



Office of General Counsel

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ATTORNEY-CLIENT PRIVILEGED AND CONFIDENTIAL

To: Tommy Thompson
UW System Interim President

Chancellors
UW System Comprehensives

Jess Lathrop
Executive Director and Corporate Secretary

From: Quinn Williams
General Counsel

A handwritten signature in black ink, appearing to read "Q. Williams", written over a horizontal line.

Date: August 19, 2020

Re: Accepting Service of Lawsuits, Subpoenas, or Other Legal Documents

This memorandum addresses common questions about accepting service of process of lawsuits, subpoenas, and other legal document related to University business. This guidance does not apply to non-University business. It will cover the process in general as well as temporary changes necessitated by the COVID-19 pandemic.

Method of Delivery

Service of process for lawsuits, subpoenas, or other legal documents, may happen by:

- Email
- U.S. Mail
- In-Person Delivery (e.g. process servers, county sheriff)
- FAX

Who Accepts Service

The named defendant or a member of their staff may accept service. There is no requirement for a process server to hand the records directly to the individual named in the lawsuit (e.g. the Chancellor.) If the named defendant is unavailable, do not ask process servers to leave and return at another time. A staff member may accept service on their behalf. For example, an executive assistant can accept documents on behalf of the Chancellor.

Process for Accepting Service

If you are served in-person, accept the documents but do **not** sign anything.

When accepting service, document and provide to the Office of General Counsel:

- the date
- the time
- the method of receipt

When you are served, and whatever the method of delivery, immediately send electronic copies of the documents and any envelopes to the Office of General Counsel.

Acknowledgement of Service

No one should sign anything indicating acceptance of service even if they are the person named in the suit or subpoena. Process servers can execute their own affidavit of service. We do not advise signing service acknowledgements because there may be defects in service that are waived by a signature. Additionally, sometimes the answer deadline is calculated from the date of service, and signing may shorten the time for the university's legal counsel to respond to the matter.

Accepting Service During the COVID-19 Pandemic

During COVID-19 campus closures, when contacted by a process server, we recommend asking if they will serve electronically via email, as we will not object to such service.

If they accept to serve via email, the server should include with the records a "waiver of service" form which will be executed and returned either by the Office of General Counsel or the Wisconsin Attorney General.

You may arrange for a responsible person to receive in-person service on campus or agree to receive service by U.S. Mail or FAX if that better meets your campus needs.

Informing the Office of General Counsel

Regardless of the method of service, a UW System employee who receives notice of a subpoena or lawsuit should forward the records to the Office of General Counsel immediately. Scan the documents and any envelopes, then send them to:

counsel@uwsa.edu (main OGC email)

In the email include any documentation about the date, time, and method of receipt of service.

Then, mail all original documents, including any envelopes, to the Office of General Counsel by U.S. Mail. You may use the following address:

Office of General Counsel – UW System Admin
Attn: Service of Process
1852 Van Hise Hall
1220 Linden Drive
Madison, WI 53706