

Welcome
to
MNPPSA
Minnesota Professional
Process Servers
Association

Membership Meeting
Edina, MN
February 21, 2011

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Acknowledgements

National Association of Professional
Process Servers
(NAPPS)

Minnesota Professional Process
Servers
(YOU)

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Purposes of Forming New Association

- * Promote legislation & rule changes.
- * Address legislation & rule changes.
- * Establish professional & ethical standards.
- * Improve relations with courts, attorneys, public and others.
- * Provide educational opportunities.
- * Grievance and arbitration procedure.

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View to the Future

NAPPS Chartered State Association

- * Standards and requirements.
- * Benefits.
- * Responsibilities.

See NAPPS Policy No. 5 for Chartered State Associations

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Forming a State Association

Core Documents

- Articles of formation as non-profit entity
- Bylaws
- Policy Manual
- Code of Professional & Ethical Conduct
- Standards & Best Practices
- Grievance & Arbitration Procedure

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Board of Directors

Establishes policies of Association consistent with Articles & Bylaws

- Composition
- Term(s) of Office
- Elections
- Duties & Responsibilities

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Officers

Execute policies established by Board of Directors

- Elected or Appointed?
- Titles
- Term of Office
- Duties & Responsibilities

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Core Committees

- Membership
- Communications
- Education
- Legislative/Court rules
- Grievance & Arbitration

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Immediate Action Required

- Organize the Association
- Enroll Members
- Establish initial Board of Directors & Officers
- Schedule Election of Directors

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Goals

- Establish MNPPSA as a credible association broadly representing process servers in Minnesota.
- Seek legislative or court rule change establishing the title of "registered" or "certified" process server with a vetting process consistent with defined requirements.

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Establishing Credibility

- Numbers count, increase membership.
- Publish the Policies, Code of Conduct and Best Practices of Association.
- Form synergetic relations with other professional groups.
- Participate in public discussions regarding process service before courts, legislature, and other forums

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Establishing Credibility-Continued

- **Education, Education, Education.**
- All professional groups have them.
- All require proof of attendance at educational programs and successful completion through testing.
- MNPPSA should similarly establish, sponsor, or provide educational programs for process servers in Minnesota.

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Legislative or Court Rule Change

- Qualify persons who serve process in Minnesota through a **registration, certification, or licensing** scheme that would establish requirements in order for a person to be authorized to service process within the state.

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What is Registration?

Registration is the voluntary, or mandated, placing of a person's name, address and other pertinent information in a public record indicating that that person is engaged in the business of service of process. The registration process may require proof of age, residency in a particular geographic area, and may require a clear criminal record check. Nominal registration fees may apply. This is the least intrusive method of identifying and qualifying process servers.

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What is Certification?

Certification is the recognition by a public or private entity that a person has meet certain criteria such as minimum age, lack of criminal record, education, and successful passing of an examination demonstrating that person's knowledge of the rules pertaining to service of process. As with registration, the name, address and other pertinent information may be made publicly available.

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What is Licensing?

Licensing is the mandatory requirement by the state or other governmental agency that a person meet certain qualifications in order to be bestowed the privilege of serving process within a defined geographic area. These qualifications may include proof of age, lack of criminal record, citizenship or lawful residency in the United States, residency with the state, education, testing, and payment of a licensing fee. Sanctions for not meeting the licensing requirements, yet continuing to serve process, may be imposed.

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Be Careful of What You Ask For!

- Current rule has no requirements other than minimum age of 18 years and being not party to an action.
- Does this rule need to be changed? If so, why?
- Remember, registration, certification or licensing imposes controls over process servers.

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Seek Incremental Changes

- Lead by example. Establish MNPPSA certification and continuing education program first.
- Then seek special designation, such as registered or certified process server, through court rule change.
- Once established, and with some history, address other issues and concerns, i.e., immunity from trespass, assault on process servers, access to gated communities.

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Do Not Cost the State Anything

- Whatever regulatory scheme is proposed, devise it in such a way that it will not cause a financial burden on the State.
- Minimize costs and have them paid by persons seeking qualification.
- Propose minimal oversight on the part of the State

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Beware of Others Preserve Process Server Duties & Functions

- Private process servers are currently unregulated in Minnesota.
- Anticipate legislative efforts by PI's to require licensing. Seek exemption from PI licensing law as registered or certified process servers while performing inquiries normally attendant to process server activities, i.e, field inquiries, etc.

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Beware of Overreaction to Illegal Practices of Others

- New York state experience.
- FTC hearings regarding debt collectors.
- NYC process server licensing law.
- CA proposed legislation.
- Illinois court order disallowing private process service in Cook County

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Questions?

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THANK YOU FOR HELPING
ORGANIZE MNPPSA

NOW, AN OVERVIEW OF A
PROCESS SERVER EDUCATION
COURSE

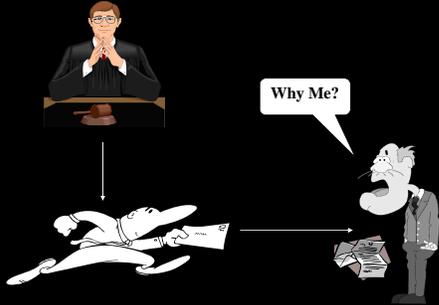
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Example of an Educational Seminar

- Overview of the American Legal System.
- Service of Minnesota civil process.
- Service of civil process from other states.
- Service of federal civil process.
- Out-of-state deposition subpoenas

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The material furnished at this seminar has been compiled specifically for the Professional Process Server



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Service of Process within the American Legal System



- Due process requirements
- Structure of State & Federal Courts
- Proper methods of service of process
- Outline of a civil case
- Limitations or restrictions on service of process
- Codes of Ethical & Professional Conduct

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The Professional Process Server's Guide to Service of Process in Minnesota



- State Court Systems
- Specific State Requirements
- Relevant Court Rules and Statutes
- Registration and Certification Requirements
- Local Practice and Procedure

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Added Topics



- Forwarding initial process to another State.
- Service of initial process from a foreign State.
- Service of federal summons and subpoenas within and outside your jurisdiction.
- Compelling non-party witnesses to appear at depositions within and outside of your State.

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Got you interested?

There's More!



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Continue your Professional Development

- Learn proper techniques and procedures
- Perform your duties properly
- Expand your business to new areas
- Increase your income



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Seminar Objectives

- ***The Professional Process Server Seminar Program** is designed to provide the student with a fundamental working knowledge of the manner in which civil process is effectively served. The seminar objectives are:
- To provide the student with an *understanding of the legal and judicial environment* within which civil process is issued, served and utilized.

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Seminar Objectives...Continued

- To educate the student on the *nature and significance of various forms of civil process*.
- To instruct the student on *how to properly serve civil process* consistent with relevant court rules or statutes.
- To assist the student in *developing and demonstrating a proficiency in the service of civil process* for use at work, or in meeting certification or licensing requirements.

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Seminar Objectives...Continued

- To *familiarize the student* with Codes of Ethical and Professional Conduct.
- To *advance professionalism* in the private process service industry.

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