

Volume 8 / Issue 2 / Summer 2015



LEGISLATION

Legislation:

A Mid Term Update



MEMBERSHIP

Membership:

Ongoing Promotions In Review



EDUCATION

Education:

One of The Best Investments



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Conference:

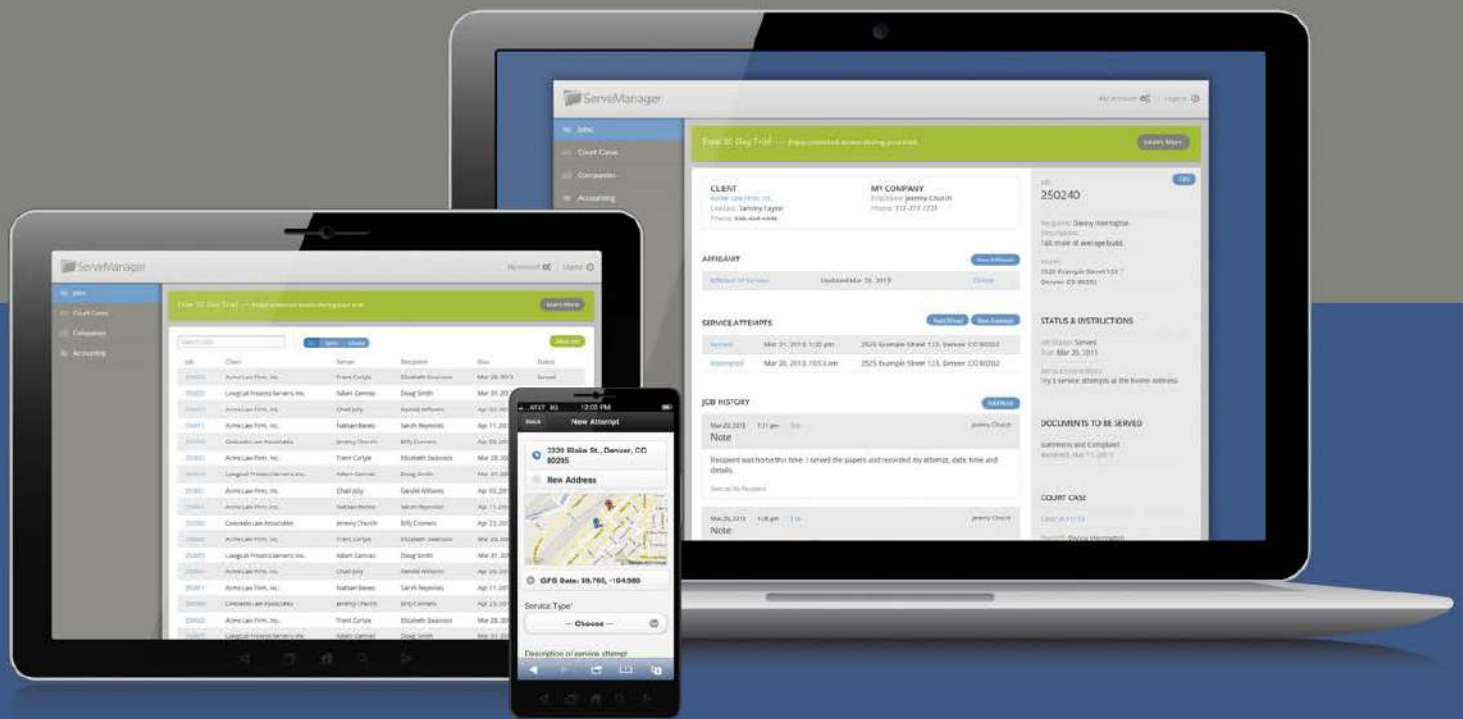
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**California Association of
Legal Support Professionals**
2520 Venture Oaks Way, Suite 150
Sacramento, California 95833
Phone: (916) 239-4065 • Fax: (916) 924-7323
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PRESIDENT'S MESSAGE

CLIFF JACOBS

2015 CALSPRO PRESIDENT

We are currently immersed in the growing trend of electronic filing; which inevitability will become widespread throughout the courts in our state, and which will impact the way many legal support professionals operate. It is well known that the court administration in many California counties looked toward eFiling as a necessary budgetary efficiency in light of the hundreds of millions of dollars taken away from our court system over the last few years due to State funding cut backs. Orange County and San Francisco County Superior courts have mandated eFiling for the majority of their civil case types, and several other counties have already begun implementing eFiling solutions as opt in and/or mandated for specific case types or specific court assignments. Tyler Technologies of Texas has come into California, and is clearly the giant in providing eFiling and case management solutions to State and County courts. More than one half of the counties in CA are already slated to transition to some type of eFiling solution through 2017. In a snapshot, by the end of 2015 more than 12 counties, an additional 12 more slated in 2016, and thus far an additional 8 counties are planning to go eFiling in 2017. On the local front, consider attending court meetings discussing the implementation of eFiling; or at the very least reach out to your local court administration to garner a sense of the court's intention to implement it, and perhaps a timeline.

CALSPRO's position has always been to ensure the due process rights of all parties and witnesses in a legal action, as well as ensuring fair and equal access to our courts. In this transition period to

eFiling we are keeping a watchful eye on how the courts accommodate the public, including members of the legal support profession. Our eFiling Committee Chair, Michael Kern, has been tasked with gathering information from all sources and will welcome any information that our members can provide regarding their local courts. We are also keeping a keen eye out statewide, nationally and globally for electronic service of process emerging trends, and service via social media. As technology continues to profoundly impact our profession, we will continue to champion due process and fair and equal access rights.

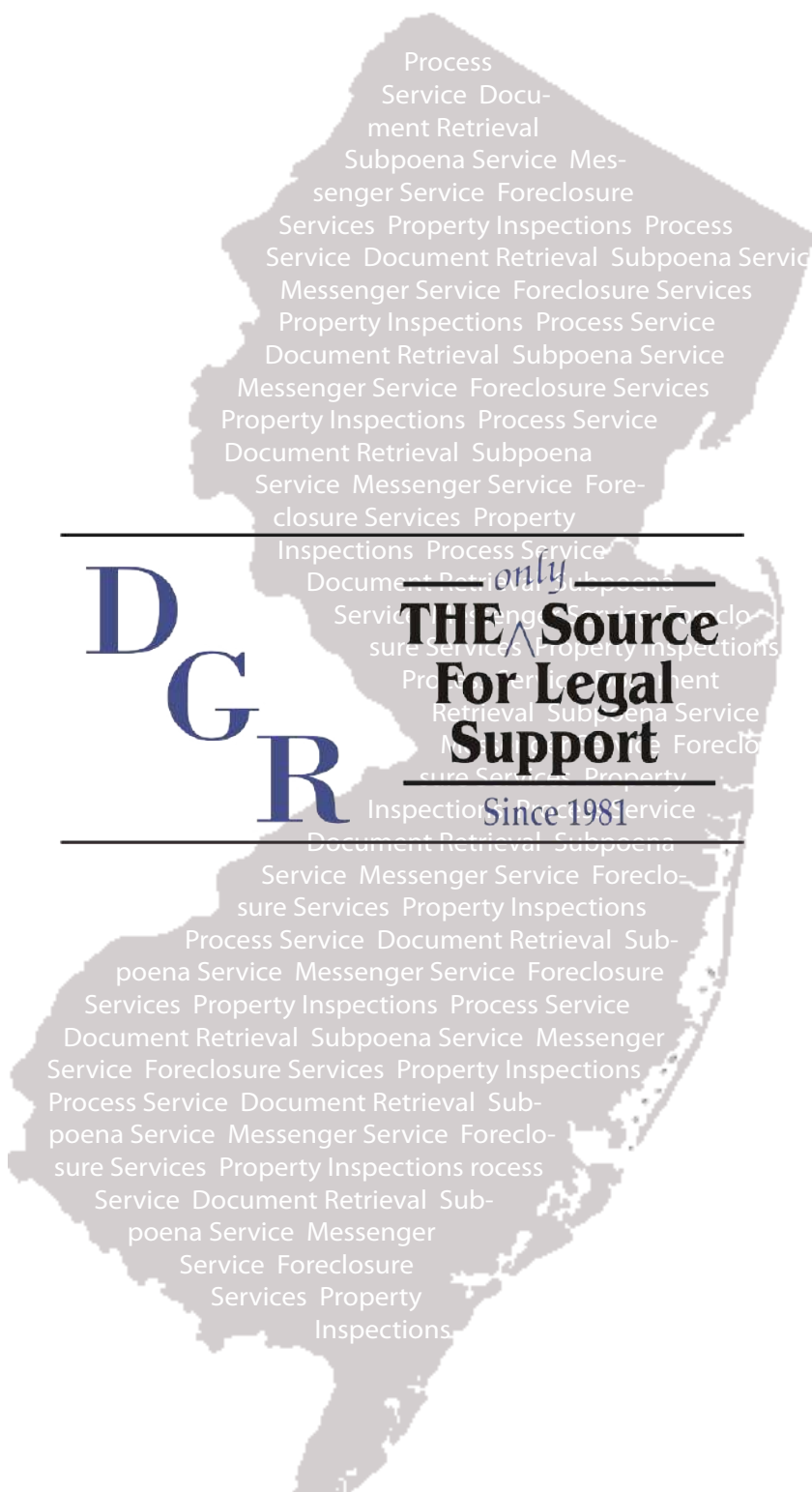
You may have noticed that we have enhanced our website and expanded our social media presence to include LinkedIn, Twitter, Facebook, and Google+. We also have an RSS feed and encourage all to subscribe. We are making a strong effort to provide timely and valuable information to our members, and to all who are interested in what is happening in our profession. In that light I am proud to share some accomplishments and promotions:

1. We have an improved job post feature on our website which is available to all looking for a CALSPRO legal support professional. It's prominent on our website and we believe it will help to bring additional work to our members from both within California and from all across the nation.
2. In support of the job post feature and increasing membership, I have reached out to the leadership of other Professional Process Server

state associations. This spring I met with the Presidents of the Colorado Association, Florida Association, Mid-Atlantic Association (Delaware, Maryland, Virginia and Washington D.C.) and the new President of NAPPS. We discussed ways in which Associations can work more closely with each other, share information, and exchange work. I will continue in establishing better ties with the other state associations to create stronger relationships. Our Associate Member promotion at the NAPPS Conference at the end of April has brought in new members and re-established the memberships of some former members. I plan on continuing to increase our health as an association by reaching out to other legal support associations and organizations to bring in new members that we can share with and also learn from.

3. Regarding membership, we have revamped our member promotions this year in response to comments and suggestions from the membership. The two major changes include offering a 2-pay option to company members at renewal time. The first half is due mid-January and the second is due mid-March, helping to accommodate our members' needs, especially right after the holidays. We also started a referral discount program which enables our existing members to significantly reduce their renewal fees while also offering an immediate discount to the individual or company that they have referred

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CAPITOL REPORT

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

ECLECTIC SET OF BILLS FOR 2015

The year 2015 may be only half-completed on the calendar, but the year is far further along in terms of the legislative process. As this column is written, only six weeks remain in the 2015 legislative year. After a four week summer recess from mid-July to mid-August, the California Senate and Assembly return for four final weeks, recessing for the fall on Friday, September 11. At that point Governor Brown will have 30 days to sign or veto the many hundreds of bills sent to his desk.

CALSPRO has been involved in a variety of issues for 2015. Steve Janney, the very hard-working Chair of the Legislative Committee, has summarized a number of the bills in his report, but this year the association has been involved in such diverse issues as debt buyer default judgments, surcharges on recording, unlawful liens and encumbrances, lapse of process server and photocopier registrations, standard forms for photocopying of health records, and more.

The debt buyer bill is SB 641 (Wieckowski). Senator Wieckowski's bill would give defendants the right to petition the court to set aside default judgments obtained only by debt buyers, but not by third-party assignees of debt or direct creditor judgments, if the defendant can show that he or she did not have actual knowledge of the collections case in time to defend the action. Although the language is similar to existing provisions for setting aside defaults, in the case of SB 641 there is no limit to how far back the judgment could extend. One can imagine the difficulty of

providing a proof of service, not to mention testimony from the process server, for a complaint served fifteen years ago!

Another interesting issue is the attempt in AB 1337 (Linder) to standardize forms used in authorizations to obtain medical records. In this case, the Consumer Attorneys of California is working with associations of hospitals and doctors, usually their nemeses, to actually codify a form for these authorizations. The form would appear in Section 1158 of the Evidence Code, and is based on the current authorization form used by Kaiser. Health care providers complain that they presently receive literally thousands of different authorization forms, so simplicity and efficiency are the objectives of AB 1337. CALSPRO was concerned that the existing ability of photocopiers to obtain records, when designated by a lawyer in the action, be retained.

One of the looming issues for this year and beyond relates to taxation and state revenues. This year a bill is pending to put a surcharge on the recordation of real estate documents, in order to fund the development of affordable housing. This idea has failed in the past, but this year's bill, AB 1335, is carried by the very powerful Speaker of the Assembly, Toni Atkins from San Diego. Speaker Atkins argues that the demise of redevelopment agencies in recent years has dried up funds for affordable housing, and the surcharge is designed to raise hundreds of millions for this purpose. Because a 2/3 vote of the Legislature is required, however, and

because Democrats are (just) shy of 2/3 supermajorities in each house, the ability to pass the bill this year is in question.

Long-term revenues also raise interesting issues. As Californians, we collectively passed Proposition 30 a few years ago, to provide temporary sales and income taxes to get California through the last budget crisis. Those tax increases are scheduled to expire in 2016 and 2018, and the question is: what happens then? Do the temporary taxes just sunset, reducing state revenue by at least \$6-8 million, or are they extended? Or is it time to work on some other revenue increase idea, like a "split roll" property tax, which touches the "third rail" of California politics, Proposition 13, or perhaps even more controversially, a sales tax on services?

Stay tuned, and attend the CALSPRO convention in October to learn more!



Top 10 Gadgets Recommended for Field Surveillance

by Irina Nordstrom, Tristar Software

BE PREPARED FOR ANYTHING

As you are aware, it has become essential to stay abreast of the latest surveillance technology to successfully do your job in the service of process and private investigations industry. That means keeping on top of the latest gadgets and testing their use in the field. Being prepared for anything is the name of the game when conducting surveillance. Regardless of the type of surveillance, there are many basic items that every server and investigator should have in their vehicle and on the job.

I recently spoke with a few process servers and private investigators to share their thoughts and suggestions on the technological gadgets they feel are most crucial for success in the surveillance industry. Here is what I found:

Top 10 Gadgets Recommended for Field Surveillance

- #1 **Digital camera with Bluetooth capabilities** and a large zoom lens are essential. You will also need a laptop with you in the field to be able to run a license plate and/or to immediately download your evidence, then upload it into a secure online dropbox for your client to view.
- #2 **Digital recorder** with a USB connection and flash drive. There are instances when your captured audio file requires immediate download

so that you can email the file for transcription. For example, you have a witness in the field and you've obtained their permission to record your conversation (if your state laws required consent prior to audio recording). This type of recording removes any guesswork after the fact. This is a small device that fits in your pocket and can be purchased for as low as \$70!

Suggestion: Olympus digital recording devices

www.getolympus.com/us/en/audio/digital-recorders.html

- #3 **Dashboard Camera** with a suction cup application for car surveillance

Suggestion: Z-Drive HDI Dash Cam

www.zetronix.com/720p-HD-Ultra-Wide-Angle-Nightvision-Car/Truck-DVR-Dash-Camera%28203%29/product_info.html

- #4 **Motion Activated Hidden Camera** Can take incredible footage via motion detection.

Suggestion: Bushnell HDI trail Camera with Night Vision

www.amazon.com/Bushnell-Trophy-Trail-Camera-Vision/dp/B007SUKQEK

- #5 **Night Vision Goggles** For obvious reasons...

Suggestion: Night Owl Optics
<http://www.nightowloptics.com/>

- #6 **Covert Video Camera** Inconspicuous gadgets like a car remote key chain/pen/baseball cap. There is even an iPhone case with a built in camera that detects motion and body heat to record both audio and video.

Suggestion: Great video on car remote covert camera <https://youtu.be/ew0e14yIQ5I>

- #7 **GPS Tracking Device** *Perhaps a bit questionable. A tracking system sticker with an RFID chip can then be monitored via smartphone app.

Suggestion: The Trackr
www.thetrackr.com/sticker

- #8 **Radar Gun** to capture the speed of cars. Let's say you have a client with a governmental claim to change the speed limit.

Suggestion: Bushnell Velocity radar Gun

www.bushnell.com/spectator/outdoor-technology/velocity-speed-gun

Continued on page 9



CONFERENCE

CALSPRO Conference

SAVE THE DATE

October 16-18, 2015 at the Monte Carlo, Las Vegas



#9 **Traffic Counter** Perhaps your client/attorney wants to know the # of pedestrians and # of cars that drive by for a certain street corner where there is no crosswalk to present as evidence.

Suggestion: Diamond Traffic Portable Counter
www.diamondtraffic.com/productlist/Portable-Counters

#10 **Binoculars** There are so many on the market. Find the one most suitable for your field needs.

Other Food for Thought Suggestions that are essential to field surveillance...

1. DC to AC Power Inverter
2. MonoPod/TriPod
3. Toilet Paper
4. Bottles of water
5. Battery Jump Starter/Compressor
6. Extra Memory Cards
7. \$40/cash
8. Flashlight

Now let's talk software technology and the importance of becoming tech savvy . Lots of surveillance work is done with surveillance equipment, however,

process servers and private investigators perform plenty of their tasks using computers, as well. It's a profession that is getting increasingly technological. Therefore on the flip side of the field: at the office, servers and PI's spend much of their time accessing databases and obtaining information. You may need to unveil information while scouring the internet to extract crucial data regarding a case. So, I've gathered a short list of suggested databases to explore:

DATABASE SUGGESTIONS:

IRB: www.irbsearch.com
TLO: www.tlo.com

Tracers Info:
<http://www.tracersinfo.com/index.php?id=privateinvest>

Skip Smasher:
www.skipsmasher.com

Pacer Court (Public Access to Court Electronic Records):
www.pacer.gov

Perhaps most importantly, are the high level suggestions I gathered regarding networking.

RECOMMENDATION

Become a member of as many associations as possible. Networking is crucial. Knowing your resources is essential.

RECOMMENDATION

Keep up to date with laws and regulations. Servers and PI's need access to private information and there are instances when governmental regulations may seem to hinder this line of work.

Finally, and maybe not as obvious as you think, is the need for an informative website with search engine optimization (SEO) as well as a robust, specialized software system specific to process servers to manage case tracking, dispatch solutions, task management, and auto reminders.

So that's that.

What did we learn?

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Self-Defense Makes Sense

Every process server puts his or herself in real danger at least once or twice in their lifetime. Whether it happens or not, every time we perform a service we are inevitably exposing ourselves to danger and the possibility for verbal and/or physical assault. Several guidelines have been made in the past enumerating safe practices and ways of avoiding assault and battery while serving papers, but the truth is that there is no foolproof formula for avoiding hostility and aggression on the part of an angry party. Although not commonplace, assaults on process servers do occur and are sporadically reported on various outlets every year; and although there are precautions we can take to lessen our vulnerability, sometimes the only recourse we have in protecting ourselves is to engage in self-defense.

Self-defense training is something every individual, not just process servers, should consider taking. There is no harm in learning to defend and protect oneself; for all of us experience difficult and detrimental circumstances at some point or another. Process servers are out in the field regularly and would profit tremendously from all of the self-preservation benefits associated with mixed martial arts and self-defense courses. These include: proper exercise form, punching and kicking, blocking and evasion techniques. Moreover, there are many secondary long-term health and psychological benefits as well such

as: balance and posture, coordination, listening and focusing, self-esteem and confidence building, social skills, self-discipline, and of course personal safety.

Self-defense training is a requirement for most if not all law enforcement agencies. California Registered Process Servers are protected from assault and battery by the same laws as Peace Officers (Penal Codes 241(c) and 243(c)(1) respectively). Police Officers, Sheriffs, and California Highway Patrol Officers are all required to undergo extensive self-defense classes and training as part of their professional development. We are not in the business of apprehending criminals like peace officers, however, process servers do put themselves in danger almost daily, especially when serving violent offenders in civil and family disputes and/or harassments. Does it not make sense to have Process Servers undergo some kind of similar training at least to a lesser degree? Most of us have served, and will continue to serve, violent offenders with restraining orders; and we will lamentably continue to place ourselves in the hands of fate and expose ourselves if we are devoid of any real proper self-defense training or professional education. It makes sense to have self-defense training as part of our curriculum and work culture and to supplement our association's foundational tenants of professionalism and continuing education. Every one of us should consider incorporating some

substantive form of self-defense training into our personal agenda and professional development. It will protect our members and peers, lower victimization, and help us all lead healthier and fuller lives.

Written by Kristian Pujol and Larry Kirlin,
Assault Committee Advisors

To fight and conquer in all your battles is not supreme excellence; supreme excellence consists in breaking the enemy's resistance without fighting.

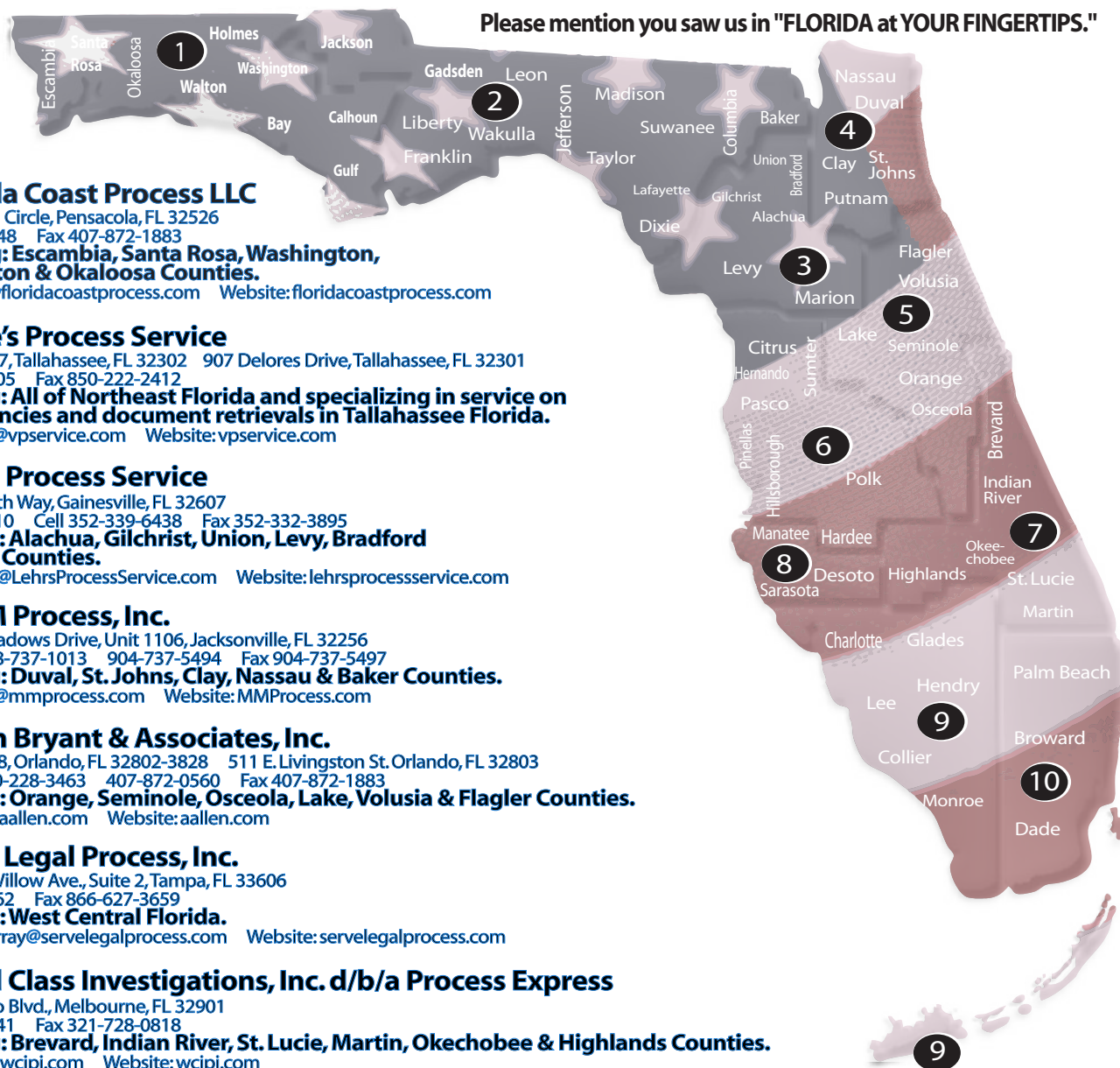
– Sun Tzu, The Art of War



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This year, to bring our members even greater value, we have created membership programs to provide you with meaningful monetary savings. One new program which some of you have already taken advantage of provides each member the opportunity to significantly reduce their membership fees when they renew. However, many of our members have indicated that they did not have the time at the beginning of the year to really look into and understand this new program. Please see the opportunities below.

I. Referral Discount promo (new):

Refer a new Individual or Company member:

Upon their joining CALSPro, you each will receive a \$50.00 discount. Existing members can refer multiple new members to further reduce their own membership fees.* This is an ongoing program all year long, and it is my hope that you'll share our association with others, and offer them the promotional discount as an added incentive to inspire them to join. Once they are members, they can refer others and take advantage of this program as well.

II. Add a Member promo:

- a) Company Members may add non-member employees as new Individual Members for the discounted rate of only \$100 each.*
- b) Individual Members may add a Company Membership at the reduced rate of \$400 (a \$100 savings).*

CALSPro continues to enhance your membership experience in other ways as well. Our Vendor members include:

American Legal Net - Desktop to Courthouse-Workflow Solutions

CFC-Top Priority - Daily pouch and overnight services

EMR Legal, Inc. - HIPAA Compliance Specialists

Garza Industries - Office Supplies

IRB Search - Research and Data Services

ISD Corporation - Court E-Filing Portal Application

Paychex - Payroll and Employee Benefit Services

ServeNow.com - Process Servings Directory, Software & Education

Sharp Business Systems - MFP equipment, display systems, point of sale equipment

Tristar Software - Attorney service software solutions

We have also arranged for special CALSPro member discounts to All Star Glass, Jiffy Lube, and www.1800flowers.com; and we welcome your suggestions for additional discount opportunities. Let us know who you would like us to reach out to, and we will try to get a special deal for CALSPro members. Please let us know any other ways that we may bring additional value to your membership.

* Contact the CALSPro Office for more details.

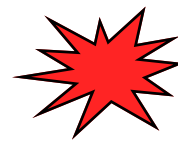


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Legislative Committee Update

by Steve Janney
Legislative Committee Chairman

The legislative process is progressing as expected in Sacramento. On June 5, 2015 all legislation passed in the chamber in which submitted had moved on to the other chamber. It looks like California will have an on-time budget and now through July 17, legislation passed in the Assembly will be moving through the Senate and vice versa.

Our legislative program this year included the rewording of language regarding the deposit of service of writ instructions with the appropriate sheriff. It was our hope to include this language in an Omnibus bill.

The Legislative Committee met telephonically on May 20, 2015 to discuss specific legislation we are watching this year. Those bills are:

AB 1197: This bill deals with depositions taken stenographically. While normally that would not be a concern of ours, the phrase deposition officer is in the legislation and there was a concern raised that it might unintentionally affect registered photocopiers. Mike Belote has addressed our concerns with the author and the author acknowledges that this legislation effects oral depositions only.

AB 1335 – This bill would increase the recording fee on real estate documents by \$75.00. There was a concern that this would include the fee to record our registered process server bonds. Passage will require a 2/3 majority and even if passed, Mr. Belote assures us that it will be assessed on real estate documents only,

and that even those types of documents are being negotiated by others with concerns about this legislation.

AB 1337 – This legislation deals with delivery of documents and includes an authorization form to be used statewide. Mr. Belote has had discussions with Tom Alkema regarding our concerns and will meet with the author.

SB 8 – This legislation deals with the implementation of a sales tax on services. Again, since this is a tax increase it would require a 2/3 majority for passage. Mr. Belote advised that there are many stakeholders in this issue and that discussions are being held at a variety of levels. Mr. Belote also discussed that there may be some type of initiative introduced in November 2017 or 2018.

SB 641 – This bill deals with debt buying and implements a process for a default to be set aside under certain situations. Terms such as "if service of the summons did not result in actual notice" included in the legislation raises concerns regarding a variety of issues. Mr. Belote will discuss those concerns with the author and attempt to amend to protect registered process servers.

Proactive Photocopy Legislative Program

Looking ahead to our legislative program in 2016, I have formed a legislative sub-committee to begin development of a proactive leg program dealing with the photocopy profession. Tom Alkema

has agreed to chair this project. I have tasked him with recruiting members for this committee and developing a "wish list" of legislation to be discussed after conference, with a goal of writing specific legislation for 2016. Please contact Tom at talkema@ronsins.com with any suggestions or input.

I hope you have already marked your calendars and plan to attend our 47th annual conference in Las Vegas. This is always an educational time of looking back on 2015, evaluating and then looking forward to 2016. See you all at the Monte Carlo Hotel.





See What's New on the CALSPro Blog

Listed below are just a few of the articles posted on the blog:

- [Process Server Assault Guide](#)
- [Process Serving Tips if attacked](#)
- [Gated Community Access Code Revised](#)
- [5 Things Google Apps Could Do](#)
- [Top Scanners For Legal Professionals](#)

READ MORE ON OUR BLOG!

WWW.CALSPRO.ORG/BLOG/

PRESIDENT'S MESSAGE – *continued from page 4*

upon joining. These new members will then be eligible to benefit from referring others to join, and so on. Although starting slowly, both of these programs have already been utilized by our members to their benefit. I encourage all of you to take advantage of the referral program all year long, so reach out to those you know in our profession and refer them to become new members at a discounted rate.

4. We have developed our new "What to do if you are Assaulted" guidelines which was distributed to all attendees at the NAPPS conference in Washington D.C. It was extremely well received and created opportunity for CALSPro to touch every other Association at NAPPS in a very positive way. Follow-up calls and emails were very positive and have swung the communication doors wide open. We hope you never have to deal with this, but in the unfortunate event that you do, the guide will help you take all of the right steps after you have been assaulted. It is a tri-fold, designed as a universal resource that can be used in any state, and can be placed in your glove box, right next to the "if you have an accident" guide. You can download the 2-sided guide directly from our website, www.calspro.org. Please give a copy to every process server that you know.

As a final thought, I'd like to share with you the opportunity to come to conference this year. As we focus on member benefits and value in conjunction with the health and growth of the association, I encourage you to set aside the time to come to Las Vegas in October and be a part of our annual conference for networking, education, camaraderie and fun. The CALSPro 47th Annual Conference will be held at the Monte Carlo Las Vegas Resort and Casino October 16th through 18th and it will be fantastic.

Clifford C. Jones



EDUCATION

CALSPPro Education Report

— by Mark Manchester, Education Chair

Continuing Education, an Investment in your Staff and Yourself

Self-improvement is essential in life. It encourages you to learn and grow, but many jobs in the real world will only ask you to repeat the same task and use a limited set of skills over and over. A great way to grow in your career is to devote yourself to continual learning on your own. Personal development is an inner passion to become the best version of you by making progress on a daily basis. Benjamin Franklin said "An investment in knowledge pays the best interest". Our CCPS workshops will help you and your staff to obtain that extra knowledge.

The workshop is tailored not only for the process server, but is also designed to be beneficial to business owners, service of process managers, supervisors, dispatchers, customer service and support specialists, process service data entry staff, and anyone else even tangentially related to the process serving profession.

We are half way through the year, but there is still time to attend a workshop:

Los Angeles	July 14, 2015
Ventura County	August 15, 2015
Bakersfield	September 19, 2015
Bay Area	November 14, 2015
CCPS Exam Only	October 17, 2015 – Las Vegas (Conference)

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831/384-4030
Stephanie@SaylerLegal.com

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jeremiah@boscolegal.org

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mark.manchester@rezacmeyer.com

eSERVICE

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

FORMS

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tony@attorneyserviceofsf.com

LEGISLATIVE

Steve Janney – Chairman
213/628-6338
steve@janneyandjanney.com

NEWSLETTER

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

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559/233-1993 – ph
888/943-1355 – fax
lkirlin@firstlegalsupport.com

SECRETARY/TREASURER

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619/549-4853 – ph
619/685-4294 – fax
rporambo@knoxservices.com

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mkern@kernlegal.com

2014 - 2015 Board of Directors

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909/594-5995 – ph
909/598-2308 – fax
talkema@ronsinc.com

Chad Barger

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

Wendy Bowman

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

Ken Hastings

951/296-2669 – ph
951/296-2770 – fax
service@hastingspps.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

Larry Kirlin

559/233-1993 – ph
888/943-1355 – fax
lkirlin@firstlegalsupport.com

Mark Manchester

805/658-8454 – ph
805/658-8628 – fax
mark.manchester@rezacmeyer.com

Robert Porambo

619/549-4853 – ph
619/685-4294 – fax
rporambo@knoxservices.com

Kristian Pujol

805/650-9291 – ph
805/658-8170 – fax
kris@comproserve.net

Stephanie Saylor

831/384-4030 – ph
831/384-4031 – fax
stephanie@saylorlegal.com

Legislative Advocate

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Jennifer Blevins, CMP

jennifer@caladmanagement.com

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stephanie@caladmanagement.com

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nathan@caladmanagement.com

Webmaster

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michael@caladmanagement.com

Advertising /CCPS

Natalie Thurn

natalie@caladmanagement.com

Accounting

Tricia Schrum, CPA

tricia@caladmanagement.com

California Association of Legal Support Professionals

2520 Venture Oaks Way, Suite 150
Sacramento, California 95833
Phone: (916) 239-4065 • Fax: (916) 924-7323
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