

APSA

ARIZONA PROCESS SERVERS ASSOCIATION

2010-11 Board of Directors

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PRESIDENT'S MESSAGE

I hope you had a great Christmas and a Happy New Year, but as always it's time to get back to work.

I would like to take this opportunity to say thank you for re electing me as the President of the Arizona Process Servers Association for another term and let you know how things are progressing at the moment.

This year the Board of Directors for the Arizona Process Servers Association is already starting to work on the Fall Conference and other projects. We are hoping to make the 2011 conference as enjoyable as the 2010 conference and are looking into additional classes that are approved for your continuing education as well as more door prizes and networking opportunities.

Also this year we are looking at member benefits. One of the ongoing projects we are in the process of completing is a discounted rate for credit card processing for all members. Hopefully this project will be completed by this summer and information will be available to the members during the Fall Conference.

I have also been busy meeting some of the newly elected Clerks of the Court. I have made several visits to the Clerk of the Courts Association Meetings and continuously strive to endorse our industry as professional. This year I may also have the opportunity to visit and speak at the Sheriff's Association meeting in an attempt to voice our concerns about the trespass and assault bill that we have been attempting to get passed and to promote our industry as professional.

In a final note I would like to thank all of you who work professionally and ethical in this industry. Be careful out there.

Sincerely

Larry Ratcliff



EDITOR'S CORNER

Hello everyone. I hope you had a wonderful New Year. We are now starting 2011 with several new additions to our board. We look forward to the new ideas these board members will bring. Remember if you are interested in writing an article, or doing a job on the board, just let one of the Board Members know you are interested.

This is your Association and the more you put in, the more you will get out of the Association. Let this year be one of constructive ideas.

A quick reminder; 2011 Annual Membership Dues are due January 1, 2011. We hope you all will renew sometime in January. Remember, after January 31, 2011 your dues will be delinquent and subject to a late fee!

CLE hours in Phoenix for 6 hours in February & Bullhead City is right around the corner in March! Check out the <Training> tab at the website: www.arizonaprocessservers.org

-Patty Chlebanowski-
(602) 254-7427 ext. 106

Hello from your board of directors!

Director: Tamara Nieto

It was nice seeing so many of you in September at the APSA conference. There were a few new faces and some very familiar faces. I have to tell you that it was comforting to see those familiar faces. You see, in this industry there are people that come and go. Some make a grand entrance, becoming fully involved with the Association, contributing their time and effort, impacting the industry in a positive way...then they are gone...for whatever reason. I commend those people for giving their best when the timing was good for them. They are much needed and provide the diversity a good Association thrives on. Then there are those individuals you can consistently count on to hold the Association together. They are the GLUE of the Association. The ROCK of the Association. You know who they are. They know who they are. They make personal sacrifices, giving of their time and energy. They are dedicated to upholding what the Association stands for. I want to express gratitude and appreciation for those of you who are committed to the improvement of our industry...exemplified by your consistent participation in our Association. I've been away for awhile, but I'm honored to be part of this team again and look forward to sharing ideas....and stories (of course)! I hope to represent all process servers, whether they be short term or long term, whether they are members or not, whether they are democrat, republican or other and whether they prefer cream or not in their coffee...because I believe that all process servers want to be the best they can in work and life. Let's look forward to a prosperous and conscientious year!

Tamara Nieto
Northern Arizona Investigations
928-779-2823

Vice President: Jenna Jones

Jenna Jones, the Vice President, is the owner of Tempe Process Service. She considers herself the new kid on the block and is striving to see the association grow and serve all of its member's needs. She looks forward to meeting each member, hearing their ideas to make the association better and implementing the suggestions.

Her family has resided in the Phoenix area since she was 5 years old. She attended Camelback High School and graduated from Baylor University (SIC EM BEARS!!) with a BBA. She was recruited out of college by an insurance company and began her career as a claims representative in commercial insurance. After spending time in Dallas and New Orleans she realized how much she missed Arizona and returned to the Valley.

She enjoys spending time outdoors which usually includes hiking or walking her dogs or at the lake enjoying the jet skis. Jenna plays tennis and is working on improving her golf game. When time permits she enjoys traveling and her dream is to one day make it to New Zealand.

-Jenna Jones
Vice President

Article Written By Terry Ringey

Subject: Licensed Private Process Servers

Re: Can private process servers perform some investigative work while serving process?

Hello to all,

In October of 2010 I was in attendance at the APSA certification renewal class at the APSA annual conference in Phoenix, Arizona. During this class a discussion came up as to whether or not a licensed private process server could do investigative work when attempting to find the person or persons they were trying to serve.

Some of the participants in the class indicated they had been told, private process servers could not ask questions, do surveillance or investigate the whereabouts of the subject or subjects because they were not licensed private investigators.

First let me say, I am not an attorney and I am not trying to give legal advice. I currently sit on the Arizona Department of Public Safety licensing hearing board for private security guards and private investigators and as such I know the people at the department of licensing.

I asked Ms. Kim Karbon-Sines who is the Licensing Unit Supervisor if she could possibly address this issue and she referred me to the Licensing Unit investigator, Mr. Rudy Buck. I spoke with investigator Buck and he indicated there were exemptions to the rule that anyone performing private investigations work must be licensed with D.P.S. These exemptions are found in the Arizona Revised Statutes, title 32, and chapter 24 (32-2409.9). Exemption # 9 states "Private Process servers who are duly registered and performing their duties pursuant to the Arizona rules of civil procedures." would be exempt.

It would appear that if private process servers limit their investigations to the scope of the subject or subjects they are attempting to serve when performing their duties they would not need to be licensed private investigators.

Again, I am not an attorney and am not giving legal advice, if you so desire you may consult an attorney for more clarification and or call the Licensing Unit at 602-223-2361.

Calendar of Events

Court & Clerk's Exchange Meeting

Wednesday, January 26, 2011 – 12:00 pm – 1:00 PM (1 hour CLE)
620 West Jackson, 2nd Floor , Suite #2083, Phoenix, AZ

Continuing Education Class

February 5, 2011 10:00 am – 4:00 pm
Arizona Certified Process Server Class (6 hours)
202 East McDowell Road, Quality Inn Suites UPSTAIRS

Court Holiday – Presidents Day

Monday, February 21, 2011 – **COURTS CLOSED**

Continuing Education Classes

Bullhead City in March all 10 hours available
WATCH THE WEBSITE under Training for details

Maricopa County Testing for Process Servers Certification

Thursday & Friday, March 24th & 25th, 2011 promptly at 9:30 AM-
YOU MUST PRE REGISTER
620 West Jackson – Third Floor – Suite 3017, Phoenix, AZ

Maricopa County Testing for Process Servers Certification

Thursday & Friday, April 14th & 15th, 2011 promptly at 9:30 AM-
YOU MUST PRE REGISTER
620 West Jackson – Third Floor – Suite 3017, Phoenix, AZ

APSA-Board Meeting

Saturday, April 16, 2011 at 9:00 AM
1209 East Washington Street, Phoenix, AZ

Court & Clerk's Exchange Meeting

Wednesday, April 27, 2011 – 12:00 pm – 1:00 PM (1 hour CLE)
620 West Jackson, 2nd Floor , Suite #2083, Phoenix, AZ

Maricopa County Testing for Process Servers Certification

Thursday & Friday, May 26th & 27th, 2010 promptly at 9:30 AM-
YOU MUST PRE REGISTER
620 West Jackson – Third Floor – Suite 3017, Phoenix, AZ

Court Holiday – Memorial Day

Monday, May 30, 2011 – **COURTS CLOSED**

PROCESS SERVERS QUARTERLY MEETING MINUTES

Day & Date:	Tuesday, October 19 th , 2010	Location:	Downtown Justice Center 620 West Jackson, 2 nd Floor, #2083
Time:	12:00p – 1:00 pm	Minutes:	Ayat Sweid
Purpose of Meeting			
Community Awareness; Process Servers, Court and Clerk's Office Information and Exchange Meeting			

Open to the Public	
Names	
Clerk of the Superior Court	Justice Court
Superior Court	Process Servers
AOC	Judicial Officers

1.	Welcoming Remarks	Michael K. Jeanes, Clerk of the Superior Court
2.	<p>eFiling and ECR Updates <u>AZ Turbo Court</u></p> <p>AOC continues to roll out AZ Turbo Court; the current step is rolling out the e-filing portion. Chief Justice and Vice Chief Justice confirmed that making civil subsequent documents mandatory e-filing for attorneys will happen although there are not confirmed dates. This may start after Jan 2011 and the discussion is that this would be rolled out in the first four months of the calendar year, law firm by law firm. AOC will be facilitating which law firms in what order and will be communicating with them about this. Those law firms would be mandated to file the documents electronically through AZ Turbo Court product, not the current COC e-filing product. Once that takes place, Process Servers delivering to COC from Civil Law firms should not be receiving civil subsequent documents. COC will not be in the enforcement business so if and when Process Servers bring documents from law offices that are part of the mandatory e-filing, we will take it at least for those first few months of operation. However, when all law firms are mandatory, COC will not take civil subsequent documents, in paper, from law firms.</p> <p>Work continues on e-filing of civil case initiation documents between AOC and Pima County which is scheduled to be implemented in 2012. COC has advised the Supreme Court that once that is up and running in Pima County, Maricopa</p>	Michael K. Jeanes, Clerk of the Superior Court

	<p>County would adopt it. One of the things to be worked out in Pima County's initiative is issuing summons electronically. For more information about Pima County's initiative, you can contact Patty Noland's Office, Clerk of Court, at 520-740-3201.</p> <p>AOC continues to work on access to certain criminal and civil documents via AZ Turbo Court due to Rule 123 expanded remote access to public. Rules are in place; however the technology, through AZ Turbo Court, is still being developed. Budget cuts have impacted the speed in which all of this has and will be rolled out.</p>	
3.	<p>Budget Status Update</p> <p>Nothing is happening until after the elections. County budget is still stable although State's is in trouble. Depending upon what happens in the elections, there are a few propositions that will affect the budget.</p>	Michael K. Jeanes, Clerk of the Superior Court
PROCESS SERVERS QUARTERLY MEETING MINUTES 4.	<p>Introduction of Mark Leong, Supervisor Civil Filing Counter</p> <p>Mark Leong is introduced as the new Civil File Counter supervisor. He also supervises Distribution. Merriel Trombley is still available for assistance is Mark is not available.</p>	Lauri Million, Administrator, Clerk of the Superior Court
5.	<p>Updates on Filing Counter Remodel Downtown</p> <p>1st floor of West Court Building, where our CV filing counter is, is scheduled for remodel. Before that occurs, there must be asbestos abatement which is what has delayed the remodeling. County is saying it might not be completed until sometime in 2012 but COC will be meeting with them soon about this to try and expedite the matter. A significant obstacle is to find an interim space for 200+ employees and public access while the old space is shut down for remodeling. The staff will be moved outside of the buildings when they are being remodeled. It will be a period of several months. Security measures for the interim building/space are also one of the challenges that security and management are discussing for this project.</p>	Lauri Million, Administrator, Clerk of the Superior Court
6.	<p>ST Filings in 2010 and Update on Locations</p> <p>Dec. 15 is the deadline for Small Tax (ST) filings this year. We are anticipating a lot of filings. At the downtown location, we are going to do Make arrangements to configure an extra work stations in the OCH. We will accept and assign a case number for ST filings at all Superior Court locations even though the service will still be at downtown.</p>	Lauri Million, Administrator, Clerk of the Superior Court

7.	<p>Requested Definition on “Drop and Serve” There is no specific definition so it comes down to he said/she said. The Clerk’s office doesn’t determine what good service is, the judge does. The Court decides after looking at all the facts and deciding who is credible and who is not.</p> <p>COC suggests that if the process server association thinks that there needs to be clarification or that rules need to be changed, they might come up with a draft change to the rules and submitting that to the supreme court before the deadline for rule changes which is Jan 10th. The Supreme Court will put draft changes out for comment until May then the responses are done in Aug/Sept. Finally, the court decides and puts it into effect in Jan the following year. COC can review process server association’s draft if requested.</p>	AOC Representative and Aaron Nash, Special Counsel, Clerk of the Superior Court
8.	<p>Process Server Expectations Reminder to carry your identification card at all times and if someone asks to see it, show it. Concerns about process server cards not being durable and not looking authentic. COC is always working on improving what they can.</p>	Sandra Tarin, Customer Service Process Servers Coordinator
9.	<p>Justice Court Information Forcible Special Detainer</p> <p>Brought to Justice Courts’ attention that there are issues with forcible detainers certified posting. Courts are not being consistent in service and justice clerks are not consistent in notifying parties. James will be meeting with court managers to get it sorted out. If you feel that you are dealing with a court that is outside statutes or rules, ask to see the court managers to discuss. Court Managers and Deputies do not report to James; Judges are the highest authority. Contact James with specifics about issues at 602-372-3601 or jamesvance@mcjc.maricopa.gov so he and court managers can address issues.</p> <p>Affidavit of Attempted Service</p> <p>There is no clear guidance in statutes on whether filing Affidavits of Attempted</p>	James Vance, Deputy Justice Court Administrator
<p>Service are required or not. Unless there is a situation of avoiding service and trying to get Order for Service by Alternative Method, Affidavits of Attempted Service do not need to be filed with the court (Justice or Superior). There were some concerns that the Corporate Commission requires Affidavits of Attempted Service to be filed but it was confirmed that they only require seeing it themselves, not for it to be filed with the court. If process servers run into an attorney who says that Affidavits of Service must be filed, let Michael, Lauri, Aaron, or Mark know so that they can talk to the attorney.</p>		
10.	Other Business, Questions and Comments	

SOME IMPORTANT WEBSITES

NOTE: Now that we are posting the newsletter online, if you are reading this “online” you can <Ctrl>-Click on any links in this document to go right to the website!

Stay up to date with all legislative changes, including those that may affect process serving rules and regulations at the following website:

www.azleg.state.az.us

Process service related information that would be of interest for APSA members is available on our list serve. To join the list serve, send an email, with your name in the subject line to:

AZPSA-subscribe@yahoogroups.com

**An auto-respond email will come back to you giving instructions on how to join.
This list will only be open to current members of APSA.**

**Process Servers and Court Exchange Meeting dates, minutes and agendas
can be viewed at:**

www.clerkofcourt.maricopa.gov

**Click on “Process Servers” under “Services”
Process Server Coordinator Sandy #602-476-1737**

**Supreme Court Process Server Program
can be viewed at:**

<http://www.supreme.state.az.us/cld/pps.htm>

**A wealth of information including continuing education information
Kimberly Siddall #602-452-3378**

**APSA
P.O. BOX 2233
PHOENIX, AZ 85002**

To: