

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

COMMENT RE AMENDMENT THREE

To Whom It May Concern:

I would like to express my views on the proposed rule on Amendment Three. It is an unconstitutional device that strips Floridians of their basic rights. Amendment Three limits access to the courts and an individual's right to enter into a contract. Both of these rights are explicitly protected in the Florida constitution and are afforded to every citizen of this state. Amendment Three denies equal access to the courts, effective representation, and denial of the freedom to select an attorney to represent your cause.

Amendment Three attempts to cap attorney fees; however, such a mechanism already exists. Florida law requires a pre-suit screening potential medical malpractice case. Hence, the legitimacy of a suit is established. Furthermore, this requirement caps recoverable damages and provides protection from any overreaching on the part of the attorney. Trial preparation for a medical malpractice suit is extremely costly and time consuming. Amendment Three unfairly asks attorneys to put the time, effort and staff into a case with no expectation of recovering proper compensation.

One may argue that this amendment affords parties their fair share of the compensation in a medical liability case. However, the current process accomplishes the same result. Also, this amendment results in fewer attorneys being able to absorb litigations costs and even fewer Florida citizens being able to obtain representation. For the sake of the well being of the citizens of the great State of Florida, I urge you to support opposition of Amendment Three.

Respectfully Submitted,
PARKS & CRUMP, LLC
240 N. Magnolia Drive
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KEISHA D. RICE, ESQ.
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via US Mail to: John F. Harness, Jr., Executive Director of the Florida Bar, 651 E. Jefferson Street, Tallahassee, FL 32399-2300 and Stephen H. Grimes, Post Office Drawer 810, Tallahassee, FL 32303 this 20th of October, 2005.

KEISHA D. RICE, ESQ.