

THE CENTER FOR DISCOVERY

SUBJECT: Responding to a Subpoena

MANUAL: Corporate Compliance

SECTION: Section 7

Purpose:

To provide written guidance on how to respond to a subpoena issued by a duly authorized government agency.

Policy:

1. The Center for Discovery is committed to full compliance with any lawful subpoena, and therefore it is the Center's policy that all employees remain courteous and professional when dealing with investigators or agents delivering a subpoena.
2. No one is to impede in any way efforts to deliver a subpoena. If a government agent serves a subpoena, he or she is acting as an agent of a grand jury or conducting an investigation in which an administrative subpoena has been issued, and any interference could be construed as obstruction of justice.

Procedures:

1. When a subpoena is received, employees should direct the issuer to the highest level department supervisor present, who will in turn direct the agent/investigator to the person named in the subpoena. No other information or discussion should be offered to the agent/investigator. No one should submit to any form of questioning or interviewing at the time of subpoena service.
2. The person accepting the service of the subpoena from the investigators should note all information provided by the investigators (e.g., the name, title, and telephone number of the serving agent/investigator; information provided by the agent/investigator at the time of subpoena service, etc.). Once the agent/investigator has served the subpoena, no other information or discussion should be offered to the agent/investigator. No one should submit to any form of questioning or interviewing at the time of subpoena service.
3. The responding department supervisor will immediately notify the program Administrator and the Corporate Compliance Officer (CCO), who will notify legal counsel of the receipt of the subpoena and provide any information obtained from investigators, with a facsimile copy forwarded immediately.
4. No action should be taken to respond to the subpoena until directions are received from legal counsel. It is imperative that contact with legal counsel be immediate if the subpoena is a "forthwith" subpoena commanding an immediate appearance or delivery of documents and records to a federal grand jury.

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