

IN THE SUPREME COURT OF FLORIDA

CASE NUMBER 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

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RESPONSE TO PETITION BY RITA PHILLIPS

I write in response to the Petition to Amend Rule 4-1.5(f)(4)(B) of the Rules of Professional Conduct. I am presently employed as a paralegal in a law firm that represents the victims of medical negligence. I have seen firsthand the devastation that such incidents can bring to families. I have also seen how much it costs to prosecute a medical negligence claim, from pre-suit through trial. In such cases, physician experts must be retained from the start to verify under oath that there has been a violation of the standard of care. Experts are very expensive, and the victim's attorney fronts all costs. I know for a fact that if the Grimes petition passes, the firm at which I am employed will no longer be able to take these cases. Taking away the victim's right to contract with the attorney of his or her choice, but leaving that right in tact for the doctor and his or her insurance company is discriminatory and unconstitutional.

Personally, as a wife and the mother of two young sons, I strongly believe that it is my right to contract with the lawyer of my choice and for whatever terms I choose if a family member is a victim of medical malpractice. The Grimes petition severely limits that right. If this right is lost to the victims of medical negligence, will it next be lost to the victim's of motor vehicle accidents? Dog bites? The courthouse doors must not be closed to anyone. Access to the courts of this state is a precious and fundamental right.

Please, I urge you to deny this petition.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by US regular mail this ____ 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 & Knight, LLP, PO Box 810, Tallahassee, FL 32302-0810.

Respectfully submitted,

Rita Phillips
1710 NW 107th Terrace
Gainesville, FL 32606
(352) 219-0119