

AGENDA ITEM

DATE: February 20, 2013

TO: Members, Regulation, Admissions and Discipline Oversight Committee

FROM: Robert A. Hawley, Deputy Executive Director

SUBJECT: Subcommittee/Working Group of Regulation, Admissions and Discipline Oversight Committee (RAD) to Explore Licensed Legal Technicians

EXECUTIVE SUMMARY

This item creates a RAD Subcommittee/Working Group to explore the licensing of legal technicians or creating a limited license to practice law by which those not fully licensed as attorneys are enabled to provide limited, discrete legal services to consumers in defined legal subject matter areas. This has been a subject of discussion at the State Bar for 20 years. In light of action taken creating a limited license to practice law for legal technicians in Washington State and the actions of the Law Society of Upper Canada licensing and regulating paralegals, this was identified by the Board at its January planning meeting for exploration. As this is a regulatory item, it is appropriate for RAD to explore the issue. To do so, RAD is creating a subcommittee/working group to be appointed by the RAD Chair, to explore the issues and make recommendations to RAD for action.

BACKGROUND/DISCUSSION

This item creates a RAD Subcommittee/Working Group to explore the licensing of legal technicians or creating a limited license to practice law by which those not fully licensed as attorneys are enabled to provide limited, discrete legal services to consumers in defined legal subject matter areas. This has been a subject of discussion at the State Bar for 20 years. In light of action taken creating a limited license to practice law for legal technicians in Washington State and the actions of the Law Society of Upper Canada licensing and regulating paralegals, this was identified by the Board at its January planning meeting for exploration. As this is a regulatory item, it is appropriate for RAD to explore the issue. To do so, RAD is creating a subcommittee/working group

to be appointed by the RAD Chair, to explore the issues and make recommendations to RAD for action.

ISSUE

This item creates a RAD Subcommittee/Working Group to be appointed by the RAD Chair explore the licensing of legal technicians or creating a limited license to practice law by which those not fully licensed as attorneys are enabled to provide limited, discrete legal services to consumers in defined legal subject matter areas.

FISCAL / PERSONNEL IMPACT:

None.

RULE AMENDMENTS:

None.

BOARD BOOK IMPACT:

None.

RECOMMENDATION

It is recommended that the Board Committee on Regulation, Admission and Discipline Oversight create a subcommittee/working group to explore, research and report back to RAD regarding the feasibility of developing and implementing standards should California wish to pursue the licensing of legal technicians and or creating a limited license to practice law for those not fully admitted to the State Bar as attorneys, enabling such technicians to provide limited, discrete legal services to consumers in defined legal subject matter areas.

PROPOSED RESOLUTION:

Should the Regulation, Admissions and Discipline Oversight Committee agree with the above recommendation, the following resolution is appropriate:

RESOLVED, that the Board of Trustees Committee on Regulation, Admissions and Discipline Oversight (RAD) authorizes its Chair to create and appoint a subcommittee/working group under RAD to explore and report back to RAD on the feasibility of licensing legal technicians and or creating a limited license to practice law; and it is further

RESOLVED, that this subcommittee/working group research the area and bring back to RAD for consideration, recommendations regarding the feasibility of

developing such a para professional licensure program including implementation standards; and it is further

RESOLVED, that the subcommittee/working group is accountable to RAD and is not empowered to take any action on its own other than to report back with recommendations to RAD for RAD's consideration and action.