

Compliance Checklist

Legal Document Assistant (LDA) Practices (Bus. & Prof. Code § 6400, et seq.)

- Bonded and registered in each county where you conduct business.
- Bonded and registered in accordance with the business structure of your practice (e.g. if your business is a corporation, is the corporation registered as an LDA, rather than you as a sole individual?).
- Employ business practices that avoid even the *appearance* of the unauthorized practice of law.
- Ensure name, business address, telephone number, registration number, expiration date, and county of registration appear on every advertisement, solicitation, website, blog, stationery, forms and legal documents prepared for clients.
- Include the required disclaimer on all solicitations, advertisements, websites, etc. "I am not an attorney. I can only provide self help services at your specific direction." (Not required for classified or yellow pages listings that are three lines or less, and state only your name, address and phone number.)
- Use the LDA Contract required under 16 CCR §3950 for *every* project, with *every* client?
- Inform each client or prospective client of your non-attorney status.
- Avoid the terms "legal aid," "legal services," or other misleading terms in your advertising and business name.
- Avoid using the term "paralegal" unless it pertains to bona fide paralegal work performed or advertising undertaken in accordance with Business & Professions Code § 6450.

Paralegal Practices (Bus. & Prof. Code § 6450, et seq.)

- Hold yourself out as a paralegal *only* in conjunction with activities associated with your employment by an attorney, law firm, or corporate legal department.
- Select, explain, draft or recommend any legal document *only* to your supervising attorney, and never to a client.
- Do not contract with or be employed by a consumer who is not an attorney, for the provision of paralegal services.
- Avoid running and capping, as defined in Business & Professions Code § 6151-6152.
- Maintain at least four hours of MCLE in ethics and four hours of MCLE in general or specialized law, every two years.
- State on your business card the name of your supervising attorney, or a statement that you are employed by or contracting with a licensed attorney.

Bankruptcy Petition Preparer Practices (11 U.S.C. § 110)

- Sign each petition and include your name, address and Social Security number.
- Disclose the amount of compensation received from the debtor.
- Provide each debtor with a written notice in accordance with rule 9009 of the Federal Rules of Bankruptcy Procedure, before preparing any document or accepting any fees from a consumer.
- Refrain from providing any sort of legal advice to a debtor, including what chapter is appropriate, whether debts will be discharged, whether the debtor will be able to keep his or her real and personal property, tax consequences of filing bankruptcy, whether the debtor may or should reaffirm debts, how to characterize the nature of the debtor's interest in property or debts, and concerning bankruptcy procedures and rights.
- Refrain from using the word "legal" or "paralegal" or any similar term in any advertisements, or advertising under a category that includes the word "legal" or any similar term.
- Charge no more than the maximum BPP fee established by the trustee in the district where the petition will be filed (typically between \$125-\$200, which varies by district).
- Do not accept court filing fees from a debtor.

Professional Integrity
Consumer Protection

