax)
www.cityofmadison.com/dcr



GATHERING INFORMATION BEFORE YOUR HEARING ON THE MERITS: PREPARING WITNESSES



This guide
simplifies the process
of gathering information
and shows you how to use a
subpoena to get witnesses
to speak at your
Hearing.