



QUICK REFERENCE

Witness Fees at a Glance

California state court & federal court — appearance vs. records

SUBPOENA TYPE	CALIFORNIA	FEDERAL	TYPICAL TENDER
Personal appearance	\$35/day + \$0.20/mi both ways Gov. Code § 68093 · CCP § 1986.5	\$40/day + GSA POV mileage 28 U.S.C. § 1821 · FRCP 45(b)(1)	CA: \$40 cash/check Fed: \$40 + est. mileage
CA peace officer / public employee (in scope)	\$275 deposit to the public entity (not the individual) Gov. Code §§ 68097.1–68097.2	Same as appearance; agency may bill separately	\$275 check to agency, in advance
Records — on-site inspection / photocopying	\$15 cap + actual offsite-retrieval costs Evid. Code § 1563(b)(6) · not for microfilm	No attendance fee in most districts; costs shiftable FRCP 45(d)(2)(B)(ii)	CA: \$15 check at service Fed: none required
Records — custodian copies & mails	Reasonable costs: \$0.10/pg (\$0.20 microfilm), clerical ≤ \$24/hr, postage, retrieval Evid. Code § 1563(b)(1)	Costs shiftable on motion FRCP 45(d)(2)(B)(ii)	Invoice after production
Consumer / employee records (CA)	Must serve Notice to Consumer + POS before production CCP §§ 1985.3, 1985.6	—	\$15 (Path 1) or per § 1563(b)(1)
When fee is tendered	At service if demanded CCP § 1986.5	With service — required FRCP 45(b)(1); US exempt	Best practice: always tender at service
Form of payment	Cash or check, attached to served copy	Cash or check, attached to served copy	Check, made out to witness

Avoid these common mistakes

- Forgetting tender — a federal Rule 45 subpoena without the day's fee + mileage is defective on its face.
- Tendering an appearance fee on a records subpoena (CA records use Evid. Code § 1563, not § 68093).
- Skipping the Notice to Consumer / Employee under CCP §§ 1985.3 / 1985.6.
- Using last year's GSA mileage rate — federal rate updates annually.

NEED IT SERVED RIGHT — OR TODAY?

Call Serving By Irving West

Whether you need a second set of eyes on the correct witness fee, or you have an emergency subpoena that has to go out the door today — we handle process serving across California, with the experience to make service stick the first time.

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