

1 real estate office, financial advisor, banker, or tax
2 form preparer;
3 provided that the services are not performed within the scope of
4 employment with or under the direct supervision of an attorney
5 licensed to practice in the state of Hawaii. Legal document
6 assistant includes paralegals, legal secretaries, legal
7 assistants, and legal document preparers who do not perform the
8 services listed in this definition within the scope of
9 employment with or under the direct supervision of an attorney
10 licensed to practice in the state of Hawaii.

11 **§ -1 License Required.** (a) No person shall for
12 commercial purposes provide or offer to provide services as a
13 legal document assistant, offer to so practice, or announce or
14 advertise that person's self publicly or privately as prepared
15 or qualified to perform services as a legal document assistant
16 without having a valid unrevoked license from the State.

17 (b) This chapter shall not apply to services provided as a
18 legal document assistant, paralegal, legal secretary, legal
19 assistant, or legal document preparer within the scope of
20 employment with or under the direct supervision of an attorney
21 licensed to practice in the State of Hawaii.



1 § -2 **Minimum requirements.** An applicant for a legal
2 document assistant license shall at a minimum:

3 (1) Hold a certificate of completion of an exam or
4 paralegal program as approved by the board, possess an
5 aggregate of five years or more of professional
6 experience in the preparation of legal documents and
7 forms under the supervision of a licensed attorney,
8 and submit to the board a notarized, registered
9 statement by the supervising attorney attesting to the
10 applicant's experience; or

11 (2) Possess an aggregate of ten years or more of
12 professional experience in the preparation of legal
13 documents and submit to the board a notarized,
14 registered statement by the supervising attorney
15 attesting to the applicant's experience.

16 § -3 **Restrictions on services performed.** (a) Legal
17 document assistants licensed in accordance with this chapter may
18 assist parties to a transaction in the preparation of legal
19 forms and documents only to the extent that the forms and
20 documents are standardized forms generated by entities other
21 than the legal document assistant, including court forms,
22 leases, and applications.



- 1 (b) A legal document assistant shall not:
- 2 (1) Generate and prepare legal documents or forms that are
- 3 not standardized forms;
- 4 (2) Provide legal advice;
- 5 (3) Represent a client in court;
- 6 (4) Engage in conduct that constitutes the unauthorized
- 7 practice of law pursuant to section 605-14; and
- 8 (5) Otherwise violate any rules adopted by the board
- 9 pursuant to this chapter.

10 (c) A legal document assistant may prepare documents for a

11 party only with the party's express authorization and approval.

12 **§ -4 Board of legal document assistants.** A board of

13 legal document assistants is created and shall consist of seven

14 persons. Two of the members shall be licensed or retired

15 attorneys, two of the members shall be legal document assistants

16 licensed in accordance with this chapter, and three of the

17 members shall be private citizens not connected with the legal

18 profession; provided that the initially appointed members who

19 shall be legal document assistants need not be licensed under

20 this chapter but shall meet the requirements in section -2.

21 **§ -5 Powers and duties of the board.** In addition to any

22 other powers and duties as prescribed by law, the board shall:



- 1 (1) Adopt rules in accordance with chapter 91 to carry out
2 the purposes of this chapter;
- 3 (2) Compile a list of acceptable programs or exams that,
4 if completed by an applicant, shall fulfill the
5 requirement for licensure under section -2(1);
- 6 (3) Compile a list of acceptable continuing legal
7 education courses for licensees to fulfill the
8 requirements of section -6;
- 9 (4) Issue, renew, suspend, and revoke licenses;
- 10 (5) Register applicants or holders of a license;
- 11 (6) Investigate and conduct hearings regarding any
12 violations of this chapter and any rules of the board;
- 13 (7) Maintain a record of its proceedings; and
- 14 (8) Do all things necessary to carry out the functions
15 powers and duties of this chapter.

16 § -6 **Biennial renewal.** Every person holding a license
17 under this chapter shall pay to the board a biennial fee,
18 complete at least twelve hours of continuing legal education
19 every two years, and provide proof of completion of the
20 continuing legal education before renewing a license. Failure
21 to fulfill the continuing legal education requirement or pay the
22 biennial fee shall constitute a forfeiture of the license as of



1 the date of expiration. Any license so forfeited may be
2 restored within one year after the expiration upon filing of an
3 application and payment of a restoration fee.

4 § -7 **Revocation or suspension of license.** In addition
5 to any other actions authorized by law, any license to perform
6 services as a legal document assistant may be revoked or
7 suspended by the board of legal document assistants at any time
8 in a proceeding before the board for any cause authorized by law
9 including:

- 10 (1) Providing legal advice;
- 11 (2) Representing a client in court;
- 12 (3) Engaging in conduct that constitutes the unauthorized
13 practice of law pursuant to section 605-14;
- 14 (4) The use of false, fraudulent, or deceptive advertising
15 and making untruthful and improbable statements;
- 16 (5) Procuring a license through fraud, misrepresentation,
17 or deceit;
- 18 (6) Professional misconduct or gross carelessness or
19 manifest incapacity in the provision of services as a
20 legal document assistant; and
- 21 (7) Violating any rules adopted pursuant to this chapter.



1 § -8 **Penalty.** (a) Any person except a person licensed
2 under this chapter who performs services as a legal document
3 assistant without a valid license issued by the board, or uses
4 any word or title to induce the belief that the person is
5 licensed to provide services as a legal document assistant,
6 shall be guilty of a misdemeanor and subject to a fine of not
7 less than \$50 and not more than \$1,000 for each violation.

8 (b) Any person, except a legal document assistant licensed
9 under this chapter, who:

- 10 (1) Performs services as a legal document assistant;
- 11 (2) Buys, sells, or fraudulently obtains any diploma or
12 license to perform services as a legal document
13 assistant;
- 14 (3) Uses the title or any word or title to induce the
15 belief that the person is engaged in performing
16 services as a legal document assistant without
17 complying with this chapter; or
- 18 (4) Violates this chapter;

19 shall be penalized as provided in subsection (a). The
20 department may also seek all legal and equitable remedies
21 available to it for the enforcement of the provisions of this
22 chapter, including seeking injunctive relief.



1 § -9 **Use of titles.** A licensee who has been awarded a
2 license to perform services as a legal document assistant by the
3 board in this State may use only the title of "Certified
4 Document Assistant" or "C.D.A." with the licensee's name in an
5 advertisement for legal document assistance or announce or
6 append the designation to the licensee's name; the use of other
7 titles, prefixes, or designations shall not be permitted."

8 SECTION 2. Section 605-14, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "**§605-14 Unauthorized practice of law prohibited.** It
11 shall be unlawful for any person, firm, association, or
12 corporation to engage in or attempt to engage in or to offer to
13 engage in the practice of law, or to do or attempt to do or
14 offer to do any act constituting the practice of law, except and
15 to the extent that the person, firm, or association is licensed
16 or authorized so to do by an appropriate court, agency, or
17 office or by a statute of the State or of the United States.
18 Nothing in sections 605-14 to 605-17 contained shall be
19 construed to prohibit the preparation or use by any party to a
20 transaction of any legal or business form or document used in
21 the transaction[-] or to prohibit the performance of services by
22 legal document assistants in accordance with chapter _____."



Report Title:

Legal Document Assistants; Licensing

Description:

Establishes a new chapter in the Hawaii Revised Statutes detailing licensing requirements for legal document assistants who are not under the direct supervision of a licensed attorney.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

