

University of Miami Law School Institutional Repository

University of Miami Law Review

6-1-1948

TRIAL MANUAL OF FLORIDA EVIDENCE. By Lewis H. Tribble. Minnesota: West Publishing Company. 1948.

Milton M. Ferrel

Follow this and additional works at: <http://repository.law.miami.edu/umlr>

Recommended Citation

Milton M. Ferrel, *TRIAL MANUAL OF FLORIDA EVIDENCE*. By Lewis H. Tribble. Minnesota: West Publishing Company. 1948., 2 U. Miami L. Rev. 341 (1948)
Available at: <http://repository.law.miami.edu/umlr/vol2/iss4/11>

This Book Review is brought to you for free and open access by Institutional Repository. It has been accepted for inclusion in University of Miami Law Review by an authorized administrator of Institutional Repository. For more information, please contact library@law.miami.edu.

REVIEWS

TRIAL MANUAL OF FLORIDA EVIDENCE. By Lewis H. Tribble. Minnesota: West Publishing Company. 1948. Pp. 1, 1202. \$15.00.

Lewis H. Tribble, distinguished member of the Tallahassee Bar and former Dean of the Stetson University School of Law, has written a welcome treatment of the law of evidence as reflected by the Florida Constitution, the Florida Statutes, Florida Supreme Court decisions and Federal decisions. In prefacing the book, Mr. Tribble had this to say about the purpose of his work:

"While the book is designed primarily for use during actual trial, it also serves as a practical and convenient reference work for all questions of evidence arising in the office."

The manner of classification in this trial manual, based upon alphabetized facts rather than principles, evinces the care which the author gave to its arrangement and indexing. From the subject Abandonment on the first page to Zoning on the last, it is apparent that he had in mind a volume that could be used rapidly and effectively by the trial lawyer as well as by the court on unanticipated questions of the law of evidence arising in the course of a trial.

The reviewer had occasion to see this feature of the trial manual demonstrated only a few days ago during the trial of a damage suit. The defendant took the position that the burden was on the plaintiff to show that a "stop" sign, which plaintiff guest asserted the defendant had ignored, was erected by proper authority. The attorney for plaintiff referred to the subject Guest Statute, which has as its seventh section the sub-head of Stop Signs, which not only answers the question on all fours, but also cites a Florida Statute and a Supreme Court decision as authority therefor.

In practise, members of the bar are frequently confronted by problems requiring a minimum amount of research relating to the evidence necessary to support a desired position; often, however, such questions do not justify extensive preparation. The *Trial Manual of Florida Evidence* will not only provide the practising attorney a readily accessible reference in such cases, but also will cite statutes or decisions in support.

In discussing the complex rules and exceptions of the law of evidence, appellate court judges and the writers of distinguished text books have ample opportunity for research; they do their work under circumstances which permit detachment and leisure. How great the variance in the work of the trial lawyer, who must produce supporting law on a point arising at a moment's notice during a trial, and that of the appellate attorney with relatively unlimited time for thought and research!

The problems of the trial attorney are shared by the trial court; indeed, the court often has less opportunity to study the law pertinent to the evidence presented, or the necessity of proof on certain matters. The courts, too, will find Mr. Tribble's manual of great assistance, and will appreciate the classification of subjects which enables greater speed in locating the desired information.

The author's emphasis is placed on those concrete principles of law which the trial practitioner must have at his finger tips; the presentation is similar to that of *Words and Phrases* in that the alphabetized index negates the need for searching out the particular evidence principle in order to locate the desired information.

The *Trial Manual of Florida Evidence* affords a reference sorely needed in this state. West Publishing Company, in accordance with their policy, will publish supplemental pocket parts at regular intervals.

In compiling an authoritative reference which serves so admirably the need of many diverse groups, Mr. Tribble has reflected credit both upon himself and the Florida Bar.

In noting the functional value of this manual from the point of view of the practising lawyer and the trial court, one must also consider the numerous advantages which it offers to the law student. In my capacity as a special lecturer on the law of evidence at the University of Miami School of Law, it is my intention to recommend to the Dean the adoption of this manual for use in conjunction with casebook material. Not only will it serve as a practical guide to the student, but also, it will give emphasis to the law of this jurisdiction. — MILTON M. FERREL.*

* Special Lecturer in Law, University of Miami.

CURRENT LEGAL FORMS WITH TAX ANALYSIS, VOL.

1. By Jacob Rabkin and Mark H. Johnson.¹ New York: Mathew Bender & Company. 1948. Pp. x, 1044. \$16.50.

With a keen awareness of the problems besetting the practicing attorney in his efforts to draft legal instruments from a tax viewpoint, the authors have embarked on a pioneering project which promises to be of vast assistance to the legal profession and, in particular, to the tax practitioner. In an effort to avoid the blind acceptance of perpetuated, stylistic forms, especially as related to the tax field, the overall objectives of the work are outlined in the preface as follows: (1) the creation of forms to cover problems of present-day legal practice; (2) the composi-

¹ The authors have also published the widely used *Federal Income, Gift, and Estate Taxation*.