

Supreme Court of Florida



FRIDAY, FEBRUARY 17, 2006

CASE NO.: SC04-2334

Lower Tribunal No.: 20034076(11D)

THE FLORIDA BAR

vs. MARINA VARELA

Complainant(s)

Respondent(s)

The report of the referee is approved in its entirety, except as to paragraphs 2(E) and 2(J) of Section III, the referee's recommendations. Those two paragraphs are amended as follows:

(E) Obtaining information verbally from another person for completion of immigration forms except for obtaining factual information and typing the factual information onto legal forms without making inquiries or answering questions as to particular forms which might be necessary, how best to fill out such forms, or where to properly file such forms.

(J) Advertising in any fashion that Respondent is a notary public in any language other than English unless the phrase "notary public" is said or printed in English and the advertisement includes the following language in both English and the language of the advertisement: "I am not an attorney licensed to practice law in the State of Florida, and I may not give legal advice or accept fees for legal advice."

Varela and any employees or persons acting in concert with Varela are permanently and perpetually enjoined from engaging in the following conduct:

(A) Holding out to the public or anyone else that she is an attorney.

(B) Holding out to the public or anyone else that she can render legal services.

(C) Advising persons and entities of their rights, duties, and responsibilities under Florida law, or Federal law, as those laws relate to any legal, immigration, or naturalization matters, including advising persons and entities as to various immigration benefits or statuses.

(D) Advising persons and entities as to any legal remedy which might be available to them.

(E) Obtaining information verbally from another person for completion of immigration forms except for obtaining factual information and typing the factual information onto legal forms without making inquiries or answering questions as to particular forms which might be necessary, how best to fill out such forms, or where to properly file such forms.

(F) Representing to the public, either personally or by the use of advertisement, that she or any persons she employs, or who act in concert with her, are capable of advising and handling matters requiring legal skills.

(G) Allowing members of the public to rely on her to properly draft legal forms or legal documents affecting the legal rights of persons and entities.

(H) Drafting legal forms or legal documents affecting the legal rights of persons and entities.

(I) Advertising in any fashion which may lead a reasonable lay person to believe that Varela offers to the public legal services, legal advice, or personal legal assistance regarding immigration and naturalization matters or any other legal matters including, but not limited to, advertising that Varela can provide the services of an attorney, advertising to be a Paralegal, and advertising for immigration services on a business card.

(J) Advertising in any fashion that Varela is a notary public in any language other than English unless the phrase "notary public" is said or printed in English and the advertisement includes the following language in both English and the language of the advertisement: "I am not an attorney licensed to practice law in the State of Florida, and I may not give legal advice or accept fees for legal advice."

(K) Holding herself out as being a Paralegal without working under the direct supervision of an attorney in violation of Rule 10-2.1 of the Rules Regulating The Florida Bar.

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(L) Taking inquiries or answering questions from persons and entities as to which particular immigration form or application is suited to the needs of the persons and entities, how to fill out the form or application, or what supporting documentation should accompany the form or application.

(M) Otherwise engaging in the unlicensed practice of law in any manner.

We further approve the referee's recommendation that Varela be assessed a monetary penalty of \$500, made payable to the Supreme Court of Florida, and that she be ordered to make restitution to Ms. Camacho and Mr. Torres in the amount of \$20.00 by forwarding a money order payable to Liliana Camacho and Javior Torres to the Unlicensed Practice of Law Division of The Florida Bar, 444 Brickell Avenue, Suite M-100, Miami, Florida 33131, within thirty(30) days of this Order.

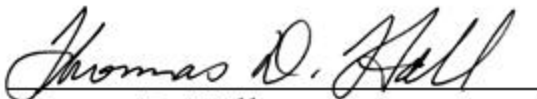
Judgment is entered for The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300, for recovery of costs from Marina Varela in the amount of \$2,275.37, for which sum let execution issue.

Not final until time expires to file motion for rehearing and, if filed, determined.

PARIENTE, C.J., and WELLS, ANSTEAD, LEWIS, QUINCE, CANTERO na d BELL, JJ., concur.

A True Copy

Test:



Thomas D. Hall
Clerk, Supreme Court



kd

Served:

MARY ELLEN BATEMAN
WAYNE LEE THOMAS
HON. ROGER A. SILVER, JUDGE
ROBERT B. PARKER, DIRECTOR
(for service on MARINA VARELA)

LORI S. HOLCOMB
JACQUELYN PLASNER NEEDELMAN