

ADMINISTRATIVE OFFICE OF THE COURTS
STATE OF NEW JERSEY

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Directive #02-07
(Supersedes Directive #4-01)

TO: Assignment Judges
Civil Presiding Judges
Special Civil Part Supervising Judges

FROM: Philip S. Carchman, J.A.D.

SUBJECT: MANAGEMENT PRACTICES FOR ADMINISTERING TIMELY AND
EFFECTIVE SERVICE OF PROCESS IN THE SPECIAL CIVIL PART

DATE: April 3, 2007

The following practices supersede those prescribed in Directive #4-01 and shall be implemented immediately. They are designed to improve the management of the service of process function, to promote uniformity, and to foster effective delivery of this service. This Directive should be distributed to all Special Civil Part Officers and all affected personnel.

I. Individuals Serving Process

A. Title

All persons serving initial and post-judgment process issued out of the Special Civil Part shall be called Special Civil Part Officers. Each officer must obtain and carry official identification that contains a photograph and a badge that verifies that he/she is an official representative of the Special Civil Part in the county where he/she serves.

B. Method of Appointment

Special Civil Part Officers may be appointed by order of the Assignment Judge upon the recommendation of the Civil Presiding Judge. The appointment may be

terminated at any time in the discretion of the Assignment Judge. The Assistant Civil Division Manager - Special Civil Part shall be responsible for the day-to-day allocation of work to officers in their county. The Civil Presiding Judge or Supervising Judge of the Special Civil Part and the Assistant Civil Division Manager - Special Civil Part should meet periodically with the officers to address issues regarding service of initial and post-judgment process and ascertain compliance by the officers with appropriate statutes, rules, and directives. Special Civil Part Officers shall be independent contractors who are not salaried.

C. Qualifications

Potential Special Civil Part Officer appointees should be closely screened. At least one of the following qualifications must be met:

1. The potential appointee shall have been employed for no less than three years by a New Jersey court in the capacity of clerk, attendant, sergeant-at-arms, etc.; or
2. The potential appointee shall have been employed on a full-time basis for no fewer than two years by an officer/process server of a New Jersey court or by a bonded collection agency in the State of New Jersey in a managerial capacity; or
3. The potential appointee shall have been employed as a full-time police officer, probation officer, sheriff's officer or the equivalent. All persons qualifying under this provision must have performed in their previous positions duties that were of an investigative nature, for a period of no less than two years in the State of New Jersey; or
4. The potential appointee shall have successfully attained a minimum of 60 college credits with no fewer than 15 credits in criminal justice, business law, or accounting, or
5. The potential appointee demonstrates to the Civil Presiding Judge's satisfaction that he/she has the ability to function successfully as a Special Civil Part Officer.

The potential appointee cannot have a criminal record and must not have any outstanding judgments against him/her.

Civil Presiding Judges should verify that the candidate has a reputation for honesty in the community, a willingness to work long hours, and a demonstrated ability to work well independently and to exercise good judgment.

Relaxation of these guidelines may be necessary when suitable candidates do not meet one of the above qualifications. Civil Presiding Judges, with the approval of their respective Assignment Judge and the advice of the Advisory Committee on Special Civil Part Officers (see Section II, below), may deviate from the guidelines. The Administrative Director should be advised of any deviations and the reasons therefore.

D. Roster of Officers

Listings of all officers shall be sent to the Internal Audit Unit and Civil Practice Division of the Administrative Office of the Courts by January 31 of each year. Changes shall be submitted as they occur.

II. Special Civil Part Officers Advisory Committee

A. Formation

Each Assignment Judge should form a Special Civil Part Officers Advisory Committee to be chaired by the Civil Presiding Judge. This Committee should meet regularly, at least semiannually, to advise the Assignment Judge and Civil Presiding Judge with regard to the appointment of new officers, training, policy, procedures, and complaints by and against officers.

B. Membership

In addition to the Civil Presiding Judge, the Advisory Committee should consist of the Supervising Judge of the Special Civil Part, the Assistant Civil Division Manager - Special Civil Part, one Special Civil Part Officer, at least two members of the local bar who regularly practice in the Special Civil Part, and other individuals as the Assignment Judge may designate.

C. Supervision of New Officers

The Advisory Committee should develop a supervision program in its vicinage under which a newly appointed officer will work either as an aide to an incumbent officer for a specified period of time *or* under the supervision of an incumbent officer for 30 days. The supervision program should include training in and

oversight of a new officer's record keeping and office procedures for the first six months of the officer's service.

D. Training Needs Assessment

The Advisory Committee should assess and address the extent of compliance with appropriate statutes, rules, and directives by the officers in its vicinage. The assessment should include the distribution, on an annual basis, of a questionnaire to a representative sample of attorneys to evaluate court officer performance.

III. Persons Employed by Special Civil Part Officers

Special Civil Part Officers may employ persons to assist in serving process, but only with the express approval of the Civil Presiding Judge. An order of appointment must be entered for any persons so employed.

IV. Court Employees Serving Initial Process on a Part-Time Basis

Judiciary employees shall not make personal service of Special Civil Part process unless ordered to do so in a particular case by a judge.

V. Political and Other Non-Judiciary Activities

Special Civil Part Officers must agree not to hold any elective public office, nor be a candidate therefore, nor engage in partisan political activity. They shall not hold any position or employment in private business or engage in other gainful pursuit except as permitted by the Civil Presiding Judge in writing.

VI. Workload Distribution

Civil Presiding Judges should evaluate, at least semi-annually, the practices in their court to ensure that work is being distributed in a manner that promotes timely service and provides each Special Civil Part Officer with an opportunity for comparable earnings.

A. Initial Process

Assignments of initial process should be made in one of three ways: (1) by geographical territories; (2) by random assignment, or (3) by a method that combines geographical and random assignments.

B. Post-Judgment Process

Attorney preferences for the assignment of post-judgment process to a particular officer may be honored in the discretion of the Civil Presiding Judge and with the approval of the Assignment Judge.

VII. Status Reports

All Special Civil Part Officers should be required each month to report to the Assistant Civil Division Manager - Special Civil Part the status of initial process assigned to them. The report should reflect the status of each case. Assistant Civil Division Managers should also monitor progress made on service of post-judgment process on a quarterly basis. Any problems should be brought to the attention of the Civil Presiding Judge.

Please distribute this directive to all Special Civil Part Officers and appropriate personnel.

P.S.C.

RDP/dma

cc: Chief Justice James R. Zazzali
Theodore J. Fetter, Deputy Administrative Director
AOC Directors and Assistant Directors
Trial Court Administrators
Civil Division Managers
Assistant Civil Division Managers - Special Civil Part
Special Civil Part Officers
John P McCarthy, Jr., Director
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