

IN THE SUPREME COURT OF FLORIDA

CASE NO: SC05-1150

IN RE: AMENDMENT TO THE RULES  
REGULATING THE FLORIDA BAR  
RULE 4-1.5(f)(4)(B) OF THE RULES  
OF PROFESSIONAL CONDUCT

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DAVID J. WHITE'S OPPOSITION TO  
AMENDING RULE 4-1.5(f)(4)(B) OF THE  
RULES OF PROFESSIONAL CONDUCT

COMES NOW, DAVID J. WHITE, and files his Opposition and Comment to the proposed Amendment to Rule 4-1.5(f)(4)(B) of the Rules of Professional Conduct. I am opposed to the Petition commonly referred to as the Grimes' Petition, as follows:

1. The Grimes' Petition seeks to engraft into the Rules Regulating The Florida Bar an incorrect interpretation of the provisions of Amendment 3;
2. The interpretation of Amendment 3 and its application is a substantive legal right that should be addressed through appropriate litigation in the courts of this state. The petition attempts to change substantive law through rules regulating professional conduct and that is inappropriate;
3. Amendment 3 concerns itself with the claimants' right to receive certain damages in medical liability claims and does not place a limitation on attorneys' fees;
4. Any individual's existing rights under the current Florida Bar rule to contract with a lawyer of his or her choice and to waive the existing provisions of Rule 4-1.5 should not be changed. To do so otherwise limits claimants' rights under both the state and federal constitutions; and

5. The freedom each individual citizen has to contract for legal services with the lawyer of his or her choosing must remain inviolate.

Respectfully submitted,

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DAVID J. WHITE  
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#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been mailed this \_\_\_\_\_ day of September, 2005, to: John F. Harkness, Jr., Esq., General Counsel of The Florida Bar, 651 E. Jefferson Street, Tallahassee, Florida 32399; Stephen H. Grimes, Esq., Counsel for Petitioner, Holland and Knight, LLP, P.O. Box 810, Tallahassee, Florida 32302.

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DAVID J. WHITE