



LEGISLATION

**Legislation:**

And Away We Go!



MEMBERSHIP

**Membership:**

Member Benefits and Value



EDUCATION

**Education:**

Continuing Education Report



CONFERENCE

**Conference:**

October 7<sup>th</sup> - 9<sup>th</sup>, 2016

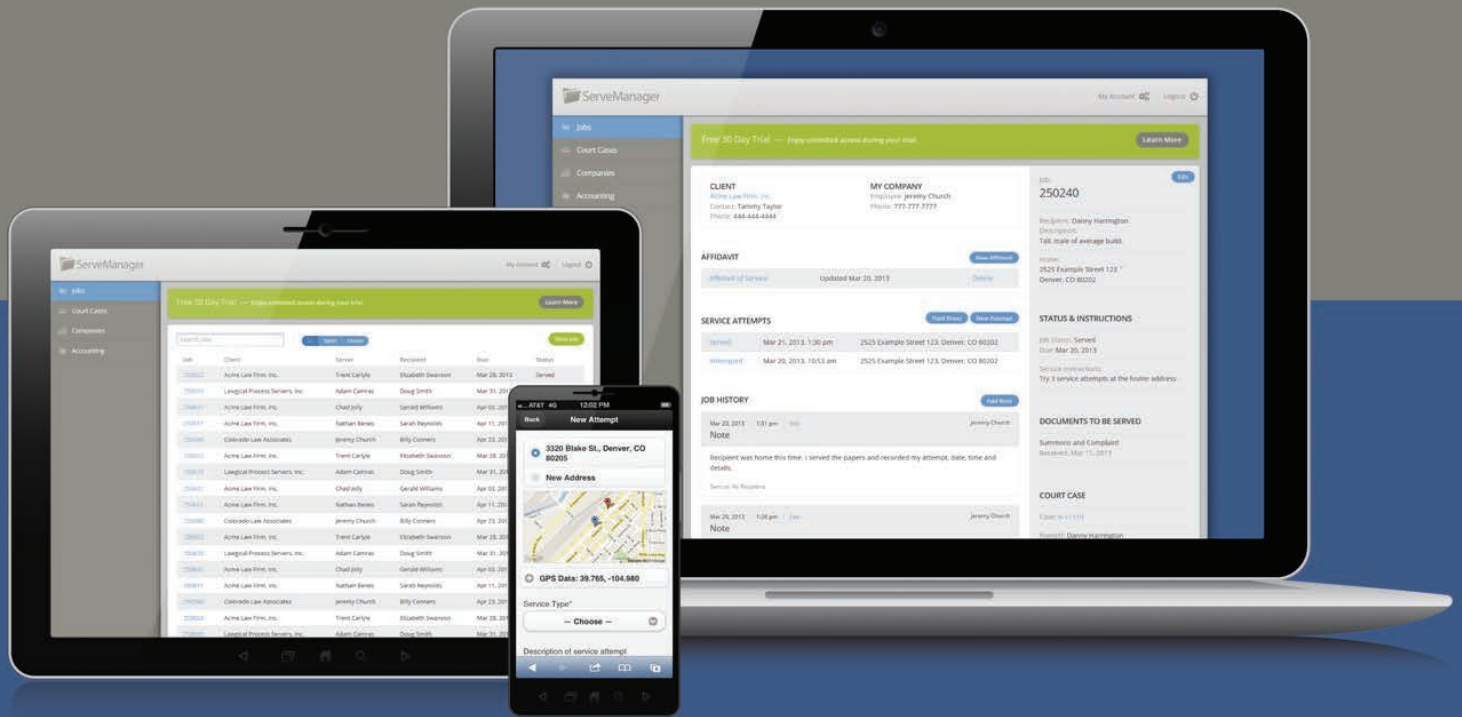
San Francisco Airport Marriott Waterfront



Association members get

**\$50**off  
new subscriptions

Plus, we'll donate  
\$50 to CALSPro



Activate your promotion and see full details here:  
[www.servemanager.com/pages/calspro](http://www.servemanager.com/pages/calspro)

Or, call us at (800) 280-4400

✓ Invite clients, and share jobs.

✓ Save companies and contacts.

✓ Email attempts and affidavits.

✓ Print or email invoices.

 **ServeManager**  
A ServeNow Company





# INSIDE THIS ISSUE

- 4 President's Message**
- 6 Capitol Report**
- 7 CALSPRO Conference Wrap-Up**
- 12 Stand Your Ground! (or not)**
- 13 Legislation Update**
- 17 Best Practices For The Service of Process**
- 19 Advertising Update**
- 20 Membership Benefits and Value**
- 21 Continuing Education**
- 22 Leadership Bios**

---

## Thank you to our Advertisers

ServeNow – Inside Front Cover

DGR Legal – 5

1-800-Process – 15

Application Software – 23

---

## eDelivery of your CALSPRO Press

The CALSPRO Newsletter is now available in electronic format only! Make sure we have your current e-mail address, so you don't miss an issue: [stephanie@caladmanagement.com](mailto:stephanie@caladmanagement.com)

CALSPRO is not responsible for the accuracy of any comments herein relating to their own case or actual law. All readers should do research as to the actual legality of any issue. Opinions, viewpoints, or articles published under a byline and appearing in this newsletter do not necessarily reflect the official position of this association. Acceptance of advertisements in no way constitutes professional approval or endorsement by CALSPRO. No anonymous Letters to the Editor will be printed. Your name will be withheld upon request.

© Copyright 2015, California Association of Legal Support Professionals. No material may be reproduced without the express written consent of the publisher. Controlled circulation postage paid in Sacramento, CA.

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



FIND US ON  
FACEBOOK AND  
TWITTER!



# PRESIDENT'S MESSAGE

---

CLIFF JACOBS

2016 CALSPRO PRESIDENT

**A**s 2015 comes to a close, it is a time to reflect on the past year, and the possibilities for the future. At last year's Conference I pledged to bolster the effort in bringing added value to our members during this year, as well as ensuring that we continue to strongly champion our association's primary purpose of protecting, preserving and promoting our profession. This is especially true in regard to fair and equal access to the courts in light of the ongoing technological advances currently being adopted by the Courts now and being considered for the future.

This year, out of the commitment to bring greater value to our members, we did several things including: adding new promotions to reduce the cost of membership and provide greater flexibility with renewals; sending out renewals early this year (late November); sending out pertinent and timely information to our members in the form of blogs, eblasts, and fuller newsletters; surveying our members, moving our website back in-house allowing for more flexibility, ease of operation, quicker updates, and potential for bigger and better features; and sought vendor members who would provide services that our members use and need. The Membership Committee article in this newsletter highlights our promotions for this year. We also reached out to our members in more ways than ever before by enhanced use of social media. It may be unrelated to all of these changes, but I am proud to report that our membership has increased this year. During our conference, I pledged to continue to explore more ways to add value to your membership experience. More services that you can use, money saving opportunities, technology reviews, better communication, greater transparency and

stronger interaction with our members are high on this year's priorities. I welcome your thoughts, comments and suggestions.

Also at this year's conference were two great presentations. One was a very informative writ seminar led by Tony Klein that had many in attendance thinking about adding writ service to what they already do, or taking their existing writ practice to the next level. The other was a very dynamic and entertaining presentation by our Keynote speaker, Mack Jackson, Jr., who brought a wealth of knowledge about cyber security, data protection, and guarding yourself from identity theft. In addition, we held an eServices panel discussion which was extremely informative about what is on the horizon. Overall, Conference was full of information and had great opportunities for camaraderie and fun. This was Stephanie Saylor's final Conference as Chairperson. Stephanie has masterfully fulfilled this role for many, many years, bringing a re-energized effort every year to make each conference ever better than the previous. She has provided so much talent and effort over the years, and I recognize her for her dedication and commitment to this association and our members. Thank you, Stephanie.

We have always had a strong Legislative focus as an Association. It is here that we find our roots and our primary purpose. Our Legislative Advocate, Mike Belote, is extremely well known and respected in Sacramento and throughout the state; and in conjunction with Steve Janney, Chairman, and the other experienced and talented Legislative Committee members, ensures that we are in the know of any issues that may impact our profession so that we may address these

issues proactively. This year, we found the need to create a special legislative sub-committee to address two specific matters with the intention of keeping due process, and fair and equal access to the courts at the forefront of the dialogue of standards and practices of the Courts and the legal and legal support communities. The sub-committee's first task was to address and submit comments to what is referred to as the Oasis paper which, very generally speaking, involves the development of standards and practices for the expansion of legal services including electronic Court Filing and electronic service of process at the court level. The sub-committee completed their comments draft, presented it to the board for consideration, and subsequently the comments were submitted timely. The Oasis paper, including the comments, was also made available on our website, with notification sent to our members. It is a very thoughtful and pertinent document that captures the essence of what is fair and just concerning due process rights.

During the comments process, it became clear that, as an association, we needed to expand our established best practices to include electronic service of process, a task that was started several years ago but had not yet been finalized. The sub-committee took on the task of completing the process, identifying the specific principles that must be included and created our new best practices that clearly lay out the limited use of electronic service and what specifically must occur for electronic service to be valid. It is very clear that

*Continued on page 16*



PROCESS SERVICE

MESSENGER SERVICE

SUBPOENA SERVICE

# The most reliable Process Service in New Jersey

NOTARY SERVICE

DOCUMENT RETRIEVAL

FORECLOSURE SERVICES

OCCUPANCY &  
PROPERTY INSPECTIONS

800-326-0404  
www.dgrlegal.com  
service@dgrlegal.com





# CAPITOL REPORT

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

## AND AWAY WE GO!

**W**hen last we communicated, Governor Brown had nearly one-thousand separate pieces of legislation on his desk, awaiting a decision on signature or veto. Under the state constitution, the Governor is given 30 days after the legislature leaves for the fall to sign or veto this mountain of proposals. When the dust settled on October 11, 808 of the bills were signed, with the rest vetoed.

The last column published in September included brief snapshots of four bills of interest to CALSPro that were sent to the Governor but had not been acted upon. Because of the constitutional deadline, we now know the outcome of these four bills. Pushing the "refresh button", here are the four bills again:

- AB 1197 (Bonilla): Deposition Notices. Requires persons noticing a deposition to include disclosures if the noticing person is aware of a contract between a court reporting entity and the party paying for the deposition, or if the person noticing the deposition has been directed to use a certain court reporting entity. Signed by the Governor, Chapter 346, Statutes of 2015, effective January 1, 2016.
- AB 1337 (Linder): Medical Records. Creates a statutory authorization form for the release of medical records, to replace the multiplicity of forms currently in use by hospitals and other health care providers. Signed by the Governor, Chapter 528, Statutes of 2015, effective January 1, 2016.

- AB 1513 (Williams): Piece-Rate Employees. Contains both a safe harbor for certain past minimum wage violations relating to piece-rate employees, and a new requirement that these employees be compensated for rest and recovery periods at an average hourly wage. This very complex legislation was signed by Governor Brown and entered into the California Codes as Chapter 754, Statutes of 2015, effective January 1, 2016. CALSPro members compensating employees on a piece-rate basis are especially urged to become familiar with the new law.

- SB 641 (Wieckowski): Debt Buyers. Creates a right for collections defendants in debt buyer cases to set aside defaults based upon a lack of service and inability to defend the collections action. Signed by the Governor, Chapter 804, Statutes of 2015, effective January 1, 2016.

Now, as certain as death and taxes, the California Legislature is back as of January 4, 2016 to introduce a whole new round of bills. If the past is any indication, somewhere between 2000-2500 new bills will be introduced by the deadline of February 19, 2016. While obviously it is too early to know what might be introduced, there is a strong likelihood of new bills relating to privacy. The former Chair of the Assembly Privacy and Consumer Protection Committee, Mike Gatto, has been replaced by Ed Chau, Democrat from Arcadia, and Mr. Chau has previously been active in the privacy arena. As people whose businesses

really relate to information, CALSPro members could certainly be impacted by one or more new bills relating to privacy.

2016 also is being called the "year of the initiative". For a variety of reasons, the number of proposals appearing on the November, 2016 general election ballot could truly be unprecedented. Some, particularly relating to taxes, could certainly affect CALSPro members as both business people and citizens. Far more will be known about the ballot by early summer.

By the next issue of this column, we should be able to report on new legislation for 2016. Stay tuned!





## 2015 CALSPRO CONFERENCE WRAP-UP

By Kenneth Hastings, 2016 Conference Chairman

**F**irst let me start by saying thank you to all attendees, vendors, sponsors and members of the association who helped bring you the 2015 Annual CALSPRO Conference and Business Meeting. Without your help conference would not be the same.

The conference was a success in a few areas this year. Thanks to Mike Kern and Chad Barger the Jack Janney Memorial Golf Tournament was an outstanding event. Due to a generous donation from CAMS, attendees were able to enjoy good food, good company and plenty of beverages from behind the bar. Friday night was full of time spent catching up with old friends and colleagues as well as some new ones too.

Conference wasn't exactly a success in all areas this year. There are several factors that created a "Perfect Storm" that resulted in a less than stellar turnout. While the

venue was very accommodating and adequate, circumstances unforeseen such as airfare costs, acts of Mother Nature which caused road closures to the area and other factors seemed to have caused a lower than expected participation.

However, thanks to the Conference Committee's efforts to find a guest speaker from outside of our industry, we were introduced to Mack Jackson Jr. who educated us to the potential pitfalls we may face in our technology based environments. Attendees were also educated by Tony Klein about Writs. Tony fielded many questions from the audience which tells me that information on the subject was much needed. Our third education session of the day informed us as to the current status of E-filing and E-service in California. Mike Kern, Jeff Karotkin, Larry Kirlin, and Lance Randall President of NAPPS provided information to members who attended as to where

E-filing and E-service are at currently in several U.S. States and California as well as where they could potentially be headed.

Stephanie Sayler and I would like to personally thank all sponsors and exhibitors for their participation and help in supporting CALSPRO. We would also like to thank and recognize the efforts of CAMS, committee members and chairs, as well as the Board of Directors. A special thank you to our President Cliff Jacobs, our Vice President Larry Kirlin, and our Treasurer Robert Porambo. Thanks to these people and their efforts, valuable information was able to be disseminated to attendees.

Sunday round tables were well received by those who attended. Topics included

*Continued on page 8*



## 2015 CALSPRO CONFERENCE WRAP-UP – *continued from page 7*

self-defense, process serving, social media marketing and goal setting for leaders. Thank you to all the round table moderators for your contributions.

Stephanie and I would also like to thank the 2015 Conference Committee Members for their extremely value contributions:

**Larry Kirlin** – Cornerstone Overseer

**Jenny, Stephanie and Natalie** – Admin Office

**Mark Manchester** – Continuing Education Committee Chairman

**Steve Janney** – Legislative Committee Chairman

**Cliff Jacobs** – President and Membership Committee Chairman

Looking forward to the 2016 Annual Conference we are looking to make some changes. We sent out two surveys in the weeks following conference. One for

attendees and one for non-attendees. Due to participation and feedback from you, we have our mission, starting with location. You have spoken and we have heard you loud and clear. The membership wants us to stay in California. So with that said it looks as if we are going to have this coming year's conference in northern California. You want more energy, fresh speakers, room rates, as well as information to help expand and grow your companies. While we can not accommodate everyone's desires in 2016, rest assured we have heard from you and will make concerted efforts to bring you what you want.

As the new Conference Chairman I feel the pressure to bring you a conference you want to attend. My promise to CALSPRO and the membership is to make every effort to do so, but we can't do it without you. Start saving now, start planning, start

focusing on attending the 2016 CALSPRO Annual Conference which will be held over Columbus Day weekend on October 7-9, 2016. This is the year you are not going to want to miss.

As it does every year, it is going to take a team effort to bring the best possible conference to our membership.

Thank you for letting me serve as your Conference Chairman. I look forward to a challenging and exciting year.

Kenneth Hastings  
Conference Chairman

## CALSPRO 2015 – 2016 OFFICERS AND BOARD OF DIRECTORS



**CALSPRO President Cliff Jacobs swears in the 2016 Board of Directors. (FROM LEFT TO RIGHT) CHAD BARGER, MARK MANCHESTER, KEN HASTINGS, KRISTIAN PUJOL, ROBERT PORAMBO, LAURI TAYLOR, TOM ALKEMA, MIKE KERN, WENDY BOWMAN, STEVE JANNEY, LARRY KIRLIN**



## THANK YOU TO OUR CONFERENCE VENDORS!

### **Captira Analytical**

1 Park Place  
Albany, NY 12047  
518.312.4166  
518.362.0069 - fax  
Contact: Cory Anderlohr  
canderlohr@captira.com  
www.captira.com

### **DataSafe**

574 Eccles Ave.  
South San Francisco, CA 94080  
650.875.3800  
650.873.9098 - fax  
Contact: Scott Reis  
sreis@datasafe.com  
www.datasafe.com

### **TRIStar Software**

1704 Spring Street Suite 202  
Paso Robles, CA 93446  
805.227.1213  
Contact: Dennis Chaples  
irina@tristarsoftware.com  
www.tristarsoftware.com

### **Database Services, Inc.**

5415 Lake Howell Road #327  
Winter Park, FL 32792  
407.679.1539  
Contact: Bobby Musser  
bobbym@dbsinfo.com  
www.dbsinfo.com

### **Journal Technologies**

391 N. Main Street Suite 303  
Corona, CA 92879  
951.479.9400  
Contact: Ron Beach  
rbeach@journaltech.com  
www.journaltech.com

### **United Records Management, Inc.**

28470 Witherspoon Parkway  
Valencia, CA 91355  
661.705.0500  
661.562.6246 - fax  
Contact: Jerry Scott  
jscotters@aol.com  
www.gounited.com

## THANK YOU TO OUR CONFERENCE SPONSORS/AUCTION DONORS

### **— Diamond —**

Janney & Janney Attorney  
Services

### **— Ruby —**

Rapid Legal Inc.  
Judah Steven Van Voorst &  
Josiah James Van Voorst  
*(In Memory of their Great  
Grandfather Jack C. Janney)*

### **— Pearl —**

Direct Legal Support, Inc.

### **— Golf Tournament —**

Janney & Janney Attorney  
Services

### **— Hole in one —**

Adam Camras  
Attorney's Certified Services  
Direct Legal Support, Inc.

### **— Double Eagle —**

Cliff Jacobs  
Commercial Process Serving, Inc.  
Rezac-Meyer Attorney Service

### **— Saturday Morning — Continental Breakfast**

Journal Technologies  
Rapid Legal, Inc.

### **— Saturday Night Cocktail — Party (Drinks)**

First Legal Network  
ProVest, LLC

### **— Saturday Night Cocktail — Party (Appetizers)**

Knox Attorney Service

### **— Tote Bags —**

Attorney's Certified Services

### **— Silent Auction Donors —**

1st Priority Attorney Support &  
Court Services

Attorney's Certified Services

California Advocates Management  
Services

CALSPRO Continuing Education  
Committee

Cliff Jacobs

Direct Legal Support, Inc.

D & T Legal Services, Ltd.

First Legal Support

Knox Services

One Legal, LLC

Rezac-Meyer Attorney Service

Sayler Legal

Sterling Madison Company

# CALSPRO 2015 Conference Pictures



**ATTENDEES AT THE 2015 GOLF TOURNAMENT**



**KEN HASTINGS HONORED WITH A PRESIDENT'S APPRECIATION AWARD BY CLIFF JACOBS.**



**"ROOKIE OF THE YEAR" TOM ALKEMA WITH PRESIDENT CLIFF JACOBS.**



**IN RECOGNITION OF BOARD MEMBER MARK MANCHESTER.**





**MICHAEL KERN, PROUD RECIPIENT OF THE HORSE'S BUM AWARD, PRESENTED BY MIKE BELOTE.**



**GAVEL PLAQUE PRESENTED TO CLIFF JACOBS BY PAST PRESIDENT MICHAEL KERN.**



**STEPHANIE SAYLER HONORED WITH A PRESIDENT'S APPRECIATION AWARD BY CLIFF JACOBS.**



## **Bert Rosenthal Memorial Award**

Congratulations to Jennifer Blevins who was awarded the prestigious Bert Rosenthal Memorial Award on October 17, 2015. The award is presented to an individual who, through the years, has given the utmost of service and dedication in promoting our industry. Jennifer has served as the CALSPro Administrator since 1989 and is a partner of the association's management company, California Advocates Management Services.





# Stand your ground! (or not)

By Larry Kirlin & Kristian Pujol

**H**ere are a few facts to consider from a FBI report on assault on law enforcement officers:

- Nearly 50,000 sworn officers were assaulted in 2013. (approximately 10% of all officers)
- About 30% of those assaults resulted in injury.
- About a third of those injuries were made with hands, feet or fists. A higher percentage of injury than those assaulted with a dangerous weapon.
- About two-thirds of assaults happened when an officer was alone with the subject (guess what, most process servers work alone.)

Law enforcement officers have an obligation to stand their ground. Process servers do not. I don't know if it is our culture or our genetics but process servers are a proud breed. So proud we might feel

the need to stand our ground when the most sensible choice is to retreat. We need to know if we have a legal basis to defend ourselves.

Our legal system universally accepts a person's right to protect themselves. We commonly refer to this as self-defense. An excerpt from a FindLaw article defines self-defense as "the right to prevent suffering force or violence through the use of a sufficient level of counteracting force or violence." Before taking defensive action one must determine if a threat is imminent and the fear of harm is reasonable. If action is taken, was it proportional? This is where things get sticky. Who gets to decide what is reasonable, proportional or imminent? The law calls it an "imperfect defense".

Our legal obligation is clear: we all have a duty to retreat when possible. If retreat is not possible, defensive action must be proportional.

The official recommendation from CALSPro is to flee whenever possible. Self-defense should only be taken as a last resort. Avoid risk to yourself and consider this quote from Ezra Taft Benson: "With pride there are many curses. With humility, there come many blessings." Walk away my friend. Just walk away.



# CALSPRO Legislative Update

By Steve Janney, Legislative Chair

**A**t the Board of Directors meeting held December 05, 2015 work began on the Legislative agenda for 2016. One of the major issues facing our profession continues to be the discussion and potential implementation of efilng and eservice.

At our 2015 Annual Conference a sub-committee under The Legislative Committee was formed to respond to the Oasis Expansion of Legal Service MDE Position Paper Version 1.0 document. A response was prepared, approved by the board and submitted. The membership was sent this document via web blast.

The subcommittee, consisting Wendy Bowman, Andy Estin, Steve Janney, Jeff Karotkin and Michael Kern was then tasked with reviewing our Service of Process Best Practices and preparing a draft document for discussion by the board. That document was presented to the board December 05, 2015, discussed and approved unanimously. The document is posted on our website and questions or comments made through the Legislative blog.

Also discussed was CALSPRO involvement in the Coalition for Improving Court Access. This coalition is being formed to address issues of efilng and eservice in California that effect CALSPRO and other organizations. While the Coalition is still in its formative stages, it was again unanimously decided for CALSPRO to join.

One issue discussed was a holdover from 2015. Last year it was decided to amend the following wording regarding the deposit of a writ or EWO with the sheriff. An appropriate vehicle could not be found for this legislation in 2015. This legislation will be introduced in 2016 in a stand-alone bill in necessary.

**699.080.** (a) *A registered process server may levy under a writ of execution on the following types of property:*

(b) *Before levying under the writ of execution, ~~the registered process server shall deposit a copy of the writ~~ **shall be deposited** with the levying officer ~~and pay~~ **along with** the fee provided by Section 26721 of the Government Code.*

*and **488.080.** (a) A registered process server may levy under a writ of attachment on the following types of property:*

(b) *Before levying under the writ of attachment, ~~the registered process server shall deposit a copy of the writ~~ **shall be deposited** with the levying officer and pay along with the fee provided by Section 26721 of the Government Code.*

New issues for the 2016 session discussed and approved are:

1. The relationship between Electronic Filing Manager (EFM) and Electronic Filing Service Providers (EFSP) including whether any one entity can play "both sides of the fence". Discussions would focus on control of the electronic court house and a wholesale vs. retail price structure.
2. Revision of CCP 1033.5 to include efilng fees as recoverable. While there have been 2 appellate cases dealing with this issue and it is the informal policy of both Orange County and San Diego County courts to include these costs, to codify them would remove all discussion.
3. As the use of credit cards becomes more common, it becomes more essential that "agents of the court" be defined to include anyone who advances costs for the filing of any document in order to recover the cost of using the credit card. This could deal with government codes and credit card agreements.

Tom Alkema is chairing a subcommittee on Photocopy issues and submitted the following report for discussion:

*Continued on page 14*

### PHOTOCOPY SUBCOMMITTEE REPORT BY TOM ALKEMA, CHAIRMAN

1. The first and overwhelming concern is to try and reset the fees being charged by the imbedded copy services, also known as Release of Information companies or ROI, so that they are more equitable to the consumers in California. Currently, EVID 1563 and EVID 1158 allow for an hourly charge along with a price per page when a custodian or ROI company copies/produces records (along with other minor fees not posing a concern for us). Where we see the weakness in the code is that there is no restraint or control to govern how many hours it takes when copying/producing records. Many of us are seeing hourly amounts of work to do a job that does not equate to real world efforts. Therefore, the committee concludes

that if there could be some parameters placed on the hourly rate then the situation would improve. We hope to propose a flat fee somewhere in the neighborhood of \$30, which will include, if possible, the witness fee paid. We do not intend to remove or adjust the price per page at this time.

2. The second item is along the same lines but comes as a result of the regulations put in place after SB863 passed in 2012. This was a very comprehensive Workers Compensation legal reform that included a fee schedule for copy services. The final rules, which I wrote about in the fall issue of the CALSPRO Press, set a flat fee of \$180.00 per copy request. The problem for companies in our industry is that the flat fee MUST INCLUDE ALL WITNESS FEES and ALL FEES PAID TO ROI companies. As the ROI fees rise, it is a direct hit on the profits of these copy services.

Therefore, the committee would like to see if SB 863 can be amended so as to exclude all fees paid to custodians. I am not knowledgeable enough to know if this is the correct approach, or if the appropriate target is to amend the Rules and Regulations that the Department of Industrial Relations operates by. The rules and regulations were written by the DIR and did include input from stakeholders, but the end result is proving to be a loser for many companies.

This is a challenging and proactive legislative agenda. We look forward to the challenge and keeping the membership informed. Questions, comments or concerns, please contact me: [steve@janneyandjanney.com](mailto:steve@janneyandjanney.com)  
213-628-6338.

### California Association of Legal Support Professionals 2016 Calendar of Events

<b>January 26, 2016</b>	<b>Board of Directors Meeting Conference Call</b> 4:00 p.m. – 6:00 p.m.
<b>March 19, 2016</b>	<b>Board of Directors Meeting</b> Legislative Committee Meeting Southern California
<b>May 3, 2016</b>	<b>Board of Directors Meeting Conference Call</b> 4:00 p.m. – 6:00 p.m.
<b>June 25, 2016</b>	<b>Board of Directors Meeting</b> Rosenthal Committee Meeting Sacramento
<b>August 23, 2016</b>	<b>Board of Directors Meeting Conference Call</b>
<b>October 7, 2016</b>	<b>Board of Directors Meeting</b> San Francisco Airport Marriott Waterfront
<b>October 7-9, 2016</b>	<b>CALSPRO 48<sup>th</sup> Conference</b> San Francisco Airport Marriott Waterfront
<b>December 3, 2016</b>	<b>Board of Directors Meeting</b> Legislative Committee Meeting San Jose

Please check the CALSPRO website for a complete listing of all events, including CCPS Workshops and Exams. [www.calspro.org](http://www.calspro.org)



# **FOR Sale:** **Zip Codes**

# **1-800-PROCESS**

## ***Is Offering Zip Codes For Sale.***

***If You Purchased The Zip Code, Anyone From Anywhere Can Directly Connect With Your Office. No Middle Man Is Involved. You Negotiate Your Own Deal With The Caller. No Call Center, No Commissions, No Sharing The Wealth. Anyone That Calls 1-800-PROCESS, Clicks Or Calls The Zip Code Purchased And They Are Directly Connected With You. Simple, Effective And Totally Owned And Controlled By You.***

***You Own A Piece Of 1-800-Process Through Zip Codes.  
All Calls Going To Your Zip Code  
Go Directly To You With A Direct Connect.***

## ***Interested?***

***Go To [1800PROCESS.com](http://1800PROCESS.com)  
Or Call Doug Kramer At  
1 800-687-0130 For More Information***

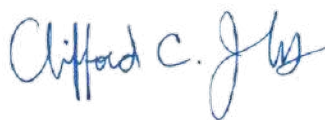
our Legislative Committee continues to be at the forefront of championing due process rights, and fair and equal access to the courts; and has an aggressive agenda planned for 2016.

On the education front, just a few weeks ago, a portion of the CALSPro CCPS program was modified as a one hour presentation to Attorneys, Legal Secretaries, Paralegals, Legal Assistants and law office staff; and was presented for the very first time at an event sponsored by the Marin County Chapter of LSI. It was one of 3 programs presented, each providing one hour of MCLE credit to an attendee. This was our first foray into crossing over directly into the legal community and providing MCLE credit. It is my hope to continue to inspire our Committee to continue in this cross-over effort reaching directly into the legal community and bringing added educational and MCLE value, while enhancing our exposure and the CALSPro

brand. The committee is currently in the process of securing dates and locations for the CCPS workshops to be held in 2016, and I encourage all of our members to attend and bring new people to benefit from the information provided in the certification sessions.

As a final note, I'd like you to know that it is a richly rewarding experience to serve this association and membership, and I invite you to engage with us this coming year at an even higher level. Perhaps you'd even like to join a committee or work on a project. In any case, I look forward to a very productive 2016, and wish all of you and yours a wonderful holiday season and much prosperity in the coming year.

Best regards,



## CALSPro COMMITTEES

### ADVERTISING

Robert Porambo – Chairman  
619/685-4223  
[rporambo@knoxservices.com](mailto:rporambo@knoxservices.com)

### ASSAULT ADVISOR

Larry Kirlin  
559/223-1993  
[lkirlin@firstlegalsupport.com](mailto:lkirlin@firstlegalsupport.com)

### BY-LAWS

Brett Peters  
805/650-9077  
[jjvc@janneyandjanney.com](mailto:jjvc@janneyandjanney.com)

### CONFERENCE

Ken Hastings – Chairman  
951/296-2669  
[service@hastingspps.com](mailto:service@hastingspps.com)

### DISPUTE RESOLUTION

Jeremiah Jones – Chairman  
877/353-8281  
[jeremiah@boscolegal.org](mailto:jeremiah@boscolegal.org)

### eSERVICE

Michael Kern  
213/483-4900  
[mkern@kernlegal.com](mailto:mkern@kernlegal.com)

### FORMS

Tony Klein – Chairman  
415/495-4221  
[tony@attorneyserviceofsf.com](mailto:tony@attorneyserviceofsf.com)

### LEGISLATIVE

Steve Janney – Chairman  
213/628-6338  
[steve@janneyandjanney.com](mailto:steve@janneyandjanney.com)

### MEMBERSHIP

Cliff Jacobs – Chairman  
415/475-6213  
[cjacobs@onelegal.com](mailto:cjacobs@onelegal.com)

### NEWSLETTER

Wendy Bowman – Chairman  
408/295-3300  
[wendy@sterlingmadison.com](mailto:wendy@sterlingmadison.com)

### TECHNOLOGY & eSERVICE

Cliff Jacobs  
415/475-6213  
[cjacobs@onelegal.com](mailto:cjacobs@onelegal.com)

### TECHNOLOGY

Michael Kern  
213/483-4900  
[mkern@kernlegal.com](mailto:mkern@kernlegal.com)

### WEBSITE

Michael Kern  
213/483-4900  
[mkern@kernlegal.com](mailto:mkern@kernlegal.com)

# BEST PRACTICES FOR THE SERVICE OF PROCESS

California Association of Legal Support Professionals

Adopted by the Board of Directors of the California Association of Photocopiers and Process Servers

December 5, 2015



## CALSPRO

CALIFORNIA ASSOCIATION OF  
LEGAL SUPPORT PROFESSIONALS

2520 VENTURE OAKS WAY, SUITE 150  
SACRAMENTO, CA 95833

(916) 239-4065 • (916) 924-7323 – FAX  
CALSPRO@CAMGMT.COM • WWW.CALSPRO.ORG

The foundation for the legal system of our country is due process. The rights of all parties are protected in order that an unfair advantage is not gained by one over another. The beginning of due process that can ultimately lead to forfeiture of rights and property is placing an individual or entity under the jurisdiction of the appropriate court as a result of the service of the applicable documents.

Courts have consistently addressed what constitutes notification and what efforts are necessary to insure that the opposing party is notified. Recently, the United States Supreme Court held in *Jones vs. Flowers* (decided April 26, 2006), that certified mail was not sufficient notice when the State of Arkansas knew that the notice attempt had failed. In reversing the state ruling, the court said, "Most Courts of Appeals and State Supreme Courts addressing this question have decided that government must do more in such a case, and many state statutes require more than mailed notice in the first instance."

As a matter of policy, the California Association of Legal Support Professionals affirms the following:

1. For the purposes of these Best Practices, "primary service" of process refers to any service of process by which the court obtains jurisdiction over an individual or entity. We acknowledge many types of "secondary service of process", referring to subsequent documents exchanged between parties following the primary service of process. The following Best Practices refer to primary service of process only.
2. The preferred and most effective and verifiable method for service of process is the personal, in-person delivery of process to the named individual or entity.
3. Primary service of process should be accomplished by a disinterested third party, knowledgeable of the applicable codes, who complies with the registration requirements as described in the Business and Professions Code.
4. When personal, in-person service upon an individual or entity cannot be effected, the next best method of service should be in-person delivery of process to a person authorized by court rule or statute to receive process on behalf of the named party. This type of service should be preceded by reasonable diligence to effect personal, in-person delivery on the named party and be followed by some type of additional notice (first class mailing, etc.) in order to ensure notification of the party.
5. When service cannot be effected as described above, the next best method of service is an alternative method authorized by court order upon demonstration of the fact that service cannot be effected by in-person delivery.

While continuing to affirm the above, we believe that a Trusted/Disinterested Third Party that is a Registered Process Server, as defined by the Business and Professions Code 22350 that attests to the facts of an electronic transaction is a necessary part of ensuring the due process rights of the parties. CALSPRO recognizes that, while primary service of legal process by electronic means may have a limited use and value as it impacts due process, we maintain in order for electronic service to be trusted and reliable, it must be implemented in a way that embraces the following principles and concepts:

- Knowing and Voluntary
- Lawful Consent and/or Waiver
- Acknowledgement
- Receipted Transaction
- Proof of Delivery
- Secure and Reliable

*continued on next page*



# BEST PRACTICES FOR THE SERVICE OF PROCESS

California Association of Legal Support Professionals

Adopted by the Board of Directors of the California Association of Photocopiers and Process Servers

December 5, 2015



## CALSPRO

CALIFORNIA ASSOCIATION OF  
LEGAL SUPPORT PROFESSIONALS

2520 VENTURE OAKS WAY, SUITE 150  
SACRAMENTO, CA 95833

(916) 239-4065 • (916) 924-7323 – FAX  
CALSPRO@CAMGMT.COM • WWW.CALSPRO.ORG

Electronic Service of Process (eSOP) should be knowing and voluntary. Parties should be required to consent to eSOP and/or waive physical service of process. Proof that a party has consented or waived physical service must be documented and proven.

Electronic Service of Process must require a receipted transaction - Electronic service of process must include reliable proof that notice was actually received by a person who was authorized to accept service. The receipted transaction must reflect what was sent, when it was sent, what was sent was unaltered, what was sent was received and acknowledged by the intended recipient or its authorized agent.

The manner and method of electronic service should mimic the standards for physical service of process. The proof of service must be in a format that the courts or government accept as being reliable and secure. Electronic Service of Process is complete on the date that it is acknowledged by the recipient.

The trusted/disinterested third party process server must provide the parties and the courts with reliable proof that the documents were received and acknowledged by the intended recipient or its authorized agent.

Electronic Service of Process must be performed by a disinterested third party that is a Registered Process Server that can attest to the facts of the transaction.

Following the above principles, we believe that the electronic service of primary documents must include the following specifics.

- A. It must be voluntary with an opt-in provision.
- B. The list of entities that will voluntarily accept electronic service of primary process must be developed and overseen by a state agency, not the court or a private party. The list must be able to be accessed publicly. The option to accept electronic service of primary process must also have an opt-out provision.
- C. The electronic service of primary process must be acknowledged by the recipient. The date and time of service must be the date and time of acknowledged receipt, not of date and time of electronic transmission. If a document is not acknowledged, it is not served.
- D. The act of electronic service of primary process must be effected by a registered process server who is a disinterested 3rd party. A proof of service will be generated and signed by the registered process server.
- E. Any system developed for the electronic service of primary documents must be verifiable, tamper proof, protecting any privacy rights guaranteed any party, reliable and free from vendor barriers.
- F. Electronic service of primary process must be guaranteed and trusted to the extent that the court has confidence in its jurisdiction and will enter a default if a written response is not filed.



# Advertising Update

by Robert Porambo, Advertising Chair

**W**hile many of us will have the pleasure of a warm meal, cozy living situation and receive a gift or two this Holiday season... there will be many others who may not share in that same privilege. Please keep this in mind and find some way to help make a difference for someone who is not as fortunate. It could be as easy as donating blankets or toys to an organization.

"It's not how much we give but how much love we put into giving." – Mother Teresa

For those of you who know me, family is THE most important thing to me. There is a saying that as a parent you're only as happy as your saddest child. I know

there are some people that are frustrated with certain things at CALSPro. If there is something I/we can do to assist our members with industry related issues I would strongly encourage you to reach out to myself or any of our board members. I consider CALSPro my extended family and I am quite honored to have been elected to serve on the board of directors. I am totally committed to our association and will work diligently on our Advertising and Investment Committees to help continue to grow our association and better serve our members with added value services.

In closing, I wish you and yours a truly amazing holiday season and hope you have a super 2016!

Best, Robert Porambo

## CALSPro 2015 - 2016 Officers

### PRESIDENT

**Cliff Jacobs**

415/475-6213 – ph

866/420-1541 – fax

cjacobs@onelegal.com

### VICE PRESIDENT

**Larry Kirlin**

559/233-1993 – ph

888/943-1355 – fax

lkirlin@firstlegalsupport.com

### SECRETARY/TREASURER

**Robert Porambo**

619/549-4853 – ph

619/685-4294 – fax

rporambo@knoxservices.com

## 2015 - 2016 Board of Directors

### Tom Alkema

909/594-5995 – ph

909/598-2308 – fax

talkema@ronsins.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

### Lauri Taylor

661/324-8018 – ph

661/324-0451 – fax

lauri@amslegal.net

### Legislative Advocate

**Michael D. Belote, Esq.**

### Administrator

**Jennifer Blevins, CMP**

jennifer@caladmanagement.com

### Membership/Co-Administrator

**Stephanie Schoen**

stephanie@caladmanagement.com

### Publications

**Nathan Carlson**

nathan@caladmanagement.com

### Webmaster

**Michael Cochran**

michael@caladmanagement.com

### Advertising /CCPS

**Natalie Thurn**

natalie@caladmanagement.com

### Accounting

**Tricia Schrum, CPA**

tricia@caladmanagement.com

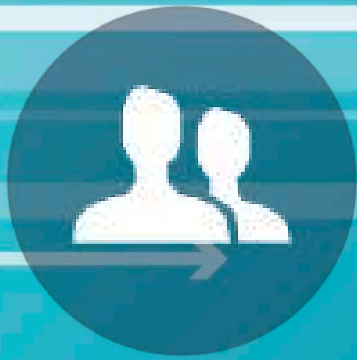
### California Association of Legal Support Professionals

2520 Venture Oaks Way, Suite 150  
Sacramento, California 95833

Phone: (916) 239-4065 • Fax: (916) 924-7323

Web site: [www.calspro.org](http://www.calspro.org)

E-mail: [info@calspro.org](mailto:info@calspro.org)



# Member Benefits and Value

*by Cliff Jacobs, Membership Chair*

Last year at our 2014 conference, as your new President, I committed to putting more focus on our members, membership benefits, the membership experience and set a goal of bringing better overall value to our members. I chose to take on the responsibility of being the Committee Chair to directly take on this responsibility, and see first-hand what could be improved, and work toward that goal. A year later, my commitment is even stronger, and we have added several people to the committee including Wendy Bowman, Kristian Pujol and Laurie Taylor.

In my opinion, the single biggest value of being a member is having CALSPro, especially our Legislative Committee and Advocate, championing Due Process along with Fair and Equal Access to the Courts. This equates to Profession Insurance keeping us in business and our livelihood viable. This link will take you to our CALSPro Legislative History so you can see what this association has done over the years on your behalf. You can also see current legislative efforts/ benefits that we are providing in that section of this newsletter, on our website, via e-blasts, our blog, RSS feeds, and through our social media presence. Especially now, with eServices at the forefront of our future, your membership in and support of this association is critically important as CALSPro continues to promote, preserve and protect our profession.

Additional member benefits can be found through our job quote feature that helps bring business to our members, and through use of the services offered by some of our Vendor members including

HIPAA Compliance, Insurance, Payroll Services, Software Solutions, and Marketing Services; as well as through special pricing offered by our out of state Associate members, and through special discount offerings from companies like Jiffy Lube, Garza Industries (office supplies), and 1-800-FLOWERS.

We have improved the membership application, making it shorter and simpler, and our online capabilities for registration and accepting payments, fees and dues is being enhanced on an ongoing basis. Smoother, simpler, faster and better is the goal; and I would like to hear your thought on what we can do to make your membership experience even better.

Now that we are in our membership renewal period, I would like to remind you of five things:

1. Please **Renew** Early.  
If possible, please submit your renewal to be received no later than Friday January 15, 2016.

## Special Promotions :

2. Referral Discount – If you refer a person or company that has not been a CALSPro member for the past three years, they receive a discount off their application fee, and if they list you in the “Referred by ...” section on the application, and you will receive will receive a discount on your renewal fee. The discounts vary by Membership: Individual -\$50, Company - \$75, Associate \$25. Once the new member

is approved, they may refer others to join and each will receive the discounts. Sounds like a win-win to me !!!

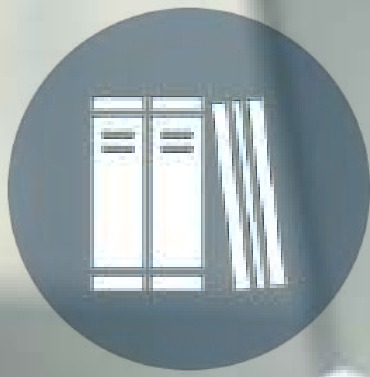
3. Deferral Plan (Company Members) – Company members may conditionally opt into this plan that allows them to pay their renewal fees in 2 installments providing that they complete the first payment by January 15th, 2016. The second payment will automatically be charged on March 11, 2016.

## Add a Member Promotions:

4. Existing Individual Members may add a Company Membership at the reduced rate of \$400 (a \$100 savings)
5. Existing Company Members may add as many non-member employees as they care to as new Individual Members for the reduced rate of \$100 each (a \$100 savings per each).

**Membership applications are available on our website: [www.calspro.org](http://www.calspro.org)**





# EDUCATION

## Continuing Education Report – Winter 2015

**CALSPRO** Continuing Education has been charged by our President with evolving even further to keep in stride with technological advancements, and to be more convenient for our members and others to partake in the program via an online presence. In that light, we are seeking a new Committee Chair\* and additional Committee Members to help us achieve this goal. Our current committee consists of CCPS Program Presenters Chad Barger and Mark Manchester, Administrator Michael Kern, and members Kristian Pujol and Lauri Taylor. Cliff Jacobs assists both as a Presenter and Administrator of the CCPS program as well.

Is your CCPS designation expiring this year?

We have attempted to bring the CCPS workshop to various locations throughout the state in an effort to be reachable to the majority of our members, and we will continue to do that. In addition, we have the flexibility to host a CCPS workshop at other locations (i.e. in your area) if we have enough advance notice and the following requirements are met:

1. A suitable location can be provided inexpensively, fairly close to an airport or train station.
2. A minimum of 18 people are confirmed registered attendees.

3. No conflicts with scheduled Board Meeting, CCPS workshops or Holidays.

Please email the Central Office, [info@calspro.org](mailto:info@calspro.org), to see about having the workshop in your area.

For 2016, there will be at least 4 CCPS workshop scheduled in the following vicinities:

1. Greater San Diego Area (typically near downtown)
2. Greater Los Angeles Area (Los Angeles or adjacent area)
3. Greater Central Valley Area (Bakersfield, Greater Fresno or adjacent area)
4. Greater Sacramento Area (typically Natomas)
5. A 5th CCPS workshop may be added, to be held in the Greater Bay Area in November 2016.

The dates and cities for these workshops will be finalized shortly, posted on our website, and also e-blasted to our members. We intend to open registrations for the workshops earlier this year than in the past, and are planning to send an e-blast advising that the registration is now open. We encourage you to take advantage of that, so please register well in advance and add the date to your

calendar. We look forward to seeing you there.

\* If you teach, can help the committee administratively and/or technologically, or are simply interested in chairing or participating on the committee, please email our current President.





## Your 2015 – 2016 Officers & Board of Directors

**O**ver the course of the coming months, we will be sharing with you biographical information about our current Officers and Board of Directors. Those individuals include Cliff Jacobs, Tom Alkema, Chad Barger, Wendy Bowman, Ken Hastings, Steve Janney, Michael Kern, Larry Kirlin, Mark Manchester, Robert Porambo, Kristian Pujol and Lauri Taylor.

We are a diverse group in terms background, years of our experience as legal support professionals, the number of years in the business, as well as the length of terms as CALSPro leaders. From the mom & pop type business to the large corporation, we have the spectrum covered. And while the size and structure of our respective companies vary, we find common ground on the issues relating to this profession and our goals to do good work on behalf of the membership. We are truly here to be of service to you and are available should you have questions, concerns or issues you'd like to discuss. \* *To kick off the introductions, here is bio & contact info for 4 of our current Board members: Kristian Pujol, Lauri Chichester-Taylor, Tom Alkema & Mark Manchester.*

### **KRISTIAN PUJOL, M.A. CCPS**

Kristian Pujol is a co-owner of Commercial Process Serving, Inc., a family owned business based out of Ventura, Santa Barbara, and San Luis Obispo counties. Founded by his parents Sal and Sheila Pujol, Kristian "grew up" in the attorney service business and has many years of experience and industry knowledge. Kristian earned his Bachelor's Degree in Political Science and Business Administration from UCLA where he graduated with magna cum laude honors in 2000. He has a Master's Degree from University of California at Santa Barbara (UCSB) where he also taught courses in the Political Science and Law & Society Departments 2003-2005. He continues to enjoy empirical learning about our legal system and state

government while working daily within our industry and association. Kristian ran for the board two years ago in hopes of bringing new perspectives and concrete ideas to the forefront, as well as to represent the interests of smaller or family owned attorney services, and to promote and help continue to extend equal business access to all of the membership in this rapidly changing legal landscape. Kristian currently sits on several CALSPRO committees: Legislative-Photocopy (sub-committee), Assault, Membership, and Continuing Education. Contact Kristian at (805) 650-9291 or email [kris@comproserve.net](mailto:kris@comproserve.net).

### **LAURI CHICHESTER-TAYLOR**

Lauri Chichester-Taylor is the owner of AMS Legal Support Services, located in Bakersfield, California. This is her first year on the CALSPro Board. She started her work in the legal industry when she was a teenager. She has a variety of experience both in working as a courier, process server, and photocopier and then, later in her career, working as a civil litigation paralegal for law firms. Her varied experience gives her a unique perspective to the litigation support industry as she has worked both sides of the desk. She hopes that her experience will benefit CALSPro and its membership in her position as a Board Member. Lauri may be contacted at (661) 324-8018 or at [lauri@amslegal.net](mailto:lauri@amslegal.net).

### **TOM ALKEMA**

Tom Alkema is on the Executive Leadership Team of his family owned business, Ronsin Litigation Support Services (Ronsin). His fulltime career in the photocopy service began in 1988, though his original hire date goes back to 1979. He has served in a variety of capacities in his company, including: Filed Rep serving subpoenas and copying records (on microfilm, no less), Collections, Account Manager and Marketing Manager. As part of his family and company tradition he joined

CALSPro and has been a member the past 4 years. The current trends in technology, e-service, HIPAA, HITECH, national contracting and the business practices of ROI entities in the record copying industry play a major role in motivating him to join the CALSPro leadership. He sits on the Legislative Committee, chairs the Photocopy Subcommittee and hopes to significantly increase the membership of those companies and individuals involved in this part of our trade. His addition to our organization contributes a specialization in the field of record retrieval and document discovery. Contact Tom at (909)594-5995, ext 253 or email [talkema@ronsin.com](mailto:talkema@ronsin.com).

### **MARK MANCHESTER**

Mark was introduced to the profession by a roommate's sister in 1986. She thought he might find it interesting and she was right! Mark loved the fast pace and that every day brought variety and new challenges. Mark started as a route and specials driver. He quickly moved into the office, working in the process department where he found his niche. Since 1986, Mark has worked in all aspects of the business, eventually becoming an owner. He joined CALSPro in 2009, and began working with the Continuing Education committee in 2010. He became a CCPS presenter in 2012. Mark was first elected to the Board for the 2014-2015 term, and served as the Continuing Education committee chair. He continues to serve on the Continuing Ed and Conference committees. Mark believes we are at a critical juncture as technology continues to influence our profession. By being involved, he hopes to be a part of navigating the changes and help the membership find the best avenues to move forward. Contact Mark at (213) 481-1770 or email to [mark.manchester@rezacmeyer.com](mailto:mark.manchester@rezacmeyer.com)



## GOT SOCIAL MEDIA?

CALSPRO is proud to announce that we're now on the major social media platforms. We are continuously posting information and updates for the benefit of our members. Connect with us to get the latest news, technology and court updates:

### Facebook:

<https://www.facebook.com/pages/California-Association-of-Legal-Support-Professionals-CALSPRO/184636774886059>

### Twitter:

<https://twitter.com/calspro>

### LinkedIn:

<https://www.linkedin.com/company/4870852>

Google+: <https://plus.google.com/117589999303402661050/about>

### RSS Feed:

<http://calspro.org/feed/>

Have a great article to share?

Send it to [media@calspro.org](mailto:media@calspro.org) for review and consideration.



## Features 2016

### Import Server Attempt, Bad Address, & Completion:

- Import Coded Replies, Photos with GPS Meta Data, or Free Form Notes from Servers, & Affiliates (with Data Base synchronization).

### PDFStore:

- Making a paperless office possible.
- Two Mouse Clicks from finding documents, Original Papers, Server Notes, Conformed Copies, etc. using: Case Number, Attorney File Number, Tracking Number, and Client Matter Number.
- Full ADOBE functions, display, print, e-mail, etc.
- GOOGLE Drive (cloud storage) available.

### Integrated E-Mail:

- Send Servers assignments including GOOGLE map link.
- Receive Servers Notes.
- Receive Servers Coded Responses: updating Serve Information & Attempts, using Smart Phones (save fat finger entry with microphone, "speak to your data base").
- Receive Smartphone Photos with GPS Meta Data for conformation & reporting.
- Receive Notes, Instructions from Clients.

### Automatic Order Entry:

- Electronic Filing Orders for Clients (Journal corp., formerly ISD Corp.).
- Import Clients, Affiliates, LAWDEX, & Internet.

### Professional Court approved documents & reports.

\*\*\*New Option: Support from our Partner: PROGRESS Software [www.progress.com/](http://www.progress.com/)

[proserve@sbcglobal.net](mailto:proserve@sbcglobal.net) or call 800.628.6614

## (Your Ad Here)

Would you like to see  
your business in print?

*Better still,* would you like the entire membership of CALSPRO to see your  
business in print?

***We can do that!***

Contact Natalie at  
(916) 239-4065  
for details and prices.