

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

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**OPPOSITION TO PETITION**

The undersigned, Paul T. Cardillo, is a member of the Florida Bar. I urge the Court to reject the petition. The constitutional amendment was clearly intended to preclude individuals who have been injured by medical malpractice from being able to retain competent counsel to represent them, given the difficulty and out-of-pocket expense associated with adequately preparing and presenting medical malpractice cases.

Such individuals should be able to retain their rights to waive this purported constitutional “protection,” just as individuals can waive constitutional rights in other areas, including the rights to be free from self-incrimination in a criminal context. Contrary to the assertion in the petition, lawyers would not be placed in a position of “negotiating” with their clients, but could simply advise the potential client of the constitutional right, that the lawyer is not willing to undertake the case on that basis, and that the client can seek independent counsel if he or she desires.

**LAW FIRM OF PAUL T. CARDILLO, P.A.**  
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By: \_\_\_\_\_  
**PAUL T. CARDILLO, ESQUIRE**  
Fla. Bar No. 471496

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing Opposition to Petition has been furnished by U.S. Mail to: STEPHEN H. GRIMES, ESQ., Holland & Knight, LLP, P.O. Drawer 810, Tallahassee, FL 32302 and JOHN F. HARKNESS, JR., ESQ., General Counsel, The Florida Bar, 651 Jefferson St., Tallahassee, FL 32399-2300, this 12th day of August, 2005.

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ATTORNEY