

SUPREME COURT OF FLORIDA
CASE NO.: SC05-1150

In Re: Petition to Amend Rules
Regulating The Florida Bar -
Rule 4-1.5(f)(4)(B) of the Rules
Of Professional Conduct.

COMMENTS OF JOSHUA A. WHITMAN, ESQUIRE,
FLORIDA BAR NUMBER 0399264,
AND OBJECTIONS TO PROPOSED AMENDMENT

COMES NOW, Joshua A. Whitman, Esquire, Florida Bar Number 0399264, and respectfully submits the following comments and objections to the proposed Amendment to the Rules Regulating the Florida Bar - Rule 4-1.5(f)(4)(B) of the Rules of Professional Conduct.

1. As a member of The Florida Bar since 1984, a Board Certified Civil Trial lawyer since 1990, and an attorney who has represented scores of individuals and families whose lives have been impacted by medical negligence, I file these comments in opposition to the “Grimes Petition”.
2. The “Grimes Petition” is a disingenuous effort to manipulate the Rules that govern the practice of law in the state of Florida so as to provide special protection to a privileged group of professionals.
3. The Florida Bar, and the Rules of this Court, provide a procedure for members of the Bar to seek changes in the Rules regulating the profession. The “Grimes Petition” is a corruption of that process, which seeks only to promote the hidden agenda of, and protect, a select group of citizens (who are potential litigants in the courts of this state).
4. The position taken in the “Grimes Petition”, and by the fifty plus members

of The Florida Bar who signed it (most of whom are employed by the same law firm), was filed on behalf of a specific (but undisclosed) client, and does not reflect a representative view of members of the Bar. Instead, the “Grimes Petition” advocates the position of special interests whose intent is to restrict the due process rights of the citizens of Florida who are victims of medical malpractice by effectively depriving them access to the courts.

5. In addition, the “Grimes Petition” is an attempt to circumvent testing, through traditional means, the application and constitutionality of Amendment 3 under the Florida and United States Constitutions, via the litigation of justiciable issues by parties with standing in the state’s trial and appellate courts.
6. The “Grimes Petition” is nothing more than a subterfuge to gain a litigation advantage as to the application and constitutionality of Amendment 3, an effort which should not be endorsed by this Court.
7. I oppose the “Grimes Petition”, and respectfully request that this Honorable Court deny it.

JOSHUA A. WHITMAN, ESQUIRE

Florida Bar No.: 0399264
815 South Main Street, Suite 200
Jacksonville, Florida 32207
(904) 346.3800
(904) 346.3692 (facsimile)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and nine (9) copies of the foregoing was forwarded to the Clerk of the Supreme Court of Florida for filing, along with a copy served by U.S. Mail upon John Harkness, General Counsel, The Florida Bar, 651 East Jefferson Street, Tallahassee FL 32399-2300, and Stephen H. Grimes, Counsel for Petitioners, Holland and Knight, L.L.P., P.O. Box 810, Tallahassee, FL 32302-0810 on this the 20th day of September, 2005.

Attorney