



Date: June 25, 2021

To: California Paraprofessional Program Working Group

From: Julia Brynson, Stephen Hamilton, Judge Michael Harper, and Claudia Torres-Ambriz

Subject: Revised Recommendations for Licensing Requirements for a Paraprofessional Program

EXECUTIVE SUMMARY

The California Paraprofessional Program Working Group (CPPWG) is charged with developing recommendations for consideration by the Board of Trustees for the creation of a paraprofessional licensure/certification program to increase access to legal services in California. The CPPWG's charter is informed by the [California Justice Gap Study](#) and the [Task Force on Access Through Innovation of Legal Services](#). In carrying out its charge, the CPPWG must balance the dual goals of ensuring public protection and increasing access to legal services. The CPPWG's recommendations to the Board will include, among other topics, the requirements for paraprofessional licensing.

DISCUSSION

At its meeting on February 26, 2021, the CPPWG adopted the following licensing requirements for paraprofessionals, as recommended by the Licensing Subcommittee:

Requirement	Recommendations
Educational Prerequisites	JD or LLM degree from ABA or California Accredited or Registered law school; or Paralegal qualified under Business and Professions Code § 6450(c) <ul style="list-style-type: none">• The State Bar will review applications to determine eligibility.
Educational Requirements [In addition to prerequisites set forth above]	All practice areas <ul style="list-style-type: none">• 3 credit hours Ethics and Professional Responsibility, including practice management and recognition and elimination of bias in the legal profession• 3 credit hours Pretrial Discovery and Evidence [practical and not theoretical]• 3 credit hours Court Procedure• 3 credit hours Court Advocacy

Requirement	Recommendations		
<p><i>Coursework taken as part of a law school or paralegal program may satisfy the educational requirements.</i></p>	<ul style="list-style-type: none"> • 1 credit hour trauma-informed representation <p>Subject matter specific credits, including theoretical and practical</p> <ul style="list-style-type: none"> • Family Law: 9 credit hours <ul style="list-style-type: none"> ○ 3 credit hours Family Law and Procedure <ul style="list-style-type: none"> ▪ These credits may be satisfied by passing a test that covers the subject matters addressed in this course. ○ 3 credit hours Advanced Family Law and Procedure, with a focus on helping self-represented parties for hearings and trial • Credit hours to be set based on the number of course hours projected to achieve competency in specific practice areas 		
<p>Practical Training (Experiential)</p> <p><i>Experience working as a paralegal or in a law school clinic may satisfy the experience requirements, subject to certification by the supervising attorney or law clinic instructor that it meets the specified criteria.</i></p>	<table border="1"> <tr> <td data-bbox="435 724 917 1675"> <p>Requirements for Students</p> <ul style="list-style-type: none"> • 1,000 hours over a minimum of 6 months • 500 hours must be in practice area in which paraprofessional will be licensed • Must include trauma-informed training <p>Each Practice Area Subcommittee to identify specific requirements</p> </td><td data-bbox="917 724 1421 1675"> <p>Requirements for Supervisors</p> <ul style="list-style-type: none"> • Active licensee for ≥ 4 years • Provide training and counsel • Assume responsibility for applicant's activities • Approve and sign documents prepared for clients • Submit written declaration certifying applicant's experience and training <p>Supervision ≤ 5 applicants at a time</p> <p>Supervision incentives:</p> <ul style="list-style-type: none"> • 1 hour CLE per 125 hours of supervision provided <ul style="list-style-type: none"> ○ CLE credit allowed for each person supervised • Online directory showing attorneys who have provided supervision to licensed paraprofessionals • Funding provided to legal services programs for paraprofessional internships </td></tr> </table>	<p>Requirements for Students</p> <ul style="list-style-type: none"> • 1,000 hours over a minimum of 6 months • 500 hours must be in practice area in which paraprofessional will be licensed • Must include trauma-informed training <p>Each Practice Area Subcommittee to identify specific requirements</p>	<p>Requirements for Supervisors</p> <ul style="list-style-type: none"> • Active licensee for ≥ 4 years • Provide training and counsel • Assume responsibility for applicant's activities • Approve and sign documents prepared for clients • Submit written declaration certifying applicant's experience and training <p>Supervision ≤ 5 applicants at a time</p> <p>Supervision incentives:</p> <ul style="list-style-type: none"> • 1 hour CLE per 125 hours of supervision provided <ul style="list-style-type: none"> ○ CLE credit allowed for each person supervised • Online directory showing attorneys who have provided supervision to licensed paraprofessionals • Funding provided to legal services programs for paraprofessional internships
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<p>Testing</p>	<ul style="list-style-type: none"> • Subject matter specific testing <ul style="list-style-type: none"> ○ Subject matter subcommittees to recommend specific elements and parameters of testing • Professional Responsibility Exam modeled after attorney exam • Tests to be developed and administered by State Bar 		
<p>Moral Character &</p>	<ul style="list-style-type: none"> • Fingerprinting & background check equivalent attorney requirements • Not disbarred or resigned with charges pending in any jurisdiction 		

Requirement	Recommendations
Background Check	<ul style="list-style-type: none">• Moral character determination requirements to mirror attorney requirements

The Licensing Subcommittee reconvened on March 30, to consider a request from CPPWG member Elizabeth Olvera that the eligibility prerequisites for the paraprofessional program be expanded to allow Legal Document Assistants (LDAs) to be eligible to participate in the program. Ms. Olvera explained that many LDAs have been providing self-help services to their clients for many years, and would be a valuable addition to the program.

The Subcommittee reviewed [Business and Professions Code section 6402.1](#), which specifies the eligibility requirements for LDAs, as follows:

To be eligible to apply for registration under this chapter as a legal document assistant, the applicant shall possess at least one of the following:

- (a) A high school diploma or general equivalency diploma, and either a minimum of two years of law-related experience under the supervision of a licensed attorney, or a minimum of two years experience, prior to January 1, 1999, providing self-help service.
- (b) A baccalaureate degree in any field and either a minimum of one year of law-related experience under the supervision of a licensed attorney, or a minimum of one year of experience, prior to January 1, 1999, providing self-help service.
- (c) A certificate of completion from a paralegal program that is institutionally accredited but not approved by the American Bar Association, that requires successful completion of a minimum of 24 semester units, or the equivalent, in legal specialization courses.
- (d) A certificate of completion from a paralegal program approved by the American Bar Association.

Members of the Subcommittee did not believe that a high school or general equivalency diploma, as required by subdivision (a), provide a sufficient educational groundwork for paraprofessionals, regardless of the years of experience gained as an LDA. Further, the Subcommittee determined that LDAs qualified pursuant to subdivisions (c) and (d) already meet the eligibility requirements adopted by the CPPWG at the February 26 meeting.

The Subcommittee agreed that registered LDAs who are qualified pursuant to Business and Professions Code section 6402.1, subdivision (b), should be deemed eligible for participation in the paraprofessional program. It was further agreed that those qualifying on this basis should not be eligible for a waiver of the educational requirements of the program, since they have not completed a law-related educational program at a law school or paraprofessional program. Similarly, the Subcommittee agreed that experience working as an LDA is not substantially the same as experience working under the supervision of an attorney. On this basis, applicants qualifying pursuant to this section should not be eligible for a waiver of the program's experience requirements.

Following are the Licensing Subcommittee's revised prerequisites for eligibility for the paraprofessional program:

1. JD or LLM degree from ABA or California Accredited or Registered law school; or
2. Paralegal qualified pursuant to [Business and Professions Code section 6450\(c\)](#); or
3. Legal Document Assistant qualified pursuant to [Business and Professions Code section 6402.1\(b\)](#)
 - Applicants who are admitted to the program pursuant to criterion three are not eligible for a waiver of educational or experience requirements.

PROPOSED RESOLUTIONS

RESOLVED, that the California Paraprofessional Program Working Group recommends the following revised prerequisites for eligibility for the paraprofessional program:

1. JD or LLM degree from ABA or California Accredited or Registered law school; or
2. Paralegal qualified pursuant to [Business and Professions Code section 6450\(c\)](#); or
3. Legal Document Assistant qualified pursuant to [Business and Professions Code section 6402.1\(b\)](#)
 - Applicants who are admitted to the program pursuant to criterion three are not eligible for a waiver of educational or experience requirements.