

Before the Presiding Judges of the Administrative Judicial Regions

Per Curiam Rule 12 Decision

APPEAL NO.: 07-002

RESPONDENT: Carl Weeks, Chair, Process Server Review Board

DATE: May 3, 2007

SPECIAL COMMITTEE: Judge B. B. Schraub, Chairman; Judge John Ovard; Judge David Peeples; Judge Olen Underwood; Judge Jeff Walker

Applicant has requested records of the Process Server Review Board; those requests have been amended throughout the course of communications between the Applicant and the Board and have even been amended on appeal. We will consider only the records last requested of the Board before the appeal was filed. Applicant requested records related to the Board's denial of his application for certification as a process server, as follows:

“Is there a recording of the meeting where my certification was heard. If so are there non redacted recordings of my hearing.”

The Board denied the request for recordings of the meeting, claiming that the records were exempt under Rule 12.5(f) and 12.5(i), and the Applicant appealed. The Board has informed this committee that the Board makes its initial certification determination for an applicant with a criminal history in closed session, but that upon request of the applicant, the Board will reconsider the application in open session at a subsequent meeting at which the applicant may appear. We make no determination regarding whether Board deliberations should be made in closed or open sessions, but only whether the records of the closed session were subject to disclosure.

The Board was created by the Supreme Court to assist the court with its judicial administration duties by regulating persons who serve process. The integrity of service of process is foundational to judicial administration. Thousands of default judgments are granted on the strength of a process server's statement that service was made as stated in the return. Each time a process server serves a defendant, they are helping initiate a lawsuit. Supervising the process servers is vintage judicial administration, and was delegated by the Legislature to the Supreme Court. The court in turn created the board within the judicial branch and delegated its supervisory duties to the board. Accordingly, these recordings of the Board's internal deliberations among the members of the Board on matters of judicial administration are exempt from disclosure under Rule 12.5(f), and we deny the petition for review.