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

To Whom it May Concern:

Please accept this correspondence as a response to the request for Florida Bar Members to submit comments on the proposed amendment contemplating parental leave. I have been litigating for the last two decades. Halfway through my legal career, I became pregnant with the first of my two sons. At the time, I was gearing up for a three-week trial together with my partner, who happened to also be pregnant and due just 3 weeks before my due date. Ours was a small firm, just the two of us facing our first pregnancies while trying to juggle the management of our firm and a looming trial. We were facing two sets of lawyers on the other side, all male. One was a large, well-known firm representing a municipality and the other was in-house counsel for a state agency. My partner and I were up against no less than eight lawyers, none of whom (obviously) had ever personally experienced the physical and emotional exhaustion of pregnancy. Rather than respectfully accommodating our pregnancies, I got set for 22 back-to-back depositions during the month of July, a mere three weeks after my son was born. When we dared to request a continuance of the upcoming trial, much less a request to reschedule the depositions, we were met with a Motion to Expedite the trial and a Motion to Disqualify our firm from the case. The Motion cited to a case where the lawyer was disqualified on the basis of her diminished mental competency. In short, all of our attempts to have our pregnancies accommodated with respectful, professional time extensions was outright ignored and if I didn't know any better, I believe our situation was actually taken advantage of by opposing counsel. Granted, our circumstances were unusual – what are the chances that both partners in a law firm get pregnant at the same time and are due on the verge of trial? In the end, we won the case and I have used this story as a “teach-able” moment at various public speaking engagements. It also served as an inspiration for me to be a founding member and President of the St. Johns Association of Women Lawyers, because when I moved here, I was surprised to learn that our county lacked any female Judges.

The proposed rule provides breathing room for those lawyers who do not have the comfort of a mid-sized or large firm to cover them in the event of a pregnancy. Litigation for the solo or small practice can be very adversarial. Professionalism is NOT always afforded and when it isn't, exhausted mothers who spent the entire night nursing and in pain may simply not have the energy to stave off aggressive litigation tactics. The party that ends up suffering here is not just the mother, but the infant who most assuredly picks up on the stress of its mother, the other siblings in the home, the client and our judiciary as a whole for failing to act

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compassionately. We no longer function in the nostalgic by-gone era where we can depend on opposing counsel to act professionally and respectfully. As such, I am requesting that this rule be adopted because the Florida Bar needs to step up to the plate and be a leader on this issue. Thank you for your consideration.

Respectfully,



Jane West, Esquire

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing 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 14<sup>th</sup> day of November, 2018.