

APPENDIX “A”
CODE OF CONDUCT

Section 7-204: Private Process Server
Appendix A
Code of Conduct

Preamble. The Arizona Supreme Court adopts the following Code of Conduct to apply to all private process servers pursuant to A.R.S. §11-445(H), the Arizona Rules of Court and this code section. The purpose of this Code of Conduct is to establish minimum standards for performance by private process servers and to ensure they conduct the service of process in a professional manner.

Standard 1. Rules and Applicable Laws. The private process server shall perform all services and discharge all obligations in accordance with current Arizona and federal law, Arizona Rules of Civil Procedure, administrative orders and this code section as adopted by the Arizona Supreme Court governing the certification of private process servers.

- a. The private process server shall promptly file an affidavit of service or certificate of service or return the unserved documents.

Standard 2. Skills and Knowledge. The private process server shall demonstrate adequate skills and knowledge to perform the work of a private process server, and shall seek training opportunities to maintain professional competency and growth.

- a. The private process server has an obligation to have knowledge and keep informed of all current and applicable laws regarding the service of process.
- b. The private process server has a responsibility to maintain a working knowledge of proper methods of service.
- c. The private process server shall possess the necessary verbal and written communication skills sufficient to perform the private process server role.
- d. The private process server shall manage service proficiently. Skills required include those necessary to perform the service, maintain records and communicate with the client in a timely fashion.
- e. The private process server shall keep the client reasonably informed about the status of the service and promptly comply with reasonable requests.
- f. The process server shall ensure all affidavits and certificates prepared by the private process server are complete, accurate and understandable and are timely filed with the court.

Standard 3. Professionalism. The private process server shall exercise the highest degree of professionalism in all interactions with clients, the party located, and others they come in contact with during the service. The private process server shall utilize professional judgment and discretion at all times.

- a. The private process server shall handle all legal documents with care and maintain required records in a professional manner.
- b. The private process server may act as a mentor to assist an inexperienced private process server for the purpose of increasing skill level and successful service of process.
- c. The private process server shall abstain from providing or offering to provide legal advice.
- d. The private process server shall not violate any rules adopted by the Arizona Supreme Court or conduct themselves in a manner that would reflect adversely on the judiciary, the courts, or other agencies involved in the administration of justice.
- e. The private process server shall respect the confidentiality of information and shall preserve the clients' confidences; this duty outlasts the employment of the private process server.
- f. The private process server shall maintain a professional appearance at all times.
- g. The private process server shall be courteous and polite in all dealings and shall abstain from using profanity or vulgarity in contact with others.
- h. The private process server shall never attempt to decide the merits of a lawsuit. The private process server shall never engage in any unnecessary discussions regarding the action being served, with the persons receiving service. It is only necessary for the private process server to explain the general nature of the served papers.
- i. The private process server shall know the protocol for service of process in a court building before proceeding with service and shall take appropriate steps to avoid impairing security or creating a security issue in a court building.

Standard 4. Ethics. The private process server shall perform services in a manner consistent with legal and ethical standards.

- a. The private process server, having located the sought-after party or persons receiving process for those persons intended for service, shall perform the service of process in a professional manner, utilizing sound judgment and avoid rudeness and unprofessional conduct.
- b. The private process server shall present service in a nonjudgmental manner.
- c. The private process server shall not misrepresent the private process server's qualifications, fees, or any other information relating to the role of the private process server.
- d. The private process server shall not utilize certification in any manner to gain access to

information or services for purposes other than those of the Private Process Server Program.

- e. The private process server shall maintain the best interests of the client by maintaining a high standard of work and reporting to a client the full facts determined as a result of the work and effort expended whether they are advantageous or detrimental to the client.

RESPONSIBILITIES OF CERTIFICATE HOLDERS

Certified process servers are expected to know and abide by the responsibilities outlined in §7-204(F). This includes abiding by the Code of Conduct, completion of continuing education, and updating the Clerk of any change in name and address.

Standard certification expires every three years. It is the responsibility of the certified process server to timely file the renewal application and meet all requirements for renewal. Additional information is contained in §7-204(G).

Complaints alleging violations by certified private process servers and any subsequent disciplinary action will be handled by the Superior Court in the county in which the complaint is filed. Disciplinary action taken in any county will affect your authority to serve process in all counties. Refer to §7-204(H) for additional information.

Revised 02/04