

UFLC 51

Interviewee: Winifred L. Wentworth

Interviewer: Stephen Prescott

Date: January 29, 1991

Winifred Wentworth is a distinguished alumna of the University of Florida College of Law (1951). She was the tax division chief in the office of the Florida Attorney General and has served as general counsel to Commissioner of Education Ralph Turlington and on the Industrial Relations Commission. She presently is a judge on the First District Court of Appeal.

Wentworth was born in Homestead, Florida, May 15, 1927, and was raised in nearby Rockdale. Her father worked on the railroad and then farmed. During the Depression the family moved to North Carolina to sharecrop with her father's brothers. They returned to Florida, and she attended what is now Coral Gables Sr. High School, where she played trumpet and French horn in the band. She graduated in 1943.

Wentworth enrolled in FSCW (now FSU) in 1944. Although her degree was in journalism, most of her work was in political science and English literature. She had a "dining hall" scholarship – she worked in the dining hall. She was also the editor of a literary magazine.

Wentworth came to the University of Florida in 1948. She was the only woman in her class. She describes the atmosphere at the College of Law as hospitable. She worked on *Law Review* and as a clerk in the Gainesville firm of Lazonby & Dell. She finished second in her class. Wentworth recalls that Professors Vernon Clark and James Day were tough on content. She also describes numerous other law school faculty. Her most vivid memory is of the warmth of Clifford "Pop" Crandall. She graduated in 1951 with a bachelor's of law degree. Wentworth later wrote questions for and graded Florida Bar exams. Although the practice of diploma privilege was in place at that time, she felt it honorable to take the exam.

Upon graduation Wentworth was a law clerk for justices of the Florida Supreme Court, including H. L. "Tom" Sebring, E. Harris Drew, Stephen C. O'Connell, and B. K. Roberts. She briefly describes the duties of a law clerk. She also wrote chapters for continuing legal education books.

Her philosophy is to use law well as a tool, knowing that judge's decisions are based more on philosophy than on rules of law. She has aspired to use law as a tool for cultural influence. She is interested in making certain that the public is served well by lawyers. Wentworth is especially concerned that law not be used as a money-making enterprise.

P: This is Stephen Prescott. Today is January 29, 1991. I am with the honorable Winifred L. Wentworth. Judge Wentworth is a distinguished alumna of the [University of Florida] College of Law, and she is also a judge on the First District Court of Appeal, which sits in Tallahassee. The interview is taking place in Bruton-Geer Hall on the campus of the University of Florida College of Law. Judge Wentworth will be here four days and is sitting as a member of a

three-judge panel that is hearing cases in the Bruton-Geer courtroom. We will be conducting an oral history interview for the University of Florida [Oral History] Archives, and we will be talking about her career as a student and as a judge. I want to thank you, on the record, for talking with me today. Would you state your full name for the record?

W: Winnie [Winifred Lane] Wentworth.

P: If you do not mind, tell us the date and place where you were born.

W: Homestead, Florida, May 15, 1927.

P: What were your parents' names?

W: William George Lane and Mattie Owen Veal Lane.

P: Were they an old Florida family, or had they just recently moved here?

W: My father came to Florida before he was married – I believe in the very early part of the century – as a young man, and [he] worked – I do not know how many years – when the railroad was being extended to Key West. He did that for the purpose of health restoration – he was crippled. After achieving that purpose, he then went back and married my mother from Kentucky and brought her [to Florida]. They built a home in south Florida and farmed. They had seven children.

P: Do you know how your parents met?

W: No, I really do not. I know my mother's family's situation. Her father was a doctor. But I do not know how my father came in contact with that family. He was [from] North Carolina. To that extent they were in proximity, but I do not know how they met.

P: I am going to ask you a hard question, one that always stumps everyone: What is the earliest memory that you have in life?

W: Of going to a field with my father. I have thought about this, trying to get back to an earliest memory, and I can recall south Florida. I am not sure if it is a specific instance or whether this is a general impression, but I do recall very keenly as a very young child going into tomato fields in south Florida with him.

P: You were probably three or four or something like that. You said there were seven children. Where were you placed among them?

W: Right in the middle.

P: Tell me about grammar school, your early school, and your early years. Where did you go to elementary school?

W: I started in south Florida. I started early, [because] I know I was reading before I went to school. They did not have kindergarten, and my father thought it wise to do something with me, so he put me in school when I was five. I was aware that that was a violation of the law or rules. When I learned to write, I wrote my teacher an anonymous note and told her I was not eligible. [laughter]

P: Was that because you did not like school?

W: No. I liked school, but I had a sensitive conscience. But she did not do anything [about my being in school against the rules].

P: This was in Homestead?

W: No. I was born in a hospital in Homestead, but my family actually lived at a crossroads north of there called Rockdale. At the point I was born they actually lived in a barn because the house had been destroyed by the 1926 hurricane.

P: But your father farmed, after he finished with the railroad, for the rest of his life?

W: Yes, but he did not farm in south Florida very long. At that point the Depression intervened, and by the end of my first grade we moved to North Carolina, where he had eight brothers who had farms, and we became a tenant-farm family, a sharecropper family.

P: So you grew up and spent a substantial part of your childhood in North Carolina?

W: Five or six years.

P: What part of Carolina were you in?

W: We moved at least twice a year in the region surrounding Wilson [and] Raleigh.

P: My parents are both from that area, near Ashville, so I know that area well. I have been here since second grade, so this is home. You say you were there for five or six years, so I take it that you moved back to Florida about the time you were starting high school or a little sooner.

W: Seventh grade, I think, or eighth. I am not sure. There was some confusion as to what grade I should have been in. I mentioned that we moved twice a year,

and they rarely knew what grade to put me in. First of all, there was a difference in grade levels between North Carolina and Florida. There were only eleven grades there, and I think that some country schools had less than that. They were always doubtful of what room to put me in, and I think I went from grade to grade – from fourth to fifth to fourth to fifth, or something of that sort--in that period. My vague recollection is that I went into the seventh grade in south Florida.

P: Your history is right, because I have done some interviews with my grandmother, and she recalls that there were only eleven grades in North Carolina at that time. I know they had what they called high-second and high-third and high-fourth, which was halfway in between and which really adds to the confusion. So you came back to south Florida during seventh or eighth grade, becoming a teenager. Did you go to high school here in Florida?

W: Yes, except for a year or a year and one-half in Virginia. At that point it was the early part of World War II, and I lived with an older sister whose husband was a shipyard worker.

P: So your family stayed here, and you just moved and lived with your older sister.

W: Yes, [after living briefly with her in Miami Beach].

P: It was in Norfolk, I take it?

W: Norfolk and Lynnhaven, Virginia. Two different places.

P: My father was in the navy, so I was born in the naval hospital in Portsmouth, [Virginia]. What types of activities were you involved in in high school?

W: Band. Music.

P: Which instrument did you play?

W: Several. Trumpet, or cornet, and French Horn. There are other names for similar instruments, like the mellophone.

P: Looking back, do you think you had a happy childhood?

W: Yes.

P: I want to explore your decision to go to college. A fairly small percentage of the population did back then, particularly the women. When did you first begin to think that you would obtain a higher education?

W: I never recall having any other objective than to prepare to be independent, economically and otherwise independent, as a person. I suppose [that came] from the influence of the Depression years and of seeing the pain of my father who could not earn a living.

P: Did your parents encourage you?

W: Oh, yes!

P: Your grandfather was a physician, so I guess you had a family history of college training.

W: My mother's family had no women [who were] sent to school, but the male members of the family were sent one way or another to school. My father's family were primarily farmers – all farmers. I think that he was probably the only exception in the family. He was a farmer, but he had, briefly in his younger years, taught school in some fashion. He had, if any college, a little college.

P: Maybe at a normal school, I think they used to call it?

W: Yes. He was widely read.

P: Do you remember what year you graduated from high school?

W: I believe it was 1943.

P: What high school was that?

W: It was called Ponce de Leon High School, which does not exist any more. It is now Coral Gables Senior High School.

P: So it is in Coral Gables?

W: It was then in Coral Gables, Florida.

P: Once you were out of high school, did you immediately go to college?

W: I had to work a year. My family still could not and did not [send me]. I never asked or assumed that I would have monetary help.

P: With seven children that is quite expectable. So you worked for a year. What did you do?

W: The war was in progress, and there was constructed near where I live – near

Rockdale and, in fact, on the very road where my father's house had been rebuilt around 1927 or 1928, which is now I believe called Richmond Road – Richmond L.T.A. Base, a blimp base. It was later a part of the University of Miami. I believe it is now near a zoo.

P: Historians tell us that World War II had a lot to do with opening work fields to women simply because there were no men to do them, and women did jobs they had never done before.

W: Oh, but I was doing a strictly women's job! I was doing the typewriter [work] for a lieutenant commander, a supply officer.

P: So you worked for a year, and then you started college in 1944?

W: Yes, at FSU [in Tallahassee].

P: What was then Florida State College for Women and is now Florida State University?

W: It became Florida State University in my third year.

P: When you started there, did you know that you planned to go to law school, or was this something that developed later?

W: I would probably have preferred to go to medical school, but because I had never stayed in the same school a year in succession and had never taken a science or biology course, academically I thought I would be handicapped. So from the beginning, yes, I more or less targeted law.

P: What field were you majoring in as an undergraduate?

W: My actual work was in political science and English literature, but my degree is in journalism. They had a journalism school at that point at FSCW which did not require [many journalism courses]. Your journalism activity was in service on the periodicals, and you took your courses in other approved areas. So political science was my one choice, and another was literature. I had something like thirty semester hours in Shakespeare.

P: That should serve you well in writing opinions: you can drop quotes. Since you came from [a family of] seven children, I am sure you had to work to in some way get through college. And this was before they had Pell Grants and National Direct [Student] Loans, so how did you finance your undergraduate education?

W: By waiting tables. I call them "dining hall scholarships." I did the food service

for twelve students every night and during the day. [I worked for] six hours a day starting at 6:00 A.M.

P: You definitely earned your college degree.

W: Yes, but I did not think that it was particularly onerous. I did exclusively that the first year and maybe the second. The third year I worked for a professor of journalism in addition to waiting tables.

P: Did you live in the dorms at FSU?

W: Yes.

P: At that time it was an all-women's school?

W: Until the third year.

P: Stories are legion of just hoards and hoards of men going to Tallahassee on the weekend and carload after carload of women coming to Gainesville on the weekends. Did you ever participate in that or know people who did?

W: I knew many people who did, but as I saw it that was primarily the sorority row women who did that. I did go on weekend trips with some frequency to visit another student in Jacksonville or Sarasota. On occasion, since my roommate for at least two years was a music major, we took trips for the purpose of being able to go to a specific concert. I remember going to Atlanta once or twice on a bus.

P: Working six hours a day I am sure you did not have a lot of free time, but were there any extracurricular activities you were involved in while you were a student?

W: As a journalism student, we were required to write constantly.

P: Did they have a student newspaper that you worked on?

W: I worked for the newspaper, and I was editor of the literary magazine, I think, the third year, [although] it could have been second.

P: You did have a busy life if you were editing the magazine and working six hours a day and going to school.

W: But there was nothing else to do. [laughter] And I liked it that way!

P: Were you a good student?

W: Very good – contrary to my public school experience. The first semester at FSCW there were a huge number of freshman students – nine hundred and something, I think. Out of those there were only two who made all A's in everything, and I was one of them, which shocked me. [laughter] I was astonished. I had not really revered high grades in high school. I studied and read a lot, but I was frequently disorganized because I changed schools all of the time. I never put the expectation on myself. It did not matter to me, and I do not believe that record would ever show that. I made good grades, but not superlative.

P: But you were very good, actually superb, in college?

W: Very good in college and in law school.

P: The southern schools had reputations of being "cow colleges" back then. How did you find Florida State [University] – Florida State College for Women – in the middle and late 1940s?

W: Absolutely magnificent; it was a dream world. There was a room in the library – I do not know what they called it; I called it the reading room. But it was well furnished and quiet and had comfortable furniture. It was a haven to go in there and read.

P: Do you feel like you were well prepared for law school and for practice with the education that you got there?

W: I felt that way.

P: Unless you have anything else you would like to add about your undergraduate career, talk about when you came here as law student. That would have been 1949, am I right? Or 1948?

W: [I came in] 1948.

P: Were you under the old three-plus-three program where you went three years [as an undergraduate] and [switched to the law school]?

W: I do not know. I do not know whether I entered in the summer. I came to a summer session, but I do not know if it was the summer of 1948. I think it was the summer of 1948 that I came here.

P: Did you go through all four years and get the B.A. before you came here, or did

you come after your junior year?

W: No. I completed graduation requirements in three years except for elective hours, and they allowed the transfer of law credits. Oh, I know what happened. It was 1948 in the summer. I took another year off. I worked in order to get money to come to law school. During that year, I also married in Pensacola.

P: Tell us a little bit about that. That is an exciting thing in any person's life.

W: Well, that was in 1947, and my husband had been a student at FSU.

P: So when you came to law school you were already married?

W: Yes. For a year he had a good job in Pensacola, so he kept it. I commuted for a year. [laughter]

P: From Pensacola?

W: From Pensacola on a Greyhound Bus.

P: What did you do, come and spend the week here and then go back on the weekends?

W: On weekends or every other weekend.

P; So you entered in 1948.

W: In June of 1948.

P: Why did you choose the University of Florida? Because it was the closest option, since you were coming from Pensacola?

W: It was the closest to Pensacola, the cheapest, and the only place that occurred to me. It was the only public law school in Florida, I believe.

P: I think so. Stetson [University in Deland] might have had one by that point, but you did not care. What was the admissions procedure like then? Was it just a matter of filling out a form?

W: It was hilarious. They sent me a catalogue which had a very rigid prescription for admission, including an LSAT requirement and all of that. In Pensacola I could find out nothing on how to do it, so I just came here in June. The acting dean that summer was Clifford ["Pop"] Crandall. I think it was his last residence on campus here that summer. But Pop Crandall was my admissions officer. I

had with me a certified transcript which I took in to him and told him that I was ready to take the LSAT if he would tell me where to go. I knew [only] how to find the law school. He looked at my transcript and said, "I think we will waive that in this case." [laughter] I went, then, to class within two days.

P: So the classes would have been in Bryan Hall on the northeast corner of campus at that time. The building is still there, but it is now part of the College of Business. What do you remember about Bryan Hall and how it was set up at that time?

W: I remember mainly the library and the *Law Review* room.

P: Tell me about the law library. Was it big enough? Did you find what you –

W: It was big enough. And, again, it was an ideal workplace from my point of view.

P: Was Mrs. [Ila Rountree] Pridgen the law librarian?

W: Mrs. Pridgen was the librarian. I lived within a block and one-half of that building, and I literally spent the night in there on a number of occasions.

P: I take it that you were an even more dedicated law student than you were an undergraduate?

W: Not particularly. It was that we had deadlines. My very first year we had appellate brief writing, and I was elected to write the brief. That was quite an undertaking! [laughter]

P: Tell me a little bit about the classes you encountered here at the law school. How did they compare with your undergraduate classes?

W: Well, the teaching methods were entirely different. Well, not entirely different. They were Socratic, and at least some of my undergraduate classes had been similar in that each student is a participant in the group. Of course, in law school the professors used the recitation method. The thing that was different was [that] out of all the entering people in my class, there were two women, and one of them – the other one – married and dropped out within a semester. So I was the only woman in most of my classes.

P: We will go ahead and jump right to that, the subject of being a woman in the law school at that time. The first woman, I believe, graduated in 1931, Clara Floyd Gehan. But there were very few [women] until the mid to late 1960s. As I talk to the older students, at least from the 1930s and 1940s, they had said that it was their practice when a woman student entered the room to shuffle their feet

just to harass her. Did you ever encounter that?

W: I do remember it, but it did not strike me as [being] hostile harassment. It was fairly gentle and humorous.

P: What kind of reaction did you get from your male students? How did they feel about having a woman in the class? Did they resent it?

W: No, not at all.

P: It did not bother them? Did they just ignore you?

W: Most of my classmates were World War II veterans, and they were not much concerned with hostility to women. [laughter]

P: They were a little older, and probably a much higher percentage were married.

W: Yes. The scuffling occurred only if I was late, so I could avoid it simply by being there [on time].

P: What about the professors? In some of the interviews we have done with women they have said they felt that some of the professors really did not like having women there. They never actually overtly tried to remove them, but some ladies have told me that they felt they were regarded as a curiosity to some degree.

W: I perceived none of that. I perceived hostility from one professor, but I did not translate it as hostility to me as a woman. It was in my last year, and by reputation he showed this same attitude to all students who had made a very good grade record. He felt that their egos needed deflating. So I thought I was sharing there the common burden. Generally speaking, both student and faculty in law school seemed to me to be hospitable.

P: Good. What was the attitude of the general public at large?

W: There was an extreme contrast the instant of graduation. That was fairly early in the days, I think, when interviews were scheduled with law firms who wished to interview students. My recollection is that I could not get a single scheduled interview, and I believe that I was second in terms of GPA in the class. I may not remember accurately. I know I had no interviews, and I believe that it was not my doing.

P: I am sure it was not, especially if you finished second in your class. I assume that since you finished second you graduated with high honors?

- W: Yes. In my case, of course, I was limited in where I would be willing to go. I was married, and we had to make a family decision on where I would go. I did not want to assert the entire prerogative of making whatever offer that would come to me a deciding factor. Somehow I either knew or felt that I should not push the issue, and I did not.
- P: I assume you were in *Law Review*, since your grades were so high.
- W: Yes.
- P: Tell me what *Law Review* was like then.
- W: It was fun. Hard work and a lot of fun.
- P: Who was the faculty advisor?
- W: George John Miller [professor of law, 1948-1955].
- P: What positions did you have?
- W: Actually, George John may have been an alternate advisor. The man who ultimately became chancellor . . .
- P: Robert Mautz [professor of law, 1950-1967]?
- W: Mautz may have been the official advisor.
- P: I think that is probably right, because when I interviewed Mandell Glicksberg he said Bob Mautz was the advisor. You and he probably would have been in school at the same time.
- W: Glicksberg and I were co-graduates.
- P: Were you?
- W: Yes.
- P: So you worked on the *Law Review* together?
- W: Yes.
- P: He has been here for a long, long time now. Where did you live when you were in law school?

W: At a rooming house called Mrs. Bridges.

P: Where was it located?

W: A block and one-half from the law school. Other law students lived there, and other students – mostly women, I believe.

P: There were a few women's dormitories. I think they opened in 1949, but there were not very many women's dorms on campus at that time.

W: For one summer I lived in a dormitory on campus. It was a very miserable summer.

P: Since you were going home to Pensacola every weekend or every other weekend, were you trying to work while you were in law school?

W: Yes. In fact, I had what amounted to almost a forty-hour [a week] job at a law firm.

P: Here in town?

W: Yes, with Lazonby and Dell at that point.

P: What did you do for them?

W: I did both clerical and law work.

P: Legal research type work, sort of like what a law clerk would do today?

W: Yes.

P: Give me a typical day's schedule – what time you would get up, what you would do, etc.

W: Law classes that first summer started at seven [o'clock] or some ungodly hour in the morning, so I would have my classes early, and then I walked to work. Usually by 11:00 I was at work, and [I] stayed until 5:00. Then I came back and study. I worked on Saturday to make up the morning hours.

P: Did the boarding house you were living at provide meals, or did you have to –

W: No, [I had to] scrounge hither and yon.

P: I guess that is the bane of students. In the interviews that I have done –

especially men who went to school here – found a great difference when they transferred over from undergraduate school to the law school. They found the undergraduate courses to be much more easygoing, and they found the law professors to be much more arbitrary in the evaluation of students, and much stricter in their evaluation of students. Did you find that? It may have been that FSU was doing a better job than Florida was at the undergraduate work.

W: I did not find that, but part of that was because of my choices in undergraduate work. As I said, the journalism professor who taught what few writing courses I took and [the man] for whom I eventually worked – his name was Vance – exerted a great influence on me and insisted that I never take anything but high-substance courses, which were pleasant, of course, but were strict in terms of covering lots of material. My political science course in constitutional law was probably better than my law school course in constitutional law.

P: So was mine. [laughter] Who was the best professor you had while you were in law school, the one you learned the most from?

W: Learned the most in subject matter or by example?

P: Each.

W: There were two professors who were rigid in terms of the facts, the material, they covered. One was Professor [Vernon "Danny" Wilmont] Clark [professor of law, 1946-1974, 1976-1977], and the other was Jimmy [James Westbay] Day [professor of law, 1930-1961] in property. Clark taught criminal law, which I found as taught by him to be demanding but easy, because he never left anything to guesswork. I had no problem with it, and I never have since, even in the past twelve years when half of my work has been criminal. I have never yearned to do criminal work. [laughter] But Jimmy Day's teaching in property law, either because of his vision and his historical perspective or perhaps my own inclination and interest to begin with in that subject matter, opened my eyes to a great many aspects of societal history.

P: Do you remember what your first-year courses were?

W: They were heavy. I think property [law], criminal law, and I do not remember the other two.

P: Procedure, maybe?

W: Perhaps a procedure course. I do not remember the procedure courses with any delight. [laughter] They are interesting. I did take common law pleading, and I liked that. I do not know if I took it that summer or that year, but Crandall

taught common law pleading. He was wonderful.

P: Pleading was going out at that point.

W: Of course it was, but it is the predicate for half of the rules written.

P: I have a list of the faculty that were here the year you graduated. See if you remember any of them. Dean [Henry A.] Fenn was the dean [1948-1958].

W: He came after I did, but whether it was that fall or during the year I do not know. But he was not there that summer. Crandall was acting dean.

P: OK, Crandall was acting dean. Kenneth LeRoy Black [professor of law, 1950-1971]. Do you remember him?

W: I remember Black. Did he teach estates or something in that direction?

P: I think so. Did you ever have him for a course?

W: Yes, I am sure I did.

P: Did you have any memories of him as a personality, how he talked?

W: No. He was all right but not impressive.

P: You have already talked a little bit about Vernon Wilmont Clark, who was your criminal law professor. What was he like in class? What did he look like? What type of teaching style did he have?

W: Clear, well organized, fair, audible. A very clear, unimaginative teacher. [laughter]

P: Sort of a black-letter law approach to it.

W: Which was very good for new law students, I thought.

P: The next one is James Day, whom we also talked about. He was here for, I guess, two generations, teaching property. Tell me what he looked like. Describe him physically.

W: Not very big and kind of monochromatic in color – sandy. [He had a] fairly round face and [was a] very slow-moving, slow-talking, very deliberate man. [He was] so deliberate it would assume comic proportions at times.

P: I think, probably, he comes up more often than anyone else in the interviews. Every student seems to have been impressed by him, but no one exactly knows why. It is sort of like the entirety was more than the sum of the parts.

W: Well, I watched him, not so much in class, but in the library. I remember being in the library and watching Professor Day with his various projects. His usual routine, if you have actually watched his research, would be to spend thirty minutes [or] an hour reading, sifting, combing, and [then he would only] write two words. [laughter] And [he would] go back and do another thirty minutes and write two more words. [laughter]

P: So he thoroughly knew what he was talking about when he got in class. Dean Crandall was an elderly man by this time.

W: Warm, genial, huge in bodily proportions. He may have been short, but he was rotund and so happy a man.

P: Dexter Deloney [professor of law, 1949-1982], who is now retired but was a young professor then.

W: He is now retired?

P: Yes, ma'am. He is an emeritus professor.

W: He came here, I remember, as a new professor. The first students were his guinea pigs; they were experimented with. I had him, and I did not have a particularly negative reaction, but relative to other professors he was less organized and less easy to follow. I knew students who called him "mix master."

P: He taught tax.

W: I did not have tax with him.

P: Do you remember what you did take with him?

W: No.

P: It has been a while. What about Karl Krastin [professor of law, 1948-1963]?

W: I believe he came at about the time Dean Fenn came or within a year. But I do not remember with any certainty that I had him as a teacher. I think I did, though.

P: He was a young man at this time?

W: Yes. I think that almost everyone that Dean Fenn brought were young men.

P: It was rumored that he was raiding Yale. He was bringing all of the bright, young people down from Yale, and this was called "Yale of the South" is what many alumni told me. William MacDonald [professor of law, 1948-1984].

W: I remember MacDonald very well, except if you ask me to pinpoint the course he taught me. But I remember him as a person, and I remember being in his classroom. He was small and animated and a good teacher.

P: Frank Maloney at that time was a fairly young associate professor. He later went on to become dean [1958-1970].

W: Yes, I knew Maloney. I had a torts course from Frank Maloney. Now, I did think that Frank Maloney delighted in pinpointing the unsavory criminal cases for me. But then he was not alone in that, except that I believe that in his case he would come back to me – he would pinpoint me – where other professors just called on me everyday. It was indiscriminate.

P: I have had some people tell me, for example, in criminal law when they would come to a crime like rape, that if a woman were there, they would just simply skip it and not cover it.

W: Oh, no! He would require that I recite on it.

P: He would want you to give all of the clinical details?

W; Exactly!

P: Did you ever hear of that happening with other professors?

W: No. But it was not just rape. It was not just gender based. He liked to have me recite on the crimes that involved brutality, maiming, and dismemberment.

P: Things like [*Regina v. Dudley and Stephens*] when the two men in the life boat ate the other one? [This was a widely publicized 1883 British case in which two English sailors were convicted of murder for killing and eating another sailor who was sharing a life boat with them. Ed.] If it is any consolation, we spent three weeks [on that case] in criminal law, and I had to recite the details of that [day after day]. [laughter] It has not changed.

W: It was very good preparation, however, for what I have had as a judge. In recent years we have had criminal cases – since the advent of cocaine – [that] have involved human brutality like – it is just unimaginable. [We now have to deal

with crimes] like I never saw, even in [tort] case law in Frank Maloney's class.

P: Eugene Scoles [professor of law, 1949-1956].

W: I remember him, the name, [but] I cannot for certain attach it to an individual.

P: This one I am sure you will remember. Dean – and that was his first name and not his title – Slagle. Dean Slagle had been here for many years.

W: Yes. Where is he now? Is he dead?

P: I believe he is dead.

W: Slagle was the one who uniformly gave students with high GPAs a C, no matter what they did on the examination.

P: One graduate, who later went on to become a local circuit judge, told me that he was absolutely certain that Dean Slagle never read a final exam his whole life. [laughter]

W: I am sure he did not read my corporations exam. He could not possibly have read it.

P: He just decided what he wanted you to have, and you got it regardless.

W: Yes.

P: I think Slagle once failed the valedictorian and the salutatorian.

W: Oh, he also inverted that, and any student who had an abominable GPA got an A in Slagle's class. I knew them. I knew that countless times.

P: I have been told that if Crandall decided you just were not lawyer material, he was not going to pass you no matter how good you were. And then Slagle was the opposite. If you needed some help, Slagle was your man. Did you perceive that?

W: Well, it was not that he just perceived you needed help. He wanted to balance the grading scales. He wanted to deflate and inflate egos. That was his purpose.

P: It shocks most law students. They [the law school faculty] have a very rigid ideal that only 2 or 3 percent should get A's and 3 or 4 percent should get B pluses.

W: Well, if Slagle had a room full of people with a GPA of D's, he would give them all A's, of course.

P: Tell me what he looked like.

W: Small, skinny. He looked pretty old to me at that time. As I remember, [he had] rimless glasses. I am now into rimless glasses.

P: I am not sure how old he was, but he has been dead for several years. Dean Fenn is still alive, as far as I know. Was Slagle a good teacher?

W: No! I thought he was an atrocious teacher, and I gave him a fair shake. I had no trouble with the subject matter, because corporations is an easy subject.

P: Do you remember Cornelius Smyth [professor of law, 1947-1950], Smyth spelled with a Y?

W: Yes, from New York. He was a New York supreme court – which means trial – judge. I had him for a class. I think [it was an] advanced estates class, but I am not sure. I liked him; he was pretty good.

P: Richard [Badenoch] Stephens [professor of law, 1949-1977]?

W: He was my idol. Is he still living?

P: I do not know.

W: He was a few years ago. But, yes, Stephens taught, I think, every tax course I took, and I went back – at the time he had established the master's course – [and] at his urging did the course work for a master's.

P: For the master in laws, the LL.M.?

W: Yes.

P: I assume you did not write the thesis, since you said you did the course work.

W: Yes.

P: This one I am sure you will remember: Clarence TeSelle [professor of law, 1928-1930, 1932-1958].

W: I do remember TeSelle in trial practice. He is one for whom I recited every day and every class but without any resentment and without any feeling that was

gender based. It was just that I was a sore thumb, and he settled on me each time.

P: Philip K[eyes] Yonge [professor of law, 1949-1961]?

W: I knew P. K. Yonge in Pensacola. I knew his father when his father was still alive, and that was the law firm that I worked in for a couple of summers, so I knew Philip from there. I had met him. I did not take a course from him.

P: You were, as you pointed out, in a very unusual situation, being the only woman in a class of fifty or sixty students. What type of personal life did you have in law school? What did you do for recreation? Did you have close friends?

W: I did a lot of talking. There was a lot of close friendship in interchange – conversational interchange – with men and women, boys and girls, in coffee shops, in the library, in the law office, and in the rooming house. Other than that, not any social life at all.

P: One of the things I hear as I have done interviews – at least with people who are in their forties – over and over and over is, "When I graduated I knew nothing. I was not ready to practice law." The first year [in practice] they had to teach me the law. I guess we still hear that same complaint today, that law school is not very practical. Did you have that experience when you got into practice?

W: I did not become a practical lawyer because I went from here to supreme court clerkship, and that endured for a series of three or four judges for some fourteen years. [laughter] But so far as [being] prepared, I felt extremely well prepared and had no difficulty orienting myself to the chief justice of the Florida Supreme Court, who was then Harold L. Sebring [1943-1955].

P: You have given the law school a lot higher marks than some of the other graduates have, but then you had a lot higher grades than they did, too, so that may explain [why].

W: In all the schools I have been to in my life, I have never felt that it was the school's obligation to give me the education. It was my obligation to get it, and the only thing that I have ever resented is if the school made it difficult.

P: Did you have courses like moot court or trial practice?

W: The very first year I had appellate brief writing, which was on a very difficult conservation and environmental issue. That got me into almost every area of law immediately. It was a real shock treatment. We had an oral argument, and the presiding judge at oral argument was Justice Elwin Thomas [Florida Supreme

Court justice, 1938-1963], who ultimately, then, helped me get a job two years later.

P: The University still has an appellate advocacy class that is required the second semester of your first year. I think that is part of the reason that you are here [hearing cases] this week as part of that class. What about moot court? Were you involved in that?

W: Yes, but it was not a memorable experience. I did not resent it. I did trial work, ultimately, for a dozen years. But that was not my objective in being a lawyer. My objective in being a lawyer was scholarship, to write. Really! What I wanted to do originally was just write [laughter], and law was a way of getting a job while also writing.

P: Did you ever consider a career as a law professor, as a teacher of law?

W: No. I did not like being a teacher. I never liked having to figure out how to make someone else want to learn something. [laughter] I did not like doing that. It is a strange thing for me to say because, ultimately, that is what all lawyers and certainly all judges do. And I ultimately had four children and loved teaching children, but I do not like the formality of regimented instruction. I do not like regimented instruction.

P: You have had a very successful career [as a judge], and you graduated with high honors and were on *Law Review*. Looking back forty years, what stands out in your mind about the law school at the University of Florida in the late 1940s and early 1950s?

W: The most memorable thing was the warmth of Pop Crandall, to start with. After that it was what I felt to be a hospitable atmosphere. That is a strange thing for a woman with all those men, a married woman who was not in the market, obviously, but I still felt that.

P: Maybe the fact that you were married made it easier.

W: It could have had something to do with it, with my being regarded as "one of the boys."

P: Did you have any relationships with the professors outside of class?

W: George John Miller. Relationship in the sense of talking. I do not believe I ever went to his house, but I may have. Certainly, I got to know him.

P: Were you here when they still had the diploma privilege? [Graduates of the

University of Florida College of Law were automatically admitted to the bar without being examined. Ed.]

W: Yes.

P: So you never had to take the [Florida] Bar Exam?

W: No. But within three years of the time that I was out of law school, I was writing questions for the Florida Bar Exam.

P: On behalf of 1,200 law students, I could not talk you into trying to get diploma privilege back, I take it. [laughter] I meant that as a joke, of course.

W: I do not think it is workable en masse. I think that the diploma privilege is fine as long as the numbers are not great that you have to deal with, both in the entry and in the monitoring and exit of lawyers.

P: I think Alabama was the last state [to stop diploma privilege], and they have probably been without it for fifteen years.

W: I did take the [Florida] Bar Exam. I did contract work for the board of bar examiners, and they liked the questions that I constructed. And I did grading. Somebody at some point thought it was not quite honorable for all of us to be graders and not have taken the exam, so we took it and had no problem with it.

P: I have been told that considerably earlier, in the 1920s and the 1930s, one of the reasons that they adopted the diploma privilege is that supreme court justices, who were elected at that time, went around and gave it orally. Basically, they did not fail anybody. They would ask questions such that you were going to pass because they had to run for re-election. They never failed anyone.

I guess we have covered you law school career pretty well. Is there anything that you would like to add about your three years here in law school?

W: No, I really cannot think of anything. I hope the atmosphere is as good now as it was then. But I think that will be possible only with the maturity of the professors and student body involved. If you have immature students or professors, then you will have schism and harassments.

P: There is a level of collegiality and intimacy in law school that you do not find on the main campus. I do not know whether it is because of the size [of the student body on the main campus] or the [law] students are older. It may be some of all of it. They are all interested in the same things. Even now with 1,200 students I think that is still true.

When you graduated, you said you did not get any interviews. Interviews on campus were pretty new at that time.

W: But I am comparing myself, merely, with the other graduates. All male graduates of high GPA ranks had interviews – on campus – with the possible exception of Mandy [Mandell] Glicksberg. I am not sure about him, but he was Jewish, of course. [laughter]

P: Some of the people who graduated in the 1930s and 1940s have told me that if they had any help getting a job, it was from a professor that they had gotten to know. The professor would contact a student he had had earlier who was now in practice.

W: You see, I did not make any effort in that direction. The truth was the first year out of law school I worked as a newspaper reporter here in Gainesville. I liked it.

P: I have had other graduates tell me that they had have to work for nothing for the first six month or a year until they got some practical experience.

W: But I had worked for three years in a law firm. You can hardly say that I had no practice [experience]. [I was a] law clerk, but still it was forty-hour weeks.

P: It was very practical experience. Clerkships were not that common back then, so most of the other student probably did not have the practical experience you did.

W: But I had done briefly, before that, some court reporting, which I got into kind of accidentally as a sixteen year old the year I worked before going to college. I did some court reporting, so I was very good at typing and shorthand.

P: You graduated in 1951?

W: Yes, in February.

P: Which at that time was a bachelor of law degree but now a juris doctor?

W: Yes.

P: You became a newspaper reporter for a year?

W: Yes.

P: Where was that at?

W: The *Gainesville Daily Sun*.

P: So you stayed here in town. Was your husband still in Pensacola?

W: No. He came after that first year, and he was then completing a graduate degree here, and I had to stay that year. So my choice, fundamentally, was staying at the law firm at the same salary, which was very low, and even less than the newspaper, or going to the *Sun*. And I liked Marvin Pepper, who was the editor. [He was] real nice, and I had a very interesting year. And I also, at the end of that year, gave birth to our first child. It was a good year.

P: You had a busy life. When that year was up and your husband graduated, what did you do?

W: We decided mutually to go to Tallahassee and live in Tallahassee, which was sort of a midpoint between south Florida and Pensacola.

P: What was he doing in Tallahassee?

W: He was a CPA, and he did accounting systems design for--at that point, I think--the state internal auditor.

P: Did you go to work for the supreme court at that point?

W: Yes, the next spring.

P: Tell me about that, how you got on, what you did.

W: Well, I tried first to go onto the attorney general's staff, and that was a dismal mistake. I eventually got an offer from the deputy attorney general that I could have an attorney's slot if I would do the typing work for a pool of some five lawyers. I asked who the lawyers were, and two of them were lawyers who had failed in law school and had to come back and get reinstated -- it took them an extra year -- to get out of law school. And they wanted me to do their typing! [laughter] I said, "No thank you!" In fact, I said I would rather do housework. [laughter] Then I went to see Justice [Elwyn] Thomas. I did not work for him; I worked for [Justice H. L. "Tom"] Sebring. But Thomas arranged an interview.

P: Did you check with any firms in Tallahassee?

W: I did, and I had an equally dismal reaction.

P: Just like you had here with no [interviews] in your last year of law school?

W: It was worse than that. They were not just negative or uncooperative. They

were grossly insulting with remarks such as, "You don't think you could really do anything of value to us, do you?" [laughter]

P: How do you explain the radical difference between [that and] what you had experienced in law school, where you really did not feel much prejudice and did very, very well? You would think that these lawyers, if nothing else, could read your transcript and see what your grades were.

W: Oh, I do not know. I could do an intricate analysis based on the fact that in law school my reputation, in the eyes of those with whom I associated, was easy to establish. I was a high academic performer. In the other context, I was a woman with an infant, a baby. So I simply had no credibility, in spite of the fact that they were hiring lawyers with far less impressive records.

P: Did you know any women that were actually practicing law at the time?

W: One, but she was an alcoholic.

P: So you were very much a pioneer. We are talking 1952 when you went to work for the supreme court, am I right?

W: Yes. In fact, at that point they did not even have salary authorization for law clerks. There was a law, but there was no funding until later that year. I went in in the summer of 1952. I went to work there only because the chief justice had also lost his secretary. So he had that money, and for the summer I did both jobs.

P: For the record, people reading this in the future may not know, so tell us exactly what a law clerk to a judge is. That is a rather important position, but it will not mean much to someone who is not familiar with it. Tell what they did, what is involved, in being a clerk to a judge.

W: Well, it differs enormously from court to court and judge to judge. There is a much more rigid job description now for law clerks because of the huge numbers of cases that a court like I am on now has to deal with. You have to have a rigid conveyor belt for how cases are handled, and law clerks are the case processors up till maybe a week before the actual hands-on consideration by the judges begins. That processing involves studying a record, verifying the procedural status of the case, checking the authorities, and doing a synopsis of both procedure and facts and positions taken in briefs, what things are waived and all that. [The job consists of] processing, massaging the case.

P: A great deal of the actual research, the investigation of the case, is done by the clerk for the judge.

W: Yes. It is not original research in the *Law Review* sense at that point, usually. Sometimes it is. You pick up a file, and a clerk may realize that the lawyers have framed the correct issues, but they simply have not documented them with the right authorities.

P: Law clerks sometimes write the preliminary drafts of judicial opinions.

W: That can come later in the process and will depend and vary a great deal on the judge for whom one works. Some of us are fanatic writers and have enormous difficulty accepting other people's works, but some judges have no such repugnance.

P: What was your experience? Tell me about when you were a clerk at the state supreme court. If you want to, go through each judge in order.

W: Sebring had just come back from Nurnberg, and he had a very strong personality. He was a very interesting, very talented man. He had been a architect and a number of other things in his life. We had a very curious relationship. His first assignment to me was to do him a memo that related the entire law on judicial notice to that date in Florida, and I was to do it in four days' time. I did it, after a fashion. Apparently they had some squabble going on that I did not know about. But I remember learning a lot about judicial notice very rapidly.

The case management of a law clerk, again, depends on the court calendar. I went in in the summer, in June, and as I recall there was a very low case assignment until the following September, so I had a good chance to become indoctrinated. But when the cases start flowing, the pattern is that the law clerk must produce a precis, bench warrant, memo, summary, whatever you want to call it, on every case on which the judge for whom they work is primary.

P: You were at the supreme court a long time.

W: A long time. I loved it.

P: What judges did you clerk for while you were at the supreme court?

W: [I worked] three and one-half years for Tom Sebring and over ten years for [E.] Harris Drew [Florida Supreme Court justice, 1952-1971]. [I clerked] a very brief period for Justice [Stephen C.] O'Connell [Florida Supreme Court justice, 1955-1967], but that was actually temporary. I went back after the birth of my second child, I think. I had intended to stay at home, but I went back for the summer to make it possible for him [O'Connell] to get a long-term law clerk.

- P: Now, this is Stephen C. O'Connell who later became president of the University of Florida [1968-1973].
- W: Yes. And the other one that I worked for – the same duration, one summer – was Judge [B. K.] Roberts [Florida Supreme Court justice, 1949-1976].
- P: You spent ten years with Justice Drew. Reflect back on that part of your career.
- W: Well, he was, for me, an ideal judge and ideal man. He had come there after thirty years as a city attorney. He had come from an childhood of poverty, so he had a perspective of society with which I could identify very easily. He had an extremely good mind, and he was an extremely good lawyer and a wonderful human being. All of those characteristics made it possible to work very, very happily for him, because I believed that all of the effort that I put into case work – and a law clerk can easily become as dedicated as a priest – to accomplishing not just a ruling in one case but a perspective on the law which Justice Drew did have. He had a number of convictions of things that were not quite right in the way case law was being decided, criminal case law.
- P: Give me some specific examples.
- W: He could not understand how the explicit provision for immediate arraignment could be disregarded [as] routinely [as] it was. He made an effort to see that that was not so.
- P: Of course, working for fourteen years [with the Florida Supreme Court justices], you saw appellate decisions being made firsthand. At that time did you think you would someday be an appellate judge? Was that an aspiration of yours at that time?
- W: No. My aspiration then – and even now – was to use law in whatever way was at hand as a tool for cultural influence, not personal accomplishment. Actually, I think advocates can achieve more than judges, sometimes. I have often felt that I probably achieved more in the dozen or so years that I did tax litigation. I certainly achieved what satisfied me as much, or more, as anything I have done as a judge.
- P: So you were at the supreme court from 1952 to 1967?
- W: But it was not continuous. I had four children, and there was one point when I had three very young ones that I was at home for nearly three years. For each of the others I left the court staff for as long as a year or so.

- P: During this period did you engage in any other type of practice of law?
- W: I did a lot of other things, yes, but not private practice. I did writing; I wrote chapters for CLE [Continuing Legal Education] books on court organization and civil procedure and appellate practice.
- P: So you were maintaining something of an academic career?
- W: I worked in the legislature for one session to see it from the inside.
- P: When you did leave the supreme court, what was the next step in your career? Where did you go from there?
- W: I deliberately chose then the kind of substantive law I wanted to work on, which was a combination of property, tax, and constitutional law, the same combination I had become attracted to when Justice Sebring was there. That was one of his passions. I gathered a compilation of cases from which he taught. I do not know if he called it property, tax, or constitutional law. I do not know which. But he taught it from the point of view of Florida history.
- So from that point in the mid 1950s until the mid 1960s, I had a special interest in tracking those cases, in trying to figure out how the public interest was being ill served, which it certainly was. And it seemed to me it was being very ill served by the transience of lawyers, mostly in the attorney general's office. The fact was that the lawyer would be there and work in that subject matter a year and would inevitably have an offer for higher pay because it is worth a lot of money--marketability. So the case would be mishandled. They were lost over and over from inept lawyering.
- P: Give me an example of the type of cases you are talking about.
- W: In the early 1960s the big litigation was over the effort to equalize tax rolls: whether or not assessments from county to county were so vastly different that politics was far more powerful than law.
- P: One county might be assessed at 40 percent because that got the property appraiser re-elected, and another county might be assessed . . .
- W: But that is just one example. That was an underlying one, but there were many, many specific examples. There were all kinds of exemption issues, both under the constitution and under the statutes, that were very significant in distorting the burden in a way that I perceived as impinging [upon] poor people and relieving the rich [of their tax burden].
- P: And you saw that this was not being well prosecuted or well managed?

W: Anyway, the attorney general at that time was Earl Faircloth, with whom I had gone to law school. He was running for governor that year. I went to work for him, and he asked me what I wanted to do. I told him. He said, "Fine. You do it." Within about a year, I guess, he lost the governor's race, and a new A.G. came in. But by that time we had together a fairly good group of tax lawyers, and for many years after that I kept a nucleus of lawyers, several of whom stayed for a while, say, three, four, or five years instead of one.

P: Let me make sure I have this right. When you left the supreme court you entered the attorney general's office as an attorney for the state?

W: In litigation.

P: How long were you there?

W: Until almost through the end of 1977.

P: So you were there about ten years. What was your title when you were with the attorney general's office?

W: Tax division chief, or whatever they call it. But it was the tax lawyers.

P: You were the senior attorney over that. Did you do a lot of trial work yourself during that period?

W: All over the state.

P: Tell me about that experience.

W: [I did] a lot of traveling. By that time my children, except the youngest, were old enough to tolerate it, I thought. It was strenuous but a lot of fun.

P: Were you arguing cases at the trial level, or were you primarily doing appellate advocacy?

W: Both. Everything.

P: From that point did you go to the bench? Give me a chronology of your career.

W: For a year I went into a job that they called general counsel for Commissioner [of Education Ralph] Turlington. At that point it was also the Board of Regents' counsel and the Board of Education's chief lawyer. From there I went into an appointment to the Industrial Relations Commission, which dealt with workers's compensation [appeals]. One of my qualifications, if you regard it as that, was

that I knew intimately appellate practice and procedure. And that was the appellate body for the state.

P: What years were you on the Industrial Relations Commission?

W: That was from October 1977 until October 1979, when I went to the district court.

P: So you have never been really, strictly speaking, in private practice?

W: Other than the years in law offices as a clerk, I had a year with my own office from 1975 to 1976 in Tallahassee in which I had a variety of clients. I represented some tax assessors in law suits that were then in progress that I happened to know about, and I did things such as family law – adoptions and estate planning. That also was the year that I did my tax master's work.

P: That was after you left Commissioner Turlington's office?

W: Before.

P: So when you left the attorney general's office, you spent a year in private practice and also doing graduate law work. Then you spent a year with Turlington and a year and one-half or so with the Industrial Relations Commissions.

W: Yes.

P: At that point you were appointed to the bench. Tell me about that. How did that come about? Were you appointed or elected? Were judges already appointed by that [period]?

W: They are all appointed at that appellate level.

P: I know they are now, but originally they were elected.

W: They were [appointed] then, at the appellate level. It [my being considered for an appointment to the district court of appeals] came about because the commission on which I served--there were five of us – was abolished; it was wiped out by the legislature. The jurisdiction that it had exercised was placed in the district court so that those of us who were interested – I think maybe not all, but most of the commissioners – went before the nominating commission. There were two new authorizations. I was not taking the place of an existing judge; there were two new seats. The nominating commission gave the governor a group of three names for each seat. In one group there was Leander Shaw, who is now chief justice [of the Florida Supreme Court], and me. That result of that effort, whether it was calculated or not, was that only one of us

could be appointed.

P: We should add, for the record, that Leander Shaw is black.

W: Yes.

P: So you are saying that they put the black and the woman in the same group?

W: Yes, and they put three – I do not remember who – but –

P: Three white men?

W: [Three] legitimate candidates on the other group. To my and to Lee Shaw's astonishment, Governor [Bob] Graham appointed both of us [laughter] and left it to someone to challenge. No one did.

P: Do you think that they had done that to make sure that at least one of you would get in or to make sure that only one of you would get in?

W: Only one of us.

P: Was this something that you had expected? I guess I am asking you when you began to think of yourself as a judge. You told me that while you worked at the supreme court it had never crossed your mind.

W: Well, it was not my objective. I have always thought that I was as capable as any judge I ever knew – and perhaps a little more so – as soon as I had any maturity at all, which was very quickly after law school.

P: You certainly had as much experience as anyone, having worked with the supreme court all those years.

W: In my two years as an Industrial Relations commissioner, I thought that I had articulated the opinions I wrote with more clarity than I could find in preceding opinions.

P: So the Industrial Commission was a quasi-judicial/quasi-executive agency?

W: It was a statewide appellate body. Only 1 percent of its orders were reviewed by the supreme court in certiorari. That is all you got.

P: So at that time you would have had the same level of authority as a district court of appeal. It would have been appealed directly to the supreme court. Tell me about your years on the bench. You were appointed in 1979 by Governor Bob

Graham. What has it been like being a district court judge?

W: Heavy-duty work. A lot of fun.

P: What is an average work-week like.

W: The average week is seventy hours, counting reading time. Not for all judges, perhaps, [but] for me that is true.

P: Are there any memorable cases that stand out in your mind, [ones on which] you have heard arguments [during] the eleven years you have been on the bench?

W: I heard very few memorable arguments. There are a good many memorable cases, but I am not sure I have them all at beck and call. But the deficiency in oral argument has always been a bone of contention for me. It seems to me enormously wasteful of time most of the time--[but] not always.

P: Is that because the attorneys do not prepare or because it is not an efficient system in and of itself?

W: I do not know. I cannot explain it. You can have extremely good arguments in the right cases. There has to be a need for oral argument, which there really should not be if briefing was adequate, unless it is an extremely complex case, in which case [oral] argument serves the purpose of simplification or digest or emphasis.

P: As a judge, do you feel like you have had a judicial philosophy? That, I guess, is a difficult question, but how would you describe yourself as you approach cases?

W: I would say that I have, more or less in my case, used Harris Drew as a role model. I thought he had a very balanced life and a very balanced legal view. Whether you call it a legal philosophy or not I do not know. Academically, he was a good scholar. Law is a tool, so my philosophy of law is to use it well. It is not mystical or anything of that sort.

P: I guess what I was getting at was that during the period you have been active, there has been a great change in American jurisprudence. We went through the whole 1950s and 1960s as what is generally perceived as an activist court with the Warren Court [Earl Warren, chief justice of the U.S. Supreme Court, 1953-1969].

W: You see, I have always felt that judges, whether they acknowledge it or not, are extremely activist. In my own mind, I have in fact always been a respectful activist. So there has not been a great change for me. I have not noticed it in

myself. Perhaps [that is true] in other people, [but] not in myself.

P: So you would see something like the current Rehnquist Court [William H. Rehnquist, chief of the U.S. Supreme Court, 1986-present] as simply being activist in a different direction?

W: Yes.

P: Judges, by nature, must make decisions based on philosophy more than just strictly iron-clad rules of law.

W: Yes, and you either acknowledge it or do not acknowledge. I prefer the honest approach.

P: Officially, I understand that you are going to retire in two days, although you will probably still hear cases. It was forty years ago when you graduated. As you reflect back on forty years as an attorney and a judge, what one thing do you feel you have learned from law? I do not know exactly how to phrase this, but do you have some final thought?

W: My overriding concern would be that the law not be regarded as a money-making enterprise, or merely as a money-making enterprise. That is the saddest and most dangerous part, I think, of the legal profession.

P: Law school enrollments have soared – have doubled twice – in the last two years.

W: I see no harm whatever in that. I think you could have one-half the population trained in law, and it would only be to our societal advantage.

P: I guess what I was getting at is applications. The number of seats has not changed. Law schools are taking the same number they always have, at least at the University of Florida is. But the number of people applying to law school has dramatically increased.

W: Because the complexity of society is so great, and people are yearning for anything that might simplify it for them. Law has an elemental appeal in that direction. It may not be a valid one, but people think it will help them.

P: I think I have probably covered most of the questions I have. Is there anything you would like to add or anything you think that we have not covered as fully as we should?

W: No. I am grateful for having had the chances that law school has given me.

UFLC 51  
Page 34

P: Well, I certainly want to thank you for taking this time.

W: Thank you.

[End of the interview]