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To: ATILS Task Force  
From: Joyce Raby, Bridget Gramme, Kevin Mohr, Toby Rothschild, and Mark Tuft  
Date: February 20, 2020  
Re: B.4. Recommendations Issued for Public Comment Concerning Exceptions to the Unauthorized Practice of Law, including Consideration of Concepts for Regulation

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### Executive Summary

With limited exceptions, existing California law restricts the practice of law to lawyers who are active licensees of the State Bar. Practice of law by nonlawyers is subject to prosecution for the unauthorized practice of law (UPL). Other jurisdictions have implemented, or are studying, programs that authorize limited practice of law by nonlawyer paraprofessionals. The goal of these programs is to provide consumers with enhanced access to legal services. In studying innovative legal services delivery systems, ATILS received presentations from experts that included an observation that a paraprofessional program could serve as a component of a broader unauthorized practice of law reform that would serve the public interest. In discussing the regulatory issues presented by a paraprofessional program, ATILS has identified key principles and recommends that these key principles be referred for consideration by the anticipated State Bar paraprofessional working group.

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### Discussion

#### Short Statement of the Recommendation

ATILS recommends that the Board of Trustees commend to the anticipated State Bar paraprofessional working group the key principles identified by ATILS in studying the concept of a licensing program that authorizes eligible nonlawyers to provide limited legal services.

#### Background

At its meeting on January 24, 2020, the Board of Trustees (Board) adopted the following resolution regarding consideration of a paraprofessional program similar to existing Limited Licensed Legal Technician (LLLT) programs in other jurisdictions.

**RESOLVED**, that the Board of Trustees directs staff, in consultation with the Board's Access Liaisons, to take the following steps to form a working group to develop recommendations to the Board by the end of 2020 for a paraprofessional program (e.g., LLLT) in California

- Develop a draft charter
- Identify the appropriate size and composition of the working group
- Solicit interest in participation in the working group

It is anticipated that staff will return to the Board at the Board's March meeting for appointment of the members of a working group.

### The Recommendation

As the Board has determined to establish a State Bar working group to study a paraprofessional program, the Task Force has identified key principles that the Task Force recommends that the Board refer to that working group for consideration and action, as appropriate.

*Key Principles:* Based on the Task Force's discussions about a new UPL exception for a regulated nonlawyer provider, including consideration of public input and information learned from stakeholder outreach meetings, there are several key principles that the Task Force believes warrants further study by the new working group in developing an implementation plan. Included in these key principles are regulatory considerations that should have a significant positive impact on public protection. The key principles are summarized below but they should not be regarded as a comprehensive list of all possible implementation issues and regulatory considerations.

1. Leveraging the Population of Existing Providers and Other Persons Who Have Relevant Education as Applicants for a Paraprofessional License

Existing providers include: paralegals; legal document assistants; unlawful detainer assistants; and immigration consultants (see attached table). Other persons who have relevant education include: applicants possessing a juris doctorate degree or other law degree (but are not yet admitted in any jurisdiction); and law students who completed one year of law school at a State Bar-unaccredited registered law school or who attempted to learn the law through the Law Office Study Program but did not complete their studies and did not become admitted but in that process did successfully pass the [First Year Law Student's Examination](#).<sup>1</sup>

Each of these categories of persons should be considered as potential applicants who could demonstrate knowledge and experience that might serve as a basis for modifying or waiving otherwise applicable eligibility criteria that would be developed for the application process. The general principle here is that there should be flexibility in determining applicant eligibility and in assessing how an applicant satisfies education, experience and other application requirements. For example, an applicant who holds a juris doctorate degree, has completed a professional responsibility course, and has passed the multistate professional responsibility examination might be deemed as satisfying an otherwise applicable requirement to complete a course or training on legal ethics. In contrast, an applicant who is an experienced Legal Document Assistant but who has never had education or training in legal ethics would not be exempted from that application requirement.

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<sup>1</sup> The task force discussed the issue of whether former lawyers (e.g., disbarred lawyers or lawyers who have resigned with disciplinary charges pending or have been placed on involuntary inactive status) should be eligible to apply to participate in the new program. This is an issue for the new paraprofessional working group that should be studied with input from the Office of the Chief Trial Counsel. ATILS does not take a position but offers the observation that the Rules of Professional Conduct (rule 5.3.1) and case law (e.g., *Benninghoff v. Superior Court* (2006) 136 Cal.App.4th 61 [38 Cal.Rptr.3d 759]) impose special restrictions on former lawyers.

## 2. Consumer Understanding and Outreach

This includes determining an appropriate name for the new providers. This also includes consideration of mandatory disclosures or a possible informed consent requirement.

## 3. Protections Similar to those Afforded to an Attorney-Client Relationship

This includes concepts of confidentiality and the attorney-client privilege. An evidentiary privilege similar to the statutory privilege for communications with a Certified Lawyer Referral Service may be considered. This also includes compliance with anti-bias and anti-discrimination standards.

## 4. Selection of Areas of Law and Specific Legal Services/Tasks

Data from the [Justice Gap](#) Study and the [California Attorney Practice Analysis \(CAPA\)](#) study should be used to identify permissible practice areas and suitable tasks.<sup>2</sup> In addition, another source would be the California Court's online [Self-Help Center](#). This online information offers extensive user-friendly self-help information and guidance on use of approved forms by pro per litigants, such as a pro per litigant seeking a change in child support. The most frequently accessed pages at the Self-Help Center might help identify those areas of greatest need that could be appropriate for the contemplated paraprofessional program.

The paraprofessional working group should consider the possibility that areas of law not identified by any of the resources outlined above might also be areas of law in high demand by low income or otherwise vulnerable populations and are encouraged to not create an exclusive list. There are potentially areas not typically identified as critical access to justice issues which might – nevertheless – serve serious needs. For example, the transgender community suffers significant risk of harassment, violence, and even murder when government issued identification documents do not accurately reflect name and gender identity. Therefore, the ability to change government issued identification documents to correctly reflect name and gender identity for the transgender community can have significant impacts. The transgender community often struggles to secure this type of legal assistance from attorneys for a fee or from traditional legal aid offices. Areas of legal need not customarily considered areas of critical access to justice needs – name and gender marker changes being but one example – should not be overlooked.

## 5. Background Check

Because the Task Force received public comment about nonlawyer fraud in connection with immigration services provided by nonlawyers (a.k.a., notario fraud), a background check that could involve a fingerprinting requirement for all applicants should be considered.

## 6. Financial Responsibility

Program participants might be required to carry professional liability insurance, maintain a bond, or otherwise comply with a financial responsibility requirement. Although attorneys

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<sup>2</sup> In addition, the application process might require each applicant to specify the areas of law and/or specific tasks that they are seeking to be licensed to render to consumers.

generally are not required to carry professional liability insurance, they are required to contribute to a Client Security Fund. A similar requirement for program participants is also an option that could be studied.

#### 7. Continuing Education

Program participants should be required to meet continuing legal education requirements, which may include a minimum number of legal ethics credits. Traditional paralegals who work under the supervision of a lawyer must complete continuing education (including legal ethics units). A similar requirement for paraprofessionals not under the direct supervision of a lawyer should also be a part of the regulatory framework.

#### 8. Revisions to the California Rules of Professional Conduct

Clarification regarding fee sharing between lawyers and the new nonlawyer providers are among some of the rule of professional conduct issues that would need to be considered.<sup>3</sup> The Task Force appreciates that the ramifications of lawyers and paraprofessionals sharing fees or referrals or entering into formal professional associations has implications beyond what has been discussed here. We recommend that the paraprofessional working group fully examine the rules of professional conduct and other ancillary rules governing the provision of legal services so as to anticipate both positive and negative potential outcomes.

#### 9. Ethical Standards for Program Participants

Other jurisdictions that have allowed nonlawyers to provide legal services (e.g., Utah's Licensed Paralegal Practitioner program) require compliance with specially designed ethical conduct standards. For example, the issue of prohibiting "running" and "capping" can be addressed in these new conduct standards developed for the program.

We also recommend that the paraprofessional working group study and draft provisions to provide for safekeeping of funds and property entrusted by clients and others.

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<sup>3</sup> For example, the [Utah Rules of Professional Conduct](#) (as revised effective May 1, 2019) include a terminology rule clarifying that a "Legal Professional" in Utah includes nonlawyers who are authorized providers of legal services. See Utah rule 1.0 that in part provides:

(h) "Legal Professional" includes a lawyer and a licensed paralegal practitioner.

(i) "Licensed Paralegal Practitioner" denotes a person authorized by the Utah Supreme Court to provide legal representation under Rule 15-701 of the Supreme Court Rules of Professional Practice.

#### 10. [Risk-Based Proactive Regulation](#)

Auditing and other mandatory reporting should be explored as a means to reduce the cost of regulation and to tailor the regulator's compliance activities to the specific program participant.

#### 11. Compliance Enforcement

Even with risk-based proactive regulation, some traditional complaint-driven enforcement practices should be studied. These include suspension/revocation of participation in the program, fines, criminal penalties, civil liability and assumption of the respondent's practice by the regulatory authority.

#### 12. Cost of Regulation

It is very important that any regulatory framework have appropriate resources to enable the auditing/enforcement mechanisms that typically serve as key public protections. The Task Force recommends that the paraprofessional working group consider a combination of application fees, continuing education fees, and other sources of funding be identified and, if appropriate, secured.

#### 13. Startup Costs of Establishing the Program

Additionally, the Task Force is aware that startup costs for establishing this paraprofessional program may be substantial. It suggests the following as possible sources of grant funding worth exploring:

National Center for State Courts – NCSC is contributing staff time to the creation of a regulatory body in Utah and may be willing to provide similar services to California.

State Justice Institute – is also a funding source for the creation of the Utah regulatory body.

Public Welfare Foundation - PWF funded (in partnership with NCSC) a Justice for All initiative that is still being completed which demonstrates interest in creative ways to increase access to justice.

Pew Charitable Trusts - recently launched a Civil Legal System Modernization project.

Gates Foundation, Google.org, Chan Zuckerberg Initiative- while these organizations do not have civil justice specific grant making goals; it is recommended that the paraprofessional working group explore potential funding opportunities with them.

#### 14. Outreach

The Task Force recommends that the paraprofessional working group reach out to and engage with several existing educational resources and trade associations and secure input from these organizations as part of the development of this new program. As stated earlier in this document the Task Force wishes to build upon resources and infrastructure that already exist. We suggest at a minimum connecting with:

Educational resources – paralegal certification programs (at traditional colleges and universities, law schools, and community colleges).

Trade Associations – California Alliance of Paralegal Associations, California Association of Legal Document Assistants, National Association of Immigration Consultants, and others as identified.

#### ATILS Charter and Request for Public Comment

In part, ATILS’ charter instructs the Task Force to:

Review the current consumer protection purposes of the prohibitions against unauthorized practice of law (UPL) as well as the impact of those prohibitions on access to legal services with the goal of identifying potential changes that might increase access while also protecting the public. . . .

This recommendation responds to the charter as it is a proposal for a new exception to existing UPL restrictions. The purpose of the new exception is to increase effective and meaningful access to the justice system through greatly expanded resources. By expanding the pool of available legal expertise and at a cost presumably less than a fully licensed attorney, many more Californians in need of legal advice and assistance may be in a better position to secure that assistance.

In part, the progress and acceptance of [limited scope legal services by attorneys](#) has motivated the Task Force’s consideration of this concept. Under Rule of Professional Conduct 1.2(b), attorneys are able to unbundle any client case or matter provided it is reasonable under the circumstances, not otherwise prohibited by law, and the client gives informed consent.<sup>4</sup> The Task Force believes limited scope legal services by attorneys is helping address the access crisis and this recommendation would extend this practice to qualified nonlawyers who could be monitored by risk based proactive regulation.

A proposal to authorize nonlawyers to engage in limited practice of law was included in ATILS’ request for public comment on various options for regulatory reform as set forth below.

#### **UPL Exceptions**

##### **2.0 - Nonlawyers will be authorized to provide specified legal advice and services as an exemption to UPL with appropriate regulation.**

*Objective: This statement recognizes that authorizing nonlawyers (such as limited license legal technicians) to provide specified legal advice and services is a category of UPL reform that merits exploration and should be considered as means for increasing access even if other options for*

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<sup>4</sup> Another existing practice that informs this recommendation, in particular the key consideration of ethical standards for the licensees, is the provision of law related services by [court-connected family law facilitators](#). The attorney and non-attorney staff of these self-help centers do not represent pro se litigants and do not give legal advice but they do provide guidance on procedures and assist persons in completing and processing forms. Even though they do not represent parties as advocates before a tribunal and do not give legal advice, they must still comply with certain conduct standards. See: the [“Guidelines for the Operation of Family Law Information Centers and Family Law Facilitator Offices”](#) (Appendix C of the California Rules of Court).

*regulatory changes would provide UPL exceptions for regulated entities or would allow fee sharing among lawyers and nonlawyer.*

In response to this specific public comment proposal, a total of approximately 610 written comments, 506 in opposition, 94 in support, and 10 with no stated position were received.

Some of the general themes derived from the written public comments, the public hearing testimony, various articles, podcasts, social media posts and the oral input conveyed at the bar association Town Hall Outreach meetings include the following:

- Changing UPL protections will erode the legal profession and cause a loss of jobs for attorneys.

*Task Force Response:* Data from the Justice Gap Study makes clear that the existing system is not meeting the needs of individual consumers. The public is not being adequately protected when 70% of Californians are not receiving the legal services they need to address a civil legal problem. Consumers could benefit from the provision of limited, specified legal services rendered by regulated nonlawyer providers. In support of his public hearing testimony, Professor Stephen Gillers submitted a written comment to ATILS explaining that: “For example, in Washington State, LLLTs charge substantially less than lawyers for the services they are authorized to perform, about \$60 to \$120 hourly according to a 2018 article in the Seattle Times quoting a Washington State Bar officer.” Lawyers also would have enhanced opportunities to structure the provision of discrete services by collaborating with the new authorized nonlawyer providers. This approach might render it possible for lawyers to serve clients who cannot afford to hire a lawyer for all aspects of their case.

- Consumers will receive negligent services, or will be outright defrauded, and become victims of irreparable harm, such as deportation for persons who receive incompetent immigration services.

*Task Force Response:* This is not a deregulation proposal. As indicated by the key principles identified by the task force, regulation of the new nonlawyer providers will be implemented to protect against consumer harm. Education criteria, financial responsibility requirements, and background checks are among the regulatory concepts that should be considered. In addition, risk based proactive regulation should be explored to use reporting and auditing as tools for identifying and addressing a potential for consumer harm.

- How can confidentiality and privilege be assured if nonlawyers or technology are interfacing with clients?

*Task Force Response:* Similar to California’s experience in enacting an evidentiary privilege for certified lawyer referral service communications (Evid. Code § 965, *et. seq.*), a change in the law can be considered for instituting confidentiality and privilege for communications with a regulated nonlawyer provider of legal services.

### **Conclusion and Possible Next Steps**

ATILS supports the State Bar’s continued effort to implement a paraprofessional licensing program as a UPL exception that balances public protection and enhanced access to legal services. Should the Board

agree with this recommendation, it is anticipated that the key principles identified by ATILS will be referred to the State Bar's new paraprofessional working group for due consideration and action.

AUTHORIZED LAW RELATED SERVICES PROVIDERS					
		Paralegal	Legal Document Assistant (LDA)	Unlawful Detainer Assistant (UDA)	Immigration Consultant
<b>Regulatory Body</b>		No regulatory body, but a paralegal must be supervised by a lawyer and lawyers are regulated by the State Bar (see rule 5.3)	No regulatory body, but any person injured by the unlawful act of a LDA retains all rights and remedies available under the law, in addition to a misdemeanor punishable by a fine  The county clerk must revoke the registration of a LDA under certain circumstances.	No regulatory body, but any person injured by the unlawful act of a UDA retains all rights and remedies available under the law, in addition to a misdemeanor punishable by a fine.  The county clerk must revoke the registration of a UDA under certain circumstances.	The Secretary of State.  In addition, any person claiming to be injured by an immigration consultant may bring a civil action for injunctive relief or damages, or both.
<b>Authority</b>		Bus. & Prof. Code, §§ 6450 et seq.	Bus. & Prof. Code, §§ 6400 et seq.	Bus. & Prof. Code, §§ 6400 et seq.	Bus. & Prof. Code, §§ 22440 et seq.
<b>Qualification Requirements</b>	<i>Special Filing</i>	None.	A LDA shall be registered by the county clerk in the county in which his or her principal place of business is located, and in which they maintain a branch office.  Bus. & Prof. Code, § 6402.	A UDA shall be registered by the county clerk in the county in which his or her principal place of business is located, and in which they maintain a branch office.  Bus. & Prof. Code, § 6402.	An immigration consultant shall file a disclosure form containing certain information with the Secretary of State.  Bus. & Prof. Code, § 22443.1, subd. (c)(1)-(5).
	<i>Background Check Requirement</i>	None.	Yes.  Bus. & Prof. Code, § 6406, subds. (b)(1)-(5).	Yes.  Bus. & Prof. Code, § 6406, subds. (b)(1) - (5).	Yes.  Bus. & Prof. Code, § 22441.1, subds. (a), (b)(1)-(3).
	<i>Financial Responsibility</i>	None.	Yes.  Bond requirement.  Bus. & Prof. Code, § 6405, subd. (a)(1).	Yes.  Bond requirement.  Bus. & Prof. Code, § 6405, subd. (a)(1).	Yes.  Bond requirement.  Bus. & Prof. Code, § 22443.1.
	<i>Education/ Experience</i>	Required for eligibility.  Bus. & Prof. Code, § 6450, subds. (c)(1)-(4).	Required for eligibility.  Bus. & Prof. Code, § 6402.1, subds. (a)-(d).	None.  But see, Bus. & Prof. Code, § 6402.1, subds. (a)-(d).	Required for eligibility.  Bus. & Prof. Code, § 22440.
<b>Scope of Permissible Activity</b>		A paralegal may perform a wide variety of legal services for a consumer under the supervision and direction of an attorney, law firm, corporation, government agency, or other entity that employs the paralegal.  Bus. & Prof. Code, § 6450, subd. (a).	A legal document assistant may only provide "self-help service" assistance to a client.  Bus. & Prof. Code, § 6400, subds. (d)(1)-(4).	An unlawful detainer assistant may render assistance or advice in the prosecution or defense of an unlawful detainer claim or action (this includes any bankruptcy petition that may affect the unlawful detainer claim or action).  Bus. & Prof. Code, § 6400, subds. (a), (b).	An immigration consultant may only give nonlegal assistance or advice on an immigration matter.  Bus. & Prof. Code, § 22441, subds. (a)(1)-(5).



AUTHORIZED LAW RELATED SERVICES PROVIDERS					
		Paralegal	Legal Document Assistant (LDA)	Unlawful Detainer Assistant (UDA)	Immigration Consultant
<b>Exclusions</b>		<p>A paralegal is prohibited from engaging in certain conduct, including, but not limited to:</p> <ul style="list-style-type: none"> <li>• Providing legal advice;</li> <li>• Representing a client in court;</li> <li>• Selecting, explaining, drafting, or recommending the use of any legal document to or for any person other than the attorney who directs and supervises the paralegal;</li> <li>• Acting as a runner or capper, as defined in Sections 6151 and 6152;</li> <li>• Engaging in conduct that constitutes the unlawful practice of law;</li> <li>• Contracting with, or being employed by, a natural person other than an attorney to perform paralegal services.</li> </ul> <p>Bus. &amp; Prof. Code, § 6450, subds. (b)(1)-(8).</p>	<p>A LDA is prohibited from engaging in certain conduct, including, but not limited to:</p> <ul style="list-style-type: none"> <li>• Making false or misleading statements;</li> <li>• Making any guarantee or promise to a consumer unless in writing and supported by a “factual basis” for the guarantee or promise;</li> <li>• Providing assistance or advice which constitutes the unauthorized practice of law;</li> <li>• Retaining original documents of a client unless authorized otherwise;</li> <li>• Accepting compensation or entering into a contract for services at time of first client contact without first making required disclosures;</li> <li>• <b>For LDAs only:</b> providing assistance to a client that exceeds the definition of “self-help” services.</li> </ul> <p>Bus. &amp; Prof. Code, §§ 6411, 6409, 6410.5, 6401.6.</p>	<p>A UDA is prohibited from engaging in certain conduct, including, but not limited to:</p> <ul style="list-style-type: none"> <li>• Making false or misleading statements;</li> <li>• Making any guarantee or promise to a consumer unless in writing and supported by a “factual basis” for the guarantee or promise;</li> <li>• Providing assistance or advice which constitutes the unauthorized practice of law;</li> <li>• Retaining original documents of a client unless authorized otherwise;</li> <li>• Accepting compensation or entering into a contract for services at time of first client contact without first making required disclosures.</li> </ul> <p>Bus. &amp; Prof. Code, §§ 6411, 6409, 6410.5.</p>	<p>An immigration consultant is prohibited from engaged in certain conduct, including, but not limited to:</p> <ul style="list-style-type: none"> <li>• Making false or misleading statements to a client;</li> <li>• Making any guarantee or promise to a client unless in writing and supported by “some basis in fact;”</li> <li>• Stating or implying that special favors can be obtained or that they have special influence with the applicable agency;</li> <li>• Charging the client a referral fee;</li> <li>• Using with the intent to mislead, translations of “notary public,” “notary,” “licensed,” “attorney,” “lawyer,” or any other term that implies the person is an attorney;</li> <li>• Stating or implying the person is an immigration consultant without having filed a bond with the Secretary of State that is maintained</li> </ul> <p>Bus. &amp; Prof. Code, §§ 22444, 22441, subd. (d).</p>
<b>Ethical Obligations</b>		<p>Duty of confidentiality and privilege.</p> <p>Bus. &amp; Prof. Code, § 6453.</p>	<p>Duties relating to written contracts, disclosures, advertisements and solicitations, false and misleading statements, and waivers, but none relating to confidentiality or privilege.</p> <p>Bus. &amp; Prof. Code, §§ 6408 et seq., 6409, 6410 et seq., 6411, 6412.5.</p>	<p>Duties relating to written contracts, disclosures, advertisements and solicitations, false and misleading statements, and waivers, but none relating to confidentiality or privilege.</p> <p>Bus. &amp; Prof. Code, §§ 6408 et seq., 6409, 6410 et seq., 6411, 6412.5.</p>	<p>Duties relating to written contracts, disclosures, advertisements and solicitations, false and misleading statements, and accounting, but none related to confidentiality or privilege.</p> <p>Bus. &amp; Prof. Code, §§ 22444, 22442 et seq.</p>
<b>Continuing Education Requirements</b>		<p>All paralegals must complete 4 hours of legal ethics and 4 hours in general or specialized area of law every 2 years.</p> <p>Bus. &amp; Prof. Code, § 6450, subd. (d).</p>	<p>To be eligible to renew registration, a LDA must complete 15 hours of CLE every two-years.</p> <p>Bus. &amp; Prof. Code, § 6402.2.</p>	<p>To be eligible to renew registration, a UDA must complete 15 hours of CLE every two-years.</p> <p>Bus. &amp; Prof. Code, § 6402.2.</p>	<p>None.</p>

AUTHORIZED LAW RELATED SERVICES PROVIDERS					
		Paralegal	Legal Document Assistant (LDA)	Unlawful Detainer Assistant (UDA)	Immigration Consultant
<b>Compliance Enforcement</b>	<i>Financial Penalties</i>	<p>A paralegal found guilty of violating Section 6451 or 6452 is subject to:</p> <ul style="list-style-type: none"> <li>An infraction for the first violation, punishable by a fine of up to two thousand five hundred dollars (\$2,500) as to each affected consumer;</li> <li>A misdemeanor for the second and each subsequent violation, punishable by a fine of two thousand five hundred dollars (\$2,500) as to each affected consumer, or by both that fine and imprisonment;</li> <li>A paralegal convicted of a violation of this section shall pay restitution to the victim.</li> </ul> <p>Bus. &amp; Prof. Code, § 6455, subd. (b).</p>	<p>A failure to comply with the requirements of Section 6400 et seq. in acting as an LDA is a misdemeanor punishable by a fine of not less than one thousand dollars (\$1,000) or more than two thousand dollars (\$2,000), as to each affected client, or imprisonment for not more than one year, or by both.</p> <p>Bus. &amp; Prof. Code, § 6415.</p>	<p>A failure to comply with the requirements of Section 6400 et seq. in acting as an UDA is a misdemeanor punishable by a fine of not less than one thousand dollars (\$1,000) or more than two thousand dollars (\$2,000), as to each affected client, or imprisonment for not more than one year, or by both.</p> <p>Bus. &amp; Prof. Code, § 6415.</p>	<p>A person who violates this chapter shall be subject to a civil penalty not to exceed one hundred thousand dollars (\$100,000) for each violation, to be assessed and collected in a civil action brought by any person injured by the violation or in a civil action brought in the name of the people of the State of California by the Attorney General, a district attorney, or a city attorney.</p> <p>Bus. &amp; Prof. Code, § 22445, subd. (a)(1).</p>
	<i>Criminal Remedies</i>	<p>As stated above, misdemeanor for the second and each subsequent violation, punishable by a fine of two thousand five hundred dollars (\$2,500) as to each affected consumer, or by both that fine and imprisonment.</p> <p>Bus. &amp; Prof. Code, § 6455, subd. (b).</p>	<p>See above.</p> <p>Bus. &amp; Prof. Code, § 6415.</p>	<p>See above.</p> <p>Bus. &amp; Prof. Code, § 6415.</p>	<p>A violation of this chapter is also a misdemeanor punishable by a fine of not less than two thousand dollars (\$2,000) or more than ten thousand dollars (\$10,000), as to each affected client, or imprisonment in the county jail for not more than one year, or by both fine and imprisonment. A second or subsequent violation is a felony punishable by imprisonment in a state prison.</p> <p>Bus. &amp; Prof. Code, § 22445, subds. (b), (c).</p>
	<i>Consumer Redress</i>	<p>Any consumer injured by a violation of Section 6450 may file a complaint and seek redress for injunctive relief, restitution, and damages. The prevailing plaintiff "shall be awarded" attorney fees.</p> <p>Bus. &amp; Prof. Code, § 6455, subd. (a).</p>	<p>Any person injured by the unlawful act of a LDA shall retain all rights and remedies cognizable under the law. Any person injured by the unlawful act of a LDA may file a complaint and seek redress.</p> <p>Bus. &amp; Prof. Code, § 6412.1, subds. (a), (b).</p>	<p>Any person injured by the unlawful act of a UDA shall retain all rights and remedies cognizable under the law. Any person injured by the unlawful act of a UDA may file a complaint and seek redress.</p> <p>Bus. &amp; Prof. Code, § 6412.1, subds. (a), (b).</p>	<p>A person claiming to be aggrieved by a violation by an immigration consultant may bring a civil action for injunctive relief or damages, or both.</p> <p>Bus. &amp; Prof. Code, § 22446.5, subd. (a).</p>
	<i>Suspension &amp; Revocation</i>	<p>None.</p>	<p>The county clerk shall revoke the registration of a LDA when the LDA has been found guilty of UPL; a misdemeanor violation of applicable statutory chapter, has been found liable under Section 6126.6, or that a civil judgment has been entered against the registrant in an action arising out of the registrant's negligent, reckless, or willful failure to properly perform his or her obligation as an unlawful detainer assistant.</p> <p>Bus. &amp; Prof. Code, § 6413.</p>	<p>The county clerk shall revoke the registration of a UDA when the UDA has been found guilty of UPL; a misdemeanor violation of applicable statutory chapter, has been found liable under Section 6126.6, or that a civil judgment has been entered against the registrant in an action arising out of the registrant's negligent, reckless, or willful failure to properly perform his or her obligation as an unlawful detainer assistant.</p> <p>Bus. &amp; Prof. Code, § 6413.</p>	<p>The Secretary of State shall issue a cease and desist order to a person who has failed to comply with the bond requirements or does not pass a background check.</p> <p>Bus. &amp; Prof. Code, § 22443.2.</p>