

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.

**COMMENTS OF ANGELO MARINO, JR.,
ATTORNEY, FLORIDA BAR NO: 151934
AND OBJECTIONS TO PROPOSED AMENDMENT**

Angelo Marino, Jr. 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 practicing attorney in the State of Florida for thirty-three years and as a member of the Florida Bar, I file this pleading to voice my opposition to the Grimes' Petition.
2. The Grimes Petition is an abuse of the procedural privilege to the members of the Florida Bar who seek to change rules regulating our profession in an effort to advance our profession and our professionalism. Grimes' Petition is filed on behalf of the Florida Medical Association solely for the purpose to gain litigation advantage as it relates to the constitutionality of Amendment 3.
3. Rather than have Amendment 3 go through the constitutional challenged process of our state and federal courts, the Florida Medical Association, through Grimes' Petition, seeks to foist this untested Amendment upon the attorneys of the State of Florida by making it a rule change.

4. There are many reasons that Amendment 3 is unconstitutional. It violates claimants' access to the courts, their due process, freedom of association, and equal protection under the law. The Grimes' Petition would prevent victims' rights to waive one constitutional right (assuming for arguments sake that the Amendment was constitutional) in favor of another potentially conflicting right. Our judiciary should determine the constitutionality of Amendment 3, and it should not be foisted upon malpractice victims and their attorneys by a disingenuous effort to alter our professional rules of conduct.
5. I strongly oppose the Petition and request that this Honorable Court deny the Petition.

CERTIFICATE OF SERVICE

I Hereby Certify that a true 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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