

FILED
JAN 14 2003
ARIZONA SUPREME COURT
ADMINISTRATIVE OFFICE OF THE COURTS

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
CONTINUING EDUCATION) Administrative Directive
POLICIES: PRIVATE PROCESS) No. 2003- 01
SERVER PROGRAM) (In compliance with Arizona Code
) of Judicial Administration §7-204
)
_____)

The Arizona Code of Judicial Administration, §7-204: Private Process Server, as adopted by the Arizona Supreme Court via Administrative Order No. 2002-110, governing the certification of private process servers, took effect on January 1, 2003. Pursuant to §7-204(F)(7), all certified process servers must complete ten hours of continuing education every twelve months. Further, §7-204(F)(7) specifies that certified private process servers shall complete continuing education hours that are relevant to the work of a process server, pursuant to policies adopted by the Administrative Director of the Courts.

Now, therefore, pursuant to the Arizona Code of Judicial Administration §7-204,

IT IS ORDERED that the above captioned policies, attached hereto, including Appendix A, Continuing Education Forms, are adopted.

Dated this 14th day of JANUARY, 2003.

David K. Byers
Administrative Director

SECTION §7-204: PRIVATE PROCESS SERVER CERTIFICATION CONTINUING EDUCATION POLICIES

A. Purpose.

1. Service of process is integrally related to the prompt, effective and impartial operation of the judicial system. Private process servers are required to demonstrate a basic level of competency to become certified and practice in Arizona. Ongoing, continuing education (CE) is one means to ensure a certified process server maintains continuing competence as a process server after certification is obtained. It also provides opportunities for process servers to keep abreast of changes relating to the service of process, the law, and the Arizona judicial system.
2. Pursuant to the Arizona Code of Judicial Administration §7-204: Private Process Server, (hereafter referred to as “Code Section”) all certified private process servers must complete continuing education every twelve months. Further, §7-204(F)(7) specifies that certified private process servers shall complete continuing education hours that are relevant to the work of a process server, pursuant to policies adopted by the Administrative Director of the Courts. These policies are intended to provide direction to certified private process servers, and to the Presiding Judges and Clerks of the Superior Court who administer the Private Process Server Program in each county; to ensure compliance with Code Section §7-204 regarding continuing education credits, and to provide for equitable application and enforcement of the continuing education requirements.

B. Applicability.

1. Pursuant to Code Section §7-204(F)(7) all certified private process servers shall complete at least ten hours of approved continuing education every twelve months. The private process server shall submit documentation of completion of the continuing education on an approved form, with the application for renewal of certification. Pursuant to Code Section G(1)(a), a renewal period is for three years, from the date of issuance of the certificate.
2. Effective Date. Beginning January 1, 2003, and for every renewal of certification after that date, all certified private process servers shall comply with these adopted policies regarding continuing education.

C. Responsibilities of Certified Private Process Servers.

1. It is the responsibility of each certified private process server to ensure compliance with the CE requirements, maintain documentation of completion of CE and to submit this documentation with the renewal application.

2. Upon request, each certified private process server shall provide any additional information required by the presiding judge when the judge is reviewing CE applications and documentation.
3. If an activity has not been pre-approved, the rejection of an activity completed by a private process server and submitted with the application for renewal does not in any way diminish the responsibility of the process server to comply with the CE requirement.

D. Authorized Continuing Education Activities.

1. CE activity shall address the areas of proficiency, competency and performance of and impart knowledge and understanding of the service of process, the Arizona judiciary and the legal process and increase the participant's understanding of the responsibilities of a certified private process server and the process server's impact on the judicial process. Acceptable topics for CE activities include:
 - a. Ethics for private process servers and court employees, including cooperation with lawyers, judges and fellow private process servers, professional attire, courtesy and impartiality to all litigants, information vs. legal advice and public relations.
 - b. The Arizona court system including the state and federal constitution, branches of government, Arizona court jurisdiction and responsibilities, Arizona tribal court system, resource materials including Arizona Revised Statutes, Arizona Rules of Court, case law and administrative orders; and current issues in the Arizona court system.
 - c. Role and responsibilities of the certified private process server including Code Section §7-204.
 - d. Persons developing and presenting CE activities shall have expertise in the curriculum, knowledge of adult education principles, and the ability to prepare and present educational material effectively. The education faculty presenting a CE activity should consist primarily of individuals with experience and expertise in the service of process, legal and judicial community; faculty from other disciplines is permissible when their expertise will contribute to the goals of a specific program. The CE activity shall specify for whom the program is primarily designed, the course objectives, course content and teaching methods. All CE activity shall be conducted in an organized setting free from distractions.
2. Pre-Approved Activities. Subject to the conditions specified in this policy, programs, seminars, and courses of study offered or approved by the following entities are preapproved and accredited:
 - a. Arizona Private Process Servers Association (APPSA);

- b. Arizona Supreme Court Committee on Judicial Education and Training (COJET);
 - c. United States Private Process Servers Association (USCRA);
 - d. Arizona Courts Association (ACA); and
 - e. National Association of Court Management (NACM).
3. Sponsoring Entities. Unless a CE activity has been pre-approved, entities wishing to administer a CE activity shall submit the proposed CE activity on the approved form, to the program coordinator of the Arizona Supreme Court, Administrative Office of the Courts (AOC) for consideration prior to conducting the activity. Applications submitted by a sponsoring entity after the CE activity has been completed or conducted will be rejected.
- a. At a minimum, the proposal shall meet all requirements of this policy and shall include the following:
 - (1) location, date and time of the proposed activity;
 - (2) proposed audience;
 - (3) course content, objectives, teaching methods and the evaluation method;
 - (4) names and qualifications of the faculty;
 - (5) written materials for the participants (a copy of the materials shall be included with the proposal); and
 - (6) number of CE credits the sponsoring entity is recommending the AOC grant for completion of the activity.
 - b. In addition, the proposal shall include a statement that the sponsor agrees to assume responsibility for verifying attendance of the participants; will provide a certificate of attendance for each participant who successfully completes the activity and that upon request of the AOC, will provide any additional information requested to assist the AOC in evaluating whether to approve the activity or to ensure compliance with this policy.
4. Serving as Faculty. CE credit may be granted for serving as faculty, an instructor, speaker or panel member of an approved CE seminar directly related to the service of process. CE credit will be granted for the actual presentation time, plus actual preparation time up to two hours for each hour of presentation time. A maximum of five hours of CE credit will be granted for serving as faculty in any renewal period and a private process server may not receive credit for presenting a program repeatedly throughout the renewal period. A private process server may receive CE credit for actual presentation time for duplicate programs presented in subsequent renewals periods; but will not be granted CE credit for preparation time for those programs.

5. **Authoring or Coauthoring Articles.** CE credit may be granted for authoring or coauthoring an article directly related to the service of process, if the article is published in a state or nationally recognized professional journal relating to the service of process and if the article is a minimum of one thousand words in length. A maximum of one hour of CE credit may be earned for authoring an article or articles in any one renewal period. Credit shall not be granted for the same article published in more than one publication or republished in the same publication in later editions.
6. **University, College and Other Educational Institution Courses.** A certified private process server may receive CE credit for a course provided by a university, college or other educational institution if the private process server successfully completes the course with a grade of "C" or better or a "pass" on a pass/fail system. The private process server may receive CE credit upon documentation the course is relevant to the service of process. If the course is approved, credit will be awarded by multiplying the number of credit hours awarded by the educational institution by two, however, the maximum total of CE credits for completion of courses pursuant to this subsection shall not exceed 50 percent of the total number of CE hours required for the renewal period.
7. **Minimum Time.** Each CE activity shall consist of at least 30 minutes of "actual clock time" spent by a registrant in actual attendance at and completion of an approved CE activity. "Actual clock time" is the total hours attended, minus the time spent for introductory remarks, breaks, meals and business meetings. After completion of the initial 30 minutes of CE activity, credit may be given in fifteen minute increments. A process server may not use additional earned CE credits for subsequent renewal periods.
8. **Maximum Credit.** Unless a CE activity is directly related to the private process server profession, a private process server may not receive more than 50 per cent of the credit requirement for the renewal period through one activity.
9. **Conferences.** CE credit may be requested for attendance at a conference relevant to the work of a process server. A process server may receive 100 per cent of the CE credits for attendance at the conference, if the conference is directly related to the work of a process server. The process server must provide documentation of the specific sessions of the conference attended. Credit will not be granted for attendance at general sessions of the conference.
10. **Repeat of an Activity.** Generally, credit will not be granted for process servers who repeat an activity within the same renewal period. Exceptions may be granted if it is determined the activity is directly related to the work of a process server profession and duplication of the continuing education activity will enhance the process server's knowledge, skill and competency.

11. Documentation of Attendance or Completion. When attending or completing a CE activity, each process server shall obtain documentation of attendance or completion from the sponsoring entity.

a. At a minimum, this documentation shall include the:

- (1) name of the sponsor;
- (2) name of the participant;
- (3) topic of the subject matter;
- (4) number of hours actually attended or the number of credit hours awarded by the sponsoring entity;
- (5) date and place of the program;
- (6) signature of the sponsor, or the documentation shall be an official document of the sponsoring entity; for example, a college grade report, etc.; and
- (7) signature of the process server, either in the space specifically provided on the form for this purpose, or the process server may sign across the documentation (for example, the college grade report) to indicate attendance and completion at the activity.

b. A process server shall not request and credit shall not be granted if the process server attends part, but not all of the provided activity.

c. Process servers requesting CE credit for self study shall submit documentation of completion on an approved form.

E. Non-Qualifying Activities.

1. The following activities, regardless of whether or not the activity is approved for COJET credit shall not qualify for CE credit for certified private process servers:

- a. Completion of the examination required for initial certification;
- b. Attendance or participation at professional or association business meetings, general sessions, elections, policymaking sessions or program orientation;
- c. Serving on committees or councils or as officers in a professional organization; and
- d. Activities completed as required by the presiding judge as part of a disciplinary action.

F. Decision Regarding Continuing Education Credits.

1. Upon a review of an application for renewal of certification and the required accompanying CE documentation, the presiding judge may:

- a. Approve the CE credit;
 - b. Approve part, but not all of the requested CE credit;
 - c. Require additional information from the requester before making a decision; or
 - d. Deny the CE credit.
2. The private process server shall be notified of the decision regarding the CE credit.

G. Compliance and Non-Compliance.

1. An applicant for renewal of certification may be requested to supply additional information to verify compliance with the CE requirements. If the applicant fails to provide the requested information, the presiding judge may automatically deny the CE credit.
2. Pursuant to Code Section §7-204(H)(1); a certified private process server who fails to meet the CE requirement, falsifies CE documents, or willfully misrepresents CE activities and attendance at CE activities is subject to denial of renewal of certification, disciplinary action, or both.

Adopted January 14, 2003, Administrative Directive 2003-01

APPENDIX

CONTINUING EDUCATION FORMS

**PRIVATE PROCESS SERVER PROGRAM
PROPOSAL FOR COURSE ACCREDITATION**

Please Type or Print in Ink

Faculty (Individual Name or Names) _____
(Attach Information on Qualifications of Faculty)

Course Title _____

Date and Time of Presentation _____

Location _____

Proposed Audience _____

Actual Instructional Hours (Proposed CE Hours) _____

Course Content _____

Objectives _____

Evaluation Method _____

OVER

CERTIFICATE OF ATTENDANCE

THE UNDERSIGNED COURSE SPONSOR CERTIFIES THAT THE PARTICIPANT INDICATED WAS IN ATTENDANCE AT THE COURSE DESCRIBED.

Sponsor: _____

Course Title: _____

Course Location: _____

Course Date(s): _____

Faculty: _____

Total Credit* Hours: _____

** Credit hours: To calculate credit hours: 1) Take total hours attended, 2) Subtract time spent for introductory remarks, breaks, meals, business meeting, 3) Enter remaining hours in space provided. Exception: A college accredited course is the number of college credit hours x 2.*

Dated this _____ day of _____, 20____.

Sponsor's Name Printed

Sponsor's Signature

CERTIFICATION OF PARTICIPANT

I, _____ (*printed name*) certify I attended a total of _____ credit* hours at the course described above. I am submitting this documentation in accordance with the Arizona Code of Judicial Administration 7-204(F)(7).

Dated this _____ day of _____, 20____.

Participant's Signature

Date

Keep this certificate in your file until you are ready to file your application for renewal of certification. Do not file it with the Clerk of the Court until you file your renewal application.

**APPLICATION FOR CREDIT FOR INSTRUCTION
PRIVATE PROCESS SERVER PROGRAM**

Name, Address and Telephone Number of Applicant: _____

Name, Address and Telephone Number of Sponsor: _____

Title of Course or Activity: _____

Date, City and Exact Location of Each Presentation of the Course: _____

Subject Matter Taught: _____

Number of Clock Hours Spent in Teaching (at a Single Presentation of the Course): _____

Number of Credit Hours Requested: _____

Pursuant to Section D(4) of the adopted Continuing Education Policies, an individual may receive credit for actual presentation time, plus up to two hours for each hour of presentation time. A maximum of 5 hours per twelve month period may be granted for service as faculty.

Signature **Date**

SUBMIT THIS FORM, WITH COURSE MATERIALS TO:

Private Process Server Program
Administrative Office of the Courts, Certification and Licensing Division
1501 West Washington, Suite 104
Phoenix, AZ 85007

Approved _____ **Credit Hours** _____ **Disapproved** _____

Signature, Administrative Office of the Courts **Date**
Private Process Server Program