

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 OF JOSEPH A. ZARZAUR, JR., ATTORNEY,
FLORIDA BAR NO. 096806 AND OBJECTIONS TO
PROPOSED AMENDMENT**

Joseph A. Zarzaur, Jr. 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, as follows:

1. As a member of the Florida Bar and a practicing attorney, I file this pleading to voice my opposition to the Grimes' Petition.
2. The validity of the Constitutional amendment which purports to limit attorney's fees in medical negligence cases has not been determined. Changes to the rules should occur, if at all, only after the amendment has been evaluated by the Court.
3. Further, even if the Amendment is upheld, clients should still be permitted to waive the Constitutional right and enter into a contract with counsel regarding the handling of medical negligence claims. Therefore, no changes to the rules are necessary. The existing rules already protect clients against the assessment of excessive fees.

4. Therefore, I urge you to not implement the changes to Rule 4-1.5 suggested in the Grimes Petition.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished to John Harkness, General Counsel, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300 and Stephen H. Grimes, Counsel for Petitioners, Holland and Knight, LLP, P.O. Box 810, Tallahassee, FL 32302-0810, by regular U.S. mail, on this _____ day of August, 2005.

JOSEPH A. ZARZAUR, JR.
Florida Bar No.: 096806
McKenzie, Taylor & Zarzur, P.A.
905 E. Hatton Street
Pensacola, Florida 32503
(850) 432-2856