



A PUBLICATION OF THE FLORIDA STATE UNIVERSITY COLLEGE OF LAW

December 13, 2019

From the Dean

As we start receiving more applications for our 2020 entering 1L class, we anticipate the need for additional alumni to serve as interviewers in our Optional Interview Program. Volunteers meet one-on-one with prospective students in their cities. They gather information and talk to students about the benefits of attending FSU Law. In addition, they provide valuable feedback on prospective students, which is weighed heavily in the application review process. Alumni generally commit to three, 30-minute interviews per year and provide feedback via a simple online form. We forecast that up to 600 prospective students will participate in the interview process this application cycle, therefore we are seeking additional alumni volunteers who practice and live all over the country. We have especially strong needs for new interviewers from the following Florida locations:



- Fort Myers
- Gainesville
- Miami/Fort Lauderdale/West Palm Beach and surrounding areas
- Sarasota
- Tampa/Clearwater/St. Petersburg

In addition, we need volunteers who reside in the following states:

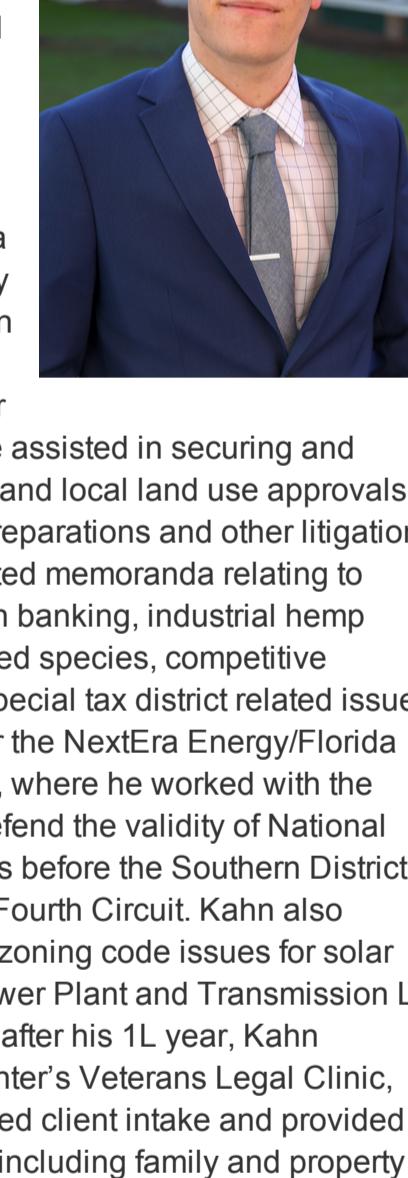
- Alabama
- Arizona
- California
- Georgia
- New Jersey
- North Carolina
- Ohio
- Pennsylvania
- South Carolina
- Tennessee
- Texas
- Virginia

If you are interested in volunteering for this important program, please complete our [online sign-up form](#). We appreciate everyone who helps interview prospective students!

- Dean Erin O'Connor

Professor Morley Submits Amicus Brief to U.S. Supreme Court

In November, FSU Law Professor [Michael T. Morley](#) submitted an amicus brief to the U.S. Supreme Court in *Colorado Department of State v. Michael Baca, et al.* The brief explained that it was offered to "both promote the sound development of the law and encourage enforcement of constitutional and prudential restrictions on the federal judiciary's authority."



The case arose following the 2016 election when Michael Baca, one of Colorado's nine presidential electors, cast his vote for a candidate who did not win the statewide popular vote in Colorado. In response, Colorado's Secretary of State, enforcing Colorado's "faithless elector" law, removed Baca as an elector and rejected his electoral vote. Baca sued in federal court under the Civil Rights Act to challenge his removal. In August 2019, the U.S. Court of Appeals for the Tenth Circuit concluded that the faithless elector law was unconstitutional and the Secretary of State may not remove a presidential elector for casting his or her electoral vote for the "wrong" presidential candidate. The Tenth Circuit's ruling allows presidential electors to cast their electoral votes for whichever presidential candidates they want.

Morley's brief argued that the U.S. Supreme Court should vacate the Tenth Circuit's ruling and order the case to be dismissed. He pointed out that the Civil Rights Act does not permit a plaintiff to sue a state agency for damages, which was the only relief the Tenth Circuit awarded in the case. Morley argued, "By ignoring what it expressly recognized to be 'a major flaw in the merits of Mr. Baca's [Civil Rights Act] claim,' the Tenth Circuit violated the constitutional avoidance principle, unnecessarily adjudicating constitutional issues with national importance in a case it could have quickly and easily dismissed on non-constitutional grounds." He added that the Tenth Circuit's ruling "likewise violated separation-of-power principles, by exceeding the bounds of the statutory remedy Congress created to award monetary damages for constitutional violations by state actors, as well as Article III's prohibition on advisory opinions."

Morley joined FSU Law in 2018, and teaches and writes in the areas of election law, constitutional law, remedies and the federal courts. A copy of Morley's amicus brief is [available online](#).

Alum Profile: Colonel John Loran Kiel, Jr. ('99)

Colonel John Loran Kiel, Jr. serves as chief of the Domestic Operations Branch and the International Law Branch of the National Security Law Division, Office of The Judge Advocate General at the Pentagon in Washington, D.C.

He is primarily responsible for advising The Judge Advocate General and Army staff on the Department of Defense's (DoD) role in support to civil authorities during domestic operations; the status and relationships between DoD components responding to domestic incidents; military support to civilian law enforcement; compliance with the Posse Comitatus Act; civil disturbance, counterdrug and military support operations; rules for the use of force; and funding domestic support operations. He previously served as an assistant professor and chair of the Criminal Law Department at the U.S. Army Judge Advocate General's School in Charlottesville, Virginia, from July 2017–July 2019. Colonel Kiel has served overseas in three combat deployments, has received numerous decorations for his service—including a bronze star, and has published widely in military legal journals.

"My career as an Army judge advocate has been tough, diverse and extremely rewarding. I've traveled the world, moved my family more than a dozen times, deployed into combat three times, and jumped out of plenty of perfectly good airplanes. I wouldn't trade it for anything. Thanks to all of my former professors at FSU Law who challenged and taught me, and I'd be remiss if I didn't say—Go Army, Beat Navy!"

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We need your support for student scholarships!

Visit [law.fsu.edu/pavetheway](#) to learn how you can change lives and pave the way for future FSU Law students while increasing the value of an FSU Law degree. As of December 3, 2019, we have raised \$1,545,448.36 toward our \$2 million campaign goal.

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