

In the Supreme Court of Florida

IN RE: AMENDMENTS TO THE
RULES REGULATING THE
FLORIDA BAR – CHAPTER 23
REGISTERED ONLINE SERVICE
PROVIDER PROGRAM.

CASE NO. SC19-2077

**COMMENT TO OPPOSE PROPOSED RULE CHANGE AS BEING
UNNECESSARY AND ONE THAT IMPROPERLY ERODES THE
INTEGRITY OF THE PRACTICE OF LAW**

Louis Arslanian, Esq. hereby submits this Comment and states:

I. ACCESS TO THE LEGAL SYSTEM CANNOT POSSIBLY BE IMPROVED BY PERMITTING “REGISTERED ONLINE SERVICE PROVIDERS” (NON-LAWYERS) WHERE THE PUBLIC CAN ONLY ACCESS SUCH ENTITIES THROUGH THE INTERNET (*i.e.* A “GOOGLE” SEARCH) – A METHOD WHICH IS ALREADY AVAILABLE TO THE PUBLIC TO FIND MANY, MANY REAL LAWYERS THAT CAN MEET ANY PERSON’S PARTICULAR NEEDS.

The entire premise of the proposed Rule change is to increase the public’s access to legal services – a problem that is totally fictional. How is the public supposed to find a “Registered Online Service Provider? The **only** way is “online,” through the internet (*i.e.* a “Google” search or search through some other search engine). Yet, this method recognized by the Bar as a means to improve and/or solve the problem of an alleged lack of access to legal services is already readily available to the public, and simple internet searches today produce the names of many, many real attorneys that meet anyone’s specific legal needs.

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For example, if I have a traffic ticket, I can Google search “traffic ticket attorney near me.” The results from such a search, **on the first page of the search**, reveal: i) lawyer referral services; ii) the names of ticket defense law firms; and iii) a box showing three traffic lawyers – a box which clicked open (clicking “More places”) reveals the names and contact information of more than 100 lawyers that practice law involving traffic tickets)¹; and iv) a FindLaw article entitled “Best Traffic Ticket Lawyers Near Me.” The same is true if one needs to find a divorce lawyer – proper referral services and lawyers are revealed in the first page. Clicking on “More places,” more than **10 pages** of the names and contact information of **hundreds of divorce lawyers**! *See Screenshot B, below.*

Therefore, the entire premise and/or “Purpose” of the proposed Rule change is totally false and fictional. How is it possible that allowing a “Registered Online Service Providers” (non-lawyers) will increase the public’s access to specific legal services where the **only** way to find such an entity is through an internet search – a search that already produces more than ample **real lawyers** or proper referral services? I urge any reader of this Comment to perform their own internet searches for lawyers as to a specific area of law, and to view the results - what the Purpose of the Rule change says is not available, is actually readily available.

¹ Once “More places” is clicked, names of approximately 25 lawyers are revealed in order. After scrolling down, three more “pages” (a total of 4 pages) of traffic ticket lawyers are revealed. *See Screenshot “A,” included after Conclusion.*

The entire purpose of the Proposed Rule Change is to solve a fictional notion that the public does not have access to attorneys that meet their specific needs. The “Purpose” set forth in Ch. 23-1 is declared as follows:

Every resident of Florida should have access to the legal system. A person’s access to the legal system is enhanced by the assistance of a qualified lawyer. Floridians often encounter difficulty identifying and locating lawyers who are willing and qualified to consult with them about their legal needs. Qualifying providers meet certain of these needs under rule 4–7.22 and chapter 8 of these rules governing nonprofit lawyer referral services. Notwithstanding those services, a significant gap remains in the access to the justice system for the residents of Florida.

This is nonsense based upon all of the above. The **only** way to find a “Registered **Online** Service Provider” is “**online**.” Yet, “online,” any member of the public can easily find many lawyers to meet their needs. How do “Floridians often encounter difficulty identifying and locating lawyers who are willing and qualified to [meet] their legal needs,” if a simple internet search (the same search needed to find a “Registered **Online** Service Provider”) produces the names of many duly licensed “lawyers who are willing and qualified to [meet] their legal needs?” Thus, the entire premise or “Purpose” of the Proposed Rule Change is fictional hocus pocus mumbo jumbo nonsense only to benefit Non-Lawyers.

All that will be done is to add one more improper option available to the public to an already-existing long list of valid, duly-licensed attorneys that can and will meet anyone’s specific legal needs. This does not foster anything proper or valid, and serves to improperly “fix” something that is definitely not “broken.”

II. THE PROPOSED RULE CHANGE WILL ERODE THE INTEGRITY OF THE PRACTICE OF LAW IN MANY WAYS.

As other Comments have noted, a Registered Only Service Provider can boast matters in advertising that a duly licensed attorney cannot and would not do. When the results do not meet the advertisement's claims, the door is open to a new brand of unnecessary litigation against the Provider, and the lawyers that worked through the Provider. This undesired result will surely follow.

The Proposed Rule Change also allows non-lawyers to collect money that constitutes fees for legal services. Having non-lawyers “run” and “operate” what amounts to or essentially constitutes the practice of law simply erodes the integrity of the practice of law which is difficult enough to protect when run by only duly licensed lawyers and their law firms.

A. That a Non-Lawyer can set the price charged by a Lawyer is abhorrent and contrary to all notions of Integrity and Professionalism involved in the Practice of Law.

In Proposed Rule 23-7.1, it is proposed that:

“ . . . the registered online service provider may set the fee the lawyer charges.” *See Proposed Rule 23-7.1(a).*

That some person, perhaps without a college degree, can determine, **per a Rule established by the Honorable Florida Bar**, the **“fee [a] lawyer charges”** is absolutely ridiculous, and diametric to any notion of “integrity.”

B. Allowing Non-Lawyers to actually collect a fee for legal services and retain a portion of that money under a set of vague guidelines that allow Non-Lawyers the ability to justify just about any charge is outrageous.

Proposed Rule 23-3.1 and its Comment provide that: a Registered Online Service Provider:

“may collect the lawyer’s fee directly from the consumer and take a portion of the fee for the referral or match.”

This provision, coupled with a series of vague guidelines² regarding “the portion of the fee” retained or “take[n]” is outrageous and serves to denigrate the true and proper practice of law – where duly-licensed attorneys with hard-earned law degrees from accredited universities provide skilled and professional services. Allowing non-lawyers to set the amount charged, **and** retain a portion of the fees for professional services under a vague set of guidelines is “a kick in the gut” and “spit in the face” to a lifetime devotion of true professionals to the practice of law.

Lawyers that have spent great amounts of time and effort (and money) to rightfully earn a law degree, and earn the right to practice law deserve better.

² Proposed Rule 23-7.1 could not be more vague in allowing a Non-Lawyer to charge whatever it wants for professional legal services provided by a duly-licensed attorney. This Proposed Rule, while stating that the charges by a Non-Lawyer shall include “costs for marketing and administration,” however much that may be in a case-by-case basis, also provides that the Non-Lawyer’s charges may “vary” and may include a “reasonable profit” – whatever that may be. This Proposed Rule also allows the Non-Lawyers to set the fee, collect the fee, and determine how much of the fee will be retained by the Non-Lawyer – not the Bar or the Lawyer. This is outrageous.

III. THE PROPOSED RULE CHANGES DO NOTHING TO ADVANCE ANYTHING FOR THE PUBLIC – ONLY TO ADVANCE THE ECONOMIC INTERESTS OF NON-LAWYERS IN PROFITING FROM THE PRACTICE OF LAW.

The public is not and cannot possibly be benefited in any way by the Proposed Rule. To the contrary, if anything, the public is hurt. Their “fates” are now in the hands of Non-Lawyers to boast about services to be provided who set the price of the services. The only persons that will benefit are Non-Lawyers that will be, through the Proposed Rule, allowed to profit from the practice of law.

CONCLUSION

The Proposed Rule is, therefore, unnecessary and certainly not devoted to the stated purpose of access to legal services. In light of the fact that legal services tailored to anyone’s specific needs is readily available through the simplest of “searches” on the internet, the Proposed Rule does not and cannot possibly improve access to legal services. The Proposed Rule only serves to benefit the economic interests of Non-Lawyers in a manner that is demeaning to the Professionalism and Integrity in the noble practice of law.

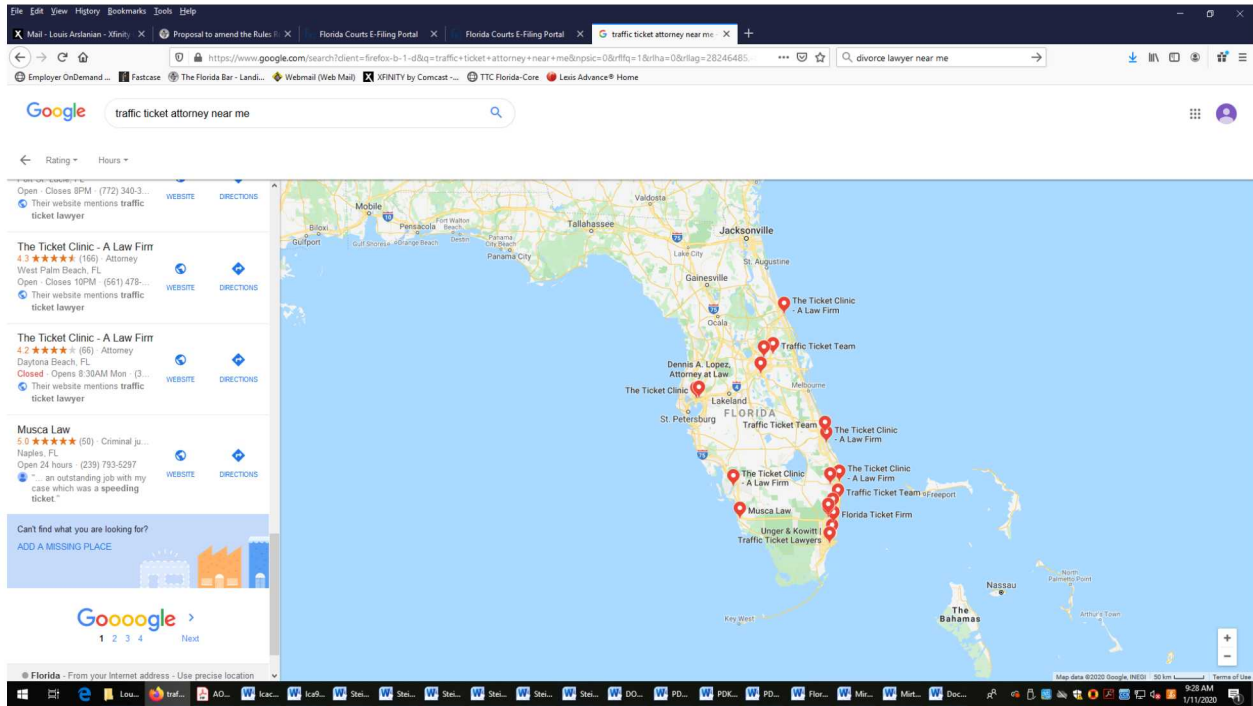
Respectfully submitted,

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SCREENSHOTS

Screenshot "A"



Screenshot "B"

