



American Land
Title Association
Protect your property rights

ALTA

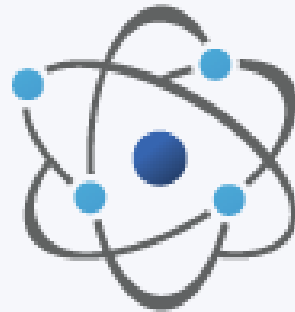
inSIGHTS

REAL TIME | ON-DEMAND



You've Been Subpoenaed, Now What?

Today's
ALTA Insights
Featured
Sponsor



AccuTitle
TITLE MANAGEMENT PLATFORMS

Speakers

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Agenda

- What is a Subpoena?
- Types of Subpoenas
- What do I do?
- What can and can't I provide?
- Tips and Take-aways
- Questions



What is a Subpoena?

- A court-ordered demand that a person appear in court or other legal proceeding, or that specific documents be produced and presented at a specified date, time and location.
- “Subpoena” means “under penalty” in Latin
- Civil or criminal penalties for refusal or failure to comply



What is a Subpoena?

- Can be issued by Federal and State Courts, State Boards (i.e. Real Estate Departments), Federal Departments
- Most common cases
 - Divorce
 - Title Litigation
 - Creditor's Rights Disputes
 - Fraud
 - Financial Crimes





SUBPOENA

This subpoena is an official notice that the above named party must appear in Court to testify as a witness:

DATE: 7 4 TIME: 5 EVENT: 6
JUDGE: 7
LOCATION: 8

375 SOUTH HIGH STREET, COLUMBUS, OHIO 43215

Witness my hand and seal of this Court on:

Service requested: Residence Service

Personal Service Ordinary Mail



Certified Mail DUCES TECUM:

Lori M. Tyack, Clerk
Franklin County Municipal Court

Witnesses are paid twelve (12) dollars for a full day and six (6) dollars for half day attendance. Witnesses will receive ten (10) cents for each mile necessarily traveled to and from residence within Franklin County to place of testimony.

Failure to appear at the time and place indicated may result in a contempt of court citation. Bring this subpoena with you to the courtroom and present it to the bailiff. Direct any questions to the person requesting you to appear: CITY PROSECUTOR www.columbuscityattorney.org Telephone: 645-7483 9

To the witness: Mileage()

Attention: If you are the victim of this offense, and if the defendant is convicted of or pleads guilty to the offense, you may make an oral or written statement to the Court regarding the sentence to be imposed upon the defendant. This statement may include a request that the Court order the defendant to make restitution to you for economic losses suffered as a result of this offense. It is your responsibility to bring to Court any documentation to support your request for restitution. At the hearing date, please inform the prosecutor of your intention to make a sentencing statement.

Approved for Payment
Full Day



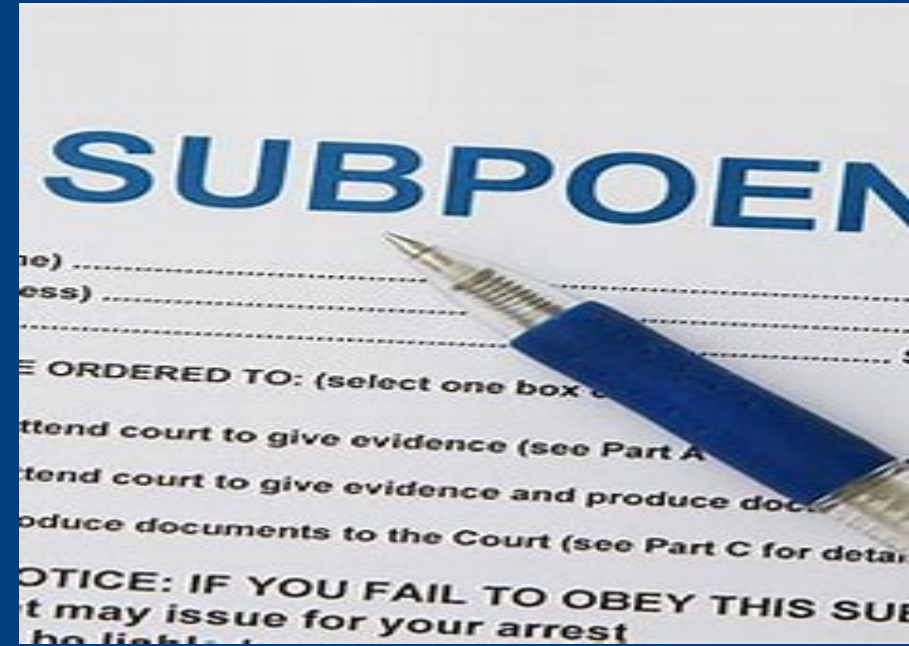
Types of Subpoena?

- Witness (*subpoena ad testificandum*)
 - Legal document ordering a person to appear to testify
- Document (*subpoena duces tecum*)
 - Legal document ordering the submission of evidence
- Deposition/Grand Jury



What do I do?

- Do not ignore subpoena
- Read it
- Understand it
- Depending on the nature of it, contact underwriter or attorney
- Calendar due date/court date
- Begin to gather



What can or can't I provide?

*Think like a Litigator

*What is private or privileged?

Communications with: Your Attorney, the "Client"
Realtors, Lenders, Surveyors

*Redaction?

Confidential financial Information/SSNs
Remember context of case--addresses, phone numbers



What can or can't I provide?

- What's in my closing file?
 - Title Notes
 - Title
 - Closing Documents
 - Memos of mistakes?
 - Snarky emails?
 - Internal notes?
 - Checks?
- Is the Title Exam privileged in Attorney Closing states?



Tips and Take-aways

- Don't be an ostrich. It won't go away
- Don't panic
- Train your staff to be sure the files are clean
- Be careful of Social Media posts. They are “communications”
- When in doubt, ask for help
- Keep a copy of what you send



Q&A



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Contact Us

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