



The State Bar of California

OFFICE OF GENERAL COUNSEL

Date: June 25, 2021

To: Members, California Paraprofessional Program Working Group

From: Brady R. Dewar, Assistant General Counsel

Subject: Update Regarding Legal Review of Working Group Recommendations

The Office of General Counsel (OGC) has been engaged in a legal review of the Working Group's work to date to identify remaining open issues for the Working Group's consideration. OGC has completed most of its review of references to "attorney," "lawyer," and similar terms in the Code of Civil Procedure and Evidence Code, as well as its review of statutes and rules pertaining to the licensing and regulation of attorneys. Attachment A provides an analysis of rules and statutes that may need to be modified or adapted in order to implement the paraprofessional program. Through this review, OGC has identified 15 open issues where the Working Group may consider making additional recommendations. These items will be brought to the appropriate subcommittees for discussion and recommendation before being brought back to the full Working Group. These open issues are listed below; we will welcome preliminary questions or comments about these issues, or our review process, at the June 25 meeting.

Attorney Regulation-Related Statutes and Rules

1. Should paraprofessionals be required to open IOLTA accounts for client funds? (Bus. & Prof. Code §§ 6210 – 6228; Related State Bar Rules 2.100 – 2.118)
2. Should paraprofessionals receive MCLE credit for speaking engagements? (State Bar Rule 2.81)
3. Should paraprofessionals receive MCLE credit for teaching? (State Bar Rule 2.82)
4. Should paraprofessionals be able to seek credit for unapproved MCLE activities? (State Bar Rule 2.86)

Code of Civil Procedure

1. Should claims against paraprofessionals be subject to same statute of limitations as claims against attorneys? (Civ. Proc. Code § 340.6)
2. Should paraprofessionals be barred from acting as a surety, as are attorneys? (Civ. Proc. Code § 995.510)
3. Should paraprofessional work be protected to same extent as attorney work is protected by attorney work product doctrine? (Civ. Proc. Code §§ 2018.010 – 2018.080)

Evidence Code

1. Should the lawyer-client privilege explicitly protect communications with paraprofessionals to same extent as client communications with attorneys? (Evid. Code §§ 912(c), 917, 950 – 962)

State Bar Act Provisions Regarding Attorney Duties

1. Should paraprofessionals be required by statute to participate in disciplinary and regulatory proceedings against them, as are attorneys? (Bus. & Prof. Code § 6068(i))
2. Should statute require paraprofessionals to maintain records with State Bar, as it requires attorneys to do? (Bus. & Prof. Code § 6068(j))
3. Should paraprofessionals be required by statute to self-report to the State Bar enumerated occurrences such as felony charges against the paraprofessional, as are attorneys? (Bus. & Prof. Code § 6068(o))
4. Should paraprofessionals be subject to discipline for reporting suspected immigration status of certain parties or witnesses to the same extent attorneys are? (Bus. & Prof. Code § 6103.7)
5. Should paraprofessionals be subject to discipline for advocating overthrow of the government to the same extent attorneys are? (Bus. & Prof. Code § 6106.1)
6. Should the Rules of Professional Conduct for Licensed Paraprofessionals incorporate provisions of Business & Professions Code § 6106.9 concerning sexual relations between attorney and client? (Note: The Regulation Committee voted to recommend incorporating these provisions into the rules.)

Attorney Licensing Rules and Statutes

1. Should a similar rule to State Bar Rule 4.33 be adopted to allow for review of paraprofessionals' educational records for possible waiver of requirements?

All of these open issues, as well as the many statutes and rules that were reviewed and which staff determined did *not* pose open policy questions for elevation to the Working Group, are outlined in the bookmarked pdf file entitled "OGC Review of Issues Related to Paraprofessional Regulation."

OGC's review of the Code of Civil Procedure and Evidence Code identified numerous statutory provisions that reference "attorney," but that do not raise open issues for the Working Group. In some cases, the statutes concerned areas of the law beyond the scope of the contemplated paraprofessional program. In other cases, the statutory provisions provided for signatures by attorneys, service on attorneys, fees for attorney work as sanctions, and made other procedural provisions with respect to attorneys. Where a paraprofessional is permitted to perform tasks currently performed only by an attorney, these statutes will need to be changed to encompass paraprofessionals to allow the court to function as intended by the statute. These changes do not pose open issues for the Working Group to consider, as they are simply necessary to allow paraprofessionals to do the work the Working Group is recommending, they be authorized to do.

In other areas, staff determined that additional Working Group recommendations are not needed because the precise rules at issue will need to be determined later as an administrative or operational

matter. For instance, detailed provisions regarding testing accommodations or fees will need to be decided at a later date.

If you have concerns or questions about statutes or rules listed on the table that were not elevated to the Working Group as an open issue, please let staff know.

The bulk of OGC's review is completed, though OGC attorneys reviewing the Family and Housing practice area recommendations may identify open issues there as those Subcommittees complete their work. Additionally, based on feedback from a Working Group member, OGC will be reviewing Civil Code provisions regarding attorneys; it will raise any open issues identified to the appropriate Subcommittees.

OPEN ISSUES FOR WORKING GROUP CONSIDERATION AND RECOMMENDATION FROM REVIEW OF ATTORNEY REGULATION STATUTES & RULES

	Statute or Rule	Modification or Parallel Provision Needed To Recognize Paraprofessional Program?	Directly Related Working Group Resolutions?	Notes
1	Bus. & Prof. Code §§ 6210 – 6228 [IOLTA Statute] Related State Bar Rules 2.100 – 2.118	Yes, if Working Group recommendation is to require paraprofessionals to maintain IOLTA accounts to same extent as attorneys.	No.	<p>These statutory sections and rules establish the IOLTA program. Any attorney who hold client funds is required to establish an IOLTA (Interest On Lawyers Trust Accounts) account and place client funds in the pooled account when the funds will be held for a short duration or are of a small enough amount such that it would be impracticable to collect interest and pay it to the client. Interest on funds in IOLTA accounts are paid to the State Bar, which distributes the funds to legal services organizations to fund civil legal services for the indigent.</p> <p>The Working Group should recommend whether paraprofessionals who hold client funds should be required to open and place funds in IOLTA accounts to the same extent attorneys are. Such a recommendation would treat paraprofessionals (and their clients) the same as attorneys (and their clients), and would support access to justice by providing funds for civil legal services to the indigent.</p>
2	State Bar Rule 2.81 [Speaking]	Yes, if Working Group recommendation is to provide participatory MCLE credit to paraprofessionals for speaking.	No.	<p>This rule allows attorneys who present at approved MCLE events to receive MCLE credit in the amount of up to four times the time they spend presenting. This rule recognizes that teaching MCLE courses often involves particular mastery of the material and significant preparation time, and encourages attorney participation as MCLE presenters.</p> <p>The Working Group should recommend whether paraprofessionals should receive MCLE credit for presenting at approved MCLE events on the same or modified basis as attorneys do. Factors supporting doing so may include giving paraprofessionals the same flexibility in this regard afforded to attorneys and encouraging paraprofessionals to</p>

				engage in teaching. Factors weighing against such a recommendation may include keeping a tighter control over approved MCLE activities and ensuring that all paraprofessionals receive MCLE in the traditional manner.
3	State Bar Rule 2.82 [Teaching]	Yes, if Working Group recommendation is to provide participatory MCLE credit to paraprofessionals for speaking.	No.	<p>This rule provides that licensees may claim participatory MCLE credit at various accrual rates for teaching a law school course as either the assigned or a guest or substitute instructor.</p> <p>The Working Group should recommend whether paraprofessionals should receive MCLE credit for teaching courses required to become a paraprofessional program on the same or modified basis as attorneys do. Factors supporting doing so may include giving paraprofessionals the same flexibility in this regard afforded to attorneys and encouraging paraprofessionals to engage in teaching. Factors weighing against such a recommendation may include keeping a tighter control over approved MCLE activities and ensuring that all paraprofessionals receive MCLE in the traditional manner.</p>
4	State Bar Rule 2.86 [Licensee credit request]	Yes, if Working Group recommendation is to allow paraprofessionals to request MCLE credit for unapproved activities.	No.	<p>This rule allows licensees to apply for MCLE credit for unapproved activities.</p> <p>The Working Group should recommend whether paraprofessionals should also be permitted to apply for MCLE credit. Factors supporting doing so may include giving paraprofessionals the same flexibility in this regard afforded to attorneys. Factors weighing against such a recommendation may include keeping a tighter control over approved MCLE activities and reducing administrative burden.</p>

AREAS WHERE NO MODIFICATIONS TO STATUE OR RULES NEEDED
OR WHERE MODIFICATIONS WILL FOLLOW FROM EXISTING WORKING GROUP RECOMMENDATIONS AND STATE BAR ADMINISTRATIVE/OPERATIONAL DECISIONS

Business & Professions Code Attorney Regulation Provisions

	Section & Title	Modification or Parallel Provision Needed To Recognize Paraprofessional Program?	Directly Related Working Group Resolutions?	Notes
6	§ 6002 [Licensees]	Yes.	No.	Administrative/operational matter: Definition of “licensee.”
7	§ 6002.1 [Official Licensing Records]	Yes.	No.	Administrative/operational matter: paraprofessionals will need to maintain similar records.
8	§ 6003 [Classes of Licensees]	Yes.	No.	Administrative/operational matter: inactive status for paraprofessionals.
9	§ 6004 [Active Licensees]	Yes.	No.	Administrative/operational matter: inactive status for paraprofessionals.
10	§ 6005 [Inactive Licensees]	Yes.	No.	Administrative/operational matter: inactive status for paraprofessionals.
11	§ 6006 [Retirement from Practice; Privileges of Inactive Licensees]	Yes.	No.	Administrative/operational matter: inactive status for paraprofessionals.
12	§ 6007 [Involuntary Enrollment as an Inactive Licensee]	Yes.		Administrative/operational matter: involuntary inactive enrollment for paraprofessionals.
13	§ 6009 [City or County Registration of Attorneys Who Qualify as Lobbyists; Lobbyist Information That May be Required to be Disclosed]	Yes.	No.	Administrative/operational matter: Disclosure of lobbying activities by paraprofessionals.
14	§ 6009.3 [Attorney to Inform Client in Writing Concerning Voluntary Contributions]	No.	No.	Relates only to the preparation of tax returns, and applies to “all persons” preparing returns, not just attorneys, so there is no need to modify this section to address paraprofessionals specifically.

	Section & Title	Modification or Parallel Provision Needed To Recognize Paraprofessional Program?	Directly Related Working Group Resolutions?	Notes
15	§ 6009.5 [Collection and Reporting of Demographic Data—Procedures and Limitations]	Yes.	No.	Administrative/operational matter: Paraprofessionals should be given access to the same mechanism for reporting required for licensees, or an equivalent one.
16	§ 6054 [Criminal History Information; Fingerprinting]	Yes.	Working Group recommended fingerprinting requirements equivalent to those for attorneys.	Administrative/operational matter.
	§ 6069 [Authorization for Disclosure of Financial Records; Subpoena; Notice; Review]	Yes.	No.	Administrative/operational matter.
17	§ 6070 [Establishment and Administration; Adoption of Rule by Supreme Court]	Yes.	<u>MCLE Requirements:</u> 36 hours every 3 years; 28 hours in practice area; 4 hours legal ethics; 1 hour each: competence, elimination of bias, trauma-informed practice; practice management	Establishment of MCLE requirement for paraprofessionals pursuant to Working Group recommendations should be set forth similarly in a separate section, or in additional language in this session
18	§ 6071 [Legal Education in Remedies Available for Civil Rights Violations; Amendment of Rule by Supreme Court]	No.	<u>MCLE Requirements:</u> 36 hours every 3 years; 28 hours in practice area; 4 hours legal ethics; 1 hour each:	No similar MCLE recommendation made by Working Group.

	Section & Title	Modification or Parallel Provision Needed To Recognize Paraprofessional Program?	Directly Related Working Group Resolutions?	Notes
			competence, elimination of bias, trauma-informed practice; practice management	
19	§ 6140 [Annual License Fee; Time of Payment]	Yes.	No.	Administrative/operational matter: fee provisions to be set by State Bar based on determination of costs of program.
20	§ 6140.02 [Association Adoption of Dues Schedule; Voluntary Payment; Collection of Membership Fees]	No.	No.	Relates only to CLA membership and dues; no application to paraprofessionals.
21	§ 6140.03 [Increase in Annual Fee to Support Nonprofits Providing Free Legal Services to Needy; Opt Out Provision]	Yes.	No.	Administrative/operational matter: fee provisions to be set by State Bar based on determination of costs of program.
22	§ 6140.05 [State Bar Lobbying Activities–Keller Deduction; Limits on Expenditures]	Yes.	No.	Administrative/operational matter: fee provisions to be set by State Bar based on determination of costs of program. Any <i>Keller</i> issues to be determined by State Bar based on advice of counsel.
23	§ 6140.5 [Client Security Fund; Establishment; Payments; Administration; Funding]	Yes.	<u>Financial Responsibility Requirements:</u> \$100,000 bond; subject to recommendation of lower amount by practice area subcommittees; Client Security Fund	Security fund statutes and rules for paraprofessionals to be drafted based on Working Group resolution regarding same.
24	§ 6140.55 [Increase Annual License Fee–Client Security Fund]	Yes.	<u>Financial Responsibility Requirements:</u>	Security fund statutes and rules for paraprofessionals to be drafted based on Working Group resolution regarding same.

	Section & Title	Modification or Parallel Provision Needed To Recognize Paraprofessional Program?	Directly Related Working Group Resolutions?	Notes
			\$100,000 bond; subject to recommendation of lower amount by practice area subcommittees; Client Security Fund	
25	§ 6140.56 [State Bar Analysis and Review of Client Security Fund; Report to Legislature]	Yes.	<u>Financial Responsibility Requirements</u> : \$100,000 bond; subject to recommendation of lower amount by practice area subcommittees; Client Security Fund	Security fund statutes and rules for paraprofessionals to be drafted based on Working Group resolution regarding same.
26	§ 6140.6 [Costs of Disciplinary System]	Yes.	No.	Paraprofessional fees for costs of discipline to parallel attorney rules.
27	§ 6140.7 [Disciplinary Costs Added to License Fee]	Yes.	No.	As with licensees, costs assessed against paraprofessionals to be added to and become part of the license fee.
28	§ 6140.9 [Support for Programs Established Pursuant to Attorney Diversion and Assistance Act and Related Programs]	Depending on administrative/operational decision by State Bar.	No.	State Bar to determine whether current diversion and assistant programs can and should be expanded to cover paraprofessionals. No Working Group recommendation needed at this time.
29	§ 6141 [Inactive License Fee; Waivers]	Yes.	No.	Administrative/operational matter: fee provisions to be set by State Bar based on determination of costs of program.
30	§ 6141.1 [Waiver of License Fee]	Yes.	No.	Administrative/operational matter: fee provisions to be set by State Bar based on determination of costs of program.
31	§ 6141.3 [Affinity Programs; Use of Revenues]	No.	No.	Not relevant given Legislature's intent that any affinity programs no longer be administrated by the State Bar after 2018.

	Section & Title	Modification or Parallel Provision Needed To Recognize Paraprofessional Program?	Directly Related Working Group Resolutions?	Notes
32	§ 6142 [Certificate of Payment]	Yes.	No.	Administrative/operational matter: Paraprofessionals should also receive a certificate of license fee payment.
33	§ 6143 [Suspension of Nonpayment and Reinstatement; Penalties]	Yes.	No.	Administrative/operational matter: Paraprofessionals should also be suspended for nonpayment of any applicable licensing fee.
34	§ 6143.5 [Licensees Failure to Pay Child Support]	Yes.	No.	Administrative/operational matter: Paraprofessionals should also be subject to Family Code section 17520 for failure to pay child support.

State Bar Rules – Attorney Regulation Provisions

	Section & Title	Add Parallel Statue/Rule for Paraprofessionals?	Any Directly Related Resolutions Already Considered?	Notes
1	Rule 2.1 [Roll of attorneys]	Yes.	No.	Administrative/operational matter.
2	Rule 2.2 [Public information, duty to update licensee record]	Yes.	No.	Administrative/operational matter.
3	Rule 2.10 [Definitions]	Yes.	No.	Administrative/operational matter.
4	Rule 2.11 [Due Date]	Yes.	No.	Administrative/operational matter.
5	Rule 2.12 [New licensees]	Yes.	No.	Administrative/operational matter.
6	Rule 2.13 [Late payment penalties]	Yes.	No.	Administrative/operational matter.
7	Rule 2.14 [No refund]	Yes.	No.	Administrative/operational matter.
8	Rule 2.15 [Scaling]	Yes.	No.	Administrative/operational matter: fee provisions to be set by State Bar based on determination of costs of program.
9	Rule 2.16 [Waivers]	Yes.	No.	Administrative/operational matter: fee provisions to be set by State Bar based on determination of costs of program.
10	Rule 2.17 [Keller deductions and challenges]	Yes.	No.	Administrative/operational matter: fee provisions to be set by State Bar based on determination of costs of program.
11	Rule 2.18 [Payment by credit card, debit card, or electronic funds transfer]	Yes.	No.	Administrative/operational matter: fee provisions to be set by State Bar based on determination of costs of program.
12	Rule 2.30 [Inactive license status]	Yes.	No.	Administrative/operational matter: inactive status for paraprofessionals.
13	Rule 2.31 [Change of license status]	Yes.	No.	Administrative/operational matter: inactive status for paraprofessionals.

	Section & Title	Add Parallel Statue/Rule for Paraprofessionals?	Any Directly Related Resolutions Already Considered?	Notes
14	Rule 2.32 [Inactive enrollment for failure to comply with Minimum Continuing Legal Education (MCLE) requirements]	Yes.	<u>MCLE Requirements</u> : 36 hours every 3 years; 28 hours in practice area; 4 hours legal ethics; 1 hour each: competence, elimination of bias, trauma-informed practice; practice management	This rule relates to inactive enrollment for failure to comply with MCLE requirements. Because the WG has already made policy determinations regarding the MCLE requirements, it is likely not necessary to consult with the WG about whether and how to implement.
15	Rule 2.33 [Suspension for failure to pay annual license fees and outstanding penalties or costs]	Yes.	No.	Administrative/operational matter: fee provisions to be set by State Bar based on determination of costs of program.
16	Rule 2.34 [Suspension for failure to comply with a family or child support obligation]	Yes.	No.	Administrative/operational matter: fee provisions to be set by State Bar based on determination of costs of program.
17	Rule 2.35 [Suspension for disciplinary violations]	Yes.	No.	Administrative/operational matter: fee provisions to be set by State Bar based on determination of costs of program. This rule relates to licensing fees during periods of suspension.
18	Rule 2.36 [Suspension for failure to pay state taxes]	Yes.	No.	Administrative/operational matter.
19	Rule 2.40 [Multiple accrual rates for annual license fees]	Yes.	No.	Administrative/operational matter: fee provisions to be set by State Bar based on determination of costs of program. This rule relates to licensing fees during periods of suspension.
20	Rule 2.45 [Voluntary resignation]	Yes	No.	Administrative/operational matter.
21	Rule 2.46 [Noncompliance with Attorney Fingerprinting Requirement]	Yes.	Working Group recommended fingerprinting requirements equivalent to those for attorneys.	Administrative/operational matter.

	Section & Title	Add Parallel Statute/Rule for Paraprofessionals?	Any Directly Related Resolutions Already Considered?	Notes
22	Rule 2.50 [Purpose of MCLE]	Yes.	<u>MCLE Requirements:</u> 36 hours every 3 years; 28 hours in practice area; 4 hours legal ethics; 1 hour each: competence, elimination of bias, trauma-informed practice; practice management	Rule to be developed based on existing Working Group recommendations regarding MCLE for paraprofessionals and administrative/operational considerations.
23	Rule 2.51 [Definitions]	Yes.	<u>MCLE Requirements:</u> 36 hours every 3 years; 28 hours in practice area; 4 hours legal ethics; 1 hour each: competence, elimination of bias, trauma-informed practice; practice management	Rule to be developed based on existing Working Group recommendations regarding MCLE for paraprofessionals and administrative/operational considerations.
24	Rule 2.52 [MCLE Activities]	Yes.	<u>MCLE Requirements:</u> 36 hours every 3 years; 28 hours in practice area; 4 hours legal ethics; 1 hour each: competence, elimination of bias, trauma-informed practice; practice management	Rule to be developed based on existing Working Group recommendations regarding MCLE for paraprofessionals and administrative/operational considerations.
25	Rule 2.53 [New licensees]	Yes.	<u>MCLE Requirements:</u> 36 hours every 3 years; 28 hours in practice area; 4 hours legal ethics; 1 hour each: competence, elimination of bias, trauma-informed practice; practice management	Rule to be developed based on existing Working Group recommendations regarding MCLE for paraprofessionals and administrative/operational considerations. Subsection (D), regarding State Bar New Attorney Training, inapplicable to paraprofessionals.
26	Rule 2.54 [Exemptions]	No.	<u>MCLE Requirements:</u> 36 hours every 3 years; 28 hours in practice area; 4 hours legal ethics; 1 hour each: competence, elimination of bias, trauma-informed practice; practice management	No such exemptions recommended by Working Group.
27	Rule 2.55 [Modifications]	Yes.	<u>MCLE Requirements:</u> 36 hours every 3 years; 28 hours in practice	Rule to be developed based on existing Working Group

	Section & Title	Add Parallel Statute/Rule for Paraprofessionals?	Any Directly Related Resolutions Already Considered?	Notes
			area; 4 hours legal ethics; 1 hour each: competence, elimination of bias, trauma-informed practice; practice management	recommendations regarding MCLE for paraprofessionals and administrative/operational considerations.
28	Rule 2.70 [Compliance groups]	Maybe.	<u>MCLE Requirements</u> : 36 hours every 3 years; 28 hours in practice area; 4 hours legal ethics; 1 hour each: competence, elimination of bias, trauma-informed practice; practice management	Rule to be developed based on existing Working Group recommendations regarding MCLE for paraprofessionals and administrative/operational considerations.
29	Rule 2.71 [Compliance periods]	Yes.	<u>MCLE Requirements</u> : 36 hours every 3 years; 28 hours in practice area; 4 hours legal ethics; 1 hour each: competence, elimination of bias, trauma-informed practice; practice management	Rule to be developed based on existing Working Group recommendations regarding MCLE for paraprofessionals and administrative/operational considerations.
30	Rule 2.72 [Requirements]	Yes.	<u>MCLE Requirements</u> : 36 hours every 3 years; 28 hours in practice area; 4 hours legal ethics; 1 hour each: competence, elimination of bias, trauma-informed practice; practice management	Rule to be developed based on existing Working Group recommendations regarding MCLE for paraprofessionals and administrative/operational considerations.
31	Rule 2.73 [Record of MCLE]	Yes.	<u>MCLE Requirements</u> : 36 hours every 3 years; 28 hours in practice area; 4 hours legal ethics; 1 hour each: competence, elimination of bias, trauma-informed practice; practice management	Rule to be developed based on existing Working Group recommendations regarding MCLE for paraprofessionals and administrative/operational considerations.
32	Rule 2.80 [Attending programs and classes]	Yes.	<u>MCLE Requirements</u> : 36 hours every 3 years; 28 hours in practice area; 4 hours legal ethics; 1 hour each: competence, elimination of bias, trauma-informed practice; practice management	Rule to be developed based on existing Working Group recommendations regarding MCLE for paraprofessionals and administrative/operational considerations.

	Section & Title	Add Parallel Statue/Rule for Paraprofessionals?	Any Directly Related Resolutions Already Considered?	Notes
33	Rule 2.83 [Self-study]	Yes.	<u>MCLE Requirements:</u> 36 hours every 3 years; 28 hours in practice area; 4 hours legal ethics; 1 hour each: competence, elimination of bias, trauma-informed practice; practice management. "No more than 18 hours may be obtained through self-study.:	Rule to be developed based on existing Working Group recommendations regarding MCLE for paraprofessionals and administrative/operational considerations.
34	Rule 2.84 [Legal specialization]	No.	<u>MCLE Requirements:</u> 36 hours every 3 years; 28 hours in practice area; 4 hours legal ethics; 1 hour each: competence, elimination of bias, trauma-informed practice; practice management	Addresses MCLE credit for courses approved by California Board of Legal Specialization. No application to paraprofessional program.
35	Rule 2.85 [Education taken while physically out of state]	No.	<u>MCLE Requirements:</u> 36 hours every 3 years; 28 hours in practice area; 4 hours legal ethics; 1 hour each: competence, elimination of bias, trauma-informed practice; practice management	Paraprofessional program currently limited to California.
36	Rule 2.87 [Bar examinations and MPRE]	Yes.	<u>MCLE Requirements:</u> 36 hours every 3 years; 28 hours in practice area; 4 hours legal ethics; 1 hour each: competence, elimination of bias, trauma-informed practice; practice management	This rule prohibits claims of MCLE credit for preparation for or taking a bar exam or the MPRE. Rule to be developed based on existing Working Group recommendations regarding MCLE for paraprofessionals and administrative/operational considerations.
37	Rule 2.90 [Definition]	Yes.	<u>MCLE Requirements:</u> 36 hours every 3 years; 28 hours in practice area; 4 hours legal ethics; 1 hour each: competence, elimination of	Rule to be developed based on existing Working Group recommendations regarding MCLE for paraprofessionals and

	Section & Title	Add Parallel Statute/Rule for Paraprofessionals?	Any Directly Related Resolutions Already Considered?	Notes
			bias, trauma-informed practice; practice management	administrative/operational considerations.
38	Rule 2.91 [Notice of noncompliance]	Yes.	<u>MCLE Requirements</u> : 36 hours every 3 years; 28 hours in practice area; 4 hours legal ethics; 1 hour each: competence, elimination of bias, trauma-informed practice; practice management	Rule to be developed based on existing Working Group recommendations regarding MCLE for paraprofessionals and administrative/operational considerations.
39	Rule 2.92 [Enrollment as inactive for MCLE noncompliance]	Yes.	<u>MCLE Requirements</u> : 36 hours every 3 years; 28 hours in practice area; 4 hours legal ethics; 1 hour each: competence, elimination of bias, trauma-informed practice; practice management	Rule to be developed based on existing Working Group recommendations regarding MCLE for paraprofessionals and administrative/operational considerations.
40	Rule 2.93 [Reinstatement following MCLE noncompliance]	Yes.	<u>MCLE Requirements</u> : 36 hours every 3 years; 28 hours in practice area; 4 hours legal ethics; 1 hour each: competence, elimination of bias, trauma-informed practice; practice management	Rule to be developed based on existing Working Group recommendations regarding MCLE for paraprofessionals and administrative/operational considerations.
41	Rule 2.130 [Comparable Interest Rate or Dividend Requirement]	No.	No.	This rule relates to IOLTA-eligible institutions, and not licensees, and thus likely needs not be modified or recreated for paraprofessionals.
42	Rule 2.131 [Payments to the State Bar]	No.	No.	This rule relates to IOLTA-eligible institutions, and not licensees, and thus likely needs not be modified or recreated for paraprofessionals.
43	Rule 3.420 [Client Security Fund]	Yes.	<u>Financial Responsibility Requirements</u> : "Paraprofessionals must contribute to a Client Security Fund (CSF), to be established with rules that mirror those of the attorney CSF"	Working Group has directed paraprofessional CSF rules to mirror these rules.

	Section & Title	Add Parallel Statue/Rule for Paraprofessionals?	Any Directly Related Resolutions Already Considered?	Notes
44	Rule 3.421 [Client Security Fund Commission]	Yes.	<u>Financial Responsibility Requirements</u> : "Paraprofessionals must contribute to a Client Security Fund (CSF), to be established with rules that mirror those of the attorney CSF"	Working Group has directed paraprofessional CSF rules to mirror these rules.
45	Rule 3.430 [General requirements for reimbursement]	Yes.	<u>Financial Responsibility Requirements</u> : "Paraprofessionals must contribute to a Client Security Fund (CSF), to be established with rules that mirror those of the attorney CSF"	Working Group has directed paraprofessional CSF rules to mirror these rules.
46	Rule 3.431 [Dishonest conduct]	Yes.	<u>Financial Responsibility Requirements</u> : "Paraprofessionals must contribute to a Client Security Fund (CSF), to be established with rules that mirror those of the attorney CSF"	Working Group has directed paraprofessional CSF rules to mirror these rules.
47	Rule 3.432 [Required status of attorney]	Yes.	<u>Financial Responsibility Requirements</u> : "Paraprofessionals must contribute to a Client Security Fund (CSF), to be established with rules that mirror those of the attorney CSF"	Working Group has directed paraprofessional CSF rules to mirror these rules.
48	Rule 3.433 [Excluded applicants]	Yes.	<u>Financial Responsibility Requirements</u> : "Paraprofessionals must contribute to a Client Security Fund (CSF), to be established with rules that mirror those of the attorney CSF"	Working Group has directed paraprofessional CSF rules to mirror these rules.
49	Rule 3.434 [Reimbursement limitations and exclusions]	Yes.	<u>Financial Responsibility Requirements</u> : "Paraprofessionals must contribute to a Client Security Fund (CSF), to be established with	Working Group has directed paraprofessional CSF rules to mirror these rules.

	Section & Title	Add Parallel Statue/Rule for Paraprofessionals?	Any Directly Related Resolutions Already Considered?	Notes
			rules that mirror those of the attorney CSF”	
50	Rule 3.435 [Factors that may limit reimbursement]	Yes.	<u>Financial Responsibility Requirements</u> : “Paraprofessionals must contribute to a Client Security Fund (CSF), to be established with rules that mirror those of the attorney CSF”	Working Group has directed paraprofessional CSF rules to mirror these rules.
51	Rule 3.436 [Attorney-client relationship required to reimburse loan or investment loss]	Yes.	<u>Financial Responsibility Requirements</u> : “Paraprofessionals must contribute to a Client Security Fund (CSF), to be established with rules that mirror those of the attorney CSF”	Working Group has directed paraprofessional CSF rules to mirror these rules.
52	Rule 3.440 [Application for reimbursement]	Yes.	<u>Financial Responsibility Requirements</u> : “Paraprofessionals must contribute to a Client Security Fund (CSF), to be established with rules that mirror those of the attorney CSF”	Working Group has directed paraprofessional CSF rules to mirror these rules.
53	Rule 3.441 [Review of applications]	Yes.	<u>Financial Responsibility Requirements</u> : “Paraprofessionals must contribute to a Client Security Fund (CSF), to be established with rules that mirror those of the attorney CSF”	Working Group has directed paraprofessional CSF rules to mirror these rules.
54	Rule 3.442 [Notice of Intention to Pay]	Yes.	<u>Financial Responsibility Requirements</u> : “Paraprofessionals must contribute to a Client Security Fund (CSF), to be established with rules that mirror those of the attorney CSF”	Working Group has directed paraprofessional CSF rules to mirror these rules.
55	Rule 3.443 [Tentative Decisions]	Yes.	<u>Financial Responsibility Requirements</u> : “Paraprofessionals must contribute to a Client Security	Working Group has directed paraprofessional CSF rules to mirror these rules.

	Section & Title	Add Parallel Statue/Rule for Paraprofessionals?	Any Directly Related Resolutions Already Considered?	Notes
			Fund (CSF), to be established with rules that mirror those of the attorney CSF"	
56	Rule 3.444 [Final Decisions]	Yes.	<u>Financial Responsibility Requirements</u> : "Paraprofessionals must contribute to a Client Security Fund (CSF), to be established with rules that mirror those of the attorney CSF"	Working Group has directed paraprofessional CSF rules to mirror these rules.
57	Rule 3.445 [Service of decisions and Notice of Intention to Pay]	Yes.	<u>Financial Responsibility Requirements</u> : "Paraprofessionals must contribute to a Client Security Fund (CSF), to be established with rules that mirror those of the attorney CSF"	Working Group has directed paraprofessional CSF rules to mirror these rules.
58	Rule 3.450 [Superior court review]	Yes.	<u>Financial Responsibility Requirements</u> : "Paraprofessionals must contribute to a Client Security Fund (CSF), to be established with rules that mirror those of the attorney CSF"	Working Group has directed paraprofessional CSF rules to mirror these rules.
59	Rule 3.451 [Repayment of reimbursement by attorney]	Yes.	<u>Financial Responsibility Requirements</u> : "Paraprofessionals must contribute to a Client Security Fund (CSF), to be established with rules that mirror those of the attorney CSF"	Working Group has directed paraprofessional CSF rules to mirror these rules.
60	Rule 3.452 [Enforcement of State Bar rights]	Yes.	<u>Financial Responsibility Requirements</u> : "Paraprofessionals must contribute to a Client Security Fund (CSF), to be established with rules that mirror those of the attorney CSF"	Working Group has directed paraprofessional CSF rules to mirror these rules.

	Section & Title	Add Parallel Statute/Rule for Paraprofessionals?	Any Directly Related Resolutions Already Considered?	Notes
61	Rule 3.460 [Records shared with Chief Trial Counsel]	Yes.	<u>Financial Responsibility Requirements</u> : "Paraprofessionals must contribute to a Client Security Fund (CSF), to be established with rules that mirror those of the attorney CSF"	Working Group has directed paraprofessional CSF rules to mirror these rules.
62	Rule 3.461 [Public access to records and proceedings]	Yes.	<u>Financial Responsibility Requirements</u> : "Paraprofessionals must contribute to a Client Security Fund (CSF), to be established with rules that mirror those of the attorney CSF"	Working Group has directed paraprofessional CSF rules to mirror these rules.
63	Rule 3.600 [Definitions]	No.	<u>MCLE Requirements</u> : 36 hours every 3 years; 28 hours in practice area; 4 hours legal ethics; 1 hour each: competence, elimination of bias, trauma-informed practice; practice management	Rule to be developed based on existing Working Group recommendations regarding MCLE for paraprofessionals and administrative/operational considerations.
64	Rule 3.601 [MCLE Activities]	No.	<u>MCLE Requirements</u> : 36 hours every 3 years; 28 hours in practice area; 4 hours legal ethics; 1 hour each: competence, elimination of bias, trauma-informed practice; practice management	Rule to be developed based on existing Working Group recommendations regarding MCLE for paraprofessionals and administrative/operational considerations.
65	Rule 3.602 [Responsibilities of every provider]	No.	<u>MCLE Requirements</u> : 36 hours every 3 years; 28 hours in practice area; 4 hours legal ethics; 1 hour each: competence, elimination of bias, trauma-informed practice; practice management	Rule to be developed based on existing Working Group recommendations regarding MCLE for paraprofessionals and administrative/operational considerations.
66	Rule 3.603 [State Bar Activity Auditors]	No.	<u>MCLE Requirements</u> : 36 hours every 3 years; 28 hours in practice area; 4 hours legal ethics; 1 hour each: competence, elimination of	Rule to be developed based on existing Working Group recommendations regarding MCLE for paraprofessionals and

	Section & Title	Add Parallel Statue/Rule for Paraprofessionals?	Any Directly Related Resolutions Already Considered?	Notes
			bias, trauma-informed practice; practice management	administrative/operational considerations.
67	Rule 3.604 [Suspension or revocation of provider approval]	No.	<u>MCLE Requirements:</u> 36 hours every 3 years; 28 hours in practice area; 4 hours legal ethics; 1 hour each: competence, elimination of bias, trauma-informed practice; practice management	Rule to be developed based on existing Working Group recommendations regarding MCLE for paraprofessionals and administrative/operational considerations.
68	Rule 3.605 [Complaints about Providers]	No.	<u>MCLE Requirements:</u> 36 hours every 3 years; 28 hours in practice area; 4 hours legal ethics; 1 hour each: competence, elimination of bias, trauma-informed practice; practice management	Rule to be developed based on existing Working Group recommendations regarding MCLE for paraprofessionals and administrative/operational considerations.
69	Rule 3.620 [Applying for Multiple Activity Provider status]	No.	<u>MCLE Requirements:</u> 36 hours every 3 years; 28 hours in practice area; 4 hours legal ethics; 1 hour each: competence, elimination of bias, trauma-informed practice; practice management	Rule to be developed based on existing Working Group recommendations regarding MCLE for paraprofessionals and administrative/operational considerations.
70	Rule 3.621 [Renewing Multiple Activity Provider status]	No.	<u>MCLE Requirements:</u> 36 hours every 3 years; 28 hours in practice area; 4 hours legal ethics; 1 hour each: competence, elimination of bias, trauma-informed practice; practice management	Rule to be developed based on existing Working Group recommendations regarding MCLE for paraprofessionals and administrative/operational considerations.

REGULATION – THE RULES OF COURT

	Section & Title	Add Parallel Statue/Rule for Paraprofessionals?	Any Related Resolutions Already Considered?	Notes
1	Rule 9.7 [Oath required when admitted to practice law]	Yes, or modify existing rule to include paraprofessionals.	No.	This rule relates to the oath required upon admission. Because this rule doesn't implicate important "policy decisions," it is likely not necessary to consult with the WG about whether and how to implement.
2	Rule 9.8 [Roll of attorneys admitted to practice]	Yes, or modify existing rule to include paraprofessionals.	No.	This rule relates to the roll of attorneys maintained by the State Bar. Because this rule doesn't implicate important "policy decisions," it is likely not necessary to consult with the WG about whether and how to implement.
3	Rule 9.9 [Online reporting by attorneys]	Yes, or modify existing rule to include paraprofessionals.	No.	This rule relates to reporting of contact information with the State Bar. Because this rule doesn't implicate important "policy decisions," it is likely not necessary to consult with the WG about whether and how to implement.
4	Rule 9.9.5 [Attorney Fingerprinting]	Yes.	Working Group recommended fingerprinting requirements equivalent to those for attorneys.	Administrative/operational matter.
5	Rule 9.31 [Minimum continuing legal education]	Yes.	<u>MCLE Requirements</u> : 36 hours every 3 years; 28 hours in practice area; 4 hours legal ethics; 1 hour each: competence, elimination of bias, trauma-informed practice; practice management	This rule outlines the MCLE program. Because the WG has already made policy determinations regarding the MCLE requirements, it is likely not necessary to consult with the WG about whether and how to implement.

REVIEW OF CODE OF CIVIL PROCEDURE FOR STATUTES NEEDING ADJUSTMENT TO IMPLEMENT PARAPROFESSIONAL PROGRAM

Issues Needing Working Group Input

Code of Civil Procedure Section	Reference to Attorney/Lawyer	Notes/Recommendation
§ 340.6	Establishes 1-year statute of limitations for claims against an attorney for a wrongful act or omission	The Working Group should recommend that malpractice causes of action against paraprofessionals be subject to the same statute of limitations as for attorneys. Both types of causes of action are based on wrongful acts or omissions in the practice of law.
§ 995.510	Surety – No member of the State Bar shall act as a surety	The Code of Civil Procedure provides that no member of the State bar shall act as a surety (one who promises to answer for the debt, default, or miscarriage of another, or hypothecates property as security therefor). Paraprofessionals who practice law should presumably be treated the same as attorneys in this regard.
§§ 2018.010, 2018.020, 2018.030, 2018.040, 2018.050, 2018.060, 2018.070, 2018.080	Attorney Work Product – various references to “attorney” or “lawyer”	<p>These statutes codify the attorney work product doctrine, and have the purposes of “[p]reserv[ing] the rights of attorneys to prepare cases for trial with that degree of privacy necessary to encourage them to prepare their cases thoroughly and to investigate not only the favorable but the unfavorable aspects of those cases” and “[p]reventing attorneys from taking undue advantage of their adversary's industry and efforts.” These rationales apply equally to paraprofessionals practicing law.</p> <p>The Working Group should recommend that work product of paraprofessionals be protected by the work product doctrine to the same extent that work product of attorneys is. Not extending the protection to paralegals could give attorneys an unfair advantage in litigation against parties represented by paraprofessionals, as the work product of those paraprofessionals could be subject to discovery while the attorneys’ work product is not.</p>

References to Attorney/Lawyer in Code of Civil Procedure – No Unresolved Policy Issue

Code of Civil Procedure Section	Reference to Attorney/Lawyer	Change Needed to Encompass Paraprofessionals
§ 33	Applies to prosecuting attorney	No; beyond scope of program.
§§ 36, 36.5	Motion for preference (references to party's attorney)	Yes; language should encompass paraprofessional in even paraprofessional performs this task.
§ 75	Submission of uncontested matter (by party's attorney)	Yes; language must encompass paraprofessional in even paraprofessional performs this task.
§ 85	Limited Jurisdiction Case (reference to "attorney's fees")	Yes; language should encompass paraprofessional's fees.
§ 88	Limited Jurisdiction Case – declaratory relief after non-binding fee arbitration	Yes; language should encompass paraprofessional in even paraprofessional performs this task.
§ 94	Subpoena may require mailing of documents to "party's counsel"	Yes; language should encompass mailing to paraprofessional.
§ 96.	Request for statement of witnesses, and description and copies of evidence (reference to "attorney for" in standard form)	Yes; language should encompass paraprofessional in even paraprofessional performs this task.
§ 116.220	Small claims jurisdiction – declaratory relief after non-binding fee arbitration	Yes; language should encompass paraprofessional in event paraprofessional and client have fee arbitration.
§ 116.231	Removal from small claims of certain cases where defendant is represented by "legal counsel"	No; beyond scope.

§ 116.320	Small claims form must state party may not be represented by attorney	No; beyond scope.
§ 116.390	References to attorney's fees in cases transferred from small claims court	Yes; language should encompass paraprofessional's fees.
§§ 116.530, 116.540(m), 116.541(d), 116.770(c)	Prohibition on attorneys appearing in small claims court and exceptions	No; beyond scope.
§§ 116.780, 116.790	Attorney fees on appeal of small claims awards	No; beyond scope.
§ 116.830	Attorney fees for enforcement of small claims judgement	Yes; language should encompass paraprofessional's fees in event paraprofessionals may enforce small claims judgments.
§ 128	Contempt orders against attorneys	Yes; modification should make clear courts may issue sanctions against paraprofessional appearing in court to same extent as attorneys.
§ 128.5	Frivolous actions – payment by attorney of expenses including attorney's fees	Yes; modification should make clear courts may issue awards against paraprofessional appearing in court to same extent as attorneys.
§ 128.7	Pleadings: Signature requirement by attorneys of record	Yes; modification should make clear requirement applies to paraprofessionals appearing in court so same extent as attorneys.
§ 130	Relates to disclosure of autopsy reports to criminal defense attorneys	No; beyond scope.
§ 155	Proceedings related to judicial determinations regarding the custody and care of immigrant children	No; beyond scope.

§ 166.1	“Counsel” may request or object to interlocutory appeal	Yes; modification should make clear paraprofessionals appearing in litigation where permitted to do so can take same actions as attorneys.
§§ 170.3, 170.6	Disqualification of judges – various references to attorneys	Yes; modification should make clear paraprofessionals appearing in litigation where permitted to do so can take same actions as attorneys.
§ 170.9	Judge’s acceptance of gift – attorney referred to in definition of foreign bar association	No; beyond scope.
§ 177.5	Sanctions power against “a party [or] a party’s attorney”, power does not apply to “advocacy of counsel before the court”	Yes; modification should make clear courts may issue sanctions against paraprofessional appearing in court to same extent as attorneys.
§§ 206, 229 (plus other hits for “counsel”)	Jury selection	No; beyond scope.
§ 259	Court commissioner’s power regarding attorney’s fees; service of exceptions to commissioner’s report to be served on opposing “counsel”	Yes; modification should make clear attorney’s fees include paraprofessionals fees for authorized paraprofessional work and that service on counsel includes paraprofessionals where authorized to appear.
§ 262	Sherriff’s execution of orders by party’s attorney	Yes; modification should make clear that reference to party’s attorney includes part’s paraprofessional where such representation is permitted.
§ 269	Court reporters: references to attorneys in criminal and jury trials	No; beyond scope.
§ 271	Reference to obligation of attorney to maintain file (transcript)	Yes; modification should make clear that paraprofessional permitted to appear has same obligation as attorney.

§§ 283 - 286	Authority of attorneys of record to bind clients in litigation; provisions regarding changing attorney of record	Yes; modification should subject paralegals permitted to represent clients in court to these provisions to same extent as attorneys
§§ 340.1, 340.16	Reference to attorney in civil actions brought regarding childhood sexual assault	No; beyond scope.
§§ 340.3, 340.35	References to attorney in statutes of limitation for claims involving felony offense or sexual abuse of a minor	No; beyond scope.
§ 353.1	Extension of limitations period by persons who were represented by attorney whose practice is taken over by court	Yes; modification necessary if court is permitted to take over paraprofessional's practice to afford same extension given to persons represented by attorney.
§ 354.8	Attorney's fees for actions involving assault, torture, etc	Yes; modification should make clear that paraprofessional fees can be recovered for paraprofessionals doing permitted work to same extent as attorney's fees.
§ 365	Attorneys subject to discipline for failure to comply with laws regarding commencement of actions for professional negligence by healthcare providers	No; beyond scope.
§ 382.4	Pertains to class actions	No; beyond scope
§ 386.6	Attorney's fees for interpleader motions	Yes; modification should make clear that paraprofessional fees can be recovered for paraprofessionals doing permitted work to same extent as attorney's fees.
§§ 367.3, 372.5	Use of Pseudonyms in Pleadings; attorneys	Yes; modification should make clear that paraprofessional permitted to appear has same obligation as attorney.

	required to use pseudonym in cases where party uses pseudonym	
§ 387	Service of intervention papers on parties represented or not represented by an attorney	Yes; modification should make clear that service on party represented by paraprofessional is subject to same rules as service on party represented by attorney.
§§ 391, 391.3	Reference to attorney's fees in posting security by vexatious litigants and other similar references to attorney and counsel	Yes; modification should make clear that paraprofessional fees for permitted paraprofessional work should be treated same as attorney fees.
§§ 396a, 396b	Reference to declaration by plaintiff's attorney regarding venue in certain actions, similar reference to attorney's fees; reference to consent by defendant's counsel; reference to counsel's fees	Yes; modification should make clear that paraprofessional permitted to appear has same obligation as attorney and that paraprofessional fees for permitted paraprofessional work should be treated same as attorney fees.
§ 397	Reference to motion for attorney's fees in transfer motion in marriage dissolution cases	Yes; modification should make clear that paraprofessional fees for permitted paraprofessional work should be treated same as attorney fees.
§ 399	Reference to attorney's fees in transfer motions	Yes; modification should make clear that paraprofessional fees for permitted paraprofessional work should be treated same as attorney fees.
§ 404.1	Coordination of civil actions: references to convenience of counsel and work product of counsel	Yes; modification should make clear that paraprofessional permitted to appear has same obligations and rights as attorney in action.
§ 405.21	Attorney of record may sign lis pendens notices	Yes, if lis pendens notices may be used in actions where paraprofessionals permitted to appear; modification should make clear that paraprofessional permitted to appear has same obligations and rights as attorney in action.

§ 405.38	Attorney's fees in motion to expunge lis pendens notice	Yes, if lis pendens notices may be used in actions where paraprofessionals permitted to appear; modification should make clear that paraprofessional fees for permitted paraprofessional work should be treated same as attorney fees.
§§ 411.20, 411.21	Notice to parties' attorneys related to insufficient funds for filing fees	Yes; modification should make clear that paraprofessionals doing permitted work should receive same notices as attorneys.
§ 411.35	Attorney forms to be filed in engineer/architect/etc malpractice actions	No; beyond scope.
§ 411.20.5. Nonpayment of electronic filing fees by attorney of record; sanction	Attorney of record can be sanctioned for failing to pay electronic filing fees	Yes; modification should make clear that paraprofessional permitted to appear has same obligation and is subject to same sanctions as attorney.
§ 412.20	Summons must state recipient may seek the advice of an attorney	No; recipient of summons maintains right to seek advice of an attorney.
§ 425.11	Service of statement regarding damages on attorney in personal injury or wrongful death action	No; beyond scope.
§ 425.115	Signing and service of statement regarding punitive damages	Yes; modification should make clear that paraprofessionals permitted to appear in an action should receive service to same extent as attorneys.
§§ 425.16, 425.17, 425.18	Attorney's fees in anti-SLAPP motion	No; beyond scope.
§§ 425.50, 425.55	Construction-related accessibility claims (references to signature on complaint and high frequency litigants)	No; beyond scope.
§ 428.60	Service of cross-complaint on party's attorney	Yes; modification should make clear that paraprofessionals permitted to appear in an action should receive service to same extent as attorneys.

§§ 430.41, 435.5, 439	Meet-and-confer requirement for certain motions (JOP, MTS, demurrer) does not apply to party “not represented by counsel”	Yes; modification should make clear that parties represented by paraprofessionals who are permitted to appear must meet-and-confer as if they were represented by attorneys.
§ 437c	Notice of motion for summary adjudication must be signed by “counsel”	Yes; modification should make clear that paraprofessional permitted to appear has same obligations as attorney.
§§ 446, 454	Signature of attorneys in verified pleadings	Yes; modification should make clear that paraprofessional permitted to appear has same obligations as attorney.
§ 465	Service of post-complaint pleadings on adverse party’s attorney	Yes; modification should make clear that paraprofessionals permitted to appear in an action should receive service to same extent as attorneys.
§ 473	Relief from order or judgment based on mistake; references to attorney and counsel	Yes; modification should make clear that paraprofessional permitted to appear has same obligations and rights as attorney.
§ 473.1. Court assuming jurisdiction over attorney's practice; relief from judgment, order or proceeding	Relief from judgment where Court takes jurisdiction over law practice	Yes; modification necessary if court is permitted to take over paraprofessional’s practice to afford same relief given to persons represented by attorney.
§ 482.050	Making delayed-public complaint available to party or his attorney	Yes; modification should make clear that paraprofessional permitted to appear has same obligations and rights as attorney.
§§ 482.070, 482.110, 483.010, 484.340, 488.020, 488.030, 488.510,	Service on attorney of record of defendant in attachment actions; provisions on attorney’s fee in such actions; presence of	Yes; modification should make clear that paraprofessional permitted to appear has same obligations and rights as attorney.

488.610, 488.730, 491.110	attorney at attachment hearing; instructions from plaintiff's attorney to levying officer	
§ 490.02	Liability for attorney's fees for wrongful attachment	Yes; modification should make clear that paraprofessional fees for permitted paraprofessional work should be treated same as attorney fees and that paraprofessionals have same obligations as attorneys.
§§ 491.130, 491.160	Attorney's fees related to examinations in attachment proceedings	Yes; modification should make clear that paraprofessional fees for permitted paraprofessional work should be treated same as attorney fees and that paraprofessionals have same obligations as attorneys.
§ 512.040	Notice to defendant in writ of possession they may wish to consult attorney	No; defendant maintains right to consult attorney.
§ 527	Certifications by and notifications of attorneys with respect to TROs	Yes; modification should make clear that paraprofessional permitted to appear has same obligations and rights as attorney.
§§ 527.6, 527.7, 527.8	TROs and injunctions regarding harassment, violence, school safety	No; beyond scope.
§ 532	Reference to "attorney's fees" with regard to injunctions	Yes; modification should make clear that paraprofessional fees for permitted paraprofessional work should be treated same as attorney fees and that paraprofessionals have same obligations as attorneys.
§ 566	No "attorney of a party" in an action can be appointed receiver in that action	Yes, if receiver can be appointed in an action where a paraprofessional appears; modification should make clear that such paraprofessional also may not be appointed receiver.
§ 575.2	Attorney's fees in motions regarding violations of local rules regarding pretrial conferences	Yes; modification should make clear that paraprofessional fees for permitted paraprofessional work should be treated same as attorney fees and that paraprofessionals have same obligations as attorneys.
§ 580	Reference to "attorney's fees" in judgment limits for limited civil cases	Yes; modification should make clear that paraprofessional fees for permitted paraprofessional work should be treated same as attorney fees and that paraprofessionals have same obligations as attorneys.

§ 580c	Attorneys' fees in foreclosure cases	No; beyond scope.
§ 581	Consent by party's attorney to dismissal; trial begins upon opening statement of "counsel"	Yes; modifications should make that trial also begins upon opening statement of paraprofessional permitted to appear, and that paraprofessional permitted to appear may give consent to same extent as attorney.
§§ 585, 585.5, 587	References to attorney's fees in default judgments; reference to serving notice on defendant's attorney	Yes; modification should make clear that paraprofessional fees for permitted paraprofessional work should be treated same as attorney fees and that paraprofessionals have same obligations and rights as attorneys.
§§ 595, 1054.1	Postponement of trial where attorney of record is member of Legislature; other extensions of time for such attorneys of record	Yes; modification should make clear that provision applies to paraprofessional of record to same extent as attorney.
§ 595.2	Postponement of trial on agreement of attorneys of record	Yes; modification should make clear that provision applies to paraprofessional of record to same extent as attorney.
§ 607	Order of proceedings where defendants have different "counsel"	Yes; modification should make clear that "counsel" includes paraprofessionals permitted to appear.
§§ 630.01, 630.09, 630.10, 630.020, 630.027	References to expedited jury trials	No; beyond scope.
§ 639	Referee – party's ability to pay referee fees not determined by "counsel's" ability to pay	Yes; modification should make clear that "counsel" includes paraprofessionals.
§ 657	Reference to attorney not preparing order in reference to motion for new trial	Yes; to the extent an attorney should not be ordered to prepare an order, a paraprofessional should not either.

§ 664.5	Service of notice of entry of judgment where prevailing party not represented by counsel	Yes; modification should make clear that service rules where party not represented by counsel apply where party not represented by counsel or paraprofessional.
§ 664.6	Attorney for party may sign stipulated judgment	Yes; modification should make clear that paraprofessional doing authorized work may sign stipulated judgment.
§ 664.7	Stipulated judgment in construction defect action: stipulation through "counsel"	No; beyond scope.
§ 667.7	Payment of attorney's fees by judgment debtor in certain cases against healthcare providers	Yes; modification should make clear that paraprofessional fees for permitted paraprofessional work should be treated same as attorney fees and that paraprofessionals have same obligations as attorneys.
§ 670	Reference to "defendant's attorney" in provision regarding judgment roll	Yes; modification should make clear that "attorney" includes paraprofessionals when authorized to appear.
§ 674	Reference to "judgment debtor's attorney of record" in provision regarding abstract of judgment	Yes; modification should make clear that "attorney" includes paraprofessionals when authorized to appear.
§ 676.9	Uniform Foreign Money Claims Act -- Prejudgment interest based on conduct of party's attorney causing undue delay or expense	Yes; modification should make clear that "attorney" includes paraprofessionals when authorized to appear.
§§ 684.010, 684.020, 684.040, 684.050, 684.110, 684.115, 684.0120	Service of papers in enforcement of judgment actions	Yes; modification should make clear that paraprofessionals have same obligations and rights as attorneys when performing permitted tasks.

§§ 685.040, 685.070, 687.010	Enforcing judgments: judgment creditor may get “attorney’s fees”; other references to judgment creditor’s attorney	Yes; modification should make clear that paraprofessional fees for permitted paraprofessional work should be treated same as attorney fees and that paraprofessionals have same obligations and rights as attorneys when performing permitted tasks.
§ 687.410	Attorney’s fees to prevailing party in action related to improper lien on real property owner	Yes; modification should make clear that paraprofessional fees for permitted paraprofessional work should be treated same as attorney fees and that paraprofessionals have same obligations and rights as attorneys when performing permitted tasks.
§§ 697.510, 697.550, 699.030, 699.060	Attorney’s fees on motions related to judgment lien on personal property; other references to attorneys in proceedings related to judgment on personal property	Yes; modification should make clear that paraprofessional fees for permitted paraprofessional work should be treated same as attorney fees and that paraprofessionals have same obligations and rights as attorneys when performing permitted tasks.
§ 699.510	Writ of execution: attorney’s fee for someone wrongfully subject to enforcement of judgement proceedings	Yes; modification should make clear that paraprofessional fees for permitted paraprofessional work should be treated same as attorney fees and that paraprofessionals have same obligations and rights as attorneys when performing permitted tasks.
§ 701.020, 701.030	Attorney’s fees incurred by judgment creditor in establishing third party liability; similar provision re garnishee’s liability	Yes; modification should make clear that paraprofessional fees for permitted paraprofessional work should be treated same as attorney fees and that paraprofessionals have same obligations and rights as attorneys when performing permitted tasks.
§ 701.600	Attorney’s fees for defaulting bidder in execution sale	Yes; modification should make clear that paraprofessional fees for permitted paraprofessional work should be treated same as attorney fees and that paraprofessionals have same obligations and rights as attorneys when performing permitted tasks.
§ 701.820	Attorney’s fees for levying officer in execution sale	Yes; modification should make clear that paraprofessional fees for permitted paraprofessional work should be treated same as attorney fees and that paraprofessionals have same obligations and rights as attorneys when performing permitted tasks.

§§ 704.790, 706.105	Notice to attorneys for judgment debtor	Yes; modification should make clear that paraprofessionals have same obligations and rights as attorneys when performing permitted tasks.
§§ 708.110, 708.120, 708.170	Notice regarding liability to judgment creditor for attorney's fees connected with examination	Yes; modification should make clear that paraprofessional fees for permitted paraprofessional work should be treated same as attorney fees and that paraprofessionals have same obligations and rights as attorneys when performing permitted tasks.
§§ 720.160, 720.260	Indemnification by judgment creditor of third person claimant or secured party or lienholder against attorney's fees	Yes; modification should make clear that paraprofessional fees for permitted paraprofessional work should be treated same as attorney fees and that paraprofessionals have same obligations and rights as attorneys when performing permitted tasks.
§§ 724.050, 724.220	Attorney's fees by judgment debtor related to satisfaction of judgment	Yes; modification should make clear that paraprofessional fees for permitted paraprofessional work should be treated same as attorney fees and that paraprofessionals have same obligations and rights as attorneys when performing permitted tasks.
§ 724.060	Satisfaction of judgment; signature by attorney	Yes; modification should make clear that paraprofessionals have same obligations and rights as attorneys when performing permitted tasks.
§§ 724.080, 724.260	Attorney's fees related to satisfaction of judgment	Yes; modification should make clear that paraprofessional fees for permitted paraprofessional work should be treated same as attorney fees and that paraprofessionals have same obligations and rights as attorneys when performing permitted tasks.
§§ 726, 730	Attorney's fees and notices to attorneys related to mortgage foreclosures	Yes; modification should make clear that paraprofessional fees for permitted paraprofessional work should be treated same as attorney fees and that paraprofessionals have same obligations and rights as attorneys when performing permitted tasks.
§ 731.5	Action related to closure of public trails; attorney's fees	No; beyond scope.
§ 736	Action by secured lender related to environmental breach; attorney's fees	No; beyond scope.
§ 751.23	Notices related to actions to reestablish destroyed land records	No; beyond scope.
§§ 765.020, 765.030	Petition regarding lien or encumbrance filed to harass	Yes; modification should make clear that paraprofessionals have same obligations and rights as attorneys when performing permitted tasks.

§§ 836, 839, 842	Notices and service related to groundwater rights	No; beyond scope.
§ 871.5	Action related to good faith improvement of property owned by another; attorney's fees	No; beyond scope.
§§ 871.11 , 1179.03	Attorney's fees in Actions to Recover Covid-19 Rental Debt	Yes; modification should make clear that paraprofessional fees for permitted paraprofessional work should be treated same as attorney fees and that paraprofessionals have same obligations and rights as attorneys when performing permitted tasks.
§§ 873.110, 873.120, 873.150, 873.650	Referee in partition action may engage an attorney; related provisions	No; beyond scope.
§§ 873.690, 873.760, 874.010, 874.020	Attorney of party in a partition sale may not purchase; attorney's fees related to partition sales	No; beyond scope.
§ 903	Attorney of record of person who dies with right to appeal may file appeal	No; beyond scope.
§ 904.1	Appealability of sanctions orders against attorneys of parties	Yes; modification should make clear that paraprofessionals have same obligations and rights as attorneys when performing permitted tasks.
§ 917.75	Effect of notice of appeal on enforcement of judgment or order awarding certain "attorney's fees" or costs	Yes; modification should make clear that paraprofessional fees for permitted paraprofessional work should be treated same as attorney fees and that paraprofessionals have same obligations and rights as attorneys when performing permitted tasks.
§ 991	Affidavit accompanying summons related to proceeding against joint debtors to be signed by "plaintiff, his agent,	No; likely beyond scope, but reference to attorney also includes "agent" and "representative" and would thus cover a paraprofessional.

	representative, or attorney”	
§ 996.480	Attorney’s fee for beneficiary claiming against surety	Yes; modification should make clear that paraprofessional fees for permitted paraprofessional work should be treated same as attorney fees and that paraprofessionals have same obligations and rights as attorneys when performing permitted tasks.
§ 998	Reference to attorney’s fees as part of post-offer costs; reference to “counsel”	Yes; modification should make clear that paraprofessional fees for permitted paraprofessional work should be treated same as attorney fees and that paraprofessionals have same obligations and rights as attorneys when performing permitted tasks.
§ 1002	Settlement agreement for civil actions involving acts that are predicates for sex crimes; reference to State Bar investigation of violations	No; beyond scope.
§ 1010	Notices of motion may be served on an “attorney”	Yes; modification should make clear that paraprofessionals have same obligations and rights as attorneys when performing permitted tasks.
§ 1010.6	Electronic service: Various references to attorney and counsel	Yes; modification should make clear that paraprofessionals have same obligations and rights as attorneys when performing permitted tasks.
§ 1011	Personal service: various references to attorney	Yes; modification should make clear that paraprofessionals have same obligations and rights as attorneys when performing permitted tasks.
§§ 1013a, 1013b	Proof of service; references to “an active member of the State Bar of California”	Yes; modification should make clear that paraprofessionals have same obligations and rights as attorneys when performing permitted tasks.
§ 1014	Appearance: defendant’s attorney entitled to notice after defendant appears	Yes; modification should make clear that paraprofessionals have same obligations and rights as attorneys when performing permitted tasks.
§ 1015	Service on attorney of non-resident party	Yes; modification should make clear that paraprofessionals have same obligations and rights as attorneys when performing permitted tasks.
§ 1019.5	Notice of court’s decision on motions to parties’ attorneys	Yes; modification should make clear that paraprofessionals have same obligations and rights as attorneys when performing permitted tasks.

§ 1020	Service by registered mail: reference to notices provided to a party's attorney	Yes; modification should make clear that paraprofessionals have same obligations and rights as attorneys when performing permitted tasks.
§ 1021	Reference to attorney's or counsel's fees being decided by agreement except where law provides otherwise	Yes; modification should make clear that paraprofessional fees for permitted paraprofessional work should be treated same as attorney fees.
§ 1021.4	Attorney's fees for plaintiff against defendant who committed felony	No; beyond scope.
§ 1021.5	Attorney's fees for party enforcing right affecting the public interest	Yes; modification should make clear that paraprofessional fees for permitted paraprofessional work should be treated same as attorney fees.
§ 1021.6	Attorney's fees for party prevailing on claim for implied indemnity	Yes; modification should make clear that paraprofessional fees for permitted paraprofessional work should be treated same as attorney fees.
§ 1021.7	Action against peace officers or for libel or slander pursuant to Civ. Code §§ 45 or 46; attorney's fees for defendants	No; beyond scope.
§ 1021.9	Attorney's fees for prevailing plaintiff in actions for trespassing on certain agricultural land	No; beyond scope.
§ 1021.10. Action for failure to comply with Jenkins Act	Cigarette Tax enforcement; attorney's fees	No; beyond scope.
§ 1028.5	Attorney's fees in civil action between small	No; beyond scope.

	business or licensee and state regulatory agency	
§ 1029.5	Liability of unlicensed person providing goods and services for which license is required; attorney's fees	No; beyond scope.
§ 1030	Undertaking as security for attorney's fees where plaintiff resides out of state	Yes; modification should make clear that paraprofessional fees for permitted paraprofessional work should be treated same as attorney fees.
§ 1031	Attorney's fee in action for recovery of wages where less than \$300 demanded	Yes; modification should make clear that paraprofessional fees for permitted paraprofessional work should be treated same as attorney fees.
§ 1033	Attorney's fees in limited civil case where recovery less than the maximum for small claims court	Yes; modification should make clear that paraprofessional fees for permitted paraprofessional work should be treated same as attorney fees.
§ 1033.5	Attorney's fees as recoverable costs	Yes; modification should make clear that paraprofessional fees for permitted paraprofessional work should be treated same as attorney fees.
§ 1036	Attorney's fees in inverse condemnation proceedings	No; beyond scope.
§ 1036	Attorney's fees in bad faith actions under Government Claims Act or for express or implied indemnity or contribution	No; beyond scope.
§ 1054	Extension of time upon agreement of attorneys of record	Yes; modification should make clear that paraprofessionals have same obligations and rights as attorneys when performing permitted tasks.
§ 1094.6	Reference to sending record to "attorney of record" related to judicial review of administrative orders	Yes; modification should make clear that paraprofessionals have same obligations and rights as attorneys when performing permitted tasks.

§ 1132	Judgment by confession allowed where attorney representing defendant reviews and certifies	Yes; modification should make clear that paraprofessionals have same obligations and rights as attorneys when performing permitted tasks.
§ 1161.2, 1161.2.5	Access to limited civil case records for summary proceedings for obtaining real property possession – reference to party’s attorney	Yes; modification should make clear that paraprofessionals have same obligations and rights as attorneys when performing permitted tasks.
§§ 1174.2, 1174.21, 1174.3, 1179.01.5, 1179.02.5	Unlawful detainer – references to attorney’s fees and attorney of record	Yes; modification should make clear that paraprofessional fees for permitted paraprofessional work should be treated same as attorney fees and that paraprofessionals have same obligations and rights as attorneys when performing permitted tasks.
§ 1179	Relief against a forfeiture of a lease – tenant appearing without a lawyer may make application orally	Yes; modification should make clear that paraprofessional appearing without a paraprofessional permitted to engage in such representation or lawyer may make the application orally.
§§ 1206, 1208	Notice regarding certain writs of attachment or execution	Yes; modification should make clear that paraprofessionals have same obligations and rights as attorneys when performing permitted tasks.
§§ 1209, 1218	Provisions relating to contempt by attorneys and counsel	Yes; modification should make clear that paraprofessionals have same obligations and rights as attorneys when performing permitted tasks.
Part 3, Title 7 §§ 1235.140, 1250.330, 1250.410, 1255.450, 1258.230, 1263.615, 1268.220, 1273.020, 1273.040	Eminent Domain Law	No; beyond scope.

§§ 1280 – 1294.4, 1297.11 – 1297.432	Provisions regarding arbitration	No; beyond scope.
§§ 1374, 1423	Attorney's fees related to unclaimed property	No; beyond scope.
§ 1734, 1735	Attorney's declaration in application for judgment under Tribal Court Civil Money Judgment Act; related provision regarding notice to attorney	Yes; modification should make clear that paraprofessionals have same obligations and rights as attorneys when performing permitted tasks.
§ 1775.1	Civil Action Mediation: "any act to be performed by a party may also be performed by his or her counsel or record"	Yes; modification should make clear that paraprofessionals have same obligations and rights as attorneys when performing permitted tasks.
§ 1952.2	Reference to attorneys in provision regarding return of trial materials	Yes; modification should make clear that paraprofessionals have same obligations and rights as attorneys when performing permitted tasks.
§§ 1985, 1985.2, 1985.3, 1985.6, 1985.8, 1987, 1987.1, 1987.2, 1987.5	Attorney at law may issue subpoenas; related provisions; provisions regarding personal and employment records; provision regarding notice to counsel	Yes; modification should make clear that paraprofessionals may issue subpoenas (to the extent within scope of permitted practice) and that they have the same related obligations and rights as attorneys when performing permitted subpoena-related tasks.
§ 2017.220	Discovery sanctions pertaining to discovery in matter involving sexual harassment/assault/battery	No; beyond scope.
§ 2020.210	Attorney of record may issue a deposition subpoena	Yes; modification should make clear that paraprofessionals may issue subpoenas (to the extent within scope of permitted practice) and that they have the same related obligations and rights as attorneys when performing permitted subpoena-related tasks.

§ 2020.220	Reference to attorney work product and discovery sanctions related to subpoenas of ESI	Yes; reference to attorney work product should be modified as necessary based on Working Group recommendation regarding applicability of attorney work product exception to paraprofessionals. Modification should also make clear that that paraprofessionals have the same obligations and rights as attorneys when conducting permitted ESI discovery.
§§ 2020.420, 2025.320	Deposition officer shall not be a relative or employee of an attorney of the parties; other provisions relating to conduct of deposition officer	Yes; modification should make clear that paraprofessionals have same obligations and rights as attorneys when engaged in permitted representation.
§ 2020.430	Reference to delivery of business records to subpoenaing party's attorney	Yes; modification should make clear that paraprofessionals have same obligations and rights as attorneys when engaged in permitted tasks.
§§ 2017.020, 2019.030, 2023.050, 2023.010, 2023.020, 2023.030, 2023.040, 2023.050, 2024.050, 2025.260, 2025.410, 2025.420, 2025.430, 2025.440, 2025.450, 2025.480, 2025.520, 2025.530, 2028.040,	Discovery sanctions on attorneys	Yes; modification should make clear that paraprofessionals have same obligations and rights as attorneys when engaged in permitted tasks.

2028.050, 2030.090, 2030.290, 2030.300, 2030.310, 2031.060, 2031.300, 2031.310, 2031.320, 2032.240, 2032.250, 2032.510, 2032.620, 2032.650, 2033.080, 2033.280, 2033.290, 2034.250, 2034.470, 2034.630, 2034.730		
§§ 2025.220, 2025.240, 2025.290 (counsel), 2025.295 (counsel), 2025.310, 2025.330, 2025.340 (attorney and counsel), 2025.410, 2025.420 (counsel), 2025.460, 2025.510, 2025.550, 2025.560	Deposition notice: various references to attorney; attendance at deposition by attorney; provisions related to recording, objections, transcripts etc.	Yes; modification should make clear that paraprofessionals have same obligations and rights as attorneys when engaged in permitted tasks.

§§ 2028.060, 2028.070	Deposition by written questions: provisions relating to what attorneys can do	Yes; modification should make clear that paraprofessionals have same obligations and rights as attorneys when engaged in permitted tasks.
§§ 2029.300, 2029.350. Foreign subpoenas	Issuing CA subpoenas based on foreign proceedings	No; beyond scope.
§§ 2030.050, 2030.250	Various references to attorneys in provisions regarding interrogatories; identification on forms, signing responses, etc.	Yes; modification should make clear that paraprofessionals have same obligations and rights as attorneys when engaged in permitted tasks.
§§ 2031.250	Various references to attorneys in provisions regarding document requests; identification on forms, signing responses, etc.	Yes; modification should make clear that paraprofessionals have same obligations and rights as attorneys when engaged in permitted tasks.
§§ 2032.510, 2032.530	“Attorney” of examinee may attend medical examination	Yes; modification should make clear that paraprofessionals have same obligations and rights as attorneys when engaged in permitted tasks.
§§ 2033.050, 2033.240, 2033.420	Requests for admission: forms, signing responses, attorney’s fees for failing to admit	Yes; modification should make clear that paraprofessionals have same obligations and rights as attorneys when engaged in permitted tasks.
§§ 2034.260, 2034.430, 2034.450	Exchange of expert witness information: Various references to attorney and counsel	Yes, if Working Group recommends permitting paraprofessionals to engage in expert discovery in any practice area; modification should make clear that paraprofessionals have same obligations and rights as attorneys when engaged in permitted tasks.

REVIEW OF EVIDENCE CODE FOR STATUTES NEEDING ADJUSTMENT TO IMPLEMENT PARAPROFESSIONAL PROGRAM

Issues Needing Working Group Input

Evidence Code Section	Reference to Attorney/Lawyer	Notes/Recommendation
§§ 912(c), 917, 950, 951, 952, 954, 955, 956, 956.5, 958, 959, 962	Provisions establishing "Lawyer-client privilege"	<p>These sections create the evidentiary privilege for confidential lawyer-client communications. Arguably, the statutes would cover communications between clients and paraprofessionals without modification because Evidence Code section 950 defines "lawyer" for purposes of the privilege as "a person authorized, or reasonably believed by the client to be authorized, to practice law in any state or nation." The paraprofessionals contemplated by this program will be authorized to practice law to some extent. However, clarification is advisable to avoid confusion.</p> <p>The Working Group should recommend that communications between paraprofessionals and their clients should be privileged to the same extent as communications between attorneys and their clients. "The fundamental purpose [of the privilege] is to safeguard the confidential relationship between clients and their attorneys so as to promote full and open discussion of the facts and tactics surrounding individual legal matters." <i>Costco Wholesale Corp. v. Superior Ct.</i>, 47 Cal. 4th 725, 732 (2009) (internal quotations omitted). This rationale applies with equal force to paraprofessionals practicing law as it does to attorneys practicing law. Further, applying the privilege to paraprofessionals will encourage their clients to be candid and make full disclosures to the paraprofessionals. This will help ensure that paraprofessionals have all necessary facts, not only to represent their clients but to refer them to an attorney in the event that the client needs legal services that can only be performed by an attorney.</p>

References to Attorney/Lawyer in Code of Civil Procedure – No Unresolved Policy Issue

Evidence Code Section	Reference to Attorney/Lawyer	Change Needed to Encompass Paraprofessionals
§ 351.3	Immigration status shall not be disclosed by a party "or his or her attorney"	Yes; modification should make clear that paraprofessional performing permitted activities has same obligations and rights as attorney.

§ 351.4	In criminal action, immigration status shall not be disclosed by a party “or his or her attorney”	No; beyond scope.
§ 352.1	Exclusion of victim name and address; reference to notice to defendant’s attorney	No; beyond scope.
§ 712	Evidence of blood samples at trial in criminal action; service of affidavit on counsel	No; beyond scope.
§ 752	Interpreters – reference to witness being understood by counsel	Yes; modification should make clear that paraprofessional performing permitted activities has same obligations and rights as attorney, including to understand witness.
§ 756	Court interpreter services: reference to assisting communications with “party’s attorney”	Yes; modification should make clear that paraprofessional performing permitted activities has same obligations and rights as attorney, including interpreter services.
§ 777	Exclusion of witnesses does not apply to employee designated by “attorney” of non-natural person party	Yes; modification should make clear that paraprofessional performing permitted activities has same obligations and rights as attorney.
§ 783	Reference to “plaintiff’s attorney” in provision concerning motion practice in civil action alleging sexual harassment, sexual assault, or sexual battery	No; beyond scope.
§ 913	Counsel may not comment on exercise of privilege	Yes; modification should make clear that paraprofessional performing permitted activities has same obligations and rights as attorney.
§§ 966, 967, 968	Lawyer referral service-client privilege	No; beyond scope.

§ 1017	Reference to lawyer for criminal defendant advising on insanity plea or defense based on mental/emotional condition in provision regarding psychotherapist-client privilege	No; beyond scope.
§ 1061	Reference to dissemination of trade secrets in criminal proceedings to “counsel for the parties, including their associate attorneys, paralegals, and investigators”	No; beyond scope.
§§ 1062, 1063	Reference to “defendant’s counsel” attending in camera hearing on motion to exclude public from criminal proceedings due to trade secret; related provision	No; beyond scope.
§ 1122	Disclosure of document regarding attorney’s compliance with Evidence Code § 1129 (mediation confidentiality)	Yes; modification should make clear that paraprofessional performing permitted activities has same obligations and rights as attorney.
§ 1127	Attorney’s fees for mediator defending against discovery into mediation writings	No; beyond scope.
§ 1129	Attorney must obtain signed acknowledgment by client of confidentiality	Yes; modification should make clear that paraprofessional performing permitted activities has same obligations and rights as attorney.

	restrictions prior to mediation	
§ 1158	Inspection of medical records by “attorney” for patient	Yes; modification should make clear that paraprofessional performing permitted activities has same obligations and rights as attorney.
§ 1293	Reference to “attorney for parent or guardian” making motion in a proceeding to declare the minor a dependent child	Yes, if paraprofessional practice in this area is recommended; modification should make clear that paraprofessional performing permitted activities has same obligations and rights as attorney.
§ 1350	Criminal trial – reference to defendant’s counsel in provision relating to exception to hearsay rule for unavailable declarant	No; beyond scope.
§ 1380	Criminal trial – reference to defendant’s counsel in provision relating to exception to hearsay rule for statements by elder and dependent adult victims of abuse	No; beyond scope.
§ 751	Interpreter’s oath makes reference to providing translation to “counsel”	Yes; modification should make clear that paraprofessional performing permitted activities has same obligations and rights as attorney.
§§ 1560(e); 1561	Business records subpoena may direct witness to make records available for inspection by party’s “attorney”; similar references	Yes; modification should make clear that paraprofessional performing permitted activities has same obligations and rights as attorney.

§ 1563	References to attorney and attorney's fees in provisions regarding witness fees	Yes; modification should make clear that paraprofessional performing permitted activities has same obligations and rights as attorney and that paraprofessional fees for authorized work should be treated the same as attorney fees.
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STATE BAR ACT PROVISIONS REGARDING ATTORNEY DUTIES

Working Group Should Consider Recommendation

	CA State Bar Act Section, Title, and Text	Any Related Paraprofessional RPC Already Being Considered	Notes /Recommendation
1	<p>6068 Duties of Attorneys</p> <p>Subd. (i) re cooperate and participate in a regulatory or disciplinary proceeding against the attorney</p> <p>“It is the duty of an attorney to ... cooperate and participate in any disciplinary investigation or other regulatory or disciplinary proceeding pending against himself or herself. However, this subdivision shall not be construed to deprive an attorney of any privilege guaranteed by the Fifth Amendment to the Constitution of the United States, or any other constitutional or statutory privileges. This subdivision shall not be construed to require an attorney to cooperate with a request that requires him or her to waive any constitutional or statutory privilege or to comply with a request for information or other matters within an unreasonable period of time in light of the time constraints of the attorney's practice. Any exercise by an attorney of any constitutional or statutory privilege shall not be used against the attorney in a regulatory or disciplinary proceeding against him or her.”</p>		To allow for effective administration of the Paraprofessional discipline system, a similar requirement should be imposed on Paraprofessionals. The Working Group should recommend that the Legislature extend an analogous provision to Paraprofessionals.
2	<p>6068 Duties of Attorneys</p> <p>Subd. (j) re comply with section 6002.1 (licensee records)</p> <p>“It is the duty of an attorney to ... comply with the requirements of Section 6002.1.”</p>		To allow for effective administration of Paraprofessional licensing and regulation, a similar requirement should be imposed on Paraprofessionals. The Working Group should recommend that the Legislature extend an analogous provision to Paraprofessionals, imposing a duty to comply with statutes or rules enacted regarding State Bar records to be maintained by

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			Paraprofessionals. The particular records Paraprofessionals will be required to maintain and update (i.e., the Paraprofessional equivalent of Section 6002.1) will be decided as an administrative/operational matter.
3	<p>6068 Duties of Attorneys</p> <p>Subd. (o) re w/in 30-days, self-report to the State Bar certain enumerated occurrences (e.g., the bringing of an indictment or information charging a felony against the attorney)</p> <p>“It is the duty of an attorney to ... report to the State Bar, in writing, within 30 days of the time the attorney has knowledge of any of the following:</p> <p>(1) The filing of three or more lawsuits in a 12-month period against the attorney for malpractice or other wrongful conduct committed in a professional capacity.</p> <p>(2) The entry of judgment against the attorney in a civil action for fraud, misrepresentation, breach of fiduciary duty, or gross negligence committed in a professional capacity.</p> <p>(3) The imposition of judicial sanctions against the attorney, except for sanctions for failure to make discovery or monetary sanctions of less than one thousand dollars (\$1,000).</p> <p>(4) The bringing of an indictment or information charging a felony against the attorney.</p> <p>(5) The conviction of the attorney, including any verdict of guilty, or plea of guilty or no contest, of a felony, or a misdemeanor committed in the course of the practice of law, or in a manner in which a client of the attorney was the victim, or a necessary element of which, as determined by the statutory or common law definition of the misdemeanor, involves improper conduct of an attorney, including dishonesty or other</p>		<p>To allow for effective administration of the Paraprofessional discipline system, a similar requirement should be imposed on Paraprofessionals. The Working Group should recommend that the Legislature extend an analogous provision to Paraprofessionals.</p>

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	<p>moral turpitude, or an attempt or a conspiracy or solicitation of another to commit a felony or a misdemeanor of that type.</p> <p>(6) The imposition of discipline against the attorney by a professional or occupational disciplinary agency or licensing board, whether in California or elsewhere.</p> <p>(7) Reversal of judgment in a proceeding based in whole or in part upon misconduct, grossly incompetent representation, or willful misrepresentation by an attorney.</p> <p>(8) As used in this subdivision, “against the attorney” includes claims and proceedings against any firm of attorneys for the practice of law in which the attorney was a partner at the time of the conduct complained of and any law corporation in which the attorney was a shareholder at the time of the conduct complained of unless the matter has to the attorney's knowledge already been reported by the law firm or corporation.</p> <p>(9) The State Bar may develop a prescribed form for the making of reports required by this section, usage of which it may require by rule or regulation.</p> <p>(10) This subdivision is only intended to provide that the failure to report as required herein may serve as a basis of discipline.”</p>		
4	<p>6103.7 Report of Suspected Immigration Status Cause for Discipline</p> <p>“It is cause for suspension, disbarment, or other discipline for any licensee of the State Bar to report suspected immigration status or threaten to report suspected immigration status of a witness or party to a civil or administrative action or his or her family member to a federal, state, or local agency because the witness or party exercises or has exercised a right</p>	<p>(Compare Rule 3.4 re improperly causing a witness to be unavailable; Rule 8.4 re conduct prejudicial to the administration of justice; and Rule 3.10 re improper threats to bring criminal, administrative or disciplinary charges)</p>	<p>Rules 3.4, 8.4, and 3.1 cover related but not coextensive ground.</p> <p>Working Group should consider recommending that Paraprofessional Rules of Professional Conduct incorporate the provisions of Cal Bus. & Prof. Code § 6103.7. Alternatively, the Working Group could consider recommending that the Legislature extend the statutory provision to cover Paraprofessionals, and consider implementing a rule only if the Legislature does not do so.</p>

STATE BAR ACT PROVISIONS REGARDING ATTORNEY DUTIES

	related to his or her employment or hiring of residential real property, broadly interpreted. As used in this section, "family member" means a spouse, parent, sibling, child, uncle, aunt, niece, nephew, cousin, grandparent, or grandchild related by blood, adoption, marriage, or domestic partnership."		
5	<p>6106.1 Advocacy of Overthrow of Government</p> <p>"Advocating the overthrow of the Government of the United States or of this State by force, violence, or other unconstitutional means, constitutes a cause for disbarment or suspension."</p>	(Compare Rule 8.4 re certain criminal conduct)	<p>Rule 8.4 covers similar ground.</p> <p>Working Group should consider recommending that Paraprofessional Rules of Professional Conduct incorporate the provisions of Cal Bus. & Prof. Code § 6106.1. Alternatively, the Working Group could consider recommending that the Legislature extend the statutory provision to cover Paraprofessionals, and consider implementing a rule only if the Legislature does not do so.</p>
6	<p>6106.9 Sexual Relations Between Attorney and Client</p> <p>"(a) It shall constitute cause for the imposition of discipline of an attorney within the meaning of this chapter for an attorney to do any of the following:</p> <p>(1) Expressly or impliedly condition the performance of legal services for a current or prospective client upon the client's willingness to engage in sexual relations with the attorney.</p> <p>(2) Employ coercion, intimidation, or undue influence in entering into sexual relations with a client.</p> <p>(3) Continue representation of a client with whom the attorney has sexual relations if the sexual relations cause the attorney to perform legal services incompetently in violation of Rule 3-110 of the Rules of Professional Conduct of the State Bar of California, or if the sexual relations would, or would be likely to, damage or prejudice the client's case.</p>	Rule 1.8.10 sexual relations with client	<p>The 6106.9 prohibitions in subd. (a)(1) [conditioning legal services on sexual relations] and (a)(2) [use coercion or undue to obtain sexual relations] are not in the RPC because the RPC applies only when sexual relations occur.</p> <p>Working Group should recommend that Paraprofessional Rules of Professional Conduct incorporate the provisions of Cal Bus. & Prof. Code § 6106.9.</p> <p>Legislature may decide to include Paraprofessionals in statute as well.</p> <p>Note: Regulation Subcommittee voted 3-0 on June 17 to incorporate statute into Rules of Paraprofessional Conduct.</p>

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	<p>(b) Subdivision (a) shall not apply to sexual relations between attorneys and their spouses or persons in an equivalent domestic relationship or to ongoing consensual sexual relationships that predate the initiation of the attorney-client relationship.</p> <p>(c) Where an attorney in a firm has sexual relations with a client but does not participate in the representation of that client, the attorneys in the firm shall not be subject to discipline under this section solely because of the occurrence of those sexual relations.</p> <p>(d) For the purposes of this section, "sexual relations" means sexual intercourse or the touching of an intimate part of another person for the purpose of sexual arousal, gratification, or abuse.</p> <p>(e) Any complaint made to the State Bar alleging a violation of subdivision (a) shall be verified under oath by the person making the complaint."</p>		
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No Working Group Recommendation Needed

	CA State Bar Act Section and Title	Any Related Paraprofessional RPC Already Being Considered	Notes /Recommendation
1	6068 Duties of Attorneys Subd. (a) re support laws	Rule 8.4 conduct involving dishonesty, fraud, deceit, or reckless or intentional misrepresentation; and certain criminal conduct	Rule 8.4 covers similar ground. Legislature may decide to include Paraprofessionals in statute as well.

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	CA State Bar Act Section and Title	Any Related Paraprofessional RPC Already Being Considered	Notes /Recommendation
2	6068 Duties of Attorneys Subd. (b) re maintain respect for courts & judicial officers	Rule 8.2 false or reckless statement concerning the qualifications or integrity of a judge Rule 8.4 conduct prejudicial to the administration of justice	Rules 8.2 and 8.4 cover similar ground. Legislature may decide to include Paraprofessionals in statute as well.
3	6068 Duties of Attorneys Subd. (c) re counsel or maintain only actions, proceedings or defenses that are legal or just	Rule 1.2.1 shall not counsel a client in conduct that is criminal, fraudulent or a violation of law	Rule 1.2.1 covers similar ground. Legislature may decide to include Paraprofessionals in statute as well.
4	6068 Duties of Attorneys Subd. (d) re use only means consistent with truth & not mislead a judge or judicial officer	Rule 3.3 candor to a tribunal	Rule 3.3 covers similar ground. Legislature may decide to include Paraprofessionals in statute as well.
5	6068 Duties of Attorneys Subd. (e) re maintain a client's confidence and secrets w/ exception for disclosure of information to prevent a criminal act of death or substantial bodily harm	Rule 1.6 confidential information of a client	Rule 1.6 covers similar ground. Legislature may decide to include Paraprofessionals in statute as well.
6	6068 Duties of Attorneys Subd. (f) re to advance no fact prejudicial to the honor or reputation of a part or witness unless required by the justice of the cause	Rule 8.4 conduct prejudicial to the administration of justice (also, see 3 series)	Rule 8.4 covers similar ground. Legislature may decide to include Paraprofessionals in statute as well.

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	CA State Bar Act Section and Title	Any Related Paraprofessional RPC Already Being Considered	Notes /Recommendation
7	6068 Duties of Attorneys Subd. (g) re not to encourage either the commencement or continuance of an action or proceeding from any correct motive of passion or interest	Rule 1.2.1 shall not counsel a client in conduct that is criminal, fraudulent or a violation of law Rule 1.3 diligence Rule 1.7 conflicting relationships and interests Rule 3.10 improper threats to bring criminal, administrative or disciplinary charges	Rules 1.2.1, 1.3, 1.7 and 3.10 cover similar ground. Legislature may decide to include Paraprofessionals in statute as well.
8	6068 Duties of Attorneys Subd. (h) re never to reject the cause of the defenseless or oppressed		Might be implicated if Paraprofessionals become subject to appointment by courts. No action recommended now.
9	6068 Duties of Attorneys Subd. (k) re comply with all conditions of any disciplinary probation	Rule 8.1.1 compliance with conditions of discipline and agreements in lieu of discipline	Rule 8.1.1 covers similar ground. Legislature may decide to include Paraprofessionals in statute as well.
10	6068 Duties of Attorneys Subd. (l) re keep all agreements made in lieu of discipline	Rule 8.1.1 compliance with conditions of discipline and agreements in lieu of discipline	Rule 8.1.1 covers similar ground. Legislature may decide to include Paraprofessionals in statute as well.

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	CA State Bar Act Section and Title	Any Related Paraprofessional RPC Already Being Considered	Notes /Recommendation
11	6068 Duties of Attorneys Subd. (m) re respond promptly to reasonable status inquiries by clients and keep clients informed of significant developments	Rule 1.4 communication with clients	Rule 1.4 covers similar ground. Legislature may decide to include Paraprofessionals in statute as well.
12	6068 Duties of Attorneys Subd. (n) re provide copies to clients of certain documents as prescribed in the rules	Rule 1.4 communication with clients, including requests for copies of significant documents	Rule 1.4 covers similar ground. Legislature may decide to include Paraprofessionals in statute as well.
13	6090.5 Attorney/Client Agreement No to File Complaint-Cause for Discipline	Rule 5.6 shall not participate in offering or making an agreement that precludes the reporting of a rule violation	Rule 5.6 covers similar ground. Legislature may decide to include Paraprofessionals in statute as well.
14	6100 Disbarment or Suspension under statutes do not limit inherent Supreme Court authority to discipline		6100 is a separation of powers provision. No modification necessary to launch program, though Legislature may choose to explicitly recognize Supreme Court's inherent power over the practice of law with respect to Paraprofessionals.
15	6103 Sanctions for Violation or Oath or Attorney's Duties		If Paraprofessionals are required to take an oath, Legislature may choose to extend to Paraprofessionals.
16	6103.5 Communication of Written Offer of Settlement Offer to Client	Rule 1.4.1 communication of settlement offers	Rule 1.4.1 covers similar ground. Legislature may decide to include Paraprofessionals in statute as well.
17	6103.6 re prohibited dual compensation of a lawyer serving as trustee (incorporates by reference Probate Code sec. 15687)	(Compare Rule 1.5 re illegal fees)	Beyond scope of Paraprofessional program. 6103.6 refers to Probate Code sec. 21350 & sec. 21360, but both are repealed. Probate Code sec. 15687 remains valid.

STATE BAR ACT PROVISIONS REGARDING ATTORNEY DUTIES

	CA State Bar Act Section and Title	Any Related Paraprofessional RPC Already Being Considered	Notes /Recommendation
18	6104 Appearing for Party without Authority	Rule 3.3 misleading a tribunal	Rule 3.3 covers similar ground. Legislature may decide to include Paraprofessionals in statute as well.
19	6105 Permitting Misuse of Name	Rule 5.1 and 5.3 supervision Rule 5.5 aiding unauthorized practice	Rules 5.1, 5.3, and 5.5 Rule 1.4.1 cover similar ground. Legislature may decide to include Paraprofessionals in statute as well.)
20	6106 Moral Turpitude, Dishonesty or Corruption Irrespective of Criminal Conviction	Rule 8.4 conduct involving dishonesty, fraud, deceit, or reckless or intentional misrepresentation; and certain criminal conduct	Rule 8.4 covers similar ground. Legislature may decide to include Paraprofessionals in statute as well.
21	6106.2 re abusive ADA construction defect demand letters (incorporates by reference Civ. Code sec. 55.31 or 55.32)	Rule 1.2.1 shall not counsel a client in conduct that is criminal, fraudulent or a violation of law	Likely beyond scope. Rule 1.2.1 covers similar ground.
22	6106.3 re abusive mortgage loan modification conduct (incorporates by reference Civ. Code sec. 2944.6)	Rule 1.1 Competence Rule 1.2.1 shall not counsel a client in conduct that is criminal, fraudulent or a violation of law Rule 1.5 illegal fees.	Likely beyond scope. Rules 1.1, 1.2.1 and 1.5 cover similar ground.

STATE BAR ACT PROVISIONS REGARDING ATTORNEY DUTIES

	CA State Bar Act Section and Title	Any Related Paraprofessional RPC Already Being Considered	Notes /Recommendation
23	6106.5 Insurance Claims; Fraud (incorporates by reference Ins. Code sec. 1871.4 & Penal Code sec. 550)	Rule 8.4 conduct involving dishonesty, fraud, deceit, or reckless or intentional misrepresentation; and certain criminal conduct	Likely beyond scope. Rule 8.4 covers similar ground.
24	6106.7 Professional Sports Service Contracts (incorporates by reference Miller-Ayala Athlete Agents Act, Labor Code sec. 18895)	Rule 1.5 illegal fees	Likely beyond scope. Rule 1.5 covers similar ground.
25	6128 Deceit, Collusion, Delay of Suit and Improper Receipt of Money as Misdemeanor (Note: imposes a criminal penalty but has been used for disciplinary charges.)	Rule 8.4 conduct involving dishonesty, fraud, deceit, or reckless or intentional misrepresentation; and certain criminal conduct Rule 3.3 misleading a tribunal Rule 1.3 diligence	Rule 8.4 covers similar ground. Legislature may decide to include Paraprofessionals in statute as well.
26	6129 Buying Claim as Misdemeanor (Note: imposes criminal penalty.)	Rule 8.4 conduct involving dishonesty, fraud, deceit, or reckless or intentional misrepresentation; and certain criminal conduct Rule 1.7 conflicting relationships and interests	Rules 8.4 and 1.7 covers similar ground. Legislature may decide to include Paraprofessionals in statute as well.

STATE BAR ACT PROVISIONS REGARDING ATTORNEY DUTIES

	CA State Bar Act Section and Title	Any Related Paraprofessional RPC Already Being Considered	Notes /Recommendation
27	6130 Disbarred or Suspended Attorney Suing as Assignee (Note: no statement of penalty.)	Rule 8.4 conduct involving dishonesty, fraud, deceit, or reckless or intentional misrepresentation; and certain criminal conduct Rule 1.7 conflicting relationships and interests	Rules 8.4 and 1.7 covers similar ground. Legislature may decide to include Paraprofessionals in statute as well.
28	6131 Aiding Defense Where Partner or Self has Acted as Public Prosecutor; Misdemeanor and Disbarment	Rule 1.6 confidential information of a client Rule 1.7 and 1.9 conflicting relationships and interests	Beyond scope. It is not anticipated that paraprofessionals will serve as prosecutors.
29	6132 Law Firm Name-Removal of Name of Disciplined Attorney (Note: this code section does not include a statement of a penalty/remedy.)	Rules 7.1, 7.2 and 7.4 communications, advertising, and firm names Rule 5.5 aiding unauthorized practice Rule 5.3.1 employment of disbarred, suspended, resigned, or involuntarily inactive lawyers or licensed paraprofessionals	Rules 7.1, 7.2, 7.4, 5.5, and 5.3.1 cover similar ground. Legislature may decide to include Paraprofessionals in statute as well.

STATE BAR ACT PROVISIONS REGARDING ATTORNEY DUTIES

	CA State Bar Act Section and Title	Any Related Paraprofessional RPC Already Being Considered	Notes /Recommendation
30	6133 Supervision of Disciplined Attorney Activities by Law Firms	<p>Rules 7.1, 7.2 and 7.4 communications, advertising, and firm names</p> <p>Rule 5.1 and 5.3 supervision</p> <p>Rule 5.5 aiding unauthorized practice</p> <p>Rule 5.3.1 employment of disbarred, suspended, resigned, or involuntarily inactive lawyers or licensed paraprofessionals</p>	<p>Rules 7.1, 7.2, 7.4, 5.1, 5.3, 5.3.1, and 5.5 cover similar ground.</p> <p>Legislature may decide to include Paraprofessionals in statute as well.</p>
31	6146 – 6149 re MICRA and written fee agreement requirements	<p>Rule 1.5.2 written agreement and informed consent</p> <p>Rule 1.5 Illegal fees</p>	Beyond scope.
32	6157 – 6159.2 re legal advertising, including electronic media advertising and retention of copies of advertisements	Rules 7.1 – 7.6 communications, solicitation, advertising, and firm names	<p>The 7 series rules cover similar ground.</p> <p>Legislature may decide to include Paraprofessionals in statute as well.</p>
33	6155 & 6156 re certified lawyer referral services, including a prohibition that no attorney shall accept referrals from a service that is not registered with the State Bar	Rule 5.4(a)(4) permitted fee sharing with an authorized paraprofessional referral service	Beyond scope unless Lawyer Referral Services regulatory scheme is expanded to include paraprofessionals.

STATE BAR ACT PROVISIONS REGARDING ATTORNEY DUTIES

	CA State Bar Act Section and Title	Any Related Paraprofessional RPC Already Being Considered	Notes /Recommendation
34	6175 – 6177 re sale of financial products to client by a lawyer acting as a fiduciary	Rule 1.8.1 business transactions with a client and pecuniary interests adverse to a client	Rule 1.8.1 covers similar ground. Legislature may decide to include Paraprofessionals in statute as well.

OPEN ISSUES FOR WORKING GROUP CONSIDERATION AND RECOMMENDATION FROM REVIEW OF ATTORNEY LICENSING STATUTES & RULES

	Rule, Title, and Text	Modification or Parallel Provision Needed To Recognize Paraprofessional Program?	Directly Related Working Group Resolutions?	Recommendation/Notes
1	<p>State Bar Rule 4.33 [Evaluation of Study Completed or Contemplated]</p> <p>“An applicant may request that the Committee determine whether general or legal education contemplated or completed by the applicant meets the eligibility requirements of these rules for beginning the study of law, the First-Year Law Students’ Examination or the California Bar Examination. The request must be submitted on the required form with certified transcripts and the fee set forth in the Schedule of Charges and Deadlines. A written response indicating whether or not the education is sufficient will be issued within sixty days of receipt of the request.”</p>	Yes.	<p>The Working Group has adopted licensing requirements providing the following:</p> <p>“Coursework taken as part of a law school or paralegal program may satisfy the program’s educational requirements.¹</p> <p>¹ The waiver process will require the development of educational standards for curriculum, specifying the components for each required course. Law schools and paralegal programs will be required to provide course descriptions for review, to ensure that the completion of the courses will allow for a waiver for the specified educational requirement. This process will require State Bar staffing resources to review waiver requests from applicants, to ensure that coursework complies</p>	The Working Group should consider making a recommendation whether it recommends a similar review process to that set forth in State Bar Rule 4.33.

			with relevant requirements.”	
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AREAS WHERE NO MODIFICATIONS TO STATUE OR RULES NEEDED
OR WHERE MODIFICATIONS WILL FOLLOW FROM EXISTING WORKING GROUP RECOMMENDATIONS AND STATE BAR ADMINISTRATIVE/OPERATIONAL DECISIONS

Business & Professions Code Attorney Admissions Provisions

	Section & Title	Modification or Parallel Provision Needed To Recognize Paraprofessional Program?	Directly Related Working Group Resolutions?	Notes
1	§ 6060 [Qualifications; Examination]	Yes.	<u>Educational Prerequisites, Educational Requirements, Practical Training, Testing, Moral Character and Background Check:</u> See Feb. 26, 2021 Memo re: Recommendations for Licensing Requirements for Paraprofessional Program.	Statute and/or rules will be developed to implement licensing requirements recommended by Working Group. No additional issues raised by this statute.
2	§ 6060.1 [Violation of University or Law School Rules; Use in Denying Admission to Practice Law]	Yes.	<u>Moral Character and Background Check:</u> Moral character determination requirements to mirror attorney requirements.	Statute and/or rules will be developed to implement licensing requirements recommended by Working Group. No additional issues raised by this statute.
3	§ 6060.2 [Confidentiality of Investigations or Proceedings Concerning Moral Character; Written Waiver; Permitted Disclosures]	Yes.	<u>Moral Character and Background Check:</u> Moral character determination requirements to mirror attorney requirements.	Statute and/or rules will be developed to implement licensing requirements recommended by Working Group. No additional issues raised by this statute.
4	§ 6060.3 [Applications for Bar Examination; Filing Deadline; Late Filings; Late Filing Fees]	Yes.	<u>Testing:</u> Tests to be developed and administered by State Bar.	Administrative/operational matter: test development and administration.

	Section & Title	Modification or Parallel Provision Needed To Recognize Paraprofessional Program?	Directly Related Working Group Resolutions?	Notes
5	§ 6060.5 [Different Bar Examinations for Particular Applicants]	Yes.	No.	Administrative/operational matter: test development and administration.
6	§ 6060.6 [Application for Registration; Federal Tax ID Number in Lieu of Social Security Number]	Yes.	No.	Administrative/operational matter: test development and administration.
7	§ 6060.7 [Approval, Regulation and Oversight of Degree-Granting Law Schools by Examining Committee]	No.	<u>Educational Prerequisites:</u> JD or LLM degree from ABA or Cal Accredited or Registered Law School or Paralegal qualified under B&P Code § 6450(c).	No new oversight contemplated by Working Group.
8	§ 6060.9 [Accreditation of Law Schools; Prohibited Conditions]	No.	<u>Educational Prerequisites:</u> JD or LLM degree from ABA or Cal Accredited or Registered Law School or Paralegal qualified under B&P Code § 6450(c).	No new oversight contemplated by Working Group.
9	§ 6060.25 [Confidentiality of Information Provided by Applicant to the State Bar for Admission and License to Practice Law; Disclosure of Information]	Yes.	No.	Administrative/operational matter: procedure for admissions.
10	§ 6061 [Disclosure Statement Required of Unaccredited Law Schools; Content; Signatures; Refunds; Rules and Regulations]	No.	<u>Educational Prerequisites:</u> JD or LLM degree from ABA or Cal Accredited or Registered Law School or Paralegal qualified under B&P Code § 6450(c).	No new oversight contemplated by Working Group.
11	§ 6061.5 [Unaccredited Law Schools; Self-Reference as	No.	<u>Educational Prerequisites:</u> JD or LLM degree from ABA	No new oversight contemplated by Working Group.

	Section & Title	Modification or Parallel Provision Needed To Recognize Paraprofessional Program?	Directly Related Working Group Resolutions?	Notes
	University or Part of University]		or Cal Accredited or Registered Law School or Paralegal qualified under B&P Code § 6450(c).	
12	§ 6061.7 [Law Schools Not Approved by the ABA; Disclosure on Web Site; Required Information; Accuracy of Information]	No.	<u>Educational Prerequisites:</u> JD or LLM degree from ABA or Cal Accredited or Registered Law School or Paralegal qualified under B&P Code § 6450(c).	No new oversight contemplated by Working Group.
13	§ 6062 [Out-of-State Attorneys]	No.	No.	Paraprofessional program currently limited to California.
14	§ 6063 [Fees]	Yes.	No.	Administrative/operational matter: fee provisions.
15	§ 6064 [Admission]	Maybe.	No.	Administrative/operational matter: procedure for admission.
16	§ 6064.1 [Advocacy of Overthrow of Government]	Yes.	<u>Moral Character and Background Check:</u> Moral character determination requirements to mirror attorney requirements.	Statute and/or rules will be developed to implement licensing requirements recommended by Working Group. No additional issues raised by this statute.
17	§ 6067 [Oath]	Yes.	No.	Administrative/operational matter: procedure for admission.

State Bar Rules Attorney Admissions Provisions

	Rule & Title	Modification or Parallel Provision Needed To Recognize Paraprofessional Program?	Directly Related Working Group Resolutions?	Notes
1	Rule 4.1 [Authority]	Yes.	No.	Administrative/operational matter.

	Rule & Title	Modification or Parallel Provision Needed To Recognize Paraprofessional Program?	Directly Related Working Group Resolutions?	Notes
2	Rule 4.2 [Scope of Rules]	Yes.	No.	Administrative/operational matter.
3	Rule 4.3 [Definitions]	Yes.	No.	Administrative/operational matter.
4	Rule 4.4 [Confidentiality]	Yes.	No.	Administrative/operational matter.
5	Rule 4.5 [Submissions]	Yes.	No.	Administrative/operational matter.
6	Rule 4.6 [Investigations and Hearings]	Yes.	No.	Administrative/operational matter.
7	Rule 4.7 [Statistics]	Yes.	No.	Administrative/operational matter.
8	Rule 4.8 [Extensions of Time]	Yes.	No.	Administrative/operational matter.
9	Rule 4.9 [Review by Supreme Court]	Yes.	No.	Rules will be drafted providing Supreme Court with required oversight over admissions.
10	Rule 4.10 [Fees]	Yes.	No.	Administrative/operational matter: setting fees.
11	Rule 4.15 [Certification to Supreme Court]	Yes.	<u>Educational Prerequisites,</u> <u>Educational Requirements,</u> <u>Practical Training, Testing,</u> <u>Moral Character and</u> <u>Background Check:</u> See Feb. 26, 2021 Memo re: Recommendations for Licensing Requirements for Paraprofessional Program.	Administrative/operational matter: procedure for admission.
12	Rule 4.16 [Application for Admission]	Yes.	<u>Educational Prerequisites,</u> <u>Educational Requirements,</u> <u>Practical Training, Testing,</u> <u>Moral Character and</u> <u>Background Check:</u> See Feb. 26, 2021 Memo re: Recommendations for Licensing Requirements for Paraprofessional Program.	Administrative/operational matter: procedure for admission.

	Rule & Title	Modification or Parallel Provision Needed To Recognize Paraprofessional Program?	Directly Related Working Group Resolutions?	Notes
13	Rule 4.25 [General Education]	No.	No.	This rule addresses educational requirements inapplicable to paraprofessional licensing requirements as recommended by Working Group.
14	Rule 4.26 [Legal Education]	Yes.	<u>Educational Prerequisites:</u> JD or LLM degree from ABA or Cal Accredited or Registered Law School or Paralegal qualified under B&P Code § 6450(c).	Statute and/or rules will be developed to implement licensing requirements recommended by Working Group. No additional issues raised by this Rule.
15	Rule 4.27 [Study in a Fixed-Facility Unaccredited Law School]	No.	<u>Educational Prerequisites:</u> JD or LLM degree from ABA or Cal Accredited or Registered Law School or Paralegal qualified under B&P Code § 6450(c).	Statute and/or rules will be developed to implement licensing requirements recommended by Working Group. No additional issues raised by this Rule concerning additional requirements placed on graduates of registered law schools.
16	Rule 4.28 [Study by Correspondence or Distance Learning]	No.	<u>Educational Prerequisites:</u> JD or LLM degree from ABA or Cal Accredited or Registered Law School or Paralegal qualified under B&P Code § 6450(c).	Statute and/or rules will be developed to implement licensing requirements recommended by Working Group. No additional issues raised by this Rule concerning additional requirements regarding correspondence or distance learning.
17	Rule 4.29 [Study in a Law Office of Judge's Chambers]	No.	<u>Educational Prerequisites:</u> JD or LLM degree from ABA or Cal Accredited or Registered Law School or Paralegal qualified under B&P Code § 6450(c).	Statute and/or rules will be developed to implement licensing requirements recommended by Working Group. No additional issues raised by this Rule concerning additional requirements regarding study of law in a judge's chambers.
18	Rule 4.30 [Legal Education in a Foreign State or Country]	No.	<u>Educational Prerequisites:</u> JD or LLM degree from ABA or Cal Accredited or Registered Law School or Paralegal qualified under B&P Code § 6450(c).	Beyond scope of licensing recommendations for paraprofessional program.

	Rule & Title	Modification or Parallel Provision Needed To Recognize Paraprofessional Program?	Directly Related Working Group Resolutions?	Notes
19	Rule 4.31 [Credit for Law Study After Passing the First-Year Law Students' Examination]	No.	No.	No first-year law student's examination recommended as part of paraprofessional program.
20	Rule 4.32 [Repeated Courses]	Yes.	No.	Administrative/operational: recognition of coursework.
21				
22	Rule 4.40 [Moral Character Determination]	Yes.	<u>Moral Character and Background Check</u> : Moral character determination requirements to mirror attorney requirements.	Statute and/or rules will be developed to implement Moral Character recommendation of Working Group. No additional issues raised by this Rule.
23	Rule 4.41 [Application for Determination of Moral Character]	Yes.	<u>Moral Character and Background Check</u> : Moral character determination requirements to mirror attorney requirements.	Statute and/or rules will be developed to implement Moral Character recommendation of Working Group. No additional issues raised by this Rule.
24	Rule 4.42 [Duty to Update Application for Determination of Moral Character]	Yes.	<u>Moral Character and Background Check</u> : Moral character determination requirements to mirror attorney requirements.	Statute and/or rules will be developed to implement Moral Character recommendation of Working Group. No additional issues raised by this Rule.
25	Rule 4.43 [Abandonment of Application for Determination of Moral Character]	Yes.	<u>Moral Character and Background Check</u> : Moral character determination requirements to mirror attorney requirements.	Statute and/or rules will be developed to implement Moral Character recommendation of Working Group. No additional issues raised by this Rule.
26	Rule 4.4 [Withdrawal of Application for Determination of Moral Character]	Yes.	<u>Moral Character and Background Check</u> : Moral character determination requirements to mirror attorney requirements.	Statute and/or rules will be developed to implement Moral Character recommendation of Working Group. No additional issues raised by this Rule.

	Rule & Title	Modification or Parallel Provision Needed To Recognize Paraprofessional Program?	Directly Related Working Group Resolutions?	Notes
27	Rule 4.45 [Notice Regarding Status of Application for Determination of Moral Character]	Yes.	<u>Moral Character and Background Check</u> : Moral character determination requirements to mirror attorney requirements.	Statute and/or rules will be developed to implement Moral Character recommendation of Working Group. No additional issues raised by this Rule.
28	Rule 4.46 [Informal Conference Regarding Moral Character]	Yes.	<u>Moral Character and Background Check</u> : Moral character determination requirements to mirror attorney requirements.	Statute and/or rules will be developed to implement Moral Character recommendation of Working Group. No additional issues raised by this Rule.
29	Rule 4.47 [Appeal of Adverse Determination of Moral Character Issued by Committee]	Yes.	<u>Moral Character and Background Check</u> : Moral character determination requirements to mirror attorney requirements.	Statute and/or rules will be developed to implement Moral Character recommendation of Working Group. No additional issues raised by this Rule.
30	Rule 4.48 [Agreement of Abeyance]	Yes.	<u>Moral Character and Background Check</u> : Moral character determination requirements to mirror attorney requirements.	Statute and/or rules will be developed to implement Moral Character recommendation of Working Group. No additional issues raised by this Rule.
31	Rule 4.49 [New Application Following Adverse Determination of Moral Character]	Yes.	<u>Moral Character and Background Check</u> : Moral character determination requirements to mirror attorney requirements.	Statute and/or rules will be developed to implement Moral Character recommendation of Working Group. No additional issues raised by this Rule.
32	Rule 4.50 [Suspension of Positive Determination of Moral Character]	Yes.	<u>Moral Character and Background Check</u> : Moral character determination requirements to mirror attorney requirements.	Statute and/or rules will be developed to implement Moral Character recommendation of Working Group. No additional issues raised by this Rule.
33	Rule 4.51 [Validity Period of Positive Moral Character Determination]	Yes.	<u>Moral Character and Background Check</u> : Moral character determination	Statute and/or rules will be developed to implement Moral Character recommendation of Working Group. No additional issues raised by this Rule.

	Rule & Title	Modification or Parallel Provision Needed To Recognize Paraprofessional Program?	Directly Related Working Group Resolutions?	Notes
			requirements to mirror attorney requirements.	
34	Rule 4.52 [Extension of Positive Moral Character Determination]	Yes.	<u>Moral Character and Background Check</u> : Moral character determination requirements to mirror attorney requirements.	Statute and/or rules will be developed to implement Moral Character recommendation of Working Group. No additional issues raised by this Rule.
35	Rule 4.55 [First-Year Law Students' Examination Requirement]	No.	No.	No first-year law student's examination recommended as part of paraprofessional program.
36	Rule 4.56 [First-Year Law Students' Examination]	No.	No.	No first-year law student's examination recommended as part of paraprofessional program.
37	Rule 4.57 [Exempt Applicants Taking First-Year Law Students' Examination]	No.	No.	No first-year law student's examination recommended as part of paraprofessional program.
38	Rule 4.58 [Application for the First-Year Law Students' Examination]	No.	No.	No first-year law student's examination recommended as part of paraprofessional program.
39	Rule 4.59 [Multistate Professional Responsibility Examination]	Yes.	<u>Testing</u> : Professional Responsibility Exam to be modeled after attorney exam.	Statute and/or rules will be developed to implement professional responsibility exam recommendation of Working Group. No additional issues raised by this Rule.
40	Rule 4.60 [California Bar Examination]	Yes.	<u>Testing</u> : Subject matter specific testing – subject matter subcommittees to recommend specific elements and parameters of testing. Tests to be developed and administered by the State Bar.	Administrative/operational matter: test development and administration. Rules to be drafted to accommodate remote open book testing.

	Rule & Title	Modification or Parallel Provision Needed To Recognize Paraprofessional Program?	Directly Related Working Group Resolutions?	Notes
41	Rule 4.61 [Applications for the California Bar Examination]	Yes.	No.	Administrative/operational matter: test development and administration.
42	Rule 4.62 [Access to Examination Answers and Scores]	Maybe.	No.	Administrative/operational matter: test development and administration.
43	Rule 4.70 [Conduct Required at Examinations]	Yes.	No.	Administrative/operational matter: test development and administration.
44	Rule 4.71 [Reports of Conduct Violations]	Yes.	No.	Administrative/operational matter: test development and administration.
45	Rule 4.72 [Request for an Administrative Hearing on Conduct Violation]	Yes.	No.	Administrative/operational matter: test development and administration.
46	Rule 4.73 [Procedure for an Administrative Hearing on Conduct Violation]	Yes.	No.	Administrative/operational matter: test development and administration.
47	Rule 4.74 [Review of State Bar's Findings and Recommendations by Committee]	Yes.	No.	Administrative/operational matter: test development and administration.
48	Rule 4.80 [Eligibility for Testing Accommodations]	Yes.	No.	Administrative/operational matter: test development and administration.
49	Rule 4.81 [Testing Accommodations in General]	Yes.	No.	Administrative/operational matter: test development and administration.
50	Rule 4.82 [Definitions]	Yes.	No.	Administrative/operational matter: test development and administration.
51	Rule 4.83 [Guidelines for Testing Accommodations]	Yes.	No.	Administrative/operational matter: test development and administration.
52	Rule 4.84 [When to File a Petition for Testing Accommodations]	Yes.	No.	Administrative/operational matter: test development and administration.

	Rule & Title	Modification or Parallel Provision Needed To Recognize Paraprofessional Program?	Directly Related Working Group Resolutions?	Notes
53	Rule 4.85 [Initial Petition for Testing Accommodations]	Yes.	No.	Administrative/operational matter: test development and administration.
54	Rule 4.86 [Subsequent Petitions for Testing Accommodations]	Yes.	No.	Administrative/operational matter: test development and administration.
55	Rule 4.87 [Emergency Petitions for Testing Accommodations]	Yes.	No.	Administrative/operational matter: test development and administration.
56	Rule 4.88 [State Bar Response to Petition for Testing Accommodations]	Yes.	No.	Administrative/operational matter: test development and administration.
57	Rule 4.89 [Applicant Response to Proposed Modification or Request for Information]	Yes.	No.	Administrative/operational matter: test development and administration.
58	Rule 4.90 [Committee Review of Denied or Modified Petition]	Yes.	No.	Administrative/operational matter: test development and administration.
59	Rule 4.91 [Confidentiality of Petitions for Testing Accommodations]	Yes.	No.	Administrative/operational matter: test development and administration.
60	Rule 4.92 [False or Misleading Information in Petition for Testing Accommodations]	Yes.	No.	Administrative/operational matter: test development and administration.

Rules of Court Attorney Admissions Provisions

	Rule & Title	Add Parallel Statue/Rule for Paraprofessionals?	Any Related Resolutions Already Considered?	Notes
1	Rule 9.0 [Title and Source]	Yes.	No.	Administrative/operational matter.
2	Rule 9.1 [Definitions]	Yes.	No.	Administrative/operational matter.
3	Rule 9.3 [Inherent Power of Supreme Court]	Yes.	No.	Administrative/operational matter.
4	Rule 9.4 [Nomination and Appointment of Members to the Committee of Bar Examiners]	Yes.	No.	Governance issue for paraprofessional program; recommendation to be made by State Bar.
5	Rule 9.5 [Supreme Court Approval of Admissions Rules]	Yes.	No.	Governance issue for paraprofessional program; recommendation to be made by State Bar.
6	Rule 9.6 [Supreme Court Approval of Bar Examination]	Yes.	No.	Governance issue for paraprofessional program; recommendation to be made by State Bar.
7	Rule 9.7 [Oath Required When Admitted to Practice Law]	Yes.	No.	Administrative/operational matter: procedure for admission.
8	Rule 9.8 [Roll of Attorneys Admitted to Practice]	Yes.	No.	Administrative/operational matter.
9	Rule 9.9 [Online Reporting by Attorneys]	Yes.	No.	Administrative/operational matter.
10	Rule 9.9.5 [Attorney Fingerprinting]	Yes.	Working Group recommended fingerprinting requirements equivalent to those for attorneys.	Statutes and/or rules will be developed to implement Working Group recommendation. No additional policy issues raised by this Rule.
11	Rule 9.30 [Law School Study in Schools Other Than Those Accredited by the Examining Committee]	No.	No.	Statute and/or rules will be developed to implement educational requirements recommended by Working Group. No additional issues raised by this Rule.

STATUTORY AND RULE CITES FOR OPEN ISSUES

Open Issue	Statutory and Rule Provisions
<p>State Bar Act / State Bar & Court Rules – Open Issue 1</p> <p>Bus. & Prof. Code §§ 6210 – 6228 [IOLTA Statute] Related State Bar Rules 2.100 - 2.118</p>	<p>§ 6210. Legislative findings; purpose The Legislature finds that, due to insufficient funding, existing programs providing free legal services in civil matters to indigent persons, especially underserved client groups, such as the elderly, the disabled, juveniles, and non-English-speaking persons, do not adequately meet the needs of these persons. It is the purpose of this article to expand the availability and improve the quality of existing free legal services in civil matters to indigent persons, and to initiate new programs that will provide services to them. The Legislature finds that the use of funds collected by the State Bar pursuant to this article for these purposes is in the public interest, is a proper use of the funds, and is consistent with essential public and governmental purposes in the judicial branch of government. The Legislature further finds that the expansion, improvement, and initiation of legal services to indigent persons will aid in the advancement of the science of jurisprudence and the improvement of the administration of justice.</p> <p>§ 6211. Establishment by attorney of IOLTA account; interest and dividends earned to be paid to State Bar; other accounts not prohibited; rules of professional conduct; authority of Supreme Court or State Bar not affected (a) An attorney or law firm that, in the course of the practice of law, receives or disburses trust funds shall establish and maintain an IOLTA account in which the attorney or law firm shall deposit or invest all client deposits or funds that are nominal in amount or are on deposit or invested for a short period of time. All such client funds may be deposited or invested in a single unsegregated account. The interest and dividends earned on all those accounts shall be paid to the State Bar of California to be used for the purposes set forth in this article. (b) Nothing in this article shall be construed to prohibit an attorney or law firm from establishing one or more interest bearing bank trust deposit accounts or dividend-paying trust investment accounts as may be permitted by the Supreme Court, with the interest or dividends earned on the accounts payable to clients for trust funds not deposited or invested in accordance with subdivision (a). (c) With the approval of the Supreme Court, the State Bar may formulate and enforce rules of professional conduct pertaining to the use by attorneys or law firms of an IOLTA account for unsegregated client funds pursuant to this article. (d) Nothing in this article shall be construed as affecting or impairing the disciplinary powers and authority of the Supreme Court or of the State Bar or as modifying the statutes and rules governing the conduct of licensees of the State Bar.</p> <p>§ 6212. Establishment by attorney of IOLTA account; amount of interest; remittance to State Bar; reporting of IOLTA account compliance and other information; statements and reports An attorney who, or a law firm that, establishes an IOLTA account pursuant to subdivision (a) of Section 6211 shall comply with all of the following provisions:</p>

	<p>(a) The IOLTA account shall be established and maintained with an eligible institution offering or making available an IOLTA account that meets the requirements of this article. The IOLTA account shall be established and maintained consistent with the attorney's or law firm's duties of professional responsibility. An eligible financial institution shall have no responsibility for selecting the deposit or investment product chosen for the IOLTA account.</p> <p>(b) Except as provided in subdivision (f), the rate of interest or dividends payable on any IOLTA account shall not be less than the interest rate or dividends generally paid by the eligible institution to nonattorney customers on accounts of the same type meeting the same minimum balance and other eligibility requirements as the IOLTA account. In determining the interest rate or dividend payable on any IOLTA account, an eligible institution may consider, in addition to the balance in the IOLTA account, risk or other factors customarily considered by the eligible institution when setting the interest rate or dividends for its non-IOLTA accounts, provided that the factors do not discriminate between IOLTA customers and non-IOLTA customers and that these factors do not include the fact that the account is an IOLTA account. The eligible institution shall calculate interest and dividends in accordance with its standard practice for non-IOLTA customers. Nothing in this article shall preclude an eligible institution from paying a higher interest rate or dividend on an IOLTA account or from electing to waive any fees and service charges on an IOLTA account.</p> <p>(c) Reasonable fees may be deducted from the interest or dividends remitted on an IOLTA account only at the rates and in accordance with the customary practices of the eligible institution for non-IOLTA customers. No other fees or service charges may be deducted from the interest or dividends earned on an IOLTA account. Unless and until the State Bar enacts regulations exempting from compliance with subdivision (a) of Section 6211 those accounts for which maintenance fees exceed the interest or dividends paid, an eligible institution may deduct the fees and service charges in excess of the interest or dividends paid on an IOLTA account from the aggregate interest and dividends remitted to the State Bar. Fees and service charges other than reasonable fees shall be the sole responsibility of, and may only be charged to, the attorney or law firm maintaining the IOLTA account. Fees and charges shall not be assessed against or deducted from the principal of any IOLTA account. It is the intent of the Legislature that the State Bar develop policies so that eligible institutions do not incur uncompensated administrative costs in adapting their systems to comply with the provisions of Chapter 422 of the Statutes of 2007 or in making investment products available to IOLTA members.</p> <p>(d) The attorney or law firm shall report IOLTA account compliance and all other IOLTA account information required by the State Bar in the manner specified by the State Bar.</p> <p>(e) The eligible institution shall be directed to do all of the following:</p> <ol style="list-style-type: none"> (1) To remit interest or dividends on the IOLTA account, less reasonable fees, to the State Bar, at least quarterly. (2) To transmit to the State Bar with each remittance a statement showing the name of the attorney or law firm for which the remittance is sent, for each account the rate of interest applied or dividend paid, the amount and type of fees deducted, if any, and the average balance for each account for each month of the period for which the report is made. (3) To transmit to the attorney or law firm customer at the same time a report showing the amount paid to the State Bar for that period, the rate of interest or dividend applied, the amount of fees and service charges deducted, if any, and the average daily account balance for each month of the period for which the report is made.
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	<p>(f) An eligible institution has no affirmative duty to offer or make investment products available to IOLTA customers. However, if an eligible institution offers or makes investment products available to non-IOLTA customers, in order to remain an IOLTA-eligible institution, it shall make those products available to IOLTA customers or pay an interest rate on the IOLTA deposit account that is comparable to the rate of return or the dividends generally paid on that investment product for similar customers meeting the same minimum balance and other requirements applicable to the investment product. If the eligible institution elects to pay that higher interest rate, the eligible institution may subject the IOLTA deposit account to equivalent fees and charges assessable against the investment product.</p> <p>§ 6213. Definitions</p> <p>As used in this article:</p> <p>(a) “Qualified legal services project” means either of the following:</p> <p>(1) A nonprofit project incorporated and operated exclusively in California that provides as its primary purpose and function legal services without charge to indigent persons and that has quality control procedures approved by the State Bar of California.</p> <p>(2) A program operated exclusively in California by a nonprofit law school accredited by the State Bar of California that meets the requirements of subparagraphs (A) and (B).</p> <p>(A) The program shall have operated for at least two years at a cost of at least twenty thousand dollars (\$20,000) per year as an identifiable law school unit with a primary purpose and function of providing legal services without charge to indigent persons.</p> <p>(B) The program shall have quality control procedures approved by the State Bar of California.</p> <p>(b) “Qualified support center” means an incorporated nonprofit legal services center that has as its primary purpose and function the provision of legal training, legal technical assistance, or advocacy support without charge and which actually provides through an office in California a significant level of legal training, legal technical assistance, or advocacy support without charge to qualified legal services projects on a statewide basis in California.</p> <p>(c) “Recipient” means a qualified legal services project or support center receiving financial assistance under this article.</p> <p>(d) “Indigent person” means a person whose income is (1) 125 percent or less of the current poverty threshold established by the United States Office of Management and Budget, or (2) who is eligible for Supplemental Security Income or free services under the Older Americans Act or Developmentally Disabled Assistance Act. With regard to a project that provides free services of attorneys in private practice without compensation, “indigent person” also means a person whose income is 75 percent or less of the maximum levels of income for lower income households as defined in Section 50079.5 of the Health and Safety Code. For the purpose of this subdivision, the income of a person who is disabled shall be determined after deducting the costs of medical and other disability-related special expenses.</p> <p>(e) “Fee generating case” means a case or matter that, if undertaken on behalf of an indigent person by an attorney in private practice, reasonably may be expected to result in payment of a fee for legal services from an award to a client, from public funds, or from the opposing party. A case shall not be considered fee generating if adequate representation is unavailable and any of the following circumstances exist:</p>
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	<p>(1) The recipient has determined that free referral is not possible because of any of the following reasons:</p> <p>(A) The case has been rejected by the local lawyer referral service, or if there is no such service, by two attorneys in private practice who have experience in the subject matter of the case.</p> <p>(B) Neither the referral service nor any attorney will consider the case without payment of a consultation fee.</p> <p>(C) The case is of the type that attorneys in private practice in the area ordinarily do not accept, or do not accept without prepayment of a fee.</p> <p>(D) Emergency circumstances compel immediate action before referral can be made, but the client is advised that, if appropriate and consistent with professional responsibility, referral will be attempted at a later time.</p> <p>(2) Recovery of damages is not the principal object of the case and a request for damages is merely ancillary to an action for equitable or other nonpecuniary relief, or inclusion of a counterclaim requesting damages is necessary for effective defense or because of applicable rules governing joinder of counterclaims.</p> <p>(3) A court has appointed a recipient or an employee of a recipient pursuant to a statute or a court rule or practice of equal applicability to all attorneys in the jurisdiction.</p> <p>(4) The case involves the rights of a claimant under a publicly supported benefit program for which entitlement to benefit is based on need.</p> <p>(f) "Legal Services Corporation" means the Legal Services Corporation established under the Legal Services Corporation Act of 1974 (P.L. 93-355; 42 U.S.C. Sec. 2996 et seq.).</p> <p>(g) "Older Americans Act" means the Older Americans Act of 1965, as amended (P.L. 89-73; 42 U.S.C. Sec. 3001 et seq.).</p> <p>(h) "Developmentally Disabled Assistance Act" means the Developmentally Disabled Assistance and Bill of Rights Act, as amended (P.L. 94-103; 42 U.S.C. Sec. 6001 et seq.).</p> <p>(i) "Supplemental security income recipient" means an individual receiving or eligible to receive payments under Title XVI of the federal Social Security Act, or payments under Chapter 3 (commencing with Section 12000) of Part 3 of Division 9 of the Welfare and Institutions Code.</p> <p>(j) "IOLTA account" means an account or investment product established and maintained pursuant to subdivision (a) of Section 6211 that is any of the following:</p> <p>(1) An interest-bearing checking account.</p> <p>(2) An investment sweep product that is a daily (overnight) financial institution repurchase agreement or an open-end money market fund.</p> <p>(3) An investment product authorized by California Supreme Court rule or order.</p> <p>A daily financial institution repurchase agreement shall be fully collateralized by United States Government Securities or other comparably conservative debt securities, and may be established only with any eligible institution that is "well-capitalized" or "adequately capitalized" as those terms are defined by applicable federal statutes and regulations. An open-end money market fund shall be invested solely in United States Government Securities or repurchase agreements fully collateralized by United States Government Securities or other comparably conservative debt securities, shall hold itself out as a "money market fund" as that term is defined by federal statutes and regulations under</p>
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	<p>the Investment Company Act of 1940 (15 U.S.C. Sec. 80a-1 et seq.), and, at the time of the investment, shall have total assets of at least two hundred fifty million dollars (\$250,000,000).</p> <p>(k) "Eligible institution" means either of the following:</p> <p>(1) A bank, savings and loan, or other financial institution regulated by a federal or state agency that pays interest or dividends in the IOLTA account and carries deposit insurance from an agency of the federal government.</p> <p>(2) Any other type of financial institution authorized by the California Supreme Court.</p> <p>§ 6214. Qualified legal service projects</p> <p>(a) Projects meeting the requirements of subdivision (a) of Section 6213 which are funded either in whole or part by the Legal Services Corporation or with Older American Act funds shall be presumed qualified legal services projects for the purpose of this article.</p> <p>(b) Projects meeting the requirements of subdivision (a) of Section 6213 but not qualifying under the presumption specified in subdivision (a) shall qualify for funds under this article if they meet all of the following additional criteria:</p> <p>(1) They receive cash funds from other sources in the amount of at least twenty thousand dollars (\$20,000) per year to support free legal representation to indigent persons.</p> <p>(2) They have demonstrated community support for the operation of a viable ongoing program.</p> <p>(3) They provide one or both of the following special services:</p> <p>(A) The coordination of the recruitment of substantial numbers of attorneys in private practice to provide free legal representation to indigent persons or to qualified legal services projects in California.</p> <p>(B) The provision of legal representation, training, or technical assistance on matters concerning special client groups, including the elderly, the disabled, juveniles, and non-English-speaking groups, or on matters of specialized substantive law important to the special client groups.</p> <p>§ 6214.5. Qualified legal services projects; eligibility for distributions of funds</p> <p>A law school program that meets the definition of a "qualified legal services project" as defined in paragraph (2) of subdivision (a) of Section 6213, and that applied to the State Bar for funding under this article not later than February 17, 1984, shall be deemed eligible for all distributions of funds made under Section 6216.</p> <p>§ 6215. Qualified support centers</p> <p>(a) Support centers satisfying the qualifications specified in subdivision (b) of Section 6213 which were operating an office and providing services in California on December 31, 1980, shall be presumed to be qualified support centers for the purposes of this article.</p> <p>(b) Support centers not qualifying under the presumption specified in subdivision (a) may qualify as a support center by meeting both of the following additional criteria:</p> <p>(1) Meeting quality control standards established by the State Bar.</p>
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	<p>(2) Being deemed to be of special need by a majority of the qualified legal services projects.</p> <p>§ 6216. Distribution of funds</p> <p>The State Bar shall distribute all moneys received under the program established by this article for the provision of civil legal services to indigent persons. The funds first shall be distributed 18 months from the effective date of this article, or upon such a date, as shall be determined by the State Bar, that adequate funds are available to initiate the program. Thereafter, the funds shall be distributed on an annual basis. All distributions of funds shall be made in the following order and in the following manner:</p> <p>(a) To pay the actual administrative costs of the program, including any costs incurred after the adoption of this article and a reasonable reserve therefor.</p> <p>(b) Eighty-five percent of the funds remaining after payment of administrative costs allocated pursuant to this article shall be distributed to qualified legal services projects. Distribution shall be by a pro rata county-by-county formula based upon the number of persons whose income is 125 percent or less of the current poverty threshold per county. For the purposes of this section, the source of data identifying the number of persons per county shall be the latest available figures from the United States Department of Commerce, Bureau of the Census. Projects from more than one county may pool their funds to operate a joint, multicounty legal services project serving each of their respective counties.</p> <p>(1)(A) In any county which is served by more than one qualified legal services project, the State Bar shall distribute funds for the county to those projects which apply on a pro rata basis, based upon the amount of their total budget expended in the prior year for legal services in that county as compared to the total expended in the prior year for legal services by all qualified legal services projects applying therefor in the county. In determining the amount of funds to be allocated to a qualified legal services project specified in paragraph (2) of subdivision (a) of Section 6213, the State Bar shall recognize only expenditures attributable to the representation of indigent persons as constituting the budget of the program.</p> <p>(B) The State Bar shall reserve 10 percent of the funds allocated to the county for distribution to programs meeting the standards of subparagraph (A) of paragraph (3) and paragraphs (1) and (2) of subdivision (b) of Section 6214 and which perform the services described in subparagraph (A) of paragraph (3) of Section 6214 as their principal means of delivering legal services. The State Bar shall distribute the funds for that county to those programs which apply on a pro rata basis, based upon the amount of their total budget expended for free legal services in that county as compared to the total expended for free legal services by all programs meeting the standards of subparagraph (A) of paragraph (3) and paragraphs (1) and (2) of subdivision (b) of Section 6214 in that county. The State Bar shall distribute any funds for which no program has qualified pursuant hereto, in accordance with the provisions of subparagraph (A) of paragraph (1) of this subdivision.</p> <p>(2) In any county in which there is no qualified legal services projects providing services, the State Bar shall reserve for the remainder of the fiscal year for distribution the pro rata share of funds as provided for by this article. Upon application of a qualified legal services project proposing to provide legal services to the indigent of the county, the State Bar shall distribute the funds to the project. Any funds not so distributed shall be added to the funds to be distributed the following year.</p>
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	<p>(c) Fifteen percent of the funds remaining after payment of administrative costs allocated for the purposes of this article shall be distributed equally by the State Bar to qualified support centers which apply for the funds. The funds provided to support centers shall be used only for the provision of legal services within California. Qualified support centers that receive funds to provide services to qualified legal services projects from sources other than this article, shall submit and shall have approved by the State Bar a plan assuring that the services funded under this article are in addition to those already funded for qualified legal services projects by other sources.</p> <p>§ 6217. Maintenance of quality services, professional standards, attorney-client privilege; funds to be expended in accordance with article; interference with attorney prohibited With respect to the provision of legal assistance under this article, each recipient shall ensure all of the following:</p> <ul style="list-style-type: none"> (a) The maintenance of quality service and professional standards. (b) The expenditure of funds received in accordance with the provisions of this article. (c) The preservation of the attorney-client privilege in any case, and the protection of the integrity of the adversary process from any impairment in furnishing legal assistance to indigent persons. (d) That no one shall interfere with any attorney funded in whole or in part by this article in carrying out his or her professional responsibility to his or her client as established by the rules of professional responsibility and this chapter. <p>§ 6218. Eligibility for services; establishment of guidelines; funds to be expended in accordance with article All legal services projects and support centers receiving funds pursuant to this article shall adopt financial eligibility guidelines for indigent persons.</p> <ul style="list-style-type: none"> (a) Qualified legal services programs shall ensure that funds appropriated pursuant to this article shall be used solely to defray the costs of providing legal services to indigent persons or for such other purposes as set forth in this article. (b) Funds received pursuant to this article by support centers shall only be used to provide services to qualified legal services projects as defined in subdivision (a) of Section 6213 which are used pursuant to a plan as required by subdivision (c) of Section 6216, or as permitted by Section 6219. <p>§ 6219. Provision of work opportunities and scholarships for disadvantaged law students Qualified legal services projects and support centers may use funds provided under this article to provide work opportunities with pay, and where feasible, scholarships for disadvantaged law students to help defray their law school expenses.</p> <p>§ 6220. Private attorneys providing legal services without charge; support center services Attorneys in private practice who are providing legal services without charge to indigent persons shall not be disqualified from receiving the services of the qualified support centers.</p>
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	<p>§ 6221. Services for indigent members of disadvantaged and underserved groups Qualified legal services projects shall make significant efforts to utilize 20 percent of the funds allocated under this article for increasing the availability of services to the elderly, the disabled, juveniles, or other indigent persons who are members of disadvantaged and underserved groups within their service area.</p> <p>§ 6222. Recipients of funds to submit annual financial statements; information included in annual report of State Bar receipts and expenditures A recipient of funds allocated pursuant to this article annually shall submit a financial statement to the State Bar, including an audit of the funds by a certified public accountant or a fiscal review approved by the State Bar, a report demonstrating the programs on which they were expended, a report on the recipient's compliance with the requirements of Section 6217, and progress in meeting the service expansion requirements of Section 6221. The Board of Trustees of the State Bar shall include a report of receipts of funds under this article, expenditures for administrative costs, and disbursements of the funds, on a county-by-county basis, in the annual report of State Bar receipts and expenditures required pursuant to Section 6145.</p> <p>§ 6223. Expenditure of funds; prohibitions No funds allocated by the State Bar pursuant to this article shall be used for any of the following purposes: (a) The provision of legal assistance with respect to any fee generating case, except in accordance with guidelines which shall be promulgated by the State Bar. (b) The provision of legal assistance with respect to any criminal proceeding. (c) The provision of legal assistance, except to indigent persons or except to provide support services to qualified legal services projects as defined by this article.</p> <p>§ 6224. State bar; powers; determination of qualifications to receive funds; denial of funds; termination; procedures The State Bar shall have the power to determine that an applicant for funding is not qualified to receive funding, to deny future funding, or to terminate existing funding because the recipient is not operating in compliance with the requirements or restrictions of this article. A denial of an application for funding or for future funding or an action by the State Bar to terminate an existing grant of funds under this article shall not become final until the applicant or recipient has been afforded reasonable notice and an opportunity for a timely and fair hearing. Pending final determination of any hearing held with reference to termination of funding, financial assistance shall be continued at its existing level on a month-to-month basis. Hearings for denial shall be conducted by an impartial hearing officer whose decision shall be final. The hearing officer shall render a decision no later than 30 days after the conclusion of the hearing. Specific procedures governing the conduct of the hearings of this section shall be determined by the State Bar pursuant to Section 6225.</p>
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	<p>§ 6225. Implementation of article; adoption of rules and regulations; procedures</p> <p>The Board of Trustees of the State Bar shall adopt the regulations and procedures necessary to implement this article and to ensure that the funds allocated herein are utilized to provide civil legal services to indigent persons, especially underserved client groups such as but not limited to the elderly, the disabled, juveniles, and non-English-speaking persons.</p> <p>In adopting the regulations the Board of Trustees shall comply with the following procedures:</p> <p>(a) The board shall publish a preliminary draft of the regulations and procedures, which shall be distributed, together with notice of the hearings required by subdivision (b), to commercial banking institutions, to licensees of the State Bar, and to potential recipients of funds.</p> <p>(b) The board shall hold at least two public hearings, one in southern California and one in northern California where affected and interested parties shall be afforded an opportunity to present oral and written testimony regarding the proposed regulations and procedures.</p> <p>§ 6226. Implementation of article; resolution</p> <p>The program authorized by this article shall become operative only upon the adoption of a resolution by the Board of Trustees of the State Bar stating that regulations have been adopted pursuant to Section 6225 which conform the program to all applicable tax and banking statutes, regulations, and rulings.</p> <p>§ 6227. Credit of state not pledged</p> <p>Nothing in this article shall create an obligation or pledge of the credit of the State of California or of the State Bar of California. Claims arising by reason of acts done pursuant to this article shall be limited to the moneys generated hereunder.</p> <p>§ 6228. Severability</p> <p>If any provision of this article or the application thereof to any group or circumstances is held invalid, such invalidity shall not affect the other provisions or applications of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are severable.</p> <p>Rule 2.100 Definitions</p> <p>A "Chargeable fee" is a per-check charge, per-deposit charge, fee in lieu of minimum balance, federal deposit insurance fee, or sweep fee.</p> <p>A "Client" is a person or a group of persons that has engaged the attorney or firm for a common purpose.</p> <p>"Comparably conservative" in Business and Professions Code 6213(j) includes, but is not limited to, securities issued by Government Sponsored Enterprises.</p>
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	<p>An “Exempt Account” is exempt from IOLTA requirements because it does not meet the productivity criteria established by the Legal Services Trust Fund Commission.</p> <p>“Funds” are monies held in a fiduciary capacity by a licensee for the benefit of a client or a third party.</p> <p>An “IOLTA account” is an Interest on Lawyers’ Trust Account as defined in Business and Professions Code section 6213(j).</p> <p>An “IOLTA-eligible institution” is an eligible institution as defined in 6213(k) that meets the requirements of these rules, State Bar guidelines, and the State Bar Act.</p> <p>“IOLTA funds” are the interest or dividends generated by IOLTA accounts.</p> <p>A “licensee” is a licensee and a licensee’s law firm.</p> <p>A “licensee business expense” is an expense that a licensee incurs in the ordinary course of business, such as charges for check printing, deposit stamps, insufficient fund charges, collection charges, wire transfer fees, fees for cash management, and any other fee that is not a chargeable fee.</p> <p>Rule 2.110 Funds to be held in an IOLTA account</p> <p>Licensees must establish IOLTA accounts for funds that cannot earn income for the client or third party in excess of the costs incurred to secure such income because the funds are nominal in amount or held for a short period of time. In determining whether funds can earn income in excess of costs, a licensee must consider the following factors: (1) the amount of the funds to be deposited;</p> <p>(2) the expected duration of the deposit, including the likelihood of delay in resolving the matter for which the funds are held;</p> <p>(3) the rates of interest or dividends at eligible institutions where the funds are to be deposited;</p> <p>(4) the cost of establishing and administering non-IOLTA accounts for the client or third party’s benefit, including service charges, the costs of the licensee’s services, and the costs of preparing any tax reports required for income earned on the funds;</p> <p>(5) the capability of eligible institutions or the licensee to calculate and pay income to individual clients or third parties;</p> <p>(6) any other circumstances that affect the ability of the funds to earn a net return for the client or third party.</p>
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	<p>The State Bar will not bring disciplinary charges against a licensee for determining in good faith whether or not to place funds in an IOLTA account.</p> <p>Rule 2.111 Funds not to be held in an IOLTA account If a licensee determines that the funds can earn income for the benefit of the client or third party in excess of the costs incurred to secure such income, the funds must be deposited in a trust account in accordance with the provisions of Section 6211(b) of the Business and Professions Code and Rule 4-100 of the Rules of Professional Conduct or as the client or third party directs in writing.</p> <p>A licensee should not designate an exempt account¹As defined in Rule 2.100 (D) as an IOLTA account.</p> <p>Rule 2.112 Review of funds in an IOLTA account A licensee must review an IOLTA account at reasonable intervals to determine whether changed circumstances require funds be moved out of the IOLTA account.</p> <p>Rule 2.113 Charges against IOLTA funds A licensee may allow an IOLTA-eligible institution to deduct chargeable fees permitted by Business and Professions Code 6212(c) from IOLTA funds. A licensee must pay any licensee business expense and may not allow the bank to deduct such expenses from IOLTA funds. If the State Bar becomes aware that a licensee business expense is erroneously deducted from IOLTA funds, the State Bar will inform the IOLTA-eligible institution and request that the error be corrected.</p> <p>Rule 2.114 Reporting to the State Bar A licensee must report compliance with these rules.</p> <p>Rule 2.115 Consent to reporting By establishing funds in an account, a licensee consents to the eligible institution's furnishing account information to the State Bar as required by these rules, State Bar guidelines, and the State Bar Act.</p>
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	<p>Rule 2.116 Liquidity requirements IOLTA accounts must allow prompt withdrawal of funds, except that such accounts may be subject to notification requirements applicable to all other accounts of the same class at the eligible institution so long as the notification requirement does not exceed thirty days.</p> <p>Rule 2.117 Institution eligibility requirements A licensee may place an IOLTA account only in an IOLTA-eligible institution. The State Bar will maintain a list of IOLTA-eligible institutions.</p> <p>Rule 2.118 No change to other duties and obligations of a licensee Nothing in these rules shall be construed as affecting or impairing the duties and obligations of a licensee pursuant to the statutes and rules governing the conduct of licensees of the State Bar including, but not limited to, provisions of Rule 1.15 of the Rules of Professional Conduct requiring a licensee to promptly notify a client of the receipt of the client's funds and to promptly pay or deliver to the client, as requested by the client, the funds in the possession of the licensee which the client is entitled to receive.</p>
<p>State Ba3 Act / State Bar & Court Rules – Open Issue 2</p> <p>State Bar Rule 2.81 [Speaking]</p>	<p>Rule 2.81 Speaking</p> <p>A licensee may claim participatory MCLE credit for speaking at an approved MCLE activity.</p> <p>(A) A principal speaker, who is responsible for preparing and delivering a program or class and its related materials, may claim (1) actual speaking time multiplied by four for the first presentation; or (2) actual speaking time only for each time a presentation is repeated without significant change.</p> <p>(B) A panelist may claim (1) either of the following for the first panel presentation: (a) scheduled individual speaking time multiplied by four, plus the actual time spent in attendance at the remainder of the presentation; or (b) when times have not been scheduled for individual speakers, an equal share of the total time for all speakers multiplied by four plus the actual time spent in attendance at the remainder of the presentation. (2) actual speaking time only for each time a presentation is repeated without significant change.</p> <p>(C) A licensee who introduces speakers or serves as a moderator may claim only the MCLE credit available to any attendee.</p>
State Bar Act / State Bar & Court	Rule 2.82 Teaching

<p>Rules – Open Issue 3</p> <p>State Bar Rule 2.82 [Teaching]</p>	<p>A licensee may claim participatory MCLE credit for teaching a law school course.</p> <p>(A) A licensee assigned to teach a course may claim no more than the credit hours granted by the law school multiplied by twelve or actual speaking time for required MCLE in legal ethics, elimination of bias, or competence issues.</p> <p>(B) A guest lecturer or substitute teacher may claim</p> <p>(1) actual speaking time multiplied by four for the first presentation; or</p> <p>(2) actual speaking time only for each time a presentation is repeated without significant change.</p>
<p>State Bar Act / State Bar & Court Rules – Open Issue 4</p> <p>State Bar Rule 2.86 [Licensee credit request]</p>	<p>Rule 2.86 Licensee credit request</p> <p>A licensee may apply for MCLE credit for an educational activity directly relevant to the licensee’s practice but not otherwise approved if the activity substantially meets State Bar standards. The application must be submitted with the appropriate fee.</p>
<p>Code of Civil Procedure – Open Issue 1</p> <p>Civ. Proc. Code § 340.6</p>	<p>§ 340.6. Attorneys; wrongful professional act or omission; tolling of period</p> <p>(a) An action against an attorney for a wrongful act or omission, other than for actual fraud, arising in the performance of professional services shall be commenced within one year after the plaintiff discovers, or through the use of reasonable diligence should have discovered, the facts constituting the wrongful act or omission, or four years from the date of the wrongful act or omission, whichever occurs first. If the plaintiff is required to establish the plaintiff's factual innocence for an underlying criminal charge as an element of the plaintiff's claim, the action shall be commenced within two years after the plaintiff achieves postconviction exoneration in the form of a final judicial disposition of the criminal case. Except for a claim for which the plaintiff is required to establish the plaintiff's factual innocence, the time for commencement of legal action shall not exceed four years except that the period shall be tolled during the time that any of the following exist:</p> <p>(1) The plaintiff has not sustained actual injury.</p> <p>(2) The attorney continues to represent the plaintiff regarding the specific subject matter in which the alleged wrongful act or omission occurred.</p>

	<p>(3) The attorney willfully conceals the facts constituting known to the attorney, except that this subdivision shall</p> <p>(4) The plaintiff is under a legal or physical disability that action.</p> <p>(5) A dispute between the lawyer and client concerning Article 13 (commencing with Section 6200) of Chapter 4 of Code. As used in this paragraph, “pending” means from the date a after receipt of notice of the award of the arbitrators, or receipt of otherwise terminated, whichever occurs first.</p> <p>In an action based upon an instrument in writing, the effective date of which depends upon some act or event of the future, the period of limitations provided for by this section shall commence to run upon the occurrence of that act or event.</p>	<p>the wrongful act or omission when those facts are toll only the four-year limitation.</p> <p>restricts the plaintiff's ability to commence legal</p> <p>fees, costs, or both is pending resolution under Division 3 of the Business and Professions request for arbitration is filed until 30 days notice that the arbitration is</p>
<p>Code of Civil Procedure – Open Issue 2</p> <p>Civ. Proc. Code § 995.510</p>	<p>§ 995.510. Sufficiency of sureties; conditions</p> <p>(a) A personal surety on a bond is sufficient if all of the following conditions are satisfied:</p> <p>(1) The surety is a person other than the principal. No act as a surety.</p> <p>(2) The surety is a resident, and either an owner of real</p> <p>(3) The surety is worth the amount of the bond in real money over and above all debts and liabilities, exclusive of judgment.</p> <p>If the amount of a bond exceeds ten thousand dollars (\$10,000) and is executed by more than two personal sureties, the worth of a personal surety may be less than the amount of the bond, so long as the aggregate worth of all sureties executing the bond is twice the amount of the bond.</p>	<p>officer of the court or member of the State Bar shall</p> <p>property or householder, within the state.</p> <p>or personal property, or both, situated in this state, property exempt from enforcement of a</p>
<p>Code of Civil Procedure – Open Issue 3</p> <p>Civ. Proc. Code § 2018.010</p>	<p>§ 2018.010. “Client” defined</p> <p>For purposes of this chapter, “client” means a “client” as defined in Section 951 of the Evidence Code.</p>	
<p>Code of Civil Procedure – Open Issue 3 (cont.)</p>	<p>§ 2018.020. Policy of the state</p> <p>It is the policy of the state to do both of the following:</p>	

Civ. Proc. Code § 2018.020	<p>(a) Preserve the rights of attorneys to prepare cases for trial with that degree of privacy necessary to encourage them to prepare their cases thoroughly and to investigate not only the favorable but the unfavorable aspects of those cases.</p> <p>Prevent attorneys from taking undue advantage of their adversary's industry and efforts.</p>
Code of Civil Procedure – Open Issue 3 (cont.) Civ. Proc. Code § 2018.030	<p>§ 2018.030. Writings and written documentation</p> <p>(a) A writing that reflects an attorney's impressions, conclusions, opinions, or legal research or theories is not discoverable under any circumstances.</p> <p>The work product of an attorney, other than a writing described in subdivision (a), is not discoverable unless the court determines that denial of discovery will unfairly prejudice the party seeking discovery in preparing that party's claim or defense or will result in an injustice.</p>
Code of Civil Procedure – Open Issue 3 (cont.) Civ. Proc. Code § 2018.040	<p>§ 2018.040. Restatement of existing law</p> <p>This chapter is intended to be a restatement of existing law relating to protection of work product. It is not intended to expand or reduce the extent to which work product is discoverable under existing law in any action.</p>
Code of Civil Procedure – Open Issue 3 (cont.) Civ. Proc. Code § 2018.050	<p>§ 2018.050. Participation in crime or fraud</p> <p>Notwithstanding Section 2018.040, when a lawyer is suspected of knowingly participating in a crime or fraud, there is no protection of work product under this chapter in any official investigation by a law enforcement agency or proceeding or action brought by a public prosecutor in the name of the people of the State of California if the services of the lawyer were sought or obtained to enable or aid anyone to commit or plan to commit a crime or fraud.</p>
Code of Civil Procedure – Open Issue 3 (cont.) Civ. Proc. Code § 2018.060	<p>§ 2018.060. In camera hearings</p> <p>Nothing in this chapter is intended to limit an attorney's ability to request an in camera hearing as provided for in <i>People v. Superior Court (Laff)</i> (2001) 25 Cal.4th 703.1</p>

<p>Code of Civil Procedure – Open Issue 3 (cont.)</p> <p>Civ. Proc. Code § 2018.070</p>	<p>§ 2018.070. Disciplinary proceedings</p> <p>(a) The State Bar may discover the work product of an attorney against whom disciplinary charges are pending when it is relevant to issues of breach of duty by the lawyer and requisite client approval has been granted.</p> <p>(b) Where requested and for good cause, discovery under this section shall be subject to a protective order to ensure the confidentiality of the work product except for its use by the State Bar in disciplinary investigations and its consideration under seal in State Bar Court proceedings.</p> <p>For purposes of this chapter, whenever a client has initiated a complaint against an attorney, the requisite client approval shall be deemed to have been granted.</p>
<p>Code of Civil Procedure – Open Issue 3 (cont.)</p> <p>Civ. Proc. Code § 2018.080</p>	<p>§ 2018.080. Breach of duty; actions against attorney by client or former client</p> <p>In an action between an attorney and a client or a former client of the attorney, no work product privilege under this chapter exists if the work product is relevant to an issue of breach by the attorney of a duty to the client arising out of the attorney-client relationship.</p>
<p>Evidence Code – Open Issue 1</p> <p>Evid. Code § 912</p>	<p>§ 912. Waiver of privilege</p> <p>(a) Except as otherwise provided in this section, the right of any person to claim a privilege provided by Section 954 (lawyer-client privilege) ... is waived with respect to a communication protected by the privilege if any holder of the privilege, without coercion, has disclosed a significant part of the communication or has consented to disclosure made by anyone. Consent to disclosure is manifested by any statement or other conduct of the holder of the privilege indicating consent to the disclosure, including failure to claim the privilege in any proceeding in which the holder has legal standing and the opportunity to claim the privilege.</p> <p>(b) Where two or more persons are joint holders of a privilege provided by Section 954 (lawyer-client privilege)... a waiver of the right of a particular joint holder of the privilege to claim the privilege does not affect the right of another joint holder to claim the privilege....</p> <p>(c) A disclosure that is itself privileged is not a waiver of any privilege.</p> <p>A disclosure in confidence of a communication that is protected by a privilege provided by Section 954 (lawyer-client privilege), ..., when disclosure is reasonably necessary for the accomplishment of the purpose for which the lawyer... was consulted, is not a waiver of the privilege.</p>
<p>Evidence Code – Open Issue 1 (cont.)</p>	<p>§ 917. Presumption that certain communications are confidential; privileged character of electronic communications</p>

Evid. Code § 917	<p>(a) If a privilege is claimed on the ground that the matter sought to be disclosed is a communication made in confidence in the course of the lawyer-client... relationship, the communication is presumed to have been made in confidence and the opponent of the claim of privilege has the burden of proof to establish that the communication was not confidential.</p> <p>A communication between persons in a relationship listed in subdivision (a) does not lose its privileged character for the sole reason that it is communicated by electronic means or because persons involved in the delivery, facilitation, or storage of electronic communication may have access to the content of the communication.</p>
Evidence Code – Open Issue 1 (cont.) Evid. Code § 950	<p>§ 950. Lawyer</p> <p>As used in this article, “lawyer” means a person authorized, or reasonably believed by the client to be authorized, to practice law in any state or nation.</p>
Evidence Code – Open Issue 1 (cont.) Evid. Code § 951	<p>§ 951. Client</p> <p>As used in this article, “client” means a person who, directly or through an authorized representative, consults a lawyer for the purpose of retaining the lawyer or securing legal service or advice from him in his professional capacity, and includes an incompetent (a) who himself so consults the lawyer or (b) whose guardian or conservator so consults the lawyer in behalf of the incompetent.</p>
Evidence Code – Open Issue 1 (cont.) Evid. Code § 952	<p>§ 952. Confidential communication between client and lawyer</p> <p>As used in this article, “confidential communication between client and lawyer” means information transmitted between a client and his or her lawyer in the course of that relationship and in confidence by a means which, so far as the client is aware, discloses the information to no third persons other than those who are present to further the interest of the client in the consultation or those to whom disclosure is reasonably necessary for the transmission of the information or the accomplishment of the purpose for which the lawyer is consulted, and includes a legal opinion formed and the advice given by the lawyer in the course of that relationship.</p>
Evidence Code – Open Issue 1 (cont.) Evid. Code § 954	<p>§ 954. Lawyer-client privilege</p> <p>Subject to Section 912 and except as otherwise provided in this article, the client, whether or not a party, has a privilege to refuse to disclose, and to prevent another from disclosing, a confidential communication between client and lawyer if the privilege is claimed by:</p> <p>(a) The holder of the privilege;</p> <p>(b) A person who is authorized to claim the privilege by the holder of the privilege; or</p>

	<p>(c) The person who was the lawyer at the time of the confidential communication, but such person may not claim the privilege if there is no holder of the privilege in existence or if he is otherwise instructed by a person authorized to permit disclosure.</p> <p>The relationship of attorney and client shall exist between a law corporation as defined in Article 10 (commencing with Section 6160) of Chapter 4 of Division 3 of the Business and Professions Code and the persons to whom it renders professional services, as well as between such persons and members of the State Bar employed by such corporation to render services to such persons. The word “persons” as used in this subdivision includes partnerships, corporations, limited liability companies, associations and other groups and entities.</p>
<p>Evidence Code – Open Issue 1 (cont.)</p> <p>Evid. Code § 955</p>	<p>§ 955. When lawyer required to claim privilege</p> <p>The lawyer who received or made a communication subject to the privilege under this article shall claim the privilege whenever he is present when the communication is sought to be disclosed and is authorized to claim the privilege under subdivision (c) of Section 954.</p>
<p>Evidence Code – Open Issue 1 (cont.)</p> <p>Evid. Code § 956</p>	<p>§ 956. Exception: Crime or fraud; applicability to legal services for lawful cannabis-related activities</p> <p>(a) There is no privilege under this article if the services of the lawyer were sought or obtained to enable or aid anyone to commit or plan to commit a crime or a fraud.</p> <p>This exception to the privilege granted by this article shall not apply to legal services rendered in compliance with state and local laws on medicinal cannabis or adult-use cannabis, and confidential communications provided for the purpose of rendering those services are confidential communications between client and lawyer, as defined in Section 952, provided the lawyer also advises the client on conflicts with respect to federal law.</p>
<p>Evidence Code – Open Issue 1 (cont.)</p> <p>Evid. Code § 956.5</p>	<p>§ 956.5. Exception: Prevention of criminal act likely to result in death or substantial bodily harm</p> <p>There is no privilege under this article if the lawyer reasonably believes that disclosure of any confidential communication relating to representation of a client is necessary to prevent a criminal act that the lawyer reasonably believes is likely to result in the death of, or substantial bodily harm to, an individual.</p>
<p>Evidence Code – Open Issue 1 (cont.)</p> <p>Evid. Code § 958</p>	<p>§ 958. Exception: Breach of duty arising out of lawyer-client relationship</p> <p>There is no privilege under this article as to a communication relevant to an issue of breach, by the lawyer or by the client, of a duty arising out of the lawyer-client relationship.</p>
<p>Evidence Code – Open Issue 1 (cont.)</p>	<p>§ 959. Exception: Lawyer as attesting witness</p>

Evid. Code § 959	There is no privilege under this article as to a communication relevant to an issue concerning the intention or competence of a client executing an attested document of which the lawyer is an attesting witness, or concerning the execution or attestation of such a document.
Evidence Code – Open Issue 1 (cont.) Evid. Code § 962	<p>§ 962. Exception: Joint clients</p> <p>Where two or more clients have retained or consulted a lawyer upon a matter of common interest, none of them, nor the successor in interest of any of them, may claim a privilege under this article as to a communication made in the course of that relationship when such communication is offered in a civil proceeding between one of such clients (or his successor in interest) and another of such clients (or his successor in interest).</p>