NIKKI CLARK '77 handles her Election 2000 case with dignity and professionalism, PAGE 11

LAW SCHOOL PLAYS MAJOR ROLE IN 2000 PRESIDENTIAL ELECTION BATTLE

PLUS: Mei 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

What 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 31st 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 Web of Science lists us at #23 worldwide. Visit the Web at www.unesx.edu/law/fullfaculty/leiter/LOUGOURTHTHM.

The second major external validation came a few months later, when National Jurist magazine rated us the 13th “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 our "top tier" for one of our program rankings. U.S. News has just ranked us 18th 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/bjlawp1.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 Stemp, Chuck Burhardt, Jim Ross, Mark Seidenfeld, Rob Arkinson and Tahsin Lee. Our students were also featured, including worldwide 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. Weiden, Dean, College of Law
In the Eye of the Storm

The law school's alumni and faculty play starring roles in the wake of the 2000 presidential election

Early 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. Alumna 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, moon-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 names 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 bizarro 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 graduate Leroy 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 ’81, general counsel to Secretary of State Katherine Harris, brought Steve Hector & Davis into the case, confirmed Samuels’ testimony to exhaustion, "The first couple of weeks we were running on adrenaline. 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," 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 Newman ’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 Ross, Chuck Ehrhardt, Mark Seldenfield, Don Weiner, Rob Atkinson and Tahahir Lee gave countless interviews. The media’s appetite for the election and constitutional law experts proved almost insatiable. About the vaunted efforts of the FSU media relations office to feed the need, novelist and FSU English professor Rob Shaeffer 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 NBC 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 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," said 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."

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.”
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 Newswalk 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 Jon 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

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 every word, but the other night fewer than a hundred souls turned out to 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 appellate arguments, and worried about the due process. 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

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 drily. Judge Sauls, whose compere 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 court will 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 piece of meat 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 Flanagan, 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 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 breezy 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
the carefree throngs who had turned out for the event and did not share her obsession, she was stunned. "It felt like shooting 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 Asendorp.

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 eight 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 reporter Michael Isikoff. 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 process. "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.
"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 standoffs." Moore also was interviewed by Newsweek, several Florida newspapers and an NBC affiliate in 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 endurance, standing in front of the Florida Supreme Court, straining to hear Peter Jennings in Washington through his earpiece read portions of the final ruling.

It was the high-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 stodge 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. 

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**Nikki Clark handles the pressure with professionalism and dignity**

Circuit Judge Nikki Ann Clark "I 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 nation 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 proceedings as a "first-class example of professionalism." Further, she charged the graduates 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 spotlight, that job is "to preside over the trial of the case and to render 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 interpreting the social and political predilection 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, ethics. 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 course, Clark was gratified by the outstanding job done by the many Florida
T H E 2 0 0 0 E L E C T I O N

D I S S E C T I N G F L O R I D A 2 0 0 0


Not 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 Election: 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 attracted a broad range of opinions and featured spirited debate.

In the symposium’s first session, a comment by University of Texas law professor Bickerton 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 Bickerton to back up his claim, the professor conceded that he was working “with the advantage of hindsight.”

Robert Fussah, 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 Brillhart said he was amazed by the amount of agreement at the symposium. “With eight major papers and a dozen discussions 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 Ross 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 proves Ross’s office as a visiting professor at the University of Texas at Austin, is phenomenal. We are all in his debt.” (See Ross’s analysis of the symposium on page 14)

The next issue of the Florida State University Law Review (2003) 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.

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

Judge Clark’s remarks to December 2000 graduates

President D’Alemberte, Dean Weidner, Dean Witherspoon, and distinguished faculty, proud members of families, 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 sun. This day is a 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 perseverence, 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 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 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 23 years later I would preside over all parts 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 confidence in myself and my 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 but of jokes. We have been ridiculed. There are even websites dedicated to lawyer-bashing. To the general public, this lawyer-bashing may

You’re proving that 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 “bonds 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.

Eventually, 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. “Perhaps the biggest interest in the case, she wrote the opinion “was not for just lawyers or the appellate court but for people to be able to understand.” In it, concluding that “Faulty judging 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 opinion written for that landmark trial 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.”

continued on page 45

SYMPOSIUM PROGRAM

- State Election Law and Presidential Selection: Moderator: Nat Stern (Florida State University); Equal Protection and Federalism in Bush v. Gore: Richard Brillhart (Columbia); Bush v. Gore and the Future of Equal Protection Law in Elections: Richard Hasen (Loyola of Los Angeles); Commentators: Steve Bickerton (Texas); Heather Gerken (Harvard); Spencer Overton (UC Davis)

- What’s Left of Federalism in Presidential Elections? Moderator: Mark Sealedfield (Florida State University); Judging Judging: The Problem of Secondguessing State Court’s Interpretation of State Law in Bush v. Gore: Harold Kerr (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 Fussah (Missouri-Columbia); Charles Tierf (Baltimore)


- The U.S. Constitution and the Electoral College Moderator: Steven Gray (Florida State University); Should We Rethink the Electoral College? Lue Fuentes-Rohwer (Georgetown) & Guy-Uriel Charles (Dinsmore); Who’s Afraid of the Twelfth Amendment? Sanford Levinson & Ernest Young (Texas) Commentators: Elizabeth Garrett (Chicago); John O. McGinnis (Cleveland)
THE 2000 ELECTION

Hard cases, like Bush v. Gore or the Florida Supreme Court's opinion 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.

By Jim Rossi

Or political parties, not to mention the media, have expounded 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 dispute as taken to be 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 deciders the 2000 presidential election, based partly 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 about political ideology or political expediency.

The legal realist account of the 2000 presidential election dispute poses a serious challenge for the legal 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 surrendered something to other laws than to choose the leader of another branch of our democracy, turning separation of powers into little more than a trifle. Moreover, if the legal realist account is our primary lens for assessing the role of law in the selection of a president, we might 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 the 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 reason 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 `non-political' nature and 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 well-placed to take the lead in invoking the preeminent role of the election and constitutional law to engage the opinions generated by the courts during the election and to assess their merit 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 began with a fascinating discussion of the U.S. Supreme Court's two Bush v. Gore opinions, and then turned to the election dispute. 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 a political tool for advancing political expediency. The day began with a panel moderated by FSU Professor Nat Stern. This panel addressed 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 co-authoring doctrinal articles presented at the FSU symposium, Professor Richard Hodes 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 this decision is difficult to reconcile with the Court's precedents for Professor Bluford, because of the counterweight of federalism; for Professor Hasen, because of some serious concern with the implications of this ruling for elections law more generally. The commentators on these papers, Steve Bickernack, an elections law expert from Texas, Professor Heather Gerber 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.

The afternoon began with a discussion of state constitutions, and ran that 1-2-3-4-5 chart. James Cahn of the Western New England School of Law argued that the Bush v. Gore plurality's argument that Article II section 1 grants state legislatures primary 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 at state courts. If I comment to you, for example, his article The Failed Doctrine of State Constitutionalisom, 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 imperative 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 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 From Florida's Solicitor General, drew on his experiences in the Florida Legislature to critique both papers.

The day concluded with a panel moderated by FSU Professor Steven Greer that focused on structures for electing the president in the U.S. Constitution. The first paper, by Luis Puentez at Georgetown and Guy-Ulric Charles at the University of Minnesota, carefully defended the institutional role of the electoral college against its many partisan, legal, and post-election critics. In another paper, Professor Sandra Levinson and Emlyn Young, both of the University of Texas, discussed the habeas corpus 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 conventional understanding of the contrails of both papers. And Professor John McGinn, 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 law and not the law. For me, however, the discussions at the symposium did not confirm the skeptical legal realist account of the Court and Florida. Taking the symposium as a whole, I saw academics of wide and varying political ideologies engaged in a serious but respectful discussion of the law, its history, and how we can interpret recent events into this history while also looking to the future. Little, if any, of the discussion was directed to parsing the decisions of courts as political, or dismissing Bush v. Gore as an arbitrary quirk merely because the decision was a surprise. "Addle-ed," as there are between the 2000 election and the OJ Simpson criminal trial has been invoked in the media, the two legal events are significantly different in their implications for law. The OJ Simmons trial involved hourly media specials of a trial's lunch renditions 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 weight of 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 to take up: future lawyers— to engage, even if it involves 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.
FSU Center for the Advancement of Human Rights takes shape across the street from the law school

"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 abortion, 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 law students, "and many are very compelling cases," he says. 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'Altemeere's 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 Don Viet Hoa. 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."

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

FSU Law chronicled Coonan’s success as Orange County Chairman in the fall 2003 cover story.

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 2003 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 Lyle
January 16, 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 enunciate 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.

Melguiades 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 ripping 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...was a place where 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."

"You bring yourself and your 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.

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.

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

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 term limit 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 trade agreements 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 FEC website bear this out. Not only does he have the support from prominent conservatives such as Attorney General Alberto Gonzales, former Heritage Foundation President Phyllis Schlafly and former FEC president Gory 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 valuable 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 FEC supports reducing the 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 alumna Mel Martinez (see article page 17), 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. "Sometimes 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 compromise appointment by Chiles to improve adoption procedures for children in the custody of the state. "We both were committed, easier to get these kids into permanent homes," says Connor. "I have always believed that finding common ground is sometimes 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-runn-
D'Alemberte Receives National Award for exceptional public service

FSU President and former College of Law 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 was rated 12th among public law schools, and 31st overall, in a category of eight articles published in leading law journals. In that category, FSU ranked 19th among public law schools and 46th among all law schools. In a category that included publication counts for journal articles and books, the faculty ranked 17th among state law schools, and 42nd overall. FSU was ranked 18th in a category for per capita faculty productivity and impact (20th in public law schools and 49th among all law schools) and for citations of scholarly articles and books (23rd among public law schools and 49th among all law schools).

According to FSU law dean Donald Wieder, 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.

FSU law dean and former College of Law dean Talbot “Sandy” D'Alemberte received the Wickersham Award at a March ceremony in Washington.
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 output and impact and 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 regard in which the 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 a hot area of environmental and land use law, the people who help 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 says. "The NSU Institute for Environmental and Land Use Law was one of the first law schools in the country to offer a certificate program in the area. We have received positive feedback from students and alumni about the program." The Environmental Law Institute is a national organization that focuses on the legal aspects of environmental and land use issues. The program will provide students with a strong foundation in the legal principles and policies that affect the environment and natural resources.

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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."
HELPING PEOPLE WITH SPECIAL NEEDS IS A WAY OF LIFE FOR FRANK JONHS '72

Helping 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 graduated (B.A. 1965; 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 John Johns is one of its pioneering practitioners. A founding partner of Booth Harrington Johns & Toman in 1979, he has helped lead the Greenbough, 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, too often the mention of 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 long-time 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 chaired 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 a member of the American College of Trust and Estate Counsel (ACTE).

Early in his law career Johns became an advocate and litigant 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 Counsel of Guardianship, was editor-in-chief of its journal for several years, and has contributed numerous articles.

Johns also has been involved in 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' 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 Retired Citizens of Greenbough, 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 also conducts workshops for 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. John Johns' 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.
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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 for more information.

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 13 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 match the school’s in-measurable. 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 benefit 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:

- 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 to meeting 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 Index (EQI) of U.S. Law Schools for 2000-2001, 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 facilities” in the area of Administrative Law. Florida State’s 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 charitable gifts.

For more information, please contact Alexia Bookout, Annual Fund Director, Office of Development and Alumni Relations, The FSU College of Law, Talbot Hall, PL 3206-1801, (850) 444-2031 or e-mail abookout@law.fsu.edu.
**RECOGNITIONS**

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


**Philanthropy**

A very important lesson was reinforced for me one day by my daughter, Hannah, when she was four. 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 painful and hopeless 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 Letter Survey. They can make the difference in the success of Mock Trial and moot Court teams. And, almost without exception, a 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 & Siteman 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 year in college or 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 trend recipient 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.

**DIFFERENT PEOPLE, DIFFERENT GIFTS**

Nicola A. Booth-Perry was named a firm associate at Zimmerman, Britfield, Riser & Saricuff, in Orlando, where she is practicing in the area of workers’ compensation.

**VERANDA J. JACKSON ’95: The Power to Succeed**

Veranda J. 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 EKLE, 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 is, "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 EHAincted.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.
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 Contracts" 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 part co-chair of the First Saturday Legal Clinic in Bay County.

Christopher S. Polasek 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 Boley, Leesock & Hauser, P.A., in West Palm Beach.

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

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

Robin D. Black has joined the law office of Hill, Reis, Adams, Hall & Schieffelin, P.A., as an associate. The office is in 1417 East Concord St., Orlando, FL 32853, phone 407.896.0423.

Jeremy M. "Jay" Walker has become an associate with Fowler, White, Gillen, Boggs, Villalrea 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 Gruever, a 1983 graduate of the College, died on December 17, in Tallahassee. He was a partner in the law firm of Brushwood and Gruever, 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 Audley & McMullen.

Annual Fund Drive Phonathon reaches out and touches alums

This year's Annual Fund Drive has been anything but business as usual. Chairman Ed Wallbonky '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 one time conducting a "phonathon." From 9 a.m. til 5:30 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 Wallbonky'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 Boocourt, Annual Fund and Alumni Relations Director, who oversaw the 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."

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
- Alumni Association Service Award
- Class of '66 Award

Nominee's Name:
Firm Name:
Address:
Phone: ( )

Reason for Nomination (Provide a description of the candidate's 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.

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 triennial 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 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. 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 "solfrance.com," "adiomancy.com" and other "soft-formative" names: "superw-ai-mart.com," "ilovelay.com," "bildgerot.com" and "mikanorg.com." His decisions in these cases are available at the WTO Arbitration and Mediation website, at http://wto.org/mediation. Professor Abbott is project director for the American Society of International Law Research Project on Human Rights and International Trade, and in November 2000, he received an Arthur Foundation Project on Global Security and Sustainability awarded his 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.

Pablo Annino served on the Association of American Law Schools Steering Committee of Equal Justice Project, a Colloquium for Florida and Puerto Rico, held at Nova Law School in December, 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 professors, will join the FSU College of Law faculty in the fall of 2001 as the Strauss, Weaver, Milhollin, Weisleder, Alahfook & Strycker Professor of Law. Dodge is currently on the University of Texas School of Law faculty where he is the William H. Francis Jr. Professor. He is also known for his authority in federal, international, and estate and gift tax law, 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 that Charles L. Fleischer, 1999), Taxing the Logic of Tax (1989), Wills, Trusts, and Estate Planning (2000). 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 a member of the Chair of both the Tax Section and the Donative Transfer Section of the Association of American Law Schools.
John Larson named Associate Dean for 2001-2002

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

Larson served previously in this position from 1989 to 1991 and again during 1999-2000. 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.

Lou Wright retires, heads Down Under

When 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 Audley 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 1960s. 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 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 Audley house in 1989.

Being the resident historian was just one of the many roles Wright assumed during her tenure as office manager. She formerly was 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 the 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 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

Lisa Heinzeinrich (Georgetown) and Robert Percival (Maryland). A web page describing the conference is available at: http://www.law.duke.edu/confer-
tember and at the University of Minnesota and the University of Law in October. The paper, co-authored with James Salzman of American University, ap-
pears in the January 2001 issue of the Stanford Law Review. He also continued his work in progress, "Thresholds and Vec-
tors in Regulatory Law," to the FSU Geography Department in October. In November he par-
ticipated in a two-day roundtable discussion at the Stanford Law School on Ecosystem Services. Other participants included Nobel laureate in economics Ken Arrow and the noted bi-
ologist Paul Erlich. Ruhl's paper on the law and valuation of wetland services will be pub-
lished in the Stanford Environ-
tion on "Two Ends of a River and No Points in Between: Of Oysters, Ferry Boats, and the ACF River Water War" at the Tulane Law School's Environ-
ment 2001 Conference: Energy and Water. Also in March, he presented "Farms, Their Envi-
ronmental Harm, and Envi-
ronmental Law" at the Key-
note Speaker at the University of Georgia's 15th annual Red Clay Conference, on the topic of "Sustainable Agriculture."

Daniel Schneider, Visiting Pro-
fessor, led a session on Tax as part of an AALS Tax and Property, Wealth and Inequal-
ity at the Association of Ameri-
can Law Schools Annual Meet-
ing in San Francisco.

Ken Bosworth, recipient of the "False Prom-
ise of the 'New' Nondelegation Doctrine," which appeared in 76 Notre Dame Law Review 1 (2000). In January, at the As-
nual meeting of the American Law Schools Annual Meeting in San Francisco, he spoke on a panel titled "Database: Agency Use of Non-Legisla-
tive Rules to Influence Private Conduct," offered by the Sec-
ton on Administrative Law. On March 5 he presented "The Psychology of Accountability and Political Review of Rulemaking" at the Thirty-
Third Annual Administrative Law Conference at Duke Uni-
versity Law School. The paper will be published in a forthcoming issue of the Duke Law Journal. He also presented a paper entitled "Cognitive Load-
_ing, Social Conformity and Ju-

dicial Review of Agency Rules" at Cornell on March 10. He served as a moderator at the law school's March 23 sympo-

sic on "The Law of Presidential Elec-

tions: Issues in the Wake of Florida 2000."


Nat Stern, John W. and Ashley E. Frost Professor, gave two presenta-
tions on the presidential election contest in Florida at Brown University on March 14. He also served as a modera-

Phil Souterland's "Sover-


William Van Der Zee, Professor Emeritus, wrote "Third-
Parry Practice," for Florida Civil Practice Before Trial (Florida Bar, 2000).

Jessica Varn, legal writing instruc-
tor, made a presentation to incoming students at the Mk-kins College of Law in October, on the topic of appellate practice be-


to the First Distric Court of Appeal, with a special focus on workers' compensation ap-


deals.

Jack VanDoren was named to serve on the Review's Editorial Board for the Council for the Interna-

tional Exchange of Scholars, which selected the winning ap-


plicants from African Scholars for Fulbright Grants to the U.S.

Thomas Warner, Florida So-

licitor 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 invol-


ing the paternity and legiti-


macy of children born in Florida. Supreme Court. Mr. Warner was the luncheon speaker and program chair of the CLE Program for the Government Bar Association at Capital City Golf Course Club in Tallahassee.

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 presenta-
tion on "Key External Constitu-


ties" 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.
Supreme Court Day: Still recovering from the five week ordeal that followed the 2001 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.

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

FSU law alumnus 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 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 legislative session. The speakers included Florida Supreme Court Justice Richard W. Story, State Sen. Stan Duey, D-Orlando, and State Rep. Jim Engle, D-St. Petersburg. They discussed the importance of workers' compensation in providing adequate compensation for workers injured on the job.

Moot Court News

Because of the election litigation, this year's final moot court competition was moved from the Florida Supreme Court to the First District Court of Appeal. Congratulations to Richard Martin, who was named Best Oralist. His other competitors were Shannon Callaghan, Dan Alexandro and Jonathan Sacks. Jonathan Sacks and Patrick Rengel competed at Tulane's National Moot Court Invitational in February and were coached by Professor Steve Gray. Their team won first place.

Mock Trial News

In November, the Mock Trial team of Josh Toman, Jason Hill, and Tom Robes, coached by Professor Michael A. Shin, advanced to the final four in the Stetson International Environmental Moot Court Competition. They were named Best Team and Best Oralist. The team was coached by Professor Mark Weinfeld.

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 Tony Caruso and Lulu Nwosu while the other included Beniolas Adamczyk and John Heman.

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

Josh Toman and Kurt Alfhouse were semi-finalists at the ABA National Appellate Advocacy Competition in Atlanta. Professor H.P. Southerland coached, Kate Walker and Aaron Atkinson, coached by Professor Rob Atkinson, were quarterfinalists at Duke's Rabbi Seymour Siegel Medical Ethics Moot Court Competition in March. Roccy Colano and Kristie Hatcher-Bolin, who were quarterfinalists at the University of North Carolina's J. Braxton Craven, Jr., Memorial Moot Court Competition in February, Kornal Patel and Richard Martin were the other semi-finalists at the Buton D. Weecher First Amendment Moot Court Competition in Washington, D.C. The team was named Second place by Professor Steve Gray.

Mike Rabinowitz, Cassia Bell, Tinashe Dawes and C. Erica White. The winners were Tommys Pearson, Jessica Ramsey, Brandon Schele and Keith Wood. The team won one of its preliminary rounds but did not advance. FSU's team was coached by law graduates Frank Touron 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. Competing in the Hogan Competition were Sylvia Moore, Lisa Rodriguez, Brandon Schele, 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.

For more information, please contact the College of Law.
Judge Clark’s commencement comments
continued from page 12
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 35 days have accentuated the role of lawyers and the courts in maintaining the balance in our democracy. In the last 35 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’ 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 such 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 election cases exemplified professionalism: they were well prepared, courteous (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 profession, and I hope that you too will seek to accomplish the professional goals that was exemplified by the lawyers involved.

People have criticized the outcome of this 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 election controversies. You have been prepared to become a part of that process. Whether your career leads you to a role in deciding 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 it is your role as a professional to make sure that the rule of law is honored. Sharing the advice of the executive director of The Florida Bar, you are the 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 sanctuary 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 depends on from you. You are expected to assume a leading role in the protection of a democratic and just society, I wish you well. I wish youGodspeed. And I wish for you the capacity to maintain a sense of obligation to the public and to your chosen profession. Congratulations.