

## GENERAL SURVEY ON REGULATION OF NON-PROFIT LEGAL SERVICES PROVIDERS

***On March 9, 2006, the California Supreme Court ruled in *Frye v. Tenderloin Housing Clinic, Inc.*, 38 Cal.4th 23, 40 Cal.Rptr.3d 221 (2006), that non-profit corporations providing legal services in California are not subject to State Bar registration requirements and other regulations that govern for-profit professional law corporations. In doing so, the Supreme Court directed the State Bar to conduct a study to determine if regulation of non-profit legal service providers (like legal aid societies, public interest entities, and membership organizations that provide legal services to the public) is needed.***

***As a result, the State Bar is seeking information from the legal community, members of the public, legal service providers and others regarding their knowledge of and experience with non-profit legal service providers. The attached Agenda Item from the State Bar's Board of Governors describes in further detail the purpose of this survey.***

***You have been selected to receive this survey in light of the public nature of your position and the possibility that you might have information relevant to the State Bar's study. Please take a moment to review the short questionnaire below and provide any relevant data that may be of assistance to the State Bar on this subject. If you prefer, you may provide your comments in narrative or other form to the contact information below.***

1. What is the name of the agency you work for and your current position?
2. a.) Have you had the opportunity to observe or hear about non-profit legal service providers (like legal aid societies, public interest organizations, membership associations like unions) providing legal services and/or representation to members of the public?     YES     NO  
b.) If YES, please describe the circumstances.  
c.) What was the subject matter involved?  
d.) What was the nature of the organization providing the legal services?
3. a.) Have you received or heard of any complaints or issues involving the representation provided to the public by nonprofit legal service providers?     YES     NO  
b.) If YES, please describe.
4. Is there any other information source on this subject that you would suggest the State Bar contact? If so, please provide the contact information for this resource.
5. a.) Currently, an attorney who provides legal representation to anyone in California must be licensed to practice law by the State Bar of California. Additionally, legal entities like corporations and limited liability partnerships that are legal entities under California law, must also be certified to practice law, separately from the individual attorneys within the organization.

Do you have any opinion, based on your experience, as to whether non-profit public benefit corporations formed under California law that employ attorneys to represent members of the public should also be registered or certified by the State Bar of California to practice law as entities?

\_\_\_ YES, they should be regulated or certified by the State Bar of California.

\_\_\_ NO, it is sufficient that the individual attorneys within the non-profit are licensed and regulated.

\_\_\_ No opinion or don't know.

b.) Please explain your thoughts on this subject and provide factual examples if possible.

6. a.) In a for-profit corporate entity legal practice, it is assumed that the profit motive pushes toward the margins of ethical behavior and thus regulation of the entity is necessary. In your opinion, in the non-profit model, do ideological and/or profit motives do the same, warranting the same type of regulation for non-profit entities as for-profit legal practices? \_\_\_ YES \_\_\_ NO  
b.) Please explain your thoughts on this subject and provide factual examples if possible.

7. What, if any, benefits do you see in a registration system for providers of non-profit civil legal services?

8. Please describe an effective, registration/regulatory system for non-profit law practices in California from your perspective.

9. What do you see as the potential detriments of or barriers to some kind of registration system for non-profit providers of civil legal services?

In case we would like to verify or discuss your answers with you in further detail, we request the following information. This is entirely voluntary and not necessary for your response to be counted.

Name \_\_\_\_\_ Preferred Contact Phone Number \_\_\_\_\_

E-mail \_\_\_\_\_ Other \_\_\_\_\_

**Thank you very much for taking the time to respond to this survey. Your response is greatly appreciated.**

Please return this survey by mail, facsimile or e-mail by January 31, 2007 to:

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