

**WARNER COLEMAN & GOGGIN**

ATTORNEYS-AT-LAW WWW.MARSHALLDENNEHEY.COM

A PROFESSIONAL CORPORATION

100 NE 3rd Avenue, 11th Floor, Ft. Lauderdale, FL 33301  
(954) 847-4920 Fax (954) 627-6640

Direct Dial: (954) 905-3792  
Email: kkberman@mdwecg.com

Allentown Doylestown Erie Harrisburg King of Prussia Philadelphia Pittsburgh Scranton  NEW JERSEY Mount Laurel Roseland  DELAWARE Wilmington	OHIO Cincinnati Cleveland  FLORIDA Ft. Lauderdale Jacksonville Orlando Tampa  NEW YORK Long Island New York City Westchester
--	---

November 15, 2018

[Submitted via the Eportal]

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

To Whom It May Concern:

Please allow this letter to serve as a response to the request for Florida Bar members to submit comments on the proposed amendment contemplating parental leave continuances. I **strongly** support adoption of this rule.

I have been admitted to practice law in Florida since 2005. In 2015, I became pregnant with my son. In anticipation of maternity leave, I requested a continuance of oral argument in one of my appellate cases so that I, as the sole appellate practitioner in my mid-sized law firm, could handle the oral arguments. I was denied. There was no compelling circumstances in the case. Yet, opposing counsel refused to agree to the request, and the Court sided with my opponent, divesting me of the opportunity to orally advocate on behalf of clients in a case where I was principally responsible for drafting the briefs and knew the most about the case. A lawyer should not have to choose between having a family and doing the best possible job for his or her client.

Then, two years later, I found myself in the same situation, pregnant with my daughter and unable to convince another appellate court to grant my requests for continuance. Opposing counsel in one case also had the audacity to object to a request for an extension of time to prepare a Reply Brief, attaching a copy of my baby registry to show my anticipated due date. This was appalling. It was the last thing I needed to focus on when I was getting ready to welcome my daughter into the world.

The proposed rule is exactly what the Bar needs to keep lawyers desiring to have a family on the same playing field with their counterparts who choose not to have families. The proposed rule provides a strong presumption in favor of granting a continuance for a period of three

RECEIVED, 11/15/2018 01:13:25 PM, Clerk, Supreme Court

months, which is typically the amount of time attorneys take for maternity leave, if given the opportunity. The proposed rule is necessary for the mother and child to thrive. I commend the Florida Bar for being one of the first jurisdictions to recommend this rule as a rule of procedure.

As such, I strongly urge this Court to adopt the rule on parental leave. Thank you for your consideration.

Very truly yours,



Kimberly Kanoff Berman

KKB:KB

### **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 15<sup>th</sup> day of November, 2018.