

# HAVE YOU BEEN SERVED WITH A SUBPOENA?

Have you been served with a Subpoena to produce documents to a Court?

Compliance can be a time-consuming and expensive exercise, but it is important to respond or comply promptly to avoid being held in contempt.

There are grounds to object to a subpoena to produce, including that it:

1. Is too vague, broad or the issuer cannot identify its legitimate purpose;
2. Is a 'fishing expedition' (meaning it is being used to see if there are documents that may assist a case, rather than obtaining documents that are relevant to the case);
3. Seeks documents that are not relevant to the case;
4. Causes undue burden or is oppressive;
5. Seeks documents that are legally privileged; or
6. Isn't accompanied by conduct money (money paid for costs of complying with the subpoena, including costs of obtaining legal advice).

In respect of conduct money, you should try to agree as to the amount with the issuing party. They may be more agreeable to pay if you provide an itemised breakdown of your reasonable costs of complying.

If you consider that the subpoena ought to be varied or set aside, or that the documents sought may fall under one of the arms of privilege, you should seek legal advice immediately.

Remedies available to you include amendments to the subpoena by the issuing party or by the Court or producing documents on the basis you object to them being inspected.

In summary, if you receive a subpoena to produce, you must comply with it promptly, whilst taking care not to provide documents outside its scope or that are privileged.

If you have received a subpoena to produce documents and need advice as to your options, please contact [Heather Richardson](#) or [Anish Wilson](#).

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