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WORKING: CONVERSATIONS WITH ESSENTIAL WORKERS

BEHIND THE SCENES IN THE COURT SYSTEM

Written by Dan Lawton*



Inspired by Studs Terkel's 1972 masterpiece Working, which rang out the voices of workers from all walks of life who described what they did all day and how they felt about their work, we decided to talk to some of the essential workers in the court system. This is the third of an occasional series of interviews in which people who are not lawyers or judges talk about the work they do behind the scenes in the court system. In this article, Dan Lawton interviews Robert Porambo, whose work as a process server led to a lucrative attorney services business.

Of all the types of people who might turn up on your doorstep, the one for whom you feel the least warmth is the process server. He arrives, often without warning, bearing a summons, subpoena, or writ. Whatever resides within the envelope he hands you is almost surely bad news, or at the least unwanted news, to you or your client.

So how does Robert Porambo maintain such a sunny disposition? If dealing with masses of people who don't want to see you in the first place gets him down, he hides it well.

"Solving people's problems is what we do. I love it," says Robert, the chief operating officer of Knox Services in San Diego. "And we have great people. More than half of our employees have

been with us over 10 years. At Knox, we have a baseball team — your leadoff hitter, your aces, your closers, your bench. To succeed, you have to use all of those pieces."

Founder Steve Knox started the company out of his bedroom in 1969, graduating to a small office he rented for \$1,000 per month. Plumbing lay directly above the ceiling. Every flush of the toilets upstairs produced a *whoosh* so loud it sounded like a jet airplane flying over the building at low altitude. Today, Knox Services occupies over 20,000 square feet of office space in San Diego, Orange County, and Sacramento, and earns millions of dollars in annual revenue.

As a teenager, Robert worked at an auto parts store in San Diego and moonlighted at a skating rink. His mother, a legal secretary, worked for a lawyer who was friends with Knox. At her urging, Robert applied for a job, and was granted an interview. When he showed up, the boss was nowhere to be seen. After the interview was rescheduled, Knox no-showed again. Then, a third time. Then, a fourth.

"The fourth time I showed up, someone noticed me and asked when I could start," said Robert. "I said, 'right now.' So I started doing the gofer tasks, doing

deliveries around downtown. I wasn't 18 yet, so I couldn't serve papers, but I could do court filings." It was 1981.

The company invested in a moped, to speed the transit of papers by its couriers. At the same time, the city of San Diego was laying down trolley tracks downtown. "I crashed that thing on the tracks," Robert says, "and broke my ankle. So they put me in the accounting department. In three or four years, I was running it. But you could only go so far there. I wanted to go farther. So I joined the process serving department."

Today, Robert is the chief operating officer of Knox Services, which employs 85 people and earns millions of dollars in annual revenue. The company offers a suite of services far beyond serving papers. Knox prepares exhibit binders and demonstratives for trial lawyers, hosts web-based document depositories for litigation, codes millions of pages of documents, retrieves records from custodians under subpoena, offers notarial services, and does bank levies and garnishments. Outside Knox, Robert teaches a course on how to become a certified process server through CALSPRO, the California Association of Legal Support Professionals. A youthful-looking grandfather of seven with a nice head of salt-and-pepper hair, he makes time to coach his grandson's T-ball team in San Diego and has close relationships with his other six grandchildren. *California Litigation* sat down with him over breakfast recently to discuss his career in the legal system.

Q: *What's your normal day like?*

A: I oversee the financial division of Knox. We write about 4,000 checks a month — filing fees, custodian of records fees. Managing that. I review all the billings before they go out and handle challenges. I start at about 7:00 a.m. every day and leave by 5:00 p.m. or whenever I can leave, depending on what's going on that day.

Q: *How did you learn the process serving business?*

A: [Local process server] Dan Kratzer taught me all about it. He was a mentor. I got into CALSPRO. Through that I met a gentleman who was a process server. He took me under his wing and taught me a lot. At Knox, I had Steve Knox, Steve Bubel, and John Maguire. They were fantastic mentors.

Q: *As a process server, how did you manage to get close to a person who was evading service?*

A: One practice I had was wearing San Diego Padres gear. It was disarming. Nobody expects the guy dressed in Padres gear to serve you with papers.

I learned when you're trying to serve someone who's in a car, they roll up the window. You put the papers under the wiper. The first thing they do is turn on the wipers. The papers go back and forth on the windshield. Why do they do it? I don't know.

I had to serve Betty Broderick twice. She and her then-husband [Dan Broderick] were going through a bad divorce. We were working for Dan. The second time, I got there at 5:30 a.m. I rang her doorbell for 30 straight minutes I was not going to not get her served. She threw the papers at me. It was over the last piece of property they owned together. So sad. In the end, she murdered Dan and his new wife. She shot them to death early in the morning while they were asleep, and wound up going to state prison. I think she's still there today.

Q: *How has the technology of the business changed during your tenure?*

A: In a lot of ways. When I started, it was very paper-intensive, and you had to drive and deliver wet-signed paper originals to courthouses. In the 1980's, I could make it from Chula Vista to downtown San Diego in 16 minutes. Today, you can't even get from one side of downtown San Diego to the other in 16 minutes.

Electronic case management in the federal courts started in the late 1990's. In the California courts, it seems like it came in around 2011 or so. Before that, in the 1990's, fax filing had come in. We had to adapt, so we did.

Q: *How did your company adapt?*

A: When fax filing started, people in our business thought the sky was going to fall. Who was going to need couriers anymore? It actually enhanced us. If you had a same-day or next-day filing out of the county, you could fax those documents to us, and we could prep them for filing, because the courts no longer required a wet signature. We put printers in our drivers' cars. Paper and toner are cheaper than gas. We also got friendly with law firms that were close to the

various courthouses. They let us use their printers to print filings that had to go to the courthouse fast.

Today, if you send me a rush filing with paper courtesy copies that need to go to Vista, a 55-minute drive from downtown San Diego, I can email it to my driver. He can print it in his car and file it.

We also started a print-and-mail service for attorneys and assistants working remotely. So many lawyers and assistants are working from home today. I know six assistants employed by San Diego firms who work out of state. They can't print 200 pages on their little desktop printer and then get to the post office. We take care of the whole thing.

Q: *When the pandemic hit, it turned some things in the legal world upside down. Were their competitors who didn't adapt as well as Knox did, or who adapted better than Knox did?*

A: A lot of companies just closed up. It seemed like there were guys who were ready to retire and COVID-19 pushed them into it. There were others who got acquired by larger companies. We wanted to be what we called, "big enough to get it done and small enough to care." I think we are that.

We pushed to keep people at the office. We wanted to be safe and keep it healthy. But we had a job to do, and we were essential. At the start of the pandemic, nobody knew what was going on. The clients were in disarray. They didn't know how to do this. We delivered stuff to and from homes. A lot of people didn't want to come in contact with other people. We had to be nimble. There was no playbook. We did a lot of brainstorming, and we improvised. One of Steve Knox's sayings is, "What if it works?"

It wasn't easy. In the early going, we had to tell some lawyers we hadn't achieved a service. Our company culture is to own mistakes and tell the truth, even if it is embarrassing.

Q: *It must be a very competitive business. How do you get along, or not get along, with your competitors?*

A: We help them out with jobs that others can't do. We enjoy good relationships. We network and help each other. I love helping other attorney services. When they call and ask how to do this, how to do that, I love helping them. My mentors showed you that you

can be cooperative with your competitors. There's plenty of work to go around ...

A couple of years ago, I received the Rosenthal Award from CALSPRO. The standard for the award is giving the utmost of service and dedication in promoting our industry, and the people who vote on it include competitors and past honorees. I was proud of that one.

Q: *Let's talk about lawyers. They must impose a lot of pressure on you and your team, with rush filings, imminent deadlines, and impossible demands. How do you relate to them?*

A: Difficult lawyers and secretaries, I love them. They tell you what they want. Sometimes their approach isn't always great. But I like to solve their problems. I had a bank levy recently and the attorney wanted me to do it a certain way. I said, "It's supposed to be done another way, but if you send me a letter saying do it your way, I'll do it." He said, "Do it your way," and I did it, and it worked out.

Q: *What can attorneys and their assistants do better in their dealings with process servers?*

A: The biggest thing is, give clear instructions. You want it served Friday night. What if they're not at home Friday night? Do you want us to continue trying over the weekend? Asking the lawyer a few extra questions can be the difference between success and failure.

Q: *What would you tell judges about how they could improve what they're doing?*

A: I'd like to see more consistency in local rules from county to county. We work all over the state. There are 58 different sets of rules right now. No two are alike. The inconsistencies make it harder to serve papers. San Diego, for example, has unique diligence requirements before you can sub-serve someone. They require an attempt before 8:00 a.m. on a weekday, after 5:00 p.m. on a weekday, and a weekend attempt before you can sub-serve it. If you have one county like that, with a specialized rule, you have to notify other servers, say in Oakland, they have to follow our rules and not theirs. I know local rules are local, but it would be good if there were a more streamlined process throughout the state.

Q: *Do companies like Knox try to influence industry-wide changes, sponsor legislation in Sacramento?*

A: We sponsor a lot of legislation. We sponsored a bill recently concerning service on people who use PO boxes. Previously, the law said you had to attempt to serve them three times before they could be deemed served. We got it changed to a reasonable notice standard. It was common sense. PO box users are hardly ever physically present at their PO box. We thought it was pointless to have a process server go to a Mail Boxes Etc. store three times knowing she isn't going to find the person there.

CALSPRO was instrumental in allowing process servers access to gated communities. So now we're allowed unannounced access to gated communities. At Fairbanks Ranch, the guards know us. They let us in, and they know they have to. Sometimes, they follow us. There are more high rise residential buildings that have enhanced security. Now, if the guard denies us access, we can establish diligence and serve the guard.

Q: *What changes would you like to see in the laws governing service of process?*

A: I would like to see the State Bar register process servers. Right now, becoming a process server involves a background check, and the Presiding Judge in a given county is in charge of that. They can't keep up with the volume. If the State Bar ran it, it would work better.

Years ago, New York had a lot of "gutter service." Process servers would throw the papers in the gutter, not serve them, and then say they did. So the Attorney General started requiring every proof of service be GPS-tracked and notarized. It was a lot of work, but they needed it, because gutter service was rampant there. I don't want to see that happen in California. When a process server signs that proof of service, it should mean something. If you get caught in a little lie, it's going to affect every thing you've ever done. The Chief Justice, Tani Cantil-Sakauye, asked us to make a proposal on it.

We're the only state in the country that requires you to complete a capacity notice with a summons. I'm sure there's a good reason for it. But 49 other states don't do it that way.

Q: *What do you like the least about your work?*

A: Collections. It can be hard to collect from your customer. We want to work with people. As long as they're communicating with us, we'll work with them through the cash crunches.

**Dan Lawton conducted this interview in February 2024. Mr. Lawton is a member of Klinedinst PC, where he practices intellectual property and appellate litigation in the California and federal courts. He is the author of "Above The Ground: A True Story of the Troubles in Northern Ireland" (WildBlue Press 2023).*

