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Referral to Subcommittee A: Proposed Amendment to the Rules of Judicial Administration regarding Parental Leave

Amy Borman to: Leen, Craig 12/30/2015 04:00 PM

Cc: Krys Godwin, Mark Romance , "jcohen@weinsteincohen.com"

	Amy Borman	*Thanks Craig! (and thanks for all of your participation in the various sub*
	Mark A. Romance	*Hi Krys, happy New Year. Judson and I would like to set up a con*
	Krys Godwin	*Absolutely . . . do you have a date and time in mind? Krys*

Thanks Craig! (and thanks for all of your participation in the various subcommittee meetings!!)

I will ask Krys to refer this out to Subcommittee A which addresses of attorneys.

I am also copying Mark and Judson who are the chairs and vice chair of subcommittee A.

Thanks again and Happy New Year!

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From: Leen, Craig [mailto:cleen@coralgables.com]
Sent: Wednesday, December 30, 2015 3:24 PM
To: Amy Borman
Subject: Proposed Amendment to the Rules of Judicial Administration regarding Parental Leave
Importance: High

Amy,

I am writing to propose an amendment to the Rules of Judicial Administration regarding parental leave. I have learned of three recent incidents where an attorney was denied a continuance request based on parental leave. In my view, it is important for an attorney to be able to take a reasonable period of time to be with family at the time of a birth or when a child needs medical care. The legal system should recognize the importance of an attorney being able to do so as a matter of policy. This helps ensure that an attorney need not be forced into unnecessary choices between the obligations of career and family. The proposed rule strikes an appropriate balance, as it establishes that a continuance based on parental leave would be granted unless an exceptional circumstance is present. The court would still have discretion to ensure that such leave does not undermine due process or the substantive rights of parties. I have also received informal feedback from attorneys and judges regarding this proposed rule and believe that there would be substantial support for it.

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I would respectfully request that the proposed amendment be referred to a subcommittee for the June meeting cycle, and that I be allowed to present grounds in support of the rule to the subcommittee:

RULE 2.565 PARENTAL LEAVE

A motion for continuance based on parental leave of the attorney, when consistent with the parental leave policy of the firm or governmental entity for which the attorney works, or for a reasonable time when the attorney is a solo practitioner, shall be granted unless exceptional circumstances are shown. If the court denies the continuance, the specific grounds for denial shall be stated in the order, and the court shall exercise its discretion to grant as much leave as would be reasonable under the circumstances.

Comment

The profession is committed to parental leave and to the importance for attorneys to be able to balance work and family. This rule provides a presumption that a continuance for parental leave will be granted unless an exceptional reason is shown. An exceptional reason could be the need for emergency or time sensitive relief, or the fact that many continuances have already been granted and the substantial rights of the parties may be affected.

Best regards,
Craig

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