



## **Procedures Governing Summonses, Subpoenas, Lawsuits, Notices, and Letters from Lawyers**

**Posting Date: December 11, 2002**

### **General Rule**

**As a general rule, all court papers and letters from lawyers received by faculty and staff concerning their work at GW should be transmitted promptly to the Office of the VP and General Counsel (OGC).**

This Legal Advisory outlines the procedures University employees should follow when presented with summonses, subpoenas, lawsuits, notices, and letters from lawyers, law enforcement officials or regulatory agency officials. The information is provided for general guidance only and is not a substitute for legal advice available from an attorney in the Office of General Counsel (OGC). OGC only provides legal services related to official GW activity.

### **Exception**

Some GW employees interact with federal agencies as part of their day-to-day work. **This Advisory does not prohibit such usual and customary interactions with federal agencies. However, employees should contact OGC under these circumstances:**

- If the request made to you is unusual or not customary because it differs from normal day-to-day interactions. (For instance, receipt of a summons, subpoena or an unusual information request from a government agency);
- If you believe or question whether you should "self-report" to the federal government. Voluntary disclosures of certain University records, information and subpoenas are prohibited by law or contract, so prior to making any voluntary disclosures, please check with OGC.

## Definitions

A **process server** is a person authorized by law or by a court to formally deliver a "process" that compels the person or organization being sued or summoned to appear in court or provide information.

A **summons** is a document issued by an authorized judicial officer and delivered to the person or organization being sued. The summons notifies the recipient that a response is required within a specified time. A summons from a Virginia judicial officer is called a Notice of Motion for Judgment.

A **subpoena** commands a designated person or organization upon whom it has been served to appear in court or at a deposition, or to submit certain information under a penalty for failure to comply.

A **bankruptcy notice** informs the University that a person or vendor who owes the University money has filed for bankruptcy.

A **garnishment notice** is issued by a court and requires the University to garnish (withhold or deduct) an employee's wages to pay off an employee's debt.

## What to Do

### **1. Summonses and Subpoenas**

**If a process server appears at your office with a summons or subpoena and attempts to serve you with court papers connected to your work at GW:**

- Do **not** accept any document the process server tries to hand you.
- Direct the process server to OGC's office at **2100 Pennsylvania Ave., NW, Suite 250**.
- If the process server will not comply, call OGC immediately (**202-994-6503**) and ask for an attorney to speak to the person. OGC will determine whether you may accept service. *Prompt action on your part is required because usually only a short time frame exists for filing a response to a newly filed lawsuit.*

**If a process server appears at your home with a summons or subpoena connected to your work at GW:**

- Direct the process server to OGC's office at **2100 Pennsylvania Ave., NW, Suite 250**.
- If you are named personally in the summons or subpoena, you may have to accept service. In such a case, please note the date, time and manner of service and provide all the documents to OGC 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.*

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

- Note the date and time of receipt on the envelope and keep the envelope and certified mail receipt.
- Walk all of the documents over to OGC 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.*
- Keep a subpoena confidential if it requests information about a specific individual.

## **2. Bankruptcy Notices**

- If you receive a bankruptcy notice, promptly forward the document to OGC at **2100 Pennsylvania Ave., NW, Suite 250.**

## **3. Garnishment Notices**

- Forward the garnishment notice directly to OGC. *If a garnishment is handled improperly, the University could be liable for the garnished amounts.*

## **4. Calls and Visits from Attorneys, Law Enforcement Officials, or Regulatory Agency Investigators, including the FBI, CIA and INS, and Demand Letters or Other Inquiries from Attorneys**

- Unless the matter involves a usual or customary interaction with a regulatory agency official (such as a reference check when you are presented with a signed release), you should politely and promptly refer the lawyer, law enforcement official or regulatory agency investigator immediately to OGC. *It is critical that you do not speak to attorneys, law enforcement officials or regulatory agency investigators about University matters without contacting OGC first.*
- If you receive the call or visit after normal business hours, contact the University operator who will see that a member of OGC contacts you.

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## **Questions?**

**Please contact the Office of the VP and General Counsel, at (202) 994-6503.**