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Spring 2000

## FSU Law Magazine (Spring 2000)

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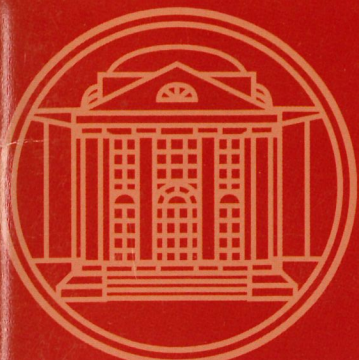
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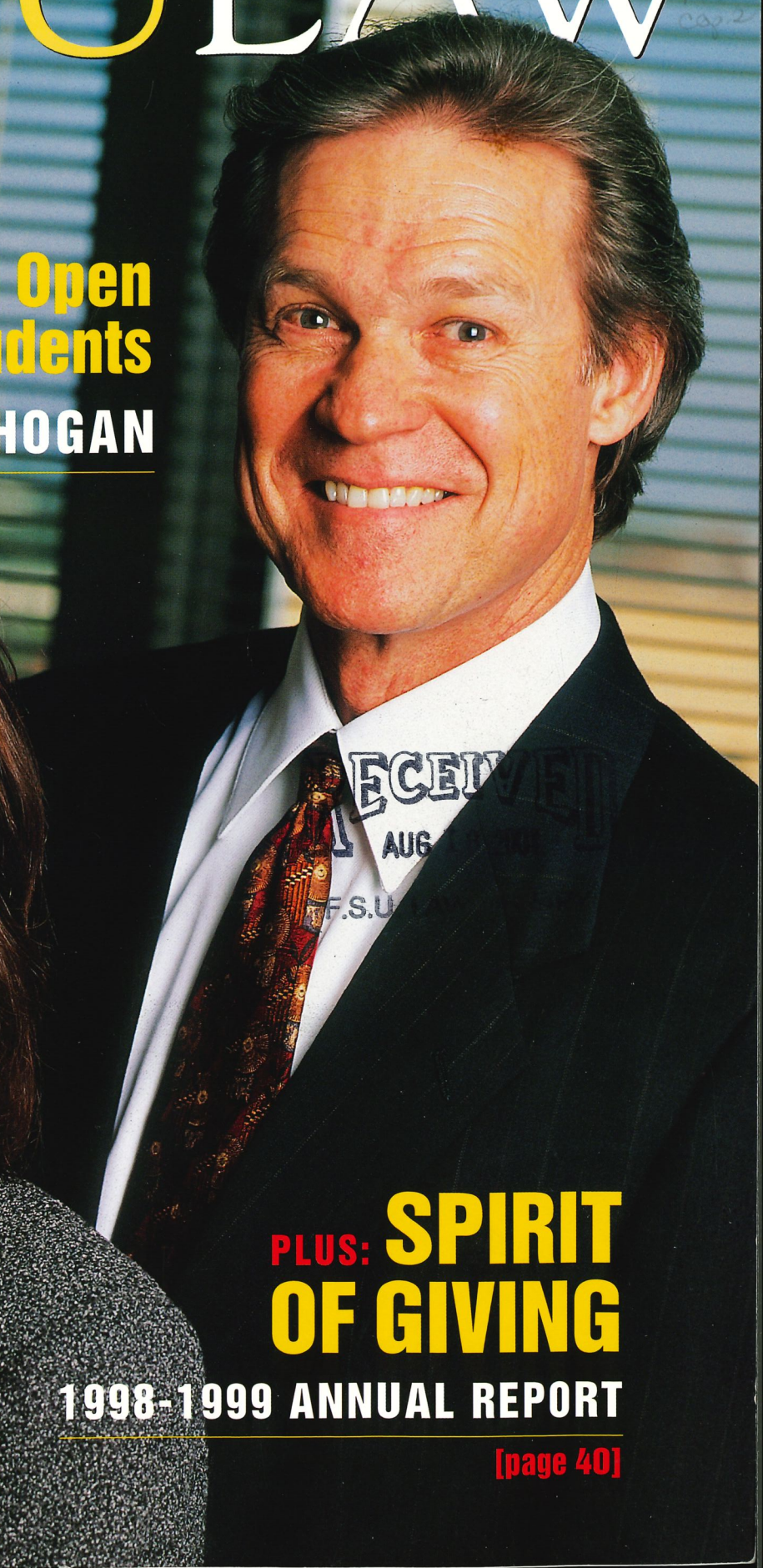
THE MAGAZINE OF THE FLORIDA STATE UNIVERSITY COLLEGE OF LAW

# FSU LAW

SPRING/2000

**Their Major Gift Will Open  
Doors for Future Students**

**PAT & WAYNE HOGAN**



**PLUS: SPIRIT  
OF GIVING**

**1998-1999 ANNUAL REPORT**

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## *Gift will help us maintain a diverse student body*

**A**s the cover photo suggests, the only way I can begin this column is by thanking Wayne and Pat Hogan for their generosity to the law school. Their two million dollar gift, which is described more fully in the pages that follow, is important for many reasons, but two in particular. First, it allows us to strengthen our trial practice program by providing additional support for the students and coaches on our Mock Trial Team. Second, it allows us to strengthen and expand our Summer Program for Undergraduates.

The Summer Program for Undergraduates is especially important to us in light of the Governor's "One Florida" Initiative. Under that Initiative, the law school may no longer take race into account in making admissions decisions. Law schools in other states have come under similar mandates. The University of Texas Law School operates race-neutral admissions as a result of the *Hopwood* decision, and The University of California at Berkeley School of Law as a result of Proposition 209. After several years of trying to identify "other factors" to yield a racially and ethnically diverse student body, neither law school has managed to enroll an entering class with more than a handful of African American students.

We clearly must do more to assure a diverse student body than experiment with "other factors" at the admissions desk. We must open up whole new pipelines to law school for all peoples in all communities. The Summer Program for Undergraduates does just that. It targets minority and disadvantaged students early in their college careers and brings them to our campus for an intensive, month-long summer program. Providing them with room and board and with modest stipends, all available only through the generosity of Wayne, Pat and others, the program exposes students to the rigors and joys of legal studies and to a range of wonderful role models in the legal profession. The Summer Program for Undergraduates is important because it is the kind of special outreach program that is permitted, even encouraged, by the One Florida Initiative. Indeed, our Summer Program for Undergraduates is now being considered as a model for other law schools in the state and region.

Other new pipelines also are being explored. The Black Law Students Association has undertaken an outreach initiative to the high schools. Parallel initiatives are being



**Donald J. Weidner, Dean, College of Law**

undertaken across the profession, by the American Bar Association, the Florida Bar and local bar associations and by the courts. More than at any other time that I can remember, all three branches of the profession, the bench, the bar and the academy, seem actively engaged in the important work of racial and ethnic justice.

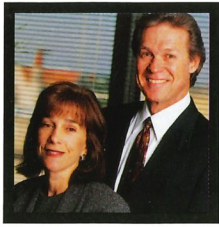
The profession is likely to be experiencing other rapid changes in the years ahead. I have just returned from the Midwinter Meeting of the American Bar Association in Dallas. The entire agenda of the meeting of Law School Deans produced by the Section of Legal Education and Admissions to the Bar was taken up with Multidisciplinary Practice ("MDP"). The consensus was clear: like it or not, MDP will transform the profession from top to bottom. From the largest firms to the smallest, one-stop shopping will be a reality in just a few years. Whether the clients are individuals or organizations, they will be going to firms that offer a diversified portfolio of services: accounting, legal, financial and consulting.

We at the law school shall do our best to prepare our students for the changes they will experience as legal professionals. We shall of course explore the ethical and professional responsibility ramifications of MDP. More broadly, we shall consider how better to prepare our students to partner with people from other professions. To some extent, we are already doing this through our Children's Advocacy Center, where our law students cooperate with social workers and health care and other professionals to provide a textured response to the Center's clients. But more must be done. We have already had some exploratory meetings with business school officials. Interestingly, even apart from considerations involving the legal profession, business schools are themselves unsure how to structure accounting, consulting and other departments.

We live together in interesting times.

DONALD J. WEIDNER, DEAN, COLLEGE OF LAW





**About the Cover:** Pat and Wayne Hogan's \$2 million gift is the largest the law school has received from an alumnus.

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

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**6 Josh Morse's Battle at Ole Miss**

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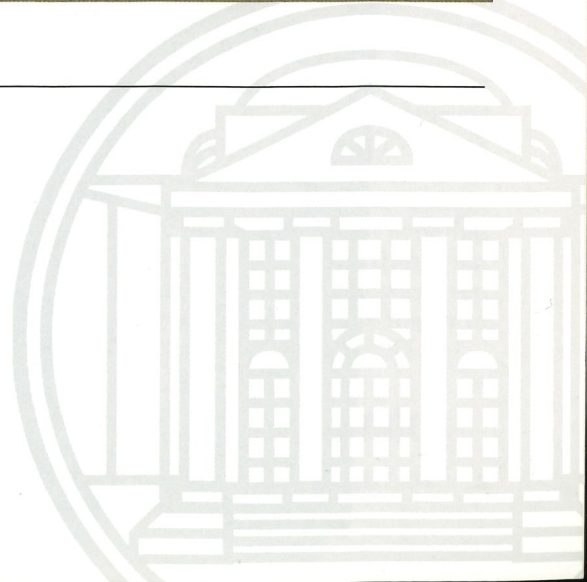
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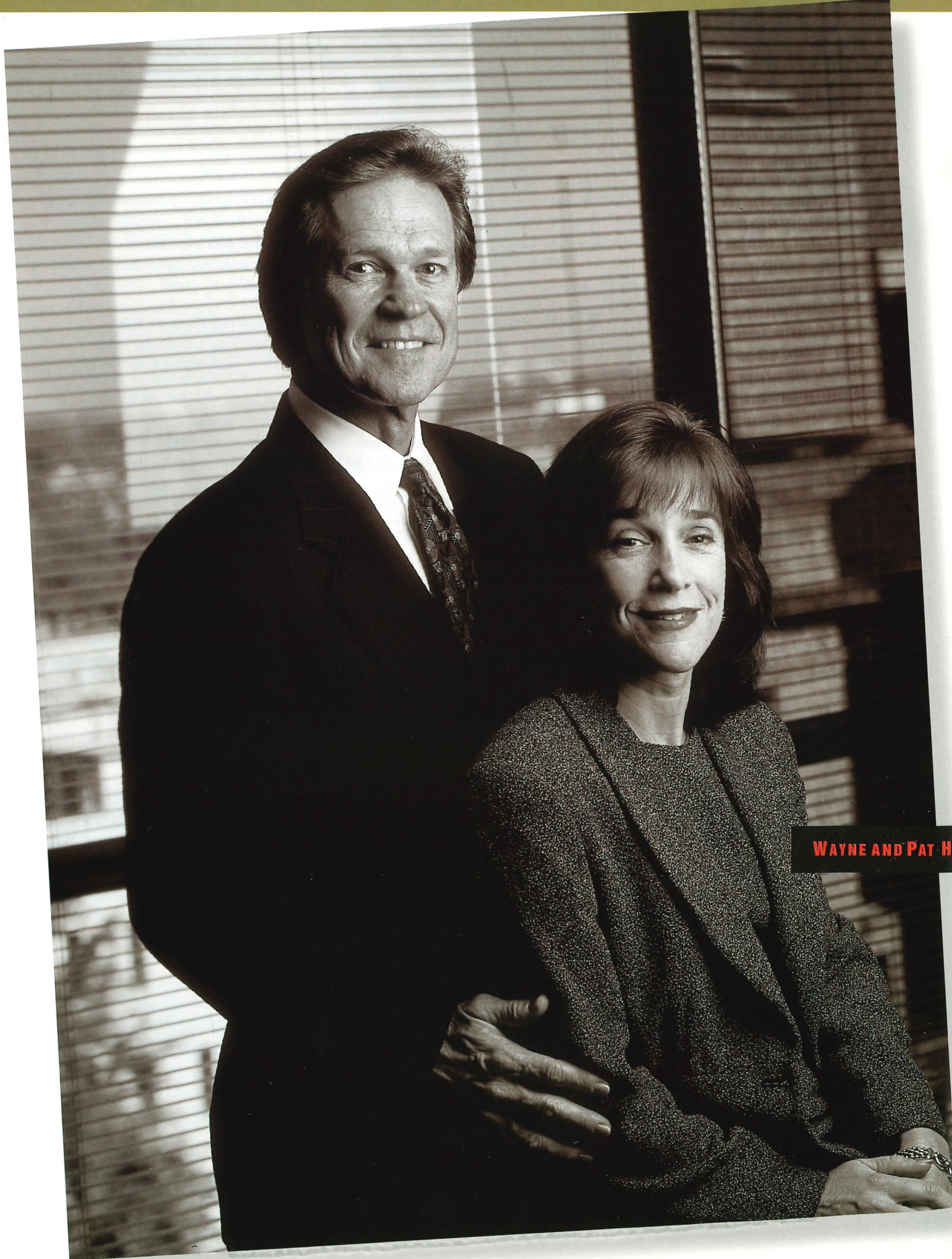
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Pat and Wayne Hogan help secure the Future of



**WAYNE AND PAT HOGAN**



# A Gift that Opens Doors

**W**hen Jacksonville attorney and 1972 College of Law graduate Wayne Hogan visited the law school's Summer Program for Minority and Disadvantaged Undergraduate Students last June he came away impressed. "It showed me that the law school is playing a serious role in introducing students who may not otherwise have the opportunity to legal careers," he said of the eight-year-old program. "It opens doors to large portions of our population that are seriously underrepresented in our legal system."

That sentiment is part of the reason that Hogan and his wife Pat made a \$2 million gift to Florida State University in October. When matched by Florida's Matching Gifts Program, the endowment will total \$4 million with \$2 million earmarked for the law school. The gift, the largest ever by a law school graduate—and the second major gift by the Hogans in three years—also will support the law school's Mock Trial Team and civil trial justice education program. A 1997 gift of \$250,000 established the Wayne Hogan Endowment in Civil Trial. The other portion of the October gift will provide scholarships for public high school students from St. Johns County, as well as for graduates of St. Johns River Community College.

Wayne Hogan is a partner in the Jacksonville law firm of Brown, Terrell, Hogan, Ellis, McClamma & Yegelwel, P.A. He was a member of the legal team that won a multi-billion dollar settlement with the tobacco industry for Florida. Pat Hogan is a licensed mental health counselor who has been active in community efforts to provide services for the mentally ill. She currently chairs a Duval County sheriff's task force implementing changes in the methods and procedures used by law enforcement officials in dealing with the mentally ill in crisis situations.

FSU's annual Summer Program for Minority and Disadvantaged Undergraduate Students, developed and coordinated by Associate Dean Ruth Witherspoon, is a month-long session designed to give about 25 students a taste of law school. Students attend classes taught by law faculty, complete assignments and work part-time in local law firms or legal agencies. Since the program began in 1992, many of the summer program students have gone on to law school at FSU or elsewhere.

Hogan's interest in civil legal justice education is a natural outgrowth of his career as a trial lawyer. A past president of the Academy of Florida Trial Lawyers, he has been a strong advocate of civil trial justice and has actively opposed state legislative tort reform initiatives. "As a lawyer who has taken an oath to provide representation for people's constitutional rights, I take offense that people in positions of power are taking away the rights of average citizens," he says, adding that much of the tort legislation of recent years is aimed at protecting large companies that act irre-

sponsibly. "The deck has been stacked against the little guy."

Speaking at the FSU Mock Trial banquet last spring, Hogan urged future civil trial lawyers to fight for an open court system. "It doesn't matter which side of the case you are on, a level playing field and access to the courts benefits all of us."

Law school Dean Donald Weidner maintains that Hogan's loyalty and dedication to the law school has been exemplary. "Throughout his career, Wayne Hogan has consistently made generous contributions to the law school. This most recent and largest gift will enable a significant advance of our program in civil trial justice and of our summer program for minority and disadvantaged undergraduate students," he said. "It is important to note that Wayne is a law school standard bearer who serves as a model for all lawyers—he represents the very best of the trial bar. He is a 'good guy' in every sense of the word."

Pat Hogan has spent most of her adult life in the helping professions. In addition to her work as a counselor, she has been a school teacher, a registered nurse and an administrator of corporate wellness programs. Besides chairing the sheriff's department committee, she serves on an advisory committee to a Duval County legal aid program that deals with the problems faced by the mentally ill.

At the legal aid program, she and Wayne have funded a position for a lawyer who deals solely with the legal problems of people with mental illness, most often involving employment, housing and treatment program issues. "Mentally ill people are often relegated to the back burner in our social system. Too often they are treated poorly. I thought it was important that we have legal advocacy. When a lawyer makes a phone call or writes a letter on behalf of a mentally ill person, things happen." She adds, "This is a way for me to combine my advocacy for the mentally ill with Wayne's for the law."

Pat Hogan sees the gift to the College of Law as a logical choice. "Wayne has had a remarkable career and I think that is because of the opportunity he was given by this law school. We're very happy to help." ■

**The gift to the College of Law is the largest ever made by one of its graduates**



**Don Hinkle, left, and David Fonvielle**



## DAVID FONVIELLE'S AND DON HINKLE'S GIFT is a Reflection of Their Success in the Community and Profession—and Support for the Dean

Tallahassee drivers have grown accustomed to the Fonvielle, Hinkle & Lewis billboards around town that support a variety of community organizations and causes. One, located on Thomasville Road at the northeastern entrance to the city, responds to a rash of teenage traffic fatalities, and urges drivers to buckle up. Three months ago, the firm's billboard delivered a message in support of

the local United Way campaign.

"We're citizens of this town, too, and this is a way for us to be involved. It is also a way for us to show our gratitude and support to the people who live here for helping us to be successful," says Don Hinkle. In recent years, the personal injury firm has sponsored and supported such causes as cystic fibrosis campaigns, Girl and Boy Scouts, the local Shakespeare festival and the Tallahassee domestic violence shelter.

It is this sense of community involvement, say Hinkle and David Fonvielle, that is behind last year's decision to increase the endowment to a professorship they established at the law school in 1996. With state matching funds, the Fonvielle Hinkle Professorship in Litigation will become a \$500,000 endowment. College of Law Dean Donald Weidner named

Professor Steve Gey to the professorship in November.

There is another reason for the gift, say Fonvielle and Hinkle. "From a personal angle, the gift is a recognition of the job that Don Weidner is doing as dean," says Hinkle, who graduated in 1980. "He has been under tremendous pressure in the past year and this is a way for us to show our support."

Fonvielle, who graduated in 1972, says he was happy just to be given a chance to go to law school. "In the early days, the

*"We're citizens of this town, too, and this is a way for us to be involved."*

FSU law school took students like me who might have had trouble getting into other law schools. They took a chance on me and the least I can do is to support them in return." He adds that the law school's faith in many of its early students has paid off. "Some of the best lawyers in Florida came out of those first classes," says Fonvielle, whose 28-year law career has also seen service as a public defender and in private practice in family law and general litigation.

Fonvielle's work on Florida's successful legal action against the tobacco industry two years ago was a highlight of the firm's recent success. "It was a great experience for a couple of reasons. We worked with some outstanding people, and the result that we accomplished will have long-term health benefits for the state of Florida."

Fonvielle, Hinkle & Lewis were chosen to be part of the state's legal team, Fonvielle notes, because of its work in a number of large class actions, including the Dalcon Shield and vinyl siding litigation.

For Hinkle, personal injury work comes naturally. "When I was an undergraduate at FSU I was one of [Ralph] Nader's Raiders," he says. "I was active in the environmental movement and in a public interest research group. It was natural that I wanted to get into this sort of work. Nothing makes me feel better than making a large company accountable for what it's done wrong." Hinkle's activism was evident in his days as a law student in the late 1970s when he organized the law school's student chapter of the Association of American Trial Lawyers.

Hinkle adds, "One of the things Dave and I are interested in at the law school is that students build a strong ethical foundation. I hope our endowment can play a small role in accomplishing that." ■



## B.K. Roberts: 1907 - 1999

# College of Law is the legacy of a former Florida Supreme Court Justice

Former Supreme Court Justice B.K. Roberts speaks at the dedication ceremony of the new law school building in the spring of 1972. Today, the building bears his name.

**M**any milestones mark a life that spans nine decades and a law career that spans seven. Thus it was for

Justice B.K. Roberts, who died August 4 at age ninety-two. He sat on the Florida Supreme Court for twenty-seven years, including three terms as Chief Justice and promoted the public defender system in the state with his establishment of the Florida Judicial Council. But what set his name in stone—at B.K. Roberts Hall, the FSU law school's home—was his leading role in the founding of the College.

It was B.K. Roberts who chaired the Founders Committee which brought the FSU College of Law into existence. After the 1965 Florida Legislature adopted a statute to authorize its establishment, Justice Roberts, along with Robert M. Ervin, James E. Joanos, and U.S. District Judge G.

Harrold Carswell, fast-tracked what could have been a lengthy process. Having determined to open the law school by the fall of 1966, that committee arranged for the use of space in Longmire Hall and hired Mason Ladd as the founding dean, promising him two essentials: a charter class of at least thirty students and a law library. Lack of funds for the library, which even with a generous discount offered by West Publishing Company totaled more than the state's allocation allowed, almost stalled the opening. Not to be discouraged, Mary Roberts, the Justice's wife, suggested extending a dinner invitation to their friend, the businessman and philanthropist Edward Ball, who was persuaded to grant funds sufficient to purchase the requisite library, keeping the Committee's plan in motion. (The charter class of 1969 had 97 graduates, all of whom passed the Florida Bar exam that year.)

In 1988 when that Founders Committee reconvened to reflect on the "product of its efforts," Robert Ervin said that although it was not foreseeable at the time, their work toward the creation of the College of Law "has undoubtedly been the greatest individual achievement of each of us towards the improvement of legal education and the administration of justice in Florida . . ."

Born to working-class parents in the Panhandle town of



Sopchoppy, B.K. Roberts' sought a legal education at the University of Florida Law School. In 1928 he came to Tallahassee, where he combined his law practice with a flair for business and real estate investment. During World War II he served with the U.S. Navy as a legal officer. From the time of his appointment by Gov. Fuller Warren in 1949 until 1977, Roberts sat on the Florida Supreme Court, "retiring" only to found a law firm and return to private practice until his ninetieth year. (*American Law Reports* published a volume of his appellate decisions in 1978.) Among his many other chief accomplishments were his leading roles in the 1953 creation of the Florida Judicial Council and passage of the state's 1963 Public Defender Act. He also served on the 1965-1966 Constitutional Revision Commission. Although like others of his generation, many of his views and early decisions reflected the segregationist leanings of the Old South, he was known to have changed with the times.

In a life that crossed both the first and last decades of this century, B.K. Roberts saw many changes, great changes, for better and for worse. Through his legacy as a leading jurist, a founder of the College, and a great storyteller, B.K. Roberts made his mark on his century. ■



# Mississippi **HE**

**Although JOSHUA MORSE, the law school's second dean, takes life at a leisurely pace today, that was not always the case. In the 1960s, as dean of the Ole Miss law school, he was one of the most controversial figures in Mississippi's bitter desegregation wars.**



**J**oshua Morse hardly cuts the figure of a man who shook the Mississippi establishment to its roots during the civil rights battles of the 1960s.

At 76, the College of Law's second dean still charms friends and acquaintances with a genial smile, a quick, often cutting wit and a deep South accent that is equal parts patrician and good-ole-boy. Occupying what is known in faculty circles as senior status, Morse teaches one or two torts classes a year, keeps an office at the law school and occasionally joins other faculty and local attorneys for lunch. He has taken up golf but admits to a certain amount of frustration with his progress of

late; the only birds he shoots consistently, he says, are ducks and quail in the pine woods of North Florida and South Georgia. As he has for most of his academic career, he continues to practice a little law and currently represents a Brevard County seaman in a suit for disability reparations.

Neither would Morse's heritage suggest the trouble he would cause the Mississippi old guard. His pedigree, in fact, is dyed-in-the-wool southern Mississippi. His great grandparents established homesteads there in the early 1800s, shortly after the federal government had concluded agreements with the Indians opening the area to white settlers.

Yet the Morse legacy at Ole Miss—the transformation of its law school into a progressive, even activist institution during the incendiary 1960s civil rights con-

flict—is one that, at the time, sent shock waves through the state.

Morse earned both his undergraduate and law degrees from the University of Mississippi, and joined his father's Poplarville law firm in 1949. The Morses “practiced whatever came in the door,” according to the junior Morse, though they came to concentrate in plaintiffs’ personal injury cases. By the time his father retired from practice in 1956, Morse was branching into new areas. He represented the Gulf Coast Shrimpers and Oystermen’s Association, later the Fishermen’s and Allied Workers Union. In a case against the Pascagoula Quaker Oats cat food plant, he was successful in resolving a strike before the Mississippi Supreme Court. He also established himself as one of the most skilled trial lawyers



AT

in Mississippi, trying 31 capital cases without losing a client to the death penalty.

Despite his success, by the early 1960s Morse was suffering a lawyer's case of cabin fever. "I was on one side of just about every case that appeared on the court docket in Poplarville. I wanted to do something else." Although he had been invited to join a New Orleans firm and contemplated a partnership with a friend in Meridian with whom he had worked a number of cases, he decided he wanted additional training in maritime law. In 1962, he applied to the Yale Law School graduate program to study with Grant Gilmore and Charlie Black, the nation's leading maritime and admiralty law experts and the authors of the leading admiralty treatise, *The Law of Admiralty*.

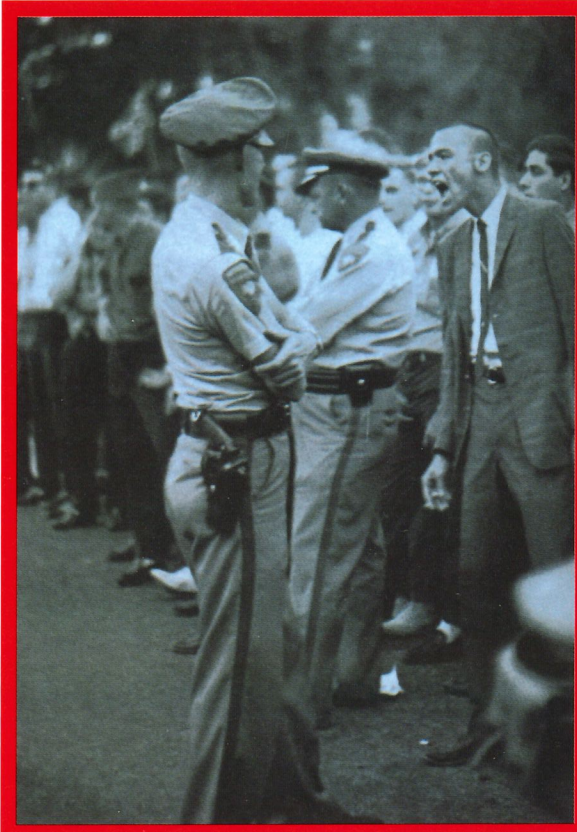
Just before Morse received notice of his acceptance to Yale, however, he got a call from the Mississippi law school dean Bob Farley. "He asked me if I would consider coming up to Ole Miss as an associate professor. I talked it over with my wife and decided I would. When I heard I'd been

accepted to graduate school, I asked Yale for a one-year raincheck."

The civil rights struggle was gaining momentum in Mississippi when Morse moved to Oxford in the fall of 1962. Dean Farley had ruffled the feathers of the state legislature and Ole Miss board of trustees by recommending that the university follow the U.S. Supreme Court desegregation orders, and when the dean's contract

fight with the general, so I was offered the job," says Morse. He accepted with the proviso that he be allowed to spend most of the next academic year at Yale as he had planned.

Yale proved to be a turning point for Morse. "There's no doubt that it opened my eyes. I had always been interested in the broader issues of law, and the atmosphere at Yale promoted that." Morse made



**Heat of the battle at Ole Miss: Local police and Federal troops controlled crowds of anti-integration protesters in 1963**

came up for renewal, the university trustees wanted a change. A search committee, headed by retired army general and federal district judge Claude Clayton, before whom Morse had practiced on several occasions, was formed to find Farley's replacement. The committee was instructed to submit three names to the university chancellor, but, in the end, submitted just one: Joshua Morse. "No one wanted to

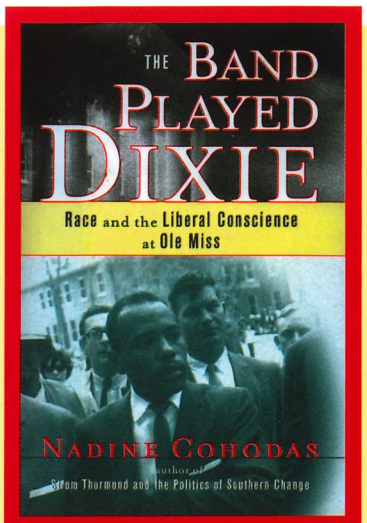
**Excerpt from *The Band Played Dixie: Race and the Liberal Conscience at Ole Miss*, by Nadine Cohodas**

Joshua M. Morse III had replaced [Dean] Bob Farley in 1963. [Morse's] credentials suggested that he was a safe choice. He came from an old Mississippi family, had practiced law for fifteen years in the state... But when he became dean, Morse surprised his supporters. He went to Yale in 1963 for a year of graduate work, charmed his northern colleagues with his storytelling ability, and returned with some new Yale-trained teachers for the law school. A year and a half later he helped persuade the Ford Foundation to give him nearly \$1 million. A good part of the money was used for scholarships for white and black students, a move the [Jackson] *Clarion Ledger* condemned as a "sell-out... to voluntarily negroize Ole Miss." And some of the money was used to hire more instructors from Yale.

The dean's pitch to the foundation had been telling—candid if you agreed with him, condescending if you did not. "This law school can be tremendously influential of the political thought and

action of the state of Mississippi," he told the grantors. "Many of the problems which plague the University of Mississippi and our state stem from a provincial outlook. Our students are accustomed to examine every question in light of its impact on Mississippi culture rather than taking a broader view."

Impressed by the legal activism in such an unlikely place, *Time* trumpeted the "new mood at Ole Miss."





friends easily among the students and faculty. College of Law professor Ken Vinson, who was at Yale when Morse arrived, recalls the reaction. "Josh amazed the people there. Here was this good ole boy from Mississippi, where we had heard about all these horrible things happening, yet he had this gregarious, outgoing personality. He was open-minded and curious and liberal. And he was tremendously charismatic. People were naturally drawn to him."

Morse's impact on his fellow Yale students was such that, over the next three years, he persuaded nine of them to join him on the law faculty at Ole Miss. Says Vinson, one of those who followed Morse to Oxford, "Those of us who went down there looked at it as an adventure. We were young, the civil rights movement was gaining momentum and we thought we

could be part of something really important."

The engine driving much of the change Morse brought to Ole Miss was \$1 million in Ford Foundation grants. The money, a sum equal to five or six million in today's economy, allowed the new dean not only to recruit new faculty, but to expand the law school curriculum and recruit new students, including African Americans. At one point during Morse's tenure, Ole Miss had more black students enrolled than any other predominantly white law school in the country. The funding also allowed the law school to establish the country's first civil justice clinic, an operation run by faculty and students to assist an impoverished clientele.

Morse and his faculty invited a wide range of speakers to the campus, including civil rights workers Charles Evers and Aaron Henry as well as the reigning Grand Cyclops of the Ku Klux Klan. Morse also brought in visiting faculty from top northeastern schools like Harvard, Yale, N.Y.U. and Columbia. One of those, Yale dean Louis Pollack, commented that the Ole Miss law school "is at the threshold of becoming a focus of the kind of thinking that can bring Mississippi into step with

the rest of the country."

Morse's law school administration drew bitter criticism from many quarters, particularly the press. "It's hard today to imagine the virulence of the *Jackson Clarion Ledger*," says Morse of the state's major newspaper. "They were obsessed with finding anything liberal at Ole Miss. At least once a week they would get after the law school." When a notice of Morse's service as an editor for the National Conference of Claimant Compensation Attorneys law journal, acronymed NCCCA, appeared in the Memphis and New Orleans newspapers, the Jackson newspaper promptly reported that Morse was editor of the NAACP journal.

*The Clarion Ledger* and other newspapers, also zeroed in on Morse's Yale faculty recruits and the liberal speakers they were inviting to their law school classes. One of those faculty, Michael Horowitz, who today is a conservative writer and editor and fellow at the Hudson Institute, was labeled "a socialist Jew."

Although the press attacks were caustic, the state legislature ultimately proved to be more taxing. "It got to the point where I was being called down to Jackson every couple of weeks to testify before committees. They wanted to know how I was spending money. They wanted to know why we were inviting liberals to speak at the law school." A visit by Robert Kennedy proved to be one flashpoint, although Morse had asked Kennedy to get Mississippi senator John Eastland's approval before coming. "They went crazy over that. Another time they wanted to know if some of our professors had participated in a civil rights march. They could have phoned me and I could have told them that."

Morse understood the tension he was creating by expanding the intellectual base of the faculty. "The faculty I was hiring were seen as the enemies of the status quo," he said. "And the status quo was pretty important to a lot of people in those days."

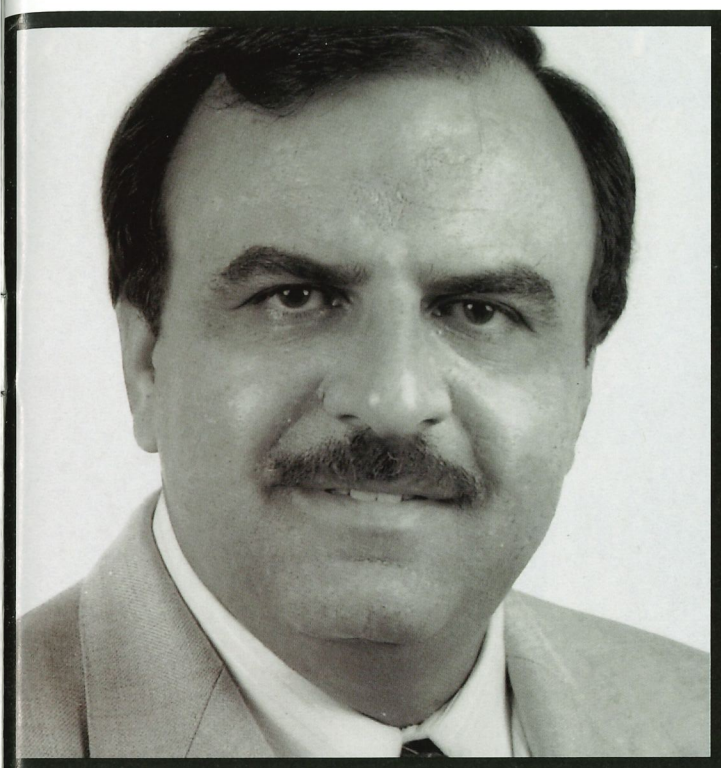
According to Vinson, Morse

*continued on inside back cover*

**The University of Mississippi law faculty in 1966. Joshua Morse is third from the left in the first row. Ken Vinson, who followed Morse to FSU in 1969, is third from the right in the second row.**







## TERRY RUSSELL Will Be the Second FSU Law Alum to Lead The Florida Bar

**F**or Terry Russell, the second time proved to be the charm. Russell will be sworn in as The Florida Bar's president-elect at the Bar's annual meeting in June and will become president in June 2001. Ten years after an earlier, unsuccessful, run for the office, Russell was assured of the position when no other candidates filed to challenge him.

Russell will be the second College of Law alumnus to hold the Bar presidency in five years. John Frost, an FSU classmate of Russell's, held the post in 1996-1997.

As one might expect from the man who will become The Florida Bar's first exclusively 21<sup>st</sup> century president, Russell is broadcasting his goals and vision—as well as thanking his supporters—on the Internet. In keeping with a presidential role he defines as “a leader by example and a true believer in the highest ideals and goals of the profession,” he sets out an agenda that is both practical and idealistic. Goals such as promoting and “maintaining the highest standards of professionalism,” “providing greater access to our justice system” and ensuring “equal opportunities in the profession” are proposed along with meeting the “challenges of globalization,” “eliminating the unauthorized practice of law” and “easing the burdens of the practice.”

Three decades of service to the profession and leadership in The Florida Bar have prepared Russell well for the office. A member since completing law school with FSU's 1969 Charter Class, he has served on numerous committees. In the early 1970s he joined the Fort Lauderdale firm

that eventually became Ruden McCloskey, Smith, Schuster & Russell, P.A. He is certified in civil trial and business litigation, and has been a member of the Trial Lawyers Section since 1970. After leaving The Florida Bar Board of Governors, where he served from 1987 to 1991, he began service on the board of directors of The Florida Bar Foundation. Russell also is active in the American Bar Association as a member of its Litigation and its Legal Education sections, and is a past president of the Broward County Bar Association.

Russell is a longtime supporter of the College and the University. He was president of the College's Alumni Association in 1986-87 and is currently active on the Board of Visitors. He was instrumental in establishing the Ruden McCloskey, Smith, Schuster & Russell, P.A. Professorship in the College, which is now fully endowed. Debra Hulse, Director of Major Gifts at the College, noted that in addition to his work on behalf of the College, “Russell was a major force in the University's recent Capital Campaign. As a volunteer for the Fort Lauderdale area, his involvement was university-wide.”

“Professionalism” has been a watchword of Russell's long career and he will carry this into his tenure as president of The Florida Bar. He will continue current efforts to educate the public about the “positive impact we have upon society through voluntary pro bono programs, community and civic involvement.” Says Russell, “The simple fact is that each lawyer carries the full burden of our professional image on his or her shoulders.”

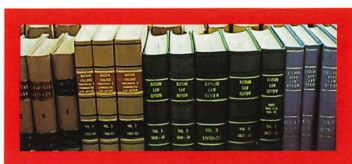
For more information about the new president-elect designate, visit his Internet site at [www.terryrussell.com](http://www.terryrussell.com). ■



The Virgil H a v







# Law School Ceremony Honors a Civil Rights Trail Blazer

**T**he Virgil D. Hawkins Collection at Florida State University's College of Law Library was dedicated to the late Lake County civil rights pioneer on November 30, 1999. Fifty years earlier, in May 1949, Hawkins had been denied admission to the University of Florida Law School, the only public law school in the state.

Dean Don Weidner said, "The saga of Virgil Hawkins is overpowering," adding that Hawkins "features prominently and proudly in the history of higher education in this state, and legal education in particular."

Virgil Hawkins would never attend law school in Florida. But the rejection of his application began a series of events that eventually brought about desegregation of the state's public universities. University of Florida officials told Hawkins, who was on the faculty of Bethune-Cookman College in Daytona Beach at the time, that he was qualified to enroll except for the color of his skin. He went to court in an effort to gain admission to the all-white institution. Unlike others before him who had filed suit and then dropped their legal challenge, Hawkins stood fast and battled the state in court for nearly a decade.

Even after the U.S. Supreme Court backed Hawkins's claim in 1954, the Florida Supreme Court continued to block his admission. Finally, in 1958, the Florida high court agreed to permit black students to attend UF, but only on the condition that Hawkins withdraw his application. He did, and went on to earn his law degree in Boston.

Last May, the Florida Supreme Court—which once fought Hawkins so bitterly—marked the 50th anniversary of his lawsuit with a formal ceremony.

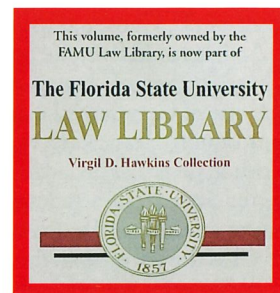
The Hawkins Collection will include the more than 6,200 volumes of books and journals that made up the Florida A&M University College of Law library. The law school at FAMU was established in 1951 in response to Hawkins's court fight. When it closed in 1968, the law books were transferred to the library of the newly founded FSU College of Law.

Each of the original volumes will be embossed with a seal identifying it as part of the Virgil D. Hawkins Collection. A prominent bronze plaque at the law library entrance proclaims the books "a visible reminder of the State of Florida's attempt to avoid desegregation of public higher education, and of the efforts of Virgil D. Hawkins to study law at a publicly supported law school in Florida."

Among those who gathered in the Rotunda for the brief ceremony were Florida Supreme Court Justices, attorneys, FSU faculty, friends, and members of Hawkins's family. Florida Chief Justice Major Harding noted that times have changed, and the number of minority lawyers continues to increase. "We're finding that the diversity of life experiences enriches our court," said Harding.

Also on hand was Leesburg attorney Harley Herman, who has been instrumental in achieving posthumous recognition for Hawkins, who died in 1988, calling him "Florida's Rosa Parks." Hawkins never meant to be a civil rights activist, said Herman. He just wanted a law degree. ■

**FSU law graduate Daryl Parks, president of the Florida chapter of the National Bar Association, addresses the audience at the Hawkins ceremony. Below, State Representative Alzo Reddick speaks to members of Hawkins's family and attorney Harley Herman expresses his admiration for the late Virgil Hawkins.**





Jessica Robinson. Tiene 15 años. Entró en prisión a los 13. La acusaron de un delito de robo con violencia en el domicilio de sus



abuelos y de intento de secuestro. Recuperará la libertad el 20 de junio del 2006. Más de 3.000 menores de edad su-

fren esta situación en Estados Unidos. Así se ve a los niños en cár



TEXTO: IGNACIO CARRIÓN  
FOTOGRAFÍA: J. ...

El profes de un c la Unive dedicado nores de nador a li nombre de Jessica, mas de 3.000 niños sones para adulto A los pocos segun muchacha de 15 a color con sus datos

Jessica, con su uniforme carcelario y la trenza que la hizo una compañera para la foto. Arriba, alejándose por las galerías de la prisión de alta seguridad de Monticello.

ROBINSON, JESSICA  
MAY 1999

# Children's Advocacy Center Case Makes International

**T**he case of a sixteen-year-old girl sentenced to adult prison is bringing international attention to the law school's Children's Advocacy Center. Jessica Robinson, sentenced to prison when she was 13 and currently in the Dade County Correctional Facility, has been a client of the Center since 1997.

Articles in *El Pais*, the Sunday magazine of Madrid, Spain's largest newspaper, and *Bild*, one of Germany's leading news magazines, detailed Jessica's story, as well as those of other juveniles in adult prisons in the United States. The articles quote Advocacy Center co-director Paolo Annino, who has served as the attorney in the Robinson case. "Europeans are very critical of how we

punish our juveniles," says Annino. "They're appalled that we put kids in prison with adult. The articles make you realize how differently other societies look at our system of juvenile justice."

Closer to home, the U.S. media, including CBS's 60 Minutes has shown an interest in this and similar cases. The National Public Radio's program "This American Life" taped a program on the Robinson case for broadcast in May.

The *El Pais* article, written by well-known Spanish journalist Ignacio Carrión, points out what it considers high irony about Florida's policy toward juvenile offenders: that the state that reaps billions of dollars by making children kings of its tourist theme parks, is the quickest to

throw its children into adult prisons. According to sources quoted in a recent Associated Press article, nearly 10 percent of juveniles in adult U.S. prisons are serving time in Florida.

Although Annino believes violent juveniles need to be removed from society, he contends in the article, that adult prison is no place for a child. "During one of our first visits with her in Monticello [Robinson was incarcerated at the Jefferson Correctional Institute before being transferred to Miami-Dade] we asked if she needed anything. Her answer was that she needed milk. It makes the point that adult prisons are not set up to handle the needs of children."

Robinson's case first caught the public's

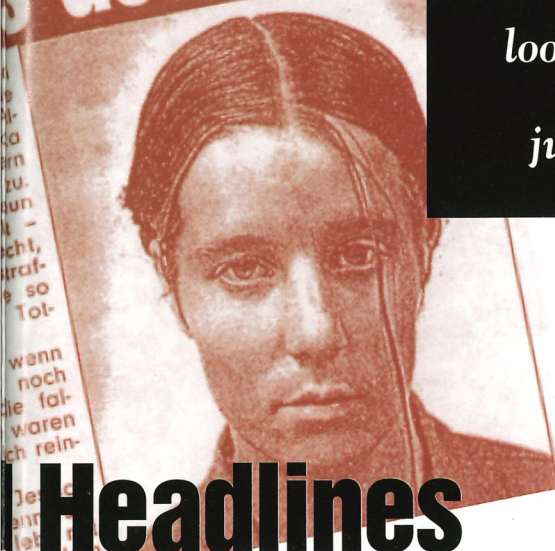


**"Si le preguntas, un recluso adulto sólo piensa en fugarse; el niño, en un vaso de leche"**

(Paolo Annino)

**Paolo Annino.** Es el director de un departamento jurídico en la Universidad de Florida dedicado a la defensa de menores.

**Ein Kind im S-Gefängnis**



# Headlines

*"The articles make you realize how differently other societies look at our system of juvenile justice."*

rates in the future and the crippling public expense of endless prison expansion."

Annino and his students hope that changes will be made to a 1994 Florida law that gave the state the option of putting juveniles in adult prisons. "What that bill did was give prosecutors, not judges, the right to decide if juveniles would be treated as adults," says Annino. "If you look at the sentencing, what you find is that kids are getting harsher penalties than adults who commit the same crimes."

Even the sponsor of the legislation, known as the Juvenile Justice Reform Act of 1994, former Republican Senator Gary Siegel, thinks some aspects of the law go too far. "I've got some remorse over some of the stuff we did," Siegel said. "When you take a 13- or 14-year-old and send him to the state pen, you've created a career criminal. It's pitiful."

This is the fear of Annino and the law students who have worked on Robinson's case. "She's been in adult prison for four years," he says. "Her chances of being a healthy, productive adult have been severely damaged. Look at her role models."

Annino, however, has not given up hope. Advocacy Center students Claudia Kemp and Cindy Nipper researched, drafted and, in March, filed a post-conviction motion in Miami seeking to have Robinson transferred to a juvenile facility. ■

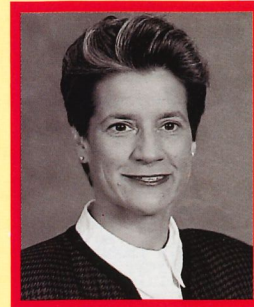
attention when FSU law student Massel Crespin wrote a guest column in the *Palm Beach Post* in December 1998. Crespin claimed the punishment Robinson received was inconsistent with the crime. "She and two older juveniles, a boy and girl, broke into a home in 1997 and stole cash. The boy cut the homeowner with a knife, causing minor injury. Even though the victim swore that Robinson was not involved in the assault and was not armed, she received a nine-year prison sentence and five years' probation."

Crespin's column continued: "The numbers also indicate a system that is grossly unfair. Although there are juveniles for whom there is no alternative, many others, such as Jessica Robinson, clearly deserve another chance. They are not the proverbial 'bad seeds.' They are the ones who could be helped by the rehabilitation programs offered in the juvenile system. By ignoring this fact, we risk even higher crime

## Federal Grant will Help Center Provide Assistance to Florida's Domestic Violence Victims

The College of Law's Children's Advocacy Center has been awarded a \$235,000 grant to provide legal assistance to the victims of domestic violence. The grant, which is formally known as a Civil Legal Assistance Grant, was awarded last summer by the U.S. Department of Justice. Ruth Ezell, co-director of the Center in charge of domestic violence training, will administer the programs that the grant assists.

According to Ezell, the grant will provide funding to strengthen the Center's ability to handle domestic violence issues. "It helps us replace outdated computers, printers and copiers and will make us more efficient and more effective. Our work is very paper intensive." She adds, "It allows us to function more like a civil practice law firm and handle a wider range of civil needs. Our program concentrates on civil law practice. Clients are victims of domestic violence, but what we handle for them are needs like foreclosures and divorces. We do a lot of injunctions. It's Good for students because we get a hearing in 15 days. Students respond to clients from beginning to end."



**Professor Ruth Ezell**

According to Pat Ortega, Refuge House CourtHouse Advocate, who provides emotional support for victims and teaches a class at the clinic once a week. "The work the Center does is extremely important to our clients. People tend to think of domestic violence victims in terms of the abuse they receive, but they have kids to feed and clothe, mortgages and rent to pay, divorces to handle. They have a range of needs." ■



By Margaret Barlow

# LEGAL WRITING

## The Program and its Faculty Gain Respect in the Law School Curriculum

**A**ccording to those who teach it, legal writing has long been a stepchild of law school curriculums, undervalued and underappreciated. It is a condition that is beginning to change, say FSU legal writing faculty, who call attention to the high value on legal writing skills in a lawyer's portfolio of legal skills.

Typical of those dedicated to advancing their chosen field are FSU legal writing instructors Suzanne Rowe and Barbara Busharis, both in their sixth year of teaching at the College. Both stress that teaching legal writing is, in fact, their choice, it is a subject about which they are passionate, not a temporary diversion.

"There are several reasons why legal writing instruction is considered less important than doctrinal courses," says Rowe. Foremost, she suggests "is the thinking that writing can't be taught, or that legal writing is a remedial catch-up course focusing on grammar and punctuation."

Nothing could be further from the truth, says Busharis, who states unequivocally, "Students learn to think as they write. They cannot write clearly until they can think clearly."

Further, Rowe adds, "Writing can be taught, must be taught. While we do cover grammar and organization, what makes legal writing unique is analysis."

Writing is key to learning, Rowe insists. The two are utterly intertwined. "Until students understand how to structure a legal argument, they can't write about it. And until they write about it, they're not learning it," she says. "The first time a law student writing a memorandum says, 'I thought I knew what I meant, but I really don't,' he or she grasps the connection."

Other factors that Rowe and Busharis



suggest have fueled unfavorable treatment of legal writing is that, traditionally, writing instructors have not been part of the tenure-track faculty, and a majority are women. A decreasing number of schools still rely on adjuncts to teach the course. While the tradition at FSU has been that the writing instructors are full time, until recently instructors who were dedicated to teaching writing were frustrated by something that is also typical but becoming less so: the short-term contract. That insidious obstacle, the "three-year cap" recently dropped by FSU College of Law, has forced many a talented legal writing instructor to move on.

Legal writing is literally at the heart of the study and practice of the law, which is why it is required at every law school during the first year. And despite the low position they often occupy on the faculty roster, many of those who teach it would not do

anything else. Even though many legal writing instructors may have started in the field "by accident," as did Rowe and Busharis, it turned out to be a happy accident.

Rowe, a 1989 Columbia law graduate, was a tax lawyer, while Busharis, a 1991 graduate of New York University law school, was practicing commercial litigation. Describing her own experience as "fairly typical," Busharis says she began teaching legal writing out of the desire for a temporary change. Expecting to teach for a couple of years, she got hooked.

Wanting a fill-in job for a year while waiting to begin a clerkship with a federal judge, Rowe joined the University of San Diego faculty as a legal writing instructor. (Much of the position's appeal at the time, she admits, was "the opportunity to assist a tax professor update a case book on international taxation.") After having worked



as a tax attorney, Rowe found that “watching students ‘catch on’ was more satisfying than finding tax breaks for large corporations,” and she decided that teaching would be her future.

Rowe and Busharis joined a growing legion of legal writing instructors who see their chosen work as a career. These long-term instructors are breaking down old truisms that maintained writing instructors were somehow “more prone to burn-out” than other teachers, or that people with the “right qualifications” would want to move on to a tenure-track job anyway.

With the old caps and “temporary” think-

**FSU legal writing faculty Barbara Busharis and Suzanne Rowe. They teach from the textbook they helped write.**

ing, continuity within a program was almost impossible, making it necessary for instructors to keep reinventing the wheel, notes Busharis. Since the end of the cap at FSU, “newer faculty step into a well-established program with colleagues to mentor them instead of joining a staff of all new instructors.” Although legal writing instructors in the College are still ineligible for tenure, the possibility of longer-term positions has, at least, made it possible for instructors to stay in one place and to refine the program. Commenting on the estimated 20 percent of law schools with tenure track for legal writing faculty, Busharis says that, while this number may sound low, it actually represents improvement.

Among those refinements are those for practicum courses offered as complements to doctrinal courses, including those for Federal Taxation and Employment Discrimination. The practicum model, based on a teaching concept known as “writing across the curriculum,” is grounded in the belief that thinking and writing are inseparable. Designed to tie-in directly with the corresponding doctrinal course, the practicum lets students hone their research and analysis skills in a project requiring substantive, meaningful legal writing. Writing completed during the practice of course work leads them through a variety of practical experiences, requiring legal research and analysis, even client communi-



**FSU's Legal Writing and Research faculty: from left: Tamara Blenkhorn, Barbara Busharis, Bryan Pugh, Suzanne Rowe, Jessica Varn, Angela Shelley and Heather Lindsay. Pugh, Varn, Shelley and Lindsay are graduates of the College of Law.**

cation. Key to the practicum model as viewed by Rowe and Busharis is that course work is done in a realistic, professional context that compels students to think, analyze and write like lawyers. Assignments and requirements do not take the usual form of papers or notes, but rather the kinds of writing required in legal practice, including client letters, discovery documents, motions and briefs.

Teaching legal writing, with marking drafts and the large amount of one-on-one interaction with students, takes time. On average, each semester during the first year, students write two or three major papers, all involving drafts and rewrites. With a first-year class numbering upwards of 235, FSU's staff of legal writing instructors grew this fall to seven, in a move applauded by the department's senior instructors, Rowe and Busharis. Joining them and their colleagues Heather Lindsay and Angela Shelley were Tamara Blenkhorn, Bryan Pugh, and Jessica Varn. Except for Blenkhorn, a University of Florida law graduate, all are FSU College of Law alums.

Varn, a 1992 law graduate, notes how the program has changed: “When I got my first job, I knew how to write a legal argument once I found the law, but struggled with the research. Now, as an instructor, my syllabus strikes a better balance between legal writing and research skills.” The two are equally important, says Varn. “My goal is to have my

students walk into a law library and feel comfortable with their ability to find the law, then sit at a computer and feel confident in their abilities to not only analyze the law but to write their analysis in a clear and simple manner.”

What is often frustrating is that spending so many hours working with students outside of class makes it difficult to find time to write for publication, a virtual requirement for academic advancement. “It seems like the deck is stacked against us,” says Rowe.

Their diligence, however, has led to efforts on several fronts aimed at gaining greater appreciation for their chosen subject. Rowe and Busharis have indeed made time to write, including a popular text, co-authored with former FSU colleague Lisa Kuhlman Tietig, entitled *Florida Legal Research: Sources, Process, and Analysis* (1998). Accessibly written for those just getting their feet wet in legal research, the slim but substantive volume filled a very specific need for first-year students in Florida law schools. As one reviewer *continued on page 17*



## The Brick: Teaching Legal Analysis Through the Case Method

BY SUZANNE E. ROWE

I needed a brick.

My orientation panel was scheduled to begin in less than an hour and I'd finally received the inspiration that makes teaching exciting. I wanted my presentation to go beyond "how to brief a case" and include for the first time an introduction to the case method of study. That way students would understand the reasons for briefing cases, as well as the mechanics.

The inspiration for using a brick to illustrate the case method had come, unfortunately, not the day before as I conscientiously reviewed my notes, but just as I arrived at school the very morning of the presentation. Pushing aside momentarily the image of the brick I didn't have, I logged onto my e-mail, responded quickly to messages from colleagues and my student assistant, Tiffany. Because the brick was still on my mind, I mentioned it in passing to Tiffany, as I confirmed the time of our meeting later that day.

My idea was to compare the case method with masonry. "We could," I would tell the 235 students gathered for orientation, "teach you law by assigning books that describe the law. A book on contracts, for example, would explain what

contracts are and describe how to draw up a perfect contract for any situation. Certainly that method of teaching would be easier and more accessible than the case method we use." It also would appeal to the perfectionists who flock to our law school, sure that there is a right way to write any contract, if we would just kindly show them how.

"Instead," I would continue, "we ask you to read cases about contracts gone awry. Someone wrote a less than perfect contract, or forgot to put it in writing at all. And someone else disagreed with the meaning of the contract, if there was a contract, and now we're stuck in contracts class trying to understand both the law of contracts and the standard of review for summary judgment, in an excerpt of an opinion written by a judge who lived 50 years before the plain English movement took hold. What messy work!"

Here's where I needed the brick: "If you were a mason—a bricklayer—do you think you would rather sit inside and read about laying bricks or roll up your sleeves, go out in the hot sun, grab a heavy brick, and start to work?" At this point, in dramatic fashion, I would noisily drop my brick on the lectern. "You'd want the brick, of course! Most of us would rather get to the work of laying bricks than read about it. Once we got in the brickyard, however, we'd realize how much there was to learn about bricks: What are bricks made of? What does each brick look like from various angles? How much does each one weigh? How do you fit this brick together with other bricks to build a wall, or a bridge? What material do you use to hold bricks together? What does your customer want you to build, and are bricks the

best material for it? Can you watch someone else at work before picking up your own brick and trowel?

"You'd get hot and sweaty, and likely your first few attempts wouldn't look much like a wall or a bridge, but through your efforts you'd begin to learn how to be a mason.

"For lawyers, cases are bricks. As law students, you have to learn how to use your bricks. You first have to study the individual case. You brief it to know what it's made of, what the important facts were, what the court decided, and why. You consider the arguments of other lawyers and learn whether the court found those arguments to be sound. You discuss the case in class and in study groups to learn how to look at it from different angles, to find various ways of understanding it. You have to know how much weight it will carry when you argue to another court that this case helps your client's position.

"Then you learn how to synthesize cases, fitting several together to explain what the law is. You analyze your client's problem and decide how these bricks—I mean cases—address the problem, or whether the client needs another forum, like mediation, or different building material, like family counseling. Most important, and this is sometimes the hardest part, there aren't any answers—there are just good walls and bridges, which hold up under scrutiny, and bad walls and bridges, which fall apart when pressure is applied. The walls and bridges are your legal analysis. Cases are the building blocks of your trade.

"In the end, you'll be able to



Suzanne E. Rowe

figure out how to write a good contract, just as if we'd given you the simple, descriptive book I mentioned at the beginning. Hopefully, you'll take a few courses that require you to draft *real* documents, demonstrating the link between your contracts class, for example, and the work of contracts lawyers. But because of the case method of study you will also know how to use cases, a lawyer's bricks, to develop a legal argument."

But I didn't have a brick. The law school is made of bricks, but I couldn't very well chisel one out to use as a prop. So I went to orientation, and made my usual presentation on briefing cases, and I didn't have time to talk about the case method anyway. The students were attentive and seemed to understand, just as they had seemed to understand in past years. It was a fine, if uninspired, presentation.

When I returned to my office there was a brick in front of my door and a note from Tiffany: "Well, now you have your own personal brick." I can't wait for my first class! ■

Reprinted from Spring 1998  
edition of Legal Writer.



continued from page 15

pointed out, the authors struck a "nice balance" in providing needed detail while eliminating the kind of "minutiae that might overwhelm or frustrate the beginning researcher." Topics such as ethics, frequently overlooked in such beginning texts, complement those subjects necessary and useful in a Florida practice.

A recent article co-authored by Rowe and Busharis (forthcoming in *John Marshall Law Review*) is entitled "The Gordian Knot: Uniting Skills and Substance in Employment Discrimination and Federal Taxation Courses." In it they outline the practicum courses they developed at FSU, describing their effective melding of legal writing practice with doctrinal coursework.

The fruits of their labors have not gone unnoticed by employers. Rowe and Busharis say they receive frequent phone requests to recommend students to fill a

variety of job openings. "Clerks and associates with a strong grounding in legal research and writing are definitely in demand," says Rowe.

Says Tallahassee attorney Segundo Fernandez, whose firm Oertel Hoffman Fernandez & Cole, requires writing samples, "Of the truly outstanding individuals that I've hired, the largest percentage are from FSU. The writing program at FSU deserves credit, in large part, for the level of their writing."

The law librarians, too, have noticed the difference. Most of the students, they say, seem better able to tackle difficult research problems earlier in their law school careers. Says Mary McCormick, head of public service in the law library, "Instead of assisting first-year students to find basic reference sources, we are fielding more challenging queries."

From their place at the bottom of the

legal education ladder, the legal research and writing instructors—a large group of largely unsung heroines and heroes of legal education—are making their voices heard. As FSU law alumni prosper as a result of their grounding in legal research and writing, perhaps so too can the instructors who helped them achieve these important skills. The hope, say Rowe and Busharis, is for greater professionalization of those who share their passion for clear expression in the law. ■

**Note:** Since the writing of this article, Suzanne Rowe has announced that next fall she will become Director of Legal Research and Writing at the University of Oregon. The Assistant Professorship is a tenure-track position.

## End of an Era: ALWD Citation Manual Replaces The Bluebook as the Source for Legal Citation

**W**ith the passing from one millennium to the next, *The Bluebook's* dominance as a manual for legal citation format will likely pass into history. How could this be? Generations of law students have toiled over learning the intricacies of proper citation format, while legal writing faculty have extolled the virtues of learning how to use *The Bluebook*. But with the publication of the sixteenth edition of *The Bluebook*, there was an uprising among academics. Simply put, *The Bluebook*, which is published by students on law reviews at certain Ivy League law schools, had ceased to provide a uniform system of citation.

Most problematic was the editors' decision to change the rules for, and meaning of, some

introductory signals. Signals communicate the purpose of the citation and the relative weight the cited authority is to be given. Changing the meaning of signals from one edition of *The Bluebook* to the next creates confusion and uncertainty. Shortly after the publication of the sixteenth edition, the Association of American Law Schools (AALS) passed a resolution condemning the changes.

If not *The Bluebook*, then what? The task of creating a new citation manual has been assumed by the professionals charged with teaching legal citation. The Association of Legal Writing Directors (ALWD), which has more than 200 members representing approximately 150 law schools, initiated the creation of a new citation manual in response to

increasing dissatisfaction with *The Bluebook*, specific problems with the sixteenth edition, and the AALS resolution. The project has been coordinated by several ALWD members. Darby Dickerson, Director of Legal Research and Writing at Stetson University College of Law, is the primary author. Professor Dickerson is nationally recognized as an expert on legal citation.

In February 2000, *The ALWD Citation Manual* was published by Aspen Law and Business. The ALWD Citation Manual will be an internally consistent, unified system of citation—a true restatement of citation. Of particular note, the citation formats for court documents and law review articles will be the same. Furthermore, the manual will include the official citation rules

of all U.S. jurisdictions, providing attorneys and judges with a handy desk-top reference. Additional features of *The ALWD Citation Manual* will include user-friendly examples and a Web site on which users will find answers to frequently asked questions.

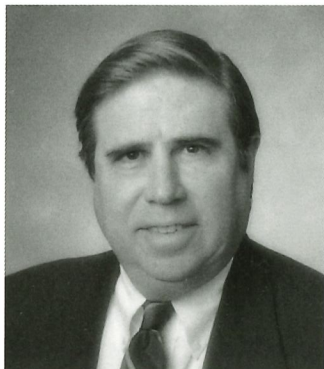
Last July, ALWD held its biennial conference and a draft of *The ALWD Citation Manual* was distributed to conference participants in a plenary session entitled *The Future is Almost Here*. Professor Dickerson and her work-in-progress received a five-minute standing ovation. Finally, there is a comprehensive and unified system of citation that is written for professionals by professionals. ■

Portions of this article reprinted from the AALS Newsletter, Fall 1999.



CLASS NOTES

'70



**A. J. (Jim) Spalla**, has relocated his statewide law practice specializing in eminent domain, condemnation, mediation and transportation law and has associated with the law firm of Young, van Assenderp, Varnadoe & Anderson, at Gallie's Hall, 225 South Adams St., Suite 200, Tallahassee, FL 32302, phone (850) 224-4361.

'72

**George B. Cappy** has moved his law offices to 806 West De Leon St., Suite A, Tampa, FL 33606. The phone is (813) 251-5145.

**Charles A. Francis**, of Francis & Sweet, was appointed to the Second Judicial Circuit Court bench by Governor Jeb. Bush. The Tallahassee civil law practitioner said that he was looking forward to this new challenge in the law.

'74

**Stann Givens**, president of Knox and Givens, P.A. in Tampa, was selected by the president of The Florida Bar as chairman of the Marital and Family Law Board Certification Committee, which determines lawyers who will be recognized as specialists in this field.

'75

**Marc Sussman** was named president of McCuen Properties, in Sacramento, California. He has been with the company for eleven years, most recently as chief financial officer.

'79

**Col. Charles L. Early, Jr.** retired from the Air Force Reserve as Vice Commander, 315<sup>th</sup> Airlift Wing, Charleston Air Force Base, South Carolina, and was awarded the Legion of Merit for his service. Col. Early is a shareholder in Taylor and Early, P.A., Deland, Florida, and a pilot for Delta Air Lines.



**Chris Griffin**, a partner in the Tampa law firm of Annis, Mitchell, Cockey, Edwards & Roehn, P.A., was elected chairman of the Outback Bowl Board of Directors for 1999-2000. The Outback Bowl currently sponsors a New Year's Day game that



**Stann Givens**

matches teams from the SEC and Big Ten conferences at the Raymond James Stadium.

'83

**Chris Cadenhead**, of Cadenhead, Campbell, Knopes & Jernigan in Crestview, Florida, was named to the Board of Directors to Andros Hotels & Casinos, Inc.

**Cari L. Roth** was appointed General Counsel of the Florida Department of Community Affairs, beginning July 1, 1999. She is a founding shareholder of Lewis Longman & Walker, P.A., where she has concentrated in providing counsel and representation in land use, environmental and legislative matters.



**Brian R. Toung**, a Daytona Beach attorney, has been certified as a member of the Million Dollar Advocates Forum, whose 1,500 members are trial lawyers who have demonstrated exceptional skill, experience and excellence in advocacy by achieving a verdict or settlement in the amount of \$1 million or more. He specializes in personal injury, business litigation, criminal defense and real estate law. He serves on the board of the Volusia American Cancer Society.

'84

**Ken Plante**, who heads Gray, Harris & Robinson, P.A.'s en-

vironmental law section, in Tallahassee, has been selected with other community leaders from throughout the state to participate in the Leadership Florida Class XVIII program.

**Judy Rice** has joined the legal staff of the Division of Bond Finance at the State Board of Administration of Florida, as a Senior Attorney. Her address is Hermitage Centre, Suite 200, 1801 Hermitage Blvd., Tallahassee, FL 32308; phone (850) 488-4782.

**Vincent Torpy** was appointed circuit judge in Florida's Eighteenth Judicial Circuit.

**Donald N. Williams**, a personal injury and commercial litigation trial attorney in Orlando, was awarded the A.V. rating, the highest possible, by Martindale-Hubbell, the pre-eminent U.S. legal directory.

'85

**Janet Findling**, Legal Advocate for the State Long-Term Care Ombudsman program, was appointed to the Florida Bar Public Interest Law Section Executive Council. She was elected chair of the Council's Disability Law Committee for the fourth year.

'86

**Hon. Herman Thomas** was appointed by Alabama Governor Don Siegelman to the position of Circuit Court Judge for the Thirteenth Judicial District of Alabama. He served previously as a District Court Judge for the same circuit. His address is 205 Government St., Mobile, AL 36644.

'87

**David Akerson** has accepted the position of Chief, Information and Evidence, with the prosecutor's office for the In-



## Florida loses one of its most generous lawyers

One of Donald A. Gifford's favorite remarks was, "If you want to get something done, ask a busy man." It was a sentiment that suited the 1970 College of Law graduate to a T. Gifford, regarded by all who knew him as one of the most generous lawyers in Florida, died in October at the age of 53.

The prominent Tampa lawyer and 1970 FSU law alumnus, was a tireless worker for The Florida Bar, countless charitable causes and his two alma maters, the University of South Florida and Florida State University. At both universities he had served on alumni and athletic boards, often in the capacity of president. He was the driving force behind the establishment of a football program at USF. He is a former president of the College of Law Alumni Association.

Gifford, who died of septicemia, a form of blood poisoning, was a senior partner at Shackleford, Farrior, Stallings & Evans in Tampa, where lawyers praised him for his legal acumen, sense of humor and readiness to help others. As a lawyer he was best known in recent years for his work on behalf of the Tampa Sports Authority

"He was the kind of guy that you would seek out when you had a tough legal question and you wanted to go to someone you really respected," Tampa lawyer Steve Anderson said.

Born in Derry, N.H., Gifford graduated from Tampa's

Jefferson High School, USF, where he was student body president, and FSU's law school.

"Don was, at the same time, one of the most outgoing and yet one of the most unassuming men I ever knew," said fellow FSU law graduate Terry Russell, of Fort Lauderdale, who met Gifford at FSU. After a first job with a Daytona Beach law firm, Gifford returned to Tampa and was a clerk for U.S. District Judge William Terrell Hodges. He joined Shackleford, Farrior in 1973.

Gifford also built a record of service to the United Way, the Greater Tampa Chamber of Commerce and the Committee of 100, among others. He was president of the Hillsborough County Bar Association and was a member of the board of governors of the Florida Bar. He won the state bar's Pro Bono Service Award for leading an effort to increase funding for Bay Area

Legal Services, which serves indigent clients.

Along the way, Gifford overcame more than his share of hardships. His father died when he was in high school. During a summer job in 1964, he fell through a plate glass window. He had five surgeries, but his right arm remained mostly useless.

Gifford had to borrow to finish college and attend law school. In 1996, he said in an interview that those early debts, along with digging into his own pocket to help worthy causes and a history of alcoholism, contributed to his decision to liquidate his debts under federal bankruptcy laws.

Still, associates and clients said, Gifford remained generous to a fault, supporting an extended family and giving unsparingly to groups such as the Florida Bar. They also said Gifford, whose practice was in commercial litigation and anti-trust law, provided excellent

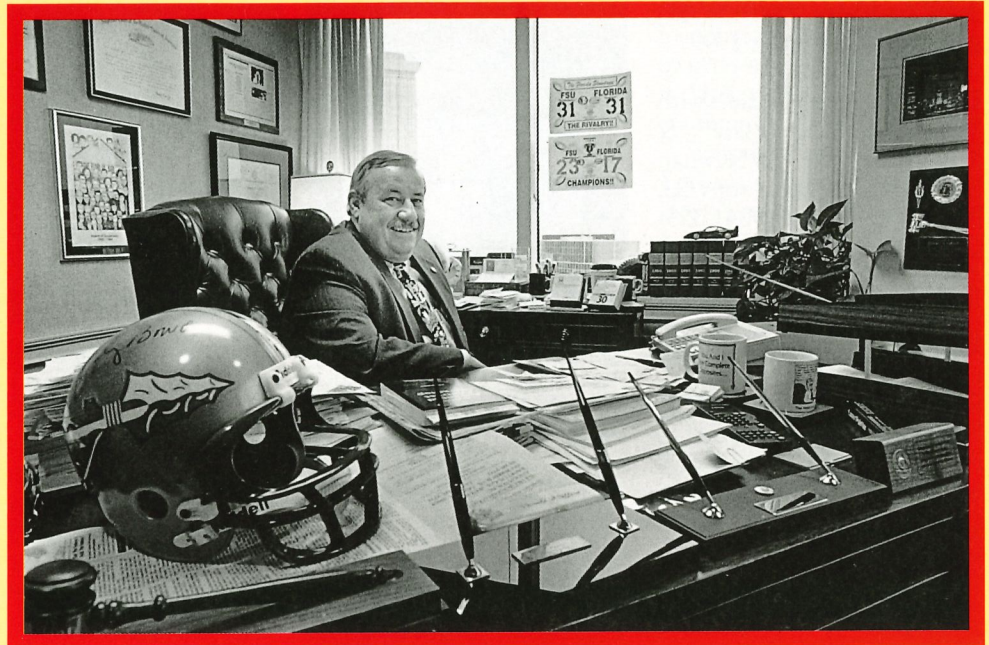
service to his clients.

Among them was Joy Culverhouse, who challenged a \$360-million trust established by her late husband, Tampa Bay Buccaneers owner Hugh Culverhouse Sr.

"I think we had a strong mutual respect for each other," said Ben Hill III, a former law partner who later opposed Gifford in the Culverhouse case and negotiations regarding the Tampa Bay Buccaneers. "I thought he was a very professional adversary who did the most he could for his client."

Gifford is survived by his wife, Sandra, three children, and four grandchildren. ■

Portions of this article reprinted from the *St. Petersburg Times* (Oct. 26, 1999) "Lawyer Donald Gifford dies at 53" By Richard Danielson.



**Don Gifford's Tampa office reflected his love of sports and his two alma maters, FSU and the University of South Florida**



ternational Criminal Tribunal for Rwanda (United Nations) based in Kigali, Rwanda, beginning in November 1999.

**Dominic C. MacKenzie** is with Winegeart, Graessle & MacKenzie, P.A., 219 Newnan St., Fourth Floor, Jacksonville, FL 32202, phone (904) 353-2080.

'89

**Elaine L. Thompson**, an associate with Miller, Kagen, Rodriguez & Silver in West Palm Beach, was appointed to the Florida Board of Bar Examiners by the Florida Supreme Court. Her term will extend through October 31, 2004.



**Glenda L. Thornton**, a litigation partner at the law firm of Foley & Lardner in Tallahassee, received the firm's Lynford Lardner Community Service Award in recognition of her extensive volunteer work and civic involvement. She recently was honored as Board Member of the Year by the Tallahassee Area Chamber of Commerce.



**David J. Weissman**, a partner in the firm of Rosenthal & Weissman, in West Palm Beach, was selected for inclusion in *Leading American Attorneys*, 1999-2000. In October he was a panelist at the 54<sup>th</sup> Annual Workers' Compensation Convention, presenting Case Law Update.

'90

**Rafael Gonzalez**, a partner in the firm of Barrs, Williamson, Stolberg, Townsend & Gonzalez, P.A., in Tampa, is Chair-Elect of the Workers' Compensation Section of the Academy of Florida Trial Lawyers. He is also Chair-Designate of the Workers' Compensation Section of the Florida Bar.

'91

**Mark Peres** has relocated from Fort Lauderdale to Charlotte, North Carolina, where he is co-founder and president of Worldsites Carolina, Inc., an internet solutions and consulting company. His first novel, *The First Seduction*, is now available in print, and reviews and comments are welcome. He can be reached at (704) 331-3990.

'92

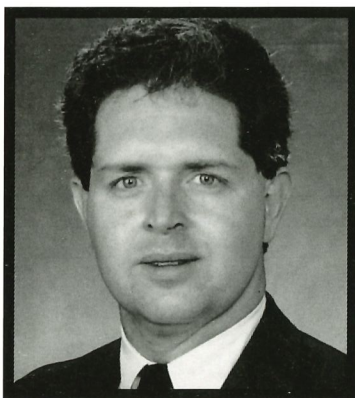
**Mark Kaplan**, a shareholder in the Tallahassee office of Katz, Kutter, Haigler, Alderman, Bryant & Yon, P.A., has been appointed to the Judicial Nominating Commission for Florida's First Appellate District by Governor Jeb Bush.

'93

**Andy William Acosta** has joined the firm of Perez-Abreu & Martin-Lavielle, P.A., practicing in the area of family law litigation, primarily dissolution of marriage actions. The firm address is 901 Ponce De Leon Blvd., Suite 502, Coral Gables, FL 33134; phone (305) 443-8794.

**John Martin Hayes, Jr. and Broward A. Taff, Jr.** opened their practice, Taff & Hayes, last year, at 322 McDaniel St., Tallahassee, FL 32303; phone (850) 224-2422.

**James W. Humann** has joined Hard Rock Cafe, International,



## **RANDY HANNA '83 will chair Florida Board of Bar Examiners**

**M**aking the Bar examination and admission process more open and easier to navigate and strengthening the emeritus program are just a few of the goals Randy Hanna has set for the Florida Board of Bar Examiners as he steps in to take the lead. Hanna, who practices with Bryant, Miller and Olive in Tallahassee, also would like the examiners to begin exploring computerized testing.

Hanna became a member of the board in 1996, as a way to be involved in the educational process of lawyers. Board members oversee two examinations a year and last year recommended 2,485 applicants for admission—a time-consuming process including background investigations and hearings when questions arise about the character and fitness of the applicants. The examiners' emeritus program enlists past board members to volunteer their time to help expedite these activities.

Born in Quincy, Hanna received his undergraduate degree in 1981 from the University of Florida and his J.D. in 1983 from the College of Law. He has served as a member of the Bar's Young Lawyers Division and *The Bar Journal* and *News* editorial board and now chairs the Federal Judicial Nominating Commission for the U.S. Northern District of Florida. Hanna also has served as special counsel to U.S. Sen. Bob Graham. In 1992, Hanna received the Bar President's Pro Bono Service Award for the delivery of pro bono services in the Second Judicial Circuit. ■



## RICHARD TORPY '87 opens doors in China

Reprinted from the Oct. 8, 1999 *Sebastian Sun*  
(Sebastian, FL) by Tom Jennings

**W**hen most people say, "Hey, let's go for Chinese," they usually mean Chinese food.

No so with Melbourne-based, Barefoot Bay-connected legal eagle Richard Torpy. When he utters the sentence, he means it literally—in China.

Torpy, visiting China for the first time, is taking his brief to the land that gave you gunpowder, fire crackers and chicken chow mein as a registered lobbyist for manufacturers of fireworks.

The sponsoring company wants Torpy to "get a better idea of their (Chinese) business operations and practices," he said.

He's spending two weeks in the world's largest country learning the ins and outs of Chinese trade practices while putting the pressures of dealing with the Barefoot Bay legal issues behind him for a while.

"They're taking me over there on a business trip, although it's going to be tremendously fun," Torpy said.

And how has Torpy prepared for this venture into the unknown? Like the apprehensive athlete who studies his opponent's positives and negatives until the video tape snaps, or rather like the confident campaigner who faces the challenge with calm demeanor and firm grip?

The latter predominates.

"I know no Chinese," Torpy said. "I know nothing about China, but I expect to learn while I'm there. No, I don't know any Chinese now, but

I'm sure I'll know some when I get back."

He'll not blindly stumble around the hotels and hospitality parties because one of the folks he's going with has been there 21 times.

"He says he can't wait to take me there, because he likes taking people there for the first time because it's a culture shock," Torpy said.

"I'd rather enhance the surprises," he said. "I'm not like one of these people who has to learn everything about a challenge before facing it. "I really do like surprises," Torpy adds. "I don't like to know what I'm getting for Christmas."

Torpy does a lot of work for clients in front of government entities on permitting, licensing and various other issues as a representative of the fireworks industry in the state of Florida.

When he returns to Florida, Torpy, a partner in the Melbourne-based law firm of Amundsen, Moore and Torpy, will resume his Barefoot Bay responsibilities.

He had planned, before leaving, to make a decision as to whether to disclose the community's legal file in the continuing case involving the IRS, which has asked for the back payment of more than \$100,000 in taxes as the result of an alleged violation of public access.

It could have been expedited sooner, but "the hurricane slowed everything down," Torpy said.

On Sept. 20, Torpy was "reviewing all the documents" he had received from their former

counsel. He had scheduled a teleconference that same day and planned to give his opinion to the board of trustees, possibly before the end of the week.

"I've tried throughout my career to simplify the law and to strain out all the nonsense and bring it down to what its essence is," he said.

Torpy, who worked for nearly seven years for various municipalities as a police officer, knows Barefoot Bay from several different perspectives.

"Many years ago, I used to install aluminum screen enclosures, and I had occasion when

it was brand new to visit the community," Torpy said, a South Brevard County resident for 27 years. "It was a shadow of what it is now, then."

"It's really a fascinating community," Torpy said.

Torpy, though born in New York state, has adapted to the Florida relaxed lifestyle like a native.

"I don't wear a tie unless I'm going to a meeting," says the former Florida police officer. On the wall of his office is a photo of his sons, Justin and Tyler. They were 8 and 7 at the time. Both sport natty neckwear. ■

- Birthdate: Aug. 4, 1960.
- Birthplace: Mount Kisco, N.Y.
- Education: Graduated Florida State University College of Law, J.D., with honors in 1987.
- Family: Married to Karen, with two sons, Justin, 15, and Tyler, 14.
- The best part of my job is: The people, by far. That's why I do this.
- What I like least about my job is: I have a pet peeve about the law practice, that it's not accessible to most people.
- The most recent movie I saw in the theater was: "Titanic."
- The book I'd recommend everyone to read is: "The Brass Ring" or "The Grove."
- Of everyone in the world, the person I would most like to meet is: I can't think of anybody out there who is that fascinating.
- My favorite food is: Pasta.
- If I were going on a trip to the moon, I would take along: My family.
- If I were president of the United States, I'd: Be a one-term president because I'd irritate too many of my constituents.
- When I was growing up, I always wanted to be: An actor or an architect.
- When I want to get away from it all: I sit outside on my lake and look out over the water.
- The person I admire most is: My father, who has passed away. He was a nice man and a hard worker. Actually, both of my parents were special. My mother is still alive, and I don't want to leave her out.
- My proudest moment was: When my children were born.
- My favorite sports team is: The Florida State Seminoles.
- My favorite television show is: "Home Improvement."
- On my last vacation, I visited: The Caribbean.
- The first thing I do when I wake up in the morning is: Wake up the children because I have to take one of them (Justin) to school.
- The type of music I enjoy the most is: Country.
- If I could do something over again, I'd: Nothing comes to mind.
- People who know me best know I: Enjoy having fun. My wife and I entertain at least twice a week on average.
- The most exciting time in my life is: Right now.



Inc. as Director of Business Affairs and Assistant General Counsel. Hard Rock's Worldwide Headquarters are located at 6100 Old Park Lane, Orlando, FL 32835, phone (407) 445-7625.

**Mark A. Roeder** has announced the relocation of the Roeder & Hassler Law Office to 119 East Main St., Manchester, IA 52057. The phone number is still (319) 927-2782.

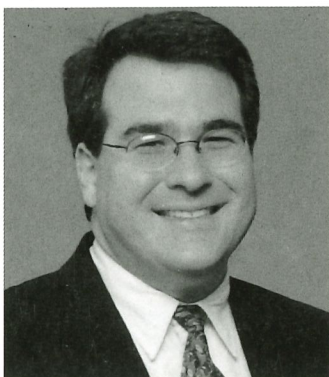
'94

**Melvin Burruss**, an attorney in Peekskill, New York, is also host of Neighborhood Law Center, a weekly local cable television show. The seminar-style "self-help" program, sponsored and presented by a consortium of volunteer professionals, features a judge and attorney discussing a specific legal area. Afterward, audience members, who have signed up for a certificate program on the legal system, ask questions. Topics of discussion have included divorce, child custody and child support, workplace discrimination, sexual harassment, real estate law, how a lawsuit works, and how to choose an attorney.

**Kelly A. O'Keefe**, an associate with the law firm of Sutherland, Asbill & Brennan, LLP, Tallahassee, has been elected president of Tallahassee Women Lawyers and secretary of the Florida Association for Women Lawyers. She was recently appointed to the Judicial Administration, Selection & Tenure Committee of The Florida Bar.

'95

**John C. Miotke** has opened law offices at 550 North Reo St., Suite 300, Tampa, FL 33609; phone (813) 831-9609. He is practicing exclusively in the area of immigration and nationality law.



**Bruce T. Jeroslow** and Gregory Files'96 have opened a law practice in Windham, Maine. They hope to establish a full-service law firm, and currently are focusing on wills and probate, divorce and family law, contracts, corporations, personal injury, health law, and real estate law. The offices of Files & Jeroslow are located at 778 Roosevelt Trail, Windham, ME 04062; phone (207) 892-0229.

**Meredith Trammell** was elected to the Tallahassee Bar Association Young Lawyers Division

Board of Directors. She is currently an Assistant State Attorney in the Felony Division of the State Attorney's Office in Tallahassee.

'96

**Klayton Foster Fennell** has been promoted to Senior Analyst/Witness for AT&T - Western Region, with responsibility for guiding intrastate regulatory, legislative and judicial activity associated with local access cost optimization in that region. He can be reached at AT&T, 1875 Lawrence St., Suite 1071, Denver, CO 80202; phone (303) 298-6245.

**Gregory W. Files** and Bruce Jeroslow'95 have opened their law practice in Windham, Maine. They hope to establish a full-service law firm, and currently are focusing on wills and probate, divorce and family law, contracts, corporations, personal injury, health law, and

real estate law. The offices of Files & Jeroslow are located at 778 Roosevelt Trail, Windham, ME 04062; phone (207) 892-0229.

'97

**Steven M. Millsap** has joined the Richmond, Virginia, office of Wright, Robinson, Osthimer & Tatum, as an associate on the products liability team. The firm's address is 411 East Franklin St., Suite 400,



Gregory W. Files

**WE NEED YOUR HELP!!**

The law school's Office of Advancement and Alumni Affairs is in the process of converting to a new alumni database system. Please help us to provide you with the best service possible by taking a minute to complete the form below. Send it to the Office of Advancement and Alumni Affairs, College of Law, FSU, Tallahassee, FL 32306-1601, or FAX it to us at (850) 644-2510. Thank you.

Preferred Mailing Address \_\_\_\_\_

Home  Office (check one)

Preferred Salutation: \_\_\_\_\_  
(e.g., John H. Smith, Esq., The Honorable Jane Smith, etc.)

Preferred Name: \_\_\_\_\_  
(e.g., Johnny, Judge Smith, etc.)

Practice Area(s): \_\_\_\_\_



Richmond, VA 23219; phone (804) 783-1100.

**C. Gene Shipley** has become associated with the law firm of Zimmerman, Shuffield, Kiser & Sutcliffe, P.A., in their offices at Landmark Center One, Suite 600, 315 East Robinson St., Orlando, FL 32802. His areas of concentration include commercial and civil litigation.

'98

**Krista Nowel Flowers** is a staff attorney at Jacksonville Area Legal Aid, Inc., with the Child Victim Rapid Response School Program, which offers referral services and emergency legal assistance to children who have been victimized. She can be reached at 126 West Adams St., Jacksonville, FL 32202; phone (904) 356-8371.

**Jaret J. Fuente** has become associated with the law firm of Baval Bush & Sisco in their offices at First Union Center, 100 South Ashley Dr., Suite

2100, Tampa, FL 33602. He will concentrate his practice in the areas of long-term care and medical malpractice defense as well as commercial and general civil litigation.

**Martha Mann's** 1999 *FSU Law Review* note was cited by a Florida Supreme Court opinion handed down in November.

'99

**Iris M. DuBois** is with McConnaughay, Duffy, Coonrod, Pope & Weaver in their offices at 1800 Second St., Suite 954, Sarasota, FL 34236.

**Stephen E. Morse** has joined the law firm of Hill Reis Adams Hall & Shieffelin as an associate in their offices at 1417 East Concord St., Orlando, FL 32853; phone (407) 8960426.

**Jennifer L. Phillips** has joined the law firm of Hill Reis Adams Hall & Shieffelin as an associ-



Medea Poole



Jessica Kirkwood

ate in their offices at 1417 East Concord St., Orlando, FL 32853; phone (407) 8960426.

**Medea Poole** is at Gray, Harris & Robinson, P.A., in Orlando, practicing in the firm's real estate department.

**Michael W. Haber** has joined the law firm of Fowler, White, Gillen, Boggs, Villareal and Banker, P.A., as an associate. He is also a Certified Public Accountant, and will practice in the firm's business and cor-

porate department.

**Jessica Kirkwood** has joined the firm of Gray, Harris & Robinson, P.A., in Orlando, as an associate in the litigation department.

**Jennifer Kolinsky** has taken a position with Brown, Terrell, Hogan, Ellis, McLamma & Yegelwel, P.A., in their offices in the Blackstone Building, Suite 804, 233 East Bay St., Jacksonville, FL 32202.

## **Alicia Gunter, Yasmin Smith** **Join the Office of Advancement** **and Alumni Affairs**

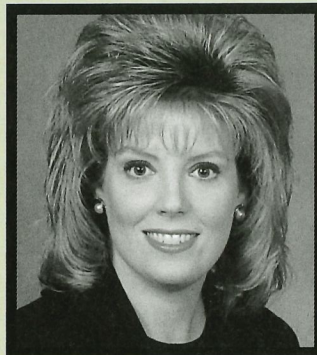
**A**licia Gunter has been appointed Assistant Director of Advancement and Alumni Affairs for the College of Law.

Gunter, who holds a Bachelor's degree from Queens College in North Carolina and a Masters from Florida State, was Director of Development for the University of Florida College of Nursing before coming in FSU.

Prior to that, she was Director of Annual Programs at Christopher Newport University in Newport News, Virginia, and a Development Assistant at the FSU Foundation.

Also joining the law school's advancement and alumni affairs as program assistant is Yasmin Smith. A native of St. Petersburg, Smith is working on her second degree in MIS from FSU. ■

Gunter



Smith



# RELATIONSHIPS ARE ENDURING ASSETS

**L**ife's most important decisions revolve around the relationships we cherish. Relationships span time and touch future generations. Put simply, everything else will come and go, but in the heart of a relationship lies the seed of a legacy. With proper planning, you can use your financial assets to create a legacy for both your family and The Florida State University College of Law.

When talking to our alumni and friends, we often focus on areas of immediate import, such as the College's current needs, our national academic standing, or faculty accomplishments. But the truth is, that there is a more enduring need, which is those relationships that are the richly colored threads that become the finely woven fabric that is The Florida State University College of Law.

## WILLS: CRITICAL COMMUNICATION TOOLS

Though we often think of it in a much different light, the last will and testament is a critical communication tool. It is the final opportunity to convey specific ideas and values. Properly crafted, this communication is not only the recognition of the many relationships nurtured during a lifetime but the expression of very specific wishes on some practical matters. This final communication can touch the friends, family, and institutions that played an important part in one's life. It can become a powerful key to communicating the importance of relationships.

Yet, each year approximately 70 percent of American adults die without taking the opportunity to address their visions and dreams through a will. This continues to astound observers, especially in light of the decisions that are left to the court in the absence of a last will and testament. Even in cases where there may be no property distribution issues, the will conveys specific wishes and instructions for:

- Naming an executor to marshal together the assets of the estate and facilitate timely distribution of those assets;
- Naming of a guardian for any minor children in the event of death of both parents;
- Giving specific gifts to children, grandchildren, friends, or other loved ones;
- Making specific transfers to charity; and
- Avoiding the unnecessary expense to the estate of having to post a bond or pay excessive taxes.

## USING YOUR WILL TO FORGE NEW RELATIONSHIPS

In addition to providing very practical communication to your family and friends, a will makes it possible to forge new relationships and change the shape of the future. For centuries, individuals have relied on the last will and testament as a forum

for expressing philanthropic wishes. Through this support for qualified charitable organizations like The Florida State University Foundation, Inc. on behalf of The Florida State University College of Law, it is possible to invest in meaningful relationships and touch the lives of generations to come.

The most common form of philanthropic expression is the charitable bequest. The bequest is almost legendary in its impact on American charities. It literally has changed the landscape of our communities in ways that touch each of us daily.

A bequest may be as general or as specific as the donor wishes. The will may designate a dollar amount, a percentage of the estate, or even a particular asset as a charitable bequest. The purpose for which the bequest is to be used can also be stated in the will. For example, those who include The Florida State University College of Law in their wills may choose to establish an endowment or add to an existing endowment. Endowment gifts will continue in perpetuity as a valuable source of funding for scholarships, faculty retention, enhancing library reserves and collections, or maintenance of aging facilities. Naming the endowment is a wonderful way to honor an individual or family.

Testamentary planning for any gift that becomes effective after death should meet the donor's wishes and remain as flexible as possible. With careful attention, a plan can be constructed that meets the donor's objectives while often creating a substantial savings on costs and taxes. Such a plan can represent a powerful reflection of the relationships established by the donor during his or her lifetime.

While we include suggested bequest language in each issue of the *FSULaw* magazine, we want to ensure that each donor's specific charitable purpose will be carried out individually at the College of Law. For this reason, we encourage you to contact one of the University Development Officers listed below. ■

**Please contact:** Debra Hulse, Director of Major Gifts, College of Law, Florida State University, Tallahassee, FL 32306-1601, phone: (850) 644-5160; fax: (850) 644-2510; email: [dhulse@law.fsu.edu](mailto:dhulse@law.fsu.edu), or, Paula S. Fortunatas, Vice President for Planned Giving, Florida State University Foundation, Inc., 225 University Center, Building C, Suite 3100, Florida State University, Tallahassee, FL 32306-2660; phone: (850) 644-0761; fax: (850) 644-6211 email: [pfortunatas@foundation.fsu.edu](mailto:pfortunatas@foundation.fsu.edu)



**Debra Hulse**  
College of Law Director  
of Major Gifts



IN MEMORIAM

**Curtis Billingsley**, a 1975 graduate, died on September 7, 1999, in Clearwater.

**Zane Leeper**, a 1974 College of Law graduate, died in Tallahassee, September 15. He was a native of West Virginia. Before his retirement in 1989 he was a legislative analyst with the Florida Legislature. He was 76.

**John S. Miller Jr.**, a member of the College of Law's 1969 charter class, died January 2, in Tallahassee. He was 63. He was general counsel for McKenzie Tank Lines and had previously served as general counsel for Florida Department of Health and Rehabilitative Services, and senior partner and founder of Roberts, Miller, Baggett, LaFace, Richard & Wisner Law Firm and as executive director of the Judicial Council of Florida from 1965 to 1969. He was a charter member of the FSU President's Club, and a member of the Tallahassee Bar, Florida Bar and American Bar Association. Memorial contributions may be made to Angie Deeb Cancer Unit, c/o Tallahassee Memorial Foundation.

**Allen Paul**, a 1982 graduate of the College of Law, died January 4 after an extended illness. He also held a Ph.D. in Oceanography.

**Robin Young**, a 1992 graduate of the College of Law, died at her home in Orlando on July 3, 1999. She was employed by The Florida Bar office in Orlando, and previously had worked in the Orange-Osceola Public Defender's Office.

MEMORIAL GIFTS

One of the most gracious ways to honor the memory of beloved family members, friends or colleagues, is to make a gift in their name. Memorial gifts of this kind are deeply appreciated at the Florida State University College of Law and add greatly to the school's annual fund.

When making a memorial gift, please indicate by letter and on the check the person being honored and send it to:

**OFFICE OF THE DEAN**  
 Florida State University  
 College of Law  
 425 West Jefferson Street  
 Tallahassee, FL  
 32306-1601

The gift will be acknowledged both to the donor and the honoree's family. For questions concerning memorial gifts, please contact Alicia Gunter in the College of Law's Office of Advancement and Alumni Affairs at (850) 644-0231 or (800) 788-7097.



**FSU Lawyers for a new millennium**

**JOE D'ANNUNZIO** (top photo), on right, one of the law school's oldest graduates at age 74, was the first lawyer sworn into membership of The Florida Bar in 2000. He receives the honor on the morning of January 1, 2000, at the home of **FLORIDA SUPREME COURT CHIEF JUSTICE MAJOR HARDING**. Below, **CAROL LAYMAN** is sworn in on the law school's Village Green by her favorite professor, **PAULO ANNINO**, with **SANDRA VELAZQUEZ** serving as witness.



# Homecoming 1999

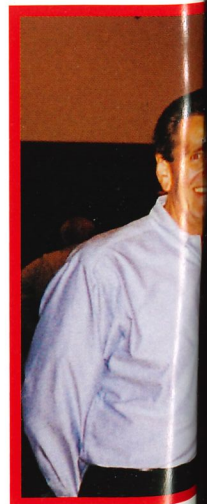
## THE 1999 HOMECOMING

WEEKEND, FRIDAY, OCTOBER 16, AND SATURDAY, OCTOBER 17, WAS HIGHLIGHTED BY THE 30TH REUNION OF THE COLLEGE OF LAW'S FIRST CLASS. A SPECIAL RECEPTION FOR ALUMNI WHO ATTENDED CLASSES IN THE LONGMIRE BUILDING, THE LAW SCHOOL'S FIRST HOME, WAS HELD IN THE BETH MOOR LOUNGE OF THE LONGMIRE BUILDING.

OTHER CLASSES HOLDING REUNIONS ON FRIDAY WERE 1974, 1979 AND 1989. ON SATURDAY, ALUMNI ENJOYED A VARIETY OF ACTIVITIES INCLUDING A TAILGATE PARTY ON THE LAW SCHOOL'S VILLAGE GREEN PRIOR TO FSU'S HOMECOMING FOOTBALL GAME WITH WAKE FOREST.



Photos by David Humphries  
and Stephen Watts '69









## KEYNOTE ADDRESS

TO THE FLORIDA STATE UNIVERSITY COLLEGE  
OF LAW, CLASS OF 2002 [ORIENTATION WEEK, 1999]



# Martha Stewart, Braveheart, Dr. Frankenstein Your New Roles in



**BY TAHIRIH V. LEE**  
ASSOCIATE PROFESSOR

I have been asked to give you an overview of the American legal system in fifty-five minutes. I think the administration chose me for this lecture because I teach Civil Procedure, and Civil Procedure is the closest law school comes to an overview course. It helped, too, that I promised not to sing. Actually, you probably do not yet know that the FSU law faculty has distinguished itself in the area of musical performance. It has the greatest concentration of musical talent of any law faculty in the country. You will find out more about this well-guarded secret as the year progresses.

Anyway, perhaps as a gracious gesture to welcome me into the fold, I was invited to sing for a class last semester. The identity of this class will remain anonymous. All I can say is, I am lucky to be here today addressing you and preparing to enter a new semester with you.

Since I am so fortunate to be here, I hope to make the most of this opportunity to talk to you today. I have been asked to put my own twist on this overview of the American legal system. In my training and professional work I spend most of my time trying to understand what law is in another part of the world. This part of the world is so different from ours, that I continually run up against the question of "what is law?" Is the Bankruptcy Law of China really law, when there are almost no courts equipped to try bankruptcy cases, and no





and Toto Too:

# American Society

concept of failing to pay bills when they come due because the government subsidizes industry and the banking system? If I say yes, this is still law, then I am forced to consider how to justify my conclusion. What makes something “law”?

My overview today is colored by this broad perspective that my work gives me. I want especially, in this overview, to give you a sense of where you, as budding lawyers, fit into the American legal system. What roles in American society can you play when you become a lawyer?

My father, who graduated from the University of Wisconsin Law School in 1939, reminded me the other night of something one of my law professors said at my law school graduation. (I did not remember what my law professor said—that tells you something about who graduation ceremonies are for). My law professor, Harold Koh, said that the legal profession is an entree to opportunities to serve. He called everyone to return to their home communities and serve the people there.

These are wise words indeed. I am sure I could not have understood how wise they were that day. But my father, who had been out of law school for fifty-one years, could.

I did not return to my home community of Whitefish Bay, Wisconsin, and I am not sure that everyone is called to go back to the place of their birth. But I believe that there is no higher calling than to serve. Whichever community you choose to become a part

of after law school, your fulfillment and your success lie in serving it. Not in taking from it, or using it, but placing yourself at the service of the people in it who most need your help.

Your law degree opens up many more ways to serve it than you had before. Why? To answer this you need to know something more about what law is. What is law that it can open up so many avenues of service to you?

Believe it or not, nobody knows what law is. Despite the fact that some of the greatest minds known to mankind have strained earnestly for centuries to come up with a definition, they have failed. And if you think you are going to hear me try to come up with a definition here today, think again.

But I do find it useful to think about law in terms of images of what it is. These images do not individually capture all that law is, but each one gives a glimpse into an aspect of what law does.

1. Law as a tool for solving problems.
2. Law as a weapon for fighting battles.
3. Law as a flawed invention of human effort—like a Frankenstein monster, or a Ford Pinto or a Microsoft Windows Operating System. It is never perfect, always needs tinkering.
4. Law as a cloak for authority, a legitimizer of authority.

Let’s take each one of these separately for a moment and see how they make lawyers helpful to others.





*Discovery is a good example of how active lawyers are in the process of litigation.*

### **Law as Problem-Solving Tool: Lawyer as Martha Stewart.**

**L**aw can be viewed as a way to solve society's problems. Problems come in infinite varieties, but no problem is too trivial for the intervention of a practical-minded problem-solver. Martha Stewart typifies, for American society in particular, the earnest and pragmatic person whose thirst for fixing what is broken never slakes. Lawyers play this omnipresent type of role in American society.

Disputes are problems in every society. You already know this, just from daily life. Or, if you are blessed enough to be free of contention in your own life, you know that disputes are a problem from reading the newspapers or watching the Jerry Springer Show.

One example of law as a tool for solving problems is its role in resolving disputes. Courts make themselves available to people whose disagreements have grown so intractable, they are willing to pay large fees to lawyers and courts to do something about them. Usually what these disputants want is vindication, and they figure that, a declaration in public by an official body that they are right, will provide them with that vindication. A sizeable compensatory damages award wouldn't hurt either. Particularly if it were augmented by an award for punitive damages that exceeded the compensatory damages by a factor of twenty.

You can see from this chart that litigation is a complex process. And this chart is a *gross simplification* of the process of litigation. It is not unusual for litigants who chose to go to court for vindication and perhaps a monetary award to wind up regretting their decision once they encounter the complexity of litigation. Lawsuits may get bogged down in "satellite litigation," squabbles over the process itself. The longer these sideshows go on, the farther they take the parties from the merits of the case, namely, the question of who was

right and who was wrong. Selecting litigation precisely to enmesh an opponent in such messiness—and a costly messiness it is too—is one of the most prevalent abuses of litigation in the United States.

In the 1990s, lots of Americans are saying that people in the United States place too much emphasis upon litigation as a way to solve problems. The insurance industry has spent a great deal of money to back them up, targeting especially state legislatures who are in the best position to change tort law, the area of law in which juries award the most punitive damages. Lots of Americans disagree that current levels of litigation are hurting the United States, arguing that courts provide leveler playing fields than do the other methods of dealing with disputes, which are conducted behind closed doors and leave no public record. Defenders of litigation argue also that victims who are shunted from judge to mediator or arbitrator lose any hope they might have had to change the law with a new court ruling.

There is little debate, however, that litigation in the United States is more adversarial than litigation elsewhere, because we permit lawyers to do most of the work of processing a case. In almost every other place, judges do most of the work. If you want an idea of how passive judges are in the United States, consider the ten phases in the life of a lawsuit in the United States (bear in mind that the phases are different everywhere else). Only phases six and seven, summary judgment and pretrial conferences *MAY* be initiated by a judge. But the parties may also initiate phases six and seven, so there is no phase of litigation that is the exclusive purview of the judge. It is up to the parties to initiate the first phase, the event that leads to the lawsuit (well, this is probably true everywhere!); the second phase, which is filing a complaint; the third phase, pre-answer motions; the fourth phase, the answer; and the fifth phase, discovery, the most important phase of the lawsuit.

Discovery is a good example of how active lawyers are in the process of litigation. Lawyers engineer all of it. They select and depose the witnesses, they draw up and send the interrogatories, they identify the documents and places and things that they will inspect or obtain copies of, they arrange for physical or mental examinations to be conducted on plaintiffs who place their physical or mental conditions at issue. The court gets involved only if the parties have a dispute over discovery. Such a dispute might arise



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when a party refuses to answer a question put to them by opposing counsel during a deposition, on the ground that the question is “offensive.” Even here, judges are reluctant to step in. In particular, judges who try to discourage “satellite litigation” may tell the parties to work it out amongst themselves. Parties discourage judicial intervention in these squabbles when they fail to get into the record any evidence of the offending action.

As for phase eight, trial, the judge may not set a trial date unless the parties request it, nor can federal judges force parties to settle, thereby depriving them of their day in court if they desire one. The judge can rule on legal issues which may dispose of the case before trial, but it is up to the parties to bring to the attention of the court most kinds of these legal issues.

Even the ninth phase, judgment, is not determined or delivered solely, in all cases, by a judge. All criminal trials and many civil trials involve a jury. It is the jury that hands down the verdict in a criminal trial, and the verdict controls the range within which the judge can sentence a convicted defendant. It is the jury that decides whether a civil defendant is liable, and if so, how much in damages he must pay.

Since the late 1970s, a vanguard of law professors, judges, and politicians have been trying to make the legal system of this country less adversarial. They have deployed several strategies to accomplish this. As one strategy, they developed programs to train lawyers and others to be professional mediators and to publicize the work they do. A second strategy instituted pilot programs in state and federal courts which encourage, and in some cases require, litigants to use mediators or arbitrators instead of judges to process their dispute. In many places, these pilot programs blossomed into full-blown, permanent features of these courts. A third strategy involved changing the Federal Rules of Civil Procedure to encourage parties in federal court to settle and to seek the help of mediators or arbitrators to achieve settlement.

Florida pioneered innovations designed to expand the use of mediation and arbitration. Today, Florida has in force several of the most extensive laws regulating non-litigious methods of resolving disputes of any state. “Alternative Dispute Resolution” is the term that is most widely used to refer to all of the methods for resolving disputes that depart from litigation.



## 2. **Law as Weapon: Lawyer as Braveheart.**

Picture Mel Gibson. His face streaked in blue warpaint. Hair flying. Neck veins bulging. Looking thus terrifying, he cried out in “Braveheart” a mantra

for lawyers who help people fight their battles: “You have come to fight as free men, and free men you are....tell our enemies that they may take our lives but they’ll never take our freedom!”

This battle cry might sound a bit overstated for people in navy pinstriped suits, but it is apt for litigators. People hire litigators to fight their battles for them, and these battles, particularly once they reach litigation, can deeply stir the passions of those with something at stake.

This stirring speech is even more apt for litigators in the United States than it is for their counterparts in England. Why? Two words: contingent fee. Only Canada and the United States, as far I know, permit lawyers to work for nothing up front, in civil cases, in exchange for a percentage of the damages award should they win a settlement or court award.

By making it financially feasible for lawyers to work for people with little money, the contingent fee has helped make lawyers our heroes. Names like Jan Schlichtmann in “A Civil Action,” Rudy Baylor in the “Rainmaker,” and dozens of others, occupy a lofty place in the pantheon of American good-guys. Even without contingent fees, lawyers in American lore are portrayed as heroic. Atticus Finch in “To Kill a Mockingbird” worked for no fee at all, because he took up Tom Robinson’s defense on a *pro bono* basis. And though he failed to win an acquittal for his client, despite an obvious lack of incriminating evidence, Finch’s battle for justice



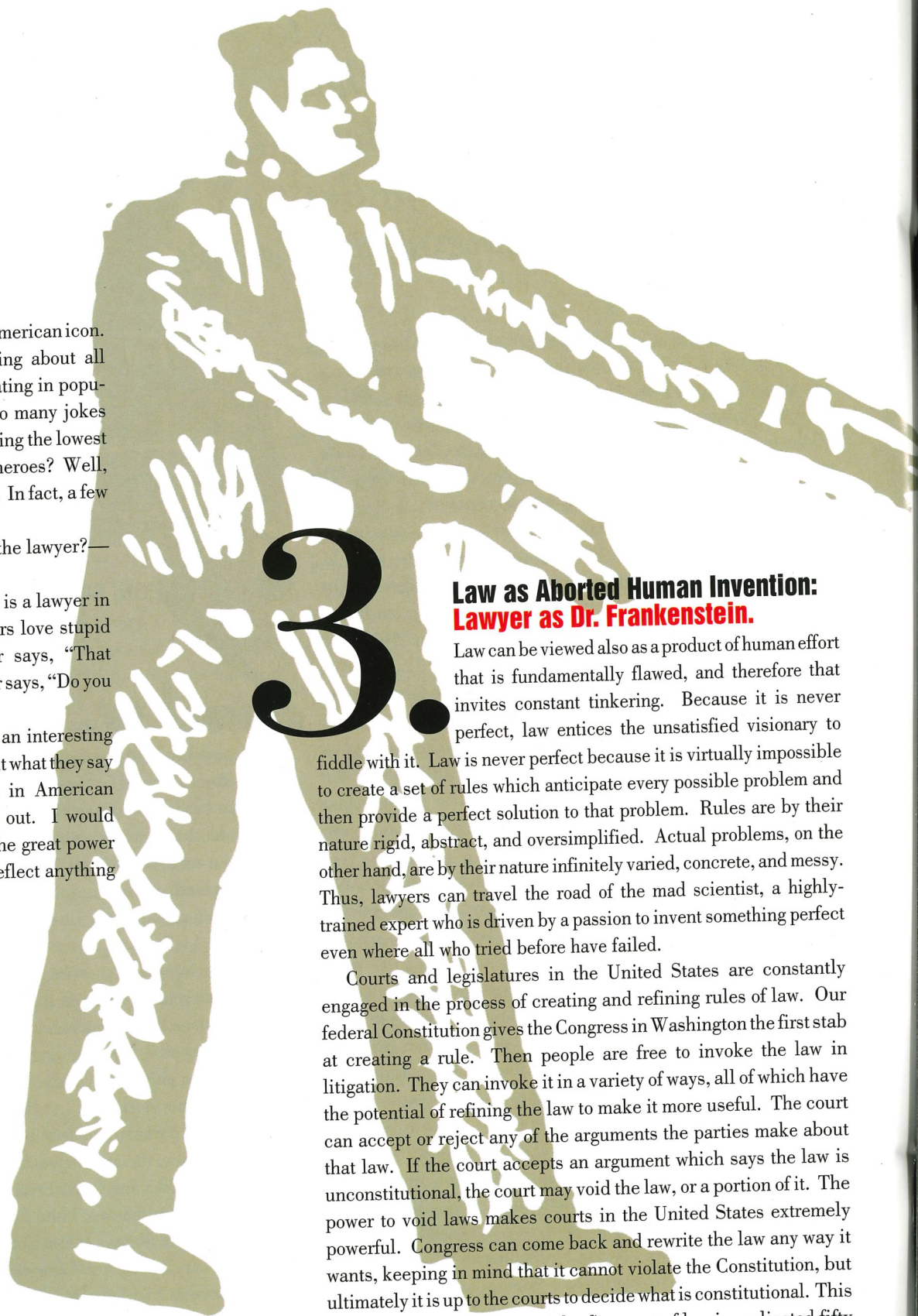
against all odds made him an American icon.

You are probably wondering about all those bad lawyer jokes circulating in popular American culture. Why so many jokes that portray lawyers as occupying the lowest rung of society if they are our heroes? Well, I am well aware of these jokes. In fact, a few of them are funny.

“Why didn’t Dracula bite the lawyer?—Professional courtesy.”

Lawyer says to client, who is a lawyer in prison awaiting trial, “Lawyers love stupid juries.” Imprisoned lawyer says, “That doesn’t seem fair.” His lawyer says, “Do you want peers or not?”<sup>1</sup>

These jabs at lawyers are an interesting sociological phenomenon. But what they say about the status of lawyers in American society is not easy to figure out. I would suggest that they recognize the great power of lawyers as much as they reflect anything else.



### **Law as Aborted Human Invention: Lawyer as Dr. Frankenstein.**

Law can be viewed also as a product of human effort that is fundamentally flawed, and therefore that invites constant tinkering. Because it is never perfect, law entices the unsatisfied visionary to fiddle with it. Law is never perfect because it is virtually impossible to create a set of rules which anticipate every possible problem and then provide a perfect solution to that problem. Rules are by their nature rigid, abstract, and oversimplified. Actual problems, on the other hand, are by their nature infinitely varied, concrete, and messy. Thus, lawyers can travel the road of the mad scientist, a highly-trained expert who is driven by a passion to invent something perfect even where all who tried before have failed.

Courts and legislatures in the United States are constantly engaged in the process of creating and refining rules of law. Our federal Constitution gives the Congress in Washington the first stab at creating a rule. Then people are free to invoke the law in litigation. They can invoke it in a variety of ways, all of which have the potential of refining the law to make it more useful. The court can accept or reject any of the arguments the parties make about that law. If the court accepts an argument which says the law is unconstitutional, the court may void the law, or a portion of it. The power to void laws makes courts in the United States extremely powerful. Congress can come back and rewrite the law any way it wants, keeping in mind that it cannot violate the Constitution, but ultimately it is up to the courts to decide what is constitutional. This oscillation in the creation and refinement of law is replicated fifty times within each of the states, whose own legislatures and court systems bandy laws from one to the other. And so the process of



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creating law continues *ad infinitum*, as the question of what is good law bounces back and forth between legislatures and courts.

Lawyers are the ones who frame the arguments that courts accept and turn into rulings. When we say it is up to the courts to decide what is constitutional in this country, we must remember that these courts are passive. They are empowered merely to accept or reject the arguments brought to them by lawyers. This means that lawyers who litigate are the primary engineers of legal change. This instrumental position is deeply entrenched in the American legal system. Our Federal Rules of Civil Procedure go so far as to protect lawyers from punishment if they make arguments that prove not be supportable in existing law.<sup>2</sup>

So, lawyers in the United States are empowered to make arguments that tinker with laws and try to improve upon what the legislatures have done. With the exception of Europe and Hong Kong, no other place that I am aware of permits lawyers to do this. And as of June 26, 1999, lawyers in Hong Kong can make these arguments, but if they do, they trigger an interpretation on the issue by the national legislature of China—a process that denies the Hong Kong courts the power to accept or reject these arguments.

That is not to say that the power of lawyers and courts in the United States is unlimited. Jurisdictional rules limit their power. There are four important kinds of jurisdictional rules in the United States: those concerning 1) “Appellate Jurisdiction,” 2) “Subject Matter Jurisdiction,” 3) “Territorial Jurisdiction,” and 4) “Personal Jurisdiction.” You will learn about all of these except possibly appellate jurisdiction in Civil Procedure this semester.

Court systems around the world usually are divided into first-instance courts and appellate courts. First-instance courts are courts in which a case commences (where the parties first go to file their civil claims, or where the prosecutor tries a criminal case). Appellate courts are courts which lie above the first-instance courts in a hierarchy of courts. There may be several levels of appellate courts, as there are in both the state and federal systems of courts in the United States.

Our government has devised rules of “Appellate Jurisdiction” which limit the power of appellate courts, of both the state and federal systems, to hear cases and certain issues within cases. The rule that appellate courts cannot decide questions of fact further limits their power.

We have also devised rules of jurisdiction which limit the power of first-instance courts. You can see that the County Courts, which are the lowest rung of the Florida state court system, cannot try claims worth more than \$15,000. This type of limitation is called a “Subject Matter Jurisdiction” rule. The subject matter jurisdiction of the first-instance federal court for most federal cases, the Federal District Court, is even more limited than those of first-instance state courts. In civil cases, Federal District Courts can take only those which present a federal question or which are worth more than \$75,000 and whose parties’ state citizenship is diverse.

Any map of the federal appellate court system will show that federal appellate courts are limited by territory as well. We are in the 11th Federal Circuit here in Florida. That means that any lawsuits that start in Federal District Court in Florida can go up on appeal only to the United States Court of Appeals for the 11th Circuit. Territory is also a way to limit state courts’ jurisdiction.

The Supreme Court of the United States has for over a hundred years used the concept of territory to limit the “Personal Jurisdiction” of first instance courts, both state and federal. In a string of famous and complicated cases, it has ruled that courts cannot reach out beyond their territories to try defendants who do not have “minimum contacts” to the forum state. Incidentally, though the minimum contacts doctrine is rooted in a nineteenth century conception of territory as the definer of human identity and circumscriber of human activity, the doctrine has grown to accommodate the increasing mobility of people and their transcendence of territorial boundaries.

Do not assume that the more complicated the rules about jurisdiction, the less power or status lawyers have. In fact, the opposite is probably true. The more complicated jurisdictional rules are, the more work there is for lawyers to do to sort it all out. Although it seems out of the question now, you too will grow to love the never-ending hair-splitting that you can do with the jurisdictional rules you will learn in Civil Procedure.

Just the fact that the United States runs both a federal court system and a state court system, and gives each a measure of independence from the other, creates excruciating complications that don’t plague countries where there is only a single court system. These complications alone are enough to keep all of you in business for several lifetimes.



# 4

## Law as Cloak: Lawyer as Toto.

We consider statutes and judicial opinions to constitute law, but if their existence on the printed page becomes too distant from morality or reality, then the logic or order that they represent may function as a cloak to cover the arbitrary exercise of power. In this way, law legitimizes authority that might wither if exposed to the light of day, the way Toto exposed the Wizard's humanity by pulling aside the curtain of his control booth in "The Wizard of Oz."

A classic example of law cloaking the abuse of power is a string of decisions in cases of runaway slaves by judges in the north during the early nineteenth century. In these cases, judges who were self-proclaimed abolitionists sentenced runaway slaves to be returned to their masters. The judges attempted to justify their rulings by portraying themselves, in these very rulings, as the victims. They said it pained them to order the return of these people to slavery, but their (the judges') hands were chained by the law. You can almost hear, in the words of Chief Justice Shaw of the Massachusetts Supreme Judicial Court, the rustling sound of the mantle as it spreads its look of legitimacy:

"[I] probably felt as much sympathy for the person in custody as others, but this was a case in which an appeal to natural rights and to the paramount law of liberty was not pertinent! It was to be decided by the Constitution...and by the Law of Congress....These were to be obeyed, however disagreeable to our natural sympathies or views of duty."<sup>3</sup>

China provides some other examples of law as cloak. Legislatures and government agencies have enacted volumes of laws and regulations during the last twenty years, but almost none of them have been implemented. Filing cabinets full of printed laws sit gathering dust in judicial chambers. Does this lack of impact of the law show that the government is trying to fool everyone into believing that China has a legal system, when in fact, it does not? Do none of those thousands of laws on paper constrain any official action?

Even if none of these laws limited the exercise of power, there may be no insidious government plot behind this. Their lack of

impact might be the result of inefficiency in the organization and dissemination of the laws to law-enforcement officials. It might reflect underfunding of the court system. Ask any prosecutor, and she will tell you that it is easier to make a law than to enforce it.

Perhaps law is not crucial even to American society. Some legal sociologists have argued that people do not need law to order their affairs. Stewart Macaulay, for example, discovered that most contracting occurs outside the reach of contract law. When people get together to negotiate and sign a contract, the product reflects their mutual agreement, not law. Contracts do not cite contract statutes or cases.<sup>4</sup> In the words of others who study multinational transactions, contractors create their own law. They create not "the law of contract," but "the law of *the* contract."

But at some point inefficiency and ineffectiveness may be willful on the lawmakers' part, the sign of a strategy to create something on paper that does not exist in fact, but which attempts to hide abuses of their power. If law can become nothing more than a cloak to hide the exercise of raw power by governments, or others, then of what use are lawyers? Are they not just pawns of the system, doomed to be sucked into the vortex of arbitrary decisions by the government's leaders?

On the contrary. Where lawmakers create laws primarily to cover up the actual lawlessness of their actions, no one can see through the manipulation of law better than a lawyer. So, in these places and situations, lawyers have plenty of work to do, and there



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is no one better at doing it. Who better to show that the emperor has no clothes than the person who studied these clothes for three years?

I caution you not to assume that any of these images of law are complete or universally appropriate. The English legal historian E. P. Thompson, spurred by his Marxist leanings, attempted to uncover an example of a law created by the wealthy classes to oppress the poor classes. He thought he had found it in the Black Act, an English statute of the sixteenth century, which called for the death penalty for over fifty kinds of offenses that involved efforts to procure food or fuel, mainly by hunting, gathering, or planting, from land not owned by the offender. With many hungry and cold people owning little or no land in England at the time, it is easy to see why Thompson thought he had found his example. For five years he toiled in dusty documents to try to prove that this statute systematically oppressed poor people at the expense of the rich. Astoundingly, at the end of it all, he was forced to conclude that it did not. He found, instead, that the statute was so erratically and inefficiently enforced and ran up against so much countervailing law and customary norms, that it did not hinder poor people much in their attempts to survive in their unfavorable circumstances.<sup>5</sup>

So, law can be thought of using at least four images, each one of which captures one aspect of the way law works. And for each image of law, there is a companion image of the lawyer. From this we see that lawyers play at least four different roles in American society, from the practical problem-solver, to the passionate warrior; from the mad scientist, to the cheeky unmasker. Now that you have some sense of each of these ways you can serve your community as a lawyer, I would like to mention a phenomenon peculiar to American culture that makes you all the more effective whichever way you find yourself serving.

You are getting a law degree that will entitle you to practice law somewhere in the United States. The United States is a special place in the world in many ways. One way it is special is that the predominant culture views law as highly distinct from the rest of society. In other words, many of us consider law to be separate from politics, from business, even from morals. By contrast, in China, for example, law is deeply embedded in the rest of society. Law is considered to be synonymous with the current policy of the Chinese Communist Party. And people feel morally justified if they disregard the law in order help friends and family. There is a strong sense of loyalty to personal relationships, but little sense of loyalty to an

abstract rule imposed by the government. Law is not special or authoritative by itself.

What does the distinctiveness of law from the rest of society mean to you, as someone who can practice law in the United States? It means that law is empowered as a tool, or as a weapon, or as an admittedly imperfect invention. Law takes on a life, an authority, all its own. Law is deified. It can persuade where everything else fails.

For example, if you use the symbol of a weapon to represent law, and you compare law in the United States to law in China, you would see a .22 caliber pistol in China and a Tomahawk cruise missile in the United States. This is not to say that China as a nation or as a culture is weaker than the United States. China is rich in many ways, in some ways richer than the United States. In the contrast between the pistol and the cruise missile I mean to demonstrate a contrast in the power of the two legal systems and in the role of lawyers in them. In the United States, you can be a more useful Martha Stewart, a more ferocious Braveheart, a more exacting Dr. Frankenstein, and a more dogged Toto.

You have been very attentive and patient today, especially since this is your third day of being talked at. I want to leave you time for a little break before you launch into how to brief a case. So I am going to wrap up now.

Let me end by saying a few final words about community. And this is not a graduation speech, so I expect you to remember these words. In my own career as a lawyer who works on cases that span the globe, and as a law professor who has responsibilities to people all around the world, no one is more important to me than the people in the community that I have chosen to live. You are my community. My highest calling is to serve you. I consider it the noblest of callings. So don't hesitate to call upon me. ■

<sup>1</sup>"The Wizard of Id," *Tallahassee Democrat*, Wednesday, August 19, 1999.

<sup>2</sup>Federal Rules of Civil Procedure, Rule 11(b)(2) (1999).

<sup>3</sup>Robert M. Cover, *Justice Accused* 169 (New Haven, CT: Yale University Press, 1975).

<sup>4</sup>Stewart Macaulay, "Non-Contractual Relations in Business: A Preliminary Study," 28 *Am. Soc. Rev.* 55 (1963).

<sup>5</sup>E.P. Thompson, *Whigs and Hunters: The Origin of the Black Act* (New York, New York: Pantheon, 1975).



FACULTY NOTES

**Paolo Annino's** article, "The New IDEA Regulations: The Next Step in Improving the Quality of Special Education," appears in *23 Mental & Physical Disability Law Reporter* 439 (May/June 1999).

**Rob Atkinson** was the featured guest speaker at the fall retreat of the Florida Chapter of the American Academy of Matrimonial Lawyers at Ponte Vedra Beach in October. His topic was "The Meaning of the Professionalism Movement for Matrimonial Lawyers." He also participated in the November Retreat of The Florida Supreme Court Commission on Professionalism. His "Comment on Steve Lubet, Reconstructing Atticus Finch" appears in *97 Michigan Law Review* 1370 (1999). He reviewed the book *Lawyering in Law's Republic: William Simon's The Practice of Justice: A Theory of Lawyers' Ethics* in *85 Virginia Law Review* 1501 (1999). His paper "Lucifer's Fiasco: Lawyers, Liars, and L'Affaire Lewinsky," was published in the *Fordham Law Review*, Vol. 68, No. 567 (1999). Another paper, "Brer Rabbit Professionalism: A Homily on Moral Heroes and Lawyerly Mores," was published in the *Florida State Law Review*, Vol. 27, No. 137 (1999).

**Margaret Baldwin's** article "A Million Dollars and an Apology: Prostitution and Public Benefits Claims" was published in *10 Hastings Women's Law Journal* 189 (1999).

**Barbara Banoff** made a presentation on Fiduciary Duties in Florida Limited Liability Companies, at a Florida Bar Continuing Legal Education Program in Miami in November.

**Barbara Busharis** wrote "The Long Road to Victory: Access to Adoption Files Is Ruled Constitutional in Tennessee" in the January/February issue of *Adoptive Families*.

**Donna Christie** wrote "The Conservation and Management of Stocks Located Solely Within the Exclusive Economic Zone 395" in *Developments in International Fisheries Law*, Ellen Hey, ed. (Kluwer Law International 1999).

**Ruth Ezell** has revised a chapter of the Florida Bar's continuing legal education series training book on Juvenile Delinquency and Dependency. The chapter is "The History and Philosophy of the Juvenile Court."

**Frank Garcia's** recent article, "The Global Market and Human Rights: Trading Away the Human Rights Principle," appeared in *25 Brooklyn Journal of International Law* 51 (1999). He also published the article "The Integration of Smaller Economies into the FTAA," in *Kluwer's 5 NAFTA: Law & Business. Review of the Americas* 221 (1999). His book review on Fernando Teson's *A Philosophy of International Law* was published in *93 American Journal of International Law* 746 (1999). He also delivered a paper "The Problem of Inequality and U.S.-Latin American Trade" in January as part of the University of Houston Law Center's Faculty Enrichment Series.

**Larry Garvin's** article entitled "The Changed (and Changing?) Uniform Commercial Code," appeared in *26 Florida State Law Review* 285 (1999).

**Steve Gey** has published an article, "Why Rubbish Matters: The Neoconservative Underpinnings of Social Constructionist Theory," in *83 Minne-*

*sota Law Review* 1707 (1999).

**Elwin Griffith's** article "The Transition Between Suspension of Deportation and Cancellation of Removal for Nonpermanent Residents Under the Immigration and Nationality Act: The Impact of the 1996 Reform Legislation," was published in the *48 Drake Law Review* 79 (1999).

**Adam J. Hirsch's** "Trusts for Purposes: Policy, Ambiguity, and Anomaly in the Uniform Laws," was published in *26 Florida State Law Review* 913 (1999). His article "The Problem of the Insolvent Heir," published in the *74 Cornell Law Review* 587 (1989) was favorably cited by the U.S. Supreme Court in *Drye v. U.S.*, 120 S.Ct. 474 (1999).

**Glen Kaplan**, the law school's coordinator of computing services, made two presentations in Atlanta in July to the Judicial Section of the American Bar Association on web sites for courts, including a discussion of the reasons for building court web sites and services that such sites can provide.

**Larry Krieger** published a column entitled "Go Forth and Prosper: The Ten Commandments of Externships" in *The Law Teacher* (Spring 1999). In addition, he wrote the lead article in the fall 1999 issue of *Journal of Law and Health*, "What We're Not Telling Law Students." He also initiated a new listserv discussion group for law teachers and administrators titled "Humanizing Legal Education" in the fall.

**Paul LeBel** has published an article, "Toward Justice in Tobacco Policymaking: A Critique of Hanson and Logue and an Alternative Approach to the Costs of Cigarettes," which he

co-authored with Professor Richard Ausness, in *33 Georgia Law Review* (Spring 1999). He presented a faculty colloquium in October at the University of South Carolina School of Law titled "You Can't Say That": The Tobacco Industry and Premature Death. He also organized a symposium in February at the University of Richmond, where he is a Visiting Professor of Law for the 1999-2000 academic year. The symposium was entitled Tobacco Litigation: New Directions for a New Millennium, and included participants from federal and state government, the public interest advocacy community, and academics. His commentary entitled "Beyond Litigation: A New Direction for Tobacco Policy" is published in the Spring 2000 issue of the Richmond Law magazine.

**Tahirih Lee** has published "Mixing River Water and Well Water: The Harmonization of Hong Kong and PRC Law," in *30 Loyola University Chicago Law Journal* 627 (1999). In November, she made a presentation on International Law at the St. Thomas More Catholic Church in Tallahassee.

**Jarret Oeltjen** published the year 2000 updates to *West's Florida Uniform Commercial Code Forms* (2000).

**David Powell** has been making presentations around the state on Florida's new elective share statute. In September, he spoke in Miami and Tampa at Florida Bar CLE courses on Will and Trust Drafting, at the Florida Academy of Trusts & Estates Counsel annual meeting in Orlando, and at the North East Florida Estate Planning Council in Jacksonville. He also was a speaker at the North West Florida Estate Planning Council in Pensacola in November,



and at a December meeting of the Out-of-State Practitioners Division of the Florida Bar in New York. He also conducted a program in early January on Basic Tax Drafting at the Thirty-Fourth Annual Philip E. Heckerling Institute on Estate Planning in Miami.

**Bryan Pugh** presented a talk titled "The Nuts and Bolts of Labor Arbitration in the University Setting," in Tallahassee, to the staff of the General Counsel at the Florida Board of Regents, in December.

**Jim Rossi** co-presented a paper at a World Bank Conference on Private Infrastructure for Development, in Rome, Italy, in September, entitled "Takings Law and Infrastructure Investment: Certainty, Flexibility and Compensation." (His co-author, Professor Susan Rose-Ackerman of Yale Law School, spoke at the College of Law in November as a Ball Chair lecturer.) On his way home, from Italy, he made a detour to Asheville, N.C., where he presented a paper entitled "ALJ Final Orders on

Appeal: Balancing Independence with Accountability," at the National Association of Administrative Law Judges' Silver Anniversary Annual Meeting. His article "Institutional Design and the Lingering Legacy of Antifederalist Separation of Powers Ideals in the States," was published in 52 *Vanderbilt Law Review* 1167 (1999). He also wrote "Hamstringing State Agency Authority to Promulgate Rules: A Questionable Way to Improve Environmental Regulation," published in 29 *Environmental Law Reporter* 10735 (Environmental Law Institute, 1999).

**J.B. Ruhl's** "The Endangered Species Act and Private Property: A Matter of Timing and Location," appeared in 8 *Cornell Journal of Law and Public Policy* 37 (1998). In November he made a presentation, "Professionalism and Ethics in Practicing Administrative Law," to a Conference on Natural Resources & Environmental Administrative Law and Procedure, sponsored by the Rocky

Mountain Mineral Law Foundation in Denver, Colorado.

**Ed Schroeder** received the Southeastern Chapter of the American Association of Law Libraries' 1999 Service to SEAALL Award, at the annual meeting in April. The award recognizes sustained and special service to the Chapter. A member of the Chapter since 1969, Schroeder has served over the years as the association's president and vice-president and has chaired many committees and made numerous presentations at its annual meetings and workshops.

**Mark Seidenfeld** presented a talk on "Recent Developments in Administrative Law: Rulemaking," in Washington, D.C., at the fall meeting of the American Bar Association Section on Administrative Law. His article entitled "Bending the Rules: Flexible Regulation and Constraints on Agency Discretion" appeared in 51 *Administration Law Review* 429 (1999).

**Lois Shepherd** made a presentation on "Suffering and the Physician-Assisted Suicide Cases," at the Pepper Institute on Aging, in

Tallahassee, in October. She also spoke on "Emerging Issues at the End of Life" for the Health Law Section of the Florida Bar Association at its annual meeting in July in Boca Raton, and on "Racial and Ethnic Disparities in Access to Health Care" at the Tallahassee Race Relations Summit in January.

**Don Weidner** made a presentation on "Fiduciary and Related Rights and Obligations in Florida Limited Liability Companies" at a continuing legal education program sponsored by The Florida Bar in Tampa in November, and participated in the annual Retreat of The Florida Supreme Court Commission on Professionalism.

**John F. Yetter** spoke on evidence law at the Conference of County Court Judges of Florida in Melbourne in January. Also in January, he spoke at the judicial investiture of FSU College of Law alumnus Vincent Torpy as circuit judge in the Eighteenth Judicial Circuit of Florida.

## Gey and Stern named to professorships

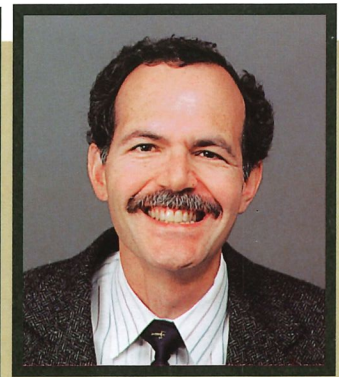
College of Law Dean Donald Weidner has appointed two long-time faculty members to named professorships. Nat Stern assumes the title of John and Ashley Frost Professor while Steve Gey becomes the Fonvielle Hinkle Professor of Litigation.

Stern, a 1979 graduate of Harvard Law School, joined the FSU law faculty in 1981. Stern, who has written extensively on federal constitutional issues teaches Federal Constitutional Law, American Legal History and Supreme Court Roleplay Seminar. He served as associate dean during the 1998-1999 academic year.

Gey is a 1982 graduate of Columbia University School of Law and has been a member of the College of Law faculty since 1985. A constitutional law scholar, he has authored numerous articles and books on freedom of religion and speech issues. He teaches Constitutional Law, First Amendment, Cyber Law, Injunctions and Church and State Seminar.



Steve Gey



Nat Stern



COLLEGE NOTES

**Dispute Resolution Society teams sweep the field**

The law school's Dispute Resolution Society (DRS) placed both of its 1L teams in the final round of the Client Counseling Regional Competition hosted by FSU, February 19. In the championship round, the team of Pam Hudson and Shannon Callaghan defeated the team of Brian Miller and Robbie Friendman. Hudson and Callaghan will represent FSU at the National Client Counseling Competition March 9-11 in DeKalb, Illinois.

In November, the FSU DRS sent two teams to the regional ABA Law Student Division Negotiation Competition held at the University

of Richmond Law School. Both teams were made up of first-year students: Brian Miller and Robert Friedman and Carlos Moore and DeWayne Pearson. Miller and Friedman made it to the Final Four in the competition among twenty teams from a dozen schools, and Moore and Pearson were defeated only by last year's winner of the competition. Legal Writing Instructor Angela Shelley is the DRS faculty sponsor.

**Moot Court makes a strong showing**

The Moot Court Team of David Gagnon and Heidi Hobbs finished second in a field of 20 teams in last spring's Gabrielli Family Law Competition held in Albany, New York. Barbara Busharis was the team coach. Team members Sia Baker, Serita Duhart and Georgiana Holmes competed at the New York University Law School's Robert F. Wagner, Sr. National Labor & Employment Law Moot Court Competition in New York City. All three were quarterfinalists, competing against 37 teams, with Holmes named Best Preliminary Round Oral Advocate. Ann McGinley was the team coach.

Moot Court Team members Tina Ann Dampf and Sean Nelson were octofinalists at the Dean Jerome Prince Memorial Evidence Moot Court Competition, sponsored by the Brooklyn Law School. Professor John Yetter was team coach.

On October 8, the FSU team hosted its annual Final Four Competition before the Florida Supreme Court. Competitors Autumn Beck, Braden Boucheck, Zachary Grabill, and Jennifer Littleton argued a family law problem with two issues. First, they challenged whether relocation of a couple's children to a distant state would be in the best interests of the children, and secondly, they ar-



**Four FSU Moot Court members competed in the annual intermural competition before the Florida Supreme Court. From left to right, Justice Anstead, Jennifer Littleton, Justice Shaw, Braden Boucheck, Justice Lewis, Zach Grabill, Justice Quince and Autumn Beck. Jennifer Littleton won the "Best Oralist" award in the competition.**

gued over the proper custody of eight frozen embryos. Justices Shaw, Anstead, Quince and Lewis, who sat as the fictional Supreme Court of New Scotland, praised the contestants for their excellent work. At a reception in the College of Law rotunda following the competition, a representative from Holland & Knight, the team's sponsor firm, presented the Best Oralist award to Jennifer Littleton.

Two teams attended this year's Florida Workers' Compensation competition. Sean Nelson and Alicia Westhoff emerged the winners after their final round with the University of Florida team, also winning Best Brief. The second team of Dion Moniz and Nicholas Christopolis were semifinalists, with Christopolis named Best Oralist.

**Mock Trial**

The Mock Trial team of Jessica Kirkwoon, Kyle Mitchell, Tiffany Eggers and Lourdes Bernal made the semi-finals at the ATLA Competition. Ruth Ezell was coach and Chuck

Ehrhardt and Suzanne Rowe judged practice rounds.

Congratulations to all the students who participated in the Mock Trial Team's Final Round. In the order of their appearance, they are Mike Marshall, Vickie Gomez, Amy Pietrodangelo, Tom Robes, Brian Usery, Jonathan Oliff, Cameron Thurber, Eric Dickey, Autumn Beck, Amy Dobey, Michelle Campbell, Evgenia Khankhasayev, Ashley Smith, Jeffrey Bankowitz, M. Rayne, David Perry, Josh Toman, Michael Rabinowitz, Chris Walters, Dennis Newman, Cristin White, Matt Reardon, Kevin O'Brien, Loi-Natalie Lang, Sylvia Mora, Jason Hill, Tionis Dawes, Ricardo Calzada, H. Ketema and Casia Belk.

In late November the team attended the William Daniels Competition in Atlanta. Faculty advisor Ruth Ezell reported that the team, composed of Lourdes Bernal, Tiffany Eggers, Ignacio Garcia, Erin Gremillion, Sean Keefe, Michael Rabinowitz, Francisco Touron, and C. Erica White, placed fifth out of twenty



**Sharon Booker named Admissions Director**

**S**haron Booker has been named law school admissions director, replacing Marie Capshew, who relocated to Nebraska last summer.

Booker, who holds a masters degree in public administration from FSU, has served as assistant admissions director since 1995.



teams. Sean Keefe was co-winner of the Best Advocate award. Tallahassee Judge Terry Lewis, and Tallahassee attorneys Matt Willard, Alan Denis, Gina Smith, Randy Murrell, Tom Kirwan and Matt Foster helped the team prepare for the competition.

**Editorial Boards Named**

The 1999-2000 executive and editorial boards are in place. The *Journal of Land Use & Environmental Law* editor in chief is Amy Voigt, with Erin Cuzzort and Mara Levy named the executive editors. In other positions are Wes Wheeler, research editor; Brittany Adams, associate editor; and Dustin Stephenson, administrative editor.

The *Law Review* membership elected a new editorial board for Volume 27. Kris K. Hughes is the editor in chief and Ileana Cruz and J. Bart McNeil are the executive editors. Cliff W. Mayhall was named legislative editor; Laurie Dietz Jones, Edgar (Chip) Stanton and Patricia A. Worrell, articles editors; John A. Moore, writing and research editor; Alicia R. Westhoff, senior articles editor; S. Brent Spain, administrative editor; and Richard Caron, Lorelei Cisne, Dennis Newman and Kimberly Sharkey were selected to be notes and comments editors.

**Board and Team Members and Officers Announced**

The 1999-2000 Executive Boards for several campus organizations have been announced. The Black Law Students Association officers are P. Andrea Richardson, president; Jabari Prempeh, vice president; Sonya Miller, secretary; Jennesia Primas, treasurer and Georgiana Holmes, member-at-large.

Officers of the Dispute Resolution Society are Josh Toman, president; Ryan Dugan, vice



**John and Jeannette Webb of Norcross, Georgia were honored Saturday, November 13, in recognition of the \$100,000 commitment establishing the John A. and C. Jeannette Webb Memorial Fund. The Webb's gift will provide scholarships to married students and veterans. Participating in the ceremony in the law school Rotunda were Dean Don Weidner and Professor Larry Garvin, chairperson of the admissions committee.**

president for competitions; Stafford Shealy, vice president for events; Jason Hill, treasurer and Sharon Traxler, public relations officer.

The new members of the Moot Court team are Autumn Beck, Sharron Bidwell, Braden Boucek, Rocco Cafaro, Jeanie Demshar, Zack Grabill, Kristie Hatcher, Jennifer Littleton, Michael Mardis, Sonya Miller, Jonathan Oliff, Leonardo Ortiz, Komal Patel, Karusha Sharpe and Joshua Toman.

Steve Graham, Carlos Moore, Kelly Moss and Tom Mote were elected the 1999-2000 Student Bar Association first-year representatives.

**Writing Award**

Third-year student Bryan Jordan won first place in the 1999 Dean Frank E. Maloney Memorial Writing Contest held by the Environmental & Land Use Law Section of The Florida

Bar. The contest was open to all students of Florida law schools. Jordan accepted the award in August, at the Section's annual update, at Amelia Island. "I was thrilled to be the winner, and very proud to represent FSU College of Law before the Section's membership," said Jordan.

**White takes National Post**

Cristin Erica White has been appointed treasurer of the National Black Law Students Association.

**Ervin Chair Seminar**

FSU law students were invited to attend Solicitor General Tom Warner's Ervin Chair Seminar on September 28 to hear guest speakers Bob Butterworth, Florida's Attorney General, and former Attorney General and Chief Justice Richard Ervin. Justice Ervin offered some insights into

his role as Attorney General, major changes in Florida law, and the role of the Supreme Court regarding evaluation of constitutional issues and separation of powers. Attorney General Butterworth spoke about current issues facing his office.

**Ball Chair Lectures**

Professor Richard Bilder of the University of Wisconsin Law School presented the 1999-2000 year's first lecture in the Edward Ball Chair in International Law lecture series. His talk on September 30 was titled "Kosovo and the 'New Interventionism': Promise or Peril?"

Professor Susan Rose-Ackerman, Henry R. Luce Professor of Jurisprudence at Yale Law School and Yale University Department of Political Science, presented another of the 1999 Ball Chair lectures on November 19. The title of her talk was "The Law and Economics of Corruption." Professor Rose-Ackerman, also co-director of Yale's Center for Law, Economics and Public Policy, has served as a research scholar with the World Bank, advising developing countries regarding their approaches to regulation. A widely cited expert on topics including federalism, takings, comparative law, nonprofit institutions, and administrative law, she is the author of many books on law, economics, and political science, including, most recently, *Corruption and Good Government: Causes, Consequences, and Strategies for Reform* (1999).

**Board of Visitors Member will lead ABA**

Tallahassee attorney Martha Barnett has been elected American Bar Association president-elect. She has served on the FSU College of Law's Board of Visitors since 1995.



# ANNUAL REPORT

THE 1998-99 ANNUAL REPORT OF THE FLORIDA STATE  
UNIVERSITY COLLEGE OF LAW INCLUDES ALL GIFTS  
RECEIVED DURING THE FISCAL YEAR THAT BEGAN  
JULY 1, 1997 AND ENDED JUNE 30, 1999.

## **SUMMARY OF CONTRIBUTIONS (Through 6/30/99)**

<b>Restricted Gifts &amp; Pledges</b>	<b>\$1,218,000</b>
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<b>Annual Fund Gifts &amp; Book Awards</b>	<b>209,500</b>
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<b>TOTAL GIFTS AND PLEDGES</b>	<b>\$1,427,500</b>
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## College of Law's Major Endowments

*Reports on the Law School's  
Major Endowed Programs*

### EDWARD BALL EMINENT SCHOLAR CHAIR IN INTERNATIONAL LAW

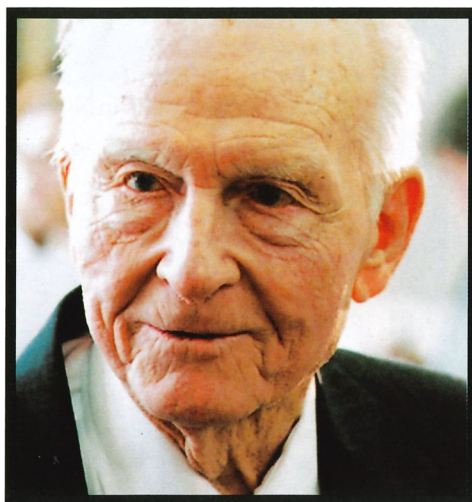
**T**he Edward Ball Eminent Scholar Chair in International Law was established in 1986 to help provide practical legal solutions to world problems. Ed Ball, the late Jacksonville businessman, appreciated Florida's unique position in the transnational community and believed that specialists in international law should be trained in the state.

Since its founding the Chair has sponsored guest lectures, symposia, publications, and other activities designed to promote the preparation of law students to practice in international law. The Chair also provides funds to support the *Journal of Transnational Law and Policy*, produced by second- and third-year students at the College of Law.

Frederick Abbott will assume the chair beginning in fall, 2000. Past holders of the Edward Ball Eminent Scholar Chair have included the late Richard B. Lillich, Jordan Paust, Gabriel Wilner and Thomas M. Kirbo.

### RICHARD ERVIN EMINENT SCHOLAR CHAIR

**F**lorida Attorney General Bob Butterworth and FSU President and former dean of the College of Law Sandy D'Alemberte announced the endowment of the Ervin Eminent Scholar Chair in



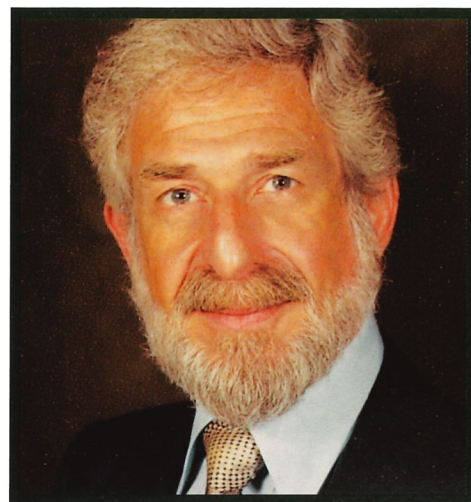
**Richard Ervin**

March 1998. To endow the Ervin Chair, Butterworth helped to direct a major gift to FSU of private and public matching funds amounting to \$1.75 million. Named for Richard Ervin, former Florida Attorney General and Supreme Court Justice, the chair is filled by an eminent appellate practitioner who serves as both Visiting Professor of Law in the College and Solicitor General of Florida. Tom Warner currently holds the Ervin Chair.

Based on the federal model, the Solicitor General is the Attorney General's chief appellate attorney charged with arguing major cases that have critical implications for state policy. Most of these cases are argued before the Florida Supreme Court in Tallahassee and the United States Supreme Court. Income from the endowment funds research fellowships for students who work with the Solicitor General and supports additional programs in the College that relate to the public law agenda of this position.

### TOBIAS SIMON EMINENT SCHOLAR CHAIR IN PUBLIC LAW

**T**he Tobias Simon Eminent Scholar Chair in Public Law was created in 1987 with an endowment by the late Ucola Collier Katzentine, one of Simon's long-



**Tobias Simon**

time friends and clients. Simon was a tireless civil rights attorney, a crusader for prison reform, and a respected appellate authority who served as a visiting professor at the College from 1974 until 1976. The Chair enables the College to bring distinguished civil libertarians to campus for the benefit of students, faculty, and the community.

Since the Chair's establishment, Simon Chair visitors have included Derrick Bell, Harvard Law School; Jack Boger, University of North Carolina Law School; Steve Bright, Southern Center for Human Rights; Janell Byrd, NAACP Legal Defense and Educational Fund; Norman Dorsen, New York University Law School; Martha Field, Harvard Law School; Kent Greenawalt, Columbia Law School; Jack Greenberg, Columbia Law School; Marjorie Heins, American Civil Liberties Union; George Kendall, N.A.A.C.P. Legal Defense Fund; Randall Kennedy, Harvard Law School; Barry Lynn, Americans United for Separation of Church and State; Deborah Rhode, Stanford University Law School; Elizabeth Schneider, Brooklyn Law School; Mike Tigar, University of Texas Law School.





### FONVIELLE & HINKLE LITIGATION PROFESSORSHIP

**T**allahassee layers David Fonvielle and Don Hinkle have pledged to enlarge a professorship endowment they had established in 1996 (see article page 4). When matched with state funds, the Fonvielle & Hinkle Professorship in Litigation will be a \$500,000 endowment. A number of FSU graduates are members of Fonvielle and Hinkle's firm, which specializes in plaintiffs' personal injury litigation. Partners C. David Fonvielle III '72 and Donald Mark Hinkle '80 acknowledged the gift as both an appreciation of the excellent foundation in the law they received as students and a recognition of their ongoing involvement in FSU and the College of Law.

The firm's gift will be made over a five-year period and will be complemented by state matching funds. The interest on the endowment is used as a salary supplement for the Fonvielle & Hinkle Professor. Fonvielle, who serves on the College of Law's Board of Visitors, said he hoped that the gift would prompt other firms to make

a similar commitment to the College.

Dean Donald Weidner appointed College of Law Professor Steve Gey to the Fonvielle Hinkle Professorship in November.

### WAYNE HOGAN ENDOWMENT IN CIVIL TRIAL JUSTICE

**J**acksonville trial lawyer and 1972 graduate Wayne Hogan made a \$250,000 gift to the College to promote study and greater understanding of the history, function and importance of the American system of civil trial justice. The endowment will be used to bring distinguished guest speakers in the area of civil trial justice to the College and to support faculty research and professional involvement in civil trial justice issues.

The Hogan Endowment also will provide permanent financial support for activities of the College's mock trial team and will support an annual E. Earle Zehmer Memorial Competition in conjunction



**Elizabeth Atkinson**

with the Academy of Florida Trial Lawyers Research and Education Foundation. Earle Zehmer, a mentor for Hogan when he was starting out in Jacksonville, was a trial lawyer and later a judge. He was "dedicated to the law and to the idea that good trial lawyering can help assure that disputes among people are justly solved," said Hogan. Zehmer died in 1996.

Wayne Hogan is a partner in the firm of Brown, Terrell, Hogan, Ellis, McClamma & Yegelwel, where he specializes in the field of product liability and toxic torts.

## The Endowed Professorship Program

**M**embers of our faculty have distinguished themselves both nationally and internationally as leaders in their respective areas of expertise. They are represented through articles published in prestigious legal publications and are invited as speakers and panelists at continuing legal education programs and conferences to address issues of vital national and global importance.

With only small annual salary increases mandated by the State Legislature making it difficult to attract and retain professors, the law school seeks alternative means of support. One method to accomplish this is through gifts to establish endowed professorships. These endowed professorships are an excellent way to reward outstanding scholarship in a given field and to sustain that scholarship through salary supplements and research support.

The College of Law thus is seeking gifts of \$100,000 to endow professorships. The State of Florida, recognizing the positive impact that such private gifts can make on its universities, will match each such gift to the College with \$50,000 through its Major Gift Challenge Program, providing a total endowment to the law school of \$150,000. For such a gift, an annual payment schedule of up to five years can be arranged.

For more information about the Endowed Professorship Program, contact Dean Don Weidner at (850) 655-3071, or Debra Hulse, Director of Advancement and Alumni Affairs, at (850) 644-5160. ■

### ELIZABETH C. AND CLYDE W. ATKINSON PROFESSORSHIP

**T**he College of Law's first fully funded endowed professorship by a single gift was made possible by a 1992 gift from Elizabeth C. Atkinson. The Elizabeth C. and Clyde W. Atkinson Professorship was funded through a \$100,000 gift, part of a larger donation given to the University by Mrs. Atkinson and her daughter and son-in-law, Sara and Ted Rodrique. With \$50,000 in additional state matching funds, the Professorship was established to give important recognition and encouragement to an exceptional senior faculty member. Interest on the endowment is applied as a salary supplement for the faculty member holding the professorship.

The Atkinsons were longtime residents of Tallahassee, where they were active in civic organizations. Mrs. Atkinson was an alumna of the Florida State College for



Women and her husband had a long career in law.

Donna R. Christie was named Elizabeth C. and Clyde W. Atkinson Professor of Law in 1995 and continues to hold the position in the College.

### **PATRICIA A. DORE STATE ADMINISTRATIVE LAW PROFESSORSHIP**

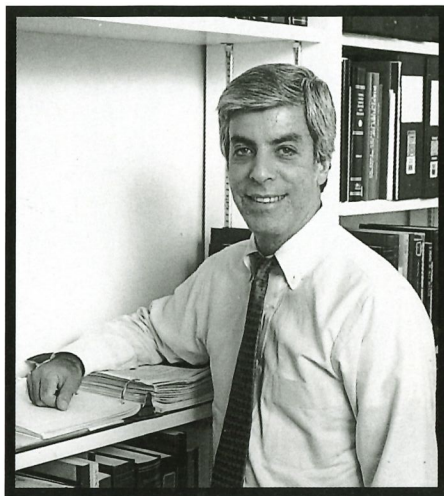
**E**ndowment of the professorship honoring Pat Dore was initiated by the Administrative Law Section of The Florida Bar and completed with major gifts from colleagues and friends, including former students Gary Pajcic '72 and Elizabeth McArthur '82. The professorship is awarded to a faculty member teaching and conducting research in the area of Florida administrative law.

Pat Dore, a widely known and highly respected expert on Florida administrative law, served on the law school faculty from 1970 until her death in January 1992. She served as a consultant to the 1978 Constitutional Revision Commission, drafting Section 23, Article I, known as the "privacy amendment," and played a key role in the development and enactment of the state's Administrative Procedures Act.

Jim Rossi was named the first Pat Dore Professor in the College in 1996. Besides teaching Florida Administrative Procedure, Rossi was charged with carrying on Dore's important work and continuing her engagement with Florida lawyers active in the area of administrative law.

### **JOHN W. AND ASHLEY E. FROST PROFESSORSHIP**

**C**harter class of 1969 graduate John W. Frost II in 1993 became the first alumnus to establish an endowed professorship in the College. His \$100,000 endowment drew an additional \$50,000 in state matching funds. The Bartow attorney, who is a member of the College's Board of Visitors, concentrates in the areas of plaintiffs personal injury and commercial litigation. Frost did not designate a specific area of law for the professorship, asking only that the law school use the money to continue



**Steve Goldstein**

"to attract outstanding faculty to the College and to keep the great faculty already there." The professorship was renamed to include Frost's daughter, Ashley E. Frost, a 1994 graduate of the College of Law. In 1996 John Frost became the first College of Law graduate to serve as president of The Florida Bar. Before leaving Tallahassee in 1999 for Tampa, Ashley Frost served as Assistant Director of the law school's office of Advancement and Alumni Affairs and later as Director of Placement Services.

### **STEVEN M. GOLDSTEIN PUBLIC INTEREST PROFESSORSHIP**

**W**ith the goal of assuring the continuation of Steve Goldstein's work at the College, the Steven M. Goldstein Endowed Professorship was created in 1995.

The Florida Bar Foundation made a gift of \$300,000 to endow the professorship at the College for someone to "be like Steve." The professorship will carry his name and will be used to support the efforts of a professor who will carry on Goldstein's important work at the College of Law.

A member of the faculty from 1974 and associate dean at the time of his death in 1994, Goldstein was a strong advocate for students. In addition, he held an impressive record of scholarship, lectured widely on criminal law and death penalty issues before bar groups and worked innumerable hours to provide representation to those in need of it, including unpopular

clients such as death-sentenced individuals.

A faculty committee, chaired by Charles Ehrhardt conducted a national search for candidates in the public interest practice area. The committee named Scott Sundby of Washington & Lee Law School as the first Steven M. Goldstein Professor.

## *The Book Award Program*

**T**he College of Law's Book Award program provides important discretionary funds for a variety of critical

law school needs. Besides helping fund financial aid for deserving students and emergency student loans, Book Award funds make possible special enrichment programs, such as the College's summer program for undergraduate students. Book Award proceeds also support student organizations such as Moot Court and Mock Trial and law school functions such as graduations, receptions and alumni reunions.

The program enables individuals and law firms to sponsor specific law courses by agreeing to make an annual contribution of \$2,000 or more for five years. Each student who receives an award receives a cash prize and carries the name of the Book Award as a credential for life.

Book Awards are fully tax deductible, and payments can be made on a schedule convenient to the sponsor. For more information about the Book Awards program, contact Alicia Gunter, Assistant Director of Advancement and Alumni Affairs, at (850) 644-0231. ■



## MASON LADD PROFESSORSHIP

**T**he campaign to endow the Mason Ladd Endowed Professorship in Evidence began in 1987 and was completed in 1994 with a major gift from the Florida Workers' Compensation Institute. Named for the College's founding dean, the professorship was created to stand as a lasting tribute to Mason Ladd's drive and vision during the law school's formative years.

Ladd began his short but significant three-year deanship at Florida State in 1966 after an almost-50-year career on the law faculty and as dean of the Iowa College of Law. A nationally recognized scholar of evidence, Ladd's textbook, *Cases and Materials in Evidence*, was a mainstay in many American law school curriculums and his legal scholarship was widely cited. Ladd continues to have a profound impact on those who knew him as dean and then as professor of evidence. He was the dominant force in the education of hundreds of FSU's earliest law graduates.

It is fitting that Charles Ehrhardt serve as



**Mason Ladd**

Mason Ladd Professor. Ehrhardt, a fellow Iowan whom Ladd recruited in 1967, is author of *Florida Rules of Evidence*, a definitive text on the subject, and is a sought-after lecturer and presenter to professional groups. Besides teaching federal rules of evidence to judges in all twelve federal judicial circuits,

he is a regular lecturer at the the National Judicial College, in Reno, Nevada, where his students have included United States Supreme Court Justices.

## RUDEN MCCLOSKEY, SMITH, SCHUSTER & RUSSELL, P.A. PROFESSORSHIP

**T**he Fort Lauderdale-based firm of Ruden McCloskey, Smith, Schuster & Russell, P.A. in 1995 redirected an earlier gift (based on original plans for the Village Green Project) to endow a professorship at the College. The gift qualifies for matching state funds. Terence Russell '69, a partner in the firm, said that he arranged the switch of funds toward establishing the professorship "to provide a more direct benefit to the College." With offices in Tallahassee, Miami, Naples, and Sarasota, this general service commercial firm, with an emphasis in complex commercial litigation, numbers several College of Law graduates among its members.

## The College of Law's Momentum Fund

**T**hree decades of a rich academic tradition and accomplishments attracts highly qualified applicants to the Florida State University College of Law. A superb faculty and the extraordinary educational opportunities presented by our location in the capital city further enhance this law school's promise of a rewarding and satisfying professional career. Recruitment and retention of the finest students is hampered, however, by the inability of the College to offer scholarship assistance at the level of other top law schools. Competitive scholarship funding will enable the law school to achieve the next tier of excellence in the profile of its student body, leading to even greater recognition for its graduates.

In fulfillment of the immediate need to enhance the financial assistance available to our students, the College of Law is seeking gifts of \$25,000 from individuals or firms to fund multi-year scholarships. The non-endowed scholarships will be funded by annual payments of \$5,000 per year to the College of Law Annual Fund campaign over five years.

We have set as our goal to fund ten of these scholarships each academic year. Students selected from each entering class will receive a scholarship in the amount of \$5,000 per year for three years. The remaining funds donated that are not included in the

scholarship will be used to support research assistance stipends paid to College of Law students engaged in scholarly research at the direction of the faculty.

"Everyone ought to take this opportunity to give something back to the College," said John Frost II, the first alumnus to sponsor one of the scholarships. "This is an amount that many of us can afford, and it's a great way to give something directly to students, to help them in their endeavors," he added. "It's an excellent idea."

Selection of the students to receive the scholarships will be made by the law school's Financial Aid Committee on the basis of a prospective law student's potential. Receipt of the scholarship beyond the first year will be contingent on satisfactory classroom performance. In the event that a recipient fails to maintain satisfactory performance, the College of Law will designate another student from the same class to receive the scholarship.

Donors to the Momentum Fund will be acknowledged in the law school's Annual Report, with a recognition of the student recipient holding a scholarship in the name of the donor, and other recognition appropriate to the gift.

For more information about the scholarship program, contact Dean Don Weidner, at (850) 644-3071, or Debra Hulse, Director of Major Gifts, at (850) 644-5160. ■



### STEARNS WEAVER MILLER WESSLER ALHADEFF & SITTERSON, P.A. PROFESSORSHIP

**G**ift of Eugene E. Stearns '72 and his Miami-based firm of Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A. have pledged to endow a professorship at the College of Law bearing the name of the firm. The contribution, made over five years, will qualify for state matching funds.

Stearns, a member of the College's Board of Visitors, is the chairman of the firm's litigation department. Several FSU law graduates practice with the general service commercial firm, which also has offices in Fort Lauderdale and Tampa.

Said Stearns of his firm's contribution, "These gifts are absolutely critical to building a program of national distinction.

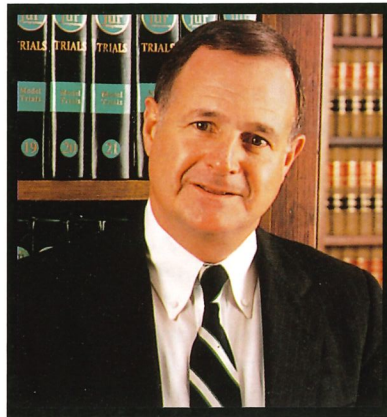
### TALBOT D'ALEMBERTE PROFESSORSHIP

**A** gift to be made over a ten-year period from Steel Hector & Davis, LLP, one of Florida's largest law firms, will be used to establish a professorship named for Talbot "Sandy" D'Alemberte. Until his 1994 appointment as FSU president, D'Alemberte, a former College of Law dean, was a partner with the firm. Interest from the endowment will be used to supplement the salary of an outstanding faculty member. A number of FSU College of Law alumni practice at Steel Hector & Davis, including recent Alumni Association President Peter Kramer, who also is a member of the College of Law's Board of Visitors.

### THE AUSLEY FUND

**T**allahassee attorney Dubose (Duby) Ausley established a fund in 1992 to provide stipends to second-year students while they are completing their law review writing requirement. Acknowledging that writing and research are essential for law students and that writing of this caliber is a substantial undertaking, Ausley Fund grants offer some financial support.

Each spring semester six second-year students are selected to receive the one-



**Dubose Ausley**

time stipend of \$1,275, which comes with the designation of "Ausley Scholar." Recipients may write on a topic of their choice. They must work with the *Law Review* advisor and writing and research editor to develop a schedule for the semester, and they must complete a paper of publishable quality. With the submission of the outline, the student receives half the stipend; the rest is awarded upon completion of the paper.

A committee in the law school headed by Ruth Witherspoon, the Associate Dean for Student Affairs, evaluates the applications and makes recommendations to Ausley, based on originality of the topic and the amount of thought, preparation and research already invested in it.

More than forty Ausley Scholars have benefitted from these grants, as has the *FSU Law Review*.

### STEVEN M. GOLDSTEIN MEMORIAL FUND,

**T**he Steven M. Goldstein Memorial Fund was created in 1995 to assure the continuation of Steve Goldstein's work at the College and in the legal community. The Goldstein family has donated \$100,000 in scholarship monies, which have been added to the scholarship endowment gift of \$100,000 contributed by Robert G. Kerrigan '71. Other friends and admirers of Goldstein also have made gifts to the memorial fund. Interest on the endowment is awarded as scholarships to students who will work with the Goldstein Professor.

## First Ladd Scholarship Is Awarded

**J**ason Greg Williams has been given the designation of Ladd Scholar, and receives the first scholarship awarded under a fund created by the daughter and son-in-law of Mason Ladd, Florida State University College of Law's founding dean.

The \$20,000 gift of Mary Ladd Loots and Robert J. Loots of Milwaukee is part of the Mason Ladd Endowed Professorship and will provide a \$1,000 annual scholarship to the law student member of the Mason Ladd Chapter of Phi Delta Phi with the highest academic average at the end of the second year of law school. The recipient will be further honored as the Mason Ladd Merit Scholar.

The Loots' family gift was made on the 100th anniversary of Ladd's birth. "This gift recognizes how vitally important Mason Ladd is in the history of our law school," says Dean Don Weidner. "The faculty and alumni continue to have great affection for Mason Ladd. It is gratifying to know that his family feels the same about the law school."

Ladd served as FSU law dean from 1966 until 1969. Prior to coming to Tallahassee, he was on the faculty of the University of Iowa College of Law for almost fifty years, the last twenty-seven as dean. A nationally recognized scholar of evidence, Ladd's textbook, *Cases and Materials in Evidence*, was a mainstay in many American law school curriculums. His legal scholarship has been cited by courts across the country, including the United States Supreme Court.

Chuck Ehrhardt, a former student of Ladd's at the Iowa College of Law, serves as Mason Ladd Professor of Law. ■



# 1998-1999

## BOOK AWARDS & SPONSORED COURSES

### Level One: \$5,000

Foley & Lardner - Insurance Law  
Frost, O'Toole & Saunders, P.A. - Evidence

### Level Two: \$3,000

Mary Jo Peed and Kevin Wood - Real Estate Development and Finance

### Level Three: \$2,000

Bryant, Miller & Olive (Judge Hugh Taylor Book Award) - State Constitutional Law  
Bush, Ross, Gardner, Warren & Rudy, P.A. - Securities Regulation  
Cobb, Cole & Bell - State Constitutional Law  
Cummings & Thomas, P.A. - Administrative Law  
Dexter Douglass - State Constitutional Law/Constitutional Revision  
Fixel & Maguire - Eminent Domain  
J. William Kirkland, P.A. - Torts  
Peggy Rolando - Real Estate Transactions  
Judge Hugh M. Taylor - State Constitutional Law  
Trenam, Kemker, Scharf, Barkin, Frye, O'Neill & Mullis, P.A. - Bankruptcy Policy

Young, van Assenderp & Varnadoe, P.A. - Florida Administrative Practice  
Donald J. and Jiji Weidner - Agency & Partnership  
Zimmerman, Shuffield, Kiser & Sutcliffe, P.A. - Legal Writing & Research

### Level Four: \$1,000

Alpert, Barker & Rodems, P.A. - American Legal History  
Billings, Cunningham, Morgan & Boatwright, P.A. - Trial Advocacy  
Mr. & Mrs. Joseph A. Boyd, Jr. Book Award - Real Estate Transactions  
George Cappy - Conflicts de la Parte, Gilbert and Bales, P.A. - Evidence  
Gray, Harris & Robinson, P.A. - Securities Regulation  
Terence A. Gross - Pre-Trial Litigation  
Robert R. Jacobs, III - Criminal Law  
Deborah K. Kearney - Jurisprudence  
John M. and Sally D. Kest - Professional Responsibility  
Gretchen Klayman - Florida Dissolution of Marriage  
Paul A. LeBel - Products Liability  
Lewis, Longman & Walker, P.A. - Environmental Law  
Kent Lilly - Employment Law  
Macfarlane Ferguson & McMullen - Environmental Litigation  
Martinez, Manglardi & Diez-Arguelles, P.A. - Civil Procedure  
James R. Meyer (Ruth E. Meyer Memorial Book Award) - Commercial Law

Moore, Hill, Westmoreland, Hook & Bolton, P.A. - Evidence  
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Novey, Mendelson & Adamson - Family Law  
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George & Demetria Tragos - Advanced Criminal Procedure  
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**1969**

Number in class: 87  
 Number of Donors: 17  
 Class Participation Rate: 20%  
 Total Gifts: \$13,093  
 Average Gift: \$770

**1970**

Number in class: 90  
 Number of Donors: 23  
 Class Participation Rate: 26%  
 Total Gifts: \$6,287  
 Average Gift: \$273

**1970**

Number in class: 80  
 Number of Donors: 11  
 Class Participation Rate: 14%  
 Total Gifts: \$5,350  
 Average Gift: \$486

**1972**

Number in class: 139  
 Number of Donors: 22  
 Class Participation Rate: 16%  
 Total Gifts: \$7,760  
 Average Gift: \$353

**1973**

Number in class: 151  
 Number of Donors: 23  
 Class Participation Rate: 15%  
 Total Gifts: \$4,964  
 Average Gift: \$215

**1974**

Number in class: 170  
 Number of Donors: 27  
 Class Participation Rate: 16%  
 Total Gifts: \$7,436  
 Average Gift: \$275

**1975**

Number in class: 165  
 Number of Donors: 27  
 Class Participation Rate: 16%  
 Total Gifts: \$9,490  
 Average Gift: \$351

**1976**

Number in class: 133  
 Number of Donors: 19  
 Class Participation Rate: 14%  
 Total Gifts: \$3,627  
 Average Gift: \$191

**1977**

Number in class: 156  
 Number of Donors: 27  
 Class Participation Rate: 17%  
 Total Gifts: \$4,820  
 Average Gift: \$179

**1978**

Number in class: 153  
 Number of Donors: 22  
 Class Participation Rate: 14%  
 Total Gifts: \$6,504  
 Average Gift: \$296

**1979**

Number in class: 170  
 Number of Donors: 21  
 Class Participation Rate: 12%  
 Total Gifts: \$3,213  
 Average Gift: \$153

**1980**

Number in class: 173  
 Number of Donors: 26  
 Class Participation Rate: 15%  
 Total Gifts: \$5,565  
 Average Gift: \$214

**1981**

Number in class: 187  
 Number of Donors: 19  
 Class Participation Rate: 10%  
 Total Gifts: \$4,511  
 Average Gift: \$237

**1982**

Number in class: 156  
 Number of Donors: 13  
 Class Participation Rate: 8%  
 Total Gifts: \$2,535  
 Average Gift: \$195

**1983**

Number in class: 197  
 Number of Donors: 25  
 Class Participation Rate: 13%  
 Total Gifts: \$3,699  
 Average Gift: \$148

**1984**

Number in class: 193  
 Number of Donors: 19  
 Class Participation Rate: 10%  
 Total Gifts: \$5,033  
 Average Gift: \$265

**1985**

Number in class: 195  
 Number of Donors: 19  
 Class Participation Rate: 10%  
 Total Gifts: \$4,117  
 Average Gift: \$217

**1986**

Number in class: 210  
 Number of Donors: 19  
 Class Participation Rate: 9%  
 Total Gifts: \$4,048  
 Average Gift: \$213

**1987**

Number in class: 170  
 Number of Donors: 14  
 Class Participation Rate: 8%  
 Total Gifts: \$2,032  
 Average Gift: \$145

**1988**

Number in class: 166  
 Number of Donors: 20  
 Class Participation Rate: 12%  
 Total Gifts: \$2,280  
 Average Gift: \$114

**1989**

Number in class: 163  
 Number of Donors: 16  
 Class Participation Rate: 10%  
 Total Gifts: \$1,646  
 Average Gift: \$103

**1990**

Number in class: 171  
 Number of Donors: 19  
 Class Participation Rate: 11%  
 Total Gifts: \$1,820  
 Average Gift: \$96

**1991**

Number in class: 247  
 Number of Donors: 5  
 Class Participation Rate: 2%  
 Total Gifts: \$315  
 Average Gift: \$63

**1992**

Number in class: 160  
 Number of Donors: 8  
 Class Participation Rate: 5%  
 Total Gifts: \$1,608  
 Average Gift: \$201

**1993**

Number in class: 209  
 Number of Donors: 20  
 Class Participation Rate: 10%  
 Total Gifts: \$2,503  
 Average Gift: \$125

**1994**

Number in class: 168  
 Number of Donors: 16  
 Class Participation Rate: 10%  
 Total Gifts: \$1,058  
 Average Gift: \$66

**1995**

Number in class: 221  
 Number of Donors: 7  
 Class Participation Rate: 3%  
 Total Gifts: \$572  
 Average Gift: \$82

**1996**

Number in class: 150  
 Number of Donors: 6  
 Class Participation Rate: 4%  
 Total Gifts: \$507  
 Average Gift: \$85

**1997**

Number in class: 204  
 Number of Donors: 8  
 Class Participation Rate: 4%  
 Total Gifts: \$412  
 Average Gift: \$52

**1998**

Number in class: 201  
 Number of Donors: 8  
 Class Participation Rate: 4%  
 Total Gifts: \$422  
 Average Gift: \$52

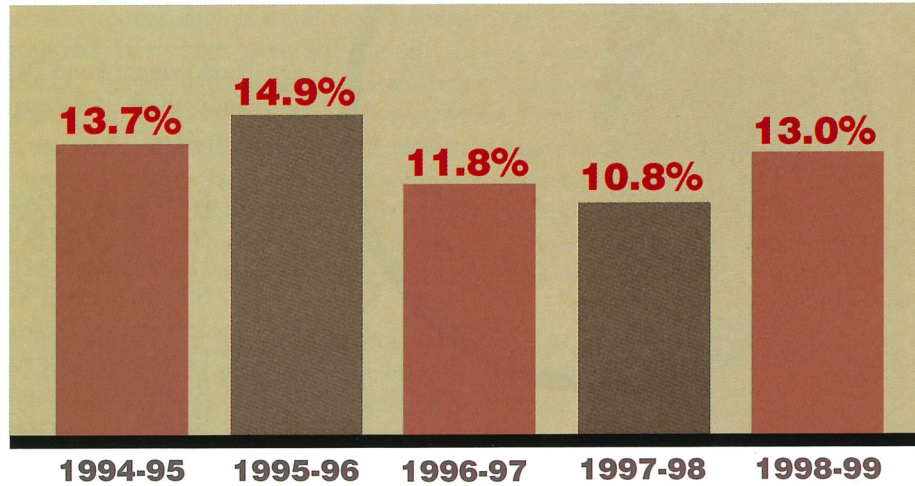
**GRAND TOTALS**

Number of Alumni: **4,834**  
 Number of Alumni Donors: **589**  
 Overall Class Participation Rate: **13%**  
 Average Alumni Donation: **\$233**  
 Total Annual Fund Donations for Alumni: **\$101,191**

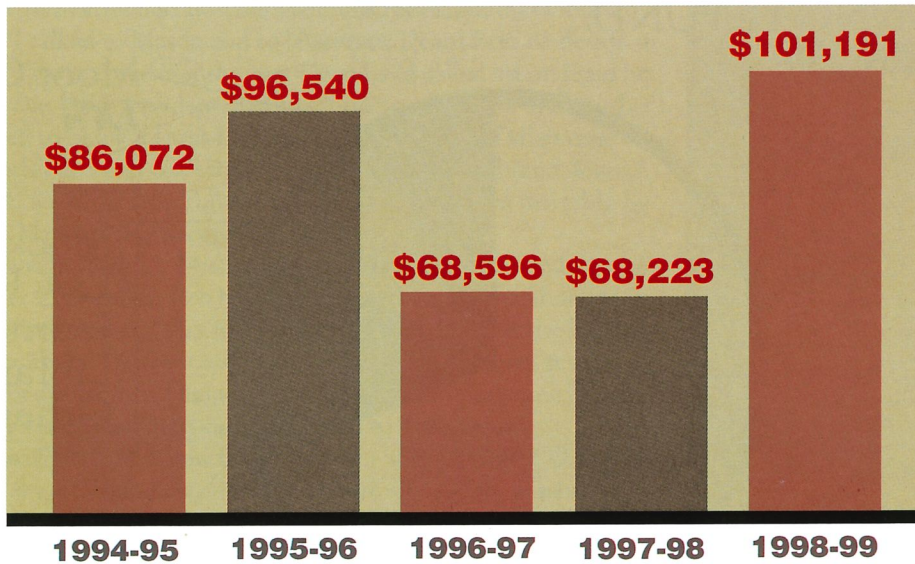


## ANNUAL FUND COMPARISONS

**Alumni Participation** in the Annual Fund:  
1994-1995 to 1998-1999

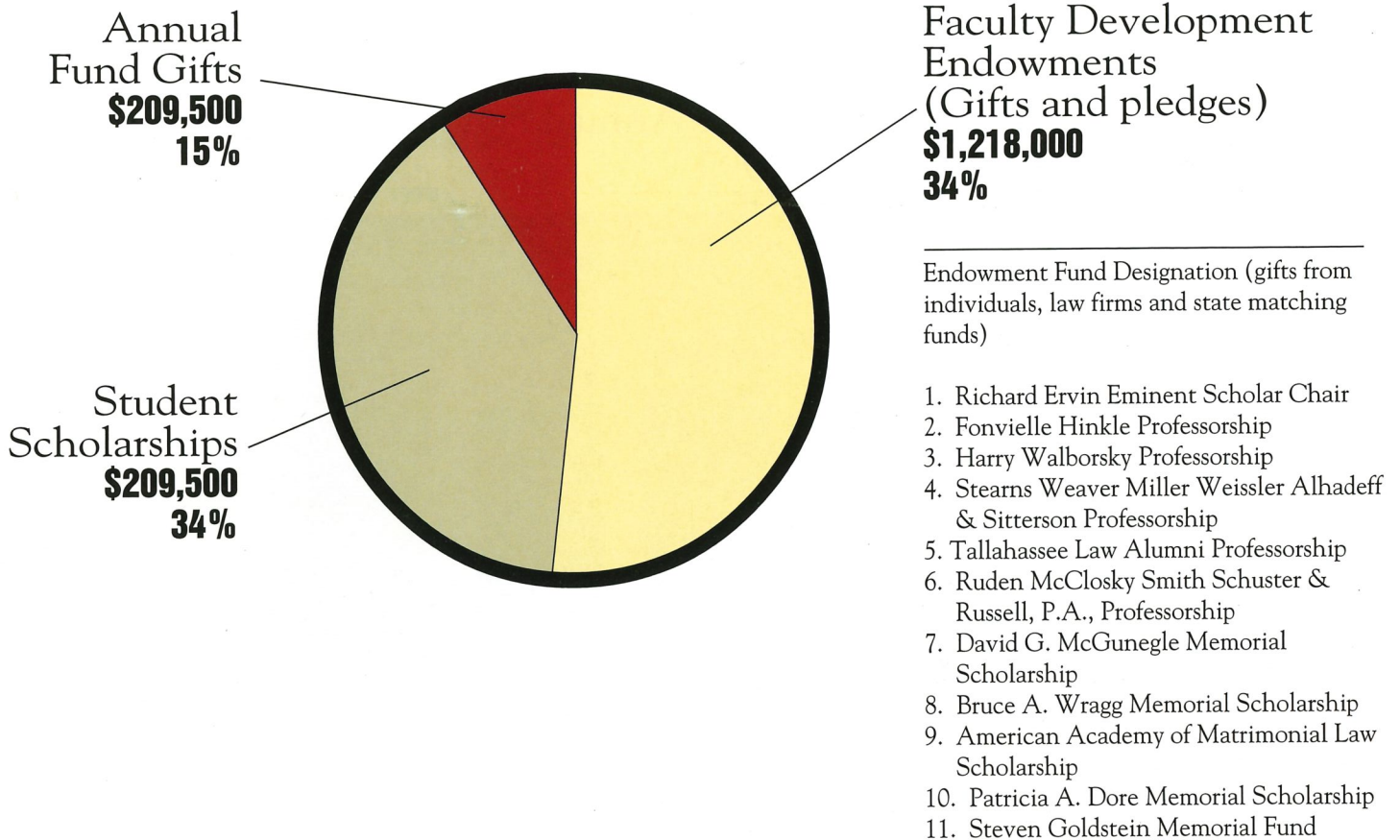


**Alumni Gifts** to the Annual Fund:  
1994-1995 to 1998-1999

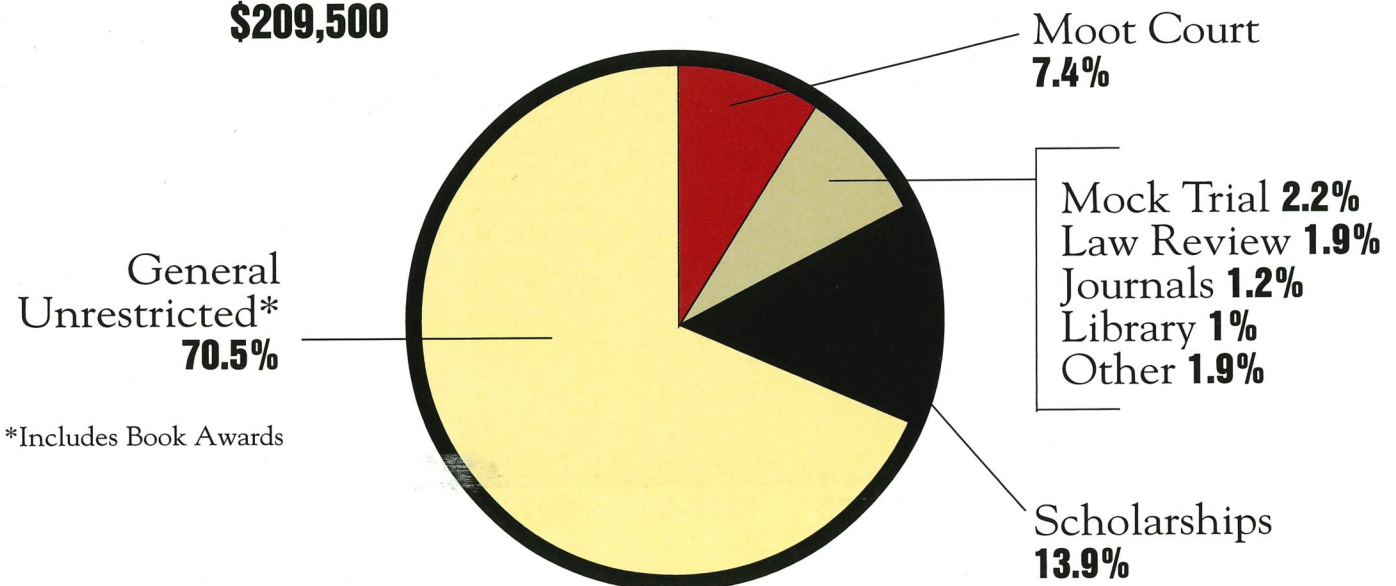




1998-1999 TOTAL FOR ALL GIFTS  
AND PLEDGES: **\$1,427,500**



1998-1999 TOTAL  
ANNUAL FUND:  
**\$209,500**



\*Includes Book Awards



## Mississippi Heat

continued from page 8

was not on an ideological mission. "I don't think that Josh was consciously trying to reshape the social order of Mississippi," he says. "What he did, though, was create an environment that was open to new people and new ideas. He had a strong sense of what was fair, and he would support the people around him. The result of this, of course, was that he put a wedge in a closed society."

During his six years at Ole Miss, Morse taught the children of Mississippi's prominent families, many whom would later become state and national leaders. He hired law student and varsity cheerleader Trent Lott, today the Minority Leader of the U.S. Senate, to run the law school's alumni fundraising program and helped the young law graduate find a job in Washington. One of the students of whom Morse is most proud is Reuben Anderson, the first African American graduate. Anderson became a successful attorney in Jackson before becoming the first black appointed, and subsequently elected, to the state Supreme Court. Today a partner with the New Orleans-based Dunbar Phelps law firm, Anderson is a past president of the Mississippi Bar Association. Says Morse, "He's probably one of the most successful graduates Ole Miss has ever produced."

Despite the increasing political heat, Morse hung on until 1969. "I knew the political topography pretty well. I could push the right buttons when I had to." Throughout his struggles Morse was impressed by the fact that his friends, though they often disagreed with him philosophically, continued to support him. Vinson says that Morse's accomplishments were a result of his deep Mississippi roots as well as a powerfully persuasive personality. "Josh could mediate an argument between Jesus Christ and Satan and they would both come away loving him," he says.

By late 1968 and early 1969, though, even his allies could not hold back the rising tide. "I could read the writing on the wall," says Morse. Included in that writing were legislative action that moved the legal clinic away from the law school and a freeze on faculty salaries.

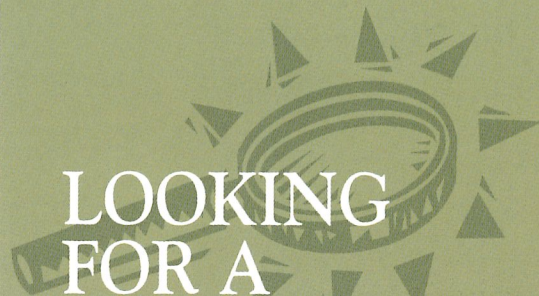
In the spring of 1969 Morse met Mason Ladd, dean of the new FSU law school, who had come to Ole Miss to attend a law school administration seminar funded by the Ford Foundation. "I talked to Mason and to [Assistant Dean] Ron Anderson a good bit," Morse says. "Two or three months later Dean Ladd called me and said he was retiring and that the FSU president had put him in charge of finding his replacement. He wanted to know if I was interested in coming to Tallahassee."

After Morse met with Ladd and law school founders Bob Ervin, Jimmy Joanas, Harold Carswell and B.K. Roberts in Tallahassee, he was offered the deanship by FSU president Stanley Marshall. He accepted.

As it turned out, though, Morse's Mississippi reputation had followed him to Florida. "The University Chancellor, Bob Mautz, called me—after I had handed in my resignation at Ole Miss—and said that some folks on the BOR and at the Bar had been made aware of my liberal viewpoints." Mautz asked Morse to meet several of The Florida Bar elders for dinner near Tampa. The evening came off without a hitch, Morse received the Bar's unofficial blessing, and moved to Tallahassee.

According to his close friend and fellow faculty member at FSU, Chuck Ehrhardt, Morse is a man with almost boundless intellectual curiosity. "Josh is more of a Renaissance man than anyone I've ever known," says Ehrhardt. "His knowledge spans an incredibly broad area. He could give you a 15-minute talk on the background of the war in the Balkans. He can tell you who started at fullback for LSU in 1935."

Adds Ehrhardt, "I can't imagine going through what Josh did in Mississippi. The man has a lot of courage." ■



## LOOKING FOR A SUMMER LAW CLERK OR NEW ASSOCIATE?

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The Office of Career Planning & Placement at Florida State University College of Law is currently accepting reservations for its **Fall On-Campus Interviewing Program**, which will be held September 13, 2000, through November 13, 2000. Fall OCI provides a valuable opportunity for employers to visit the College of Law and interview second and third year students for law clerk and associate positions. Employers are given the opportunity to review the resumes of interested students in advance of their designated interview date and interview only those students the employers consider to be best suited for the available positions.

To reserve your date for Fall OCI or for more information on how we can assist with your firm's or organization's hiring needs, please contact Stephanie W. Redfearn, Director of Career Services, at (850) 644-7471 or [sredfear@law.fsu.edu](mailto:sredfear@law.fsu.edu).



▶ **B.K. Roberts, law school founder, dies, page 5**

▶ **The College honors 'Florida's Rosa Parks' in a ceremony that creates the Virgil Hawkins Collection in the library, page 10**

▶ **The law school's writing faculty prepare future lawyers for the rigors of practice, page 14**

▶ **Law professor Tahirih Lee gives a rousing welcome to the incoming class of law students, page 28**



## **BATTLING THE STAUS QUO**

*Joshua Morse, FSU's second law dean, was the center of controversy as dean of the Ole Miss law school during the turbulent 1960s, PAGE 6*



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