

John A. DeMarr PI - A South African Adventure by Letters Rogatory

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LOS ANGELES, CA, UNITED STATES, December 1, 2017 /EINPresswire.com/ -- Earlier this year, I wrote about the [Hague Service Convention](#), and about how we at John A. DeMarr P.I. work to ensure that all [international service of process](#) cases that we receive are given the strictest attention to detail. You don't want something going wrong with any service of process. Given the time frame involved with formal service through the Hague Convention, you don't want anything going wrong.

There are 71 countries worldwide that are signatories to the Hague Convention. The thing is, there are at least 189 countries in the world, meaning that there are at least 118 countries scattered randomly around the globe that do not partake in the agreement that simplifies international service of process.

For those countries, it is necessary to fall back on the system in place before the Hague Convention, a system that truly makes you appreciate how the Convention simplified things. Without the Central Authority set up to handle international service of process in Hague Convention countries, requests for subpoena service have to be transmitted through diplomatic channels, using letters rogatory to petition the court in the country in which process is to be served to use its jurisdiction to effect service. Letters rogatory must proceed from court to foreign ministry to foreign ministry to court, and then back again. Especially as many of

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the non-Hague Convention countries are in remote places on the globe, it is no surprise that the procedure can take up to a year.

Although the process server in the country in which the action is to take place is not responsible for following the course of the letters rogatory through its diplomatic maze, a case requiring subpoenaing a witness in South Africa (a non-Hague Convention country) for testimony in a complex California



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probate case did come our way a couple years ago. Usually, the diplomatic channels through which the request for service travels are invisible to the process servers, but when, after a year, no shred of the witness' testimony had made its way to the attorneys here in California, I was asked to do what I could to look into the matter.

The letters rogatory's first stop is always at the US State Department, from which I wasn't expecting to get much in the way of an answer. Some investigative work did, however, give me a means of reaching the Department of International Affairs and Cooperation in Pretoria, which referred me to the Department of International Affairs and Cooperation in Cape Town. Although it took a lot of emailing back and forth, usually to the wrong parties (not surprisingly, most people working for foreign ministries have no idea about letters rogatory), I did eventually find someone in the Cape Town office who did her best to find out where in the pipeline our subpoena had gotten stuck.

My South African correspondent made it practically a personal crusade to locate the subpoena, which she finally turned up in municipal court in Buffalo City, which ought to have forwarded it to the residence of the witness in the tiny community of Sunrise-on-Sea. Once the paperwork had been located, my new South African friend was able to nudge it along its path to its remote recipient. She was even able to start the ball rolling back in our direction, although, once it had traveled back through the Buffalo City municipal court to the provincial court and back to the Department of International Affairs and Cooperation, it was back in diplomatic channels and out of her hands.

It still took another two months for the witness' testimony to wend its way back to the California court, but who knows what would have happened had I not intervened – and not been able to find someone so cooperative in the Department of International Affairs and Cooperation in South Africa?

International service of process secured through letters rogatory is, under any circumstances, a complex and time-consuming process. I don't expect that there will be hundreds of calls this year for [John A. DeMarr PI](#) to be serving process via letters rogatory, as most of our international business is to Hague Convention countries. We are, however, definitely ready for our next South African, Brazilian or New Zealand assignment.

If you have any questions about or international service of process in its various forms, please contact me or my associates by phone at 877-433-6277 or by using our email form.

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