

# NOLO PRESS OCCIDENTAL

June 5, 2013

Noreen Evans  
Chair, Senate Judiciary Committee  
State Capitol  
1303 10<sup>th</sup> Street  
Sacramento, CA 95814

Re: AB 888 (Dickinson)

Dear Ms. Evans:

**Proposed AB 888 needs to be amended.  
It is patently unfair in part and a potential threat to consumers.**

While I support the Bar's effort to combat fraud and abuse in the unauthorized practice of law, I am concerned that, as it stands, AB 888 contains serious flaws that need to be addressed.

In essence, AB 888 would pay the Bar for doing what they have always done: namely, investigate and enforce the Unauthorized Practice of Law.

Fines collected from violators would be diverted to the Bar, a matter of a few thousand dollars in each case. **But**, in successful civil actions brought by the Bar, the violator can also be ordered to reimburse the Bar for costs of the investigation, which can amount to tens of thousands or hundreds of thousands of dollars—a whopping increase in penalty that might not be warranted by the seriousness of the offense.

**Unfair.** There is no limit on the Bar's claimed expenses nor any test for reasonableness or proportion compared to the alleged wrong. Worse, there is no reciprocal protection for people who are unjustly accused, which has often been a

problem with the Bar. If an accused individual somehow prevails against the powers of the Bar and the State, they cannot recover the costs of their defense. This is one-sided and patently unfair.

**Consumer protection.** The Bar is to be commended for its efforts to combat fraud and unscrupulous pretenders who prey on the public. But, at the same time, the Bar has historically been overzealous in bringing actions against reputable Legal Documents Assistants (LDAs), often without merit. Since the inception of legal typing services in 1973 (which Nolo Press initiated), the Bar has been steadfast in its determination to drive these people out of business, even when they are performing a valuable and conscientious public service.

Before the advent of LDAs, attorneys would typically charge high legal rates for performing simple secretarial services, such as filling out forms. The overwhelming success and proliferation of LDAs is proof that consumers have great need of such services and that such services are of great benefit to millions for whom typical legal fees are unaffordable.

AB 888 does nothing to restrict the Bar from continuing to sponsor unwarranted attacks on Legal Documents Assistants. In fact, they would now be paid and rewarded for doing so. Without some limits on the reasonableness of the Bar's enforcement efforts, this Bill is a threat to California consumers.

**Please do not pass AB 888 until fairness and balance are restored.**

Yours truly,



Ed Sherman  
Family Law Attorney  
Founder of Nolo Press