

SAMUEL HOWELL
610 White Water Drive
West Palm Beach, FL 33413

September 23, 2005

Clerk of Court
Florida Supreme Court
500 South Duval Street
Tallahassee, FL 32399-1927

Re: Case No.: SC 05-1150

Dear Clerk:

As a citizen, teacher and coach, I oppose the proposed amendment of Rule 4-1.5(f)(4)(B) of the Rules of Professional Conduct. Mr. Grime's petition claims the amendment will put more money in the plaintiff's pocket by capping attorney's fees; however, the reality is that it will make it more difficult for the injured to locate and hire an attorney to represent them, as it will become economically unfeasible for any lawyer to take a medical malpractice case. This violates malpractice victims' rights to access to the courts and civil justice. It further violates the freedom of each individual citizen to contract for legal services with a lawyer of his or her choosing. I, as a U.S. citizen, should have the right to waive any rights granted me, should I desire to do so, with full knowledge of the consequences. There is no limit placed on the amount of fees paid to insurance defense attorneys. I have personal experience having to fight insurance companies for my family and myself. We have to be able to find attorneys to represent us.

If people cannot obtain a lawyer of their choosing to properly represent them for permanent, debilitating injuries caused by the negligence of a physician, they will have no choice but to become dependent on government resources, i.e., medicaid, food stamps, etc., ultimately shifting the burden on to the taxpayers.

Don't shift the cost of medical negligence from the negligent party to all of us! Please deny the Grime's petition.

Very truly yours,

SAMUEL HOWELL

cc: John Harkness,
Stephen H. Grimes, Esquire