

California Paraprofessional Program Working Group Recommendations

PRACTICE AREAS AND TASKS

Table 1. Practice Areas and Tasks

Practice Area	Recommendations	Tasks
Criminal	Exclude, except for Collateral Criminal	• Expungement and reclassification of convictions • Infractions
Consumer Debt/ General Civil	Include	• Consumer Debt and Creditor Harassment: ○ Prelitigation cease and desist and prove-up letters ○ Prelitigation negotiation of settlements, including payment plans ○ All superior court litigation excluded • Enforcement of Judgment ○ Enforcement of small claims court judgments ○ Limited jurisdiction post-judgment enforcement • Name and gender change
Estates & Trusts	Exclude	None
Employment/ Income Maintenance	Include	• Wage and hour cases ○ Division of Labor Standards Enforcement proceedings ○ Wage and hour judgment enforcement – limited jurisdiction only • Unemployment insurance proceedings (EDD) • All public benefit proceedings
Family, Children, and Custody	Include	• Family ○ All matters except for the following: – Nullity matters: ▪ Petitions based on incest, unsound mind, fraud, force, 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 – 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: ▪ Oral depositions ▪ Expert discovery ▪ Related motions – Pre-marital/post-marital agreements – Marvin/palimony actions – Contempt actions ○ Exclusion from representation in hearings on emergency custody or visitation requests when a judge has granted temporary emergency orders

Practice Area	Recommendations	Tasks
		– 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: ○ Adoptions arising from dependency petitions ○ Adoptions where the child has been identified as protected by the Indian Child Welfare Act • Uncontested conservatorships and guardianships, with the following exception: ○ Guardianships established in dependency court for parties entitled to court-appointed counsel • Violence Prevention, with the following exceptions: ○ 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	• Residential landlord-tenant, with the following exceptions: ○ Landlords who own more than two units ○ Bench or jury trials – In-court representation is limited to motion hearings and default prove-ups – 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 ○ Clearing liens from title, outside of litigation
Veterans	Exclude	None

IN-COURT REPRESENTATION

Paraprofessionals may provide full in-court representation, except in jury trials, except as modified as shown in Table 2.

Table 2. Practice Area Modifications to Full In-Court Representation

Practice Area	Modification
Consumer Debt & General Civil	Consumer Debt and Creditor Harassment All superior court litigation is excluded
Family, Children, and Custody	Family - Hearings on emergency custody or visitation requests when a judge has granted temporary emergency orders - Paraprofessionals may not provide in-court representation, but are authorized to sit at counsel table to support and advise their client, and may answer direct procedural questions from the judge. Violence Prevention - Domestic violence hearings involving children - Paraprofessionals may not provide in-court representation, but are authorized to sit at counsel table to support and advise their client, and may answer direct procedural questions from the judge. - If expert witness testimony will be introduced, paraprofessionals are prohibited from introducing or cross-examining expert witnesses.
Housing	Unlawful Detainer - Paraprofessionals may not provide in-court representation in bench or jury trials - Paraprofessionals may provide in-court representation for motion hearings and default prove-ups; - During 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. - Aside from unlawful detainer matters and small claims assistance, paraprofessionals may not represent or assist clients in court in superior court litigation in landlord-tenant disputes.

LICENSING

Table 3. Licensing Requirements

Requirement		Recommendations	
ELIGIBILITY	• JD or LLM from 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)¹		
EDUCATION	Practice Area	Course	Units ²
	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 • 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	12	

¹ The CPPWG recommends that applicants admitted to the Program pursuant to this criterion would not be eligible for a waiver of educational or experience requirements.

² Pursuant to [California Code of Regulations, Title 5 § 55002.5](#), one unit of community college credit requires a minimum of 48 hours of student work for colleges operating on the semester system. This time includes classroom instruction and student work outside the classroom. A 3-unit course is equal to 144 hours of student engagement.

Requirement	Recommendations		
		Benefits of demanding a jury trial in unlawful detainer cases	
		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	1,000 hours over a minimum of 6 months 500 hours must be in practice area in which paraprofessional will be licensed - Must include trauma-informed training <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>		
TESTING	- Subject matter specific testing - Professional Responsibility Exam modeled after attorney exam		
MORAL CHARACTER	- Fingerprinting & background check equivalent attorney requirements - Not disbarred or resigned with charges pending in any jurisdiction - Moral character determination requirements to mirror attorney requirements		

REGULATION

Table 4. Regulation Requirements

Requirement	Recommendations
Financial Responsibility	• \$100,000 Surety Bond • Client Security Fund
Minimum Continuing Legal Education <i>No more than 18 hours may be obtained through self-study</i>	36 hours every 3 years, as follows: • 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 • 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 for attorneys, are provided as Appendix A.
Supportive Measures (Proactive Regulation)	• CLE programs and toolkits to support paraprofessional practice ○ Sample client surveys ○ Voluntary, interactive self-assessment • Ethics hotline • Online Resources
Annual Reporting Requirements	• Fees charged to clients • Suggestions for additional trainings and resources to support competent legal services

Table 5. Additional Regulation Recommendations

Topic	Recommendations
Financial Responsibility	• If neither a \$100,000 bond nor malpractice insurance is required, a restitution fund should be established that will compensate clients or both intentional and unintentional acts • Paraprofessionals should be strongly encouraged to maintain malpractice insurance. • The State Bar should take steps to encourage insurance companies to make insurance available to licensees.
Minimum Continuing Legal Education	• The Paraprofessional Licensing and Oversight Committee will be authorized to require supplemental MCLE to maintain licenses due to changes in the law or other developments, as well as discretion to impose more specific educational requirements based on practice area, identified risk factors, or other considerations, including designation of some of the practice area MCLE or an increase in the required number of hours of MCLE to address specified issues and topics.
Required Disclosures in Housing Practice Area	• In addition to required disclosures about the availability of a free attorney through a local legal services program to those who qualify, paraprofessionals should be required to advise clients of availability of a right to counsel program, or must certify that no such program exists, in their county. • For landlord tenant matters on behalf of tenants, disclosures should specifically include that Paraprofessionals are not licensed to provide in-court representation at trial and if the case goes to trial, having an attorney is strongly recommended.

Table 6. Statutory and Rule Amendments

Topic	Codes/Rules	Recommendations
IOLTA	Business & Professions Code §§ 6210-6228	Mirror attorney requirements.
MCLE	State Bar Rules 2.81-2.82	• Allow CLE credit for teaching CLE courses • Do not allow CLE credit for paraprofessionals teaching law school courses • Do not allow CLE credit for unapproved courses³
Duties to Cooperate in Discipline Proceedings; Update License Records, and Self-Report Adverse Events	Business & Professions Code § 6068(i), § 6068(j), § 6068(o)	Mirror attorney requirements
Attorney-Client Privilege	Evidence Code § 912 , §917 , § 950-955	Mirror attorney requirements
Attorney Work Product Doctrine	Code of Civil Procedure §§ 2018.010-2018.080	Mirror attorney requirements
Statute of Limitations	Code of Civil Procedure § 340.6	Mirror attorney requirements
Complaints Alleging Civil Conspiracy Between Attorneys and Clients	Civil Code § 1714.10	No recommendation provided
Running and Capping	Business & Professions Code §§ 6151-6154	Mirror attorney requirements
Voidability of Fee Agreements for Failure to Comply with RPC 1.5.2	Business & Professions Code § 6147	Mirror attorney requirements
Unauthorized Practice of Law		• Allow felony prosecution for UPL, even absent prior conviction • Additional funding and resources for law enforcement to investigate and prosecute UPL by non-licensees • Extend statute of limitations for UPL prosecution • Creation of record keeping requirements for paraprofessionals • Additional recommendations included in the UPL section of the report

³ Attorneys who have practices requiring specialized training in nonlegal fields (such as medical billing or accounting) may request approval for CLE credit for this training. Because paraprofessionals will practice only in defined fields, a similar rule is not recommended for paraprofessionals

DISCIPLINE

Table 7. Discipline System Structure

Model Element	Recommendations
Complaint Intake and Investigation	To be handled by the Office of Chief Trial Counsel (OCTC)
Citation and Fine	To be administered by OCTC If fine and fee determination is disputed, that dispute will be adjudicated by the Hearing Panel
- Initial Hearings - Disputed Fine and Fee Determinations	Three-person Hearing Panel
Settlement Conferences	- 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	- 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

Table 8. 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

Table 9. Public Records

Intervention or Disciplinary Outcome	Private or Public	On Website or On Request	Retention Duration
Warning Letter (not discipline)	Private	N/A	
Citation & Fine (not discipline)	Public for 3 years from date of resolution	- Website for 3 years unless withdrawn or dismissed - After 3 years transition to Private	Indefinite
Notice of Disciplinary Charges	Public unless withdrawn or dismissed	On website for duration that resulting discipline is on website	For duration of period that underlying discipline is public
Public Reproval	Public	- Website for 10 years - After 10 years transitions to anonymous report	Indefinite
Probation	Public	Website	Indefinite

Intervention or Disciplinary Outcome	Private or Public	On Website or On Request	Retention Duration
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		

OVERSIGHT AND GOVERNANCE

Table 10. Paraprofessional Licensing and Oversight Committee

Member Type	Appointing Authority
Judge	Supreme Court
2 Attorneys	Supreme Court
3 Paraprofessionals - Northern California - Central - Southern California	Supreme Court
2 Public (non-licensee)	Senate
2 Public (non-licensee)	Assembly
2 Public (non-licensee)	Governor
Paraprofessional Educator	Governor

Table 11. Paraprofessional Program Governance Functions

POLICY	Committee	Board of Trustees	Supreme Court	Legislature
Keep abreast of national and international developments in paraprofessional licensing	Implement	Receive updates	—	—
Program evaluation metrics and assessment	Approve	Receive updates	—	—
Consumer and prospective licensee outreach and education	Implement	Receive updates	—	—
LICENSURE	Committee	Board of Trustees	Supreme Court	Legislature
Eligibility				
Appeals of staff denial of eligibility	Approve	—	Discretionary Review	—
Education				
Establish educational requirements	Recommend	Recommend	Approve	Provide input
Approve learning objectives	Approve		—	—
Experiential Training				
Establish experiential requirements	Recommend	Recommend	Approve	Provide input
Establish attorney supervision requirements	Approve		Approve	Provide input
Establish incentives for attorney supervision	Recommend	Approve	—	—
Waivers				
Appeal of staff denial of waiver of educational or experiential hours	Approve	—	—	—
Moral Character				
Reviews & Informal Conferences	Approve	—	—	—
Review appeal of staff decision	Approve	—	Discretionary Review	
Set Fees	Recommend	Approve	—	—
Exam Development				
Develop questions	TBD	—	—	—
Review of questions	TBD	—	—	—
Evaluate grading	TBD	—	—	—
Sampling plan	TBD	—	—	—
Challenges to exam questions	TBD	—	Discretionary Review	—

LICENSURE	Committee	Board of Trustees	Supreme Court	Legislature
Set exam fee	Recommend	Approve	—	—
Testing Accommodations				
Policy development	Approve	—	—	—
Review petitions	Approve	—	—	—
Review appeals	Approve	—	Discretionary Review	—
Eligibility & Enforcement of Exam Rules				
Policy development	Approve	—	—	—
Enforcement	Approve	—	—	—
Appeals	Approve	—	Discretionary Review	—
Exam Analysis & Review				
Design standard setting study	Recommend	Approve	—	—
Design content validation study	Recommend	Approve	—	—
Design job analysis	Recommend	Approve	—	—
Paraprofessional Educational Institutions				
Certification	Approve		—	—
REGULATION	Committee	Board of Trustees	Supreme Court	Legislature
MCLE				
MCLE Provider certification criteria	Approve	—	—	—
MCLE Requirements	Approve	—	Final Decision	Provide Input
Financial Responsibility				
Establish requirements	Approve	—	Final Decision	Provide Input
Rules of Professional Conduct				
Establish and modify	Recommend	Approve	Final Decision	—
State Bar Rules⁴				
Establish and modify	Recommend	Approve	Final Decision	—
State Bar Rules of Procedure				
Establish and modify	Recommend	Approve	—	—
California Rules of Court				
Establish and modify	Recommend	Recommend	Final Decision	—
Statutes (State Bar Act, other statutes)				
Establish and modify	Recommend	Recommend	Provide input	Final Decision
DISCIPLINE	Committee	Board of Trustees	Supreme Court	Legislature
Compensation for hearing officers	Approve			
Hearing panel selection	Approve		—	—
Settlement	Approve	—	—	—
License Suspension/Revocation	Recommend	—	Final Decision	—
Other Discipline	Approve	—	—	—

⁴ Some State Bar Rules are statutorily subject to approval by the Supreme Court (e.g., Minimum Standards for Lawyer Referral Services).

IMPLEMENTATION

Table 12. Phased Implementation

Implementation	Recommendation
Program Features	Full Program Features
Practice Areas	• Family, Children, and Custody • Housing • Collateral Criminal
Geography	• Northern California Counties ○ Alameda ○ El Dorado ○ Placer ○ Sacramento ○ Santa Clara ○ Yuba • Central California Counties ○ Fresno ○ Merced ○ Tulare • Southern California County ○ Orange

Table 13. Increased UPL Enforcement

Topic	Recommendations
Statutory Amendments	• Harsher criminal penalties for UPL • Allow felony prosecution, even absent prior conviction • Expand State Bar authority to investigate and address UPL and fraud by nonlicensees ○ Allow for State Bar imposition of citation and fines for UPL • Extend statute of limitations for UPL prosecution
Resources and Funding	• Additional funding and resources for law enforcement to investigate and prosecute UPL and fraud by nonlicensees • Additional funding and resources for State Bar investigation and prosecution of UPL and fraud by nonlicensees • Creation of a victim fund for UPL victims
Regulation	• Creation of record keeping requirements for paraprofessionals
Public Education	• Allocation of resources for consumer education, to ensure that the public is aware of the scope of the paraprofessional license, as well as how to identify whether a service provider is appropriately licensed

Table 14. Potential Licensee Names

English	Spanish
Limited License Legal Practitioner ⁵	Practicante Legal Con Licencia Limitada
Limited Legal Practitioner	Practicante Legal Limitado
Limited Legal Advisor	Asesor Legal Limitado

⁵ This licensee name was identified as a top choice in surveys as well as in discussions with the Working Group and the Regulation Subcommittee.

PROGRAM EVALUATION

Table 15. 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/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	
	Per case/event rates	
	Number of hours to complete services	
Efficiency in Paraprofessional Training	Cost of education	Survey

⁶ Court Case Management System/Judicial Branch Statistical Information System.

ADDITIONAL RECOMMENDATIONS

Table 16. Additional Recommendations

Topic	Recommendations
Health Care	• The State Bar should assist in publicizing the availability of Health Consumer Alliances (HCAs), the Department of Managed Health Care, and the Department of Insurance. • The State Bar should support the efforts of the HCAs to require that information about their availability is included on notices from medical insurers and health care providers
Housing	• The State Bar should express strong support for establishing and funding a right to counsel in unlawful detainer proceedings, making it clear that paraprofessional licensing in this area is meant to supplement and not undermine establishment and funding of a right to counsel; ○ A justice gap continues to exist; paraprofessionals will not be authorized to represent litigants at trial and free attorneys may not be available due to income-restrictions placed on right-to-counsel programs, legal services funding, and capacity issues, or because local jurisdictions have not yet implemented or fully funded a right to counsel in their jurisdiction. ○ Paraprofessionals may participate with legal services programs to provide free or low-cost legal services.
Collateral Criminal	The State Bar should research and consider supporting a portal that was recently created and launched by The Access Project , which helps guide pro bono service providers through each step required to file for expungement and reclassification of convictions.
Veterans	• The State Bar should convene Veterans Services Organizations, legal aid organizations, and pro bono attorneys that are currently providing legal services to veterans for the following purposes: ○ Increase awareness of services available to veterans; ○ Increase the number of attorneys providing pro bono legal services to veterans; ○ Provide additional resources and trainings; and ○ Recruit nonattorney volunteers interested in veterans advocacy as authorized by the Veterans Administration and the Department of Defense.
Representation by Nonattorneys in Regulatory Agency Proceedings	The State Bar should consider recommending standards for consideration by the legislature regarding conduct by nonattorneys in regulatory agency proceedings.