

SUPREME COURT OF FLORIDA

CASE NO.: SC05-1150

In Re: Petition to Amend Rules
Regulation The Florida BAR -
Rule 4-1.5 (f)(4)(B) of the
Rules of Professional Conduct.

**COMMENTS OF ROSS BENNETT GAMPEL, ATTORNEY,
FLORIDA BAR NO.: 251755 AND OBJECTIONS TO
PROPOSED AMENDMENT**

Ross Bennett Gampel 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 1978 and a practicing attorney, I file this pleading to voice my opposition to the "Grimes' Petition"
2. This Petition is a mere sham filed simply because of the financial backing of the Florida Medical Association and its members to seek changes in the rules regulating our own profession as lawyers, to advance their own believed financial gains. The Grimes Petition is not intended to advance our practice or benefit jurisprudence. They have simply hired lawyers in a further attempt to control all lawyers who might otherwise be available to help negligently injured medical malpractice victims and hold the negligent doctors accountable.

3. Further, Petitioners and the FMA seek to graft Amendment 3 into a Bar rule change and thereby avoid a determination by the Court of its constitutionality.

4. Amendment 3 is unconstitutional as it violates the rights of malpractice victim's to due process, freedom of association, equal protection and access to courts. Moreover, a rule change of this nature would prevent a victim's right to waive his or her constitutional right which in itself would be a violation of our constitution. The constitutionality of Amendment 3 should be addressed by our judiciary and not side stepped by the Grimes Petition in its disingenuous effort to alter our professional rules of conduct.

5. Therefore, 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 28th day of July, 2005

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