



The State Bar of California

California Paraprofessional Program Working Group

Increasing access to justice for all Californians by developing recommendations for the creation of a paraprofessional program.

Background

- Among the State Bar's strategic objectives is to explore options to increase access to justice through licensing paraprofessionals.
- Current laws generally limit the practice of law to attorneys who are active licensees of the State Bar; the practice of law by nonattorneys is subject to prosecution for the unauthorized practice of law.
- The [California Justice Gap Study: Measuring the Unmet Civil Legal Needs of Californians](#) (Justice Gap Study) found that 85 percent of Californians received no legal assistance or inadequate legal help to resolve the civil legal issues they experienced. This is the justice gap.
- According to results from the Justice Gap Study, uncertainty surrounding whether or not their problem was a legal issue, concerns about cost, fear of pursuing legal action, and not knowing where to go for help were top reasons why Californians did not seek legal assistance for their civil legal problems.
- A regulated paraprofessionals program can expand the pool of available and affordable trained, capable providers, of legal assistance and can help narrow the justice gap.

The [State Bar's California Paraprofessional Program Working Group](#) is charged with developing recommendations for consideration by the Board of Trustees for the creation of a paraprofessional licensure/certification program to increase access to legal services in California.

The Working Group will commence in April 2020 and is expected to deliver its final report and recommendations to the Board of Trustees no later than July 31, 2021. In maintaining the State Bar's Strategic Plan goals and objectives, each recommendation is expected to balance the dual initiatives to ensure public protection and increase access to legal services.

Working Group Charter

The Working Group will develop specific recommendations regarding the following:

1. The eligibility requirements to apply for the program, including the competencies required of licensed/certified paraprofessionals and the ways in which candidates can demonstrate those competencies. In developing these recommendations, the Working Group will consider different pathways for licensure/certification for applicants based on their general academic and experiential qualifications, including but not limited to candidates who might fall in one of the following categories: immigration consultants, Legal Document Assistants, Unlawful Detainer Assistants, paralegals, law school graduates, law students, and/or participants in or who have completed the State Bar's law office study program.
Selection of practice areas that will be included in the program. Practice type decisions should be informed by data sources, including but not limited to the [California Justice Gap Study](#), [California Attorney Practice Analysis Study](#), and court self-help center utilization data.
2. The types of tasks, by practice area, that paraprofessionals will be permitted to perform. The Working Group should consider and propose any requisite changes to the rules and statutes

governing the unauthorized practice of law, and any other requisite changes to the rules of professional conduct that may be needed, to permit the performance of these types of tasks.

3. Business requirements, including financial responsibility requirements such as insurance or contribution to a client security fund.
4. A licensing/certification and regulatory model including consideration of rules of conduct for the new paraprofessional licensees.
5. Metrics and data collection methods to enable assessment of the program's effectiveness and to facilitate possible auditing and other proactive risk-based regulation.
6. Increasing awareness about how to seek legal help.

Working Group Composition

The Working Group will be comprised of [16 members](#) representing various stakeholder groups that have relevant expertise to support the study of a paraprofessional program, such as existing paraprofessionals, educators, consumer protection organizations, and regulatory specialists.

Chair

Chris Iglesias, State Bar of California Board of Trustees, Chief Executive Officer of the Unity Council