

## Amendment 3: Bad Medicine for Injured Victims

by Dawn Pompey Whitehurst

Amendment 3 is a loss for injured victims and a victory for medical professionals and their insurance carriers. This Constitutional Amendment was initiated and promoted by the medical community under the guise of helping injured patients by capping the fees that patients' attorneys may be paid when they successfully handle malpractice claims on the patients' behalves.

The amendment pretends to protect malpractice victims from rapacious lawyers, but it really protects doctors from lawsuits. While at first glance it sounds like it really supports injured victims, a closer look reveals that it essentially makes it virtually impossible for an injured victim to sue for malpractice, no matter how severe an injury the victim has sustained.

Most injured claimant's attorneys accept medical malpractice cases on a contingency fee basis, which means the attorney gets paid a fee only if he or she wins the case.

Attorneys typically spend hundreds of hours and thousands of dollars to prepare and present a medical malpractice case. If the attorneys lose, they get nothing — no fees or even reimbursement for expenses!

### Estate Planning continued

A living trust provides the grantor with three primary advantages:

- Assets you place in trust during your lifetime are shielded from the delays and publicity of probate, which is the estate settlement process required for assets that pass by will.
- Your trust can continue beyond your lifetime as a source of income and support for your beneficiaries.
- Assets that you do not place in trust during your lifetime may be added at your death by including appropriate instructions in your will. You may also have life insurance proceeds paid to your trust, to be invested and administered for your beneficiaries as your trust agreement directs.

On the other hand, this amendment does not restrict the amount the medical professionals may pay their own attorneys. The medical professionals can out spend the victims and hire the best attorneys, who are typically paid by the hour whether they win or lose.

As a result of this amendment, a number of plaintiffs' law firms have chosen not to accept malpractice cases because such cases have become economically impractical.

## K&R Opens New Quincy Office

If you are looking for the new Knowles & Randolph law office in Quincy, Florida, you do not have to look very far. The firm has relocated to the Community Economic Development Organization (CEDO) office building in downtown Quincy. Gadsden County firm administrator Louvenia Ellis Sailor said the new East Washington Street location gives clients a more comfortable and private place to discuss cases with attorneys.

Thus, if the injured malpractice victims cannot hire qualified attorneys to pursue their claims, they will not be able to recover compensation for their losses and will be victimized all over again. It is painfully obvious that Amendment 3 is bad medicine for injured victims.

*Dawn Pompey Whitehurst is an associate with Knowles & Randolph.*

Sailor said the addition of new attorney Chuck Hobbs II will also help to bring in more criminal defense and personal injury cases for the firm. So far, the new office is getting a thumbs up from clients and other community residents. If you need to reach the Knowles & Randolph Quincy office, call the main telephone number at (850) 222-3768.

Advances in medical science have created an expanding gap between the extraordinary array of treatments and procedures that are possible, and those that are practical or desirable for a particular individual in a specific set of circumstances.

By making a living will and designating someone to speak for you if [the need arises], you can feel more confident that your personal wishes and preferences will be honored.

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With a *living will*, you record your instructions concerning whether or not, and/or what life-sustaining treatments should be taken when you are terminally ill.

With a *health care proxy* (or *durable power of attorney for health care*), you designate someone to make health care decisions for you when you are unable to do so.

## KMR Consultants, LLC and BellSouth Form Partnership

KMR Consultants, LLC (the management consulting affiliate of Knowles & Randolph, P.A.) and BellSouth Telecommunications recently formed a partnership to promote Lifeline Assistance/Link-Up Florida Program enrollment. The Lifeline Program provides a credit (reduction) on monthly local residential service to qualified customers. The Lifeline consumer credit can amount up to \$13.50 monthly.

Link-Up Florida, which is designed to assist low-income consumers in Florida, assists with telephone service connection by offering a 50-percent credit (reduction) up to \$30 for the hook-up charge.

KMR will provide general consulting services to BellSouth; in addition, the firm will help to target potential Lifeline/Link-Up enrollment households participating in Florida's National School Lunch Program.

The National School Lunch Program is not the only way people may qualify for the program. Consumers may qualify for Lifeline/Link-Up Florida assistance if they currently receive benefits under the following programs: Temporary Assistance to Needy Families (TANF), Supplemental Security Income (SSI), Medicaid, Low-Income Home Energy Assistance Program (LIHEAP), Federal Public Housing Assistance (Section 8), Food Stamps, Head Start Subsidy, or Bureau of Indian Affairs Tribal TANF.

Households may also qualify for Lifeline/Link-Up assistance with household incomes that are at or below 125 percent of the federal poverty income standard.

Florida consumers may apply for Lifeline/Link-Up Program assistance by contacting their local telephone company or the Florida Public Service Commission at 1-(800) 342-2552.

**Tallahassee Headquarters**  
215 South Monroe Street • Suite 130  
Tallahassee, Florida 32301  
[info@kr-legal.com](mailto:info@kr-legal.com)

[www.kr-legal.com](http://www.kr-legal.com)

### OFFICERS

**Harold M. Knowles**  
Chief Executive Officer

**Linda G. Dilworth**  
Chief Operating Officer

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Executive Vice President

### Inside This Issue

- K&R Establishes Scholarship
- K&R Pushes For Affordable Housing
- K&R's Historic Trailblazer
- New Attorney Hired
- New Quincy Office Opens
- What the Admendment 3 Vote Means To You
- Estate Planning
- KMR Consultants Partners with BellSouth

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The Firm With A Capital Presence and Statewide Relations

## Knowles & Randolph Establishes Endowed Scholarship for Law Students

They can now look back and laugh, but many successful minority lawyers will tell you their palms would sweat often when it came to figuring out how to pay for law school. Much of the financial aid that once helped many students make it through law school has dried up, making it tougher for minorities striving to become members of the Florida Bar. The result is often premature endings to once promising law careers.

The law firm of Knowles & Randolph understands that pressure, and is stepping up and teaming up with the Florida State University College of Law. In January 2005, the firm announced the establishment of the Knowles & Randolph Diversity Enhancement Endowed Scholarship and endowed it with a \$50,000 contribution. Each year, an outstanding graduate of the FSU College of Law Summer for Undergraduates Program will receive a scholarship after formally enrolling in the College of Law. The recipient will be known as a Knowles & Randolph Scholar.

"By establishing a scholarship of this type, my partner and I felt we could facilitate greater diversity in the student body at the College of Law," said Harold Knowles, managing shareholder of Knowles & Randolph. "At the same time, we would ensure that academically deserving, but financially challenged, students would have the opportunity to undertake the study of law."

The Summer for Undergraduates Program is designed to familiarize students from groups historically underrepresented in the legal profession with the study of law. Freshmen, sophomores and juniors enrolled in any major at a two- or four-year institution across the country are eligible to apply.

Each year, 60 students are selected to participate in the program. More than 400 students

have completed the program since it was established in 1992.

FSU College of Law Dean Don Weidner said, "We are thrilled that Harold Knowles and Roosevelt Randolph are giving so generously to the program." The program is being studied and copied by other law schools across the country. Knowles became familiar with the summer program after his son, Clayton, participated. "It occurred to me that there would likely be a number of students who might successfully complete the summer program, but still have no financial means of attending law school," he said.

Nancy Benavides, associate dean for Student Affairs and program director said, "It's fantastic that the Knowles & Randolph scholarship will make law school a reality for an outstanding student who wants to become a lawyer."



Harold Knowles (l) and Roosevelt Randolph (r) present check to Dean Don Weidner

*The hiring of a lawyer is an important decision that should not be based solely upon advertisements. Before you decide, ask us to send you free written information about the qualifications and experiences of the attorneys associated with Knowles & Randolph. ■*

## *K&R Helping to Bring Upscale Affordable Housing to Historic Frenchtown District*

While the Renaissance Center located in Tallahassee's historic Frenchtown District is well underway, many have wondered whether re-development plans, which primarily include new businesses, would end up squeezing families out of Frenchtown.

housing project is designed to attract mixed-income residents, it means that the college professor and the single mother who works as a secretary in state government could potentially become next door neighbors. That's the kind of mix we're looking for."

surveying, site development and landscape architectural services normally included in the cost of a home. The City of Tallahassee waived approximately \$4,000 in water and sewer tap-in fees for each home, thus making them even more affordable.

The law firm of Knowles & Randolph has teamed with Bethel Missionary Baptist Church, the St. Joe Development

The subdivision is located within three blocks of the Governor's Mansion and the size of the homes will

Huffman-Tarmey Architects, known for designing the upscale Southwood development in Tal-



*Sketch of New Carolina Oaks Development*

opment Company and the City of Tallahassee to make sure that affordable housing is a major part of Frenchtown's future.

Bethel Baptist, located in the District and owner of several businesses there, became involved in the Carolina Oaks residential project because of concerns about proper re-development of the area.

Acting as a catalyst for change in Frenchtown, Bethel committed and expended in excess of \$200,000 for land acquisition. The quality and caliber of the new single family homes in Carolina Oaks will not be what one would normally expect to see in what had previously been a severely economically depressed area of town.

The cost of the 25 urban traditional style homes will range from \$110,000 to \$166,000. Attorney Harold Knowles of the Knowles & Randolph law firm said, "Since the

range from 1,400 to 2,000 square feet.

Construction in Carolina Oaks has begun and a number of homes are nearing completion. Since the homes are classified as "affordable," qualified first-time homebuyers may receive substantial down payment assistance from the Florida Housing Finance Corporation, a quasi-public agency that facilitates the construction and purchase of affordable houses in Florida.

The multi-million dollar residential development is a perfect example of how a public-private, faith-based initiative can work. The St. Joe Development Company came aboard after having been approached by Knowles and Bethel Baptist Church officials.

St. Joe has created a savings to each new homeowner (amounting to approximately \$30,000 per home) by donating all the civil engineering,

lahassee, served on a volunteer basis as the architects for Carolina Oaks. The City of Tallahassee also provided a \$750,000 revolving construction loan fund for contractors willing to reduce their profit and build homes in the District. The City will eventually get all of its money back, as will Bethel Baptist Church, which purchased the land for the project. Bethel will use those funds for future affordable housing projects and the City will be able to re-use the revolving loan funds for other worthwhile redevelopment projects.

The overall goal is to make housing affordable for good families wanting to relocate to Frenchtown. Carolina Oaks is taking housing in Frenchtown to a new level and, setting the tone and benchmark for all future development projects intended to revitalize the area.

Hobbs said he is now able to exhale at Knowles & Randolph after working the past three years as a solo attorney.

## *K&R Trailblazer Still Blazing Trails*

Unless you asked Harold Knowles about his contribution to Tallahassee's Civil Rights movement 40 years ago, the laid back managing shareholder of Knowles & Randolph probably would not bring it up. In 1963, Knowles was one of only three African-American students to step through the doors of the previously all-white Leon High School.

Recently, Florida Governor Jeb Bush praised Knowles and the two other Leon High trailblazers for their courage during the 50-year anniversary celebration of the *Brown v. Board of Education* integration decision. Sixty Tallahassee students were in the Capitol courtyard to hear how much progress has been made since school segregation legally ended 50 years ago.

Knowles and the two other African-American students attended Leon High School under a freedom of choice integration plan. Being the first to travel down the uneasy road was no piece of cake. Imagine feeling knots in your stomach each and every morning before heading off to school. "If they ran us away, it would be twice as hard for others to re-integrate in the future," Knowles said. The strength and determination needed to overcome Leon High's then racist environment was instilled in Knowles by his parents.

*Editor's Note: The two other students who integrated Leon High School were Marilyn Hollifield and Phillip Hadley. Hollifield is a South Florida attorney and shareholder with Holland & Knight, the largest law firm in Florida. Hadley is an obstetrician and lawyer in the Atlanta area.*

## *K&R Welcomes New Attorney to Firm*



*Charles E. Hobbs, II*

One of the great things about working in a 25-year-old law firm Hobbs said is being able to tap into the experience of other practitioners. "Here I can bounce ideas off of the other attorneys. When I was on my own, I had to be a social worker, hold hands and do the business end of it. Here I can just focus exclusively on achieving a good re-

His mother, Christene Knowles, was a teacher with a master's degree; His step-father, Erelson Knowles, was a Tallahassee businessman. The younger Knowles was expected to attend college and become a success in life.

Only two other black Leon County students at that time availed themselves of the opportunity to integrate Leon, even though it was considered one of the best high schools in the South at that time. "It was disappointing to me and I thought it was not smart; if you get this once in a lifetime chance to go to the best school in the county with a college preparatory curriculum, how could you not go? It didn't occur to me that there were any other good options."

The close friends who stayed at the more nurturing and caring environment of the all-black Lincoln High School feared being harassed in the hallways as Knowles was. Knowles learned of the danger zones at Leon and stayed away from them for the most part. The Leon High faculty and administration were more concerned about a nationally embarrassing incident, such as the one that occurred in Little Rock, Arkansas, than the fate or safety of the three African-American students.



*Gov. Jeb Bush, Harold Knowles & Clayton Knowles at (Brown v. Board) Celebration*

Knowles overcame the odds, graduated and eventually earned his bachelor's and law degrees from Florida State University. He has quietly continued to blaze trails while raising the bar as a role model — a high bar for those who will follow in his footsteps.

Knowles' accomplishments are impressive. For the past 10 years, he has been certified as an expert in the field of bond finance. In 2001, Knowles was appointed by Gov. Bush to serve on the Florida Federal Judicial Nominating Commission. Among other things, the proud Seminole also sits on the Florida State University Board of Trustees.

sult for my client. It's a family atmosphere. We eat lunch and travel together. I can lean on them if I need them. I feel at home."

The rich history of Knowles & Randolph, the oldest black law firm in North Florida, has inspired Hobbs in other ways. After a long career at K&R, Hobbs said he would one day like to follow in the political steps of current Tallahassee Mayor John Marks, a former partner at Knowles & Randolph. An eventual run for the office of State Attorney in Tallahassee, the place where he started his law career, is another possible goal on Hobbs' radar.

Hobbs said his new lease on life has helped him to make sure that he stops at nothing within the boundaries of the law to represent his clients.

*Hobbs is a member of the Tallahassee Area Chapter of 100 Black Men of America, Inc., and Kappa Alpha Psi Fraternity, Inc. He attends Bethel Missionary Baptist Church and has been married to his wife, Brooke, for four years. His mother, Vivian L. Hobbs, is an English professor at Florida A&M University.*

## *The New Estate Planning Four Essential Documents*

*With all the national and international attention given to the Terry Schiavo case, the attorneys at Knowles & Randolph enlisted the services of Capital City Bank to provide you with important information regarding estate planning. For more information, please contact Michele Byrd Atkisson, Vice President/New Business Office, Capital City Trust Company, at (850) 671-0340, or via e-mail at [atkisson.michele@ccbg.com](mailto:atkisson.michele@ccbg.com).*

Estate planning no longer means just "making a will." A good estate plan should protect your estate, your heirs and your own financial independence. To accomplish those goals, you may need several legal documents.

### *Will*

Your will contains your written directions concerning the disposition of everything you own, except for assets that you have disposed of by other means. Life insurance proceeds and balances in IRAs, for example, typically pass directly to beneficiaries you have designated. Assets you have placed in joint tenancy will pass directly to the surviving joint owner(s). Fail to make a will and the state decides for you how your assets are distributed.

By making a will, you are able to appoint an executor (personal representative) of your own choosing to settle your estate. You also may name a guardian for minor children.

Everyone needs a will. Even though living trusts are often referred to as "will substitutes," trusts actually function in conjunction with wills, as discussed below.

### *Durable Power of Attorney*

By executing a durable power of attorney, you designate someone to serve as your "attorney-in-fact," and authorize that person to make financial and business decisions for you in the event that you become disabled and are unable to make them yourself.

The financial authority that you delegate may be as broad or as narrow as you wish. [Are you] in the habit of making regular annual gifts to younger members of the family in order to reduce your eventual estate taxes? If you wish your attorney-in-fact to continue your gift program, be sure the power of attorney is worded accordingly.

Sudden incapacity can strike anyone at any time. Whether you are a family breadwinner or on your own, executing a durable power of attorney is a smart idea. If you create a living trust, you may wish your attorney-in-fact to add your other assets to the trust in the event of your incapacity.

*Caution:* Third parties sometimes refuse to honor a durable power of attorney, especially if considerable time has passed since the power was created. To minimize the risk of such problems, re-execute your durable power of attorney on a regular basis.

### *Living Trust*

By creating a living trust for the management of your invested funds and other assets, and selecting a qualified trustee, you can assure yourself of financial protection more comprehensive than that afforded by a durable power of attorney alone. Living trusts also offer important estate planning advantages.

Your directions for the now and future management of the assets that you place in trust are contained in a trust agreement. For example, you might wish to select and monitor your trust's investments for the time being, but have your trustee stand ready to take on that responsibility in certain circumstances, such as a job assignment abroad, an extended vacation or an incapacitating illness.

*continued on next page*

### **FIRM SHAREHOLDERS**

**Harold M. Knowles**  
**Roosevelt Randolph**

### **FIRM ASSOCIATES**

**Dawn P. Whitehurst**  
**Charles E. Hobbs, II**

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### **CONTACT INFORMATION**

**Tallahassee Headquarters**  
215 South Monroe Street  
Suite 130  
Tallahassee, Florida 32301  
Telephone: (850) 222-3768  
Facsimile: (850) 561-0397  
E-mail: [info@kr-legal.com](mailto:info@kr-legal.com)

**Quincy Office**  
20 East Washington Street  
Suite D  
Quincy, Florida 32351  
Telephone: (850) 222-3768  
Facsimile: (850) 561-0397