

▶ LETTER TO THE EDITOR

Story touches on certified process servers problem

I READ WITH INTEREST the Jan. 30 article, "Service issue is break for rapper." The article is timely, inasmuch as the Georgia Association of Professional Process Servers (GAPPS) is in litigation in Fulton County Superior Court with seven metro Atlanta county sheriffs over just this subject.

Defense attorney Thomas Reynolds Jr., in noting that "[Proper service is] one of the first things you check," understands what too many trial attorneys do not. That is that the existing situation regarding service of process in Georgia is confusing; each county has its own rules regarding service by private process servers, with some refusing to make permanent appointments pursuant to

O.C.G.A. § 9-11-4(c), while those counties that do make such appointments each have entirely different requirements.

O.C.G.A. § 9-11-4.1 was intended to create a uniform policy by establishing the Process Server Certification Program. A process server who fulfills all requirements of the program, including 12 hours of precertification training, passing an examination administered by the Administrative Office of the Courts, completing a full fingerprint background check, and maintaining a \$25,000 surety bond is authorized to serve all civil papers out of all Georgia Courts without further appointment.

The names of all certified process serv-

ers are maintained on the Georgia Sheriffs' Association website, as well as on the GAPPS website. Attorneys need not guess as to whether their process server is allowed to serve process out of any given court because the certified process server is authorized to serve process out of every court.

Unfortunately, the Georgia Sheriffs believe they have complete and unbridled authority to prohibit certified process servers from serving process out of any court. They have thus required certified process servers to obtain appointments under the antiquated process contained in O.C.G.A. § 9-11-4(c).

This abuse of authority by the sheriffs is the cause of the litigation commenced by

GAPPS in Fulton County Superior Court ("Process servers sue to trump sheriffs blockade," Daily Report, Dec. 26, 2013).

In the meantime, attorneys would do well to select certified process servers who are listed on websites of the Georgia Sheriffs Association and GAPPS. In so doing, attorneys can be sure they are getting the services of properly trained process servers who understand their responsibilities in effecting process that will withstand an attack by defense counsel.

*Deborah A. Duchon
President*

*Georgia Association of Professional
Process Servers*