



Colorado Springs School District 11

Inspire Every Mind

Risk Management
520-2469

Records Management
520-2075

Re: Subpoenas

From time to time, employees of Colorado Springs School District No. 11 (the "District") are served with subpoenas to either testify in court proceedings or provide copies of records in connection with such proceedings.

If the District is a party to the proceeding or the proceeding involves a matter that could impact the District in any way, you should immediately contact Risk Management at 520-2469, who will notify the attorney for the District that you have been subpoenaed.

Most of the time, however, the court proceedings for which you or the District's records are subpoenaed involve child custody disputes between the parents of a District student, Department of Human Services matters involving a District student, or a criminal matter involving a District student.

This memorandum is intended to provide you with guidance in the event you are subpoenaed to produce records or testify in a matter in which the District is not a party or which will have no significant impact on the District. Below are some general guidelines:

I. Subpoena for Records

You should immediately contact the District's Records Management Office at 520-2075 in the event you have been served with a subpoena to produce records (this is called a Subpoena Duces Tecum). The Records Office may be able to respond to the subpoena on your behalf. Please do not turn over records directly to the attorney who issued the subpoena or to the court without first contacting the Records Office, as specific procedures must be followed depending upon the type records to be disclosed, including the time, place and manner of disclosure.

II. Subpoena to Testify

In the event you have been served with a subpoena to testify, you should immediately contact the District's Records Management Office at 520-2075. The Records Management Office can provide you with general

guidance or if necessary, arrange for the attorney for the District to accompany you.

In addition, you should immediately notify your supervisor of the subpoena and contact Human Resources to determine whether you are eligible for compensation for the time you are away from your workplace, and if so, what records you will need to provide to Human Resources to receive compensation.

With regard to the subpoena, you should also take the following steps:

A. Contact the attorney who issued the subpoena (the phone number should appear on the subpoena) and ask him/her about the matters about which you will testify. Also, confirm with the attorney that the hearing/trial for which you have been subpoenaed to testify has not been re-scheduled or cancelled, and ask the attorney to contact you if anything changes.

B. Dress professionally for the hearing/trial at which you will testify.

C. Arrive at the hearing/trial early so that you may speak to the attorney who issued the subpoena about any changes regarding the matters about which you are expected to testify.

D. If the attorney who issued the subpoena or the attorney for the other party seeks to speak with you regarding the matters about which you will testify in advance of you taking the witness stand, you should, as a general matter, refrain from speaking with him/her, especially if the matter would require you to disclose confidential student information or information about one of your current or former co-workers. You, of course, may speak freely about such matter after you are called to the witness stand.

E. Do not bring to the hearing/trial copies of any records that have not been subpoenaed by one of the parties (*i.e.* personal notes, relevant records that were not subpoenaed, etc.). If you bring such records, you could be forced to turn them over to both attorneys and the court.

F. Once on the witness stand and responding to the attorney's questions, be as specific as possible in your answers. Generally, it is not your role to give opinions on specific matters.