

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 05-9023

AMENDMENTS TO RULES 103 AND 536(a) OF THE TEXAS RULES OF CIVIL PROCEDURE

ORDERED that:

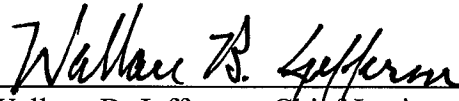
1. The period for public comment on proposed amendments to Rules 103 and 536(a) of the Texas Rules of Civil Procedure, as set out in the Order dated October 7, 2004, in Misc. Docket No. 04-9224, is extended to June 15, 2005, to allow full consideration of the large number of comments already received and of the effect of any legislation that would impact the amendments.
2. The effective date of the amendments, with any changes made after public comments are received, is extended from February 1, 2005, to July 1, 2005.
3. Comments appended to these rules are intended to inform their construction and application.
4. The Clerk is directed to:
 - a. file a copy of this Order with the Secretary of State;
 - b. cause a copy of this Order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this Order to each member of the Legislature; and
 - d. submit a copy of the Order for publication in the *Texas Register*.
5. These amendments may be changed in response to comments received before June 15, 2005. Any interested party may submit comments in writing as follows:

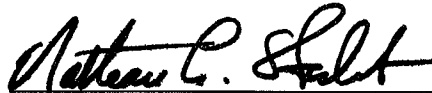
by mail to: Ms. Lisa Hobbs, Rules Attorney
The Supreme Court of Texas
P.O. Box 12248
Austin TX 78711

by fax to: 512-463-1365
Attn: Ms. Lisa Hobbs, Rules Attorney


by email to: Lisa.Hobbs@courts.state.tx.us

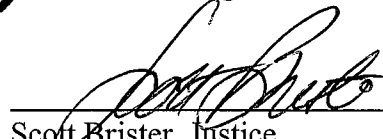
SIGNED AND ENTERED this 27th day of January, 2005.

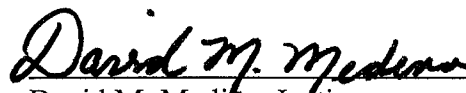

Wallace B. Jefferson, Chief Justice


Nathan L. Hecht, Justice


Priscilla R. Owen, Justice


J. Dale Wainwright, Justice


Scott Brister, Justice


David M. Medina, Justice


Paul W. Green, Justice

**AMENDMENTS TO RULES 103 AND 536(a)
OF THE TEXAS RULES OF CIVIL PROCEDURE**

Rule 103. Who May Serve

Process — including citation and other notices, writs, orders, and other papers issued by the court — may be served anywhere by (1) any sheriff or constable or other person authorized by law ~~or~~, (2) ~~by~~ any person authorized by law or by written order of the court who is not less than eighteen years of age, or (3) any person certified under order of the Supreme Court. ~~No person who is a party to or interested in the outcome of a suit shall serve any process.~~ Service by registered or certified mail and citation by publication ~~shall~~ must, if requested, be made by the clerk of the court in which the case is pending. But no person who is a party to or interested in the outcome of a suit may serve any process. The order authorizing a person to serve process may be made without written motion and no fee ~~shall~~ may be imposed for issuance of such order.

Comment – 2005

The rule is amended to clarify that it applies to service of all process and to include among the persons authorized to effect service those who meet certification requirements promulgated by the Supreme Court.

Rule 536. Who May Serve and Method of Service

(a) Process — including citation and other notices, writs, orders, and other papers issued by the court — may be served anywhere by (1) any sheriff or constable or other person authorized by law ~~or~~, (2) ~~by~~ any person authorized by law or by written order of the court who is not less than eighteen years of age, or (3) any person certified under order of the Supreme Court. ~~No person who is a party to or interested in the outcome of a suit shall serve any process.~~ Service by registered or certified mail and citation by publication ~~shall~~ must, if requested, be made by the clerk of the court in which the case is pending. But no person who is a party to or interested in the outcome of a suit may serve any process. The order authorizing a person to serve process may be made without written motion and no fee ~~shall~~ may be imposed for issuance of such order.

(b) [No change.]

(c) [No Change.]

Comment – 2005

Subsection (a) is amended to clarify that it applies to service of all process and to include among the persons authorized to effect service those who meet certification requirements promulgated by the Supreme Court.