



What to do When Your Business is Served with a Subpoena

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Occasionally I get a call from a client who just had a friendly visit from their local sheriff delivering a subpoena. Typically, the subpoena was issued as part of a dispute between two or more parties unrelated to the client. As you can imagine, this leads to some questions. Just because you or your company has been served with a subpoena does not mean that you have done something wrong or that you will be sued. However, there are a few things to keep in mind should this happen to you.

First, a subpoena is a court order that commands a person to testify or produce documents. Don't ignore it. If you fail to respond, you could end up getting fined by the court that issued it. If you do receive a subpoena, an attorney can help you respond. For instance:

- If the subpoena is seeking a large amount of information, we can get in touch with the attorney seeking the information and work to narrow the scope of the request.
- If the subpoena is seeking information that is privileged or confidential, we can assist you in protecting this information from disclosure.
- Sometimes a subpoena will request documents that, by law or by contract, you are not permitted to release without permission from another person or entity. For example, you might be subject to SEC regulations or HIPPA requirements, or bound by a contract where you agreed to keep certain information private. In this case, you should seek legal advice.
- The subpoena may be invalid. Perhaps service was improper, required fees were not paid, the subpoena commands you to produce documents or appear too far away, or the court issuing the subpoena does not have the authority to compel you to respond. If so, you should consult counsel before responding.

If you receive a subpoena and have questions, please contact BrownWinick and we would be happy to assist you.

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