



# St. Lucie County Bar Association

*The Heart of the Treasure Coast*

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## Message From The President

This shall be my last message as your President of the SLCBA. The year has flown by and the experience has been exceptional. As President, I have tried to continue the tradition of past presidents to bring to the Bar a spirit of professionalism while at the same time injecting some new ideas into our organization.

I want to thank all of the executive staff who made this year possible. Into every event, lunch or outing, goes a tremendous amount of organization, planning and execution to ensure everyone has a meaningful and fun time. I hope you, our valued members, enjoyed this year as much as I did.

This year saw the continuation of our desire to network with other professions as we had two multi-professional mixers. We also had a great holiday party which had more members and guests in attendance than in recent memory. We saw the

First Bar Softball Game between the St. Lucie and the Martin County Bar Associations; an event which will hopefully become an annual event. And, finally, speakers who are well known and respected in their fields presenting on topics which were germane to a variety of law practices.

Our Bar Association is strong and as we head into the future will grow in numbers as well as in depth. I trust everyone will give their support to our new incoming President, Lillian Ewen, who undoubtedly will lead our Bar into other exciting areas of interest.

Thank you all again,

*Hugh J. Eighmie II*





## 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.

## Upcoming Special Events

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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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### 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 to 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 \*UPDATE\*:

**May 3**, at 12pm at [Cobb's Landing](#). 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 May 3, 2013, from 12pm to 1pm for Law Day.

Our speaker is Chief Judge Steven Levin.



Please RSVP by May 2nd at noon to [groberts@treasurecoastlegal.com](mailto:groberts@treasurecoastlegal.com)

Menu

Grilled Chicken and Pasta Salad  
Tossed Salad and Fruit Salad  
Iced tea, soda, and coffee  
Assorted cookies

## Mediating e-Discovery Disputes

*By David Steinfeld, Esq. and Edmund J. Sikorski, Jr., J.D.*

Discovery of Electronically Stored Information (ESI) is the newest and developing area of practice in civil litigation. E-discovery began in complex commercial disputes, but is now appearing in a multitude of cases and will continue to develop and permeate all manner of civil cases.

Mediation is a useful and efficient method to deal with e-discovery issues. It can afford the parties control over the process and reduce their costs. In any mediation, the Worst Alternative to a Negotiated Agreement (WANTNA) is one where a Judge "splits the baby". This may have a greater impact in e-discovery because it can propel a case on a course that the parties did not intend or desire. In e-discovery mediation, the parties take control over the outcome of the process, what is being requested, how it is produced, and when.

The Committee comment to Florida's new and amended Rule 1.280 provides, "The parties should consider conferring with one another at the earliest practical opportunity to discuss the reasonable scope of preservation and production of electronically stored information. These issues may also be addressed by means of a Rule 1.200 or Rule 1.201 case management conference." This guidance strongly suggests that parties would be wise to consider mediation in the early stages of the e-discovery process in appropriate cases to avoid unnecessary litigation and use of limited judicial resources.

Unlike ordinary mediation that is geared toward resolving the entire dispute, e-discovery mediation is limited to a singular issue within the dispute that must be resolved before a case can advance to a final mediation or trial. E-discovery mediation is a cost-effective mechanism to manage the situation. The parties' good faith attempts to resolve the issue may even shield them from the imposition of sanctions.

Some of the advantages of e-discovery mediation are:

- Identification and remedying of miscommunications and misunderstandings
- Designing workable solutions for issues of ESI sources, presentation, and form of production
- Definition of parameters and confidentiality issues

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### **Managing E-Discovery Disputes**

- Determinations of relevancy
- Development of timelines and sequences for production
- Avoidance of spoliation
- Allocation of costs

The goal of e-discovery mediation is for parties to conclude with an agreed e-discovery plan over which they have and will maintain control. This control, in turn, results in a product that reduces costs and allows for the efficient adjudication of any civil dispute.

From a practitioner's perspective, e-discovery mediation, just like e-discovery itself, may not be necessary or appropriate in every case, however, the costs of e-discovery and ESI experts, whether borne by a plaintiff or defendant, can be substantial and can even rise to the level of precluding a party from having the merits of its claim reached. Thus, where appropriate, e-discovery mediation can be an extremely beneficial mechanism for all the parties to a dispute and can form the foundation necessary for parties to begin the process of working together to ultimately resolve their dispute in a manner and form that is acceptable to them.



David Stienfeld, Esq. is Board Certified in Business Litigation Law by the Florida Bar. He practices in Palm Beach Gardens and is rated AV-Preeminent by Martindale-Hubbell. His videos and articles on business litigation, e-discovery, and commercial law can be accessed at and can be easily reached through [www.davidstienfeld.com](http://www.davidstienfeld.com)



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.

## Clerk's Office Launches e-Filing Technical Support Program for Attorneys

Civil e-Filing has dramatically impacted the day-to-day operations at the Clerk's office. We now receive hundreds of cases daily through the electronic portal. The reduction in paper throughout the office has allowed us to process cases faster and provide you with real-time access to case information. We hope these advancements have also helped you save time and reduce costs.

While many attorneys have easily transitioned to e-Filing, I'm aware that some have encountered technical issues getting set up. In an effort to provide you with the highest level of customer service possible, the Clerk's office is launching the new E-Filing IT HelpDesk Program for attorneys on May 13. For a nominal fee, our knowledgeable and caring IT professionals can travel to your place of business and help set you up to e-File. For more information and to schedule an appointment, please visit [www.stlucieclerk.com/efile](http://www.stlucieclerk.com/efile).

As your Clerk, I am continually researching new ways to improve efficiencies and make your experience with our office a positive one. If you have comments or suggestions, please share them by visiting [www.stlucieclerk.com/contactjoe](http://www.stlucieclerk.com/contactjoe).

Sincerely,

Joseph E. Smith





## 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**