

# **FACT SHEET: AB 690 LEGAL DOCUMENT ASSISTANTS**

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## **OFFICE OF ASSEMBLYMAN PHILLIP CHEN**

### **IN BRIEF**

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Existing statutes governing legal document assistants (LDA) are set to expire on January 1, 2024. AB 690 extends the sunset date authorizing LDAs for six years to January 1, 2030. By approving this legislation, individuals who have determined their legal issue does not require representation by an attorney and that they can handle the matter using readily available self-help tools, will be able to continue to exercise their legal right to access the legal system and represent themselves in their legal matters.

### **THE BACKGROUND**

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An LDA is an experienced professional who is authorized to prepare legal documents in a ministerial manner for a legal consumer, but only at the direction of the legal consumer. In other words, an LDA is there to assist “self-help” legal consumers in handling their own legal matters without the cost of an attorney. Since even the best legal self-help books can be confusing and overwhelming, an LDA can provide invaluable assistance with routine legal tasks, such as typing and filing the paperwork for uncontested divorces, child support modification, child custody and visitation orders, domestic violence restraining orders, guardianship, limited conservatorship, and other form-intensive documents. LDAs provide a valuable service to the court, in that well-drafted documents and adherence to procedural requirements allow the courts to function efficiently. Furthermore, the LDAs’ value is their ability to assist the legal consumer in navigating the legal procedure process.

The original authorization for LDAs was conducted on a trial basis and later extended by the Legislature in 2002 [AB 1698 (Committee on Judiciary) Chapter 1018, Statutes of 2002] following the decision in *People v. Landlords Professional Services*, which specifically held that the provisions of such services does not constitute the practice of law. The statutes, contained in Section 6400, et. seq of the Business and Professions Code, prohibits the giving of legal advice, and explanation, opinion, or recommendation to an individual about possible legal rights, remedies, defenses, selection of forms

or strategies. The statutes were again extended in 2015 and 2019, respectively [AB 285 (Gallagher), Chapter 295, Statutes of 2015, and AB 1213 (Chen), Chapter 128, Statutes of 2019].

LDAs must register with the county clerk where their principal place of business is located, and where they maintain a branch office. LDAs must also post a bond. More than thousand LDAs are currently registered in California, according to the California Association of Legal Document Assistants.

### **THE SOLUTION**

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AB 690 allows LDA’s to continue their work to help self-filers access the legal system, by extending the sunset date on the statutes authorizing and regulating LDAs for 6 years, until January 1, 2030.

### **THE SPONSOR**

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California Association of Legal Document Assistants