IN THE SUPREME COURT OF FLORIDA

Case No. SC18-1554

IN RE: AMENDMENTS TO THE FLORIDA RULES OF JUDICIAL ADMINISTRATION – PARENTAL LEAVE

NOTICE OF COMPLIANCE WITH 11/05/2018 ORDER

COMES NOW the undersigned attorney and files proof of service as required by the Court's November 5, 2018 order, as evidence of his compliance with said order. See Exhibit "A" attached hereto.

CERTIFICATE OF SERVICE

I certify that, pursuant to Fla. S. Ct. Order SC10-2101 and Rule 2.516(b)(1)(A) of the Fla. Rules of Jud. Admin., a true and correct copy of the foregoing was served by e-mail on all interested parties registered through the e-file system, and also on **Eduardo I. Sanchez** (at eduardo.i.sanchez@usdoj.gov) and **Krys Godwin** (at kgodwin@floridabar.org) on **November 5, 2018**.

/s/ Theodore F. Greene III
Theodore F. Greene III, Esquire
Fla. Bar No. 0502634
Law Offices of Theodore F. Greene, LC
PO Box 720157
Orlando, FL 32872-0157
Phone: (407) 482-8212
E-mail: tfgreene3@msn.com

EXHIBIT A

Ted Greene

From: "Ted Greene" <tfgreene3@msn.com>
To: <eduardo.i.sanchez@usdoj.gov>; <kgodwin@floridabar.org>
Sent: Monday, November 05, 2018 2:55 PM
Attach: Letter to Florida S.Ct. re Parental Leave - file stamped.pdf
Subject: SERVICE OF COURT DOCUMENT (Case No. SC18-1554) - In re Proposed Amendment to Florida Rules of Judicial Admin (Parental Leave) -

To Whom It May Concern:

Filer: Theodore F. Greene III 407.5482.8212

Court: The Supreme Court of Florida

Case No. SC18-1554

Caption: In Re: Amendments to the Florida Rules of Judicial Administration – Parental Leave

Document: Comment to Proposed Rule Change (In Correspondence Form)

Sincerely,

Ted Greene
Law Offices of Theodore F. Greene, LC
PO Box 720157
Orlando, FL 32872-0157
Office: (407) 482-8212
e-mail: tfgreene3@msn.com

Filing # 79982300 E-Filed 10/29/2018 11:18:20 AM

Law Offices of Theodore F. Greene, LC

Theodore F. Greene III
Attorney at Law
PO Box 720157
Orlando, FL 32872-0157
Phone: (407) 482-8212

October 29, 2018

Florida Supreme Court
500 South Duval Street
Tallahassee, FL 32399

RE: **Proposed Rule 2.570 (Parental Leave Continuances).**

Dear Justices,

I write in opposition to proposed Rule 2.570 (Parental Leave Continuances). I oppose adoption of a new rule dictating mandatory parental leave continuances for the following reasons.

First, while the idea of an attorney taking time off from work to get to know a new member of their family may be a laudable thing for the attorney and their family when done voluntarily and when decided on an individual basis, it is not at all laudable when that personal decision is thrust by force upon third parties against their will. And yet that is exactly what this rule proposes: to force the litigants, to force the judge, and to force opposing counsel to delay their own plans based on an individual decision of one attorney to take time away from work. The proposed rule doesn't ask that consideration be given for family leave, it demands it, and it does so with a presumption that 90 days is appropriate as a timeframe. It is not right to force a personal decision to absent oneself from the workforce for 90 days on the litigants (who likely already have their lives upended by their own very personal dispute), opposing counsel (who is typically trying to manage their own schedule based on the demands of life and law), and the judge (who is almost certainly already struggling with keeping their crowded docket moving forward productively). Forcing a personal decision onto others against their will is not laudable, it's selfish, and we should not encourage selfish acts.

I'm not unsympathetic when it comes to balancing personal and professional life. In fact, I raised three children as a single father whose ex-wife was often gone from the local area and therefore unable to routinely help with the children on a daily basis. I understand first-hand that the demands of parenting can be a challenge to balance against the demands of professional life. However, it can be managed – and it can *best* be managed – on an individual level by each attorney making their own decision about how they'll achieve the balance they seek. Imposing upon others to achieve balance in your own life (and that's what this proposed rule does) is also an act of selfishness.

Related to both those points, it has been my experience that, even in the most contentious cases, attorney's routinely professionally agree to continue deadlines for filings, responses, discovery, hearings, trials, and even appeals. I have seldom had an opposing attorney refuse to make accommodation for genuine scheduling conflicts (including personal emergencies), and I have routinely reciprocated the courtesy. And my experience is geographically broad, as I have had the great fortune to litigate all over the State, trying cases from Pensacola to Miami, from Ft. Myers to just south of Jacksonville, and from Tampa to Viera, as well as handling appeals in every district court in the State, and on multiple occasions before the Florida Supreme Court as well. I have found cooperation and consideration to be the norm throughout my practice, even where the consideration was

requested from or by opposing counsel where we each had strong negative personal feelings for the other. In short, we are an extremely considerate profession despite the extremely contentious nature of our work. On those few occasions where I found myself and opposing counsel unable to agree on a continuance, I've always found judges to be available to decide the dispute. In fact, despite their crowded dockets, trial judges routinely find hearing time for urgent and emergency matters, including on the issue of continuances. We have a system that works already. To paraphrase Dan Hanson's uncle Olaf, "If it ain't broke, don't fix it".[1]

Related to that point (if it ain't broke), absent a compelling demonstration by those who propose this rule that there is a present widespread problem with individual attorneys being able to accommodate their personal decision to take time away from work, we should ***not*** be forcing a one-size-fits-all mandate from "on high" to decide matters that are already routinely handled effectively, and which are not a current problem that needs a new rule. I've seen no evidence even indicating, let alone demonstrating, that this rule is necessary. Absent such evidence, this rule amounts to feel-good meddling in a matter that isn't even a problem. In a legal world in which it is already hard to find hearing time and keep on schedule, the last thing we need is a rule that encourages additional delay as a presumptive first choice imposed on the parties and the judge by a rule of procedure.

Finally, there is this: unless a lawsuit is personal in nature (i.e., unless it's the attorney's own legal dispute), a case isn't the *lawyer's* case, it is the *litigants'* case. A lawyer's decision to take personal time off should not be a means of forcing two (or more) people into a mandatory delay of their dispute so an attorney can choose to spend time with their family rather than zealously handling their client's and the other side's legal dispute. If an attorney wants time off, then s/he can take it, but we shouldn't force the litigants to put their lives on hold to accommodate the attorney's personal choice. Asking litigants to pay that price is a selfish decision. There are now more than 100,000 licensed attorneys in Florida.[2] There's plenty of available coverage counsel in this State if an attorney wants to make the personal decision to take time off of work without demanding that the litigants pay the price for that decision with a delay in the resolution of their dispute.

Thank you for your consideration in this matter.

Sincerely,

/s/ Theodore F. Greene III

Theodore F. Greene III
Law Offices of Theodore F. Greene, LC
For the Firm

[1] From the movie *He Said, She Said.* See relevant clip at https://www.youtube.com/watch?v=MC2MLmGhc1M.

[2] See *The Florida Bar News*, November 15, 2015 at https://www.floridabar.org/news/tfb-news/?durl=%2Fdivcom%2Fjn%2Fjnnews01.nsf%2Fcb53c80c8fabd49d85256b5900678f6c%2Fea9df61f4fe11f7f85257ef30068190a.