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Florida Supreme Court
500 S. Duval Street
Tallahassee, FL 32399-1927

RE: SC06-1622

Dear Justices:

As a practicing paralegal in Miami, please accept this letter as my opposition to the Florida Bar's Petition to Amend the Rules Regulating the Florida Bar to Add Chapter 20 – Florida Registered Paralegal Program.

This proposed regulatory system, should it pass the scrutiny of this Court, would have a long lasting impact on the paralegal profession. As such, it must be viewed with an eye towards the protection of the public and the advancement of the paralegal profession. In light of this fact, I feel compelled to voice my personal concerns with one of the most glaring of all shortcomings – the Florida Bar's oversight and implementation of the program.

The Florida Bar is a self-regulating body of attorneys, made up of attorneys with the authority to regulate attorneys. For the Florida Bar to regulate another profession, particularly paralegals who are key components of their staff, is a clear conflict of interest and it is even unclear as to whether the Bar has the authority to regulate any outside profession. In the real world, it would be like the developers regulating the construction worker or the doctor regulating the nurse. I am sure through the wisdom of this Court that you can envision the various negative scenarios that would come to light, particularly from the naturally created employer/employee relationship.

Moreover, the Florida Bar has long held the position that it would not support any mandatory regulation of the paralegal profession. This is thoroughly documented over the years and was one of the major issues the Bar had with the paralegal legislation. If such a mandatory system would be in the best interest of the public and/or the profession in the future, the Florida Bar would inevitably never approve such a system if they were in a position of authority over the profession. This is exactly why the Florida Bar should not have oversight authority of the paralegal profession. Allowing the Florida Bar to implement the program cannot be done without the inference as to whose interest is being served, which is in essence, the definition of a conflict of interest. In short, the implementation of this program by the Florida Bar serves no one but the Florida Bar, is a

conflict of interest and the profession would never advance further than that which the Bar deemed appropriate. This is certainly not indicative of the best interest of the public or the paralegal profession as a whole. I feel that the Florida Supreme Court should administer such a program directly and that the paralegals and paralegals educators play a more influential role in advising this Court as to the future direction of the profession.

No other separate legal-related professions (e.g. mediators, arbitrators, court reporters, process servers, investigators, etc.) are regulated by the Florida Bar. There is a reason for this. Placing the Bar in authoritative power over these professions, as well as the paralegal profession, would only serve to benefit the Florida Bar and is contradictory to public policy. Looking deeply into the proposal and the historical avenues taken in coming up with this proposal, one can see that it was out of necessity that the Florida Bar came up with this ambiguous solution (legislative involvement), not with the betterment of our profession at heart. Once the door is open and the profession becomes a part of the Florida Bar, there is no turning back.

Many other states are dealing with the regulation of paralegals. There is no other state that is implementing a program to regulate paralegals with oversight authority given to their respective Bar Association. In fact, most Bar Associations have worked with the paralegal profession in implementing programs that are administered by their respective Supreme Courts. Obviously, other jurisdictions have envisioned the problems associated with one profession regulating a subordinate and interlinked profession.

One needs only look to one simple line of the proposal to see who is being served by this proposal: "It is the obligation of the Florida Registered Paralegal to avoid conduct that would cause the lawyer to be unethical or even appear to be unethical, and **LOYALTY TO THE LAWYER IS INCUMBENT UPON THE FLORIDA REGISTERED PARALEGAL**" (emphasis added). Such language is indicative of the control factor sought by the Florida Bar over the profession that is contradictory to public policy and the advancement of the paralegal profession that has been sought for so long.

As a paralegal that has been working in the profession for twenty years, I hereby oppose the passage and implementation of this proposal by the Florida Bar and urge that this Honorable Court make the correct decision in rejecting the proposal as it is written. I would suggest that a new panel be created consisting of an equal portion of paralegals, paralegal educators, the public and attorneys to formulate an alternative plan which will be of benefit to all involved, not just the Florida Bar. Of course, the Florida Bar will always play a key role in our profession; however, the direction of our profession must be directed by public policy and those working within the paralegal profession.

Sincerely,

Mark Workman