

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.

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**COMMENTS OF HARVEY D. FRIEDMAN, ATTORNEY  
FLORIDA BAR NO. 114682  
AND OBJECTIONS TO PROPOSED AMENDMENT**

HARVEY D. FRIEDMAN, 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 for over 35 years and an active attorney, I hereby file my objection to the Grimes' Petition.
2. I feel that this Petition is an abuse of a privilege normally given each of us as attorneys to seek changes in the rules regulating our profession and discipline.
3. This petition does not do anything to further that worthy goal. The petition is obviously a political maneuver by the medical lobby in the state of Florida to gain an unfair litigation advantage as to the constitutionality of Amendment No. 3.
4. It is unfair that the Petitioners would be allowed to place into Amendment No. 3 a Bar rule change and thereby circumvent the constitutional challenge.
5. Clearly, Amendment No. 3 is unconstitutional as a violation of the rights of malpractice victims to due process, freedom of association, equal protection and access to courts. In addition, one is always able to knowingly waive a constitutional right and that individual right should not be impaired.

6. Accordingly, I hereby voice the strongest objection possible in opposition to the Petition and request that this Honorable Court deny said Petition.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by U.S. Mail upon John Harkness, General Counsel, The Florida Bar, 651 East 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 **28<sup>th</sup> day of July, 2005.**

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By: \_\_\_\_\_  
HARVEY D. FRIEMDAN  
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