

YOUTH SERVICES POLICY

Title: Employee Subpoenas, Notices of Hearing, Discovery, and Legal Correspondence	Type: A. Administrative Sub Type: 2. Personnel Number: A.2.43
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References: ACA Standard 4-JCF-6D-05 (Performance-Based Standards for Juvenile Correctional Facilities)	
STATUS: Approved	
Approved By: <i>James Bueche, Ph.D., Deputy Secretary</i>	Date of Approval: 12/01/2017

I. AUTHORITY:

Deputy Secretary of Youth Services as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

To establish procedures for employees when they receive any of the following pertaining to Youth Services (YS) employment: subpoena; notice of hearing; interrogatories; any correspondence from a court, an attorney or administrative body; or any other court related or legal document pertaining to Youth Services employment.

III. APPLICABILITY:

All Youth Services employees.

IV. DEFINITIONS:

Discovery Request - a legal document sent from one party in a case to another party requesting answers to questions about the case or requesting that certain documents be shared.

Interrogatories, Request for Production of Documents - discovery requests from a party through his lawyer, if he is represented, asking for answers to questions and/or production of specified documents.

Legal Correspondence - any letter or other document from an attorney, an attorney's office, court or administrative body.

Notice of Hearing - Notice sent by a court to parties advising them of the scheduling of a court hearing.

Subpoena - an order summoning a person to court or ordering the production of specified documents. A subpoena can also be issued to a witness or another entity

that might have documents or other information relevant to the underlying case. A subpoena typically comes in two forms:

- a. Subpoena to appear and give testimony (sometimes called a *subpoena ad testificandum*). This can be for the purposes of a deposition or for purposes of a trial.
- b. Subpoena to produce documents or other evidence (sometimes called a *subpoena duces tecum*)

V. POLICY:

Supervisors and legal staff must be notified of any subpoena, court hearing notice, discovery request, or other legal correspondence to ensure prompt action and response, adequate representation at court, and proper and timely responses to discovery.

VI. PROCEDURES:

When a subpoena is received, the employee must proceed as follows:

A. Subpoena to Appear and Testify at a Deposition:

If a YS employee is served with a subpoena to appear for a deposition in any legal proceeding, the employee must appear. The employee should, as soon as practicable following receipt of the subpoena:

1. Bring a copy of the subpoena to his/her supervisor for scheduling the employees required absence.
2. Notify the Legal Department at Central Office.
In certain cases, depositions and other testimony not scheduled before the court can be moved to accommodate the witness. If a scheduling conflict exists, please consult with Legal to determine how to proceed.

B. Subpoena to Appear and Testify at any Court Hearing or Trial:

If a YS employee is served with a subpoena to appear before the Court, whether for trial, revocation hearing or otherwise, the employee must appear. The employee should as soon as practicable following receipt of the subpoenas:

1. Bring a copy of the subpoena to his/her supervisor for scheduling the employee's required absence;
2. Notify the employee's respective Unit Head; and
3. Notify the Legal Department at Central Office.

It is rare for a scheduled Court hearing to be postponed. Any employee served with a subpoena should be prepared to attend.

C. Subpoena to Produce Documents:

If a YS employee is served with a subpoena to produce documents or a subpoena duces tecum the employee should take the following steps:

1. Notify the employee's supervisor and Unit Head;
2. Notify the Legal Department at Central Office;
3. Review the requested information. Where possible, the employee should begin compiling any requested documentation at their disposal, and should discuss with Legal the requested information and deadline for compliance as soon as practicable.

D. Notice of Hearing:

Certain subpoenas and notices of hearing that are routine will not require review by the Legal Department. In the event a subpoena or notice of hearing is outside the normal routine, the Facility Director or Regional Manager shall forward such subpoenas and/or notices of hearings which are not routine and may require Legal review to the Central Office Legal Section.

E. Other Correspondence:

If an employee receives any other court document or correspondence from a court or attorney, he/she must bring it to his/her supervisor who will immediately fax the document to the Central Office Legal Section, and notify the unit head.

Previous Regulation/Policy Number: A.2.43

Previous Effective Date: 5/21/2010

Attachments/References: