



Warner Legal Corner

AUTOMOTIVE LEGAL TOPICS
Volume Six, July 2022

ATTORNEY SPOTLIGHT Madelaine Lane

A Winning Strategy: Preparing For and Responding to Subpoenas

With subpoenas, two things are true: 1) every company will receive one at some point; and 2) they always arrive at the worst possible time. Subpoenas, or court ordered discovery requests, can arise in a variety of different circumstances. Whatever the reason, a subpoena requires a swift, coordinated effort to produce all relevant, nonprivileged information and, if needed, designate and prepare a witness to testify, all by a deadline.

Businesses that have a subpoena (and a search warrant) response plan and train front-line staff stand a much better chance of making sure a subpoena does not fall through the cracks. These plans should cover a variety of topics to assure that every member of the organization knows what to do when a subpoena arrives.

Notification List: Designate an individual at the company who must be notified within 12 hours. The plan should include that person's contact information and contact information for a backup individual.

Response Team: Responding to document requests and preparing witnesses will require multiple individuals to assist. Designate members of the response team (and backups) ahead of time and assign everyone a task. Think about including members from the information services, human resources, security, legal and/or communications departments.

Outside Counsel: Engage outside counsel. Outside counsel can assist with preservation and collection efforts, which will help preserve relevant information and reduce costs.

Data Audit: Consider hiring counsel before a subpoena arrives to conduct a discovery audit. Determine where your documents reside, what is preserved and where and for how long, and should you review your data retention policy?

For more information from Warner's Automotive Industry Group, visit their [webpage](#) or log onto www.wnj.com.

An accomplished white collar criminal defense attorney, Warner Partner Madelaine Lane guides clients through complex civil investigations involving high-volume documents and high-risk publicity. She regularly responds to discovery requests, conducts internal investigations, creates litigation strategies and presents winning defenses at trial.



Within the automotive supply industry specifically, Madelaine counsels suppliers through grand jury subpoena or discovery requests and responses, and helps facilitate internal investigations. She helps employers investigate employee embezzlement, wrongful death, sexual abuse allegations, whistleblower claims involving the False Claims Act and other wrongdoings. She often serves as intermediary when local, state and federal law enforcement become involved, and assists clients in reaching emotionally intelligent and practical decisions.

A skillful defender, Madelaine fiercely advocates clients' interests in the courtroom and at the negotiating table – being mindful of and weighing all risk/reward options of settling or trying cases before judge and jury. When delivering a persuasive argument or cross-examination, her rational and fair approach balances her readiness and willingness to fight – if fighting makes the most sense for her clients.

Madelaine is co-chair of Warner's White Collar and Investigations Practice Group, its Data Analytics and eDiscovery Practice Group and co-directs the firm's eDiscovery Center. She has led some of the state's largest criminal and civil discovery matters by leveraging the latest technology and tools to locate and parse through responsive documents efficiently.

Named a Top Lawyer in White-Collar Criminal Defense in Grand Rapids Magazine, a 40 Under 40 honoree by the Grand Rapids Business Journal, Madelaine has won these and other notable awards. She serves as Warner's deputy general counsel, handling questions regarding privilege and ethics at the firm level.

Check out Madelaine's [full bio](#) here.



Michael Brady
Partner
mbrady@wnj.com
313.546.6032



Tom Manganello
Partner
tmanganello@wnj.com
313.546.6007



Elaine Taylor
Business Development
etaylor@wnj.com
586.876.4045

Click [here](#) to access Warner's Legal Corner Resource Page on OESA's website.



Warner Legal Corner