

SUPREME COURT OF FLORIDA

IN RE: REPORT AND
RECOMMENDATIONS OF THE
WORKGROUP ON IMPROVED
RESOLUTION OF CIVIL CASES

Case No.: SC22-122

COMMENT

I comment to respectfully oppose implementation of the proposed changes to the Florida Rules of Civil Procedure. Since mid-2016, I have been the owner of what began as a small but is now a mid-sized law firm, with a Florida state-wide civil litigation practice. While no doubt drafted with good intentions, the ultimate impact of the proposed rule changes will add stress and strain to the already limited resources of attorneys, courts, staff, and litigants, all of whom remain substantially affected by the COVID-19 pandemic.

It is undeniable that the Florida legal community is still reeling from the pandemic. The additional resources needed to comply with the proposed rules as they relate to such things as conferring upon motions, scheduling hearings, ruling upon motions, obtaining continuances, and moving cases to trial, will serve only to further burden already overworked and underserved communities. As was to be expected, the pandemic has created a backlog in Florida's courts. This was unavoidable and no one's fault. However, and

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as was recently noted in The Florida Bar News, the implementation of case management measures at the local level has proved to be effective in addressing and clearing backlogs. See, The Florida Bar News, Volume 49, Number 3, *Chief Justice Canady: Courts making headway in clearing case backlogs*, Jim Ash (March, 2022)(“Between July and December last year, the backlog in circuit civil fell 36%, and the backlog in county civil fell 26%, Justice Canady said.”) Staying the course with these recent, prolific local initiatives is a far superior solution compared to the overbroad and sure to be counterproductive proposed rules. At the very least, the “local approach” should be given a chance to work, before sweeping new state-wide rules are considered. This problem hardly lends itself to a “one size fits all” solution.

The resources available to firms like ours are limited and, especially with respect to human resources, increasingly difficult to augment. The penalties provided for non-compliance are certain to have a significantly adverse effect upon attorneys, clients, staff, and all of their families. In short, they will harm a broad swath of the general public.

Firms such as ours simply do not have the wherewithal to comply with many of the new requirements in the proposed rules. Our business models and budgets render acquisition of such resources impossible and, as such, firms like ours will be disproportionately impacted. Indeed, the practical effect

is that sixty-hour work weeks will become one-hundred-hour work weeks. Weekends, vacations, and family time will vanish. Mental, physical, and emotional health will decline. Work product will suffer. Attorneys, Judges, and their staff will be overwhelmed. An already high-stress profession will become intolerable, and our state's best and brightest will seek employment in other industries or places. In the end, the public we pledge to serve will suffer.

For these reasons I strongly urge that you not implement the Workgroup's proposed rule changes at this time.

Thank you for your consideration.

Respectfully submitted by:

/s/ Benjamin W. Raslavich

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 24, 2022, a copy of the foregoing was electronically filed via the Florida Courts E-Filing Portal, with a copy provided by U.S. Mail to Chief Judge Robert Morris, Second District Court of Appeal, P.O. Box 327, Lakeland, Florida 33802, and by U.S. Mail to Tina White, 500 South Duval Street, Tallahassee, Florida 32399.

/s/ Benjamin W. Raslavich
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CERTIFICATE OF COMPLIANCE

I certify that this response was prepared in compliance with the font requirements of Florida Rule of Appellate Procedure 9.045.

/s/ Benjamin W. Raslavich
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