

APSA

ARIZONA PROCESS SERVERS ASSOCIATION

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Fall 2011



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PRESIDENT'S MESSAGE

Hello to everyone.

I hope to see you all at this year's conference. This year we are again visiting our friends and hosts at the Phoenix Fraternal Order of Police. Our conference will again be filled with networking opportunities such as a no host cocktail party at the Crown Point Plaza Motel on Friday night and a Happy Hour at the FOP on Saturday night.

Luis Figueroa and I will be the instructors for the Certification Class. This is our first go round as co instructors and we are planning on making this class as interesting as possible while getting you the information you need to become an Arizona Certified Process Server.

Candy Ratcliff and Nicole Osborne, our version of Vanna White will be adding a 50 / 50 raffle to this year's conference as well as overseeing all the drawings for door prizes. Profits from the 50 / 50 raffle will go into the Legislative account to help with our endeavor to change Arizona Revised Statutes to include (Protect) Process Servers in the Aggravated Assault Statute. So bring some extra cash and buy some raffle tickets to help protect your profession.

As always Patty and Wayne Chlebanowski have gone above and beyond with setting up the Conference. Jenna Jones as always has done a great job with securing facilities and meals. Luis Figueroa and Tom LaVance have been doing an excellent job obtaining vendors and door prizes. Even though these guys do an outstanding job, members are encouraged to volunteer to be on committees and even run for positions on the Board of Directors.

Putting the conference together is a yearlong event and many members of association have been working on this since last year's conference. Some of the people who have been working behind the scenes and who will be instructing classes are Tamara Nieto, Ron Ezell, Joseph Basso, Jeff from the Maricopa County Court, the Staff from Arizona Law Enforcement Canine Association, all the gang at the Phoenix Fraternal of Police and all our vendors. *(You have to come to see who they are)*

For those of you that may be concerned, Yes, I am planning on running for Association President again this year.

I truly hope to see ya all at the Conference and Yearly Membership Meeting where the Board of Directors can inform you of all the progress we have made in the past year and what events and new classes will be scheduled for the 2011 - 2012 year.

DON'T FORGET TO WEAR YOUR HAWAIIAN SHIRT OR HAWIIAN DRESS ON SATURDAY!

Larry Ratcliff - President of the Arizona Process Servers Association

VICE PRESIDENT’S MESSAGE *From Jenna Jones:*

Another year has flown by and it is time for the Annual Meeting. I hope you are planning on attending! It is a great way to catch up with old friends, meet new ones and find out what is new with process serving! We look forward to seeing you at the FOP for another great meeting!

It has been an honor and a pleasure to serve as your Vice President for the past two years. The Board is made up of a wonderful group of people who are truly dedicated to making the association better and building relationships so our jobs are easier. I am thankful that the other Board members have been so welcoming and willing to share their many years of experience and wisdom with me and those members that call for assistance. The association and its board members really are here to serve its members. If you have a concern or have encountered a problem, share it with the board, I bet we can help. We won't know about something unless we hear from YOU!!

We will continue to try and get the aggravated assault language for process servers added to statute. Due to the costs in running our own legislation, we will continue to monitor other bills and pursue a bill to tag on to if the window of opportunity presents itself. A special thanks to Tom LaVance and Ron Ezell for keeping up on possible legislation that could affect process service as we know it. If you hear about a bill or amendment that may be making its way through the legislature, please give us a call or send a quick email to any Board member so we can follow up on it whether it be to support or oppose it.

I would be honored to serve as your Vice President another year. I have enjoyed working with the association's board getting to know so many of you by phone and email!

Thank you!

Jenna Jones - Vice President of the Arizona Process Servers Association



SECRETARY’S MESSAGE *From Patty Chlebanowski:*

I just wanted to let everyone know the conference is in a couple weeks. We have tried to make this event a lot different and exciting. We have new vendors this year, along with raffles and a half time show for you all. We at APSA wish to get all of you involved and promote your association amongst yourselves. We need the support of all the process servers, next time you see a process server ask him if he is a member of the association. We need to increase our volume of members. In order to have good working association, we need the support of all the process servers. Changes are made through the support of everyone. This is not a “Company” association it is YOUR ASSOCIATION. Be proud and make this group what it can be and we need all of your help in order to move forward.

I also would like to thank this year’s board. We have worked well together and I am looking forward to serving on the board for another year.

Patty Chlebanowski – Secretary of the Arizona Process Servers Association



EDITOR'S CORNER

Hi everyone. I hope you have all survived the hot summer days. I am looking for articles for the newsletter. If you ever thought of writing something here is your chance. I hope to see you all at the conference.

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

Calendar of Events

Arizona Process Servers Annual Conference
Friday, September 16th thru Sunday September 18th, 2011

CALSPRO (California Annual Conference)
Thursday, September 22nd thru Sunday, September 25th, 2011

Court Holiday-Columbus Day
Monday, October 10, 2011 – COURTS CLOSED

Maricopa County Testing for Process Servers Certification
Thursday & Friday, October 27th & 28th, 2011 promptly at 9:30 AM-
YOU MUST PRE REGISTER
620 West Jackson – Third Floor – Suite 3017, Phoenix, AZ

Court & Clerk's Exchange Meeting
Wednesday, November 2, 2011
12:00 pm – 1:00 pm at 620 West Jackson, 2nd floor, Phoenix, AZ

Court Holiday – Veteran's Day
Friday, November 11, 2011 – COURTS CLOSED

Maricopa County Testing for Process Servers Certification
Thursday & Friday, November 18th & 19th, 2011 promptly at 9:30 AM-
YOU MUST PRE REGISTER
620 West Jackson – Third Floor – Suite 3017, Phoenix, AZ

Court Holiday – Thanksgiving Day
Thursday, November 24, 2011 – COURTS CLOSED

WE ARE SEEKING SPONSOR'S FOR OUR **ANNUAL CONFERENCE**

The Association is in need of sponsorship to offset the cost of our Annual Educational Conference. If you are interested in advertising your company name or even yourself in our conference booklet we have created multiple levels of sponsorship:

SILVER SPONSORS Donor's of \$50

GOLD SPONSORS Donor's of \$150

PLATINUM SPONSORS Donor's of \$300

We Need Your Help!

Please, donate and get acknowledged as someone who strives to improve our association!

**ARIZONA PROCESS SERVERS ASSOCIATION
2011 ANNUAL CONFERENCE
AGENDA**

Friday, September 16, 2011

Crowne Plaza Hotel Lounge – 2532 W. Peoria Ave., Phoenix AZ 85029

6:00 PM - 8:00 PM **Meet & Greet Happy Hour** (non-hosted function)

Saturday, September 17, 2011

Fraternal Order of Police Lodge – 12851 N. 19th Ave., Phoenix AZ 85029

7:30 AM - 8:00 AM Registration for Classes, Annual Meeting & Luncheon
Continental Breakfast

8:00 AM - 11:15 AM **A.C.P.S. Full Course** (6 hours) (1st Half)

9:00 AM - 11:15 AM **Finding People and Assets** (4 hours) (1st Half)

11:15 AM - 1:00 PM **LUNCH & ANNUAL MEETING** (with paid registration)

1:00 PM - 4:00 PM **A.C.P.S. Full Course** (2nd Half)

1:00 PM - 3:00 PM **Finding People and Assets** (2nd Half)

3:00 PM – 4:00 PM **E-Filing** – (1 hour)

4:00 PM – 6:00 PM **Hosted Happy Hour** – hors d’oeuvres, cash-bar

Sunday, September 18, 2011

Fraternal Order of Police Lodge – 12851 N. 19th Ave., Phoenix AZ 85029

7:30 AM - 8:00 AM Registration for All Classes
Continental Breakfast

8:00 AM - 11:15 AM **A.C.P.S. Condensed Renewal** (3 hours)

9:00 AM - 11:15 AM **New Rules and Regulations** (2 hours)

11:15 AM - 12:15 PM **LUNCH BREAK**

12:15 PM - 2:15 PM **Forcible Detainer** (2 hours)

8 Tips to Help Process Servers Avoid Trespassing Charges

June 29, 2011 | by ServeNow Staff |



Editor's note: Laws vary between states, so be sure to know your local laws that affect service of process. This article is intended to offer general tips that teach process servers how to become more informed about what activity may give rise to trespassing concerns in their individual states.

Process servers sometimes find themselves in positions where they are walking a fine line between doing their job and trespassing. More and more, we are hearing that it is not uncommon for a person being served to call the police to say that the process server is trespassing on their property. Whether or not you have actually crossed that line may ultimately be up to the courts. But, you can often avoid the risk of criminal prosecution by using equal parts legal knowledge and common sense.

We spoke to Colorado criminal defense attorney Lara Marks about ways to avoid trespassing charges. While she can only comment specifically on Colorado law, Marks did offer her thoughts on how process servers nationwide can boost their knowledge about preventative measures to sidestep trespassing charges.

1. Consult with a local lawyer

Marks admits that “sometimes statutes are pretty difficult to decipher even with legal training.” Doing your own research is a great first step toward building your knowledge, but you should consult a lawyer to be sure you have a clear understanding of the law. To learn more about the rules in your state, visit ServeNow's section covering process serving laws.

2. Pay close attention to local statutes and ordinances

Marks recommends closely examining local ordinances because sometimes the law can vary based on the local municipality or county. In certain circumstances, you could be

serving in one county whose local laws may be slightly different than those in a county five miles down the road. Local laws usually define key terms, outline penalties for conviction of trespassing, and offer annotated cases describing specific scenarios that have been the subject of court cases.

Local laws also often contain important definitions, such as behavior that is appropriate in fenced or gated areas; common areas of hotels, motels, condominiums or apartment buildings; motor vehicles and more. Failing to know what your state says regarding trespassing in these and other areas can lead to making decisions that courts may view as unlawful.

3. Assess each situation with fresh eyes

Using your knowledge of local laws, you can run through a mental checklist to determine your trespassing risks with each job. Is it a gated community? Is there a sign warning against trespassing? Have you been verbally ordered to leave the location? Once you know whether these are legal red flags in your state, answering questions such as these and acting accordingly should help you avoid problems in most cases.

4. Explore your location options

If you're concerned about trying to serve the person in a certain location because of possible trespassing charges, determine if there is a less risky location where you can serve them.

5. Voice your concerns to the client

Marks acknowledges that some clients will push to have papers served at all costs, without concern for the process server's safety or professional well-being. While you want to practice due diligence in serving someone, you do not want to put yourself in harm's way to appease overzealous clients. It is costly and time consuming to fight a legal battle if you are charged with wrongdoing.

Ideally, the process server will feel comfortable bringing his or her concerns to the client if there is a clear risk of criminal charges.

"If you are concerned about an evasive person and your instinct is telling you there's a problem, communicate with the attorney for whom you are working. When someone is refusing to be served, there may come a time when it makes sense to have a court weigh in on the evasion – rather than put you as the process server in a precarious legal position," Marks said.

6. Carefully document each serve

Taking detailed notes about each serve can help you if you face trespassing accusations. Jot down such aspects as date, time, number of attempts, physical characteristics of the property (fences or gates, no-trespassing signs, etc.), and interactions with subjects. The more information you can memorialize, the better. Just know that while the information you provide can support your case, it can also become "discoverable" information in certain circumstances. Take care to properly record your activities and assure yourself

that your service efforts are lawful.

7. Join a process server association

Most state process server associations have legislation committees that are well-versed with local laws and stay current with the laws as they change. They are a valuable source of education and support to help you prevent or fight trespassing charges. Associations are also active in working to change laws to make them more process server-friendly, so as a member you can play a part in those efforts.

8. Contact a lawyer if charged with trespassing

Marks has two main pieces of advice if you are charged with trespassing: know your rights and contact a lawyer.

“My recommendation to anybody who fears they may be facing criminal charges is that the first thing you should do is contact a lawyer in your area,” she said.

For additional information in Colorado:

Lara Marks:
Foster Graham Milstein and Calisher, LLP
621 17th Street, 19th floor
Denver, CO 80293
lmarks@fostergraham.com
(303) 333-9810

This article was written by the staff of ServeNow.com, which is a nationwide trusted network of process servers. Visit www.ServeNow.com to learn more.

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SEPTEMBER 17TH AND 18TH



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SOME IMPORTANT WEBSITES

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 Ken Shipley #602-506-1909
serverp@cosc.maricopa.gov**

**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**

PROCESS SERVERS QUARTERLY MEETING MINUTES

Day & Date: Wednesday, July 27th, 2011 **Location:** Downtown Justice Center 620 West Jackson, #2083
Time: 12:00p – 1:00 pm **Recorder:** Jody Fisher

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
Superior Court
AOC

Justice Court
Process Servers
Judicial Officers

Topic

Presenter

Michael K. Jeanes,
Clerk of the Superior Court

1. Welcoming Remarks

Michael K. Jeanes,
Clerk of the Superior Court

2. eFiling and ECR Updates

The Supreme Court issued an Administrative Order 2010-117 (<http://www.azcourts.gov/Portals/22/admorder/Orders10/2010-117.pdf>)

➤ This makes eFiling of civil subsequent documents mandatory for attorneys effective May 1st, 2011. The order also delineates which documents are exceptions.

Another Administrative Order will be issued to Michael K. Jeanes, Clerk of the Superior Court. This new AO will state the Clerk's office will not accept paper for the Civil subsequent documents from attorneys. Based on the upcoming order the Clerk's office will not accept paper for the subsequent documents as stated in AO 2010-117. The date unknown at this time, information will be posted as it becomes available.

➤ On June 1st, 2011, the Clerk's eFiling application was disabled for civil subsequent documents.

The eFiling of Civil subsequent documents must be done through **AZ Turbo Court**.

➤ A Commissioner will be made available for Attorneys with exceptions. Only the attorney can appear in person before the commissioner requesting the court to accept paper and to explain why they are not in compliance.

- Drop Boxes will continue to be available for other case types.

CV subsequent documents placed in the Drop Boxes will not be returned and will not be filed in. AO will be clear; the Clerk's office will not take the paper.

AZ Turbo Court does not accept TJ cases at this time.

The Clerk's office is available for FC, CR but CV has been disabled.

3. Budget Status Update

The County's budget is stable for this FY, five additional positions within the Clerk's office have been cut, and these were empty positions no RIF's will be required. More information will be relayed as it becomes available.

Michael K. Jeanes,
Clerk of the Superior Court

4. CCB Remodel Update

- Construction commencement dates are firm with the start date of March 2012. As this date comes closer the relocation for the filing counters will be necessary but it is planned they will be staying within the Central building accessible to all customers.

We ask for your patience through the construction the conditions will be temporary and more than necessary.

More information will be forthcoming as this date gets closer.

Michael K. Jeanes,

Clerk of the Superior Court

5. Clerk's office Process Server Coordinator

Michael introduced the new coordinator, Ken Shipley. As the coordinator there are a couple of necessary reminders.

- **Address changes / updates are mandatory within 30 days**
- **Continued education is a yearly requirement time does not roll over from one year to the next.**
- The PS contact phone number remains the same; 602-506-1909 and the PS email address has been updated to;

Ken Shipley, PS Coordinator Clerk of the Superior Court

Marty Vance, Justice Courts

6. Justice Court Information

Filing Stamp question;

➤ Used on the left of documents, runners are told they need to go to each window. This change causes extensive time waiting at each window. Mr. Vance replied that he will take the issue to the Court Managers for response. Time frame for the change was approximately three months ago.

7. Other Business, Questions and Comments

➤ Question asked for clarification concerning the change on the number of documents allowed after 4: pm at the filing counters.

Answered by Mark Leong, this depends on the number of checks with the transactions. The limit to 5 documents, after 4: pm has been imposed because if each document has a check as payment this takes a good length of time to process.

The same 5 documents with one check as the payment will take much time. At that time of the afternoon there needs to be the limit to allow other customer's availability.

Michael Jeanes explained this change was made to accommodate the Federal Case Law and the ongoing processing of documents it is mandated they are immediately electronically available the same date as filed.

**APSA
P.O. BOX 2233
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To: