



CALSPRO PRESS

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CALIFORNIA ASSOCIATION OF LEGAL SUPPORT PROFESSIONALS

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LEGISLATION

■ Year Two Of The Legislative Session

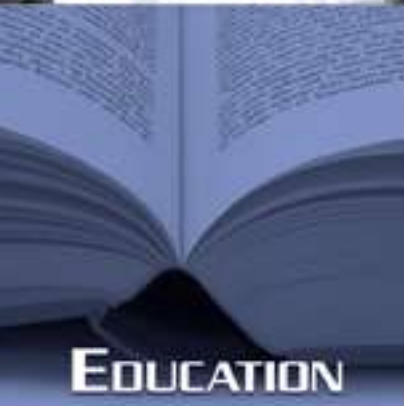
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CALSPRO

44th Conference

Get ready for CALSPRO Conference 2012 and bring along the family to enjoy **Disneyland**. The CALSPRO Conference returns to its usual date of Columbus Day weekend – October 5-7 and will be held in Anaheim next year.

THANK YOU

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CALENDAR

OF Events...

2012 BOARD OF DIRECTORS MEETINGS

March 24, 2012 - Southern, CA

June 23, 2012 - Sacramento, CA

October 5, 2012 - Anaheim, CA



PRESIDENT'S MESSAGE

CHAD BARGER

DELVE INTO 2012!

As a business owner, I understand the struggle and challenges companies face in meeting payroll, operating within a budget, dealing with employees and nurturing client relationships. Companies now more than ever shop for quality in the context of value to garner the proverbial biggest bang for the buck; keeping a watchful eye on the careful and measured use of available resources and efficiencies while also being environmentally responsible, "green" and as carbon neutral as possible. It is so much more complex now than in prior generations, and with the economic climate we are facing today the old adage "a penny saved is a penny earned" has never resonated truer. With this in mind, I am delighted to share with you some of the fruits of recent CALSPro labor.

I'm very proud of the CALSPro board and the great strides we have made over the past year. As President, the top two tenets I live by when leading our association are the protection and preservation of our profession, and the promotion of CALSPro and its members. In conjunction with these core values, if somewhere along the way I can save our association and its membership a few dollars, or help them generate more revenue, or provide time saving efficiencies, then even better. Last year we launched our new CALSPro website which propelled us into the twenty first century. Our new attractive, useful and informative site is something we can all be very proud of while we reap

the rewards of having more and more attorneys, legal assistants, secretaries and others use the site as their resource of choice in seeking legal support professionals and as an informational resource.

This year, I'm thrilled to announce our NEW agreement with our pouch vendor Top Priority Couriers. You need to know that your pouch committee worked tirelessly over several months traveling all over the state touring facilities and observing operations of potential pouch vendors, scouring the market for the best possible service and price. What's more, these individuals did so at their own personal expense out of their commitment to our association and all of its members. As a result, every pouch participant will see substantial savings in the form of much lower base rates; overweight fees slashed in half, and increased daily weight allowance of over 40%; and we now even have the option of being able to track shipments. You will now also be able to ship boxes and overnight envelopes to most areas of California to non pouch participants for very special low rates negotiated especially for CALSPro pouch participants. To find out more about this, visit the CALSPro website.

This coming April, NAPPS association is holding their annual conference in Boston, MA. This year, CALSPro along with other State associations will be hosting the first annual "State Association Party". We will use this opportunity to speak with NAPPS

members from all over the United States and invite them to become associate members of CALSPro. This will benefit our association not only by increasing our membership but also by opening the door for increased business to our members, while providing trusted "go to" resources in other states across the country for our members. I am already excited about the opportunities for CALSPro at the NAPPS Conference and can't wait to visit Boston! For conference details, visit www.napps.org.

Speaking of annual conferences, if you haven't been able to attend our annual conferences lately, this year's conference will be one not to miss. We are going to Disneyland !!! So don't forget to mark your calendars and start planning now to be there in Anaheim October 5th - 7th. Bring your family and make it the conference to remember!

Finally, it's that time of year when I ask our membership to get involved. We're looking for someone just like you to step up and make a difference. As I once was told, "If not you, then who? If not now, then when"? Make the time today to make a difference in the career you've chosen as your profession. 🐾

Best Wishes For A Great Year!

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CAPITOL REPORT

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



The Beat Goes On

The old saying that nothing is certain but death and taxes is not exactly accurate. Citizens of California may rest easy knowing that with every new legislative year, 2000 or so new bills will be introduced in Sacramento, covering just about every possible issue in our state. For this year, the deadline for introducing new bills was February 24, and it takes a week or more after the deadline to assess what was introduced affecting CALSPro.

Because 2012 is the second year of the current 2011-2012 legislative session, there is also the matter of bills carried over from the first year to the second. For CALSPro, the one significant bill in this category is SB 890 (Leno), relating to debt buyers. Regular readers of this column may recall the discussion of SB 890 last year. Our biggest concern with the bill last year was the definition of "debt buyer", which was crafted so broadly so as to include anyone acting on behalf of debt buyers. Presumably this would extend to attorney services doing nothing more than performing service of process; a violation of the standards in the bill by a debt buyer or lawyer could arguably have created legal liability for CALSPro members!

Fortunately we have been assured that SB 890 will be amended to significantly narrow the definition of debt buyers. But as of this writing, no such amendment has been made, so diligence by CALSPro

is required. And as the bill winds its way through the Assembly, we need to make sure that nothing else is inserted into the bill affecting attorney services.

We also know of at least one bill introduced already of interest to CALSPro. AB 1720 proposes to amend Section 415.21 of the Code of Civil Procedure, relating to access to gated communities. Sponsored by the California Association of Licensed Investigators (CALI), the bill would grant PI's the same access to gated communities, for purposes of service of process, already granted to registered process servers. Your CALSPro Board is presently evaluating the bill, which amends a law enacted through CALSPro sponsorship many years ago.

We also understand that a bill may be introduced relating to service of prejudgment claims of right to possession in unlawful detainers. CALSPro has been contacted by the lobbyist for the Conference of Delegates of the State Bar on this issue. Until we actually see the bill, however, it is premature for the Board to take a position.

Once again, the big issue relating to the judicial branch is money. With a cut of over 30% of state general fund support for the courts, amounting to reductions of well over \$600 million, courts obviously are struggling to keep the doors open, let alone processing civil cases. CALSPro

members are seeing the results of this funding struggle, with such basic activities as filing documents at greatly reduced clerks hours. Lawyers, judges, business groups and many others are mobilizing to advocate for no further cuts, and for restoration of cuts already made, but the Governor and Legislature have difficult choices to make as the state very slowly emerges from the Great Recession.

Legislative leaders say that the budget situation will remain muddled until we know the outcome of the Governor's tax plan, intended for the ballot this November. The plan would raise \$5-6 billion from a combination of income tax increases and sales tax surcharges. But two other tax increase proposals may also qualify for the ballot, which do not benefit the state general fund, and which could cause voters to reject all of the proposals. If this happens, the budget situation becomes dramatically worse, and courts could well suffer further reductions. This drama will unfold in the coming two to three months.

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CALSP_{ro} 2010-2011 MEMBER OF THE YEAR MICHAEL KERN

Our 2010-2011 CALSP_{ro} Member of the Year is Michael Kern, and we are quite proud of him. Michael was born into an Attorney Service family in the San Fernando Valley in 1969 and lived nearby in Sepulveda until he was 9; at which time his family moved to Santa Clarita. He has lived there ever since (over 30 years) and even as a young boy, was involved in our profession. His father started Dave Kern Attorney service in 1961; and whenever Michael was on school breaks he would help the family business by doing things like setting up court filings, filing documents at the courthouse (where he was known by many clerks to be quite mischievous), calling runners for status, riding along with route drivers and doing pick-ups, and riding along with his dad to learn how to serve papers correctly for when he was old enough.

Michael played football in high school and was part of the team that won the CIF championship twice in his 4 years as a player. He also demonstrated strong academic prowess and graduated with a 3.4 GPA. He worked 2 part time jobs to be able to buy his first car, and attributes his "get it done" attitude to his dad who

instilled in him that hard work gets you everything in life. Michael aspired to be a police officer while growing up but was convinced by his dad that process serving and legal support was a better line of work (with better pay) and was persuaded to follow in his father's footsteps.

Michael graduated Hart High School in Newhall in 1987 and was officially brought into the family business where he fully embraced their philosophy of not being the biggest, but being the best attorney service in California. He became a registered process server that same year and served papers while attending College of the Canyons through 1989 where he majored in Business Marketing; all the while working in the family business as well. He has had his hand in every aspect of litigation support ever since, and directly attributes his success to his dedication to and passion for this profession.

In 1990 Michael met his future wife and business partner, Sheri, who joined the family business that same year. They were married in March of 1992 and Michael has never once forgotten his anniversary. Michael and Sheri have three children who

are their pride and joy, David -17, Mikey - 12, and Kayla - 11. They share many interests and hobbies with their children such as golf, bowling, motocross riding, NASCAR racing, camping and boating. One fact that many do not know is that Michael is an avid collector of baseball cards, and has over one million cards in his collection (really - no kidding). Have you ever seen a Ted Williams 1956 card. Ask Michael to show you his.

In 2005, Dave Kern Attorney Service changed its name to Kern Legal Services, Inc. in order to better represent that their service was to the entire legal community instead of just attorneys. Michael is very proud to be a second generation legal support professional; and is very excited that his son David will be his legacy, by joining the family business in the fall of 2012 while attending California State University.

Continued on page 11



MEMBERSHIP Has Its PRIVILEGES

by Larry Kirlin

Membership Committee Chairman

An industry is only as good as the strength and integrity of its members. The legal support services field runs on trust — from clients such as attorneys and government agencies — to the process servers out in the field.

Real estate agents have the National Association of Realtors®; attorneys join the American Bar Association. Those groups provide standards and a code of conduct for its members to follow. The legal support services industry has its own group to set the barometer of conduct: CALSPro.

The legal industry deals with sensitive matters. Confidentiality is at the cornerstones of building trust and relationship with clients. That is why it's so important to have an organization to set policies with high standards and holds its members to an infallible integrity.

CALSPro offers many advantages; including setting the guidelines and standards of how legal support services providers should act with its clients and with each

other. Membership in CALSPro signals to your clients that their business will be handled with the utmost professional care.

In addition to setting the industry standard (the Code of Conduct and Best Practices Statement can be found at calspro.org), CALSPro lobbies in Sacramento to ensure



the legislature makes informed decisions on laws that affect our industry.

CALSPro is more effective with its strength in numbers. Similar to other advocacy groups, the more members The CALSPro lobbyist represent, the stronger the voice

on the Capitol and the increased likelihood to influence positive legislation.

Non-members automatically benefit from CALSPro efforts in holding the legal services industry accountable to a higher standard. But they are deprived of the honor and privilege of being a part of the association that ensures the trust and dignity of our industry.

Members are stakeholders in the future of the business. The benefit of a CALSPro membership carries prestige and weight among the legal profession. Because CALSPro polices its own, it creates the confidence that its members will provide the highest level of professional legal services.

In summary, being a member of CALSPro isn't just about being on the pouch and getting work from other members. It is about standards, accountability and the future of our industry. Please pass this message on to a non-member. Let them know we would be honored to have them join our prestigious association. 🐾



EFILING IN ORANGE COUNTY SUPERIOR COURT – NEW EFSP'S ARE AVAILABLE

For our members who are filing documents in Orange County Superior Court, there are new Electronic Filing Service Providers (EFSP) in the market. You may now register directly with a provider, open an account in your office's name and file your client's work. The e-filing requirements in Orange County have recently expanded, so you may find the addition of new providers to be very beneficial. Check out the Court's website for more details and contact information. For details, visit www.occourts.org.

CALSPRO POUCH LOWERS PRICES



The CALSPRO Board of Directors is pleased to announce new, much lower pricing and added benefits for the CALSPRO Pouch Service with our vendor, Top Priority/CFC effective February 1, 2012. Please note that service charge prices have been substantially reduced, the daily weight allowance has been increased, and the overweight charge has been slashed by over 50%.

The new rates and weight allowances are as follows:

- Twice a day (AM-PM) Service will be decreased to only \$375.00/month
- Once a day (Swap) will be only: \$195.00/month
- There will be no charge for the first 10 pounds (up from 7 lbs. previously).
- The overweight fee is being reduced to only 64 cents per pound (down from \$1.32)
- In addition, the fuel surcharge has been zeroed for the current market price of regular unleaded up to \$3.85/gallon, and thereafter .0065 for every ten cent incremental increase.

This represents about a 35% savings over your current base price. A typical company with one office, daily swap and no overweight will save a minimum of \$1,000 per year. That is twice the cost of a CALSPRO Company Membership.

With this kind of savings, once a day participants can now consider shifting to twice a day, company members can consider adding staff as individual members and also enhancing their listing and everyone can convert the savings into additional advertising for increased business in 2012. 🐾

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The CALSPro 44th Conference

October 5 – 7, 2012 in Anaheim

The conference will take place at the Sheraton Park Hotel at the Anaheim Resort
www.sheraton.com/ParkHotelAnaheim - just steps away from Disneyland!

The conference is a wonderful opportunity to get up-to-date information on legislative and hot topic issues, receive a one-year CCPS extension, catch up with old friends, meet new ones, gather information that can help manage your successful business and participate in the business discussions of the association.

It is also a wonderful opportunity to bring the family and enjoy Disneyland!

If you are interested in serving on the Conference Committee or if you have ideas for education topics, please contact CALSPro at info@calspro.org.

Watch your e-mails and the CALSPro Press for more information on the conference. 🐾

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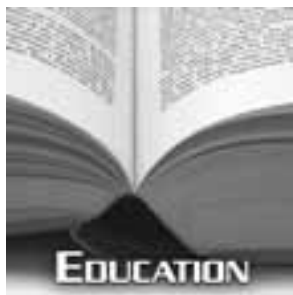


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CONTINUING EDUCATION REPORT

by Cliff Jacobs

2011-2012 Continuing Education Committee Chairman

The CALSPro Continuing Education Committee is pleased to announce our plan to hold eight CCPS workshops and Exams throughout California in 2012. In addition, we will be doing a quick review followed by the CCPS Exam at our annual conference in Anaheim this October. This year all attendees will be given a short questionnaire at the end of the workshop for them to provide feedback.

THE CCPS WORKSHOP IS DESIGNED TO COVER ALL OF THE TOPICS THAT WILL BE INCLUDED ON THE CCPS EXAM SUCH AS:

- Tools of the Trade
- What makes a good report
- The 3 essential elements of service
- Monetary jurisdictions
- Venues
- Statutory time limits
- The 4 basic ways a Summons and complaint can be served
- Reasonable diligence
- The codes every process server should know
- Personal service
- Substituted service
- Certified Mail Service
- Service by Publication
- The service of ORAPs (a.k.a. OEX's)
- Subpoenas
- Small Claims Actions
- Writs
- Unlawful Detainers (including Prejudgment Claims and 3 day notices)

We will also discuss the case law that is the basis for many of our current service of process practices. One example is the case of *Thorndyke vs. Jenkins* which upheld as valid a service on an evader who was behind a wire fence. The server announced that

she was serving him and threw the papers over the fence, and it landed at his feet. The Citation for this case is 61 Cal. App. 2d 11 and I encourage you to read the full text. 📖

Tentative schedule for 2012 is planned as follows:

April 14 – Sacramento

May 19 – Visalia

June 30 – Los Angeles

July 28 – San Jose

August 18 – Orange County

September 8 – Inland Empire

October 5 –7 Annual Conference in Anaheim (review and CCPS Exam only)

Nov 3 - Oakland

Please visit the websire for more infromation and details.

WE ARE EXCITED ABOUT THE EDUCATIONAL OPPORTUNITIES FOR YOU AND LOOK FORWARD TO SEEING YOU SOON. 📖



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TECHNOLOGY COMMITTEE REPORT

by Jeremiah Jones, *Technology Committee Chair*



Portable Scanners



Technology has had a tremendous effect on the photocopy industry over the past few years. Some of you may have been around long enough to remember the RP1 microfilm scanner (you might even still use them). I remember back to a time when our field agents would copy a box of records, and then I would send the film off to be developed only to find out 2 days later that the film was fogged. We would have to go back out, recopy the records, and start the waiting process all over again. Now, utilizing scanners and laptops, photocopyers can not only view their records onsite but they can upload the scanned images to their company's website enabling their clients to have access to the records in a manner of minutes from the time of copying rather than waiting several days to see if the film turned out.

I know there are CALSPro members and others still using microfilm scanners who may want to upgrade their current scanning equipment. It is for these people and anyone else who may be interested in expanding their services to include mobile copy work that I sought the opinion of someone knowledgeable in photocopy technology to share their thoughts and opinions. The following information is provided courtesy of CALSPro member Larry Kirlin based on his first hand knowledge and research.

Larry has spent a great deal of time researching scanners for his company and I thought that this would be a good

resource and time saver for our members interested in researching scanners. Larry's recommendations and the reasoning for his recommendations follow:

"I have personally tested products from Panasonic, Kodak, Canon and Fujitsu. In the end I felt that Kodak and Fujitsu offer the best products. In my experience, more production scanning companies use Fujitsu and Kodak than the other brands. For that reason I am recommending to you one product from each."

FUJITSU SCAN SNAP 1500 - LOW VOLUME (5-10 COPY JOBS/WEEK, 500 PAGES/DAY)

This is a basic scanner and comes with a full licensed copy of Adobe Acrobat. It scans both sides at one time (duplex) and can auto-detect color or black & white. The interface is simple but gives enough options to be useful. I recommend this scanner if you have a low volume or have other scanners available for large projects. You can purchase this item through Costco.com for \$429.

KODAK I1220/1320 (MEDIUM TO HIGH VOLUME)

This scanner comes in several models. The 1220 is rated at 45 pages per minute (ppm) and retails for \$1199. The 1320 does 60 ppm and retails for \$1895. Both are duplex, color, B&W, and can be tethered to an optional flatbed (\$500). Kodak products are both reliable and durable. The 1320 scanner is rated at 5000 pages per day and you can run it day after day with no problems.

There are two features about the Kodak scanners that separate them from the competition:

1) Adjustable run time. You can set the feeder to keep running in between pages. This is particularly important when copying small stapled sections. With most other scanners you have to reach over to the mouse each time you have a new section.

2) Advance Unit Replacement. The portable Kodak scanners come with a 1-year warranty. If anything major goes wrong with the scanner you will get a replacement overnight. After the warranty, you can pay a \$500 deductible and they will replace your scanner. Check with Kodak on the details. I can tell you from experience that this is a great deal. We use our scanners hard and when they die, we pay the \$500 and basically get a new scanner every time."

As with all recommendations, you are encouraged to do additional comparisons and research to suit your individual requirements; and we hope that the information provided here assists you in making the best decision. 🐾

Michael has been a member of CALSPro since 1994 and has served the association in many different capacities such as:

- Southern Area Governor (1996-1997 & 1997-1998)
- First VP & Board of Directors (1998-1999/2000)
- Board of Directors & Directory Chairman (2001-2002)
- Board of Directors & Vendor Chairman (2002-2003) (2003-2004) and (2004-2005)
- Second Vice President (2005-2006) and (2006-2007)
- Chairman of the Board & Membership Chairman (2006-2007)
- Advertising Chairman (2007-2008)
- Board of Directors & Advertising Chairman (2008-2009) (2009-2010), (2010-2011) and (2011-2012)
- Secretary/Treasurer (2010-2011) and (2011-2012)

Michael has also been recognized over the years, having received the following awards:

- Rookie of the Year (1997/1998)
- Presidential Recognition Award (Going the extra mile) (2002-2003)
- Member of the Year (2003-2004)
- Member of the Year (2010-2011)

This year, Michael served as the Secretary/Treasurer, as the Advertising & Marketing Committee Chair, and also served on the Website Committee. He did an amazing job keeping the association on track and within budget during a difficult year, while providing the vision and marketing plan to help the association's outreach into the legal community. His experience with website design and the customer point of view was very valuable in helping to mold the website into what it is today. He is a member of distinction and a true leader.

In the words of CALSPro President Chad Barger, "Many of the ambitious items the board and I set out to accomplish this year would not have happened without the hard work and dedication of Michael Kern. Through the late nights and countless hours, Michael has earned this honor and I congratulate him on his success!"

We all congratulate you, Michael, on a truly great year.



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