



CALSPRO PRESS

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

Volume 4 / Issue 4 / Winter 2011



LEGISLATION

■ Legislative Update

The Halftime Report.



MEMBERSHIP

■ Benefits of Membership

Thinking Outside the Box.



EDUCATION

■ Continuing Education

Educating You In 2012.



CONFERENCE

■ Conference 2012: Anaheim

Back to Columbus Day Weekend.



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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

The holidays are upon us, and as I look back at the past year, I wonder where the year went. Just a few months ago, we met in Reno for our annual conference and now we are looking at the end of the year fast approaching. Conference was packed full of education and networking. We returned home with a full agenda and in the words of Steve Janney, "we hit the ground running." Committees are up and operating. Association business is getting handled and I look forward to reporting on our progress in the months to come.

While we plan to move forward and continue the great progress of last year, this final message of 2011 will be reflective as well. There have been several special people that I have had the privilege of working with this year that deserve recognition. Michael Kern, Wendy Bowman and Clifford Jacobs have been an integral part of the workings of CALSPro and willing contributors to our success this year.

I would also like to thank David Nill, Paul Wysong, and the experts at ServeNow for their immense effort in the creation and implementation of our new website which was unveiled at Conference. If you haven't seen the site, you are really missing out. A new and improved Process Server / Photocopier member search feature, our calendar of events, interesting blogs and legislative updates.

It is all new and improved. In the near future our e-commerce feature will allow the user to join the Association, renew membership, register for conference or a continuing education program with a few clicks and a credit card.

Another important moment at Conference this year was the Rosenthal presentation. Mark Schwartz, this year's Rosenthal Chairman, prepared a very moving presentation. We were reminded that Bert Rosenthal believed in sharing knowledge and mentoring fellow members. After past Rosenthal recipients were brought up to the front of the room as usual, Mark asked the rest of us to stand up if we have been mentored by someone up front. Many stood. Mark then asked those seated to look at everyone standing and also join us if they had been helped by someone already standing. Nearly the entire room was on its feet. It was moving and such an amazing tribute to Mr. Rosenthal. For his years of service, hard work and Rosenthal style mentoring, Steve Janney was honored as this year's Bert Rosenthal Memorial Award recipient. This honor was so well-deserved. I know I can speak for so many when I say, "Congratulations Steve and thank you for all of your contributions to CALSPro."

And some final words on Conference 2011 - This was one of the best conferences we've had in years. I'd like to congratulate Stephanie Sayler and her committee

who did an outstanding job in creating excitement and keeping attendees involved throughout the entire weekend. The Friday night off-site party was well attended, had great food and music, and was a big hit. Throughout the weekend our speakers delivered excellent presentations that had us all thinking about the future and protecting ourselves and our businesses. I truly look forward to seeing what is in store for us in Anaheim next year.

The new Board of Directors and Committee Chairs have all made a strong commitment to expend their time and resources for the benefit of our membership.

Our Board of Directors for the 2011-2012 term are:

- **Wendy Bowman**
- **Clifford Jacobs**
- **Michael Kern**
- **Brett Peters**
- **Stephanie Sayler**
- **Larry Kirlin**
- **Robert Porambo**
- **Sam Virk**
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- **Rich Stitts**
- **Chad Barger**

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CAPITOL REPORT

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HALFWAY THROUGH

Late in the evening on September 9, the California Legislature completed work for the 2011 legislative year, beginning the fall recess which will last until legislators return for the 2012 year on January 4. The system is thus literally at the halfway point of the 2011-2012 two-year legislative session.

The closing days of the legislative year saw approximately 600 bills forwarded to Governor Brown for signature or veto. Despite the Governor's concern that too many bills are being passed, and his vow to give legislators the "veto blues", Mr. Brown actually vetoed a fairly normal percentage of bills, and a far smaller percentage than his immediate predecessor. Most observers believe that the Governor very carefully acted on bills to steer a middle course between the interests of labor, business, liberals, conservatives, and other interest groups.

As we head into 2012, there are several assumptions worth noting:

- State revenues will continue to lag behind expectations built into the 2011-2012 state budget, creating a greater likelihood that budget "triggers" will be pulled later this year. This may result in automatic cuts, e.g. cuts to education resulting in a shorter school year;

- Court budgets will once again be a major concern, as local courts reduce hours, impose layoffs and furloughs, etc. Expect to read about a major coalition of groups interested in the justice system coming together and arguing for restoration of cuts to the judicial branch;
- There will continue to be significant debate about the allocation of funds to judicial branch programs such as CCMS and court construction;
- There will be further public debates about increased "revenues", i.e. taxes, with the possibility of an initiative of some sort on income or sales taxes;
- Redistricting will continue to roil the legislature early next year, as legislators jockey for seats and former friends ponder the possibility of running against each other. Turnover in the legislature could be enormous in the November elections-some suggest that as much as 50% of the Assembly could be newly elected.

For the recently-concluded legislative year, CALSPRO evaluated just under 30 bills for potential interest to attorney services and photocopy companies. Bills enacted by the legislature and signed by Governor Brown include the following:

- AB 110 (Blumenfield): State Budget. A budget trailer bill which, among other things, imposed for the first time a filing fee on respondents in state appellate cases, effective on August 30, 2011;
- AB 214 (Davis): Photocopiers. Amends Business and Professions Code Sections 22453 and 22457 relating to registered photocopiers. The major change is to require county-issued identification cards to contain a photograph. The bill is effective on January 1, 2012.
- AB 588 (V. Manuel Perez). Tenancies. Extends from 60 to 180 days the period of time provided to a tenant to notice termination of a tenancy based upon domestic violence;
- AB 621 (Calderon): Vehicle Rental Agreements. Provides a limited right for plaintiffs to serve rental car companies in cases where the company provided the renter/defendant with liability coverage and the renter resides outside the country. Effective on January 1, 2012, the new law is scheduled to expire on January 1, 2015;

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MEMBERSHIP Has Its PRIVILEGES

by Larry Kirlin

Membership Committee Chairman

I am proud to be a member of CALSPRO. This feeling was especially strong as I mingled with other members at the conference in Reno. It was obvious to me that I was among the leaders of our industry. As membership chair, I want to reach out to non-members in our industry so they can share that feeling when they attend the next conference as a member.

Whenever we talk about the benefits of membership we always focus on our four cornerstones: Legislation, Conference, Membership and Education. Within these cornerstones are a few other benefits that don't always get their time in the spotlight:

- **WEBSITE**

The recent upgrades to the CALSPRO website have increased your exposure to the web marketplace without any cost or effort on your part. New features and content have been added to increase traffic to the site and entice the legal community to return to the site more frequently. All of this adds up to more recognition of our association, industry and members. If you haven't been to the website in a few months, check it out. You will be impressed.

- **NETWORKING OPPORTUNITIES**

As an active member in CALSPRO, you have opportunities to forge business relationships and make new contacts on a regular basis. Networking at annual conference goes beyond the exchange of business cards. Over time you will build lasting ties with other members who have common professional interests and similar business concerns. These relationships will be rich, ongoing sources of inspiration and ideas.

- **CONSTANT CONTACT MESSAGES**

Our home office has the capability to distribute important messages to our members via e-mail. These messages notify us of events, seminars and other time-sensitive information related to our industry.

- **MENTORING**

The people that make up CALSPRO are our biggest benefit. Members often form mentoring relationships with more experienced business people who provide guidance and useful insights. Even on an informal basis, these relationships can be a source of answers and solutions when you're facing a challenging situation in your business. At the very least, the feeling that you have a support network behind you can boost your confidence when problems arise.

- **CIVIC DUTY**

As an individual businessperson, you may not have the time or resources to take on issues in our industry. Beyond what is being done by CALSPRO in California, we actively support our sister organizations throughout the country. In the past two years our association has financially supported the legal defense of our industry nationally and in New York.

Joining CALSPRO is beneficial for your own professional development and the future of your career. The connections you make, education, ideas and advice you'll discover represent an outstanding return on what amounts to a modest, manageable investment of time and money. Joining may turn out to be one of the best things you can do for yourself and your career. Reach out to a non-member and encourage them to join the team.





TECHNOLOGY COMMITTEE REPORT

by Jeremiah Jones, Technology Committee Chair

As I was sitting at my desk, brainstorming about what to write for my first article as Chair of the Technology Committee, I jotted down several ideas of different directions I could go in with this article. I considered an update of CCMS (The California Court Case Management System), as the implementation of such a system could dramatically impact many of our members, both for the good and for the bad, based on your perspective. Then I started thinking about the software vendors that most of us use, and that some of these companies are even sponsors of our Association. Why not give those providers an opportunity to explain to the members how technology could help to streamline their businesses? It was about this time that one of my employees came into my office to show me a new app for his smart phone that he was excited about, and that is when I had my Eureka moment; I had found the topic that I was going to write my first article about. How the use of smartphones can benefit a legal support professional.

Not all of these ideas or apps will work on all platforms, but these are a few of my personal favorites.

WIFI SIGNALS AT A RESIDENCE

We have all been out to locations where we have had difficulties in verifying the address. If you were to come to my house and you went on your smartphone to search for an internet signal, you would immediately be given the option to choose a network and one of those would be named Jones. My neighbor's wifi network is named Darwin (after their last name). Not everyone names their wifi

network after their last name, but many people do. So if you knew going up to do a service for Jeremiah Jones and you saw that the wifi network at that location was named Jones, chances are good that the address is good, even if the person at the door gives you a different last name since most people take their wireless routers with them when they move.

GPS/NAVIGATION

Why spend hundreds of dollars on a bulky GPS unit when you can carry one around in your pocket as an app on your smart phone. There are numerous apps for navigation and a wide range in price, but many are free. The features and function ability vary so you may want to consider trying out a few different types before you make up your mind about anything. This isn't a perfect solution for everyone, but for most legal support professionals, navigation apps can save time and money.

GPS/TRACKING

For some it is mandatory. For everyone else, it's not a bad idea to look into GPS tracking apps. CivilMap.com and myTrueServe.com are examples of what's out there. These apps allow you to identify your exact location, track your serves and allows for audio recording between the process server and the person being served.

CALIFORNIA CODE

You can have access to legal codes anywhere you go. A free iPhone app that I really like is called LawStack. It comes preloaded with the majority of the Federal Codes and for a couple of dollars extra, you can have access to all of the California

Codes as well. This isn't something that you would need every day, but it could really come in handy. Whether you are a process server, a court runner, a registered photocopier or a private investigator, this is a good app to have.

SKIP TRACING

Many times when you go and try to complete a service, you will verify that the address is bad. There are times that due to the nature of the assignment, you may need to do a skip trace ASAP. Many companies that sell data to legal support professionals such as IRB and TLO have either apps or mobile sites set up that allow you to do your skip tracing right from your phone. You can also get apps such as White & Yellow Pages that can help you in your efforts as well.

In addition to the information above, I also came across an article done by ServeNow that provides insight into many other useful apps for legal support professionals. It can be found at: <http://www.serve-now.com/articles/596/process-server-smartphone-apps>.

Being the new chair of the Technology Committee, I am always on the lookout for articles, topics and anything else technology related that I think may be of value to CALSPRO members. Please feel free to contact me if you would like to serve on this committee or if you have suggestions for future articles. I would like to encourage all members of CALSPRO to not be afraid of or resistant to technology. Technology can help you become more effective and efficient, which is becoming more and more important every day.

Our committee chairs for this year are:

- **Brett Peters - Legislative & Bylaws**
- **Larry Kirlin - Membership**
- **Clifford Jacobs - Continuing Education**
- **Wendy Bowman - Newsletter**
- **Tony Klein - Forms**
- **Mark Schwartz - Assault Advisor**
- **Jeremiah Jones - Dispute Resolution & Technology**
- **Michael Kern - Advertising**
- **Stephanie Sayler - Conference**
- **David Nill - Website**
- **Steve Olch - Ad-Hoc - Photocopy**

Contact information for all of us can be found on the CALSPro website. Questions, concerns, comments, ideas - get in touch with us.

In closing, as we head into 2012, I challenge all CALSPro members to get involved at some level. Join a committee, attend a Board meeting, plan to attend next year's conference in Anaheim. There's a place for everyone to participate in

our Association. Take the initiative and get connected. The benefit of access to information and mentoring is an amazing result of becoming an active member.

Finally, as the New Year approaches, please remember that it's time to renew your membership. Take a moment to ruminate on the significance of your CALSPro membership in light of legislation, representation and education. Renew today!

My warmest wishes of the season go out to you and yours; and I look forward to serving you throughout 2012.

Happy Holidays! 🐉





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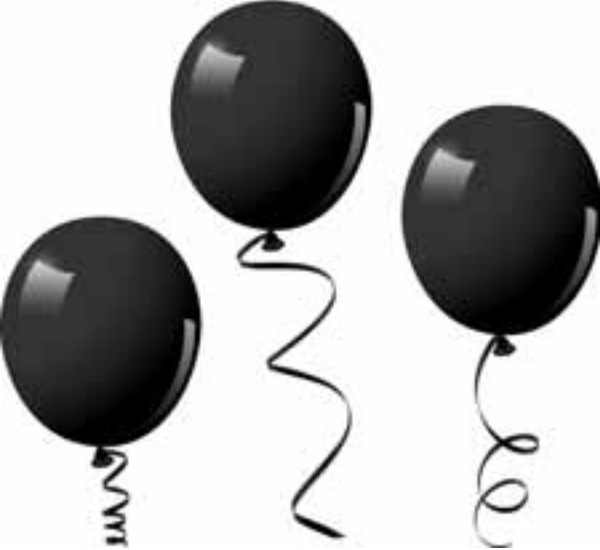

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HOOTS AND CHEERS!

by Stephanie Sayler

2011 Conference Chairperson



Thank you for attending the CALSPro Conference and I appreciate those who made the effort to travel to Reno and enrich themselves from the experience. We had a fabulous turnout and enjoyed the camaraderie!

Here's a recap of some of the information presented at Conference:

H. Eric Vennes – Insurance 101 for our industry. Eric answered questions for us on how our insurance policies may respond to the following claim situations:

- You served the wrong party.
- Your database is compromised and personal information of others is used.
- An employee or contracted server hits someone with their car.
- Your laptop and digital camera are stolen from your vehicle.

Gretchen D. Lichtenberger – Mailing Locations. Gretchen provided us with ideas on how she handles the U.S. Post Office and uncooperative private mailbox stores (aka CMRA's) to solve the following obstacles:

- CMRA refuses to accept service.
- U.S. Post Office does not have a physical address on file.
- How to effectively enforce current codes to obtain a current physical address.

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Grandfather, Jack Janney

Michele Stuart – Internet profiling and intelligence gathering. Michele went the extra mile in providing us with various ways of attaining free information to help us serve process. In addition to public government websites and checklists of information for us to follow step-by-step, she scared us with the information about ourselves that we could discover! Listed below is only 1% of the websites and sources she brought to our attention:

- Bump.com – License plate registry linked to Facebook, etc.
- Google “Cree.py” – Maps an individual’s coordinates in real time
- Searchtempest.com – Search Craig’s List/EBay/Amazon nationwide etc.

We switched up our format a bit this year and we welcome feedback on your experience. We also added a variety of exhibitors, including “Just For You”, which offered an array of trendy purses, wallets, gloves and gifts.

Please don’t miss Conference in Anaheim – October 2012. Again, we welcome your feedback from this year’s conference, and your ideas and suggestions for next year’s. I look forward to seeing you at our future events.

Stephanie Saylor, Conference Chair

Serving Process at Commercial Mail Receiving Agencies (CMRA)

by Andy Estin

At our conference in Reno, we heard from a speaker on the subject of service of process, including statements and advice on the service of a CMRA pursuant to the Business & Profession Code. I’d like to offer a different perspective on this topic.

One point of the presentation was Business & Professions Code Section 17538.5 and methods for using this code when serving process. I am aware of the code section, but for reasons that are discussed below we do not serve pursuant to this section. This code tries to make the Commercial Mail Receiving Agency (CMRA) the authorized agent for service of process for the mail receiving customer.

Unfortunately, because of specific language in section (d)(1) of this code, it is not possible to complete a service and proof of service so that you can get a default if the defendant fails to answer. B & P 17538.5(d)(1) says “...Upon receipt of any process for any mailbox service customer, the CMRA owner or operator shall ... and (B) within five days after receipt,

send all documents by first-class mail, to the last known home or personal address of the mail receiving service customer. The CMRA shall obtain a certificate of mailing in connection with the mailing of the documents. Service of process upon the mail receiving service customer shall then be deemed perfected 10 days after the date of mailing.”



This section makes it impossible for us to complete the service and provide our clients the necessary proof of mailing to obtain a default. It requires the CMRA (not us) to mail to an address known to them but not known to us, and requires the CMRA to prepare a proof of mailing. We have no way to know if they do the mailing, or if they prepare a proof of service by mail, and if they do it, we don’t know when they did it to start the clock on when you can take a default.

For these reasons we serve pursuant to CCP 415.20 instead. This eliminates the problem created if you try to serve per the

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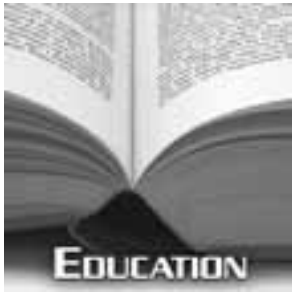
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STEVE JANNEY, WITH HIS
LOVELY WIFE, DANA**



**PRESIDENT'S APPRECIATION AWARD
CLIFF JACOBS, WENDY BOWMAN, AND
STEPHANIE SAYLER**



**MEMBER OF THE YEAR
MICHAEL KERN**



CONTINUING EDUCATION REPORT

by **Cliff Jacobs**

2011-2012 Continuing Education Committee Chairman

CALSPRO Continuing Education welcomes new CALSPRO members John McDonald (3-29-11), Deborah Urata (7-8-11), and Kraig Vorsatz (9-7-11) as new members of our committee. It is great to see new members getting involved at the committee level in their very first year. We anticipate that they will make strong contributions and further our ideals in providing the best legal support educational programs anywhere. The committee is always looking for the leaders of tomorrow, and many have begun their foray into CALSPRO leadership through committee work; so all CALSPRO members are invited to see if being on this committee is right for you.

We will continue to hold the in-person CCPS Workshop and Exam throughout California in 2012, and plan on finalizing an online CCPS workshop course to reach those legal support professionals in the more remote regions of our state. In addition, we are contemplating the feasibility of hosting a live online CCPS "Webinar" in conjunction with one of our 2012 CCPS workshops. Your input and expertise are welcome, so please contact Cliff Jacobs, Chairman.

In 2011 we have held CCPS workshops in Oakland, San Diego, Riverside, Sacramento, Buena Park, and Tulare counties. In addition, we held a CCPS review class followed by the CCPS Exam at our annual conference in Reno this past September; where Continuing Education also presented a glimpse of several of our online educational opportunities available on our new website. You can view an improved CCPS page there as well.

The committee is working hard to bring you an even better CCPS Workshop and exam experience in 2012 which will include topics such as case law, and best practices; which are currently touched upon during the workshop, but will now be a formal part of the workshop. We will also be providing a survey to each workshop attendee to garner their feedback and suggestions for enhancing the materials and improving the workshop overall.

I am also pleased to announce and present a new feature to the Continuing Education update in the *CALSPRO Press*. Each issue we will be providing the citation, short name and general topic of a law suit that became Case Law and helped shape how papers are served today. It is my hope that you look up the case and see for yourself the origins of some of our current Service of Process edicts.

To start this off right, here are three cases that became case law.

- 2 Cal.App.2d 578, 38 P.2d 411 (1934) "In re Ball"
- Topic: Service cannot be avoided by denying service and moving away without consenting to take the document in hand.
- 6 Cal.App.4th 1387, 8 Cal.Rptr. 351 (1992) "Bein v. Brechtel"
- Topic: Gated community service upon guard who denies access.
- 31 Cal.3d 381 (1928) Arrietta v. Mahon
- Topic: Unlawful Detainer Eviction

Happy and healthy holiday wishes to you all. 🍷



CALSPRO 44TH Annual 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.

You are your best asset and need to stay informed. There are not many people today that make wagon wheels or fix typewriters for a living, and by not participating and learning about current and future industry developments, you risk standing next to the covered wagon.

It's not too early to start planning! So please mark your calendars and remember to invest in yourself by attending next year's conference.

Bert Rosenthal Memorial Award

by Mark Schwartz

The Rosenthal Committee meets yearly (eight of us met in June) and in a rigorous, sometimes emotional process, to nominate those who it feels have given the utmost of service and dedication in promoting and protecting our industry. The committee consists of the current president, past presidents (who are still members) and all past recipients.

The first Bert Rosenthal Memorial Award was awarded to Bert himself, In Memoriam, in 1978. Bert was one of the founding members of CALSPro and as such, is represented by one of the thirteen diamonds in the pin. In 1979, the tenth anniversary of our Association, his wife Dorothy wrote: "During Bert's initial years in the process serving industry, he dreamed of the time there would be an Association of Professional Process Servers. Certainly his dream was realized, and gratefully, he did live to see its emergence as the prestigious organization that it is. Bert truly loved the industry and he put so much of himself into it. Were he here on this 10th Anniversary, he would be so proud of all of the accomplishments of CAPPs. For Bert, I can only say "Congratulations CAPPs for a job well done." Dorothy wrote those words over thirty years ago, yet they still ring true today, don't you think? Bert would be oh so proud of us, and what we have become, and I'm not referring just to the Association, but also to the individuals he befriended and mentored. Today, due to the legacy of those individuals, and their legacy, Bert's legacy is even more impressive. Jerry Topolos summed it up nicely in his 1978 award speech. He said: "We are not only honoring a man. We are honoring those who will be recipients in the future. The Association has come along way, and we feel it's about time the energies and contributions of certain members were recognized and recorded for posterity."

The following individuals were nominated for this prestigious award for 2011:

MIKE BELOTE
ROBERT DEFILIPPIS
STEVE JANNEY
JOHN PEREZ
BRETT PETERS

Continued on page 13



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HALFWAY THROUGH – continued from page 3

- AB 1111 (Fletcher): Collections. Limits the use of garnishments and levies for unpaid court fines, fees and assessments against homeless persons under 25 years of age;
- AB 1388 (Wieckowski): Earnings Withholding Orders. Eliminates the "common necessities of life" exception from EWOs and levies, essentially including common necessities in the portion of judgment debtors assets which are exempt from levy.
- SB 221 (Simitian): Small Claims Jurisdiction. Increases the jurisdictional limit for small claims cases, for natural persons, from \$7500 to \$10,000 (but subject to the existing limit of two cases per year over \$2500), but delays until January 1, 2015 the increase for motor vehicle cases involving bodily injury where the defendant is covered by an insurance policy which contains a duty to defend. The bill is effective on January 1, 2012.

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At the banquet on Saturday night, September 23, 2011, the award was presented to Steve Janney! Here is a bit of information about Steve:

Steve was born into a “legal support service” family in 1951. His dad, Jack Janney, was an early member of the Los Angeles process serving community (and was also a recipient of the Bert Rosenthal Memorial award). Steve served his first paper on January 23, 1969, his 18th birthday, when he finally conformed to the civil code of procedure by being “over the age of 18 and not a party to the action.” No Business and Professions Code for process servers existed back then.

Steve graduated from high school in 1969 and Biola University in 1980. He likes to say “I squeezed 4 years into 11.” He graduated with a degree in Education and a minor in Theology. After a year in graduate school, he joined his dad and brother Doug as the process manager of Janney & Janney Attorney Service. In 1983 he married Dana Walker, and they have 3 children, Linda, Matt & Paul.

Steve has served in a variety of positions in CALSPro. He was the newsletter editor, has served several terms on the board of directors, was elected twice as secretary-treasurer, chaired the Strategic Planning Committee and has served 3 terms as President of our association.

When asked about his life in the legal support industry, Steve said, “I think back over the past 40 years and I never would have imagined being where I am today. After 40 years, I would describe myself as a blessed man. I have had enough joy in my life not to be overwhelmed by sorrow, and enough sorrow to appreciate the joy. I have a life filled with purpose for today and hope for tomorrow. I have learned the difference between knowledge and wisdom, valuing the latter over the former.”

I was honored to present Steve the award in September. Notably, he received the first CALSPro version of the trophy and pin, which was appropriate as it was Steve who guided our Association through that change. 🐾

**Congratulations
to Steve and his family!**



above B&P section. It makes no sense to me to serve per the B&P because this method can cause problems for your client. Rely on CCP 415.20.

Further, with regard to CCP 416.90 and the use of this code to support personal service of the CMRA as the agent for the defendant, we do not do any serves per CCP 416.90 since we have had default clerks require a Power of Attorney we could not provide. I know that the B&P says they are the Agent, but a default clerk may not be aware of this. Again, why do a serve that can cause problems or delays for your clients when you have a better option available.

Another area where I'd like to provide clarification on is diligence when serving at a CMRA. For businesses, we may sub serve on the first attempt, but for individuals it is not the case. Many courts have local rules that require 3 or 4 attempts before sub serving an individual. None of these rules make an exception for places like a CMRA or a high security business. I am not aware of any courts that will enter a default on a sub serve of an individual with only one attempt.

I strongly suggest to anyone serving process to take the time to become educated on the code relating to our profession. Not only for the most obvious reason, and that is to provide quality service to your client, but also so that you may understand and interpret varying points of view on this subject. Clearly there will be some differences in opinion, but when called to court, it will be you who will have to answer for your actions. 🐾



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