

O. A. 5-8-96

097

IN THE SUPREME COURT OF FLORIDA

FILED

SID J. WHITE

MAY 8 1996

CLERK, SUPREME COURT

State County Clerk

THE FLORIDA BAR RE  
PETITION TO AMEND RULES  
REGULATING THE FLORIDA BAR

CASE NO. 87, 589

**THE FLORIDA BAR'S RESPONSE TO COMMENTS OF IAN GARDNER ON  
PROPOSED AMENDMENTS TO CHAPTER 10, THE RULES GOVERNING THE  
INVESTIGATION AND PROSECUTION OF THE UNLICENSED PRACTICE OF LAW**

THE FLORIDA BAR, files this response to the comments of Ian Gardner on the proposed amendments to Chapter 10, Rules Governing the Investigation and Prosecution of the Unlicensed Practice of Law and states as follows:

1. Mr. Gardner alleges that the amendments to the unlicensed practice of law rules are being proposed to "constructively put independent paralegals out of business ." Further, Mr. Gardner states that there is a need for independent paralegals, that the ABA Report on Nonlawyer Practice suggests regulation without Bar Association interference, that paralegals have been doing work with almost no harm to the public, and that if these new rules are passed, tens of thousand of members of the public will be denied access to the courts.

2. There is nothing in the proposed amendments to the rules that have been filed with the court that would change the present state of the law with regard to permissible activity by any nonlawyer whether that nonlawyer is an independent paralegal, legal technician, document preparer, legal assistant, or other lay person.<sup>1</sup> The rules do not expand the permissible activities by nonlawyers, nor

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<sup>1</sup>Mr. Gardner may be referring to substantial amendments to Rule 10-2.1(a) that were noticed in the Florida Bar News but were not filed with the court. It is the Bar's position that those amendments did not limit the permissible activities of nonlawyer legal technicians either, but as the amendments were not filed with the court, argument regarding the proposed amendments would not be appropriate at this time.

do they limit the permissible activities by nonlawyers. Mr. Gardner's allegation that the rules are being proposed to put independent paralegals out of business is unsupported and is without merit. Access to the courts will not be limited by these amendments. The amendments do, however, expand access to the process of considering and investigating unlicensed practice of law matters as the proposed rules would increase the number of nonlawyer members on the Standing Committee on Unlicensed Practice of Law from five members to at least eighteen members.

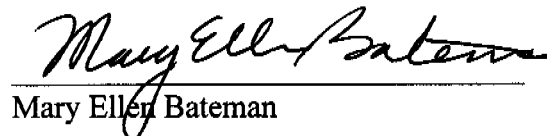
Respectfully submitted,



Mary Ellen Bateman  
UPL Counsel  
The Florida Bar  
650 Apalachee Parkway  
Tallahassee, Florida 32399-2300  
(904) 561-5840  
Florida Bar No. 324698

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing response has been sent by U.S. mail to Mr. Ian Gardner, 1802 N. University Drive, Suite 100, Plantation, Florida 32322 on this 2nd day of May, 1996. A copy was also sent by U.S. mail to Mr. Neil Butler, counsel for the Florida Council of Associated General Contractors at 322 Beard Street, Post Office Box 839, Tallahassee, Florida 32302-0839 on the 2nd day of May, 1996.



Mary Ellen Bateman