

Testimony on: **California Assembly Bill 285 –
Streamlining Legal Document
Assistant Registration Requirements**

Tom Gordon
Executive Director,
Responsive Law

Testimony to the
**California House
Judiciary Committee**

April 10, 2015

Consumers for a Responsive Legal System (“Responsive Law”) thanks the House Judiciary Committee for the opportunity to present its testimony on Assembly Bill 285. Responsive Law is a national non-profit organization working to make the civil legal system more affordable, accessible, and accountable to all Americans.

California, like the rest of the country, is facing an access to justice crisis. Californians are increasingly unable to afford legal help. The average Californian must work 20 hours to pay for just one hour of an attorney’s time.¹

Legal document assistants (“LDAs”) play an important role in alleviating the access to justice crisis. LDAs assist self-represented parties with document preparation and other tasks for which hiring a lawyer is either not affordable or not cost-effective, but for which a self-represented party still needs professional assistance.

Unfortunately for consumers, LDAs face regulatory burdens that are greater than those faced by many other professionals—including attorneys. For instance, LDAs are required to register separately in each county where they provide services. They also are required to include their registration information on all materials they provide, rather than simply being required to disclose their registration information to each customer. As a result of these excessive regulations, LDAs face higher operating costs, which are ultimately passed on to consumers. They also are discouraged from working in multiple counties, decreasing the availability of LDAs to consumers. Meanwhile, these additional regulations provide no additional protection to consumers, and may even make it harder to take action against unscrupulous LDAs.

¹ Based on per capita pre-tax income of \$29,630 and attorney billing rate of \$250/hour.

AB 285 would remove these unnecessary regulations, which increase the cost of legal assistance for consumers while providing them no additional protection. **We therefore urge the committee to support the passage of this bill.**

AB 285 would streamline and modernize LDA registration requirements and procedures as follows: (1) requiring LDAs only to register in their primary county of practice to provide services statewide, bringing their registration procedures in line with similar professions; (2) clarifying that LDAs would not be required to include the registration expiration date on all materials used; (3) extending the LDA registration term from two to four years; and (4) allowing LDAs to keep their original registration numbers after periods of non-renewals.

No consumer protections would be discarded by these proposed changes. Nothing is gained by requiring registration in every single county where an LDA may set foot, and no other profession has such requirements or limitations. This is an unnecessary burden on LDAs who wish to do business at the state level or even maintain a website, but who are restricted due to the time consuming process of registering in every single county.

Requiring that all work-related materials include the registration expiration date is an undue burden on LDAs. This requirement is unnecessarily duplicative since the information is required to be included in the required Contract for Self Help Services used by LDAs. The requirement is particularly expensive, as it results in all written materials, ink stamps, and even checks having to be discarded and repurchased upon each renewal date.

The two-year registration period currently imposed on all LDAs is burdensome and cost-prohibitive, and should be extended to aid in keeping the profession more cost effective in providing access to justice to the underserved.

Lastly, the current practice of providing a new registration number after periods of non-renewal results in one LDA having multiple numbers. Changing registration numbers also makes it more difficult to track individual LDAs should the need arise, because some LDAs can end up having multiple registration numbers.

AB 285 would modernize LDAs' registration requirements and would encourage the growth of this important profession to better serve the needs of the public. The changes will make registration and the LDA practice more efficient, which will in turn aid low- and middle-income clients who cannot afford the rising cost of attorney's fees. For these reasons, on behalf of users of the legal system, **we urge the Committee to support this legislation.**