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**FSULAW**

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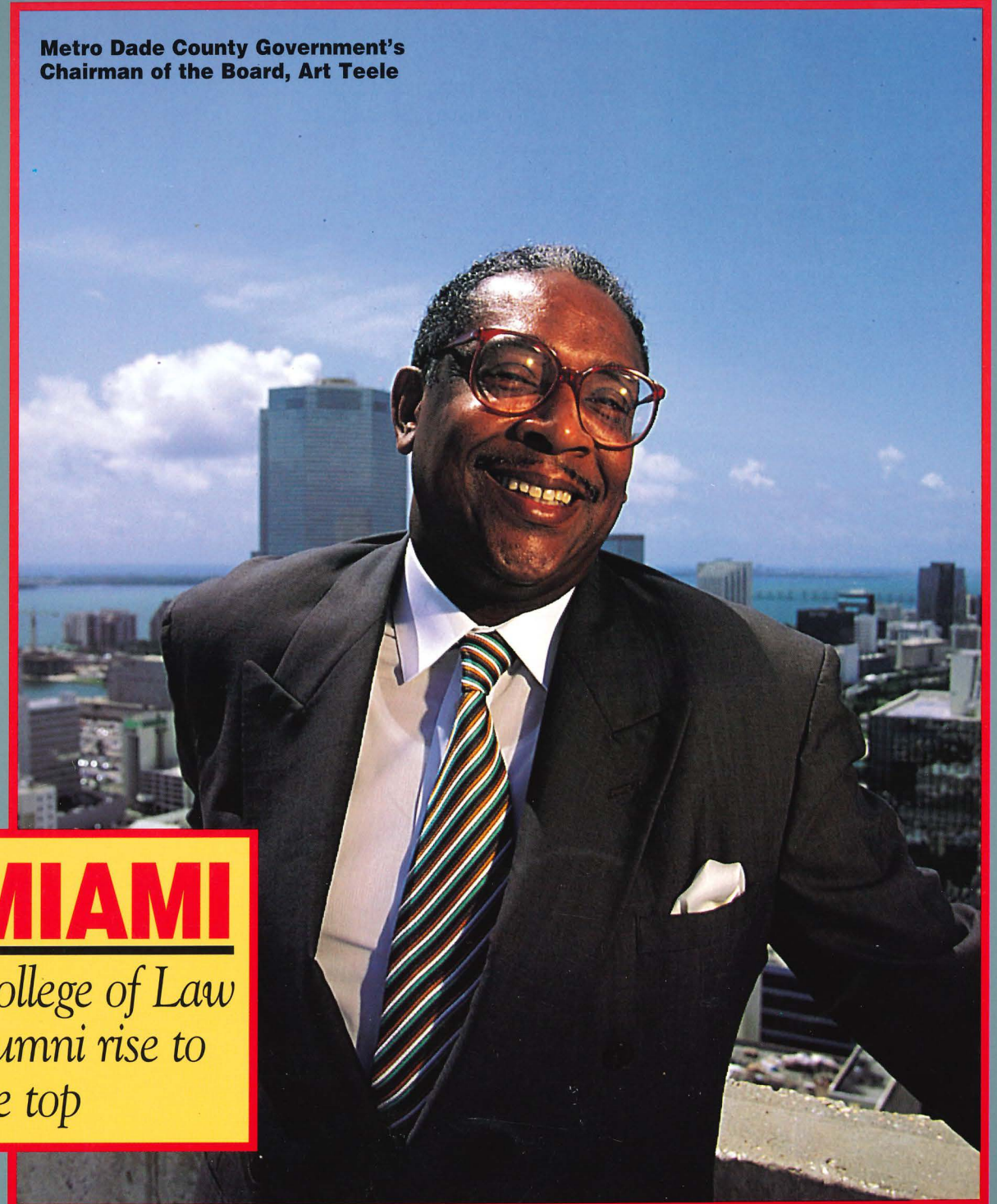
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# FSULAW

THE MAGAZINE OF THE FLORIDA STATE UNIVERSITY COLLEGE OF LAW

**Metro Dade County Government's  
 Chairman of the Board, Art Teele**



**MIAMI**  
*College of Law  
 alumni rise to  
 the top*

## Dean's Letter

### A law school and alumni on the move

What an extraordinary group of alumni this law school has! Again and again, I am stunned by the breadth of your talents and accomplishments. This magazine is a continuing tribute to your personal and professional achievement and diversity. This issue focuses on some of our Miami alumni, whose successes are reflected in all aspects of the legal profession, in the public and private sectors, and in firms large and small and across all areas of specialization. It is clear that our alumni are an important part of what makes Miami one of the great cities of this hemisphere.

Naturally, the primary, although by no means exclusive, audience of *FSULaw* is other alumni of our law school. Nevertheless, part of the mission of our school must be to make the talents and accomplishments of our alumni, students and faculty known to a broader professional community. For example, this spring, *U.S. News & World Report* published its annual reputational survey of American law schools. This past year, FSU College of Law climbed another 18 positions in the ranking of law schools by practitioners and judges. In the past two years alone, we have climbed 28 points in that ranking, from 99 to 71. To me, this continued improvement is extraordinarily good news that should be shared with a broader community.

In part to help make our successes more widely known, we have formed a Board of Visitors for the College of Law. Working in conjunction with Alumni Association President Fred Baggett, Associate Dean for Academic Affairs Steve Goldstein has been assembling a distinguished group that is half alumni and half nonalumni. It is our hope that the Board of Visitors will help us not only celebrate our successes, but also help us to take a hard look at ourselves to build



the best possible law school at Florida State. There are times when an organization can profit from the insights of people who stand apart from it. I believe this is one of those times, and am hopeful that the Board can help us inventory our strengths and weaknesses and chart a course of continued progress. In the next issue of *FSU Law*, we shall report more extensively on the Board of Visitors, which will hold its first meeting in Tallahassee on September 29th and 30th.

Speaking of special events, we are all looking forward to this year's Homecoming Weekend. To respond to the requests of many alumni, the College of Law's Alumni Reunion Weekend has been made a part of the University-wide Homecoming, rather than held on a different date. This year's activities will take place on October 21 and 22, the weekend of the Clemson football game, and, in addition to events for all alumni, will feature reunions of the classes of 1969 and 1984. For those who do not have season tickets, Barbara Robinson is holding a reserve of 125 extra tickets. Please call her at (904) 644-7471, as soon as possible, if you wish to purchase a ticket.

I look forward to seeing many of you this year, either at one of the special events on campus or in your own community. If you would like to have a law school function hosted in your community, please do not hesitate to let me know. Getting together with our alumni is clearly the very best part of my job, and also my greatest honor. Thank you for all you are and for all you have done for the College of Law.

DONALD J. WEIDNER, DEAN, COLLEGE OF LAW



**About the Cover:** Art Teele, a 1973 graduate of the College of Law and Chairman of the Board of Metro Dade County Commissioners, typifies the success law school graduates have earned in Miami and Dade County. (Photo by Ray Stanyard)

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

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*FSU Law is published three times a year by the Florida State University College of Law, and is distributed to alumni, faculty, students, staff and friends of the College. Please send editorial contributions, including Class Notes and changes of name and address to FSU Law, Office of Advancement and Alumni Affairs, College of Law, Florida State University, Tallahassee, FL 32306-1034.*

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# FSULAW

THE MAGAZINE OF  
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UNIVERSITY COLLEGE  
OF LAW

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By David Morrill



# MIAMI

**Although Miami has endured its share of bad press in recent years, College of Law graduates who live here exhibit an uncommon enthusiasm and pride in this vital, diverse international city.**

If you look east from an upper-story window of one of the downtown high-rises, where many of Miami's lawyers keep their offices, you can watch the color of Biscayne Bay change. From emerald to aquamarine, from a deep azure to

slate, the water reflects the cloud-flecked subtropical sky in a phenomenon that Bahamian fishermen call the "the king in his moods." Later, when a thunderstorm moves over the bay, the same waters will turn dark and frothy, roiling with memories of

savage hurricanes and portents of those to come. If there is a metaphor for Miami, for its passions, energy and violence, surely it is water. And like Biscayne Bay, Miami literally changes before your eyes. What it is one minute, it is not the next.

Photos courtesy of the Florida Department of Commerce, Division of Tourism

**Surrounded on three sides by water, Miami and Dade County offer residents a variety of recreation. One College of Law graduate says, "When I'm out on my boat in the Gulf Stream, I'm in paradise."**

Susan Potter Norton, a 1975 College of Law graduate who heads the Greater Miami Chamber of Commerce, suggests that the rapid changes Miami has undergone have helped develop the city's unique character. "Look at what it has been through over the years. Look at how quickly it has adapted to new circumstances. You won't find another city in America that has gone through anything remotely like what Miami has."

Taking leave of her official duties as Miami promoter, Norton tries to define the essence of her community. "Miami is vital. Miami is impatient. Miami is aggressive. There is..." She pauses for an instant, her hands outstretched, grasping at the air for an elusive description. "There is something *sensuous* about Miami." Norton's unabashed enthusiasm for her hometown is shared by her fellow College of Law alumni.

For a city that has taken more than its share of hits from the news media in recent decades, those who live and work here show remarkable loyalty, even delight in this mercurial city. The bad press is taken in stride, even with nonchalance, by many residents. Says Gene Stearns, a 1972 graduate, about the tags the media hang on his city, "They never get it quite right," adding, "and the reason is, is that they don't understand us." Bill Kirkland, a 1971 graduate who left his North Florida roots to move here explains: "You really have to live here to understand this place."

One of the things you have to understand about Miami is that it often cares little what the rest of the country thinks of it. For its future—its commerce, energy and culture—it looks south across the Caribbean and Gulf of Mexico. "This is as much a Latin American city as it is a city of the United States," says Tom Thornton '82. While many continue to think of the city in terms of tourist murders and the devastation of Hurricane Andrew, Miami is busy preparing for the Summit of the Americas in December. One of the most

FEATURE



significant hemispheric meetings in decades, it will draw the leaders of more than 30 nations to the area.

Because it is a city of recent immigrants, pedigree counts for little in this town. "In Miami, you have economic opportunity available in no other place in the country," says Stearns. "You can be here for six months and be the best known person in Dade County. You can have a thriving business and know no one. It doesn't matter who your daddy or granddaddy were. Your heritage is irrelevant." Adds 1978 graduate and Dade County cultural affairs activist, Peggy Rolando, "This community offers a degree of acceptance you won't find anywhere else."

The acceptance is due, in part, to the numbers and diversity of immigrants,

Norton points out. "Since 1981, Miami has absorbed more than 600,000 people, a population larger than that of Richmond, Virginia, much of it from other countries." She adds, "Our schools grow a classroom every day. More than 25 percent of children speak a language other than English as their first language. We speak 87 different languages." For all the tales of cultural conflict in Miami, the real story, as many residents suggest, may be how remarkably well people get along.

The immigrants provide a ceaseless supply of energy, often fueled by new Americans' dreams. Says Rolando, "Miami is the new port of entry to America. It has become to this country what New York used to be." She adds that the only thing missing is the Statue of Liberty.

Indeed, a walk along Flagler Street in downtown Miami offers quick immersion in a land of immigrants. The air is filled with the earnest tension of commerce, the aromas of exotic foods and coffees and the babble of languages—Spanish in a half-dozen dialects, Creole and English. Like a latter-day Breughelian city-scape, there is an overwhelming richness of activity and purpose.

Not only is there acceptance of the diversity of cultures, habits and languages, there is delight in the sense of international sophistication it creates. "I think the mix makes us the only truly cosmopolitan city in Florida, and one of the most cosmopolitan in the country," says Nick Friedman '75. "We have an exposure to culture—music, food and art—that few others in this country have. To me, it's like living in a European city."

Stearns, who says he becomes uncomfortable if he's around people like himself for too long, discusses the unique opportunities, like an education for his daughter, that Miami offers. For four of her elementary school years, Jennifer Stearns (1994 graduate of the College of Law) attended a Hispanic school. "She was immersed in another culture and language and came out, basically, bilingual. In how many American cities would you have that kind of educational opportunity for your child?"

Graduates make the point that if you don't like the cultural diversity, you won't care for Miami. Says Rolando, "If you want to live in a place where people look like you, think like you and dress like you, Miami isn't for you. You'll be out of place. But if your threshold of tolerance is high, if you have a *laissez-faire* attitude toward life, you'll like it."

Stearns suggests that recent headlines about crime and hurricane damage have an up side. "Quite frankly, I think it's the best thing that ever happened to Miami." He explains, "We're enjoying a lower rate of population growth right now. That lets us catch our breath, so to speak, while we work on our problems."

With unanimity, College of Law graduates rave about the physical environment of Miami and Dade County. "You can't beat the weather here," says Thornton. "And then there's the ocean and all the water sports. This town wouldn't be here without the water."

## As Chairman of the Board, ART TEELE is in his element

Within an hour on a recent morning, Art Teele is chairing a meeting of the Metro Dade Cultural Council, answering a reporter's questions, posing for photographs on the rooftop of the Dade County courthouse annex, and entertaining an aide to Louisiana Governor Edwin Edwards. During breaks, Teele takes phone calls and sends out a rapid fire of queries and instructions to his aides. Walking from his office to the photo shoot across N.W. 1st Avenue, he is approached by a dozen friendly constituents whom he engages with an expansive smile and playful repartee. For Chairman of the Board of Metropolitan Dade County Commissioners Teele, it is a morning hardly out of the ordinary.

Equal parts old-fashioned ward politician, statesman and showman, Teele arguably is the most powerful politician in Dade County. Admirers and detractors alike credit his accomplishments to the force of an indomitable personality. Says Miami public relations executive Seth Gordon, who served with Teele in the FSU student government in the early 1970s, "Art is simply impossible to deny. The man overwhelms you with his wit and charm." And, adds Gordon, "Even if you don't like him, you can't help but be dazzled."

A 1973 graduate of the College of Law, Teele defies standard political definitions. A black Republican who served in both the Reagan and Bush administrations, he believes in a conservative fiscal approach to government. "People have to get used to the fact that government can't do everything. The emphasis has to be on developing a strong economy that creates jobs." But there is also the side of Teele that sounds the themes of old-line social Democrats, particularly when he talks about the dilemma of Miami's inner city youth. "We need to do a lot more to provide hope," he



says. "We've got to develop a healthier environment that offers opportunity for our kids."

Although he occasionally is criticized for a penchant for frequent out-of-town and out-of-the-office meetings, he says with a shrug, "I'll go anywhere, talk to anyone to help this community. I find it interesting that the media focus on who I'm sitting down with, not on the results I'm getting." Few would argue with the results. Partly as a result of his experience in Washington, he has brought millions of dollars to Dade County municipal projects, much of it going to poor neighborhoods.

Gordon suggests that another explanation for Teele's effectiveness is that he doesn't focus on race as an issue. "He doesn't define himself as black. In fact, as a politician, his blackness is coincidental." Teele echoes the sentiment, "I'm here to represent all of Dade County, not just those in my district."

Selected by the U.S. Army Judge Advocate General Corps to attend law school, Teele entered the College of Law in 1970. As an Army Ranger in Vietnam prior to law school, he won two Bronze Stars and a Purple Heart. After graduation, Teele re-

joined the Army to serve as an instructor at the University of Virginia's Judge Advocate General School. Later, he served as senior aide de camp to Fort Bragg's commanding officer.

Out of the service and back home in Tallahassee, Teele set up a private practice, taking on an unusual mix of clients that he says helped to define his politics. "By representing such diverse clients as the NAACP and the Daytona Speedway, I worked with people on different ends of the political spectrum, people who in a lot of ways didn't have much in common." Adds Teele, "I came to realize that a lot of people have very legitimate concerns and problems that have nothing to do with politics."

*"I'll go anywhere, talk to anyone to help this community."*

In 1980 he became actively involved with national Republican politics, supporting George Bush in his first run for the Presidency. He was vice-chairman of the President's Inaugural Committee in 1980 and, later, from 1981 until 1983, was Administrator of the Urban Mass Transportation Administration. He also served in a number of voluntary capacities for the Reagan and Bush administrations, including heading the President's Task Force on Puerto Rico in 1982, and as a member of the President's delegation to the 1990 Haitian election.

As chairman of the Metro Dade Commission, a post he will relinquish at the end of September, Teele heads one of the largest county governments in the nation. "We run one of the largest airports in the free world and we have a \$3 billion renovation project currently underway. We operate the largest cruise ship port in the world," he says, adding, "I could go on." Indeed, in its length and scope, the list is impressive.

Teele is proud of the "empowerment" he has helped bring to Miami's black population. "Five years ago there was not one

company in Florida that ranked in the top 100 black-run enterprises. Today there are two in Miami." He adds, "If you talk to those companies, I think they will give me credit for some of their success." Although Teele says he has worked through government to provide opportunities for blacks, particularly by eliminating "fronts" behind which predominantly white companies could claim minority status, he insists it is up to the black business community to earn its own success. "I've challenged them to shoot for the top, but I've told them that they would have to fight and scratch for what they got. My parents challenged me to be the best, and I pass that challenge on, from the government to the private sector."

As comfortable as Teele is in his role of chairman of the county commissioners, he readily admits that his is a government under siege. To many in Dade County, Metro Dade is the embodiment of all that is wrong with government. Too big, too inaccessible, critics argue, it is a system that no longer serves the needs of its citizens. Chartered in 1957, Metro Dade is a "two-tier" government, providing county-wide services as well as municipal services to unincorporated areas that were lightly populated when the government was formed. Over the years, much of the unincorporated area has become urbanized. Although Metro Dade will be revamped in a plan that will go into effect in 1996, critics say the changes are inadequate. Some, like Teele's fellow College of Law alumnus Gene Stearns, are helping previously unincorporated communities to incorporate, establishing their own city governments. Such efforts eat away at Metro Dade's tax base and general authority.

Teele worries that such efforts will intensify, admitting the short-term future of county government is not bright. "I worry about the people whose neighborhoods don't have the tax base to support their own government," he says. "It's okay for the rich neighborhoods, but what about the poor ones?"

Teele says that his tenure in elected office is winding down. Troubled by what

he considers unfair media scrutiny of public office holders, he's ready to return to practicing law within two or three years. "I've enjoyed the challenge of public office over the years, but I think I've had enough challenge for a while. I'm ready to let someone else take the lead." Teele makes it clear, though, that he intends to remain active in political and civic causes. In late May, he took on the leadership of Safe Streets Florida, a campaign organized by gubernatorial candidate Tom Gallagher. "I'm concerned about getting results for Florida, not necessarily in political office. This is a cause where I believe I can be effective."



**PEGGY ROLANDO:**  
A graduate school inventory took her from literature to the law

As Peggy Rolando was completing work for a Master's degree in English literature, she recalls a crucial moment when she felt compelled to take stock of her future. "I

was reading a section of *Moby Dick* that dealt with taking inventory of whaling equipment—I think I was reading this passage for the fourth or fifth time, as English majors are prone to do—and it dawned on me that I should explore going to law school.”

The year was 1974, and a severe national recession was just setting in. Rolando was planning to continue on in the doctoral program in English, but she had begun to have doubts about job prospects. “My friends were graduating with M.A.’s and Ph.D.’s in English and having a rough time finding jobs. There weren’t a lot of tenure track positions available and the people I knew had become refugees, drifting from one school to the next to find work.” There were other aspects of a career teaching literature that deterred her as well, including the low pay and a dislike of the internal politics of academia. “All of a sudden,” says Rolando, “law looked pretty good.” The following year she entered the FSU College of Law.

Today, as a partner in the Miami firm of Shutts & Bowen, she looks back on her decision with bemusement. A native of Miami, Rolando was not considering returning home until Shutts & Bowen, with whom she had interviewed, forced the issue. “I was working for the Senate Commerce Committee in Tallahassee right after graduation. Shutts & Bowen kept pestering me about coming to work for them, and finally, I thought, maybe I should say, ‘yes.’” She did and has never regretted it.

She marvels at the marked contrast in the job market for law graduates in 1978, when she graduated, and today. “It’s utterly different. I was getting job offers and wasn’t even aware that I was supposed to respond by a certain date. The possibilities seemed almost endless, and there wasn’t a lot of pressure to make a quick choice. It’s almost unbelievable to me that now we’re interviewing kids in the top 10 percent of their class who haven’t had a single offer. The sense of despair must be overwhelming.”

Her choice of Shutts & Bowen, Rolando says, was her good fortune. “This is really an outstanding firm with super people. I realized very early I had gotten in with the right group.” According to Rolando, Shutts & Bowen has avoided much of the reorganizational nastiness that has beset many large law firms over the past two

decades. “We have a very unusual structure here. There is no central governing group that tells the other partners what to do. We’re very democratic, one partner-one vote, and the relaxed atmosphere that results is one of the reasons we’ve been so successful over the years.” The firm, one of the oldest in Miami, has a large banking practice but also works in tax law, particularly international tax law. In addition to Miami, the firm has offices in Orlando, West Palm Beach, London and Amsterdam.

*“It’s almost unbelievable to me that we’re interviewing kids in the top 10 percent of their class who haven’t had a single offer. The sense of despair must be overwhelming.”*

Rolando practices in Shutts & Bowen’s real estate section, representing buyers in major projects, and relishes the challenges. “Developers are right up there with lawyers in the public’s contempt,” she says. “It’s very difficult for developers to deal with the changing standards that they continually face. From working with the property owners to final development, the process requires an enormous amount of due diligence.”

Much of Rolando’s practice involves institutional investors such as pension funds

and insurance companies purchasing large enterprises such as apartment complexes. “In many cases, the buyers are acting as fiduciaries, and it’s very important that they purchase property that will turn a reasonable profit. We do a lot of investigation to make sure they’re not buying a problem.” Other work centers on developers of housing tracts, shopping centers and warehouses, as well as arranging large business leases.

Looking back at her original plan to teach English literature, Rolando feels her background serves her well as an attorney. “In my line of work you have to be a good draftsman and writer. There is a great deal of close scrutiny in the business of written documents, and you need a sharp eye to spot the central themes. Changing the order of words can have an important impact on legal meaning, just as it does in literature.”

Outside of work, Rolando maintains an active role in community arts and civic organizations. She is on the Board of Governors of the Florida Philharmonic, a regional orchestra in Dade, Broward and Palm Beach counties, and works actively with a group called “Maestro” that develops audience interest and involvement. She serves on the national Board of Directors of the United States Chopin Foundation, which sends musicians to the international Chopin competition in Poland. She is on the Board of Directors of the Georgia Museum for the Arts. “I love the issues that affect the arts,” she says, “the grant programs, the diversity, the contracts.” She is also a major supporter of Miami’s public radio station and a member of the Coral Gables Cultural Affairs Board.

Besides her many cultural interests, Rolando is active on the North Coral Gables Advisory Committee, dealing with crime prevention and traffic issues in her neighborhood. “We’re involved with changing traffic patterns and installing street lights to make residential areas safer and more secure. In general, it’s a consciousness-raising effort aimed at engendering a greater sense of community so that people are looking out for their neighborhoods.”

Like the other College of Law graduates in Miami, Rolando is an active community booster. “I love Miami, the diversity, the excitement, the opportunities. I can’t imagine living anywhere else.”



## SUSAN POTTER NORTON: The new chair of the Greater Miami Chamber of Commerce

Susan Potter Norton submits readily to being a case study in success. On a recent episode of *Money Matters*, a nationally syndicated television feature that examined the traits of successful women, she got to the point quickly: Plan to be successful and allow nothing to stop you.

The 1975 College of Law graduate planned for her own success early in her undergraduate career at FSU. “It was tough in the midseventies for women to be successful, and that’s one reason I chose law as a profession. It was a way to establish credibility quickly and earn a good living without having to work through the rank and file.” Credibility is crucial for women, she contends. “Without it, you’re at the mercy of the bureaucracy,” says Norton, pointing out that most bureaucracies are male-dominated.

In addition to her career as a labor law attorney—in which she enjoys plenty of credibility—Norton leads an almost breathtakingly busy life of community in-

volvement. Over the years, she has been active in the United Way, the Orange Bowl Committee, the Historical Museum of Southern Florida, the Dade County Bar Association and the Dade County Performing Arts Center. She became active in the Greater Miami Chamber of Commerce in 1986 and in June assumed the chair of the 7,000-member organization. Although it is a position that can require 20 hours or more of her time each week, she approaches it with customary enthusiasm.

A native of Jacksonville, Norton is an unabashed cheerleader for Miami. “This is a truly amazing city,” she says. “The longer I lived here, the more I

learned about the city, the more impressed I became with it.” The community has dealt with a lot, she says. “We’ve come through a devastating hurricane, handled a flood of refugees—mostly without federal support—and a drug trafficking epidemic. We’ve lost Eastern and Pan Am, two major employers. We’ve dealt with a cultural mix of people that no other community in the country has. But Miami is like the phoenix. It always comes back.”

She ticks off a few attributes: “In one month we’ve hosted the Lipton tennis tournament, the Doral Ryder golf tournament and the Grand Prix. We have seven colleges and universities and the best public hospital (Jackson Memorial) in the country. In December we host the Summit of the Americas, an event that will draw the leaders of more than 30 nations. The Super Bowl comes here in 1995.” Norton is co-chairing the Super Bowl ’95 committee.

Like most Miamians, Norton takes the bad press Miami often receives in stride. “What happens in Miami, good or bad, is news. This is a high profile town. It takes a lot of hits. You don’t see the media picking on Valdosta, Georgia. Valdosta may be a great place to live, but it’s not in the spotlight like Miami is.”

In law school, Norton didn’t mind breaking tradition to reach her goals, be-

coming the first female member of the FSU chapter of Phi Delta Phi. She worked through all three years of school, including a stint in the attorney general’s office for Winifred Wentworth, currently a judge on the First District Court of Appeal. “She was truly a remarkable person and I had the chance to learn a lot about tax law,” Norton says of Wentworth.

Norton continues an active relationship with her alma mater, recently joining the Board of Trustees of the FSU Foundation.

Following graduation with honors from law school, she joined the Atlanta firm of Constangy Brooks and Smith and began a career in labor law, representing employers. The MBA she earned jointly with her law degree provided an ideal background for labor law. In 1978 she moved to Miami and joined Hogg, Allen, Norton & Blue, P.A. “My undergraduate majors had been in Spanish and German, what generally would be a terrible prelaw background, but when I came down here it made good sense.” She was named partner in 1981, and soon after married another partner in the firm, Robert Norton. The couple have an eight-year-old son.

Labor law appeals to Norton because of its range and complexity. “It requires a complete spectrum of legal skills and tools—writing, arbitration, negotiation, collective bargaining and litigation. I also like the variety of people I deal with.” Norton’s firm, one of Miami’s largest employment law firms, deals with a cross-section of the business community. Her clients include cruise lines and rental car companies, packing companies, poultry processing plants and mining operations. “This line of work also provides a great education,” she says. “I have to know what a gullet puller in a chicken plant does and why a crane operator isn’t competent.”

Chairing the Chamber of Commerce is Norton’s biggest challenge yet. Her agenda is long on goals intended to improve the business climate and the quality of life for Miamians while preserving the environment that draws so many tourists there. “I honestly think this is the most progressive Chamber of Commerce in the country. Unlike other chambers, where you have good ideas but little gets accomplished, we’re very committed to time frames. We have agendas and we have a purpose. Things get done. I’m proud to be a part of it.”

## NICK FRIEDMAN: Law school legacy takes him around the world

When Nick Friedman looks at the prime influences on his 20-year legal career, he always returns to the roots of his legal instruction. "I credit what I am today, to a large extent, to the education I received in law school. It's given me the opportunity to be a part of a wonderful profession and to work, literally, all over the world."

Friedman points to two of his professors, Bill VanDercreek and Tobias Simon, who, he says, made a significant impact on his career. "To this day, not only do I recall what they taught me, I use what they taught me," he says.

It was VanDercreek's painstaking analysis of civil procedure case law as well as the professor's stories of his experiences as a practicing attorney that have provided continuing counsel, Friedman says. "I remember the question VanDercreek had about every case: 'Why is this in the book?' It's a question, in one form or another, that comes up for me again and again." Friedman also often recalls VanDercreek's "war stories," real-life tales from law offices and courtrooms. "He taught me things that may seem minor but that can make a critical difference in a case. For example, he made a point that lawyers should make sure the court reporter is getting important information down correctly. Most new attorneys have to learn that the hard way."

Of Simon, a visiting professor when Friedman attended law school in the early 1970s, Friedman says, "I believe he was truly one of the most unique people to ever teach at FSU." The two men became friends, and after Friedman graduated, they occasionally met in court, sometimes working together, sometimes opposing each other. "One of the things I learned from Toby was that if you're a trial lawyer and you've never been threatened with contempt of court, you're probably not doing a very good job. There are some ideals for which you need to risk personal imprisonment to protect."

Today, Friedman's practice focuses on two areas: representation of clients before



The Florida Bar, and representation of German and Austrian governmental, business and private interests. He also is becoming increasingly involved in the personal injury and wrongful death work of his wife and partner in the Friedman Law Firm, Mary Brooks Friedman. She is a board certified civil trial lawyer with a substantial reputation among South Florida litigators. "Right now," says Friedman, "I'm proud to be carrying her briefcase." A number of the couple's cases involve representing German citizens injured in this country.

Friedman's work on Bar issues, which involves both consulting on compliance matters and representing clients in disciplinary proceedings, is a by-product of his years as a Bar official. He began working with the Bar in Tallahassee during his second year of law school, and after graduation accepted a job in the Bar's Miami office. Later, he organized and headed their new Ft. Lauderdale Bar office.

Friedman's German and Austrian practice is partly what he terms "accidental," and partly a matter of strong personal interest. One of Friedman's former law partners, Harry L. Bassett, had built a size-

able reputation representing the German government, and Friedman, because of his heritage, was eager to become involved. Friedman's family had been driven from Germany during the Holocaust, and he grew up with a continuing interest in German culture. As an undergraduate at FSU in the mid-1960s, in fact, he had taken a number of German literature courses to keep his language skills sharp. "My family greatly valued its German background," he says, adding, "although, obviously, they didn't care much for the political system of the 1930s and 1940s."

Friedman serves as Fiduciary Attorney for the Consulate General of the Federal Republic of Germany. He provides the same function for the Austrian government. In addition, he maintains extensive involvement in German business interests, representing several German firms. He serves on the boards of directors of the German-American Chambers of Commerce of both New York and Atlanta.

Although he occasionally represents Jewish claimants against the German government, he says his Jewish heritage is seldom an issue in his work. "It rarely comes up," he says, pointing out that most of the Germans he deals with either were not born or were children during the Nazi era. "By and large, Germany has done a good job of facing its history," he says.

With the reunification of Germany, Friedman sees enormous business potential, "but only for those with patience and those who become involved prudently." He points to the German tendency to plan carefully. "Germans want to avoid overbuilding and overdeveloping their infrastructure," he says. "It's something that frustrates a lot of Americans."

For Friedman, expanding business opportunities in Germany, as well as expansion of German business in the Miami area, means the Friedman Law Firm should stay busy. The emphasis will be on steady rather than rapid growth, he says. "We should have enough to do."

## BILL KIRKLAND: A small town heritage and a no-nonsense approach to the law have served him well

Bill Kirkland is the first to admit being an unlikely Miamian. Born and raised in the Florida Panhandle town of Graceville ("It's just across the Alabama state line from Dothan," he notes as a point of reference), everything about Kirkland is a reflection of that rural heritage. His accent is pure down-home Southern. His office on a quiet stretch of Alcazar Avenue in Coral Gables lacks the ostentation of many of the downtown and Brickell Avenue law firms. Instead of lavish decorations and a high-tone art collection, Kirkland's walls display pictures of family and friends, including golfing partner Bobby Bowden, and newspaper clippings reporting notable legal victories.

Kirkland's approach to his law practice is a reflection of that simplicity. "I see a lot of fancy lawyers and sometimes I wish I could emulate them. Believe me, I appreciate good style. But I've learned that the best approach is simply to be myself. Being direct and sincere is all I know. Ultimately, I think it's paid off for me," he says.

Kirkland came to Miami after graduating from law school in 1971 to be close to his college girlfriend. "She graduated a year ahead of me and was down here teaching. Of course, we broke up three months after I got here. Eventually I met my wife though, so it all worked out for the best."

Kirkland joined the admiralty law section of Fowler, White, Burnett, Hurley, Banick & Knight in 1971, and within two years moved over to personal injury work. "When I started, I didn't have much of an idea of what I wanted to do as a lawyer, but when I got into personal injury, I began to feel comfortable. I enjoyed trial work and representing injured victims."

After service with three other firms, Kirkland and FSU undergraduate friend, Andy Haggard (J.D. from Mercer), formed

Haggard & Kirkland in 1982. In 1989, Kirkland struck out on his own, forming J. William Kirkland, P.A. "I like running my own shop. In the larger firms there's a lot of expectation of the partners, an awful lot of pressure to produce billable hours." Although he says there's plenty of pressure to



bill hours at his firm, "I'm not beholden to a bunch of people." With a chuckle, he adds, "Someone the other day told me I was working on commission and after I thought about it, I realized he was right. Actually, I think a lot more people should be on commission. The world would be a better place for it."

Kirkland, whose practice runs a gamut of personal injury from medical and dental malpractice to automobile accidents, says he cannot imagine doing any other kind of legal work. "I'm not sure I'd want to be a lawyer if I had to work in another area of the law. I get a good feeling from my work and from helping people." Kirkland does not worry whether there will be enough work in the future to keep his doors open. "If insurance companies dealt fairly with

injured people, I'd probably be out of business. Quite frankly, most of my success as a lawyer depends on the stupidity of insurance companies. How do I feel about my longevity in this business? I feel great," he says.

Kirkland's no-nonsense philosophy of practicing law, particularly in the courtroom, developed early. "I found that if the jury picks up on your sincerity and your forthrightness, you'll be successful. If they figure out you're phony baloney you'll fail." Kirkland is quick to add, "I'm not suggesting that you be bland. You have to be creative in your presentation. You have to bring in demonstrative evidence that gets the jury's attention. In the end, your performance has a lot to do with the outcome of a case. But you can do that without being a phony, and you can do it without misrepresenting the facts."

Increasingly, Kirkland finds that his style runs counter to that of younger generations of lawyers. "I'm afraid the norm has become a very combative, *LA Law*, win-at-any-cost kind of approach." He says he has learned to be less trusting with opposing counsel. "I have to watch my backside a lot more these days. It's a shame."

Law school, for Kirkland, represented a transition from youth to adulthood. "As an undergraduate I had a pretty easy time of it. I hung out with a bunch of athletically inclined guys, played a lot of intramural sports, basically had a great time." When he entered law school, things turned serious. "In 1968, the average law student was a guy who had probably been out of school a few years, was married and had been to Vietnam. I was 21, these guys were 28 and 29. Going to law school was 9 to 5 proposition for them. I realized I had to change my habits in a hurry."

Once he got his mind on school work, Kirkland loved school. "I felt I had a great education. The faculty that Dean Ladd had recruited was absolutely first rate." Back then, too, he recalls, "It was very important for all of us to impress the professors. There was so much more than simply getting a passing grade and getting through school. I wanted the faculty to know who I was. It mattered tremendously what the faculty thought about me and I think the entire class felt that way."

Adds Kirkland, who keeps up with several faculty, "It still matters to me."

PETER KRAMER:

## Watching the growth of alternative dispute resolution, gauging its impact on the law

As a certified mediator at the Miami office of Steel Hector & Davis, Peter Kramer was already sold on the future of alternative dispute resolution. What he saw, however, when he became involved last year in a mediation program that sought

to settle insurance claim disputes arising from Hurricane Andrew amazed him. "It's one thing to practice mediation on a case-by-case basis. To see the process in action on a massive scale, helping people who otherwise would have had nowhere to

turn, was really astounding."

The program was initiated by the Florida Department of Insurance and involved the American Arbitration Association. "We handled more than 1,000 cases of homeowners whose claims were denied by insurance companies. This was the first time mediation was officially implemented in a catastrophic situation." Under the plan, insurance companies were required to participate in the process unless they could prove to the Department of

## GENE STEARNS: The man who fights for more city halls

One of his College of Law classmates characterizes Gene Stearns as, at once, one of the most successful lawyers in Miami, and one of the most dangerous. Being dangerous is a role that Stearns relishes.

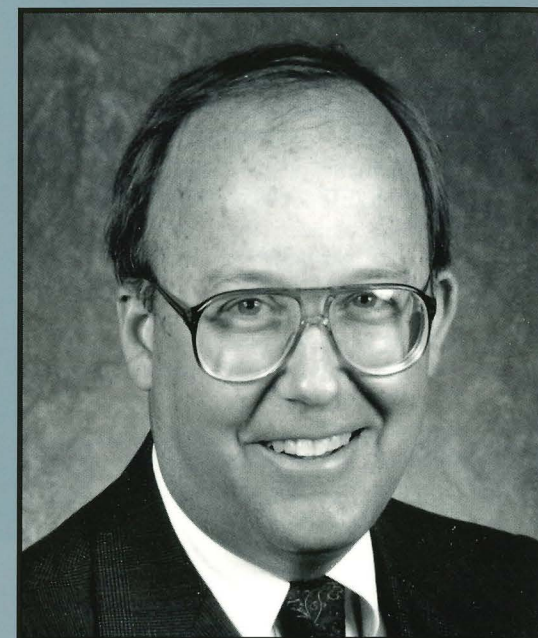
Says Stearns, who freely admits taking pleasure in running against the grain, "I'm involved in some social tinkering in the form of trying to change the way the people of Dade County are governed." It's an involvement that has already had a dramatic impact on local government and could, ultimately, force an overhaul of the entire system.

The chief issue for Stearns is his belief that a county government formed almost 40 years ago is hopelessly outdated and, as a result, unresponsive to the needs of its citizens. When the Metro Dade government was chartered in 1957, 97 percent of its citizens lived in one of 27 municipalities, Stearns says. The rest of the county was farmland or swamp. "Today the area which is euphemistically referred to as 'the unincorporated area' has a 1.2 million population. It is, in all respects, a municipality. It has municipal taxes, municipal authority and a municipal governing body. What is unique is that the governing body is not democratically elected," Stearns says. Under the charter of the two-tier government, commissioners play dual rolls: as county commissioners for the entire county and as city commissioners for the unincorporated areas. The overlap of jurisdictions

and duties not only leads to confusion, says Stearns, but to influence peddling. "One thing that has happened is that the commissioners get elected by people who want to develop the unincorporated areas. People in those areas can't decide that for themselves."

Beyond issues of representation, Stearns says that no one understands how county government works. He draws an analogy. "Twenty-five years ago I could open the hood of my car when something was wrong, find the problem and fix it. Today, I look under the hood and I don't have a clue. With government—nationally as well as locally—the same thing has happened. Over the past few decades there has been a collective loss of comprehension by the body politic of how government works. We are all opening the hood, figuratively speaking, without a clue about what to do about what's wrong." The government has grown so large and inscrutable, Stearns says, citizens are simply overwhelmed. "As citizens, we are manipulated by slogans and campaign promises. There is, at the base level, an inability to know and understand how decisions are made and who should be making them."

Stearns adds, "I believe in the slogan, 'think globally, act locally.' To clean your house, you start with one room, clean it up and then move on to the next. You don't do a little here and a little there because you'll never get the job done. People need to understand their government so they can participate in it. They need to under-



stand that government is more than a police officer or some other service provider."

To Stearns, the solution is to bring government closer to those it governs, to make it more approachable and understandable. Achieving this requires that communities incorporate. "I believe that ultimately, for this area to prosper, we have to create 100 to 150 village-type, municipal governments to focus on first-tier services—police, zoning, code enforcement, parks and recreation. When you organize the county into community groups of

Insurance that there was a compelling reason why they should not. Says Kramer, "It was a tremendous opportunity. And it worked."

"One of the great successes of the program, I think, was that it allowed middle-class Americans to bring grievances against the big insurance companies. For example, many of these people with, say, a \$10,000 dispute, didn't have the resources to hire an attorney and file a lawsuit. Mediation offered a chance for them to sit down face-

to-face with insurance company representatives, without hiring a lawyer, and try to work out a resolution with a mediator present."

Kramer sees the increased emphasis on mediation as one of the most significant changes for the legal profession in decades and one that will have a dramatic impact. He is quick to point out, though, that mediation is nothing new. "As a system, mediation dates back to ancient Greece," says Kramer, "and the fact is, it works." In

the next decade, he expects a major shift of traditional legal work to alternative dispute resolution. "I see mediation becoming a kind of cottage industry in the legal profession. Right now you have lawyers involved in mediation because it's the sexy thing to do. They might not be the best at it, though. I think you'll see a group of top notch mediators develop, just as there are top notch litigators."

One of the reasons, says Kramer, that will make mediation a specialty is that it

10,000-20,000 people, these groups develop a true sense of community and their involvement and participation in government is improved. More units of government mean not only more participation but more attention to detail. It's much easier to understand where your tax dollars are going. It's much easier to catch a cheater if you have nine elected officials instead of 100 unelected ones." Stearns suggests that a chain of command in government more than three deep leads, inevitably, to a diminution of quality of service. "If a police officer has to report to more than two people to get to the top, he or she is going to spend more time drinking coffee and less time doing the job."

Changes in Dade County government won't come without confrontation, Stearns says. "The county will never voluntarily change the way it operates." The incorporation of Stearns's home community, Key Biscayne, was approved by the county government only under threat of a law suit, he says. "Our suit would have challenged the legality of the entire government of unincorporated Dade County," Stearns says, adding that "for obvious reasons, they backed down and allowed the incorporation to go through before we filed." Stearns continues to work with other communities seeking to follow Key Biscayne, including Coconut Grove and Aventura.

Stearns points to the change of attitude toward government in Key Biscayne as a success story. "Six or seven years ago you couldn't find three people who had a clue as to how their government worked. All they knew was that someone took care of things. Today, there are hundreds

of people intimately involved in the details of local government."

One of the thornier issues Stearns confronts, and one that opponents of community incorporation, including fellow law school alumnus and chairman of the Metro Dade Board of County Commissioners Art Teele, often point to is the imbalance in the tax base from community to community. "The fundamental problem we have with local governments all over America is something called fiscal disparity. Wealthy and middle-class communities can afford self-rule, but when you get down to the communities with a low tax base, it becomes difficult to justify an independent government." Stearns concedes it is a difficult problem that has to be dealt with. Locally, according to Stearns, the issue is compounded by Dade County's cultural diversity.

Stearns emphasizes the point that he doesn't push his ideas on anyone. "I don't believe you force this on people," he says. "It has to be indigenous. In the communities pursuing incorporation, the process is driven by citizens who want it. I provide help to those who ask for it."

Stearns estimates he spends 20 percent of his time on community efforts and says it is what he likes doing best. "I'm not especially good at dealing with the Social Security Administration or handling simple divorces. Where I think I contribute the most is dealing on a macro level with social policy." Although Stearns donates his time helping communities incorporate, it's not the kind of thing that will win awards. "Although my work is provided free of charge and is motivated by a desire to effect change," he says, "it doesn't

fit standard pro bono definitions."

Stearns's involvement with government began 30 years ago in the FSU student government. He served as student body president in 1967-1968, while he was an undergraduate. "That's when I became interested in the relationships of people and their governments." Following graduation from law school in 1972, he worked in Reubin Askew's second gubernatorial campaign before moving to Miami in 1974.

He joined the firm of Pettigrew and Bailey and never left. Stearns has seen the firm grow and change around him over the years, its name evolving to the current Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A. "One of the nice things is that I've practiced with many of the same people since I started." The firm, one of Miami's largest, with more than 80 attorneys, practices a range of law Stearns terms "soup to nuts." "We do a lot of corporate and securities law, real estate, secured lending practice, labor and employment security," he says. The firm also is one of Florida's largest bankruptcy practices and handles significant volumes of tax, trademark and copyright work.

Stearns says that Stearns Weaver has considered establishing a Tallahassee lobbying office in addition to its Miami, Fort Lauderdale and Tampa offices, but he worries about the firm's effectiveness in influencing government. "Our involvement in challenging and remaking government in Dade County is somewhat inconsistent with the desire to please elected officials," he says. "We'll leave the lobbying to someone else."



requires a different frame of mind than the traditional practice of law. "Lawyers are trained to say, 'You're right. You're wrong.' In other words, to be contentious. A mediator has to be able to listen openly to all arguments and then forge an agreement that is acceptable to both sides. Working through problems mutually, getting people together, is a departure for many lawyers."

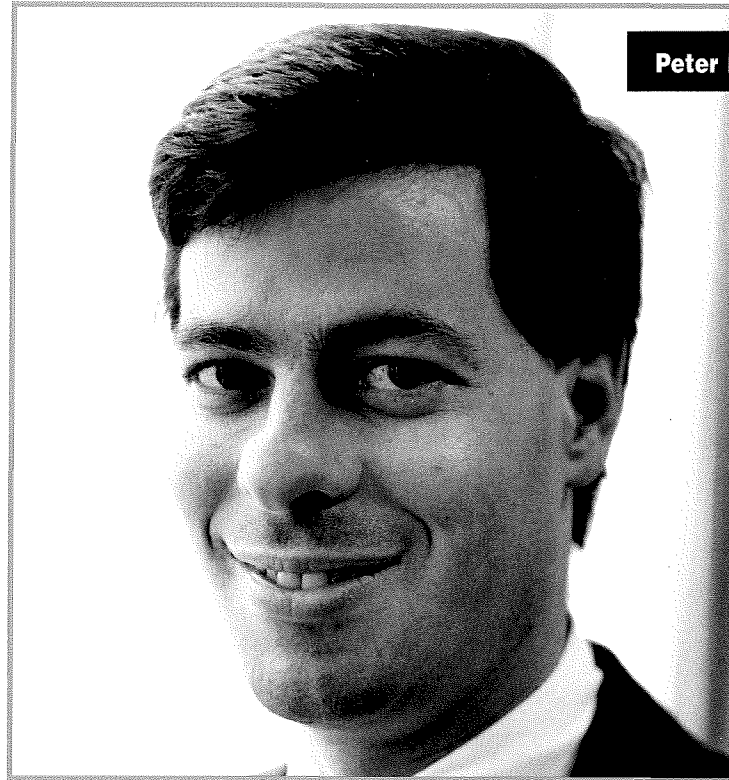
Because of the trend toward alternative dispute resolution, Kramer feels strongly that a legal education should include a comprehensive mediation training program. "I think that every lawyer should be trained in mediation and know how the process works. This training, obviously, should begin in law school," says Kramer, who will serve as the College of Law Alumni Association President in 1995-96.

Why will mediation be such a growth area? That's simple, says Kramer. "For financial reasons. The legal consumer will demand it. Clients in the future are going to expect dispute resolution as a first alternative to litigation simply for the reason that it is less expensive."

A native of Miami, Kramer joined Steel Hector & Davis directly after graduation in 1984. "I clerked here my second year of law school and fell in love with it. I liked the freedom the firm allowed its partners to do pro bono work and develop their professional interests. For a large established firm, the opportunities are tremendous."

A strong inducement for Kramer to join the firm was partner Sandy D'Alemberte. "I was really impressed with his vision and energy, and also impressed that he had chosen to work for this firm. Ironically, he left to become dean of the law school right after I joined," Kramer says. But Kramer did have an opportunity to work with D'Alemberte when the latter was ABA president. "It's an incredible experience to work with him. He's a veritable geyser of ideas."

Kramer's devotion to mediation is, in part, a transference of his early interest in politics. "Although I'm still very involved with politics in terms of being active in campaigns, I've probably moved some of my energy into mediation." During his undergraduate days as a political science and communications major at FSU, Kramer was interested in politics and thought about pursuing elected office. The decision to go to law school, in fact, was largely dictated



Peter Kramer

*"I see mediation becoming a kind of cottage industry in the legal profession. Right now you have lawyers involved in mediation because it's the sexy thing to do."*

by that interest. "Being in law seemed an obvious avenue for going into public service. I looked around and it seemed to be the best preparation."

Kramer has been involved in a number of political campaigns. He worked in several of Bob Graham's gubernatorial and Senate campaigns.

"Over the years I've become less interested in going into politics myself," Kramer says. "The cutthroat competitiveness and nastiness these days make it a lot less attractive." What he sees as personal selfishness in many elected officials and would-be elected officials also bothers Kramer. "Even within the same political party, these days, you see people trying to take an elected position away from someone who

is doing a good job. It's a case of people just wanting the job for themselves, not necessarily believing that they can do better than the incumbent." He adds, "At one time there was an informal system in which older, publicly active members of the community would reach out and tap young, promising talent, and say 'It's your turn to run.' Sandy D'Alemberte talks about this. I think that system has broken down, and I think it's too bad."

Kramer is happy working behind the scenes. "You can get an awful lot accomplished without having to be a visible part of the political process. Sometimes more."

"And," he adds, "it gives me more time to pursue my interest in mediation."

## TOM THORNTON: Looking for the new attorneys who can identify the issues and handle the stress

One of the toughest jobs Tom Thornton and his firm face is hiring new attorneys. "As much interviewing and hiring as I've done over the years, I still blow it sometimes. Making the right choice is as much an art as a science," says Thornton, a 1982 College of Law graduate.

"There's not a lot of a young lawyer right out of law school can give you except desire and hours. Our job is to pick the ones with the right combination of desire and ability to become effective lawyers. I look for people with maturity, who are aggressive, hardworking, who are quick learners and who have good organizational skills. Because we're a litigation firm, I obviously look for people who will make good trial lawyers. And I look for people who can handle the stress."

According to Thornton, it's harder than ever to make the right selections. "What I've noticed recently is that most law students interview well. You can tell they've read the same books on getting a job. You can put a lot of them in the same package as far as the way they come off in their resume and in an interview."

Ultimately, what Thornton wants is a litigator who can move a case forward. "To do that," he says, "you have to be able to identify the key issues. I've seen lawyers who have the same case for years. They'll bill hundreds of thousands of dollars, but they don't move the case to resolution because they can't identify the key issues. What it comes down to is that I want someone who can identify the one or two issues that will decide a case. Issue recognition is the name of the game in what we do."

Recalling his own entrance into the law profession in 1982, Thornton says he had made up his mind to be a trial lawyer. "If I had been a doctor, I would have wanted to be a surgeon. It seemed natural

to go into litigation." In law school, where Thornton was *Law Review* editor-in-chief, he prepared himself for the courtroom. "Every class I took I saw in terms of controversy. My question was always, 'Where's the conflict?'" Thornton felt he came out of school as well prepared as he could be. "I was lucky. I had Chuck Ehrhardt for



Evidence and Torts, and Bill VanDerCreek for Civil Procedure. You can't do much better than that."

After graduation, Thornton got an unexpected job offer. In October 1981, his father, Richard Thornton, and two friends broke away from a large Miami defense law firm to start their own practice concentrated in aviation law. They invited Tom to join them. "I really had not thought of going back to Miami. I expected to end up in Atlanta or the Northeast. But it appealed to me a lot more than chasing the highest offer from big firms and then working through the ranks, working in areas that might not interest me."

These days Thornton's Coconut Grove firm, Thornton, David, Murray, Davis, Thornton & Screenan, P.A., includes 16 lawyers, with more than half of its work aviation-related. "A lot of what we do is high-end tort work," Thornton says. "We do a lot of mass disaster litigation, defending airlines, airplane manufacturers, and

manufacturers of aircraft components." Because these companies deal with underwriters and other large firms involving sophisticated aviation equipment, says Thornton, the risks are high and so are the damages. Thornton's clients include USAir, United Airlines, Cessna Corporation and the Fort Lauderdale International Airport. The firm also handles medical malpractice defense work.

Like most other successful Miami graduates of the College of Law, Thornton expresses high satisfaction about his career. He is married to another College of Law graduate, Julie St. John Thornton, '81, who was bureau chief for the state attorney general's criminal appeals division in Miami for 10 years. She now takes care of the couple's two children. "We made the decision that it was more important having her home with the kids," says Thornton.

Also like the other area graduates, Thornton is an enthusiastic booster of Miami. "This is the closest thing Florida has to a cosmopolitan city. I like the variety of the culture here. We burn down parts of the town every once and a while. Then we rebuild it. And I love the weather and the salt water," Thornton says, adding, "This place has everything I need."

# Doctors in the House

**A desire to get involved in health care at a policy level and to help fellow doctors defend themselves against malpractice claims are two reasons physicians pursue a second career in law. A familiarity with long hours and stressful working conditions help them make it through.**



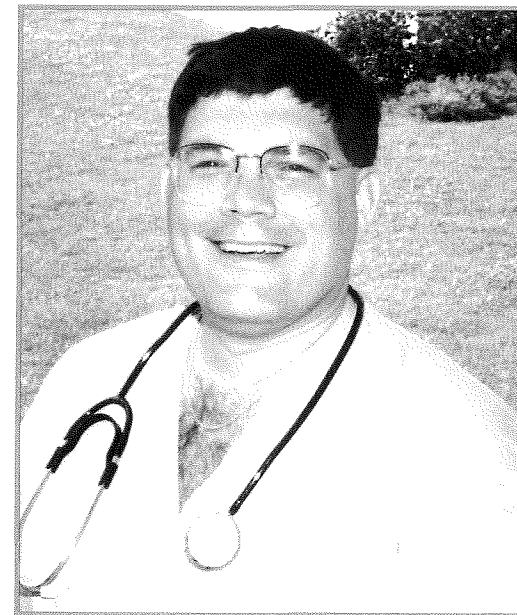
**FSU third-year law student Dr. James Anthony**

To look at third-year law student Jim Anthony on a recent summer afternoon, he could be mistaken for a man waiting for a racquetball partner or ready to head to his favorite tavern. He wears a baseball cap, shorts, jersey and sandals. His smile comes easily. His conversation is casual. If you have the time, he is willing to engage you on any number of legal, ethical or scientific topics. There is little to indicate that Anthony is a man with virtually no time for leisure, a man who maintains a regimen few people can imagine, much less endure.

For when Jim Anthony, law student, puts down his books on Thursday after-

noons, he becomes Dr. Jim Anthony, emergency physician.

From Thursday night through Sunday night, Anthony works in emergency rooms and clinics in such far-flung locations as Jacksonville, Gainesville and Donaldsonville, Georgia, suturing cuts, setting broken arms and staring down sore throats. Closer to home, he has put in considerable time at FSU's Thagard Health Center. In his capacity as physician, he typically works three 12-hour days while he is attending law school classes, although it is not uncommon for him to work more. In addition, he occasionally conducts advanced cardiac life support seminars at hospitals in



North Florida and South Georgia.

For Anthony, though, these demands are nothing new, nothing he hasn't willingly put himself through for 15 years. Ask him how he maintains the pace, and Anthony, who says 100-hour weeks are not

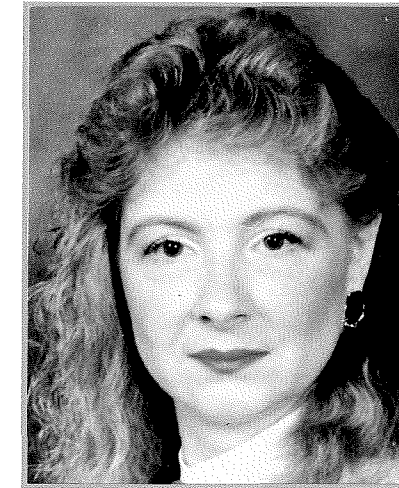
uncommon, shrugs. "I've been doing it for years. I don't know how to do anything else." He adds, "I look at it as a time management issue."

A native of Cleveland, Anthony received both his undergraduate and medical degrees from Ohio University. In three years of residency at Cleveland Metropolitan General Hospital, he rose to the position of Chief Resident in family practice. After leaving, he worked briefly with a group in Tampa before setting up his own practice in nearby Brandon.

For Anthony, practicing medicine was not enough. "I've always been interested in law, and the more I got involved in medical practice, the more I realized how ignorant medical practitioners are of the law. It's something we need to be intimately familiar with." Eventually, Anthony would like to do something about that deficiency. "The requirements, in terms of understanding the law, are minimal in most medical schools. Doctors come out with almost no working knowledge. They need to know more."

Anthony points not only to well-publicized areas where legal knowledge is important in the medical profession, such as malpractice, but also to areas involving practice procedures. "For instance," he says, "most doctors don't know when they can forcibly restrain patients for their own protection." The importance of an understanding of the law will continue to grow among medical practitioners, Anthony suggests, "at an exponential rate."

An intersecting point of law and medicine in which Anthony has particular interest is the issue of euthanasia and the right of terminally ill patients to end their lives. A strong supporter of Jack Kevorkian, the Michigan doctor acquitted in May for assisting a terminally ill patient to commit suicide, Anthony says, "I took an oath to reduce pain and suffering, not to prolong life without regarding the patient." He is particularly troubled by legal arguments being put forward by prosecutors. "The



**Nancy Kopitnik (left) Art Lester**

states claim they have a compelling reason to keep very sick patients alive. When you look into those reasons, though, the only basis you find is religious. There is practically no case law on the subject." Adds Anthony, "If you have a pet that is badly injured and in a lot of pain, there's no question that the best thing to do is to put the animal out of its misery. Why do we treat people worse than we treat animals?"

Anthony cites a practical reason for reducing extraordinary efforts to prolong life. "You can easily spend \$200,000 a month to keep someone alive. It makes a lot of sense to ask if that \$200,000 is well spent on someone who may not want to continue living and will only live another month or two anyway." Such enormous spending at the end stage of life is encouraged by hospitals and insurance companies, Anthony says, but he points a finger at doctors as well. "Because doctors make such large incomes themselves, they often are not aware of what the expense means to patients and the health care system generally." The controversy is further fueled by the fact that life expectancy continues to increase. Says Anthony, "I believe there is going to be a great deal of government involvement in the issue of health care costs. This bothers me, but obviously, we're going to have to find some solutions."

Of the coming government intervention in health care, Anthony says, "It's going to happen, and I worry that we'll have situations where non-doctors are making health care decisions. It's crucial that doctors get involved in the process. And frankly, that's one reason I'm going to law

school." One of Anthony's goals is to get involved with health care issues at the policy level, working with health care personnel in negotiations with such agencies as the

Agency for Health Care Administration and insurance companies.

Although teaching law to medical students, or, medicine to law students, is among his plans, Anthony's first order of business, following graduation, will be to open a law practice. "I'll continue my weekend ER work to finance the practice and hire an experienced associate."

Anthony is not alone in his desire to master two complex disciplines. Two other current law students, Nancy Kopitnik and Mel Hartsfield, are MDs, while a handful of College of Law graduates have taken the same path.

Kopitnik, who worked as a surgeon in the Huntsville, Alabama, area, before entering law school, has several special interests. One focus is on mediation, particularly in dealing with malpractice claims. Another is in setting standards for certain operating room procedures to protect medical personnel from AIDS and other transmittable diseases. "These are areas where a law education will be valuable."

An important lesson Kopitnik learned during her own medical training at the West Virginia University and in her residency at Ohio University was that "you can forestall a lot of problems by establishing good rapport with your patients. Things can, and do, go wrong in the practice of medicine, especially when risks have to be taken. Open communication with patients and family members can help clear up conflicts and misunderstandings."

Kopitnik feels communication is the key to effective mediation. "When people work out their differences face-to-face instead of through a legal confrontation, it

can be much easier to find solutions and compromises. It can also be a lot less expensive and unpleasant."

As a surgeon working in rural areas, Kopitnik became aware of how money-saving measures used by medical facilities often put medical personnel at risk of the AIDS virus and other diseases. She notes, for example, that while larger hospitals most often have strict guidelines about protective eyewear and waterproof gowns, smaller hospitals do not. Doctors are supplied instead with cotton gowns and no eyewear for surgical procedures. "Cotton is cheaper," she says, "because it can be washed and reworn, but its effectiveness in protecting against contaminated blood is minimal." Kopitnik wants to help create standardized guidelines, "like OSHA rules," to protect doctors.

Kopitnik takes pride in the difference she made in the lives of many women during her years of practice. She established the Alabama Breast Cancer Screening Clinics, which took mammography and medical staff into rural areas of the state. "Many of the women that we reached would have gone without screening if it weren't for us. We were able to diagnose breast cancers that probably would have gone undetected until it was too late." Kopitnik learned something else operating her clinics. "We found that these women were much more willing to be examined by another woman."

In six years she had built a successful practice and won the respect of her at-first skeptical male peers (she had been the only female physician in the area). "Leaving to go to law school was the most difficult decision I had ever made, but I'd accomplished what I'd set out to do. After asking myself some hard questions, I realized that I needed a new challenge." Kopitnik considered several options, including a Master's degree in health administration or a business degree, before concluding that "a law degree would fulfill my goals."

Like Anthony, Kopitnik helps put herself through law school practicing medicine. The nature of a surgical practice—and the high cost of malpractice insurance—makes it impractical to maintain a double life as a law student and surgeon. Instead, she works at a Tallahassee walk-in medical clinic. "The transition

from surgeon to family physician wasn't so easy at first," admitted Kopitnik. But she has made the adjustment.

Asked about differences between law and medicine, Kopitnik says, "The most significant difference is in the way that decisions are made. In medicine, especially in surgery, decisions are made quickly. Law is a different science, with more deliberation and discussion."

Kopitnik plans to practice both medicine and law. "I probably won't return to a



*"In medical school you learn to make instantaneous decisions because there is no second chance. In law school, you have to learn to think through a problem."*



rural area, though. A larger city is more likely to have a market for a practice in medical law."

Law school graduates who have pursued both degrees have no regrets. Arthur Lester, a 1989 graduate, believes every doctor should have some legal training. "I think it gives me a greater grasp of the world in terms of social institutions." Lester, like others, also suggests that medical training comes up woefully short in teaching skills relating to social interaction. He also thinks lawyers, especially those who deal with doctors, need to know more about the practice of medicine.

Soon after finishing the University of Chicago Medical School program, Lester discovered the shortcomings of his training. As a young doctor, he admits to having felt "unprepared for the realities of practice. Too much was happening in the world of medicine and medical management that I didn't understand, particularly in terms of litigation and regulation."

In fact, Lester's solo legal practice consists of assisting medical practitioners sort out the multitude of regulations that affect their practices. His caseload is broadly defined, including plaintiff and defense malpractice cases, living wills, assisted suicides, and medical ethics cases.

He also is general counsel for the 46-doctor medical group at White Wilson Medical Center in Fort Walton, where he practices as a surgeon. "I do about 70 percent medicine and 30 percent law, but it varies month to month."

Lester says he has no trouble switching back and forth from medicine to law, because "they're so different." Like Kopitnik, he sees the difference in terms of quick versus deliberate decision making. "In medical school you learn to make instantaneous decisions because there is no second chance. In law school, you have to learn to think through a problem, both the public policy aspects of what you're doing and the procedural aspects of how to get it done."

For Anthony the gruelling schedule and multiple demands make sound professional sense. "I truly believe there is a need for doctors who are also lawyers." The need, he suggests, will only increase as the national health care debate heats up. "I think you'll be seeing a lot more of us in the future."

By David Morrill

When April Cherry looked at the sonogram of her second child in the fall of 1992, something about it disturbed her. The fetal image was ordered by her doctor because of complications with the pregnancy shortly after she joined the College of Law faculty. "After looking at it for a couple of days, not being able to figure out why it bothered me, I took it to [law professor] Meg Baldwin and asked, 'What's wrong with this picture?'"

Baldwin's reply was to the point: "You're not in it."

"She was absolutely right! She saw the problem immediately," says Cherry.

The episode, which occurred in Cherry's first semester of teaching at the College of Law, is emblematic of a central theme in reproductive technology, which is also the title of one the courses she teaches.

"In the sonogram you see the fetus floating free. There's no connection with the mother. No emotional or physical bond. You're looking at an isolated individual. The technology allows us to legislate on the fetus's behalf as if the mother doesn't exist. Unfortunately, these imaging techniques are shaping policy."

From the time she took a course in Procreation and the Law of the Family at Yale, Cherry has had strong opinions about how the subject should be approached. "What bothered me about the course was the professor's deference to science. He had a technocratic approach that presumed that just because we can do something, we should. There was very little questioning of ethics or who would benefit from the technology."

In designing her own course, Reproductive Technologies and Rights, Cherry played off the omissions of the course at Yale. In addition to covering the technologies, she wanted to explore their ramifications from an ethical and emotional standpoint. "I wanted to meet the needs and issues I thought were important, to include as an integral part of the discussion what *hadn't* been talked about in my own law school class." Because of technological advances, these issues pose legal questions that have never been dealt with, says Cherry. "It's important to look at the issues from the perspective of those who are harmed as well as those who benefit."

One of the ethical issues that aroused Cherry's particular interest involves gestational surrogacy, the process in which a woman's egg can be fertilized outside of her body and then implanted in another, genetically unrelated woman. "What's happening,"



# Bringing Reproductive Rights Into Focus

**Professor April Cherry challenges her students  
with legal and ethical questions about an  
emerging technology**

says Cherry, "is that black women are delivering white babies. This is becoming more and more common." Before the gestational technology, which came into use in the late 1980s, the egg of the surrogate mother was fertilized, and the baby was genetically related to her.

For Cherry, gestational surrogacy conjures images of black women filling roles of nannies and nursemaids. "Again, it's a situation where black women have lots of responsibility but no control. These are women who have the fewest choices, women for whom \$10,000 (a standard surrogacy fee) is a lot of money, while the men and women purchasing their services have lots of resources and disposable income." The practice, according to Cherry, is establishing a pattern that is too quickly becoming acceptable. "I think there should be limits put on it at a policy level."

Beyond the issue of exploitation of black women, Cherry focuses on a number of ethical issues. "What about the fact that it is natural for a pregnant woman to become emotionally connected with the fetus she is nurturing? Does the birth mother have a case for visitation or custody rights? Although genetics are often a secondary consideration in family law court, at least one court has ruled against a woman in a gestational surrogacy case because she was not genetically related to the child she birthed. I look at this as another instance of deferring to science where people's relationships are ignored."

Compelled medical treatment is another legal area in which Cherry perceives a conflict between the pregnant woman's rights and the rights of the fetus. Here again, she says, "it is often poor women who find themselves compelled to submit to an unwanted procedure, such as when a doctor gets a court order to do a cesarean section." With fetal imaging promoting the view of the fetus as a separate being, "the mother, especially if she is poor, is powerless to protest."

Cherry sees an active future for the issue of fetal rights. "Legal discussion in this area is new, and some state legislatures are just beginning to make laws." She suggests that policy will develop quickly in the area and the influence of medical science needs to be balanced by human factors. "We have to keep in mind that medicine is as much an art as a science," she says.

Another area of strong personal inter-

*'Poverty breeds poverty.  
Poor mothers don't have  
good nutrition and access to  
prenatal care...so the  
children are born  
disadvantaged. They are not  
only potential criminals but  
they're expensive  
to start with.'*

est for Cherry, and one she also teaches, is poverty law. "I find myself spending a lot of time, especially during the first few weeks of my class, trying to debunk the myths about poverty." One of the legacies of the Reagan-Bush era, she thinks, is the notion that most people on welfare are not deserving. She tries to get students to look past cases in the media about the few people who defraud the system and to see the real effects of poverty. "Some students don't seem interested in talking about the welfare of the children. What they want to talk about is the perceived irresponsibility of the parent."

Central to Cherry's course is how state legislatures shape policy for poor people. She takes a particularly critical look at punitive policies being adopted. "In some states, when a child is truant from school, they take part of the parent's welfare payment away. Wisconsin has done this. You have to ask the question, 'what does it solve?' The kids with the problems are poorer and the state spends more regulating the punitive aspects of the program." Worst of all, says Cherry, there is no attempt to get to the bottom of the problem. "They don't spend any effort figuring out why the children are truant."

It is the cycle of poverty that concerns Cherry the most. "Poverty breeds pov-

erty." Poor mothers don't have good nutrition and access to prenatal care, she says, so the children are born disadvantaged. Like others in her field, Cherry suggests that there are no easy solutions. She encourages her students to "take a piece of the problem and work with it. I expose them to psychological, sociological and economic information about why people are poor. This is important because a lot of our students will end up working in government and will have the opportunity to shape and direct policy."

Cherry always knew she wanted to teach. After completing her undergraduate program at Vassar, she was awarded a scholarship at New York University to study public interest law. A member of the scholarship committee advised her: "If you want to teach, go to Yale." She did.

She did not, however, go right into teaching. After graduation from Yale Law School, she became an associate in the Employment and Environmental Law departments of the law firm of Paul, Hastings, Janofsky & Walker in Washington, D.C. From August of 1991 until her arrival at the College of Law in fall of 1992, Cherry was a judicial clerk for the District of Columbia Court of Appeals.

After two years of "learning how to teach," Cherry says she is ready for some additional challenges. "I'd like to do pro bono work and get going on my scholarship." Cherry hopes to combine several areas of interest. "I see myself working with organizations, perhaps doing appellate work and teaching at the same time."

Cherry also talks about rekindling an old project that came out of a student incident involving a racial epithet. "I'm interested in hate speech, in the conflict between liberty and equality. The First Amendment is about the first but not the second, but I feel you can't have one without the other. I can be disenfranchised by a racial epithet. Some Americans have liberty at the expense of black people."

Not surprising, Cherry finds life in Tallahassee markedly different from life in Washington. "There I was working late and hoping to get home to my child before she went to bed." Now, even with two children and a busy teaching schedule, she concedes that "the pace is easier. I get to see my kids more." Spending time with her family has become the priority that it should be, she says.

## CLASS NOTES

'69

**Professor Robert D. Bickel** has resumed the Assistant Deanship of the Stetson University College of Law.

**J. Riley Davis**, former partner in the firm of Taylor, Brion, Buker & Greene, has become a shareholder in the firm of Katz, Kutter, Haigler, Alderman, Marks & Bryant, P.A. Offices are located at Highpoint Center, 12th Floor, 106 East College Avenue, Tallahassee, FL 32301, telephone (904) 224-9634.

**William A. Gillen, Jr.**, of Shackleford, Farrior, Stallings & Evans, P.A., in Tampa, has been elected President of the firm. Mr. Gillen will also chair the Keel Club Campaign of The Hillsborough County United Way.

**Jonathan D. Kaney, Jr.** presented a CLE lecture entitled, "The Perils of Partnerships: Beginning and Ending

Partnerships Safely." The presentation was part of a lecture series entitled, "The Safe and Successful Lawyer: Practicing for Client Satisfaction and Malpractice Avoidance."

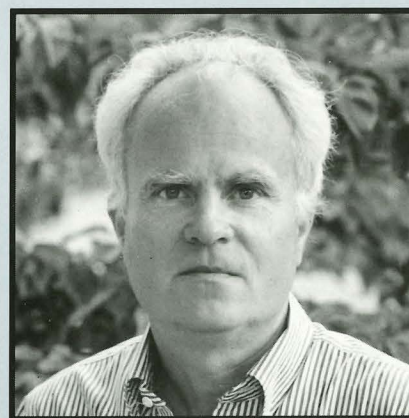
**James I. Ridley** recently served as a speaker during a presentation entitled, "What's New on Your Beat? A Panel Presentation on Recent State Law," as part of the 1994 Attorney/Trust Officer Liaison Conference.

'70

**Donald A. Gifford** presented a CLE lecture entitled, "The Ethics of Hiring Experts." The presentation was part of a lecture series entitled, "New Directions in Business Litigation."

**George L. Waas**, Assistant Attorney General for the state of Florida, wrote an article entitled, "The Process and Politics of Reapportionment and Redistricting of the Florida Constitution" in the Winter 1994 *Nova Law Review*.

**Robert S. Yerkes** of Foerster, Issac and Yerkes, P.A., in Jacksonville, and also



**Robert Kerrigan '71 for the defense**

In a departure from his highly successful medical malpractice work, Bob Kerrigan defended Michael Griffin, the man accused in the slaying of a Pensacola abortion doctor in 1993. Kerrigan, a partner in the firm of Kerrigan, Estess, Rankin & McLeod, had not worked on a criminal law case since the late 1970s, although he had built an impressive record early in his career as a public defender. Griffin had intended to defend himself in the case that attracted nationwide attention. Kerrigan took the case without charge, in part because Griffin's father was a longtime friend through their church. Griffin eventually was found guilty of the charge of first degree murder and sentenced to life imprisonment.

## RECOGNITIONS

staff judge advocate of the 143rd Transportation Command, U.S. Army Reserve, has been promoted to colonel.

'71

**Cynthia S. Tunncliff** has been elected executive vice president of the FSU Alumni Association board of directors. Formerly with Carlton, Fields, Ward, Emmanuel, Smith & Cutler, P.A., she is now with Pennington & Haben, P.A. Offices are located at 215 South Monroe Street, 2nd Floor, Tallahassee, FL 32301, telephone (904) 222-3533.

'72

**James M. Hankins**, formerly of Osborne, Hankins, MacLaren & Redgrave, has become a partner in Hodgson, Russ, Andrews, Woods & Goodyear in their Boca Raton office located at 2000 Glades Rd., Suite 400, Boca Raton, FL 33431, telephone (407) 394-0500.

**John R. Marks, III**, was a co-presenter of a CLE lecture entitled, "Florida Public Service Commission: Appointment Versus Election." The presentation was part of a series of lectures entitled, "Regulating Utilities in Florida: Current Issues in the Regulation of Florida's Electric, Water and Wastewater, and Telecommunication Industries."

**Alfred W. Torrence, Jr.**, of Thornton, Torrence & Gonzales, P.A., in Port Richey, has been appointed by Governor Chiles as a member of the Coastal Rivers Basin Board, Southwest Florida Water Management District.

'73

**Thomas F. Icard, Jr.**, presented a CLE lecture entitled, "Sick Building Syndrome and Building Related Illness Claims: Defining the Practice and Legal Issues." The presentation was part of a lecture series entitled, "Construction Contract Litigation Seminar."

**J. Lester Kaney** of Daytona Beach has been elected chairman of the FSU Alumni Association board of directors for 1994-1995.

**Frank A. Kreidler** of Lake Worth has been elected chair of the statewide Human Rights Advocacy Committee. The committee investigates complaints against HRS, monitors programs and facilities, and acts as an independent third party for the protection of the rights of HRS clients. Mr. Kreidler,

also a commander in the U.S. Navy Reserve, has been selected by the U.S. Naval Academy to receive the Dean of Admissions Award for the recent candidate cycle.

**Richard W. Taylor** presented CLE lectures entitled, "Conduct of Trial" and "Post Trial Considerations, Betterments, Appeals." The presentations were part of a series of lectures entitled, "Survey and Boundary Law Seminar."

'74

**Joseph R. Boyd**, of Boyd & Branch, P.A., has been appointed Vice Chair of the Board of Legal Specialization and Education of The Florida Bar. Boyd is board certified in real-estate law as well as marital and family law.

**Raul C. Palomino, Jr.**, has been appointed as county judge in the Thirtieth Judicial Circuit of Florida in Hillsborough County.

**Bruce M. Stone** presented a CLE lecture entitled, "Why You Should Be Afraid to Use Life Insurance Trusts." The presentation was part of a lecture series entitled, "Advanced Estate Planning: Lectures and Workshops." Mr. Stone also made a presentation entitled, "Professionalism in the Trusts and Estates Industry: Chartering the Course" as part of the 1994 Attorney/Trust Officer Liaison Conference.

**George E. Tragos** was elected to serve as President of the Clearwater Bar Association in 1995.

'75

**Bruce B. Blackwell** has been elected without opposition to The Florida Bar Board of Governors for the Ninth Judicial Circuit. He is a shareholder with the firm of King & Blackwell, P.A., 25 E. Pine Street, Orlando, FL 32802, phone (407) 422-2472.

**Theodore E. Mack** recently made a presentation entitled "Preparing for Hearing—Discovery and Other Pre-Hearing Considerations" as part of a CLE lecture series entitled, "Administrative Law Overview."

'76

**Linda C. Hanna** presented a CLE lecture entitled, "Planning for Estate Distributions." The presentation was part of a lecture series entitled, "Practical Considerations in Deathbed and Post-mortem Estate Planning."

Charles G. Stephens presented a CLE lecture entitled, "Local Pollution Control Programs: The Growing Role of Local Government Agencies in Environmental Permitting." The presentation was part of a lecture series entitled, "Everything You Always Wanted to Know About Environmental Permitting."

'77

Carey S. Haughwout was recently given special recognition for his outstanding pro bono contributions in 1993. The recognition was from The Legal Aid Society of Palm Beach County and the Palm Beach County Bar Association.

Linda McMullen spoke at the Fourteenth Annual Legislative Update and Recent Case Review in a presentation entitled, "Legislation Potpourri."

Thomas L. Powell was recently elected president of the Tallahassee Bar Association. Mr. Powell also recently presented a check on behalf of the Tallahassee Bar Association to the Big Bend Young Lawyers Association for a project to build a children's room in the Leon County Courthouse.

'78

Stevan T. Northcutt presented a CLE lecture entitled, "Judicial Oversight of Local Government: A Guide to the Extraordinary Writs." The presentation was part of a lecture series entitled, "Local Government Law in Florida."



**Richard M. Davis Scholarship Endowed**

An anonymous donor has established a scholarship in memory of 1978 College of Law graduate Richard M. Davis. The recipient of the scholarship, an outstanding student with financial need, will be designated the Richard M. Davis Scholar. Davis served as senior vice president and general counsel of Associated Industries in Tallahassee.

Harris K. Solomon announces the merger of his former firm. The name of the new firm is Brinkley, McNerney, Morgan, Solomon & Tatum. Offices are located at Suite 1800, New River Center, 200 East Las Olas Boulevard, Ft. Lauderdale, FL 33301, telephone (305) 522-2200.

'79

Congressman Jim Bacchus was the keynote speaker for the 10th World Hydrogen Energy Conference, sponsored by The Florida Solar Energy Center. Congressman Bacchus was also the speaker at the Spring 1994 College of Law commencement ceremony.

Robert D. Barclay, formerly assistant general counsel for NationsBank Corporation announces the opening of Robert D. Barclay, P.A., with offices at 3600 Central Ave., St. Petersburg, FL 33711, telephone (813) 327-1103. He concentrates in the areas of commercial lending, real estate, and financial institutions law.

Thomas A. Cloud presented a CLE lecture entitled, "The ABC's of Public Utilities Law." The presentation was part of a lecture series entitled, "Local Government Law in Florida."

Jose A. Diez-Arguelles, former staff director of the Florida House of Representatives Finance and Tax Committee, has become associated with the firm of Katz, Kutter, Haigler, Alderman, Marks & Bryant, P.A. Offices are located at Highpoint Center, 12th Floor, 106 East College Avenue, Tallahassee, FL 32301, telephone (904) 224-9634.

Carole M. Fruman was recently awarded the Alfred Feinberg Memorial Award for outstanding contributions to Legal Services of Greater Miami and the poverty community.

Major Richard E. Gordon recently returned from his second tour in Somalia where he served as the Staff Judge Advocate for Joint Task Force-Somalia. For the past two years, Major Gordon has served as the Deputy Staff Judge Advocate for the Army's 10th Mountain Division located in Fort Drum, New York.

Frederick L. Koberlein was recently honored as one of the recipients of The Florida Bar President's Pro Bono Service Award. He contributed several hundred hours of free legal services through The Three Rivers Legal Services Volunteer Attorney Program.



**MEL MARTINEZ '73 AND CURT KISER '72 — TWO MORE FOR THE RACE**



Florida's Republican gubernatorial race is taking on a College of Law complexion. Orlando attorney Mel Martinez '73 has been picked as Ken Connor's running mate while veteran state Senator Curt Kiser '72 will share the ticket with Florida Insurance Commissioner Tom Gallagher in the September primary. Ken Connor, a 1972 graduate, announced his candidacy for the governor late last year.

Martinez has a long history of volunteer and public service in Orlando, where he has his civil trial practice. "It is very important to me, coming from Cuba," he has said, "to be involved in my community." Martinez and Connor have known each other since College of Law days and practiced together in the 1980s. If the two are elected, Martinez, who came to Florida from Cuba as a high school student, would take a major role in immigration and international economic development issues as well as local government concerns.

Kiser, a state senator from Palm Harbor, said his ticket will stress the consumer advocacy established during Gallagher's tenure as Insurance Commissioner and conservative fiscal values.

Additionally, Mr. Koberlein served as the director of the Columbia County American Red Cross where he also provided free legal service. His practice is concentrated around commercial litigation.

'80

Suzanne S. Brownless served as the moderator of a CLE lecture entitled "Florida Public Service Commission: Appointment Versus Election." She also served as a co-presenter of a lecture entitled, "Competition in the Electric Industry." The presentations were part of a series of lectures entitled, "Regulating Utilities in Florida: Current Issues in the Regulation of Florida's Electric, Water and Wastewater, and Telecommunication Industries."

Lewis G. Gordon announces the relocation of his office to 7700 N. Kendall Drive, Suite 515, Miami, FL 33156, telephone (305) 273-6030.

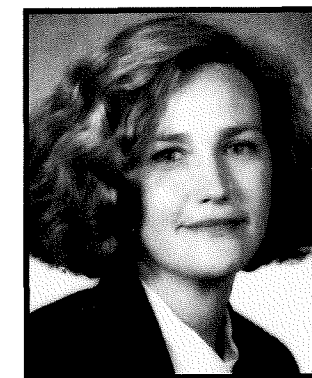
Kenneth W. Shapiro, of Berger, Shapiro & Davis, P.A., in Fort Lauderdale, has been appointed chair of the Florida Regional Board of the Anti-Defamation League, succeeding former Florida Supreme Court Justice Arthur England.

Robert N. Wolfe, of Buchanan Ingersoll, in Aventura, presented, "Income and Estate Tax Planning for Life Insurance" for the Palm Beach Chapter, American Society of Certified Life Underwriters, at Palm Beach Community College.

'81

Julie Gallagher, of Stowell Anton & Kraemer, lectured on Florida's Medic-

aid reform at the 15th Annual Institute on Medicaid and Medicare Payment Issues. The institute was sponsored by the National Health Lawyers Association and the American Academy of Hospital Attorneys.



Julie Gallagher

Thomas K. Maurer presented a CLE lecture entitled, "Hazardous Waste Permitting: Complying with State and Federal Hazardous Waste Regulations." The presentation was part of a lecture series entitled, "Everything You Always Wanted to Know About Environmental Permitting."

Jeffrey P. Whitton was recently honored as one of the recipients of The Florida Bar President's Pro Bono Service Award. He was nominated by Legal Services of North Florida, Inc. He donated over 120 hours of free legal services to the indigent in his community. His principal areas of practice include commercial litigation, appellate law, and general trial practice.

Thornton J. Williams and Harriet R. Williams '88 would like to announce the arrival of their child, Chelsea Gabriel.

'82

Robert W. Goldman made a presentation entitled, "Coping with Pre-Hymeneal Ardor and Missing Assets: Nightmares from Prenuptial and Postnuptial Litigation" as part of a CLE lecture series entitled, "Planning for the Second Marriage and Minor Children." Mr. Goldman also made a presentation entitled, "To be or not to be: Compensated Reasonably" as part of the 1994 Attorney/Trust Officer Liaison Conference.

D. Lloyd Monroe, IV, formerly a partner with Fuller, Johnson & Farrell, P.A., has joined with the former firm of Cooper and Coppins. The firm will be known as Cooper, Coppins & Monroe, P.A. Offices are located at 525 North Adams Street, Tallahassee, FL 32302. Mr. Lloyd will continue to practice in the areas of personal injury and wrongful death, civil rights litigation, governmental and law enforcement defense, and representation of management in employment disputes.

'83

Al L. Frith has announced his candidacy for the District 36 seat of The Florida House of Representatives.

Virginia B. Townes, former chair of The Florida Board of Bar Examiners, recently made a presentation to The Florida Bar Board of Governors on the future of the Multistate Professional Responsibility Exam.

'84

Joseph M. Diaz announces the opening of his offices at 601 Bayshore Blvd.,

Suite 975, Tampa, FL 33606, telephone (813) 251-3008. He concentrates in the areas of personal injury, medical malpractice, product liability, and criminal defense.

Robin S. Hassler, Director of the Governor's Domestic Violence Task Force, spoke before The Florida Bar Board of Governors on various recommendations concerning police, social workers, and shelters for battered women.

James R. Shenko has become a partner with Mark Norden. The name of the new firm is Norden and Shenko. Offices are located at 2120 McGregor Boulevard, Fort Myers, FL 33901, telephone (813) 332-7100.

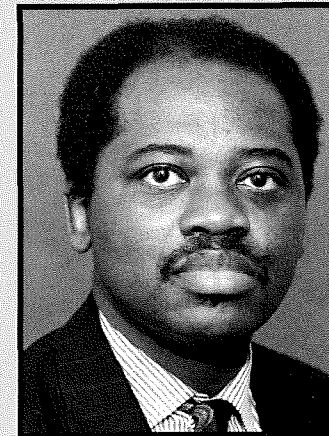
'85

Anita Bing, of Bing & Associates, P.A., received the 1994 Wm. Reece Smith, Jr., Public Service Award, given annually by Stetson College of Law for outstanding public service.

R. David de Armas has become a shareholder in Cabaniss, Burke & Wagner, P.A., with offices at Olympia Place, Suite 1800, 800 North Magnolia Ave., P.O. Box 2513, Orlando, FL 32802-2513, telephone (407) 246-1800.

Robert D. Fingar recently made a presentation entitled, "Legislative Action and Funding Options for Chlorinated Spills," as part of a CLE lecture series entitled, "Chlorinated Solvent Spill Liability and Remediation."

Judith W. Hawkins spoke on demonstrative evidence during the American Bar Association Family Law Section 1994 Spring CLE Conference in Charleston, SC.



**Jack McLean '74 Joins Atlanta Firm**

Jack McLean may be joining the high rollers, but his contract allows that he'll still "be able to represent poor people for free." In May, McLean left Legal Services of North Florida, Inc. after a distinguished 17-year career as director, to become the newest partner in the Atlanta law firm of Mack, Williams, Haygood & McLean.

The firm, one of the largest and fastest growing minority-owned firms in the nation, represents Fortune 100 companies like Ford Motor Co., General Motors, IBM, and McDonald's. It seems a far cry from Legal Services of North Florida, which represents poor people in civil cases over a 14-county area.

McLean, who served two terms on the Tallahassee City Commission and then ran against Pat Thomas for the Florida Senate in 1992, will retain a foothold of sorts in North Florida. He plans to keep a home—and his voter registration—in Tallahassee. So North Florida politics may not have seen the last of Jack McLean.

Wayne M. Pathman has become a shareholder of Buchanan Ingersoll in North Miami Beach with offices at 19495 Biscayne Blvd., Suite 606, North Miami Beach, FL 33180-2320, telephone (305) 933-5600.

'86

Robert N. Clark, Jr., announces the birth of his son Davis Matthew.

Robert M. Evans was a co-presenter of a CLE lecture entitled, "Florida Public Service Commission: Appointment Versus Election." The presentation was part of a series of lectures entitled, "Regulating Utilities in Florida: Current Issues in the Regulation of Florida's Electric, Water and Wastewater, and Telecommunication Industries."

Adrienne Fechter gave the opening remarks at a CLE lecture program entitled, "Advanced Current Labor Topics."

J.A. Jurgens, of Honigman Miller Schwartz & Cohn, is now with the firm's Orlando office located at 390 N. Orange Ave., Suite 1300, Orlando, FL 32801, telephone (407) 648-0300.

William A. Leavell, III, won the Republican nomination for district judge in North Carolina's 24th Judicial District.

James C. Lohman, a former staff attorney with the Volunteer Lawyers' Resource Center, announces the opening of his offices at 2017 Atapha Nene, Tallahassee, FL 32301, telephone (904) 878-8260. He concentrates in the ar-

reas of criminal appellate and post-conviction representation, primarily in capital cases.

Priscilla R. Quinones was recently elected secretary of the Tallahassee Bar Association.

Floyd R. Self moderated a CLE lecture entitled, "Telecommunication Consolidation, Diversity and Competition: The Future in Florida." The presentation was part of a series of lectures entitled, "Regulating Utilities in Florida: Current Issues in the Regulation of Florida's Electric, Water and Wastewater, and Telecommunication Industries."

'87

Barbara P. Burke has become claims manager for the Chicago Title and Trust Family of Title Insurers for the southeast. Offices are located at 1075 W. Morse Boulevard, Winter Park, FL 32789, telephone (305) 358-9900

J. Stanley Chapman has become a partner in the firm of Ervin, Varn, Jacobs, Odom & Ervin. Offices are located at 305 South Gadsden Street, Tallahassee, FL 32302, telephone (904) 224-9135. Mr. Chapman will be concentrating in the area of eminent domain.

Jeffrey L. Cohen, of Tripp, Scott, Conklin & Smith, in Fort Lauderdale, has been appointed to the advisory committee of the Institute of Health Policy and Administration for Nova Southeastern University's School of Business and Entrepreneurship. Mr. Cohen was also appointed to the Eth-

ics Committee at Aventura Hospital and Medical Center.

J. Layne Smith has become a partner in the firm of Bateman Graham. Offices are located at 300 East Park Avenue, Tallahassee, Florida 32301, telephone (904) 224-2677, and 940 Highland Avenue, Orlando, Florida 32803, telephone (407) 246-7792.

'88

Charles L. Cooper, Jr., of the law firm of Pennington & Haben, P.A., has been approved by the Tax Certification Committee of the Florida Bar as a board certified tax attorney. Cooper specializes in tax, corporate and banking law.

Barry R. Lewis, Jr. has become a partner in the firm of Davis, Persson, Smith & Darnell. His office is located at 2033 Main Street, Suite 406, Sarasota, FL 34237, telephone (813) 365-4950. He specializes in commercial and general civil litigation.

Reginald Luster has become a shareholder in the firm of Osborne, McNatt, Shaw, O'Hara, Brown & Obringer. Offices are located at One Enterprise Center, Suite 1400, 225 Water Street, Jacksonville, FL 32202, telephone (904) 354-0624.

Robin C. Nystrom had been appointed as general counsel for the Florida Department of Commerce by Secretary of Commerce Charles Dusseau.

Richard S. Thompson, Jr. gave a CLE lecture entitled, "Attorney Fees." The presentation was part of a series of lectures entitled, "The 1994 Act: Stratagems for the New Age of Workers' Comp."

Harriet R. Williams and Thornton J. Williams '81 announce the arrival of their child, Chelsea Gabriel.

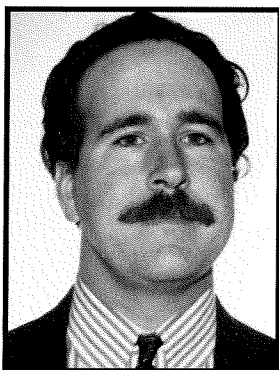
Debra Zappi, legislative counsel of the Academy of Florida Trial Lawyers, recently presented a check to the Big Bend Young Lawyers Association for a project to build a children's room in the Leon County Courthouse.

'89

Stevan D. Mitchell, of the Criminal Division of the U.S. Department of Justice, was the keynote speaker for the annual Public Interest Law Week program at the College of Law. He spoke on what a department attorney can do through government services to ben-

efit the community and what government service can do for an attorney seeking to develop expertise through responsibility.

Douglas E. Starcher has become a shareholder of Boroughs, Grimm, Bennett & Morlan, P.A. Offices are located at 210 East Pine Street, Suite 500, P.O. Box 3309, Orlando, FL 32802-3309, telephone (407) 841-3353. He concentrates in the areas of business and transactional law.



Nicholas D. Thomas, formerly attorney/adviser to the United States Securities and Exchange Commission in Washington, D.C., announces the opening of his offices in Raleigh, NC. Mr. Thomas will focus on representing investors in disputes with stock brokerage firms. Mr. Thomas is also available to consult on matters arising under the Investment Company Act of 1940. Mr. Thomas can be contacted at P.O. Box 6514, Raleigh, NC 27628, telephone (919) 821-0100.

**Three years, three sisters . . .**

In the "we haven't checked the record, but we believe it's a first" department, Maria Matthews '92 and her two sisters graduated from the law school on consecutive years. Dawn Matthews Ikerd '91 is with Maguire Voorhis & Wells in Orlando. Maria works with Bateman and Graham in Tallahassee. Last, but not least, Patricia Matthews '93 is a clerk for Judge Richard Lawrence of the 1st DCA in Tallahassee.

a friendship with Frost over the years, has called him "one of the best trial lawyers in central Florida. He is extremely ethical but extremely aggressive on behalf of his clients."

**Moot Court and Mock Trial teams continue winning ways**

The College of Law's Mock Trial and Moot Court teams continue to build on a strong, competitive tradition, chalking up state championships in events sponsored by the Academy of Florida Trial Lawyers and The Florida Bar.

The FSU team of Ryon McCabe, Matt Foster, Kirk Rogers and Alan Williams was victorious in the 10th Annual Mock Trial Competition, sponsored by the Academy of Florida Trial Lawyers Research and Education Foundation. The state trial competition, held in mid-March, drew Mock Trial teams from five Florida law schools to test their courtroom advocacy skills.

FSU's other team, comprised of Omar Arcia, Steve Blount, Helene Himber and Bob White, advanced to the semifinal round of the competition. Professor Jean Sternlight and Tallahassee attorney Harold Mardenborough coached the successful FSU Mock Trial teams.

In each match, the teams simulated a trial by jury using a blood bank liability case based on an actual court case. Two members from each team acted as attorneys, and two testified as witnesses. Teams argued for both plaintiff and defendant at some time during the competition, while area judges and attorneys played the roles of judge and jury.

Second Judicial Circuit Judge Nikki Ann Clark, a 1977



**FSU Moot Court team members in Orlando: (from left) Nicola Boothe, Michael Carlson, Suzanne Aranda and Julie Guider**

College of Law graduate, who presided over the final competition, observed, "The caliber of law students competing in these trials is very high. Their fine performance here indicates their dedication to becoming excellent advocates for justice."

The law students who participate in mock trials gain practical courtroom experience. All documents, pretrial research and court procedures are identical to those used in an actual trial.

This year's event was hosted by the Florida State University College of Law. Other law schools represented were University of Florida, Stetson University, Nova Southeastern University and St. Thomas University.

The FSU Mock Trial has plans for more competitions in 1994-95, but the team needs attorneys to assist as coaches or judges for practice rounds. For more information, contact Professor Sternlight at 644-1596.

FSU's Moot Court team kept pace with the Mock Trial team by taking top honors in the Robert Orseck Memorial Moot Court Competition presented by the Young Lawyers Division of The Florida Bar. On June 24, the FSU team of Suzanne Aranda and Michael Carlson

defeated a team from Stetson University College of Law to claim the championship. Carlson also was honored as Best Oralist. A second team of Julie Guider and Nicola Boothe reached the semifinal round of the competition and Boothe was judged Best Oralist of the preliminary rounds.

Now in its 34th year, the competition stresses appellate advocacy and culminates with oral arguments held each year at the annual meeting of The Florida Bar in Orlando. After the untimely death of noted appellate attorney Robert Orseck, the competition was

renamed in his honor. Awards presented at the Annual Moot Court Competition have been underwritten in perpetuity by friends and colleagues of Robert Orseck.

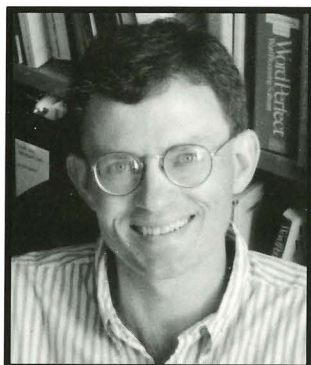
This year's competition was sponsored by Florida Lawyers Mutual Insurance Company. Each of Florida's six law schools was represented by two moot court teams at the event. The problem dealt with several legal issues in the context of an appeal of a conviction for possession and sale of tobacco under a hypothetical law outlawing tobacco.

**Summer Undergraduate Program in Law**

For the third consecutive year, the College of Law's Summer Undergraduate Program helped introduce minority and disadvantaged students to careers in law. The College wishes to thank the employers who made the program possible. They include: Cummings, Lawrence & Vezina, P.A.; Florida Department of Transportation; MacFarlane Ausley Ferguson & McMullen; Katz, Kutter, Haigler, Alderman, Marks & Bryant; P.A.; Sheldon, Cusick & Associates; Holland & Knight; Carlton, Fields, Ward, Emmanuel, Smith & Cutler, P.A.; Florida Department of Environmental Protection; Messer, Vickers, Caparello, Madsen, Lewis, Goldman & Metz; Advocacy Center for Persons With Disabilities, Inc.; Legal Services of North Florida, Inc.; Bryant, Miller & Olive, P.A.; Hopping Boyd Green & Sams; Tallahassee City Attorney's Office; and Cox Weaver & Burnes.

## FACULTY NOTES

Talbot "Sandy" D'Alemberte was the moderator of a symposium entitled, "How Not to Embarrass Yourself in Federal Court: A Symposium on Federal Practice in Florida Under the New Civil and Local Rules." The symposium was presented by the Federal Court Committee and the Federal Lawyers Section of The Florida Bar.



Rob Atkinson's article, "Neutral Partisan Lawyering and International Human Rights Violations," was published in the April edition of the *Fordham International Law Journal*. He has also been invited by the National Council of Voluntary Organizations to present papers on cy pres reform and the theory of nonprofit tax exemption at an international conference in London in September.

Meg Baldwin's article, "Strategies of Connection: Prostitution and Feminist Politics," was published in the *Michigan Journal of Gender & Law*, Vol. 1, 1993. A second article, "A Date With Justice: Prostitution and the Decriminalization Debate," was published in the *Cardozo Women's Law Journal*, 1993, Vol. 1, No.1.

April Cherry made a presentation entitled, "Compelled Medical Treatment of Pregnant Women: Law and the Control of Socially Deviant Women," in April at a Continuing Legal Education program sponsored by the Tallahassee Women Lawyers.

Donna Christie participated in the Roundtable on National Ocean Policy Development in March. She is co-author of a textbook, *Coastal and Ocean Law*, which is scheduled for publication early in 1995.

Chuck Ehrhardt's 1994 edition of *Florida Evidence* was published in the Spring by West Publishing Company. In April, he served on a panel, "What Every Business Lawyer Ought to Know about the Lawyer/Client Privilege," at the meeting of the ABA Section on Business Law in Washington, D.C. In May, he spoke on evidence to the Florida Conference of Circuit Judges, in Tampa. He also made a presentation entitled, "Evidence, State and Federal," at a Criminal Law Certification Review. Also in May, he spoke at a Continuing Legal Education program in Tampa, sponsored by The Florida Bar and the Florida Association of Criminal Defense Lawyers. During the summer he co-directed the Advanced Seminar in Anglo-American Jurisprudence in Oxford, England, which is co-sponsored by the National Judicial College.

Frank Garcia's article, "Protection of Intellectual Property Rights in the North American Free Trade Agreement: A Successful Case of Regional Trade Regulation," was published in the summer 1993 issue of *The American University Journal of International Law and Policy*.

Steve Gey's article, "Religious Coercion and the Establishment Clause," was accepted for publication in the *University of Illinois Law Review*.

Steve Goldstein spoke on the subject of capital penalty phase discovery at a death penalty seminar in Miami, sponsored by the Florida Association of Criminal Defense Lawyers, in March. He also made a presentation entitled, "5th and 6th Amendment Issues," at a Criminal Law Certification Review. In July, he was reappointed by the president of the American Bar Association to the Coordinating Committee on Legal Education. Also in July, he spoke on "Recent Florida and United States Supreme Court Constitutional Criminal Procedure Decisions," at a Continuing Legal Education program sponsored by the Florida Public Defender Association in Orlando. His article, "Supreme Court Update (Florida and U.S.)," appeared in the Summer 1994 edition of the *Florida Defender*.

Elwin Griffith is chairing the Search Committee for FSU's new Provost and Vice President of Academic Affairs.

Robert W. Hillman, Edward Ball Eminent Scholar for Spring 1994, made a presentation in March on "The Internationalization of the Securities Markets" to the German American Trade Council in Miami. He taught a course on Domestic Regulation of Transnational Business and Investment



**Mack Player**  
named Dean of  
Santa Clara  
University  
School of Law

Mack Player was appointed dean of the Santa Clara University School of Law, effective August 1. He was selected from a nationwide pool of some 70 applicants. Player joined the College of Law faculty in 1987. He was Director of Education and Research of the Florida Dispute Resolution Center and served as associate dean of the College during 1991-92.

Player received his J.D. from the University of Missouri, and an LL.M. from George Washington University. Before joining the FSU College of Law faculty, he was an attorney with the U.S. Department of Labor, was on the U.S. Department of Justice appellate staff, and was Regents' Professor of Law at the University of Georgia. Player is a nationally recognized scholar in employment discrimination law.

for the 1994 Duke Law School Summer Program on Transnational Law at the Free University of Brussels.

Adam Hirsch published an article, "Inheritance and Bankruptcy: The Meaning of the Fresh Start," in the January 1994 issue of the *Hastings Law Journal*. In April, he spoke on "Spendthrift Trusts and Public Policy: Economic and Cognitive Perspectives" at the University of California Hastings College of Law.

Mary LaFrance's articles, "Constitutional Implications of Acquisition-Value Real Property Taxation: The Elusive Rational Basis," and "Constitutional Implications of Acquisition-Value Real Property Taxation: Assessing the Burdens on Travel and Commerce" will be published in forthcoming issues of the *Utah Law Review*.

David Powell was one of four estate-planning lawyers asked by *Kiplinger's Personal Finance Magazine* to evaluate commercial software packages designed for drafting wills. Powell's comments and those of the other experts appear in the April 1994 issue. He also presented a CLE lecture entitled, "Getting Credit Where Credit is Due—The Credit for

Prior Transfers." The lecture was part of a series entitled, "Nuts and Bolts of Fiduciary Administration Seminar."

Mark Seidenfeld's article, "A Synopated *Chevron*: Emphasizing Reasoned Decision-Making in Judicial Review of Agency Interpretations of Statutes," will be published by the *Texas Law Review*. Excerpts from his 1992 article, "A Civic Republican Justification for the Bureaucratic State," were included in two anthologies on administrative law.

Nat Stern recently published "The Practicality of Outreach Statutes Enforcing Directors' Duty of Care" in the *University of Nebraska Law Review*.

Jean Sternlight's article, "Mandatory Non-Anonymous Testing of Newborns for HIV: Should It Ever Be Allowed?" was published in the Winter 1994 edition of the *John Marshall Law Review*.

John Yetter recently completed the annual update of the *Florida Civil Trial Guide*, published by Matthew Bender & Co. He was recently appointed by the Florida Supreme Court to the Florida Court Education Council as the only non-judge member of that group.

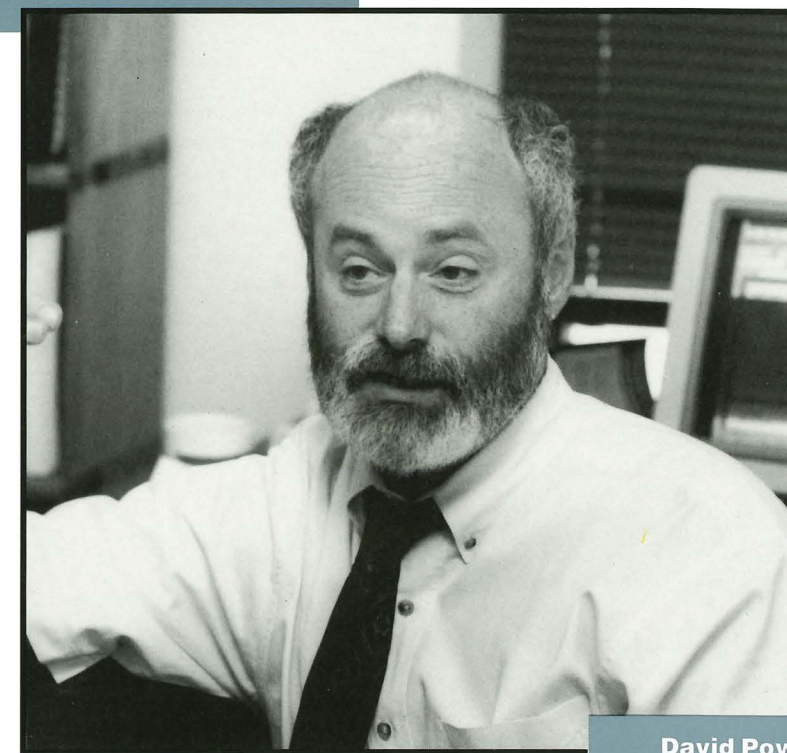
By David Morrill

# In Defense of Teaching

**Award winning College of Law Professor David Powell makes a strong case for reevaluating the role of the teacher. He also argues for an expanded definition of legal scholarship in law schools.**

When David Powell talks about the state of teaching in American law schools, he sounds like a man looking for a little respect. "As an institution, law schools tend to think they can measure good scholarship. They also seem to agree, and I think it's curious, that they can't measure good teaching," he says. There is no problem, however, measuring Powell's teaching ability. Twice voted Teacher of the Year by students at the College of Law, in 1982 and 1989, he is one of 22 recipient of FSU's 1994 University Teaching Award.

In promoting the importance of teaching in law schools, Powell is careful not to diminish the importance of scholarly research. In particular, he wants to distance himself from politically popular suggestions that resources be diverted from research to the classroom. "A good law school needs both good teaching and good research. Both are essential, in fact." He argues however, for a broadened definition of scholarship. "Where I differ from some of my colleagues is in what constitutes scholarship. For example, the professor who does research in law reform and uses that research in his or her classroom may be just as deserving of recognition as a professor who publishes in a high profile law journal," he says. "I don't believe every faculty should be expected to do both, although my hat is certainly off to those



David Powell

who can. What I would prefer to see is a system that encourages people to do what they do best."

The partiality toward scholarly research is evident, Powell says, in how law school faculty are rewarded. "At most law schools, you can be a middle-of-the-road teacher and a outstanding scholar and get promoted. If you're an outstanding teacher and a middle-of-the-road scholar, you'll find advancement much more difficult. In terms of recognition, there is greater weight

put on scholarship—and I mean scholarship narrowly defined." Adds Powell, "I don't see that changing any time soon."

Powell discovered early in his law school career that he wanted to teach. "I think I was like most law students in the early seventies, with no hard idea of what I wanted to do." The scales were tipped at the University of Texas School of Law when he took a class from Professor Stan Johanson. "He made class exciting and opened up for me the possibilities of teach-

*“Law school came pretty easily for every one of the faculty...Consequently, we may have difficulty understanding other people’s difficulties in law school.”*

ing,” says Powell of the man who served as a mentor. “I developed an appreciation for the process of teaching—of getting information across to people—and found it to be intriguing.”

One of the challenges of teaching, Powell has discovered, involves the process of what he calls, “a continuing reassessment of my relationship with my students.” He suggests that faculty tend to forget that their experience as students may be very different from the experience of those in their classes. “Law school came pretty easily for every one of the faculty.” That fact, he says, can be an impediment to good teaching. “When things come easily we don’t have to evaluate what it was that made us successful. Consequently, we may have difficulty understanding other people’s difficulties in law school.” He adds, “When I’m trying to help students figure out where they went wrong on a problem, it always amazes me that the point that tripped them up is often something I would never have thought of.”

Another challenge for Powell has been to find the best method for getting information across to his students. “One approach to teaching is to simply lay the facts out in front of them. It seems logical. But

teach them how to file this document or which components need to be included in that pleading. Those things lawyers can learn quickly on the job.”

Powell places himself squarely “in the middle of the road” on the issue of a law school’s obligation to support the legal profession. Law faculties have a difficult time deciding what their role should be in continuing education, he says. “At this school, our views run the gamut from, ‘Oh, that’s someone else’s responsibility,’ to, ‘That should be a primary function.’ To a limited extent, I think it is one of our responsibilities.” He notes that his legal specialty of estates and taxation lends itself more readily to continuing education than some others. Personally, Powell says, he is happy to share his expertise with the legal community. “I have a different perspective than the lawyers who deal with it on a day-to-day basis. I think that makes me a valuable resource and I’m glad to share some of that perspective.” Powell teaches the certification review course on probate practice for The Florida Bar and spends part of each summer teaching bar review courses.

An area of particular interest to Powell, and one he thinks is ripe for research by law faculties, is computerization. “Unfor-

learning process.” He points to a new software program being used by wills and trusts practitioners. “This system does very sophisticated estate planning,” he says, taking lawyers through a dialogue process, making recommendations and providing support references and regulations. “Once the lawyer has decided what she wants to do, the program will draft documents and cover letters and keep a data base of client contacts.” Noting that the software is the first of its kind, he adds, “If you can do it for an area as complex as estate planning, you can do it for any area of the law.”

In conjunction with his bar review course, Powell publishes a computer hypertext version of his materials. The software is organized by topic, case and article. Now in the second year of the project, he’s gotten high marks from those who use it. “Apparently,” he says, “it’s been found to be an excellent training vehicle for paralegals as well as being a good reference source for attorneys.”

Powell, who joined the law school faculty in 1973, has watched the school develop and change over the years. The relationship of faculty and students has changed too, he says. “I’ve seen this school go through an evolution, first as a young

*“I think the faculty’s interests should be diverse enough to allow cutting-edge research on a broad range of relevant issues.”*

I’ve always been shocked at how little students learn when I’ve used that method. As a teacher, I’m most effective when I make students work and make them figure out a problem.” That approach, Powell adds, also makes the teacher work harder.

Powell doesn’t subscribe to suggestions that law schools should produce lawyers better prepared for the marketplace. “I think that demeans us all. We need to support a full range of educational activities. I think it’s important that law schools teach skills, but it’s more important we get across the idea that a legal education is a continuing process. Our obligation is to prepare students for a legal career, not to

tunately,” says Powell, “law schools in general don’t see that kind of work as legitimate research and it doesn’t have a place in our collective respect.” Should it? “Of course. I think the faculty’s interests should be diverse enough to allow cutting-edge research in a broad range of relevant issues, particularly in something that will have as significant an impact on the practice of law, as well as the teaching of law, as computerization.” Computers have played a key role as legal reference tools for years, through such resource services as LEXIS and WESTLAW, Powell notes. It is only a matter of time, he says, “before we see computers used significantly in the

law school struggling to establish credibility, then, as one that is more established.” In the early years of the law school, Powell recalls a strong sense of “shared effort” between faculty and students. “It saddens me, to some extent, that we’ve lost that.” He feels that the change was inevitable. “One of the reasons is that people of my generation, which includes much of this faculty, are older now, with more responsibility. The time we once had to spend outside the classroom interacting with students is now devoted to such things as family.” Suggests Powell, “I hope the younger generation of teachers we’re bringing in can step into that role.”