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Fall 2002

## FSU Law Magazine (Fall 2002)

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Office of Advancement and Alumni Affairs, Florida State University College of Law, "FSU Law Magazine (Fall 2002)" (2002). *Alumni Newsletter & FSU Law Magazine*. 44.  
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**ELEANOR HILL ON THE HOT SEAT**  
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 FLORIDA STATE UNIVERSITY  
 TALLAHASSEE, FL 32306-1601

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THE MAGAZINE OF THE FLORIDA STATE UNIVERSITY COLLEGE OF LAW

# FSULAW

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FALL/2002

**A VERITABLE PERPETUAL  
 MOTION MACHINE,  
 FOLEY & LARDNER'S  
 GLENDA THORNTON  
 MAKES LIFE BETTER IN  
 TALLAHASSEE**

**COMMUNITY  
 DYNAMO**



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## Thank you! Now it's our turn again



The only way to begin this letter is with a heartfelt *Thank You!* Our fiscal year closed on June 30, with an increase in alumni participation in the Annual Fund to 17.95%! Over the last two years, the alumni contribution rate has increased by approximately 80%! Thank you for this very important support! The alumni giving rate is a widely reported figure that sends a very important signal to all external constituencies about the value the alumni place on their legal education at Florida State. Alumni may be pleased to know that 100% of the faculty contributed to this year's Annual Fund, as did over 25% of the students. Immediate tangible benefits include increased support for student organizations and other services we can provide students, such as lunch for our new graduates on the days on which they take the Florida Bar Exam.

You have once again raised the bar and now it is our turn to continue to respond in kind! We on the faculty and staff will work harder than ever to respond to your unprecedented support and to your many kindnesses. Please consider the following:

- A new report on recent faculty publications is now available on our Home Page under the Faculty section. I hope you will agree with me that the faculty is doing an excellent job establishing themselves and the school as significant factors at the cutting edge of important professional developments. Their scholarly publications enhance the value of a degree from Florida State and hence the prestige of our students and graduates.
- An additional report detailing the faculty's professional speaking engagements will soon appear on our web site. As in the case of faculty publications, professional presentations by faculty enhance the reputation of the law school and of its graduates.
- In particular, the professional networking that invariably results from faculty publications and speaking engagements directly benefits the employment opportunities for our students. For example, lawyers who read J.B. Ruhl's articles on environmental law and hear his speeches are much more likely to seek his assistance and give weight to his recommendations as they hire attorneys—both new and lateral—in environmental law.
- We ask each of you to consider asking our faculty to serve as speakers for continuing legal education programs or for other community organizations. Whether on bar association programs or before local Rotary clubs, our faculty want to be "out there" sharing their expertise and spreading the good word about Florida State. Please call me directly if you have any questions or would like any recommendations.
- Four new professorial faculty are starting this fall, all of whom are highly productive at the cutting edge of professional developments. Tobias Simon Eminent Scholar Chair Fernando Tesón, a former Argentine diplomat, is an expert on international intervention and international criminal law, including the law of terrorism. Steven M. Goldstein Professor Dave Markell is an

environmental law expert who has been highly interactive with the environmental bar. Assistant Professor Greg Mitchell is a civil procedure and employment law expert who has already made a name for himself as a de-bunker of the pop psychology that is all too common in academic legal scholarship. Finally, Assistant Professor B. J. Priester is establishing himself as a significant player in the criminal law area. Please join me in welcoming them to the faculty.

- We shall soon unveil a completely new Placement home page, which will take us a big step forward in helping alumni explore lateral moves. Our goal is to provide cradle-to-grave Placement assistance to our students and alumni.
- We have begun sending links to our WebNews letter to all our alumni who wish to receive it. If you are not yet subscribed and wish to, please contact Tim Kelly at tkelly@law.fsu.edu.
- A new Alumni Directory will soon be available, free on-line and for only \$15 in hard copy (and very attractively bound). We hope that all of you will use the Directory to refer business to fellow and sister FSU Law alumni, to make lateral hires and to form new associations.

This issue of *FSULaw* reports on a number of our outstanding alumni, including:

- Mel Martinez, our first alum in the Cabinet of a United States President, returned to Tallahassee to deliver our commencement address.
- Also in Washington, alum Eleanor Hill heads the joint Congressional investigation into intelligence problems perceived in the wake of 9/11.
- Closer to home, alum Glenda Thornton makes us proud of both her professional and community service accomplishments.

Last but not least, close to home and close to our hearts, is Terry Russell. As you probably know, Terry completed his term as President of The Florida Bar at June's meeting in Boca. You may not know that, during the Boca Meeting, he was honored at the Annual Banquet of The Florida Bar Foundation by generations of Florida leadership. Terry was hailed and thanked as a genuine hero of our profession for his successful efforts on behalf of those in our society who most need legal representation. Terry, you are the best of the best!

Thank you all.

DONALD J. WEIDNER, DEAN, COLLEGE OF LAW



About the Cover: Tallahassee's Glenda Thornton helps make life better for her community.

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*FSULaw* is published by the Florida State University College of Law, and is distributed to alumni, faculty, students, staff and friends of the College. Send editorial contributions, including Class Notes and changes of name and address to FSU Law, Office of Advancement and Alumni Affairs, College of Law, Florida State University, Tallahassee, FL 32306-1601, e-mail: dmorrill@law.fsu.edu. If you have a disability requiring accommodations for events mentioned in *FSULaw*, please call the College of Law. *FSULaw* also is available in alternative format upon request.

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# Whirling Dervish

**F**

or many busy professionals, community service means attending board meetings and selling tickets to fund raisers.

Not for Glenda Thornton, partner in the Tallahassee office of Foley & Lardner. When she volunteers her services to community causes, she means business.

As chair of the Board of Directors of the Tallahassee-area Workforce Plus, a project dedicated to moving welfare recipients into jobs, Thornton keeps her eye on results. "My philosophy is that if we do a good job, we'll put ourselves out of business. I think that should be the goal," she says. "If you focus too much on getting credit for doing your job or protecting the organization you handicap your objectives." She adds, "One of my roles on the board is to represent the private sector perspective. I think I do that."

Thornton does not shy away from asking questions that go to the heart of the welfare-to-work movement, some of which defy simple solutions. "It's one thing to get someone off welfare into a minimum wage job. In my opinion, though, that's not enough. We need to do a lot more." She's concerned that a minimum wage will not provide for day care and other necessities critical to breaking the welfare cycle. "We need to make sure there are good jobs for these people, jobs that pay enough to cover essentials. To do that, we need to focus more on education. We need to get businesses involved. We need to give these people a real chance. Otherwise we won't provide the help that allows people to change their lives."

Those who work with her on community projects are amazed by Thornton's commitment and energy. "Glenda doesn't just serve," says Ken Armstrong, director

of United Way of the Big Bend and on whose board Thornton is chair-elect. "She also leads." In addition to her leadership at Workforce Plus and United Way, she is president of the local chapter of the American Heart Association and serves on the boards of a variety of other organizations, including the Chamber of Commerce and Leadership Tallahassee. Says Armstrong, "When Glenda gets her hands on a job, she won't let go until it's finished."

Thornton admits her doggedness but says she also enjoys just being involved. "I love to work on community projects and I love a challenge," she says. "Besides that, I get bored easily. I need something to keep me stimulated."

When Thornton isn't busy trying to make the world a better place, she's immersed in her legal career with Foley & Lardner, where she heads up the litigation section.

She's built an impressive reputation for attracting new clients to the firm. "I look at it as developing friendships," she says. "I like to talk to people and find out what they do. Some people are more direct than I am, but I've found that gaining someone's trust is the best way to win a client."

One way to gain that trust, Thornton has found, is on the golf course. "Where else do you get to spend four hours with someone?" Although she doesn't light up

the ceremonial cigar with the guys, she does admit to sharing jokes and an occasional beer on the back nine.

Thornton almost didn't make it to FSU. She had been accepted to Tulane, among a number of law schools, and had tentatively decided to go there until her mother interceded. "She didn't want me to go to New Orleans. She was worried that there would be too many distractions."

Looking for alternatives, but with Tulane still at the top of her list, Thornton was discussing the dilemma with a University of South Alabama guidance counselor when friend and now Mobile judge Herman Thomas (FSU J.D., 1986), phoned and asked to speak with her. "He wanted to know if I had made up my mind yet. I told him I hadn't but that I wasn't planning to visit any more schools. He asked me to do him a favor: to visit FSU before I decided. The rest, as they say is history."

When Thornton and her mother arrived at the College of Law on a weekend during the summer of 1985, Sandy D'Alemberte, then dean and currently university president, met them at the front door. "Well, he charmed my mother to death," says Thornton. "Needless-to-say, by the end of the day I wasn't going to Tulane, I was going to FSU."

At the College of Law, Thornton proved to be a star. Although she was active in

# Whirling Dervish

PERPETUALLY ON THE GO,  
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FORCE IN EFFORTS TO  
IMPROVE LIFE IN TALLAHASSEE

several law school activities, including *Law Review*, it was as a member of Moot Court that she made her most dramatic mark. In 1989, Thornton and teammate Robin Suarez travelled to Albany, New York, and defeated a team from New York University in the Domenick Gabrielli Family Law Moot Court Competition. The victory was one of the biggest in FSU Moot Court history. "I can't imagine what the people in New York thought of us. I mean, here was a red-headed Jamaican and black girl with southern South Alabama drawl," recalls Thornton. "I think they were amazed."

Thornton knew she wanted to be lawyer for almost as long as she can remember. "I'm not sure why exactly. There weren't any lawyers in the family to serve as role models. I knew that I wanted to be a professional, and the law appealed to me." She adds, "I did everything I could to learn about being a lawyer," she says. "I was inspired by *To Kill a Mockingbird*. Like a lot of people who read the book, I aspired to be like Atticus Finch." Years later, she still rereads the book from time to time.

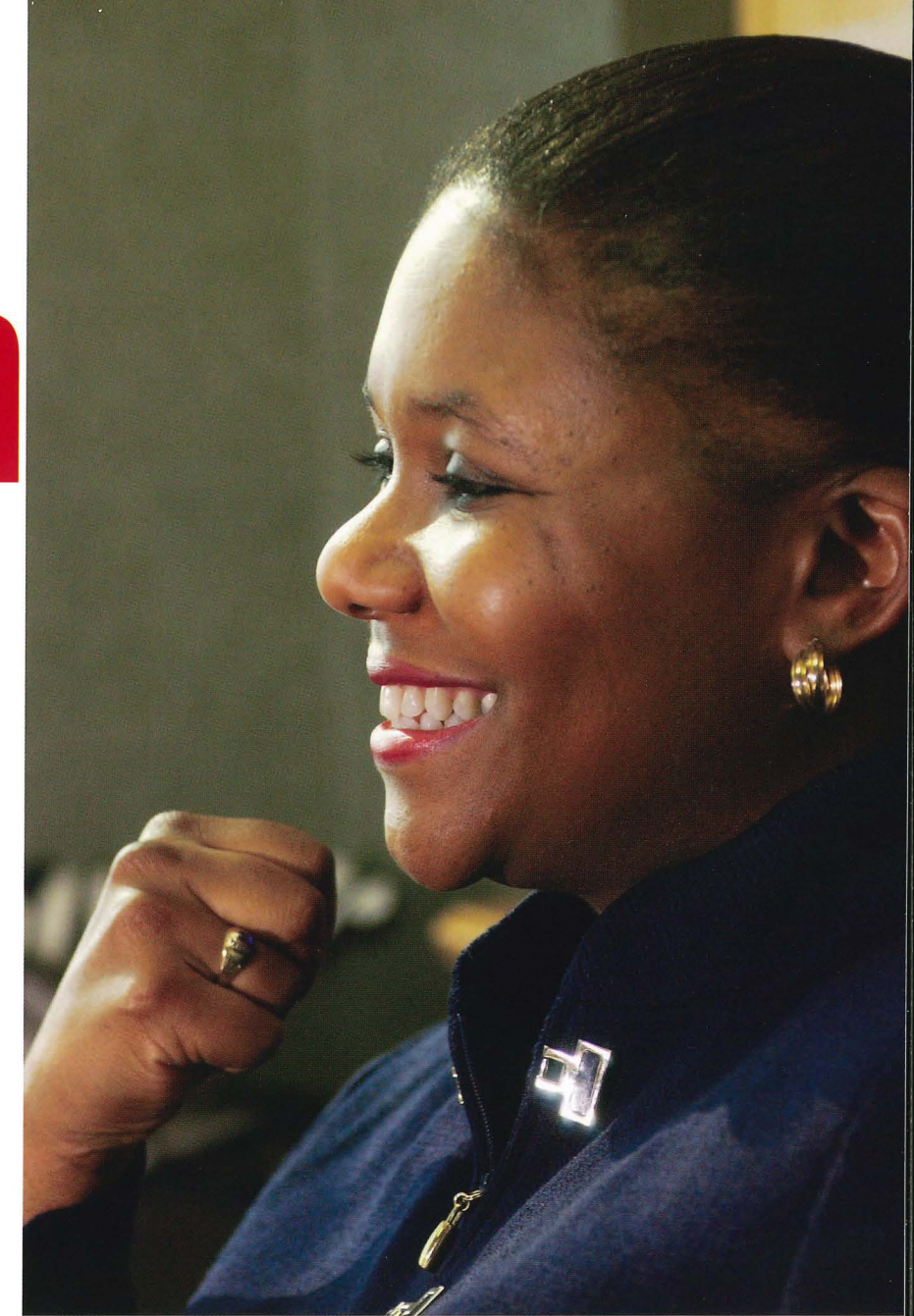
Part of Thornton's motivation came from her parents. "My father only got as far as the

9<sup>th</sup> grade and worked for 30 years in a textile mill. My mom had to quit school when she was 12 to help the family, though she went back later to get her high school diploma and AA degree." She adds, "My mom's always told me not to let anyone tell me that I couldn't do something. I think that attitude has stuck with me."

Although Tallahassee is now Thornton's home, folks back in Mobile haven't forgotten her. She was surprised three years ago at a Mobile church service she was attending with her family when the mayor showed up to proclaim July 18, 1999, Glenda Thornton Day. The proclamation hangs on her office wall. "That was one I didn't expect," she says.

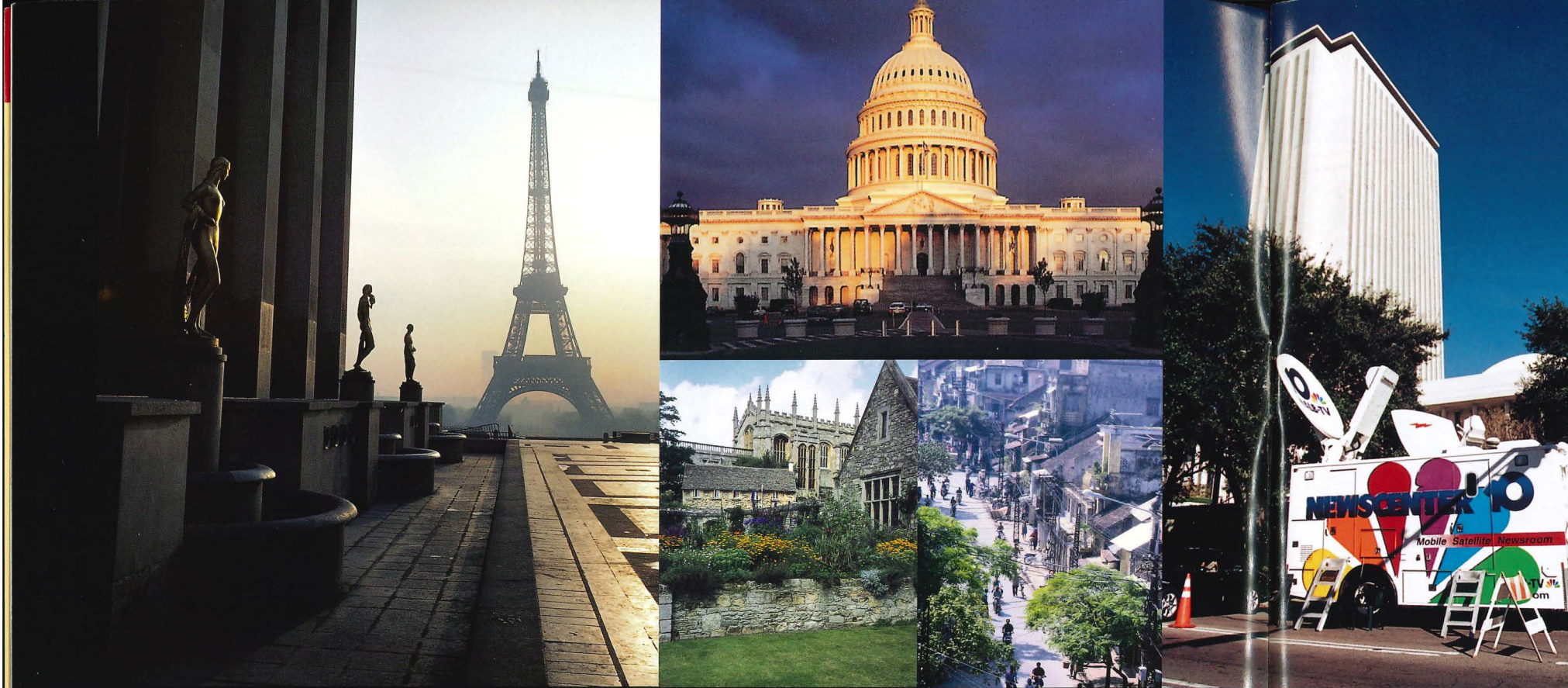
Although Thornton would appear to be a natural for public office, she says it's

not something she is considering. "The personal toll it takes on your private life and time is too overwhelming for me. I like being involved, but still having the autonomy to say what I really believe without worrying about how it will be perceived by the media or the public. I have a great deal of respect for those who do it, but I prefer to serve through my community efforts."



**Thornton credits her office manager, Janet Cayson, with helping to keep her busy life on track.**

**Other FSU law graduates at the Tallahassee office of Foley & Lardner**  
LISA HURLEY  
TOM MAIDA  
AUSTIN NEAL  
KARUSHA SHARPE  
WES STRICKLAND



FEATURE

# GOING GLOBAL

The addition to the faculty of two world-class scholars and activists helps the College of Law launch its Certificate Program in International Law

**F**uture graduates of the College of Law who want to practice their trade on the world stage are getting some help. Beginning this fall, the law school's Certificate Program in International Law will offer students the opportunity to receive special recognition for concentrating in the area.

According to Associate Dean of International Programs Donna Christie, FSU has a lot to offer. "Every law school has courses in international law, but from my experience, very few offer the variety that we do."

That variety, Christie says, is the result of the broad range of faculty interests and scholarship. Faculty expertise covers such areas of study as international intellectual property, environmental, human rights law, trade and commercial law. Equally important, says Christie, is the fact that faculty members have been involved in projects around the world. Their work has taken them to dozens of countries, including South Africa, Belize, the Czech Republic, Argentina, Barbados, Vietnam, Uganda, China and Great Britain.

"The big advantage for our students,"

says Christie, "is that the faculty are active in the areas they teach."

The international law faculty has been bolstered by two notable additions for the 2002-2003 academic year, Fenando Tesón and David Markell, both of whom come to FSU with outstanding credentials. Tesón, a former Argentine diplomat, is a scholar in international human rights and the author of *Humanitarian Intervention: An Inquiry into Law and Morality*. Markell, a former attorney for the U.S. Environmental Protection Agency and the U.S. Department of Justice, is an internationally recognized scholar on the enforcement of environmental laws.

Christie believes the time is right to put emphasis on international law. "I don't think anyone doubts that the world is getting smaller. Certainly the need for international lawyers is growing," she says.

"The end of the cold war has made a big difference in the way countries interact with each other," says Christie. "American lawyers are not only opening up new business opportunities, but they're playing a big role in international relations. They've had a huge effect on developing the rule of law in emerging democracies,

especially in Eastern Europe."

Like Christie, Dean Don Weidner says the strength of the program will be a faculty that is active in the world arena. "This is a faculty that is engaged. This is a faculty that puts international law into action," he says.

"We have a professor who has served as a diplomat in Argentina and has been at the forefront of the human rights struggle. We have a professor who has worked on international intellectual property issues such as Internet domain name disputes and drug licensure. We have a professor who is one of the leading experts on international laws of the sea. We have other faculty who have helped to develop laws that are used today among Caribbean countries and who are experts on trade and comparative law in Hong Kong and China." Weidner adds, "This is a very impressive faculty that I believe puts our new program on very solid footing."

International law is not just important to students who plan to enter the field, Weidner says. "Being liberally educated today means understanding relationships among nations and the people of different nations. There is great value for all law students in learning to think big, to think globally."

**T**he law school has a tradition of involvement in international law issues that took root during the tenure of former dean and current university president Sandy D'Alemberte.

In the mid-1980s, D'Alemberte secured federal funding for the Caribbean Law Institute (CLI) and hired Elwin Griffith, then dean at DePaul Law School, to be its director. Through the years, CLI has provided assistance to Caribbean basin nations in developing laws that fostered trade and commerce in the area.

After leaving the College of Law to assume the presidency of the American Bar Association in the late 1980s, D'Alemberte was instrumental in establishing the Central European Law Initiative (CEELI), a project to assist Eastern European nations develop constitutions and laws. Mark Ellis, an FSU law graduate, was the first director of the program.

The law school has also built a strong tradition of summer study programs. The Oxford Summer Law Program, directed by law library director Ed Schroeder, is the longest-running program conducted at Oxford by any American law school. The FSU

Summer Law Program at Barbados is another popular destination for law students. In addition, students have traveled and studied in Paris and Vietnam under the auspices of the FSU International Program office.

The law school follows up on its summer programs by inviting foreign law faculty to teach in Tallahassee. During the 2002-2003 academic year, Jeffrey Hackney of Oxford will be a visiting professor in Tallahassee.

FSU's international law program also offers students a number of valuable co-curricular opportunities. The student-edited *Journal of Transnational Law & Policy* is one of the most respected publications in its field.

In addition to Ellis, who left CEELI last year to become executive director of the International Bar Association, many FSU law graduates are making names for themselves in the international law field. Jim Bacchus serves as chair of the World Trade Organization's Appellate Body. Steve Koegler is vice president of one of the world's largest energy companies. Virginia Dailey and Guanming Fang are just beginning their careers but have already made a mark in their fields. See their stories on pages 7, 8 & 9.

## CERTIFICATE PROGRAM REQUIREMENTS

*Credit hours and courses:* Students in the program must successfully complete a total of 91 credit hours for graduation with a Certificate in International Law (Certificate); 21 credit hours must be courses and activities designated within the program (Program Course and/or Activities) by the International Programs Committee (Committee).

*Required Program Courses:* Participants in the certificate program are required to take these courses:

Comparative Law  
International Business Transactions  
International Trade Law and Policy

## COURSES & SEMINARS

Comparative Law  
Comparative Criminal Procedure (Oxford)  
English Legal History (Oxford)  
Foreign Investment Law (Barbados)  
Immigration Law

International Aspects of Intellectual Property Law  
 International Business Transactions  
 International Criminal Law  
 International Environmental Law  
 International Litigation  
 International Human Rights Law  
 International Tax  
 International Trade Law & Policy  
 Internet Trade Simulation  
 Law and Institutions of the European Union  
 Law of the Sea  
 Legal Institutions of the Commonwealth Caribbean (Barbados)  
 Public International Law  
 Refugee and Asylum Law  
 Selected Topics in International Law

THE FACULTY

**Frederick Abbott**  
 (LL.M., Yale)  
 Professor Abbott, Edward Ball Eminent Scholar Chair in International Law, is recognized internationally for his scholarship and professional activities in reconciling intellectual property rights with the needs of developing countries.

**Donna Christie**  
 (J.D., Georgia)  
 Professor Christie, Associate Dean for International Programs and Elizabeth C. and Clyde W. Atkinson Professor, is a noted expert on international environmental and ocean law. She is the director of the law school's international study program and international law certificate program.

**Terry Coonan**  
 (J.D., Cincinnati)  
 Terence C. "Terry" Coonan is the Executive Director of Florida State University Center for the Advancement of Human Rights. He leads the multi-disciplinary center's efforts to educate and train a new generation of human rights advocates, track human rights issues and serve as an advocate for human rights nationally and internationally.

**Larry Garvin**  
 (J.D., Yale)  
 Recognized for his scholarship applying



cognitive psychology to contracts and commercial law, Professor Garvin teaches Contracts, Secured Transactions, and Sales and Leases, and has also taught Toxic Tort Litigation and International Sales.

**Elwin Griffith**  
 (LL.M., New York)  
 Professor Griffith is the director of the Caribbean Law Institute, a USAID sponsored law reform program, which is a joint project of the Florida State University College of Law and the law faculty of the University of the West Indies, Cave Hill, Barbados.

**Tahirih Lee**  
 (J.D., Yale)  
 Professor Lee is a leading U.S. scholar on comparative Chinese law and is the author of the 4-volume anthology on Chinese law. She clerked for the Honorable David Bryan Sentelle with the U.S. Court of Appeals for the D.C. Circuit.

**David Markell**  
 (J.D., Virginia)  
 Professor Markell is a nationally and in-

ternationally recognized scholar on the enforcement of environmental laws. He has worked for the United States Environmental Protection Agency, the United States Department of Justice, Natural Resources Division, the New York State Department of Environmental Conservation, as well as several private law firms.

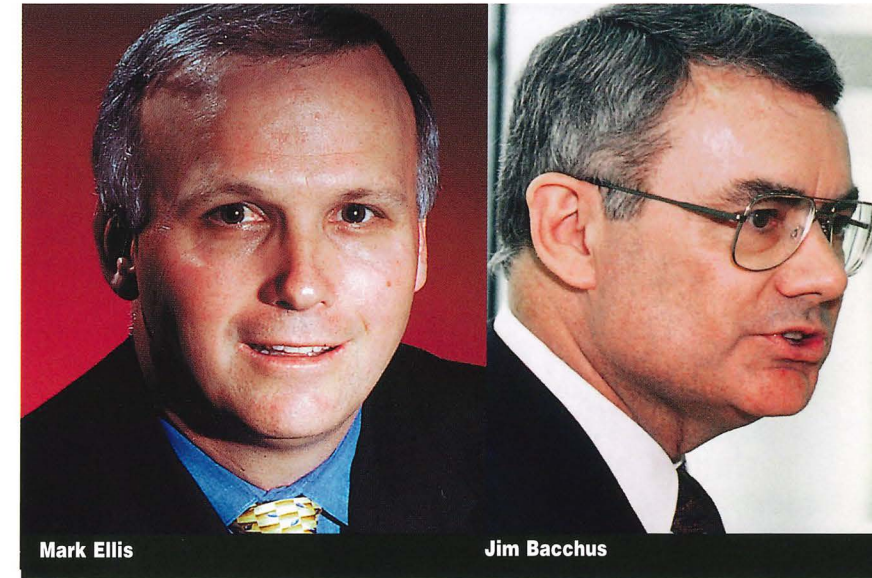
**Fernando Tesón**  
 (J.D., Universidad de Buenos Aires, Argentina)  
 Professor Tesón is known for his scholarship relating political philosophy to international law, and in particular his defense of humanitarian intervention. The author of several books in this area, he is a former Argentine diplomat.

**John Van Doren**  
 (J.D., Harvard)  
 Professor Van Doren has taught law in several countries in Eastern Europe, Africa and Asia, and has a scholarly interest in the development of legal systems in the emerging democracies of Eastern Europe.

# Two at the Top

## Mark Ellis and Jim Bacchus

may not be household names but both play key roles in ensuring international stability



**T**wo of international law's toughest jobs belong to graduates of the College of Law. Mark Ellis, executive director of the International Bar Association, has spent much of his time since the September 11 terrorist attacks making sure that cooler heads prevail among members of the world's legal community.

Jim Bacchus, who assumed the chairmanship early this year of the World Trade Organization's Appellate Body, often referred to as the supreme court of international trade, is at the center of efforts to build a new world order based on business transactions between nations.

Ellis, who received his J.D. from FSU in 1984, sees the role of the IBA as crucial to efforts to maintain cordial relations between countries during tense times. "One of the things this organization can do is bridge the gap that opened up after September 11," he says. "I think lawyers, no matter where they live, can help improve understandings between nations by emphasizing the importance of the rule of law."

Earlier in the summer, Ellis traveled to Syria to meet with bar leaders of several

Middle Eastern countries. "It was a very good meeting but it was also an intense meeting. Lawyers in the Middle East are understandably concerned with how their countries are being perceived," Ellis said. "I think it would be an eye-opener for most Americans to hear what these lawyers had to say. They are concerned that the anti-terrorism debate is being dominated by U.S. interests and would like to see a much larger multi-lateral approach to dealing with the issue."

Ellis adds, "I think there are some very tough challenges ahead for the IBA. I also think the IBA is in a unique position to be a global voice. The times demand it."

The IBA has established a task force on international terrorism that puts an emphasis on recognizing the rights of both individuals and cultures. The task force is looking at ways to interpret the norms of international law, establish minimum standards and best practices of international law and seeking expert opinions on controversial areas of international law that could help reduce terrorism.

Although issues involving terrorism have dominated the IBA agenda in recent months, the organization has traditionally

**“** I think there are some very tough challenges ahead for the IBA. I also think the IBA is in a unique position to be a global voice. The times demand it. **”**

focused most of its attention on international trade and business issues. With 17,000 members in 180 countries, Ellis believes the international business community can play an important role in achieving international understanding. "Business between nations opens the door for dealing with other issues. It's a big reason why there has been so much more

cooperation between nations and recent years.”

Before he joined London-based IBA, Ellis served for ten years as executive director of the Central European Law Initiative (CEELI). The initiative was a project of the American Bar Association, organized by former College of Law dean and current FSU president Sandy D'Alemberte during his ABA presidency in the late 1980s. CEELI offered legal assistance to 28 central European countries formerly part of the Soviet Union. CEELI, the largest assistance project ever organized by the ABA, also provides assistance to the International War Crimes Tribunal.

“If we succeed in our efforts to make it what it should be, the WTO could well be the most significant economic institution in the world in the 21<sup>st</sup> Century.”

“I felt honored to be with the organization from the beginning, and take part in a truly historical event,” says Ellis. “It was a wonderful opportunity. But I felt it was time to move on to a new challenge. I wanted to venture beyond Central and Eastern Europe.” Ellis adds, “I’ve got the challenge I wanted.”

Bacchus, a 1979 graduate of the College of Law, agrees with Ellis about the role international trade can play in improving relationships among nations. The former U.S. Congressman was appointed to the WTO’s Appellate Body in 1995.

“If we succeed in our efforts to make it what it should be, the WTO could well be the most significant economic institution in the world in the 21<sup>st</sup> Century.” He adds, “And because of the integrations of world

economies, it should also have a revolutionary impact on all aspects of international affairs.”

Bacchus’s interest in trade dates to his days as a student at Yale, Vanderbilt and FSU. “I always was fascinated with the subject but didn’t get a chance to immerse myself in it until 1979.” That was when the young lawyer accompanied former Florida Governor Reubin Askew to Washington, after Askew was appointed U.S. Trade Representative in the Jimmy Carter administration. Bucchus had served as a senior aide to the former governor while attending the College of Law.

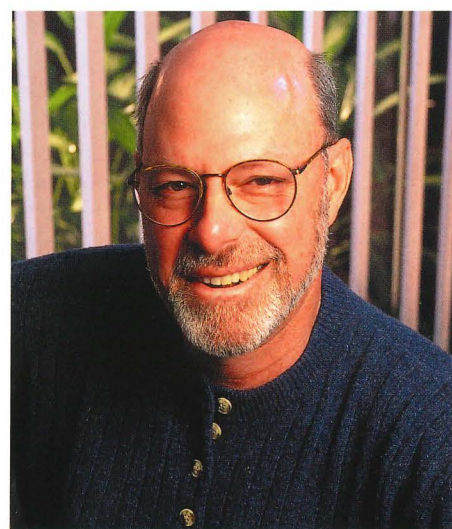
Later, during two terms as a Central Florida Democratic Congressman, from 1990 through 1994, Bacchus was often deeply involved in trade legislation. During his freshman years in the House of Representatives, the Speaker appointed him to the Trade Policy Coordinating Committee where he spearheaded bipartisan efforts to promote multinational trade rules. He also helped develop the 1993 legislation that

established the North American Free Trade Agreement (NAFTA).

The WTO was established during the 1986-1994 Uruguay Round of trade agreements that revamped the General Agreement on Tariffs and Trade (GATT), strengthening the dispute settlement process. The Appellate Body, created to handle appeals and to provide timely, credible resolution of contested issues, was the central element in the new organization.

Equally important, the new WTO dispute resolution process, with authority to impose economic sanctions on non-compliers, put teeth into enforcing its trade decisions. Under the cumbersome and often ineffective rules of GATT, a plaintiff nation was required to get the permission of the defendant nation before it could file suit. If such permission was granted, the offending nation then had to agree to the enforcement of sanctions against itself. Says Bacchus, “It was not altogether inappropriate that GATT was sometimes referred to as the ‘General Agreement to Talk and Talk.’”

### STEVE KOEGLER’S work sends him around the world



Steve Koegler

Steve Koegler is a man on the move. Although homebase is in Jacksonville, the vice president of legal affairs for the Itera Group is just as likely, on any given week, to find himself in Russia, Ukraine, Belarus, Turkmenistan, Switzerland, London or Cyprus.

Koegler, a 1970 graduate of the College of Law, is on the move because his company is on the move. Itera is the second largest supplier of natural gas in Eastern Europe and rapidly getting bigger. It is in the process of completing an acquisition merger that will make it the fourth largest natural gas supplier in the world based on proven reserves.

The company is also making its first move into the United States. It has become a minority investor in an ammo-

num nitrate plant and is in negotiations to purchase a coal bed methane/electrical energy production facility in Illinois.

Other signs of Itera’s growth include new office buildings in Jacksonville and Limassol, Cyprus, and the acquisition of two Boeing business jets.

Koegler has been a part of Itera’s growth since 1994 when he began representing the company as an outside counsel. “It’s been a wonderful experience,” he says.

From a legal standpoint, it keeps me on my toes.”

One challenge Koegler often faces is describing the operational structure of Itera to the layman. “It’s difficult to get a quick read of what we are,” he says. “The Itera Group is an international group of investors, primarily from the U.S., Russia and Europe, organized as a Dutch holding company. We started in Jacksonville, our main office is in Moscow but our headquarters for tax purposes is Limassol, Cyprus.”

Koegler adds that the complexity of the corporate structure is not uncommon among companies that conduct business across international borders.

A short history of Itera is a case study for the exponential pace of change in international business. The company was founded in Jacksonville ten years ago as an international trading company, dealing primarily in agricultural and soft commodities. Products were purchased in the U.S. and Western Europe and sold in Russia and the Ukraine. Itera’s move into the energy market was the result of a large sugar sale to Turkmenistan. “They were not able to pay in cash so they offered to pay in oil and gas,” says Koegler. “Itera had no experience at that time in this market so the problem was to figure out how to recoup its money.” As a result of selling the gas and oil, the company’s president discovered that gas was good business. Over a six year period, Itera grew from four employees in Jacksonville to more than 8,000 worldwide.

Most of Itera’s gas is produced in Siberia and Turkmenistan and sold to customers in Eastern Europe, primarily to countries that were formerly part of the Soviet Union, or the Commonwealth of Independent States (CIS). Itera obtains rights from each of the countries to use its pipelines.

Although gas remains the mainstay of Itera’s business, it has begun to diversify. It owns an interest in plastic bottle production facility that provides products to Belarus and Russia and owns controlling interest in a steel plant in Moldova. Its new ventures in the U.S. are the first outside Eastern Europe.

As Itera grows so does the legal workload. In addition to forging business deals, Koegler works with a number of legal experts to decipher the ever-changing array of laws the company has to work under. “One thing you can say about this area, it’s never dull,” says Koegler.



Virginia Dailey

### VIRGINIA DAILEY finds rare opportunities

Virginia Dailey has been immersed in international law since she graduated summa cum laude from the College of Law in 1999. These days Dailey’s practice at Verner Lipfert Bernhard McPherson & Hand in Washington, D.C., focuses in the areas of international dispute resolution, export controls and sanctions regulations, and import relief regulation.

Before joining Verner last year, Dailey worked with Clifford Chance Rogers & Wells in London, where she represented clients before the United Nations Compensation Claims Commission. She was also involved in dispute resolution involving claims against Iraq for its invasion and occupation of Kuwait in 1991. “That was a rare, exciting opportunity,” she says. Dailey also assisted in the representation of U.S. and foreign companies on foreign domestic laws affecting their investments.

In addition to her extensive travel throughout Western Europe, Africa and the Middle East, Dailey also finds enjoyment in her volunteer endeavors, which include, in part, providing legal assistance to the Ethiopian government. Additionally, Dailey and her husband founded the Seminole Club in London and are avid members of the Washington, D.C. branch as well.



Guanming Fang

### GUANMING FANG enjoys the variety of clients

Guanming Fang, an associate in the corporate department of Arnall, Golden & Gregory in Atlanta, likes the fact that international law means working with a broad array of clients.

Fang’s experience is in advising clients, who include growth and foreign companies, on technology and privacy matters, software licensing and distribution agreements, mergers and acquisitions, and private financing. “International transactional work can be really rewarding,” she says. “It brings people across cultures together.”

A 1998 College of Law graduate, Fang is a member of Atlanta Women in International Trade, Women in Technology International, and the Business Technology and International Sections of the Georgia Bar.

Fang, who enjoys networking with other attorneys in her field, is active in a number of pro bono projects. Through the Atlanta Volunteer Lawyers Foundation, she provides legal assistance to indigent persons and victims of domestic violence.

# China Connection

Professor Tahirih Lee's Internet Trade Simulation course promotes an understanding of trans-oceanic commercial transactions

**H**elping her students close multi-million dollar international deals last spring was all in a day's work for College of Law Associate Professor Tahirih Lee. Although the transactions negotiated with college students in Shanghai were only simulations, Lee's one-of-a-kind internet-based trading class paid valuable dividends for those who took it.

The Internet Trade Simulation (ITS) course matches College of Law students with students enrolled in China's Shanghai Institute of Foreign Trade (SIFT). Students use two types of software that simulate trade deals and, in the process, get a working knowledge of international business transactions. Lee's students become adept in manipulating the software, but more importantly, they learn to fine-tune communications in their negotiations with Chinese students—a skill important for future international and business law transactions.

The ITS course is conducted in English, allowing the SIFT students a chance to improve their speaking and writing skills.

"In the twenty-first century, no law school is doing its duty if it is not giving students a glimpse of what the rest of the world is doing in business of law—we are simply not isolated. China is the biggest market outside the U.S., and some could argue that its political power is equally important," said Lee. She speaks with authority. Her background in the Chinese culture has very early roots, and as such, she brings great experience and credibility to this class.

Lee started attending U.S. China

People's Friendship Association meetings in her hometown when she was very young. "I guess that is where it all started," she said. "From the beginning, I was looking into anything that related to the Chinese culture. I read books and articles and watched TV documentaries on China. Then, while I was in college, I had my first opportunity to go to China."

It was at this time, in 1982 and 1983, that Lee served as a stringer for *Newsweek* magazine, and was able to study the Chinese language at the same time she was being acclimated to the culture. "I visited China whenever possible, and these trips were always very valuable. But, possibly the best thing that could have happened to

me at the time was to be accepted into the Ph.D. program in Chinese History at Yale," she added. Then, a fellowship for the Harvard Academy for International and Area Studies funded her travel to China again, allowing her to finish her dissertation much more quickly.

"Language has always been easy for me—I mastered speaking and writing Chinese equally well," said Lee. Having these skills were the foundational elements necessary for the ITS class. "The Trade Simulation course came about because I have contacts in China and am very comfortable in their culture," she said. While visiting China, Lee was given an insider's tour of SIFT and was introduced to Professor Zhu Wei who



**Professor Tahirih Lee, right, coordinates trade negotiations between students at the College of Law and the Shanghai Institute of Foreign Trade. Joanna Southerland assists her in a Power Point presentation.**

ran the Institute's computer laboratory. At the time, Zhu Wei was looking for a partner in an American law school. "He wanted a partner to launch an ambitious program he developed that would bring simulated learning to the study of international law in China," Lee said. "With my background and understanding of the Chinese culture, as well as my understanding where the Shanghai Institute stands in the hierarchy of schools in that country, I was able to make some judgments about how well this partnership would work."

The partnering with SIFT, in Lee's words was "brilliant!" By all indications, it's been a very good one for the Chinese institution, as well, and they are anxious to work with the College of Law in the future.

Though a variety of software was used in each of the weekly, two-hour classes, there were only two primary types of software that were used to carry out trade simulations each week. One was the ITS software developed at SIFT that allowed students to seek out trade

opportunities which were the result of either new demand by a retailer or a new supply stemming from the other country's trading company.

The second software program, Web4M, accommodated communication in a chat room, phone calls over Internet Protocol, document sharing and photographic images and Power Point presentations.

Joanna Southerland, FSU's Director of Digital Media, said the use of this technology was distance learning at its very best. "I would stand in the back of the classroom and simply watch the flood of excitement cross the students' faces as they made various breakthroughs in their communications with the Chinese. Sometimes, our students would become

**FSU President Sandy D'Alemberte was a visitor to the trade simulation class during the spring semester.**



so spontaneous in their conversation that they forgot that they were speaking across cultural lines. We'd have to nudge them and say 'you're using slang, they can't comprehend that,'" said Southerland.

Professor Lee was able to bridge communication barriers in other ways. "There were always the language variations that posed very temporary setbacks in communication, but my presence in the classroom helped our people with the more deep-rooted cultural nuances that might prevent understanding the Chinese students," she said. "The Chinese language, itself, is a tonal language. The tone of your voice, whether it's rising or falling, whether it's high or low, affects the meaning of a word. Those inflections would creep into their dialogue. So, I could many times offer our students a completely different sense of something that was being said to them than what may have appeared on the surface."

The transactions that the SIFT and FSU students negotiated were straightforward—a manufacturer offering a product to a retailer. The role of the manufacturer and retailer was played by SIFT, though it was Lee's responsibility to help the Institute enter data such as pricing and import tariff costs.

Serving as liaison between the manufacturer and retailer was the trading company, and that's the role Chinese and FSU students' played. It was their job to find out which manufacturers had goods to sell and at what price. Then they had to negotiate the contract, working out basic shipping

details, along with every aspect of a transaction, right down to the actual value of a contract. "Several students carried the software issue a step further by using Excel spreadsheets to track tax and profit figures. They shared their finished products with others in the class, so there was a great sense of fair play among the students in the class," said Lee.

Timing on many contract bids was critical to the success of sealing negotiations. Though the ITS class met for only one two-hour period per week, students could access the software any time of day. A few students realized that some of the best internet deals could be found in the wee hours of the morning.

Like real-world business, deals often did not pan out. Sometimes bids were not accepted. Sometimes deals were cancelled because markets to sell goods could not be found. Just as in life, failures often proved to be better learning experiences than successes. "As opposed to other classes I've taught where I lecture almost constantly, this class could benefit from individual failure or success so well because it closely paralleled real-world experiences.

According to Lee, the course helped students gain a clearer understanding of the skill and finesse required in international business. "This is certainly my hope," said Lee. "At the same time, I want students to understand what the pressures of a market really mean, or simply what a market really means. I think the ITS course certainly gets them thinking in these ways." ■



By MARY JACOBY

Reprinted from the June 19, 2002, St. Petersburg Times

**E**leanor Hill was not lawmakers' first choice to run the joint House-Senate investigation into Sept. 11 intelligence failures. Yet by all accounts, the soft-spoken but relentless former Tampa federal prosecutor should have been.

A former inspector general of the Defense Department with 15 years of experience working for Congress, the College of Law graduate is one of the few people with the breadth of experience to handle this important but difficult job, observers say.

Her assignment: get to the bottom of the intelligence fiasco while juggling the political interests of the 37 members of the joint panel and directing a staff of 24 in a high-profile, high-pressure investigation.

"She has all the skills necessary to do the job," said Washington lawyer Joe DiGenova, who helped investigate the nation's intelligence agencies in the 1970s as counsel to the Senate Select Committee on Intelligence, then led by Idaho Democrat Frank Church. "She's also going to face all the classic obstacles anyone faces in investigating the intelligence agencies: Are they going to tell you the truth? Are they going to accidentally lose documents? Are they going to hide people from you?" DiGenova said.

Hired by the inquiry's co-chairmen, Sen. Bob Graham, D-Fla., and Rep. Porter Goss, R-Sanibel, Hill in June replaced L. Britt Snider, a former inspector general of the Central Intelligence Agency. Lawmakers forced Snider out in April after discovering he had hired a staff member who was under investigation at the CIA for failing a polygraph exam.

Given the sensitivity of the issues, the committee will conduct most of its work behind closed doors. But an aide to Sen. Richard Shelby, vice chairman of the Senate intelligence panel, said Shelby was impressed that Hill began taking witness depositions immediately after starting, a basic task her predecessor had neglected. "She's tough as nails and came in and changed courses overnight," said Andrea Gray, a spokeswoman for the Alabama Republican. Added Graham, "I think she has the

benefit of inside knowledge but a certain distance from the agencies to be objective."

Hill, 51, is married with a nearly 10-year-old son. She was born in Miami Beach and grew up in Miami Shores. Her father's job as a lead forecaster at the National Hurricane Center in Miami brought the family to the state.

She graduated magna cum laude from FSU in 1972 and earned a law degree from FSU's College of Law two years later, making *Law Review*. From 1975 to 1980 she worked as a federal prosecutor in Tampa, one of the few women in the profession at the time. "The judges were from the old school, and at first they would be rather deferential to her, sort of Southern gentlemanly-like," said Terry Smiljanich, who served with Hill as an assistant U.S. attorney in Tampa. "But once they saw her in action cross-examining witnesses, they saw she was as tough as anyone else."

Another former colleague from the Tampa U.S. Attorney's Office, Bill James, remembers the time a prominent defense lawyer called her "honey" or "sweetie" during a conversation with the judge. Hill objected, and the judge admonished the lawyer to use professional language, James said.

With a soft-spoken but methodical style, Hill never lost any of the approximately two dozen cases she tried in Tampa. "She has a great command of facts in complex litigation and a great rapport with the judge and the jury," said Manuel Menendez, another former Tampa colleague who is now a circuit judge in Hillsborough County. "She's got a memory like a steel trap, and she's very articulate, very well read, very well spoken," Menendez said. Her most famous case involved a ring of arsonists. The lead defendant, Willie "The Torch" Noriega, was sentenced to five years in prison in 1978 for defrauding insurance companies. The arson case set Hill on her Washington path. In 1978, the Senate Governmental Affairs permanent subcommittee on investigations asked her to come to Capitol Hill and testify about it.

The subcommittee wanted to hear from Hill because the investigation was "virtually the only major successful arson case ever prosecuted by the federal government," Sen. Charles Percy, R-Ill., said at the time. Hill's appearance led to a job offer from Sen. Sam Nunn, the Georgia Democrat who chaired the subcommittee, a panel with rich historical significance. In 1953 and 1954, Sen. Joseph McCarthy used his chairmanship of the investigations subcommittee to hold hearings into alleged Communist infiltration of the U.S. government. His chief counsel was Roy M. Cohn, who helped the Wisconsin Republican conduct

“ In the September 11 investigation, success may depend on how willing lawmakers are to let Hill do it right and ask the tough questions. ”

what became known as one of the great witch hunts in U.S. history. After the Senate formally censured McCarthy in 1954 and Democrats won control of the chamber in 1955, the chairmanship of the panel passed to Sen. John D. McClellan of Arkansas, who hired a young Robert F. Kennedy to replace Cohn as chief counsel.

Hill got the chief counsel job in 1987, when Nunn took back the chairmanship after a six-year hiatus while Republicans controlled the Senate. In that job, Hill oversaw high-profile investigations into health insurance fraud, narcotics trafficking and organized crime and racketeering. The post not only taught her how to run a congressional committee and draft legislation but also how to navigate politics.

In 1987, Hill served as Nunn's liaison to the Iran-Contra committee. She wrote questions for the senator to ask of people such as former National Security Council aide Lt. Col. Oliver North, his young secretary Fawn Hall, and White House adviser Rear Adm. John M. Poindexter.

In the 1990s, she ran several investigations for Nunn into fraud in the student loan and Pell Grant programs. Her challenge was to convince Sen. Claiborne Pell, D-R.I., and other lawmakers who created, funded and oversaw the programs that Nunn wasn't targeting them personally. Her natural tact helped her succeed at that and other delicate tasks, observers say.

In 1995, President Clinton appointed Hill the inspector general of the Defense Department, in essence the military's top auditor. After taking the job, Hill was surprised to learn she held rank equivalent to a four-star general, said her old friend, Smiljanich. And she was pleased but somewhat embarrassed when the Marine Corps told her that they wanted to honor her high rank with a parade. "She wasn't sure what that meant, but



Eleanor Hill

she said okay. Next thing she knows, she was in front of the Iwo Jima memorial (in Arlington, Va.), and the whole Marine Corps was passing and saluting and everything. She was quite impressed," Smiljanich said.

At Defense, Hill oversaw the investigation of Army Maj. Gen. David Hale, who pleaded guilty in 1999 to military charges of adultery with the wives of four subordinates.

In the Sept. 11 investigation, success may depend on how willing lawmakers are to let Hill "do it right and ask the tough questions," as former Senate counsel DiGenova put it. "When you have a joint investigation like this, compromises are made because you have to keep people happy," he said. "A lot of people don't want to look at this question because we're at war." ■

# Questioning the Intelligence System

FSU law graduate Eleanor Hill heads the politically charged, high-stakes investigation of U.S. intelligence failures in the wake of September 11.

By Phillip M. Pollock

# Challenging the Class of 2002

# M

el Martinez, the first College of Law graduate appointed to the U.S. Cabinet, challenged

the class of 2002 to live by the Oath of Admissions to The Florida Bar in his April 27 commencement address. By following the oath, he said, lawyers will resolve problems fairly, treat people honestly, and uphold the highest professional standards.

"I can almost hear you thinking, 'Well, of course I can do that!' And of course, you can," Martinez said. "But the challenge is not in saying 'I can.' The challenge comes in swearing 'I will,' because I am here to tell you that living by your oath will not always be easy."

Martinez, a 1973 FSU law graduate, was appointed U.S. Secretary of Housing and Urban Development in January 2001 by President George W. Bush.

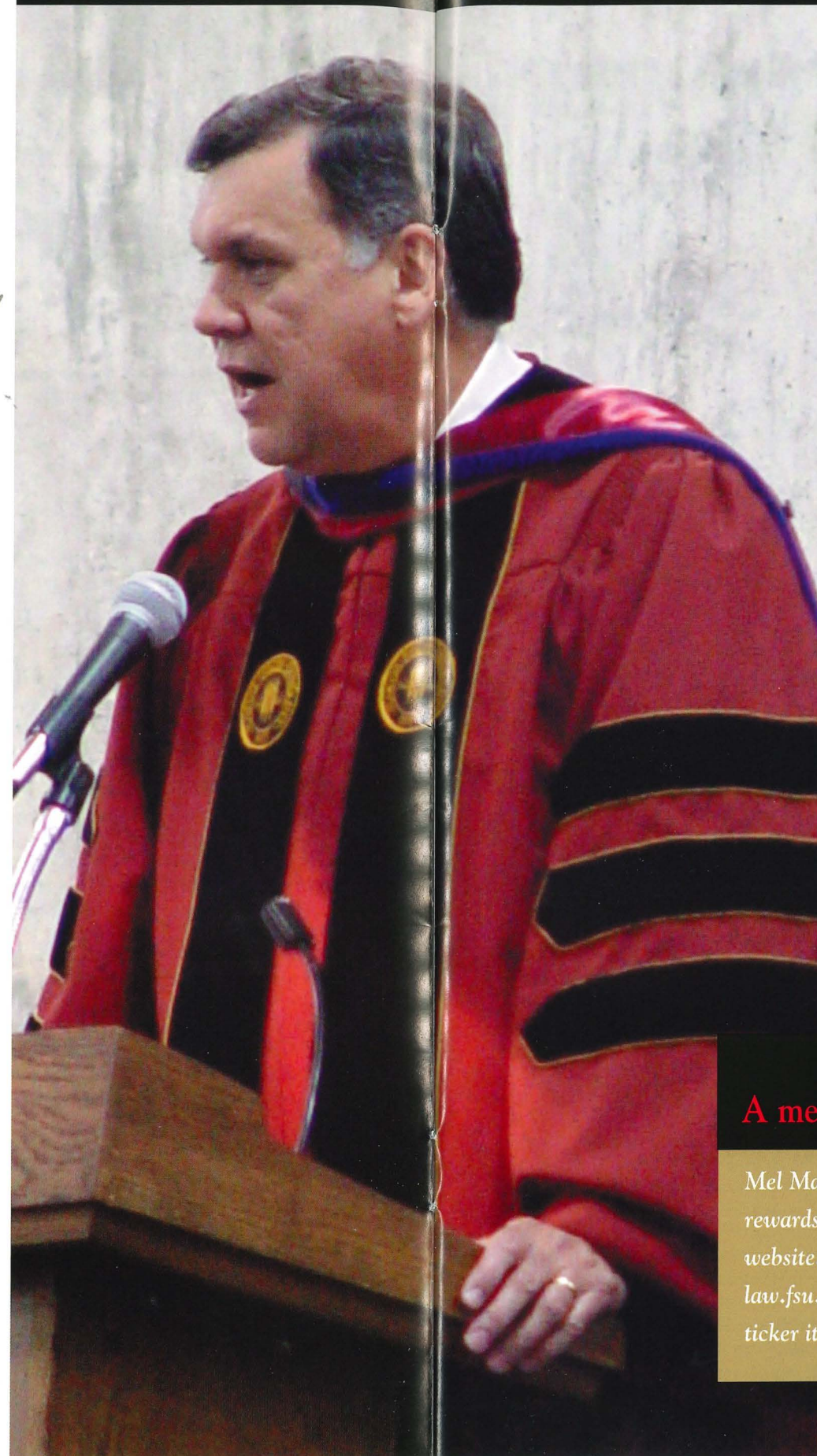
The Secretary also called on graduates to use their expertise in assisting those who are less fortunate. "I hope your experiences in pro bono work have been rewarding. That has certainly been the case in my own life. When I began practicing, I was one of the first bilingual lawyers in the Orlando area. And so I became the person that poor, Hispanic families would turn to for legal advice and representation. Many of them, of course, had little or no money. I helped however I could, and learned a lot of what I know about the law standing at their side. Influencing another life in such a profound way brings with it a deep sense of satisfaction that I want you to know for yourselves," he said.

Born in Cuba, Martinez has taken an active role in efforts to increase the numbers of minorities in the legal profession. He was a highly successful personal injury attorney in the Orlando area before he was elected Chairman of Orange County Government in 1998. The chairmanship was one of the most powerful elected positions in Florida and allowed Martinez to push what he called "a quality of life agenda" that focused on reducing over-crowding in schools.

Martinez began his address to the 191 spring graduates by congratulating them for their strength and resolve. He acknowledged family and friends for their sacrifices and support in helping the graduates achieve their goal. "They have shared in your challenges, your frustrations, and your many successes. And the joy that you feel today is their joy, too," he said.

Martinez said he was unsure of how he would use his J.D. degree when he was a student at FSU. "I knew that I wanted to practice law. I felt strongly that being an attorney would allow me to serve my community in ways that another profession might not. But if you had asked me back then if I thought that I would one day be serving in the Cabinet of the President of the United States, a lot of my law professors would have had a good laugh. For a Cuban refugee, this seemed highly unlikely," he said. "As I have since learned, a law degree gives you a broad background for many careers, and can take you places you never imagined."

Martinez urged graduates to take their mission seriously, repeating his challenge to live by the legal oath. "If you allow yourself to be guided by compassion for others, you will have many opportunities, both inside



**MEL MARTINEZ**, THE LAW SCHOOL'S FIRST ALUMNUS TO SERVE ON A PRESIDENTIAL CABINET, URGES GRADUATES TO LIVE BY THE OATH OF ADMISSIONS TO THE BAR

and outside of your work, to change someone else's life, at the same time you enrich your own," he said.

College of Law Dean Donald Weidner, former Dean and President of FSU Sandy D'Alemberte, Professors Charles Ehrhardt, Steve Gey, Nat Stern and John Yetter helped confer degrees and hood the class of 2002.

Martinez's visit to FSU was his second to a college campus in less than two weeks. On April 15 he was honored as a Chubb Fellow at Yale University. The prestigious Fellowship cited Martinez for his work in both public and private life, focusing on his involvement in community activities and his efforts to increase the use of faith-based social service agencies in responding to state and national needs. Previous Chubb Fellows have included Ronald Reagan,

## A message to tomorrow's lawyers

*Mel Martinez discusses the challenges and rewards of a legal career on the law school's website. To view the video taped message, go to [law.fsu.edu](http://law.fsu.edu) and click on the Martinez news ticker item at the bottom left of the homepage.*

FEATURE

Melissa Zelniker, awarded the Outstanding Service Award, was one of many graduates honored at the graduation ceremonies



Jimmy Carter, Octavio Paz, Toni Morrison and Walter Cronkite.

Martinez is the 15<sup>th</sup> HUD secretary. He was unanimously confirmed by the U.S. Senate, and took his oath of office January 24, 2001. In his nomination of Martinez, President Bush said, "Since leaving his Cuban homeland as a boy, Mel Martinez has been the embodiment of the American dream and has had great success helping the people of his community obtain affordable housing and urban services."

As HUD secretary, Martinez oversees the federal agency that promotes home ownership; helps create, rehabilitate and maintain affordable rental housing; provides assistance to low-income families; helps the homeless; and oversees the country's fair housing laws. HUD works extensively with local communities to help them meet development needs.

In remarks to a luncheon audience of law school faculty, students and friends prior to the graduation ceremony, Martinez said he was putting a priority on helping lower income families become homeowners. "Although there is a high rate of home ownership among middle class Americans, the numbers drop off significantly for poorer people," he said. "We're trying to improve those numbers." Martinez said HUD is focusing on simplifying the home buying process as well as reducing costs. Working through community-based housing providers, he said, was the best way to achieve that goal. ■

# In Pursuit of Justice

**Motivated by a strong desire to see justice served, Mary Pankowski leaves one successful career behind and embarks on another at age 61**

By Janeia R. Daniels

**W**hen others are reaching the pinnacle of their professional careers, Mary Pankowski is just beginning a new one. At age 61, she is a rookie prosecuting attorney in the Tallahassee office of State Attorney Willie Meggs.

The 2002 College of Law graduate realized she wanted to be a prosecutor following an internship last summer in Megg's office, after sitting in on five trials. "It was then that I said to myself, 'Boy, do I need to get on with it. I can really make a difference doing this,'" said Pankowski recalling her first taste of legal life.

More remarkable than Pankowski's decision to start a new profession is the fact that she was so good at her first one.

A professor with the FSU College of Education for many years, she was a dynamic force in the continuing education field and helped establish FSU's highly successful Center for Continuing Education. Through the Center, she was known for encouraging those who had been out of college for years to return to the classroom. She developed the Returning Student Seminar and established the Mary Pankowski Returning Student Scholarship Fund. Her contributions in the life-long learning field landed her a seat in the International Adult and Continuing Education Hall of Fame.



In 1994, Pankowski left FSU after more than 25 years to become Vice President for Academic Affairs at Florida International University in Miami. Her decision to leave college administration and attend law school came four years later.

Even as a child, Pankowski set lofty goals for herself, dreaming of becoming a history teacher and teaching in every state in the country.

Later, as she pursued a Ph.D in Education, she developed an interest in the law.

She took the LSAT in 1973, but with a young marriage and three small children, she wouldn't follow up on her interest for more than a quarter century. When she retook the test in 1999 she scored within a point of her first score.

The thought of spending three years in law school was not the least bit daunting for the optimistic Pankowski, who says that she met the challenge head on. Pankowski remembers the humbling realization that even her prolific vocabulary



Called the "poster girl of life-long learning" by her friends, Mary Pankowski tackles her new job as a prosecutor with enthusiasm.

could not overcome the need to carry a *Black's Law Dictionary* at all times. Always the eager student, she could be found in her customary perch in the second row of her classes, her arm often in the air, taking in as much as possible from the course lectures.

"The beauty of law school is that it doesn't matter what your background is because everyone seems to be on an even playing field," Pankowski said. "But even more, it was the unrelenting support of my family, not to mention the dynamic faculty and various opportunities available at FSU, that led to my successful law school career." In fact, Pankowski managed to pack a three-year program into two-and-a-half, and still graduate with high honors.

Her achievement was duly noted by an impressed faculty. "Mary makes you appreciate the joy of living and the stunning talent of our students," said Don Weidner, dean of the College of Law.

Added criminal law professor John Yetter, "Mary has a great approach to life. She has a wonderful attitude of willingness to take on tough tasks, and not be put down by temporary failure. Being around her, you get the feeling she'll make you better."

"For me, the opportunity to go to a law

school in the state capital was enhanced by such great teachers who care deeply about the students, are up on their research, know the latest developments and case law, and who are significantly interested in making sure that my law school experience was as rich as I would like it to be,"

*'I know it may sound clichéd, but I am truly motivated by the opportunity to make a difference.'*

said Pankowski. "I think that is what personifies FSU law school."

In the prosecutor's office, Pankowski's wealth of life experience allows her to interact with her colleagues as if they were life-long friends, never hinting that she's new at the job. Always enthusiastic, always the competitor, she has never met a challenge she can't master.

The inquisitive onlooker might wonder what drives a person like Pankowski, who has maximized her opportunities in

the educational profession. She even found time to travel to all seven continents and co-author a 1990 book, *Flying in Formation: Strategies for Success in Two Career Marriages*, with her husband Joe.

"I know it may sound clichéd, but I am truly motivated by the opportunity to make a difference," said Pankowski, who has spent a large part of her adulthood as a proponent of higher education. Known by her friends as the "poster girl for life-long learning," Pankowski's passion for helping people reach their full potential has been her inspiration as an attorney.

"I'm doing exactly what I want to do—being as effective an attorney as I can be in a quest for justice."

In constant reinvention of herself, the former professor and administrator always manages to convey an invincible impression that there is nothing she cannot do which she sets her mind to. Pankowski says her unswerving belief in her own abilities to shed light upon the bleakness in the justice system urges her on to continual strides.

"Law is a partner in achieving justice," Pankowski said. "When you're a lawyer, you are basically doing adult education by helping people realize the consequences of their actions and helping them create win-win situations that help bring about justice." ■

By Phillip M. Pollock

# A GOOD FIT

PROFESSOR MARY CROSSLEY STRIKES A BALANCE BETWEEN HER PROFESSIONAL AND FAMILY RESPONSIBILITIES

**M**ary Crossley was a visiting professor at the College of Law early in 2000 when Dean Don Weidner met with The Florida Bar Health Law Section to discuss a new professorship. The Section was searching for a way to partner with the law school to reach a new generations of lawyers. The discussions were successful, and in the fall of 2002 Crossley became a permanent member of the law school faculty and was named Florida Bar Health Law Section Professor of Law.

Crossley says she is fortunate that the Bar and the College of Law made the connection when they did. "I was definitely in the right place at the right time—and the law school certainly benefits from the Bar's support," she said. "At the same time, we are able to provide a valuable foundational background to students who later go out to practice in the area of health law," said Crossley. "It's been a good fit."

The professorship has allowed her to not only continue her research and teaching in areas of health law, she says, but also to explore related areas of teaching. In addition to Health Law and Policy, Crossley teaches Family Law, a course new to her. Her interest in the area, though, is understandable.

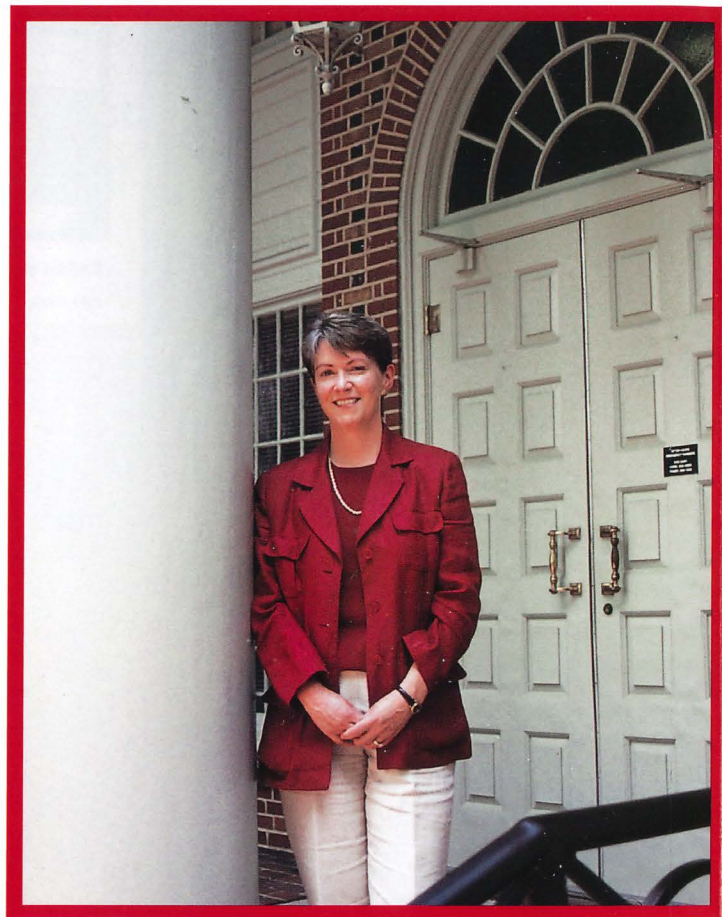
Her family has always been at the center of her life and has factored into many of

the decisions she's made. "When I was growing up in Tennessee, my family took pride in using good manners—displaying a certain modesty and self-restraint—and that influenced how I turned out," she said. "Making things work interpersonally and connecting well socially were all important skills to have in life, and these were things that my family stressed. When I consider my interactions with my colleagues, my strengths in writing and communicating, I reflect back on my upbringing."

It wasn't until late in her college career that Crossley decided to pursue a career in law. "My father and brother were lawyers, but that didn't play a huge part in my decision to practice law. What that family involvement *did* provide, however, was a sort of familiarity so that when I was making my career choices later in college, I was comfortable with the idea of law as a profession. Ultimately, I decided that practicing law would allow me to be more involved in the world, instead of being in some ivory tower if I followed a Ph.D. program in English or history," she said.

After attending law school at Vanderbilt, Professor Crossley was a prac-

ticing attorney in both Connecticut and California. While she was in California, early in 1990, she was appointed Assistant Professor at the University of California, Hastings College of Law. Later, she became Associate Academic Dean for a two-year period. During this time, Crossley began thinking about relocating. "Though the faculty responsibilities did take me away from researching, which I love, that wasn't my sole reason for leaving Hastings," she indicated. "I really wanted to be closer to my family in Tennessee, and that was a primary factor in deciding to accept a visitorship at FSU."



Crossley's year as visiting professor was exploratory, she says. It gave her family an opportunity to check out Tallahassee, both from a law school and cultural perspective. "I needed to consider my family's best interests when I came here. My husband is from Montana and had never been in the South before, so I knew it would be a big adjustment for him. The visit gave us the time to weigh all this over," Crossley said. In the latter part of that first year, she was offered the professorship, a major influence in her decision to join the faculty.

Another big plus for coming to FSU, she said, was the fact that health law already had a strong foundation at the law school. She noted the work of Professor Lois Shepherd and the fact that so much health law regulatory legislation is acted upon blocks away at the state Capitol. Shepherd teaches Bioethics and the Law, among other courses, and she is the author of a number of articles in the health law and health law ethics field.

"My affiliation with The Florida Bar provides the school, Professor Shepherd and myself with great possibilities. I attend the Executive Council of the Health Law Section, and that helps us keep abreast of what's going on throughout the state," said Crossley. She indicated that she will look to the Bar for ideas for new courses. Practicing attorneys will consult with her, Crossley says, to suggest what's important for students to know when they enter the public health law arena. Crossley's interaction with the Bar will also serve as a conduit for bringing practicing attorneys to the law school to talk with students about the health law field.

"My involvement with the Bar has opened communications with practicing attorneys. In the past there may have been this perception that the law school teaches one thing, and then there's the real world. I can keep the dialogue going and close that gap and form a bridge. The theoretical and real world end up being closer together," said Crossley. In Florida, where there are large senior and ethnically di-

verse populations, the melding of theory and real world issues will become more and more important, she says. "Florida needs health law lawyers," said Crossley emphatically.

Florida's growing population is integral to Crossley's research, which relates to health and disability concerns that are made on behalf of an unborn or newborn child. She considers how decisions are made and how responsibility is allocated between parents, doctors and the law.

*'My involvement with the Bar has opened communications with practicing attorneys. In the past there may have been the perception that the law school teaches one thing, and then there's the real world. I can keep the dialogue going and close that gap and form a bridge.'*

"These are tough issues to deal with," Crossley said. "Particularly difficult are situations where the fetus requires surgery and doctors have to go through the woman to perform that surgery. It immediately raises the question about what you do when the woman is opposed to having the operation—then who decides upon the child's welfare?"

Fortunately for Crossley, there has been a strong intersection between her research and her faculty responsibilities at the College of Law. This past March, she and Shepherd combined their talents to organize a symposium, Genes and Disability: Defining Health and the Goals of Medicine. The symposium looked at such issues as fetal maternal surgery, as well as questions that cut across genetic and disability borders. For example, when do undesirable genes constitute a disability for the person who carries that gene and what are the implications of judging whether a genetic condition is a disability? And when does a genetic condition mean that a person's potential offspring are unhealthy and needs medical attention?

During the symposium, she said that it is often easy to consider genetic differences, on a more scholarly level. "But,

then when I look closely at the big picture, I say, 'there's me, right in there, living my life.'" Almost anyone who has had a child, she says, is given pause for thought about genetic differences that could constitute a disability. "I was thirty-five when I had my youngest child," Crossley said. "Medically, that's the age when you start to consider risks of childbirth, and so when the doctor asked me whether or not I wanted to have a prenatal test, I had to think about it a lot. It's a very personal issue and you have to ask yourself if this is information that you really want to have." It's a decision facing thousands of women and families each year, she says, and education, income, and family support are all factors that should be considered if a prenatal test is administered.

Crossley said several of the symposium speakers discussed the future of genetics and disabilities. With continued research and testing, more and more disabilities will be identified. For example, geneticists have recently found that the genes for both a wet form of earwax and a rare variety of epilepsy are found in the middle of the same chromosome. As research turns up new findings, Crossley suggests that prenatal screening will provide concern about the worth of the new information. "It may be too much of a burden to know these things," she said.

This fall, Crossley will work full-time on her research, returning to teaching duties in the spring. She feels fortunate, she says, to work in an area where her efforts can have an impact on people in the real world. "My research, my teaching and my family almost seem interwoven, so that things that I research and talk to students about are also things that involve my family life, or families at large," she said. "It's so important to make students understand why they're doing what they're doing—how people are affected by what you do. Students come out of law school with a very powerful tool, and I think they need to think about how they'll use that in their careers." ■

By Phillip M. Pollock

# A Taste of Law School

THIRTY UNDERGRADUATE STUDENTS FROM AROUND THE COUNTRY GET  
A PREVIEW OF A LEGAL EDUCATION IN FSU'S UNIQUE SUMMER PROGRAM

For the eleventh consecutive year, the FSU College of Law opened its doors to college freshmen and sophomores from around the country in a one-of-its-kind program that offers students a taste of legal education.

The Summer Law Program for Undergraduate Students, is designed to expose students, who, for economic and other reasons might not have the opportunity, to get a preview of the law school experience. The program's ultimate aim is to see its graduates enroll in law school at FSU or elsewhere. This year's program was held from May 28 to June 21.

Students learned firsthand about a variety of legal careers through a speaker series that included presentations from prominent local attorneys and FSU alumni including Benjamin Crump (Parks & Crump) and Tommy Warren (Tommy Warren & Associates, PA) who discussed careers in private practice, attorneys Edwin Bayo and Francisco Rivera, as well as Public Defender Nancy Daniels and State Attorney Willie Meggs, offered insight into the world of public interest/government practice.

Alumnus Wayne Hogan, of Brown, Terrell, Hogan, Ellis, McClamma & Yegelwel, P.A. of Jacksonville, spoke with the participants about his experiences as a young man growing up in St. Augustine and the challenges he faced in higher education. After graduating from junior college, he enrolled at FSU where he earned his bachelor's and law degrees.

Hogan also discussed his personal practice in the field of products liability and toxic torts with emphasis on representing victims of asbestos disease. He was among the trial lawyers representing the State of Florida in its historic lawsuit against the cigarette industry on behalf of Florida's



**Summer Law Program participant Stephanie Bundage makes a point during a courtroom presentation**

taxpayers and children.

Hogan's interest in the Summer Program is a key reason for its success. Hogan, and his wife, Patricia, made a gift of \$2 million gift to FSU in 2000, with a large portion of the funds dedicated to endowing the Summer Program.

At the time he made the gift, the largest the law school has yet received, Hogan said he had met with many of the students who had participated in the Summer Program, and was "thoroughly impressed with the impact the program had on their lives."

In addition to hearing from guest speakers, the students also had the chance to visit local law firms. Six law firms spent an afternoon hosting the students and providing them a glimpse of law firm life and the opportunity to ask questions of their

attorneys and law clerks. The students visited the Tallahassee offices of Hopping Green & Sams, Carlton, Fields, et al., Holland & Knight, Katz, Kutter, et al., Ausley & McMullen, and Knowles, Marks & Randolph.

The 30 Summer Law Program participants also took trips to the Florida Supreme Court where they attended the oral arguments in a first amendment/freedom of religion case. Prior to observing arguments in *Richard Warner v. City of Boca Raton*, the students were treated to a behind-the-scenes tour of the Court and the opportunity to role-play as Justices and lead counsel. The group also participated in a private question and answer session with the seven Justices.

A majority of the students' time in-

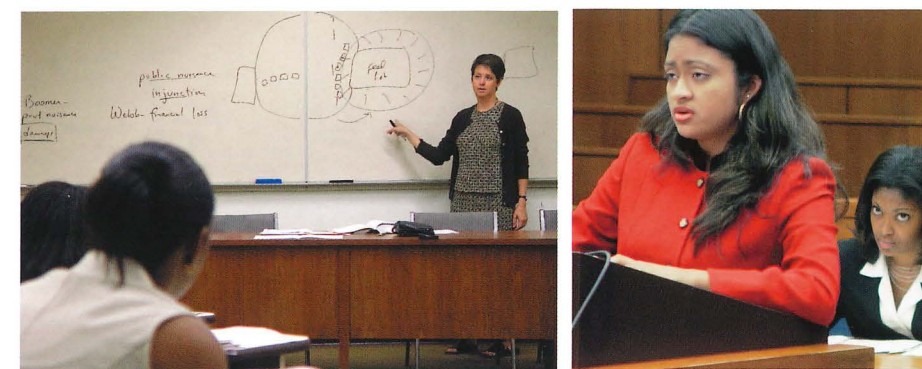
involved attending classes designed to simulate the first year law school curriculum. Faculty members Barbara Busharis, legal writing instructor, and Lois Shepherd, Associate Professor, provided the instruction throughout the month-long program. Both Busharis and Shepherd said they were very impressed with the group of students who attended this year.

"This group of students was highly motivated. Many of them were already strongly interested in a legal career, and they began the program determined to soak up as much information as possible that would help them succeed in law school and choose a career path," said Busharis. This is the second time she has been involved in the program.

The students carry a significant workload but rarely complain, she said. "We can't really recreate the intensity of the first year of law school in a four-week-long program, but the time demands and the daily assignments give students a realistic exposure to the pace, as well as the in-depth reading that will be required when law school starts."

Shepherd said that while the program doesn't provide the students with a full course load, they are exposed to some of the demands of the law school classroom and assignments. "Throughout the course they began to understand how carefully lawyers read cases, analyze facts, and craft their communications. The level of the lawyers' attention to detail surprised many of them. I think they came to understand that one little fact can result in very different legal outcomes," said Shepherd. "I had a number of students tell me that this was the best educational experience that they have had. At the end of the program, even those students who felt unsure of their ability told me they now had the confidence to aim for law school. I think that's one of the most valuable services that the program provides."

Stephanie Bundage, an FSU music major, was one of the students receiving a confidence boost. "The past several weeks have been great—really intense and busy," she said. "Right now, I feel pretty confident about going into the courtroom, though over the past couple of days, I think my mother was more nervous than I am. She would say, 'now you need to do this, and don't forget that' and I had to stop her and say, 'mom, it's going to be fine—I



**Students in the Summer Program attended classes and lectures during the month-long session. At left, Wayne Hogan, who has, with his wife, Patricia, helped endow the program, shares his experiences with students**

know what I'm doing."

During the program's closing reception, awards were given to students for Best in Legal Writing and for Most Industrious Student, while friends, relatives, faculty, staff, and current law students were on hand to honor the participants for their hard work. Each participant received a certificate for completing the program.

Law school Dean Don Weidner is investigating the possibility of including more students in the program and offering a short refresher course to graduates as they prepare to take the LSAT. "This has become a signature program at the law school and we're very proud of what it has accomplished. We hope to accomplish even more." ■

# Stepping down

## Hired by founding law school dean Mason Ladd, Jarret Oeltjen, retires after 33 years at FSU

One of the last of the College of Law faculty hired by founding dean Mason Ladd is putting away his class notes.

Jarret Oeltjen, who signed on with the three-year-old law school in 1969 retired from full-time teaching at the end of the summer 2002 semester.

An expert in consumer and commercial law, Oeltjen has, through the years, taught commercial law, contracts, consumer protection, agricultural and entertainment law, commercial transactions and commercial contract drafting.

He has also established himself as the nation's foremost legal expert on pawn shops and the pawn industry, writing and lecturing extensively on the subject. "I see pawn shops as legitimate businesses performing a valuable service," he said, adding that pawn shops are often the only legal source of money for people with poor credit. "Unfortunately, pawn shops are treated like bars and massage parlors and restricted to where they can operate. Given the strict reporting requirements they have to follow, I think this is unfair."

The story of how Oeltjen was lured to Tallahassee fits the pattern of Ladd's other early hires.

Ladd contacted Oeltjen, who had been teaching torts on a fellowship at the University of Chicago Law School, while he was home in Nebraska for the holidays.



Jarret Oeltjen, then and now. In top photo Oeltjen stands to the right of Dean Mason Ladd (leaning on cane) in a 1969 outing at Wakulla Springs. To Oeltjen's immediate right are Bill VanDercreek and Chuck Ehrhardt.

about it." Ladd raised his offer but told Oeltjen he had 24 hours to make up his mind. "I agreed to come," Oeltjen says, "but I found out later that the dean had been authorized to offer me even more. Mark one up to experience."

Oeltjen said his original intention was to stay in Tallahassee for two or three years and then return to the Midwest and a small town practice with a law school classmate. "After awhile, though, I began to get comfortable here. My wife and I had our second child, then a third and a fourth." Adds Oeltjen, "I still miss the Great Plains, but Tallahassee and FSU have been quite generous to my family and me. This is home now."

Prior to joining the FSU law faculty, Oeltjen was a Bigelow Teaching Fellow at University of Chicago Law School. He served as Associate Dean of the College of Law from 1981-84. He graduated with high honors from University of Nebraska College of Law, where he was an editor of the *Nebraska Law Review*.

"Dean Ladd wanted me to come to Tallahassee immediately for an interview." When Oeltjen protested that he was home with the family for Christmas, Ladd suggested that the job would not last. "He made it pretty clear that time was 'awasting'." Oeltjen quickly headed south and, once in Tallahassee, was quartered in the Ladd's guest bedroom. Says Oeltjen, "Needless to say, I was in a very controlled situation."

After spending time with the Ladds and meeting some of the faculty, the dean made Oeltjen an offer. "Considering myself a pretty savvy negotiator, I told Dean Ladd that I would need some time to think

# Law school adds four to faculty

The College of Law welcomes four new faculty members for the 2002-2003 academic year. For additional information and a review of individual vitas, visit [www.law.fsu.edu/faculty](http://www.law.fsu.edu/faculty).

### Fernando Tesón, Tobias Simon Eminent Scholar

Known for his scholarship relating political philosophy to international law, and in particular his defense of humanitarian intervention, Fernando Tesón is author of *A Philosophy of International Law and Humanitarian Intervention: An Inquiry into Law and Morality*. He has served as a law professor and affiliate professor of philosophy at Arizona State University, where he taught for 17 years prior to joining FSU's faculty. Before entering academia, Tesón was a career diplomat for the Argentina Foreign Ministry in Buenos Aires for four years, and Second Secretary, Argentina Embassy in Brussels for two years.

Tesón says he is pleased to provide another dimension to an already outstanding international law faculty. "My impression of FSU is excellent," he said. "It seems that there is now a critical mass of faculty here who are working at the cutting edge of legal scholarship."

While in Arizona, Tesón formed and conducted a tango band that performed authentic Argentine tango music. "I play the bandoneón, which is a tango accordion, and I'll be trying to form a quintet or quartet here, along with balancing my family and professional life."

### David Markell, Steven M. Goldstein Professor

David Markell is an internationally recognized scholar on the enforcement of environmental laws. He is the co-author of *New York State Administrative Procedure and Practice*, which received the 1995 ABA Section of Administrative Law and Regulatory Practice Award for Scholarship. One of his law review article, "The Role of Deterrence-

Based Enforcement in a 'Reinvented' State/Federal Relationship: the Divide Between Theory and Reality," was selected by a peer review process as one of the best environmental law articles published in 2000.

Markell will teach Environmental Law this fall. "I truly enjoy working with students inside and outside the classroom. I use a problem-solving approach in class, where hypothetical cases require students to take a position and identify issues in the case," Markell said. Outside the classroom, he is an avid athlete who has played semi-pro baseball and competitive ping-pong.



David Markell



Greg Mitchell



B.J. Priester



Fernando Tesón

### Gregory Mitchell, Assistant Professor

Gregory Professor Mitchell has staked out a claim as one of the leading skeptics concerning the limitations and potential misuses of research in psychology and behavioral economics. He comes to FSU from Michigan State University Detroit College of Law faculty. Prior to joining academia, Mitchell was an associate at Doramus, Trauger & Ney, in Nashville, Tennessee, and clerked for United States District Court Judge Thomas A. Wiseman, Jr., in the Middle District of Tennessee.

Mitchell will teach Civil Procedure and Complex Civil Litigation in the fall. In the classroom, he encourages critical thinking, believing that a good lawyer is required to be skeptical, open and diligent. "I want students to look carefully at both sides of a case, applying abstract principles to concrete situations, which is exactly what they'll be doing when they begin practicing law," Mitchell said.

Mitchell added that away from work he enjoys spending time with his wife and two dogs, along with playing "some bad golf."

### B.J. Priester, Assistant Professor

B.J. Priester will teach Constitutional

Criminal Procedure II, while he continues his research on the relationship between elements of crimes and sentencing provisions. Before joining the faculty, Priester was a law clerk to Judge Susan H. Black on the U.S. Court of Appeals for the Eleventh Circuit and an associate at Ropes & Gray in Washington, D.C. He graduated cum laude from Harvard College and summa cum laude from Duke University School of Law, where he was editor-in-chief of *Law & Contemporary Problems*.

Priester plans to draw on his clerking and practice experience to integrate discussions of theory with the "black letter" law in his teaching. "An important part of a great legal argument, in theory or in reality, is not applying the relevant legal rule, but understanding and explaining why that rule and its corresponding result is the right one," said Priester.

Outside of his professional life, Priester, enjoys following current events. "I also like to watch favorite movies and sports. Coming from Minnesota and Big Ten country, it'll be nice to be back in a great college football environment." ■

CLASS NOTES

'74



**George E. Tragos** of Clearwater has been appointed to the Sixth Circuit Judicial Nominating Commission by Governor Jeb Bush.

'76

**Lonnie N. Groot** of Deltona has been appointed to the Seventh Circuit Judicial Nominating Commission by Governor Jeb Bush.

'77

**Melissa F. Allaman** of Tallahassee has been appointed to the First Appellate District Judicial Nominating Commission by Governor Jeb Bush.

'78

**Paul Amundsen**, a Tallahassee attorney, has been appointed chair of the Big Bend Chapter of the Air and Waste Management Association.

**Sheila McDevitt** has been named Corporate Counsel of the Year by the Hillsborough County Bar Association. She is senior vice president and general counsel for TECO Energy in Tampa.

**Craig Willis** has become a named partner with the firm of Fixel, Maguire & Willis in Orlando.

'79

**Jim Bacchus** has been named Chairman of the Appellate Body of the World Trade Organization. The Appellate Body was established in 1995 to hear appeals from dispute panel reports on international trade issues and is the court of last resort in the WTO process. The WTO and Appellate Body are based in Geneva, Switzerland.

**David W. Wilcox** has been re-elected Chairman of the Board of Coast Bank of Florida in Bradenton where he practices commercial, business, banking, real property and tax law. He has been chairman since the bank began operations in April 2000. Wilcox is a member of Kirk Pinkerton, P.A., in Bradenton. His office is located at 1301 6<sup>th</sup> Avenue West, Suite 401, Bradenton, FL 34205.

'80

**Don Hinkle** and his partner, Lisa Magill Foran, announce the opening of their new firm, Hinkle & Foran, at 1545 Raymond Diehl Road, Suite 150, Tallahassee, FL 32308. The firm specializes in personal injury and medical malpractice law. The firm's phone number is (850) 205-2055. The website is [www.hinkleforan.com](http://www.hinkleforan.com).

'83

**Paula Freeman** has joined the law firm of Thompson & Knight, LLP, in Houston. She is Board Certified in Estate Planning and Probate Law and will work on tax, estate planning, and probate matters with the firm. She also has significant experience in family law and mediation.

**Lisa Shearer Nelson**, a director in the Government Relations and Litigation Practice Groups for Holtzman, Equels & Furia, has been elected Chair of the Administrative Law Section of The Florida Bar. She has served on the section's executive council for five years and has held several leadership positions including vice-chair, secretary and treasurer. Nelson has argued cases before all five Florida District Courts of Appeals, the Florida Supreme Court, the Eleventh Circuit and the United States Supreme Court, and is admitted to practice before all three United States District Courts in Florida. Before joining Holtzman, Equels & Furia, Nelson was a former Deputy General Counsel for the Department of Business and Professional Regulations where she handled more than 230 appeals. She also served as a research aide to Chief Justices James E. Alderman and Joseph A. Boyd of the Florida Supreme Court.

'84



**Valeria Hendricks** has been named partner with Davis & Harmon, P.A. in Tampa. She is Board Certified in Appellate Practice by the Florida Bar and heads the firm's Appellate and Law department.

'86

**Valerie W. Evans** of Orlando

has been appointed to the Ninth Circuit Judicial Nominating Commission by Governor Jeb Bush.

'87

**Marshall J. Osofsky** has become a shareholder with Moyle, Flanigan, Katz, Raymond & Sheehan, P.A., in West Palm Beach. He concentrates in general civil and commercial litigation. His office address is 625 N. Flagler Drive, West Palm Beach, FL 33401; phone (561) 659-7500.

**James R. Thames** has been certified in Business Bankruptcy Law by the American Board of Certification. The certification requires an attorney to have at least five years of full-time practice; to spend at least 30% of his or her practice and at least 400 hours on bankruptcy related matters in the last three years; earn at least 60 hours of continuing legal education in bankruptcy matters within the past three years; and pass a day-long written exam covering business bankruptcy issues. Thames is a partner in Stutsman & Thames in Jacksonville. His office is located at 121 W. Forsyth Street, Suite 600, Jacksonville, FL 32202.

'88



**Cynthia G. Imperato**, of the Office of Statewide Prosecution in Fort Lauderdale, has



Above: Another day at the office: Kneeling in front: (from left) Jim Underwood & Sam, Bobby Werblow; standing (from left) Russ Lazega, Chris Tuccitto, Danny Tuccitto, Lauren Seff, Erajh Panditaratne, Robert Mellerson & Jason Zeller; At right: firm mascot Sam and Russ Lazega



## At Russel Lazega's Miami law firm, having fun is part of the practice

Call them crazy. Call them wild. Call them misfits. They'll take it as a compliment. There's another thing you can call the folks at Russel Lazega's Miami law firm: successful.

Founder Russel Lazega, a 1996 FSU law graduate, revels in the outlandishness of his firm, which specializes in representing health care facilities in disputes with insurance companies. "We're absolutely nutty," he says, standing next to a mask of Fidel Castro decked out in a party hat, while, across the room, two dogs are sprawled on the floor. "What you see is what you get with us. We're flat-out candid. I think that's part of the reason our business has grown so fast."

The lawyers and staff are young—the oldest a well-seasoned 33—and diverse—try Jewish, Hispanic, gay, Anglo, African American, Chinese and Sri Lankan. They come to work in shorts, t-shirts and Birkenstocks, or anything else they prefer. They come and go from the office on their own schedule. Some don't come into the office at all, opting to work at home. Or they work on a sailboat, as Lazega is known to do. "Freedom works for us," he says. "Right now we're juggling over 1,000 active cases. To do that you need an environment where people are calm and focused. We work hard here, and I've found that people do better work when they're relaxed."

The only suits and ties you'll find in the firm's offices hang on hooks, says Lazega, donned only for court appearances.

The candor that Lazega speaks of has earned the firm a strong reputation in its field. "Our clients, judges and other lawyers know exactly where we're coming from," he says. Those from the buttoned-down world, he says, usually respond well to the firm's style. "Instead of being turned off, my experience is that they look at us as a breath of fresh air. I think they envy our freedom."

Lazega concedes that some clients still prefer wing tips and Windsor knots. "If they're stuck on a suit and tie they probably won't come knocking on our door." If they do, he adds, he's happy

to refer them to more traditional firms.

Lazega, who just wrote the 2002 edition of *Alpert's Florida Practice Handbook, Motor Vehicle No-Fault Law* (the Harrison Company), started the firm three years ago in a one-room office in North Miami with a borrowed desk and folding chair. Today, he has a staff of 19, including five attorneys in Miami and Orlando. Plans are in the works to open a third office in Tampa. "We've found a good niche for ourselves," Lazega says. "What we do is file suits when insurance companies deny claims made by our clients," he says, describing a typical case that involves a major insurance company's refusal to pay for the medical tests of a car accident victim. "Medical facilities legitimately incur these costs and deserve to get paid."

Behind the firm's casualness, says Lazega, is a well-oiled machine. "Our strength is that we function as a team. Every employee is a link in the chain that keeps the assembly line running." Lazega spends much of his time making sure the process is working smoothly. "I'm the assembly line monitor," he says. "Things need tweaking every now and then."

Besides the office's laid-back atmosphere, Lazega credits the firm's efficiency to its investment in technology. "We've streamlined our system to the point that it's extremely cutting-edge," he says. The firm has developed software that follows a case from the note-taking at the first client meeting to the documents and letters required as it reaches resolution. "It saves a tremendous amount of time."

Technology is also the key to employee freedom, Lazega says. "With computer dial-up systems, laptops, cell phones and faxes, we can work from anywhere."

Lazega sees the day when more firms do business his way. "I think the mold for the traditional firm—9 to 5 schedules, starched white collars and shiny black wingtips—is being shattered. I think we're the firm of the 21st century." ■

been elected chairperson of the Italian American Cultural Center. She was also appointed to the Broward County Chapter of the Italian American Bar Association Board of Directors. In April, she spoke at an Orlando seminar on the prosecution of transient criminals and con artists.

'90

**Christopher M. Kise** has been named a shareholder with the Tampa office of Gray, Harris & Robinson. He is an AV-rated commercial litigation and white-collar defense attorney. He is statewide chairman of the White-Collar Defense group at the law firm. He has extensive experience in complex commercial litigation and white-collar defense matters involving securities, health care and environmental issues. He also has international experience, working on cases in London and Tokyo. His office is located at 201 N. Franklin Street, Suite 2200, Tampa, FL 33602; phone (813) 273-5000.

'91

**John M. Harris** was sworn in as Brevard County Court judge, July 19. The oath of office was administered by his father, the Honorable Charles M. Harris, judge of the Fifth District Court of Appeal. At 35, Harris is the youngest sitting judge in the Eighteenth Circuit.

**Allen H. Libow** is a partner with Libow Lowicky Muskat Chepenik & Shaheen, LLP, in Boca Raton. He concentrates in the areas of tax law, commercial law, probate and estate planning. His address is 1200 N. Federal Highway, Suite 301, Boca Raton, FL 33432; phone (561) 391-0199.

**Noel P. McDonell**, formerly an assistant state attorney in the 13th Circuit, has been ap-

pointed assistant statewide prosecutor with the Office of Statewide Prosecutor in Tampa. The office is located at 4211 N. Lois Avenue, Tampa, FL 33614; phone (813) 878-7337.

**Wendy Morris** has been appointed general counsel for Florida Gulf Coast University in Fort Myers. The former associate general counsel at the University of North Florida, she is the first to hold the general counsel position at five-year-old FGCU. Previously, Morris had been an assistant attorney general in criminal appeals and civil litigation and counsel with the Florida Board of Regents.

'92

**Alan W. Roddy** has joined Matthews, Eastmoore, Hardy, Crauwels & Garcia in Sarasota. He concentrates in the areas of land use and real estate litigation. Previously, he had been an assistant state attorney in Sarasota County. His office address is 1777 Main Street, Suite 500, Sarasota, FL 34231; phone (941) 366-8888.

'93

**Darlene D. DeGuzman** announces the relocation of the Law Offices of Darlene D. DeGuzman, P.A., to 17 Old Mission Ave., St. Augustine, FL 32084. She will continue her practice representing individuals in workers' compensation, longshore/harborworkers compensation, personal injury and admiralty and maritime matters.

**Warren H. Husband** of Tallahassee has been appointed to the Second Circuit Judicial Nominating Commission by Gov. Jeb Bush.

**Hugh Lee** is Director of the Student Legal Clinic and managing attorney for the Alabama

## ALUMNI JOB POSTINGS

The Office of Career Planning and Placement is pleased to announce that it has begun posting job listings online through Eattorney.com. As an alumnus of FSU, you are able to sign in and search the Florida State University's job postings at your convenience. You can search for positions by location, area of law, employer type, and employer size. In addition, you have the option to create an individual profile and upload your resume for employers to review. We are convinced that this will be a great resource, and are very excited to provide it at no cost to our alumni. This service is available beginning August 1, 2002. The current alumnijobs listserv will remain active until September 1, 2002, at which time the new job board will replace the alumnijobs listserv.

To search the job postings, log on to [www.eattorney.com](http://www.eattorney.com). You will need to register with eAttorney and create your own ID and password. Once you log on, go to "Career" at the top of the page. Then click on "Job Bank" and "Alumni Job Search." Before you are able to search the job postings, you will be required to obtain a password from our office. This password will be emailed to the alumnijobs listserv in August. You can also obtain this password by calling our office at (850) 644-4495, or by emailing your name and graduation year to Joy Kelley at [jkelly@law.fsu.edu](mailto:jkelly@law.fsu.edu). Instructions for accessing the job listings are also available on our website at [www.law.fsu.edu](http://www.law.fsu.edu).

We are pleased to offer this service and we hope it will be very beneficial to you. If you have any questions about the job listings any other career-related questions, please contact Director, Brittany Adams Long.

# ALUMNI COMMUNIQUE

## Homecoming 2002

Mark your calendar now to join your fellow alums for Homecoming Weekend 2002. The North Carolina Tarheels will battle the Florida State Seminoles on November 16 and the Office of Alumni Affairs has a special weekend planned for visiting alums. On Friday, November 15 there will be a class reunion party open to all alums and hosted by Don (1980) and Janet Hinkle at their home in Tallahassee. Join the classes of 1972, 1976, 1982 & 1992 in celebrating their outstanding accomplishments and contributions to the College of Law.

On Saturday, November 16 the Seminoles hit the field at 3:30 p.m. but not before the alums prepare for the big game at the College of Law Tailgate Party. Before the game, enjoy the gameday festivities with food, drinks and activities for the whole family on the Green in the shadow of the College of Law Rotunda.

## Alumni Directory

This fall the Office of Alumni Relations will be publishing an Alumni Directory on the web and in printed format. The web directory will be offered to all alums at no charge while the printed version can be purchased at a cost of \$15 each. The Directory will include business information of all living alumni listed alphabetically. The directory will also list alums by state and practice area.

The directory will be a great tool to network and share business opportunities with fellow FSU College of Law alums.

It is very important that all alumni information be updated prior to publishing the directory. A web link has been established at: <http://www.law.fsu.edu/alumni/temp.php> to allow alums to review their information and make any changes needed online.

One of the items of information lacking in alumni records is area of practice. This information is vital to the directory as alums look to refer business to their fellow alums. Please take the time to review your information and make sure that your practice area is noted on your profile.

You may also update your information or decline to be listed in the directory by emailing the Office of Alumni Relations at [aluminfo@law.fsu.edu](mailto:aluminfo@law.fsu.edu) or by calling 1-800-788-7097.

## Annual Fund

The final tally is in and the Alumni continue to impress. For the second year in a row, the Alumni participation rate has met its percentage goal. Last year's goal was 14% participation. This year's goal was 17%, and the final percentage was 17.95% raising over \$271,100 for the College. This shows the outstanding dedication and pride our alums have in the College. Thank you!

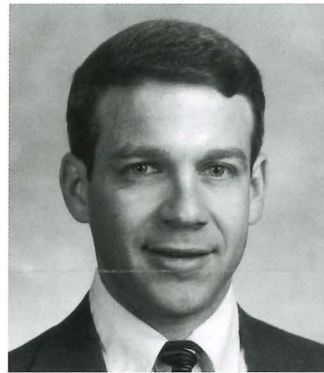
A great deal of the success of the 2001-02 Annual Fund was due to the student-run phone-a-thon. This year, the efforts will be doubled in order to reach even more alumni and spread the good word concerning the success of the College.

Across the nation, one of the leading indicators of law school success is the level of alumni participation in the Annual Fund. With the success of this year's campaign, and the anticipation of greater participation in the future, alums are elevating the College of Law to a level similar to that of the most prestigious institutions in the country.



Lawyers Research Service at the University of Alabama School of Law at Tuscaloosa. He is a member of several Alabama Bar committees and is secretary of the Communications Law Section. Winner of the 1998 Alabama State Bar Pro Bono Award, he has taught housing law and legal writing at the law school.

**Katherine (Kathi) E. Giddings** has been appointed Chair of the Florida Bar's Appellate Court Rules Committee for 2002-2003. She is a shareholder in the Tallahassee office of Katz, Kutter, Alderman, Bryant & Yon, P.A., 106 E. College Avenue, Suite 1200, Tallahassee, Florida 32301. Her primary areas of practice are appellate, insurance and professional re-



sponsibility. You can e-mail her at kgiddings@katzlaw.com.

**Kenneth E. Spahn** has joined Sachs, Sax & Klein, P.A., in Boca Raton. He practices in the areas of commercial contracts and real estate transactions. His new address is 301 Yamato Road, Suite 4150, Boca Raton, FL 33431.

**Kenneth Spahn**

## Five alumni honored for outstanding pro bono service

Five FSU law alumni were honored in March at The Florida Bar President's Pro Bono Service Awards ceremony held at the Florida Supreme Court.

Established in 1981, The Florida Bar President's Pro Bono Service Awards recognize individual lawyer service in each of Florida's judicial circuits. The awards are presented annually in conjunction with the Tobias Simon Pro Bono Service Award given by the Florida Supreme Court's Chief Justice.

The following College of Law alumni were honored in the ceremony:

**Robert L. Peters, Jr.** was recognized for his work with the Nassua County Bar Association Pro Bono Project and the Jacksonville Area Legal Aid. A solo practitioner in the area of real property law, Peters spent evenings interviewing Legal Aid clients as well as accepting spouse abuse, dissolution of marriage and child custody cases for both projects. He credits his interest in the area to the assistance that Jacksonville Area Legal Aid provided his mother 25 years ago.

Peters received his B.S. degree in accounting and real estate from FSU and worked in the Tampa office of Price Waterhouse before returning to Tallahassee to attend law school. After receiving his J.D. in 1993, he was awarded an internship with the U.S. Army to assist in criminal and international law matters at NATO headquarters in Mons, Belgium. He later served as a special agent for the FBI and taught business law and real estate courses at the FSU College of Business.

**Hala A. Sandridge**, chair of Fowler White Boggs & Banker's Pro Bono Committee, was honored for her pro bono leadership in the Tampa Bay area. She has donated time to commercial, juvenile and family law, civil and appellate matters. In the 1990s, she worked with the Hillsborough County Teen Court, a program designed for first-time juvenile offenders. She served on the Hillsborough County Bar Association's Availability of Legal Services Committee and was actively involved in the committee's creation of the Legal Services Directory. Sandridge then helped develop the Courthouse Assistance Project to help families and individuals whose income level disqualified them from receiving

publicly funded legal assistance. In addition to encouraging Fowler White to adopt the program in 1994, she provided hundreds of hours to the project, providing coordination with Hillsborough County-Bay Area Legal Services and the Clerk of the Thirteenth Judicial Circuit. In 2001, Sandridge forged a law firm/corporate partnership between Fowler White and TECO Energy to create and staff a family law position at Bay Area Legal Services.

Sandridge earned a B.A. degree from the University of Florida in 1981 and a J.D. from FSU in 1984. During law school, she interned for Justice Leander Shaw at the Florida Supreme Court.

**David P. Kirwan** of Marathon was recognized for his work coordinating cases among attorneys for Legal Services of the Florida Keys, serving as guardian and administrator ad litem, and as counsel for indigent parties in real property suits. A Certified Civil Mediator, Kirwan has been a part of both county and circuit pro bono mediations.

He helped found the Habitat for Humanity project in the Middle Keys and was its first president. He remains active in the organization, through both hands-on participation in building projects and fund-raising. In addition to his work with Habitat, he serves as a mentor in the "Take Stock in Children" program. He is a member of Fisherman's Hospital Board of Trustees and a member of the Ethics Committee of Hospice of the Florida Keys. He is a member of the Grievance Committee and chair of the Judicial Nominating Commission for the 16<sup>th</sup> Circuit.

Kirwan earned his B.A. and J.D. degrees from FSU, graduating from law school in 1972. He began his legal career as an assistant public defender in the Middle and Upper Keys of Monroe County. In the 1980s, he served as county and circuit judge.

**Thomas R. Bakkedahl** of Fort Pierce was honored for his



**Hala Sandridge**

'94

**Damian Taylor** has joined Conroy, Coleman & Hazzard in Naples. He was formerly with the Pensacola firm of Clark, Partington, Hart, Larry, Bond & Stackhouse. His new address is 2640 Golden Gate Parkway, Suite 115, Naples, FL 34105; phone (941) 649-5200.

'95

**Jacqueline L. Blanton** has been named a partner in the law firm of McConaughay, Duffy, Coonrod, Pope & Weaver, P.A. She specializes in the field of workers' compensation insurance defense and practices in the firm's Sarasota office.

**Jeanne M. Miller** of Jacksonville has been appointed to the First Appellate District Judicial Nominating Commission by Governor Jeb Bush.

**Jennifer Seraphine**, formerly Jennifer Johnson Watkins, has relocated to New York City where she has joined the Intellectual Property Litigation group of Jones, Day, Reavis &

Pogue. She can be reached at (212) 326-3846, or jseraphine@jonesday.com.

**Meredith Trammell** has been elected Director of the Tallahassee Bar Association's Board of Directors and has been appointed to the Legal Aid Foundation Board of Directors. She is an attorney with the Florida Department of Insurance in

service as Pro Bono Liaison for the State Attorney's Office to the 19<sup>th</sup> Judicial Circuit Pro Bono Committee. He helped develop a plan under which assistant state attorneys can provide services to the indigent without compromising their responsibilities to the state. The plan outlined four specific types of legal services that assistant state attorneys in the 19<sup>th</sup> Circuit can provide. Those include assisting Florida Legal Services by screening and placing pro bono cases; serving as judge in Teen Court while a juvenile is adjudicated by a jury of his peers and in mock trials conducted by local civic organizations; lecturing on the legal justice system to local civic, community, governmental and educational groups; and working with the truancy court in cooperation with the local school district.

Bakkedahl received his B.S. and J.D. degrees from FSU, graduating from law school in 1991. From 1991 to 1996 he prosecuted all varieties of criminal cases from DUI to first degree murder, handling more than 100 jury trials. In 1996, he was promoted to the Attorney-in-Charge of the State Attorney's Martin County office, and in 2000 he was promoted again to Attorney-in-Charge of the St. Lucie County office, the largest office in the 19<sup>th</sup> Circuit.

**Leo G. Rydzewski**, an associate with the Washington, D.C. office of Holland & Knight, LLP, was recognized for litigating a variety of cases for poor clients. Current cases include claims alleging that the state of Mississippi is providing indigent criminal defendants with ineffective counsel and inadequate medical care to HIV positive prison inmates and is unlawfully segregating these inmates based on their medical status. In Florida, Rydzewski previously represented a class of dependent and delinquent juveniles with mental health and substance abuse needs in a suit, now settled, alleging that the state unconstitutionally failed to exercise the appropriate professional judgment in attending to their care. In Washington, D.C., Rydzewski helped draft the regulations governing the licensure of youth residential facilities in the District, including youth group homes. In addition, he has worked nationally on insuring that Americans with Disabilities Act requirements are followed in state prisons, and serves as guardian ad litem to 12 children in the Washington, D.C. area.

Rydzewski received his B.A. degree from Georgetown University in 1990 and his J.D. from FSU in 1996. He practices in the areas of commercial and intellectual property litigation.

## 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 Tim Kelly in the College of Law's Office of Advancement and Alumni Affairs at (850) 644-0231 or (800) 788-7097.

Tallahassee, involved in both trial and appellate litigation. She is active in the Florida Trial Lawyers' Association, Tallahassee Women Lawyers' Association, the Florida Government Bar Association and the College of Law Alumni Association Board of Directors. In addition to her professional accomplishments, Meredith gave birth to a 6 lb. 13 oz baby girl, Mirabella Emile, June 21.

**2002-2003 FSU College of Law Alumni Board**

Robert A. Bass '95, President  
 Richard B. Hadlow, '77, Past President  
 Rafael Gonzalez '90, Incoming President  
 Edwin Walborsky '79, Secretary-Treasurer

Michael A. Atter '79  
 Linda Bond '95  
 Clark J. Cochran, Jr. '74  
 Jason Doss '02  
 Deborah K. Kearney '81  
 Lawrence A. Kellogg '81  
 Sally Kest '73  
 Edwin P. Krieger, Jr. '77  
 Barbara O'Horo-Benton '02  
 Thomas P. Scarritt '83  
 Shawn D. Smith '97  
 Linda Spaulding White '85  
 Meredith C. Trammell '95

**Judicial Section**

Gerald B. Cope '78  
 Janette C. Dunnigan '81  
 James R. Jorgenson '69  
 Richard G. Payne '71  
 Terry Terrell '77  
 Patricia Thomas '76  
 Emerson Thompson '73  
 Joe Wild '81

**Stephanie W. Williams**, the law school's Assistant Dean for Academic Affairs, has been appointed to the Second Circuit Judicial Nominating Commission by Governor Jeb Bush.

'96

**Derek Brett** has joined the Office of the Public Defender, 9th Judicial Circuit, in Orlando. His new address is 435 N. Orange Avenue, Suite 400, Orlando, FL 32801.

**William H. Hollimon** has joined the Tallahassee office of Moyle, Flanigan, Katz, Raymond & Sheehan, P.A., as a shareholder. He practices in the areas of civil litigation, administrative law and intellectual property law. His address is 118 N. Gadsden Street, Tallahassee, FL 32301; phone (850) 681-3828.

**Russel Lazega** has been contracted to write the 2002 edition of *Alpert's Florida Practice Handbook, Motor Vehicle No-Fault Law*, by Harrison Publishers. He had written the pocket part of the book in 2001.

'97

**Cleveland Ferguson III**, visiting associate professor of law at Nova Southeastern University Shepard Broad Law Center in Ft. Lauderdale, has been appointed by U.S. Senator Bill Nelson to the Military Affairs Committee Service Academy Nominating Board.

**Gabriel F. Jiménez** has been re-appointed as Chair of the Hispanic/Latino Lawyers Committee of the North Carolina Bar Association, a select group of attorneys and judges addressing legal issues raised by the growing Latino population. He has also recently formed Jimenez Law Offices, PLLC.

The firm address is 3737 Glenwood Avenue, Suite 100, Raleigh, NC 27612, phone (919) 573-6109.

'98

**Jonn Hoppe** has been named a partner in the firm of Peterson & Myers, P.A., in Lakeland. He has been with the firm since 1998 and practices in the areas of real property, corporate and business transactions, probate, and healthcare and hospital law. Offices are located at 225 East Lemon Street, Suite 300, Lakeland, FL 33801; phone (863) 683-6511; email: jhoppe@petersonmyers.com.

'00

**Elizardi Castro** has been named assistant state attorney with the Office of the State Attorney for the Ninth Judicial Circuit in Orlando. Offices are located at 415 N. Orange Avenue, Orlando, FL 32802; phone (407) 836-2400.

'01

**Thomas N. Palermo** began a federal clerkship in Tampa, July 8. Prior to assuming his new duties he was an LLM candidate in Banking and Finance at King's College in London. His new address is 1602 Magdalene Manor Drive, Tampa, FL 33613-1911.



**Jon M Henning** '74 died April 17. He was a partner with Mastriana & Christiansen in Ft. Lauderdale and practiced in

the areas of government law, contracts and civil litigation and was a Board Certified City, County and Local Government Lawyer. He began his legal career as an assistant state attorney in Broward County and later served as city attorney for Golden Beach, Sunrise and Tamarac. In 1993 and 1994 he served as president of the Florida Municipal Attorneys Association.

**Paul Kirsch** was a 1995 graduate of the College of Law and served as the Director of Compliance and Regulation for DBPR. A native of El Paso, Texas, he lived in Tallahassee for more than 20 years. He held a doctorate in biochemistry and was an adjunct professor of chemistry at Florida A&M University. He had been a youth soccer coach for many years. He is survived by his wife, Holly Swartz Kirsch of Tallahassee and four children. He was 44.

**Gene S. Taylor** '74, Chief Assistant Public Defender of the Second Judicial Circuit, died June 17, 2002 of a sudden heart attack. He had been with the Public Defender's Office in Tallahassee for 24 years. He previously served as an Assistant Public Defender in Fort Myers. He is survived by his mother, Barbara Taylor of Tallahassee, and two sons, Michael Taylor of Dallas and Adam Taylor of Tallahassee. He was a devoted Seminole fan, sports enthusiast, and car buff. Memorial contributions can be made to GST Memorial Fund, c/o Richard Greenberg, FACDL Treasurer, 325 W. Park Avenue., Tallahassee, FL 32301.

**FSU College of Law Alumni Association Awards Program**

**NOMINATION FORM**

The FSU College of Law Alumni Association Awards Committee is requesting nominations for the 2001 College of Law Alumni Awards. These awards were established to honor outstanding alumni and community leaders who have made a significant contribution to the FSU College of Law and their respective communities.

The awards will be presented during the FSU College of Law Reception at the Florida Bar Annual Meeting in June (or other event as deemed appropriate by the FSU College of Law Alumni Board).

Check one box below to indicate which award category is appropriate. Please make additional copies of this form if you wish to submit more than one award nomination.

**Distinguished Alumnus Award:** The FSU College of Law Alumni Association Distinguished Alumnus Award recognizes an alumnus who has distinguished himself/herself in his/her profession and who has rendered outstanding service to his/her community as well as the Florida State University College of Law. Good citizenship, significant contributions benefiting community, state and nation, and humanitarian services and contributions to society will be considered in selecting a recipient. Eligibility is limited to living FSU College of Law graduates.

**Alumni Association Service Award:** The FSU College of Law Alumni Association Service Award recognizes an alumnus who has rendered distinguished service to the Florida State University College of Law. The recipient should have distinguished volunteer service to the FSU College of Law over an extended period of time. Eligibility is limited to living FSU College of Law graduates. Consideration of full-time College of Law employees (faculty or staff) should be given provided there is a distinction made between the duties that lie within the employee's job description and service that is above and beyond the employee's job description.

**Class of '66 Award:** The Class of '66 Award recognizes a non-FSU College of Law graduate who has rendered distinguished service to the FSU College of Law and the community. Political success and/or philanthropic support is not to be considered sole justification for selection. Each recipient is inducted into the Class of '66 to commemorate the year the Florida State University College of Law was founded. Eligibility of full-time College of Law employees (faculty or staff) should not occur until after an employee's retirement or resignation.

Nominee's Name: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

Reason for Nomination (Please provide a description of the candidates accomplishments on a separate page)

Recommended By: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

Note: Please attach any articles, publications or other information that may be useful to the selection committee.

To nominate someone for an award, please complete this form and return it to the address below. Include with your nomination form a description of the candidate's accomplishments along with supporting materials such as newspaper clippings, articles or other publications. For further information, please call (800) 788-7097 or write to the following address:

The Alumni Association Awards Committee  
 c/o Tim Kelly  
 Florida State University College of Law  
 Damon House  
 Tallahassee, FL 32306-1601

Submission Deadline: October 4, 2002

## FACULTY NOTES

**Frederick Abbott**, Edward Ball Eminent Scholar Professor, wrote a report *Compulsory Licensing for Public Health Needs: The TRIPS Agenda at the WTO after The Doha Declaration on Public Health*, Quaker United Nations Office in Geneva, in February. The paper, distributed among all WTO delegations in Geneva, has served as the basis for two meetings of developing country delegations to the TRIPS Council, and has been referenced in meetings of the WTO TRIPS Council. Also in February, he presented a paper on Compulsory Licensing for Public Health Needs to a meeting of developing country delegations in Geneva, Switzerland. He also prepared the 2002 Report of the International Trade Law Committee of the International Law Association for an April meeting in New Delhi, India. In March, he served as commentator at Patent System Reform Conference at University of California at Berkeley Law School; participated in a panel discussion at University of Wisconsin Law School conference on Access to Medicines in the Developing World; spoke on a panel at the Drugs for Neglected Diseases conference organized by Doctors without Borders in New York; served as chair of two panels at the American Society of International Law Annual Meeting in Washington, D.C. (Biotechnology, Human Rights and Intellectual Property, and Trade and Human Rights). Also in March, he participated as an invitee at the WIPO International Patent System conference in Geneva, Switzerland; spoke at a related meeting organized by Doctors without Borders on Technical Assistance to Developing

Countries; consulted with developing country groups on continuing TRIPS negotiations. In April, he served as World Health Organization technical adviser at the first joint WTO-WIPO-WHO training program to TRIPS implementation to be held in Dar es Salaam, Tanzania. In May, he presented a paper at the meeting of Transatlantic Business Dialog dispute settlement forum in Florence, Italy.

**Paolo Annino** gave a presentation in April titled "Special Education Update" to a continuing legal education seminar sponsored by the Disability Law Committee of the Public Interest Law Section of the Florida Bar.



**Steve Bank** discussed his work-in-progress, "The Divergence of the Corporate and Individual Income Taxes," at the Critical Tax Theory Workshop hosted by the Tulane University School of Law, April 12. He also participated in a panel presentation on "The Use of Interdisciplinary Scholarship in the Classroom." On April 26, he made a presentation on Tax-Free Reorganizations as part of a panel on "Mergers, Acquisitions, and Conversions" at the Florida Bar Tax Section's Annual Meeting, jointly sponsored by the Tax and Business Law Sections, in Orlando.

## RECOGNITIONS

**Mary Crossley and Lois Shepherd** gave a joint presentation entitled "The Ethics of Selecting Against Mental Retardation in Prenatal Genetic Screening Practices" in June at the annual Health Law Teachers Conference. The event was sponsored year by the American Society of Law, Medicine, and Ethics and the University of Indiana, Indianapolis School of Law.

**Chuck Ehrhardt** has been awarded the Lifetime Education Achievement Award from the Florida Prosecuting Association. He has also been elected to a three-year term on the Florida Supreme Court Historical Society Board of Trust-

ees. In June, he stepped down from the Code and Rules of Evidence Committee of the Florida Bar after serving for eighteen years, including three terms as chair.

**Adam Hirsch** presented a talk titled "Disclaimers of Inheritance in Florida: Rules, Planning, and Statutory Reform," at the March 2002 meeting of the Regional Estate Planning Council.

**Larry Krieger** participated in three presentations for legal educators focusing on "humanizing" the legal profession, in July, at the Texas Bar annual conference.

## Seidenfeld named associate dean



**M**ark Seidenfeld has been named Associate Dean for Academic Affairs. He replaces John Larson who held the post for the 2001 - 2002 academic year.

Author of influential publications on how administrative law doctrine relates to institutional behavior and agency accountability, Professor Seidenfeld is recognized as one of the country's leading scholars on federal administrative law. He is also author of *Microeconomic Predicates to Law and Economics* (Anderson Pub. Co., 1996).

He teaches courses in Administrative Law, Constitutional Law, Environmental Law, Law and Economics, and Regulated Industries. He serves as Chair of the Judicial Review Committee and Vice-Chair of the Rulemaking Committee of the American Bar Association's Section on Administrative Law & Regulatory Practice. He is a 1983 graduate of Stanford Law School, where he was a Senior Articles Editor for *Stanford Law Review*.

## RECOGNITIONS

**Tahirih Lee** made a presentation entitled "The Legal Profession of Hong Kong at a Crossroads" at Harvard University's Asia Center in April.



**Mary McCormick** has co-authored, with Diane Follingstad, *Law & Mental Health Professionals: South Carolina* (American Psychological Association, 2002). The 600-page book is designed as a legal and regulatory reference for South Carolina psychologists but also serves as a primer for attorneys working in the mental health field.

**Peter B. Oh** served as a moderator for a panel discussion between members of the Indonesian Supreme Court and the Indonesian Society for Environmental Law and members of the Florida Bar experienced in class action suits in the areas of civil rights, environmental, and products liability. The panel discussed problems concerning attorneys' fees, jurisdiction, as well as class certification and notification. He also participated in a panel discussion between members of the Indonesian delegation and judges from Florida's federal and state courts.

**J.B. Ruhl** has been included in a list of the top 50 American law school faculty hired since 1992 for scholastic achievement. Brian Leiter, the University of Texas law professor who

compiled the list, also rates Ruhl as the most cited faculty member in the country hired since 1992 in the environmental law field.

**Mark Seidenfeld's** article, "The Psychology of Accountability and Political Review of Agency Rules," has been published in 51 *Duke Law Journal* 1059 (2001). In addition, he is serving as Chair-Elect and member of the Executive Committee of the American Association of Law Schools Section of Administrative Law.

**Lois Shepherd** participated as a panelist at the Premiere of "Justice and the Generals," (a documentary of the legal case of the American church women murdered in El Salvador in 1980), sponsored by the FSU Center for the Advancement of Human Rights in February. In March, she was nominated for the FSU Advisor of the Year award.

**Ruth Stone** has been named President-Elect of the Tallahassee Women Lawyers Association.

**Don Weidner** was featured in the May edition of the FSU Headlines television program airing on the Sunshine Network. His interview was titled "Law Dean Forewarned of Enron-type Scandal." The 2002 edition of his book, *The Revised Uniform Partnership Act*, (co-authored with Hillman and Vestal) has been published by West Group. In addition, he has been elected to a three-year term on the Florida Supreme Court Historical Society Board of Trustees.

**John Yetter** has been appointed to the Code and Rules of Evidence Committee of the Florida Bar.

## J.B. Ruhl's article named one of the best for 2001

**J**.B. Ruhl's article, "Currencies and the Commodification of Environmental Law," 53 *Stanford Law Review*, 539, co-authored with James Salzman, has been selected as one of the best environmental law articles of 2001. The article, which will be included in volume 32 of *Land Use and Environmental Law Review*, was one of ten selected through an exhaustive peer review process that considered more than 400 entries. It is the second consecutive year that one of Ruhl's articles was selected as one of the ten best and the fourth time in his career.

"Currencies and Commodification" examines the environmental trading markets (ETM), a system in which businesses exchange credits to develop natural habitat or release pollutants into the atmosphere. The credits, traded on the Chicago Board of Trade, are limited to minimize environmental damage. In particular, the authors look at problems with placing a market value on environmental assets.

Proponents of ETMs claim the market-based system is more efficient than the alternative of regulation and regulatory bureaucracies, and that it accomplishes the same goals.

Ruhl and Salzman agree that the system works well when the things being traded are valued equally, say a unit of sulfur dioxide to another unit of sulfur dioxide. The problem arises, they say, when the units do not have a clear one-to-one equivalency. They point to wetlands and wildlife habitat as one area that often defies easy comparison. One acre of wetlands in Florida, for instance, may not be equal in value to an acre of wetlands and Oregon, and an acre in an urban area may not be equal to an acre in a rural area.

"To ensure equivalent trades of wetlands, the currency must incorporate important values provided by both the wetlands to be lost and the wetlands used for mitigation," the authors write. "Of course, this begs the questions of what the relevant values are, how we measure them, and how we reflect them in a conveniently traded currency."

The article examines a number of models that might deal with the problem they describe but finds fault with all of them. Ultimately, Ruhl and Salzman suggest, a system of bartering involving the interests of all parties affected—business, environmental and the public—may provide the best outcome.



J.B. Ruhl

## Behavioral Law and Economics under the microscope

**W**ith the addition of Gregory Mitchell to the faculty, the College of Law has built strength in a popular but controversial method of scholarly inquiry: Behavioral Law and Economics.



Gregory Mitchell

Behavioral Law and Economics challenges the claims of the more traditional Law and Economics paradigm that maintains economic outcomes can be predicted based on the fact that human beings act rationally. Behavioral Law and Economics, a theory developed by psychologists, claims that people do not act rationally and that outcomes are not predictable.

In addition to Mitchell's work in the area, three other members of the FSU law faculty use the Behavioral Law and Economics theory to analyze legal issues: Associate Dean Mark Seidenfeld, in regulatory decision-making; Larry Garvin, in UCC issues; and Adam Hirsch, in trusts and estate law.

Mitchell questions the validity of many Behavioral Law and Economics assumptions, contending that the theory is often supported by sloppy research. The following article, reprinted from the June 10, 2002 edition of the *Chicago Daily Law Bulletin*, presents some of his objections.

## SCHOLARS SCORCHED FOR MISUSING STUDIES

Reprinted from the *Chicago Daily Law Bulletin*, June 10, 2002

By Steven P. Garmisa

Reader beware!

**R**One of the hottest topics in current legal scholarship, Behavioral Law & Economics, is under attack. The charge is that a series of prominent articles by law school professors overhype scientific studies of decision-making. Legal scholars are accused of failing to understand or explain important limitations on the practical usefulness of results from psychological experiments.

BLE challenges the Law & Economics assumption that people act rationally to maximize their preferences. If people can be counted on to act rationally then, theoretically, the "right" substantive rule will lead to the most efficient wealth or social-welfare maximizing result. According to Behavioral Law & Economics scholars, though, people systematically make biased, wrong or irrational decisions in a substantial number of cases because of built-in psychological mechanisms.

Both approaches are used to explain "legal phenomena" — such as contracting and litigation decisions — and prescribe reforms. While Law & Economics tends to prescribe a hands-off approach, assuming that free markets will enable rational decision-makers to negotiate the most efficient results, Behavioral Law & Economics often prescribes a more paternalistic, interventionist approach. BLE scholars tend to argue that laws are needed to protect people from what are portrayed as systematic errors in human reasoning.

Articles by BLE scholars cite a series of interesting psychological studies on things like anchoring (the way references to large numbers can boost the size of the number ultimately picked by decision-makers), framing (the different results you get when what is basically

the same option is alternatively presented in terms of "loss" or "gain"), and hindsight bias (the notion that after-the-fact evaluations of the likelihood of an event will be swayed by knowledge that the event actually happened).

People use mental shortcuts when acting with incomplete data or an overwhelming amount of information. These shortcuts reportedly lead to irrational decision making in a substantial number of cases.

Based on psychological studies of irrational decision making, a prominent series of BLE articles have been challenging the rational-actor assumption of Law & Economics. Now there is a counterattack by Gregory Mitchell, a law professor who is armed with a Ph.D. in psychology.

One of the problems with BLE scholarship, Mitchell points out, is that there aren't many prepublication checks on whether law school professors are correctly citing or using data from scientific experiments. Few law reviews are peer reviewed, and the law students who make publication decisions usually don't have the background to evaluate the claims made about psychological studies.

Even law reviews that are peer reviewed don't have the rigorous double-blind vetting process of scientific journals. As one Chicago law school professor who edited a legal journal explained: he published articles he liked, rejected articles he didn't like, and sent articles out for peer review when he couldn't decide. So we have to rely on follow-up articles by challengers to weed out shoddy reasoning and "bad science."

Naming names, Mitchell cites a series of prominent Behavioral Law & Economics scholars as having misused reports of psychological experiments. (Gregory Mitchell, "Taking Behavioralism Too Seriously? The Unwarranted Pessimism of the New Behavioral Analysis of Law," scheduled for publication in the *William & Mary Law Review*.)

Mitchell, currently a law school professor at Michigan State Univer-

sity, and starting in the fall at Florida State University College of Law, has the credentials to police law school professors who misuse reports of psychological studies.

Some BLE articles inflate the significance of the results reported by psychologists, Mitchell says. While scientists blandly reported test results as being "statistically significant," some BLE scholars hyped the results as supposedly being "very" or "highly statistically significant."

With readers who aren't trained in statistics, these BLE articles can be misleading because a "statistically significant" result doesn't mean that the result has any practical, real-world significance, Mitchell says.

BLE scholars also fail to recognize or acknowledge other limitations on real-world use of results from psychological experiments on decision making. Experiments on decision making typically use between-group comparisons which compare averages between groups of test subjects. Using between-group comparisons, Mitchell says, you can show that a statistically significant group of people think the number "450" is larger than "550." Between-group comparisons don't prove that anyone actually made any irrational decisions.

Psychological tests are often intended and designed to elicit what are considered "irrational" results, so that scientists can study the underlying mental processes. Such tests don't automatically mean that real-world decision-makers will systematically make "wrong" decisions. In fact, when efforts are made to make testing more realistic, levels of biased, irrational decisions can be substantially reduced, Mitchell reports.

Despite his detailed criticism of Behavioral Law & Economics scholarship, Mitchell thinks the truth about the rationality of decision-makers will be found between the extremes of Law & Economics and BLE. Psychological experiments can and should play an important role in the debate, Mitchell insists.

While Law & Economics is criticized as applying an unproven assumption of human rationality, Behavioral Law & Economics is subject to criticism as relying on an unproven assumption that people systematically make wrong, irrational decisions in a significant number of cases. What is called for, Mitchell contends, is skeptical agnosticism.

A danger with any form of scholarship is that professors will inflate the importance of their work. In challenging the dominant Law & Economics approach, BLE scholars portray human decision making as being systematically riddled with irrational choices. It is a compelling story that BLE scholars have used to suggest a series of legal reforms, including reforms in product liability and employment law.

With such high stakes, reform efforts based on competing notions of pervasive human rationality or irrationality need to be tightly tied to solid scientific testing. Law review articles that rely on scientific studies have to accurately cite these reports. Legal scholars have to explain material qualifications and limitations on the use of test results. Otherwise, legal scholarship that is dressed up with citations to scientific studies will become nothing more than propaganda for competing ideologies. ■



New Placement Director Brittany Adams Long discusses legal careers with law student Pete Sweeney.

## Brittany Adams Long named law school's Director of Placement

**B**rittany Adams Long is the College of Law's new Director of Career Planning and Placement. She replaces Nancy Benavides who was named Assistant Dean for Student Affairs in the spring by Dean Don Weidner.

Long, a 2001 FSU law graduate, is a former editor-in-chief of the *FSU Law Review* and a former Associate Editor of the *Journal of Land Use and Environmental Law*. She is also a member of the Order of the Coif, and the recipient of numerous book awards.

One of her Placement Office goals, Long said, is to get alumni more involved. In particular, she is working with the law school alumni office to use alumni as mentors and to es-

tablish broader networking possibilities for job seekers. "Most of all," Long said, "we want our alumni to know that we're here and that our services are available to them." Right now, the Placement Office is instituting the use of a web-based, online job board. "This is a service that will aid our alumni and current students. We're very excited about it. The service will assist alumni with lateral job movement, and it will be a way for students to have access to new job listings as they become available," Long said.

Following graduation, Long joined the Tallahassee office of Katz, Kutter, Alderman, Bryant & Yon as an associate specializing in Employment Law and Commercial Litigation. ■

COLLEGE NOTES

Competition is stiff for Moot Court openings

Almost half the class of 2004—98 of 201—competed in April for fifteen vacancies on the College of Law's Moot Court Team. Each student participating in the Moot Court Spring Intramural competition was evaluated on their written brief and performance over three rounds of oral argument. Orlando-based Gray, Harris & Robinson sponsored the event.

Chasity Frey, 2L, and Dave Contos, 3L, served as intra-collegiate chairs for the spring competition. "We received great guidance from Professor Nat Stern again this year in dealing with a very talented first year class," said Contos. Both Contos and Frey agreed that, aside from the talent, the delay-free scheduling may have highlighted this year's competition. "In the past, competitors waited anxiously for hours before results of the competition were finalized. This year we were proud to report that students knew the results within fifteen minutes of the last competition," said Frey.

Top honors in the spring competition went to Brandon Cathey, Jennifer Dixon, Daniel Norris and Michael Rowan. Brandon Cathey was judged with submitting the "Best Brief." In the fall, these four students will compete in the Broad and Cassel Final Four Moot Court Competition for "Best Oralist." They will also be competing for the Broad and Cassel Outstanding Brief and Advocacy Awards. The remaining 1Ls, who rounded out the 15-person field, were Meghan Barry, Jeffrey Berman, Christian Caballero, Beth Chamblee,

Janeia Daniels, Donald Freeman, Kelly Klein, Taysha Lesnock, Tracy Record, Keisha Rice, and Peter Sweeney.

According to Frey, the fact that almost 50 percent of the first-year class competed for Moot Court Team honors indicates the importance of this student organization on the law school campus. "Moot Court is one of the ways that students can really enhance their oral skills while they're in law school," she added. "Later, down the road, when potential employers are looking at vitas to meet their needs, they will be looking for Moot Court involvement."

On a more immediate basis, Moot Court offers students the opportunity to travel. "Last year we had teams go to Chicago and California. Competing on a national level like this, where we even met an Australian team, makes the whole process challenging and enjoyable," Frey said.

Legislative Law Review issue is on the street

The *FSU Law Review's* annual "Review of Florida Legislation," Volume 29, Spring 2002 issue, is now in print. "This issue is dedicated solely to topics of interest to the Florida Legislature and state government," said John M. Byrne, legislative editor. Written by members of the legislature, legal practitioners, legislative staff and students, the new edition focuses on analyzing recent changes in Florida statutes and documenting the legislative intent for new laws to assist courts that subsequently will interpret them.

With this issue, Byrne said, the *Review* is halfway through a two-year modernization process. "This issue was updated to make it more practical, more readable and less academic," he said. He noted that this is-



Judge Janet Ferris '76 (left) and Suzanne Schmith were among several hundred who attended the Tallahassee Women Lawyers Silent Auction in May. Proceeds from the event help fund two law school scholarships that will be awarded in October.

sue also presents a newly designed cover that shows a graphic representation of The Old Capitol, complete with red and white striped awnings.

An important supplement is the Fifth Edition of the Florida Style Manual (FSM), which is essentially the Florida version of the Bluebook. The FSM is designed to aid practitioners and scholars in the use of citation form for legal documents and scholarly articles containing citations of Florida sources. Byrne coordinated this revision, which is accomplished approximately every five years, and it was edited by J.D. Durant and Brooke Lewis.

To order copies of the spring 2002 issue contact Gillian Turner in the Law Review office at (850) 644-2046.

Limits in the Sea available through the law library

The College of Law Library is making available through its website the text and maps for most issues of *Limits in the Seas*, a publication of the U.S. Department of State, Bureau of Oceans and International En-

vironmental and Scientific Affairs. Some issues of the predecessor publication, *International Boundary Studies*, are also on the web at text and maps.

The Law Library has been unable to locate all issues of *Limits in the Seas* or *International Boundary Studies*. New issues will be placed on the web site as they are published and older issues will be made available as they are located.

Associate Dean and Professor Donna Christie and Patrick Kehoe, Law Librarian, American University, Washington College of Law Library, facilitated the scanning of the various publication issues. In addition, smaller maps were scanned by Jon Lutz, FSU College of Law Electronic Services Librarian, who also designed and implemented the project web site. Larger maps were scanned by the Florida Resources and Environmental Analysis Center (FREAC), a center within the Institute of Science and Public Affairs (ISPA) at FSU. Mary McCormick, the law school's Head of Public Services, is project coordinator and scanned all document text.

SIGN UP NOW FOR OUR FALL RECRUITING PROGRAMS!

The Office of Career Planning & Placement

at Florida State University College of Law is still accepting reservations for its *Fall 2001 On-Campus Interviewing (OCI) Program* and its *Resume Referral Program*, to be held September 12 through November 15, 2002. To date, more than 100 legal employers have signed up!

Both of these programs offer valuable marketing and recruitment opportunities for legal employers and the chance to meet a number of our outstanding second and third year students.

*Fall 2001 OCI* provides an opportunity for employers to visit the College of Law campus on a designated date and to interview only those students they consider best suited for their available positions. Information about the participating employers is made available to the law students, who then submit their resumes to the Career Placement Office. Each employer is able to review the resumes of interested students in advance. The Career Placement Office handles all of the interview details, from notifying the selected students and scheduling interview times to arranging for interview rooms and set-up.

The *Resume Referral Program* provides a similar pre-screening opportunity to employers who are unable to visit the College of Law. Participating employers may review resumes in-house and then contact students directly to arrange interviews.

Our calendars are filling up fast, so call us today to reserve your date for the *Fall 2001 OCI* and *Resume Referral* programs, depending on the employer's immediate and anticipated hiring needs. Ask about other ways we can assist with your organization's hiring needs. Contact Brittany Adams Long, Director of Career Planning and Placement, at (850)644-4495 or [blong@law.fsu.edu](mailto:blong@law.fsu.edu).