

SUPREME COURT OF FLORIDA

CASE NO.: SC05-1150

**In Re: Petition to Amend Rules Regulating
The Florida Bar – Rule 4.1.5(f)(B) of the
Rules of Professional Conduct**

**COMMENTS OF PAUL SHOUCAIR, ATTORNEY
FLORIDA BAR NO.: 949973 AND OBJECTIONS
TO PROPOSED AMENDMENT**

PAUL SHOUCAIR respectfully submits the following comments and objections to the Proposed Amendment to the Rules Regulating the Florida Bar – Rule 4-1.5(f)(B) of the Rules of Professional Conduct:

1. As a member of the Florida Bar and a practicing attorney, I file this pleading to oppose the Grimes' Petition.
2. Through either its purpose or effect, the Petition would violate many constitutional and legal principles that are firmly rooted in our legal system.
3. These include but are not limited to:
 - a) Access to the courts as guaranteed under Article I, Section 21 of the Florida Constitution
 - b) Equal Protection
 - c) Due Process
 - d) Freedom of Contract

4. As citizens of the United States and residents of the State of Florida, we are given various constitutional rights. Some of our citizens choose to waive their rights against unreasonable searches and seizures, self-incrimination, and even the right to a speedy jury trial if they or their counsel deem it appropriate. When such waivers are properly obtained, they aid rather than hinder the administration of justice.
5. This attempt to amend the Rules of Professional Conduct as it relates to contingency fees in medical negligence cases is a thinly veiled attempt to deny victims of medical negligence access to the courts of this state.
6. Under the guise of reform, Petitioners invite this Court to institute one-sided restrictions on a party's attorney's fees without imposing any similar restriction on that party's opponent. Such a restriction would be tantamount to a judicially created advantage given by the court to one party over another. This would clearly violate the principle of impartiality and notions of blind justice that have governed our legal system for centuries. This Court should decline the Petitioners' invitation to create this unfair advantage.
7. I respectfully request the Court deny the Petition.

I HEREBY CERTIFY that a true and correct copy of the foregoing was

served this ____ day of _____, 2005, by U.S. Mail to the Clerk, the Florida Supreme Court, 500 S. Duval Street, Tallahassee, Florida 32399-1927, also via electronic filing at e-file@flcourts.org and by U.S. Mail to John Harkness, General Counsel, Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300, Stephen H. Grimes, Counsel for Petitioner, Holland & Knight, LLP, P.O. Box 810 Tallahassee, Florida 32302-0810.

Respectfully submitted,

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