

SUPREME COURT OF FLORIDA

CASE NO.: SC05-1150

In Re: Petition to Amend Rules Regulating
The Florida Bar-Rule 4.1.5(f)(B) of the
Rules of Professional Conduct

**COMMENTS OF DEBORAH J. GANDER, ATTORNEY
FLORIDA BAR NO.: 0034363 AND OBJECTIONS
TO PROPOSED AMENDMENT**

DEBORAH J. GANDER respectfully submits this following comments and objections to the proposed Amended to the Rules Regulating the Florida Bar – Rule 4-1.5(f)(B) of the Rules of Professional Conduct:

1. As a member of the Florida Bar and practicing attorney, I file this pleading to voice my opposition to the Grimes' Petition.
2. It is my understanding that the Petition has been filed on behalf of attorney Grimes' undisclosed client, the Florida Medical Association . This client is neither neutral nor impartial, and clearly has an economic agenda unrelated to the fair administration of justice. That client is seeking an advantage in litigation regarding the constitutionality of Amendment 3, and is attempting to use the amendment process of the Rules of Professional Conduct as a means to its end. Litigation is currently pending in the appropriate courts of the State of Florida on that issue.

3. Re-writing the Rules of Professional Conduct for the benefit of a special interest group will bypass a test of the Amendment's constitutionality under state and federal constitutions and will circumvent the very judicial system we all have sworn to uphold.
4. The pending Petition is simply an effort to prevent citizens from having the ability to knowingly contract for adequate legal representation in medical malpractice cases - an issue in which the Florida Medical Association has a vested interest, and an interest which is at odds with patients and patients' rights.
5. The Petition is an abuse of a procedural privilege extended to members of the Bar who seek to change the Rules in an effort to advance our professionalism. The Petition itself is not intended to advance the practice of law, or the professionalism of attorneys licensed in the State of Florida. Instead, it is an effort by a special interest group to gain a litigation advantage.
6. If accepted by this Honorable Court, the freedom to contract afforded to the citizens of the State of Florida will be destroyed, and only the economic agenda of a special interest group will be served.
7. I strongly oppose this Petition, and I request that this Honorable Court deny the Petition herewith.

I HEREBY CERTIFY that a true and correct copy of the above and foregoing was served This ___ day of September, 2005 by Federal Express to the Clerk, the Florida Supreme Court, 500 South Duval Street, Tallahassee, FL 32399-1927, also via electronic filing at e-file@flcourts.org, and by U.S. Mail to John Harkness, General Counsel, Florida Bar, 651 East

Jefferson Street, Tallahassee, FL 32399-2300, Stephen H. Grimes, Counsel for Petition, Holland & Knight, LLP, P. O. Box 810, Tallahassee, FL 32302-0810.

Respectfully submitted,

COLSON HICKS EIDSON
Attorneys for Plaintiff
255 Aragon Avenue
Second Floor
Coral Gables, Florida 33134
(305) 476-7400

By _____
Deborah J. Gander
Florida Bar No. 34363