Sample Letter in Response to Subpoena for Oral Deposition and/or Records Concerning Confidential Client Information

[DATE]

[SUBPOENAING PARTY NAME]
[ADDRESS]

Re: [CASE NAME; CASE NUMBER]

Dear [SUBPOENAING PARTY NAME]:

This letter is in response to a subpoena for the oral deposition of [NAME OF PARTY TO BE DEPOSED] and/or the production of records, which was served on [NAME OF PERSON OR AGENCY SERVED] on [DATE].

Please be advised that all information and records regarding {THE AGENCY’S] clients are confidential and privileged pursuant to the Domestic Violence Counselor-Victim Privilege (codified in Cal. Evid. Code §§ 1037, et seq.). As such, we are unable, per state law, to release any information and/or records about our contact and communications with any client unless the client provides a written release to [THE AGENCY] instructing us to release this information.

As of the date of this letter, we do not have any such authorization. Accordingly, the person designated to be deposed must refuse to answer any questions seeking the content of any confidential client communications and any records of such communications cannot be released. Please note upon review of the applicable privilege law that the subject matter of the protected communications is extremely broad.

Based upon the foregoing, it would appear to make the most sense for all concerned to not compel the deponent to appear or compel the production of documents, as described in the above-referenced subpoena, until [THE AGENCY] obtains a written authorization from the individual you believe received services from [THE AGENCY].

Please contact the undersigned with any questions.

Sincerely,

[CUSTODIAN OF RECORDS]
[CONTACT INFORMATION]