

**ARLINGTON CENTRAL SCHOOL DISTRICT**  
**SUBPOENA PROCEDURES**

There are three kinds of Subpoena:

I. Subpoena to Testify (Ad Testificandum)

Requires a person to come to the Court to testify as a witness

II. Subpoena for Records (Duces Tecum)

Requires documents, papers, writing, etc. to be brought to the Court

III. Information Subpoena

Requires the information be provided to the person requesting it

The type of subpoena will determine the district's course of action.

There are several methods of service for subpoena. A Subpoena to Testify or a Subpoena for Records is generally served on an individual\* by personal (in hand) delivery. [\*For service on a corporation or on a partnership, the District Clerk may be served.] An Information Subpoena is generally served by Certified or Registered Mail, Return Receipt Requested, or it may alternatively be served by personal delivery.

No person should accept service of a subpoena for another person, except for the District Clerk. If an individual appears and identifies they are present to serve a subpoena (or it may be stated as "a legal document") on an individual, a decision will be made by the building or department administrator as to whether or not such person is available to accept such subpoena. If any district employee is properly served a subpoena in their capacity as an employee of the District, they must email or deliver a copy of the subpoena to the Assistant Superintendent for PPS and copy the District Clerk and the building/department administrator. The Assistant Superintendent for PPS will review the subpoena with a school district attorney. If the District Clerk receives the subpoena, s/he will forward it to the Assistant Superintendent for PPS and the Superintendent of Schools. The Assistant Superintendent for PPS or the Superintendent of Schools will review it with the school district attorney. Based on the conversation, the Assistant Superintendent for PPS, Superintendent of Schools, or his/her designee will be in contact with the individual who was subpoenaed to inform him/her of next steps.

When served with a Subpoena to Testify or a Subpoena for Records, the attorney or party issuing the subpoena must pay the witness a witness fee of \$15.00 per day. The fee must be paid within a reasonable amount of time before the scheduled date. Nonpayment of the witness fee voids the duty to appear. Employees will turn the witness fee over to the District since they are paid their normal compensation while at court. If the witness is served outside the City of New York s/he shall also be paid mileage from the place where s/he was served, to the place of attendance, and

Sources:

<http://www.nycourts.gov/courts/nyc/Civil/forms/instructionsservicesubpoena.pdf>

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back to the place where s/he was served. Employees will retain reimbursement for their mileage paid to them.

If served a Subpoena to Testify, our school district attorney will contact the attorney who issued the subpoena and attempt to arrange for the employee subpoenaed to be on "telephone standby." That means either (1) the employee will provide testimony via phone, or (2) if called, the employee has a specified amount of time to get to the court - usually 45 minutes to an hour.

If served a Subpoena for Records, efforts will be made to allow for the production of the requested records and eliminate the need for the person subpoenaed to appear at court.

Employees are not required to speak with the attorney who has issued the subpoena prior to appearance as a witness in court. It is the District's position that employees should not appear to take sides in disputes between third parties for whom they are subpoenaed to testify. Rather, they should appear in response to a subpoena and answer all questions truthfully.

Testimony should include factual responses to questions asked.

If you have any questions, you should contact the office of the Assistant Superintendent for PPS.

Sources:

<http://www.nycourts.gov/courts/nyc/Civil/forms/instructionsservicesubpoena.pdf>

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Rvsd: 12/19/16