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## Introduction: It Just Isn't Fair

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## A TRIBUTE TO STEVE GOLDSTEIN

### INTRODUCTION: IT JUST ISN'T FAIR

STEVEN G. GEY\*

IT is my unhappy task to introduce the *Law Review's* tribute to my late colleague Steve Goldstein. Steve died on November 23, 1994, after returning home from jogging. Many of us routinely teased Steve about his doomed athletic aspirations, even though we all silently acknowledged that it was a good thing for someone who worked so hard to get out of the office daily and inhale a little fresh air. Although even Steve knew deep down that he would never grow up to be Michael Jordan, he obviously enjoyed the effort anyway. It is therefore deeply ironic that Steve was struck down in this way, so many years before his time. It is doubly ironic that his heart failed, for this is the part of Steve that seemed both oversized and virtually indestructible. Steve really was, as the saying goes, all heart, and it is one of the universe's many small cruelties that this part of him failed first.

In the pages that follow, you will find several attempts by some of Steve's close friends to express in words the feelings of numbed sadness created by Steve's absence. Through no fault of the authors, these attempts inevitably fall short of describing the extent of our loss. Steve was simply involved in too many ways with too many important activities to permit any easy summary of his impact on the lives he touched.

One recurring theme of these remembrances is that Steve chose to pursue as his life's work some very difficult tasks. When he died, Steve was serving the College of Law as Associate Dean, which is probably the most thankless job at the law school. For many years, he served as the most influential liaison between the public interest community and the naturally conservative practicing bar. And most importantly, and most nobly, he was a longstanding advocate for the condemned on death row. To my mind, it is in this last role that Steve earned his greatest distinction. Capital punishment defense carries few inherent satisfactions, and receives almost no support outside the narrow (and narrowing) sliver of the bar that is still willing to do this difficult work. Yet Steve continued to toil honorably and willfully on behalf of his many clients, ever hopeful in the face of overwhelming

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evidence that hopelessness is the only reasonable response to an increasingly hardened society.

Steve's unrelenting good cheer is another recurring theme in his friends' memorials. This trait probably did not make his life any easier. Those of us with less patience and less stamina and less selflessness often took advantage of Steve's easy demeanor. Steve probably knew that, but it is a measure of his character that he honestly did not seem to care. He took people as they were, and did not begrudge them their flaws. He usually knew when someone was taking advantage of his benign nature, but if the cause was right or if the person was his friend, he didn't let on, or ask for anything in return.

A final thread that flows through the following pages is the sense of regret that none of us said any of these nice things to Steve when he was here. In this respect, it was Steve's bad fortune to choose law as his profession. We lawyers are many fine things, but we are usually not very good at impersonating human beings. We are often a cold and competitive lot, and our time is far too precious to squander it on the common decencies of ordinary human interaction. So it is only now, after the subject of our affection has left us without a forwarding address, that we get around to publishing the thoughts that we should have expressed to Steve's face. Our only consolation is that if we could bring Steve back for ten minutes, let him read what his buddies really thought and felt about him all these years, and ask him to forgive our thoughtless tardiness, he would react with surprise and modesty and then spend the remainder of his short visit trying to make us feel better. Then he would be gone again, and once more we would be left (along with several hundred residents of death row) to fend for ourselves. Maybe the simplest lament is also the most appropriate: It just isn't fair.