



The State Bar of California

ATILS Agenda Item B.1.
[UPL Exception]
02-04-20 Meeting

Task Force on Access Through Innovation of Legal Services

To: Joyce Raby
From: Staff
Date: January 31, 2020
Re: Recommendations Issued for Public Comment Concerning Exceptions to the Unauthorized Practice of Law, including Consideration of Concepts for Regulation

1) 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 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.

2) The Recommendation

Summary: 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 convey 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 warrant further study by the new working group in developing an implementation plan. Included in these key principles are regulatory considerations that will likely have a significant 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.

- 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 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](#).

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 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. Depending upon an applicant's education, experience, and other qualifications, the applicant might be prequalified to be authorized to perform certain tasks in a designated area of law.

- 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.

- 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.

- Selection of Areas of Law and Specific Legal Services/Tasks

Data from the [Justice Gap](#) Study and the [CAPA](#) study should be used to identify permissible practice areas and suitable tasks. 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 which areas are appropriate for a LLLT program.

- The implementation committee 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 should not create an exclusive list. There are potentially areas not typically identified as critical access to justice issues which might – nevertheless – serve dire 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. These types of legal assistance – name and gender marker changes for example – should not be overlooked but be recognized as areas of significant need.

- 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 should be considered. Similarly, regarding resigned or disbarred lawyers, there should be consideration of possible participation in the new program with an appropriate demonstration of fitness/rehabilitation.

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

- Continuing Education

Registrants could 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).

- Revisions to the California Rules of Professional Conduct

- Clarification regarding the feasibility and permissibility of fee sharing and collaboration among lawyers and participants in the new regulatory scheme are among some of the RPC issues that would need to be considered. We understand 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 implementation committee fully examine RPC and other ancillary rules so as to anticipate both positive and negative potential outcomes.

- Ethical Standards for Registrants

Other jurisdictions that have allowed nonlawyers to provide legal services (e.g., Utah's version of a LLLT program) have imposed 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 registration program.

We also recommend that the implementation committee study and draft provisions to provide for safekeeping of funds and client property.

- [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.

- Compliance Enforcement

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

- Cost – it is very important that any regulatory scheme be appropriately resourced; particularly for the auditing/enforcement mechanisms which serve as key public protections. We recommend that a combination of application fees, continuing education fees, and other sources of funding be identified and secured as part of the work of the implementation body.

3) the "pros" of the recommendation; how the recommendation furthers the charge of the task force (anticipated positive outcomes)

The purpose of this recommendation 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, this concept is inspired by the progress and acceptance of [limited scope legal services by attorneys](#). Under RPC 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.¹ 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 can be monitored by risk based proactive regulation.

Additionally, by building upon the existing paralegal profession, we can leverage the 27,000 existing qualified persons who can take advantage of the new regulatory scheme.

4) the "cons" of the recommendation (any potential negative outcomes)²

- The relationship of this new regulatory scheme to the existing regulation of traditional paralegals would require careful clarification to avoid confusion among consumers, and lawyers and judges with the longstanding lawful activities of [freelance paralegals or contract paralegals](#) who operate only under the supervision of a lawyer but who are not permanent full-time employees of a single law firm.

¹ Another existing practice that informs this recommendation, in particular the key consideration of ethical standards for registrants, 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).

² Cons section was provided by Staff and Prof. Mohr for the drafting teams consideration.

- Currently, paralegals are not subject to discipline by the State Bar as attorneys bear the responsibility to supervise a paralegal under Rule of Professional Conduct 5.3 and case law. The regulatory scheme contemplated for these new providers of legal services would likely require development of appropriate professional conduct standards and a new disciplinary or other compliance enforcement system.

5) how this recommendation responds to public comments (if it does)

Limiting the program participant's area of practice should limit the risk to the consumers. Requiring a bond should also help to protect consumers as well.

6) any alternatives to this recommendation that were considered

We have studied Washington's LLLT program and note that the biggest problem with it is that there are not enough individuals acting as LLLT. The reports from Washington further explain that the education and training for LLLTs is costly for the schools to offer and so there are not many LLLT educational opportunities. This is why we have recommended that the proposed corps of paraprofessionals be created by taking advantage of existing educational opportunities and the existing paralegal programs and MCLE programs seemed like the best fit.

We also considered a tiered approach where certain tasks which contain minimal risk, but might currently be considered the unauthorized practice of law, could be performed by individuals who are not licensed as California attorneys. The lowest risk tasks we identified primarily consisted of offering more information to individuals: helping consumers to identify their legal problems, directing them to appropriate resources and providing very general legal advice. The second tier consists of tasks that involved giving limited but practice-area specific legal advice. The tiered approach ultimately was too complicated, which would likely only confuse consumers.

Main document changes and comments

Page 1: Comment [d1]	difuntor	1/30/2020 1:08:00 PM
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I have revised the background to focus on the recent Board action to establish a working group to study a nonlawyer paraprofessional licensing program.

Page 1: Comment [d2]	difuntor	1/30/2020 1:08:00 PM
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I have revised the recommendation to be a collection of key principles that the Board should commend to the new working group. Because we now have the certainty of the Board's policy interest in an implementation study by a new group of experts and stakeholders, the Task Force recommendation does not need to address detailed aspects of a program or regulatory structure and can instead focus on key principles.

Page 1: Comment [BG3]	Bridget Gramme	1/30/2020 1:08:00 PM
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Perhaps we should add a bullet point for cost of the program—this is something I've been hearing a lot of concern about. And we know from Washington that the cost of the program at least at the beginning exceeded the licensing fees. I think it's very important that any regulatory scheme be appropriately resourced—particularly for the auditing/ enforcement mechanisms – as this is key to public protection.

Page 1: Comment [JR4R3]	Joyce Raby	1/30/2020 1:08:00 PM
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Done – I added it at the bottom as I didn't want to "lead" with cost as the first bullet

Page 2: Comment [d5]	difuntor	1/30/2020 1:08:00 PM
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We can use the table that staff used for the Board's Planning Meeting on Jan. 23rd.

Page 2: Comment [JR6]	Joyce Raby	1/30/2020 1:08:00 PM
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Tara and I also had the requirement that this new category "declare" what area of law(s) the paraprofessional is applying to work in – I think we need to ensure that included here is something that indicates that not only will the area of law be restricted by the justice gap, capa, or other sources which identify high areas of need but that the paraprofessional will also need to state their expertise is in a specific area as opposed to being a generalist. Also see my addition the paragraph below.

Page 3: Comment [BG7]	Bridget Gramme	1/30/2020 1:08:00 PM
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Fingerprinting requirement?

Page 3: Comment [MT8]	Mark Tuft	1/30/2020 1:08:00 PM
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This deserves further elaboration. If we are suggesting that lawyers and alternative legal service providers may accept pure referral fees or have reciprocal referral arrangements, Rule 7.2(b) may apply. What do we mean by collaboration among lawyers?

Page 3: Comment [BG9]	Bridget Gramme	1/30/2020 1:08:00 PM
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We should probably use whatever name they have come up with for this

Page 3: Comment [JR10R9]	Joyce Raby	1/30/2020 1:08:00 PM
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I looked for a name in Utah's report but did not find one – I think for the time being we should stick to the paraprofessional label.

Page 3: Comment [JR11R9]	Joyce Raby	1/30/2020 1:08:00 PM
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Page 4: Comment [BG12]	Bridget Gramme	1/30/2020 1:08:00 PM
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Do we really have to do cons??? If we're presenting this as our recommendations I'm not sure this makes sense at this point

Page 5: Comment [BG13]	Bridget Gramme	1/30/2020 1:08:00 PM
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I think we agreed we need more than just a bond

Page 5: Comment [d14]	difuntor	1/30/2020 1:08:00 PM
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I did not revise these parts of the prior agenda item.



The State Bar of California

Task Force on Access Through Innovation of Legal Services

To: Joyce Raby
From: Staff
Date: January 21, 2020
Re: Recommendations Issued for Public Comment Concerning Exceptions to the Unauthorized Practice of Law, including Consideration of Concepts for Regulation

Executive Summary[d1]

1) Background [d2]

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 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 drafting team was assigned to revise the recommendation presented at the January meeting to: (1) possibly omit a specific naming convention [JR3][BG4], (2) not exclude from the scope of possible services, the services provided by court navigators; (3) refrain [JR5] from characterizing the relationship with a consumer as an "attorney-client relationship" or the equivalent of that relationship; and (4) provide opportunities for disbarred or resigned attorneys who can demonstrate rehabilitation adequate to permit their participation in program. The drafting team was also asked to clarify the concept that certain applicants may be pre-qualified or able to obtain a waiver based on previous education/experience/testing.~~

~~To assist the drafting team, staff has prepared the preliminary revised draft recommendation set forth below. The drafting team may work off this draft or start a new draft.~~

2) The Recommendation[d6]

Summary: 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 ~~The~~ Task Force recommends that the Board convey to that working group for consideration and action, as appropriate. ~~State Bar consider appointment of an implementation committee [BG7][JR8] to develop a registration[BG9] program regulatory scheme plan authorizing nonlawyers to provide limited legal services, including assistance to pro se litigants. The essential concept is that persons who are presently acting as traditional paralegals⁴ should [JR10] be permitted to register with the State Bar to render specified legal advice and services directly to consumers and without attorney supervision. Under existing law, a paralegal is a statutorily defined paraprofessional who must meet various eligibility requirements in order to perform certain legal services under the supervision of an attorney. The Task Force believes that it is possible to build upon both the longstanding contribution that traditional paralegals have made to the delivery of legal services and the statutes and case law that identify permissible paralegal activities. The Task Force's concept would go beyond existing law to permit the provision of unsupervised legal services directly to consumers provided that: (i) the services are one of the new program's specifically identified tasks in designated areas of law; and (ii) the paralegal has experience and/or education relevant to those services. For example, an experienced family law litigation paralegal could be registered to render "court navigator" services to a pro se litigant in a modification of child support case, or an experienced trusts and estates paralegal could be registered to give limited legal advice and prepare certain estate planning documents. Input from regulatory stakeholders including the Supreme Court and the Legislature should be obtained as early as possible in the implementation study. Ultimately, implementation would likely require both a new Rule of Court (to authorize the State Bar to administer a new registration program) and statutory amendments (to revise the existing UPL restrictions).~~

The Task Force further believes that if this initial version of the ~~registration [BG11] program regulatory scheme~~ is successful, then it could be expanded to allow the following persons to participate in the new regulatory scheme apply:

- ~~Legal Document Assistants~~
- ~~Unlawful Detainer Assistants~~
- ~~Immigration Consultants~~
- ~~Applicants possessing a juris doctorate degree or other law degree (but are not admitted in any jurisdiction)~~
- ~~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~~

⁴ ~~To avoid confusion, the new paraprofessional service provider should not be called a "paralegal" (or any similar name) when performing services under the new registration program. Determining a new name for this registered paraprofessional should be one of the assignments to the implementation committee.~~

Key ~~Considerations~~ Principles[BG12][JR13]: 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 ~~regulatory considerations~~ principles that warrant further study by the new working group ~~should be studied and addressed~~ in developing an implementation plan. Included in these key principles are ~~A thorough treatment of such considerations is beyond the scope of this Task Force, but because these~~ regulatory ~~issues~~ considerations that will likely have a significant impact on public protection. The key principles are summarized below but they should not be regarded as a comprehensive ~~, a non-exclusive list of these considerations is provided below~~ list of all possible implementation issues and regulatory considerations.

- 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[d14]). Other persons who have relevant education include: applicants possessing a juris doctorate degree or other law degree (but are not 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.

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 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. Depending upon an applicant's education, experience, and other qualifications, the applicant might be prequalified to be authorized to perform certain tasks in a designated area of law.

- Consumer Understanding and Outreach

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

- 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.

- ~~Flexible Eligibility and Application Requirements~~

~~Depending upon an applicant's education, experience, and other qualifications, the applicant might be prequalified for registration to perform certain tasks in the designated area of law.~~

- Selection of Areas of Law and Specific Legal Services/Tasks[JR15]

Data from the Justice Gap Study and the CAPA study should be used to identify permissible practice areas and suitable tasks. 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 which areas are appropriate for a LLLT program.

- [The implementation committee task force should consider the possibility that areas of law not identified by any of these resources outlined above might also be areas of law in high demand by low income or otherwise vulnerable populations and should not create an exclusive list. There are potentially areas not typically identified as critical access to justice issues which might – nevertheless – serve dire 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. It is the hope of the task force that these types of legal assistance – name and gender marker changes for example – should not continue to fly under the radar be overlooked but be recognized as areas of significant need. –as](#)

~~The task force should consider the possibility that areas of law not identified by any of these resources as areas of law in high demand by low income or otherwise vulnerable populations should not be an exclusive list. There are potentially areas not typically identified as critical access to justice issues which might – nevertheless – serve as~~

- 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](#) [BG16] should be considered. Similarly, regarding resigned or disbarred lawyers, there should be consideration of possible participation in the new program with an appropriate demonstration of fitness/rehabilitation.

- Financial Responsibility

[Program participants Registrants](#) might be required to carry professional liability insurance, maintain a bond, or otherwise comply with a financial responsibility requirement. Although attorneys generally are not required to carry professional liability insurance, they are required to contribute to a Client Security Fund. A similar requirement for registrants is also an option that should be studied.

- Continuing Education

Registrants could 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).

- Revisions to the California Rules of Professional Conduct

- [Clarifications regarding the feasibility and permissibility of on-fee sharing and collaboration among lawyers and participants in the new regulatory scheme are among some of the RPC](#)

issues that would need to be considered[MT17]. We understand that the ramifications of lawyers and paraprofessionals sharing fees and/or referrals, or entering into formal professional associations has implications beyond what has been discussed here. We and urge recommend that the implementation committee to fully examine RPC and other ancillary rules so as to anticipate both positive and negative potential outcomes.

~~Clarifications on fee sharing and collaboration among lawyers and the new registrants are among some of the RPC issues that would need to be considered.~~

- Ethical Standards for Registrants

Other jurisdictions that have allowed nonlawyers to provide legal services (e.g., Utah's version of a LLLT progr[BG18][JR19][JR20]am) have imposed 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 registration program.

We also recommend that the implementation committee make study and draft provisions to provide for safekeeping of funds and client property.

- 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 participantregistrant.

- Compliance Enforcement

Even with risk-based proactive regulation, some traditional complaint-driven enforcement practices should be studied. These include suspension/revocation of registration program participation, fines, criminal penalties, civil liability and assumption of practice.

- Cost – it is very important that any regulatory scheme be appropriately resourced; particularly for the auditing/enforcement mechanisms which serve as key public protections. We recommend that a combination of application fees, continuing education fees, and other sources of funding by identified and secured as part of the work of the implementation body.

3) the "pros" of the recommendation; how the recommendation furthers the charge of the task force (anticipated positive outcomes)

The purpose of this recommendation 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, this concept is inspired by the progress and acceptance of limited scope legal services by attorneys. Under RPC 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.² 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 can be monitored by risk based proactive regulation.

Additionally, by building upon the existing paralegal profession, we can leverage the 27,000 existing qualified persons who can take advantage of the new ~~registration program~~ regulatory scheme.

3) the "cons" of the recommendation [BG21](any potential negative outcomes)³

- The relationship of this new ~~registration program~~ regulatory scheme to the existing regulation of traditional paralegals would require careful clarification to avoid confusion among consumers, and lawyers and judges with the longstanding lawful activities of freelance paralegals or contract paralegals who operate only under the supervision of a lawyer but who are not permanent full-time employees of a single law firm.
- Currently, paralegals are not subject to discipline by the State Bar as attorneys bear the responsibility to supervise a paralegal under Rule of Professional Conduct 5.3 and case law. The ~~registration program~~ regulatory scheme contemplated for these new providers of legal services would likely require development of appropriate professional conduct standards and a new disciplinary or other compliance enforcement system.

4) how this recommendation responds to public comments (if it does)

By limiting the IP's program participant's area of practice should limit, it will limit the risk to the consumers. Requiring a bond [BG22] ~~will also~~ should also help to protect consumers as well.

5) any alternatives to this recommendation that were considered

We looked at have studied Washington's LLLT program and noted that the biggest problem with it is that there are not enough individuals acting as LLLT. The reports from Washington further explain that the education and training for LLLTs is costly for the schools to offer and so there are not many LLLT educational opportunities. This is why we would like to build we have recommended that the proposed corps of paraprofessionals be created by taking advantage of from existing educational opportunities and the existing paralegal programs and MCLE programs seemed like the best fit.

² Another existing practice that informs this recommendation, in particular the key consideration of ethical standards for registrants, 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).

³ Cons section was provided by Staff and Prof. Mohr for the drafting teams consideration.

~~We looked at Washington's LLLT program and noted that the biggest problem with it is that there are not enough individuals acting as LLLT. The reports from Washington further explain that the education and training for LLLTs is costly for the schools [BG23] to offer and so there are not many LLLT educational opportunities. This is why we would like to build from existing educational opportunities and the existing paralegal programs and MCLE programs seemed like the best fit.~~

We also considered a tiered approach where certain tasks which contain minimal risk, but might currently be considered the unauthorized practice of law, could be performed by individuals who are not licensed as California attorneys. The lowest risk tasks we identified primarily consisted of offering more information to individuals: helping consumers to identify their legal problems, directing them to appropriate resources and providing very general legal advice. The second tier consists of tasks that involved giving limited but practice-area specific legal advice. The tiered approach ultimately was too complicated, which would likely only confuse consumers. [d24]