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# insider

Volume I

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## The Rise of Limited Licensed Legal Technicians in the Legal Profession

By Paul A. Smith, FRP

Until recently, I had not heard of “Limited Licensed Legal Technicians” or LLLTs. Loosely defined, it is a licensed, non-lawyer who engages in the limited practice of law.

**What other states are doing.** In June of 2012, the Washington Supreme Court adopted APR 26, entitled “Limited Practice Rule for Limited License Technicians.” The rule allows non-lawyers with specific training to provide technical help on simple legal matters. Citing an overburdened and underfunded civil legal aid system in the state, Chief Justice Barbara Madsen believes this is one strategy that can assist those who find themselves in court, but unable to afford an attorney.<sup>1</sup>

Under this rule, an LLLT is not fully a licensed attorney, but is licensed to assist clients in certain limited legal matters approved by the Washington Supreme Court. For the initial phase of the licensing program, the Washington Supreme Court authorized licensed legal technicians to practice and advise clients in divorce, child support and other family law matters which means they can:

- Obtain relevant facts from clients.
- Inform clients about possible implications of the law applied to their cases.
- Advise clients on how best to manage their legal actions for optimum results.

- Prepare clients to represent themselves in court proceedings.
- Perform legal research to answer clients’ legal questions.
- Draft legal documents to be filed with the court.

Legal Technicians are limited in performing the role of an attorney in three primary ways: (1) They cannot represent their clients in court, (2) they cannot negotiate on behalf of their client, and (3) they can only prepare legal documents that have been approved by the Limited License Legal Technician Board (LLLTB) which was established by the Washington Supreme Court. Under Rule 28 of the Admissions and Practice Rules (APR), the LLLTB administers the Legal Technician Program which establishes regulations for professional conduct, exam procedures, continuing education requirements, and disciplinary procedures.

To become a Limited Licensed Legal Technician in Washington, candidates must;

- Obtain an associates degree or higher.
- Complete 45 credit hours of core curriculum through an American Bar Association approved legal program

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## LIMITED LICENSED LEGAL TECHNICIANS, from preceding page

- Complete applicable practice area courses (family law) offered through the University of Washington School of Law.
- Complete 3,000 hours of paralegal experience involving substantive legal work in any practice area under the supervision of a lawyer.
- Take and pass the Legal Technician Exam.

On January 8, 2015, the Washington Supreme Court adopted the Limited License Legal Technician Rules of Professional Conduct whose primary purpose is the establishment of ethical conduct rules for practicing legal technicians. On the same day, the Court adopted amendments to APR 28 to provide for the efficient administration of the program and to clarify an issue related to the LLLTs scope of practice.

Other practice areas that this rule may be expanded to now include elder law, landlord tenant disputes, and immigration.

California, Connecticut, Massachusetts, New York, Georgia, Maryland, and Vermont are all considering adopting some form of the Washington model. The Florida Bar has also begun to examine this new form of business model for the consumers of legal services. In California, an LLLT Working Group held public hearings and ultimately recommended the concept should be pursued. Last February, New York began a pilot

program in which non-lawyers, called navigators, provide free assistance to unrepresented litigants in cases involving housing in Brooklyn and consumer debt issues in the Bronx and Brooklyn. Navigators are allowed to join the unrepresented litigant in the courtroom, but are not allowed to act as an advocate in court, but they are allowed to answer questions from the judge and provide “moral support”. Typically, New York’s navigators are college and law school students with no formal licensing requirement.<sup>2</sup>

**Why the rise in interest in LLLTs?** Simply put, money. In a January article in the ABA Journal, Robert Ambrogi reported 90% of litigants in the housing, elder law, and consumer debt cases are without lawyers. At a recent OCBA luncheon, Florida Bar President, Gregory Coleman reported more than 4 out of 5 low-income litigants “go it alone” because they feel priced out of the market and less than 15% of small business use a lawyer. In 2003 the Washington Supreme Court commissioned the Civil Legal Needs Study, which found 88% of low-income Washingtonians face their legal problems alone, without the assistance of a lawyer. In a report released in 2013, the New York City Bar’s Committee on Professional Responsibility, which has studied the issue of non-lawyer practice for decades, points to a growing crisis with litigants going unassisted in 99% of eviction cases.

**Not without opposition.** This isn’t a sudden development; it’s been under consideration in Washington and other states for decades. Given the current flood of unemployed law grads and the changes Florida Bar President Coleman shared with the OCBA recently, in the practice of law, it is no surprise there is opposition. When Washington’s Supreme Court first proposed allowing non-lawyers to engage in the limited practice of law, the Washington State Bar Association board of governors voted to oppose the proposal. The State Bar of California’s Executive Director, Joseph Dunn, reported the opposition came exclusively from lawyers. In both California and Washington, concern for the potential harm to consumers was their primary reason for opposition. Opponents cite the same financial burdens placed on a law firm will have the same affect on the cost of owning and operating an LLLT business, so how will the savings to the consumer be realized?

If this is the first you have heard of LLLTs, it is doubtful it will be the last. **Paul A. Smith, FRP** is a paralegal with *Larsen & Associates, P.L.* and has been an OCBA member since 2011.

### Endnotes

1 Merrilyn Astin Tarlton, “The LLLT and the Power of Positive Thinking,” <http://www.attorneyatwork.com>, (October 1, 2013)

2 Robert Ambrogi, “Authorized Practice,” American Bar Association Journal, (January 2015)

# FRP CORNER

By Shannon Fleming

## FRP Identification Cards

The Florida Registered Paralegal program proudly announces the issuance of FRP ID cards. This card will be issued annually upon renewal of your FRP designation. The card will be issued in October and effective for one year, as long as you continue to meet the requirements of Chapter 20. For those who were registered prior to the renewal period, cards will not be provided. For example, if you were registered May of 2016, you were not mailed a renewal fee statement. You received a certificate of registration in your welcome packet. This certificate will evidence your FRP designation until your first renewal. Possession of the card will make it more convenient for you to take advantage of membership benefits which can be found at [www.floridabar.org/membershipbenefits](http://www.floridabar.org/membershipbenefits).

# Consider Taking CLE Courses Outside of Your Practice Area for Professional and Personal Development Benefits

By Anne C. Fisher, FRP

Today the workplace is unlike any other time in history. Changes in how clients and law firms use technology for communication, presentation, document drafting, litigation, recording, and transactional work, seem to be coming faster than ever. Working remotely, video conferencing and other changes in how we work are now commonplace. Just ten years ago e-mail was seldom used. Today, clients want to read and sign documents on their smart phones.

Culturally, many no longer work in one place for twenty years as changing jobs occurs much more frequently than it did a generation ago. Some who stay in one place may even be viewed as old-fashioned or out of touch with current trends.

Many pride themselves on being specialists, with deep expertise in a particular practice area. Others take pride in being generalists, having a broad knowledge base, and being adept at handling many types of legal matters with relative ease. There are pros and cons to both. Specialists may be sought after for their depth of knowledge and experience in a specific practice area, but could also find themselves pigeon-holed and missing out on opportunities and experiences. Generalists may miss great opportunities as well by not having the necessary depth of knowledge in certain areas; however, they could be highly valued for their ability to handle a wide variety of client needs.

Many recent changes in the workplace impact the paralegal in today's legal profession. Continuing Legal Education ("CLE"), both inside and outside a given practice area may help paralegals cope with the demands and cultural changes in the

industry and gain valuable experience from new opportunities.

The ever-changing demands of the profession make learning outside of a specific practice area a must. Broad knowledge about other areas of law makes the paralegal a well-rounded professional in the industry. This allows the paralegal to assist attorneys in various practices throughout the firm. Such assistance could include participating in large firm projects, taking on new projects, and simply being able to converse intelligently with others inside and outside the firm. For example, when a title matter arises within a litigation proceeding, or a litigation matter appears on a title commitment, paralegals from both departments may communicate effectively to help each other resolve the matter or do the necessary research. Communicating intelligently and effectively about various areas of law enables the paralegal to appear more confident and capable. This could result in more frequent and interesting work assignments, and opportunities to mentor newcomers to the firm -- including new attorneys.

Adding to one's knowledge base can make the paralegal more effective at the tasks they already perform. Tips gleaned from CLE courses in one practice area may be applied to other practice areas. Examples could include bankruptcy implications in other creditor's rights matters or real estate issues in litigation and foreclosure matters. Estate and probate issues may arise in virtually every practice area.

Basic knowledge of the structure of business entities may be useful for researching parties to a lawsuit, or for determining what records should

exist and have not been provided. The paralegal that raises the issue that no LLC operating agreements were produced could save the day. The paralegal handling e-recording, and provides the document to the recorder in time to save a closing (or prevent one), could make or break a deal!

Often, CLEs revolve around technology themes. These may or may not be related to a specific practice area, but practical knowledge gained could directly translate. On-line research, e-Filing or e-Recording, paperless office tips, PowerPoint, Adobe are tools which may be utilized across the board in many practice areas. Examples include using PowerPoint to create demonstrative exhibits for use in Court,

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## CONSIDER TAKING CLE COURSES, *from preceding page*

or using Excel to create corporate structures and timelines for major transactional projects. Adobe can be utilized for creating PDFs, electronic signing, Bates numbering, and redacting documents. The paralegal with knowledge of how to compress a PDF so that a client may receive and open the file on a smart phone ultimately winds up with a happy client and an appreciative boss. Becoming well-versed in today's technology through CLEs can even enhance opportunities for working remotely.

The paralegal seeking new challenges in other areas of law can use CLE seminars to learn what is needed to succeed in other fields. This may also serve as an opportunity to network, find a mentor in another practice area, or learn of new

career opportunities. For those not seeking a new career path, such CLE seminars are opportunities to find or become that "go-to" paralegal to call when seeking advice or answers to questions in other practices areas or jurisdictions.

CLEs are often sponsored by vendors offering services to the legal industry. These seminars are fertile ground for building relationships with vendors in areas that could fill needs in the paralegal's current practice area. This may be very helpful when six boxes of copy work arrive in the office on July 3<sup>rd</sup> at 4:00 p.m. -- all of which must be completed by 9:00 a.m. on July 5<sup>th</sup>.

The opportunities for networking, building skills and confidence, fellowship and camaraderie are impor-

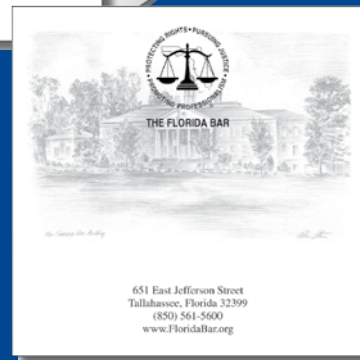
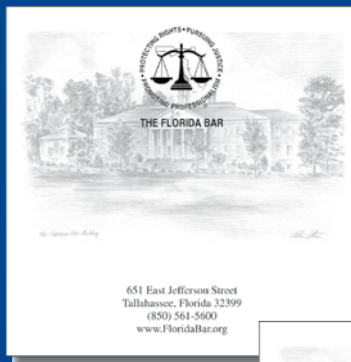
tant additional benefits of attending varied CLE events. From a personal development perspective, learning opportunities and chances to become acquainted with new areas of interest can be quite rewarding. New and meaningful volunteer opportunities may be found as well. Novelty and newness in the workplace help us all to keep growing and feeling engaged.

Career paralegals should seek to constantly improve and hone their skills and professionalism. Being an expert in a practice area is important, but do not miss out on the professional and personal development benefits that broad and varied CLE seminars and courses can provide.



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# Microsoft Excel Beyond Accounting and Financial Reporting

By Michelle Gerena

With more attorneys handling document production, skills needed today for a paralegal are e-File, e-Discovery, Project Management, Practice Management, and Excel, just to name a few. In most cases, Excel is associated with accounting and financial reporting operations; however, in a law firm environment a paralegal is able to use Excel for organizing and

retrieving case information quickly.

Excel is composed of rows and columns that can be manipulated using functions that calculate results of information you are looking for. A new version of Excel contains 1,024 columns and one million rows, making Excel useful to connect the dots, adapt to changes, and communicate with the litigation team.

Using Excel, a paralegal is able to collect, organize, and retrieve casts of characters, informal and formal discovery, locate documents, and visualize the entire case during the discovery phase of a litigated matter. Excel is useful in practice management if the paralegal understands and uses functions such as VLookup, Sort and Filter, Match, and Share Workbook.

**VLookup** looks up a value you want to find in an Excel list or table.

**Sort and Filter Data** changes the order of your data to focus on a specific set of data.

**Match** compares differences between native and external lists. Differences between the current versions of the same project can be reviewed in a detailed report.

**Share Workbook** is useful when the paralegal collaborates with several people to edit or manipulate contents simultaneously.

For example, during formal discovery you will receive the same document from different sources. Then, for purposes of authenticating the document, you could use VLookup to return a search on the location of the document based on its source. Also, when handling a workers' compensation case, there may be allegations of differences in the payout ledger. Comparing the payout ledgers will provide you with the differences between the two. Further, in fact-checking witnesses' testimonies, you could sort and filter the cast of characters based on credibility or motive. On an Affidavit of Time for a Motion for Attorney's Fees, you could get different views of the time being requested by filtering the time into categories such as received and reviewed, telephone conferences, research, and so forth.

You could further view the time billed per day per time keeper to more effectively object to excessive time billed. One additional Excel feature worth mentioning is the Share Workbook. This allows you to

share the workbook with the others in your litigation team to view and edit at the same time without the workbook opening as a read-only version, preventing more than one version of the workbook to be saved.

In sum, consider using Excel for managing information in the discovery phase, including these as well as others:

Cast of characters with witnesses' roles played in the case, including the who, what, where, when, why, credibility, and motive.

Informal discovery with information obtained based on your own investigation, including performing public records search, Internet research, taking your own pictures where an incident occurred, witness interviews, and surveillance.

Documents obtained through formal discovery with information received through propounding and responding to Request for Production.

A 20,000 foot view, 10,000 foot view, and 5,000 foot view to get an expansive overview of the general aspect, see its moving parts and how they fit into the case, determine each part's name, find the dates and times, and see contracts and other information that tie together the case.

**Michelle Gerena**, office manager at Broussard & Cullen, P.A., has been a member of the OCBA since 2011.

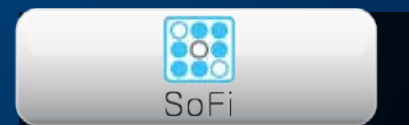
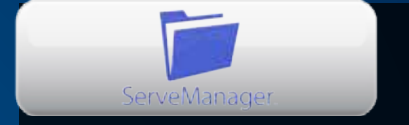


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