

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 JAMES E. MESSER, JR. ESQ.

Please accept this Response to the Petition filed by former Justice Grimes seeking to amend the Florida Rules of Professional Conduct Rule 1.15(f)(4)(B).

I have reviewed the petition. It should be denied. It concerns me that we permit citizens of our State to waive important constitutional protections (which are clearly known and need not be enumerated at this time) while considering a petition that prohibits our citizens from exercising their rights of self-determination.

The simple (and absurd) argument would be for the Court to consider the open floodgates that are certain to follow when the Court is petitioned to restrict citizens from waiving any constitutional protection, whether Federal or State. This is the intent of neither document nor of our law.

Citizens of the State of Florida, citizens of the United States of America, have the right to determine what rights they choose to exercise. Short of the establishment of a guardianship, no one should be permitted to force our citizenry to give up any fundamental right; and certainly not any right concerning self-determination.

CONCLUSION

The petition would severely limit, not enhance, the rights of Florida's citizens. This is reason enough to deny the petition.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via U.S. regular mail this 21th day of September, 2005 to: John Harkness, General Counsel, The Florida Bar, 651 E 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.

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