



WeServe&File 

Commitment to Honest & Accurate Service

WeServe&File Inc.
Policy and Guide
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Introduction

Why Does Honest, Accurate Service Matter?

Every day, WeServe&File Inc. (WeServe&File or WS&F) employees and contractors are entrusted to notify defendants of lawsuits against them. In doing so, we perform a crucial service within the justice system. Defendants who receive timely and courteous service of a lawsuit can exercise their right to due process by defending themselves in court.

Not everyone who receives notice of a lawsuit, however, contacts the court in response. In these instances, the court relies upon a process server's declaration of service to confirm that the defendant did in fact receive lawful notice of the lawsuit and was properly afforded the right to due process.

Ensuring the honesty and accuracy of these declarations of service is both our ethical responsibility and our primary business goal.

What Promotes Honest and Accurate Service?

No single procedure or technology can protect against every mistake or misbehavior. A successful program to promote honest and accurate service must:

- 📌 Set the right incentives, and align those incentives with honest behavior
- 📌 Work with the right people, and
- 📌 Capture and use data.

All of these components should leverage technology to enforce consistent policies and to eliminate human error and bias wherever possible.

This document details the WeServe&File policies and technologies in place to promote honest and accurate service by setting the right incentives, working with the right people, and capturing and using data.

Definition of Process Server

The term "Process Server", when used in this document, refers to any individual person serving or attempting to serve legal process in a private capacity on behalf of WeServe&File or government agency customers. The term does not include on-duty law enforcement officers or individuals or agencies serving process outside of CANADA.

Set the Right Incentives

Process Server Compensation Structure

WeServe&File pays process servers whether service is made or not: WS&F Process Servers are expected to attempt service upon an individual at the best possible address. Sometimes, the individual cannot be found at that address, or cannot be served because he/she is actively evading service or because access to the property is restricted. Paying a reduced fee—or worse, nothing—for these time consuming endeavors creates a financial incentive for the process server to report a fraudulent outcome rather than an accurate “bad address” (bad address is an industry term for an address that is no longer valid for the defendant/servee) report. WS&F removes this incentive by paying the process server for either outcome.

Compensation Policy

All individuals who attempt to serve process on behalf of WeServe&File shall be compensated in such a way that the compensation is equal regardless of the outcome (served vs. not served) upon an individual at an address.

Assignment and Dispatch

Even when pay is equal regardless of the outcome of attempted service, the assignment and dispatch of service of process orders to process servers significantly influences a process server’s compensation opportunities. Poorly-assigned service requests can create a financial incentive that undermines honest and accurate service. For example, a process server who receives assignments that are unnecessarily far from where he/she typically works or who perceives the volume of his/her future assignments to be correlated with the outcome (served vs. not served) of his/her past assignments encounters a financial incentive to report a fraudulent outcome.

Likewise, a process server who receives more assignments than he/she can reasonably fulfill may also be subject to incentives that undermine honest and accurate service. For these reasons, the assignment of process server requests should be performed by an algorithm not subject to human bias. They should be based primarily on location to minimize required travel. They should always be blind to service request outcomes (served vs. not served). And they should limit the number of service requests assigned to any single individual.

Assignment Policy

WeServe&File shall primarily dispatch process service based on its software algorithm. This is primarily to avoid conflict of interest rather than to gain some cost savings from automation. Exceptions should be rare, such as a rush service request.

The algorithm by which service of process is assigned shall:

- 📄 Strongly consider the location of the service address
- 📄 Never consider a process server's ratio of served vs not served outcomes
- 📄 Limit the assignment of cases to an individual process server at a maximum number
- 📄 Enable dispatch immediately once a file is eligible. Failure to automatically dispatch shall create an exception task for WeServe&File employees to manually assign the file. This task queue shall be reviewed daily

Separation of Duties

Law firms and government agencies pay WeServe&File to facilitate the honest and accurate service of legal documents. They are our customers, but not our only constituents. When our employees and process servers are entrusted to notify parties to legal actions, we represent the court and owe a legal duty of care to all parties, a duty upon which the court relies to ensure due process rights are protected. Because the interests of these parties do not inherently align, a separation of duties with WeServe&File can help its business units maintain the independence necessary to ensure none of these parties is unjustly empowered to the detriment of the others.

Separation of Duties Policy

WeServe&File shall maintain each of the following independent business units:

- 📄 An internal investigations department responsible for receiving, investigating and responding to complaints and contested services, with the authority to unilaterally terminate any process server suspected of falsifying documents or other dishonest behavior.
- 📄 A process server support department responsible for communicating with and monitoring the performance of WeServe&File's Process Servers, with the authority to refuse to direct a process server in a way they believe to be inconsistent with the goal of honest and accurate service.
- 📄 A court support department responsible for communicating with courts, clerks and judges, with the authority to change or establish requirements or instructions based on laws, civil codes, or other preferences of authorized court personnel.
- 📄 A customer support department responsible for communicating with the law firms and government agencies who request process service, without the authority to unilaterally dictate customer requests to the other business units.

WeServe&File shall discourage direct contact between its law firm and governmental

customers and its process servers.**Access to Process Server "Service Percentage"**

WeServe&File uses data to improve performance and professionalism among its Process Servers and we are aware that measuring a behavior has the opportunity to change it, even without compensation or incentives tied to that measurement. We are also aware that nearly all of the factors that determine whether honest and accurate service can be made at an address are out of the process server's control, such as the address quality, the manner of service required, and the individual to be served. For these reasons, the ratio of an individual process server's successful service reports to non-service reports (commonly referred to as his or her "service percentage") should not be available to WeServe&File customers, process servers, or used in our dispatch algorithm.

Service Percentage Policy

WeServe&File's measurement of process server performance shall never solely include or consider the outcome (served vs. not served) or his or her service assignments and this ratio will not be readily available to WeServe&File customers, process servers, or used in our dispatch algorithm. The WeServe&File Investigations team may have regular access to this data to monitor attempts for unrealistic performance.

Work with the Right People**Zero Tolerance for Falsified Information**

WeServe&File has zero tolerance for falsified information. We will not work with or contract with Process Servers who knowingly report false information about service of process and/or attempted service of process also known as "due-diligence".

Who is Responsible?

Every employee, contractor, director and shareholder is responsible for supporting honest and accurate service and shall report dishonest behavior in accordance with this policy.

No Retaliation

No employee, contractor, director or shareholder who in good faith reports a falsified declaration or any other violation of the law shall suffer harassment, retaliation or adverse employment consequence. Any employee or contractor who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment or

contract. This policy is intended to encourage and enable employees and others to raise serious concerns within WeServe&File.

Reporting Violations

Suspicion of falsified declarations of service should be immediately reported to the WeServe&File Investigations Team. If for any reason an individual is not comfortable reporting the incident to the investigations team, the individual is encouraged to report it to any officer or director, or by anonymously emailing legal@weserveandfile.com

Acting in Good Faith

Any good faith report, concern or complaint is fully protected by this policy, even if the report, question or concern is, after investigation, not substantiated. Anyone filing a complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation of WeServe&File policy or law. Any allegations that prove not to be substantiated and have been made maliciously or with knowledge that they were false will be treated as a serious disciplinary offense and corrective action will be taken.

Confidentiality

Upon the request of the complainant, WeServe&File will use its best efforts to protect the confidentiality of the complainant for any good faith report. Violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

Handling of Reported Violations

The WeServe&File Investigation Team, or the director or officer who is notified of the violation, will notify the person who submitted a complaint and acknowledge receipt of the reported violation or suspected violation whenever possible. All reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation.

Employee & Independent Contractor Screening

Thorough background checks on process servers and employees promotes accurate and honest service by screening out individuals whose recorded history indicates an increased risk of dishonesty or other fraudulent behavior.