

California Paraprofessional Program Working Group
Regulation Subcommittee

Draft INFORMED CONSENT language

(1) Prior to the performance of services for a fee, the [Paraprofessional] shall obtain the client's informed consent. This includes agreement based on receiving clear, understandable information in the client's preferred language about the risks and alternatives to the proposed services by a non-lawyer. The [Paraprofessional] must give the client as much information as the client needs to make an informed decision. Without limitation, the [Paraprofessional] must clearly and adequately explain:

- (a) that they are not a lawyer;
- (b) reasonable disclosure of available choices, including the availability of a lawyer as an alternative, the availability of a free consultation with a lawyer, the possible availability of limited-scope services from a lawyer, and the possibility that free legal services may be available if the client qualifies;
- (c) the risks of agreeing to a [Paraprofessional] in language that the client can understand;
- (d) the potential need to hire a lawyer if needed services go beyond the limited license of the [Paraprofessional];
- (e) the existence of any financial arrangements such as referral fees or fee sharing that the [paraprofessional] has with others; and
- (f) a reasonable estimate of the total costs of services.

(2) The [Paraprofessional] Board may provide additional information and guidance on the requirements of informed consent, including additional required disclosures related to services generally or specific to licensed practice areas, and a standard form that must be used to confirm informed consent in writing separate from the retainer agreement.

(3) If the [Paraprofessional] fails to obtain informed consent, this shall be considered as a basis for discipline and as a basis for a full refund cumulative to any other remedies.