Cover Page to the Subpoena Checklist

1. What department was served?

2. Who was served (name and title of person that received the subpoena)?

3. Date and time the person in #2 was served and method of receipt (in hand or by mail).

   Date:

   Time:

   Service by hand   Service by mail

4. Has the student/employee been notified that their personal records are being subpoenaed?

   Yes   □   No   □

   If the person that the records are being sought after is an employee or student (current or past) or an employee or student records are sought but not named in subpoena a 'Notice Advising Student or Employee Regarding Subpoena for Personal Records' will need to be mailed to the last known address the day the subpoena was served. This should be sent out regardless if we are complying with the subpoena or not. The template can be found on the OGC website.

5. Is the subpoena valid?

   Yes   □   No   □

   To determine if the subpoena is valid please use the attached checklist.

Subpoena Checklist

1) Was the subpoena personally served (not faxed or mailed) at campus?

    Yes ☐   No ☐

2) Is all required information on the subpoena (and notice to consumer, if applicable)?
    ●Case Title ●Case number ●Court info ●Attorney name and contact info

    Yes ☐   No ☐

3) Does the subpoena have a Consumer Notice?
    Yes ☐   No ☐

    If yes, were Consumer Notice requirements met (both boxes
    must be checked yes)

    3a) Was the person whose records are sought named on the consumer notice?
    Yes ☐   No ☐

    3b) Did the issuing party wait 10 days <u>after</u> mailing the Consumer Notice before
    personally serving the subpoena on campus? Or at least 5 days <u>after</u> personally serving
    the person whose records are sought?
    Yes ☐   No ☐

4) Is production date set at least 15 days after date subpoena was personally served on campus?
    Yes ☐   No ☐

5) Are witnesses fees provided for this subpoena?
    Yes ☐   No ☐

6) Has the campus received an objection or notice of a motion to quash?
    Yes ☐   No ☐

►**If any of the above conditions have not been met, the subpoena is not valid. Your choices are:**

-Call to negotiate proper service and confirm any agreement in a letter, or

-Send a letter declining to produce the records until defects are fixed, or

-If complicated, consult with OGC paralegal to assist with subpoena.

►**If all of the above have been done properly the subpoena is valid. Objection is necessary when:**

-The documents contain attorney-client protected or privileged information.

-If the requested information is overbroad, vague, not limited in scope, time, etc.

►**Is redaction of information in the documents necessary? Consult with OGC if any of these items**
are involved:

-Confidential or personal info about a person not named in the subpoena.

-Info about a student that is not named in the subpoena (FERPA protected)

-Attorney/client privileged information.