



The State Bar of California

CALIFORNIA PARAPROFESSIONAL PROGRAM WORKING GROUP

Date: April 19, 2021

To: California Paraprofessional Program Working Group

From: State Bar Staff

Subject: Addendum to April 19 Memo from Regulation Subcommittee

The following table provides a summary comparison of the draft Proposed Rules of Professional Conduct for Licensed Paraprofessionals included in the April 19 memo from the Regulation Subcommittee with the Rules of Professional Conduct for attorneys.

Recommendations	Substantive Differences from Lawyer Rules?
Pre-engagement informed written consent with mandatory disclosures required.	Different; more extensive; may differ by practice area
Written agreements with mandatory disclosures required.	Different; more extensive; may differ by practice areas
Contingency fees allowed in enforcement of judgment matters only, subject to caps.	Different; more restrictive
Advance fees allowed.	Same
Unearned advance fees may not be placed in paraprofessional operating accounts.	Different; allowed under attorney rules.
True retainer fees are not allowed.	Different; allowed under attorney rules.
Paraprofessionals may use advance fees to pay personal or business expenses of client or prospective client.	Same
Paraprofessionals may solicit substantial gifts from clients.	Different; more restrictive
Paraprofessionals may not represent organizations.	Different; allowed under attorney rules
Paraprofessionals may co-own a firm.	Same as parallel rule for attorneys
Paraprofessionals and lawyers may co-own a firm so long as paraprofessionals maintain less than 50 percent ownership interest.	Different; more permissive

Recommendations	Substantive Differences from Lawyer Rules?
Paraprofessionals may sell their interest in a firm to another paraprofessional or a lawyer.	Same
Paraprofessionals in different firms can split fees (True Referral Fees).	Same
Paraprofessionals and lawyers in different firms can split fees (True Referral Fees).	Different; more permissive
Paraprofessional advertising will be regulated.	Different; more restrictive
Paraprofessionals can provide limited scope representation.	Same
Paraprofessionals are not required to work under the supervision of a lawyer.	Different; as compared to paralegals for example, where supervision is required
Paraprofessionals are prohibited from acting as runners and cappers for other paraprofessionals or lawyers.	Same