

Handling Service of Process and Subpoenas

1.1 As used in this policy, the term “process” refers to a legal document that is used to notify a person or organization about the initiation of a lawsuit. These documents often are delivered by a process server, but in some circumstances may arrive by mail. The term “subpoena” refers to a legal document that demands that a person or organization provide materials, information, or testimony to a court of law, or to appear in court to testify.

1.2 Only the agent listed as part of Stetson University’s Florida Department of State registration may accept legal service of process for lawsuits or claims filed against Stetson University or Stetson University College of Law. Stetson’s registered agent is based in DeLand, Florida. Therefore, no one on the College of Law campuses may accept service of such documents. If a Stetson employee other than the registered agent is contacted by a person attempting to serve the University, College, or any other person with a summons or other legal documents, the employee may not accept service and should refer the process server to the College of Law’s Office of Legal Affairs.

1.3 For all other matters, only the Dean, Associate Dean of Academics, Registrar, or Associate Vice President of Human Resources and Legal Affairs are authorized to accept subpoenas on behalf of the College of Law. If a Stetson employee, in his or her official capacity, is asked to accept service of a subpoena for documents, testimony, or information, the employee should immediately direct the individual to one of the officials listed above who may accept service.

1.4 If a records request is not in the form of a subpoena but rather seeks information on a voluntary disclosure basis, any individual or office that receives such a request should consult promptly with the Office of Legal Affairs and should take no other action regarding the request before that consultation.

1.5 The College official who accepts service should promptly deliver the subpoena to the Office of Legal Affairs, with a copy to the Dean’s Office.

1.6 Unless restricted by law, and pursuant to the Family Educational Rights and Privacy Act, the Office of Legal Affairs will, in the case of a student or former student, send notice about the subpoena to the individual about whom documents or information is sought. In the case involving an employee, former employee, applicant for employment, or other individual with whom the College of Law has had some interaction and for which it maintains records, the Office of Legal Affairs will make a reasonable attempt to notify, in writing, the individual whose records are sought.

1.7 The Office of Legal Affairs will coordinate the College’s efforts to locate and copy or provide for inspection documents that appear to be responsive to the subpoena. This effort will involve working with all departments and individuals likely to have information responsive to the subpoena, whether the records are on campus, in storage, or maintained electronically.

1.8 The Office of Legal Affairs will retain a copy of the subpoena, documents responsive to the subpoena, and any other material related to the subpoena.

1.9 This policy does not apply if (a) the person contacted to accept service is the same person named in the legal documents to be served and (b) the subpoena or service of process is personal in nature and not related to the College of Law.

Administrative Policy effective as of January 1, 2003, revised April 2, 2007.