

**OFFICE OF THE GENERAL COUNSEL
Division of Operations-Management**

MEMORANDUM OM 14-26(NxGen)

February 7, 2014

TO: All Regional Directors, Officers-in-Charge,
and Resident Officers

FROM: Anne Purcell, Associate General Counsel

SUBJECT: NxGen Subpoena Templates

The Division of Operations Management is pleased to announce the availability of Ad Testificandum (AT) and Duces Tecum (DT) subpoena forms in NxGen.

Six subpoena templates have been added to NxGen: 3 for AT and 3 for DT. All the templates work with both C and R cases. The functionality of each is listed below.

Having subpoenas as templates will enable the field staffs to quickly and easily change the authorizing signature on the subpoenas when the need arises. This will result in cost savings and waste reduction as subpoenas that are obsolete because of outdated signatures will not have to be discarded. In addition, there will be virtually no lag time between the need for new subpoenas and their availability. The subpoena templates look similar to the pre-printed forms except the dates are in the month, day, year format (e.g. January 27, 2014 instead of the 27th day of January 2014) and the language describing what a person must do if they do not wish to comply with the subpoena has been changed to mention e-filing and more clearly describe the time for filing a petition to revoke. Samples of the subpoenas are attached.

In the past, AT subpoenas were available on goldenrod paper. Due to budgetary considerations, all subpoenas generated from NxGen, both AT and DT, will be printed on white paper. The subpoenas will not use carbon paper.

The printed subpoena itself should fit on one page (see the tips section below). When blank subpoenas are being provided to outside parties, the Return of Service should be printed on the back of the subpoena. When subpoenas are being served by Agency personnel, the Return of Service should be a separate page from the subpoena; the subpoena itself will be given to the party and the completed Return of Service will be scanned into NxGen. The Return of Service has been updated to include the case number and the same unique identifier number as the subpoena itself.

A letter template for providing these new subpoenas to outside parties is also available in NxGen. Spanish versions of these subpoenas will be available in the near future.

Regions should feel free to use their old supply of pre-printed subpoena forms until their supplies have been exhausted. No new pre-printed forms will be ordered.

Hearing subpoenas with hearing information:

Template Names:

SUB.Hearing Subpoena Ad Test.AT Hearing Subpoena Form

SUB.Hearing Subpoena Duces Tecum.DT Hearing Subpoena Form

If the Board agent is marked as the primary agent/attorney on the action, the “As requested by” section will print: “[Agent’s Name], Counsel for General Counsel” for C cases or “[Agent’s Name], Hearing Officer” for R cases, along with the agent’s address. Plus the “Issued at” section at the bottom will list the city and state of the agent.

The ‘You are hereby required and directed to appear before’ section will automatically fill in “an Administrative Law Judge” for C cases; R cases will default to “a Hearing Officer” with an option to select “an Administrative Law Judge”.

If hearing information is entered, the most-recently created hearing schedule information will populate.

Case name and number will populate. If the action where the subpoena is generated is related to other cases, all the case names and numbers will populate.

The issuance date should be manually typed in the format of month day, year (e.g. January 27, 2014 instead of the 27th day of January 2014).

Blank Hearing subpoenas:

Template Names:

SUB.Hearing Subpoena Ad Test.AT Hearing Subpoena Form (blank)

SUB.Hearing Subpoena Duces Tecum.DT Hearing Subpoena Form (blank)

Case name and number will populate. If the action where the subpoena is generated is related to other cases, all the case names and numbers will populate.

If the Board agent is marked as the primary agent/attorney on the action, the “Issued at” section at the bottom will list the city and state of the agent.

The issuance date should be manually typed in the format of month day, year (e.g. January 27, 2014 instead of the 27th day of January 2014).

Investigative AT subpoena:

Template Names:

SUB.Investigative Subpoena Ad Test.AT Investigative Subpoena Form

SUB.Investigative Subpoena Duces Tecum.DT Investigative Subpoena Form

If the Board agent is marked as the primary agent/attorney on the action, the “As requested by” section will print: “[Agent’s Name], on behalf of the General Counsel”, along with the agent’s address. Plus the “Issued at” section at the bottom will list the city and state of the agent.

The ‘You are hereby required and directed to appear before’ section will automatically fill in “the Regional Director or his/her designee”.

Location will default to the Board agent’s office address, with an option to select a blank location.

The day and time of appearance must be filled in manually.

Case name and number will populate. If the action where the subpoena is generated is related to other cases, all the case names and numbers will populate.

The issuance date should be manually typed in the format of month day, year (e.g. January 27, 2014 instead of the 27th day of January 2014).

Tips when using these templates:

When these templates are first generated, the first page of the subpoena may appear as two pages, plus a blank page will appear at the end. It is highly recommended to generate the template, select any options as necessary, close the template, refresh your NxGen screen, click the Info link, and click the Publish Template link which converts the template to a regular Word document. This will usually result in the first page being only one page in length and it will always eliminate the blank page at the end.

Also, it may be useful to have Word's gridline feature turned on when using these templates. Having gridlines visible on your screen makes it easier to see where to begin typing in any kind of table document. To turn the gridline feature on, click on the Menu option at the top of the Word screen, then select Table, View Gridlines.

If you have any questions about this memorandum, please contact your AGC, Deputy or assigned Program Analyst.

/s/
A.P.