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**FSULAW**

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# FSULAW

THE MAGAZINE OF THE FLORIDA STATE UNIVERSITY COLLEGE OF LAW



**Pro bono heroes:  
 Orlando's Sam King,  
 Angela Ferguson  
 and John Kest**

**ORLANDO**

*College of Law  
 alumni carry the  
 flag for public  
 service*



## Dean's Letter

### Good News For Good Friends

This fourth issue of *FSU Law* includes a report on the alumni contributions that were made to the College of Law during the fiscal year that ended June 30, 1993. The contributions range from John Frost's pledge of \$100,000 to endow a professorship through the continuing commitments of our Book Award Sponsors to a \$5 contribution to our Annual Fund. Each of these contributions is important to us and each will be memorialized on the walls of the College of Law, in College of Law publications and in a myriad of other ways. It goes without saying that the faculty and I deeply appreciate your generosity during the year. You also should know that our students, too, appreciate your contributions. The students know that alumni contributions pay for things such as student scholarships and financial aid, special supplements for student organizations, programs and speakers to advise students on their careers and job searches, and graduation receptions for their families. Every alumnus who has contributed has the thanks of our entire College of Law community. Because it is important to us that no one be overlooked, we have included a separate list of the contributions that came in too late to be included in the 1992-93 Annual Fund and will be reported as the kickoff contributions to our 1993-94 Annual Fund.

This spring, *U.S. News & World Report* published its annual ranking of all United States law schools. Since last year's survey, Florida State jumped another ten points in its ranking by practicing attorneys and judges. To me, there are two obvious reasons for the continuing rise in the reputation of our law school and the value of a law degree from Florida State. First, our alumni continue to make great strides, individually and collectively, within the legal profession. Your accomplishments make this magazine a joy to produce. I promise you that this law school will continue to share its great pride in our alumni with anyone who will listen. Second, we are continuing to assemble a nationally competitive and recognized faculty of superb teachers. In the last issue of this column, it was my



pleasure to report that we hired new Professors Lois Shepherd, who will teach Contracts and Health Care Law, and Frank Garcia, who will teach International Trade Law and International Business Transactions. It is now my pleasure to report that we have also hired, to begin this fall, Professors Larry Garvin and Sylvia Lazos.

Larry T. Garvin is an honors graduate of Michigan State University who followed an M.S. in Neurosciences at the University of Michigan with a law degree from Yale Law School. While at Yale, Larry was the Managing Editor of *The Yale Law Journal* and Article Editor of the *Yale Journal on Regulation*. Larry clerked with Judge Edward N. Cahn, United States District Judge for the Eastern District of Pennsylvania, and then practiced for several years with Shea & Gardner in Washington, D.C. This year, Larry will be teaching Contracts and Toxic Waste Litigation.

Sylvia R. Lazos is an honors graduate of St. Mary's University in San Antonio, who followed her M.A. in Economics at St. Mary's with several years as an economist at the Bureau of Labor Statistics. Sylvia returned to school to earn a law degree from the University of Michigan Law School. While at Michigan, Sylvia was Associate and Contributing Editor of the *Michigan Law Review*. After graduation, Sylvia became a partner at McConnell, Valdes, Kelley, Sifre, Griggs & Ruiz-Suria in San Juan, Puerto Rico, where she practiced for seven years. This year, Sylvia will be teaching Business Associations and Real Estate Transactions.

In closing, I'd like to dedicate this issue to all our Orlando alumni. Both my first year as Dean, when Mel and Kitty Martinez were kind enough to host a reception for our alums, and this past year, when Randy (Franks) Fitzgerald hosted our alumni function at the offices of Maguire, Voorhis and Wells, our Orlando alums have shown their continuing warm support for the law school. My apologies go to all those Orlando alums we did not have the space to mention in this issue. We shall do our best the next time around.

Thank you again.

DONALD J. WEIDNER, DEAN, COLLEGE OF LAW



**About the Cover:** College of Law graduates Sam King, Angela Ferguson and John Kest of Wooten, Honeywell & Kest, typify the spirit of public service in Orlando's legal community. The firm was honored in February by the Florida Supreme Court.

#### THE MAGAZINE OF THE FLORIDA STATE UNIVERSITY COLLEGE OF LAW

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**FSU LAW**

THE MAGAZINE OF  
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OF LAW

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# Orlando

## College of Law graduates help build a tradition of community service

It is a glowing commentary on the legal community of Orlando—a city that more than any other over the past two decades epitomizes opportunity and financial success—that there is an extraordinary commitment to helping those who have not been among the fortunate and successful. The spirit of public service is particularly notable among the Florida

State University College of Law graduates, many of whom are actively involved in pro bono and other volunteer work. Sam King, John Kest and Jim Heekin sum up the sentiment of many of the alumni when they suggest that the city and legal profession have been generous to them, and they feel an obligation to return the favor to the community.

The Orange County Bar Association, like many other local bar associations, requires its members to provide pro bono services or to make a contribution to its legal aid fund. What sets the Orange County program apart is the amount of effort and enthusiasm behind meeting the requirement. As several attorneys point out, the bar association offers an impres-

sive array of opportunities for those willing to help, ranging from programs for guardian ad litem, seniors, persons with AIDS and severely sick children. According to 1973 graduate Kest, “If you have the interest, we have work that fits your expertise.”

Mel Martinez, a classmate of Kest, suggests that the basis for the spirit of public service originated in the early 1970s. “The bar was smaller and more intimate then, and there was a group of socially conscious young attorneys—people like John Kest and Emerson Thompson come to mind—that really pushed for a strong commitment to pro bono work,” he says.

The Orange County Bar Association, along with its Legal Aid Society, has earned a statewide reputation for outstanding pro bono service and, in fact, was honored in 1992 by the Florida Supreme Court as the top organization in the state in pro bono efforts.

### The award-winning firm of Wooten, Honeywell & Kest sets the standard

If any one law firm exemplifies Orlando’s extraordinary sentiment for public service, it is Wooten, Honeywell & Kest. In February 1993, the firm received the statewide honor presented a year earlier to the bar association. In its commendation, the Supreme Court noted the firm’s total commitment to community assistance as well as its willingness to take pro bono cases on short notice.

Over a number of years the firm, which, in addition to Kest, includes College of Law graduates Angela Ferguson and Sam King, has developed a tradition of strong pro bono and volunteer work. In addition to the Supreme Court award, it was honored in 1988 and 1991 by the bar association’s Legal Aid Society. Since 1986 the firm has handled almost 90 pro bono cases, logging more than 2,000 hours. Cases have included appointments as guardian

ad litem for 86 children and representation in dissolutions of marriage involving children and child support. In addition to the work of its own attorneys, the firm has provided financial aid for the delivery of other legal services. Says Kest, “We fund our own costs here. We don’t go back to the Legal Aid Society for reimbursement.”

Wooten, Honeywell & Kest is also one of the founding participants in the Law Firm Covenant in Orlando, a group of firms committed to undertaking representation of cases of major impact.

The firm’s community service goes far beyond its generous work on cases and other public service legal efforts. According to Kest, attorneys and staff have long been active in Orlando civic life, taking part in walk-a-thons, bicycle races and other fund-raising events that support such causes as the American Diabetes Association, the Russell Home for Atypical Children, and the Cerebral Palsy Association. Members also are active in Orange County organizations such as the Boy Scouts, YMCA and the Citrus Sports Association.

Kest, considered by his fellow attorneys a veritable legal dynamo for the long hours he devotes to his practice, explains that the firm’s commitment to the community has evolved naturally. “It’s a result of our philosophies, collectively and individually. We don’t impose it on new attorneys. It’s just that everybody shares similar values. I guess it’s fair to say that, to a certain extent, we look for those values when we hire new attorneys.”

According to Kest, the firm provides its attorneys the time and encouragement for pro bono work. Pro bono cases get the same attention as billable work at the firm, which concentrates in claimant’s trial work, and in some cases even get priority. “When children are involved, it’s difficult

not to give the case priority. I attend every hearing whether I’m being paid or not. Each partner in the firm handles his or her own cases, and this includes attending all the hearings and meeting with clients. We don’t ask secretaries and first-year associates to fill in for us.”

Much of Kest’s own pro bono contribution is with the guardian ad litem program, and, he points out, commitments are often long-term. “When you are appointed guardian ad litem, you are that child’s GAL until he or she is 18. I have 15 cases in progress at the moment.”

Kest suggests that public service has become infectious among local attorneys. “We’re recognized statewide for having the top Legal Aid Society.” Kest completed a term as president of the Orange County Bar Association in June, and has begun another at the helm of the Legal Aid Society. One of his partners, Dan Honeywell, is a past president of the bar association, and another, Butch Wooten, recently served as president of the association’s trial lawyers section.

The 27-year-old firm prefers to hire new associates directly from law school. “We look for law students who are intelligent and independent and who have a strong work ethic. And we also look to the long-term. It takes two or three years to get someone to the point of being a productive attorney. We hire with the idea that they’ll stay.” Adds Kest, “Most of them have.” He points out, however, that all the firm’s attorneys are expected to work hard. “Everyone puts in 60-70 hours a week. We like to think they do it because they like what they’re doing and want to be here.”

Sam King, a 1985 graduate of the College of Law, was attracted to the firm in part because of its approach to community service. “When I came here out of law school, this wasn’t the highest paying job

*If you have the interest (in pro bono), we have the work that fits your expertise.’*

*—John Kest*





**Angela Ferguson, Sam King and John Kest of Wooten, Honeywell & Kest**

change her name."

The work is often challenging, says King. "Right now I'm trying to chase down a deadbeat dad who's a wrestler. This guy travels with circuses, dresses in make-up and wigs and has a bunch of aliases."

Angela Ferguson, the third College of Law graduate at the firm, was attracted to Wooten, Honeywell & Kest by word of mouth. "I heard great things about them." A 1990 law graduate, Ferguson was practicing in Pensacola before moving to Orlando in search of greater diversity. "What I've found out since I joined is that they live up to the reputation." Geography also provided an impetus for her move. "I'm from Hollywood, and Orlando is a lot closer to home than Pensacola. And," she adds, "the airline rates are much better!"

What Ferguson calls her "thirst for action" was partly responsible for her decision to enter the legal profession. "When I was a nurse, I liked working in intensive care where there was always the possibility of saving a life. Hanging IVs on the night shift wasn't my cup of tea." She chose law school over graduate work in hospital administration. "I wanted to move to a higher level, professionally."

Ferguson concentrates on representing claimants in workers' compensation cases, an area of the law which she says satisfies her desire to make a difference in people's lives. "I like workers' comp because I like working with people. I'm listening to people who are predominantly blue collar, whose bodies are the tools of their livelihood. There's more to my job than simply assuring them we're working on their case. Some of these people are about to lose their homes and their cars. A lot of times I end up being a kind of social worker, referring them to social services that can provide nonlegal assistance."

Like King's, her pro bono work centers around dissolution of marriage cases, and she takes great pleasure in helping women through difficult times.

Ferguson, Kest and the others would agree with King, who sums up the firm's philosophy when he says, "There's no one in the firm who carries the flag. It's a concerted effort that we're all happy to participate in. We all have a vested interest in this community."

offer I had. I was drawn by the people and the opportunities. When I met the partners I was impressed with the way they conducted themselves." King said he appreciated the firm's "low volume high quality" emphasis and the fact that clients are treated with respect. "I also liked the idea of helping people who need help and who are often down on their luck," he says. "When I joined, it was clear that pro bono was a priority. Not that it was dictated, 'you will do it,' but it was strongly encouraged. Personally, I feel it's not so much a duty to the firm but to the bar."

King says the firm's philosophy is occasionally a topic of conversation. "I run into attorneys from other firms who say 'I can't believe you waste your time on this

stuff. You guys are good, you should be making money.' That's precisely what I like about the firm—its philosophy of being involved. That's why I'm here."

King, who says he "shifts around" in the types of pro bono cases he handles, is working primarily on dissolution of marriage and child support cases these days. "This is not the most glamorous work in the world. You see the ugliest side of relationships, but you get the satisfaction of knowing you are helping someone who has no resources and no place to turn. They come into this firm and say, 'Gee, I've got a real lawyer,' and they know they're being taken seriously. Personally, it's really gratifying to get an order to enforce child support and help someone

**"W**hen I joined (the firm), it was clear that pro bono was a priority. Personally, I feel it's not so much a duty to the firm but to the bar."

—Sam King



**Suellen Fagin**  
A life filled with music

Suellen Fagin's earliest memories are of a life filled with music. They begin with childhood summers in Massachusetts's Berkshire Hills, when her parents took in boarders during the Tanglewood Music Festival, and include piano lessons at age four and the strains of symphonies and operas radiating from the family hi-fi. Fagin cannot recall a time, in fact, when music was not at the center of her life.

Today, the 1985 College of Law graduate shares a small Orlando practice with two partners, and music continues to be a focus. In fact, music has been woven into the very fabric of her law practice as the firm of Fagin, McIntyre and Dyer handles the legal work of an ambitious new Orange County project, Music Orlando. Fagin serves as the organization's Board of Directors chairperson.

Music Orlando was formed after the collapse in 1992 of the Florida Symphony Orchestra, an organization beset with financial problems for several years. Music Orlando purchased many of the musical instruments and other equipment from FSO and even assumed some of the symphony's concert dates. "We're trying to keep the spirit of the symphony alive by combining many of the orchestra members with local musicians. At the same time, we're trying to build stronger community support by keeping a local focus."

According to her partner, Lisa McIntyre, who serves as vice-chair of Music Orlando, Fagin has worked hard looking after the

interests of local musicians. "She's put in long hours trying to keep the musicians busy and in town."

"Music has always energized me," says Fagin, who continues to sing, and sometimes serves as organist and choir director at area churches. She occasionally conducts the chapel choir at Rollins College in nearby Winter Park and even finds time to perform at an occasional wedding.

When it comes to developing Music Orlando, Fagin is a realist. "One of the first things we looked at after the Florida Symphony went under was *where* the music had been performed. We looked at the fact that people had difficulties driving downtown at the times the concerts were scheduled. We noticed conflicts with the Orlando Magic basketball games. Traditionally, people have gone downtown to hear the orchestra, but times have changed. We realized that we had to be nontraditional if our effort was to be successful. We had to take the music to the people."

So far, Music Orlando has taken music to such places as the Sanford Zoo and the city of Kissimmee and has just completed a busy series of summer concerts in conjunction with the Orlando Opera. "We plan to keep moving around," Fagin says.

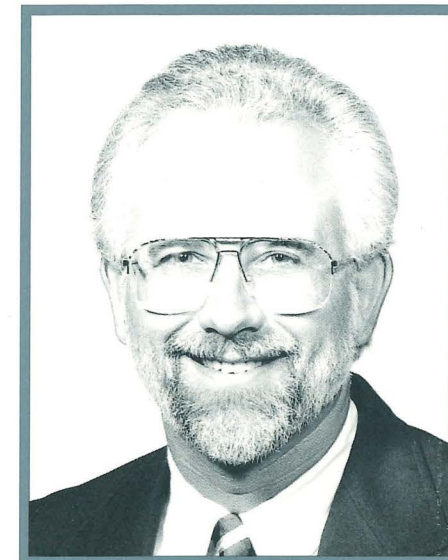
Fagin likes the fact that she has been able to integrate her musical interests with her legal career. "We do anything of a legal nature that the organization needs, from drafting contracts to researching copyright issues," she says.

Fagin's decision to attend law school was a practical one. "I was working at an insurance company as a claims adjuster. As a result I was working with attorneys and getting a lot of insight into the law. I realized, 'I can do this kind of work and make a much better living.' There was some logic to becoming an attorney." In the end, it was a friend who, unknown to Fagin, signed her up for the LSAT and provided the deciding nudge. "I decided, oh well, I guess I'll take it," Fagin says. "And the rest is history."

She admits to conflicting interests. "On the one hand I'd like to be a phenomenally successful attorney and make a lot of money. On the other, I'm interested in too many things to devote myself exclusively to the law. Besides music, there's travel and time with my husband." Her current arrangement is what Fagin calls "the best possible situation. Although I

have a responsibility to my partners to carry my weight, I also have a lot of control of my time. There are days when I sit at my desk and copy out orchestral parts of a project I'm working on."

According to McIntyre, Fagin has a remarkably balanced outlook on life. "She has a well-developed sense of what's important," says McIntyre, adding, "and she's an absolute joy to work with."—D.M.



**Doug Spears**  
The thrill of trial work

Describing what he does as "part performance art and part chess game," 1983 College of Law graduate Doug Spears admits he loves the sheer energy of trial work. "The action gets my blood flowing." Over the past several years, Spears's enthusiasm has resulted in some of the largest commercial case jury verdicts in Orange County history.

Spears and partner Dick Adams of Pleus, Adams & Spears, P.A., made headlines in late 1989 when they won a \$3.5 million verdict in a breach of fiduciary duty case. Two other large verdicts, one in 1991 for \$2.8 million and another the following year for \$8.5 million against a real estate company and its broker, solidified the firm's reputation as one of the pre-eminent central Florida business trial practices. "Immediately following the \$8.5 million verdict, the firm had the three largest settlements in Orange County history," Spears says.



A native of central Florida, Spears returned to Orlando after graduation to work for a firm he had clerked with during law school. After a year of doing real estate work, he joined Pleus & Adams in 1984. Much of the attraction of the new firm, he says, was its focus on trial work. Spears, who admits he is impatient when it comes to handling paper, draws a distinction between his business trial work and commercial litigation. "Commercial litigation usually centers around paper work. Our emphasis is on trial work."

Enduring a painful split and reorganization in 1989, Pleus, Adams & Spears began its recovery largely through the trial skills of Spears and Adams. After the reorganization, Spears became managing partner, a job he still holds.

These days Spears is working on a case that could be the firm's largest yet. The firm is co-counsel on a case filed by an automobile dealer against a regional distributorship and a national sales company. The dealer, with outlets in Tampa, Atlanta and North and South Carolina, charges Southeast Toyota and Toyota Motor Sales USA with unfair practices in what Spears characterizes as "essentially an anti-trust action."

"Under state and federal law there are restrictions on what a distributor can do with regard to making demands on the dealership. Because the distributorship is in a vastly superior financial position, there is a limit to what it can do in terms of requiring dealers to buy additional products and accessories."

The suit also alleges illegal tie-ins of business interests with the distributor that inflate vehicle costs to dealers. According to Spears, Southeast Toyota, based in Jacksonville, operates subsidiary companies that wholesale parts to Southeast for accessorization. "Once the mark-ups are added in and the sales manager gets his commissions, the price of the automobile has been increased substantially," Spears says. He adds, "Of course, the dealer has the right not to accept the accessorized cars. The problem is that the distributor, being a monopoly, has control over what kinds of cars the dealership gets each month. The dealer may wind up with a choice of 50 black Corollas with no air conditioning."

According to Spears, there is incontrovertible evidence that excessive

accessorization makes cars more expensive and, as a consequence, more difficult to sell. "Southeast Toyota's own research shows that their cars cost as much as \$2,000 more than anywhere else in the country."

The case keeps Spears on the road most of the time these days. "I stay busy," he says.

Spears's success, and that of his firm, is partly the result of an unusual approach to their work. "What sets us apart from other firms—and what gets us into high-profile cases—is that we take commercial cases on a contingency basis. This is common, of course, with personal injury cases." Such an arrangement is rare with commercial cases, Spears explains, because of the length of time it takes to bring a case to trial. "It's not unusual for a case to take five years to reach conclusion." The firm accepts the cash flow problem based on the likelihood of making a sizeable recovery. "We've had our nose bloodied on a couple of occasions, but on balance, we've done extremely well with this approach."—D.M.



## Randy Franks Fitzgerald

### Hard work and a niche of her own

When Miranda (Randy) Franks Fitzgerald talks about her law school ca-

reer, she describes the hardest three years of her life. She'll also tell you she loved every minute of it.

"I nearly killed myself when I was in school. By contrast, I consider my job practically a vacation," she says. "But it was a wonderful experience. I wouldn't change a thing about it."

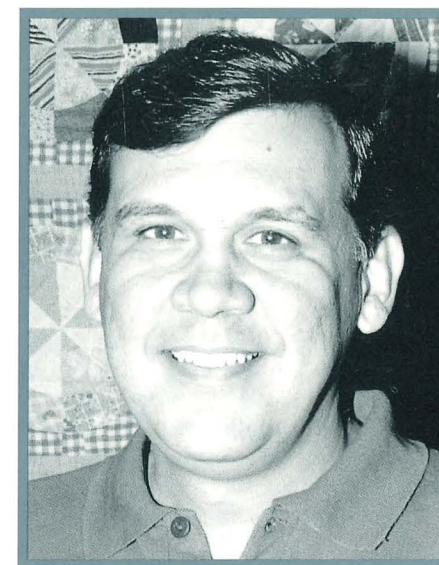
A 1979 graduate, Fitzgerald (known as Franks during law school), held a 20-hour plus job from her first day of classes ("You're not supposed to, but a lot of us did."). She also was a member of the 1979 moot court team that won a national labor law championship, served as an editor of *Law Review* and managed to stay in the top 10 percent of her class.

For Fitzgerald, an admitted "compulsive," putting in long hours and performing at a high level were standard operating procedure long before she started law school. She worked as a dental hygienist while pursuing her undergraduate degree in American Studies at Florida State. She was considering entering an American Studies graduate program when she began to take stock of the job market. "I had wanted an academic career, but in the mid-1970s there was a glut of college professors. So I started thinking about what it was that attracted me to the teaching profession. Those things were writing and public speaking. A friend of mine who was in law school at the University of Florida suggested that law might be a good fit for my interests."

Just as other academic interests guided her toward law, a job she started prior to beginning law school helped determine her legal specialty. "I worked for a lobbyist who represented agricultural interests and spent a lot of his time on land and water issues. One of the things I worked on with him was the 1975 comprehensive plan."

Fitzgerald and her boss complemented one another. "He didn't like to write and research, and I did. Within six months I was going to hearings and meetings and doing most of his writing and editing. Eventually, I ended up lobbying for him. I guess one of the things that convinced me to go to law school was that I realized he was getting paid a whole lot more than I was. I told myself 'Hey, I can do what he's doing.'"

When she joined Maguire, Voorhis & Wells in Orlando in 1979, in part because of the urging of FSU moot court advisor



## Mel Martinez

### A special motivation for public service

As is the case with many of the College of Law graduates in Orlando, public service plays a big role in Mel Martinez's life. Martinez, however, suggests his motivation comes from a different set of circumstances. "My family moved here from Cuba when I was in high school, and if it were not for the help of many people, particularly in my early years, I would not be where I am today. There were a lot of people who made a difference in my life."

Some of those who made a difference to the 1973 graduate were at the College of Law. He holds out special thanks to Bill VanDerCreek and Chuck Ehrhardt. "They trained me well," he says, adding, "I honestly believe if it weren't for VanDerCreek's encouragement, I would not be in trial work today."

Martinez says he felt not only an obligation to return the help he received over the years but also a desire to be involved in public service. In fact, he has served in a number of capacities. He currently sits on the Orlando Utilities Commission, a board that oversees the city's municipal utilities operation. Previously, he served on the Orlando Housing Authority. "It is very important to me, coming from Cuba, to be involved in my community," he says. Martinez also has a long history of volunteer service to a variety of organizations. He is a past College of Law Alumni president and has just finished his second year as a Little League coach.

Bill VanDerCreek, environmental law was just emerging as major specialty in Florida. Most of her early practice was what she calls a "hodgepodge of law," working security and anti-trust cases, zoning matters, slip-and-fall cases, medical malpractice and probate. "The little I did in the area of environmental law centered mostly around citrus agricultural interests."

One early case that established her niche with the firm involved obtaining approvals for a large Orange County real estate project. She navigated her client through the process of acquiring hotly contested water, sewer and land use permits needed for development. "That was a dog fight," she says. "It was also the official beginning of my practice in land use planning issues." Today, she heads up the firm's environmental law area.

Fitzgerald, who represents real estate interests in the central Florida region, suggests that in recent years the pendulum of public environmental policy has swung too far to the side of protection of the environment. "I admit it hasn't always been this way and that there were problems in the past." But she claims that many clients who are sensitive to environmental issues are unduly harmed by the expense and red tape forced on them by excessive regulation. "With regulations in place today, you have to do a good job of development." As they continue adding extra layers of regulation, she says, "the property rights side is getting short shrift."

She objects to elements of the 1985 rewrite of the comprehensive plan that, she says, dictate to local governments how they deal with land use and water issues. "They restrict local government's ability to adjust and tinker with the plan to meet local needs," she says. "Too many decisions are made in Tallahassee."

While her job combines many of the elements that she enjoys, 14 years in the legal trenches did not extinguish Fitzgerald's yen to teach. She lectures for the Florida Bar on vested rights, concurrency and the comprehensive plan. It's important to Fitzgerald that other lawyers in the state benefit from her knowledge of the comprehensive plan gained through her long-term involvement with the plan and its implementation.

"For me, it's a good marriage. I couldn't imagine doing anything else."—D.M.

After graduation in 1973, Martinez joined the firm of Billings, Frederick, Wooten & Honeywell with classmate John Kest. He left the firm in 1986, first setting up a two-city firm with Ken Connor of Tallahassee before establishing his present practice in Orlando with partner Skip Dalton. His civil trial practice is concentrated in personal injury and product liability.

Product liability cases are what Martinez enjoys most. "Going into litigation against a large corporation gets me going. There's always the chance to do something for someone who has been harmed." One notable case for his firm involved an automobile tire blow-out. "Someone was killed as a result, but we couldn't find a record of a product problem. We kept digging and digging and finally found out that there had been a product recall in other countries. We ended up doing discovery overseas to make our case. Those sorts of situations are very satisfying."

Martinez sees the legal profession undergoing major changes and thinks the market will be more competitive for today's law graduates. "There's pressure on new attorneys to be very productive, to be mindful of overhead," he says, suggesting that the computerized office will lead, increasingly, to lawyers without secretaries. "You're seeing a lot of efforts at saving money."

He suggests that large firms will continue to absorb mid-sized firms and that competition for clients will increase. "You'll see real emphasis placed on service to clients. How they're treated will have a lot to do with whether you get their next case."

But Martinez also sees emerging opportunities for new attorneys. "Because this is Florida, there will be a lot of new career possibilities. In particular, I think you'll see a lot of growth in the area of international law."

One of the attractions of trial work for Martinez is that he gets to spend time with his family. "Because of the nature of trial work, there are built-in lulls in the action. I work hard when the situation demands. I enjoy my family when it doesn't." He adds, "I try to keep a balance between my personal and professional life." Martinez admits to hoping the balance tips a little more in favor of the family in the coming months. He and his wife, Kitty, are expecting their second son in October. —D.M.





# Eye On Higher Education



**New College of Law Alumni President Jim Heekin, who also serves on the Florida Board of Regents, takes a look at the state's troubled university system.**

When Jim Heekin talks about the future of Florida's university system, there is an unmistakable air of frustration in his voice. Heekin, who assumed the presidency of the College of Law's alumni association in July, sits on Florida's Board of Regents, where many of the decisions that shape the future of higher education in the state are made.

What worries Heekin is the two-headed monster of soaring university enrollments and an overburdened tax system which, he contends, relegates long-term planning to "a rollercoaster ride." His concern is that "We're looking at a 60 to 70 percent increase in high school graduates by the end of this decade. They're going to be knocking on the doors of the state's community colleges and universities with the expectation of getting a higher education. I'm worried that we won't have room for most of them. In fact, we don't have room for most of them today." To Heekin, it is a case of a bad situation getting worse.

Heekin suggests that the state has created a university system that, increasingly, is open only to the top students. He points out that only 12 percent of Florida's high school graduates become first-time entering first-year students in the state's universities. "Florida ranks 50th of the 50 states in that category. We're last in the country in per-student spending. We're last in diplomas granted per capita. This tells me Florida is not fulfilling its responsibility to its population."

Heekin, a 1980 graduate of the College of Law, cites the soaring costs of entitlement programs, particularly in the area of health care, as the root of the problem. Add that to an archaic tax system, he says, and you begin to see the basis of the current dilemma. Revision of the tax system is inevitable, Heekin thinks, though he doesn't know when or how the change will come. "Until that happens we're simply not going to be able to provide for our citizens at the standard they have come to

expect. I'm not necessarily advocating new taxes, but my primary concern is for our young people, and frankly, I think the state is abdicating its responsibility to them. We're shipping those who can afford it out of state to get a college education. You can guess what happens to those who can't afford it."

Heekin is afraid that a deteriorating system of higher education will hit hard at the bottom line of the state's economic future. "I'm worried that Florida's economy is becoming more and more service oriented. One of the reasons for this is the large portion of our population without a college education. This directly affects development in the state. Colleges and universities are a resource that industry looks at very closely when deciding to relocate or expand in this state. And Florida is becoming a less attractive place."

In his role as regent, Heekin is also faced with decisions that have an impact on the College of Law.

An issue that has fired up emotions and made headlines at both ends of the state involves the push for another state-supported law school. "There is a tremendous demand for space in our law schools." A driving force behind the demand, according to Heekin, is the Florida Bar's determination that minorities are underrepresented in the state's legal profession.

The state legislature helped to heat up the issue during its spring session. Separate legislative efforts proposed new law schools—one at Florida International University in Miami aimed primarily at Hispanics, the other, backed by blacks, at Florida A&M University. The tug-of-war between the two sides ended in stalemate, with legislators outside of the fray leery of getting dragged in. State University System Chancellor Charlie Reed wants to focus on educating students and not on what he considers a territorial battle. "People are looking at institutions and not at the needs of the people," Reed says.

"This obviously has become an emotional issue," admits Heekin, who suggests a "pragmatic" solution for the short term that may not include another law school. A new law school would involve an investment of as much as \$35 million for construction and start-up. "And after it's built, there's the high cost of operation," Heekin says. "I would like to work on the underrepresentation issue that the Bar has

brought up, but I would like to accomplish this with the smallest possible expenditure of funds," which he points out, the BOR is committed to by statute. "In the long run," Heekin says, "there's not much doubt we'll need a new law school."

The BOR approved a recommendation at its September 10 meeting requesting \$2.2 million from the legislature to fund 200 minority law scholarships to both public and private law schools in the state. If approved by the legislature, it will become part of the State University System's five-year plan. Chancellor Reed, who made the recommendation, suggests the scholarships will deal with the minority underrepresentation issue most quickly. "In three years, the fund would support minority students who can go into the law system. If we build a law school, it will take seven to nine years before we see minority graduates entering the legal system. This is the fastest, most efficient way to accomplish our goal."

At the same meeting, the regents decided to create a task force to study the creation of a third state law school in South Florida. The task force will report to the BOR in 1995. In the meantime, Heekin says that the BOR will keep a number of options open, including adding law school seats at the University of Florida and FSU. Another option involves "buying space" at private law schools in the state, an arrangement under which state funding would cover the difference in costs between private and public tuition.

As for the suggestion made by some in the legal profession that Florida is overloaded with lawyers and that the state should restrict, not expand, law school



**'The state should not get into the business of playing gatekeeper at our law schools.'**

admission, Heekin strongly disagrees. "The state should not get into the business of playing gatekeeper at our law schools," he maintains, suggesting the danger of the legal profession becoming the domain of a small, elite group. "I think too often it's forgotten that a law degree is also an excellent education. It can prepare graduates for a number of endeavors, just as a Ph.D. prepares people to pursue a variety of career opportunities." Heekin points out that of the six lawyers in his family, only three are practicing law.

As alumni association president, Heekin is eager to see the College get involved in the university's capital campaign, which officially kicks off in February. "I want to see the alumni play a key role in that effort. The law school has given many of us the opportunity to a make good living. We should be willing to put something back into the system."

Heekin, who has been involved in a number of fund-raising efforts, including campaigns of the University of Central Florida Foundation and the Boy Scouts, says he often feels "like a professional fundraiser. What I would like to see happen at the law school is for a much larger percentage of our graduates to give a little, even \$10 for a start." He points to the success of Clemson University's IPTAY program, which encourages large numbers of alumni to give small amounts. "You have to nurture the habit of giving. I think over the next year you'll see the alumni board getting more involved in reaching out to our alumni. This should enhance the Dean's efforts to get out on the road and meet our graduates."

In a professional life that matches his public service in intensity, Heekin is a business attorney with Lowndes, Drostick & Doster in Orlando, where he represents health care providers and manufacturing and service industry clients. He also serves as counsel for the Orlando Magic, central Florida's professional basketball team. Prior to joining Lowndes, Drostick & Doster in June 1992, he was with Holland and Knight, first in Lakeland, and after 1984 in Orlando.

His legal representation of business interests reinforces Heekin's concern that the state do a better job of providing higher education to its citizens. "There's a lot of work to be done. The future of this state depends on the kind of job we do."



# Order in the Court

**Emerson Thompson, Jr., recently appointed to the Fifth District Court of Appeals, believes that the appearance of justice is as important as its administration.**

According to Judge Emerson Thompson, in a court of law the medium is inextricably bound to the message. Appointed in March to the Fifth District Court of Appeals in Daytona Beach, the 1973 College of Law graduate is a forceful proponent of decorum in the administration of justice.

"Growing up in the black community, there was a very legitimate question about whether you would receive justice if you went to court. When you saw the judge joking with the lawyers, and when you observed an air of casualness in the courtroom, you wondered whether justice was being served."

Attorneys who took cases before him report that when Thompson was on the trial bench he was known for two things: being tough but fair, and running an orderly courtroom. "The impression that people have of the court is extremely important," he says. "It's an impression they take back with them to their friends and their community. The courtroom should be formal. It should have gravity. It should be almost like church."

In Thompson's thinking, if those entering a courtroom are treated with courtesy and respect in a formal environment, they will come away with a better regard for the justice system. "Even if things don't go their way, at least they know their case was given the consideration it deserved and that they were treated with dignity." Thompson feels that many judges and attorneys fail in their obligation to maintain an environment conducive to understanding the nature of justice, and he admits

having little tolerance for what he observes as a trend toward informality in many courts. "As a judge or lawyer, if you allow a casual atmosphere to develop in the court, you are undermining the institution." Adds Thompson, who when he was a trial judge, made a habit of holding all his hearings in the courtroom, in robes, "People don't want their cases treated casually. They expect to see real justice."

When Thompson graduated from the College of Law, he found job opportunities in the law scarce. "There weren't a lot of options, no matter how good your grades were. Solo practice and government service were the only open doors to us. Most white firms didn't even interview blacks in those days." He went to work for the state attorney's office in Orlando, pointing out that, "Actually, when I came down here, Orlando was sort of a compromise between my wife and me. I had an offer from the state attorney's office in Tallahassee, but my wife wanted to move back to Miami, where she was raised. I've been very pleased with the choice."

When Governor Reubin Askew appointed Thompson to a county judgeship in 1976, Thompson not only was one of the

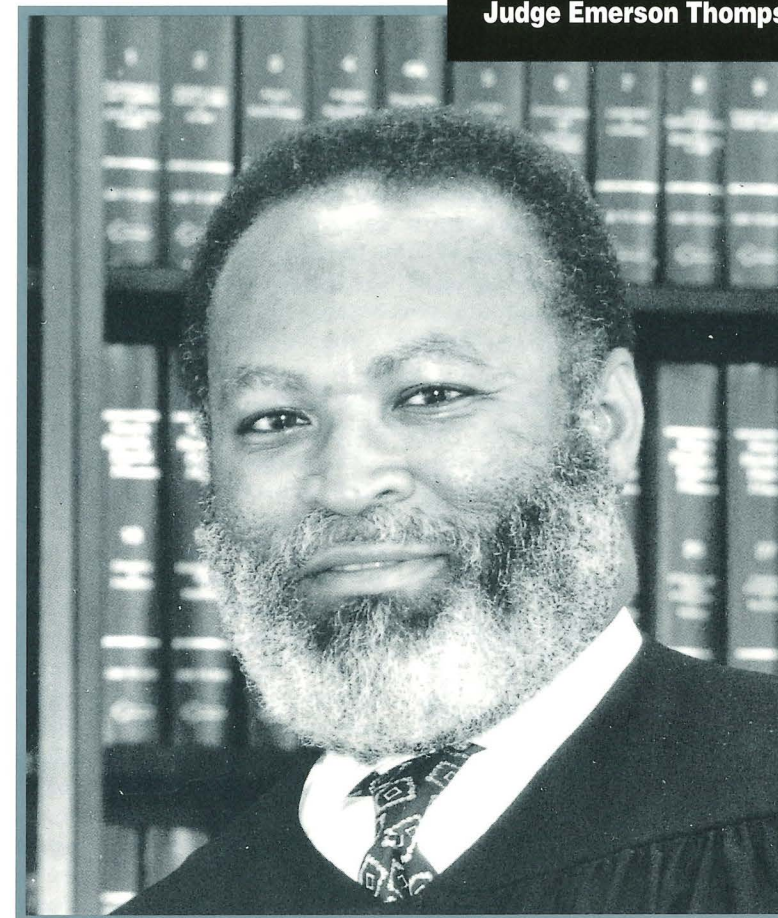
first black judges in the state, but, at 26, one of the youngest. He stood for reelection without opposition and was appointed to the circuit bench in 1980, where he was elected twice without opposition prior to his appointment to the appellate bench.

Thompson takes a student's interest in his development as a judge and doesn't mind indulging in self-criticism of his performance on the bench during the early years. He describes listening to tape recordings of county court proceedings from when he first came on the bench. "Listening to one of those tapes years later I was absolutely embarrassed. I thought, 'Oh my gosh, that can't be me.' But it was. It made me realize that I was not as kind and patient as I should have been. Looking back, I realize that my manner was partly a defense mechanism for my youth."

Over the years, Thompson has relied heavily on the opinions of friends and colleagues in his development as a judge. "Something I've always had is honest friends. I've always appreciated it when they took me aside and said, 'Can we talk?' They'd tell me what people were saying about me, how I was perceived, whether I should change my approach and behavior. I'm eternally grateful for the advice I received."

One of the greatest influences on Thomp-

Judge Emerson Thompson



*"As a judge or lawyer, if you allow a casual atmosphere to develop in the court, you are undermining the institution."*

because of the environment their parents have made for them. I was utterly powerless."

Although Thompson has seen opportunities for blacks in the legal system improve dramatically in the past 20 years, he says the pressure is still on black law students to prove themselves. He admits he holds black students to a high standard. "They have an obligation to perform well in law school—all students do—but because of the circumstances, black students should take that obligation very seriously. I often don't see the dedication to a legal education that there should be, and it makes me angry. What I want to see is a commitment to excellence within yourself and your community. You should not make excuses because of your race. You have to prepare yourself to do the best job you are capable of doing."

He feels strongly that black students should maintain a strong identity, but, at the same time, should be realistic in their expectations. "If you see yourself as a reflection of white society, then you're a shadow person. You're going to be black no matter what," he says, adding, "there is going to be racism in my lifetime and in my children's. There will be acts of racist violence. In many respects, racism is worse now than it was in the 1970s because it's so subtle and hard to detect. You can't separate yourself from that reality."

Thompson says he has been criticized for advising black students to devote more energy to academics and less to social causes. "I think it's critical that you maximize your academic standing. If you do that, you find you'll have more options once you graduate," he says, adding that he wishes he had taken law school more seriously. "The more I observe, the more I am convinced that law school is the watershed for great lawyers and good lawyers," he says. "Students have to take advantage of the opportunity that they have."

son was a man from a different world. White, traditional and elderly, Judge J.C. (Jake) Stone took an early interest in Thompson, counseling him in the art of being a judge. "I can't tell you how much he did for me," says Thompson, who remembers Stone as the quintessential Southern Gentleman. "Jake Stone could give a guy two life terms and the defendant would smile and say, 'Thank you.' I could give him probation and he'd cuss me out. He taught me a great deal about the manner of being a judge."

Thompson is still in the process of adjusting to life on the appellate bench. "The main changes for me are my body clock and the studying I have to do. Because I'm new, I have to do a lot more reading than the other judges. They've read most of this before and talk in a kind of legal shorthand that I'm still learning."

His service on the Fifth Circuit bench also prompts an observation. "It's unfortunate that trial judges can't spend some time being appellate judges and then go

back to the courtroom. It's amazing to discover the errors that judges and lawyers make. I've discovered errors I made as a trial judge. As I study cases as appellate judge, I realize I've often read the same material when I was a trial judge. But as a trial judge, you're reading from a very different perspective. I find that I missed critical points completely because they did not seem relevant to me at the time."

When you ask Thompson what are the hardest cases he has dealt with as a judge, he doesn't hesitate. "Juvenile court. Worst job I ever had. I'd rather do anything than juvenile court," he says, explaining it wasn't the delinquency cases he found difficult, but dependency cases. "I would see problems where there was literally no solution. It drove me crazy to see these precious, intelligent kids with horrible family problems. I would leave court thinking these kids are going to hell in a handbasket



## College of Law Professor Rob Atkinson looks at the dynamics



**T**aped to a section of old louvered shutters that partitions Rob Atkinson's College of Law office are postcard reproductions of 18th- and 19th-century paintings. One is Joseph Wright of Derby's *Experiment with the Air Pump*, (1768), which hangs in London's National Gallery. The image shows men, women and young girls gathered around the experimental pump, watching as a cockatoo suffocates in the bell jar. A lamp set at the base of the air pump illuminates their expressions: the horror on a teenage girl's face, her father's earnestness in explaining the experiment, and the inventor's impassioned gaze.

What Atkinson sees in the picture is a small group of friends, family and acquaintances sharing a moment of discovery. On either side, also taped to the blind, are postcard portraits of George Eliot, Thomas Carlyle, Charles Darwin, and Elizabeth-Louise Vigee-LeBrun. Like the group viewing the experiment, Atkinson considers them his friends and kindred spirits.

Friendship, its dynamics within small groups and among individuals, its influence on government, law, business, ethics and religion, is something Atkinson thinks about a lot. It is an area he feels is of enormous significance, yet has been largely neglected by modern scholarship.

Friendship is an organizing theme of a series of essays Atkinson is working on and hopes will become a book. "One of my aims is to make the point that friendship should be the central aspect of our social lives. The aim of the political culture should be to provide for the possibility of friendship, to realize the value of establishing social units between the isolated individual and society as a whole. The importance of this is ignored these days. The emphasis is on the larger society trying to make universally binding rules."

Just as he transforms the institutional demeanor of his second-floor law school office with the shutters taken from his great grandparents' house in South Carolina, an Adirondack chair and a hornet's nest, Atkinson's approach transforms the traditional representation of the law. His legal scholarship is based on undergraduate majors in history and philosophy and he scours the horizon in all directions for supporting material. Atkinson, who joined the College of Law faculty in 1987, applies his interest in friendship to his legal specialties: professional responsibility, prop-

## of friendship in society, through the ages and today.

erty, and nonprofit organizations. "Within these areas we can take the notion of friendship and apply it across a lot of normative categories. I take the position that it is not possible to find absolute moral norms out there independent of human will. For most people that means making up those norms on their own or adopting those of society. I favor a kind of middle ground where we form our values in interactions with friends and family."

**A**tkinson cherishes the latitude that legal scholarship provides. "One of the great things about writing about the law is that it is one of the last preserves of academic amateurism. The tradition of writing about the law and fill-in-the-blank is firmly entrenched. With a legal education, you are not expected to be an economist to write about law and economics. You are not expected to be a philosopher if you write about philosophy and the law. In fact, you are *expected* to write about a variety of topics. Here at the law school, Don Weidner aggressively encourages that sort of thing. I appreciate the freedom."

Atkinson suggests, however, that to be an effective legal scholar and teacher it is almost essential to be a student of other disciplines. "I think it was discovered a long time ago that if you focus narrowly on the law there isn't much there. You have to bring other experiences to it. It is no accident that many of the best minds in law end up looking outside law."

He suggests this is also true with law students, most of whom will become practicing attorneys. "If you're dealing with anti-trust issues you have to understand economics. If you argue before a jury, you have to know psychology."

Atkinson began his education with the intention of entering the Presbyterian ministry, and he built his undergraduate curriculum around the plan, graduating from Washington and Lee with a 4.0 grade point average in 1979. "The more I studied theology, though, the more I realized that being a minister did not fit my personality. At a certain point I knew I would be either an academic or a lawyer."

Atkinson says that a practical element pushed him in the direction of the law. "During my undergraduate years there was

a flood of people trying to enter the humanities as teachers. Those jobs were difficult to get. I realized that with a law degree I would have the option of teaching or practicing." Following graduation from Yale Law School, in fact, he practiced for four years in Washington, D.C.

In many respects, Atkinson's legal education was a continuation of his undergraduate interests. "I felt that law school was both a deepening and a broadening of my interest in history and philosophy. I still feel that way." Atkinson's teaching style reflects the breadth of his interests. In his property class he shows a scene from the movie "Out of Africa" in which Meryl Streep and Robert Redford are arguing about their entitlement to each other's affection. "It's quite possible," Atkinson says, "to analyze personal relationships in legalistic property terms. There's a real conflict in the characters' claims of what they can expect of each other; they are quite literally nuisances to each other. Conversely, what look like property issues are often better seen as issues of personal relations. Sometimes clients get into litigation over a property issue when what they really want is to work through a personal problem with their neighbor. A good lawyer will recognize this."

**I**n his Professional Ethics seminar, Atkinson assigns excerpts from Robert Penn Warren's *All the King's Men* that deal with political accountability, corruption and pushing the bounds of the law to accomplish a perceived moral good. "I also use selections from the Bible in both Professional Responsibility and Property to illustrate how similar issues are treated in different cultures. I think it's important to use broader reading to inform legal teaching and scholarship. Students are usually surprised to learn, for instance, that the ABA's approach to lying is far less flexible than that of the Old or New Testament."

Atkinson believes in consulting other cultures and eras to shed light on modern questions. Too often, he says, modern scholarship discounts and even ignores the past. "One of the most important responsibilities of the scholar is to communicate our culture to the next generation. I don't see that happening nearly

enough. I see too much of reinventing the wheel. Many of the questions that come up today have been dealt with before. They've come up in the Hebrew culture of the 4th century B.C. They came up in ancient Greece. It's important we recognize these things."

Atkinson suggests that much of today's scholarship is not doing its job. "Scholars of liberal arts disciplines are custodians of a tradition that is one generation away from being totally lost. I think we're closer to being lost than ever before. I see students with undergraduate degrees who have never read a Platonic dialog or a Shakespearean play. That saddens and scares me."

Although he decided against a career in the ministry, religion remains a key interest in his life, both intellectually and personally. It bothers him that much of contemporary religion has become disconnected from what he considers are the genuine concerns of the people it should serve. "Organized religion has failed to face the realities of life in the modern world. It tends to be a reflection of the past. It has become static when it should be dynamic. This is particularly true of Southern Protestantism, which ignores the creative responses of people like Carlyle and Eliot to the discoveries of Darwin and others. This has cost the churches many of their more thoughtful members but there are core notions about religion in which I deeply believe. The idea of grace is one of them."

Atkinson has developed a strong interest in Catholicism, in large part because of its implications for friendship. "Unlike Protestantism, which looks back to a fixed revelation, Catholic doctrine evolves within the believing community—a community that can be seen as a community of friends. I'm very interested in the institution of the saints," he says, noting that Catholic worshippers traditionally seek saintly assistance much as they would seek assistance from friends.

Gesturing toward the pictures taped to his office blind and a nearby bookcase, Atkinson says, "These too are my friends. I make decisions mindful of the lives of Thomas Carlyle and George Eliot and what they would think of my life. These are friendships, like those with the saints, that transcend time and death. This is the company I keep."

# The Company He Keeps

By David Morrill



# True to His Roots

By David Morrill

**Although he sits on the prestigious U.S. Court of Appeals, District of Columbia Circuit, David Sentelle is a country lawyer at heart**

When Judge David Sentelle said his final goodbyes to the College of Law in June, following a summer teaching assignment, his true colors were flying. He was in blue jeans, a red plaid shirt and cowboy boots. A white Stetson sat squarely on his head.

For a man many consider a possible future U.S. Supreme Court nominee, Sentelle's style and manner are more a reflection of his North Carolina mountain heritage than the politically charged culture of Washington D.C., where he serves on the United States Court of Appeals for the District of Columbia Circuit. His gravelly voice and penchant for short declarative sentences underscore a belief in a simple, direct approach to justice.

"I'm a trial lawyer and a trial judge at heart. I loved being a trial lawyer. I loved being a trial judge. I wish I could have done it longer. But I am very pleased to be where I am today." Five of his colleagues from the prestigious D.C. appellate court have been nominated during the past ten years to the U.S. Supreme Court; three now sit on the high court.

"Of course it is a great honor and extremely intellectually stimulating. I have to admit that I like the company."

Although he refused to offer an opinion on the appointment of colleague Ruth Bader Ginsberg to the Supreme Court, he pays her his highest professional compliment. Says Sentelle, "She identifies her issues clearly, and," he adds, "she knows where to put the period."

Although reluctant to discuss it (he won't divulge his nom de plume), Sentelle recently began a sideline career, writing mystery and detective fiction. Two stories have been published, another is being typed and he has begun work on a novel.

"I started writing fiction when I was on airplanes. There wasn't enough room to spread out my cases. Judges don't get to fly first class, you know." He enjoys the change of mental bearing fiction requires. "You use a different side of your brain than you do as a judge. It's a good balance to the legal stuff."

A story published in a leading mystery magazine last spring reveals Sentelle's un-

derstanding of both sides of the law. Two FBI agents pay a visit to a corrupt county sheriff, and, after an exchange of pleasantries, skillfully begin to build a case for his participation in a robbery and murder. The sheriff, unaware of the extent of their evidence, plays devil's advocate until he realizes the agents have him dead to rights. The clerk of the court, who drops in on the conversation as the story reaches its climax, makes the arrest.

Sentelle has picked up plenty of material during his legal career, but he says he still has a lot to learn about the craft of fiction. "I can tell this, though," he says with a chuckle, "I know what bad fiction is. I've heard plenty of it in the courtroom."

His summer stint at the College of Law, where he taught

Appellate Practice, like previous engagements at the University of North Carolina, provide him an important opportunity to observe first hand the system that trains future lawyers and jurists.

He suggests there may be serious problems with legal education. "I have to agree with my colleague (on the D.C. bench) Harry Edwards, that some of the most prestigious law schools in the country—those that set the tone for other schools—are failing to educate lawyers." Edward's article in a recent *Michigan Law Review* argued that Ivy League law schools devote too much time to theory and not enough to doctrine and practice.

"I understand that there are limits to what law schools can teach in terms of the practical, but it is essential that they teach



doctrine," Sentelle says. "Theory, in fact, seems to be replacing doctrinal teaching. I think this failure exists, to varying degrees, in many law schools."

Sentelle's fondness for the action of trial court is obvious. "I like to take a special designation back to trial court occasionally to try some cases and to keep my hand in play." He adds, "Sometimes I wish that more of my colleagues had been trial lawyers and trial judges before becoming appellate judges. I think they miss an important element of the judicial process that can only be picked up in a trial court. Obviously, some important people think otherwise," he says, referring to the fact that all of his former colleagues who have gone on to the Supreme Court—Anton Scalia, Clarence Thomas and Ginsberg—lacked trial court experience.

Sentelle will be back on the Court of Appeals bench this fall. But don't be surprised, he says, if you catch a glimpse of his cowboy boots under his robes.

## Maguire, Voorhis & Wells contributes to the moot court cause

Continuing a tradition of supporting the College of Law's moot court, the Orlando law firm of Maguire, Voorhis & Wells, has donated \$7,500 to the program. According to out-going advisor Bill VanDercreek, moot court depends heavily on contributions to cover its expenses.

College of Law graduate and partner at Maguire, Voorhis & Wells, Miranda (Randy) Franks Fitzgerald, says her firm is committed to the program. Fitzgerald, who was on the FSU moot court team that won a 1979 national labor law national championship, says, "Moot court gave me a phenomenal leg up when I graduated from law school. It taught me to work well under pressure and it taught me how to advocate. I think it's a great program and we're glad to support it."

## Change in Command

*Nat Stern replaces Bill VanDercreek at the helm of the College of Law's successful moot court program*

For the first time since 1968, the College of Law's highly successful moot court program has a new leader. Nat Stern was chosen by team members to replace Bill VanDercreek, who is stepping down as advisor after 25 years.

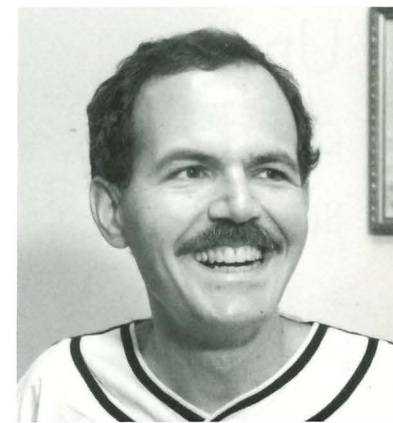
Stern is no stranger to the program. He has been a moot court coach at FSU for 12 years and was active in the Harvard moot court program when he was a law student. "I am extremely flattered and honored to be chosen by the team as their advisor," Stern said. "This is one of the most outstanding moot court programs in the country, and I hope to build on the superb foundation of Bill

VanDercreek's 25 years of stewardship."

During those years, the moot court team accumulated ten national championships, four state championships and top honors in the first state mock trial competition in 1983. Highlights of VanDercreek's tenure include back-to-back victories in the first two American Bar Association championships, in 1980 and 1981. The most recent national championship came in a 1991 insurance law competition.

In 1992 the team of Janyce Dawkins and John Bowman won the Robert Orseck Memorial Moot Court Competition at the Florida Bar's annual meeting in Orlando. Teams from all six of the state's law schools competed. In March 1993, Vicki Heuler and Greg Philo claimed victory in the Rabbi Seymour Siegel Moot Court Competition at Duke University. In the most recent Orseck Competition, this past June, the first FSU moot court team of Charles Dudley and Scott Maddox finished second, its brief being rated best overall, and second-team member Ryon McCabe was honored as the competition's Best Oralist.

VanDercreek credits strong faculty support for much of the moot court team's success, pointing out that more than 25 faculty members have served as coaches for the team over the



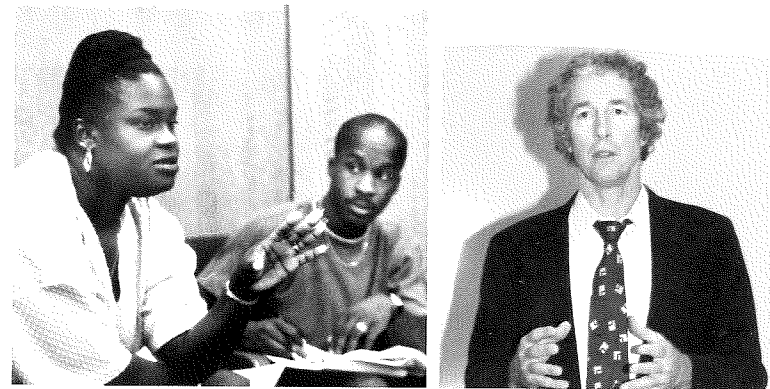
**Nat Stern (top) succeeds Bill VanDercreek as moot court advisor.**

years. He singles out the contributions of Pat Dore, the late professor of administrative law. "Her coaching skills were a major factor in our high achievement," VanDercreek says.

In his new role Stern faces the task of merging the moot court team with the student chapter of the American Trial Lawyers Association. Until now, the two teams have competed separately. Stern also faces the formidable challenge of working within a tight budget. "These constraints are going to make it difficult for us, particularly in the area of travel." But, adds Stern, "I'm looking forward to the challenge and another outstanding year."—Lucy Hamilton



## Summer Law Program for Undergraduate Students conducts its second successful session



**At left, student assistant Sharon Kalix discusses a legal point while Raymond Bryant looks on. Tommy Warren (right) was one of the program's Friday speakers.**

This past summer, like the summer before, marked a turning point in the lives of some undergraduate college students who participated in a unique program at the Florida State University College of Law.

The Summer Law Program for Undergraduate Students, aimed at minority and disadvantaged students, is an intensive one-month introduction to law school and the legal profession. Many of the twenty-eight students received scholarships for room and board to attend this year's program, which ran from June 1-25.

According to the College of Law's Associate Dean Ruth

Witherspoon, the program benefits both students and the law school. "On the one hand, we want to attract students who otherwise might not have the opportunity to consider a career in law. On the other, the law school is interested in increasing the number of qualified minority applicants by reaching minority and disadvantaged students early in their undergraduate studies," Witherspoon says. "We want to encourage these students to invest in their future by learning skills that are essential to success in law school."

Students spent Monday through Thursday mornings in the classroom with College of Law

faculty and afternoons working at Tallahassee law firms and government agencies. On Fridays students participated in mock trials and listened to a variety of speakers discuss their experiences as law students and legal practitioners.

Classroom training in the two-year-old program stressed both written and oral communication and included an intensive legal writing course. Afternoon jobs provided students with hands-on opportunities to apply classroom learning and to see the legal system in action.

The program, which is supported entirely through private contributions to the college, received major gifts this year from Tallahassee attorney Tommy Warren and the College of Law's Black Law Students Association (BLSA). Warren, who also addressed the students in the Friday afternoon speakers series, said he

was impressed by the commitment the students had shown to public service. "I encouraged them to follow careers that reflect their values and morals. Judging from the comments they made in their applications to the program, I think many of these kids will make excellent public interest lawyers."

Added Warren, "I think it's important that the law school reach out to students like these and give them the chance to find out what being a lawyer is all about. That's what this program does, and I'm happy to support it."—Amy Carson

## Public Interest Law Student Association presents four awards

The Public Interest Law Student Association (PILSA) of the College of Law (formerly Partners in Public Service) awarded \$5,500 to four students to enable them to work in the public interest over the summer.

The money was raised by law students during a spring campaign and includes a 50 percent

match from Annual Fund proceeds. Each year, PILSA supports this project to provide selected students with stipends for work with social service agencies in the Tallahassee area.

Recipients of the 1993 stipends and the agencies for which they worked were Joel Arnold, Legal Services of North Florida; Roseanne Gonzales, the Advocacy Center for Persons with Disabilities; Hadas Kohn, HRS Child Welfare Department; and Matthew Ream, Public Defender's Office, 2nd Judicial Circuit.

## Alumni are asked to play a part in helping new College of Law graduates find jobs

Alumni can play a crucial role in helping recent and future College of Law graduates find positions in a tight job market, according to Career Planning Director Barbara Robinson. "In the next few years I'll think you'll see the importance of alumni assistance in the placement process continue to increase," she says, explaining that "nonconventional strategies" are becoming the order of the day in dealing with emerging employment trends.

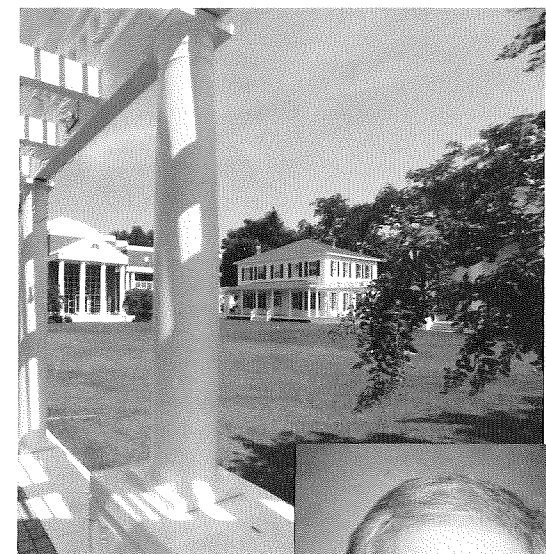
According to Robinson, law schools around the country are dealing with the job crunch by engaging alumni in a variety of roles. The University of Maryland has initiated a "Lunch with a Lawyer" program to introduce first-year students to the legal world. Students arrange lunches with alumni who have been briefed in advance by the schools regarding the kind of information and advice that is most helpful to students. The university also hosts "networking" seminars for second- and third-year students and alumni attorneys to expand the students' contact base for their job search.

At the College of Law, efforts are underway to assemble an alumni group to participate in a variety of programs, including placement, according to Dean Don Weidner. "We announced the formation of the Alumni Resource Group in the spring and are about to

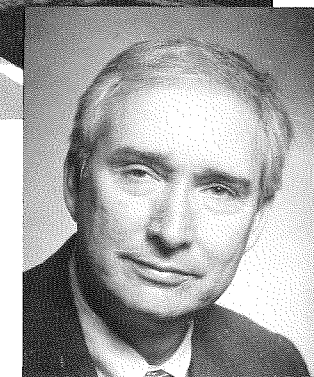
follow-through with individual mailings to each alumnus."

The need for alternative methods of placing graduates is evidenced by the drop in the number of firms interviewing on campus. In 1989, 150 firms participated in the fall interview program at the College of Law. In 1993, the number had dropped to 90. Because of belt-tightening at many firms and an increase in firm mergers, Robinson thinks it is unlikely that the overall availability of jobs will increase over the next several years. "Early planning, networking, and alumni involvement will be the key for finding jobs in the legal market," she says, adding, "What's happening here is a reflection of a national trend." The number of law school graduates looking for employment is not likely to decrease any time soon, either, according to Robinson. Florida saw 1588 students graduate from its six public and private law schools in 1993.

One way alumni can help, says Robinson, is to let her office know as soon as possible if their firms are hiring. "Unless firms call us to list positions, we have no way of knowing that jobs are open. Too often we hear, after the fact, that there were openings that our students and graduates could have applied for. If we know about the openings, we can get the word out." She explained that larger firms tend to be more consistent in informing the law school



## The Village Green is dedicated to James Harold Thompson



The College of Law's Village Green was officially renamed the James Harold Thompson Green in a ceremony October 8. The dedication included remarks by former College of Law dean Talbot "Sandy" D'Alemberte and Florida Senate President Pat Thomas.

Thompson, who graduated with the law school's 1969 charter class, is a Florida native. He was elected to the Florida House of Representatives in 1974, subsequently serving as chairman of the Judiciary Committee, the Natural Resources Committee, and the Rules and Calendar Committee. He was Speaker of the House from 1985-1986. His legislative honors include being selected the Allen Morris Most Effective Debater five consecutive years. He was elected Most Effective Member of the House in 1983 by his peers.

Thompson practiced law in Quincy from 1971 until 1991. In 1991 he joined the Tallahassee firm of Ausley, McMullen, McGehee, Carothers & Proctor.

about job openings. "It would be a tremendous benefit to students if we could get listings from small- and medium-sized firms on a regular basis as well."

Alumni interested in assisting the College of Law's Career Planning Office should call Barbara Robinson at (904) 644-4495.—Lucy Hamilton

### Employers for the Summer Law Program for Undergraduate Students

The following law firms and state and local agencies provided jobs to participants of the 1993 Summer Undergraduate Program.

The Advocacy Center for Persons with Disabilities  
Ausley, McMullen, McGehee, Carothers & Proctor  
Carlton, Fields, Ward, Emmanuel, Smith & Cutler, P.A.  
Cox & Weaver  
The Children's Advocacy Center  
Cummings, Lawrence, & Vezina, P.A.  
Florida A&M University, Office of the General Counsel  
Florida Board of Regents, Office of Human Resources  
Florida Commission on Human Relations  
Florida Department of Environmental Regulation  
Florida Department of Transportation  
Florida Legal Services  
Steve Kahn, Florida Senate Counsel  
Foley & Lardner  
Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel  
Holland & Knight  
Katz, Kutter, Haigler, Alderman, Davis & Marks, P.A.  
Legal Services of North Florida, Inc.  
Messer, Vickers, Caparelli, Emmanuel, Smith & Cutler, P.A.  
Ortel, Hoffman, Fernandez & Cole, P.A.  
Office of Statewide Prosecution  
Office of the Public Defender  
Sheldon, Cusick & Associates



## CLASS NOTES

'69

**John Wesley Frost II** has been appointed the Law School Liaison by the Board of Governors of The Florida Bar.

**James McConnaughay** of Tallahassee is a member of the Statewide Judicial Nominating Commission for Worker's Compensation Judges.

**Terrence Russell** has received the Jefferson Jackson Award from the Broward County Democratic Executive Committee in recognition of significant contributions to the Committee's programs.

'70

**William L. Colbert** is the Chair of the 18th Circuit Judicial Nominating Committee.

**Enoch Whitney**, general counsel for the Florida Department of Highway Safety and Motor Vehicles and a member of The Florida Bar Board of Governors, received the Claude Pepper Outstanding Government Lawyer Award at the Bar's 43rd Annual meeting in Orlando. He was honored for his 21 years in full-time government employment.

'71

**Paul Hill** has joined the Florida Bar's Office of General Counsel.

'72

**Allan S. Friedman** has joined the law

firm of Grover, Ciment, Stauber & Friedman, P.A. His office is located at 777 Arthur Godfrey Road, Second Floor, Miami, FL 33140-3432.

**John Marks**, Chair of the Florida Bar's Equal Opportunities in the Profession Committee, has proposed voluntary strategies to the Board of Governors to promote and hire minorities.

**Gary Pajcic** and his law partner and brother Steve Pajcic, have established a \$1 million college scholarship fund for Paxon High School students.

'73

**William W. Corry**, a partner in the firm of Parker, Skelding, Labasky and Corry, has been elected President of the Tallahassee Chapter of the Florida Association of Criminal Defense Lawyers. His offices are located at 318 North Monroe St., Tallahassee, 32304, phone (904) 222-3730.

**Judge Nancy T. Gilliam** of Pensacola was elected to the Family Court Rules Committee of the Florida Bar.

**C. Edwin Rude, Jr.** has become a partner of the Tallahassee law firm of Pennington, Wilkinson and Dunlap, P.A. His office is located at 3375 Capital Circle, N.E., Tallahassee, FL 32308, phone (904) 385-1103.

**Molly J. Tasker** is serving as chair of the Publications Review Board, Office of Public and Agency Information at the Central Intelligence Agency in Washington, D.C.

**Arthur Teele, Jr.** has been elected chairman of the Metro-Dade County Commission. He is the first African American to lead the Dade County government.

**Emerson Thompson** has been appointed to the 5th District Court of Appeals in Daytona Beach by Gov. Lawton Chiles.

**Dr. Stephen R. White**, who was an assistant state attorney with the Florida State Attorney's Office and has two master's degrees from Yale, has been honored by Appalachian State University for his outstanding teaching.

'74



**Bill Bryant, Jr.**, formerly with Foley & Lardner, has joined Katz, Cutter, Haigler, Alderman, Davis, Marks & Bryant, P.A. His office is located at 106 E. College Avenue, Suite 1200, Tallahassee, FL 32301, phone (904) 224-9634.

**Hon. George S. Reynolds III**, a Circuit Judge for Leon County, was elected to the Family Court Rules Committee of the Florida Bar.

**Chriss Walker** of Tallahassee was elected to the Family Court Rules Committee of the Florida Bar.

'75

**Drucilla E. Bell** and **Richard D. Labelle III** ('86) have formed Bell and Labelle, P.A.

**Nicholas Friedman** has formed the Friedman Law Firm located at 24th Floor, New World Tower, Miami, FL 33132, phone (305) 358-8400. He was a participant in the "Germany Today" program sponsored by the German Academic Exchange Service.

**David Maloney**, director of Cabinet affairs for Gov. Lawton Chiles, will be associate deputy administrator at the Environmental Protection Agency.

**Susan Potter Norton**, a partner in the firm of Hogg, Allen, Norton and Blue P.A., has been chosen as chairwoman-elect of the Greater Miami Chamber of Commerce. Norton will be the third woman in history to lead the Miami Chamber.

**Gerald B. Sternstein** has been appointed to co-chair the Medical Enterprise Committee by the Tallahassee Chamber of Commerce Board of Trustees.

'76

**Jeffrey Bassett** is the Managing Attorney for Kenneth B. Shellan and Associates, concentrating in the areas of bankruptcy, divorce, and criminal law. He heads the personal injury litigation department. His office is located at Shellan Law Building, 127 Park Ave. N., Renton, WA 98055, phone (206) 271-8900.

**Peter J. Fides II** was appointed to the position of vice-chair, real estate

## RECOGNITIONS

## RECOGNITIONS

section, for Maguire, Voorhis and Wells, P.A.

**Patricia Gleason** of Tallahassee is serving as general counsel to the Florida Attorney General's office.

**Michael Halpern**, the president of the Monroe County Bar Association, is an advisor to the Attorney General's Task Force on Hurricane Andrew.

**Terry Lewis** has been named Judge of the Year by the Florida Law Related Education Association.

**David K. Miller** has become a member of Broad and Cassel. His office is located at 215 S. Monroe Street, Tallahassee, FL, phone (904) 681-6810.

**William D. Slicker** was awarded the Florida Coalition Against Domestic Violence "Lighting The Way" award during the FCADV's annual conference. He was recognized for his work on behalf of battered women. He has also been awarded the Sertoman of the Year award by the Scout Sertoma Club for his outstanding community service.

**Patricia Butler Vitter** has been appointed by Gov. Lawton Chiles to the Fifth Judicial Circuit Bench.

'77

**Cliff Gibbons'** firm, The Advocacy Group, has been hired by the Council of University Presidents to lobby on behalf of the State University System of Florida.

'78

**Frank McCollough** is associated with Watt, Tieder and Hoffar, located at 7929 Westpark Dr., Suite 400, McLean, VA 22102, phone (703) 749-1000.



**Sheila M. McDevitt** has been elected vice president and assistant general counsel for TECO Energy, Inc. McDevitt joined TECO's principal subsidiary, Tampa Electric, in 1981 as governmental affairs counsel. She was elected assistant vice-president and senior corporate counsel in 1989. Her mailing address is TECO Energy, Inc., P.O. Box 111, Tampa, FL 33601-0111, phone (813) 228-4111.

**Barbara Mitchell** is chairperson of the National Commission for the Certification of Acupuncturists. Her office is located at 1424 16th Street, NW, Suite 501, Washington, D.C. 20036, phone (202) 232-1404.

'79

**Michael J. Coniglio** has been appointed Vice Chair of the Florida Bar Public Relations Committee. He is in private practice with offices in Tallahassee and Miami.

**Robert S. Cox** has been appointed to the Committee on Trust and International Law for the Transportation Research Board, a unit of the National Research Council. He is a partner with Cox & Weaver, 122 S. Calhoun Street, Tallahassee, FL 32301, phone (904) 561-1106.

**Errol H. Powell** has been elected president of the Florida Bar's Government Bar section.

**Robert Rice** is a partner with the New York based firm of Milbank, Tweed, Hadley and Mc Cloy. He is also a commissioner of the World Chess Association.



**David W. Wilcox** has been reelected Board of Directors vice-president for

MOR Music TV. The St. Petersburg-based cable television network features music videos of the world's greatest hits 24 hours a day. His offices are located at 11500 Ninth Street North, Suite 120, St. Petersburg, FL 33716, phone (813) 579-4667.

'80

**James F. Heekin, Jr.**, has become a partner with Lowndes, Drosdick, Doster, Kantor & Reed, P.A., in Orlando. His office is located at 215 North Eola Drive, P.O. Box 2809, Orlando, FL 32802, phone (407) 843-4600.

**Bruce D. Lamb** has become a shareholder with the firm Shear, Newman, Hahn, and Rosenkranz, P.A. His office is located at 201 E. Kennedy Blvd., Suite 1000, Tampa, FL 33602, phone (813) 228-8530.

**Maura T. Smith** has been sworn in as a member of the Executive Council of the Orange County Bar Association.

**Jason Vail** of Tallahassee has written *Employee/Employer Rights in Florida*, a detailed guide to Florida employment law for nonlawyers.

**Philip J. Yacucci, Jr.**, former public defender for the 19th Judicial Court, has opened an office at 200 South Indian River Drive, Suite 201, Ft. Pierce, FL 34950, phone (407) 464-1991. He will concentrate in the areas of state and federal criminal trial law.



**Nikki Ann Clark**, '77, has been appointed circuit judge on the Second Judicial Circuit by Governor Lawton Chiles. She is the first black woman appointed to the Second Circuit bench.

Clark has served as the governor's chief cabinet aide, director of legislation and policy development for the Florida Department

of Environmental Regulation and as an assistant attorney general.

In announcing the appointment, Chiles said, "Nikki is an accomplished attorney with a reputation of fairness and a record of outstanding service. I believe that both the judicial community and the community at large will benefit from her strength of character, integrity and high level of professionalism."

Chief Judge of the Second Judicial Circuit, Phil Padovano, praised Clark's appointment, and said she will be assigned to the family and criminal court division in Tallahassee. The Second Circuit includes Leon, Gadsden, Franklin, Wakulla, Liberty and Jefferson counties in north Florida.



**Kenneth E. Spahn**, '93, thinks that America's fictional characters may be getting a raw deal.

In an article entitled "The Legal Protection of Fictional Characters" appearing in the spring edition of the University of Miami's *Entertainment & Sports Law Review*, Spahn examines the inadequacies of copyright law and alternative doctrines intended to protect fictional characters.

"Although fictional characters have become an increasingly pervasive part of American culture, they still do not enjoy well-defined legal protection against infringement," Spahn writes.

"Since copyright law may not provide adequate protection for fictional characters, plaintiffs and courts must often rely on alternative doctrines, such as trademark or publicity rights, to secure protection..."

Spahn contends that the distinction in current copyright law between the expression of an idea and the idea itself "is often quite elusive." The fact that this elusiveness has been recognized by the courts, however, does not make adjudication of fictional character disputes any easier. Trademark and unfair competition, the other standard criteria for examining fictional character cases, are limited in their scope. Trademark law, for instance, deals narrowly with the identification of manufactured goods through words or symbols.

Spahn argues for a special legal category to deal with fictional character protection. "This separate category would seem appropriate, and the call for such an amendment to the Copyright Act is gaining support," he writes, "This separate category would eliminate much of the confusion and inconsistency resulting from the current lack of express character protection."



'81

**W. Riley Allen** made presentations at the National Business Institute, Inc.'s "Insurance Litigation in Florida" seminar.

**Debra L. Romanello**, formerly the general counsel to the Florida Senate Republican Office, is serving as Vice President, Government and Public Affairs, for Waste Management Incorporated South. Her new office address is 500 Cypress Creek Road West, Suite 300, Ft. Lauderdale, FL 33309, phone (305) 771-9850.

**Charles F. Williams**, who practices with the Atlanta firm of Shapiro, Fussell, Wedge & Smotherman, announces the relocation of his office to One Midtown Plaza, Suite 1200, 1360 Peachtree Street, Atlanta, GA 30309, phone (404) 870-2230.

'82

**Robert M. Ervin, Jr.** has been elected board chair of the Florida Supreme Court Historical Society.

**Robert W. Goldman** has joined Goodman, Breen, Lile, and Goldman. His office is located at 3033 Riviera Dr., Suite 106, Naples, FL 33940.

**Kelly Johnson** has become a partner in the firm of Broad and Cassel. Her office is located at First Florida Bank Tower, 215 S. Monroe Street, Tallahassee, FL 32301, phone (904) 681-6810

**James W. Peebles III**, has been appointed for a three-year term to the Board of Directors of the Community Foundation.

**Tom Spulak**, former chief aide on the House Rules Committee to the late Rep. Claude Pepper, is now lobbying for the State University System of Florida with the firm, The Advocacy Group.

'83

**Pace A. Allen, Jr.**, is general manager of the Collegiate Village Inn in Tallahassee. His address is 2121 W. Tennessee St., Tallahassee, FL 32304, phone (904) 576-6121.

**Cynthia S. Barry** announces a change of address to 3737 Manatee Ave. W., Building B, Bradenton, FL 34205, phone (813) 749-5452/5552.

**Kevin S. Doty** has become a partner in the law firm of Moss, Henderson, Van Gaasbeck, Blanton & Koval in Vero Beach. His office is located at 9817 Beachland Blvd., Vero Beach, FL 32963, phone (407) 231-1900.

**Denise Moline** is a partner at Allen, Moline and Harold, 10500 Battlevue Parkway, Suite 200, Manassas, VA 22110.

**Tommy E. Roberts, Jr.** announces the opening of his firm, Tommy E. Roberts, P.A., at 210 S. Monroe Street, Tallahassee, FL 32301, phone (904) 681-9737.

**Thomas P. Scarritt, Jr.** is serving as President of the Florida Federation Board.

**Mark Siegel** has published an article in the *Tulsa Law Journal* titled "Building with Kirby Lumber: A Critique of Related Party Debt Acquisitions." He is a law professor at the South Texas College of Law in Houston.

**Richard D. Tritschler** is now the General Counsel for Bob Crawford, the Commissioner of Agriculture for the Florida Department of Agriculture and Consumer Services. His office is located at The Capitol, Plaza Level 10, Tallahassee, FL 32399-0810, phone (904) 488-3022.

'84

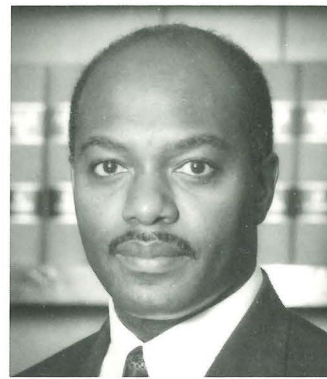
**Mark Ellis** is serving as an adjunct professor at Catholic University Law School in Washington, D.C. Ellis, who is Executive Director of the Central and Eastern European Law Institute of the American Bar Association, is teaching Investment Policies in Central and Eastern Europe.

**Mark D. Hildreth** of Sarasota has received board certification in business bankruptcy law by the American Bankruptcy Board of Certification in Washington, D.C.

**Anne L. McGihon** announces the formation of McGihon, Savage & Hillyard, P.C. in Denver. Her office is located at 1675 Broadway, Suite 2000, Denver, CO 80202, phone (303) 573-1500.

**James M. Porter** has become a full partner in the Miami office of Holland and Knight. His office is located at 701 Brickell Avenue, 30th Floor, Miami, FL, phone (305) 374-8500.

**Ron H. Weaver** announces the formation of Cox & Weaver (with Robert S. Cox '79) at 122 S. Calhoun Street, Tallahassee, FL 32301, phone (904) 561-1106.



Ron H. Weaver

'85

**Aurora Ares** has been named Vice President and Senior Associate Counsel of the John Alden Life Insurance Company. Her offices are located at 7300 Corporate Center Drive, Miami, FL 33126-1208, phone (305) 470-3966.

**John M. Alford** joined Holland and Knight's Tallahassee office as a capital investor. His office is located at 315 S. Calhoun Street, Suite 600, Tallahassee, FL 32301, phone (904) 224-7000.

**Chris Brockman** has become a shareholder in Maguire, Voorhis and Wells, P.A., Two South Orange Ave., Orlando, FL 32801, phone (407) 843-4421.

**Ian Brown** announces the relocation of his offices to Caminez, Walker and Brown, 1637 Metropolitan Blvd., Tallahassee, FL 32308, phone (904) 224-5662.

**Ralph A. DeMeo**, a shareholder with the Tallahassee law firm of Hopping Boyd Green and Sams, recieved the March of Dimes Birth Defects

Foundation 1993 National Legal Counsel of the Year Award. He recieved the award for his volunteer work for the March of Dimes in preventing birth defects in Florida.

**Carla A. Green** has been named a partner with the firm of Ausley, McMullen, McGehee, Carothers & Proctor in Tallahassee. Her address is 227 S. Calhoun Street, Tallahassee, FL 32302, phone (904) 224-9115.

**Eleanor A. Joseph**, partner with the law firm of Holland and Knight, has relocated to the Washington, D.C. office to expand her health care, administrative and legislative practice. She was previously with the firm's Tallahassee office. Her new office address is 888 17th Street, N.W., Suite 900, Washington, D.C., 20006, phone (202) 955-5550.

**David S. Oliver** has become a shareholder in the Orlando office of Carlton, Fields, Ward, Emmanuel, Smith and Cutler, P.A. His offices are located at Firststate Tower, P.O. Box 1171, Orlando, FL 32802, phone (407) 849-0300.

'86

**Gary D. Beatty** was selected Outstanding Trial Attorney for 1992 for the 18th Circuit State Attorney's Office in Brevard County. He has been an Assistant State Attorney since 1987.

**Arthur Liebling** was the guest speaker on personal injury at the Pinellas County chapter meeting of Florida

Legal Assistants.

**Terry L. McCollough** has become a partner in the firm of Holland and Knight in Orlando. His office is located at 200 S. Orange Avenue, Suite 2600, Orlando, FL 32801, phone (407) 425-8500.

**Cynthia Reed** has joined the firm of Rutherford, Minerley and Mulhall concentrating in general commercial and law and contract-related litigation. Her offices are located at 2101 Corporate Boulevard, N.W., Suited 400, Boca Raton, FL 33481-0005.

'87

**Linoria Anthony** has been appointed to the Public Employee Relations Commission by Gov. Lawton Chiles.

**Kathryn Bradley** has been appointed executive director by the Florida Association of Criminal Defense Lawyers.

**Joel R. Brown** is a partner with Tybout, Redfearn & Pell, practicing personal injury defense and insurance law. His mailing address is P.O. Box 2092, Wilmington, DE 19899, phone (302) 658-6901.

**Judge Jacqueline Griffin**, at the 5th District Court of Appeals, presided at the Bar's Bench-Bar Commission as a representative of the Conference of District Court of Appeals Judges.

**P. Tim Howard**, formerly a Florida assistant attorney general, special

counsel for the Florida State Courts Administrator's Office, and a legislative staff member for the Florida House of Representatives, was active in passage of the Health Care and Insurance Reform Act of 1993.

**Amelia Rea Maguire** has become a partner with the law firm of Holland and Knight in Miami. Her office is located at 701 Brickell Avenue, 30th Floor, Miami, FL 33101, phone (305) 374-8500.

**Ricky L. Polston** has joined the firm of Aurell, Radley, Hinkle, Thomas and Beranek of Tallahassee. His address is Suite 1000, 101 N. Monroe Street, Tallahassee, FL 32301, phone (904) 681-7766.

'88

**Matthew M. Carter II** is president and chief executive officer of Martin & Associates in Tallahassee. The company, established in 1989, sells and manages government-seized properties for the U.S. Marshal in 23 North Florida counties. Carter also serves as counsel for the Florida Turnpike Authority. His office is located at 1310 Chowkeebin Nene, Tallahassee, FL 32302.

**Eric M. Cumfer**, Assistant Public Defender, Fifteenth Judicial Circuit, has moved his office. His new address is the Criminal Justice Building, 421 3rd Street, West Palm Beach, FL 33401, phone (407) 355-7500.

**Michael K. Green** has been appointed to the planning and advisory board of University Community Hospital in Tampa.

**James D. Tittle, Jr.**, has become a partner with Beverly, Tittle & Clarfield. His office is located at 823 North Olive Avenue, West Palm Beach, FL 33401, phone (407) 655-6022. He specializes in business and commercial litigation.

**Rep. J. Alex Villalobos** has been appointed to the Republican Caucus Response Team and has been elected Vice-Chair of the Cuban Caucus of the Florida House of Representatives.

'89

**Deborah R. Jordan**, who concentrates in the area of complex white collar criminal defense, has become associated with the firm of George and Titus, P.A. The offices are located at First Union Center, 100 S. Ashley Dr.,

Ste. 2100, Tampa, FL 33601, phone (813) 273-0355.

**Chet Kaufman** has been appointed Executive Assistant to Florida Supreme Court Chief Justice Rosemary Barkett. His office is located in the Florida Supreme Court, Tallahassee, FL 32399-1925, phone (904) 488-0357.

**Jacinta M. Mathis** has become an associate of Lowndes, Drosdick, Doster, Kantor, and Reed, P.A., in Orlando. Her office is located at 215 N. Eola Drive, P.O. Box 2809, Orlando, FL 32802, phone (407) 843-4600.

**Angela M. Nixon** has become of counsel to the firm Kaplan and Bloom, P.A., with offices located at 3001 Ponce de Leon Blvd., Ste. 214, Coral Gables, 33134, phone (305) 446-8800.

**Alan Porter Woodruff** was a finalist for the Barbara Sanders Memorial Award for Legal Writing for his article titled, "Lien Stripping in Chapter 7 Bankruptcy After *Dewsnup v. Timm*." His new address is Alan P. Woodruff, P.A., P.O. Box 1046, Cape Coral, FL 33910, phone (813) 549-5551.

'90

**Maria C. Charles** has been elected to the board of directors of the Dade County Bar Association.

**David M. Corry** has become associated with the firm Rydberg, Goldstein and Bolves, P.A., located at 500 E. Kennedy Boulevard, Suite 200, Tampa, FL 33602, phone (813) 229-3900.

**Robert Downie II** represented the Big Bend Young Lawyers section at the Young Lawyers Division's 1993 Affiliate Outreach Conference on January, 1993, on Hutchinson Island.

**Rafael Gonzalez**, associated with Barrs, Williamson, Stolberg and Townsend, P.A., in Tampa, was published in the April issue of the *Florida Bar Journal*. The article is entitled "Social Security Disability Insurance Benefits: A Practitioner's Guide Through the Administrative Process."

**Christopher M. Kise**, formerly of Holland and Knight, has formed Adkins and Kise, P.A. His offices are located at Barnett Plaza, 101 East Kennedy Blvd., Suite 2175, Tampa, FL 33602, phone (813) 221-2200.

**Barbara A. Schlitt** has become associated with the firm Robin A. Lloyd, Sr. and Associates, P.A.

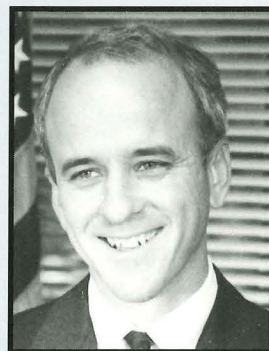


**Jim Towey**, a 1981 graduate of the College of Law, has been tapped by Governor Lawton Chiles to head up Florida's Department of Health and Rehabilitative Services (HRS). Since 1991, Towey has served as an HRS district administrator in Dade and Monroe counties.

Facing Towey is the formidable task of stabilizing and restructuring the 35,000-employee organization, the largest state department in the nation. In recent months, HRS has been

rocked by a highly-publicized computer scandal and faces ongoing criticism from social service system users, legislators and its own employees about the way it conducts business.

Towey, who also holds an accounting degree from FSU, has promised "to get into the trenches" to restore faith in the agency. Before joining HRS, Towey served as a U.S. Senatorial aide in Washington, and later as a member of Missionaries of Charity, an international organization that provides assistance to third-world countries.

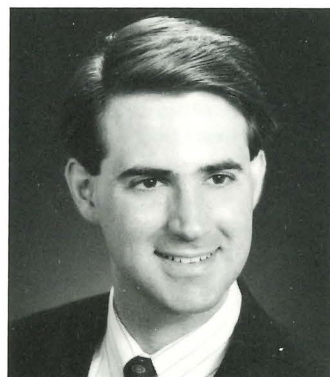




**H. B. Stivers** announces the opening of his office at 1101 S. Tamiami Trail, Suite 101, Venice, FL 34285, phone (813) 485-9757. He concentrates in the areas of family law, criminal defense and general civil trial practice.

'91

**Scott E. Gwartney** presented lectures titled "Assessing and Evaluating the Malpractice Case: Plaintiff's View" and "Florida's Medical Malpractice Procedural Technicalities: Filing Suit and Discovery" at the Medical Malpractice in Florida seminar March 3 in Tallahassee. He is associated with the firm of Conner & Associates with offices at 119 East Park Avenue, Tallahassee, FL 32301, phone (904) 681-9550.



**Dennis Hernandez's** article, "Broker-Dealer Regulation Under the New Penny Stock Disclosure Rules: An Appraisal" was published in the 1993 edition of the *Columbia Business Law Review*. Hernandez has joined the law firm of Honigman, Miller, Schwartz and Cohn in Tampa. His office is located at 2700 Landmark Centre, 401 E. Jackson Street, Tampa, FL 33602-5226, phone (813) 221-6600.

**Mark F. Peres** has joined the firm of Jenner & Block as an associate. His office is located at One IBM Plaza, 330 N. Wabash, Chicago, IL 60611, phone (312) 222-9350.

**Michelle Plante Scarritt** has joined the law firm of Gray, Harris & Robinson, P.A., in Orlando as an associate. She works in the firm's land use, environmental and public law department.

**Sally Still** has become associated with Schmidt and Pheterson, P.A. Her offices are located at 400 S. Dixie Highway, Ste. 420, Boca Raton, FL 33432, phone (407) 394-2700.

**Laurie A. Thompson** is an associate with Holland & Knight in Washington, D.C. Her office is located at 888 17th Street, NW, Suite 900, Washington, D.C. 20006, phone (202) 955-5550.

**Kenneth Wright** of Baker and Hostetler in Orlando co-chaired and spoke at "Making the Sale and Staying Out of Jail, Putting the Paper in the Pipeline, Securitizing the Stuff and Selected Emerging Club Issues," a program presented to the spring meeting of the American Bar Association's Real Property, Probate and Trust Law Section.

'92

**David P. Hartnett** has become associated with Coll Davidson Carter Smith Salter and Barkett, P.A., with offices located at 201 S. Biscane Blvd., 3200, Miami Center, Miami 33131-2312, phone (305) 373-5200.

'93



**John J. Liu** has joined Akerman, Senterfitt & Eidson, P.A., in the firm's Orlando litigation practice group. Liu is registered to practice before the U.S. Patent and Trademark Office, and is fluent in Spanish.



**In Memoriam**

**David W. Denney**, '81, Sarasota, June 1993. The David W. Denney Memorial Endowed Scholarship Fund has been established to fund a scholarship for a student from the Sarasota area.

**Dennis Gunson**, '86, Gainesville, August, 1993.

FACULTY NOTES

**Rob Atkinson's** article, "Reforming Cy Pres Reform," was published by the Yale University Institute for Social and Policy Studies. He also made a June presentation on professionalism in real estate practice at the Attorneys Title Insurance Fund Assembly in Orlando.



**Meg Baldwin's** article, "Split at the Root: Prostitution and Feminist Discourses of Law Reform," was published in the fall 1992 edition of *Yale Journal of Law and Feminism*.

**Will Murphy** has been named Director of the College of Law's Legal Writing Program.

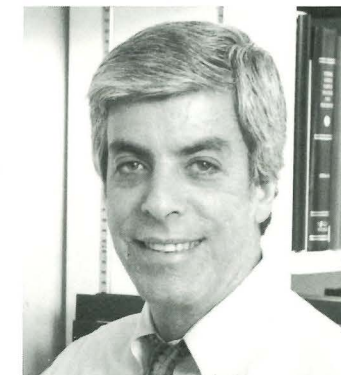
**Steve Gey** served on the teaching faculty at the Advanced College of Judicial Education, held in Orlando in May. He team-taught a course with Florida Supreme Court Chief Justice Rosemary Barkett on Federal Constitutional Law.



**Elwin Griffith** was elected to the American Law Institute at the Institute's annual meeting in May, in Washington, D.C.

**Paul Lund**, formerly a legal writing instructor at the College of Law, has accepted a position at the University of Oklahoma Law School. He will be teaching Civil Procedure and other courses.

**Steve Goldstein** and **Mack Player** served as members of the teaching faculty at a negotiation training program for legal services lawyers and paralegals held in Tampa in May.



**Steve Goldstein** spoke on the Civil Justice Reform Act at a continuing legal education program in Tallahassee in March, sponsored by the Tallahassee Women's Lawyers Association. He spoke at a Florida Bar criminal update seminar in Miami and Tampa. He also served as a member of the teaching faculty at a training conference in Nashville, Tennessee, in May, for lawyers representing death sentenced individuals in collateral post conviction proceedings. He discussed death penalty issues in May before the Capital Rotary Club in Tallahassee, and in July at a Death Penalty Seminar, also in Tallahassee. Goldstein has been appointed vice-chair of the Florida Bar Criminal Procedure Rules Committee for 1993-1994. Goldstein is also serving as Associate Dean for Academic Affairs.

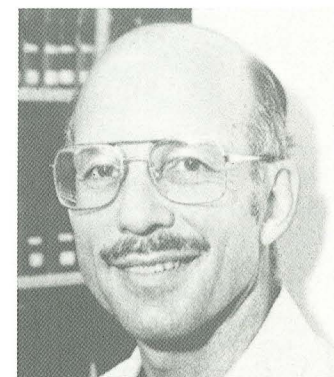
**Chuck Ehrhardt's** 1993 edition of *Florida Evidence* and a second book, *Florida Trial Objectives*, were published in April by West Publishing Company. He also testified before the Advisory Committee on Federal Rules of Civil Procedure at the U.S. Judicial Conference in Washington, D.C. In May, he spoke on recent developments in the law of evidence at a Florida Bar Criminal Law Certification Exam review course and

addressed the National Judicial College in Reno, Nevada, on the subject of "criminal evidence."

**Mary LaFrance's** review of *Producing, Financing and Distributing Film: A Comprehensive Legal and Business Guide* was published in the 1993 *Hastings Communication and Entertainment Law Journal*.



**Mack Player** presented a paper titled "Alternative Dispute Resolution in Employment Discrimination: Beyond the Gilmer Decision" at the National Conference on Labor and Employment Law, held in January in Tampa. He has been appointed to the Florida Supreme Court Standing Committee on Mediation/Arbitration training. He served as a member of an American Bar Association/American Association of Law Schools accreditation site inspection team, which reviewed the University of North Carolina's law school in February.



**Jack VanDoren** has been appointed a CEELI Consultant to the Parliament of the Republic of Moldova, former Soviet Union. During the summer he taught Comparative Constitutional Law at the National Uni-

versity Faculty of Law at Chisinau, capital of Moldova.

**Talbot "Sandy" D'Alemberte** was keynote speaker at FSU graduation ceremonies May 1.

**Nat Stern's** article "Circumventing Lax Fiduciary Standards: The Possibility of Shareholder Multi-state Class Actions for Directors' Breach of the Duty of Due Care," was published in the *University of Nebraska Law Review*.

**New faculty**

The College of Law has added six faculty members for the 1993-94 academic year, including four professors and two legal writing instructors.

**FRANK GARCIA:** International Business Transactions, International Trade and Transactional Approach to Legal Spanish

**Frank J. Garcia** teaches International Business Transactions, International Trade, and Transactional Approach to Legal Spanish.

Garcia is a 1989 graduate of the

**Esther Ladd dies in Iowa at age 91**

**Esther Ladd**, the wife of the College of Law's first Dean, **Mason Ladd**, died Thursday, August 19, in Cedar Rapids, Iowa. She was 91.

A native of Callendar, Iowa and a 1923 graduate of the University of Iowa, Mrs Ladd married **Mason Ladd** in 1924. She spent her entire life in Iowa except for the three years, 1966-1969, when her husband served as dean of the College of Law.



# The Business of Entertaining



**New College of Law faculty, clockwise, from top left: Frank Garcia, Larry Garvin, Sylvia Lazos and Lois Shepherd**

University of Michigan Law School, where he served as an instructor in the Minority Affairs Program, teaching legal analysis and research and writing skills to first-year students. He was also an associate in the Portland, Oregon, law firm of Stoel, Rives, Boley, Jones and Grey, which specializes in general corporate law, bankruptcy and commercial law, and international law.

Garcia teaches a new course, "A Transactional Approach to Legal Spanish," aimed at students who are proficient in Spanish and who plan to work with Spanish-speaking clients. According to Garcia, "The course is designed to give students a better understanding of professional, technical and legal Spanish vocabulary."

He is the author of "Protecting Non-Shareholder Interests in the Market Control: A Role for State Takeover Statutes," *University of Michigan Journal of Law Reform* (1990), and "Proposed Amendments to Rules Litigation under the Hague Conventions," *Oregon State Bar International Law Section Newsletter* (1991).

**LARRY GARVIN: Contracts and Commercial Transactions**

Larry T. Garvin teaches Contracts and Commercial Transactions.

Garvin graduated in 1991 from the Yale Law School, where he was managing editor of the *Yale Law Journal*. He holds an M.S. in Neuroscience from the University of Michigan and has completed coursework for the doctorate. He served as law clerk to the Honorable Edward N. Cahn, United States District Judge for the Eastern District of Pennsylvania. He was an associate with the law firm of Shea and Gardner, Washington, D.C., from 1990 until 1993.

Garvin originally intended to be a medical researcher with a concentration on theoretical problems in the area of neuroscience. He decided on a career in law after coming to the conclusion he was not cut out for "life in the lab." Garvin's second B.A. degree was in history, with emphasis on legal history.

He is the author of "Constitutional Limits on the Regulation of Laboratory Animal Research," *Yale Law Journal* (1988).

**SYLVIA LAZOS: Business Associations and Real Estate Transactions**

Sylvia R. Lazos teaches Business Associations and Real Estate Transactions.

Lazos is a 1986 graduate of the University of Michigan Law School, where she was the associate and a contributing editor of the *Michigan Law Review*. She is the recipient of the Jane L. Mixer Award, the Outstanding Hispanic Graduate

Award, and the Juan Tienda Scholarship. In 1985 she served as a Minority Affairs Program instructor at the University of Michigan. Since 1986, she has been an associate and a partner with the law firm of McConnell, Valdes, Kelley, Sifre, Griggs and Ruiz-Suria in San Juan, Puerto Rico, where she practiced in the areas of finance, commercial and real estate law.

Lazos's most recent publication is "Spanish Adopted as the Official Language of Puerto Rican Government," *Lex Mundi World Reports* (April 1991).

**LOIS SHEPHERD: Contracts and Health Law**

Lois L. Shepherd teaches Contracts and Health Law.

Shepherd is a 1987 graduate of the Yale Law School, where she served as Senior Editor of the *Yale Law Journal*. From 1987 until 1993, she was associated with the Charlotte, North Carolina, law firm of Robinson, Bradshaw and Hinson. She served as a panel member for the 1988 Forum on Organ and Tissue Donation: The New Legal Requirements, sponsored by the National Kidney Foundation

of North Carolina.

Shepherd's interest in health care law developed when she worked for the Institute of Government in Chapel Hill, N.C. During her affiliation with the Institute in 1991 she wrote a chapter for the book *Healthcare Facilities Law: Critical Issues for Hospitals, HMOs, and Extended Care Facilities*. The chapter deals with organ transplantation. She is also the author of "The Risk of Transfusion-Associated AIDS: Offering Patients an Active role in their Care," to be published in the *American Journal of Medical Quality*.

Legal writing instructor Donald L. Bell received his J.D. degree from Florida State in 1989. He was editor of the *Law Review* and won the faculty award for best *Law Review* article in 1989, and best litigation article in 1990.

Bell has been an associate attorney with Foley and Lardner, in Tallahassee, since graduation. His areas of practice included cable television and communications law, litigation, antitrust, unfair trade practices, and business regulation. Prior to entering law school he was

a middle school teacher in Citrus County, Florida.

He is the author of "Price Discrimination: Territorial Pricing for Cable Television Services and the Meeting Competition Defense Under the Cable Television Consumer Protection and Competition Act of 1992," *Journal of Legislation* (1993), and "The Adequate and Independent State Grounds Doctrine: Uniformity, Equality and Individual Liberty," *FSU Law Review* (1989).

Legal writing instructor Deborah Hardin Wagner, a 1983 graduate of the FSU College of Law, served as Articles and Notes Editor of the *FSU Law Review*.

Wagner was an associate with Carlton, Fields, Ward, Emmanuel, Smith & Cutler, P.A., in the firm's litigation department. She served as Legislative Assistant to U.S. Senator Christopher Dodd, and later as Assistant General Counsel to Florida Governor Bob Martinez. Since November 1989 she has been Executive Director of the Florida Supreme Court Racial and Ethnic Bias Study Commission.

She is a columnist for the *Tallahassee Democrat*.

**College of Law professor Mary LaFrance's sideline career as a movie critic and a meeting with an FSU film school director lead to the creation of a popular new course.**



**W**hen Mary LaFrance moved to Tallahassee from Washington D.C., in 1990 to teach tax law, she brought with her more than her luggage. Prior to leaving the law firm of Fried, Frank, Harris, Shriver & Jacobson, LaFrance had started a sideline career as movie and theater critic for the *Senior Beacon*, a weekly Washington-area senior citizen newspaper edited by a former colleague at the firm. When she moved south, she planned to continue writing movie reviews.

LaFrance quickly ran into a problem, however. As it turned out, in trying to solve the problem she faced in pursuing her avocation long-distance, one of the university's most popular new courses was created. "When I had lived in D.C. I had counted on the studio press releases for background material. When I got here, I couldn't get them anymore." Looking for help, she arranged a meeting with Peter Stowell, undergraduate program director at the FSU School of

Motion Picture, Television and Recording Arts, and movie reviewer for a Tallahassee radio station. Unfortunately, Stowell

*"The material we cover in the course looks at the film business as a series of transactions. What we try to do is cover topics in the order they would be addressed in the industry if we were putting together a deal."*

did not have access to the press releases either, but, according to LaFrance, "we had a good talk and he mentioned that the film program was interested in establishing a

course in entertainment business and law."

As LaFrance puts it, "Things evolved from there." What evolved, according to Stowell, has turned into one of the most popular courses at both the film and law schools.

After a trial run as a law-students-only course in 1991, Film Law and Finance was opened to film school seniors in the fall of 1992. Because she pairs law and film students for some of the classes' projects, she keeps a 50-50 balance between students from the two programs. LaFrance has structured the course using a practical, hands-on approach. "The material we cover in the course looks at the film business as a



series of transactions. What we try to do is cover topics in the order they would be addressed in the industry if we were putting together a deal." The one exception to the sequential approach is financing. "We work on it at the end, although you would typically deal with it at the beginning of a project. Financing is such a complex area that you have to understand all the other aspects of the business first."

Stowell sees the course as an essential addition to the film school's curriculum. "In our program, we're able to teach the basic skills about the film business—loading a camera, writing scripts, and setting up a shot. But this is only part of the process. Without a solid knowledge of law and business, our graduates are in danger of being taken advantage of. Film is both an art and a business. It is vital for students to understand both sides of it." According to Stowell, the success of the course is due as much to the engaging manner of LaFrance's teaching style as to the importance of the subject. "She brings a wonderful mix of casualness and hard information to the classroom. She puts the students at ease and, consequently, they learn a lot."

LaFrance had some hesitation at first about mixing law and film students but says it has worked quite well. One of her concerns, that the law students might intimidate the film students, has been laid to rest. "The film students hold their own. I've been impressed with them."

LaFrance's interest in film and theater goes back to her childhood, when she began writing plays. While she was an undergraduate English student at Bryn Mawr, one of her plays (a satire about a mushroom that grew in the backyard of an advertising executive and eventually eats everyone) was produced in Washington, D.C.'s Source Theater. Although she's not writing plays these days, she hopes to return to the craft in the future.

Even before doing summer internships at entertainment firms in Texas and California while she was a law student at Duke, LaFrance decided she did not want to be an entertainment lawyer. "I've always had my eye on an academic career. I like being exposed to the issues

of entertainment law but the lifestyle of an entertainment lawyer doesn't appeal to me," she says, adding, "I like the niche I'm in right now. It's a nice way of combining artistic and practical components. To approach things from an academic standpoint allows me to focus on whatever interests me most at a given time. And I've always enjoyed research."

Despite her impressive credentials and interests in the aesthetics of the entertainment industry, her professional focus is on business. Tax law, her primary specialty, remains the center of LaFrance's scholarly work at the College of Law.

She has just completed an article on constitutional issues raised by tax systems such as those in California and Florida

*"Without a solid knowledge of law and business, our graduates are in danger of being taken advantage of. Film is both an art and a business. It is vital for students to understand both sides of it."*

—Peter Stowell

that base real estate assessments on purchase price instead of market value. "The Supreme Court has said that California's system does not violate equal protection, but it has yet to address such issues as the right to travel or interstate commerce. The paper I wrote looks at all three of these issues. The problem is that later buyers of real estate may be subsidizing earlier buyers. The court did uphold California's Proposition 13, but it was a minimal scrutiny. If the court hears arguments based on right to travel or interstate commerce, there would be a more demanding test."

LaFrance suggests Florida's tax system is in need of major renovation. "Years ago, before I down here, I read that Florida was facing a fiscal crisis. Now, each year when

the state budget comes up in the legislature, everyone acts like it's a big surprise that there isn't enough money to go around. I'm not suggesting we need more taxes, —I agree there's a lot of waste in government and the answer isn't necessarily to raise taxes—but we need to take a hard look at who is paying the taxes. The tax base needs to be a rational one. At this point it's obvious that the system does not reward long-term vision."

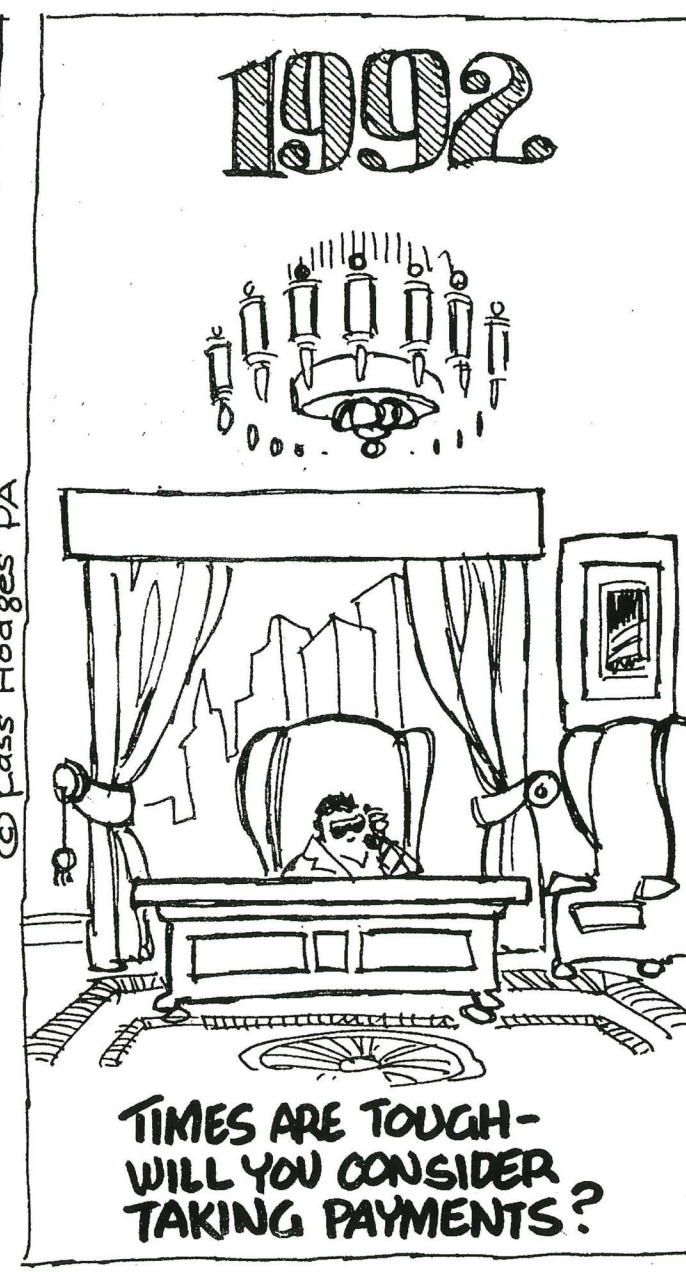
At the heart of LaFrance's philosophy, both as teacher and critic, is a desire to develop informed consumers. "A ticket to a play at the Kennedy Center might be \$40, and I felt very strongly that the public needed to have a clear sense of what it was they were being asked to pay for. I offered my artistic judgments, of course, about what worked and didn't in the play, but beyond that I wanted the readers to decide whether they wanted to go based on solid information. Was this the kind of play they would really enjoy seeing? As a critic, it can be difficult to take that approach because critics often get in free. I had to ask myself, how would I feel if I were paying \$40 for this?" She adds, "I've always been upset when I've gone to a movie and it's far more violent than I was led to believe. I think the critic has a responsibility to the reader to provide that information—beyond simply passing judgement about the film's artistic merits."

LaFrance applies a similar standard to teaching. "The law professors I admired most when I was a student were the ones who came to class well prepared. I appreciated their sense of responsibility to make their classroom time useful to the students," she says, adding, "They may not have been the most entertaining or interactive professors, but they were the ones I learned the most from."

"As a teacher, I have an obligation to go into class each day as well prepared as I can be." To do that LaFrance expects to spend two to three times as many hours than her students in preparation. "What requires the most preparation time, oddly enough, are the less structured classes," she says. "I spend more time getting ready for my copyright seminar than for any other class. The discussion may go off on a tangent and I have to be prepared to follow it. Spontaneity takes a lot of work."

# Legal Literati

In recognition of the creative spirit of College of Law students, alumni and faculty, FSU Law initiates *Legal Literati*, a feature that will appear as the muse dictates. Send us your short fiction (1100 words maximum), verse and illustration. John M. Hodges '70, a partner with Kass Hodges, P.A., in Sarasota, and Dean Don Weidner have agreed to go first.



© Kass Hodges PA

John Hodges uses his artistic talents to entertain clients, and, as he puts it, to "lighten the depressing and adversarial world of collection/creditor's rights."



# The fine art of chess



One November night, my mother, father, sister, grandfather and I sat up very late to listen to radio reports slowly build to the conclusion that General Eisenhower had that day been chosen our next president. The night is memorable not for any political surprises, but for the role radios were to play in our family from then on.

The radio that unfolded the General's victory for us that evening was a handsome Philco in a large streamlined wooden cabinet. It sported an impressive collection of dials, buttons and switches. It was assigned to a place of honor in our living room, next to the sofa, and on special nights such as this was the only source of illumination in the room. The walls and ceiling came alive with the various rays of light that shone from behind the machine's dials, knobs and illuminated lettering. The room grew closer around us and it. The Philco and the atmosphere it created were so fascinating that on occasion we were powerless to leave its side. That evening, after the verdict was in on the General, we switched bands and monitored England on the short-wave.

Reception that entire night had been disturbed slightly

by a persistent, high-pitched whistle. The presence of this flaw in our magnificent machine, coupled with nightmares about the likely amount of a repair bill, drove my father, a man not generally inclined to puttering, to undertake to remove the imperfection himself. The radio never worked again. The result of this noble attempt at economy had been firmly predicted by my grandfather, my mother's father. His existence, particularly during his visits to our house every Saturday, was devoted in no insubstantial part to an attempt to get the best of my father. The Philco was his first great victory. That magnificent device was replaced by an unattractive, grey plastic General Electric AM table model, of my father's choosing, that was assigned, not to the living room, but to the top of the refrigerator in the kitchen. Little was made of its arrival. Within a month it became clear that the GE would function only when resting upside-down. On Saturday afternoons, my father would stand in the kitchen, resting his arms on the top of the refrigerator, listening to the Giants. My grandfather would sit a few feet away, nursing a quart of Rheingold beer, and silently preside over the spec-

BY DONALD J. WEIDNER

tacle. Occasionally he would catch someone's eye and direct it with a smile and an upward nod of his head to my father and the crackling G.E., which had not one light, not one scrap of wood. When its speaker weakly brought forth news of a Giant defeat, my grandfather beamed.

The alleged invention for pleasure that turned to my torment is the game of chess. My first contact with the game was when I was in grammar school. John Millus, who lived down the block, had been taught some of the tricks of the chess trade by an older brother, soon to become a Jesuit, and undertook to abuse me with them. He first caught me in one of my moments of greatest abandon, just after I had burned a model airplane in lighter fluid, seduced me into a game, and brought me to humiliating defeat. For some reason I have never been able to understand, chess enthusiasts have always had we, the uninitiated, convinced that defeat at the game is humiliating, even if it is of the inexperienced at the hand of the well-versed.

Having thus had my psyche badly bruised at the tender age of twelve, I refused to approach the game until my early thirties. My wife of four months and I rented a vacation home that had a chessboard located in the center of the living room. After she mentioned that she had played only once before, I boldly suggested we give it a try. We did, and within a matter of hours I had again experienced humiliating defeat. Foolishly, I persisted. I would sneak into the bathroom with a book on chess that had been left by the owner of the house and attempt to garner some notion of strategy I would use to persuade my new bride that I was a man of no

small accomplishment. All to no avail. More defeats. To make matters worse, my wife became fond of the game.

Quite by accident, I found a way to improve my game dramatically. One night I was perusing the offerings in the bargain basement of a large Cleveland department store and heard a voice call to me. It was the Black King of a set that had been left unpurchased, even after it had been offered at a substantial discount at a January clearance sale. His Majesty required a cigarette. All I had to offer was one of the low-tar variety, but he was very grateful. Conversation revealed that he and his subjects were going stir-crazy. They had been languishing on the shelf for three months, and were covered with dirt and oil from the hands of many who thought they should indicate at least some interest in the Noble Game. His Majesty was particularly concerned that Her Highness had grown quite shrill in her protests, especially about the glare of the fluorescent lights and the odor of the linoleum floors. His own Rook had been driven half-mad by the "Bong-bing-bong-bong" of the department store autocall. Black and White were similarly dissatisfied. After the King grubbed his second cigarette, I raised my predicament. Discussion was then had among the pieces, and the King was authorized to negotiate.

The solution has thus far proven quite satisfactory to all concerned. I play chess with my pieces, who let me know what moves to make by a variety of grimaces, whispers, winks and nods. I, in turn, keep them supplied with cigarettes, records, magazines and intoxicants, and make monthly contributions to a modest retirement fund. I enjoy the game enormously.



# ANNUAL REPORT

**The 1992-93 Annual Report of the Florida State University College of Law includes all gifts received during the fiscal year that began July 1, 1992, and ended June 30, 1993. Gifts received after June 30 are reported on page 40 under the heading 1993-94 Gifts. These gifts will be included in the 1993-94 Annual Report, published in September, 1994.**

## SUMMARY OF CONTRIBUTIONS

<b>Annual Fund</b>	<b>\$ 98,218.00</b>
<b>Book Awards</b>	<b>\$ 57,150.00</b>
<b>Restricted Giving</b>	<b>\$255,272.00</b>
<b>TOTAL PRIVATE FUNDING</b>	<b>\$410,640.00</b>

## ANNUAL REPORT

### Annual Report Briefs

#### PATRICIA DORE ENDOWED PROFESSORSHIP

Initiated by the Administrative Law Section of the Florida Bar, this professorship honors Pat Dore, who served on the law school faculty from 1970 until her death in January, 1992. Dore was a widely known and highly respected expert on Florida administrative law. In 1978 she served as a consultant to the Constitutional Revision Commission, drafting Section 23, Article I, commonly known as the "privacy amendment." She also played a key role in the development and enactment of the state's Administrative Procedures Act. Dore was active in the Administrative Law Section of the Florida Bar, and their annual conference has been renamed the Patricia Ann Dore Memorial Administrative Law Conference in her honor.

Once fully funded, the professorship will be awarded to a faculty member teaching and conducting research in the area of Florida Administrative Law. Contributions thus far total \$23,086 and have primarily been solicited from all alumni and friends of the law school, but particularly from those who practice administrative law. A concerted effort to fully fund the endowment by April 1994,

the month when Professor Dore would have celebrated her 50th birthday, is being coordinated by Vivian Garfein ('82), Paul Jess ('82) and George Sheldon ('79). Questions regarding this endowment may be directed to Ms. Garfein at (904) 488-9730, Mr. Jess at (904) 224-9403 or Mr. Sheldon at (904) 222-5620.

#### TALLAHASSEE ALUMNI TO ENDOW PROFESSORSHIP

Contributions are being solicited from law school alumni living in Leon County to create the Tallahassee Alumni Endowed Professorship. The interest ultimately earned on the endowment will be used to provide a salary supplement for an outstanding faculty member and help defray costs such as those incurred in travel to professional meetings and in the hiring of student assistants. The faculty member designated the Tallahassee Alumni Professor will be selected by the dean and will likely be a faculty member whose salary is significantly below the national average for faculty members of comparable rank at peer institutions. Neil Butler ('75) reports that commitments of \$40,000 have been obtained, and it is hoped that the \$100,000 endowment will be fully funded by fall 1994. Those wishing to join in this effort may contact Mr. Butler at (904) 222-6969.

#### THE WILLIAM VANDERCREEK ENDOWED PROFESSORSHIP

This project is coordinated by Ken Connor ('72) to

honor Professor William VanDercreek, who is currently in phased retirement. Fundraising efforts are being focused on alumni who participated in moot court, and current donations total \$6,500. Questions regarding this endowment may be directed to Ken Connor at (904) 681-9550.

#### MASON LADD ENDOWED PROFESSORSHIP IN EVIDENCE

Inaugurated by the charter class, this endeavor has been expanded beyond alumni who graduated in the law school's first four classes to include all those who wish to establish a living memorial to Mason Ladd. Chuck Ehrhardt has already been named the Ladd Professor of Evidence and receives financial support through this professorship. Those coordinating this endowment are Doug Stowell ('69), Wayne Hogan ('72), and Gary Pajcic ('72).

#### JOHN W. FROST II PLEDGES AN ENDOWED PROFESSORSHIP

John W. Frost II, of Bartow, has pledged an endowed professorship to the College of Law. Frost, a graduate of the 1969 charter class, will contribute \$100,000 to FSU over the next five years to establish the professorship. The university will seek state matching funds to bring the total endowment to \$150,000. Frost, who served on the law school's first moot court team, is a partner in the firm of Frost & O'Toole. He practices plaintiffs personal injury and commercial trial litigation.

#### TOMMY WARREN MAKES GIFT TO SUMMER UNDERGRADUATE PROGRAM

Tallahassee attorney Tommy Warren has made a \$10,000 gift to the College of Law's Summer Program for Undergraduates. The program is designed to encourage qualified minority students to enter the legal profession. Warren, who spoke to participants in this year's four-week summer orientation session, urged the students to pursue "their values and morals." He added, "I think many of these kids will make excellent public interest lawyers." For more information about the Summer Program for Undergraduates, contact Associate Dean Ruth Witherspoon at (904) 644-7338.

#### THE BOOK AWARDS PROGRAM

The College of Law's Book Awards program provides a valuable source of discretionary funds for a variety of critical law school needs. In addition to helping to fund direct payments to deserving students, book awards moneys are used for such functions as student and alumni receptions and reunions.

The program enables an individual or law firm to sponsor a specific law course by making an annual contribution of at least \$1,000 for each of three years. Book awards are fully tax deductible, and payments can be made on a schedule convenient to the sponsor. For more information about the Book Awards program, contact Dean Don Weidner at (904) 644-3071.



# 1992- 1993

## BOOK AWARDS & SPONSORED COURSES

### Level One: \$5000

Foley & Lardner - Insurance

### Level Two: \$3000

Ausley, McMullen, McGehee,  
Carothers & Proctor - Evidence  
Frost & O'Toole, P.A. - Evidence  
Kerrigan, Estess, Rankin & McLeod -  
Criminal Law and Procedure  
McConaughay, Roland, Maida,  
Cherr & McCraigne, P.A. -  
Workers Compensation  
Ruden, Barnett, McClosky, Smith,  
Schuster & Russell - Property

### Level Three: \$2000

Chris Cadenhead - Criminal Law  
and Procedure  
Cobb, Cole & Bell - State  
Constitutional Law  
Mr. & Mrs. C. David Fonvielle -  
International Law  
Frank Hamilton and Associates -  
Labor Law  
J. William Kirkland, P.A. - Torts  
McFarlane Ferguson - Environmental  
Litigation  
Rumberger, Kirk & Caldwell - Law  
Review Top Trial Practice Article  
Tom & Julie Thornton - Torts  
Peter & Michelle Weidner - Agency  
and Partnership  
Young, Van Assenderp, Varnadoe &  
Benton - Florida Administrative  
Practice

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 Class Representative:  
 Lyman T. Fletcher

*Number in Class: 95*  
*Number of Donors: 6*  
*Participation: 6%*  
*Total Gifts: \$2566.00*  
*Average Gift: \$427.67*

**Class of 1970**  
 Class Representative:  
 James R. Meyer

*Number in Class: 94*  
*Number of Donors: 10*  
*Participation: 11%*  
*Total Gifts: \$1703.00*  
*Average Gift: \$170.30*

**Class of 1971**  
 Class Representatives:  
 Lee Willis II  
 Tom Pelham

*Number in Class: 84*  
*Number of Donors: 15*  
*Participation: 18%*  
*Total Gifts: \$4633.50*  
*Average Gift: \$308.90*

**Class of 1972**  
 Class Representatives:  
 Roy Kinsey  
 George Varnadoe

*Number in Class: 143*  
*Number of Donors: 18*  
*Participation: 13%*  
*Total Gifts: \$2610.00*  
*Average Gift: \$145.00*

**Class of 1973**  
 Class Representatives:  
 William W. Corry  
 Harold M. Knowles

*Number in Class: 157*  
*Number of Donors: 17*  
*Participation: 11%*  
*Total Gifts: \$2944.06*  
*Average Gift: \$173.18*

**Class of 1974**  
 Class Representative:  
 George E. Tragos

*Number in Class: 174*  
*Number of Donors: 19*  
*Participation: 11%*  
*Total Gifts: \$3176.98*  
*Average Gift: \$167.21*

**Class of 1975**  
 Class Representatives:  
 John Cooper  
 Chad J. Motes  
 Thomas Burke

*Number in Class: 168*  
*Number of Donors: 31*  
*Participation: 18%*  
*Total Gifts: \$5797.50*  
*Average Gift: \$187.02*

**Class of 1976**  
 Class Representatives:  
 Lawrence Curtin  
 Bob Weiss

*Number in Class: 134*  
*Number of Donors: 24*  
*Participation: 18%*  
*Total Gifts: \$5530.00*  
*Average Gift: \$230.42*

**Class of 1977**  
 Class Representatives:  
 Edwin Krieger  
 Bruce Minnick

*Number in Class: 158*  
*Number of Donors: 29*  
*Participation: 18%*  
*Total Gifts: \$4300.00*  
*Average Gift: \$148.28*

**Class of 1978**  
 Class Representative:  
 Fred McCormack

*Number in Class: 157*  
*Number of Donors: 27*  
*Participation: 17%*  
*Total Gifts: \$4863.50*  
*Average Gift: \$180.13*

**Class of 1979**  
 Class Representatives:  
 Charles Early  
 Van Geeker

*Number in Class: 170*  
*Number of Donors: 34*  
*Participation: 20%*  
*Total Gifts: \$5176.48*  
*Average Gift: \$152.25*

**Class of 1980**  
 Class Representatives:  
 Jim Heekin  
 Lawrence Bush

*Number in Class: 176*  
*Number of Donors: 7*  
*Participation: 4%*  
*Total Gifts: \$847.50*  
*Average Gift: \$121.07*

**Class of 1981**  
 Class Representatives:  
 Sarah Mayer  
 Michael Cherniga

*Number in Class: 190*  
*Number of Donors: 22*  
*Participation: 12%*  
*Total Gifts: \$2730.00*  
*Average Gift: \$124.09*

**Class of 1982**  
 Class Representative:  
 Steve Fredrickson

*Number in Class: 156*  
*Number of Donors: 22*  
*Participation: 14%*  
*Total Gifts: \$3000.00*  
*Average Gift: \$136.36*

**Class of 1983**  
 Class Representatives:  
 Chris Cadenhead  
 Kevin Doty  
 Doug Spears

*Number in Class: 197*  
*Number of Donors: 18*  
*Participation: 9%*  
*Total Gifts: \$2945.00*  
*Average Gift: \$163.61*

**Class of 1984**  
 Class Representatives:  
 Joshua Whitman  
 Steve Ponder

*Number in Class: 197*  
*Number of Donors: 24*  
*Participation: 12%*  
*Total Gifts: \$2996.00*  
*Average Gift: \$124.83*

**Class of 1985**  
 Class Representatives:  
 Carlos Diez-Arguelles  
 Samuel P. King  
 Robert Fingar

*Number in Class: 196*  
*Number of Donors: 27*  
*Participation: 14%*  
*Total Gifts: \$3108.50*  
*Average Gift: \$115.13*

**Class of 1986**  
 Class Representatives:  
 Frank Sanchez  
 Robert Clarke

*Number in Class: 213*  
*Number of Donors: 29*  
*Participation: 14%*  
*Total Gifts: \$2482.00*  
*Average Gift: \$85.59*

**Class of 1987**  
 Class Representative:  
 Lansing Scriven

*Number in Class: 172*  
*Number of Donors: 15*  
*Participation: 9%*  
*Total Gifts: \$1340.00*  
*Average Gift: \$89.33*

**Class of 1988**  
 Class Representative:  
 Dave Jeffries

*Number in Class: 170*  
*Number of Donors: 24*  
*Participation: 14%*  
*Total Gifts: \$1878.50*  
*Average Gift: \$78.27*

**Class of 1989**  
 Class Representatives:  
 Mary Casteel  
 Art Lester

*Number in Class: 163*  
*Number of Donors: 18*  
*Participation: 11%*  
*Total Gifts: \$1240.00*  
*Average Gift: \$68.89*

**Class of 1990**  
 Class Representatives:  
 John T. Lavia  
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 Chris Kise

*Number in Class: 171*  
*Number of Donors: 13*  
*Participation: 8%*  
*Total Gifts: \$524.90*  
*Average Gift: \$40.38*

**Class of 1991**  
 Class Representatives:  
 Andy Solis  
 Ramon de la Cabada  
 Tim Center

*Number in Class: 247*  
*Number of Donors: 21*  
*Participation: 9%*  
*Total Gifts: \$1082.00*  
*Average Gift: \$51.55*

**Class of 1992**  
 Class Representatives:  
 George Fernandez  
 Fred Jorgenson  
 Steve Cohen

*Number in Class: 169*  
*Number of Donors: 21*  
*Participation: 12%*  
*Total Gifts: \$1092.00*  
*Average Gift: \$52.02*



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## Don't miss the 1993 College of Law's Alumni Weekend, November 19-20!

### The Schedule

#### Friday, November 19

8:30-	Open House at the College of Law
Noon	Mason Ladd Professorship Appreciation Luncheon D'Alemberte Rotunda
2:45—4:00	Athletic Facilities Tour (football team locker rooms, weight room, study hall, training facility, etc.) Departs from D'Alemberte Rotunda at 2:45
4:30—5:30	Alumni Association Board of Directors Meeting D'Alemberte Rotunda
6:30—	Cookout at the home of Don and Jiji Weidner Informal cookout, all alums and children welcome

#### Saturday, November 20

8:30—10:00	Informal Breakfast Center for Professional Development
Noon	Game Time! FSU vs. N.C. State
Post Game	Class of 1987 Reunion Keg (all alums welcome) Thompson Green