

IN THE SUPREME COURT OF FLORIDA

CASE NUMBER SC05-1150

IN RE: PETITION TO AMEND

RULE 4-1.5(f)(4)(B) OF THE

RULES OF PROFESSIONAL CONDUCT

**COMMENTS OF STEPHEN H. ECHSNER, ATTORNEY,
FLORIDA BAR NO. 304719 AND OBJECTIONS TO
PROPOSED AMENDMENT**

Stephen H. Echsner respectfully submits the following comments and objections to the proposed Amendment to the Rules Regulating the Florida Bar – Rule 4-1.5(f)(4)(B) of the Rules of Professional Conduct, as follows:

1. I am writing in opposition to the Grimes Petition to Amend Rule 4-1.5, Rules Regulating the Florida Bar.
2. The validity of the Constitutional amendment which purports to limit attorney's fees in medical negligence cases has not been determined. Changes to the rules should occur, if at all, only after the amendment has been evaluated by the Court.
3. Further, even if the Amendment is upheld, clients should still be permitted to waive the Constitutional right and enter into a contract with counsel regarding the handling of medical negligence claims. Therefore, no changes to the rules are necessary. The existing rules already protect clients against the assessment of excessive fees.

4. Therefore, I urge you to not implement the changes to Rule 4-1.5 suggested in the Grimes Petition.

CERTIFICATE OF SERVICE

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

STEPHEN H. ECHSNER
Florida Bar No.: 304719
Levin, Papantonio, Thomas, Mitchell, Echsner & Proctor,
P.A.
P. O. Box 12308
Pensacola, Florida 32591
(850) 435-7000