



The State Bar *of California*

OPEN SESSION AGENDA ITEM 701 MAY 2022

DATE: May 20, 2022

TO: Members, Board of Trustees

FROM: Leah Wilson, Executive Director
Kelsey Lyles, Principal Program Analyst, Office of Research & Institutional Accountability
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SUBJECT: Proposed Amendments to Final California Paraprofessional Program Working Group Recommendations and Rules

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 1,299 individual commenters.

In response to public comment received, at its meetings on March 4, 2022, and April 20, 2022, the CPPWG adopted changes to its recommendations in the areas of proposed Rules of Professional Conduct for Paraprofessionals, practice areas, licensing, regulation, oversight and governance, and program evaluation. These revised recommendations are outlined in detail in the CPPWG's report submitted to the Board for consideration at its May meeting. Attachment A of this memorandum, Summary of California Paraprofessional Working Group Revised Final Recommendations, incorporates these revisions into the overall set of recommendations generated by the working group and submitted to the Board in September 2021.

The next step in the process to establish a paraprofessional program in California is submission of a formal proposal to the California Supreme Court (Court); that proposal will be brought forward to the Board for consideration and approval in the coming months. Staff will work with the California Supreme Court liaison to the State Bar on the process for proposal submission and review. If the Court so authorizes, the next step towards implementation of a

paraprofessional program would be submission of the program to the Legislature for review and approval.

BACKGROUND

The Board voted to form the CPPWG on March 10, 2020. The CPPWG's first meeting was held on April 21, 2020. The working group met as a full body 20 times, and held 123 meetings of 17 separate subcommittees between April 21, 2020, and September 10, 2021.

The CPPWG presented its recommendations to the Board of Trustees on September 23, 2021. Over 2,000 comments were received from 1,299 individual commenters during the 110-day comment period. Staff worked to categorize and code the comments to facilitate meaningful review.

The comments ranged from categorical disagreement with the very idea of a licensed paraprofessional to wholehearted endorsement, with a small proportion indicating support for the program if specific elements were modified.

DISCUSSION

Analyzing public comments is a process that strikes a balance between considering quantity and quality of comments and the overall range of comments received. In the State Bar's case, the views of its licensees must be balanced by the views of the public, understanding that these views may often diverge.¹

With these considerations in mind, State Bar staff developed an initial public comment form to collect feedback on the recommendations. The 13-page form sought information in 37 fields; with the benefit of hindsight, staff realized that the form, while appropriate for attorney commenters well-versed in the kinds of issues being considered, was not accessible for the general public. As a result, staff revised and issued two additional iterations of the public comment form. The second version reduced the number of items to 9 fields. The third and final version included just three question fields: an open-ended question regarding experiences with accessing legal services; a checkbox selection of support or opposition to the idea of a licensed paraprofessional; and a checkbox selection of particular practice areas where the commenter thinks help is most needed (e.g., Collateral Criminal, Consumer Debt/General Civil, Income Maintenance, Family, Children, and Custody, and Housing).

The result of this effort was the submission of 2,014 comments from 1,299 commenters. The overwhelming majority of comments were submitted by individuals (92 percent), supplemented by the comments of 106 organizations. Seventy-one percent of individual

¹ The challenges and the importance of organizing effective public comment are well described in scholarly work, including Coglianese, Cary; Kilmartin, Heather; and Mendelson, Evan, "Transparency and Public Participation in the Rulemaking Process: Recommendations for the New Administration" (2009). Faculty Scholarship at Penn Law. 238. https://scholarship.law.upenn.edu/faculty_scholarship/238

commenters were categorized as attorneys, 23 percent as nonattorneys; 5 percent could not be identified either way.² Ninety percent of the attorneys who commented were opposed to the recommendations; 75 percent of nonattorney commenters supported the recommendations. Sixty-one percent of unknown individuals opposed the recommendations. The divergence between the perspectives of attorneys and nonattorneys underscores the importance of the extensive effort to engage the public in discussion of the proposed paraprofessional program.

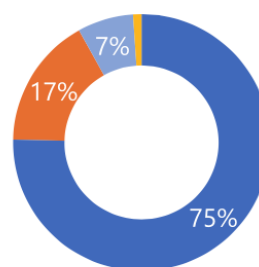
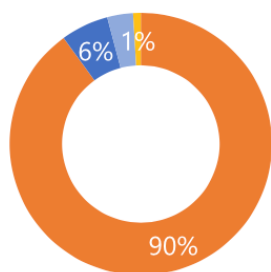
Table 1. Attorney versus Nonattorney Sentiment

Attorney Opinion (n = 848)

Nonattorney Opinion (n=284)

● Oppose ● Support ● Support if modified ● No position

● Support ● Oppose ● Support if modified ● No position



At its March 4 meeting, the working group took action on a number of its original recommendations³ and established a methodology for reviewing remaining comments, prioritizing for review: (1) those that presented new information or argument; (2) those that addressed the cost of the paraprofessional program; (3) those that addressed disclosure requirements; and (4) those that addressed program evaluation.

At its April 20, 2022, meeting, the working group adopted a number of recommendations impacting program scope and design in response to its review of public comments received. The Board is asked to approve those changes at its meeting today.

² Public comments were sought using three different questionnaires which asked three different sets of questions. None of the questionnaires asked the responding party to self-identify as an attorney or otherwise. Therefore, individuals were identified by State Bar staff as attorneys based on (1) self-identification in comment narrative; or (2) through a search on the State Bar's public website, or other state bars' public websites. 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.

³ Actions taken: the working group voted to eliminate the ability of paraprofessionals to have an ownership interest in a law firm that includes lawyers; voted to eliminate the ability of paraprofessionals to share fees with lawyers working at different firms; considered and rejected recommendation that fee caps or fee regulations be part of the paraprofessional program; affirmed its recommendations regarding in-court representation by paraprofessionals; and determined that new practice areas would not be considered at this juncture.

Attachment A, Summary of California Paraprofessional Working Group Revised Final Recommendations reflects the incorporation of the CPPWG’s revised recommendations in the context of the overall paraprofessional program design recommended by the working group⁴.

The next step in the process to establish a paraprofessional program in California is submission of a formal proposal to the California Supreme Court (Court); that proposal will be brought forward to the Board for consideration and approval in the coming months. Staff will work with the California Supreme Court liaison to the State Bar on the process for submission and review by the Court.

FISCAL/PERSONNEL IMPACT

Initial program costs were outlined in table 51 of the September 23, 2022, CPPWG Report and Recommendations, reproduced as table 2 below:

Table 2. 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.

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.

⁴ Attachment A consists of the recommendation section (i.e., pages 9-20) of the [September 2021 CPPWG final report](#) and recommendations as amended in redline to reflect the modifications submitted by the CPPWG for the Board’s consideration at its May 2022 meeting.

AMENDMENTS TO RULES

None

AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL

None

STRATEGIC PLAN GOALS & OBJECTIVES

Goal: None

ATTACHMENT LIST

- A. Summary of California Paraprofessional Working Group Revised Final Recommendations

Summary of California Paraprofessional Working Group Revised Final Recommendations⁵
(revisions in redline)

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	<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 • 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/	Include	<ul style="list-style-type: none"> • Wage and hour cases

⁵ Attachment A consists of the recommendation section (i.e., pages 9-20) of the [September 2021 CPPWG final report](#) and recommendations as amended in redline to reflect the modifications submitted by the CPPWG for the Board's consideration at its May 2022 meeting.

Income Maintenance		<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 ● 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

		<ul style="list-style-type: none"> ○ Adoptions where the child has been identified as protected by the Indian Child Welfare Act • Uncontested conservatorships/guardianships, with the following exceptions: <ul style="list-style-type: none"> ○ Guardianships established in dependency court for parties entitled to court-appointed counsel ○ <u>Conservatorships/guardianships of estate matters.</u> • 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.

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.

Recommendations regarding specific 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 <u>Must include potential immigration consequences for noncitizens in Collateral Criminal matters.</u>	3
		Debt Collection and Creditor Harassment	6

	Consumer Debt & General Civil	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 • 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 	12
		Lien clearing	1
		Total	13
	<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>		

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>	<p>36 hours every 3 years, as follows:</p> <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

	<ul style="list-style-type: none"> • Online resources, <u>including</u> <ul style="list-style-type: none"> ○ <u>a disclosure form addressing the requirements of Rule 1.4.2 (a)(2), available at no cost on the State Bar website.</u> ○ <u>a non-exhaustive referral list of free legal service providers and modest means panels available from legal aid programs and nonprofit organizations with contact information, by county and practice area.</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 reprovals, 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 Repeal	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	<ul style="list-style-type: none"> • Website 	Duration of interim suspension
Suspension pursuant to discipline	Public	<ul style="list-style-type: none"> • Website 	Indefinite
Disbarment	Public	<ul style="list-style-type: none"> • 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 with experience in the legal services delivery system for low- or moderate-income Californians</u> 	Supreme Court
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 ○ 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

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

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 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. Evaluation metrics must be developed and finalized by an independent evaluator in advance of program implementation.

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

Funding Sources

Both the CPPWG and State Bar staff are cognizant of the need for program funding that does not rely on the State Bar's General Fund. Philanthropic grants and, potentially, a General Fund loan, are likely sources of startup funding. The State Bar shall annually provide full public disclosure of all entities funding the paraprofessional program. Furthermore, no funding for the implementation or maintenance of the paraprofessional program will come from funding that would otherwise be used to support the State Bar's discipline system.