

## **Committee Comments on Complete Revision to Rules 4, 4.1, 4.2, 4.3, and 4.4, effective August 1, 2004**

### Overview

The structure of the rules regulating service of process adopted as part of the Alabama Rules of Civil Procedure, effective January 1977, has proven to be overly complex. This complete revision of those rules contains only a few substantive changes, but works a comprehensive overhaul of the structure of the service-of-process rules.

For ease of transition, separately numbered Rules 4, 4.1, 4.2, 4.3, and 4.4, have been retained. The substance of Rules 4.2 (long-arm jurisdiction), 4.3 (publication), and 4.4 (service in a foreign country) has also been retained. Rule 4.1, taken from Rule 4.1, Fed.R.Civ.P., is new to Alabama. All other service-related rules have been moved into a revamped Rule 4. Separate rules for in-state and out-of-state service (formerly Rules 4.1 and 4.2) have been blended into one set of general rules, now contained in Rule 4.

In revising Rules 4, 4.1, 4.2, 4.3, and 4.4, the Committee seeks to provide a structure for service of process that will bring the process to the actual attention of the defendant or a responsible person within the defendant organization so as to permit a timely response. Having come to the actual attention of the defendant or responsible person, the process may not be ignored even though technical deficiencies in service may exist.

**Note from the reporter of decisions:** The order amending Rules 4, 4.1, 4.2, 4.3, 4.4, 6(a), 7(b)(2), 17(a), 22(c), and 26(b), Alabama Rules of Civil Procedure, effective August 1, 2004, is published in that volume of *Alabama Reporter* that contains Alabama cases from 867 So.2d.