

## Internal Operating Policy 04-05

Submitted by Director to the Georgia Public Defender Standards Council: 5/27/05

Approved by Standards Council: 9/16/2005

Effective: 9/16/2005

Authority: O.C.G.A. § 17-12-5(c) (2)<sup>1</sup>

Subject: Acceptance of service of legal document

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The following is the Standards Council procedure for the receipt of legal documents:

### 1. Definitions:

- (a) **Legal Document:** means a lawsuit complaint or petition, an open records request, a notice of claim including an ante-litem notice, a request for the production of documents, interrogatories, a request to admit, and a subpoena.
- (b) **Law suit information:** means the date of service or receipt, the method of service (e.g. regular mail, certified mail, hand delivery by deputy sheriff, marshal, or process server), the name, title and employer of the person serving the legal document and the name and position of the person receiving the legal document.

2. **Receipt of Legal Documents:** A legal document involving the Standards Council may be mailed or hand-delivered to the Standards Council or to a circuit public defender's office. When a staff member of the Standards Council or of the office of a circuit public defender receives a legal document involving the Standards Council, they are not authorized to sign and may not sign anything acknowledging receipt. Mike Mears, the Director of the Standards Council, is the only person authorized on behalf of the Standards Council to acknowledge receipt or service of legal documents. The employee gives the legal document and the law suit information to the Standards Council's Chief Legal Officer on the day in which the legal documents are received.

3. **Forwarding Documents to the Attorney General and to the Department of Administrative Services:** Immediately upon the receipt of a lawsuit complaint or petition or of a notice of claim or ante-litem notice, Standards Council's chief legal officer forwards the document to the following:

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<sup>1</sup> O.C.G.A. § 17-12-5 (c) (2) provides as follows: "(c) The director shall...(2) Develop such rules, policies, procedures, regulations, and standards as may be necessary to carry out the provisions of this chapter and comply with all applicable laws, standards, and regulations, and submit these to the council for approval".

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4. **Assistance:** If there is a problem with a person serving a legal document on a member of the Standards Council Staff, call the Chief Legal Officer at (404) 232-8900 for assistance.