

FAWL believes the Rule adequately allows for the concerns of the Florida Public Defender Association, Inc. and the Department of Children and Families to be addressed, as both constitutional rights and the statutory scheme in Chapter 39 would be perfect examples of “substantial prejudice.” Also, courts are well-equipped and routinely do apply the rules of construction to understand that constitutional rights, such as speedy trial, prevail over conflicting rules of procedure. FAWL would also note it is not aware of the issue of aggressive opposition to parental leave continuances or denial of continuances being prevalent in either of these areas of the law, where coverage counsel is more common. If, however, the Court is concerned by the possibility of confusion related to continuances in these areas, it could add a sentence the Comment that clarifies that violation of constitutional rights or Chapter 39 would constitute substantial prejudice.

The Court has plentiful materials from parents who have experienced disappointing opposition to and denial of their requests for continuance of trial. Results that are unpredictable and arbitrary cannot be just. FAWL would submit that all of the parents who are lawyers in Florida, as well as the judges and opposing counsel would benefit from written guidance from the Court on professionalism in responding to motions for continuance sought due to parental leave.

Women are vastly underrepresented in first chair roles in civil trials.<sup>1</sup> Being deprived of these critical trial opportunities likely contributes to underrepresentation of women in partnership of law firms and even board certification, which frequently has a trial requirement. Adoption of the proposed Rule will not cure gender bias in the legal profession or solve gender equality, but it is a tangible step in the right direction.

Sincerely,

Florida Association for Women Lawyers



Jennifer Shoaf Richardson

President

Florida Bar No. 67998

#### CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing letter has been electronically filed in compliance with Florida Rule of Judicial Administration 2.520 or Administrative Order AOSC13-7 and furnished via electronic mail to Committee Chair Eduardo I. Sanchez at [eduardo.i.sanchez@usdoj.gov](mailto:eduardo.i.sanchez@usdoj.gov) and Bar Staff Liaison Krys Godwin at [kgodwin@floridabar.org](mailto:kgodwin@floridabar.org) on this 15th day of November, 2018.

<sup>1</sup> First Chairs at Trial: More Women Need Seats at the Table, ABA Commission on Women (2015) available at [https://www.americanbar.org/content/dam/aba/marketing/women/first\\_chairs2015.authcheckdam.pdf](https://www.americanbar.org/content/dam/aba/marketing/women/first_chairs2015.authcheckdam.pdf).