

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 N. PAUL SAN FILIPPO, ATTORNEY,
FLORIDA BAR NO. 909602 AND OBJECTIONS TO
PROPOSED AMENDMENT**

I, N. Paul San Filippo, Esq. respectfully submits the following comments and objections to the proposed Amendment to the Rules Regulating the Florida Bar – Rule 4-15(f) (4) (B) of the Rules of Professional Conduct:

1. As a member of the Florida Bar I am a practicing attorney, and I file this pleading to voice my opposition to the Grimes' Petition.
2. The Grimes' Petition is an abuse of a procedural privilege extended to each lawyer of the State of Florida to seek changes in the rules regulating our profession to advance our profession and our professionalism. The Grimes Petition is a Petition filed on behalf of an undisclosed client (The Florida Medical Association) in an effort to gain a litigation advantage as to the constitutionality of Amendment 3 limiting lawyer's fees in medical malpractice cases.
3. The Grimes' Petition is not an effort to improve the Florida Bar through rule change, but an effort on behalf of the Florida Medical Association to improve their economic interest by engrafting Amendment 3 into a Bar Rule in an effort to avoid subjecting Amendment 3 to constitutional scrutiny under the Florida and Federal Constitutions.

4. In my opinion, Amendment 3 is unconstitutional as it violates the rights of malpractice victims to due process, freedom of association, equal protection, and access to the courts. A rule change of this nature would prevent a victim's right to waive a constitutional right (assuming that Amendment 3 is constitutional).
5. The constitutionality of Amendment 3 is properly addressed by the judiciary and not through the Grimes' Petition which is an attempt to utilize the Rules regulated by the Florida Bar for purposes that the Rules were not intended.
6. Accordingly, I oppose the Petition and request that this Honorable Court deny the Petition.

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 East Jefferson Street, Tallahassee, Florida 32399-2300 and Stephen H. Grimes, Counsel for Petitioners, Holland and Knight, LLP, P.O. Box 810, Tallahassee, Florida 32302-0810 on this _____ day of August, 2005.

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By: _____
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