

BY-LAW & INTERNATIONAL COMMITTEES

By: Fred Blum, Committee Chair

The By-law Committee has completed the arduous task of revising and updating the NAPPS By-laws. Very soon, a draft will be submitted to our corporate counsel to ensure that the new by-laws comply with the laws of our state of incorporation. When this step has been completed, the new by-laws will be published for the membership to review, in compliance with our existing by-laws. At the next annual meeting, they will be formally presented to the membership for approval.

Concerning international news, in June I had the pleasure of attending the biannual meeting of the Union International Huissiers de Justice. The meeting was held in Bratislava, the capital of Slovakia. I joined President Sue Collins and Administrator Alan Crowe in representing NAPPS at this conference. We were given the opportunity to address the UIHJ at this meeting. Our international colleagues were especially interested in the procedures for serving process in the United States. Their membership found it strange that we have different rules for service in all 50 states, as well as varying procedures from county to county, all in addition to the Federal level. We did our best to explain the complexities of what we deal with on a daily basis. During the meeting we were able to learn about the procedures in the different countries that make up the Union. The UIHJ will hold their annual meeting in Paris this November. I also expect to attend this meeting. Further, I will not be asking the Board to reimburse any expenses incurred by my attending these meetings.

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COMMITTEE REPORT

ARBITRATION & GRIEVANCE

By: Stuart & Linda Perlmutter, Co-Chairs

The complaints received by the Arbitration & Grievance Committee have heated up along with the summer weather. In an effort to reduce the number of complaints processed by the A&G Committee, we would like to remind you to abide by the NAPPS Code of Ethics and the NAPPS policies and procedures concerning exchange work. You'll find this material printed in your directory.

There were a total of fifteen complaints in the chairperson's custody between May 25, 1999 and July 28, 1999. Nine of them were complaints for non-payment and six were unethical/unprofessional conduct complaints. Seven cases were closed and the files were forwarded to the administrator, leaving eight cases in progress.

In addition to processing the complaints that were filed, we have intervened by phone on quite a few matters that were settled without a formal complaint being filed. Remember that we are here to help! It is our pleasure to serve the membership of NAPPS. Don't hesitate to contact us if we can be of assistance. The following is a summary of recently closed files:

File No. 292 A & B - Unethical/ Unprofessional Conduct

Respondent contacted the complainant's client and told the client that the Complainant had not paid an invoice. Further, the respondent told the client that the complainant was experiencing medical/financial problems and that he could do the service for less money. The complainant also filed a grievance alleging possible deceptive and fraudulent business practices.

After review, both parties were reprimanded. However, the respondent who contacted the client was given a severe reprimand and was ordered to pay lost fees to the complainant.

File No. 296 - Unethical/ Unprofessional Conduct

Respondent failed to follow instructions and charged more than the amount quoted for services without authorization.

The panel found in favor of the Complainant and determined that no additional monies were due.

File No. 298 - Non - Payment

Respondent had not paid two invoices.

Respondent's membership in NAPPS was not current due to non-payment of dues. Consequently, the A&G Committee was unable to follow through with the complaint.

File Nos. 300, 301 & 304 were all complaints for Non - Payment

In each case, the respondent made payment in full to the complainant.

File No. 302 - Unethical/ Unprofessional Conduct

Complainant sent the respondent a threatening letter demanding that he return property in his possession or he'd be reported to the authorities. He based his complaint on the tone of that letter.

Complainant sent a letter of apology to the Respondent. He stated that he filed his complaint without knowing all the facts. He has been cautioned and no further action will be taken.