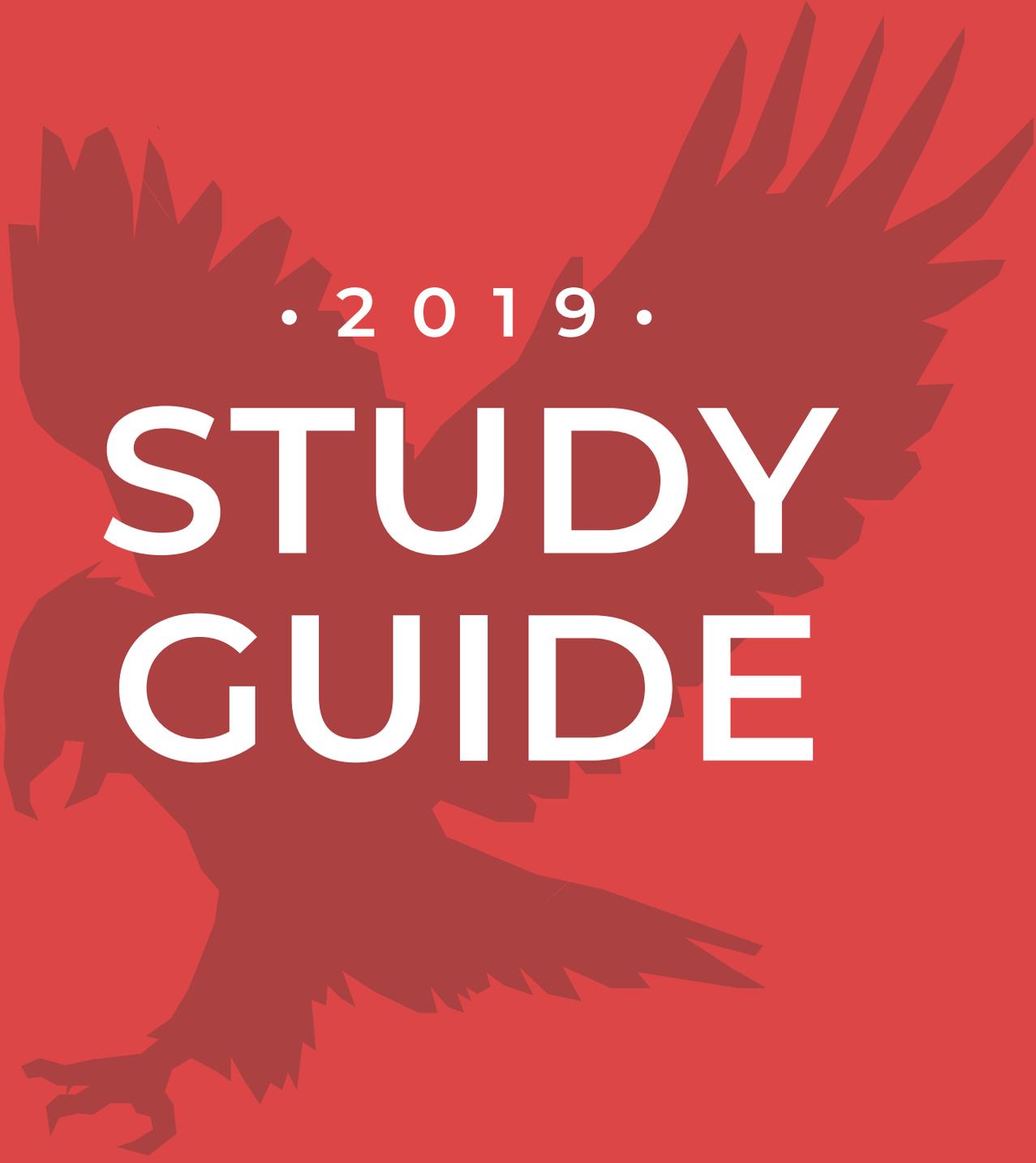


PROCESS SERVER 101

• 2019 •



**STUDY
GUIDE**



CONTENTS



| | |
|-----------------|----|
| Welcome | 3 |
| Role | 4 |
| Civil Procedure | 7 |
| Ethics | 15 |
| Safety | 18 |
| Certification | 21 |



WELCOME

Welcome to the Professional Process Server Certification Official Study Guide (2019).

We'll cover the basics every process server should know, such as rules of civil procedure, state requirements, and professional ethics.

Completing this guide will qualify you to take the Professional Process Server Certification Examination.

Each section contains a brief overview of critical points, links to useful resources, and actionable tasks for you to complete.

The estimated average time required to study for the certification exam is 2-3 hours. You may require more or less time based on your current level of knowledge.

We hope you'll join us soon as the newest Certified Professional Process Server.



ROLE

Thousands of process servers across America work everyday to perform a vital role within our legal system.

This guide assumes you know the basics, but let's take a quick look at how it all works:

When an attorney (the plaintiff) files a case against a company or private individual, they're required to notify the other party (the defendant) before a date can be scheduled in court.

The process server is hired (through the payment of a fee) by the plaintiff to serve notice upon the defendant and certify to the court that such service has been made.

Although hired by the plaintiff, the process server must be impartial, meaning they have no personal involvement in the case.

Process servers may or may not require a license or formal registration (state-specific), and work as subcontractors, small business owners, or government employees.

SERVICE OF PROCESS:

1

Plaintiff hires you to serve the defendant.

2

Locate the defendant after one or more attempts and complete service.

3

File the affidavit of service with the court or return it to the client.

4

If unable to complete service, consult with the client regarding options.

5

Repeat.

KEEP IN MIND

Civil procedure is state-specific and in some cases process servers are even regulated at the municipal level.

In the next section, you'll explore the requirements and rules in your state.

LEARN MORE

Do a quick Google search for process servers in your area and take a look at their websites.

Ask yourself the following questions:

How are their businesses structured? Are they one person operations or large contracting companies?

Do they offer additional services such as skip tracing and private investigation?

How do they structure their rates and how much do they charge?



CIVIL PROCEDURE

Civil procedure is a vast and complex topic. Academics devote their lives to its study.

Fortunately for the process server, we're only concerned with the section related to service of process. It specifies who can serve process and how it must be served.

Civil procedure varies by state, as do the requirements for process servers.

If you haven't already Googled your state's rules of civil procedure, go ahead and do so now. You'll want to look for the officially posted rules on your state's website (rules can and do change so it's important to get your information from the most direct source).

As we move through this section, refer back often to the rules in your state.

WHO CAN SERVE?

Many people are surprised to learn the majority of states don't license or regulate process servers. If you live in one of those states, there's no formal requirement to become a process server (a supplemental credential like Certified Professional Process Server helps demonstrate your knowledge to potential clients and employers).

If your state licenses process servers, you'll need to meet the requirements before working as a process server.

Most states define "who can serve" in the rules of civil procedure. Keep in mind that a few municipalities, including St. Louis and New York City, also maintain licensing requirements.

For quick reference, you'll find a state-by-state-summary on the Process Server 101 website:

<https://www.processserver101.com/process-server-laws>

PERSONAL SERVICE

Personal service is the meat and potatoes of process serving, and is the classic example most people imagine when they picture a process server.

The majority of our cases are served this way, by personally handing the defendant the papers whether it's a private individual, small business, large corporation, or even a government agency.

In the case of a business, many times we serve a corporate officer, registered agent, receptionist, or even a security person. As long as we can be reasonably sure the papers will be passed to a responsible party, personal service on a business representative is the same as service upon the business itself.

If the defendant attempts to avoid service by refusing the papers, this is called a refusal of service. As long as you've identified and informed them of the service, most courts will consider it valid.

For specific details in your state, consult your rules of civil procedure to learn more about personal service.

SUBSTITUTED SERVICE

Substituted service occurs when we serve a defendant through a third-party individual. This could be a spouse, parent, roommate, or even a minor child (for example, in Colorado substituted service can be made on a minor as young as thirteen).

To complete a substituted service, you must verify two things.

- First, the defendant is currently living or can be located at the address where you will complete service.
- Second, that it's reasonable to assume the person you service will pass along the papers.

Substituted service varies even more from state to state than personal service.

You will need to do your homework and check the rules of civil procedure for guidance of completing a substituted service in your state.

PROOF OF SERVICE

Upon successful completion of service, a process server will complete a proof of service, also called a return or affidavit of service.

This document will be filed with the court and becomes a permanent part of the case record. In many states, the proof of service is notarized and therefore becomes a legal affidavit.

Knowingly falsifying a proof of service is at best contempt of court and at worse a serious felony, and should never be considered in any situation.

Most often the proof of service form is provided by the client, but you can find generic state forms by clicking on your state at the following link:

<https://www.processserver101.com/process-server-laws>

You can also create custom proof of service forms for free by entering the case details into the generator at:

<https://www.rocketlawyer.com/document/affidavit-of-service.rl#/>

COURT FILING

Typically, the proof of service is returned to the client.

Many process servers offer court filing of documents for an additional fee.

While court filing may sound complicated, the procedure is simple and involves a trip to the clerk's office at the court where the case was filed. Be sure to obtain a receipt from the clerk to serve as proof the document was filed.

Most states and court systems now offer electronic filing of documents, which means you can file a proof of service with a portable scanner or even a good smartphone.

Visit your state court system's website to learn more about electronic filing requirements (you may need a username and it's better to establish an account before you find yourself needing to file some papers).

While overworked, court clerks will often repay kindness and can be a valuable source of clarification when in doubt about proper legal procedures.

LATEST TRENDS

The legal system in the United States has been largely consistent for hundreds of years. But it's evolving to keep up with the times, just like any other industry.

In the last few years we've seen service of process via electronic means, such as email and even social media, become accepted by courts when other, more traditional methods of service, have failed.

While this is a new phenomenon, and personal service still accounts for the majority of serves made, it's wise for any savvy process server to keep an eye to the future.

TAKE NOTE: Courts have grown frustrated with the problem of sewer service and are increasingly requiring more than just the process server's word that the papers were served correctly.

Many jurisdictions now require process servers to GPS-stamp their serves with the time, date, and a photo.

A growing number of smartphone apps have become available to automate the process; and it's a wise practice even if your state doesn't yet require GPS stamping.

LEARN MORE

As you read your state's rules for service of process, pay particular attention to key information such as who can serve, personal service, substituted service, and proof of service.

Here are some important things to look for:

- Does your state require a license or formal registration in order to serve process?
- Which type of documents can be served by a process server?
- What's required for a valid personal service?
- Does your state permit substituted service? What are the requirements?
- Are there any special restrictions on service of process (for example, some states do not allow service on Sundays, or Saturdays for those who observe Sabbath on that day).
- Should a proof of service be notarized before filing?
- And any other specific requirements in your state.



ETHICS

While most process servers are hardworking and honest, there are always those who would take easy money in exchange for big risk. Sooner or later, they decide to start getting paid for papers they never actually served.

This is called sewer service, and it's a persistent problem within the industry. Not only does it have the potential to disrupt a case and waste thousands of dollars in legal fees, it also diminishes our reputation as process servers.

In some states, Florida being one example, sewer service is even a felony, and at best will subject you to being served with your own lawsuit for criminal negligence.

Consider this:

By the time we receive a case a lot of effort and time has already been spent. Now the plaintiff is handing over their hard work to you, and must trust you will always act with honesty and integrity.

Honoring that trust is the mark of true professional.

REASONABLE STANDARD

How can you be sure, in the busy day-to-day life of a process server, that you're following the rules and doing the right thing?

Whenever you're in doubt, apply the reasonable standard:

Would a reasonable person, in the same situation, consider this a valid service?

If not, you need to rethink things.

Remember, as a process server you can be called to testify about the validity of your serve. If you can explain in plain, reasonable terms why your service is valid you have a much better chance of satisfying the court.

Always ask yourself, "If I had to testify before a judge could I justify my actions?"

While nothing in the law is ever foolproof, applying the reasonable standard is a simple strategy to check yourself whenever things get murky.

LEARN MORE

The lesson is simple:

Honesty is always the best policy when doing the critical work of a process server. When in doubt, consult with your client on any difficult cases.

To better understand the risks and impact, do a quick Google search for "sewer service" and read a few of the most recent news stories.



SAFETY

According to the statistics, process serving is a safe profession. Nurses, convenience store workers, and even truck drivers have higher occupational risk.

While serious assaults on process servers are rare, they can and do occur. Always exercise sound judgment and remain alert while making your serves.

While there's no guaranteed method to reduce violence, it's important to remember that this is a job like any other, and it's never worth risking your personal well-being just to make a serve.

When faced with an angry or verbally abusive subject, the best defense is simply to walk away. Remember, our goal is to complete service and get paid, and engaging a hostile party is counterproductive to those goals. Worse yet, even a legitimate case of self-defense can result in years of civil cases and thousands of dollars in legal fees.

Carry yourself professionally. Don't intimidate. Remain calm and focused on your objective, and do not under any condition allow the subject's emotions and language to influence your own.

SAFETY TIPS

Here are some additional tips to keep you safe:

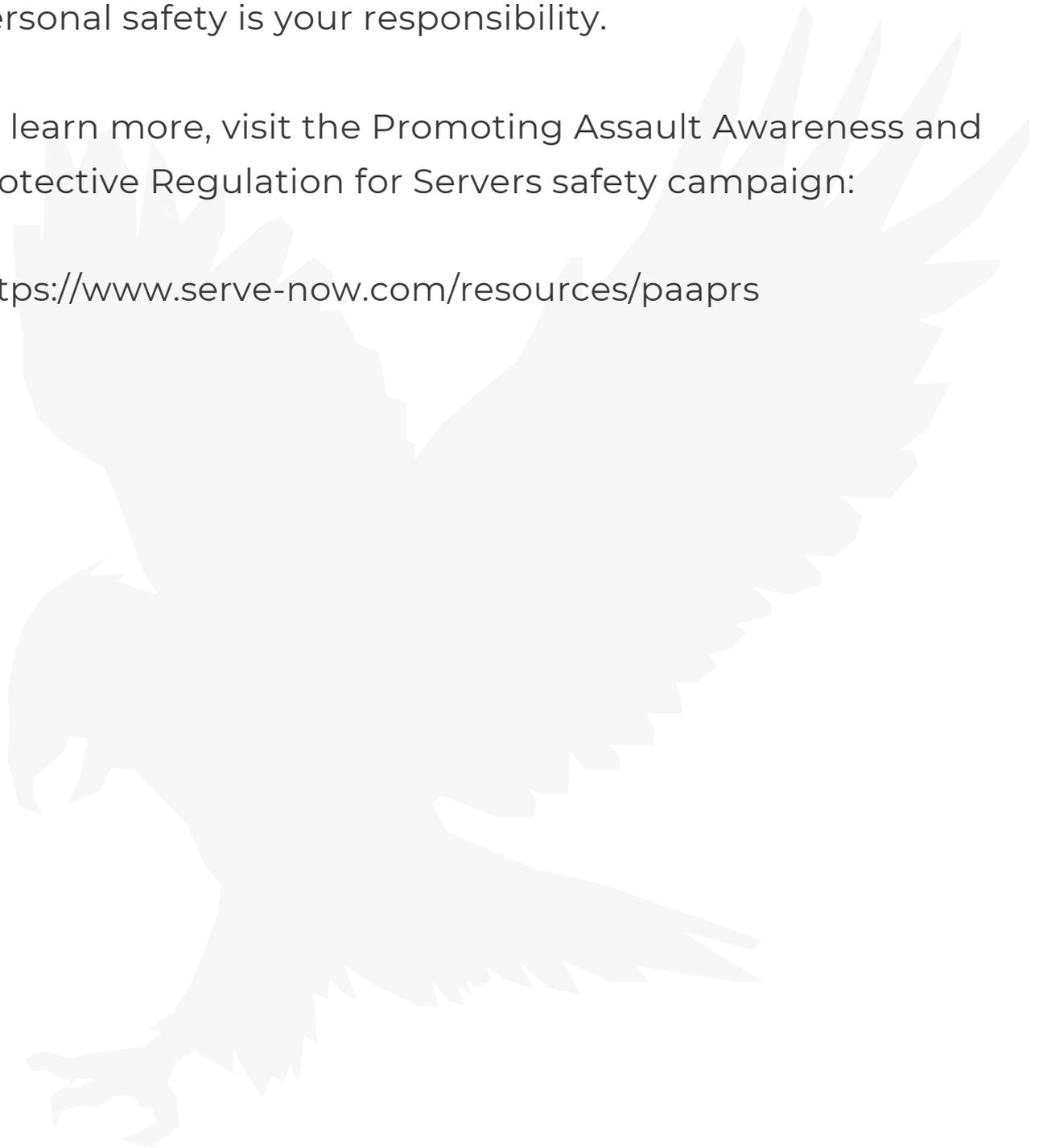
- Enroll in a self-defense or Krav Maga course in order to learn situational awareness and ready yourself for the worst case scenario.
- If in doubt, conduct a public records background check on a subject to learn if they have a violent or otherwise concerning arrest record.
- When possible, serve defendant's in a public setting such as their place of employment.
- In bad neighborhoods or during late hours, consider bringing a second person along to call for help and provide assistance with any problems.
- Always carry your cell phone on your person.
- Check with local police for laws and classes regarding pepper spray as an effective self-defense tool.
- Process servers can request a civil standby from police when the risk of violence may occur.
- Never assume a person or situation is safe.

LEARN MORE

Personal safety is your responsibility.

To learn more, visit the Promoting Assault Awareness and Protective Regulation for Servers safety campaign:

<https://www.serve-now.com/resources/paaprs>





CERTIFICATION

Congratulations on completing the Professional Process Server Certification Examination Study Guide.

It's free to take the online exam and you can attempt it as many times as necessary to achieve a passing score.

Upon successful completion of the exam you'll receive a secure, digital certificate through Accredible, the leading authority in online certification (certificates are issued instantly).

Share your certification link with potential clients and employers, add it to your social media profiles or website, and print a high-quality copy suitable for framing.

When you're ready to take the exam, visit:

<https://www.processserver101.com>

DISCLAIMER

Process servers are subject to a vast number of federal, state, and local laws that are subject to change often. While we've done our best to present the most recent information in this guide, you should always check the most direct sources for the latest updates.

We make no guarantee as to the accuracy, timeliness, or completeness of this information. We are not attorneys or legal experts, and nothing in this guide should be considered legal and/or business advice. Like any business, process serving has risks. You acknowledge that you are solely responsible for the outcome of your activities as a process server.

By continuing to use this guide and/or applying for Professional Process Server Certification, you agree to these terms. If you do not agree to these terms, please discontinue use of this material.

All information contained within this guide is intellectual property of Process Server 101, subject to the copyright laws of the United States of America.

LAST UPDATED: JANUARY 7TH, 2019