

Bobby Malhotra Discusses Digital Ways to Serve Individuals with *Legaltech News*

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Winston & Strawn partner Bobby Malhotra discussed the increase of courts enabling digital ways to serve hard-to-find individuals, including through direct message on social media platforms with *Legaltech News*. Bobby noted that while personal service might still be the norm, the growing shift of life in general into the digital realm will not only make such service more likely, but also a cheaper alternative.

“Ultimately, it’s important to bear in mind that the decision to permit alternative service rests within the discretion of the court and any chosen method must be reasonably calculated to provide the defendant with adequate notice of the legal action against them,” he said. “As a practical example, as a practicing attorney here in California, there have been certain cases where courts have declined to allow service via alternative digital means, finding that personal service was required under California law.”

Alternatively, the very technology that enables modern means of serving legal papers may thwart the process as well.

“Consider the scenario where a defendant unbeknownst to anyone opts to delete their social media account or modifies their privacy settings or message receipt preferences in such a way that service becomes practically impossible,” Bobby added. “Also, additional legal complications could arise if the intended recipient is locked out of their social media account or if the social media platform itself does not permit the attachment of legal documents or links to those documents.”

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