

# CALSPPro E-NEWS

California Association of  
Legal Support Professionals

December, 2018

## Membership Renewals have been sent out electronically!

It is that time of year again when membership renewals are due for 2019. This year, for the first time, membership renewals were sent out *electronically* via email to every member, simplifying the process and making life easier for our membership. Simply open the email and click on the PayPal link. You do not need a PayPal account; just use your credit card to make your payment and be done with it! There is no need to print out the form, mail it in or fax the information. None of that is required any longer, but you can still do it the old school way if you prefer to pay by check. Otherwise, please click on the link sent to you via email to renew your membership today and be sure to update your company info for your CALSPPro website listing while you're there!

If you did not receive the email last week (November 28th), please notify our association management at [Stephanie@caladmanagement.com](mailto:Stephanie@caladmanagement.com) and they will resend it to you immediately. Renewals are due in December!

[Or simply RENEW HERE.](#)

Thank you,  
*CALSPPro Membership Committee*



## President's Update - Robert Porambo

As I write this article I think back over the last 50 years and reflect on the rich CALSPPro history. The 28 previous presidents, all of the officers, board members, committee chairs, advocates and administrators, all volunteering hundreds of hours to support and improve our industry. As I said in my acceptance speech, our current board of directors has over 286 years of experience in the legal

support industry. Think about the total combined years of experience of the great people that have volunteered over the past ½ century. Astonishing knowledge and experience have shaped and developed our organization.

At our 50th conference, our historical committee, Andy Estin, Mike Kern and team did an extraordinary job of highlighting the past 50 years and presenting that information to our members. The program they put together was thoughtful, informative and insightful. I would like to see us give this program to all new members so that they can appreciate being part of a very special association. Please join me in thanking Andy, Mike and their entire team for the countless hours they spent compiling this program and for their "ruthian" efforts.

As we enter the second half-century of our organization, it is important to never forget why this association was formed and to work toward keeping it relevant and viable. I am going to be a strong advocate for educating our newer members about the rich history of CALSPro, while honoring our founding and most senior members. With the wealth of experience the current board contains, I want to encourage members to embrace their brothers in the industry and to reach out to the board if we can be of assistance to you in your business or the industry in general.

I look forward to serving the CALSPro membership and keeping CALSPro strong for another 50 years!

Mahalo!

Robert Porambo, CALSPro President

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## 2018-19 Board of Directors & Committee Chairs

Robert Porambo - President  
Ken Hastings - Vice President  
Andrew Gowing - Secretary-Treasurer  
Larry Kirlin - Immediate Past President  
Tom Alkema - Director  
Chad Barger - Director  
Tom Bowman - Director  
Mark Manchester - Director  
Anita Pasillas - Director  
Kristian Pujol - Director  
Jay Roll - Director

Robert Porambo - Advertising Chair  
Tom Alkema - By-Laws Chair  
Mark Manchester - Conference Chair  
Jeremiah Jones - Dispute Resolution Chair  
Andrew Gowing - Education Chair  
Stephanie Saylor - Elections Chair  
Tony Klein - Forms Chair  
Andy Estin - Historical Preservation Chair  
Andrew Gowing - Investment Chair  
Chad Barger - Legislative Chair  
Kristian Pujol - Membership Chair  
Anita Pasillas - Newsletter Chair  
Jay Roll - Technology/Website Chair

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## CALSPro Conference and Historical Photos Now Available Online

CALSPro recently celebrated its 50<sup>th</sup> Annual Conference this year in Sacramento. We had a wonderful time and many great photos were captured to commemorate the event. The Historical Committee has also provided CALSPro members a glimpse into our rich history in their own slideshow they put together this past year. Relive some old memories as you view the photos of the men and women who have helped shape our industry through the years! These photos are available now in our [Members only section](#) of the website. You can now download and save some of your favorite photos in both PDF or PowerPoint format.



CALSPro Past Presidents



### Congratulations to Chad Barger

Recipient of the  
2018 Bert Rosenthal  
Memorial Award!

## Los Angeles Civil eFiling

The civil division is implementing mandatory electronic filing (eFiling) for attorneys and providing the option of eFiling to self-represented litigants. Attorneys may elect to begin eFiling as of the dates shown below.

The implementation schedule for civil eFiling is as follows:

	Voluntary	Mandatory
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LIMITED CIVIL	November 13, 2018	December 3, 2018
UNLIMITED CIVIL	December 3, 2018	January 2, 2019
COMPLEX CIVIL	N/A	January 2, 2019

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## Top 10 Myths about eFiling and eService: Part 1

With the Los Angeles County Superior Court ready to throw its hat into the eFiling ring, we felt now would be prime time to provide eFiling and eService information to the masses. An [article recently published by Lindsey Dean](#) of One Legal reviews the Top 10 myths that surround eFiling and eService.

When a court first adopts electronic filing, the significant process changes involved naturally generate some confusion. Misunderstandings can persist long after launch about how-and even whether-the new system is working to make the legal process more efficient. This can encourage popular myths that lead to misguided decisions, or even unnecessary work.

Understanding the truth about the process can help clarify how eFiling affects your firm, and improve the way you submit documents to the court.

Let's demystify these frequent misconceptions about eFiling:

### Myth #1 The EFSPs are making me eFile, not the court

If only we had that kind of power! We would definitely use it for good. But only the court has the power to choose how it will permit documents to be filed.

"In states like Indiana and Illinois, the state Supreme Court determined that the entire state would begin eFiling on one common platform, rather than their previous approach of letting every county build its own eFiling system."

These state court systems selected one electronic filing manager (EFM) to handle incoming filings and allowed filers to pick their preferred electronic filing service provider (EFSP) to connect to the EFM. These EFSPs offer their own support and capabilities according to the needs of the firm.

California is, primarily, an open system, in which every county chooses one or more EFMs through which to facilitate eFiling. The courts then allow certified EFSPs to offer premium eFiling services to professional filers.

### Myth #2 Conformed copies are sent back instantly

Just like in the paper world, there are sometimes piles (or queues in the eFiling world) that a clerk must go through to get to your filing. So even though your filing arrives almost instantly at the court, it will appear in a queue along with all the other filings, and still must wait for the clerk to review.

Courts prioritize responsive pleadings, filings with statutes, and so on, which means that filed-endorsed copies of less important documents (e.g. Proofs of Service) can take longer to get returned to you. Documents that normally take longer to review, such as defaults, will also take more time to be returned.

While courts haven't set clear expectations for when they try to return documents, you can typically expect to receive them in 1-2 court days. Again, this varies by the court and by document type.

### **Myth #3 Judges still print out documents anyway**

While we can't speak for every single judge in every single county, there has been an industry-wide push to print out fewer documents. And the case management system (CMS) within the courthouse is developed to support that goal.

Many judges look at documents on their computers, even reviewing and commenting on the digital pages. And all the details that are required of eFilers further benefit the judges who look at the digital documents. Optical character recognition (OCR) enables them to search and find certain phrases and words; electronically bookmarked exhibits improve navigation within the document.

Whether or not courts require a courtesy copy usually depends on the court's preference, separate from the eFiling process. Sometimes new eFiling courts initiate a courtesy copy delivery requirement after eFiling goes live, but other times requests scale back as courts become more accustomed to handling digital filings.

As always, check your local rules!

### **Myth #4 You must use the EFM to eFile with the court-it's required**

When a court requires eFiling, they will clearly lay out which EFSPs have been certified to file with the court. Each of these EFSPs will, in turn, use the established EFM to connect to the court. In many cases, the EFM will also act as an EFSP, adding another option filers can choose.

The key thing to keep in mind is that you are still able to choose which portal you use to eFile, from the court certified options. And EFSPs typically put a lot more effort into intuitive workflows, while also offering additional features like disbursement of fees, simplified billing, and more. Check your court's website to see which EFSPs are certified to file in your state or county.

### **Myth #5 The EFSP is the one to reject your document**

The EFSP delivers your documents straight to the court, securely and quickly. However, the court clerk is the only one with the authority to accept or reject the documents. The EFSP will notify you immediately once the rejection has been sent. The EFSP will automatically pull any details provided by the clerk about why it was not accepted, including their recommendations to fix it.

It's easy to see why eFiling can get confusing. When the storied past of the legal industry merges with the burgeoning era of technology, there is bound to be some misunderstanding. Review your local court rules for accuracy.

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## **Congratulations to our Affiliate of the Year!**

Last year CALSPro began a new tradition to highlight the great work of our Legal Support Professional companies and allow the members to vote for their choice of Affiliate of the Year.

The CALSPro Board of Directors wishes to congratulate all of the companies nominated for Affiliate of the Year 2018. These remarkable attorney services from throughout California went above and beyond the call of duty for their clients and set a very high standard for our industry.

Thank you to the many members who submitted their nominations and provided testimonials about their nominees for CALSPro's Affiliate of the Year award.

At this past CALSPro Annual Conference attendees voted at the general meeting, votes were tallied, and the winner was announced at the Saturday night Banquet.

It is our great pleasure to announce this year's Affiliate of the Year! Congratulations to Sterling Madison Company located in San Jose, CA!



**Sterling Madison Company**  
*Trusted Professional Legal Support*

We appreciate all that you do. Thank you for always striving for greatness!

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## **A Glimpse Into Due Process**

**By Clifford C. Jacobs**

Many of us have heard that the concept of due process originated from the Magna Carta or "Great Charter" issued on June 15th, 1215 in England. However, most of us have never actually read the text that outlined the basis for our current interpretation of due process. The history is quite interesting but would take volumes to properly present, so instead, I will limit this article to a few facts and then simply present the relevant clause that is credited with establishing the basic concept of due process, and its corresponding sections of our constitution. You can delve much deeper into the intriguing history if you are so inclined.

The Magna Carta was the first document ever that was forced upon a King of England by a group of his subjects (powerful Barons) in an attempt to protect their privileges while limiting the King's powers. King John (a.k.a. John Lackland, December 1166 - October 1216) did, in fact, put his seal on the document (known as the "Articles of the Barons") which was presented by these Baron's on June 15, 1215, and in exchange, the Baron's renewed their oaths of fealty

(their pledge of allegiance to the King). On July 15, 1215, the royal Chancery created a formal document to record the agreement. This was the original Magna Carta, which became the law of the land. It stood in opposition to some of the King's power, which until that time was the unchallenged mere will of the King. One of the clauses which reduced the power of the King was the security clause which allowed a group of 25 Barons to override the King at any time by use of force in a process known as "distrain". Perhaps this was the first of many checks and balances that are a common occurrence in governments today. A detailed reading of the Magna Carta will unveil many concepts that have become doctrine in most democratic nations.

In the Magna Carta King John promised that: "No free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled, or deprived of his standing in any other way, nor will we proceed with force against him, or send others to do so, except by the lawful judgment of his equals or by the law of the land." It is easy to see how due process was established here.

**A due process clause is contained in both the Fifth and Fourteenth Amendments to the U. S. Constitution. Dealing with the administration of justice, the clauses safeguard us from unlawful denial of life, liberty or property; very similar to the protections called for by the Barons during King John's reign. For comparison sake, I have included them here.**

### **The Fifth Amendment**

*No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, **nor be deprived of life, liberty, or property, without due process of law**; nor shall private property be taken for public use, without just compensation.*

### **The Fourteenth Amendment (Section 1 of 5)**

*Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; **nor shall any State deprive any person of life, liberty, or property, without due process of law**; nor deny to any person within its jurisdiction the equal protection of the laws.*

Our Supreme Court's interpretation provides four types of due process protections:

1. Procedural
2. Substantive
3. Prohibiting vague laws, and
4. As a means for the incorporation of the Bill of Rights.

I encourage each of you to explore due process further to garner an even deeper appreciation and understanding of this noble livelihood in which we partake.

**Saturday January 26th**

More details to follow

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