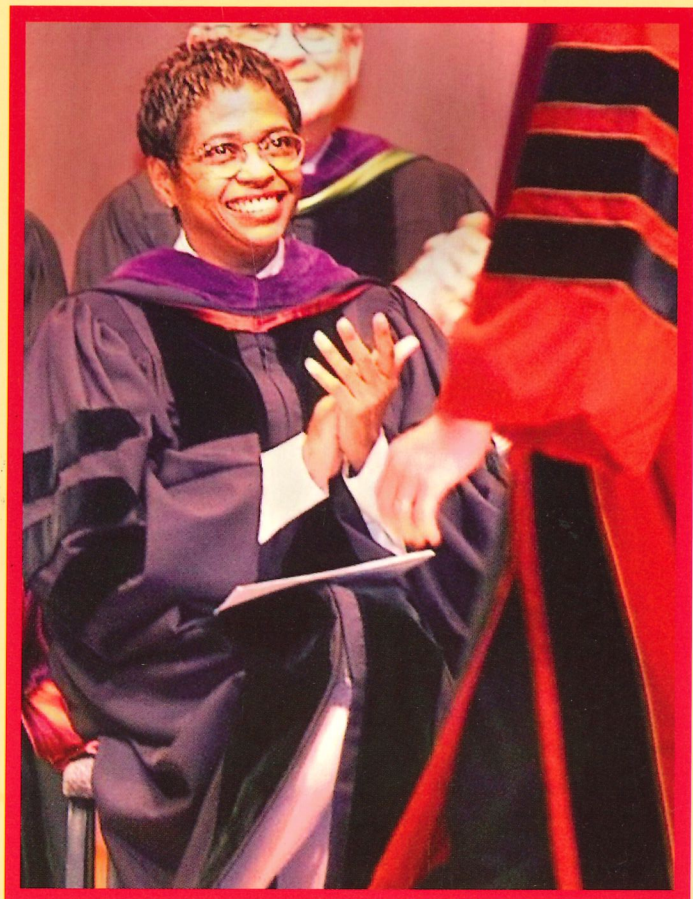


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# GROUND ZERO

**LAW SCHOOL PLAYS MAJOR ROLE  
IN 2000 PRESIDENTIAL  
ELECTION BATTLE**

**PLUS: Mel Martinez is appointed to the President's Cabinet  
Ken Connor takes the reins of the Family Research Council**

## The College of Law's best year ever



**W**hat an extraordinary year this has been for our law school! Never before have we received so much national recognition for our efforts.

The first big news came this fall, with the Leiter Survey of Educational Quality. The Leiter survey rated our Administrative Law faculty one of the eight "Most Outstanding Faculties" in the country in Administrative Law. Indeed, we are the only state law school in the Top Eight (the others were prestigious private law schools such as Yale, the University of Chicago, the University of Pennsylvania, and Columbia Law School). In addition, the survey also included a number of objective measures of faculty scholarly output and impact. On these objective measures of productivity and impact, Florida State rated in the top tier of American law schools in five separate categories. Most importantly, we were 31<sup>st</sup> in the nation in per capita production of articles in the country's top law journals. With our scholarly productivity at such a high level, increased overall reputational rankings are not far behind. The Leiter ratings are on the Web at [www.utexas.edu/law/faculty/bleiter/LGOURMET.HTM](http://www.utexas.edu/law/faculty/bleiter/LGOURMET.HTM).

The second major external validation came a few months later, when *National Jurist* magazine rated us the 13<sup>th</sup> "Most Wired" law school in the country. We continue to be at the cutting edge of harnessing technology to advance our core mission. The laptop requirement is now in place, which means that all of our first-year students are taking advantage of our wireless networking. The *National Jurist* article that announced the rankings was particularly complimentary about the software being used by the students enrolled in our Children's Advocacy Center. The software improves case management in general and in particular trains the students to keep accurate track of how they spend their time.

The third major external validation came when our once-every-seven-years American Bar Association/Association of American Law Schools Site Inspection Team visited the law school in February. Although the written report of the Site Inspection Team is not yet completed, the Team members were extremely positive about the law school in their exit interviews with me and with the President and Provost. Indeed, the President and the Provost both immediately relayed their congratulations to the faculty.

The members of the Site Inspection Team seemed particularly impressed by three things. First, they were struck by the high level of faculty energy, scholarly productivity and aspiration for the school. They were impressed by the extent to which the faculty were placing very high expectations upon themselves (indeed, since the Site Inspection Team's visit, the faculty has

modified the Promotion and Tenure rules to increase by 50% the minimum publication standards both for promotion to associate professor with tenure and for promotion to full professor). Second, the Team was extremely impressed by our use of technology, both in the traditional classroom and in the Children's Advocacy Center. They were astonished that our wireless networking system works as

quickly as it does, and were fascinated by the use of webboards and Powerpoint for classroom instruction. Finally, they were all impressed by what they did *not* hear. They said that this was the only school they had visited at which they did *not* hear student complaints that the Placement Office is only here for the top of the class. Our very successful efforts to place our students have been a smash hit with everyone.

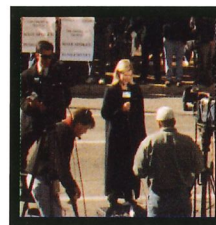
The fourth major external validation came with the latest issue of *U.S. News & World Report*. Although we are still just outside the "top tier" in overall ranking, we have for the first time made their "top tier" for one of our program rankings. *U.S. News* has just ranked us 18<sup>th</sup> in the country for our program in Environmental Law (we are the only Florida law school on that list). The *U.S. News* rankings can be found on the Web at [www.usnews.com/usnews/edu/beyond/gradrank/gblawsp3.htm](http://www.usnews.com/usnews/edu/beyond/gradrank/gblawsp3.htm).

Coincidentally, the faculty has just this year approved Certificate Programs in two areas: (1) Environmental, Natural Resources and Land Use Law; and (2) International Law. We are very proud of our offerings in these two areas, and will be circulating literature on these two Certificate Programs in the months ahead.

Last but not necessarily the least, Election 2000 was great fun. Students, faculty and alums all got in the fray. Seven different faculty were on the broadcast media: Steve Gey, Nat Stern, Chuck Ehrhardt, Jim Rossi, Mark Seidenfeld, Rob Atkinson and Tahirih Lee. Our students were also featured, including world-wide coverage through the BBC, and many of our alums distinguished themselves in historic ways. Much of this issue of *FSULaw* is devoted to their stories.

The short of it is that we are on a roll. We have the beef, and the world has started to hear the sizzle. This has been our very best year ever! Thank you for all your support.

DONALD J. WEIDNER, DEAN, COLLEGE OF LAW



About the Cover: The law school played a major role in the Election 2000 drama.

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

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SPRING / 2001

FSU LAW

THE MAGAZINE OF  
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OF LAW

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Two blocks from "ground zero" during the presidential election recount controversy, the law school gets more media attention in five weeks than it had in the previous 35 years.

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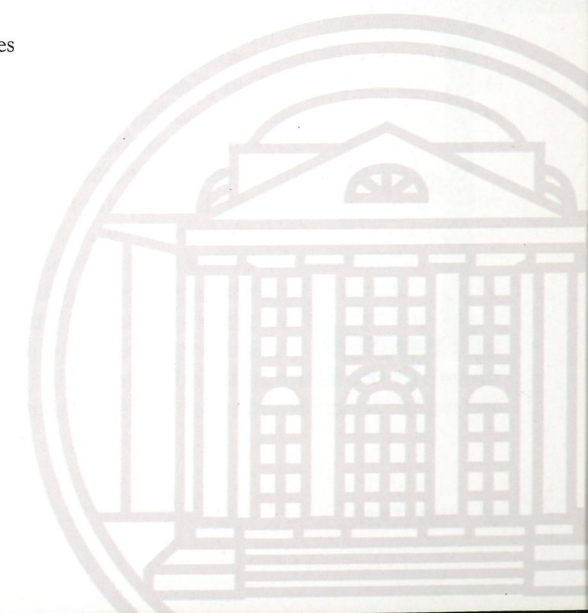
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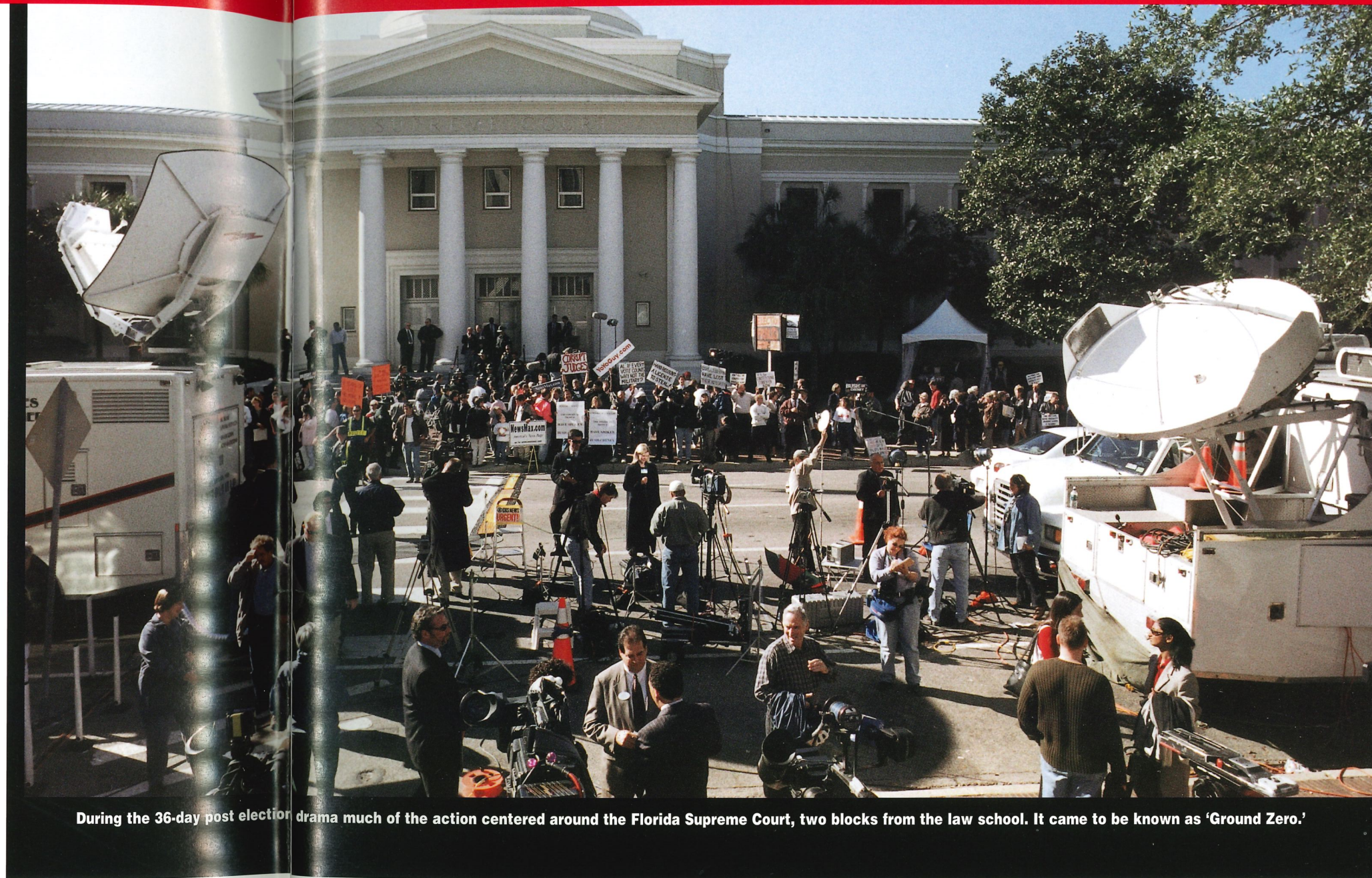
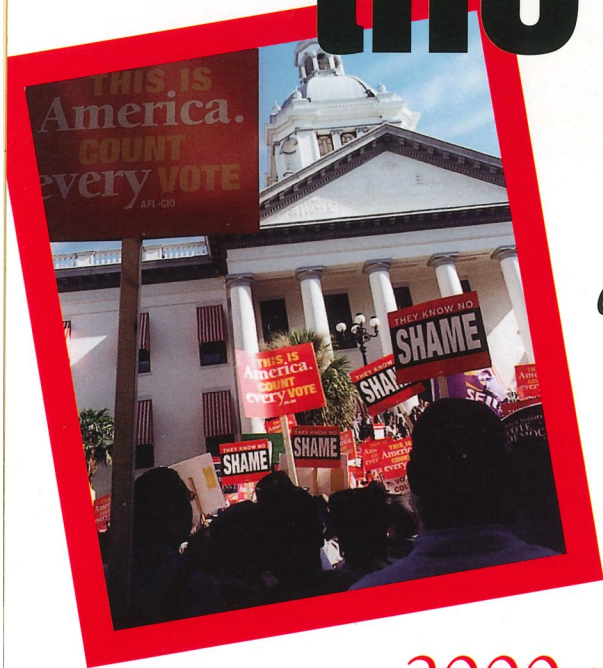


By David Morrill

# In the Eye of the storm

*The law school's alumni and faculty play starring roles in the wake of the*

*2000 presidential election*



During the 36-day post election drama much of the action centered around the Florida Supreme Court, two blocks from the law school. It came to be known as 'Ground Zero.'

**E**arly on the afternoon of December 9, a chorus of shouts filled the Tallahassee office of Steel Hector and Davis. It would be almost ten minutes before the rest of the world heard the news: the U.S. Supreme Court had ordered a halt to the recount of contested presidential ballots that was underway four blocks away at the LeRoy Collins Public Library. Among the exhausted but exhilarated lawyers in the Monroe Street law office that Saturday afternoon were College of Law alumni Donna Blanton, Vicki Weber, John Little, Jon Sjostrom, Betsy Daley and Beth Maykut. The six, part of the team assigned

to represent the Florida Secretary of State's office, knew that the telephone call from the firm's attorneys stationed at the U.S. Supreme Court might signal the end for Florida's historic presidential election ordeal.

Throughout the five-week post-election drama, scores of FSU law school alumni, faculty and students were thrust into starring roles. Alumni Judges Terry Lewis and Nikki Clark, and faculty members Nat Stern and Steve Gey became familiar players on television broadcasts and front page newspaper stories around the world. Parents and friends of FSU law students phoned to report seeing them on television or reading their comments in the local newspaper.

The law school's location, just two blocks from the State

Capitol and the Supreme Court—an area that became routinely called Ground Zero—made it almost inevitable that fallout from the historic election would leave an indelible impression.

In the days following the election, much was made of the fact that such a historic event would play out in Tallahassee. "This sleepy, moss-draped town has seen nothing like it before," the *New York Times* reported. The truth was, of course, no town, not even New York or Washington, D.C., had seen anything quite like it.

By the time the ordeal reached critical mass in early December, Tallahassee had, for its five weeks of fame, joined the likes of New York, Washington, London and Tokyo as a center of major news. There were days, in fact, when every article on the

front page of the *New York Times* carried a Tallahassee dateline. When Dean Don Weidner checked into a New York City hotel in late November, he noticed a crowd clustered around the lobby's television. "When I went over to see what was going on there was the Leon County Courthouse on tv," he said.

The scene in and around the Capitol complex assumed the character of a vast movie set. Satellite trucks were lined up as far as the eye could see along South Duval Street and crammed into every loading zone and alley within a quarter-mile radius. In the Capitol courtyard and in front of the Supreme Court building, a legion of on-camera television personalities fussed with their makeup, practiced for their next feed or performed live under bright lights. News production crews erected tent encampments

between the two buildings and killed downtime playing cards and sharing stories with passersby.

Protestors who carried signs boosting Al Gore and George Bush and bashing judges never lost sight of the panning television cameras. At times, street mimes and troubadours dressed for an old-world country fair paraded through the crowds. It was, above all, a grand and gaudy theater-in-the-round. As a BBC commentator noted, "If Judgment Day comes with prior notice, it may look something like this."

When the curtain came down on the final bizarre act at the U.S. Supreme Court the night of December 13, the legions of attorneys who had fought the election's legal wars shared one overwhelming characteristic. "There was a feeling of absolute, total exhaustion," said Broward County Democratic attorney and 1985 FSU law school graduate Lenny Samuels. "Unless you were part of this, you cannot imagine how beat-up we were. Most lawyers are used to long hours. Most of us know what it's like to lose sleep," Samuels says. "But this thing was different than any other case. It went on and on, and there wasn't a chance to wind down and rest. I've never been so tired in my life."

Vicki Weber '78, whose friendship with Deborah Kearney '81, general counsel to Secretary of State Katherine Harris, brought Steel Hector & Davis into the case, confirms Samuels' testimony to exhaustion. "The first couple of weeks we were running on adrenalin. After that, it was a grind," she says. She describes lawyers writing briefs in tag team fashion, one shift heading for a few precious hours of sleep while another, just waking up, took over. "There were people sleeping on conference tables and under conference tables," she says. "It was crazy toward the end."

Both Weber and Samuels say they have no regrets about their sacrifices. "It was a privilege to work on this case," says Samuels. "This experience will be a highlight of my career."

For the lawyers and judges involved in the action, it was law in a hurry, law that sought precedents that often did not exist, law that, at times, seemed utterly lawless. In the midst of it, though, were lawyers and judges working harder than they had ever worked, trying, against impossible deadlines, to bring success to their client or justice to a case, knowing that their efforts could become a part of history.

Says John Newton '77, an attorney for the Democrats, "There was some very good legal work done by both sides under horrible conditions. I think that fact was easy to overlook."

Although no group suffered exhaustion like the lawyers in the trenches, several law school faculty members came close. Steve Gey, Nat Stern, Jim Rossi, Chuck Ehrhardt, Mark Seidenfeld, Don Weidner, Rob Atkinson and Tahirih Lee gave countless interviews. The media's appetite for election and constitutional law experts proved almost insatiable. About the valiant efforts of the FSU media relations office to feed the need, novelist and FSU English professor Bob Shacochis noted in a *New York Times* op-ed column, "The university has talking heads stacked up like planes over La Guardia, and my academic colleagues have shown a ready genius for being well-versed songbirds of the spectacle."

For some, there were limits to the madness. When a Tallahassee television station called Chuck Ehrhardt late one evening, asking if he could be in front of the Capitol in fifteen minutes for an interview, the professor drew the line. "I told them that if I came down there it would be in my bathrobe," says Ehrhardt.

Although the affair put several of the faculty in the national spotlight, none could match the record of Nat Stern. Unlike Gey, whose exclusive agreement with ABC News put him off limits to other media organizations, Stern was a marked man, a veritable man for all media. For five weeks his phone rang incessantly. The demands made it impossible, he said, to live anything approaching a normal life.

He found himself giving interviews as early as 4 a.m. He made frequent appearances on BBC television and radio, on CBS and NBC, and on most of the major cable news networks. He gave interviews to the nation's major newspapers. Twice he was a guest on the National Public Radio public affairs program, "Talk of the Nation."

Stern, who says he gets most of his news from newspapers and news magazines, proved a quick study in media dynamics. "One

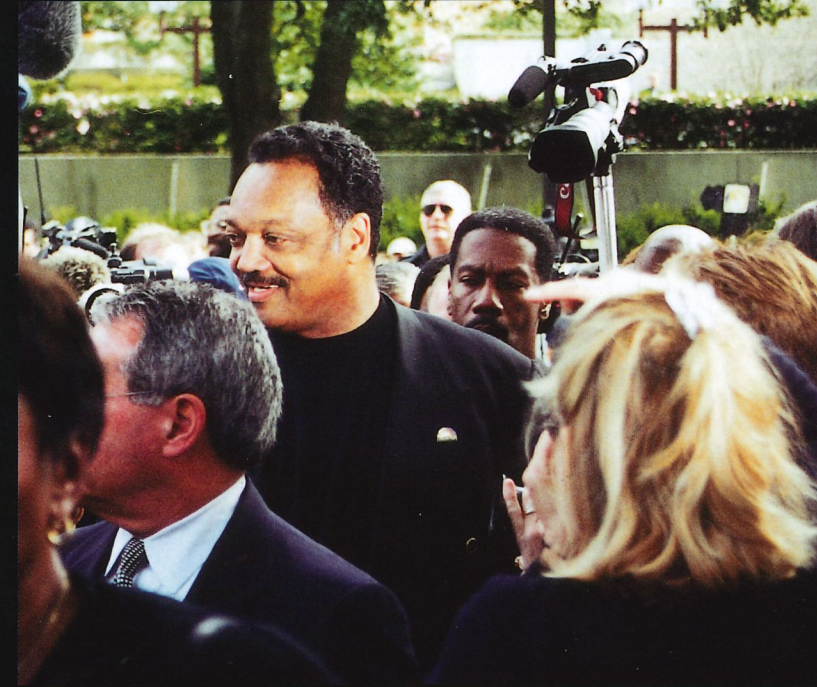
*'Unless you were part of this, you cannot imagine how beat up we were. It went on and on, and there wasn't a chance to wind down and rest. I've never been so tired in my life.'*

thing I figured out in a hurry is the overwhelming impact of electronic media, especially television."

Another thing he learned, says Stern, was the need to simplify. "Early on everything I said was too long," he says, suggesting he may have been acting too much like a professor. "What happens when you say a lot, is that most of it gets cut. The media forces you to think through your position in advance and put it in the fewest possible words," says Stern. "By the end, I think I became pretty good at the soundbite." Many of Stern's appearances, such as those on the CBS and NBC evening news, consisted of one or two well-phrased sentences.

Stern says the experience had an almost unreal aspect to it. "I almost felt like I was Dorothy in *Wizard of Oz* for several weeks.

News satellite trucks were lined up along Duval Street almost as far as the eye could see. Faces of law school alumni, faculty and students were beamed across the world.



The scene around the Florida Supreme Court and state Capitol assumed the look of the theater in the round. The famous and and not-so-famous gave proceedings a carnival atmosphere.



Then one day it was over and I was back in Kansas.”

Gey, who made his arrangement early on with ABC and made dozens of appearances on the network, often in conversation with evening news anchor Peter Jennings, made a valiant attempt to keep his students informed about events. Just before the Florida Supreme Court held its first hearing on November 19, Gey previewed the case to a roomful of students, staff, faculty and media. “All I can tell you about is the law,” he said in response to a question. “Beyond that, it’s anyone’s guess.”

Jim Rossi, on leave this year at the University of Texas Law School, gave dozens of interviews from Austin. The experience proved grist for the mill, as Rossi organized a highly successful symposium on the presidential election that the law school hosted in March (see stories, page 13-15).

No alumni received greater publicity—or higher praise—than Judges Clark ’77 and Lewis ’76. “Of all the judges who played a role in this protracted drama,” wrote *Newsweek*, “the brightest stars may have been two local judges in Tallahassee. Judges Terry Lewis and Nikki Clark conducted their business with dignity and fairness.”

In her Seminole County absentee ballot case, Clark was quoted widely responding to a Democratic attorney who asked her to send a message to the world (in former Vice President Gore’s favor). She responded that it was not her job to send messages, it was her job to uphold the law.

Lewis, who handled three election cases, received the notice for his novel *Conflict of Interest* that he would probably have liked to have gotten when the book was published in 1997. In an outtake quote beside his picture, the December 18 edition of *Newsweek* made prominent mention of the book.

FSU alumni judges not involved in election litigation were drawn into the media glare on Saturday morning, December 9, when they responded to Judge Lewis’s order to count contested ballots at the library. Judges Charlie Francis ’72, Tim Harley ’76 and Kathleen Dekker ’77 were among a group that gathered to examine ballots before the U.S. Supreme Court ordered them to stop.

Also at the library that morning was Ion Sancho ’87, Leon County’s Supervisor of Elections. Bolstered by the fact that voting in Leon County came off without a hitch, Sancho became a frequent spokesman on the right way to conduct an election.

Among other FSU law alumni involved in election cases



THE TALK OF THE TOWN

Tallahassee Postcard  
Return to  
Hanging Chad

The April 2, 2001 edition of the *New Yorker* magazine featured this about the monthly meeting of the Tallahassee Bar Association.

Not long ago, millions of people hung on their every word, but the other night fewer than a hundred souls turned out at Tallahassee’s Silver Slipper steak house to hear some of the luminaries from the great recount of 2000 reminisce about those suddenly far-off days. The satellite trucks are gone, and from time to time some hotel rooms go begging, but, in Florida’s capital, memories of the thirty-six-day siege remain fresh.

The gathering resembled nothing so much as a class reunion, right down to the slightly tatty surroundings and the open bar. (This being north Florida, there was also a big tray of sweet tea.) People milled around for a while, then settled down at a pair of long tables. The most famous names from the recount battle—Boies, Olson, Tribe, et al.—were all out-of-towners, but it was Tallahassee lawyers who filed the briefs, prepared the appendices, and worried about the deadlines. And so the evening began with some good-natured grumbling about the glamour gap between the locals and the imports. It was like any reunion, where

the safest route for everyone present was to make fun of those who were not—in this case, the heavily credentialed Yankee invaders.

Up on the dais, a panel of ten—eight lawyers and two judges—took turns answering questions about the recount. “I have to say I learned that people who went to Harvard or Yale and clerked on the United States Supreme Court can be as smart as people who attended Florida State University,” John Newton, a bow-tied pixie who represented Gore during the recount battle, said.

“We had this big screen in one office that projected a huge version of whatever these guys were typing,” said Ken Sukhia, a member of the Bush team, referring to the lawyers who’d come from up North. “And I was kind of hoping it would be like ‘The Shining’—‘All work and no play makes Jack a dull boy,’ over and over again. But these guys produced the most brilliant legalese I’d ever seen.” E. C. Deeno Kitchen, another Gore lawyer (whose name only sounds like a pseudonym), recalled an exchange he’d had with David Boies. “I said, ‘David, I’m a little nervous about something. I don’t know if R. J. Reynolds knows that I’m representing the Vice-President.’ And David said, ‘Don’t worry. I represent Philip Morris.’”

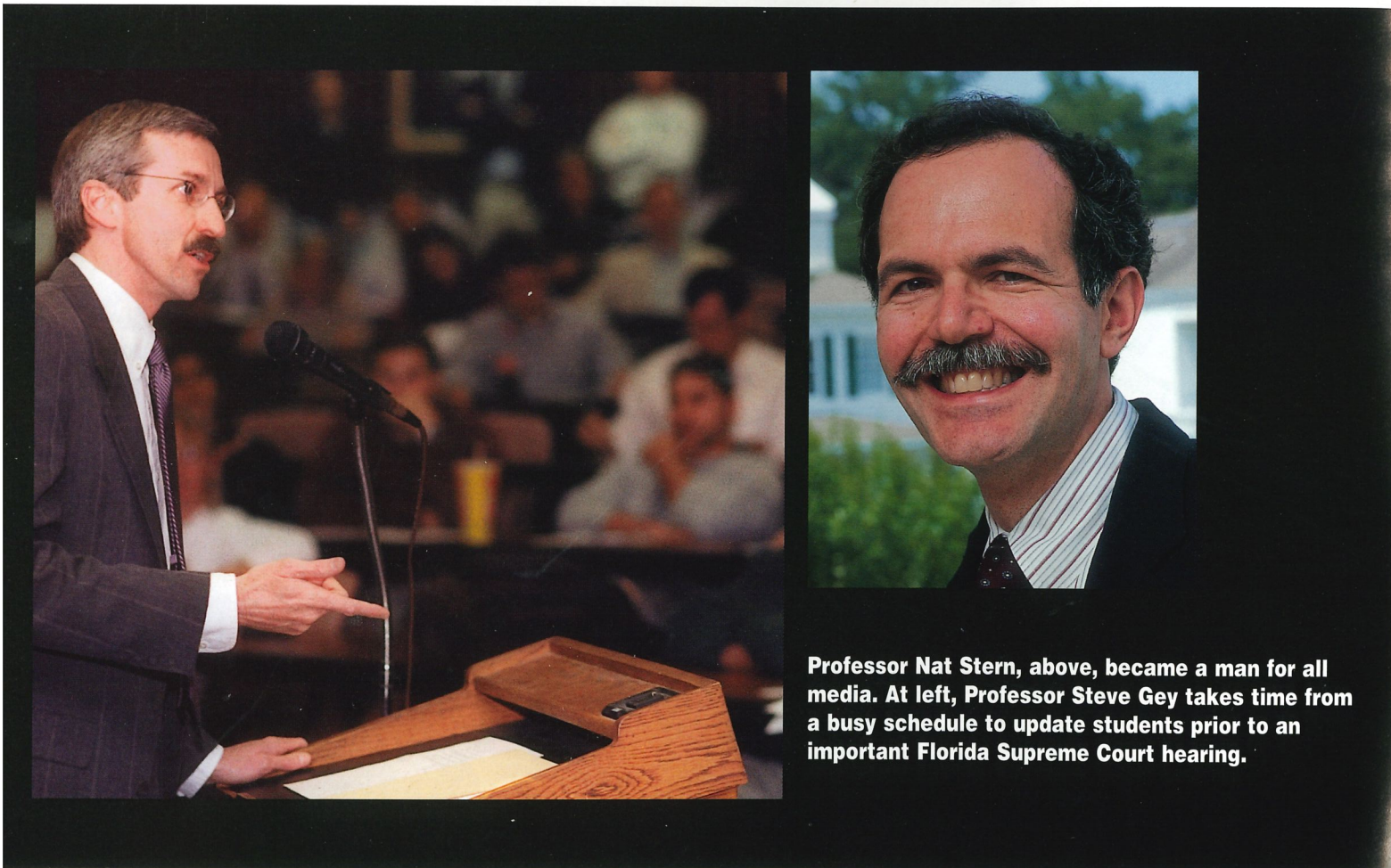
The two judges, Terry Lewis and Sanders Sauls, also needed an absent target: the national press corps. Judge Lewis, who handled the Gore campaign’s challenge to Florida Secretary of State

Katherine Harris’s certification of the election, recalled the coverage of his case with some fondness. “I got a big kick out of it,” he said. “I watched it every chance I got.” He had been particularly entertained by what the on-air analysts had to say about his conduct in court. “It was always interesting to find out what I really meant,” he noted dryly. Judge Sauls, whose cornpone aphorisms drew wide notice when he presided over Gore’s suit contesting the Florida election results, was up next. He seemed to have viewed the outsiders with disdain. “I didn’t pay any attention to them—as usual,” Sauls said, half gruffly. “To the dismay of many, the case didn’t change me at all.”

Dessert (layer cake) arrived at the same time as the main course (beefsteak or halibut), and after the plates were cleared the room turned quiet as the participants engaged in some serious introspection. There was none of the usual competition over who had the biggest car or the best-looking spouse; everyone already knew who the winners and losers were. “I remember there was this big guy with suspenders in one of the offices, Tim Flanigan, and all I knew about him was that he had a lot of kids,” Sukhia, the Bush lawyer, said. “Now I turn around and the guy is deputy White House counsel.”

No such luck for the Democrats, of course, and it wasn’t until the end of the evening that it became clear that they were still heartbroken and outraged. Mark Herron, a beefy guy who had hardly spoken, said quietly, “I had to leave my firm because I wouldn’t stop working for Gore.” Then, with the kind of earnest solemnity that you don’t often hear at reunions, he added, “I still have difficulty every night with the ten-o’clock hour. That was when the networks took Florida out of the Gore column—and that was also the time the U.S. Supreme Court decided the election.”

— Jeffrey Toobin



Professor Nat Stern, above, became a man for all media. At left, Professor Steve Gey takes time from a busy schedule to update students prior to an important Florida Supreme Court hearing.

were Lance Block '84, president of the Academy of Florida Trial Lawyers, who represented the Democratic Party in Palm Beach County. He was interviewed on network television protesting the fact that the Palm Beach elections office provided access to contested ballots by private parties before the recount began.

James Cook '92 and Tom Powell '77, following up on complaints by Rev. Jesse Jackson about election irregularities, filed a contest on behalf of U.S. Congresswoman Corrine Brown and other Duval County citizens. The action claimed, among other things, that the Supervisor of Election's office had released a sample ballot that differed from the one voters saw on election day. "There had been a lot of grassroots efforts to get first-time voters to the polls and the sample ballot was a tool used to instruct people," says Cook. "That created confusion."

Among countless other alumni caught up in the election fight were Keri Carpenter, Mark Herron and Ed Stafman.

**Sign carriers kept a keen eye out for obliging television cameras**



The law school held three follow-up events to the election. Two were hour-long panel discussions on March 5 that were part of the annual Board of Visitors meeting. The third was the March 23 symposium.

The March 5 morning panel included Judge Lewis, Blanton, Newton and Weber. Discussing the remarkable experience they had shared, Newton, emphasized the high degree of cordiality displayed by the attorneys involved. "Relations between the two sides were always good," he said. He described meetings on Monroe Street in which opposing counsel exchanged legal papers.

Blanton '92 noted how the all-consuming nature of the work distorted her view of life on the outside. She described going out to dinner with co-workers the night of Tallahassee's downtown winter holiday celebration. Finding herself amidst

the carefree throngs who had turned out for the event and did not share her obsession, she was stunned. "I felt like shouting out, 'Don't you people know we don't have a president?'"

The afternoon panel featured a discussion of the Florida Election Task Force, which earlier that day had held a press conference with Governor Jeb Bush announcing recommendations for improving election procedures. The panel included FSU alumnus and former Florida Attorney General Jim Smith, co-chair of the task force, 1995 law school graduate and Florida State Representative Chris Smith and Board of Visitors member Ken van Assenderp.

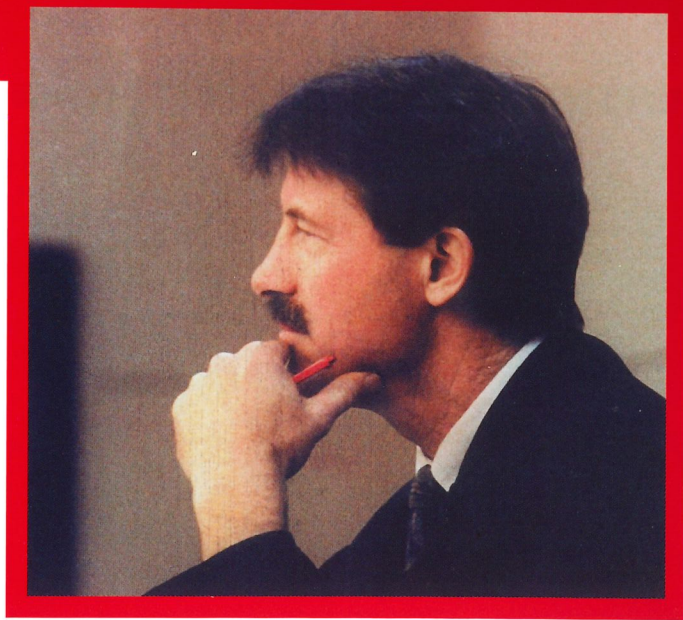
During the discussion, Jim Smith echoed the sentiments of the others in praising the thoroughness of the Task Force's recommendations. "These are well-thought-out suggestions that I believe the people of Florida will support." He added, "I would suggest that if the Governor and Legislature ignores them, they do so at their own peril."

Just as faculty and alumni played prominent roles in the election aftermath, a number of FSU law students also received their moment in the sun.

Second-year law student Steve Mayernick, one of several students to attend the Supreme Court hearings and mingle with the crowds, says he feels fortunate to have been "a spectator in an unprecedented turn of events" that determined the presidency. "It is not very often that Tallahassee is ground zero for the world's media outlets."

Standing eighth in line for the November 19 Supreme Court hearing, Mayernick offered to let Greta Van Susteren, the CNN legal analyst, cut ahead of him in line (she declined) and had a chance to talk to *Newsweek* senior reporter Michael Isokoff. He also was interviewed by reporters from Britain and Germany.

Like several law students, Mayernick expressed pride that his professors had played a prominent role in the election

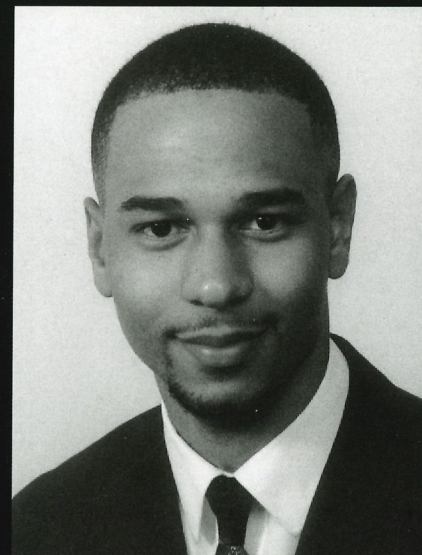


**No one played a more prominent role after the election than Judge Terry Lewis. *Newsweek* labeled him "The Steady Trial Judge."**

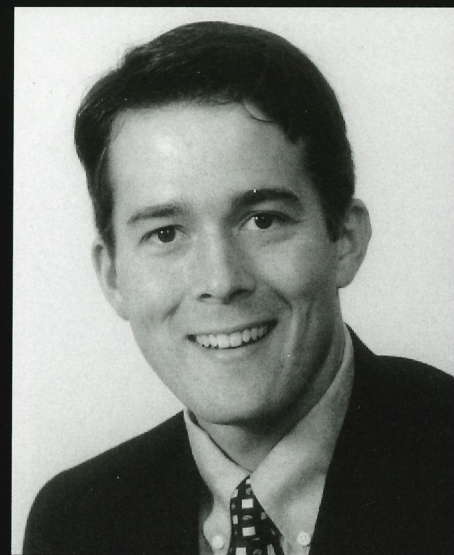
contest. "I was extremely impressed with the accessibility of our teaching faculty during the coverage. I had relatives calling me from all around the country asking me if I had that skinny professor with the mustache who was the expert on ABC. I said of course, he's my constitutional law professor."

Mayernick's classmate, Carlos Moore, savored the scene around the Supreme Court and Capitol and allows that he "was fascinated by the whole fiasco." He expresses the feelings of most spectators when he says, "Everything was happening so fast that I could hardly keep up."

A native of Mississippi who received his undergraduate degree in Alabama, Moore says the post-election experience validated his choice to come to Tallahassee to law school.



Carlos Moore



Steve Mayernick

*"It is not very often that Tallahassee is ground zero for the world's media outlets. I was extremely impressed with the accessibility of our teaching faculty..."*



**John Newton, attorney for Al Gore and a 1977 FSU law graduate, makes a point during a March 5 panel discussion at the law school. He is flanked by Vicki Weber '78, left, and Donna Blanton '92 who represented the Florida Secretary of State's office.**





A speaker at a law school post-election symposium made the comment, "Nothing like this has ever happened in this or any other country."



"Tallahassee became the center of the universe for six weeks. This is an experience I won't forget."

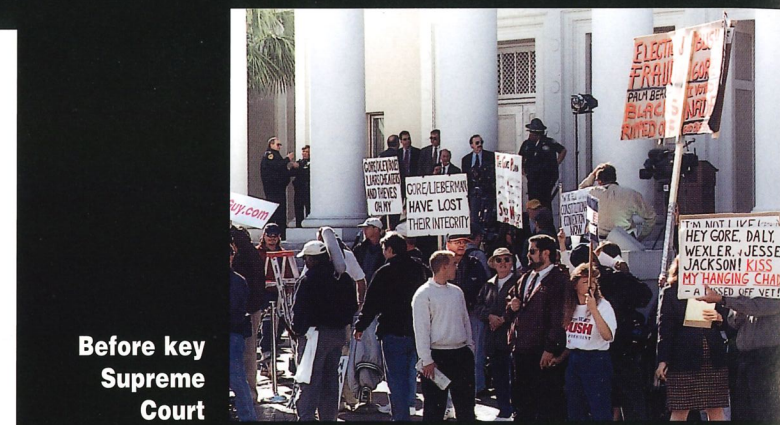
Moore, a self-described political junkie, was interviewed by MSNBC morning anchor Gregg Jarrett. "Needless to say, after that, MSNBC became my station of choice for keeping up with the election standoff." Moore also was interviewed by *Newsweek*, several Florida newspapers and an NBC affiliate in of Los Angeles.

Moore says he came away from the experience with a new perspective on the political and legal process, particularly as it relates to the courts. "Although the judiciary is supposed to be independent and somewhat removed from politics, their opinions are still very much clouded by political leanings." Moore says he learned a lesson watching the Democratic-leaning Florida Supreme Court rule in favor of Al Gore while the Republican-leaning U.S. Supreme Court ultimately resolved the matter in favor of George Bush.

Other law students who attended court hearings and were quoted in the media included Sarah Graham, Josh White, David Contos and Jeff Wood.

The siege of Tallahassee also featured an army of unheralded heroes like Elizabeth Gleaton, office manager for Steel Hector and Davis in Tallahassee. They were the ones who kept the offices staffed, the couriers queued up and ready to run off with the next delivery, the copiers tuned and the coffee pots filled. "It was wild," says Gleaton, looking back on the ordeal. She paused for a moment, searching for another description before giving up. "No, it was just absolutely wild."

The final scene of the election drama, played out on a cold, windy night in Washington, D.C., proved to be as bizarre as anything in the previous 35 days. The world witnessed the curious spectacle of television correspondents with their noses buried in the unwieldy printed volume of the Court's decision. Back in the studios, the anchors clamored for a verdict and were mostly wrong in their first attempts at one. Steve Gey was part of the strange endgame, standing in front of the Florida Supreme Court, straining to hear Peter Jennings in Washington through



Before key Supreme Court decisions, emotions often ran high



his earpiece read portions of the final ruling.

It was the light-speed of high technology meeting the slow motion world of the printed word—Marshall McLuhan's electronic age pitted against the Gutenberg Galaxy. Ultimately, of course, it was the stodgy printed word that asserted its primacy. The medium, it turned out, is not always the message.

Meanwhile, back in Florida, a phalanx of lawyers was about to get its first good night's sleep in more than a month. ■



By Margaret Barlow

proceedings as a "first-class example of professionalism." Further, she charged the grads to heed their lesson, "that, as members of the legal profession, you will have a duty that extends beyond representing your client zealously. There is a higher obligation to the profession. There is a professional obligation of honesty, integrity, civility and public service."

In a January interview, Judge Clark spoke about her experience. As a professional, she insisted, you have a job to do. And in or out of the spot-

light, that job is "to preside over the trial of the case and to issue an order that is comprehensive and in compliance with the law." She explained: "I knew as a judge I couldn't assume the responsibility of unraveling the social and political predicament that the country had found itself in. I could simply rule on the case that was before me."

Making her task that much easier, she added, was having "wonderful attorneys, marvelous attorneys to work with. And working with great attorneys is a joy to behold."

An important point that Clark said she tried to share with the graduating law class was the professionalism shown by all the attorneys in the numerous election cases, including those that were not getting press attention. "These were important cases that had to be litigated, and they litigated those cases in a very professional way."

Of note, Clark was gratified by the outstanding job done by the many Florida

## Nikki Clark handles the pressure with professionalism and dignity

Circuit Judge Nikki Ann Clark '77 had no idea when she accepted Dean Don Weidner's invitation to deliver the Fall 2000 law school commencement address that she would have so much to talk about. Who could have imagined that her work in a Leon County courtroom a week earlier would be the subject of international media attention?

In the preceding weeks, during the 38-day post-election ordeal that held the na-

tion spellbound, Judge Clark found herself cast in the role of a celebrity. It was in her Second Judicial Circuit courtroom that the fate of the Seminole County absentee ballots was decided. And it was from her own and the other courtrooms where those eloquent legal battles were staged that she drew her commencement message: Professionalism.

Expressing her pride in the process that the world had just witnessed, a tired but confident Clark addressed the new graduates. She described the exceptional performance of the lawyers involved in those

attorneys representing the various parties, and particularly those from Tallahassee. "They proved they were up to the task," she said. "We're very fortunate in this jurisdiction. We've got an excellent bar, a very professional legal community. Everybody worked hard, they researched well, they were civil and courteous toward each other, and they got the job done." This was all the more admirable, perhaps, in such extraordinary circumstances.

The atmosphere was certainly unusual. Clark described "hordes of reporters in the courtroom, dozens of cameras, and that ubiquitous presence, the press. They'd follow us anywhere, every time we left our offices. I'd never worked under that kind of intense scrutiny before." Besides being a fascinating experience, it was an exhausting one.

Even so, Judge Clark acknowledged that her trial went so smoothly only through the meticulous work, dedication, and long hours of the court administration staff and attorneys. As an example, pointing to her litigation notebook, Clark noted how her judicial assistant, Doris Hayes, "made sure that I was perfectly organized, and able to keep track of the hundreds of pages of pleadings and documents."

The opinion written for the Seminole County absentee ballot case was a little different, too. Emphasizing once again that "judges don't make decisions based on who might be happy or unhappy," Clark acknowledged being very pleased with her opinion." Fully aware of the widespread interest in the case, she wrote the opinion "not just for lawyers or the appellate courts but for people to be able to understand." In it, concluding that "Faulty judgement is not illegal unless the Legislature declares it so," she found, finally, "... no evidence that the request for ballots or the ballots themselves were tainted or that the will of the people who voted absentee was thwarted by the involvement of third parties in adding to the ballot request forms."

The professionalism that Judge Nikki Clark took into that trial, as in every case she tries, grew out of the principles and lessons she learned in law school. As she told the graduates, "When I graduated some 23 years ago, I took with me a sense of perseverance and discipline, a profound respect for the rule of law, and, most importantly, a deep and abiding, genuine love of the law. Those principles and lessons have served me well." ■

## Judge Clark's commencement comments to December 2000 graduates

**P**resident D'Alemberte, Dean Weidner, Dean Witherspoon, and distinguished faculty, proud family members, friends and alumni, and the winter graduating class of 2000, good afternoon. I am very honored to have been given the opportunity to address the Florida State University law college graduates this afternoon. To the graduates: let me be among the first to congratulate you on your achievement. This is your day in the sunshine. This is a time for celebration, because this graduation represents the culmination, the crowning glory of all your hard work: the realization of a dream.

Today is a testament to your perseverance, your dedication and your commitment to excellence. You have done well and we are very proud of you...

Some of the best lessons I learned about life and the art of practicing law were lessons I learned in law school. Many of the principles I now hold dear, which helped to prepare me for challenges, tribulations, public policy discussions and recent trials, were formed while I was a student. When I graduated some 23 years ago, I took with me a sense of perseverance and discipline, a profound respect for the rule of law, and, most importantly, a deep and abiding, genuine love of the law. Those principles and lessons have served me well. I have had the pleasure of teaching at the law school for the past couple of years, and have worked closely with the faculty, administration and students. I have had many in-depth discussions and debates with students and have watched many a law student grow from shy, doubtful students of the law, to become strong, confident, sure, enthusiastic professionals whom I warmly welcome to the legal profession. I have had the distinct pleasure of swearing in many of my students into The Florida Bar, and I can tell you, that gives me a thrill unmatched.

I can and do attest to the dedication and enthusiasm of these fine students and lawyers and proudly welcome each one of them, and each one of you, to the honorable and noble profession of the practice of law...

Had you told me while I was a law student that 25 years later I would preside over a trial involving the presidency of the United States, I would not have believed you, and I would have certainly doubted my confidence and ability to handle it. But, having recently gone through that experience, I can tell you that the lessons I learned right here at FSU allowed me to have the confidence in myself and the confidence in my legal ability, that when faced with the task, I was ready to assume the responsibility, without fear, anxiety or doubt. I knew that based on my legal training and my experiences, I was up to the task...

I want to talk briefly to the new graduates about your responsibility to professionalism, about your obligation to the public, and to the legal profession. Over the last several years, the legal profession has taken a hit. We have been criticized. We have been made the butt of jokes. We have been ridiculed. There are even websites dedicated to lawyer-bashing. To the general public, this lawyer-bashing may

*continued on page 45*



Dissecting Florida 2000

## COUNTRY'S TOP LEGAL MINDS TAKE A LOOK BACK AT THE ISSUES AND PROBLEMS OF THE PRESIDENTIAL ELECTION

**N**ot only did the College of Law play a major role in the post-election battles, it took the lead in analyzing the election once the dust had settled. A March 23 symposium titled *Law of Presidential Elections: Issues in the Wake of Florida 2000* featured some of the nation's most respected election law and constitutional law experts.

Not surprisingly, the symposium aired a broad range of opinions and featured spirited debate.

In the symposium's first session, a comment by University of Texas law professor Steve Bickerstaff that the election was "lost by the Gore attorneys" drew sharp questions from members of the audience. When former Florida Governor Reubin Askew and Democratic attorney John Newton asked Bickerstaff to back up his



Richard Briffault (Columbia Law School) and Florida Solicitor General Tom Warner attempt to put the election into legal context.

claim, the professor conceded that he was working "with the advantage of hindsight."

Robert Pushaw, University of Missouri-Columbia law professor, pointed out that Election 2000 proved that legal scholars are often poor prognosticators. He described discussions with his wife, an artist, at the

height of the election drama. "She had kept up with things on television and disagreed with what I thought would happen. It turned out I was wrong and she was right."

Despite differences of opinion, Columbia Law School's Richard Briffault said he was amazed by the amount of agreement at the symposium. "With eight major papers and a dozen discussants you would expect that there would be many opinions. But I was surprised. It seemed that there were a number of themes that most people agreed on. The group was quite critical, I thought, of the Supreme Court's intervention and felt the court had intervened in a problem that should have been left to the political process."

On one issue there was no disagreement: the job that Jim Rossi did in organizing the symposium. Dean Don Weidner summed up the opinion of many when he said: "Jim is one of the most dynamic young professionals I have ever met. The fact that he organized this world-class program, in very short order, from his office as a visiting professor at the University of Texas at Austin, is phenomenal. We are all in his debt." (See Rossi's analysis of the symposium on page 14)

The next issue of the *Florida State University Law Review* (2001) will be devoted to papers and comments from the symposium. Video of the symposium is available at [http://www.law.fsu.edu/symposium/election\\_law/webcast.html](http://www.law.fsu.edu/symposium/election_law/webcast.html). ■

### Symposium Program

- **State Election Law and Presidential Selection** Moderator: **Nat Stern** (Florida State University) *Equal Protection and Federalism in Bush v. Gore*: Richard Briffault (Columbia) *Bush v. Gore and the Future of Equal Protection Law in Elections*: Richard Hasen (Loyola of Los Angeles) Commentators: Steve Bickerstaff (Texas); Heather Gerken (Harvard); Spencer Overton (UC Davis)
- **What's Left of Federalism in Presidential Elections?** Moderator: **Mark Seidenfeld** (Florida State University) *Judging Judging: The Problem of Secondguessing State Courts' Interpretation of State Law in Bush v. Gore*: Harold Krent (Chicago-Kent) *Missing Elements of the Fourteenth Amendment in Bush v. Gore: Procedural Due Process and the Federal Right to Vote for Presidential Electors*: Peter Shane (Pittsburgh) Commentators: Pamela Karlan (Stanford); Robert Pushaw (Missouri-Columbia); Charles Tiefer (Baltimore)
- **What Remains of State Constitutions?** Moderator: **Jim Rossi** (Florida State University) *The Regulatory Role of State Constitutional Structural Constraints in Presidential Elections*: James Gardner (Western New England) *Bush v. Gore and the Threat to State Constitutional Law*: Robert Schapiro (Emory) Commentators: William Marshall (North Carolina); Richard Pildes (NYU); Thomas Warner (Solicitor General, State of Florida)
- **The U.S. Constitution and the Electoral College** Moderator: **Steven Gey** (Florida State University) *Should We Rethink the Electoral College?*: Luis Fuentes-Rohwer (Georgetown) & Guy-Uriel Charles (Minnesota) *Who's Afraid of the Twelfth Amendment?*: Sanford Levinson & Ernest Young (Texas) Commentators: Elizabeth Garrett (Chicago); John O. McGinnis (Cardozo)



## 'LEGAL REALIST' VIEW OF THE 2000 ELECTION POSES SERIOUS CHALLENGES FOR THE LEGAL PROFESSION

By Jim Rossi

Both political parties, not to mention the media, have expropriated the 2000 presidential election dispute to take aim at courts and judges. "We are all legal realists now," Professor Joseph Singer has written, and the courts' involvement in the 2000 election might be taken as evidence of his claim. The most extreme legal realist account of the courts' involvement in the 2000 presidential election dispute maintains that both state and federal judges decided the cases before them (or may even have invited bringing the cases before them) based primarily on political motivations, not the law. A more tempered legal realist account sees judges as deciding the 2000 presidential election, not based purely on their political ideology, but out of concern with possible effects on the status of their institutions or, more broadly, concern with preserving the status of the institutions of our democracy. Both of these accounts share that the 2000 presidential election and its resolution were not about the law, but were about political ideology or political expediency.

The legal realist account of the 2000 presidential dispute poses a serious challenge for the profession. Its challenge is especially salient for law professors, since we have a responsibility to fit the recent judicial decisions into the landscape of past jurisprudence as we present this landscape to our students. If the legal realist is correct, the most cherished independent branch of our democracy — the courts — have pandered to something other than law to choose the leader of another branch of our democracy, turning separation of powers into little more than a charade. Moreover, if the legal realist account is our primary account of legal decisionmaking, why should we even read what the courts have to say? (Of course, the media's constant demand for immediate assessment of the election cases gave this legal realist position credibility in the eyes of the public. For example, on the eve of *Bush v. Gore*, more than one media network invited opinions of legal experts who had not even read the decision.) For the legal realist, any reasons the courts provide are nothing more than subterfuge. At best this subterfuge might shed light on the psychology or sociology of judging, but it tells us little about the law.

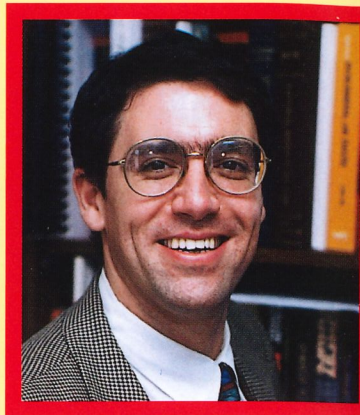
What, however, if we were to actually read the opinions issued by the courts during the 2000 election dispute? What if we were to take their reasoning seriously, attempting to fit them into the larger body of election and constitutional law of which they are a part? Florida was ground zero for the largest mass of litigation surrounding the 2000 presidential election. As one of the state's flagship law schools, FSU was

*Jim Rossi, the Patricia Dore Professor of Florida Administrative Law, was the organizer and moving force behind the election law symposium. He is a visiting professor at the University of Texas this year. He returns to FSU in the fall.*

well-placed to take the lead in inviting the preeminent scholars of election and constitutional law to engage the opinions generated by the courts during the election and to assess their merits and their implications for the law. That is what we — those of us on the faculty who actually have to figure out how to teach this material to the next generation of lawyers — did in our March 2001 Symposium on the Law of Presidential Elections. The symposium mix made for a fascinating discussion of the U.S. Supreme Court and Florida Supreme Court opinions handed down following the election. Although the day produced little consensus, for me it reaffirmed that there is an alternative to the legal realist account of law as nothing more than politics or a tool for advancing political expediency.

The day began with a panel moderated by FSU Professor Nat Stern. This panel assessed the equal protection grounds for the U.S. Supreme Court's decision in *Bush v. Gore*, the final case that some might say "decided" the election. In two exacting doctrinal articles presented at the FSU symposium, Professor Richard Briffault of Columbia Law School and Professor Richard Hasen of Loyola-LA School of Law rejected the claim, endorsed by many liberal critics, that there is a silver lining in the *Bush v. Gore* majority's equal protection jurisprudence. To the extent the majority found an equal protection violation based on inter-county variation in vote counting, both authors noted that its decision is difficult to reconcile with the Court's precedents: for Professor Briffault, because of the counterweight of federalism; for Professor Hasen, because of some serious concerns with the implications of this ruling for elections law more generally. The commentators on these papers, Steve Bickerstaff, an elections law expert from Texas, Professor Heather Gerken of Harvard Law School, and Professor Spencer Overton of UC Davis, challenged the authors to clarify the thesis and arguments in their papers. There did appear to be strong consensus that the equal protection basis for the majority's decision was odd, at best, and difficult to reconcile with past cases. The commentators and many members of the audience, however, disagreed with the papers' authors about its appropriateness and how to best fit it into our conceptions of democracy.

On the next panel, moderated by FSU Professor Mark Seidenfeld, a paper authored by Professor Peter Shane of Pittsburgh School of Law argued that the Florida Legislature did not have the power to select Florida's electors. Under the Fourteenth Amendment, Professor Shane maintains, the Florida Legislature did not have the power to vote to bind Florida's presidential electors in a way that conflicts with the will of Florida's voters. Professor Shane's thesis was not accepted by everyone, but it was engaged as a serious and interesting application of law and history nonetheless. Professor Harold Krent of Chicago-Kent College of Law added another layer to the discussion by directly raising the federalism



Professor Jim Rossi

*Hard cases, like Bush v. Gore or the Florida Supreme Court's opinions in the matter, should not be dismissed as merely political. To do so puts at risk not only the institutions of the courts, but also the very enterprise of law and its role in a democracy.*

issue of *Bush v. Gore*. Why, Professor Krent probed carefully by weaving together hundreds of years of case law on state law issues in federal courts, was the U.S. Supreme Court so intent on second-guessing a Florida court's interpretation of Florida law, an interpretation that Professor Krent characterized as foreseeable? Here again, the commentators challenged the authors' controversial but well-argued papers without accusing them of partisan motivations. Professor Pamela Karlan, a leading elections law scholar from Stanford and already the author of a book on the 2000 election dispute, *When Elections Go Bad* (Foundation Press 2000), made fascinating links between these papers and other important cases in the history of election law, challenging them to either make sense of *Bush v. Gore* against the historical landscape or to treat it as sui generis. Along the same lines, Professor Robert Pushaw from the University of Missouri-Columbia raised a fascinating analogy between *Bush v. Gore* and another significant case that fragmented the Court, *Baker v. Carr*, before critiquing the opinion through his own area of expertise, justiciability.

The afternoon began with a discussion of state constitutions, on a panel that I moderated. James Gardner of Western New England School of Law argued that the *Bush v. Gore* plurality's argument that Article II section 1 grants state legislatures plenary power does violence to state separation of powers principles, undermining state constitutions. This was a refreshing perspective from an author who, in his past scholarship, has looked skeptically on state courts. (I commend to you, for example, his article *The Failed Discourse of State Constitutionalism*, 90 *Michigan Law Review* 961 [1992].) Professor Robert Schapiro of Emory Law School, a leading scholar of constitutional interpretation, saw the threat to state constitutions as an interpretive one. For Professor Schapiro, the *Bush v. Gore* majority selected the wrong interpretive model for understanding the role of state constitutions in federal courts, a decision that could have serious consequences in other contexts. Professor William Marshall from the University of North Carolina responded to these and earlier papers. Professor Richard Pildes of NYU Law School came to the defense of the Supreme Court, departing from many of the primary paper authors' conclusions. And Thomas Warner, Florida's Solicitor General, drew on his experiences in the Florida Legislature to criticize both papers.

The day concluded with a panel moderated by FSU Professor Steven Gey that focused on the structures for electing the president in the U.S. Constitution. The first paper, by Luis Fuentes at Georgetown and Professor Guy-Uriel Charles at the University of Minnesota, carefully defended the institution of the electoral college against its many pre- and post-election critics. In another paper, Professors Sandy Levinson and Ernest Young, both of the University of Texas, discussed the

habitation clause of the Twelfth Amendment, which prohibits electors from voting for a president and vice president from the same state, and the interpretive difficulties in looking to courts to enforce this clause. Professor Elizabeth Garrett of the University of Chicago challenged the conclusions of both papers. And Professor John McGinnis, who teaches at Cardozo Law School, presented a clever account of the electoral college, taking both papers to task and coming to the defense of the *Bush v. Gore* case.

The symposium at FSU's College of Law produced a lot of disagreement among legal scholars. This, the legal realist might argue, proves the political nature of courts and the law. For me, however, the discussions at the symposium did not confirm the skeptical legal realist account of the law. Notwithstanding the legal realist critique, throughout the day we saw academics of wide and varying political ideologies engaged in a serious but respectful discussion of the law, its history, and how we can fit recent events into this history while also looking to the future. Little, if any, of the discussion, was directed to panning the decisions of courts as political, or dismissing *Bush v. Gore* as an arbitrary quirk merely because the decision was a surprise.

Although an analogy between the 2000 election and the O.J. Simpson criminal trial has been invoked in the media, the two legal events are significantly different in their implications for law. The O.J. Simpson trial invited hourly media speculation of a trial's bench rulings and jury strategies, but, apart from cameras in the courtroom, the case itself had little impact on the law. By contrast, much of the 2000 election disputes played out in appellate courts, which provided written reasons for their actions. The participants in the discussion at FSU took seriously the 2000 election opinions and their reasoning by struggling to fit them into the context and history of elections and constitutional law. This is an intellectual challenge, one that we should invite our students—future lawyers—to engage, even where it invites serious and sustained disagreements. Hard cases, like *Bush v. Gore* or the Florida Supreme Court's opinions in the matter, should not be dismissed as merely political. To do so puts at risk not only the institutions of the courts, but also the very enterprise of law and its role in a democracy.

I was proud to see these scholars engaged so seriously in the classrooms of our law school. For me the discussion confirmed that our profession is not nearly as political as the extreme legal realist account purports. The discussion, grounded in careful doctrinal and historical analysis of the law, reminded me why I believe the legal realist account cannot be our primary animating account of the law, even though I will concede that it sometimes harbors *at least a grain* of truth. Even if Professor Singer is correct that legal realism is pervasive among academics and practitioners, this doesn't mean that we are *only* legal realists. It certainly does not mean that we ought to invoke legal realism as an excuse for not thinking about the most difficult questions that the law presents to us.

■ Watch for the symposium articles and comments in print in the *Florida State University Law Review*.

## FSU Center for the Advancement of Human Rights takes shape across the street from the law school

Footsteps still echo on the bare wood floors of the sparsely furnished Center for the Advancement of Human Rights, just across from the law school on Jefferson Street. It won't be long, though, before the little house is overflowing with students and scholars doing important work.

Director Terry Coonan, a seasoned human rights advocate and litigator, enthusiastically describes FSU's new interdisciplinary project.

It's the "brainchild" of University President Sandy D'Alemberte and an anonymous donor (a College of Law graduate), that will bring together people from many disciplines to study human rights advocacy. "Traditionally, this has been a law-based field of endeavor," Coonan explains, "but we hope to be more expansive." The Center will connect with students and faculty from social work, social sciences, film and communications, criminology, and other areas of the university, to bring diverse perspectives and knowledge to the Center's

work. "We're looking at some nontraditional human rights projects, not strictly legal ones," he adds. "Still, the law school will play an important role, as the basic human rights corpus has come out of the law field."

The Center has a double mandate: to nurture both academic and hands-on endeavors. Besides establishing a core curriculum and sponsoring guest speakers and a senior resident scholar, it will seek to place students in human rights field work.

It would be hard to imagine a more committed or qualified director for the new program than Coonan. During and after his years at University of Notre Dame (two B.A.'s 1981; M.Div 1988) and Boston College (M.A 1982), he spent several years in Latin America. He worked with torture victims and families of the "disappeared" in Argentina, Chile, El Salvador, Guatemala and Uruguay.

In the early 1990s he entered the human rights law program at University of Cincinnati College of Law (J.D. 1995). Continuing his advocacy, as a United Nations intern and later with the U.S. Department of Justice and through a private immigration law practice in San Antonio, Coonan represented the interests of his chosen constituency.

In recent years he has litigated asylum cases around the country: Bosnian rape camp victims, Chinese Catholics fleeing government-imposed sterilization or abortions, Iranian and Iraqi torture victims, Russians fleeing the mafia, and African women fleeing the threat of female genital mutilation. "They have all made their way to the U.S. and are seeking asylum," says Coonan.

Since arriving in Tallahassee last August, Coonan has been teaching law students and undergraduates through the criminology department. The Center also is working with the Lawyers Committee for Human Rights to create teaching materials for

litigators. "Lawyers in the U.S. are seeing some novel legal cases," Coonan notes, "including civil suits involving torture-victim protection and lawsuits by victims against their torturers who have also immigrated here." As time permits, he will continue his own litigation work, hoping eventually to draw some FSU law students into his cases.

He was exploring a student summer placement at Miami's Krome INS Detention Center, where asylum seekers are waiting for a hearing before an immigration judge. "They've been detained as if they were crimi-

*The law school will play an important role at the Center. The basic human rights corpus has come from the field of law.*

nals," Coonan says, "and many are very compelling cases." He is also planning to place a joint J.D.-Social Work student with a torture treatment center in Minneapolis and a joint J.D.-International Affairs student with the International Bar Association in London.

Besides President D'Alemberte, whose vision for the center grew out of "his work with ABA and his passionate interest in international human rights," Coonan says a number of FSU faculty have expressed an interest in guiding the new Center's interdisciplinary activities. The Center's official inauguration took place in March, with guest speaker Doan Viet Hoat. One of Viet Nam's most prominent dissidents, the FSU graduate (Ph.D., 1971) was a political prisoner for almost 20 years after returning to his native country. During his lengthy detention, he was adopted by Amnesty International as a "Prisoner of Conscience."

Through the new Center, Coonan hopes to help raise awareness of human rights—the big picture as well as individual stories—and to find ways in which FSU students may directly contribute to this important work. ■

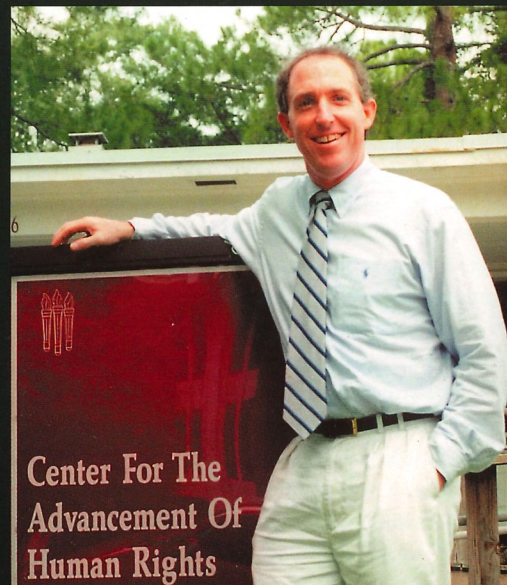
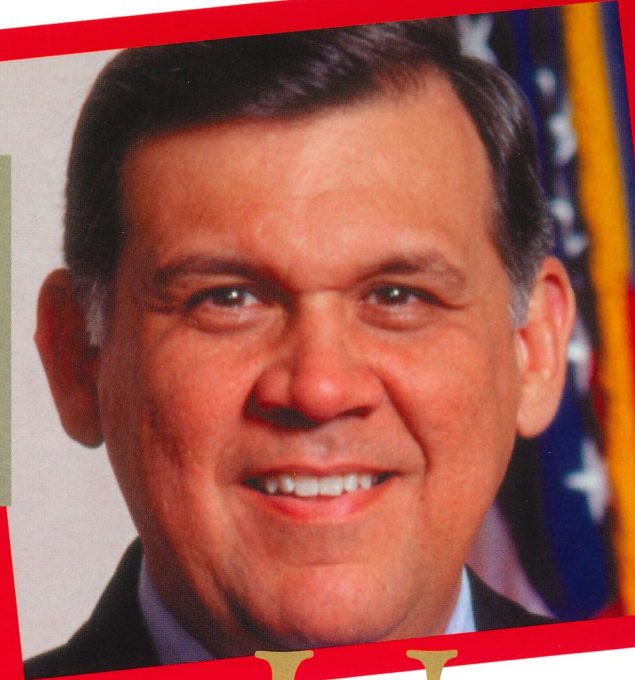


PHOTO BY BAYARD STERN

Terry Coonan is the director of the Center for the Advancement of Human Rights. The Center is located across Jefferson Street from the law school. He plans to work with law school students and faculty on international human rights issues.

The following article, reprinted from his hometown newspaper, the Orlando Sentinel, is typical of the news coverage Mel Martinez received after he was tapped by President Bush for a Cabinet seat. FSU Law chronicled Martinez's success as Orange County Chairman in the fall 2000 cover story.



# Moving Up

Mel Martinez, Chosen by President George W. Bush as Secretary of Housing and Urban Development, Becomes the First FSU Law Grad to Sit on the U.S. Cabinet

## Martinez Wows Senators

By Tamara Lylle  
January 18, 2001

WASHINGTON — Orange County Chairman Mel Martinez brought his American-dream life story to the Senate Banking Committee on Wednesday, and the senators made it clear they will entrust him with running the Department of Housing and Urban Development.

Martinez, 54, was selected by President-elect Bush partially on the basis of his compelling life story as a Cuban refugee who came to the United States alone as a child and went on to become a successful trial lawyer and government leader.

Melquiades Rafael Martinez will be the first Cuban-American Cabinet secretary if he is confirmed.

Sen. Paul Sarbanes, D-Md., who chaired the controversy-free confirmation hearing Wednesday, said he expects Martinez to be approved unanimously. Sen. Phil Gramm, R-Texas, who will chair the committee after Republicans take back control of the Senate on Saturday, said he plans to hold a vote Monday. Martinez could be approved by the full Senate soon after that — possibly as early as late Monday or Tuesday.

Although Martinez is a relative unknown in Washington, several senators said his local government experience will give him an important perspective in running HUD, long one of the most troubled federal agencies.

Martinez, in turn, made it clear he is not among the Republicans who favor wiping out the department. He said he will consider consolidating some HUD programs and will try to make it more "consumer friendly" but might need more people to do so.

"I'm far from being a caretaker, and I intend to be a very active secretary," Martinez said.

Martinez promised to "forcefully" push for funding HUD,

which several senators predicted would be one of his biggest challenges in the new Bush administration. "I arrived in this country as a teenage refugee from Cuba with nothing but faith in God and myself and the conviction that America, like nowhere else in the world, was a place where hard work and a life of principle would be rewarded," Martinez said. "I know how desperately those living in hardship just want the chance — the opportunity — to build a better life."

Kenneth Connor, an anti-abortion activist who ran for governor of Florida in 1994 with Martinez as his running mate, said his friend would be a role model for people in public housing.

"While Mel may not be the best known among the administration, by the time this administration has finished its course he'll be among the most respected."

Connor, now head of the conservative Family Research Council, was among three rows of friends, fellow Orlando attorneys and family in the standing-room-only hearing. At the beginning of his remarks, Martinez turned around to introduce his wife, Kitty, daughter, Lauren, and sons John and Andrew. But Andrew's seat was empty.

"I guess Andrew had another hearing to attend," Martinez joked.

Actually, the 7-year-old had headed off to the National Air and Space Museum.

In a building next to the Dirksen Senate Office Building where Martinez sat before the cameras and senators, a separate confirmation hearing was going on for Attorney General-designate John Ashcroft, who has caused a wave of partisan rancor.

Martinez's hearing could not have been more different. Florida's Democratic senators, Bob Graham and Bill Nelson, introduced and recommended him. "Out of Mel's personal experience he has developed a strong empathy with those who are striving to achieve," Graham said. Democratic and Republican senators practically tripped over themselves inviting the soon-to-be secretary to come visit their states. And most of the Democrats pledged to vote for him even before he opened his mouth.

Martinez said his first priority will be to put HUD's own house in order. Government auditors until Wednesday had HUD on a list of agencies at risk for waste, fraud and abuse. The agency has been beset by mismanagement.

"I can't think of an agency that would be more difficult to run than HUD," Gramm said.

**"I arrived in this country as a teenage refugee from Cuba with nothing but faith in God and myself and the conviction that America...was a place where a life of principle...would be rewarded."**

Martinez said he will focus on affordable rental units and home ownership, especially by minorities. He said Bush will push new programs to help poor families afford down payments and to give investors tax credits to fix up homes in distressed neighborhoods.

Martinez said he knows the need for affordable housing because Orlando has experienced a shortage.

"You bring some experience on the ground with people who have been going through the turmoil of searching for affordable housing," said Sen. Michael Enzi, R-Wyo.

Martinez was known in Orlando for putting the brakes on growth when the building boom strained the school system and other government services. He said he will bring that "smart-growth" debate to the national agenda. "Quality of life is what growth management is about," he said. "It is about not beginning the failed cities of 2020 today."

Martinez also cited his experience as head of the Orlando Housing Authority until 1986. He noted that he had moved public meetings to housing projects and had put tenants on the board before it was required.

His toughest question centered on why he had failed to win

**Democratic and Republican senators practically tripped over themselves inviting the soon-to-be secretary to come visit their states. And most of the Democrats pledged to vote for him even before he opened his mouth.**

a license for a new Orlando radio station in the early 1980s. Martinez said the Federal Communications Commission had awarded the license to a competing group because he and other investors in his bid did not intend to manage it themselves.

Sarbanes said Martinez will face a learning curve in taking over a department with 9,000 employees and a \$30 billion budget. But, he said, Martinez did well during the questioning and "is clearly coming in with a frame of mind to upgrade the department to do its job."

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## KEN CONNOR Answers the Call

**THE 1972 COLLEGE OF LAW GRADUATE AND SUCCESSFUL TRIAL LAWYER HEADS TO WASHINGTON, D.C., TO LEAD THE FAMILY RESEARCH COUNCIL. IT IS A JOB THAT HIS PERSONAL BELIEFS REFUSED TO LET HIM TURN DOWN.**

**K**en Connor is a man who answers the call. It happened in the mid-1980s, when he left a successful Lake Wales law practice to relocate to Tallahassee. It happened again last year, when he decided to move to Washington, D.C.

"On both occasions I struggled with the decision, discussed it with my wife, prayed over it, spent a few nights tossing and turning in bed because of it," says the 1972 College of Law graduate and successful trial attorney. "When it was over, though, I knew I had made the right choice." In both cases, Connor says, his decision was guided by his religious faith and a desire to have an impact on the country's moral life.

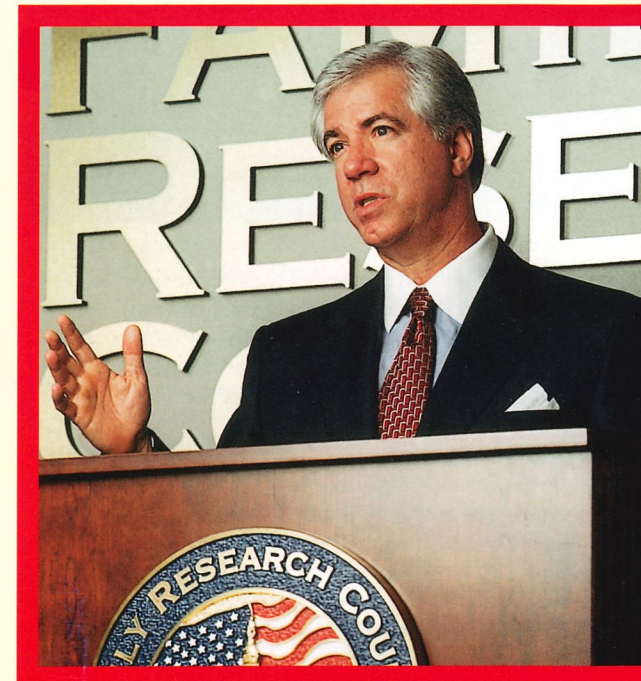
The latest call came last summer when Connor was invited to Washington to interview for the presidency of the American Family Research Council, a job vacated two years earlier when Gary Bauer left to pursue the Republican presidential nomination.

"Frankly, I went up there as a courtesy. I have great respect for the leadership of the FRC and believe very much in the work they have done over the years." But Connor had planned to continue his law practice as

Of Counsel for Wilkes and McHugh in Tallahassee and proceed with his plan to run for Florida Attorney General in 2002. "I had started to lay the groundwork to run for that office and had every expectation I would continue to do that."

Connor's visit to the FRC, the faith-based, family values organization, however, turned him around. "I was profoundly impressed with the quality of the people in the organization. They are incredibly bright people who love the Lord, love their country and are deeply committed to the work they are doing." He adds, "It became very clear to me that this was something I needed to be a part of." Connor accepted the FRC presidency in September, commuting between Tallahassee and Washington until early January, when he closed his law practice.

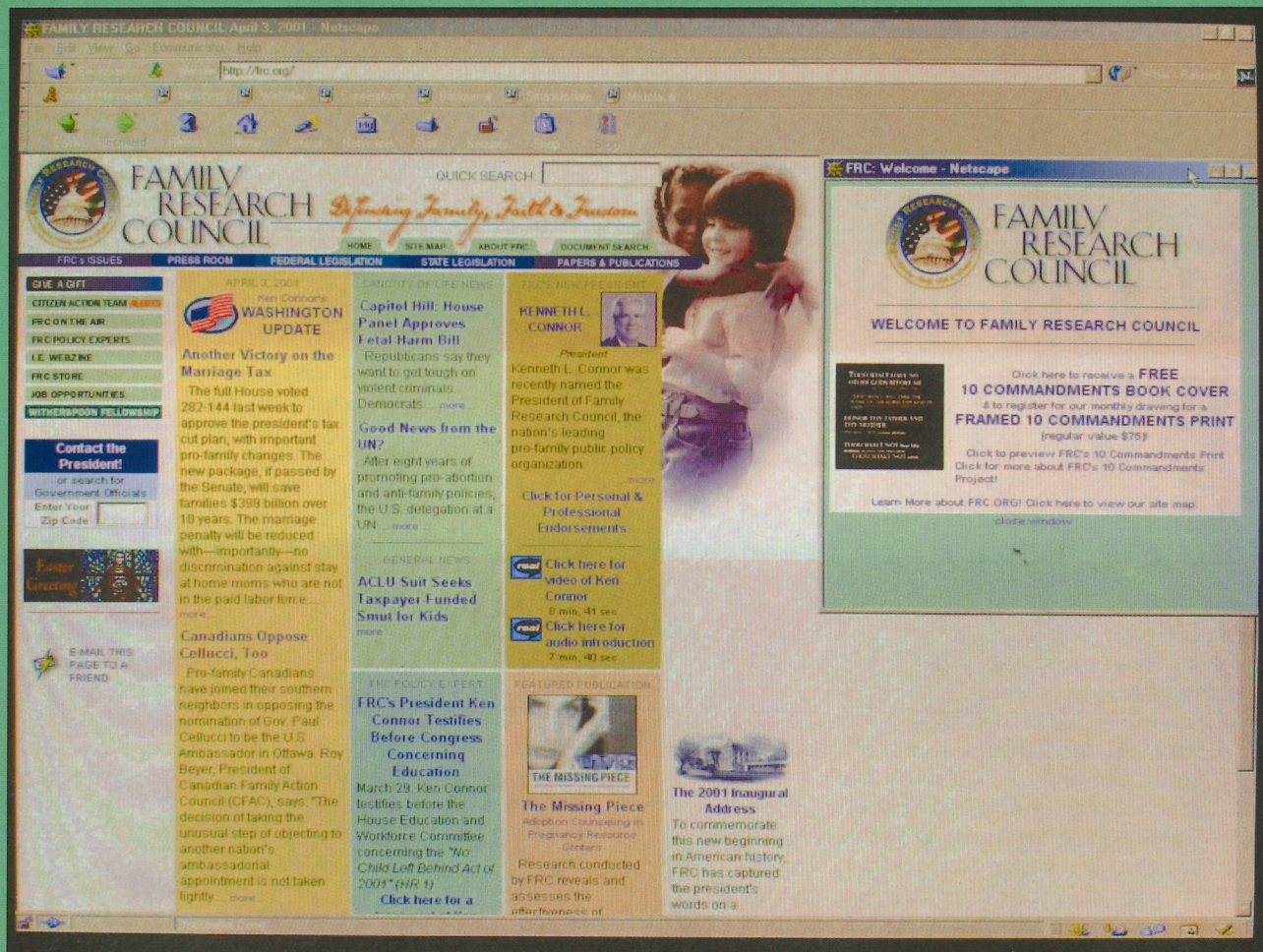
Connor describes his job, at least in its early stages, as the "three R business." "There's reconnaissance, which involves going around the country meeting with constituents and donors. There's restoration, by which I mean restoring and enhancing the funding base of FRC. And then there's renewal, the process of chart-



**Ken Connor**

ing a new course for FRC's future."

Connor has set a fast pace in his new position, appearing on television and radio shows, writing op-ed newspaper columns, meeting with legislators and policy makers. "Basically, I'm getting out the word about what the FRC stands for." Connor has revitalized the FRC website ([www.frc.org](http://www.frc.org)), making it a more effective



Under Ken Connor's direction, the Family Research Council's website has become an effective tool promoting the organization's family values agenda.

media and lobbying tool. The website provides daily updates on key issues, including commentary by Connor and other organization officials, world and national news updates and links to a variety of FRC publications and programs.

At the top of the FRC's political agenda, says Connor, is to take advantage of the change of power in Washington. "We feel that we have a unique opportunity to work with this Congress and this administration to accomplish a number of our objectives." Connor hopes to expand FRC's programs to emphasize issues that he has personally been involved in: adoption, elder care, and what he calls "problems associated with judicial activism."

"Most important," says Connor, "I want to promote an agenda that is positive, that is forward-looking and not reactionary. Historically, conservatives have been good at talking about what we're against, but not as good about talking about what we are for."

Although Connor is a dyed-in-the-wool conservative, he runs against the grain on several key issues. These pose a contradiction in political terms, he points out, not with his religious faith. A trial lawyer, he opposes Republican efforts for tort reform and has enjoyed unprecedented success over the years in representing clients against large corporations, most notably the nursing home industry. Access to courts is critical in protecting individuals against large organizations, he maintains. He also has found himself working in concert with liberals opposing most favored nation trade status for China, believing that human rights should take precedence over commercial concerns.

Connor is noteworthy for the high level of respect he has earned from people across the political spectrum. The credits that appear on the FRC website bear this out. Not only does he have the support from prominent conservatives such as Attorney General John Ashcroft, Governor Jeb Bush, Phyllis Schlafly and former FRC president

Gary Bauer, he also receives endorsements from moderates and liberals who would disagree with him on particular issues.

Florida Attorney General Bob Butterworth, a staunch Democrat, calls Connor "a man of unquestioned integrity and character," and says, "I am proud to call him a friend. I regularly utilize his expertise and wisdom, and was pleased to appoint him to a new Florida Task Force on Long-Term Care, to draw on his extensive experience advocating for the rights of the elderly. Ken will provide outstanding service to the Family Research Council."

FSU President Sandy D'Alemberte calls Connor "a wonderful lawyer who not only serves his clients well but who also cares passionately about the community and about important public issues. I am confident that the Family Research Council will prosper under his leadership."

There is even a commendation from Martha Barnett, the American Bar Association president and Tallahassee attorney. Barnett contributed her comment knowing the FRC supports reducing the

*When a human being is treated badly, no matter what that individual's physical or mental capabilities are, there has to be accountability.'*

ABA's role in the nomination of federal judges.

When Connor ran for the Republican nomination for governor in 1994, he was praised by the media for the sincerity of his beliefs and the tolerance he showed others. After an editorial board meeting with Connor and his running mate, fellow FSU law alumnus Mel Martinez (see article page 17), *The St. Petersburg Times* wrote, "Connor is emerging as the candidate most willing to talk about morality and family along with prisons and food stamps, while other Republicans are gun-shy about any discussion of values... He isn't strident or judgmental. He shares his vision of a secure, more moral society without insulting half his audience... Just know that Connor should not be written off as a minor candidate... Keep an eye on this guy."

Much of Connor's approval among moderates and liberals is a result of his work on behalf of children, the disabled and the elderly. His legal success in cases against the nursing industry is legendary, but he has also served on a variety of social service committees seeking solutions in such areas as elder care and adoption. "If it promotes the dignity and autonomy of the individual, I'm happy to be involved," Connor says.

Although Connor disagreed strongly with late Governor Lawton Chiles on abortion rights issues, he worked hard on a committee appointed by Chiles to improve adoption procedures for children in the custody of the state. "We both were committed to making it easier to get these kids into permanent homes," says Connor. "I have always believed that finding common ground among people is the way to get things accomplished."

Besides keeping the courts open to the victims of nursing home abuse, Connor suggests that the best way to deal with the long-term care of the elderly is to provide funding for alternatives to nursing homes. "I'm advocating we provide more non-nurs-

ing-home alternatives for people, programs like home health care, adult day care. These have been severely cut back in Florida because government has failed to provide reimbursement. There's an old adage that care follows reimbursement. This is no less true in nursing care. Medicare and Medicaid do not provide for skilled nursing care. They don't provide much at all for home care and adult day care." Says Connor, "Institutionalization didn't work for the mentally retarded, it didn't work for orphans, and it's not working for older people."

Connor sees his fight for the rights of the elderly in the same light as his opposition to abortion and doctor-assisted suicide. "Again, I start with premise that every life has value and should be treated with dignity." In September, during his first full week as FRC president, Connor appeared with Peter Jennings on ABC to oppose the FDA approval of the abortion drug RU 486.

His fight against assisted suicide, he says, is a fight against giving human beings the authority of God. "Voluntary assisted suicide can translate quickly into something involuntary. I'm involved across the spectrum. I support the rights of unborn children, handicapped children, the elderly, the terminally ill. I oppose the utilitarian ethic that establishes a sliding scale of dignity that says your worth and your value is directly proportional to your physical and mental capacity." He adds, "That ethic says that if your capacity erodes, so does your dignity."

After graduating from law school in 1972, Connor joined a medium-sized firm in Lake Wales. After a few years he left with Robin Gibson, who served as chairman of the Board of Regents, and the two opened their own firm. "It was a great experience. Robin was an outstanding mentor." They started out handling rail-

road crossing cases, he recalls. "Polk County had more railroad crossings than any city in the state, and few of them were adequately protected. People were being run over left and right. The railroad never settled cases. We had to win them all, and we just about did." From there the firm expanded into catastrophic liability cases, primarily products liability, general tort and medical malpractice.

In 1985 Connor took a sabbatical to serve as an adjunct professor at the law school. "I believe I was the first graduate of the law school invited back to teach." He loved teaching trial practice and a litigation skills seminar, and even admits to thinking about teaching again in the future. "The experience reinforced the idea that, as someone with a social conscience, half the battle is in showing up," he says.

Connor runs into his old students occasionally, in the courtroom or in newspaper editorial offices when he is advocating his causes. "I feel good knowing I played a small part in their legal education," he says.

His months teaching at the law school prompted a decision for Connor similar to the one that resulted in his move to Washington. "My wife Amy and I felt a strong sense of calling for us to be in Tallahassee. There was a lot to be done. The abortion debate was raging in the 1980s, and I could see that if you wanted to have an impact on public policy, you needed to be in Tallahassee. It's where the confluence of government, state and federal courts happens."

During his 15 years in Tallahassee Connor did, indeed, take advantage of the venue. He served on numerous statewide committees, including the Florida Ethics Commission and the Constitutional Revision Commission, and effectively promoted his family values agenda. Winning numerous multi-million dollar settlements, his legal work at Wilkes and McHugh established him as one of the premier attorneys in the state in cases involving nursing home abuse of the elderly.

Now, in the nations' capital, as president of the FRC and with a friendly administration, Connor feels he is poised to make a major impact on national public policy. Although he expects to be staying there awhile, he doesn't rule out the day when he is moved once again to respond to a need. "I hope that I will be able to answer the call if it comes," he says. ■

## Tracking Cases, Managing Time at the Advocacy Center

Students in the clinical program at FSU are getting a technological education that most of their peers may not appreciate at first blush: They are using cutting-edge legal office management software to track their cases, manage time and even bill hours.

FSU's students are getting a clear advantage thanks to the determination of Ruth Penney, a professor at the school's Children's Advocacy Center. Penney came on staff in 1995, fresh from a position as managing attorney at a multi-office law firm, and realized her students didn't know much about the nuts and bolts of the legal world. She convinced the school to invest in a software office management computer program called Amicus Attorney, and made using the system a requirement to pass the clinical course. "She decided to run the clinic like a public interest law firm," said Paolo Annino, Penney's fellow clinical professor. "We are the partners and the students are the associates, and we all keep track of what's going on by using this software."

Students use the software to plan their time and keep track of meetings, interviews, court dates and important events in their cases, such as jurisdictional deadlines. They also file all their case notes, briefs and memos in the system and log the time they spend on each case.

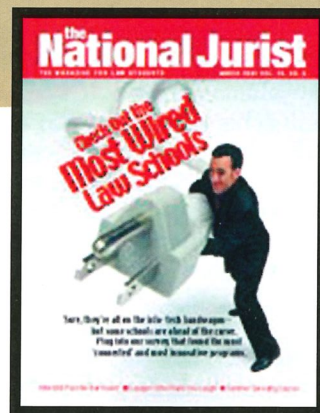
The billing aspect actually helps the clinic, too, Annino

says. "It's very important for us to track our billable hours per case, because we are half grant-oriented for our funding," he said. "We use the software to prepare reports on cases for our grantors."

Josh Toman, a third-year student in the clinical program, says being familiar with case management software serves students well. "We won't have to run to our secretaries as much as other attorneys," he said. "It gives you an advantage because you learn the basics of case management, and the office is run better because there is one standard version of how to do everything." Toman also likes the idea that he is learning to bill his hours. "As an associate, you make your living by the billable hour," he said. "[Knowing how it works] ensures your paycheck is coming through, and you are also showing your partners that you know not only how to win in court but also how to manage cases."

Annino says that knowledge may well be valuable to some firms that otherwise would rather not train new associates on the non-legal aspects of the job. "So many of the small and medium sized firms out there now are requiring their new attorneys to use these types of programs," he said. "Our students can jump right in there and do that from day one."

—Rebecca Luczycki, Associate Editor, The National Jurist.  
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Greg Strong, the law school's Director of Technology



his staff for putting FSU in the position to be ranked so highly. "They have done an outstanding job positioning us in the forefront of law schools in this area," the dean said.

The top three schools in The National Jurist's poll are Nova Southeastern in Fort Lauderdale, Duke University and Boston College. Nova and FSU are the only Florida schools ranked.

The National Jurist based its rankings on network access, use of information technology in courses and classrooms, student access to web resources, and hardware. In addition, the survey ranks law schools based on career placement resources such as web job postings and research, links to alumni, interview scheduling, résumé posting, e-mail contact, and use of advanced software.

The entire National Jurist article with rankings is available at <http://www.nationaljurist.com/0103/hot.html>. ■

## College of Law Ranks 13th in National Jurist Technology Survey

The College of Law ranks 13th nationally among American law schools in its use of technology, according to the March-April issue of The National Jurist magazine. The law school was singled out by the magazine for its use of office management software in the Children's Advocacy Center (see article above). The National Jurist ranked FSU law school 19th in its last rankings in 1998.

In addition to praising Children's Advocacy Center clinical faculty Ruth Penney and Paolo Annino, Dean Weidner credits Director of Technology Greg Strong and

## D'Alemberte Receives National Award for exceptional public service

FSU President and former College of Law dean Talbot "Sandy" D'Alemberte is the recipient of the 2001 Wickersham Award. The award, which recognizes dedication to the legal profession and exceptional public service, is given annually by the Friends of the Law Library of Congress. The presentation was made by U.S. Supreme Court Justice Sandra Day O'Connor at a March 27 dinner hosted by the Justice.

D'Alemberte was chosen for his distinguished career as a lawyer, state legislator, bar association official, professor and university president. He served as president of the American Bar Association in 1991-1992 and was president of the American Judicature Society in 1982-1984. In particular, the Wickersham award recognized D'Alemberte's work for legal reform in Central and Eastern Europe.

In 1990, D'Alemberte and Washington, D.C., attorney Homer E. Moyer Jr. founded the American Bar Association's Central and East European Law Initiative (CEELI). Since then, CEELI has recruited more than 5,000 lawyers to provide training and guidance for legal professionals in 27 countries formerly under Soviet rule.

In addition to remarks made by Justice O'Connor, U.S. Senator Bob Graham, Homer Moyer and Chesterfield Smith, past ABA president, were among those who paid tribute to D'Alemberte at the dinner.

The Friends of the Law Library of Congress is a national organization that supports research, educational programs and other activities of the Law Library of Congress. The Wickersham Award was created in honor of George Wickersham (1858-1936), who conceived the Friends of the Law Library of Congress more than 70 years ago to help build a comprehensive national law library. ■



FSU president and former law school dean Talbot "Sandy" D'Alemberte was given the Wickersham Award at a March ceremony in Washington.

## Survey ranks the administrative law faculty in the nation's top eight

The College of Law's administrative law faculty has been rated among the nation's top eight "most outstanding" in a ranking of American law schools. The Education Quality Rankings for 2000-2002 also place FSU's law faculty among the nation's top 20 state law schools in a number of categories.

The survey, developed by University of Texas law professor Brian Leiter, relies heavily on objective measures of faculty output and impact in assigning its rankings, and is highly regarded among law schools. By contrast, contends Leiter, other college surveys, including the widely quoted U.S. News and World Report survey, rely more on subjective criteria in their analysis, including law school reputations among lawyers and professors.

The Educational Quality survey ranks FSU's administrative law faculty with the faculties of Yale, the University of Chicago, New York University, the University of Pennsylvania, Columbia University, George Washington University and Boston University. FSU was the only state-supported law school in the group.

The College of Law was rated 12th among public law schools, and 31st overall, in the number of faculty articles published in leading law journals. In the category of book publication, FSU ranked 19th among public law school and 46th among all law schools. In a category that combined publication of law journal articles and books, the faculty ranked 17th among state law schools, and 42nd overall.

FSU also rated highly in categories for per capita faculty productivity and impact (20th in public law schools and 49th among all law schools) and for citations of scholarly books and articles (23rd among public law schools and 49th among all law schools).

According to FSU law dean Donald Weidner, the Education Quality Rankings

*The Leiter study measures of output and impact show that the FSU law faculty has been recognized in the top tier of American law faculties*

are a better indication of faculty quality than other law school rankings. "The subjective nature of many of the other surveys makes it very difficult for younger law schools to make significant upward movement against schools with long histories. Leiter's survey is a more accurate measure of what we have recently produced compared to other schools. It indicates how dynamic the law school is today." Weidner adds, "The Leiter study measures of output and impact show that our law faculty has been recognized in the top tier of American law faculties. I believe it is only a matter of time before our standing in the reputational rankings will rise to reflect the reality of our productivity."

The high ranking in administrative law, Weidner adds, will provide a boost to a new certificate program in environmental and land use law that the law school plans to launch next fall. "Because administrative law is at the heart of so many environmental and land use issues, the faculty who helped us achieve the top eight ranking will play a major role in our new program. I believe this will make the program very attractive to prospective students." The dean credits faculty Jim Rossi, J.B. Ruhl and Mark Seidenfeld with helping the law school earn the administrative law ranking.

The Educational Quality Ranking survey is available online at [www.utexas.edu/law/faculty/bleiter](http://www.utexas.edu/law/faculty/bleiter).

## Environmental law program is ranked in top 20 by U.S. News and World Report

The College of Law's environmental and land use program received some good news at precisely the right time. *U.S. News and World Report* ranked the program 18th in the nation.

The law school plans to launch its first certificate program, in environmental, natural resources and land use law in the 2001-2002 academic year.

"This is important recognition for us for two reasons," says Dean Donald Weidner. "First it confirms something we already believed: that we have an excellent environmental law faculty. Second, it validates our plans for a new certificate program."

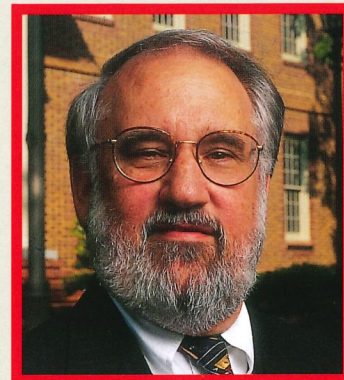
# Law School Builds a Tradition of Philanthropy

## JOHN FROST '69 ENDOWS MOOT COURT PROGRAM

John Frost, recently elected chairperson of the law school's Board of Visitors, has fully funded a \$100,000 endowment to be used for the College's Moot Court program. With state matching funds, Frost's gift will total \$150,000. The gift carries no restriction, and may be used as the Moot Court team sees fit. The funds will be available for travel expenses and competitions as well as for honoraria for expert consultants and coaches.

Says Nat Stern, the Moot Court team faculty advisor, "The team is extremely grateful for John Frost's generous gift. This endowment will be an important factor in the team's continuing excellence and success."

Frost, a member of the law school's 1969 charter class, also was a member of the first Moot Court team. Dean Don Weidner commended Frost for his continuing generosity to the College, having distinguished himself in 1993 as the first alumnus to fund a professorship, then the College's largest gift to date. Nat Stern is the John and Ashley Frost Professor of Law.



John Frost '69

work together as a team to resolve each child's case and to provide services and programs to help bring the child back on track.

The goal is to extend Teamchild to every Judicial Circuit in the state. Since being adopted in 1998 by the State of Washington, the program has been highly successful in getting children back in school and significantly reducing their recidivism rate.

Teamchild has been piloted in Leon and Broward Counties. Florida Legal Services and several subgrantees, including CAC, Legal Services of North Florida, Legal Aid of Broward County, and the Public Defender in the Second Judicial Circuit, currently serve approximately 140 children. While CAC assists in the legislative advocacy, the College's role is to provide legal advice to the teams and to provide legal training on children's issues.

## FLORIDA BAR HEALTH LAW SECTION ESTABLISHES PROFESSORSHIP

A gift by the Health Law Section of The Florida Bar has established The Florida Bar Health Law Section Professorship. The professorship was created to study such areas as the financing of health care. Dean Don Weidner has appointed Professor Mary Crossley to the position (see story page 38).

Anticipating a broadening of needs in connection with the university's new medi-

cal school, Dean Weidner appeared before the Health Law Section Executive Committee last September. Noting the critical importance of health care law, he invited the section's support for the professorship, to be filled by a faculty member committed to interacting with the health law profession and involved in the work of the section.

"The Health Law Section felt that the proposal from FSU gave them an opportunity to provide lasting and meaningful benefit to the people of the state of Florida, attorneys in the state, and specifically to increase awareness and development of health law as an area of practice in the state of Florida," said Bruce Lamb, the section's chair. Lamb, a 1980 graduate of the College of Law, practices in Tampa with the law firm of Ruden McClosky.

The Board of Governors of The Florida Bar approved a budget amendment that made the Health Law Section's gift of \$100,000 possible. In addition, the gift will qualify for a 50 percent match from the state. When the gift is deposited with the FSU Foundation as an endowment, the interest on a total of \$150,000 will be used for the professorship.



Sheila McDevitt '78

## SHEILA MCDEVITT GIFT

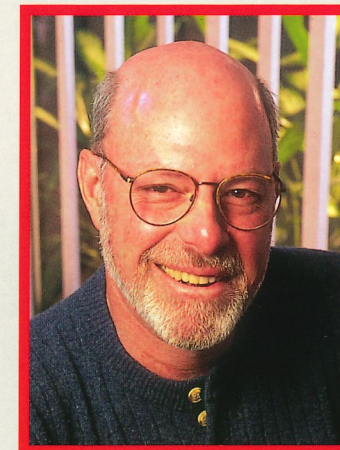
Sheila McDevitt, Vice President and General Counsel of TECO Energy, Inc., in Tampa, has made a \$25,000 gift to the College of Law to fund a multiyear commitment to the Dean's Discretionary Fund. For five consecutive years, a \$5,000 gift will be used by the dean to meet immediate



Florida Bar's Health Care Section presents a big check: Left to right, Mike Glazer, Florida Bar president Herb Russomano, Mary Crossley, Don Weidner, Bruce Lamb '80 and Florida Bar president-elect Terry Russell '99

needs of the law school.

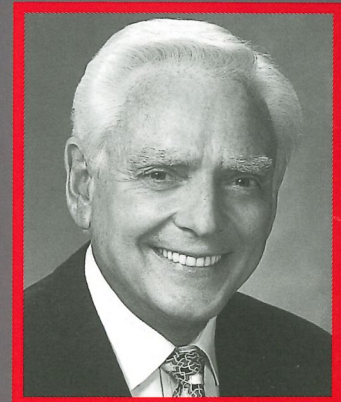
McDevitt, a 1978 graduate of the College of Law, serves on the Board of Visitors.



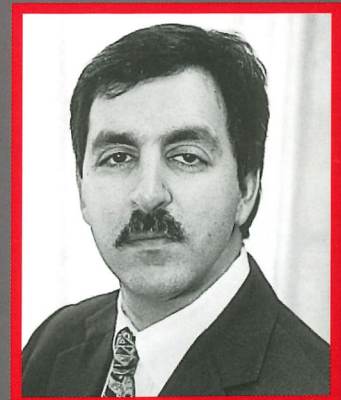
Steve Kogler '70

## STEVE AND BLANCHE KOEGLER SCHOLARSHIP

A Jacksonville couple has given \$20,000 to the College to fund a full three-year scholarship for a law student with financial need. Steve Kogler, a 1970 graduate of the College of Law, and Blanche Kogler announced their gift in response to Dean Don Weidner's request for additional scholarships. A student beginning law studies in the College this fall will receive the scholarship and be designated the Steve and Blanche Kogler Scholar.



Howard Nations



Mike Atter '79

Turn to Debra Hulse's column, page 33, for special comments on gifts made to the law school by Howard Nations and Mike Atter.

CLASS NOTES

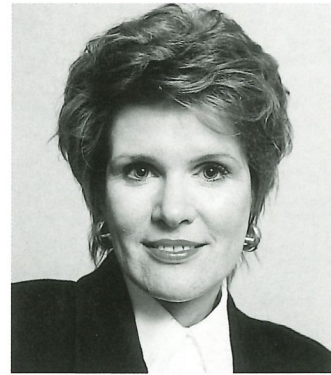
'73

**Mel Martinez**, formerly Orange County Chairman, is Secretary of Housing and Urban Development in the new administration of President George W. Bush (see article page 17).



'75

**Kelly D. Hancock** has been re-elected to the advisory board of Pine Crest School in Fort Lauderdale, appointed as a member of the Brain Injury Association of Florida, and selected as a member of the American Board of Trial Advocates, cited for "his courtroom experience, high personal character, and honorable reputation." He is a partner with the Fort Lauderdale law firm of Krupnick Campbell Malone Roselli Buser Slama Hancock McNelis Liberman & McKee.



**Susan Potter Norton**, Miami, has been named president of the Orange Bowl Association.

'77

**Jim Cunningham**, of Billings, Cunningham, Morgan & Boatwright, P.A., Orlando, has been elected to the Board of Directors of the American Board of Trial Lawyers.

'79

**William G. Capko**, of Lewis, Longman & Walker, P.A., West Palm Beach, has become a shareholder of the firm. His practice is concentrated in the areas of public finance and governmental law.

**Edward P. Jackson**, a partner in the Jacksonville law firm of Jackson and Mason, received the Florida Bar President's Pro Bono Service Award for the Fourth Judicial Circuit. A member of the Fourth Judicial Circuit Pro Bono Committee, he is the pro bono coordinator to the Bankruptcy Court for the Jacksonville Division of the Middle District of Florida and conducts monthly volunteer seminars for Jacksonville Area Legal Aid.

**Thomas Maida**, a partner in charge of the Tallahassee office of Foley & Lardner, recently served as faculty to Lorman Education Services at a seminar titled "Buying and Selling a Business in Florida." The one-day seminar was held in Tallahassee, in September. He spoke on Ethical Obligations.

'80

**Peter T. Gianino**, a Stuart attorney and certified arbitrator, received the Florida Bar President's Pro Bono Service Award for the Nineteenth Judicial Circuit. He has contributed consistently to various associations such as the boards of Martin County Council on

Aging, Florida Arts & Dance, and the Florida Commission for the Transportation Disadvantaged and has donated many hours of mediation services to individuals referred by Florida Rural Legal Services.

'81

**Wayne L. Helsby**, a shareholder of the labor and employment law firm Allen, Norton & Blue, P.A., Orlando, was appointed by the Florida Supreme Court to its Commission on Professionalism. He will serve a four-year term pursuant to a recommendation by The Florida Bar's Board of Governors.

**Bob Wesley** won election to the Public Defender's post for the Ninth Judicial Circuit, serving Orange and Osceola Counties. Besides his extensive experience in criminal law and administration, his campaign platform included improving services to clients and increasing training for assistant public defenders.

'82

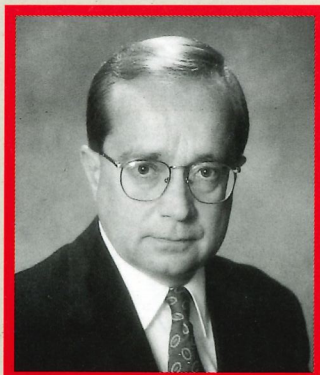
**Jeffrey J. Branham**, a partner in the law firm of Dean, Ringers, Morgan & Lawton, Orlando, received the Florida Bar President's Pro Bono Service Award for the Ninth Judicial Circuit. He has spent hundreds of hours representing abused and neglected children as a guardian ad litem volunteer with the Legal Aid Society of the Orange County Bar Association.

'84

**Mark Ellis**, the executive director of the ABA's Central and East European Law Initiative, has been named as the new Director of the International Bar Association.

**James M. Porter**, an environmental lawyer and a partner in

Frank Kreidler receives ACLU Freedom Award



**Frank A. Kreidler** '73 received the 2000 Harriette Glasner Freedom Award from the Palm Beach County Chapter of the American Civil Liberties Union. He was honored at a dinner in December for his "tireless dedication and commitment to the cause of civil liberties and the Bill of Rights." For more than a decade, the Lake Worth attorney has worked on many cases for the ACLU, including homeless discrimination litigation. Most recently, he has litigated a case involving nine volumes of public records obtained by the ACLU that had been used for evidence by some children's advocates to force the Department of Juvenile Justice to change vendors at the Pahokee Youth Development Center. The same records had been used in part for investigative articles on the abuse of children at juvenile prisons and lucrative contracts with prison vendors nationwide that appeared in *Atlantic Monthly* and the *Chicago Tribune*. ■

the Miami office of Holland & Knight LLP, was elected to serve two-year terms with both the Executive Council of the Environmental and Land Use Law Section of The Florida Bar and the Florida Air & Waste Management Association.

'85

**Meredith Trammel** was recently appointed to the College of Law Alumni Association Board of Directors. She will chair the Placement and Recruitment Committee.

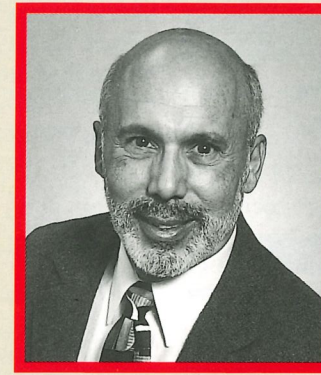
'86

**Hon. Cynthia Cox** was again appointed as the Administrative Judge over the Family and Domestic Violence Division in the 19<sup>th</sup> Circuit, which includes the courts in St. Lucie, Martin, Indian River and Okeechobee

counties. She was elected circuit judge in 1996.

**Ricky L. Polston** was appointed by Gov. Jeb Bush to succeed retiring First District Court of Appeal Judge James Joanos. Polston, who is also a

Helping people with special needs is a way of life for Frank Johns '72



**H**elping people comes naturally to A. Frank Johns. Growing up in Jacksonville, and then Tampa, his family took church and community involvement very seriously. "Helping those who were less fortunate was what we were taught to do," Johns recalls.

He continued the family tradition during his education in Tallahassee, where the FSU graduate (B.A. 1968; J.D. 1972) says he was "a product of the times." He was deeply affected by a course in mental illness and the law. During his three years at the College of Law he became involved in programs to assist mentally ill inmates at the Federal Correctional Institution, and long before the Americans with Disabilities Act was in place, he did "civil rights" work to help people with developmental disabilities. A particular interest in guardianship eventually led to his concern for the elderly as well.

The aging of Americans has fostered a rapidly growing practice of what has become known as Elder Law, and Frank Johns is one of its pioneering practitioners. A founding partner of Booth Harrington Johns & Toman in 1979, he has helped lead the Greensboro, North Carolina, law firm to prominence in this developing and challenging field.

Besides basic wills and retirement planning, protection of assets, and handling probate and estates, Elder Law involves planning for health care, managed care, long-term and nursing home care, and other housing and care options, Johns notes. Disability planning, financial and health care decision-making using durable powers of attorney, end-of-life decision-making through living wills and advance directives, revocable living trusts and wills, family business continuation—these are just some of the many issues that Johns and other members of Booth Harrington address in their Elder Law practice.

With so many complicated laws and choices facing an aging population, not to mention the complexities of federal programs and

entitlements, there's a growing demand for information, Johns says. To stay on top of constant changes, an attorney or firm must be dedicated to practicing in this area of the law.

A longtime board member and outgoing president of the National Academy of Elder Law Attorneys (NAELA), Johns is a well-known leader in the field, both in his state and nationally. He chartered and is a past chair of NAELA's Carolinas Chapter, served as editor-in-chief of the *NAELA Quarterly*, and continues to write on Elder Law

topics. He is a fellow of NAELA and of the American College of Trust and Estate Counsel (ACTEC).

Early in his law career Johns became an advocate and litigator for the rights of various individuals with regard to guardianship. In 1979 he created the Corporation of Guardianship, Inc., a last resort nonprofit guardian for incompetent North Carolina citizens with no other support. He was a charter member of the National Guardianship Association, was editor-in-chief of its journal for several years, and has contributed numerous articles.

Johns also has represented children with special needs in a variety of cases. In state and federal proceedings, including before the United States and North Carolina Supreme Courts, he has litigated to ensure that these students receive appropriate education in accordance with their rights. State and national organizations dedicated to serving this population have also benefited from Johns's caring activism. As president of the Advocacy Center for Children's Education and Parent Training, advisory board member of the North Carolina Learning Disabilities Association, and past board member of the Association of Retarded Citizens of Greensboro, he led efforts to provide parents and their children with disabilities their due process rights in administrative hearings in North Carolina. Also a lecturer and trainer, he has been a force in enhancing public education for and about children with special needs.

In recent years, Johns has been recognized for his exceptional advocacy. Among the many honors presented him are the North Carolina Bar Association Pro Bono Service Award and awards from the North Carolina Learning Disabilities Association and the Durham Learning Disabilities Association.

Johns's practice has evolved over 30 years, but its focus remains intact. Although the populations may be different, and their needs more complex, those in need of some special attention are still benefiting from his family's legacy of helping. ■

certified public accountant, is president of the commercial law firm of Polston and Dean.

**Steven G. Koepfel** was recently sworn in as vice president of the Lee County Bar Association. He also serves as a State Board Member of the Florida Chapter of the American Board of Trial Advocates on behalf of the Southwest Florida Chapter, of which he is President-Elect. He and Mark Yeslow, also '86, have merged their practices to form Troy, Yeslow & Koepfel, P.A. Both are Board Certified in Civil Trial Law. The firm address is 1617 Hendry St., The Richards Bldg., 2<sup>nd</sup> floor, Fort Myers, FL 33902, phone (941) 337-4343.



**Mary Ann Morgan**, of Billings, Cunningham, Morgan & Boatwright, P.A., Orlando, is the president-elect of the Orange County Bar Association.

**Mark Yeslow** and Steven G. Koepfel, also '86, have merged

their practices to form Troy, Yeslow & Koepfel, P.A. Both are Board Certified in Civil Trial Law. The firm address is 1617 Hendry St., The Richards Bldg., 2<sup>nd</sup> floor, Fort Myers, FL 33902, phone 941.337.4343.

'87

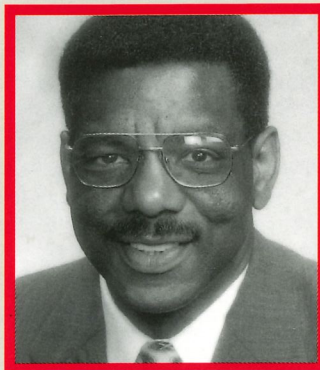
**Nelson G. Williams** has served six years as a small claims mediator in the Citrus County Court. He has retired from the practice of law and now writes on the hobby of toy electric trains. He received an award as "Best Writer-Overall" in *The Lion Roars* at the year 2000 national convention of the Lionel Collectors Club of America.

'88

**Cynthia Gelmine Imperato**, Assistant Statewide Prosecutor in Fort Lauderdale, has been appointed to both the Law School Liaison and the Bench and Bar committees by the Broward County Bar Association.

**Reginald Luster** received the 2000 Executive Office for United States Attorneys Director's Award for "Superior Achievement in Furthering Equal Employment Opportunity." The award was presented in October, in Washington, D.C. In 1994 he joined the Middle District of Florida U.S. Attorneys Office, in Jackson-

**Joseph Lewis, Jr. '77 picked for the Appeals Bench**



**Joseph Lewis, Jr., '77**, was selected by Governor Jeb Bush to serve on Florida's First District Court of

Appeal in Tallahassee. Since 1981, Lewis worked in the Attorney General's Office, most recently as Bureau Chief in the Employment Litigation Branch of the Civil Litigation Section. Practicing before state and federal trial and appellate courts, among the many cases he prosecuted and defended were those filed under the Florida Civil Rights Act, the Americans with Disabilities Act, and the Fair Labor Standards Act as well as whistle blower, breach of contract and other labor-related actions. He previously served as an Assistant Public Defender.

"I am looking forward to making the transition from one who has advocated for justice as a litigator to one who administers justice," Judge Lewis said. "I have always wanted to be a judge, and this is a great opportunity."

The native Tallahasseean has been a member of The Florida Bar since 1978. Among his many awards and recognitions was The Florida Bar Meritorious Public Service Award, in recognition of his service to the public and the legal profession, presented in June 2000. Judge Lewis succeeds Judge Arthur Lawrence, Jr. ■



**Carlyn Kowalsky, '85 and her student Alexius Williams**

**Carlyn Kowalsky, '85 wins National Mentor of the Year Award**

**Carlyn Kowalsky, '85**, received the national Mentor of the Year Award, in Washington, D.C., honoring her for her commitment to young people. The award was presented in October, at the annual conference of the National Association for College Admissions Counseling and was cosponsored by Embark.com. The assistant general counsel for Florida Water Services, Kowalsky was nominated by Alexius Williams, the student she had mentored for four years through the Foundation for Orange County Public Schools' Take Stock in Children program. She was selected from more than 300 nominees to receive the national award. Kowalsky met at least weekly with Ms. Williams, helping to guide her through high school and into college. As part of the award, Kowalsky received a \$1,000 scholarship for Ms. Williams. ■

**TAX AND GIFT STRATEGIES FOR YOUR CHARITABLE INTERESTS**



*Gifts by bequest have become an integral part of the American philanthropic tradition. Our tax laws encourage support for charitable institutions through income tax deductions, and estate-tax deductions and estate savings.*

Organizations you have invested in during your lifetime, such as the Florida State University College of Law, will certainly miss your help when you are gone. However, through your will, you can continue to be a part of the life of the College.

Charitable bequests can be designed to meet your specific needs. Your family and estate situation may very well change over time. It is important to review the charitable bequests

you have made to insure they reflect your present desires.

We extend an invitation to call our office toll free for more information.

**SUGGESTED BEQUEST LANGUAGE**

The following language can help you and your financial estate planner if you decide to include a bequest to Florida State University College of Law.

*I* give, devise, and bequeath a) the sum of \$ \_\_\_\_\_; b) the following described property; or c) ( \_\_\_\_\_ %) or (the rest, residue, and remainder) of my estate to the Florida State University Foundation, Inc., a not-for-profit corporation organized and existing under the laws of the State of Florida and having an office at Tallahassee, Florida, or its successor organization. Said Foundation is the legal entity designated by the Florida State University to receive, on its behalf, charitable gifts for the support of its academic mission.

The property comprising this gift may, for investment purposes, be merged with any of the general investment assets of the Florida State University Foundation, Inc., but the gift shall be entered in the foundation's books and records as the \_\_\_\_\_ Fund and shall always be so designated. Distributions from the fund shall be used a) to further the purposes of the Florida State University College of Law; b) to provide scholarships for deserving students of the Florida State University College of Law; c) to support a professorship/chair (or other faculty position) in the Florida State University College of Law. The Florida State University Foundation, Inc. is instructed to apply for State of Florida matching funds and other matching funds for which said bequest may qualify, including programs not in effect at the time of execution of this last Will and Testament.

*If the type of gift you desire your bequest to establish does not fall into the above mentioned parameters, or if you have other questions about making a bequest, please contact Debra Hulse, Assistant Dean of Development, Florida State University College of Law, 1-800-788-7097 or 850-644-5160.*



**150** years ago a  
tradition rich in  
scholarship, spirit,

and service



began at the Florida State University. Located upon the oldest, continuous site of higher education in Florida, FSU's strong liberal arts base and focus on research have made it a leader among our nation's universities. With 150 years of rich history and achievements to celebrate, please join us in 2001 for our many Sesquicentennial events and activities. Visit [www.fsu.edu/~fsu150](http://www.fsu.edu/~fsu150) for more information.

CELEBRATING 150 YEARS  
FLORIDA STATE



OF ACADEMIC EXCELLENCE  
UNIVERSITY

ville, where he oversees complex civil litigation on behalf of the federal government. Luster recently completed a one-year detail in Washington, D.C., serving as an attorney-advisor to the Equal Employment Opportunity Staff of the Executive Office for U.S. Attorneys. During this time he conducted training seminars for EEO counselors and investigators.

'89

M. Sam Lester has joined the management team at Farmers and Merchants Bank.

### Stopping Unfair Business Practices in Georgia

**L**eigh Braslow '97, an Assistant Attorney General for the State of Georgia, and a colleague represented the state in a civil suit against two defendants charged with bilking consumers. In the largest civil judgment in the history of the Governor's Office of Consumer Affairs, the jury returned a \$1.8 million verdict against the defendants.

Premier Incentives and Savoy Group were charged with sending letters to consumers around the country, leading them to believe that they had won \$10,000 prizes in exchange for paying up to \$70 in fees. The jury found that the defendants had committed 56,446 separate violations of Georgia's Fair Business Practices Act. In addition to the more than \$1.8 million in restitution, the court assessed additional civil penalties totaling more than \$20 million. ■

## THE ANNUAL FUND FOR THE FSU COLLEGE OF LAW

### WHAT IS THE ANNUAL FUND FOR THE FSU COLLEGE OF LAW?

The Annual Fund comprises gifts from alumni, firms and friends of the College who are committed to assisting the College of Law in fulfilling its mission of academic excellence. The Annual Fund is focused on programs that are crucial in enabling the College to provide the best education possible. It is a source of dollars for the College's most pressing needs. These private gifts must be renewed each year as the College builds on its mission.

### WHY SUPPORT THE FSU COLLEGE OF LAW'S ANNUAL FUND?

Alumni support has a direct correlation to the law school's ability to attract top legal scholars from around the world, offer a diverse course selection and provide financial support to its students. Among peer law schools, however, we rank low in participation. A participation rate of over 15 percent would not only send a very strong message of your support to the College, but also result in a significant increase in revenue.

Alumni support is essential to the continued success of the FSU College of Law. By providing financial support, you enrich the school immeasurably. And as leaders in the legal, business, and public arenas, alumni are the school's most valuable ambassadors. In particular, the community of faculty and students benefits greatly from your support.

### HOW DOES MY SUPPORT HELP?

The FSU College of Law's continued success depends on the ongoing commitment of alumni and friends like you. Your gift to the Annual Fund helps:

- **set an example** for other alumni as well as increasing the likelihood that foundations and corporations who use alumni participation as a measuring stick will fund the law school's programs.

- **attract exceptional students** by financing different types of scholarships and grants needed to cover the rising costs of legal education.
- **preserve the quality of faculty** by assisting in the recruitment and retention of the brightest mentors and most accomplished scholars.
- **enhance the curriculum** by sustaining the needs of new programs and clinics.
- **maintain the infrastructure** by supporting building repairs as well as upgrades and improvements to the Law Library.
- **make a difference** by enabling the College to seize new opportunities as they arise and by allowing for timely attention to high priority needs.

### WHERE IS FSU COLLEGE OF LAW GOING?

Dean Donald J. Weidner is providing the vision and leadership to make the FSU College of Law a leader among the nation's law schools. Gifts to the Annual Fund will give him important tools to continue this momentum. The Educational Quality Ranking (EQR) of U.S. Law Schools for 2000-2002, one of the nation's most respected surveys of law schools, has rated the FSU College of Law as having one of the eight "most outstanding faculties" in the area of Administrative Law. Florida State is the only state-supported law school in the top eight. Your gift will help the College continue to excel.

### HOW CAN I HELP?

You can help by participating in the FSU College of Law's Annual Fund with a gift of cash or a gift of stock. You can maximize the impact of your gift by submitting a matching gift form if either you or your spouse is employed by a company that will match your charitable gifts.

For more information, please contact Alicia Bookout, Annual Fund Director, Office of Development and Alumni Relations, The FSU College of Law, Tallahassee, FL 32306-1601, (850) 644-0231 or e-mail [abookout@law.fsu.edu](mailto:abookout@law.fsu.edu)

**Rudy Gomez** of Allen Norton & Blue, P.A., Miami, has been appointed to the Work Discrimination/Employment Law Committee of the Hispanic National Bar Association.

**Alan P. Woodruff**, of Alan P. Woodruff & Associates, P.A., Cape Coral, has published the 2001 (third) edition of the *ERISA Law Answer Book*.

'91  
**Nina N. Ashenafi**, staff counsel with the Florida Education Association, received the Florida Bar President's Pro Bono Service Award for the Second Judicial Circuit. In addition to her service through the Legal Aid Foundation of the Tallahassee Bar Association, as the Tallahassee Women Lawyers pro bono coordinator, she was instrumental in increasing services for domestic violence victims and their children at TWL's Refuge House Legal Clinic.

**Kathy Johnson Maus** has been appointed vice chair of the Young Lawyers Committee of the 22,000-member Defense Research Institute, the nation's largest association of civil litigation defense attorneys. She is a partner in the law firm of

Butler, Burnette & Pappas, in Tallahassee, where she is partner-in-charge of first- and third-party insurance coverage, liability and extracontractual claims departments.

'92  
**David P. Hartnett** has been elected to partnership with the law firm of Hinshaw and Culbertson. He practices in the Miami office, where he concentrates his practice in general civil litigation, with an emphasis on premises liability, accountant malpractice, commercial litigation, construction law, and general business torts.

**Christy Donovan Pemberton** has been promoted to Senior Assistant County Attorney with Pinellas County. She currently serves on the Board of Directors of the Clearwater Bar Association and the Pinellas Seminole Boosters.

'94  
**Juan C. Martinez** became a partner in the firm of Fine & Associates, P.A., now known as Fine & Martinez, P.A. Offices are located at The Colonnade, Suite 710, 2333 Ponce de Leon Blvd., Coral Gables, FL 33134, phone 305.424.2400.  
**Nicola A. Boothe-Perry** was



**Nicola A. Boothe-Perry**

named a firm associate at Zimmerman, Shuffield, Kiser & Sutcliffe, in Orlando, where she is practicing in the area of workers' compensation.

'96  
**A. Kimberly Brosseit** has joined the Philadelphia-based firm of Blank Rome Comisky & McCauley LLP as an associate in its office in Wilmington, Delaware. She concentrates her practice in the areas of land

**Veraunda I. Jackson '95:  
The Power to Succeed**



**Veraunda I. Jackson '95** shares her recipe for success in a recent book called *Everything Has a Price*. Based in Orlando, Jackson took leave of her job as an Assistant State Attorney for the Ninth Judicial Circuit to go on the road to promote her book and to motivate others, especially young people, "to be all they can be."

During the five years she spent as a prosecuting attorney and legal advocate, she tackled a wide variety of assignments, from DUIs, traffic, and juvenile to sex crimes and child abuse. She received the NAACP-Paul C. Perkins Bar Award for Outstanding Attorney of the Year in 1996, after her first year on the job, during which she successfully prosecuted the first adult gang case in the Ninth Circuit. Many of her lecture topics are related to her experience in the law, particularly those areas she prosecuted.

Jackson first taught Public Speaking, now one of her most popular seminars, as an adjunct professor at Valencia Community College. Her presentation entitled "Scared to Speak" is aimed at helping individuals at every level of a business or corporation improve their communication skills, enhance their delivery of any type of presentation, and increase their ability to "connect" with an audience or client.

Jackson characterizes her mission as helping people find "personal fulfillment." Her message: "If you have the strength to survive, you have the power to succeed."

Friends can contact her at (407) 445-1766 or by email at EHAPInc@aol.com. ■



**Family law in Pensacola: Jennie Kinsey, class of 2000, is sworn in by her mother, Judge Patricia Kinsey '92, while her father, Roy Kinsey '72 (off camera) witnesses.**

**PHILANTHROPY**

**DIFFERENT PEOPLE, DIFFERENT GIFTS**

**A** very important lesson was reinforced for me one day by my daughter, Hannah, when she was four years old. She and a friend were debating the existence of Santa Claus, and being the eternal optimist, Hannah was defending Jolly Old Saint Nick. It was her final argument that remains with me all these years later as an essential reminder about human nature—"So, you don't believe in Santa Claus? Oh well, I do—but, everybody's different."

It is our differences that create balance and perspective in a world that would be painfully homogeneous without them. And as different as we are as individuals, so is the way we invest our financial resources.

Each year (sometimes many times a year) you are asked to give to the College of Law. The request may be for anything from providing annual support for the Dean's Discretionary Fund to establishing an endowment to support an area at the school that is particularly special to you.

These gifts, your gifts, make the difference between where Florida State University College of Law has been and the direction it is moving. They help determine whether the school ranks in the top eight administrative law programs in the country, as was recently reported in the Leiter Survey. They can make the difference in the success of Mock Trial and Moot Court teams. And, almost without exception, a private gift is the single most significant tool in attracting and hiring faculty from top ranked universities, such as the recent appointment of Joseph Dodge from the University of Texas to the Stearns, Weaver, Miller, Weissler, Alhadeff & Sitterson Professorship.

You may be familiar with the term Major Gift, which the school uses in various publications, in particular its Annual Report. A Major Gift at Florida State University is a contribution of \$100,000 or more.

This amount of money can seem very daunting to those who have young or college age children, are taking care of an aging parent or planning for retirement. However, I am a firm believer that anyone with the desire can be a "major gift donor" to the FSU College of Law. As Hannah reminds us, everyone is different, and so are the ways gifts can be made to realize the desire to make a Major Gift to the law school.

Although our first request will almost always be for an outright gift of cash (or better yet an appreciated asset such as securities), we know this method doesn't work for everyone. Two of the gift commitments the College received this spring are excellent examples of diverse and creative ways to make a major gift.

**BEQUESTS AND IRREVOCABLE TRUSTS**

Nationally, bequests generate 70 percent of endowments to institutions of higher education. Since arriving at FSU, I have met a number of alumni who have made provisions in their wills

or through an irrevocable trust, such as a personal foundation, to create a named endowment for the school. We are currently aware of over \$2 million that will someday benefit the College of Law.

The most recent example is Howard L. Nations of Houston, Texas, who dedicated \$250,000 from his personal foundation to establish minority scholarships at the College of Law upon his death. A Jacksonville native who attended FSU as an undergraduate, Mr. Nations is a state of Texas board certified personal injury trial lawyer and a civil trial lawyer. Many Florida trial lawyers are familiar with his nationally known seminars and publications. His many accomplishments have been acknowledged in Who's Who in the World, Who's Who in America, Who's Who in American Law, and Who's Who in Finance and Industry.

**LIFE INSURANCE**

An increasingly popular method of making a major gift is through life insurance, such as the \$1 million life insurance policy recently gifted to FSU College of Law by Mike '79 and Helen Atter. Although there are a number of ways to contribute life insurance, the Atters chose to establish a new, second-to-die policy, in which FSU is named as both the owner and beneficiary. This allows the Atters to make their annual premium payments (which are scheduled to last about 10 years) to the FSU Foundation in the form of a gift in order to claim their payments as charitable income tax deductions. Mike, a successful trial lawyer, practices with his firm Wood, Atter & Associates in Jacksonville. Helen holds the prestigious position of Vice President of Legal and Business Affairs for the World Golf Foundation in St. Augustine.

**OTHER METHODS**

In future FSU Law articles, I look forward to continuing to share other methods to make a Major Gift to the law school. Each gift, how it is made and its ultimate use, can be as different as the number of alumni of the FSU College of Law. If it is your desire to give more than you are currently giving or planning to give, and want more information, please contact me directly. ■

**For more information** on establishing an endowment for the Florida State University College of Law, please contact Debra Hulse, Assistant Dean for Development, FSU College of Law, 850-644-5160 or 800-788-7097.



**Debra Hulse**  
Assistant Dean for Development

use, real estate and business law. A "Leadership Delaware" graduate, she currently serves on the Board of Directors of Prevent Child Abuse Delaware and as General Counsel for Central Delaware Habitat for Humanity.

Michael L. Buckner presented a CLE seminar entitled "Structuring College Coaches Con-

tracts" in October. Hosted by Holland & Knight LLP in Jacksonville and the Holland & Knight Institute, the seminar was video-broadcast to eleven of the firm's offices, from Boston to Miami.

David O. Doyle, Jr. has been promoted to shareholder at the Orlando firm of Hill, Reis, Adams, Hall & Schieffelin,

P.A. He specializes in the areas of medical malpractice and hospital law.

Jeremy Jungreis, a commissioned officer since 1994 and augmented in 2000, is a regional environmental counsel for the U.S. Marine Corps. He can be reached in the Eastern Area Counsel Office, 67 Virginia Dare Dr., Camp Lejeune,

NC 28542.

'97  
Billy-Joe Hoot Crawford, a Panama City attorney, received the Florida Bar President's Pro Bono Service Award for the Fourteenth Judicial Circuit. He is a member of the Bay County Teen Court program, teaches a class at the Salvation Army Corrections Department on the

legal ramifications of domestic violence and battery, and is past co-chair of the First Saturday Legal Clinic in Bay County.

Christopher S. Polaszek has joined the Tampa office of Holland & Knight LLP as an associate and will practice in the firm's securities litigation and arbitration department. After receiving the JD/MBA degrees, cum laude, from FSU, he earned his LL.M in Securities and Financial Regulation from the Georgetown University Law Center in 2000. He interned with the Washington, D.C. office of U.S. Senator Bob Graham.

'98  
Richard Valuntas is an associate at Beasley, Leacock & Hauser, P.A., in West Palm Beach.

'00  
Rochelle A. Birnbaum is an associate attorney at Hopping Green Sams & Smith, P.A., in Tallahassee.



Robin D. Black has joined the law office of Hill, Reis, Adams, Hall & Schieffelin, P.A., as an associate. The office is at 1417 East Concord St., Orlando, FL 32853, phone 407.896.0425.

Jennifer L. DeVogear has become an associate with the law firm of Fowler, White, Gillen, Boggs, Villareal and Banker P.A.. She will practice in the Casualty Department of the firm's Tampa office.



Jeremy M. "Jay" Walker has become an associate with Fowler, White, Gillen, Boggs, Villareal and Banker P.A.. He will practice in the Litigation Department at the firm's St. Petersburg office.

## In Memoriam

Douglas P. Chanco, a 1973 graduate of the College of Law, died at his home in Lakeland on September 15, 2000. He was a longtime employee of the Polk County Public Defender's Office and a member of The Florida Bar and the District of Columbia Bar. An avid outdoorsman, he had been active as with the Boy Scouts.

Michael Lanier Gruver, a 1983 graduate of the College, died on December 17, in Tallahassee. He was a partner in the law firm of Brushwood and Gruver, and held memberships in The Florida Bar, the American Bar, and the Commercial Law League of America.

William M. Smith, a member of the College's 1969 Charter Class, died in Tallahassee on December 3, after a lengthy illness. He was a partner in the law firm of Ausley & McMullen.

# GET INVOLVED!

*Our Students Need YOU!*

FSU College of Law alumni are among the law school's greatest assets and most valuable resources. When you give of your time, you are truly making a difference in the lives of our law students.

Each semester, a number of opportunities arise where alumni can be of tremendous assistance. Whether it is serving as a guest speaker at our First Year Orientation Program or providing words of wisdom to a student interested in your area of practice, alumni are invaluable.

Please take a moment to consider some of the many ways you can lend your expertise and make a difference as a:

- Career Placement-Alumni Mentor
- Guest Speaker at Orientation Programs
- Judge/Speaker at student organization events
- Panelist at career-related seminars or workshops
- Participant in statewide fairs for prospective/admitted students
- Volunteer assisting the Admissions Office contact prospective students

*If you are interested in giving of your time to make a difference in these and other areas, please contact Nancy Benavides, Director of Career Placement, at [nbenavid@law.fsu.edu](mailto:nbenavid@law.fsu.edu).*

## Annual Fund Drive Phonathon reaches out and touches alums

This year's Annual Fund Drive has been anything but business as usual. Chairman Ed Walborsky '79 has seen to that. For the entire month of March the College of Law Annual Fund Office was buzzing with 14 law students at a time conducting a "phonathon." From 9 a.m. til 8:30 p.m., they called alumni all over the country asking for their participation. A total of 33 student workers made the calls.

The Annual Fund is used to support student activities and events as well as funding emergency loans, scholarships, and other projects deemed a priority by the dean. Involving the students was Walborsky's idea, part of a long-term plan to create what he calls "a culture of giving." "The students realized not only how important the gifts are," he said, "but how difficult it is to get them."

Although fund-raising was their primary focus, the student callers also asked for information to update the alumni database in preparation for a new alumni directory. Said Alicia Bookout, Annual Fund and Alumni Relations Director, who oversaw the



The Alumni Office in the Damon House was buzzing with activity during the law school's March phonathon

phonathon, "Talking to the alumni was a positive experience for the students. What we're really trying to do is invest in the future with long term results."

Student callers included: Alice Harris, Angela Smith, Brittany Adams, Danielle Eckelt, Fred Aschauer, Geniqua Barnett, Harmony Conti, Hilda Auguste, Jami Balkom, Jennesia Primas, Karen Smith, Kelly Moss, Kristina Niederlehner, Larry Fickett, Leslie Lasseigne, Letisha Bivins, Lorena Vollrath, Luke Sherlock, Matt Reardon, Nicolle Smith, Michael Lennon, Robert Mactavish, Shirley Bates, Stacey DeVeaux, Steve Henderson and Wes Wheeler. ■

## 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 community.

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 Alicia Bookout

Florida State University College of Law

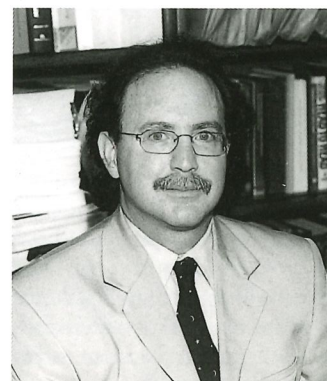
Damon House

Tallahassee, FL 32306-1601

Submission Deadline: May 18, 2001

## RECOGNITIONS

### FACULTY NOTES



**Frederick Abbott**, the Edward Ball Eminent Scholar in International Law, presented a paper on "The New Global Political Economy of TRIPS: Genies, Bottles and Public Welfare" in September at a conference in honor of Robert Hudec at the University of Minnesota Law School. In October, he gave a talk on the interests of developing countries in ongoing WTO TRIPS negotiations at the Widener Law School symposium on the World Trade Organization and the Structure of Global Governance, and he presented a paper entitled "The WTO TRIPS Agreement and Sustainable Development: Political Economy, Public Health and Equity" at the trilateral meeting of the American, Canadian and Japanese Societies of International Law in Ottawa, Canada. Also in October, he gave a presentation on the WTO TRIPS Agreement and Developing Countries on a panel organized by the Association of the Bar of the City of New York Trade Committee at the International Law Weekend in Manhattan. He recently published "The NAFTA and

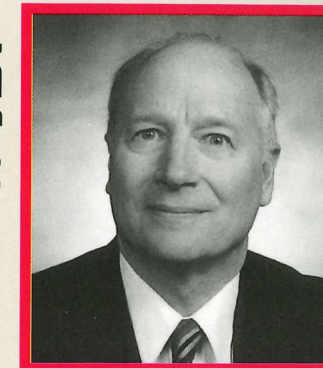
the Legalization of World Politics: A Case Study," in *54 International Organization* 519. *International Organization* is the leading peer review journal in the field of political science and international institutions. He also wrote a chapter entitled "The North American Integration Regime and Its Implications for the World Trading System," in *The EU, the WTO and the NAFTA* (J.H.H. Weiler ed., Oxford 2000). From September through October, he served as arbitrator for the World Intellectual Property Organization Center in a number of Internet domain name disputes, including, among others, those involving the domain names "aolfrance.com"; "aolgermany.com" and other "aol"-formative names; "superwal-mart.com"; "ilovelucy.com"; "bridgetjones.com"; "xanax.org"; "xanax.net"; "pi.com"; "z-d.net" and "broadcastamerica.tv." His decisions in these cases are available at the WIPO Arbitration and Mediation website, at <http://arbiter.wipo.int/domains>. Professor Abbott is project director for the American Society of International Law Research Project on Human Rights and International Trade, and in November 2000, the MacArthur Foundation Program on Global Security and Sustainability awarded this project a \$75,000 seed grant. In January, he led a session on Intellectual Property as part of an AALS-ASIL joint workshop on "Shifting Boundaries: Globalization and Its Discontents" at the Association of American Law Schools Annual Meeting in San Francisco; he was a guest lecturer at Harvard Law School on trade-related aspects of intellectual property rights; and he attended a conference in Hanover, Germany, sponsored by Max-Planck-Institute, where he presented a paper on reform of United States financial services legislation and

its implications for international monetary reform. His essay, "The Political Economy of NAFTA Chapter Eleven: Equality Before the Law and the Boundaries of North American Integration" is the lead-off in the symposium issue of the *Hastings International and Comparative Law Review* on Investment, Sovereignty and Justice.

**Paolo Annino** served on the Association of American Law

Schools Steering Committee of The Equal Justice Project, a Colloquium for Florida and Puerto Rico, held at Nova Law School, and made a presentation on the rights of children, in January. His interview with the CBS News program *60 Minutes* regarding his representation of Children's Advocacy Center client Jessica Robinson aired on February 6, as part of a feature on juveniles in adult prisons. Also in February, he

### Tax Law expert, Joe Dodge, to join faculty for 2001-2002



**Joseph M. Dodge**, one of the nation's preeminent tax law experts, will join the FSU College of Law faculty in the fall of 2001 as the Stearns, Weaver, Miller, Weissler, Alhadeff & Sitterson Professor of Law. Dodge is currently on the University of Texas School of Law faculty where he is the William H. Francis, Jr. Professor.

A leading authority in federal, international, and estate and gift law, Dodge served as visiting professor at Florida State in the fall of 1999. He is the author of a number of books including *Federal Estate and Gift Taxation* (2000), *Federal Income Taxation: Doctrine, Structure and Policy* (with Fleming and Geier, 1995), *The Logic of Tax* (1989), *Wills, Trusts, and Estate Planning* (1988). He has also authored Tax Management Portfolios and numerous law review articles. He is a member of the American College of Trust & Estate Counsel and has been Chair of both the Tax Section and the Donative Transfers Section of the Association of

American Law Schools.

"This is great news for our law school," says Dean Don Weidner. "Joe Dodge is a nationally recognized scholar who will bring great visibility to our tax program. He will also serve as a wonderful mentor to our junior faculty."

According to Weidner, the addition of Dodge to the faculty reflects the increased national recognition of Florida State's law program. "The fact that we were able to attract Joe is a tribute to our entire faculty," the dean says.

Dodge says he accepted the Florida State offer for a number of reasons. "My perception is that FSU has a nucleus of very able law faculty and is poised to move up in the law school pecking order." He adds that he and his wife were made to feel welcome by the law school community when he visited in 1999. ■

was appointed by Florida Supreme Court Chief Justice Charles Wells to the Advisory Committee for the 2001 Tobias Simon Pro Bono Awards. In March, he gave a presentation to the Florida Supreme Court's Commission on Fairness titled the "Unfair Treatment of Children in the Florida Justice System." Also in March, his article "Children in Florida Adult Prisons: A Call for a Moratorium" was published in the *FSU Law Review* legislative issue. On March 16, Professor Annino was quoted in *USA Today* in an editorial titled "Overly Tough Fla. Sentence Shows Flaw in Get-tough Laws."

**Rob Atkinson** gave a talk in October entitled "Law as a Learned Profession: The Forgotten Mission Field of the Professionalism Movement," at a conference on "Improving the Professionalism of Lawyers." The conference was held in Savannah, under the joint sponsorship of the Nelson, Mullins, Riley, & Scarborough Center on Professionalism at the University of South Carolina School of Law and the Keck Center on Legal Ethics and the Legal Profession at Stanford Law School. His "Problems with Presbyterians: Prolegomena to a Theory of Voluntary Associations and the Liberal State," appears in Charles Mitchell and Susan R. Moody, eds., *Foundations of Charity* (Hart Publishing, 2000).

**Steve Bank** has been selected to receive the John Minor Wisdom Award for the best article in Volume 75 (2000-2001) of the *Tulane Law Review*. His "Mergers, Taxes, and Historical Realism," is the lead article for 75 *Tulane Law Review* 1 (2000). He also published "Taxing Divisive and Disregarded Mergers," in 34 *Georgia Law Review* 1523 (Summer 2000).

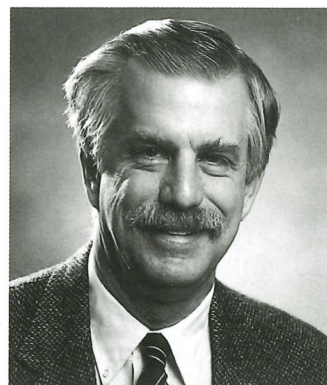
**Barbara Busharis** is co-editor of *Second Draft*, the newsletter of the Legal Writing Institute. Her co-editor is Suzanne Rowe, a former FSU legal writing instructor and currently a professor and director of the legal writing program at the University of Oregon School of Law.

**Mary Crossley**, Florida Bar Health Law Section Professor of Law, has published an article "Becoming Visible: The ADA's Impact on Health Care for Persons with Disabilities," in 52 *Alabama Law Review* 51 (2000).

**Joseph M. Dodge**, Stearns, Weaver, Miller, Weissler, Alhadeff & Sitterson Professor of Law, was on a panel titled "The Popular QTIP Marital De-

duction: Sexism in Estate Planning?" presented by the Section on Donative Transfers, Fiduciaries and Estate Planning at the Association of American Law Schools Annual Meeting in San Francisco, in January.

**Chuck Ehrhardt**, Mason Ladd Professor of Evidence, has made a number of presentations in recent months: the Admissibility of Evidence in Administrative Proceedings at the Annual Administrative Law Conference Florida Division of Administrative Hearings; Hearsay and Impeachment at the Annual Education Conference, Florida Conference of Circuit Judges; Attorney-Client Privilege and the Fiduciary Probate and Trust Litigation in



the New Millennium Seminar for the Florida Bar; Evidence for the Trial Lawyer at the Trial Advocacy Seminar of The Florida Bar; and an Evidence Update at an Advanced Evidence Seminar for The Florida Bar.



## Mary Crossley named Florida Bar Health Law Section Professor

**M**ary A. Crossley, a noted expert in health care law and currently a visiting professor at the law school, will join the College of Law faculty in the fall of 2001 as the first Florida Bar Health Law Section Professor of Law (see story on page 24). She is currently on the faculty at the University of California, Hastings College of Law, where she most recently served as Associate Dean for Academic Affairs.

The 1987 Vanderbilt School of Law graduate was editor in chief of the *Vanderbilt Law Review*. She has authored articles on a variety of issues related to medicine and the law, which have appeared in the *Hastings Law Review*, *Notre Dame Law Review*, *Iowa Law Review*, *Columbia Law Review*, and *Medicine and Law*. Other recent publications include a chapter on "Impairment and Embodiment" in *Americans with Disabilities: Implications of the Law for Individuals and Institutions* (Francis & Silvers eds., 2000) and one on "The Genetics Defense: Hurdles and Pressures" in *Genetics and Criminality: The Potential Misuse of Scientific Information in Court* (Botkin et al. eds., 1999). She is a member of the American Society of Law, Medicine and Ethics as well as the American Bar Association. Before joining the Hastings faculty, she practiced health care law in New Haven, Connecticut, and in San Francisco.

"The addition of a scholar of Mary's stature is a great boost to our health law offerings," says Dean Don Weidner. "She will help us take advantage of the possibilities that Florida State's new medical school offers."

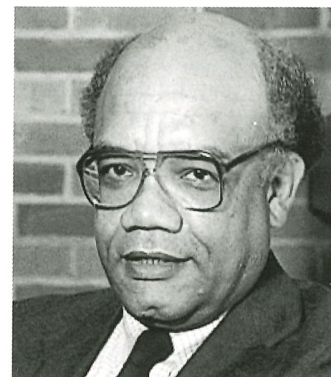
Professor Crossley teaches Contracts, Family Law and Health Law and Policy. ■

**Frank Garcia** delivered a paper entitled "A Rawlsian Analysis of U.S. Preferential Trade Law," as part of the Boston College Faculty Colloquium Series in November.

**Larry Garvin**, Associate Dean for Academic Affairs, co-wrote "Uniform Commercial Code Survey: Sales," in 55 *Business Lawyer* 1951 (August 2000) (with John D. Wladis, et al.). In November he made a presentation on "The Statute of Limitations in U.C.C. Article Two: An Economic and Cognitive Analysis," at Brooklyn Law School. In January he was elected to the Executive Committee and as Treasurer of the Section on Remedies at the Association of American Law Schools Annual Meeting in San Francisco.

**Steve Gey**, Fonvielle and Hinkle Professor of Litigation, served as a moderator at the law school's March 23 symposium on "The Law of Presidential Elections: Issues in the Wake of Florida 2000."

**Stephanie Gore** made a presentation entitled "Reducing Cyberspace to Tangible Medium" in August at the Young Scholars Workshop at SEALS on Internet Jurisdiction.



**Elwin Griffith's** article "Searching for the Truth in Lending: Identifying Some

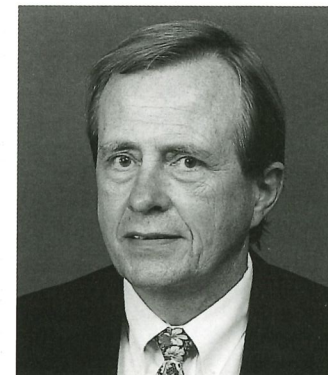
Problems in the Truth in Lending Act and Regulation Z," appears in 52 *Baylor Law Review* 265 (2000).

**Joe Jacobs** co-wrote the article "Ownership and Use of Waterfront and Submerged Property," in *Florida Real Property Complex Transactions* (Florida Bar, 2000) (with Alan B. Fields).

**Lawrence Krieger** was one of the three presenters on a panel on "A Humanizing Dimension for Legal Education: Promoting Health and Satisfaction in Law Students," offered jointly by the Sections on Clinical Legal Education, Law and Mental Disability and Law and Religion at the annual meeting of the Association of American Law Schools in San Francisco.

**Tahirih V. Lee's** article, "Apres Moi Le Deluge? Judicial Review in Hong Kong Since Britain Relinquished Sovereignty," appears in the spring 2001 issue of the *Indiana International & Comparative Law Review*. At the Association of American Law Schools Annual Meeting in San Francisco in January, she delivered a paper on "U.S. Extraterritorial Courts in the Twentieth Century as a Means of Exercising Jurisdiction in the Pacific" as part of a session on "Going the Distance: Law as a Tool for Wielding Influence Over Vast Territories," offered by the Section on Legal History, which she chairs. Her article "The Media and the Legal Bureaucracy of the People's Republic of China" appears in Chin-Chuan Lee, ed., *Power, Money, and Media: Communication Patterns and Bureaucratic Control in Cultural China* (Northwestern University Press, 2000). Her article "The Sword of Damocles or Pit and Pendulum? The Review Power of the Courts of the Hong Kong Special Adminis-

trative Region" was published in 2 *Chinese Studies Forum* 55 (2001). In March she gave a talk entitled "Torture by Foreigners of Chinese on Chinese Soil? Corporal Punishment at the International Mixed Court of Shanghai," at the Joint Centre for Asian Studies at the University of Toronto. The presentation was a part of an international conference on "The Ethics and Aesthetics of Torture: Contextualizing China." Participants came from France, Taiwan, Korea, the United States and Canada.



**Jarret Oeltjen** has published the 2001 Pocket Parts to Volumes 1 and 1A of the *West Florida Statutes Annotated*, the 2001 Supplement to Volume 2 (UCC Forms) and the 2001 Florida Law Digest in Martindale Hubbell.

**David Powell** made several presentations last fall. In September he delivered a talk on Advanced Tax for Probate Practitioners, in Tampa. In October he spoke on Estate Planning after Repeal of the Federal Estate Tax, at the Florida Fellows Meeting of the American College of Trust and Estate Counsel in Orlando. Also in October he participated in a two-day program on Basic Estate Planning at a meeting of the National Network of Estate Planning Attorneys, in Orlando. In December he made a presentation, "Florida's Statu-

tory Property Schemes: Rule Against Perpetuities, Trust Reformation, and Elective Share," to the Out-of-State Practitioners Division of the Florida Bar in New York City.

**Bryan Pugh** has published an article, "The Key to Being a Great Lawyer," in the fall issue of the *The Law Teacher*.

**Jim Rossi**, Patricia Dore Associate Professor of State Administrative Law, has been appointed an Associate Reporter for the Scope of Judicial Review portion of the American Bar Association Section on Administrative Law and the Regulatory Process's Review Project on the Administrative Procedure Act. In October he presented a work in progress, "Takings Law and the Predatory State," at a faculty colloquium at the University of Texas School of Law, where he was a visiting professor during 2000-2001. In November, he presented a talk entitled "Takings and the Predatory State" at a faculty workshop at Case Western Reserve University School of Law in Cleveland, Ohio. He was quoted in an article that appeared in the November 15, 2000, *Corpus Christi Caller-Times* on a Texas Supreme Court case involving the compensation mechanism for stranded costs associated with electric utility deregulation in the state. He and Mark Seidenfeld co-authored "The False Promise of the 'New' Nondelegation Doctrine," which appeared in 76 *Notre Dame Law Review* 1 (2000). Recent publications include "Statutory Nondelegation: Learning from Florida's Recent Experience in Administrative Procedure Reform" in 8 *Widener Journal of Public Law* 301-45 (1999); "Universal Service in Competitive Retail Electric Markets: Whither the Duty to Serve?" in 21 *Energy Law Journal* 27-49 (2000); "Disentangling Deregulatory Tak-

ings," 86 *Virginia Law Review* 1435 (2000) (with Susan Rose-Ackerman); and a teaching manual for his casebook, *Energy, Economics, and the Environment: Cases and Materials* (with Fred Bosselman and Jacqueline Weaver) (Foundation Press). In January, at the Association of American Law Schools Annual Meeting in San Francisco, he participated on a panel on "The Electoral College and the Constitution," offered by the Section on Constitutional Law. In February he presented a faculty workshop on "Conceptualizing Deregulatory Takings Outside of the Predatory State" at the University of Iowa College of Law. In March, he presented a paper, "Policy Shifts in Settlements: Guarding Against the Threat to *State Farm*" at The Thirty-First Annual Administrative Law Conference at Duke University Law School. The paper will be published in the *Duke Law Journal*. Other participants in this conference, which focused on the politics of presidential administrations and its implications for administrative law, included John McGinnis (Cardozo), James Blumstein (Vanderbilt),

Lisa Heinzerling (Georgetown) and Robert Percival (Maryland). A web page describing the conference is available at: <http://www.law.duke.edu/conference/dlj/index.html>. Professor Rossi organized and served as a moderator at the law school's March 23 symposium, "The Law of Presidential Elections: Issues in the Wake of Florida 2000."

**J.B. Ruhl** presented his co-authored paper on "Currencies and the Commodification of Environmental Law" to faculty workshops at George Mason University Law School in September and at the University of Minnesota School of Law in October. The paper, co-authored with James Salzman of American University, appears in the January 2001 issue of the *Stanford Law Review*. He also presented his work in progress, "Thresholds and Vectors in Regulatory Law," to the FSU Geography Department in October. In November he participated in a two-day roundtable discussion at Stanford University Law School on Ecosystem Services. Other participants included Nobel laureate in economics

Ken Arrow and the noted biologist Paul Erlich. Ruhl's paper on the law and valuation of wetland services will be published in the *Stanford Environmental Law Journal*. His article "The Environmental Law of Farms: 30 Years of Making a Mole Hill Out of a Mountain" appears in 31 *Environmental Law Reporter* 102 (2001). In March he delivered a presentation on "Two Ends of a River and No Points in Between: Of Oysters, Party Boats, and the ACF River Water Wars" at the Tulane Law School's Environment 2001 Conference: Energy and Water. Also in March, he presented "Farms, Their Environmental Harms, and Environmental Law" as the Keynote Speaker at the University of Georgia's 13th annual Red Clay Conference, on the topic of "Sustainable Agriculture."

**Daniel Schneider**, Visiting Professor, led a session on Tax as part of an AALS Workshop on Property, Wealth and Inequality at the Association of American Law Schools Annual Meeting in San Francisco.

**Mark Seidenfeld** and Jim Rossi

co-authored "The False Promise of the 'New' Nondelegation Doctrine," which appeared in 76 *Notre Dame Law Review* 1 (2000). In January, at the Association of American Law Schools Annual Meeting in San Francisco, he spoke on a panel on "Ruling without Rules: Agency Use of Non-Legislative Rules to Influence Private Conduct," offered by the Section on Administrative Law. On March 5 he presented "The Psychology of Accountability and Political Review of Rulemaking" at The Thirty-First Annual Administrative Law Conference at Duke University Law School. The paper will be published in a forthcoming issue of the *Duke Law Journal*. He also presented a paper entitled "Cognitive Loafing, Social Conformity and Judicial Review of Agency Rules" at Cornell on March 10. He served as a moderator at the law school's March 23 symposium, "The Law of Presidential Elections: Issues in the Wake of Florida 2000."

**Lois Shepherd's** recent articles include "HIV, the ADA, and the Duty to Treat," in 37 *Houston Law Review* 1055 (2000); and "Looking Forward with the Right of Privacy," in 49 *University of Kansas Law Review* 251 (2001).

**Nat Stern**, John W. and Ashley E. Frost Professor, gave two presentations on the presidential election contest in Florida at Brown University on March 14. He also served as a moderator at the law school's March 23 symposium, "The Law of Presidential Elections: Issues in the Wake of Florida 2000."

**Phil Southerland's** "Sovereignty, Value Judgments, and Choice of Law," appears in 38 *Brandeis Law Journal* 451 (2000).

**William VanDercreek**, Professor Emeritus, wrote "Third-Party Practice," for *Florida Civil Practice Before Trial* (Florida Bar, 2000).

**Jessica Varn**, legal writing instructor, made a presentation to insurance adjusters in Jacksonville, in September, on the topic of appellate practice before the First District Court of Appeal, with a special focus on workers' compensation appeals.

**Jack VanDoren** was named to serve on the Review Committee for the Council for the International Exchange of Scholars, which selected the winning applicants from African Scholars for Fulbright Grants to the U.S.

**Thomas Warner**, Florida Solicitor General and Richard Ervin Scholar, presented an oral argument in August in the *Holmes v. Bush: A+ Education Plan/Opportunity Scholarship Program* case before the Florida First District Court of Appeal. Also in August, he presented an oral argument in two cases involving the paternity and legitimacy of children before the Florida Supreme Court. Mr. Warner was the luncheon speaker and presenter of the CLE Program for the Government Bar Association at Capital City Country Club in October.

**Don Weidner** visited Brigham Young University Law School, in Provo, Utah, in January, as a member of that school's Board of Visitors. He made a presentation on "Key External Constituencies" at the Deans Workshop at the ABA Midyear Meeting in San Diego in February.

**Ruth Witherspoon** has been appointed to the Second Judicial Circuit's Committee on Professionalism.

## Lou Wright retires, heads Down Under

**W**hen Lou Wright retired in April, some of the law school's history left with her.

Wright, who for 15 years served as office manager for the *Florida State University Law Review*, had become the resident historian for the Ausley House, one of the four restored antebellum homes on the James Harold Thompson Green to the east of B.K. Roberts Hall. Over the years she had met a number of the past inhabitants of the two-story Georgia farmhouse that was reconstructed on the Green in the 1980s. She has picked up such practical knowledge as how to manipulate the house's quirky windows and doors. She can also tell you that, in its earliest days, the house was a one-story cabin to which additions were made over a period of more than a century.

Wright accepted the position with the Law Review in 1986, moving from the FSU Chemistry Department. At that time, the Law Review office was located in B.K. Roberts Hall. "We worked in very cramped conditions back then," Wright recalled. The office was relocated briefly to the library before settling into the Ausley house in 1989.

Being the resident historian was just one of the many roles Wright assumed during her tenure as office manager. She formed lasting relationships with members of the Law Review, making it a point to keep up with the professional accomplishments of its graduates. She also developed lasting friendships with members of the faculty and staff of the law school.

While the Law Review is student-run editorially, Wright's position required her to be very detail oriented and to handle procedural aspects of the publication. She also helped introduce and orient new members. "She is very friendly and even knows new members' names before she meets them," said Law Review member Katherine Walker. Such friendliness and helpfulness has endeared her to Law Review members over the years. "Many students still write me letters or come by to see me when they visit the school," Wright said.

In honor of her years of service, Edwin Schroeder, Director of Libraries and faculty advisor to the Law Review at the law school, organized a farewell celebration for Wright at a Tallahassee restaurant. Student, alumni and faculty attendance at the dinner offered proof of the value of Wright's dedication and friendship over the years. She was also honored at a law school reception on April 12.

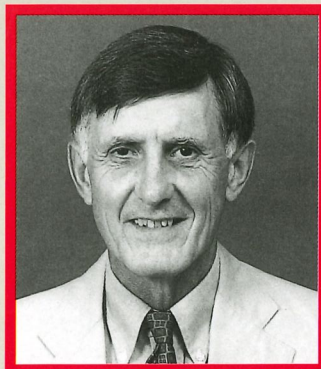
"I have enjoyed working with students," said Wright. "It helps to broaden your outlook on the world." Now she will be using that broadened outlook to explore the world. Wright's plans include extensive traveling, beginning with a well-deserved month-long trip to Australia and New Zealand. ■



## John Larson named Associate Dean for 2001-2002

**J**ohn Larson has been named Associate Dean for Academic Affairs for the 2001-2002 academic year. He replaces Larry Garvin, who will return to teaching duties.

Larson served previously in this position from 1989 to 1991 and again during 1998-99. Dean Larson joined the College of Law faculty in 1972. Most recently he has taught courses in business law, including Business Associations, Creditors' Rights, Corporate Reorganization, and Fundamental Financial Concepts. He has written on Florida's Partnership Law and on the Revised Uniform Partnership Act, having served as the Assistant Reporter for the latter. He also is a member of the Advisory Committee for the Caribbean Law Institute's Insolvency Law Project. ■



COLLEGE NOTES

**WLS's Silent Auction Raises more than \$5,000 for Refuge House**

The Women's Law Symposium raised \$5,274 to benefit Refuge House at its annual Silent Auction, held Wednesday afternoon, March 21. Refuge House is a Tallahassee-based safe house for victims of domestic violence and their children. A wide range of items were available for bidding, including lunch with Lt. Governor Brogan, lunch with Senate Minority Leader Rossin, gift certificates to local restaurants, service stations, and stores, a BARBRI course, and massages. Last year's Silent Auction raised \$5,000 for Refuge House. The shelter for victims of domestic violence serves eight North Florida counties and depends on contributions from the community. Immediately following the close of the Silent Auction, the Women's Law Symposium sponsored a panel discussion on domestic violence. In addition to providing emergency shelter, Refuge House offers services such as counseling programs and injunction assistance and works to eliminate the conditions in society that perpetuate domestic violence.

**Diversity Week celebrated at the law school**

The College of Law celebrated Diversity Week 2001, March 19-24. Sponsored by the Student Bar Association and the ACLU, the event celebrated cultural differences through education, communication and motivation. Highlights of the week included presentations by dynamic speakers, diversity exhibits, a blood drive, Latin and Haitian dance lessons, a



diversity dinner and a Diversity Training certificate program.

The week concluded with the "Graze on the Green" on Saturday, March 24. This final event included entertainment, samplings of ethnic foods and a talent show.

The Diversity Week planning committee that staged the event included 1L students Letisha Bivins, Tequisha Myles, Debbie Natter, Jennifer Parrado and Vivionne Terrell, and 2L students Tammy Manke, Kelly Moss, Jessica Ramsay and Melissa Zelniker.

**FSU law alum, Richard Dixon, discusses opportunities in intellectual property**

FSU law alum Richard Dixon addressed opportunities in intellectual property law at the law school on Thursday, March 29, 2001. The talk was sponsored by the Intellectual Property Law Society. Dixon is the former Assistant General Counsel and Secretary of Ford Global Technologies, a corporation that manages Ford Motor Company's intellectual property.

**Panel discusses legislative initiatives affecting Workers' Compensation**

Professor Paul LeBel sponsored a panel on Tuesday, April 3, on the legislative initiatives on Workers' Compensation being considered during this legisla-



**Supreme Court Day: Still recovering from the five week ordeal that followed the 2000 presidential election, the Florida Supreme Court made its annual appearance at the law school in March. The justices discussed recent court rulings and answered questions from students.**

tive session. The speakers included FSU law graduates Jim McConnaughay and Rafael Gonzalez and Florida Representative Dennis Ross of Lakeland, a member of the House Insurance Committee. Gonzalez is chair-elect of the Florida Bar Section on Workers' Compensation.

**Public Service Fellows**

Joseph A. Good, Jennifer Henson, Ramona Marie Hupp, Gigi Rollini, Neil Schneider and Melissa Zelniker have been chosen as Public Service Fellows for 2001-2002. These students have demonstrated a strong commitment to public interest work and will be funded by the Florida Bar, through the Interest on Trust Accounts (IOTA) program, to perform public interest legal work over the summer.

**Seminole Torchbearers**

Ten graduating students were nominated for recognition as Seminole Torchbearers for their contributions to the University in the areas of leadership and service. They are Tanisha Bowers, Tionis Dawes,

Jeanie Demshar, Amy Dobe, Melissa Engle, Matthew Rearden, Terrance Roberts, Sharon Traxler, Irving Wes Wheeler and C. Erica White. They were recognized at the Seminole Torchbearers Induction and Leadership Recognition Ceremony in March.

**Moot Court News**

Because of the election litigation, this year's Final Four Moot Court Competition was moved from the Florida Supreme Court to the First District Court of Appeal. Congratulations to Richard Martin, who was judged the Best Oralist. The other competitors were Shannon Callaghan, Dan Dalesandro and Jonathan Sacks.

Congratulations to the Moot Court team of Kurt Althouse and Tim Weekley for their second place win and fourth place brief presentation in the Stetson International Environmental Moot Court Competition in November.

The Moot Court Team represented the College of Law at several competitions around the country. Karusha Sharpe,

Nikki Purdie-Lawson, and Sonya Magee won Second Best team at the Domenick L. Gabrielli National Family Law Moot Court Competition in New York. They were coached by Professors Lois Shepherd and Mary Crossley.

Josh Toman and Kurt Althouse were semi-finalists at the ABA's National Appellate Advocacy Competition in Atlanta. Professor H.P. Southerland coached. Kate Walker and Aaron Atkinson, coached by Professor Rob Atkinson, were quarter-finalists at Duke's Rabbi Seymour Siegel Medical Ethics Moot Court Competition in March. Rocco Cafaro and Kristie Hatcher-Bolin, coached by Professor Nat Stern, were quarter-finalists at University of North Carolina's J. Braxton Craven, Jr., Memorial Moot Court Competition in February. Komal Patel and Richard Martin were octo-finalists at the Burton D. Wechsler First Amendment Moot Court Competition in Washington, D.C. in February. Professor Steve Gey was their coach. Jonathon Sacks and Patrick Rengstl competed at Tulane's National Mardi Gras Sports Law Invitational in February and were coached by Professor Mary Crossley. Molly Harris and Drew Crawford competed in the National Telecommunications Law Moot Court Competition in Washington, D.C. in February. Phil Bavington, a local public defender, was their coach.

**Mock Trial News**

In November, the Mock Trial team of Josh Toman, Jason Hill, Tom Robes and Michael Marshall advanced to the final four in the Michigan State University-Detroit College of Law, National Invitational Mock Trial Competition. The FSU team lost to Southern Methodist, the eventual win-



**Former ABA president Chesterfield Smith poses with family friend and Florida Secretary of State Katherine Harris before a speech sponsored by the Women's Law Symposium on November 8. Harris had to leave early to attend to business at the Capitol.**

ner of the competition. Clinical Professor Ruth Penney was the coach. Two FSU teams competed in the Academy of Florida Trial Lawyers Mock Trial competition in Jacksonville, also in November. The team of Michelle Campbell, Brian Ussery, Robert Friedman, Dale Scott and Sylvia Mora placed second in the competition, while the team of Matt Rearden, Eric Dickey, Heidi Ruiz, Frank Mayernick and Sandra Riviera made it to the semi-finals. Both teams were defeated by Barry College of Law, the overall competition winner.

Another Mock Trial team competed at the William Daniel National Competition in Atlanta. The advocates were

Michael Rabinowitz, Casia Belk, Tionis Dawes, and C. Erica White. The witnesses were Tommy Pearson, Jessica Ramsey, Brandon Scheele and Keith Wood. The team won one of its preliminary rounds but did not advance. FSU's team was coached by law graduates Frank Tournon and Gina Smith.

In this year's Wayne Hogan Trial Advocacy Competition, held in October, the team of Tom Robes, DeWayne Pearson and Jessica Ramsey were the winners, while Ashley Smith, Jason Doss and Buffy Williams were runners-up. Others competing in the Hogan Competition were Sylvia Mora, Lia Rodriguez, Brandon Scheele, C. Erica White, Carlos Moore,

Heidi Ruiz, Eric Dickey, L. Nicole Hamilton, Brian Miller, Jason Hill, Keith Bell, Keith Woods, Josh Toman, Robert Friedman, Frank Mayernick, Mike Marshall, Sandra Rivera and Dale Scott.

**Dispute Resolution Society News**

Congratulations to FSU's two Dispute Resolution Society Negotiation Competition teams that won the intramural competition to represent the law school at Regents University in Virginia Beach, Virginia. One team consisted of Toni Lay and Janna Nugent while the other included Mark Adamczyk and Jon Hernan.

## Mock Trial teams get expert help

**W**hen the College of Law's Mock Trial Team prepared for competition in January, they had the benefit of some of the best advice in the country.

Not only did Leon County Circuit Judge Terry Lewis, whose trials during the presidential election controversy brought him international attention, sit in judgment, but they had technical advice from one the country's top forensic engineering firms, Benedict Engineering of Tallahassee.

Although Judge Lewis, a 1976 College of Law alumnus, has assisted the team in the past, the addition of the engineering coaching in a case involving a child safety seat provided guidance from experts whose job involves working with lawyers. The engineers who assisted the team included Susan Lantz, Paul Eason, Chris Yates, Reza Vaghar, Scott Bladen and Brian Pfeifer.

Judi McGinnis, vice president at Benedict, said the firm makes a point of working with the community. "This is something we're happy to do. It helps us and it helps the law school."

Company president Charles Benedict says that having his firm's engineers help law students pays dividends for both sides. "It provides students an understanding of how our profession works. By working with real experts, the students can get an idea of the fundamentals of forensic engineering. They get to experience firsthand the kinds of services they can expect from our profession." He adds, "For us, we get acquainted with a new generation of lawyers and sharpen our skills in seeing what type of assistance is needed to help in a case."

Mock Trial Team member Brian Miller says the experience makes students work harder to sharpen their case. "Knowing that these guys are the experts makes us work a little harder to get our facts in order."

Said Judge Lewis, "I'm always glad to come back." ■



**Above: Judge Terry Lewis with Jason Doss, Tionis Dawes, Brian Miller, Sandra Rivera, Tommie DeWayne Pearson, Cristin White and Michael Rabinowitz. Left: Rabinowitz discusses forensic evidence with Benedict Engineering's Brian Pfeifer.**

**Right: Pearson, White and Dawes plot strategy.**

## Judge Clark's commencement comments

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be superficially funny. To those of us in the profession, it's serious business. It is an attack on the profession we love, an attack on the profession within which we have chosen to make a living. As an attorney, you will take an oath to uphold the Constitution of the United States and the Constitution of whatever state you choose to call home. You will also take an oath to abide by a code of ethics and professional conduct as a starting point by which to gauge your professional conduct. You will have an important role to play in the preservation of this democracy. The last 38 days have accentuated the role of lawyers and the courts in maintaining the balance in our democracy. In the last 38 days, lawyers and judges have played a significant role in protecting and upholding the rule of law. We have assumed a role in the political and social landscape of America that was unforeseen, a role that we were well prepared to take on. When the nation's attention focused on Florida and it became apparent that the election was not going to be decided within the supervisors' of elections offices, it became clear that the justice system was going to become embroiled in the dispute.

Martha Barnett is the president of the American Bar Association. She is also a friend of mine and a mentor. As she put it, "It is a long-standing tradition in this nation that when the political branches of government are unable to resolve their

differences, these matters are thrust upon the courts." As a participant in the process, I am proud that our democracy provided a way to resolve disputes of national significance. Our role, that is, the role of the lawyers and the courts, was not to solicit involvement in this dispute, but, rather, once it became evident that the courts were going to resolve the disputes, to ensure that the rule of law was honored. During this four-week ordeal, this nation witnessed some of the finest legal minds and talent at work. What this nation and the world witnessed was a first-class example of professionalism. The lawyers involved in these elections cases exemplified professionalism: they were well prepared, courteous, civil (to each other and to the courts), intelligent, and they represented their clients zealously. At no time did they bring the profession into disrepute. The lessons we can all learn from their exemplary display of professionalism is that, as members of the legal profession, you will have a duty that extends beyond representing your client zealously. There is a higher obligation to the profession. There is a professional obligation of honesty, integrity, civility and public service. I am proud to be a member of this honorable profession. I hope that you too will seek to accomplish the professionalism that was exemplified by the lawyers involved.

People have criticized the outcome of the process. People have criticized the individual attorneys and judges who played a role within the process. People have criticized the various opinions that have resulted from the process, but no one has criticized the fact that we have a process within which disputes can be resolved. As Martha Barnett wrote for the ABA, "Rather than attacking the justice system for its involvement, we should be thankful that we have a system of government in which disputes can be resolved in courthouses and not in the streets."

Unlike many other countries, we have in place a process that is intended and equipped to handle disputes ranging from neighborhood quarrels to national elec-

tion controversies. You have been prepared to become a part of that process. Whether your career leads you to a role of mediating disputes between neighbors or corporations, whether your career leads to litigating the most important cases in the nation, you have been taught and prepared to assume that role and to take on that responsibility. It is a solemn responsibility indeed. My hope is that you have learned through your legal education and training that your role is that of a professional. No matter your personal beliefs, you have a responsibility to the public, and indeed to the profession, to ensure that the rule of law is honored. Sharing the advice of the executive director of The Florida Bar, you have a responsibility to remain vigilant if we are to preserve our profession. Our democracy demands that, as lawyers, you ensure that the judicial system continues to work, not just for your clients, but for what this nation was founded on: the ideal of justice for all.

I don't know what your future holds for you. No one does. You have no idea what cases you may be called upon to handle in the future. I do know though, whether it's a personal injury suit, a constitutional issue, an environmental dispute, a business decision or a public policy matter, you have been trained and taught to handle it intelligently and with grace and dignity. You are ready to be given the key to the courthouse door. You will be entrusted with the passkey that allows access to the vault where justice resides. You can live up to—or down to—your own expectations. My hope is that you will live up to the expectations of professionalism that we all depend on from you, that the public deserves from you. The expectations that you have been trained to live up to. You have a great responsibility ahead of you. You are about to assume a leading role in the protection of a democratic and just society. I wish you well. I wish you Godspeed. And I wish for you the capacity to maintain a sense of obligation to the public and to your chosen profession. Congratulations to you and your families. I look forward to seeing you in court. Thank you.

