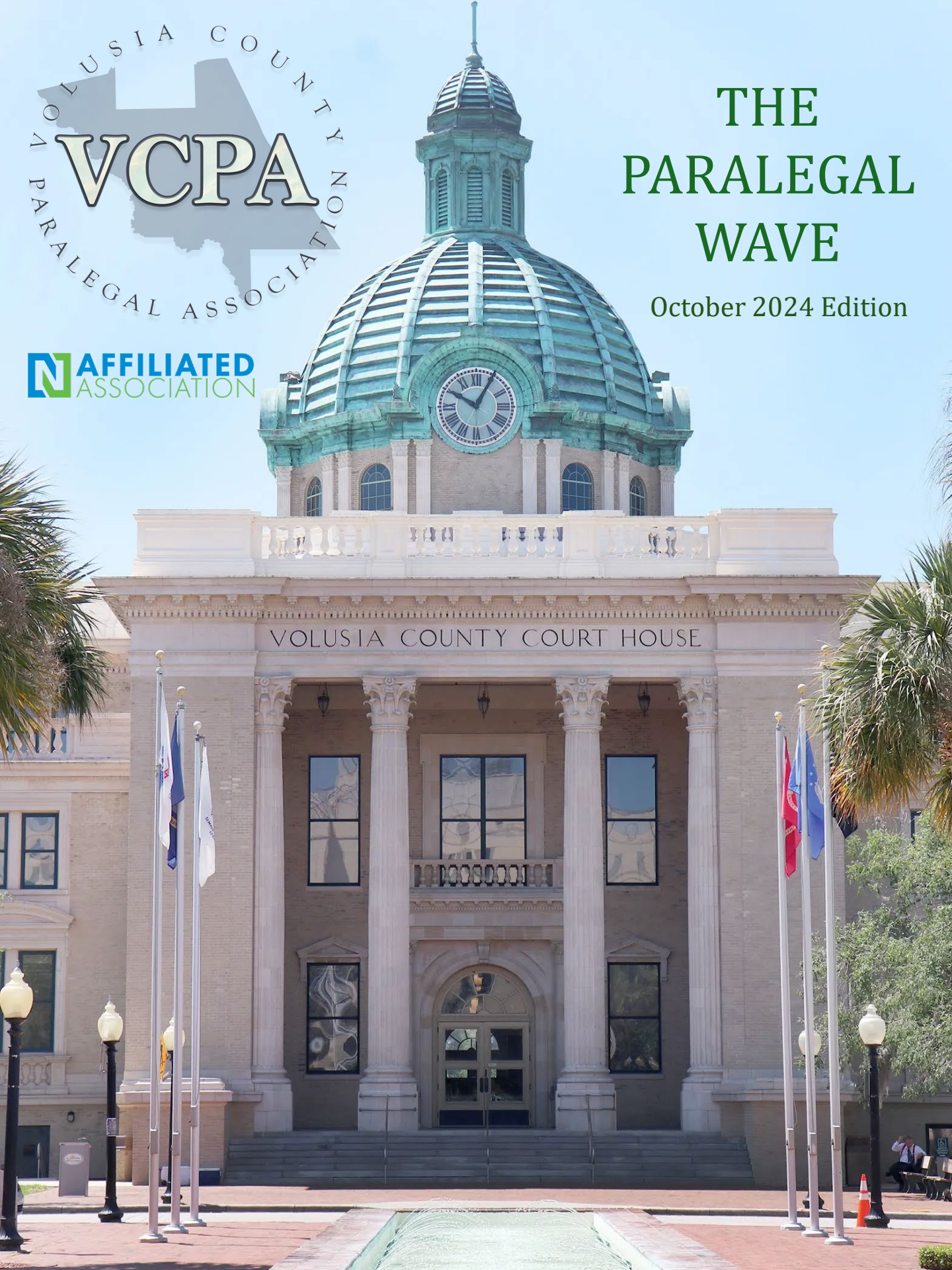


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ASSOCIATION

THE PARALEGAL WAVE

October 2024 Edition



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President's Message

By Kathy Reimann

Happy One Year Anniversary! The Association's first year has been amazing. This adventure started over two years ago, and although I had someone else in mind to be our first president she decided to go to law school and could not do both. Michelle Williams and I took the first steps together with Taylor Apking in forming this association. Like many of you, I never wanted to be the president, but I jumped in and did not look back. I am grateful for this opportunity and have met so many people in the legal community here and across the country.

Our association is so incredible. Volusia County is fortunate to have paralegals with so much drive and experience. At our first meeting, the 7th Judicial Circuit's Chief Judge, Leah Case, asked each person where they worked and how long they had practiced as a paralegal. The answers were impressive. We have active members not just in law firms, but in private and public

companies and agencies. Many have reached and exceeded their goals and have obtained impressive positions. One attorney told me that if her paralegal left, she would have to close the doors. I am humbled to be a part of such an amazing group of professionals.

I have met many paralegals from other associations, specifically the Central Florida Paralegal Association in Orlando, whose association would like to work together in hosting a joint seminar in the future. In July, while in Louisville, Kentucky at the NALA convention, I met paralegals and other affiliate member associations from across the country. Each person I have met has given me so much pride in our profession.

What has delighted me the most in the process of forming our association, is the amount of continued support we receive from our attorneys, the Clerk of Court, the Volusia County Bar Association, the judiciary, and our sponsors. We are solely a voluntary



association, and our sponsors are extremely important to our continued success. We cannot thank them enough.

Additionally, Nathan Kotas, the head of the Paralegal Studies program at Daytona State College, has been an important partner for us and an associate member. Paralegal students are the future of our community and association. Nathan has created a great program for the paralegal students, and we are eager to collaborate with him and our student liaison, Jazmin Mason, to initiate a mentorship program soon.

President's Message

(Continued)

As most of you know, this year we became affiliated with NALA (National Association of Legal Assistants). NALA provides us with support and resources, which continue to help our association improve and grow. So far this year, we've published our first newsletter, The Paralegal Wave, and hosted various events, including our first "Attorney's Lunch" in April, our first half-day seminar "Road Map to the Paralegal Professional" in September, and a self-defense class "Simple Self-Defense for Women" sponsored by Charles Vega, Esq. coming up in November. Each event has been a success, and we hope to keep these going year after year.

Coming up, we have our October Membership Meeting on October 17, 2024, with guest speaker Jessica Roberts, Esq. of the Public Defender's office, who will be speaking with us about Criminal law – Handling/Managing Clients in Crisis. In November, we are going to participate in

the Basket Brigade for Thanksgiving, a great time to give back to our community.

We made it through the first year with some fantastic speakers and events. Next year, there are some more things we would like to accomplish. One step at a time

Thank you to the "First" board, Heather Bragg, Vice President, Taylor Apking, Treasurer, Jessica Rodriguez, Secretary, Jazmin Mason, Student Liaison and Michelle Williams, Parliamentarian. Also,

thank you to our Newsletter creator, Kimberly Weiss. They are examples of the incredible paralegals in our community!

Elections for the 2025 board will be held at our October meeting. At this time, we still need a volunteer for Secretary. The Secretary is a voting member of the board and must be an Active Member.

I hope everyone has enjoyed this first year. We have 49 members as of this article. Let's see if we can reach 60 or more in 2025.

VCPA Events

<https://volusiacountyparalegal.com/event-timeline/>

Member Meeting – October 17 @ 6 p.m.
located at Houligan’s, Daytona Beach –
Criminal Law: Handling/Managing Clients
in Crisis by attorney Jessica Roberts

Simple Self Defense for Women
Workshop - November 12 @ 6 p.m.
*Unless you will be bringing a different
guest with you there is no need to
reregister for this event

Volusia County Bar Association Upcoming Events

<https://www.volusiabar.org/>

Masquerade Ball – October 18 @
6:30 p.m. – An elegant evening
hosted by The Young Lawyers
Division of the VCBA

Tools and Technology of an Expert
Private Investigator, by Nathan
Deschenes – October 29 @ 6 p.m.
in Deland, Florida – You
can earn 1 Tech CLE credit



FREE Simple Self Defense for Women® Workshop

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The Shores Resort & Spa



TV Guest Appearances



The Shores Resort & Spa

Tuesday November 12th, 2024

6:00-8:00 pm

2637 South Atlantic Ave.

Daytona Beach Shores, FL 32118

Space is Limited to 75 participants!

Workshop Information & Registration

www.simpleselfdefenseforwomen.com

Whatever you're thinking about self defense, this is not it!

Domestic Violence month donations are optional and will be accepted at the door & distributed to families in need.

Questions? Call 386.295.2043 or e-mail tvega@simpleselfdefenseforwomen.com

Becoming a Florida Registered Paralegal Under the New Attestation Rule

By Dawn Burger

After relocating to Florida from another state with 20 years of experience, I learned about the Florida Registered Paralegal Program and FRP (Florida Registered Paralegal) designation. Unfortunately, I did not qualify to apply for this designation until recently.

On July 8, 2024, the Florida Supreme Court amended Bar Rule 20.3.1 became effective. Specifically, the Rule 20.3.1(c) now states that:

“(c) Designation by Attestation. A person who does not meet the requirements of subdivisions (a) or (b) may become a Florida Registered Paralegal by meeting the following requirements:(1) providing attestation from an employing or supervising lawyer on a form approved by The Florida Bar that the person has paralegal work experience as defined elsewhere in these rules for 5 of the 8 years immediately preceding the date of the attestation and a statement of proficiency describing the applicant's work experience as a paralegal; and(2) submitting at the time of the application proof that the

applicant has completed the following continuing education requirements within the prior 3 years from the date of the application: 30 hours of general continuing education including 10 hours of ethics/professionalism, and 3 hours of technology. Acceptable courses include those approved for credit by The Florida Bar, NALA, or the NFPA. Rule 20-3.1 - REQUIREMENTS FOR REGISTRATION, R. Regul. FL. Bar 20-3.1”

Immediately after learning about the amendment, I began the paperwork to apply. I obtained the FRP Attorney Attestation forms, had them completed with my relevant work experience as a paralegal here in Florida (the new rule requires 5 of the 8 years immediately preceding application), and began my journey in obtaining the FRP designation.

I then completed 30 hours of general CLE credits including 10 hours of ethics/professionalism and 3 hours of technology that is needed prior to submitting an application. If you are thinking of applying for this

designation and are hesitant due to the cost you believe you may need to expend, please note that I obtained most of the CLE credits at no cost directly from the Legal Fuel, the Florida Bar's Practice Resource Center at <https://www.legalfuel.com/free-cle/> to submit with my application. The application fee is \$145.00 and can be paid by credit card. Once my application was submitted, it took approximately one week or it to be reviewed and approved, and I officially received the FRP designation in July.

Going forward, pursuant to Rule 20-6.1, to maintain your FRP status, you are required to complete 30 total hours of CLE each cycle of 3 years, including 5 hours of ethics/professionalism and 3 hours of technology. Again, please note that the FRP Enrichment Committee offers a monthly CLE course free of charge and ready access to the free CLE courses through the Florida Bar as long as they are not duplicative. I plan to use both resources as well as live CLE courses and seminars for my continuing legal education.

Becoming a Florida Registered Paralegal Under the New Attestation Rule (continued)

Why, you might ask, is it beneficial to have the FRP designation? It sets the bar higher for those who want to be distinguished from peers in the field. For me, it was a personal/professional goal. Additionally, some employers seek out those with the FRP designation when selecting candidates.

For those interested in becoming an FRP under this new attestation rule, I am happy to answer questions on how I completed my application and received the FRP designation.

For more information, please see the Florida Bar website at: <https://www.floridabar.org/about/paralegal/frp-program/> and <https://www.floridabar.org/about/paralegal/frp-corner/>

Clerk of Court Update

By Laura E. Roth

At the Clerk of Court's office in Volusia County, our motto is **We Love Helping People!** Here are some helpful tips regarding our website, services, and an update regarding evictions:

What is available on the Clerk's Website

Free online viewing of millions of public Official Records (land records) and Court documents at www.clerk.org. An application to become a "subscriber" is on our website, simply select "Request Online Viewing." Becoming a subscriber allows you to view all remotely viewable public records, including the ability to request to view family law case document images.

Contact Us : Good news, you can quickly reach Clerk staff to make inquiries or ask questions using the "Contact Us" tool located at www.clerk.org. However, the "Contact Us" tool is NOT for filing documents in court cases or communicating with the Court. You must use the statewide ePortal to file court documents, located at <https://www.myflcourttaccs.com/authority/>.

Make Payments: You may order and pay for

copies, or pay additional filing fees, mediation fees etc. online at www.clerk.org. However, you can only pay when the Clerk has posted the fees due, so **order copies first and advise the Clerk that you want to pay online**. For all payment options, visit <https://www.clerk.org/online-payment.aspx/>.

Guardianship

Report Scheduler: This tool will permit you to verify the correct reporting period for filing Initial and Annual Guardianship Reports. Fill in the date the Judge signed the first Letters of Guardian and it will provide you the filing dates as well as the due dates for your required reports.

Probate Court worksheets required to be completed by the Clerk: The current Probate Judge currently has the Clerk's worksheets available on her homepage <https://circuit7.org/judges/judge-linda-l-gaustad/>. You may also request a current form from the Clerk using the Contact Us tool on at www.clerk.org.

Statement of Claims in

Probate: The Clerk has a Statement of Claim form available under Probate Forms for filing at **no charge** against the estate of



debt. Once the claim is filed in the estate, the Clerk forwards a copy of the claim to the attorney of record or Pro Se filer for resolution.

The Clerk has no information regarding how quickly the estate will pay claims or when distribution will be made by the estate. The Clerk cannot assist the filer in completing the claim form or answer questions regarding the status of the claim.

Claims are not litigated in the estate. If objection is made regarding a claim for monies, a civil suit to prove the claim and collect payment must be filed.

Clerk of Court Update

(continued)

Civil Update! NEW Eviction forms: Statutory changes in Civil require new eviction forms (regarding the authority of law enforcement to remove true squatters from personal property without court intervention). The Clerk has updated the Eviction Summons form now being used to include the new statutory language. The new Summons requires the Defendant's phone number. If the filing party provides the phone number, the Clerk will add the phone number to the system, and the number will be printed on the Summons. You can ensure the Clerk has this information by including the phone number in your request for Summons.

The new Summons also gives clear direction to the Defendant regarding their rights and responsibilities upon service of the action. It specifically references the proper Answer form to be filed, which the Clerk has placed on our website for use by Defendants. We also have the Answer form in the offices for tenants to use. The new Answer form requires tenants to specifically state their defense(s) to the cause of action.

Keep in mind, we have information on how to

e-file, and sample forms for filing of the most common lawsuits, including, small claims, evictions, and replevins on the Civil Department page at www.clerk.org. You can also pay unpaid filing fees, Summons fees, or copy fees using our payment website at www.volusiaclerkpayments.com, (a service fee is charged to use this service). Visit <https://www.clerk.org/onlinepayment.aspx/> for all payment options.

We hope you enjoy our services!

Laura E. Roth,
Clerk of Court
Volusia County

VCPA Event Photos

The photograph on the right is from our August membership meeting with guest speaker James J. Harlow. And the photos below are from our first half-day seminar. The bottom left features guest speaker Cynthia B. Beissel, and the bottom right features guest speaker Linda McGrath-Cruz.



Letter on Generative AI: Florida Bar Ethics Opinion 24-1

By: Nathan W. Kotas

Generative AI (GAI) will transform the legal industry, and paralegals must learn how to use it. Proper use of GAI can dramatically boost your productivity. And a more productive paralegal is a more valuable paralegal. But the use of GAI raises important ethical issues that were recently addressed by Florida Bar Ethics Opinion 24-1.

While the opinion is directed at attorneys, it is equally important for paralegals, who must uphold a high degree of professional competency and align their conduct with the applicable codes of professional responsibility and rules of professional conduct. *See generally* Rule 20-7, Rules Regulating the Florida Bar, and the NALA Code of Ethics and Professional Responsibility. To stay current, paralegals should read Florida Bar Ethics Opinion 24-1 as well a related ethics opinion recently issued by the ABA. *See* ABA Comm. on Ethics & Prof'l Responsibility, Formal Op. 512 (2024).

These opinions don't break new ground. Rather, they apply well-established ethical rules to new technology. The legal profession has used "artificial intelligence" for quite some time. Long before ChatGPT became a buzzword, legal professionals were already leveraging AI in the form of automation tools designed to streamline tasks like document assembly, the use of macros in word processing, and optical character recognition (OCR) for searching documents. These early forms of AI served to increase efficiency by automating repetitive processes, ensuring consistency and accuracy in legal work. What we now refer to as AI is simply the latest evolution of these automation technologies, with GAI taking center stage.

GAI represents a significant leap forward. Unlike the rule-based automation of the past, which could be fine-tuned to produce consistent results, GAI operates on probabilistic generation.



Instead of delivering the same output every time, GAI generates output based on probability which means it often produces different results with the same input. The ability to generate unique output in real-time is incredibly powerful, but it also introduces new challenges—especially in terms of accuracy and reliability. GAI has the potential to "hallucinate," fabricating information that sounds convincing but is entirely false.

Letter on Generative AI: Florida Bar Ethics Opinion 24-1 (continued)

Another unique aspect of GAI is that it trains on new data. As a GAI trains on more data it “self-learns” and becomes better at predicting and generating output. However, “self-learning” with new data raises significant ethical concerns, particularly around confidentiality. As a legal professional, you must ask: Is the GAI tool you’re using retaining and learning from the data you input? If so, what kind of data are you feeding it? Sensitive client information? Proprietary legal strategies?

The ethical rules are the same, but the technology is new. Understanding how GAI works (probabilistic generation and “self-learning”) frames the most important ethical issues. Now let’s turn our attention to specific ethical concerns addressed by Florida Bar Ethics Opinion 24-1:

CONFIDENTIALITY

Lawyers are required to protect the confidentiality of client information when using GAI, as mandated by

Rule 4-1.6 of the Rules Regulating The Florida Bar. The opinion emphasizes that “a lawyer must protect the confidentiality of the client’s information” and underscores the importance of understanding how GAI programs handle data, particularly if they are “self-learning” and could potentially store or use client data in future interactions. The opinion advises that “a lawyer obtain the affected client’s informed consent prior to utilizing a third-party generative AI program if the utilization would involve the disclosure of any confidential information.” However, if the use of GAI does not involve the disclosure of confidential information, then client consent is not required. The ABA opinion suggests that full disclosure of GAI use, even if not required, may serve the interest of effective client communication. **Best Practices:** Do not input any confidential information into a GAI unless expressly authorized by the attorney and done with client consent and according to established firm policies. And attorneys

should not obtain client consent without fully understanding how the GAI uses data and having appropriate policies in place.

OVERSIGHT

Lawyers must implement policies and practices for the reasonable oversight of GAI use within their firms. The opinion highlights that “a lawyer must make reasonable efforts to ensure that a law firm has policies to reasonably assure that the conduct of a nonlawyer assistant is compatible with the lawyer’s own professional obligations,” which equally applies to GAI. It also stresses that lawyers “must review the work product of a generative AI” to ensure it meets ethical and professional standards. **Best Practices:** Paralegals who understand how GAI works and pre-checks for accuracy help their attorneys satisfy this requirement. Communicate with your supervising attorney about the use of AI tools to align expectations and ensure proper oversight.

Letter on Generative AI: Florida Bar Ethics Opinion 24-1

(continued)

FEES AND COSTS

The opinion explicitly notes that although GAI “may make a lawyer’s work more efficient, this increase in efficiency must not result in falsely inflated claims of time.” Attorneys who want to pass along the cost of GAI to clients must inform them in writing and be able to determine the actual cost associated with a client matter. If they cannot, then it must be included as overhead. Finally, clients should not be charged “for the time spent developing minimal competence in the use of generative AI.” **Best Practices:** Smart lawyers and law firms will implement basic GAI training programs for themselves and their staff which includes training on proper billing practices.

ADVERTISING AND CLIENT COMMUNICATION

When employing GAI for client intake or communication, particularly through chatbots, lawyers must adhere to advertising rules under Subchapter 4-7 of the Rules Regulating The Florida Bar. The opinion

warns against misleading statements and requires that “generative AI chatbots that communicate with clients or third parties must comply with restrictions on lawyer advertising” and include a disclaimer indicating that “the chatbot is an AI program and not a lawyer or employee of the law firm.” Additionally, lawyers must consider the potential ethical implications of inadvertently creating lawyer-client relationships through AI-driven interactions. **Best Practices:** Custom built chatbots can establish “guardrails” that automatically generate disclaimers and prevent it from generating improper output.

GAI can powerfully increase your productivity, but it comes with significant ethical responsibilities. Paralegals should read the full text of both Florida Bar Ethics Opinion 24-1 and ABA Formal Opinion 512 to further their education. By staying informed and understanding these ethical guidelines, paralegals can integrate GAI into their work while upholding the highest

standards of professional conduct.

Upcoming Basket Brigade Fundraiser

We are teaming up with the Volusia Thanksgiving Basket Brigade! We have committed to 20 boxes. The approximate cost to fill a box is \$35-45. If you or your firm would like to contribute, we will be happy to pick up all donated items for package and delivery during the week of November 15th-22nd or bring your items to our October 17 meeting. Don't have time to shop and still want to contribute? Donations are accepted and we will do the shopping for you! Below is a suggested list of items, but additional items are welcome.

- Green Beans (3)
- Canned Corn (3)
- Brownie Mix (2)
- Yams (2)
- Boxed Stuffing (2)
- Gravy Package Mix
- Mini Marshmallows
- Corn Bread Mix
- Scalloped Potatoes (2)
- Mashed Potato Mix (2)
- Cranberry Sauce (2)
- Cream of Mushroom Soup (2)
- Fried Onion Strings
- \$10-\$15 Gift Card for a Turkey*



[*VCPA will provide the gift cards for every filled donated box.](#)

Please contact Michelle Williams at mwilliams@lawdaytona.com if you are willing to participate in providing a Thanksgiving meal to families in need in our community.

For additional information regarding the Volusia Thanksgiving Basket Brigade, please visit <https://www.volusiabasketbrigade.com/>.

Overview VCPA's Half-Day Seminar

By: Kimberly Weiss

The First VCPA half-day seminar was wonderful. The speeches on imposter syndrome and how to excel in your position were quite eye opening. And the gift basket raffle was ravishing. If you didn't have the opportunity to attend, I sure hope your available for next years half-day seminar!

We started the morning off with a delightful breakfast and wonderful speech from Linda McGrath- Cruz. She informed us that stress and exhaustion from work may not always mean you have the wrong job. Instead, maybe the additional stress is a result of imposter syndrome. If you often have self-doubt, difficulty accepting praise, or are a perfectionist, maybe imposter syndrome is the cause. But she also mentioned imposter syndrome is not entirely bad. Having imposter syndrome may lead you to produce better quality work. long-term professional growth, and having a supportive personality. One way to possibly evade imposter syndrome in the workplace is to set boundaries from the beginning. Mrs. McGrath-

Cruz used the example of: if you set the expectation that you are comfortable working late with unpaid overtime in the beginning, your boss will expect you to stay late. It's important to acknowledge and be comfortable expressing your boundaries.

Imposer syndrome was just one thing Mrs. McGrath-Cruz shared her knowledge on during her speech. She also shared the difference between NALA certification, NALS certification and NFPA certification. Did you know only the NALA certification and NFPA certification quality you to be come a Florida Registered paralegal. Mrs. McGrath-Cruz made sure to save you the hassle of becoming a NALS certified paralegal in Florida if you wish to become a Florida registered paralegal.

But Mrs. McGrath-Cruz was not the only wonderful speaker at the seminar. There was also Cynthia Beissel. She shared the steps she took to go from a law clerk to the amazing attorney she is today, One key take away from Mrs. Beissel's speech regarding how to be a great

paralegal for your attorney is to always organize and anticipate. When you stay organized and anticipate what your attorney needs, cases will likely move smoother. To ensure you are organized and anticipating be sure to read all documents that come in and calendar any deadline immediately. And if you know a response will be needed, make sure you prepare a template, or even start a draft response if you are able.

If you're just starting your career as a paralegal Mrs. McGrath-Cruz and Mrs. Beissel provided a few helpful tips. The main tip is to know how to E-file and perform E-discovery. These are some of the basic tasks a paralegal will do that you can go online to learn in just a couple of minutes and make a big difference in your career.

Upcoming CLE Credits offered by NALA

[https://nala.org/education/
national-affiliate-cle-sessions-events/](https://nala.org/education/national-affiliate-cle-sessions-events/)

October, 3 - Land Survey Review Skills for Paralegals
Virtual 1 Substantive National Business Institute

October 9 - Real Estate Treasure Hunt Virtual 6
(5 Substantive /1 Legal Ethics) National Business Institute

October 10 - Top 5 Mistakes Paralegals Are Making
With Generative AI Right Now Virtual 1 Substantive
National Business Institute

October 15 - Legal AI-Powered Discovery: A Paralegal's Complete
Toolkit Virtual 3 Substantive National Business Institute

October 16 - Top 30 Corporate Paralegals' Nightmares
and What to Do Virtual 6 Substantive National Business Institute

October 17 - Paralegals' Estate Planning Nightmares Virtual
1 Substantive National Business Institute

October 22 - Communicating With Auto Insurance
Companies: The Personal Injury Paralegal's Guide
Virtual 1 Substantive National Business Institute

October 23 - QDROs: What Paralegals Need to Know
Virtual 3 Substantive National Business Institute

October 24 - Social Security Disability Paralegal's Guide
to RFC Forms Virtual 3 Substantive National Business Institute

October 29 - A Paralegal's Guide to Deadlines and Calendaring
Virtual 3 Substantive National Business Institute

October 30 - Complete Trial Preparation Guide for
Paralegals Virtual 6 (5 Substantive/1 Legal Ethics)
National Business Institute

November 1 - Drafting and Formatting Motions: Practical Pointers
for Paralegals Virtual 1 Substantive National Business Institute

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Our story begins with the credentials and accomplishments of our attorneys. Our named partners are board-certified specialists in one or more key areas of practice. Horace Smith, Jr., Jeffrey Bigman, and Jeffrey Brock are widely known for both their legal acumen and community contributions. They embody the professionalism, ethical standards, and character required to earn this distinction.

Smith Bigman Brock Fosters the same pursuit of excellence and integrity by every member of our team. Another partner, Frank Ganz, became board certified in condominium and planned development (HOA) law in 2021. Siblings Hunter Blaze Morrill and Ruddledge "Ruddy" Smith are associates following in their father's established footsteps. Call us, or visit our website, to receive additional information about our firm.

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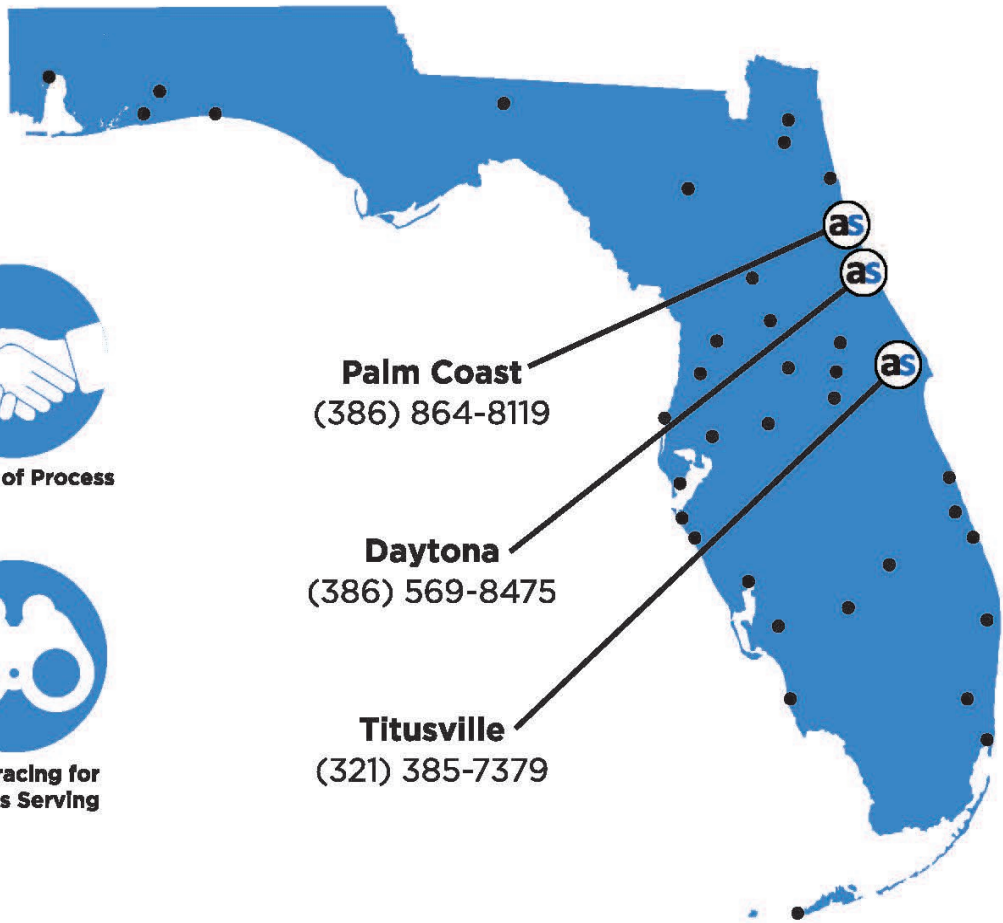
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We hope you found this issue of the Paralegal Wave engaging. We welcome your feedback and contributions! If you have authored an article that has been published elsewhere and would like to feature it in our newsletter, or if your attorney has written articles they wish to share with our community, please let us know. Additionally, if you are interested in contributing an article to our newsletter, we would be delighted to hear from you.

Feel free to email us at volusiaparalegals@gmail.com with any feedback or interest.