IN THIS ISSUE:
FRP Chair’s Message .......................... 1
The Anatomy of a Paralegal ................. 2
Guardianship Improvement Task Force Makes Recommendations ..................... 4
Member Benefits .................................. 7
Organizational Methodology – An Argument for Increased Sharing ......................... 7
What We Can Learn From Each Other ...................................................... 9
Observing Trial from a New Angle ......................... 10
How to Spot a Phishing Email ............... 12
Stay Connected Resources .................. 13
Sponsorship opportunities ..................... 14

FRP Chair’s Message

As Henry Ford once said, “If everyone is moving forward together, then success takes care of itself.” As 2021 winds down, we reflect on how the idea of “moving forward together” has changed after another year of this life-altering pandemic. During these challenging times of isolation and loss, we were confronted with the importance of connection and accessibility. Your FRP committee worked, and continues to work, tirelessly to grow and promote our communication and information channels to reflect those priorities. Now our FRP community can share and connect statewide using several social media platforms and access valuable resources and information relevant to the professional and personal lives of our members. As we begin to regain a sense of normalcy and return to in-person events, we will not lose sight of significant lessons in equity and success we discovered by developing our virtual resources.

The FRP Enrichment Committee’s free monthly CLEs continue to break attendance records across the board. These monthly CLE’s provide you with the opportunity to obtain your required credits either during one of our live presentations or by watching recorded sessions that are available on the FRP Corner at https://www.floridabar.org/about/paralegal/frp-corner/. Our wide range of speakers and the knowledge they have imparted has been extremely vital over this past year and the program calendar for 2022 will be just as strong. These free CLEs are open to everyone, so please share the link to register!

Since our last newsletter, the Inaugural 2021 FRP of the Year Award Ceremony, held on Zoom, was a resounding success. Our keynote speaker was Wayne Smith, Esq., who is the FRP Enrichment Committee’s Liaison with the Board of Governors for The Florida Bar. Atty. Smith’s address was encouraging and insightful, and his overwhelming support for the FRP program remains unwavering. The video of the ceremony gives you an up-close and personal connection to our award recipient Luigi Caldeira, FRP and showcases his extraordinary accomplishments throughout his legal career. Mr. Caldeira’s perseverance and dedication are admirable; his career is one to be respected and admired. The entire 2021 FRP of the Year Award
Chair's message

Continued

Ceremony is available on the FRP Corner – you will be inspired.

As the new year fast approaches, the FRP Enrichment Committee is embarking on a challenging marketing campaign to bring awareness of the benefits of the FRP program to the many facets of The Florida Bar. Qualifying to be an FRP is a prestigious accomplishment, and the voluntary commitment to maintain the designation is commendable. We encourage all FRPs across the state to play a part in this extraordinary marketing campaign by sharing the benefits of being a part of the FRP community and encouraging other paralegals to apply. With your help, atop a solid foundation of connection and accessibility, the FRP Enrichment Committee strives to grow a robust and vibrant community capable of withstanding any future challenges life may throw our way, together.

Sincerely,

Margo T. Valenti, FRP
Chairperson
FRP Enrichment Committee

Navigating the paralegal waters is not an easy task or for the faint of heart. Just ask any experienced paralegal and they will gladly tell you their story of how they began their career and what it took to get where they are now. It takes grit and determination, willingness to take direction and accept criticism, a lot of patience, much persistence and excellent writing and typing skills. With these traits and skills, anyone can learn the art of “paralegaling” in today’s legal world.

The brain – The brain of a paralegal is a complex one. On one side is the logical mind which takes on a task by looking at what the attorney has asked it to do while the other side steps in and says, “Wait a minute! This request does not make sense with the tools available to find the answer!”

My early years in this business (at the tender age of 19) were challenging, to say the least, as I was not used to being asked to provide information or documents without having been provided very much information (or no information at all). I recall working in my first paralegal job on a personal injury defense case. The partner asked me to provide all relevant documents supporting our defenses to our expert witness and I jumped in and gathered everything I could find that I identified as relevant to plaintiff’s claims, and which helped the defense of our case. The expert was loaded up with tons of information and was well prepared for his deposition. Upon the associate attorney’s return to the office the day of the expert’s deposition,

continued, next page

manage your practice.
fuel your business.

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://l.fl.bar.associationcareernetwork.com/
he walked into my office, shut the door, and threw a sealed envelope on my desk saying, “I just saved your job today.” Looking at him in shock with my heart in my throat, I asked him, “Why, what did I do?” Fearing the response - but knowing the inevitable was coming - he explained that when they were introducing the expert’s file into evidence, one particular document was handed over to opposing counsel which was a complete case analysis and valuation of the claim which our attorney had written to our insurance adjuster client. The attorneys claimed privilege and pulled the document and placed it into a sealed envelope. All I wanted to do was to make sure the expert knew the whole back story of the case and how we were defending the claims; it made sense to me at the time to send him a comprehensive case analysis. Needless to say, I never made this mistake ever again and I repeat the story of my biggest mistake to anyone who is new to the business. The lesson here is to never take an instruction at face value and always ask for more direction if you are not sure. I wanted to be paralegal-extraordinaire, and it backfired.

The determination – If a paralegal is asked to do something she or he has never done before, the determination factor sets in quickly. Any response which even resembles “I have never done that, so I do not know how to get that information,” is not acceptable. A paralegal’s role is to be creative in finding ways to obtain the information somehow, some way, and in a timely manner. When I was approached by an attorney to assist with obtaining service on a company located in Mexico (on a case which had prior counsel who was unsuccessful in achieving this feat), I sat and stared at my computer trying the think of all the ways someone could serve a company in Mexico that the other attorneys had not already tried. I looked at what they had previously done so I would not repeat their prior attempts, and hit the almighty internet searching for some answers. To start with, I found that international process servers can be a very good source of information, so I asked specific questions and worked my way through the procedures. It was in this endeavor that I found there are two ways to serve a Mexican entity: The Inter-American Convention and the Hague Convention. The Hague Convention is a more formal method and the one that holds up with more clout in court than the latter.

Let’s talk about hiring expert witnesses. Not only does a paralegal need to know the issues well enough to hire the appropriate expert (with the attorney and client’s blessing, of course), but the paralegal needs to BECOME an expert in order to properly handle what that expert needs to review in order to sufficiently prepare for the expert report and/or testimony. I never thought I would learn so much about building codes, shoulder replacements, shipping of oxygen generators on a plane, auto race car construction, and so many more topics!

The stamina – Folks, take your vitamins daily and get your physical fitness in because you are going to need it! Whether you work in a litigation or transactional firm, your brain will be utilized to the max and your emotions will need to be constantly in check, or you will not survive the “biz”.

The heart – We feel for our clients and their legal battles. Sometimes it is more than just legal battles. It is facing the severe injuries they must live with as a result of a tragic accident, the loss of family members, and so many other tragic issues that result in litigation. No matter what side you are on, you have to be compassionate without being emotional. Sometimes, you must be tough enough to stand up against difficult personalities on the opposing side, or even personalities of the attorneys in your own firm!

The soul – This job takes all of your heart and soul. It can change your life, make you more aware of issues you never would have paid attention to before you started working in this career, and maybe even lead you to become an advocate for those who do not know how to navigate the “legal world.”

Just remember: always keep an open mind, listen to everything you hear in any meeting with your attorney, take detailed notes, follow up (and do not wait to be told to follow up), and be diligent until you find answers you need in your case. But most of all, if you remember to keep your feet on the ground and work on every case like it is your first case, you will survive this crazy, amazing and exciting journey as a paralegal.

Shelly Zambro, FRP, is the Vice Chair of the Florida Bar FRP Enrichment Committee and Chair of the Communications Subcommittee. She is the President of SZ Paralegal Services, LLC located in Miami, Florida. Her paralegal career spans over thirty years in Miami for some of the country’s largest law firms. Her background is in civil litigation defense, specializing in personal injury, race car industry/race track matters, resort industry, aviation manufacture defense and complex commercial litigation at the state and federal levels. She is also on the marketing team for Cole, Scott & Kissane, where she has worked (and continues to work) as a paralegal for over twenty years.
GUARDIANSHIP IMPROVEMENT TASK FORCE MAKES RECOMMENDATIONS

By Gary Blankenship

Better data, more transparency, improved training among the proposals

Better data collection about guardianships in Florida and better information for the public about guardianships and alternatives are among the final recommendations of the Guardianship Improvement Task Force.

The task force, created by the Florida Court Clerks & Comptrollers, at its final meeting on September 23 also called for a closer look at how hospitals and nursing homes pursue guardianships for patients, providing all circuits with a way to allow judges to order an independent investigation of a guardianship, using supportive decision-making as an alternative to guardianships, and setting up a public statewide database on professional guardians that would include the number of cases they handle and disciplinary history.

And acknowledging that it only scratched the surface of guardianship issues, the task force recommended the Legislature set up a successor committee or task force that, if not permanent, would at least continue for several years to advise lawmakers on further reforms.

“This is a big issue. We never had the illusion we were going to solve all the problems with guardianships by having this task force,” said Pinellas County Clerk of Court and task force Chair Ken Burke as the meeting started. “But this task force can move the needle and start the process.”

The task force recommendations include:

- Creating a statewide database on guardianships that would include the number of guardianships; information about each case; how many cases professional guardians have, professional guardians’ disciplinary histories and whether they have been removed from a case by a judge; and demographic information about wards. Former Supreme Court Clerk Tom Hall, who acted as staff for the task force, noted a recent BuzzFeed series of articles on guardianships that found half of all states collect no information about guardianships and no state collects complete information to evaluate the guardianship system.

- Using uniform forms and paperwork for guardianships to allow better collection of data.

- Asking the Legislature to create a multi-year, if not permanent, committee or task force that could continue to study the guardianship process and recommend improvements. Members of the panel, like the task force, should represent a broad range of interests.

- Having every circuit in Florida set up a court monitor program, which is now used in some circuits. Although called a “court” monitor program, task force members noted it would be better called a “guardianship” monitor program because it allows a judge to appoint an independent monitor to review a guardianship, including assets under the guardian’s control, and submit a report to the court.

continued, next page
GUARDIANSHIP, Continued

• Improving education and training for everyone involved in guardianship cases, including guardians, court clerk personnel, attorneys, judges, and the public.

• Overhauling F.S. 744, which governs guardianships, to remove archaic language such as “ward” with “person under guardianship.” Task force members said terms such as ward and alleged incapacitated person carry implications a person has no rights or is not functional. “To call someone ward or alleged incapacitated person carry implications a person has no rights or is not functional. “To call someone ward or alleged incapacitated person that puts you behind the eight-ball to begin with,” said task force member Hillary Hogue, an advocate for people who say family members have been victimized in guardianships.

• Ensuring that guardians selected when hospitals, nursing homes, and assisted living facilities seek guardianships for patients are not chosen by those facilities to prevent conflicts of interest, and that the facilities consider alternatives to guardianships. Task force members said that only begins to address issues, but that hospitals and nursing homes should be involved in the discussions and the entire matter needs a thorough review.

• Courts should consider lesser options, including supportive decisionmaking for a potential ward, before approving a guardianship.

• Providing better education about honoring powers of attorneys and advanced directives previously signed by wards when a guardianship is set up so the guardianship reflects their expressed interests about who should be in control of their lives.

• Making available online a database about professional guardians that includes their compliance with education requirements, registration, number of active cases, disciplinary history, and whether a judge has ever removed them from a guardianship for cause.

Task force members had lengthy discussions on the topics during the near seven-hour meeting.

During debate on the statewide guardianship database, task force member Shannon Miller of the Elder Law Section said she was concerned that family guardians could be publicly listed.

“If they become listed, everyone knows there is a guardianship established in their family,” she said. “I have a lot of clients who don’t want someone knocking on their door saying, ‘I want to see your mom to see if her rights should be restored.’ It’s incredibly embarrassing and humiliating to be someone who needs a guardianship.”

Other task force members said much of the data was likely to come from clerks of court who know how to protect sensitive information.

Strong support for supportive decisionmaking as an alternative to a full guardianship came from task force member Michael Lincoln-McCreight, who is a former ward.

“Supportive decisionmaking is an alternative to just throwing someone into a full guardianship,” he said. That can include using health-care surrogates, power of attorneys, and other tools that allow a person to maintain some control.

While other task force members said judges are required to consider options to full guardianships, Lincoln-McCreight and task force member Viviana Lopez, of Disability Rights Florida, said judges don’t always do that.

“Here’s where we have a major issue, some judges in the state of Florida are not looking at least restrictive options before they put people in guardianships,” Lincoln-McCreight said. “This is something that really needs to be addressed. If this was looked at before I was placed in a guardianship, I would have never been placed in a guardianship.”

“Many people put this superficial line in the sand, ‘This is incapacity.' There’s no medical definition of what legal capacity is,” said task force Vice Chair Anthony Palmieri, a deputy inspector general for the Palm Beach County Clerk of Court and who investigates guardianships. “I’m supportive of moving this line… and using supportive decisionmaking to move that very subjective line to give people as much autonomy and the ability to exercise their rights as possible.”

Task force members had a related discussion about whether courts respect pre-existing powers of attorney and advanced health-care directives, including designation of surrogates, when considering a guardianship.

Miller and task force member Sancha Brennan of the Real Property, Probate and Trust Law Section said power of attorneys and advanced directives are typically honored in guardianships they set up. Task force

continued, next page

Becoming a Florida Registered Paralegal

Contact Us
To learn more on how to become a Florida Registered Paralegal (FRP) and to download an application, please visit our resource page:
FLORIDABAR.ORG/FRP

Professional and Passionate Paralegals

Discover the Benefits of Being a Florida Registered Paralegal
member Gina Rossi-Scheiman, executive director of the Florida State Guardianship Association, said 90% of the cases she handles with power of attorneys or advanced directives have those honored.

Burke noted much of the public testimony taken by the task force was from residents who said they had family members whose power of attorneys and advanced directives were ignored when they were placed in guardianships and asked about the discrepancy.

Brennan replied that the practice can vary around the state. And task force member Sean Cadigan, a 13th Circuit magistrate, said in many cases, the documents are never submitted to the court because the POAs and advanced directives are honored and the need for a guardianship avoided. In other cases, he said, there have been questions whether the prospective ward had the capacity to execute the document, particularly if it was signed just before the guardianship proceedings.

There should be better education for judges, lawyers, and others in guardianship cases about respecting valid power of attorneys and advanced directives, task force members said, as well as data gathered about how often those documents are honored now.

Task force members expressed strong support for having a court monitor system available throughout the state.

“Each circuit should have a system, a procedure for court monitor appointment,” said Miller. “I just had a case and there’s absolutely no process in this circuit [to appoint a monitor].”

Task force members noted there are two monitor systems in Florida. The Ninth Circuit has an employee in the court administrator’s office who is appointed to investigate guardianships at no cost to the ward. Broward County uses private contractors who are reimbursed from the ward’s estate or if the ward is indigent perhaps by the state.

“Whatever the model is, whatever works best for each circuit, we need to track that and collect data to see which model is most efficient,” Palmieri said.

Task force members said they were concerned that if a guardian mishandles a ward’s estate, the ward could be billed for the court monitor.

Task force member and retired circuit Judge Jose Rodriguez said that’s like asking a burglary victim to pay for the police investigation.

“You’re asking people to pay for the investigation into how they’ve been harmed — and I think that is wrong,” he said.

Task force members acknowledged the issues surrounding hospitals, nursing homes, and assisted living facilities seeking guardianships is highly complex and needs detailed study. But they also said they were concerned about potential conflicts in the process.

Members noted hospitals can be faced with having a long-term patient with no family that needs to be moved to a nursing home to release a hospital bed and then having to initiate a guardianship proceeding. But they also expressed concern about conflicts if a hospital, nursing home, or ALS suggests or selects the guardian, since that guardian will be empowered to make medical decisions that affect the facility.

Hogue said she knows of a case in which the hospital agreed to pay the guardian’s fees, which she called a conflict.

Members agreed to recommend that the health facility should not choose the guardian and should be required to show they’ve considered alternatives to a full guardianship but said much more study is needed.

“This is a problem. The problem should be acknowledged, and work done on a solution,” Burke said. “It would be hard for us to go any further on this at this time.”

Task force members rated the priority of their recommendation on a scale of one to five, with five being the most urgent. With the exception of the language cleanup in F.S. Ch. 744, which they rated as one, everything was rated as a four or five.

The FCCC formed the task force last summer with the goal of recommending improvements for the state’s guardianship system in time for the 2022 legislative session. Although the FCCC staffed the task force, it told members they were free to make any recommendations they wanted.

Members included a cross section of interests, including two legislators, a judge, a retired judge, lawyers, clerks of court, a professional guardian, a former ward, an advocate for families who have had members placed in guardianships, disability advocates, and others.

Its final report will be posted at the task force website.

A video of the entire September 23 meeting, as well as recordings of past meetings, is available on the task force’s YouTube Channel.
As a Florida Registered Paralegal, you are eligible to take advantage of these excellent benefits:

- Florida Lawyers Helpline (now extended to FRPs)
- Insurance Discounts
- Financial Services
- Legal Forms Library and Software
- Shopping discounts
- Travel and Entertainment
- Job Leads through LegalFuel

Go to: Member Benefits and Discounts – The Florida Bar to review the complete list of benefits available to FRPs.

Organization Methodology – An Argument for Increased Sharing

By Samantha Angel, FRP

A law firm lives and dies by its calendar. Court hearings, filing deadlines, client meetings, and attorney vacations must be accounted for and planned around. Paralegals are often in charge of calendaring for their attorney (or attorneys) making organization a crucial element of our toolkit for success. The question becomes: How do we, as paralegals, keep disparate pieces of information together in a cohesive, comprehensible manner? Moreover, does one method work for everyone?

As a child, I remember watching my father meticulously detail his work phone calls, meetings, and travel appointments in a black agenda that lived in his briefcase. He called it his “diary” because it organized each element his busy life contained. From airline flights to my music recitals, his diary helped him manage the challenges of work and home life. Perhaps subconsciously, during high school I began keeping a diary in an identical fashion to my father’s, managing homework assignments, extracurricular activities, and school holidays. This habit has followed me ever since, and I largely credit “The Diary Method” with my success as a paralegal.

Why does this method work? This method works for one critical reason - it is adaptable. Regardless of the type of trigger mechanisms you use, The Diary Method can be adjusted to work for your style. Each person is different and relies on different triggers to remember significant data points. For some, colors are helpful, while others associate letters with tasks more readily than colors. The simple act of writing down a deadline helps solidify the date in my mind. Eventually, simply writing a deadline evolved into color-coded notations, each color corresponding to a substantive matter type. Now, a brief glance at my diary page tells me both the due date and substance of a matter through color recognition.

Increased reliance on technology in the workplace has not diminished the value of The Diary Method. Rather, I believe it has increased the value of a paper and pen organizational style. Computers crash, phone applications delete data, and meticulously entered information disappears forever. Unless my...
Organizational methods are as varied as paralegals themselves, changing and growing as their careers progress. Communicating successful organizational methods between paralegals can enhance our sense of camaraderie and increase our value to a firm. Paralegals are proud to be problem solvers and trusted members of the legal team. Problem solving is aided through effective use of time management and organizational methods.

In addition to our continuing legal education requirements as Florida Registered Paralegals, informal discussions on organizational methods and techniques can expand our legal toolkit while fostering connections within the paralegal community. While one organizational method may work for me, but not for you, the discussion itself opens a dialogue for professional enhancement and skill sharing. An organizational method one paralegal may swear by may not occur to another paralegal. Sharing these methods with each other not only broadens our horizons but brings us closer together as professionals.

Samantha Angel is a Florida Registered Paralegal for the Florida Office of the Attorney General in the Criminal Appeals unit. She is also an Adjunct Instructor in Florida Atlantic University's Paralegal Program. She holds a Certificate in Paralegal Studies from FAU, Bachelor’s degree in Anthropology, and Master’s degree in Criminal Justice from the University of Central Florida. Samantha is an active member of the FRP Enrichment Committee and the Palm Beach Bar’s Paralegal Committee.
The differences can be daunting between experienced and entry-level paralegals. Then there are those who fall into the category of in-between the two spectrums. I am in the middle of this battle by virtue of not being “brand new” and not falling into the category of “highly experienced.”

As a Training and Development Manager and a Florida Registered Paralegal, I work with new paralegals who have never worked as a paralegal before and with paralegals who can do the job in their sleep. I remember my days starting in the legal world and having to work hard to prove myself to other paralegals, administrative personnel, and attorneys. I learned anything I could from others. I listened to anyone who would give me the time of day, I read and re-read the Florida Rules of Civil Procedure, I surrounded myself with people more experienced than myself and when I needed answers, I bravely knocked on the door of an attorney and asked them.

I quickly gravitated to preferring working with senior partners. I listened and took advice from experienced paralegals and matched the work ethic of my supervising partners. From there on, I was always hired to work with top managing partners.

Throughout my years of working with legal professionals, the divide I witnessed has been between experienced paralegals and entry level paralegals. Experienced paralegals typically feel there is some disrespect from the incoming generation of paralegals. The younger generation believe they cannot be as independent as they want and are being unnecessarily criticized. Both sides have valid points.

My viewpoint, based on my experience and the position I currently hold is this – we all need each other. We are a community of bright and eager paralegals. We work to ensure our attorney is fully prepared and we care about our cases – a lot. We dream litigation and are always striving to solve problems.

Experienced paralegals are wise and know the rules. They can work a file efficiently and productively. We need to turn to them and learn from their experience and respect the wisdom they share with us – they have rightfully earned it.

New paralegals must put the work in. Nothing can substitute experience. Learning is a constant necessity in any profession. Younger generations must remember that those who have been in the field for decades have valuable insights. They can prevent us from reinventing the wheel. We count on our newer generation to have fresh new insights to implement though not at the cost of destroying a foundation which took decades to form. Instead, we must build on that established foundation.

I believe that there is a solution to this battle, and it starts with respect.

Younger generations need to be respectful and patient of those wiser than themselves. Senior paralegals must encourage and teach the younger generation what they have learned. Younger paralegals need patience, and they need time to excel in this profession through their experiences. They are capable of excellence and can pleasantly surprise the senior paralegals if given the opportunity. I know that was the case with myself.

We all can learn from each other. If we listen and help each other we will realize that each level of experienced paralegal can offer valuable insight into all aspects of this profession. With respect, beneficial growth is bound to happen.

Dini Maharaj is University of Florida graduate and a Florida Registered Paralegal. She has experience practicing in all areas of insurance defense litigation. Currently, Dini is the Training and Development Manager at Banker Lopez Gassler P.A. and works with paralegals from all experience levels. She has a passion for helping paralegals achieve beneficial growth in their practice.
Unlike many Americans, I am elated when I get a summons for jury duty. I have been eligible to serve as a juror for almost forty years. Until about ten years ago, I never even received a summons. Finally, about ten years ago, I started getting notices in the mail that I was being called for jury duty (usually every other year). Some years I did not even need to go to the courthouse because I called the night before and was not needed. Other years I went to the courthouse and sat there all day without being called for questioning. Many years ago I was called up to a courtroom for voir dire, but I knew I would not be picked for two reasons. One, I was sitting in the far back row, and two, I was working in a small firm that had a criminal/personal injury/family law practice. The firm defended people in criminal cases when the public defender had to conflict out. My attorney did the contract work for the same judge that I was sitting before on the panel. Surprisingly, no one asked the potential jurors if they knew any participants in the process. The Judge and attorneys also did not ask the potential jurors if they had any comments or concerns. Going forward after that experience, I always reminded the attorneys I went to trial with to ask those questions during voir dire if the judge did not do so.

This past summer, right when the courthouses were re-opening and jury trials began commencing, I was called for jury duty again. Due to COVID-19, the process was a bit different this time. I was willing and able to serve because I had been fully vaccinated. At the time of the trial in early June, the Delta variant was not raging through the state. Still, we had to wear masks while inside the courthouse, social distance in the jury room, and follow other COVID-19 protocols. Once we were called up to the courtroom for voir dire, we had to wear see-through masks and sit socially distanced in very specific spots. We were in an extra-large courtroom during the jury selection process to provide lots of space.

As soon as my number was called to be seated for questioning, I realized that I very well might be called to serve as I was sitting in the first juror position. None of the questions the judge or attorneys asked eliminated me and I was not surprised when I was called to serve as a juror.

I live in Orange County, Florida. According to The U.S. Census population estimates for July 1, 2019, Orange County is 39.4% White, 23% Black, 32.7% Hispanic, and 5.7% Asian. There was not an Asian person on the panel but otherwise the jury chosen was diverse: a white woman in her 50s, a black man in his 50s, a white woman who had just turned 18, a Hispanic woman in her 30s, a Hispanic man in his 20s and a black man in his 30s.

The trial lasted two days. One full day for picking the jury and one full day for evidence and deliberations. The worst part of the trial was the boredom. This case must have had a lot of legal issues because the jury spent a lot of time in the jury room waiting while the attorneys argued. There was not a lot of evidence presented but it was effective - mainly audio and video recordings. There were only two witnesses – the undercover policeman who very clearly recorded the drug transaction on his cell phone and a records custodian to verify the authenticity of the recordings of telephone calls that the undercover policeman made to schedule the drug transaction.

As we know as legal professionals, jury instructions are very important. The undisputed evidence and the jury instructions in this case pretty much gave the jury no other choice than to find the defendant guilty on all three main charges (trafficking in fentanyl 28 grams or more, conspiracy to traffic in heroin 28 grams or more, and unlawful use of a two-way...
communications device). There were lesser included crimes, however it was not necessary for the jury to consider those charges due to the finding of guilt on the main charges. The jury made our decision in about thirty minutes which included choosing the foreperson. I deliberately chose not to be the foreperson. I would have stepped up if necessary, but we had a volunteer. The entire jury paid very close attention during the trial and everyone on the jury actively participated in the determination of guilty or not guilty.

The jury only had to determine guilt. We did not do anything with sentencing, I was curious about the ultimate outcome of the case, so a couple of months post-trial I looked up the defendant’s sentence and was shocked to find out it was for (mandatory minimum) 25 years. I looked up the case to write this article and note that the defendant has appealed the judgment and her sentence.

There were not a lot of perks to being a juror, but the judge personally provided coffee, tea and water for us. I was surprised to find out that it was him and not Orange County. We got a goodie bag at the end of our service with a disposable mask, tissues, hand sanitizer, and a nice coffee mug.

I wondered if I was going to have a hard time following the Judge’s instructions, but it turned out to be easy. I just thought to myself, “how would I want to be treated if I was on trial”? I had a colleague ask me what the case was about during the trial and I had to remind her that the Judge had admonished us not to discuss the case with anyone until after the trial. It was also easier than I thought to not do any of my own investigation into the case. Since the jury selection was one day and the trial was the next day, I did not have a lot of time to be tempted to research. I imagine if the trial lasted longer I would have been more curious about facts, but it is critical to be fair and follow the rules. I know I would have resisted the temptation.

I am currently a paralegal in civil law. Though I was a criminal legal assistant when I first started thirty years ago, I never went to trial. As a civil paralegal, I am used to jumping up when the jury enters and exits the court room during trial as the bailiff intones “All Rise.” During the criminal trial, no one rose for the jury and I found that odd. After the verdict had been entered and we were leaving the courthouse, I asked the bailiff why the people in the courtroom did not rise for the jury. He advised that it was so the jury would not see the criminal defendant’s shackles. I had never noticed that she was shackled during the trial process, so it worked.

I am grateful for the opportunity to see the legal system at work from another side. It was encouraging to see the professionalism of the judge, bailiff, clerks and attorneys and to observe the thoughtfulness and seriousness of the jurors. I am proud to have done my civic duty and I was able to check jury service off of my bucket list.

Nancy L. Jor-dahl, ACP, FRP, FCP is a litiga-tion para-legal at Wein-berg, Wheeler, Hudgins, Gunn & Dial, LLC pro-viding support on construc-tion litiga-tion, product liability, insurance coverage, insurance bad faith and insurance defense cases. She has been a member of the FRP Enrichment Committee of The Florida Bar since inception.

Discover the Benefits of Being a Florida Registered Paralegal

Developing Our Mission

When professionals have opportunities to enhance their skills, everyone benefits. Florida Registered Paralegals are committed to giving qualified paralegal professionals a community to help expand their careers.

Building our Community

Unique Benefits for Florida Registered Paralegals:

• Accelerate Your Professional Growth
• Network Outside of the Workplace
• Mentoring – Keep Goals in Mind

Contact Us

To learn more on how to become a Florida Registered Paralegal (FRP) and to download an application, please visit our resource page:

FLORIDABAR.ORG/FRP
Phishing emails are an attempt to gain access to sensitive or personal information such as usernames, passwords, financial or personal information by criminals who have disguised themselves as a legitimate person or business. The intent is to use this information for illegal activities. Phishing has been around for nearly 20 years, first used as a phrase sometime around 1996 by hackers stealing America Online information. While the world of hacking is continuously changing and evolving its tricks to fool the end user, below are 5 things you should look for that are immediate red flags an email is a phishing attempt.

**Bad Grammar and Formatting**

This sounds like it should be an obvious clue that the email is a fake, but thousands of end users fall for emails addressed to “Dear” or “Dear Customer” with no other identifier in the greeting. Unfortunately, as a result of a world desensitized to the personal touch associated with human interaction. People do not seem to mind that a company will not always remember a customer’s name.

Phishing emails often contain different fonts and font sizes from throughout the email and may also lack appropriate punctuation or contain misspelled words. In some emails the criminal will also often use the word “kindly” as in “Kindly reply by the end of the day with the information needed”.

Often the scammer resides in a different country. The scammers just are not familiar with the language or grammar of their target and this comes through in a poorly written email. If the end user does not notice the misspelled words, inappropriate and/or missing punctuation and varied font, they may be more likely to click a link or attachment intended to cause harm.

**Claiming There is a Problem or Reward**

Phishing emails will frequently claim that there is a problem with an account, a past due invoice or that suspicious activity has been identified. They will often note that immediate action is required to resolve the issue. The hardworking end user is immediately confused or scared and, in effort to clear up their good name, will quickly enter personal info to correct the issue.

The suggestion of free items is also good bait for the criminals. “Click Here to Claim Your Free Prize” is a good one especially when sent out just before a holiday. Gift cards from popular online retailers are also often the bait. It has become so problematic that large online retailers like Amazon have designed entire websites to help their consumers spot fakes. Often the presumed reward will expire if not claimed immediately or within a short time frame.

**A Suspicious Link or Attachment**

Phishing emails may contain fake bills, attachments or links. These attachments or links make it easy for the end user to enter information or payment methods.

Phishing emails are often imbedded with malware or ransomware. Once a link or attachment is opened, viruses will be downloaded to the user’s computer. Some viruses will enable the criminal to sit silently behind the scenes and collect data: user activity, keystrokes and other personal information. They gather this data over several days, weeks or months until the criminal deems it safe to execute their attack. This delay is strategy on behalf of the criminal as the user will likely not remember the suspicious email they clicked on that could be linked with their hacked bank account. 30% of phishing messages get opened by target users and 12% of those users click on the malicious attachment or link. These numbers tell us that phishing works.

**Something Off in The Email Address of The Sender**

Hackers try to mimic a legitimate web or email address as closely as they can to trick the end user. Unless the end user pays close attention, the bogus information can be easily missed. An example would be @godaddy.work as opposed to @godaddy.com (notice the .work opposed to the .com). Hackers will sometimes add an additional letter, number or symbol to a legitimate URL or email that blends in like godaddy.com so the phishing email is easily missed.

**The Signature Lacks Detail**

Legitimate emails will usually contain the information you need to contact the sender. Many phishing email attempts will appear to come from an internal domain, a CEO or CFO. These emails can be potentially devastating to small businesses as the target is usually someone in HR or Accounting who is ready to respond.
and please their superior. End users should be on the lookout for an email from a high-level executive in their own company who is sending them communication with an informal or missing signature.

**What to do When You Receive A Phishing Attempt**

If the email came from someone within your company, or someone you know. Pick up the phone and call the supposed sender (do not reply to the email).

If the email contains a link, copy and paste the link into isitphishing.ai. This will help you determine if the link is of malicious intent.

If the email contains an attachment, do not open it. Think the attachment might be legitimate?

Go to the sender’s trusted website directly (by entering the address in browser manually) and download the attachment or contact the sender to confirm.

Forward the email to your IT support provider for review.

**How to Prevent Phishing Emails**

The best way to prevent phishing emails is to employ an effective email filtering system. Filtering inbound and outbound email is crucial to protecting not only your business’s confidential information but also its reputation. Hate getting spam emails? Your customers will hate getting spammed by you through an outbound email hack even more.

Train employees on how to spot phishing emails. For SMB’s who utilize a Managed IT Services provider, ask your provider if Security Awareness Training is included in your Managed Services Agreement. Testing employees also helps overcome the “Rules don’t apply” or “That stuff only happens to other people” mentality. And managers of employees who regularly catch phishing attempts can use this for employee recognition.

**Phishing Is not Going Away**

Studies show cyber-attacks year over year are increasing, more severe and more sophisticated. The profitability of these attacks and the anonymity available on the dark web to cybercriminals means SMB’s must continue to stay on top of network and email security.

Partnering with an experienced IT support provider like Radiant Technology Solutions will ensure your business maintains a secure network through industry best practices and procedures. With industry leading partnerships in the cybersecurity industry your business will stay up and running day in and day out.

---

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

<table>
<thead>
<tr>
<th>Association Name</th>
<th>Address</th>
<th>Phone</th>
<th>Fax</th>
<th>Website</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central Florida Paralegal Association, Inc.</td>
<td>P.O. Box 1107, Orlando, FL 32802</td>
<td>407-672-6372</td>
<td></td>
<td><a href="http://www.cfpainc.org">www.cfpainc.org</a></td>
</tr>
<tr>
<td>Miami-Dade Bar Association, FRP Committee</td>
<td><a href="https://miamidadebar.org/">https://miamidadebar.org/</a></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northeast Florida Paralegal Association, Inc. (NEFPA)</td>
<td>221 N. Hogan Street, Box 164, Jacksonville, Florida 32202</td>
<td></td>
<td></td>
<td><a href="http://www.nefpa.org">www.nefpa.org</a></td>
</tr>
<tr>
<td>Northwest Florida Paralegal Association, Inc. (NWFPA)</td>
<td>P.O. Box 1333, Pensacola, FL 32591-1333</td>
<td></td>
<td></td>
<td><a href="http://www.nwfpa.com">www.nwfpa.com</a></td>
</tr>
<tr>
<td>Orange County Bar Association, Paralegal Section</td>
<td>880 N. Orange Avenue, Orlando, FL 32801</td>
<td>407-422-4551</td>
<td>407-843-3470</td>
<td><a href="http://www.orangecountybar.org/about/paralegal-section">www.orangecountybar.org/about/paralegal-section</a></td>
</tr>
<tr>
<td>Paralegal Association of Florida, Inc.</td>
<td>P.O. Box 14051, Clearwater, FL 33766</td>
<td>(727) 245-0072</td>
<td></td>
<td><a href="http://www.pafinc.org">www.pafinc.org</a></td>
</tr>
<tr>
<td>South Florida Paralegal Association, Inc.</td>
<td>123 S.E. 3rd Avenue, #367, Miami, Florida 33131</td>
<td></td>
<td></td>
<td><a href="http://www.sfpa.info/home">www.sfpa.info/home</a></td>
</tr>
<tr>
<td>Southwest Florida Paralegal Assn., Inc. (SWFPA)</td>
<td>P.O. Box 2094, Sarasota, FL 34230-2094</td>
<td></td>
<td></td>
<td><a href="http://www.swfloridaparalegals.org">www.swfloridaparalegals.org</a></td>
</tr>
<tr>
<td>Tampa Bay Paralegal Association, Inc.</td>
<td>P.O. Box 2840, Tampa, FL 33601</td>
<td></td>
<td></td>
<td><a href="http://www.tbpa.org">www.tbpa.org</a></td>
</tr>
</tbody>
</table>
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.** The Florida Registered Paralegal Enrichment 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 available for marketing purposes.

**Sponsorship Opportunities:**

The FRP Enrichment Committee holds one major event. Our annual meeting at the 2022 Annual Florida Bar Convention in June at the Hilton Bonnet Creek & Waldorf Astoria. This event draws paralegals from around the State of Florida. Signage and announcements at this event showcase our sponsors. Promotion on the FRP Corner, in the FRP Times, and on all of our social media platforms will be available based on your level of sponsorship. The FRP Enrichment Committee holds monthly free CLE programs for attorneys and paralegals, and we offer a unique opportunity for you to sponsor a single program with an attendance record of 1000+.

**Sponsorships:**

- **Platinum:** $1,500 – Event Signage and Announcement, FRP Corner (logo), FRP Times (full page), with multiple Social Media posting across all platforms.

- **Gold:** $1,000 - Event Signage and Announcement, FRP Corner (logo), and FRP Times (half page), with a number of Social Media posting across all platforms.

- **Silver:** $500 - Event Signage and Announcement and FRP Corner (logo).

- **Bronze:** $250 – Event Signage and Announcement.

- **CLE Sponsor $350.00** - Sponsor a single CLE Webinar Event (Zoom Platform) with Introductory Remarks and Closing Signage.

**Contact Information:**

To become a sponsor, please contact Francisco-Javier P. Digon-Greer, Esq., Assistant Director, Programs Division, The Florida Bar at [FDigon-Greer@floridabar.org](mailto:FDigon-Greer@floridabar.org).