

SOUTH FLORIDA PARALEGAL ASSOCIATION'S 2014 STUDENT SCHOLARSHIP

The South Florida Paralegal Association (SFPA) is accepting entries for its annual student scholarship: first prize is \$1,000.00, and second prize is \$500.00. You must be currently enrolled in a paralegal/legal studies program and will continue to be so into 2015. The checks will be made out to the name of your school for your benefit. Deadline for submission is Wednesday, December 3rd, 2014 by midnight. Each winner will also receive a free, one-year student membership for SFPA, plus an invitation to our holiday party to be personally presented with the award.

Instructions

- Entry should be in memorandum style with maximum of four pages. Please, no handwritten submissions.
- You must submit your entry as an attachment to an email with subject line: SFPA 2014 Scholarship Entry. Email to: ARodriguez@sfpa.info.
- The attachment must not contain any identifying information; it must simply be your memorandum. For simplicity, you may address memorandum using <To: Attorney> and <From: Paralegal>.
- In the body of the email (and not on your attached memorandum), please list the following:
 1. Your full name, mailing address, phone number, and email address;
 2. Name of program and school of enrollment; and
 3. Name of program director or your advisor with best contact phone number and email address.

The focus of this exercise is to test the paralegal's ability to concisely present his or her findings; accurately paraphrase statutory language; and properly cite to statutes. While at times it is necessary to copy specific parts of caselaw and statutes verbatim, it's good practice to develop the skill of accurately and concisely condensing broad text into non-technical verbiage; and then making the proper citation for back-up.

Many are familiar with HIPAA. Florida, this year, passed legislation known as FIPA.

You are a paralegal for a law firm's in-house counsel. Your law firm only has offices in Florida. Recently, your firm has been receiving complaints from clients suspecting that your firm has been disclosing clients' personal information; the clients claim documents handed over to the firm are publicly available on the web. Client A, who is negotiating several real estate purchases, claims that his bank account statements with his name and social security number on them are floating around on the web. Client B, who is suing a local hospital for malpractice, claims that all of his medical reports are available online via an internet search. A quick internal investigation within the firm discovers that – on or around October 15, 2014 – there was in fact a data breach. Some unknown hackers got into your system. It seems some 1,000 client files were affected. Some of the network drives are kept and maintained locally by your firm, and some networks are housed and maintained by DataBackup, Inc. in Tampa.

Your attorney has asked you to research FIPA. The attorney tells you to start with senate bill 1524. The attorney would like to know (1) if the firm has any obligations under FIPA and if so, (2) could the clients sue the firm for damages based on FIPA.

The discussion of your memorandum should at the minimum include the following:

- State the full name of FIPA, the citation to the statute, when it was signed by the governor, and when it became effective.
- Give a general background about the law and what it covers.
- Indicate why or why not the firm is subject to FIPA legislation.
- Discuss what information is protected.
- List the steps your firm needs to take, if any, to remedy the situation.
- Discuss the consequences of not initiating corrective actions.
- Discuss whether clients can sue the firm for damages under FIPA.

The judges will be looking for students to accurately paraphrase statutory language, and then make the proper citation. Simply copying and pasting large blocks of statutory text will be considered insufficient.

All information is available online, and you should not need the use of any subscription services.

Please contact Arturo Rodriguez, CP, at 305-579-7859 or ARodriguez@sfpa.info with any questions.