

UFLC 39

Interviewee: Justice James C. Adkins

Interviewer: Denise Stobbie

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S: This is Denise Stobbie interviewing Justice Adkins at his alma mater, the University of Florida College of Law. This interview supplements the Oral History interview with Justice Adkins of November 8, 1984. Today's date is February 10, 1987. Justice Adkins will you please state your full name.

A: James Calhoun Adkins.

S: Where is your hometown?

A: Now I am living in Tallahassee, I was born in Gainesville though.

S: Your date of birth?

A: January 18, 1915.

S: Let's start with some background and I want to cover some areas that Sid Johnston had talked with you about. I have read about your childhood experiences in the courtroom where you said that you learned more about the actual practice of law there than in law school. What can students today learn from sitting in the courtroom?

A: I think they would learn to automatically react to inadmissible evidence you might say. As you sit there and hear somebody say something and some lawyer objects, you hear the argument, you really do not understand it necessarily but nevertheless you get to the point where you recognize that something was wrong. And that is quite helpful in the actual trial. You do not have to devote too much of your attention to inadmissible evidence. When I tried law suits, I could be half asleep and if something was inadmissible it would hit me like a bolt of lightening and I would jump up and object. I did not have to look for it, it just became automatic. My problem was that, of course during the trial I do not think you should object to everything that is inadmissible because that could tie up the trial and the jury gets tired of it. I finally got to the point where I had to weed out what I wanted to object to. It is very helpful, it trains you.

S: You would recommend that for law students today?

A: Oh, yes. And then you find out the way the court operates, the way the judge comes in and how the jury is selected, and all the preliminary things. I know that when I was going to a strange circuit just right out of law school, I was extremely

nervous because I did not know what the judge did first when he walked into the courtroom. I did not know the little idiosyncrasies of the judge or the clerk or anybody else, I was just a complete stranger. Everybody else in this courtroom could work like clockwork and you would have to adapt to it in a matter of minutes. So, usually I would go to the clerk's office and talk to someone and try to find out how he did things, you might say, and then go to the courtroom. Having been in the courtroom so much, it did not take me very long to adapt to whatever customs they had.

S: That must have been even more so then, adjusting to the different courts when they had the courts of record.

A: Yes. They are not what they used to be. In those days back in the 1950s and the early 1960s, there were many judges that were extremely temperamental, the old fashioned kind of judge that just did things his way. The judge was the court and he ran everything the way he wanted to and he did not give a hoot how the neighboring circuit did something, he did it this way in his court. But he had to adapt and adjust and it was very helpful I think in trying to train me to be a better lawyer. It made me nervous, but interested anyway.

S: One other thing on law students today, do you recommend some kind of required internships for students? What do you have in mind?

A: Yes, I have always thought that. I think the law students are improving in their education on the practical side. Please rest assured, I understand why the law school has to devote their time in the theoretical things, in training the mind to work in a legal way. I recognize that, more now than when I first got out of law school. First you have to teach us how to think. But, then to send them out and subject them to the public, and somebody comes in and wants something done for the courthouse and they have never been in the courthouse, or something is filed and you have never been in the clerks office, or to try a law suit and you have never been in a courtroom although you might have had your moot court, you still have never seen how the real thing operated. I think that for about a year a lawyer is training at the expense of the public or at the expense of his partners or his employers. I do not think from a practical stand he is much good. I have always admired young lawyers that have just graduated from law school and hang out a shingle. That does not happen very much now. But, when I was a judge I used to try to help them. They had an advantage for one trial anyway, I would try to teach them through the first one, and usually if they had made a mistake I would figure out a way to get them out of it and then I would tell them, "Do not ever do it again or I will throw you out of this court." You have to recognize your mistakes. I think you learn more when you make a mistake than you do when you just slide along and do everything right. When I was a judge, if I saw a lawyer make a mistake and he recognized it or something of that nature, I

always tried to help any way I could.

S: Are you an unusual judge in that respect?

A: I am with young lawyers. I do not believe in chewing out anybody on the bench. I think that the judiciary should be above that and I criticize judges that try to impress people by chewing them out. I am going to hold you in contempt, if you are going to hold them in contempt do it. Do not mess around. It is like carrying a pistol. Do not pull it until you are going to use it. Otherwise it is ineffective. I get disturbed when I hear judges wrangle with lawyers. You can handle something without having to go into a violent argument if you keep your cool. It is very difficult sometimes. But, you can always remember that you are sitting at the top seat and you have got the upper hand so you really do not have to quarrel with anyone. I have never written an opinion that criticized anybody. A lawyer did something terrible at the trial level or something of that nature, I know they know it. Why put it in some report. If they make a mistake there is no need to put it down and let it be documented forever.

S: So, with the law students you recommend working in a law firm for an internship?

A: I think it would be a great thing if they could work out something. I do not believe in delaying it too much. When I was chief justice we started a program again, of intership while they are in school, the public defendant. I think it started with state attorneys. And then we brought it to public defenders where they get into it, and now it is pretty wide. We even have interns in the court from FSU and other places. I think you are getting a lot of that now and it might be better that way than to spend a year of their life. And I thought that perhaps the school could cover the theoretical courses in two years and then that last year work out elective things, where if a lawyer wants to get into trial work or something they get out in the world a little bit. Or if he wants something else let him start that. I think the law school has done a lot in that direction. I was fortunate because my first tip, after I took shorthand when I was fourteen and worked in a law office, I was taking testimony when I was sixteen. So, I knew pretty well how a court operated by that time. I was very fortunate.

S: Let me ask you what kind of values your parents instilled in you. Did they stress education?

A: My father, absolutely, education came before anything. He made the mistake one time, he said that if I bring home every grade over ninety-five he would get me an automobile. And I averaged ninety-eight the next six weeks, got my car and fell to eighty. Then he grounded me until I got back to the nineties. So anything that I ever accomplished is partly due to my father's insistence that I get good grades.

S: What other values were important to him?

A: Religion. He was not overly religious at all, do not misunderstand. But I went to church every Sunday. I got up Sunday morning and went to Sunday School and church. It was not stressed that much during the week. My father was a very busy man, he was state attorney. At that time, I can remember when his circuit went over to Palatka and just covered a wide area of Florida and they did not have all the paved roads. I have ridden over a lot of bumpy roads to go to the court. Get up in the middle of the night and drive to the court over in some town. He worked more than he played with me. I did not have too much of a close relationship with him.

S: Did he teach you that hard work was a virtue?

A: Oh, yes. It was necessary.

S: Now what kind of values have you in turn tried to instill in your children?

A: Only one thing and that is do whatever you can to help somebody else. That is what I live by. Whatever it takes why not do it. I have never been a hard taskmaster about anything, not like my father. But, I think I rebelled trying to do without that. I am going to leave them on their own.

S: What are your children doing?

A: I have a son that has been in computer work for some time, I do not understand. He is in Washington. We cannot even carry on a conversation. I cannot talk the language, he works out at Washington. My daughter is working out in Hawaii. She does not believe too much in book work. My son graduated from the University of Alabama, electrical engineering.

S: Your son is named after you right?

A: Yes.

S: And what is your daughter's name?

A: Linda.

S: All right. I also read that you were fond of athletics while growing up. Did you continue your sports into college?

A: No. When I came to college I had a good time and studied.

S: So the athletics ended in high school.

A: Right.

S: You graduated in high school in 1932 and entered the University of Florida. Now you said at that time you were interested in the army. Why did you go into college rather than the army?

A: Well, they had ROTC, Reserve Officers Training Corps. I took four years of that and had my second lieutenant commission. In fact, I was given an jacket for being the outstanding junior in ROTC. Governor Sholtz presented it to me [David Scholtz, Governor of Florida, 1933-1937].

S: So you entered the university and went right into the ROTC program?

A: Yes, in those days you did not need but sixty-seven hours of work to get into law school. That was all. So, I took sixty-seven hours in various colleges trying to decide if I really wanted to be a lawyer. For awhile I followed journalism and theology and all kinds of things. Then, I finally ended up going to law school. By the end of my second year I found that if I got into law school that summer I could beat the change, after that summer you would have to have three years of academic work. In your fourth year you would get an academic reprieve. So, rather than do that I entered in the summer time. I took some courses and got into law school. Then by the next semester, which was my third year, I was at least in law school. I got along all right the first semester, but then I decided to go to West Point because I had finished my ROTC and Hitler was on the horizon. So I set my sights on West Point and took the examination. I stayed out of school after my third year. I took the West Point exam and got in. The only thing is, I had to tell a couple of white lies about some football injuries in order to pass the physical. I got in there, I said, "I've got to tell you I have injured myself." I had ended up in the hospital. I was deeply concerned about a false enlistment. They kept me there and did not tell me anything. They did not have any money or anything that I could do. So, I telephoned Governor Scholtz collect and he accepted the call. After that I had doctors giving me tests to see if I could make it or to see if they could wave the physical disability. And they said that they could wave it temporarily, but there is no way that I could pass the ultimate physical at West Point. They gave me an honorable discharge.

S: How long were you at West Point?

A: Oh, not very long, about eight months something like that.

S: What had been your reason for attending the University of Florida over other universities?

- A: There was not any. The only thing available was Stetson at that time and Rollins was there. But, I lived in Gainesville and times were hard. When I entered college in 1932 nobody had any money. Going to college was a real privilege. If somebody came to college they wanted to go. And nobody at this university could stay here unless they had an outside job. That was the only way you could make it. If you could find a part time job in Gainesville, their first precedent is do you have any other job. They would never give a fellow a job if he was already working because that might deprive some other student of getting an education.
- S: The local merchants did that?
- A: Right. I worked in a restaurant and there were not a lot of students. We thought there were, but looking at it now there was not many. I lived in Gainesville, I could live at home. I lived there for one year, my freshman year because I did not want to put up with twenty-four hour hazing. And then I moved out and got an apartment here with two or three other fellows.
- S: So you worked during school, did your father help to support you?
- A: Yes, he gave me sixty dollars a month.
- S: Did you work for just spending money?
- A: No, I had all kind of ways of making a buck.
- S: I read about some of those.
- A: I worked for awhile in a restaurant and then in law school I sold copies of my class notes. The only time I scared myself is when I saw an ad where you bet on the football teams. It did not look like gambling to me, so I gave it a chance. We made so much money in two weeks it scared us and we got rid of it. If my dad ever found out about that he would probably put me in jail. But there were various ways to make money. I could go to lawyers and type up transcripts, that was my steady income. They did not send an original record they had to type everything. That was probably my basic income up until the time I started selling to classmates.
- S: Now, in the last interview that you granted you said that by the time you reached high school you did not want to be a lawyer.
- A: Right.
- S: And that you were unhappy with the law. What had happened?

A: Well, I thought about that a lot. I think any kid who rose up, he first wants to be just like daddy, when he played games or what not, I was always a lawyer. But, I think if your father is a hard taskmaster you reach the age where you rebel. You have your own thoughts about things and you are tired of the old man telling you what to do and you just rebel. And I think that was exactly what forced me to do that. And then the grass looks greener in the other field. I liked the military, I still enjoy that. I am glad that things worked out the way they did. I do not think I could have ever stood to have been tied down by the books, in the military where you had to do everything according to the book and you had your protocol and your social amenities and all that stuff. I do not think I could stand it. My classmates were all right. When I became a justice of the supreme court I had this letter, this beautiful envelope. It was from a general, head of staff in Panama, named Clizby and he and I were roommates at West Point. I was on the supreme court and he was a general in Panama, the Panama Canal zone. I think at that time that was where the southeastern strategic air command was located or something of that nature.

S: What was his name?

A: Clizby.

S: What attracted you to the military?

A: I really do not know. It was the power, I liked the life, I liked the suit. I always enjoyed that, every young man was attracted to a uniform or something like that. It was just, I read a lot in the military, maneuvers, Robert E. Lee bit and General Grant. I was fascinated to find that the modern military maneuvers are really basically emanating from Grant and Lee. It was quite interesting I thought. I still have a deep regard for the military.

S: Now, that was in high school that you were not interested in law, but once you were in college you enrolled in law school, so did you start to become interested again?

A: I had been working in law offices so much and doing so much legal work as a legal secretary and I had become interested in it, yes. I felt like I could do the job. It was a shock and a transition when I then entered law school. And I could not recognize the difference or the change from the practical side or the practical law into the theory of the law where they had to train my mind to think like a lawyer. I could not accept that at that age and I think I rebelled. I rebelled in law school because I did not feel like I was getting anywhere. Somebody is telling me all those things, and I did not want to know about Property Law. It was just a foolish discipline. That was the way it hit me. I

was not ready for it.

S: So you had had so much practice or training that you were a little impatient with learning about the theory?

A: That is right.

S: Now, you said you busted out the semester before you went to West Point. I have heard about busting out from other alumni I have interviewed, was that the equivalent to a temporary suspension?

A: Well, in those days they did not suspend you, you had to pay a fee of so much for each hour you fail, but then you could go right back to school again. You did not have to sit out.

S: You had to pay a fee?

A: Yes. They charged you so much an hour and then they would register you again. We were not as crowded. There were only nineteen of us who graduated.

S: So, did you have to repeat that?

A: I had to take all those courses over again.

S: And that was right before you left for West Point?

A: Yes, actually what had happened, I was not interested in it. I did not care. I was celebrating the West Point deal, well I was not celebrating it because I had not gotten it yet. I was going after it and I knew I was not going to be a lawyer anyway, what difference did it make. I was pretty obnoxious. In fact, my dad was real upset because I never made a bad grade in my life and he came out and I went on to a military camp that summer. Even had a watch and a jacket sent to me by my father and I would not believe it. Because he is such a taskmaster I thought he would cut my throat for this. My mother told me that he came out to the law school and one of the professors told him that I made very good grades on every examination but my attitude was so bad that they did not think that I would pass. And every professor gave me a "no" except one. He stuck it out with me. It was an attitude problem.

S: Do you remember who that professor was that stuck with you?

A: TeSelle [Clarence John TeSelle, professor, University of Florida Law School, 1928-1930, 1932-1958].

S: He saw some potential then?

A: Yes, the first day I ever went to class with him he cross-examined me like he did everybody else. He used to be a state attorney before he came down here. And he got me in the Contracts class and after he interrogated me and cross-examined me I finally decided that you did not have to have a meeting of the minds in order to have a contract. It had to be expressed and somebody could lose something and they do not even know that they are going to lose it, you look at it and then you start using it. I did not know anything about implied contracts, but for the rest of my law school career he always referred to me as the meeting of the minds Adkins, that was my name after that.

S: So, all of the other professors had said that. . .

A: My attitude was bad, they were right. It was pretty bad. But, you know things were bad like that. All my life when there was something very bad that happened to me, the greatest things in the world always come out of it. But, if I had not busted out I would have never gotten an appointment to the supreme court, because the faculty made that selection. And the other young man that wanted to go had had just about a straight "A" average all through law school. I had mine for only two years and then I had that terrible blot on my record. But they had a faculty meeting, and one of the members of the faculty said that if Adkins could bust out of law school and come back and make "A's" he could be a very good lawyer. Things work out for the best, that is a trite saying but it is so true.

S: So they recommended you for that?

A: Yes.

S: Well how was your attitude when you came back from West Point and re-enrolled in law school?

A: Well, I got a little practical then, I was getting up in years and I had to figure out where I was going to make a living. I did not want to be a merchant. I did not know what to do. I thought it out and decided that the logical thing was to go ahead and finish law school. My dad was a lawyer and I had a chance to walk into the law firm. So I said, well, I am going to tackle the law again. It is the logical thing to do. Then I became very interested. I enjoyed it very much.

S: Your attitude improved?

A: Oh, yes, very definitely.

S: How old were you when you came back to law school?

A: About twenty-one.

S: Real old, huh?

A: Yes.

S: Now did you continue to support yourself when you returned to law school?

A: Yes, my dad helped me out some. But, I primarily supported myself.

S: You had time then to keep up with your studies and hold a job?

A: Well, yes. The main work I did then, I got out of a regular job, I was handling transcripts. I could make \$120 on a weekend. Of course in law school I was selling classnotes too. I picked up a lot of money every week. I did not have a steady job, but I made more money in law school for three years out of it. A research aid, it only paid \$150 a month, which was a high job. I was offered two jobs by my father's firm, \$150 as a legal secretary or seventy-five dollars as a lawyer. Seventy-five dollars a month was the going rate in 1938. And a law graduate, that was all any of them ever got. And some of them in Washington maybe got \$100 or \$150. But, in law school I was making \$250 a month. It was unbelievable. I had no problems until I graduated.

S: Why would a legal secretary be paid more than a lawyer?

A: They thought they were more valuable. A legal secretary in those days was hard to come by, somebody that knew how to draw deeds from so and so to so and so. What can a new lawyer do, you cannot give him a law suit for they really have not tried one. The firm was small and did not have fifty men to burn and all that kind of stuff. Usually, there were two or three manned firms was about all that would be in any area. And you had to step in there and do a little bit of everything.

S: Were most of those legal secretaries men at the time?

A: No, women.

S: Most were women?

A: Yes. Frankly, all of them were. I do not remember any male secretaries except me. I was the only one around here. I think Judge Lamar Warren, who is now

retired in Ft. Lauderdale started out as a legal secretary. He was a court reporter, then secretary to Justice Thomas, and then he was admitted to the Bar.

S: Now what were your plans during law school? While you were there, what were you thinking about career-wise?

A: My only ambition really was to be a good trial lawyer. That was all I wanted to do. Then suddenly I became interested in real estate. I had no political ambitions at all. I looked over the situation, they did not have any public defenders in Florida and I realize that anybody that wanted to get trial experience could do it very easily, just go tell the judge I would represent anybody. And then if anybody comes into your office you got the job and go to court. It was good experience, I never made any money. I am about the brokest man that ever served on the supreme court. No one ever went without representation. I see the results now and I am one of the few people that had some experience in every faculty of the law. I have in eighteen years on the supreme court, I have never had a case that I had not had some practical experience in, and I have never realized what it was to get out and fight for everybody. Even though you are starving, to still hang in there. I did not know how valuable that could ever be. I got to the point where I could recognize things. If they were in conference and they were getting ready to settle some question of law and I would recall some incident way back yonder when I had expertise in that area and something that happened and I would be calling on my old experiences and trying, I did not want to see this happen so I started pointing out what could happen if you went that route. They asked for authority and that was where the expression Levy County law came from and I yelled, "That's Levy County law." And they always kidded me about that. Everybody would ask what authority do you have. I would say that is Levy County law, and pound the table.

S: Why Levy County law?

A: Well, Levy County was in my circuit and I have many friends there. I always enjoyed Bronson and Levy county. I used to have a place at Cedar Key. I know all of the fishermen down there. I used to go, they would take me out on their boats, shoot pool with me, and look after me. I love them dearly. Primarily, I learned so much, they have such great common sense. They teach you things, they might express it in an odd way. Little things like, sometimes you go out to help somebody but they might not want your help. But, if they ask you, be sure you do it. Just simple little things. So, I just stuck to Levy County law because they seem to have more common sense than anybody else.

S: So, when did you start doing that public defending work?

A: When I first got out of law school. My first year out my dad was still state

attorney for about six.... So, I went to Tallahassee, his term was expiring. And my first case was a hog stealing case as a prosecutor. And my dad had me sworn in as a special prosecutor and Hal Maines from Lake Butler was his regular assistant state attorney. So, I went to court and Hal met with me to guide me along and help me out. I got a conviction. Hal Maines came to my retirement party. I said, "You think this guy is old, he helped me out in my first trial."

S: What kind of case was that?

A: A hog stealing case.

S: A hog stealing case.

A: A question came out about identification of the marks and they testified about them and I did not know what they were talking about. It was the markings on the hog. But, fortunately they had the ears of the hog, they had the markings on it in a jar, you know, preserved. And the lawyer defending him knew all about these markings on hogs and he would describe these things. I think it is the first time that I ever did anything smart. I looked at the jury and I knew every one of them owned hogs and I told them they knew more about hogs than I did. I was not going to tell them how this hog was marked. So, I go over there and in that jar, you all look at it, you have got more information than anybody in this courtroom.

S: So that was your first job working in your father's firm?

A: Yes, with my dad. That was from May until September the first.

S: And what firm was he with at that time?

A: He was by himself. He was state attorney, but the state attorney in those days could also practice law. Oh, Arnow was practicing with him then Adkins & Arnow. He is a federal judge now.

S: So, he was practicing in this firm and serving as the state attorney?

A: Right.

S: Where was the law office?

A: The law office was, the administrative building where the old courthouse was located, it was across the street from that on, it would be on about Southeast First Street and First Avenue. That would have been near where Cox's

Furniture Company is now. Do you know the expression catty-corner?

S: Yes.

A: Well it was catty-corner across the block from there. You had Baird Hardware one corner right up town, it is down now, all of that is a plaza or whatever they have there. Baird Hardware was on one corner and our office was on the other right over the Phifer State Bank.

S: So you worked there from May until September?

A: Right.

S: What was the caseload like at that time?

A: Well, I never counted. We never kept statistics. We took care of whatever was there.

S: Were you busy?

A: Oh, definitely, yes. I worked weekends and until dark every day. In fact, when I was going to get furniture for my office, I wanted a comfortable chair. But, my dad would not let me get one because clients would stay too long. The idea then was that people might drop in and interfere with your business but we stayed very busy.

S: So, that was until September, and then you interned with the supreme court?

A: That is right. I got notice that they had selected me as an intern.

S: Did you work for any one justice?

A: This, at that time had not been in existence very long and they only had one aide to come up there. In fact, they did not know too much of what the fellow should do. I went up there and they would say bring me a file and say write me a memorandum on that. People around the court told me that, the secretaries around there, said just write it up like you are writing an opinion, type it up nice and leave a space for them to put your name in case they want to use it. Then they will do that, if not, they will change it some and use the other parts. I was very proud of the fact, got a lot of them with their names on it.

S: That you wrote.

A: I wrote one commenting on the failure to testify on the Fifth Amendment thing

called *Simmons vs. State*. I was real proud of that because this was the failure to testify in habeas corpus proceedings brought before the trial. And the state attorney in the trial said up until that time, he took the stand at the trial, he had never opened his mouth. No objection, and I took the position as an aide that that was a fundamental error. Justice Whitfield was the judge, he was a great man, I loved him dearly [James B. Whitfield, justice, Florida Supreme Court, 1904-1943]. He gave it back and said write it up the way the jury saw it, they know what they were supposed to do. So I tried it the second time, just looked at me, and then when I came back with this fifth amendment violation he had read my memorandum and looked up and said, "He's been a naughty boy but we'll give him another chance", and he signed it. That was in 1939. In the early 1960s, before I got on the court, the supreme court modified it, and started changing it, and that bothered me a great deal. A case involving the same question came to me. I am a great believer in the fifth amendment. I said, "I got on the court, suddenly I get the same situation." This was *Wilenski vs. State*. Nobody had cited *Simmons* because that was so old and so long ago. Hell, I just cited *Simmons* and overruled the court's decision of 1962 and re-established the law I worked on as an aide because I knew that one had been thoroughly briefed.

S: You were not about to let that one go.

A: No.

S: How did the court of that day compare to the court you served on?

A: There really was not much difference. The procedure is pretty well the same. The aides do the same thing now that I did back then. Judges are always a little stubborn. The outside, the administration is entirely different than it was in this, that, or the other. And then, the attitude of people.... In 1938 and 1939 it was a matter of protocol that every lawyer who came up to argue a case would call on the judge. Nobody thought anything about it. It was a rather enjoyable process. Everybody would go around visiting having a good time. And then they started not doing that, that is bad for anybody to be talking to the judge. They suddenly gave up the idea of having confidence in officials, they just figure every one of them is going to be wrong. We started having a coffee break during the argument and chatting with the lawyers. They decided that was bad. And now before arguments we go down and talk with the lawyers for a few minutes and then go on back to our hearing the cases. But I think everybody thinks this is necessary, this idea of keeping us separated from everybody and the suspicious attitude of everyone. Public officials all over today have absolutely lost the presumption of innocence, lost all their constitutional rights. They all presume to be guilty. They all presume to be unethical. It is just an outrage to me today. And I cannot blame the news people, because they give

the public what they want to read. People like to listen to that gossip. I do not know what the solution is but it is very disappointing.

S: So, when you interned for the court there was a lot more contact between the justices and the lawyers?

A: Yes.

S: On an informal basis?

A: Sure.

S: How long did you work for the court as a research aide?

A: In those days it went for one year.

S: What happened after that?

A: I got a job in the attorney general's office, they wanted me to brief and argue criminal cases. I had a good time, I made a lot of arguments for the supreme court. I started at the top.

S: Wow. So that was with the attorney general's office. I read that you did some work on statutory revisions?

A: Yes, I started out just arguing cases and briefing them, but they were revising all the statutes and putting it in one volume and it looked good then. I asked to be transferred there into that office, which was part of the attorney general. Dean Tribble from Stetson University was in charge of that. I went in there and they gave me, I think because it was criminal law to revise all those statutes. In those days the court did not have any rule making power all the procedures had to be in the statutes. That was a real interesting chore. And I did the professions, vocations or something like that, about three titles in the Florida statutes. And when the legislature met they compacted it into one volume and adopted all the statues of Florida. Before that it was in about twenty to thirty volumes, and it was terrible to try to trace down the statute and we had it all just in one volume.

S: How did you land that position at such an early age, new in the profession?

A: Well, I had been over at the court and I was in the attorney general's office so that put me in that position. There were not a lot of lawyers around in those days.

S: They made use of the ones that were around.

A: Yes, right.

S: Then you returned to practice in Gainesville.

A: Right.

S: Did you go back with your father's firm?

A: Yes. He could not have me there at first. When Tom Watson became attorney general he required everybody to give him a letter of resignation and I laugh at people today that have to leave because of Martinez. I had a birthday on January 18, my son was born on January 24, and I lost my job on February 1. And I came to Gainesville and operated a blueprint machine out at the maintenance division of the Road Department. They were beautiful people out there that taught me, they thought I knew, they taught me how. And the old fashioned blueprint, you had a certain amount of minutes that you had to wait for the light to go down this tube and make the blue print. And I conceived the idea, why sit around and I started examining abstracts while the machine was working and had my law books out there and I was doing a little practice and running the blueprint machine. I did that about six or eight months I guess.

S: Was that because there was not legal work to be done?

A: Well, there was not enough business. There was not much there. He and Bo Arnow up there and they had gotten along really well but they just did not have room for a third one. Finally, it got to the point where I could show them. I could pay my own way with what I was making at the Road Department.

S: Were there many other job opportunities at that time in Gainesville?

A: No, very few.

S: The firms were –

A: They were full, pretty well set. We had, several of the regular firms, and in those days they all emanated from the Hamptons and back down there.

S: But they were not looking for traditional lawyers.

A: No.

S: Now, you also worked as assistant state attorney?

A: Yes, that was, my father died in 1951 and I practiced alone then. I would get an awful lot of criminal work. None of them had a public defender and criminal work was interfering with my civil work. I was still writing my property law and I had a few civil cases that came in but if somebody came in that was in trouble, I just walked out because it was interfering with things. I volunteered my services on the prosecution. Someone had murdered the prosecutor's wife and they asked me to help and I did. So, I closed my office and worked that case up for Ted Duncan. We sided together. And I happened to think then that I was tired of criminal law, I did not like my clients very much and I wanted to get out of it. Every time I got out of the criminal law somebody would come in my office that had trouble and I had to represent them again. So, Ted offered me a job, said he'd create the job if I would take it and I said I would. It would be a part time job and I could build up my civil practice. It was in 1957 and he had the legislature create a job with the assistant state attorney down here. And I took it, then I asked him what the salary was. He said \$6500. That was not bad in those days, but I was making \$18,000-\$20,000 a year by then in my criminal practice. I was getting some paying clients there. I gave that up and went back and worked at my civil practice and I still went broke. I spent my life going broke and still am.

S: Who was that that offered you the job as assistant state attorney?

A: T. E. Duncan.

S: So, then you closed up your private practice?

A: No, I just could not handle the criminal cases. I handled the civil cases.

S: While you worked as the assistant state attorney.

A: Yes.

S: Which did you prefer civil or criminal?

A: Civil or criminal?

S: Yes.

A: I do not know. Civil is fun, but I do not think there is anything like representing a guilty defendant and seeing that he gets a fair shake. I like the fight and the spirit when they argue against you. You are on an uphill climb and you get a verdict and you hate yourself for having it, you do not like your client. But, civil is a lot cleaner in a way, you can go in and make a good deal or try a good case and you are never satisfied. There is not much happiness in trial work. In civil

work, for example, a guy that was drunk wanted his drivers license saved and he talked to me about it. It was a three car accident and he had a pretty hard blow to the head knocking some teeth out. I wanted to save his license so I started out suing the other two cars and that brought the insurance lawyers in to try to deal with it. That was easy. I whipped them in the criminal case and we got a not guilty verdict and that scared them about the civil verdict and I think we settled it, a pretty good settlement in those days, for \$3,500. He could have lost his license but he should never have had a claim. About six months after there was this group of people and I walked up and he started complaining like hell because I sold him out to the insurance company and he only got \$3,500. That is the way it goes, I just laughed. I like it all. I guess defending a criminal case is probably more fun than the prosecuting, it is easier than prosecuting.

S: So Gainesville was a pretty small town when you were practicing here. Let me ask you, did you know most of your clients?

A: No, there were a lot of strangers. It was not just a little podunk town in those days. I do not have any idea what the population was, there was about 12,000-15,000 students out at the university, that was after the war. After the war of course the town grew a great bit. But just those first few months right out of law school it was small and when I was growing up. But, it was not long after the war that we had 50,000 people here. And you would get a lot of business from Hawthorne and outlying towns, High Springs, Alachua, we had clients in all of those small towns. Some in Ocala, Palatka, Jacksonville, Starke, all the counties in the circuit right down to Tampa. It was pretty widespread.

S: Who would you say took you under their wing, or did anyone, when you first started practicing?

A: Nobody, I learned the hard way. I came back in January of 1951 and my dad had a stroke about ninety days after that, and I was suddenly faced with keeping the office going and running the law business and carrying the overhead and my dad in the hospital and there just was not anybody around to supervise. I had to scramble and it was a pretty big responsibility for a young lawyer. A five-room office and two secretaries and I was still kind of in the law books and I had to scramble real hard. I did not have time to look for anybody to supervise.

S: Was Arnou still practicing?

A: No, after the war he went with another law firm.

S: Did you have any assistance in the office?

A: No. If a law student came to my office and said they wanted to learn how to

practice law I would set him up. If they came in looking for a job I would not mess with them. I had Dempsey Barron, one of my boys that I helped through law school. Carlton Maddox from Jacksonville. There is a lot of them running around that started out there. I had a smart secretary, studied the law.

S: And you continued to take pro bono cases?

A: Oh, yes.

S: When did the state finally get public defenders?

A: I was a circuit judge when that happened and I became one in January of 1964. It was right around in the early 1960s. I am not sure it was before or after I was appointed circuit judge.

S: Did you also work on any kind of credit system with some of your clients that could not pay you outright?

A: Oh, yes. I found out everybody always paid the insurance man and some others once a week. So, I worked out a scheme that they would tell me how much they earned, how much they had made and they wanted to go borrow it and I said, "No, let's not borrow it yet. Let's start out how much you can pay a week." So, I would send them out and they would come in on Saturday mornings, it was quite fun. Everybody would come in and either pay up or give you an excuse. They would say it rained all week Mr. Adkins. And I said, "Yes, it's been a bad week I haven't done a lick of work on your case." "What?" "No, I sure haven't, I will when the sun shines though." So, they would come in the next week and pay up. It was fun. Really it was primarily to get to know them better and let them enjoy their lives and the things they did. It was quite interesting. Sometimes, when the vegetable season was in, they would pay me with vegetables, and all kinds of strange things. I felt like that primarily was the absolute pro bono and I know public defenders had this problem, their client doesn't get involved. He is getting something for nothing and that is always kind of bad. If they pay just a little bit it at least gave them more of an interest, more of an interest in me and gave me a better control over him too. It was much better that way I thought.

S: You had said that one of the best things that ever happened to you was being a country lawyer in Gainesville and that you had to know a little bit of everything. What did that include?

A: Well, every phase of the law. When somebody would come to you about a divorce let's say, and then later on they have a kid in trouble, and later on somebody had a crime that they were charged with, or somebody wanted to draw a will, you became the family lawyer and everybody looked to you. I have some people now that come up to me, his grandfather thinks so much of you and

his grandchildren are people that I represent and it kind of stays in the family and you become interested. And in those days you had to learn, I mean, I never went into anything blind. If I took it I spent hours at night trying to find out what to do and what the law was like. That is why sometimes I have questioned the idea of being unethical, for lawyers to take something if they have not had any experience. I think that is so silly because that is the only way you learn. I think it is a cover up for people that do not want to learn. I have not found any phase of the law that is not interesting, because I have studied some in about every phase. One is just as good as the other. There is interest in all of it if you know what you are doing. I do not think there is anything more exciting than having a case thrown in your lap if you do not know anything about the field of law and getting that stuff out and learning it and going to trial and then coming out ahead.

S: So you would go home and read about it at night?

A: Oh, yes. I studied until I knew what I was doing. If you know what you are doing the law is not too bad. But, if you run into a strange area and you do not know what is going to happen next you die young.

S: Were you workaholic?

A: I played a lot and I worked a lot, I am an extremist. Whatever I do I do all the way.

S: What kind of outside interests did you keep?

A: I played golf constantly up until the time I went into the supreme court. That was my primary interest and I fished some too.

S: Now you worked as a county judge in 1959-1961.

A: Right.

S: Who appointed you to that position?

A: Governor LeRoy Collins [LeRoy Collins, Governor of Florida, 1955-1961]. I was appointed from Moscow, Russia. I was the only judge I think in the state of Florida, in the United States that ever had a direct appointment from Moscow, Russia.

S: How did that come about?

A: Well, Governor Collins was on a tour and he was in Russia and this court was created and the lawyers were screaming that they needed a judge and wanted to

get started. They notified Collins, who was in Moscow on this world tour of some kind. He told his aide to tell them that I am appointed and that was it. I saw him the other day, I still kid him about that. We have a lot of fun with it.

S: So you did not get a phone call?

A: I got one from his aide, William Durden from Jacksonville, was his administrative assistant. He was the one that called me.

S: Did that take you by surprise?

A: That I got the appointment?

S: Yes.

A: Well, yes and no. I did not expect it because I knew he was out of town and I did not know whether he was going to appoint me or not. I have forgotten who else wanted it but there were several there. It was one of the those sit and wait deals.

S: But that was a new judgeship?

A: Yes, right. They created a new court called Alachua County Court of Record, or something like that. That is the reason I took it, was that there were no precedent and no one would say this is the way old judge so and so did something and I could start out fresh. You just set up your own forms and do your own things. I took my secretary who had never been in a court, never been in a law office until she started working for me. I called her and I took her over there and we worked out the forms. She is still here, she is in charge of all of the trial clerks in the Alachua County Clerk's office, Marion Thomlinson, she is an outstanding woman.

S: I recognize that name. So, you were the first and the only Alachua County judge at that time.

A: No, they had a regular county judge, McDonald. This was just primarily a trial court, small claims. They combined the small claims court and the trial of misdemeanors and all these other little things and put them in one court, Alachua County Court of Record.

S: What was that experience like for you, finally serving as a judge?

A: Oh, that was really great, particularly on the small claims because you deal with people. They would file their claim and we tried to work out a system where

they could do it themselves without lawyers. And that is where you sit at a table with two people fighting with each other. I learned first that no one can spend more than three minutes talking about their troubles, their present troubles if no one asks any questions. I would say, "Just tell me about it." They cannot talk more than three minutes. And the hardest thing of course was ruling. I would look at a guy and say, "you have to pay." It is real difficult at first but you learn a lot doing that on___ justice. Then, sometimes somebody would say something as they would go out of the courtroom with people, and you have to do something. So I would stop them all and tell them that I know, how do you feel about this thing. I cannot blame you, but if you want to talk about me, you get out there on the street corner and talk about it, you are in my house now and you keep your mouth shut. "Yes, sir judge." They would go on. They did not have any trouble with us.

S: Now, you served two years in the court did you resign from that position?

A: Yes, I could not afford it. I had accumulated a little bit but this job, I think it payed \$12,500. I thought I could make it. I did not look at my books to see how much money I had been making until after I had accepted and I realized I had a problem. That was when I started writing law books to supplement my salary. After two years I saw that things could not go and a lawyer Phil Barton gave me a proposition where I automatically had twice as much as I was making, so I just quit and went into trial work.

S: What firm is that?

A: Phil Barton.

S: Did you become a partner with him?

A: Yes.

S: So, Barton & Adkins?

A: Barton, Adkins, & Burwell. Bill Burwell was with us.

S: And you were in trial practice?

A: Yes, right.

S: Until 1964 when you got another appointment?

A: Yes, right.

S: Who appointed you to that position?

A: That was Farris Bryant [Farris Bryant, Governor of Florida, 1961-1965].

S: How did you feel about that one?

A: Oh, I loved being a circuit judge and I enjoyed it, there was nothing wrong about it. I got letters from everybody that was contributing to Farris' campaign. I started, politicking for the job. We were going to have run, I would be appointed in January and have to run in May. I went out and started telling everybody if I do not get the appointment I was going to run for it so they gave it to me.

S: So you did not have very long to politic?

A: After I was appointed, no.

S: And you served on that court until 1968.

A: Right.

S: Until your election to the supreme court or did you have anything in between?

A: No, until I got elected to the supreme court.

S: The other transcript has information on the election and all that so I will not go into that on this one. Once you got to the supreme court how did that judgeship, that position compare or differ from the previous positions that you had held?

A: Well, I think the main difference is that when you are a circuit judge, you are the court, you make up your mind, you have a judgement and that is it. On the supreme court you make up your mind, you have a judgement and that is not it. You take three others to confer with you, three out of the seven. Four judges make the law. So, you find yourself in a position of first being a judge and then being an advocate or a lawyer. I think, being on the supreme court, the supreme court has to operate by compromise. If you get a judge that will not compromise it creates a real problem because he constantly, you just cannot depend on him, he has got his views, he is stubborn. So, what are you going to do. I am that way on some questions, but on the other hand I have given and compromised several times against my better judgement. I wish I could wipe them off the books. I think that getting into the spirit of compromise is probably the worst transition that I had to make on the court. Particularly if no one else compromises and you are ready, then you sit back after awhile and say I am not going to compromise anymore and you just mess up things.

S: On what areas would you compromise and on what areas would you not?

A: I will not compromise for example on certain constitutional rights of the individual, searches and seizures, the right to remain silent. I know the public sentiment today is do not give them a trial put them in jail. Personally, I would say my hardest job is protecting the constitutional rights of people when they do not want them. As long as they are there I am going to stick by them. Because we have grown pretty well with them all these years. I will compromise on anything else.

S: When you were first elected to the supreme court you said you were frightened by the power that you possessed?

A: Yes, very.

S: How did you deal with that?

A: Well, I tried not exercise any unless you had to, very carefully. And then I talked a lot to B.K. Roberts [B. K. Roberts, justice, Florida Supreme Court, 1949-1977]. Harris Drew, and hung on Harris Drew, Justice Drew [E. Harris Drew, justice, Florida Supreme Court, 1952-1971]. A lot of times I just relied on them. I spent a great deal of time in their offices trying to learn how the court operated. New judges do not do that much anymore, they just go along and take over. I got a lot of valuable information from those people, a lot of history, a lot of things of what to do and what not to do. It was very helpful.

S: Did you get used to the power?

A: Oh, yes you finally get to the point where it is just a way of life, you might say. You have it but you just do not use it unless you are pushed in a corner. Most of the time, I am a great believer in separation of powers, the legislative, judicial and executive. People do not recognize that a lot of times. I was very proud of the fact that Sandy D'Alemberte [Tolbert D'Alemberte, member, Florida House of Representatives, 1966-1972] gave me a Judicature Society Award. And in making the presentation he made the statement that I was the one many years ago that taught him the theory of separation of powers and to stay in his own corner. He was in the legislature and messing with Article V, the Judiciary Article. I went over there like a bustling bull and kept them from overreaching. For example, they had one proposal that the supreme court should have such jurisdiction that may be prescribed by the legislature. I said, "No, sir." If you do something they do not like like take our jurisdiction away, no, not ever. Then they would come back, you know, and say congress regulates the Supreme Court of the United States. And I said, "Well, that is a little bit different because it is hard to do anything otherwise with fifty states. But down here we are going to stay like we are." So, that was primarily where I would try to exercise my power

and still would if I had it.

S: Have you had to help any other subsequent justices deal with that power when they came on the court?

A: I never gave any justice any advice unless he or she asked for it. I made no suggestions, I do my own thing. Make my own rulings. Write my own opinion. And just raise hell in conference about my views. But I would never give them advice. A lot of them will come to me about things, or say what are we going to do in this situation, and I just answer it. I remember what the fisherman taught me, when a guy had his car stuck in the sand down there, they were watching and they would not help him. I said, "Why don't you help him?" They said, "If he asks us we will." So, it is just their way of life and that is the way I feel about it.

S: What was your lifestyle like while you were on the court? Did you have a method for separating work time from leisure time?

A: On the supreme court?

S: Yes.

A: No, I did not have any particular hours or anything. I did not have any social life. When you are on the supreme court and you live in Tallahassee you get invited to all of these things. They do not know whether it is for you or being a justice but it really does not make any difference. If you are a justice there are certain things you ought to do. And after a number of years though, I just decided that I just did what I wanted to do. A lot of times sister so and so wants you to come by so they can say that a supreme court justice came by, I do not go for that stuff. As part of my duties, if it is somebody I would kind of like to help out, say oh, a supreme court justice came by, fine I go by there. My wife and I were talking, once you are in Tallahassee in a state job you do not have a home anymore. Gainesville is my hometown. It is completely changed. I do not know very many people, their habits are different. My little wife is from Panama City. We went over there and spent some time, entirely different after just five years. But, you do not feel settled in Tallahassee because those people that you have known all your life are not there and most of the people that you do know are people that you have met politically or come along. When you get into the political arena like that you have a different style of living, thinking, and everything else. And we are now in the transition stage, we have just not decided what we want to do yet.

S: Whether you live here or there?

A: We will probably stay in Tallahassee, I do not know.

S: Did you retain your interest in golf?

A: No, I did not play golf the whole time I was on the court.

S: Any other outside interests?

A: I devoted my time to being a justice and I worked on many outside things, like the DUI school, I got involved in the prison problems a long time ago. There was always something to do so I never had time for it.

S: Can you isolate for me some of the high points of a fifty year legal career?

A: Well, running statewide and getting elected. I wanted to see what it was like, being on the court. And I did not have any money, it gave me an opportunity to know people, to know my state, to have confidence in it. It was just a great experience, the whole thing. It was about to kill me getting there. That was probably one of the highlights. Well, the other is, I have been subjected to a lot of criticism and properly so and I will bet there has never been a judge on the court where so many newspapers that requested that he be impeached and then later on come back and say he is a great guy. I feel, and my highlight now is leaving the court. I had a retirement dinner, they charged twenty-five dollars a plate and had a reception. I would not dare guess how many people were at the reception at the old capitol. They only had space for 300 people at the retirement dinner and there was not a vacant chair. I told my wife that I could not understand how so many people would come all the way to Tallahassee for no reason except to be with me on this occasion. I just did not realize that things could be that way. I guess the other highlight that I will never forget is after I won so handily in the primary elections when I ran. July 4th came along and Gainesville, my hometown, asked me to be the speaker. I went out to the high school football field and the stands were filled and I had to make a little speech. I made a little talk and the resounding applause I got about made me cry. I guess the biggest highlight was in Miami when the DUI program down there had a building that they named for me. They had quite a ceremony. That was a big day too.

S: What do you consider the most important legal issues of your time?

A: Well, you mean in the court?

S: Yes.

A: We have had so many instances up there.

S: All of them are important.

A: Yes, I never had one that I did not think was real important. I would hate to try to rate a thing like the problem of legislative reapportionment back in the early 1970s, the student demonstrations back in the 1960s. I worked on what rights do they have to occupy a building and Sunshine Law. The governor's club that Kirk [Claude Kirk, Governor of Florida, 1967-1971] had was for outsiders to contribute to a fund to be used by the governor for things that he wanted to do where he would not have to get it through state tax payed money. And of course there is Hoffman vs. Jones, that was whether or not the court had the authority to adopt a comparative negligence rule. I guess I am prouder of that one than any of them because California, Illinois, and Alaska, a whole bunch of states, took the same route in going from contributory negligence by judicial declaration instead of legislative and they relied on my reasoning in Hoffman vs. Jones and cited it. It is always a good feeling when you imagine one lawyer writing something and having all these states turn around like that. I was real proud of that.

S: What was your reasoning on that?

A: Well, I researched it back into the English period. The idea of negligence emanated from old Common Law on judicial decisions. It was never a part of any law other than court law. If the court had set it up, they had the right to change it. It is that simple. I traced it down. Then it goes back to, if I recall, an old case I read about selling a horse. It almost jived with warranty and contracts and then it emanated from that into a tort concept. It was real interesting. I spent weeks on that thing reading and studying it and reached a conclusion. It is a big case and it will stay there. And the other of course is the death penalty, that is always predominant. When I grew up the death penalty was a matter-of-course, like life imprisonment or death, one of the two. The present death penalty was enacted of course, there had been a cooling off period and the people then were not familiar with the nature of executions and all of that, public sentiment had changed around. Although, primarily they still wanted the death sentence, they were still more vocal about how it is done. And then the question came up, how is this statute going to work. And I had to write Dixon vs. State. That is the first case that held it constitutional and interpreted in the statutes that was passed by the legislature, like what is heinous and atrocious and all that kind of stuff. It was a terrible responsibility, did not have any precedent except Levy County law. But fortunately it is still up, nobody has changed anything in it. I am very proud of that one because that is purely from my own reasoning, there is very little authority to back it up, but it has met the test of time.

S: I imagine you have to have a lot of confidence in yourself to tackle something like

that.

A: Yes. It is like somebody asked me about writing a law book. I said, "All it takes is a lot of time and a lot of guts." And that is about the same thing here, you just have to lay it out. The West company offered to furnish the justices with a volume of their own opinions and I laughed and said I am comfortable with mine hidden.

S: You have got a volume up here, huh?

A: Yes, right.

S: It is said by members of the legal profession that you have been one of the most influential members of the court and that you helped to turn the court into a progressive force in the state.

A: Bless their hearts, I would like to hear that.

S: I have heard that. Now, how do you explain having that kind of influence?

A: It was a time when something had to be done. And in the early 1970s, I had just come on the court in 1969, they started this constitutional change of Article V, they called it. B.K. Roberts was chief justice and he is a very close friend of mine and I admire him deeply, he is a brilliant man. I had been out on all levels of the trial area, and he asked me to bring the court system into Article V. And at the same time to, when they were passing it back in the 1970s, help him preserve the integrity of the judiciary. Like I was explaining with Sandy D'Alemberte, the legislature would like to just control the court and we could not let that happen because we needed a separate entity. And going through the fight of getting Article V written the way it was, there was a time when they refused to budge and I did something that no justice has ever done. I was to appear before Kiwanis Club in Miami Beach, and I made a talk, not chewing out the legislature, but just making fun of the things they were doing. Like coming over to the court and the bucket, and the drip, drip of the leaky roof coming through and coming up and asking who buys your coffee and then going back to the legislature and having a succulent lobster dinner in the office of the president and reporting that the supreme court buys its own coffee. Things of that nature. Then after I made it the headlines busted loose. Tampa called me, Hillsborough County, I did not call over there, they wanted me to make a talk over there, this was in August. No one comes to Bar meetings in August so I went over to that one and I revised it a little bit and made more fun. I had an aide, Norm Lacoé and he at one time had been a newspaper reporter, an investigative reporter and I had him do the research in getting all kinds of material that embarrassed the legislature. I did not raise hell with them, I told B.K. that nobody is going to vote with us unless we stir up something to get on

the legislature and just incidentally say let's knock out Article V the way they have it. So, I made another one in Hillsborough and the place had the biggest crowd they ever had at a Bar meeting and I layed them out again. Then I went on to Cedar Key and somebody wanted me to go to Jacksonville and I said, "No, I'm retired now." And somebody from the legislature called me and I said, "Look, you all talk business with me and I'll talk with you." And we compromised Article V and that was the only way it was written the way it was. So, after that I gained credibility by the legislature and they gave us a few things that others perhaps could not do.

S: Compromising with the legislature on Article V, so eventually it worked as a compromise.

A: Yes, after that I would usually look after the court's business over at the legislature because I got to know most of them and made friends with them. I had some very close friends up there always. I never told a member of the legislature to come to my office, I always went to theirs. And if I really wanted to get a bill through I would go to the staff people and they would be surprised that a supreme court justice would come to a poor little staff and I would explain to them what I wanted and then I would go see a member of the legislature. They would work together and give me whatever I wanted so it worked good.

S: Are you satisfied with your contributions on the court?

A: They have been very good to me. Yes, I am.

S: But you were not ready to leave the court?

A: No, primarily because they had another salary raise beginning this month. I started out at \$34,000 a year which is barely enough to live on, and so now, I made \$78,000 last year and it goes up to \$85,000 beginning this month and I just felt like I ought to be able to enjoy some of the benefits for awhile. And actually I have two reasons now, I only had one, the job is easy, the caseload is down. After all the work I did, I just wanted an easy slide.

S: Okay, we stopped with you leaving the court, let me ask you what is the status of your appeal right now on the court?

A: Well, it is being appealed through the circuit court of appeals. It is in the briefing stage right now.

S: Are you practicing now?

A: No. Of course I am taking these treatments here in Gainesville for a full week,

but I am assigned by the chief justice until July 1, to finish up anything and vote on cases that might be floating. While Boyd was on the court there are many cases where they would end up with three votes and three votes, or three votes and two votes, and they would need another vote to get the fourth vote and I am hanging around to take care of those. Also, I finished writing all of my cases but I am writing some dissents and filling in when one of the other judges are disqualified when they come up to the court, Kogan was disqualified for anything he sat on the circuit bench in Miami. I sat on a case for Kogan this month. And once for Justice McDonald [Parker Lee McDonald, justice, Florida Supreme Court, 1979–] when he was disqualified because of his relationship with one of the lawyers. So, I am just sort of the handy man for the month of February maybe into March and I figure that by then I will be through. I hope to be counsel for some large firm around Tallahassee. I am already executive director of DUI school, that is a part-time job.

S: And I read you were talking about a subscription legal service. Are you still looking into that?

A: Yes, right.

S: The only other questions I have concern your recent paper, "About Eighteen Years on the Judicial Cat-bird Seat." And you comment on lawyers as being better than ever and you also said however that they concentrate too much on business rather than professionalism. Can I ask you to expand on that for the benefit of Florida lawyers? In what way are they better than ever?

A: I think they are better educated, I think all the law schools are much better than they have ever been before and I think that they are more versatile, they know pretty well what they want to do. They seem to be even more mature in lots of ways. I think though, in this day and time with the way things are I can understand how it is necessary to take a business attitude about things and keep a time sheet to know just how you are doing. But, they lose a lot of life and they lose a lot of law in not focusing more on the problems of people than just in making money. I am amazed that there are so few lawyers in the legislature, we have a duty of public service but a lawyer is always too busy. And then they yell because the legislature does things to them. Because they will probably put a sales tax on their services, but if we had enough dedicated lawyers to get up in the legislature it could be stopped. I would say thirty or forty years ago the legislature was predominantly lawyers. Today, they do not do anything. You do not see them on city commissions or county commissions or involved in anything. But, they are there at that office and counting those hours and putting it on the time sheet and that is going to be our downfall.

S: So you think that lawyers should concentrate on doing more public service in

addition to the practice?

A: Yes. Not only just pro bono. They all now, as a matter of business, do certain pro bono. But they just have to get involved in public affairs. The public expects more out of lawyers than they get.

S: And you also made a comment about judges being too young and inexperienced. Whose fault is that?

A: I do not blame the young lawyer, he could be a judge too, maybe. There is a judge that just retired, not because of age. When he became a judge he had never been in public service all his life and he called me and said he was going to be a judge. And I said, "Well, the only thing I can warn you about is that once you are a judge you will figure there is nothing else you can do and if you lose your judgeship you're afraid you'll be pauper. That will worry you. You don't think you can make a living." Well, he became a judge and he called me finally after many years and said that he remembered something I told him and I was absolutely right because he was scared to death to go into the law. He was not going to be a judge anymore but he had to go back and start practicing and that was a hell of a thing for him to try to accomplish. I just do not think you can make wise decisions until you have been batted around a little bit. That is all.

S: Tell me a little bit about plans for the future. Do you plan to do more writing?

A: I imagine eventually. But right now I would like to be associated with some law firm and check over their briefs or help them. I am probably a little too old to try a case but I would still like to get in a courtroom once. There are just all kind of opportunities, I am really just taking it easy and primarily I have to make a living. This retirement is for the birds. I figure that whatever it takes to make a living the Lord will provide it and I will have a lot of fun doing it. So, that is about it.

S: Any plans to teach?

A: No. I would like to, yes. But the only problem I would have would be working up that first semester where you have to work up a lecture each class. These professors work hard and they are a lot smarter than I am. They go into great detail on things. There would be some head knocking. No, I do not think I would make a good teacher.

S: What about public speaking? I know that you are against mandatory retirement, merit retention, do you plan to speak?

A: Oh, yes. People always ask me to make talks, primarily because I tell stories instead of getting serious with them. I always said the bad thing about retirement is that I knew they would laugh while I was a judge, but I do not know

whether they would laugh when I am not a judge. But, yes, I will make speeches. One of the things I will discuss is discrimination on age basis. I have found that, I have got a lot of calls, a lot of letters, a lot of people have contacted me to wish me well.

S: As far as your paper on the "Judicial Cat-bird Seat," we would be interested in publishing excerpts of that in the magazine. This magazine goes to all the graduates of the law school, there is about 10,000 of them.

A: Nova Law School, that is supposed to come out but I have not seen it yet. You will have to check with them. I imagine they have a copyright on it, I do not know. I did not copyright it. I would suggest you call them. They will probably want you to refer to the fact.

S: There would be no problem with that, if we could have your permission too.

A: Oh, yes.

S: Well, I think that will do it for us.

A: All right.

S: Anything you want to add?

A: Not a thing in the world. I have enjoyed it.