

IN THE SUPREME COURT OF FLORIDA

**IN RE: AMENDMENT TO THE RULES
REGULATING THE FLORIDA BAR-
RULE 4.15(f)(4)(B) OF THE RULES OF
PROFESSIONAL CONDUCT**

CASE NO.:SC05-1150

COMMENT RE AMENDMENT THREE

To Whom It May Concern:

I write this letter to express my disapproval of the proposed rule on Amendment Three. It is an unconstitutional device that strips Floridians of their basic rights. Amendment Three limits access to the courts and an individual's right to enter into a contract, both being rights explicitly protected in the Florida constitution. The rule's implementation denies equal access to the courts and effective representation while denying freedom in the selection of an attorney to represent one's case.

This amendment is a attempt to cap attorney fees; however, such a mechanism already exists. Florida's pre-suit process already requires the screening of a potential medical malpractice case. During this process, the legitimacy of a suit is established. Additionally, this process caps recoverable damages and provides protection from any overreaching on the part of the attorney.

Additionally, preparation for litigation in a medical malpractice suit is very costly and time consuming. It is unfair to ask any attorney to put the time, effort and staff into a case with no expectation of recovering proper compensation.

Further, proponents of this amendment argue that it is an attempt to afford parties their fair share of the compensation in a medical liability case. This statement oversimplifies the issues and incorrectly states the issue. Currently, parties are given their fair share of recovery. Arguing that capping attorney's fees affords clients more recovery presumes that they would be able to obtain representation at all. Capping attorney's fees results in less attorneys being able to absorb litigation costs. Consequently, fewer attorneys would be available for representation. I implore you to rally against Amendment Three and aid the effort to cause its demise.

Respectfully Submitted,
PARKS & CRUMP, LLC
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BENJAMIN L. CRUMP, ESQ.
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via US Mail to: John F. Harness, Jr., Executive Director of the Florida Bar, 651 E. Jefferson Street, Tallahassee, FL 32399-2300 and Stephen H. Grimes, Post Office Drawer 810, Tallahassee, FL 32303 this 20th of October, 2005.

KEISHA D. RICE, ESQ.