

UC Davis Policy and Procedure Manual

Chapter 320, Records and Archives

Section 30, Legal Notices

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Responsible Department: Risk Management Services

Source Document: Service Of Process On The Regents Of The University Of California

I. Purpose

This section outlines procedures to be followed by campus departments upon receipt of a legal notice such as a claim, summons & complaint, or subpoena. UCDHS departments should refer to UCDHS Hospital Policies & Procedures Manual Section 1503 for appropriate procedures.

II. Definitions

- A. Service of Process--delivery of legal notices to an individual or organization to provide official notice of a legal action or proceeding.
 - 1. Personal service—hand delivery of legal papers.
 - 2. Mail service—mail or email delivery of legal papers.
- B. Claim--a written demand for payment or notice of intent to pursue a legal action, always received prior to a lawsuit.
- C. Summons and Complaint--the legal documents that initiate a lawsuit.
- D. Subpoena--a court or administrative order compelling a person or representative of an organization to testify or produce records on a certain date.

Types of subpoenas include but are not limited to the following:

 - 1. State or federal.
 - 2. Civil, criminal, or administrative agency (e.g., Workers' Compensation Appeals Board).
 - 3. Trial, deposition, or administrative hearing.
 - 4. Production of records only, personal appearance only, or personal appearance and production of records (i.e., duces tecum).
- E. Record custodian--the person in charge of a department's records. When a subpoena has been served, this person must sign an affidavit concerning the authenticity of the records.
- F. Witness fee--compensation paid to a person who has been subpoenaed but is not a party to the lawsuit (plaintiff or defendant).

III. Policy

- A. The University's attorneys, liability insurance carriers, and administrators must receive legal notices in a timely fashion to protect the University and its employees.
- B. Departments and individuals who receive a subpoena involving University business are responsible for responding, but should seek assistance from Campus Counsel's Office or Risk Management Services.

IV. Procedures

- A. Personal service of Claim, Summons and Complaint, or Small Claims Court Action on The Regents
1. A process server attempting to serve a claim or summons and complaint on The Regents of the University of California should be informed that the only way to effect service on The Regents is to deliver the papers to The Office of The General Counsel of The Regents (“OGC”), 1111 Franklin Street, 8th Floor, Oakland, California 94607-5200.
 2. If the process server insists on leaving the papers or leaves a copy of the documents, the individual or department must:
 - a. email the papers to Risk Management Services immediately (rms@ucdavis.edu);
and
 - b. send the originals to Risk Management Services by campus mail.
 3. A process server attempting to serve a small claims court action on The Regents must be directed to deliver the document to the Campus Risk Manager at 276 Hoagland Hall, who is authorized to accept service.
- B. Personal service of Claim, Summons and Complaint, or Small Claims Court Action on an individual employee where the claim or lawsuit involves University business
1. If the claim or lawsuit involves University business, but the process server advises that the papers are meant for an individual, the process server should be allowed to meet briefly with the individual to deliver the papers.

If the employee is unavailable, the process server may ask to leave the papers with a person “obviously in charge” of the department or office where the employee works.
 2. The person accepting the papers must:
 - a. note the date and time the papers were received;
 - b. email the papers to Risk Management Services immediately (rms@ucdavis.edu);
and
 - c. Send the originals to Risk Management Services by campus mail.
 3. Do not complete or return the “Note and Acknowledgement of Receipt – Civil” form that may be included; a University attorney will complete and return the form.
 4. The employee named in the papers should contact Risk Management Services to discuss legal representation.
- C. Personal or mail service of subpoenas involving University business
1. Subpoenas may be served on an individual, on the custodian of records by name or title, or on a department or office.
 2. A subpoena received by mail service or personal service should be accepted, then the individual or department should immediately contact Campus Counsel for assistance.
 - a. If the server has brought it to some place other than the department named on the subpoena, he/she should be directed to the correct department or to the Office of Campus Counsel.
 - b. If the process server insists on leaving the subpoena, the subpoena should be accepted and forwarded to the Office of Campus Counsel.

- c. Campus Counsel will forward the subpoena to the correct department.
3. For personal service of a subpoena addressed to an individual, the process server should be allowed to meet briefly with the individual to deliver the subpoena.
- D. If neither the individual nor the University is named as a party to the lawsuit (plaintiff or defendant), and the individual is being subpoenaed as a witness, the individual should ask the server for the witness fee to which the witness is entitled by law. Personal Service on an individual employee, not involving University business
 1. The process server should be allowed to meet briefly with the employee.
 2. If the employee is unavailable, the process server may want to leave the papers with someone else in the office with instructions that they be given to the person for whom they are intended. If the papers can be given to the addressee in the normal course of business, the department may comply with the request.

V. Further Information

Further information can be obtained by contacting Risk Management Services at 752-1247.

VI. References and Related Policy

- A. Service Of Process On The Regents Of The University Of California (<http://www.ucop.edu/general-counsel/files/servproc.pdf>)
- B. UCOP Office of General Counsel, Obtaining Legal Assistance (<http://www.ucop.edu/general-counsel/guidance/obtaining-legal-assistance.html>).
- C. Policy & Procedure Manual (<http://manuals.ucdavis.edu/PPM/about.htm>):
 1. Section 320-10, Records Management Program.
 2. Section 320-20, Privacy of and Access to Information.
 3. Section 320-21, Privacy and Disclosure of Information from Student Records.
 4. Section 320-35, Privacy of Health Information.