

**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 GIL HADDAD, ATTORNEY,  
FLORIDA BAR NO. 032608 AND OBJECTIONS TO  
PROPOSED AMENDMENT**

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Gil Haddad 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. The purpose of my filing this pleading is to voice my opposition to the Grimes' Petition as I am a member of the Florida Bar and a practicing attorney.

2. The Florida Supreme Court has described the purposes of the rules regulating the Florida Bar which include the professional conduct of a member of the Florida Bar. The section of the Preamble to the Rules of Professional Conduct, which I will refer to as the Scope, speaks to subversion of the Rules if used as procedural weapons. Improper use by a protagonist is specifically addressed.

3. Rule 4-1.5 itself is premised on reasonableness. Reasonable or reasonably is a defined term in the section entitled Terminology in the comments on Rule 4-1.1.

4. It is fairly easy to discern that the so-called Grimes' initiative has a purpose unrelated to the tenets of the Rules Regulating the Florida Bar. The Scope section refers to an

antagonist in a collateral proceeding or transaction. The proscriptions provided seek to preserve the professionalism of the practice. The intention of the Rules is to provide guidance for practicing in compliance with the Rules and is intended to help the legal profession help the public.

5. The Rules should not be the tactical weapons of antagonists.

6. Consequently, it appears that the Grimes' Petition abuses a procedural privilege when it seeks changes in rules regulating the legal profession which were intended to advance the profession and the professionalism of the lawyer. It is my opinion that the Grimes' Petition does not intend to advance the practice, benefit either jurisprudence, or the client.

7. Instead, it is more than obvious that the Petition has been filed on behalf of an undisclosed client which I expect is the Florida Medical Association. It is also rather apparent that the Petition was filed in an effort to gain an advantage by the Medical Association as a protagonist in order to gain a litigation advantage with respect to the constitutionality of Amendment 3.

8. As a member of the Florida Bar, I oppose the Grimes' Petition because it does not improve the operation of the Florida Bar through a rule change. Instead, it attempts to impose the desires of a specific party by insertion of such private interests into the Rules Regulating the Florida Bar.

### **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 FL 32399-2300 and Stephen H. Grimes, Counsel for Petitioners, Holland and Knight, LLP, P.O.

Box 810, Tallahassee, FL 32302-0810 on this the \_\_\_\_\_ day of August, 2005.

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By: \_\_\_\_\_

Gil Haddad

Fla. Bar No.: 032608