

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 CHARLES H. COHEN, ATTORNEY,
FLORIDA BAR NO. 0313467 AND OBJECTIONS TO
PROPOSED AMENDMENT**

Charles H. Cohen 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. I am a practicing attorney and current member of the Florida Bar. I am filing this pleading to express my opposition to the Grimes' Petition.
2. The Grimes' Petition seeks to avoid a test of Amendment 3's constitutional legality by making Amendment 3 a Bar rule, rather than allowing it to remain subject to attack in the courtroom.
3. The Grimes' Petition does nothing to further the interests of the Florida Bar, its members, our profession, or jurisprudence in general. The petition is simply an attempt by The Florida Medical Association to gain an advantage in litigation.
4. Amendment 3 results in an unconstitutional violation of a medical malpractice victim's rights to due process, equal protection, freedom of association, and access to courts. The constitutionality of Amendment 3 is for the judiciary to

determine and such issues should not be avoided by the Grimes Petition in its suspect effort to change the rules of professional conduct.

5. This petition makes an inappropriate attempt to change substantive law via rules regulating professional conduct.
6. For the reasons stated above, I oppose the Petition and request that this Honorable Court deny the Petition.

CERTIFICATE OF SERVICE

I Hereby Certify that a true and correct copy of the foregoing was 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, LLP, P.O. Box 810, Tallahassee, FL 32302-0810 on this the 19th day of July, 2005.

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By: _____
Charles H. Cohen, Esquire
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