

**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  
RULE OF PROFESSIONAL CONDUCT,

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**COMMENTS OF ANDREW NEEDLE, ATTORNEY, FLORIDA BAR  
NO. 239429 AND OBJECTIONS TO PROPOSED AMENDMENT**

Andrew Needle, 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 and a practicing attorney, certified in civil trial law with some twenty seven years of experience, and a former member of Board of Governors of the Florida Bar, I file this pleading to voice my opposition to the “Grimes’ Petition”.
2. This petition has been signed by an array of lobbyists for the insurance and health care industries (who stand directly to benefit financially) and an assortment of lawyers from Holland and Knight, Justice Grimes’ law firm (and architect of Amendment 3), and represents an abuse of the procedural privilege extended to each member of he Florida bar to seek changes in the rules regulating our profession to advance our professionalism and profession.
3. Instead, this is a thinly veiled attempt to advance the interests of an undisclosed client (the Florida Medical Association) in an effort to gain a litigation advantage.

4. This constitutional amendment faces certain legal challenges, and is desperately in need of substantive judicial interpretation as to its meaning.
5. Although the Petition seeks to address fees, a facial reading of Article I, Section 26, demonstrates that it says *nothing* about fees; instead addressing recovery rights in medical malpractice cases.
6. The Petition, like the Amendment 3 campaign itself, is an attempt to block access to the courts by the victims of medical malpractice, by limiting their ability to freely contract with their attorney, based upon market conditions, subject to the existing constraints of Rule 4-1.5. It is noteworthy that there is no correlative limitation on what a medical malpractice defendant may pay their attorneys, and as such, results in a significant litigation advantage beyond what might normally exist due to disparate economic positions.
7. An individual's existing rights under the current Florida Bar rule to contract with a lawyer of his or her choice should not be changed. To do otherwise implicates a claimants' rights under both the state and federal constitutions. This Court should be allowed to consider the substantive issues, before addressing regulation. It is respectfully suggested that it is extremely premature for this Court to be considering a Rule change based upon the Grimes Petition.
8. Accordingly, I oppose the Petition and request that this Honorable Court deny it.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the forgoing was served by U.S. mail upon John Harkness, Executive Director, 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, this 21<sup>st</sup> day of July, 2005.

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