

CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS

Title 16, California Code of Regulations (CCR), Sections 3900 and 3950

Legal Document Assistant Registration Form and Contract

Section 100 CHANGES WITHOUT REGULATORY EFFECT

Legend:	Deleted text is indicated by strikeout Added text is indicated with an <u>underline</u>
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Amend Section 3900 of Article 1, Chapter 5, Division 38, of Title 16, California Code of Regulations, to read as follows:

§ 3900. Legal Document Assistant Registration Forms.

(a) Every individual who wishes to register as a legal document assistant as defined in paragraph (1) of subdivision (c) of section 6400 of the Business and Professions Code shall complete the following form and submit it to the county clerk in each county where the individual performs acts for which registration is required:

Individual

APPLICATION FOR REGISTRATION AS LEGAL DOCUMENT ASSISTANT County of _____ INSTRUCTIONS: Completely fill in all personal information requested in Part A. Check each applicable box in Parts B-E and provide information as requested for each box that is checked. Attach legible copies of all documents requested for each box that is checked (attach certified copies and originals as specified). You must sign the completed application under penalty of perjury.

New Registration Renewal of Registration

A. PERSONAL INFORMATION:

Name: _____

Date of Birth: _____

Business Name: _____

Business Address: _____

Business Telephone Number: _____

Personal Identification Number (such as California driver's license or birth certificate) California Driver's License Number

(or other personal identification that is acceptable to the county clerk) The application for registration shall be accompanied by the display of personal identification, or attach a copy for other than in-person registration.

B. EDUCATION AND EXPERIENCE:

1. Paralegal Program/ABA School

a. I have earned a certificate of completion from a paralegal program that is approved by the American Bar Association (attach copy of certificate of completion).

2. Paralegal Program/Non-ABA School

a. I have earned a certificate of completion from a paralegal program that is institutionally accredited but that is not approved by the American Bar Association (attach copy of certificate of completion)

AND

b. I successfully completed a minimum of 24 semester units (or the equivalent) in legal specialization courses (attach copy of transcript).

Number of semester units (or the equivalent) _____

3. College or University

a. I have a bachelor's degree in (field) _____ (attach copy of diploma)

AND

b. I have completed at least one year of law-related experience working under the supervision of a licensed attorney (attach original statement on the attorney's letterhead signed by the attorney describing the scope and dates of your experience)

OR

I completed at least one year of experience providing self-help service as defined by Business and Professions Code section 6400(d) before January 1, 1999 (attach original statement describing the scope and dates of your experience).

4. High School or General Equivalency Diploma

a. I have a high school diploma (attach copy of diploma)

OR

I have a general equivalency diploma (attach copy of diploma)

AND

b. I have completed at least two years of law-related experience working under the supervision of a licensed attorney (attach original statement on the attorney's letterhead signed by the attorney describing the scope and dates of your experience)

OR

I completed at least two years of experience providing self-help service as defined by Business and Professions Code section 6400(d) before January 1, 1999 (attach original statement describing the scope and dates of your experience).

5. For renewal of registration only

I have completed 15 hours of continuing legal education courses during the preceding two-year period as required by Business and Professions Code section 6402.2

C. CIVIL JUDGMENT:

1. I have been held liable in a final judgment or a stipulated judgment entered in a civil action that alleged fraud, use of an untrue or misleading representation, or use of an unfair, unlawful or deceptive business practice (attach certified copy of each judgment).

2. I have had a civil judgment entered against me in an action arising out of my negligent, reckless or wilful failure to properly perform my obligation as a legal document assistant or an unlawful detainer assistant (attach certified copy of each judgment).

D. CRIMINAL CONVICTION: (NOTE: Conviction means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any conviction dismissed under Penal Code section 1203.4 must be included.)

1. I have been convicted of a felony (attach certified copies of each conviction and disposition).

2. I have been convicted of misdemeanor unlawful practice of law or contempt of the authority of a court under Business and Professions Code section 6126 or section 6127 or found liable under section 6126.5 (attach certified copies of each conviction and disposition).

3. I have been convicted of a misdemeanor violation of the provisions on legal document assistants and unlawful detainer assistants at Business and Professions Code sections 6400-6416 (attach certified copies of each conviction and disposition).

E. REVOCATION OF REGISTRATION:

1. I have had registration as a legal document assistant or an unlawful detainer assistant revoked by a county clerk under Business and Professions Code section 6413 (attach certified copy of each revocation).

I declare under penalty of perjury under the laws of the State of California that all information on this application and on all accompanying documents is true and correct and that I am not currently disbarred or suspended from the practice of law pursuant to Business and Professions Code sections 6100-6117.

Signature: _____

Date: _____

(b) Every corporation or partnership that wishes to register as a legal document assistant as defined in paragraph (2) of subdivision (c) of Section 6400 of the Business and Professions Code shall complete the following form and submit it to the county clerk in each county where the corporation or partnership performs acts for which registration is required:

Corporation or Partnership APPLICATION FOR REGISTRATION AS LEGAL DOCUMENT ASSISTANT County of _____

INSTRUCTIONS: Completely fill in all business and personal information requested in Part A. Check each applicable box in Parts B-F and provide information as requested for each box that is checked. Attach legible copies of all documents requested for each box that is checked (attach certified copies and originals as specified). The completed application must be signed under penalty of perjury by a senior executive officer or a general partner.

New Registration Renewal of Registration

A. BUSINESS AND PERSONAL INFORMATION:

Name of Corporation or Partnership:
Business Name:
Business Address:
Telephone number:
Name of Each Corporate Officer or General Partner:
Date of Birth of Each Corporate Officer or General Partner:
<u>Address for each listed Corporate Officer or General Partner:</u>
<u>Telephone number for each listed Corporate Officer or General Partner:</u>

B. EDUCATION AND EXPERIENCE : (NOTE: This information must be provided for at least one corporate officer or general partner.) Name of corporate officer or general partner for whom education and experience information is provided: _____

1. Paralegal Program/ABA School

a. The above-named officer or partner has earned a certificate of completion from a paralegal program that is accredited by the American Bar Association (attach copy of certificate of completion).

2. Paralegal Program/Non-ABA School

a. The above-named officer or partner has earned a certificate of completion from a paralegal program that is institutionally accredited but that is not approved by the American Bar Association (attach copy of certificate of completion)

AND

b. The above-named officer or partner has successfully completed a minimum of 24 semester units (or the equivalent) in legal specialization courses (attach copy of transcript). Number of semester units (or the equivalent) _____.

3. College or University

a. The above-named officer or partner has a bachelor's degree in (field) _____ (attach copy of diploma)

AND

b. The above-named officer or partner has completed at least one year of law-related experience working under the supervision of a licensed attorney (attach original statement on the attorney's letterhead signed by the attorney describing the scope and dates of this experience)

OR

The above-named officer or partner completed at least one year of experience providing self-help service as defined by Business and Professions Code section 6400(d) before January 1, 1999 (attach original statement signed by the officer or partner describing the scope and dates of this experience).

4. High School or General Equivalency Diploma

a. The above-named officer or partner has a high school diploma (attach copy of diploma)

OR

The above-named officer or partner has a general equivalency diploma (attach copy of diploma)

AND

b. The above-named officer or partner has completed at least two years of law-related experience working under the supervision of a licensed attorney (attach original statement on the attorney's letterhead signed by the attorney describing the scope and dates of this experience)

OR

The above-named officer or partner completed at least two years of experience providing self-help service as defined by Business and Professions Code section

6400(d) before January 1, 1999 (attach original statement signed by the officer or partner describing the scope and dates of this experience).

5. For renewal of registration only

The individual(s) performing legal document assistant services has/have completed the 15 hours of legal continuing education courses during the preceding two-year period as required by Business and Professions Code section 6402.2.

C. DISBARMENT/SUSPENSION : (NOTE: This information must be provided for each corporate officer or general partner.)

1. An officer or general partner is presently disbarred or suspended from the practice of law pursuant to Business and Professions Code sections 6100-6117.

Name: _____

Date of disbarment or suspension: _____

D. CIVIL JUDGMENT: (NOTE: This information must be provided for each corporate officer or general partner.)

1. An officer or general partner has been held liable in a final judgment or a stipulated judgment entered in a civil action that alleged fraud, use of an untrue or misleading representation, or use of an unfair, unlawful or deceptive business practice (attach certified copy of each judgment).

2. An officer or general partner has had a civil judgment entered against him or her in an action arising out of negligent, reckless or wilful failure to properly perform the obligations of a legal document assistant or an unlawful detainer assistant (attach certified copy of each judgment).

E. CRIMINAL CONVICTION : (NOTE: This information must be provided for each corporate officer or general partner. Conviction means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any conviction dismissed under Penal Code section 1203.4 must be included.)

1. An officer or general partner has been convicted of a felony (attach certified copies of each conviction and disposition).

2. An officer or general partner has been convicted of misdemeanor unlawful practice of law or contempt of the authority of a court under Business and Professions Code section 6126 or section 6127 or found liable under section 6126.5. (attach certified copies of each conviction and disposition).

3. An officer or general partner has been convicted of a misdemeanor violation of the provisions on legal document assistants and unlawful detainer assistants at Business

and Professions Code sections 6400-6416 (attach certified copies of each conviction and disposition).

F. REVOCATION OF REGISTRATION : (NOTE: This information must be provided for each corporate officer or general partner.)

1. An officer or general partner has had registration as a legal document assistant or an unlawful detainer assistant revoked by a county clerk under Business and Professions Code section 6413 (attach certified copy of each revocation).

I declare under penalty of perjury under the laws of the State of California that all information on this application and on all accompanying documents is true and correct.

Signature: [FNa1] _____

Title: _____

Date: _____

[FNa1]

Corporate applicant: Application must be signed by the chairman of the board or the president; or by any vice president and the secretary, any assistant secretary, the chief financial officer or any assistant treasurer.

[FNa1]

Partnership applicant: Application must be signed by at least one general partner.

(c) The county clerk in each county shall reproduce the application forms prescribed by subdivisions (a) and (b).

Note: Authority cited: Section 6402, Business and Professions Code. Reference: Sections 7.5, 6402, 6402.1 and 6403, Business and Professions Code.

Amend Section 3950 of Article 3, Chapter 5, Division 38, of Title 16, California Code of Regulations, to read as follows:

(a) Every legal document assistant as defined in subdivision (c) section 6400 of the Business and Professions Code who enters into a contract or agreement with a client to provide self-help services shall complete the standard form contract specified in subdivision (b). Upon execution of the contract by all parties, and prior to providing any service, the legal document assistant shall give a copy of the contract to all client parties. The contract shall be in English and in any other language understood by the client and principally used in any oral sales presentation or negotiation leading to execution of the contract. The legal document assistant shall be responsible for translating the contract into any language other than English principally used in any oral sales presentation or negotiation leading to execution of the contract, and shall give all client parties copies of both the fully-executed English-language version of the contract and the foreign-language translation of it before providing any service.

(b) Legal Document Assistant Contract for Self-Help Services.

LEGAL DOCUMENT ASSISTANT CONTRACT FOR SELF-HELP SERVICES

County where Registrant is registered:

Name of County Clerk Office for the county of registration:

Address:

Telephone Number:

Web Site (if available):

This is a contract between me, _____, and you, _____, for the self-help services described in Part I below. I am the "legal document assistant" and you are the "client."

IMPORTANT NOTICES

1. You should read and understand this entire contract before you sign it. You should understand the kinds of services that I can and cannot perform for you (see Part I below).
2. [12-point bold type] I am not an attorney. I cannot perform the legal services that an attorney performs. I cannot engage in the practice of law.
3. [12-point bold type] The county clerk has not evaluated or approved my knowledge or experience, or the quality of my work.
4. I cannot keep your original documents if you request that I return them to you. I cannot keep your original documents if you and I do not sign this contract or if this contract terminates (ends) for any reason. I cannot keep your original documents after all of the contract services have been provided (see Part I below). It is a violation of California law if I keep your original documents under any of these circumstances.
5. It is a violation of California law if I make any false or misleading statement to you.
6. I cannot obtain special favors from, and I do not have any special influence with, any court or any state or federal agency.
7. As required by law, I have filed a bond or made a cash deposit and have registered as a legal document assistant in each county where I will perform services on your behalf.

I. SELF-HELP SERVICES

Kinds of services that I can perform for you: I can perform the following self-help services for you in connection with a legal matter in which you are representing yourself: I can type or otherwise complete, as you specifically direct, legal documents that you

have selected. I can provide you general published factual legal information that has been written or approved by an attorney, to help you represent yourself. I can provide you published legal documents. I can file and serve legal forms and documents as you specifically direct.

These are the only kinds of services that I can perform for you. I cannot provide you any service if you need additional services. If you need additional services, then you require the services of an attorney.

Kinds of services that I cannot perform for you: I cannot provide you any self-help service unless you are representing yourself in a legal matter and the self-help service relates to that legal matter.

[12-point bold type] I cannot engage in the practice of law. This means that I cannot give you any kind of advice, explanation, opinion or recommendation about possible legal rights, remedies, defenses, strategies or options that you may have. I cannot give you any advice, explanation, opinion or recommendation regarding selection of forms.

I will provide you all the following services (list all services for which the client is being charged):

- A. _____
- B. _____
- C. _____
- D. _____

You are paying me only for those services listed above and no others. It is unlawful for me to make any guarantee or promise to you unless it is written in this contract and unless I have a factual basis for making the guarantee or promise.

II. FEES AND EXPENSES

You agree to pay me the following fees, costs and expenses:

A. A flat fee in the total amount of \$ _____ for all services, costs and expenses, to be paid as follows (itemize services, costs and expenses and state terms of payment):

OR

B. A rate of \$ _____ per hour, not to exceed a total of \$ _____ for all services, costs and expenses. I will provide you a statement itemizing all services rendered, expenses incurred, and the balance owed, each time a payment is due.

III. CANCELLATION

You may cancel this contract for any reason within 24 hours after we both have signed it.

If you cancel the contract, I must immediately refund any fees which you have paid me. The only fees that I may keep are fees for services which I have actually, necessarily and reasonably performed on your behalf during the 24-hour period. I cannot keep any fees for services performed during the 24-hour period unless you knew that I would perform those services and you agreed in this contract that I would perform them.

To cancel this contract, send me a written notice stating that you are canceling the contract. Mail the notice by first-class mail with the correct postage, and send it to me at my address (see Part VI below). Cancellation takes effect on the date of the postmark on the notice. You can also cancel this contract by delivering a written notice of cancellation to my address within the 24-hour period.

You may also cancel this contract at any time if I:

- Fail to give you a copy of this contract before providing any services to you, or
- Fail to specify in the contract the services which I will perform and the costs of those services, or
- Fail to give you a copy of the contract in English and in any other language that you understand and that was principally used in any oral sales presentation or negotiation leading to execution of the contract. If you cancel this contract for any of these reasons, I must immediately refund in full any fees which you have paid me.

You may also cancel this contract at any time if you have legal cause.

IV. ATTORNEY'S FEES AND COSTS

In the event of suit for damages arising from this contract or to enforce any of its provisions, the court may award the prevailing party his or her reasonable attorney's fees and costs.

V. VENUE

The venue for any action arising out of a dispute between you and me is the California county in which you have your primary residence.

VI. DESCRIPTION OF THE PARTIES

Legal Document Assistant

Full name:

Business name (if different):	
Street address of business:	
City, State, ZIP:	
Telephone number:	
Fax number (if any):	
Registration number in county where services will be provided:	
Date of expiration:	
County:	
I have filed a bond or made a cash deposit in the following counties:	
Client	
Name of client:	
Name of client:	
Street address:	
City, State, ZIP:	
Telephone number:	
Title or brief description of the legal matter in which the client is representing himself or herself:	
VII. SIGNATURES	
Executed at _____, California.	
(Signature of Legal Document Assistant)	(Date)

Notices to Client

[12-point bold type] You may obtain information from the local bar association or a legal aid or legal services office regarding free or low-cost representation by a lawyer.

You may contact the local police, sheriff, district attorney or legal aid or legal services office if you believe that you are the victim of fraud, unauthorized practice of law or other injury.

(Client)	(Date)
(Client)	(Date)

(THIS CONTRACT IS NOT VALID OR BINDING UNTIL THE LEGAL DOCUMENT ASSISTANT HAS GIVEN ALL CLIENT PARTIES A FULLY EXECUTED COPY OF IT, INCLUDING AN ACCURATE TRANSLATION OF IT IN ANY LANGUAGE OTHER THAN ENGLISH THAT THE CLIENT UNDERSTANDS AND THAT WAS PRINCIPALLY USED IN ANY ORAL SALES PRESENTATION OR NEGOTIATION LEADING TO EXECUTION OF THE CONTRACT.)

(c) The legal document assistant shall reproduce the standard form contract prescribed by subdivision (b).

Note:

Authority cited: Section 6410, Business and Professions Code.

Reference: Sections 6401.6, 6402, 6405, 6408, 6409, 6410 and 6411, Business and Professions Code.