



# SFPA Legal Journal

2011, Volume I

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## PRESIDENT'S MESSAGE

By Mark Workman, CP, FRP

As a new year begins and yet another is behind us, I enjoy looking back at what was accomplished this past year and looking forward in what lies in the new year. I hope that each of you had a prosperous and rewarding 2010 and that 2011 holds as much, if not more, for you in the year that lies ahead.

YOUR South Florida Paralegal Association accomplished much in 2010, and your elected officers and the entire board of directors developed and implemented new and successful initiatives. The Fall Seminar was a great success, the monthly CLE luncheons continue to provide a great networking forum as well as a way to learn new skills and keep those required CLE mandates, and the CLA/CP preparatory classes continue to be a mainstay of your association.

Please see *Message* on page 2

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## UPCOMING EVENTS

CP Review Course for May 2011 Exam (Register online by February 18 <sup>th</sup> )	February 19, 2011
Scholarship Entry Due Date	March 1, 2011
Annual Meeting and Election of Officers	March 22, 2011

## THINGS YOU NEED TO KNOW IF YOU ARE TAKING THE CLA EXAM

By Linda Nottestad, CP, FRP

You decided to take the examination. Now what? First, order the Certified Paralegal Review Manual, a Practical Guide to CP Exam Preparation, Third Edition, from NALA right away. You can register for the exam and order the book at the same time at [www.nala.org](http://www.nala.org).

The examination is now computer generated and administered at ACT Testing Centers throughout the country. Gone are two days of stress filled, eight hour, back-to-back days to complete the exam – now you have thirty, stress filled days to complete it. You will contact the ACT Testing Center directly and pick the day and time you want to test.

You can take one section, or three. You are in complete control of when and where you test.

The examination is divided into five sections designed to test your knowledge in each category. All five sections include objective questions – true/false, multiple choice or matching (no more fill in the blank, thank goodness). You must score at least 70% to pass each section and you must pass all sections to be certified. You have five opportunities during a two year period to retake any section you didn't pass the first time. If you don't pass the first time, don't be discouraged – only about 40% of the people who take the test pass the first time.

Please see *CLA Tips* on pages 8-9

## PARALEGALS ON THE MOVE

### LINDA MCGRATH CRUZ, CP, FRP

Linda recently accepted a litigation paralegal position with **Arnstein & Lehr, LLP** after 13 years with Pardo Gainsburg, LLP. Congratulations Linda! Best of luck!

### CARMEN ELLIOT

Carmen recently accepted an insurance defense litigation paralegal position with the Coral Gables boutique law firm of **Berk, Merchant & Sims**. Congratulations Carmen! Best of luck!

### KERA M. O'NEILL

Kera recently accepted a paralegal position with **Arnstein & Lehr, LLP**, focusing on products liability for their litigation department. Congratulations Kera! Best of luck!

IF YOU'VE RECENTLY MADE A MOVE OR KNOW SOMEONE THAT HAS AND WOULD LIKE TO APPEAR IN OUR SPOTLIGHT, PLEASE CONTACT SFPA AT [NEWSLETTER@SFPA.INFO](mailto:NEWSLETTER@SFPA.INFO).



## Want to be published?

We encourage our readers to contribute original articles. If you have expertise in a particular field, or knowledge in a particular area or subject, we welcome you to share it with us! Even if you do not have a topic and you would like to do an investigative report, please let us know.

Email your thoughts to [Newsletter@sfpa.info](mailto:Newsletter@sfpa.info)



We can now offer you the following advertising packages per issue for 2011:

- Full page: \$75
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- 1/2 page \$25
- 1/4 page \$15

Contact [Newsletter@sfpa.info](mailto:Newsletter@sfpa.info) for details.

## UNAUTHORIZED PRACTICE OF LAW

By Linda McGrath-Cruz, FRP, CP

Have you ever committed a 3rd degree felony? You might be surprised. We've all been there... its late on Friday afternoon and you're in a hurry to get started on your weekend, but, you have a pleading which needs to get out and your paralegal hasn't finished revising it yet... Rather than waiting for your paralegal to put the finishing touches on it for your signature, it's tempting to just tell her to print it, sign it on your behalf, and send it in... Or, you are out of the office and your newest client is impatiently waiting for your retainer agreement - do you make him wait, or ask your paralegal to sign it and send it over? It may be even more tempting if you've worked together for a long time - but does that make it right?

***"...paralegals and other non lawyers are finding themselves in expanded roles and are handling more than ever..."***

In the past, a paralegal's involvement with clients and cases was more limited. But in our current economy, paralegals and other non lawyers are finding themselves in expanded roles and are handling more than ever. Most of us are familiar with "UPL" or unauthorized practice of law, but how does it apply to your practice? Simply put, UPL is something that happens when a person who is not a licensed attorney engages in the practice of law. This may include accepting cases, giving legal advice, setting fees, signing pleadings, and more. Unauthorized practice of law rules are put into place to protect the general public from the fraudulent practice of law by people who are not qualified to practice law. A licensed attorney receives specialized education and is held to a specific set of rules of discipline, rules of professional conduct, and other specific regulations.

Attorneys are ultimately responsible for preventing the unauthorized practice of law in their practice. This requires proper supervision of non-lawyer employees, including paralegals. However, as professionals, paralegals must take responsibility for their own actions as well by educating themselves and ensuring that they do not cross the line. We must work together as a team to ensure that we follow the rules set in place, and remove ourselves from situations which urge us to break the rules.



Through the Florida Constitution, the Florida Supreme Court gives The Florida Bar the responsibility to investigate and deal with matters relating to the unlicensed practice of law and the prosecution of these acts. Each judicial circuit in Florida has its own committee to oversee this important issue.



*Linda McGrath Cruz is an Advanced Certified Paralegal and Florida Registered Paralegal with the law firm of Arnstein & Lehr, LLP. She can be reached at [lmc@miamifrp.com](mailto:lmc@miamifrp.com) or 305-753-2443. This article was originally published in the Dade County Bar Association's October 2010 edition of "The Bulletin."*

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## *About SFPA Legal Journal*

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