IN THE SUPREME COURT OF FLORIDA

CASE NO. SC22-122

IN RE: AMENDMENTS TO THE FLORIDA
RULES OF CIVIL PROCEDURE
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COMMENT ON BEHALF OF THE MEMBERS OF THE PALM BEACH COUNTY BAR ASSOCIATION ("PBCBA")

On behalf of the members of the Palm Beach County Bar Association, we offer the following comment on the Judicial Management Council's Workgroup on Improved Resolution of Civil Cases' Final Report ("Report"), dated November 15, 2021. When we learned of this Court seeking commentary, we reached out to our lawyer members and our members of the Judiciary for their input. At the outset, it is worth noting that even a brief review of the Report shows the exhaustive time and effort that went into the formation of the Report, which is surely appreciated by all practitioners across the State of Florida. Overall, however, we ask the Court to consider passing the Report on to, and seeking a recommendation from, the Florida Bar's Civil Procedure Rules Committee due to: (1) the substantial amount of information and material contained in the Report and proposed amendments, and (2) the scarcity of free time

in practitioners' lives to dedicate to the review and analysis of such important changes.

Under this framework, we believe that the Report must be looked at from the point of view of those in the trenches (those in the trial court – practitioners and judges). This is because many of the suggestions are laudable and would likely help achieve the ultimate goal of fair and timely resolution of civil cases, but, in practice, some of the changes may not be feasible at this time or may not conform to a one-size-fits-all approach that does not take into account the differences across all the Circuits in Florida. This commentary is based upon the significant changes to timing, limited attorney resources, scarce judicial resources, heavy caseloads, and lack of sufficient funding for the courts.

The Report's Focus on Statistics is Tangible, but Does Not Look at Root Causes

A focus on clearance rates and statistics, unfortunately, does not always look at day-to-day realities or causes behind the numbers, which brings to mind the quote Mark Twain attributed to British Prime Minister Benjamin Disraeli: "There are three kinds of lies: Lies, Damned Lies, and **Statistics**" (emphasis added). Although there is

no doubt that the statistics are accurate, one must look at the causes behind them. While the number of cases filed and the population of the entire state have continued to grow, the number of judges in our circuit courts have not matched this growth. For example, the last time a new Circuit Judge was added in the Fifteenth Judicial Circuit of Palm Beach County was 2005, when the number of judgeships went from 34 to 35. §26.031, Fla. Stat. In the meantime, the population of Palm Beach County increased by more than 10% from 2010 to 2020,[1] and 17% from 2005 to 2020[2] – with no increases in judicial resources. Likewise, the number of circuit civil cases filed from 2005 to 2020 increased 12%.[3, 4] This is why statistics alone cannot be the sole focus from 30,000 feet above, because at that level one cannot see why a boat is sinking, just that it is.

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[1] https://www.census.gov/quickfacts/palmbeachcountyflorida

[2] https://discover.pbcgov.org/pzb/planning/PDF/Projects/Population/Historical%20County%20Population.pdf

[3] https://www.flcourts.org/content/download/218477/file/2005_06circuitcivil.pdf

[4] https://www.flcourts.org/content/download/720938/file/srg-ch-4-circuit-civil-2019-20.pdf

The reality is that many judges are already "drowning" under the workload of their cases. Increasing their workload to include active case management is something that, in theory, may be tenable but, in practice, is unworkable under a one-size-fits-all perspective without additional resources, including those for more judges, magistrates, staff attorneys, and case managers.

For example, the circuit civil judges of the Fifteenth Judicial Circuit carry an average caseload of approximately 1,600 cases. Thus, conducting just one case management hearing per case that lasts 15 minutes would add 400 hours of hearing time to their already overburdened schedules where nothing else would be able to take place – no uninform motions, no special set hearings, no bench trials, no trials.

The proposed rule amendments related to setting hearings, having motions heard, and holding case management conferences all call for specific actions to take place under timelines that are likely unattainable. While in theory many actions can take place in 5 days, 10 days, 30 days, or 60 days, the issue becomes how many actions can all take place at the same time matching multiple sets of schedules (attorneys, parties, non-parties, the court, etc.) and

caseloads. There is a great concern over the lack of extra time and resources required for the addition of so many new deadlines and new requirements at one time.

Using the federal model is certainly aspirational, but the adoption of that model – without the matching infrastructure and resources – will not serve the public good. In that system, there are significant differences from the Florida system that hinder the state's ability to wholly adopt the same rules and policies – most of which are tied to funding. For example, each Federal District Judge has a paired Magistrate Judge who handles most discovery matters and other pretrial matters, each District Judge typically has 2-3 full-time clerks who are licensed attorneys, and each Magistrate Judge typically has 1-2 full-time law clerks who are licensed attorneys.

In comparison, the Florida judicial branch's annual budget is well under 1% of the entire state budget.[5] Neither county court nor circuit court judges have law clerks specifically assigned to them. For example, in the Fifteenth Judicial Circuit, there are only 8 law clerks

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[5] https://www.flcourts.org/content/download/789117/file/(1)FY21-22%20BudgetPieChartStateOfFLLessVetoes.pdf

who provide general legal research and trial support to 35 circuit court judges and 19 county court judges.[6] Further, the Fifteenth Judicial Circuit has magistrate judges only for the child support, family, and juvenile divisions.[7]

Besides these additional resources, the case load is significantly lower in federal courts than in state courts. In 2020, the total number of civil cases filed in all District Courts in the entire United States was 332,000,[8] as opposed to 184,000 in just Florida's circuit courts.[9]

While the Report states that "any additional financial burden generated by the rule changes may not be as heavy as they might appear at first glance" because "existing technology can handle some of the new case management tasks created by the proposed rules," the only example given is "the form of recording of case categorizations."[10] The other burdens – such as the need for additional personnel, technology, and other resources in the trial

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[6] https://www.15thcircuit.com/judges
[7] https://www.15thcircuit.com/magistrates
[8] https://www.uscourts.gov/statistics-reports/federal-judicial-caseload-statistics-2020
[9] https://www.flcourts.org/content/download/720938/file/srg-ch-4-circuit-civil-2019-20.pdf
[10] Report, p. 9, n. 14.

courts – are not addressed, as they were not the task of the Workgroup; however, one cannot be efficiently implemented without addressing the other.

Further, despite the differences between the two systems, the proposed amendments in the Report go beyond many of the deadlines and requirements under the Federal Rules, without explanation. Such amendments cause further concern for the reasons outlined above.

We believe this should serve as a basis for legislative change, to give more resources to the Florida court system, which would in-turn allow the courts to better serve the public. Until then, however, matching the federal system without the additional resources necessary, may have the opposite effect by overloading judges and attorneys alike who will not have the ability to handle the onslaught.

Proposed Amendments, New Deadlines, and New Requirements

Many of the timelines proposed that call for hard deadlines do not appear to take into account the daily schedules of active practices, especially those of practitioners in solo and small practices. The condensed timelines start from the beginning, under proposed Rule 1.200(e)(3), requiring: (1) a meet and confer within 30

days of service on the first defendant, and (2) a joint case management report within 120 days after the case is filed or 30 days after service on the last defendant, whichever is earlier. While such conferral requirement would help get cases on track from the beginning, there are some notable potential flaws with this timeline, including: it presents a scenario where parties may be required to meet and confer in only 10 days after a defendant responds to a complaint (assuming the traditional 20 days to respond to a complaint); effective planning that early on may be unlikely because defense counsel may know little of the file, and; in cases of multiple defendants with multiple counsel, it makes for unproductive and duplicative planning where there might be multiple conferrals required.

Aligning these deadlines instead with those of Federal Rule 16 would allow for more meaningful discussions between counsel – something that our members agree helps move cases forward. It is "meaningful discussions" that we wish to emphasize because deadlines should be implemented in a way that ensures no time is wasted, instead of simply taking action that is futile merely to comply with an order without it moving matters along.

Another point of concern is proposed Rule 1.200(h)(8) – which requires proposed orders from case management conferences to be submitted within seven days, including the filing of hearing transcripts if a court reporter was present. While submitting proposed orders within seven days is feasible, requiring parties to order rush transcripts and pay extra fees only drives up the cost of litigation. A relaxing of this requirement would occur if the rule instead called for action within 15 days, should the parties submit competing orders.

Concern with Pro Se Litigants

Another concern of our judges in efficient case management arises in the situation of pro se parties, which are more common in county court. Under the current rules and under the prior Differentiated Case Management Order, many deadlines come and go without the participation of pro se parties or with difficulty getting in contact with pro se parties, usually due to lack of a proper contact method besides a mailing address. Under the current rules, pro se defendants must receive service via mail unless they elect to receive e-service – something infrequently done. The end result is often missed deadlines due to the time required for mailing.

The new, proposed case management rules that require significantly more oversight and interactions with parties from the court would be nearly impossible to manage, from a judicial standpoint, in cases with pro se parties. Two potential solutions for any enactment of further rules in these matters would be: (1) an exemption for cases with pro se parties, where those cases are not subject to the same deadlines/timelines and the trial court instead can manage the case as it sees fit based upon the circumstances, or (2) to amend the Rules of Judicial Administration to require pro se litigants to consent to e-service, unless they articulate why they do not have reliable access to email.

Other concerns in pro se litigation include the proposed conferral requirements. Proposed Rule 1.200(h)(3) requires conferral in advance of Case Management Conferences, even with self-represented parties. Rarely do pro se litigants comply with the rules (often for a lack of awareness of them) and this places extra burdens on both the trial court and the attorneys involved. The addition of this extra hurdle will either add unnecessary stress to the system or otherwise serve as a hindrance to issues being decided on the merits.

It may be best to remove these case management requirements for cases involving pro se litigants – especially in county court.

Pace of Litigation Removed from Litigants

Attorneys are also concerned about the perceived tone and tenor of the Report and recommended rule changes. First, the proposed changes largely take away from the litigants the limited control they have over the pace of their cases. For example, proposed Rule 1.200(f) requires good cause to alter any deadlines, but the Report makes clear that "good cause" does not include unavailability. If all parties agree to extend pretrial deadlines or trial counsel agree that more time is needed to prepare their case, in the interests of fairness or justice, then parties working together should not be discouraged or ignored. In fact, in federal court, the "good cause" standard is often easily met where the parties agree to extend certain deadlines.

Second, in an era that has brought awareness to the mental health effects and stresses of the practice of law, proposed rules that enforce rigid deadlines and essentially say an attorney cannot take time off, send the wrong message. We want to encourage our attorneys to ask for help when they need it and not spread themselves

too thin. But the message of the Report, which disincentivizes any alterations of deadlines, may have the opposite effect of causing burnout. This could usher in the early retirement of many seasoned lawyers and ward off the lawyers of tomorrow.

This tone is evident in proposed Rule 1.460, related to continuances, indicating that they should be disfavored. While attorneys should never seek continuances as a delay tactic, putting in a rule that continuances shall be disfavored has a chilling effect on the practice of law and the lawyers who otherwise act properly, and would likely miss the target for those who need their feet held to the proverbial fire. It is like the age-old message that the attorneys who attend seminars on best practices are never the ones who need to hear those messages – it is preaching to the choir. The proposed standard of granting continuances only for "extraordinary unforeseen circumstances" places attorneys in two potentially untenable situations. First, many attorneys may be continuously on trial dockets, which is not uncommon when trial dockets can last 6-10 weeks at a time. With such lengthy trial dockets, it would take only a caseload of 5-8 litigation cases for an attorney to potentially be on call for an entire year. With only allowing continuances under

"extraordinary unforeseen circumstances," a lawyer would theoretically never be able to take a much-needed mental break or vacation – because that would not meet the extreme standard under the proposed changes.

Second, even excluding breaks, the proposed rule specifically indicates that other scheduled trials will not be grounds for a continuance. With overlapping trial dockets, and the lengthy dockets mentioned above, such a rule would disserve the public by either denying a party of its choice of counsel or forcing attorneys to not be able to prepare for trial. While an overlapping trial docket should not be the sole grounds for a continuance (because cases settle or do not get reached, for instance), if a case is set first on the docket or is specially set, the trial court should not be forced to deny counsel's request for a continuance—especially where it is a joint request. With the number of cases that ultimately do go to trial dwindling,[11] the interest of justice can still be served and the needs and rights of

[11] The Report questions why trial is the polestar (pg. 32) with so few cases going to trial; it is because it is the great finish line, where the parties either get one last chance to resolve the dispute under their terms or allow six strangers to decide their fate. Thus, it serves not just as the driver of case progress, but the ultimate pressure valve.

litigants be balanced by allowing for continuances after a showing of "good cause," "reasonable non-dilatory grounds," or by stipulation of **all** counsel.

Similarly, the inclusion of "extraordinary" language is found in proposed Rule 1.420(e)(4) regarding lack of prosecution. While the change from 10 months of inactivity to 6 months of inactivity may be a necessary change to push cases forward, the change to require a showing of "extraordinary cause" is something that may greatly impact the fundamental rights of the citizens of this state in a negative way and undermine the public's already jaundiced view of the justice system. Indeed, dismissing a case simply because an attorney made a minor mistake will serve only to proliferate negative sentiments of the public and multiply lawsuits where malpractice claims will likely increase. If an attorney admits to a mistake and shows excusable neglect, then why sanction the party with the ultimate punishment of dismissal?

The point we hope comes across in this discussion is that we should not "punish" the whole to try to address a few bad actors. A combination of shortened timeframes, increased caseloads, and a message of severely limited relief (except under extraordinary

circumstances) raises significant red flags about the impact of the resulting stress and burnout on practitioners – especially after a trying two years in the pandemic.

Potential Benefits and Concerns of Discovery Rule Changes and Sanctions

The proposed rules on discovery (Rules 1.279, 1.280, 1.340, 1.350, 1.370) provide many benefits, all geared towards fairness, professionalism, and pushing cases forward. Indeed, the following discovery actions proposed will certainly help move cases forward: mandatory initial disclosures (Rule 1.280(a)); obligation to supplement disclosures and discovery responses (Rule 1.280(g)); and requiring responses to all non-objected to discovery (Rules 1.340, 1.350, and 1.351). Disclosing information that should be provided early on in a case, and that is not subject to dispute, will help move matters forward and prevent gamesmanship.

In many cases, time and resources are wasted on disputes over production of standard information. A change in the rule requiring the disclosure of that information, without a party even asking, will

eliminate much of the delay and waste as it relates to those topics.[12] Similarly, requiring information to be supplemented will mean that parties should be operating in good faith, a concept we should all act with as professionals. With the new rules, the trial courts will be given the tools to enforce compliance – which over time should root out the "bad apples," who avoid discovery for the sole purpose of delay. Moving through discovery with less need for judicial oversight should help the ultimate goal of moving cases forward and improving the timeframe of resolution.

Similarly, adding in more enforcement sanctions in the Rules (1.275, 1.380) should also help move cases forward. Often, it seems there are a lack of sanctions for discovery violations, even with certain practitioners or firms being serial violators. It seems that some trial courts are loathe to issue sanctions. However, with added teeth and a renewed push for compliance, if judges begin to impose the sanctions provided for in these rules, lawyers who believe in only

[12] There is concern amongst some members about how this Rule would impact small and solo practitioners who may be required to produce thousands of documents in a short period of time under the threat of sanctions, or that it gives plaintiffs a tactical advantage. A common suggestion would be matching the Federal Rules allowing for production **or** identification of categories of documents.

providing information that is discoverable after being ordered to do so may start to think twice about dilatory tactics.

This will have a two-fold effect that will greatly enhance the ability to move cases forward towards resolution: 1) time will not be wasted fighting over discovery that should not be in dispute, and 2) the court's hearing time will not be clogged with motions to compel simple discovery, making more time for other necessary hearings. Adding the potential for the two-way sanctions[13] under motions to compel can, if sanctions are issued enough, curb the behavior where parties dictate that attorneys object and defend without a basis. The current proposed language appears to make sanctions against the losing side the default, unless the motion or opposition was "substantially justified." The Court might want to consider amending the language to indicate that sanctions will be issued if the Court determines that the motion or opposition of the losing side was substantially unjustified – essentially a switch to a presumption of innocence, instead of a default of having to prove that the attorney's actions were justified.

[13] Proposed Rule 1.380(a)(5)(A) &(B).

However, caution is urged because, if there is a large-scale overhaul of the Rules such as the one proposed, many lawyers will not be immediately fully aware of the changes. With the breadth of the changes, the learning curve will be steep and punishment for simple mistakes should be limited. To ameliorate the potential for significant monetary sanctions, if the Court were to adopt changes, the Court could consider the following actions: a) delay implementation for a year after the other rules go into effect to not add punishment while learning, or b) give the trial court discretion to not order sanctions if there is a good faith basis.

Additionally, proposed Rule 1.275(b)(7), which reduces peremptory challenges as a sanction, raises concerns over its impact to the constitutional right to trial by jury and should either be removed or, instead, require specific findings – directly tied to the actions of the party (not the lawyer) – that a sanction is proportionate. The same can be said about Rule 1.275(b)(8) & (9) where the sanction impacts a cause of action or right to defend – the sanction should be tied to the conduct of a party, not the attorney. To allow that to stand would invite more lawsuits (malpractice) and otherwise lessen the public trust in attorneys.

We are also concerned that the proposed changes to the rules, especially mandatory disclosures, might discourage pro bono work. In Palm Beach County, pro bono work is strongly encouraged by the Palm Beach County Bar Association and the Fifteenth Judicial Circuit Pro Bono Committee. Established in 2008 by Administrative Order No. 2.106-9/08, the Fifteenth Judicial Circuit Pro Bono Committee is made up of over twenty local voluntary bar leaders. The Committee is tasked by The Florida Bar and the Supreme Court of Florida with encouraging and promoting continuous pro bono efforts and support in the circuit.

If the proposed amendments are adopted, there is concern that attorneys will reduce or eliminate their pro bono casework due to a lack of time or out of fear of sanctions. We recognize that without the efforts of lawyers donating their time, many citizens might be left without legal representation. The issue of ensuring proper representation of litigants throughout the state is obviously a concern for this Court, having just tasked The Florida Bar with coming up with ways to improve the delivery of legal services in Florida.

Changes in Motion Practice Not Tenable in a One-Size-Fits-All Method and Moves Away from Oral Advocacy

Talking with opposing counsel prior to setting motions for hearing has long been the practice here in Palm Beach County. Our Local Rule 4 was adopted in 2015, aimed at professionalism and resolving conflict without the need for a hearing. The Proposed Rule 1.160 takes this a step further (more in line with S.D. Fla. Local Rule 7.1), requiring conferral prior to filing the motion. However, requiring three attempts before a motion can be filed may lead to abuse by parties objecting to the motions. While multiple attempts should be made, it should just be reasonable attempts to confer – having the specific number of three opens the door to abuse by allowing opposition to delay when a motion can even be filed. Similarly, if the Court is to consider requiring conferral prior to filing, it might also consider adding an exclusion for certain motions that parties are never likely to agree on in addition to summary judgment (for example: injunctive relief, judgment on the pleadings, dismissal for failure to state a cause of action, involuntary dismissal, etc.).

While the Rule changes on discovery are welcomed and the enforcement of sanctions for dilatory conduct is warranted, there are

still some concerns over the proposed timelines and their impact upon the courts. While litigators at times bemoan the inability to move cases forward because of a lack of hearing time, it is not for a lack of hard work on the judiciary's part. Much like the concern expressed with adding required case management hearings to already full dockets, adding a requirement that hearings be set within 5 days[14] (Rule 1.161) is likely untenable, at least in the Fifteenth Judicial Circuit. Our hardworking civil judges have full calendars, often with special set hearing time (and sometimes Uniform Motion Calendar) availability weeks or months out. A requirement that a hearing be set within 5 days of filing a motion (or 10 days if the court wants a hearing instead of ruling on the papers) may not be possible if there is no hearing time available.

Additionally, creating additional workloads with such tight deadlines of when the hearing must be heard or set (not allowing for weekends, holidays, etc.) may push a system, already at a bursting point, over the edge. While we laud the idea of pushing matters forward expeditiously, we feel that adding a timeframe for hearings

[14] It is important to note that the proposed Rule calls for 5 days, without addition for weekends or holidays.

puts undue burden on a stressed trial court that can only be solved once new and added resources are poured into the judiciary, allowing for more judges, magistrates, and support staff.[15]

A one-size-fits-all approach to requiring hearings take place within a specific timeframe puts a potentially impossible burden on the trial courts. We believe widespread changes such as those suggested in the Report should not be considered until budgetary resources would allow them to occur in reality.

While the proposed amendments provides that the deadlines "may be amended by administrative order in local jurisdictions in situations of docket stress," this will cause great confusion among practitioners within each circuit and who practice in different circuits. Differing deadlines among the Rule and various local administrative orders is quite sure to do more harm than good.

Proposed Rule 1.161 and the shift towards removing hearings and ruling on the papers may be a double-edged sword. In one

[15] Also, we note a concern with Rule 1.160(k) that requiring parties to request a ruling from the judge (or face a denial of the motion) may result in matters not being resolved on the merits, waste of resources (refiling of the same motions), or putting judges purely in the role of timekeeper or worse yet attorneys feeling they are pressuring judges who are overwhelmed without help.

respect, it removes the potential of delay by not requiring hearing time, which may speed up resolution of disputes – assuming parties agree to that process, or the trial court declines to give hearings. However, it may come at the expense of fewer opportunities for attorneys (especially younger attorneys) to get into court. With less and less cases going to trial, going to hearings is often the first, and only, way that younger attorneys get to practice oral advocacy or gain courtroom experience. Judges in Palm Beach County (State and Federal) have made pushes to include younger attorneys in oral arguments (some even giving trial preference for including younger attorneys or allowing a more senior attorney to re-argue after the younger attorney has gone, if necessary). A rule change that does away with oral arguments may result in the future generation of attorneys not having oral argument skills, at least in civil matters.[16]

The rule change not only hints at an abandonment of hearings/oral arguments, but also comes with a potential for gamesmanship in the timing for written responses. Rule 1.160(j)

[16] Proposed Rule 1.200(a)(9) specifically says an **objective** of the rules is to "eliminate unnecessary hearing and trial settings…", which raises the question of what does "unnecessary" mean and is it the same to all?

provides that, if the court wants briefing on issues, there will be a timeframe limited to twenty days for the movant, twenty days for a response, and ten for a reply. This leaves open the possibility that some lawyers may try to manipulate opposing counsel's time by scheduling depositions, filing other motions, and otherwise taking time away from responding. Also, the proposed rule does not describe what the page limits actually mean – for example is the memorandum the legal argument only? Does the signature page count? Does the caption page count, or only if there is some sort of an argument on the page? Is the memorandum considered completely distinct from the motion? These details are key when a failure to comply with small, technical details may result in issues not being decided on the merits.

The concept of abandonment of motions in Rule 1.160(k)(2) does not serve the public good and does not conserve judicial resources. Requiring the trial court to use limited resources to verify the parties' compliance with all the nuances of Rule 1.160(j) and determine if a motion has been "abandoned" serves only to waste time if the parties then have to refile the motion (increasing the cost of litigation). While we are not advocating for clogging the docket, deeming a motion

abandoned in less than a two-week span, respectfully, serves no one. If the courts want to push matters and clear dockets, a longer window of time should exist for when a motion is deemed abandoned – such as 60 days; however, having a motion on the docket that has not yet been heard or set for hearing, does not automatically impede a case moving forward (absent it being a motion directed at the pleadings).

Urging for More Time and More Study

We understand change is hard, but lots of change during hard times is even worse. While many of the new disclosure and discovery requirements will help resolve cases more efficiently with less resources wasted, the strict deadline requirements are concerning, to say the least. With the lingering impact of the pandemic on the court system (limited hearing time and support staff shortages) and on law firms (with staffing shortages), we urge further consideration before such a massive rules overhaul is put into effect.

We recommend that the Supreme Court task The Florida Bar with studying this issue further. This will include tasking the Bar with forming a special committee that spans the gamut of the state to make sure that all voices are heard – solo practitioner to large

corporate firm, personal injury to probate to complex business disputes, Key West to Tallahassee, and everything in between.

Again, with the issues that the practice of law is currently facing, no one will be harmed by allowing those required to abide by any new rules to have more time to study the proposed changes and requirements, instead of instituting extremely tight deadlines all at one time. Additional time and reflection will allow the Bar, as a whole, to study the issues and try to keep the public faith, because ratcheting up the pressure cooker and telling attorneys to work faster in a time of great stress will not serve the public good.

Respectfully submitted this 31st day of May, 2022.

/s/ Julia Wyda
Julia Wyda, Esq.
Florida Bar No. 29833
Brinkley Morgan
2255 Glades Rd Ste 414E
Boca Raton, FL 33431
(561) 241-3113
julia.wyda@brinkleymorgan.com
President
Palm Beach County Bar Ass'n

/s/ Scott B. Perry
Scott B. Perry, Esq.
Florida Bar No. 99092
Murray Guari Trial Attorneys PL
1525 N Flagler Dr Ste 100
West Palm Beach, FL 33401
(561) 366-9099
sperry@murrayguari.com
Board of Directors
Palm Beach County Bar Ass'n

/s/ Nichole J. Segal
Nichole J. Segal, Esq.
Florida Bar No. 41232
Burlington & Rockenbach, P.A.
Courthouse Commons/Suite 350
444 West Railroad Avenue
West Palm Beach, FL 33401
(561) 721-0400
njs@FLAppellateLaw.com
Board of Directors
Palm Beach County Bar Ass'n

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing was electronically filed and served via the Florida Courts e-Filing Portal, and furnished via USPS to Chief Judge Robert Morris, Workgroup Chair, Second District Court of Appeal, P.O. Box 327, Lakeland, FL 33802, and via email to Tina White, OSCA Staff Liaison, (whitet@flcourts.org.), 500 S. Duval St., Tallahassee, FL 32399, on May 31, 2022.

CERTIFICATE OF COMPLIANCE

Pursuant to Fla. R. App. P. 9.045, undersigned counsel certifies that this document complies with the appropriate font and word count limit requirements.

/s/ Nichole J. Segal
Nichole J. Segal, Esq.
Florida Bar No. 41232
Burlington & Rockenbach, P.A.
Courthouse Commons/Suite 350
444 West Railroad Avenue
West Palm Beach, FL 33401
(561) 721-0400
njs@FLAppellateLaw.com
Board of Directors
Palm Beach County Bar Ass'n