

IN THE SUPREME COURT OF FLORIDA

CASE NO. : SC05-1150

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

**OBJECTION TO AND COMMENT AGAINST THE
PETITION TO AMEND RULE 4-1.5(f)(4)(B)
OF THE RULES OF PROFESSIONAL CONDUCT**

Pursuant to Rule 1-12.1 of the Rules Regulating The Florida Bar, the undersigned hereby objects to and comments against the Petition To Amend Rule 1-12.1(f) Of The Rules Of Professional Conduct filed by Stephen H. Grimes, Esquire in the above-captioned matter, and states the following:

1. The petition improperly seeks to engraft into the Rules Regulating The Florida Bar a misguided interpretation of the provisions of Amendment 3.
2. Any individual's existing rights under the current Florida Bar rule to contract with a lawyer of his or her choice and to waive the existing provisions of Rule 4-1.2 should not be changed. To do otherwise implicates claimants' rights under both the state and federal constitutions.
3. The freedom each individual citizen has to contract for legal services with the lawyer of his or her choosing must remain inviolate.
4. It has been the undersigned's experience that no one seeking legal representation has ever objected or refused to waive his or her Amendment 3 rights once he or she is advised of the exorbitant costs required to litigate a medical malpractice action, in addition to the pre-suit investigation expense which on average approximates \$2,500.00.
5. It has been the undersigned's experience that no one seeking legal representation to bring a claim for medical malpractice ever admits

to voting for Amendment 3. In fact, all that have spoken to the undersigned regarding Amendment 3 state that they voted against it.

6. The consequence of Amendment 3 is that competent lawyers cannot economically justify advancing costs and representing victims of medical malpractice on a contingency basis. The chilling effect of Amendment 3 becomes even more significant in light of the ever increasing defense mentality of the insurance industry. It has been the undersigned's experience that no one seeking legal representation to bring a claim for medical malpractice has understood the adverse economic impact of Amendment 3 to the victims of medical malpractice. Once this is understood, victims of medical malpractice are willing and eager to waive their Amendment 3 rights so that they may seek just compensation for their injuries.

WHEREFORE, the undersigned, Anthony Britt, Esquire, prays this Honorable Court issue an Order denying the Petition To Amend Rule 4 1.5(f)(4)(B) of the Rules Of Professional Conduct.

Respectfully submitted,

Anthony Britt, Esquire
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the forgoing has been furnished by U.S. mail to Stephen H. Grimes, Esquire, P.O. Drawer 810, Tallahassee, FL 32302, this ___ day of July, 2005.

Anthony Britt, Esquire