

You CANNOT get your *Day in Court* without proper service!

This handout provides you with *legal information* regarding **issuing service** in a legal proceeding.

What do you mean by proper service?

That the Petition was correctly issued on the Defendant, & that the Defendant was **properly notified** of the hearing's date & time. This step is crucial as it allows you to have a **valid hearing**.

Service can be issued in TWO (2) ways

- (1) By **Sheriff** – you may request that the Sheriff serves the Defendant at their last known address.
- (2) By **Mail** – you may mail a certified copy of the Petition to the Defendant.
✓ **Note:** you will need to file an “Affidavit of Service via Certified Mail” after the Petition has been sent.

Call (504)-363-5621 to check if the Defendant was issued service.

If Defendant was not served, visit the Self-Help Resource Center to Reissue Service.

Did service issues affect your hearing?

You will need to file a “Motion to Reset Hearing” which can be found at the Self-Help Resource Center.

It is your responsibility to reset the hearing date.

IMPORTANT: As a Self-Represented Litigant, you are **presumed to know the law**.
Below is the **Civil Code of Procedure** regarding Service.

Art. 1313 Service by mail, delivery, or electronic means

A. Every pleading following the original petition may be served either by the Sheriff or by:

- (1) **Mailing a copy** thereof to the counsel of record, or if there is no counsel of record, to the adverse party at his last known address, this service being complete upon mailing.
- (2) **Delivering a copy** thereof to the **counsel of record**, or if there is no counsel of record, **to the adverse party**.
- (3) **Delivering a copy** thereof to the **clerk of court**, if there is no counsel of record and the address of the adverse party is not known.
- (4) **Transmitting a copy by electronic means** to counsel of record, or if there is no counsel of record, to the adverse party, at the number or addresses expressly designated in a pleading or other writing for receipt of electronic service. Service by electronic means is complete upon transmission but is not effective and shall not be certified if the serving party learns the transmission did not reach the party to be served.

B. When service is made by mail, delivery, or electronic means, the party or counsel making the service shall **file in the record a certificate of the manner in which service was made**.

C. Notwithstanding Paragraph A of this Article, **if a pleading or order sets a court date, then service shall be made either by registered or certified mail** or as provided in Article 1314, or by actual delivery by a commercial courier.

D. For purposes of this Article, a "commercial courier" is any foreign or domestic business entity having as its primary purpose the delivery of letters and parcels of any type, and that:

- (1) Acquires a signed receipt from the addressee, or the addressee's agent, of the letter or parcel upon completion of delivery.
- (2) Has no direct or indirect interest in the outcome of the matter to which the letter or parcel concerns.

Art. 1314. Service with Sheriff

A. A pleading which is required to be served, but which may not be served under Article 1313, shall be served by the **sheriff** by either of the following:

(1) Service on the adverse party in any manner permitted under Articles 1231 through 1266.

(a) **Personal service** on the counsel of record of the adverse party or delivery of a copy of the pleading to the clerk of court, if there is no counsel of record and the address of the adverse party is not known.

(b) Except as otherwise provided in Article 2293, service may not be made on the counsel of record after a final judgment terminating or disposing of all issues litigated has been rendered, the delays for appeal have lapsed, and no timely appeal has been taken.

B. Personal service on a partner or office associate of a counsel of record, including a secretary, receptionist, legal staff, administrative staff, or paralegal in the employ of the counsel of record, at the office address of record of the counsel of record shall constitute valid service under Paragraph A of this Article.

Visit probono-no.org/self-help-resource-centers for more legal information and referrals.