

## A Message from the President

In Memorium Norman L. Paxton Jr.



*“When it is said and done,  
there is only one thing that  
matters, that I did my best to  
live my life for You.”*

--from a song sung  
by Norman Paxton  
(see editor’s note)

It was 1973 or thereabouts. The mood at the St. Lucie County Bar Association's monthly meeting was tense as the Association poised to amend its bylaws to permit admission of its first black member, Ralph Flowers. Norman L. Paxton, Jr., was then the Association's treasurer and a new lawyer, having been admitted to the Florida Bar in 1972, after graduating from law school at FSU, before associating with local attorney Charles Brown. Norman Paxton often later recalled his support of Ralph's successful membership bid.

Norman's legal career quickly expanded. He and Charlie became partners and Norman got involved in legal affairs as Assistant Fort Pierce City Attorney, Assistant City Judge, and then Assistant Attorney for the Ft. Pierce Utility Authority. In 1987 he and good friend George Williams decided to practice together and for the next twenty-four years Paxton & Williams, P.A. was a fixture in the local community, with a practice in the areas of probate, real property and general civil work.

He took for his role model Harper Lee's Atticus Finch, though the fictional character could as easily been modeled from Norman Paxton. No one ever accused Norman Paxton of flamboyance. The words of this gentle, self-effacing man were but few and well-chosen, though generously laced with a dry sense of humor that lightened all around him.

Like Finch, his passion lay in helping others. Awards were repeatedly conferred over the years for the numerous pro bono cases taken. Many hours were spent in support of the Salvation Army, Jaycees, Chamber of Commerce, the Rotary Club, Community Methodist Church, and Friends of the Rupert J. Smith Law Library.

But his heart most visibly expressed itself through his music. He learned the piano, wrote music, played the guitar and sang. Did he ever. He sang of thoughts, emotions and hopes that otherwise find no words in daily conversation. He sang in the church choir. He sang to his family. He sang to his friends. He mesmerized all who might listen to the beauty of his voice as it scaled the octave range. A body of his musical work is found on YouTube.

He was exceptional at most everything he enjoyed doing, whether cooking, playing Scrabble, or working out the New York Times Crossword Puzzle. His interests included golf though, there, he was matched by the playing skill of his wife, Barbara, a college sweetheart met on a blind date at an FSU football game. Together they brought up a son and daughter, Robert and Jessica.

Our Friend, Norman Paxton, passed away on October 15, 2011, at the age of sixty-three. He will be missed.

James T. Walker, President,  
Friends of the Rupert J. Smith Law Library

Editor's Note: Norm Paxton was a charter Friend of the Rupert J. Smith Law Library. He was serving as the Treasurer at the time of his passing and had for many of the preceding years. At a missed meeting, he was elected "Treasurer for Life." We only wish it had been longer. To those who would like more information, leave condolences for his family or to send a gift in his name, please go to: <http://www.haisleyfuneralhome.com/sitemaker/sites/Haisle1/obit.cgi?user=492446PaxtonJr#>  
\*Song written by Jim Cowan. Search YouTube Norm Paxton to see Norm perform this and other songs.

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**The St. Lucie County  
Clerk's Office named  
"The Best Place to Work."**

*by Joseph E. Smith, County Clerk*



For the second consecutive year, the St. Lucie County Clerk's Office was awarded the Best Places to Work designation. Determination of winners is based on 37 measures including rate of employee turnover, staff development and volunteer service within our community. The report is based on activity during the 2010 calendar year. Our commitment to providing an amazing customer service experience, operational excellence and sound financial accountability continues to pay off. This is a BIG victory for our caring and knowledgeable professionals who serve the public both on the clock and off! In spite of reduced staffing and additional responsibilities for those left, the members of our Clerk Family continue to provide "service with a smile" when they welcome you into our offices.

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*"In spite of reduced staffing and additional responsibilities for those left, the members of our Clerk Family continue to provide "service with a smile" when they welcome you into our offices."*

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Our technology changes are in full swing. Time flies when you're converting to a new case maintenance system! Since "going live" last December with "Benchmark", our office has resolved many "bugs." Through the tireless efforts of our Information Technology and Court Departments, we continue to improve the new system. The success of the transition is also due to the cooperation of local attorneys and other agencies. Our next steps in the conversion include enhanced system integration with other judicial agencies as well as incorporation of Incourt docketing processes and E-filing. In the next few months, we will begin making improvements and upgrades to our website, [stlucieclerk.com](http://stlucieclerk.com). It's been three years since we conducted an overhaul of the site and technology has continued to advance! Staff is working "on the backend," and we have improved the speed of our lines and changed the interface many of our judicial partners have used for years. Now, it's your turn. We promise that we will go slowly (or at least slowly for us) but when you see the finished product, you will agree that our content will be easier to understand and utilize. If you have any suggestion or ideas that will make our website better for you we encourage you to email us at: [ideas@stlucieclerk.com](mailto:ideas@stlucieclerk.com).



# Golf TOURNAMENT

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# Six Months In The Saddle

by The Hon. Burton J. Conner



The Old Dog is amazed at how fast time flies. It has actually been six months since I jumped into the saddle of being an appellate judge. So here is the update on my transition.

First, I still LOVE the new job! The Twenty-Something juices I mentioned in my first correspondence (being fresh out of law school, trying to figure out how to practically apply all that “stuff” I learned in law school to get the job done) are still flowing. However, I am gradually becoming more comfortable with understanding what the job entails and how to get the job done. As with any new job, it will still take a good year in the saddle to feel like I can do the job reasonably well (and in a timely fashion).

Next, I continue to enjoy the sense of being part of a large extended family. I am acquiring the necessary skills to do the job correctly in large part because all of my fellow judges have become willing mentors. They do not hesitate to share their knowledge and perspective on what it is like to grow as an appellate judge. What I enjoy the most is the camaraderie coupled with spirited debate. There is this constant sharing of perspective from different experience bases.

As I begin to understand and appreciate more and more that the work I do now has more power as “precedent” than anything I did as a trial judge, it forces me to look at the law differently than I did as a lawyer or as a trial judge. I have always felt that words (oral and written) are the tools of our trade (the legal profession), but I now realize, in a way I did not appreciate fully in past jobs, that “words mean something.” I have to be much more cautious in how I string them together to achieve clarity and avoid confusion or misinterpretation.

The concern is much more than a vanity issue. Yes, I worry that if I do not choose my words carefully, will my fellow judges, lawyers, and readers consider me mediocre, or worse yet, stupid. The real concern flows from a core belief that process is more important than personality. Even putting my initials to those three letters trial judges love and lawyers hate: “PCA,” raises a process issue. Does affirming a trial court judgment without an opinion result in an injustice because I have misinterpreted or gave short shrift an appellate argument and missed an opportunity to clear up a gray area of the law? More importantly, is the potential failure of process a *failure of due process*?

Six months into the saddle, I also want to acknowledge the importance of law clerks. I truly appreciate the support and work that law clerks provide me as an appellate judge. Let me be clear and simple: law clerks magnify and enhance the work product of an appellate judge. The reality is that they handle a lot of drudgery for me when it comes to drafting opinions. Besides giving me that extra set of eyes for proofreading (no matter how many times I read my own work, there are always typos), they save me from having to go back and relearn the proper form of Bluebook citation. After 30+ years of being out of law school, the Old Dog really did not want to have to go back and learn *that* set of tricks. More importantly, my law clerks give me that sounding board to test my written words before it has to be viewed by the rest of the world. All I can say is, “God Bless law clerks!”

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*“I will share with you the one big hurdle I have yet to cross after six months in the saddle: writing a dissenting opinion. I know it is coming...I am holding my breath with each new batch of cases I am assigned to review.”*

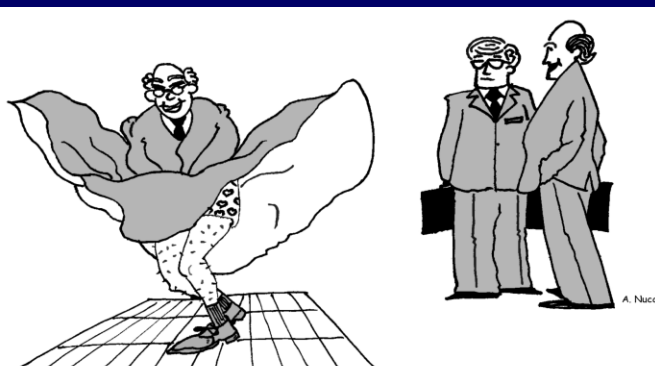
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To close, I will share with you the one big hurdle I have yet to cross after six months in the saddle: writing a dissenting opinion. I know it is coming...I am holding my breath with each new batch of cases I am assigned to review. Feels like body surfing...looking at each wave as it comes in...is this the one I want to ride? And please understand, writing a dissenting opinion is not the only hurdle I have yet to cross. There are plenty of new hurdles to cross out there.

*Editor’s Note: The Honorable Burton Conner is the Chair of the Board of the Trustees of the Rupert J. Smith Law Library of St. Lucie County. He was a circuit court judge of the Nineteenth Judicial Circuit for fourteen years. He was appointed to the Fourth District Court of Appeals in February.*



## The Lighter side of the Law



*“...those must be his amicus briefs...”*

## Books Revisited

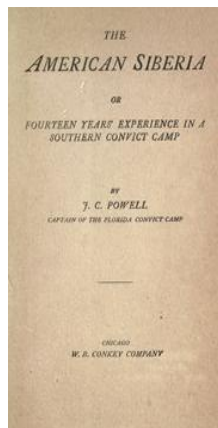
### **American Siberia, or 14 Years Experience in a Southern Convict Camp by J. C. Powell**

*Revisited by Robert Brammer*

The Post-Reconstruction era brought with it challenging economic circumstances for the Southern states. Faced with a modest budget, Florida searched for ways to reduce public spending. One cost saving method was to house the growing prison population through the use of the convict lease system. Under the lease system, rather than serve a prison sentence, convicts were leased to the highest bidder. The convicts were known as lessees, and they were housed in make shift camps that were supervised by a Camp Captain.

Life as a lessee was exceptionally brutal, and has since been described with the phrase, "If one dies, get another." Lessees were worked from sun up to sun down at tasks that often included paving roads, building railroads, and tree tapping. If a man fell behind in his work, he would suffer a variety of punishments, ranging from time in a hot house to whipping. If he tried to run, he would often simply be shot in the back and buried in the woods.

American Siberia, or 14 Years Experience in a Southern Convict Camp is a first hand account of the lease system in Northern Florida, written from the perspective of Camp Captain, J.C. Powell. Powell writes in the style of a mudslinger, but he is conflicted. Unlike other mudslingers, Powell is dependent upon the very system he abhors. He decries the brutality of the lessee system, but ultimately he must operate on its terms. American Siberia is well worth not only describes the harsh realities of camp life, but also provides a vivid description of life in turn of the century Florida. One of Powell's duties was to transport prisoners from county jails to the lessee camp. When Powell undertakes the transportation of a prisoner, he takes the reader out of the camp and into the backwoods of Florida, navigating past lynch mobs, through lawless counties and forgotten towns. In an era where little ink was spilled to describe the experiences of average people, Powell provides a valuable insight into the daily lives of average Floridians.



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*“In an era when little ink was spilled to describe the experiences of average people, Powell provides a valuable insight into the daily lives of average Floridians.”*

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The lessee system came to an end when North Dakota resident Martin Tabert was convicted of vagrancy for hopping a freight train. Tabert was ordered to pay \$25 or serve three months at hard labor in a lease camp. Put to work in a swamp cutting timber, Tabert soon suffered headaches, fevers and oozing sores. When Tabert became too ill to work, he was propped on his feet and beaten fifty times with a strap. Later that evening, Tabert passed away in his sleep. The press coverage of this tragedy led Florida to abolish the flogging of prisoners and culminated in the abolition of the lease system in 1923.

American Siberia may be more than a description of a cruel relic of a bygone era. In a time where there is a strong temptation to privatize correctional services in aid of diminished state budgets, the lease system should serve as a reminder that the privatization of correctional services requires vigilant oversight by the state.

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American Siberia is available via The Internet Archive:  
<http://www.archive.org/details/americansiberiao00power>

*Editor's Note: Robert Brammer is former staff of the Rupert J. Smith Law Library. He now works at the Stetson College of Law Library in St. Petersburg as one of their fine reference librarians. He can be reached at [rbrammer@law.stetson.edu](mailto:rbrammer@law.stetson.edu).*



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## More Terminals, More Databases and WestlawNext

by Nora Everlove

Rupert J. Smith Law Library is pleased to announce expanded Westlaw access by adding an additional terminal in Fort Pierce and a new terminal in Port St. Lucie. Now three patrons can work simultaneously in Fort Pierce and all the databases available in Fort Pierce are now available in PSL. Of course, all of this is free to library patrons. Both libraries have WestlawNext, West's new research platform that searches thousands of databases at once, sorts by jurisdiction, and makes legal research dramatically easier and more intuitive. Studies show it to be 64% faster than "Westlaw Classic" and much easier to use. With a new algorithm, it dramatically improves research results by ranking the relevance of cases, statutes, regulatory and secondary sources in the first few results of your search. If you haven't seen it yet, you'll be amazed.

Last but not least, the library has also dramatically expanded the databases available under the new WestlawNext plan. ALR, AMJUR and treatises such as Causes of Action have been added. Also, guaranteed to be a labor saver, West's new Forms Finder adds tens of thousands of forms, which can be sorted by type, jurisdiction and legal research issue. We have also added hundreds of additional databases in the areas of Real Property, Municipal Law, Personal Injury, Immigration, Social Security and Federal practice.

The library has added very expensive databases the average practitioner can not afford such as Florida Briefs Plus which includes Florida Supreme Court, Florida DCA, 11<sup>th</sup> Circuit, and U.S. Supreme Court Briefs, Petitions for Writ of Certiorari and Joint Appendices. You can link to relevant briefs directly from a case, or conduct a search in the briefs database to find briefs on your legal research issue. You can also filter for briefs by attorney or law firm, and other criteria.

Because there is so much new, training sessions will be available in Fort Pierce and in Port St. Lucie. Please call the library for a schedule and to make your reservation. 772-462-2370.



## How Not to Draft a Complaint or a Brief

by Steve Wein



You know you are having a bad day as an attorney when the appellate opinion you were hoping would reverse the trial court's dismissal of your client's second amended complaint arrives and notes in the first paragraph that you "proved unable to file an intelligible complaint." That is what occurred in *Stanard v. Nygren*, 2011 WL 4346715 (7th Cir. September 9, 2011). The appellate court in affirming the dismissal found that all three iterations of the complaint were generally incomprehensible and riddled with errors. As well, counsel compounded these drafting defects by failing to comply with the trial court's directions and openly defying court orders. The drafting problems also included; lack of punctuation; utilizing at least 23 sentences of 100 words or more, including sentences of 385, 345 and 291 words; and grammatical and syntactical errors which the district court described as "too numerous to add '[sic]' where required." Clearly, this was not a recipe for success at the trial court level.

Apparently, things did not improve on appeal. The appellate court's comments on the shortcomings in the appellate briefs is a catalogue of things *not* to do in successful brief writing: including, failing to address the issues; relying on cases of marginal or no relevance; and failing to articulate a comprehensible argument. The court supplied the following gem as an example of how the briefs were not comprehensible (punctuation errors aside): the appellate brief stated -- "Plaintiffs claims were not 'intelligible' - no 'needle in a haystack' as Appellees' claim." The court charitably described this sentence as being incoherent.

Adding insult to injury, the court ordered counsel to show cause within 21 days why he should not be removed or suspended from the court's bar and a copy of its opinion sent to the Illinois Bar Disciplinary Commission.

One wonders whether, if any motion for rehearing is filed, it will show any improvement over the papers that preceded it.

*Editor's Note: This is taken from Steve Wein's blog which can be found at his firm's website: [www.brdwlaw.com](http://www.brdwlaw.com). He is a shareholder with Battaglia, Ross, Dicus & Wein with a practice concentrating in commercial litigation.*

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# Issue-Spotting for Tax Exempt Organizations

By Katie Everlove-Stone



Attorneys are often called upon to serve on boards of charities and other tax exempt organizations, and to provide them with pro bono legal services. When working with charities, it is important to have some familiarity with the rules governing tax exempt organizations. Failure to comply with the tax rules can, in some circumstances, result in a loss of an organization's tax exempt status. As proof, you need only see that recently the IRS revoked the tax exempt status of over 17,000 charities in Florida, for failure to file a tax return for three consecutive years. Undoubtedly, many of these charities were no longer in operation, but certainly some of them remain a going concern. These charities will have to reapply for tax exempt status, a time consuming and costly project.

Below is a summary of several common issues that attorneys should be aware of when working with non-profits.

## **Florida Application to Solicit Contributions**

In Florida, many charities are required to register with the Florida Department of Agriculture and Consumer Services ("DACs") prior to engaging in fundraising activities. This registration must be renewed annually, and the fee ranges between \$10 and \$400, depending on the contributions received by the organization in the preceding fiscal year. Late renewals are subject to a \$25 fee for each month or part thereof after the registration due date.

Organizations that are exempt from the registration requirement include religious organizations, educational institutions, state agencies or other government entities, and professional fundraising consultants. Under Fla. Stat. §496.404(8), "educational institutions" include non-profit schools and organizations which raise funds for schools, such as most booster clubs, alumni organizations, and parents groups."

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*"Failure to comply with the tax rules can...result in a loss of an organization's tax exempt status. As proof, you need only see that recently the IRS revoked the tax-exempt status of over 17,000 charities, just in Florida..."*

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Pursuant to Fla. Stat. §496.411(3), charities which have registered with the Florida DACs are required to display the following statement in capital letters on every printed solicitation, written confirmation, receipt, or reminder of a contribution:

**"A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL INFORMATION MAY BE OBTAINED FROM THE DIVISION OF CONSUMER SERVICES BY CALLING TOLL FREE WITHIN THE STATE. REGISTRATION DOES NOT IMPLY ENDORSEMENT, APPROVAL, OR RECOMMENDATION BY THE STATE."**

To determine whether a particular organization has registered, you can visit <http://www.800helpfla.com/> and click on the link that says "Gift Givers' Guide." This website also provides some basic financial information about the charities that have registered.

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## **IRS Reporting Requirements**

Exempt organization tax returns are due on the 15th day of the 5th month after the end of the organization's fiscal year. For organizations operating on a calendar year, tax returns are due May 15th. As discussed earlier, an organization which fails to file a return for three consecutive years will have its tax exempt status revoked. To be reinstated, the organization will have to reapply for tax exempt status by filing Form 1023 with the IRS and paying a substantial "user fee."

For public charities with annual gross receipts of less than \$50,000, the only reporting requirement is Form 990-N, otherwise known as an e-postcard, which is filed online at the IRS website, [www.irs.gov](http://www.irs.gov). For organizations with gross receipts in excess of \$50,000, income is reported on Forms 990 or 990-EZ. Private foundations file Form 990-PF. Churches and other places of worship are generally exempt from the requirement to file, regardless of their income.

*continued on page 7*

### Prohibited Activities

There are several prohibited activities that will result in the loss of a §501(c)(3) organization's tax exempt status, including:

- Devoting a substantial part of the organization's activities to lobbying, or encouraging members of the organization to contact their legislators about a particular issue; however, the organization may conduct voter registration drives and non-partisan voter education activities, including presenting public forums and publishing voter education guides.
- Participating, intervening in, or contributing to a political campaign supporting or opposing a candidate for public office.
- Allowing net earnings to inure to the private benefit of insiders of the organization.
- Providing a substantial benefit to the private interests of an individual or organization, i.e., the organization's beneficiaries must be recognized objects of charity, such as the poor or distressed, or the community at large.
- Having a purpose or participating in activities that are illegal or violate fundamental public policy.
- Failing to file a tax return for three consecutive years.

### Unrelated Business Taxable Income

Unrelated Business Taxable Income (UBTI) is income from a trade or business, regularly carried on, that is not substantially related to the charitable, educational, or other purpose that is the basis for the organization's exemption. Exempt organizations may produce income unrelated to their tax-exempt purpose, as long as the income-producing activities are not a substantial part of the organization's activities.

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*“Exempt organizations may produce income unrelated to their tax-exempt purpose, as long as income-producing activities are not a substantial part of the organization’s activities.”*

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Generally, rents from real property, capital gains, interest and dividends are not considered UBTI unless they are financed with borrowed money. Whether income is UBTI depends on the facts and circumstances, but examples of UBTI include income from advertising in publications and from the sale of merchandise unrelated to the organization's exempt purpose. An organization with more than \$1,000 of annual gross UBTI must file Form 990-T in addition to the Form 990. Income that is UBTI is subject to standard income tax rates.

### Disclosure Requirements

A §501(c)(3) organization must make certain records available for public inspection, including its tax exemption application (Form 1023), tax exempt determination letter, and their last three annual tax returns. The organization must provide copies of these documents to individuals who request them, immediately in the case of in-person requests, or within 30 days in the case of written requests. Organizations may make these documents available on their website to avoid the requirement to supply copies of the documents, but they are still required to make the documents available for public inspection.

### Indemnification

Individuals who serve on boards of directors should take a moment to review the organization's bylaws to determine whether the organization will indemnify the board members from personal liability for actions taken (or not taken) on behalf of the organization. The prospect of personal liability may be enough to scare highly qualified, talented individuals away from serving on charity boards, but a well-drafted indemnification clause should help allay those concerns. The organization may also consider purchasing insurance to cover the indemnification.

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*“The prospect of personal liability may be enough to scare highly qualified, talented individuals away from serving on charity boards, but a well-drafted indemnification clause should help allay those concerns.”*

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### Conclusion

Although not always glamorous, these issues are important to be aware of when working with non-profits. Often, very well-intentioned people get together to create a charity, and these details are not properly addressed. By being prepared to spot these issues, we can better serve our community by protecting charities from inadvertently running afoul of the requirements facing tax exempt organizations.

*Editor's Note: Katie Everlove-Stone is on the Board of Directors for The Centre (formerly the Centre for Women) a large, multi-programmed charity based in Hillsborough County. This term she is serving as Secretary. In the past she has served on several other non-profit boards. She is a 2006 Stetson graduate and received her LL.M. in Estate Planning from the University of Miami in 2007. She practices in the Tampa Bay area.*



# The Arts and the Law an artist's perspective

## "Viewer Beware"

by Paul Nucci



The old adage, "Believe none of what you hear and only half of what you see," needs revision. The camera may not lie but we never get to see what the camera sees. The advent of inexpensive photo editing software has made it possible for anyone to alter any image for any purpose: just look at my byline photo above.

Most alteration is innocent and even funny but some may have a darker purpose. Look below at two photos of Kate Middleton. An Italian magazine thought it was somehow more desirable to narrow Kate's waist to non-human proportions.



This type of alteration shouldn't surprise anyone. It has been going on for decades. The very act of selecting from several photographs is an editing function. It does, however, raise the question: what, if any, responsibility does a publication have to disclose what alterations have been made to its images? In an age of unapologetic bias in the news media, does the reader/viewer have the right to know when an image is a photograph or a creation made to support an agenda?

It might seem this issue might belong to a discussion about the media rather than the arts. However, the line between information and entertainment is getting more blurred every day. As many people admit to getting their information about current events from "The Daily Show" as any network news program.

*Editor's Note: Paul Nucci is a musician and artist working primarily on oils and pastels for over forty-five years.*

Where does the law enter into this debate? We have warning labels on almost everything we consume: our food, our drugs, our cigarettes, our video games, even our movies. It is hard for me to imagine the law has little or nothing to say in this area.

So much of our information now reaches us visually and in thirty second segments. How can the law protect us from falsified images passed off as truth? Should the law protect us, or are we on our own? Should "buyer beware" be broadened to, "viewer beware?"

It is not just the print media that we should consider. Several years ago Oliver Stone made the movie, "JFK." It remains as controversial today as it was when it was released. The movie addresses one hundred and fifty "questions," according to Stone, that were not resolved by the Warren Commission's investigation of JFK's assassination.

Historians and critics cried foul saying that Stone embellished facts, gave credence to rumors and outright lied about aspects of the case. Stone defended himself saying that he was only making a movie and wanted to promote discussion and provoke thought about an event that remains in our national consciousness.

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*"So much of our information now reaches us visually and in thirty second segments. How can the law protect us from falsified images passed off as truth?"*

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Recently, on a plane, I watched "JFK" on the in-flight movie. I was struck by how the visual narrative of the story was very different than the audio. In a quiet voice, the voice over would discuss points raised by the investigation, while the visual depicted events that were in total opposition to the audio track, supporting the idea that a huge conspiracy was at work. The technique is very effective. Next time you watch the "news", notice the photo backgrounds behind the reader. There is often a different and more subtle message contained in the photo than the narration.

I'm sure everyone has noticed the blurb in the credits at the end of a movie that states, "The story you have just seen is fictitious...any resemblance to any character living or dead is purely coincidental." I don't know what the blurb at the end of "JFK" says.

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# The Arts and the Law

*continued from page x*

I must confess, I liked “JFK.” It’s very entertaining. I am concerned however, when fiction is portrayed as fact. It worries me when those motivated by profit or power can circumvent factual debate by presenting their agenda thinly disguised as an investigative report, a movie, or a comedy skit.

As human beings, our very survival depends on our ability to identify threats to our well being. We learn from infancy to believe what our eyes tell us. So much of our brain is devoted to processing visual information that we really can not easily override this judgement. However, our visual sense is so easily fooled into seeing what we expect to see that prosecutors discount eyewitness testimony in favor of other types of evidence. Consider the eyewitness testimony of the aforementioned Kennedy assassination.

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*“The enhanced photos of cellulite on the backside of an aging celebrity don’t worry me. But what about photos altered to add more victims of a brutal regime than were really evident, in an attempt to justify intervention? Where do we draw the line?”*

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I have no objection to supermarket tabloids showing altered photos on their cover to sell more copies. The enhanced photos of cellulite on the backside of an aging celebrity don’t worry me. But what about photos altered to add more victims of a brutal regime than were really evident, in an attempt to justify intervention? How about altered photos of supposed weapons of mass destruction? Where do we draw the line? Who should do the drawing?

This weeks headlines showed protesters in Pakistan demonstrating against Americans. The photos showed an angry mob. Are they actual photos? They could easily be file photos of other Arab Spring protests. How can we know? What recourse do we have if the photos are not real. Shall we rely solely on the journalistic ethics of the publication?

The recent scandal concerning voicemail hacking in Great Britain and the ethical lapses it exposed should serve as a warning. This was not some supermarket tabloid. This newspaper is owned by the same group that owns “The Wall Street Journal.”

Recently, the government of Iran released video of missile tests it had just completed. The U.S. government quickly denounced the video as having been altered to enhance the size and quantity of the missiles Iran said it had. China admitted it had enhanced the video of the opening of the olympic games they hosted to show more spectacular fireworks than actually took place.

I am not usually an advocate for more laws and I certainly don’t believe any kind of disclaimer will end abuses of the type I’ve mentioned here. The outcome I hope for is that we who consume information realize that there is a danger: Everything we see is what someone has paid for us to see. They expect a return on the investment. A. J. Leibling said, “Freedom of the press belongs to those who own one.” Let the viewer beware.



## **Coming to the library for the first time?**

**We are located at 221 South Indian River Drive in downtown Fort Pierce.**

We are just South of the Clerk’s new building and in the Courthouse campus. We are the only entrance on Indian River Drive. Usually you can find a parking spot on Indian River Drive but if none are available there is a 3 story parking garage not far from us on 2<sup>nd</sup> Street. All of the parking is free.

### **From the South:**

Take US 1 to Orange Avenue  
Turn right (East) on Orange Avenue  
To South Indian River Drive and turn right (south)  
You’ll see us on the right hand-side of the road

### **From The West:**

Take S.R. 70 (Delaware Avenue) to US 1  
Turn left (North) on US 1 to Orange Ave  
Turn right (East) on Orange Avenue  
To South Indian River Drive and turn right (south)  
You’ll see us on the right hand-side of the road

## From the Staff...

Bienvenido a la Biblioteca de Ley.

### ATTENCION!!

La biblioteca de Ley tiene un nuevo horario:  
Lunes, Mates, Miércoles y Jueves: 8:30 a.m. hasta las 7:00 p.m.

Viernes de 8:30 a.m. hasta las 4:30 p.m.

Sábado de 9:00 a.m. hasta las 1:00 p.m.

Estamos abiertos la hora de almuerzo todos los días.

Como un experimento pensamos abrir los domingos por cuatro horas empezando en Enero 2012.

La biblioteca de Port St. Lucie (250 Country Club Dr.) estará abierta los Viernes\* de 9:00 a.m. hasta las 12:00 p.m. y una bibliotecaria estará disponible durante estas horas. Este día cambiara para el martes, cuando empleamos más ayuda.

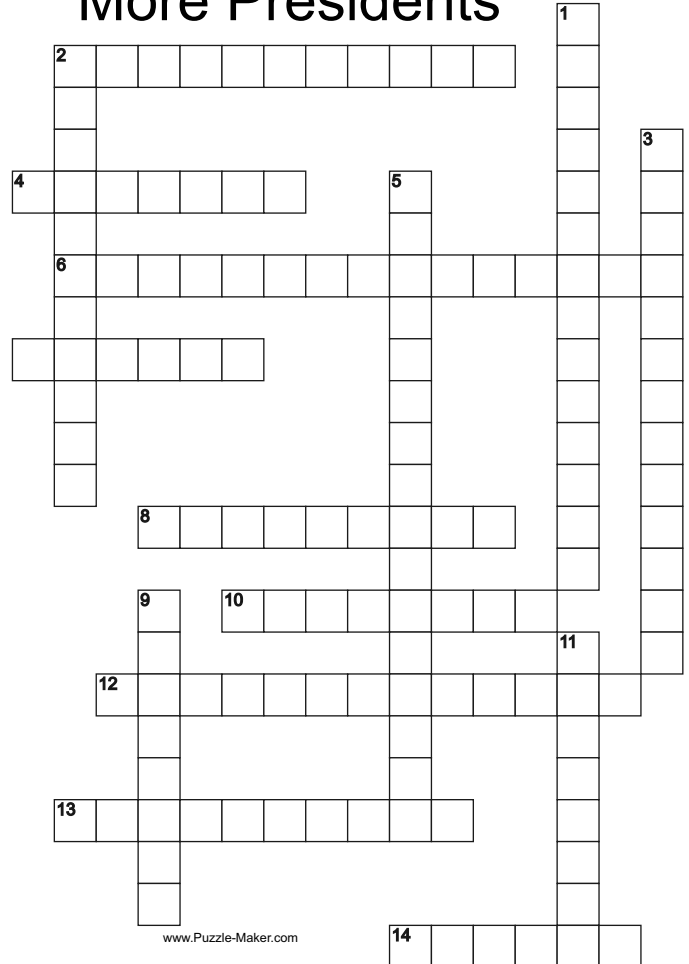
Hacen más de cuatro años los amigos de la biblioteca en colaboración con la organización de abogados Celebramos "DIA DE LEY" en el mes de Mayo. Este año el tema del concurso es lo siguiente: "NO HAY TRIBUNAL, NO HAY JUSTICIA, NO HAY LIBERTAD". Los participantes son estudiantes de las escuelas en Port St. Lucie County empezando con los alumnos en K – 12.

Ellos participan por medio de sus maestros en la escuela. Esto es un concurso donde se escoja los cuatro mejores dibujos y los ganadores consiguen un premio monetario.

Las bellas artes y dibujos estarán en exposición en las paredes del palacio de justicia hasta el final de Mayo. Empezamos años atrás con \$500.00 para el primer premio para el estudiante de la escuela secundaria. Este año esperamos muchos más premios y más ganadores. Al final presentamos un programa con un orador principal, el superintendente Michael Lanon, estudiantes que participaron, maestros, miembros de la comunidad, y familiares. Los premios se presentan en este día. Esperamos que los padres y maestros animen y alientan la participación de los estudiantes.

## CROSSWORD

### More Presidents



#### ACROSS

- 2 US Naval Academy graduate  
4 Pulitzer Prize Winner  
6 installed bathtub in White House, precious little else  
7 Great Emancipator  
8 Dispatched Merriweather & William  
10 shot in Buffalo  
12 Impeached Tennessee Tailor  
13 appointed and never elected  
14 No previous elected office; no military rank; not Taft

#### DOWN

- 1 came back as Bull Moose  
2 His doctrine established U.S. pre-eminence in the Western Hemisphere  
3 Second assassination  
5 USMA graduate; last born in 19th c  
9 first US citizen elected; English was not his first language  
11 Silent Cal

Answers in next edition or call 772-462-2370 if you just can't wait or visit the library, where we have all the answers.



## NEW CLE MATERIALS - Just Ordered and Soon to Arrive

Stop by the library or call us to put materials on reserve. Don't forget; we will send discs to you through the mail if you find that more convenient. We pay the postage going out and you pay it coming back. **We offer this service to all attorneys including those who practice outside of St. Lucie County as long as you have an account with the library (\$20 minimum).** Call us for details 772-462-2370.

Title	General	Ethics	Certification	Expiring
Navigating Criminal Appellate Practice	6	1	AP=2, CA=6, CR=6, IM=1	10/29/2012
Criminal Law Update 2011	7	1	CA=3.5, CR=5.5, IM=1	10/7/2012
Fundamentals of Elder Law	7.5	2.5	EP=5.0, ED=5.5	10/1/2012
Hot Topics in Environmental and Land Use Law 2011	8	1	AG=8.5, CC=8.5, RE=8.5	9/4/2012
Family Law Section Legislative Update 2011	2.5		FL=2	2/5/2013
Florida Law Update 2011	7	1	CA=1, CR=1, EP=1, FL=1, LE=1, RE=2	12/23/2012
State and Federal Government & Administrative Practice				
Cert. Rev: The Sunshine State	9	1	AG=9, AP=1, CC=9, DT=1	10/8/2012
The Affordable Care Act (ACA) - Patient and Provider	7		ED=7, HL=7, TX=.5	1/27/2013
Advanced Labor Topics 2011	9	1	LE=9	12/10/2012
4TH Annual Construction Law Institute	14		CL=14, RE=14	10/1/2012
Advanced Real Estate Law and Certification Rev Course 2011	16	1	CL-16, RE=16	10/8/2012
Community Association Law Issues 2011 Ed	11		CL-11, RE=11	10/15/2012
Trusts & Estates Symposium 2011: Practical Tips and Interesting Tidbits for the Estate Planner & Probate Litigator	7.5	1.5	EP=5.5, TX=5.5	11/12/2012
Wills, Trusts & Estates Certification Review & Advance Practice Update	16	1	EP=16, ED= 16, TX=16	10/8/2012
Annual Wealth Protection 2011: Crisis Management Using Asset Protection Techniques	9		EP=7, FL=1, TX=7	11/13/2012
Masters Seminar on Ethics 2011	4	4		12/24/2012
Basic Federal Practice 2011	8	1		10/13/2012

### Did You Know The Law Library Has...

- Access to thousands and thousands of law reviews, law journals and legal bulletins through HeinOnline
- Has more than 30 current Florida Bar programs on disc to help meet practitioners' CLE and designation requirements
- Extended evening hours on Monday through Thursday
- Is now open on Saturdays from 9:00 to 1:00
- No longer closes over the lunch hour
- Now has access to Westlaw on three computers in Fort Pierce
- And Westlaw access on one computer at Port St. Lucie

And all of this progress was made in the last month! And all of this is free to you. Come see us because we are where it's happening. And it's happening for more hours every week...with more resources.

### Last issue's Crossword answers

"Mr. President"

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We thank our authors and other contributors for making this issue a success!

## Upcoming Bar Events

### St. Lucie County:

#### Regular Meeting

Friday, November 4 at Noon

#### Food Drive and Charity Mixer

With FICPA at Cobb's Landing  
Wednesday, November 9 at 5:30

#### Annual Christmas party at the Pelican Yacht Club

December 7, 2011 at 5:30

For more info: [SLCBA.org](http://SLCBA.org)

### Indian River County:

#### Regular meeting

Friday, November 18 at Noon  
No regular meeting in December

For more info: [IRCLaw.org](http://IRCLaw.org)

### Martin County:

#### Regular Meetings

Friday, November 18 at 11:45  
Friday, December 16 at 11:45  
Monarch Country Club in Palm City

For more info: [MartinCountyBar.org](http://MartinCountyBar.org)

## New Hours! The Rupert J. Smith Law Library is now open six days a week.

We are open:

Monday through Thursday from 8:30 a.m. to 7:00 p.m.  
Fridays from 8:30 a.m. to 4:30 p.m.  
Saturdays from 9:00 a.m. to 1:00 p.m.

At the South County Law Library, we are now staffed:  
Fridays from 9:00 a.m. to 1:00 p.m.

The library is closed when then the court house is closed as well as any holidays that fall on a Saturday. We are closed every Sunday.

We will be closed the following days in November, December and January:

Friday, November 11  
Thursday, November 24  
Friday, November 25  
Saturday, November 26  
Friday, December 23  
Saturday, December 24  
Monday, December 26  
Saturday, December 31  
Monday, January 2  
Monday, January 16

The Rupert J. Smith Law Library of St. Lucie County

The main branch is located at:  
221 South Indian River Drive  
Fort Pierce, Florida 34950  
772-462-2370

Website: <http://www.rjlawlibrary.org>

Our South County Branch is located at:  
250 Northwest Country Club Drive  
Port St. Lucie, Florida 34986

Visit the Friends Facebook page, Lucie Law and keep up the latest news. Make us one of your Friends today!

## Come To The Next Friends' Meeting!

Thursday, November 3<sup>th</sup> at 5:30 p.m.  
Thursday, December 20<sup>th</sup> at 5:30 p.m.

At the Rupert J. Smith Law  
Library

Refreshments provided.