

UFLC 6

Interviewee: Parks M. Carmichael

Interviewer: Sid Johnston

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Parks Carmichael is a founding partner in the Gainesville law firm of Scruggs and Carmichael. He was born in Monticello, Florida, on April 2, 1909. Carmichael's family moved to Gainesville when he was in the sixth grade, where he attended Kirby-Smith school, graduating in 1926. He began his undergraduate work at the University of Florida in 1926 and graduated from the College of Law in 1931, although he had already passed the bar exam in 1930. Mr. Carmichael continues to live and practice law in Gainesville, Florida.

J: Today is August 30, 1984. I am Sid Johnston and I am conducting an interview with Mr. Parks M. Carmichael for the University of Florida College of Law. Mr. Carmichael, will you give us your full name please?

C: Parks Mason Carmichael.

J: Where were you born?

C: I was born in Monticello, Florida.

J: And what day was that?

C: That was April 2, 1909.

J: Who were your parents?

C: My parents were Parks M. Carmichael, Sr., who is deceased and has been deceased for many years, and my mother was Nellie Bird Carmichael.

J: Where are each of your parents from?

C: My mother was born in Monticello. Her family lived in a little town called Drifton, Florida, about four miles south of Monticello on my grandfather's big plantation.

J: And your father?

C: My father came from McDonough, Georgia. I did not know my father's folks, though I did know one of his brothers, who is now dead. He was an undertaker at East Point, Georgia. I do know his family. I was raised by my mother and her family. My mother and father were divorced when I was six years old.

J: Where is McDonough, Georgia?

C: It is a small community about twenty miles from the center of Atlanta.

J: He was quite a ways from Monticello, Florida.

C: He was a dentist in Monticello. When he met and married my mother, he continued to practice dentistry until I was about four years old, at which time we all moved to St. Petersburg. He practiced dentistry there. We lived there until he and my mother were divorced. I actually remember the end of the First World War.

J: Tell me about your brothers and sisters.

C: I had one sister named Caroline Jackson. She is now deceased, having died in late April of this last year. Her husband was assistant attorney general of the United States in charge of tax division and they lived in Alexandria, Virginia, the location of the Washington National Airport and the Pentagon.

J: What is his name?

C: His name was Lee Anderson Jackson.

J: When was your sister born?

C: My sister was born February 2, 1911.

J: And your father was a dentist and you subsequently moved from Monticello to St. Petersburg.

C: Then he moved to Mexico after he and my mother were divorced, and he lived in Mexico until he was about ninety years old and died.

J: What compelled him to move to Mexico?

C: I did not ever see my father after I was six years old, except on one occasion when I visited him in Atlanta with his brother. I have no idea why he went to Mexico.

J: Is there any tradition of the practice of law in your family?

C: My ancestor, Judge Westcott, [James D. Westcott, Jr., Florida Supreme Court Justice, 1868-1885] was on the Florida Supreme Court. He had a reputation of being a brilliant young judge. The only reason that I know about him is because

Monticello is in Jefferson County. It is the only county in the state that goes all the way through the state. It is in the panhandle, twenty-six miles from Tallahassee, and it was founded by the son-in-law of Thomas Jefferson. That is the reason it is named Monticello. His name was Epps, and there were about 7,000 people in that county when I was born. Of those 7,000 about 5,000 were black and 2,000 were white.

J: That is quite a ratio.

C: In my book and in most people's books that came from west Florida, Madison, Jefferson, Leon, Gadsden, and Jackson counties have an entirely different population when it comes to raising honesty in people. We think a great deal about being born and raised there.

My mother's family, the Bird's, were very prominent people. I did have one other ancestor who made a real impression on the law – my uncle John Ulmer Bird. He was first judge, and then chief judge of the Sixth Judicial Circuit of Florida for approximately fifty-five years. The sixth judicial circuit is Clearwater, St. Petersburg, and Dade City. He retired about 1975 and died in 1978 or 1979.

J: What was your mother's occupation after the divorce?

C: My mother had no occupation. No training for an occupation. She did purchase and open a ladies' dress shop in Monticello. She kept that dress shop until about 1942, when she sold it. I do not know how much money she got for it. She turned it over to Merrill Lynch and they invested it and they kept it invested until the time she died. When she died she had about \$50,000 distributed to members of the family. She left an estate of about \$350,000 which my sister and I inherited.

J: She did very well.

C: She certainly did.

J: So, she moved from St. Petersburg after the divorce with you and your sister back to Monticello?

C: We moved to Drifton, Florida. My sister and I went to school at a country school the first year. There were seventeen pupils and they were in ten different grades. It was a five-month school. After passing the fifth grade I came to Gainesville. I got to Gainesville about two months before school was out here, and I went in the sixth grade, and very fortunately or unfortunately, I passed.

J: Why do you say unfortunately and fortunately?

C: I had to work my way through high school and college, and that gave me a little bit earlier time in life to start. When I took the bar examination and was admitted in 1930, I had just been twenty-one years old for two months. I took the examination and got admitted to the bar because of the Roosevelt-Hoover Depression. Fortunately, I was able to return to the university and complete my senior year, and I graduated in 1931. The unfortunate part about that was that when I was awarded a fifty-year membership in the Florida Bar, my university graduating class received their fifty-year membership the following year, and I felt like marching down there and sitting with them. My early acceptance into the bar and subsequent graduation from law school disturbed my acquaintances and friendships in the university.

J: What elementary school did you attend in Gainesville?

C: I attended Kirby-Smith, a high school and grammar school all in one combination.

J: What was it called then?

C: It was called Kirby-Smith, as far as I know. All the educational facilities in Gainesville were overshadowed by Professor Buchholz, who was the head of education here for about thirty or forty years. I went to the sixth grade at Kirby Smith for two months. I returned to Gainesville when I was eleven years old, and started high school in that same school building. The grammar school was located there, the high school was located there, and there was a study hall between them.

J: Who were some of your teachers?

C: I noticed one of my high school teachers died the other day. She was Marjorie White. The first teacher I had at Kirby-Smith in the sixth grade was Ms. Hannon. Her husband was in the insurance business in Gainesville, and they were old settlers here. I had a great many teachers, but I do not remember them.

During this period of time that we are talking about, and just prior to going to high school in Gainesville, I attended Monticello High School. That was between the first and fifth grades. That school is still there. I went to school in Monticello, and my mother was able to buy a new Ford when I was eight years old. My sister, four neighbors, and I went to Monticello to school every day. I drove the Ford. I would have to look through the wheel to drive it, but you could not drive fast enough to hurt yourself.

J: Where were you driving from?

C: I was driving from Drifton to Monticello.

J: How many years did you stay in Monticello?

C: That was during grammar school.

J: Then you came to Gainesville?

C: I came to Gainesville during high school, and I have been in Gainesville ever since.

J: What was in the area of Gainesville where Kirby-Smith is now located?

C: Just those same houses over there. A few of them have been torn down. Perhaps the best built house in Gainesville is still over there today. It is a brick house on what was then Roper Avenue. I think that is about Southeast Eighth Avenue now. It was the old Medlin house that was built by the gas company. I looked at that house the other day, and it looks just about as good as it did the day it was constructed fifty or sixty years ago.

J: That is remarkable. There are some homes over there that do not look that good.

C: There is a home over there that looks just as old now as it did when I came here sixty years ago.

J: Times have not changed that much.

C: No, times have not changed that much.

J: Tell me about the downtown section of Gainesville.

C: This area around the courthouse was built prior to my time. There was an old courthouse that was torn down, and a substitute courthouse built on the same site. I think that was in 1950. Then, that courthouse was replaced by the present courthouse. This old courthouse became the county administration building. There was one marked difference between the quality of the students when I graduated from law school, and the quality of students today. The students in my day were better fitted for the immediate practice of law because all of us had to practice law. There were very few partnerships in those days. We learned where the courthouse was and to some extent self-confidence in trying cases. The first case I ever saw was the first case I ever tried. We all learned ten times more when we got in practice than we knew as law students. The students today are much better founded in the fundamentals of law, and are better qualified to make studies and determine those things than were the students in the days that I graduated.

J: What actually brought you to Gainesville when you were a child?

- C: My mother had five sisters and three brothers. One of her brothers was dead. Our family was very close, and I had an aunt and uncle in Gainesville. I moved to Gainesville and lived with them, and they contributed my room and board, so to speak. For that reason, I was able to work enough to put my way through school.
- J: What kind of work would you do?
- C: I would do farm work, I would mow lawns, I would do anything except rob people.
- J: How much money would you make in these various jobs?
- C: I would make sometimes as much as five dollars a week. You mowed a lawn in those days for fifty cents. The student activities fee at the university, when I first went there, was \$105. You probably know what they are today, and they are probably fifty times as much as they were in those days.
- J: There is a different ratio today of how they compute your activity fees. We have what is called a health fee, and for a year it is about fifty or sixty dollars. It is actually a health fee instead of an activities fee. They no longer have activities fees.
- C: When I went to the university in the fall of 1926, there was a great difference in education. To be admitted to the college of law at that time, you have to have, I believe it was, forty-two credit hours. That was all the credit hours you could earn in two years. You could take that in any college in which you wanted. I took my two years in engineering. I did it for one reason, and that is, I felt that there was a big emphasis on mathematics, and there was some emphasis on surveying, and I figured mathematics was the best exercise in learning anything else.
- J: What types of courses did you take in high school just before you began your college career?
- C: I took all of the courses that I could take in mathematics. I took all of the courses that I could take in geography or whatever it was when I got that far, and I studied Latin. I did that because I wanted to be a lawyer, and a great deal of law comes from Latin phrases.
- I had a very unusual experience in my contribution to our profession. I was on the state board of bar examiners for seven years, and was the chairman. There is a plaque on your left that shows that. I went to a legal conclave held by the University of Florida, and I was on a panel that discussed legal education. The next morning on another panel that answered questions about the same

thing I was asked a question, "What do you think a law school should teach?" I answered, "More reading, writing, and arithmetic." Needless to say, I had six deans on me for about two hours trying to defend themselves.

J: When did you graduate from high school?

C: I graduated from high school in 1926.

J: Were you thinking about practicing law before you graduated from high school?

C: Yes.

J: Who influenced you in part to think about law?

C: I guess that it was my great respect for my Uncle John who was a circuit judge. My family wanted me to be an electrical engineer. I was not ever persuaded to do that. I had made up my mind way back in early high school that I wanted to be a lawyer.

J: When you say your family, I take it that was your mother, who was not living here?

C: Well, I spent all my summers with my mother and sister. My mother and sister lived here part of the time. They had an apartment. I was financially unable to go to college without some help from other members of the family. My mother had enough income to take care of her and my sister, and the other members of the family assisted me.

J: How much did your father help you in terms of finances?

C: I never received anything but a suit of clothes from my father.

J: He did not help your momma either?

C: No. That may have been the reason that he went to Mexico.

J: So, you did not graduate with an undergraduate degree. You had two years of college, then you began attending law school?

C: Yes, two years of college. I then began attending law school, and graduated from law school, but was admitted the year before. I would like to say this about the two years and the four years. In my professional life, the first position I ever held had nothing to do with the law. I was president of the Eighth Judicial Circuit Bar in 1945. In 1956 and 1957, I was chairman of the Real Property Probate

Trust Law section of the Florida Bar. I became a member of the board of governors in 1958, and served there until 1970. I had participated in more decisions of the board of governors than any man in the district. There is one other man who had a twelve-year membership, but he only attended about half of the meetings. During the 1960s the Florida Bar realized that a law degree was a graduate degree, and at that time, we started working through the American Bar Association to gain their approval for all degrees in law to be Juris Doctor's degrees. After that, although most of them did not have a graduate degree when they got in law school, everybody who had a degree from the University of Florida College of Law was given a Juris Doctorate degree. Mine is sitting over there on that table somewhere. I never did value it like my LL.B., which I earned at the University of Florida.

J: Why did you not value it as much?

C: Well, I did not value it very much because they gave it to you. Many people who graduated from the University of Florida with law degrees, LL.B.'s, went into the insurance business or managed apartment houses. They did not have any more experience in the practice of law than a goat but they got one, too. To get that LL.B. I bled and died and sweated, and it amounted to something to me.

When I went to what law school everything was before juries. The practice of law was not near the size it is today. It was a lot of who made the best jury speech. I earned that one, and it had a little orange and blue ribbon on it, and said that I was on the dean's list. It has been sitting there for fifty-three years, and to me it has some value. The J.D. just reminds me of these people that go to these schools and buy a degree.

J: When you were in undergraduate school, what were some of the things that you did for entertainment?

C: Well, when I was in the undergraduate school I worked like the devil. I saved money so I could go on in school.

J: Were you still raking yards for work then?

C: No, I was not at that time. The only activity that I had in affiliation with the university, although I was a member of the Sigma Phi Epsilon fraternity, was during my sophomore year. We still had what they called Rat Court. This was a committee appointed by the university to discipline the freshmen, and I was a member of that committee.

J: How many freshmen did you discipline?

C: There were about 200 or 300.

J: What kind of discipline did they need?

C: They did not need any. But if they did not say "sir," or they did not wear their caps, we would punish them by paddling.

J: Did you remain in Sigma Phi Epsilon when you began law school?

C: I stayed in that fraternity, and was very active in that fraternity except for my senior year in law school.

J: What happened in your senior year?

C: In my senior year in law school, I had already been admitted to the Florida Bar, and that gave me a little bit more confidence, and I spent more time pursuing my education than I did in the years prior to my senior year.

J: What other activities were you involved in during your undergraduate school?

C: None in undergraduate. After my law school days I was appointed an alumni member of Kappa Sigma Alpha. That is an honorary law fraternity. That was in an entirely different school. When I first went to law school the building was on the corner of University Avenue and what was then Ninth Street. There were only about 135 or 140 students. The football field was north of the present field, and ran east and west, and it did not have anything but bleacher seats. That was in the days before Blue Key, another honorary society.

You just had to work harder. It is impossible for anybody that was born or raised after the Depression or the early 1930s to apprehend the restrictive income on which people survived. If it had not been for bartering, a lot of people would have starved.

J: Did you survive law school through bartering goods and services?

C: No, not bartering goods and services. I got through law school because I was given help by members of my family – room and board – and the work that my uncle and I did together farming.

J: Where would you farm?

C: We would farm near Newman's Lake.

J: Which lake is that?

C: Newman's lake is east of Gainesville. He had inherited some land out there

from his father, and we grew vegetables, and I was able to make enough income through working with him to go to law school, as well as go to the university, and go to high school.

J: How would you bring the vegetables into town?

C: He had a car, and we would bring them into town in the car. We had people there working with us, and they hauled vegetables in wagons to town.

J: What year would you say that you first began taking law courses?

C: Well, I began taking law courses, of course, in 1929. However, I took courses that I thought were good pre-law courses probably starting in 1921, when I started school here.

J: So, you began at the University of Florida in undergraduate school in 1926?

C: Yes.

J: By 1929, you were taking formal law courses.

C: I was taking formal law course in the university. I went to the university in the fall of 1926, and to law school beginning in the fall of 1928. In July 1930, I took the bar.

J: How many people did you generally have in your classes?

C: In some classes, you would have as many as thirty or forty.

J: How many times a week would you all meet on an average?

C: Well, we had classes six days a week. All classes in the law school met in the morning. I think the last class was over at twelve o'clock. After that, you would do whatever you wanted to do.

J: Why did all those classes congregate prior to noon?

C: I have no idea. Now, remember this, we had about 140 students in the old law school, and we had, I believe seven professors. We had a whole lot more contact with the professors than the students do today, because the classroom was smaller. I even had some friendships with my professors that lasted way beyond my education. The dean of the law school was Dean Trusler. [Harry R. Trusler, dean, University of Florida College of Law, 1915-1947; professor, University of Florida College of Law, 1909-1947] After I got out of law school,

and about ten or fifteen years later, I bought my present home and I lived in the Highlands and he lived in the Highlands. Dr. Day, [James Westbay Day, professor, University of Florida College of Law, 1930-1961] who was one of my professors in law school, built at the other end of the block that I live on today.

J: Where is that?

C: I live at 501 Northeast Eighth Avenue. I live at the northwest corner of that block, and he lived at the southwest corner.

J: Now, he was a student at the law school until 1928, I believe it was.

C: He was. Now, I knew Dr. Day before he got out of law school. I knew him because my first wife and I had an apartment in his house.

J: Where was that house?

C: It was on Thirteenth Street and close to the ATO fraternity. It is a little bit further south than that. P. K. Yonge was not there then.

J: Did you rent that apartment from Mr. Day?

C: Yes.

J: How much did that cost?

C: I do not know, but I would imagine about eight dollars a month.

J: Was he a good renter? Did he fix things promptly that broke?

C: Well, Jimmy Day and I were fraternity brothers. So, he might have been nicer to me than he was to most people, but I had no complaints.

J: How different was he in class? Did you take a class with him after his appointment?

C: I took an elective class under Dr. Day. I had a lot of contact with Dr. Day after I got out of law school. Dr. Day came to the college of law the year I started law. He had been dean of the Furman law school. He was an authority on real property law and remained an authority. When the Real Property Probate and Trust Law section of the Florida Bar was organized, there was a committee of eight. One of the first committees met at Lake Wales and he was on that committee of eight, and Dr. Day was the only educator to sit in that committee. There were two other members from Gainesville: Bill Graham, [William L.

Graham, class of 1947] who is in the Dell Graham firm, and myself. The other members were David Catsman, who is still practicing in Miami, and Paul Game in Tampa, who is still living. We were working on Chapter 712 of the Florida Annotated Statutes, which is the Marketable Title Act. Catsman, Game, and I drew that statute practically as it exists today. One exception is that the legislature has taken the estate portion out from the Murphy Act because they lost so much state land. The act was amended because the supreme court held that a will which left all of a man's estate to his wife, and the wife said they did not own any property, and did not know they owned any property, was a title transaction within the thirty-year period.

J: Now, when you took courses under Dr. Day, what book or books did he have you use?

C: Well, I do not know the name of the book, but it was called a Horn book.

J: A Horn book?

C: A Horn book is a book of the reading and writing and arithmetic of law. That is what it amounts to. It is really a law book. It goes on past precedence. It does not have too much of the theory of the author as to the nature of future law.

J: How would you all use this book in class? Would you read from it?

C: We would study, and then our professor would lecture. You were assigned the day we were going to lecture on chapter so and so in that book. But we were assigned to know that two or three weeks before the lecture. If you were as studious as you should have been, you would have read the section, and you would have thought about what was in it. And if that professor did ask, you would respond. A lot of those students would take him to task. As a matter of fact, after I got admitted to the bar, I would have violent arguments with Professor TeSelle. [Clarence John TeSelle, professor, University of Florida College of Law, 1928-1958] Although we were the closest of friends, I would tell that him that I was a member of the bar and he was not. It probably cost me a straight "A" average.

J: Now were you telling him that in class?

C: I told him that in class.

J: How did he respond to your remark?

C: Oh, he would give me back just about what I did, but he did not feel anything was harmed from it, and I did not either.

J: Having a good honest discussion on a point of law?

C: Good discussion.

J: Tell me about Dr. Day. What was his personality like?

C: He was one of the most kindly men I ever saw. He was a very genteel man. He had a well-educated wife. They had a rare and happy marriage. He was a good professor and a good citizen.

J: What did he look like?

C: He had a kind face, and was the kind of man you would look at and you would believe what he said.

J: Did he encourage class discussion?

C: I would say he did not discourage it. There was always a lot of discussion. The students knew their professors much better than they know them today.

J: Did you feel comfortable, and most of the students in his class, feel comfortable approaching him outside of class?

C: Yes.

J: Where was his office?

C: It was in that law school somewhere. I believe it was in the attic.

J: On the third story?

C: On the third story. I think the only office downstairs was the office of the dean, who was Dean Trusler, and the office of Miss Pridgen, [Ila Roundtree Pridgen, librarian, University of Florida College of Law, 1930-1954] who was his secretary. Judge Cockrell [Robert Spratt Cockrell, professor, University of Florida College of Law, 1919-1941] was downstairs, too.

J: What was Dean Trusler's personality like?

C: It was good. The only thing that I really remember about him was his habits. He was an incessant smoker. When he made his speeches, or led discussion with the class he would close his eyes. Much of the time he would have a cigarette in his mouth, and you looked at him and wondered, "Well, is that thing

going to fall out of his mouth or not?"

J: Did it ever?

C: Not that I know of.

J: Did he have a nickname?

C: Nothing except dean, though that was his title, not a nickname.

J: How about Dr. Day?

C: No.

J: I have heard people speak about "Footnote" Day. Does that ring a bell?

C: No, sir, it does not. I imagine it was somebody that flunked that in law school trying to justify what they did.

J: Fair enough. Let's talk about Professor Crandall. [Clifford W. Crandall, professor, University of Florida College of Law, 1914-1948] What was his personality like?

C: Crandall was a big man, and had a very distinct personality. He was a student of the law. He was fair. I will have to say that about all of my professors, including Slagle and Cockrell. They were fair. Cockrell would take out his anger at the world on his students a little bit.

J: Why do you think he was mad at the world?

C: Because he was a Catholic, and being a Catholic, he lived in the days of Catts running for government. [Sidney J. Catts, governor of Florida, 1917-1921] Catts had been defeated by a man named Knott, who was state treasurer, and who was a Catholic. Catts then ran as an independent, and he talked about the Catholics and it finally became a toss-up between the Catholics on the one hand and the other white people on the other. He was the only Florida Supreme Court Justice who was ever defeated in office, and he was defeated his first term, purely because of Catholicism.

J: How long was he in office?

C: He was in office about three years. [Editor's note: Cockrell sat on the Florida Supreme Court from 1902 to 1917]

J: You said Professor Crandall's personality was distinct.

C: It was good. He was the outstanding authority in the South on Civil Procedures.

J: Did he write a book on that?

C: He wrote a book on it, and it was a well-written book.

J: Did you use that in class?

C: No, we did not use that in class. We used that to practice law.

J: He assigned that book for some of his classes.

C: He did not cite that book much when I was there, and the reason he did not cite from it was that he had not received recognition for it at that time. Crandall had not proven himself like he did later.

J: When would you say he proved himself, and his book became widely recognized?

C: Well, probably 1940. The University of Florida College of Law owes a great deal to the University of Michigan. The University of Florida has risen greatly, and the last time I saw them rated they were in the top ten law schools in the country.

If it had not been for the early officials that came from the University of Michigan, we would not have a fine law school. There was Cockrell, there was Crandall, I believe, although I am not sure, there was Slagle, and there was a professor named Thompson. [Editor's note: There were two Professor Thompsons at the law school. They were George Washington Thompson, professor, University of Florida College of Law, 1928-1932; and Harry Louis Thompson, professor, University of Florida College of Law, 1924-1927]

J: Is that George Washington Thompson?

C: I do not know whether he was George Washington Thompson or not, but he was the kindest old man you ever saw. He did not have fortitude enough to flunk anybody. He was just that kind of a man. But he was a good professor. The University of Michigan had a graduate named Cook, who became a multi-millionaire on Wall Street in the stock market. He had no kinfolk and left the University of Michigan \$12 million, and that is why it rose from a small law school to a big law school, and has always been one of the leading law schools in the country.

J: When was that sum of money left to that law school?

C: It was left them before my time. I knew it because of my association with the

professors at the University of Michigan, who assisted us in writing the Marshall Title Act.

J: Trusler and Crandall were products of that school and that money?

C: Yes.

J: How well did you know Professor TeSelle?

C: I knew Professor TeSelle, I imagine, as good as anybody ever knew him. TeSelle came to the university in my junior year in law school. He had been the equivalent of state's attorney in Wisconsin where he lived. He was right at the prime of becoming a leading lawyer and the world fell in on him. He wound up with some back trouble and he had to resign, and move to Florida for the warmer climate. During Professor TeSelle's first year at the university, he was such a hard professor that only about ten percent of the class which he was teaching passed. It was so bad that the university allowed us all to retake the examination and gave us the grade that we had made on the re-examination.

J: Who administered the re-examination?

C: TeSelle.

J: Do you think he lowered his standards on that second exam?

C: I think he was talked to by more experienced professors, and he was taught how to grade papers and how to ask questions. TeSelle and I were very close friends. I admired TeSelle until the day he died, but that same ailment in his spine which had made him come down here had gotten so that one leg was much longer than the other, and he walked switchlegged, so to speak. He remained a member of the faculty until he died, and he was a valued member of the faculty.

J: When did he pass away?

C: It must have been in the 1950s or maybe later.

J: And how old was he when he passed on?

C: I would say he was probably sixty years old.

J: How did you all develop this friendship?

C: I developed this friendship because I loved to fish and he had a father-in-law who

loved to fish. His father-in-law was down here visiting them and living with them, and I would carry his father-in-law with me fishing practically every afternoon.

J: This was after school.

C: After school.

J: Where would you all fish?

C: Orange Lake.

J: How did you all get to Orange Lake?

C: We got to Orange Lake in his car.

J: So you could count on a fishing trip about every afternoon.

C: Just about every afternoon.

J: Well, how much time could you end up devoting to law school if you were out fishing?

C: Well, I devoted enough to make a 3.69 average.

J: You devoted enough then. How much time per week would you say you studied?

C: I would say maybe a couple of hours a day. Now, let me tell you this. There is a difference between lawyers like there is a difference between people. Some people think faster than others. They are not distracted by a judge, or get awed by them. My early bar admission certificate gave me added confidence, and I could think better and faster and with more competence than I could have before. I was not a very good student until I came into law school. During my years in law school I always stood at the head of my class.

J: What was Dean Slagle like? [Dean Slagle, professor, University of Florida College of Law, 1923-1958]

C: Dean was his name. It was not a title. He was very autocratic. He taught Constitutional Law, and Business Law, and was a very efficient teacher. I would imagine that if you had a vote, a secret vote of the law students, that Slagle would probably rank at the lower part of the totem pole, perhaps the very lowest.

J: Why?

C: Because he did not go out of his way to make people like him. I never will forget a student, Wyndol Weedle, who is still living and a very successful lawyer. He did not know that Dean was his given name. He thought it was his title. He had a very confidential talk with Slagle, and before his whole class called him Dean. Slagle just tore him up about it.

J: Tore him up in class?

C: Yes, tore him up in class. I would say this. The relation between the students and the faculty was mainly the same relationship there is between, or there should be, between a judge and a lawyer. The first question I was ever asked by Judge Long was, "Do you know what respect the lawyer owes the court?" And I said, "Yes, sir. They owe them the same respect." And so, they would discuss problems.

Some of these teachers who have big classes of students now probably started to do that. You have got many more professors today than you had then. You have got a whole lot of people who could not have qualified to be professors then. You have also got a whole lot of professors in the law school who are more qualified than the average professor was then.

J: We have talked a little bit about Crandall, Trusler, and Slagle. Do you remember Dean Slagle's nickname?

C: No, I do not. But he had one.

J: Sloogy?

C: Sloogy. That is right. But, nobody called him Sloogy except when they went to Jacksonville and he was in Gainesville. [Laughter]

J: Why would they call him that?

C: Ah, older and wiser people than I, when I was in law school, called him Sloogy. I do not know whether that was more of a matter of information, or of a matter of calling him that. I do not think anybody called him Sloogy to his face.

J: Tell me some more about Judge Cockrell.

C: Judge Cockrell was the Gainesville man. I probably knew him better than any other professor because at that time Judge Cockrell lived in Gainesville, and he lived right next to a lady who was the best friend of my family in town.

J: Who was that?

C: Myra Taylor. Her husband was vice president of Baird Hardware.

J: Where did Cockrell live?

C: Do you know where the American Bank is located?

J: Yes.

C: Judge Cockrell lived on the south side of University Avenue near where the bank is located. Judge Cockrell had three children, and I went to school with two of them.

J: Who are they?

C: One of them was named Robert, and one of them, I forget her first name, but she is the mother of Nate Dowdy of Gainesville. I think she is probably dead now.

J: She was in school with you?

C: She was in school with me in Gainesville High School.

J: Not at the law college?

C: Not at the law college.

J: Were there any women at the law college when you were in?

C: I cannot remember any of them. Now, there is a lady lawyer in Gainesville, named Clara Floyd then. [Clara Floyd Gehan, class of 1933] She claims she graduated from the University of Florida. I went to high school with Clara. I have known Clara ever since about 1925. Her daddy was a very successful doctor at Hawthorne and a very valued member of the community.

J: What would you wear when you attended class?

C: I learned at a very young age to wear a coat everywhere I went. In the practice of law, that is one thing that I think holds lawyers up in the eyes of the public. I personally never call a man who is a judge anything but Judge even though I might have known him very closely as a lawyer before that. I sometimes have judges ask me why I call them Judge. I tell them, laughingly, that I always call people who are older than I Mr. or Judge or whatever they are. A good example is Jimmy Adkins [Justice James C. Adkins, Jr., University of Florida College of Law, class of 1938] of the Florida Supreme Court. I have known Jimmy since I was about fifteen years old. We were real close personal friends. I worked with

him on the Florida Bar Exam, and worked with him when he was circuit judge here. He practiced law with his father in the same building in which I had my law offices. That was on this corner of the park where the old Phifer Bank used to be.

J: When you were in law school, where did you eat?

C: I ate at home. I rode a bicycle to law school. It seemed to me that the wind blew out of the west when I was going to school, and out of the east when I was coming back.

J: Where there a lot of bikes at law school?

C: No, there were not a lot of bikes at law school because there was not a lot of people there. I would say that probably seventy percent of the students in law school lived in dormitories or fraternity houses. They were not Gainesville people.

J: And about thirty percent were Gainesville people?

C: After I said that, I got to counting it myself, trying to think who was in law school with me, and I cannot think of more than about five or six of us. So, the percentage was probably not that large.

J: How many automobiles were on campus?

C: Maybe half a dozen.

J: Did anyone in the law school own one?

C: That I do not remember, though I believe Fuller Warren [governor of Florida 1949-1953] owned one. His mother was kind to him, and he had an old Ford. I remember that it was a new Ford. He had the only vehicle among my close friends.

J: How well did you know Fuller?

C: I knew Fuller mighty well. I knew Fuller because we had a lot of common traits. I first knew him when we were in high school. I represented Gainesville High School along with a fellow who was the alternate on the debating team named Arnow. [Judge Winston E. Arnow, class of 1933] He is now a retired federal judge in Pensacola. Fuller went to school in west Florida, in Blountstown, and he was also on the debating team. We had lots in common.

I will give you a good example of our friendship. There was a municipal

judge here named Locken Carter, and there were about 7,000 people in Gainesville in those days. So we knew each other much better, and Fuller Warren got arrested for speeding and he asked me to represent him. I told him I would. He had just gotten elected to the legislature, and when the judge who was a lawyer called and asked him whether he was guilty or not guilty, I said, "The defendant pleads non compos mentis," which means insanity. The judge very properly accepted the plea, and Fuller started one of his speeches about how abused he was by everybody. He said when he had run for the legislature, one of his brothers had run over a dog. It was a sorry old dog, and it was the dog's fault, and he said he had paid the man who owned the dog fifty dollars, but people still point him out as the brother of the man who ran over the dog. He was one of the greatest speakers to say nothing that I have ever seen. He contended that through his whole life he became governor of Florida purely as a creature of politics. He started many people on their political careers, but he died a pauper. Some of them had very successful political careers, and some of them were such good friends of mine, I will not call their names.

J: How active was Fuller Warren in law school politics?

C: He was very active in law school politics. I believe that was one or two years after they abolished the Rat Court, and then started the student senate. He was very active in that. He had a lot of friends on the campus, and he was a leading figure because he had an automobile. Nobody else had one.

J: What were some of the issues that were discussed when he was in the student senate?

C: I was so busy trying to stay in college that I do not know. I know he and I were engaged in debates just about every day. We would debate about most anything, and it did not make too much difference which side we were on.

J: How active were you in law school politics?

C: I have always been active in politics involving the law. I was just as active as I had time to be active. As I said, there were no honor societies then. I do not remember the student senate or any of those things.

J: What about the John Marshall Debating Society?

C: I do not think the John Marshall Debating Society was very active. I represented the University of Florida in, I guess, a dozen debates in my law career.

J: Where were those debates held?

C: There was a debating team at the University of Florida composed of a former

justice of the Florida Supreme Court who was a student then, myself, and a lawyer who is in Lakeland now named Miller. We went on a debating tour with the debating team of the University of Alabama, and I guess we spoke at seven or eight high schools in the state. I remember when we spoke over the radio in St. Petersburg.

J: Spoke over the radio?

C: We spoke over the radio and this is what we would do. There were three members from each college. Two would speak and one would preside for their team. In fact, I presided over the radio program that night for the University of Florida. We had to be prepared to speak on either side of the subject, and would flip a coin to decide which side we would debate, just like you see in football games. We won and had the affirmative, and went first, of course.

I just thought of the judge's name, Campbell Thornal. [justice, Florida Supreme Court, 1955-1970] We were friends throughout life. I was connected with the federal courts starting about 1940, and was a member, and then by seniority became a chairman in a few years because all the rest of them had died. I remained on the examining committee for the federal court, Gainesville Division, until about 1960, when the Supreme Court of the United States abolished the law exam for admissions.

J: How much did you pay for tuition?

C: I paid \$105 for everything.

J: And that was every semester?

C: Every semester for the first three or four semester I was at the university. I think it finally got to \$135. Your books would cost about \$25 per semester. We did not have quarters then.

J: And there is the tradition of shuffling at the law college when Trusler and Crandall were there. Tell me a little bit about that please.

C: I have heard more about that shuffling than I have heard actual shuffling. The tradition about shuffling is that if a professor started talking on a very boring subject the students would shuffle their feet.

J: When you were in any of Professor Crandall's classes, do you remember his wife pulling up in an automobile honking the horn, telling him it was time to go?

C: I do not remember that, but I remember that Professor Crandall had the reputation of being a man among men, except when he was home. He held a very, very low command position in his family. His wife was the complete boss.

I do remember something about that she would come out there, and was so domineering that it was embarrassing to him.

J: Do you remember her coming into the law college physically?

C: No.

J: Who worked in the library?

C: I imagine that was Mrs. Pridgen, who was the secretary of the law school and did the work in the library.

J: Do you remember a Priscilla Kennedy? [Priscilla McCall Kennedy, librarian, University of Florida, 1921-1929]

C: Yes.

J: What did Priscilla look like?

C: I am trying to think.

J: Blonde hair?

C: I do not know whether she was blonde or not. I knew her for a long time and I do not remember what she looked like when I first knew her. But, later on, neither she nor Mrs. Pridgen looked anything like they did in those days. I think I read in the paper Mrs. Pridgen just died this year.

J: When you walked into the library, what floor of the law college were you on?

C: I was just thinking about that. You were on the first floor, I believe, and it was right next to Dean Trusler's office.

J: So, when you walked in the main entrance on the west side of the building, which way would you go to get to the library?

C: If you walked in on the west side, you would go to your left.

J: And how big was the library?

C: That I cannot remember.

J: Was it often crowded in there?

C: No, because there were not that many students.

J: Where did you do most of your studying?

C: At home.

J: Did you find many students studying in the law college library?

C: I did not study much there. Now, I had an experience my junior year in law school. Mortgages was a permissive course. It was not a mandatory course, and you usually enrolled in it during your senior year. I took Mortgages my junior year and Judge Cockrell called me in and told me, "You are taking too much. You are going to flunk." Well, I spent my Christmas vacation in that library. He told me, "You wrote a perfect paper on the examination," and then he apologized to me for saying that.

J: He did not think you were going to make it?

C: That is what he said the first time around. "Parks, you won't pass." I said, "Damned if that is so."

J: Proved him wrong.

C: I proved him wrong. But, because of that I learned a whole lot of things that I never had any use for until thirty or forty years after I started practicing law. I had a case involving marshalling, which if you were a layman, you would not know what I am talking about. It has to do with priority of mortgages. I got to thinking about that, and I said, "I learned that thing under Judge Cockrell." I was able to win a pretty substantial suit on account of it. It was a dry subject that people who even studied did not pay too much attention to.

J: How popular was Mortgages?

C: I would say that probably fifty percent of the people who were in law school and completing their senior year took the course. I would say that the passing percentage was just about average. Now, I had a great deal of trouble from my friends about that course, and three of us studied together for an examination. I never will forget. I was trying to explain it to two of them, and all of a sudden it came to me to use moving blocks, like these alphabet blocks for children. I got down on the floor and showed them that thing with those blocks, and it was a real simple thing.

J: You were a teacher in your own right.

C: Teacher in my own. I do not think there were many people flunking in those

days, and I will tell you why. Most people who went to law school had made a sacrifice to get there, or had families who had made a sacrifice to get them there.

People appreciated an education more in those days than they do now. Also, they taught English to all of the freshmen. It really disappoints me that we have got a big law firm here, but have not got a secretary who knows how to punctuate, and people do not punctuate any more. That is just true of people.

J: Let me ask you a little bit more about the library. How many books do you remember checking out?

C: I doubt if I ever checked out any unless I checked out some on mortgages.

J: How would you go about checking that book out?

C: You just take the book to whoever was in charge of the library, and there was a card which you signed and they put that card in their records. If you had not returned the book in about ten days, they would find out why.

J: And how much would they fine you?

C: People did not have money to pay fines in those days, so they were real careful.

J: Makes sense. How involved were you in baseball or football during law school?

C: None.

J: Do you remember any of the professors at the law college who coached any teams, or were involved in athletics in any way?

C: No, I do not. Now, I knew a whole lot about athletics at the University of Florida before I got in law school, and during my pre-law days. That was because about ninety percent of the football team belonged to the Sigma Phi Epsilon fraternity and lived in the fraternity house. They did not have Seagle Hall then. I was also aware of athletics here because during my first year in high school the university started freshmen athletics. The Gainesville High School team was under Rex Farrier, [J. Rex Farrier, class of 1924] who is still living, and is a member of a law firm in Tampa. He must be ninety years old. He had coached the Gainesville team, and the freshman team would scrimmage every afternoon. The athletic field was on the east side of Kirby-Smith. But having more to do than I had time for, I did not have too much time for athletics. I went to some football games, and went to the University of Florida when Judge Murphree [Judge John A. H. Murphree, class of 1928] was the quarterback. That was before they built the present stadium. I remember when they built the present stadium.

J: Judge John Murphree was the quarterback?

C: Yes, in about 1923 or 1924.

J: How many games did the University of Florida win that year?

C: I do not know. Now, I remember 1928, when we beat everybody except the University of Tennessee. They had to freeze the field on us to win the game. They froze the field during the half. They had made a touchdown and kicked the extra point, and in the second half the University of Florida made a touchdown, but the field was frozen and they could not kick the extra point.

J: How many guest lecturers would come in each semester or each year to talk on various issues of the law or about their practice?

C: I do not remember any when I was at law school.

J: Let me ask you about Dean Trusler and Judge Cockrell. How well did they get along?

C: Far as I know, fine. I do not know.

J: Was there any friction between any of the professors that you were aware of in the law school?

C: No.

J: Who besides Fuller Warren was active in law school politics or university politics?

C: I do not remember too much about that. I knew one fellow named Turner. He was supposed to be in law school, and he spent the whole year out there before his family found out that he had flunked out the year before. He also had an automobile. I remember that, but I do not remember too much about the people there except a boy named Hank Maynard, who was the student ROTC commander, and was very, very active in student politics. I heard that he died only a year or two ago. He was a lawyer in St. Petersburg.

J: What was your role in ROTC?

C: My role in ROTC was a first lieutenant, but at the end of ROTC we all received a second lieutenant rank in the regular army. However, about ten years after that, I had a brain tumor and I was in such bad shape physically that I resigned the commission. I had no money and I was trying to build a foundation to be a

lawyer. Thank God I built one.

J: So, you were in law school for two years, and then for financial reasons you left and took the bar examination?

C: No, for financial reasons I took the bar exam during the summer. I was fortunate enough to come back and graduate in 1931. I took the bar exam in July of 1930.

J: And you came back in fall 1930.

C: I came back in the fall of 1930, and I attended school and I got a degree.

J: How did your professors and the students feel about your taking the bar exam?

C: I do not know how the students felt about it, and I do not know how the professors felt about it, except TeSelle and I had a lot of friendly arguments.

J: How did you feel about it?

C: I thank the Lord that I could return and get the degree. In 1930, at the end of the first semester, there were about twenty-two of us, I think, who had the mumps. We were in the infirmary and took our exams there.

J: Most of you were law students?

C: Yes. We were all law students. In those days they required you to have \$25 for the bar exam, and not talk. Some members of the Florida Bar Examiners would pass you character-wise. To take the bar exam, you did not have to have any law degree, or any college education, or anything. I think you had to have a tenth grade education or the equivalent thereof. People would get in law school that could not get in the university just for that reason. I bought what they called Valentine's Refresher Course. It cost you five dollars. I read that book from one end to the other and I took the bar exam with a man who had just graduated from Harvard. He knew ten times as much law as I did. He flunked and I was lucky enough to pass it, I think mainly on account of Uncle John. Also, there were a lot of questions asked. Aviation law had just begun to be recognized and you were not asked what the law said, you were asked what the law should say. That was a whole lot of guessing.

During the time that I was on the state board of bar examiners, it took about seven months after the first examination was given before a person was admitted, and they got through grading everything. Now, if I took that bar exam, I would get admitted six or seven days later, I think.

J: Did you have an opportunity to practice law while you were finishing your final year over at the law college?

C: I could have. I did not try. During my fifty-three years that I have been in practice, I have had five different locations, and all have been on the courthouse square.

J: So, you had five locations where you practiced law all within the vicinity of these two or three downtown blocks?

C: All in the center of this one block. I am just as far from the courthouse as I ever was in any of those other offices.

J: When did you move into this building?

C: 1956.

J: And you have been here ever since? This is your final move?

C: Mr. Scruggs [Sigsbee Scruggs, class of 1922] and I were partners in 1944. Mr. Scruggs and I have had two offices. He moved in my office over the Phifer Bank when we became partners, and then we both moved in here. We leased the upstairs of this building for twenty years. He finally bought the building from one of our clients.

J: Where did you and Mr. Scruggs first meet?

C: That I do not know. Mr. Scruggs and I were born within nine miles of each other. We did not know each other at all, and he was born on a plantation in Jefferson County right next to the plantation that belonged to my grandfather. We had three lawyers in Gainesville that came from Jefferson County to practice law here at the same time. Erwin Clayton, [Erwin Americus Clayton, class of 1924] whose son is practicing law here, came from Monticello, too.

J: What was your specialty when you came out of law school, or what type of law did you enjoy the most?

C: Any kind I could get paid for. There were very few partnerships in those days and very little communication. If you had to communicate with somebody in Trenton, you would probably have to go over there on the train.

I probably had more inclination towards real estate law than anything else. And in the early 1950s, I started working on these real property sections, and was the liaison between the real property section and the board of governors for twelve years. I did a lot of amicus curiae work for the Florida Bar in defending

the Marshall Title Act. I would say that became the field in which I was most interested. However, after building a big practice by representing one client, a big paper company, I got so that I was spending ninety percent of my time working for them.

J: What paper company was that?

C: National Turpentine and Pulp Wood, which is now Owens-Illinois. I bought over 500,000 acres of timberland for them in Georgia and Florida.

J: What is the name of that timber company?

C: National Turpentine and Pulp Wood, but the company they own now is Owens-Illinois, out of Toledo, Ohio.

J: How did you and Mr. Scruggs join forces, because as I understand it, he was in criminal law?

C: Well, he was in criminal law, and so was I for a great deal of the time. Now, the reason that I got that association, and bought all that timberland, was that Sigsbee was local counsel for that company at the time that we became partners. The man who was the manager and the vice-president of that company had to travel a lot and he would come here every week, and I did some local work for him. Then finally they bought an 11,000 acre tract of timber and they decided that they wanted us to handle it. It was located in Hamilton County.

Sigsbee Scruggs was a very dramatic lawyer. I doubt if Sigsbee Scruggs could make a living practicing law today, but he made the damndest jury speeches you ever heard. Sigsbee was fundamentally lazy, and I was the one who ramrodded that thing, and I stuck a clause in there that if any property was not described that they owned, we got that. So, we picked up about 3,000 acres of land and that made the company very happy.

J: When did he graduate from law school?

C: I think he graduated in 1922. He was in Officer's Training School back then, and they had a class that would meet at the university. Now, he had taught school for about five years prior to that time.

J: High school?

C: No, he taught grammar school. He had a tenth grade education. He was one of those that got in law school with the tenth grade education, or the equivalent, but he was one of the better students of human nature.

J: Did you work with him on the Marjorie Kinnan Rawlings case?

C: I did. [Marjorie Kinnan Rawlings, 1896-1953, American novelist, author of *The Yearling*]

J: Tell me a little about that case and your role in it.

C: Well, the lawyer for Marjorie Kinnan Rawlings was May [Philip S. May, class of 1915] from Quincy. I had known May for a number of years having been raised sixty miles from there, and had been pretty active around Quincy. We were initially hired to assess in picking the jury. A woman named Zelma Cason was the one who sued Marjorie Rawlings for libel, and they had been personal friends. The case came up for trial and May had consulted with me a great deal about the case and I got in all the conversations with he and Sigsbee, and we won the case before the jury. The court cost was \$1,700. Zelma Cason's brother was a very well thought of doctor in Jacksonville, Dr. Cason, but Zelma did not have too much money, so she could not pay the court costs. Clayton, who was representing her, filed an appeal, which the Supreme Court vetoed. What happened was that when Marjorie Rawlings wrote that book, she quoted Zelma Cason, and Zelma was a pretty good person to speak her mind on anything. She had made a statement to Marjorie about the fishermen there. She had said, "The lazy sons of bitches. They destroyed the acreage and now they are trying to destroy everything else." That is why Zelma sued. Well, the supreme court said she was entitled to nominal damages. Her lawyer tried the case again so that we would pay the court costs, and get a tax deduction. We compromised for a hundred dollars, and that paid the court costs.

J: How well did you personally know Zelma Cason?

C: I did not ever know her except by reputation.

J: How well did you know Mrs. Rawlings?

C: I knew her mighty well. Another reason we were hired on that case was because she wrote a short story in the *Saturday Evening Post* about how the officials kowtow to influential people. She wrote it about this negro who got up before the county judge, and Scruggs was county prosecuter, and he and the county judge started railroading him about being under the influence of Zelma Cason.

Also, I was never worried about speaking anything but the truth. I did not kowtow to anybody. I hunt a great deal and Marjorie Rawlings hunted a great deal in the scrub, and I would have liked to have scared her to death one day. She was up on a tree stand, and she was a fairly large woman anyhow, but she had on all kind of durn clothes and looked like she was that big around [laughter].

And I told her she better not let me dare see her in any fewer clothes. She always admired me for that because I would speak the truth to her.

J: Did Zelma Cason have a case?

C: No.

J: Was Marjorie Rawlings fundamentally right in what she said?

C: She was not only fundamentally right, we would have carried that case on up higher, we would have won that case in the Supreme Court of the United States, if it had not been for her desire to help Zelma out of paying those court costs.

J: You all wanted to carry the case further then, as I understand it?

C: Well, we would have carried it further. I have always had a real good relationship with my clients. I have always been able to tell them exactly what I thought, and talk to them man to man, so to speak. That is why today, even though I quit certain types of practice, I am consulting all the time.

J: So, you graduated what day in 1931 from law school?

C: Well, there is the diploma up there that says June 1, 1931.

J: Where did you go then?

C: I opened my office on the north side of the square over what is now City Drug Store in September of that year. I stayed there until about 1938. Judge Harry McDonald [Judge Harry G. McDonald, class of 1936] was not judge then. He was practicing law, and we were real good friends. He had leased this building across the street where I think United Finance Company is located. He had the upstairs and I moved there with him. I took the back half of the building, and he had the front half of the upstairs. In 1939, I had been there about six months, and all of that square burned with the exception of this part on the very south side, and this corner here. Even the middle of this block burned down. But the corner where Stock's used to be, and is right next to Danny's now, did not. That was the southwest corner of Main Street.

Harry McDonald had leased that and we moved up there. We stayed there about six months, and I was going to move to the Phifer Bank building, that they were remodeling. Harry ran for county judge and was elected. Seven months before he took office he moved over there with me. I stayed there about three years and then Scruggs and I became partners and he moved in with me. We stayed there until 1956. That building then belonged to the Florida National Bank. They were going to move up here. If this building had been designed for

offices, we would have been there. But it was not designed for any offices. We held in the bets moving and waited for about two years for them to decide what to do.

J: How was business during the 1930s?

C: You worked six days a week in your office, and collected on the seventh. There were only three legal secretaries in Gainesville. Two of them could take shorthand. They made ten dollars a week. One could just answer the telephone. She made seven dollars a week. For the first five years I practiced law from hand to foot. I did without meals during that Roosevelt/Hoover Depression, and I would practice law about five years before I ever made a \$500 fee.

J: Had you expected that when you were in law school?

C: Yes. When Scruggs and I became partners in 1944, he had been working for the government. They asked us to take over the land division of the department of justice for this area. He made \$1,500 a year in that. We decided that he could handle that work half of his time. I worked full time in the office. I made the first \$1,500 that we took in the office. At the end of the year, we divided any additional profit. Some years we made \$300 or \$400 dollars.

J: This was during the Second World War?

C: Yes, that was 1944. At the end of the year we became partners.

J: Even in those first fifteen years of practice it was still pretty tough.

C: No, it was not. Because at that time, you would take ten dollars and buy as much with it as you could buy with \$100 today. These inflation rates have been a lie. About 1950, the Internal Revenue Service examined my books. This was the only time I have had any trouble with them. I did not have too much knowledge of economics. I had a pretty good knowledge of the law and I told the government man, "I don't make but \$1,000 a month." Times had gotten better then. He said, "You know how fortunate you are. There are only ten people in Alachua County that make that much." I bet you today there are six or seven thousand people that make over \$50,000 a year. I made a statistical check. I want to take you downstairs later and show you two pictures of Mr. Scruggs and I.

J: I would like you to tell me a little but now about your role with the state bar examination board.

C: Well, when I got off of the board of governors having had twelve years there, I

really had spent nineteen years of my professional life working for the state so to speak. I had spent one year or two or three years on the Real Property, Probate and Trust Laws section. Incidentally, I am still a member of the board of executive committee of that section. Will be as long as I live. Judge Adkins had got on the supreme court. They had a vacancy on the board of bar examiners, and they had quite an argument in the court about who was to get the position. Jimmy wanted me to get the position. Anyhow, they finally compromised, and one day I was in Tallahassee and the chief justice called me out and said, "We argued like tigers, Parks." And then he said, "Now, the next time there is a vacancy, we agree that you are going to get it." Well, Judge Sherman Smith, who is now on the First District court of Appeals, had run for the circuit judge bench in Lake County, and was elected. He resigned in 1972. I was given a two year appointment as his replacement. At that end of that two years, I was re-appointed by the supreme court to the board of bar examiners.

I have always felt that every lawyer owed it to his profession to try to increase the statutes of the profession in the eyes of the public. I have always believed in an old theory of the law which is, "If you practice law, it is a privilege, not a right." Now, there has been a lot of departure from that and there is a lot of it now. I never have felt in meeting the minimum requirements of anything. I have always felt that I would meet the maximum when I went on the board of bar examiners. When the first examination came up to grade, I had picked out a clerk from Quincy to assist me with grading and we graded that hour in and then by the time we got through grading, the person who was grading constitutional law had died. So, my assistant and I graded his exams, too.

J: How much time could you expect to take in grading these examinations?

C: I would say that being connected with the board of bar examiners, you did your work. You had to have partners, and that would cut your hours in half.

J: Could you practice law at the same time.

C: Yes.

J: So, how much time? Would you put in twenty hours per week at the board of bar examinations?

C: I would put in at least that much. I would put in whatever time was necessary. I wrote one question on the bar exam. I have written many, but this one particular one I wrote. It was in Florida Constitutional Law, and it would not have been a fair question except for the curve that we graded on. When I got through with that question, I told the board of bar examiners about it and showed it to them and I challenged them to answer it. And none of them answered it. But, your bar exam is divided into three parts, and the main thing that you have to do is to

see that the wrong type of person does not get into the practice of law. I would say at least twenty percent of the applicants never get to take the bar exam.

J: Never get to take it?

C: Never get to take the bar exam.

J: Why not?

C: Because they fail to show moral qualifications.

J: Was this during your term when you were on the board?

C: That statistic was for the seven I was on the board.

J: Where would you say that statistic lies today?

C: I do not know because I am not on the inside, and that work has got to be kept secret. But, I do not imagine it has improved much, unless we have happened to get a board, which I do not think has happened, which is a lot more slipshod than we were.

J: Beyond grading these examinations, what were some of your other duties as chairman?

C: Well, your duty as a chairman was to see that the affairs of the bar were first. Now, I was chairman-elect the year before I was chairman, and we gave the final report on the July examination to the board in early November. Therefore, we had to canvass that at the first meeting of which I was chairman. We certified what was handed to us by our staff that they had completed it, and two days later, I got a phone call from the man who graduated at the head of his class at the university and who had been our clerk in this office, and he said, "Mr. Carmichael, I am not going to be admitted." I asked him, "Why?" And he said, "Because they have not completed my character check." I said, "Well, we will see about that." Then I asked him, "How many people did you send as a character reference?" He said, "Twenty businessmen here." I called him back and said, "I called Tallahassee and none of them answered these questions." So, I said, "You go call every one of them." And then I called the supreme court. Arthur England [justice, Florida Supreme Court, 1975-1981] was the chief justice. I said, "Judge, we want three weeks to submit another list." He asked me why, and I told him why, and they gave us four weeks. I called the executive director, and I said, "Now, I want you all to get everyone of your character examinations completed." I asked them, "How many have you got?" They had 208, who had passed the exam, but had not passed the character reference. I

got all of those, and we admitted 208 more, and they were certified. We very often had to admit 1,400 or 1,500 people at one time. At that time we had three examinations a year. The biggest one that I have ever supervised was about 1,500.

J: Out of that 1,500, how many people were from Florida and how many people were from other states?

C: I would say that out of 1,500 who took that examination, probably 750 were from Florida and 750 from other jurisdictions. I would say that the percentage of those who pass in Florida is much greater than the percentage of those who pass from another jurisdiction. But there were other differences. One was the fact that they did not realize the importance of seeing Florida law, and would answer according to where they had been practicing. Number two is that Florida has a rule access, and that is true with all examinations. If a person had practiced law for ten years in another jurisdiction, they shall be allowed to take the Florida Bar Exam. Well, there are many other jurisdictions, and some of them have a whole lot fewer requirements than we have. There is no uniform requirements on morality. There are a great many people who pass the bar in other states, who have failed to pass character in Florida. But not too many. I would say that those who pass the Florida Bar probably runs seventy-five or eighty percent from Florida. I would say that when you are on the board of bar examiners, you soon realize the kind of law school we have here at Florida.

J: How would you rate the other law schools in Florida to the University of Florida?

C: I would rate number one and number two as the University of Florida and Stetson. Number three, which might sometimes rank as one or two in certain examinations, has been the University of Miami. Number four is Florida State University. Number five, and way down number five, is Nova.

J: That was the case when you sat on the chair. How about today?

C: I think it is probably the same today.

J: What are the dates when you were chairman of the Board of Florida Bar Examiners?

C: I was chairman of the Board of Florida Bar Examiners from November 1, 1976 to October 31, 1977.

J: Did you have a role on the examination board other than chairman?

C: No. I had a little bit different situation as chairman than any chairman had ever

had before. The board of bar examiners had one executive secretary since its creation up to 1977. Then he resigned and became associate executive director of the California Bar in San Francisco. He is now executive director out there. Later, Chief Justice Alan Sundberg [justice, Florida Supreme Court, 1975-1982] was our liaison with the supreme court, and we had quite a discussion as to who was going to appoint the new secretary to the board of bar examiners. We had a very frank and polite discussion of the matter and it wound up we made the appointment. I had already appointed the present executive director as acting executive director. He had been with us for years. At the meeting in August of 1977, I told the board, confidentially, my choice of executive director, and told them that if they had any difference of opinion with me that they had better speak now or forever hold their peace, because I was going to appoint him. None of them did, so I appointed him.

The supreme court has been very cooperative with the board of bar examiners. It takes a lot of time whenever anybody appeals a ruling of the board to the supreme court. They hear it in the chambers, not out in the open, and the board of bar examiners must have a representative there. We have our staff attorney there to give our presentation, but we must have a representative to vote, and to use the power to veto, so to speak. That has supposed to have been changed, but during the year I was chairman I probably sat in every one of those.

I had one very unusual experience. When we first gave part three of the bar exam, which is Ethics, about eighty percent of those who took it flunked, based on the requirements the supreme court had given us to grade. They wanted to change the format, and to throw out everybody who was in the upper ten percent, everybody who was the in the lower ten per cent, and strike a passing grade that way. I told the supreme court, mainly Justice England, that I did not know what they were talking about. He said, "Well, it is very simple." I said, "Well, what you are saying about being simple, is so simple that I do not think that is what you all mean." So, we graded it one way, and then we graded it the way that they had said. Well, Justice England came up, and seventy percent of them had passed it the old way and about twenty-eight percent had passed it the new way, and I started to walk off. He said, "Aren't you going to say anything?" I said, "No. Why should I say I told you so? I told you that before. You all knew that is was not like you said, but that is the kind of cooperation we have received."

We had Sundberg first, then we had England. We had a judge from St. Petersburg, but I cannot think of his name, one year. We had the present chief justice, and I believe he spent more honest time there working on it, as liaison officer, than any other person. He was not chief justice then.

J: Looking back over the years, how important was graduating from the University of Florida Law School to your career?

- C: I do not want to minimize it. I have seen many successful lawyers who never saw a law school. I do not think I would have ever had the time to read law though. Law school gave me the basic knowledge I needed to become a lawyer, and then from practical experience I was able to gain much more education. I would say nobody ever comes out of law school and becomes a lawyer if they do not have the knowledge from school to guide them.
- J: In your practice now, and over the years that you have been in Gainesville, have you restricted your law partners to lawyers from the University of Florida, or from throughout the state?
- C: No sir, we have not, but that was not true ten years ago. At one time, before we had the present set-up, we would hire our law clerks from the student body at the University of Florida. We would screen them to determine whether or not we would be willing, barring some change, to offer that person an association in the firm when they graduated, and two years after they had served as an associate offer them a partnership. We would interview the students and ask them why they wanted to be here. If they did, we would talk to the wife. I learned way back in the pulpwood business that we could not send the forester to live in a small town, and have any peace and quiet, unless his wife would move with him to that small town. So, we did that and it worked pretty well, and we followed that procedure for years.
- Now, the government has put in so many rules and regulations, and increased the expense of operation, that a firm can no longer afford to hire associates. When you hire associates, they work for a salary. The firm pays all of the overhead. It costs just as much for a one-man operation as it does for a man who has been working here for fifty years. So, the question now is whether or not a person can pay their part and make a salary.
- J: That is the basis that you operate on today?
- C: That is the basis that practically every law firm operates on today.
- J: Are you hiring from other law colleges around the state and the country today?
- C: I would say that of the ten or eleven partners that we have here today, at least ninety percent of them are graduates of the University of Florida. We have some specialized lawyers, and we have a specialized woman lawyer who has been here just for a few days. She is very proficient in bankruptcy matters. I do not know where she graduated from. Not only was the University of Florida an exclusive male college when I started, but it was at that time an exclusive white male college. There were only two schools in Florida. The University of Florida was for men, and women attended Florida State University for Women. A man had just about as much chance to get in that school as a woman had to get in the

University of Florida.

J: What is your role with the University of Florida Law School and to the Alumnus Association presently?

C: I have not been active at all with the university. I did that because I came from nothing financially. I have been fortunate. I have two children. The girl is well-married; the boy is the vice-president of E.F. Hutton, and so I feel that the only responsibility I have is my wife. But I practiced law too long to learn how to retire, though I have a fair accumulation of money. I would rather see whether I outlive her and then leave something to the University of Florida, which I would get to depreciate. I think I owe more obligation to her than I do to the university. That is just the way I feel. Nobody had ever left me anything. Jim Bruton [Judge James D. Bruton, class of 1931] is a real good friend of mine. He made that big contribution to the University of Florida. He inherited that from his daddy. When his daddy bought that piece of property, it probably was not worth \$500,000. He gave the university property worth about \$5,000,000. I have never had anything like that. But, if I knew that my wife and I were going to die tomorrow, I would become much more active and give away stuff. I see how foolish I am; I am my own worst enemy. If I have not saved enough for her to live on and me to live on, there are going to be a whole lot of people starving to death that do not seem to be worrying about it.

J: I want to thank you for having this interview with me.

C: Well, I have enjoyed it.

J: I feel like I know you a little bit through your law college experiences and your practice of law in Gainesville. We are going to take this information and transcribe it and send you a copy and let you make corrections and additions.

C: All right. Now, let me go down and show you.

J: Before we do that, I want to ask you about the case involving Judge Cockrell and Sam Getzen, [Samuel W. Getzen, Florida House of Representatives, 1923-1937] who was a representative in the legislature.

C: I do not know that. You talked to me about that the other day. I told you about the Florida Bar's experience with Sam Getzen.

J: Tell me about that now.

C: Sam Getzen married a Gainesville girl. I do not know where Sam came from originally, but I do know his brothers. He had one brother who was in the United

States Bar and was a very respected man. Sam Getzen had moved down to Bushnell. I had been practicing law for five or six years when Sam Getzen went to the legislature and passed a law there that all school bonds had to pay 100 cents on the dollar. He then got out and he got four or five investment syndicates to buy the school bonds that went for about three cents on the dollar. There was a lot of litigation about this. To show you how bad it was, Judge Futch was the presiding judge in all three cases. In the first case, the supreme court reversed him; he made the same ruling in the second case, and they reversed it again. He made the same ruling in the third case, and he sent them word that if they did not like what he did, they could send somebody here to change it. Well, they did send somebody down there to change it. It became so bad that Sam Getzen got such a bad reputation in Bushnell that he had to move. He moved back to Gainesville and he took that money and built a home right across from his in-laws on Northeast Eighth Avenue. I do not know who is living in the house now. He and this lawyer, Baldwin, got in trouble at the same time with the Florida Bar. The Florida Bar disbarred Baldwin, and would have disbarred Getzen except that he was in bad health. Getzen had an armed truce with the bar, that as long as he would not practice law, they would not disbar him. Getzen wanted his wife to be able to put in the paper when he died that he had been a member of the Florida Bar. Now, I never knew about the trouble with Judge Cockrell. Sam Getzen was a good friend to me, but as a lawyer, he was the kind that I despised. Do you have your machine on?

J: Yes.

C: Well, when you turn it off, I want to tell you one thing. [tape machine turned off] I thought one of the best courses at the law school was an Ethics course taught by Dean Maloney. [Frank Maloney, dean, University of Florida College of Law, 1958-1970] In that Ethics course, the dean would have a lecture series in which he would ask three more professors to participate from the law school. They would ask the Florida Bar to supply an observer for each one of those groups. He would have a preliminary meeting of the class at the law school and divide the class into four parts. Each of the professors that were involved would take one of the four parts and go to the Maloney home where refreshments were served. Then they would have a question and answer period where the person from the Florida Bar would receive questions. I was involved in that three times when I was on the board of governors. Every time they would get a cancellation or something, they would call me or Billy Graham [William L. Graham, class of 1947] because we were available and they knew we would do it for the bar. I could tell from those questions and answers who was going to get disbarred and who was not going to get disbarred after they got into the practice of law. The first eight years I was on the board of governors, the board of governors conducted the ethics program.

J: What was the first year you were on the board of governors?

C: 1958. I would read about some of those students two or three years later who had stolen money or something serious. They had been the ones who I had been able to pretty well tell because they were asking the question in the Ethics class about how far could I go until I get disbarred. I would tell myself, "You better watch him." I thought that was one of the most practical courses at the university.

J: Those students did not learn the lesson at all, did they?

C: You cannot take a crook and teach him by lessons. Every armed robber considers the chance he takes of getting his head blown off, and is still willing to do it. People are still willing to kill people even though we have got the electric chair. That is why I thought it was a real good course. Now, I understand that the course used to cost the Florida Bar about \$5,000 per year. The Florida Bar would pay the expenses of the out-of-town speakers. The Florida Bar would pay for the lecture or class in which the professors and speakers who were going to direct the course would meet with the dean. The dean would discuss the course content. It was money well spent.

J: Are you ready to go downstairs?

C: Yes, sir.

J: Let me have you sign this. [tape machine turned off]

C: To give the firm when both had died. Mr. Scruggs died from cancer last year. Two months before Mr. Scruggs died, I went down there and talked to him, and they had changed his medicine and he got a little bit better. But the doctor told him, "Now, next time you have an attack, you are going to die." So, we invited him here on his birthday, which was the first day of November, to eat ice cream with us. I tried to find out from his wife what present we could give him. She called me back and said, "If you will hang those pictures, that will please him more than anything else." So, we got them out. But we could not put any name plates on them while those people were alive. He had been on the first board of governors for one term, and I had been on for six terms, and we had received these little old plaques. So, we used these plaques for the name plates.

J: Well, that is a prestigious name plate. Looks like you have lost a little bit of weight in that photograph over there.

C: I lost about fifty pounds. I got that from having my teeth pulled. If I had to do it again, I would not. Scruggs weighed 250 pounds, and wore a number five shoe.

J: A number five? How did he stay standing?

C: I do not know how he did.

J: Tell me about this building. It looks like the building we are standing in.

C: It is the one you are standing in. You are talking about how Gainesville looked. That picture was taken in 1907.

J: 1907. Where did you find it?

C: Mrs. Smysor gave it to us.

J: Did you do the remodeling on the lower floor?

C: In about 1960, we represented a man named Mize, who owned this building. He offered to sell it to us for \$25,000. Sigsbee asked me whether I wanted to buy it. I said, "No." I had to pay for my operation. But he bought the building anyway. In 1972, we bought this building from him. Mr. Hinkley and I examined this floor to see whether we should put a concrete floor in here because he had already done that in the building next door. We pulled all the rugs off the floor and found that they had removed the floor four feet from the edge of the building. This building was constructed in 1899, and that wooden floor looked just like it had been put down the day before. It had 4" x 22" heart pine ceilings. One of those ceiling rafters had a little spot that deep where a termite had stuck its head in and broke its neck. [Laughter] I almost felt like calling my grandchildren over. Now this building, Cox Furniture, was a three-story building at one time, and I think that it was probably added to when the old opera house owned it.

J: That is the fourth building down the block?

C: That building on the next corner was Bodiford Drugstore. It was there when I first came here to attend school. Bodiford and McCollum were all the same outfit; they were brothers-in-law. This building had two steel beams in it, but they did not overlap. When we restored it, we put a new steel beam in it. We also closed up some windows in the back. We put these partitions in for the law offices.

J: Was this open all the way through to the back?

C: There was a store in here and in here.

J: So, were there central support beams running through?

C: There is a central support beam also down this stairwell. There is a brick wall on this side of it and the other side of it, and it goes up one story high. But the building specs require that you have to cover the sills and beams in a triple A construction with concrete. In my opinion, this is a third best constructed building in Gainesville. They named the Atlantic National Bank as the best constructed; they named the next best constructed the old Woolworth store. The day they were building that store, I was trying a murder case. It was so hot that we had to have all the windows open. We were about a week trying it because you could not hear with those air hammers running. I was talking to the jury and I looked out the window and I saw a nigger walk by with a shotgun on his shoulder. About two hours later, somebody came in and got the sheriff. Well, that nigger was going out here and shooting another nigger that he had put the "choke hold" on him [laughter].

J: Now, what is a choke hold?

C: Bad mouth.

J: Was that common?

C: It was real common in those days. They were superstitious. They would believe in anything. I was raised by the old ex-slaves, and my old nigger mammy used to tell me, "Honey, if you drink coffee after breakfast, you turn black." And you know, I will not drink a cup of coffee after breakfast.

J: I have enjoyed talking with you.

C: I have enjoyed talking with you.

[End of the interview]