

WHO IS JOHN TALBOT?



Editor's Note: If you've attended a NAPPS Conference in the past ten years, you've very likely had the pleasure of meeting John Talbot. John, a/k/a the "Strange Englishman", has been a process server and investigator serving the United Kingdom since 1985. John has become a regular fixture at each annual NAPPS conference since joining our association in 1990. Not only is John a true professional, but he also possesses a sparkling wit and a great sense of humor. These attributes will become evident in the coming paragraphs, wherein John Talbot introduces himself to those of you who have not yet met him, and discusses process service on his "side of the pond".

I have more than my fair share of connections to our Royal family - all of them tenuous in the extreme!

I was born in Royal Tunbridge Wells, a spa town in Kent, the "Garden of England", the county closest to France. It was given its Royal status by Queen Victoria who obviously believed in the modern idiom "No pain, no gain" - I challenge anyone to enjoy the DISGUSTING water from the town's spa; you can only drink it, surely, if you believe it is going to do you good! She did, and favoured the town with its Royal charter as a result. There are many who think it has remained firmly in the Victorian era ever since.

To escape, I left to go to University in Reading, in the Royal County of Berkshire. Royal, I presume, because it includes Windsor Castle, home, very occasionally, when it is not going up in flames, to some or all of that famous family.

I had no idea what I wanted to do with my life, so I made a degree out of a hobby, studying meteorology. I gained a first class degree in enjoying myself and scraped a pass in the discipline!

After a couple of years off, dabbling as a

teacher and then earning much more as a newspaper vendor in eastern France for a year whilst my fiancée completed her French degree, I became a Trading Standards Officer, working for Berkshire County Council.

We enforced laws in consumer safety, weights and measures, consumer credit and trade descriptions. When the council's new offices were opened in the late seventies, I was **THIS** close to both the Queen and Prince Philip.... but they both walked straight past me to speak to my senior officer!

Given that I had missed promotion opportunities by staying put, instead of moving from authority to authority, it was a small step to become a private investigator. I had long hankered to be free from the pettiness of local government and took the opportunity to break free to work for myself when I spotted a suitable franchise.

Despite the ending of my marriage, my two daughters remain my pride and joy, and the whole reason that I devote myself so absolutely to being a success in my business - actually, that is just not entirely true, because I enjoy my work enormously, too!

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The girls and I are wonderfully close, despite not living together, and I am very sad that the timing has just not allowed me to bring them to a NAPPS convention yet. Suzy, my eldest, has just finished her first term at Cambridge University studying Natural Sciences, and I am one proud Dad!

Apart from my children and my work, there is so much else in life I enjoy. I love to travel, to wine and dine; I love France and America, cycling and choral singing, deserted naturist beaches and throbbing city centres.

"*The Docket Sheet*" had married me off in the July - August 2001 issue, labeling a picture of my girlfriend, Candy and I as Mr. and Mrs. Talbot! Well, she is a remarkably wonderful lady and who knows....

(Sorry John! I guess I assumed. And you know what happens when you assume! - Editor)

I am currently on a catching up mission when it comes to technology. My website, www.talbotsinvestigations.com, was launched this summer, with the early emphasis on answering the questions I get asked over and over again by NAPPS members.

I have also published details of a brand new product on this site: "***Expedited service in England Under the Hague Convention, Using A Private Process Server.***"

My thanks go to NAPPS member Cara LaForge of Legal Language Services in Kansas for highlighting the possibility of this service and pointing the way through the necessary research. She, and Celeste Ingles (and all) at Crowe Foreign Services, are two of several NAPPS members with phenomenal expertise when it comes to international process service, to whom I owe an enormous debt of gratitude.

I have made some fabulous friends through NAPPS. Ray and Tammy from Joliet never cease to amaze me with their choice of venues and fun things to do during the all too brief

periods I spend in the States each year. Marshall and Betty from Washington State keep me on my toes when it comes to what is happening with our Royal family. I always feel humbled with my lack of knowledge compared to them! There are far too many others to mention.

I see that privacy laws are becoming a major issue over there. We are a few years ahead of you in that respect, with our Data Protection laws a very real everyday issue. The Data Protection Registrar has always insisted that the new, European founded, legislation, will not hinder civil or criminal legal process, but that statement is so far from the truth as we in the field see it.

The legislation has most definitely resulted in a drastic downturn in the volume of commercial instructions relating to tracing and status enquiries, for example. Some companies feel they would be breaching Data Protection law even in giving us personal details of a debtor to trace, with the result that all their tracing is now done in-house.

We are also facing the reality of licensing, at last. This will be a chance to rid the profession of the "cowboys". At least, I hope that is how it will work. I would much prefer a licensing system where competence has to be proven, rather than it just being a question of not having a criminal record and paying a small fee.

Process serving is 50% of my business. I cherish my NAPPS work particularly highly.

Generally, service of originating papers in England and Wales is by first class mail. The problem, thankfully recognised by many of our clients, is that it is often several expensive stages further through the procedure when the document comes back as undelivered and everything else done by then has been wasted. So there is still plenty of personal service for us, even though we do not litigate quite as much as you do! Of course, urgent matters or more complex process, such as domestic violence injunctions, always require personal service. Cases of repossessions

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from squatters can involve ridiculously short notice (*I once had four hours to comply with a court's timetable!*). We typically get a day or two to find some drunken lout who has beaten up his woman one time too often and who is probably sleeping off a hangover in some ditch.

Personal service on a limited company will either be by delivery of the document to the 'registered office' (*often the company's lawyers or accountants*) or by handing it to a company officer. We do *not* have your "registered agent" and much process on companies is simply served by putting it through the letterbox or leaving it at reception.

Service on an individual can be simply letterboxed in some situations. However, our form of substituted service for individuals, in insolvency, for example, involves lengthier procedures than yours. We leave a letter of appointment and can then letterbox the process if the defendant does not keep the appointment, providing we can include in our return of service evidence as to the defendant having received our letter.

Unless we are seeking to serve the person in relation to a business, the rules only permit substituted service at a residence, not at a place of employment. In order to sub-serve at a place of employment, we would have to make an application to the court for an alternative method of service.

Our equivalent of your notarization is what we do when we want an affidavit of service to be acceptable to our courts - we swear that affidavit in front of a solicitor or "commissioner for oaths". My affidavits sworn this way usually quote: "Solicitor of the Supreme Court of England and Wales". The solicitors will usually, but not always, use an ink stamp, but never a seal.

We do have Notary Publics, but they are few and far between. They are a vastly superior bunch to those in the US, being lawyers who have taken an extra qualification. Thus a Notary Public fee will reflect their status - they are expected to charge at their usual hourly rate, which means a

fee for a swear may typically be anything from \$30 to \$60 or more. We often do not know the fee in advance.

Two further problems are that we cannot just go in off the street to see a Notary Public, and they will not be just around the corner. An appointment has to be made, and it might involve a couple of hours to cover travel and waiting as well. Thus the fee for an affidavit sworn by this method can easily exceed the actual cost of the service itself.

Thank you all who have entrusted your instructions to me in the past, and I hope to be able to go on giving better and better service to more and more of you in the future. And roll on San Diego!

John Talbot owns Talbot's Investigation Services in Reading, England. He can be reached at 011-44-118-932-3476 or via email at: johntalbot@cwcom.net. You can meet John in person at the NAPPS 2001 Annual Conference in San Diego.

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