

Upon reading the comments from my peer review by Chelsea, I made certain changes to my definitions. Included in the changes are bolded titles for the different sections of definition expansions, as well as a small introduction on top of the "email" introduction to explain the purpose and understanding. I did not make any changes to the visuals used as any and all that I tried to substitute came out quite similar to the one already included, and nothing quite detailed a subpoena in a more simple manner.

Dear Client X,

Thank you for your letter with regards to your notification of potentially being subpoenaed to appear in front of a court of law for civil case Y. While I do understand your concern and angst with regards to this notice, I have prepared a document below with all the information you could need with regards to subpoenas. Starting from simple definitions, to expanded details and nuances of subpoenas.

I hope this document aids in your worries of possibly being subpoenaed. In addition, I will be there with you every step of the way and will answer any remaining questions you may have.

Take care.

Sincerely,  
Connor Runnalls

The choice of the word subpoena as the definition for this assignment is due to its importance in court. As it is a common law term but relatively unfamiliar outside of the court room, defining it to aid in expanding on the understanding of its meaning seemed necessary. It can be quite daunting for somebody to receive a court order in the mail and not be certain of what is expected of them. The definitions below are designed to help broaden the understanding of subpoena to anybody that is not familiar with the word. The definitions are ideally concise and clear, yet simple enough for most readers to understand.

**Parenthetical:** I have been ordered (subpoenaed) to testify in court

**Sentence Definition:** A subpoena is when an agency of the law, typically the court system, orders a witness to testify or produce evidence for the court, with penalties for the failure to comply

**Etymology:** The origins of the word subpoena are from early 15th century Latin *Sub Pena*, which translates to under penalty. Originally, the subpoena was used as a writ (Curtis, 1882) - a form of legal paper - but is now used primarily for witnesses or evidence. The verb currently used today, subpoena, came into use around the 1630's and has been used ever since.

### **Compare and Contrast: Subpoena vs Summons**

Subpoenas and summons are both forms of notices by/for a court of law. The most glaring distinction between the two of them, is who the notice originates from. On one hand, there are summons which are official notices of lawsuit, that are typically to notify one that they are being sued by another party. On the other hand, subpoenas are court ordered demands for one to testify in court. Aside from the origins of notice, as mentioned above, while the two do have

similarities in that they are both commanding an appearance in court, they serve very different purposes. Subpoena's are to receive information, while summons typically will result in the summoned appearing before a court of law in a case of their own.

**Negation:** There are two aspects in which subpoena's do not require an answer from the witness. Subpoena's require the witness to answer all questioning and fulfill testimony, unless that testimony is self incriminating, or there is privilege involved. What this means is that a witness will not be required to fulfill any part of the subpoena if they would be self incriminating themselves in any way, or if they feel they must exercise their right to section 13 of the charter, which is essentially Canada's version of pleading the fifth. Second, if there is privilege, such that of doctor-patient or other client confidentiality, the subpoenaed will not be required to break such privilege unless they have received authorized consent to do so. Essentially, subpoenas are designed to reveal information, but with limitations in that those being subpoenaed have protection from breaking legal obligations, or being forced to admit to crimes.

**Visuals:** Attached below is one of the primary pages found in a subpoena in which important information such as date, time, location, are listed. Standard subpoenas are much greater in length, with page counts ranging anywhere from 12 pages to 60 pages depending on the case (the magnitude of the case, the number of people involved etc.). Typically, other information found on subpoenas include information that one will be testifying on, information on documents to present to the court for evidence, as well as punishment for failure to comply.

Curtis, J. C. (1882). A school and college history of England.

Federal Grand Jury Witness Subpoena: The Process, Your Rights. (n.d.). Retrieved from <http://lukeroux.com/federal-grand-jury-witness-subpoena/>

R v Nedelcu: The Right Against Self-Incrimination and the Return to the Unworkable Distinction. (2012, November 24). Retrieved from <http://www.thecourt.ca/r-v-nedelcu-the-right-against-self-incrimination-and-the-return-to-the-unworkable-distinction/>

Subpoena (n.). (n.d.). Retrieved from <https://www.etymonline.com/word/subpoena>

What is the difference between a summons and a subpoena? (n.d.). Retrieved from <https://www.illinoislegalaid.org/legal-information/what-difference-between-summons-and-subpoena>

**SUBPOENA**

<b>United States District Court</b>  Anne Anderson, et al. v. W.R. Grace & Co., et al.	DISTRICT	Massachusetts
	DOCKET NO.	82-1672-S
	TYPE OF CASE	<input checked="" type="checkbox"/> CIVIL <input type="checkbox"/> CRIMINAL
	SUBPOENA FOR	<input checked="" type="checkbox"/> PERSON <input checked="" type="checkbox"/> DOCUMENT(S) or OBJECT

TO: Keeper of the Records  
 United States Geological Survey  
 151 Causeway Street, Suite 1001  
 Boston, Massachusetts 02114-1384

YOU ARE HEREBY COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above-entitled case.

PLACE	United States District Court J. W. McCormack Post Office and Courthouse Boston, Massachusetts	COURTROOM	6, 15th floor
		DATE AND TIME **	Monday June 16, 1992 9:00 a.m.

YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):<sup>(1)</sup>

SEE ATTACHED SCHEDULE

**ATTEST: A TRUE COPY**

*Israel M. Geal*  
 CONSTABLE

See additional information on reverse

This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

U.S. MAGISTRATE OR CLERK OF COURT GEORGE P. MCCRATH	DATE June 11, 1992
BY: DEPUTY CLERK <i>Emily Lyons</i>	
This subpoena is issued upon application of the: <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendants <input type="checkbox"/> U.S. Attorney	ATTORNEY'S NAME AND ADDRESS Carl M. Perkins Foley, Hoag & Eliot One Post Office Square Boston, MA 02109 (617) 482-1390

<sup>(1)</sup> If not applicable, enter "none."  
<sup>(2)</sup> A subpoena shall be issued by a magistrate in a proceeding before him, but need not be under the seal of the court. (Rule 17(c), Federal Rules of Criminal Procedure.)

\*\* You may not be needed on the date indicated; please call Carl Perkins Erin O'Brien (at 617-482-1390) to discuss scheduling.