

April 2013



# St. Lucie County Bar Association

*The Heart of the Treasure Coast*

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## Message From The President

Hello to everyone. The first quarter of 2013 is now history and this year seems to be filing by quickly.

We had a great softball outing this March. Lillian Ewen organized and coordinated the event. Our team competed against the Martin County Bar Association in a terrific game. Lillian deserves all of our thanks for her efforts! I have had numerous people from both our Bar and Martin County tell me what a great time everyone had that day. Everyone is looking forward to next year's rematch!

April is going to be a busy month for our Bar members. The annual Bench Bar Conference is set for Friday, April 12th. The Bench and Bar Committee has worked very hard to construct an effective and informative

event with special attention to having speakers which touch on many practice areas. I am sure this will be a fantastic CLE, so if you have not already registered, please consider doing so!

There will be additional events for April, so stay tuned!

*Hugh J. Eighmie II*





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*“The St. Lucie County Bar Association is comprised of dedicated attorneys who practice law in and around St. Lucie County.*

*Our members consist of some of the finest attorneys in the country.*

*Our mission is to provide the public with access to all state and federal courts on Florida’s Treasure Coast, and to provide the same access to our members.”*

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## Upcoming Monthly Luncheons

Regular Bar meetings are held on the first Friday of every month from noon to 1:00pm at Cobb’s Landing in downtown Fort Pierce. All attending active members receive complimentary buffet lunch. During each luncheon, a different guest speaker gives a presentation on current legal topics. CLE credit is provided.

**This year’s final general meeting takes place on April 5.**

**Don’t forget to come to our Law Day Luncheon on May 3.**

## Upcoming Special Events

### **2013 Bench Bar Conference:**

**Friday, April 12**, at the Port St. Lucie Civic Center. The Conference begins at 8 am with registration and continental breakfast. CLE credit is provided.

Key speakers will focus on the following topics: Professionalism and Civility; Bar Sanctions for Uncivil Conduct; and Effective Management of both Electronic Communications and Client Expectations. In addition, Florida Supreme Court Justice, the Honorable Barbara J. Pariente will present on judicial merit retention, judicial elections, and judicial funding.

During individual break out sessions, attendees can learn about one of the following hot topics: Foreclosure/Bankruptcy, Family, Criminal, or E-Discovery/E-Filing. Finally, attendees can partake in judicial commentary on one of the following topics: Civil, Criminal, Family, or Appellate.

For more information, *see* **pages 6-7** or email [carolyn.fabrizio@frls.org](mailto:carolyn.fabrizio@frls.org).

### **2013 Law Day Student Art and Essay Contest Reception:**

**May 1**, in the Ft. Pierce Courthouse Jury room. This year’s theme is: “Realizing the Dream: Equality for All” and celebrates the anniversary of the Emancipation Proclamation. Contest rules will be released in January. Thanks go out the event co-sponsors: SLCBA; Gordon & Donor, P.A.; and the library Board of Trustees. Please contact Art Chair Kim Cunzo for more details.

### **2013 Law Day Luncheon:**

**May 3**, at 12pm at the Pelican Yacht Club. We are pleased to announce that this year’s speaker will be our very own Chief Judge Steven Levin.

## SLCBA Committee Information

### Judicial Liaison:

The Judicial Liaison Committee works to assist in building better relationships and understanding between the members of our judiciary and the members of the bar. This is important, because it is difficult for lawyers and judges to exchange thoughts and concerns if their only interaction is in the formal setting of a courtroom.

The Committee works with the staff of FRLS each year to produce the Annual Bench Bar Conference. The annual conference is an all-day event which provides both educational opportunities and an opportunity for the exchange of ideas and issues between the bench and the bar. Since this is a circuit wide event, the Committee has members from not only the SLCBA but also from all of the bar associations in the circuit. In addition to the Annual Bench Bar Conference, the Committee also periodically hosts judicial receptions and smaller informal events to assist in communications between the bench and the bar.

For more information, contact **HaroldMelville@bellsouth.net**.



Harold G. Melville, Esq.  
Melville & Sowerby, P.L.

### Pro-Bono:

The Pro Bono Committee assists Florida Rural Legal Services (FRLS) in the placement and handling of pro bono cases, and in holding special events to provide free civil legal assistance to indigents and low income individuals, in St. Lucie County.

The primary function of Committee is recruiting SLCBA members to “staff” various events, in particular “Ask-a-Lawyer” Pro Bono Clinics that are scheduled for a St. Lucie County venue approximately once each quarter. For these Clinics, FRLS pre-qualifies clients, sets appointments for consultations of ½ hour each, and provides malpractice coverage for the volunteer attorneys who provide counseling services to clients.

For more information regarding the Pro Bono committee, contact either **DHarrell@gh-law.com**, or **Carolyn.Fabrizio@frls.org**.



Carolyn Fabrizio, Esq.  
Pro Bono Coordinator  
Florida Rural Legal Services

### Young Lawyers:

The young lawyers division is designed to serve lawyers new to the profession. We assist in providing mentors within the profession and provide opportunities to serve the community. Our committee will put together events for new lawyers and come up with ways to serve the community and the profession.

For more information, contact **DApfelbaum@deanmead.com**.



Dana Apfelbaum, Esq.  
Dean, Mead, Minton & Zwemer

### Membership:

The membership committee is responsible for encouraging new members to join the SLCBA and helping to facilitate events that will accomplish that goal. Please bring a friend to a meeting or an upcoming event. Visit our website to see how you can become a member by filling out a brief application and paying your required annual membership dues which cover your monthly lunches which offer CLE's, the Holiday party, and law week activities. Please see the attached application.

Shannon Eighmie, Esq.  
Assistant Public Defender

(photo currently unavailable)

### Special Events:

The special events committee seeks to coordinate interactive social functions for SLCBA members to attend. At these events, members have the opportunity to network with other local attorneys as well as individuals in different professional fields. This year, we have a range of exciting events planned. Please see the list of "Upcoming Special Events" on page 2 for more details.

For more information, contact **EwenL@circuit19.org**.



Lillian Ewen, Esq.  
Appellate Staff Attorney

### Newsletter:

The SLCBA Newsletter is published monthly by the St. Lucie County Bar Association as a service to its members. We strive to include articles covering current and trending legal topics, committee news, and local events. We welcome member article submissions, opinions on current topics, and letters to the editor.

For more information, contact **BrejC@circuit19.org**.



Caroleen Brej, Esq.  
Felony Staff Attorney



Please join us on April 5, 2013, from 12pm to 1pm for  
the Association's monthly meeting.

Our speaker is our Clerk of Court Joe Smith  
and the topic is E-Filing.



Please RSVP by April 4th at noon to [groberts@treasurecoastleagal.com](mailto:groberts@treasurecoastleagal.com)

Menu

Assorted Sliders (Roast Beef, Chicken, Ham, Tuna)

Tossed Salad and Potato Salad

Iced tea, soda, and coffee

Assorted cookies

# 19th Circuit Bench Bar Conference

Port St. Lucie Civic Center

(Civic Center is located at City Center, SE Corner of U.S. 1 and Walton Road)

9221 SE Civic Center Place, Port St. Lucie, FL 34952

Registration Required NO WALK-INS

**Friday, April 12, 2013**

8:00 a.m. ~ 3:30 p.m.

Presented by:

All Bar Associations of the 19th Judicial Circuit and Florida Rural Legal Services

## PROGRAM

- 8:00 - 9:00 Registration and Continental Breakfast
- Session 1 9:00 - 10:00 Professionalism and Civility (The New Oath and You)  
*Presented by Robert A. Cole, Esq.*  
Bar Sanctions for Uncivil Conduct  
*Presented by Sheila M. Tuma, Esq.*
- Session 2 10:00 - 10:50 Effective Management of Electronic Communications  
*Presented by Mr. Kevin Mulligan*  
Attempted Management of Client Expectations  
*Presented by Nancy Ann M. Stuparich, Esq.*
- 10:50 - 11:00 Break
- Session 3 11:00 - 12:00 Advocacy - A Judicial Perspective  
A panel discussion by the judiciary on the traits of an effective advocate.
- Session 4 12:00 - 1:30 Luncheon Guest Speaker - Florida Supreme Court Justice Hon. Barbara J. Pariente  
The Ties That Bind Us: Current Challenges to Florida's Judicial Branch  
(judicial merit retention, judicial elections, and judicial funding)
- Session 5 1:30 - 2:20 Individual Break-Out Sessions  
Presentation of Current Developments & Hot Topics
1. Foreclosure/Bankruptcy *Presented by W. Trent Steele, Esq.*
  2. Family *Presented by Noel A. Bobko, Esq.*
  3. Criminal *Presented by Steven Ziskinder, Esq.*
  4. E-Discovery/E-filing *Presented by Steven L. Perry, Esq.*
- Session 6 2:30 - 3:30 Judicial Comments on Current Topics
1. Civil
  2. Criminal
  3. Family
  4. Appellate

If you have any questions, please contact Carolyn Fabrizio at (772) 466-4766, ext. 7024, carolyn.fabrizio@frls.org  
Minimum Anticipated CLE Credits of 6.5 Including 1.0 Ethics Credit

*Imagine the impact we could make if every attorney in the state of Florida helped one pro bono client.*



## 19th Circuit Bench Bar Conference, April 12, 2013

Port St. Lucie Civic Center

### ATTORNEY/JUDGE REGISTRATION FORM

*Presented by:*

*All Bar Associations of the 19th Circuit and Florida Rural Legal Services, Inc.*

We hope you will join us for the 2013 19th Judicial Circuit Bench Bar Conference.

**Space is limited and will be filled on a first come first served basis.**

Private attorney registration is \$300.00. We are offering a reduced rate of \$100.00 for Government Attorneys. The **registration fee will be waived** for any attorney who agrees to accept a pro bono case from Florida Rural Legal Services (FRLS). If your registration fee is waived, please submit \$25.00 to cover the cost of lunch. Payment must be made by check payable to Florida Rural Legal Services, Inc., 510 South US Highway 1, Suite 1, Fort Pierce, 34950. **This registration form together with your check must be postmarked no later than 03/29/13. No refunds after 04/03/13.**

PLEASE RETURN THIS REGISTRATION FORM TO FRLS NO LATER THAN 3/29/13

**Please Print Legibly:**

**Judges and Retired Judges: Complimentary**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

**We will be emailing all presenters' handouts to you prior to the event. We will NOT be distributing presentation outlines or materials at the event. Please bring them with you.**

**My E-mail Address is:** \_\_\_\_\_

☐ \$300.00 Payment enclosed. I am a private attorney.

☐ \$100.00 Payment enclosed. I am a government attorney.

☐ \$25.00 Payment enclosed. I agree to accept a pro bono case from FRLS in the following subject area: \_\_\_\_\_.

**ALL REGISTRANTS:** To help us organize rooms for the individual break-out sessions 5 and 6, please designate your topic of choice for each session.

#### Session 5



1. Foreclosure/ Bankruptcy ☐

2. Family ☐

3. Criminal ☐

4. E-Discovery ☐

#### Session 6

1. Civil ☐

2. Criminal ☐

3. Family ☐

4. Appellate ☐

**one**

*Imagine the impact we could make if every attorney in the state of Florida helped one pro bono client.*

## Required Submission of Service Lists in Residential Foreclosure Cases

The following Administrative Order 2013-01, requires all Plaintiff's counsel to identify all open residential foreclosure cases in the 19th Circuit (Indian River, St. Lucie, Martin, and Okeechobee Counties), and file with the Clerk a case status form *on or before* April 21, 2013.

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT IN AND FOR INDIAN  
RIVER, MARTIN, OKEECHOBEE, AND SAINT LUCIE COUNTIES, FLORIDA

ADMINISTRATIVE ORDER NO. 2013-01

IN RE: REQUIRED SUBMISSION OF SERVICE  
LISTS IN RESIDENTIAL FORECLOSURE CASES

In an effort to improve the administration of justice in the area of residential foreclosure litigation, it has become necessary for the Court to seek the assistance of plaintiff's counsel in clarifying case status, properly identifying service lists for proper notice and designating counsel of record in pending residential foreclosure cases.

NOW, THEREFORE, pursuant to the authority conferred by Florida Rule of Judicial Administration 2.215, it is **ORDERED AND ADJUDGED** as follows:

### A. STATUS, SERVICE LISTS AND ATTORNEYS OF RECORD

1. Plaintiffs, through counsel, shall identify all open residential foreclosure cases pending in the Nineteenth Judicial Circuit in which the firm acts as plaintiff's counsel and within 30 days from the date of this Order, shall complete and file with the Clerk of Court in each individual case, a fully executed Foreclosure Case Status Form (attached hereto as Exhibit "A"), which shall include a current, accurate service list for ALL parties, including plaintiff's counsel, defense counsel, and pro se defendants, as appropriate (mailing and e-mail addresses, as applicable).
2. When a law firm changes its mailing or email address, it shall file a Notice of Change of Counsel's Address in each and every case number in which the law firm is of record. If the initial attorney of record is no longer working on a case, is replaced internally or is no longer associated with the law firm which is prosecuting or defending an action, a Stipulation for Substitution of Counsel (with client's written consent), or a Notice of Change of Attorney of Record and Directions to the Clerk to Update Attorney Information must immediately be filed with the Clerk of Court.
3. Failure to comply with the foregoing requirements may result in the imposition of sanctions, including contempt of court and/or dismissal.

**DONE** and **SIGNED** in Chambers at Stuart, Martin County, Florida this 21<sup>st</sup> day of March, 2013.

  
STEVEN LEVIN, Chief Judge



## Required Submission of Service Lists in Residential Foreclosure Cases

IN THE CIRCUIT COURT OF THE 19<sup>th</sup> JUDICIAL CIRCUIT  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA

**FORECLOSURE CASE STATUS FORM**

CASE NO.: \_\_\_\_\_ CA \_\_\_\_\_ Is this case at issue? (See Fla.R.Civ.P. 1.440(a)) Y or N \_\_\_\_\_

Amount of time needed for trial \_\_\_\_\_

Outstanding Motion to Dismiss DE# \_\_\_\_\_ currently set? Y or N \_\_\_\_\_

PLAINTIFF(S) \_\_\_\_\_

vs. \_\_\_\_\_

Outstanding Motion for Default DE# of Motion \_\_\_\_\_

DEFENDANT(S) \_\_\_\_\_

All Loss Mitigation Efforts Exhausted \_\_\_\_\_ Y or N \_\_\_\_\_

If so, date of signed Modif Agreement/Status \_\_\_\_\_

| DEFENDANT(S)<br>(Every defendant<br>MUST be listed) | RETURN OF<br>SERVICE<br>Date Served | TYPE OF SER.<br>P - S - C - PU* | ANSWER<br>DE # | DEFAULT<br>DE# | PARTIES<br>DROPPED<br>DE # | AFFIRMATIVE<br>DEFENSES<br>STRICKEN DE# |
|---|-------------------------------------|---------------------------------|----------------|----------------|----------------------------|---|
| _____   | _____                               | _____                           | _____          | _____          | _____                      | _____                                   |
| _____   | _____                               | _____                           | _____          | _____          | _____                      | _____                                   |
| _____   | _____                               | _____                           | _____          | _____          | _____                      | _____                                   |
| _____   | _____                               | _____                           | _____          | _____          | _____                      | _____                                   |
| _____   | _____                               | _____                           | _____          | _____          | _____                      | _____                                   |
| _____   | _____                               | _____                           | _____          | _____          | _____                      | _____                                   |
| _____   | _____                               | _____                           | _____          | _____          | _____                      | _____                                   |

\*P- personal service; S - substitute service; C - corporate service; PU - publication

**SERVICE LISTS:**

Plaintiff's Firm/Designated counsel, address, email address/service email address \_\_\_\_\_

Defendant and/or Defendant's counsel, address and email addresses \_\_\_\_\_

PREPARED BY ATTORNEY: \_\_\_\_\_ Print name: \_\_\_\_\_

FBN: \_\_\_\_\_ Firm Name: \_\_\_\_\_

**EXHIBIT A**

## Event Recap: Softball Tournament

On Saturday March 16<sup>th</sup>, members of the St. Lucie County Bar Association took on our counterparts from Martin County in a friendly softball game at Sandhill Crane Park in Port St. Lucie. Undeterred by the matching uniforms and hats sported by the nearly all-male competition, the SLCBA team started on a roll, with stellar defense leading to back-to-back 1-2-3 innings. Martin County broke through in the third inning with 3 runs, which we quickly matched in the following frame. Eventually, though, the bats of Martin County proved too much for us to handle. Despite a valiant effort and numerous comeback attempts, our southern brethren finished the 9-inning contest with a 15-7 victory.

All was not lost, however, as both teams and their fans were treated to a wonderful postgame BBQ lunch by Huck's Catering, a Fort Pierce institution. The casual meal under the pavilion was a perfect time for networking and catching up with old and new friends alike. As attendees munched on roast chicken and pulled pork, players and their supporters gleefully recalled their roles in the game. Special thanks to Judge Roby for volunteering (and proving very capable) as a home plate umpire.

Plans are being put into place to make this an annual event, possibly with Okeechobee and Indian River Counties rounding out a circuit-wide tournament. Stay tuned for next year's date as we try to avenge our loss in the inaugural game. Below and on the following pages are pictures documenting the event.

Thanks again for all those who came out to support our SLCBA!

- Lillian Ewen



**Steve Navaretta, our star pitcher.**



**SLCBA Team in the field.**



**Steve Ziskinder talking to Judge Roby.**

*Photos courtesy of Dana Apfelbaum.*





*Photos courtesy of  
Christine Moreno,  
MBCA member.*







## Preparing the Client for Mediation

*By Edmund J. Sikorski, Jr.*

While much has been written on the subject of attorney preparation for mediation, there is scant written on the subject of preparing the client for mediation. The focus of this article is what information a client needs to know and understand PRIOR to mediation.

An unprepared client may very well become a “difficult” client in the midst of mediation and either precipitate or contribute to impasse when in fact the case should have settled despite the best efforts of counsel.

This article proposes a ten item check list to prepare the client for the mediation experience thus enhancing the prospect of case resolution.

### **1) The client must understand the purpose of mediation.**

Rule 10.210 provides:

“Mediation is a process whereby a neutral and impartial third person acts to encourage and facilitate the resolution of a dispute without prescribing what it should be. It is an informal and non-adversarial process intended to help disputing parties reach a mutually acceptable agreement”.

Rule 10.230 provides:

“Mediation is based on concepts of communication, negotiation, facilitation, and problem-solving that emphasizes:

- (a) self determination;
- (b) the needs and interests of the parties;
- (c) fairness;
- (d) procedural flexibility;
- (e) confidentiality; and
- (f) full disclosure.

### **2) The client must understand the mediator’s role, i.e. what a mediator does and does not do.**

Rule 10.220 provides:

“The roles of the mediator is to reduce obstacles to communication, assist in the identification of issues and exploration of alternatives, and otherwise facilitate voluntary agreements resolving the dispute. The ultimate authority, however, rests solely with the parties”.

Simply put, the client must understand that the mediator owns the process, but the parties own the result.

*Continued on page 14*

*Continued from page 13*

## **Preparing the Client for Mediation**

**3) The client must understand the process and know what to expect procedurally and substantively.** Procedurally, the client needs to know that traditional caucus based mediation follows a format:

- a) Mediator opening statements explain the process and remind the parties of the ground rules of civility.
- b) Joint meeting statements of the parties. This is perhaps the first and last time that the parties will actually have the opportunity to “tell their story as they see it” to the other side without interruption.
- c) Caucus: This is where the real work begins and preparation pays off. Unless the client is well prepared, the negotiation over what amount of money will be paid may very well be perceived as a frustrating auction process of concessions and adjustments that stimulates emotional responses rather than reasoned assessments that soon spiral into an emotional crash that deprives the parties of the opportunity to reach resolution before their best numbers are reached. A predetermined plan of negotiation of negotiation is essential to combat the natural reaction of emotionally responding to the offer and counter-offer process. It is absolutely essential to make a negotiating plan and stick to it. The client must understand the importance of staying in control of an otherwise reactive process that by its nature is calculated to be self defeating if left unchecked. The client must be encouraged and reminded that as in any military or sporting contest, victory is often achieved because of the self inflicted wounds of the other side on itself.
- d) Impasse or written settlement agreement. Impasse is in theory a point when despite the efforts of the parties, they cannot come up with a solution or number that one party will pay to the other to settle the case. One or both parties leave the meeting, and the mediator files a report with the judge of the case limited to the simple fact that no agreement was reached.  
But are we really done with mediation? Probably not. We know that only a few percent of cases actually go to trial. Perhaps one side or the other needs to think, re-think, digest, and re-evaluate what they really want or need. Many mediators follow through with the parties counsel after a short period of time to see if they can rekindle the process of resolution. It is common to find that although the parties want to continue to seek resolution, they are reluctant to initiate the process for fear of being perceived as weak.  
F.S 44.404 and Rule 10.420 are instructive on the subject of mediation duration in both court order and voluntary mediations as well as the requirement that a mediation agreement be formalized by the parties.

**4) The client must understand the confidentiality of the entire process. F.S. 44.405 is straight forward:**

“Except as provided in this section, all mediation communications shall be confidential. A mediation participant shall not disclose a mediation communication to a person other than another mediation participant or participant’s counsel.”

*Continued on page 15*



*Continued from page 14*

## **Preparing the Client for Mediation**

In short, what is said or shown there stays there. This is not to say that otherwise discoverable or admissible evidence cannot be used in later proceedings or trial. Mediation is designed to provide a form in which the client can “tell their complete story, point of view and express emotions and concerns that may not come out because of the rules of evidence or trial procedure.

- 5) **The client must understand the relevant facts and on what evidence is or is not likely to be admissible.** For example: what a client believes about the other party’s intentions is not fact. What one part may have heard about the other party is not admissible evidence. Claim criteria must be objective to credibly support the claim or allegation.
- 6) **The client must be prepared to understand what the law can or cannot give him/her.** Saying it differently, the client needs to understand the remedy the client hopes/wants to achieve. Not all wrongs have an earthly remedy much less a legal remedy. Aside from Constitutional and Statutory interpretations or determinations, court can only do two things 1) grant or deny personal liberty, and/or order transfer of property (including money) from one person to another. If the remedy the client is expecting is other 1, or 2 above, adjustment of expectations is in order.
- 7) **The client must be informed of the facts in possession of the adversary.** The corollary of this proposition is: “make sure the other side has all the information in you possession.” The mediation process is heavily dependent on:
- a) A frank exchange of information;
  - b) Justification of value;
  - c) A genuine interest to resolve the claim and avoid the risks of trial including
  - d) attorney client conflict over disappointing or unanticipated results.
- 8) **The client must be given reasonable expectations of case value and/or realistic outcomes AND THE REASONS WHY.** Valuing a case is not an exact science, but it is the job of a lawyer prior to mediation to learn as much as possible about the case (it is usually not possible to know everything), compare it with similar cases that have produced settlement and verdict, and reach a conclusion about the range of value into which the case will fall.

Case evaluation STARTS with an assessment of damages, and then DISCOUNTS with case and trial LIABILITIES including costs, present value, trial uncertainties such as how the judge applies the law, how the facts come in, how well the experts will testify, how well the other side’s lawyer tries the case, how the jury will react to witness and the attorneys along with a myriad of other contingencies and contingencies.

The mediation is sure to fail and create attorney-client friction if the attorney and client just “wing it and see what happens”.

*Continued on page 16*

*Continued from page 15*

## **Preparing the Client for Mediation**

### **9) BATNA and WATNA –DECISION TIME**

BATNA is an acronym meaning “Best Alternative to a Negotiated Agreement”. It represents the available alternatives when a party is unable to negotiate an agreement. It usually means going to trial.

WATNA is an acronym meaning “Worst Alternative to a Negotiated Agreement”. It represents the available alternative when a party is unable to reach an agreement on what the party thinks they want. It ALWAYS means going to trial

In addition the myriad trial uncertainties, there has recently emerged another reason why the adopting the position “I’ll take my chances in court” is an unrealistic emotional response to be avoided. It suggests that your BATNA is really you WATNA.

In 2008 Vanderbilt University Law School conducted and published a study based on a survey of 295 Florida state circuit court judges. The study concluded that judges rely heavily on intuition when making decisions on the bench and allow distractions to influence their decisions. In other words, decisions are reached and then the reason therefore are established rather than the other way around.

### **10) The client must understand that they must prepare themselves for the mediations session by:**

- a) Participating in at least one pre-mediation session with his/her/ their attorney.
- b) Arranging for appropriate child care and time off work.
- c) Turning off all personal electronic devices
- d) Discussing the case with affected 3<sup>rd</sup> parties and/or bringing them to the mediation.
- e) Remembering to depersonalize comments of the mediator, other parties and above all keep in check reactive emotions. This will lead to impasse faster than any other single factor. Mediation takes 10% courage and 90% commitment to the process.

Edmund J. Sikorski, Jr., J.D. is a Florida Supreme Court Certified Circuit Civil and Appellate Mediator. [www.treasurecoastmediation.com](http://www.treasurecoastmediation.com) contains a link to view other authored articles on selected mediation topics and contact information.

## SLCBA Membership

**To join the St. Lucie County Bar Association, you may register online or by completing and submitting the application attached at the end of this newsletter.**

### Pricing:

Private Attorneys:

Over 5 year of practice: \$150

Less than 5 years of practice: \$75

Government Attorneys: \$75

Assistant State Attorneys and Public Defenders: \$30

Visit us online @ [www.SLCBA.org](http://www.SLCBA.org)  
or contact us in writing:  
**St. Lucie County Bar Association**  
**P.O. Box 3014**  
**Fort Pierce, Florida 34948**

## 2012-2013 Executive Board:

**President:** Hugh J. Eighmie II

**Vice President and Social Chair:** Lillian Ewen

**Secretary and Treasurer:** Garrett S. Roberts

**Immediate Past President:** Jennifer R. Kuczler

**Judicial Liaison Chair:** Harold G. Melville

**Pro Bono Chair:** Dan Harrell and Carolyn Fabrizio

**Young Lawyers Division Chair:** Dana Apfelbaum

**Membership Chair:** Shannon Eighmie

**Newsletter Editor Chair:** Caroleen Brej

## Newsletter Submissions

The SLCBA Newsletter is published monthly by the St. Lucie County Bar Association as a service to its members. Please feel free to submit articles, opinions, news, or other information.

In the upcoming issues, we hope to include articles covering current and trending legal topics, committee news, and coverage of local events. We are open to and appreciate all feedback!

Please contact Caroleen Brej at [brejc@circuit19.org](mailto:brejc@circuit19.org) with any submissions, announcements, or ideas for our newsletter; please put "SLCBA Newsletter" in the subject line of all emails.

**Advertising space is available for purchase.**



**DUES NOTICE FOR MEMBERSHIP IN**  
**THE ST. LUCIE COUNTY BAR ASSOCIATION**

NAME: \_\_\_\_\_ FIRM: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_ CITY/STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_  
PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_ E-MAIL: \_\_\_\_\_  
BAR NUMBER: \_\_\_\_\_ COURTHOUSE BOX #: \_\_\_\_\_  
WEBSITE: \_\_\_\_\_ CERTIFICATIONS: \_\_\_\_\_

**AREAS OF PRACTICE: Please limit to no more than 10:**

|  |  |  |  |
|--|--|--|--|
| <input type="checkbox"/> Administrative Law    | <input type="checkbox"/> Criminal Defense                    | <input type="checkbox"/> Intellectual Property       | <input type="checkbox"/> Probate                 |
| <input type="checkbox"/> Admiralty Law         | <input type="checkbox"/> Disability Law                      | <input type="checkbox"/> International Law           | <input type="checkbox"/> Real Estate-Commercial  |
| <input type="checkbox"/> Agriculture Law       | <input type="checkbox"/> Divorce                             | <input type="checkbox"/> Juvenile Law                | <input type="checkbox"/> Real Estate-Residential |
| <input type="checkbox"/> Animal Law            | <input type="checkbox"/> Eminent Domain                      | <input type="checkbox"/> Labor Law                   | <input type="checkbox"/> Real Estate-Litigation  |
| <input type="checkbox"/> Appellate             | <input type="checkbox"/> Employee Benefits                   | <input type="checkbox"/> Land Use                    | <input type="checkbox"/> Social Security         |
| <input type="checkbox"/> Arbitration           | <input type="checkbox"/> Employment Law                      | <input type="checkbox"/> Landlord/Tenant-Commercial  | <input type="checkbox"/> Taxation                |
| <input type="checkbox"/> Aviation              | <input type="checkbox"/> Entertainment & Sports Law          | <input type="checkbox"/> Landlord/Tenant-Residential | <input type="checkbox"/> Trusts                  |
| <input type="checkbox"/> Banking Law           | <input type="checkbox"/> Estate Planning                     | <input type="checkbox"/> Legal Malpractice           | <input type="checkbox"/> Water Law               |
| <input type="checkbox"/> Bankruptcy Commercial | <input type="checkbox"/> Family Business/Succession Planning | <input type="checkbox"/> Mediation                   | <input type="checkbox"/> Wills                   |
| <input type="checkbox"/> Bankruptcy Personal   | <input type="checkbox"/> Family Law                          | <input type="checkbox"/> Medical Malpractice         | <input type="checkbox"/> Worker's Compensation   |
| <input type="checkbox"/> Business Law          | <input type="checkbox"/> Guardianship                        | <input type="checkbox"/> Medicare/Medicaid           | <input type="checkbox"/> Wrongful Death          |
| <input type="checkbox"/> Child Support/Custody | <input type="checkbox"/> Health Law                          | <input type="checkbox"/> Patent/Trademark Law        | <input type="checkbox"/> Zoning                  |
| <input type="checkbox"/> Commercial Litigation | <input type="checkbox"/> Homeowner's Assn.                   | <input type="checkbox"/> Pension Law                 |  |
| <input type="checkbox"/> Construction Law      | <input type="checkbox"/> Immigration Law                     | <input type="checkbox"/> Personal Injury – Defense   |  |
| <input type="checkbox"/> Corporate Law         | <input type="checkbox"/> Insurance Law                       | <input type="checkbox"/> Personal Injury – Plaintiff |  |

Other (Please List): \_\_\_\_\_

**BAR DUES FOR 2012-2013:** \$150.00 General Members  
\$75.00 Young Lawyers Division Members  
\$75.00 Full-Time Government Attorneys  
\$30.00 Assistant State Attorneys and Assistant Public Defenders

**JUDGES ARE EXEMPT FROM BAR ASSOCIATION DUES**

**YOU MAY NOW PAY BAR DUES ONLINE BY CREDIT/DEBIT CARD OR ELECTRONIC FUNDS TRANSFER (EFT)**

**THROUGH THE BAR'S WEBSITE: [WWW.SLCBA.ORG](http://WWW.SLCBA.ORG)**

**Alternatively, you may submit payment to: St. Lucie Bar Association, P.O. Box 3014, Ft. Pierce, FL 34948**