

Part D: PERSONS AUTHORIZED TO MAKE SERVICE

§1- CONSTABLES MUST BE USED IF POSSIBLE

Justices of the Peace must use a Constable or duly-appointed Deputy Constable from the same ward and district whenever possible, to execute all orders, citations, summons, seizures, and writs in civil cases. Service made by anyone other than the Constable or a duly-appointed Deputy Constable of the ward and district of the court will have no effect. La. RS 13:3478

Justices of the Peace may appoint a special deputy constable or use a sheriff's deputy only if:

- A. The Constable is disqualified because of his/her relationship with a party; or
- B. The Constable is unable to act due to illness or other cause; or
- C. The Constable is unwilling to act and is not personally present when conservatory writs are issued.

§2-SERVICE BY PRIVATE PROCESS SERVER

When the Constable has not made service within five (5) days after receipt of the citation or the Constable has been unable to make service, the party needing the citation to be served can ask that the court appoint a private person to make service of process in the same manner that the Constable would serve the citation. The only qualifications for a private process server are that he/she be over the age of eighteen (18) years and are not a party to the action.

§3-PLEADINGS WHICH MAY BE SERVED BY MAIL OR DELIVERY

There are pleadings that do not require service by a Constable, unless it is specifically requested.

These pleadings are:

- A. Copies of exhibits to a pleading;
- B. Motions or petitions for an appeal; and
- C. Petition for issuance of garnishment interrogatories in the execution of final judgment.

Pleadings that do not require an answer can be served by a Constable or simply mailed to the party at any of the following:

- A. The party's last known address;
- B. The party's attorney's office; or
- C. The clerk of court, if there is no attorney of record or last known address. La. C.C.P. Arts. 1311-1314.

IMPORTANT PHONE NUMBERS

ATTORNEY GENERAL'S OFFICE
 JP Liaison (225) 326-6048
 Constable Liaison (225) 326-6771
 Main (225) 326-6705

SHERIFF'S OFFICE

() -

SHERIFF'S OFFICE SUBSTATION

() -

CITY POLICE

() -

STATE POLICE

() -

EMS

() -

FIRE DEPARTMENT

() -

JUSTICE OF THE PEACE

OFFICE () -

CELL () -

HOME () -

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DEPARTMENT OF JUSTICE
STATE OF LOUISIANA
OFFICE OF THE
ATTORNEY GENERAL



SERVICE OF PROCESS

A QUICK-REFERENCE

**GUIDE FOR
CONSTABLES**

JAMES D. "BUDDY" CALDWELL
Attorney General

Part A: AUTHORITY OF CONSTABLE FOR SERVICE OF PROCESS

Regarding the Constable's general power to serve process, Act 340 of the 2008 Legislative Session amended La. R.S. 13:2586(F) and now grants Constables the authority to effectuate the service of process **parish-wide** for any case before their court.

Constables can also effectuate the service of process for the sheriff when given specific authorization to do so by the sheriff. In these cases, the sheriff is held responsible for performance or nonperformance of his/her duties by the Constable. La. C.C.P. art 332

Part B: SERVICE ON PERSONS

§1– PERSONAL AND DOMICILIARY SERVICE

Service of citation must be personal or domiciliary. A citation may be served at any time of the day or night, including Sundays and holidays. La. C.C.P. art. 1231

§2– SERVICE ON A REPRESENTATIVE

If the person who needs to be served is represented by someone else, either by court appointment, operation of law, or mandate, service may be properly made on that representative. If the representative is that person's attorney, service on the attorney's secretary in the attorney's office is also proper. La. C.C.P. art. 1235

§3– SERVICE ON AN INCARCERATED PERSON

If the person to be served is in jail or a detention facility, proper service is made by personally serving the warden or his designee for the shift during which service is made. In turn, the warden or designee must personally serve the incarcerated person with the citation. Proof of service is made by affidavit of the warden or designee who actually tendered the citation to the incarcerated person. The affidavit must be filed in the record in order to be effective. La. C.C.P. art. 1235.1

§4–SERVICE ON CLERICAL EMPLOYEES OF PHYSICIANS

When the doctor is not a party to the action, service of process on any doctor can be made through personal service on any clerical employee in the doctor's office. La. C.C.P. art. 1236

§5– SERVICE ON AN INDIVIDUAL WHO IS IN AN ACTION IN MULTIPLE CAPACITIES

If a party is named in a suit in more than one capacity, personal service on that party in one capacity is sufficient to serve that party in all capacities. La. C.C.P. art 1237

Part C: SERVICE ON LEGAL AND QUASI-LEGAL ENTITIES

§1– SERVICE ON A CORPORATION

Service of process or citation on a corporation is made by personal service on any of the corporation's agents. La. C.C.P. art. 1261(A) If the corporation has no designated agent for service of process or there is no agent because of death, resignation, or removal of a designated agent; or if the person attempting to serve process certifies that he/she is unable to serve the designated agent after a diligent effort, proper service of process can be made by any of the following:

- A. Personal service on any officer, director, or any person named as such in the last report filed with the secretary of state;
- B. Personal service on an employee of suitable age and discretion at any place where business of the corporation is regularly conducted; or
- C. By service of process under a Long-Arm Citation (La. R.S. 13:3201 or 3204), if the corporation is outside of Louisiana, but does business in the state.

If the Constable making service certifies that he/she is unable to serve citation on a corporation after a diligent effort as described above, the Constable is allowed to properly tender service on the secretary of state, or on a person in the Secretary of State's Office designated to receive service of process on corporations. The secretary of state will then forward the citation to the corporation at its last known address.

§2– SERVICE ON A BANK

Every bank has three (3) registered agents for service of process. They are the president, the cashier, and the secretary of the individual bank. Service of process is properly made by personal service on any one of the three agents. If the officer making service certified that he/she is unable to serve the citation on any of the registered agents after a diligent effort, service can be properly made on any officer of the bank at its main office. La. R.S. 6:285 (C)

§3– SERVICE ON PARTNERSHIP

Service of process on a partnership is properly made by personal service of the citation on any partner. If the Constable making service certifies that he/she is unable to make service in this manner after a diligent effort, service may be made on any employee of suitable age and discretion at any place where the business of the partnership is regularly conducted. La. C.C.P. art. 1263

§4–SERVICE ON AN UNINCORPORATED ASSOCIATION

Service on an unincorporated association is made by personal service of the agent appointed, if any have been appointed. In the absence of agents appointed for service, citation can be properly served on a managing official, at any place where the association regularly conducts its business. In absence of all officials from the place where business is regularly conducted by the association, service is properly made by tendering the citation to any member of the association. La. C.C.P. art. 1264

§5–SERVICE ON A POLITICAL ENTITY OR PUBLIC OFFICER

Generally, Justice of the Peace courts do not have jurisdiction or authority to hear cases involving political entities and public officers. La. C.C.P. art. 1265