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Winter 1993

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*Jacksonville: the city's College of Law alumni show a deep loyalty to their community.*

**FSULAW**

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COLLEGE OF LAW  
TALLAHASSEE, FL 32306-1034

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# FSULAW

THE MAGAZINE OF THE FLORIDA STATE UNIVERSITY COLLEGE OF LAW



## LEGISLATURE

*College of Law alumni say it's time for a change*

## JACKSONVILLE

*Roots run deep for city's attorneys*

**College of Law Alumni, Senators Curt Kiser and Ken Jenne**



## Dean's Letter

### A Special Gift

I am delighted to begin this column with one of the best pieces of news in the history of our College of Law. John W. Frost, II, Class of 1969, has pledged to contribute \$100,000 to endow a Professorship at the College of Law. Never in the history of our school has an alumnus made a gift of this magnitude.

John, who practices law with Frost & O'Toole in Bartow, Florida, is a Board Certified trial lawyer who specializes in plaintiff's personal injury and commercial litigation. John is almost shy about the wonderful gift he has made. He says simply that he wants to express his appreciation to the law school for making possible his entry into a profession that he dearly loves. We shall be forever in his debt.

John's gift will help the College of Law recruit and retain an outstanding faculty. We are striving to be a faculty that is regionally and nationally recognized for its excellence, thereby better serving our primary obligation to serve our students and the State of Florida. In the pages that follow, our alumni serving in the Legislature, Republicans and Democrats, make clear that health care is a major issue for them and for the state. I am delighted to report that we have just hired a new faculty member, Lois Shepherd, whose special area of interest is Health Care Law. A *Phi Beta Kappa* graduate in History of the University of North Carolina at Chapel Hill, Lois graduated from Yale Law School in 1987, after having served as Senior Editor of the *Yale Law Journal*. Lois is completing six years of practice with Robinson, Bradshaw & Hinson in Charlotte, N.C., and has already begun her scholarly productivity in the health care law area.

The faculty have also heard the message from our alums and our present students that we must add program depth in our international offerings. I am delighted to report that the faculty have just voted to make the *Journal of Transnational Law and Policy* a permanent student-run scholarly journal at the College of Law. Special thanks for the new *Journal* goes to Charlie Harris, Scott Bortz and the many other students who worked so hard to get this new magazine off the ground. Students



who follow them will have a richer program because of them and for the further reason that we are hiring additional faculty in the international area.

I am delighted to report that we have just hired Frank Garcia, who will bring to FSU new courses in International Trade and International Business Transactions.

Frank is an Honors graduate in Religion of Reed College and a *cum laude* graduate of the University of Michigan Law School, where he began to concentrate on international law issues. For the past several years, Frank has practiced with Stoel, Rives, Boley, Jones & Grey in Portland, Oregon. Frank has already begun his scholarly efforts in the international area and is looking forward to helping us in our efforts to fill the Edward Ball Chair in International Law, funding from which made the *Transnational Journal* possible. Last semester's occupant of the Ball Chair, Professor Richard Lillich of the University of Virginia Law School, was an honor and pleasure to have with us. Special thanks once again go to Fred Baggett and the Honorable B.K. Roberts for their efforts to support our increasing presence in the international arena. Thanks, too, to Sandy D'Alemberte for helping to press for additional funding for the Caribbean Law Institute.

Finally, I'd like to thank all our wonderful Jacksonville alums who took the time to meet with me, to attend our law school alumni reception, and to work with David Morrill to put together the Jacksonville focus of this issue. It was in part the enthusiasm of our Jacksonville alums that caused us to establish the Alumni Resource Group. If you are interested in becoming more actively involved in the life of the law school, please fill out the coupon form on page 30 and send it in. We'd love to have your help!

Thank you all.

DONALD J. WEIDNER, DEAN, COLLEGE OF LAW



About the Cover: College of Law graduates, Senators Curt Kiser and Ken Jenne head an eight-member alumni legislative contingent, including three newly elected Representatives. Photo by Ray Stanyard.

THE MAGAZINE OF THE FLORIDA STATE UNIVERSITY COLLEGE OF LAW

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W I N T E R / 1 9 9 3

# FSU LAW

THE MAGAZINE OF  
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## FEATURES

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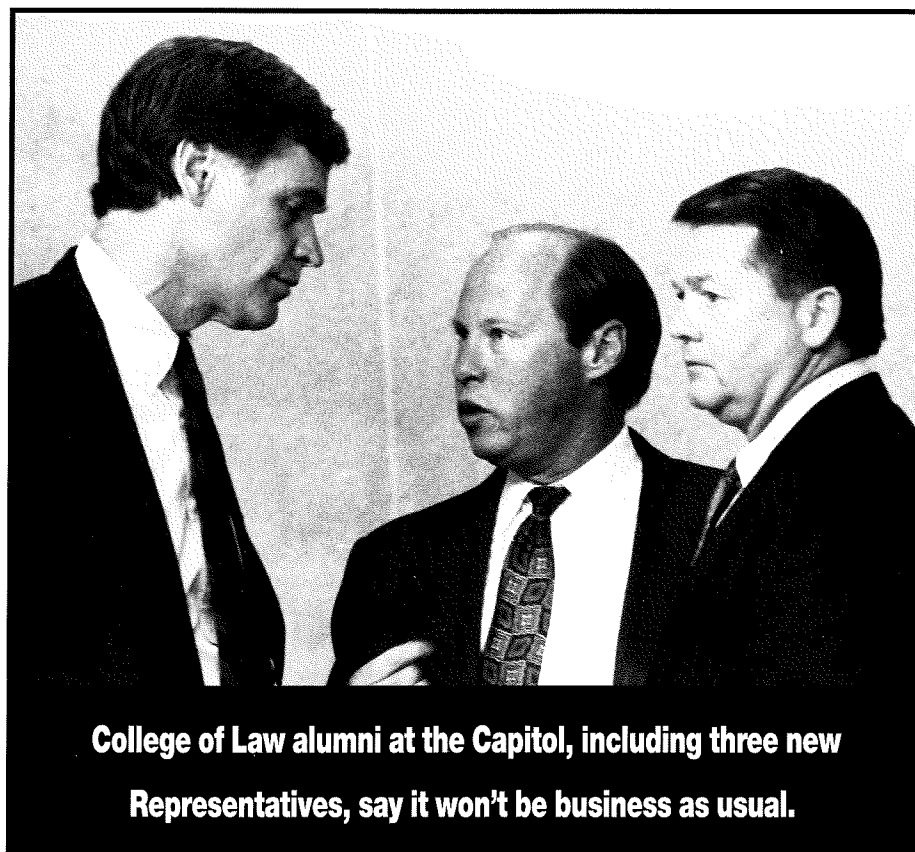
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When former Dean Sandy D'Alemberte invited an obscure Arkansas governor to give the 1989 Spring commencement address at the law school, people asked, 'Who is this guy, anyway?'



College of Law graduate, Senator Ken Jenne (center), makes a point with Senate President Ander Crenshaw (left), while fellow alumnus Curt Kiser listens in. (Photo by Donn Dughi.)



College of Law alumni at the Capitol, including three new Representatives, say it won't be business as usual.

The Florida Legislature that convened last month in Tallahassee faced its perennial battery of major issues: health care, education, crime and taxes. With a near-record 61 new members, however, there was the unmistakable sense that the acrimony and gridlock of the 1992 session would not be repeated. New legislators, including FSU College of Law graduates Beryl Roberts Burke, John Thrasher and Alex Villalobos, confidently proclaimed that they had been sent to the Capitol to change the way the Legislature conducts itself.

Burke, who was elected president of the House of Representatives freshman class, suggests that the newcomers are united by a mandate to change business as usual. "This is a uniquely close-knit group. You don't see the traditional demarcations of party line and geography," she says. "Obviously, there will be differences on issues, but there is a common feeling among the new legislators that we were elected to make some changes."

Villalobos agrees, admitting that he was motivated to run for office partly by the anger he felt watching the meanness and lethargy of last year's Legislature. "It made me sick," he says.

Thrasher sees joining the Legislature as a unique opportunity to use his background as a lobbyist to serve the needs of his constituents. "I had been thinking about running for several years. I think I have something to offer," he says.

The three College of Law graduates join fellow alumni, veteran Senate stalwarts Ken Jenne and Curt Kiser and Representatives Steven Geller, Ronald Glickman and Paul Hawkes.

Although manners may improve, the heat of political battle will not likely abate. During the first week of the Legislative session, Governor Lawton Chiles unveiled a bill that would effectively eliminate trial attorneys from the state's workers' compensation system. The legislation would establish an Office of Claimant's Counsel at the Florida Department of Labor to provide free legal services to injured workers.

Trial bar lobbyists, including the Academy of Florida Trial Lawyers, headed by FSU law graduate Wayne Hogan, quickly marshalled forces to oppose the bill. Sentiment for change in the workers' compensation system runs deep, however. "A lot of small companies in my district have been driven out of business because of workers' comp costs," says Thrasher, who represents a middle-class Orange Park district. "A lot more are on the margin."

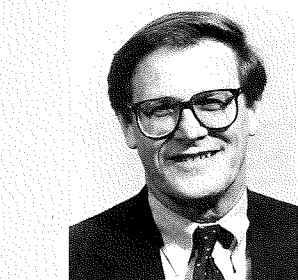
All three new legislators put education high on their lists of priorities. They cau-

tion, however, that the public should not expect large influxes of new funding. "Major budget increases simply are not in the cards," says Thrasher, who suggests that emphasis should be on educational reform, particularly on shifting more control of K-12 education to local school boards.

Jenne is concerned about efforts to establish additional educational facilities at a time when existing institutions are not adequately funded. "I'm worried, for instance, about the plan to create a new law school at Florida A&M. I think we should concen-

# 1 9 9 3 FLORIDA LEGISLATURE

trate on encouraging minorities to attend the existing law schools instead of talking about building a new one. The resources needed to do that simply are not there."



New Representative John Thrasher is an old hand around the Legislature

Freshman Representative John Thrasher is no stranger to the crowded halls of the Florida Capitol.

As general counsel for the Florida Medical Association since 1976, it was his job to know his way around the state Legislature—to be thoroughly acquainted with

its key players, nomenclature, manners and idiosyncracies. Understanding the process was essential, in fact, as he coordinated the association's lobbying efforts.

In his new role as legislator, Thrasher, an Orange Park Republican, says that his experience offers him a significant advantage. He explains: "There's a huge learning curve for someone coming in who has not been around government. The scope of the issues, the committee procedures, personalities—quite honestly, it can be overwhelming. I think knowledge of the process is even more essential with the term limitations we have now. You could easily spend three to four years figuring out how government works. At that point, half your life as a legislator would be over."

Thrasher's experience with state politics dates back to his law school days—he is a 1973 graduate—when he interned with the Senate Commerce Committee staff.

"I appreciated the internship opportunities the law school gave me. That experience provided me a base of knowledge that I've built on over the years."

Despite his experience, Thrasher admits he still has a lot to learn. Assigned to the House K-12 Education Committee, he has been devoting a great deal of time to education issues. Although education is not a new interest for him—he served on the Clay County School Board from 1986 until 1990—the legislative role in it "requires some new learning." Thrasher supports a grass-roots approach to education. The effort underway to decentralize K-12 education is a good start, he says, but more needs to be done "to put control in the hands of local school boards." Thrasher has introduced legislation that would provide flexibility to local boards by waiving certain Department of Education requirements.

Thrasher suggests that the budget crunch being faced by the state universities may not go away. "Large increases in funding simply are not on the horizon. You're going to continue to see tuition increases and tight budgets."

Thrasher also sees establishing priorities as key to solving the budget crisis. Too often, he claims, money is cut from or added to budgets without a hard look at the needs involved. "Over the next few years, we're going to have to make some choices, and it is critical that our priorities are well thought through." Admitting that "it may seem draconian to some," Thrasher says he favors spending caps. "I think that's the starting point. I don't mind discussing changes in the tax structure, but too often that becomes a matter of rearranging the deck chairs. The people of Florida need to get used to making tough choices." ■

College of Law alumni veteran Representatives

From left: Steven Geller, D-Hallandale, class of 82; Ronald Glickman, D-Tampa, class of 81; Paul Hawkes, R-Crystal River, class of 85.



most legislators agree with the article's premise that the tax structure needs major renovations. When it comes to bringing the issue to the political arena, however, the sentiment is decidedly: not this year.

Says Kiser, "Florida's tax system has been built on tourism and growth. It is essentially a consumer-based system, which, by nature, is regressive." The problem is how and when to change it. "There is very little political capital to be gained in revising the system," Kiser says, noting that the public has expressed overwhelming opposition to raising taxes, which major tax reform would probably entail.

Suggesting that it is only a quick political fix, Kiser is suspicious of the governor's call to strip away tax exemptions, "Getting rid of the exemptions sounds good until you get down to specifics. By far, the largest

exemptions are for food and medicine. I haven't heard anyone suggest doing away with those. You usually end up looking at ending exemptions on things like thoroughbred horse and ostrich feed and, frankly, there's not much money there."

According to Kiser, "The public is telling us to live within our means." That is the same message Villalobos and Thrasher are hearing, although both concede there may be problems with tax structure. "We've got to get over the idea that we can buy our way out of the budget problem. The Legislature has become addicted to that solution," Villalobos says.

Jenne fears that the Senate's composition—20 Democrats and 20 Republicans—make it almost impossible to tackle major budget reform in 1993. "I don't see how there can be any real progress," he says. In





### Alex Villalobos comes to Tallahassee with a mission

Alex Villalobos has come to Tallahassee to make some changes. The young trial attorney from Miami, a 1988 graduate of the College of Law, had given little thought to running for the Legislature until last year. "I got sick of watching the gridlock and knew I could do better. When I saw an opportunity to run, I took it." In addition to being part

of a more orderly, efficient legislative process, key issues for Villalobos include court sentencing reform, gender equity and education.

Elected as a Republican in the Kendall district of Dade County, Villalobos believes his experience as a trial attorney brings a needed perspective to the House of Representatives, particularly where the issue of court reform is concerned. "There are a lot of attorneys in the Legislature, but not that many trial attorneys. I make my living in the court system and know how it works."

The way Florida deals with its criminals—what he calls "truth in sentencing"—is an issue of particular interest to Villalobos. "The public doesn't think about the fact that because of prison overcrowding, when one prisoner goes in the front door, another usually goes out the back. The problem is that the one going in may be a car thief and the one going out a murderer." Villalobos plans to introduce legislation next session that would offer sentences of community work to nonviolent offenders.

A prescription for change in the court system

begins with a simple premise, according to Villalobos: "Talk to the judges. They can tell you what needs to be changed and what resources they need to do their job. We could save millions by going to the experts and asking questions."

Another area of interest to Villalobos—and one that hits close to home—is gender equity. "I have a two-year-old daughter, and it's important to me that when she grows up she has the same opportunities that I've had. I'm going to do what I can to bring down the barriers that women face."

Villalobos is confident the new Legislature will be more effective and orderly than the last. Why does he expect the change? "Two reasons," he says. "First, the incumbents have a bitter taste in their mouths from last session. They realize that they spent an awful lot of time in Tallahassee and accomplished very little. Their families, their businesses and their constituents back home didn't appreciate it. Second, this is an extraordinarily large freshman class. By sheer numbers we can make a difference." ■

the short-term he is hopeful, like Kiser, that a rebounding economy will increase tax revenue enough to avert a crisis.

Several of the FSU law alumni legislators say their law school experiences served as a springboard to public office. Jenne was persuaded by his boss in Washington, the late Congressman Claude Pepper, to come to FSU in 1969. "Because the law school was in Tallahassee, I had a wonderful opportunity to see government in action. I'm sure that had a lot to do with my career."

Thrasher shares that opinion, adding, "I doubt I would be here today if it weren't for the fact I went to the FSU law school."

Despite the coming political wars, the FSU College of Law graduates are confident that efficiency, if not civility, will improve in the Legislature. Explaining that the bad temper of the 1992 session was the result of the twin specters of the upcoming November elections and the bitterly partisan reapportionment debate, Jenne and Kiser predict that the public will notice a definite change for the better. "Those issues increased tension for all of us," Kiser says. "With them out of the way, I think you'll see some real improvement."

Although the major issues facing the 1993 Legislature remain to be resolved, at the midpoint of the 1993 session the system seems to be running smoothly. As Governor Chiles remarked late in February, "At least they're behaving themselves this year." ■



### Beryl Roberts Burke is making the House a family tradition

For Beryl Roberts Burke, new representative from the Dade County community of Carol City, spending time in the House has become a family tradition.

When she married Representative James Burke in 1989, in the first wedding ever held in the House of Representatives chamber during a session, she was already well ensconced in the proceedings of the Florida Legislature. In 1987, directly out of the College of Law, she went to work as a staff attorney for the House Commerce Committee, where she coordinated banking, minority business and international business affairs, working extensively with the Legislature.

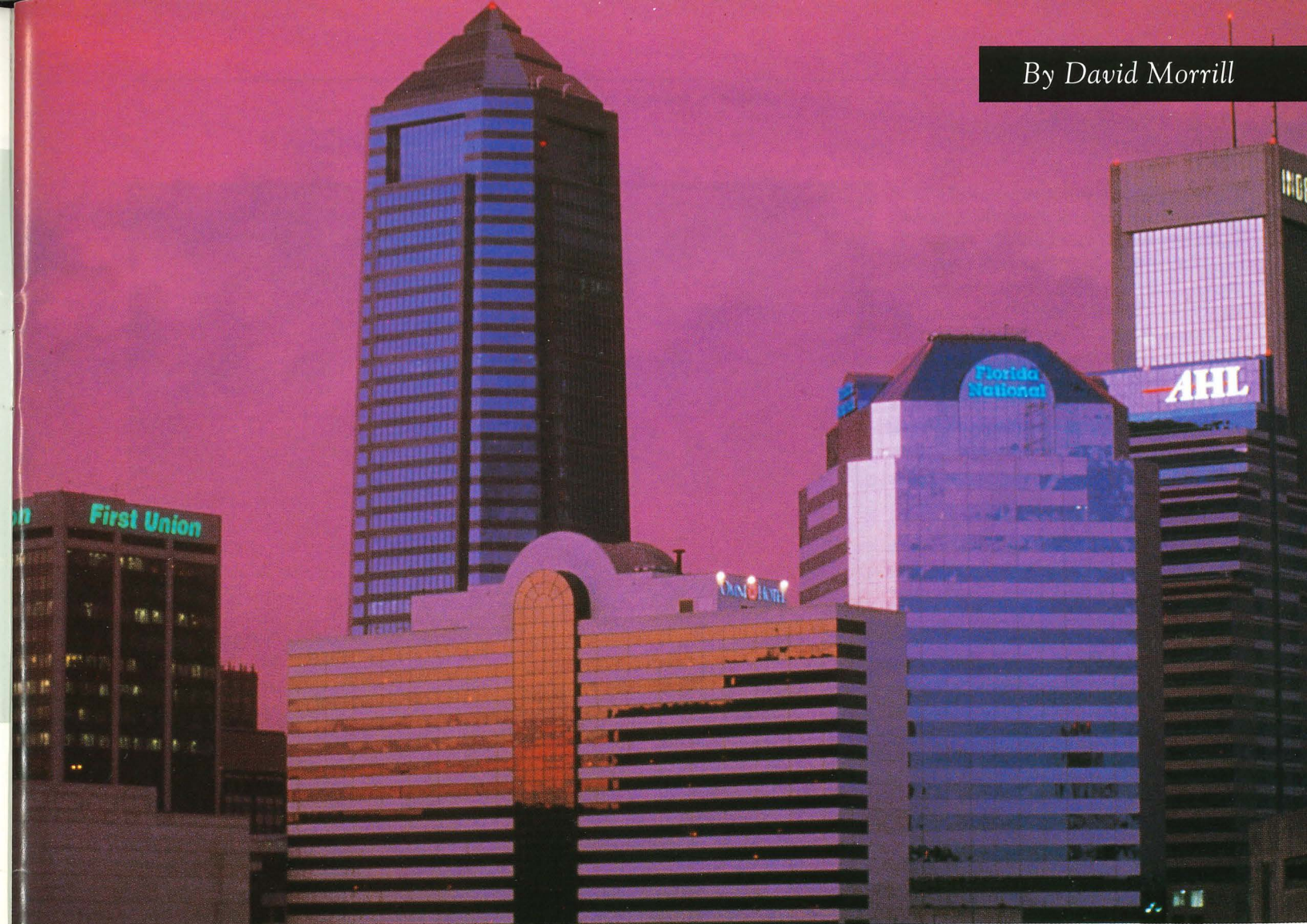
"The things I didn't know about the legislative process through my committee work, Jim taught me. When I ran for the office, I felt I was

as prepared as I could have been." As a legislative spouse, she often stood in for James at official functions and helped out in his office. "Unofficially, I was his chief assistant," she says.

When James, a ten-year veteran of the House of Representatives, decided to run for a Dade County Senate seat in 1992, Burke pursued the House seat he vacated. In the November election, James was defeated while Beryl won. Beryl credits her victory, in large part, to the community ties that James had established in the Carol City area. "Now he'll get the chance to be a legislative spouse," she says with a laugh.

Burke's experience was recognized by House Speaker Bo Johnson who appointed her chair of the Judiciary Subcommittee on Real Property and Family Law—a rare honor for a freshman Representative.

Burke has high hopes for the current legislative session and believes the bad atmosphere of the 1992 session can be avoided. "My opinion is that this Legislature will get some work done. I think you'll see cordial relations and a fairly orderly process." Burke, who was elected president of the freshman legislative caucus, is impressed with the commitment of the 47 new Representatives, one of the largest groups of newcomers in state history. "I honestly feel the focus of the new members is where it should be—on the issues and problems facing Florida." ■



By David Morrill

# JACKSONVILLE

In a city where family roots run deep, the College of Law graduates show a willingness to adapt to changes in the legal marketplace.

Several Jacksonville attorneys offer the observation that their hometown has the look and manner of two distinct communities. One is of the established industrial port, a bustling city of dock workers, mill hands, machinists, sailors and soldiers—a city alive with the sounds of clanging steel and workers' shouts and the non-stop motion of work that is never finished. The other is of a city of gleaming high-rise buildings that house a dynamic, high-tech, regional

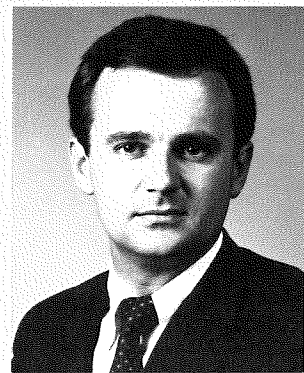
service center for the banking and insurance industries. There is another duality—one of past and present that is reflected in the downtown business district. Wrapped around a bend of the St. John's River, modern glass and steel monoliths rise out of an older, equally dynamic city of handsome brick structures—department stores, small factories and warehouses. From its weathered frieze, the long-abandoned J.H. Churchill & Company advertises to another era: "Dry Goods and



Notions." Two blocks away, on Bay Street, the towering, glass-clad Independent Life Insurance tower commands the commerce of today, overlooking the recently revitalized, stylish Riverwalk area that runs along the banks of the St. Johns.

To understand Jacksonville, according to the FSU graduates of the College of Law who live there, you have to understand the two faces of the city and the many changes of recent decades. Some claim that it has undergone a metamorphosis in recent years, from a large, provincial town, to a sophisticated city of high tech commerce. Others suggest that the changes are not so extreme and have followed an orderly progression. "Jacksonville has stayed true to its roots," says 1981 College of Law graduate Fred Kent. Like many of the law school's graduates in Jacksonville, he was born and raised in the area. "Despite all you hear about the heavy industry here, I've always considered it more of a service-oriented town." He points out what he calls the "tremendous impact" of three military bases on the community. "People tend to forget the importance of the military to this city."

Many of the city's College of Law gradu-



### Ed Booth, Jr.: You can't beat the experience at the state attorney's office

To hear Ed Booth, Jr., tell it, he's been handling divorce cases for 30 years. When you ask 36-year-old Booth how this is possible, he explains. "My father went into private practice when I was seven or eight years old, and one of the things he did to get the business off the ground was take a lot of divorce cases." Booth goes on to say, "Clients—almost all of them women—would call the house at all hours of the day and night. A lot of times I'd take the

calls when my dad wasn't home. They'd ask me to tell my father that their husband had cleaned out the bank account and taken the car. Then they'd ask if I thought it would be okay if they burned his clothes in the front yard. I was never at a loss for advice."

Today, Booth, a 1981 graduate of the College of Law and partner in Booth & Arnold, not only handles divorce cases but aviation, criminal defense, environmental criminal defense, estate and probate cases as well. "We take almost any case except bankruptcy and real estate," he says.

Booth joined the state attorney's office in Jacksonville two days after graduating from the College of Law. He thinks it was one of the best moves he ever made. "In my opinion, working with the state attorney's office is excellent experience for young lawyers planning to go into trial work." He cautions, however, that it's a baptism by fire. "The first day on the job, they tell you, 'Here are your files, you're due in court in 10 minutes. Good luck.' You're taught to swim by being thrown into the water. But after you learn the essentials at the state attorney's office, you are well prepared for any area of law you may choose to (continued on page 31)



### Fighting for her beliefs led Christine Clark to law school

When Christine Clark turned 30, she was playing piano at the Hyatt lounge in Baltimore, performing at parties and fairs, mixing classical and popular music with show tunes.

"I had a great life in a lot of ways," she says. "When I told people I wanted to do something else, they thought I was crazy." Trained as a concert pianist, she decided against graduate studies in music. "I really wasn't interested in teaching and research, and, to borrow a phrase from my mentor, (FSU

law professor) Meg Baldwin, I didn't want to spend my life studying the work of dead white men."

There was another side to Clark's life that turned her in a different direction. "I have always been a social activist. I opposed the war in Vietnam when I was a kid," she says. In Baltimore she had devoted her free time to working on behalf of homeless and hunger projects. She also was the Maryland coordinator for Witnesses for Peace, a group opposing United States policy toward the Sandinista government of Nicaragua.

Much of Clark's energy was spent lobbying for her causes. "When I was in Washington, I noticed that the politicians seemed to pay more attention to first-year law students than to me. At first it made me mad. They seemed to have instant credibility. At a certain point, I began to realize that law school could make me a more effective advocate for my causes," she says.

When Clark began law school in 1986, it was her intention to use the degree to pursue her humanitarian interests. In fact, she continued her activism at the College of Law, organizing the law school's chapter of Partners in Public Service. "It wasn't until my second year that it occurred to me that I might want to get a job

with a law firm."

Her choice of Booth and Arnold was as much personal as professional. The Clark and Booth families had known each other for years. Clark's father, a Jacksonville judge, had been a close friend of Ed Booth, Sr., and she had known Ed Booth, Jr., since she was a child. As a new attorney, there was the appeal of the law firm and the lawyers themselves. "Ed Booth, Sr., is one of the greatest trial lawyers in the South," she says. "For that reason this firm gets some fascinating cases."

Clark worked part-time with the firm her third year of law school, defending the right of a Sarasota Christian Science couple to withhold medical treatment from their sick child. In a case in which the state was charging the couple with child abuse, Clark wrote the memoranda of law defending the constitutionality of the state statute that accommodates the practice of Christian Science. Although the couple was found guilty, the conviction was eventually overturned by the Florida Supreme Court. "The Supreme Court decision was based on what we had argued all along," Clark says. An enormous confi- (continued on page 31)

ates trace their roots deep into Jacksonville history. They tell you that it is those roots that often keep people "at home." Jacksonville is a city where family ties and friendships carry great clout. A number of graduates share law practices with childhood friends. Michael Atter works with an older partner he has known all his life, at Wood, Atter & Coleman. Christine Clark, whose family has been in Jacksonville for five generations, and whose father was a circuit judge here, joined family friend and fellow FSU law graduate Ed Booth, Jr., at Booth & Arnold. Brothers Gary and Steve Pajcic had planned from their high school days to be law partners and today run one of the city's most successful personal injury practices. Henry Davis, who was born and raised in Jacksonville, could have stayed in Washington, D.C., where he worked with the Justice Department. But he chose to come home and today serves as a circuit

judge. Kent practices with his father in a firm established by his grandfather.

The alumni roster of the city's College of Law graduates indicates a strong proclivity toward trial work, with many involved in the wrongful death and personal injury areas. Wayne Hogan, president of the Florida Academy of Trial Lawyers, offers an explanation. "I think it has a lot to do with the tradition Mason Ladd established at the law school. He taught his students how to go to court and try cases. In fact, he taught his faculty how to teach students to go to court and try cases. It is natural that many of the graduates coming out of the law school, particularly in those early years, became trial lawyers. We feel comfortable in the courtroom."

Jacksonville's industrial base offers ample opportunities for wrongful death and personal injury work. Hogan's firm, Brown, Terrell, Hogan, Ellis, McClamma

& Yegelwel, for instance, represents more than 2000 clients in asbestos disease cases. "The large industrial base—the paper mills, power plants and shipyards—and the military presence have resulted, over the years, in thousands of workers being exposed to asbestos. Many of the people who worked in the military operations and who were exposed to asbestos have stayed in Jacksonville. It's natural that these cases would be handled here."

If wrongful death and personal injury work is relatively abundant, several Jacksonville lawyers are lamenting the dramatic drop-off in demand for criminal attorneys. "The major emphasis of prosecution these days is on drugs," says Booth. "The court system is overwhelmed with crack cocaine cases and cases of violent crime associated with drugs. By the time these people get to the court system, they're out of money and can't afford to hire



### Gary Pajcic and the great football controversy of '66

For Seminole fans with long memories, one particular football play lives in infamy.

The place was Doak Campbell Stadium in Tallahassee. The date, October 8, 1966. Twenty-eight seconds remained in the game, and the University of Florida, led by Heisman Trophy quarterback Steve Spurrier, held a 22 to 19 lead. FSU had the ball near mid-field.

FSU sophomore quarterback Gary Pajcic rolled to his right behind solid pass protection and launched a pass toward the end zone. Reserve flanker Lane Fenner, a step ahead of two Gator defenders, made a lunging catch at the goal line and slid over the out-of-bounds line inside the end zone. The SEC official, trailing the play by nearly 20 yards, ruled the catch

out of bounds. No touchdown. A desperate long-distance field goal attempt failed on the next play, and the Gators won.

Seminole fans went berserk. Photographs that appeared to provide proof of a touchdown were distributed by FSU athletic officials and picked up by the wire services. Other photos showed the official who made the calamitous call out of position, his view blocked by the players. FSU protested to anyone who would listen, including the SEC and NCAA. The 1967 FSU Yearbook, *The Tally Ho*, denying the official outcome, reported, straight-faced, "Gators gassed again: FSU 25, Florida 22." Several years later when one of the Gator defensive backs conceded in a newspaper article that the catch was probably a touchdown, the field judge stood steadfastly by his call.

Gary Pajcic, the quarterback who threw the pass is still making big plays today—usually with less equivocal results—this time in the courtroom. A partner with his brother Steve, Pajcic recently won one of the largest awards in Duval County history. The \$8.5 million award went to a Jacksonville man who had fallen four stories at a construction site because of the contractor's negligence.

These days, the focus of many of Pajcic's cases is on defective automobile seat belts. He contends that American-made seat belts, which unlatch from the front, can spring open during

Sophomore quarterback Gary Pajcic (right) and the famous non-touchdown pass. (Below) Receiver Lane Fenner appears to make the reception that would have beaten the Gators in '66.



an accident when force is applied to the back of the buckle. That force, he says, can be applied by a pelvic bone or the metal support of an infant seat. A segment broadcast last fall on the CBS investigative series "Street Stories" supports Pajcic's contention. Although the National Highway Traffic Safety Administration (NHTSA) originally sided with automakers, it now admits that seat-belt failure in an accident is possible.

(continued on page 31)

private counsel. As a consequence, the bulk of the defense work falls on the shoulders of the public defender."

Jacksonville attorneys give high marks to the local court system. "There's a willingness here among judges to set trial dates that lawyers can count on," Hogan says. "If a judge has several cases on his docket and some of them don't settle, other judges make themselves available to handle the overload." He adds, "Nothing promotes settlement better than trial dates you can count on. Every trial lawyer in Jacksonville knows he can get his or her client's cases resolved. This is not the case in a lot of places." Judge Henry Davis agrees, saying "We try to keep things moving."

For the Jacksonville attorneys who attended the College of Law during its first four years, there is the remarkable influence of Mason Ladd. His lessons, manner and style are invoked by each and every one of his former students. Many say their decision to "experiment" with a new law

school was largely due to Ladd's presence. All say they are better lawyers because of him. "It's almost impossible to describe the significance that Mason Ladd brought to bear on my law school experience," says David Fletcher, "He was simply a great man."

Waxing poetic, three graduates noted the fit of Ladd with the classic architecture of the Longmire Building, where the law school spent its first four years. In their memories, Ladd will always be a part of the arched gothic windows, the high-ceilinged lecture room and grand entrance hall, even the sepia tones of the aged cherry woodwork. Jerry Spinks, noting that Ladd oversaw the construction of B.K. Roberts Hall, felt it fitting that he never taught there in the capacity of dean. "I couldn't imagine him there. He simply wasn't suited for it."

Relations among Jacksonville's community of lawyers are characterized by most as trusting and cordial. Others, noting the evolution and growth of the city,

feel that the climate is undergoing a change. Says Michael Atter, "Traditionally, the Jacksonville legal community has been close-knit. You could practice on a handshake and trust a colleague's word. What's happening these days, and I see it particularly with younger attorneys, is an erosion of some of the closeness and the trust. On balance, though," Atter adds, "it is still a very good atmosphere for a city this size."

Another early graduate, Doug Morford, partner with Ulmer, Murchison, Ashby & Taylor, suggests that competition among attorneys and law firms is increasing. "We have a big bar here, one that has seen a lot of growth in recent years, and things are definitely not as cordial as they once were." Morford says the rash of bank mergers in recent years has heightened competition. "The banks have always hired a large number of lawyers in Jacksonville. It used to be that each of the big banks in town had its own law firm. With all the realignments, that has changed. Banks now tend to shop



Lyman (left) and David Fletcher

of their clients and community. Both exude the sense of men doing work they truly enjoy. Both cherish their independence.

For older brother Lyman, an experience in the spring of 1968, his second year at the College of Law, set the tone for his future. Serving as the FSU student body president, he

was pushed into the center of controversy when the university administration banned the student literary magazine, *The Legend*, for using what it considered vulgar language. Within hours of the administration's announcement that it would not publish the magazine, students were organizing protests. By the following afternoon, in what became known as the "Pig Knife incident"—in reference to the short story causing the furor—thousands were protesting on the steps and lawn of the Westcott Building.

Although FSU became conspicuously active in the student protest movement over the next several years—in 1970 *Newsweek* magazine labeled it "the Berkeley of the South"—the inci-

dent was the opening salvo. "Until then you only read about protests going on in places like Paris or at Columbia University in New York," Lyman says. "This was the first time anything like this had happened in Florida."

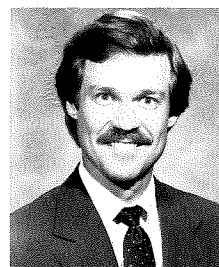
Although he differed philosophically with some of the left-wing groups sponsoring the protest, he strongly opposed the censorship and made his feelings public. He says he insisted on being constructive in his dissent. "Although I disagreed with the administration, I thought it was important to preserve the integrity of the university." He urged student protesters to be orderly and avoid blocking access to university buildings. "It was important to me that we did things right."

Lyman says he has not forgotten the lessons of the incident. "It was an incredible education for me. People I had known all my life would walk across the street to avoid me. My family was ostracized. I was spat on. Someone even took a swing at me." During the heat of the protest Lyman recalled the simple lesson of a favorite childhood Sunday School teacher, he had. "She made the point that there will be times in your life when you have to take unpopular stands for things you believe, and that there will be times when you stand alone."

David, on leave from the Army in January 1969, got a brief dose of the campus protest movement when he visited his brother at FSU.

## The Fletcher brothers practice law on their own terms

In the most unassuming of law offices, at the end of East Monroe Street, 50 yards from a freeway On ramp, across the street from a government records warehouse, brothers Lyman and David Fletcher work out of a renovated wood frame house. Their offices, on opposite sides of the house, are connected by a narrow hallway and sun porch. What the Fletchers share is much more than office space. Both are deeply committed not only to their careers but to making a difference in the lives



## Wayne Hogan plays watchdog for Florida's trial lawyers

When the Florida Legislature is in session, it's a safe bet you'll find Wayne Hogan in Tallahassee.

As president of the Academy of Florida Trial Lawyers, one of Hogan's chief duties, as he puts it, "is to defend open access to the courts and jury trials and make sure wrongdoers are held responsible for their actions." He contends that legislative action in recent years has reduced access to the courts, imposing an in-

creasing number of hurdles for those seeking redress for injuries. "Tort law has seen substantial changes for the worse," Hogan says. Many of the changes amount to what he calls "tort deforming."

Before the opening gavel fell on February 2, Hogan and the Academy faced a formidable challenge to the present system of legal representation in workers' compensation cases. Legislation introduced by Governor Lawton Chiles and strongly backed by state business lobbies, proposed the elimination of private trial attorneys in many workers' compensation cases. Some members of the Academy have suggested that the changes, if enacted, would put hundreds of lawyers out of business.

Hogan, a 1972 graduate of the College of Law and partner in Brown, Terrell, Hogan, Ellis, McClamma & Yegelow, P.A., is also poised for key battles over health care issues. In particular, he is wary of proposed legislation that would water down the Nursing Home Residents Bill of Rights, passed by the Legislature in 1991. "The

corporations that run nursing homes are attempting to weaken the existing legislation, trying to replace access to legal remedy with an administrative regulatory approach. One of the problems with this is that it leaves the well-being of nursing home residents to the mercy of the economy. If times are bad and state budgets are cut, the regulatory machinery will not protect the patients. Access to courts is essential."

Despite suggestions of political gridlock in the 1993 legislature, due in part to the 20-20 Democrat-Republican split in the Senate, Hogan is optimistic. "It's my impression that there will be a much higher degree of cooperation than people expect. There are a lot of new faces, and it's my feeling that the leadership will work hard to avoid a repeat of what we saw last year. In terms of the working environment, I think you might be pleasantly surprised." ■

"Lyman took me to a demonstration one night and I was absolutely amazed. Two days earlier I had been in Vietnam." Although he says he considered himself "progressive" for the time, David says he was not prepared for the huge crowd and impassioned rhetoric that night on Landis Green. "It made an incredible impression on me," he recalls.

Following a brief stint with a large Jacksonville firm after graduation in 1969, and a partnership with friend and civil rights attorney Bill Shepherd, Lyman struck out on his own. "I had devel-

oped a strong interest in family law and wanted to devote myself to it full-time. I was fortunate enough to catch the family law wave just after the laws changed in 1971.

"I find family law stimulating because of all the legal changes. I also find it fits my personality," says Lyman, explaining that he often feels a need to educate and counsel his clients. "I credit that inclination to the influence of my parents. My father was a professor and my mother was a social worker.

"Just this morning a woman came into my office who was, quite obviously, the victim of abuse. She was practically in tears during our meeting. I see that and realize I have to be more than just a legal adviser. It's not simply a matter of another case, another dollar. I spend a lot of time with clients that I don't bill for. It's just something I have to do."

Only recently has Lyman returned

**An FSU student reads a statement denouncing administration censorship of the student literary magazine in 1968. Student body president Lyman Fletcher was thrust into the center of the controversy.**



to elected office, serving on the Atlantic Beach City Commission, a position he terms "mostly nonpolitical." Following his student body presidency and work in legislative campaigns during the 1970s, he decided he would become personally involved in politics again only on his own terms. "To do that I had to be entirely self-sufficient, beholden to no one. The other thing I realized was that I wanted to devote myself to the practice of law."

Lyman is content with the choices he's made. "From an early age, I knew generally what I wanted to do. And that was to work with people, helping them to solve their problems. Fortunately, I've been able to do that."

**David Fletcher**, a 1972 graduate of the College of Law, is one of four immigration attorneys in Jacksonville and, like his brother, he takes his cases personally. "Immigration law can be extremely intense, especially if the family is involved," David says. "When people are denied asylum and sent back to a country they're afraid to return to, there is always the possibility that their fears are justified."

A highly technical area, immigration law requires its practitioners to deal with the federal departments of State and Labor as well as (continued on page 31)





### Jerry Spinks recalls the 'incredible gift' of Mason Ladd

Jerry Spinks was working for the FSU Alumni Affairs Office in the Longmire Building, where the law school spent its first four years, when Mason Ladd rolled into town in 1966. He watched in amazement, as he puts it, "as the new dean created a law school out of nothing."

Spinks remembers a faculty meeting Ladd held prior to the start of the law school's first classes. As the young faculty prepared to leave at the end of the meeting, Ladd called them to attention. He pointed to the boxes of books stacked in the hallway and said that he had made arrangements to have lumber delivered that afternoon to the basement, where the law library would be located. "I'll see all of you back here at seven. We're going to build bookshelves."

Watching Ladd in action was a major factor in Spinks's decision to attend law school. He was a 1964 graduate of the FSU hotel and restaurant management program, and the Dean took a personal interest in him, he says. During an out-of-town trip the two took together, Dean Ladd asked Spinks (continued on page 31)



Mason Ladd

for the best prices and spread their work around. This is obviously beneficial to the bank customers, but it creates a more competitive environment among law firms."

Despite the changes, the atmosphere remains good. Says Atter, "I still get calls from opposing attorneys reminding me

that I've missed a deadline. I do the same thing for them. That still tends to be the rule rather than the exception and that's remarkable for a city that's pushing a population of a million. Besides that, I get to live in a community that I dearly love." ■



### Michael Atter stresses the lawyerly traditions

Michael Atter worries that the tradition of one generation of lawyers passing on its wisdom to the next has broken down. "My feeling is that most new attorneys these days don't have someone to take them aside and offer advice," he says, recalling the valuable counsel he received from his senior law partner and its impact on his legal career. "I think it's a shame. There is so much to be learned from older lawyers, especially in areas like legal ethics and approach to the law. I think it's incumbent on experienced attorneys to share their experience."

Atter says that when he was starting out with the state attorney's office in Jacksonville, longtime family friend Clarence Wood was an "invaluable sounding board. Later, when I joined Clarence in private practice, he taught me the importance of balancing aggressiveness on my client's behalf with being a decent human being—that you need to be able to stand back

from the heat of battle and extend personal and professional courtesies to those around you. I see too many younger attorneys who haven't learned these things."

Atter, a 1979 graduate of the College of Law, feels compelled to pass on what he has learned about his profession and offers advice freely to younger attorneys. "Sometimes, I'm told to mind my own business, but usually I think the advice is appreciated."

Atter joined his mentor, Wood, in 1981. The transition to private practice was not easy, says Atter. "For example, we do a lot of medical malpractice law, where I had to learn how to evaluate cases from the standpoint of liability and damages. I also had to learn a lot about medicine. Quite honestly, I didn't expect such a learning curve." The easiest aspect of the change, he says, was trying cases, something he knew a lot about from his tenure as a prosecutor. "Even though I had never tried a civil case, I found that a trial is still a trial."

The firm of Wood, Atter & Coleman, P.A., also specializes in personal injury, criminal and family law work. Although Atter practices across the full spectrum of the firm's cases—his partners do as well—he admits that it is becoming increasingly difficult. "Specialization is the trend." In particular, he notes the growing complexity of family law and the changes in its tax and criminal implications. These days, Atter is particularly concerned with legislative changes to medical malpractice law. He fears that the Florida Legislature will impose additional caps and restrictions on legal damages and feels the public will suffer as a consequence.

"Beyond my personal and professional situation—obviously I have a vested interest—I would hate to think that the richest country on earth could not afford to compensate people who are victims of bad doctors. And, for that matter," he adds, "bad lawyers." ■



### Doug Morford comes in from the cold

During his law school years Doug Morford planned on following his interests into a career in criminal and tax law. A three-year stint in the service changed his mind.

"In the Air Force, I found criminal law to be very wearing," Morford says. "Too often,

I was all that stood between my client and a long prison term. I simply wasn't suited to that type of law." He also found it overly taxing to play the role of both defender and prosecutor, which service lawyers frequently are required to do. Another thing Morford learned from his tour of duty: he wanted to go back to Florida. Raised in Coral Gables, he spent much of his three-year tour of duty in Maine. "I got tired of slipping on the ice," he says.

Morford, a 1969 graduate, joined the Jacksonville firm of Ulmer, Murchison, Ashby & Taylor in 1972, working first in corporate securities, then switching to bankruptcy and foreclosures during the recession of the mid-70s. These days, as director and chief of the firm's litigation department, he also handles commercial code and construction cases.

Much of Morford's work is out of town. "Our clients find that they can buy us a lot of airplane tickets and still save money over what they'd pay a Miami or Ft. Lauderdale firm." He adds: "They've also discovered that we do good work."

Currently, Morford has a major case in Punta Gorda, and he recently handled cases in Tampa and Ft. Lauderdale.

As much as Morford enjoys his work, he says the best job he ever had was in Tallahassee while he was attending law school. "Talk about good working conditions, I was waiting tables in the Chi Omega sorority house," he says. He held a variety of other jobs during his law school years, including editing a procedures handbook for the public defender's office. "In my spare time I went to law school," he jokes.

He served as student government attorney general in the administration of classmate Lyman Fletcher. Morford held the position during the days of FSU's first campus protests over censorship of a literary magazine. The instigator, according to Morford, was Canter Brown, a 1973 graduate of the College of Law, who served as student body president after Fletcher.

"Those were exciting times." ■



### Ralph Greene recalls the card section that couldn't get it right

When 1972 College of Law graduate Ralph Greene recalls his career at FSU, one of the first things that comes to mind is the card section at football games. Although seldom used these days, card sections consisted of hundreds of football fans sitting in an assigned block of seats, who, on cue, held up large cards. The resulting messages and designs were the darlings of television cameras and of fans sitting on the opposite side of the stadium.

Greene thinks that law students may have killed the card section tradition at FSU. In the late 1960s the law school had been recruited

by FSU Student Government to run the section. By 1971, the operation was showing signs of disarray. A photograph in the 1972 FSU student yearbook shows the card section badly out of synch, spelling out what appears to be the message, "Let's Go." "We were just awful. We never got anything right," Greene says. He suggests "pre-game preparation" may have had something to do with poor performance. "We usually started to party on Friday night or Saturday morning," Greene says, acknowledging that his memory is foggy on the details, "and by game time we were in pretty bad shape."

Because of its size, Greene says, the card section included a large percentage of the law school student body plus spouses and friends. "Of course, the reason they signed us up was because we were law students," he says. "They assumed we were able to read and write." But, at mid-season of 1971, Student Government fired the law school contingent. A retired employee of the athletic department recalls the card section being "something of a disaster in 1970 and '71." Although not certain whether the law students were wholly responsible for the section's demise—she speculated that the 0-11 football season of 1973 might have provided the coup de grace—she suggested that the law students "wounded it pretty good."

The fun and games, Greene says, were simply the flip side to the rigors of law school. "It

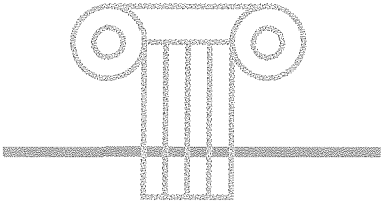


The card section in 1969.

was tough. We needed an outlet. You have to understand that in a lot of courses we only had one test for the entire year. Everything rode on a single grade. That kind of pressure can drive you nuts."

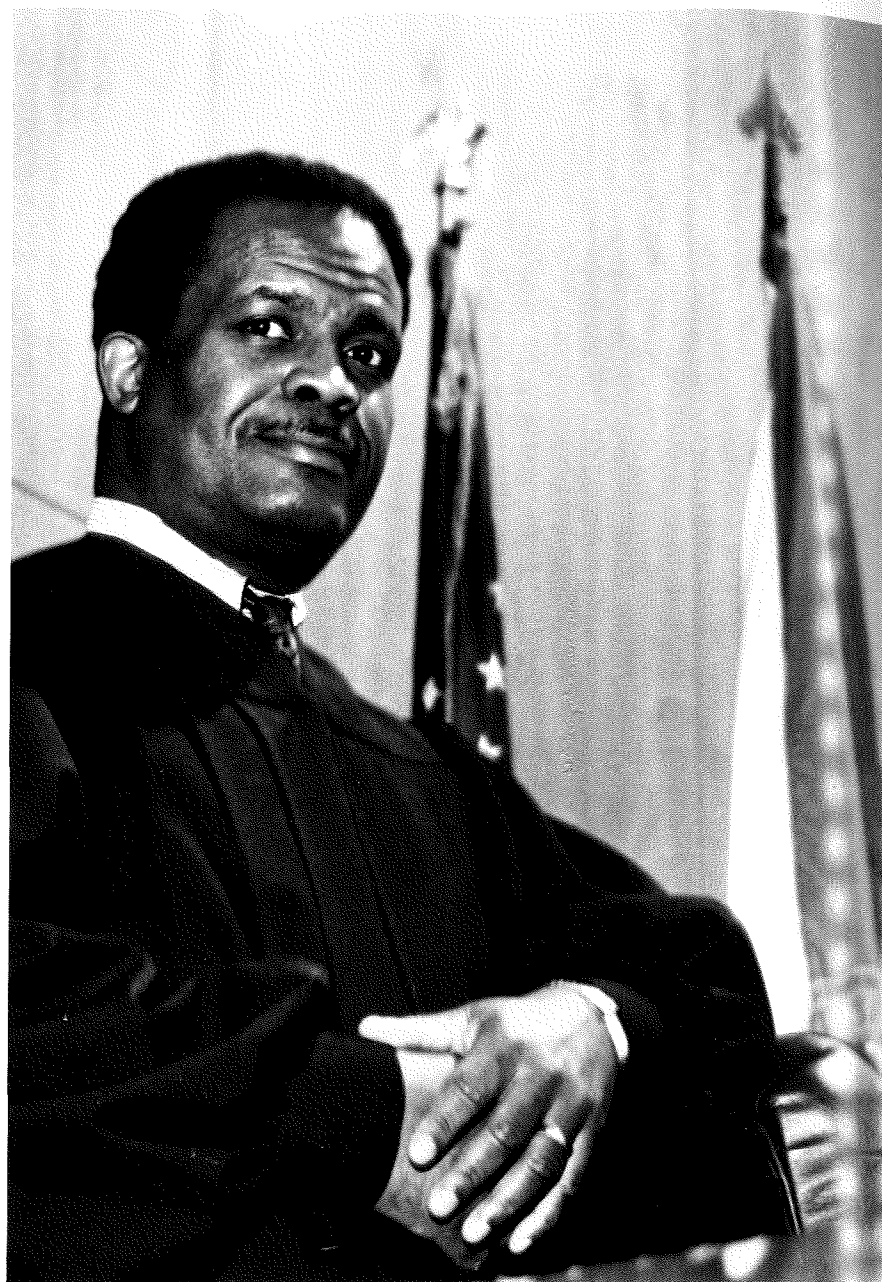
Although Greene practices personal injury law out of a converted livery stable on East Forsythe Street these days, it is his career as a prosecutor, from 1972 until 1982, that established his reputation. He handled several highly publicized murder trials, often arranging controversial plea bargains to get convictions. He was quoted in a *Life* magazine article about one of his cases, saying, "Sometimes I have to make deals with sinners to catch devils." According to former associate at the state attorney's office, Ed Booth, "Ralph Greene was one of the toughest prosecutors in the history of Duval County." ■





# HENRY DAVIS

**Jacksonville circuit judge brings the experience of a 'threshold practice' lawyer to the bench.**



When the call came, Henry Davis was ready.

The surprise was that it came so soon. Davis liked to think he might finish out his legal career as a judge. As he puts it, "I figured the chance would come ten years or so down the road." Last March, Davis was nominated to a circuit judge post by Governor Lawton Chiles; he was sworn in in April.

A 1976 graduate of the College of Law, Davis went to work for the United States Justice Department directly out of

law school. "The experience I got there was excellent," Davis says. "I worked with extremely skilled attorneys and got a feeling for how things get accomplished within a large organization." He admits to taking a liking to Washington life, but he always intended to return home to Jacksonville. The experience at Justice, he says, provided a sound basis for his entrance into private practice on his return in 1980.

For much of the next 12 years, Davis ran what he calls "a threshold practice."

Says Davis, "If a client came through the door with money, he had a lawyer. I did a lot of criminal defense work, a lot of robbery and drug cases, juvenile crime. You name it." He also handled some workers' compensation, probate and guardianship cases.

Davis feels the breadth of his experience serves him well on the bench. "A lot of judges come to the job from larger firms, where they have narrow specialties. Many come from the state attorney's office, where they've concentrated on pros-

ecution. The change can be tough," he says. "Not only do I bring a different set of experiences to the job, I bring a different perspective to the courthouse. Very little that goes on around here surprises me. I've seen a lot."

Davis's style, in fact, has been molded by his worldly experience. "I understand that most clients in my court are not wealthy, and I understand that most of the lawyers representing them make their living in the courtroom. They're not from the big prestigious firms. Most of them practice like I did. I don't get aggravated when they don't have everything they need at the first hearing or when they want to continue a case. It's as important to me that things get done right as that they get done on time. When I was practicing, I remember older judges who seemed to think that the lawyers with cases before them worked only one case at a time—the case in that judge's court. These judges—and there are many who feel this way—probably went directly from law school to a big firm or the state attorney's office to the bench. Some don't understand what's involved in running a law practice. They don't understand the multiple priorities involved in keeping the front door open."

Davis knows first-hand the vagaries of justice and the fact that judgments often are made on insubstantial bits of evidence. "I have a client right now on death row for murder, the only evidence against him is the testimony of his partner and two deputies who claim to have heard him say he did it. He denies it. He and the other fellow were the only ones there when the murder happened. There's no doubt one of them did it," Davis says. "Only two people know the truth—the two who were there. Who do you believe? The other guy got second-degree murder and will be out of prison in a couple of years. My client is going to the electric chair. As a judge, I'll never forget that."

Davis admits to some personal adjustments in his move from private practice

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*'Not only do I bring a different set of experiences to the job, I bring a different perspective to the courthouse.'*

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to the bench. "The pace definitely changes. When you're a practicing attorney you have control over your schedule. You also have control over the direction a case takes. As a judge, you can only deal with what's in front of you." He also says he misses his clients. "There's a real need for good general practice lawyers, and sometimes I think I should still be out there in the trenches. But there are others to fill the void."

Although Davis won't face voters again until 1998, he questions the propriety of the system of electing judges. "The general public really has no way of knowing one lawyer from another. Good lawyers are leery of leaving their practice and going into a campaign. They realize it's a system in which a professional politician can be elected." Davis, however, says an election will not change his approach to his cases. "As a judge, I'll uphold the law. If I lose an election, I can go back to being

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*'I'm part of the movement in which you're seeing more blacks in positions of authority. I hope we're in the process of building a race-neutral society.'*

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a lawyer and make a good living," he says. "I would never feel forced to compromise the job to be reelected."

Davis became part of a new six-judge family division in January. "I like the idea of rotating in several areas of the law. I

don't think it's good to spend years in one area. You need to be exposed to a broad range," he says. "It's important to interact with people with different kinds of problems. It's also important to deal with different levels of stress. I think that kind of change is valuable in keeping you sharp as a judge."

Family and juvenile law are extremely stressful, Davis says. "It can be very sad and very frustrating. So often the root of the problem is money—or, more accurately, the lack of it. You deal with people who are totally stretched to the limit, financially. And when that's the case, bad things happen."

He describes a recent case in which a woman came to his court desperately in need of child support to take care of her family. "She's about to be evicted and she needs the system to work for her. We get a writ of attachment and an arrest warrant and bring the husband in. Then we find out he hasn't worked in six months. There's no money. What can you do? That's the sort of frustration a family law judge deals with day in and day out. It's not easy."

Davis sees his new profession undergoing a transition in Jacksonville. "Quite a few younger judges are coming in as the older judges retire. There's a definite change of style." And as a black man in a traditionally white man's profession, Davis is part of another transition. "I'm part of the movement in which you're seeing more blacks in positions of authority. I hope we're in the process of building a race-neutral society. Obviously, I think it's important that I bring a different viewpoint to the job," he says. He contends that his job is made more difficult by news media that maintain a disproportionate focus on crime in the black community and, consequently, purvey a negative image of black people. "In Jacksonville, the media is notorious for overdramatizing black crime," he says. "I do what I can to change that. My intention is to make a difference." ■



# Children's Advocacy Center

by Kym Johnson

**A unique College of Law clinical program helps children in trouble while providing students a multi-disciplinary approach to resolving disputes.**

Twelve-year-old Bobby has Down's Syndrome and is enrolled in a special education program. His parents believe he is capable of performing at or near the level of other children his age and want him to be "mainstreamed" into a regular school. They also want to be

included in planning his educational program. The school has refused his parents' requests.

Seventeen-year-old Stacy was living in a foster home when she was arrested for stealing a car.

Both children faced a vexing maze of

legal and social hurdles in resolving their problems. Both found help at the College of Law's Children's Advocacy Center.

In Bobby's case, the Center assigned third-year law student Jeff Golomb to work with school officials and Bobby's parents to resolve the conflict. Third-year student Marya Reynolds was assigned to defend Stacy on the grand theft motor vehicle charge. Through Reynolds's efforts, criminal charges were dismissed, and now Stacy has a clean record, a full-time job and is enrolled at a technical school. Partly through Reynolds's efforts, Stacy also was diagnosed by the Florida Department of Health and Rehabilitative Services (HRS) Developmental Services office as being mildly retarded. Because the diagnosis was made before her eighteenth birthday, she is entitled to Social Security benefits for the rest of her life. In view of Stacy's newfound independence, the state is making attempts to reunite her with her two children.

The FSU College of Law opened its first in-house clinic in 1991 at the Children's Advocacy Center in the Caldwell House on the Village Green. Third-year students certified to practice law under the student practice rule of the Florida Supreme Court represent clients like Bobby and Stacy in

Third-year law students Paul Collier (left) and Robert Daigle discuss a Children's Advocacy Center case outside the Leon County Courthouse.



The Children's Advocacy Center is located in the Caldwell House on the College of Law's Village Green.

real litigation and dispute resolution. "Settling a case in mediation rather than in court, which is what we did with Bobby, is a success for everyone involved," says Golomb. "This kind of approach saves time and court costs and includes everyone in the decision-making process."

Twelve third-year students currently are enrolled in the unique program. Students can enroll for one or two semesters and receive six hours of credit each semester. Most students prefer the two-semester option, since it offers a better chance to see cases through to their completion and to gain experience in a variety of situations.

The program differs from others available to law students, participants say. "Clerking with a big-name law firm may offer some networking opportunities," says

Laura Anderson, "but I never would have gained as much experience in the courtroom if I had chosen that route."

Leon County Circuit Court Juvenile Division Judge John Crusoe agrees that the courtroom experience gained by students is invaluable. The Center presents cases in his court each week. "Being in the courtroom is nerve-racking and earth-shattering for students, but they learn a lot by preparing for each appearance. These students are both competent and effective in representing their clients."

The Center emphasizes a multidisciplinary approach. Graduate students from the FSU Social Work program investigate the children's socioeconomic, psychological and educational needs. FSU Criminology program students investigate cases, interview law enforcement officials and obtain case reports. Emphasis is placed on rehabilitation.

"I like working at the Center because it deals with overall advocacy and policy issues rather than just one case at a time," says Suzanne Riley, one of five social work students currently working in the program.

"We see criminology theories in action here," says Melissa Winston. Taking the route of rehabilitation is a primary goal of the Center. Another criminology student, Deborah Bookout adds, "We address issues such as labeling by using terms like 'criminal mischief' instead of 'juvenile delinquency.'"

The student lawyers and social workers work as a team on each case, with faculty supervision. Clinical professors Mark Ol-

ive, Gerry Glynn and Claudia Wright often serve as mentors to program participants. Olive, who also is director of the Center, believes that law students can learn a lot about the real world through participation in the program. "Law school fosters self-involvement. The experience offered here at the Center creates a bridge from that self-involvement to coalition building," he says. Students must negotiate what is best for the client. Often, they find that their client's best interests and the precise language of the law are working at cross purposes. "It is okay for the students to make mistakes that can be corrected. That's part of the learning process."

Commitment to the program also extends to second-year law students, who fulfill pro bono requirements by assisting with legal research. Undergraduate social work students are given opportunities to see first-hand what their field of study is all about. And some Tallahassee residents volunteer with the simple goal of helping someone in need.

Volunteer coordinator Angela Doyle says she tries to match the individual strengths of volunteers with the needs of the children. "This experience gives people a chance to be role models for kids who come from an environment that doesn't foster healthy values and leadership."

To ensure the Center's growth, a permanent funding base is being sought. The program is currently funded by the law school, the Florida Bar Foundation, and the federal Department of Education. Those sources, however, do not cover court costs, witness fees and counseling. The Children's Advocacy Center will continue to provide a unique multidisciplinary program for the benefit of FSU students as well as for Florida's children. Two end products are sought: an accomplished group of law, social work and criminology students who will be better professionals by virtue of their experiences, and a lucky group of children who have had the legal representation they need and deserve.

If you would like to know more about the Children's Advocacy Center, volunteer opportunities or its internship program, or if you would like to make a financial contribution, please write or call: The Children's Advocacy Center, FSU College of Law, P.O. Box 10287, Tallahassee, FL 32302; (904) 644-9928. ■

*'Settling a case in mediation rather than in court is a success for everyone involved.'*



By David Morrill

# Returning the favor

**Bartow attorney  
John W. Frost, II,  
announces plans to  
establish an endowed  
professorship.**



A graduate of the College of Law's 1969 charter class has announced plans to establish an endowed professorship at the College. John W. Frost, II, of Bartow, 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. The endowed professorship will be the first established by a graduate of the College.

The gift, according to Frost, is his way of paying the College back for what it has given him. "The law school gave me the support and training to do something I really enjoy, which is practicing law. I'm proud to be a lawyer and I enjoy going to work each day. I feel I have an obligation to the institution that gave me that opportunity."

In acknowledging the gift, Dean Donald Weidner said, "Never in the history of our law school has an alumnus made a gift of this magnitude. In these tight budget times, when so much of the news is bleak, John's generosity and moral support are exhilarating. As a long-standing friend and supporter of our school, his gift has deeply touched us all."

Frost will not designate a specific area of law to which he would like to see the professorship's proceeds applied. "I'm leaving that decision up to the faculty and the dean. These are tough times economically for public education, and the law school needs the latitude to spend the money where it will do the most good. Obviously, I hope it can be used to attract outstanding faculty to the College and to keep the great faculty already there."

Originally from Jacksonville, Frost

joined the Bartow office of Holland & Knight following his graduation from law school in 1969. "I chose the Bartow office because I wanted to go into trial practice and they had a litigation department there," he said. "An added bonus, I had the opportunity to work with Stephen Grimes, who was not only an excellent lawyer but a great teacher as well." Grimes, currently a Florida Supreme Court Justice, headed Bartow's Holland & Knight litigation department until 1973, when he was ap-

pointed to the District Court of Appeal.

Grimes recalls Frost "as probably the finest young lawyer I ever worked with. Right out of law school he had excellent instincts." Grimes, who has maintained his friendship with Frost over the years, adds, "Today, of course, John is one of the best trial lawyers in central Florida. He is extremely ethical, but extremely aggressive on behalf of his clients."

In 1981, Frost and a friend left Holland & Knight to establish their own firm. Today, Frost & O'Toole has seven attorneys and concentrates in the areas of plaintiffs personal injury and commercial litigation.

Of his adopted hometown, Frost describes Bartow "as not only a good environment for practicing law, but a great place to live. I've been in Bartow for 24 years—I keep up with the years by the age of my oldest daughter, Ashley, a second-year student at the College of Law." A chief attraction of Bartow and Polk County, according to Frost, is that despite their large population, they retain a rural character. "Polk County is made up of a number of small towns, and, as a consequence, we don't have a lot of big city problems. It's nice not to have to sit in traffic," he says.

While in law school, Frost was chosen by Mason Ladd to serve on the first moot court team and was elected president of the law school student body. Although he says he has many pleasant memories of his law school years, he especially recalls the Friday afternoon football games during the fall. "We had a talented bunch of players—some of them former FSU varsity players—and we had some pretty spirited games." Some of the players Frost remembers were Keith Kinderman, Kim Hammond, Jim McConnaughay and Nick Geeker.

Although Frost won't designate an area of the law that his gift will be used for, he has a strong interest in strengthening ties among the law school, its graduates and the community of practicing attorneys. "I think it's critical to establish a relationship between law students and attorneys. Working attorneys have experience and insight that faculty, and especially students, can benefit from. At the same time, attorneys need to keep up with the trends in jurisprudence that the law school teaches. The gap right now is too large. I hope, in some way, my gift can help close that gap." ■

FEATURE

## A Report on the College of Law's Endowed Professorship campaigns

### Tallahassee Alumni Endowed Professorship

Contributions are being solicited from College of Law graduates living in Tallahassee and Leon County for the Tallahassee Alumni Endowed Professorship. Proceeds derived from the endowment to be created with the \$100,000 collected before December 31, 1996, will provide funds for student staff assistants, travel to professional meetings and faculty salary supplements. The faculty member designated as the Tallahassee Alumni Professor will be selected by the dean and will probably be a junior faculty whose salary is significantly below the national average for faculty members of comparable rank at peer institutions.

### William VanDer creek Endowed Professorship

Coordinated by 1972 College of Law graduate Ken Conner, the William VanDer creek Professorship campaign is focusing on alumni who have participated in moot court. Professor VanDer creek plans to retire at the end of the 1993 spring semester.

### Charter Class/Mason Ladd Endowed Professorship in Evidence

The Mason Ladd Professorship is a project of the classes of 1969, 1970, 1971 and 1972, and others wishing to honor the College of Law's first dean. Professor Chuck Ehrhardt has already been named Ladd Professor of Evidence and will receive financial support for his work when the professorship is fully funded.

Those wishing to make contributions to the endowed professorships, may contact the Office of Advancement and Alumni Affairs, Florida State University, College of Law, Tallahassee, FL 32306-1034, (904) 644-7286.

### Dore Professorship receives gift from Tallahassee judge

The College of Law's Pat Dore Endowed Professorship has received a \$2,000 donation from Leon County Circuit Judge J. Lewis Hall. The donation was made from the judge's campaign re-election fund.

Initiated by the Administrative Law Section of the Florida Bar, the Pat Dore Professorship, when fully funded, will be awarded to a faculty member teaching and conducting research in the area of Florida Administrative Law.

The professorship was established by the Florida Bar's Administrative Law section with an initial contribution of \$20,000 to honor the late administrative law professor. The section must raise an additional \$80,000 within five years to qualify for \$50,000 from Florida's Major Gifts Matching Program. When it is fully funded, the chair will be used to attract and support a faculty member to continue Dore's work in Florida administrative procedure.

Contributions are being solicited from all alumni and friends of the law school and Pat Dore, with special emphasis on those who practice in the area of administrative law.

Donations to the chair can be sent to the Pat Dore Endowed Professorship, College of Law, Florida State University, Tallahassee, FL 32306-1034.



CLASS NOTES

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**Lynwood F. Arnold, Jr.**, announces the formation of Arnold, Moore, Frank & Schabacker in Tampa.

**Norman "Doc" Horton, Jr.**, has joined the firm of Oertel, Hoffman, Fernandez & Cole, P.A., Tallahassee, specializing in the regulated utilities and telecommunications areas.

**Harold M. Knowles** has been appointed to the Second Circuit Judicial Nominating Commission.

**Frank A. Kreidler** of Lake Worth, was appointed by Governor Lawton Chiles to serve a four year term on the District Nine, Health and Rehabilitative Service's Human Rights Advocacy Committee for Developmental Services. The term began in October. As a committee member, Kreidler will investigate complaints, monitor HRS programs and facilities, review research projects and act as an impartial and independent third party for the protection of the rights of HRS clients in Palm Beach, Martin, St. Lucie, Indian River and Okeechobee counties. He also announces the relocation of his law office to 1124 S. Federal Highway, Lake Worth, FL 33460-5244, phone (407) 586-6226.

**Dennis E. LaRosa** announces the relocation of his office to 215 S. Monroe Street, Suite 400, Tallahassee, FL 32301, phone (904) 877-6056.

**Mel R. Martinez** has been appointed to serve on the Orlando Utilities Commission.

**John E. Thrasher** has been elected to the Florida House of Representatives from Jacksonville.

74

**A. Russell Bobo** announces the relocation of his offices of Bobo, Spicer, Ciotoli, Fulford & Bocchino to 222 Lakeview Avenue, Esperante, 6th Floor, West Palm Beach, FL 33401, phone (407) 684-6600.

**Douglas C. Kearney** announces the establishment of Kearney & Associates in Dallas, Texas. He was previously associated with Choate & Lilly. His new address is: Suite 265, 750 N. St. Paul Street, Dallas, TX 75201-3241.

**C. Edward McGee, Jr.**, presented a lecture titled "Practice of Criminal Law in Federal Court," on the Florida Bar Association's Young Lawyers' Section program, "Unlocking the Mysteries of

**Wayne Hogan '72 elected president of Academy of Florida Trial Lawyers**

Wayne Hogan '72, was elected president of the 3,200-member Academy of Florida Trial Lawyers at the Academy's annual convention in November.

Hogan, a member of the Academy since 1977, has also served as secretary and treasurer of the organization. As president-elect last year, he directed the Academy's 1992 legislative lobbying effort, which was instrumental in lobbying for laws that penalize insurance companies acting with bad faith toward policy holders and preventing a lessening of benefits in health insurance conversion policies.

The Academy, which is independent of the Florida Bar, is comprised of lawyers who practice personal injury, workers' compensation, family, criminal, eminent domain, commercial and environmental law. The Academy's primary issues include access to the courts, preserving rights to jury trials, public safety, children's issues, professional negligence, and insurance rate and coverage matters.

Hogan served as the College of Law Alumni Association President in 1990-91. He is a partner in the Jacksonville law firm of Brown, Terrell, Hogan, Ellis, McClamma and Yegelwel, P.A. ■

Federal Court: A Guide for the Unwary—How to Avoid Returning from Battle on Your Shield."

**Bruce M. Stone** of Miami was a speaker at an educational program sponsored by the Real Property, Probate and Trust Sections of the Florida Bar titled "Probate Rules and Ethics Update," Oct. 29 in Miami. His lecture was titled "Professionalism and Honor of the Probate Practitioner."

**Rayford H. Taylor** of Tallahassee has been elected secretary of the Executive Council of the Florida Lawyers' Legal Insurance Corporation.

**George E. Tragos** presented a lecture titled "Fee Ethics in Criminal Cases," Oct. 3, at the Pinellas County Criminal Defense Lawyers Association Top Gun Seminar.

75

**James M. Donohue** is now associated with the firm of Moore, Williams,

Bryant, Peebles & Gautier, 306 E. College Avenue, Tallahassee, FL 32301, phone (904) 222-5510.

**Thomas M. Gonzalez** of Tampa was recognized as a 1991-92 Outstanding CLE Speaker by the Labor and Employment Lawyer Section of the Florida Bar.

**Gene L. Johnson** of Tallahassee participated in a panel discussion titled "Representing Local Government Employees in the 1990s: The Union Perspective on Issues," at the Public Employment Law Forum, Oct. 15-16, in Clearwater.

**Betty J. Steffans** of Tallahassee, was recognized as 1991-92 Outstanding CLE Speaker by the Administrative Law Section of the Florida Bar.

76

**Roy L. Glass** is serving on the executive council of the Florida Bar's Health Law Section.

**SALSA hosts Miami reception**

The Spanish American Law Students Association (SALSA) and SALSA president George Sarduy hosted a reception, October 28, at Florida International University in Miami, for College of Law alumni and current and prospective students.

Alumni attending included Jose Arrojo '88, Juan Bauta '90, Gerry Castiello '87, Danny Correa '87, Jorge Gaurch '88, Jake Maldonado '92, Manny Vega '75, and Sergio Vega '88. ■

**Linda C. Hanna** of Tampa has been nominated by the Florida Bar Tax Section's nominating committee to serve as 1993-94 chair-elect.

77

**Stephen A. Bennett** has become Of Counsel to the firm of Stearns, Weaver, Miller, Weissler, Alhadeff & Sitterson, P.A., One Tampa City Center, 201 N. Franklin Street, Tampa, FL 33602, phone (813) 223-4800.

**David K. Coburn** has been appointed Director of the Governor's Office of Planning and Budgeting.

**James O. Cunningham** announces a change in his firm's name from Billings & Cunningham, P.A., to Cunningham & Morgan, P.A. The address is 330 E. Central Boulevard, Orlando, FL 32801, phone (407) 425-2000.

**Jay E. Kauffman** announces the relocation of his office to 5999 Central Avenue, Suite 203, St. Petersburg, FL 33710, phone (813) 381-5999. Kauffman is a certified public accountant.

**Robert D. Mendelson** has been appointed to the Second Circuit Judicial Nominating Commission.

78

**Robert C. Appgar**, formerly of Haben, Culpepper, Dunbar & French, P.A.,

Tallahassee, announces the formation of Appgar & Theriaque in Tallahassee. Offices are located at 820 E. Park Avenue, Bldg. F, Suite 100, Tallahassee, FL 32301, phone (904) 222-5984. The firm will concentrate in the areas of growth management, land use, and environmental law.

**Robert E. Aylward** announces the relocation of his offices to 100 N. Tampa Street, Suite 2425, Tampa, FL 33602, phone (813) 221-4011. He concentrates in the areas of real property law, federal, state and local taxation, estate planning and probate, health care, corporation, partnerships, finance and business law.

**Richard M. Davis** has been named executive vice president for legal and governmental affairs of Associated Industries of Florida in Tallahassee. He was formerly senior vice president and general counsel of Associated Industries. His office is located at 516 N. Adams Street, Tallahassee, FL 32301, phone (904) 224-7173.

**Catherine Lannon** of Tallahassee, was named an Outstanding CLE Speaker for 1991-92 by the Government Lawyer Section of the Florida Bar.

**Erroll Powell** has been appointed hearing officer for the Florida Division of Administrative Hearings. He is former staff director for the Florida House of Representatives Committee on Ethics and Elections.

**Margaret "Peggy" Rolando** presented a lecture titled "Prepayments, Advance Rents and Security Deposits: The Obligation of a Successor Landlord" at a Florida Bar Real Property, Probate and Trust Law section program in January.

**Karen K. Specie** of Gainesville was a speaker at the Florida Bar's Young Lawyer Division program, "Bankruptcy Litigation in the 1990s: Creditors Rights Meet Hard Times." Her lecture at the Nov. 5 program in Miami was titled "Unsecured Creditors Rights in Bankruptcy."

**Robert Q. Williams** of Tavares has been reelected to the Florida Bar's Board of Governors.

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**James H. Burgess, Jr.**, announces the formation of Burgess, Harrell, Mancuso & Olson, P.A., 2033 Main Street, Suite 360, Sarasota, FL 34237, phone (813) 366-3700.

**Terence A. Gross** is co-authoring Chapter 3 of *Florida's Automobile In-*



**Nick Lioce '79 and his "Nick O'Rockwa and the Contra Band" take a stroll on the beach. When Lioce isn't performing as lead singer and thinking up outlandish puns, he is a partner in Nason, Gildan, Yeager, Gerson & White in West Palm Beach.**

urance Law Manual. His offices are located at 917 N. Palafox Street, Pensacola, FL 32501, phone (904) 433-1994.

**Roderick N. Jones** of Shutts & Bowen, Orlando, presented a lecture titled "Developments in International Banking Under the Revised Florida Financial Institutions Codes" at the Florida Bar's Business Section program, "Financial Institutions Update: New Powers, New Problems," Oct. 15-16, in Orlando.

**William M. Smith** has joined the San Francisco firm of Feldman, Waldman & Kline as Of Counsel, where he will concentrate in bankruptcy tax administration, tax litigation and general tax counseling. Prior to joining the firm, Smith was a partner in Losey & Smith, also in San Francisco, and an attorney for the U.S. Justice Department's Civil Trial Section, Tax Division, in Washington, D.C.

80

**Anne H. Ford** has become a shareholder in the firm of Danielson, Clarke, Pumpian & Ford, P.A., P.O. Box 6158, West Palm Beach, FL 33405, phone (407) 547-7000.

**Stephen A. Meck**, Deputy General Counsel for the Public Employees Relations Commission, was a speaker at the Public Employment Law Forum in October, in Clearwater.

**David W. Spicer** announces the relocation of his office of Bobo, Spicer, Ciotoli, Fulford & Bocchino, to 222 Lakeview Avenue, Esperante, 6th Floor, West Palm Beach, FL 33401, phone (407) 684-6600.

81

**E. Gary Early** has become Of Counsel to the firm of Akerman, Senterfitt & Eidson, P.A., in the environmental law section. Offices are located at 216 S. Monroe Street, Suite 300, Tallahassee, FL 32301, phone (904) 222-3471.

**Wayne L. Helsby** is serving as president of the Young Lawyers Division of the Florida Bar.

**Gerard F. Keating**, Board Certified Trial Lawyer from Daytona Beach, has won a reversal of a death sentence from the Florida Supreme Court. This is his second death penalty reversal before that court. His address is Gerard F. Keating, P.A., 318 Silver Beach Avenue, Daytona Beach, FL 32118, phone (904) 252-2501.

**Debra Lynn Romanello** has been named Chief of Staff of the Florida Senate by Senate President Ander Crenshaw.

82

**Eugene L. Ciotoli** announces the relocation of his offices of Bobo, Spicer, Ciotoli, Fulford & Bocchino to 222 Lakeview Avenue, Esperante, 6th Floor, West Palm Beach, FL 33401, phone (407) 684-6600.

**Stacey C. Frank** announces the formation of Arnold, Moore, Frank & Schabacker, 201 North Franklin Street, Tampa City Center, Suite 2350, Tampa, FL, phone (813) 228-0036.

**Carrie J. Hightman** of Schiff, Hardin & Waite, P.A., has been appointed chair of the Public Utility Law Com-



**Tallahassee lawyers raise money for Legal Aid Foundation**

Tallahassee attorneys, including FSU College of Law graduates, traded legal pads for serving trays for an evening in October to raise money for Leon County residents unable to afford legal services.

The Second Annual Celebrity Waiter/Waitress Dinner, held in conjunction with Tallahassee restaurant Chez Pierre, dedicated the proceeds of the fundraiser to the Legal Aid Foundation.

Among FSU law graduates serving dinner and contributing their tips to the cause were Public Defender Nancy Daniels '77; Janet Ferris '76, Secretary, Department of Business Regulation; Joseph R. Boyd '74, Boyd & Branch; Judith Hawkins; Jimmy Judkins '74, Judkins & Simpson; and Jack McLean '74, director, North Florida Legal Services.

Friend of the College DuBose Ausley, president of Ausley, McMullen, McGehee, Carothers & Proctor also participated in the fundraiser. ■

mittee of the Chicago Bar Association. She also recently presented a lecture titled "Least Cost Planning in the Electric Industry: A Prospective for the Water Industry" at the annual meeting of the American Municipal Water Association.

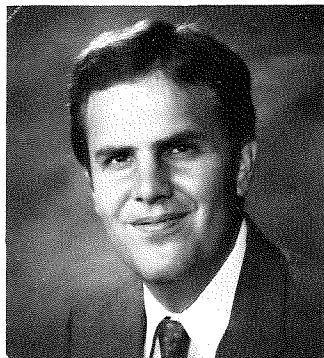
Kelly Overstreet Johnson has been appointed to the Second Circuit Judicial Nominating Commission.

83

Will Condry, formerly of DeCiccio & Broussard, P.A., announces the formation of Broussard Condry & Willett, P.A. The new firm concentrates in general litigation, personal injury and workers' compensation defense. Offices are located at 20 N. Orange Avenue, Suite 1108, Orlando, FL 32801, phone (407) 649-8717.

Kevin Doty is serving his second term on the Vero Beach City Commission.

R. Andrew Rock presented a lecture titled "Multi-specialty and Uni-specialty Group Practice" at a series of Florida Bar Health Law Section programs in January and February.



Richard D. Tritschler is serving as General Counsel for the Florida Department of Agriculture & Consumer Services.

Deborah H. Wagner of Tallahassee has been appointed by Gov. Lawton Chiles to a three-year term on the Florida Commission on Human Relations.

84

Ralph A. DeMeo has become a shareholder of the Tallahassee firm of Hopping, Boyd, Green & Sams, P.O. Box 6526, Tallahassee, FL 32314, phone (904) 222-7500.

Martha J. Edenfield has joined the firm of Akerman, Senterfitt & Eidson, P.A., where her practice will concentrate on administrative law with an emphasis on environmental matters. A member of the Florida Bar's Environmental and Land Use Section, Edenfield frequently writes on environmental issues for business publications. She is currently president of the Tallahassee Women Lawyers. Her new address is 216 S. Monroe Street, Suite 300, Tallahassee, FL 32301.

Michael M. Metz, former senior attorney with the F.D.I.C., has joined Abel, Band, Russell, Collier, Pitchford & Gordon. Offices are located at 240 S. Pineapple Avenue, Sarasota, FL 32230, telephone (813) 366-6660.

Casey W. Mills announces a change of address to 600 S. Andrews Avenue, Suite 600, Fort Lauderdale, FL 33301, phone (305) 763-7550.

Frank P. Rainer is now associated with Ruden, Barnett, McClosky, Smith, Schuster & Russell, P.A., 101 N. Monroe Street, Suite 1010, Tallahassee, FL 32301, phone (904) 681-9027.

Charles A. Salerno of Tallahassee participated in a panel discussion titled "Representing Local Government Employees in the 1990s: The Union Perspective on Issues," at the Public Employment Law Forum, Oct. 15-16, in Clearwater.

Nancy B. Stewart has been appointed to the Second Circuit Judicial Nominating Commission.

85

John M. Alford has become a partner with Holland & Knight. Previously an associate with the firm, he practices in the general litigation and real estate sections. His address is P.O. Box 810, Tallahassee, FL 32302.

Mark E. Holcomb presented a lecture titled "How to Deal with the Department of Revenue in Audit and Collections," during a Florida Bar educational program, "Tax Basics for the General Practitioner" in January.

Eleanor A. Joseph has become a partner with Holland & Knight. Previously an associate with the firm, she practices in the area of health care law. Her address is P.O. Box 810, Tallahassee, FL 32302.

Douglas P. Manson has become a partner of Carey, O'Malley, Whitaker & Lins, P.A., at 100 S. Ashley Drive, First Union Center, Suite 1190, Tampa, FL 33602, phone (813) 221-8210.

Curtis J. Mase, formerly a partner with Anderson, Livingston, Kubit & Mase, has become a partner of Fowler, White, Burnett, Hurley, Banick & Strictrout, P.A. He concentrates in the areas of maritime, admiralty and general litigation. His office is located at Court House Center, 11th floor, 175 NW 1st Avenue, Miami, FL 33128-1835, telephone (305) 358-6550.

**Brian Toung '83 Client wins \$2.55 million settlement**

A jury has awarded a client of Brain R. Toung '83, \$2.55 million damages for injuries received in a fight that the client claimed destroyed plans for a major league baseball career.

According to the suit, former Florida A&M University athlete Oscar Williams was on the verge of being drafted by the Chicago Cubs when he visited a friend at Bethune-Cookman College in April 1988. During the visit, an off-campus altercation spread onto the campus. Williams, who was 20 at the time, jumped from a third-floor dormitory window to avoid the violence, according to Toung. The fall shattered Williams' left ankle, ending his dreams of playing baseball.

The suit charged that Bethune-Cookman was negligent for having only one security guard on duty the night of the fight. ■

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Craig P. Clendinen has become associated with the firm of Stearns, Weaver, Miller, Weissler, Alhadeff & Sitterson, P.A., at One Tampa City Center, 201 N. Franklin Street, Tampa, FL 33602, phone (813) 223-4800.

J.A. Jurgens announces his affiliation with the firm of Honigman, Miller, Schwartz and Cohn, 222 Lakeview Avenue, Suite 800, West Palm Beach, FL 33401, phone (407) 838-4500. Jurgens was a speaker in a Florida Bar

program titled "Shelter from the Storm: A Guide to Surviving the Latest Developments in Land Use Law," November 20-21, in Tampa.

Amelia "Mel" Rea Maguire has become a partner with Holland & Knight. Previously an associate with the firm, she practices in the corporate and administrative law section. Her address is Post Office Box 015441, Miami, FL 33101.

Mary Ann Morgan announces a name change of her law firm from Billings & Cunningham, P.A., to Cunningham & Morgan, P.A. The address is 330 E. Central Boulevard, Orlando, FL 32801, phone (407) 425-2000.

Marilyn K. Morris has become a shareholder of the firm of Collins and Truett, P.A. Her office is located at 2804 Remington Green Circle, Suite 4, in Tallahassee. Mailing address is P.O. Box 12429, Tallahassee, FL 32317-2429, phone (904) 385-8220.

Henry P. Nowak's new address is Somatogen, Inc., 5797 Central Avenue, Boulder, CO 80301.

Mark G. Pennington has joined the firm of Prom, Korn & Zehmer, P.A., in Jacksonville. Offices are located at Suite 200, Southpoint Bldg., 6620 Southpoint Drive, South, Jacksonville, FL 32216, phone (904) 296-2111.

Gary A. Shipman has become a shareholder of the firm of Collins & Truett, P.A. His office is located at 2804 Remington Green Circle, Suite 4, Tallahassee, FL 32308, phone (904) 385-8220.

Donald E. Thompson, II, formerly with Gunster, Yoakley & Stewart, P.A., has joined the Boca Raton firm of Proskauer, Rose, Getz & Mendlesohn. Offices are located at One Boca Place, Suite 340 West, 2255 Glades Road, Boca Raton, FL, phone (407) 241-7400.

87

Linoria Anthony has been appointed to a four-year term on the Florida Public Employee Relations Commissions by Gov. Lawton Chiles. Anthony is the former Director of Human Relations and Contract Administration for the American Federation of State, County and Municipal Employees (AFSCME)

Beryl Roberts Burke has been elected to the Florida House of Representatives, where she will chair the Judiciary Subcommittee on Real Property and Family Law. Her address is P.O. Box

552312, Carol City, FL 33055.

Timothy T. Ramsberger was recently appointed by Orlando Mayor Bill Frederick to serve on the city's Parks and Recreation Board, where he will serve as chairman of the Recreation Subcommittee. He has also been appointed to serve on the Board of Directors for World Cup Orlando. Ramsberger is now associated with the firm of Robert B. White, Jr., P.A., 225 E. Robinson Street, Landmark Center II, Suite 620, Orlando, FL 32802, phone (407) 422-3113.

Lancing C. Scriven of Trenam, Simmons, Kemker, Scharf, Barkin, Frye & O'Neill in Tampa has been elected president of the George Edgecomb Bar Association.

Edward Louis Stern is now associated with the firm of McConaughay, Roland, Maida, Cherr & McCranie, P.A., 101 N. Monroe Street, Suite 950, Tallahassee, FL 32301.

Nelson G. Williams is semi-retired and performing pro bono work. He served on the Citrus County Task Force for a Children's Service Council last year, drafting an ordinance that received 40% of the vote in a referendum. He also served on an Interim Planning Group whose recommendation that the counties of the Fifth Judicial Circuit become a new HRS District 13 was enacted by the 1991 Florida Legislature. Nelson has also published articles about his electric trains in four national hobby magazines. His address is 7589 S. Grovewood Loop, Floral City, FL 32636, phone (904) 344-9753.

88

Robert J. Boyd has joined Nathan L. Bond to form Bond and Boyd, P.A. Boyd will concentrate in the areas of professional licensing, administrative law, criminal law and general practice litigation.

Jodi L. Chase has been named vice president and general counsel of Associated Industries of Florida. She was formerly vice president and assistant general counsel of Associated Industries. Her office is located at 516 N. Adams Street, Tallahassee, FL 32301, phone (904) 224-7173.

Michael W. Jackson is an Assistant District Attorney in Selma, Alabama.

Scott R. Rost and Lawrence G. Walters

J. Alex Villalobos ▶

announce the formation of Walters & Rost in Deltona and Daytona Beach.

J. Alex Villalobos has been elected to the Florida House of Representatives from District 112 in West Dade County. His office address is 1405 S.W. 107 Avenue, Suite 301-E, Miami, FL 33174.

89

John E. Eagen has joined the firm of Barrett, Hoffman, Hall and Enfinger in Tallahassee. Offices are located at 111 S. Monroe Street, Suite 3000, Tallahassee, FL 32301, phone (904) 222-9000.

Orlando L. Evora has become an associate with the firm of Honigman, Miller, Schwartz and Cohn where he will specialize in real estate law. His offices are located at 390 N. Orange Avenue, Suite 1300, Orlando, FL 32801, phone (407) 648-0300.

Philip J. Sypula announces the establishment of Philip J. Sypula, P.A., 766-B Hudson Avenue, Sarasota, FL 34236, phone (813) 365-6969.

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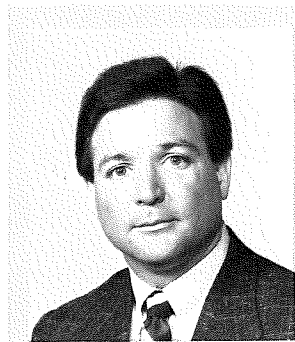
Jorge M. Cestero is a member of the firm of Ronald W. Belveal, P.A., in Tampa. Offices are located at 100 W. Kennedy Blvd., Suite 600, Tampa, FL 33602, phone (813) 229-7674.

Angela G. Ferguson is an associate with Wooten, Honeywell & Kest, specializing in personal injury and medical malpractice.

91

Paul R. Berg has become an associate with Clemm, Polackwich & Vocelle in West Palm Beach.

Jesse R. Dillard and Ruth B. Dillard proudly announce the birth of their



**Terry Bowden '82 named football coach at Auburn**

Terry Bowden has been named head football at Auburn University. Bowden, who served as head coach at Samford University in Birmingham, Alabama, since 1987, succeeds Pat Dye, who resigned in November. Bowden is the son of FSU coach Bobby Bowden and served as an assistant to his father from 1979 until 1981.

Law Professor Chuck Ehrhardt offers the observation that the College of Law is probably the only law school in the country whose alumni include a Division I college head football coach and a major league baseball manager. Tony La Russa, manager of the Oakland Athletics, is a 1978 graduate. ■

daughter Jendayi Bizzelle Dillard (pronounced jen-dah-ye, from Shona, Zimbabwe, meaning "give thanks"), born November 5, 1992.

Kenneth J. Dorchak announces the opening of his offices at 11900 Biscayne Boulevard, Suite 310, North Miami, FL 33181, phone (305) 891-0211. His solo practice in general civil practice will concentrate in dissolution of marriage, real estate, commercial litigation, personal injury and corporate work.



Barbara C. Fromm has joined the firm of Parker, Skelding, Labasky & Corry where she practices primarily in the areas of civil rights defense and personal injury. Her address is 318 N. Monroe Street, Tallahassee, FL 32301, phone (904) 222-3730.

Robert V. Latorre is now associated with the firm of Cantor & Morante, P.A., Suite 3750, One Biscayne Tower, Two S. Biscayne Boulevard, Miami, FL 33131, phone (904) 374-3886.

Mark F. Peres has completed a clerkship with the 11th Circuit, U.S. Court of Appeals, and has become associated with the law firm of Jenner & Block in Miami.

Chad S. Roberts is now associated with Holland & Knight, 2000 Independent Square, Jacksonville, FL 32202, phone (904) 353-2000.

Cheryl Parker Rose has been appointed Legislative Director for Florida

Legal Services.

92

Michael P. Bruyere has become an associate with the firm of Ausley, McMullen, McGehee, Carothers & Proctor in Tallahassee.

Steve Cohen is clerking for the Florida Supreme Court Justice Grimes.

George L. Fernandez has become asso-

ciated with Akerman, Senterfitt and Eidson in Orlando.

Frederick Jorgenson has become affiliated with Bell, Seltzer, Park & Gibson, Charlotte, North Carolina.

Laurie Taylor has been elected to serve on College of Law Alumni Association Board of Directors and has become an associate with Frith and Stump, P.A., in Orlando.

### Suzanne Suarez's ('92) midwifery research project leads to a major article in *Yale Journal of Law and Feminism*

A law school research project and a passion for changing the way America delivers its babies has led a 1992 College of Law graduate to write a major article in the Spring 1993 issue of the *Yale Journal of Law and Feminism*.

Suzanne Suarez (known as Masonbrink in law school) describes her article, "Midwifery is Not the Practice of Medicine," as a product of her own experience as a mother and a nurse and her increasing frustration with American medicine. After five years working as a nurse, Suarez chose law school over the opportunity to enroll in the nurse-midwife program at the University of Florida. "When I was president of the local chapter of the Florida Nurses Association, my colleagues persuaded me to get out of nursing so that I could have more respect and power," she says.

According to Suarez, the nation's medical establishment all but eliminated midwifery at the turn of the century. "We're the only country in the world where this happened," she says. "It makes absolutely no sense. In European countries where midwives deliver the majority of babies, the infant mortality rate is far less than the rate in the U.S. In fact, the U.S. has one of the highest infant mortality rates in the Western world."

The issue in the U.S. is largely economic, Suarez says. "Hospitals make a tremendous amount of money from childbirth. In fact, obstetrical services are the number one source of hospital revenue, according to a national hospital discharge survey." Because of the prominent role that hospitals play, Suarez claims that childbirth has come to be treated as a pathology. "Giving birth to a baby is not a disease, but we are one of the only industrialized countries in the world that doesn't realize this," she says. "Only 5 percent of births require medical intervention yet 95 percent are treated by a system developed for acute care." Suarez maintains that midwives are skilled not only in healthy childbirth, but in emergency situations requiring transfers to hospitals, as well.

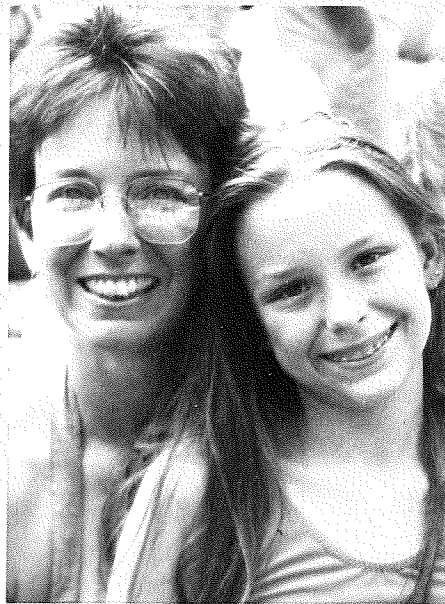
A particularly disturbing finding of Suarez's research is the correlation between poverty and infant mortality in the U.S., particularly within the black population. "If you separate the

mortality rate for African-American babies from the rest of the population, it would rank 36th in the world. That's below a lot of third world countries," she says. To Suarez, the figures are an indictment of an expensive, medically-oriented system of childbirth. Access to midwives, not only reduces costs but assures a higher quality of prenatal care, she says.

Suarez's article is an outgrowth of a directed individual study (DIS) paper, titled, "Infant Mortality & Midwifery: The Problem and The Solution," which she wrote in her last year of law school. As she worked on it, the project "took on a life of its own. The more research I did, the more there was to do," she says.

As Suarez developed a data base of information about midwifery, researching laws and practices in all 50 states, she found herself increasingly in demand as an expert in the field. She was called to testify before the Florida Senate and House health care committees and was appointed to the Governor's Healthy Start Coalition Advisory Board, where she served as chairperson.

Suarez, who took the Florida Bar exam in February, hopes her article in the Yale journal is just a beginning. "Childbirth in the U.S. is an area that needs a lot of attention," she says. "I'd like to provide it that attention and help to educate other women about the issues." ■



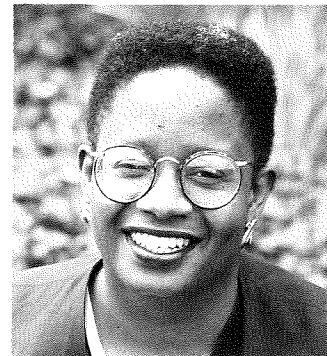
Suzanne Suarez (left) with her daughter

### FACULTY NOTES



Robert Atkinson delivered an invited talk on the ethical problems in criminal defense work at the 18th annual Legal Ethics Institute in November at Washington and Lee University, Lexington, Virginia.

Meg Baldwin has presented lectures on prostitution at the University of Michigan Law School, in October, and at Cordoza Law School in November.



April Cherry

April Cherry and Jean Sternlight are among 14 winners of the First-Year Assistant Professor Awards for summer 1993. The program provides beginning faculty members an opportunity to devote full-time during their first summer to research and creative activity in their academic fields.

Charles Ehrhardt was a lead presenter at the Capital Sexual Battery Trial Skills Workshop at the Annual Education Meeting of the Florida Conference of Circuit Judges, December 1.

Elwin Griffith presented a paper at the Caribbean Law Institute's annual seminar on commercial law reform in the Commonwealth Caribbean in Miami in November.

Associate Dean Steve Goldstein has been named by FSU President Dale Lick to chair the Task Force on Community Service and Service Learning. The task force will examine how community service is best initiated, fostered, and integrated into the academic life of students and faculty. The task force is made up of faculty, students, staff and members of the community and will deliver a report to the president in March. Goldstein was also appointed to the American Bar Association's Coordinating Committee on Legal Education. The appointment was made by the president of the ABA.

Judge Robert Keeton of the U.S. District Court for Massachusetts presented a Mason Ladd lecture February 11. He made a presentation to the faculty on February 12.

Richard B. Lillich was elected vice president of the American branch of the International Law Association (ILA) in November. He also serves on the ILA Executive Council and chairs the ILA Committee on the Enforcement of Human Rights Laws.

Richard Thigpen has joined the faculty as visiting professor during the Spring semester, teaching corporate tax and business planning. Recently retired after 25 years at the University of Alabama in Tuscaloosa, Thigpen earned a MA in history and a J.D. at Alabama and an LL.M. from Yale. At Alabama he was assistant to the President and taught tax and corporate law courses at the law school. He is the author of the *Alabama Government Manual and Legal Ethics in Alabama* (with Cohen). He recently served as the reporter for a new model corporations act being considered by the Alabama Legislature.

Jack Van Doren has received a Fulbright grant from the J. William Fulbright Foreign Scholarship Board and the U.S. Information Agency to teach U.S. Constitutional history at the University Alexandru I. Cuza in Iasi, Romania. Van Doren is one of 1,800 U.S. grantees traveling abroad for the 1992 academic year under the Fulbright program.

Ruth Witherspoon's comments on Financial Aid and Recruitment were published in a symposium issue of the *Northern Illinois University Law Review*.

Ruth Witherspoon ▶

### College receives grant from Attorneys Title Fund

The College of Law has received a \$1,000 grant from the Attorneys' Title Insurance Fund, Inc. to support teaching and research in real property law. The grant, established in 1960, is made annually to Florida's six law schools.

The Fund also supports Florida law schools by awarding prizes for student essays related to real property law and conducting annual workshops at each of the law schools with instruction on title examination and closing of real estate transactions. ■



Claudia Wright has been chosen to receive the American Bar Association Young Lawyer Division Center for Children and the Law Child Advocate of the Year Award. She received the award in February in Boston.

John Yetter spoke on evidentiary issues in bankruptcy proceedings at the Annual Meeting of the Northern District of Florida Bankruptcy Bar Association in November.



### Alumni are honored for pro bono work

College of Law graduates in Orlando, Tallahassee and Key West have been honored by the Florida Supreme Court and the Florida Bar for exemplary pro bono service to the citizens of Florida.

The Orlando law firm of Wooten, Honeywell & Kest, P.A., was the 1993 Chief Justices's Law Firm Commendation Recipient.

Partner John M. Kest '73, Samuel P. King '85, and Angela Ferguson '90, were cited for contributing to the firm's outstanding reputation for providing pro bono services in central Florida. In acknowledging the firm, the Chief Justice noted that Wooten, Honeywell & Kest has handled 84 pro bono cases since 1986, expending more than 1800 hours.

Charlotte Brayer '87 and Michael Halpern '76 were honored as Florida Bar President's Pro Bono Service Award Recipients. Brayer was honored for her work with elderly clients while Halpern received commendation for his work in assisting the elderly, and abused women and children. ■



STUDENT NOTES

Dean Johnson, Russell Kent, Dina Keever, Robert Kohlman, Travis Miller and Brian Raymaker have been named the College of Law's first Ausley Scholars. Established by Tallahassee Attorney and Board of Regent member DuBose Ausley, the scholarship endowment supports writers for the *Florida State University Law Review*.

Black Law Student Association (BALSA) officers for 1992-93 are Zina Pickens Brown, President; Marcell Johnson, Vice President; Neibra Washington, Secretary; Bruce Meeks, Treasurer; Pamela Bridgewater, 1st Year Representative; and Brian Higgins, 1st Year Representative.

Environmental Law Society officers for 1992-93 are Jake Kaney, President; Alan Richard, Vice President; Warren Wilson, Secretary; and Bill Martin, Treasurer.

New Members of the *FSU Journal of Transnational Law & Policy* are Tracy Adams, Zina Pickens Brown, Laverne Gaskins, Mark Glassman, Daryl Nall, Rodolfo Nunez, Susy Ribero, Robert Seal, Donnette Templer and Michael Wyckoff.

Moot Court team members for 1992-93 are Mark Anderson, Christina Diaz, Matthew Foster, Cecelia Gowen, Scott Rhodes and Matt Schad, Best Oralist.

Phi Alpha Delta officers for 1992-93 are Summer Barranco, Justice; Victor Murray, Vice Justice; Bridgett Hodges, Clerk; Shira Thomas, Treasurer; and Anthony Peyton, Marshal.

1992 summer grant recipients in the Public Service Fellows program include Suzanne Aranda, Dione Carroll, Carla Cody, Cecelia Gowen, Suzanne Mann, Kelly Marlin, Jacqueline Middleton, Victor Murray, Rodolfo Nunez, Lorraine Rimson, Mina Schmitt and Mabel Smith.

New members of the Student Trial Lawyers Association are Carla Cody, Gloria Gonzalez, Chris Karpinski (Best Oralist), Ryan McCabe, Victor Murray, Nicolas Turasz and Alan Williams.

**Partners in Public Service kick off annual pledge drive**

Partners in Public Service kicked off its annual "Work a Day in the Public Interest" pledge drive Feb. 26, encouraging alumni to participate. Last year, alumni helped the Partners raise \$13,000, enabling 12 students to work in public service fields. This year the goal is double that amount, providing public service opportunities for more students who want to make a difference.

The Partners hosted a

party Feb. 26 at the American Legion Hall in Tallahassee where the band Work for Hire performed. Those contributing to the fund raiser will receive a customized T-shirt. If you are interested in making a donation, please make checks payable to Partners in Public Service, FSU College of Law, Florida State University, Tallahassee, FL 32306-1034.

**Students provide representation for Haitian refugees**

Eleven College of Law students spent part of their Christmas break in Miami providing legal representation to Haitian refugees seeking asylum in the United States.

The Haitian Asylum Project, sponsored by the Young Lawyers Guild, was organized last year by law students at Case Western Reserve University who were concerned with the lengthy delays in processing asylum requests. Since the overthrow of Haitian President Jean-Bertrand Aristide in 1991, according to the students, thousands of supporters of the

sands of supporters of the ousted leader have become victims of political violence and have been forced to leave their country.

More than 120 students from 40 universities took part in the project. In cooperation with the Haitian Refugee Center in Miami and the Church World Services, the students interviewed refugees at the Chrome detention center in Miami, gathering information for asylum hearings.

College of Law students who participated in the project were Roseanne Gonzalez, Brian Higgins, Jean McGowan, Jacques Darius, Patricia Dawson, Joe Schimmel, Bridgett Hodges, Adam Hersh, Dione Carroll, Tony Peyton and Aimone Pasqualin.

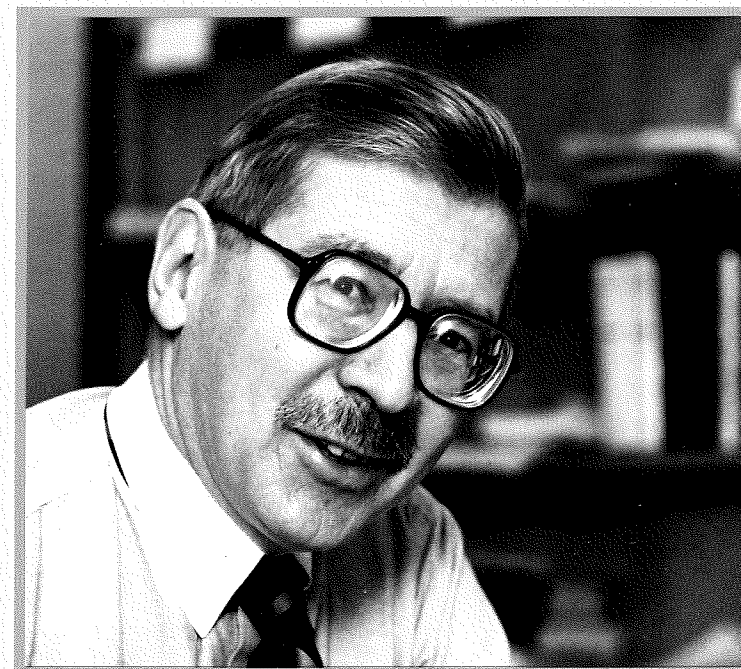
The students received financial assistance from the FSU Student Government Association which paid for travel and food. The National Lawyers Guild paid lodging expenses.

**Newly-elected Minnesota Supreme Court Justice and professional Hall of Fame football player Alan Page, left, visited the College of Law in November. Page, the first African-American elected to state-wide public office in Minnesota, was in town for the FSU Athletic Department's annual Golden Torch Gala, honoring student athletes. At the College of Law, he was hosted by Phi Delta Phi legal fraternity. Also pictured, from left, Diane Page, law professor Chuck Ehrhardt and Circuit Judge James Joanas.**



By David Morrill

# Reasons for Hope



**Although world news is dominated by tales of bloodshed and hunger, international human rights expert and recent College of Law Edward Ball Chair Professor Richard Lillich suggests that slow but steady improvement is taking place.**

Ask Richard Lillich his feelings about the international human rights climate, and he invokes Ambrose Bierce's definition of a cynic. In his *Devil's Dictionary*, Bierce calls a cynic "one who sees things as they are, not as they ought to be."

Lillich's realism, however, is tempered these days with what he calls "strong reasons for optimism." In a world seemingly awash in cruelty and suffering, Lillich, one of the world's foremost experts on human rights, has spent much of his professional life working to create many of these reasons.

On leave this year from the Howard W. Smith Professorship of Law at the University of Virginia, Lillich spent the fall 1992 semester at the FSU College of Law as the Edward Ball Eminent Scholar in International Law. Currently, he is teaching at the Max Planck Institute in Heidelberg, Germany. In addition, he consults with

the U.S. State Department and the United Nations on human rights, and is president of the Procedural Aspects of International Law Institute. He travelled last October to New York for the executive council meeting of the American branch of the International Law Association, and in November to Oxford University to counsel former British Commonwealth country judges. As he notes, "There's an awful lot to be done." Lillich is optimistic because he is seeing language from United Nations human rights documents being integrated into domestic law in many parts of the world: "Constitutions of the newly independent Eastern European countries have bills of rights taken directly from the United Nations Universal Declaration on Human Rights. Countries like Czechoslovakia and Hungary are assuming these obligations and changing their laws to reflect the constitutions they've adopted." It is this process of assimilation within countries and

the sharing of information among countries that Lillich feels is essential for the long-term acceptance of human rights standards.

Returning from the November meeting of Commonwealth judges, Lillich was decidedly upbeat. "The judges are talking to each other and applying unified standards in their courts. If you are a judge sitting in Hong Kong right now you have a new bill of rights that is modelled along the lines of the United Nations civil and political covenants. If there is no case law to refer to, you can look to the human rights committees to see how they dealt with the language." Lillich says that "Because of the increasing harmonization of human rights law, there are a number of sources to draw from. We are slowly but surely working toward consensus."

The Baliol Statement issued by the Commonwealth judges after an earlier Oxford meeting, established a reporter on human rights matters. This was based, in part, on one of Lillich's suggestions to the group. "What this does is sensitizes judges to the constitutional language that is not indigenous and, in fact, comes from a variety of sources," he says. "We're seeing an informal network develop among countries. Hong Kong, Zimbabwe and Botswana help each other out, for instance. No single country has access to all the information. The key to the entire effort, of course, is making information available to





*'Up until World War II, you couldn't do anything about human rights abuses. Human rights was part of each country's internal business.'*

the people who need it."

Lillich's optimism is also the product of a scholar's long view of the international human rights movement. In fact, the history of the human rights movement dates back scarcely 200 years and, until the establishment of the United Nations after World War II, consisted primarily of unilateral protests issued by one nation to another. Lillich points to the outrage, in the mid-1800s, of European leaders when Leopold II of Belgium began to torture Congolese workers on his rubber plantations. "The Europeans, of course, didn't have any problem with the fact that he was exploiting these territories; they were all doing it. But when he started maiming the workers—literally cutting off their feet and arms—it was too much. The Congo was taken out of his personal control." Another rare multilateral effort in the late 1880s involved stopping the slave trade on the high seas.

"You have to understand," Lillich says, "that up until World War II you couldn't do anything about human rights abuses. Human rights was part of each country's internal business. The United Nations established a legal framework to deal with these issues." Since adoption of the Universal Declaration in 1948, and a series of treaties aimed at specific areas of human rights, signing nations are obligated to make changes in domestic law to conform to the treaties' provisions.

Lillich also notices significant advancement in the human rights records of the world's major countries. He singles out China as the egregious exception. "Taiwan and South Korea have made great improvements," he says. "Obviously, there's an awful lot still to be done, but there has been definite progress." He points to the United Nations' establishment in recent years of special human rights reporters. There is a reporter on torture, for instance. "The reporters are given the power to investigate cases of alleged abuse, and countries are allowing them to come in and do their work."

Although heartened by recent progress, the realist in Lillich has plenty to complain about. He expresses frustration over the slow reaction, especially among European nations, to the bloodshed in what used to be Yugoslavia. "You have a system in place and a process established, but nothing is being done to stop the bloodshed." He is also saddened by the lack of efforts to deal with a number of the crises in Africa.

His greatest criticism, however, is reserved for the United States, which, he claims in his textbook, *International Human Rights: Problems of Law, Policy, and Practice*, the definitive work in the field, "has effectively abdicated its leadership role in the international human rights movement." Lillich feels the U.S. should be at the forefront of human rights activity. "We brag about the fact that we're better," he says. "Well, we should be better. We have enormous resources and a well-developed system of government. We should be a leader in human rights. We should be helping other nations." He notes the recent, dramatic drop in American foreign aid. "Now that the communist menace is gone, 80 percent of what's left of American aid goes to support the stand-off between Egypt and Israel. There are countries desperately in need of our help. Liberia, for instance. They're asking us, 'Why aren't you interested in us? You created us.' Yet when their country falls apart, all we do is go in and rescue the U.S. nationals. Twenty percent of the population consists of refugees. Thousands have died."

A key criticism of United States policy toward human rights, and the subject of a chapter of his textbook, is the uneven application of human rights concerns. Under the banner of national security, we

have paid far too much attention to political interests and not enough to human rights, according to Lillich. Again, he puts the problem into historic context. "I remember Franklin Roosevelt's classic comment about a particular Caribbean dictator: 'He may be an SOB, but he's our SOB.' We maintained that approach through most of the Cold War. To a large extent we still do. We've applied pressure, and rightfully so, on Cuba for gross human rights violations, as we did in the former Soviet Union, but when it came to so-called friendly countries like Chile, Argentina and El Salvador, where terrible abuses have occurred but where we have an interest, we look the other way. It's clearly a case of different strokes for different folks." Under certain circumstances, Lillich believes, national security does have to take precedence over human rights. "In crisis situations you have to look the other way. We don't live in a perfect world. I understand that. But we've used national security as an excuse far too often over the years. Henry Kissinger, for instance, invoked national security in practically all our interactions with other countries."

As a human rights adviser to the Justice Department during the Carter administration, Lillich observed first-hand the internal struggle between human rights and political interest. "When Carter came into office he clamped trade restrictions on Argentina, which was a huge violator. You should have heard the howl that went



*'The United States has effectively abdicated its leadership role in the international human rights movement.'*

up among the national security contingent." Carter's actions, directed by Undersecretary of State Patricia Derian, were a reaction to widespread reports of mass murder and disappearances of political opponents of the ruling Argentine military junta. The move drew immediate and heated reaction, Lillich recalls. Andrew Young, United States representative to the United Nations, protested that the embargo would cost America jobs and lost



*'Because of the increasing harmonization of human rights law, there are a number of sources to draw from. We are slowly but surely working toward consensus.'*

business opportunities. Others claimed that reports of human rights violations were overstated, the hysteria of extremists. "Well, it turned out," Lillich says, "the reports were on target. Thousands of people were murdered, but Carter was forced to back off his policy and revert to putting the emphasis on terrorism."

Lillich gives Carter mixed reviews. "On one hand, he supported Somoza until he bit the dust and the Shah of Iran up until the day he was thrown out, both terrible abusers. On the other hand, though, he did make an honest attempt to link human rights concerns with foreign policy. He didn't coddle dictators—either of the right or the left. We certainly haven't seen that kind of concern since he left office."

"During the Reagan/Bush years, our human rights record has been atrocious," Lillich says. "Look what they just found in El Salvador," he says, commenting on the October discovery of mass graves of civilians reportedly killed by government forces. "Even though there was hard evidence that a government-sponsored atrocity had occurred, the U.S. and El Salvadorean government denied it. Now we see the lie."

One of Lillich's sharpest criticisms of United States policy, under both Democratic and Republican administrations, is its reluctance to ratify United Nations human rights covenants. According to his textbook, of 22 major U.N. human rights treaties, the United States has ratified only six, three of which prohibit slavery, "hardly a controversial topic these days. In 15 years, there hasn't been any movement at all. We have simply not had the support from the president necessary to encourage ratification by the Congress. If you don't have the support from the top, nothing will happen." One reason Lillich gives for the United States's reluctance to ratify the treaties is an unwillingness to accept and incorporate nonindigenous legal language. "Although this country supported the Universal Declaration and was one of the early proponents of human rights, we are simply not willing, when you get down to specifics, to come into compliance," he says. In a treaty dealing with punishment and torture, for instance, Lillich points out that the United States is not willing to comply with United Nations prohibitions against executing pregnant teenage girls, one of the treaty's stipulations. He adds that, "International law says you don't put civil rights protestors in jail with hardened criminals, and that you don't put children in with hardened criminals. International law says you separate these people. But we prefer to ignore the language." A prolific author, Lillich discusses the treatment of international human rights law in United States's courts in a forthcoming article in the College of Law's *Journal of Transnational Law & Policy*.

Lillich is "cautiously optimistic" about the effect the change of administration will have on human rights policy. Traditionally, he notes, Democratic administrations have shown more favor to human rights issues. "Obviously, you've got to appoint people to the administration who won't be compromised by what's been go-

ing on for the last 12 years." What are the first steps the new administration should take to reestablish human rights as a priority? Lillich suggests that it get serious about passing the neglected United Nations treaties. "They should start with the treaty on discrimination. We could get that out of the way quickly and then go on to the others."

Despite his enthusiasm for most of the early human rights treaties, Lillich says he is worried that many recent and more complex treaties go beyond the scope of international law and are unenforceable. Some of these treaties, the so-called second and third generation treaties, support rights to a healthy environment, peace and cultural integrity. The Convention on the Rights of the Child is one of immediate concern to Lillich. "This gets into the area of what historically are state's rights issues." In a case like this, says Lillich, the issues are too sensitive and cumbersome to be handled by an international treaty. "Here you have a very badly drafted convention already ratified by over 100 countries, with a tremendous lobby behind it. If this were to go before Congress—and that's certainly possible because of Hillary Clinton's advocacy for children's issues—someone like Jessie Helms, who wants to kill all human rights bills, could make it the focus. And because it's such a can of worms, it could tie up ratification of other treaties."

Lillich is encouraged by the fact that more lawyers are working with human rights groups, providing, he feels, a better foundation for the presentation of information. "Because lawyers speak a common language, it doesn't require as much time and energy to determine the merits of a particular case," he says.

Inevitably, Lillich returns to a scholarly assessment of international human rights and the remarkable progress of the past 50 years. "When I first became involved in human rights, the United Nations would accept petitions about abuses and simply file them away. Nothing was done. Today, it's much easier to file petitions, and something is often done about them. The system does not work as well as many of us would hope, but things have improved dramatically. I think we're on the right track." ■



By David Morrill

**The Caribbean Law Institute, a joint project of the FSU College of Law and the University of the West Indies, works to harmonize the region's commercial laws.**



**Elwin Griffith, CLI Director and College of Law Professor**

# Making History in the Caribbean

Although everyone acknowledges the roles former College of Law Dean Sandy D'Alemberte and Professor Elwin Griffith have played in the success of the Caribbean Law Institute (CLI), D'Alemberte suggests that former Governor and current U.S. Senator Bob Graham deserves some of the credit. On a visit to then-Governor Graham's office during 1986 budget discussions, Graham asked D'Alemberte about the law school's international programs. After the dean had described the activities of the Oxford and Yugoslav law programs, Graham made a point. "You academics are all alike. You're too Eurocentric. Don't you realize that Florida's future lies with Latin America

and the Caribbean?"

"I felt properly chastened," D'Alemberte admits. "I realized the value of what he was saying." Over the ensuing months, partly as a result of his efforts to recruit Griffith, D'Alemberte became acquainted with the dean of the University of West Indies Faculty of Law and began a series of discussions about the lack of uniformity among Caribbean laws, particularly in the areas of trade and commerce. "What struck me was the fact that the Caribbean was about 30 years behind the United States in developing uniform acts," says D'Alemberte, who had worked to establish uniform legal standards in Florida when he was a legislator in the 1960s. "The problem was that the

Caribbean countries didn't have the resources to undertake the work necessary to bring their laws into harmony. After we brought Professor Griffith to the College of Law, we wrote a proposal to the United States Agency for International Development (USAID) to get the project off the ground."

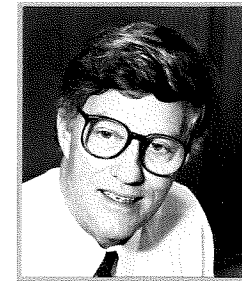
D'Alemberte recruited Griffith from DePaul University Law School, where Griffith had served as dean. For Griffith, there was an obvious inducement to leave Chicago for Tallahassee. A native of Barbados, he calls Chicago winters "absolutely appalling," and was ready for a gentler climate. D'Alemberte's efforts to recruit Griffith included having his secretary call

Griffith on several occasions during the winter months to mention the temperature in Tallahassee. Says Griffith, who took the bait in 1986 and joined the College of Law faculty, "After enduring seven Chicago winters, it seemed like the right move to make."

Founded in 1988, the Institute is a joint project of the FSU College of Law and the University of West Indies (UWI) to promote reform and harmonization of commercial laws in the Commonwealth Caribbean. "I give full credit to Sandy for recognizing the need to provide assistance in reforming laws in the Caribbean region and then finding the funds to do it," Griffith says. "Most of the countries of the Commonwealth Caribbean have become independent within the past 25 years, and there hasn't been enough time or money for major law reform."

If D'Alemberte got the Institute's ball rolling, it was Griffith who gave it momentum. Although exceedingly modest about his role with CLI, pointing out the hard work of his staff and the various committees that make decisions, he concedes his presence is important to the project. "My involvement probably helps alleviate some suspicions," he says. Bryn Pollard, legal consultant to the Caribbean Community (CARICOM), is more direct. "Elwin is the key player in building trust in the project and getting people to work together. Although he's been in the United States for a long time, we still consider him a Caribbean man," he says. "That connection is very important to us." D'Alemberte reinforces the point: "One of my great pleasures was travelling around the Caribbean with Elwin and watching the people respond to him. The man is a true superstar."

CLI has offices at FSU and UWI in Barbados, where Velma Newton serves as deputy executive director. The Institute is governed by a Board of Directors which includes equal representation of FSU and UWI faculty, as well as legal advisers for the Organization of Eastern Caribbean States (OECS) and CARICOM. The Board appoints a reporter for each project to draft legislation for consideration by an advisory committee specifically selected for the project. Once approved, the Board of Directors and advisory committee forward legislation to the Fellows, a group that includes the attorneys general of each country. The attorneys general are respon-



**Former Dean Sandy D'Alemberte was instrumental in establishing CLI.**

sible for introducing legislation in Caribbean legislatures. CLI holds public workshops on the proposed legislation in CARICOM and OECS countries after it is reviewed and amended by the Fellows.

The process is deliberate and often painstaking, as CLI drafts must pass through several steps before going to the legislatures. As Pollard is fond of saying, "Legislation is not like instant coffee." Griffith agrees, conceding that it is an ongoing challenge to get the countries to work closely together. "Although these countries are small, they are independent and have their own needs and interests. On the other hand, they are bound together in this project by the strong desire to harmonize laws in the region." Griffith points out that the Institute's process must include a great deal of flexibility to deal with each country's particular circumstances. While CLI will develop the model laws, the countries will make adjustments and revisions to accommodate their own particular circumstances. "One of our roles is to be cooperative and supportive. This is very important to our credibility."

Although a shipping bill was the first project undertaken by the Institute, a companies bill, which defines corporate commercial interest in the region, will probably be the first to become law. "It's a matter of priorities," says Griffith. "The companies bill involves everyday commerce in the region. It's natural it became a special interest. We're expecting Trinidad and Tobago will be the first to pass it." Other Institute projects currently in process, in addition to the shipping bill, include banking, bankruptcy and insurance legislation.

Griffith insists that the success of the Institute is due, in large part, to the involvement of the attorneys and business people, both in the Caribbean and the United States who contribute their services to CLI's advisory committees. He

reserves special praise for Rayanne Mitchell and LaVern Chapman in the Tallahassee office, for their hard work and enthusiasm. "These are the people who keep the wheels turning," he says. The College of Law office coordinates United States involvement in the project, and the annual Miami seminar, while the Barbados office concentrates on Caribbean activities, according to Griffith.

The highly successful Miami seminar provides a public forum to review the Institute's work. The 1992 meeting, held November 30, was highlighted by discussions of insurance and insolvency law reform in the Caribbean. Speakers included attorneys from West Palm Beach, Bermuda and an accountant from Barbados. "Attendance in the seminar grows every year. It's obvious there's enormous interest in the Institute's work." Among seminar participants are a number of College of Law alumni. Peter Kramer, a 1984 graduate and a partner in the Miami office of Steel, Hector & Davis, not only has been active with the seminar but has served on the arbitration advisory committee.

A number of College of Law faculty have played key roles in CLI projects, including former dean Joshua Morse, who was instrumental in developing the draft of the CARICOM shipping bill in 1988. John Larson, Barbara Banoff, Joe Jacobs and Larry George have participated on advisory committees, while Donna Christie contributed substantial research in the area of environmental law. In addition, former College of Law professor Jim Alfini and his assistant, Linda Griffiths, assisted on the arbitration project. Griffith adds that he is always on the lookout for faculty to serve on the Institute advisory committees.

In addition to enlisting the services of faculty, CLI funding also has been used to establish a Caribbean collection in the law library. Other benefits of CLI to the College include interaction with Caribbean officials. Pollard, on visits to Tallahassee, has met with students and faculty to discuss the work of CARICOM.

When funds from the current USAID grant are exhausted, Griffith feels confident additional financing can be found to continue CLI's work. "We're looking at this as an ongoing project. Reform doesn't start today and end tomorrow. I fully expect CLI to be in operation long after I'm gone." ■



## Become part of the College of Law's Village Green Tradition

The FSU College of Law is looking for sponsors to become part of the Village Green tradition.

The Village Green was developed between 1985 and 1989 to provide an intimate setting for legal scholarship and to provide a gathering place for law students, professors, alumni and friends of the law school. Conceived by former Dean Talbot "Sandy" D'Alemberte, the Green is based on models of the English Inns of Court and Thomas Jefferson's famous rotunda and lawn at the University of Virginia. Situated east of B.K. Roberts Hall, the Green consists of four historic houses, the Rotunda and a connecting colonnade walkway. The walkway's ceremonial main entrance is directly across Martin Luther King Boulevard from the First District Court of Appeal. The restored houses provide office space for student organizations as well as for administrative functions. The Rotunda Building, in addition to providing conference and meeting space, includes the offices of the Dean and senior faculty members.

A variety of rooms have been made available for sponsorship in Village Green

buildings. Rooms already sponsored include the Rotunda (a \$50,000 gift by Steel, Hector & Davis in honor of D'Alemberte), the dining room in the Cawthon House (\$50,000 by Ruden, Barnett, McClosky, Smith, Schuster & Russell, P.A.), the seminar room in the north wing of the Rotunda Building (\$10,000 by Bush, Ross, Gardner, Warren & Rudy, P.A.), the Dean's office (\$10,000 by James R. Meyer in honor of his parents), and the Dean's reception area (\$10,000 by Nicholas and Mary Friedman). Sponsors' contributions are used to furnish and maintain the Green and to support academic programs at the College.

Village Green sponsors are recognized with a plaque mounted in the sponsored area. Room sponsorships range from \$5,000 to \$50,000. For more information about Village Green sponsorship opportunities, contact the Director of Advancement and Alumni Affairs, Florida State University, College of Law, Tallahassee, FL 32306-1034, (904) 644-7286.

### The College's Book Award program is looking for sponsors

The Book Award Program at the College of Law enables individuals and law firms to assist the College by making an-

nual contributions of as little as \$2,000 a year for three years to sponsor specific law courses. The top category of Book Award is currently \$5,000 a year for three years. Book award payments may be made annually, quarterly, monthly or any schedule convenient to the sponsor. For example, monthly payments for a \$2,000 Book Award are \$166.67. A portion of each award goes directly to the student who receives the highest grade in the designated course while the balance is used to fund student scholarships, organizations and activities, and to support faculty research or other critical needs of the College. Book Award contributions are fully tax deductible.

Book Award sponsors receive a plaque indicating their sponsorship. Plates inscribed with the names of the student who "books" the course are affixed to the plaque each year. Book Award sponsors are recognized in College of Law publications and on plaques displayed in B.K. Roberts Hall and qualify automatically as FSU President's Club members.

For further information about the Book Award Program, contact Dean Donald Weidner at (904) 644-3071 or the Director of Development and Alumni Affairs at (904) 644-7286.

## Join the Team The FSU College of Law's Alumni Resource Group needs you. Join today!

YES, I'd like to help. I am available to:

- help recruit applicants who have been admitted to the College of Law
- judge a moot court competition on campus
- serve as a guest lecturer to law student groups on the topic(s) of \_\_\_\_\_

- be a resource for law students interested in my legal specialty or locality
- Other: \_\_\_\_\_

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PHONE \_\_\_\_\_

Please return to: Paige Black, Office of Development and Alumni Affairs, Florida State University, College of Law, Tallahassee, FL 32306-1034.

## Booth

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practice in the future," Booth says. "You get to know the judges and understand the way the court system works and you get to handle important cases. In four years, I worked 40 jury trials, 25 for serious felonies."

Booth finds it ironic that when he accepted a position with the state attorney's office 12 years ago, the job was often frowned upon. "The feeling was that you started there because you couldn't get on with a big firm. Nowadays, state attorneys are swamped with applications. In Jacksonville there are 10 applications for every opening. I read recently about an opening in Tallahassee that drew hundreds of applicants."

When Booth left the state attorney's office in 1985, he worked for four years with a large insurance defense firm in Jacksonville before joining his father and his father's partner at Booth and Arnold. In assessing today's legal market, which he characterizes as "lean," Booth considers versatility a necessity. "A lawyer would be lying if he told you he's turning down paying clients," he says. "If I were to decide to work exclusively as an expert in aviation law, for instance, I'd probably starve. The key to survival is being able to handle a variety of cases." ■

## Clark

*continued from page 6*

dence boost for Clark was the fact that the Court decision quoted an article she had written about the case for the *FSU Law Review*. "That was incredibly gratifying," she says.

Clark faced what she called a "horrible learning curve" when she started full-time with Booth & Arnold. "In my first year I handled state and federal criminal cases, family and corporate law, wills, and foreclosures in federal court. I had to learn the rules and procedures, to master the paperwork." Although she appreciates the experience she has gained by covering a broad range of the law, she says, "It would have been a lot easier if I had a narrower legal focus."

Clark is still interested in one day applying her legal skills to activist work. "When the time comes for me to go back to that work, I think I'll be ready." For now, she has other interests as well: "starting a family and continuing to build my confidence and competence as an attorney." ■

## Pajcic

*continued from page 7*

"The stakes are high," Pajcic points out. "It costs a lot less to defend law suits than to admit liability." Estimates of the cost of replacing all seat belts in question—essentially all seat belts manufactured in the United States since the mid 1960s—run as high as \$2 billion.

Pajcic served as the treasurer for his brother's unsuccessful run for governor in 1986 but says he is happy Pajcic & Pajcic is focusing exclusively on legal practice once again. "This is what Steve and I have wanted to do since we were in high school," he says. He also admits a high degree of satisfaction with his success. "I sincerely feel we're providing a service to society by helping to correct defective products," he says. "We're saving lives."

About the infamous football play, Pajcic says he still gets calls each year prior to the FSU-Florida football game. "It just doesn't seem to go away." ■

## Fletchers

*continued from page 9*

the immigration service. "The majority of my cases," David says, "involve residents with green cards who want to become citizens, and citizens who want to bring family members into the country." A few cases, he says, are strictly business. "For example," he explains, "a company wants to bring a particular computer specialist into the United States for a particular project and we must show there is no one else capable of performing the job."

Asylum cases are among the most emotional, as well as the most complicated. David describes a recent case involving a Libyan man who entered the United States as a student in 1981, but was facing deportation because he had dropped out of school. "He had been active in anti-Quadafi organizations and actively promoted the overthrow of the Libyan government. If he was forced to return to Libya, you can imagine what would happen to him." David was able to produce documents, required by federal law, supporting the contention that his client had a well-founded fear of persecution, and asylum was granted.

"Asylum is a complex area," David adds. "It involves the State Department's view of the country in question as well as statutory criteria that require a person to prove fear of persecution based on political, religious or nationality factors." He is currently handling a case involving a former Russian who moved to Armenia and is married to a woman from Azerbaijan. "These things can be difficult to sort out." ■

Like his brother, David says he gets the most pleasure in seeing peoples' lives improved and practicing law by his own standards. "I'm not a million-dollar-a-year-lawyer in a downtown high-rise. I'm just a guy doing what he likes, the way he likes," David Fletcher says. ■

## Spinks

*continued from page 10*

about his future plans. "That was the basis of Ladd's approach. He always stressed the importance of planning, and of setting priorities," Spinks says. "He was also committed to the potential he saw in people. If he saw exceptional potential, he would put that ahead of other considerations. And when Mason Ladd showed confidence in you, you developed confidence in yourself."

"Once you were in law school," Spinks says, "Ladd didn't cut you any slack, but he had a remarkable, very personal, nurturing influence on students. He made you work at a higher level." He also taught students the value of the broad perspective. One of Spinks's enduring images of Ladd, is of the venerable old dean sitting in the hallway outside the lecture hall, leaning forward on his two canes, discussing literature and politics with whomever he could engage. Ladd's interests ranged far beyond the law, Spinks says, and he stressed the point that the best attorney was a well-rounded person. "Sometimes in the middle of a lecture on evidence," Spinks remembers, "Ladd would begin reciting poetry. One of the great challenges for the students was to determine whether the poetry reinforced a point of law or simply offered relief from the lecture topic."

In 1972, right out of law school, Spinks went to work for the United States Internal Revenue Service in Jacksonville. He credits a part-time job with a Tallahassee bank with developing his interest in tax law. He works in the estate tax section of the office, reviewing cases, and expresses a deep satisfaction in doing his job. Although his work is technical in nature, there is a highly emotional side to estate law and he takes an interest in the human nature aspects of many cases. "I've watched the laws evolve, and when I sit down with a file I understand the policies and laws that affect the case." He expects to see the inevitable tax code changes that will come with a new administration in Washington.

On the occasions Spinks needs guidance as a lawyer, or simply as a human being, he turns to the standards that Mason Ladd set for him years ago. "The graduates who had the good fortune to be in law school while he was dean took with them the essence of what Mason Ladd was all about. It's an incredible gift," he says. ■

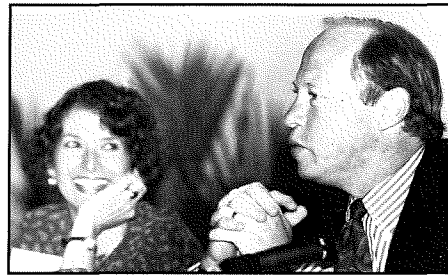
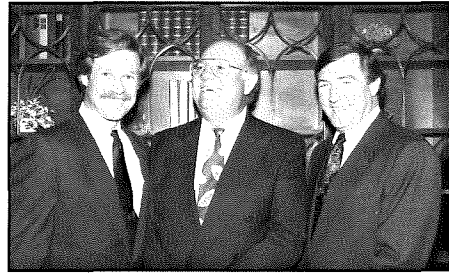


## 1992 Alumni Reunion

Offering a lively schedule of social and professional activities, the College of Law's held its annual Alumni Reunion, Friday and Saturday, October 9 and 10.

Friday events included an Alumni Association Board of Directors meeting, a continuing legal education program at the FSU Conference Center, an alumni reception on the Village Green and a cookout at the home of Dean Don Weidner. In a separate affair at Tallahassee's Governors Club, the class of 1972 held its 20 year reunion.

A Saturday morning alumni breakfast at the Conference Center featured a panel discussion titled "The Health of Florida's Economy: Old & Emerging Business and Industry." The panel was moderated by Florida Senator Ken Jenne, and included Senator Curt Kiser, Peter Dunbar, Margaret Rolando and George Varnadoe. After alumni watched the high-powered FSU Seminoles defeat the University of North Carolina at Campbell Stadium, they were invited to a post-game barbeque at the home of Alumni Association President Gary Williams.



A meeting of presidents at the '72 reunion: (from left) Former Alumni Association presidents Wayne Hogan, George Varnadoe, and current president Gary Williams.

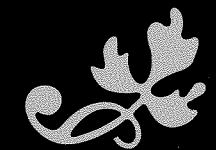
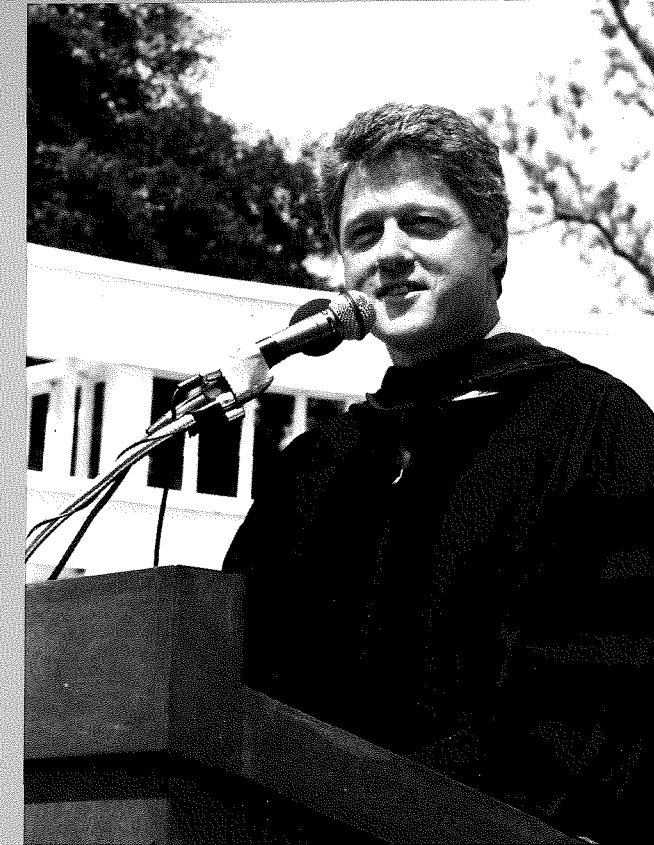
Class of 1972 and their spouses shared lively conversation and good food at Tallahassee's Governors Club.

The Alumni Barbeque at Dean Don Weidner's house drew a big crowd and lots of reminiscing.

The Saturday morning alumni breakfast, featuring a panel discussion on Florida's economic health, was moderated by Florida Senator Ken Jenne. Margaret Rolando looks on.

When Dean Sandy D'Alemberte invited Bill Clinton to deliver the commencement address at the Spring 1989 ceremonies, the reaction among both faculty and students was one of puzzlement. Said one faculty member, "We couldn't understand why the Dean was bringing in the governor of a little state half way across the country. Obviously he knew something we didn't."

Clinton's speech, by the way, urged graduates to maintain high standards and to persevere to achieve their goals.



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