



**SORRY  
WE'RE  
CLOSED  
DUE TO  
COVID-19**





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# The Roaring Twenties: The Era of Changes



## PRESIDENT'S MESSAGE

ROBERT PORAMBO

2020 CALSPRO PRESIDENT

**A**s an association, I feel it is our responsibility to provide guidance and support to our members.

We are not here to tell you what you can or can't do; that is a job for the local, state, and federal government.

The effects of COVID-19 are fluid, with unknown impacts to be felt for years to come. CALSPRO is here to help you to respond and be prepared.

Remember, during chaos there is opportunity. With so many of the law firms and their staff working remotely, maybe we can all provide some additional services to our customers. Ideas include copying and mailing as added value services. Maybe deliver work to firm employees working remotely from home. These are just a few examples of ways to gain some much-needed revenue while continuing to provide valuable services to your customers at this unusual time.

This continued shutdown is occurring during what would be the beginning of our membership renewal drive. Membership represents the majority of our operating income. Another big revenue producer for our association is our annual membership conference. For now, we plan on holding our annual conference in October, as previously

planned, however, this could change depending on several factors, all of which we are closely monitoring. We will continue to keep you apprised of any update regarding the conference.

Before our revenue situation becomes dire, I want to personally reach out to our valued members to do whatever they can to help financially support CALSPRO. Take out an ad, make a donation and/or urge other legal services to join this amazing association. CALSPRO has been protecting our industry since 1969 and with your help, will be around another 50 years! Not only have we successfully defeated numerous bills that could have devastated our industry, our legislative team and advocate Mike Belote, are constantly monitoring legislation for bills that could affect our industry.

MOST RECENTLY, MIKE BELOTE STOOD FIRM AGAINST STATE LEGISLATORS WHO WERE ATTEMPTING TO ALLOW PRIMARY SERVICE VIA ELECTRONIC MEANS. MIKE ASSURED CALSPRO ON A RECENT ZOOM CALL SAYING "I'M NEVER GOING TO ALLOW THAT TO HAPPEN."

I'd like to give a special shout out to Adam and Trent at Serve Now for their insightful and devoted support of our

industry. Their weekly conference calls are helpful and informative and I can say first-hand that they are making a positive impact during this difficult time. For example, during last week's call, someone said they were putting language on their Proofs/Affidavits that the service was performed in compliance with CDC guidelines. Another person said they were having their servers take a picture of themselves at each location to show that they are wearing their PPE. Serve Now is also an awesome and much-appreciated sponsor of our education workshops and exams.

If you have any questions, comments, concerns, or just want to vent about something, feel free to reach out to me directly. In the interim, we will continue to do our best to keep you informed of pertinent information as it becomes available.

Here's wishing you and yours the best of health and safety.

All emergency orders signed by the Chief Justice of the California Supreme Court can be found at:

<https://newsroom.courts.ca.gov/news/court-emergency-orders-6794321>



# CAPITOL REPORT

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

## One Crummy Year

**F**or generations, people will talk about how, in one month, California and the United States went from record low unemployment to record high unemployment, from stratospheric stock markets to a potential depression, from comfortable state budget surpluses to as much as \$54 billion California budget deficit. And this relates just to the economy; there is also the almost incalculable human cost, in lives lost, weddings and funerals canceled, spikes in substance abuse, suicide and all the rest.

Whew. Now that societies worldwide are reopening, and desperately hoping there is no significant second wave, all levels of government are assessing the damage. It is possible, just possible, that it will not be as bad as feared. The stock market has shown surprising resiliency, experts say that the state budget deficit is markedly lower than the Governor's estimate, employment seems to be rebounding, and even airline reservations seem to be recovering. All over the place, people are buckling up their chinstraps and getting back to work, and to living.

In Sacramento's Capitol, the situation is surreal. Each legislator is allowed to have one designated employee in the Capitol; all other employees must work from home. In committee hearings, masked legislators sit socially distanced, and almost all testimony on bills is done by

telephone. As of this writing, the Assembly and Senate have not even tried to vote on bills on the floors of their respective houses, as neither floor can accommodate all the members while maintaining social distance. The state constitution does not appear to permit remote voting, nor does it seem to permit moving operations to a sports arena, as some states have done.

Under the category of "does California really need 1000 new laws every year?", it is worth noting that one effect of the COVID crisis for this year will be dramatically lower legislative output from Sacramento. Both the Assembly and Senate are working to limit the bills under consideration to those that are COVID-critical, urgent for some other reason, extending "sunsets" that would otherwise expire, or are truly non-controversial. Of course, "critical" and "urgent" are sometimes in the eye of the beholder, and as citizens we might disagree about priorities. At the end of the session on August 31, however, it would be surprising if more than a few hundred bills were passed and signed into law.

There are legislative issues pending that CALSPro members should be aware of. AB 2165 (R. Rivas) makes important clarifications relating to e-filing and is sponsored by the Judicial Council. CALSPro and the Coalition for Improving Court Access worked diligently with the

Assembly Judiciary Committee to clarify various ambiguities in the extremely technical wording of the e-filing statutes, and the bill is moving forward.

SB 1146 would codify two emergency orders issued by the Judicial Council, relating to remote depositions and electronic service of Code of Civil Procedure Section 1010.6 notices on opposing counsel. The latter provision allows represented parties to serve documents electronically without stipulation. When issued as an emergency order, CALSPro worked to clarify that the provision only relates to Section 1010.6 documents, which can presently be mailed, and not jurisdictional documents such as summons' and complaints.

CALSPro has also continued to monitor the status of local courts including the ability to file, use of drop boxes and e-filing, and more. Even with long-standing attempts to standardize procedures, California remains a system of 58 different courts, with myriad local issues, and it is critical to keep abreast of the situation in each court. CALSPro members have contributed immensely to this monitoring function by reporting what is happening on the ground, and this need is going to continue as courts struggle to reopen and conduct civil proceedings.





# CALSPRO Legislative Update

*By Chad Barger, Legislative Chair*

**H**ow quickly things change. We began the year full of hope and high expectations and then COVID-19 showed up and changed everything. For the past three months, we have been under shelter-in-place orders with most businesses closed and struggling to pay the bills. Most California courts were closed to the public and the recorders offices closed until further notice. The State legislature was in recess and nothing was happening legislatively in Sacramento.

When this all began, the legislative committee had a conference call to discuss the Governor's emergency orders, the new powers given to the Chief Justice and the state of the court system. A committee has been assembled to find ways that allow the court system to continue to move, while abiding by the stay at home/shelter-in-place orders. Mike Belote was asked to sit on the committee that will determine the emergency measures and has assured us, he will protect due process and our best interests. Any measure agreed to, would be temporary and would cease when the emergency has ended.

Even with legal services being deemed an essential service, all of us have had a substantial drop in work volume. Most of our clients have closed their office doors, or have employees working from

home on a limited schedule. The Federal government offered several relief options, such as the paycheck protection program, emergency disaster relief and additional \$2,400.00 monthly for unemployment to help keep businesses and individuals afloat. However, many small businesses and sole proprietors have found it difficult to obtain these loans and are faced with the tough choice to close their doors.

The California Legislature came back on May 4, 2020 and began the work of leaning down the bill process and determining which bills are essential for action. Our bill, AB2251, which would allow personal service on an incarcerated person at a jail or prison on the first attempt may be delayed. If that is the case, we will have it ready to present next session.

Then, in early May, a glimpse of hope came in the form of a four-phase plan to reopen the state by Governor Newsom. Quickly, counties moved into phase two and now courthouses are making plans to re-open and many law firms and business have brought employees back to work. Our new normal will be temperature screenings, face masks and social distancing.

During this pandemic, many process servers and professional photocopiers

registrations expired or are in jeopardy of expiring. I was contacted by several members who have been unable to reach their county clerk's office to determine the process of renewal during this time. Thankfully, most counties realized the need for registration renewal and set up procedures to facilitate it. Unfortunately, Los Angeles county has been unable to come up with a way to make renewals possible. I spoke with the Los Angeles County Clerk's Office and was told the problem is their system does not store pictures or signatures of process servers. So, they do not have a system in place which will allow them to authenticate the identification of a process server, unless they are there in person. Our advocate has reached out to the county clerk's association and the Governor's office for assistance with this matter. We hope to find a solution soon.

Lastly, I want to thank the legislative committee for their work during this pandemic. I know all of you have a mountain of things on your plate, still you made time to serve the association and fight for our members. I am so privileged to work alongside such dedicated, professional individuals who understand CALSPRO's value.



## **CALSPRO Membership Update**

**by Kristian Pujol, Membership Chair**

### **Crucial CALSPRO Protection During Emergency Times**

**C**COVID-19 has hit us all hard. With Federal, State, and Local emergency orders, business restrictions and court closures, our industry faces many challenges. To make matters worse, many law firms and businesses have also halted their normal operations, slowing down the traffic flow of legal process across our entire country. Although CALSPRO membership has been affected, our association has been keenly aware of the legal issues at stake and has been active during this troubling time. From an industry perspective, CALSPRO has been deeply concerned with threats to due process and the potential long-term effects triggered by emergency procedures being proposed at various high levels.

In efforts to help members and vendors, the CALSPRO Board extended the renewal payment due date until the end of July. In the meanwhile, our association

has been continually monitoring court press releases, news articles, legislative bills, and has been in contact with key figures like the Chief Justice and Judicial Council members on behalf of our industry. One key event last month was when the Judicial Council released Emergency Rule 12 “allowing parties to receive electronic service of notices and documents in all general civil actions.” Earlier versions of the proposed order appeared to allow for e-service of any document, including primary types of service establishing jurisdictions over parties (Summons/Complaints/Subpoenas, etc.), but thanks to our lobbyist and his direct consultation with the committee drafting the order, they ultimately agreed to limit the language to only documents after the parties have appeared. Thus, clarifying and ensuring the applicability of the emergency rule to non-jurisdictional service of process only. This was huge.

There have also been numerous communications with the CA Judicial Council over the accessibility to courts and the fulfillment of filings – both physical and electronic – to help our membership get back to work. CALSPRO has been more vigilant during the pandemic and has put forth, as always, the best interest of our industry (and hence your business) when making recommendations to lawmakers at critical moments. The irony is that although the COVID-19 crisis has adversely affected many of our members financially and prevented some from remitting contributions, it is during this challenging time when it is most important to support our organization advocating on your behalf to keep constant emergency orders, new proposed court procedures, and adverse legal rule changes in check and aligned in our favor. During emergencies is when temporary solutions that

*Continued on page 6*





# CALSPRO Conference Update

*By Mark Manchester, Conference Chair*

I hope during this time of uncertainty you are safe and well. This year's conference is currently scheduled for October 2nd - 4th at the San Jose Hilton. We have spoken to the hotel, and plans for the conference are moving forward as scheduled. We are currently monitoring all Local, State

and Federal guidelines to ensure that we can provide a conference that is both educational, fun, and safe for all.

The direction of the conference will change slightly, we will now focus on speakers that can help with surviving the pandemic

and doing business in our new environment. We will also plan for a virtual conference if events prevent us from coming together. Your CALSPRO board and conference committee are working hard to make sure whatever happens, we are ready to go.

## **Membership** - continued from page 5

can turn into permanent changes are proposed, and when we need CALSPRO the most to defend our line of work.

Besides saving our service of process jobs and encouraging for a speedier and more consistent re-opening of court drop-boxes across county courthouses, CALSPRO has also been in continuous communication with its membership providing important information on topics like financial assistance, federal programs, safety (PPE) precautions, court closures, legal updates and has even offered free webinars on weekends. I thank Robert Porambo for his endless efforts in trying to keep all of us engaged and informed these past two months as President of CALSPRO. As Robert quoted the famous Sun Tzu text in an eblast stating "out of chaos comes opportunity," I would like to remind us that these inspiring words apply to all

the participants in our landscape including judges, lawyers, clerks, collection companies, etc. and that they too will take measures to protect themselves from the chaos and provide opportunities for their institutions.

Does court personnel working from home sound good to you? What about expanding and mandating E-delivery systems to eliminate us from going to court at all and potentially spreading germs? Sound fair? Or how about E-Service of all document types, especially for agent/company serves, Secretary of State deliveries, or electronic medical record acquisition? Without CALSPRO, this just might be the new norm, so please support CALSPRO and remind affiliates you exchange work with to also participate. This is imperative not just for maintaining our association but for the continuing existence of our

legal industry rules, safeguards, and procedures as we know them today.

The ancient Chinese Sun Tzu also cleverly asserts that "every battle is won or lost before it is ever fought" not only appealing to our state of mind but our overall preparedness. The experts agree the more prepared we are, the more likely we will beat this pandemic; and similarly the more prepared we are to combat legislative, regulatory, and procedural changes by supporting CALSPRO, surely the more likely we will keep our legal support profession alive and protect our livelihood.



# Know Your Bylaws – Did you know....

*By Tom Alkema, Bylaws Committee Chair*

**A**s we have now passed the 60-day mark from the original “safer-at-home” order by the Governor, you have undoubtedly received a lot of information on several topics. I know that CALSPro President, Robert Porambo, has been sending out lots of helpful and meaningful updates, to which I am personally thankful. My take away from his communications and my involvement with other Board members through this time is as follows: I have ample evidence to show me that as an organization CALSPro is concerned not just about the association but also about you personally and your business.

As the chairman of the Bylaws Committee and in conjunction with the Board, I want you to know that we have been reviewing our current bylaws and are aware of those sections that might come into play should there be new and or ongoing orders from local and state authorities that touch our operations and or procedures.

For example, one topic we have discussed is what will be our response if the Governor continues to prohibit large group in-person gatherings. Why is this a concern, there are several items within the bylaws that take place during the annual conference, see Article VII, Sections 2, 9, 10, 11. Section 11 states the following: **A regular Annual Conference of this Association shall be held annually.** The

location of said conference shall be determined by the Conference Committee.

Nothing within the bylaws states the annual meeting must be an in-person meeting; however, it is not lost on the Board that while the Conference Committee continues to plan for our usual in-person gathering, we will need to make sure we can fulfill the bylaw requirements regardless of how we meet.

On a good front, it has proven to be a wise move when we shifted voting for board members from in-person at the annual conference to a secret ballot, using a nominating committee and voting prior to the annual conference.

Lastly, you should be aware that we are also discussing a possible bylaw change as it relates to our membership categories. Given the focus over the past few years on the subject of independent contractor, i.e., AB5, we

are considering renaming our existing IC Membership category to something more appropriate and in line with the affiliate assignment-based relationship that is in place. No new membership class has yet been decided, but it is being discussed.

Thank you for all of your support of your association and I remain available for questions and comments related to this article and other bylaw matters.

*Thomas D. Alkema*

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# EDUCATION

## Continuing Education Report by Andrew Gowing, Education Chair

### Free Mini-Webinars

In a time where we cannot be together, I suggest that you find any and all ways to educate yourself and learn something new whenever possible. There are so many great resources for learning a new skill. Whether around the house, a musical instrument, or even some new dance moves. You can also always become a better Process Server.

CALSPRO is doing what we can during this hard time to keep you informed and to keep you educated. As a member you have the opportunity to attend our free mini webinars. We just had one with the topic of "Introduction to Writs". We find that during our CCPS Workshops we get a lot of questions on the topic of Writs, so we thought we should get more info out there to the membership. Especially if you are new to serving Writs, you need to make sure you are doing it properly.

If you missed the mini webinar on Writs, please check it out on

- #### What is a Writ?
- A "Writ" is a Pre-Judgment or Post-Judgment document that can either:
    - Freeze or take Possession of Assets such as Bank Accounts or Property (Pre-Judgment and Post-Judgment)
    - Enforce a Judgment handed down by the court (Post-Judgment)
  - It gives a Party the ability to collect money or property due to them as determined by the court.
  - This can be done several ways:
    - Through personal or real property, earnings withholding, or bank garnishment.

the "Members Only" page of the CALSPRO website. As a small bit-sized taste I have included an excerpt from the presentation below.

On the "Members Only" page you can also checkout the last mini webinar we did where Andy Estin shared some of his experiences from being a Registered Process Server. The next one we have upcoming will be on "Endorsing a Summons" on June 13th at 9am. This is another topic that we get a

lot of questions about at our CCPS Workshops. So please join us!

Our next online CCPS Workshop Webinar will be on July 11th, if you're interested in furthering your education and becoming a CALSPRO Certified Process Server. We hope you are!



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## Return to the Workplace

### Employee Policies & Safety Measures

Although returning to the workplace may look quite different from what we were accustomed to, our goal is to help make the transition back to business as smooth as possible. With the health of your employees and your organization's priorities top of mind, we developed a list of initial considerations for you to explore as you define your return to the workplace program. In addition to the below list of considerations, we have offered resources where applicable.

We recognize that each company will implement different variations of these considerations depending on the nature of your business, industry best practices, and other requirements. Additionally, we encourage you to review local and state government orders, and to seek legal guidance for any protocols you choose to implement as deemed appropriate.

May 5, 2020

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## Employee Health Considerations

1. Check with your local state, county, and city government officials to determine if you will require employees to wear masks or other personal protective equipment. If so, communicate if your organization will provide those items and/or define the standards if employees are to supply their own. Please review the resources below to help you with this consideration.



**[CDC](#) describes the use of face coverings to help slow the spread of COVID-19.**



**Comply with any regulations issued by your OSHA jurisdiction.**

- [Federal OSHA - Guidance on Preparing Workplaces for COVID-19](#)
- [Federal OSHA - Personal Protective Equipment](#)

2. Conduct health screenings, such as temperature checks, health questionnaires, etc. You may also consider providing employees with thermometers to monitor themselves before arriving to your premises. Review the resources below for more guidance on this topic.
  - The FDA has offered a [policy for electronic thermometers](#).
  - CLIA outlined regulations for [medical equipment](#).
  - The EEOC has issued guidance on [temperature checks](#).
  - MMA has identified vendors who can conduct screenings. Please contact your MMA team for information.
  - Consider using the free COVID-19 [screening tool developed by Apple](#) in Partnership with the CDC and download the free app from Apple's App Store.
3. If you choose to conduct health screenings, establish a privacy policy to ensure employees' personal information is protected. We have provided resources below to help you shape this.
  - [Sample policies](#) are available from SHRM.
  - [Federal OSHA](#) has outlined record-keeping requirements.
4. Educate your employees on handwashing, coughing etiquette, and any cleaning procedures the company has implemented. A number of resources have been identified below.
  - How [COVID-19 spreads](#), as prepared by the CDC.
  - [Proper handwashing](#) as suggested by the CDC.
  - [Face Mask Wearing Guide](#) prepared by MMA, sourced from the World Health Organization (WHO) and San Francisco Department of Health.
  - [List of disinfectants](#) for use against COVID-19 provided by the EPA.



- [CDC pre-made posters on a variety of topics](#), available in both English and Spanish.
5. Identify and communicate preferred greeting methods (i.e. excluding handshakes, hugs, etc.). Suggestions and resources are provided here:
- [Exploratorium](#) offers greetings in the time of COVID-19.
  - The World Health Organization (WHO) developed [suggestions for greetings](#).
6. Determine a process to identify higher risk individuals and determine the type of flexible work plans you will offer them.
- The [CDC provides information](#) about who is at a higher risk for severe illness.
  - [OSHA](#) outlines information on workplace-related exposure risk.
7. Continue to encourage sick employees to stay home and develop a plan for what to do if an employee becomes sick at work. Some suggestions and comments pertaining to this topic include:
- Employees who have symptoms (i.e., fever, cough, or shortness of breath) should notify their supervisor that they are ill and stay home.
  - Employees who appear to have symptoms (i.e., fever, cough, or shortness of breath) upon arrival at work or who become sick during the day should be sent home.
  - Employees who are ill should follow the steps listed below recommended by the CDC:
    - Stay at home, get rest, and stay hydrated.
    - Communicate with your health provider.
    - Be sure to get care if you have trouble breathing or if you think it is an emergency.
    - Employees should not return to work until meeting the criteria to discontinue isolation in accordance with healthcare providers, state and local health departments, and company policy.
  - Employees who are well but who have a sick family member at home who has been diagnosed with COVID-19 should notify their supervisor and maintain quarantine in accordance with healthcare providers, state and local health departments and company policy.
8. Identify and share suggested actions for employees if they believe they have been exposed. The references below are relevant sources you may want to provide employees.
- [CDC Symptoms of Coronavirus](#).
  - [CDC Self-Checker](#).

## Employee Benefits Resources & Considerations

1. Work with your MMA team to communicate with your employees about the resources available to them through your benefits program, such as:



**Employee Assistance Program (EAP)**



**Telehealth program resources**



**Medical Carrier COVID-19 coverage information**



**Financial assistance, loan Programs, etc.**



**Wellness program resources**

2. Supplement the resources offered through your benefits program with additional information, such as:
  - [MMA Employee Resource Guide](#)
  - MMA Financial Wellness resources, including [Budget Friendly Activities](#), [Stimulus Check Strategies](#), and more. This information can be found on the MMA Coronavirus Resource Page under [Financial Wellness](#).
3. Communicate where employees can go if they are seeking testing.
  - The CDC has information about [Testing in the United States](#).
  - GoodRx also published information about [Drive-Thru Testing](#).
4. Provide childcare support and resources, if available.
5. Encourage employees to receive annual medical exams and care for their overall health.



## Work Environment & Physical Distancing Considerations

1. Develop a phased approach or staggered work shifts for employees.
2. Develop a process for proper, enhanced workplace cleaning (e.g. partner with cleaning company).
  - The CDC offers considerations for employers regarding [how to clean and disinfect](#).
  - For commonly used items in the breakroom, such as the refrigerator door handle, microwave, coffee machine or water dispenser, consider how you will maintain the cleanliness of those items, remove them, and/or replace them with touch-free counterparts.
  - Consider supplying employees with disinfectant wipes or hand sanitizer, if available.
  - Per your Hazard Communication Program, train employees on the Safety Data Sheets for each disinfectant and sanitizer introduced into the workplace.
3. Determine if you will close off certain entrances or exits to your building. Be sure to comply with proper exit routes should there be an emergency that requires your employees to leave the building.
4. Implement and communicate social and professional distancing protocols. This may include:
  - Enforcing limit count in restrooms, breakrooms, lunchrooms, meeting rooms, designated smoking areas, etc.
  - Evaluating the need to rearrange tables, chairs, or other items in common areas.
  - Altering your floor plan, adding in protective elements or other measures.
  - Adjusting the square footage per person permitted at your physical workplace.
  - Implementing physical space between individuals through partitions or other mechanisms.
  - Consulting social distancing guidelines [offered by the CDC](#).
5. Similar to how you may have safety ambassadors in your building (i.e. employees who are designated to play a role during an emergency), consider identifying 'social-distancing ambassadors' to remind your employees of protocols in place.
6. Communicate in-person meeting guidelines such a limiting attendee count and recommendations for virtual meetings, even while in the same physical location.
7. Develop guidelines for visitors (e.g. only "essential" visitor meetings permitted, limit attendee count, etc.).
8. Consider suspending the use of standing desks in open floor plan arrangements without proper high partitions. This may prevent cough or sneeze droplets from traveling in an unwanted direction.

## Additional Information & Company Policy Considerations



















1. Develop a business continuity procedure to “contain, plan, mitigate, and follow up” if a worker tests positive for COVID-19 in the workplace. This may include but is not limited to:
  - Employee/ Vendor tracking.
  - Quarantine and return to work procedures.
  - Identifying areas that were affected to determine the need for equipment shutdown, production adjustments, or complete shutdown.
  - Scope of cleaning procedures.
2. Develop policies and procedures regarding when employees should be allowed to return to work following isolation and/or quarantine. The [CDC offers guidelines](#) regarding this topic.
3. Develop a plan for how and when to lift business travel restrictions.
  - The CDC regularly updates the [travel page related to COVID-19](#), which may help inform your plan for business travel.
4. Be prepared for continued remote work employee requests. Implement expectations or a policy moving forward.

### For your reference:

- According to OSHA regulations, employees may only refuse to work if they believe they are in imminent danger. Section 13(a) of the Occupational Safety and Health Act (OSH Act) defines “imminent danger” to include “any conditions or practices in any place of employment which are such that a danger exists which can reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by this Act.”
    - [SHRM provides guidance](#) on employee absenteeism due to fear of Covid-19.
5. Review additional information available from Marsh & McLennan Agency and other viable sources to help shape your return to work program.
    - [MMA Coronavirus Resource Page](#)
    - [MMA CARES Act Information](#)
    - [MMA Article regarding Families First Coronavirus Response Act](#)
    - [CDC Interim Guidance for Businesses](#)



The chart below highlights a few of the key strategies you may choose to implement from the considerations list. In the row for each strategy, we have noted how simple it may be for your organization to implement the respective consideration, how effective we anticipate the strategy to be, as well as how costly.

Strategy	Implementation Scale (Easy to Difficult)	Effectiveness Score (low 0 – high 5)	Cost
 Social Distancing		5	\$
 Cleaning/Disinfecting		4	\$\$
 Masks		3 - 4	\$
 Employee Communications		4	\$
 Enhanced paid sick leave policies		4	\$\$\$\$
 Screening Questionnaires		2	\$\$
 Temperature Screening		2	\$\$
 Antibody Screening		2	\$\$\$\$
 Virus Screening (i.e. Diagnostic)		3	\$\$\$\$

It's our business to be there for you in the

**MOMENTS  
THAT MATTER.**

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## CALIFORNIA ASSOCIATION OF LEGAL SUPPORT PROFESSIONALS

### Board of Directors Meeting

Tuesday, February 4, 2020

#### via Conference Call

In an effort to keep our membership informed and up to date, a summarized version of our approved February CALSPRO Board of Directors meeting minutes are as follows:

#### I. PRESIDENT'S REPORT

Robert Porambo reported that 2020 is off to a great start. Renewals are still coming in, but work needs to be done. The Newsletter will be sent to the 2019 members. Robert attended the recent NAPPS Board of Directors meeting. Lots moving on AB 5 and *Dynamex*. The pouch agreement was renewed with a nominal increase. Robert continues to work on the LSI partnership to keep the partnership strong. Robert thanked the board for working so hard, and congratulated Kristian Pujol on his new position at One Legal.

#### II. FINANCIAL REPORT

Andrew Gowing presented the December, 2019 financial statement. The balance sheet shows total assets of \$41,339.36, and the current bank balance is approximately \$52,000. CALSPRO is ahead in cash, over this time last year. Membership in the Active category was over in income, and Andrew congratulated Kristian Pujol and his committee for working so hard on membership. Andrew also commended Mark Manchester and the Conference Committee for netting over \$14,000.00 in income from the 2019 Conference.

Andrew Gowing also made note of the Investment Committee report, and indicated that the Settlement Fund balance remains at \$7,914.70.

#### III. CORNERSTONE REPORTS

##### a) Legislative

##### i. Legislative

Chad Barger referenced his written report in the agenda packet and discussed the following items:

1. Adding language to Penal Code to allow for personal service on an inmate at a jail or prison by serving a Sheriff or Jailer. The committee has met and they are discussing the plan.
2. The meeting to discuss the new summons form will be held on February 6th.
3. Tomorrow is the meeting with CIOX with Tom Alkema and Mike Belote via conference call.
4. Los Angeles County policy regarding that all writs have to be open at the branch closest to where the service is being done. A member suggested to see if a Sheriff would agree to allow a levy to be opened at any office within the county. Andy Estin has a resource within the Sheriffs Association on a national level due to NAPPS.



Mike Belote discussed the following items:

1. Legislative deadlines and two-year bill deadlines.
  2. Bill introduction deadline is two weeks from Friday; expect 2000 bills to be introduced.
  3. Spot bill is drafted relating to lawful service of process. The bill will need to be completed with exact language soon after the bill introduction deadline. The board discussed components of the language that will be needed in the bill. Mike Belote is working to find an author for the bill.
  4. AB 5 is a huge problem. There are hundreds of groups seeking exemptions. Signatures are being gathered for a potential November ballot initiative. The definition of "delivery companies" needs to be clarified.
  5. Privacy and third-party service providers.
  6. Expect another initiative on the November ballot regarding privacy.
  7. Mike will know more about bills of interest to CALSPro after February 21, 2020.
- ii. Coalition to Improve Court Access

Chad Barger does not have any information at this time. Robert Porambo reported that he recommended an attorney to help to contact Jeff Karotkin, but there is no further information. Larry Kirlin discussed the Judicial Council rules and enforcement of rules. Chad Barger will get an update from Jeff Karotkin. Kristian Pujol indicated that they are trying to get papers filed in Imperial County, but suggested that Chad reach out to Jeff Karotkin.

iii. Photocopy Committee

Tom Alkema noted his written report in the agenda packet. CIOX is looking to enter an agreement with CALSPro, and setting up a format where records are delivered electronically. Tom will learn more during tomorrow's call. Chad Barger indicated that CIOX is trying to offer members a discounted rate to streamline the process to obtain records from CIOX. The agreement would be an individual agreement that can be terminated in 30 days. This could be a member benefit and may draw in more photocopy members. Tom Alkema noted that he is very cognizant of fees.

b) Continuing Education Report

Andrew Gowing referenced his written report and the dates of upcoming seminars and exams. The committee has the ability to record every program this year, and will start recording them right away. The CCPS webinars are for members and non-members; the complimentary mini-webinars are for members only. Jenny Blevins will check the status of the MCLE provider application with the State Bar of California.

c) Membership

Kristian Pujol referenced and discussed his written membership report. The current membership count is 152; 169 remain outstanding. The committee will start reaching out to those who have not yet renewed. Last year, delinquent members will be removed from the website. Kristian discussed each of the committee's goals for 2020. Kristian stressed the importance of the Vendor members and they need to find value in their membership; members are urged to use the services of the Vendor members. One of the goals is to propose a bylaw amendment to change the name of the Independent Contractor membership category at the Annual Conference. Kristian asked that each member bring in one or two members which would be a big help.

d) Assault Advisor

Regarding the McDonald case, Tom Bowman indicated that he received notice last week that the gentleman pleaded guilty of brandishing a weapon. The Judge gave him 30 days suspension and three-years' probation and a \$500.00 fine. Tom Bowman will write a report. Andy Estin would like to get a press release or information out to the media. Chad Barger discussed a potential assault that he is aware of; the server was able to avoid the assault; Chad will get the police report. Robert Porambo indicated that one of his servers had a gun pulled on him last month; the individual was arrested.

e) Technology/Website

Jay Roll referenced his written report in the agenda packet. E-mails are now established for the officers and some committee chairs. An unlimited e-mail business plan was set up for \$311.00 per year. The emails are updated on the website. Jay reminded board members who do not have a CALSPRO e-mail account to use the signature block that was provided earlier. The witness fee calculator was updated in the App. Kristian Pujol reminded the board to send ideas of new features for the App to Jay. Jay will also follow-up to the videos that were taken at the Central Office.

f) Conference

Mark Manchester asked as to the protocol for using some of the Paul Janney Education Fund for an outside speaker for conference this year. Jenny Blevins will talk to Tricia Schrum, CPA about the fund balance and how it can be used.

IV. GOOD OF THE ORDER

Robert Porambo thanked Jay Roll for getting the e-mails established. Robert also thanked Andy Estin for his work.

V. ADJOURNMENT

The meeting was adjourned at 5:45 p.m.

## Governor Newsom Announces Additional Relief for Californians Impacted by COVID-19

*Announces deal to expand student loan relief for 1.1 million Californians. Governor also signs an executive order to stop debt collectors from garnishing individual COVID-19-related financial assistance*

Governor Gavin Newsom announced that most private student loan servicers have agreed to provide payment and other relief to borrowers, including more than 1.1 million Californians with privately held student loans. He also signed an executive order to stop debt collectors from garnishing COVID-19-related financial assistance.

*"Californians are reeling from the financial impact of COVID-19, the recently unemployed and those with student loan debt are among the hardest hit," said Governor Newsom. "The last thing they deserve is to see more money withheld as they try to put food on the table and pay their rent or mortgage."*

The federal Coronavirus Aid, Relief, and Economic Security (CARES) Act provided much-needed relief

for students with federal loans, including the suspension of monthly payments, interest, and involuntary collection activity until September 30, 2020. However, the CARES Act did not address millions of student loan borrowers with federal loans that are not owned by the U.S. government as well as loans made by private lenders. The initiative announced today gives direct help to those borrowers.

Under the new initiative by California and other states, students with commercially owned Federal Family Education Loan or privately held student loans who are struggling to make payments due to the COVID-19 pandemic may also be eligible for expanded relief. Relief options include providing a minimum of 90 days forbearance, waiving late payment fees, ensuring that no

borrower is subject to negative credit reporting, and helping eligible borrowers enroll in other assistance programs.

Governor Newsom also signed an executive order that exempts garnishment for any individuals receiving federal, state or local government financial assistance in response to the COVID-19 pandemic. This includes recovery rebates under the CARES Act. Funds may still be garnished for child support, family support, spousal support or criminal restitution for victims.

These actions will help those Californians who are impacted the most by the COVID-19 pandemic.

The text of the Governor's executive order can be found [HERE](#) and a copy can be found [HERE](#).





## ***Should You Stop Marketing Clients in a Down Economy?***

***By Michael Kern, Direct Legal***

**W**hen the economy is struggling, it's not uncommon for businesses to react by cutting budgets and preparing themselves for slow growth as they pull back marketing efforts and wait for the economy to improve. Studies show that in a down economy, that over 50% of U.S. companies follow this method and is one of the first budgets to get slashed is the one organizations use to communicate with their customers and other significant parties; the marketing and advertising budget. As bad economic times cause consumers to be more selective and value oriented in their purchasing decisions, this strategy is shortsighted. It makes it difficult for customers to select, and trust, a company that curtails its communication with them and does not make an effort to stay top of mind. Proactive businesses want to keep the customer oriented and informed in order to present value to its customer base.

### ***A Down Economy Can Be a Great Opportunity!***

A down economy can be an opportunity for smart businesses to re-energize their marketing efforts and increase market share. Rather than cutting marketing budgets and limiting the ability to attract new prospects and customers, businesses can put their money into cost-efficient advertising that delivers growth opportunities and obtain a positive return on investment.

In a down economy, most businesses will decrease their market efforts. For most businesses, this translates into more competition for fewer viable prospects. Smart organizations will take advantage of the fact that even though there are fewer viable prospects in a down economy, because most companies have followed the pack and cut back their marketing budget there are fewer competitors who are actively marketing to them. Forward thinking companies often look at a downturn in the economy as a reason to re-evaluate their current customer relationships. For

instance, a business that in the past marketed high-quality services or products at a higher price may need to find out if the same message works in a struggling economy. Perhaps longevity of the product, or long-term value might be a better message in such an environment.

Gain advantages by continuing to market to customers:

1. The Internet: This is an opportunity for more aggressive companies to purchase more market presence without increasing their advertising budget. Building an effective Web presence that incorporates online marketing techniques with search engine optimization is a great idea way in a slow economy. For example, such companies might direct money for their trade-show budget for online search engine marketing, and track their return on investment with Web analytic tools that can produce a variety of valuable data that lead to more sales
2. Competitors: As competition chooses to market and advertise less in a slow economy, their

*Continued on page 21*



core message is more likely not to be seen or heard, which leaves several opportunities to gain market presents and branding above your competitors.

3. Opportunity: A huge challenge for many small companies is developing a name for themselves. Because of the withdrawal in marketing and branding by competitors, a downturn in the economy can be

the opportunity to accelerate such branding for smaller companies to gain market share.

4. Customers: During a down economy, customers become more selective, look for value, and are more likely to buy from businesses that they are familiar with. Businesses that work to stay visible will have an advantage so

that their customers are confident that they'll be there for them in the future.

In conclusion, businesses should be marketing both new potential clients as well your current existing clients at the same time. By ramping up your marketing efforts you have the potential to gain market share and stay viable in a down economy.



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## ***Did All Service of Process Just Go Electronic?***

***By Chad Barger, CALSPRO Legislative Chair***

I want to address a haunting headline that many of us read; “The Judicial Council Mandates Electronic Service of Documents in Most Civil Cases.” At first glance, you would think all service of process in California just went electronic. However, that is not the case. Since the Governor issued the stay at home orders back on March 19, 2020, the Governor, the Chief Justice, the Administrative office of the Courts and the Judicial Council have been looking for ways to keep the California judicial system working. Both plaintiff firms and defense firms are understandably desperate to get cases moving, get cases settled and paid, and on the defense side, properly represent clients with motions, etc. Both sides believe that a small percentage of lawyers are refusing to stipulate pursuant to CCP 1010.6 for electronic service, thereby keeping cases bottled up. So, representatives of the bar and bench discussed ways to address the issue.

On April 17, 2020, the Judicial Council approved temporary emergency rule #12, which mandates electronic

service of documents in most civil cases. The council states that it did not circulate this proposed emergency rule for comment due to the urgent nature of the pandemic and need to protect litigants’ rights while considering the health and safety of parties, counsel, and the public. Please note, this order is only for secondary services and not primary jurisdictional documents, like summons and complaints.

CALSPRO and process servers throughout the state were lucky enough to have our lobbyist, Mike Belote, involved in the discussions. At one point, proposed language appeared to permit All service of process be done electronically, during this emergency. This language might very well have moved forward until Mr. Belote expressed the importance of clarifying that the language should not apply to jurisdictional documents, such as summons and complaints. He pointed out the potential can of worms this would most assuredly open and the potential challenges that would be brought, effectively tying up the court system. At that point,

the group agreed to focus the language in the order on service upon represented parties after appearance, after courts obtain jurisdiction over parties.

I point this out to show CALSPRO members and potential members the value of membership. Without CALSPRO and our active legislative team and lobbyist, electronic service of primary documents LIKELY would have been added to this rule with enormous repercussions for courts, and of course, for CALSPRO members. With executive and temporary orders being issued daily, your membership is more important than ever. Had CALSPRO’s lobbyist, Mike Belote, not had a seat at the table, things could have been much worse. I would like to personally thank Mike Belote for his efforts and dedication to preserving our profession.

### **Emergency Rule #12**

*The Judicial Council by circulating order approved temporary emergency rule #12, requiring attorneys to electronically serve and receive notices and documents in all general*

*civil actions and family and probate proceedings if requested to do so by the other party. The rule will stay in effect through 90 days after the Governor declares that the state of emergency related to the COVID-19 pandemic is lifted, or when amended or repealed by the council.*

*While electronic service is already permitted, parties must consent to such delivery unless a court has ordered it. Attorneys have reported that during this pandemic, some parties refuse to agree to electronic service and insist on serving and being served by mail. The new temporary rule makes it mandatory for represented parties but only voluntary for self-represented litigants.*

*Among the civil actions not covered under this new service rule (because they are not general civil cases defined in California Rules of Court, rule 1.6) are small claims proceedings; unlawful detainer proceedings; and petitions to prevent civil harassment, elder abuse, and workplace violence. The rule doesn't cover these actions because they often involve self-represented litigants. But parties in exempt cases can still agree to accept electronic service.*

*The rule does not apply in cases where parties are already required by court order or local court rule to provide or accept notices and documents by electronic service and is not intended to prohibit electronic service in cases not addressed by this rule. <https://newsroom.courts.ca.gov/news/judicial-council-mandates-electronic-service-of-documents-in-most-civil-cases>*

Your Legislative team has continued to work diligently for you during these tumultuous times. Many of us are working from home or with a limited staff at the office. This temporary reality has made all of us rethink what is important to us and what we can do without. My hope is the stay at home orders will be lifted soon and we can return to whatever our new normal will be. Hopefully, with a little more respect and care for our fellow man.

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