



The State Bar *of California*

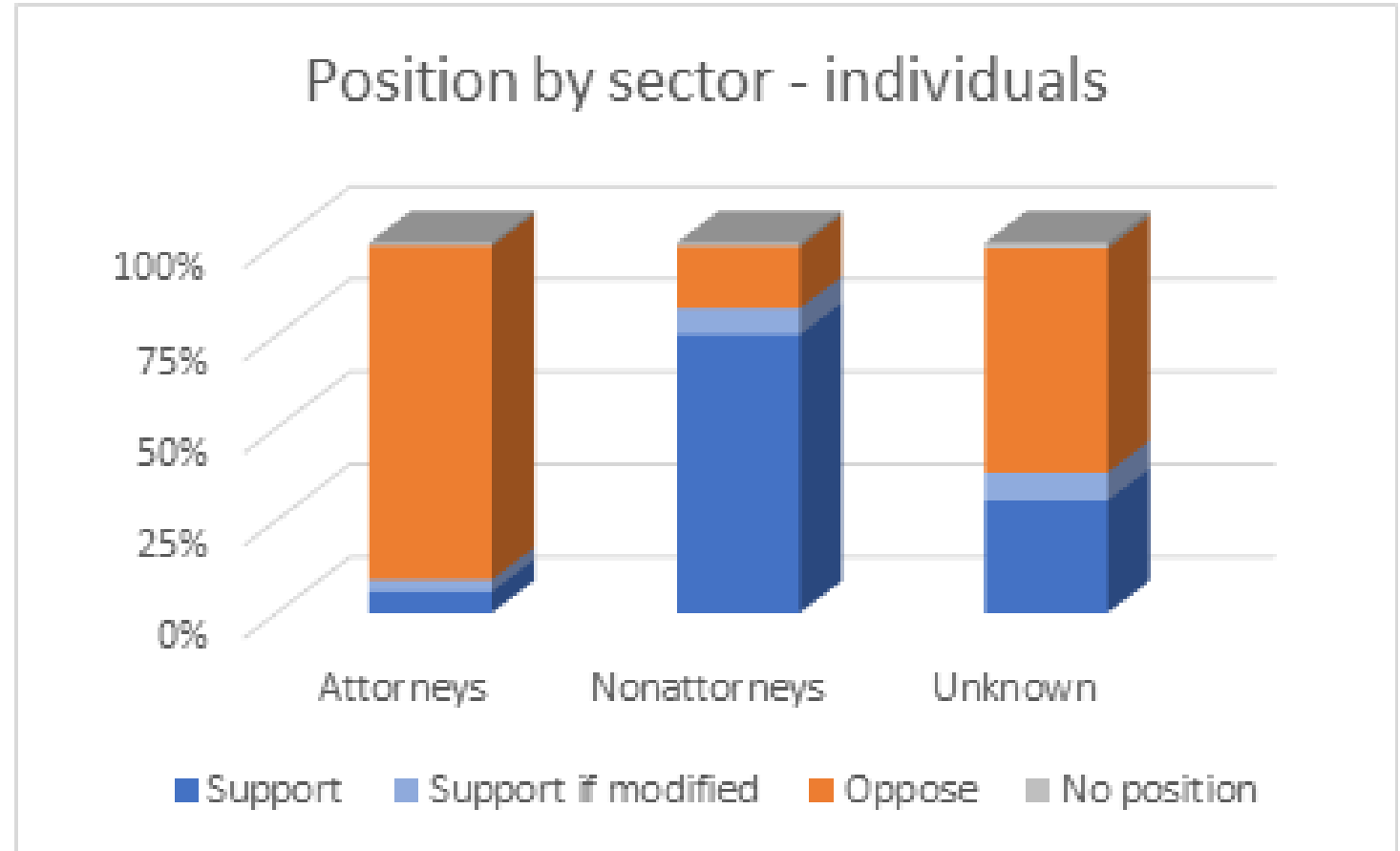
California Paraprofessional Program Working Group: Updated Recommendations

Justice Petrou, Chair, First District Court of Appeal
Leah Wilson, Executive Director

Board of Trustees Meeting, May 19–20, 2022

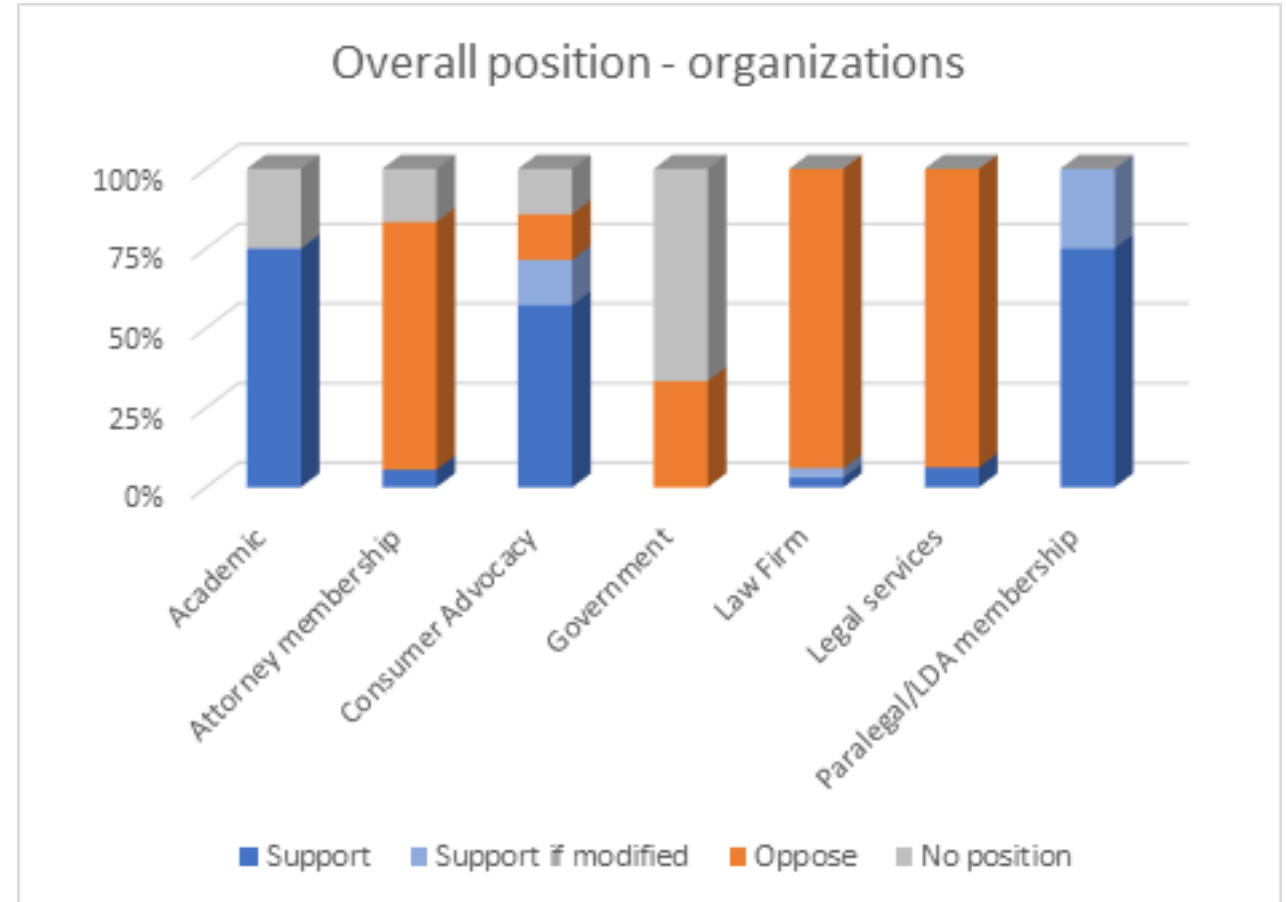
Summary of Public Comment

- A total of 2,014 comments were submitted by 1,299 commenters.
- Comment was categorized in [Power BI](#), a platform that was made publicly available
- Seventy-one percent of individual commenters were categorized as attorneys, and 23 percent as nonattorneys.
- Attorneys were opposed to the recommendations at a rate of 90 percent, while nonattorneys supported the recommendations by 75 percent. Sixty-one percent of unknown individuals opposed the recommendations.



Summary of Public Comment

- Comments were submitted on behalf of 106 organizations, 74 percent of which indicated opposition to the recommendations.
- The majority of opposition reflects the position of law firms, attorney membership organizations, and legal services programs. These three sectors combined comprise 78 percent of organizational commenters.
- In contrast, academic institutions and consumer advocacy organizations, comprising only 10 percent of organizational commenters, indicated support for the recommendations.
- Working group met on March 4 and April 20 to review public comment received



Recommended Modifications: Licensing and Practice Areas

Licensing

- Add training in potential immigration consequences for noncitizens to Collateral Criminal licensing requirements

Licensing

- Final paraprofessional educational requirements developed in consultation with educational experts in relevant fields
- Sufficient flexibility granted to ensure meaningful public protection and to promote alignment with best practices in education

Family, Children, and Custody

- Conservatorship and guardianship of estate matters excluded

Family, Children, and Custody

- Surrogate parentage cases excluded





Recommended Modifications: Oversight Committee and Regulation

- Specify that at least one seat on the Paraprofessional Licensing and Oversight Committee must be held by an attorney with experience in the legal services delivery system for low- or moderate-income Californians.
- Require that disability-related bias be addressed as part of the EOB MCLE requirement



Recommended Modifications: Paraprofessional Rules of Professional Conduct

- Eliminate the ability of paraprofessionals to own a law firm with attorneys (rule 5.4)
- Require the State Bar to develop and make available a sample disclosure form that addresses the following (rule 1.4.2):
 - Scope of paraprofessional license;
 - Fact that prospective client may need to hire a lawyer;
 - Fact that there may be other alternative choices available for the prospective client to consider, including, but not limited to, 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, or potentially free legal services from a local legal aid organization if the prospective client qualifies;
 - Paraprofessional's general fee structure and billing methods; and
 - Professional liability insurance (covered or not).



Recommended Modifications: Paraprofessional Rules of Professional Conduct

- Require paraprofessionals to provide contact information for legal services alternatives (rule 1.4.3):
 - Require the State Bar to develop a non-exhaustive referral list of free legal service providers and modest means panels available by county and practice area to facilitate compliance
- State Bar should address remaining COPRAC and LACBA comments as part of the State Bar process to issue the final set of rules and accompanying comments for public comment.





Recommended Modifications: Program Funding

- No funding for the implementation or maintenance of the program to come from funding used to support the State Bar's discipline system; and
- Require the State Bar to provide full public disclosure of all entities funding the paraprofessional program annually.





Recommended Modifications: Program Evaluation

- Require program evaluation metrics to be developed and finalized by an independent evaluator in advance of program implementation.



Immediate Next Steps, Program Implementation

- Submit a formal proposal for a California Paraprofessional Program to the California Supreme Court.
 - The formal proposal would be approved by the Board prior to submission.
 - Proposal to be submitted to the Board at its July or September meeting
- Upon Supreme Court authorization, the State Bar would submit the program to the Legislature for review and approval.



The following resolution is proposed to the State Bar Board of Trustees:

RESOLVED, that the Board accepts the CPPWG proposed amendments and clarifications to the program recommendations and Rules of Professional Conduct for Licensed Paraprofessionals provided to the Board in the September 23, 2021, CPPWG report, and directs that these amendments and clarifications be incorporated into the final program design.

