

**Opinion No. [30-61]**

August 29, 1930

**BY:** J. A. MILLER, Assistant Attorney General

**TO:** Mr. W. H. Blaine, Auditor, Raton, New Mexico.

PROCESS -- By whom served.

**OPINION**

Reference is made to yours of the 26th inst. containing suggestions as to the service of papers in Colfax County.

I note what you have to say and what you suggest, however, this appears to be a matter sufficiently governed by statute. So long as attorneys secure the service they desire they are at liberty to adopt any method permitted by the statutes, and probably it is an attorney's duty to guard the interests of his clients to the extent of keeping down the costs of litigation so far as he reasonably can.

Your suggestion is that litigants be put to double cost, if not more, in order that the fees of the sheriff's office may be enhanced. I happen to know from experience that it is the custom of many sheriffs to do just what you say they would do were papers always placed in their hands for service, that is send them to some deputy by mail but charge the one requesting the service on a different basis. Frequently mileage is added when no travel, or very little possibly, has been involved. This may enhance the fees of the office but it is not fair to those compelled to take their matters into court.