ARIZONA PROCESS SERVERS ASSOCIATION NEWSLETTER

VOLUME 14, ISSUE 4

Tom LaVance

www.apsanews.org editor@apsanews.org

WINTER, 2012

LATE EDITION SPECIAL BBB ALERT

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President's Message

Tom LaVance, President

Fellow members:

I am honored and excited to serve as your association's newest President. I must admit, however, that I am humbled by the thought of trying to live up to the example set by Larry Ratcliff over the last three years. I want to start by expressing my deepest gratitude to him for all his efforts on our association's behalf and his willingness to serve as a mentor and friend to me as I have increased my involvement with our association.

I would also like to express my gratitude to Wayne and Patty Chlebanowski for their tireless years of service to our association as well. They have not only kept our association organized and strong, but somehow found a way too make all their hard work appear fun as well. Thank you both.

Like many of you, I really had no desire to become involved in the "politics" of an association. I just wanted to get my CE hours done and get back to work. As the years have gone by, I have come to believe that without a strong voice, our industry faces many threats and challenges. The APSA board and its members have provided that voice for the last 40 years and I am committed to doing my part to insure that voice is heard.

I recently had the opportunity to see that voice in action. Along with fellow Board Members, Ron Ezell and Barry Goldman, I attended the Arizona Judicial Council's December board meeting. On their agenda was a wholesale redrafting of the Arizona Code of Judicial Administration (ACJA) Rule 7-204 which governs the Private Process Server Program in Arizona. While these changes were placed on the Council's website for

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APSA was originally founded in 1973. it is the state-chartered association of process servers recognized by NAPPS—the National



Secretary's Corner

Jenna Jones, ACPS, Secretary

Dearest APSA members.

wishes to each of you and you your families! In 2013, APSA (hopefully not permanently) organization will be celebrating our 40th from the APSA Board this stronger. We can't do that Anniversary! milestone that we can all be a number of different roles send in your 2013 dues in by proud of!

and hard work of its past work members and being said, I would like to Thanks Patty!

offer a special thanks to Patty My warmest holiday Chlebanowski. As many of year, the Board is looking at know, Patty retired ways This is a past fall. She served APSA in without your support. Please and as Secretary for the past January 31. APSA has been a several years. Patty devoted friends in the industry that success due to the dedication a lot of time, energy and hard are not members, encourage tο make officers. organization better for all of

As we start this next If you have this them to join too.

If you have ideas you Without them, we would not us. Her dedication to APSA want to share, email any of be here today. With this is so very much appreciated! the Board of Directors or the Administrator. Submissions

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President's Message (cont'd)

changes.

entire AJC Board. Rebecca White Berch to work together to improve our communication and involvement going forward. Justice Berch made it clear the though the changes were being today, the Council could and reconsider any problematic par rules in the future. I would er all APSA members take the review the new Rule 7-204 contact myself or one of the Justice Berch made it clear that even though the changes were being passed today, the Council could and would reconsider any problematic parts of the rules in the future. I would encourage all APSA members take the time to review the new Rule 7-204 and to contact myself or one of the other Board members with any concerns so that we can continue to work with the court on improving the Rules governing our industry. I believe it should be one of our primary goals this year to continue to develop a better working relationship with the AJC and their staff so that we can work together to improve the professionalism and safety of all Arizona Certified Process Servers.

As we enter into 2013, we will continue to monitor activity by both

Secretary's Corner (cont'd)

at the next meeting. Or better yet, membership, with better services and come to the next Board meeting, all easier access to information. Look for meetings are open and dates and times changes and additions to the website will be posted on the APSA website. in the coming months and throughout The Board will be meeting every other the year. month in 2013.

Please see the website or this assistance! newsletter as we have already set you can plan your year accordingly. April. We also plan to start lunch and learns attend if you can. where we can offer 1 to 2 Continuing We hope to make a lot of your Secretary this year!

the AJC and the State Legislature so that we can inform

public comment back in September, we our members and exercise our were disappointed that more effort was collective voice when needed. We will not put forth to involve members of our also continue to build strong industry in the drafting of these relationships with other stakeholders in our industry. With your help, we Both Ron and I were given the hope to improve the quality and opportunity to express some of our availability of continuing education concerns over these changes to the available to our members. Most Although the importantly, we are committed to changes were passed, we did receive a growing our membership and Civil Procedure Now commitment from Chief Justice expanding the services we offer to our membership so that our association in Effect continues to represent our industry Chief into the next 40 years.

C.E. Planned for 2013

As part of APSA's goals of educating its members and providing learning opportunities for new members, your Education Committee has several seminars in mind.

Beginning in March, 2013, APSA will present Continuing Education opportunities at various locations, including Phoenix, Flagstaff and Tucson.

In March, a presentation will be made which will include Report Writing for Process Servers, Evictions, and Delivering Non-Legal Process and the FDCPA.

Details about each upcoming seminar will be posted on the APSA website.

will be brought to the Board's attention changes this year to provide you, the

APSA is here to serve you, if In addition to meeting more you have ideas or want to get involved, often, the Board is dedicated to please contact a Board member. We offering more training opportunities. would welcome and appreciate your

In closing, NAPPS will be dates for the 2013 training dates so holding their annual meeting here in Please join in the fun and

Thank you for your time and Education credits in conjunction with a support, I look forward to serving as



Justice Court Rules of

On January 1, 2013, the Justice Court Rules of Civil Procedure (JCRCP) took effect. This is another set of rules, that every process server should make themselves familiar with. Servers should well be aware of Rule 4 of the ARCP and Rule 5 of the RPEA.

JCRCP Rule 112 affects service of process — A plaintiff must attach a "Notice to the Defendant" to the summons, and serve the notice along with the summons and complaint. The court may not enter a default judgment against a defendant unless the affidavit of service establishes that the plaintiff served the notice on the defendant.

Please be sure to obtain a copy of the Notice to the Defendant from your local Justice Court Clerk. In reading the Notice, your Editor questioned the clerk at the (newly named) White Tank Justice Court whether it should be in addition to the Residential Eviction Information Sheet. We await a response.

Each county has justice courts that are presided over by a justice of the peace, who is elected for a four year term. These include civil lawsuits where the amount in dispute is \$10,000 or less, landlord and tenant controversies, small claims cases and the full range of civil and criminal traffic offenses, including DUIs. Justices of the peace also resolve other types of misdemeanor allegations (e.g. shoplifting, writing bad checks, violating restraining orders) and, like other trial judges, also handle requests for orders of protection and injunctions against

harassment.

2012 Conference Wrap Up

The 2012 APSA Conference additional away for other events and and Educational event was expenses. We had our sponsors,

pronounced success. Ιt brought together APSA members from around the state to our last minute venue (Apologies extended to those who went to our former site.) We h e l d o u r conference at the Embassy Suites near the I-17 and Camelback. For some of us, it is a

APSA

THANK YOU APSA MEMBERS:

YOU made the 2012 Conference a SUCCESS!

Please help your Board to make 2013 a SUCCESS, as well. Your participation and input

are needed!

familiar venue, as we held at least one camera. conference there, previously.

Our conference attendance administrator.) was within the acceptable range, and the money fed into the coffers was Patty (and Wayne, too!) for all of enough to pay the bills and put some their hard work and dedication.

AFLAC. and Tristar set up their booths. They all reported positive results. We also had our first booth set courtesy of EZ Messenger. Aaron Peterson, the technology wiz a t EZMessenger manned the

Shield,

Legal

(If you haven't obtained your APSA ID card, contact our

A BIG thanks to Larry and



APSA Without it, this year's conference identification card would not have been what it was.







From the Better Business Bureau

(http://www.bbb.org/us/alert-phishing-scam-looks-like-bbb-email/)

ALERT: Phishing Scam Looks Like BBB Email... But It's Not

"The BBB name and logo are being fraudulently used by criminals in an on generic greetings such as "Dear -going phishing scam. The emails look very much like notice of a complaint from BBB, but contain links to malware that can infect your computer, steal passwords, etc. BBB is working with law enforcement, as well as with a private deactivation firm (at our own expense), to shut down as many criminal websites as possible. To date, we have shut down well over 100 sites.

If you get an email that looks like it is a BBB complaint, here is what you should do:

- 1. Do NOT click on any links or attachments.
- 2. Read the email carefully for signs that it may be fake (for

- example, misspellings, grammar, member" instead of a name, etc.).
- 3. Be wary of any urgent instructions to take specified action such as "Click on the link or your account will be
- 4. Hover your mouse over links without clicking to see if the address is truly from bbb.org. The URL in the text should match the URL that your mouse detects. If the two do not match, it is most likely a scam.
- 5. Send a copy of the email to phishing@council.bbb.org (Note: This address is only for scams that use the BBB name or logo)
- 6. Delete the email from your computer completely (be sure to empty your "trash can" or "recycling bin," as well).

- 7. Run anti-virus software updates frequently and do a full system scan.
- 8. Keep a close eye on your bank statements for any unexpected or unexplained transactions.

If you have a business and are not certain whether the complaint is legitimate, contact your local BBB (www.bbb.org/find)."

APSA members may contact the Better Business Bureau at:

Better Business Bureau Serving Central, Northern & Western Arizona 4428 N 12th Street, Phoenix, AZ 85014 602-264-1727

Yavapai Branch Office 928-772-3410

Yuma Branch Office 928-919-7940



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Courthouse Tidbits

Maricopa County Courts

meeting, Clerk Michael Jeanes reported during his Budget customers who do not want to stand in line at the Filing Status Update that Maricopa County reports finances to be Counter, or who wish to file after normal business hours stable. No service interruptions anticipated within the Clerk's located at: Office. While decreasing property tax revenue seems to have

the biggest impact on the budget, there nо interruptions of service have occurred.

Your editor has been informed that the filing windows which were temporarily relocated in the family law clerk's office have been re-opened. All civil and family law filings are reportedly at the location, in the main hallway separating the east and west wings of the central courthouse (to the right of the main entrance past security).

DID YOU GET TO THE CALL?

offers four external filing depository boxes, which are At the most recent Clerk of the Court exchange available 24 hours a day, seven days a week for those

> **Downtown** Phoenix: located at the 4th avenue entrance to the 301 West Jefferson Administration County Building.

> Mesa: located at the north entrance of the Southeast Court Complex. 222 Javelina, Mesa.

> Northeast Regional Center: located at the main entrance of the Northeast Regional Center, 18380 N. 40th St. Phoenix.

805.227.1213

Regional Center: Northwest Alternative Filing / External 24-Hour Filing Depository located at the main entrance of the Northwest Regional Center, 14264 West Tierra Buena Lane, Surprise.

Boxes

The Maricopa County Clerk of the Court's Office

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PHONY PROCESS SERVER CONVICTED IN **FALSE AFFIDAVIT SCAM**

Las Vegas, NV (Dec. 14, 2012)

Former police officer and unlicensed process server Maurice Carroll was convicted by a jury on 17 counts of forgery in a scheme to file false affidavits of service in the Henderson and North Las Vegas justice courts. This is the second set of convictions to befall Mr. Carroll, as

was previously convicted of 17 counts of filing false court documents and one count of obtaining money under false pretenses, connected with the same scheme.



The court ordered Mr. Carroll, 43, remanded pending sentencing on January 16, 2013 on the 35 felony convictions.

Mr. Carroll's company, On Scene Mediations, operated for seven years without a license. He allegedly was involved in about 25,000 cases.

Nevada requires that any person serving legal process be licensed bγ the Attornev General Private Investigator's Licensing Board. The applicant must have two years experience

in the area of serving process and

pass State Board examination, as well as maintain liability insurance with limits in amounts of not court system. less than \$200,000.00.

manager, Vilisia Coleman, 47 cooperated with prosecutors and testified

against Mr. Carroll. She was given a two to seven year suspended sentence, placed on three years of probation and also ordered to pay

\$20,945 in restitution and do 16 hours In handing of community service.

down the sentence, District Judge Elissa Cadish said that Coleman's actions undermined the integrity of the

The scheme unraveled in 2010 His former office when Justice of the Peace Melissa



the witness stand, a rare occurrence for a sitting judge, she stated that she "noticed things that were odd" about the way default cases involving Maurice Carroll and his company, On Scene Mediations, were being handled. Her suspicions resulted in that information being turned over to that information being turned over to Las Vegas police for investigation.

Victim clients, such as Rapid Cash and Richland Holdings that used On Scene Mediations, withdrew motions for summary judgment or dismissed numerous lawsuits in which Mr. Carroll's company was involved. No information was found about consumers who had been the unwitting targets of Mr. Carroll's malfeasances.

Source: Las Vegas Review Journal

The Players (pictured from top left) Maurice Carroll, Vilisia Coleman, Judge Melissa Saragosa.



Follow Up: PA Man Arrested for 'US Enforcement Officers' ID Charged

CHESTER COUNTY, Pa. — In our prior edition, we brought you the story about a man who identified himself as a federal

"off-duty enforcement officer."

According to PACER (the U.S. Courts online records repository), in the case of USA vs. Eric Margues Devlin-Bell, Jr. (Case 2:12-mj-00672) Mr. Devlin-Bell, Jr. has been charged with "Falsely representing oneself to be an officer, agent or employee of the United States, and in such assumed character detaining a person in violation of Title 18:913: producing an identification document, authentication feature, or false identification document, that is or appears to be issued by or under the authority of the United States in violation of Title 18:1028(a)(1)".





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Training Corner: PROBLEMS & SOLUTIONS



Barry R. Goldman

believe the bigger picture should be needs of others? examined. While I was somewhat The client as a partner sympathetic to the server who posted his concerns (who conveyed a sense of partner in achieving the common goal - responding to any inquiry within a antagonism in dealing with - i.e.: serving the papers -- may prove matter of minutes or hours, not days, competitors as well as clients), the most beneficial type of relationship, and extend his/her apologies. Clients fortunately, my firm has good, and some excellent, relationships with our between clients and vendors are made paper is being worked, even if it's an clients, as well as competitors.

responsive to the server's.

Understanding the client needs

the parameters must be established up and service, consistent and accurate keep documents tracked, and follow up front. Getting to know a new client is pricing, and other benefits a good with his/her subcontractors faster than much like dating. You don't want to working relationship brings. It is a the client may follow up with the sour the relationship by saying or given that in such a partnership there server. doing the wrong thing. That approach is a full disclosure of not only the Setting pricing parameters has always applied to business results of efforts, but also about the relationships, as well. What I have abilities of the server and the needs of discuss specific pricing, fees should be found is that the ideal model of the the client. vendor-client relationship is when the achieve the goal of servicing that needs. each party. When these expectations, server's needs, as well. can be disastrous.

the vendor-client relationship is to get key personnel change jobs. the defendant or other party served. The hang-up on status reports Additionally, the server wants to make a profit, and the client wants his/her regular status reports. I endeavor to are a lack of responsiveness in papers served at a reasonable cost. As keep status report telephone calls to a providing status reports, and failure to a server, if a client fits in your business minimum. An old adage that I learned promptly serve documents. model, conceivably you are making a from my days as a debt collector was, profit from that client; if not, they may "If it isn't in writing, it never established? be costing you time and money and happened". (While we know this not to competition to see what they charge? adjustments may be appropriate. Such be true from an evidentiary standpoint, "adjustments" may include revisiting my point is to confirm conversations (Continued on page 12) your pricing structure, the number of and additional instructions in writing.) attempts you make, your coverage

In writing this article, it began area, or any number of other factors give the client as a response to a blog post from a local that combine to construct your regular reports. server who was concerned about business model. After all, if you, the When the client getting work from forwarders, but server are not having your needs met, needs morphed into something where I how will you perform in satisfying the reports

without considering the long term attempt without service.

parties work together in concert to must be responsive to the others' the server has a published written fee client's needs, understanding the server may have with his/her clients is to the client or potential client. Many expectations, goals and limitations of for them to be responsive to the times, process servers do not want to goals and limitations aren't explicit, or relationships developed with the people competition. If the server quotes on a when the parties retain adversarial who send the work may well reflect case-by-case basis, the client should positions, such as the poster who gave that responsiveness. Often times, have a clear understanding that the rise to this train of thought, the result friendships develop between clients, price on one paper may not be the their employees and the servers. Such same on another. There should be no In serving legal process, the loyalties to the server may be an surprises as to what fees the client will ultimate desired result for both sides of unexpected benefit, especially when be paying.

The server should endeavor to

status which late.



server may very well wish to email Working with a client as a information and telephone the client, All too often relationships often times just want to know their I have found some of the benefits and effects of that may be deserved if fault lies with the biggest keys to successfully working relationship. The short term view server for not promptly responding to with any client are to understand what between clients and vendors is many the client. Many times an apology may the client's needs are and be responsive times adversarial, such as in a buyer- be appropriate to smooth over potential to them, and encourage the client to be purchaser relationship. For the long hard feelings, as well, and develop the term relationship between the client relationship with the client so that and vendor, each must consider both sides understand things more In developing any relationship, stability, uniformity in the response concisely. The server should always

While this article will not one of the primary issues set forth in Each party in the relationship the beginning of the relationship. If The optimal relationship a schedule, he/she may wish to forward it The publish their fees in light of When speaking with potential clients, this is one of the most common complaints that the writer Clients want, and often need hears about other servers. The others

> How is your price point Do you look at your



News You Can Use

MAN ARRESTED AFTER CONSTABLE ENCOUNTERS HOMICIDE

On the morning of November 28, 2012 a Constable went to a Tucson home to serve the tenants with eviction paperwork. The Constable discovered that the front door was unlocked and after opening it, found a dead man lying inside of the house. The Constable immediately contacted the Tucson Police Department who confirmed that William Salamonsen (67) was deceased. Mr. Salamonsen had obvious signs of trauma on his body. After an initial investigation and an interview of the man's roommate, Tucson Police arrested David Gallagher, the man's roommate, for second degree murder.



Source: http:// www.arizonaconstables.com/ Home.html and http:// cms3.tucsonaz.gov/files/ police/media-releases/ Homicide -1900 Block West Nava.pdf

Fake debt collection scams on the rise

Despite tough economic times, Americans are more likely to borrow than pay cash when making a purchase. And with holiday spending at a five year high, some consumers may receive debt collection calls on delinquent debt come the new year.

With federal government oversight beginning on January 2nd, the Consumer Financial Protection Bureau warned Americans on Wednesday not to let their guard down when it comes to telephone calls from supposed "debt collectors."

With consumers having financial obligations to multiple institutions, keeping accurate records and documentation has become a challenge. Opportunistic con-artists posing as "fake" debt collectors recognize this as an area of vulnerability and are more than willing to use it to their advantage.

Fake debt collectors typically pose as lawyers, law enforcement officers, investigators, and bankers while attempting to collect on phony debt. They threaten consumers with immediate arrest for "bank fraud" or other crimes unless funds are wired immediately. They scare and confuse consumers by using meaningless legal phrases such as "We are downloading warrants against you" or "We are filing an affidavit against you."

Source: http://www.examiner.com/article/fakedebt-collection-scams-on-the-rise

Third Branch News — www.uscourts.gov 2012 Year-End Report on the Federal Judiciary Out

hundred years ago, standing night watch at the line and 126 frigates, while the United the rail of an American frigate. Just one States Navy consists of only 17 vessels. generation removed from the war for Perhaps the seaman musters confidence independence, he finds his Nation once from the name of his ship: again squaring off in battle with Great Constitution. (The full text of Chief Justice Britain, the world's preeminent sea power. Roberts' report can be found at: http://

Imagine a young seaman, two Britain's Royal Navy includes 115 ships of The sailor has ample reason to be anxious. www.supremecourt.gov/publicinfo/yearend/2012year-endreport.pdf. Ed.)

SCORE Offering Free & Low Cost Workshops

Are You Ready To Compete in 2013?

If you want to start the new year with your best shot at success, you need to know how to make sure that your business is set to compete and what you are going to be up against:

Who is your competition? What makes your company stand out? Do you have what your customers want? How do you let your prospects know what you

have and how to find you? And Much More!

QuickBooks Basic January 15th - 3:00 to 6:00 PM



This is an introductory course designed to introduce you to a tool that will help you to get and keep control of your business. Some of the areas covered include: Overview of financial statements; Set up basics; Navigating the system; How to enter checks, customer information and much more.

Contact Greater Phoenix SCORE at (602) 745-7250 or visit their website at www.scorephoenix.org for more.

Shoot Your T.V.

Recommended reading: Using "eat that frog" as a metaphor for tackling the day's most challenging task, author Brian Tracy shows readers how to zero in on these critical tasks and organize their time. Eat That Frog! details 21 practical, doable steps to stop the

procrastination treadmill and get more of the important tasks done. Available at Amazon.com and other bookstores.



Guaranteed Not to be a Dry Eye in the House

Recommended viewing: "Heroes Behind The Badge" features stories of some of the brave men and women of law enforcement who have put their lives on the line and survived, as well as those who have made the ultimate sacrifice. Filmed throughout the U.S., this documentary highlights the lives of four fallen officers and the enormous impact their passing has had on their family members, colleagues, and community. The film also features the stories of three officers who narrowly escaped their assailants. These living legends share their personal insights about



how their near-fatal encounters have affected their lives. 50% of the net proceeds from the film will benefit the National Law Enforcement Officers Memorial Fund. Go to www.heroesbehindthebadge.com.



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Opinions & Other Food for Thought

Compiled by the APSANews Editorial Staff

Shining a Light on Process Server Assault

Recently, Serve-Now put campaign? together and began promoting a new program in order to shine a "global light" and in so doing, promote awareness of assault on process servers. program, PAAPRS, which stands for "Promoting Assault Awareness and Protective Regulations for Process Servers," also includes advice and tips from industry professionals and veterans, and is endorsed by NAPPS as well as other state process server associations.

The (CALSPro) board endorsed the project at the last board meeting in December, and as Assault Advisor I've been asked to work with Serve-Now in providing some content, as well as to research how the site can help our members and how we can utilize its reporting and other capabilities. I've already offered an update on one of the tips (which was enthusiastically received by Serve-Now) and have spoken with Trent Carlyle and his staff several times. As you'll see when you visit the site, there is an assault reporting capability, embed code for a badge (see below) you can then embed put on your website, a national map of process server assaults, assault prevention tips, and more.

For those of you who've been following my writings...you know we've been working for some time on trying to figure out the best way to raise awareness about this obviously important issue. Do you think PAAPRS would be a step in the right direction?

-Mark Schwartz, CALSPro Board Member, Assault Advisor

(reprinted with permission) http://www.calspro.org/2012/12/shining-a-light-on-process-server-assault/

Assault on a Process Server: What is the PAAPRS campaign?

The PAAPRS campaign is an initiative focused on raising awareness about process server assault and promoting regulations and law changes that further protect process servers.



Association leaders and members of the profession have longcomplained that assaults in the industry are

not being reported or receiving the media coverage they deserve. PAAPRS plans to take on that issue by providing national coverage of incidents as well as becoming a resource for process servers to get educated and share their experiences.

With the Process Server
Assault Map, helpful articles, videos, and other information, PAAPRS hopes to aid process servers in staying safe, sharing their stories, and bringing awareness to the hidden dangers in serving legal documents. Endorsed by several process server associations and built with the input of members of the profession, PAAPRS is here to support the industry in whatever way it can.

Have You Been Assaulted?

APSA and NAPPS would both like to know about it. APSA members should contact Tom LaVance, APSA president at (602) 256-9000. NAPPS members can contact them at (503) 222-4180.

Food for Thought:

Court Efficiency.

Here's an idea for relieving the pressure on understaffed, under-budgeted courts: Give people every option.

The Florida Supreme Court, in its annual statement on the need for more judges, noted that one problem is "the effect of self-represented litigants on court time and resources."

I admit that's a tad ambiguous and it wasn't explained in the statement, but here's what I see over and over again in California clerks' offices: a nervous, usually distraught



person approaches the counter and asks for some sort of form but doesn't know exactly which one.

The clerk refuses to let the person know which form to use. The customer has to know because the clerks aren't allowed to "practice law."

And then when someone tries to file the wrong form, it gets rejected - and the clerk still refuses to say which was the right one.

They know but they're not telling.

Apparently, saying a form is the right one is practicing law, but saying it's the wrong one is not.

So the solution is clear - pro per litigants should be given every form so they can keep filing them until they get to the right one.



Donna Sparaco

Small Business and Group Benefits Specialist

O: 480.788.8219 / C: 516.395.8219

NAPPS is Coming to Phoenix



The NAPPS 31st Annual Conference & Educational Seminar will be held on April 18-20, 2013 at the Hyatt Regency Phoenix, 122 N. Second Street, Phoenix, AZ. You can book your reservations by calling the Hyatt at (602) 252-1234. Mention you are with NAPPS and receive the negotiated room rate of \$149 +tax/night. You can also book your

room online at hyatt.com.

APSA Newsletter www.apsanews.org

Hank Asher, TLO Founder, Dead at 61

BOCA RATON (FL) — Hank Asher, crime-fighting an entrepreneur who pioneered the figure. He was use of databases and spent millions of a high school his fortune fighting child dropout pornography, died January 10th. He search Officials at TLO, Asher's better climate Boca Raton company, couldn't be for reached for comment Friday. Former commercial Florida Attorney General Bob painting Hank Asher Butterworth, who worked for Asher business than for a time, said he was told that Asher died in his sleep Thursday or Friday. thousands of children," Butterworth software that identified terrorists. said.

led to the arrests of the Beltway snipers who killed 10 people in the Washington area in 2002. pioneered data mining software that was sold to businesses but also sped was TLO, an acronym for "The Last cops' ability to connect the dots in One." Part of his business model was criminal investigations. Work that to build a supercomputer that could once required months could be done in track child pornography as it traveled a few minutes, Butterworth said.

When Asher arrived in South Florida in the 1970s, he gave little indication he'd become a data guru or a national



his Indiana home offered. Asher later founded Boca data firms Database "He was a wonderful human being Technologies and Seisint. After the who, through his philanthropy, saved Sept. 11 attacks, Seisint developed

> Asher owned 40 percent of Asher's database work also Seisint in 2004, when it was sold to British publishing giant Reed Elsevier for \$775 million and became part of LexisNexis.

> > Asher's final project over the Internet, then give police free

Source: http://www.palmbeachpost.com/ news/business/boca-raton-database-

2013 Court Holidays

New Year's Day January 1 Civil Rights Day January 21 President's Day February 18 Memorial Day May 27 Independence Day July 4 Labor Day Sept. 2 Nov. 11 Veteran's Day Thanksgiving Day Nov. 28 Court Holiday Nov. 29 Christmas Day Dec. 25

APSA Board **Meeting News Coming in Next Edition**

When debtor isn't served properly, they don't know when to go to court, it could result in a default judgment or an automatic ruling against them. "We are

referring all evidence of defaults by him and others back to the courts," Department of Consumer Affairs Commissioner Jonathan Mintz told The



Post. Probers found that Winckelmann was involved in 31 cases that ended in default judgments.

The city issued Winckelmann 46 GPS-record violations and slapped him with 35 counts of failure to maintain records. But Winckelmann denied any wrongdoing, and said some of the GPS violations were due to technical glitches in the new citywide system, and that 36 violations were for cases in Westchester, outside

"They just took his livelihood away without a hearing," said his attorney Myra Sencer. "He is really being treated unfairly." During a yearlong DCA crackdown, investigators issued violations to one in three of the city's 943 process servers for having written logs that didn't match their GPS-tracked whereabouts. Since November 2011, process servers have been required to maintain a GPS record. "Our findings were so disappointingly negative," Mintz said. DCA randomly checked 102 licensed process servers; 10 lost their licenses, three surrendered them, and 43 entered into settlement agreements with the DCA, the agency said. The agency issued \$36,000 in fines. "For way too long process servers have been like the Wild West of the legal system," Mintz said.

Big Apple:

Worst Process Server Way Off Mark

By CANDICE M. GIOVE, www.NYPOST.com Posted: December 9, 2012 (printed here word for word)

Serving legal papers wasn't his strong suit, the city says. The city's worst process server claimed to be handdelivering court summonses to deadbeats all over the city, but GPS records revealed he was often miles from his mark or totally off the grid, according to the Department of Consumer Affairs. Robert Winckelmann, 41, lost his city-issued license after a sweeping DCA investigation discovered he was not actually serving legal papers to defendants, the city says. In one case from November 2011, Winckelmann, a Jericho, LI, resident, drove to The Bronx and swore on an affidavit that he served a summons on Fox



Street to a relative of a woman being sued by creditors for \$6,098, the city's jurisdiction. according to court records.

But at the time of alleged service, he was three miles away at the Cross Bronx Expressway and Newbold Avenue, GPS records indicated. Later that day, he claimed to serve three more summonses in The Bronx, on East 149th Street, the Grand Concourse or Bronx Park South, but electronic records again proved that he was miles away, DCA

Those three debt-collection cases resulted in default judgments for his client, a debt-collector which purchased bad accounts from Chase and the



New York Credit Acceptance Corp., according to court records.

California Blues: Biggest **Court in Nation Closes** Courtrooms as California **Budget Cuts Kick In**

By BILL GIRDNER (Courthouse News Service) Tuesday, December 04, 2012

LOS ANGELES (CN) - The biggest court in the nation is changing and shrinking, mostly because of California's still idling economy.

The result for the Los Angeles court system is that more jobs will be lost, trials will be delayed.

"There is a reality here," said Daniel human capital, Buckley, the incoming supervising judge for the court's civil side. "The judges are proud of the service they provide to Los Angeles citizens. They cannot maintain that level of budget is to reduce the number of people service."

The judges are ratcheting down a court system that runs from Lancaster to Compton, from Santa Monica to Pomona. By far the biggest court in the nation, it is made up of an ever-changing web of 430 judges and their courtrooms that cover ten million people, one third of all the people living in least \$56 million out of this year's spend-California.

The main changes in the court's organithat most resemble mill work, the thousands of personal injury and collection actions that flow through the L.A. courts every couple years. month.

They will now go through a master calendar judge who assigns cases to a courtroom when they are ready for trial, as opposed to going through an individual judge fornia's courts. That overall cut is in turn who handles the case from start to finish. part of an even larger \$544 million cut to The huge number of collection actions in the state courts in the state budget for July Los Angeles will be bunched into two court- 1, 2013. houses where car dealerships are concen-

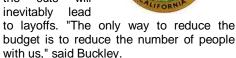
courthouses themselves -- fully 10 will be tion projects throughout the state. "repurposed."

houses," said Buckley. "We will not use resulting from the nations biggest economy those courtrooms for judges being on the slipping into neutral. bench."

Monica courthouse. The courthouse on courthouse will be closed and used for storage. The closures also affect less posh

enclaves. Pedro. San Whittier and Pomona.

In terms of cuts inevitably



yet worked out. "It's a chicken-egg thing," said the judge. "We've got to have a plan before we know the impacts and the im- Angeles -- those where the claim is under pacts affect the plan."

ing, a number that could go up.

The money comes out of an overall zation will affect those portions of justice budget that is currently running at \$750 million per vear, an amount arrived at

> The current round of cuts for Los Angeles courts represents their share of a \$150 million pro rata cut to all California courts, with Los Angeles home to one third of Cali-

> The remaining hundreds of millions will be taken from local savings accounts for

"We will take judges out of those court- budget is tied directly to falling revenues

A central part of the Los Angeles court Courthouses on the west side of town, system's plan to deal with its big share of in Malibu and Beverly Hills, will close. Their those cuts is to assign the biggest category courts will be consolidated into the Santa of big money, or general jurisdiction, cases to a master calendar court. That category is Catalina Island will close. The Hollywood the personal injury claims, from slip and falls to car accidents to any of the myriad acts of human foolishness that can result in iniurv.

> They total 16,000 cases per year in Los Angeles, and they will now be pushed through two, possibly three central courtrooms on Hill Street in downtown Los Angeles.

> The vast majority of personal injury cases -- 80-90% -- require very few court hearings, so they are well suited to a master calendar system.

The other huge category of cases in The number of job cuts, however, is not Los Angeles is collection actions, with roughly 80,000 filed per year.

Of all the small money cases filed in Los \$25,000, that used to be called municipal In dollars, the court needs to redline at court cases and are now called limited jurisdiction cases -- a huge majority are collection cases. And half of them go by default with no appearance from the person pursued.

The result is simply paperwork and sigthrough cuts of \$100 million over the last natures flowing through the court system at a very high volume. Those cases will be consolidated into two hubs, in Chatsworth and Norwalk.

> Those locations are tied to one of the unique aspects of both the courts and life in Los Angeles, the prevalence of the car. An inordinately big percentage of the collection cases involve car loans. The Chatsworth and Norwalk courts have lots of car dealerships in the area.

On the family law side, no courtrooms In terms of the physical plant -- the the courts and from halting court construc- will close but the judges will also take on civil harassment hearings. "We're looking The shortfall in California's statewide at giving them more work," said Buckley,

In Memoriam...

Constable John D. Manuel

Allen Parish Ward 1 Constable's Office, Louisiana End of Watch: Wednesday, December 5, 2012 From Officer Down Memorial Page (www.odmp.com)

Constable John Manuel was killed in a single-vehicle automobile accident on U.S.

Highway 165, two miles north of Kinder, Louisiana. His patrol car left the roadway and struck several trees. Constable Manuel, who was not wearing a seatbelt at the time, was pronounced dead at the scene. Constable Manuel was U.S. Army and U.S. Merchant Marines veteran and had served as the elected constable for Allen Parish's Ward 1 for 10 ten years. He is survived by his wife, daughter, two sons, two grandchildren, and three great-grandchildren.

Source: Officer Down Memorial Page http://www.odmp.org/officer/21561-constable-john-d-manuel







NAME:

FIRM:

ADDRESS:

CITY, STATE, ZIP:

ARIZONA PROCESS SERVERS ASSOCIATION

P.O. Box 2233, Phoenix, AZ 85002 (602) 476-1737

www.arizonaprocessservers.org

2012-2013 Membership Application/Renewal

[] Arizona Certified Process Server (Attach copy of your Arizona Process Server ID) [] Associate/Out of state Process Server

Member ID Card Requested? []Y []N (Digital or passport photo required) Please list your information exactly as you want it to appear in the directory:

APSA

Member	sin]RENEWAL ce: Dues: \$50

TELEPHONE(S):		OFFICE:	FAX:			
EMAIL ADDRESS(E	ES)	PERSONAL:			BUSINESS:	
WEBSITE ADDRES	SS:					
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Services you provide (YES or NO):				<u>YES</u>	<u>NO</u>	
Process Server (Arizona or other state):						
ACPS Certified?						
Legal Messenger Service						
Skip Tracing						
Record Searches						
Full Investigative Services						
If an Arizona Private Investigator, complete the following:						
License #: Expirate			Expiration	on:		
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MEMBER I.D. CARDS:

The Member Identification Card is a member benefit issued by APSA and is not intended to replace your Process Server identification card as required by statute. Your APSA Member Identification Card should be displayed at all APSA functions. By applying for or renewing membership, the applicant understands and agrees that the Member Identification Card is not intended to be, nor shall be used in violation of any statute or regulation.

I hereby apply for membership (or membership renewal) in the Arizona Process Servers

Association. I agree to abide by its bylaws and maintain the highest ethical standards in carrying out the duties of my profession. I authorize the Arizona Process Servers Association to investigate the statements made on this application and my qualifications for membership. I have no felony convictions and my certification (if applicable) as an Arizona Process Server is current. Membership is not transferrable. I DECLARE UNDER PENALTY OF PERJURY THAT THE STATEMENTS MADE IN THIS APPLICATION ARE TRUE AND CORRECT.



Date:	Signature	
	Please make check par	vable to APSA mail it with this completed form to the APSA address, above.

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Training Corner (continued)

up with an accounting algorithm to firms may come from the pro per, they individual, one may have to depend on ask yourself how much time in the an additional use of time and many individual servers will use their field to you wish to spend as opposed resources in service and response to personal smart phone as their to being with your family? Do you set the pro per client. limitations on your work time? (Handling stress is a topic for another pro per's, we may find the need to From an economic standpoint, that article.) Have you done an analysis of request additional (or corrected) may be desirable, but from a business your overhead to see how many documents, additional time to serve profile, it may not be the most papers at what price point it takes to (very common in evictions, especially prudent move. The server should make a profit? (Many small agencies when the plaintiff was price shopping have a separate email address and and first time independent over 2-3 days), or further instructions use a professional signature on contractors miss the boat on this one.) on who to serve (in the case of emails. The telephone should be Do you break out your fee schedule multiple named defendants) and answered without the dog barking, based on any variances? What type of where (sorry, we don't serve at PO baby crying and television blaring. If paper needs to be served? When does boxes, Sir.). Limitations, such as a the server wants to be a professional, the paper need to be served by? Where Tack of email or voice mail may also he/she should project the professional does the paper need to be served? Are hamper communications with the pro image. there special circumstances?

questions and many others may charge the pro per client (being by or plain not being able to be in two determine not only how much the circumstance a one-time, special service fee will be, but at what speed needs client) a higher fee. The server (i.e.: do today, next day, etc.) the should not be afraid to charge not only (Continued on last page) paper will be handled. Again, both what the market will bear, but their the server and the client should worth for the service. understand clearly and concisely Communicating with the client under what circumstances the service will be taken on.

The cash flow dilemma

the door, the server may want cash up devices. The large firm may want front (especially if the client is an the employee or subcontractor to individual), or may give a line of submit reports by logging into their credit to an attorney or forwarder, database system. While this may be When it's a new attorney or forwarder, depending on how the subjective analysis of the conversation goes, it may be money up front, or proof of service released upon receipt of funds, or 30 day billing. The writer 2. made the mistake of not listening to his gut and set up one attorney firm 3. in CA that owes over \$7,000 on 30 day billing - from about a year ago. Lesson learned. When the little voice in one's says to ask for money up front, one should pay attention.

The pro per variance

Most medium and larger

How is your price point their bread and butter. Consequently, subcontractor may wish to examine established? Do you look at your the individual servers and smaller how this affects his/her ability to competition to see what they charge? attorney service firms may pick up remain independent. Having multiple Are you a leader or a follower? Do you the slack in this market. So while a protocols for reporting may not work demand payment up front or give good chunk of volume for individual for all subcontractors. credit to your clients? Have you come servers or smaller attorney service develop a cash flow analysis, projected may also be the most wearing of his/her own electronic communication profit/loss and sales forecast? Do you clients, as well. The vendor may find devices. In this case, we find that

per client. Consequently, the server The answers to these may determine it to be reasonable to needs coverage due to illness, travel,

For the large firms, their employees and subcontractors may be provided with GPS enabled smart When a new client comes in phones and other communication

Guest Article Submissions

The policy on quest article submission is as follows:

- Publication of the article will be at the sole discretion of the Editor.
- The article may be edited for content, length, spelling, and appropriate
- A business card size advertisement of the Guest Writer may be placed in the edition in which the guest article is published, or at the discretion of the Editor, may be published in a later
- No advertising charge shall be made in conjunction with the publication of a guest article.

attorney service firms do not depend desirable from the standpoint of on the individual (pro per) litigant as efficiency of the large firm, the

> For the small firm, or business smart phone, and their PC or Quite often when dealing with laptop in much the same manner.

> > In cases where the server places at once, he/she should have a

Tell Us What You Think...

We've received comments from members and non-members alike, thanking APSA for the Newsletter and educational opportunities. We'd like to thank our readers for sharing and making this publication better. Thank you, dear reader! From the bottom of our hearts — Your APSA Newsletter Team.

ADVERTISING RATES

All Payments for advertising must be paid in advance.

Please submit camera ready copy.

Business Card......\$50.00 Size: 2.0 x 3.5 (Red border example) 1/4 Page.....\$100.00 4.75 x 3.75 (Blue border example)

1/2 Page.....\$250.00 Size: 4.75 h x 7.5 w, or 9.5 h x 3.75 w

Full Page.....\$375.00 Advertorials/Banners.....\$25/col. in. 3

in. min.



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APSA Events Calendar

APSA Continuing Education Classes 12:00 pm—1:00 pm

(Locations to be announced)

March 16. Phoenix

June/July, Flagstaff

September 14 & 15, Annual Conference

November 9, Tucson

December- AALPI meeting

Holiday Court Closures

Courts are closed on:

New Year's Day

Martin Luther King Jr./Civil Rights Day

Presidents' Day

Memorial Day

Independence Day Labor Day

Veterans' Day

Thanksgiving Day Christmas Day

TUESDAY, JANUARY 8, 2013

Court & Clerk's Exchange Meeting

Downtown Justice Center 620 West Jackson Suite #2083

(Justice Court – Training Room)

Phoenix, AZ

2013 APSA Board Meetings

Location TBA

February 16, April 13, June 15, August 17, October 12, December 14.

NAPPS 31st Annual Conference & Educational Seminar

April 18-20, 2013

Arizona Constables Assoc. Training January 7th to 11th, 2013

Located at the Tubac Golf Resort and Spa in Tubac, AZ. Training will include

Maricopa County Clerk's Notice:

Effective February 21, the Clerk of the Court's internal and external customer assistance for Criminal Exhibits, Grand Jury Services, and RCC/EDC

Processing will relocate to the 4th Floor of the new South Court Tower. 175 W. Madison in Downtown Phoenix.

well as the regular training sessions.

sessions for newly elected constables as

Pinal County Clerk's Notice

The Pinal County Clerk of the Superior Court informed your editor that the Casa Grande satellite office is taking filings from 0800-1100, and 1300-1600 Monday through Friday. They request that forms be completed in black ink only, notarized where needed, and submitted with the original plus two copies to conform. If sending documents by mail, you should include a self-addressed, stamped enfvelope. If you have questions, call the Clerk's office at (520) 866-5300.

The APSA Newsletter is published quarterly in March, June, September and December. Deadlines for submission for all items are the last day of the month preceding publication. If you have an item of interest or would like to post on our Events Calendar, please send them to: editor@apsanews.org.

Process Server Certification Testing

Maricopa County (Thursdays at 9:30 a.m.)

620 West Jackson Suite 3017

Phoenix, AZ

Jan. 10 Feb. 14 March 14 April 11 May 9 June 13 July 11 Aug. 8 Oct. 10 Sep. 19 Nov. 14 Dec. 12

Pima County

110 W. Congress, Rm 131A Tucson, AZ

September 14th and

October 15th and 30th

November 15th and

December 14th and

28th



All Process Server testing starts promptly. Late admission is not allowed. All testing requires pre-registration through the court clerk's office. Please make arrangements well in advance of the test date.

YOUR

Advertising Submission Policy:

- The APSA Newsletter is published in March, June, September and December of each year.
- All advertising must be paid for in advance. Payment should be made to the Arizona Process Servers Association. A 15% discount is available for advertisers who pay for a full year in advance.
- 3. Advertising rates are quoted for full-color camera-ready copy in electronic submission in an approved format.
- Advertiser is responsible for preparing & submitting ad copy. Copy must be submitted no later than the last day of the month preceding publication
- 5. Acceptance, placement and publication of advertising is subject to the sole approval and discretion of the Editor.
- Inappropriate advertising content will not be accepted. Editor reserves the right to decline any advertisement.
- 7. In the event that an item of advertising is rejected, a refund shall be made to the advertiser.
- Advertisement size quoted is approximate. Actual size may vary depending on page availability. 8.
- Advertorials may be written by APSANews.com staff or outside writer at cost to advertiser. Publication of advertorials is charged by the column inch.



10. Advertorials must be clearly marked in the header, "Advertisement". All advertisements may be bordered to distinguish their content.

Training Corner (continued)

of town (he won't steal my clients and services. I won't steal his), and I always keep commodity. my smart phone and laptop with me Access to data (yes, I carry my "man purse"). My return -- usually the same/next day.

someone else". What this tells me is and a subcontract server, that issue the poster hasn't developed does not get past my desk. backup plan. I have a trusted relationships to the point of the client President Harry Truman said, "The associate cover my area when I'm out being in a comfort zone about his buck stops here". Complaints for the

firm's email comes not only on our plan, the server should retain options will be to work with him/her to look server, but my laptop(s) and smart for remotely accessing his/her data. for solutions, so the more experience phone. If I am ever without my Smart phones are great tools, but he/she has in solving the problem, the electronic communications, or down limited. One should never depend on less he/she has to depend on me for for any sustained period of time, I'll only one facet of maintaining hand holding in the future. let my client contacts know continuity. The combination of laptop, down time) was, "Can't do it because portable hard drive or via cloud professional public service. they (his clients) expect you to be storage. The ability to have means to available to their paid employee staff log into a system remotely and pull SERVING ARIZONA & CALIFORNIA instantly or they send the work to documents from a server or on-line

> backup service is today, necessity. Any server who may need remote access should have a plan.

The buck stops here

If there is an issue between the client and my firm, or my firm

Trust is a valuable sake of complaining are not acceptable. Every problem has a solution. When a server comes to me In developing the business and complains, my response typically

It should be the same with beforehand with instructions to email used with the smart phone may clients. Clients will complain about the work and I will respond upon my provide remote access where needed, an issue want a resolution - not an My firm scans documents to serve are excuse. We should all work together One of the things said by the all in PDF format, and go with me to satisfy each others' needs for poster (regarding taking time off or when I'm out of the office, either on a profitable business relationships and





KAYE KING 602.703.8368

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Serving Arizona Process Servers Since 1973

www.arizonaprocessservers.org

Opinions expressed in the APSA Newsletter are not necessarily those of the Board, individual Board members or officers, nor each member. The APSA Newsletter is published to promote a source of news and information for APSA members. affiliates and interested persons and organizations. Contact APSA for further information about membership and advertising. Editorial opinions are that of the editor, and do not represent the official opinion of APSA.