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**Independent Professional Process Servers of America, Incorporated**  
a national non profit association organized in Florida

Honorable Chief Justice Rebecca White Berch  
Arizona Supreme Court  
1501 W Washington Suite 402  
Phoenix, Arizona  
85007

**FILED**  
**OCT 23 2012**  
JANET JOHNSON  
CLERK SUPREME COURT  
BY:

Re: In the Matter of ) Arizona Supreme Court  
PETITION TO AMEND RULE 4.1(i), ) No. R-11-0031  
ARIZONA RULES OF CIVIL PROCEDURE ) FILED 08/30/2012

September 26, 2012

Dear Honorable Chief Justice Rebecca White Berch:

Independent Professional Process Servers of America Incorporated (IPPSOA) is a national non-profit association of professional process servers incorporated in the State of Florida. We currently cover 30 states and have over 165 professional process servers listed on our web site at <http://www.ippsoa.com>

Our correspondence to you today is in regards to the Arizona Supreme court considerations to amend rule 4.1(i). As the Arizona Supreme court recognizes at issue here is the fundamental process of Due Process. Due Process is a constitutional provision in the United States through amendment 5 and 14 of the bill of rights and has its rightful companion in every one of its states constitutions.

Due Process as it relates to the steps in the process serving field is a quite simple understanding. It means that every person has a right to know when a charge is brought against them criminally or civilly that could take their liberty or take their property.

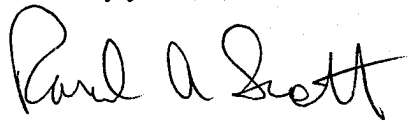
In reviewing the proposed amendment IPPSOA is in general agreement with the portions that are struck. To make the changes more perfect we recommend to soften the exclusivity of service upon specific officials to be more expansive and include others within their office. The Arizona Attorney General is a very busy position. The Attorney General may be across the state or across the country most times taking care of the people business. IPPSOA would propose clarifying

language. IPPSOA members are likely the ones who would have to perform the service of process. To limit it to those named positions will not be practical and if implemented will cost more money for process servers to perform these exclusive named service of process. Generally permitting language should be included whereby a chain of authority specific to the office holder is allowed. Such as assistant attorney general, person in charge of the main office etc and so on in each of the positions mentioned. The Alternative or Substituted Service paragraph will undoubtedly overwhelm the court with motions to meet the new rule as the Attorney General; the Clerk of the Board of Supervisors ; the Clerk of municipalities are often performing other functions and not available for receipt of process.

IPPSOA as a group of professional process servers who are very familiar with serving government entities recommend for the efficiency of the court, while protecting due process of all parties, the rule change should consider our comments and amend the amendment with this or similar language as the committee sees fit;

- (1) For service upon the State, the Attorney General;
- (2) For service upon a County, the Clerk of the Board of Supervisors thereof;
- (3) For service upon a Municipal Corporation, the Clerk thereof; and
- (4) if those listed in 1, 2, and 3 are unavailable for service service should be made on their designated official at the officials main office or the person in charge of that office at the time of the attempt.
- (5) For service upon any other governmental entity:
  - (A) The individual designated by the entity pursuant to statute to receive service of process;
  - a. Or
  - (B) If the entity has not pursuant to statute designated a person to receive service of process, then the chief executive officer(s), or, alternatively, the official secretary, clerk, or recording officer of the entity as established by law

Sincerely yours,



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