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August 26, 2009

Sent Via Facsimile Transmission
Email and US Mail Service

Assemblymember Mike Feuer
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0042

District Office
9200 Sunset Boulevard PH 15
West Hollywood, CA 90069

Re: *AB 590 Legal Aid*

Dear Assemblyman Feuer:

The Alliance of Legal Document Assistant Professionals is a non-profit organization comprised of California registered legal document assistants and contract paralegals, who unified in an effort to provide consumers access to the legal system, while maintaining professional and compliant business models pursuant to California Business & Professions Code sections 6400 et seq. and 6450 et seq. We would like to express ALDAP's support of your proposed legislation concerning consumer protections as it relates to legal services. We agree with the consensus that merely preparing documents pursuant to a pro per litigant's instructions could potentially cause harm to the consumer and burden the courts. ALDAP recommends that LDAs instruct consumers to seek competent legal advice prior to engaging in a relationship with an LDA, particularly when complex civil issues are involved. It is our policy that LDAs provide self representing litigants procedural guides and other published information such as state and local court rules. In this regard, a self representing party becomes better educated and can make better informed and reasoned decisions as they relate to their particular legal action. This process lessens the burdens on court operations and allows consumers greater access to justice, while enjoying their freedom to choose affordable non-attorney legal services.

We are concerned about specific language contained in AB 590 as follows:

6159.52 (b) would provide that is "unlawful for any person to sell or charge a fee for any legal form or other documents created by a legal aid organization or by a court or other public agency of the state regarding or for use in a court action or proceeding if the form or other documents is available to the public without charge from the legal aid organization, court or other public agency."

6159.52 (c) would provide that it is "unlawful for any person for a fee to assist or offer to assist in the provision of *self-help* services that are provided without charge by a court or legal aid organization."

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While this statute seemingly relates to attorneys as it is included in the attorney chapter of the code, the language appears to prohibit legal document assistants from the service of preparing legal documents on behalf of California's consumers.

While we understand that AB 590 would modify 6159.52 which relates directly to attorneys, we would request that language be added that excludes California's legal document assistants from this prohibition as the wording, at present, seemingly conflicts with the provisions of California Business & Professions Code 6400 (c), authorizing California Legal Document Assistants to prepare legal documents on behalf of consumers.

We respectfully request that you clarify that the proposed legislation is directed solely to attorneys and that the proposed language of AB 590 be amended to reflect an exception for California's Legal Document Assistants under Business & Professions Code section 6400 et seq.

Further, we are 100% in support of any legislation that would prohibit a person or organization from using the term "legal aid" or any other confusing, similar name in any firm name, trade name, fictitious business name, et al. We wholeheartedly support this legislation. Business & Professions Code section 6411(f) provides that it is unlawful for any person engaged in the business or acting in the capacity of a legal document assistant or unlawful detainer assistant to use in the person's business name or advertising the words "legal aid." While the legislation is in place, enforcement has been weak. Storefront "independent paralegal" and LDA operations with misleading business names such as "Community Legal Aid" are located in almost every county of our state with no enforcement of the statute to date.

ALDAP was born out of the lack of enforcement of the present legislation governing LDAs and the proliferation of rogue document preparers and "independent paralegals" who seek to take advantage of unwary consumers. ALDAP's goal is to protect the public by educating consumers, policing our own profession, and providing quality educational resources to our members.

ALDAP acts on behalf of consumers who allege harm caused by a document preparer acting outside the scope of Business & Professions Code section 6400. In the intervening years since 2000 (the passage of 6400), practical application proves that the enforcement of the statutes governing bonding, registration and the unauthorized

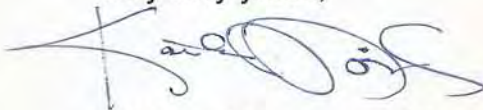
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practice of law have proven to be a complicated and burdensome activity for the local county authorities as it relates to rogue document preparers. California's consumers deserve laws that actually protect the public. California LDAs who comply with registration procedures and who operate their small businesses with integrity and professionalism deserve to do so without the unfair business practices of unregistered document preparers who not only fail to register, but who have no regrets performing the unauthorized practice of law on behalf of consumers, and who often mislead the public with the use of the words "clinic," "aid," or "collective," and who advertise services publishing to a web domain of ".org." These rogues give our profession a "black eye." It is time that California institute enforceable and reasonable statutes to protect its small business people and its consumers.

Through its board and members, ALDAP endeavors to combat the unfair and dangerous business practices of unregistered, non-attorney legal document preparers and increase awareness of consumer protections. ALDAP believes that regulation of LDAs should mirror the regulations governing Immigration Consultants. The Secretary of State should govern LDA compliance due to the budgetary and time constraints suffered by county clerks and district attorneys, and due to the obvious lack of enforcement. LDAs should also be required to complete and pass a background check. Moreover, ALDAP intends to propose an increase in the minimum qualifications to register as an LDA, as we believe the current one-year of law office experience to be inadequate. The minimum qualification should be two-years as a legal assistant or legal secretary with "hands-on" document preparation experience.

We respectfully request that you consider our request for clarification of AB 590 as related to document preparation. Additionally, we are looking for strong leadership in government and we would appreciate your leadership to pull together all state and local agencies to enforce consumer protection laws by a review of the regulatory requirements contained in Business & Professions Code section 6400 et seq. We also offer our services to you in your quest to make California a more consumer friendly state.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Kathleen Mountjoy', with a stylized flourish at the end.

Kathleen Mountjoy, LDA
President