



The State Bar *of California*

California Paraprofessional Program Working Group

August 25, 2020
Zoom Teleconference

Recap of Key Activities to Date

- **First Meeting**
 - Overview of relevant background information including Justice Gap Study and other state programs
 - Initial decisions regarding practice areas to exclude from a Paraprofessional Program
 - Criminal
 - Immigration

Recap of Key Activities to Date

- **First Meeting**
 - **And those to move forward for further consideration**
 - **Family + Children & Custody**
 - **Name and Gender Change**
 - **Consumer Debt**
 - **Employment**
 - **And “Wobblers”**

Recap of Key Activities to Date

- **Second Meeting**
 - **Decisions made regarding “Wobbler” Practice Areas**

Included for Further Consideration	Excluded from Further Consideration
Collateral Criminal	Estates and Trusts <ul style="list-style-type: none">• Guardianships moved to Family Law
General Civil	Veterans
Health	
Housing	
Income Maintenance	

Recap of Key Activities to Date

- **Third Meeting**
 - **Update of Project Plan**
 - **“Wobbler Process” to be applied to remaining practice areas**
 - Consumer Debt
 - Employment
 - Family, Children, and Custody
 - **“Deep Dive” to be conducted to finalize subtopics and select specific allowable tasks**
 - Today’s meeting: Collateral Criminal
 - Future meetings: Health, Housing, Income Maintenance

California Justice Gap Study

Review Of Data

California Justice Gap Study

Q: How many people sought but were unable to receive legal help?

- Methodology of California's Justice Gap Survey was modeled on 2017 Legal Services Corporation Justice Gap Study
 - Respondents were defined as receiving legal help if they spoke to a legal professional, looked up any type of legal information online, or searched for a lawyer online.

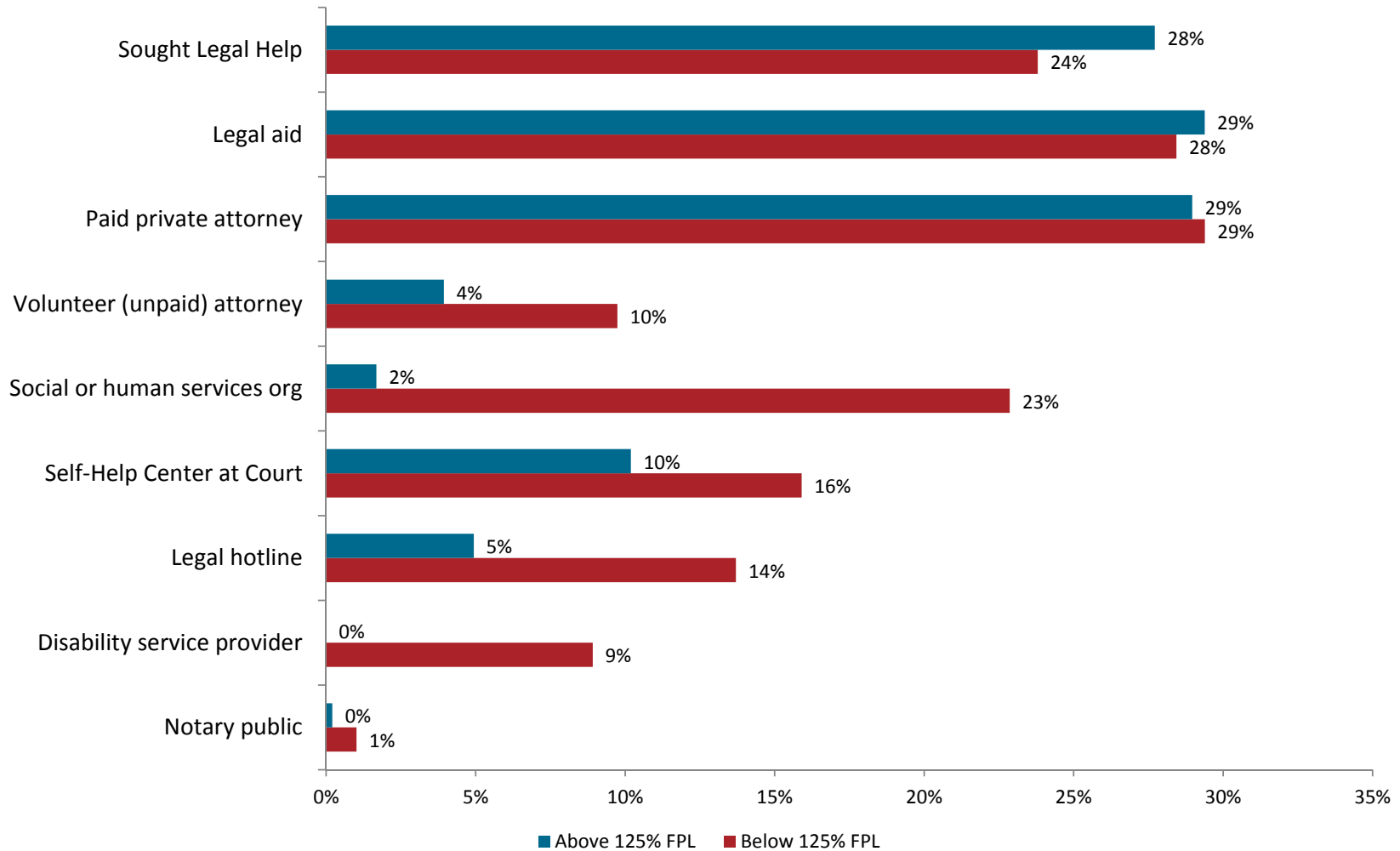


California Justice Gap Study

Q: Of those who sought and received legal help, what was the source of that help, and what type of help did they receive?



Consumer Debt - Source of Help*

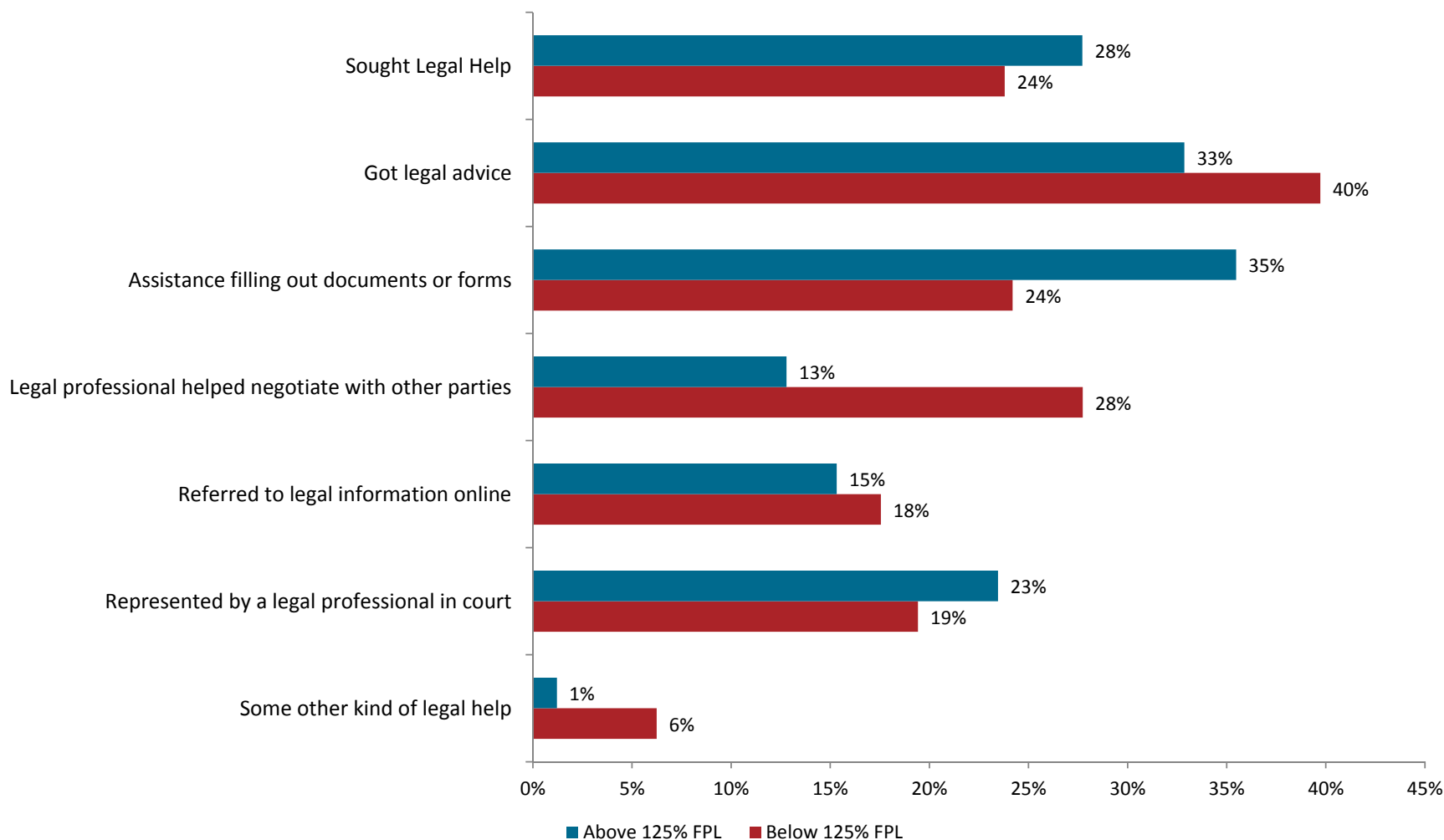


* Respondents were defined as receiving legal help if they spoke to a legal professional, were in the process or already had received help from a legal professional, or did any of the following online: looked up information on legal procedures, legal rights, or information on how to get legal assistance; have searched for a lawyer, or have looked for other kinds of legal information.



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Consumer Debt - Type of Help Received*



*Respondents were defined as receiving legal help if they spoke to a legal professional, were in the process or already had received help from a legal professional, or did any of the following online: looked up information on legal procedures, legal rights, or information on how to get legal assistance; have searched for a lawyer, or have looked for other kinds of legal information.



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California Bar Exam

Potential Impact of Reduced Cut Score

Potential Impact of Lowered Bar Exam Cut Score on Access to Legal Services

California Bar Exam Results by Score Ranges

Exam	<1000	1000-1099	1100-1199	1200-1299	1300-1389	1390-1439	>=1440	Total
July 2015	72	93	414	1,228	2,096	807	4,026	8,736
Feb 2016	60	100	341	799	1,504	510	1,896	5,210
July 2016	89	120	465	1,246	2,047	699	3,481	8,147
Feb 2017	63	81	374	841	1,370	463	1,700	4,892
July 2017	87	155	495	1,153	1,995	847	4,451	9,183
Feb 2018	74	163	476	1,055	1,457	535	1,543	5,303
July 2018	77	191	626	1,335	2,114	797	3,453	8,593
Feb 2019	66	104	373	902	1,453	571	1,711	5,180
July 2019	72	123	430	997	1,825	647	4,112	8,206
Feb 2020	74	144	416	896	1,425	376	1,291	4,622
Total	734	1,274	4,410	10,452	17,286	6,252	27,664	68,072

Note: this table reflects the number of exam takers, including repeaters.



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Potential Impact of Lowered Bar Exam Cut Score on Access to Legal Services

- An additional 8,961 full-time attorneys would be needed to resolve all the civil legal problems experienced each year by low income Californians.*
- The average number of exam takers who would have passed the bar exam over each of the past 5 years, based on the reduced cut score, is 1,250.**
- If 100 percent of attorneys admitted based on the reduced cut score devoted full-time service to the legal needs of the low income California population, the gap in services for that population would be eliminated in 7 years.

*California Justice Gap Study Executive Summary, page 14.

**This figure does not account for repeat test takers.



Client Security Fund

California and Other States

Client Security Fund (CSF)

- Reimburses individuals for pecuniary losses caused by dishonest lawyers arising from or connected with the practice of law.*
- Losses due to attorney malpractice are not reimbursed.

*Business and Professions Code section 6140.5



Client Security Fund (CSF)

- CSF applicants must also file a complaint against the attorney, alleging misconduct
- Claims are not approved until discipline is imposed



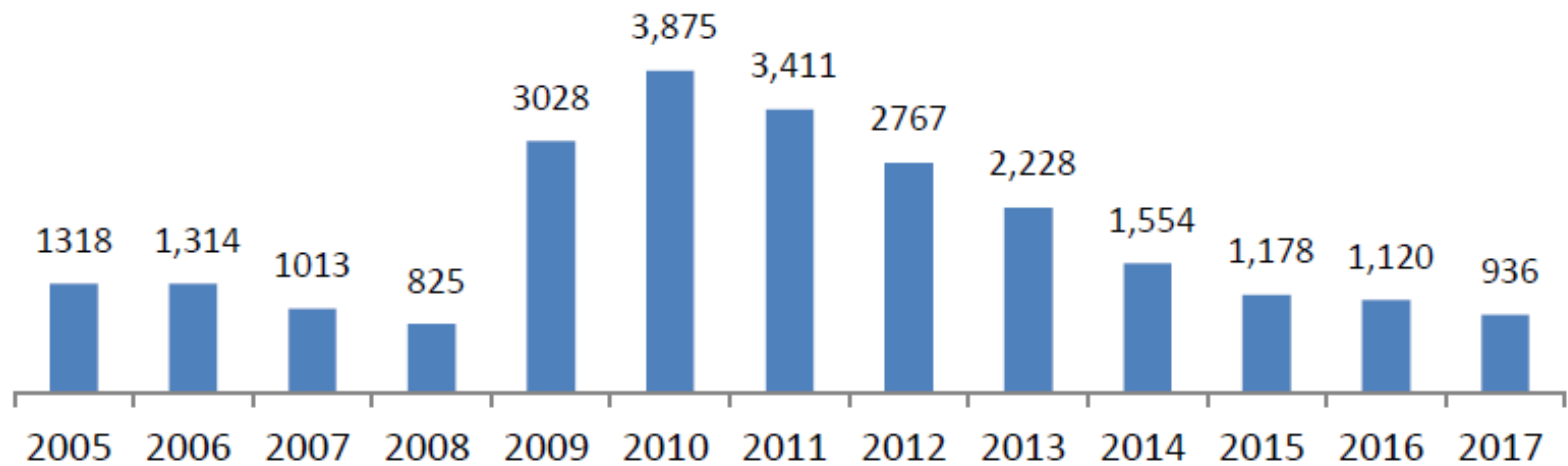
Client Security Fund (CSF)

- CSF is funded by annual assessment on licensed attorneys
 - \$40 for active licensees
 - \$10 for inactive licensees
 - 2020 attorney licensing fee included a one-time additional assessment of \$40 per active licensed attorney, to address backlog in payments of claims resulting from loan modification crisis.



Client Security Fund

Applications per Year



Impact of loan modification crisis



Client Security Fund

Annual Payment Amount and Fund Balance

	2009	2010	2011	2012	2013
Amount Paid	\$7,345,373	\$6,239,103	\$15,336,212	\$11,016,657	\$9,007,803
Year-End Balance	\$2,678,965	\$2,322,315	\$11,921,822*	\$5,575,541	\$2,208,554

	2014	2015	2016	2017
Amount Paid	\$9,007,803	\$6,005,388	\$8,007,676	\$6,339,398
Year-End Balance	\$2,208,554	\$2,200,438	\$1,426,267	\$3,073,326

*Reflects change in analysis of liability.



Client Security Fund Requirements: Other State Paraprofessional Programs

Arizona	Utah	Washington
LLLPs will be required to contribute at same rate as attorneys	LPPs are required to contribute at same rate as attorneys	LLTs are required to contribute at same rate as attorneys



Collateral Criminal

“Deep Dive”

Collateral Criminal – Subtopic/Task Decision:

	Task	Authorized Paraprofessional Task?
Record Clearance (Expungements ; Prop. 47)	Client Intake	Yes
	Client retainer/engagement	Yes
	Run Live Scan OR assist client with obtaining court records	Yes
	Ensure client is no longer on probation	Yes
	Check on outstanding fines and fees	Yes
	Check applicable code sections to determine eligibility for expungement, reduction, or other clean slate remedy	Yes
	Prepare appropriate petitions and proposed orders by county and remedy (determine if petitions are mandatory or discretionary)	Yes
	Prepare the declaration	Yes



Collateral Criminal – Subtopic/Task Decision:

	Task	Authorized Paraprofessional Task?
Record Clearance (Expungements ; Prop. 47)	Prepare the proposed order	Yes
	Determine if a record clearance is needed in addition to the expungement	Yes
	File the petition & get a court date	Yes
	Serve the DA	Yes
	Appear in court if necessary	Yes
	Obtain a copy of the order and send to the DOJ to get RAP changed	Yes
	Preparing Certificate of Rehabilitation	No
	Juvenile record sealing	TBD
	Representation of non-citizens	?



Collateral Criminal – Subtopic/Task Decision:

	Task	Authorized Paraprofessional Task?
Infractions	Client Intake	Yes
	Client retainer agreement	Yes
	Obtain a copy of the citation	Yes
	Determine hearing date	Yes
	Meet with client and determine what happened and what the client wants to do	Yes
	Explain the outcome to the client and what the client needs to do to comply with court's decision	Yes
	Appear in court if necessary	Yes



Review of Project Plan

Current Working Group Roadmap

Working Group Meetings	Date
Identified Practice Areas for Further Consideration + “Wobblers”	April 2020
Finalize Practice Areas for Further Consideration	June 2020
Determine Subtopics: Family, Consumer Debt, Employment, Children & Custody	August 2020
Deep Dive: Collateral Criminal	August 2020
Deep Dive: Up to 4 Practice Areas in Finalized List of Practice Areas	October, December 2020



Current Working Group Roadmap

Working Group Meetings	Date
Competencies & Pathways for Licensure/Certification	February 2021
Regulatory Model (including Metrics)	April 2021
Rule & Statutory Changes	June 2021
Increasing Awareness/Marketing/Final Recommendation Review	August 2021

