

# **SUBPEONAS & COURT ORDERS**

## **General Information**

The Office of General Counsel is responsible for responding to subpoenas served on faculty members, university officials, and staff employees in the course and scope of their employment. Employees, who receive a subpoena in their capacity as an employee, should forward it to the Office of General Counsel immediately upon receipt (Fax: 202-885-3285). If a faculty member or staff employee receives a subpoena in his or her personal capacity (for a reason unrelated to his or her employment with the University), he or she should consider retaining private counsel or should forward the subpoena to his or her private counsel.

This webpage outlines the steps university employees should follow when presented with subpoenas from lawyers, law enforcement officials, or regulatory agency officials. The information is provided as general guidance only and not to be substituted for the Office of General Counsel's legal advice.

## **What is a Subpoena?**

A subpoena is a legal document that may be issued in a criminal, civil, or administrative proceeding. A subpoena may be served in order to require an individual to give testimony at a deposition, hearing or trial, or to produce documents or other tangible things for inspection and/or copying by another party. A subpoena must meet several specific requirements before it is legally enforceable. Before responding, an attorney in the Office of General Counsel will review the subpoena to determine whether it is legally enforceable and, if not, take the necessary steps to so inform the parties and the court.

## **What Should I Do With the Subpoena?**

If someone appears with a subpoena and attempts to serve you with it in connection with your work at the University:

- (1) Do not accept any document the person tries to hand you.
- (2) Direct the person to the Office of General Counsel at 3201 New Mexico Ave., NW, Suite 270.
- (3) If the person does not comply, call our office immediately (202-885-3285) and ask to speak with an attorney. Our office will determine whether you may accept service.

If you receive a subpoena *via U.S. regular or certified mail*:

- (1) Note the date and time of receipt on the envelope and keep the envelope and certified mail receipt.

- (2) Personally deliver all of the documents over to the Office of General Counsel as soon as possible. *Prompt action on your part is required because usually only a short time frame exists for filing a response to a newly filed lawsuit.*
- (3) Keep the contents of the subpoena confidential because it may request information about a specific individual.

In any case you should contact the Office of General Counsel if you receive something that resembles a subpoena. It is important to let an attorney review the subpoena or court order to determine the University's rights and responsibilities for compliance. Do not ignore a subpoena, even if it addresses something you are unfamiliar with or asks for documents you do not have. Failure to respond to a subpoena could result in you or the University being held in contempt of court.

If you have any questions, please contact the Office of General Counsel at **202-885-3285**, **Fax: 202-885-3273**, or **Email: [Lawyers@american.edu](mailto:Lawyers@american.edu)**.