



Senior Legal Hotline

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SENIOR LEGAL FACT SHEET

Fraud alert: Fake “Legal Aid” wants your money

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 are charge money, they are breaking the law.

In March 2003 the California Court of Appeal 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” on the court forms. He deceived vulnerable tenants facing eviction and charged them to fill out useless pleadings. A jury found he engaged in deceptive business practices and in the unauthorized practice of law. They also found that he acted with fraud, malice and oppression. The judge ordered him to stop and to give his victims their money back.

The lawsuit against the Modesto outfit was brought in the name of several victims by Southern California Housing Rights Center, Legal Services of Northern California (a nonprofit, public-interest agency and the parent organization of Senior Legal Hotline), and other consumer and tenants’ rights lawyers.

Recent California law prohibits the use of “legal aid” by for-profit organizations

The California legislature has responded to these “legal aid” scam artists and imposters. In October 2009 it 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

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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 himself 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 "leagal ade" or "legal aad." These companies may not be affiliated with legitimate legal aid organizations.
- ▶ Ask if the business is nonprofit. All real legal aid organizations are. To locate a legal services program in your area, including those funded especially to serve seniors, visit www.seniorlegalhotline.org (click on "Other Senior Legal Services" on the left side of the page) or call the Senior Legal Hotline.
- ▶ 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 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 (800) 843-9053 or visit <http://members.calbar.ca.gov/seacth/member.aspx>, to verify that an attorney is licensed to practice law in California.



Your local Better Business Bureau can provide information on complaints received about local fake "legal aid" offices. Visit <http://www.bbb.org> or look up the local 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 or call the Attorney General's Public Inquiry Unit at (800) 952-5225. You can also make complaints online at the Attorney General's website:

<http://www.ag.ca.gov/consumers/general.php>. California seniors can also report such experiences to the Senior Legal Hotline.

If you are over 60 in California, you can get free advice by phone from the Senior Legal Hotline regarding this or any other legal issue. Call (916) 551-2140 in Sacramento or (800) 222-1753 toll-free in California, Mon.-Fri. 9 to 12 and 1 to 4, and until 7 p.m. on Thursdays. Or submit your question by e-mail from our web site, www.seniorlegalhotline.org.