

Rule 765. Service

(a) Service of Process. If service of process is required in proceedings before the court under these rules, except as otherwise provided, such service shall be made by a party or agent of the party over the age of 18 in any of the following ways, or by any manner agreed upon by the parties:

(1) In any manner authorized by the Code of Civil Procedure;

(2) By delivery, mailing, or electronic transmission. Delivery or mailing shall be made to any last known business or residence address, and for service upon a party who is an attorney, delivery or mailing shall also be made (i) to the address listed on the Master Roll or, (ii) if the attorney is not listed on the Master Roll, at any address last designated by the attorney on the Master Roll or in the equivalent of the Master Roll in any jurisdiction, as defined in Rule 763, in which the respondent is or was licensed to practice law. Electronic transmission shall be made to any last known e-mail address, and for a party who is an attorney, electronic transmission shall also be made to the e-mail address listed on the most recent Master Roll. As part of service under this paragraph, the Administrator shall conduct due inquiry regarding the last known business and residential address; or

(3) By entry of appearance by or on behalf of a party before service has been otherwise effectuated, in which case the action shall proceed as if process had been served at the time of the entry of appearance, and no proof of service shall be required.

(b) Service Other Than Process. Service of a document other than process shall be made pursuant to Rule 11, unless otherwise provided.

(c) Proof of Service. When a proof of service is required, proof of service shall be filed with the clerk of the court in accordance with Rule 12. If service is effectuated by personal or abode service (as defined in section 2-203(a) of the Code of Civil Procedure), proof of service shall include the information required by section 2-203(b) of the Code of Civil Procedure. Proof of service effectuated under paragraph (a)(2) of this rule shall include a recitation of the due inquiry conducted and the information acquired during the inquiry.

Adopted March 30, 1973, effective April 1, 1973; amended May 21, 1975; amended May 28, 1982, effective July 1, 1982; amended October 16, 1990, effective November 1, 1990; [amended Dec. 28, 2017, eff. Feb. 1, 2018.](#)

Committee Comments

In 1990, Rule 765 was revised to provide for service of notices, pleadings and other documents by lawful means other than personal service on an attorney, and for appointment of the clerk of the supreme court as the agent of any attorney who fails to provide the Administrator with a registration address.

These revisions will reduce the expenses incurred in personally serving hundreds of documents, such as notices, complaints, petitions, subpoenas and rules to show cause, and the delays which result from locating and perfecting service on attorneys who attempt to avoid service. Because the revised rule allows for service to be perfected by delivery of an item to a registration address, resources presently committed to serving recalcitrant attorneys could be devoted to conducting investigations and reducing unnecessary delay in processing charges.

Additionally, the revised rule allows for service to be obtained on attorneys who fail to register or who fail to give the Administrator a registration address by filing documents with the clerk of the supreme court. The revision is modeled, in part, on the Illinois Vehicle Code, which provides that use of a vehicle on Illinois roads constitutes consent to the appointment of the Secretary of State as an agent for the service of process (see Ill. Rev. Stat. 1989, ch. 95½, par. 10--301), and in part on similar rules in use in Indiana and Ohio (Indiana Admission and Discipline Rule 23, §12; Ohio Grievance Rule 5; see *Matter of Carmody* (Ind. 1987), 513 N.E.2d 649; *Columbus Bar Association v. Gross* (1982), 2 Ohio St. 3d 5, 441 N.E.2d 570; see also *Bell Federal Savings & Loan Association v. Horton* (1978), 59 Ill. App. 3d 923, 376 N.E.2d 1029).