

**IN THE SUPREME COURT OF FLORIDA**

**CASE NO. SC22-122**

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

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**COMMENTS OF KRAMER, GREEN, ZUCKERMAN,  
GREENE & BUCHSBAUM, P.A. REGARDING PROPOSED CHANGES  
TO RULES OF CIVIL PROCEDURE SC22-122**

Kramer, Green, Zuckerman, Greene & Buchsbaum, P.A., by and through its Managing Litigation Partner, Craig M. Greene, provides the following comments to the proposed changes to the Florida Rules of Civil Procedure as reflected in SC22-122, (“Rules”) and hereby states as follows:

My office initially prepared a detailed Rule by Rule comment as to each proposed Rule and how it might be changed to reflect the Committee’s stated goals as well as the realities of practicing as a Florida civil litigator in 2022. Prior to submitting my comments, however, I read each of the numerous comments submitted by my fellow lawyers as well as those submitted by members of our distinguished Bench. Because my proposed *substantive* comments would have been repetitive and cumulative of those already submitted by others, I make only the following pragmatic observations/comments:

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In my years of practice there has never been to my recollection, a case, statute, rule, or proposed change that has engendered such universal trepidation as the proposed Rules change at issue. As a trial lawyer, I recognize the challenge of getting six people to agree on a single proposition. Indeed, opinions in today's world are divided on virtually everything. In reviewing the comments submitted to this Court, however, there is near unanimity from the Plaintiff's Bar, Defense Bar, personal injury litigators, real estate litigators, commercial litigators, and the Bench. All these diverse groups, each with its own point of view, experience, and constituency, agree the proposed Rules, *as presently written*, too drastically remove trial court discretion, reduce or eliminate the ability of lawyers to extend courtesies, and create an atmosphere of angst, anxiety, and hostility that is unnecessary, and certainly not desired in the practice of law.<sup>1</sup>

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<sup>1</sup> This is not a hypothetical issue. The number of articles, seminars and presentations devoted to attorneys' mental health, mindfulness, suicide, substance abuse and related issues is substantial. As recently as 2018, an entire edition of Florida Bar Magazine was devoted to mental health and wellness. <http://digitaleditions.walsworthprintgroup.com/publication/?i=460424&ver=html5&p=1>. Since then, attention to the issues has not diminished. <https://flayld.org/health-wellness/>; <https://flayld.org/health-wellness/health-wellness-video-series/>. In 2022 alone, the Florida Bar posted four pieces on maintaining attorney mental health, overall wellness, and mindfulness. <https://www.floridabar.org/member/healthandwellnesscenter/#articles>.

I respectfully suggest the thousands of voices reflected by the comments submitted recommending against the adoption of these Rules, as written, *cannot all be wrong*. I urge the Court to please listen to the people whose lives the proposed changes will affect the most ... on our own behalf, and on behalf of the clients we represent.

Respectfully submitted,

Kramer, Green, Zuckerman, Greene &  
Buchsbaum, P.A.

By: /s/ Craig M. Greene, Esq.  
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### **CERTIFICATE OF SERVICE**

WE HEREBY CERTIFY that a copy hereof has been filed and electronically served via Florida ePortal on this 20<sup>th</sup> day of May, 2022, with a copy provided by U.S. Mail to Chief Judge Robert Morris, Second District Court of Appeal, P.O. Box 327, Lakeland, FL 33802, and by email to Tina White, 500 South Duval Street, Tallahassee, FL 32399 ([whitet@flcourts.org](mailto:whitet@flcourts.org)).

**CERTIFICATE OF COMPLIANCE**

WE HEREBY CERTIFY that the foregoing was prepared in compliance with the font requirements of Florida Rule of Appellate Procedure 9.045.

By: /s/ Craig M. Greene, Esq.  
Craig M. Greene, Esq.  
Florida Bar No. 618421