

3-1-1986

## Student Note Section

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

---

### Recommended Citation

*Student Note Section*, 40 U. Miami L. Rev. Iss. 3 (1986)

Available at: <http://repository.law.miami.edu/umlr/vol40/iss3/5>

This Casenote 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](mailto:library@law.miami.edu).

## STUDENT NOTES SECTION

The Notes in this section contain a Supreme Court of the United States opinion on the fifth amendment's application to the custodians of corporate records, a Seventh Circuit fifth amendment custodial interrogation case, a Florida products liability case, and an Eleventh Circuit admiralty opinion.

In *United State v. Doe* the Supreme Court of the United States held that a sole proprietor did not have to produce business documents pursuant to a subpoena duces tecum if the act of producing the documents would be incriminating. Three courts of appeals have addressed whether this act of production privilege applies to custodians of corporate records. This Comment examines the applicability of the fifth amendment privilege against self incrimination to production of corporate documents.

In *United States ex. rel. Church v. De Robertis*, the Seventh Circuit held that police conduct in placing a suspect in a jail cell with his incarcerated brother, whom the police knew would elicit a statement from the suspect, did not constitute a custodial interrogation. The author promotes a fifth amendment safeguard designed to close this loophole in the custodial interrogation test.

The Fourth District Court of Appeal of Florida dealt with the DES manufacturer identification issue in *Conley v. Boyle Drug Co.* The author identifies the policy considerations which led other state courts to formulate new theories of recovery for DES plaintiffs, and argues that these same considerations, already present in Florida case law, justify recovery for DES plaintiffs in Florida.

In *Schiffahrtsgesellschaft Leonhardt*, the Eleventh Circuit determined that district courts need not issue writs of attachment under the authority of the *Supplemental Rules for Certain Admiralty and Maritime Claims*, but may instead circumvent the Rules by utilizing the federal court's inherent admiralty powers. The author argues that this is inconsistent with the purpose of the Supplemental Rules, and that a uniform application of the Rules would foster greater predictability and stability in admiralty and maritime practice.