

New York Personal Injury Filing and Serving Playbook

How personal injury law firms practicing in New York can improve service, reduce filing risk, and keep cases moving



The New York Landscape

For a New York personal injury law firm, commencing an action is only the beginning. Each defendant must be served through an authorized method, every attempt must be documented, and proof must be completed and filed when required.

An incorrect address, avoidant recipient, missed mailing, incomplete affidavit, or delayed attempt can lead to a challenge to service and put the case at risk.

Time is also of the essence.

Under [CPLR 306-b](#), a summons and complaint generally must be served within 120 days after the action begins. Although courts may extend that period for good cause or in the interest of justice, firms should not allow timing issues to become service of process deadline emergencies.

For firms managing high caseloads, the operational goal is clear:

Every filing should lead quickly and reliably to valid, well-documented service.

A technology-enabled litigation support partner can help by coordinating filing and service, monitoring attempts, escalating exceptions, returning a proof promptly, and maintaining a clear record from filing through completion.

Following is a breakdown of five factors that lead to successful filing and service of process outcomes.

Section

1. Reducing Service-of-Process Risk
2. Connecting Filing and Service
3. Managing Difficult and Time-Sensitive Service
4. Increasing Capacity Without Adding Administrative Burden
5. Strengthening Records and Security
6. New York Filing and Service Checklist

1. Reducing Service-of-Process Risk

The challenge

Service is more than delivering papers. The correct method depends on who is being served and may include specific requirements for delivery, mailing, timing, filing, and proof.

[CPLR 308](#) provides several methods for serving an individual, including personal delivery, delivery to a person of suitable age and discretion followed by mailing, and affix-and-mail service after the required efforts have been made.

Other types of defendants are subject to different rules.

For example, [CPLR 311](#) addresses corporations and governmental subdivisions, while [CPLR 311-a](#) addresses limited liability companies.

Accurate intake is therefore essential. Before dispatch, the service partner should know:

The defendant's exact legal name and entity type

The appropriate residential, business, registered-agent, or authorized address

The service deadline

Any required mailing, filing, or follow-up steps

Whether service will occur outside New York

Any known access problems or prior unsuccessful attempts

It's a process with many moving parts that can seem daunting, especially in high volume. But the right provider can help simplify it.

Solution:

Choose a process-serving partner that combines experienced professionals who have local expertise and technology-supported quality controls.

A strong partner should provide:

► Careful order review

Names, addresses, documents, instructions, entity types, and deadlines should be checked before the assignment reaches the field.

► Knowledge of New York requirements

The service plan should account for the defendant, authorized method, required mailing, documentation, and proof.

► Properly licensed New York City servers

New York City generally requires an individual who serves process five or more times in a calendar year to hold a Process Server Individual License. Businesses that assign process-serving work may also require licensing. Review the current [New York City process-server licensing information](#).

► Detailed attempt records

Each attempt should document the date, time, location, outcome, recipient information, and recommended next step.

► Rapid exception reporting

Invalid addresses, restricted access, apparent avoidance, and approaching deadlines should be reported while there is sufficient time to act.

► Complete proof

Under [CPLR 306](#), proof should identify the papers served, person served, date, time, address or location, manner of service, and facts showing that service was performed by an authorized person.

New York practice point: Some methods under CPLR 308 require both delivery or affixing and a prescribed mailing. Proof must also be filed within the applicable period, and service may not become complete until after filing.

2. Connecting Filing and Service

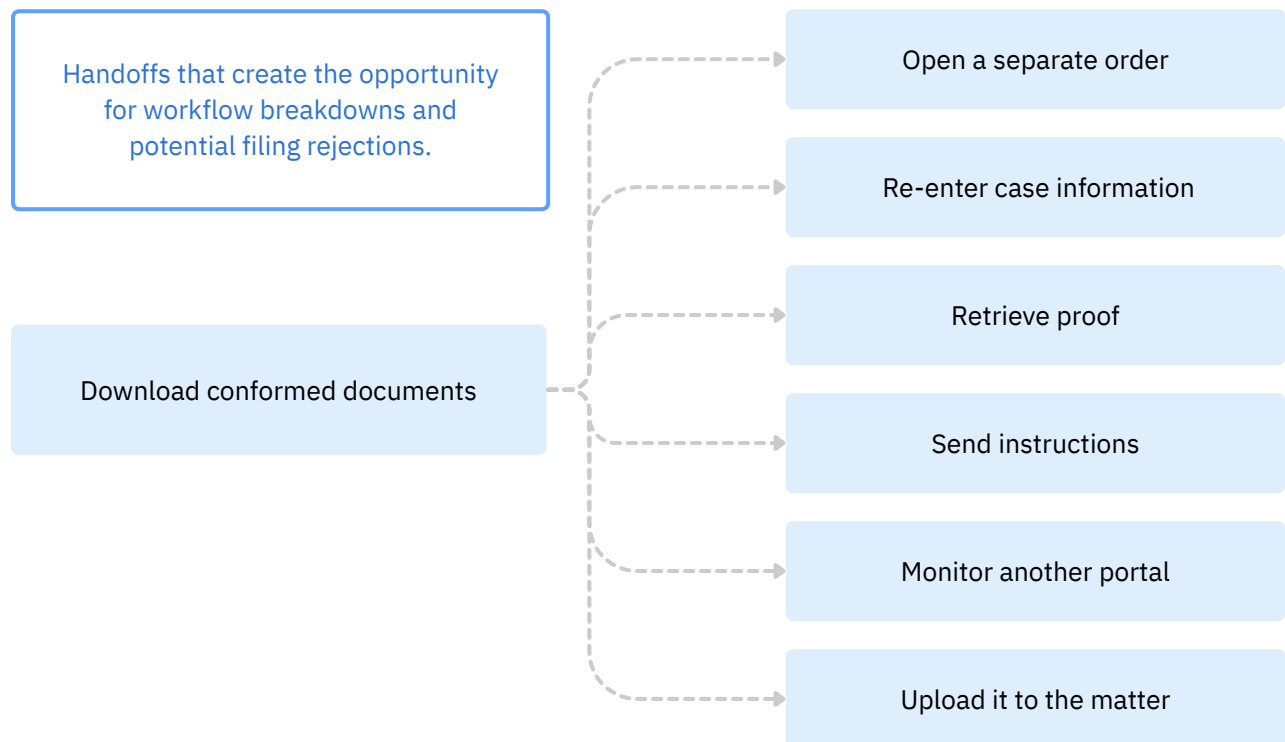
The challenge

When filing and service are handled as unrelated assignments, staff may have to download conformed documents, open a separate order, re-enter case information, send instructions, monitor another portal, retrieve proof, and upload it to the matter.

Each handoff creates another opportunity for delay or inconsistency that potentially leads to a filing rejection.

A rejected filing can postpone service. A caption error can move from the filing into the service order. Accepted documents can sit in an inbox instead of moving immediately into the field.

Service when handled as unrelated assignments



Solution:

A coordinated workflow connects the two processes:

- 1 **Prepare and submit**
Provide the initiating documents, case information, defendant details, instructions, and deadline.
- 2 **Monitor acceptance**
Track the filing and respond promptly if the court identifies a problem.
- 3 **Initiate service**
Move accepted or conformed documents directly into the service workflow
- 4 **Track attempts and exceptions**
Receive timely information about progress, address problems, access restrictions, and unsuccessful attempts.
- 5 **Complete the proof of service**
Return the affidavit and supporting records to the correct matter.
- 6 **File or archive**
File the proof of service when required and transfer the documents to the firm's document management or practice-management system.

New York filing requirements can vary by court, county, matter, and case type. Firms should consult the applicable [Uniform Rules of the Trial Courts](#) and confirm whether the action is subject to electronic filing through New York State Courts Electronic Filing (NYSCEF).

A connected process reduces duplicate work and gives the firm one clearer view of the assignment from commencement through completed service.

3. Managing Difficult and Time-Sensitive Service

The challenge

Personal injury matters may involve a laundry list of barriers that delay or prevent successful service of process.

Among those blockers are defendants who have moved, outdated driver information, property owners operating through business entities, multiple corporate defendants, access-controlled buildings, public entities, out-of-state parties, or recipients who appear to be avoiding service.

However, obstacles that result in a “not served” status may offer a silver lining.

They can generate useful intelligence that an experienced process server can use to ultimately make a serve successful.

The solution

A defined exception-management process should include:

- Address and entity review before dispatch
- Attempts planned around likely availability, access, deadline, and prior results
- Detailed reporting on every unsuccessful attempt
- Prompt requests for new information or instructions
- Clear visibility into deadlines and unresolved issues
- Careful coordination of service outside New York

Under [CPLR 313](#), certain persons subject to New York jurisdiction may be served outside the state in the same manner as service within New York by a person authorized under the statute. Local qualifications and requirements should also be considered when coordinating interstate service.

The earlier a problem is identified, the more options counsel has to address it.

4. Increasing Capacity Without Adding Administrative Burden

Personal injury cases may remain open for months or years while new matters continue to enter the firm. Repetitive tasks associated with open matters and new matters can bog down productivity and inhibit growth for the firm.

These time sinks often manifest as paralegals and legal assistants repeatedly entering data, preparing separate vendor requests, chasing status, uploading proofs, tracking deadlines, and reconciling invoices.

A centralized filing and service workflow can help resolve these growth inhibitors by helping the firm:

Reduce duplicate data entry and document handling

Coordinate filing and service through one provider

Centralize status, records, and billing

Receive timely field updates

Retrieve affidavits and supporting documents easily

Route exceptions to knowledgeable support professionals

Connect documents with existing firm systems

Standardize procedures across teams and offices

The objective is not to eliminate human involvement. It is to reserve staff time for legal work, client communication, case development, and issues that genuinely require their attention.

5. Strengthening Records and Security

Questions about service may arise during motion practice, default proceedings, settlement discussions, trial preparation, or appeal. The firm should be able to reconstruct what was served, where and when attempts occurred, who was encountered, whether required mailings were completed, and when the proof was prepared and filed.

A centralized matter record should include:

- Filed or conformed documents and service instructions
- Attempt dates, times, locations, and outcomes
- Recipient information and server notes
- Required mailing records
- Affidavits and filing confirmations
- Supporting photographs, location data, or communications when available

The New York State Unified Court System provides additional general guidance on [delivery of legal papers and affidavits of service](#).

It's important to note that personal injury matters also contain medical, insurance, financial, and identifying information. Therefore, reducing unnecessary downloads, emails, uploads, and vendor transfers can reduce exposure.

Look for a process serving partner that offers:

- Independently assessed security controls
- Secure document transmission
- Appropriate user-access controls
- Centralized filing and service records
- Integration with document management or practice management systems
- Responsible handling of information in the field

A [SOC 2 examination](#) addresses controls relevant to security, availability, processing integrity, confidentiality, and privacy.

6. New York Filing and Service Checklist

Before filing and service

- ☐ Confirm the court, county, venue, case type, and filing method.
- ☐ Verify the exact name and entity type of every defendant.
- ☐ Confirm that captions and party names are consistent.
- ☐ Identify the statute-of-limitations date and service deadline.
- ☐ Gather complete addresses and access information.
- ☐ Flag corporations, LLCs, public entities, and out-of-state defendants.
- ☐ Provide the exact filed or conformed documents.
- ☐ State any required method, mailing, reporting, or affidavit instructions.

While service is underway

- ☐ Monitor every attempt and outcome.
- ☐ Review unsuccessful-attempt notes promptly.
- ☐ Respond quickly to address questions and requests for direction.
- ☐ Confirm that required mailing steps are completed.
- ☐ Escalate difficult assignments before the deadline becomes critical.

After service

- ☐ Review the affidavit for the correct party, documents, address, method, date, time, and recipient.
- ☐ Confirm that delivery, mailing, and due-diligence details are complete when applicable.
- ☐ File proof within the required period.
- ☐ Save the affidavit, filing confirmation, attempt history, and supporting records to the matter.

Ready to Improve Your New York Filing and Service Workflow?

Proceed Legal helps New York personal injury firms coordinate court filings, move accepted documents into service, monitor assignments, manage exceptions, preserve reliable records, and reduce the administrative burden placed on internal teams.

Connect with us to discuss building a more efficient and accountable workflow for any case volume.

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