



CALSP^{ro} PRESS

California Association of Legal Support Professionals

Volume 16 / Issue 2 / Spring 2023



LEGISLATION

Legislation:

Highlights of Our History



MEMBERSHIP

Membership:

Member Benefits and Value



EDUCATION

Education:

A Worthwhile Investment



CONFERENCE

Conference:

September 22-24, 2023

Hilton San Diego Bayfront





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**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
E-mail: info@calspro.org



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PRESIDENT'S MESSAGE

KRISTIAN PUJOL

2023 CALSPRO PRESIDENT

The Feeling of Healing

Summer is here and our winter woes of snow and rain are long gone like the Covid pandemic. It is unbelievable what we went through these past three years, but I am so grateful we are still together, strongly unified, and vibrant as ever. Our association has fought through many adverse bills, regulations, and emergency orders while at the same time advocating for our best interests and our industry's longevity. We have faced and beat many "mail bills" and legislative challenges, but the pandemic presented us (and all associations) with a gargantuan obstacle like never seen before; that not only affected our economic livelihood and wellbeing, but changed the landscape and methods by which we conduct business.

It is time to move forward, to get back to the "new norm," back to business as usual but embracing the changes and new opportunities for rebuilding our association better than ever before. If you think about it, it was technology that during the pandemic afforded us the ability to continue working and living our lives. Zoom, Microsoft Teams, and other popular programs not only facilitated alternative ways to communicate and safely meet with our employees and customers, and for courts to have remote hearings allowing litigants to process their documents and have their cases heard, but also more essential things like allowing our children to go to school "remotely" and basic subsistence - providing online access to food, medicines, and necessities.

With most of the largest California courts mandating eFiling and more on the horizon by the end of year, it is imperative that our membership continues to adapt and evolve with technological demands and new business paradigms. Most of our members not only offer process serving, but also eFiling (as EFSPs) and eRecording. How many of you still watch television for news information, or do you just go online, check your smartphones, or perhaps listen to podcasts? The legal industry is no different and will adapt to the technological tools and innovations of the future, as it did during the pandemic. CALSPRO is here to help us navigate through the changes and to ensure that our voice is heard and remains relevant in protecting due process, constitutional rights, and our legal industry. This is why your support to CALSPRO is so important and essential to our future continuity.

It is no secret that Amazon was one of the biggest benefactors of the pandemic, profiting over 26 billion just between April 2020 and March 2021. But even with technology and the new global standard of ordering commodities online, it still takes people to make it all work; to package and deliver the goods and provide customer support. And so it is with our legal industry. Its future will be forged by social necessity, technological innovation, capital through business and legislative interests, and human resources and labor to make it all work. As you are all aware, CALSPRO taps into all of these: social networking (within and throughout the legal community), commitment to innovation and industry adaptation, legislative advocacy and legal protections, and of course, dedication to promoting, educating, and communicating with our general membership and legal support industry partnerships.

Let's get back to business as usual but with a new umph, a strong sense of reassurance, and enthusiastic rejuvenation for the future and what lies immediately ahead. Our annual conference in San Diego this year is going to be a remarkable event with expert industry speaker panels, vendors, friends, and fresh California air. Looking forward to seeing you there!



CAPITOL REPORT

MICHAEL D. BELOTE, ESQ. & CLIFF COSTA, ESQ.
CALIFORNIA ADVOCATES, INC.

Summertime Fun in the Legislature

Not unlike a court case, the legislative process moves from a series of deadlines to deadlines. As this column is written, the California Assembly and Senate are at the metaphorical fifty-yard line. The Assembly is finishing action on 2023 Assembly bills, and the same in the Senate. In June, the entire process flips, and the Assembly begins to act on Senate bills and vice-versa. As it's the first year of the two-year 2023-2024 legislative session, this year's session is schedule to end on September 14, and then the Governor has until October 14 to sign or veto the many hundreds of bills sitting on his desk.

In terms of things influencing the legislative process this year, there are many: brand new elected legislators make up over a quarter of the legislature, a growing state budget deficit which might continue to grow with uncertainty about October's tax filing deadline, continued fears of increases in both violent crime and retail crime; new discussions on water storage and potential flooding coming from this year's storms; and many CEQA reforms, including a new reform recommended recently by Governor Newsom, to address more affordable housing.

For 2023, CALSPRO is monitoring nearly 40 bills. Of those, one is sponsored by our association, AB 561 (Chen), dealing with service of process in penal institutions and is a follow-up of legislation enacted last year, AB 1974 (Chen; Chapter 255, Statutes 2022). Last year's bill amended Penal Code Section 4013 to clarify that both local jails and state prisons must designate an employee to accept service of process upon an incarcerated person. Unfortunately, the law did not clarify that service upon such an employee constitutes personal service upon the inmate.

This year AB 561 deals with expanding Penal Code Section 4013 to include personally served documents and whether diligence is required for this inmate service. After being approved by the Assembly Judiciary Committee unanimously on a 11-0 vote, the bill faced new opposition from the American Civil Liberties Union and the California Public Defenders Association. Both organizations raised constitutional issues of due process and wanted to explore ways to improve the existing law. CALSPRO Legislative Chair Chad Barger has provided valuable assistance in our discussions with both organizations. Unfortunately, we could not find a pathway forward within time for a hearing in the Assembly Public Safety

Committee. Thus, we have paused the bill for this year but will continue working throughout 2023 so we can move the bill in January when the Legislature returns next year.

A couple of other updates and bills merit attention. The first is SB 71 (Umberg), relating to the legal thresholds for small claims, limited and unlimited civil cases. This bill is authored by Senator Tom Umberg (Democrat-Santa Ana), who is the Chair of the Senate Judiciary Committee. Senator Umberg has authored a variety of bills on civil procedures including remote court proceedings. SB 71 originally sought to increase the threshold for small claims court from \$10,000 to \$25,000 and limited civil cases from \$25,000 to \$100,000. After pushback from the business and insurance industries and the plaintiffs bar, the bill has been amended to \$15,000 for small claims and \$50,000 for limited civil cases. CALSPRO will continue to monitor and report on this measure for our members.

The second noteworthy bill is AB 1119 (Wicks, Democrat - Berkeley), relating to debtor's examinations. This bill proposed to create an alternative to the debtor's examination process. As currently proposed, AB 1119 allows debtors to respond to an order for examination by serving a detailed financial statement to the creditor and filing the statement with the court. The bill allows the judgement creditor the opportunity to object to the financial statement by filing a motion with the court and serving the debtor. This bill is sponsored by the National Consumer Law Center and the California Low-Income Consumer Coalition as a more efficient way to avoid the debtor appearing in court while still ensuring that creditors get important financial information from the debtor. CALSPRO has engaged in discussions with the bill's stakeholders and will continue to engage as the bill continues to evolve.

AB 1119 is set for a full vote of the Assembly very soon and will be heard in the Senate in June. While we've highlighted three bills this session, many more are flying around the Capitol, and you will certainly want to hear more about them at this year's CALSPRO convention this September in San Diego. We hope you join us!



CALSPRO Legislative Update

By Chad Barger, Legislative Chair

As California dries up from its record-breaking rainfall, the state is bracing for the potential flooding from the snowmelt in its mountain areas. We have already seen our states lakes and reservoirs reach near capacity and our placid rivers are now raging waters. We have even seen the prehistoric Tulare Lake begin to fill in the San Joaquin Valley. This lakebed has been mostly dry for 100 years and was once the largest freshwater lake west of the Mississippi River, and the second-largest freshwater lake entirely in the United States based upon surface area. Currently, the lake is covering roughly 100,000 acres and is increasing daily.

Resembling the states historic water year, the state legislature saw over 2,700 bills introduced. On average, the state receives 1,900 to 2,400 bills annually. However, this year the bills received are near record levels. Here are some of the bills we are watching:

- | | |
|-----------|--|
| • AB 818 | Protective Orders |
| • AB 1119 | Enforcement of Judgments |
| • AB 1389 | Notice of Levy |
| • AB 1758 | Court Records: Fees |
| • SB 8 | Firearms Liability Insurance |
| • SB 71 | Jurisdiction: Small Claims and Limited Civil Cases |
| • SB 468 | Trespass |
| • SB 564 | Sheriff's and Marshal's: Fees |
| • SB 602 | Trespass |

Service at State Correctional Facilities, aka the CALSPRO Prison Service Bill: As I stated in my last article, this is a continuation of our prison service bill from the last session. Last year, we were only able to accomplish one of the three prongs we had hoped to accomplish. Prong two would allow a process server to satisfy reasonable diligence under CCP 415.20 by leaving the summons and complaint with the warden, sheriff, or jailer on the first attempt. Prong three would clarify that service to a warden, sheriff, or jailer on behalf of an inmate would constitute

personal service. Effectively allowing process servers to serve subpoenas and other personal service only documents.

Over the past month we have received comments from the ACLU and the state Public Safety Committee that have caused us to pause and rethink our approach. We agreed to make this a 2-year bill and use the additional time to work out the questions raised by these agencies. I'm confident we will find common ground and accomplish our desired goals .

Los Angeles County Sheriff Issue: Last February, Michael Kern, Brett Peters, Mike Belote, Cliff Costa, and I met with the Los Angeles County Sheriff's Department to discuss our issues and concerns. Captain O'Brien lead the discussion, assisted by Sgt. Fernandez, Lt. Epp and several civil section staff supervisors. We communicated our concerns with the major item being the overnight waiting in line at the downtown branch. We explained the safety concerns and described some of the issues that members have had while waiting. Captain O'Brien and other staff members were shocked and had no idea this was taking place. We were assured our concerns would be addressed and they would like to partner with us in making things better.

On March 23, 2023, we received notice that effective April 7, 2023, registered process servers and their agents will open files by appointment only. Sign-ups are Fridays at 1:30 PM in each office and will be available for the following week. Appointment times will begin at 8:30 AM until 11:30 AM at 30-minute intervals until all time slots are filled.

This new procedure did solve the overnight waiting at the downtown branch; however, it created several new problems. It made the appointment mandatory not only at the downtown branch but at all sheriff branches throughout Los Angeles County. It doesn't allow for multiple appointments to be made. It doesn't allow for more than a grand total of 70 openings per day, and it doesn't allow for Bank of America / CT Corporation

Continued on page 14



CALSPRO Membership Update

by Larry Kirlin, Membership Chair

Benefits of Being a VENDOR CALSPRO Member

In my last article, I posed the question “How will becoming a member of this association improve your life or business?” I feel the answers to this question are the key to membership. In that article, I focused on the value CALSPRO brings to our Vendor members. In this article, I’ll answer that question for our core category, Active members.

An active member is an individual engaged in our profession here in California. Although we began as an association of process servers, we have grown to include Professional Photocopiers and Electronic Filing Service Providers. As such, our programs now represent these services.

So how does CALSPRO improve the lives of our Active members? The first way is social. Many relationships have been formed through involvement in the association. Whether by working on a committee together or by attending events, many of us have built lifelong relationships through our organization. In turn, those relationships have led to business opportunities, advice, and professional development.

As for improving the business of Active members, some benefits are obvious, while others are more subtle. Let’s take our Legislative program for instance. In reading the newsletters and eNews, you can see how the association is proactively fighting adverse legislation, while at the same time proposing changes to the laws

that benefit our businesses. Two recent examples are: 1) our successful opposition to electronic service of subpoenas to custodians and 2) our changes to an awkwardly worded bill that could have been interpreted to exclude process servers from serving writs received electronically by the sheriff’s office. In both situations, we protected the income that could have been lost without our actions.

Another business benefit of CALSPRO is our education program. With CCPS workshops, webinars, conference speakers and round table sessions, we are the primary source of professional industry-specific training here in California. Keep in mind, this training was developed under the core values and ethical standards established by CALSPRO. I can only imagine the harm done to the reputation of our profession without these guidelines and training standards.

While there are dozens and dozens of other benefits, these are the ones that stand out to me. As I conclude this article, I want to draw attention to the fact that our core membership category is called “Active”. This group is our primary focus, and those called Active members rely on this industry as their primary source of income. To receive the most benefit from the association, Active members must be just that: ACTIVE. Join a committee. Take a class. Attend conference. At the very least, read the news and eBlasts. The benefits are here for the taking. Just lean in and grab hold.



CALSPRO Conference Update

By Dan Mora, Conference Chair

2023 Conference Update... Destination San Diego!

Watch your inbox... 2023 Conference registration is on its way! This year, we are very excited to offer an accredited MCLE education schedule. We are focused on providing education from the most informed and experienced industry leaders. Topics include:

- Legislative Update
- Brave or Foolish - Call the Sheriff!
- Help Me Help You – Hear from County Clerks
- New Revenue? – Writ Levies Demystified
- More New Revenue? – Maximizing Photocopy Processing Serving Seminar

Not only will we have a world-class education line-up, don't miss the networking opportunities with affiliates and industry leaders. Our Friday night social is at-the-ballpark! Enjoy Petco Park, named the 2022 best MLB

ballpark by USA Today, and the National League Division Winning San Diego Padres. In addition, our very own past-President Robert Porambo, San Diego native and rabid Padres fan, will be honored with the Rosenthal Memorial Award.

When: September 22-24, 2023

Where: Hilton San Diego Bayfront

Who: All California legal service providers

Why: Networking, learning, sun, baseball

Applause for the current Conference Committee!

Dan Mora, Ken Hastings, Jackie Janney, Robert Porambo, Chad Barger, Michael Kern, Jenny Blevens, Stephanie Shoen, Kristian Pujol, Larry Kirlin, Jackie Corrales





EDUCATION

Continuing Education Report
by Robert Porambo, Education Chair

We have scheduled CCPS workshops and exams as follows:

7-27-23: Virtual-condensed refresher workshop with exam to follow

8-12-23: In person & Virtual Los Angeles area

9-23-23: In person-San Diego Conference

You may also click on the following link for upcoming events:

<https://calspro.org/calspro-events/>

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**California Association of Legal Support Professionals
Board of Directors Meeting
February 1, 2023 Via Zoom**

Abbreviated Board of Directors Meeting

Legislative Update - Mike Belote discussed the following items:

- a) Composition of the new legislature.
- b) Three major things to focus on:
 - a. Complete the task of service of process in penal institutions. Mike Belote asked for a list of documents; Chad Barger will develop a list.
 - b. Problem with serving writs, particularly at the Los Angeles Sheriff; met with the lobbyist of the Sheriffs Association who was understanding. Mike would like to have a meeting soon (possibly next Friday, February 10, 2023) in Los Angeles with some of the CALSPRO members and the person in charge of the civil division to talk through the issues. Attendees will include Brett Peters; Chad Barger; and Michael Kern.
 - c. Moving registration to the State Bar of California – the State Bar is willing to do this, however, it must be cost neutral. The challenge is knowing what the costs will be, which depends on the number of process servers. There is a need to know how many process servers are registered in the state currently. Tom Alkema reiterated the need to keep the Company registration for photocopiers, rather than an individual photocopier registration.

Kristian Pujol asked for board members to pull the lists of process servers in their various counties, and to let him know which counties they will work on; Kristian will work on the counties that are not accounted for. Kristian will send an e-mail reiterating the task details.

Continuing Education Committee - Robert Porambo reported that there will be a CCPS Workshop and Exam on February 20th via Zoom. Robert, Jackie Janney, and Kraig Vorsatz will meet tomorrow to review the PowerPoint slides and the results of the test to look at the questions. Robert would also like to have sponsors for the programs and give them a minute or two of advertising time. The committee may consider the next one on March 31, 2023. Regarding recording the program, Larry Kirlin has offered to help with editing.

Blue Ribbon Committee - Robert Porambo reported that the committee will be meeting every two weeks with the goal to have a proposal to present to the board at the June 2023 Board Meeting.

President's Report - Kristian Pujol referenced his written report and highlighted the following items:

- a) Excited about the activity so far this year.

- b) Moving forward with legislative action items.
- c) The Legislative Committee and the lobbying team area actively at work.
- d) The Membership Committee has met, and renewals are looking good.
- e) Dan Mora has been working with CAMS to finalize the Conference location.
- f) Looking at different revenue streams, including advertising opportunities.
- g) Newsletter going out this week; highlighting Vendors.
- h) A new contract has been signed with CFC Pouch.
- i) Infotrack will sponsor \$5,000.00 this year.
- j) Thanked the volunteers for their hard work.

Andy Estin inquired of the plans for CALSPro exhibiting at the NAPPS Conference in April. Kristian has spoken with Chad Barger and Michael Kern about attending the Conference; Kristian will reach out to the NAPPS President; will work on a plan to have a presence at the Conference; and have materials ready to go.

Sec./Tres. Report - Steve Janney presented the December 2022 financial statement. Steve thanked Tricia Schrum at the CAMS Office for getting the year-end information to him. The checking account balance is \$68,691.29. Steve reviewed various line items on the financial statement. The financial condition continues to be tenuous, at best. He commended Robert Porambo and the Blue Ribbon Committee for working to have a proposal for the board to consider in June as it relates to the finance area. Steve thanked Kristian Pujol and Infotrack for their financial support. Steve reiterated the need to watch expenses.

The Board of Directors discussed the idea of asking for another financial grant from NAPPS, and Steve Janney noted that hopefully the strategy this year will alleviate the need to seek another grant from NAPPS.

Legislative Committee Report – Chad Barger referenced his written report, and he noted that Mike Belote presented the report earlier. Regarding the potential revamping of the California Summons, this is still a pending item; Chad will speak with Jeff Karotkin to learn more about the issue, and Chad will report back to the board on this item. The next Legislative Committee meeting will be held after the bill introduction deadline of February 17, 2023.

Andy Estin discussed SB 71 which will change the limits in small claims court for certain types of cases, and asked board members to be aware of it. The consensus seems to be that it is so limited in scope that CALSPro does not need to take a position, at this time.

Chad Barger will develop a communication relating to legislative changes that the members need to be aware of, and the legislative plans for 2023.

Coalition to Improve Court Access – Larry Kirlin will send Chad Barger the Google documents link with the notes; there are no hot topics at this moment. Steve Janney reported that they are working on a few courts that have announced that they are moving to e-filing, and they are working to learn more about court backlogs. Steve noted that there isn't a formal legislative agenda for this year.

Photocopy – Dan Mora referenced his written report and discussed the following items: the Coalition of Professional Photocopiers got an update to the fee schedule in 2022; release of information companies continue to overcharge for records and the challenge is enforcement; SB 937 awareness (which was defeated) photocopier license; fee compliance approach.

Advertising – Esteban Pujol referenced his written report; held a committee meeting; Kelly Hoskins at CAMS presented ideas for advertising opportunities, including classified advertising opportunities; Esteban shared his screen to demo the advertising program and options that are soon to be available via the website.

Membership Committee – Larry Kirlin noted his great committee and their great ideas; the renewals went out early; 25 members, currently, off from last year; the committee will meet and develop new ideas for membership growth; goal is 10% growth in 2023, and the committee will work hard to meet this goal.

Newsletter – Jackie Janney reminded the board that an e-mail went out for content deadlines, and Anita Pasillas is working on everything.

Technology – Michael Kern noted that he continues to work with Michael Cochran at CAMS on various items, including the member search area; animation; and some coding work. Michael Cochran will place two videos on the website. Regarding the marketing video that was created several years ago which is currently in the member's only area, Michael Kern requested that it be moved to a public area of the website. Additionally, a link to the association's YouTube page should be added, but Michael Kern wants to make sure that SEO analytics are not affected. Michael Kern is hesitant to make any changes without the board's approval. Several board members noted that Michael Kern can make the decisions for the website.

Conference Committee Report - Dan Mora announced that the Hilton San Diego Bayfront has been secured for September 22-24, 2023 for this year's Conference. Dan read through his written report and highlighted various items; he would like to have a Padres baseball game event. Kristian Pujol would like to get the dates on the NAPPS website; Jenny will let them know. Jenny Blevins reminded Dan that the Conference Committee includes the Chairs of the Legislative, Membership, Technology, and Continuing Education Committees; Tom Alkema also volunteered to serve on the committee.

Old Business - CFC Top Priority Agreement – Michael Kern worked with the pouch company to develop a new agreement which Kristian Pujol signed. The one-year agreement is effective today, February 1, 2023. Michael will talk to Zak about prompt payments and payment methods. It was noted that CFC owes \$2,400 from 2022. Michael noted that 77 members are on the pouch and 21 of them are on am/pm plans.

InfoTrack Donation – Kristian Pujol reported that he was able to secure a sponsorship from InfoTrack for \$5,000.00 which will be applied to various areas. Kristian noted that InfoTrack will receive the opportunity to post informative articles.

Grant Fund – Larry Kirlin described an idea relating to a grant fund to support members who are unable to pay their dues. Members can donate to the fund. An application process can be developed for those members who would need the funds. The policies and procedures of this program still need to be worked out; Jenny Blevins will talk to Mike Belote about it, get further information, and include as Old Business for the next board meeting for discussion.

Jenny Blevins asked for clarification regarding the free conference registration for new members. Last year's motion indicated "current year" conference which needs to be clarified. Jackie Janney noted that Steve Janney and David Nill paid for the new members to attend last year, and the intent was that the free registration was only for the 2022 Conference. There were four new members who participated in 2022. This item will be placed on the agenda for the next meeting for clarification as it relates to 2023.

Good of the Order - Michael Kern purchased a home in Texas and will be commuting back and forth to California.

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2023 NAPPS Donald C. 'Mac' MacDonald Award

It is with great pride and joy we share that on April 22, 2023, at the NAPPS annual conference in Philadelphia, Pennsylvania, our very own Michael Kern received the NAPPS Donald C. 'Mac' MacDonald life-time achievement award!

The award was presented during the Saturday night banquet by NAPPS co-founder Andy Estin who has been a great friend and mentor to Michael Kern for many years and to many of the current and past CALSPro Board members. Michael's wife Sheri Kern, son David Kern, daughter-in-law Kaitlyn Kern, and close friends were there by Michael's side to receive this great honor. We are so thrilled to see Michael receive this national recognition for all his contributions and dedication to the legal support industry. Only four Californians have received this award since its establishment in 2001. Past California recipients include Andrew R. Estin (2004) who presented the award to Michael, Thomas J. Bowman, Jr. (2006), Tony Klein (2010), and CALSPro (2012).

According to the 2022-2023 NAPPS Annual Membership Directory: The Donald C. 'Mac' MacDonald Award is the highest honor acknowledged by NAPPS. Not necessarily given every year, it is given to those who go above and beyond what is expected in this profession when deserved.

The inscription reads:

"In appreciation for the uncompromising dedicated service, exceptional visionary insight and focused unwavering leadership for the betterment of the National Association of Professional Process Servers."

Congratulations to Michael Kern! Your CALSPro family is very proud of this great accomplishment!



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openings at other branch locations. We have expressed our concerns with the new policy and have been told an online appointment system is being created. However, it has not been implemented at the time of this article.

Members throughout the state have contacted us regarding the Los Angeles County Sheriff's office and their procedures for opening writ levies and garnishments. Currently, the sheriff's department will only accept ten openings from a single company per day. With a grand total of seventy openings, per day. Since this process is first come, first serve, anyone wanting to open a levy must arrive the night before and get in line and wait for the office to open the next day. This process is ridiculous and unsafe. We have been tasked with opening discussions with the new Los Angeles County Sheriff to find a compromise that better suits the public and his office.

Process Server Registration through the State Bar: Our effort to move registered process server and professional photocopier registrations to the State Bar is progressing. Our president, Kristian Pujol was tasked with obtaining a list off all active process server and professional photocopiers in California. The State Bar is requesting this information to help determine dues and staffing levels needed to administer this change. The information has been obtained from fifty-five of the fifty-eight counties. With exception of the three counties, the total number of registrations this far are 3,315 registered process servers and 227 professional photocopiers. We will continue discussions with the state bar and hope to see this dream become a reality soon.

A New California Summons: The discussion is continuing regarding this subject. CALSPro is initiating a discussion with the Judicial Council to modify the current summons forms to ensure that the intended recipient of a summons receives better notice of the action/proceedings initiated against them. Specifically, a summons be issued for each party being sued and served. This would ensure that the party being sued and served is appropriately notified. This change would reduce or eliminate the need for motions to quash for incomplete/defective service related to an incomplete, inaccurate, or blank capacity notice. Once we receive feedback from the Judicial Council, we will report back to the board of directors for direction.

In closing, I want to thank the committee members for their time and efforts. The committee members are Kristian Pujol – Co-Chairman, Andy Estin, Tony Klein, Tom Bowman, Jackie Janney, and me. I'm honored to serve alongside these fine individuals who bring so much to the table. Together, I know we can have influence in our industry and continue the long tradition of protecting and promoting the legal support profession.



CALSPRO COMMITTEES

ADVERTISING
Esteban Pujol
advertising@calspro.org

ASSAULT ADVISOR
Kraig Vorsatz
assaultadvisor@calspro.org

BY-LAWS
Tom Alkema
bylaws@calspro.org

CONFERENCE
Dan Mora
conference@calspro.org

CONTINUING EDUCATION
Robert Porambo
ccps@calspro.org

DISPUTE RESOLUTION
Jeremiah Jones
877/353-8281
dispute@calspro.org

FORMS
Tony Klein
415/495-4221
tony@attorneyserviceofsf.com

LEGISLATIVE
Chad Barger
legislative@calspro.org

MEMBERSHIP
Larry Kirlin
membership@calspro.org

NEWSLETTER
Anita Pasillas
apasillas@rapidlegal.com

TECHNOLOGY
Michael Kern
info@directlegal.com

WEBSITE
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info@directlegal.com



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Michael Kern

213/483-4900 – ph
info@directlegal.com

Esteban Pujol

805/322-1370 – ph
esteban.pujol@steno.com

Tom Bowman

408/295-3300 – ph
408/491-9772 – fax
tbowman@sterlingmadison.com

Larry Kirlin

559/233-1993 – ph
888/943-1355 – fax
chairman@calspro.org

Kristian Pujol

415/475-6424 – ph
kpujol@onelegal.com

Ken Hastings

951/296-2669 – ph
951/296-2770 – fax
kenh@hastingsls.com

Dan Mora

556/805-9571 – ph
559/805-9571 – fax
dan@gemini.legal

Kraig Vorsatz

707/321-6077 – ph
gotchalegal@aol.com

Jackie Janney

714/ 953-9451 – ph
jackiej@janneyandjanney.com

Robert Porambo

619/685-4223 – ph
619/685-4294 – fax
rporambo@knoxservices.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 • E-mail: info@calspro.org

Legislative Advocate
Michael D. Belote, Esq.

Administrator
Jennifer Blevins, CMP
jennifer@caladmanagement.com

Membership/Co-Administrator
Stephanie Schoen
stephanie@caladmanagement.com

Publications
John Berkowitz
john@caladmanagement.com

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Maddy Dowler
maddy@caladmanagement.com

Webmaster
Michael Cochran
michael@caladmanagement.com

CCPS
Natalie Sinclair
natalie@caladmanagement.com

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kelly@caladmanagement.com

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