

# SCHWARTZREICH & YATES

## Today



### Eric Schwartzreich and the American Heritage Mock Trial

The American Heritage Mock Trial team is on its way to statewide competition March 26, 27 and 28 in Orlando. Students successfully played the parts of witnesses, prosecutors and defense attorneys and won the Broward County competition held February 6 against the Fort Lauderdale High School Mock Trial Team. The Florida Law Related Education Association [www.flrea.org](http://www.flrea.org) chose a universal topic for all mock trial students in the state.

The case they presented was about an open house party where alcohol was served to minors. The adults at the resident did not prevent this from happening. Following the party, one of the minors was arrested and alcohol was found in his system.

Public defenders, state attorneys and Broward County Judge Joel T. Lazarus served as the panel of judges on this case and determined American Heritage the winner.

Attorney Eric Schwartzreich teaches the mock trial group and practices with them two hours every week and on the weekends as part of their school curriculum. During that time he coaches them on direct examination, cross examination, opening and closing statements.

"I have seen them blossom. The reason the team did so well is that they were well-prepared and practiced their roles thoroughly. That helped with their confidence and lessened their anxiety."

Schwartzreich & Yates is located at 208 SE 6th Street Fort Lauderdale directly across the street from the Broward County Courthouse.

What this means for clients is that their attorneys can easily attend last minute hearings because they do not have commuting time to the courthouse.

When you come to see one of the attorneys at Schwartzreich and Yates, parking at our building is always free.

Eric Schwartzreich is on 24-hour call and can be reached by cellphone at 954-873-2287 in case of an emergency.

The attorneys at Schwartzreich and Yates know that legal cases are not just for defendants. That is why they encourage clients to bring family members to meetings and hearings. "When someone has a legal issue, the whole family has a legal issue," said Eric Schwartzreich. "With family present, everyone can ask questions and get to know their attorney. This way, the defendant has a team of people helping out, not just the attorney."

Should coming to the office not be convenient, Eric Schwartzreich will visit the defendant and the family at their home.

## Convenience for Clients When They Need it Most



Our Offices at 220 S.E. 6th Street Fort Lauderdale

# Should You Take a Plea or Go to Trial?

## Eric Schwartzreich Explains

Most criminal convictions come from negotiated plea deals. The much lesser percentage go to trial. What is better for your case, a plea or a trial?

Eric Schwartzreich has been a Criminal Defense Attorney since 1996. Although you as a client will be educated on all the possibilities in your case and advised on which choice to make, the ultimate decision will always be yours.

### What is the incentive for the Defendant in a Plea Bargain?

A plea bargain is basically an agreement between the accused and the prosecutor. The prosecutor and defendant's attorney can negotiate an outcome of the case without having to go to trial. This is done in exchange for the admission of guilt.

If the client agrees with the negotiated settlement, the next step is getting the approval of the judge who must also agree with the plea bargain. If all parties agree, that will become the order of the court.

If the client does not agree with the plea bargain after thorough discussion with counsel, then the client can go to trial.

The decision for the client and the attorney is made after they consider the facts in the case. For a defendant in a criminal case, plea bargaining provides the opportunity for a lighter sentence on a less severe charge, and to have fewer (or less serious) offenses listed on a criminal record. Defendants also save the cost of a lengthy trial by accepting a plea bargain.

### What is the Incentive for the Prosecutor to Plea Bargain?

For prosecutors who have many cases, a lightened caseload is equally attractive. A plea bargain also assures a conviction, even if it

is for a lesser charge or crime. No matter how strong the evidence may be, no case is absolute. Prosecutors may also use plea bargaining to further their case against a co-defendant. They may accept a plea bargain arrangement from one defendant in return for damaging testimony against another. This way, they are assured of at least one conviction even if it is for a lesser charge. After all, they could win a conviction against the second defendant.

### What is the Incentive for Accepting a Plea Bargain for the Judge?

For judges, the key incentive for accepting a plea bargain is to alleviate the need to schedule and hold a trial on an already overcrowded docket. Judges may be receptive to the "processing out" of offenders who are not likely to do much jail time anyway.

Before taking any case to trial or pleading guilty directly to the judge, it pays to know the temperament of the person sitting behind the bench. Some judges may be sympathetic to a defendant's situation, while other judges may be more inclined to "drop the hammer" on the guilty. Where a judge has a reputation for being tough on the guilty, it may be wise to work more carefully through the plea bargaining process. This is where good and knowledgeable counsel can help you through the process.

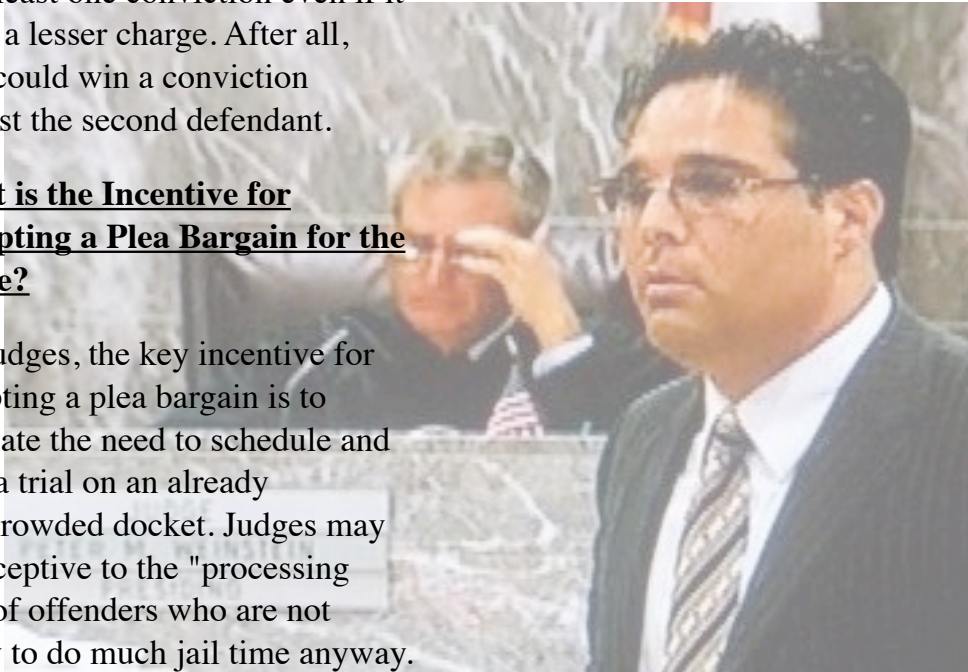
### The Down Side of a Plea.....

In a plea you still may be served with a civil lawsuit. Your name is not cleansed and you could have a permanent record that will follow you for the rest of your life.

### Why Go to Trial?

The advantage of going to trial is the plight of the state. The state attorneys have many cases and

they need to prove their case beyond a reasonable doubt to convince a judge or jury. If they have forgotten questions, they may leave loopholes. If the state wins and the defendant loses the case, you can always appeal a conviction if the record is preserved.



**“Beware of taking a plea. You will still have a criminal record.”**

*When you plead guilty, you waive these Constitutional Rights:*

- The right to remain silent**
- The right against self-incrimination**
- The right to have the attorney assist the client in the trial of the case**
- The right to cross-examine witnesses for the prosecution**
- The right to have witnesses testify on behalf of the defendant during the trial**
- The right to appeal the case if the guilty plea is entered in Circuit Court**
- The right to a trial by jury of twelve individuals in felony cases who are selected from the community and who must all find the accused guilty**
- The right to use the court to compel the production of documents and witnesses**



### Car Accident Checklist

- Stop your vehicle if it is clear, safe and legal.
- Move the vehicle out of the traveled roadway, if it is clear, safe and legal.
- Turn off the ignitions of the cars involved.
- Make a first aid check of all persons involved in the accident.
- Call the police and, if necessary, emergency medical services.
- Mark the scene of the accident with flares or retroreflective triangles.
- Gather the names of all persons in the motor vehicles and people who witnessed the accident.
- Make a quick diagram of where the vehicle occupants were seated and indicate the vehicles' direction of travel and lane. Also note the date, time and weather conditions.
- Ask to see the other driver's license and write down the number.
- Exchange insurance company information. DO NOT discuss "fault" or make statements about the accident to anyone but the police.
- Get a copy of the police report of the accident from the local precinct.

# Are You a Victim of Carelessness? Rob Yates can help.

Are you a victim of some one else's carelessness? Then your best asset is a personal injury lawyer.

Here is what a personal injury lawyer can do for you:

A lawyer who handles personal injury cases will know if you are entitled to collect money. If you are, then your lawyer can negotiate the best possible settlement amount for you for. Your settlement is to cover your medical bills, lost wages, pain and suffering, property damage, embarrassment, rehabilitative therapy and other expenses that may have developed as a result of your injury or the wrongful death of a loved one. The goal of a settlement is to help you start a future in the best possible way.

If you think you have a case, then contact a lawyer as soon as possible after the incident. At this point you will remember more of the details and your lawyer can determine if you are within the guidelines in the state of Florida for filing a claim.

At your initial meeting you will discuss the details of your case and see if those details will stand up in court.

After that, the next step is to file your claim and begin the legal process. In these kinds of lawsuits, the victim has to prove the guilt of the other party.

An experienced personal injury lawyer has heard every story possible when it comes to the events surrounding an accident, and he or she will be able to pick through the fine print and determine liability.

Personal injury lawyers work on contingency (which means that unless they negotiate a settlement for you, they don't get paid) so they will be honest with you from the beginning about your chances of winning your case. After all, they don't want to waste hours of their time and yours when neither one of you will benefit.

## Marla Chicotsky Joins Federal Bar

Attorney Marla Chicotsky is now a member of the federal bar association. This newly acquired credential allows her to handle cases that are civil federal, criminal federal and cases that involve interstate issues like commerce or businesses suing



Marla Chicotsky

businesses or violations of federal statutes.

Marla is the first associate of Schwartzreich&Yates to be a federal bar member. The test is given in federal court and attorneys are told immediately after if they passed.

Marla has experience in business and commercial litigation as well as administrative and real estate Law.

Marla Chicotsky is originally from Ft. Worth Texas. She got her B.A. in Political Science with a minor in Psychology from the University of Arizona and graduated from St. Thomas University Law School with a special focus on international relations.