

Important note on Quash, Liability and Non Exequatur of Service of Process in Europe

International Service of Process in Europe by either method employed to serve, Centralized or Decentralized, has many consequences and therefore developed criminal and civil liability in relation to;

1. The Hague Convention Itself
2. Laws of Procedures “Lex fori and Lex Loci”
3. Qualification of the Process Server
4. Guarantees of the Process Server and form of service
5. Protection of the rights of defendant
6. Illegal Practice of Law

Indeed, if before employing our services, if you have already employed a **Non Attorney at law**, such as a Private detective or Investigator as an International Process Server you could be liable **We do not accept cases for re service that failed when using these intruders, unless we received a formal letter with the information of the “Illegal Server” for us to inform European Authorities of the felony.**

1. **Hague Convention:** Some Courts in Europe have quash service of process because of lost of Confidentiality in the transmission of documents (Using a non Certified Translator, Non Attorney file handling...) and of Privacy Laws (Method to Skip-trace, Service in a Public Place or at Work...).
2. **Lex fori and lex loci:** Even if your jurisdiction accepts as process server “Anyone” this is not the case in Europe and once you have your judgment it might be impossible to enforce in Europe or you will be ask for damages.
3. **Qualifications of the Process Server:** Service of Process in Europe can only be completed by qualified legal professionals and depending on the jurisdiction they receive different names (UK and Ireland are an exception). They must be mandated either by the Court, the Central Authority or an Attorney at law.
4. **Guarantees of the Process Server and form of service:** The server must be an active member of the right official association, for which he must have European Work permit, pay taxes and Social Security and must be compelled by an ethical code to confidentiality and faithfulness.
5. **Protection of the rights of defendant:** Service must be in private and defendant must received legal advise on time frame to respond, legal procedure to follow and defenseless must be avoided.
6. **Illegal Practice of Law:** The following persons when serving by the above, are consider as practicing law illegal in Europe, The different legal professions of Europe have the monopoly of giving “Legal Advise”
 - Private Investigators or Detectives
 - Translator or Interpreter
 - Private Individual Courier or delivery service

Service of Process Scams and Abuses

- a. Documents can be serve by means of Article 10 of the Hague Convention and not only by the use of the “Central Authority”. In this case, NO translations are necessary.
- b. Documents do not need “Appostils” or be “Certified by a Local Notary Public” this is used to sell additional Translation services.
- c. False servers and “Posers” are felons, service by these is null.
- d. Before sending money to a “server” get references and credentials.
- e. Translation Interpreter errors are common when using non certified translators interpreters.

Please note that **we can not** reinstate your service of Process if;

- A. Lost of “confidentiality” or “Violation of Privacy”
- B. Lost of protection of “Image or defamation” of defendant
- C. A false affidavit of service or of attempted false services
- D. An already “Informed defendant” in “guard and acting” to “avoid”
- E. Lack of proper “Legal Notice” and “Legal Advise”
- G. Fraud to International Laws: Art. 10 of the Hague Convention
- H. Complaisance Affidavits of a “Process Server”