

**ELC 5.5**  
**INVESTIGATORY SUBPOENAS**

**(a) Procedure.** Before filing a formal complaint, disciplinary counsel may issue a subpoena for a deposition or to obtain documents without a deposition. To the extent possible, CR 30 or 31 applies to depositions under this rule, however the respondent need not be given notice of a subpoena.

**(b) Subpoenas.** Disciplinary counsel may issue subpoenas to compel the respondent's or a witness's attendance, and/or the production of books, documents, or other evidence, at a deposition or without a deposition. CR 45 governs subpoenas under this rule, but the notice required by CR 45(b)(2) need not be given. Subpoenas may be enforced under rule 4.7.

**(c) Challenges.** Challenges by non-lawyers to subpoenas under this rule may be made to the chief hearing officer, who may issue a protective order under ELC 3.2(e).

**(d) Cooperation.** Every lawyer must promptly respond to subpoenas and requests and inquiries from disciplinary counsel, subject to the provisions of ELC 5.3 and rule 5.4.

**(e) Objections by Lawyers.**

(1) To protect confidential client information, or for other good cause shown, a lawyer may object to an investigative subpoena or a disciplinary counsel request or inquiry during a deposition under this rule. An objection must be in writing or on the record and is reviewed by motion as provided in ELC 5.6.

(2) A timely objection suspends any duty to respond to the subpoena or to a request or inquiry under this rule until a ruling has been made under ELC 5.6. An objection to a subpoena is timely if made prior to the date specified for production or the date of the deposition. An objection to a request or inquiry under this rule is timely if made in response to the request or inquiry during the course of the deposition.

[Adopted effective October 1, 2002; Amended effective January 1, 2014; January 1, 2015; September 1, 2017.]