

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

**COMMENTS AND OBJECTIONS OF COUNCIL WOOTEN, JR.
TO PROPOSED AMENDMENT**

Council Wooten, Jr. respectfully submits the following comments and objections to the Petition to Amend Rule 4-1.5(f)(4)(B) of the Rules of Professional Conduct:

1. As a member in good standing of the Florida Bar, I voice my opposition to the said Petition.
2. It seems that the purpose of the petition is to serve the interest of a special group, and not to advance the profession or the law.
3. The petition seems to require the Court to either make assumptions about and/or interpret Amendment 3. This is not the setting, nor the proper procedure for that to be done.
4. Any individuals' 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 otherwise interferes with individual's rights under both the state and federal constitutions.

5. The proposed rule would prohibit the citizens of Florida from exercising the right of waiver of Amendment 3, whatever it might ultimately be interpreted to mean.

6. Under the Constitution, rights can be waived by our citizens. As one example, the right of access to courts itself in Section 21 of the Florida Constitution can be waived by an arbitration clause in a contract.

7. This petition is inappropriately attempting to change substantive law through rules regulating professional conduct and should not be permitted.

WHEREFORE, I respectfully request that this court deny the Petition to Amend Rule 4-1.5(f)(4)(B) as sought by the petitioner.

COUNCIL WOOTEN, JR.
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By /s/ Council Wooten, Jr.
Council Wooten, Jr.
Florida Bar No. 109666

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished to the Executive Director of the Florida Bar, John F. Harkness, Jr., 651 E. Jefferson Street, Tallahassee, Florida 32399-2300, and Stephen H. Grimes, Post Office Drawer 810, Tallahassee, Florida 32302, **this 27th day of September, 2005.**

/s/ Council Wooten, Jr.
Council Wooten, Jr.
Florida Bar No. 109666