

Judicial Profile of D. Culver Smith
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It was a cold, blustery night when country doctor Dwight Culver Smith left home in his horse and buggy. Northeast Kansas was flat and empty. Farms were far apart. Doctor Smith contracted pneumonia and died in the winter of 1916. He was 40. He left a wife, Nelle, and a son, Culver, who was 5 years old. Dr. Smith was always helping others, and he had sacrificed his life doing so.

In 1920 Nelle and Culver left Kansas and moved to West Palm Beach to be near relatives. When the history of Palm Beach County is written, Nelle Smith will loom large. She became Palm Beach County's first full-time Juvenile Court counselor, working day and night with troubled youths. In 1970, in recognition of her pioneer efforts and years of service, a newly established residence for physically and emotionally battered and neglected girls, ages 13-18, was named the Nelle Smith Residence.

While helping other families, she did not neglect her own. Nelle, who never remarried, reared her son the best she could. Culver had to work during his youth, and Nelle scrimped and saved to send her son to college during the Great Depression. Culver attended the University of Florida, then the University of Alabama, where his fellow students included football greats Bear Bryant, Don Hutson and Dixie Howell. Culver graduated from the University of Alabama Law School in 1935. He returned home and joined the West Palm Beach defense firm of Bob Earnest (Bill Pruitt's father-in-law) and "Skinny" Lewis.

Culver met Josephine Mitchell while playing a tennis match at the Sun and Surf Club in Palm Beach. They were married in 1940. Culver had played on the Alabama varsity tennis team, and had never lost his love for the sport. When he became a judge years later, he said: "I lost that tennis match, but I won a wife."

Culver was made a partner in his firm in 1940 as well. The following year, Japan attacked Pearl Harbor. A few months later Culver joined the Navy. He was serving as President of the Palm Beach County Bar Association at the time. Culver was assigned to the Seabees and served as the aide to Base Commanders in Virginia and California.

Following the war, Culver returned to his old law firm, which grew and prospered. The firm enjoyed a reputation as the preeminent defense firm in this area, representing FPL, the FEC Railway, and all the major insurance carriers. The firm eventually evolved to Earnest, Smith, Jones, Paine & Foster. Culver was considered one of the ablest trial lawyers in the county. He was known to have tried the longest trial in the history of Palm Beach County; the verdict alone took nine days to reach.

In 1957, Governor Leroy Collins appointed Culver, then 45, as the County's fourth Circuit Judge at the time. He joined Joe White, Russell Morrow and Jimmy Knott on the Circuit Court. At his robbing ceremony, his mother, Nelle, said: "This is the happiest day of my life." Speakers described him as a thoroughbred of gentleman, cited his integrity and fundamental grounding in the law, and called him one of the most capable and trusted lawyers in Palm Beach County. He had been the unanimous choice of lawyers and the legislative delegation. Also, knowing Bobby Burns didn't hurt.

In the late 1960's Republican Governor Claude Kirk offered Judge Smith an appointment to the Fourth District Court of Appeal, but on the condition that he switch

party affiliation. Although Judge Smith was by nature apolitical, he believed it wrong to change party affiliation after having been elected as a Democrat (this was before nonpartisan judicial elections), and he turned it down.

Judge Smith loved to read and had a passion for Civil War history. Many summer vacations were spent touring Civil War battlegrounds.

Judge Smith died of cancer in 1977, just short of 20 years on the bench. He was 66. He worked steadily toward the end, assigning his nonjury trials to special masters. During his years on the bench, he became one of our most respected judges...ever. His son, Culver III (Skip), remembers his strong work ethic, his working on files almost every night.

Judge Smith always gave great credit to his mother, Nelle, for her support and guidance. At his robbing, the Judge said, "As I sat here listening I thought of the wonderful mother I always have had. She became a widow when I was very young, and she worked hard to get me an education. It was only through her efforts that I was able to finish college during the Depression."

I hope there is a Heaven. I hope that country doctor Smith and Nelle are reunited with their son, Culver. I would imagine they would be looking at each other, holding hands, and saying "you know, we did our best in our own way". And they certainly did.