



# The State Bar of California

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**DATE:** April 20, 2022

**TO:** Members, California Paraprofessional Program Working Group

**FROM:** Kelsey Lyles, Principal Program Analyst

**SUBJECT:** Summary of California Paraprofessional Program Public Comment and Process

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## EXECUTIVE SUMMARY

The recommendations of the California Paraprofessional Program Working Group (CPPWG or working group) were issued for public comment on September 24, 2021; the comment period closed on January 12, 2022. A total of 2,014 comments were received from 1,282 individual commenters<sup>1</sup>. Comments were analyzed by staff, assigned to a corresponding topical area(s) in the report, and uploaded categorically to an interactive webpage for ease of review. The webpage can be viewed [here](#).

Attachment A of this memorandum provides a summary of the comments received and an outline of the process for comment review; the CPPWG is asked to approve Attachment A for inclusion in its final report to the Board of Trustees.

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## BACKGROUND

At the September 24, 2021, State Bar Board of Trustees Meeting, Trustees received and issued for public comment the final report and recommendations of the CPPWG, including the accompanying proposed Paraprofessional Rules of Professional Conduct and Proposed Standards of Licensed Paraprofessional Sanctions for Professional Misconduct.

Comments received ranged from explicit disagreement with the very idea of a licensed paraprofessional to wholehearted endorsement, with every point along the continuum represented. Staff reviewed, coded, and categorized the comments to facilitate meaningful review and discussion by the working group.

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<sup>1</sup> The total number of individual commentors, as indicated on the webpage, is 1,282. A typographical error in the April 20, 2022, memorandum to the CPPWG regarding review of public comment and summary of recommendations stated that the total number of individual commentors was 1,279.

## **DISCUSSION**

A summary of public comment and outline of the process for comment analysis is provided for review and approval as Attachment A. A placeholder header is included: Revised Recommendations Based on Public Comment Review; this section will be populated by the results of the working group's consideration of recommendation revisions at its April 20 meeting.

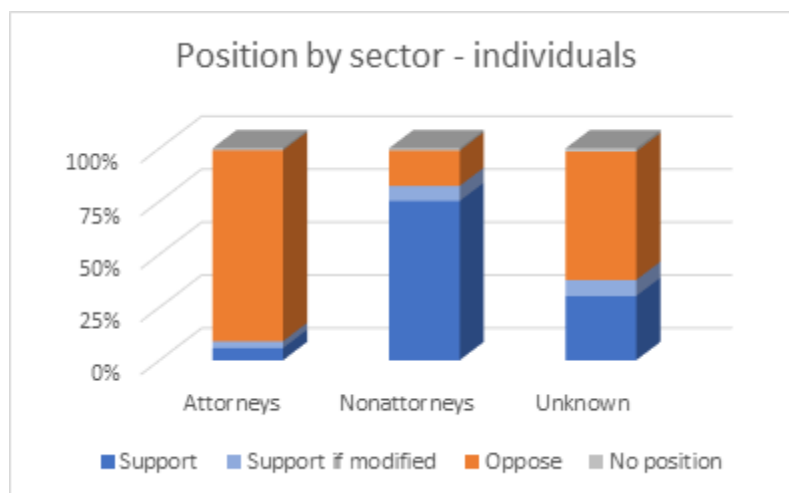
## **RECOMMENDATION**

The following resolution is proposed:

**RESOLVED**, that the CPPWG approves the summary of public comment and outline of the process for comment analysis as provided in Attachment A for inclusion in its final report to the Board of Trustees.

## PUBLIC COMMENTS RECEIVED

A total of 2,014 comments were submitted by 1,299 commenters<sup>2</sup>; 1,193 comments (92 percent) were submitted by individuals, and 106 (8 percent) were submitted on behalf of organizations. Seventy-one percent of individual commenters were categorized as attorneys, 23 percent as nonattorneys; 5 percent could not be identified either way.<sup>3</sup> Seventy-one percent of individuals indicated opposition, 24 percent indicated support, an additional 4 percent would support the recommendations with modifications, and 1 percent did not indicate a position. Attorneys were opposed to the recommendations at a rate of 90 percent, while nonattorneys supported the recommendations by 75 percent. Sixty-one percent of unknown individuals opposed the recommendations.

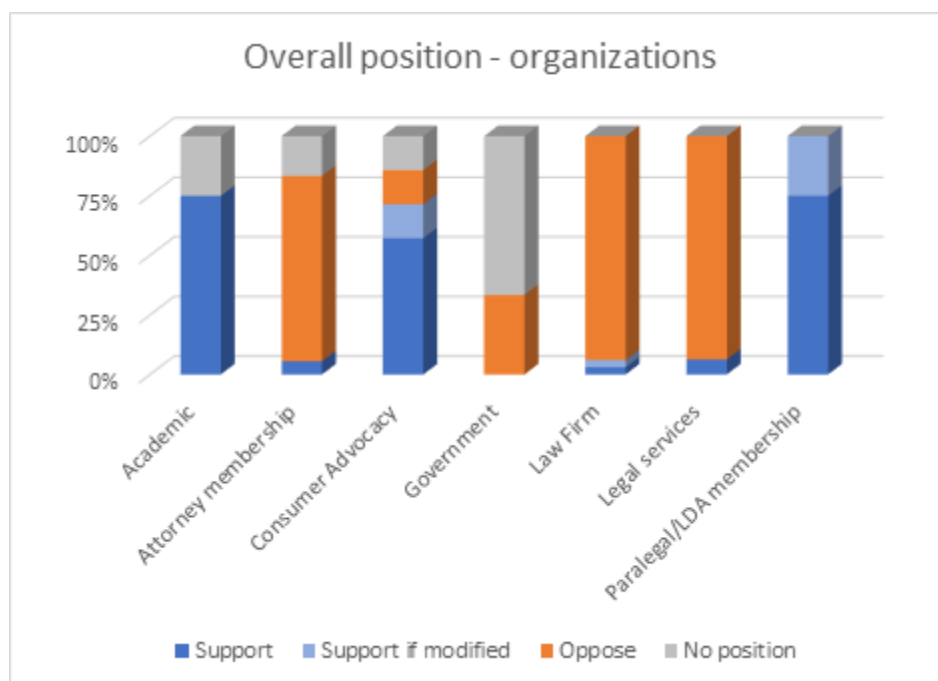


Comments were submitted on behalf of 106 organizations, 74 percent of which indicated opposition to the recommendations. The majority of this opposition reflects the position of law firms, attorney membership organizations, and legal services programs (together referenced as Attorney Organizations); these three sectors combined comprise 78 percent of organizational commenters. In contrast, academic institutions and consumer advocacy organizations (together referenced as Nonattorney Organizations), comprising only 10 percent of organizational commenters, indicated support for the recommendations: academic institutions indicated 75 percent support and consumer advocacy organizations indicated 71 percent in support of current or modified recommendations. Government agencies, comprising 3 percent of commenters, were either opposed (33 percent) or took no position (67 percent). Paralegal/LDA

<sup>2</sup> For the purpose of this analysis, each signator to letters signed by multiple individuals or organizations was counted as an individual commenter. This approach resulted in an increase in the number of commenters identified as compared to the previously reported figure of 1,282.

<sup>3</sup> Individuals were identified as attorneys based on their written comments, through a search in the State Bar or other state's records. A number of commenters did not provide enough information (i.e., no full name or email address) to determine whether or not they were attorneys.

membership organizations, comprising 4 percent of commenters, supported the recommendations at a rate of 75 percent.



All comments and letters were uploaded to an interactive online platform for transparency and ease of review, available [here](#).

#### PROCESS AND METHODOLOGY FOR COMMENT ANALYSIS

At its March 4 meeting the CPPWG conducted a preliminary review of comments, focusing on those addressing (1) specified Paraprofessional Rules of Professional Conduct; (2) in-court representation; (3) fee caps; and (4) suggestions for additional practice areas. The working group also established a methodology for reviewing remaining comments prioritizing for review: (1) those that present new information or argument not previously addressed by the working group; (2) those that address the cost of the paraprofessional program; (3) those that address disclosure requirements; and (4) those that address program evaluation. A [memorandum](#) summarizing those comments and corresponding staff recommendations was provided to the CPPWG for its April 20 meeting.

#### REVISED RECOMMENDATIONS BASED ON PUBLIC COMMENT REVIEW