On June 23, 2023, the FRP Enrichment Committee held its “FRP Day” at The Florida Bar Annual Convention. The day started with our Board meeting with a quorum followed by all sub-committees presenting written and verbal reports to the Board. Immediately following the Board meeting two seminars were held. First, Juan Arais, Esq. spoke on Attorney Disciplinary Process, and the Rule 20 requirement of paralegals to maintain the professional and ethical standards of their attorneys and firms. Second, Toni Marsh, JD, Director of The George Washington University Paralegal Studies Program, Washington, D.C., presented on AI and ChatGPT, discussing the effects on the Paralegal profession. Professor Marsh’s presentation was a wake-up call to all of us. “AI and ChatGPT are not coming for your jobs, those who know how to work with AI and ChatGPT are.”

Following the seminars, the Committee hosted our FRP Enrichment Committee Networking Mixer. FRP Of The Year, Kerri Bowden, FRP was announced
and many pictures were taken. Thank you to Kerri’s husband, John, for accompanying her in this special moment. We are pleased to have Kerri in her new role representing the face of FRPs.

Our heartfelt thanks go out to all the sponsors of this year’s Networking Mixer, who helped make it the best attended and most lavish one yet! For the very first time, the FRP Enrichment Committee was able to provide two open bars offering three free mixed drinks, wine, beer, and sodas for each attendee. We were also able to offer a large selection of hors d’oeuvres throughout the evening.

In short, The FRP Day was a great success, and with each passing year we strive to make it better for our members. Special thanks to past FRP Enrichment Committee Chair, Margo Valenti, for providing an FRP 2023 pin for every FRP who attended the program. This is the second year Margo provided the pins - a new tradition has been born!

The Special Projects Sub-Committee, co-chaired by Matthew Williams and Frank Springer, orchestrated the FRP of the Year selection and installation process. They also decorated the Networking Mixer venue which looked amazing!

The FRP Enrichment Committee continues to host free, monthly CLE webinars. Watch your in-boxes for announcements! We continue to have the highest registration and attendance numbers of any Florida Bar webinars. If you have a topic of interest or speaker for a CLE, let us know and we can work to integrate them into our program!

We are thrilled to report that over 90 new applications for FRP membership are ready to be reviewed and approved. FRP membership is constantly increasing, and the growing number of FRPs indicates that paralegals are serious about their careers and the profession. We are proud to demonstrate to The Florida Bar that FRPs support one another through membership. Visit the FRP Corner to see all the benefits of your membership.

Does your local paralegal association, local bar paralegal committee, or section have an upcoming event? Send us your flyer and we will post it on our social media pages! The FRP Enrichment Committee would be pleased to visit local paralegal associations to present the many benefits of holding the FRP designation and being registered with The Florida Bar. Please contact us via email (fdigon-greer@floridabar.org) to learn more!

Designation by Attestation, previously, “Grandfathering,” has scaled most of the approval hurdles toward acceptance. Two hurdles remain, but we are very hopeful that Designation by Attestation will succeed, opening the gates for non-degree, experienced paralegals to bear the FRP designation and access its many benefits.

The Special Projects Committee’s Motion for Student Membership is working its way toward becoming an amendment to Rule 20. The Motion is in its infancy, but we hold great hope the wide-ranging benefits to Paralegal Studies students through this future amendment will be recognized and approved.

Last, but certainly not least, none of the above could or would happen without the incredible support of our Florida Bar Administrator, Frank Digon-Greer, Esq. To say we are fortunate to have Frank in our corner is an understatement. Not enough can be said for what Frank does for Florida Registered Paralegals. Frank is always thinking of ways to help us increase membership, obtain benefits for FRPs, and make our events successful. Thank you, Frank, from all of us. You are the best partner we could have wished for.

Finally, please welcome our 2023 FRP Enrichment Committee Vice Chairs, Irma Tharp, FRP, and Patricia DeRamus, FRP. I look forward to working with you! Thank you to our outgoing Vice Chairs, Melissa Battle, FRP and Shelly Zambo, FRP, for their hard work and dedication.

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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
Dear readers, it is with great honor and gratitude that I share my journey as a Florida Registered Paralegal, along with the joy and fulfillment it brings me both personally and professionally. Being awarded the 2023 FRP of the Year Award has been a humbling experience, and I am excited to provide a glimpse into my life, career, and what it means to be a Florida Registered Paralegal.

I am proud to introduce myself as Kerri Lynn Bowden, a dedicated FRP hailing from the beautiful State of Florida. Family is at the heart of everything I do. I am blessed to be married to John Fenno Jr, and together we have a son, Jimmy Fenno. I have an older son from my former marriage, Grant Williams. My parents, Jimmy and Gerry Bowden, as well as my sister Chandra Bowden, have been pillars of support throughout my life. Their unwavering presence and assistance, especially when it comes to caring for my boys, have been invaluable.

Both of my children have varying special needs and I am very proud of them and their accomplishments! My older son, Grant, participates in the Special Olympics Bicycling each year and is truly amazing! My younger son, Jimmy, has his own business, “Just Call Jimmy”, where he helps our neighbors with yard work, walking their dogs, taking out trash, and watering their plants. He has occasionally had his own Lemonade stand. Jimmy is very caring for those in need and though he is in high school, he has volunteered at the middle school (where he attended) to assist his former teachers and classmates.

When I am not deeply engrossed in my paralegal work, I seek solace and tranquility by indulging in my hobbies. Reading, listening to music, and watching movies are among my favorite pastimes. However, nothing brings me more joy than spending quality time with my family. Whether it’s going kayaking, enjoying a movie night, exploring SeaWorld, or embarking on trips to Orlando, these moments create cherished memories. Our family beach house located at Keaton Beach, Florida, also holds a special place in our hearts, providing a tranquil getaway from the daily hustle.

My career as a paralegal began with a remarkable opportunity provided by Angela M. Ball, Esq., who took a chance on me even without prior experience. While pursuing my paralegal degree and certificate, I worked in her law office, learning the ropes of the profession. Soon after, I joined Legal Services of North Florida (Tallahassee Delta Office), where I had the privilege of working under the guidance of Marc E. Taps, Esq., former Managing Attorney of Legal Services of North Florida (Tallahassee Delta Office), and Kris Knab, Esq., former Executive Director of Legal Services of North Florida (LSNF).

Marc played a pivotal role in my growth as a paralegal. He encouraged me to be inquisitive, seek knowledge, and attend CLE trainings. Through his guidance, I developed strong research skills and gained confidence in assisting the attorney with preparation of court cases. Marc also entrusted me with training new law students and collaborating with volunteer attorneys, which further enhanced my...
expertise. Additionally, he recognized my ability to connect with challenging clients and volunteers, assigning me as the go-to person for such cases. When the FRP program was announced in its infancy, I notified Marc right away that I wanted to be a Florida Registered Paralegal. With Marc’s support and encouragement, I applied for and was accepted by the Florida Bar into the FRP Program. I was so excited and grateful to be approved to be an FRP!

When Monique Richardson, Esq., became the managing attorney at Legal Services of North Florida (Tallahassee Delta office), she expanded my horizons by involving me in Guardianship, Adult Protective Services, and Advanced Directives cases. Working closely with her, I gained valuable insights into the special needs community, drawing from my experiences as a parent to my disabled son, Grant. Monique’s dedication to understanding her clients’ unique challenges and her support for community outreach profoundly influenced her approach to representation.

Stephanie Johnson, Esq., the current managing attorney of the Legal Services of North Florida (Tallahassee Delta office), has been a consistent source of guidance and encouragement throughout my career. She has emphasized the importance of active participation in community outreaches and the importance of continuous learning to expand legal knowledge. Stephanie’s willingness to address healthcare and educational issues related to children with special needs further strengthened our bond.

While working with the Legal Services of North Florida (Tallahassee Delta office), I have been known to wear many “hats”. As such, in addition to working with clients and attorneys on cases, I review closed cases for compliance; assist new staff attorneys with setting up accounts for court access and case filings; train support staff on office procedures; and train new staff attorneys. Additionally, I provide multiple outreaches each month for Legal Services of North Florida (Tallahassee Delta office) service areas in Franklin, Wakulla, Leon, and Jefferson Counties; provide outreaches for community events throughout the year; and will provide additional disaster outreach services in the Legal Services of North Florida program-wide service area in those counties hardest hit. I have the privilege of forging lasting relationships with local community connections and utilizing such resources to further help in the outcome of our cases.

I work with between 12 and 15 attorneys in our Tallahassee Delta office at any given time, including additional staff attorneys throughout our Legal Services of North Florida program-wide service area, when needed. On any given day, you can find me in my office sitting across from a client or an attorney as we discuss our best next steps and case strategy. On occasion, I may be out serving witness subpoenas for staff attorneys. At Legal Services of North Florida, we are very much a team, and I am grateful for the integral work I get to do, day in and day out, with the attorneys and clients that I serve.

To me, being a Florida Registered Paralegal goes beyond the title and fulfilling professional duties. It’s a calling to make a positive impact in the lives that we serve. It means being a steadfast advocate for justice and serving as a bridge between the legal system and those in need. Paralegals play a crucial role in supporting attorneys, conducting research, drafting legal documents, and ensuring that clients’ voices are heard.

I firmly believe that empathy and compassion are the cornerstones of effective paralegal work. I believe it is very important to continue to attend CLE trainings (in all areas), in order to provide a more effective and well-rounded approach in our role as paralegals. Because each client may have overlapping legal issues, knowledge in multiple areas will provide a more well-rounded approach in collaborating and communicating with attorneys regarding next steps and case strategy. Understanding the unique challenges faced by individuals seeking legal assistance allows us to provide the necessary support and guidance. It is our responsibility to listen, empathize, and ensure that every client feels heard and empowered.

Receiving the Florida 2023 FRP of the Year Award has been a tremendous honor and humbling experience. This prestigious recognition validates the many years of hard work, dedication, and commitment I have invested in my career. It serves as a testament to the impact that paralegals can make within the legal community.

I share this award with my mentors, colleagues, and the entire legal support team. Together, we strive to provide the best possible service to our clients, advocating for their rights, and ensuring access to justice. This award fuels my passion to continue growing, learning, and making a positive difference in the lives of those I serve.

Kerri Bowden is a Florida Registered Paralegal with a 28-year tenure at Legal Services of North Florida in Tallahassee. Specializing in family law and domestic and sexual violence cases, she provides vital support to vulnerable clients and survivors. Beyond her legal work, Kerri finds joy in her personal life with her husband, two sons, and a menagerie of pets. Notably, she serves as a plenary guardian for her older son and remains an active supporter of the Special Olympics program that her older son participates in each year.
Introducing the 2023-2025 FRP Enrichment Committee Vice Chairs, Patricia C. DeRamus, CP, ACP, FRP and Irma M. Tharp

Patricia C. DeRamus, CP, ACP, FRP has thirty-six years experience as a paralegal. She holds a NALA Certification along with Advanced Certification in Discovery, Law Office Technology and Trial, and is a Florida Registered Paralegal. Patricia is Past President of the Paralegal Association of Florida and Past Chair of the Palm Beach County Bar Association – Paralegal Committee. Patricia has been appointed as Chair of the FRP Enrichment Committee’s FRP Awareness Subcommittee and as of July 1, 2023 and is Vice Chair of the FRP Enrichment Committee. She previously served on the Palm Beach State College and Keiser University Advisory Committee. Patricia has also written articles regarding “Paralegal Networking” for NALA and “Professionalism and Civility in the Courtroom” for the Palm Beach County Bar Association, and “Simple Steps to Paralegal Networking” for The Florida Bar.

Irma M. Tharp has been a Florida Bar Registered Paralegal since 2008. She has an Associate Degree in Paralegal/Legal Assistant studies from Miami Dade College and a Bachelor Degree in Management from the University of Phoenix. She has completed numerous Continuing Legal Education courses/seminars to keep her skills and knowledge in the legal field current.

Ms. Tharp commenced her career in the legal field over 27 years ago as a legal assistant in an in-house corporate legal department and moved up the ranks to become a corporate paralegal. She worked as a litigation paralegal at several major, multi-state law firms, as well as smaller boutique firms. She has extensive experience at the state and federal court levels and knowledge in all aspects of corporate, complex litigation, family, chapter 7 bankruptcy, appellate and personal injury. Additionally, Ms. Tharp has experience with non-litigation matters such as wills, living wills, powers of attorney, corporate formations and guardianships.

Ms. Tharp is an active member of the Florida Bar Registered Paralegal Association, Broward County Bar Association, South Florida Paralegal Association, National Notary Association, National Association of Legal Assistant, Miami Dade Bar Association and Gwen Cherry Bar Association. She was a former member of Miami Dade Legal Support Association, Florida State Guardianship Association and Broward County Guardian ad Litem Program.

Ms. Tharp served as the former Chairperson of the South Florida Paralegal Association, School Liaison Committee, former Co-Vice Chair of the Miami Dade County Bar Association, former Chair of the Miami Dade Bar Paralegal Committee and former Co-Chair of the Florida Bar Florida Registered Committee CLE Sub Committee. Currently, she is the Vice Chair of the Florida Bar Florida Registered Paralegal Enrichment Committee and Chair for the Florida Bar Florida Registered Paralegal Enrichment – Regulation Sub 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/
Oops, I Did it Again! How to Avoid Repeat Mistakes

By Samantha Angel, FRP

“To err is human.” While true, to err in the legal field can often have disastrous consequences. As such, paralegals must make extraordinary efforts after a mistake is made, and corrected, to prevent it from recurring. What follows are a few tips and tricks to help analyze mistakes and take steps to avoid them in future.

1. Complete a Post-Mortem Analysis of the Mistake

An often overlooked but beneficial tool for rectifying errors is the Post-Mortem Analysis. Procedurally, the paralegal will review the circumstances surrounding the error, note them, and determine how best to avoid these in future. This often leads to creating new checklists, updated note systems, a deeper understanding of the case management system, or all the above! Post-Mortem Analyses can reveal whether the paralegal was distracted when the mistake occurred or whether a lack of knowledge contributed to the error. Regardless of the reason, the paralegal can take steps to avoid the same circumstances in future.

2. Make a Checklist

For repetitive items such as eFiling or draft completion, checklists can be an invaluable tool to avoid repeat errors. A common checklist for eFiling might include confirming the item contains: a) the correct case number, b) the correct attorney’s name and bar number, c) the correct compliance statement and font style. A similar checklist can be used prior to sending an email to determine if the appropriate email addresses are included in the correct send format (CC or BCC) and that proper grammar is used throughout the email.

It is important to note that checklists are only useful when they are relied upon. Adding the two-minute checklist review to a task can ensure accurate completion and avoid a repeat mistake. One way to avoid relying on a checklist from memory is by keeping a binder of simple checklists at your desk. Review each item to ensure your compliance.

3. Understand your Case Management System

There exists a myriad of choices for law firms when choosing a Case Management System, or CMS. Regardless of which system your firm uses, the paralegal must understand its abilities, nuances, and shortcomings to perform effectively and avoid mistakes. If after a mistake Post-Mortem Analysis, the paralegal finds a lack of understanding or misunderstanding concerning a CMS function, they should take appropriate steps to rectify the error. This could include attending a training session provided by the CMS coordinator or asking a senior paralegal for a refresher on operating the CMS relative to where the mistake occurred.

After completing a training session or receiving an answer to their question the paralegal should determine whether a checklist is required for that aspect of the CMS, or if a simple notation serves the same purpose. That is, a note saying “uncheck box for ‘CC email to client’” may be sufficient to prevent future internal emails being sent to client unintentionally.

4. Utilize a Notation System

The legal profession will always be evolving, is constantly evolving, resulting in its practitioners constantly learning. When we learn in school we take notes – so why should our professional lives be any different? Taking notes during a staff meeting, training session, or during your Post-Mortem Analysis can be critical to avoiding future mistakes.

Professional notetaking can occur in many forms, the largest distinction being paper-and-pen notes or digital notes. Each has pros and cons, but the decision is
ultimately to use whichever method works best for you. Once you choose a method, stick to it. Have your physical notepad on your desk all the time to reference it, or always keep the Word document open while working for quick Ctrl + F usage. Notation methodology can keep your checklists organized, notes from a CMS training session together, and prevent future mistakes when properly utilized.

5. Bounce Back Strong

Paralegals correctly take pride in their work and conversely sometimes will feel deeply upset by their mistakes. As professionals it is important to recognize both, and that while we strive to avoid all mistakes, it is unreasonable to assume that humans will be fool proof. As such, when an inevitable mistake occurs, pick yourself up, dust yourself off, complete a Post-Mortem Analysis, and continue working with the same high quality your attorneys are accustomed to receiving from you. Acknowledge the mistake by understanding what led to it and institute procedures to avoid the same error in the future. Most importantly, know that if you turned to the paralegal next to you, they would have a story or two about a mistake themselves. You are not alone.

“To err is human.”

Samantha is a paralegal for the Florida Office of the Attorney General and 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 immediate past Co-Chair of the Palm Beach County Bar Association’s Paralegal Committee, Vice-Chair of the FRP Newsletter Committee, and recipient of the Florida Bar’s Solo and Small Firm Section Paralegal of the Year Award for 2023.
At 19 years old, did you have any inklings of an idea of what you would be doing today for your career in the legal field? Although I grew up less than 5 miles from Daytona International Speedway, the thought never once entered my mind that I could follow my passion of law (thank you Debra Winger/Legal Eagles – dating myself) into the sport industry. Flash forward over thirty (30) years and here I sit. In July 1992, I was offered a position to work at International Speedway Corporation/NASCAR’s Legal/Risk department which was in its infancy stage. At that time there was only one Attorney and a Risk Manager. The France family and their corporate entities leaned heavily on local and specialized outside counsel for most of their legal needs. I had recently graduated with my A.S. Degree in Legal Studies. With my uniquely vast experience, I worked my way to Senior Director, Legal Affairs which is a position mostly held by attorneys. Currently, a large aspect of my time is spent managing the company’s litigation, legal department policies, procedures/process, budget and other paralegals. While growing alongside a sport that has seen tremendous change over the past few decades, I have established my three keys of success: 1) being adaptable to change; 2) finding mentor(s) along the way; and 3) knowing that you are never done learning.

Adaptable to change - Fresh tires. As a skilled paralegal working alongside brilliant and talented in-house attorneys, I’ve had the opportunity to be on the front lines of some of the biggest challenges and litigations our company has faced. These experiences have given me a uniquely distinctive view of many facets of the sport. It is often difficult being the constant in an ever changing environment. At times we had accidents, forcing us to go back to the race shop and rebuild. The constant is knowing you will be back striving for success no matter the outcome of the prior week. So when that win comes along then comes the celebration and the reminders of why we continue or change tracks. The wins prove sweeter when you know that it took the entire team to achieve this successful result.

More recently, I’ve had the privilege of being part of the select team responsible for conducting due diligence prior to the historic merger between NASCAR (privately owned) and International Speedway Corporation (publicly owned). Shortly thereafter, COVID-19 forced our entire legal team to transition to remote work within two days’ notice. This unexpected shift proved invaluable as our sport took the lead in devising protocols and guidelines to facilitate a return to the “new normal” of competition, setting a precedent for the sports industry in general.

Finding Mentors - Crew chiefs. Another key factor in propelling me to my current position was actively seeking out mentorship. I’ve been fortunate to be able to surround myself with influential female mentors who have provided me with invaluable guidance and support. Their encouragement has empowered me to recognize the strength within myself. They have shaped me into the manager I am today, and I hope I can offer the same level of support to others.

Even without that law degree, my growth in the company was continual because I have always evolved with the company’s ever-changing expansion and seasons. My growth/recommendations also mean that as I get promoted other legal staff also have room for advancement.

I would define myself as an introvert, however I am surprisingly people-centered, which motivates me both personally and professionally. I appreciate when attorneys and other executives come to me for mentorship and advice. When operating within a team environment, inevitably the volume or nature of the work is seldom the most challenging part. The key lies in ensuring that the team is equipped with appropriate resources, includ-
ing access to mentorship. The rest will always fall into place. Nobody cares how much you know, until they know how much you care (Theodore Roosevelt).

Never Stop Learning - Research & Development. I went back to school and got my bachelors/pre-law degree while married with children and working full-time. For a brief “pit stop” moment, I entertained continuing on to law school. At the end of the day, I concluded personally that I already had the best of both worlds. I was surrounded by brilliant legal minds who challenged me intellectually every day and together we created a legal department that is now over 25 people strong located in Daytona Beach, FL, Charlotte, NC and New York, NY.

My advice to my younger self would be to use your voice sooner. Starting out can feel “intimidating” (pun intended), but soon enough, you come to realize you are part of a “team” and have distinct responsibilities in every phase of your legal career. I often find myself being asked “How have you managed to stay in one place for so long?”. Simply put, I persevered by adaptation, seeking mentorship and intellectual growth.

Dawn Gilmore, FRP is the Senior Director, Legal Affairs for NASCAR. She received her A.S. Degree from Daytona Beach Community College in 1990. She also received her B.A. Degree in Political Science/Pre-Law from University of Central Florida in 2009. Dawn became an FRP in its inaugural year in 2008.

Understanding Your Notary Stamp: The Importance of Knowing the Notary Rules and Responsibilities as a Paralegal

By Melissa Battle, FRP

As a paralegal working in a law firm, your notary stamp is a valuable tool that allows you to assist attorneys and clients in executing legal documents. However, it is crucial to understand that your notary commission is separate from your employment and carries individual responsibilities. This article aims to highlight the significance of comprehending notary rules and regulations as a paralegal and emphasizes the importance of using your notary stamp responsibly both within and outside the scope of your employment.

The Independent Role of a Notary:

A notary public serves as an impartial witness who verifies the authenticity of signatures, administers oaths, and acknowledges the execution of legal documents. It is essential to recognize that your notary commission is granted by the State of Florida, and you hold personal accountability for compliance with the applicable laws and regulations.

Understanding the Notary Rules:

To fulfill your duties with integrity and professionalism it is essential to familiarize yourself with the Florida notary laws, rules, and best practices. By studying Chapter 117 of the Florida Statutes, the Governor’s Reference Manual for Notaries, and other relevant resources, you can ensure that you possess the necessary knowledge to carry out your notarial responsibilities accurately.

Using Your Notary Stamp as a Paralegal:

As a paralegal working in a law firm, you may frequently utilize your notary stamp to notarize documents on behalf of attorneys and clients. However, it is crucial to remember that your notary commission is not tied to your employer. Instead, it is an individual privilege and carries personal responsibilities that must be adhered to, regardless of the context in which you are using your notary stamp.

Responsible Notary Practices:

Knowledge of the Law: Stay updated on the current notary laws and regulations in Florida. Familiarize yourself with the specific requirements for notarizing various types of documents, such as affidavits, contracts, and acknowledgments.

Conflict of Interest: Maintain a clear understanding of conflicts of interest. Avoid notarizing documents in which you or your law firm have
a direct or indirect interest, as it compromises the impartiality and integrity of the notarial act.

Ethical Conduct: Uphold ethical standards in all your notarial acts. Ensure that clients fully understand the document they are signing and obtain appropriate legal advice from an attorney when necessary.

Documentation and Record-Keeping: Maintain accurate and detailed records of all notarial acts performed as a paralegal, both within and outside of your employment. This practice promotes transparency, accountability, and aids in the proper handling of any legal disputes that may arise.

Additionally, it is important to note that as a paralegal and notary public, you should never be coerced into notarizing a document without the signer being physically present, regardless of any instructions or demands from your employer or supervisor. Notarization requires the personal presence of the signer to verify their identity and ensure their willingness to execute the document. Any attempt to bypass this requirement compromises the integrity of the notarial act and violates the ethical obligations of a notary. It is crucial to firmly adhere to the principles and rules governing notarial practices, regardless of external pressures or instructions.

As a paralegal working in a law firm, your notary stamp is a valuable asset that enables you to assist attorneys and clients in executing legal documents. It is crucial to understand that your notary commission is independent of your employment and carries individual responsibilities. By familiarizing yourself with the notary rules and regulations, you can use your notary stamp responsibly while maintaining the highest standards of professionalism and integrity.

Melissa Battle, FRP is the Vice Chair of the Florida Registered Paralegal Enrichment Committee and Chair of the FRP Social Media Subcommittee. She has been a Paralegal for over 17 years and a Florida Registered Paralegal for 15 years with experience in Law Office Management, Family Law and Personal Injury. Melissa has been a trainer and mentor to both Paralegals and Notaries all over the state of Florida. She is a US Army Disabled Veteran and owner of Notarizing Tampa Bay, LLC a Mobile Notary and Wedding Officiating business in the Tampa Bay area. To reach Melissa: Melissa@notarizingtampa.com (Tel) 813-731-0164
Samantha Angel, FRP is Awarded the Paralegal of the Year
By the Solo and Small Firm Section of the Florida Bar

Congratulations to our own FRP Enrichment Committee member, Samantha Angel, for receiving the 2023 Paralegal of the Year Award by the Solo and Small Firm Section of the Florida Bar. This award is given to the paralegal who has contributed significantly to the community and/or (his) (her) law firm.

Samantha is a Paralegal Specialist in the Criminal Appeals division of the West Palm Beach Office of the Attorney General, with extensive appellate experience at the state and federal levels. As a Florida Registered Paralegal, she strives for excellence in every endeavor.

Samantha is an active member of the FRP Enrichment Committee as 2022-2023 Vice-Chair of the Newsletter Subcommittee and served as 2022-2023 Co-Chair for the Palm Beach County Bar Association’s Paralegal Committee.

Samantha is also an adjunct instructor in Florida Atlantic University’s Paralegal Certificate Program, utilizing a Certificate in Effective College Instruction from the American Council on Education to prepare the next generation of paralegals for the workforce. Samantha received her Paralegal Certificate from FAU, undergraduate degree in Anthropology and graduate degree in Criminal Justice from the University of Central Florida.

. . . strives for excellence in every endeavor.
An Attorney once said to me “no offense, but you’re just a Paralegal.” Unfortunately, that attorney clearly did not consider what we, as Paralegals, do on a daily basis. So, let me tell you a little about what it’s like, from my point of view, to be “just a Paralegal.”

A woman walks into our office. Her children have been taken to some unknown location by someone they know - their Father. She hasn’t seen her children for weeks and now her husband has left the state with them. The police can’t help her because it’s her husband that has hidden the children from her, and “it’s a civil matter.” Her husband only wants to hurt her because of his own anger and resentment over their dissolution of marriage. Meanwhile, chaos is unfolding in ten other cases. I wasn’t “just a Paralegal” to that mom.

A child tries to take his own life because his mother is heavily involving him in her divorce, trying to make him choose sides. The child feels he can no longer take the pain that comes with his family being torn apart. His father sits by his son’s hospital bed, praying his son will live to see another day; that he won’t be burying his child at only fifteen years old. The father calls me regularly to check in and provide continual updates on his son’s prognosis. He thanks me for answering the phone and talking to him each time he calls. He thanks me for never sending him to voicemail or rushing him off the phone. He thanks me for “being human,” and listening to him while he cries in fear of losing his only son. I wasn’t “just a Paralegal” to that dad.

Another day, I sit in the conference room with a couple whose marriage is over, preparing to notarize settlement agreements after an all-day mediation. These agreements will divide their property, children, and their lives. These agreements will ultimately end their marriage. I watch as they cry together out of regret for things left unsaid, facing feelings of guilt for opportunities not taken. They cry for their children who will be forever changed by their decision. They choose to be sad with each other rather than being mad at each other. I was present to provide a gentle touch, words of encouragement, and a listening ear as they faced the grief of losing their love for each other while attempting to keep things “normal” for their children. I wasn’t “just a Paralegal” to that family.

After months of heavily litigated, I witnessed an abused mom transition from fear and complete uncertainty to blossoming into an independent, educated, fearless woman and a more confident parent. She now knows that she and her children are safe again. She will always remember the support I offered to her when she needed it the most. I will forever be a part of her life, even if I never see or speak to her again. I will never be “just a Paralegal” to her.

I have been in the Florida Family Law world for over 20 years in both Court Appointed Guardianship and as a Florida Registered Paralegal practicing Family Law and Litigation. I am passionate about what I do and feel fortunate to do what I love every day. I am grateful that I have the compassion to be there for these complete strangers who count on me to hear them, guide them, and help them figure out what their life will look like moving forward.

So, to my fellow Paralegals - I know what it takes to do this job, and I know that some days will be better than others. Some days you will want to quit or wonder why you’re doing this job at all. Other days you may question your abilities, and some days, even your
sanity! This profession is not easy. We assess situations and pick up on things which clients may not recognize as important, all while providing our clients the highest level of care and compassion, and providing our attorneys the support they need.

Please know that what you do is important. You are valued, even when the client, or maybe even your attorney, fails to tell you just how valuable you are. What you do is not measured by a single case or a single client. This profession is an ongoing journey. We teach, we learn, and in the process, we get the chance to make a difference in the lives of those who trust us enough to help them navigate some of the hardest events they will ever go through in life. I am so grateful to be a part of each of their lives. So, when the going gets tough, always remember that you are more than “just a Paralegal.”

April is a Florida Certified Guardian Ad Litem; Family Law Trial and Litigation Paralegal; Past President of the Orange County Bar Association Paralegal Section (Orlando, FL); and Current Member of The Florida Bar Family Law Section.

ARE YOU GETTING THE MOST OUT OF YOUR FRP MEMBERSHIP?

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
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Go to: Member Benefits and Discounts – The Florida Bar to review the complete list of benefits available to FRPs.
Techonology Competence: Ignorance is Not an Option

Technology is advancing at a break-neck pace, and the legal industry is following suit. Gone are the days of large file rooms, voluminous 3-ring binders, and handheld Bates stampers. Over 374 billion emails are sent worldwide every day, and volumes are only increasing1.

The use of communication tools like Zoom, Teams, and Slack have exponentially grown in the wake of the COVID-19 pandemic. Thanks to resources like ChatGPT and BARD, we’re now consulting Artificial Intelligence (“AI”) robots to help us with everything like answering basic questions, writing books, and creating art and music. In this rapidly changing, tech-focused world, what is a paralegal to do? Embrace and educate!

Technology is embedded in all aspects of the legal industry. Google “legal technology tools” and see not only how many results it yields, but how quickly related ads pop up in your social media feeds and email inbox. In 2012, the ABA’s Model Rules of Professional Conduct were updated to address a lawyer’s duty to be competent in not only the practice of law, but also in technology. Model Rule 1.1 states:

Maintaining Competence

To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology, engage in continuing study and education, and comply with all continuing legal education requirements to which the lawyer is subject. (Emphasis added.)

In 2016, the Florida Supreme Court ordered adoption of this rule by The Florida Bar, with added requirements, including:

• Improve communication. Email has essentially replaced “snail mail” and has proven to not only create efficiency, but also allows for more inclusive conversation. The use of short messaging tools (like Slack or Teams), and video conferencing (like Zoom), can streamline less formal communication and help support connections with remote colleagues and clients.

• Enhance security. Protecting client information and maintaining confidentiality are fundamental pillars of legal service. The use of file-sharing sites, encryption, and password protection helps keep client data safe. As hacking and data breaches are more pervasive than ever, assuring clients that their information is safe is paramount.

• Avoid burnout. As the saying goes: work smarter, not harder. The legal industry has long been known as a high-stress industry. With strict court deadlines, long working hours, and overwhelming workloads, feeling stressed is a natural response. Employing tech to help streamline processes, accelerate project completion, and improve organization not only gets the job done, but can also help improve mental health and work-life balance.

If your firm or organization has an IT or Litigation Support department, reach out to discuss available tools, seek advice for tackling difficult projects, and ask for training.

Knowledge is Power

Understanding and utilizing the tech at your disposal is essential. Not only does this show that you are embracing available resources, but incorporating these tools in your day-to-day will:

• Increase efficiency. Paralegals’ roles are more complex and multifaceted than ever. By harnessing tech tools, paralegals are more productive and efficient. Proficiency in legal tech is increasingly expected. Tools like Microsoft Office, eDiscovery platforms, electronic court filing systems and case management tools allow you to work smarter not harder (i.e., 8-hour days instead of 12).

• Improve communication. Email has essentially replaced “snail mail” and has proven to not only create efficiency, but also allows for more inclusive conversation. The use of short messaging tools (like Slack or Teams), and video conferencing (like Zoom), can streamline less formal communication and help support connections with remote colleagues and clients.
Looking Forward

The legal tech landscape is ever changing. To stay ahead of the curve, paralegals must proactively learn new tech. The best way to do this is through continuing education:

- **Attend legal technology conferences and workshops.** This is a terrific way to learn about new technologies and how they can be used in the legal profession. If pricy conferences aren’t in your budget, there are ways to reduce the costs (i.e., scholarships, volunteering at the event, or attending virtually at no cost).
- **Read legal tech blogs and articles.** There are many insightful newsletters and blogs that are dedicated to legal tech. Subscribing to these free resources is an excellent way to regularly and consistently gain knowledge. Dedicate the first 5-10 minutes of your day to reading one legal tech-related article.
- **Join legal technology organizations.** Not only is this a great way to network with other professionals who are interested in tech, but many organizations also offer educational programming and mentorship opportunities.
- **Take a course.** Consider an online or in-person course that can teach you about emerging trends in legal tech. There are many options available at no charge.

Skill is Everything

If you’re a “seasoned” legal professional you may remember, and feel more comfortable with, the analog practices of mailing a filing to the Court and service list or filing correspondence in a redwell. However, there is a younger generation entering the workforce who doesn’t know a world without Google, smartphones, and social media. While having decades of experience is extremely valuable, if you are resistant to tech, you risk being overshadowed by someone more adept at utilizing new tools.

Learning a new technology or tool may be scary or feel overwhelming. Remember when you learned to ride a bike or drive a car? Learning essential skills can sometimes cause frustration initially, but once mastered, you can’t imagine not using those skills. Consider adopting technology as an essential skill.

Think of the tech you’ve already adopted that is now saving you hundreds of hours:

- **Emails v. Letters:** Remember when you had to print ten copies of the same letter, put them in ten envelopes, mail them, and wait days for a response? Now, you send one email to ten parties and receive instant responses.
- **PDF Bates Labeling v. Bates Stampers:** The sound of a Bates stamper gives us PTSD. Instead of spending countless hours manually stamping pages, with a couple clicks in a PDF software, you can simultaneously Bates label thousands of pages.
- **PDF Form Filler v. Typewriters:** Remember when you learned to ride a bike or drive a car? Learning essential skills can sometimes cause frustration initially, but once mastered, you can’t imagine not using those skills.

Today, utilizing and embracing technology is a fundamental part of the legal profession. Paralegals who resist change are at a disadvantage in the job market. By keeping skills sharp and staying up to date on tech trends, paralegals can improve their efficiency and communication, and ensure their clients are best served.

**Emily Bartkowicz** is a NALA certified paralegal and FRP with over 20 years of legal experience. After working for 14 years as a litigation paralegal in a busy products liability practice group at Akerman, LLP, she joined the firm’s eDiscovery Services practice and now serves as Litigation Support Manager. Emily is a champion for promoting alternative legal careers and paralegal mentorship. She serves on the executive board of Women in eDiscovery and on the advisory board for Broward College’s Paralegal Studies program.

**Shauna Capi** is an Account Executive at TransPerfect Legal Solutions with 14 years of legal experience. Her years of Am Law 200 litigation paralegal experience coupled with legal technology background, allows her to effectively consult with legal professionals to build cutting edge end-to-end ediscovery solutions.

**Endnotes**

The Evolving Role of Paralegals: From Litigation Support to E-Discovery Experts

By Olga Malosh, FRP

Over the past two decades, the growth of information technology and digital technology has revolutionized various industries, including the practice of law. The phrase “Electronic Discovery” has become commonplace amongst legal professionals, especially since the 2005 landmark ruling in Zubelk v. UBS Warburg. That ruling highlighted the significance of preserving electronic information. Further, in 2006, Rule 26 of the Federal Rules of Civil Procedure (FRCP) was updated to include the phrase “electronically stored information,” marking the emergence of E-Discovery as a distinct field of expertise.

Expanding Role of Paralegals

Traditionally, litigation paralegals have played a vital role in supporting attorneys with research, drafting pleadings, and document analysis. However, with the growing emphasis on electronically stored information, their role has expanded to include expertise in e-discovery. E-Discovery involves identifying, preserving, collecting, analyzing, and producing electronic data as evidence in legal cases.

E-Discovery consists of two primary components: the “what,” which refers to the evidence being handled, and the “how,” which encompasses the technology and processes used for e-discovery tasks. Both components are advancing rapidly, with an increasing amount of metadata and digital artifacts surfacing, while technology-assisted review (TAR) incorporates artificial intelligence (AI) models.

Paralegals who master e-discovery tools and techniques will be effective managers of large volumes of digital information, which should result in saving time and valuable resources for law firms and their clients. The demand for paralegals with e-discovery skills is on the rise as they become highly sought after in the legal industry.

E-Discovery Certifications

Paralegals looking to excel in the field of e-discovery, and willing to learn, will find that there are various certifications that can improve their knowledge and skills. Certifications in e-discovery can be classified into two main categories: 1. Certifications offered by industry organizations, which are not software explicit, and 2. Software-specific certifications related to a specific application. A myriad of certifications exists, and we have some notable certifications listed below:

Industry Organizations Certifications

- ACEDS Certified E-Discovery Specialist (CEDS): This course is offered by the Association of Certified E-Discovery Specialists (ACEDS) and this certification covers all aspects of e-discovery, including project planning, data collection, processing, review, and production.
- ACEDS E-Discovery Advanced Certificate (eDAdv): This course, also provided by ACEDS, showcases real-world knowledge of executing and managing electronic discovery processes and how to avoid potential pitfalls.

Product Specific Certifications

- Relativity Certified Administrator (RCA): This course is offered by Relativity, a leading e-discovery software provider. This certification focuses on the practical use and administration of the Relativity platform, which is a widely used program to manage e-discovery.
- EnCE (EnCase Certified Examiner): This course is offered by OpenText, and the EnCE certification enables the user to become proficient in using OpenText™ EnCase™ Forensic software for digital forensic investigations and e-discovery.

As the legal landscape continues to adapt to the pace of technological advances, paralegals should embrace the evolving role of e-discovery experts. By acquiring certifications in e-discovery and maintaining awareness of industry developments, paralegals can greatly enhance their value, contribute to efficient legal processes, and meet the growing demand for skilled e-discovery professionals.

Olga Malosh is a Senior eDiscovery Project Manager at CSX Transportation and a Florida Registered Paralegal. Ms. Malosh holds a Master’s in Business Administration from UNF, a summa cum laude Bachelor’s Degree in Accounting from UNF, and an Honors Associate degree in Paralegal Studies from FSCJ. Olga has acquired several eDiscovery certifications, including the Relativity Analytics Specialist (RAS), Relativity Review Management Specialist (RRMS), and Relativity Processing Specialist (RPS) credentials. She holds a Certified eDiscovery Specialist designation.
Paralegals are known for wearing many hats during their workday and one of those hats includes acting as a notary public for your attorneys and/or clients. What follows is a need-to-know list for notaries in law firms based on commonly asked questions I received as an instructor and owner of notary services. The five (5) need-to-know items for Florida Notary Publics are as follows:

1. What do you do if a signer provides you with a state issued expired driver license or identification card?

Some individuals do not fail to keep their driver's licenses and identification cards up to date, especially during the pandemic. Florida allows Notary Publics to accept expired driver's licenses and identification cards if they have been issued within the last 5 years of the signing in accordance with Florida Statute 117.05(5)(b)2.

2. If your firm purchased your notary commission, bond and/or insurance, or renewed your commission, who is responsible for your commission, stamp, and journal (if any)?

Many firms incorrectly believe they should be able to control, or at least have access to, their notary public's stamp. The notary public is responsible for safeguarding their stamp. For example, Florida prohibits the use of a seal by anyone other than the notary public it was issued to. (Citation to FL law which requires this). Therefore, if their stamp is stored at the office, it should be kept in a place that only the notary public can access.

Furthermore, when notarizing for individuals outside of work or work hours, the notary public commission is granted to the notary public as an individual, even if their employer paid for the supplies and commission fees. A notary public must follow any agreement made with their employer while at work, but the employer does not have the right to prohibit a notary public from notarizing outside of work hours or the workplace because the notary public has “exclusive rights” to his/her/their stamp according to Florida Statute 117.05(3)(b). (Citation to a case which holds this). Once you leave the firm, Florida specifies in their laws that employers may not take possession of a notary public’s seal when a notary public leaves employment, no matter who paid for the commission pursuant to Florida Statute 117.05(3)(b).)

3. What if there is no notary block on the document a signer or attorney wants notarized?

When presented with a document that does not contain notary wording, a certificate attachment such as an acknowledgment or jurat can be used. However, the notary public may not choose which certificate to use. This decision must be left up to the signer or professional such as an attorney.

The purpose of an acknowledgment is for a signer, whose identity has been verified, to declare to the notary public or notarial officer that they are willingly signing the document.

The purpose of a jurat, also known as an oath or affirmation, is for a signer to swear to or affirm
Notary Public, Continued

Continuously make sure that the notarial act being requested can be performed in your state.

5. Can I perform an online notarization for my firm?

Absolutely, if you are a Florida Notary Public and have successfully completed your 2-hour online notarization course mandated by the State. Each notary public also wants to ensure that you are using an accredited RON platform provider and have registered with that provider with the State of Florida along with increasing your error and omissions and bond policies. Of course, there are many other considerations in preparation for performing a notarization online, and I strongly recommend reviewing Chapter 117 of the Florida Statutes before conducting your first online notarization for your firm or independently.

Genna Rubolino, FRP, General Manager of Florida Virtual Notary, LLC, Florida Notary Public, Florida Online Notary, Guardian ad Litem, 15th Judicial Circuit. support@flvirtualnotary.com, Toll Free: 877-350-0720

STAY CONNECTED!

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

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

Miami-Dade Bar Association,
FRP Committee
https://miamidadebar.org/

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

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

Orange County Bar Association, Paralegal Section
880 N. Orange Avenue
Orlando, FL 32801
Phone: 407-422-4551
Fax: 407-843-3470
Association website: www.orangecountybar.org/about/paralegal-section/

Paralegal Association of Florida, Inc.
P.O. Box 14051
Clearwater, FL 33766
Phone: (727) 245-0072
Association website: www.pafinc.org

South Florida Paralegal Association, Inc.
123 S.E. 3rd Avenue, #367
Miami, Florida 33131
Association website: www.sfpa.info/home

Southwest Florida Paralegal Assn., Inc. (SWFPA)
P.O. Box 2094
Sarasota, FL 34230-2094
Association website: www.swfloridaparalegals.org/

Tampa Bay Paralegal Association, Inc.
P.O. Box 2840
Tampa, FL 33601
Association website: www.tbpa.org
A recent study revealed that the average Florida household pays $5,065 annually in what has been described as a “litigation tax”. This figure may come as no surprise to those who know that Florida has been hailed as one of the Union’s most litigiously riddled states. While had been an issue plaguing the state for years, Florida’s tort system remained largely untouched since the late 1990’s. In response to the pleas for effective change and fairness, action has finally been taken.

On March 24, 2023, Governor DeSantis and the Florida Legislature took aim at the “judicial hellhole” that is Florida. Their efforts resulted in the passing of HB 837, a sweeping tort reform bill that alters the practice of law and the progression of lawsuits across the State. Specifically, HB 837 breathes new life into the following statutory areas that were otherwise stagnant:

**One-Way Attorney’s Fees**

One of the most significant changes to the law effectuated by HB 837 is the repeal of Florida’s one-way attorney’s fees. Attorney’s fees can no longer be transferred by assignment and are only recoverable in declaratory judgment actions following a total coverage denial. The repeal comes after years of Florida courts applying, in certain circumstances, a “multiplier” when awarding attorney’s fees (up to 2.5x). The new legislation introduces a strong presumption that the federal standard, lodestar fee, is sufficient in nearly all awards. The new law does, however, include a caveat for exceptional circumstances supported by evidence that competent counsel could not otherwise be retained.

Regarding insurance related cases, the legislation makes clear that parties seeking attorney’s fees will have to rely upon Florida’s offer of judgement rule, which is specifically made applicable to insurance contract cases. Accordingly, plaintiffs in insurance-related cases now have to serve a proposal for settlement for 25% less than the amount he or she otherwise anticipates recovering in order to perfect a claim for attorney’s fees.

**Third-Party Bad Faith**

Several insurance-related cases in the past have touched on the idea that mere negligence alone is insufficient to constitute bad faith, but it had never been codified. Further, courts have always noted that the focus of conduct should be on the insurance carriers. In contrast, HB 837 now calls all parties’ behavior into focus. The law specifically imposes a duty on the insured, the claimant, and the claimant’s or insured’s representative to “act in good faith”, bringing an end to the use of unreasonable tactics to drag out settlements. Under this new legislation, the trier of fact may scrutinize the conduct of all involved parties and reduce damages accordingly, when necessary.

Further, the legislation provides that if the insurer tenders the lesser of the policy limits or the amount demanded by the claimant within

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90 days after receiving actual notice of a claim, which is accompanied by sufficient evidence to support the amount of the claim, bad faith actions will be precluded.

Additionally, HB 837 sheds light on multi-competing claim situations. The law provides that an insurer is not liable beyond the available policy limits for failure to pay all or any portion of the available policy limits to one or more of the third-party claimants in a case if, within 90 days, it files an interpleader action. HB 837 also extends the option of arbitration, allowing for the insured in a multi-competing claim to pursue binding arbitration to determine the prorated share of the policy limits that each claimant is entitled to.

**Statute of Limitations**

The new legislation reduces the statute of limitations for general negligence claims from four years to two years from the date of loss. This change effectively reduces the statute of limitations for general negligence claims down to the same window as wrongful death, medical negligence, and professional negligence claims. Notably, this update to the law applies to accidents occurring after March 24, 2023.

**Letters of Protection**

The passage of the tort reform legislation also radically changes the dynamic of letters of protection, now requiring various disclosures. Many doctors engaged in the practice of billing at exorbitant rates without requiring any up-front payment, creating an environment where they had personal interests in the outcomes of settlements or trials. In an attempt to level the playing field, the recently passed legislation now requires that plaintiffs disclose information such as a copy of the letter of protection, itemized bills, facility-level codes, the purchaser of a factored letter of protection, and the dollar amount of the purchase.

In addition, HB 837 mandates the disclosure of the identity of a person who makes a referral and the financial relationship between a law firm and a medical provider under a Letter of Protection.

**Damages for Medical Treatment**

The debate regarding which medical bills are boardable has been laid to rest with the introduction of HB 837 as the law speaks directly to the admissibility of past paid, past unpaid, and future medical bills:

For past paid medical bills, services that have already been satisfied to the amount actually paid for the services, regardless of the source of such payment, are admissible.

For past unpaid medical bills, the law recognizes four categories of claimants: (1) Claimants who possess insurance other than Medicare or Medicaid, the amount that their health care coverage is obligated to provide evidence of appropriate payment, are admissible. (2) Claimants who have Medicare or Medicaid, the amount that their health care coverage would have paid the health care provider to settle the medical charges is admissible. (3) Claimants who have Medicare, Medicaid, or are uninsured, 120% of the Medicare reimbursement rate in effect on the date of the incurred medical treatment or 170% of the applicable Medicaid rate (if there is no relevant Medicaid rate) is admissible. (4) Claimants who receive services under a Letter of Protection and transfer the medical bill to a third party, the amount that the third party has paid or agreed to pay the health care provider for the right to receive payment pursuant to the Letter of Protection is admissible.

For future medical bills, the law addresses two categories of claimants: (1) Claimants who possess or are eligible for health insurance other than Medicare or Medicaid, the amount for which the future charges of health care providers could be satisfied if submitted to that particular health care coverage is admissible. (2) Claimants who have Medicare or Medicaid or lack insurance, 120% of the Medicare reimbursement rate in effect at the time of the trial for the anticipated future services or 170% of the applicable Medicaid rate (if there is no relevant Medicare rate) is admissible.

Additionally, claimants are allowed to present any evidence of reasonable amounts that could be billed to them for medically necessary treatment or services. This provision allows flexibility for claimants to provide evidence of appropriate and justifiable billing amounts in accordance with their specific circumstances.

**Negligence Security**

In the past, small business owners carried the burden of stopping crime on their premises. For many, that burden was unfair and unreasonable. With the passage of HB 837, fault will now be placed where it primarily belongs – on the original bad actor. This transformation of the law permits the assailant in a premises liability action involving criminal acts to be included on the verdict form, irrespective of intentional conduct. This legislation also creates a presumption against negligence if the owner or principal operator of a multi-family residential property, in connection with certain third-party criminal acts on the premises, substantially implements the various security measures, assessments, and training enumerated in the statute.

**Modified Contributory Negligence**

Joining the majority of the states, Florida has moved from a “pure” comparative negligence system to a “modified” comparative negligence system. This essentially means that a plaintiff will not be able to
recover any damages if they are found to be more than 50% at fault for their own injuries. Notably, Florida’s move to the modified comparative system does not apply to actions for damages for personal injury or wrongful death arising out of medical negligence.

A New Day Has Dawned

Undoubtedly, HB 837 represents a positive advancement in Florida’s legal system. To many, however, it is simply a step in the right direction, as there is still much work to be done to bring in order to bring an end to Florida’s “litigation lottery.” We hope that Florida will continue to pursue the balance and fairness owed to its residents in line with the path set before us by this tort reform.

Endnotes

7. See Dial v. Calusa Palms Master Ass’n, 308 So. 3d 690 (Fla. 2d DCA 2020); see also Joerg v. State Farm Mutual Automobile Insurance Co., 176 So. 3d 1247 (Fla. 2015).

Damian Cuesta is a rising 2L at the University of Miami and summer associate at Cole, Scott & Kissane’s Miami office. Damian assists primarily in cases regarding personal injury, premises liability, and security negligence.
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FRP Enrichment Committee Reception
2023 Florida Bar Annual Convention
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 2024 Annual Florida Bar Convention in June. This event draws paralegals from around the State of Florida. Signage and announcements at this event showcase our sponsors. Promotion on the **FRP Corner**, on the FRP Times newsletter, and on all 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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**CONTACT INFORMATION:**

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