

LOCAL RULE 4.1
SERVICE OF PROCESS

~~(a) Counsel shall be responsible for preparing all process on forms to be supplied by the Clerk. When process is to be served by the United States Marshal, counsel shall complete the required form.~~

~~(b) Counsel seeking service of process by certified mail of a pleading filed in the Eastern and Western Districts of Arkansas upon a defendant other than the United States, or any officer or agency thereof, shall proceed in accordance with Rule 4 of the Arkansas Rules of Civil Procedure.~~

~~(c) When such service by certified mail has been completed, counsel shall file an affidavit with the Clerk reflecting completion of service with a copy of the return receipt attached.~~

(a) *Counsel must prepare summons on the form provided by the Clerk. Counsel must prepare any process that will be served by the United States Marshal, such as a writ of execution, and present that document to the Clerk.*

(b) *After service of any pleading accompanied by a summons, counsel must promptly file proof of service using either the affidavit at the end of the Clerk's summons form or a separate affidavit of service. If service has been made by mail, counsel must attach the document showing receipt, such as the green card. When the United States Marshal serves any process, the Marshal must promptly file a return of service, including the document showing receipt if service was made by mail.*

Adopted March 2, 1981, and effective May 1, 1981

Amended May 1, 1985

Amended January 2, 1990

Amended August ____, 2017

This proposed amendment does three things. It clarifies the procedure for preparing summonses and writs. It eliminates a general reference to Arkansas Rule of Civil Procedure 4, which has created some confusion because of differences between that Rule and Federal Rule of Civil Procedure 4. For example, the time for service of a summons and complaint under the Arkansas Rule remains 120 days, while the time under the Federal Rule has been reduced to 90 days. Federal Rule of Civil Procedure 4 provides that following a state procedural variation is acceptable only if the variation does not conflict with federal law. Last, the amendment confirms counsel's obligation under Fed. R. Civ. P. 4(*l*) to file proof of service in all cases, prescribes that this task should be done promptly, and clarifies how to do it.