

AUTHORIZED LAW RELATED SERVICES PROVIDERS <sup>1</sup>					
		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.

<sup>1</sup> Other examples include, [Code of Civil Procedure § 116.260](#) which requires assistance be made available to small claims court litigants as provided in [Code of Civil Procedure § 116.940](#). Section 116.940 requires individual personal advisory services, either in person or by telephone, to help with “preparation of small claims court filings, procedures, including procedures related to the conduct of the hearing, and information on the collection of small claims court judgments.” Advisers may be volunteers, and must be members of the State Bar, law students, paralegals, or persons experienced in resolving minor disputes, and shall be familiar with small claims court rules and procedures. Advisers may not appear in court as an advocate for any party.

[Family Code § 6303](#) authorizes a “support person” to provide moral and emotional support for a person who alleges to be a victim of domestic violence. A person who alleges to be a victim of domestic violence may select any individual to act as their support person. No certification, training, or other qualification is required to qualify as a support person. Among other things, a support person is permitted to accompany the party to a proceeding to obtain a protective order. Where the party is not represented by an attorney, the support person may sit with the party at the table that is generally reserved for the party and the party’s attorney. The support person is not a legal adviser and may not give legal advice.

[Family Code §§ 10000, et seq.](#) requires each superior court to provide family law facilitators. Family law facilitators are attorneys who can help self-represented persons in limited family-law related matters. Family law facilitators are prohibited from creating an attorney-client relationship with the litigant. Services include: providing educational materials regarding child and spousal support; distributing court forms and declarations related to paternity; providing assistance in completing forms; preparing support schedules; and providing referrals to local child support agencies, family court services, and other community resources that provide services for parents and children. Local court rules may designate additional duties (see, Fam. Code § 10005).

AUTHORIZED LAW RELATED SERVICES PROVIDERS <sup>1</sup>					
		Paralegal	Legal Document Assistant (LDA)	Unlawful Detainer Assistant (UDA)	Immigration Consultant
<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).
<b>Exclusions</b>		A paralegal is prohibited from engaging in certain conduct, including, but not limited to: <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> Bus. & Prof. Code, § 6450, subds. (b)(1)-(8).	A LDA is prohibited from engaging in certain conduct, including, but not limited to: <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> Bus. & Prof. Code, §§ 6411, 6409, 6410.5, 6401.6.	A UDA is prohibited from engaging in certain conduct, including, but not limited to: <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> Bus. & Prof. Code, §§ 6411, 6409, 6410.5.	An immigration consultant is prohibited from engaged in certain conduct, including, but not limited to: <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> Bus. & Prof. Code, §§ 22444, 22441, subd. (d).
<b>Ethical Obligations</b>		Duty of confidentiality and privilege.  Bus. & Prof. Code, § 6453.	Duties relating to written contracts, disclosures, advertisements and solicitations, false and misleading statements, and waivers, but none relating to confidentiality or privilege.  Bus. & Prof. Code, §§ 6408 et seq., 6409, 6410 et seq., 6411, 6412.5.	Duties relating to written contracts, disclosures, advertisements and solicitations, false and misleading statements, and waivers, but none relating to confidentiality or privilege.  Bus. & Prof. Code, §§ 6408 et seq., 6409, 6410 et seq., 6411, 6412.5.	Duties relating to written contracts, disclosures, advertisements and solicitations, false and misleading statements, and accounting, but none related to confidentiality or privilege.  Bus. & Prof. Code, §§ 22444, 22442 et seq.
<b>Continuing Education Requirements</b>		All paralegals must complete 4 hours of legal ethics and 4 hours in general or specialized area of law every 2 years.  Bus. & Prof. Code, § 6450, subd. (d).	To be eligible to renew registration, a LDA must complete 15 hours of CLE every two-years.  Bus. & Prof. Code, § 6402.2.	To be eligible to renew registration, a UDA must complete 15 hours of CLE every two-years.  Bus. & Prof. Code, § 6402.2.	None.

AUTHORIZED LAW RELATED SERVICES PROVIDERS <sup>1</sup>					
		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>