

PROPOSED BOARD ACTION

Pursuant to Standing Board Policy 1.60, the Board of Governors of The Florida Bar publishes this notice of intent to take final action to recommend that the Supreme Court of Florida adopt new Rule of Judicial Administration 2.570 at its May 27, 2017, meeting in Key West, Florida. This is governed by Florida Rule of Judicial Administration 2.140. If approved by the board, this amendment must still be formally filed with the Supreme Court of Florida, with further notice and opportunity to be heard, before it is officially approved and becomes effective. All comments for the board's consideration must be submitted in writing, no later than May 15, 2017, to Krys Godwin, Director, Legal Publication, at kgodwin@floridabar.org.

RULE 2.570. PARENTAL LEAVE

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 for 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 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.

COMMITTEE NOTES

The profession is committed to parental leave and to the importance for attorneys to be able to balance work and family. This rule provides a strong presumption that a continuance for parental leave, generally not exceeding three months, will be granted when the request for relief is made within a reasonable time after the basis for continuance is reasonably discernible. Substantial prejudice to an opposing party could be the need for emergency or time sensitive relief that would be unreasonably delayed by a continuance, or the fact that many continuances have already been granted and the substantial rights of the parties may be affected.