

**ASSEMBLY BILL**

**No. 2810**

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**Introduced by Assembly Member Robert Pacheco**

February 28, 2000

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An act to amend Sections 6400 and 6402 of the Business and Professions Code, relating to legal document and unlawful detainer assistants, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2810, as introduced, Robert Pacheco. Legal document and unlawful detainer assistants: county of registration.

Existing law generally regulates legal document and unlawful detainer assistants, as defined, and, among other things, requires them to be registered with the county clerk in each county in which the services are being provided.

This bill would instead require registration only in the county in which a legal document or unlawful detainer assistant has his or her principal place of business.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 6400 of the Business and  
2 Professions Code is amended to read:

1 6400. (a) “Unlawful detainer assistant” means any  
2 individual who for compensation renders assistance or  
3 advice in the prosecution or defense of an unlawful  
4 detainer claim or action, including any bankruptcy  
5 petition that may affect the unlawful detainer claim or  
6 action.

7 (b) “Unlawful detainer claim” means a proceeding,  
8 filing, or action affecting rights or liabilities of any person  
9 that arises under Chapter 4 (commencing with Section  
10 1159) of Title 3 of Part 3 of the Code of Civil Procedure  
11 and that contemplates an adjudication by a court.

12 (c) “Legal document assistant” means:

13 (1) Any person who is not exempted under Section  
14 6401 and who provides, or assists in providing, or offers to  
15 provide, or offers to assist in providing, for compensation,  
16 any self-help service to a member of the public who is  
17 representing himself or herself in a legal matter, or who  
18 holds himself or herself out as someone who offers that  
19 service or has that authority. This paragraph shall not  
20 apply to any individual whose assistance consists merely  
21 of secretarial or receptionist services.

22 (2) A corporation, partnership, association, or other  
23 entity that employs or contracts with any person not  
24 exempted under Section 6401 who, as part of his or her  
25 responsibilities, provides, or assists in providing, or offers  
26 to provide, or offers to assist in providing, for  
27 compensation, any self-help service to a member of the  
28 public who is representing himself or herself in a legal  
29 matter or holds himself or herself out as someone who  
30 offers that service or has that authority. This paragraph  
31 shall not apply to an individual whose assistance consists  
32 merely of secretarial or receptionist services.

33 (d) “Self-help service” means all of the following:

34 (1) Completing legal documents in a ministerial  
35 manner, selected by a person who is representing himself  
36 or herself in a legal matter, by typing or otherwise  
37 completing the documents at the person’s specific  
38 direction.

39 (2) Providing general published factual information  
40 that has been written or approved by an attorney,



1 pertaining to legal procedures, rights, or obligations to a  
2 person who is representing himself or herself in a legal  
3 matter, to assist the person in representing himself or  
4 herself. This service in and of itself, shall not require  
5 registration as a legal document assistant.

6 (3) Making published legal documents available to a  
7 person who is representing himself or herself in a legal  
8 matter.

9 (4) Filing and serving legal forms and documents at  
10 the specific direction of a person who is representing  
11 himself or herself in a legal matter.

12 (e) "Compensation" means money, property, or  
13 anything else of value.

14 (f) A legal document assistant, including any legal  
15 document assistant employed by a partnership or  
16 corporation, shall not provide any self-help service for  
17 compensation after January 1, 2000, unless the legal  
18 document assistant is registered in the county in which  
19 ~~the services are being provided~~ *his or her principal place*  
20 *of business is located.*

21 (g) A legal document assistant shall not provide any  
22 kind of advice, explanation, opinion, or recommendation  
23 to a consumer about possible legal rights, remedies,  
24 defenses, options, selection of forms, or strategies. A legal  
25 document assistant shall complete documents only in the  
26 manner prescribed by paragraph (3) of subdivision (d).

27 (h) This section shall remain in effect only until  
28 January 1, 2003, or the date the director suspends the  
29 requirements of this chapter applicable to legal  
30 document assistants pursuant to Section 6416, whichever  
31 first occurs, and as of that date is repealed, unless a later  
32 enacted statute, that is enacted before that date, deletes  
33 or extends that date.

34 SEC. 2. Section 6402 of the Business and Professions  
35 Code, as amended by Section 8 of Chapter 1079 of the  
36 Statutes of 1998, is amended to read:

37 6402. A legal document assistant or unlawful detainer  
38 assistant shall be registered pursuant to this chapter by  
39 the county clerk ~~of each~~ *in the county in which he or she*  
40 ~~performs acts for which registration is required~~ *his or her*



1 *principal place of business is located.* No person who has  
2 been disbarred or suspended from the practice of law  
3 pursuant to Article 6 (commencing with Section 6100) of  
4 Chapter 4 shall, during the period of any disbarment or  
5 suspension, register as a legal document assistant or  
6 unlawful detainer assistant. The Department of  
7 Consumer Affairs shall, by July 1, 1999, develop the  
8 application that shall be completed by a person for  
9 purposes of registration as a legal document assistant. The  
10 application shall specify the types of proof that the  
11 applicant shall provide to the county clerk in order to  
12 demonstrate the qualification and requirements of  
13 Section 6402.1.

14 This section shall remain in effect only until January 1,  
15 2003, or the date the director suspends the requirements  
16 of this chapter applicable to legal document assistants  
17 pursuant to Section 6416, whichever first occurs, and as of  
18 that date is repealed, unless a later enacted statute, that  
19 is enacted before that date, deletes or extends that date.

20 SEC. 3. Section 6402 of the Business and Professions  
21 Code, as added by Section 9 of Chapter 1079 of the  
22 Statutes of 1998, is amended to read:

23 6402. An unlawful detainer assistant shall be  
24 registered pursuant to this chapter by the county clerk—~~of~~  
25 ~~each in the county in which he or she performs acts for~~  
26 ~~which registration is required~~ *his or her principal place*  
27 *of business is located.* No person who has been disbarred  
28 or suspended from the practice of law pursuant to Article  
29 6 (commencing with Section 6100) of Chapter 4 shall,  
30 during the period of any disbarment or suspension,  
31 register as an unlawful detainer assistant.

32 This section shall become operative January 1, 2003, or  
33 the date the director suspends the requirements of this  
34 chapter applicable to legal document assistants pursuant  
35 to Section 6416, whichever first occurs.

36 SEC. 4. This act is an urgency statute necessary for the  
37 immediate preservation of the public peace, health, or  
38 safety within the meaning of Article IV of the  
39 Constitution and shall go into immediate effect. The facts  
40 constituting the necessity are:



1 Legal document and unlawful detainer assistants will  
2 incur bond costs associated with registration in each  
3 county in which they practice rather than solely in the  
4 county in which their principal place of business is  
5 located. In order to avoid their incurring these additional  
6 expenses, it is necessary that this act take effect  
7 immediately.

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