

# CALSP<sup>ro</sup> E-NEWS

California Association of  
Legal Support Professionals

## A MESSAGE FROM THE PRESIDENT

### CALSP<sup>ro</sup> is Growing!

It's official. Our association is growing again. We have more members today than we had last year. While that may not seem like a big deal, it certainly is. I was the membership committee chairman back in 2010 and I know we weren't growing then or any year since. In fact, associations all over America have been contracting for more than a decade and many are still heading in the wrong direction.

So what happened to us? How did we reverse the trend this year? First of all, it wasn't easy. Brute force by the individuals on the membership committee is the biggest factor but they couldn't do it if the association wasn't offering a good value to the members. What changed is our focus. We rallied the industry leaders together for a strategic planning session (SPS) last summer to determine the cause for our perpetual decline and a plan to change course.



I have written about the outcome of the SPS in previous articles so I won't rehash old news. What I will say is that we purposely asked our members for their opinions and put as many suggestions into place as possible. I have kept the list of recommendations on my desk for the past year and refer to it any time I'm confused about my direction. By staying focused, our leaders have implemented 90%+ of the recommendations already. As evidenced by the growth in membership, I can proudly proclaim the changes are working.

One of the most significant changes we made last year was the creation of the Independent Contractor category. This new, lower-priced option, reduced the barrier for the entry of smaller companies and sole proprietors. A predicted side effect of this lower rate was lower revenue. We knew we would have to make up the difference in volume. We are still a little short on revenue this year but we have a plan for bridging the gap:

- 1) Continue to recruit new members in all categories
- 2) Sell advertising and sponsor packages
- 3) Make 2018 the best annual conference in CALSP<sup>ro</sup> history!

How can you help? Refer to 1, 2 & 3 above. Especially #3. The theme for our conference is our 50<sup>th</sup> anniversary but the hot topic will be effect of the Dynamex decision on our industry. Plan on being in Sacramento on October 5-7 so you can be a part of this historic event.

Larry Kirlin

## CALSPro's 50th CONFERENCE: COME TO DISCUSS THE HOTTEST TOPIC IN RECENT HISTORY

### THE DYNAMEX DECISION

We are more than half way through the calendar year and your Conference committee has been hard at work. Our 50<sup>th</sup> Conference is shaping up to be a spectacular one! Please join us this year to discuss this year's hottest topic facing our entire industry today. We are urging our members to attend this year's conference to partake in the discussion/direction that may have a huge impact on our profession. In case you haven't heard, there is big news in the [California Supreme Court regarding their decision on April 30th, 2018, in the case of Dynamex Operations West, Inc. v. Superior Court](#) regarding independent contractors. The court issued a ruling that makes it much more difficult for companies to classify workers as independent contractors.



[Amber S. Healy from Atkinson, Andelson, Loya, Ruud & Romo, A Professional Law Corporation](#) will join us to discuss the pressing issues businesses will face in wake of the Dynamex decision. Amber Healy is a litigator with extensive experience litigating class actions and complex business matters in state and federal courts throughout California. Her practice focuses on the defense of employers and management in class action, multi-plaintiff, and single-plaintiff lawsuits. She has particular expertise in the area of wage and hour class actions alleging claims for off-the-clock work, unpaid wages, unpaid overtime, and missed meal and rest periods. Ms. Healy has litigated novel issues in both class actions and representative actions brought under California Labor Code's Private Attorneys General Act before the Ninth Circuit Court of Appeals and the California Court of Appeal.

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[CALSPro's NEW NOMINATION PROCESS CLICK HERE](#)

### VENDOR MEMBER SPOTLIGHTS

#### ServeNow: More than just a Directory of Process Servers

*By Madison Markel*

ServeNow and CALSPro have recently partnered to help the association continue to grow while offering discounts on products that are critical to attorney service firms in California. At ServeNow, we've always understood the importance of joining and supporting state and national associations. We're especially excited to be working with CALSPro and their members, many of whom are our customers, to support the industry in a more meaningful way.



**We thought we'd take this opportunity to not only share this program, but also tell the CALSPro members a little bit more about Lawgical, the parent company of ServeNow.**

Many process servers interested in growing their online marketing have heard of ServeNow. Our site ranks on the first page of Google for thousands of keywords related to the process serving industry, and we are still the most trafficked resource for finding professional process servers, even after 14 years! We've maintained our status by providing superior customer service, education resources, articles, and a trusted reputation in our industry. However, you may not know that ServeNow is only one of the many products that legal support professional can take advantage of from our parent company, Lawgical.

From our first days working out of a small garage, we've gone on to build or acquire many more brands and products related to the legal industry and process serving field. For our customers, we've seen the changing trends in the online marketing world and continually adjust our services to provide the best results and experience for our members.

[READ MORE](#)



CCPS WORKSHOP SPONSOR

**ServeManager**

Software for Process Servers

**FREE TRIAL**

**\$50 credit for new subscribers AND ServeManager donates \$50 to CALSPro!**

ServeManager is a partner of ServeNow

## LegalConnect

LegalConnect® is the fastest-growing, cloud-based, legal document processing and management platform for the legal services industry throughout California and across the

U.S. LegalConnect enables legal support providers to grow their customer base, accelerate cash flow and achieve greater operational productivity. Today, more than 6,700 legal services professionals at 5,300 law firms and legal departments, as well as process servers and court systems, rely on LegalConnect for accurate, synchronized and secure document processing and delivery.

The LegalConnect platform is an innovative, easy-to-use portal designed to accelerate fulfillment of physical and electronic documents including electronic and physical court filings, service of process and records retrieval. Advanced, web-based technology provides a highly automated, secure and scalable system that seamlessly integrates the digital and physical elements of the legal services ecosystem. The LegalConnect platform currently processes more than 450,000 transactions and \$20 million in electronic payments annually.

**LEGALCONNECT®**

LegalConnect is headquartered in Chino Hills, California. For more information about LegalConnect and joining the growing network of LegalConnect partners, please visit [legalconnect.com](http://legalconnect.com) or contact **Jeff Ellis at 909-664-9567**.

**[REGISTER NOW FOR CONFERENCE](#)**

## CALSPro in the 90s

### Members

In the 1990's, 43 current members joined. Some of the prominent names include Paul Anderson, Roberta Anderson, Chad Barger, Pat Karotkin, Sal Pujol, Sam Virk, Mike Kern, Sheri Kern, Brett Peters, Tom Alkema, and Stephanie Sayler.

### Highlights...

1992 The Judicial Council adopted the permanent rules for fax filing.

1994 Registered Process Servers given access to gated communities.

1994 CALSPro had language removed from a bill that would have allowed service of a Summons and Petition by first class mail.

1997 CALSPro negotiated an industry specific regulation with the EDD.

1999 CALSPro passed a law requiring hospitals and doctors to have "reasonable business hours" access to copy medical records.

## MARK YOUR CALENDAR! UPCOMING CCPS WORKSHOP

Our next CCPS workshop and exam is scheduled for **Saturday, August 25th** in **Orange County**. We are also working out the details for two other workshops in **Ventura** and **San Rafael** coming in August/September. The dates and locations are still to be determined. We will release the information when we have it nailed down.

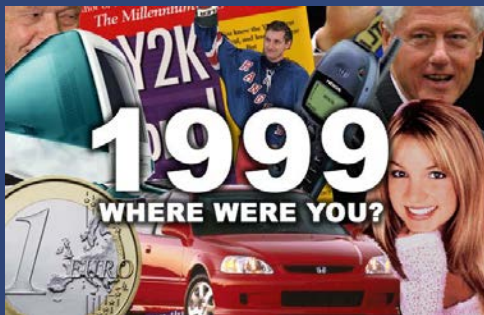
We will also be offering a workshop and exam at our **50th Annual Conference** in Sacramento on Sunday, October 7th.

Unable to attend a workshop in person? Join us online! CALSPro is now offering our informative and resourceful workshops online. We will offer at least one more webinar this year, so please stay tuned.

We continue to have great feedback regarding the webinar option.

*"I liked the opportunity to get the most updated information in a webinar setting. Enjoyable experience to not have to drive, and still receive updated information". -Kim Pelletier*

*"The webinar was a great option. If not for it, I would not have taken the class, as traveling really isn't feasible. I will take it in the future every year as I think it is important to refresh and learn new laws. Thanks for offering it!" -Kelly Hairgrove*



### WHAT HAPPENED IN 1999?

Bluetooth announced  
Internet Explorer version 5 released  
SpongeBob Premieres  
The world's population exceeds Six Billion

### HOW MUCH THINGS COST IN 1999:

Yearly Inflation Rate USA 2.19%  
Year End Close Dow Jones Industrial Average 11,497  
Average Cost of new house \$131,750.00  
Average Income per year \$40,810.00  
Cost of a gallon of Gas \$1.22  
Average cost of new car \$21,050.00US  
Postage Stamp 33 cents

### 90's BERT ROSENTHAL MEMORIAL AWARD RECIPIENTS

1999 Jeffery H. Karotkin  
1998 Robert A. Cook  
1997 Paul R. Anderson  
1995 Tony Klein  
1994 Frederic A. Blum  
1992 Joseph H. Karotkin  
1991 Michael O. Price  
1990 Thomas J. Bowman, Jr.



David Nill & Mike Belote



Mary Beaudrow, Mark Schwartz & Stephanie Saylor

## CALIFORNIA SUPREME COURT RULING AND HOW IT IMPACTS OUR INDUSTRY

*By Chad Barger*

In case you haven't heard, there is big news in the California Supreme Court regarding their decision on April 30th, 2018, in the case of *Dynamex Operations West, Inc. v. Superior Court* regarding independent contractors. The court issued a ruling that makes it much more difficult for companies to classify workers as independent contractors. The previous standard used for classifying workers as employees or independent contractors had been in place since the 1980's and was based upon a multifactor test that considered, among other factors, the worker's abilities, the method of payment, and the level of control exercised over the worker.

The new standard adopted by the Supreme Court requires businesses to establish three factors to properly classify a worker as an independent contractor, otherwise known as "the ABC test." This decision greatly expands the definition of "employee" under California law:

The worker is free from the control and direction of the hirer in connection with the performance of the work, both under contract for the performance of such work and in fact; and

The worker performs work that is outside the usual course of the hiring entity's business; and

The worker is customarily engaged in an independently established trade, occupation, or business of the same nature as the work performed by the hiring entity.

## SO, WHAT WAS THE CHANGE THAT AFFECTED US?

Section "B" was changed to read:

B. The worker performs work that is outside the usual course of the hiring entity's business. Meaning, that to be deemed an independent contractor, the "IC" cannot perform the same services the hiring entity does. So, if you're a process serving company and you use independent contractors to serve your process, you must now classify them as employees.

Per the Court's ruling, workers in California are presumed to be employees and, therefore, are accorded the myriad of protections they enjoy, and it's the employer's burden to satisfy the three "ABC" factors to lawfully classify the worker as an independent contractor instead of an employee. The court's example stated that a plumber hired by a retail store to repair a bathroom leak is not performing work that is part of the store's usual business and would, therefore, be considered an independent contractor of that store. However, seamstresses sewing at home using materials provided by a clothing manufacturer would probably be considered employees of the manufacturer. If a worker should properly be classified as an employee, the employer bears the responsibility for paying federal Social Security and payroll taxes, unemployment insurances taxes and state employment taxes, providing workers' compensation insurance, and complying with federal and California regulations governing the wages,





hours, and working conditions of employees.

If you haven't already done so, I would recommend all businesses consult with legal counsel to determine your path forward. These are new and crazy times in California, but you can always rely on CALSPro to provide you with the issues that matter to you. To borrow a phrase from my local news channel, "We report, you decide."

## MEET YOUR DIRECTORS:

*Click on name for bio*

LARRY KIRLIN

JAY ROLL

ANDREW GOWING

KEN HASTINGS

TOM BOWMAN

KRISTIAN PUJOL

ROBERT PORAMBO

STAY CONNECTED

