

# **Canons of Professional and Ethical Conduct for Professional Process Servers**

## **Table of Contents**

Introduction

Canon 1 – Personal Standards

Canon 1.1 – Exclusion for Criminal Convictions

Canon 2 – Professional Standards

Canon 2.1 – Education and Training

Canon 2.2 – Timely Performance of Assignments

Canon 2.3 – Proofs of Service

Canon 3 – Ethical Conduct

Canon 3.1 – Impropriety and Conflict of Interests

Canon 3.2 – Protection of Rights and Confidentiality

Canon 3.3 – Unauthorized Practice of Law

Canon 3.4 – Misrepresentations

Canon 3.5 – False Statements

Canon 4 – Duties to Association Members

Canon 4.1 – Respect of Clientele of Fellow Members

Canon 4.2 – Communication with Client of Fellow Member

Canon 4.3 – General Solicitation and Independent Contact Exempted

Canon 4.4 – Employees of Members

Canon 4.5 – Exchange Work

Canon 4.6 – Financial Responsibility

## **Introduction**

These Canons of Professional and Ethical Conduct are recommended as the standard for all persons who serve civil or criminal process in the States of Virginia, Maryland and the District of Columbia regardless of whether the process served is issued from any court within the state, the federal courts, or the courts of other states. These Canons, in their entirety, shall be binding upon all members of the Mid-Atlantic Association of Professional Process Servers.

The purposes of these Canons of Professional and Ethical Conduct is to upgrade the professional quality of the services provided by process servers and, thereby, support the orderly administration of justice and enhance the public, legal profession, and judiciary's confidence in the integrity of the services so provided.

## **Canon 1 – Personal Standards**

A process server shall maintain high personal standards that do not impugn upon the reputation of the process service profession.

### **Canon 1.1 – Exclusion for Criminal Convictions**

No person shall be permitted to be a process server who has been convicted of a crime involving moral turpitude unless such record of conviction has been expunged or pardoned, or a certificate of rehabilitation, or like equivalent, has been issued by an appropriate governmental entity.

### **Canon 2 – Professional Standards**

A process server shall know and observe all standards that govern professional process service performance.

#### **Canon 2.1 – Education and Training**

It is the responsibility of a process server to obtain sufficient education and training in process serving so as to be knowledgeable of the statutes and court's rules of the jurisdiction from which the process is issued, and of the jurisdiction in which the process is being served.

#### **Canon 2.2 – Timely Performance of Assignments**

Once having accepted or undertaken an assignment from a client or court, a process server shall strive to be prompt in the execution of the assignment consistent with the requirements of the client and of the relevant court rule or statute. When an unforeseen or unavoidable event prevents fulfillment of such obligation, the process server shall promptly report his or her inability to complete the assignment to the appropriate person.

#### **Canon 2.3 – Proofs of Service**

A process server shall promptly execute and deliver to the appropriate person an affidavit, proof or declaration of service, or non-service, as the case may be, in the form and content and within the time required by the court or agency before which a matter is pending and the process issued.

### **Canon 3 – Ethical Conduct**

A process server shall not engage in unethical conduct.

#### **Canon 3.1 – Impropriety and Conflict of Interests**

A process server shall avoid the appearance of impropriety and conflict of interests, and shall not render services in any matter in which he or she is a party to the action.

#### **Canon 3.2 – Protection of Rights and Confidentiality**

A process server shall do all things possible to protect the rights and confidentiality of a client, and of any person to whom legal process is directed.

### **Canon 3.3 – Unauthorized Practice of Law**

All process servers are bound by the rules governing the practice of law and shall, accordingly, refrain from the unauthorized practice of law. MD Code, Business Occupation & Professions, 10-601(1) through 10-602; VA Code Ann. 54.1-3904; DC Rule 49.

### **Canon 3.4 - Misrepresentations**

A process server shall not misrepresent himself or herself as a law enforcement officer, an officer of the court, or other such similar title unless that person has been so designated and appointed by a court or governmental agency, and is in the actual performance of duties related to such appointment when the representation is made.

### **Canon 3.5 - False Statements**

A process server shall not falsify or misrepresent the facts surrounding the delivery of legal process to any person or entity.

### **Canon 4 – Duties to Association Members**

It shall be the duty of a member of the Mid-Atlantic Association of Professional Process Servers to not engage in, nor suffer others to engage in, any activity detrimental to another member or associate member of this association

#### **Canon 4.1 – Respect of Clientele of Fellow Members**

No member of this association may make willful and determined attempts, nor suffer it to be done by any employee or agent of the member's business, to gain as a client an attorney known to have established a client relationship with another member.

#### **Canon 4.2 – Communication with Client of Fellow Member**

Unless otherwise instructed by a member who has forwarded work, no member may make contact with the forwarding member's client while in the performance of any assignment.

#### **Canon 4.3 – General Solicitation and Independent Contact Exempted**

Notwithstanding Canons 4.1 and 4.2, it shall not be considered a violation of these Canons if contact is made with an existing client of a member as a result of a general solicitation, marketing or advertisement for business, or if contact was initiated by an attorney or his/her representative.

#### **Canon 4.4 – Employees of Members**

No member of this association shall employ a person who has been determined to have violated these Canons, or who does not meet the requirement set forth herein.

#### **Canon 4.5 – Exchange Work**

Each member agrees to handle work forwarded to him by another member in a timely, professional and ethical manner consistent with these Canons.

#### **Canon 4.6 – Financial Responsibility**

Each member shall promptly pay to another member the amount agreed upon for services rendered unless other specific arrangements have been made. No member shall withhold submission of a proof, affidavit or declaration of service in exchange for payment.