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June 15, 2011

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Board votes to enhance Florida Registered Paralegal program

By Gary Blankenship

Senior Editor

In lieu of a proposal for mandatory licensing of paralegals, the Bar Board of Governors has instead endorsed an enhancement of the Bar's current [Florida Registered Paralegal](#) program.



Program Evaluation Committee Chair Greg Coleman told the board at its May 27 meeting in Key West that his committee unanimously rejected the majority recommendation of the Special Committee to Study Mandatory Regulation of Paralegals and instead endorsed the special committee's minority report.

The PEC, which conducted a required review of the FRP program after its third year, also recommended several ways of improving that program, which were adopted by the board.

Coleman noted that paralegal members of the special committee, plus one law-yer, favored the regulation of paralegals, while the board members on the committee opposed it.

"We received a lot of comments about this. The vast majority of them, including most of the paralegals who corresponded with me, were not in favor of mandatory regulation," Coleman said.

In addition, as part of the PEC's review, he said the Bar polled those who have become Florida Registered Paralegals, with around 2,000 responding. Although those polled were not asked directly about mandatory regulation, Coleman said they were asked about issues important to them.

"Very few of the respon-dents mentioned this issue as being significant to them," he said.

Coleman said he intends to stay in touch with those pushing for regulation so they know the Bar cares about their concerns.

The PEC's three-year review showed "that program [FRP] is an unbelievable program," Coleman said. "It's hugely popular and more people are joining every day."

The special committee, appointed by President Mayanne Downs last year to look at paralegal regulation, had determined that the Supreme Court, under its inherent powers to regulate the legal profession, has the authority to license and regulate paralegals.

But rather than a licensing scheme similar to that for lawyers, the committee instead proposed that lawyers not be allowed to call their non-lawyer employees "paralegals" unless those employees are Florida Registered Paralegals, who have to meet specific experience and education criteria to get that designation from the Bar. How lawyers bill for nonlawyer employees' work, whether paralegal or not, would not be affected.

That was approved by a 4-2 vote of the committee at a meeting at which two members — Board of Governors members Jake Schickel and Richard Tanner — were absent. They later joined with the two dissenting committee members — Sandra Diamond and board member Mary Ann Morgan — in a minority

opinion that said the majority proposal would dilute the meaningfulness of the FRP designation. They also said it could create difficulties for small firms that specialize in certain areas because the nonlawyer employees' work experience might not be broad enough to qualify to become a FRP.

Rather than the special committee's proposal about using the paralegal title, the PEC proposed several steps to enhance and improve education about the Florida Registered Paralegal program. Those include increasing lawyer and paralegal awareness for the FRP program, making paralegals more aware of membership benefits available through the Bar for registered paralegals, and using the Bar's Career Center to help paralegals learn about job opportunities.

Other recommendations include:

- Letting paralegals know about education opportunities available to them at Bar [CLE programs](#), which helps them meet the requirement of 30 hours of CLE every three years.
- Using the [Bar Annual Convention](#) as an opportunity for paralegals to attend CLE programs.
- Upgrading the [FRP webpage](#) on the Bar's website, making it easier to find and having links to various paralegal organizations.

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