

IN THE SUPREME COURT OF FLORIDA

CASE NUMBER SC05-1150

IN RE:       PETITION TO AMEND  
              RULE 4-1.5(f)(4)(B) OF THE  
              RULES OF PROFESSIONAL CONDUCT

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**COMMENTS OF BRUCE A. GIBSON, III  
TO PROPOSED AMENDMENT**

Please accept the following comments and my 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.

Amendment 3 is unconstitutional as it violates the rights of the citizens of Florida who have been victims of medical malpractice. This Amendment violates a patient's right to due process, freedom of association, equal protection and access to the courts. An individual's rights under the Current Florida Bar rule to contract with a lawyer, a rule which this Court has previously found to be presumptively reasonable, should not be changed. The interpretation of Amendment 3 and its application is a substantive legal matter that should be addressed by appropriate litigation in the courts of Florida.

The proposed amendment to the Rules is in no way intended to promote the standards of professionalism in the practice of law, as should be the purpose of any

Rule, but instead is filed on behalf of an undisclosed client (The Florida Medical Association) in an effort to gain a litigation advantage in the Florida courts. The clear and obvious reason for this proposed amendment to the Rules Regulating the Florida Bar is to make it more difficult for victims of medical malpractice to find representation. This is an inappropriate attempt to change substantive law through rules regulating professional conduct and should not be permitted.

Wherefore, I oppose the petition and respectfully request this Court deny the proposed amendment to Rule 4-1.5.

WOOTEN, HONEYWELL,  
KIMBROUGH, GIBSON,  
DOHERTY AND NORMAND, P.A.  
P.O. Box 568188  
Orlando, FL 32856-8188  
(407) 843-7060  
Fax: (407) 843-5836  
Attorneys for Plaintiff

By /s/ Bruce A. Gibson, III  
Florida Bar No. 302643

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished to the Executive Director of the Florida Bar, John F. Harkness, Jr.,

651 E. Jefferson Street, Tallahassee, Florida 32399-2300, and Stephen H.  
Grimes, Post Office Drawer 810, Tallahassee, Florida 32302, **this 15th day  
of September, 2005.**

s/s Bruce A. Gibson, III  
Bruce A. Gibson, III  
Florida Bar No. 302643