



CALSPRO PRESS

THE OFFICIAL QUARTERLY NEWS & OPINION MAGAZINE OF THE
CALIFORNIA ASSOCIATION OF LEGAL SUPPORT PROFESSIONALS

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LEGISLATION

■ **Capital Report:**

"The Times They Are A-Changin'"

■ **CALSPro Membership:**

Professional Insurance You Should Never be Without.

■ **Continuing Education Calendar of Events Inside This Issue:**

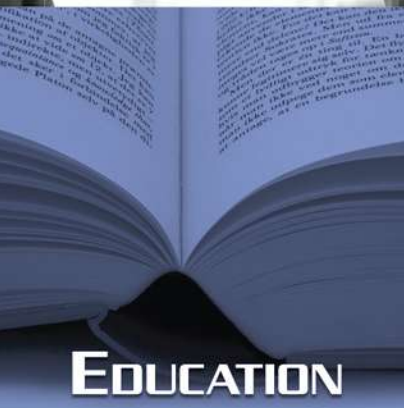
Friday Night Insights Kicks Off March 12th in Manhattan Beach.

■ **Hard Work and Dedication Justly Rewarded:**

2009 Member of the Year: Cliff Jacobs.



MEMBERSHIP



EDUCATION



CONFERENCE



Legislative Advocate
Michael D. Belote, Esq.

Administrator
Jennifer Blevins, CMP
jennifer@camgmt.com

Publications
John Berkowitz
john@camgmt.com

Account Executive
Nathan Carlson
nathan@camgmt.com

Webmaster
Michael Cochran
michael@camgmt.com

Account Executive
Joseph Davis
joseph@camgmt.com

Administrative Assistant
Jessica Drake
jessica@camgmt.com

Advertising
Kim Ingersoll
kim@camgmt.com

Membership & Education
Stephanie Schoen
stephanie@camgmt.com

Accounting
Tricia Schrum, CPA*
tricia@camgmt.com

*Ms. Schrum's license is on inactive status pending completion of CPE requirements.

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**California Association of
Legal Support Professionals**
2520 Venture Oaks Way, Suite 150
Sacramento, California 95833
Phone: (916) 239-4065
Fax: (916) 924-7323
Web site: www.calspro.org
E-mail: info@calspro.org

2009-2010 Officers

PRESIDENT
Steve Janney
213/628-6338 – ph
213/483-2576 – fax
steve@janneyandjanney.com

VICE PRESIDENT
Chad G. Barger
661/327-8022 – ph
661/327-8179 – fax
cbarger@attorneyscertified.com

SECRETARY/TREASURER
David S. Nill
323/526-7300 – ph
323/526-7377 – fax
dsn@rapidlegal.com

IMMEDIATE PAST PRESIDENT
Brett Peters
805/650-9077 – ph
805/650-9091 – fax
brett@janneyandjanney.com

2009-2010 Board of Directors

Chad G. Barger
661/327-8022 – ph
661/327-8179 – fax
cbarger@attorneyscertified.com

Tom J. Bowman, Jr.
408/295-3300 – ph
408/491-9772 – fax
tom@sterlingmadison.com

Wendy Bowman
408/295-3300 – ph
408/491-9772 – fax
wendy@sterlingmadison.com

Jeremiah Jones
951/353-8281 – ph
951/353-1586 – fax
jeremiah@boscolegal.org

David S. Nill
323/526-7300 – ph
323/526-7377 – fax
dsn@rapidlegal.com

Cliff Jacobs
213/617-1212 – ph
cjacobs@onelegal.com

Jeff Karotkin
213/617-1212 – ph
866/947-0263 – fax
jkarotkin@onelegal.com

Brett Peters
805/650-9077 – ph
805/650-9091 – fax
brett@janneyandjanney.com

Steve Janney
213/628-6338 – ph
213/483-2576 – fax
steve@janneyandjanney.com

Michael Kern
213/483-4900 – ph
213/483-7777 – fax
mkern@kernlegal.com

Stephanie Sayler
831/384-4030 – ph
831/384-4031 – fax
info@saylerlegal.com

Go to www.calspro.org for a complete list of Local Area Governors

CALENDAR Of Events...

February 20, 2010
CCPS Workshop
– *Flo's Farmhouse Cafe, Riverside, CA*

March 12, 2010
Friday Night Insight
– *Manhattan Beach Marriott Hotel*

March 13, 2010
Board of Directors Meeting
– *Manhattan Beach Marriott Hotel*

March 13, 2010
Legislative Committee Meeting
– *Manhattan Beach Marriott Hotel*

October 8-10, 2010
CALSPRO 42nd Annual Conference
– *Hilton Hotel, Palm Springs, CA*

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PRESIDENT'S MESSAGE

STEVE JANNEY

2009-2010 CALSPRO PRESIDENT

Much has been written and discussed this past year about change. CALSPRO leadership continues trying to predict changes that will take place this year. We ask, "Are you an agent of change or an object of change?" I would like to devote this column to discussing evaluating and implementing change.

We do not change merely for change's sake. Sometimes old school is still the best. We are encouraged to think outside of the box. But sometimes the box is good, and all we need to do is expand its borders a little. I have found the following to be essential in dealing with change.

EDUCATION

I graduated from college in 1980. I wrote my last term paper on an IBM Selectric, which was hi tech for its day. If my education had ended at that point, well I wouldn't be writing this article today. The seven deadly words of business are "We have always done it this way!"

Education does not have to be formal or end with a degree. Excellent seminars are offered in a variety of topics. These days you can easily find classes dealing with computer software and hardware, business and employee practices, finances, accounting and some that may not even specifically apply to our profession. I have sat through seminars for eight hours and been bored silly. But something learned in that last ½ hour, one idea or thought,

can be the catalyst of needed or profitable change.

Education is not just about knowledge. It teaches you how to learn, how to evaluate what you learn, how to defend your ideas and, perhaps most important, how to set aside your idea for a better one. And that is the basis of change and why change is so hard.

NETWORKING WITHIN YOUR PROFESSION

There is a proverb that says "As iron sharpens iron, so one man sharpens another." Coming together with men and women within your profession is a great way to evaluate change.

Members of CALSPRO share common challenges dealing with courts, service of process, technology's impact and legislative agendas. When we come together, while we may not share specific business plans and balance sheets, challenges and solutions are discussed and debated.

CALSPRO offers Continuing Education seminars that are industry specific to our profession. Our yearly conference highlights a keynote speaker dealing with topics of importance to the membership. Board of Directors meetings are open to the membership, and by your attendance you can gain insight, understanding and listen to topics as they are discussed.

Your CALSPRO membership is a valuable asset. Use it and be part of it! As I have said in the past, agents of change use the term "us," while objects of change use the term "them." Be an us, not a them!

NETWORKING OUTSIDE YOUR PROFESSION

I have a personal belief that we all have a responsibility to give back to our communities. We need to be involved in community activities, community projects and organizations that have a positive impact. And throughout the course of giving back I realized not only am I helping our community, but also had the opportunity to network with talented and committed men and women from outside the legal support profession.

The topics of discussion didn't focus on specifics, but rather general topics. Most had no idea what service of process was or what it accomplished. But I did discover that there are transferable concepts that could be brought from other professions into ours. Ethics, value, risk vs. reward and a variety of other topics were discussed in general terms while giving me the opportunity to make specific applications.

As I have been involved within the community, I have also been able to network with men and women from

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CAPITOL REPORT

MICHAEL D. BELOTE, ESQ.
CALIFORNIA ADVOCATES, INC.



Change Afoot

On January 4 the California Legislature returned for the second year of the current 2009-2010 two-year session. To say that things in the Capitol are uncertain is an understatement. Legislators understand full well the level of public dissatisfaction with the Legislature as an institution (most voters are relatively happy with their particular legislator) but the difficulty is in obtaining agreement on what should be done.

In a typical year, for example, the Assembly and Senate introduce a combined total of 2500-3000 individual bills. Perhaps a third of these are ultimately enacted into law. Most observers agree that this is an awful lot of new laws; the California Legislature has often been described as a "bill factory." On the other hand, California is also a highly statutory state, with relatively less authority delegated to administrative agencies. Lots of statutes require lots of clean-up and modernization.

Most of the bills introduced in California do not spring from the fertile minds of legislators, but rather from "special interest" groups. As these groups are presumably to be distinguished from "general interest" groups, this perjorative phrase actually refers to just about *all* interest groups! CALSPRO is a perfect example of a special interest group causing the introduction of bills, and thus contributing to the "problem." Routinely over the years, CALSPRO has

sponsored legislation making targeted changes to laws regulating process serving, photocopying, and registered process servers. These bills have been necessary because the provisions of the Code of Civil Procedure and other California codes are highly prescriptive, and thus in need of periodic revision. Calls for fewer "unnecessary bills" will inhibit the ability of our group, and literally tens of thousands of others, to correct dysfunctional aspects of the codes.

Last year the California Legislature enacted the lowest total number of bills in 40 years. Despite this, it is an absolute certainty that the number this year will continue to decline, either because the Assembly and Senate place stricter self-imposed limits on the number of bills which can be introduced, or because legislators have heard clearly the charge that they are, effectively, "fiddling while Rome burns." Most interest groups are prepared to "play defense" this year, heeding the advice of top legislative staff members who have suggested that if groups do not *really* need to advance an issue this year, they are much better off waiting.

Far beyond limiting the number of bills which legislators can introduce, there are calls for much more fundamental reforms of the legislative process. Many would require amendments to the California Constitution (already amended more than 500 times!). There are two ways to

place constitutional amendments before California voters: by two-thirds votes in the Legislature, or by collecting the prescribed number of signatures by registered voters. A number of reform groups have suggested that if the Legislature does not act this year, they will begin collecting signatures for ballot initiatives. Ideas include returning to a part-time legislature, changing the vote threshold to adopt state budgets, requiring the creation of "rainy day funds," limiting public pensions, and much more.

Unfortunately, while these "big picture" issues are debated, the business of the state must be attended to. The State Controller has indicated that California government will run out of cash in the early spring. Others dispute this cash flow analysis, but undisputed is the notion that the state has a budget deficit of approximately \$6-7 billion for this fiscal year, with another \$14 billion or so looming for next year.

No one likes cuts in government services, and most like increases in taxes even less. But apart from borrowing (and state credit is, by all accounts, about "maxed") there really are only cuts or taxes to address the issue. Republicans are quite adamant about taxes (and the name "Scott Brown" will be quoted liberally!) so cuts seem to be the order of the day. Exactly how this will affect the courts, where CALSPRO works every day, will play out over the next six months. ☹



IS PERSONAL SERVICE OF CIVIL SUBPOENAS COMING TO AN END?

by Jeff Karotkin,
CALSPRO Board of Directors

Recently I stumbled upon a Web site, which as a professional process server for more than 25 years, gave me cause for concern. The site contained a list of Internet service providers, social networking sites and major media giants based in the United States that included contact names, addresses, phone numbers, facsimile numbers, and, in some cases, information about how to serve process upon them electronically.

Companies like AT&T, Facebook and Google have listed their preferred method for subpoena delivery in criminal cases. This brings up the question that if these companies are readily publishing information about how to serve process upon them for criminal cases, why not do the same for the purpose of serving civil or other process? If an attorney stumbled upon this list, what would stop them from sending process electronically in a civil case to these companies?

I decided to contact a few of major companies listed on the Web site to ask them how to send a civil subpoena for records. The following are copies of real e-mails I sent and the real responses:

From: Jeff Karotkin [mailto:jkarotkin@onelegal.com]
Sent: Wednesday, November 04, 2009 12:18 PM
To: xxxxxxxx@facebook
Subject: Subpoena for Records

Facebook:

I have a civil subpoena for records to serve upon Facebook. Can I have it sent to this e-mail address and if so what are the proper procedures to insure compliance.

Jeff H. Karotkin
Vice President of Strategic Development
One Legal LLC.

From: [xxxxxxx@facebook.com]
Sent: Wednesday, November 04, 2009 3:55 PM
To: Jeff Karotkin

Subject: RE: Subpoena for Records

Hello – We are in receipt of you request, please feel free to fax the subpoena to: (xxx) xxx-xxxx.

Please also note a check of \$50.00 will need to be sent for processing.

Thank you – Facebook, Inc.

From: Jeff Karotkin
Sent: Wednesday, November 04, 2009 12:11 PM
To: xxxxxxxxxxxxxxxx@cox.com
Subject: Subpoena for Records

Mrs. Riley

I have a civil subpoena for records to serve upon Cox Communications. I was wondering if I can have it sent to this email address or if there is another preferred method for serving the subpoena.

Thanks

Jeff H. Karotkin
Vice President of Strategic Development
One Legal LLC.

Continued on page 5

From: xxxxxxxxxxxx@cox.com
Sent: Thursday, November 05, 2009 5:53 AM
To: Jeff Karotkin
Subject: RE: Subpoena for Records

Mr. Karotkin,

You may send your subpoena as a .pdf attachment to this e-mail address.

Subpoena Coordinator
Cox Communications, Inc.
xxxxxxxxxxx@cox.com

When a company receives service by fax, e-mail or snail mail today do they care if it was properly served? Since companies are providing information about how to service process upon them, it appears that they do not care. Some companies might even prefer to receive electronic papers because it is simply less hassle.

Electronic communications and technological advances are rapidly changing the world in which we live and work. It was not that long ago that the Internet was not widely used, few companies had Web sites and Google, Facebook and Twitter didn't even exist.

Five years ago NAPPS had a panel discussion on eFiling and eService with discussions about these changes might mean to our profession. Many in the room thought that the impact on process servers would be minimal, that electronic service of process would not threaten traditional service of process. Today, we can see these changes being made right before our eyes. There are more than a dozen examples in the news where papers have been served via via Twitter, Facebook, e-mail and even text.

Today, law firms and their clients are demanding that their vendors do business smarter, faster and more efficiently than ever. Gone are the days when law firms mailed secondary service/correspondence. If a firm is still printing, collating, stapling, labeling and mailing documents to opposing counsel they are behind the times.

As technology improves and the legal industry changes, the process serving industry needs to reflect those changes too. The legal industry

is using technology to leverage, facilitate and streamline the practice of law and will expect us to follow suit.

The industry is at a crossroads where we have the choice to accept that technology is going to advance, or we choose to ignore it and continue serving papers with blinders on. I believe that if we hope to successfully insure our long-term viability we need to collectively adapt and evolve.

"It is not the strongest of the species that survives, nor the most intelligent that survives. It is the one that is the most adaptable to change."

— Charles Darwin

Several years ago the National Notary Association (NNA) recognized the threat of eNotarization in their industry. They realized that they needed to be a part of the solution if their members were going to retain a role. Four years ago they gathered various notary groups and interested parties to start a discussion about eNotarization. Today, thanks largely to vision, determination and focus the NNA leads the way forward in eNotarization, keeping their interested parties in business.

The private process serving profession faces similar challenges today. Individual process servers without a strategy for industry development will have a hard time ensuring their long-term success.

This challenge is bigger than one association, it requires that all interested parties partner in an effort to create the foundation for a strategy moving forward. Once the foundation is in place, we can continue to build and transform our industry to not only keep pace with the legal industry, but also ensure that process servers' businesses will continue to thrive. If we do not find a way to clarify our role in an electronic world, we risk being obsolete one day very soon.

As always, I am interested in and encourage your feedback. I can be reached by phone at 213-915-6235 or e-mail jkarotkin@OneLegal.com.

CALSPRO COMMITTEES

Hoping to tap into somebody else's expertise? Join a CALSPRO Committee. The current chairs of the CALSPRO Committees are as follows:

ADVERTISING

Michael Kern – Chairman
213/483-4900
mkern@kernlegal.com

ARBITRATION & GRIEVANCE

Jack Biggerstaff – Chairman
213/628-6338
jackb@janneyandjanney.com

ASSAULT ADVISOR

Mark Schwartz
(415) 491-0606
mschwartz@onelegal.com

BYLAWS

Brett Peters – Chairman
805/650-9077
brettp@janneyandjanney.com

CONFERENCE (2010, Palm Springs)

Stephanie Saylor – Vice-Chair
831/384-4030
info@saylorlegal.com

EDUCATION

Cliff Jacobs – Chairman
213/627-1212
cjacobs@onelegal.com

FORMS

Tony Klein – Chairman
415/495-4221
tony@attorneyserviceofsf.com

LEGISLATIVE

Brett Peters – Chairman
805/650-9077
brettp@janneyandjanney.com

MEMBERSHIP

Larry Kirlin – Chairman
559/233-1475
l.kirlin@attorneysdiversified.com

NEWSLETTER

Wendy Bowman – Chairperson
408/295-3300
wendy@sterlingmadison.com

TECHNOLOGY

Robert DeFilippis – Chairman
800/938-8815
support@onelegal.com



CALSPRO 2009 MEMBER OF THE YEAR: CLIFFORD JACOBS HONORED AT THE ANNUAL CONFERENCE IN NV

by Chad Barger, CALSPRO 2009-2010 Vice President

CALSPRO's 2009 Member of the Year, Clifford Jacobs, has worked in the legal support profession for over 20 years. His CAPPS / CALSPRO career began in 2004, when he became Area Governor for Los Angeles County. Although not yet a CAPPS member at the time, Cliff knew the importance of the association and wanted to get involved. His CAPPS experience grew through 2005; and in 2006, Cliff became an official member of the association where he worked with the Board as Area Governor Coordinator for the entire State. At the annual conference in 2006, he received the "Rookie of the Year" award. This was just the beginning of even better things to come. At the annual conference in 2007, Cliff was elected to the board of directors and appointed as Area Governor Liaison. In 2008, he was again elected to the board of directors and when the Chairman of the Continuing Education Committee had to bow out, he stepped up and became the acting Chairman. Cliff took the bull by the horns and began to look at every aspect of how CALSPRO effectuated continuing education. Cliff set up a committee of experienced members who began to update the CCPS workshop materials and set up a new structure for the administration and presentation on the day of the events. The CCPS program was offered at many locations throughout the state, where record numbers of people attended. He also implemented a program called "Friday Night Insight," which presented topics of interest to enhance and protect the business aspects of the legal support profession. These FNI's took place on the evening before the CALSPRO board meetings. His efforts not only brought forth a much stronger



continuing education program; but also generated thousands of dollars of net revenue for the association.

Cliff's humble beginnings started at Pascack Hills High School in Northern New Jersey. He attended college at Rutgers University, where he received his Bachelors degree in Administration of Justice. Then on to grad work at NYU in a special Intensive studies Paralegal Diploma Program, where he graduated third in his class. In 1990, Cliff accepted a position as a route driver and court runner for Personal Attorney Service. In the mornings he was a route driver and in the afternoons a Bankruptcy Court runner. After just three months, he was promoted to bankruptcy supervisor where he worked for several years. In the late 1990's, he injured his ankle while on an assignment and had to keep his foot elevated for six weeks. Management moved him inside the office and used him to interact with clients and trouble-shoot assignments. He did such a good job that after the six weeks, he was promoted to Court Service Supervisor

inside the office; and was also assigned to the "Out of County" department as the assistant manager. Eight months later, he became the out of county manager. Cliff coordinated filing, research and file & serve assignments throughout the State and Nation, assuring their timely and successful completion. In June 2003 Cliff was at a cross roads. He was offered an opportunity to become part owner in a legal service in Fresno California. With the blessings of his superiors he move to central California; but after six months, he realized he missed the big city life and the ocean. So he packed his bags and moved back to Los Angeles, where he returned to Personal Attorney Service. In September 2008, Cliff took a position with ProLegal, as Legal Manager. One year later, he was offered a position that spoke directly to his passion within the profession and his years of experience working with Affiliates. He accepted a position with One Legal as their National Affiliate Relations Manager; a position he is uniquely qualified for.

President Steve Janney was quoted saying, "Cliff's excellent work on Continuing Education in 2009 resulted in a solid increase in certified process servers statewide and the implementation of several new programs. In addition, his committee was able to generate income in excess of expenses, contributing to the positive cash flow of our association this past year. Cliff's choice as member of the year was a no brainer."

Congratulations Cliff and thank you for your tremendous contributions to CALSPRO and the legal support profession! 🍷



TECHNOLOGY COMMITTEE REPORT

by Robert DeFilippis, 2009-2010 Technology Committee Chair

COURT TECHNOLOGY TRENDS – WHAT WILL 2010 BRING?

Business owners rarely have the benefit of a crystal ball view into the future; instead strategic planning and tactical decisions are usually made with a blended mix of experience and gut feel. At One Legal, we have the benefit of being able to add a small degree of business intelligence and insight to the equation, and I thought it would be a good exercise to share some of that insight with CALSPRO members as to what we see ahead in 2010.

By now, it should be clear to everyone who does business with the California court system that budget constraints will continue to rule the day well beyond this year. Barring a financial miracle, expect to see monthly furloughs continue along with reduced hours of operation. Processing times, backlogs and the amount of time spent waiting in the courts will continue to grow as everyone adjusts to doing more with less.

Electronic filing has always been held out as the magic pill that provides significant relief from resource constraints, but the reality of this happening on a widespread scale has proven to be elusive. In fact, one can safely argue that the California Case Management System (CCMS) with integrated eFiling has done nothing to date other than help bring about the financial crisis that exists today in the court system. However, in 2010, there is a very good chance that limited success will be achieved in several courts (Orange, Ventura and possibly Sacramento and San Diego counties) finally creating the necessary momentum for broad adoption.

On a national level, most state courts face similar problems as California and many have gone down the eFiling route as a mechanism to achieve the necessary operating efficiencies. In the last six months of 2009, four states issued statewide RFP's (Request for Proposals) for electronic court filing (New Jersey, Florida, California and Maryland). Further, four states have now mandated eFiling in civil matters on a statewide basis.

Consider this recent quote from the chief justice of the Connecticut Supreme Court:

Finally, I would like to address electronic filing, which has been an ongoing initiative. E-filing is essential if the Branch is to

conduct its business efficiently and at the lowest cost possible. As you know, we have now started the process of becoming a paperless system, starting with the mandatory e-filing of civil cases, effective Dec. 5. We have a long way to go, and we face many technical and financial hurdles. Yet I can assure you that we are committed to this effort, which will ultimately reduce costs and provide better access to all who use our courts.

— Chase T. Rogers

It is my prediction that in 2010 there will be real breakthroughs in the pace in which courts adopt eFiling into their protocols as well as yet another trend to mandate the practice. With eFiling, courts accrue significant savings in headcount reductions while gaining efficiencies in workflow practices – there is simply too much at stake with budgets being what they are not to bite the bullet and implement eFiling.

At One Legal, we've come to view eFiling as a way to transition our physical filing business to an electronic model, allowing us to do more with less. Recognizing that not all businesses will be able to offer electronic filing, the New Year is a perfect time to begin thinking and planning about this inevitability and figuring out what role court filing has in your future. ☞

NOTEWORTHY

Jan 07 2010

TYLER TECHNOLOGIES ACQUIRES WIZNET

Tyler Technologies, Inc. (NYSE: TYL) announced today that it has completed the asset acquisition of Wiznet, Inc. of Delray Beach, Florida. Wiznet is a leading provider of electronic document filing solutions for courts and law offices throughout the United States with projects in Clark County (Las Vegas) NV, Sacramento CA, DuPage County IL, Maricopa County (Phoenix) AZ, and Oakland County, MI. Tyler is a leading case management system (CMS) provider in courts across the US and believes many of its court customers will want to implement electronic court filing in the near future. ☞

Continued on page 8

Jan 04 2010

WHAT DOES GOOGLE KNOW ABOUT YOU

This could be a well advised exercise for those of you who spend a good amount of your time in the Google app world and have an iGoogle account. Simply go to the new Google Privacy Dashboard at www.google.com/dashboard/ and once you are logged in, the dashboard will list all things that Google has learned from your online experience with them. 🐼

Dec 13 2009

LEXIS FACES ANOTHER CHALLENGE FROM ITS CUSTOMERS

As previously reported, Lexis is being challenged in Georgia as to the legality of its eFiling program, but this time, the challenge comes from the local bar association in Pueblo County Colorado. Lexis has long owned the Colorado eFiling market and it seems this will remain the case through 2013 or so. However, the Pueblo Bar has decided that Lexis is charging too much money for the service, and they are meeting with local court officials about the escalating fees. You can read more at: www.chieftain.com/articles/2009/12/13/news/local/doc4b24825dc2a94037231928.txt. 🐼

Dec 07 2009

CONNECTICUT MANDATED eFILING PROGRAM NOW IN EFFECT

This notice was recently sent out by the court:

With some exceptions, e-filing of all civil case types will be mandatory as of December 5, 2009. As of September 1, 2009, e-filing became mandatory in all foreclosure matters. Mandatory civil e-filing does not include family cases. 🐼

Dec 02 2009

SAN MATEO DISCONTINUES eFILING PROGRAM

The San Mateo County court announced that its eFiling program will be discontinued effective Jan 01 2010. Citing budget cuts in part, the court says, *"it no longer has the resources to maintain the program."* It has been in effect since early 2006 and thanks its vendors, ISD Corp and One Legal. 🐼

Nov 25 2009

MARYLAND AOC ISSUES eFILING RFI

Maryland has become the 4th state in the last 3 months to issue a statewide RFI for an eFiling system. The other states are: Florida, California, and New Jersey. It seems to me that state administrators are finally recognizing the importance of standardization and uniformity when it comes to their court technology platforms. Budget cuts probably have a role too since everyone has to do more with less, and eFiling solves many operational constraints. Could we be getting closer to the tipping point where eFiling slowly becomes ubiquitous? 🐼

Nov 23 2009

US POSTAL SERVICE TO LOSE \$3.8 BILLION IN 2009 AS VOLUME FALLS

In yet another sign of the times, the U.S. Postal Service continues to feel the effects of the economy in addition to the reality of more communications moving to the internet. Here are some eye opening stats:

- Will lose \$3.8B in 2009 despite \$6B in cost saving measures
- Mail volume decreases 25.6 billion pieces or 13%
- Anticipating a further 11 billion piece drop in 2010
- Estimates a revenue decline of \$2.2 billion and a year-end net loss of \$7.8 billion (more than double 2009 loss)

For 2010, the postal service plans on further cost cutting measures like reducing work hours by 93 million (yes million) which equates to laying off approximately 53,000 full time employees. Additional cost savings of \$3-\$4B can be had by reducing service to 5 days per week from the current six. Even so, they still end up short by a few billion dollars. Most of us see declining trends as well in CCP1011 services as they go the way of the internet just like federal filings. Change is hitting the postal service hard and it is now clear it was not poised for rapid market adjustments. In closing, a quote from the CFO: *"The business model, quite frankly, is broken. It doesn't work in a declining-volume scenario"* - Postal Service Chief Financial Officer Joseph Corbett. 🐼

Nov 17 2009

GOOGLE PUBLISHES CASE LAW

Who knows where this ultimately goes, but for now, Google has quietly entered the public case law arena with an enhancement to their Google Scholar site. The Google database includes more than 80 years of federal case law and 50+ years of state case law. Users can search full-text of the state and fed opinions, which are hyperlinked, so you can navigate from one opinion to the next. There are other sites that offer free case law like FindLaw.com, but one can only wonder how long it will be until Google discovers case documents. You can read more at the Official Google Blog for the announcement: <http://googleblog.blogspot.com>. 🐼

Nov 16 2009

POLITICS CAUSES UNCERTAINTY IN FLORIDA eFILING MANDATE

In Florida, there is a big difference between the court (judges) and the clerks. In fact, they've been fighting for several years over who is the official keeper of the court record. More recently, the fight is over the eFiling mandate handed to them by the Legislature. Each claim the legislation applies to them and while the clerks already have ready an eFiling portal concept ready to go, the court ignored it and decided to issue a statewide RFI (Request for Information). It's at a point where the governor has stepped in and asked both sides to play nice and work out their differences. Obviously there is plenty of politics because of the turf war but also because there is plenty of money to be had by the private vendor community. 🐼

Continued on page 9

Nov 07 2009

UTAH COURTS BEGIN eFILING

The long awaited electronic filing initiative from Utah comes to life this week with the 2nd Judicial District (Weber County) going live. Civil filings are accepted in addition to value added services such as hearing date alerts and calendar change notifications. Utah has implemented a version of the LegalXML specification and as I understand things, is open to any service provider willing to do the implementation. Kudos to Utah! ☺

Nov 05 2009

ATTORNEY SEEKS TO RECUSE ENTIRE FULTON COUNTY BENCH FROM LEXIS LAWSUIT

This is the same case that has been tossed out of Federal Court where certain attorneys in Atlanta are hell-bent to out Lexis from its eFiling contract with the court. They are seeking class action status, claiming the contract with Lexis is invalid and that attorneys cannot be mandated to eFile via Lexis. Stay tuned to see how this case turns out. ☺

Oct 30 2009

CA SUPREME COURT MAY NO LONGER PROVIDE BRIEFS TO WEXIS

In yet another shot over the bow as to legal vendors being provided exclusive access to legal briefs, the California Supreme Court will consider stopping its practice of providing briefs at no charge to West and Lexis. Instead, the court intends to post the briefs online, allowing anyone to access them. Currently, the filing party provides paper copies in addition to its electronic version, and the court forwards the paper copies to Wexis. With a simple rule change, the requirement for additional paper copies would be eliminated, saving time and money for all involved. All involved that is, except for Wexis. ☺

Oct 28 2009

AOC BROUGHT BEFORE BUDGET COMMITTEE RE: CCMS

On Wed, Oct 28th, the California Budget and Oversight Committee held a hearing specific to the AOC, focused primarily its spending on CCMS. The hearing last approximately 5 hours and included public comments from over 40 individuals. The end result is too soon to tell other than things may never be the same for the AOC as to how it conducts its financial affairs. As it stands now, testimony would lead one to believe that the final version of CCMS (v4) will be completed sometime in 2010 and then be ready for deployment. However, there are too many unanswered questions regarding how the software gets deployed, so we taxpayers will have to continue to sit on our hands. ☺

Oct 15 2009

STATE OF NEW JERSEY ISSUES STATEWIDE eFILING RFI

Another state has taken the leap towards all court eFiling and this time it is New Jersey. A RFI (Request for Information) is typically a precursor to a more formal RFP (Request for Proposal). The RFI allows the court go solicit information about interested parties, potential costs and issues without any obligation. It's kind of like kicking the tires if you will. eFiling at a state level seems to be picking up steam. ☺

Oct 13 2009

NCSC PUBLISHES eFILING SURVEY OF STATE COURTS

Over the summer, the National Center for State Courts sponsored an electronic filing survey of all state and local courts who wished to participate. There were just over 100 responses from the court community and survey results are now available at: <http://ctl.ncsc.dni.us/efiling-survey/>. ☺

Oct 12 1009

BLOOMBERG ENTERS WEXIS FRAY

The proprietary news service Bloomberg has entered the legal research marketplace in rousing fashion as it meets Lexis and West head on for Big Law market share. The new product called Bloomberg Law is a Web 2.0 offering that promises to bring efficiencies and cost savings for those who want to consider an alternative to Coke and Pepsi. An uphill battle for sure, but Bloomberg has the resources to enter the fray, so the real question is whether the market needs or wants a third alternative. More can be found at: www.bloomberglaw.com. ☺

Oct 11 2009

DALLAS COUNTY TEXAS MOVES TO MANDATED eFILING

On the heels of Travis County mandating more case types for eFiling, Dallas County is now at the table. The court is starting with its criminal cases and then working its way to civil. The big incentive for the court is getting rid of the paper case file which ultimately generates tremendous cost savings and efficiencies. ☺

Oct 09 2009

LEXIS MOVES INTO ARBITRATION CASES

In Madison County, IL where Lexis currently handles complex case filings, the court has decided to allow Lexis also to file and serve documents for arbitration cases. This is the first I've heard about Lexis involved with arbitration cases, but I guess it makes sense given the process of filing and serving documents for arbitration is similar to that of litigation. ☺

Continued on page 9

Oct 05 2009

**NEW FEDERAL COURT RULES RE: TIME
CALCULATION TAKE EFFECT DEC 01 2009**

The federal courts have decided to update and standardize how days and hours are calculated across all federal jurisdictions. The rule of thumb now is that “days are days”, thus calendar days, not court or business days. While not overly interesting for most of us, there is a change that impacts the last day to file a document:

Deadline for Filing Electronically – The new standard deadline is at midnight in the court’s local time zone. If filing in paper, the deadline continues to be when the local clerk’s office is scheduled to close.

Rule 6(d) stays in place which provides for 3 additional days for service by mail or electronic service despite several courts in Texas eliminating this rule earlier in the year. It seems odd the rules committee didn’t take the opportunity to move in this direction given the almost ubiquitous nature of electronic filing and service.

Oct 02 2009

BRITISH COURT ISSUES INJUNCTION VIA TWITTER

In what could amount to really nothing, a British High Court ordered that an injunction be served via Twitter. The injunction is against an anonymous person who is causing problems for a local law firm. Since the court doesn’t know the identity of the person they want to serve, the thinking goes that the guilty party may see the tweet (a post on Twitter) since they are using Twitter to malign the plaintiff. All in all, an odd thing to ponder how a court provides notice to someone and no one at the same time.

Oct 02 2009

FEDERAL JUDGE ISSUES FIRST DIGITALLY SIGNED ORDER

John M. Facciola, a U.S. District Court Judge for the District of Columbia signed an order with a digital certificate, becoming the first federal judge to do so. The certificate was assigned to him by the National Notary Association which provides the verification service. Using his digital certificate, the judge can easily issue electronic orders without worry that they may be later forged or altered. The judge, not exactly a spring chicken, said of the technology: “It is the next logical development in the transition by the court from paper to electronic filing that will keep the court’s way of doing things consistent and contemporary with the actual practices of the society that the court serves.”

Sep 28 2009

CTC PRESENTATIONS AVAILABLE ONLINE

Every other year, the National Center for State Courts puts on a great educational show called the Court Technology Conference. This year’s conference was in Denver and many of the educational seminars are available online at: <http://www.icmelearning.com/ctc/>. Should you have the time, watching the keynote presentation by Ari Shapiro provides a good overview of how social networking is making inroads with the courts. Also, our own Orange County court has two presentations available for viewing.

Sep 25 2009

**IOWA COURTS TO IMPLEMENT STATEWIDE
eFILING PROGRAM IN JAN 2010**

The Iowa courts are set to launch their comprehensive statewide eFiling program in January 2010. The court issued an RFP over a year ago and the winning bidder was a Florida-based law enforcement software company called the Datamaxx Group. The rollout plans envision courts in all 99 counties coming online over a four year period of time. First up will be courts in Plymouth County and include all case types. According to court officials, electronic filing will be optional for a period of time but the plans are to mandate system usage when and where possible.

Continued on page 11

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Sep 22 2009

LEXIS LIVES ANOTHER DAY IN COLORADO?

Is this really a surprise that Lexis would/could find a way to stay in Colorado? Well, it seems the downturn in the economy played right into the Lexis hand because the state may not have the funding after all to build its own eFiling system. I'm sure there was a fairly strong lobbying effort to boot, but word is they won a two year extension bringing the term to 2013. Maybe they sweetened the revenue share pot so at least the court comes away with something. Final details are pending the state budget approval which remains ongoing. There is a good article from earlier this year at this link: <http://denver.bizjournals.com/denver/stories/2009/04/27/story4.html>. ☹

Sep 16 2009

AOC WATCHER BLOG SITE DISCOVERS CCMS GOLDMINE

It sure took awhile but I guess when the water (money) drains low enough, all the rocks and hazards become visible. It seems the money the AOC has spent building out their CCMS and eFiling software has finally come to light including the very cozy relationship it has with Deloitte. You can read all about it at: <http://aocwatcher.wordpress.com/2009/09/15/aoc-to-spend-billions-on-court-case-management-system-ccms/#comments>. ☹

Sep 15 2009

BREAKAWAY GROUP FORMS NEW CA JUDGES ASSOCIATION

The CA AOC decision to close courts as a way to help address the state budget crisis has created a new adversary – a recently born association called the Alliance of California Judges. At least two dozen judges got together during the annual state bar conference and as a result of their frustration over court closures, decided to do something about it and formed a new organization to rival the 80 year old California Judges Association. Perhaps this is the most painful lesson of all for our chief justice, Ronald George – that the unthinkable has become a reality through the unprecedented release of information about court operations. The AOC is under intense operational and budget scrutiny from various groups and the old strong-arming tactics no longer seem to work. Chalk another one up to the power of organizational dissent. ☹



– continued from page 1

across the age spectrum. And believe me, they no longer write term papers on IBM Selectrics.

DEALING WITH EXCUSES

As I have spent the last 30 years learning to evaluate and implement change, I have also had to learn to deal with excuses that would prevent me from dealing with change. My top three are:

- 1. I do not have time to learn.** We all have been given 24 hours a day and we all have demands on that time that exceed those 24 hours. I have been to time management courses, used everything from Daytimers to Outlook to try and manage my time. And the bottom line is I chose how I use my time. I encourage you to choose to learn.
- 2. I can't change.** This usually means I don't want to change. Anyway, I won't know for sure until I try.
- 3. I will change tomorrow.** This is perhaps the most dangerous excuse of them all. When I was in 6th grade, my teacher asked the class to tell him when we got to tomorrow. Thinking this was a pretty easy task, we came to class the next day and said it was tomorrow. He said no, it was today. After a couple of more days of this, we understood the lesson. Tomorrow never gets here, all we have is today. Don't rush into change, but once the decision is made, do it today.

I like to quote Billy Joel when discussing change. He sings, *"The good old days weren't always good and tomorrow ain't as bad as it seems."* This one lyric presents a solid description of the legal support profession as we look to the future attempting to evaluate and implement the changes that it holds. ☹

Participation in CALSPro

The sole purpose of our association is to protect and promote our industry through legislation. But when it comes to accomplishing goals in Sacramento, it is necessary to lubricate the wheels of government. This takes two things. One is a strong lobbying advocate and the other is numbers, both in terms of members and in terms of money for political contributions.

The first one we have covered. Our lobbying firm, California Advocates, has been our voice in Sacramento for many years. They have never failed to help us accomplish our goals, and they stand ready to help us move forward.

The second requires your participation. The first thing you can do is continue your membership in our association. ☹



MEMBERSHIP REPORT

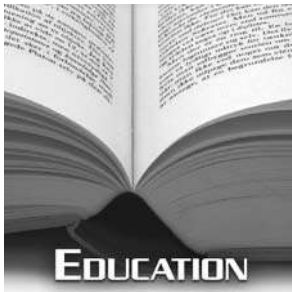
by Larry Kirlin, *CALSPRO 2009-2010 Membership Chair*

By the time this article is printed the 2010 membership drive will be complete. At this moment it is too early to predict our membership numbers, but clearly our goal is to grow each year. In order to grow we need to convince our colleagues to pull hard-earned money out of their pockets. In these hard economic times, we must make a compelling and specific business case for each and every expenditure. When it comes right down to it, the most important reason to be a member of CALSPRO is to ensure the survival of our industry. The primary mission of our organization is lobbying. History has shown that our industry is a pen stroke away from disappearing if we don't have a voice in the legislature.

Besides ensuring our future, our lobbying efforts have significantly changed some laws, removing cost and burden from our daily work. Our legislative advocacy has staved off laws that might harm

us and promoted others that benefit us. The defeat of mailing bills, the right to serve certain writs and orders, elevated status in case of assault, allowance that our fees be recoverable, lawful access to gated communities and the requirement that court hold the original summons are just a few examples of your membership dollars at work. Our legislative program is an investment we make in our business, a life insurance policy. While you work at doing your job, our legislative team is watching your back.

Am I'm preaching to the choir? Not really. I'm reinforcing your decision to renew your membership. I'm also giving you a good reason to reach out to other businesses in our industry. With more members our voice will be louder and more likely to be heard. Help us to grow by passing on this message next time you are on the phone with a non-member. 📞



2010 CALSPRO CONTINUING EDUCATION EVENTS CALENDAR

February 20 – Saturday:

CCPS Workshop and Exam
– “Inland Empire,” to Include
Orange & Los Angeles
Counties

March 12 – Friday:

Friday Night Insight [Proposed
Topic] “What the Future Holds”
– Southern California

April 17 – Saturday:

CCPS Workshop and Exam
– Fresno

May 15 – Saturday:

CCPS Workshop and Exam
– Sacramento

June 12 – Saturday:

CCPS Workshop and Exam
– “Ventura Area,” to Include,
Santa Barbara & Los Angeles
Counties

June 25 – Friday:

Friday Night Insight [Proposed
Topic] “What the Future Holds”
– Northern California

July 31 – Saturday:

CCPS Workshop and Exam
– San Diego

August 21 – Saturday:

CCPS Workshop and Exam
– Location TBD

September 14 – Tuesday:

[Projected] MCLE Class
– Location TBD

October 10 – Sunday:

CCPS Exam
– Palm Springs (Conference)

October 19 – Tuesday:

[Projected] MCLE Class
– Location TBD

October 30 – Saturday:

CCPS Workshop and Exam
– Oakland

November 16 – Tuesday:

[Projected] MCLE Class
– Location TBD

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1/2 Page Vertical	(3 1/2" x 9 1/2")	\$135	\$120
1/4 page	(3 1/2" x 4 3/4")	\$ 85	\$ 70
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