

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 OF THE ATTORNEYS
OF NEWSOME & DIDIER, P.A.
AND OBJECTIONS TO
PROPOSED AMENDMENT**

A. Introduction:

Pursuant to Rule 1-12.1(g) of the Rules Regulating The Florida Bar, the attorneys of the law firm of Newsome & Didier, P.A. submit these comments objecting to the proposed amendment to Rule 4-15(f)(4)(B). The Court should dismiss or deny the Petition and reject the proposed rule amendment.

B. Statement of Interest of Respondent Newsome & Didier, P.A.:

The law of firm of Newsome & Didier, P.A. practices civil litigation in the State of Florida. All of the attorneys of Newsome & Didier, are upstanding and active members of the Florida Bar.

C. All Attorneys of Newsome & Didier, P.A. Unanimously Resolve to

Oppose Proposed Amendments to Rule 4-1.5(f)(4)(B):

Upon receiving notice that the present petition would be filed, the attorneys of Newsome & Didier, P.A. discussed the matter and agreed unanimously to issue the following statement and resolution in opposition to the petition:

The Grimes petition seeks to incorporate into the Rules Regulating The Florida Bar an improper interpretation of the provisions of Article I Sec. 26 of the Florida Constitution (now commonly known as Amendment 3). Amendment 3, its interpretations, applications and limitations should substantively be addressed in the courts of the state of Florida only. The Grimes petition attempts to inappropriately change substantive law through the rules regulating the professional conduct of attorneys. State and Federal Constitutional rights do not permit any person(s) 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 to waive the existing provisions of Rule 4-1.5. The Grimes petition seeks to unfairly and improperly limit medical malpractice victims' access to the judicial system in the state of Florida.

All attorneys of Newsome & Didier, P.A. oppose the Rule changes contemplated by the Grimes petition, and strongly urge the Disciplinary Committee of The Florida Bar, the Board of Governors of The Florida Bar, as well as the Supreme Court of Florida to DENY THE GRIMES PETITION AND REJECT ITS PROPOSED CHANGES TO RULE 4-1.5(f)(4)(B).

CONCLUSION

WHEREFORE, the undersigned attorneys of Newsome & Didier, P.A. respectfully submit that this Court should reject the proposed amendment to Rule 4-1.5.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by U.S. Mail upon John Harkness, General Counsel, The Florida Bar, 651 E. Jefferson Street, Tallahassee, FL 32399-2300 and Stephen H. Grimes, Counsel for Petitioners, Holland + Knight, LLP, P.O. Box 810, Tallahassee, FL 32302-0810 on this the _____ day of _____, 2005.

By: _____
Henry N. Didier, Jr.