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## UCLA Policy 120: Legal Processes – Summonses, Complaints, and Subpoenas

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Issuing Officer: Administrative Vice Chancellor

Responsible Dept: Records Management

Effective Date: April 23, 1999

Supersedes: UCLA Policy 020, dated 9/1/1977

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### I. REFERENCES

1. State of California, Code of Civil Procedure, Sections 416.50; 1985, 1986, 1987, 1991, 1992, 2020; California Evidence Code 1561, 1563, 1564 and 1565;
2. UCLA Procedure 120.1, Producing Records Under Subpoena Duces Tecum and Deposition Subpoenas, 4/23/1999;
3. UC Business & Finance Bulletins, RMP-10, Instructions for Responding to a Subpoena, 6/15/1989.

### II. DEFINITIONS

**Complaint:** A document which is filed with a court to commence a legal action.

**Deposition Subpoena:** An order for a non-party to appear at a deposition before a Subpoenaing party and produce business records listed in the Subpoena for copying.

**Process Server:** City officials (including employees of the FBI, Secret Service, police or sheriff's department); or persons employed by an attorney or attorney service who serve a Subpoena who are also known as deposition officers.

**Subpoena:** A writ or order directed to a person requiring their appearance at a particular time and place to testify as a witness, which may also require that the witness bring with them specified records. (The appearance of a witness may not always be required so long as they produce the specified records at the time and place indicated on the Subpoena.)

**Subpoena Duces Tecum:** An order for a witness to appear at court and bring with them copies of records listed in the Subpoena.

**Summons:** An order to appear in a court of law.

### III. BACKGROUND

Occasionally Process Servers come to the campus to serve legal documents on University employees or officials. These documents are of two basic types: (1) Summonses and Complaints, and (2) Subpoenas. This policy and the associated procedure (Section I.2 above) have been designed to assist you in such situations.

1. For Summonses and Complaints, the defendant is required to respond to the Complaint when he or she is served with a copy of it, together with a copy of the Summons. The delivery of

copies of the Summons and Complaint to the defendant are commonly called service of process.

2. The other type of legal process which may be served is a Subpoena, a Subpoena Duces Tecum or a Deposition Subpoena. The law allows the recipient of a Subpoena Duces Tecum and a Deposition Subpoena to furnish copies of business records by mail in lieu of a personal appearance under certain circumstances. (Note: The production of employment records shall not be less than 15 days from the date the Subpoena is issued.)

Subpoenas requesting specific University records are handled by the Legal Process Coordinator dealing with those records. See Attachment A for a list of coordinators who handle employment, medical and student records.

Records Management is generally responsible for receiving Subpoenas and Summonses. When served with a Subpoena (or Summons), please contact the Legal Coordinator in Records Management for advice. If The Regents is the named Defendant, the Process Server should be directed to the Office of the General Counsel for service. Campus personnel are not authorized to accept Subpoenas (or Summonses) on behalf of The Regents. The Process Server may be told to mail the Subpoena (or Summons) to the following address:

General Counsel of The Regents  
Office of the General Counsel of The Regents  
1111 Franklin Street, 8th Floor  
Oakland, California 94607-5200

If a Subpoena is addressed to The Regents but asks for records that are held locally, please contact the Legal Coordinator in Records Management.

#### **IV. STATEMENT**

##### **A. Summons and Complaint – Civil Action**

1. When The Regents or University is named as the Defendant:
  - a. UCLA employees are not authorized to accept a Summons and Complaint on behalf of The Regents or University;
  - b. All attempts to serve must be referred to the Office of the General Counsel. Process Servers may be informed that the General Counsel will accept service of a Summons and Complaint by mail at the following address:

General Counsel of The Regents  
Office of the General Counsel of The Regents  
1111 Franklin Street, 8th Floor  
Oakland, California 94607-5200

2. When The Regents or University and Individual Employee are named as Defendants:
  - a. Individual Employee should accept service on his or her own behalf but make it clear that he or she is not accepting for The Regents or University;
  - b. The Individual should note the time, date of acceptance and how the documents were served (by mail, personal service, or left with someone else);
  - c. Refer Process Server to the Office of the General Counsel regarding The Regents or University;

- d. Employee should immediately notify the Office of the General Counsel about personal acceptance. The phone number for the Office of the General Counsel is (510) 987-9800. The General Counsel's Office will coordinate with the employee the appropriate course of action.
3. When an Individual Employee or Student is the named Defendant in a University Unrelated Action (such as a dispute for non-payment on a loan with a credit card company or department store, etc.):
  - a. Named Individual should accept service;
  - b. Supervisor or person "apparently in charge" of office where employee works may also receive service;
    - Summons should be accepted only for employees who work at the particular location;
    - Person receiving Summons must give it to the employee(s) named *as soon as possible*.
  - c. If the suit is against a University employee or student regarding a personal matter, there is no University involvement [other than item 3b, above]. In such a case, the named Individual should contact his or her own attorney;
  - d. If questions remain, the Legal Coordinator in Records Management will assist directly, or refer questions to the Campus Counsel's Office.

**B. Subpoenas – Civil Action (Subpoena, Subpoena Duces Tecum, or Deposition Subpoena)**

1. When The Regents or University is named as the Defendant:
  - a. Campus personnel are not authorized to accept a Subpoena on behalf of The Regents or University;
  - b. All attempts to serve must be referred to the Office of the General Counsel. Process Servers should be directed to the Office of the General Counsel at the following address:

General Counsel of The Regents  
Office of the General Counsel of The Regents  
1111 Franklin Street, 8th Floor  
Oakland, California 94607-5200

2. When The Regents or University and named employee are defendants:
  - a. Individual employee should accept service on his or own behalf, but make it clear that he or she is not accepting for The Regents or University;
  - b. The employee should note the time, date of acceptance and how the documents were served (by mail, personal service, or left with someone else);
  - c. The Process Server should be referred to the Office of the General Counsel regarding The Regents or University;
  - d. Employee should immediately notify the Office of the General Counsel about personal acceptance. The phone number for the Office of the General Counsel is (510) 987-9800. The General Counsel's Office will coordinate with the employee any and all course of action.
3. When University Records are requested:

- a. Custodian of Records (who may be called to appear as a Witness) or the Legal Process Coordinator, is legally required to accept service;
- b. The University must make a reasonable attempt to first notify the Named Individual before the release of their records;
- c. If service of a Subpoena Duces Tecum is made:
  - Verify that at least five (5) days prior to the production of records Subpoenaing party has served custodian of records *proof of service* on individual or shown custodian of records individual's authorization to release records from individual or individual's attorney;
  - In most cases, the records may be mailed to the court or to the place where the deposition is to take place and a personal appearance avoided. (The procedure for mailing records is set forth in UCLA Procedure 120.1 and must be strictly followed.)
- d. If service of a Deposition Subpoena is made, the Deposition Subpoena must be accompanied by *proof of service* on individual or a written authorization from the individual to release records.
- e. In no case should the Subpoenaed records be delivered to a Process Server or to one side in the litigation without legal approval. The Legal Coordinator in Records Management should be contacted immediately upon receipt of a Subpoena.
- f. When a witness is required to appear at a court trial or deposition, the University is legally entitled to \$35.00 per day for attendance in a civil case; however, when the University is a party to the action, the fee is normally waived. The University is entitled to request the Process Server to pay \$35.00 for one day's attendance at the time of service.
- g. When University records are requested, the University is legally entitled to request the Process Server to pay \$15.00 at the time of service. However, when the University is a party to the action, the fee for \$15.00 is normally waived.

### **C. Subpoenas – Criminal Action**

Such Subpoenas require the attendance of an individual to testify in court, before a Grand Jury, or other legally empowered body:

1. Named Individual must accept;
2. Notify the Office of the General Counsel if The Regents or University is involved;
3. Witness Fees are not payable in criminal cases unless the court later so orders;
4. Advise supervisor;
5. The Legal Coordinator in Records Management will assist directly, or refer questions to the Campus Counsel's Office, or to the Office of the General Counsel in Oakland when The Regents or University is named in the case.

**V. ATTACHMENTS**

- A. List of Legal Process Coordinators (updated as of August, 2011)

**Issuing Officer**

**/s/ Peter W. Blackman**

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**Administrative Vice Chancellor**

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**Questions concerning this policy or procedure should be referred to  
the Responsible Department listed at the top of this document.**

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**List of Legal Process Coordinators**

Type of Record	Title/Name	Department	Location	Mailcode	Phone	Fax
<b>Academic Records</b>						
Dental School	Assistant Dean Carol Bibb	School of Dentistry	A3-030 Dentistry Bldg	166815	825-2615	206-5539
Law School	C.I.O. Sean Pine	School of Law	1224 Law Bldg	147602	825-4689	206-7763
Medical School	Director	SOM Office of Student Affairs	12-159 CHS	172016	825-3970	794-9574
Undergraduate & Graduate	Registrar's Asst Kathleen Parent	Registrar's Office	1105 Murphy Hall	142901	825-3728	825-6235
<b>Construction Project Records</b>						
Contracts, bid documents, blueprints, etc.	Litigation Specialist Paul Townsend	Capital Programs	245 Capital Programs Building	136507	206-8128	206-7421
<b>Electronic Communications Records*</b>						
All Students, Staff, Faculty – <i>when law enforcement is involved</i>	Sergeant of Detectives	UCLA Police Dept	601 Westwood Plaza	136408	825-9371	206-9645
All Students, Staff, Faculty – <i>when no law enforcement is involved</i>	Director Aimee Felker	Records Management & Information Practices	10920 Wilshire Ctr, Ste 500	143348	794-2988	794-8961
Subscriber information under Digital Millennium Copyright Act	Director Ross Bollens	Office of Information Technology – IT Security	5308 Math Sciences Bldg	155705	825-9192	206-7025
<b>Employment Records</b>						
Staff	Subpoena Coordinator Mayra Lucero	Records Mgmt	10920 Wilshire Ctr, 5th Flr	143348	794-8741	794-8961
Medical Doctors	Director Albert Glover	SOM Dean's Office - Academic Affairs	924 Westwood Blvd, Ste 545	698346	794-8192	794-0694
Professors	Prin Adm Anal Esther Hamil	Academic Personnel	3109 Murphy Hall	140701	825-5462	206-6030
<b>Financial Records</b>						
Hospital & Patient Accounts	Health Advocates	Patient Business Svcs	10920 Wilshire Blvd, Ste 1600	173946	825-8021	794-8565
University	Director Aimee Felker	Records Management & Information Practices	10920 Wilshire Blvd, Ste 500	143348	794-2988	794-8961
<b>Medical Records</b>						
Dental (Faculty Practice)	MSO Stephanie Robinson	Dental/General Clinic	10-136 CHS	166815	206-1184	825-2951
Dental (Student Practice)	Dr. Ron Mito	Dental/Hosp Dent	53-042L Dentistry Bldg	166815	794-7970	206-2965
Patient	Privacy Mgt Office Dir Joan Brisard	Medical Records	BH-265 CHS	177620	825-5958	794-5575
Psychiatric	Patient Record Abstractor Harriet Morgan	NPI&H Medical Records	C7-439 NPI	175919	825-0226	206-7682
Student Health	Medical Records Asst Vanessa Bell	Ashe Student Health & Wellness Ctr	221 Westwood Plaza	170306	825-4694	206-8012
<b>Library Records</b>						
Patron Records	Coord, Digital Acquisitions Sharon Farb	UCLA Library	33442 YRL	157511	206-3388	206-4109

\* includes e-mail, e-mail or Web server logs, specific IP addresses, time stamps and any other anonymous transaction-related information.