

THE SUPREME COURT OF FLORIDA

CASE NO. SC05-1150

**IN RE: PETITION TO AMEND RULES
REGULATING THE FLORIDA BAR -
RULE 4-1.5 (f)(4)(B) OF THE RULES
OF PROFESSIONAL CONDUCT**

**COMMENTS BY THE FLORIDA CHAPTERS OF THE AMERICAN BOARD OF TRIAL
ADVOCATES (FLABOTA)**

A. **INTRODUCTION:**

Pursuant to Rule 1-12.1(g) of the Rules Regulating the Florida Bar, the Florida Chapters of the American Board of Trial Advocates (FLABOTA) submits these comments in support of the *proposed amended* rule in the above case submitted by the Florida Bar.

The Court should adopt the *proposed amended* rule.

B. **STATEMENT OF INTEREST OF RESPONDENT, FLABOTA**

The American Board of Trial Advocates (ABOTA) is a national organization dedicated to the preservation of the Seventh Amendment of the United States Constitution which ensures the right of civil trial by jury. Nationally, there are approximately 6,000 members in this invitation-only organization. In Florida, there are 11 Florida Chapters of ABOTA. FLABOTA, the state organization is comprised of representatives from all 11 Chapters and is run by a Board of Directors. There are 547 members in Florida. The membership is divided almost equally between defense lawyers and plaintiff lawyers. In order to qualify for membership, practitioners must be in active trial practice, having tried a minimum of twenty jury trials to conclusion, and having demonstrated substantial professional competence.

FLABOTA, just like the national organization, is dedicated to the preservation of the right to civil trial by jury.

- C. The FLABOTA membership, acting through its Board of Directors, unanimously supports the *proposed amended* rule.
- D. Having attended the oral argument on the original Petition to Amend the Rule filed by former Justice Grimes, FLABOTA, in anticipation of a directive by the Florida Supreme Court to the Florida Bar, organized a state-wide effort to poll the membership on its position concerning their ideas on what rules needed to be adopted in light of the language of Amendment 3. FLABOTA also solicited input from the membership for the purpose of drafting a *proposed amended* rule. To accomplish this purpose, a special subcommittee of FLABOTA members was created. The Florida Bar President, Alan Bookman, appointed four FLABOTA members to the Florida Bar Special Committee on Amendment 3.

FLABOTA's special subcommittee and the members appointed by Bar President Bookman began their work to draft a proposed rule in light of Amendment 3. FLABOTA'S proposed rule was submitted to the Florida Bar Special Committee on Amendment 3 and after debate, with minor changes, was adopted by the Committee. The Florida Bar Board of Governors later approved, by a vote of 38 to 1, the *proposed amended* rule and submitted the same for consideration to the Florida Supreme Court.

WHEREFORE, the Florida Chapters of the American Board of Trial Advocates respectfully submits that this Court should **ADOPT** the proposed amendments to Rule 4-1.5(f)(4)(B) of the Florida Rules of Professional Conduct.

Respectfully submitted this ____ day of April, 2006,

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cc: Stephen H. Grimes, Counsel for Petitioners
Honorable Alan B. Bookman, President, The Florida Bar
Honorable Henry M. Coxe, III, President-Elect, The Florida Bar
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