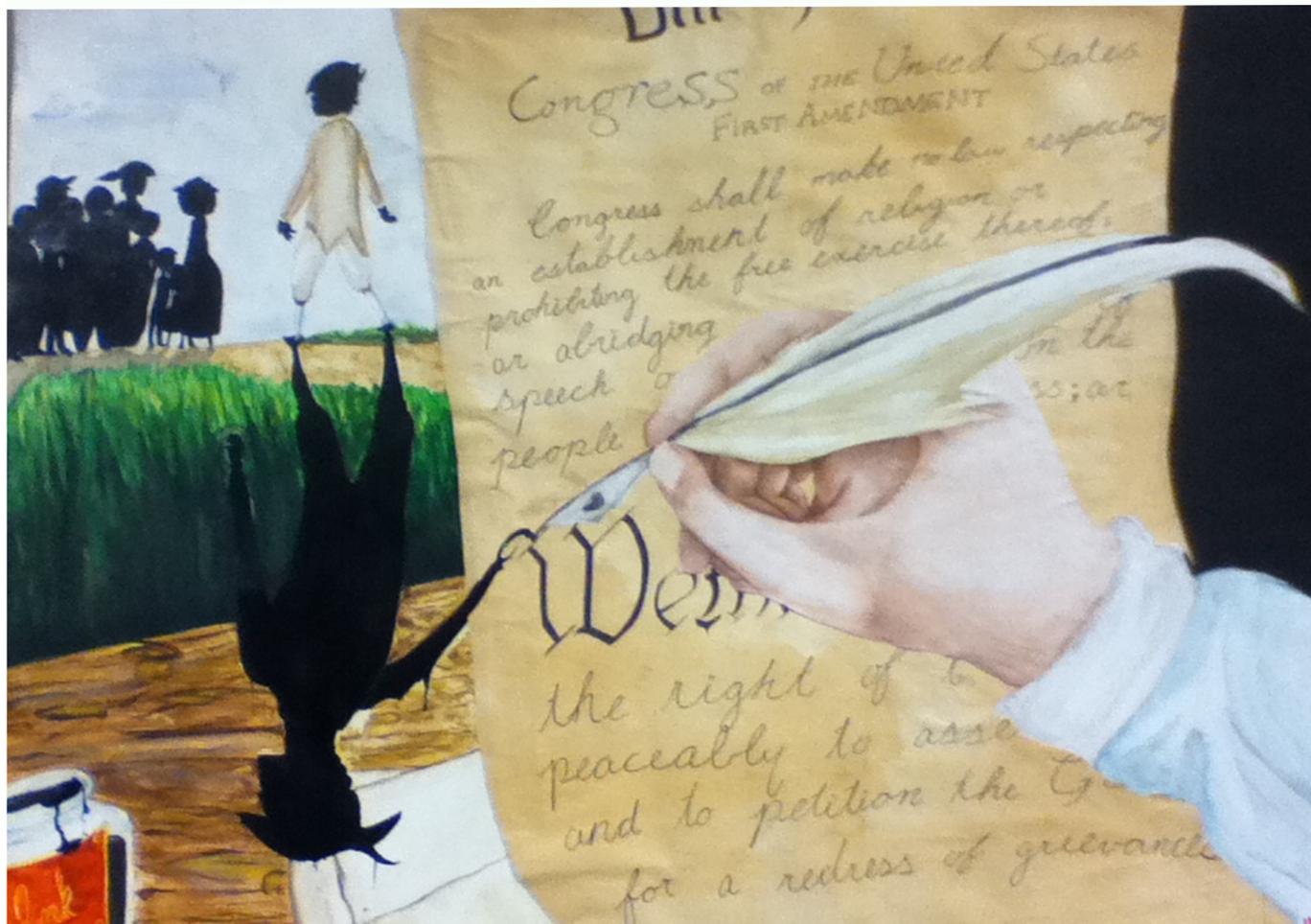


# Friendly Passages

Supporting Equal Access to Law in Florida

May/June 2012

A Publication of The Friends of the Rupert J. Smith Law Library of St. Lucie County Florida



Annual Law Day Art Contest Sponsored by the Trustees of the Law Library. First place prize winner, High School Division, Painted by 9th Grader Ying Ying Zhang, student at Lincoln Park Academy, Ft. Pierce.

## Lunch and Learn with 1 hour CLE Please Mark Your Calenders!

June 6 – Michael Fowler  
“The New Power of Attorney Statute and Long Term Planning Strategies”

September 19 – Colin Lloyd  
“Bankruptcy as a Defense/Solution to Foreclosure”

November 16 – Hon. Burton C. Conner  
“The Appellate Process”

All programs presented in the large conference room at the Fort Pierce Law Library at noon. \$25 includes your lunch. Register by calling the library at 772-462-2370

## In this issue

**Pledge of Allegiance: Did I Make A Mistake?**  
By The Hon. Burton C. Conner.....Page 2

**The Innocence Project**  
By Lisa Bruno.....Page 4

**Google Scholar Offers Free Case Law**  
By Robert Brammer.....Page 8

**America’s Best Known Attorney**  
By Richard Wires.....Page 10

**What Happened at the 19th Circuit Bench and Bar Conference**  
By Carolyn Fabrizio.....Page 12

**The Carriage Of Goods By Sea Act**  
By Daniel W. Raab.....Page 14

**The Arts and the Law**  
“What Ozzie Nelson Did For A Living”  
By Paul Nucci.....Page 16

CELEBRATE LAW DAY

## Pledge of Allegiance: Did I Do the Right Thing?

by The Hon. Burton C. Conner

*I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.*



It is not a good thing, and actually inappropriate, for judges to use the bench as a bully pulpit for advancing the judge's personal views. So I am haunted by a routine practice I engaged in when I was a trial judge.

Growing up, I used to say the Pledge every day in school. After high school, I very occasionally said the Pledge; the Pledge was said only at special occasions and some social club meetings. I am told the Pledge is no longer recited every day in public schools.

On September 11, 2001, I was attending Advance Judicial College (AJS) in Clearwater. AJS is conducted annually by our state court system to keep judges better trained to do the job. To this day, I vividly remember standing with my fellow judges and watching the TV in horror as the Twin Towers fell and the aftermath of the attack on the Pentagon and the downed plane in Pennsylvania. I heard the President announce the beginning of the War on Terrorism. Like everyone, I was stunned and numb from the events.

My son was, and still is, serving in the Air Force. I vowed that day that as long as the War on Terrorism continued, I would begin court everyday with the Pledge of Allegiance. Anticipating the sacrifice the men and women in the military would be making in terms of loss of life, suffering injury, and enduring being away from family and friends to serve in hostile territories, reciting the Pledge of Allegiance seemed to me to be the most simple and heartfelt expression of thanks and show of support.

In forming my vow and asking myself why I wanted to make such a vow, it occurred to me that an attack on the United States is an attack on our system of government and the principles of government we stand for. I started thinking more about what that meant. I realized that serving as a judge gave me a deeper appreciation of our system of government than I ever had as a regular citizen or as a lawyer. That deeper appreciation came from repeatedly watching what happens every time a case is tried by a jury.

*continued on page 3*

## A Message from the President Guarding Our Civil Liberties

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



*"Promote then as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened." -- George Washington, Farewell Address, September 19, 1776*

In 399 B.C., Socrates was brought before an assembly of 501 Athenians, and put on trial for his life, upon a charge of impiety and corrupting the youth. More specifically his accusers charged him with, "failing to acknowledge the gods that the city acknowledges," and "introducing new deities." Today, almost twenty-five hundred years later, few know the names of those who condemned Socrates. But all are aware that a draught of hemlock was the price this seventy-year old civic gadfly paid for speaking out about what was on his mind.

This is perhaps one of the earliest examples of the bitter cost exacted of speech that is different or unpopular. The martyrdom of Socrates teaches that the liberties put in place by the constitution are not there to serve comfortable conventions, nor to reinforce commonly approved norms which need no such protection. This point was made by Justice Hugo Black: "The freedoms of speech, press, petition and assembly guaranteed by the First Amendment must be accorded to the ideas we hate or sooner or later they will be denied to the ideas we cherish."

How important it becomes to remain sensitive to such liberties, to guard them jealously and to spread awareness of them far and wide. The founding fathers intended that those genies be released from the bottle so they might escape forever, that every man, woman and child know them well, and find out at will all there is to know of them. Thomas Jefferson was keenly aware that American freedom depends on it: "Educate and inform the whole mass of the people.... They are the only sure reliance for the preservation of our liberty."

Law libraries are the learning centers and repositories for such knowledge, libraries with trained staff. They are places where "main street" lawyers, without vast research facilities of their own, go to acquire specialized information from horn books, law review treatises and copyrighted practice manuals. They are places where people too poor to afford a lawyer can go

*continued on page 7*

## Pledge of Allegiance: Did I Do the Right Thing?

In my previous articles about jury trials, I have opined that what makes us the Greatest Republic of all time is the fact that no other government provides the right to a trial by jury as extensively as the United States. No other government offers the fairest system of justice known to mankind.

When a citizen serves as a juror, he or she is directly participating in government. Our forefathers brilliantly recognized that no society can remain free and orderly unless there is a way to resolve disputes between fellow citizens and between citizens and the state. What makes us great is that we trust everyday citizens to resolve such disputes, instead of elected or appointed officials.

The other thing I came to appreciate as a trial judge is that a trial by jury is the best practical demonstration of the Rule of Law. I submit the core essence of the Rule of Law is the notion that no person, even an elected or appointed official, is above the law. Nothing drives that concept home better than a system of justice which allows *everyday citizens* to apply principles of law to decide whether facts show the rules of society have been broken. (The exceptions to the jury trial process are the very limited situations in which an immunity privilege takes a case away from a jury.)

*“As history has repeatedly proven, one can construct a society where some, but not all, have liberty. But “liberty for all” cannot exist or survive without justice for all.”*

Over a million men and women have died in the military while protecting the United States, our system of justice, and the Rule of Law. When I recite the Pledge of Allegiance, I believe I am doing two things: 1) I am acknowledging my thanks to the men and women who have died, suffered injury, or sacrificed being with their families and friends to protect our system of government and justice, and 2) am asserting my belief in the importance of the Rule of Law.

I assert the Pledge of Allegiance is an affirmation of the Rule of Law more than anything else. All of the words in the Pledge are important, but I contend the most important words are the last three: justice for all.

As history has repeatedly proven, one can construct a society where some, but not all, have liberty. But “liberty for all” cannot exist or survive without *justice for all*. So what makes us the greatest republic of all time is our commitment to the Rule of Law, which allows us to have *justice for all*.

Until lawyers realized it was routine practice, it was always a little awkward beginning court with the Pledge. Attorneys were always puzzled the first time they experienced it. Even though I always announced that our freedom of speech meant that reciting the Pledge was optional, I am sure lawyers felt it was discourteous not to comply with an invitation by the judge to participate. I also learned there were some lawyers who felt I engaged in the practice as a show of control, trying to make lawyers feel like they were back in grade school again. Some have suggested that starting court with the Pledge called into question my impartiality: by expressing patriotism, does that mean I am more pro-government or pro-state? Finally, if nothing else, reciting the Pledge was unusual because no other judges did it.

And so I ask: Was it inappropriate to routinely begin court with the Pledge of Allegiance? Framing the question differently: *Shouldn't it be routine for the Judicial Branch of government to begin its work with our best affirmation of the Rule of Law?*

*Editor's Note: The Honorable Burton J. Conner is the head of the Board of Trustees of the Rupert J. Smith Law Library of St. Lucie County. He was a circuit court judge in the Nineteenth Judicial Circuit for fourteen years. He was appointed to the District Court of Appeals, 4<sup>th</sup> District in 2011. We thank him for his regular contributions to “Friendly Passages.”*



**LAW FIRM**

**Hayskar, Walker, Schwerer,  
Dundas & McCain, P.A.,**  
**(772) 461-2310**

- GENERAL CIVIL PRACTICE,
- COMMERCIAL TRANSACTIONS
- TRIAL PRACTICE ● DOMESTIC RELATIONS,
- AND WORKERS COMPENSATION

# The Innocence Project



*Controversial and overwhelmed, work continues to give hope to the wrongfully convicted.*

By Lisa Bruno

Art mirrors society, as depicted in film, theater and books. Wrongful death convictions make great drama. In the late 1980s science delivered a powerful new tool, DNA testing, which provided proof positive that innocent people had been convicted in American criminal courts.

John Grisham's *The Innocent Man* (2006) recounted the case of Dennis Fritz, who was wrongfully convicted of murder and freed by DNA evidence with the assistance of the Innocence Project.

In 2010, in the film *Conviction*, DNA was the key to overturning a 1983 life sentence without parole. Kenneth Waters served eighteen years for the brutal murder of a young woman. With the help of Barry Scheck and Peter Neufeld of the newly founded Innocence Project (1992), Waters' murder conviction was vacated in 2001.

Formed by defense lawyers Barry C. Scheck and Peter J. Neufeld, the Innocence Project started as a clinical course at New York City's Cardozo School of Law in 1992 and is now the centerpiece of the

national Innocence Movement: 59 loosely affiliated law schools, journalism programs and nonprofit organizations aiming to prove the fallibility of outmoded evidence practices and, more broadly, of the entire legal system. They have successfully lobbied for changing post-conviction DNA statutes and for having stricter crime-lab oversight. Because of their work, the possibility that an unacceptably high percentage of U.S. prisoners did not commit the crimes for which they were convicted has redefined the way prosecutors, defenders and jurors approach their roles. "There are way fewer death cases in the last five years [in Texas]. Prosecutors ask for it less, and they get it less," says David Dow, a University of Houston Law Center professor who founded the Texas Innocence Network. "I think it's because the juries started to know about exoneration."

Yet for all his success, Scheck has never landed what would be the holy grail of innocence in the U.S.: DNA proof that a prisoner was executed in the modern era for a crime he didn't commit.

The idea of legal innocence has gripped the public imagination for a long time. Author Wilkie Collins probably invented the legal thriller with his 1874 book *The Dead Alive*, which told the true story of two Vermont brothers convicted of murdering a man who was actually living in New Jersey. (Early American justice actually featured almost a dozen murder victims who later turned out to be alive.) But it took Scheck who is still best known for his role on O.J. Simpson's defense team — to give real faces to the wrongfully convicted in modern America. The Innocence Project gets thousands of letters a year from inmates who say DNA evidence will free them. Some of the petitioners are intensely formal; some can barely write. Many are desperate. "I am not the man that



*Innocence Project Founders  
Barry Scheck and Peter Neufeld*

did this Rape," wrote Rickey Johnson from Angola prison in Louisiana in 2000. "All I want is to go 'Home.'" (In the end, he did.) The letters are read by a small intake team led by a poet named Huy Dao. It includes a former high school teacher, an ACLU veteran, an ex-journalist and an anthropologist who once studied circuses around the world. They aren't looking to see whose stories they believe; they just want cases for which new DNA tests would provide firm answers. Those files are added to the some 2,800 cases in the long white "maybe" cabinets that line the hallways.

(There are more than 8,000 cases in some stage of evaluation.) It can take from five to eight years for a case to get fully vetted — the project relies mostly on private funding and struggles to keep up with the volume of work — but if the seven staff lawyers decide to take a case, then that inmate joins a singular fraternity: the 200 or so active Innocence Project clients. The law students and regular staff work long hours for what Scheck charitably calls "public-interest salaries." The work vacillates between the tedium of paperwork and, as Dao says, exposure to "the terrible things that people do to others and to themselves." Even after the exhaustive vetting, nearly half of the DNA tests end up proving the client was guilty after all.

The work, however, remains hugely controversial with prosecutors. Many see Scheck as a defense lawyer above all else. (He still takes on high-profile private clients on the side.) The reforms he proposes, says St. Louis County, Missouri, prosecutor Bob McCulloch, "are designed to protect guilty people. That's a defense attorney's job." Others dismissively call innocence claims the SODDI defense — some other dude did it.

continued from page 4

## The Innocence Project

Though most exoneration projects are voluntary or linked to law schools, Scheck, whose group trademarked the phrase “Innocence Project” says reporters should be in the mix as well.

"These kinds of stories are vintage and classical avenues for journalists to pursue. Freeing a man wrongly convicted – it's a great American tradition," says Scheck, bringing up a 1948 movie in which James Stewart played a Chicago reporter who did just that. "Watch 'Call Northside 777' – it's one of my favorite movies."

### Florida Innocence

As a member of the Innocence Network, the Innocence Project of Florida (IPF) began in October of 2003 in response to a filing deadline for post-conviction DNA motions. With a mission to help innocent prisoners in Florida obtain freedom, and rebuild their lives, IPF serves as a strong advocate for justice reform to avoid wrongful incarcerations in the future. The Innocence Project of Florida has been instrumental in helping to release 13 men. These men were wrongfully imprisoned and spent an average of 20 years behind bars.

IPF has spent four legislative sessions in Tallahassee, concentrating on filing deadlines and compensation for exonerees. IPF usually passes one piece of legislation each year. In 2006, the legislature voted to remove the deadline for filing petitions for DNA testing. A global compensation bill was signed into law in 2007 that will pay \$50,000 dollars for each year of wrongful incarceration. Unfortunately a “clean hands” provision excludes payment to anyone with a prior felony conviction or a felony conviction while wrongfully incarcerated. No other state has such a provision. Plans to have this provision removed and begin addressing remedies for the ongoing problem of wrongful incarceration will begin again in the 2013 Florida legislative session.

*Editor's note: Lisa Bruno is a freelance writer, Law Librarian and serves as a State Representative for the American Civil Liberties Union of Florida.*

## Did You Know?

The library has laptops that patrons can use if they want to find a quiet corner of the library.

## DNA and the Convicted

- There have been 289 post-conviction DNA exonerations in the United States.
- The first DNA exonerations took place in 1989.
- Exonerations have been won in 35 States.
- Since 2000 there have been 222 exonerations.
- 17 of the 289 people exonerated through DNA served time on death row.
- The average length of time served by exonerees is 13.5 years. (In Florida, it's 20 years.)
- Races of the 289 exonerees; 180 African Americans, 82 Caucasians, 21 Latinos, 2 Asian Americans, 4 whose race is unknown.
- Almost all (99%) of the convictions proven to be false were males.
- The true suspects and/or perpetrators have been identified in 139 of the DNA exoneration cases.



## Domestic Relations



# The Rupert J. Smith Law Library Celebrates Law Day

The annual Law Week reception was celebrated on Tuesday, May 1 in the Jury Assembly room of the main courthouse in Fort Pierce. Our keynote speaker, the Honorable Jonathan D. Gerber from the Fourth District Court of Appeals, spoke on the early influences in his life. Opportunities to learn about his government and his mentors' guidance made a lasting impression on him. Judge Gerber was guided to understand that service and respect for others are inherent in the rule of law.

This year, Norm Penner and Michael Lannon were honored for making St. Lucie County a better place to live. Both 2012 Law Week honorees embody virtues that make the community stronger by mentoring and leading our next generation. Norm Penner is the Director of the St. Lucie County Boys and Girls Club and has worked for the Boys and Girls Club around the country for the last 38 years. Dr. Michael Lannon is the Superintendent of St. Lucie County Schools and has worked with dedication to reach all students.

The 2012 Student Art Contest had almost 400 entries and they are displayed in the courthouse lobby. The student art interpreted this year's American Bar Association Law Day Theme, "No Courts, No Justice, No Freedom." (The first place winner among the High School entries is on the cover of this issue.) The prizes were expanded from four to twelve prizes this year plus another eighteen Honorable Mentions for best in school. All-in-all, thirty children received acknowledgement and prize money amounting to \$3500. The checks were presented by Kim Cunzo, the Art Contest Chair, and Superintendent Michael Lannon.



Norm Penner and Hon. Burton C. Conner



Superintendent of Schools Michael Lannon, High School winner Jessica Coleman, Kim Cunzo, Art Contest Chairperson.



Back row: Michael Lannon, Norm Penner & Honorable Jonathan D. Gerber with many of the 2012 Art contest winners.

continued from page 2

## Guarding Our Civil Liberties

and receive direction on where to find what they need to protect their rights. They are places where students may locate the information needed for a research paper. They level the playing field between high and low, the powerful and the weak, the rich and the poor, where all are assured of the same level of access to legal knowledge. They are the proud voice and guarantors of American freedom. They give life to the ideals of equal justice for all. Law libraries. Thank you for your support.



## The Lighter Side of the Law



## CRYPTOQUOTE

"OLULUXLO NSVNGT CANC NSS YQ IT...  
NOL MLTDLZMLM QOYU EUUEBONZCT NZM  
OLJYSICEYZETCT."

- QONZKSEZ M. OYYTLJLSC

For the impatient, e-mail your answer to [nora@rjsslawlibrary.org](mailto:nora@rjsslawlibrary.org) for confirmation. For the patient, the decoded quote will appear in the July/August issue.

## LAST ISSUE'S CRYPTOQUOTE

Q ZQHSMK TW Q GMKWBO HPB HKTRMW  
Q 10,000-HBKY YBVNEMOR QOY VQZZW T  
Q "JKTMC." - CKQOD FQCFQ

A lawyer is a person who writes a 10,000-word document and calls it a "brief."  
-- Franz Kafka

# LEGAL RESEARCH FOR LAWYERS WHO WANT TO DO LESS OF IT.

### WestlawNext™

WestlawNext™ is powered by our new search engine – WestSearch™, which leverages the Key Number System® and other West assets to streamline the search process, **reducing research time by up to 64 percent.** Discover more – and see details of the efficiency study yourself – at [WestlawNext.com](http://WestlawNext.com).



THOMSON REUTERS®

© 2010 Thomson Reuters. L-361640/11-10 Thomson Reuters and the Kinesis logo are trademarks of Thomson Reuters.

## Google Scholar Offers Free Case Law & Articles

By Robert Brammer



Google has revolutionized the search engine, and now with Google Scholar, Google offers the ability to search select journal articles, as well as federal and state case law, free of charge. Navigate to <http://scholar.google.com/>. Click on “advanced scholar search” on the right-hand side. Next, type your search terms into one of the search boxes. Choose a search box that corresponds to the type of results you want. For example, if you want results that contain all of the keywords you type in, then choose that search box. This is also where you would type in a citation to a case. Scroll to the bottom of the screen and choose to search all legal opinions and journals or choose to search opinions from a particular state or federal jurisdiction. If you would like to just search the opinions of a particular court, click on the “select specific courts to search” link, place a check mark next to the courts of interest, and then click “search scholar” to retrieve your results. Under your results, you will see “cited by” and “how cited.” Cited by provides an extensive list of documents that cite to your document, while “how cited” shows how a select group of citing documents have discussed your document. At the top-right hand side of the results screen, you can create an “email alert.” This instructs Google to email you a notice whenever Google adds new documents that match your search terms.

---

*“...if there is ever a significant difference between the official, reported version of a case and the version available in Google Scholar, you could have a problem on your hands.”*

---

Google Scholar is useful, but it isn't perfect. Scholar does not offer a citator that will allow you to quickly decide if your case has been questioned, distinguished, or overturned. Instead, Scholar allows you to view cases that cite to your case. You could read all of the cases that cite your case and make a determination as to how those cases affect the validity of your case. Clearly, that would be time consuming, and since the Rupert Smith Law Library offers West's KeyCite as part of its Westlaw subscription and Shepard's as a separate subscription and now, too, through LexisNexis, you would be better off bringing in a list of citations in order to check their validity at the library. Scholar's other problem is its unknown source and scope. You might wonder where Scholar pulls its cases from. Google claims it has a license with a major legal information provider, but that is all it will say.

This in turn raises two issues. First, there is no telling if Google is returning all of the cases related to a given keyword since we do not know the scope of the cases available in their database. Second, if there is ever a significant difference between the official, reported version of a case and the version available in Google Scholar, you could have a problem on your hands.

In sum, Scholar is a free and user friendly way to research case law, but its significant drawbacks mean you should verify its results using an official, comprehensive source.



*Robert Brammer is a member of the Florida Bar, and is currently employed as a reference librarian at the Stetson University College of Law. He earned his J.D. from Wayne State, his M.L.S. from Florida State, and his B.A. from the University of Kentucky.*

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

We are open:

Monday through Thursday from 8:30 a.m. to 7:00 p.m.

Fridays from 8:30 a.m. to 4:30 p.m.

Saturdays from 9:00 a.m. to 1:00 p.m.

Sundays from 1:00 p.m. to 4:00 p.m.

At the South County Law Library, we are now staffed:

Fridays from 9:00 a.m. to 1:00 p.m.

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

The main branch is located at:

221 South Indian River Drive

Fort Pierce, Florida 34950

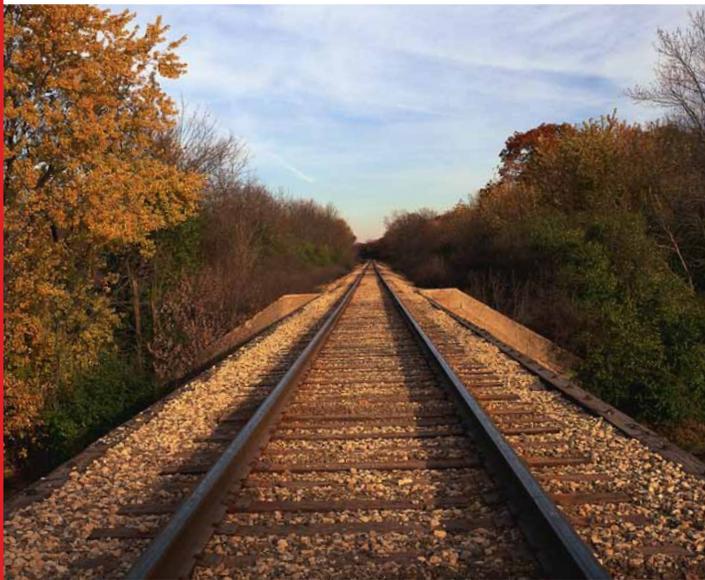
772-462-2370

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

Our South County Branch is located at:

250 Northwest Country Club Drive

Port St. Lucie, Florida 34986



You told us the best way to avoid losing your train of thought is to stay on the train.

Introducing Lexis<sup>®</sup> for Microsoft<sup>®</sup> Office. Focus on delivering work for your clients, not switching between programs. Now when you're creating a Word document or working in Outlook, you can pull content directly from Lexis<sup>®</sup> with intuitive simplicity. We've teamed with Microsoft<sup>®</sup> to bring this innovation to our customers' existing workflow processes. It's just one example of how listening to our customers helps us design tools that enable better outcomes. After all, LexisNexis<sup>®</sup> is created for legal minds, by legal minds.



Contact: Dave Hemingway @ (561) 876-7048

LexisNexis, Lexis and the Knowledge Burst logo are registered trademarks of Reed Elsevier Properties Inc., used under license. Microsoft and Outlook are registered trademarks of Microsoft Corporation. Copyright 2010 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.

## RJS Law Library Student Art Contest



By Hailey Innocent, 11th Grade  
Lincoln Park Academy



By Ying Ying Zhang, 9th Grade  
Lincoln Park Academy



By Jessica Coleman, 10th Grade  
Lincoln Park Academy



By Breyale Jenkins, 8th Grade  
Lincoln Park Academy

## America's Best Known Attorney

By Richard Wires

For many years among America's most famous names in law and mystery fiction were attorney Erle Stanley Gardner (1889-1970) and the clever trial lawyer Perry Mason, whom he created and made an iconic figure. The Massachusetts born author grew up in California, was largely a self-taught attorney when in 1911 he gained admission to the state bar, and practiced law in Ventura until 1933. By then his growing writing career required all his time. After he achieved enormous success with his fictional criminal defense lawyer, an alter ego in many respects, the author pioneered efforts to help real-life victims of miscarried justice.

Gardner had his first short story published in 1923. During the next years he wrote prolifically in the "hard-boiled" vein for the cheap so-called pulp magazines like *Black Mask*; in 1932 he reportedly earned about \$20,000 from writing when the payment rate was only a penny or two per word. He organized his career by using a number of pseudonyms, some designed for a particular publication that bought his stories, others reserved for his writings about some continuing series character. Probably the name A.A. Fair is most notable. Eventually Gardner produced over 140 books of which just over 80 deal with Mason's investigations. By the time he died some 135 million copies of his books had been printed in the United States.

---

*"After he achieved enormous success with his fictional criminal defense lawyer, an alter ego in many respects, the author pioneered efforts to help real-life victims of miscarried justice."*

---



Raymond Burr as TV's  
*Perry Mason*

Erle Stanley Gardner

The main characters in stories featuring Mason are similar to those found with different names and guises in Gardner's other writings of the early period. They were conventional or stock types that would change little once their popularity took hold. Perry Mason, Della Street, and Paul Drake all appeared in the first novel, *The Case of the Velvet Claws* (1933). But the story of a scandal magazine's blackmailing of prominent people has no courtroom scene. That hallmark of the series began with the second book: *The Case of the Sulky Girl* (1933). Hapless Prosecutor Hamilton Burger made his debut in *The Case of the Counterfeit Eye* (1935). There were eventually 82 books in the series, and short stories as well, with some of Gardner's last works released posthumously. During the magazine's heyday the *Saturday Evening Post* serialized many of his novels. While the books are formulaic and many are not well written, with cardboard characters, minimal description and repetitious dialogue, their intriguing plots and the courtroom dramatics hold the reader's interest. Earlier works tend to be the imaginative: among the best are the cases of the *Perjured Parrot* (1939), *Crooked Candle* (1944), *Angry Mourner* (1952) and *Blonde Bonanza* (1962).

The popular lawyer was inevitably transferred to other media. Mason had already been depicted in films and also on radio during 1943-1955 before the character then moved to black-and-white television in 1957. After the program ended an impressive nine-year run in 1966, there followed a later series of special two-hour films. While other cast members changed both Raymond Burr and Barbara Hale played their roles throughout the period.

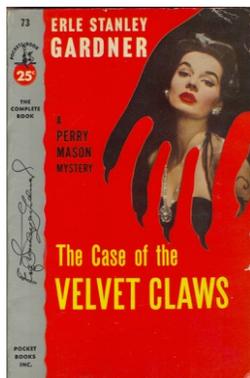
Especially in the early books Mason is portrayed as a crusader. Although he often engages in questionable actions and courtroom stunts, some barely legal, he insists on doing everything possible to serve his client. His objective went beyond clearing the person; he wanted to reveal the actual culprit. The pattern has him both participating in the investigations and then triumphing in the story's climactic court scenes. As a fan of boxing Gardner liked to have Mason note how a fighter works: he is patient, observes what happens, then strikes quickly. The courtroom was his arena. As Mason states, "I'm a trial lawyer. I specialize in the trial of cases, preferably before juries. Twelve men in a box-that's my specialty" (*Sulky Girl*). And in case a reader should somehow not appreciate the attorney's skills, or possibly not foresee his ultimate success, some character is certain to point out both his genius and record. Over the years and with media changes the character became more mellow and respectable.

continued from page 10

## America's Best Known Attorney

Yet some of his behavior and maneuvers may still seem odd. But accuracy was important to Gardner in devising all his narratives. He made certain that all the legal points and procedures, medical evidence, and scientific details were correct for their location and time. Consulting authorities in such specialties as pathology and ballistics further helped ensure authenticity. The later books often include a foreword in which the author described the achievements of noted experts.

Gardner was once famous for the "Court of Last Resort" that he had co-founded in 1946. The organization of volunteers grew out of articles in the *Saturday Evening Post* about his interest in criminal proceedings with possibly wrongful convictions. He and the group championed victims of apparent injustice, sometimes stemming from official corruption or careless errors, but also from questionable weight given to circumstantial evidence. The most sensational case involved a convicted murderer named William Lindley whose execution was stopped by Governor Earl Warren on the very day it was scheduled to occur. Staying the execution allowed time for a reinvestigation that led to establishing his innocence. In 1952 Gardner wrote about the organization in *The Court of Last Resort*. Over time of the group's focus shifted from promoting better administration of justice to handling individual appeals, an overwhelming task, and after years of disagreements over its proper purposes and policies the group went into decline. Gardner left in 1960, yet he never lessened his commitment, in both fiction and life, to the principles of fairness and justice.



About the Author: Richard Wires holds a doctorate in European History and a law degree. He served with 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. Among his books is *Cicero Spy Affair: German Access to British Secrets in World War II*. Maritime history is a longstanding hobby.



## Brown Bag Lunch Series of CLE Lectures Continues at the Law Library

The 2012 CLE "Brown Bag" Lecture Series, hosted by the Friends of the Rupert J. Smith Law Library, continued on April 19 with a presentation in the library's main conference room from Cynthia Angelos, entitled, "Civility in Discovery." Fourteen attendees, from St. Lucie, Indian River and Martin Counties, listened to remarks about professional ethics responsibilities when handling interrogatories and taking depositions. Angelos, former circuit judge, and presently with the firm of Weiss, Handler, Angelos & Cornwell, P.A., discussed discovery abuse, motions to compel, motions for protective orders, and judicial sanctions. The Florida Bar allowed one hour of accreditation in "Ethics" for those present.

This is the second in the 2012 series. Harold Melville spoke on February 14 about "Conflicts of Interest". Mike Fowler will educate bar members about the new statute governing powers of attorney, in June, while Colin Lloyd will address bankruptcy as a defense to foreclosure, in September. The series will conclude in November, with a presentation by Judge Burton Conner, about the appellate process.



### Coming to the library for the first time? We are located at 221 South Indian River Drive in downtown Fort Pierce.

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

#### From the South:

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

#### From The West:

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

## What Happened During the Nineteenth Judicial Circuit Bench Bar Conference?

By Carolyn Fabrizio

**O**n March 30, 2012, all Bar Associations of the 19<sup>th</sup> Judicial Circuit in collaboration with Florida Rural Legal Services, hosted the 2<sup>nd</sup> Annual 19<sup>th</sup> Judicial Circuit Bench Bar Conference. This year the conference attracted 176 members of the Bench and Bar.

**F**ive judges from the Fourth District Court of Appeal, seventeen judges from the 19<sup>th</sup> Judicial Circuit, and one magistrate as well as 153 attorneys attended the conference. The conference provided a great opportunity to strengthen the working relationship between the Bench and Bar.

**F**or the second year in a row, the Honorable F. Shields McManus acted as Master of Ceremonies. Presenting in the morning sessions were Sheila M. Tuma, Esq., Steven L. Perry, Esq., and William F. Hamilton, Esq. Ms. Tuma provided an enlightening presentation on Lawyer Advertising. She also provided a trust accounting horrors update. Steve Perry, Esq. with Virtual Law Office, P.A. and Moirae Digital, Inc., presented an E-Discovery primer. William F. Hamilton, Esq., a partner with Quarles & Brady, L.L.P., in Tampa, enthusiastically shared with the group his unique perspective of Florida's new E-Discovery Rules.

**O**ur luncheon speaker, the Honorable Chief Judge Steven J. Levin provided an informative presentation on the drug courts and the effect of drugs on our community. He reported on the rising use of synthetic marijuana (aka spice) and bath salts.

**T**he afternoon session speakers included the Honorable Burton Conner, with the Fourth District Court of Appeal, Paul Regensdorf, Esq., Thomas Genung, Esq., and Michael Moreno, M.B.A. Judge Burton Conner presented on the current status of e-filing in the 4<sup>th</sup> DCA. Paul Regensdorf, Esq., from the law firm of Holland & Knight in Jacksonville, gave a timely presentation on the status of e-filing statewide. Thomas Genung, Esq., our Trial Court Administrator presented on the current status of e-filing in the 19<sup>th</sup> Circuit. Michael Moreno, from the Florida Association of Court Clerks finished the session by explaining the status of implementing the e-filing portal and the development schedule, concluding with a review of the submission process.

**O**ur final session of the day allowed attorneys to choose a break-out session.

**T**he 23 Members of the Judiciary separated into four groups consisting of Appellate, Civil, Criminal, and Family Law. From the 4<sup>th</sup> DCA, Chief Judge Melanie G. May, Judge Burton C. Conner, Judge Jonathan D. Gerber, Judge Mark E. Polen, and Judge Martha C. Warner offered their expertise and insight at the Appellate break-out session.

**F**rom the 19<sup>th</sup> Judicial Circuit, the following members of the judiciary participated in the remaining three break-out sessions: Chief Judge Steven Levin, Judge Barbara W. Bronis, Judge Cynthia L. Cox, Judge Dwight L. Geiger, Judge Robert A. Hawley, Judge Paul B. Kanarek, Judge Mark W. Klingensmith, Judge Robert R. Makemson, Judge James W. McCann, Judge F. Shields McManus, Judge James Midelis, Judge Lawrence M. Mirman, Judge Gary L. Sweet, Judge Cliff Barnes, Judge Darren Steele, Judge Phillip J. Yacucci, Judge Robert D. McAliley, and Magistrate Katharine Hammond.

**T**he first meeting of the Judicial Liaison Committee responsible for planning the 2013 Bench Bar Conference has already been held. We are constantly seeking ways to improve the conference from year to year. If you are interested in joining the committee, or have any comments about the conference, please contact Carolyn Fabrizio, 19<sup>th</sup> Judicial Circuit, Pro Bono Coordinator.

**T**hrough the 2012 Bench Bar Conference, 142 attorneys practicing in the 19<sup>th</sup> Circuit agreed to take a pro bono case or assist at legal advice clinics through FRLS. As the Pro Bono Coordinator for the 19<sup>th</sup> Judicial Circuit, it is my great pleasure to work with so many attorneys who donate their time and expertise to the poor, disabled, and elderly in our communities. Our greatest appreciation and thanks go out to ALL the attorneys in the 19<sup>th</sup> Judicial Circuit who have assisted our clients over this past year. We also wish to thank ALL of you who contribute financially to Florida Rural Legal Services, Inc. Each and every one of you truly makes a difference. All of our pro bono attorneys and financial contributors, remind us of the oath of admission to the Florida Bar, where each attorney states, "I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed."

If you have any questions about the 19<sup>th</sup> Circuit Pro Bono Project, or are available to assist with a case, please contact Carolyn Fabrizio, at (772) 466-4766, ext. 7024 or by email at [carolyn.fabrizio@frls.org](mailto:carolyn.fabrizio@frls.org).



## Port St. Lucie Bar Association Celebrates Law Day

The PSLBA Annual Law Day Luncheon, organized by PSLBA Vice President Anthony J. Visone, was held on May 2, 2012. For the past several years the PSLBA has been fortunate to have the Florida Bar President as its guest speaker for its Annual Law Day Luncheon and this year we kept that tradition. Florida Bar President Scott G. Hawkins was kind enough to speak on this year's Law Day Theme, "No Courts. No Justice. No Freedom." The importance of our access to the Court system as the foundation of our fundamental rights as Americans was central to this theme, stressing how important it is that we as members of the Bar and those intimately connected with the Courts educate others on the importance of access to the Courts. The economic recession has increased the number of people who need that access today. The FRLS pro bono program is just one way that we as members of the bar can help give back. The PSLBA Law Day Luncheon has also traditionally been the proud forum for the FRLS Pro Bono awards which were presented this year by Judge Burton C. Conner of the 4th DCA & Carolyn Fabrizio of FRLS to attorneys Guy DiMartino, Steven Glucksman and Steven Messer who gave outstanding service to the pro bono program.

--Reported by Anthony J. Visone.



From left to right: PSLBA Secretary Alfred Bell, PSLBA President Sean Greene, Attorney Michael Feiner, PSLBA Vice President Anthony Visone, Florida District Court Judge Burton C. Conner, Circuit Judge William L. Roby Florida Bar President Scott G. Hawkins, Attorney Jordan Wagner

## Place your advertisement here!

*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 35,000 potential clients and customers! We now circulate to all attorneys on the East Coast.*

## Upcoming Bar Events

### St. Lucie County Bar Association

No regularly scheduled meeting this summer. Meetings will resume in September.

### Port St. Lucie Bar Association

Annual Golf Outing is scheduled in June. For more information please e-mail: Anthony Visone at [avisone@PSLBA.org](mailto:avisone@PSLBA.org)

### Indian River Bar Association

Regularly Scheduled Meeting  
May 11 at noon  
Quail Valley River Club  
Presentation by Ocean Research & Conservation Association

Regularly Scheduled Meeting  
June 8 at noon  
Quail Valley River Club  
Includes Officer and Board Elections

### Martin County Bar Association

No regularly scheduled meeting until August

Golf Tournament at Fox Club – May 12

Annual Banquet – May 19 at 6:00 p.m.

Officers' Meeting – May 8 and 20

# Introduction To The Carriage Of Goods By Sea Act

By Daniel W. Raab



The purpose of this article is to provide the general practitioner with some basic knowledge about the Carriage of Goods by Sea Act, 46 U.S.C.A. § 30701 note (2006), formerly known as 46 U.S.C.A. § 1301 *et al.* (1983), which is the major statute involved in international carriage of goods by water. The old numbering is still typically used as it still exists within a footnote to the statute. This article is not intended to be all inclusive but is designed to give some basic information as to some key issues and to be used as a starting point.

If you have a claim under this statute, one of the first things to note is that you must file any cause of action within 1 year. Normally there is a 5 year statute of limitations for a breach of contract action under a written contract. Also, it is best if a claim is filed within 3 days as that effects the burden of proof, however many claims are filed within 3 days. Sometimes, the steamship companies will grant an extension of time extending the one year statute. It is best to get this in writing.

The Carriage of Goods by Sea Act was originally adopted in 1936. Aside from the 1 year statute of limitations, the practitioner should also be aware that there could be a limitation of liability defense that is asserted by the ocean carrier. This would be the \$500.00 per package limitation or customary freight unit. The shipper needs to be offered an opportunity to declare a higher value or risk being limited to \$500.00 for a container or package. This part of the Carriage of Goods by Sea Act is a heavily litigated section. For a list of what is or is not considered a package I would direct you to *2A-XVI, Benedict on Admiralty § 170*. If there is a deviation, it could nullify the limitation of liability but not the statute of limitations depending on whether or not it was an unreasonable deviation and whether or not it contributed to a cargo loss. This can be geographic; delivery to the wrong port is one example.

A case under the Carriage of Goods by Sea Act is usually filed in federal court but can also be filed in state court. Some defense lawyers may try to remove the case to federal court arguing that the case involves a federal question. Federal judges therefore handle more of these cases than state court judges.

Although the Carriage of Goods by Sea Act deals with shipments from one country to another, the terms of the Carriage of Goods by Sea Act can be incorporated in a contract known as a bill of lading for domestic shipments such as those between one point in the United States to another such as from San Juan, Puerto Rico to Pt. Everglades, Florida.

The Carriage of Goods by Sea Act can also be extended during the time that the cargo moves within the United States. This would be on what is called an intermodal or thru bill of lading. For example, a shipment can start in London, England with the cargo being delivered to Port Canaveral, Florida and then move inland by truck to Atlanta, Georgia. The Carriage of Goods by Sea Act can govern for the whole shipment. This type of clause is called a Clause Paramount. This becomes important because the statute of limitations would therefore be shorter than on a motor carrier or railroad loss if it were not an Intermodal bill of lading. See the case of *Norfolk Southern Ry. v. James N. Kirby, Pty Ltd.*, 543 U.S. 14 (U.S. 2004).

There is also what is called a Himalaya Clause which will extend the limitations of liability to those who work with the ocean carrier. This can be the stevedore who unloads the cargo as well as others in the chain of transportation.

The bill of lading should be examined to see if is marked with the words "Shippers, Load, Weight, and Count," or similar words such as "Said to Contain." This means that the shipper has guaranteed the Count and possibly the weight in some instances although the carrier should be careful about noting any weight.

continued from page 14

**A** prima facie case under the Carriage of Goods by Sea Act is shown by proving that the goods were loaded in good condition and items were missing at the point of delivery. It is important to note what is and is not on the bill of lading. See *Albany Ins. Co. v. M.V. Istrian Express*, 61 F.3d 709 (9th Cir.1995) and *Hale Container Line v. Houston Sea Packing Co.*, 137 F.3d 1455 (11th Cir. Fla. 1998) and Benedict Desk Reference Book which is *Benedict on Admiralty Vol.8 § 5:04*.

**I**f damages are not limited to \$500.00, the market value of the goods less the damages is sometimes used to compute the damages. See *Benedict on Admiralty Vol. 8 § 5.15*. In some cases the invoice value is used for computing damages. In an insurance subrogation case, the amount sued for is what was paid by the insurance carrier.

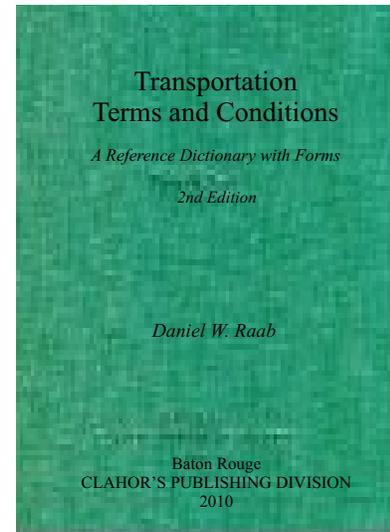
**T**here is an older statute called the Harter Act 46 U.S.C.A. 30701 *et al.*, which has largely been supplanted by the Carriage of Goods by Sea Act. Sometimes the Harter Act will apply to cargo after it is offloaded. It helps to determine the point of delivery of the cargo. One case on point under the Harter Act is that of *Crowley Am. Transp., Inc. v. Richard Sewing Mach. Co.*, 172 F.3d 781 (11th Cir. 1999) which held that delivery was not completed until picked up by the consignee and therefore the carrier was not liable for a misdelivery. See also *Allstate Ins. Co. v. Imparca Lines*, 646 F.2d 166 (5th Cir.1981).

**T**his could differ if there is a bill of lading that requires delivery to the consignee's place of business. If a loss or improper action is done by a governmental entity at the point of delivery, it is not the responsibility of the carrier.

**A** large number of the cases brought under this statute are insurance subrogation claims. There are a large number of marine insurers who insure cargo directly or under an open cargo policy.

**I**f you are considering handling a case of this nature some of the documents that you will want to look at include the bill of lading, commercial invoice, packing list, subrogation receipt (if applicable), customs declarations, and the survey report. In examining the bill of lading, you will want to see the front and back of the bill of lading.

**I**n initiating a case, you can find forms within these books as well in *Benedict on Admiralty*, Volume 4 to find a standard complaint and a list of affirmative defenses. The affirmative defenses under the statute include but are not limited to liability based on an act or omission of the shipper, improper packing, latent defects, insufficiency of packaging and finally, that it was not the fault of the carrier. The burden of proof is on the ocean carrier to prove the affirmative defenses.



**S**ome good sources to look at for a further explanation of this topic include *Benedict On Admiralty*, Volume 8, Chapters 5 & 16, *Benedict On Admiralty*, Volumes 2A to 2D, as well as *Goods in Transit*.

**D**aniel W. Raab, Esq. is an attorney with offices in Miami Dade County, Florida. He is a graduate of the Johns Hopkins University and the University Of Miami School Of Law. He is the author of *Transportation Terms and Conditions*, Chapter 47 of the *New Appleman Practice Law Guide*, Chapter 5 of the *Benedict on Admiralty Desk Reference Book*, and a Contributing Author to *Goods In Transit*. He has taught as an Adjunct Professor of Law at the University of Miami School of Law, St. Thomas University School of Law, and the Florida International College of Law.

# The Arts and the Law

## "What Ozzie Nelson Really Did For a Living"

by Paul Nucci



Those of us who are old enough to remember the TV show, "The Nelsons," may have wondered what Ozzie did for a living. He was always going to or coming from work. His occupation was never mentioned, though he always had on a jacket and tie. Of course, in real life Ozzie had been a bandleader (and the previously divorced Harriet was a singer in that band). In the early days of radio Ozzie made a successful transition from bandleader to radio star and eventually to TV star and producer. In addition, as I recently learned, Ozzie got a law degree from Rutgers University. His legal training certainly helped his career. He negotiated a then-unheard-of ten year contract that gave him independence from the whims of sponsors and the network. So much so, in fact, that Ozzie and Harriet had the only double bed on television until the *Brady Bunch* in 1969.

All of this made me wonder about other famous musicians artists and authors that began their working lives in the study of or practice of law. In college, I learned that Handel, one of the greatest composers of all time, had studied law (maybe he was drawn to the powdered wig). Schumann and Tchaikovsky both studied law before music beckoned. William Gilbert of Gilbert and Sullivan practiced law before the "Mikado" or the "Pirates of Penzance." Digging deeper, I found Igor Stravinsky was a law student. Popular music is well represented with Oscar Hammerstein II and Paul Simon just to name a couple. Hoagy Carmichael had more than Georgia on his mind; he got his law degree from Indiana University. There is even an instance where a musician, Lana Cantrell became a lawyer after a successful performing career.



Harriet and Ozzie Nelson

In the world of Art, Matisse and Kandinsky stand out. Not surprisingly, many lawyers became authors including James Boswell, Studs Turkle and Sir Walter Scott among many others. Many actors and directors have brought their legal training to movies and television. Although relatively few comedians have transitioned from the law, John Cleese of Monty Python fame and William Sanderson (Larry, of the brothers Larry, Darrell and Darrell) both practiced law. Insert your own lawyer joke here. Otto Preminger, David Merrick and Federico Fellini all had legal training.

*continued on page 17*

## The Shooting

By Ashley Walker



Stand your ground  
They said, and I did  
He came towards me  
I thought about running

But instead  
I reached  
for my 9 millimeter  
single-barrel  
Razor-sharp  
Semi-automatic.

The first round is loaded  
By pulling back and releasing the slide.  
Simple, elegant.  
The trigger is the mechanism that makes it all go

Boom, like in a Bugs Bunny cartoon  
But then, there's the recoil  
The shell is spat out,  
and a new round is chambered.

Later I learned he was a boy  
Skittles in hand  
Wanting  
college, life, heartache, joy.  
Waiting  
to be a man.

I wanted to protect  
I stood my ground  
I took that away.

**Editor's note:** Ashley Walker is a legal assistant with the firm Lichtman and Elliot, PC, in Washington, D.C., specializing in immigration and asylum law. She graduated from Dartmouth College in 2010 after studying English Literature and Arabic. Subsequently, she was a paralegal with Cleary Gottlieb Steen & Hamilton, LLP, working primarily on antitrust litigation and securities. She plans to pursue graduate study beginning in 2013.



*continued from page 16*

**J**ohann Wolfgang von Goethe may perhaps be the most amazing example of a lawyer that went on to greatness in the arts. Despite being sent home from the University for failing to progress in his studies (a largely discontinued practice), Goethe eventually became a lawyer. He practiced intermittently while becoming a poet, author, pictorial artist, scientist, and one of the most towering intellects in Western civilization. His *Faust* is considered one of the greatest achievements of German literature. His influence in scientific and artistic thought cannot be over emphasized.

---

*“...analytical thought, the ability to separate relevant facts from philosophical clutter; ... the ability to present yourself and your ideas persuasively--are skills that you can easily transfer to other careers.”*

---

**I**s there a reason that many famous artists and musicians began their careers in the law? I once had occasion to review the resumes of over a hundred summer associates that had been hired at a mega-firm. Over one third noted that they played a musical instrument at least well enough to list it as an accomplishment. Of course, then as now, many future artists may have studied law to appease nervous parents, but that doesn't account for those individuals that actually practiced law such as Kandinsky. He taught law before giving it up for art. It would be tempting to draw the conclusion that there is some link between regions of the brain that process music and art and those areas that process complex legal concepts.

**A** much more plausible explanation would be that the legal profession and artistic professions both seem to favor individual effort over group collaboration. Both require discipline and capacity for boredom (reading and practice). Seeking a meaningful correlation becomes more difficult when you look at the luminaries from fields not associated with the arts that began as law students and lawyers.



Hoagy Carmichael, Georg Fredric Handel, Wassily Kandinsky

**T**he website: [What Else Can You Do With A Law Degree](#) lists many famous people that began as law students or lawyers and went on to make contributions in many different fields. The site is prefaced with the explanation, “The skills that you learn as a lawyer--analytical thought, the ability to separate relevant facts from philosophical clutter, the ability to write clearly and concisely, the ability to present yourself and your ideas persuasively--are skills that you can easily transfer to other careers.”

**A**s a musician and artist, I do feel that I share a common trait with lawyers I believe it is the thrill that comes from performance. In art and certainly in music there is the moment when you must express yourself (or state your case) when the outcome is by no means certain. Lawyers, artists and musicians all put themselves out there in a way not routine for most professions. The exhilaration that comes from overcoming your fears and putting your training and ability to the test is as powerfully addictive as is the reward that comes from a successful outcome. One of my favorite moments of a concert comes at the end as the musicians receive the applause of the audience. On every face you can see joy and satisfaction (and relief).

**S**o many occupations involve repetitive tasks done as one of a group without challenge or immediate reward. Perhaps we should be surprised that more musicians and artists haven't come from a law background.

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



**Come To The Next Friends' Meeting!**

**Thursday June 14 at 5:30 p.m.**

**All meetings are at the Library and refreshments are provided. We look forward to seeing you!**

# Friendly Passages

May/June 2012

A Publication of The Friends of the Rupert J. Smith Law Library of St. Lucie County Florida

President of the Friends and General Manager  
 James T. Walker 772-461-2310  
 Editor: Nora J. Everlove 727-644-7407  
 Assistant Editor: Katie Everlove-Stone  
 Assistant Editor: Kim A. Cunzo 772-409-4353  
 Graphic Designer: Paul Nucci

By e-mail, you can reach the editor at [nora@everlove.net](mailto:nora@everlove.net)  
 We thank our authors and other contributors for making this issue a success!



## What's New at the Library

### What's new at the library?

#### Lexis Nexis

The library is pleased to announce that we now subscribe to LexisNexis and you can search its vast databases for free. Please let us know if you would like us to arrange training (772-462-2370). You will be surprised when you get different results than on Westlaw. Difficult research? Search both systems to find the maximum number of cases. If you haven't used Lexis recently you will be very impressed with the editorial content, headnotes and indexing. Although Westlaw has an excellent alternative in KeyCite, only Lexis has Shepard's Citations online.

#### Don't Forget our CLE Collection

The law library has an excellent collection of Florida Bar CLE programs and you can borrow them free of charge. If you are not convenient to the library, you can join our "Distance Learning Program" by creating a courtesy account with as little as \$20. We will mail the programs to you. To view a list of tapes at the library, please visit the library website: <http://www.rjsslawlibrary.com>.

## Here is a list of tapes that are on order and will be available soon:

Title	Credits	Ethics
Advanced Appellate Practice and Certification Review 2012	7	0
Bankruptcy Law and Practice: View from the Bench 2011	4.5	0.5
Masters of DUI	8	1.5
Elder Law Annual Update and Review Course	16	1
Agricultural Law Update	5	1
Case Law Update 2011: Family	2.5	0
Annual Ethics Update 2011	5	5
12th Annual Labor and Employment Law Certification Review	18	0
New Rule 2.526: Digital Accessibility of Documents Electronically Transmitted to Florida Courts	1	0
Estate Planning -Leaping into the Future	8	1
Tax Section's Best of the Best Seminar Presentations	8.5	0
Civil Trial Certification Review 2012	17	3.5