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Winter 1992

## Alumni Newsletter [AlumNews] (Winter 1992)

Florida State University College of Law Alumni Newsletter

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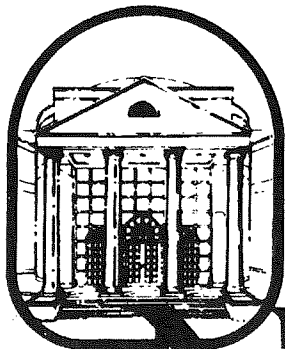
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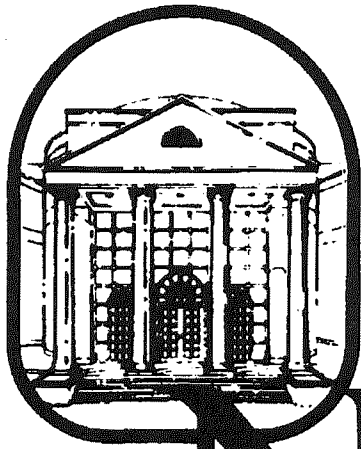
# AlumNews

FLORIDA STATE UNIVERSITY COLLEGE OF LAW

VOL. 10/No. 1 ♦ WINTER 1992



*The Constitutional Drafting Workshop held in Bucharest, Romania last year at the request of the Romanian government, featured noted legal educators from the United States including from left to right: Florida State University Professor of Law Ken Vinson, University of Virginia Law Professor A.E. Dick Howard, Arizona State University Law Professor Paul Bender, Georgetown University Law Professor Mark Tushnet and Mark Ellis '84, Executive Director of the Central and East European Law Initiative of the American Bar Association.*



# Alum News

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## International Influence

Mark S. Ellis, a 1984 graduate of the FSU College of Law, is currently the Executive Director of the American Bar Association Central and East European Law Initiative (CEELI). His involvement, coupled with much student and faculty interest in this area, has been significant to the College of Law. CEELI is a cooperative effort to facilitate the process of law reform now underway in Bulgaria, the Czech and Slovak Federal Republic, Hungary, Poland, Romania, Albania, Yugoslavia and the Baltic nations. Through a variety of program components, CEELI makes available U.S. legal expertise and assistance to countries that are in the process of modifying or restructuring their laws or legal systems.

A premise of this project is that lasting economic and political reform is dependent on a functioning system of law. The rule of law, so basic a part of our cultural fabric, is an urgent priority and new phenomenon for many countries now moving away from communist and socialist systems. In these countries, political reform and economic reform are plainly dependent on one another, and to endure both require the underpinnings of a sound legal structure.

As the executive director, Mark has certainly played a substantial role in the success of the CEELI program in East European countries. He has spent over 2 years as a Fulbright Scholar at the Economic Institute in Zagreb, Yugoslavia. He has been awarded a second Fulbright grant to write on economic and legal developments in Yugoslavia. Mark is also the past recipient of two research grants to the European Communities and the Institute d'Etudes Europeennes in Brussels, Belgium, as well as a post-graduate grant to Yugoslavia.

A co-author and co-editor of the book, *Doing Business with Yugoslavia — Economic and Legal Aspects*, Mark has published numerous articles on investment policies in Central and Eastern Europe. He has acted as a consultant to the World Bank, the International Finance Corporation (IFC), the U.S. - Yugoslav Economic Council, the Overseas Private Investment Corporation (OPIC), and the Yugoslav government. Mark has also represented the United States on three separate lecture series in Central and Eastern Europe sponsored by the United States Information Agency (USIA).

Through the many programs, its own membership of 374,000 lawyers, as well as other legal experts in the U.S. and elsewhere, CEELI has been able to marshal and make available a high level of expertise in the areas in which East European countries have requested assistance. The FSU College of Law proudly recognizes the contribution of Mark Ellis and other lawyers and judges who have volunteered their time to the extraordinary influence of the Central and East European Law Initiative.



Mark Ellis '84

## Frank Johns Honored for Service to Elderly

A. Frank Johns, a 1971 graduate of the FSU College of Law, currently in private practice in Greensboro, NC, is the recipient of the National Paul Lichterman Award for Outstanding Achievement in Legal Services for Older Americans. He was honored during the fourth annual Joint Conference on Law and Aging in Washington, by sponsoring agencies, the ABA Commission on Legal Programs of the Elderly, the National Senior Citizens Law Center, Legal Counsel for the Elderly (AARP) and the Center for Social Gerontology at the University of Michigan.

The award was established in 1986 by the Friends of Legal Services to Older Persons and the sponsors. A local Government Area Agency on Aging nominated Johns for the award.

According to the award application, more than 45 percent of Johns' work is private pro bono. That was considered significant because of his private practice. In addition, he has written manuscripts that have become permanent statements on the practice of elder law and are valuable to the legal and aging communities.

Also, he was a driving force behind the establishment of two organizations dedicated

to preserving the rights of individuals: Corporation of Guardianship and CareAlliance.

Corporation of Guardianship was organized in 1979 as a private, nonprofit last resort corporate advocate that serves in the protective capacity of guardian for those who are unable to make decisions for themselves and who have no family members willing or able to perform this function. The organization has served more than 400 persons. Johns himself has served as a last resort guardian for 11 indigent, incompetent people since 1978, according to the application.

CareAlliance is a local life-planning company created last year to assess and evaluate the health care needs of the elderly for the banking industry and assisting the banks in assuring fiduciary responsibility for the cost of care.

Johns has initiated strategic alliances between the legal and aging networks. He also is editor of the *National Guardianship Journal*, a periodic review of guardianship issues published by the National Guardianship Association, of which Johns is a charter board member. Johns is also on a legislative task force that writes guardianship and elder law legislation in North Carolina.

## Children's Advocacy Center Becomes A Reality

After months of planning, the Florida State University College of Law Children's Advocacy Center is a reality. Three clinical faculty and seventeen students moved into the Caldwell House this fall to begin an in-house clinic, the first of its kind for the law school.

The Children's Advocacy Center was established for two purposes. It provides an opportunity for students to develop legal skills and experience the "real life" aspect of being a lawyer. In addition, it renders valuable assistance to children by offering them representation within the legal system.

"I am very excited for Florida State University that the College of Law has committed to providing a quality in-house clinical program for students which protects and enhances the lives of children in Florida," stated Mark Olive, Director of the Center.

Mark Olive brings to the leadership of the Children's Advocacy Center a background covering private practice, representation of death-sentenced inmates, and teaching trial practice and clinic at the University of Tennessee, Knoxville and the University of North Carolina. Clinical faculty member Gerry Glynn most recently held a fellowship in the Criminal Justice Clinic of Georgetown University Law Center where he taught trial advocacy and client counseling classes and supervised students in misdemeanor criminal representations. Coming from the Youth Law Center in San Francisco, clinical faculty member Claudia Wright brings recent experience in representation of children along with experience as an assistant public defender and as staff attorney with ACLU.

"This is an exciting new venture for the College of Law," said Dean Don Weidner. "I am delighted to see the Center organized so quickly. I am impressed with the faculty and students who are involved and fully supportive of their efforts to aid children."

The Center is funded by the Florida Bar Foundation through Children First, the U.S. Department of Education, and the College of Law. Its goals are to provide a quality, practical legal education to law students, encourage young lawyers to pursue children's issues, provide direct legal services to children, and to provide resources and leadership to juvenile advocates throughout the State.

At present, seventeen third year students are working with the Center. They have had intensive classroom training and are now working with juvenile clients.

# First the good news . . .

by Dean Don Weidner

This is the first column I have written for the AlumNews, and it seems appropriate to give a short report on my first five months as Dean.

There is a great deal of good news to report, some of which can be relayed by thanking some of the people who have provided critical support these past few months. I would like to thank Mel and Kitty Martinez for hosting an alumni reception at their home in Orlando. I was deeply touched by the elegance of the reception, which clearly was very much appreciated by all who attended. I'd also like to thank Mike Cherniga, Mike Mattimore, Julie Gallagher and Debbie Kaveney Kearney for spearheading the extraordinarily successful tenth reunion of the class of 1981, for which our alums came from far and wide. (Photographs of some of the celebrants are now hanging in the law school). I would also like to thank a non-alum, Ron LaFace, who graciously opened his home for that reunion. Ron, please consider yourself adopted.

There are several new programs here at the law school I am grateful for. First, I'd like to thank former Chief Justice Ray Ehrlich, for serving this past semester with grace and distinction as our first Jurist-in-Residence. I'd like to thank Professor Gabriel Wilner, the newly arrived appointee to the Ball Chair in International Trade Law, for helping to generate great enthusiasm among our students for the international dimension he brings to our program. Last, and by no means least, I would like to thank Mark Olive, Claudia Wright and Gerry Glynn, the founding faculty of the Children's Advocacy Center, which opened at the law school this fall. Despite a Spartan initial budget, they have brought a combination of intelligence, idealism, and enthusiasm that every alum should welcome as a valuable supplement to our professional skills offerings.

Finally, I'd like to thank Bill Bryant, who is making a superb Alumni Association President. Bill has been working with me for months on a wide range of law school "opportunities," especially our search for a Director of Development to replace Mike Heekin. In particular, Bill has spent many hours helping in the interview process, making sure that the interests of the institution and our alums will be well represented by this critical person. As soon as the selection is final, which I hope will be before the end of the calendar year, I will let you know. The arrival of the new Development Director should greatly facilitate more regular communications between the school and alums.

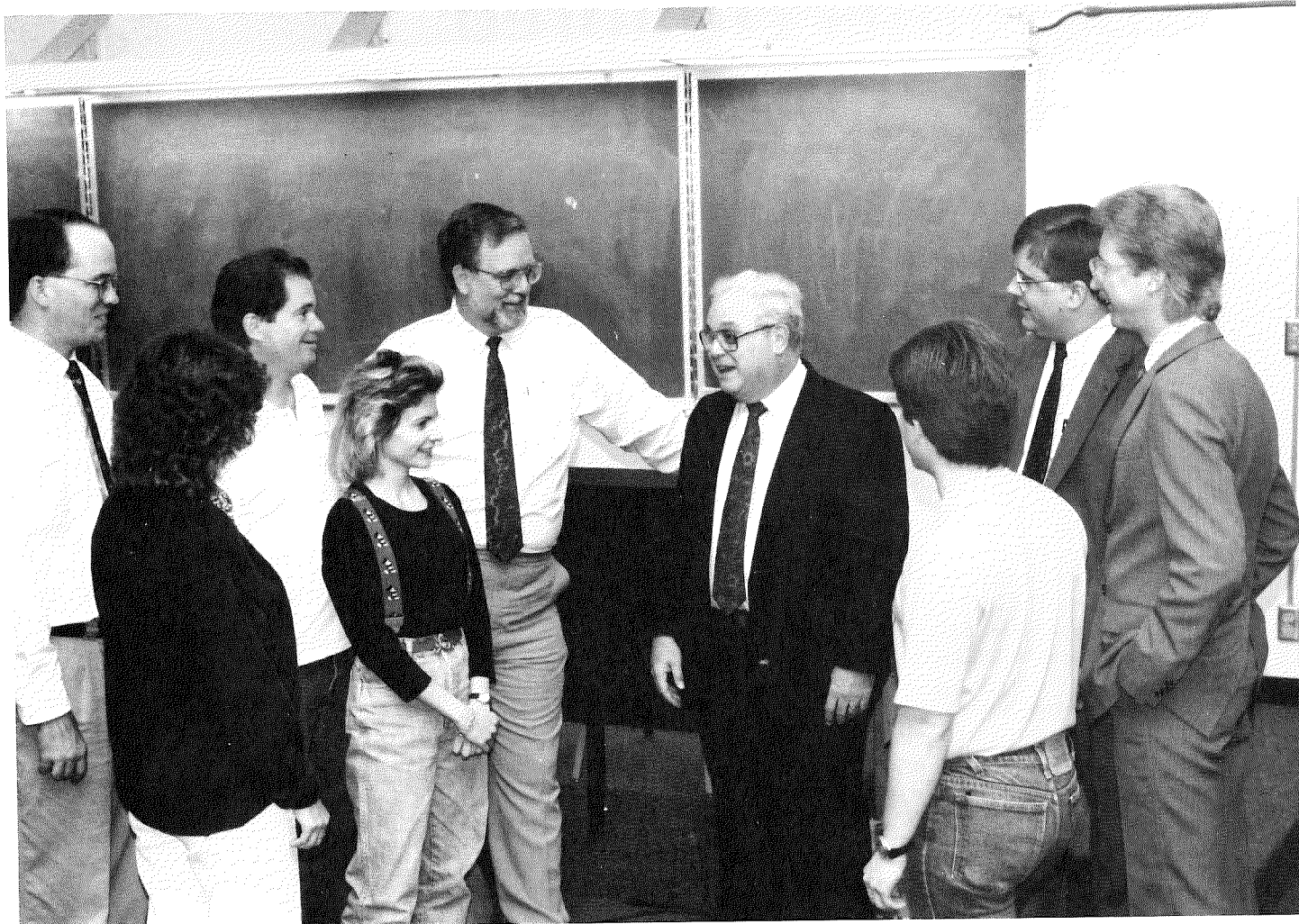
Some work on improved communications can begin right away. First, please send us notes, personal or professional, about you and your classmates. Send them either to me or to Paige Black of our Alumni Office. Second, Publishing Concepts, Inc. of Dallas, Texas, has undertaken to produce an alumni directory for us. They will be contacting you shortly, if they have not already, to verify the information they have about you and to request pre-publication orders. Please provide them the information they request, which they in turn will pass on to us. They will subsequently solicit you for pre-publication orders at prices significantly lower than the post-production prices.

And now for the bad news. As you may have gathered from press accounts, we are now into our second year of very significant budget cuts. There is no student program or faculty member left unaffected by the cuts. I am extremely grateful to the faculty and staff for the way they have pressed ahead to deliver the best possible educational experience under circumstances calculated to be demoralizing. It is against this background of financial difficulty that I am sad to report that the initial results of the Annual Fund campaign that began several weeks ago are somewhat disappointing. I fear that we at the law school have not done enough to explain the importance of contributed dollars and how much they are appreciated. Historically, fewer than 5 percent of our alums make regular contributions. Other law schools, public and private, do a better job. At the top end, in 1990, 41.9 percent of Michigan law alumni and 28 percent of the Berkeley law alumni make contributions to their annual fund. More locally, just under 20 percent of the University of Florida law school alums contribute to their annual fund. On the one hand, I understand that things are tough "out there" too. On the other hand, any amount you can send us, however small, will be very much appreciated. It is critical to the future of the school that more people contribute on a regular basis. If you have discarded the Annual Fund material I sent and can contribute at this time, simply send a check, payable to "FSU Foundation: College of Law," to me or to the Foundation. We are in desperate need of contributed funds and the encouragement they represent. I promise we shall continue to do our best to build a great school and enhance the prestige and value of your diploma.

Thanks.



Always a popular event, the Law Partners t-shirt and sweat shirt sale in the student lounge. New items this year include coffee mugs, can cozies, caps and several new shirt styles. For more information contact the Law Partners at the College of Law.



Our location close to the courts and seat of Florida's government means that judges and legislators are frequent visitors and lecturers at the College of Law. Justice Gerald Kogan is surrounded by students following a recent lecture on "How to Win a Civil Case" at the College of Law.



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AlumNews is published semi-annually by the Florida State University College of Law to keep our alumni informed of news of the college and their colleagues.

Editorial contributions including items for the Class Notes section should be sent to Paige Black, at the Florida State University College of Law R-47, Tallahassee, FL 32306.

## Faculty Interview:

## Steve Goldstein, Law Professor with a Plan

Professor Steven M. Goldstein is a 1972 graduate of the Columbia University School of Law where he was a Harlan Fiske Stone Scholar. He joined the faculty of the FSU College of Law in 1974.

Professor Goldstein teaches criminal law, constitutional criminal procedure, juvenile law, trial practice and litigation skills. In addition, he is well known as an advocate for death sentenced individuals and donates much of his time to their defense. In part because of his representation of death sentenced individuals, he is the recipient of the 1991 Tobias Simon Pro Bono Service award which is given annually by the Chief Justice of the Florida Supreme Court to the one attorney in Florida who has given the most outstanding service in the area of pro bono legal assistance.

He is a lawyer and a visionary, with a view of what a good law school is and what a law school should do. We began our conversation with a discussion of modern legal education.

There is some tension in legal education today between those who want to place more of an emphasis on skills training and specifically preparing students to be lawyers and those who view legal education as a graduate discipline where the focus is more generally on the teaching and exploring of ideas. My sense is that law schools in structuring their curriculum often believe they have to reconcile these two competing views of legal education. My own feeling is that, although there is some tension between these two models, I don't see them as necessarily

in conflict. For example, I think the notion that skills training is not intellectually rigorous and that if too much emphasis is placed on skills teaching by the law school, it will become a trade or vocational school, is an obvious overstatement. I think that any quality law school should provide a mix of both skills training classes and, for lack of a better phrase, traditional courses. I don't find it helpful to frame the curriculum issue in terms of whether 'we are going to be part of the university and explore and teach ideas' or whether 'we are going to be a vocational school and prepare students to function as lawyers.' I think it's counterproductive to define the issue in this way. I think our curriculum focus has to be on both preparing students to be lawyers and more generally exploring ideas. I think in structuring our curriculum we have to consider what our students are going to be doing, and in light of our understanding, insure that our curriculum is relevant to that experience. That doesn't mean a lessening of intellectual standards or turning the school into a vocational one, but it does mean trying to structure our curriculum so that it is relevant to what our students are going to confront in the practice of law when they graduate.

*For several years now we have video taped mock trials and other simulations designed to teach lawyering skills. Does video taping help in teaching litigation skills?*

I think it's essential. To some extent all of us see things differently. As a result, when you are trying to talk to someone about their

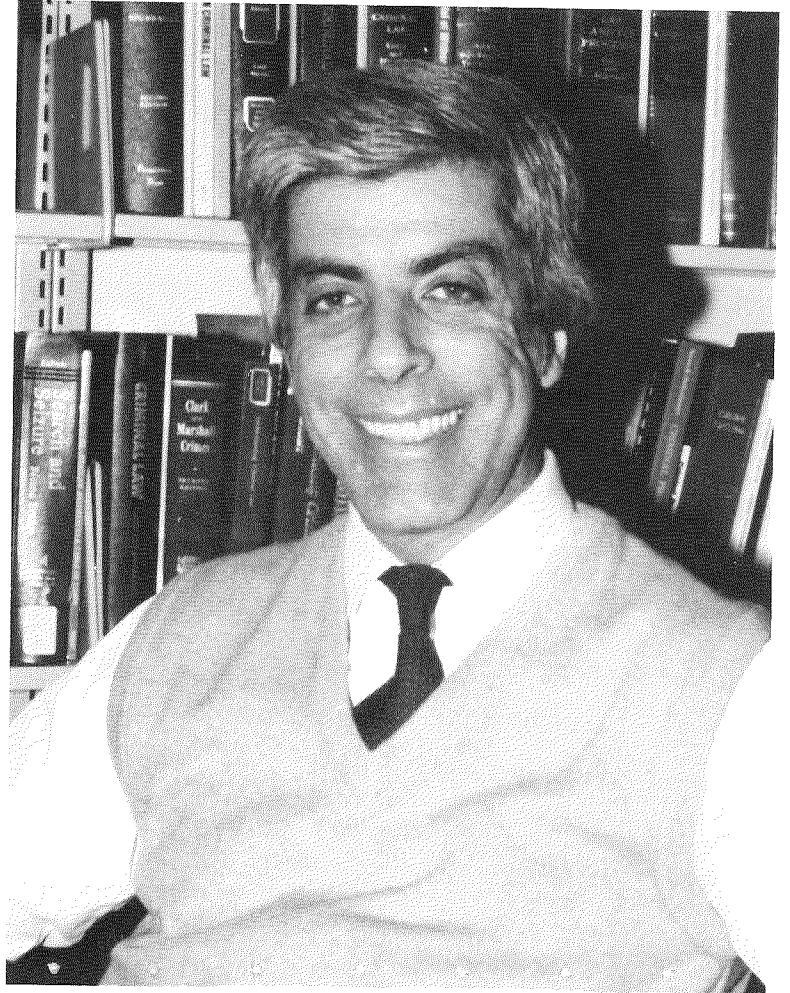
performance in a simulated exercise whether it be a closing argument, a direct examination or an appellate argument, their recollection of what happened may differ from the recollection of others who observed the simulation. But, unless there is some consensus about what in fact transpired, it is very difficult to have meaningful constructive

comments taken seriously because a common student response may be 'Yes, I agree with you in the abstract, but that is not a fair description of what I did.' Video tape removes that problem. People can't disagree as to what happened because it's memorialized for everybody to see. In this regard video tape is an aid not only to the student, but also to the teacher. That is, sometimes the teacher will think that a student did something during the course of a simulation when in fact they have not. When the teacher then views the video tape, he will also realize that his recollection of what he had thought happened in fact did not occur, and he can modify his statements accordingly. Video tape also allows students to learn on their own. They can take tape home with them, look at it, review it without worrying about criticism, look at it with other students, etc. There is really no substitute for video taping as a skills teaching tool.

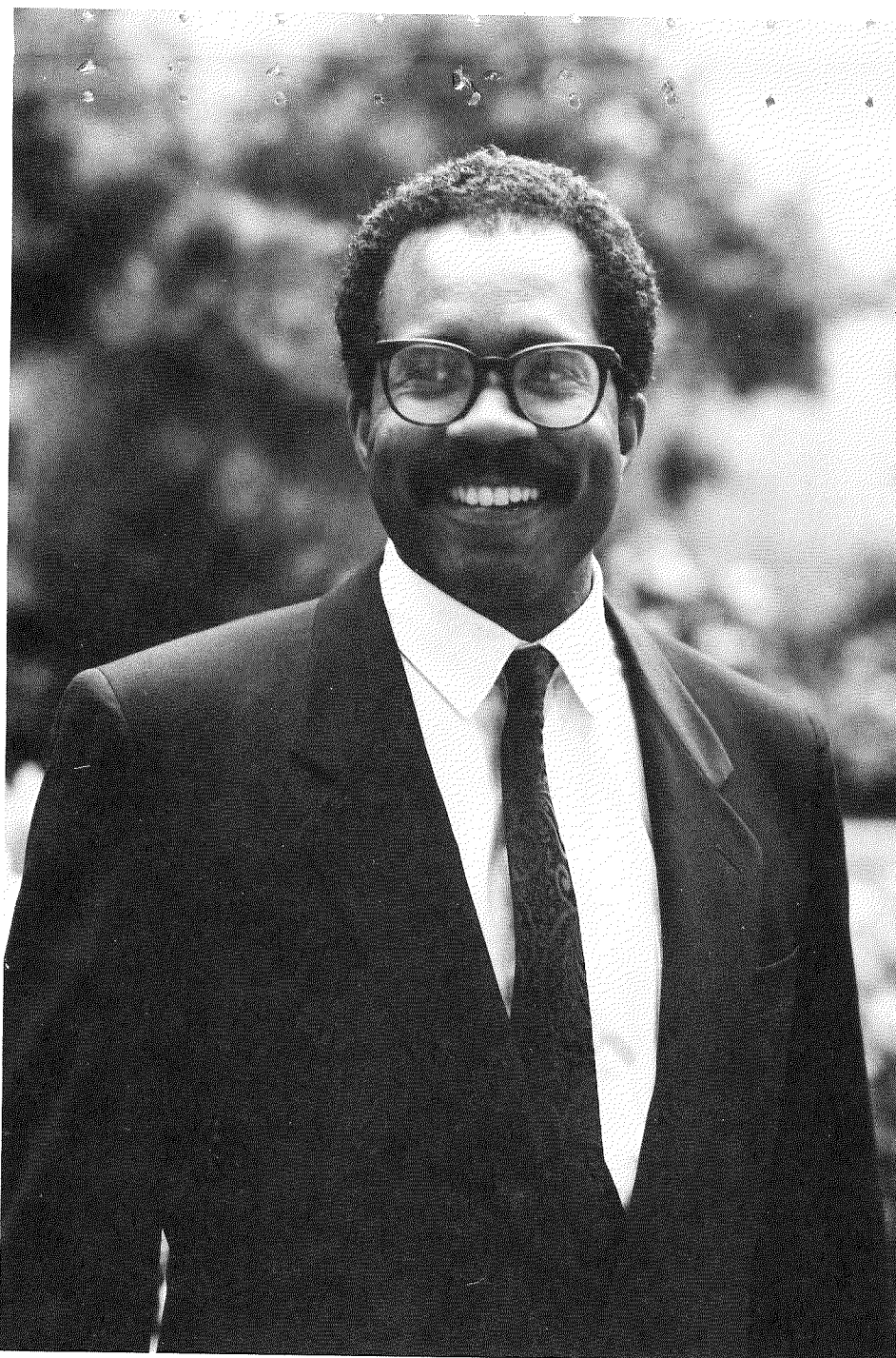
*To me, some of the most interesting skills-related video tape is eavesdropping on the jury during deliberations after a mock trial. Do you feel that way?*

I agree that allowing students to see and hear how jurors deliberate is an invaluable experience. One of the things you are trying to teach in any trial practice or litigation skills course is how do you go about persuading people to reach the decision you want them to reach. To some extent, it's very difficult to reach any consensus about the best way to do so because the folks you are trying to persuade won't necessarily react uniformly. Since jurors bring different life experiences with them, and have different orientations and attitudes, what may work for Juror A may not work for Juror B simply because of their different backgrounds. So, the question of what 'persuasion' approach to take is a very difficult one. One way, however, that you can get some feedback on what is or is not persuasive is if you have an opportunity to watch the jury as they deliberate because you can observe them commenting on what was important and what was not important to them. Their comments should prove invaluable for students regarding how you go about persuading people. Among other things, students always remark after watching 'jurors' deliberate about how they never realized how much the juror's life experience will help him or her in resolving disputed issues. This in turn

suggests to the student that in the course of the voir dire examination, he or she better inquire as to the juror's life experiences that may be relevant to the factual issues in the case. It's one thing for a faculty member when commenting on voir dire to say this to students . . . but it's quite another thing for them to actually observe a jury deliberating



Professor Steve Goldstein



Professor Randall Kennedy, a Professor of Law at Harvard University, will be the next visitor to occupy the Tobias Simon Eminent Scholar Chair at the College of Law. Simon, a noted civil rights lawyer, served as an adjunct professor at the College of Law. Professor Kennedy, a Rhodes Scholar, is widely published in the areas of racial discrimination and the law and capital punishment issues.

and hear jurors rely on their life experiences in resolving questions.

*Occasionally the subject of a night or part time law program in the state capitol surfaces. How do you feel about such a program as part of the FSU curriculum?*

When considering a night program, one has to be concerned with the quality of the educational experience students will receive. To some extent that is a resource question. Whether we have the resources to begin a night program, particularly now in a time of scarce resources . . . is debatable. A second concern, assuming resources are available, concerns the night law school experience. For obvious reasons, students enrolled in a night program may not have the time that is needed for the study of law. Specifically, they may have little opportunity to reflect upon what they're learning. One of the schools I visited at in Portland, Oregon had a night school. I taught one class in the night program and one in the day program. I found that it was a mixed bag. On the one hand, the students in the night program were very conscientious. They obviously very much wanted to attend law school and get a degree which is perhaps not surprising, given the commitment required, that is to put in a full day of work, and then to go to class, putting aside family or other demands. On the other hand, notwithstanding their conscientiousness, I had some real concerns about their ability to be able to devote enough time to the study of law so that they would be prepared for class, ready to join in class discussion, etc. Also, by definition when you talk about night programs, at least if students are working during the day, much of the law school experience is foreclosed. That is, it becomes very difficult for the student to participate in law student organizations and other law school activities. To

(continued on page 4)



More than 150 College of Law alumni gathered for brunch at the home of Kitty and Mel Martinez '73 in Orlando before the FSU vs. Virginia Tech football at the Florida Citrus Bowl.

(continued from page 3)

the extent one believes, and I do, that students will learn a lot from each other during law school, just by interacting with other students, and talking about the law, then obviously this is not likely to happen for a night student who is trying to hold down a full time job, go to school and study in the evening and then also, in some cases, deal with a family and children.

*You do a lot of litigation for death sentenced individuals. Is that something in which you became involved in law school?*

In law school my interest in public service work was in providing legal assistance to the poor in civil matters. I think it was a combination of wanting to continue to provide legal help for the indigent, coupled with the fact that I teach in the criminal law area, which resulted in my getting involved in representing death sentenced individuals. Also, I concluded that there was a real need for lawyers to provide legal representation in this area. Obviously, there are a lot of indigent individuals deserving of legal help. But death sentenced individuals are one group which really are powerless. For the most part they are despised for what they have done. They also obviously generally lack the resources to hire lawyers. As a result, although legal remedies have been provided for them which may preclude their execution, many lack lawyers to pursue these remedies in collateral post conviction proceedings since they have no constitutional right to counsel in such proceedings. It has always seemed to me to make little sense to say on the one hand that such individuals who are facing execution, which is obviously the most severe penalty that society can impose, have the right to certain collateral post conviction legal remedies to challenge their convictions and sentences, but yet at the same time by not providing them lawyers, deny them the opportunity to effectuate their rights.

*Is it the death sentence or the fact that these people are disadvantaged under the law?*

It is a combination of both. Death sentenced individuals in post conviction proceedings are clearly disadvantaged under the law in the sense that they lack the resources to hire lawyers and they are perceived as the real . . . outcasts. It is precisely because they are facing their demise that makes it so important to provide representa-

tion to them. To my mind the legal procedures that are provided by a society when that society is contemplating taking someone's life says something about that society. It seems to me that irrespective of what one's views might be on capital punishment . . . one would want to insure that before we, as a society take someone's life in a premeditated manner, that we have the utmost confidence that the decision to go forward with an execution is free of any legal or factual error. And I don't know how society can be sure that this is the case unless lawyers are willing to provide representation to those facing death so as to enable them to pursue available remedies.

*Since you like teaching, as you have said, and you apparently get some en-*

*joyment from the litigating you do, what is it in particular that drives you? What gets you out of bed in the morning?*

I suspect we all want to be able to look in the mirror and say that what we do professionally makes a difference in making things better. People can make a difference in a variety of ways. In using my legal training I believe I can make a contribution by helping those who are often in need of legal assistance. I feel that I have constructively used my time when I do so. I also enjoy teaching. As a law faculty member, it's very rewarding when I think I've helped students in working through and understanding a complex area of the law.

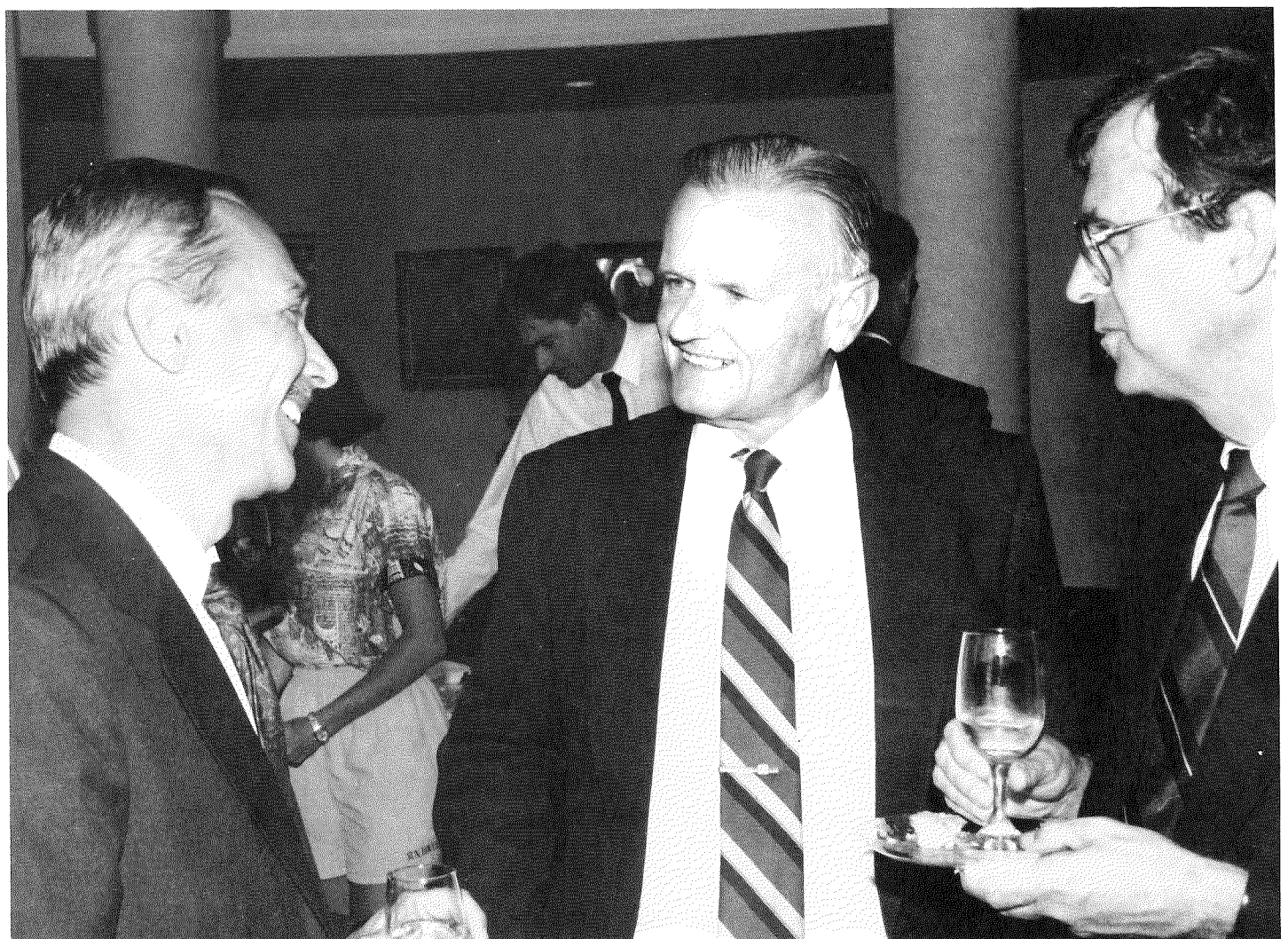
*I have heard it said that you are the*

*most tireless worker for the Florida State College of Law. Do you really believe in this school?*

Yes. When someone asks me what I do and I say I'm a professor at the Florida State University College of Law, I want to be able to feel good about that. And I'll only be able to do so if I'm proud of the school and satisfied with the educational experience it offers. To me, this requires that I make a commitment to make the institution better and not simply be concerned with my interaction with the institution solely in terms of how it treats me. This in turn means getting involved in things designed to make the institution a better place, whether it be to advise student organizations, to attend law school functions, or to serve on committees. I think it's real important to do that. Over the years I have tried to make the institution a better place, in part for selfish reasons.

*Fiscal restraints notwithstanding, what would you like to see the College of Law doing that we are not doing now?*

I would like to see us diversify our curriculum, offer more courses in specialty areas and offer more, smaller classes. That is, I would hope we could have more course offerings, in which students are able to engage in a dialogue with faculty. To do so, of course, necessitates more resources and I'm not sure that the resources are presently available. But, I'd like to be able to give upper class students a real smorgasbord of course offerings to choose from rather than simply offering basic, traditional courses. I also think that we have to do more to increase minority enrollment. I think it is important to do so because of the role lawyers play in today's society. I also think we have a special responsibility in this regard because we are a state law school. We also need to add to the number of minorities and women on the faculty. I personally would also like to see us provide more clinical opportunities to students. And my preference is for law school in house programs rather than sending students out to learn in, for example, a state attorney or public defender office. I think the Child Advocacy Clinic is a big step in the right direction. I hope that it will lead to the establishment of other in house clinical offerings. Finally, I think the law school needs to play more of a role in the continuing education of the lawyers of this state. This is an area we are slowly getting into and an area in which I believe we can do more.



Novi Sad University (Yugoslavia) Law Dean Antun Malenica, is pictured on the left, with Florida Supreme Court Justice Stephen Grimes and College of Law Associate Dean Mack Player, following Dean Malenica's lecture "The Yugoslavian Experience: The Political, Legal and Social Situation in Yugoslavia." Dean Malenica was a featured speaker at the College of Law during the fall semester.

# Justice Raymond Ehrlich, First FSU Jurist-in-Residence, Heads Back to Private Practice

It was announced early in the fall of 1991 that retired Florida Supreme Court Justice Raymond Ehrlich would become the FSU College of Law's first Jurist-in-Residence. During his semester at the college, Judge Ehrlich proved to be a valued addition to the resources available to our students.

What follows is a candid interview with the retired Chief Justice. But it's more than that. Raymond Ehrlich's no-nonsense approach to the legal system offers some insight into how the system really works. Readers may find his vision of lawyers and the judicial system, and his opinions on current legal issues, enlightening.

Judge Ehrlich, many people view the William Kennedy Smith trial and the Clarence Thomas confirmation hearings as signals that men and women really don't know how to deal with each other on and off the job. Do the courts exacerbate that problem by pitting men and women against each other?

No, I don't think so. Women are still in the process of emancipation. They got the vote when the constitution was amended to give them the vote, but they were still not emancipated. They are still in the process of emancipation, and the Smith trial brings to focus two big issues . . . of course the woman has the right to say 'no' and she has the right to the privacy of her body. In a controversy like this where one says one thing, and the other says another, you have to recognize that there are some male scoundrels around, but there are also some female scoundrels around. And it is so easy for a male to be framed that it is not even funny. Now I am a feminist . . . but I don't have blinders on. [In the William Kennedy Smith case] The verdict is not surprising. They had conflicting stories, they have to find it by a preponderance of the evidence, and that's a heavy burden. I don't think this case sets women's rights back one iota. Just because she said she was raped doesn't necessarily make it so. I hope males have learned something from it, too. You have to be a little discrete with whom you want to be intimate. If the scare of AIDS doesn't make you discrete, this thing ought to. This doesn't mean a thing to me. It's just a case; the fight for women's equality goes on. The only thing bad about it, bad from the woman's perspective, [is] the ordeal this woman had to go through could deter the reporting of cases of genuine rape.

As you are aware, the FSU College of Law now has a unique pro bono program, requir-

ing law students to perform 20 hours of pro bono legal work as a graduation requirement. How do you feel about that, and mandatory pro bono for lawyers?

I think lawyers have a unique place in our society, a privileged place. Because we are a profession, we are officers of the court, and historically lawyers have done pro bono work and I see no reason why we shouldn't continue to do it. And I think this program that FSU has is light years ahead of most schools. And it should be a must for this simple reason: It will show the potential lawyer to be that it is not as onerous a task as he or she may have thought and it'll be a learning experience and they'll understand a little different facet about the practice of law. Now let me say this: Providing legal services to the poor is a societal problem. It ought to be taken on by society, but until society does it I think the bar [should do] it. Pro bono doesn't come in any particular color or package; it's free work for people who can't afford to pay you. Now, if he does it for a dead beat, than that's his loss.

So, you would probably use the scene from "To Kill a Mockingbird" where the judge sits on Atticus Finch's front porch and asks him to take a case as an example of what pro bono work is all about?

Oh yes, I have used that specific example, it is a beautiful case of it. I use it for another purpose, too. However the lawyer may feel about the subject matter, he's got a duty to put those feelings down and represent his client, and this guy (Atticus Finch) in a southern town, it wasn't simple and easy for him to do what he had to do, but this is the role the lawyer have to play to represent an unpopular cause. A lot of us feel that an unpopular cause brings out the best in me. I know I'll fight harder if I know everybody is agin' me. There are certain members of the bar, well-intentioned, who just don't like to be told to do anything. But there is more to the practice of law than just making a lot of money. You have to make a living, but there's more to it than that.

I have heard law students and prospective law students recently told to examine their reasons for wanting to be a lawyer. They were alluding to the popularization of the trial attorney in television drama and lately even the real thing on television as more and more trials are televised. Does that concern you?

I'm not that concerned. There will be some folks who want to be trial lawyers because of the glamour . . . but the key to the success of a good successful trial lawyer is 95% perspiration and 5% inspiration. It's like going to a theater; the actors and actresses do beautiful things, but how long had they practiced . . . in the case of this guy (Roy) Black (William Kennedy Smith's defense attorney) I have a feeling that he's worked on this thing predominantly for nine months. There are, I'm sure, folks going to law school for the wrong reasons. A lot of them are there to go out and make big bucks . . . but most of them won't go out and make big bucks. They will be those who graduate and will try to practice, and say this is not for me. This is not uncommon today because the practice of law takes a tremendous toll on a lawyer, his personal life, his physical being, there's no question about it.

In your ten years on the court was there a type of case you just hated to see come before the court? Cases you wished would just go away?

Yes. The cases that come out of the Public Service Commission. Generally, they are so technical and complicated that, it's not unusual, and we don't get that many, but they are unusual and whoever got one you knew you had to chip your eye teeth on. Nobody likes them, but you had to do it. I don't think anybody on the court enjoyed having a death

penalty case because it's so much work. You have to read the record. The record could be 2-thousand [pages] to 12-thousand [pages]. Bundy's record was 12-thousand pages. When I first got on the court [we got] five or six new

[death] cases every month, and it doubled. The one thing that really ran us crazy, particularly during the [Governor Bob] Martinez years, was death penalty cases on warrant where the governor would sign a warrant, . . . and you would have two or three days . . . a man was going to be executed in four days and we've got to read the record, read the briefs, hear oral argument, and come up with a decision. [Governor Bob] Graham did two a month, and we worked a deal out with him [to give us more time]. Martinez never would. We generally had five, six, or seven at all times. You had to drop everything else and get on them, and it's nerve wracking. This current governor has not been doing that.

Has the video taping of Florida Supreme Court oral argument made any difference in appellate practice?

I'm sure it has, to a lot of people. It hasn't made any difference to the court. In fact, I was oblivious to the fact that they were being video taped for a long time. If I had never argued before the Supreme Court, and had one, I would not go over there without either coming up and watching one or get a tape. If

(continued on page 7)



Justice Raymond Ehrlich

## Continuing Education

The FSU College of Law CLE program wants to serve you in your continuing education and the fulfillment of MCLER. As we continue to develop our small, but growing, library of audio and video seminars, we hope to be your first call when in search of CLE credit.

Whether you are looking for live or taped CLE programs, the following is a tentative schedule of 1992 CLE seminars:

### Environmental Law

April, Tallahassee

### Law Firm Breakups

May, Orlando or Tampa

### 5th Annual Trial Evidence

August, Orlando

### Drafting Wills and Trusts

September, Tampa

### Litigation

October, Tallahassee

### Family Law

October, Orlando or Miami

Other proposed CLE seminars for 1992:

Americans with Disabilities Act  
Business Torts  
Trial Techniques  
Workers Compensation  
Bankruptcy

The following courses are available in audio or video (with course material) at a special rate for all FSU law school alumni:

Criminal Law - '91  
Litigation in Federal Court - '90  
Drafting Wills and Trusts - '90  
Critical Workplace Issues - '90

If you have any questions or interest in the above seminars, please call the CLE office at (904) 644-7297. If you don't see anything on our schedule that interests you, please let us know how we can better serve you.



Former College of Law Dean Sandy D'Alemberte addresses the media following his induction as President of the American Bar Association in Atlanta. D'Alemberte's ambitious agenda for the year includes civil law reform, mandatory pro bono and aid to Eastern Europe's emerging democracies.

# Professor Slagle Named Director of Pro Bono Program

The unique pro bono program at Florida State University's College of Law has sparked interest from colleges and universities throughout the United States.

"It's a bandwagon, and I don't mean that in pejorative terms," said Professor L. Orin Slagle, director of the fledgling program.

Slagle receives about one phone call a week from other schools wanting information on the pro bono program. Those calls are made primarily by student groups seeking the same type of program at their schools, he said.

FSU law students were the first to push for the school's pro bono requirement, Slagle said. In 1988, a faculty action mandating the requirement was passed. The school's freshman class of 1990 was the first obligated to satisfy the 20-hour pro bono requirement in order to graduate.

"Now I can't say that every student was in favor of it," Slagle said, "But I can say that it was the students who believed that this was something that ought to be required of them."

Pro bono credit, as stated in the faculty action, is earned by performing civil legal work on behalf of indigent individuals or by performing other uncompensated civil legal work in conjunction with an individual lawyer, law firm or organization.

In their debate with faculty members over the development of a mandatory pro bono program, FSU law students argued that the desire to perform charitable activities such as pro bono work is a learned matter. Stu-

dents maintained that "Persons are not born with charitable motives, but they can be taught," Slagle said.

Most students seem to agree with that premise. In his short time as director of the pro bono program, Slagle has met with resistance from only one student.

"This student asserted that the mandatory pro bono was an oxymoron," he said, adding that he could find no argument with the student's assertion. When asking if the student was simply an astute scholar of the law making the argument for argument's sake, Slagle deftly withheld comment.

Law students working to fulfill their pro bono requirement must first meet with Slagle to ensure that their work fits the program's prescribed guidelines. Once he has approved a student's course of action, Slagle loosens the ties and lets the student go to work.

"It's an honor kind of system," Slagle said, one in which paper work is kept to a minimum. Students simply inform him that they have completed their 20 hours of service, and he in turn certifies to the College of Law that the work has been performed. Only one certification form is filled out.

Last summer was the first opportunity students had to complete their pro bono work, and many returned to school in the fall having met the 20-hour requirement. It is becoming clear that the 20-hour mandated limitation is not being heeded by students, who surpass that minimum with regularity, Slagle said.

Students who choose to work with the Guardian Ad Litem program, assisting children in the county's courtrooms, must put in more than 20 hours in training time alone. Training hours may not be applied toward the pro bono requirement.

"Those students are clearly rendering two, three, four times as much service as is required in the rules," Slagle said.

The same may be said for other law students, who choose to perform pro bono work for an array of organizations and causes. Students have fulfilled their pro bono requirements by working on environmental issues, by providing tax assistance to the elderly and by aiding Hispanic migrant workers. Others have met their requirements by assisting members of the Tallahassee Bar Association, who must satisfy a pro bono requirement of their own.

Pro bono is an idea whose time appears to have come. Slagle said he believes pro bono work is on its way to becoming a mandatory requirement for the legal profession as a whole.

Meanwhile, the College of Law program is drawing attention that extends beyond academic and legal circles. The favorable reaction to the College of Law program has sparked interest from some of the nation's top media sources, including the Boston Globe and the Los Angeles Times.

"That wasn't why we did it," Slagle said. "But when you do something right and you get credit for it, it's nice."

## Order of the COIF Admits Newest Members

The order of the COIF is a national law honorary society which admits for membership those persons graduating in the top ten percent of their class. We are proud to extend our congratulations to the members of the 1990-91 College of Law graduating class recently admitted to COIF:

- Elizabeth A. Boland
- Meta O. Calder
- William Crawford
- Kristen Davenport
- Deborah T. Eversole
- Victor J. Faenza
- William Grant
- Bradford E. Maris
- Joseph V. McNabb
- Michael J. Minerva, Jr.
- William R. Mitchell
- Susan G. O'Halloran
- Robert E. Pinder
- Bradley K. Reynolds
- Michael D. Rouse
- Kristin C. Rubin
- Virginia Sherlock
- Vikki R. Shirley
- Shaw Stiller
- John Jeffrey Whalen
- Kevin J. Wilcox
- R. Mark Williamson
- Kenneth B. Wright

## Class Notes

'70

**A.J. "JIM" SPALLA** has been named chairman of the Florida Bar Eminent Domain Committee for 1991-92. Spalla, who practices with the Beck, Spalla & Barrios law firm, specializes in eminent domain, condemnation and transportation law.

'72

**WAYNE HOGAN**, of Jacksonville, became the president-elect of the Academy of Florida Trial Lawyers. He will take the office of president in October of 1992.

'73

**H. KENNETH JOWERS**, Colonel, U.S.M.C., is serving as the Chief Circuit Military Judge of the Mid-South Judicial Circuit, Navy-Marine Corps Trial Judiciary (Naval Base [NH-45], Charleston, SC 29408-5495).

**FRANK A. KREIDLER**, who is in private practice in Lantana, has been named blood donor of the month by the Palm Beach Blood Bank. Kreidler, 46, is the youngest person to donate 15 gallons of blood at the blood bank. Kreidler is also the FSU

blood drive coordinator for the annual Thanks-For-Giving Bowl, a blood drive competition between local FSU and UF alumni.

**ROBERT A. PIERCE, CARLA GREEN ('85) AND CAROLYN OLIVE ('83)**, of Ausley, McMullen, McGehee, Carothers & Proctor, presented seminars on estate planning, pre-disability planning, living wills and other advanced medical directives at the Senior Showcase held at the Tallahassee-Leon County Civic Center in October.

'74

**THOMAS M. BURKE** is now with the firm of Cabaniss, Burke & Wagner, Olympia Place, Suite 1800, Orlando, FL 32803.

'76

**CHARLES J. "JEFF" DUKES** won the nomination on both the Republican and Democratic Party tickets for the office of District Attorney of McKean County (Pennsylvania). He will take office on January 6, 1992.

'77

**MICHAEL J. ALDERMAN** is an attorney with the Florida Department of Highway Safety and Motor Vehicles. His wife, **SYLVIA ALDERMAN**, is a partner in the firm of Katz, Kutter, Haigler, Alderman, David, Marks & Rutledge in Tallahassee.

**LACEY A. COLLIER** of Pensacola has been nominated to be a Federal District Court Judge.

'78

**NANCY PEREZ** was recently selected by Governor Lawton Chiles to serve as County Court Judge in Palm Beach County.

**PHILIP H. TREES** is now with the firm of Broad and Cassel, 1051 Winderlery Place, Maitland, FL 32751

'80

**GENE ADAMS** is the Vice President of Governmental Affairs with the Florida Association of Realtors, 200 South Monroe Street, Tallahassee, FL 32302.

**JEFF H. ABRAMS** has been named Director of the Institute for Conflict Management Studies, Portland, OR. He is engaged in the field of alternative dispute resolution, trains students and lawyers in mediation skills, and is an adjunct professor at Dallas-Fort Worth School of Law and Marylhurst College.

'83

**J. CHRISTOPHER LOMBARDO** joined the law firm of Woodward, Pires & Anderson, P.A. in their Pelican Bay branch in Naples in October. He was formerly a partner with the law firm of Asbell, Hains, Doyle & Pickworth in Naples for over 8 years. Lombardo is currently serving on the YLD Board of Governors.

**JAMES A. RUTH** has been appointed by Governor Chiles to serve as County Judge, Duval County.

**FRANCIS H. SHEPPARD** is with the firm of Rumberger, Kirk, Caldwell & Wechsler, 11 East Pine Street, Orlando FL 32801

'85

**LAUREN HAFNER SEWELL** has been named Chief Cabinet Aide for the Florida Department of Legal Affairs by Attorney General Bob Butterworth. A Captain in the U.S. Army Reserve JAG Corps, Lauren served this year in Saudi Arabia and Kuwait investigating war crimes. She replaces **Gene Adams ('80)**, at Legal Affairs; Gene is entering private practice.

'87

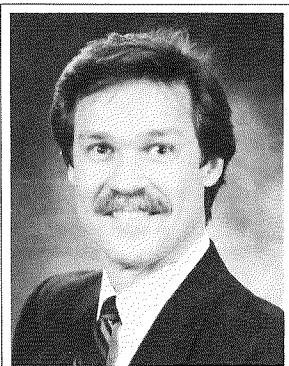
**OSMER "Ozzie" BATCHELDER** is now with the firm of Peeples, Earl & Blank, Two South Biscayne Boulevard, Miami, FL 33131.

'91

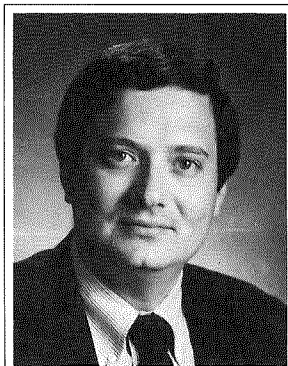
**CRAIG MUNDY** has joined Holland and Knight's Lakeland office as a litigation associate. His practice will focus on commercial litigation and worker's compensation. Mundy received his B.S., cum laude, in accounting at FSU. He is an honors graduate from the College of Law. Prior to entering law school, he was a staff accountant at Peat Marwick and Main in Orlando.

The Academy of Florida Trial Lawyers has three FSU law graduates in its administrative offices in Tallahassee. **SCOTT CARRUTHERS ('82)**, is the Academy's Executive Director; **PAUL JESS ('82)**, is General Counsel and Deputy Executive Director. **DEBRA ZAPPI ('87)**, is the Academy's Legislative Counsel.

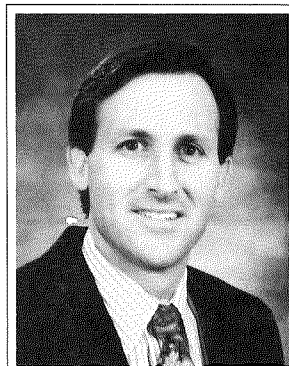
FSU law graduates were well represented at the 8th Administrative Law Conference sponsored by the Florida Bar, in Tallahassee on September 13 & 14. Senators **KENNETH JENNE ('72)**, and **Curtis Kiser ('70)**, were panelists for the session on Agency Policy and Rulemaking. **RICHARD GROSSO ('86)**, General Counsel for the 1000 Friends of Florida, was on the panel for Alternative Dispute Resolution and the APA. **SUSAN B. KIRKLAND ('78)**, General Counsel, Department of General Services; **STEVEN FERST ('85)**, Assistant General Counsel, Department of Corrections; and **THORNTON WILLIAMS ('81)**, General Counsel, Department of Transportation, joined the panel for the session on Competitive Bid Disputes. **DANIEL THOMPSON ('74)**, General Counsel, Department of Environmental Regulation, was on the panel for Ethics and the APA.



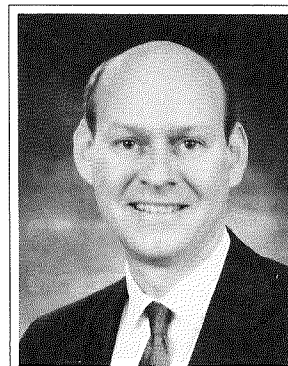
Hogan '72



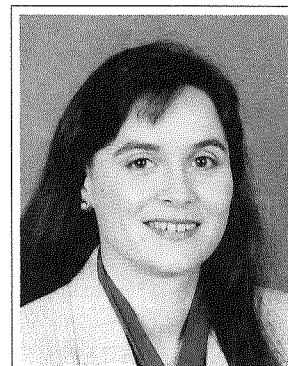
Adams '80



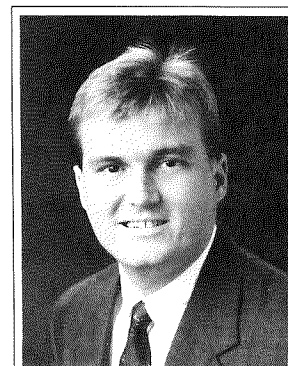
Carruthers '82



Jess '82



Zappi '87



Mundy '91



**EHRlich . . .** (continued from page 5)

I argued, I would probably want to buy a tape to see how I did so I didn't make the same mistake a second time if I appeared frequently before the court. It serves a very useful purpose. Lawyers who take this work seriously and want to do a good job . . . I think they would think twice before they ignored it. And I think FSU is to be commended for that innovation of taping [oral arguments].

*You are our first Jurist-in-Residence. How has this time been for you?*

It has been a good experience. I told the Dean I think if they ever do it again, it would be a terrible mistake not to give the Jurist-in-Residence some teaching responsibilities. It shouldn't raise any eyebrows. In my case, I got hired in just a matter of a couple of days before school opened. But there are some people from the Supreme Court teaching over here now, and they are not seeking tenure, they're not jeopardizing anybody. I think the position would attract more interest if there was a teaching assignment. I supervised . . . worked with Larry Kreiger quite a bit . . . the judicial interns, there were seventeen of them. And I got to work with them on a weekly basis, and I spoke to a couple of classes. And I'm doing some work at the Alternative Dispute Resolution Center. I'm writing the Dean a report of that because since Jim Alfini left, there is a void over there, and I want this school to have that center. I know [The University of] Florida would take it in a heartbeat if FSU doesn't want it, but it belongs here.

*You have indicated your interest in returning to private practice. Is that where you are headed?*

Yes. With Holland and Knight in Jacksonville. Ten years has gone by . . . I know I'm slowing down physically, I want to do some facet of trial work. I don't know what part

they want me to play in it. I'll do whatever they want me to do. But that's what I want to do. I don't want to do appellate work. I have some experience and I think they think that I can share that experience with these younger ones. I told Chesterfield [Smith], the first thing I said to him was 'I'm not infallible. I was infallible only when I was on the court, but I'm off the court and I'm another lawyer and I want you to question me just like you would anyone else.'

*Your retirement from the Florida Supreme Court was mandatory because of your age. Would you have remained on the court had you not been forced to retire?*

I would have preferred staying on, but I don't know that I would have stayed on a full six years. I think four years more, maybe stay on six. I accept it. But there is a flip side to it. We would have lost if it had been applied at the national level. We would have lost twenty years of Holmes, he was in his nineties when he retired. That's a hell of a price to pay. And those were his greatest years. And so there have been some great jurists up there past seventy . . . in fact most of them past seventy. McDonald will have to get off in a couple of years, Grimes will have to get off in four, five, six years, Overton will have to get off in about seven years. It does make some sense.

*So there is life after the court?*

I don't have to do what I'm doing, and I may be silly . . . but I don't really know if I could be happy waking up in the morning and not having something to do. I want to improve my mind every waking moment of the day. It doesn't work out that way, but I want to make it possible to improve my mind every day. I like that.



During the recent College of Law Annual Awards Ceremony, John M. Pavsner receives the \$3,000 level Roy and Pat Kinsey Book Award in Torts. Book awards recognize academic excellence in an area chosen by the sponsor. Most book awards pertain to a particular course, but several are based on academic achievement demonstrated outside the classroom. A percentage of the fund is used to provide scholarships and loans to students. The remainder is used to recruit outstanding faculty and students, fund various student organizations and academic activities and present programs to serve our alumni better.

# We Need Your Help

The Alumni Association of Florida State University College of Law is publishing a new Alumni Directory during the coming year.

A survey will be mailed to you soon . . . Please complete the information and return it to us along with your order for the Directory.

The Directory will be offered exclusively to our alumni. Your updated information is necessary to ensure a complete Directory, and your support is greatly appreciated.

## FACULTY NEWS

■ **Donna Christie** co-authored a book, *The Environmental Laws of the Commonwealth Caribbean*, in connection with her work for The Caribbean Law Institute.

■ **Pat Dore** participated in the Eighth Administrative Law conference sponsored by the Florida Bar Administrative Law Section, in Tallahassee, on September 13 & 14. Dore, who teaches a course in Florida APA, was a panelist for the session on "Rulemaking and Agency Policy: An Academic Perspective." On November 4, she gave a presentation on Florida's Constitutional Reapportionment Requirements, a workshop sponsored by the Collins Center and Law Review, for members of the Florida Legislature.

■ **Chuck Ehrhardt**, Mason Ladd Professor of Evidence, published the 1992 edition of *Florida Evidence*. Ehrhardt gave presentations to the Florida Circuit Judges Association in Fort Lauderdale and at the University of Iowa College of Law in September. In October, he presented a "Criminal Evidence Update" at the FSU Criminal Law CLE in Tampa. In November, Ehrhardt presented "Federal Evidence Update" at the 11th Circuit District Judges Workshop in White Sulpher Springs, WV.

■ **Elwin Griffith**, Executive Director of the Caribbean Law Institute, made presentations at the Institute Fellows meeting, Barbados, in September. He also participated in a workshop to gather public comment on the

CLI Company Bill in St. Vincent and the Grenadines.

■ **Steven Goldstein** gave a presentation entitled "Selected 1990-91 Constitutional Criminal Procedure Decisions of the United States Supreme Court and Florida Supreme Court" at the FSU Criminal Law CLE in Tampa. He also gave a presentation on "The Future of Federal Habeas Corpus: Has/Will the Great Writ Become Obsolete," at the Advanced Federal Criminal Practice seminar sponsored by the Florida Bar. Other recent presentations include, "Delivering Civil Legal Services to the Poor in the 90's", and "The Civil Justice Reform Act of 1990."

■ **Larry Krieger** drafted and sponsored legislation through the 1991 Florida Legislature concerning massive "advance free" loan frauds operating nationwide from south Florida. As a result, these organizations have been outlawed in Florida. This legislation was recently featured on television's *20/20* and *Hard Copy*. Krieger is currently drafting proposed legislation for the 1992 session dealing with multi-level marketing. He was recently consulted by ABC's *Nightline* concerning "pyramid" schemes and multi-level marketing companies in preparation for their recent show on Nu-Skin.

■ **John Larson** has been named Assistant Reporter for the Revised Uniform Partnership Act by the National Conference of Commissioners on Uniform State Laws.

■ **Denise Morgan** has published an article, "What is Left to Argue in Desegregation Law?: The Right to Minimally Adequate Education" in the Spring issue of the *Harvard Black Letter Journal*.

■ **Joshua Morse** co-wrote a technical report entitled "CARICOM Draft Shipping Bill", presented at the Caribbean Law Institute Fellows meeting held in Barbados in September.

■ **Orin Slagle** has been named director of the FSU College of Law Pro Bono program. All degree-seeking students entering the college must now complete 20 hours of approved Pro Bono work as a requirement for graduation. The College of Law is one of only a handful of law schools in the country to add this requirement to its curriculum. Slagle will be the program director for three years.

■ **William VanDer creek** presented a paper, "Legal Education in the United States — One Perspective," at the 15th Biennial conference on the Law of the World at Barcelona, Spain. The conference is sponsored by the World Jurist Association and has over 300 participating jurists, justice ministers, professors and lawyers from throughout the world. The panel on which VanDer creek sat included representatives from the Peoples Republic of China, Italy, India, Spain, Argentina, Canada and the United States.

■ **Gabriel M. Wilner** is our first Eminent Scholar to occupy the Ed Ball Chair in International Law. He was the Thomas Kirbo Profes-

sor of Law at the University of Georgia and is an Adjunct Professor at the Vrije Universiteit Brussel. He has a J.D. and LL.M. from Columbia. In addition to conducting an annual summer seminar for American students in Brussels, he does considerable consulting with the governments of French speaking Africa. Professor Wilner is teaching courses in international law and international business transactions.

■ **Ruth Witherspoon**, Associate Dean of Student Affairs, has been selected to serve on the national committee for Law School Financial Aid Services. The committee has proposed to the Law School Admissions Council a complete automation of the financial aid process, to be effective by Fall 1992. In October, Dean Witherspoon presented, "Focus on Retention - Strategies that Work" at the Northern Illinois University College of Law Second Annual Midwest Recruitment Conference. The program was designed to share ideas and facilitate the development of successful minority recruitment and retention strategies at law schools.

■ **John Yetter** made a presentation entitled "A Summary of Recent Developments in Constitutional Criminal Procedure, Criminal Law, and Evidence" to the Florida Circuit Judges Educational conference held in Fort Lauderdale in September. Yetter also spoke on "Problems in Litigating Slight Force Sexual Battery Cases" at the FSU Criminal Law CLE in Tampa in October.