



# CALSP<sup>ro</sup> PRESS

California Association of Legal Support Professionals

**Volume 15 / Issue 1 / Winter 2022**



LEGISLATION

**Legislation:**

Highlights of Our History



MEMBERSHIP

**Membership:**

Member Benefits and Value



EDUCATION

**Education:**

A Worthwhile Investment



CONFERENCE

**Conference:**

September 23-25, 2022

The San Jose Hilton





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# PRESIDENT'S MESSAGE

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KEN HASTINGS

2022 CALSPro PRESIDENT

**H**appy New Year fellow CALSPro members. I hope that you and your families had a wonderful holiday season. I hope that this year allows us to finally put COVID-19 behind us. Here's to a productive and prosperous 2022.

Now that 2022 is underway, the CALSPro Committee Chairs and Board of Directors are hard at work, and we are in full swing. The Continuing Education Committee recently met and put a plan in place for 3 online workshops as well as at least 1 in-person workshop to be held in Southern California. The materials are currently being revamped to include the latest changes in the law that took effect on January 1, 2022.

The Advertising Committee is doing AMAZING work. Vendors and members alike are coming to the table, and it looks like advertising is once again a priority for many companies. The year end numbers for the committee are sure to blow the budget out of the water. If you are a CALSPro Vendor Member, I encourage and implore you to contact Robert Porambo as soon as possible. Advertising opportunities are better than ever. Maybe consider reaching out to Larry Kirlin or Robert regarding sponsorship or running a CALSPro mini webinar to help promote your partnership and commitment to the association. A great way to reach members and non-members alike.

Steve Janney, CALSPro Sec./Tres., published a letter to the membership stating the true state of affairs for CALSPro's finances that was emailed out to the membership on 14th of January. I also published an article in last month's e-news that informed the membership of the past and present actions taken to ensure that CALSPro remains open and relevant to Due Process in the State of California. If you have not had a chance to look at either of these submissions, I would encourage you to do so.

The Membership Committee could not have started off the year better. The vast majority of last years members have renewed their memberships at the time of the drafting of this article. This support by returning members can not be understated. Instead of trying to get members to renew, we can focus our efforts on expanding membership which is beneficial to us all. CALSPro leadership and membership committee members have a plan in place to do just that. Kristian Pujol and his committee are well on their way to having a successful and productive 2022 campaign.

CALSPro's new website is functioning well. We are constantly looking at ways to improve an already great website. Michael Cochran and team recently resolved an issue with the member search feature. This should go a long way in helping members and non-members find quality, capable and competent process servers and photocopiers. Give it a try here: [CALSPro Member Directory](#).

The "Blue Ribbon Committee" is beginning its work. It is my goal that this committee will reach out to the membership for answers to several questions and come back to the Board of Directors meeting in March or July at the latest. It focuses on keeping CALSPro's books in the black for the foreseeable future. Great ideas are being discussed, and I am looking forward to the fruits of this committee's labor.

I hope that this brings you up to speed on CALSPro today. Should you have any questions about these committees or others, please feel free to contact me directly. Several members keep in frequent touch with me, and I am always happy to listen and communicate with all of you.

As always, stay safe and stay healthy my friends.





# CAPITOL REPORT

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

## ***Sacramento Struggles***

**E**pidemiologists say that there is a 50-50 chance that Omicron is the beginning of the end of the COVID pandemic. If so, we all have a lot of catching up to do, including the City of Sacramento, the Capitol environs, and even the California legislative process itself. The truth is that the California Legislature is struggling with the pandemic, along with courts, schools, hospitals, and each of our businesses. We should all hope that the COVID coin lands on “heads”, and Omicron leads us into that land of herd immunity.

As this column is written, the California Legislature has returned to Sacramento to begin the second year of the current 2021-2022 two-year session. Legislators return to a city whose downtown Capitol core has taken a tremendous beating, with many restaurants shuttered, and tens of thousands of state employees working from home. The virus continues to infect legislators and staff, who are mostly working from home themselves. Legislative hearings are mostly remote affairs, which works about as well as you'd expect. It turns out that making law is an activity far better conducted in-person.

While COVID is an obvious distraction in the Capitol, there are two other factors greatly affecting the legislative process. The first is logistical, relating to the Capitol building itself. Our state Capitol is really two parts, made up of the grand, historical Capitol with its soaring dome and ornate chambers for the Assembly and Senate, and an office building appendage known as the “annex”. The historical Capitol was built in the late 1860s, restored in 1980, and is in beautiful condition. Not so the annex, which was built in the 1950s and never restored. The annex is asbestos-ridden, non-ADA compliant, and well past the point of functional obsolescence. The whole complex needs to be reimagined and rebuilt.

To address this problem, all legislative offices and the Governor's office have been moved out of the annex to a new ten-story building south of the Capitol known euphemistically as the “swing-space”. This will be the temporary home for the governor and legislators for the next five years or so while the Capitol is rebuilt. But floor sessions of the Assembly and Senate will continue in the historic Capitol, necessitating a caravan of legislators walking or golf-carting from the swing building to the Capitol, with attendant concerns about security.

The second distraction is more political. Every ten years an independent commission is charged with redrawing district boundaries for state legislative and Congressional districts. Drawing new maps is a remarkably complex affair, with legal, constitutional and practical implications. Literally every legislator's districts have now changed for the 2022 elections and beyond, and some of the changes are hugely significant. Imagine being told that in order to keep your job, you must sell your house and move to a different community, and convince voters in that new community (who don't know you) to vote for you. Some legislators have been thrown into districts with their neighboring members, meaning that friends must run against friends. Some Democrats are thrown into more Republican districts, and vice-versa. Right now this is causing a number of members to resign, or announce that they will not run again for their seats. It is being called the “great resignation”, mimicking what is happening in the population generally. Now there is a distraction!

While attempting to work through these uncertainties, legislators are grappling with such high-profile issues as homelessness, education and health care. On the latter, efforts continue to focus on enacting what is known as “single-payer” health care, where all Californians are covered by health care provided by the state. If you think the world of litigation comes with sharp elbows, it is nothing compared with the vitriol that comes with the single-payer debate. Unions supporting the single-payer concept, including those representing nurses, are literally threatening to end the political careers of Democrats rejecting the single-payer bills.

So in many ways, 2022 is going to be a wild year in Sacramento. In terms of bills affecting CALSPRO, we will know more after the bill introduction deadline of February 18. We do expect the usual avalanche of 2500 or so new bills for the year, each of which must be read to identify potential impacts on process serving and photocopying. We do intend to “sponsor” a bill relating to service on inmates in penal institutions, where procedures vary wildly, especially in county jails. We also will be working on clarifying the rules for service at “commercial mail receiving agencies,” or CMRAs.

Until we know more, here's to a healthy and successful 2022, with the Omicron coin landing heads-up!



# CALSPRO Legislative Update

*By Chad Barger, Legislative Chair*

**E**very year I look back and think about the challenges and victories we faced as an association and every year I'm amazed at what we have accomplished and where we are now. With COVID-19 still affecting our businesses and the court system, we have evolved into more than just process servers and court filers, we have become technology companies, offering e-Filing, e-Service and even e-Recording. Several years ago, I remember Jeff Karotkin informing the members that technology was coming, and we had to choose to embrace it or be left behind. With COVID-19 expediting the need for technology in the court system, we now have over half the counties in California offering some sort of e-Filing, with many of the counties coming online since the start of the pandemic.

For those of us who have been around a while, we remember when fax filing was being implemented and how many in our industry thought it would lead to the end of attorney service assisted court filings and the revenue, we gained from it. However, what happened was our industry embraced the changes and fax filing soon became the norm and a huge revenue stream that we enjoyed for decades. I see history repeating itself in our present day, and again, our industry embracing the change and thriving once more.

When the legislative committee met in Sacramento last December, we discussed ideas to promote our profession. After much deliberation, the committee

presented three items for the board to approve. First was the presentation of our prison service bill this legislative session. We had originally presented this bill in 2020, but with COVID-19 complications, the legislature asked that all non-COVID-19 or non-emergency bills be withdrawn. Now that the legislature has somewhat gotten back to normal, we felt it was the right time to present our bill again. Our proposal would amend the Penal Code and potentially create a new section in the Civil Code of Procedure, to make it personal service on an inmate, when serving a sheriff, jailer, or prison guard with documents in a judicial proceeding, on behalf of the inmate, on the first attempt.

Our second item is to amend CCP 415.20(c) regarding CMRA's, by removing the reference to the Business and Professions Code and adding mailing language.

CCP 415.20(c) Notwithstanding subdivision (b), if the only address reasonably known for the person to be served is a private mailbox obtained through a commercial mail receiving agency, service of process may be effected on the first delivery attempt by leaving a copy of the summons and complaint with the commercial mail receiving agency ~~in the manner described in subdivision (d) of Section 17538.5 of the Business and Professions Code, and by thereafter mailing a copy of the summons and of the complaint by first-class mail, postage prepaid to the person to be served at the place where a copy of~~

*Continued on page 18*



## **CALSPRO Membership Update**

**by Kristian Pujol, Membership Chair**

### **Pass The Hat And Don't Look Back**

**C**ALSPRO membership has significantly dropped in the past two years due to the pandemic. It does not matter if you are Republican or Democrat or whether you believe in the deadliness of the virus strain or the effectivity of its numerous vaccines; there is plenty of evidence to show the adverse effects of the pandemic on the US economy from 2020 through 2021 and on our business industry. The economy has been relatively improving since 2021 with the unemployment rates decreasing (following of course high job losses in 2020) and GDP growth rates rising in the first three quarters of 2021. A resurgence of COVID-19 cases in December, however, has resulted in new restrictions, local protective orders, and various announced closures of government buildings to include some county courthouses. There is a little bit of déjà vu felt but not much panic since this time our infrastructure is better prepared and less likely to completely collapse. In 2020, CALSPRO lost 24% of its membership (approximately 73 members), plus an additional 30 members (or almost 10%) in 2021 for a combined total loss of over one-third of our membership (or just over 100 members). We cannot afford this trend to continue in 2022.

Since our association's revenue derives primarily from its membership dues, the Board of Directors has struggled to keep a balanced budget for the past two years and it is truly a feat that we were able to survive the loss in membership. This month a sobering report was sent by our Secretary-Treasurer to current and past members underlining the state of our financial plight and the temporary measures we have undertaken to remedy the shortfall in revenues, like creating the Rosenthal Memorial Fund in 2020 and literally "passing the hat" around the table at our last Sacramento board meeting in December 2021 where a band of members raised enough money to offset the loss of revenue once again. The letter most importantly also encourages and implores current members and non-members to do their part and help our association secure funding not only to achieve a balanced budget this year but to procure a level of engagement and commitment moving forward into the future. Thank you to all who have already responded to the call by signing up additional members and/or listings, advertising, volunteering, and contributing funds to

*Continued on page 6*



CALSPPro. Thanks to the early efforts of our Membership Committee and our Management Office (with new MemberClicks software), we are off to a good start in 2022 with our renewals but still have strides to make in membership and need everyone's participation to get our association to where it was before the pandemic.

This year one of our committee's focus is to reach out to Electronic Filing Service Providers (EFSPs) for their support. Since CALSPPro has helped shape the laws that protect our industry in California, including those that allow private companies like EFSPs to partner up with state courts to provide legal support services to the public at large, it would behoove EFSPs not only to become members (a portion already are) but to be conscientious of the future risks if they don't, and commit to joining our community and having a dedicated relationship with CALSPPro for years to come. With higher numbers, we are stronger and more formidable. Moreover, many EFSPs offer service of process and physical filings or are affiliated with companies that do, so there is additional common ground and mutual interest to support our legislative agenda and educational programs.

Early in the pandemic, CALSPPro was influential in ensuring the Judicial Council's Emergency Rule 12 (in April 2020) only applied to eService of secondary service

of process documents (that provide notice to parties only) and continues to remain a reliable resource and our voice in Sacramento through California Advocates. We have a rich legislative history of success dating back half-century, but personally it is worrisome to know that our legal support industry's current and future protection and existence is directly dependent on our membership dues. Think about that for one minute. If you care like me, what are you doing to help and raise awareness? In 2020, at the worst of the pandemic, CALSPPro did not raise its dues but instead extended the time to pay them to help struggling members, though many received PPP loans that same year. We are a non-profit and this year by necessity we increased our membership dues to the maximum the board could approve without requiring unanimous consent: ten percent of the previous year which brought up the annual fees for active membership to \$420.00 and for out of state membership to \$110.00. This slight increase will help but will not sustain CALSPPro in the long run. Without a significant increase in new members or capital in 2022, the Board of Directors will have to make some critical decisions to restructure or increase the fees in proportion to the current number of committed members in order to meet our planned expenditures and safeguard the future funding of our legislative interests and business protections. If you have any questions or suggestions, please feel free to contact [membership@calspro.org](mailto:membership@calspro.org)

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# EDUCATION

## Continuing Education Report by Larry Kirlin, Education Chair

**T**he 2022 Education Committee met in January to lay out a plan for the year. This year's committee consists of myself, Chad Barger, Michael Kern, Mark Manchester, Kristian Pujol and Jackie Janney. Robert Porambo is also assisting with a San Diego CCPS class.

Below is the calendar for the CCPS classes. All classes, except San Jose, will be offered online. We are allowing in-person attendance again, but COVID is still a wildcard. If necessary, we will cancel the in-person but keep those classes online.

- February 26 (online) Chad Barger presenting.
- April 30 (online and in person-San Diego) Robert Porambo presenting.
- July 23 (online and in person-Los Angeles area) Michael Kern presenting.

- Sept 25 (in person, San Jose) Mark Manchester presenting

This year we will hold two free mini webinars: 1) How to Become a Process Server, and 2) How to Market your Process Service Business. The first course is aimed at the public and will raise awareness of CALSPro. The second course is for our members and will be hosted by Michael Kern.

The committee came up with something new to add value for our vendor members. We will offer opportunities for each vendor member to hold a webinar on their product or service. The webinars will be hosted and advertised by CALSPro, but the vendors will have control over the content.

If you have any suggestions for webinars or any education topic, please contact me at [chairman@calspro.org](mailto:chairman@calspro.org)



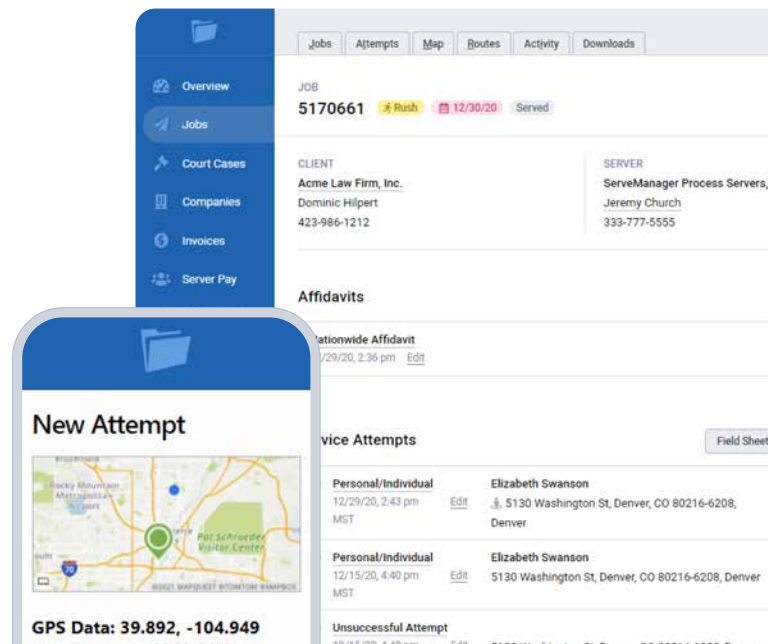




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**Ed Dietz**  
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## ***New California Laws That Will Impact You In 2022***

*770 new California laws will go into effect in 2022, covering employment, voting, law enforcement and many more. Here's a list of some of the new laws that will impact you in 2022: (Unless otherwise indicated, the law took effect on Jan. 1, 2022.)*

### **Employment**

#### **AB-397**

The law will require the Employment Development Department (EDD) to provide a person additional notification prior to disqualifying them from receiving their benefits.

#### **AB-701**

This bill requires warehouse employers of 100 or more employees at a warehouse distribution center or 1000 or more employees at one or more warehouses to (1) disclose quotas and pace-of-work standards to workers, (2) prohibits employers from counting time that workers spend complying with health and safety laws as "time off task," and (3) requires the Labor Commissioner to enforce these provisions.

#### **SB-3**

This law increases the minimum wage in California to \$14.00 per hour for employers with 25 employees or less and \$15.00 per hour for employers with 26 employees or more.

### **Crime**

#### **SB-73**

This law allows a court to grant probation for specified drug offenses that are currently either ineligible or presumptively ineligible for probation.

#### **AB-453**

This law adds non-consensual removal of a condom during sex, also called "stealthing," a form of sexual battery. California is the first state to ban stealthing.

#### **AB-1171**

This law eliminates all distinctions between spousal rape and rape by eliminating the crime of spousal rape.

### **Environment and Animals**

#### **AB-1276**

Beginning June 1, 2022, restaurants will be prohibited from handing out single-use silverware or condiments without a customer requesting them.

#### **SB-1383**

California residents and businesses will be required to sort their organic waste from regular trash. The program will take effect in phases depending on where you live. If it takes you some time to get used to it, don't stress – fines won't start being issued until 2024.

### *Proposition 12*

Proposition 12 – the Farm Animal Confinement Proposition – was passed by Californians with overwhelming support in 2018. Beginning on Jan. 1, 2022, Prop 12 increases the minimum confinement area allowed for “breeding pigs, egg-laying chickens and veal calves.” It also bans the sale of products from those farms that fail to meet those new confinement standards.

### **Voting**

#### *AB-37*

Requires mail ballots to also apply toward local elections. A vote-by-mail tracking system would also have to be made accessible to voters with disabilities, and all voters could solicit the permission of county elections officials to cast a ballot from a certified remote vote-by-mail system. If a mail ballot is received no later than 7 days after an election, with the sent date of the ballot taken into consideration, the vote is still valid.

### **Law Enforcement**

#### *AB-48*

Prohibits police from using rubber bullets or tear gas to disperse crowds at a protest. They also can’t be used against someone just because they’ve violated “an imposed curfew, verbal threat, or noncompliance with a law enforcement directive.”

#### *AB-89*

Raises the age limit to be a police officer in the state of California from 18 to 21 while requiring that new officers also have a bachelor’s degree. A policing degree program will be established by the Chancellor of the California Community Colleges and implemented by the existing Commission on Peace Officer Standards and Training.

#### *AB-481*

Requires law enforcement agencies to pass a military equipment use policy, during a public meeting, in order to receive and continue using surplus equipment from the U.S. Military. This policy must be reviewed annually and can be amended by the agency’s governing body. For state agencies wishing to use and acquire military surplus equipment, they must also create a policy, post it on their website, review it annually and a copy must be provided to the Governor’s Office. Agencies which already operate equipment from the military must now hold a public meeting through their

governing body as well, to approve the continued use and acceptance of that equipment.

#### *AB-26*

Requires officers to immediately report potential incidents of excessive force and intervene if they witness excessive force that is “clearly beyond that which is necessary.” Law enforcement agencies will be required to revise policies to prevent retaliation against officers who report violations of law. Use of force policies must also require that officers who do not intercede when present in cases of excessive force, be disciplined up to and including in the same way the officer who used excessive force was disciplined.

#### *AB-490*

Forbids law enforcement agencies from authorizing methods of transport or techniques that lead to a “substantial risk” of positional asphyxia. Positional asphyxia is a position in which someone is prevented from breathing.

### **Housing**

#### *SB-9*

Allows homeowners to create additional housing units on their property, based on local ordinance or ministerial approval. Proposed housing developments with one or two residential units in single-family home zoning would be considered ministerially if it would not require demolition or alterations subject to a law restricting rents to affordable levels — and the proposed development won’t demolish more than 25% of existing exterior structural wall.

#### *SB-10*

Will make it easier to build housing in California. Among other things, this law makes it easier for cities to up zone transit-dense areas, allowing for the development of more dense housing of up to 10 units per parcel without a lengthy environmental review process.

#### *SB-332*

The bill regarding prescribed burns states, no one should be held financially liable for the costs of putting out a prescribed fire caused by them if certain circumstances apply.

### **Education**

#### *SB-328*

Beginning July 1, 2022, Middle schools and high schools will soon be required to start class no earlier than 8 a.m. and 8:30 a.m. The law exempts rural school districts.

*Continued on page 14*



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was easy.”***

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**California Association of Legal Support Professionals  
Board of Directors Meeting  
October 8, 2021, Omni Rancho Las Palmas Resort – Rancho Mirage, CA**

**MINUTES OF THE MEETING**

**MOMENT OF SILENCE**

A moment of silence was held in honor of Salvador Pujol and Patrick Woodman.

**PRESIDENT'S REPORT**

Ken Hastings acknowledged a challenging year; thanked the board for all of their hard work; and noted his gratitude to be together in-person again.

**SECRETARY-TREASURER'S REPORT**

Andrew Gowing presented the September 2021 financial report. The balance sheet shows total assets of \$61,483.38. The income statement shows total income of \$120,626.55 and expenses of \$83,191.69.

Andrew discussed some of the budget shortfalls and noted the importance of conference earning a net income.

**COMMITTEE REPORTS**

*Legislative Committee Update*

- Ken Hastings discussed a question he received from a member regarding cleaning up the B&P Code relating to the CMRA Code Section to remove the B&P Code from the previous/past legislation relating to the Proof of Service. Steve Janney indicated that the industry serves according to the CCP Code and not the B&P Code. Andy Estin and Steve Janney provided further background. Chad Barger will add this item to the agenda for the next Legislative Committee meeting.
- Tom Alkema discussed removing the registration process for every county for the Professional Photocopier Registration; Mike Belote indicated that this will need to be an item for the next legislative session.
- Mike Belote discussed remote appearances and how the courts are planning to work moving forward. Mike Belote shared important information relating to tomorrow's judicial speakers and asked that people please attend.

*Continuing Education*

- Larry Kirlin submitted his annual report, and noted there will be a CCPS Workshop and Exam on Sunday during the Conference.

*Membership*

- Kristian Pujol indicated that the association had projected converting 75% of the Independent Contractor members to Active members this year but we were unable to meet that projection. In 2018-2019, there was an upsurge in membership which has since declined. The current membership count is 206 which includes 154 Active members. Kristian would like to have a realistic budget for the next membership year.

- Robert Porambo discussed the idea of moving to a tiered membership dues schedule based on a sliding scale based on company revenue.
- Ken Hastings reminded the board that a long-term goal of the association is to move the process server registration requirement and governance of the industry from the county to possibly the State Bar of California which could result in an increase in membership.
- Kristian discussed the new MemberClicks program which should allow for more member engagement and efficiencies relating to dues renewals.
- Andy Estin indicated that CALSPro also suffered from the cancellation of the 2020 and 2021 NAPPs Annual Conventions which prevented CALSPro from having a presence to market to potential new members.
- Lengthy discussion took place regarding membership.

#### *Technology/Website*

- Mike Kern discussed the details relating to the content of the new website, and that tweaks will continue to be made.

#### *Conference*

- Jackie Janney thanked everyone for being in attendance, and reviewed the conference program. Jenny Blevins reported there are 79 attendees.

### **OLD BUSINESS**

Tom Bowman discussed the item relating to the lack of a code section that requires a description on the proof of service on a Summons and Complaint. Tom Bowman indicated that there are companies requiring descriptions and indicated that the issue may not require legislation, but it should be a part of CALSPro's Best Practices indicating that it is not required to include a description on the proof of service. Larry Kirlin indicated that this will be rolled forward to another meeting and that perhaps the issue can be brought into the CCPS workshop and into Best Practices.

### **GOOD OF THE ORDER**

- Ken Hastings thanked Larry Kirlin as the Chairman of the Board, and thanked the board for their hard work.
- Andrew Gowing indicated that this is his 9th Conference but may be his last board meeting, and thanked the members for their mentorship. Andrew specifically thanked Steve Janney.

## **CALIFORNIA ASSOCIATION OF LEGAL SUPPORT PROFESSIONALS Board of Directors Meeting October 9, 2021, Omni Rancho Las Palmas Resort, Rancho Mirage**

### **MINUTES OF THE MEETING**

#### **ELECTION OF THE CHAIRMAN OF THE BOARD**

Upon motion by Tom Bowman, seconded by Chad Barger, Larry Kirlin shall be elected as the Chairman of the Board. The motion carried unanimously.

#### **RATIFICATION OF 2022 MEMBERSHIP DUES**

A motion was made by Michael Kern, seconded by Robert Porambo to raise the annual membership dues for the Active and Associate categories. The motion carried. The 2022 membership dues shall be set as follows:

Active Member - \$420.00

Associate Member - \$110.00

Supporting Member - \$50.00

Vendor Member - \$350.00



## NEXT BOARD MEETING

The board set the next two meetings as follows:

- November TBD Via Zoom
- December 4, 2021 - Sacramento

## NEW BUSINESS

- Steve Janney suggested that the next budget be based on 95% of the 2021 income and 95% of the 2021 expenses.
- Robert Porambo requested the discussion of tiered membership dues at the December board meeting.

## Laws - continued from page 14

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### AB-367

Requires public schools serving students from 6th grade to 12th grade to stock 50% of its restrooms with an “adequate” supply of free menstrual products. The bill applies to all women’s restrooms and all-gender restrooms. At least one men’s restroom on campus also must be stocked with menstrual products.

### Traffic

#### AB-3

A sideshow will be defined as “an event in which two or more persons block or impede traffic on a highway, for the purpose of performing motor vehicle stunts, motor vehicle speed contests, motor vehicle exhibitions of speed, or reckless driving, for spectators.” While the legislation outlines a stricter punishment for such offenses, that part of the law won’t kick in until July 1, 2025. When it does, a person convicted of exhibition of speed during a sideshow could potentially have their driver’s license suspended for 90 days to 6 months.

#### AB-43

Gives California cities more local control over how speed limits are set instead of using an old rule that essentially caused speed limits to go up every few years. Cities can start working toward lowering speed limits in 2022, but can’t enforce them until June 30, 2024, or whenever the state creates an online portal to adjudicate the new infractions – whichever comes sooner.

### AB-974

Stipulates that anyone under the age of 18 must wear a helmet when riding a horse, mule or donkey on a paved highway. Additionally, riders of all ages or their equines will be required to wear a lamp or reflective gear on rides after dark.

### AB-798

The legislation removes restrictions on ambulances owned and operated by a fire department of one of the more than 100 federally recognized Native American tribes in the state that had essentially treated them the same as privately operated ones. Additionally, a vehicle owned or operated by a federally recognized tribe would be considered an authorized emergency vehicle when responding to emergency calls.

### AB-47

Anyone caught violating the hands-free law for a second time within 36 months of a prior conviction for the same offense will see a point added to their driver’s record.

### Other

#### SB-389

Extends pandemic-era rules allowing the sale of takeout alcoholic drinks through 2026. It also makes it possible to keep ordering cocktails, beer and wine in outdoor dining parklets for the next five years.



# CALSPRO Technology Update

*By Michael Kern, Technology Chair*

## ***Should You Stop Marketing Customers, When The Economy Is Struggling?***

**W**hen the economy is struggling, it's not uncommon for businesses to react by cutting budgets and preparing themselves for slow growth as they pull back marketing efforts and wait for the economy to improve. Studies show that in a struggling economy, that over 50% of U.S. companies follow this method and is one of the first budgets to get slashed by organizations that communicate with their customers and other significant parties; the marketing and advertising budget. As bad economic times cause consumers to be more selective and value oriented in their purchasing decisions, this strategy is shortsighted. It makes it difficult for customers to select, and trust, a company that curtails its communication with them and does not make an effort to stay top of mind. Proactive businesses want to keep the customer oriented and informed in order to present value to its customer base.

### **A struggling Economy Can Be a Great Opportunity!**

A struggling economy can be an opportunity for smart businesses to re-energize their marketing efforts and increase market share. Rather than cutting marketing budgets and limiting the ability to attract new customers, businesses can put their money into cost-efficient advertising that delivers growth opportunities and obtains a positive return on investment.

In a slower economy, most businesses will decrease their market efforts. For most businesses, this translates into more competition for fewer viable prospects. Smart organizations will take advantage of the fact that even though there are fewer viable prospects in a recovering economy, because most companies have followed the pack and cut back their marketing budget there are fewer competitors who are actively marketing to them. Forward thinking companies often look at a downturn in the economy as a reason to re-evaluate their current customer relationships. For instance, a business that in the past marketed high-quality services or products at a higher price may need to find out if the same message works in a struggling economy. Perhaps

longevity of the product, or long-term value might be a better message in such an environment.

### **Gain advantages by continuing to market to customers:**

*1. The Internet:* This is an opportunity for more aggressive companies to purchase more market presence without increasing their advertising budget. Building an effective Web presence that incorporates online marketing techniques with search engine optimization is a great idea in a slow economy. For example, such companies might direct money for their trade-show budget for online search engine marketing, and track their return on investment with Web analytic tools that can produce a variety of valuable data that lead to more sales

*2. Competitors:* As competition chooses to market and advertise less in a slow economy, their core message is more likely not to be seen or heard, which leaves several opportunities to gain market presents and branding above your competitors.

*3. Opportunity:* A huge challenge for many small companies is developing a name for themselves. Because of the withdrawal in marketing and branding by competitors, a downturn in the economy can be the opportunity to accelerate such branding for smaller companies to gain market share.

*4. Customers:* During a recovering economy, customers become more selective, look for value, and are more likely to buy from businesses that they are familiar with. Businesses that work to stay visible will have an advantage so that their customers are confident that they'll be there for them in the future.

In conclusion, businesses should be marketing to new potential clients as well your current existing clients at the same time. By ramping up your marketing efforts you have the potential to gain market share and stay viable in a recovering economy.

# Unlawful Detainers & Service of Process

## 2022 Changes and Subservice Modifications

**By Rachel Chaples, Communications Coordinator at Tristar Software**

**A**s many in our industry know, California laws regarding unlawful detainers have changed a few times throughout the Coronavirus pandemic. The principal reason for altering state laws was to protect residential tenants from eviction when facing financial hardship due to the epidemic. The eviction moratorium remained in effect from March 1, 2020, through September 30, 2021. During that time, evictions of residential tenants became more difficult for landlords with tenants abusing state protections. Currently, California provides rental assistance to landlords for past due rent of tenants who qualified for government aid during the pandemic.

As of October 1, 2021, tenants are again evictable for any legal reason from October 1, 2021, to March 31, 2022. Landlords seeking to evict tenants for failure to pay rent that became due between March 1, 2020, and March 31, 2022, on a lease that began before October 1, 2021, must apply for rental assistance before the court will issue a summons on the case.

As a process serving software company, we have seen an uptick in special verbiage requests this past year. Primarily, on POS-010's for substituted service on unlawful detainer cases. Court guidelines regarding proper service for eviction cases have become stricter and a headache for process serving companies. It must be proven without a doubt that the server has exhausted every possible way of reaching a dodgy tenant.

Here is one example of updated text that was specially modified per clerk request and then approved to meet the needs of Sacramento Superior Court:

5b. *"I served the party by substituted service on 1/19/22 at 3:08 pm. I left the Summons, Complaint, UD101, CM010,*

*Exhibits, CP10.5, UD105 in the presence of All Occupants at (2) home, and (4) I thereafter mailed (by first-class postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., 415.20). I mailed the documents on 1/19/22 from Jackson, CA."*

5d. *"Service was made by other means pursuant to CCP 415.46 by delivering copies to a competent member of the household on 1/19/22 at 3:08 pm and by posting and by first-class mail from San Andreas, CA to all other occupants on 1/19/22. Said mailing was mailed via first class postage prepaid mail addressed to all other occupants."*

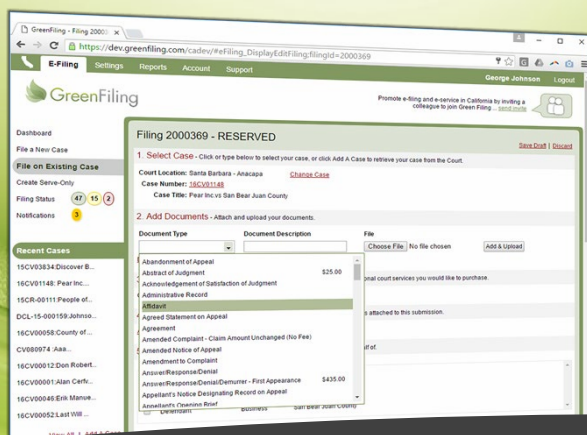
Please note that both 5B and 5D were checked. The server made multiple attempts at the residence. When they couldn't reach the servee they left the papers with another member of the household, then posted the documents to the front door and mailed the court papers.

After making some alterations and a few trips to the court, our client has moved forward with his updated proofs and is now an expert in unlawful detainers in his region. For those new to these cases, it's good to stay on top of changing laws and requirements as it will save your business time and money as well as maintain an aura of knowledgeability for your clients.





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- 5) Court filing and service fees will be paid during the process of filing with the filer's own credit card or e-check.
- 6) Green Filing will provide a means to run detailed weekly filing activity reports for those users who are filing through your portal. You may set the e-filing service fee on your portal as you see fit.
- 7) Green Filing will submit a monthly invoice to the attorney service firm billing for all filings submitted through the firm's portal.

Call (602) 380-8049 or email [george@greenfiling.com](mailto:george@greenfiling.com) for more information.

*the summons and complaint were left. Service of a summons in this manner is deemed complete on the 10th day after the mailing."*

The last item is to amend the Business and Professions Code 22450 to remove the language that requires professional photocopiers to register in every county they maintain a branch office in.

B&P 22450 A professional photocopier is any person who for compensation obtains or reproduces documents authorized to be produced under Part 2.6 (commencing with Section 56) of Division 1 of, or Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of, the Civil Code, or Section 1158 of, or Article 4 (commencing with Section 1560) of Chapter 2 of Division 11 of, the Evidence Code and who, while engaged in performing that activity, has access to the information contained therein. A professional photocopier shall be registered pursuant to this chapter by the county clerk of the county in which he or she resides or has his or her principal place of business, ~~and in which he or she maintains a branch office.~~

Finally, I want to thank the committee members for agreeing to serve the membership this term. The committee members are Kristian Pujol – Co-Chairman, Andy Estin, Tony Klein, Tom Bowman, and Ken Hastings, as president. I am so privileged to work alongside such brilliant and industrious professionals. Together, I know we can have influence in our industry and continue the long tradition of protecting and promoting the legal support profession.



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# CALSPRO Conference Update

*By Jackie Janney, Conference Chair*



Happy New Year!! The Conference Committee is already hard at work planning our **54th Annual Conference**. Mark your calendar for September 23rd-25th, 2022 and plan to join us at the Hilton in San Jose. Our yearly conference is a great weekend spent learning about what is going on in our industry and networking with fellow CALSPRO members.

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