



IMPORTANT CHANGES REGARDING SERVICE OF PROCESS

OHIO RULE OF CIVIL PROCEDURE 4.1(A): The Ohio Supreme Court has recently amended the process for how suits can be served upon a defendant. Effective **July 1, 2012**, clerks of court may make service of process using **commercial carrier services** as an alternative to United States Certified Mail or Express Mail. The commercial carrier must receive a signed receipt and return it to the clerk of court for acceptance to be effective.

OHIO RULE OF CIVIL PROCEDURE 4.6(C): In addition, the Ohio Supreme Court amended the Ohio Rules of Civil Procedure to clarify how a defendant can effectively refuse service through Certified Mail, Express Mail, and commercial carrier service. The table below describes the method to either accept or refuse service of process according to the amended rules.

METHOD OF SERVICE	HOW TO ACCEPT	HOW TO REJECT Civ.R 4.6(C)
Certified Mail via USPS Civ.R. 4.1(A)(1)(a)	Sign certified mail return receipt and return to USPS.	Make sure you or your mailroom staff marks the reason for refusal on the envelope (i.e., “person no longer employed,” “improper entity,” “improper company,” “mistaken identity,” etc.). If the envelope is marked “Refused” with no other notation, Rule 4.6 applies and the clerk of court can then send service of process by ordinary mail and good service is then effective upon the mailing of the envelope.
Express Mail via USPS Civ.R. 4.1(A)(1)(a)	Sign express mail return receipt and return to USPS.	
NEW (effective July 1, 2012): Commercial carrier (UPS, FedEx) Civ.R. 4.1(A)(1)(b)	Sign commercial carrier receipt and return to commercial carrier.	

TIPS TO KEEP IN MIND

- Instruct staff members that as of **July 1, 2012**, service of process can now come through commercial carrier services like UPS or FedEx.
- Keep in mind service of process may still be made by United States Certified Mail or Express Mail.
- Consult the table to ensure that the method of acceptance or refusal is proper.
- If the envelope is marked “refused,” it will be returned to the clerk of courts and if instructed by the serving party, the clerk will re-serve by ordinary mail. Good service is then effective upon mailing regardless of whether the ordinary mail envelope is later returned for any reason.

This communication has been prepared by Tucker Ellis LLP for the use of our clients. Although prepared by professionals, it should not be used as a substitute for legal counseling in specific situations. Readers should not act upon the information contained herein without professional guidance.

© 2012 Tucker Ellis LLP. All rights reserved.