



An End to 'Sewer Service'

Many New Yorkers don't know they're being sued until it's too late. The legal papers went in the trash or down a drain — and never reached them. A new law seeks to change that.

Making Sure Process Servers Really Deliver

by **Gail Robinson**
Mar 26, 2010

Every year, tens of thousands of New Yorkers do not show up in court to contest suits against them -- simply because they never received the papers alerting them of the action. By the time, they do find out, their back accounts could have been frozen or their wages garnished.

According to advocacy groups and some member of City Council, many process servers do not take adequate steps to ensure those charged receive their court papers. Yesterday City Council enacted a bill with several measures it said would remedy that.

Also at its stated meeting, the council approved bills to help public school students get library cards and to aid children in the foster care system, who also are undocumented immigrants, get legal residency in the United States. In other action, the council passed its own budget for the coming fiscal year and approved a former member -- [David Yassky](#) -- as taxi and limousine commissioner.

Lost Papers

In 2008, more than 200,000 consumer cases in civil court in New York resulted in default judgments, meaning the plaintiff never appeared. [MFY Legal Services](#) and other groups have discovered that, in many cases, the person had not received notification of the action. The

process servers couldn't find the person, made little effort to do so or even threw the document away, sparking some to refer to this kind of paper serving as "[sewer service](#)."

"The very foundation of our legal system is the right to defend yourself," said City Councilmember [Daniel Garodnick](#), the bill's sponsor, but the "sewer service" deprives people of that right. According to Garodnick, [a study by MFY](#) looked at 350 cases where client were to be served with paper for debt collection. Not a single one was served properly.

Jackie Neal, a Brooklyn woman who was on hand before the council meeting, said she went to the bank to use her debit card and was denied the money. She eventually found out, she said, that "a company I had never heard of had won a judgment against me." With the help of legal services, it took her eight weeks to correct the matter. "Checks bounced. I missed days at work trying to resolve it legally," she said.

The bill ([Intro 6-A](#)) would require process servers pass a test, keep records of papers served for seven years, and either post a bond or pay into a fund to cover unpaid fines. In addition, the server would have to use some kind of global positioning device that would record the time, date and location when he or she served papers. The latter was apparently prompted at least partly by one server who reportedly claimed to have delivered papers to 77 people over an area of 400 miles in a single day.

The companies employing the servers also would have to meet new requirements including informing all of their employees of their rights and responsibilities as process services.

City Councilmember [Oliver Koppell](#) objected to requirement that servers post bond. "Requiring business to get bonds is often a barrier to their doing business," he said.

All other 45 members at the meeting voted in favor.