

## **CHAPTER 20. FLORIDA REGISTERED PARALEGAL PROGRAM**

### **20-1. PREAMBLE**

#### **RULE 20-1.1 PURPOSE**

The purpose of this chapter is to set forth a definition that must be met in order to use the title paralegal, to establish the requirements to become a Florida Registered Paralegal, and to establish the requirements to maintain Florida Registered Paralegal status. This chapter is not intended to set forth the duties that a paralegal may perform because those restrictions are set forth in the Rules of Professional Conduct and various opinions of the Professional Ethics Committee. Nothing contained in this rule is deemed relevant in charging or awarding fees for legal services rendered by nonlawyers under the supervision of an employing or supervising lawyer, which are being based on the nature of the services rendered and not the title of the person rendering the services.

Added November 15, 2007, effective March 1, 2008, (SC06-1622), (969 So.2d 360), amended November 9, 2017, effective February 1, 2018 (SC16-1961).

### **20-2. DEFINITIONS**

#### **RULE 20-2.1 GENERALLY**

For purposes of this chapter, the following terms have the following meaning:

**(a) Paralegal.** A paralegal is a person with education, training, or work experience, who works under the direction and supervision of an employing or supervising lawyer and who performs specifically delegated substantive legal work for which an employing or supervising lawyer is responsible.

**(b) Florida Registered Paralegal.** A Florida Registered Paralegal is someone who meets the definition of paralegal and the requirements for registration as set forth elsewhere in these rules.

**(c) Paralegal Work and Paralegal Work Experience.** Paralegal work and paralegal work experience are specifically delegated substantive legal work that is performed by a person with education, training, or work experience under the direction and supervision of an employing or supervising lawyer for which an employing or supervising lawyer is responsible. In order to qualify as paralegal work or paralegal work experience for purposes of meeting the eligibility and renewal requirements, the paralegal must primarily perform paralegal work and the work must be continuous and recent. Recent paralegal work for the purposes of meeting the eligibility and renewal requirements means work performed during the previous 5 years in connection with an initial registration, and during the preceding year in the case of a registration renewal. Time spent performing clerical work is specifically excluded.

**(d) Approved Paralegal Program.** An approved paralegal program is a program approved by the American Bar Association (ABA) or a program that is in substantial compliance with the ABA guidelines by being an institutional member of the American Association for Paralegal Education (AAfPE) and accredited by a nationally recognized accrediting agency approved by the United States Department of Education.

**(e) Employing or Supervising Attorney.** An employing or supervising lawyer is a member of The Florida Bar, authorized house counsel, foreign legal consultant, or military lawyer, as defined in the Rules Regulating The Florida Bar, having direct supervision over the work product of the paralegal or Florida Registered Paralegal.

**(f) Board.** The board is the Board of Governors of The Florida Bar.

**(g) Respondent.** A respondent is the individual whose conduct is under investigation.

**(h) Designated Reviewer.** The designated reviewer is a member of the board of governors appointed by the president of The Florida Bar from the district of the district paralegal committee and is responsible for review and other specific duties as assigned by the board of governors with respect to a particular district paralegal committee or matter. If a designated reviewer recuses or is unavailable, another board member from the district may be appointed by the president of The Florida Bar to serve as designated reviewer in that matter.

**(i) Probable Cause.** A finding of probable cause is a finding that there is cause to believe that a Florida Registered Paralegal is guilty of misconduct justifying disciplinary action.

**(j) Bar Counsel.** Bar counsel is a member of The Florida Bar representing The Florida Bar in any proceeding under these rules.

Added November 15, 2007, effective March 1, 2008, (SC06-1622), (969 So.2d 360). Amended April 12, 2012, effective July 1, 2012 (SC10-1967); amended May 29, 2014, effective June 1, 2014 (SC12-2234), amended November 9, 2017, effective February 1, 2018 (SC16-1961).

### **20-3. ELIGIBILITY REQUIREMENTS**

#### **RULE 20-3.1 REQUIREMENTS FOR REGISTRATION**

In order to be a Florida Registered Paralegal under this chapter, an individual must meet 1 of the following requirements.

**(a) Educational and Work Experience Requirements.** A person may become a Florida Registered Paralegal by meeting 1 of the following education and paralegal work experience requirements:

(1) a bachelor's degree in paralegal studies from an approved paralegal program, plus a minimum of 1 year of paralegal work experience;

(2) a bachelor's degree or higher degree other than a juris doctorate from an institution accredited by a nationally recognized accrediting agency approved by the United States Department of Education or the Florida Department of Education, plus a minimum of 3 years of paralegal work experience;

(3) an associate's degree in paralegal studies from an approved paralegal program, plus a minimum of 2 years of paralegal work experience;

(4) an associate's degree from an institution accredited by a nationally recognized accrediting agency approved by the United States Department of Education or the Florida Department of Education, plus a minimum of 4 years of paralegal work experience;

(5) a juris doctorate degree from an American Bar Association accredited institution, plus a minimum of 1 year of paralegal work experience; or

(6) a juris doctorate degree from an American Bar Association accredited institution and membership in good standing with a state bar association other than Florida's, with no minimum paralegal work experience.

**(b) Certification.** A person may become a Florida Registered Paralegal by obtaining 1 of the following certifications:

(1) successful completion of the Paralegal Advanced Competency Exam (PACE certification as offered by the National Federation of Paralegal Associations "NFPA") and good standing with NFPA; or

(2) successful completion of the Certified Legal Assistant/Certified Paralegal examination (CLA/CP certification as offered by the National Association of Legal Assistants "NALA") and good standing with NALA.

**(c) Grandfathering Reapplication.** A paralegal who was registered under the grandfathering provision on or prior to March 1, 2011, who resigns or whose registration is revoked may reapply based on work experience alone. The paralegal must provide work experience as defined elsewhere in these rules for 5 of the 8 years immediately preceding the date of reapplication.

Added November 15, 2007, effective March 1, 2008, (SC06-1622), (969 So.2d 360) ; amended July 7, 2011, effective October 1, 2011 (SC10-1968); amended May 29, 2014, effective June 1, 2014 (SC12-2234); amended Jan. 4, 2019, effective March 5, 2019 (SC18-1683).

## **20-4. REGISTRATION**

### **RULE 20-4.1 GENERALLY**

The following must be filed with The Florida Bar by an individual seeking to be registered as a Florida Registered Paralegal:

**(a) Educational, Certification, or Experience Requirement.**

(1) evidence that the individual has satisfied the requirements of rule 20-3.1(a) by supplying evidence of the degree and attestation from the employing or supervising lawyer showing that the individual has the appropriate paralegal work experience; or

(2) a certificate showing that the individual has obtained 1 of the certifications set forth in rule 20-3.1(b) and attestation from the employing or supervising lawyer(s) showing that the individual is currently primarily performing paralegal work.

**(b) Statement of Compliance.** A sworn statement by the individual that the individual has read and will abide by the Code of Ethics and Responsibility set forth elsewhere in this chapter.

**(c) Registration Fee.** An appropriate registration fee set by the board.

**(d) Review by The Florida Bar.** Upon receipt of the items set forth in subdivision 20-4.1(a)-(c), The Florida Bar will review the items for compliance with this chapter. Any incomplete submissions will be returned. If the individual meets all of the requirements of this chapter, the individual will be added to the roll of Florida Registered Paralegals and a certificate evidencing such registration will be issued. If there is an open unlicensed practice of law complaint against the individual, the application will be held as pending until the investigation is resolved.

**(e) Annual Renewal; Content and Registration Fee.** Except as provided elsewhere in this rule, the registration pursuant to this subdivision will be annual and consistent with that applicable to a lawyer licensed to practice in the state of Florida. An annual registration fee will be set by the board in an amount not more than the annual fees paid by inactive members of The Florida Bar. The renewal must contain a statement that the individual is primarily performing paralegal work as defined elsewhere in this chapter and a statement that the individual is not ineligible for registration set forth elsewhere in this chapter. A Florida Registered Paralegal who is not primarily performing paralegal work is not eligible for renewal of the registration but may reapply for registration. If there is an open unlicensed practice of law complaint against the individual, the renewal will be held as pending until the investigation is resolved.

**(f) Installment Payment of Renewal Fee.** If a Florida Registered Paralegal is employed by a federal, state, or local government, the Florida Registered Paralegal may elect to pay their annual renewal fee in 3 equal installments. The Florida Registered Paralegal's notice of election to pay the renewal fee in installments under this rule and the first installment payment must be postmarked no later than August 15. The second and third installment payments must be postmarked no later than November 1 and February 1, respectively.

Second and third installment payments postmarked after their respective due date(s) are subject to a one-time late charge of \$50 per fiscal year, which shall accompany the final payment.

The Florida Bar will send written notice by registered or certified mail to the last official address of each Florida Registered Paralegal whose renewal fee and late fee have not been paid under this rule by February 1. Upon failure to pay renewal fees and any late charges under this rule by March 15, the individual's status as a Florida Registered Paralegal will be revoked.

**(g) Renewal Fee Exemption for Activated Reserve Members of the Armed Services.** Florida Registered Paralegals engaged in reserve military service in the Armed Forces of the United States who are called to active duty for 30 days or more during the bar's fiscal year are exempt from the payment of the annual renewal fee required under this rule. For purposes of this rule, the Armed Forces of the United States includes the United States Army, Air Force, Navy, Marine Corps, Coast Guard, as well as the Army National Guard, Army Reserve, Navy Reserve, Marine Corps Reserve, the Air National Guard of the United States, the Air Force Reserve, and

the Coast Guard Reserve. Requests for an exemption must be made within 15 days before the date renewal fees are due each year or within 15 days of activation to duty of a reserve member. To the extent renewal fees were paid despite qualifying for this exemption, such renewal fee will be reimbursed by The Florida Bar within 30 days of receipt of a Florida Registered Paralegal's request for exemption. Within 30 days of leaving active duty status, the Florida Registered Paralegal must report to The Florida Bar that he or she is no longer on active duty status in the United States Armed Forces.

The Florida Bar will send written notice by registered or certified mail to the last official address of each Florida Registered Paralegal whose renewal fee and late fee have not been paid under this rule by February 1. Upon failure to pay renewal fees and any late charges under this rule by March 15, the individual's status as an Florida Registered Paralegal will be revoked. Added November 15, 2007, effective March 1, 2008, (SC06-1622), (969 So.2d 360). Amended April 12, 2012, effective July 1, 2012 (SC10-1967); amended May 29, 2014, effective June 1, 2014 (SC12-2234).

## **20-5. INELIGIBILITY FOR REGISTRATION OR RENEWAL**

### **RULE 20-5.1 GENERALLY**

The following individuals are ineligible for registration as a Florida Registered Paralegal or for renewal of a registration that was previously granted:

- (a) a person who is currently suspended or disbarred or who has resigned in lieu of discipline from the practice of law in any state or jurisdiction;
- (b) a person who has been convicted of a felony in any state or jurisdiction and whose civil rights have not been restored;
- (c) a person who has been found to have engaged in the unlicensed (unauthorized) practice of law in any state or jurisdiction within 7 years of the date of application;
- (d) a person whose registration or license to practice has been terminated or revoked for disciplinary reasons by a professional organization, court, disciplinary board, or agency in any jurisdiction;
- (e) a person who is no longer primarily performing paralegal work as defined elsewhere in these rules;
- (f) a person who fails to comply with prescribed continuing education requirements as set forth elsewhere in this chapter; or
- (g) a person who is providing services directly to the public as permitted by case law and subchapter 10-2 of these rules.

Added November 15, 2007, effective March 1, 2008, (SC06-1622), (969 So.2d 360). Amended April 12, 2012, effective July 1, 2012 (SC10-1967).

## **RULE 20-5.2 DUTY TO UPDATE**

An individual applying for registration as a Florida Registered Paralegal or who is registered as a Florida Registered Paralegal has a duty to inform The Florida Bar promptly of any fact or circumstance that would render the individual ineligible for registration or renewal, and The Florida Bar will notify the employing or supervising lawyer as defined elsewhere in this chapter of any changes to the registration status.

Added November 15, 2007, effective March 1, 2008, (SC06-1622), (969 So.2d 360); amended Jan. 4, 2019, effective March 5, 2019 (SC18-1683).

## **20-6. CONTINUING EDUCATION**

### **RULE 20-6.1 GENERALLY**

Florida Registered Paralegals must complete a minimum of 33 hours of continuing education every 3 years, 5 hours of which must be in legal ethics or professionalism and 3 hours of which must be in technology. Acceptable courses include those approved for credit by The Florida Bar, the National Association of Legal Assistants (NALA), or the National Federation of Paralegal Associations (NFPA). A Florida Registered Paralegal who resigns or whose status has been revoked but is otherwise eligible for re-registration must complete at least 11 hours of continuing education for each year the Florida Registered Paralegal was previously registered in order to be eligible for re-registration. The new registration will be revoked unless the continuing education hours are completed before the re-registration application and posted on The Florida Bar website within 30 days of the effective date of the re-registration. The Florida Registered Paralegal will be given a new 3-year continuing education cycle on re-registration.

### **Comment**

Continuing education is an important component of the Florida Registered Paralegal program and necessary to maintain the status of a Florida Registered Paralegal. If a Florida Registered Paralegal resigns or has had the paralegal's status revoked at the end of a continuing education cycle without completing the necessary hours, the paralegal must show that the paralegal has completed a minimum of 11 hours of continuing education for each year of the immediately preceding term that the paralegal was registered. For example, if the paralegal was registered for 2 years, the paralegal must complete at least 22 hours of continuing education in order to re-register. The courses must be completed prior to the date the paralegal reapplies for Florida Registered Paralegal status. As an example, assume that a Florida Registered Paralegal was given a continuing education cycle that ran from January 1, 2011, to January 1, 2014, and the Florida Registered Paralegal resigned or had the paralegal's status revoked in October 2013. If the paralegal reapplies for Florida Registered Paralegal status in February 2014, the paralegal must show 22 hours of continuing education credit completed between January 1, 2011, to January 1, 2014, to be eligible to re-register. Because a Florida Registered Paralegal must enter all course credits on The Florida Bar's website and access to the portion of the website where credits are posted is not available during the period the paralegal was not registered, the Florida Registered Paralegal will have 30 days after re-registration to enter the credits. Failure to timely enter the credits will result in the Florida Registered Paralegal's status being revoked. The Florida Registered Paralegal will be given a new continuing education cycle on re-registration.

The purpose of this rule is to ensure that Florida Registered Paralegals continue their education. This is meant to avoid a situation where a Florida Registered Paralegal has not completed the continuing education requirement, resigns, and then re-registers with a new 3-year cycle, having failed to complete the requisite hours when previously registered.

If a Florida Registered Paralegal resigns or has the paralegal's status revoked during the continuing education cycle, the cycle will not reset. For example, assume a Florida Registered Paralegal has a continuing education cycle beginning January 1, 2011 and ending January 1, 2014. The Florida Registered Paralegal's status is revoked in October 2012, for failure to pay the annual renewal. If the paralegal reapplies and is re-registered in December 2012, the continuing education cycle will remain the same, and the Florida Registered Paralegal will have until January 1, 2014, to complete the necessary hours.

Added November 15, 2007, effective March 1, 2008, (SC06-1622), (969 So.2d 360); amended May 29, 2014, effective June 1, 2014 (SC12-2234); amended Jan. 4, 2019, effective March 5, 2019 (SC18-1683).

## **20-7. CODE OF ETHICS AND RESPONSIBILITY**

### **RULE 20-7.1 GENERALLY**

A Florida Registered Paralegal shall adhere to the following Code of Ethics and Responsibility:

**(a) Disclosure.** A Florida Registered Paralegal shall disclose his or her status as a Florida Registered Paralegal at the outset of any professional relationship with a client, lawyers, a court or administrative agency or personnel thereof, and members of the general public. Use of the initials FRP meets the disclosure requirement only if the title paralegal also appears. For example, J.Doe, FRP, Paralegal. Use of the word "paralegal" alone also complies.

**(b) Confidentiality and Privilege.** A Florida Registered Paralegal shall preserve the confidences and secrets of all clients. A Florida Registered Paralegal must protect the confidences of a client, and it shall be unethical for a Florida Registered Paralegal to violate any statute or rule now in effect or hereafter to be enacted controlling privileged communications.

**(c) Appearance of Impropriety or Unethical Conduct.** A Florida Registered Paralegal should understand the attorney's Rules of Professional Conduct and this code in order to avoid any action that would involve the attorney in a violation of the rules or give the appearance of professional impropriety. It is the obligation of the Florida Registered Paralegal to avoid conduct that would cause the lawyer to be unethical or even appear to be unethical, and loyalty to the lawyer is incumbent upon the Florida Registered Paralegal.

**(d) Prohibited Conduct.** A Florida Registered Paralegal should not:

(1) establish attorney-client relationships, accept cases, set legal fees, give legal opinions or advice, or represent a client before a court or other tribunal, unless authorized to do so by the court or tribunal;

(2) engage in, encourage, or contribute to any act that could constitute the unlicensed practice of law;

(3) engage in the practice of law;

(4) perform any of the duties that attorneys only may perform nor do things that attorneys themselves may not do; or

(5) act in matters involving professional legal judgment since the services of an attorney are essential in the public interest whenever the exercise of such judgment is required.

**(e) Performance of Services.** A Florida Registered Paralegal must act prudently in determining the extent to which a client may be assisted without the presence of an attorney. A Florida Registered Paralegal may perform services for an attorney in the representation of a client, provided:

(1) the services performed by the paralegal do not require the exercise of independent professional legal judgment;

(2) the attorney is responsible for the client, maintains a direct relationship with the client, and maintains control of all client matters;

(3) the attorney supervises the paralegal;

(4) the attorney remains professionally responsible for all work on behalf of the client and assumes full professional responsibility for the work product, including any actions taken or not taken by the paralegal in connection therewith; and

(5) the services performed supplement, merge with, and become the attorney's work product.

**(f) Competence.** A Florida Registered Paralegal shall work continually to maintain integrity and a high degree of competency throughout the legal profession.

**(g) Conflict of Interest.** A Florida Registered Paralegal who was employed by an opposing law firm has a duty not to disclose any information relating to the representation of the former firm's clients and must disclose the fact of the prior employment to the employing attorney.

**(h) Reporting Known Misconduct.** A Florida Registered Paralegal having knowledge that another Florida Registered Paralegal has committed a violation of this chapter or code shall inform The Florida Bar of the violation.

Added November 15, 2007, effective March 1, 2008, (SC06-1622), (969 So.2d 360) ; amended July 7, 2011, effective October 1, 2011 (SC10-1968).

## 20-8. REVOCATION OF REGISTRATION

The following rules and procedures shall apply to complaints against Florida Registered Paralegals:

Added November 15, 2007, effective March 1, 2008, (SC06-1622), (969 So.2d 360).

### RULE 20-8.1 PARALEGAL COMMITTEES

There shall be paralegal committees as are herein provided, each of which shall have the authority and jurisdiction required to perform the functions hereinafter assigned to the paralegal committee and which shall be constituted and appointed as follows:

**(a) District Paralegal Committees.** There shall be at least 1 paralegal committee for each appellate district of this state and as many more as shall be found desirable by the board. Such committees shall be continuing bodies notwithstanding changes in membership, and they shall have jurisdiction and the power to proceed in all matters properly before them.

**(b) Membership, Appointment, and Eligibility.** Each district paralegal committee shall consist of not fewer than 3 members, at least 1 of whom is a Florida Registered Paralegal and at least 1 of whom is a member of The Florida Bar. Members of district paralegal committees shall be nominated by the member of the board designated to review the actions of the committee and appointed by the board. All appointees shall be of legal age and shall be residents of the district or have their principal office in the district. For each district paralegal committee there shall be a chair designated by the designated reviewer of that committee. A vice-chair and secretary may be designated by the chair of each district committee.

**(c) Terms.** The terms of the members shall be for 3 years from the date of administration of the oath of service on the district paralegal committee or until such time as their successors are appointed and qualified. Continuous service of a member shall not exceed 6 years. A member shall not be reappointed for a period of 3 years after the end of the member's second term provided, however, the expiration of the term of any member shall not disqualify such member from concluding any investigation or participating in the disposition of cases that were pending before the committee when the member's term expired.

**(d) Disqualification.** No member of a district paralegal committee shall perform any district paralegal committee function when that member:

- (1) is related by blood or marriage to the complainant or respondent;
- (2) has a financial, business, property, or personal interest in the matter under consideration or with the complainant or respondent;
- (3) has a personal interest that could be affected by the outcome of the proceedings or that could affect the outcome; or
- (4) is prejudiced or biased toward either the complainant or the respondent.

Upon notice of the above prohibitions, the affected members should recuse themselves from further proceedings. The district paralegal committee chair shall have the power to disqualify any member from any proceeding in which any of the above prohibitions exists and is stated of record or in writing in the file by the chair.

**(e) Removal.** Any member may be removed from service by the designated reviewer of that committee or by the board.

**(f) District Paralegal Committee Meetings.** District paralegal committees should meet at regularly scheduled times, not less frequently than quarterly each year, and either the chair or vice-chair may call special meetings.

Added November 15, 2007, effective March 1, 2008, (SC06-1622), (969 So.2d 360).

### **RULE 20-8.2 DUTIES AND AUTHORITY**

It is the duty of the district paralegal committees to receive and evaluate complaints against Florida Registered Paralegals. The district paralegal committees shall have the authority to remove or revoke an individual's registration as a Florida Registered Paralegal in accordance with the procedures set forth elsewhere in this chapter. A registration certificate issued pursuant to these rules may be suspended or revoked for any of the following reasons:

**(a)** conviction of a felony or of a misdemeanor involving moral turpitude, dishonesty, or false statement;

**(b)** fraud, dishonesty, or corruption that is related to the functions and duties of a Florida Registered Paralegal;

**(c)** gross incompetence or unprofessional or unethical conduct;

**(d)** willful, substantial, or repeated violation of any duty imposed by statute, rule, or order of court;

**(e)** fraud or misrepresentation in obtaining or renewing registration status;

**(f)** noncompliance with continuing education requirements;

**(g)** nonpayment of renewal fees; or

**(h)** violation of the Code of Ethics and Responsibility set forth elsewhere in these rules.

Added November 15, 2007, effective March 1, 2008, (SC06-1622), (969 So.2d 360).

## **RULE 20-8.3 COMPLAINT PROCESSING**

**(a) Complaints.** All complaints against a Florida Registered Paralegal may be initiated either by a sworn complaint asserting a violation of these rules or by The Florida Bar on its own motion.

**(b) Review by Bar Counsel.** Bar counsel must review the complaint and determine whether the alleged conduct, if proven, would constitute a violation of these rules. Bar counsel may conduct a preliminary, informal investigation to aid in this determination and, if necessary, may employ a Florida Bar staff investigator to aid in the preliminary investigation. If bar counsel determines that the facts, if proven, would not constitute a violation, bar counsel may decline to pursue the complaint. The complainant must be notified of a decision not to pursue a complaint including the reasons for not pursuing the complaint.

**(c) Closing by Bar Counsel and Committee Chair.** Bar counsel may consult with the appropriate district paralegal committee chair to determine whether the alleged conduct of a complaint, if proven, would constitute a violation of these rules. If bar counsel and the district committee chair concur in a finding that the case should be closed, the complaint may be closed without referral to the district paralegal committee.

**(d) Referral to District Paralegal Committee.** Bar counsel may refer a file to the appropriate district paralegal committee for further investigation or action as authorized elsewhere in these rules.

**(e) Notification of Violation.** If a majority of the district paralegal committee finds probable cause to believe that a violation of these rules has occurred, bar counsel or the chair of the district paralegal committee will send written notice to the Florida Registered Paralegal identifying the committee finding and the alleged violation and the Florida Registered Paralegal must notify their supervising lawyer of the complaint. The notice will be sent by certified U.S. mail directed to the last mailing address on file.

**(f) Response to Notice of Violation.** The Florida Registered Paralegal must file a written response within 30 days of receipt of the notification. If the Florida Registered Paralegal does not respond, the violations identified in the finding of probable cause are deemed admitted.

**(g) Committee Review.** The district paralegal committee must review the complaint, the finding of probable cause, any response filed, and any other pertinent materials after either the filing of a written response by the Florida Registered Paralegal or the expiration of the time to file a response. The Committee must decide whether to dismiss the proceeding or issue a proposed disposition. The committee must promptly send written notice of its decision to the Florida Registered Paralegal by certified U.S. mail directed to the last mailing address on file.

Added November 15, 2007, effective March 1, 2008, (SC06-1622), (969 So.2d 360); amended Jan. 4, 2019, effective March 5, 2019 (SC18-1683).

## **RULE 20-8.4 INVESTIGATION**

**(a) Conduct of Proceedings.** The proceedings of district paralegal committees when testimony is taken may be informal in nature and the committees shall not be bound by the rules of evidence.

**(b) Taking Testimony.** Bar counsel, each district paralegal committee, and members thereof conducting investigations are empowered to take and have transcribed the testimony and evidence of witnesses. If the testimony is recorded stenographically or otherwise, the witness shall be sworn by any person authorized by law to administer oaths.

**(c) Rights and Responsibilities of Respondent.** The respondent may be required to appear and to produce evidence as any other witness unless the respondent claims a privilege or right properly available to the respondent under applicable federal or state law. The respondent may be accompanied by counsel.

**(d) Rights of Complaining Witness.** The complaining witness is not a party to the investigation. The complainant may be granted the right to be present at any district paralegal committee proceeding when the respondent is present before the committee to give testimony. The complaining witness shall have no right to appeal the finding of the district paralegal committee.

Added November 15, 2007, effective March 1, 2008, (SC06-1622), (969 So.2d 360).

## **RULE 20-8.5 SUBPOENAS**

Subpoenas for the attendance of witnesses and the production of documentary evidence before a district paralegal committee shall be issued as follows:

**(a) District Paralegal Committees.** Subpoenas for the attendance of witnesses and the production of documentary evidence shall be issued by the chair or vice-chair of a district paralegal committee in pursuance of an investigation authorized by the committee.

**(b) Bar Counsel Investigations.** Subpoenas for the attendance of witnesses and the production of documentary evidence before bar counsel when bar counsel is conducting an initial investigation shall be issued by the chair or vice-chair of a district paralegal committee to which the matter will be assigned.

**(c) Service.** Subpoenas may be served by an investigator employed by The Florida Bar or in the manner provided by law for the service of process.

Added November 15, 2007, effective March 1, 2008, (SC06-1622), (969 So.2d 360).

## **RULE 20-8.6 DISPOSITION OF COMPLAINTS**

On concluding its investigation, the district paralegal committee will determine which of the following action(s) should be taken:

- (a) close the matter on a finding of no violation;
- (b) close the matter with a letter of advice;
- (c) require completion of a specified continuing education course;
- (d) accept an affidavit from the Florida Registered Paralegal acknowledging that the conduct surrounding the complaint was a violation of these rules and that the Florida Registered Paralegal will refrain from conduct that would create a violation of these rules;
- (e) suspend the Florida Registered Paralegal's registration certificate for a period not to exceed 1 year;
- (f) revoke the Florida Registered Paralegal's registration certificate; or
- (g) deny the Florida Registered Paralegal's request for renewal.

Added November 15, 2007, effective March 1, 2008, (SC06-1622), (969 So.2d 360); amended Jan. 4, 2019, effective March 5, 2019 (SC18-1683).

#### **RULE 20-8.7 REVIEW OF DISTRICT PARALEGAL COMMITTEE ACTION**

(a) **Review by the Designated Reviewer.** Notice of district paralegal committee action recommending either revocation or denial of renewal shall be given to the designated reviewer for review. Upon review of the district paralegal committee action, the designated reviewer may affirm the action of the district paralegal committee, request the district paralegal committee to reconsider its action, or refer the district paralegal committee action to the disciplinary review committee of the board of governors for its review. The request for a district paralegal committee reconsideration or referral to the disciplinary review committee shall be in writing and must be made within 30 days of notice of the district paralegal committee action. If the designated reviewer fails to make the request for reconsideration or referral within the time prescribed, the district paralegal committee action shall become final.

(b) **Review by Disciplinary Review Committee.** The disciplinary review committee shall review those district paralegal committee matters referred to it by a designated reviewer or the district paralegal committee and shall make a report to the board. The disciplinary review committee may confirm, reject, or amend the recommendation of the designated reviewer in whole or in part. The report of the disciplinary review committee shall be final unless overruled by the board.

(c) **Board Action on Recommendations of the Disciplinary Review Committee.** On review of a report and recommendation of the disciplinary review committee, the board of governors may confirm, reject, or amend the recommendation in whole or in part.

(d) **Notice of Board Action.** Bar counsel shall give notice of board action to the respondent, complainant, and district paralegal committee.

**(e) Filing Service on Board of Governors.** All matters to be filed with or served upon the board shall be addressed to the board of governors and filed with the executive director. The executive director shall be the custodian of the official records of the Florida Registered Paralegal Program.

Added November 15, 2007, effective March 1, 2008, (SC06-1622), (969 So.2d 360).

## **RULE 20-8.8 FILES**

**(a) Files Are Property of Bar.** All matters, including files, preliminary investigation reports, interoffice memoranda, records of investigations, and the records of other proceedings under these rules are property of The Florida Bar.

**(b) Investigatory Record.** The investigatory record shall consist of the record before a district paralegal committee and any reports, correspondence, papers, and recordings and transcripts of hearings and transcribed testimony furnished to, served on, or received from the respondent or the complainant or a witness before the district paralegal committee. The record before the district paralegal committee shall consist of all reports, correspondence, papers, and recordings furnished to or received from the respondent and the transcript of district paralegal committee meetings or transcribed testimony, if the proceedings were attended by a court reporter; provided, however, that the committee may retire into private session to debate the issues involved and to reach a decision as to the action to be taken.

**(c) Limitations on Disclosure.** Any material provided to or promulgated by The Florida Bar that is confidential under applicable law shall remain confidential and shall not be disclosed except as authorized by the applicable law. If this type of material is made a part of the investigatory record, that portion of the investigatory record may be sealed by the district paralegal committee chair.

**(d) Disclosure of Information.** Unless otherwise ordered by a court, nothing in these rules shall prohibit the complainant, respondent, or any witness from disclosing the existence of proceedings under these rules or from disclosing any documents or correspondence served on or provided to those persons.

**(e) Response to Inquiry.** Representatives of The Florida Bar, authorized by the board, shall reply to inquiries regarding a pending or closed investigation. The Florida Bar may charge a reasonable fee for copying documents consistent with applicable law.

**(f) Production of Investigatory Records Pursuant to Subpoena.** The Florida Bar, pursuant to a valid subpoena issued by a regulatory agency, may provide any documents that are a portion of the investigatory record even if otherwise deemed confidential under these rules. The Florida Bar may charge a reasonable fee for copying the documents consistent with applicable law.

**(g) Response to False or Misleading Statements.** If public statements that are false and misleading are made about any investigation brought pursuant to this chapter, The Florida Bar

may make any disclosure consistent with applicable law necessary to correct such false or misleading statements.

**(h) Providing Material to Other Agencies.** Nothing contained herein shall prohibit The Florida Bar from providing material to any state or federal law enforcement or regulatory agency, United States Attorney, state attorney, the National Association of Legal Assistants or the National Federation of Paralegal Associations and equivalent organizations, the Florida Board of Bar Examiners and equivalent entities in other jurisdictions, paralegal grievance committees and equivalent entities in other jurisdictions, and unlicensed practice of law committees and equivalent entities in other jurisdictions.

Added November 15, 2007, effective March 1, 2008, (SC06-1622), (969 So.2d 360).

## **20-9. IMMUNITY**

### **RULE 20-9.1 GENERALLY**

The members of the district paralegal committees, the board, bar staff and counsel assisting the committees, shall have absolute immunity from civil liability for all acts in the course of their official duties.

Added November 15, 2007, effective March 1, 2008, (SC06-1622), (969 So.2d 360).

## **20.10. AMENDMENTS**

### **RULE 20-10.1 GENERALLY**

Rules governing the Florida Registered Paralegal Program may be amended in accordance with the procedures set forth elsewhere in these rules.

Added November 15, 2007, effective March 1, 2008, (SC06-1622), (969 So.2d 360).