

Certified Process Servers

Code of Ethics

Preamble. This Code of Conduct applies to all ~~P~~rocess ~~S~~ervers certified by the Judicial Branch Certification Commission pursuant to order of the Supreme Court of Texas. A violation of this Code of Conduct may subject a ~~p~~rocess ~~s~~erver to discipline by the Judicial Branch Certification Commission, but a violation does not give rise to a claim that service of process was defective. In this Code, certified process servers are referred to as "Process Server," and the Judicial Branch Certification Commission is referred to as the "JBCC Commission."

A Process Server is a key part of the Texas Judicial System. Serving as a Process Server is a privilege, and professionalism is required.

1. *Respect.* A Process Server must treat everyone with respect while serving process.
2. *Accurate Returns.* A Process Server is responsible for the accuracy and completeness of all documents that they complete related to the service of process, and must provide an accurate return of service or report of service as to all documents served. The design of record-keeping software and systems is not a defense to a complaint before the Commission alleging an inaccurate return or report of service.
3. ~~*Accurate Returns; Honesty.*~~
 - ~~(a) — A Process Server must provide an accurate return of service or report of service as to all documents served.~~
 - ~~(b)(a)~~ A Process Server must not knowingly, intentionally, or recklessly sign, submit, or file any document that is false or misleading.
 - ~~(e)(b)~~ A Process Server must be candid and truthful concerning all process service matters.
 - ~~(c)~~ A Process Server must not falsely swear or commit perjury in any communication to the JBCC Commission or any federal or state regulatory or licensing authority or court.
4. *Service by Law Firm Employees.* A Process Server must not serve any document, other than a subpoena, for a lawyer or law firm with whom the Process Server is otherwise employed.
5. *Process Server's Objectivity.* A Process Server must not serve process in a suit in which the Process Server:
 - (a) has an interest in the outcome of the suit; or
 - (b) is a party or is employed by a party or a party's attorney.
6. *Appearance of Impropriety.* A Process Server must not serve process in a suit in which the process server's participation would cause a distinct appearance of impropriety.
7. *Exaggerating Authority.* A Process Server must not exaggerate his authority or his position or affiliation with a court, agency, or office when engaged in the service of

process.

8. *Wearing of Uniform or Displaying of Badge.* A Process Server ~~in law enforcement, while serving process in a private capacity,~~ must not attempt to serve a document while wearing, carrying, or displaying any apparel, uniform, badge, shield, or other insignia or emblem that gives the impression that the Process Server is a commissioned peace officer. ~~a law enforcement officer's uniform or a uniform that resembles a law enforcement uniform. A Process Server must not display a law enforcement badge or a badge that resembles a law enforcement badge. This provision does not apply to law enforcement officers who are serving process in an official capacity as a law enforcement officer. It does apply to law enforcement officers who are serving process in a private capacity as well as to Process Servers who are not law enforcement officers.~~ A Process Server may display certification issued by the JBCCCommission.
9. *Maintaining Contact Information With the JBCCCommission.* A Process Server must ~~ensure, at all times, provide the JBCCbCommission's recordsfiles~~ regarding the Process Server are up-to-date and include with the Process Server's current name, business name, business address, home address, business and home ~~telephone numbers,~~ and email address, ~~and fax number,~~ and must notify the JBCCCommission of any change in contact information as soon as possible but not later than ~~within~~ 30 days ~~after of~~ the change.
10. *Prompt Response.* A Process Server must promptly respond to all inquiries from the JBCCCommission or a court within the time prescribed in the request or order, and all inquiries from parties and clients within ~~within a reasonable period of time the time prescribed in the request or within a reasonable time.~~
11. *Cooperation With Complaint Investigation.* A Process Server must cooperate fully with the investigation of a complaint filed with the JBCCCommission and provide information as requested. A Process Server must, upon request, provide contact information on how to file Process Server complaints with the JBCCCommission. The information provided must include the address, telephone number, and website address of the JBCCCommission.
- ~~11.~~12. *Record Retention.* A Process Server must retain a record of each serve and each attempted serve for a minimum of 5 years.
- ~~12.~~13. *Reporting Violations.* A Process Server must report to the JBCCCommission any factual evidence or circumstances that create a reasonable belief that a certified in writing any violation of this Code by another Process Server has violated this Code. A Process Server must not file a false or baseless complaint with the JBCCCommission.
- ~~13.~~14. *Continuing Education.* A Process Server must comply with the continuing education requirements adopted by the JBCCCommission and approved by the Supreme Court of Texas.
- ~~14.~~15. *Reportable Events.*
 - (a) A regulated person who, after being certified, registered, or licensed, is convicted of any felony or misdemeanor offense must ~~immediately~~ notify the Commission of the conviction within 14 days.

- (b) A Process Server must, ~~within 14 days, immediately~~ make a written report to the ~~JBCCCommission~~ if any of the following occur:
 - (1) any disciplinary action against the Process Server, including, but not limited to, revocation or suspension of a license or registration, issued by another licensing authority, to deliver process or provide process service issued by another licensing authority;
 - (2) refusal by another licensing authority to grant or renew a license, registration, or other authorization to deliver process or provide process service in another jurisdictionstate; or
 - (3) being held in contempt by a state or federal court.
- (c) As used in this Code, a conviction includes ~~the the initial plea, verdict, or entry of a judgment including a~~ finding of guilt, or accepting of a plea of no contest with deferral of adjudication, or pronouncement of a guilty sentence by a trial court, even though that conviction may not be final or sentence may not be actually imposed until all appeals are exhausted.

15.16. Misconduct.

- (a) A Process Server must not violate this Code or knowingly assist or induce another to do so.
- (b) A Process Server must not falsely represent that he or shee possesses any certificate, degree, or title relating to the conduct of a Process Server.
- (c) A Process Server must not commit any criminal act in the course of, or arising from, the service of process.
- (d) A Process Server must not violate any law of the State of Texas, another state, or of the United States relating to the conduct of a Process Server.
- (e) A Process Server must not engage in conduct involving dishonesty, fraud, deceit, misrepresentation, or obstruction of justice.
- (f) In connection with any felony or any crime involving fraud or dishonesty or other conduct involving moral turpitude, a Process Server may be considered to have engaged in misconduct upon a final conviction, the imposition of community supervision, or the imposition of deferred adjudication.
- (g) A Process Server is considered to have engaged in misconduct if the judge of any court concludes makes a finding in connection with a case in that judge's court that the Process Server knowingly filed a false return.
- ~~(g)~~(h) A Process Server must appear in court when summoned or directed by the court.
- ~~(h)~~(i) A Process Server must not violate any rule promulgated by the Supreme Court of Texas relating to the conduct of a Process Server.
- ~~(i)~~(j) A Process Server must not violate a final order of any state or federal court related to the service of process unless the order has been lawfully stayed.
- ~~(j)~~(k) A Process Server who has been held in contempt by a state or federal court is subject to review and disciplinary action by the ~~JBCCCommission~~.
- ~~(k)~~(l) A Process Server must not cause or be party to, directly or indirectly, a breach in the security of the private process server examination ~~in any private process server course.~~
- ~~(l)~~(m) A Process Server must not serve process when the Process Server's certification has expired or when the Process Server's authorization to serve process has been suspended or revoked.

(m)(n) A Process Server must not employ or engage ~~to serve process another~~ Process Server ~~to serve process if that Process Server's~~ whose certification has expired or ~~is suspended or revoked when the Process Server's authorization to serve process has been~~ suspended or revoked.