FRP Chair’s Message

I write to you as the Chair of the FRP Enrichment Committee (FRPEC) for the 2022-2023 term being appointed by Florida Bar President Lesser in June 2022 with Shelly Zambo and Melissa Battle as Committee Vice-Chairs. Being nominated to the position of Chair of the FRPEC has been the highlight of my legal support career. It is my honor to serve FRPs and paralegals throughout Florida.

We began this term in June 2022, at The Florida Bar Annual Convention in Orlando with a full day of meetings, CLE Seminars and closed out the day with a great networking event including speeches, libations, plenty of appetizers and installation of the 2022-2023 FRP of the Year, Michelle Corrons.

Since the Annual Convention, the FRPEC has been very busy working on various projects on behalf of paralegal students, paralegals, and FRPs. Below are a few projects the FRPEC has been working on!

Karen R. George, Chair, FRP Enrichment Committee (FRPEC) 2022 - 2023

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

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1. The Awareness Sub-Committee has been working on:

A. A packet to promote paralegals to become FRPs. This packet is being distributed by each and every FRPEC member to schools, colleges, universities who teach Paralegal Studies, as well as sending to local attorneys and law firms.

B. Reaching out to FRPs who are behind on their CE credits to provide access to the many links to free CLEs so they could meet the requirement without having to spend money.

C. Reaching out to FRPs who let their FRP designation lapse.

D. Did You Know: Your degree to become an FRP does not have to be in paralegal studies? Your associate or bachelor’s degree can be in any major and coupled with the requisite years of experience you qualify for FRP.

2. The Special Projects Sub-Committee has been working on:

E. A proposed Amendment to Rule 20, creating a new Rule 20-2.1, Student Affiliate Membership.

F. Assisting the Social Media Sub-Committee by posting on FRPEC social media platforms.

3. The Regulation Sub-Committee has been working on:

G. Attending monthly nationwide meetings on Limited Licensing of paralegals across the country. The purpose of their attending the meetings, summarizing the meetings as a report, and sharing that information is to keep the FRPs informed on changes in paralegal licensure across the nation.

4. The Newsletter Sub-Committee is constantly gathering relevant information and articles for the FRP Corner and quarterly newsletter to keep paralegals and FRPs informed and educated in their profession.

5. The CLE Sub-Committee is continuing its monthly free webinars of relevant and interesting speakers and subjects. Our September webinar by Michael Haggard had 1,290 registrants and unfortunately, due to Hurricane Ian, only 766 attended. However, our webinars have the highest registrant and attendance of any TFB webinars. Currently, we have booked speakers for all of 2022. For 2023 we have booked speakers for January through April, 2023 as well as July and September, 2023.

6. Our Sub-Committee members are also sending out “Why Become An FRP” information packets to various paralegals to help promote FRP membership.

7. The Special Projects Committee, in addition to preparing for the FRP of the Year Award and our Annual Convention, proposed a Motion to amend Rule 20 to open membership to students of Paralegal Studies at our Fall Meeting.

8. The FRP Compliance Committee submitted a proposal to open “Grandfathering” membership for paralegals with substantive paralegal experience but no degree. This proposal is submitted under the new name of: Designation by Attestation. We shall keep our fingers crossed on this Motion.

These are just some of the many things being addressed by the FRPEC this year. There are “special concerns” we have addressed, most recently Hurricane Ian. Thanks to Frank Digon-Greer, we were able to post to all FRPEC social media platforms concerning the extended deadlines for CE and dues compliance.

I recently attended a Zoom meeting by Patricia DeRamus, Chair of the Awareness Sub-Committee, about promoting FRP membership. I was very impressed by Paul Pelton’s comment who, when presented with all the projects before them stated: “I have a lot on my plate. I guess I’ll get a bigger plate.” That really resonated with me. As working paralegals, we are all overwhelmed and our in-box is “our enemy” (a quote from another paralegal friend), yet we have all stepped up to join the FRPEC and share our knowledge, education, and talents with FRPs and Paralegals. I am very proud to be among such wonderful volunteers.

**Fall Meeting:** Took place on October 21st via Zoom. After meeting quorum we presented two (2) Motions which were passed unanimously:

1. The Special Projects Committee moved to open membership to students of paralegal studies; and

2. The Awareness Committee moved for the FRPEC to request authorization from The Florida Bar to send out an email to all Florida Bar Sections and Committees promoting FRP membership by informing attorneys about the FRP Program and the benefits of their paralegal become an FRP.

Each of the Sub-Committee chairs and vice chairs reported individually at the Fall Meeting on October 21, 2022, on their Committee’s FRP Promotion efforts.

It was a pleasure to see you at our Fall 2022 meeting.

**Our Winter Meeting** will take place on January 20, 2023, at the Rosen Shingle Creek in Orlando. Frank Digon-Greer, TFB Administrator to the FRPEC is currently working on the time slot for the FRPEC meeting. Watch your inboxes for exact time and location of the FRPEC meeting.

**Attendance Is Open to everyone.** I hope you can make it. Come and meet your FRPEC members and watch what we are doing for YOU.

If you have any questions or suggestions, please contact me at karen.george@csklegal.com

Our thoughts and prayers go out to those affected by Hurricane Ian.

Thank you.

Karen R. George, FRP

Chair, FRP Enrichment Committee 2022-2023
Let Me Introduce Myself

By Karen R. George, FRP

I have the honor of being Chair of the FRP Enrichment Committee for the 2022-2023 term. I have served the Miami-Dade legal community since 1977, beginning as a runner for the Helliwell, Melrose & DeWolf firm. In 1978, I took a Legal Secretary course at Ponce de Leon Junior High School, which began my career in legal support. During those years, I worked as a runner, legal secretary, word processor, word processor supervisor, and finally in 1992, began my training as a paralegal at the Stephens, Lynn, Klein & McNicholas firm. I studied for my certificate in Paralegal Studies at Florida International University in 1993 and became an FRP in March of 2008. It is an honor to now serve as your Chair.

I have held various positions in local and national paralegal associations: board member and President of South Florida Paralegal Association, Region III Representative for the National Federation of Paralegal Associations, Vice President of the Florida Association of Paralegal Associations, CLE Chair for Miami-Dade Legal Support Association, and in 2010 I created the FRP Committee of the Miami-Dade Bar Association which is still alive today. My many years of sitting on paralegal committees and associations expanded my horizons in dealing with different rules and regulations associated with the organizations as well as working with members. This experience has been invaluable in preparing me for my current position as Chair of the FRP Enrichment Committee.

I am a Miami native, born at Mercy Hospital and raised on Key Biscayne. I attended Key Biscayne Elementary, Shenandoah Junior High and Deerborne for my high school years. In 1975 I began studying Marine Biology at University of Miami and conducting turbidity experiments at NOAA. In 1977 I had to leave UoM due to personal reasons. I enjoy gardening, kayaking and canoeing, swimming and reading. I speak English and Spanish fluently as my mother was from Peru and my father was American, whose roots go back to Plymouth.

I am honored to be your Chair and I am always available for anyone who might have ideas, questions, or concerns related to the FRP Enrichment Committee.

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/
Paralegal Licensure Update
By Margaret Suttell, FRP

The licensure, certification, and regulation of paralegals are topics receiving much recent attention in many states lately. Proponents argue that absent such regulation or certification of paralegals, there is no way to easily differentiate the level of skill between those who call themselves “paralegal.” Proponents also argue that consumers require additional non-attorney legal personnel in order to afford legal help in navigating the often complex and confusing situations created by litigation. Those who cannot afford to hire an attorney are frequently choosing to handle their own legal matters, sometimes creating additional work for the courts because of their poor skills, knowledge, or even fluency in English.

Various states are currently considering creative solutions for providing legal assistance to those who cannot afford an attorney. Some of those efforts include limited licensure to paralegals who will be able to offer independent services to clients under the supervision of an attorney. This is a controversial topic with some states seeing resistance by their legislature or by members of their state Bar association.

Until very recently, only Washington State had taken the most progressive step in creating a special certified class of paralegals who could perform additional autonomous duties other than document creation. As of 2012, paralegals in Washington may earn the Limited License Legal Technician (LLLT) designation through the state Bar Association by meeting educational requirements and testing. Upon earning their LLLT, they may then advise and assist clients who cannot afford an attorney in certain areas of family law. Unfortunately, after a review in 2020, the Supreme Court of the State of Washington elected to sunset the LLLT program, this despite the many persons then enrolled in LLLT programs at various schools. As of June 9, 2022, the deadline for enrolled students to complete requirements for the LLLT has been extended to July 31, 2023, in order to accommodate the great number of paralegals interested in the program.

On July 19, 2022, the Oregon Supreme Court held a public meeting at which it passed the Oregon State Bar Board of Governors’ proposed Licensed Paralegal Program and accompanying Rules for Licensing Paralegals, Rules of Professional Conduct for Licensed Paralegals, Amended Bar Rules of Procedure and Amended MCLE Rules.

In September of 2019, The Oregon State Board of Governors approved the creation of the Paraprofessional Implementation Committee (PLIC) to:

Engage stakeholders to develop a regulatory framework for licensing paralegals consistent with the recommendations of OSB Futures Task Force Report in order to increase access to the justice system while ensuring the competence and integrity of the licensed paralegals and improving the quality of their legal services.

The PLIC, chaired by Judge Kirsten Thompson, began meeting in the fall of 2020 and met approximately 30 times during the last two years to draft the documents presented to the Supreme Court of Oregon at the July 19, 2022, public meeting. During those two years, the PLIC sought and obtained input from the judiciary, the Bar, members of the public, members of the paralegal profession, and even academic institutions that would potentially be providing the education required by the new Rules and Regulations. They sought comments from the Bar through formal requests, enlisted Lara Media to assist in outreach to the public, and invited oral testimony at a hearing in February 2022. The PLIC continued to keep the Court updated on the progress of its work, provided periodic reports and recommendations, and obtained additional feedback from the Court during the process.

Feedback received on the proposed Licensed Paralegals ran the gamut from members of the community who felt that they could not afford the help with custody or other family law issues and welcomed the assistance of a legal paraprofessional who would not cost them thousands of dollars in fees, to counsel who felt this would alleviate problems created by the large number of persons attempting pro-se representation in family court, to conversely, counsel who felt the work-product and/or end result could be lacking and thus cast a bad reflection on the family law practitioners of the State.

Once draft rules were composed, they were submitted to the Bar who had comments of support or opposition similar to those of other constituencies. The Bar memberships’ concerns included these categories: Training and experience requirements; Implementation; Expansion to Other Areas of High Need; and Mentoring.

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Regarding training, the PLIC sought to create a balance between a high standard for quality of legal services and the increasing community need for access to justice. Some changes addressed the scope of practice of the LPs in family law to answer concerns related to the division of defined benefit plans and deferred compensation plans. The PLIC noted, however, that further limitations to the scope of practice would cause significant loss of access for clients. While the PLIC acknowledged the complexity possible in the division of property in family law, they also asserted that the LPs would have the knowledge and skill to identify instances in which a matter might fall outside of their abilities or authorized scope of practice.

Regarding implementation, some comments voiced concern about the public’s confusion over the name and license limitations; the PLIC felt this was easily addressed with a sound marketing strategy inclusive of different cultures/languages. Malpractice insurance was another topic of concern; the recommended amount was $100,000 which was felt to keep barriers for entry into the profession low, and accurately reflected the anticipated level of risk.

Some commenters wanted the program to include additional areas of law, such as debt collection, government benefits, and criminal record expungement, while others were concerned about how decisions to include other areas of law would be made. The PLIC did not recommend additional practice areas initially but did not rule out other areas as a future consideration. They asserted that consumer protection and equity should be guiding principles for any future expansion. As for mentoring, the PLIC favors exploring such a program during the implementation phase.

During presentations to the Supreme Court by Judge Thomas and Ms. Helen Hierschbiel, CEO of the Oregon Bar Association, questions arose about the LPs’ role assisting clients with “defined benefit” issues, such as retirement accounts. As discussed above, LPs would NOT be permitted to advise clients on such matters and would be expected to refer clients to specialists. It was, however, pointed out that LPs should be expected to advise clients on simpler financial matters such as credit card debt, home equity, or similar.

Judge Thomas and Ms. Hierschbiel responded to questions about review plans for the program and metrics for its success. Justice Thomas pointed out the Washington State decision to review their program “just as it was getting going,” causing those involved in that analysis to believe there was a negative cost-benefit ratio. Judge Thomas expressed that she believes that costs will diminish as the Bar absorbs them into its regular operations. The Oregon program would have a formal review at the 10-year mark with yearly evaluations adopting metrics developed by the National Center for State Courts.

A final question concerned implementation of the program as contingent on legislative changes to the statutes which involve lawyers. The answer was, “no, it is not contingent on such changes.” The legislature will review the statutes to determine if any changes are needed in specific laws that reference attorneys and then decide if the inclusion of a reference to LPs is applicable to any of those statutes. Oregon’s Licensed Paralegal program is scheduled to go into effect in July of 2023.

Oregon has taken a bold step to provide a quantifiable definition of “paralegal” (at least as it pertains to the newly createdLicensed Paralegal) and to fill a great need affecting the community at large and the Bar alike. Conversations such as those held by the PLIC and the Oregon Board of Governors are only more likely to occur in other states as needs for equitable access to justice grow in the country, especially in states like Florida with its diverse population and widely divergent cultural and socio-economic backgrounds.
WHY SHOULD I BECOME AN FRP?
Your professional profile will appear on the Florida Bar website which shows employers, potential employers, and clients that you have met and maintain the standards and criteria of Rule 20 to become an FRP.

I HAVE QUESTIONS ABOUT THE FRP PROGRAM, WHO DO I REACH OUT TO?
Frank Digon-Greer, Esq., FRP Enrichment Committee Liaison: FDigon-Greer@floridabar.org

HOW DO I BECOME AN FRP?
Information on how to apply to become an FRP, the benefits of the designation, and the requirements for being admitted into the program: https://www.floridabar.org/about/paralegal/frp-program/

BENEFITS OF BECOMING AN FRP

- Monthly FREE CLE Webinars (presented during your lunch hour) by the FRP Enrichment Committee (FRPEC) – email sent to all FRPs and posted across all social media platforms. FRPs also have access to pre-recorded CLEs to help meet your CLE requirements. https://www.legalfuel.com/free-cle/

- The Florida Lawyers Helpline. It is free and confidential and connects FRPs with professional counselors. Call the Helpline - 833-351-9355 for up to three (3) FREE tele-health counseling sessions per year. https://www.floridabar.org/member/benefits/mentalhealthwellness/

- As an FRP you can apply to sit on the FRP Enrichment Committee and have the opportunity to give back to your paralegal community as well as have a direct voice in the direction of the FRP community. FRPs are encouraged to apply and sit as non-lawyer members on numerous The Florida Bar (TFB) Committees. https://www.floridabar.org/about/cmtes/

- The FRPEC FRP Corner of The Florida Bar website where all things FRP and the FRPEC FRP Times Newsletter can be found: https://www.floridabar.org/about/paralegal/frp-corner/

- Each year one outstanding FRP, who is nominated and selected by their employers and/or peers, is announced at The Florida Bar Annual Convention by the FRPEC as the FRP of the Year.

- FRPs can attend any and all FREE and paid events, including The Florida Bar Annual Convention in June of each year and at the end of the FRPEC sponsored Full FRP Day - join FRPs for the FRPEC sponsored Networking Party.

- CHECK OUT MORE HERE: www.floridabar.org/memberbenefits
Document management is a key role in the responsibility of a paralegal. This article provides practice tips that have worked for me over the years when tracking deposition transcripts.

Begin by creating a table in Microsoft Word that includes what you need to know about depositions. Include information such as the deponent’s name, the date and time of the deposition, the party of the witness being deposed, when the transcript was received from the court reporter, to whom the transcript was sent, and whether the witness is reading or has waived reading the transcript.

The foregoing information can be added to the table with simple headings such as “date,” “time,” “witness,” “party,” “notes,” “received,” “to,” and “errata.” Most of these headings are self-explanatory. The “received” column is the date you receive the transcript from the court reporter; “to” is for whom the transcript is sent (which can include the witness, consultants, the client, or anyone else); and “errata” indicates whether the witness is reading or has waived reading the transcript. Other columns can be inserted to accommodate personal preferences, such as the court reporter, job number of the ordered deposition, and so forth.

Once the deposition notice has been filed with the court, enter the data in your table. Entering information before a deposition schedule is final can lead to unnecessary editing causing frustration and error, which is not beneficial to you, your firm, or the client. When the deposition notice is final, you have concrete information of what you need to know about depositions.

It is also useful to docket the deposition dates on team calendars after the depositions are formally noticed for the same reason—less editing and potential for error. Follow this process for each deposition and watch your table of information grow.

The next step is to hire a court reporter to cover the depositions. If your firm noticed the deposition, it is typical for the paralegal or legal assistant to send it to the court reporter. If it is a video-taped deposition, a videographer, in addition to a court reporter, is necessary.

Transcripts typically arrive from the court reporter within 10 days from the date of the order, unless the order is expedited. When you receive each transcript, type “yes” in the “received” column of your table next to the witness’ name. Take note of any transcripts that do not timely arrive. There could be a mis-communication on whether or not the transcript was ordered. In these instances, follow up with the reporter and attorney to clarify any misunderstandings.

Finally, send the transcript and errata sheet to each witness who elected to read their transcript for errors. It is helpful to provide a date-certain for the witness to return the errata sheet to you so that you can follow up with the witness if necessary. Indicate on your tracking table continued, next page
the date you sent the transcript to the witness and the date the witness is to return the errata sheet. Follow this process for each transcript. With attorney approval, file the errata sheets with the court before the start of the hearing or trial. It is a simple process and takes attention to detail, but once it is set up, the deposition tracking table is a useful tool to stay organized during the deposition phase of the case. A sample table is included for your reference.

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Sara L. Fulghum, CP, FRP, is a member of the Big Bend Chapter of PAF, Inc., where she has served as Past President, Community Service Liaison, Editor of HeadNotes, and Chairperson of several committees. She has been a paralegal for 30 years and has worked in multiple practice areas including administrative law, civil litigation, white collar crime, fraud, investigations, ethics proceedings, receivership litigation, and more. She is currently employed with the offices of Parker, Hudson, Rainer & Dobbs, LLP, working in the area of health care law and civil litigation.

Endnotes
1. Excel is also an option, but word is my preference for this application.
2. Sometimes a deposition concludes without the attorney clarifying that he or she would like to order the transcript. To avoid delay, it can be useful to discuss the ordering of transcripts with the attorney so that you can proactively communicate with the court reporter about whether the transcript is being ordered.

Motion for Dessert, GRANTED

By Michelle Yabui, FRP

I have only been a mom for four years longer than I have been a Paralegal. My oldest, now adult children were by my side when I graduated college and started at my first firm over twenty years ago.

I have always sought to be an example of a mom that has a great balance of motherhood and career “hood”. It should come as no surprise that along my journey of attempting to excel at both, my children picked up a few legal terms here and there.

The following conversation between myself and my two daughters, (Jess, age 21, and Gabbi, age 11) occurred about two years ago after a very long work week. To set the scene, we were finishing dinner at our favorite local restaurant:

Waiter: Ladies, are we having dessert this evening?

Jess: Please ma.

Me: No, not tonight.

Gabbi: I object! (Loud enough to be embarrassing.)

Me: Oh, we are doing this? (Both girls nod.) Ok, Jessica, you go first, let’s hear your opening statement.

Jess: (Pretends to clear her throat.) Hear ye hear ye.

Me: Stop! I’ll go first. (Pulling my hair back into a neater messy bun.)
Your honor, we are here today upon the Petitioners' Joint Motion to receive dessert and Respondent's Objection. Respondent states that although she'd love nothing more than to grant each Petitioner's every want and desire, Petitioner G. has failed to maintain an acceptable standard of cleanliness in her personal living space inside of the family home and although Petitioner J. could have assisted her in cleaning it while on college break, the Petitioners decided to binge watch multiple seasons of Once Upon a Time, instead. (Grins from Petitioners.)

Respondent would request that the Court deny the Petitioners' Joint Motion and that no dessert be granted.

Gabbi: (to Jess) Say something like that.

Jess: Well, I think we will just schedule your deposition to see what you're hiding!

Me: Nope, this ends tonight so if you have anything you want to ask do it now ma'am.

Gabbi: Well, your honor, my mom never told me to clean my room TODAY if we wanted dessert.

Me: Do you recall our conversation wherein I told you to maintain a clean room at all times Gabbi?

Gabbi: No ma'am.

Me: (Stern mom stare.) Gabbi, you do not recall me telling you -

Jess: (Pointing at me.) OBJECTION asked and answered! (Enter Waiter with the check.)

Me: Well, that was fun but you're still not getting dessert. (All three laughing, stand up, and leave the table.)

We head to the front of the restaurant to pay the bill. We wait an unusually long time for someone to meet us at the register, but we are all in good spirits after our "trial", so we don't notice initially.

Our server approaches us and says our dinner is paid for by another table and hands us a to-go bag which the girls immediately open. I glance around the restaurant to see if I can tell who paid for our dinner, but no one is looking in our direction.

Inside the bag were three slices of cherry cheesecake.

The manager holds the door as we leave, and points toward the bag as my daughter carries it out.

Manager: They said to tell you it's from the appeals court.

Thereupon Proceedings Concluded.

Michelle Yabui (Brasher) is a native of Detroit, Michigan and a United States Marine Corps Veteran. Michelle graduated from the University of Memphis with degrees in Business Administration and Paralegal Studies in 2004. Michelle is a Florida Registered Paralegal and has been with The Virga Law Firm since 2021. Michelle and her husband Shawn have six children; two of which are in their senior year of college and two serving overseas in the U.S. Air Force. When Michelle is not working, she enjoys watching her younger kids play sports and serving as a community minister of Life of a Single Mom national organization.

Title IX – The Bottom Line

By Aurora Osborn, MA, ACP, FRP

Title IX celebrates its 50th anniversary this year. This landmark legislation is commonly known in higher education circles as the federal sexual misconduct in education law. Title IX usually involves sexual harassment, sexual assault, stalking, dating violence, domestic violence, retaliation and, in some instances, sexual exploitation; however, it has roots in a much broader movement – the civil rights movement. The 1964 and the Civil Rights Act prohibits discrimination on the basis of race, color, religion, sex, and national origin in the areas of employment and public accommodations. Title VI of the Civil Rights Act prohibits discrimination on the basis of race, color and national origin – but not sex - in federally funded private and public entities. Patsy Mink of Hawaii, the first woman of color elected to Congress, spotted this gap. Specifically, Representative Mink took exception to the fact that women, especially female faculty, in the area of federally funded education were suffering from severe inequities. Representative Mink took on the task of sponsoring and co-authoring what would become Title IX of the Educational Amendments Act of 1972.

Title IX had many opponents. Notably, Texas Senator John Tower proposed an amendment that
would exempt revenue-producing sports from the requirements of Title IX. Although his amendment failed, it set the framework for the operationalization of Title IX in the following decades: gender equity in collegiate athletics. Title IX not only created but required many more opportunities for female athletes and, since its passage, women’s participation in sports has increased exponentially. Title IX is credited with contributing to the decrease of the dropout rate of girls from secondary school and increase in the number of women who pursue higher education and complete advanced degrees.

In the late 1970s, five female co-eds at Yale University alleged that Yale failed to “combat sexual harassment of female students” and “refused to institute mechanisms and procedures to address complaints and make investigations of such harassment” and such failure and refusal “interferes with the educational process and denies equal opportunity in education.” This case, Alexander v. Yale (2d Cir. 1980) was the first to use Title IX in charges of sexual harassment against an educational institution. The case further established that sexual harassment could be considered sex discrimination and was, thus, illegal and violative of Title IX.

Contemporaneously, Title IX evolved into a regulation that imposed a responsibility on educational institutions receiving federal financial assistance to act deliberately and promptly in cases involving sexual misconduct. Later in 1990, the Department of Education’s Office of Civil Rights (“OCR”) published the Title IX Investigation Manual, which provided guidance and processes to assist institutions in formalizing their policies around sex discrimination.

When an educational institution (K-12 or higher education) is found to be non-compliant with Title IX, they become vulnerable to civil lawsuits and OCR investigations. They risk having to suffer the reputational damage that accompanies such lawsuits and losing millions, if not more, in federal funding. The loss of funding can be detrimental.

The Department of Education (“ED”) under the Obama Administration increased schools’ accountability and broadened the scope and application of Title IX both in terms of conduct and location and allowed procedural discretion. The ED under the Trump Administration narrowed the scope and application of Title IX and established very specific procedural requirements. ED under the Biden administration is poised to roll back some of the Trump-era requirements and adopt a more inclusive application of the law.

Title IX is complicated and cumbersome; however, it is undeniably important and that’s the bottom line.

Aurora began her career at UWF in 2019 in the Office of Equity and Diversity, now known as the Office of Equity and Inclusion. Her primary function is as the Equal Opportunity Officer (illegal discrimination, harassment and retaliation) and she also supports Title IX as a Deputy Title IX Officer (illegal sex-based discrimination including sexual harassment). Aurora’s professional background is in civil law. She is a two-time graduate of UWF. Aurora graduated magna cum laude with her Bachelor of Arts in Political Science with a minor in pre-law and she graduated with honors with her Master of Arts in Political Science. Aurora is active in volunteerism in the local community, loves to cook and loves to enjoy Pensacola’s beaches.
Paralegals are the proverbial “Renaissance Men” of law firms. We have many talents, wear many hats, and even know how you prefer your coffee. Our abilities are largely derived from a strict work ethic and masterful time management skills. An important element of time management is following a strict and specific, organizational method to complete tasks timely. Failure to follow this methodology can leave a paralegal with insufficient time to complete an assignment. But what happens when other members of the work group are not timely with their portion of the assignment?

A phrase from Marcus Aurelius comes to mind: “Be tolerant with others and strict with yourself.” As a Roman Emperor and Stoic philosopher, Marcus Aurelius managed both the Roman Empire and his own life through Stoicism, a Hellenistic philosophy that helps me move past minor work stressors daily.

In practical terms, this ancient philosophical concept can help paralegals avoid stress brought on by the reality of working with others. Stated simply, not everybody follows the same strict work ethic or time management system, but many of us project that strict ethic onto others. Person A may have an alternate priority which Person B is unaware of; this can lead to stressful situations when Person B is waiting for a portion of Person A’s work which has yet to arrive. The stress comes from Person B following their strict timeline and expecting Person A to do the same. It is in this moment where Person B can apply Aurelius’ stoic concept and “be tolerant with others.”

When viewed in this way, we understand that our coworkers have other priorities, be it other cases, meetings, or familial constraints that we are not aware of. As I see it, being tolerant of these unknowns is the point of Aurelius’ statement. If you can accept the delays from others while still living up to your own strict work ethic, then you have avoided a stressful situation and made your life simpler.

Paralegals are not solitary beings, often working closely with other members of the legal team to complete tasks and best assist our attorneys. While we cannot control how strict other people are with their work ethic, we can control whether we are strict with ourselves. By adhering to the phrase “tolerant with others and strict with yourself,” we can consistently present high-quality work without additional stress from external, non-controllable forces.

This seemingly small change in outlook can enhance collaborative efforts and give paralegals even more opportunities to shine in their everyday work.

Samantha is a paralegal for the Florida Office of the Attorney General as well as an Adjunct Instructor in FAU’s Paralegal Program. She holds a Certificate in Paralegal Studies from FAU, Bachelor’s degree in Anthropology, and a Master’s degree in Criminal Justice from UCF. She is Co-Chair of the Palm Beach County Bar’s Paralegal Committee and Vice-Chair of the FRP Newsletter Committee.
What is Culture? Fostering a thriving work environment.

By Dini Maharaj, FRP

In my position, I conduct a lot of interviews. One of the top questions I get is – “Can you tell me about the culture?”

What does culture mean? And what is the expectation of the individual who is asking this question? More often than not, the latter is never really given a thought. People know if an answer sounds good or not, but they do not know what their expectations are when they ask this question.

First, we need to dive into what shapes a culture. Some key ingredients are attitudes, morale, behavior, and beliefs. Surely the attitude of the CEO will trickle down to the director and management level and then to a staff level. But in the dynamics of a law firm, so much of that relationship is dependent on the individual attorney and their staff. The day-to-day with the attorney is too intricate to ignore.

Attorneys are very busy individuals. “Please” and “Thank you” are hard to come by when every moment of the day is high anxiety and a continuous metaphorical forest fire. The perspective and expectations of the individual is key in these situations. If your expectation is to work in a firm where the attorneys continue to express gratitude, you may be disappointed over and over. This can be taken as a reflection of the company you work for, but it should also be taken with a grain of salt. One attorney is not a representation of the entirety of a firm. One individual is not a representation of the entirety of a group. If we step back and look at the big picture – question if your personal core values are under attack in these relationships. Consider if one person shapes the culture around you. Consider if a
shift in perspective is a more of an accurate solution than categorizing the entirety of a company as having poor culture.

For me, culture was as much of what I brought to the plate as my employer. It was not a one-way street where I sat back and placed a check mark next to the boxes if I deemed as fulfilled or not. I was a working organism in the overall structure of the company; my personal attitude, morale, behavior, and belief contributed to the culture of the firm, as well as every other individual working at a company.

The truth of the matter, culture is what you bring and your perspective. If the expectation is that the company you work for is going to bend over backward to ensure your individual happiness, you will be disappointed in every position. But having reasonable expectations that your employer is not going to allow toxic situations and environments to thrive should be expected. Managing expectations as to what is acceptable to you individually and what is not, is a worthwhile endeavor. Asking a question: “What is the culture of your firm in terms of the company’s perspective with the professional growth of your employees” is a more reasonable question. Tailoring what you specifically want out of the word “culture” can help identify what is really important to you and if your potential employer has an answer that is in line with your beliefs.

When we all sit down – employers and staff – and think about what we are contributing to our company, we can both play a part in fostering a thriving work environment and promoting a stronger work culture.

Dini Maharaj is a 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 professional growth in their practice and teaching civil litigation.

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Advice & Tips in the Paralegal World

By Jeanette Pastor Rodriguez, FRP

My name is Jeanette Pastor and here is a little bit of my background. I currently work for Cordell Law as a Complex Litigation Paralegal, and I have been here for 8 years. I have over 15 years of Family Law experience so you could say I’ve seen and heard it all. I love what I do, and it gives me gratification to see that my hard work is recognized among my attorneys.

Patience and organization skills are a #1 to be able to succeed as a paralegal period. I am also serving as a mentor for incoming paralegals for the firm. I have developed for my mentees a 2-page guideline worksheet to follow on court deadlines, tips and pointers that are “newbie proof”.

I would say it is important to always find time for yourself after work, exercise, breathe and meditate – it is the key to keep us sane in this challenging field. Never overwork yourself and never have a lack of communication with your attorneys. Let them know if a non-time sensitive task can be carried on to the next day instead of rushing through it and making a mistake. They too are swamped with case strategy and hearing prep and they will understand.

Trial is always a tense experience and I have also developed a spreadsheet that charts all of the deadlines and preparation to take it day by day, starting at least 2 weeks prior, instead of rushing the night before.

You might be thinking this woman develops timelines and spreadsheets for everything and, guess what – YESSS! They are a savior, and they help to keep you organized through it and making a mistake. We also handle appellate matters and those can be exciting, especially when we work with the DCA’s. Those have timelines as well for Answers, Briefs, etc. that also need to be calendared.

I can honestly say that you will learn every single day something that is new, and that you can be proud of. Have a positive attitude, and always be open to new ideas. Having the “I know it all attitude” will get you nowhere.

Live, Love, Laugh & Learn

Jeanette Pastor Rodriguez is a Florida Registered Paralegal and has been a complex litigation paralegal for fifteen years. She has been with Cordell & Cordell LLP for the past eight years handling divorce, paternity and domestic violence cases.

Becoming an Invaluable Member of the Legal Team

By Nickie L. Stewart, CP, FRP

Whether you are new to the paralegal field or are a seasoned paralegal, I have some tips that may benefit you in your career. Consider what you can do to assist on each file on which you have been asked to work. If you know that records need to be requested or certain documents need to be drafted, take the initiative, and prepare a draft for your attorney to review, rather than waiting for your attorney to ask you.

Draft each document as if you are the one signing it. If you look at a document from this perspective, you realize the importance of the document and you will want to ensure that it is accurate.

Faster is not better. When drafting a document or letter for review by your attorney, resist the urge to rush. Even if the matter is urgent, you must take the time to take a step back (and a deep breath) and review
the document thoroughly. This is especially true if you have been asked, as I have been, to forward a document drafted by someone else. I learned the hard way that I should first review the document for accuracy. Once forwarded, the document becomes “your” work product, and the recipient will credit any typos or mistakes to you. Your boss or client will not remember the speed in which you accomplished a task, but they will remember any mistakes you missed.

Even if you have not been requested to review a document it is beneficial to check for accuracy. I was often requested to hand deliver a pleading to Court, and while glancing at the document in the elevator I discovered a mistake. It is better to ask the attorney to take a final look at the document before you file it rather than point out a mistake after it is filed. One secretary would always say when she saw me coming back to her desk “Uh oh, what did I do wrong this time?” You should take as much pride in someone else’s work as your own and do your part to ensure that all work product is of the highest quality and error free.

Take an interest in the cases you have been asked to work on and do not be shy about discussing your thoughts with your attorney. When working on a case that is document intensive, go the extra mile and review the documents thoroughly. I assisted two attorneys defending an employment law case in a four-day jury trial in Federal court which involved multiple witnesses. After the trial began, we discovered the plaintiff obtained copies of the trial witnesses’ employment documents from the government entity we represented. After a full day of trial I reviewed those documents and learned information about the witnesses’ employment disciplinary actions; we were able to deal with those matters and diffuse the severity of the information rather than being ambushed by opposing counsel’s examination of the witnesses. This was a perfect example of diving deep into a file and offering my thoughts to the rest of our trial team, enabling us to quickly shift gears and deal with an issue on the morning of the next day of trial.

When reviewing trial exhibits, take special care to examine any headers, footers, or handwritten notes appended to such documents and point these out to your attorney before submission. If they are your client’s documents, the attorney may want to scrub the headers and footers. In this same trial there was a document submitted by the plaintiff as a trial exhibit. During the trial when it was displayed on a large screen for the jury to view, we noticed a footer called “Rainy day file.” As the plaintiff was claiming employment discrimination it did not look good for her case that she was making notes “for a rainy day.” Even the Judge was referring to the document as “the rainy day memo!” If we had not noticed the footer, we would not have had an opportunity to show the jury that the plaintiff was documenting an exit strategy.

Be prepared to go “all in.” If your situation allows, let your attorney know that you can work overtime during trial preparation if necessary. When getting ready for trial I have come back early from vacation, worked through the weekend, even worked fifteen to eighteen-hour days when needed. While these situations are rare, they are time well spent. The excellent result we achieved for our client was worth the missed meals and lack of sleep for two weeks!

Finally, I have learned to always have a pen and legal pad with me when I go into an attorney’s office. You can bet that if your boss calls you into his or her office, you will be given an assignment, and nothing is worse than not being prepared to take careful notes.

Never forget that this is not just a job – it’s a career which will be as rewarding and fulfilling as the time and effort you put into it.

Nickie Stewart has over forty years of experience in the legal industry and is a Florida Registered Paralegal, a Certified Paralegal through the National Association of Legal Assistants (NALA), and most recently obtained her Advanced Paralegal Certification in Trial Practice through NALA. Nickie’s involvement with NALA includes being named Legal Assistant of the Year in 1997-1998, receiving the Affiliates Award in 2015, and attending Leadership Enhancement and Preparation Training in 2016. Currently she serves on the Advisory Committee for the Paralegal Studies Program at Florida SouthWestern State College (FSW).
It was several months after the financial crash of 2008 that the firm I worked for had to start making some cutbacks to stay afloat. Office birthday parties were the first to go, then bonuses (does anyone even get those anymore?), raises, new hires, and luxurious office supplies – like binders and paperclips. “Recycle, reduce, reuse” took on an entirely new meaning for many of us when it came to office supplies.

Then, non-essential staff was let go as well, like janitors and junior legal secretaries. Those of us who were left behind had quintuple the case load to manage. We put our heads down and just kept pushing that proverbial boulder up the hill. Months of waiting for the economy to turn around morphed into one year, then two, and so on. Employees were losing their homes left and right. It was a very sad time, but we persevered, worked more efficiently, and made the wheels of justice grind on. We knew our work was keeping the firm operating and in turn, we kept getting a paycheck (most of the time).

Then, what felt like the final straw was dropped on our backs and nearly broke the firm. Attorneys were taken off of salary and put on commission only. They had to eat what they killed – no more “free-bees.” Many attorneys left, leaving a skeleton crew of core attorneys who then started working 60 to 80 hours a week to pick up the slack.

However, this still wasn’t enough to keep the firm from going under. In another drastic move, the firm announced another cutback, one that changed my life – for the better. We were told that the firm was moving to a four day work week for salaried employees, and only those of us actively working on an upcoming trial could come in on Fridays or have overtime. My team was handling a large class action that wasn’t due to go to trial any time soon, so I suddenly found myself with Fridays off and nothing to do (at first).

My entire life had been about my work, my career, and my work family. Most of us were stunned, wondering how we were going to make ends meet with yet another deficit in our pay. Most of us were grateful that we still had a job, but we could see the writing on the wall – this firm was going down! Those that could find another job, left. The rest of us were stuck in limbo, left wondering how to shave down our expenses while looking for part-time supplemental work.

Then, a miracle happened. I discovered I had a life outside of work! My life no longer revolved around work. I had a good job and a good life and I could finally manage the two. Before, I was always cutting back on how much time I spent with my family, so I could spend more time at work, so I could make my family happy? That concept sounded ridiculous to me now, but it’s not like I had a choice. Most of us don’t have that choice – its five days a week, 40 hours or more. Even if one works “part-time” at 36 hours, you’re still spending the majority of your time at work. Especially if you’re made to come in for half a day – your life is still revolving around work.

With a four day work week, I was able to unplug from work and recharge. Completely. My three day excursions, hobbies, or silly part time jobs I did to fill up the time and make some money were completing me.

family! You know who I’m talking about – the strangers called family that I shared a house with and saw less of than the secretary at work.

Meanwhile, I tried to figure out how to make up an entire day’s pay. I realized there were a bunch of things I spent my money on that I didn’t need or use, like gym memberships, media packages, data, and cell phone plans, and eating out. I got better at budgeting and was able to take more family trips during my new 3-day weekends. I saw family and friends I hadn’t seen in years and worked on my hobbies. I actually had hobbies, evidenced by the boxes in the back of my closet full of crafts.

I had spent years of my life at work, hoping to get the satisfaction I was now finally experiencing in my life. I had a good job and a good life and I could finally manage the two. Before, I was always cutting back on how much time I spent with my family, so I could spend more time at work, so I could make my family happy? That concept sounded ridiculous to me now, but it’s not like I had a choice. Most of us don’t have that choice – its five days a week, 40 hours or more. Even if one works “part-time” at 36 hours, you’re still spending the majority of your time at work. Especially if you’re made to come in for half a day – your life is still revolving around work.

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more than my “career” ever did. I was barking up the wrong tree! Work became pleasant again, because there was less time for backbiting and gossip. I also looked forward to hearing what others did during their time off. Just when we were getting sick of work after four days, we got to spend time at home; likewise, when we were getting sick of being home, we got to escape to work. My life felt complete for once.

I know the work was hard, but I don’t remember it that way looking back. We got it all done and we weren’t run down, except for those of us that had to work 5 days or overtime. We happily worked through our lunches and ate at our desk, as no one was going out to eat during lunch anymore. Still, after all this time, I don’t remember anyone complaining about that. What I remember are the stories of what people did or were going to do during their new found freedom. I remember we were happy. If you can believe that!

Whatever it was, it was a miracle in disguise, which I will never forget. Another thing I’ll never forget is the tears. The tears that came when we were being ordered back to a five day work week. A work friend began making the long drive on the weekends to take care of a family member and now she wasn’t able to do that anymore. She cried, knowing her aunt would die without her care. Some people were happy, of course, to be getting back to normal so they wouldn’t have to see their kids or spouse as much, etc. There were mixed feelings, but after a while everyone got back into the swing of things. We soon forgot what life was like when we weren’t living to go to work every day or rushing through the weekend to get back to work on Monday.

Fast forward a decade later. A new global tragedy – COVID. That’s when I had my forced work-life balance déjà vu! I slowly remembered that I had been here before, sort of. Ten years ago seemed like a long time. It felt like the Stone Age. We now had video cameras. Okay, we had them before, but we now had to use them. We now had smart phones and laptops! Okay, we had those before, too, but now we had to use them and thankfully, the technology was better than ten years ago. However, this time, work-life balance took on a new meaning. Not everybody was happy about it - for the main reason that now we were all prisoners at home, which was also work. It was very confusing.

For those of us who saw the benefits of not wasting hours of our lives commuting to and from work (five to ten hours a week on average), or having to put up with the annoying office gossip, we came to enjoy working from home (in our pajamas). We were transformed. Some of us asked ourselves why we hadn’t done this before and some people found that they got more accomplished working remotely than if they were at the office, due to the lack of office distractions. Not everyone will agree with this, of course, especially if you have little ones at home that needed your constant attention or home schooling during that time. Despite all of this, a lot of us creatively found new solutions and rhythms. We realized we were capable of so much more than we had previously imagined or given ourselves credit for.

Seriously though, idioms, metaphors, colloquialisms, and soliloquy aside, the pandemic forced us to rethink what really mattered to us. What were we working so hard for? Retirement? So many lives were being cut short by the virus – they didn’t get to enjoy their retirement. How many of us know someone or know of someone within our circle that died during the pandemic? Far too many.

It took a pandemic to show us what really mattered to us and for a lot of us, it turned out to be the simple things in life that we took for granted; things we had neglected while we were caught up in the rat race of work-life. Is running back and forth to the office, five days a week, really indicative of a balanced life? Can we leverage technology to truly make our lives better? Might a four day work week be the answer or a hybrid work week? There are so many solutions to our current quandary.

continued, next page
For me, the pandemic was a reawakening and a remembrance of lessons learned from the past. It was my first forced work-life balance recalibration. This time around, I experienced a forced work-life balance déjà vu and the lessons from that shift are sticking with me more now than ever before, because I’m not alone in my revelations. The Wall Street Journal has an email publication called The Workplace Report by Alexandra Levit. Each report is chock full of articles about how the pandemic has changed the workplace. Alexandra writes a variety of articles on many topics such as hybrid guilt, rebuilding workplace culture, layoff survivor guilt, pandemic promotions, reintegrating diversity and inclusion in the office, employee engagement, employee centric workplaces, productivity, workplace rating sites, agile teams, whether to keep meetings virtual, and many more. One theme that resonates throughout most of her articles is how employees want more, they want work-life balance.

Hopefully, this time around, as most of us get reabsorbed back into working life, and back into wasting our precious time in traffic jams, I hope we don’t lose the lessons we’ve learned about this one priceless life we have on this planet, and how our happiness and living in the moment really is what matters most.
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PARALEGAL DAY IN FLORIDA!

Shelly Zambo, FRP

Florida Governor Ron DeSantis did it again! Paralegals had their own special day on October 23, 2022, with the proclamation of Paralegal Day in Florida. This prompted many law firms throughout the state to recognize the hard work and dedication of their paralegals which contribute to the overall success of their business. Congratulations to each of the fabulous paralegals in Florida!

PARALEGAL DAY IN FLORIDA

WHEREAS, paralegals are known for their integrity and professionalism as they support attorneys and provide essential services to Floridians; and

WHEREAS, paralegals provide expertise in case management, legal research, trial assistance, correspondence, and other facets of law practice, enabling law firms, governmental agencies, and other entities to function and thrive; and

WHEREAS, paralegals maintain their skills and professionalism through education and training; and

WHEREAS, paralegals assist in important projects that help Floridians, including the Governor’s Initiative on Lawyers Assisting Warriors program (GI LAW) that provides our men and women in uniform with free legal services from some of the best law firms in our state; and

WHEREAS, Paralegal Day in Florida is an opportunity to recognize the contributions of paralegals to our state’s legal community.

NOW, THEREFORE, I, Ron DeSantis, Governor of the State of Florida, do hereby extend greetings and best wishes to all observing October 23, 2022, as Paralegal Day in Florida.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capital, this 23rd day of October, in the year two thousand twenty-two.
2022 Annual Bar Convention
Meeting Agenda

THE FLORIDA BAR
651 EAST JEFFERSON STREET
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AGENDA
Florida Registered Paralegal Enrichment Committee
2022 Annual Meeting
Friday June 24, 2022, 10:00 a.m. – 12:00 p.m.
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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+.

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