

## ACJA 7-204 Proposed Changes 2023

(G)(1)(b): “If the presiding judge grants renewal of a certification, the effective date of the renewal is 12:01 a.m. of the first day following expiration of the prior certification regardless of any expiration date extensions provided in this code section. The renewed certificate expires at midnight, three years from the date of issuance.”

>>>>>I support this change, as it remedies an issue that I have personally seen in the past of the Clerk of Court providing process servers with new Certification ID Cards and the Certification where the beginning and ending date is different than the previous 3-year period. The Clerk’s appeared to be under the assumption that the new Certification period began on the date the Judge signed off the renewal. This proposed wording clarifies the Certification time period.

(H)(1)(a), excerpt: The clerk shall (must) obtain records from the clerk of the county in which the process server is certified, as provided in subsection (D)(4)(a)(7), and forward those records and the complaint to the presiding judge.

>>>>> I support this change as I have advocated for years that process servers who have violated the code whether that be an ethics violation or not, complaints should be taken seriously and the presiding judge who essentially certified each of us, needs to see each and every complaint. I would go a more meaningful step further and require through the code that the Certified Process Server receive a copy of said complaint at the address on file with the Clerk of Court whether the complaint has merit or sets idle; each and every process server should be able to see the information that is presented about their conduct. We should remember that we live in a time of Social Media. If a complaint goes on deaf ears via the Code because it is fruitless or lacks integrity, the complainant may then turn to social media in an effort to destroy the reputation of the process server, his or her company, or the company that she or he is employed with. The server receiving a copy of each and every complaint filed against him or her would give the process server an opportunity to prepare for the potential backlash, or if the complaint goes to a hearing status, it would afford the server optimal time to prepare a defense.

(L)(2): “Applicability. Pursuant to Under subsection (F), all certified private process servers must complete at least ten hours of approved continuing education every twelve months in an area relevant to the work of a certified private process server. The private process server must submit documentation of completion of the continuing education for the 3-year certification period in an approved format with the application for renewal of certification. Any hours completed after the filing of the renewal application do not apply to either the current certification or the renewed certification. Only hours completed after the renewed certification is effective will apply to the continuing education requirement for the renewed certificate’s 3-year certification period. Pursuant to subsection G, a renewal period is for three years from the date of issuance of the certificate.”

>>>>>>I support the above proposed change. Too many process servers look for loopholes in avoiding necessary Continuing Education which is vital to maintain and promote industry standards (ours are the best in the United States). Years ago, servers would avoid CE training by allowing their Certification to lapse and then upon renewal would retest and receive a new Certification. The Council has since made a change to the code addressing that issue and filling that loophole. There is another change that is needed to fill a new loophole: Process servers who are not receiving their CE hours in the approved times allotted by the Code. Servers go in at renewal with 30 hours of training but they received this training after the time allotted by the Code for each year of Certification. Each year requires 10 hours X 3 years, giving you a total of 30 hours. You cannot obtain 30 hours of CE at the 11<sup>th</sup> hour because you

weren't a responsible professional. If you are conducting yourself this way with your Certification requirements, I can't imagine you being a very reliable server in the field. This change essentially says if you are not going to be responsible and receive your CE when it is appropriate, we are not going to allow you to make it up by getting 30 hours of CE in one very short period of time. Without this change, we are setting an unethical standard across the industry that would allow process servers to pick and choose portions of the Code in which they follow. Lastly, it is unfair to the process servers who followed the Code appropriately to allow other process servers to fail to adhere to the Code as it is written.

(L)(4)(n): n. Process servers requesting CE credit for self-study shall submit documentation of completion on an approved form. Self-Study. A process server may receive continuing education credit for self-study activities, including taking correspondence courses, reviewing procedure manuals, watching video presentations, listening to audio materials, attending online seminars, and other methods of independent learning. The maximum hours of continuing education credits earned in a self-study format may not exceed 50 percent of the total number of continuing education hours required during the certification period. The remaining hours must be obtained through live training, meeting training or education provided by one or more faculty or facilitators to an individual or a group using real-time interaction.

>>>>>I support this proposed change. I have heard stories of company secretaries completing the process server's CE self-study seminars for them and the process server submitting them as their own. Where is the accountability for doing CE on your own? When the Code was changed about ten years ago, we held in-person faculty accountable with the Allocation Form for those who wanted to receive their 10 hours of CE in one day. We made sure that each minute of a ten-hour course was accounted for so that all 10 hours could count toward our CE requirements. This change is holding us to account again. I personally believe that in-person training provides so much more than self-study videos, for example. In the last CE class that I taught, we had an attorney present who reviewed Rules, Regulations, Case law, and statutes related to service of process and an AOC representative present to listen to process servers and educate process servers about upcoming changes to the Code and other program enhancements. The Q and A was impressive and could only occur in an in-person class. You can't receive this level of training with self-study. Who is going to give you program updates? Changes to how LLC's are served with process according to the Arizona Corporation Commission? Changes to the Order of Protection statutes? Judicial Code changes? And the many other statute, rules, and Code changes that occur routinely? You receive all of these and much more in a classroom setting. Finally, I know that we just went through a pandemic and some people are weary to return to an in-person setting, but I say as long as you mitigate the risks of getting sick and we all use common sense there really isn't much to be afraid of. I was diagnosed with an Autoimmune Disease in 2020. I choose with extreme caution to teach CE classes and receive my own CE requirements in person because I feel it better suits a process server's educational needs. Since 2020, I have taught around 100 hours of CE in-person, and I would not have changed a thing with the classroom setting we had that always was conducted per county, state, and CDC guidelines. Asking the process servers to limit their self-study to 50 percent of their total CE requirements is not a tough task. It is a very significant program enhancement. In-person CE classes ensure that every process server attends and benefits from the entire instructional process. Today, too many process servers obviate the CE requirements by various means by sitting for only a small portion of each presented training video. This we hear anecdotally with frequency.

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