

APSA

ARIZONA PROCESS SERVERS ASSOCIATION

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PRESIDENT'S MESSAGE

The 2011 September conference was the place to be this year for Process Servers. If you were not there you miss a great conference. As well as the Continuing Education available we were provided the rare opportunity to observe a K-9 Officer and his partner. These Officers gave us an insight into their unique profession.

I would truly like to thank our friends at the Fraternal Order Of Police for hosting us again this year and special thanks to the Arizona Law Enforcement Canine Association for providing us with a demonstration and speaking with us about their profession.

For the 2012 conference we are hoping to have a larger variety of classes and some new classes. There will also be networking opportunities and with any luck we should have some exciting guest speakers.

In the upcoming year the Arizona Process Servers Association has several large tasks ahead.

As many of you know APSA has been attempting to have Process Servers added to the Assault Statute in ARS title 13. As you are all aware this statute provides additional protection to such professionals such as Police Officers, Constables, Deputy Sheriff's, School Teachers, Nurses and others, although Professional Licensed Process Servers are not included.

In the last couple of years several process servers have encountered dangerous situations and have been assaulted during the performance of their lawful duties. Most recently a fellow Process Server in Prescott Arizona was shot while lawfully posting a residence. In recent history a Process Server had dogs sicced on her resulting in injury and one Process Server was pushed off a porch by an off duty police officer in the performance of her duties.

Police Officers and the public need to be educated that Process Servers are performing their duties according law although most Officers do not recognize Process Servers as lawful entities of the Court System as they are not included in Arizona Revised Statutes title 13.

APSA has also been attempting to change the ARS Statute of trespass to include the duties of Process Servers in such grey areas as Gated Communities. Many Process Servers have been threatened and in one case cited for trespassing while performing their duties as a Registered Officer of the Court. Process Servers attempting to legally serve documents in these gated communities often encounter people who are intentionally trying to avoid process service. This is again an area where Police Officers, Deputy Sheriff's and Constables are exempt if performing their lawful duties and we are attempting to have Registered Officers of the Court included in this exemption.

The board of the Arizona Process Servers Association is again in the process of working with Lobbyist in order to address these issues. Your support in this endeavor is very much appreciated.

I have been invited to speak at the Arizona Clerks of the Court Association meeting. During this meeting I will address the Clerks Association on our continuing efforts in these matters.

It is expected during this meeting that we can briefly address the Clerks Association about our credentials. As many of you are aware we have often been criticized about credentials and our authority while serving legal documents. Many places have delayed Process Servers in serving legal documents due to the fact the credentials did not appear to be authentic.

Due to media reporting various acts of domestic terrorism and various scams, the public has a heightened degree of skepticism and will not cooperate unless credentials are provided and appear authentic. Process Servers have had difficulty acquiring access to businesses, government facilities, gated communities, and other places due to the lack of professional looking credentials. This has often hampered the time line to serve documents, sometimes resulting in delaying court proceedings.

During the meeting with the Clerks of Courts Association Meeting I am hoping to hear suggestions from the Clerks as what the Arizona Process Servers Association can do to assist the Courts with this endeavor.

I would also like to take this opportunity to thank all of the Members of the Arizona Process Servers Association on being Professionals. During the year 2011, there have been no complaints about any of our members to the APSA board or the Grievance Committee.

Kudos to all of you that are trying to keep our industry a professional industry.

Larry Ratcliff
President
APSA (ACPS, A.C.P.S.I.)

ATTENTION MEMBERS: We would like to survey your response.

We would like you to consider your opinion on proxy voting through email or postal mail. If you like the idea of email voting, we would make a “voting” email address, used strictly for voting responses by our general membership. Mail ballots would be sent out as needed, through email or postal mail and would be returned via postal mail by our general membership.

Let us know what you think! Please email your response to:

apsaadmin@cox.net

Your newest Director – Efrain Sotelo:

My name is Efrain Sotelo and I am a new member of the board of Directors for the Arizona Process Servers Association. I was elected to the Board at the 2011 Annual Meeting.

I was born in Chihuahua, Mexico in April of 1962 and in 1977 I moved to Arizona. In 1982, I began my career in the legal industry. I joined the Fleming Attorney Services team as a courier and runner. Then in 1985, I became a registered process server. In 1987, I joined forces with another process server to start Beacom Attorney Services. Seven years later Beacom Attorney Services merged with another process serving legal courier company to form one of the largest process serving and legal courier company in the state. In 2000, I took a leave of absence from the company to spend some quality time with my wife and four wonderful children. After two years, I felt refreshed and recuperated and I took a managerial position with Hawkins Campbell. By 2004, I was ready to begin a new venture and opened Integrity Attorney Services. Shortly after opening Integrity Attorney Services, I had the opportunity to see my career in the legal industry to come full circle. In 2007, Fleming Attorney Services joined the Integrity Attorney Services team. Then in 2010, I expanded the company's service area by opening an office in Tucson.

I look forward to representing your interests on the Board for this year and beyond.



EDITOR'S CORNER

Hello fellow members. I just wanted to say thank you for the kind words I received at the annual meeting. I hope we got a few of you interested in serving on the board in the future. I wanted to say a few words about checking your name on the website. Please, always at the beginning of the year, check your listing in case you had any changes, like a new location, phone number, etc.

All the members need to work together in order to keep this association going. We have been around since the 70's and will continue to support the process serving industry by working with legislators to change and update rules & regulations and laws.

REMEMBER this association is a team effort and we need to work together as a whole in order to better our profession. Have a safe and wonderful holiday season, and a Happy 2012 to all of you.

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

PROCESS SERVERS QUARTERLY MEETING Minutes

Day & Date: Wednesday, November 2, 2011 **Location:** Downtown Justice Center
620 West Jackson, 2nd Floor,
Rooms 3 & 4 Signage will be posted
Time: 12:00p – 1:00 pm **Facilitator:** Michael K. Jeanes

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

1. Welcoming Remarks
Michael K. Jeanes, Clerk of the Superior Court
2. Michael Jeanes announced the new Process Server Assignments
Superior Court Judge Verdin and COSC Process Server Coordinator, Mary Young
Michael K. Jeanes, Clerk of the Superior Court
3. eFiling and ECR Updates
Michael K. Jeanes, Clerk of the Superior Court
 - AZ Turbo Court and
 - Mandatory Civil Update as of Sept 1, 2011
 - Status update from a meeting with the Supreme Court, eFiling on AZ Turbo Court changes this month Pima County will start testing civil case initiation for eFiling. We anticipate by summer 2012 it will go live in Pima County. When that comes about and it's running smoothly Maricopa County will work towards case initiation for eFiling.
 - September 29, 2011 we have enabled Tax Court eFiling, which is going well.
 - Clerk's office upcoming plans for the Juvenile Court where they are currently completely paper; in January 2012 we will begin implementation of the Electronic Court Record.
 - Other initiatives with eFiling are for Family Court. The plan is to take the materials into the system so that Pro Se litigants will fill out the forms online and eFile.
 - The Supreme Court is looking into a different payment process for AZ Turbo Court sometime in the summer of 2012 they will move away from PayPal.

PROCESS SERVERS QUARTERLY MEETING Minutes

- Budget Status Update No major changes
4.
 - o There are two major items;
 - 1) 07/01/2012 legislation concerning County inmates sentenced to less than a year will stay in County Jail rather than go to DOC.
 - 2) When the temporary sales tax expires in mid-2013 the budget could be destabilized.
- CCB Remodel Update
5.
 - o Firm date starting the first week of March 2012
 - o Finishing in April of 2013
- Done in two phases
- o Phase 1; CV filing counter will move over and share the space with FC filing counter and WCB remodel will begin.
 - o Phase 2; all filing counters will move to the WCB remodeled area and the CCB will begin.
 - o Expectations are that it will be really nice, there will be a Quematic number system
- Year End Tax Filing Preparedness
6. Processes will be similar to last year we will have an additional window open and clerks walking the lines helping and answering questions for yearend Tax filings.
- Justice Court Information
7.
 - o The Justice Courts are piloting two case types, Small Claims and Civil for Electronic Processing at Moon Valley and at Desert Ridge. After the first of the year we will bring the other two regional facilities on board.
 - o Visit the new justicecourts.maricopa.gov website it has been updated. It's planned within the next few months customers will be able to pay fines online.
 - o Additional funding was received for new staff members for the Electronic Processing.
 - o Funding was also received for a 26th Justice Court in 2013 and a Southwest Regional Court Facility that should come up in 2014 or 2015.
- Process Service and the Arizona Corporation Commission
8. Mr. Jeanes welcomed Patricia Barfield with the Corporation Commission as a special speaker. Hand-out had been provided. Patricia began by explaining the ACC processes and directing the Process Servers to her business cards available on the table. Asking them to feel free to call with issues and or questions.

Michael K. Jeanes,
Clerk of the Superior Court

Michael K. Jeanes,
Clerk of the Superior Court

Becky Magana, Deputy Director

James Vance, Justice Courts

Patricia Barfield, Director of
Corporations

PROCESS SERVERS QUARTERLY MEETING Minutes

- o Many people don't realize you can serve the entity through the ACC.
- o The ACC is bound by law to log all service, specific information must be logged.
- o First big change is in the Notice to Process Servers, page 4
- o Bound by statutes and rules this hand out information is important please read through it.
- o If you need a certified copy you must ask for that, everything returned is not certified.

Example;

- o (Page 7) Title; Certification of Service Accepted and of Mailing.
- o This is not a certified document; this is our declaration of accepting and mailing. If you need this document certified you must specify that.
- o The staffs at ACC have noticed an increase of documents being faxed to the office. Later the party comes into the office with more parts to be added to that faxed document, wanting to combine them for service.
- o The office cannot save partial documents hoping that the party comes in with the complete document.
- o Each document you want served needs to have the affidavit.

One affidavit is not a blank for all documents to the party, read the statutory requirements.

When the ACC accepts your documents, you have completed service. You have served the entity.

Other Business, Questions and Comments

9. Michael Jeanes has been advised that some process servers had met with Dave Byers at the AOC. They have a meeting planned sometime in the next couple of weeks concerning a different Process Server (PS) ID cards. This request was on a statewide basis and not only for Maricopa County. More information will be available at the Jan. 10, 2012 PS Meeting.

FOR ISSUES YOU WOULD LIKE TO SEE ON FUTURE AGENDAS, PLEASE EMAIL THE COSC PROCESS SERVER MAILBOX AT:

PROCESSSERVERCORRESPONDENCE@MAIL.MARICOPA.GOV

NEXT QUARTERLY MEETING – TUESDAY, JANUARY 10TH, 2012 AT 12: PM

Downtown Justice Center - 620 West Jackson, 2nd Floor Training Room 2083

Calendar of Events

**Arizona Process Servers Continuing Education Classes in Tucson
Saturday, December 10th, 2011**

**Court Holiday-Christmas Day
Monday, December 25, 2011 – COURTS CLOSED**

Maricopa County Testing for Process Servers Certification
Thursday & Friday, December 15th & 16th, 2011 promptly at 9:30 AM-
YOU MUST PRE REGISTER
620 West Jackson – Third Floor – Suite 3017, Phoenix, AZ

PIMA County Testing for Process Servers Certification
Thursday, December 15th, 2011 promptly at 8:30 AM-
YOU MUST PRE REGISTER
110 West Congress, Room 131A, Tucson, AZ

PIMA County Testing for Process Servers Certification
Friday, December 30th, 2011 promptly at 8:30 AM-
YOU MUST PRE REGISTER
110 West Congress, Room 131A, Tucson, AZ

**Court Holiday-New Year's Day
Monday, January 2, 2012 – COURTS CLOSED**

Court & Clerk's Exchange Meeting
Tuesday, January 10, 2012
12:00 pm – 1:00 pm at 620 West Jackson, 2nd floor, Phoenix, AZ

**Court Holiday – Civil Right's Day
Monday, January 16, 2012 – COURTS CLOSED**

Maricopa County Testing for Process Servers Certification
Thursday, January 19th, 2012 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, February 16th, 2012 promptly at 9:30 AM-
YOU MUST PRE REGISTER
620 West Jackson – Third Floor – Suite 3017, Phoenix, AZ

**Court Holiday – President's Day
Monday, February 20, 2012 – COURTS CLOSED**

Maricopa County Testing for Process Servers Certification
Thursday, March 15th, 2012 promptly at 9:30 AM-
YOU MUST PRE REGISTER
620 West Jackson – Third Floor – Suite 3017, Phoenix, AZ

**Arizona Process Servers Continuing Education Classes in Bullhead/Laughlin
March 2012-Location & Dates to be announced**

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**VISIT US AT
APSA CONVENTION
SEPTEMBER 17TH AND 18TH**



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@vahoogroups.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

**REMEMBER, YOUR 2011 APSA MEMBERSHIP EXPIRES
ON
DECEMBER 31, 2011**

RENEWAL MEMBERSHIPS ARE DUE BY JANUARY 31, 2012

MEMBERSHIPS RECEIVED AFTER THIS DATE
MAY BE SUBJECT TO A \$25 LATE RENEWAL FEE

**A MEMBERSHIP FORM FOR 2012 HAS BEEN INCLUDED IN THIS
NEWSLETTER! BE SURE TO PRINT THE PAGE AND SEND IT IN
AT YOUR EARLIENST CONVENIENCE**

ARIZONA PROCESS SERVERS ASSOCIATION
2012 Membership Application/Renewal Form

(Please list your address and telephone exactly as you want it to appear in the directory)

Name: _____

Firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone Number: _____ Fax: _____

Personal E-Mail Address: _____ Business email: _____

Web Site Address: _____

Counties/Areas Served: _____

ACPS Certified _____ Yes _____ No Member of APSA since _____

List me in the roster under the city of: _____

If you want to be listed under additional cities in the directory attach another application of form and include \$15.00 for each additional city.

Please answer YES or NO to the following services you may provide in addition to the service of process:

- | | | |
|------------------------------|-----------------------------|-----------------------------|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | Legal Messenger Service |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | Skip Tracing |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | Record Searches |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | Full Investigative Services |

P.I. License No. : _____ Expiration Date _____

**** VOLUNTARY LEGISLATIVE FUND DONATION**** \$ _____

I hereby apply for membership (or membership renewal) in the Arizona Process Servers Association. I agree to abide by its laws and maintain the highest ethical standards in carrying out the duties of my profession. I state that I have no felony convictions and my license is current. Please attach a copy of your license, front & back.

I am applying as an out of state member. _____

Signature _____ Date: _____

Please enclose a check for \$50.00 made out to APSA, and mail to:
Arizona Process Servers Association
P.O. Box 2233, Phoenix, AZ 85002
(602) 476-1737

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

To: