

## **RECOMMENDED PROCESS SERVING STANDARDS FOR THE COLLECTION INDUSTRY**

*All Process Servers and process serving companies should always conduct themselves in an honest, respectful, professional and ethical manner- Avoiding even the appearance of improper behavior.*

### ***I. Compliance***

#### **A. GPS verified/time/date-stamped record of every attempt evidencing the service location.**

#### **B. Full description of the individual served or complete explanation for non-service in return of service documents as required by the jurisdiction.**

1. Full description should include first and last name and relationship and if name and/or relationship not given description that name and/or relationship was refused.

#### **C. Process Server must be the one signing the return, no one can sign another's return.**

1. If a notary is required, compliance with state law as to notary attestation is mandatory.
2. Signatures on original affidavits need to be originals and cannot be images, no one can have imaged signatures of the Process Server, so that there is no potential for misuse, with the exception of states where an e-signature process is permitted and is utilized within the law.

#### **D. Server compensation programs based on successful versus non-successful servers should not be utilized.**

1. Success-based compensation systems provide opportunity for falsified affidavits of service.

2. Individual Process Servers should be compensated by their process serving company at the same rate for successful serves and unsuccessful serves; and where not compensated at the same rate process serving companies should provide disclosure to their clients.

#### **E. Written compliance program.**

1. All process service companies should have a written compliance program.
2. The compliance program should include penalties for non-compliance up to and including termination.
3. The compliance program should designate a Chief Compliance Officer who is responsible for implementing and managing the program.
4. The written compliance program should document steps taken to ensure compliance with local, state, and federal laws.
5. The written compliance program should be updated on regular basis by the Chief Compliance Officer.
6. The written compliance program should be made available on-demand by the process service company's clients.

**F. Procedure should be in place to keep abreast on court decisions and new laws impacting process serving in the states where they operate.**

**G. Company must maintain necessary corporate licensing, registrations, bonding and insurance for every state where company operates.**

**H. Monitoring of individual Process Servers for active state/county licenses and bonding.**

1. As well as active driver's licenses and automobile liability insurance.
2. National criminal background checks going back at least seven years for new process servers with felony or any other crimes of moral turpitude convictions being a hiring disqualifier.
3. National criminal background rechecking annually.

**I. The process serving company should maintain full transparency for each client providing status information and all information regarding active and inactive accounts.**

1. Copies of all service documents, images, server handwritten worksheets and GPS information should be available.

**J. Any sub-server company hired by the process serving companies should be in compliance with these standards.**

1. Any time a sub-server is used for service, advance notice should be given to the client.

## ***II. Internal and External Audits***

### **A. Internal Audits.**

1. Regular internal auditing of Process Server activity and documents for completeness and accuracy.
2. Feasibility scoring of the times between all service attempts to identify unrealistic over-performance of their route.
3. Cross-checking that all server attempts are within legal days and hours.
4. Monitoring the results of each server's attempts for unrealistic performance.

### **B. External Audits.**

1. At any given time, without warning, clients may audit process serving companies either in person or remotely.
2. Responses from process serving companies should be immediate as long as requests are reasonable.

### *III. Process Server Education*

**A. Education program, including relevant creditor/collector regulations, particularly for new servers (where no licensing or training is provided by the licensing authorities).**

**B. Continuing education every two years (unless mandated by state).**

### *IV. Engagement of Process Serving Companies*

**A. Mutually acceptable written contract should be in place between process serving companies and each of their clients.**

1. The contract with each client should define the nature of the service relationship, the importance of confidentiality, service standards and time-frames, service fees, parameters for record retention, the client's right to audit, licensing requirements, indemnification of the client, data transmission security, sub-server requirements, payment and billing requirements, insurance requirements, and warranties.

### *V. Conflicts of Interest*

**A. Law firms or their partners should not have any ownership position in the process serving companies that the law firm uses without full and total disclosure to all of the law firm's litigation clients.**

1. And family relatives (or spouses) of law firm partners (or spouses) should not have an ownership position in the process serving companies that the law firm uses without full and total disclosure to all of the law firm's litigation clients.

