

FRP Times



FLORIDA
REGISTERED
PARALEGAL



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This newsletter is prepared and published by the Florida Registered Paralegal Enrichment Committee.

FRP Chair's Message

Dear Fellow FRPs,

The current environment continues to leave so many of us displaced, uncertain, and increasingly concerned about what the future holds. While The Florida Bar's FRP Enrichment Committee may be limited in what we can do to alleviate those concerns, that is not stopping us from trying to meet your needs in any way we can. The results of our recent survey regarding the effects of Covid-19 are being reviewed so we can better understand the challenges you are experiencing and how this committee can help you meet them. Our goal is to provide you with support and encouragement, and, in turn, we hope it brings you some comfort to know that you are not alone during this very trying time.

Your FRP Enrichment Committee is always striving to find ways to provide support both personally and professionally for Florida Registered Paralegals. While we are a fairly new committee, our passionate team has worked tirelessly to develop ways for you to connect with your FRP community. Through social media, articles and insights shared on the FRP Corner, and our newest project, the FRP Times, we are working to unite our community to



Margo T. Valenti, FRP is the CEO and Founder of Law Office Support Services "LawSprt". A virtual paralegal and legal assistant subscription service for solo practitioners and small law firms.

collectively shoulder the burden of navigating this evolving profession. Furthermore, we wish to empower paralegals by showcasing employment resources, such as The Practice Resource Center of The Florida Bar Career Center, and Legal Fuel, which allows you to search for available paralegal positions throughout Florida. We are also excited to announce that The FRP Enrichment Committee, through its CLE Subcommittee, is now offering **free** monthly CLE in order for you to meet your continuing education requirements without incurring an additional financial burden.

In July, I had the honor of becoming your Chairperson for the FRP Enrichment Committee, and I could not have asked for a better leader, mentor, and friend in getting me ready to meet your needs - Lori Spangler. Lori was the foundation for the committee, and has paved the way for bringing attention, respect, and honor to our profession. We wish Lori the very best in her future endeavors as she turns over the gavel, but the effects of Lori's tireless work on our behalf over the

continued, next page

Chair's message,
Continued



years, can be seen in the positive changes developing within the paralegal community. On behalf of so many of us, we are eternally grateful, Lori!

Being a member of The Florida Bar's FRP Program is the connection that all paralegals need in order to stay well-informed of the changes happening within our profession. This committee creates this connection on a statewide level and encourages you to participate in programs closer to home. We have seen the role of the paralegal change significantly since the FRP Program's inception in 2008 and it will continue to change in the face of new challenges and changes like those we are experiencing today. Florida Registered Paralegals are the backbone of the legal community and the FRP Enrichment Committee is here to equip you with everything you need to continue to stand strong and showcase what makes being a Florida Registered Paralegal so amazing.

Sincerely,

Margo T. Valenti, FRP

Chairperson

FRP Enrichment Committee

The FRP Enrichment Committee's Winter Meeting CLE Proved to Be a Total Success

By: Shelly Zambo, FRP

On February 7, 2020, the FRP Enrichment Committee offered a free CLE course for all Florida paralegals during the weekend of the Bar's Annual Winter Conference in Orlando. Attendance was high, and the CLE registration slots filled up within a record 5 hours from the Florida Bar's blast email which was sent to Florida Registered Paralegals around the state.

Three interesting topics were presented: Michael McCartney, President of Avalon Cyber, presented "Cyber Security – Corporate Risks and Challenges"; Amy Singer, Ph.D., President and CEO of Trial Consultants, Inc. in Gainesville presented "Psychology of Jury Selection" and Scott Shelton, Esq., partner with Cole, Scott & Kissane in Orlando and his paralegal, DeAnne Martin, presented "What You Need to Know About Trial."

Michael McCartney began the morning session discussing security in the new world (including current threats, management of physical

security, risk assessments and employee training); the 'Cyber Problem' which included data breach landscape; transactional Risks and the U.S. Cyber Program and case studies. Michael aptly reminded all of us how vulnerable we are when it comes to cyber-security and applications we use daily. His compelling presentation provided in-depth details as to how the cyber-thieves find vulnerability and attack. No one is immune to this, as he explained, and we were all looking at our phones, laptops, PC's and work systems in a totally different light by the time he finished.

We then had the pleasure of hearing from Amy Singer, President and CEO of Trial Consultants, Inc. She led a very informative, and many times humorous, discussion as to the analysis of a jury, including how to select the right jury for your case through jury "de-selection" (a method which she invented), juror

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 FRP Enrichment, from page 2

profiles, strategies related to strikes, among other interesting related topics. She lectured on the importance of conducting background juror research on the fly while in trial and why it may be helpful to conduct background on jurors even after the verdict is read. Dr. Singer even shared her experiences in trial consulting work dating back to her first work performed in 1979. She closely interacted with the audience answering their questions at the end of the session.

Scott Shelton closed the day with his informative and insightful presentation of his personal trial techniques. He stressed the importance of digging into the case as it progresses towards trial by conducting the necessary investigation into the background of claims by the opposing party; locating witnesses who many times are unknown to the parties; and explaining how proper handling of a case will lead to reduction in an inflated value and could lead to an early settlement of a case. Mr. Shelton appropriately included his paralegal, DeAnne Martin, who provided additional insight to the value a paralegal brings to each case and how her work assists him to achieve the best resolution possible. Together, they discussed their trial team mentality and the valuable assets brought to the courtroom by an experienced paralegal like DeAnne.

The day ended with a networking reception where a delicious array of appetizers were served while the attendees enjoyed the talents of the jazz ensemble from Orlando's Rollins College. We call this event a total success by the feedback we have received! The FRP Committee appreciates their generous sponsors for this event: the law firm of Cole, Scott & Kissane, Keen Investigations

& Process Service, Phipps Reporting and Milestone Reporting.

Look for information on the next FRP seminar to be presented by the FRP Enrichment Committee and its sponsors at the next Annual Bar Convention. Just remember to sign up early because experience has taught us that the early bird gets the worm when it comes to the FRP events and this one having booked within hours of release. The FRP Enrichment Committee looks forward to seeing everyone at the next event!

Shelly Zambo, FRP is the Co-Vice Chair of the FRP Enrichment Committee and Chair of the Communications Subcommittee. Shelly graduated from FIU's Paralegal Certification program in 1987 and since that time has worked for some of Florida's largest defense litigation firms in the areas of personal injury/wrongful death, commercial, aviation, resort liability, car racing industry, maritime and local government defense. She has written several articles for the FRP Enrichment Committee. As chair of the CLE Committee, she was instrumental in the securing of speakers and net-



working event for Florida Registered Paralegals at the Florida Bar's Winter Meeting. Shelly is the Owner and President of SZ Paralegal Services, LLC and is a litigation paralegal with Florida's largest law firm, Cole, Scott & Kissane, P.A. In her off time, Shelly enjoys performing as a lead singer and keyboardist for her band in the Miami area, and spending time with her husband, Scott, on their airboat in the Everglades and on their boat out in the beautiful water in and around the Florida Keys.



LEGAL fuel

The Practice Resource Center
of The Florida Bar

FRPs can now search for available jobs on **The Practice Resource Center of The Florida Bar Career Center**. You can browse by different titles and keywords, including paralegal, legal assistant and others. The Career Center provides employers with direct access to the legal industry's best talent, ensuring Florida lawyers, paralegals and law firms can connect with one another. Job seekers can post resumes, apply for jobs and read valuable career resources. Employers can connect with legal professionals across the state who are ready for their next career opportunity.

Click below to search jobs:

<https://fl.bar.associationcareernetwork.com/>

BRINGING OUT THE BEST DESPITE THE WORST OF 2020

By: Jacquelynn M. Jernigan, ACP, FRP



Jacquelynn M. Jernigan

Have you noticed your neighbors behaving more neighborly to each other the past few months as we navigate COVID-19? And your coworkers, business contacts and clients (whether in person or remotely) doing the same for some much-needed civility and professionalism?

With so many working remotely or a hybrid between the office and home as part of social distancing, our schedules are definitely not the same, and many days you may pass more people on the sidewalk than the roadway. Do you notice more friendly faces and hear laughter and a “hello, how are you today” you may not have earlier this year?

Although there are sadly still the exception cases, the 2020 pandemic seems to have inspired more kindness than unkindness. It has coaxed us to be concerned for each other in a global way like no other. Neighbors who might not have known each other before now stop in their driveways before pulling into the garage and chat for a moment. It has urged us to be more aware of, and take better care of, ourselves. We may find opportunities to shop for our elderly neighbors so they don't have to go out to the stores, leave that extra tip on our take-out receipts, or pay for the person behind us in the drive-through line. Hopefully you are taking advantage of thanking those on the front lines at

the grocery store checkouts or when you see a health care worker or first responder.

William Shakespeare tells us that “Misery acquaints a man with strange bedfellows.” Panic, fear, depression, and isolation can do the same thing. Maybe you have found yourself combing through your tattered, crossed-out, missing-its-cover address book (yes, those do still exist!), scrolling through your email contact list or surfing your Facebook page looking to make a connection with someone outside your home or office and are reaching out to friends, family and clients you have not contacted in years?

Many have become creative about ways to stay connected remotely, embracing technology such as Zoom, Google Meet, FaceTime or Skype that before COVID-19 they would not have even entertained participating in as a virus-free way to finish out the school year in virtual classrooms, to attend court hearings, to obtain needed CLE credits, to receive healthcare, and to stay fit outside of the gym to name a few. By having to master these in a short period of time and finding out they can actually save time and expense in both personal and professional ways, it would seem probable some of these changes will remain after the pandemic is behind us.



As Plato taught, “Necessity is the mother of invention” and many of us are “inventing” things to do, or at least finally getting to, during our “2020 forced downtime” by sorting through closets, cleaning out garages, dumping out expired spices and pantry items, etc. And when we're not working remotely or doing these chores we may find ourselves binge-watching various series we didn't previously have the time to watch, doing a puzzle or playing games together as a family, and walking our pets multiple times a day to break up the monotony.

Whatever we are doing that is good and positive in this unprecedented time, may we continue to do and remain civil, neighborly and accommodating to those we encounter as we begin to reopen the world and safely venture back out to whatever our “new normal” will be going forward.

Kind to neighbors...

PARALEGAL IN THE AGE OF COVID-19...

Adjustment and Personal Problem Solving

By: Karen R. George, FRP

Paralegal - Cole, Scott & Kissane, P.A.

The impact to all our individual and career lives began in March 2020, by the Covid-19 Pandemic Crisis. As the experts have stated, Covid-19 does not discriminate against anyone or any place. We, as paralegals, have been affected by the immediacy of changing our work routines and habits. How do we then adjust to this uncertain future that Covid-19 has mandated to us?



The American Bar Association presented an article by David Lawson, Esq., on April 20, 2020, entitled *The Corona Virus Pandemic Could Mark the Dawn of the Virtual Office Revolution in the Legal Industry*. It is an eye-opening article that introduces whole new ways for law offices, attorneys and paralegals to perform their professional work while on the brink of new virtual practices in law.

Most paralegals can do their job anywhere as long as there is an internet connection and a laptop with connection to their office network. Of course, it can be difficult sometimes because a laptop is not a standalone PC with multiple screens, but it can be done. Our bosses are aware, and we are now aware also.

Prior to Covid-19 I lived approximately 60 miles away from my office. I drove back and forth from the office five days a week. There was a tremendous amount of wear and tear both on my car and my nerves from traveling that distance. Then one day as I was crossing the long "stretch" highway from the Florida

Keys to Downtown Dadeland, I realized I wasn't exercising my options well. I was shortchanging myself. I already had the option with my Firm as an independent contractor to work from home. Despite my Ray Ban sunglasses, this concept shone through to "light" my now excited idea that, yes, I could work from home. I could be even more effective and productive with my work without the added unnecessary stress of commuting. Everyone would reap the benefits of my newfound Nirvana.

I did find challenges, however, adjusting my home life and living space into a compatible work environment. As noted in the FRP Enrichment Committee Covid-19 Survey on May 18, 2020, the challenges expressed by many indicated problems initiating the balance between home distractions/interruptions from children, spouses, pets, yard maintenance workers and neighbors and organizing and completing work timely.

Granted, there are all those issues, but that is at the beginning. We are in new territory now. Work

from home is something we all wished for but never had. Now we have it and some of us may think that it wasn't all that it would be. Four months into this new normal, many of us have adjusted to the diverse ways we can do our paralegal jobs from really anywhere. I believe, as Mr. Lawson wrote, this Pandemic can mark the dawn of a whole new way for entire law offices and attorneys and paralegals to represent their clients.

The key is to realize that wherever you work, including your new home office, the paralegal is an integral part of the legal industry and you can perform your duties from anywhere. Paralegals are the personification of adapters, adjusters, and problem solvers. Paralegals thrive on challenges. Paralegals find solutions to problems and answers to questions.

We may not be able to absolutely predict the good and the unwanted challenges of Covid-19 however, what we can say with certainty is that paralegals will adjust, paralegals will make it work; and we can use the same stamina that has gotten us this far. This is an opportunity to forge new paths in the work/life balance for the future of our profession.

1. https://www.americanbar.org/groups/business_law/publications/blt/2020/04/virtual-office-revolution/

JURY SELECTION UNDERWAY IN FOURTH CIRCUIT'S FIRST FULLY ZOOM TRIAL



An attorney's briefly sputtering audio and a fierce summer thunderstorm forced brief delays. Two no-show jurors failed to log in.

Despite minor glitches, the first day of Zoom jury selection went smoothly August 6 in what Fourth Judicial Circuit officials and Duval Court Clerk Ronnie Fussell say is the first binding, fully remote civil jury trial in Florida, possibly the nation.

Circuit Judge Bruce Anderson, appearing via Zoom on the bench from the Duval County Courthouse, warned prospective jurors to turn off TVs, or other potential distractions at their homes and offices.

"Each one of you is making history by participating in this remote civil jury trial," Judge Anderson said. "You are restoring the sound of freedom to the Duval County Courthouse."

The case is part of a five-circuit, voluntary, remote civil jury trial pilot program authorized earlier this year by Chief Justice Charles Canady in response to the COVID-19 pandemic.

The 11th Circuit conducted the first pilot trial in July, using a hybrid model that combined remote jury selection with an in-person trial using social distancing and extensive protective gear — but the verdict was non-binding.

The National Center for State Courts credits a Texas proceeding in June as the first remote jury trial in the nation, but that verdict was non-binding, too.

The Fourth Circuit case, *Cayla Griffin v. Albanese Enterprise, Inc., D/B/A Paradise*, is being convened to determine damages related to a 2018 incident in which the plaintiff, a former dancer at a Jacksonville nightclub, was struck and injured by two bouncers. The defense is unrepresented in the case after an attorney withdrew, according to a court spokesman.

"Paradise has exercised its right not to participate in this trial," Judge Anderson told the jurors.

In keeping with Justice Canady's order, parties in the pilot program volunteered to participate. Access to the live proceedings are tightly controlled by court officials, but a video recording will be made available for public viewing by Court View Network.

Griffin is represented by veteran Jacksonville attorney Matthew Kachergus.

Wearing a dark suit, striped tie and sporting a neatly trimmed beard, Kachergus appeared before a virtual background depicting an empty courtroom.

"This is a brave new world for all of us, none of us has been in this situation before," Kachergus said after introducing himself to the panel. "This is strange — I'm a hugger, I'm a hand-shaker, and COVID has blown all of that up."

Kachergus spent most of the day questioning jurors individually from a morning pool of 12 prospective jurors that dwindled to 10, and an afternoon pool of five that shrank to three.

A second day of jury selection is scheduled for August 7.

On the first day, prospective jurors appeared via iPhones and laptops, and represented a healthy cross

section of Northwest Florida, including a grocery store clerk, a fire fighter paramedic, a high school algebra teacher, two nurses, a small business owner, and a civil engineer.

One prospective juror, a laboratory manager, wore a mask despite appearing remotely.

"I'm currently at my place of employment in a conference room, and it's a requirement," she explained to Kachergus.

Polite and professional, joking occasionally, Kachergus asked jurors to describe their employment histories, as well as where they obtain their news.

He also asked prospective jurors about their attitudes concerning alcohol consumption, and "gentlemen's clubs."

At least three male jurors acknowledged patronizing them.

"I try to keep my money in my pocket and let others spend theirs," one man said.

A second day of jury selection will be conducted August 7. Eight jurors will eventually be selected to hear the trial, which will also be conducted via Zoom on August 10.

Before dismissing each panel, Judge Anderson issued a standard warning not to "send or accept messages from anyone about your service," until the trial is completed.

He reminded them to watch for a court email on August 7 that will notify them whether they have been chosen for the panel. The email will also contain a survey, Judge Anderson said.

"It is very, very important that you fill out that survey," he said.

WHAT WILL JURIES LOOK LIKE AFTER COVID-19?

By Kristina Denius, J.D. and Amy Singer, Ph.d

How will the Pandemic change the jurors that will be sitting on your jury?

Voir Dire is the Key:

These are unprecedented times, and anxiety and uncertainty about how the “new-normal” will play out and affect jury verdicts is a valid concern for all trial attorneys. A lot of trial attorneys have been expressing their worries about how the fallout from Covid-19 will manifest itself in jury verdicts. People have been cooped up in their homes for weeks on end, the country is being held together by a skeleton crew and millions are out of work. Children aren't going to school, people are understandably in fear of the future, from scrambling for masks and staying healthy, to trying to figure out how to pay the rent and put food on the table. And right now, there doesn't seem to be a definitive end in sight.

How do we make sense of how all of this is affecting the jurors of the future? Voir Dire will be the key to deselecting™ unfavorable jurors for your cases. We have found that the time is now to take advantage of this perfect storm by performing virtual juries to unlock the answers to your questions. For example, in commercial litigation cases and injury cases, how will all of this upheaval affect juror decision-making and perceptions when trying to decide 'how much to award?' Will they say, "I'm broke and on the cusp of homelessness and you are asking me to award you HOW MUCH?" Will they come out of this feeling that because they don't have any money, who cares about other people? Or do we come out of this more empathetic and understanding of the woes of others? These are



the types of questions we all want the answers to. Don't we want and need to know what changes are happening in the mindset of jurors in the wake of covid-19? What events are shaping their new ideas? Identifying and preparing the right voir dire questions for your case via information gleaned from surveys and feedback that virtual juries provide is the key to a successful jury verdict in your case.

What critical variables and factors do we need to consider about post-pandemic juries?

Psychocentricity®, the Empathy Factor and Ethnocentricity:

Identifying psychocentric jurors (empathy is embedded in psychocentric people) is a critical variable to help discriminate between good and bad jurors for your case, particularly in damages cases. Empathetic people tend to undergo a magnification of their empathy after times of national and worldwide

crisis and are more likely to award millions of dollars. Non-empathetics tend to react the opposite way, retreating and distancing themselves from any sort of empathetic behavior. Non-empathetics are more likely to think, "I am going through the same nightmare, if not worse, why should I award money to someone else?" and "I can see that you are hurting, but I am hurting, too, so I am sorry but I am awarding zero dollars."

Another factor to consider is what level of ethnocentricity are people at? Should everyone buy American no matter what? Should we all speak English first? How would this have affected the drywall litigation and China? How do we identify with other nations? How do we identify with our fellow Americans? How do you voir dire on this variable? It is important to ask how the jurors feel about the issue and why.

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What will Juries look like, Continued

The Political Divide:

The political divide is widening, renegades are revolting and staging protests demanding that their cities and states be “reopened.” A security guard was shot and killed after requesting a dollar store customer put on a mask. It has literally become a war between the “Save the Economy” versus “Save Lives” coalitions. The Economists versus the Medical Professionals. How will the political divide shake out between those who want to re-open the Economy and “get back to business” sooner rather than later versus the best medical and scientific minds on the planet who believe it is too soon? Does the divide continue to grow or do we eventually pull together?

And of course, we have a huge Presidential election coming up in a matter of months. Trump and Biden are not the only people who are running campaigns here, and people are being bombarded with different political ideas. Mitch McConnell is trying to push through his tort reform agenda, while the Democrats want more money in the pockets of disenfranchised Americans. People are at home with nothing to do but surf the web and watch the news. How do we know what their impressions are of all the conflicting news? Again, virtual jury research is important right now, more than ever because we need to know what side the juror is leaning towards. What do they think about how the government has handled the crisis? What’s more important to the juror, the economy or saving lives and the health and welfare of the people of this country? How has their local and state governments been handling their response to covid-19?

The New Heroes:

How will people’s views of the new heroes (health care workers, grocery store employees and delivery drivers, etc.) be redefined as the pandemic plays out? How will experts like Dr. Fauci be viewed in medical malpractice cases? Who do we look up to and respect? Who is putting their lives on the line to save the rest of us? How is this going to affect morals and decision making? How are we going to change and evolve? Do we put the new heroes on a pedestal where they can do no wrong or not?

The Unknown Variables:

There are so many differing variables at play here. How long it takes for the pandemic to play out, how bad does the economy get, and how fast businesses large and small snap back (if they snap back at all) are important considerations. What have we learned? How have individuals reacted to having their freedom and financial status disrupted and thrown into such tumult? How will jurors react to foreign companies involved in intellectual property cases involving China? How are people reacting to the roller coaster stock market? What is happening to their marriages? Are they on the brink of divorce or having a second honeymoon? How are their relationships with their children? When are we going to have a vaccine? What if we never have a vaccine? The list goes on and on. How is this going to affect morals and decision making? How are we going to change and evolve?

Obedience to Authority-or the Lack Thereof:

Once we get to the other side of this, and everyone agrees we will, there is much to be discovered by looking at what people were doing during the pandemic. Were they at home making masks and diligently washing their hands or were they sitting in their room complaining? How

active (people-oriented) were they with social distancing? Was social distancing easy or hard for them? Did they follow the six-foot rule? Did they go ahead with play dates or abstain? Did they wear their masks in public? Are they adhering to the rules? If they aren’t adhering to the rules, why not? How did they cope with loneliness, anxiety and fear? How did they manage to stay sane? How did they feel about all of these things? Who did they blame and why?

Another avenue to explore is what motivated people to follow the rules? Were they not necessarily worried about themselves because they’re young and healthy, but following the rules for someone else, their grandparents, people with compromised immune systems? Or were they worried about themselves AND other people? What do the rule-followers make of the people who broke the rules? Knowing if a person is the type who follows the law to a “T” or is more inclined to go with the “spirit of the law” is important because laws are rules. How much faith does an individual put into the law? Is this a person who could go along with jury nullification because they believe that sometimes the law is wrong?

Insight For All Attorneys During Jury Selection:

The future of voir dire and the deselection™ process is a chess game. The best predictors of future behavior is past behavior. You cannot ask novel questions to find out what a juror may do in the future. The key in voir dire will be to focus on what behaviors people are exhibiting right now and in the past. If you ask the right deselection™ questions during voir dire about specific pandemic behavior, you will have a vital insight to juror predilections on how they will decide your case.

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For instance, in criminal cases, authoritarian personalities are usually pro-prosecution. They are most likely to adhere to the jury instructions and go by the letter of the law. Conversely, people who resist authority tend to be the most likely candidates for leaning towards jury nullification. With business litigation cases, people who go by the letter of the law are usually favorable when there are claims of fraud and breach of contract. And in product liability cases, the right voir dire questions can help you identify people who struggle with the fluctuating standards necessary to follow applicable law.

Virtual Juries, the Deselection Process™ and Wizpor™

This is a rare opportunity for all trial attorneys (a perfect storm) to strike while the iron is hot by conduct-

ing research online and observing what people have been thinking and what they have been doing. Everyone from teachers to rabbis to my yoga instructor are doing everything virtually. How are jurors going to react and adjust to an evolving virtual world? We at Trial Consultants have been conducting all of our research virtually. Virtual juries are highly cost-effective, there are no time/space considerations, and anonymity breeds honesty. They also are more willing to participate because they are at home, isolated and appreciate the chance to earn money. This also gives us a larger juror sample size to work with. More importantly, we have found that virtual mock jurors (we call them Wizporers™, you can check us out at www.wizpor.com) are better predictors of the actual deliberation processes than “live” jurors.

Wizpor is a multi-server multi-platform experience that is used by the Department of Defense. Wizporer's are not permitted to record or download the simulations, which

protects Confidentiality. Some trial consultants do not like to advertise virtual mock jury services because it is so much more cost-effective to the attorney. It also gives the attorney more control of the data presented within the experimental design process. For example, we have clients who utilize our software and “do their own” focus groups. The virtual realm offers the attorney differing levels of involvement. We are learning that we need to embrace the technology an online presence affords us and use it wisely as we forge into the future of litigation, in the post-pandemic years.

Coming up next we will design reliable and valid voir dire questions that discriminate jurors along the above variables, titled What are the Voir Dire Questions for Jurors Post Covid-19 Isolation? If you would like a copy of our suggested voir dire questions post-pandemic, please **send your name and address to:** trialconsultants@gmail.com.

Your Florida Registered Paralegal E-Newsletter has been prepared and published by the FRP Enrichment Committee of The Florida Bar.

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Florida Free Legal Answers

The Florida Bar has announced the temporary expansion of the [Florida Free Legal Answers](#) online legal clinic that will aid qualifying members of the public as they navigate the unforeseen legal impacts that arise as a result of the COVID-19 pandemic. If your office receives calls from low income Floridians in search of free legal help, they can be referred to [Florida Free Legal Answers](#).

The online clinic, a cooperative effort between The Florida Bar and the American Bar Association (ABA), matches low-income Floridians with licensed attorneys who can answer basic legal questions online confidentially. Inquiries on a variety of subject matters are included, such as landlord/tenant concerns, foreclosure, family law, unemployment and benefits, and debt and bankruptcy.

The temporary increase allows Floridians below the 400% Federal Poverty Level to qualify for Florida Free Legal Answers. At that threshold, qualifying Floridians would include single individuals who make less than \$51,040, and a family of four making less than \$104,080. The number of questions a user may post annually has also been increased from three to five.

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STAY CONNECTED!

Florida Registered Paralegals looking to “connect” on a local level can reach out to paralegal associations that are a little closer to home:

Central Florida Paralegal Association, Inc.
P.O. Box 1107
Orlando, FL 32802
407-672-6372
Association website: www.cfpainc.org/

Northeast Florida Paralegal Association, Inc. (NEFPA)
221 N. Hogan Street, Box 164
Jacksonville, Florida 32202
Association Website: www.nefpa.org/

Northwest Florida Paralegal Association, Inc. (NWFPA)
P.O. Box 1333
Pensacola, FL 32591-1333
Association Website: www.nwfpa.com/

Orange County Bar Association, Paralegal Section
880 N. Orange Avenue
Orlando, FL 32801
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Fax: 407-843-3470
Association website: www.orangecountybar.org/about/paralegal-section/

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Tampa, FL 33601
Association website: www.tbpa.org

COVID-19 FREE LEGAL ANSWERS



FLORIDA FREE LEGAL ANSWERS

<https://florida.freelegalanswers.org>



What is Free Legal Answers?

Florida Free Legal Answers (go to: <http://florida.freelegalanswers.org>) is an online civil legal service for people who cannot afford to pay for an attorney. The service is a cooperative effort of The Florida Bar and the American Bar Association.

Who qualifies for assistance?

Florida Free Legal Answers helps low-income people. Those seeking assistance are screened by income. **However, a temporary increase of the financial qualifiers now allows Floridians below the 400% Federal Poverty Level to qualify: single individuals who make less than \$51,040, and a family of four making less than \$104,080 to post questions because of unforeseen legal impacts that arise as a result of the COVID-19 pandemic.**

What can I ask about?

Florida Free Legal Answers deals with questions about civil law. Topics may include family law matters such as divorce, child support, adoption and name change as well as domestic violence, bankruptcy, consumer issues, education, employment, reemployment, unemployment, landlord tenant, foreclosure, worker's compensation, wills and estate planning.

How do I ask my question?

You will sign up for an account, then post a question privately. A volunteer attorney will anonymously answer the question through the website. You will receive an email alert when the question receives a response. You may ask follow-up questions through the website.

For more information, contact Francisco-Javier Digon-Greer at: fdigon-greer@floridabar.org.

HOW IT WORKS



See if you qualify.



Ask a question.



Check your email.



Ask follow-up questions.

Working from Home – Turn Off Your Smart Devices!

By: Scott Greene

Senior Technology Forensics Expert

Evidence Solutions, Inc.

An Elite Expert Witness Firm.

For those not used to working from home, the recent transition due to COVID-19 may feel a little jarring and surreal. Beyond setting up your home office, acclimating to new, child-sized distractions, and growing accustomed to meetings coordinated over software like Zoom, Google Hangouts, or Microsoft Teams, there are other important confidentiality and security considerations. Legal workers working in a home office need to ensure their new “office” is secure.

In an office environment, you are used to the comfort and security of a closed meeting room or closed office door allowing for private discussions of legal matters. Working from home, you may feel concerned about the obvious potential of an open window or an unsecured connection. But what about the even more unexpected – an Amazon Alexa or equivalent smart speaker.

Bloomberg recently reported that the UK law firm of Mishcon de Reya, famous for advising Princess Diana on her divorce, had issued advice to their attorneys to shut down smart speaker devices such as Amazon's Alexa, Amazon's Dot, Google's voice assistant and Apple's Siri. It was recommended that these devices not even be in the same room



where business is being conducted.

There are other devices, too, which have similar security concerns. Baby monitors, Amazon Ring, off brand smart speakers, and even smart TVs have been hacked in the past. Joe Hancock, who heads Mischon de Reya's cybersecurity department, stated “Perhaps we're being slightly paranoid but we need to have a lot of trust in these organizations and these devices. We'd rather not take those risks.”

It is not entirely paranoid to have concerns. As of last year, there were 76 million of these smart speaker devices in the United States, and they are notorious for activating in error. A recent study by Northeastern University and Imperial College London found that these devices can inadvertently activate up to 19 times per day. Amazon has also admitted to listening in to recorded conversations without consent to

improve their AI algorithms, although you may now opt out of manual review.

Alexa is ALWAYS listening. While she (or it?) only reacts to the word “Alexa”, in order for the device to react to that word it must always be listening. Does all of the voice data get transmitted to Amazon servers for translation? It seems logical that it does, though

Amazon may say otherwise.

Attorneys having privileged conversations with clients cannot risk Joe Schmo of Amazon listening in and publicly exposing sensitive information. With these devices' widespread usage, it seems like only a matter of time until a story like this emerges.

Mastering remote work is all about finding the right tools to stay productive and connected. Therefore, you must ensure you are “connecting” only to those intended devices. Turning off these smart speakers for work is a great first security step and it may lead to you realizing that the surveillance state is an unwelcome listener beyond your working hours. Security or convenience is a choice we must make in today's technological society - even if that choice requires primitive behavior, like standing up to change the current song.

BAR'S VIRTUAL TOWN HALL EXAMINES THE CHALLENGES OF PRACTICING DURING A PANDEMIC

'The crisis has inspired more collaboration among lawyers when it comes to scheduling and discovery issues'

Eager to hear the latest on the COVID-19 pandemic, nearly 200 South Florida lawyers logged in August 5 to a Florida Bar Virtual Town Hall forum geared to the 11th Circuit.

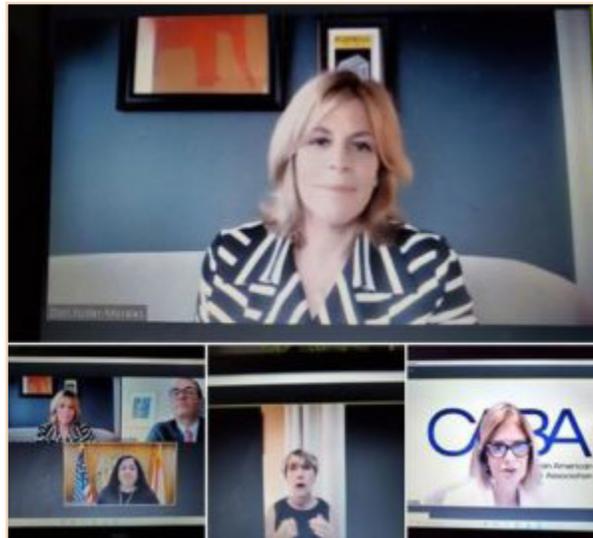
The first of 20 forums she plans to lead in the next few months, President Dori Foster-Morales began with a brief introduction, and a plea for suggestions.

"This afternoon, we're focusing on how we as lawyers are coping with the pandemic, how the judicial system is adapting its operations to the pandemic, and what more the Bar can do to assist our members during this pandemic and the recovery," Foster-Morales said.

She also asked for patience.

"It has been my experience during the pandemic that we, as representatives of our clients and officers of the court, need to zero in on being flexible and creative, patient and professional," she said. "And I always believe that we as a profession have the unique ability to do those things."

Foster-Morales also urged participants to take advantage of the new Florida Lawyers Helpline,



citizens of Florida and Florida Bar members, and advise The Florida Bar president and executive director on how to best address the key issues."

In addition to Florida Bar board members, the task force includes Esther Jacobo, director of the Citrus Family Care Network, a lead child welfare agency in Miami-Dade and Monroe counties; Masimba Mutamba, assistant county attorney for Palm Beach County; and Laura Davis Smith, a prominent family law practitioner and managing partner with Davis Smith & Jean, LLC, in Miami.

At an inaugural meeting on July 15, Chair Michael Tanner said the panel will not operate like previous Bar task forces that focused on a single issue to develop a white paper.

"We're going to have to be more flexible than that," Tanner said. "One of our overarching goals is to identify specific, tangible benefits for members to deal with COVID-19."

Forum moderator and Board of Governors member Steve Davis, who represents the 11th Circuit, introduced panelists, including Chief Judge Bertila Soto, Civil Division Judge Jennifer Bailey, Family Division Judge Scott Bernstein, and Criminal Division Judge Nushin Sayfi, and several local voluntary bar presidents.

a confidential, toll-free line staffed by mental-health professionals who serve as a gateway to free mental-health counseling, financial counseling, elder and child-care services, and a host of other resources (833-FL1-WELL).

"If you, like me, are struggling, it's okay to get help," Foster-Morales said.

An anonymous poll conducted during the forum showed that 6% of respondents had phoned the help line, 64% had heard of it, and 30% were unaware of it.

Foster-Morales said suggestions from the forum would be forwarded to a newly created COVID-19 Pandemic Recovery Task Force.

Chaired by President-elect Michael Tanner, the 13-member panel's mission statement is to "study the impact of the COVID-19 pandemic on Florida's legal profession, identify key issues facing



continued, next page



Attendees who asked about a date for returning to jury trials were bound to be disappointed. Earlier in the day, state officials announced that COVID-19 cases had surged beyond 500,000, with a daily death toll reaching 225.

South Florida is feeling the brunt of the surge, Judge Bailey said.

"We will not return the courthouse to normal for a very extended amount of time," she said. "Some lawyers are in denial about that... judges aren't."

Bailey said lawyers should be focusing on meeting deadlines and moving their cases along as much as possible, because the courts will be inundated when the pandemic subsides, she said.

"There's a tendency to want to sit on your cases until we get back to normal," she said. "The truth of the matter is that at least in civil, we expect to be swamped."

But a lack of jury trials doesn't mean the courts have been dormant, said Chief Judge Soto. She reported that since March 30, the 11th Circuit has conducted 51,819 remote hearings.

"We are working really, really hard, and we know you are too," she said. "Business has changed completely since March 30."

The pandemic's psychological toll has been evident in the family division, with divorce and domestic violence rising dramatically, Judge Bernstein said. "Apparently all of this togetherness...is not going really well for our families," he said.

But the good news, Bernstein said, is that the crisis has inspired more collaboration among lawyers when it comes to scheduling and discovery issues.

"The level of cooperation among

lawyers is way up," he said.

A recent Florida Bar survey showed that 35% of lawyers reported that their weekly billable hours have decreased in the past two months, compared to 12% who reported an increase in weekly billable hours. About one-third, 30%, reported no change in weekly billable hours.

Miami-Dade County Bar Association President Jane Muir said her organization is planning to set aside space in its downtown building to give lawyers a place to work between hearings at the courthouse.

The majority of Miami-Dade County's 17,000 lawyers are sole practitioners or in small firms, and may need the help, she said.

"We expect a lot of law firms are going to downsize their offices or move to remote to conserve resources," she said. "Because of this, we are anticipating a softer market, and less available resources for lawyers."

Cuban American Bar Association President Frances Guasch said members of her organization have been struggling. CABA organized mental-health seminars to help its members deal with stress, she said.

"The challenges are so varied, one size does not fit all," she said. "The challenges depend on age, resources, computer skills, likewise, younger attorneys are missing out on networking and mentoring."

The health crisis didn't stop more than 200 South Florida lawyers from volunteering their services to Dade Legal Aid, said executive director Karen Ladis.

"However, the flip side is we are experiencing a huge spike in family law, domestic violence, and housing [cases], and we definitely need more lawyers to volunteer," she said.

As the forum was winding down, Foster-Morales urged participants to consider answering Ladis' challenge.

"One of the greatest ways to become a proficient lawyer is to take a case and put something back," she said. "You'll be helping out your community, you'll be helping out the court system, and you'll be learning something."

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If you want to reach a dynamic group of individuals and show your support for the paralegal profession here in Florida, *now is your opportunity*. With the recent formation of the Florida Registered Paralegal Enrichment Committee by The Florida Bar, the committee's agenda is to bring more awareness to the legal community. Avenues of communication to the FRP Community and to local associations have been established and are available to you for becoming a sponsor at one of the upcoming FRP events. The level of your event sponsorship provides you with visibility at the events, the FRP Corner, all three FRP social media outlets, and placement in the quarterly FRP eNewsletter.

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