

CALSP^{ro} E-NEWS

California Association of
Legal Support Professionals

March, 2018



President's Update - Larry Kirlin

A lot has been happening at CALSP^{ro} since my last article. A day doesn't go by without a board member or committee chairman contacting me to discuss an ongoing initiative. Here are some of the highlights:

- The CALSP^{ro} field app was released to the members.
- A high quality tri-fold brochure was developed to help recruit new IC members.
- Over 10 new, industry specific, relevant blogs have been posted to the website.
- Our first webcast CCPS course and Board of Directors meetings have been scheduled.
- Stephanie Chandler has agreed to be the keynote speaker at our 2018 50th Annual Conference.
- We are delighted to announce that the Chief Justice of California, The Honorable Tani Cantil-Sakauye, will attend and speak at our opening reception at 5:00 pm on Friday, October 5, 2018. In her role, Justice Sakauye serves as Chief Justice of the Supreme Court and Chair of the California Judicial Council. Every CALSP^{ro} member should plan to attend to hear her informative and inspiring remarks.
- The membership and photocopy committees are recruiting new Professional Photocopier members.

If you subscribe to the blogs you probably already know about some of these items. If you haven't subscribed, please consider signing up so you can get this information throughout the month.

Not into blogs and social media? No problem. You'll get the highlights in your newsletter. If you prefer to get your news via the grapevine, then you'll want to connect with your local area governor to find out if an event is planned in your region.

Speaking of events, many of you are attending the NAPPS Conference next month in San Diego. Our membership committee will have a table set up for recruiting new

members. Please encourage your non-California colleagues to join CALSPro as an associate member for only \$100/year. While you're at it, encourage your California buds to join too.

One last thing. Please remember to use the CALSPro member search tool when you need help with an assignment out of your area. Selecting a fellow member should always be your first preference. Not only do we have the best trained members in the business, you can also use our dispute resolution process if things go south.

Thank you,

Larry Kirlin, CALSPro President

Electronic Filing in Los Angeles Superior Court - A Bit of History and Looking Beyond

Many of you are likely aware of the "electronic goings on" at the Los Angeles Superior Court. For both you, and for those of you who may not be as plugged in as you wish, my hope is that this article will provide you with some additional/helpful information on how things started and where they are going, in one of the largest (if not the largest) court jurisdictions in the world.



eFiling began in earnest in LA on May 1, 2017. By "earnest" I mean an integrated system with an EFM sitting between the court's CMS and EFSPs. Okay, some quick terminology before we continue:

1. EFM - Electronic Filing Manager. It's the hardware and software that sits between the courts:
2. CMS - Case Management System. It's the hardware and software that allows the court to manage its cases, hearings, etc.
3. EFSP - Electronic Filing Service Provider. That's us. You could say that we are today's modern version of an attorney service.

Now that's not entirely true (today's version of an attorney service, that is) because there are some things, certainly, that electronic filing ecosystems cannot do, or more appropriately said, that a law firm cannot do with the system. Paper courtesy copies (yes, many judges and justices still want paper) can't be sent electronically. Some courts (most, in fact) do not allow previously filed documents to be available via an EFSPs platform (except those eFiled with that EFSP); besides the technical reasons they need the revenue. Some documents (I call them "exception documents") must be filed or delivered physically - either the court (or the system) has not yet figured out to process (no pun intended) them well, or at all. For example, a certain county recorder or sheriff may not honor an electronically issued abstract or writ. Still some challenges to be sure. That, however, is a story for another day.

Let's get back to LA. On March 1, 2016, the court jumped into the eFiling fray with a pilot project. That [e-Delivery project](#) (e-Delivery = upload documents via a custom portal and then behind the scenes the clerks print and file just like over-the-counter filings) was small in scope, i.e. for general jurisdiction personal injury cases in certain courtrooms, but it was a start. Pilots like this give the vendor, in this instance Journal Technologies, Inc. (JTI), and the court, a chance to test the waters, if you will.

On May 1, 2017, the court went live with Probate eFiling, and in this case (pun intended this time J), not to make things more complicated, it did so with another CMS/EFM vendor: Tyler Technologies. Its product is called [OdysseyefileCA](#), and eighteen (18) other courts are utilizing it, some since 2015. Los Angeles later mandated eFiling (June of the same year) for Probate case types. By the way, there are now fifty-seven (57) EFSPs in the Tyler landscape, many of whom are CALSPro members. Congratulations to those of you who made the leap!

Next in line, you ask? That would be Family Law. Again, this implementation will be with Tyler and it's scheduled for April or May of this year. Tyler recently socialized a date of May 7th, but the court's team still has not socialized a specific date and instead is advising of a date sometime in April or May. As I like to say: the situation is fluid and ever-changing. If all goes well, though, we'll see eFiling in Family Law case types sometime this spring or early summer, with a mandate to follow approximately one (1) month later.

That brings me to the biggie: Civil. Right now, many EFSPs are working with JTI (remember, JTI is handling Civil cases) to be certified for a June go-live, for Limited jurisdiction cases. A mandate is expected about one (1) month later. After that, the court is planning on a July mandate (no voluntary, or *permissive*, period) for Complex Civil cases and then, assuming all goes smoothly with Ltd. and Complex, the court will enable the rest of Civil (i.e. Unlimited jurisdiction cases) in August. Again, a mandate is planned for roughly thirty (30) days later. I want to caution you against relying too heavily on these dates. Instead, think of them as placeholders for now and keep an eye on the Odyssey eFileCA site and the court's eFiling page.

So, there you have it! It's been a long time coming, no doubt. For legal support professionals like myself, who've been around since the 70's, it's a pretty amazing thing to see happening. I realize, also, that it's a bit daunting. It takes a lot of planning to prepare for such a sea-change so if you haven't already jumped on the boat, now's the time to get on board. You too can be relevant in the digital age! Let me know what I can do to help.

About the author:

Mark Schwartz, currently One Legal's Court Relationship Manager, has been with the company since early 2009 and has worn many hats during his tenure there. He started in the attorney service business in 1975 and has worn many hats since that time as well, including court runner and process server.

CALSPPro 50th Conference Anniversary Lookback: What happened in CALSPPro during the 1st decade?

Who are the six current members of CALSPPro who joined in the 1970's?

- In 1970 Connie Melvin-Quigley, Jerry Topolos, and Andy Estin joined.
- In 1975 Tom Bowman joined.
- In 1976 Tony Klein joined.
- In 1978 Michele Dawn joined.



What were our legislative battles in the 1970's?

1971 AB 2809 created Registered Process Servers. From this foundation the phrase "Registered Process Server" now appears in 29 California Codes.

1971 AB 1400. This was a 105-page long bill. Back then, we could not do computer key word searches, so we had to read every word of every bill that might affect us. The bill was intended to be a merger of the Marshall's and Sheriff's in California. It specified a division of duties between them. On Page 95 of the bill, it stated that all civil process in California would be served by the Marshalls. When we spotted this problem, the author put in an amendment that nothing in the bill would be construed to limit the service of civil process by private process servers.

1972 SB 252 & SB 253. These bills would have allowed Registered Process Servers to serve Orders for Examination of Judgment Debtors without the need to be specially appointed in each case. The bills failed to pass but in 1973 we got this into law.

In 1972, we tried to make it a felony to assault a process server. We were not successful. In 1983, we succeeded in adding process servers to Penal Code 241 & 242. These codes deal with assault and battery on peace officers. By adding process servers to these codes, we got the exact same protection and penalties as peace officers.

Note: The last two items are examples of CALSPPro not giving up when a law we wanted, failed to pass. We kept trying and eventually succeeded.

1973 AB 1528. This was our first mailing bill. It provided for service of a Summons & Complaint by 1st class mail. With Dick Green as our legislative chair, Andy Estin as our witness, and our first Lobbyist Darrell McConnell all working together, we defeated this bill.

1975 SB 73. This bill authorized service of subpoenas by 1st class mail. We defeated it.

1975 AB 1914. This bill would have raised the statutory fees for service of process charged by the Marshall and Sheriff from \$3.00 per paper and \$.50 per mile to \$5.00 per paper and \$1.00 per mile. We supported the bill since many of our members charged the save rates to

their clients. It passed the legislature but was vetoed by Governor Brown in favor of SB 953. (See next item)

1975 SB 953. This bill created a flat rate fee of \$8.50 for service of process.

1975-1976 AB 1702. This bill allowed all costs of a Registered Process Server to be recoverable, including locating, serving, and stakeout, if necessary.

1977-1978 AB 167. This bill would have authorized service of a Summons & Complaint by Registered Mail. We defeated it.

1977-1978 SB 1564. This bill authorized Registered Process Servers to serve certain Writs of Execution.

1977-1978 AB 2531. This bill added Evidence Code 647 that gives a proof of service of a Registered Process Server, a presumption that the facts in the proof are correct.

1977-1978 AB 1898. Would have increased the statutory fee for service of process from \$8.50 to \$19.00. The bill failed.

1979 AB 205. Would have increased the statutory fee for service of process from \$8.50 to \$14.00. The bill failed.

1979 SB 1086. This bill allowed the service of criminal subpoenas by mail, with an acknowledgment of receipt. The bill passed.

We had a very good first decade. We created the term "Registered Process Server" and defeated three mailing bills. We got more business for our members by getting to serve Writs of Execution and ORAP or OEX services. We got process servers better protection in the Penal Code and got a bill passed that made their costs recoverable. We created a presumption that the facts in the Registered Process Servers proof of service were true.

The Next Decade. What happened in 1979:

- Michael Buter awarded the Bert Rosenthal Memorial Award
- AB 205. Would have increased the statutory fee for service of process from \$8.50 to \$14.00. The bill failed.
- SB 1086. This bill allowed the service of criminal subpoenas by mail with an acknowledgment of receipt. The bill passed.
- Gas per gallon was 86 cents, up from 35 cents in 1969
- First-class Postage Stamp: \$0.15, up from \$0.06 in 1969

The New CALSPro Mobile App is Here!

The App will be a valuable tool you can add to your process serving arsenal. [Please click on link for details.](#)



Congratulations to Andy

Congratulations to Andy Estin for winning the FAPPS Distinguished Service Award-Spirit of a Leader. The foundation of any great organization is rooted in service. Thank you for your contribution and dedication to the profession.

What You May Have Missed

Legislative Committee Report

Since my last update, things have started to move on the legislative landscape. [Read more...](#)

CCPS Workshops are Coming

CALSPRO is dedicated to the education of Process Servers statewide. Educate yourselves and your process servers by attending one of our workshops this year. Our workshops feature a comprehensive study of the primary California process serving codes. The scheduling of workshops and exams for 2018 has begun. [Read more...](#)

Two Ideas To Resolve the Issue of the ROI

Over the past couple of years much has been discussed in the halls of CALSPRO about the increase in the number of third party companies that are being hired to manage and release the records we seek to obtain for our clients. These hired companies are called by a few different names with release of information being the most common, or ROI. [Read more...](#)

Conference Corner: Optimizing Your Online Presence

Have you ever wondered how to build your online presence to increase your exposure? Does the thought overwhelm you? If so, then you are not alone. Come and join us this year at Conference and have your questions answered by author [Stephanie Chandler](#). [Read more...](#)

Upcoming Events- Mark Your Calendars

- Board of Directors Meeting-March 24th-Sacramento
- CCPS Workshop-April 14th Los Angeles
- CALSPRO's 50th Conference October 5-7th, 2018 - Sacramento
- Scheduled Speaker-Stephanie Chandler: Optimizing Your Online Presence

Don't forget! March 22nd is the last day to get the discounted room rate for the NAPPS Annual Conference. Book today!

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