

Risk Management

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Subpoena Guidelines

California State University, San Bernardino is occasionally served with subpoenas in civil lawsuits, criminal cases, and other kinds of formal proceedings. A subpoena is a time-sensitive legal request for information and is equivalent to a direct order from a court. If someone tries to serve a subpoena to your department, direct the server to Risk Management. Do not accept the subpoena for Records or Appearance and Records relating to a staff member. Please refer the server to Susan Mendoza, Custodian of Records, in the Office of Risk Management, SH 110A.

In general, there are three different types of subpoenas served on campus:

1. **Appearance Only** – requires only the personal attendance of a witness; must be personally served on the person who is being subpoenaed.
2. **Records Only** – requires only the production of documents, and not a witness; served on the Custodian of Record (COR) for the campus.
3. **Appearance and Records** – requires both the personal attendance of a witness and the production of documents; served on the Custodian of Records (COR) for the campus.

PLEASE NOTE:

During the COVID-19 Pandemic the Office of General Counsel is allowing campuses to relax the rules for accepting service of subpoenas on campus. Subpoenas seeking personal appearances still must be personally served, even if that's made more difficult when employees are not on-site. More specifically:

1. Subpoenas seeking CSU records must be served at the location where the records sought are maintained. Subpoenas seeking records from CSU's 23 campuses must be served upon the proper custodian of records at CSU, San Bernardino. While personal service is normally required, during the COVID-19 Pandemic we will temporarily suspend that formality and allow subpoenas to be served by mail (with a witness fee check), we also recommend that a courtesy copy be sent by email to Susan Mendoza @ susan.mendoza@csusb.edu.
2. Subpoenas seeking personal appearances by witnesses, whether at trial or deposition or any other hearing, still must be personally served on those witnesses. Due to the current court closures, there should not be many subpoenas arriving during the "safer at home" mitigation period.

As we navigate through this "safer at home" mitigation period, don't hesitate to find additional information at the following link: <https://www.csusb.edu/risk-management/how>