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IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR RE:
PETITION TO AMEND RULES
REGULATING THE FLORIDA BAR
(ANTI-DISCRIMINATION)

CASE NO. 81,010

RESPONSE OF HENRY P. TRAWICK, JR.

Respondent HENRY P. TRAWICK, JR. shows that he is a member in good standing of The Florida Bar and responds to the so-called joint petition as follows:

1. Respondent admits paragraphs 1 and 2.

2. Respondent is without knowledge of paragraph 3.

3. Respondent denies the first paragraph of paragraph 4 and says that none of the groups were competent to make any findings and that their methods of taking evidence and reaching conclusions were so flawed that the conclusions are worse than useless. Respondent has no knowledge of the remaining allegations of paragraph 4.

4. Respondent has no knowledge of paragraphs 5 and 6, but opposes the adoption of any rule on the subject.

5. Further responding to the petition, The Florida Bar and this Court have long since passed the boundary between regulating lawyers in the practice of their profession and dictating politically correct speech and conduct in accordance with the morals and mores of certain persons who are usually denominated as political liberals. The proposal of The Florida Bar restricts and adversely affects this respondent's rights under both the

United States and Florida constitutions to freely express himself, to associate with those with whom he wishes to associate and to be prejudiced against those against whom he wants to be prejudiced. One of the hallmarks of the American system of government has always been the freedom to disagree. This rule eliminates that freedom.

6. It is appropriate for the courts to insist on nondiscriminatory treatment in court proceedings, but the legal system does not need any regulation outside of judicial proceedings. Respondent expresses his surprise and disappointment that the members of the Bar who are pushing this rule cannot see the totalitarian ramifications of being able to tell every lawyer how to think and how to talk. The proposal is a disgusting display of ignorance of Anglo-Saxon political history that resulted in the form of government and political systems that the United States and Florida now have that permits and even encourages differences of opinion. The ultimate adverse effects on the practice of law and the cost to the public cannot be ascertained.

7. This Court is given no jurisdiction under the Constitution to regulate in this area. Indeed, the United States Supreme Court has said on many occasions that no Court or governmental agency has the right to dictate what is correct speech and thought.

8. Respondent has become tired of the continual exhortations from this Court and The Florida Bar that the practice of law is a special privilege that requires special restrictions on those who practice the profession. Neither The Florida Bar nor the published

decisions of this Court delineate what special privileges members of the legal profession have that are denied to ordinary citizens, except the right to appear in court and practice their profession. Respondent submits that these privileges are inherent in the practice of law just as similar "privileges" are inherent in the practice of any other learned profession. Lawyers pay the same taxes that other citizens pay. Lawyers must comply with the same laws that other citizens must comply with. Lawyers are no different from other citizens, except that they practice law. The same thing can be said of doctors, architects, accountants and any other professionals. Indeed, it is more difficult for the layman to perform surgery on himself that it is for him to appear in this Court in his own litigation. If special privileges were ever accorded to members of the legal profession, other than those necessary for the practice of the profession, respondent cannot find an itemization of them in American law. Certainly, such special privileges would have long since been abolished in the atmosphere of negative equality in which we now live. That alleged supporting column for the new regulation proposed by The Florida Bar is made of sawdust. It exists only in the imagination of the writers who use the phraseology.

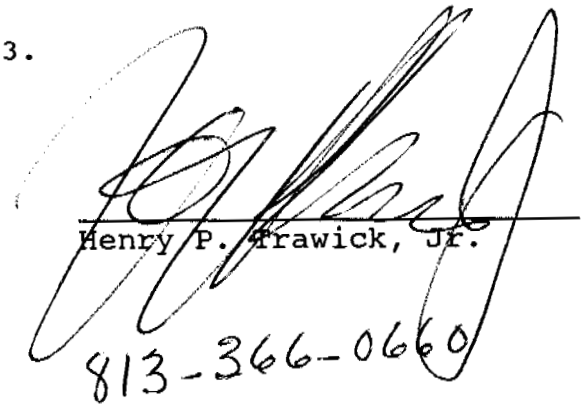
9. Respondent resents the imposition of dues payments that will be necessary to police the proposed ethical changes. Respondent is already compelled to pay for virtually useless continuing legal education, multitudes of unnecessary and sometimes illegal grievance proceedings, and ever expanding Florida Bar

bureaucracy and new social programs that should be paid for by the general public as a part of its obligation to the recipients rather than as a special burden on members of The Florida Bar.

10. Finally, respondent submits that this Court has a duty to protect members of The Florida Bar from the tyranny of those who control The Florida Bar or who are in a majority of The Florida Bar when their proposals and policies will violate the constitutional and personal rights of other lawyers. Respondent submits that in undertaking to regulate The Florida Bar, this Court also assumes the duty to protect the members of The Florida Bar from improper regulation. With all due respect respondent submits that the individual opinions of the members of this Court must give way to the constitutional rights and privileges that The Florida Bar now seeks to infringe. In short, this Court must apply United States and Florida Constitutions to prevent discrimination against all lawyers because some of them differ with the views of the Board of Governors, the petitioners and even with the personal and individual opinions of members of this court.

The undersigned certifies that a copy of the foregoing has been furnished to John F. Harkness, Jr., as Executive Director of The Florida Bar, Alan T. Dimond, as president of The Florida Bar,

Patricia A. Seitz, as president-elect of The Florida Bar and John A. Boggs by mail on January 13, 1993.



Henry P. Trawick, Jr.

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