

UFLC 42

Interviewee: Harold B. Crosby

Interviewer: Steve Aton

Date: February 5, 1988

Harold B. Crosby was born in Jacksonville, Florida, and moved all over Florida. After high school graduation in Kissimmee, he attended Northwestern University in Evanston, Illinois, to work on a degree in medicine. He did not complete his degree program, however. Crosby served as an air force pilot during World War II. Upon his release in 1945, he moved to Gainesville to attend law school.

While at the University of Florida, Crosby worked to establish housing for married students, many of whom were returning GIs like himself. The three Flavet housing areas were the result. As a service to law students, he combined his class notes with case book readings and other materials and sold mimeographed copies; students still refer to "Crosby's Notes." His most important contribution was to the *University of Florida Law Review*. He discusses how the *Law Review* got its start in 1946, out of the John Marshall Bar Association. He authored the proposal that was ultimately approved by the Board of Control and Governor Millard Caldwell. Also discussed are such related matters as selecting paper weight and color, work facilities, and checking citations (done by "stack moles"). There is also a brief discussion of the *Law Review* Christmas cards. Crosby completed his law degree in 1948.

Crosby returned to the College of Law in 1960 as a professor of Real Property and Civil Procedure. Four years later, he was selected by the Board of Control to be the founding president of the University of West Florida in Pensacola. He had served as a practicing attorney and circuit judge in Pensacola. He has also served as president of Florida International University in Miami and on the faculty of the College of Law at Florida State University in Tallahassee.

Crosby drafted the charter for the UF Law Center Association, using as a model the articles of incorporation of the Ford Foundation. Along with George John, Randy Rheder, and a UF political science professor, Crosby is working on a history of the Florida Supreme Court.

A: This is Steve Aton, and today I am in Pensacola, Florida, interviewing the first editor-in-chief of the *University of Florida Law Review*, Harold B. Crosby. Today's date is Friday, February 5, 1988. We will be speaking about the *University of Florida Law Review* and its establishment in 1948. I want to ask you a couple of biographical questions before we start. Were you born here in Florida?

C: In Jacksonville.

A: Were your parents from Jacksonville?

C: At the time, yes. We lived about all over Florida at one time or another. I am

the fifth generation on my mother's side to be born in Florida.

- A: So, did you go to elementary school here?
- C: Well, in Jacksonville, Miami, Sebring, Lakeland, and I graduated from high school in Kissimmee, Florida.
- A: And after you graduated from high school, you went to the University of Florida?
- C: No, I went to Northwestern University. My parents had decided that I was going to be an M.D., and there was no medical school in Florida. I had been admitted to Duke and planned to go there, but they heard about a program at Northwestern for "precocious youngsters," so I made a quick shift and went to Northwestern. I never got involved in that program, however. Fortunately, I was large for my age, and I did not really want to get mixed up with these "precocious" people.
- A: So you went to Evanston and got your undergraduate degree at Northwestern?
- C: I did not finish the degree. I finished three years, and then I dropped out and got married. World War II came along, and I went to pilot training. I was an air force pilot.
- A: Where was that training?
- C: It was in the Southeastern Training Command, Maxwell Field, Jackson, Mississippi; Walnut Ridge, Arkansas; and Georgefield, Illinois. After being released from the military in the fall of 1945, I came back to Gainesville to get into law school. I had a short semester with a couple of undergraduate courses, and then I went into law school. At that time, it was possible to get into law school after three years of undergraduate study. Having spent four or five years out of school, why, we were in a hurry to get through.
- A: What did you study at Northwestern?
- C: Well, my major was biology, but that really was not my cup of tea. I became interested in studying law. My parents thought maybe I should get out and make up my mind what I wanted to do.
- A: Always a good idea.
- C: Yes.
- A: You think you studied biology because you thought you might go into medicine?

C: Yes.

A: When did you enter the law school at the University?

C: In January of 1946.

A: Do you remember about how many students there were there?

C: The school was growing rapidly. Prior to and during World War II, there were perhaps 200 students. Almost immediately after the war ended the enrollment grew to about 600. I do not recall exactly how long that took, but by the end of 1946 or sometime in 1947 it was up to 600 students. The faculty was very much overworked.

A: In reading some of the older materials, I have noticed that they mention a shortage of teachers around 1948. Why was there a shortage?

C: Well, they had a backlog of students coming back from the military service, such as I, and the enrollment in law school grew very, very quickly, and there simply were not enough teachers around. For example, when I graduated in February of 1948, they were kind enough to ask me to stay and be a member of the faculty. I did for a short while and rather quickly decided that if you are going to teach in a professional school, you really ought to get out and swim in the mainstream.

A: So after you graduated you were there for a couple of years?

C: No, no, I stayed there for one semester. I could have stayed happily, but I just felt that I ought to get out and practice if I were going to teach law school.

A: Where was the law school located? Was that in Bryan Hall?

C: Yes. It was named for a relative of mine – my middle name is Bryan.

A: I see. That is what the B stands for.

C: Yes.

A: Where were your classes? Were they all in Bryan Hall?

C: Yes.

A: How many students were in your classes?

C: Well, in the typical freshman class, 100-200 probably. We filled the courtroom on the second floor of that building with almost every freshman class.

A: You had required courses?

C: Required courses, yes. Law students had very few electives in their first year because they were quite full.

A: What was the mood at that time of the students?

C: Well, I think most of them were a few years older than normally had been the case. Many were married with children, as I was. So they were pretty serious about getting this job done and getting out into the world. But we had some very good people. Many of the people who were in school when I was had considerable influence on the state in later years. On the whole we had fun.

A: Was it a pretty competitive group of people, since they were all a little older? Was it tense at all?

C: I do not think there was really quite as much competitiveness then as there might have been in later years. I did not feel as though there was any.

A: When did you first hear anything about the *Law Review*?

C: I believe it started in probably late 1946 or maybe early 1947, when some of us in the John Marshall Bar Association presented the idea that this school ought to have a law review. A group of us, sort of a committee, were designated to look into it, and we decided that there ought to be a law review. The faculty were very much overworked and, in general, were not really very interested in taking on this additional burden. Dr. [Clifford W.] Crandall was the acting dean, George John Miller had come back from a Wall Street firm to join the faculty quite recently, Dr. [James W.] Day was encouraging though not much involved, and Frank Maloney helped some. But George John was the faculty member who really displayed the most enthusiasm and did the most work to help.

I wound up as sort of chairman of the committee. George John and I talked with Dr. Crandall. After expressing his lack of enthusiasm rather clearly, Dr. Crandall finally said, "Well, all right. Go ahead and try, with the understanding that I am not going to have anything to do with it." Fortunately, we had a rather new president of the University who I think was a little more eager than might otherwise have been the case.

A: Was that J. Hillis Miller?

C: Yes. George John and I talked with him, and he agreed to let us take a shot at it. We then arranged for the two of us to visit Tallahassee to call on a number of people. This was largely arranged through George John and Julius Parker, who was a quite successful practicing attorney in Tallahassee. Julius helped set up the appointments. We talked with then-retired [Florida Supreme Court] Justice [James B.] Whitfield, for example, who was quite elderly. We talked with W. V. Knott, who had been a longtime treasurer of the state of Florida. He lived in Tallahassee and was still influential. We talked with Justice Armstead Brown and one or two other members of the [Florida] Supreme Court, and we were able to have an audience with then-Governor [Millard F.] Caldwell [1945-1949]. Governor Caldwell who was not only receptive but enthusiastic. Before we left his office, he agreed to make available \$1,000 out of the governor's contingency fund to help launch this law review.

A: You have a lot of interesting information there that I did not know. I would like to back up a bit and talk more about that committee. Now, I have some materials here, and I think I have what someone – maybe it was you – on that committee wrote; let me show that to you. This is a proposal that came out of the University archives for the establishment of a *University of Florida Law Review*.

C: I wrote that.

A: You wrote this document?

C: Yes. That is the one I was referring to when we talked over the telephone.

A: I think the last page has the signatures and a couple of appendices. You were the editor-in-chief, but is this the committee?

C: It really is. The arrangement that we finally worked out, after having a blessing from the governor, an acquiescence from Dean Crandall, and some support from President Miller, was that if this group, with whatever help we could get from other students, could in one semester produce an issue of a law review that was acceptable to the faculty advisors, then they would be disposed to let us go ahead. So what confronted this group here, which really was a committee, although we had law review titles, was the production of acceptable material for an entire issue of a law review in a single semester. At the time those titles were assigned, there was no law review and no assurance that there was going to be a law review. We were engaged in preparation of volume I, number I.

A: Who established that committee? Did you just form it on your own?

C: It grew out of the John Marshall Bar Association. It may have been a somewhat different committee to start with. The Bar Association committee was simply a

committee to look into a law review to see if we should go ahead. I do not know how this committee evolved, to tell you the truth, but I think it was under the auspices of the John Marshall Bar Association. From a standing start in September of 1947, our task was to demonstrate that we could produce an acceptable issue of a law review, but with no assurance it would ever be published.

- A: Who were you demonstrating that to?
- C: Initially, to the faculty advisors, who I believe were George John and Frank Maloney; Dr. Day was also involved. Of course, Dean Crandall at least looked at it. Then that plan would have to be submitted to the president of the University, and finally the whole idea submitted to what was then the Board of Control (now the Board of Regents) for its blessing.
- A: What would the date have been on this document you wrote? I could not find the date on it.
- C: I believe it would have had to be late 1947 or quite early in 1948. I do recall that the Board of Control was meeting in what was then the Marion Hotel in downtown Ocala, and I went down to present this proposal to the Board of Control. I had copies of this for each of them and made the presentation. I would have to say that Governor Caldwell had made his \$1,000 available, which had a great deal to do with their ready approval of the proposition.
- A: So the initial funding for this did not come from the University but from the government.
- C: Well, the \$1,000 dollars really got it started, and that was pretty important. There was very little money around then.
- A: Was it the governor who said that if you are able to produce, you could continue the *Review*?
- C: No. It might even have been the students' suggestion. But that was the understanding with the law school faculty who were involved and with the dean. I do not think the governor got that involved in it. We probably reported to the president of the University; that was the understanding. I am sure he was aware of it and agreed to it. In terms of dates, it was in early 1947 when the first committee worked out this deal.
- A: That sets the time frame a little.
- C: Yes. It was probably sometime in late 1947 when the Board meeting occurred

- where it was approved.
- A: So this very document is what you took to the Board of Control. What did you ask the Board of Control?
- C: I asked them to approve this proposal, which they did.
- A: Did that have funding in it?
- C: It is hard to recall. Now you can see, here is the faculty committee. I have forgotten some of these others here.
- A: This was a student committee here from J MBA, so that was you and who else?
- C: That was [William L.] Bill Durden and Neil Myers. Bill is from Jacksonville, and for a number of years was a circuit judge over there. He is now off the bench and is practicing there. Neil Myers is down in Lake Wales, I believe. This was an initial committee.
- A: He came, I believe, in 1948. Is that right?
- C: If he came in 1948, it was in January of 1948. He was very helpful to us. Wait a minute, these dates are fuzzy. My memory is not all that clear. George and I made the trip to Tallahassee to recruit some supreme court justices, cabinet members, and, most importantly, the governor. We had the governor's commitment of \$1,000 when I presented this proposal to the Board of Control. It could have occurred in early 1948, but we did in fact get an issue out in April of 1948, as I recall.
- A: So this probably would have been sometime the middle of 1947.
- C: It could have been, yes.
- A: Some of the letters might show those dates.
- C: On funding, we were able to get some funding. I am sure the \$1,000 was not all of it. We lucked out, having just a wonderful lady, Mrs. Culpepper, who was the initial secretary and mother superior that she came to be. My job was to interview and select from the candidates for this position. We had only two – Mrs. Culpepper and a very toothsome-looking young blonde. Of course, I was married and I could only think about these things. I thought I made some sacrifice, but not really. Mrs. Culpepper was a great person, but they kidded me a little about it.
- A: What was that blonde person's name?

- C: I do not recall.
- A: She was not Ila Pridgen, was she?
- C: No. Ila Pridgen was a person who had been there a long, long time as librarian. She had been there many, many years before this time.
- A: Was the blonde ever hired at the law school?
- C: Not that I know of.
- A: Let me ask you a couple more questions on the founding. So this was really a student effort. This was something that the students thought of, not something that the faculty said, "We think you ought to do a law review."
- C: You are exactly right. In fact, the students really had to press and push. It would not have happened but for that, I assure you. It probably would not have happened but for the fact that this was an older, more mature group of students who, each of us, had had some experiences which I guess caused us as a group not to take "no" for an answer immediately.

Let me tell you another little story of somewhat similar nature. A number of us who had arrived in Gainesville soon after the Japanese had surrendered found that the University of Florida had no experience with housing married students. We got the rather clear impression that they really did not want any experience. We talked with various nice people there, including a man who later became a dear friend, Dean of Students [Robert C.] Bob Beaty. They just did not have anything to offer to help. So we organized a little veteran's organization. We wrote letters to all the American Legion and V.F.W. posts around the state. They, in turn, at our request, wrote letters to Governor Caldwell.

This started about October 1945. Governor Caldwell was a man who acted. My wife and child and I moved into apartment 1A in Flavet I on February 1, 1947. Flavet I is no longer there; I think it has been destroyed. That was the first housing that Governor Caldwell simply built. I think they moved surplus barracks buildings out from Panama City on barges over to somewhere as close to Gainesville as they could get. They hauled them up, put them on blocks, and connected them up with water, sewage, and gas. And there we were. He got it done in about three months.

- A: That is great. That would not happen today.
- C: I do not think it could happen that fast. After that, I do not know whether these facilities are still there. There was a Flavet II and then a Flavet III. It actually

wound up as three villages, initially for veterans. I think others at later times lived in there, but it was better than nothing. We were delighted to have it.

- A: So you would had to have lived off campus somewhere before that time.
- C: Yes, and there was not that much space off campus, really almost none, for married students. There was a fair amount of single student housing – boarding houses, fraternity houses, and dormitories – but almost nothing for married students. Many of the married students lived in trailers, which is probably where we would have wound up.
- A: Did Mrs. "C" run a boarding house?
- C: No. Miss Pridgen had a boarding house, and a lot of graduates of the law school lived at Miss Pridgen's house. She did not have any married students.
- A: Do you remember where that was located?
- C: Not precisely. It would have been in the area a couple of blocks north of University Avenue and a block or so east or west of Thirteenth Street.
- A: So it was close by.
- C: Within three or four blocks of the law school.
- A: I think that is fascinating that the faculty was not really the motivation behind starting the *Law Review*.
- C: One needs to understand that they were just greatly overworked. There were too few of them. They had these enormous classes in the freshman courses. In reality, the fact that a few were favorable and the rest at least did not stop it was quite commendable.
- A: In 1948 there were only about twelve professors.
- C: I know that during the semester that I taught there, it was a very small faculty. We could all meet in the dean's office without any problem.
- A: Times have changed, haven't they. You said in that manuscript you wrote and presented to the Board of Control that there were officers listed, and this was prior to there really being a *University of Florida Law Review*. How did you decide who was the editor-in-chief and who was this and who was that?
- C: I do not really remember. I would imagine, but I am not sure, that that is

probably where the faculty advisors play an active role. I do not think even as audacious as we were that we would have taken it upon ourselves to self-elect. These faculty advisors were people who had expressed an interest and who had helped along the way, and somehow this happened. I think probably the faculty advising group was responsible.

- A: I think you are right. I really do not know. I have tried to figure out how the first editor-in-chief became editor-in-chief. I have an impression that it might have been the faculty that made these appointments.
- C: I am almost certain that is the case.
- A: You had very good grades in law school?
- C: I was lucky.
- A: Do you remember [Mandell] Mandy Glicksberg?
- C: Oh, yes.
- A: Before I came over, he told me to tell you hello.
- C: Oh, thank you. He and I used to play tennis together back in the 1960s. We were both on the faculty then.
- A: He is still playing tennis. He told me that you had made almost straight A's all the way through.
- C: Well, most of the time. There were a few other grades.
- A: We will not go into that. So what you had to do was to show the faculty and the Board of Control that you could put out a scholarly publication that the faculty would be proud of and do good things for the University law school.
- C: Yes. Really, it took a considerable act of faith on the part of these students here who did the work, because there was no assurance whatever that any of this would ever happen or that it would ever be published. They worked on faith. After having demonstrated – in one semester – to the faculty's satisfaction that this was acceptable *Law Review* quality and acceptable *Law Review* quantity produced, they got the approval to go ahead with it.
- A: Did you solicit the articles for this?
- C: Yes. I do not know whether George John remembered this or not, but Julius

Parker [prominent Tallahassee attorney], who had been so very helpful, had spoken at a law fraternity breakfast at homecoming. The subject was the California *Tideland*'s decision, which was quite current then. George John and I thought that that was a good topic for a lead article in this first issue. I knew Julius was sympathetic, and we got him to agree to contribute and make it into a lead *Law Review* article. The thing we really did not quite expect was that Julius was very busy. He put two or three short footnotes to the speech and sent it over. Then came George John's and my task to convert it into a *Law Review* article.

- A: So he just sent you his speech?
- C: We were in the library late hours for a good while at the time. When I was able to present Volume I, Number 1 to the governor at a breakfast gathering, Governor Caldwell, who was very aware of what was going on, looked at it, turned to Julius Parker, and said, "Julius, this is the first *Law Review* article I have ever seen where the footnotes are more interesting than the text."
- A: You must have done a pretty good job with the footnotes.
- C: Well, we worked on them. George certainly did a great deal of it. George was not only a fine scholar, but a fine stylist, too. Not all scholars are that, as you know.
- A: That is absolutely true. That article on the California *Tidelands* is in I, 1.
- C: Yes.
- A: That is a good story. So you actually could not tell the people who contributed the other articles that appeared in there when you started working on all of this that this definitely would be published.
- C: That is right. We had to tell them specifically there is no assurance it would be published, so we had to find people who were sympathetic. Julius was. There might have been another article by a faculty member from one of the North Carolina schools who had been a visiting professor down at Gainesville while some of this was going on. He was sympathetic, so we were able to get him to contribute an article. I think that was one of them. I do not recall at this moment what the articles in that issue were, but that is how we had to get them, from people who were willing to do it under these conditions, which we were careful to explain to them.
- A: You mentioned that presentation. Is this the presentation that took place in the Thomas Hotel? Did you have kind of a celebration after the first one came out?

- Was this where you presented it to the governor?
- C: Yes, and to the president of the University, J. Hillis Miller (1948-1954). The first one off the presses went to the governor.
- A: He had paid for it, at least part of it.
- C: Not only had he paid for it, he probably was the principal stimulus that got it finally approved.
- A: This was in 1948?
- C: The spring of 1948.
- A: You had all this material, and you had worked hard on it and had, to some extent, written some of these articles.
- C: Well, helped write.
- A: Did you have it all in blue book form?
- C: It was ready to go because it had to be reviewed by the faculty.
- A: So you gave it to the faculty, and they looked at it and said it was okay – "Go ahead and print it." Do you know who decided that?
- C: No, I do not. I think that by that time probably George John was honchoing. Dr. Day would have been very helpful because he was a longtime respected member of the faculty, and Frank Maloney helped. I think those would have been the three who would have carried the ball with the faculty. Of course, others were sympathetic, too. As I recall, George John and Frank Maloney were known as the faculty advisors on Volume I, Number 1. But I know that Dr. Day also was quite helpful.
- A: He might have been listed, too.
- C: We would not have gone ahead without that. It was our idea that this be judged acceptable by the faculty.
- A: Did Dean [Henry A.] Fenn play a role in this, or had Volume I, Number 1 already been published when he came in?
- C: No, it had already been published when he came. He was not there at that time. He came along shortly thereafter. He was always sympathetic and supportive of the *Law Review*.

A: Did you get funding for these issues subsequent to the first one from the school?

C: My best recollection is yes, we got some, but it was pretty meager. I do not recall how that happened. I graduated in February of 1948, and the issue had already been sent to the printer by about that time. This presentation was a little bit later than that. I was at that time a member of the faculty.

A: So you were finished?

C: Yes. By that time the second group was working on the next issue. To me, a lot of interesting things had to go into all of this. Most of us had had really no experience with arranging for printing, for example. You know there are a great many different kinds of type styles that you need to look at and study. I remember they finally came out with a beautiful Caslon type style. I do not know whether it is still used or not. I think it might have been changed later because the state printing law required the kind of bidding that did not really recognize the importance of beautiful type. The kind of paper, the color of the paper, the cover – all of these kinds of things somebody had to work out. There was a printing company in Jacksonville that was most helpful to us. They had pretty high standards.

A: They printed the first issue?

C: Yes, the first several.

A: Do you know how people got onto the *Law Review* after that first semester. How did that work afterwards?

C: I am reasonably certain that the faculty advisors had the final approval. My best recollection is that nominations came from the then staff for people to fill the positions as they left. The faculty advisor group would have had the approval or the last word. I do not think the dean would have been involved at that point.

A: In the early stages – it may have been in this document that you wrote – I noticed that there would be articles, notes, comments, a section for book reviews, and a section for law school news. But I never saw a law school news section.

C: I think that just sort of dropped by the wayside.

A: Was it thought to be too informal?

C: That, perhaps, but I also think there may have been a feeling that there were more suitable vehicles for that particular part. It was probably both reasons.

Maybe another reason – perhaps even more basic – is that these students had about all they could say grace over anyhow.

A: I asked George John Miller yesterday what it was that law reviewers did to have fun. He thought a minute and said, "*Law Review*."

C: Well, we did more. Let me give you a little personal history. It happened that I was able to take shorthand and type. So the way I handled courses really was to take shorthand notes in the lecture sessions. Those notes were pretty full.

Then, later on, usually every evening but not less often once a week, I tried to combine those notes with the case book and other materials and try to get something sensible. I looked up where they had posted the grades in Dr. Day's beginning Real Property course. Instead of putting an A, he put 100 percent. They used to post grades by a name out on a bulletin board.

A: Not social security numbers?

C: That is right. Well, students who came along and read them knew I had these notes, and they asked me, "Why not mimeograph some of those and sell them?" I remember that money was very tight, but I risked forty dollars to get the stencils and have these Property II notes mimeographed. They were not bound; they just had rubber bands around each set. The way we sold them was to set the notes out in a hall with a cigar box, and students would come along, put the money in the box, and take a copy of the notes. As far as I know, I never lost any notes or any money. I am not sure that you could do that today.

A: I was going to ask you about those. Those were called heirlooms or looms.

C: They called them Crosby's notes for quite a few years. The point of all this is that when I graduated, there were one or two students who said, "Why not leave those mimeograph stencils here, and we will sell them and split whatever we get with you." I did not think that made much sense. By that time I had done this in a number of courses, and they helped going through law school. So I simply bequeathed those stencils to the *Law Review*. For at least a time after that they would produce mimeographed copies and sell them to students. My thought was that the state is pretty niggardly about things like parties and cocktails, so this would give them some funds that they could have a little fun with. I think maybe it worked out for awhile.

A: It worked out until 1962. Well, they were supposed to stop it in 1962, but they actually stopped it in 1980.

C: The *Law Review* is no longer doing that?

- A: No, the *Law Review* does not sell them.
- C: Well, let me tell you, I had another reason. I still think it might be somewhat valid. A law review tends to become regarded as rather elitist by the majority of the student body, and it seemed to me that if the *Law Review* were in the position of supplying useful notes to any students who wanted them, it might help ameliorate that feeling. I think it made sense. Furthermore, it provided a source of revenue for the *Law Review* for which they would not have to account to the state. I thought that would be handy, too.
- A: You might be interested to know that they made about \$1,200 from doing that each semester. That is a lot of money.
- C: That would help.
- A: I brought with me something that Professor Glicksberg had, and he wondered if these were yours. The reason he wondered is because it says "class notes."
- C: I think it is because it looks like the type that I was using at that time. I am pretty sure this could be it.
- A: All the materials that were handed out at that time looked like this, so he was not sure if this was something from class or if this was one of your outlines.
- C: I think it was, because this, I think, was the typewriter.
- A: Do you still have some of those?
- C: I am not sure. I loaned them. I had bound copies of several of them, and then in the years not too long after I left law school I loaned them to people who were preparing for the bar examination. Somehow I did not get them back. I might have, but I would have to search.
- A: I wanted to ask you something about this document. In it is something called an editor's handbook. Right here, November of 1947. Was this also part of what you presented to the Board of Control?
- C: Yes, we had to work out these organizational arrangements. In fact, this looks like the same typewriter, very similar.
- A: Did you show any of these to the governor, or was this all prepared for the Board of Control?
- C: It was prepared really for the Board of Control. I am sure we sent a copy of this

to Millard [Caldwell]. It was desirable to keep him informed. Whether he ever looked at it or not I do not know, but I am sure we would have sent it. Of course, the president of the University, the dean, and perhaps most importantly the faculty committee would have been the only ones actually to have reviewed it. This was a part of the process of getting approval, and it was rather important to have this spelled out so far as we could.

- A: After Volume I, Number 1, did they say, "All right. Now we have a *Law Review*"?
- C: No, they said it before that. This was approved before the publication of the first issue.
- A: When did the law school say, "We want to see if you can do it," and then after Volume I, Number 1, they were satisfied? C: Well, we had approval before the printing of the first issue.
- A: To be a *Law Review*?
- C: Yes. It never would have gone to the printer without that. We had the content of Volume I, Number 1 available, and that then was approved before it ever actually went to the printer, along with this proposal.
- A: There is another thing I want to talk with you about. There was a speaking program, but I am not real clear on what that was. Apparently, students and George John Miller went around to the Florida Bar had continuing education courses. Did you ever participate in those speaking programs? Sometimes professors and sometimes law students would go.
- C: Do you have any time frame for that?
- A: It would have been after 1948. It might have been in 1950, 1951.
- C: The reason I ask, and I think maybe this proposal refers to it, is because George John and I did talk with a number of lawyers around the state to solicit their support for the establishment of a law review. After I left the law faculty in June of 1948, I do not recall being involved until I rejoined the law faculty in early 1960. Frank Maloney was dean at that time. Frank and I got on our bicycles and went all over Florida talking to lawyers to try to generate financial support for the law school. At that time there was not a dollar of student financial aid available for law students.
- A: There was no financial aid at all?
- C: None at all.

A: But there was for undergraduates?

C: There was for other graduate students. In fact, we talked with the dean of the graduate school and asked him what percentage of other graduate students get financial aid, and he first said (I think) about 85 percent. I should revise that and say 100 percent, because that other 15 percent, really, were public school teachers who get a salary raise if they come and take graduate courses, so they were really getting support, too.

A: So almost everyone except the law students got help.

C: Almost everyone but the law students got help. We did not think that was quite right.

A: Fortunately, that is a different story today. So you went around the state with Dean Maloney.

C: All over Florida.

A: You said you came back to the faculty in 1960. Were you a law professor?

C: Yes.

A: How long did you stay?

C: I stayed until mid 1964. At that time, the Board of Control asked if I would come out to be the founding president of the university [the University of West Florida] here at Pensacola, and I finally agreed to do it. I arrived back here July 1, 1964. I had practiced here and been a circuit judge here. I eventually rejoined the law faculty here intending to spend the rest of my life teaching law. I enjoyed it. I think if Gainesville and Tallahassee had been seventy-five miles closer, I would still be in Gainesville, in all likelihood. I had left home one morning to go talk to J. Broward Culpepper, who was then the executive secretary of the Board of Control and later became chancellor [of the State University System]. I was going to tell him, "I appreciate the honor, thank you, but no thank you. We are happy in Gainesville." My wife and I had agreed on that. On the way to Tallahassee, I began thinking that people in this part of the world had been very nice to me and my family, and I had some concern that this new institution here might be heading for something of less quality than I felt the people here deserved. So somewhere about seventy-five miles out I talked myself into changing my mind. I came back to Gainesville that night and told my wife, to her surprise, that we were moving back to Pensacola.

A: So it is a long drive from Gainesville to Pensacola?

C: Well, this was Gainesville to Tallahassee.

A: It just took you seventy-five miles to change your mind. If you had been a little closer –

C: I probably would not have changed my mind.

A: Does anyone know that?

C: I have told it to a few people, but not generally.

A: What did you teach, by the way?

C: Real Property and Civil Procedure. In later years, after leaving the presidency of Florida International University, I came back to join the law faculty of Florida State University for a little while and taught Comparative Law there.

A: When did you teach that?

C: From 1979 to 1982. It was my choice to stay in Tallahassee, but the State University System came along with an early retirement arrangement that appealed to me and permitted me to stay part-time in the University world and part-time practicing. After awhile, I found I was spending more time in Pensacola than Tallahassee, so we decided to move back here. I still do some teaching and writing at the University here and have an office there. I divide my time between that and law practice, which works out very nicely.

A: One thing I did not ask you earlier, and George John did not really remember very much about it, is what kind of facilities did the *Law Review* have in the very beginning?

C: Well, Bryan Hall was so crowded, the facilities were very, very meager. But we did have two rooms, and we crowded in. Bill Durden and I had both been active in LeRoy Collins's gubernatorial campaign, and Bill at the time, in fact, was sort of acting as LeRoy's chief of staff in Tallahassee. After I went back in 1960, we needed more space for the law school. Happily, I was able to get Bill on the phone and tell him something about our needs, and he was able, with the governor's help, to get that addition. So we got a little more space. Meanwhile, Frank Maloney and I had been concerned about this need for support for the law school in addition to normal state support. At Frank's request, I drafted a charter for the University of Florida Law Center Association. I think I stole most of it from the articles of incorporation of the Ford Foundation, but it worked out all right. We were able to get that going. We were also able to develop a plan for the Law Center that incorporated, for example, the student living quarters and

that kind of thing that nobody had ever thought of. Slowly it is coming to pass; the Law Center that you now study and work in really was conceived back in the early 1960s. That shows you how slowly these things happen, but nonetheless it has been happening.

- A: Have you been back to the campus to see the Bruton-Geer addition?
- C: No, I have not had a chance to. I look forward to that because that is part of a dream.
- A: I think people now do not understand how they got along without that space. They cannot imagine that you had everything in one space when you spread it out now.
- C: It is quite an improvement.
- A: That is for sure. I do not know if you are familiar with this, if this happened after you graduated, but what did *Law Review* people have to do once they got on *Law Review*? Did they do cite check?
- C: Yes, in fact, we did an informal study after we completed the work for Volume I, Number 1. As I recall, we finally concluded that for every page in the *Law Review*, there was at least thirty man-hours of work.
- A: Each page represented thirty hours of work?
- C: At least thirty man-hours of work.
- A: That is a lot.
- C: Yes. We had people check citations, we tried to do it thoroughly. You would go back and read it and see if it says what it is supposed to be saying. If it does not, then you come consult. There were at least some occasions when we had to get with the author and ask, "What do you think about this?"
- A: We still do that. We still sometimes wonder where in the world they got that citation, because it does not stand at all for the proposition cited. So we do that.
- C: Miss Culpepper, incidentally, was a real jewel. She got her baccalaureate or masters degree in English. That does not necessarily mean anything, but in her case it did. She taught it. She was a very good grammarian and stylist and so on, and was very helpful in that respect.
- A: George John mentioned yesterday that her style made her very helpful in going

over the manuscript. And he was a stickler for style.

- C: Yes, and for form. As most every *Law Review* does, we adopted the *Harvard Blue Book*. That is the way it is supposed to be.
- A: So there was a *Harvard Blue Book* in 1948? It probably goes back farther than that.
- C: Yes, it does, although I do not know how far. It was a much smaller volume then, about that size.
- A: The University of Chicago came out with an alternative citation methodology that is extremely simple. However you do it, you have to do it the same way.
- C: You must be consistent.
- A: Exactly.
- C: The *Blue Book* was not only the best, we thought, but it was the simplest answer at that time. I am sure the *Chicago Manual of Style* has inspired in *Law Review* terms the standards for other kinds of writing for quite a long while. In fact, in the book we are doing, we have adopted the *Harvard Blue Book* as the primary source, but in the cases that may not be covered, we will go to the *Chicago Manual of Style*.
- A: Did you mention that you were doing a book?
- C: Yes. This is the history of the Florida Supreme Court that we are working on.
- A: Who are you working on that with?
- C: George John, to the extent that he is physically able, and a political science professor here at this University whose field of interest is judicial process. And then Randy Rheder, who for several years was the law clerk for Justice Boyd and is now practicing in Tampa, is working with us on it. Randy and Justice Boyd did a short history of the Miami law court several years ago.
- A: When do you anticipate that it will be finished?
- C: At least a couple more years. We are finding that materials, particularly in the earlier days of court records themselves, are pretty sparse and oftentimes very difficult to read. In some cases, the only thing available is a microfilm copy of longhand documents, which simply are not that legible. Also, Florida was still very much of a frontier state for a long time, and the process was not as

formalized then as now. So getting through the court minutes, you have to extrapolate that which had significance from other kinds of information that is really of no consequence at all. Nowadays, court documentation is organized so that you would not have that difficulty. Imagine digging out a decision from everything that is recorded in the minutes. That is quite a task, and then sometimes you cannot read it.

- A: I am sure that happens. Did you get these *Law Review* Christmas cards, or whatever George John wrote? Do you remember those? I have them here from 1948 to 1955, when he was there. Each year around Christmas they sent out a newsletter, so to speak, to the *Law Review*. They were kind of funny letters that he put out in 1949, 1950, and so on. They would use editing symbols. Do you have any of those?
- C: I do not think I do.
- A: I could give you copies.
- C: I wish you could. I would very much appreciate it.
- A: You are in one of them.
- C: If you are interested, I will tell you a story about that one. I guess it was because of my interest in Real Property, because of Florida's quite unique Homestead Law. I managed to talk George John into collaborating on what we thought would be a reasonable *Law Review* article dealing with Florida Homestead Law. One thing that neither of us realized was that the subject and material were larger than we thought. What we thought would be just a single article in one issue had to be spread out over about three. But we kept with it for awhile and finally finished it. At that time, I was practicing law in Kissimmee. I thought I wanted to be a country lawyer, but before too long I decided otherwise.

Our last session together, I arranged to go down to a fish camp on the Kissimmee River to get this thing wound up. We spent several days there to get it done. George had a Mercury touring car, and he had it loaded to the gills with books and papers and so on – just full. He came by Kissimmee and picked me up, and we drove on to the fish camp. The man who operated it showed us to the cabin where we were staying. We started unloading these books and boxes and papers and all of this, and he stood there looking at us rather quizzically. Finally, the last box we took out of the Mercury touring car was a box with two or three bottles of whiskey in it. So he looked at the bottles and asked, "What are you fellows? Preachers?"

- A: Did you get to work on the materials at all, or did you work on the last box?

C: We did some of both. We actually did a little bit of fishing, but not much.

A: So you actually finished up the article?

C: Yes.

A: Is that the one called "Legal Chameleon"?

C: Yes.

A: I have seen that. I am going to have to read it. That was a definitive article.

C: It turned out to be much more of a task than we had bargained for.

A: It was quite substantial.

C: It would have made close to a book if you put it all together, I guess. It spilled over three issues.

A: I think there were five parts, and you did write it in three issues.

C: I do not think that we or the *Law Review* staff bargained for that, but that is the way it turned out.

A: That is a good publication, for sure. I ran across a term called "stack moles," the people who used to check citations in the stack. Have you ever heard of that?

C: Yes. I am not sure that we ever used it at the time, but I have heard it.

A: It might have been in one of these Christmas greetings. Do you remember these? It says, "Memo to Laurie \_\_\_\_." Who got that?

C: I got some of them, I think. George and I stayed in contact partly while we were doing this article and then after George left the law faculty and went into private practice in 1955. George was the technical expert for a commission that Governor [LeRoy] Collins [1955-1961] appointed to do a revision of the Florida Constitution. Wallace, a judge down in Ocala, chaired it, and I was a consultant to the commission. So during those years, which would have been roughly in the mid 1950s, I was talking with George fairly regularly. I am sure we were getting together, as long as we worked with the commission. When I came out here to get this university started in 1964, it was within a couple of years that I tried to persuade George to come out and teach here. George has a wonderful way with his students. He is bright, literate – all of that. We would benefit by having someone like that here. In time, George retired and was designated as

professor emeritus, and a room in one of the buildings was redecorated and named for him. He lived up to all of my hopes. We have been in contact pretty much since then.

- A: Who is a "law reviewer"?
- C: I think this meant all of the people who had been on the *Law Review* staff. That was my interpretation of it. It might have been some other people, too.
- A: But you think probably this went to past and present?
- C: Past and present.
- A: When you say staff members, you mean anyone who was on *Law Review* as a student?
- C: Yes. Of course, somewhere along in here, the Law Review Foundation, or whatever it is called, entered into existence.
- A: There is a Law Review Alumni Association, and I think that they established a board of trustees, with one person from each of the circuits on it.
- C: I think I was, for a time, involved in that. If that were in existence when these were going out, I am sure George would have sent them to those people.
- A: These were kind of marked up; they were edited right on the page.
- C: Sure, that is part of George John's trademark. If there are in the records anything that he edited, you would see the damndest editing that you have ever come across.
- A: You mean marks everywhere?
- C: Yes, little squiggles and balloons and all of this stuff.
- A: He gets pretty good in some of these and has quite a few little bits of editing.
- C: That is his trademark.
- A: One other question that I might have already asked you but am a little unclear about is the people who were on *Law Review* had to write a comment and a note. Now, you probably did not do that, being the first group.
- C: I think I had written a case comment, but I do not know whether it ever got

published. That was probably it as far as *Law Review* type work was concerned. We were up to our waist in alligators just getting the other stuff done.

- A: So it would have been later on that they had the requirements for writing the case comment and then a note?
- C: In the first issue we did have notes and case comments that were produced by students. I suspect that most of the writing was done after these people had agreed to serve as a notes and comments editor or whatever. There were a lot of things that had to happen more or less simultaneously along about that time. I think the pattern was set then. In order to qualify, you had to have some writing experience that would be acceptable.
- A: Is there anything that I have not asked you about, or is there anything else that you have thought about you would like to mention?
- C: It has been very gratifying to watch the progress that the *Law Review* has made over these forty years. It hardly seems possible. It has certainly made a place for itself on behalf of the state. I am not in close touch with this anymore, but I know that it is really well regarded across the country. I think that my colleagues and predecessors have done a great job over the span of time, and that is always paramount – the duration. These things just do not happen. Somebody has to make them happen.
- A: I appreciate your efforts, and I know that the other people at the *Law Review* appreciate it. They will most definitely appreciate your contributions to it after I write my history. If you and some of your friends had not started pushing, who knows when it would have come up?
- C: It probably would have happened sooner or later, of course.
- A: It might have been ten years later.
- C: It could have been a good deal later. It just happened to be the mix of people there at the time and maybe the faculty's being too busy to be involved. Therefore, they probably did not really resist very much.
- A: They would have put up a stronger resistance.
- C: We might have had more than we did.
- A: Well, in subsequent years they wanted to put up more editions. They do not have as much to do now. No, they are very supportive.

- C: I know. Now that the *Law Review* is sufficiently institutionalized, it is difficult not to support it.
- A: It is almost to the point where any reputable school in the country has to have a law review. Such reviews are all money losers, but there is no possible way to do anything other than to have one.
- C: Of course, we had much of that feeling then, that in order to be a complete law school, there should be a law review.
- A: I certainly appreciate your efforts. I will get you copies of everything and anything you want.
- C: I would appreciate that.

[End of the interview]