

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

RESPONSE TO PETITION BY DONALD M. HINKLE

This is a Response to the Petition filed by former Stephen H. Grimes seeking to amend the Florida Rules of Professional Conduct Rule 1.15(f)(4)(B). To show mercy upon whoever must read these filings, I will be brief.

The enacted Constitutional right “*to receive* no less than 70% of the first \$250,000.00 of all damages *received* by the claimant ...” says nothing to the average voter about limiting their right to hire an attorney. Reading the actual language an English-speaking non-lawyer might wonder how the client could possibly *receive* less than 100% of all damages *received*? You can’t really *receive* less than you *received* can you? Vague but politically appealing wording aside, the Amendment says nothing that would prohibit the claimant from agreeing to pay those damages received to their attorney, their treating doctor, credit card company or, should they choose or be

forced to do so, their ex-spouse. Certainly this Amendment did not supercede all contractual obligations of “medical liability” claimants, or more importantly take away their right to enter into such agreements. If anything the actual language limits caps only the recovery of “all damages” in excess of \$250,000, while abolishing liens upon such recoveries. It certainly does not mandate a change in the Rules Regulating The Florida Bar that would limit a citizen’s right to hire the attorney of their choice, and pay them a reasonable fee.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and nine (9) copies hereof have been forwarded to the Clerk for filing, along with an electronic copy filed with the Clerk at e-file@flcourts.org; and that a copy has been

furnished by U.S. Mail to John F. Harkness, Jr., General Counsel, The Florida Bar, 651 East Jefferson Street, Tallahassee, FL 32399-2300, and to Stephen H. Grimes, Counsel for Petitioners, Holland & Knight, LLP, Post Office Drawer 810, Tallahassee, FL 32302-0810, this 30th day of September, 2005.

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