

AVOIDING COMMON COMPLAINTS

Most complaints filed against private process servers fall into three major areas:

- Poor business practices;
- Failure to abide by the applicable rules and statutes; and
- Unacceptable behavior for an officer of the court.

The last area frequently results in disciplinary action by the court. You are encouraged to know and develop good business practices to avoid problems and to know the legal requirements of serving process.

Problems identified include:

- Failure to return client phone calls.
- Failure to promptly serve documents.
- Failure to acknowledge receipt of documents.
- Slow filing or failure to file an affidavit of service or failure to return the unserved documents.
- Fee disputes resulting from failing to make the client aware, before accepting a job, of the server's complete fee schedule, how charges are computed and when services are charged. Charges for repeated, unsuccessful trips are the most frequent area of disagreement and could be avoided or reduced by making the client aware beforehand of this possibility.
- Rudeness to defendant(s), bystanders or to those receiving process for the person being served.
- Failure to provide written response to a complaint within the specified time period.