

IN THE SUPREME COURT OF FLORIDA

**OBJECTION AND COMMENTARY
ON PROPOSED AMENDMENT TO
RULE 4-1.5(f)(4)(B) OF THE RULES
OF PROFESSIONAL CONDUCT**

CASE NO. SC05-1150

Samuel P. King, Esquire, of Dellecker, Wilson, King, McKenna & Ruffier, LLP hereby provides this commentary and strong objection to the Petition to Amend the Rules of Professional Conduct, Rule 4-1.5(f)(4)(B):

1. I am a member of the Florida Bar and have practiced primarily in the field of Plaintiff's personal injury and wrongful death since admission to the Bar in 1985.
2. I have actively handled medical negligence and liability cases during the course of his practice, having significant experience with regard to the amount of time, effort, money and risk involved in pursuing a Plaintiff's medical liability case.

3. That without any public crisis or outcry from the citizenry of the State of Florida regarding the amount of attorney's fees charged on medical liability cases, a Constitutional initiative to arbitrarily limit attorney's fees was passed on November 2, 2004. Prior to this, there was no hue and cry whatsoever with respect to attorney's fees charged. In fact, in my experience I have never had an occasion to hear a client refuse to hire me because the contingency fee schedule was too high. In fact, clients all too well understand the enormous investment required in order to pursue these cases.
4. That the proposed fee cap simply serves no purpose other than prevent claimants from hiring competent counsel for medical liability cases. Simply put, the fees schedule simply does not allow sufficient compensation for the amount of time, effort, money and risk associated with successfully prosecuting these cases.
5. The list of names of attorneys who signed this petition is void of attorneys that actively practice in the Plaintiff's medical liability field. Unless these lawyers actually spent the time and money pursuing such cases on an ongoing basis could they understand the financial and resources required.
6. The Florida Bar spent enormous amounts of time years ago in

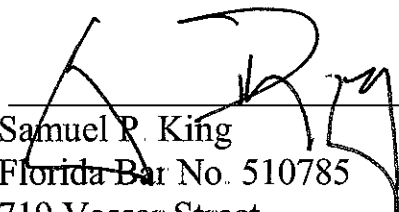
formulating a fair contingency fee schedule. Since that time, payouts on cases have remained relatively stable, no objective evidence shows that the public has been charged too much, or that the medical liability cases are so easy to win that an artificially lower fee schedule is required.

7. To render an attorney's conduct unethical for negotiating with a perspective client so as to charge a higher fee than the Amendment provides (but within the current established fee schedule) would affectively discontinue this attorney's willingness to pursue medical liability cases, effectively barring access to court for Florida's citizens.
8. Samuel P. King strongly objects to the proposed petition.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail this 10 day of August, 2005 to John F. Harkness, Jr., 651 E. Jefferson Street, Tallahassee, Florida 32399-2300 and Stephen H. Grimes, Post Office Drawer 810, Tallahassee, Florida 32302.

**DELLECKER WILSON KING
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BY: _____


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