



COMPARING LEGAL DOCUMENT ASSISTANTS AND PARALEGALS

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

LEGAL DOCUMENT ASSISTANTS

A Legal Document Assistant (LDA) is an experienced professional who is authorized under California law to assist the public in preparing legal documents for consumers. However, an LDA is not an attorney, and cannot provide legal representation to individuals in court.

LDA's have similar 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 6100). The registration is valid for two years, at which time it must be renewed. In the past, paralegals who assisted the public in completing legal documents were permitted to call themselves Paralegals. Effective January 1, 2004, Business and Professions Code Section 6150 redefined "paralegal" to mean only those persons who work for, and are supervised by, attorneys. Excluded from that definition are LDA's. LDA's are prohibited from calling themselves paralegals.

The LDA statute requires LDA's who assist consumers to be registered, in order to offer document preparation services to the public. LDA's who work only for attorneys, and do not assist consumers, are not required to register, as they work only for attorneys, and do not assist consumers.

WHAT CAN A LEGAL DOCUMENT ASSISTANT DO?

At your direction, LDA's can complete court forms for you, helping you to avoid pitfalls, and to make sure that every important detail on a form is accounted for. LDA's may also file the forms with the court and serve the appropriate parties. LDA's may also, supply books and publications, authored or approved by attorneys, which you may use to help you with your matter.

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 interview witnesses
- Cannot

HOW TO FIND A LEGAL DOCUMENT ASSISTANT?

- Contact the county clerk or county recorder for a list of LDA's 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 county at <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 certificate.
- Ask if you are going to be provided a written contract, which clearly states the work to be performed and the cost for the services. 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 consult an attorney for legal advice.
- Even if you have hired an LDA, you still have the right to seek legal advice from an attorney.
- If you do not understand your legal rights, or need advice on your legal matter, consult an attorney before you direct the LDA to prepare your documents.

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, attorneys. Paralegals are regulated by the Business & Professions Code, Section 6450.

WHAT CAN A PARALEGAL DO?

A paralegal can assist attorneys in preparing legal documents, gathering facts, performing research, interviewing witnesses, and taking affidavits at the direction of an attorney.

WHAT CAN'T PARALEGALS DO?

- Cannot set or advertise a fee for services from a consumer
- Cannot independently prepare documents for consumers
- Cannot represent you in court.
- Cannot give you legal advice.
- Cannot be bonded as LDA's, unless meeting the requirements of being bonded and

THIS INFORMATION IS PROVIDED AS A PUBLIC SERVICE OF THE CALIFORNIA ASSOCIATION OF LEGAL DOCUMENT ASSISTANTS. IT IS NOT A SUBSTITUTE FOR LEGAL ADVICE. IF YOU HAVE ANY LEGAL QUESTIONS, YOU SHOULD SEEK THE ADVICE OF AN ATTORNEY.

FOR FURTHER INFORMATION REGARDING THE CALIFORNIA ASSOCIATION OF LEGAL DOCUMENT ASSISTANTS, PLEASE WRITE, OR CONTACT US, THROUGH OUR WEBSITE www.calda.org

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

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