

IN THE SUPREME COURT OF FLORIDA

CASE NUMBER SC05-1150

IN RE: PETITION TO AMEND
RULE 4-1.5(f)(4)(B) OF THE
RULES OF PROFESSIONAL CONDUCT

To the Supreme Court of the State of Florida:

I am writing this letter to oppose the so-called “Grimes petition” pending before the Court at this time. Specifically, the petition attempts to alter the Rules Regulating The Florida Bar to reduce the allowable percentages used to calculate attorneys fees in medical malpractice cases.

First, the Federal Constitutionality of Amendment 3, which was passed by the voters last fall, involves a substantive legal matter. It should be addressed through the appropriate courts throughout the state as cases involving Amendment 3 are challenged at the trial court and appellate levels. This effort to change the Rules Regulating The Florida Bar is simply an end run around the courtrooms of this state. Its proponents hope to engraft Amendment 3 onto the blueprint of our jurisprudence--without ever having tested its constitutional mettle.

Second, Amendment 3 was widely advertised as a benefit for the medical malpractice plaintiff. Of course, as members of this Court so aptly noted,

Amendment 3 was really “a wolf in sheep’s clothing.” The drafters of Amendment 3 quietly hoped to eliminate any financial incentive lawyers would have to prosecute medical malpractice cases, and thereby greatly reduce the number of cases and the skill level with which they are brought. While the voters may have spoken, this Court is not obligated to endorse what is obviously a misleading idea, which in execution will bring about dangerous unintended consequences.

In the United States of America, citizens have a fundamental right to contract for services. This is no less true because the citizen seeks legal services. I would urge this court to reject the Grimes petition and let Amendment 3 survive or fall on its own merit--through the time-honored process of appellate review.

COKER, MYERS, SCHICKEL,
SORENSEN & GREEN, P.A.

CHARLES A. SORENSON, ESQUIRE
Florida Bar No. 202606
136 East Bay Street
Post Office Box 1860
Jacksonville, Florida 32202
(904) 356-6071

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished to John Harkness, General Counsel, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300, and Stephen H. Grimes, Esquire, Counsel for Petitioner, Holland and Knight, LLP, P. O. Box 810, Tallahassee, Florida 32302-0810, by United States mail this ____ day of September, 2005.

CHARLES A. SORENSON, ESQUIRE