

IN THE SUPREME COURT  
OF THE STATE OF FLORIDA

CASE NO.: CS05-1150

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 DOUGLAS G. RAWNSLEY, ATTORNEY,**  
**IN OPPOSITION TO PROPOSED AMENDMENT**

DOUGLAS G. RAWNSLEY 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 member of the Florida Bar and a practicing attorney, I file this pleading to voice my opposition to the Grimes' Petition.

2. This Petition is an abuse of a procedural privilege extended to each of us as members of The Florida Bar to seek changes in the rules regulating our profession to advance our profession and to further the interests of our clients. The Grimes' Petition is not intended to advance these goals but the Petition is filed on behalf of an undisclosed client (the FMA) in an effort to gain a litigation advantage as to the constitutionality of Amendment 3.

3. Rather than an effort to improve our Bar through rule

change, the Petitioners seek to draft Amendment 3 into a Bar rule change and thereby avoid a test of the Amendment's underlying legality under our State and Federal Constitutions.

4. Amendment 3 is unconstitutional as it violates the rights of malpractice victims to due process, freedom of association, equal protection, and access to courts. Moreover, a rule change of this nature would prevent a victim's rights to waive one constitutional right (assuming for argument's sake the Amendment was constitutional) in favor of another potentially conflicting right. The constitutionality of Amendment 3 should be addressed by our judiciary and not side stepped by the Grimes Petition.

5. Therefore, I oppose the Petition and Request that this Honorable Court deny the Petition.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by U.S. Mail upon John Harkness, General Counsel, The Florida Bar, 651 E. Jefferson Street, Tallahassee, FL 32399-2300, and Steven H. Grimes, Counsel for Petitioners, Holland and Knight, LLP, P.O. Box 810, Tallahassee, FL 32302-0810, on the \_\_\_\_\_ of September, 2005.

Respectfully presented,

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