

**Who should I
hire to help me
with my legal
problem?**



There will probably come a time in your life when you will need or want to seek legal advice or services. One of the first questions you may ask yourself is whether you need a lawyer or whether a nonlawyer could assist you instead. This consumer pamphlet will help you make an informed choice.

I recently saw an advertisement in the paper from someone calling themselves a paralegal saying they could help me with my legal problem for a lot less than a lawyer. Can this person really help?

No, a nonlawyer cannot help you with your legal problem. Legally, only a licensed member of The Florida Bar can help you with your legal problem and give you legal advice. It is the job of lawyers to make the law work for everyone; consumers use the services of lawyers regularly for essential services such as drawing up wills and handling real estate transactions. If someone else helps you with your legal problem, they may be prosecuted for the unlicensed practice of law (UPL) and your case may be affected.

But this person is a paralegal. Doesn't that mean they have training or a lawyer working with them?

No. In fact, so many people were being misled about the titles "paralegal" and "legal assistant" that the Supreme Court of Florida passed a rule saying that it is not proper for a nonlawyer to use those titles if they are providing services directly to the public. Paralegals working in a law office often do have training and are often certified. They also have a code of ethics to follow and work under the lawyer's supervision, not on their own. Nonlawyers who do not work for a lawyer may not have any training and should not be using the title paralegal.

What can this nonlawyer do for me?

The only thing the nonlawyer can do legally for you is sell you a pre-printed form and type in the information that you provide to them. They cannot tell you what information you should put on the form or what type of form to use. They cannot help you fill it out. Basically, the nonlawyer can act as a secretary or typist.

How do I know if the form is right if they can't help me or give me legal advice?

You do not. You cannot rely on the nonlawyer to do it right. You are really representing yourself in the matter. Nonlawyers only supply forms and type in the information you provide.

The ad says that they provide the same services as a lawyer. Is that true?

No, that is not true. A lawyer can give you legal advice and go to court with you. A nonlawyer can only type – they cannot give legal advice and cannot go to court. There are other differences between a lawyer and a nonlawyer:

- Lawyers are required to have a college degree and a law degree; nonlawyers have no legal educational requirements, including even minimum legal education.
- Lawyers are required to pass a stringent admittance examination to attest to their competency and a thorough character and fitness investigation before being admitted to practice law; nonlawyers have no such requirements.
- Lawyers are required to maintain current legal education and take ethics courses periodically; nonlawyers have no continuing education requirement.
- Lawyers are subject to comprehensive and tough ethical rules; nonlawyers have no written ethical standards.
- Lawyers accused of ethical misbehavior are investigated by The Florida Bar which can lead to losing their license to practice law; nonlawyers are not professionally accountable to any authority although they can be investigated and prosecuted for engaging in the unlicensed practice of law.
- Lawyers are required to maintain client confidences; nonlawyers have no such requirement and can tell your secrets to anyone, even the other side.
- Lawyers as a profession maintain a Clients' Security Fund intended to reimburse clients some of their losses if a lawyer misappropriates trust funds; nonlawyers have no such program and cannot be forced to give you your money back if they steal it from you or do not provide the services they promised.

Paralegals working in a law office may have some of the same requirements as lawyers if the paralegal is certified. But, paralegals working in a law office work for the attorney, not for you, and are not providing services directly to the public.

I still think I'm going to give the nonlawyer a try. My case is simple and I think I can handle it myself.

Every person has the right to represent himself or herself. But remember, cases that appear simple at first may turn out to be more complicated than you first thought. Finding a lawyer isn't as hard as you think and you might be able to get most of your questions answered or good legal advice to get you going in the right direction during an initial consultation. If you do not have a lawyer, many local bar groups in Florida sponsor lawyer referral services, listed under "attorney" or "attorney referral services" in the yellow pages of the telephone book. These services can set up an initial appointment for you with a lawyer for a nominal fee (usually less than \$50). If there is no lawyer referral service in your city, The Florida Bar's statewide service can locate a lawyer for you. You can call this service toll-free at (800) 342-8011. The statewide service, which operates only in cities where there is no local program, will refer you to an attorney for an initial half-hour consultation for a nominal fee. The Florida Bar's consumer pamphlet "How To Find A Lawyer In Florida" may also help.

How do I file a complaint against a nonlawyer?

The Florida Bar is the gold-standard for protecting the public. Not only does the Bar pursue disciplinary action against its members, but the Bar also engages in the investigation and prosecution of the unlicensed practice of law to protect the public. If you want to file a complaint with The Florida Bar against a nonlawyer, you may do so by contacting The Florida Bar's UPL office in your area. The addresses are listed at the end of this brochure. You will be sent a complaint form to fill out and return. You can also get a complaint form and information about filing a complaint from The Florida Bar's Web site, www.floridabar.org.

UPL Branch Offices

The UPL department has offices in Tallahassee, Ft. Lauderdale, Tampa, Orlando, and Miami. The addresses are:

Tallahassee

The Florida Bar
UPL Department
651 E. Jefferson Street
Tallahassee, FL 32399-2300
(850) 561-5840

Tampa

The Florida Bar
UPL Department
4200 George J. Bean Pkwy., Suite 2580
Tampa, FL 33607-5958
(813) 875-9821

Orlando

The Florida Bar
UPL Department
1200 Edgewater Drive
Orlando, FL 32804-6314
(407) 425-0473

Ft. Lauderdale

The Florida Bar
UPL Department
Lake Shore Plaza II
1300 Concord Terrace
Suite 130
Sunrise, FL 33323
(954) 835-0233

Miami

The Florida Bar
UPL Department
Suite M100, Rivergate Plaza
444 Brickell Ave.
Miami, FL 33131-2404
(305) 377-4445

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Rev. 11/09

52- WhoShouldIHireToHelpMe (Eng).indd

This pamphlet published as a public service
for consumers by The Florida Bar

