

Paralegal Association of Florida, Inc. *An affiliate of the National Association of Legal Assistants.*

*P.O. Box 301, West Palm Beach, FL 33402
www.pafinc.org*

March 14, 2011

Via E-Mail to richter.garrett.web@flsenate.gov

Senator Garrett Richter
322 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Subject: Senate Bill 1612 – Mandatory Regulation of the Paralegal Profession

Dear Senator Richter:

We are contacting you regarding our association's surprise, as well as its displeasure, of Senate Bill 1612, which you filed on behalf of the Florida Alliance of Paralegal Associations, Inc. (the "Alliance").

By way of background, the Paralegal Association of Florida, Inc. ("PAF") has been in existence for 35 years and is the only statewide paralegal association. We have approximately 1,000 members and 10 chapters around the state. PAF was very instrumental in the formation of the Alliance more than 15 years ago, as well as taking the lead role with the Alliance during the 2005 legislative session that ultimately resulted in the formation of the Florida Registered Paralegal ("FRP") credential [see Rule 20 of the Rules Regulating The Florida Bar].

The FRP program became effective March 1, 2008, and while registration is voluntary, more than 5,000 paralegals have registered to date. We believe that the program has been widely accepted by attorneys and paralegals in this state. In fact, over the past few months, a Special Committee was appointed by the Board of Governors of The Florida Bar to study mandatory regulation of paralegals, and it is our understanding that this committee will be submitting its findings to the Board of Governors at its March 25th meeting.

We feel that the filing of this bill (and its companion HB 1149) does not represent the desires of most of the paralegals in this state, particularly those that have voluntarily registered as FRPs. The bill is insufficient in describing how any of the mandates outlined in it would provide: (i) a greater status for paralegals, (ii) a better assistant for an attorney to provide quality, efficient and effective service to his or her

The Standard for the Paralegal Profession

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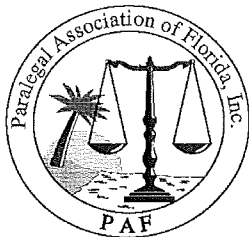
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clients, and (iii) how the public might be better protected by implementing the mandatory regulatory scheme set forth in this bill and its companion HB 1149. In fact, we believe it may serve as a detriment to the legal profession as a whole.

Further, the bill mandates many component parts, which are part of any regulatory plan, all of which are already established through the FRP program or through rules and statutes. To highlight a few:

1. The program shall define the scope of paralegal practice.

Paralegals may only do those things as outlined by administrative rule, statute, or other rules (specifically see Rules, 4-5.3, 10-2.1 and 20-2.1(c) of The Rules Regulating The Florida Bar.

2. The program shall provide mandatory minimum standards and procedures for initial qualifications.

See Rule 20-3.1 of The Rules Regulating The Florida Bar, with the exception of subdivision (c) of this Rule as it has sunset.

3. The program shall provide requirements for continuing education, certification and professional conduct.

See Rule 20-3.1, Rule 20-4.1 and Rule 20-7.1 of The Rules Regulating The Florida Bar.

4. The program would establish fees for application and renewal which may not exceed \$100.

See Rule 20-4.1(c) of The Rules Regulating The Florida Bar. Obviously, to set a standard that the fee may not exceed \$100 is counterproductive in that such fee may be insufficient for the program to be self-supporting.

5. The Supreme Court shall create an independent board to adopt rules, establish procedures and assist the Supreme Court in administering the program.

The Supreme Court did exactly that when Rule 20 was approved. It appointed a Standing Committee through The Florida Bar to establish procedures, adopt rules and administer the program.

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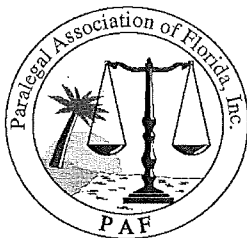
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While it is the ultimate goal of many paralegals in this state to move toward mandatory regulation, it is our strong belief that any mandatory licensure at this time, without further study as to its ultimate form and long-term effect on the profession, would be detrimental. The Bill in its current form leaves many unanswered questions. If, for example, the program was to be administered by the Department of Business and Professional Regulation ("DBPR"), it may likely be that every paralegal in this state who has already met high standards for voluntary certification and/or education, and who have voluntarily registered their credentials with The Florida Bar and paid fees, would be forced to start anew in order to continue to be permitted to work in this state as a paralegal.

For these and many other reasons, we respectfully request that this bill be withdrawn from consideration.

Sincerely yours,
Paralegal Association of Florida, Inc.

Amy J. Schaffer, ACP, FRP
First Vice President

and

JoAnne Sorrentino, ACP, FRP
President

AJS/las

cc: Lori Holcomb Pius, The Florida Bar, Staff Liaison to FRP Standing Committee: lholcomb@flabar.org
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