

APSA

ARIZONA PROCESS SERVERS ASSOCIATION

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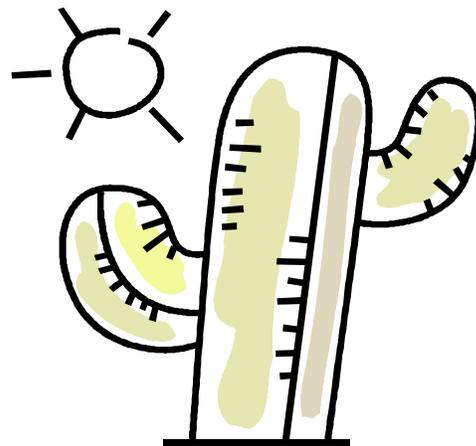
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Spring/ Summer 2011



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www.arizonaprocessservers.org

PRESIDENT'S MESSAGE

The Board of Directors has been busy with putting together this year's training and conference to be held September 17 & 18 at the Phoenix Fraternal Order of Police. It is expected this year's conference will fulfill your training requirements, and provide opportunities to network, socialize and have some fun.

The fun and networking will start on Friday Night with a no host mixer at the Hotel. Saturday will be the ACPS Class with two new instructors that should prove to be interesting and other classes throughout the day. The day will be filled with food, door prizes, 50- 50 raffle that will benefit the Legislative fund and vendors.

The trainings will include such new topics as the controversial drop serve and the difference between a forcible detainer and special detainer and the rules of service that differ between them as well as other rules and laws that have changed that effect your job as a professional process server.

We are also trying to schedule a class that involves the new e-filing that many of you have to deal with.

Please check out the website for all the information and to register for classes.

Your board members are looking for door prizes and sponsorships for this event. If you would like to donate a door prize or have your business advertised at the conference please contact one of your board members for more information.

Please also come and attend the yearly membership meeting that will be held during the lunch break. Several items will need your vote and input. Some of the issues that need to be voted on are, changes to the bylaws and election of new board members.

Please encourage process servers that are not members of our Association to attend this conference as it is not required to be a member but also encourage them to join the Arizona Process Servers Association.

Remember, Together we can make a difference. Be safe out there.

Sincerely

Larry Ratcliff
President
Arizona Process Servers Association.
Investigator / ACPS

SECRETARY'S MESSAGE *From Patty Chlebanowski:*

Hello everyone, while you think the fall is far away and talking about the Conference is unusual, it is not. There are a lot of details that go into preparing the conference. This year we plan to have a "Happy Hour" at the hotel the Crowne Plaza located at 2532 West Peoria Avenue. We hope to make our conference bigger and better each year. Last year we added prizes to be given away at each of our classes. This year we will be doing the same and also adding a 50/50 raffle. We hope to have T-SHIRTS for sale from the Arizona Law Enforcement Canine Association (A.L.E.C.A.). If you have seen Tom Martel, he wears them proudly! Our next board meeting, in July, will be held in Northern Arizona. If you would like to get out of the heat and see what your board handles, be sure to join us! We will have the meeting posted on the website prior to the date. Remember, the reason why you join an Association is to be the best at your job that you can be. When you support your state organization, they keep their eyes and ears, to the best of their abilities, on the State rules and regulations changes. You also better yourself by becoming a member of an association in your field if you are looking for advertising; the Association includes that with your membership.

We have been striving with the Legislation to pass our Trespass/Assault bill. The support of the Association helps propel our cause. Greater membership equals a greater voice.

Arizona has one of the lowest Annual Fees of all state organizations, please keep supporting our State. We work together for all of you and not just one of us. **KEEP THAT IN MIND!**

Wayne and I attended the National Association of Professional Process Servers in San Antonio, Texas. Ron Ezell from Tucson & Tom Denny from Chandler also attended the conference. We represented our Association and enrolled two Out of State Applications! The River Walk in San Antonio was worth the trip, neither one of us had been there before! The weather was nice and, as always, the hotel they chose was beautiful. They had an inspirational motivational speaker that I will try and get for next year's conference here in Arizona.



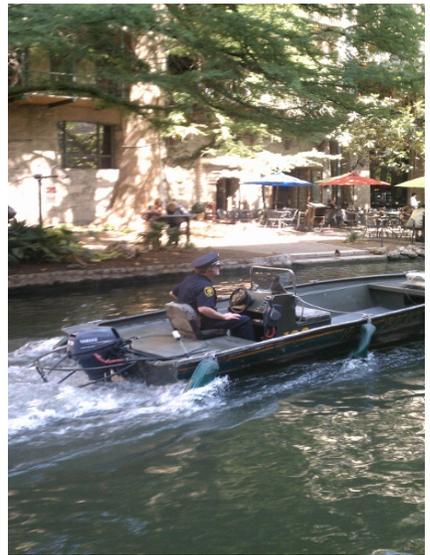
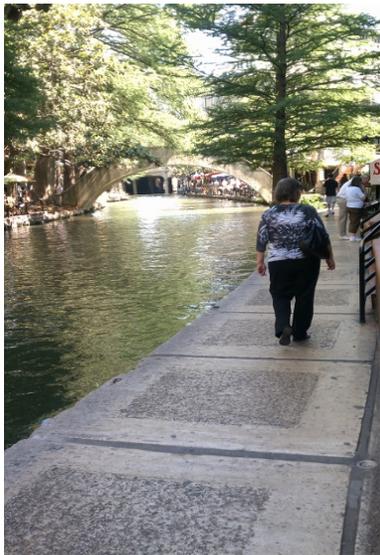
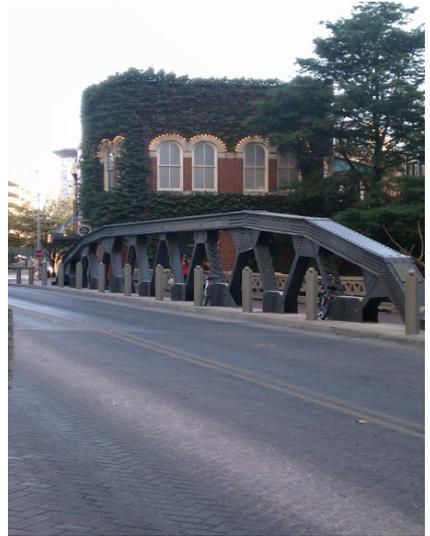
EDITOR'S CORNER

Hello fellow APSA members. I hope all is well with everyone and welcome to summer! Please remember, here in Phoenix drink plenty of water while you are out and about! I apologize for the delay in completing the newsletter. The newsletter is one month past due so, I am combining the summer and spring newsletters.

We have our dates set for the Annual Meeting this fall. We hope to see you all there!

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

N.A.P.P.S. – SIGHTS OF SAN ANTONIO, TX.



How Identify Someone Who May Be Evading Service

By Natalie Faulk

Not only do process servers have a number of duties and responsibilities when service of process goes as planned, but when service becomes difficult these responsibilities increase exponentially. It is of utmost importance that process servers ensure that their service adheres to both state law and their clients' instructions so as to be valid. Failure to do so can result in a number of problems such as increased costs and time for both the client and the server. Accordingly, ensuring that the party who is to be served actually is the person served oftentimes requires thinking outside of the box when faced with a difficult target.

While it is fairly obvious that it is beneficial to get as much information from the client as to the target's physical appearance, demeanor, daily habits or routines, vehicles, or other important traits, sometimes the server is not privy to such information and is forced to rely upon his or own persistence, quick thinking, and creativity.

If the intended recipient is aware of impending service and has a cursory knowledge of the procedure but does not wish to be served, delivery becomes a game of cat and mouse. A process server should always assume that the intended target is at the location and not simply ask. This authoritative sets the stage for any further communication that ensues and ensures that the server acts with confidence. Such confidence presents a greater likelihood of a successful serve than would likely be the case without it.

Surveillance is a common tactic, but this is sometimes not feasible when working within time constraints. Many process servers develop their own techniques of identifying subjects, and you likely have an arsenal of tricks, but we've put together a quick list of 10 tips to identify someone who may be evading service.

10 Tips for Verifying the Identity of a Difficult Subject

1. First and foremost, neighbors are perhaps the best source of information about a target. A wealth of information can be gleaned from talking with neighbors, such as whether the target is home, working hours, type of vehicle driven, and other valuable information. In rare cases, a neighbor may be cooperative to the point that he or she calls the server when the target is actually home so as to further facilitate service.

2. If a server sees an individual who may be the intended target, calling out the person's name to see if they answer is fairly logical. This can be done while the person is in a yard, in a public area at his or her workplace, or even walking down a sidewalk or at a store. It is difficult to deny being a particular individual when one just answered to his or her name.

3. Asking for someone other than the intended target when the potential target answers the door—such as a neighbor—and then asking the target for his or her name for the server's report will likely enable the server to get a target to self-identify because the focus of attention will be shifted to someone else. This can also be done by asking for a completely fictitious person as well.

Another variation on this involves the server telling whoever opens the door that he or she has a very important delivery or, simply, important papers for a resident at the address and then to ask for the person's name. If the person refuses to give his or her name then the server can say something to the effect of, "Well, I will have to advise the court that it can proceed without so-and-so but it doesn't look very good for that person." In some cases, if the target is indeed speaking to the server then they will self-identify to avoid further trouble.

4. Establishing a friendly rapport with the intended target by casual conversation can oftentimes lead to his or her own self-identification, or provide the server enough opportunities to verify the person's identity by catching them in a lie.

5. This tip is particularly useful and one that may not be considered as much as it should be. Look for the target—particularly if the person has a relatively uncommon name—on social networking sites such as Facebook, LinkedIn, or MySpace for a picture or further information to facilitate the serve, as chances are good that the person has created a profile on at least one of these sites.

6. You can consider openly videotaping the service because people are less inclined to lie if they are being recorded.

7. If a server is relatively certain that the person with whom they are speaking is the target but will not self-identify, saying something akin to, "I have to call my boss for further instructions," gives the server an opportunity to actually take a picture of the person with a cell phone and send it to the client for identification. Further, as mentioned in #4, the ability to converse with the individual until confirmation of identity occurs is a plus.

8. If a server is unable to verify the identity of a potential target, asking for identification in a professional and authoritative manner can establish identity. If the individual refuses to provide identification, it is a clue that you should suspect that this person is your subject.

9. Bluffing can work wonders as well. By stating something like, "Wow, you sure look like the person in the picture I have"—even if there is no picture—can get the target to admit to his or her identity.

10. If you are having trouble serving someone at their home and they are being difficult, you can leave a note on their door or a voice mail message saying that you plan on serving them at their place of employment (if they are employed).

Rather than risk the embarrassment of that situation, people will often consent to being served at home.

As demonstrated, there is considerably more to being a process server than simply serving papers upon a known target. A server must possess detective skills as well such as being able to read people, thinking on his or her feet, as well as being thick-skinned, persistent, knowledgeable, focused, and creative. If you have your own methods that you'd like to share, join in the discussion in [ServeNow.com's LinkedIn group for process servers](#).

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.

Calendar of Events

Court Holiday-Independence Day
Monday, July 4, 2011 – COURTS CLOSED

Court & Clerk's Exchange Meeting
Wednesday, July 13 or 27, 2011 –CANCELLED

Maricopa County Testing for Process Servers Certification
Thursday & Friday, July 21st & 22nd, 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, August 18th & 29th, 2011 promptly at 9:30 AM-
YOU MUST PRE REGISTER
620 West Jackson – Third Floor – Suite 3017, Phoenix, AZ

Court Holiday – Labor Day
Monday, September 5, 2011 – COURTS CLOSED

IN MEMMORIUM

We regret to announce the passing of Harold B. Nice. “Hal” was an employee of Frontier Private Process, in Phoenix, for the last eight years. Hal passed on June 12, 2011 at his home. He leaves a legacy in Phoenix and will be sorely missed by all who knew him. A celebration of Hal’s life will be held on July 2, 2011 at 2:00 p.m. at the home of his daughter and son-in-law in Glendale, 6426 W. Bloomfield Rd.

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@yahogroups.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 Sandra #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

**ARIZONA CORPORATION
NOTICE TO PROCESS SERVERS**

Service upon an entity through the Arizona Corporation Commission (“ACC”) is not automatic. The circumstances under which the ACC may accept service on behalf of an entity are mandated by statute. Nothing in this Notice is a guarantee or promise that the ACC will accept service on behalf of any entity. Each instance of attempted service on an entity is examined on a case-by-case basis to determine if it is appropriate for the ACC to accept service for that entity.

If you are attempting to serve an entity through the ACC, and you submit an affidavit, certification or other statement certified as true under penalty of perjury to establish attempted service on the statutory agent, the ACC examiner will review the affidavit, certification or other statement to determine if it shows you attempted to serve the statutory agent at the statutory agent’s address that is on file in the ACC records. The affidavit or certificate must contain at least the following information:

- Case number of the lawsuit or proceedings;
- A statement to the effect that it is from a registered process server (unless the lawsuit is an administrative proceeding that does not require service by a registered process server);
- Name of the entity being served;
- Name of person you attempted to serve;
- Address at which service was attempted;
- Date and time of each instance of attempted service;
- One or more reasons why you were unable to effect service.

No handwritten changes to an affidavit will be accepted unless the handwritten notation was made on or before the date on which the affidavit was notarized OR the handwritten notation is separately notarized.

Handwritten changes to a certification or other statement certified as true under penalty of perjury may be accepted if the person making the change also writes in all of the following:

- “I certify under penalty of perjury that the handwritten statements herein are true and correct,”
- Date of the handwritten change,
- Signs underneath the handwritten change, AND
- Prints their name under their signature.

The ACC will consider 3 or more attempts at serving the statutory agent to be diligent effort. An affidavit or certification of attempted service showing less than 3 attempts will be scrutinized on a case-by-case basis to determine of if it is appropriate for the ACC to accept service for that business.

**1300 West Washington St., Phoenix, AZ 87007-2929 / 400 west Congress St. #221,
Tucson, AZ 85701-1347 www.azcc.gov – (602)542-3026**

PROCESS SERVERS QUARTERLY MEETING MINUTES

Day & Date: Wednesday, Jan 26th, 2011 **Location:** Downtown Justice Center 620 West Jackson, #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

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

2. eFiling and ECR Updates

Michael K. Jeanes,
Clerk of the Superior Court

The Supreme Court issued an Administrative Order 2010-117 (<http://www.azcourts.gov/Portals/22/admorder/Orders10/2010-117.pdf>) which makes eFiling of civil subsequent documents mandatory for attorneys. This is rolling out in four phases by law firm starting Feb 1st, 2011. By the end of May, the mandate will be for all law firms. There are some document exceptions listed in the AO. The Clerk's Office will not be enforcing the order until the end of May because we cannot sort through which are accepted and which are not at the filing counter. However, the court is still able to view whether or not the attorneys who are mandated to efile did so or not. The eFiling has to be done through **AZ Turbo Court**—not through the Clerk's application. There is a \$6.00 fee for the filing of every document through this application (goes through PayPal) which is how the Supreme Court decided to fund the system. Only attorneys can file in this system at this time. Getting copies certified is possible with the Clerk's Office after eFiling, upon payment.

Michael K. Jeanes,
Clerk of the Superior Court

3. Budget Status Update

The County's budget is still stable however, depending on the State's situation; the county might be required to pay the state. County efforts are focused on saving jobs. More information will be relayed as it comes.

4. Business Accounts Credit Card changes, Clerk's office procedural change will no longer hold CC information. Effective 01/01/11

Becky Magana, Deputy Director,
Clerk of the Superior Court

Business Accounts and storage of credit card information have been eliminated. Systems for credit card information security are not available to the Clerk's office to be able to store credit card information at this time.

5. Metal mail slots next to the Info Desk at CCB will be permanently removed

Becky Magana, Deputy Director,
Clerk of the Superior Court

These slots have existed for a long time but since no one uses them, including process servers, they will be removed. If you do use them, please discontinue to do so because they are not regularly checked.

6. Stamping docs and taking them. Doc is not filed in if not dropped in the box

Mark Leong, Civil Docket Supervisor, Clerk of the Superior Court

An issue arose that someone used the night depository box, took the original with them, and delivered it to the division. The Clerk did not receive it until a month later which is when the clerk filed it in (not the date it was stamped by the depository). Documents are not part of the court record until they are filed with the Clerk of the Court.

When a Summons is attached to an Affidavit of Service by staple, both are filed in as one filing. Clerk staff does not flip through individual pages or detach any pages; so, if you intend to have two separate filing, they should be separated with paper clips. Multiple pages within the same filing should be stapled so the documents are not lost within the depository box.

7. Process Server E-Mail Box

Becky Magana, Deputy Director,
Clerk of the Superior Court

Please discontinue emailing Lauri Million and email any questions or requested agenda items to server@cosc.maricopa.gov because that inbox is always checked while we cannot control when Lauri is able to check her email.

8. Process Server Renewal Application

Sandra Tarin, Customer Service Process Servers
Coordinator

Please turn in your application 30 days in advance.

9. Affidavit of Attempted Service (both Superior and Justice Courts)

Mark Leong, Civil Docket Supervisor, Clerk of the Superior Court

Please try and limit the filing of Affidavits of Attempted Service (nonservice). A note to attorneys about not filing these has been sent out in The Brief by the Clerk of Court. Should attorneys specify the attempts in pleadings as opposed to completing an affidavit of nonservice and only attaching it when there is a motion for alternative service or other motion? Becky will ask James Vance which method is preferred and post it on the Process Server's web page.

10. Other Business, Questions and Comments

Mark Leong will check to see if it is possible to get a date put on the Criminal Filing Rejection Sheet. FOR ISSUES YOU WOULD LIKE TO SEE ON FUTURE AGENDAS, PLEASE EMAIL THE COSC PROCESS SERVER MAILBOX AT : SERVERP@COSC.MARICOPA.GOV NEXT QUARTERLY MEETING – WEDNESDAY APRIL 27TH, 2011

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

PROCESS SERVERS QUARTERLY MEETING MINUTES

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

PURPOSE OF MEETING

Community Awareness; Process Servers, Court and Clerk's Office Information and Exchange Meeting

Names

Clerk of the Superior Court
Superior Court
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Justice Court
Process Servers
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Topic

Presenter

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1. Welcoming Remarks

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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>)

which makes eFiling of civil subsequent documents mandatory for attorneys. This is effective for all Attorneys on May 1st, 2011. The order also delineates which documents are exceptions. On June 1st, 2011, the Clerk's eFiling application will be disabled for civil subsequent documents.

The eFiling has to be done through **AZ Turbo Court**– not through the Clerk's application.

Michael K. Jeanes,
Clerk of the Superior Court

3. Budget Status Update

The County's budget is still stable however, depending on the State's situation; the county will be required to make payments to the state. The Clerk's office, as other departments, has taken cuts which means that unfilled positions have been deleted and there will not be employee raises. More information will be relayed as it comes.

Michael K. Jeanes,
Clerk of the Superior Court

4. CCB Remodel Update

Construction commencement dates are continually being pushed back and once a set date is determined, that information will be relayed.

5. Affidavit of Service language regarding serving individuals on behalf of agencies/businesses. "On Behalf of"

Lauri Million Administrator,
Clerk of the Superior Court

A reminder to process servers to make sure that if an individual is being served on behalf of a business, to clearly identify that it is on *behalf of*. This is in order to prevent the individual from being added as a defendant to the case.

6. Justice Court Information
Affidavit of Attempted Service

John Reynolds,
Justice Courts

Both the Justice Courts and Superior Court maintain that Affidavits of Attempted Service do not need to be filed unless included with a motion for alternative service when they serve a purpose. Other than to prove that service was attempted for such motions, the affidavit does not need to be filed.

Hassayampa Justice is currently understaffed and so long lines may be noticed but hiring and shifting jurisdictions will soon remedy the issue in order to provide more timely service.

7. Other Business, Questions and Comments

Becky Magana, Deputy Director
Clerk of the Superior Court

Filing counter hours will be changing as of June 1st in order to maintain an 8am-5pm work schedule. Currently, due to serving anyone in line by 5pm, the filing counters are still serving customers until 5:30pm.

FOR ISSUES YOU WOULD LIKE TO SEE ON FUTURE AGENDAS, PLEASE EMAIL

**THE COSC PROCESS SERVER MAILBOX AT :
SERVERP@COSC.MARICOPA.GOV**

NEXT QUARTERLY MEETING – WEDNESDAY JULY 27TH, 2011

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

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

To: