

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 04-9225

CERTIFICATION OF PERSONS AUTHORIZED TO SERVE PROCESS UNDER RULES 103 AND 536(a), TEXAS RULES OF CIVIL PROCEDURE

Rules 103 and 536(a), Texas Rules of Civil Procedure, allow process to be served by any person who is not a party to or interested in the outcome of a suit and who is certified under order of the Supreme Court of Texas. To improve the standards for persons authorized to serve process and to reduce the disparity among Texas civil courts for approving persons to serve process,

IT IS ORDERED:

1. To be certified to serve process under Rules 103 and 536(a), Texas Rules of Civil Procedure, a person must file with the Clerk of the Supreme Court a sworn application in the form prescribed by the Court. The application must contain a statement that the applicant has not been convicted of a felony or of a misdemeanor involving moral turpitude. Form applications may be obtained in the Clerk's office or on the Supreme Court website. The application must include a criminal history record obtained within the preceding 90 days from the Texas Department of Public Safety in Austin, Texas, and a certificate from the director of a civil process service course approved as provided by this Order that the applicant has completed the approved course within the prior year.
2. Applications will be reviewed and approved or rejected for good cause by the Texas Process Service Review Board, appointed by the Court. The Board will notify each applicant of its action, and for each person certified, will post on a list maintained on the Supreme Court website the person's name and an assigned identification number. The Office of Court Administration will provide clerical assistance to the Board.
3. Certification is effective for three years from the last day of the month it issues.

4. Certification may be revoked for good cause, including a conviction of a felony or of a misdemeanor involving moral turpitude. A person suffering such a conviction must immediately notify the Clerk of the Supreme Court and cease to serve process.

5. A person must not represent that he or she is certified under this Order if certification has not been approved, has expired, or has been revoked.

6. The following civil process service courses are approved:

a. the course now offered by the Houston Young Lawyer's Association, for certification for every state court;

b. the course now offered by the Texas Process Server's Association, for certification except for courts in Harris County.

7. A civil process service course that meets the following requirements, similar to the courses approved in paragraph 6, may apply to the Board for approval by the Court:

a. a minimum of 7 hours of monitored instruction;

b. instruction on applicable laws, including the historical development of the law, with emphasis on practical training of proper service and return of service (for example, using sample returns depicting both correct and incorrect returns of service);

c. instruction on a process server's exposure to criminal liability;

d. instruction on unique issues involving family law cases; and


e. basic competence testing upon completion of the course.


8. No organization that offers an approved civil process service course may make membership in the organization a prerequisite to taking the course.

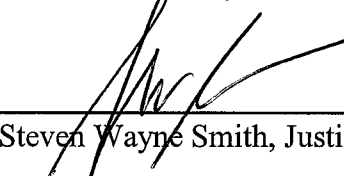
9. The effective date of this Order is February 1, 2005. A person who on that date is shown to have met the requirements for an approved private process server already in place in Dallas County, Denton County, or Harris County, having provided a criminal history record there and having completed a course listed in paragraph 6, is considered to have been certified under this Order, to the extent permitted by paragraph 6, as if the person had complied with this Order on that date.

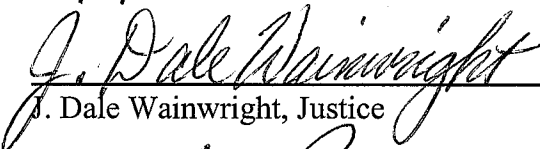
SIGNED AND ENTERED this 7th day of October, 2004.



Wallace B. Jefferson, Chief Justice


Nathan L. Hecht, Justice


Priscilla R. Owen, Justice


Steven Wayne Smith, Justice


J. Dale Wainwright, Justice


Scott Brister, Justice