



COMPARING LEGAL DOCUMENT ASSISTANTS (LDAs) AND PARALEGALS

CALDA

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A Legal Document Assistant (LDA) is not a lawyer. LDAs provide professional self-help services at your specific direction. Although LDAs cannot select your forms or offer legal advice, they can offer self-help reference materials written or approved by attorneys, such as this brochure. LDAs can also assist you procedurally. Many LDAs have self-help manuals in their personal libraries available for purchase or reference. Informational books are also available to you in your local law library and book stores. Be sure to seek legal counsel from a licensed attorney if you have any legal questions or need legal advice not addressed by this brochure or other publications.

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NOTES:

PARALEGALS

A paralegal, also known as a legal assistant, is a professional who is qualified by education and training to assist attorneys in providing legal services. Paralegals do not work independently for consumers. Instead, they are employed by or contract with an attorney. Paralegals are regulated by Business & Professions Code section 6450.

WHAT CAN A PARALEGAL DO?

A paralegal assists an attorney in preparation of legal documents, gathering facts, performing research, interviewing witnesses, and other tasks at the direction of an attorney.

WHAT CAN'T PARALEGALS DO?

- Cannot set or accept fees for services from a consumer
- Cannot independently prepare documents for consumers
- Cannot represent you in court
- Cannot give you legal advice
- Cannot work as LDAs unless meeting the requirements of being bonded and registered

This guide will help to clarify the differences between registered Legal Document Assistants and Paralegals. We have tried to address many of the most common misconceptions people have about these two distinctly different professions and their functions in dealing with consumers and/or attorneys.

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LEGAL DOCUMENT ASSISTANTS

A Legal Document Assistant (LDA) is an experienced professional who is authorized under California law to prepare legal documents for consumers. However, An LDA is not an attorney and cannot provide legal advice or represent individuals in court.

LDAs have the same educational background as a paralegal and are required by law to be registered and bonded in the county in which they have their principal place of business. (Business & Professions Code Section 6400). The registration is valid for two years, at which time it must be renewed. In the past, individuals who assisted the public in completing legal documents were permitted to call themselves Independent Paralegals. Effective January 1, 2001, Business and Professions Code Section 6450 redefined "paralegal" to mean only those who work for and are supervised by attorneys. Excluded from that definition are LDAs. LDAs are prohibited from calling themselves paralegals.

The LDA statute clearly requires LDAs to maintain a bond, and to be registered in order to offer document preparation services to the public. Paralegals are not required to register as they work only for attorneys and not for consumers.

WHAT CAN A LEGAL DOCUMENT ASSISTANT DO?

At your direction, LDAs can complete court forms for you, helping you to avoid pitfalls and making sure that all the important details on a form are properly filled in. LDAs may also file forms with the court and have them served. LDAs may also supply books and publications authored or approved by attorneys.

WHAT CAN'T A LEGAL DOCUMENT ASSISTANT DO?

- Cannot represent you in court
- Cannot give you legal advice
- Cannot tell you what information should be inserted in the documents
- Cannot interpret documents
- Cannot select forms

HOW TO FIND A LEGAL DOCUMENT ASSISTANT

- Contact the County Clerk or County Recorder for a list of the registered LDAs in your county
- Look in the telephone directory under "Legal Document Assistants"
- Contact your local Referral Service of your County Bar Association
- Get referrals from friends or relatives
- Check the California Association of Legal Document Assistants' online Member locator to find an LDA CALDA member in your area:
<http://www.calda.org/Search.asp>

WHAT DO I NEED TO KNOW BEFORE HIRING A LEGAL DOCUMENT ASSISTANT?

- Find out if the LDA is registered and bonded
- Ask to see their county registration card
- Ask if you are going to be provided with a written contract which clearly states the work to be performed and the cost for the work. A Contract for Services is required to be executed by both parties (you and the LDA) under California State law. You have the right to contact an attorney for legal advice
- Even if you have hired an LDA, you still have the right to seek advice from an attorney
- If you do not understand your legal rights or need advice on your matter, consult an attorney before you direct the LDA to complete your documents