

IN THE SUPREME COURT OF FLORIDA

**IN RE: AMENDMENT TO THE RULES
REGULATING THE FLORIDA BAR-
RULE 4.15(f)(4)(B) OF THE RULES OF
PROFESSIONAL CONDUCT**

CASE NO.: SC05-1150

COMMENTS RE: AMENDMENT THREE

To Whom It May Concern:

I write this letter to express my great displeasure with Amendment Three. Despite its aim, its implementation results in a limitation of access to the courts. The Florida constitution specifically provides for all Floridians the opportunity to be heard in a court of law; Amendment 3 limits this opportunity because it diminishes the ability to obtain quality legal representation. As you may well know, preparation for litigation in a medical malpractice suit is very costly and time consuming. Capping attorneys fees results in less attorneys being able to absorb litigation costs. Consequently, fewer attorneys would be available for representation, thereby limiting the access to courts of Floridians and increasing the odds of ineffective assistance of counsel.

Proponents of this amendment argue that it is an attempt to afford parties their fair share of the compensation in a medical liability case. This belief is an oversimplification of the issues; further, it incorrectly states the issue. Currently, parties are given their fair share of recovery. To say otherwise is a gross misstatement of the facts. Also, to say capping attorney's fees would afford them more recovery presumes that they would be able to obtain representation. As previously stated, with attorneys not being afforded a fair wage for a job well done, many will decline to risk the diminished fees resulting in less attorneys taking medical malpractice cases. Without attorneys taking cases, there is no recovery to consider and no judgment to recover.

Consequently, I implore you to rally against Amendment Three and aid the effort to cause its demise.

Respectfully,
PARKS & CRUMP, L.L.C.

Althea S. Nicholson, Esquire
FBN: Pending

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via regular U.S. mail this 18th day of October, 2005 to **John F. Harness, Jr.**, Executive Director of The Florida Bar, 651 E. Jefferson Street, Tallahassee, Florida 32399-2300 and **Stephen H. Grimes**, Post Office Drawer 810, Tallahassee, Florida 32302.

ALTHEA S. NICHOLSON, ESQ.