

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

RESPONSE TO PETITION BY DAVID TEMPLER

Your Honors:

Please consider this as my response to the Petition to Amend Rule 4-1.5(f)(4)(B) of the Rules of Professional Conduct. I am the adult son of a mother whose life was tragically cut severely short due to medical negligence. The negligence and its consequences have devastated my father, myself, my siblings, my wife and children and our extended family, including my mother's father who will "celebrate" his 98th birthday in 2 weeks. I am an attorney, practicing litigation including bodily injury though I do not handle Medical Negligence cases. I am an elected official in the municipality where I reside. I am competent to make decision about how my money is best spent and to whom it should be paid in exchange for whatever service or product I receive in exchange.

The Petition before this Court by former Justice Grimes is not about “the people” in the sense that it is or was intended for their own good and their own desire. The Petition tracks and follows a craftily drafted and publicized Amendment 3, written to widely appeal to folks at a disadvantage in understanding its ramifications.

Both Amendment 3 and this Petition are about medical greed and arrogance. We are fortunate to have some of the most wonderful, caring and competent physicians in this State. I know. Some of them did their absolute best to help my mother after her incorrect diagnosis and nearly became “part” of my family. Unfortunately, some physicians are careless, callous, and completely self-absorbed. These bad physicians, and others like them, want special protection from responsibility for negligence. What they could not get from the legislature, they have tried to backdoor through Amendment 3 and former Justice Grimes. It is more than disappointing, it is appalling, to see former Justice Grimes engage the Court in special interest politics.

Justice is expensive and it is difficult. This Petition, if it succeeds in making justice “less expensive” will only make justice more difficult. This is a careless man’s dream because it means that

he can be both a champion of AND over the poor, less advantaged and less able.

Insurance company propaganda has successfully prejudiced our society against “trial” lawyers though most trial lawyers do not even handle bodily injury cases. The propaganda has caused us to falsely believe in things that have no basis in fact. What is “truth” without “proof”? “We who labor here seek only...”. What? What do we seek? Less crowded courtrooms? A greater sense of civil responsibility? To bestow unfair advantages? Do we seek to set the rates of plumbers, electricians?

Allow me, my neighbors, my friends, my constituents to be able to determine what we value more. Money or Justice. I do not believe it is appropriate to set arbitrary damage caps on unique lives. I do not believe it is correct to tell me I can not contract on my own or waive a voted-in constitutional right. Allow my family to know that, heaven forbid, if medical errors or other legal tragedy befall us again we may seek out and obtain the best and most competent legal counsel to assist in our pursuit of peaceful justice.

Please, deny the 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,

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