Friendly Passages

Supporting Equal Access to Law in Florida

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In This Issue

Appropriate Courtroom Dress

By The Honorable Judge
Mark W. Klingensmith

"Though some attire (i.e., tank tops, pajamas) may seem like obvious choices that could easily be banned, other clothing can be a tougher call. Barring some attire might even raise troubling questions about race, religion and access to justice, legal experts say."

There are some things about me that no one would likely call "old-fashioned." I like hard rock music, use a MacBook Pro computer, and I create most of my court orders using voice dictation software instead of typing, just to name a few examples. But one thing about which I do take a more traditional view involves the subject of appropriate courtroom attire.

I grew up attending public schools where there were no rigid standards about what students could or could not wear to class; nonetheless, I was taught to know that there were certain places where I was expected to wear something more formal than a pair of ripped blue jeans and a t-shirt. Those places included schools, churches, and courthouses.

While presiding over dependency, delinquency, and family court cases during the past year, I have noticed various forms of inappropriate attire worn to court by both juveniles and adults alike. Some examples of what I have seen include juvenile defendants coming to court wearing gym shorts, tank tops, pajamas, and of course the ubiquitous "pants-around-the-hips-with-underwear-showing" *haute couture*. On one occasion in court, a young man was so indignant about being told to tuck in his shirt and pull his pants up that he flatly refused several direct instructions from both my bailiff and me to do so. As a result, he became an overnight guest at the juvenile detention center. I assume he was provided an alternative wardrobe while he remained there.

continued on page 7

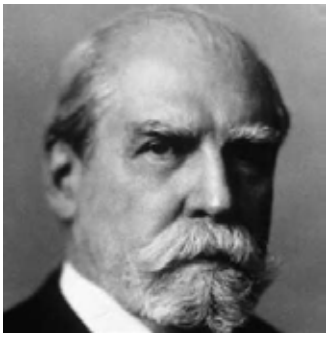
On Behalf of the Publisher

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

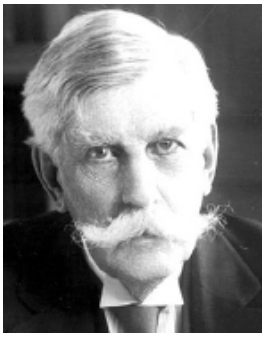
Charles Hughes, early biographer of Justice Oliver Wendell Holmes, Jr., called Justice Holmes a "prophet of the law". **Harvard Law Review** (1930-31), p. 718. Justice Holmes is credited with laying the foundations of healthy and constructive skepticism in the law. Hughes, "Early Writings of Holmes, Jr.", n. 44. When Holmes published what is now accepted as one of the classics of legal literature, **The Common Law & Other Writing,** he declared in an opening sentence, "The life of the law has not been logic; it has been experience." By this was meant that judicial construction ought not to issue from the individual judge's social philosophy, but from the warp and woof of life itself:

"If your subject is law, the roads are plain to anthropology, the science of man, to political economy, the theory of legislation, ethics, and thus by several paths to your final view of life. It would be equally true of any subject. The only difference is in the ease of seeing the way. To be master of any branch of knowledge, you must master those which lie next to it; and thus to know anything you must know all."

--from a lecture delivered at Harvard University (Feb. 17, 1886)



Charles Hughes



Oliver Wendell Holmes Jr.

It is this view of the law, as the intertwined product of all that goes on around us, whether through science, history, art, politics or popular culture, now and in the past, that informs the pages of ***Friendly Passages.*** For example, in the debut issue, September, 2011, Jonathan Coleman explored racial injustice in a review of **To Kill A Mockingbird**, and wondered whether Harper Lee was sad or merely disappointed about the fate of Tom Robinson. Paul Nucci contributed a series of articles about law and art, including a notable tale about a famous showdown between James Whistler and a hated critic.

Dr. Richard Wires, Ph.D., wrote about cruise ship routing, the Nobel Peace prize, and dueling. Robert Brammer noted early English developments in legal history involving the Statute of Artificers. Ashley Walker wrote about the law's reflection in Shakespearian literature while David Steinfeld recently discussed the growing impact on law of social media developments. As Justice Holmes said, "It is perfectly proper to regard and study the law simply as a great anthropological document."

But ***Passages*** does not neglect the substantive content of the law itself. Hugh Eighmie presented a series on the Uniform Code of Military Justice. Katie Everlove-Stone wrote about powers of attorney and tax issues for non-profits. Emanuela Gentile discussed the importance of the Native American Protection and Repatriation Act. Lisa Bruno updated readers on The Innocence Project. Patrick Kennedy talked about residuary clauses in estate planning, and Jeanne Tate educated people on foster care and adoption. Valuable and compelling judicial perspectives were presented, often movingly, by the Hon. Burton Conner and the Hon. Mark Klingensmith. Senator Joe Negron presented an authoritative review of issues involving the relationship between the legislative and judicial branches of state government and his own work on the Florida Innocence Commission.

Fine writers, all of them. One wishes, but seeks in vain, for the words that might adequately express the deep sense of appreciation felt toward our contributors. They weave together a picture of the law that is as diverse as the human experience, funny, sad, profound, outrageous, and inspiring. We can only hope that our good readers will continue to add their own colorful, informative threads to the tapestry, so that it may acquire ever finer depth and perspective, where law and life are seen to be indistinguishable from each other. We're delighted to see the works of anyone willing to take the time and share a little piece of themselves, whether lawyers, academics, judges, librarians, any person with a story that others might like to see.

continued on page 4

continued from page 3

On Behalf of the Publisher

Personally, I myself, –subject to the good sense of the editor, Nora Everlove –would love to see some good poetry submissions (we've already published one, so far, in the May, 2012 issue, "The Shooting," by Ashley Walker). It would be nice to also see the occasional fictional short story on offer –someday we could brag that Friends helped give a start to some aspiring John Grisham (but sorry, not interested in any book-length submissions). Science fiction readers know of Douglas Adams, author of **The Illustrated Hitchhikers Guide to the Galaxy.** He wrote about a supercomputer called Deep Thought. It was asked to calculate The Answer to Life, the Universe and Everything. The computer crunched and ran numbers for hundreds of years until, finally, on the appointed day, it announced the resulting answer as "42". Maybe the computer was mirroring the frustration expressed by one Charles Chestnutt, who said, "The workings of the human heart are the profoundest mystery of the universe. One moment they make us see despair of our kind, and the next we see in them reflection of the divine image." And maybe one day it will all make sense, and life and law will be entirely reconciled one to the other. For now, they are as familiar strangers, and their mysterious interface presents room for fascinated exploration. That is the home ground of ***Friendly Passages.*** Friends eagerly awaits the next "42" from one of our distinguished contributors so that we may finally understand this conundrum. ***Passages*** is happy to welcome its readers to the conversation. Thank you for your support.

Where There's a Will, There's a Way (To Get Sued.)

By Patrick Kennedy

At some point in their career, many attorneys are going to get this question from a family member or close friend, "Can you help me out with a will?" Many respond in the affirmative because they feel obligated or want to help the person save money. Often these attorneys do not practice in the area of estate planning. But we're just talking about a simple will. How hard can it be, right?

An article[1] by the American Bar Association reported that substantive errors amounted to 46 percent of all malpractice claims. The top two substantive errors listed were: 1) failure to know or properly apply the law, and 2) inadequate investigation or discovery of facts. The research indicated that "dabblers" are much more likely to commit the first kind of substantive errors. Just because an attorney has access to software that walks her through a form or she has been given a well-written copy of a will from an estate planning attorney, does not mean she knows or can properly apply the law.

"Not understanding the complete picture of a client's assets could even lead to the client having to pay estate taxes or other issues which might have easily been avoided with proper planning."

Helping out with the will of a family member or close friend can put the attorney in a tricky situation for another reason. Giving independent legal advice can be awkward or difficult when there is a close relationship between the attorney and potential client. In an effort not to "pry" into the life of the other person, the attorney might avoid questions or assume that he knows the answer which often leads to the second substantive error of inadequate investigation or discovery of facts. Additionally, if an attorney doesn't practice in estate planning, he might not know what questions he should be asking to completely assess the person's situation. Not understanding the complete picture of a client's assets could even lead to the client having to pay estate taxes or other issues which might have easily been avoided with proper planning.

continued on page 19

Poison for Profit: Arsenic and Inheritance

A look at how weak forensics and social mores aided in the murder of countless victims.

By Richard Wires

The Murder Weapon

Napoleon Bonaparte

Florence Maybrick

Mary Ann Cotton

Lucretia Borgia

The nineteenth and early twentieth centuries saw an untold number of murders by arsenic poisoning. Because the motives were so often financial by the victims' family members, the Victorians called arsenic the "inheritance powder," discreetly used to speed up the collection of legacies and life insurance. One factor was easy access to the poison; it could be purchased in many forms. Another was that fatal illnesses were common. Physicians and the police were not suspicious, and were not always even consulted or involved. Deaths among the wealthy with better or less hurried doctors were more likely to be questioned than those among the poor. A further consideration was social conditions. The poor state of record-keeping and official cooperation, the impossibility or difficulty of divorce, the widespread reluctance to suspect women, and the mobility of the population provided anonymity made it less likely that a murderer would be caught. People moved from countryside to city, street to street, and overseas or across a nation. Anyone under suspicion could simply relocate.

Arsenic is a common element, number 33 in the periodic table and known as "As," with medicinal and commercial uses. In ancient China and Rome, small amounts were taken to boost metabolism and the practice survived in Europe until modern times. But the problem was to know what dosage was safe. Its value to murderers was also known. Renaissance Italy produced perhaps the world's most famous poisoners, Cesare Borgia (1476-1507) and his sister Lucrezia (1480-1519), who elevated murder to official statecraft using "LaCantarella." Historians believe that poison was arsenic. Two centuries later, Guilia Toffana sold her "Aqua Toffana" to unhappy wives. The deadly mix of belladonna and arsenic dispatched hundreds of husbands before she was stopped. Medicinal use continued. A doctor in the late 1700s created Fowler's Solution which Britons long drank as a tonic. Some believe the stomach troubles of Charles Darwin came about from its too frequent use.

continued on page 22

From the Homeowners Association's Point of View:

Assessments and Association Owned Units

By Jeffrey A. Rembaum

Everyone is talking about it, the meaning of the Third District Court of Appeal's January 23, 2013 opinion in Aventura Management, LLC v. Spiaggia Ocean Condominium Association, Inc., 105 So3d 637 (Fla 3d DCA 2013). This ground-shattering, ill-reasoned case will negatively affect thousands of community associations throughout Florida. For years, we have known that the winning bidder at a lender's foreclosure sale (other than a first mortgagee lender entitled to the safe harbor protection, meaning the lesser of one-percent of the initial mortgage or twelve months back assessments) remains fully liable to the association for past due assessments. Maybe, not anymore.

This case, one of the worst rulings in years, favors investors and lenders over the already financially cash strapped associations throughout the state. To make matters worse, it is already being misconstrued by winning bidders of foreclosure sale auctions who wrongly assert that, based on the Aventura case, they have no liability for past due assessments. With that in mind, let us begin our analysis by looking at what the Third District Court of Appeals did NOT say. The Court did not proclaim that every third party bidder who acquires title to an association unit as a result of a lender's foreclosure auction has no liability at all for past due assessments. Rather, it merely reversed the trial court's summary judgment order initially issued in favor of the Association.

In the Aventura case, the Association foreclosed its assessment lien before the first mortgagee foreclosed its mortgage, and as a result, the Association owned the unit for a while, subject of course, to the first mortgage. Soon after, the first mortgagee lender foreclosed its interest in the unit which divested the Association of its title to the unit in favor of the third party winning bidder at the court ordered foreclosure auction. Afterwards, the Association, relying on the joint and several liability provisions set out in Section 718.116, Florida Statutes, demanded all of the back assessments from Aventura Management, the third party bidder and auction winner. While the trial court had agreed with the Association at summary judgment, the Third DCA reversed the trial court's order in favor of the third party bidder. This means, the matter at issue is anything but fully decided as either side can file a renewed motion for summary judgment. Moreover, it will be some time before the matter is heard at trial.

Upon closer examination, the Third DCA reversed the trial court's summary judgment ruling which required Aventura to pay past due assessments that included the period of time the unit was owned by the Association. However, nowhere in the Aventura opinion did the Third DCA order that a third party purchaser has no prior assessment liability whatsoever. Rather, by reversal of the trial court's summary judgment, the Third DCA pointed out that Aventura, as the winning bidder was not liable to the Association for the amounts due as claimed by the Association.

This case, one of the worst rulings in years, favors investors and lenders over the already financially cash strapped associations throughout the state.

Importantly, the Third DCA also pointed out that the Association's lien still survives, but failed to explain the practical effect of the lien's survival. This is a very important distinction that leaves open the possibility that an association who owns a unit as a result of its assessment foreclosure, in addition to being able to sue the prior owner(s) for assessment deficiencies, may still be able to make demand upon the third party winner of the lender's foreclosure auction so long as past due assessments, late fees, and interest that came due during the period of association ownership of the unit are omitted. Of course, there are a great many other considerations to take into account such as the amount in controversy and the association's risk tolerance which should be discussed with the association's legal counsel, in advance.

Jeffrey A. Rembaum is a partner with Kaye Bender Rembaum in Palm Beach Garden. His practice has a heavy focus on community associations. He earned his Bachelor's from FSU and his law degree from Nova Southeastern University. He was named to the Florida "Super Lawyers" list in 2012. He is active in the Florida Bar Real Property Section as well as the National Community Association Institute and serves on its Amicus Curie Brief Committee.

Editor's Note: See also Barnes v. Castle Beach Club Condominium Association, Inc., 2013 WL 44086 (Fla 3d DCA 2013) decided February 6, 2013.

continued from page 2

Appropriate Courtroom Dress

As I have indicated, the issue of inappropriate court dress is not limited to those under the age of 18. Many of the youthful fashion offenders previously described, including the recalcitrant young man mentioned above, are brought to court by parents who are clearly aware of what their children are wearing to their hearings and trials, who do not care, and who themselves are not necessarily dressed any better for the proceedings.

It is true that there may be some individuals who do not own and cannot afford to buy clothing that is reasonably appropriate for court; however, these persons do not constitute the majority of the sartorial scofflaws seen on a regular basis. While it would be easy to excuse some parents for simply having "fashion blindness" when it comes to their children's apparel, it is obvious that there are many adults who themselves do not know (or care about) what to wear to court, much less what is appropriate for their children to wear.

Those who believe this issue is a trivial matter should consider this: a 2010 study from researchers at Cornell University titled, "When Emotionality Trumps Reason," found that more attractive criminal defendants were more likely than their less pretty counterparts to get a light sentence: the less attractive criminals earned, on average, "22 months longer in prison."[1] Assuming the validity of these findings, one could easily see how a person involved in a court proceeding might be considered "more attractive" to those involved in the process (such as a judge or jury) if what they wore to court showed they had respect for what is going on around them. A cursory review of local courthouses and websites indicate that the court system does little to advise litigants and others about what is expected of them regarding the proper standard for courthouse dress. Most attorneys provide such advice to their clients, but some do not. Those persons who do not have lawyers are often left to their own devices.

After attending a recent training session on Fairness and Diversity conducted by Judge William Roby of the Nineteenth Circuit, and Judge Claudia Isom from the Thirteenth Circuit, the question I now have is this: should a judge impose a dress code on litigants and witnesses (not attorneys) in his or her courtroom, or would doing so reflect some form of insensitivity or bias against cultural and socio-economic diversity?

According to an August 2010 article in the *New York Daily News*, many courts are establishing their own written dress codes.[2] In one court in Bakersfield, California, those contesting traffic tickets may not wear flip-flops; the district court in Inkster, Michigan prohibits jeans; and Dover, Delaware courts don't allow short skirts. In Montgomery, Alabama, men must tuck their shirts into their pants, and women can't expose their midriffs. Micro mini-skirts are banned in Ann Arbor, Michigan. In Trophy Club, Texas, the courts prohibit exposed body piercings, tattoos, bathing suits, lingerie and pajamas.

Commenting on his court's dress code, Delaware Superior Court Judge William Witham, Jr. told the Wilmington Delaware *News Journal,* "We're not out to treat people as school kids, but we do expect if you come to court, you need to treat it with the appropriate respect and dignity it should deserve due to the occasion."[3]

Some experts, like Timothy Fautsko, who is a court adviser on security issues at the National Center for State Courts, also believe that having a court dress code makes sense for practical reasons. He was also quoted in the *News Journal* as stating, "I think it maintains order in the courtroom."

Having a court dress code might also play a role in enhancing public safety. For example, in some courts, faces must remain uncovered for security reasons. Yet Muslim women might wear veils (or burqas). Orthodox Jewish men might wear a form of headcover indoors. Some security experts have suggested that gang-related clothing or gang "colors" (many of which are derived from team colors of professional sports teams) be banned from courtrooms because of their potential to intimidate witnesses in criminal cases. Does this mean anyone wearing NFL apparel should be subject to increased scrutiny?

Though some attire (i.e., tank tops, pajamas) may seem like obvious choices that could easily be banned, other clothing can be a tougher call. Barring some attire might even raise troubling questions about race, religion and access to justice, legal experts say. For example, could a courtroom ban on saggy pants, particularly those that expose undergarments, be considered culturally and racially "insensitive"?

According to one college professor, it might be. Holly Alford, an Assistant Professor in the Department of Fashion Design and Merchandising at Virginia Commonwealth University has stated that this fashion trend began in the African-American community. She says that banning such attire is "almost like you're making racial statements without actually saying it." However, it is interesting to note that Professor Alford also admitted that she pestered her son daily in an effort to get him to pull up his own pants.[4]

continued on page 15

INTRODUCING: CONGRESS.GOV

By Robert Brammer

The Library of Congress is proud to introduce its new legislative information source, Congress.gov. Congress.gov will eventually replace the site that Congress first used to place legislative information on the web (thomas.loc.gov). The new site is a huge leap forward over its predecessor in terms of navigation, appearance, and features. It also scales well by adapting its layout to whatever device you happen to be using.

The first thing you will notice upon accessing Congress.gov is that the site offers a clean, uncluttered interface reminiscent of popular internet search engines. At the top of the screen you may select "Legislation," "Congressional Record," "Members," and "The Legislative Process," each of which is described below. Continuing down the screen, under "Current Legislative Activities" you will find links to legislative calendars, floor activities, and roll call votes.

Locating congressional legislation from 2001 to the present is easy, and in the near future we will be adding even more legislation to the site. Click on "Legislation" at the top and enter search terms. You may perform a search for bill numbers or public law numbers, or simply search for text. The biggest improvement you will immediately notice is the use of facets. On the left-hand side of the screen as you scroll down, you will see facets by which you can narrow your results, including facets for the number and year of each Congress, the chamber of Congress, the type, subject, and status of the legislation, congressional committees, sponsors and cosponsors of legislation, and even sponsors by political party. What's more, these facets can be used simultaneously to make your search very specific. Once you retrieve your results, you will notice an overview window providing the bill number and title, the Congress and year, the sponsor, the number of cosponsors, the latest action taken, and where the bill is in the legislative process. If a cost estimate is available, to the right of the Overview window under "More on This Bill" you will be able to click and view a Congressional Budget Office cost estimate for the bill. Beneath the Overview window are a series of tabs, clicking on which will allow you to view a summary of the bill or its text, the major actions taken on the bill (including the roll call vote), amendments to the bill, cosponsors of the bill, committees involved with the bill, and any related bills.

continued on next page

INTRODUCING: CONGRESS.GOV

To the right of "Legislation" at the top of your screen, you may click on "Congressional Record" to access the proceedings of the House and Senate as recorded in the *Congressional Record*. Using the search field at the top of the screen, you may search the *Congressional Record* from 2011 to the present. Below the title "Congressional Record," you can choose to view the entire issue of the *Congressional Record* in PDF format or, below that, by section. To the right of the "Entire Issue" option is a search field to locate an issue of the Record by selecting the year and date. If you have a citation, you may also enter a year and page number.

Next to the "Congressional Record" option at the top of your screen, you can click on "Members" to be taken to a screen that allows you to find profiles for members of Congress. Use the drop-down under "Find Current Members" to locate a specific Representative or Senator, and then click "Go." In the main window with the member's picture, you will find a link to his or her Congressional biography, an indication of his or her state and district, and the member's website and contact information. By default, you will see all legislation that the member has sponsored or cosponsored, sorted from most recent to oldest. Continuing down the screen, on the left-hand side you will see several facets that you may use to narrow down the legislative results for that member, which include sponsorship of legislation, Congress and year, chamber of Congress, type of legislation, subject of legislation, status of legislation, and congressional committee.

Finally, if you click on "The Legislative Process" option at the top of your screen, you are provided with an overview of the legislative process and links to a series of eight videos. Providing a quick review of the legislative process, from the introduction of legislation to presentment, these videos serve as a great refresher on how Congress works and would also be an excellent resource for a social studies course.

Should you need any assistance with Congress.gov, please click on "Help / Contact" at the top right of your screen. This will take you to a page providing search tips and a legislative glossary. If you have any questions, you are welcome to contact the Law Library of Congress through its Ask a Librarian Service, available at http://www.loc.gov/rr/askalib/ask-law.html.

Congress.gov is a new product that is still in its beta release, and the Law Library would be excited to hear what you like about the site and what could be improved. You may submit feedback by clicking on the "Feedback" link at the upper right side of the page. Finally, you can keep up with the Law Library of Congress and be the first to know when we add new content to Congress.gov by subscribing to the Law Library of Congress blog, *In Custodia Legis*. Just click on the following link and select "Subscribe" at the top right side of the page: http://blogs.loc.gov/law/.

Robert Brammer is a legal reference librarian at the Law Library of Congress, and was formerly a reference librarian at Stetson University and the Rupert Smith County Law Library. His views do not necessarily reflect those of the Library of Congress.

Letters to the Editor

Published in Last Issue, Threat Enough: Criminal Justice and Gun Violence in the Lives of Young Black Men

I am not looking for editorials or opinion type articles. The article by Ms. Walker was certainly not the type I want to read in a law-related periodical. Rather than state the known facts of the Zimmerman-Martin confrontation, she stated her facts based on the most biased claims against Zimmerman. She quoted one police report that said there was no evidence of any necessity to use deadly force and ignored subsequent photos and claims that Zimmerman was injured. She further made it seem as if Zimmerman confronted Martin just before the shooting which no one, that is no one, claims. Rather it apparently occurred when Zimmerman was accosted by Martin and, according to at least one witness, while Zimmerman was on the ground under Martin and being beaten by him.

I don't know the truth in this case, nor, certainly does the author of this article. I suggest that such an article, using the Zimmerman-Martin shooting as the main thrust against Stand Your Ground would be far more appropriate after Zimmerman has had his day in Court.

I was a prosecutor for more than 26 years and have learned not to jump to conclusions, especially those I wanted to jump to, without facts to support such an action.

If I wanted to read such articles, I would simply subscribe to the Tampa Bay Times.

Bob Lewis,
Seminole, Florida

We invite your comments on any subject. Send them to: nora@everlove.net

How Large is the Mobile Marketplace and Why is it Important to the Legal Industry?

By Eric Finkel

"When searching the App stores for a lawyer in your particular area, there are fewer choices available compared to that same consumer searching on Google or Bing. Fewer choices increase the odds of that consumer choosing to download your application and putting you in their pocket."

The first smartphone was launched in 1994 by Bellsouth[1]. In the past 19 years the smartphone market has grown from 0 to 120 million activated devices in the United States[1]. The first tablet device, the iPad, came out in 2010 and has seen unprecedented growth in just over 3 years to 70 million devices sold in the United States[2]. This is not just a trend; it is a paradigm shift in how consumers are using technology in their everyday lives. More and more individuals are using mobile devices at places like coffee shops, restaurants, libraries, and even public parks; there is no limit to the freedom and access to information. No longer do we need to be tied to a desktop computer or even a laptop with access to a wireless signal. Smartphones and tablets operate in conjunction with cellular technology and can be used globally, anywhere, at any time. Mobile devices run applications (Apps), not bulky programs that require optimum memory. Mobile Apps provide the smartphone or tablet user a quick, easy to use way of performing tasks like GPS, Weather, Camera and Video, Banking and Social Networking. Businesses are quickly realizing the value of the access to consumers that mobile apps provide. A few statistics to help demonstrate the point are:

- Apple iPhone downloads have exceeded 15 billion[4]
- 64% of mobile phone time is spent on Apps[5]
- 95% of smartphone users have searched for local business information[6]
- 61% of users call a business after searching and 59% visit the location[7]
- 90% of these people act within 24 hours[8]

Let's explore the benefits of your legal firm having a mobile application. Your mobile application can be available in both the Apple iTunes Store as well as the Google Play Android Store covering approximately 80% of the smartphone market[9]. These consumers will have access to your application, making it far easier for them to choose you when looking for a lawyer. When searching the App stores for a lawyer in your particular area, there are fewer choices available compared to that same consumer searching on Google or Bing. Fewer choices increase the odds of that consumer choosing to download your application and putting you in their pocket. Once you are in their pocket, it is you who they will think of when in need of an attorney.

A mobile application provides an avenue for relationship building with existing clients, as well as helping you obtain new clients. Mobile applications build loyalty, reinforce your brand, increase referrals, and enhance your social media strategies. Your clients and prospects will have better access to your firm's event calendar, GPS directions, and one touch calling. Push notifications can be sent out to all devices with your application downloaded on it. Photo communication capability and custom forms unique to your practice can be completed and forwarded instantly. In addition, an optional component can be included for clients to ask questions or make appointments all in an easy to use application.

continued on page 12

I-601 Provisional Waiver: Undocumented Families United at Last?

By Liza R.Galindo

The time has finally come when we are seeing immigration issues receiving the attention they deserve from our leaders. Recently there was relief offered to young foreign nationals in the form of "Deferred Action for Childhood Arrivals." Now certain foreign nationals will be able to legalize their status without the fear of a lengthy separation from their family in the United States.

The Problem: Foreign nationals who entered the United States unlawfully, without inspection and authorization by an immigration officer are typically not able to obtain their lawful permanent residence in the United States even if they have qualifying relatives with U.S. citizenship status. Generally, in order to obtain lawful status through a qualifying relative, a foreign national who entered without inspection would have to travel abroad to obtain an immigrant visa from the Department of State before he or she can return to the United States and be admitted as a lawful permanent resident. The problem is that, by traveling outside of the United States, the foreign national subjects himself or herself to inadmissibility under the Immigration and Nationality Act § 212(a)(9)(B). Under the Act, a foreign national faces either a 3 or 10-year bar from seeking admission to United States depending on how long they had previously been unlawfully present in the United States prior to their departure. Those who have previously been unlawfully present in excess of 180 days are subject to the three-year bar and those unlawfully present for a year or more are subject to a ten-year bar from the date of his or her departure from the United States. Facing this bar under § 212(a)(9)(B) is why many foreign nationals have not attempted to legalize their status for fear of how long the family would be separated if they were to travel abroad to obtain their visas to immigrate.

Currently, foreign nationals who are able to establish that their qualifying relative (United States citizen or lawful permanent resident spouse or parent) would suffer extreme hardship if they are denied admission can file an I-601 waiver to excuse this ground of inadmissibility and not be subject to the required 3 or 10-year bar. The problem with filing such a waiver request is that the foreign national must be outside of the United States when filing this waiver and must remain abroad until a decision is entered. The waiting process has proven to be lengthy ranging at times to over a year before adjudication of the waiver. This of course is a risk most families are not willing to take because there is no guarantee that by paying the fees and waiting the time the waiver will be approved. Moreover, many households have become dependent on a two person income to be successful. Even if the waiver was approved, the time the family is separated is too burdensome on the United States citizen relative(s) to endure.

The Solution: On January 2, 2013, Secretary of Homeland Security Janet Napolitano announced the posting of the final rule in the Federal Register that now allows qualifying foreign nationals to seek this waiver of inadmissibility while in the United States rather than first requiring that they be abroad to apply for the waiver. This solution has been announced as the Provisional Waiver which becomes effective March 4, 2013. The waiver is to be filed in Form I-601A and the fees are $585 for the waiver and $85 for biometrics.

Now, foreign nationals can file a provisional waiver before departing for their immigrant visa interviews abroad. They must have an approved relative petition from their immediate relative who is a United States citizen. An immediate relative would be a spouse, parent or child under twenty-one. In applying, the foreign national must submit evidence to establish not only the extreme hardship the qualifying relative would suffer (hardship limited to the spouse or parent with lawful U.S. status) if admission is denied but also establish that he or she has no other ground of inadmissibility.

continued on page 14

continued from page 10

How Large is the Mobile Marketplace and Why is it Important to the Legal Industry?

Mobile marketing is the new wave in marketing strategies and will continue to grow with the shift of technology from PC-based to smartphone and tablet. Mobile applications have become affordable and cost far less than your typical website design. Similar to websites, mobile applications must be hosted to access push notifications and updates. There is no need to upgrade your computer hardware or add any new software. Keep your current clients coming back and make it easy for new prospective clients to benefit from your services. Mobile technology can be used anywhere, anytime, and by anyone with a smartphone or tablet computer.

[1] Business Week, Bloomberg. *Before IPhone and Android Came Simon, the First Smartphone,* Ira Sager (June 29, 2012)
[2] Comscore May 2012
[3] Comscore Dec 2012
[4] Apple iTunes App Store 2012
[5] Nielsen Report June 2012
[6] Google "Understanding Smart Phone Users" 2012
[7] Google "Understanding Smart Phone Users" 2012
[8] Google "Understanding Smart Phone Users" 2012
[9] Comscore May 2012

Eric Finkel is the CEO of My Treasure Coast Online, a privately held marketing company located on the Treasure Coast of Florida. Eric has 30 years of experience which include owning a financial services business, marketing franchises via tradeshows and assisting local businesses and professionals with traditional and online marketing strategies. My Treasure Coast Online is dedicated to helping local businesses and professionals.

Cryptoquote

FD PUD PAA OLGLUPIAD ZDG ODUD, FD YL GLM OPJD ML ENJD DPBO LMODU PXXTUPGBDX PX NK FD FDUD APFRDUX."
- ZPUNL VTHL

For the impatient, e-mail your answer to nora@rjslawlibrary.org for confirmation. For the patient, the decoded quote will appear in the next issue.

PLEASE DON'T TELL YOUR CLIENT THEY MIGHT NEED AN LLC OPERATING AGREEMENT!

By David Steinfeld, Esq.

Come on, please don't. You'll take all the fun out of protracted and expensive litigation for them and business litigators like me. Ok, I'm being facetious, but only to highlight the point that without a proper, written operating agreement, your clients are unwittingly exposing themselves to potential problems that can be very expensive to try and solve.

Most businesses incorporated in Florida are closely-held, limited liability companies, thus the question often arises as to whether these entities actually need an operating agreement. Equally so, most owners of these businesses are self-proclaimed entrepreneurs and optimists by definition. Consequently, they don't always recognize potential negative consequences to their actions. Therefore, it is incumbent upon you as their attorney to counsel them or guide them to business counsel that can do so, if you do not practice business law.

Take, for example, two friends who decide to go into business together. They each contribute skills and money to get the business up and running. Inevitably, some event in the beginning stages of their business changes the dynamic between them. It can range from monetary demands to difficulties with suppliers or a landlord to the perception by one that the other is not pulling their weight or even involve the incapacitation or demise of one. Too often, these partners do not document or define their relationship with a written operating agreement because they did not want to incur the small expense to protect their investment, did not see the value in spending the money to do so, or even believed that the strength of their friendship would carry them through any difficulties. Thankfully, these entrepreneurs enjoy spending great sums on legal fees to achieve outcomes that they have made uncertain through lack of documentation and for that, business litigators salute them.

By way of background, a LLC is something of a hybrid between a partnership and a corporation. It was specifically authorized under Florida law a little over ten years ago. Chapter 608 of Florida's Statutes controls LLCs and provides a limited amount of guidance to business owners and Florida's courts. Unfortunately, the many default provisions found in Florida's Corporate Code do not appear in the LLC Chapter. Therefore, without specific provisions in a written operating agreement to govern the operation and dissolution of a LLC, owners of LLCs may find themselves in situations that they did not originally intend.

That said, the expense of an operating agreement prepared by counsel is not necessarily required in every instance. LLCs can be divided into two categories; single-member and multi-member. While a well-crafted operating agreement can never be a detriment to a LLC, it may be one expense that a single-member LLC can save, depending on its circumstances.

An operating agreement can be thought of as the contract between the members of a LLC governing such topics as how members can depart the entity and what rules apply to the addition of new members, if any are allowed. Therefore, in the case of a single-member LLC, it may not be a necessity, but in the case of a multi-member LLC, it may be a very wise business decision. Without identifying responses to specific events, such as the departure of a member, a dispute can evolve between the members that a Florida court can not readily or easily resolve given the lack of statutory guidance. Even in situations where the LLC statutes address a specific triggering event, the members of a multi-member LLC may not wish to accept the statutory default and would rather have their own method to address that situation where that is allowed.

A secondary consideration is whether to recommend to a client to use a pre-formatted, fill-in-the-blanks operating agreement or to engage competent business counsel to prepare that document. Naturally, such a choice is a business or management decision; however, an operating agreement that is not tailored to the unique needs of a specific LLC will not be able to address those unique needs very well. The savings your client may realize by purchasing a pre-formatted operating agreement may likely result in substantially increased expenses later if a dispute develops, which is not covered or not adequately covered by the off-the-rack operating agreement.

continued on next page

"Whether you practice in the business law field or deal with LLC owners in other areas of practice, it is helpful to counsel them to take the time and incur the limited expense to consult with qualified business counsel to determine whether an operating agreement is appropriate to their particular business."

continued from page 13

PLEASE DON'T TELL YOUR CLIENT THEY MIGHT NEED AN LLC OPERATING AGREEMENT

In the summer of 2010, the Florida Supreme Court addressed the ownership of LLCs in its *Olmstead* decision. The Florida Supreme Court confirmed that an individual's membership interest in a LLC is a property right that is subject to a judgment, even if such judgment had nothing to do with the LLC. In response, Florida's Legislature amended the LLC Statutes to clarify that a member's interest in a multi-member LLC could not be seized with a judgment and only the member's right to a distribution from the LLC could be reached. Therefore, particularly for a multi-member LLC, failing to address this reality through a well-crafted operating agreement can lead to unintended results for the business.

Whether you practice in the business law field or deal with LLC owners in other areas of practice, it is helpful to counsel them to take the time and incur the limited expense to consult with qualified business counsel to determine whether an operating agreement is appropriate to their particular business. While it is not possible to provide general, blanket advice as to whether they need an operating agreement, members of a LLC should recognize from your counsel that a discussion with business counsel can help them understand whether their existing operating agreement appropriately addresses the intent of the managers and members and what missing provisions might be included to ensure the smooth operation of the enterprise and limit the costs that may be incurred in any future dispute or upon the occurrence of an event, including the demise or incapacitation of a member or manager.

Whether you practice business law or not, you are in a unique position to inform you clients that are involved in business or plan to be involved in the future that they are wise to educate themselves as to whether they need an operating agreement for their LLC. It is a true axiom that an ounce of prevention is worth a pound of cure when it comes to what are commonly referred to as "corporate divorces".

David Steinfeld, 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 he can be easily reached through www.davidsteinfeld.com.

continued from page 11

I-601 Provisional Waiver: Undocumented Families United at Last?

If the foreign national is successful in applying for the waiver, when he or she travels abroad to their home country to be interviewed by the Department of State to obtain his or her immigrant visa, they can do so knowing that if they have been truthful they can travel abroad and return promptly with their provisional waiver as guarantee that their family will not be separated for too long.

Safeguards to Avoid Abuse: This change in procedure does not make it easier for foreign nationals to immigrate; it only helps them avoid prolonged family separation. The United States Department of Homeland Security has made it clear that it will act pursuant to existing policy. Thus any applicant of the Provisional Waiver who is an enforcement priority – that is, if the applicant has a criminal history, has committed fraud, or otherwise poses a threat to national security or public safety, will be referred to U.S. Immigration Customs and Enforcement and removal proceedings will be initiated as applicable.

Moreover, the waiver by its title "Provisional Waiver" warns that it is only provisional and if USCIS uncovers any acts, omissions or post-approval activity that makes the applicant an enforcement priority, or if the waiver was approved in error, then the waiver can either be denied or revoked.

The Provisional Waiver brings hope that families with undocumented members may now be united at last. However, the Provisional Waiver does not settle the fight for all family unity among foreign nationals and their American citizen or lawful permanent resident families.

continued on page 16

On The Cover

"The Duck in the Lily Pads" Pastel on Paper
By Paul Nucci

Do you have original art or photographs that would be suitable for the cover of Friendly Passages? If so, send it to Nora@everlove.net

continued from page 7

Appropriate Courtroom Dress

Court advisor Fautsko observed that courts are "seeking some definitive direction on what to do, and what to do in a uniform manner, so it's not different from court to court."[5] Yet in the absence or a formal set of approved written guidelines, it is courthouse security or bailiffs, not judges, who sometimes decide who gets immediate access to courtrooms and who must wait based on their mode of dress. "It would seem inappropriate to have the security officers be the determiner unless it's a safety issue … especially when the result could be they (litigants) miss their court appearance and are subject to a penalty. That would be questionable," says Micah J. Yarbrough, a professor at Widener University School of Law. Although security personnel do not deny these persons courthouse access in Martin and St. Lucie Counties, it is not unusual for them to impart a warning to visitors about what kind of reception they can expect from the judge.

But unlike those in some other states, no South Florida courthouses are known to impose any specific dress requirements. The Martin County Courthouse has a sign outside and on the second floor that simply says "Proper Attire Required in Courtrooms." No such signs are posted outside or inside the St. Lucie County Courthouse. Broward's satellite courthouse in Hollywood has signs posted throughout that the building that state "No tank tops." Broward County Judge Sharon Zeller told the *Ft. Lauderdale Sun Sentinel* in 2011 that the branch might have been singled out because so many people had been wearing them to court.[6]

Some Florida circuits have endeavored to establish uniformity within their jurisdictions by adopting a standardized court dress code by administrative rule. For example, the Tenth Judicial Circuit covering Hardee, Highlands and Polk Counties, has adopted Administrative Order No. 1-6.1 entitled "On Dress In Courtrooms And Chambers And Decorum In And Near Thereto."[7] Similarly, the Twelfth Judicial Circuit has adopted a standardized dress code that applies to Juvenile Court proceedings.[8]

A review of the various published orders and local rules has found that there is no uniform court dress code established for the Nineteenth Judicial Circuit. The closest thing akin to written local rules found are those instructions authored by the Clerks of Courts posted on their respective websites. For example, in Martin County, jurors are told to "Please dress appropriately in normal business attire. Shorts, skorts, culottes, tank tops, t-shirts, and flip flops are not allowed in the court room."[9] In St. Lucie County, on a page entitled "Helpful Hints for Potential Jurors," jurors are encouraged "to wear business appropriate attire like collared shirts and slacks. Shorts, t-shirts, tank tops, flip flops or hats of any kind **are not permitted**." (Emphasis contained in original).[10] Similarly, the Southern District of Florida under their "Frequently Asked Questions (FAQs) – Jury Duty" states that their dress code for jury service is as follows: "Appropriate dress, casual business attire, is required. Shorts, jeans and t-shirts are not considered appropriate."[11]

Interestingly, the sources for these admonitions are nowhere to be found. The only reference to any written standard for courthouse dress is found on the Nineteenth Judicial Circuit's webpage under "Frequently Asked Questions by Self-Represented Litigants", where #10 is "What should I bring to court and what am I supposed to do?" The instruction provided simply says, "Dress appropriately for court."[12] Who is (or was) responsible for answering these questions is unclear. Similarly, the dress code imposed by The United States Court of Appeals for the Seventh Circuit states that attire "should be restrained

and appropriate to the dignity of a Court of Appeals for the United States." Neither are models of specificity, and do not provide guidance to those individuals that have legitimate questions about what is, or is not, considered "appropriate."

The Supreme Court of the United States uses a "Notice to Counsel" to provide advice to attorneys that appropriate dress for appearing before the Court is conservative business dress. Would anyone question that this includes a coat and tie? The wearing of a coat and tie in open court has been a long honored tradition. It has always been considered a contribution to the seriousness and solemnity of the occasion and the proceedings, as well as a sign of respect. Likewise, a judge's order requiring an attorney to wear a tie in court was upheld by the Florida Supreme Court as one that bore a reasonable relationship to the proper administration of justice.[13]

continued on page 18

continued from page 14

Friendly Passages
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I-601 Provisional Waiver: Undocumented Families United at Last?

The Provisional Waiver does not address the situation of families with foreign national parents who only have children with lawful status in the United States. Although the foreign nationals are considered immediate relatives when their U.S. citizen child is 21 years or older, they are ineligible to apply for the Provisional Waiver because many do not have the qualifying relative, either spouse or parent with lawful U.S. status. So while some families are united at last with the Provisional Waiver, many others remain without the hope of unity unless there is immigration reform to address this particular type of family situation.

Liza R. Galindo, P.A. is a private immigration attorney with an office in Miami Springs, Florida. She has been practicing immigration law for over six years and is a member of the American Immigration Lawyers Association (AILA).

PREPARING THE CLIENT FOR MEDIATION

By Edmund J. Sikorski, Jr, J.D.

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.

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.

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 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.

continued on page 20

continued from page 15

Appropriate Courtroom Dress

However, can those same requirements be said to bear a "reasonable relationship to the proper administration of justice" if they are similarly imposed on non-attorneys who appear in court? The answer to that question is less clear.[14] Indeed, many judges feel that prohibiting certain forms of inappropriate dress, including "saggy pants" and tank tops, among others, does bear a reasonable relationship to the proper administration of justice because it contributes to the seriousness and solemnity of the proceedings and signifies respect to the court. "It's a matter of decorum," said Judge Zeller, who will not hear a case if she can see a defendant's underwear.[15] What about situations that are less obvious? Dress shirts vs. short-sleeve polos? Dress slacks vs. denim jeans? Are casual dress sandals significantly different from flip-flops? There are no readily available answers.

Some judges have created their own individual standards for acceptable courtroom attire that apply to both attorneys and non-attorneys alike. Judges Bauer and McManus have signs posted outside their courtrooms stating that tank tops, shorts, hats or headcover, untucked shirts, and clothing with profanity or references to drugs or alcohol are prohibited. Even more formal dress standards imposed by trial judges can be found in other courthouses. In federal court for example, Judge John Antoon, II, a United States District Judge assigned to the Middle District of Florida in the Orlando Division, requires that **"**Counsel, parties and witnesses appearing in Court shall dress appropriately, which includes the requirement that gentlemen wear coat and tie."[16] The late Judge Lenore Nesbitt, the first female judge appointed to the U.S. Southern District of Florida, was well known for sending women out of her courtroom for merely wearing open-toed shoes.

In 1983, a Judicial Ethics Advisory Opinion found that a trial judge has the general authority to control the dress of persons appearing before the court if the dress is inappropriate and jeopardizing the dignity of the proceeding. However, if a dress code is going to be enforced by the court it must bear a reasonable relationship to a justifiable end or purpose.[17] This was not intended to mean that an attorney or anyone else could be subjected to the unbridled idiosyncrasies of any individual judge. The watchword still must be "reasonableness." Indeed, judges have been advised to refrain from imposing their personal dress and grooming preferences upon others when it is not necessary to the proper administration of justice.[18]

Some judges, including some in this circuit, have declined to enforce any specific dress requirements under the thought that any person who appears dressed inappropriately should have their appearance considered in the same manner as their courtroom behavior when determining their credibility and demeanor in a case.

While a person's attire alone should certainly not be the determining factor in deciding a case's outcome, this doesn't mean that members of the judiciary (including this writer) are likely to let the issue of sagging pants "slide" in their courtrooms. Yet until some guidelines are established for the circuit on what is or is not considered appropriate, that determination will vary from judge to judge, as will the extent of any enforcement of those standards.

Attorneys, as well as judges, are reminded that we are the guardians of the dignity of the court. What is considered an acceptable mode of courthouse dress can also play a role in influencing how the public at large perceives the judicial system. If all of us do not take an active role in preserving and upholding the respect for the courts against attempts to erode the order and decorum of court proceedings, even against evolving contemporary fashion fads, who else will?

[1]http://www.news.cornell.edu/stories/May10/AttractivenessStudy.html.

[2]http://www.nydailynews.com/life-style/order-court-dress-face-consequences-article-1.204852.

[3] J.L. Miller, "Judges crack down on inappropriate clothes in court",

The (Wilmington, Del.) News Journal, found at http://usatoday30.usatoday.com/news/nation/2010-08-16-court-dress-code_N.htm.

[4] Id.

[5] *Id*.

[6]http://articles.sun-sentinel.com/2011-02-06/news/fl-court-dresscode-20110206_1_people-dress-formal-dress-code-shirt

[7] http://www.jud10.org/dresscode.htm. The Rule provides that the dress and decorum standards "shall be adhered to by all spectators, witnesses and litigants appearing or being in court or chambers or so near thereto as to be under the court's authority or jurisdiction."

[8] http://12circuit.state.fl.us/Portals/0/PDF/Juv_Ct_Dress_Code.pdf. This Dress Code **"APPLIES TO ALL JUVENILE COURT PROCEEDINGS *AND TO* ALL SCHEDULED MEETINGS WITH JUVENILE PROBATION OFFICERS. THE COURT MAY DIRECT THE BAILIFF TO REMOVE ANY PERSON FROM THE COURTROOM FOR VIOLATION OF THIS CODE."** (Emphasis in original).

[9] http://clerk-web.martin.fl.us/ClerkWeb/courts/jury.htm.

[10]http://www.stlucieclerk.com/forms/forms/jury/JuryHelpfulHints.pdf.

[11] http://www.flsd.uscourts.gov/?page_id=1847.

[12] http://www.circuit19.org/family/selfhelpfaq.html.

[13] *Sandstrom v. State*, 309 So.2d 17 (Fla. 4th DCA 1975) affirmed 336 So.2d 572 (Fla. 1976). *Sandstrom* made clear that the judicial branch of government has the inherent power to regulate the professional conduct of all lawyers. *Petition of Florida State Bar Ass'n*, 40 So.2d 902 (Fla. 1949). Historically lawyers have been subject to court-supervised regulation "even in matters so personal as the growth of their beard or the cut of their dress." *People ex rel. Karlin v. Culkin*, 248 N.Y. 465,

continued on page 19

continued from page 15

Appropriate Courtroom Dress

162 N.E. 487, 490, 60 A.L.R. 851 (1928). Another New York decision, *Peck v. Stone*, 32 A.D. 2d 506, 304 N.Y.S. 2d 881 (1969), specifically recognized the judiciary's power to regulate attorneys' attire in judicial proceedings and their authority to articulate "suitable, conventional, and appropriate" rules concerning courtroom attire. The following trilogy of cases from Oklahoma also demonstrates recognition of that power: *Champion v. State*, 456 P.2d 571 (Okla. Cr. App. 1969); *Crumb v. State*, 458 P.2d 909 (Okla. Cr. App. 1969); *Bearden v. State*, 458 P.2d 914, 919 (Okla. Cr. App. 1969). See also Dobbs, *Contempt of Court: A Survey*, 56 Cornell L. Rev. 183, 201-204 (1971).8 P.2d 909 (Okla. Cr. App. 1969); *Bearden v. State*, 458 P.2d 914, 919 (Okla. Cr. App. 1969). See also Dobbs, *Contempt of Court: A Survey*, 56 Cornell L. Rev. 183, 201-204 (1971).

Also, in *Friedman v. District Court*, 611 P.2d 77 (Alaska 1980), the Alaska Supreme Court upheld a judge's requirement that lawyers wear coats and ties in court, citing the *Sandstrom* case.

[14] In *E.T. v. State*, 587 So.2d 615 (Fla. 1st DCA 1991), a judge chastised the appellant, a juvenile, for appearing in shorts in apparent disregard of a court date information notice requiring "appropriate dress" and specifically declaring shorts "not acceptable." Appellant was placed in detention and ordered to show cause why she should not be held in contempt. Appellant was also deemed to have been informed by the court date information notices that shorts were prohibited attire, despite an absence of proof that the unsigned notices were either mailed or hand-delivered to appellant or to anyone else for that matter.

However, the appellate decision addressed only the question of whether this conduct should be treated procedurally as either direct or indirect contempt, and not the question of whether the court had the authority to sanction this conduct of a non-attorney using the court's contempt power.

[15] *Id*.

[16]http://www.flmd.uscourts.gov/judicialinfo/Orlando/JgAntoon.htm.

[17]JEAC Opinion No. 83/12. See also Canon 3(A)(2), which requires that a judge "maintain order and decorum in proceedings before him." That Canon would also seem to form a basis for a judge's prohibition of inappropriate attire.

[18] *Sandstrom, supra.*

Judge Klingensmith is a Circuit Court judge in the 19th Judicial Circuit, currently assigned to the Family Division in St. Lucie County. He received his B.A. and J.D. degrees from the University of Florida. He now serves on the UF Law School Board of Trustees, as well as the St. Lucie County Children's Services Council, the Executive Roundtable of St. Lucie County, and is the Treasure Coast District Chairman for the Boy Scouts of America Gulf Stream Council. Judge Klingensmith is also Board Certified by the Florida Bar in Civil Trial Law, and a member of the local chapter of the American Board of Trial Advocates and the Major Harding Inns of Court.

continued from page 4

Where There's a Will, There's a Way (To Get Sued.)

This could cause the client to lose part of his estate and the attorney to gain a malpractice suit.

The research in the article indicated that the size of the firm the attorney worked for did not affect the type and distribution of malpractice claims. Claims were pretty consistent across the board for solo, small, medium, and large firms. So if your firm practices estate planning and you are not in that practice area, it is probably best to pass your close friend or family member over to a colleague in that department. If your firm doesn't practice that area, it is best to find a firm or colleague who does and ask them to take care of your client.

Dabbling is dangerous and where there's a will, there's a way to get sued, even by friends and family.

Patrick Kennedy graduated from Brigham Young University with a Bachelor's of Science in Sociology. Later he earned both his Law and Masters of Business Administration degrees from Stetson University of Law. He now practices law with Alvarez Legal Group in Tampa.

Last Issue's Cryptoquote Answer

"ZWNQDHXX PWDDSJ ZNKAH SYJ ZWNQDHXX: SDBT BKLRJ PWD ZS JRWJ. RWJH PWDDSJ ZNKAH SYJ RWJH: SDBT BSAH PWD ZS JRWJ." — UWNJKD BYJRHN QKDL, EN.

"Darkness cannot drive out darkness: only light can do that. Hate cannot drive out hate: only love can do that." — Martin Luther King, Jr.

Celebrate Law Day at our Reception

Wednesday May 1, 2013
Please call the library for details

continued from page 17

PREPARING THE CLIENT FOR MEDIATION

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."

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 your possession."
The mediation process is heavily dependent on:

1) A frank exchange of information;
2) Justification of value;
3) A genuine interest to resolve the claim and avoid the risks of trial including 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. The mediation is sure to fail and create attorney- client friction if the attorney and client just "wing it and see what happens".

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 to the myriad trial uncertainties, there has recently emerged another reason why adopting the position "I'll take my chances in court" is an unrealistic emotional response to be avoided. It suggests your BATNA is really your 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.

continued on page 21

continued from page 20

PREPARING THE CLIENT FOR MEDIATION

b) Arranging for appropriate child care and time off work.

c) Turning off all personal electronic devices

d) Discussing the case with affected 3rd 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 contains a link to view other authored articles on selected mediation topics and contact information.

Presidential Election Trivia

The Election of 1816 – the last of the "Virginian Kings"

The Election of 1816 brought Monroe into the White House. He was third (Jeffersonian) Republican elected and Rufus King, his opponent, was the last Federalist candidate. The Federalist Party was in the state of collapse after opposing the War of 1812. Additionally, Madison had played his hand brilliantly by backing and incorporating more popular Federalist ideas such as a national bank and protective tariffs. There was no platform left for the Federalists by the end of the War. Monroe won with almost six times as many electoral votes as King.

Monroe spent much of his time from the 1790s through the War of 1812 in Europe. Like his mentor, Jefferson, he was very pro-French and was sent France to "sell" the French on the Jay Treaty. It's been theorized that Washington sent him as much to get him out from under foot as to placate the French; Monroe was highly vocal critic of Washington's administration. Incredibly, he told the French that the Jay Treaty would never be ratified and George Washington's administration would be overthrown. (Hamilton again?) Washington recalled Monroe in 1796. The following year he published the 500 page, "A View of the Conduct of the Executive, in the Foreign Affairs of the United States." Washington never forgave him although Monroe recanted his views later in life. Monroe was sent back overseas by Jefferson and served in Britain, France and Spain. He joined Robert Livingston in Paris while Livingston was negotiating the purchase of the mouth of the Mississippi River, New Orleans. Finding Napoleon wanting to sell more than just New Orleans and Livingston, confirmed by Monroe, decided to exceed their original instructions and negotiated the Louisiana Purchase. Livingston was the primary shaper of this deal but Monroe signed the Louisiana Purchase along with him.

The Monroe Doctrine was not called the Monroe Doctrine l about twenty years after his death. Most historians agree that John Quincy Adams was the sole author of the non-colonization principle but it was Monroe who decreed it to the rest of the world.

The Election of 1820 – More "Era of Good Feelings"

James Monroe won in a landslide and Daniel Thompkins continued as his vice president. He was largely unopposed and received all but one electoral vote (231:1) which was cast for then secretary of state, John Quincy Adams. It was said that William Plumer of New Hampshire voted for JQA because only George Washington should have the honor of a unanimous vote. And, only Washington enjoyed such universal support. The preceding four years had been tranquil, prosperous and the young country wanted more of that. The derisive politics between the Republicans and the Federalists died with the Federalist Party. Monroe looked beyond partisan politics and appointed people from all political persuasions bringing unity and cohesion in his country.

continued on page 24

continued from page 5

Poison for Profit: Arsenic and Inheritance

Before the advent of modern antibiotics, arsenic was also a treatment for tropical and sexually transmitted diseases. Arsenic was used too for complexions. Nineteenth-century visitors to Austria's Styrian Alps noticed peasants sprinkling their food with arsenic, claiming it gave men added energy and women lustrous skin.

For nineteenth-century poisoners the most commonly used compound, arsenic trioxide, had major advantages in both convenience and escaping arrest. First, it and other variations were widely available, as a tonic for humans and poison for rodents, and in common products like flypaper strips. Second, neither the victims nor the authorities might realize its use. In powder form it was easily dissolved and tasteless so that it could be added in either liquids or solid foods. The victim's symptoms resembled food poisoning, sudden or chronic indigestion and diseases like cholera, readily accepted as causing normal fatalities. Smart poisoners proceeded slowly, adjusting dosage to suit the victim's age and general health, until organ failure occurred. But once murder was suspected it was not hard to identify the likely killer, prove access to arsenic, and show the accused's premeditation and callousness in bringing about a long painful death.

Poisons and arsenic in particular were labeled a woman's weapon because of their ready availability in household items. Two rather well-known English cases are worth noting. The record of arsenic poisoner Mary Ann Cotton (1832-1873) illustrates its ability to escape detection. How many murders she committed remains unknown but twenty deaths are confirmed: her mother, three husbands and a lover, eight of her own children and seven stepchildren. Caught at last she was hanged. Quite different was the crime of Florence Maybrick (1862-1941) and her famous trial for murder. A beautiful American woman from a prominent Mobile family, noted for her affairs, in 1889 she allegedly poisoned her much older English husband. Evidence showed she had bought poison for animal pests and arsenic-laden flypaper. Before he died, her husband had also accused her of having poisoned him. Her lawyer tried what was called the "Styrian defense" of having the arsenic for her skin. Though convicted and sentenced to death, hanging an upper-class woman was unseemly, the sentence being commuted to life, followed by her release after fifteen years.

Occasionally there was also an "artistic" touch to some poisoning cases. Arsenic compounds were commonly used for years as pigments, especially so-called "Scheele's Green" or copper arsenite, mixed into paints, wallpaper and fabric dyes. With age and under certain conditions, they could release arsine gas, poisonous when inhaled in substantial amounts. Late chemical tests of hair samples from Napoleon Bonaparte have revealed a large presence of arsenic. The green wallpaper in his bedroom at St. Helena is thought to have slowly poisoned him. Other accidental deaths have industrial causes: arsenic-contaminated candy killed 22 and sickened hundreds in England in 1858. Similarly-affected beer killed 70 and upset thousands in Manchester in 1900. In France, residue from an arsenic pesticide sickened hundreds of crewmen aboard a battleship in 1932. Murders where the suspects were artists, with legitimate access to arsenic-based pigments, have appealed to fiction writers. A good example is the murder in Eric Ambler's "The Case of the Emerald Sky" where arsenic was added to cooked spinach.

No one knows how many people died from arsenic poisoning, accidentally or deliberately, but the total far exceeds the cases reported to police. Although a reliable test to detect arsenic poisoning was available from the early nineteenth century, neither doctors nor the police looked upon seemingly ordinary illnesses or deaths as suspicious, an attitude that changed over time because of both the number and fame of murders. New laws also curtailed access by banning poisons in household products. Many potential murderers may have been discouraged; others undoubtedly found other means and methods. But the heyday of arsenic deaths has been ended.

Richard Wires holds a doctorate in European History and a law degree. He served in the Counter Intelligence Corps in Germany and is Professor Emeritus of History at Ball State University, where he chaired the department and later became Executive Director of the University's London Centre. His research interests include both early spy fiction and actual intelligence operations. His books include the Cicero Spy Affair: German Access to British Secrets in World War II.

Come To The Next Friend's Meeting

Please Come Join Your Friends At Upcoming Meetings At the Rupert J. Smith Law Library **at Noon**

Thursday, April 4
Thursday, April 18

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Please contact Nora at 727 644-7407 for rates, availability and other details. This is your opportunity to show your support of the Friends of the Rupert J. Smith Law Library and reach more than 60,000 potential clients and customers! We now circulate to all attorneys in Florida.

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Tournament Entry Fee: $300. Additional information and Tournament Entry Forms are available at www.PBoffshore440.com or www.FishSKA.com or contact SKA at (904) 819-0360.

For information about Friends of 440 Scholarship Fund: www.440scholarship.org

Presidential Election Trivia

The Election of 1824 – "The Corrupt Bargain"

This was the only election decided by the House of Representatives because no candidate received a majority of the electoral vote and, indeed, the candidate with the most votes did not carry the House.

Really, only the Republican Party was viable in 1824 which made it difficult for all candidates because the Party didn't support anyone in hopes of beating the opposing party. Now most of the states chose their electors through a popular vote which created a field of favorite sons. There were no less than five or six viable candidates splintering the vote; as you might expect, there was no single candidate with a majority on the national level. Without an opposing party, there was no motivation to form a coalition. Andrew Jackson was the front runner with a little more than 40% of the vote. "Also- rans" included John Quincy Adams, Henry Clay, William Crawford and John Calhoun. JQA carried New England and New York but nothing in the south or west. He was considered a Federalist in Republican clothing, and the anti-Populist if there had been such a thing, but he still managed to come in second place because of strong regional support.

Selecting a President fell to the House and Speaker Henry Clay. Clay supported Adams, probably not because he championed Adams but because he detested Jackson and Adams was elected. Jacksonians were outraged when Adams appointed Clay Secretary of State claiming it was a "Corrupt Bargain." In the previous four elections either the incumbent or the sitting Secretary of State had been elected, i.e. the cabinet post became the springboard to the Presidency. For the next four years Jackson supporters campaigned and in the 1828 rematch, Jackson claimed victory over Adams. Just as significant, the Jacksonians formed the nucleus of a second party, the Republican-Democrats. Commonly known as the Democrats, they built a national network of support and opened the door on modern campaigning and party politics.

continued on page 25

Presidential Election Trivia

The Election of 1828 – The Mud is Slung

Given the relationships between Thomas Jefferson, Alexander Hamilton and John Adams, there was plenty of mud slinging in early Presidential campaigns. It is believed that all three of them wrote under various aliases to undercut their opposition without revealing their identity. After four years of festering animosity between John Quincy Adams and Jackson as well as the emergence of a new political party, the election of 1828 was livelier than most. Although both Thomas Jefferson and John Adams had died (on the same day, July 4, 1826), both of them had put their opinions into the campaign because the campaign had really started in 1923 and the previous election. While they were alive Jefferson in particular was active. Actually, it is generally thought that Jefferson communicated, at least privately, against both JQA and Jackson. Most of the accusations by other people, however, were almost comical. It wasn't enough to accuse John Quincy Adams of being decadent; it was based on a wild story of him giving the Russian Czar a young girl for nefarious purposes while serving as minister to Russia. He was also accused to spending taxpayer money on a chest set and billiard table described as "gambling equipment." Meanwhile, Adams' supporters accused Jackson's wife of bigamy. Rachel, his wife, thought she was divorced from her prior husband but, in fact, it was not final. They later went through a second ceremony. The "Coffin Handbills;" written by Charles Hammond and alleged a lot of things including war crimes and that Jackson's mother was a prostitute. These were fun times and harbinger of things to come.

Despite all the mud, Jackson won the election in a landslide of 56% of the vote. John Calhoun became vice president with more than double the votes of his next opponent.

Law Day 2013: Realizing The Dream: Equality For All

We will celebrate Law Day 2013 with our annual reception, awards and speeches on Wednesday, May 1. For the first time, we are including a student essay contest in addition to the very popular art contest. We are pleased to announce our keynote speaker is Clerk of the Court, Joseph E. Smith. This year, Art Ciasca and Scott Van Duzer will be honored for their commitment to making St. Lucie County a better place to live. Art Ciasca is the Director of Development at SafeSpace which provides a safe haven for victims of domestic violence. Information about the organization's good work can be found at http://www.safespacefl.org. Scott Van Duzer of the Van Duzer Foundation has raised hundreds of thousands of dollars for St. Lucie families in distress. See http://thevanduzerfoundation.org to learn more.

Typically there are over 400 submissions to the annual Student Art Contest and they are displayed on the first floor of the courthouse in Fort Pierce during the month of May. Any student residing in St. Lucie County, grades K-12, is eligible to participate. Our new Student Essay Contest will be open to 6th - 12th graders. The deadline for entries to the Student Essay Contest is April 15th and the deadline for the Art Contest is April 19th. The cash prizes for all will be presented during the Law Day Reception at the Courthouse. Below are detailed themes for both contests. Please share this opportunity with your friends and families. For detailed rules of the contest, please go to the law library's webpage: http://www.rjslawlibrary.org.

We would like to thank our sponsors, the Friends of the Saint Lucie County Law Library, St. Lucie County Bar Association, and Gordon & Donor, P.A., who through their generosity have underwritten the cost of the reception and prizes.

Art Contest

All SLC school students are invited to participate in the 2013 Law Day Art & Poster Contest. Law Day, May 1, 2013, will provide an opportunity to explore the movement for civil and human rights in America and the impact it has had in promoting the ideal of equality under the law. It will provide a forum for reflecting on the work that remains to be done in rectifying injustice, eliminating all forms of discrimination, and putting an end to human trafficking and other violations of our basic human rights. As Rev. Dr. King pointed out in his Letter from a Birmingham Jail, "Injustice anywhere is a threat to justice everywhere." ART WORK MUST BE ON POSTER BOARD NO LARGER THAN 22 X 28. Elementary School students can use colored construction paper not to exceed 9X12.
Award winners will receive their cash prize during an award ceremony and reception at the SLC Courthouse on Wednesday, May 1st at 5:00 p.m. Individual prizes are listed below plus honorable mentions of $25.00 will go to the best submission from each school that did not otherwise place as a winning prize entrant. All students will receive a certificate for their participation. Students, parents, teachers, and the public are invited to this special Law Day event.

Essay Contest

All Middle and High School SLC school students are invited to participate in the 2013 Law Day Essay Contest. Details on word count and submission requirements can be found at the Rupert J. Smith Law Library website: http://www.rjslawlibrary.org. Law Day, May 1, 2013, will provide an opportunity to explore the movement for civil and human rights in America and the impact it has had in promoting the ideal of equality under the law. It will provide a forum for reflecting on the work that remains to be done in rectifying injustice, eliminating all forms of discrimination, and putting an end to human trafficking and other violations of our basic human rights. As Rev. Dr. King pointed out in his Letter from a Birmingham Jail, "Injustice anywhere is a threat to justice everywhere." Each student will receive a certificate of participation for entering the contest. Award winners will receive their cash prize during an award ceremony and reception at the SLC Courthouse on Wednesday, May 1st at 5:00 p.m. Individual prizes are listed below plus honorable mentions of $25.00 will go to the best submission from each school that did not otherwise place as a winning prize entrant. All students will receive a certificate for their participation. Students, parents, teachers, and the public are invited to this special Law Day event.

High school Essay Contest Prizes
1st place: $750.00
2nd place: $500.00
3rd place: $250.00

Middle school Essay Contest Prizes
1st place: $200.00
2nd place: $150.00
3rd place: $100.00

High school Art Contest Prizes
1st place: $750.00
2nd place: $500.00
3rd place: $250.00

Middle school Art Contest Prizes
1st place: $200.00
2nd place: $150.00
3rd place: $100.00

Elementary, 3rd – 5th grade
Art Contest Prizes
1st place: $150.00
2nd place: $100.00
3rd place: $75.00

Elementary, K – 2nd grade
Art Contest Prizes
1st place: $100.00
2nd place: $75.00
3rd place: $50.00

Upcoming Bar Events

St. Lucie County Bar Association

March 01, 2013 at noon
Regular meeting at Cobb's Landing

March 16, 2013 at 10:30 am
Softball game against MCBA at Sandhill Crane Park in PSL. BBQ lunch to follow.

April 05, 2013 at noon
Regular meeting at Cobb's Landing

May 03, 2013 at noon
Regular meeting at Cobb's Landing

More details at:
http://www.slcba.org

Port Saint Lucie Bar Association

Wednesday, March 20th at noon
Regular meeting
Guest Speaker Fourth D.C.A. Hon. Judge Burton C. Conner, "The Rule of Law-What Does It Mean to You?"
Carrabba's St. Lucie West
Port St. Lucie, Florida

Wednesday, April 17
FRLS Training for "Wills & Advance Directives" Open to all Attorneys. Participants will earn a CLE credit and agree to participate in the upcoming "Wills for Heroes" held on April 25. Training Location at Steinger, Iscoe & Greene.

Saturday, April 20, 19th Circuit Bench Bar Conference

Thursday, April 25
"Wills for Heroes"
Location and time TBA

April 20, 2013 at 11:45 am
Law Day Luncheon
Gwynne A. Young, Florida Bar President
PGA Country Club (East)

More details are available at
http://pslba.org

Indian River Bar Association

Friday, March 8, 2013 at noon
Regular meeting
Gwynne Young, Florida Bar President
Quail Valley River Club

Friday, April 19, 2013 at noon
Regular meeting
Quail Valley River Club

More details are available at
http://www.indianriverbar.org

Martin County Bar Association

Friday, March 15
Regular Monthly Meeting
Major General Clyde Tate
Monarch Country Club

Friday, April 19
Regular Monthly Meeting
Dean Robert Jerry Levin,
UF College of Law
Monarch Country Club

Saturday, May 4
Annual Golf Tournament at
The Fox Club

Friday May 17
Regular Monthly Meeting
Gwynne Young, President of the Florida Bar and to Honor Past Presidents of MCBA
Monarch Country Club

More details are available at
http://www.martincountybar.org

Mortgage Foreclosure Ask-A-Lawyer Program Provided by Florida Rural Legal Services

The Rupert J. Smith Law Library will be hosting Florida Rural Legal Services Mortgage Foreclosure Ask-A-Lawyer Program over the next few months. Ask-A-Lawyer programs provide the opportunity for qualified homeowners who are facing foreclosure to sit down with a lawyer, bring their paperwork, ask specific questions and get help for free. To determine whether you are qualified or to answer additional questions please call FRLS at 772-466-4766 or 888-582-3410.

The Ask-a-Lawyer clinics are schedules:

In the main library on every Tuesday from 3 pm to 7pm
Beginning March 12 through the end of June.

In the main library on the following Saturdays from 10 am to 1 pm:
April 13 and 27, May 11, June 1 and June 15.

In our St. Lucie West branch library on the following Mondays from 9 am to 12 pm:
March 18 and 25, April 15 and 22, May 20 and June 17. Please note that the branch library is very small and if you can come to Fort Pierce, you will find that more people can be accommodated.

Our main library is located at 221 South Indian River Drive, Fort Pierce. Directions to the main library are in this issue on another page or call the library at 772-462-2370. The St. Lucie West Branch, is located in the South County Annex building at 250 Northwest Country Club Drive in Port St. Lucie.

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 on 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 is available, there is a three story parking garage on 2nd Street directly across from the Courthouse.

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 Indian River Drive

From the West:
Take S.R. 70 (Delaware Avenue to US 1 and
Turn right (North) on 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 Indian River Drive

Did you know...

You can find us on Facebook at Lucie Law

Presidential Election Trivia

The Election of 1832 – A Third Party and National Conventions

The short answer is that Andrew Jackson won in an even bigger landslide than his first election but not everything about this election was predictable. The two major candidates were Andrew Jackson and Henry Clay but William Wirt ran as the first third party candidate, the "Anti-Masonic Party" candidate. Barely remembered, the Anti-Masonic Party was the first to choose their candidate at a national convention. (Both the National Republican Party and the Democratic Party quickly followed suit and held their own conventions, also in Baltimore.) But what was the "Anti-Masonic Party?" It almost goes without saying they opposed Freemasonry. The party or movement was formed in response to William Morgan, a Mason from upstate New York, who disappeared after threatening to reveal secrets about the organization. The party's only issue, they argued that Freemasons were an elitist, powerful organization that stood in opposition of the principals of democracy. It created quite a ruckus because both Jackson and Clay were Freemasons. Although the Anti-Masons won a few elections on the state level they were ultimately swallowed by the Whig Party a few years later.