

SUPREME COURT OF FLORIDA

CASE NO. SCO5-1150

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 PAUL G. FINIZIO, ATTORNEY,
FLORIDA BAR NO. 435082 AND OBJECTIONS TO
PROPOSED AMENDMENT**

Paul G. Finizio, Esq., 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:

1. As a member of the Florida Bar since 1984 and a practicing attorney, I file this pleading to voice my opposition to the Grimes' Petition.
2. This Petition is an abuse of a procedural privilege extended to each member of the Florida Bar to seek changes in the rules which regulate our profession. These rules are meant to advance our profession and our professionalism.
3. The Grimes Petition is not intended to advance our practice or benefit jurisprudence. Instead, the Petition is filed on behalf of an undisclosed client (The Florida Medical Association).

4. In an effort to gain a litigation advantage as to the constitutionality of Amendment 3 to the Florida Constitution, the Petitioners are trying to amend the Rules Regulating the Florida Bar.

5. Rather than an effort to improve our Bar through rule change, a right exclusive to Bar members, the Petitioners and their shadow client (the FMA) seek to graft Amendment 3 into a Bar rule change and thereby avoid a test of the Amendment's underlying legality under our State and Federal Constitutions.

6. Amendment 3 is unconstitutional as it violates the rights of malpractice victims to due process, freedom of association, equal protection, and access to courts.

7. A rule change of this nature would prevent a victim's right to waive on constitutional right (assuming for argument's sake the Amendment was constitutional) in favor of another potentially conflicting right. The constitutionality of Amendment 3 should be addressed by our judiciary and only if our Honorable Supreme Court concludes that Amendment 3 is constitutional, should the Grimes Petition may be decided.

8. Amendment 3 must not be side stepped by the Grimes Petition in its disingenuous effort to alter our professional rules of conduct.

9. For the foregoing reasons, this member of the Florida Bar, opposes the Grimes Petition and requests that this Honorable Supreme Court deny said Petition.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by US Mail to John Harkness, General Counsel, The Florida Bar, 651 E. Jefferson Street, Tallahassee FL. 32399-2300 and Stephen H. Grimes, Counsel for Petitioners, Holland and Knight, LLP, PO Box 810, Tallahassee, FL 32302-0810 on this 25th day of July, 2005.

Respectfully submitted,

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By: _____
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