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## SENIOR LEGAL FACT SHEET:

### **Beware of fake “Legal Aid” services**

Watch out for ads, phone book listings, and offices that call themselves “legal aid” or “legal services” but are really just out to take your money. Many of these companies or individuals are not authorized to practice law. If they’re charging money, they’re breaking the law.

In March 2003 the California Court of Appeals affirmed a series of jury verdicts finding that a Modesto businessman fraudulently advertised his services as “Legal Aid” throughout California. This man was not a lawyer, yet his offices took up to 200 calls a day and his staff was trained to lie to callers, telling them he was the “Legal Aid” shown on various court forms. He deceived vulnerable tenants facing eviction and charged them to fill out useless pleadings.

#### **California law prohibits the use of the name “legal aid” by for-profit organizations**

In October 2009 the California legislature passed a law prohibiting any for-profit organization from using the term “legal aid” or any other confusingly-similar name to advertise its services. Only a *legal aid organization* (“a nonprofit organization that provides civil legal services to the poor without charge”) may use the term “legal aid” on its letterhead, signs, business cards or advertisements.

If you are injured by a for-profit organization unlawfully using the term “legal aid,” you can file a complaint in court to make it stop this unlawful business practice and seek monetary damages and reasonable attorney’s fees. You can also report this illegal activity to any legal aid organization with an office in the same county where the for-profit organization does business. This legal aid organization can impose an injunction on the violator without having to prove actual damage to you or anyone else.

#### **California law and non-lawyers**

In California, non-lawyers may not give any kind of legal advice, opinion, or recommendation to a consumer about legal rights, remedies, defenses or selection of forms unless they are directly supervised by a licensed attorney.

Legal document assistants (LDAs) provide self-help services to people representing themselves in a legal matter. Even if they are not supervised by an attorney, they may complete legal documents and file and serve legal forms for a person representing him or herself, but must only do so at that person’s specific direction. In addition, legal document assistants must register with the county in which they have their principal place of business as well as in any county in which they provide services. You can contact your local county clerk’s office to check on an LDA’s registration.

### **What to watch out for:**

- Watch out for ads that spell legal aid incorrectly, such as “legal ade” or “legal aad.” These companies may not be affiliated with legitimate legal aid organizations, and may simply be spelling “legal aid” wrong to try and get around the law.
- Ask if the business is a nonprofit. All real legal aid organizations are. To locate a legitimate legal services program in your area, including those funded especially to serve seniors, contact the Senior Legal Hotline by calling or visiting [www.slh.lsnc.net](http://www.slh.lsnc.net).
- Be concerned if the “legal aid” company requires you to pay fees at any time or requests a credit card number while you are on the phone. You may want to report it to your local, real nonprofit legal aid organization.
- Always ask if the law office employs licensed attorneys. All real legal aid organizations have lawyers on staff. Contact the California State Bar Association at (866) 442-2529 or visit [www.calbar.ca.gov](http://www.calbar.ca.gov) to verify that an attorney is licensed to practice law in California. Your local Better Business Bureau can also provide information about fake “legal aid” services, including complaints received about them. Visit [www.bbb.org](http://www.bbb.org) or look up the local BBB phone number for more information and assistance.

### **How to find a legitimate, low-cost attorney**

Some attorneys do “pro bono” (free or low-cost) work for people who cannot afford to pay. Contact your local county bar association for attorney referrals; most provide an initial consultation for very low cost. Legitimate legal aid organizations may also give referrals to low-cost attorneys.

### **How to get help if you’ve been victimized**

If you believe you’ve been victimized by a fake legal aid office, contact your local district attorney’s office. You can also make complaints online at the Attorney General’s website: <http://oag.ca.gov/consumers>

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*If you are over 60 in Sacramento County, you can get free advice by phone from the Senior Legal Hotline regarding this or any other legal issue. Call (916) 551-2140 or (800) 222-1753 toll-free, Mon.-Fri. 9 to 12 and 1 to 4. You can also submit your question by e-mail from our web site, [www.slh.lsnc.net](http://www.slh.lsnc.net). The Senior Legal Hotline is a project of Legal Services of Northern California, a nonprofit public service agency, supported by the Administration on Aging (U.S. Dept. of Health and Human Services), Area 4 Agency on Aging, Sacramento Employment Training Agency, grants and voluntary donations.*