

# SUPREME COURT OF FLORIDA

CASE NO. SC05-1150

In re: Petition to Amend Rules  
Regulating The Florida Bar -  
Rule 401.5(f)(4)(B) of the  
Rules of Professional Conduct

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## COMMENTS OF CHRISTOPHER P. JANES, ATTORNEY, FLORIDA BAR NO. 0100072, AND OBJECTIONS TO PROPOSED AMENDMENT

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Christopher P. Janes 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. As a member of the Florida Bar, I file this comment in opposition to the Grimes Petition to Amend Rule 4-1.5, Rules Regulating the Florida Bar.
2. According to the Preamble to the Rules of Professional Conduct, "Lawyers are officers of the court and they are responsible to the judiciary for the propriety of their professional activities." The specious circumstances surrounding the Amendment, the Grimes Petition, and the timing of its filing should cause concern for all prudent jurists. Common sense dictates that the Petition should not have been filed to alter the rules before the validity of the Constitutional Amendment which purports to limit attorney's fees in medical negligence cases has been determined. The Petition and

all of its signors should be viewed with great skepticism. Their efforts are inconsistent with our responsibilities as officers of the Court.

3. Even if the Amendment is upheld, clients should still be permitted to waive the Constitutional right and enter into a contract with counsel regarding the handling of medical negligence claims. Constitutional rights are routinely waived for a variety of reasons.
4. Most importantly, the existing rules already protect clients against the assessment of excessive fees.
5. Therefore, I urge this Honorable Court to not implement the changes to Rule 4-1.5 suggested in the Grimes Petition.

#### **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 \_\_\_\_\_ day of August, 2005.

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