



PART I

CODE OF ETHICAL STANDARDS
FOR THE MEMBERS OF THE
CALIFORNIA ASSOCIATION OF LEGAL DOCUMENT ASSISTANTS

PART II

PROCEDURES FOR HANDLING COMPLAINTS OR VIOLATIONS
OF THE CODE OF ETHICAL STANDARDS
FOR THE MEMBERS OF THE
CALIFORNIA ASSOCIATION OF
LEGAL DOCUMENT ASSISTANTS

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P R E A M B L E

Legal Document Assistants are not employees of lawyers.

Legal Document Assistants assist individuals who believe representing themselves is the only way to gain and keep control over their own legal affairs. To a large extent, legal document assistants provide services to those who otherwise would not have a legal remedy or recourse for their particular situation. Legal document assistants are an integral part of the legal community.

Legal Document Assistants promote the notion: **Legal Access for All.**

The California Association of Legal Document Assistants (hereafter referred to as CALDA) is a California nonprofit association which encourages and facilitates the services of Legal Document Assistants in California.

CALDA understands that participation in a professional association, which advances ethical standards, is of particular importance to those within the legal community.

CALDA recognizes that the creation of a Code of Ethical Standards is important for the development and expansion of the LDA profession. Accordingly, the Governing Board of CALDA hereby proclaims a Code of Ethical Standards for members of this Association.

The Code of Ethical Standards is to be read, understood and utilized as a guide for ethical behavior by members of CALDA. Members are expected to abide by these standards and applicable California laws and regulations governing the conduct of Legal Document Assistants.

The **purpose** for having a Code of Ethical Standards is to provide assurance to consumers that there are ethical standards and rules of professional responsibility, which govern the work of CALDA members.

The Code of Ethical Standards recognizes responsibility and accountability to the public, the legal community and fellow colleagues. As such, the general principles contained within the Code of Ethical Standards will be used as a basis when investigating and assigning accountability, should ethical issues or complaints arise.

CALDA recognizes that the development of standards is an ongoing process and that every conceivable situation, which may occur, cannot be expressly covered by any set of standards. The absence of a specific prohibition against a particular kind of conduct does not mean such conduct is either ethical or unethical. While the specific wording of these standards is important, those utilizing or interpreting this Code of Ethical Standards should always take the spirit and intent of the principles into consideration.

Violations of the Code of Ethical Standards should be brought to the attention of the Professional Standards Committee Chairperson, in writing, at CALDA's administrative address: P. O. Box 1032, Fresno, CA 93714, or at such other address as may be necessary because of change in location of the administrative office.

PART I

**CODE OF ETHICAL STANDARDS
FOR THE MEMBERS OF THE
*California Association of Legal Document Assistants***

1. RESPONSIBILITY IN GENERAL

- A. CALDA members will read, understand and utilize this Code of Ethical Standards as a guide for ethical behavior.
- B. CALDA members will abide by this Code of Ethical Standards and by applicable California laws and regulations governing the conduct of Legal Document Assistants.

2. RESPONSIBILITY TO CONSUMERS

- A. CALDA members will not condone, engage in discrimination, or refuse professional services to anyone on the basis of race, gender, religion, national origin, age, sexual orientation, disability, socioeconomic or marital status.
- B. CALDA members will make reasonable efforts to accommodate consumers who have physical disabilities.
- C. CALDA members will not financially exploit their customers.
- D. CALDA members will inform the consumer that they are not lawyers, are not employed by lawyers, and cannot give legal advice. In other words, unless otherwise allowed by law or regulation, CALDA members will not provide any kind of advice, explanation, opinion or recommendation to a consumer about possible legal rights, remedies, defenses, options, selection of forms or strategies.
- E. CALDA members will treat information received from their customers as confidential, yet recognize and acknowledge to the customer that the privilege of confidential communications is not extended to Legal Document Assistants.

3. RESPONSIBILITY OF COMPETENCE AND INTEGRITY

- A. CALDA members will accurately represent their competence, education, training and experience relevant to their professional services.
- B. CALDA members will remain abreast of developments in their field through continuing educational activities.
- C. CALDA members may consult, associate, collaborate with, and involve other professionals in order to assist the consumer.
- D. CALDA members are strongly encouraged to establish a working relationship with an attorney to whom they can refer specific questions or entire cases if necessary.
- E. CALDA members will cooperate with independent consumer protection mechanisms which give consumers a way to complain and a process to gain redress for harm from an LDA's services.
- F. CALDA members will cooperate with the Professional Standards Committee of this Association and will truthfully represent facts to the Professional Standards Committee. Failure to cooperate or failure to be truthful with the Professional Standards Committee is itself a violation of these standards.

4. RESPONSIBILITY TO THE PROFESSION

- A. CALDA members recognize their responsibility to participate in activities that contribute to the betterment of their community and society including, but not limited to, devoting a portion of their professional activity to services for which there is little or no financial return.
- B. CALDA members are concerned with developing laws and regulations pertinent to the Legal Document Assistant profession that serve the public interest and with altering such laws and regulations that are not in the public interest. CALDA members shall be held accountable and responsible to comply with these standards. **Evidence of failure to follow these standards or the explicit intent of the standards may result in suspension or termination of membership in this organization.**

PART II

PROCEDURES FOR HANDLING COMPLAINTS OR VIOLATIONS OF THE CODE OF ETHICAL STANDARDS FOR THE MEMBERS OF THE *California Association of Legal Document Assistants*

OVERVIEW

Upon accepting membership in CALDA, each member acknowledges that they are bound by the Code of Ethical Standards. It is the ethical responsibility of each member to safeguard the standards of ethical practice and to see that violations of the Code of Ethical Standards are addressed. Members of CALDA shall cooperate with duly constituted bodies of CALDA, and, in particular, with the Professional Standards Committee, by responding to inquiries and referring complaints or violations promptly and completely.

1. SCOPE OF AUTHORITY OF THE PROFESSIONAL STANDARDS COMMITTEE

A. The Bylaws of the Association provide for three (3) categories of membership, they are:

- 1) Voting Member *
- 2) Non-voting Member *
- 3) Sustaining Member **

*There are also members designated as Charter Members who may be voting or non-voting members. Charter Members are those who paid the initial charter membership fee.

**Pursuant to the Bylaws, a Sustaining Member is any person, organization or institution (other than a voting or non-voting member) who supports the profession, its goals and purposes by making a monetary contribution in an amount to be determined by the Governing Board, but not less than the amount paid by a non-voting member. Therefore, the Association has no authority over such persons, organizations, or institutions.

B. The scope of authority of the Professional Standards Committee is limited to investigating complaints of violations of the Bylaws, the Code of Ethical Standards and any rules of conduct of the Association by voting and non-voting members only.

2. GROUNDS FOR SUSPENSION OR TERMINATION

The Bylaws of the Association authorizes the Governing Board to suspend or terminate membership in the Association for any of the following:

- A. Failure to pay dues in a manner prescribed by the Governing Board;
- B. Failure of any member in a material and serious degree to observe and abide by the Articles, Bylaws, Code of Ethical Standards, or any rules of conduct of the Association;
- C. Failure of any member to abide by any applicable law relating to self-help service providers; or
- D. Conduct materially and seriously prejudicial to the interest of the Association.

3. INITIAL ACTION BY CHAIR OF THE PROFESSIONAL STANDARDS COMMITTEE

A. Upon receipt of a complaint, the Chair shall determine whether the accused person is a member or applicant for membership in this Association (by contacting the Membership Chairperson).

- B. If the accused person is not a member or applicant for membership in the Association, the complaint will be considered invalid (not relating to this Association). As such, the Chair shall inform the complainant that this Association has no authority to proceed against an accused person who is not a member of the Association.
- C. If the accused person is a member or applicant for membership in the Association, the complaint will be considered valid (relating to this Association). **All valid complaints must be in writing.** As such, the Chair shall contact the complainant and request that the complainant compose a letter describing the specific complaint.
- D. The Chair of the Professional Standards Committee shall recognize and accept valid written complaints received from both members and non-members of the Association.
- E. Valid complaints must be signed by the complainant and accompanied by the complainant's address. In addition, the Chair of the Professional Standards Committee will only act on the basis of a complaint that specifically names the person that has been affected by the accused member. In other words, anonymous complaints shall not be recognized as a basis for action.
- F. Upon receipt of the letter from the complainant, the Chair will send a letter to the complainant acknowledging receipt of the valid complaint and enclose a copy of the Code of Ethical Standards.

4. PRELIMINARY DETERMINATION BY CHAIR OF PROFESSIONAL STANDARDS COMMITTEE

- A. The Chair of the Professional Standards Committee may proceed on his/her own initiative when he/she has been presented with enough facts which, if proven, would constitute a violation of the Bylaws, Code of Ethical Standards, or any rules of conduct of the Association.
- B. The Chair of the Professional Standards Committee may determine, at his/her discretion, that a complaint cannot be acted upon because the events complained about occurred far in the past.
- C. The Chair shall review the complaint and shall determine whether the complaint warrants further action by the Committee or whether the matter shall be closed without further action.
- D. In the event the Chair determines that the complaint shall be closed without further action, the complainant shall be notified of this decision and the reason for this decision. To aid in making such a determination, the Chair may request a written response to the letter of complaint from the accused member.

5. INVESTIGATION BY CHAIR OF PROFESSIONAL STANDARDS COMMITTEE

- A. When the Chair of the Professional Standards Committee has decided that the complaint warrants further investigation, he/she shall cause an investigation of the complaint to take place. This investigation may be carried out by the Chair, by two or more members of the Professional Standards Committee, or by the entire Committee.
- B. The Chair of the Professional Standards Committee shall prepare and send a letter to the accused member, prior to commencing the investigation, specifying those sections of the Code of Ethical Standards which may have been violated by the member. The letter shall contain a request that the accused member cooperate with the Professional Standards Committee Chair in the effort to obtain a full picture of the circumstances which led to the allegations and an invitation to the accused member to provide a written statement outlining his/her response to the allegations or accusations made by the complainant. A copy of the Code of Ethical Standards shall be enclosed with the initial letter.
- C. Investigations may be pursued by corresponding with the parties involved either personally or by telephone.

- D. If an accused member resigns from membership in the association at any stage of the investigation of the complaint, the Professional Standards Committee, at its discretion, may continue the investigation. If inability to pay dues is cited as a reason for voluntary resignation by a member under ethics investigation, the Professional Standards Committee may suspend the dues obligated until the ethics investigation is completed.

6. ACTION BY THE CHAIR OF THE PROFESSIONAL STANDARDS COMMITTEE

- A. After reviewing the complaint, the response of the accused member and the report of the investigation, the Chair of the Professional Standards Committee may attempt to settle the case by mutual agreement with the accused member. While settlement by mutual agreement is favored, the Committee Chair is not required to attempt such a settlement.
- B. If the Chair of the Professional Standards Committee does not attempt settlement by mutual agreement, he/she will drop the charge, close the case, or make a recommendation to the Governing Board for formal action.
- C. If the Chair of Professional Standards Committee recommends formal action, they shall also:
 - 1) Recommend to the Governing Board what action should be taken,
 - 2) Notify the accused member of the following by certified mail, return receipt requested, to the most current address of the accused member as shown on Association records at least thirty (30) days prior to the next regularly scheduled Governing Board Meeting:
 - a) The recommendation of the Chair;
 - b) The specific reason(s) for the recommendation;
 - c) The date, time and location of the hearing;
 - d) A copy of any and all documentary evidence to be used at the hearing (the Board is restricted and restrained from considering any evidence not provided in writing to the member);
 - e) The accused member's right to attend the hearing;
 - f) The accused member's right to review, confront, examine and cross-examine all witnesses, or other evidence before the Board;
 - g) The accused member's right to produce defense(s); and
 - h) The fact that if the accused member does not confirm his/her intentions to attend the hearing within thirty (30) days from receipt of notification, no hearing will be held and the recommendation of the Chair will become final.
- D. After being notified of the proposed action, the accused member shall have the opportunity to send a response in writing to the President or the Secretary of the Association before the hearing scheduled for the next Governing Board meeting.

7. HEARING PROCEDURES BEFORE THE GOVERNING BOARD

- A. Anyone in a class of voting or non-voting membership who violated the Bylaws, Code of Ethical Standards, or any rules of conduct of the Association may be suspended or terminated from membership in the Association following an investigation and report by the Professional Standards Committee and a hearing before the Governing Board.

- B. The issue of the proposed suspension or termination shall be placed on the agenda for the next Governing Board Meeting.
- C. Upon receipt of confirmation that the accused member intends to attend the hearing at least thirty (30) days before the scheduled hearing, the President of the Association shall inform the accused member by certified mail, return receipt requested, that his/her letter of intention has been received.
- D. A hearing shall be scheduled at the next regularly scheduled meeting of the Governing Board, taking into consideration the time notifications as referenced herein.
- E. The Chair of the Professional Standards Committee (or their designee) shall present the case against the member and shall have the right to:
 - 1) Be represented by counsel for the Association,
 - 2) Present witnesses and evidence to support the charge,
 - 3) Cross-examine witnesses, who appear for the accused member,
 - 4) Offer rebuttal evidence, and
 - 5) Make opening and closing statements.
- F. The accused member shall have the right to:
 - 1) Be represented by counsel,
 - 2) Present witnesses and evidence,
 - 3) Cross-examine witnesses against him/her,
 - 4) Appear on his/her own behalf, and
 - 5) Make opening and closing statements.
- G. All evidence, which is relevant and reliable, as determined by the President of the Association, shall be admissible. Formal rules of evidence shall not apply.
- H. A tape recording of the hearing shall be made if requested by the Board or the accused member. If the accused member makes the request, he/she will be required to pay the expense of recording the hearing.
- I. The Professional Standards Committee shall have the burden of proving the charges by a preponderance of the evidence.
- J. The Governing Board may appropriately impose a more stringent consequence than that recommended by the Chair of the Professional Standards Committee.
- K. The Governing Board shall issue its decision within thirty (30) days after the hearing.
- L. The Governing Board's decision shall include, but is not limited to, the following:
 - 1) The Board's findings of fact;
 - 2) Whether a violation of the Code of Ethical Standards was found and, if so, the section of the Code violated;
 - 3) If no violation of the Code is found, the Governing Board shall order that the member be cleared of all charges and all documentation shall be destroyed;

- 4) If a violation or violations of the Code are found, the Governing Board shall decide whether or not the member should be suspended, terminated, sanctioned or some other consequence given. The decision shall also specify the manner in which the action is to be fulfilled.

8. AFTER THE HEARING

- A. The President of the Association shall cause the accused member to be notified in writing of the Board's decision within ten (10) days of such decision.
- B. The decision of the Governing Board is final.
- C. Any member suspended or terminated from the Association shall cease representing any affiliation with the Association including, but not limited to, the use of the name of the Association in connection with that member's business or advertising.
- D. If additional evidence of unethical conduct is brought to the attention of the Chair of the Professional Standards Committee after a matter has been closed, the case may be reopened and acted upon under these procedures.

9. RECORDS AND DISCLOSURE OF INFORMATION

- A. If no violation of the Code is found, all records of the hearing (including all paperwork generated), will be destroyed.
- B. If a violation of the Code is found, the records of the hearing and the disposition of the consequences shall be maintained in the accused member's file and the accused member's file will be kept indefinitely.
- C. In situations in which an accused member resigned from CALDA membership in the face of a Professional Standards Committee investigation, and a violation of the Code is subsequently proven, the record of the hearing and the disposition of the consequences shall be maintained in the accused member's file and the accused member's file will be kept indefinitely.
- D. The complainant shall be informed of the status and progress of the complaint in a timely manner and shall be notified of the conclusion of the case.
- E. The Chair shall keep members of the Association apprised of any actions taken against any member of the Association or of any other situation which may impact the Legal Document Assistant profession. Such findings shall be reported to the Association members through the Newsletter and/or any other manner deemed appropriate.
- F. The Governing Board may inform state regulatory agencies including, but not limited to, the Department of Consumer Affairs, as well as other professional organizations, of any disciplinary action taken against a CALDA member.

10. REINSTATEMENT

- A. A member who is suspended or terminated may apply for reinstatement to membership in the Association by sending a written request for reinstatement to the President or the Secretary of the Association. A member may be reinstated upon a majority vote of the Governing Board at the next scheduled Governing Board meeting.
- B. The Governing Board may condition such reinstatement upon such terms or conditions as it deems necessary.
- C. If the Governing Board votes to reinstate the member, the member shall immediately pay any dues or obligations owed to the Association.

CONSUMER COMPLAINT FORM

(Please type or print legibly)

California Association of Legal Document Assistants

Attention: Professional Standards Chairperson

P O Box 1032

Fresno, CA 93714

www.calda.org

Date: _____

I wish to file a complaint against the individual named below; whom I believe is a member of your Association. I understand that the California Association of Legal Document Assistants is unable to represent individual private citizens seeking the return of their money or other personal remedies. However, I am filing this complaint to notify your association of the activities of this individual. I am attaching copies of all relevant documents I feel are important to support my complaint.

YOUR NAME: _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

TELEPHONE: HOME () _____ WORK () _____

NAME OF INDIVIDUAL COMPLAINED: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

TELEPHONE: HOME () _____ WORK () _____

WHAT HAPPENED? Describe the events: who, what, when, where, how and why in the order which they happened. Please include with this, copies of all contracts, receipts, or other papers which you were given or which will support your position, whether signed or not (use additional pages as needed).

I declare under penalty of perjury that the information contained herein and attached hereto is true and correct to the best of my knowledge and belief.

Dated: _____ at _____, CA.
(City)

Signature: _____

NOTICE

This complaint WILL be sent to the individual complained about.

NOTICE TO CONSUMER

We have provided a consumer complaint form for your use should you have a complaint against a legal Document Assistant who is a member of the **California Association of Legal Document Assistants (CALDA)**.

PLEASE NOTE: CALDA is not a policing agency. We are unable to represent individual private citizens seeking the return of their money or other personal remedies. The only authority we hold is inclusion or exclusion of membership in this Association. Below is an overview of the Professional Standards Committee procedures for handling consumer complaints.

PROCEDURES FOR HANDLING COMPLAINTS OR VIOLATIONS OF THE CODE OF ETHICAL STANDARDS *

- STEP 1: You will be requested to present your claim in writing, including any supporting documents.
- STEP 2: The Committee Chair will research whether the accused person is a member or applicant for membership in CALDA.
- STEP 3: Upon receipt of the written claim, the Committee Chair will send a letter to you acknowledging receipt of your complaint and enclosing a copy of CALDA's Code of Ethical Standards. If the accused person is not a member or applicant for membership in CALDA, you will be so informed.
- STEP 4: The accused member will be contacted and given a reasonable time (no more than 30 days) in which to respond to your complaint.
- STEP 5: After reviewing your complaint and the response from the accused member, the Committee Chair **may** attempt to settle the matter by mutual agreement. However, the Committee Chair is **not required** to attempt such a settlement.
- STEP 6: If the complaint is not resolved within a reasonable time, the Committee Chair shall decide whether to present your complaint before the Governing Board.
- STEP 7: If the Governing Board considers disciplinary action, you and the accused member will be notified and offered the opportunity to present your respective positions.
- STEP 8: If a violation of the Code of Ethical Standards is upheld, the Governing Board may terminate membership, suspend membership, refuse membership renewal, or take any other action deemed proper against the accused member.

* See CALDA's Code of Ethical Standards pamphlet for a more detailed outline of the specific procedures involved.

Revised 07/04