



MothersEsquire, Inc.  
500 W. Jefferson St.  
Suite 2800  
Louisville, KY 40207

October 10, 2018

Florida Supreme Court  
500 South Duval Street  
Tallahassee, FL 32399-1927

Honorable Chief Justice Charles T. Canady:

We begin this letter by first sending our deepest wishes for the safety of all Florida residents and swift recovery for the state in light of the hurricane currently approaching the panhandle.

MothersEsquire, Inc. ("MothersEsquire") is a national organization composed of nearly three thousand women lawyers with children. Not only does MothersEsquire serve as a community of support for women lawyers, our group also seeks to address systemic barriers to women, and all caregiving lawyers' success in the legal profession. One of those systemic barriers – lack of access to sufficient parental leave – is harmful to both mothers and fathers, as well as their newborn and adopted babies. Yet, because our society still disproportionately shifts caregiving responsibilities to women, a lack of parental leave, and the ability for opposing counsel or others to withhold or object to leave as a tactical strategy, disproportionately harms mothers, both personally and professionally, and further entrenches the attrition rate of women lawyers.

This Court is considering Rule 2.570, which states:

A motion for continuance based on parental leave of the lead attorney in the case shall be granted if made within a reasonable time after learning the basis of the continuance unless substantial prejudice to the opposing party is shown. Three months shall be the presumptive length of a continuance granted for parental leave, absent good cause for a longer time. If the court denies the requested continuance, the court shall state on the record the specific grounds for the denial. If the motion for continuance is challenged by an opposing party proffering a basis for a claim of substantial prejudice, the attorney seeking the continuance shall have the burden of demonstrating the lack of substantial prejudice to the opposing party.

MothersEsquire reiterates the reasons previously stated to this Court by the Florida Association for Women Lawyers for its support of this proposed rule:

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- Numerous pregnant attorneys practicing in the state of Florida have been denied a continuance requested in anticipation of maternity leave in situations where no compelling interest (i.e. speedy trial, emergency action) existed.
- Anecdotal evidence exists that female lawyers, in the State of Florida, are often denied continuances in anticipation of taking maternity leave.
- Both female and male lawyers asking for a continuance in anticipation of maternity or paternity leave are subject to an unfair stigma that serves to continue to harm all caregiving lawyers, but disproportionately contributes to the attrition rate of women lawyers in the legal profession.
- The legal profession as a whole, and the judiciary especially, should acknowledge the importance of child-rearing and support members of the bar who choose to practice law and build families.

In addition, MothersEsquire supports the Final Report and Recommendation of the Florida Bar Special Committee on Parental Leave in Court Actions (Special Committee) which concludes:

- Adopting and expanding policies that promote parental leave would serve as a meaningful step towards closing the gender gap, as well as encourage more male attorneys' participation in paternity leave.
- When fathers take leave it increases the opportunity and ability of mothers to engage in paid work, with a positive effect on female labor force participation as well as women's wages.
- The stigma of the 'mommy track' and diminished career opportunities faced by women who bear children is alleviated by the availability of gender-neutral leave policies.

MothersEsquire overwhelmingly supports this Rule of Procedure and urges the Florida Supreme Court, and all other states, to adopt the rule at its earliest opportunity.

Sincerely,

MOTHERSESQUIRE, INC.



Michelle Browning Coughlin, J.D., M.S.W.  
Founder and President

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing has been served upon the following, via regular U.S. mail, postage prepaid, on this the **9th** day of **November, 2018**:

Eduardo I. Sanchez  
Committee Chair  
99 NE 4<sup>th</sup> Street, Suite 800  
Miami, FL 33132-2131  
[Eduardo.i.sanchez@usdoj.gov](mailto:Eduardo.i.sanchez@usdoj.gov)

Krys Godwin  
Bar Staff Liaison to the Committee  
651 E. Jefferson Street  
Tallahassee, FL 32399-2300  
[kgodwin@floridabar.org](mailto:kgodwin@floridabar.org)



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Michelle Browning Coughlin  
Founder and President  
MOTHERSEQUIRE, INC.

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Supreme Court of Florida

NOV - 8 2018

MONDAY, NOVEMBER 5, 2018

WYATT, TARRANT & COMPANY

CASE NO.: SC18-1554

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

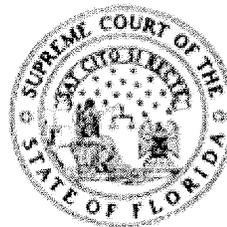
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The comments filed by MothersEsquire, Inc., and Theodore F. Greene III must be served on the Committee Chair Committee Chair, Eduardo I. Sanchez, 99 NE 4th Street, Suite 800, Miami, Florida 33132-2131, eduardo.i.sanchez@usdoj.gov, and on the Bar Staff Liaison to the Committee, Krys Godwin, 651 E. Jefferson Street, Tallahassee, Florida 32399-2300, kgodwin@floridabar.org. The commenters must file a Certificate of Service within five days from the date of this order.

A True Copy  
Test:



John A. Tomasino  
Clerk, Supreme Court



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Served:

JOSHUA E. DOYLE  
MICHELLE BROWNING COUGHLIN  
EDUARDO I. SANCHEZ  
KRYS GODWIN  
CATHERINE COLE  
THEODORE F. GREENE III  
HON. W. HOWARD LAPORTE, SENIOR JUDGE