



MANAGING THE **PROCESS** OF SERVICE

www.provest.com

Process Server Code of Conduct

For Independent Contractors

February 12, 2014

The information contained in this Code of Conduct is for general informational purposes only and is not intended to be, and should not be construed as, legal advice. ProVest requires that process servers engaged by ProVest be knowledgeable of certain ProVest requirements, policies and procedures, including the ethics and standards of conduct contained herein.

CODE OF CONDUCT

ProVest LLC and the ProVest family of companies (“ProVest”) believe in respecting the rights of all persons receiving service of legal process and are committed to maintaining integrity and fairness in all aspects of ProVest’s operations. This Process Server Code of Conduct (the “Code”) is an extension of those beliefs. This document is designed to provide guidance on practices related to the service of process in connection with ProVest accounts, however it is not intended to be all-inclusive.

ProVest requires those who serve process on behalf of ProVest (“process servers”) to be knowledgeable of, and adhere to, all applicable federal and state laws, rules of procedure, and administrative/court orders (“Applicable Law”) at all times. Adherence to the Code is mandatory, and violation may result in a termination of ProVest’s business relationship with the process server or agency. This Code is not intended to supersede Applicable Law and wherever there is a conflict between this Code and Applicable Law or any contract with ProVest, Applicable Law and/or contract shall of course prevail. For any clarifications or questions regarding this Code, please contact ProVest Contractor Management.

1) Professionalism and Ethical Guidelines

- All process servers are expected to appear and act professionally at all times when performing services and shall not, at any time, misrepresent their identity, purpose or authority, imply they are law enforcement, or act in a manner that would reflect adversely on ProVest, its clients, the state or federal courts/judiciaries or any other organization that is involved in the legal process.
- Process servers should refrain from attempting service where it is apparent that the individual to be served is suffering from a significant apparent physical or mental hardship situation. Examples of significant apparent hardship situations include, but are not limited to, individuals who are terminally ill, have significant mental disability or other extreme medical conditions that affect the person’s ability to mentally understand the fact of service or to physically accept the service. When a process server becomes aware of indications of significant apparent hardship, the process server or his/her agency must contact ProVest to discuss whether or how to proceed, taking into consideration the circumstances of the person to be served and the potential for reputational risk or negative media for ProVest or its clients. Process servers shall not proceed in these circumstances without the express written approval from ProVest, which may be by email.
- Unless there is an established operating procedure for a particular ProVest client (such as “Client Requirements”) that allows it, process servers shall not serve residents of nursing or convalescent homes or persons located in places of worship or hospitals. When addresses or leads associated with a consumer indicate residence in these or similar locations and there is no established operating procedure in place for that ProVest Client, the process server must contact ProVest to discuss whether or how to proceed, taking into consideration the circumstances of the person to be served and/or the potential for reputational risk or negative media for ProVest or its clients.

- Process servers shall be courteous at all times and shall not engage in behaviors that cause aggravation to, or escalation of, contentious circumstances and shall exercise sound judgment in dealing with aggressive or difficult consumers. Process servers shall place a high priority on safety when serving ProVest work, including their own safety, and should remove themselves from an escalating situation as safely and quickly as possible.
- Process servers shall not offer legal advice in the course of performing services. Process servers shall not make any assumptions or draw any conclusions regarding the cases in which they serve and will ensure that they address persons served in a nonjudgmental manner.
- Process servers shall respect and protect the confidentiality of information contained within the documents served by them or otherwise made available to them by ProVest. Except for the fees normally paid by ProVest for services, process servers shall not profit from ProVest work or information contained in or related to that work.
- Process servers shall not solicit or conduct business with any person encountered directly as a result of and while in the process of attempting service. Examples include, without limitation, giving out a business card for your side business (pressure washing), or offering to purchase an automobile parked in the driveway. For clarity, a process server may speak with an individual at a later time but not while in the act of serving that person with process for ProVest.

2) *Skills and Knowledge Guidelines*

- All process servers shall comply with any and all applicable licensing requirements and shall provide evidence of necessary licensing, or other evidence of authority to serve process, as ProVest may reasonably request.
- All process servers must have knowledge of Applicable Law regarding service of process and maintain a working knowledge of proper methods of service. Process servers shall continue their education and training as needed to remain current with changes in Applicable Law.
- All process servers shall possess sufficient verbal and written communication skills to perform the services.
- Process servers are encouraged to join and actively participate in relevant trade/industry organizations or associations, and, if members, must be members in good standing.

3) *Accuracy and Integrity*

- Process servers shall handle all legal documents with care and maintain required records in a professional manner.
- Process servers shall keep ProVest reasonably informed about the status of the service and promptly comply with reasonable requests from ProVest.

- Process servers shall stand behind and defend their work as may be required from time to time including providing affidavits, appearing in Court or at deposition to testify, etc. Process servers shall cooperate with ProVest and its clients in defending their work regardless of the status of the business relationship between the Process Server and ProVest at the time.
- Process servers shall not allow another person to sign a Return of Service or Affidavit of Service or other document attesting to the facts of service (“Proof of Service”) on his or her behalf. Process servers shall not use a stamp signature.
- Process servers shall not knowingly or intentionally prepare or file a false Proof of Service or allow any other person to do so on his or her behalf. Should an agency suspect or become aware of any such circumstances, the agency shall promptly inform ProVest and assist ProVest in any investigative efforts and in taking any necessary remedial action.
- Whenever notarization is required on a Proof of Service, process servers must always sign in the physical presence of a Notary Public after taking an oath out loud.
- Process servers should utilize systematic checks to ensure and validate effective accurate service (e.g., appropriate use of technology, digital pictures, compliance audits, etc.), and make the results of such checks available to ProVest for review as reasonably requested. Systematic checks should ensure that all required fields are completed on Proofs of Service (no blanks, sufficient detailed comments on facts of service when required), and that the details in Proofs of Service match the details from field sheets, GPS, endorsed Summonses, etc.
- Process servers should avoid any actions that create a perception that favorable treatment was sought, received, or otherwise given by ProVest in exchange for personal business courtesies. Such courtesies include, but are not limited to, gifts, gratuities, meals, refreshments, entertainment, or other benefits of an inappropriately lavish or excessive nature, of a frequent pattern, or which create an appearance of an attempt to influence ProVest’s business decisions or its employees.
- Process servers must avoid any activity that might impair, or appear to impair, their ability to make objective, disinterested and fair decisions when serving legal process. Should a process server or agency become aware of any situation whereby a process server’s judgment or objectivity could be affected (or was affected), ProVest should be promptly informed and, where applicable, any unexecuted process should be immediately returned to ProVest.
- Any process server that has his or her license, certification, permit, appointment, registration or other legal authority and/or ability to serve process revoked, suspended or otherwise compromised in *any* jurisdiction must immediately notify ProVest of same.
- Process servers will promptly notify ProVest if they are given notice (e.g. by subpoena) that service attempted or effected by them on behalf of ProVest has been made subject to challenge before any court.

[Signature Page Follows]

Clarifications or questions regarding this Code or inquiries on items not covered in this Code should be directed to ProVest Contractor Management at Contractor.Management@provest.com.

By my signature below I acknowledge receipt and review of the foregoing Code and certify my understanding of it and my intent to abide by it to the very best of my ability.

Agency Name, *if applicable*

Server/Agency Owner Signature

Date

Printed Name