STATE OF MINNESOTA

IN SUPREME COURT

ADM09-8009
ADM04-8001
ADM09-8006

ORDER PROMULGATING AMENDMENTS TO THE MINNESOTA RULES OF GENERAL PRACTICE FOR THE DISTRICT COURTS AND THE MINNESOTA RULES OF CIVIL APPELLATE PROCEDURE

The Minnesota State Bar Association (MSBA) filed a petition proposing amendments to the Minnesota Rules of General Practice for the District Courts, Minnesota Rules of Civil Procedure, and Minnesota Rules of Civil Appellate Procedure that would establish a presumptive personal leave continuance for attorneys under certain circumstances. On March 21, 2022, we directed the advisory committees on the general, civil, and appellate rules to consider the petition and file reports. We opened a public comment period and held a public hearing on November 14, 2023.

After thorough consideration of the petition and the public comments, we adopt the MSBA's proposal to amend the General Rules of Practice, as modified by the Minnesota Supreme Court Advisory Committee on the General Rules of Practice, as a 2-year pilot project. We also adopt a parallel rule and 2-year pilot project for the Minnesota Rules of Civil Appellate Procedure.

Background

The MSBA's personal leave proposal arose out of a 2017 report issued by the National Task Force on Lawyer Well-Being, a February 2019 event hosted by our court focused on

lawyer well-being, and the MSBA's subsequent creation of a Parental Leave Working Group that was charged with studying and making recommendations regarding parental leave and court rules. The MSBA identified parental leave as important in promoting equity and diversity in the legal profession and urged that a court-established presumptive parental leave would help combat the stigma surrounding such leave and a "motherhood penalty" that still persists in the legal profession. The MSBA also identified that the need for personal leave extends beyond parenthood to significant, unplanned adverse life events such as a chronic illness or sudden death in the family. The MSBA thus proposed amendments to the rules to allow attorneys to obtain an automatic personal leave continuance of up to 90 days, subject to objection, upon generally attesting as to the existence of a health condition making the attorney temporarily unable to represent the party; the birth or adoption of a child; the need to care for a spouse, household member, or family member with a serious health condition; or the death of a family or household member.

We referred this petition to the general rules committee, civil rules committee, and appellate rules committee. Those three committees, in turn, jointly requested input from the advisory committees on criminal, juvenile delinquency, juvenile child protection, and commitment rules. Nearly all committees generally supported the proposal's aspirational goals and availability of continuances in appropriate circumstances. We share these views. Concerns were legitimately raised, however, by the advisory committees and in public comments about a presumptive continuance policy's application to certain types of cases. The general rules committee offered a modified proposal that addressed these concerns by, among other things, expressly excluding certain types of cases from the policy's scope. We

believe that the general rules committee's proposal, by excluding certain categories of cases, appropriately tailors the availability of a personal leave continuance to those circumstances where it is appropriate. We also believe that the same proposal, extended to the appellate courts, does the same. We therefore adopt these rules as part of a 2-year pilot program, after which the continuation, modification, or discontinuation of these rules will be further assessed. We describe some of the key features of this personal leave continuance below.

Applicability

The personal leave continuance is intended to be a broad-based rule available to as many attorneys as possible when covered life circumstances arise. For that reason, the rule is properly included within the General Rules of Practice, which "apply in all trial courts of the state." *See* Minn. Gen. R. Prac. 1.01. The general rules committee, however, consistent with other committees and public comments, appropriately recognized that such a rule may be ill-suited for certain types of cases and areas of law. We agree with the general rules committee's proposed exclusion of case types from the personal leave continuance rule. All criminal cases are excluded, along with a variety of civil matters—including orders for protection, harassment restraining orders, summary eviction and summary tenant cases, criminal cases, commitment cases, juvenile delinquency cases, juvenile protection cases, and adoption cases. We stress, however, that the exemption for these cases in this rule in no way precludes a court from using its existing discretion to grant a continuance or providing a scheduling accommodation as appropriate in such cases.

Consistent with the goal of a personal leave continuance being as broadly available as possible, we likewise adopt a parallel rule for the appellate courts. The appellate rules

committee's "primary reason for opposing any changes to the appellate rules at this time is that the Minnesota Court of Appeals and Minnesota Supreme Court already entertain, and routinely grant, without objection, continuances for health, family, or personal reasons." Letter from Chair of the Advisory Committee on the Rules of Civil Appellate Procedure, ADM09-8006 (Minn. Nov. 2, 2023). Where such continuances are already routinely granted without objection, it should not be problematic to formalize the rule and procedure in the manner adopted here as part of this pilot project.

Covered Events

We agree with the MSBA and general rules committee as to the breadth of life events to be covered by the personal leave continuances. The birth or adoption of a child is a life event for which presumptive personal leave is appropriate. But it is not the only such circumstance. We agree that continuances should also presumptively be available to attorneys when a health condition makes them temporarily unable to represent the party, when the attorney needs to care for a spouse, household member, or family member who has a serious health condition, or when the death of a family or household member occurs.

Length

The MSBA and general rules committee proposed that the personal leave continuance extend up to 90 days. We agree that a period of up to 90 days is reasonable for parental leave. We also recognize that other covered events could similarly require a leave of at least that length. Other covered events, however, may not require a 90-day leave. The general rules committee's proposed rule, which we adopt, provides adequate flexibility to address these varying circumstances. The lawyer must designate the length of continuance being sought,

which may be up to 90 days. When the covered circumstance compels a shorter period, the attorney's application should reflect the same, consistent with their obligation under this rule to seek a continuance in good faith, only for a covered event, and not for purposes of delay. Likewise, if the covered event requires a continuance of more than 90 days, a longer continuance may be sought by motion for good cause shown.

Form of Continuance Application

The rule proposed by the MSBA, as modified by the general rules committee, gives primacy to privacy interests in disclosing health-related and other sensitive information. The rule intentionally requires attorneys to attest, in a declaration, only that one of the covered events exists, without needing to disclose the specific circumstances of the situation. This proposal was made in response to attorneys who identified that the need to disclose personal information to opposing counsel and the court by way of motion was a deterrent from seeking a continuance in the first instance. We agree with this concern. We also point to this consideration as an additional reason why a parallel appellate rule is appropriate. Even if continuances for such events are already regularly granted in the appellate courts, the personal and medical information currently disclosed in motions for extensions exceeds what this rule requires.

We recognize that concerns exist about manipulation and gamesmanship. Such concerns, however, exist with respect to any rule. And the requirement that this leave be sought by means of a declaration, along with the attorney's ethical obligations to their clients and to the court, act as a safeguard against these concerns. Upon admission to the bar, every Minnesota attorney recites an oath that they will not "delay any person's cause for lucre or

malice." Minn. Stat. § 358.07 (2022). And the Minnesota Rules of Professional Conduct contain several protections from improper and undue delay. *See, e.g.*, Minn. R. Prof. Conduct 1.3 (a lawyer "shall act with reasonable diligence and promptness"); Minn. R. Prof. Conduct 3.2 (a lawyer "shall make reasonable efforts to expedite litigation"); Minn. R. Prof. Conduct 3.3 (candor toward the tribunal); Minn. R. Prof. Conduct 3.2, cmt. 1 ("Although there will be occasions when a lawyer may properly seek a postponement for personal reasons, it is not proper for a lawyer to routinely fail to expedite litigation solely for the convenience of the advocates.").

We also note that the declaration filed by the attorney pursuant to this rule also requires additional information, including the length of leave being sought, as well as affirmations that the attorney is substantially involved in the representation, that leave is being timely sought, is being sought in good faith and not for delay, and that the attorney will remain substantively involved following the leave's completion.

Finally, although we are sensitive to the concern raised by the dissent that this rule threatens to elevate lawyers' interests over those of their clients, we do not agree with that characterization. As suggested by the Director of the Office of Lawyers Professional Responsibility, the rule requires that the attorney attest that the client has given informed consent (as defined in Rule 1.0(f), Minn. R. Prof. Conduct) to the continuance. Clients are entitled to withhold that consent. In addition, we firmly believe that a policy allowing attorneys to attend to their well-being will inure to the benefit—not the detriment—of their clients. As Lawyers Concerned for Lawyers pointed out in its public comments, this rule change will likely improve competence and reduce the risk of malpractice.

Objection Process

The objection process provides an additional safeguard. The rule permits an objection to be brought by motion within 14 days of the filing of the application for a personal leave continuance and requires a ruling on the motion, without a hearing, within 21 days of its filing. These time periods may be reduced in the event of an emergency. Under the rule, the court may modify or deny the continuance upon proof of substantial prejudice or extraordinary circumstances and must do so if it would impact a substantial right in the proceeding and alternative arrangements cannot be made to ensure the party is adequately represented in the applicant's absence. Correspondingly, the rule protects the applicant by ensuring the leave continues during the pendency of the motion proceedings and that any denial of the leave shall not be made retroactive.

* * *

We recognize that the rules proposed and adopted here, while commendable for their goals of promoting equity in the legal profession and attorney well-being, are also novel in their approach. While we do not agree with the dissent's prediction that infrequent 90-day pauses in certain civil cases will pose a significant burden on civil practice or accelerate the decline of civil jury trials, we acknowledge that we cannot predict the future. For this reason, we adopt these rules on a pilot basis starting on September 1, 2024. The interim period before the rules go into effect will allow time for communication and training. And the pilot nature of the change will allow us to evaluate its impact. Once the pilot project goes into effect, the general rules committee and the appellate rules committee, respectively, shall establish procedures to monitor the pilot project and file reports within 2 years of the rules' effective

date, providing specific recommendations on the continuation, modification, or discontinuance of the pilot project. Should the concerns raised by some—including the dissent—come to fruition, we will have an opportunity to reevaluate or refine our approach based on the experience and data gained during the pilot period.

IT IS HEREBY ORDERED THAT:

1. The attached amendments to the Minnesota General Rules of Practice for the District Courts are prescribed and promulgated, effective on September 1, 2024, as a pilot project.

2. The attached amendments to the Minnesota Rules of Civil Appellate Procedure are prescribed and promulgated, effective on September 1, 2024, as a pilot project.

3. The Minnesota Supreme Court Advisory Committee on the General Rules of Practice shall establish procedures to monitor the pilot project for the trial courts. On or before September 1, 2026, the committee shall file a report with this court, providing specific recommendations on the continuation, modification, or discontinuance of the pilot project in the trial courts.

4. The Minnesota Supreme Court Advisory Committee on the Rules of Civil Appellate Procedure shall establish procedures to monitor the pilot project for the appellate courts. On or before September 1, 2026, the committee shall file a report with this court, providing specific recommendations on the continuation, modification, or discontinuance of the pilot project in the appellate courts.

5. The pilot project shall continue until further order of this court.

Dated: April 30, 2024

BY THE COURT:

Karl C. Procaccini
Associate Justice

D I S S E N T

ANDERSON, Justice (dissenting).

I join in the concerns expressed by our rules committees, and by our court in the order issued today, centering around providing greater support in dealing with lawyer wellness issues and in doing so by adopting what is styled as a "personal leave continuance."

The original, more limited concept of automatic leave was designed to accommodate the birth or adoption of a child. That version has now been abandoned in favor of an expansive policy of automatic leave, requiring courts, and opposing lawyers, to cease proceedings for an extended period of up to 90 days, upon notice of a request for leave.[1]

We held a public hearing at which multiple rules committees took varying positions on this expansive formal leave policy. Because I agree with the concerns expressed by the civil rules committee, which opposed adoption of this policy, I write in dissent from the order issued by our court today.

I begin with the observation that no empirical evidence in either the filings before us or comments offered at the public hearing supports a formal, mandatory, automatic leave policy. Nor is empirical support to be found in the record for the assertion by Lawyers Concerned for Lawyers that an automatic leave policy will likely improve competence or

[1] Automatic leave following birth or adoption of a child presents fewer issues and could be easily adopted without the necessity for a pilot program. Many of the concerns discussed at the public hearing on the various rule committee reports were focused on the need for parental leave, not the more expansive version outlined in the court's order.

reduce the incidence of malpractice. I acknowledge that the anecdotal evidence of the need for leave that was offered in committee and at the public hearing is deserving of careful attention and consideration, but we do not know, and cannot know, whether we have before us isolated, concerning incidents or a widespread problem.

The civil rules committee, in its report to the court recommending against an automatic leave process, identified several concerns, none of which are adequately addressed by the new rules adopted by the court. Those concerns include the possibility that attorneys may abuse the process to avoid a deadline or a scheduled trial date, the absence of any disclosure requirement of the reason for the automatic leave, the elevation of the personal concerns of lawyers over the interests of clients,[2] and automatic leave deprives district court judges of the ability to control their own dockets.

The court, valiantly but unsuccessfully, attempts to deal with some of these issues by pointing to an objection process in the rule. A careful reading of that objection process suggests it is very unlikely to result in relief to a party injured by delay. Not only is the standard for relief high, but the unhappy litigant suffering delay as a result of an automatic leave must establish "substantial prejudice" or "extraordinary circumstances," to successfully object. The new rules provide that leave continues as the objection process unfolds. Yet if the automatic leave occurs reasonably close to the scheduled trial date, even if the litigant wins, it's a pyrrhic victory. In a busy, complex, judicial district, most likely,

[2] The Lawyers Professional Responsibility Board shares some of the concerns of the civil rules committee; the Board opposes automatic leave because, among other reasons, it elevates the interests of lawyers ahead of the interests of clients.

the trial date is long gone, and it might be months before our unhappy litigant sees a courtroom again. And of course, all of this presumes a two-party litigation matter. A mechanic's lien foreclosure case may have dozens of parties—each represented by a lawyer, each a potential demand for automatic leave.

For all practical purposes, as was recognized at the public hearing, the burdens of this pilot project fall almost entirely upon the civil trial practice and our civil trial courts. This presents a risk that everyone is studiously ignoring: we may very well be further accelerating the decline of the civil jury trial.[3] Civil matters must yield to speedy trial demands in criminal cases as required by the Minnesota Constitution and the Constitution of the United States. But in practice, they are also required to yield to other matters deemed to be higher priority (as is demonstrated here; the court in the order exempts 10 different case types but leaves ordinary civil matters subject to automatic leave). As it becomes more difficult to get to trial, alternative dispute resolution becomes more attractive (particularly for parties with resources), and fewer civil matters are decided by our open, constitutionally-authorized, district courts. The automatic leave policy is one more barrier to getting to trial that litigants can avoid by using private arbitration or mediation.

Our emphasis on lawyer wellness requires changes in how requests for leave necessitated by familial and medical circumstances are handled. But taking away control

[3] Nationally, one estimate calculates that the number of civil jury trials declined as much as two-thirds between 1976 and 2002. Brian J. Ostrom et al., *Examining Trial Trends in State Courts: 1976–2002*, 1 J. Empirical Legal Stud. 755, 768 (2004).

of the calendar from our district court judges is not the way to accomplish this laudable goal. Thus, I dissent.

McKEIG, Justice (dissenting).

I join in the dissent of Justice Anderson.

AMENDMENTS TO THE GENERAL RULES OF PRACTICE FOR THE DISTRICT COURTS

[Note: In the following amendments, deletions are indicated by a line drawn through the words and additions are indicated by a line drawn under the words.]

* * *

TITLE I. RULES APPLICABLE TO ALL COURT PROCEEDINGS

RULE 18. PERSONAL LEAVE CONTINUANCE

(a) **Applicability**. This rule applies to all case types except:

(1) Orders for protection under Minn. Stat. § 518B.01;

(2) Harassment restraining orders under Minn. Stat. § 609.748;

(3) Summary eviction cases under Minn. Stat. §§ 504B.281 – 504B.371, and summary tenant cases under Minn. Stat. §§ 504B.375 – 504B.471;

(4) Criminal cases governed by Minn. R. Crim. P.;

(5) Commitment cases governed by the Minn. Spec. R. Commitment & Treatment Act;

(6) Juvenile delinquency and extended jurisdiction juvenile cases governed by Minn. R. Juv. Delinq. P.;

(7) Juvenile protection cases governed by the Minn. R. Juv. Prot. P.; and

(8) Adoption cases governed by the Minn. R. Adoption P.

Nothing in this part (a) precludes a court from determining in an exempt case that an attorney is otherwise entitled to a continuance based on the factors below.

(b) **Generally**. A timely application by a party's attorney ("Applicant") for a continuance of a trial, evidentiary hearing, pretrial hearing, or motion hearing is immediately and automatically granted without a hearing in connection with any of the following by an Applicant substantially involved in the party's representation:

(1) A health condition that makes the Applicant temporarily unable to represent the party;

(2) The birth or adoption of a child regardless of the gender of the Applicant;

(3) The Applicant's need to care for or attend to a spouse, household member, dependent, or family member who has a serious health condition; or

(4) The death of an Applicant's family member or household member.

An objection to a personal leave continuance may be brought by motion under part (f) of this rule.

(c) Time for Making Request. An application for a personal leave continuance shall be made within a reasonable time after the Applicant learns of the need for a continuance.

(d) Length. A personal leave continuance may be sought for a period of up to 90 days, as specified in the Continuance Application. An Applicant may seek a continuance of longer than 90 days by motion to the court for good cause shown, under Minn. Gen. R. Prac. 115.

(e) Form of Continuance Application. An Applicant applying for a personal leave continuance shall file a declaration with the court setting forth the following:

(1) Affirming the Applicant is an attorney substantially involved in the party's representation;

(2) That personal leave is required for one of the reasons set forth in paragraph (b)(1) – (4) above;

(3) That the application is timely under paragraph (c);

(4) The length of the continuance requested;

(5) That the Applicant will remain substantially involved in the party's representation following any personal leave continuance;

(6) That the client has given informed consent (as defined in Minn. R. Prof. Conduct 1.0(f)) to the continuance; and

(7) That the continuance is sought in good faith and not merely for delay.

(f) Objection to Continuance.

(1) **Motion and Response; Deadlines**. A party objecting to a personal leave continuance shall bring a motion objecting to the leave within 14 days of the filing of the Continuance Application, and the motion is subject to the meet and confer requirement pursuant to Minn. Gen. R. Prac. 115.10, regardless of case type. The Applicant shall be permitted a response within 7 days of service of the motion objecting to the leave. The presiding judge may reduce the time periods in this rule in the event of an emergency.

(2) **Burden of Proof; Determination.** A party objecting to a personal leave continuance shall bear the burden of demonstrating substantial prejudice or extraordinary circumstances that should preclude or limit the personal leave continuance. Upon proof of substantial prejudice or extraordinary circumstances, the court may modify or deny the personal leave continuance. The court shall modify or deny a personal leave continuance if it would impact a substantial right in the proceeding and alternative arrangements cannot be made to ensure the party is adequately represented in the Applicant's absence.

(3) **Decision Deadline; No Hearing**. The court shall rule on the motion objecting to leave within 21 days of filing of the motion without hearing.

(4) **Leave Pending Decision; No Retroactive Application of Denial**. Leave shall continue during the pendency of the motion proceedings but no longer than the leave period sought in the Application. A denial of the leave shall not be made retroactive.

(g) Effect on Discovery. Unless otherwise ordered by the court for good cause shown, all discovery shall be suspended for the duration of any personal leave continuance, and deadlines for discovery served during any period of personal leave shall be tolled until the conclusion of the personal leave period.

(h) Scheduling Order. If the personal leave continuance substantially affects the scheduling order, the parties shall meet and confer regarding a proposed amended scheduling order prior to the filing of the Application, if possible, or immediately upon the expiration of the personal leave continuance. A personal leave continuance pursuant to this rule resulting in the expiration of any deadline or other scheduled event within a scheduling order is presumptively good cause shown to amend the scheduling order.

(i) Settlement Efforts. This rule is not meant to preclude or discourage the parties from agreeing to a continuance or alternative arrangement. If a continuance agreement is reached, the parties must file the agreement as a stipulation with reference to this rule.

Advisory Committee Comment—2024 Amendments

Rule 18 is a new rule that provides the option of an automatic continuance when an attorney is faced with one of the circumstances listed in Rule 18(b)(1)-(4). The rule was enacted in response to a submission by the MSBA raising serious concerns about lawyer well-being and the need to destigmatize seeking leave for personal, health, or family reasons. This personal leave continuance rule applies to all case types except those listed in Rule 18(a). The rule is intended to accommodate certain personal leave continuances without requiring an attorney to disclose private health or other personal information to opposing counsel or the court. The grounds to object to a personal leave continuance under this rule are intentionally narrow and require more than mere inconvenience or expense.

Impacts of a personal leave continuance on discovery and the court's scheduling order are discussed in Rules 18(g) and (h), respectively. Nothing in this new rule is meant to preclude or discourage the practice of stipulating to continuances.

AMENDMENTS TO THE RULES OF CIVIL APPELLATE PROCEDURE

[Note: in the following amendments, deletions are indicated by a line drawn through the words, and additions are indicated by a line drawn under the words.]

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RULE 126.03 PERSONAL LEAVE CONTINUANCE

(a) Applicability. This rule applies to all case types except cases on appeal that arise from:

(1) Orders for protection under Minn. Stat. § 518B.01;

(2) Harassment restraining orders under Minn. Stat. § 609.748;

(3) Summary eviction cases under Minn. Stat. §§ 504B.281 – 504B.371, and summary tenant cases under Minn. Stat. §§ 504B.375 – 504B.471;

(4) Criminal cases governed by Minn. R. Crim. P.;

(5) Commitment cases governed by the Minn. Spec. R. Commitment & Treatment Act;

(6) Juvenile delinquency and extended jurisdiction juvenile cases governed by Minn. R. Juv. Delinq. P.;

(7) Juvenile protection cases governed by the Minn. R. Juv. Prot. P.; and

(8) Adoption cases governed by the Minn. R. Adoption P.

Nothing in this part (a) precludes an appellate court from determining in an exempt case that an attorney is otherwise entitled to a continuance based on the factors below.

(b) Generally. A timely application by a party's attorney ("Applicant") for a continuance of the parties' duties in preparing the record on appeal; briefing; oral argument; submissions for costs, disbursements, or attorneys' fees; or petitions for rehearing, is immediately and automatically granted in connection with any of the following by an Applicant substantially involved in the party's representation:

(1) A health condition that makes the Applicant temporarily unable to represent the party;

(2) The birth or adoption of a child regardless of the gender of the Applicant;

(3) The Applicant's need to care for or attend to a spouse, household member, dependent, or family member who has a serious health condition; or

(4) The death of an Applicant's family member or household member.

An objection to a personal leave continuance may be brought by motion under part (f) of this rule and Rule 127.

Consistent with Rule 126.02, a personal leave continuance is unavailable with respect to the time for filing the notice of appeal or the time prescribed by law for securing review of a decision or an order of a court or an administrative agency, board, commission or officer, except as specifically authorized by law.

(c) Time for Making Request. An application for a personal leave continuance shall be made within a reasonable time after the Applicant learns of the need for a continuance.

(d) Length. A personal leave continuance may be sought for a period of up to 90 days, as specified in the Continuance Application. An Applicant may seek a continuance of longer than 90 days by motion to the appellate court for good cause shown, under Rule 127.

(e) Form of Continuance Application. An Applicant applying for a personal leave continuance shall file a notice and accompanying declaration with the appellate court setting forth the following:

(1) Affirming the Applicant is an attorney substantially involved in the party's representation;

(2) That personal leave is required for one of the reasons set forth in paragraph (b)(1) – (4) above;

(3) That the application is timely under paragraph (c);

(4) The length of the continuance requested;

(5) That the Applicant will remain substantially involved in the party's representation following any personal leave continuance;

(6) That the client has given informed consent (as defined in Minn. R. Prof. Conduct 1.0(f)) to the continuance; and

(7) That the continuance is sought in good faith and not merely for delay.

(f) Objection to Continuance.

(1) **Motion and Response; Deadlines**. A party objecting to a personal leave continuance shall bring a motion objecting to the leave within 14 days of the filing of the Continuance Application. The Applicant shall be permitted a response within

7 days of service of the motion objecting to the leave. The appellate court may reduce the time periods in this rule in the event of an emergency.

(2) **Burden of Proof; Determination.** A party objecting to a personal leave continuance shall bear the burden of demonstrating substantial prejudice or extraordinary circumstances that should preclude or limit the personal leave continuance. Upon proof of substantial prejudice or extraordinary circumstances, the appellate court may modify or deny the personal leave continuance. The appellate court shall modify or deny a personal leave continuance if it would impact a substantial right in the proceeding and alternative arrangements cannot be made to ensure the party is adequately represented in the Applicant's absence.

(3) **Decision Deadline; No Hearing**. The appellate court shall rule on the motion objecting to leave within 21 days of filing of the motion without hearing.

(4) **Leave Pending Decision; No Retroactive Application of Denial**. Leave shall continue during the pendency of the motion proceedings but no longer than the leave period sought in the Application. A denial of the leave shall not be made retroactive.

(g) Deadlines. Any deadline for preparing the record on appeal; briefing; submissions for costs, disbursements, or attorneys' fees; or petitions for rehearing affected by a personal leave continuance shall be deemed to run from the date the personal leave continuance expires unless otherwise ordered by the appellate court.

(h) Settlement Efforts. This rule is not meant to preclude or discourage the parties from agreeing to a continuance or alternative arrangement. If a continuance agreement is reached, the parties must file the agreement as a stipulation with reference to this rule.