IN THE SUPREME COURT OF FLORIDA

IN RE: AMENDMENTS TO THE FLORIDA RULES OF CIVIL PROCEDURE

CASE NO. SC22-122

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RE: Workgroup on Improved Resolution of Civil Cases/Comment

Thank you for this opportunity to comment on the proposed changes to the Florida Rules of Civil Procedure. As Florida trial court staff attorneys, it is our honor and daily duty to assist judges in the administration of justice by providing legal review, research, writing, and informed counseling. The proposed changes to the Rules of Civil Procedure represent a seismic shift in the administration of civil cases, with myriad significant, substantive changes. We appreciate the time and effort of the Workgroup on this monumental endeavor, as well as the ideals and goals underpinning the changes.

Although many of the proposed changes have been made in an effort to improve efficiency, we express concern over the magnitude and rapidity of these proposed changes.[1] Although we exist "behind

[1] Because of the demands of our role as staff attorneys and our current workloads, we are constrained to respond only to those potential rule changes that impact our daily work. Please note we do express concern with the proposed changes as a whole.

the robe," we must point out how these proposed changes would impact our ability to assist the judges as they endeavor to comply with them.

First and foremost, we implore consideration of the practical realities of the state court system attempting to implement these changes. Current resources are simply inadequate to comply with many of these proposed changes. In particular, the time restraints are unrealistic with existing resources, and we can candidly say that for several of these changes, implementation and compliance will be *impossible* without additional resources.

For example, in the First Circuit, no staff attorneys are allocated to circuit civil judges; those resources are reserved for criminal matters except in unusual circumstances. In the Thirteenth Circuit, three staff attorneys assist 15 circuit civil judges; each judge is sharing one staff attorney with four other colleagues. In the Hillsborough County Court, one staff attorney covers 13 county court judges with civil dockets, in addition to supporting eight more judges with non-civil dockets. The Nineteenth Circuit currently allocates one staff attorney for nine civil and family law judges. (At this writing, the

position is vacant.) We share this to demonstrate the present thinness of staff attorney assistance.

As trial court staff attorneys, we are called upon to assist with research queries, to review motions and analyze complex legal disputes, to offer reasoned analysis supported by thorough research, and to craft orders that in some instances must provide detailed findings. We are the ones judges will call to assist them with navigating these changes and help them comply with the proposed rule amendment. We are the ones they will turn to when attorneys inevitably question, and even exploit, every nook and cranny of these new rules and argue new legal positions. Trial court staff attorneys work full-time on a salary that belies attorneys' education and training. This results in an often young and less experienced pool of lawyers available to assist judges, combined with higher turnover. Taken together, these are the ingredients of a strained, burned out court system and staff. These practical realities must be considered to ensure the proposed changes actually achieve the desired result.

We certainly appreciate the intention behind the creation of the Workgroup and the proposed changes. Efficiency and the speedy, fair delivery of justice is something we strive for every day. But

respectfully, many of these proposed changes will not achieve this objective in their current form. Below, we have provided more detailed comments on specific rules and proposed changes. We express deep concern over the scope of changes. The impact on the appellate courts is another matter to be considered as it will surely be flooded with the aftermath of uncertainty. This, too, would negatively affect the speedy resolution of cases.

Delay the effective date.

At a minimum, we urge consideration of a delayed or tiered roll-out of such significant changes. Trial courts are still recovering from the many changes necessitated by the COVID-19 pandemic, as well as the implementation of the Differentiated Case Management plan. Considerable resources are being directed to creating systems and processes, followed by training and adjustments, to meet the requirements of that plan. A delayed roll-out—we recommend six months between adoption and effective date—would not only allow for deeper consideration of the impact of certain rule changes, it would enable attorneys, judges, and court staff to acquire in stages the experience in a new way of doing the courts' business. It would afford the time for discussion and collaboration with other key

stakeholders, such as clerks offices, as well as time to more precisely identify the resources that will be needed to actually comply with these rule changes. With a clearer picture of what is necessary to implement the changes, our Legislature must be brought into this discussion to provide the funding necessary to acquire the resources for implementation. The entire legal community needs more time to study, digest, and interpret these proposed changes before they become effective, and time to create and implement systems that will facilitate compliance.

Direct notification to the court must be required.

Meaningful compliance with many rules depends on the presiding judge's awareness that a motion or notice has been filed, such as "requests for decision," that appear throughout the rules. Any rule requiring a judge to rule within a specified time presupposes that the judge is aware of the filing. Notification that a motion has been filed is generally not automatic; the court typically becomes aware of a motion when the parties set the matter for hearing. A mechanism for directly notifying a judge should be required and the rules should be clear as to how that notification should occur. In keeping with this recommendation, we note the use of a variety of

terminology that appear to be intended to require bringing time-sensitive matters to a court's attention, but because of the variety in terms, do not clearly do so.

For example, some rules state that a motion or request must be "submit[ted] to the court" (e.g. rule 1.160(c)(2); 1.160(d)). Is this intended to mean the motion must be furnished directly to the presiding judge? In what manner? Rule 1.160(c)(2)(B)) uses "submit to the judicial office;" rule 1.160(f) requires that emergency motions be "brought to the court's attention;" rule 1.160(j)(2) requires that a request for decision be filed and "served" on all parties "and the court."[2] Rule 1.160(k) provides that a party may avoid abandoning a motion by "submitting to the judicial office" a notice dispensing with oral argument, and rule 1.161(c) requires that copies of emergency motions be delivered "to the judge's chambers." Different words have different meanings; words and phrases should not be used interchangeably within a given rule set. We recommend that when a

[2] Where most filings are performed electronically, and when performed electronically, service and filing are simultaneous, using the term "service" on the court may lead parties to believe this has been done when a document is filed, especially when other terminology is used to require more direct notice to the presiding judge.

matter must be ruled upon without a hearing within a specified time, the rules require the judge be notified directly and that the need for and method of notification be clear and uniform throughout the rule set.

Omit use of "oral argument" as a term within the civil rules.

The rules rely on the use of "hearing" and "oral argument" as though they are interchangeable. "Oral argument" is generally reserved for appellate proceedings. We recommend revising the rules and using the term "hearing" for rules applying to the trial courts.

Consistent terminology should be adopted or terms defined.

There are also many terms that are left undefined, for which we will be tasked with advising the court what they mean and how to apply them. And again, the use of multiple different, but somewhat similar, terms is ripe for misinterpretation or confusion. For example, the following undefined terms are used throughout the proposed changes: "imminent" (rule 1.200(e)(4)(F)), "as soon as practicable" (rule 1.200(e)(3)(E)), "extraordinary unforeseen circumstances" (e.g. rule 1.200(f)(2); rule 1.460(b)(1)), "next immediately available trial period" (rule 1.200(f)(5)), "good faith effort" and "significant unforeseen change of circumstances" (rule 1.200(h)(4)(C)(i)),

"significant change of circumstances" (rule 1.200(h)(5)), "compelling justification" (rule 1.271(f)(1)), "substantially justified" (e.g. rule 1.275(e); rule 1.380(b)(3)(A)), "reasonable justification" (rule 1.275(f)(5)), "significant problems for the administration of justice" (rule 1.275(f)(6)), "extraordinary cause" (rule 1.420(e), despite the included definition, it is unclear the difference from previously used "good cause or excusable neglect" standard), "extraordinary circumstances" (rule 2.546(a)). Where terms are intended to have the same meaning, a consistent term should be used. Otherwise, terms should be defined.

Access to justice requires a less complicated procedure.

The proposed rules impose too many requirements for a workable motion practice. The complicated nature of the proposed changes becomes an access to justice concern, particularly where self-represented litigants are expected to understand and follow these procedures. If trained attorneys are overwhelmed, self-represented litigants do not stand a chance. For example, the rules unnecessarily limit the means parties may use when conferring on motions to in person or by telephone or videoconference while expressly disapproving an exchange of correspondence as a means of

conferring. The reduction in available means of conferring is unworkable in our society and practice, and will inevitably lead to court's policing the most minor of matters, reducing its ability to decide the more important issues.

Motions should automatically incorporate memoranda.

Because the rules assume that only disputed motions will be filed without accompanying orders, filed motions should automatically be supported with or incorporate memoranda; courts should not have to review a matter to determine that memoranda are needed. We suggest there are very few disputed motions which require no explanation, no citation to legal authority, and no response from the opposing party.

To streamline procedures, the court's review should occur only when the matter is ripe for review. We suggest requiring memoranda at the outset so that courts may more fully review the matter just once to determine whether to hold a hearing or simply rule after review of the written materials, thereby eliminating the need for two separate reviews and orders. Additionally, the creation of a form order—perhaps a check-box style—to accompany these provisions would ensure that the desired efficiency is realized. We provide

proposed language below for your consideration. Although proposed rule 1.160 excludes from its application several types of motions, still within its purview are motions that do not necessarily lend themselves to swift, simple resolution; for example, motions to dismiss, for judgment on the pleadings, and those related to discovery.

As will be set forth in more detail below, we also suggest that more time be given to conduct this review. To further streamline procedures and avoid overlap of effort resulting from the application of rules 1.160(j) and 1.161(b), parties should not be permitted to set a hearing while the court is deciding whether or not a hearing is warranted.

Rule requirements place additional burdens on strained court system.

Many of the proposed changes require the court to act within a very short, specified period of time. But, as noted above, the rules do not clearly require the court be notified and the manner of such notification. In the absence of direct notification from the parties, judges and court staff would be required to comb the docket for filings that need the courts' immediate attention; an impossible feat where

trial courts lack the necessary resources to carry out such tasks. Without the necessary resources, consideration should be given to increasing the times to comply; many are unworkably brief and do not take into account the time between a matter being filed and its appearance on the docket, which may be several days or even longer.[3] The turn-around times also do not account for the fact that in any given week, a judge may, for myriad reasons, simply be unable to accept, review, and rule on a matter within five or 10 days. For instance, many civil jury trials last five or more days. More flexibility is needed to account for these scheduling realities, and to ensure proper legal review is given to each matter.[4]

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[3] It is conceivable that the time period for action will have expired or be nearly expired by the time the filing first appears on the court docket, making compliance with these proposed time frames impossible or, at least, highly impractical and burdensome.

[4] Even a short turn-around from a motion that includes a proposed order may not be reasonable, given other pending matters. Although proposed orders are, from our perspective, appreciated, in our experience, it is a rare occurrence for an attorney—an advocate for one party—to provide an order that does not require our careful review and editing; proposed orders help but do not eliminate concerns associated with short ruling periods.

Additionally, several proposed changes will clog the dockets. Consideration should be given to whether certain reviews could be combined or eliminated. For example, a party must file a separate notice dispensing with oral argument. This could be included in the motion, particularly where the certificate of conferral requires the matter of a hearing to have been discussed by the parties. The proposed changes also create new, additional orders the court must enter, including an order declining to conduct a hearing, and an order directing the parties to file memoranda. The latter would become unnecessary if all disputed motions were required to be filed with memoranda.

Proposed rules should require parties to accurately identify other documents in their motions and related filings.

As trial court staff attorneys, when assisting the court's review of motions, we must search dockets looking for other documents in an effort to fully review a matter. Oftentimes, dockets contain inaccurate document titles and references—status reports referred to as "attachment" and motions for summary judgment labeled simply "motion." This requires a laborious process of clicking on every single docket entry to locate the needed papers. To assist the court and its

staff, and achieve the goal of mirroring federal procedure,[5] we propose requiring all papers, including motions/memoranda, responses, and replies, that refer to other pleadings and documents (such as depositions and exhibits) in the file, along with requests for decision, to include the title of the referenced document, the date the document was filed, and the document's assigned docket number for easy location and reference.

Below are comments on specific proposed amendments.

Proposed Changes to Specific Rules:

Rule 1.160—Motions

Attorney Maegen Peek Luka has proposed a comprehensive rewrite of the proposed rule 1.160 on behalf of hundreds of civil practitioners. We have reviewed the proposed revision and recommend adding language that facilitates review in subdivision (b).

[5] This should not be read as an endorsement of mirroring federal procedure throughout the rule set unless and until state courts are given the resources that federal courts enjoy, but this particular change would enhance efficiency.

Using attorney Luka's proposed changes as a starting point, we further recommend as follows:[6]

> **(b) Relief and Grounds**. A request for court action must be made by motion. The motion must be in writing, except that the court may at its discretion consider an oral motion when grounds arise during a hearing or trial, subject to any other relevant rules and orders of the court. If written, a motion must state with particularity the grounds upon which it is based, explain the legal basis for the relief requested with citations to any supporting authorities, and include a certificate of compliance with subdivision (c).[7] The motion must include a statement of the party's preferred disposition of the motion. If a party desires, it may also include a detailed memorandum of law. Unless the parties seek leave of court, page limits for documents are: motion and response, 15 pages; reply, 10 pages. These limits exclude the page containing the style of the

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[6] Attorney Luka's changes are shown underlined. Our additional changes are shown utilizing the double underline feature.

[7] Footnote in attorney Luka's proposal, which we support: The Workgroup's proposed rules contemplate the motion and response being filed without incorporated memoranda of law, the court then ordering memoranda, and then a complicated process (subdivision j) of resolving motions with memoranda or summarily. This is inefficient. If a party is going to file a motion, it should be aware of the facts and law that support the motion and provide them at the time of filing. This suggested rule requires a description of the factual and legal basis for a party's position in both the motion and response; thereby removing the need for additional court action to order the filing of memoranda and different processes for motions with and without memoranda. The incorporation of memoranda as a matter of course in both the motion and the response will better inform the court on the merits of the parties' positions, how the matter should be resolved, whether a hearing is necessary, and will allow the court to enter an order summarily without further procedure.

case and any page containing only the certificate of service and/or certificate of compliance. If any paper[8] filed pursuant to this rule refers to any other document in the court file, the paper must include the referenced document's title, the date the document was filed, and its assigned docket number using the following format: (Doc. #).

Although we agree that parties should meet and confer when the filing of a motion is contemplated, the rule is long and its organization confusing. For example, the substantive aspects of conferences found in subdivision (c) (subdivision (c)(1)—requiring good faith and setting forth items to address) and outcome of conferences (subdivision (c)(2)) *precede* references to the more mechanical aspects of the conference (subdivisions (c)(3)—describing the nature of the conference as a substantive conversation, and (c)(4) relating to scheduling the conference).

Subdivision (c)(2) requires a stipulated order to be filed within five days after the conference. Because conferences will necessarily occur outside of court, courts should not be taxed with policing the requirement. We recommend removing the five-day requirement and simply require that a stipulated order be filed with the court within a reasonable time following a conference.

[8] We suggest including a comment to explain that "any paper" is intended to include a notice, a motion, a response, and reply, if any.

Subdivision (c)(2)(B) is entitled "no hearing to be requested" but requires a movant to file a notice dispensing with "oral argument." As noted earlier in this comment, "oral argument" is a term generally reserved for appellate proceedings. In the interest of consistency, we recommend that the notice be one "waiving hearing." We further recommend that the movant notify the court of its desire for a hearing or a ruling on the papers within its motion, and removing this as a separate requirement. We note that the certificate of compliance in (c)(5) includes stating whether a hearing and/or memoranda are requested. As such, the parties know before filing a motion whether they desire a hearing and/or memoranda, and can include them in the motion rather than via a separate notice as provided in (c)(2)(B). Moreover, subdivision (g) addressing evidentiary motions requires that the *title* of the motion specify that an evidentiary hearing is requested, demonstrating the viability of this suggestion. The request for or waiver of a hearing could be made in the motion, thereby eliminating some steps.

Subdivision (c)(3) unnecessarily limits the methods by which parties may confer to in-person, or by telephone or videoconferencing. This reduces and complicates the parties' ability

to confer. Societal norms limit the hours during which in-person, telephonic communication or video conferencing can occur. Although more direct and personal means of conferring may be preferable, correspondence is a 24-hour a day option, and this option should not be eliminated as a means of conferring when busy and competing schedules do not permit direct conferencing. Moreover, where difficult parties are involved, limiting the conference to these means may be ill-advised. The rules should require that emails be responded to within a specific time, and any failure to respond to email communication can be easily documented by the opposing party and addressed by the court. It is not as easy to document the placing of a phone call. We foresee these technical violations being brought before the court for policing.

Subdivision (c)(4) states twice that a conference must be held before the filing of a motion and scheduling a hearing. The second reference could be eliminated.

Subdivision (c)(5) requires a detailed certificate of compliance with the meet and confer requirement. We respectfully suggest that a form be created for use with the rules for uniformity and ease of

compliance. Such form should be added to the rules' list of forms or furnished by The Florida Bar.

Subdivision (f) provides that only "parties" may file a motion seeking expedited relief but later advises as to the consequences of parties' *and* attorneys' failure to act timely when seeking such relief. Moreover, the rule permits courts to sanction abuses, but whether it is the party, the attorney, or both that bears responsibility is not clear. Because this subdivision provides for the imposition of sanctions for abuse of the rule's provisions, and because such abuses by attorneys are carried out with the presumption that they know the rules, this omission is potentially significant. In both instances, we recommend that all aspects of the rule apply to parties and attorneys.

Subdivision (g) allows a nonmoving party who believes that an evidentiary hearing is required for a motion to proceed under "subdivision (i) and rule 1.161(b)." Assuming rule 1.161(b) remains in its current form, the reference to subdivision (i), which simply directs the reader to rule 1.161, is duplicative and can be removed. This would also prevent the need for additional rule revision if subdivision (i) becomes obsolete.

Subdivision (j) should be reorganized. Given that the rule intends to mirror the federal model and contemplates that only disputed motions will be filed, the inclusion of legal support accompanying the motion, either within the motion or contemporaneously filed memorandum, followed by a response and reply, should be automatic. Courts should not have to review a motion to determine whether a memorandum is necessary as subdivision (j)(1) currently requires. A motion should, as a matter of good motion practice, be accompanied by legal support, even if that support is limited to persuading the court that a matter is evidentiary such that a hearing is required. This requirement could be included within the rule's subdivision (b) as revised by the undersigned and attorney Luka. When all written argument is filed, the court can then either rule on the motion or determine that a hearing is necessary. This would eliminate one step, which is not insignificant when multiplied by all motions filed with the court.

With respect to the caution in subdivision (j) that a court not rule on the motion summarily where a "substantial fundamental right of a party will be prejudiced," a comment should be included to

better describe how this phrase should be defined. If it is not defined, this phrase will be exploited and require appellate clarification.

Requests for decision.

We appreciate and see value in the concept of a "request for decision;" however, we suggest several considerations related to it. First, we suggest a separate subdivision in rule 1.161 which defines the "request for decision" once and uniformly. We recommend the following language, in its own subsection:[9]

> **Request for Decision.**[10] Within 5 days after the deadline for serving a response if the moving party does not seek to file a

[9] Similar to rule 1.160(b), our starting point is from the proposed revision by attorney Luka.

[10] Footnote in attorney Luka's proposal, which we support: The provision is intended to eliminate the multiple filings that would arise from the Workgroup's current proposed rule 1.160. Under our proposal, a party files a motion, the opposing party/parties respond. Perhaps there is a reply. Once that process is complete, the moving party files a "request for decision," which starts the clock under rule 2.215. The request tells the court when the filings took place, whether there is a hearing, and when the hearing is set. The court is now empowered to choose to rule on the papers at least seven days prior to the hearing (*see* attorney Luka's subdivision (c)(4)) or conduct the hearing and then rule—but, unlike the Workgroup's proposal, the court is not required to issue multiple orders to reach the desired outcome. The rule also leaves open the possibility that neither party desires a hearing, in which case the request for decision starts the clock for a ruling under rule 2.215 and the court is aware that no hearing has been scheduled. Please note that we also propose amending rule 2.215.

reply, or within 5 days after serving the reply, the moving party must file and serve on all parties and the court a request for decision.[11] The request must indicate the title, docket numbers and dates ~~of~~ the motion ~~and the dates the motion,~~ response and reply, if any, were filed. If no response was timely filed, the request for decision must so state. If no party has noticed the motion for hearing, then the request for decision must be titled "Request for Decision Without Hearing." If any party noticed the motion for hearing, the request must include the date and time the hearing is scheduled, the party/parties that requested it, and the title of the request for decision must be "Request for Decision with Hearing." If resolution of the motion requires the court to decide issues of material fact, then the request must state the date and time the hearing is scheduled, the party/parties that requested it, and the title of the request for decision must be "Request for Decision with Evidentiary Hearing." If the party filing the request fails to include the docket numbers of the papers it seeks the court's review, the court may presume that such papers do not require review when making its ruling.

As with the certificate of conferral, we would suggest the creation of a form "request for decision" to provide one uniform method by which the court is made aware that a ruling is sought. We would also request removing any court action prior to the filing of a "request for decision." For example, in 1.160(j)(2), the court is directed to rule within 10 days of certain other actions. Yet, if the

[11] For the purposes of this provision, to "serve on … the court" a request for decision requires sending an email to the judicial assistant. It would be ideal if clerk's offices statewide could be automated to recognize a "request for decision" and alert the judicial assistant without burdening the assistant with an email from the party.

court fails to do so, then the movant must file—after another 10 days—a "request for decision." Allow the "request for decision" to trigger the court's review and ruling. And that "request for decision" should include reference to all papers the court should review in making its decision. These changes would promote efficiency.

Although we appreciate the concept in subdivision (k), it is unworkable in that abandoned motions will not be reflected as such on dockets, requiring backtracking by judges and staff to ascertain its status. Moreover, this section may result in docket-clogging duplicate filings.

Rule 1.161—Scheduling of Hearings on Motions

Subdivision (b) allows a party to schedule a hearing without leave of court while the court is still in the process of determining whether to even have a hearing under the terms of rule 1.160(j). Not only does this waste the party's, the court's and its staff's time, it necessarily deprives another party the opportunity to schedule a hearing while the hearing time remains filled. If, as has been recommended elsewhere in this comment, it is assumed that filed motions are disputed and will be accompanied by memoranda, this process could be made more streamlined. If it is the court that

ultimately decides whether a hearing will be held, parties should be made to wait to schedule the hearing until the court makes that decision.

In subdivision (b)(1), the cross-reference to rule 1.160(c)(2)(B) is unnecessary. We recommend omitting this reference.

Subdivision (b)(5) should specify what happens if the scheduling party fails to file the notice of hearing within five days.

Subdivision (d) relating to cancellation of a hearing in the event of a resolution places responsibility to cancel a hearing on both parties. Contrary to the goals intended by the Workgroup, we believe making both parties responsible is likely to result in fewer hearings being cancelled, and trial courts having to conduct show cause hearings to determine the responsible party. Consideration should be given to placing responsibility for cancelling a hearing on one party (or the party's attorney) to eliminate confusion and conserve resources. Given our comment above, we note that the use of the term "parties" is unclear here; whether a party, their attorney, or both are responsible should be clarified.

Rule 1.200—Case Management; Pretrial Procedure

Subsection (b) sets forth exemptions from the application of the rule. We recommend including "actions seeking appellate review of code enforcement or other matters as expressly provided by general law." This addition could logically follow subsection (b)(11) relating to extraordinary writs pursuant to rule 1.630.

Subsection (g) provides that each circuit promulgate forms for use within the circuit. This unnecessarily results in 20 potential ways of accomplishing the same task and the same number of things for attorneys to learn. We suggest that forms be created for use with the rules so they will be uniform throughout the state. These need not be in the rules, but could be made available through The Florida Bar. In other areas, the proposed rules contemplate or require circuits to draft administrative orders. These directives further support our request for a delayed effective date, to allow sufficient opportunity to create required forms and thoughtfully prepare administrative orders. We further suggest a workgroup with a variety of perspectives assist with the creation of usable forms that will help achieve the efficiency in trial courts that is desired.

Rule 2.215(f)—Duty to Rule within a Reasonable Time

We suggest that rule 2.215(f) should remain in its current form. Allowing a judge to rule "within a reasonable time" while also requiring the reporting of matters under advisement more than 60 days, strikes a balance between litigants' right to a decision and the court's need for sufficient time to carefully consider and evaluate each matter. If change is necessary, our suggestion is that judges be permitted 60 days to rule, computed from the date of their receipt of a "request for decision." If a hearing is held, we respectfully suggest that 60 days is still necessary to rule, as that accounts for those motions that present complex legal or factual issues.

The proposed changes unnecessarily confuse by choreographing every move, while leaving no room for situations that do not fit neatly into the box. As could other aspects of the proposed rule changes, subsection (f)(1)(B) could be simplified if our above suggestion is heeded regarding making the "request for decision" the triggering event for the court's review.

Subsection (f)(1)(B) requires that orders be entered within 60 days of certain triggering events. If an order is not entered within that time, the matter must be reported to the circuit's chief judge. The

reporting subsection puts chief judges in a position of monitoring independent constitutional officers. Moreover, it is not clear what a chief judge can do to rectify any delay in a court's ruling, except that after another 60-day extension, the matter must be referred to the Chief Justice. Although the lack of any direction after referral to the Chief Justice reflects the Workgroup's confidence that matters will be ruled on in 120 days and that the times given are presumptively reasonable, this provision will likely encourage lawyers and vexing litigants to flood chief judges with requests to intervene in cases where a chief judge cannot.

We appreciate your thoughtful consideration of our comments and hope they will assist the Court and its Workgroup.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was electronically filed and served via the Florida Courts e-Filing Portal, and copies served upon Hon. Chief Judge Robert Morris, on behalf of the Workgroup as its Chair; Improved Resolution of Civil Cases, Second District Court of Appeals, by U.S. Mail to P.O. Box 327, Lakeland, Fl 33802, and Tina White, OSCA Staff Liaison, Workgroup on Improved Resolution of Civil Cases, by email to whitet@flcourts.org on May 31, 2022.

/s/ Ariadne FitzGerald

CERTIFICATE OF COMPLIANCE

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

/s/ Ariadne FitzGerald