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In re Florida Registered Paralegal Program

SC06-1622

>> GOOD MORNING.
GOOD MORNING.

.
>> LADIES AND GENTLEMEN, THE
SUPREME COURT OF FLORIDA.
PLEASE BE SEATED.
GOOD MORNING, WELCOME TO THE
FLORIDA SUPREME COURT.
THE ARGUMENTS FOR MONDAY APRIL
16, THE FIRST CASE ON OUR
CALENDAR THIS MORNING, THE
AMENDMENTS APRIL 16TH, THE FIRST CASE ON
OUR CALENDAR THIS MORNING, THE
AMENDMENTS TO THE RULES OF
REGULATING THE FLORIDA BAR THE
PARALLEL O PARALEGAL PROGRAM.

>> READY TO PROCEED.

>> YES YOUR HONOR.

>> GOOD MORNING MAY IT PLEASE
THE COURT.

MY NAME IS ROSS GOODMAN WITH
ME DPLOIRSIO HOLCOMB FROM THE
FLORIDA BAR OF COURSE, HANK
COX THE PRESIDENT OF THE
FLORIDA BAR ALSO JIM DIXON WHO
WILL BE SPEAKING AS WELL, THIS
MORNING ON BEHALF OF THE
PROponents FOR THE RULE.
LET ME GO A LITTLE BIT INTO
THE BACKGROUND HISTORY OF THIS
RULE THE PARALEGALS OF THE
STATECH FLORIDA REPRESENTED BY
ORGANIZATION Bafa, WHICH IS
THE FLORIDA ASSOCIATION OF
PARALEGAL ASSOCIATIONS, CAME
TO THE FLORIDA BAR, AND SOUGHT
SOME FORM OF REGULATION FOR
PARALEGALS IN THE STATE OF
FLORIDA.

FOR WHATEVER REASON, THAT
DIDN'T -- COME TO FRUITION,
AND THE --

>> -- JUST -- STARTING AT THAT
POINT, WHAT WAS THE PERCEIVED,
REASON FOR THE REGULATION?
WAS IT TO INCREASE THE STATUS

OF THE PARALEGAL THAT WOULD
GET THAT CERTIFICATION?
OR WAS THERE AN ASPECT OF
PROTECTION OF THE PUBLIC, IT
IS MY UNDERSTANDING ALL THE
PARALEGALS BEING REGULATED
WOULD BE UNDER THE --
>> THREE THINGS THREE
PRINCIPAL GOALS THE TWO THAT
YOU JUST MENTIONED WHICH IS
RAISING THE PROFESSIONALISM SF
PARALEGALS AND RECOGNIZE\$!!!!ING
THAT THEY ARE PROFESSION, AS
WELL AS PROVIDESING --
PERFORMEDING -- PROVIDING
PROTECTION FOR THE PUBLIC THAT
THEY KNOW THERE IS A STANDARD
QUALITY THEY ARE GOING BY BUT
AS WELL TO SERVE THE LAWYERS
OF THE STATE OF FLORIDA, BY
SETTING STANDARDS, AND BY
HAVING REVIEW AND DISCIPLINARY
PROCEDURES AVAILABLE SO THAT
THE PARALEGALS THAT ARE ON THE
STATE OF FLORIDA THE LAWYERS
COULD BE RELY UPON THEM SINCE
THEY DO PUT SO MUCH AUTHORITY
IN THEIR HANDS THESE DAYS.
>> THEN AGAIN, BUT THE PROGRAM
AS YOU'VE SAID IS A VOLUNTEER
ONE -- VOLUNTARY ONE THE
PARALEGALS!!\$!!!!!!!!!!!!!!!!!!!!
PARALEGALS, ARE NOT WORKING --
LIKE IN A SEPARATE --
>> NO, WE ARE NOT SETTING UP
SEPARATE PARALEGALS NOT
ESTABLISHING A STOREFRONT
PARALEGAL SHOP.
WE ARE NOT DEALING WITH THE
ISSUE OF UNLICENSED PRACTICE
OF LAW.
BUT IT IS A VOLUNTARY PROGRAM,
WHERE IT IS A TWO-TIERED
PROGRAM THE ONE HE REASON WHY
WE ARE DOING IT THIS WAY IT IS
A FIRST STEP WE ADOPT KNOW HOW
MANY PARTICIPATE ILLEGALS ARE
GOING TO COME FORWARD AND WANT
THIS REGULATION WE DON'T KNOW
IF IT IS GOING TO BE 10,000
PARALEGALS!!\$!!!!!!!!!!!!!!!!!!!!
PARALEGALS, IN WHICH CASE, IT
WON'T BE -- A SIGN TO THE BAR
AS WELL AS THE COURT THAT

MAYBE WE WOULD CONSIDER TAKE
THE NEXT STEP WHICH WOULD BE
MANDATORY REGULATION --
>> BUT YOU DO -- IS THERE A
QUESTION HERE, AS TO WHETHER
OR NOT THE BAR AND THIS COURT
REALLY HAS THE AUTHORITY TO
REGULATE PARALEGALS?
IT IS DISCONCERT TO GO ME THAT
WE WOULD HAVE A GROUP OF
PARALEGALS WHO HAVE TO -- IF
THEY WANT TO BE FLORIDA
REGISTERED PARALEGALS, TO GO
THROUGH A PROCESS AND HAVE
THIS EDUCATION AND ALL OF
THIS, AND THEN WE HAVE ANOTHER
GROUP OF PEOPLE, WHO -- AND
USE THE SAME TERM "PARALEGALOU!!\$\$!!!!!!!!!!!!!!!!!!!!!!
"PARALEGALOUOI AND NOT HAVE TO
GO THROUGH THIS PROCESS IS THE
BAR CONCERNED ABOUT WHEN OR
NOT, IT REALLY HAS
JURISDICTION TO DO THIS KIND
OF SEEM -- SCHEME.
>> AT THIS POINT NO THREE
REASONS FOR THAT REASON NUMBER
ONE WE COULD ARGUE THAT THE
COURT HAS POWER TO REGULATE
PARALEGALS BECAUSE PARALEGALS
DO DO SUBCONSTANTIVE ILLEGAL
WORK ALL BE IT UNDER
SUPERVISION OF LAWYERS,
SECONDLY WE COULD ALWAYS
GETTING ENABLING LEGACY IF WE
NEEDED -- LEGACY SO WE COULD
MAKE SURE THERE IS THAT CHARGE
BECAUSE OF VOLUNTARY NATURE OF
THE PROGRAM AS PRESENTED IN
RULE 20.
ANYBODY WHO IS COMING BEFORE,
THAT PROGRAM, IS SUBMITTING
THEMSELVES ESSENTIALLY TO THE
JURISDICTION OF THE COURT, AND
--
>> IS THAT WHY YOU DID IT AS
TWO-TIERED PROCESS AS JUSTICE
CONVINCE' QUESTION WHY A
TWO-TIERED PROCESS WHY NOT
REQUIRE EVERY PARALEGAL TO GET
CERTIFIED!!\$\$!!!!!!!!!!!!!!!!!!!!
CERTIFIED?
IS IT BECAUSE OF THE JURL
CONCERNS OR JURISDICTION
DICTIONAL CONCERNS OR SOME

OTHER REASON.

>> THERE IS DEBATE IN THE PUBLIC WHEN OR NOT THERE IS A NEED FOR CERTIFICATION PARALEGALS AND REGULATION OF PARALEGALS WHETHER WE WILL ACHEEFRN THE END IT I GUESS DESIGNED TO ACHIEVE.

>> MAYBE THAT GOES BACK TO WHAT MY FIRST QUESTION IS I'M TRYING TO SEE WHAT WAS THE WHAT IS THE PROBLEM, OUT THERE?

I MEAN SO MANY OF US HAVE BEEN A WHILE SINCE WE'VE BEEN PRACTICING LAW.

WHAT IT IS THE PROBLEM OUT THERE THAT THIS PROGRAM, WHICH IS A VERY!!\$\$!!!!!!YOU KNOW A VERY COMPLICATED DISCIPLINARY SCHEME POTENTIALLY, THAT IT IS DESIGNED TO ADDRESS, IF IT IS NOT ADDRESSING IT FOR EVERYBODY?

>> WELL, IT IS GOING TO RECOGNIZE THE PROFESSIONALISM OF PARALEGALS AS I SAID PROTECT CONSUMERS, BECAUSE CONSUMERS GOING TO KNOW THAT SOMEONE WHO CALLS HIMSELF A PARALEGAL!!\$\$!!!!!!!!!!!!!! PARALEGAL, WILL NOT NECESSARILY HAVE THE QUALIFICATIONS OF A FLORIDA REGISTERED PARALEGAL ONCE THEY GET THAT TITLE FLORIDA REGISTERED PARALEGAL YOU KNOW THEY HAVE MINIMUM EDUCATIONAL EXPERIENCE REQUIREMENTS THAT THEY HAVE TO DO CLE, TEN HOURS A YEAR, OVER THE PROCESS, AND THAT THEY ARE SUBJECT TO DISPLIN.

>> WHAT WOULD MAKE ANY PARALEGAL DECIDE, TO PARTICIPATE IN THIS PROGRAM WHEN THEY CAN DO THE SAME WORK -- POSSIBLY MAKE THE SAME KIND OF SALARY AND NOT HAVE TO GO THROUGH THIS PROCESS? WHAT WOULD BE ONE'S INCENTIVE TO DO THIS.

>> BECAUSE IT RAISES THEIR LEVEL OF -- RAISES THE

PERCEPTION OF THEIR
QUALIFICATION KWAS OUT THERE
IN THE MARKET IT MAKES THEM
ESSENTIALLY MORE MARKETABLE --
>> WOULD REALLY KNOW?
>> I THINK THE CONSUMING
ILLEGAL PUBLIC IS GOING TO
KNOW I THINK THE LAWYERS OF
THE FLORIDA BAR ARE GOING TO
KNOW THE DIFFERENCE BETWEEN A
REGISTERED PARALEGAL AND --
>> SOUNDS SOMETHING LOO --
THAT WILL BE A MARKETING TOOL
FOR THE PARALLEL TO NEGOTIATE
WITH A LAWYER TO GET INCREASED
COMPENSATION!!\$\$!!!!!!!!!!!!!!!!!!!!
COMPENSATION, IS IT AKIN TO
LIKE A BOARD WOULD YOU
ANALOGIZE THIS TO BOARD
CERTIFICATION, FOR LAWYERS?
YOU KNOW, AGAIN, SO WE GET
BACK TO WHAT THIS WHOLE
PROGRAM IS, IT IS SOMETHING,
THAT WILL BE NICE TO HAVE, BUT
YOU DON'T NEED TO HAVE IT.
AND THAT IS WHAT THIS --
BOTTOM LINE OF WHAT IT IS?

.
>> I AGREE WITH HALF OF YOUR
STATEMENT IT IS CERTAINLY
SOMETHING NICE TO HAVE WEATHER
THERE IS A NEED FOR IT, THAT
QUESTION HASN'T NECESSARILY
BEEN ANSWERED, I THINK, THERE
OTHER ARGUMENTS THAT THERE IS
A NEED FOR CERTIFICATION OR
REGISTRATION OF PARALEGALS, IT
IS A QUESTION THAT HAS BEEN
BEFORE 15 -- STATES SO FAR IN
THE UNITED STATES AS FAR AS MY
RESEARCH HAS SHOWN, ARE YOU
ABLE TO.

>> ARE YOU GOLF BALL GIVES
BRIEF THUMBNAIL SKECH WHAT
ORGANIZATIONAL ACTIVITY HAS
ALREADY TAKEN PLACE, IN THIS
PROFESSION!!\$\$!!!!!!!!!!!!!!!!!!!!
PROFESSION?
THAT IS, WHAT -- HOW HAVE PAR
ILLEGALS THEMSELVESES IF THEY
HAVE, ORGANIZED THEMSELVES, ON
EITHER NATIONAL, STATE OR
LOCAL BASIS, COULD YOU ADD TO
THAT, ANY ROLE THAT THOSE

ORGANIZATIONS HAVE PLAYED, IN THE IMPETUS FOR THIS REGULATION?

>> THERE ARE TWO NATIONAL ORGANIZATION!!\$\$!!!!!!!!!!!!!!!!!!!! ORGANIZATIONS, NATIONAL FEDERATION PARALEGAL ASSOCIATION!!\$\$!!!!!!!!!!!!!!!!!!!! ASSOCIATIONS, WHICH ADMINISTERS A NATIONAL TEST THE CASE EXAM THERE IS NOW NATIONAL ASSOCIATION OF LEGAL ASSISTANTS, THEY HAVE THEIR OWN EXAM CALLED A CLA, CERTIFIED LEGAL ASSISTANT TWO NATIONAL PROGRAMS IN THE STATE OF FLORIDA, YOU HAVE NORTH FLORIDA PARALEGAL ASSOCIATION, SOUTH FLORIDA PARALEGAL ASSOCIATION NORTHWEST FLORIDA PARALEGAL ASSOCIATION, THOSE ASSOCIATIONES!!\$\$!!!!!!!!!!!!!!!!!!!! ASSOCIATIONES, GATHER TOGETHER UNDER UMBRELLA OF BAPAFLOIDA ASSOCIATION OF PARALEGAL ASSOCIATION!!\$\$!!!!!!!!!!!!!!!!!!!! ASSOCIATIONS, AND THAT I MAY HAVE GOTTEN IT WRONG, BUT CLOSE ENOUGH, IT IS ONE WHO PUT THE MONEY TOGETHER, TO HIRE THE LOBBYISTS, WHO GO TO THE LEGISLATURE TO SEEK LEGACY -- LEGISLATION THE PROCESS STARTED IN THE FIRST PLACE, AND, THEY REPRESENT, LITERALLY THOUSANDS OF FLORIDA PARALEGALS IN THE STATE OF FLORIDA.

THEY ARE THE ONE WHO HAS BEEN PUSH!!\$\$!!!!!!

PUSHING FOR THIS REGULATION, FOR AT LEAST A DECADE.

I MEAN THIS IS NOT SOMETHING NEW THIS SOMETHING THAT THEY HAVE BEEN WORKING ON, LONG AND HARD.

>> AND YOU MENTIONED, IN YOUR ANSWER TO ZWRIS ANSTEAD THERE WAS ASSOCIATION OF CERTIFIED LEGAL ASSISTANTS ALSO ARE THESE PEOPLE,PEOPLE WHO ARE DIFFERENT FROM PARALEGALS? AND --

>> PARALEGALS CAN TAKE AN

EXAMINATION!!\$\$!!!!!!!!!!!!!!!!!!!!!!

EXAMINATION.

AND THERE ARE TWO NATIONAL EXAMINGS OUT THERE PACE EXAM AND CERTIFIED LEGAL ASSISTANTS GAME -- EXAM AND THAT IS A VOLUNTARY UNDERTAKING.

SO MUCH AS THE VOLUNTARY FLORIDA REGISTERED PARALEGAL WOULD BE.

MY NOTES INDICATE THAT THERE ARE UPWARDS OF 30 -- 3500, PARALEGALS WHO HAVE TAKEN THE CLA EXAM, IN THE NATION, AT THIS POINT.

THAT WAS I THINK 02 I'M SURE THE NUMBER IS HIGHER BY NOW. BUT, THAT IS JUST SHOWS YOU HOW THE PARALEGALS DO WANT THE RESPECT OUT THERE TO THE EXTENT THEY ARE WILLING TO PUT THEMSELVES THROUGH THIS VOLUNTARY PROCESS, JUST TO HAVE THAT -- THAT -- THOSE INITIALS AT END OF THE THEIR NAMES.

>> WELL I IN ADDITION THE -- I UNDERSTOOD THE FIRST PREFERENCE TO HAVE REGISTRATION THEN THERE WOULD HAVE BEEN A MANDATORY REGULATION WOULD NOT HAVE BEEN THROUGH THE COURT OUR THE FLORIDA BAR.

>> ACTUALLY THE FIRST PRERNS WAS THE FLORIDA BAR BUT BECAUSE THERE WAS THE FLORIDA BAR -- PARALLEL ASSOCIATION WEREN'T ABLE TO REACH AGREEMENT THE LEGAL ASSOCIATION WENT TO THE LEGISLATURE!!\$\$!!!!!!!!!!!!!!!!!!!!!! LEGISLATURE.

>> THIS ONE OTHER THAN THE THAT THERE IS A COUPLE OF ORGANIZATION!!\$\$!!!!!!!!!!!!!!!!!!!!!! ORGANIZATIONS, THAT THEY WANT MANDATORY REGULATION, IT LOOKS LIKE THE PROCESS THAT YOU WENT THROUGH, WAS A VERY COMPREHENSIVE PROCESS, GETTING BUY-IN FROM ALL THE GROUPS THAT WERE IN THERE

>> YES, MA'AM THE CAN HE THAT

PUT TOGETHER, THE -- THE
PUBLIC HEARING THAT WE HAVE 31
PEOPLE VOLUNTARY CAME TO TAMPA
ON THEIR OWN, TO SPEAK AND A
LOT OF THOSE SPEAKERS WANTED
MOND TRIE REGULATION, WANT!!\$\$!!!!!!
WANTED -- MANDATORY
REGULATION, WANTED THE COURT
TO COME UP WITH A RULE THAT
SAYS, TO BE NAMED A PARALEGAL
YOU CAN USE TITLE PARALEGAL
YOU HAVE TO PASS CERTAIN
REQUIREMENTS!!\$\$!!!!!!!!!!!!!!!!!!!!
REQUIREMENTS, AND, WE BELIEVE
AT THIS POINT, THAT WHILE THAT
IS THAT MAY BE SOMETHING, IN
THE FUTURE, RIGHT NOW, THE
FIRST STEP IS LET'S GO WITH
THIS VOLUNTARY PROGRAM, LET'S
SEE HOW IT WORKS LET'S GET THE
INFRASTRUCTURE, SET UP, AND
THEN SEE IF THERE IS A NEED HE
AND VALUE TO DOING IT.
>> IS IT THE INTENT OF THE BAR
THAT THIS WILL BE
SELF-SUSTAINING IN OTHER WORDS!!\$\$!!!!!!
WORDS, THAT THE FEES, THAT
WILL BE PAID IN, WILL TAKE
CARE OF WHATEVER ADDITIONAL
STAFF.
>> YES, MA'AM APPLICATION FEE
AND ANNUAL FEE, THERE WILL BE
NO NET COST, TO THE BAR OF THE
STATE --
>> ARE YOU GOING TO BE SPEAK!!\$\$!!!!!!
SPEAKING ABOUT THE
DISCIPLINARY PART OF THIS?
OR IS THAT -- ARE YOU GOING TO!!\$\$!!
TO --
>> YES.
>> MY CONCERN ON THAT I'M
SORRY YOU DO WANT TO.
>> YEAH I HAD A QUESTION ON
THE DISBARRED ATTORNEYS,
SUSPENDED ATTORNEYS.
THEY ARE NOT ALLOWED TO BE
REGISTER!!\$\$!!!!!!!!!!!!!!!!!!!!
REGISTERED, PARALEGALS, OR ARE
THEY ALLOWED TO DO ANY
PARALEGAL WORK AT ALL.
>> THE FIRST TIER PARALEGAL
ANYBODY CAN BE A PETITIONER
ILLEGAL YES A DISBARRED
ATTORNEY CAN WORK AS PARALEGAL

UNDER RIGHT SUPERVISION --
DIRECT SUPERVISION OF THE
LAWYER BUT WE DON'T THINK IF
THEY HAVE BEEN DISBARRED WE
SHOULD BE ABLE TO RAISE THEM
TO THE LEVEL OF BEING A
REGISTERED FLORIDA PARALEGAL.
>> SUSPEND LAWYER ONCE LAWYER
ABLE TO PRACTICE LAW AGAIN
ONCE REINSTATED HE CAN ALSO
BECOME A REGISTERED PARALEGAL?
>> I'M SURE HE COULD IF HE
WANTED TO, OR SHE COULD IF SHE
WANTED TO.

BUT --

>> YEAH BUT WOULD IT BE I
GUESS NO REASON FOR THAT.

>> IT WOULD BE A LITTLE REDUPD
DIDDANT!!\$\$!!!!!!!!!!!!!!
DIDDANT.

>> REDUNDANT.

>> I GUESS WE O COULD PROBABLY
PICK APART SOMEBODY WHO HAS --
BEEN, DISPLINED 20 YEARS AGO,
THAT CANNED -- CAN'T BECOME
ONE, THAT IS WHY I ASKED ABOUT
THE PROCESS OF BUY-IN, AS
EVERYBODY AGREED TO THIS BUT
ON THE DISCIPLINARY PROCESS I
HAD A COUPLE SMALL QUESTIONS,
ONE WAS, YOU DO INTEND TO
ASSESS COSTS TO OF THE PROCESS
THAT IS A BIG ISSUE FOR OUR
DISPLIN I DIDN'T SEE ANY
PROVISION, IN THE -- IN THE
RULES!!\$\$!!!!!!!!!!!!

RULES, FOR.

>> I THINK WE ARE PROJECTING
REGISTERTRATION FEES
EXAMINATION FEES WILL BE
SUFFICIENT TO PAY THOSE COSTS.

>> IS THERE DIDN'T LOOK LIKE,
AND I MAY HAVE MISSED IT THAT
THE PERSON WHO HAD A COMPLAINT
AGAINST HIM OR HER, WOULD HAVE
TELL YOU RIGHT TO -- ACTUAL
RIGHT TO EVEN SUMMIT WRITTEN
TESTIMONY OR VERBAL TESTIMONY,
NOR WERE A -- NOR WAS THERE AN
ABSOLUTE REQUIREMENT THAT THE
PROCEEDINGS BE TRANSCRIBED OR
AN ABILITY OF THE PERSON WHO
IS AGAIN HAVING THE DISPLIN,
SOUGHT, TO BE ABLE TO APPEAL

THAT TO THE BOARD OF GOVERNORS
AM I CORRECT ABOUT THOSE THREE
OR FOUR THINGS, THAT IS NO
RIGHT TO PRESENT TESTIMONY,
EITHER AT LEAST IN THE RULES,
IN WRITING, OR ORALLY, NO
RIGHT TO HAVE A TRANSCRIPT,
AND NO RIGHT TO HAVE IT REVIEW!!\$\$!!!!!!!!!!
REVIEWED BY THE BOARD OF
GOVERNORS?

.
>> I THINK THE PROCEDURAL
RULES ARE YET TO BE WRITTEN,
BUT THERE IS A RIGHT OF REVIEW
TO BOTH THE DESIGNATED REVIEW!!\$\$!!!!!!!!!!
REVIEWER, AND TO THE BOARD OF
GOVERNORS!!\$\$!!!!!!!!!!!!!!!!!!
GOVERNORS.

AND I SEE THAT MY TIME IS A
LITTLE PAST I WANTED TO LEAVE
A FEW MOMENTS FOR MR. DIXON TO
SPEAK.

>> HOWEVER, THERE IS PROVISION
UNDER 28.4B, THAT DOES ALLOW
THE TAKING OF TVLT BEFORE THE
DISTRICT COMMITTEES SO THAT
THANK YOU.

>> -- INVESTIGATIVE STAGE OF
IT?

>> YES, MA'AM.

>> BECAUSE IT SEEMS TO ME,
THAT THERE -- AS -- JUSTICE
PARENT -- PREVENTSE ASKED YOU
THERE -- PARENTSRY ASKED YOU
DOESN'T SEEM ANY RIGHT OF
PARALEGAL TO ASK FOR ANY KIND
OF FORMAL HEARING ON WHATEVER,
CHARGES!!\$\$!!!!!!!!!!!!!!!!!!

CHARGES, ARE BROUGHT, THAT
THIS REALLY, INVESTIGATIVE
STAGE WHERE, YOU HAVE THOSE
RIGHTS AND THE RIGHTS TO GET!!\$\$!!!!
GET --

>> WHICH IS, ALMOST MIRROR
IMAGE OF THE GRIEVANCE
COMMITTEE OF THE GRIEVANCE
PROCEDURE THAT EXISTS NOW FOR
LAWYERS.

>> WELLU YOU HAVE -- YOU HAVE
AN INVESTIGATIVE STAGE BUT YOU
ALSO HAVE A STAGE, WHERE THE
PERSON ACTUALLY HAS A FORMAL
HEARING, AND THEY PRESENT,
TESTIMONY.

>> THAT IS TRUE.
>> -- ON THEIR OWN BEHALF.
>> THAT IS TRUE WE DON'T HAVE THAT, THAT FORMAL PROCEDURE, LET'S IN PROPOSED STATUTES.
>> SINCE AANALOGIZE TO GO LAWYER CERTIFICATION HOW DO WE DO IT IN DECERTIFYING A LAWYER FOR SOME KIND OF MISCONDUCT OR FAILURE TO ADHERE TO THE REQUIREMENTS DO WE GIVE THEM, AN OPPORTUNITY FOR LIVE TESTIMONY?
>> I DON'T BELIEVE.
SO YOUR HONOR.
I DON'T BELIEVE SO, IN THE CERTIFICATION AREA.
>> BUT THERE IS ALSO NOT THIS WHOLE HEARING PROCESS EITHER, I THINK IT IS PRETTY INFORMAL, PROCESS.
I MEAN THAT IS THAT IS --
>> -- THE BOARD OF LEGAL SPECIALIZATION!!\$\$!!!!!!!!!!!!!!!!!!!!!!!!!!!!
SPECIALIZATION.
>> THEY DO IT AND IT IS A VERY HE --
>> THERE CAN BE APPEAL TO THIS COURT.
>> CERTAINLY.
>> THANK YOU.
>> OKAY, MR. DIXON, A COUPLE !!\$\$!!!!!!!!!!!!JIM DIXON PART NERP WITH RUED AND MCCLOSKEYER HAVE ON BEHALF OF THE PARALEGAL ASSOCIATION OF FLORIDA, REPRESENTATIVES OF PARALEGAL ASSOCIATIONS THROUGHOUT THE I START HERE BEHIND ME TODAY.
WE STRONGLY SUPPORT THE \$\$BAR'S PROGRAM.
AND99ESSENTIALLY THE QUESTION WAS ASKED JUSTICE QUINCE, WHY WOULD A PARALEGAL WANT TO GO THROUGH THIS PROCESS THE SHORT ANSWER IS, PARALEGALS VIEW THEMSELVES AS PROFESSIONALS, MOST PARALEGALS WANT TO IMPROVING THEIR QUALITY AND WANT TO ESSENTIALLY ESTABLISH THE SKILLS THAT THEY HAVE.
THE DIFFERENCE BETWEEN A CERTIFIED PARALEGAL, A PARALEGAL!!\$\$!!!!!!!!!!!!!!!!!!!!

PARALEGAL, THAT HAS UNDERTAKEN!!\$\$!!!!!!!!!!!!!!!!!!!!!!
UNDERTAKEN, TRAINING, A
PARALEGAL THAT HAS UNDERTAKEN
EXAMINATION!!\$\$!!!!!!!!!!!!!!!!!!!!!!
EXAMINATIONS, AND SOMEONE WHO
IS SIMPLY BEEN PROMOTED AS A
SECRETARY IS SIGNIFICANT,
UNFORTUNATELY FLORIDA ALLOWS
IN MANY CASES BOTH TO AWARE
THE HAT OF PARALEGAL IN TERMS
OF PURPOSE OF BILLINGS AND
MANY LAW FIRMS WILL -- THEIR
SECRETARIES PARSE ILLEGAL IN
ONE FORM OR ANOTHER.

>> A LAWYER JUST -- ASSISTANT!!\$\$!!!!!!!!!!!!!!!!!!!!!!
ASSISTANT --

>> ESHL THAT IS CORRECT.

>> CAN STILL DO THAT UNDER
THIS.

>> HE THEY CAN STILL DO THAT
THAT WOULD BE TIER TWO THE
SHORT ANSWER HERE IS THIS IS A
GOOD FIRST STEP.

WOULD -- THE PARALEGAL
ASSOCIATION PREFER MANDATORY?
THAT WAS THE ORIGINALLY THE
CONCEPT THAT WAS PRESENTED,
AFTER HEARING THROUGHOUT THE
STATE, HOWEVER, THE
REALITYINGS WERE A WE NEED TO
DO THIS IN A TWO-STEP PROCESS,
CREATE THE PROGRAMS, SHOW THE
VERIFICATIONS ET CETERA.

IN THE STATE OF FLORIDA, THERE
IS ALREADY, OVER 3600
CERTIFIED PARALEGALS, THAT
HAVE GONE THROUGH THE99NATIONAL
-- CERTIFICATION PROCESS.

WE HAVE, MANY THAT WITHOUT ANY
INCENTIVE HAVE GONE THROUGH
THIS PROGRAM.

WE WILL FIND MANY MORE,
WILLING TO DO THIS TIERED
PROGRAM ONCE THIS STAEBDZ.

-- ESTABLISHED THE QUESTION
WAS ASKED WHAT JURISDICTION
DOES THE BAR HAVE IT IS NOT
THE \$\$BAR'S JURISDICTION IT IS
THIS \$\$COURT'S JURISDICTION,
THIS COURT CLEARLY HAS
JURISDICTION TO DEAL WITH
PARALEGALS!!\$\$!!!!!!!!!!!!!!!!!!!!!!

PARALEGALS.

>> UNDER WHAT --

>> ESSENTIALLY UNDER ARTICLE,
FIVE SECTION 15.

IN TERMS OF THE PERSONS
DEALING WITH THE PRACTICE OF
LAW.

THE OPPONENTS.

>> ACTUALLY THAT SPEAKS TO THE
ADMISSION TO THE PRACTICE OF
LAW, THEN TRADITIONALLY THE
ADMISSION TO THE PRACTICE OF
LAW LIMITED TO -- PERSONS WHO
COULD APPEAR AT THE BAR?

>> THIS COURT IN UNLICENSED
PRACTICE OF LAW REGULATIONS
HAS SPECIFICALLY DEFINED A
PARALEGAL AND LEGAL ASSISTANT
AS A PERSON THAT PROVIDES
SUBSTANTIVE LEGAL SERVICES
UNDER SUPERVISION OF A LAWYER
SO YOU ARE CLEARLY RECOGNIZING
THAT SUBSTANTIVE YOU HAVE BEEN
LEGAL SERVICES ARE BEING
PROVIDED -- PROVIDED BY PAR
ILLEGALS!!\$\$!!!!!!!!!!!!!!!

ILLEGALS, YOU CAN NOT
SEPARATE, THE ROLE OF A
PARALEGAL AND THE SUPERVISION
OF AN ATTORNEY, IN THAT
PROCESS.

THE ARGUMENT IS, THAT THIS
COURT HAS JURISDICTION OVER
PAR ILLEGALS, WHO PRACTICE LAW
WITHOUT THE SUPERVISION OF A
LAWYER, BUT SOMEHOW DOESN'T
HAVE JURISDICTION TO DEAL WITH
THE QUESTION KWH THEY ARE
ACTING UNDER THE SUPERVISION
OF A LAWYER.

THAT MAKES NO SENSE.

THAT KIND OF AN ARGUMENT IS
TOTALLY ILLOGICAL THIS COURT
HAS JURISDICTION OVER THE
PRACTICE OF LAW, AND IN
TODAY'S MARKETPLACE,
PARALEGALS ARE PERFORMING
DIRECT ILLEGAL SERVICES, ALL
-- DIRECT LEGAL SERVICES UNDER
SUPERVISION OF A LAWYER.

>> YOUR ARGUMENT IS THAT
PARALEGALS ARE PRACTICING LAW.

>> I AM UNDER THE SUPERVISION
OF A LAWYER THAT IS TRUE, AND
THE UNLICENSED PRACTICE OF LAW
RULE, SPECIFICALLY SAYING ITS

STA -- STATES THAT
ACKNOWLEDGES THAT.
>> SUBSESSION STATES, THOSE
PERSONS!!\$\$!!!!!!!!!!!!
PERSONS, PROVIDING SUBSTANTIVE
LEGAL SERVICES, WE HAVE
RECOGNIZED THAT.
THE LEGISLATURE HAS -- ITSELF
RECOGNIZED THAT IN RULE 57104.
>> BUT YOU UNI LIKE PEOPLE
PRACTICING LAW NOT UNDER THE
SUPERVISION OF AN ATTORNEY, IF
YOU ARE A PARALEGAL,
PRACTICING UNDER THE
SUPERVISION OF AN ATTORNEY THE
ATTORNEY REALLY IS HELD
ACCOUNTABLE FOR WHATEVER THE
PARALLEL DOES.
>> YOUR HONOR THAT IS CORRECT.
THE LAWYER DOES HAVE
RESPONSIBILITY THE LAWYER CAN
BE SANCTIONED IN RULE
SPECIFICALLY STATE THAT A
LAWYER IS RESPONSIBLE FOR THE
ACTIONS OF ITS PARALLELS BUT
WE ARE CLOSING THE SISHLG WHY
WOULD YOU NOT ALSO HOLD THE
PERSON PERFORMING THE ACT THE
PERSON THAT IS DEALING DIRECT!!\$\$!!!!!!!!!!!!
DIRECTLY WITH THE PUBLIC, TO
HAVE CERTAIN RESPONSIBILITIES?
THAT IS THE -- WHAT WE ARE
ATTEMPTING TO DO THROUGH THIS
PROCESS, TO CLOSE THAT CIRCLE.
THAT IS THE ISSUE OTHER
DEALING UTH.
>> -- CLOSING RIGHT?
ALL YOU LOSE IS CERTIFICATION
DOUBT LOSE THE ABILITY TO BE A
PARALLEL!!\$\$!!!!!!!!!!!!!!
PARALLEL?
>> THAT IS -- PARALEGAL THAT
IS CORRECT COULD THIS BE TOUGH!!\$\$!!!!!!!!!!
TOUGHER YES IS THIS A FIRST
GOOD STEP?
YES, YOUR HONOR I BELIEVE MY
TIME IS UP.
THANK YOU.
>> ALL RIGHT.
>> GOOD MORNING, IF IT PLEASE
THE COURT.
CHIEF JUSTICE, MEMBERS OF THE
COURT.
MY NAME IS TENNAT KUKEC I

REPRESENT THE SOUTH FLORIDA
PARALEGALS ASSOCIATION, WITH
ME, AT THE TABLE, MISS LISA
VESSEL, MR. MARK WORKMAN, THEY
ARE THE AND THE IMMEDIATE PAST
OF THE SOUTH FLORIDA PARALEGAL
ASSOCIATION RESPECTIVELY.

>> NOW WHAT IS YOUR --
CONSTITUENCY?

AND HOW DOES IT DIFFER FROM
MR. -- DIXON?

>> MY CLIENT.

>> -- ACTUALLY REPRESENT?

>> IT IS AN ASSOCIATION OF
PARALEGAL PROFESSIONAL
PARALEGALS!!\$\$!!!!!!!!!!!!!!!!!!!!
PARALEGALS, AND SOUTH FLORIDA.
HAS 200 MEMBERS,THEY ARE
CONSTITUENTS MEMBER OF THE
GROUP, THAT IS STATEWIDE.
BUT, THEY ARE SEPARATE GROUP,
AND I BELIEVE AMONG THE
HIGHEST TRAINED AND MOST
PROFESSIONAL PARALEGALS IN THE
STATE CERTAINLY PROBABLY IN
THE NATION.

SO --

>> SO APPARENTLY THERE IS SOME
INTERNAL DISAGREEMENT AMONG
PARALEGALS!!\$\$!!!!!!!!!!!!!!!!!!!!

PARALEGALS, WHETHER THIS IS
NECESSARY OR WHETHER IT HAS
GONE TOO FAR?

ONE OF THOSE?

>> THAT'S ABSOLUTELY CORRECT.

>> WHAT IS YOUR POSITION?

WE DON'T NEED IT AT ALL OR WE
ARE NOT GOING FAR ENOUGH.

>> WE ARE NOT GOING FAR
ENOUGH.

IT IS CERTAINLY MY POSITION.

LET ME ADDRESS, FIRST, THE
ISSUE OF THAT THE COURT ASKED
US TO ADDRESS, WHICH CONCERNS
THE JURISDICTION.

I THINK THAT THAT IS A VERY
CLOSE, DIFFICULT, IMPORTANT
ISSUE.

NOW, THE -- BAR HAS RESPONDED
AND IT SEEMS TO ME THAT THE \$\$
BAR'S RESPONSE IS SO FAR OFF
POINT ALMOST TRANSAPPARENTLY
SO THAT THE PAR MAY ALLOW,
WANT TO WIN THIS, ISSUE, BY

LOSING ON THAT PARTICULAR
ISSUE.

WHEN THE OVERALL SEEM -- THE
BAR IN ESSENCE HAD TO BE
BROUGHT PICKING -- KICKING AND
DRAG TO GO THE TABLE.

IT WAS ONLY BECAUSE OF THE
PROPOSED LEGISLATION THAT THE
BAR GOT INVOLVED IN THIS AT
ALL.

P MANY MEMBERS OF THE BAR
DIDN'T DID NOT WANT ANY TYPE
OF REGULATION IN THIS FIELD.
THE BAR'S RESPONSE IN ESSENCE
IS TWO FOLD.

FIRST THEY TOLD THE COURT THAT
THE COURT HAS ASKED THE WRONG
QUESTION.

THAT THIS IS NOT REGULATION AS
THE COURT PUT THE QUESTION
WHETHER THE REGULATION OF
PARALEGALS IS WITHIN THE
COURT'S JURISDICTION.

THEY SAY THIS IS NOT
REGULATION.

WELL IT SEEMS, TO BE A VERY
ODD RESPONSE GIVEN THAT THE
INITIAL PETITION FILED BEFORE
THE COURT ASKED ITS QUESTION
REFERRED TO THIS AS
REGULATION.

THE PROPOSAL -- IS A PETITION
TO AMEND THE RULES REGULATING
THE BAR, AND THE STRIKING AN
AGREEMENT WITH THE LEGISLATIVE
REPRESENTATIVES!!\$!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!

REPRESENTATIVES, WHO HAD
PROPOSED THE INITIAL BILL THE
BAR HAD -- LET ME GET THE --
PAGE TWO OF THE BAR'S PETITION
THE AGREEMENT THAT THEY HAD
WITH THE LETTINGLATORS WAS TO
PROPOSE A REGULATORY SCHEME,
IN DOING SO, THEY FORMED, A
COMMITTEE, THE CAN HE IS THE
SPECIAL -- COMMITTEE THE
SPECIAL COMMITTEE TO STUDY
PARALEGAL REGULATION SO FOR
THE BAR NOW TO CLAIM THAT THIS
IS NOT REGULATION -- SEEMS TO
ME, TO BE ALMOST AN EFFORT TO
LOSE ON PURPOSE.

>> LET'S ASSUME FOR THE MOMENT
IT IS REGULATION.

THE BAR'S RESPONSE IS "WELL,
RIGHT NOW, YOU ARE IT IS A
PARALEGAL IS NOT WORKING UNDER
SUPERVISION OF AN ATTORNEY
THAT IS UNLIE SENSZDZ PRACTICE
OF LAW YOUR REGULATES\$!!!!ING THAT IT
WOULD BE A -- ILLOGICAL NOT TO
REGULATE A PARALEGAL WORKING
UNDER SUPERVISION AFTERNOON
ATTORNEY. "

WHAT IT IS YOUR RESPONSE TO
THAT ARGUMENT.

>> I DON'T REALLY TAKE ISSUE
WITH THAT.

I -- I BELIEVE -- MY CLIENTS,
WISH TO BE REGULATED.
THEIR PREFERENCE WOULD BE TO
BE REGULATED, BY THIS COURT.
UNFORTUNATELY!!\$!!!!!!!!!!!!!!!!!!!!!!
UNFORTUNATELY, THE BAR HAS
SHOWN NEITHER THE WILL NOR THE
DESIRE TO FOLLOW THROUGH WITH
MEANINGFUL REGULATION, IN THIS
AREA!!\$!!!!!!
AREA.

>> I COULD JUST ON THIS, AND
AGAIN IN TRYING AND I
APPRECIATE THAT THIS IS AN
ATTEMPT TO YOU KNOW, ELEVATE
THE TO PROMOTE PROFESSIONALISM
DEVELOP PROFESSIONAL
COMPETENCE!!\$!!!!!!!!!!!!!!!!!!!!!!
COMPETENCE, AND SEEM LIKE THEY
ARE ALL GOOD THINGS.
BUT IF A PARALEGAL MUST WORK
UNDER THE SUPERVISION OF AN
ATTORNEY, AS IT IS DEFINED IN
THE AUTHORIZED PRAF LAW RULES,
IS NOT THIS MORE AKIN, TO
SOMETHING LIKE AGAIN BOARD
CERTIFICATION FOR LAWYERS, OR
-- YOU KNOW AN ADDITIONAL
TITLE, BECAUSE IT SEEMS THAT
THE PUBLIC IS PROTECTED
BECAUSE WHOEVER IS WORKING IN
THIS CAPACITY MUST BE DOING IT
UNDER -- \$LAWYER'S SUPERVISION
AND SO I'M TRYING TO
UNDERSTAND WHAT A MANDATORY
REGULATION SCHEME OTHER THAN
BRINGING MORE I DON'T WANT TO
USE THE WORD BUREAUCRACY IN A
BAD WAY, BUT MORE REGULATION,
MORE PAPERWORK?

MORE THIS?

FOR THIS COURT, WHAT WOULD BE THEED A -- ADVANTAGE TO THE CITIZENS OF THE STATE TO THE ADMINISTRATION OF JUSTICE BY A MANDATORY SYSTEM THAT WAS UNDER THAT THIS COURT WAS SUPERVISING!!\$\$!!!!!!!!!!!!!!!!!!!! SUPERVISING?

>> THERE IS A CLEAR PUBLIC INTEREST, IN HAVING MANDATORY REGULATION.

THERE IS PUBLIC CONFUSION RIGHT NOW, AS TO THE TERMINOLOGY REGARDING PARALEGAL!!\$\$!!!!!!!!!!!!!!!!!!!! PARALEGAL.

WHEN THIS COURT TOOK UP THE ISSUE, IN # 002 REGARDING THE UNLICENSED PRACTICE OF LAW -- THERE WERE STUDIES THAT WERE CITED TO THE COURT, SHOWING THAT THERE WERE UP TO 90% OF THE CITIZENS OF THE STATE WERE CONFUSED AS TO WHAT THE TERMINOLOGY "PARALEGAL" AND "LEGAL ASSISTANT" MEANS, WHAT IS ABSOLUTELY MISSING FROM THE BAR PROPOSAL IS ANY LEGITIMATE REASON ANY POLICY WHATSOEVER THAT WOULD BE SERVED BY HAVING A TIER ONE PARALEGAL SYSTEM. THAT IS UN-- UNREGULATED PARALLELSING PAR -- PARALEGALS WHOSE ONLY BASIS TO PRACTICE IS THAT SOME ATTORNEY SOME!!\$\$!!!!!! SOMEWHERE IN THE STATE, FEELS THAT THEY ARE COMPETENT TO DO SUBSTANTIVE LEGAL WORK, I THINK!!\$\$!!!!!!

THINK, THE UNDERLYING PROBLEM HERE, AND REALLY THE -- PROBLEM WITH.

>> PROBLEM WITH THAT IT SEEMS TO ME THAT WE -- IN HAVE THIS PROGRAM, WE RUN A RISK OF SEPARATING THE RESPONSIBILITY THAT THE LAWYER IN THE \$\$ LAWYER'S OFFICE HAS FOR THE MANAGEMENT OF WHOEVER IS THERE WORKING, WHETHER IT BE A PARALLEL!!\$\$!!!!!!!!!!!!!!!!!!!! PARALLEL, OR A -- A PARALEGAL OR A SECRETARY OR WHOEVER IS

HOLDING THEMSELVES OUT AS
BEING ABLE TO PROVIDE AN
ASSISTANT TO A CLIENT.

AND AS -- IT SEEMS TO ME, THAT
THE WHOLE SCHEME OF LAWYER
REGULATION IS AT THIS COURT BY
REASON OF THAT LAWYER BEING A
MEMBER OF THE FLORIDA BAR IS
GOING TO HOLD THAT LAWYER
RESPONSIBLE FOR WHATEVER
HAPPENS IN THAT OFFICE.
AND I'M CONCERNED THAT BY
REGULATING SOMEBODY \$ELSE'S IN
THAT OFFICE AS IF THEY WERE AN
INDEPENDENT CONTRACTOR THAT WE
ARE DIMINISHING THE
RESPONSIBILITY THAT THE LAWYER
HAS.

>> YOUR HONOR I DO NOT BELIEVE
THAT IT WOULD DIMINISH THE
RESPONSIBILITY OF THE LAWYER.
I THINK IT WOULD ALSO PLACE A
RESPONSIBILITY ON THOSE WHO
CHOOSE TO BE PROFESSIONAL
PARALEGALS!!\$!!!!!!!!!!!!!!!!!!!!
PARALEGALS.

THE UNDERLYING PROBLEM IS
THIS.

THAT THE TERM "PARALEGAL" AND
"ILLEGAL ASSISTANT -- AND
LEGAL ASSISTANT" IS NOT
DEFINED IN ANY MEANINGFUL WAY,
NOW FOR SOMETIME NOW,
PRACTICING LAWYERS HAVE FOUND,
A WAY TO INCREASE THEIR INCOME
STREAM, WHICH IS TO TAKE WHAT
USED TO BE CALLED SEKTS OR
CLERKS, SECRETARY\$\$!!!!IES OR CLERKS,
AND TO GIVE THEM THE TITLE OF
PAR LEGAL OR PEEL ASSISTANT,
NOW WHAT THIS PROPOSAL WOULD
DO -- WOULD GIVE A STAMP I
HAVE APPROVAL TO THAT, AS A
PRACTICING LAWYER I'M
SYMPATHETIC TO THAT.
AS SOMEBODY IN PRIVATE
PRACTICE, I'M ALL FOR
INCREASING THE INCOME STREAM
OF LAWYERS, LEGITIMATELY, BUT
THE LAWYERS SHOULD NOT BE ABLE
TO DO THAT BY PLAYING UPON THE
CONFUSION OF THE PUBLIC THAT
IS CONSUMING LEGAL SERVICES,
WITH REGARD TO WHO IS A

PARALEGAL AND WHO ISN'T.

>> SO SO THIS REALLY THE PROTECTION OF THE PUBLIC AND MAYBE THAT WAS I THINK, THE WAY JUSTICE WELLS EXPRESSED IT WAS -- I THINK, PERFECTLY ECHOS MY CONCERNS ABOUT WHAT A SEPARATE REGULATION PROGRAM MIGHT YOU KNOW, FURTHER PROBLEMS THAT IT MIGHT CAUSE, BUT, WE ARE NOT -- THIS ISSUE OF HOW MUCH IS BEING CHARGED IS REALLY SORT OF THE UNDER!!\$\$!!!!!!! UNDERLYING UNDISCUSSED!!\$\$!! ISSUE, WHICH IS.

>> THAT IS THE ELEPHANT IN THE ROOM, YES.

>> SO LET'S TALK BUT IT'S WHICH IS WHAT YOU ARE SAYING EVEN IN THE PREAMBLE IT SAYS THIS THIS HAS NOTHING DO WITH WHAT LAWYERS CAN CHARGE. SO THEORETICALLY, A LAWYER, BILLING, WHEREVER THEY ARE THEY SAY I'M BILLING FOR PARALEGAL HOURS, AND THEY ARE BILLING THE SAME AMOUNT, AS SOMEBODY WHO IS NOW A FLORIDA REGISTERED PARALEGAL; CORRECT?

>> CORRECT.

>> BUT THE IDEA, I GUESS IS THE FIRST TIER IS TO START I TO ASSUME INFORM THE PUBLIC THAT SOME HON WHO O HOLDS THAT TITLE WILL BE ABLE TO FOR THE \$\$ LAWYER'S PURPOSES COMMAND MORE OF AN HOURLY RATE, AND IS THAT ALSO GOING TO BE SOMETHING THAT WOULD YOU KNOW, FOR ISSUES OF WHERE -- ARE ATTORNEYS!!\$\$!!!!!!!!!!!!!!!!!!!! ATTORNEYS' FEES CAN YOU GET MONEY FOR PARALEGAL THROUGH WHEN YOU GET ATTORNEY FEES.

>> I THINK FREQUENTLY THEY ARE COLLECTIBLE!!\$\$!!!!!!!!!!!!!!!!!!!! COLLECTIBLE.

>> AND THEY ARE SAYING THAT THAT ALSO WOULD MATTER IF THE -- PERSON IS A FLORIDA REGISTERED PARALEGAL, OR A REGULAR PARALEGAL --

>> RIGHT, WHICH, WOULD IN EFFECT FURTHER COMPLICATE AND

CONFUSE THE ISSUE THAT WE SHOULD BE ATTEMPTING TO CLARIFY!!\$\$!!!!!!!!!!!!!!

CLARIFY.

I DON'T THINK THAT THERE IS ANYTHING WRONG --

>> WHAT IS WRONG WITH THE \$\$ BAR'S ARGUMENT THAT THIS IS A VERY CONSTRUCTIVE FIRST STEP? THAT IS, THAT TAKING THIS STEP WHERE REALLY THERE IS VOLUNTARY REGULATION, MUCH LIKE WE HAVE, VOLUNTARY SPECIALIZATION IN THE BAR, WITH THE CERTIFICATION PROGRAM, AND MANY OTHER YOU KNOW VOLUNTARY PROGRAMS, THAT THEN HAVE REGULATION, ALBEIT THE ENTRANCE INTO IT, SO WHAT IS WRONG WITH TAKING A BABY STEP FIRST ASSUMING AND YOU ARE -- WHAT YOU ARE ADVOCATES\$!!!!ING!!\$\$!!!!!! ADVOCATING, FULL AUTHORITATIVE REGULATION HERE, BUT WHAT IS WRONG WITH HAVING THIS AS A FIRST STEP, AND THAT WOULD MOVE US IN THAT DIRECTION, AND THEN GAINING THE BENEFIT AND THE EXPERIENCE OF SEEING HOW THIS GOES, BEFORE TAKING THE FULL STEP OF SOME KIND OF MANDATORY REGULATION BEFORE SOMEBODY CAN PERFORM CERTAIN DUTIES FOR A LAWYER? WHAT IT IS WRONG WITH THAT ARGUMENT THAT IT IS A GOOD FIRST STEP?

>> I THINK THAT THERE ARE A COUPLE OF PROBLEMS WITH THE ARGUMENT THAT IT IS A FIRST STEP.

IF IT WEREN'T SIMPLY A FIRST STEP -- MY CLIENTS MIGHT WELL BE IN FAVOR OF IT.

THE PROBLEM IS THAT THIS WILL NOT BE A FIRST STEP.

IT WILL BE A MOVE BACKWARDS. FOR A COUPLE OF REASONS.

FIRST OF ALL, THE PARALEGAL SYSTEM!!\$\$!!!!!!!!!!!!!!

SYSTEM, THE TIER TWO PARALEGAL SYSTEM IMPOSES MANY DUTIES UPON PEOPLE WHO WANT TO BE PROFESSIONAL PARALEGALS, BUT

GIVES THEM NO BENEFITS.
NO BENEFIT WHATSOEVER.
SO ASSUMING THAT THE
PARALEGALS ARE RATIONAL
ECONOMIC BEING AORS,"ACTORS I
THINK WHAT WOULD HAPPEN OUT OF
PROFESSIONAL PRIDE WE WOULD
HAVE SOME JOIN TO BEGIN WITH,
BUT THAT -- NUMBER WOULD
RAPIDLY RAPIDLY DECLINE.
BECAUSE THEY ARE BELIEVE TOING
BENEFITS.

>> WHY WOULD NO THEY NOT
RECEIVE BENEFIT IT SEEMS TO ME
WE ARE TALKING ABOUT
REGISTRATION!!\$\$!!!!!!!!!!!!!!!!!!!!!!
REGISTRATION, AND, THAT I AM
SUBMIT MOOILGZ VOLUNTARY, TO A
SYSTEM OF REGISTRATION, AND IF
I DON'T FOLLOW WHAT THE
REQUIREMENTS ARE, THEN THERE
MAY BE SOME CONSEQUENCES,
WOULD THAT NOT BE A BENEFIT
THAT HOLD ONESELF OUT I'M HELD
ACCOUNTABLE SO THERE YOU DON'T
PERCEIVE THAT AS A BENEFIT OF
THE BAR PROPOSAL THEN?

>> IT IS ALL RESPONSIBILITY
BUT NO BENEFIT, IT DOES NOT --
>> THE BENEFIT IS TO THE
PUBLIC YOU ARE SAYING THAT I
AM RESPONSIBLE I'M 4E8DOE HELD
ACCOUNTABLE BECAUSE OF THAT
YOU DON'T SEE THAT AS A
BENEFIT TO THE PERSON, WHO
TOLDO HOLD THEMSELVES OUT TO
THE PUBLIC THOUGH.

>> IT WOULD BE A BENEFIT, TO
THE PUBLIC, BUT IT WOULD BE A
BENEFIT TO THE PUBLIC ONLY IF
IT WERE A MANDATORY SYSTEM,
WHERE THE PUBLIC COULD
UNDERSTAND WHAT A PARALEGAL
IS.

NOW, WHAT THE \$\$BAR'S PROPOSAL
WERE LAYING ON TOP OF THE
CONFUSION WE HAVE NOW, AN
EXTRA CONFUSION AS TO WHAT IS
THE TIER ONE, AND A TIER TWO,
PARALEGAL!!\$\$!!!!!!!!!!!!!!!!!!!!!!
PARALEGAL.

I THINK IT IS ONLY MATTER OF
TIME IF THIS PROPOSAL WERE
ADOPT!!\$\$!!!!!!!!!!

ADOPTED, UNTIL WE HAVE
LAWYERS, THAT ARE IN -- FEE
DISPUTES!!\$\$!!!!!!!!!!!!!!
DISPUTES, OR GRIEVANCES ABOUT
THE ADEQUACY OF THE LEGAL
REPRESENTATION WHERE SOME
LAWYER WILL BE IN A DISPUTE
WITH A CLIENT AND THE CLIENT
WILL ARGUE THAT WELL YOU TOLD
ME THAT WE HAD A PARALEGAL
WORK ON THIS, WHO WAS A TIER
ONE PARALEGAL.
WHEN IN FACT, TIER ONE
PARALEGAL MEANS NOTHING IF IT
-- TIER TWO PARALEGAL, THAT IS
RESPONSIBLE FOR MAINTAINING
THE TYPE OF CERTIFICATION.
>> THIS IS THE BENEFIT ALSO TO
THE -- THE LAWYER WHO WANTS
SOME PROFESSIONAL WORKING WITH
HIM OR HER, NOW, KNOWS, THAT
THEY CAN ASK FOR AND THEN OF
COURSE!!\$\$!!!!!!!!!!!!!!
COURSE, THE PERSON WILL THEN
DEMAND A HIGHER SALARY, TO
HAVE A PERSON WHO IS AE
REGISTERED PARALEGAL, IT HELPS
IT WOULD SEEM IN THE LEGAL
PROFESSION!!\$\$!!!!!!!!!!!!!!
PROFESSION, IN DECIDING, WHO
IS GOING TO BE HIRED, OR NOT.
IT MAY HELP THE COURTS, IN
TERMS OF DECIDING WHETHER WHAT
IS A REASONABLE FEE FOR THAT
PERSON WHO IS A NONLAWYER, TO
BE ABLE TO SAY WELL I KNOW
THAT THAT IS LEVEL, AND -- SO
SHORT OF THE FULL YOU KNOW,
EVERYBODY BEING REGISTERED, IT
SEEMS THAT THERE IS SOME
BENEFIT TO HAVING AT LEAST
THIS STEP, NOW AND BUT YOU ARE
SAYING, WOULD YOU RATHER HAVE
NO STEP IT IS EITHER ALL OR
NOTHING -- I JUST WANT TO MAKE
SURE WE ARE --
>> YOUR HONOR, I AGREE WITH
THE FIRST PART OF WHAT YOU
SAID.
THAT THERE IS THAT BENEFIT
WITH REGARD TO THE TIER TWO
PROFESSIONALIZED PARALEGALS,
WHAT I HAVE NOT HEARD AND
EXAMINED VERY CLOSELY ALL OF

THE \$BAR'S SUBMISSION ON US
EVERY ISSUE, NOT ONE
LEGITIMATE REASON NOT ONE
POLICY THAT WOULD BE ADVANCED
BY HAVING THIS TIER ONE
UNDEFINED PERMANENT PAR
ILLEGALS!!\$\$!!!!!!!!!!!!!!
ILLEGALS -- PARALEGALS I THINK
THERE IS A NOTHING ANOTHER
REASON THIS WOULD NOT SIMPLY
BE A FIRST STEP RIGHT NOW I
THINK WE ALL UNDERSTAND THERE
IS SOME REALLY QUESTION ABOUT
-- SOME REAL QUESTION ABOUT
LAWYERS BILLING FOR TIME FOR
INDIVIDUALS WHO ARE CALLED
PARALEGALS BUT ARE NOT SUBJECT
TO ANY MEANINGFUL DEFINITION
NOT SUBJECT TO ANY
REQUIREMENTS AS TO THEIR
BACKGROUND!!\$\$!!!!!!!!!!!!!!
BACKGROUND.

>> I'M HEARING -- HAVING
DIFFICULTY WITH YOUR RESPONSE
ABOUT THIS FIRST STEP
ARGUMENT, BECAUSE, I SEE A
CLEAR DIFFERENCE.

HOW MANY PARALEGALS YOU DO
BELIEVE ARE OUT THERE?

>> LET'S SAY THERE ARE 75,000
LAWYERS IN THE STATE.
WHAT WOULD BE THE MULTIPLE OF
THAT?

WOULD IT BE TWO?

WOULD IT BE THREE?

CLEARLY, IT WOULD BE MORE THAN
THE 75,000, WOULDN'T IT.

>> THE NUMBER OF PARALEGALS,
IN THIS STATE?

>> YES.

>> I BELIEVE, WELL.

>> LET'S JUST TALK ABOUT
LAWYERS, THAT HAVE SOMEBODY,
WORKING FOR THEM, THAT IS NOT
A LAWYER.

AND YET, DO QUASI LAWYER YOU
KNOW, LAWYERING TYPE WORK, IT
IS -- SO IF YOU TAKE THE FULL
STEP RIGHT NOW, WHAT YOU ARE
TAKE -- TALKING ABOUT IS THE
BAR IN ADDITION, TO HAVING
THIS ENORMOUS AND SOMETHING
THAT THEY ARE VERY PROUD OF
DISCIPLINARY PROGRAM, FOR THE

75,000 LAWYERS, THAT THEY HAVE, OF NOW, 99 REALLY HAVING SOMETHING THAT COULD EASILY SWALLOW UP, IN COMPARISON, THE LAWYERS, BECAUSE OBVIOUSLY, THEY ARE A LOT MORE PARALEGALS A LOT MORE PEOPLE THAT ARE STUTTERING THE LAWYERS, THAN THERE ARE YOU KNOW, JUST THE LAWYERS SO YOU ARE TALKING ABOUT AN ENORMOUS AN ENORMOUS PROGRAM IF YOU IF YOU JUST JUMP RIGHT INTO THAT, YOU KNOW FROM THE OUTSET.

SO I'M HAVING DIFFICULTY, ING YOU SAYING THAT THERE IS NO BENEFIT IN FIRST DOING THIS ON A VOLUNTARY BASIS, WHERE PEOPLE ARE WILLING TO SUBMIT THEMSELVES TO VERY HIGH STANDARDS!!\$\$!!!!!!!!!!!!!!!!!!!! STANDARDS, IN ORDER TO HAVE THIS CERTIFICATION.

HELP ME HELP ME WITH THAT, COMPARISON OF THIS ALL OR NOTHING THAT ALL -- ALL OF THE SUDDEN WE ARE GOING TO HAVE SOMETHING THAT MAKES REGULATION OF THE LAWYERS LOOK LIKE A -- A TINY EFFORT.

>> I WILL, YOUR HONOR, IN TWO I WAS, FIRST OF ALL -- WAYS. FIRST OF ALL MY CLIENTS -- WERE NOT TO BE REGULATED BY THE BAR -- WHAT WE ARE PROPOSING WHAT WE WISH TO HIS THAT THIS COURT ASSIGN A STANDING COMMITTEE TO STUDY THIS ISSUE.

AND COME UP WITH A MEANINGFUL PROPOSAL INCLUDING MANDATORY REQUIREMENTS FOR PARALEGALS.

>> TO BE ADMINISTERED BY WHOM IN.

>> I BELIEVE A COMMITTEE SHOULD STUDY THE ISSUE, AND MAKE APPROPRIATE RECOMMENDATION!!\$\$!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!! RECOMMENDATIONS.

I DON'T BELIEVE THAT IT IS THE BAR CORRECTLY -- I THINK THAT A SIMILAR UNDERTAKING HAS BEEN DONE BY THE COURT WITH REGARD TO COURT MEDIATORS.

AND IT IS THE SAME ISSUE WITH RIDER TO JURISDICTION THAT WE HAVE ENABLING LEGISLATION, THAT CONFERS JURISDICTION AND REMOVES ANY QUESTION WITH REGARD TO JURISDICTION, AS TO MEDIATORS!!\$\$!!!!!!!!!!!!!! MEDIATORS, AND, THIS COURT SEPARATE AND APART FROM THE PAR -- BAR, HAS ASSIGNED A STANDING COMMITTEE TO STUDY THAT ISSUE.

>> WITH OUR HELP OF YOU EXHAUSTED YOUR TIME IF YOU BRING YOUR REMARKS TO CONCLUSION, PLEASE.

>> SURE.

>> I WANTED TO -- FINISH UP WITH --

>> PLEASE DO.

>> -- ANSWER THAT JUSTICE ANSTEAD -- WE WOULD HAVE THE SAME PROBLEM, YOUR HONOR, IF ALL OF THE QUALIFIED PARALEGALS VOLUNTARILY JOINED IN TERMS OF WHAT THE BURDEN WOULD BE, I THINK AND THE LONG RUN, THAT THIS COURT HAS THE OPPORTUNITY\$\$!!!!IP TO TAKE THE LEAD IN THIS ISSUE, REGULATION OF THE PARALEGAL SERVICES, IS THE WAVE OF THE FUTURE, INSTEAD OF AN -- ENACTING A PROPOSAL THAT WOULD TAKE US A STEP BACKWARD BY UNDERTAKING ITSELF WE CAN TAKE A STEP FORWARD.

>> THANK YOU VERY MUCH, REBUT!!\$\$!!!!!!!!!! REBUTTAL?

>>!!\$\$!!

>>.

>> MAY IT PLEASE THE COURT. YOUR HONORS WE DON'T NEED ANOTHER COMMITTEE, WE HAVE HAD A COMMITTEE, COMPOSED OF LAWYERS, PARALEGALS, PARALEGAL EDUCATORS REPRESENTATIVES THE VOLUNTARIES VARIOUS SECTIONSES OF THE BAR WE HAVE STUDED THIS A YEAR AND HALF TO TWO YEARS WE HAVE HAD PUBLIC COMMENT, WE HAVE PROPOSED THE RULE YOU PUBLISHED THE RULE OF THE FLORIDA BAR NEWS, I THINK THE RULE IS READY TO BE

REACHED!!\$\$!!!!!!!!!!!!!!

REACHED.

ALSO I WOULD LIKE TO ADDRESS
THE ALLEGATION THAT THE BAR
DOES NOT INTEND TO WIN THIS
FIGHT.

TO THE EXTENT THAT IT IS A
FIGHT.

WE BOTH AGREE THERE SHOULD BE
SOME REGULATION.

THE INTENT CERTAINLY IS TO WIN
THIS, BECAUSE WE THINK THIS A
POSITIVE FIRST STEP IN TERMS
OF RECOGNIZES\$!!!!!!ING THE
PROFESSIONALISM OF PARALEGALS
OUT THERE, AND, RAISING THE
QUALITY OF PRACTICE OF LAW, AT
THE BAR.

BECAUSE FOR A LAWYER, WHAT THE
LAWYER CAN DO WHEN IS HE WITH
A TIER WON PARALLEL ENCOURAGE
THAT PARALEGAL TO BECOME TIER
TWO GET THE EDUCATION TRAINING
GET CONTINUING EDUCATION TO
THE QUALITY OF THE LAW
PRACTICE TO ALL FLORIDIANS, IS
IMPROVED!!\$\$!!!!!!!!!!!!!!
IMPROVED.

>> IS IT THE \$BAR'S
REPRESENTATION TO THE COURT,
THAT THIS IS TRULY A FIRST
STEP, IN THE MOVING FORWARD TO
MANDATORY REGULATION TESTING
WHAT!!\$\$!!!!!!
WHATEVER?

>> WELL, IF -- IF 200
PARALEGALS SIGN UP OUT OF WHAT
WE UNDERSTAND ARE 16,000
ACCORDING TO THE DEPARTMENT OF
LABOR 16,000 PARALEGALS THE
STATE OF FLORIDA, IF 200 SHOW
UP, THEN THAT IS PROBABLY THE
END OF IT.

BUT MY UNDERSTANDING FROM BAR
STAFF THAT IS THEIR PHONES ARE
RINGING OFF THE HOOKS FROM PAR
PARALEGALS ALL OVER THE STATE
WANTING TO PAY REGISTRATION
WANTED TO GET REGISTERED SO --

>> SO THEN THE ANSWER TO MY
QUESTION IS --

>> TRULY A FIRST STEP.

>> WITH OUR HELP WE HAVE USED
UP YOUR TIME WE THANK YOU ALL

FOR YOUR HELP IN ANALYZING
THIS MATTER, THANK YOU FOR
YOUR BRIEFS AND WE WILL TAKE
IT UNDER CONSIDERATION, THANK
YOU!!\$\$!!!!!!
YOU.