

Letter to the Editor

Greg Land's article, Sheriffs Can Ignore Private Process Servers" was most informative and accurate. However, a number of attorneys have expressed concerns to members of the Georgia Association of Professional Process Servers (GAPPS), that the article suggests Georgia's private process servers will no longer be authorized to serve process. While the article refers to "private process servers", the fact is that Judge McBurney's decision applies only to "Certified Process Servers". That is, private process servers who have been certified pursuant to the requirements laid out in O.C.G.A. §9-11-4.1.

Judge McBurney's decision has no effect on service of process by private process servers who have been appointed by courts pursuant to O.C.G.A. §9-11-4(c). Thus, during this entire period of time from the enactment of O.C.G.A. §9-11-4.1 to the present, certified process servers have not been serving process in their capacity as a "Certified Process Server". Service of process has been, and will continue to be served by private process servers who have been properly appointed by judges of the courts in which the papers are filed. Georgia Sheriffs have not contended that they have any authority to prohibit a private process server who has been appointed by the court from serving process pursuant to that appointment.

As Mr. Land's article points out, GAPPS has filed a Notice of Appeal of Judge McBurney's Decision. We continue to believe that O.C.G.A. §9-11-4.1 does not give the sheriffs complete and unbridled authority to prohibit certified process servers from serving process. Process servers continue to believe the sheriffs are abusing their

authority. While the appeal is pending, Georgia's attorneys can feel confident in continuing to rely upon Georgia's private process servers to continue to provide the prompt and reliable service of process that has always been, and will continue to be available. In the meantime, attorneys would do well to select certified process server who are listed on the websites of the Georgia Sheriffs' Association and GAPPS, and who are also appointed by the courts in which the attorneys' papers are filed. 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.

Robin Martinelli, President

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Georgia Association of Professional Process Servers