

SUPREME COURT OF FLORIDA
CASE NO.: SC05-1150

In Re: Petition to Amend Rules Regulating
The Florida Bar B Rule 4-1.5(f)(4)(B)
of The Rules of Professional Conduct
/

**COMMENTS OF THE
JACKSONVILLE BAR ASSOCIATION
AND OBJECTIONS TO PROPOSED AMENDMENT**

A. INTRODUCTION.

Pursuant to Rule 1-12.1(g) of the Rules Regulating The Florida Bar, the Jacksonville Bar Association (AJBA@) submits these comments objecting to the proposed Amendment to Rule 4-1.5(f)(4)(B). The Court should dismiss or deny the Petition for any and all of the following reasons:

1. The JBA adopts the comments and objections of The Florida Bar Association

2. The JBA provides a resolution, contained within the text of the comments and objections herein, opposing the Petition and any revisions to the Rule based upon this Petition.

B. STATEMENT OF INTEREST OF RESPONDENT JBA.

1. The JBA is a voluntary Bar Association founded in 1897 and is currently composed of approximately 1,700 attorneys in the northeast Florida area. The JBA represents attorneys in virtually every field of practice.

2. The original Constitution of the JBA includes the following objectives:

To maintain the honor and dignity of the profession; to regulate the practice and promote improvements in the law and methods of its administration; to cultivate professional ethics and social intercourse among its members; and to discuss legal topics of general interest.

3. Included among the goals of the JBA are the following:

To identify and meet the ever changing needs of lawyers in northeast Florida; to ensure the continuation of professionalism, ethics and civility of the Bar in the face of growing lawyer population and competition; to lead efforts to improve and strengthen the justice system; to improve access to affordable legal services for all residents of northeast Florida.

4. The stated values of the Jacksonville Bar Association include:

The highest quality of professionalism, integrity, ethics and standards in all that we do; a sense of caring for and involvement with our community working toward access to the legal system for all; and openness to new ideas and changes that benefit the legal profession as well as the public.

5. Members of our organization serve the community, the Bar, and the Court system in many different ways.

6. The Amendment to Rule 4-1.5 proposed in the Grimes Petition runs counter to the mission and purpose of the JBA in that it may restrict access to Courts by those who are in need of access. Further, the Petition seeks a determination of the rights of the public without the opportunity for members of the public to be heard through an appropriate case in controversy. Although the JBA obviously supports appropriate methods of ensuring that clients' rights are protected through mechanisms and safeguards to ensure appropriate knowledge and choices when dealing with Constitutional rights, the proposals made in the Grimes Petition have the potential to impair clients' rights and restrict their ability to fully manage the rights in the most advantageous way.

C. OBJECTIONS AND COMMENTS THROUGH BOARD RESOLUTION.

The JBA Board of Directors adopted and submits the following resolution:

WHEREAS, the JBA is a legal organization comprised of attorneys in the Fourth Judicial Circuit; and

WHEREAS, the JBA seeks to protect access to the legal system for all, the highest quality of ethics for attorneys, and a strong and appropriate justice system that serves the needs of the public; and

WHEREAS, it is an infringement of Constitutional rights to interfere with any individual's existing right under the current Florida Bar Rules to contract with a lawyer of his or her choice; and

WHEREAS, the effect of the proposed rule changes sought by the Grimes Petition has the potential to unfairly impair the right of access to the judicial system for victims of medical malpractice.

NOW, THEREFORE, it is hereby resolved and agreed as follows:

1. The Board of Governors of the Jacksonville Bar Association oppose the Rule changes contemplated by the Grimes Petition; and

2. The JBA urges the Supreme Court of Florida, the Board of Governors of The Florida Bar, as well as the Disciplinary Procedures Committee of The Florida Bar to DENY THE GRIMES PETITION AND REJECT ITS PROPOSED CHANGES TO RULE 4 1.5(f)(4)(b).

Dated: September 29th, 2005.

JACKSONVILLE BAR ASSOCIATION

/s/
Alan M. Pickert
President 2005

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and nine (9) copies hereof have been forwarded to the Clerk for filing, along with an electronic copy filed with the Clerk at e-file@flcourts.org; and that copy has been furnished by U.S. Mail to John F. Harkness, Jr., General Counsel, The Florida Bar, 651 East Jefferson Street, Tallahassee, FL 32399-2300, and to Stephen H. Grimes, Counsel for Petitioners, Holland & Knight, LLP, Post Office Drawer 810 Tallahassee, FL 32302-0810, this 29th day of September, 2005.

Alan M. Pickert
