

RULE 60. SERVICE OF INITIAL PLEADING.

- (a) The initial pleading in any State Bar Court proceeding shall be served by the initiating party upon all other parties, except in those matters in which service of the initial pleading is made by the Clerk.
- (b) Service upon a member who is the subject of a proceeding shall be addressed to the member at the latest address shown on the official membership records of the State Bar ~~as provided~~ **in pursuant to** Business and Professions Code section 6002.1 ~~(e)(a)(1)~~. If the member's latest address is within the United States, such service shall be made by certified mail, return receipt requested. If the member's latest address is outside the United States, such service shall be made by recorded delivery. If the person to be served is **not** a member ~~but~~ **and** is not required by Business and Professions Code section 6002.1 to maintain an address on the official membership records of the State Bar, the person may be served by any method permitted under the Code of Civil Procedure for service of process. Where a written request, signed by the member, is made to the Office of the Chief Trial Counsel to serve counsel for a party, service shall only be made upon counsel.
- (c) Service upon the State Bar shall be made by serving the Office of the Chief Trial Counsel in the appropriate venue by certified mail, return receipt requested, except where another method of service is specified in the rules governing a particular type of proceeding.

Eff. January 1, 1995. Revised: January 1, 1996; July 1, 2003.

Source: Paragraph (b): TRP 243 (part); paragraphs (a) and (c): new.

RULE 61. SERVICE OF SUBSEQUENT PLEADINGS.

- (a) Each pleading filed subsequent to the initial pleading, except joint pleadings, shall be accompanied by proof of service on all other parties.
- (b) Service upon the State Bar shall be made by serving the designated deputy trial counsel of the Office of the Chief Trials **Counsel**. Members shall be served at the address maintained by the member on the official membership records of the State Bar pursuant to Business and Professions Code section 6002.1(a)(1), unless, with respect to the proceeding in connection with which the service is made, the member has counsel of record or has ~~designated a different address for service in the response or has filed and served a pleading expressly requesting~~ **expressly requested in the response** that service be made upon the member at a different address. If the person to be served is **not** a member ~~but~~ **and** is not required by Business and Professions Code section 6002.1 to maintain an address on the official membership records of the State Bar, the person shall be served at the address given in the most recent pleading filed by the ~~member~~ **person**, or, if the person has not filed a pleading giving an address, the person may be served at any address or location and by any method permitted under the Code of Civil Procedure for service of pleadings.
- (c) A party or attorney whose address changes while a proceeding is pending or who desires to be served with subsequent pleadings and notices at a different address, shall file and serve on all parties a written notice of change of address and a specific request that all future service be made upon the party or attorney at the new address.**
- ~~(e)~~ Service of subsequent pleadings shall be made according to Code of Civil Procedure sections 1011 or 1012, or 1013(c) and (d), or by depositing said pleadings in the State Bar inter-office mail. If service is made by United States mail, by State Bar inter-office mail, by personal delivery, or by overnight mail, the period of notice given by such service, or the time for doing any act in response to such service, shall be computed in accordance with rule 63.
- ~~(d)~~ In lieu of service by personal delivery or overnight mail, service may be made by facsimile transmission, if the party being served consents to be served by facsimile transmission. The proof of service shall state (i) that such consent was obtained; (ii) the date and time that the facsimile transmission was made (iii) the telephone numbers of the transmitting and receiving machines and (iv) that the transmission was reported by the transmitting machine to be complete and without error. Proper service by facsimile transmission shall be treated as equivalent to service by overnight mail.

Eff. January 1, 1995. Revised: January 1, 1996.

Source: Paragraphs (a)-(c): TRP 241 (substantially revised); see also TRP 242, 243; paragraph (d): new.