

Management Practices for Administering Timely and Effective Service of Process in the Special Civil Part

Directive #4-01
(Supersedes #2-82)
Issued by:

April 23, 2001
Richard J. Williams
Administrative Director

The following practices supersede those prescribed in Directive #2-82 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.

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 should 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 the Assignment Judge upon recommendation by the Civil Presiding Judge. The Clerk or Manager of the Special Civil Part shall be responsible for the day-to-day supervision of officers in their county. The Civil Presiding Judge or Supervising Judge of the Special Civil Part and the Special Civil Part Clerk/Manager should meet periodically with the officers to address issues of mutual concern 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

Candidates for the position of Special Civil Part Officer should be closely screened. At least one of the following qualifications must be met:

1. The applicant 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 applicant 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 applicant 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 applicant shall have successfully attained a minimum of 60 college credits with no fewer than 15 credits in criminal justice, business law, or accounting.

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

Civil Presiding Judges should verify that the applicant 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 applicants do not meet one of the above qualifications. Civil Presiding Judges, with the approval of their respective Assignment Judge and 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 therefor.

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, Special Civil Part Clerk/Manager, 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 record keeping and office procedures. A member of the Advisory Committee should oversee the record keeping and office procedures of a new officer for the first six months of the officer's service.

D. Training Needs Assessment

The Advisory Committee should assess and address the training needs of 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 are prohibited from employing persons to assist in serving process without 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 serve Special Civil Part process except as hereinafter provided unless ordered to do so in a particular case by a judge. Those persons employed by the court for the performance of duties within the courthouse who are serving initial process on a part-time basis as of the date of this directive may continue to do so until July 1, 2003, pursuant to Judiciary agreements with them and their collective bargaining representatives. The time for serving such process shall not coincide with court hours and Trial Court Administrators or their designees shall maintain and monitor schedules indicating when initial process is being served by persons employed by the court in another capacity.

V. Political and Other Non-Judiciary Activities

Special Civil Part Officers must agree not to hold any elective public office, nor be a candidate therefor, 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 the present 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. Civil Presiding Judges should review the workload distribution at least semi-annually to ensure fairness and timely service of pre- and post-judgment process.

A. Initial Process

Assignments should be made equitably without regard to a stated preference by an attorney or litigant for service by a particular Special Civil Part Officer. Assignments may 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 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 to submit to the Clerk/Manager of the Special Civil Part monthly status reports on initial process assigned to them. The report should reflect the status of each case. Clerks 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.