

Legal Eagle ~ Service of Process

Has this ever happened to you?

Someone walks into your office asking for you. A co-worker points you out and says, "there she is." The visitor then walks up to you and asks if you are _____?" You reply, "Yes," and the visitor hands you some papers and says, "Consider yourself served."

What do you now? This article will help ensure that you know what to do if you are approached or served by a process server.

Process is a legal document that compels a person to appear in court or to comply with a court's demands. Some examples of legal process are summons, subpoenas, restraining orders, civil law suits, arrest warrants, indictments, and contempt orders. Service of process is the delivery of the document to the person to notify him or her of the action proceeding in court.

As a federal employee, you may be subpoenaed to appear and testify about your official duties or to provide documents that you are responsible for creating or maintaining in the course of your duties. For example, a doctor employed at the hospital may treat a victim of a car accident and later may be subpoenaed to a trial to testify about the accident victim's medical condition. As someone who lives or works on Fort Belvoir, you may also receive process on the installation that involves personal matters, such as a dispute with a tenant or landlord, a divorce proceeding, or a criminal matter.

The vast majority of Fort Belvoir, to include all residential areas, is under exclusive federal jurisdiction. The State of Virginia, however, has reserved the right to serve legal process on the installation in accordance with state law, once the state has complied with restrictions set by the installation commander.

If you are approached to accept or facilitate service of process, then do not accept service without first consulting with an attorney. Inform the person requesting service to contact the Office of the Staff Judge Advocate or the military police desk.

If you are served about a matter that involves your official duties, then immediately contact the Administrative Law Division of the Office of the Staff Judge Advocate (703-805-4393/5013/4389). Attorneys there will work with you to protect your rights and the rights of the United States. If you are served about a personal matter, then immediately seek assistance from an attorney. For those who are eligible, Legal Assistance attorneys in the Office of the Staff Judge Advocate are available to ensure that your rights are protected and to help you respond to any court matters (703-805-2856).

Remember – Don't go it alone!