



The State Bar of California

DATE: April 20, 2022

TO: Members, California Paraprofessional Program Working Group

FROM: Leah Wilson, Executive Director, The State Bar of California
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SUBJECT: Review of Public Comment and Revised Recommendations

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. Over 2,000 comments were received from 1,279 individual commenters.

At its March 4, 2022, meeting, the CPPWG resolved to modify the proposed Paraprofessional Rules of Professional Conduct (rules) to eliminate certain fee sharing and ownership provisions and approved a methodology for consideration of remaining comments. This agenda item presents staff's recommendations regarding action to be taken by the working group in response to public comment received, pursuant to the decisions made at the March 4 meeting.

BACKGROUND

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. As a result of that review, the CPPWG adopted a recommendation to revise the rules to eliminate the ability of paraprofessionals to have an ownership interest in a law firm that includes lawyers. The working group did not modify its recommendations regarding in-court representation or fee caps. The CPPWG also adopted a recommendation that no additional practice areas beyond those included in its September 2021 recommendations be added to the program design.

At the March meeting, the working group established a methodology for reviewing remaining comments, prioritizing for review: (1) those that present new information or argument; (2) those that address the cost of the paraprofessional program; (3) those that address disclosure requirements; and (4) those that address program evaluation. Staff added a filter that allows

for easy identification of comments in those four categories on the interactive comments page, which can be found [here](#).

DISCUSSION

This memorandum:

1. Provides proposed revised language for rule 5.4 reflecting the policy decisions made at the March 4 CPPWG meeting.
2. Provides a summary of comments received and corresponding staff recommendations in the following areas which fall under the category of “new information or argument”:
 - collateral criminal as related to clients with potential immigration issues
 - family, children, and custody topics specific to surrogacy and conservatorship of a person
 - licensing topics specific to eligibility and education requirements
 - the paraprofessional discipline system
 - pilot implementation
 - the Paraprofessional Licensing and Oversight Committee (PLOC)
 - Mandatory continuing legal education (MCLE) requirements
3. Includes a review of identified program implementation costs.
4. Provides a summary of selected comments received regarding disclosure requirements and corresponding staff recommendations.
5. Provides a summary of comments received regarding program evaluation and a corresponding staff recommendation.
6. Provides a rationale and staff recommendation for reviewing comments to rules submitted by the Committee on Professional Responsibility and Conduct (COPRAC) and the Los Angeles County Bar Association (LACBA).

REVISION TO RULE 5.4

At its March 4 meeting, the CPPWG resolved to amend the rules to eliminate the ability for paraprofessionals to own a law firm with attorneys. Proposed revisions to rule 5.4 effectuating this decision are provided as Attachment A.

COMMENTS THAT PRESENT NEW INFORMATION OR ARGUMENT

Collateral Criminal, Representation of Clients with Immigration Issues

Summary of comments received. Four comments were received related to the intersection of the proposed Collateral Criminal practice area and immigration issues. Commenters expressed concerns regarding paraprofessionals’ ability to analyze convictions for potential immigration consequences and to navigate the expungement, felony reduction, and infraction adjudication process for noncitizens.

The intersection of the Collateral Criminal practice area and immigration issues was previously flagged by the Collateral Criminal Working Group; in its August 25, 2020, memo to the CPPWG that group noted:

Representation of Clients with Immigration Issues (“crim/imm”). “Crim/imm” matters are a hybrid between criminal and immigration, i.e., criminal conviction with immigration consequences. There is a wide acknowledged need for legal service providers in this practice area; however, we believe that additional information is needed to ascertain the exact level of complexity and consequences of errors during each phase of the process.

While flagged, neither the working group nor the full CPPWG revisited the crim/imm issue.

Staff recommendation: While it is clear that noncitizens have a need for the types of services encompassed by the Collateral Criminal practice area and are likely underserved, the potential consequences of inadequate or inaccurate legal advice for this population are grave. As a result, staff recommends amending the Collateral Criminal practice area to prohibit paraprofessionals from representing noncitizens. Prior to program implementation, an appropriate screening tool and process should be developed in collaboration with experts in immigration law and immigration legal service providers to ensure that citizenship status is identified appropriately at intake.

Family, Children, and Custody

Surrogacy

Summary of comments received: Two comments were received addressing the topic of surrogacy. Comments received focused on the complexity and highly specialized nature of assisted reproduction cases and the fact that the consequences of error and delay can be very serious for parent and child. In addition, each superior court has its own rules for filings in these cases. It was also noted that there is a justice gap with respect to legal services in these cases.

Staff recommendation: Staff recommends that cases involving surrogate parentage be added to the list of excluded tasks/matters in the Family, Children, and Custody practice area.

Uncontested conservatorship/guardianship of the person versus the estate

Summary of comments received: One comment was received on this topic. The commenter noted that the recommendations do not specify that representation would be confined to limited conservatorship and/or guardianship of the person. That comment also advocated for the scope of this practice area to be restricted to limited conservatorships of the person, noting that general conservatorships of the estate are more complex and involve ongoing services related to the estate that are not typical for conservatorships of the person.

Staff recommendation: Staff recommends revising the scope of this practice area to specify that it is restricted to uncontested conservatorship and/or guardianship of the person only; this change reflects the intent of the CPPWG.

Staff does not recommend further restricting the practice area to limited conservatorships. The issue of limited versus general conservatorships was vetted by the Family Law Subcommittee and public comment received did not provide new information or argument warranting a change.

Licensing

Eligibility

Summary of comments received: Eight comments presented new information or argument related to eligibility issues. Some suggested expanding eligibility requirements to include other persons with professional experience, including social workers, notaries public, and domestic violence advocates. Some comments also suggested that those who fell just short of passing the California Bar Examination should be automatically eligible to be a paraprofessional.

Staff recommendation: Staff recommends that no changes be made to paraprofessional eligibility requirements at this time. The CPPWG adopted eligibility requirements include candidates with either a JD or LLM from an ABA or California accredited or registered law school; paralegals qualified pursuant to [Business and Professions Code section 6450\(c\)](#); or Legal Document Assistants qualified pursuant to [Business and Professions Code section 6402.1\(b\)](#). The eligibility categories were carefully vetted by the Licensing Subcommittee and considered carefully by the full CPPWG. Upon evaluation of the pilot, the Paraprofessional Licensing and Oversight Committee (PLOC) may consider amending the eligibility categories if there is an insufficient number of paraprofessionals.

Educational requirements

Summary of comments received: Two comments presented new information or argument related to paraprofessional educational requirements. Comments suggested a shift in educational requirements away from credit hours learning outcomes, which would represent a paradigm shift supported by educational research.

Staff recommendation: Staff agrees that outcomes, rather than credit-focused, requirements reflect current trends in both education and testing. Staff does not believe however that there is sufficient time to revisit paraprofessional educational requirements with an intent to address desired learning outcomes. Instead, staff recommends that the CPPWG resolve that the final paraprofessional educational requirements be developed in consultation with educational experts in relevant fields and that sufficient flexibility be granted during that process to ensure that the requirements as ultimately finalized meaningfully protect the public.

Paraprofessional Discipline System

Summary of comments received: One comment was received presenting new information or argument as related to paraprofessional discipline. That comment noted that having a separate paraprofessional discipline system that uses staff adjudicators rather than State Bar Court judges creates the risk that there may be conflicting interpretation and application of similar rules of professional conduct, which may dilute their impact overall.

Staff recommendation: Staff acknowledges that conflicting interpretations of similar rules may be an issue at some point but does not recommend modifying the proposed disciplinary structure based on this speculative concern. Staff specifically does not believe that this risk outweighs the benefits of the disciplinary system designed by the CPPWG; these benefits include cost, expediency, and fairness, as outlined in the discipline system section of the working group's report and recommendations issued for public comment.

Pilot Implementation

Summary of comments received: Eleven comments were received regarding pilot implementation. Some comments expressed the importance of applying an equity lens to program administration and prioritizing the availability of services in counties with the greatest need and largest population of low-income Californians. Other comments identified a need for the program in additional locations, including the Sonora region as well as Riverside, San Bernardino, San Joaquin, Santa Cruz, Monterey, Los Angeles, and Contra Costa counties.

Staff recommendation: Staff recommends no changes to the pilot implementation counties or approach at this time. The Pilot Implementation Subcommittee considered multiple factors in selecting counties for inclusion in the pilot program. These factors included (1) the size of the potential client population, based on census data; (2) the size of the potential licensee population, based on the number of law school graduates who failed the bar exam in the past 10 years; and (3) the size of the local justice gap, as indicated by the percent of pro per litigants in family law cases and by attorney density (residents per active license attorneys). The working group reviewed the initial recommendations of the subcommittee and, upon further review of data on self-represented litigants, supplemented the recommended jurisdictions with a Sacramento-based cluster, to include El Dorado, Placer, Sacramento, and Yuba counties. Expansion of the program to additional counties in future iterations of the program can be considered by the Paraprofessional Licensing and Oversight Committee at a later date as needed.

Paraprofessional Licensing and Oversight Committee

Summary of comments received: One comment presenting new information or argument related to the Paraprofessional Licensing and Oversight Committee (PLOC) was received. The California Access to Justice Commission, recommended that the PLOC include experienced pro bono program leaders that have expertise in providing direct services to low-income clients.

Staff recommendation: Staff recommends that the composition requirements for the PLOC be modified to specify that at least one seat must be held by an attorney with direct knowledge of the legal services delivery system for low-or moderate-income Californians.

Mandatory Continuing Legal Education Requirements

Summary of comments received: One comment from the Disability Rights Education and Defense Fund suggested that licensed paraprofessionals should be required to take disability-rights focused MCLE.

Staff recommendation: Staff recommends that the MCLE requirement pertaining to elimination of bias be modified to specify that disability-related bias be addressed as part of the elimination of bias requirement.

PROGRAM IMPLEMENTATION COST

Summary of comments received: Fifty-seven comments were submitted related to cost of the paraprofessionals program. Several commenters expressed concern about the cost of implementation and ongoing administration of the program, and the impact that the program would have on the State Bar's ability to fulfill its mission and regulatory and enforcement responsibilities.

Staff recommendation: None.

Initial program costs were outlined in table 1 of the CPPWG report and recommendations issued for public comment and reproduced below:

Table 1. Program Costs (Annual, for First 5,000 Licensees)

Component	Preliminary Cost Estimate
General Administration	\$170,000
Licensing	\$405,000
Regulation	\$150,000
Client Security Fund	\$85,000
OCTC Investigation and Prosecution	\$670,000
Hearing Panel Stipend	\$115,000
Advertising and Community Outreach	\$50,000
Total	\$1,645,000

As shared with the CPPWG, the cost estimates were derived from an application of current costs for parallel existing State Bar functions (for example, attorney admissions and attorney compliant investigation and prosecution) to the projected "start-up" paraprofessional licensee population of 5,000. These costs were adjusted to reflect the lack of economies of scale in the paraprofessional context, meaning, for example, partial positions were not budgeted assuming that there would be no non-paraprofessional work for these staff to perform.

Where no parallel function currently exists, namely the hearing panel, costs were estimated based on statutory compensation levels for other state adjudicatory boards.

The costs outlined in the table above do not address curriculum development or program evaluation needs. While it is too early to determine the cost of either of these program elements, it is appropriate to estimate that these costs will total several hundred thousand dollars, bringing the overall total implementation cost for the first 5,000 licensees closer to \$2,000,000.

Identified funding sources include philanthropic grants and a General Fund loan. Staff believes that while it is appropriate for the CPPWG to understand the fiscal implications of the paraprofessional program as designed, it would not be fruitful for the CPPWG to assess the validity of the specific line-item components of estimated program costs, particularly as these costs are admittedly speculative in nature. Instead, the CPPWG could consider resolving that no funding that could or would otherwise be used to support the State Bar discipline system be used to fund the paraprofessional program. This type of resolution would address what seems to be the primary concern reflected in the comments received on this topic.

DISCLOSURE REQUIREMENTS

The disclosure topic was added to the April 20 agenda at the request of CPPWG member Amos Hartston. Mr. Hartston proposes that the CPPWG reconsider the proposed amendments to rule 1.4.3(a)(2) regarding paraprofessionals providing contact information for free or low-cost services to prospective clients, included in his dissenting opinion:

Rule 1.4.3 Informed Written Consent* to Representation (Proposed Rule – with Redline)

(a) Prior to a prospective client's engagement of the licensed paraprofessional, the licensed paraprofessional shall obtain the prospective client's informed written consent* to representation. This includes that the paraprofessional shall clearly communicate in the prospective client's preferred language available alternatives and material risks, including any actual and reasonably* foreseeable adverse consequences of proceeding with a non-lawyer in this matter. The disclosures shall include, but not be limited to:

(1) A statement that the licensed paraprofessional is not a lawyer;

(2) Disclosure of other available choices for obtaining legal services, including the potential availability of a free consultation with a lawyer, limited-scope services from a lawyer, free services from a Self Help Center or Family Law Facilitator's Office, and that free or low-cost legal services may be available to low-income individuals from a legal aid program or non-profit organization if the client qualifies with contact information for such organizations in the county;

A comment from the California Access to Justice Commission expressed direct support for the Commission member Hartston's dissenting opinion, indicating that requiring paraprofessionals to provide organizational contact information is an important public protection measure.

Nine additional comments were received regarding the topic of disclosures generally. Substantive comments addressed explicitly in this memorandum include:

- Need for additional disclosure/notice of information regarding free legal services options;
- Need for additional disclosure/notice regarding the scope and limitations of a paraprofessional license;
- Need to clarify the disclosure/notice requirements needed when a lawyer working in the same law firm as the licensed paraprofessional may provide legal services, including whether a separate engagement agreement is needed;
- Need to clarify “preferred” language (replace with requested, for example); and
- Need to modify list of additional resources that paraprofessional clients may require—to include both other paraprofessionals and lawyers.

Staff recommendations:

Require the provision of contact information for free legal service option alternatives: the Hartston dissenting opinion amendments to rule 1.4.3 (a)(2). Staff does not recommend that rule 1.4.3 (a)(2) be modified to reflect this requirement. This particular issue was extensively vetted by both the Regulation Subcommittee and the full CPPWG; subsequent to a robust consideration process, the proposal to require paraprofessionals to provide prospective clients with contact information for legal service alternatives did not receive majority support from the CPPWG.

Enhance the disclosure of information regarding the scope of a paraprofessional’s license. Staff recommends that the CPPWG resolve that the State Bar should develop a form disclosure addressing the requirements of 1.4.2 (a)(2), and that this form be made available at no cost on the State Bar website.

Clarify rules 1.4.2 and 1.4.3 to address circumstance where a lawyer and a paraprofessional are working in the same firm where there is and where there is not an expectation that any lawyer in the firm will work on the client’s matter, and related issues that may arise including need for separate engagement agreements. Staff agrees that modification of the rules to specifically address this issue is warranted. Staff recommends that the CPPWG resolve that the State Bar should modify the rules to address this issue as part of the process to issue a final set of rules for public comment.

Replace the word “preferred” with respect to language for oral and written communication with client pursuant to rules 1.4.2 and 1.4.3. Staff agrees that the word “preferred” might be ambiguous and that an alternate word, such as “requested,” might provide greater clarity. Staff recommends that the CPPWG resolve that the State Bar should modify the rules to address this issue as part of the process to issue a final set of rules for public comment.

Add “or other licensed paraprofessional” to 1.4.2 (a)(3) and 1.4.3 (a)(3) given that as currently written the provision does not contemplate that in addition to a lawyer, another licensed paraprofessional may be licensed to provide needed services. Staff agrees that these additions would be appropriate. Staff recommends that the CPPWG resolve that the State Bar should

modify the rules to address this issue as part of the process to issue a final set of rules for public comment.

Add “retaining a lawyer” to 1.4.2 (a)(4) and 1.4.3 (a)(2) given that as currently written the provisions do not contemplate that retaining a lawyer under a traditional or pro bono fee arrangement is an alternative available to the client. Staff agrees that these additions would be appropriate. Staff recommends that the CPPWG resolve that the State Bar should modify the rules to address this issue as part of the process to issue a final set of rules for public comment.

PROGRAM EVALUATION

Summary of comments received: Four comments pertaining to evaluation metrics were received. Comments emphasized the importance of defining success and establishing evaluation metrics prior to program implementation. Additional proposed data points to assess impact include client income, level of service provided, case outcome, and complaints or investigations of fraudulent services.

Staff recommendation: Staff recommends modifying program evaluation recommendations to clarify that evaluation metrics will be finalized in advance of program implementation.

STAFF REVIEW OF COMMENTS FROM THE COMMITTEE ON PROFESSIONAL RESPONSIBILITY AND CONDUCT (COPRAC) AND THE LOS ANGELES COUNTY BAR ASSOCIATION (LACBA)

Extensive comments on the full set of proposed paraprofessional rules were submitted by both COPRAC and LACBA. The revisions to rule 5.4 that the CPPWG will consider at today’s meeting will address or obviate some of those comments. Selected COPRAC comments regarding rules 1.4.2 and 1.4.3 were addressed under the Disclosure section of this memorandum.

Staff recommends that all remaining COPRAC and LACBA comments be addressed at the time the State Bar develops the final set of rules to be issued for public comment. As a reminder, the process for finalizing the program design will include another public comment period for these rules as well as any Rules of Court and State Bar Rules needed to stand up the program. This final public comment period will be launched subsequent to the State Bar receiving both Supreme Court and legislative approval to initiate the program. Because there will likely be significant changes to the program design resulting from the legislative and Supreme Court review and approval processes, a number of changes to the rules will likely be needed. Given this reality, holding off on addressing the majority of rules-related comments until there is greater clarity about the confines of the approved program is the recommended approach.

RECOMMENDATIONS

Attachment B outlines, in redline, the impact of the suggested resolutions included in this agenda item on the recommendations included in the CPPWG’s September 2021 report.

The specific resolutions proposed are as follows:

RESOLVED, that the CPPWG adopts the proposed language for Rule 5.4 as reflected in Attachment A to eliminate the ability of paraprofessionals to own a law firm with attorneys.

FURTHER RESOLVED, that the CPPWG recommends amending the Collateral Criminal practice area to prohibit paraprofessionals from representing noncitizens due to potentially negative immigration consequences for this population.

FURTHER RESOLVED, that the CPPWG recommends amending the tasks in the Family, Children, and Custody practice area to add cases involving surrogate parentage to the list of excluded tasks/matters.

FURTHER RESOLVED, that the CPPWG recommends amending the tasks in the Family, Children, and Custody practice area to specify that uncontested conservatorship/guardianship of the person are authorized.

FURTHER RESOLVED, that the CPPWG recommends that the final paraprofessional educational requirements be developed in consultation with educational experts in relevant fields and that sufficient flexibility be granted during that process to ensure meaningful public protection and to promote alignment with best practices in education.

FURTHER RESOLVED, that the CPPWG recommends amending the composition requirements for the Paraprofessional Licensing and Oversight Committee to specify that at least one seat must be held by an attorney with direct knowledge of the legal services delivery system for low- or moderate-income Californians.

FURTHER RESOLVED, that the CPPWG recommends amending the MCLE requirement pertaining to elimination of bias to specify that disability-related bias be addressed as part of the elimination of bias requirement.

FURTHER RESOLVED, that the CPPWG recommends that program evaluation recommendations are clarified to specify that evaluation metrics will be finalized in advance of program implementation.

FURTHER RESOLVED, that the CPPWG recommends the State Bar develop an example disclosure form addressing the requirements of Rule 1.4.2 (a)(2), and that this form be made available at no cost on the State Bar website.

FURTHER RESOLVED, that the CPPWG is submitting a proposed set of Paraprofessional Rules of Professional Conduct with the understanding that State Bar staff is recommending to the State Bar that remaining COPRAC and LACBA comments be addressed as part of the State Bar process to issue the final set of rules for public comment.

Rule 5.4 Financial and Similar Arrangements with Lawyers and Nonlicensees

(Proposed Rule- Redline Version)

(a) A licensed paraprofessional or law firm* shall not share legal fees for the licensed paraprofessional's services directly or indirectly with a person* who is not a lawyer or a licensed paraprofessional or with an organization that is not authorized to practice law, except that:

(1) an agreement by a licensed paraprofessional with the licensed paraprofessional's firm,* partner,* or associate may provide for the payment of money or other consideration over a reasonable* period of time after the licensed paraprofessional's death, to the licensed paraprofessional's estate or to one or more specified persons;*

(2) a licensed paraprofessional purchasing the practice of a deceased, disabled or disappeared licensed paraprofessional may pay the agreed-upon purchase price, pursuant to rule 1.17, to the licensed paraprofessional's estate or other representative;

(3) a licensed paraprofessional or law firm* may include employees who are not lawyers or licensed paraprofessionals in a compensation or retirement plan, even though the plan is based in whole or in part on a profit sharing arrangement, provided the plan does not otherwise violate these rules;

(4) a licensed paraprofessional or law firm* may pay a prescribed registration, referral, or other fee to a licensed paraprofessional referral service established, sponsored and operated in accordance with the State Bar of California's Minimum Standards for Licensed paraprofessional Referral Services; or

(5) a licensed paraprofessional or law firm* may share with or pay a court-awarded legal fee to a nonprofit organization that employed, retained or recommended employment of the licensed paraprofessional or law firm* in the matter.

(6) a licensed paraprofessional or law firm* may share with or pay a legal fee that is not court-awarded but arises from a settlement or other resolution of the matter with a nonprofit organization that employed, retained, recommended, or facilitated employment of the licensed paraprofessional or law firm* in the matter provided:

- (i) the nonprofit organization qualifies under section 501(c)(3) of the Internal Revenue Code;
- (ii) the licensed paraprofessional or law firm* enters into a written* agreement to divide the fee with the nonprofit organization;
- (iii) the licensed paraprofessional or law firm* obtains the client's consent in writing,* either at the time the licensed paraprofessional or law firm* enters into the agreement with the nonprofit organization to divide the fee or as soon thereafter as reasonably* practicable, after a full written* disclosure to the client of the fact that a division of fees will be made, the identity of

the licensed paraprofessional or law firm* and the nonprofit organization that are parties to the division, and the terms of the division, including the restriction imposed under paragraph (a)(6)(iv); and

- (iv) the total fee charged by the licensed paraprofessional or law firm* is not increased solely by reason of the agreement to divide fees.

(b) A licensed paraprofessional shall not form a partnership or other organization with an individual who is not a ~~lawyer or~~ licensed paraprofessional if any of the activities of the partnership or other organization consist of the practice of law.

(c) A licensed paraprofessional shall not permit a person* who recommends, employs, or pays the licensed paraprofessional to render legal services for another to direct or regulate the licensed paraprofessional's independent professional judgment or interfere with the licensed paraprofessional-client relationship in rendering legal services.

(d) A licensed paraprofessional shall not practice with or in the form of a professional corporation or other organization authorized to practice law for a profit if:

(1) a licensed paraprofessional and a lawyer own any interest in it, except that a fiduciary representative of a lawyer's or licensed paraprofessional's estate may hold the lawyer's or licensed paraprofessional's stock or other interest for a reasonable* time during administration;

~~(12)~~ an individual who is not a lawyer or a licensed paraprofessional owns any interest in it, except that a fiduciary representative of a lawyer's or licensed paraprofessional's estate may hold the lawyer's or licensed paraprofessional's stock or other interest for a reasonable* time during administration;

~~(23)~~ an individual who is not a lawyer or a licensed paraprofessional is a director or officer of the corporation or occupies a position of similar responsibility in any other form of organization; ~~or~~

~~(34)~~ an individual who is not a lawyer or a licensed paraprofessional has the right or authority to direct or control the licensed paraprofessional's independent professional judgment; or

(5) a licensed paraprofessional has any supervisory authority over a lawyer, or has the right or authority to direct or control a lawyer's independent professional judgment.

~~(e) A licensed paraprofessional may:~~

~~(1) share fees with a lawyer who is in the same firm as the licensed paraprofessional;~~

~~(2) form a partnership with a lawyer where the activities of the partnership consist of the practice of law; or~~

~~(3) practice with or in the form of a professional corporation, association, or other business structure authorized to practice law for a profit in which a lawyer owns an interest or serves as a corporate director or officer or occupies a position of similar responsibility.~~

~~(f) A licensed paraprofessional and a lawyer may practice in a jointly owned law firm or other business structure authorized by paragraph (e) of the rule only if:~~

~~(1) licensed paraprofessionals do not direct or regulate any lawyer's professional judgment in rendering legal services;~~

~~(2) licensed paraprofessionals have no direct supervisory authority over any lawyer;~~

~~(3) licensed paraprofessionals do not possess a majority ownership interest or exercise controlling managerial authority in the firm; and~~

~~(4) licensed paraprofessional with managerial authority in the firm expressly undertake responsibility for the conduct of licensed paraprofessional partners or owners to the same extent they are responsible for the conduct of lawyers in the firm under Lawyer RPC rule 5.1.~~

(g) The Board of Trustees of the State Bar shall formulate and adopt Minimum Standards for Licensed Paraprofessional Referral Services, which, as from time to time amended, shall be binding on licensed paraprofessionals. A licensed paraprofessional shall not accept a referral from, or otherwise participate in, licensed paraprofessional referral service unless it complies with such Minimum Standards for Lawyer Licensed Paraprofessional Referral Services.

(h) A licensed paraprofessional shall not practice with or in the form of a nonprofit legal aid, mutual benefit or advocacy group if the nonprofit organization allows any third person* to interfere with the licensed paraprofessional's independent professional judgment, or with the licensed paraprofessional-client relationship, or allows or aids any person* to practice law in violation of these rules or applicable law.

Rule 5.4 Financial and Similar Arrangements with Lawyers and Nonlicensees
(Proposed Rule- Clean Version)

(a) A licensed paraprofessional or law firm* shall not share legal fees for the licensed paraprofessional's services directly or indirectly with a person* who is not a lawyer or a licensed paraprofessional or with an organization that is not authorized to practice law, except that:

- (1) an agreement by a licensed paraprofessional with the licensed paraprofessional's firm,* partner,* or associate may provide for the payment of money or other consideration over a reasonable* period of time after the licensed paraprofessional's death, to the licensed paraprofessional's estate or to one or more specified persons;*
- (2) a licensed paraprofessional purchasing the practice of a deceased, disabled or disappeared licensed paraprofessional may pay the agreed-upon purchase price, pursuant to rule 1.17, to the licensed paraprofessional's estate or other representative;
- (3) a licensed paraprofessional or law firm* may include employees who are not lawyers or licensed paraprofessionals in a compensation or retirement plan, even though the plan is based in whole or in part on a profitsharing arrangement, provided the plan does not otherwise violate these rules;
- (4) a licensed paraprofessional or law firm* may pay a prescribed registration, referral, or other fee to a licensed paraprofessional referral service established, sponsored and operated in accordance with the State Bar of California's Minimum Standards for Licensed paraprofessional Referral Services; or
- (5) a licensed paraprofessional or law firm* may share with or pay a court-awarded legal fee to a nonprofit organization that employed, retained or recommended employment of the licensed paraprofessional or law firm* in the matter.
- (6) a licensed paraprofessional or law firm* may share with or pay a legal fee that is not court-awarded but arises from a settlement or other resolution of the matter with a nonprofit organization that employed, retained, recommended, or facilitated employment of the licensed paraprofessional or law firm* in the matter provided:
 - (i) the nonprofit organization qualifies under section 501(c)(3) of the Internal Revenue Code;
 - (ii) the licensed paraprofessional or law firm* enters into a written* agreement to divide the fee with the nonprofit organization;
 - (iii) the licensed paraprofessional or law firm* obtains the client's consent in writing,* either at the time the licensed paraprofessional or law firm* enters into the agreement with the nonprofit organization to divide the fee or as soon thereafter as reasonably* practicable, after a full written* disclosure to the client of the fact that a division of fees will be made, the identity of the licensed paraprofessional or law firm* and the nonprofit organization that are parties to the division, and the terms of the division, including the restriction imposed under paragraph (a)(6)(iv); and
 - (iv) the total fee charged by the licensed paraprofessional or law firm* is not increased solely by reason of the agreement to divide fees.

(b) A licensed paraprofessional shall not form a partnership or other organization with an individual who is not a licensed paraprofessional if any of the activities of the partnership or other organization consist of the practice of law.

(c) A licensed paraprofessional shall not permit a person* who recommends, employs, or pays the licensed paraprofessional to render legal services for another to direct or regulate the licensed paraprofessional's independent professional judgment or interfere with the licensed paraprofessional-client relationship in rendering legal services.

(d) A licensed paraprofessional shall not practice with or in the form of a professional corporation or other organization authorized to practice law for a profit if:

(1) a licensed paraprofessional and a lawyer own any interest in it, except that a fiduciary representative of a lawyer's or licensed paraprofessional's estate may hold the lawyer's or licensed paraprofessional's stock or other interest for a reasonable* time during administration;

(2) an individual who is not a lawyer or a licensed paraprofessional owns any interest in it, except that a fiduciary representative of a lawyer's or licensed paraprofessional's estate may hold the lawyer's or licensed paraprofessional's stock or other interest for a reasonable* time during administration;

(3) an individual who is not a lawyer or a licensed paraprofessional is a director or officer of the corporation or occupies a position of similar responsibility in any other form of organization;

(4) an individual who is not a lawyer or a licensed paraprofessional has the right or authority to direct or control the licensed paraprofessional's independent professional judgment; or

(5) a licensed paraprofessional has any supervisory authority over a lawyer, or has the right or authority to direct or control a lawyer's independent professional judgment.

(e) The Board of Trustees of the State Bar shall formulate and adopt Minimum Standards for Licensed Paraprofessional Referral Services, which, as from time to time amended, shall be binding on licensed paraprofessionals. A licensed paraprofessional shall not accept a referral from, or otherwise participate in, licensed paraprofessional referral service unless it complies with such Minimum Standards for Lawyer Licensed Paraprofessional Referral Services.

(f) A licensed paraprofessional shall not practice with or in the form of a nonprofit legal aid, mutual benefit or advocacy group if the nonprofit organization allows any third person* to interfere with the licensed paraprofessional's independent professional judgment, or with the licensed paraprofessional-client relationship, or allows or aids any person* to practice law in violation of these rules or applicable law.

California Paraprofessional Program Working Group Recommendations¹

(Updated April 20, 2022- Redline Version)

Practice Areas and Scope of Services

In developing recommendations regarding the inclusion and exclusion of practice areas in the program, the CPPWG considered a number of factors, including the need for legal services, as identified by the CJGS and data from the Judicial Branch Statistical Information System; complexity of the level of training and experience required to competently provide the services; availability of existing affordable services; and the relative risk to legal consumers of receiving poor services, compared to receiving no legal services. In addition to the analysis noted above, the CPPWG consulted with subject matter experts, including trial judges, legal services organizations, legal educators, and experienced practitioners. For each practice area recommended for program inclusion, the CPPWG adopted recommendations regarding the scope of service paraprofessionals will be authorized to perform as well as limits on the scope of their representation.

Table 1 lists all of the areas identified in the CJGS for which Californians reported having unaddressed civil legal problems, recommendations regarding inclusion or exclusion in the Program, and the scope of service for each practice area recommended for inclusion.

Table 1. Practice Areas and Tasks

Practice Area	Recommendations	Authorized Tasks
Criminal	Exclude, except for Collateral Criminal <u>Exclude representation of non-citizens in Collateral Criminal matters</u>	<ul style="list-style-type: none"> • Expungement and reclassification of convictions • Infractions
Consumer Debt/ General Civil	Include	<ul style="list-style-type: none"> • Consumer debt and creditor harassment: <ul style="list-style-type: none"> ○ Prelitigation cease-and-desist and prove-up letters ○ Prelitigation negotiation of settlements, including payment plans ○ All superior court litigation excluded

¹ Redline edits reflect CPPWG amendments made at its meeting on April 20, 2022.

		<ul style="list-style-type: none"> • Enforcement of judgment <ul style="list-style-type: none"> ○ Enforcement of small claims court judgments ○ Limited jurisdiction post-judgment enforcement • Name and gender change
Estates and Trusts	Exclude	None
Employment/ Income Maintenance	Include	<ul style="list-style-type: none"> • Wage and hour cases <ul style="list-style-type: none"> ○ Division of Labor Standards Enforcement proceedings ○ Wage and hour judgment enforcement – limited jurisdiction only • Unemployment insurance proceedings (Employment Development Department) • All public benefit proceedings
Family, Children, and Custody	Include	<ul style="list-style-type: none"> • Family <ul style="list-style-type: none"> ○ All matters except for the following: <ul style="list-style-type: none"> • Nullity matters: <ul style="list-style-type: none"> ▪ Petitions based on incest, unsound mind, fraud, force, and/or physical incapacity ▪ Putative spouse establishment ▪ Division of quasi-marital property • Petition to establish parental relationship involving FC § 7612(b) or (c) • Child custody and visitation involving Hague Convention or UCCJEA • <u>Surrogate parentage</u> • Qualified Domestic Relations Order (QDRO) • Spousal or domestic partner support in long-term marriages, as defined by FC § 4336, unless included in a marital settlement agreement that does not terminate or set nonmodifiable spousal support

		<ul style="list-style-type: none"> • Discovery: <ul style="list-style-type: none"> ▪ Oral depositions ▪ Expert discovery ▪ Related motions • Premarital/postmarital agreements • Marvin actions (palimony) • Contempt actions ○ Exclusion from representation in hearings on emergency custody or visitation requests when a judge has granted temporary emergency orders <ul style="list-style-type: none"> • At such hearings, paraprofessionals are authorized to sit at counsel table to support and advise their client, and may answer direct procedural questions from the judge • Uncontested adoption, with the following exceptions: <ul style="list-style-type: none"> ○ Adoptions arising from dependency petitions ○ Adoptions where the child has been identified as protected by the Indian Child Welfare Act • Uncontested conservatorships/guardianships <u>of the person</u>, with the following exception: <ul style="list-style-type: none"> ○ Guardianships established in dependency court for parties entitled to court-appointed counsel • Violence prevention, with the following exceptions: <ul style="list-style-type: none"> ○ Representation in domestic violence hearings involving children ○ If expert witness testimony will be introduced, paraprofessionals are prohibited from introducing or cross-examining expert witnesses • Not authorized to act as appointed counsel in any cases
Health	Exclude	None

Housing	Include	<ul style="list-style-type: none"> • Residential landlord-tenant, with the following exceptions: <ul style="list-style-type: none"> ○ Landlords who own more than two units ○ Bench or jury trials <ul style="list-style-type: none"> – During unlawful detainer trials, paraprofessionals may assist their clients by sitting at counsel table to provide advice and guidance, and may respond to direct questions from the judge ○ Representation in superior court matters, in or out of court, other than small claims or unlawful detainer cases • Lien clearing <ul style="list-style-type: none"> ○ Clearing liens from title, outside of litigation
Veterans	Exclude	None

In-Court Representation

The question of whether paraprofessionals should be able to assist their clients in court was one of the most difficult issues addressed by the CPPWG. The positions voiced by its members and members of the public ranged from allowing paraprofessionals (within the scope of their licensed practice area(s)) to provide full in-court representation to prohibiting any participation in court proceedings. After extensive discussion and debate, encompassing two facilitated discussions, the CPPWG adopted a default position that paraprofessionals may provide full in-court representation, with a complete prohibition on jury trials. That default position could be modified in regard to a particular practice area based on a recommendation from the respective practice area subcommittee.

Licensing Requirements

Paraprofessional licensing requirements include eligibility, educational, and experiential training requirements, as well as practice area-specific exams and a moral character determination process. After satisfying all licensing requirements, including passing relevant exams and receiving a positive moral character determination, candidates will be licensed by the State Bar to provide services in the practice area(s) for which they have been deemed qualified. In developing recommendations for these licensing requirements, the CPPWG balanced the need to encourage participation by enough potential paraprofessionals to ensure a viable program, with that of ensuring that participants will be adequately trained and

screened to ensure legal consumers receive competent and ethical legal services. Recommendations regarding licensing requirements are provided in table 2.

Table 2. Licensing Requirements

Requirement	Recommendations		
ELIGIBILITY	<ul style="list-style-type: none"> • JD or LLM from American Bar Association (ABA) or California accredited or registered law school; or • Paralegal qualified pursuant to Business and Professions Code § 6450(c); or • Legal Document Assistant qualified per Business and Professions Code § 6402.1(b)³ 		
EDUCATION	Practice Area	Course	Units⁴
	All Practice Areas	Ethics and Professional Responsibility	3
		Pretrial Discovery and Evidence	3
		Court Procedure	3
		Court Advocacy	3
		Trauma-Informed Representation	1
		Total	13
	Collateral Criminal	Expungement, Reclassification, and Infractions	3
	Consumer Debt & General Civil	Debt Collection and Creditor Harassment	6
		Enforcement of Judgments (including wage and hour)	3
		Name and Gender Change	0.5
		Total	9.5
	Family, Children, and Custody	Family Law and Procedure	6
		Adoption	2
		Violence Prevention	2
		Conservatorship/Guardianship	3
		Total	13
	Employment & Income Maintenance	Administrative Agency Procedure	3
	Housing	Landlord-Tenant <ul style="list-style-type: none"> • Leases/rental agreements • Security deposits • Types of tenancies • Tenant protections • Housing discrimination and landlord retaliation • Warranty of habitability • Rent control and eviction control 	12

		<ul style="list-style-type: none"> • Ground and procedures for nonjudicial termination of tenancies • Unlawful detainer procedure • COVID-19 tenant protection laws and tenant assistance (until such laws expire) • Rental assistance programs • Benefits and risks of demanding a jury trial • Small claims court actions • Subsidized housing and mobilehomes • Benefits of demanding a jury trial in unlawful detainer cases 	
		Lien clearing	1
		Total	13
	<p><i>With the exception of one unit of paraprofessional Ethics and Responsibility, coursework taken as part of a law school or paralegal program may satisfy the program's educational requirements.</i></p> <p><u><i>The final paraprofessional educational requirements will be developed in consultation with educational experts in relevant fields to ensure meaningful public protection and to promote alignment with best practices in education.</i></u></p>		
PRACTICAL TRAINING	<ul style="list-style-type: none"> • 1,000 hours over a minimum of six months • 500 hours must be in practice area in which paraprofessional will be licensed • Must include trauma-informed training <p><i>Experience working as a paralegal or in a law school clinic may satisfy the experience requirements, subject to certification by the supervising attorney or law clinic instructor that it meets the specified criteria.</i></p>		
TESTING	<ul style="list-style-type: none"> • Subject matter-specific testing • Professional Responsibility Exam modeled after attorney exam 		
MORAL CHARACTER	<ul style="list-style-type: none"> • Fingerprinting and background check equivalent to attorney requirements • Not disbarred or resigned with charges pending in any jurisdiction • Moral character determination requirements to mirror attorney requirements 		

Regulation

In developing recommendations for regulatory requirements, the CPPWG focused on the need to ensure public protection without imposing burdens so onerous that they impede the program's viability. Mechanisms to ensure competence, accountability, and ethical practice

include financial responsibility, minimum continuing legal education, and Rules of Professional Conduct. Proactive regulation measures are intended to support paraprofessionals in their practice. Table 3 provides regulatory recommendations.

Table 3. Regulatory Requirements

Requirement	Recommendations
Financial Responsibility	<ul style="list-style-type: none"> • \$100,000 Surety Bond • Client Security Fund (CSF)
Minimum Continuing Legal Education <i>No more than 18 hours may be obtained through self-study</i>	36 hours every 3 years, as follows: <ul style="list-style-type: none"> • 28 hours in the paraprofessional's practice areas • 4 hours on legal ethics • 1 hour on competence issues • 1 hour on recognition and elimination of bias in the legal profession and society, <u>including disability-related biases</u>. • 1 hour of trauma-informed practice • 1 hour of practice management/running a business
Rules of Professional Conduct	Proposed Rules, based on the Rules of Professional Conduct (RPC) for attorneys, are provided as Appendix A.
Supportive Measures (Proactive Regulation)	<ul style="list-style-type: none"> • Continuing Legal Education (CLE) programs and toolkits to support paraprofessional practice <ul style="list-style-type: none"> ○ Sample client surveys ○ Voluntary, interactive self-assessment • Ethics hotline • Online resources, <u>including a disclosure form addressing the requirements of Rule 1.4.2 (a)(2), available at no cost on the State Bar website</u>
Annual Reporting Requirements	<ul style="list-style-type: none"> • Fees charged to clients • Suggestions for additional trainings and resources to support competent legal services

While it does not recommend requiring paraprofessionals to maintain malpractice insurance, the CPPWG recommends that they be strongly encouraged to do so. Further, the CPPWG recommends that the State Bar take steps to encourage insurance companies to make malpractice insurance available to licensees. The CPPWG recommends, if neither a \$100,000 bond nor malpractice insurance is required, that the State Bar establish a restitution fund to compensate clients for both intentional and unintentional acts.

Discipline System

In developing recommendations for a paraprofessional discipline system, the CPPWG looked at a number of different models. These included the attorney discipline system and the discipline system for professional licensing boards under the jurisdiction of the California Department of Consumer Affairs (DCA). The recommendations provided in table 4 reflect a hybrid of these systems: resources would be provided to the Office of Chief Trial Counsel (OCTC) to investigate and prosecute cases; cases would be decided by a three-person hearing panel; and appeals would be heard by a subcommittee of the Paraprofessional Licensing and Oversight Committee.⁵

Table 4. Discipline System Structure

Model Element	Recommendations
Complaint Intake and Investigation	To be handled by OCTC
Citation and Fine	To be administered by OCTC <ul style="list-style-type: none">• If fine and fee determination is disputed, that dispute will be adjudicated by the Hearing Panel
<ul style="list-style-type: none">• Initial Hearings• Disputed Fine and Fee Determinations	Three-person Hearing Panel
Settlement Conferences	<ul style="list-style-type: none">• To take place only if OCTC and paraprofessional mutually consent• To be heard by staff adjudicator
Appeals and Stipulated Discipline	Paraprofessional Licensing and Oversight Committee
Final Discipline Decision	<ul style="list-style-type: none">• Suspensions and revocations: final discipline decision to be made by the Supreme Court• Appeals from the appeals level to be heard by the Supreme Court• All other discipline finalized at appropriate level within the State Bar's paraprofessional disciplinary structure, level as yet to be determined

The CPPWG considered alternatives to formal discipline, including warning letters, agreements in lieu of discipline, mandatory fee arbitration, and private reprovations, as well as the Alternative Discipline Program (ADP) that is part of the formal attorney discipline system.

Recommendations regarding these alternatives were informed by the need to balance the effectiveness of offering alternatives in appropriate circumstances with a desire for

transparency about disciplinary proceedings. A summary of the CPPWG recommendations regarding alternatives to formal discipline is provided in table 5.

Table 5. Alternatives to Formal Discipline

Alternative or Nontraditional Discipline Approach	Recommendation
Warning Letter	Include
Mandatory Fee Arbitration	Include
Agreements in Lieu of Discipline	Exclude
Private Reprovals	Exclude
Alternative Discipline Program	Exclude

The CPPWG's recommendations regarding public versus private designation of paraprofessional disciplinary records were informed by the rules for attorney disciplinary records, as well as applicable statutes regarding Medical Board disciplinary records. Business and Professions Code sections 803.1 and 2027 address not only the public versus private nature of various record types, but also whether public records will be affirmatively posted on the licensing board's website, and when and if records will be destroyed. Table 6 provides a summary of recommendations regarding public records.

Table 6. Public Records

Intervention or Disciplinary Outcome	Private or Public	On Website or on Request	Retention Duration
Warning Letter (Not discipline)	Private	N/A	
Citation and Fine (Not discipline)	Public for 3 years from date of resolution	<ul style="list-style-type: none"> Website for 3 years unless withdrawn or dismissed After three years transition to private 	Indefinite
Notice of Disciplinary Charges	Public unless withdrawn or dismissed	<ul style="list-style-type: none"> On website for duration that resulting discipline is on website 	For duration of period that underlying discipline is public
Public Reproval	Public	<ul style="list-style-type: none"> Website for 10 years After 10 years transitions to anonymous report 	Indefinite
Probation	Public	<ul style="list-style-type: none"> Website 	Indefinite

Interim Suspension	Public	• Website	Duration of interim suspension
Suspension pursuant to discipline	Public	• Website	Indefinite
Disbarment	Public	• Website	Indefinite
Felony Charges and Criminal Convictions	Mirror attorney requirements		

The CPPWG recommendations for disciplinary standards are based upon the Standards for Attorney Sanctions for Professional Conduct. Proposed Standards of Licensed Paraprofessional Sanctions for Professional Conduct are provided as Appendix C.

Oversight and Governance

The program's oversight should ultimately rest with the Supreme Court, which has the authority to license individuals to practice law. As with the licensure of attorneys, the Supreme Court would delegate responsibility for licensing, regulation, and discipline of paraprofessionals to the State Bar, limiting its direct involvement to matters requiring adjudication by the Supreme Court. Functional oversight would be provided by a newly created Paraprofessional Licensing and Oversight Committee (PLOC), the State Bar Board of Trustees, and the Legislature. The committee would be responsible for operational oversight of the program, and be directly responsible for hearing disciplinary appeals. Recommendations regarding the specific authority of the Supreme Court, the Legislature, and the Board are detailed in the body of this report.

The CPPWG recommends that a 13-member PLOC govern the program. In making this recommendation, the CPPWG considered the policy adopted by the Board to limit subentity committees to 7 or fewer members, absent a justification of the need for more members. The CPPWG believes that the recommendation provided in table 7 reflects the need to include members that bring a broad range of experience and perspective to program governance. The work the PLOC needs to undertake in its oversight of program operations (as discussed in the recommendations below regarding licensing, regulation, and discipline), also underscores the need for a larger oversight committee. The CPPWG recommends that the appointing authority structure for the PLOC mirror the Board's, and that appointing authorities be encouraged to consider diversity of practice areas in their appointments.

Table 7. Proposed Composition of a Paraprofessional Licensing and Oversight Committee

Member Type	Appointing Authority
Judge	Supreme Court
2 Attorneys <ul style="list-style-type: none"> • <u>1 representing a legal</u> 	Supreme Court

<u>services organization</u>	
3 Paraprofessionals <ul style="list-style-type: none"> Northern California Central Southern California 	Supreme Court
2 Public (nonlicensee)	Senate
2 Public (nonlicensee)	Assembly
2 Public (nonlicensee)	Governor
Paraprofessional Educator	Governor

Implementation

The CPPWG considered various options for initial program rollout, including full implementation, a pilot program with a sunset date, and a phased implementation approach. Full implementation on a statewide basis was determined to be overly ambitious, as it would require outreach and education to courts, consumers, and potential participants in all 58 counties, as well as the development of educational programs across the state. These efforts would likely take several years and a substantial investment of resources before achieving any meaningful provision of services. A limited period pilot program was also deemed nonviable; both educational institutions and program participants would be reluctant to invest the substantial resources necessary for participating in a program with an explicitly uncertain future.

The CPPWG's recommendation provides for a phased implementation approach. Under this approach, the program rollout would be limited by practice and geographic areas. Practice areas for inclusion in the initial implementation phase include family, housing, and collateral criminal. Family and housing are included as they reflect areas of significant unmet legal need; collateral criminal is included due to its low level of complexity. Counties were selected for the initial implementation phase based on factors that included the size of the potential client and licensee populations, as well as the size of the local unmet legal services need.

Recommendations for initial program implementation are provided in table 8.

Table 8. Initial Implementation

Implementation	Recommendation
Program Features	Full Program Features
Practice Areas	<ul style="list-style-type: none"> Family, Children, and Custody Housing Collateral Criminal
Geography	<ul style="list-style-type: none"> Northern California Counties <ul style="list-style-type: none"> Alameda El Dorado

	<ul style="list-style-type: none"> ○ Placer ○ Sacramento ○ Santa Clara ○ Yuba ● Central California Counties <ul style="list-style-type: none"> ○ Fresno ○ Merced ○ Tulare ● Southern California County <ul style="list-style-type: none"> ○ Orange
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Licensee Name

In selecting an official name for this licensee, a number of factors must be considered, including: (1) clarity, to ensure that the name accurately reflects the specific licensure and minimizes consumer confusion; (2) potential translations into languages in predominant use in California; and (3) potentially confusing acronyms (e.g., LLP, LLC, etc.).

The CPPWG engaged in an extended process to develop a slate of potential licensee names for the Board's consideration, including consulting with a brand consultant, conducting two surveys of its group members, and obtaining translations from professional translation firms.

Based on the foregoing process, staff recommends the options for consideration of a licensee name shown in table 9.

Table 9. Licensee Names Recommended for Consideration

English	Spanish
Limited License Legal Practitioner	Practicante Legal Con Licencia Limitada
Limited Legal Practitioner	Practicante Legal Limitado
Limited Legal Advisor	Asesor Legal Limitado

Program Evaluation

A robust evaluation of the program will be required to determine whether it meets the goals for which it is created, to inform ongoing program improvement, and to allow for meaningful comparison with similar programs in other states. The CPPWG recommends that program evaluation metrics are finalized prior to program implementation, and that the evaluation be conducted between three and five years after program implementation; this evaluation should be conducted by an independent organization with experience in evaluating similar programs. The metrics in table 10 reflect minimum data and metrics to be included in program evaluation.

Table 10. Program Evaluation Metrics

Metric	Data Points	Data Source
Program Viability	Number of licensees/market coverage	Internal data
	Volume of use	Survey
	Stable and sufficient regulatory funding source	Internal data
	Sufficient income potential for licensees to stay in business	Survey
Equity and Access	Demographics of paraprofessionals and their clients	Survey
	Number of self-represented litigants (reduced?)	CMS and JBSIS ⁶
	Justice Gap (reduced?)	Survey
Case Outcomes/ Client Satisfaction	Overall satisfaction	Survey
	Procedural satisfaction	Survey
Legitimacy/ Political Sustainability	Lawyer, judicial officer, and general public sentiment about the program	Survey
Affordability	Fee structure transparency: consumer understanding of service offerings and price points	Survey
	Hourly rates	
	Event and per-case rates	
	Number of hours to complete services	
Efficiency in Paraprofessional Training	Cost of education	Survey

