	CLERK OF THE COURT INTERNAL POLICY	
	Area: ODIR Document Number: POL-ODIR-1015 Subject: Response to Claims, Summons and Subpoenas Page: 1 of 3	Effective Date: 9/2/08 Revision Level: C Last Revised Date: 7/13/15

PURPOSE:

It is the purpose of this policy to establish guidelines to implement Supreme Court Administrative Order 2008-44 that modified the Arizona Code of Judicial Administration, Part 1, Chapter 2, Section 1-204.

POLICY:

General

Legal claims, summonses and complaints or subpoenas shall be served on the Clerk of Superior Court (COSC) administrative office. Routine subpoenas, including Nursing Board and Subpoenas Duces Tecum, shall be processed according to procedure.


Inmate-initiated

When an inmate subpoena is unclear or requests entire case files, the COSC will verify if the inmate has counsel. If the inmate has counsel, the COSC will provide a copy of the subpoena to the inmate's counsel.

Clerk or Employee

Legal claims, summonses and complaints or subpoenas naming the COSC or a COSC Office employee in their official capacity shall be provided to the COSC Counsel with complete information required for timely response. Counsel will coordinate review, response or other action with the Attorney General, the Risk Management Division of the Arizona Department of Administration or the Administrative Office of the Courts (AOC) Legal Services, as required.

In implementing Supreme Court Administrative Order 2008-44, the COSC Office shall process and report legal claims, summonses and complaints or subpoenas for COSC and employee-related subpoenas as directed by the Attorney General, the Risk Management Division of the Arizona Department of Administration or the Administrative Office of the Courts (AOC) Legal Services Office.

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COSC employees will not make any statements or release any information concerning an incident that is the subject of a claim or lawsuit to any person not employed by the state without first obtaining approval from the COSC Counsel, who may further defer to the Attorney General, the Risk Management Division of the Arizona Department of Administration or the Administrative Office of the Courts (AOC) Legal Services Office, as required by the nature and complexity of individual events.

Subpoenas Issued in Federal Court Regarding Sealed Superior Court Files

When a federal subpoena is received by the COSC Office requesting access to or copies of sealed records, compliance with the subpoena shall adhere to direction given by Presiding Superior Court Judge. If the subpoena is signed by a Federal Court judge, the records or copies will be produced as requested with no further order required. If the subpoena is not signed, it shall be forwarded to Superior Court counsel for review by the Presiding Judge or the judge’s designee. The Presiding Judge or the judge’s designee may issue an order or direct the COSC Office to comply with the subpoena.

APPLICABILITY:

This policy applies to all COSC staff.

DEFINITIONS:

- Claim** A written demand for payment for alleged injury, usually received prior to a lawsuit.
- Complaint** A document filed with a court according to court rules that states legal claims a plaintiff against a defendant.
- Served** Delivery of a claim, summons or subpoena by a process server.
- Subpoena** A court order compelling a person or representative of an organization to testify and/or produce records on a certain date at a certain place and, for purposes of this policy, includes “Subpoena duces tecum,” which means a subpoena for records.



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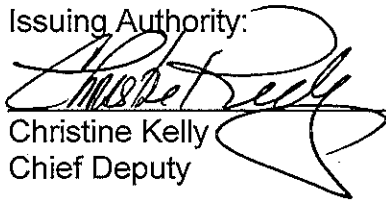
Summons An order from a court to respond in some manner to a complaint initiating a lawsuit.

REVISION HISTORY:

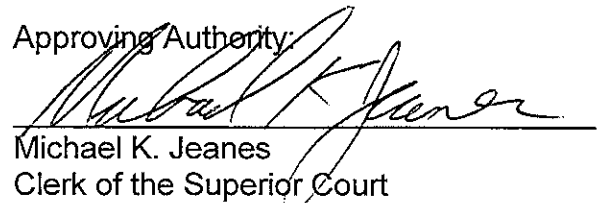
Revision Number	Issuing Authority	Summary of Changes	Approval Date
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A	N/A	Revised	3/11/10
B	N/A	Revised	3/23/11
C	Christine Kelly	Revised/Updated to Controlled Document Index	7/13/15

AUTHORIZED SIGNATURES:

Issuing Authority:


Christine Kelly
Chief Deputy

Approving Authority:


Michael K. Jeanes
Clerk of the Superior Court

Date Signed: 7/17/15