

SUPREME COURT OF FLORIDA

CASE NO.: SC05-1150

IN RE: PETITION TO AMEND
RULE 4-1.5(f)(4)(B) OF THE
RULES OF PROFESSIONAL CONDUCT

RESPONSE TO PETITION BY MICHAEL McLAUGHLIN, ESQ.

COMES NOW Michael C. McLaughlin and files his Opposition and Comment to the proposed Amendment to the Rules Regulating the Florida Bar – Rule 4-1.5(f)(4)(B) of the Rules of Professional Conduct. I am opposed to the Petition commonly referred to as the Grimes’ Petition, as follows:

1. As a member of the Florida Bar and a practicing attorney, I file this pleading to voice my opposition to the Grimes’ Petition.
2. It is my understanding that this Petition is being filed on behalf of an undisclosed client, that is, the Florida Medical Association. This would only be done to gain a litigation advantage as to the constitutionality of Amendment 3 which is already being pursued through the appropriate channels.
3. The interpretation of Amendment 3 and its application is a substantive

legal right that should be addressed through appropriate litigation in the courts of this state. The petition attempts to change substantive law through rules regulating professional conduct and that is inappropriate;

4. Amendment 3 concerns itself with the claimant's right to receive certain damages in medical liability claims and does not place a limitation on attorneys' fees;

5. Any individual's existing rights under the current Florida Bar rule to contract with a lawyer of his or her choice and to waive the existing provisions of Rule 4-1.5 should not be changed. To do so otherwise would be to close the courthouse doors to the injured by medical malpractice and to deny a citizen the right to an attorney of their choice.

6. I oppose the Petition and request that this Honorable Court deny the Petition.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served this _____ day of September, 2005 by U.S. Mail to the Clerk of the Florida Supreme Court, 500 S. Duval St., Tallahassee, FL 32399-1927 and by US Mail to John Harkness, General Counsel, Florida Bar, 651 E. Jefferson St., Tallahassee, FL 32399-2300, Stephen H. Grimes, Counsel for Petitioner, Holland & Knight, LLP, P.O. Box 810, Tallahassee, FL 32302-0810.

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