



Supreme Court of Florida

Office of the Clerk
500 South Duval Street
Tallahassee, Florida 32399-1927

JOHN A. TOMASINO
CLERK
MARK CLAYTON
CHIEF DEPUTY CLERK
JULIA BREEDING
STAFF ATTORNEY

PHONE NUMBER: (850) 488-0125
www.floridasupremecourt.org

September 20, 2018

The Florida Bar News Editor
The Florida Bar
651 East Jefferson Street
Tallahassee, Florida 32399-2300

*In re: Amendments to the Florida Rules of Judicial Administration -
Parental Leave, Case No. SC18-1554*

Dear Editor:

I have provided you with a copy of the proposed Rules in the above case. Please publish said Rules in the October 15, 2018, Bar News. Please publish a statement that the Court has placed the proposed Rules on the Internet at location: **<http://onlinedocketssc.flcourts.org/>**.

Any comments should be filed with the Supreme Court on or before November 15, 2018. If filed by an attorney in good standing with The Florida Bar, the comment must be electronically filed via the Florida Courts E-Filing Portal (Portal) in accordance with *In re Electronic Filing in the Supreme Court of Florida via the Florida Courts E-Filing Portal*, Fla. Admin. Order No. AOSC13-7 (Feb. 18, 2013). If filed by a nonlawyer or a lawyer not licensed to practice in Florida, the comment may be, but is not required to be, filed via the Portal. Comments filed via the Portal must be submitted in Microsoft Word 97 or higher. *See In re*

The Florida Bar News Editor
September 20, 2018
Page 2 of 2

Electronic Filing in the Florida Supreme Court, Fla. Admin. Order No. AOSC17-27 (May 9, 2017). Any person unable to submit a comment electronically must mail or hand-deliver the originally signed comment to the Florida Supreme Court, Office of the Clerk, 500 South Duval Street, Tallahassee, Florida 32399-1927; no additional copies are required or will be accepted.

Thank you for your cooperation in this matter.

Most cordially,

A handwritten signature in black ink, appearing to read 'JT', with a long horizontal line extending to the right.

John A. Tomasino

JAT/sh

Enclosure

cc: Eduardo I. Sanchez, Chair, Rules of Judicial Administration Committee
Honorable Ricky L. Polston, Supreme Court Justice Liaison
Honorable Michelle R. Suskauer, President, The Florida Bar
Honorable John Mitchell Stewart, President-elect, The Florida Bar
Joshua E. Doyle, Executive Director, The Florida Bar
Krys Godwin, Committee Liaison
Chief Judges of the District Courts of Appeal
Clerks of the District Courts of Appeal
Chief Judges of the Judicial Circuits
Clerks of the Judicial Circuits
Deborah J. Meyer, Central Staff Director

The Florida Bar’s Rule of Judicial Administration Committee (Committee) submitted to the Florida Supreme Court a “no action report,” *see* Fla. R. Jud. Admin. 2.140(f)(2), which the Court has treated as an out-of-cycle report filed at the Court’s request, *see* Fla. R. Jud. Admin. 2.140(f)(1). The report contains a draft parental-leave continuance rule that a majority of the Committee opposed proposing to the Court by a vote of 15-21-1. The Board of Governors of The Florida Bar endorsed the rule by a vote of 41-0-1.

The Court invites all interested persons to comment on the parental-leave rule, which is reproduced in full below, as well as online at <http://www.floridasupremecourt.org/decisions/proposed.shtml>. All comments must be filed with the Court on or before November 15, 2018, with a certificate of service verifying that a copy has been served on the Committee Chair, Eduardo I. Sanchez, 99 NE 4th Street, Suite 800, Miami, Florida 33132-2131, eduardo.i.sanchez@usdoj.gov, and on the Bar Staff Liaison to the Committee, Krys Godwin, 651 E. Jefferson Street, Tallahassee, Florida 32399-2300, kgodwin@floridabar.org, as well as a separate request for oral argument if the person filing the comment wishes to participate in oral argument, which may be scheduled in this case. The Court invites the Board of Governors to comment on the rule. The Committee Chair has until December 6, 2018, to file majority and minority responses to any comments filed with the Court. If filed by an attorney in good standing with The Florida Bar, the comment must be electronically filed via the Florida Courts E-Filing Portal (Portal) in accordance with *In re Electronic Filing in the Supreme Court of Florida via the Florida Courts E-Filing Portal*, Fla. Admin. Order No. AOSC13-7 (Feb. 18, 2013). If filed by a nonlawyer or a lawyer not licensed to practice in Florida, the comment may be, but is not required to be, filed via the Portal. Comments filed via the Portal must be submitted in Microsoft Word 97 or higher. *See In re Electronic Filing in the Florida Supreme Court*, Fla. Admin. Order No. AOSC17-27 (May 9, 2017). Any person unable to submit a comment electronically must mail or hand-deliver the originally signed comment to the Florida Supreme Court, Office of the Clerk, 500 South Duval Street, Tallahassee, Florida 32399-1927; no additional copies are required or will be accepted.

IN THE SUPREME COURT OF FLORIDA

**IN RE: AMENDMENTS TO THE FLORIDA RULES OF JUDICIAL
ADMINISTRATION – PARENTAL LEAVE, CASE NO. SC18-1554**

RULE 2.570. PARENTAL LEAVE CONTINUANCE

Unless substantial prejudice is demonstrated by another party, a motion for continuance based on the parental leave of a lead attorney in a case must be granted if made within a reasonable time after the later of:

- a. the movant learning of the basis for the continuance; or
- b. the setting of the proceeding for which the continuance is sought.

Three months is the presumptive maximum length of a parental leave continuance absent a showing of good cause that a longer time is appropriate. If the motion for continuance is challenged by another party that makes a prima facie demonstration of substantial prejudice, the burden shifts to the movant to demonstrate that the prejudice caused by denying the continuance exceeds the burden that would be caused to the objecting party if the continuance were to be granted. The court shall enter a written order setting forth its ruling on the motion and, if the court denies the requested continuance, the specific grounds for denial shall be set forth in the order.

Committee Notes

2018 Adoption. For purposes of this rule, “parental leave continuance” means a continuance sought in connection with the birth or adoption of a child by the movant. The Florida Supreme Court and The Florida Bar are committed to the concept of parental leave and to the importance of an appropriate work/life balance. This rule provides a strong presumption that a continuance for parental leave, generally not exceeding three months, will be granted when the request for relief is made within a reasonable time after the basis for continuance is reasonably discernible. However, a continuance or stay may be denied in the sound discretion of the court where there would be substantial prejudice to another party, where an emergency or time-sensitive matter would be unreasonably delayed, where a significant number of continuances have already been granted, or where the substantial rights of the parties may otherwise be adversely affected.