

UFLC 55

Interviewee: Talbot "Sandy" D'Alemberte

Interviewer: Denise Stobbie

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S: This is Denise Stobbie. I am interviewing Talbot "Sandy" D'Alemberte, an alumnus of the University of Florida College of Law, for the Oral History Project of the University of Florida. Today is August 21, 1990.

I understand that you attended the University of the South.

D: Right.

S: What was your major?

D: Political science.

S: Did you intend to study law all along?

D: No.

S: Was your father a lawyer?

D: My father worked for the state of Florida, but he had gone to the University of Florida law school back in the Depression years. He had to leave school [because he] ran out of money. He went to work for the state. He took the bar exam, which you could do in those days without graduating from law school. I think in his time you had to go to at least a year of law school. He took the bar and passed it, so he was a lawyer. Dad did not begin practicing law on an active basis until I was already in law school. But he was a lawyer. When I went to school I thought I wanted to be a minister, but I thought also about being a lawyer. I had a number of other family members who were lawyers. My grandfather--my mother's father--was a lawyer, and several of my mother's brothers were lawyers. One is still practicing in Tallahassee after fifty-two years.

S: Wow.

D: So I guess law was always on my mind. Shortly after starting college I decided I wanted to be a lawyer.

S: So did your father attend law school at all?

D: Yes. He went to the University of Florida law school back in the 1930s. I think he almost finished two years. Maybe he finished two years. He did not finish law school.

S: So what kind of work was he in before he practiced law?

D: He worked in state government as a purchasing agent. That is the reason we lived in Chattahoochee. That is where the largest of the state institutions was located – a mental hospital.

S: So you chose law over the ministry.

D: Yes.

S: I understand you graduated first in your class.

D: You know, that is not true. I actually finished second in my class. People are always introducing me as having finished first in my class, but Gene Brown, a lawyer now practicing in the [Florida] Keys, finished first in our class. He beat me out in the final semester. I did give the address of our class when I was admitted to the Florida Bar at the Florida Supreme Court. When you are admitted to the Supreme Court, they select one person. The tradition is the person that makes the best grade on the bar exam gives the address. Sometimes, when I have not denied that I was first in my class, I thought people might be talking about something else, and I have not corrected them. I am fairly sure that I was first in my class up until my last semester, and I think my last semester I managed to do poorly enough that I finished second.

S: Well, second is not bad.

D: It was a small class.

S: What year was that?

D: [That was in] 1962.

S: Well, they were not that small. They were a lot smaller in the 1940s.

D: That is right.

S: So you gave the address. Was that when you were admitted to the Florida Bar.

S: Was there just one student giving the address at that time?

D: Yes. Everybody came to Tallahassee and was admitted before the Supreme Court. Now someone is picked to give the address in each of the district courts.

S: So everyone came to Tallahassee, then.

D: That is right.

S: How did you manage to graduate second in your class? What kind of a student were you?

D: It is funny that in academics I seem to have done better at each level of school. I did better in college than I did in high school, and I did better in law school than I did in college. I do not think of myself as a grind. I studied hard, particularly in my first year. But I did play either handball or tennis virtually every day of law school. I hardly ever missed getting exercise, even during exam week. And I really enjoyed most of my courses and most of my professors. Some of them were mysteries to me, but I really liked the study of law. I found it interesting, and it never seemed burdensome to study.

S: Did you put in a lot of hours studying?

D: I know I did in my first year. After that, I do not think I put in an enormous [amount of time], because I was involved in other activities: moot court and *Law Review* and student government. I am sure I was not thought of as a grind.

S: What other activities were you involved in? All of those? Moot court, *Law Review*, . . . ?

D: Yes.

S: Did you hold positions?

D: Yes. Back in those days moot court was really just getting started. There was a moot court competition every spring. In those days it was before we had finished Legal Research and Writing. It was thought to be pretty difficult to compete for moot court as a freshman, because you had to have Legal Research and Writing. But the competition did not require us to write a brief. The competition was truly oral. I had done some debate work at college, and so I decided to go out for moot court. I won the moot court competition as a freshman. Then I won it again as a junior. By the time I was a senior I did not [compete] because I was finishing in mid year. So I got to compete in moot court. In those days we did not have a full moot court council like we have now. We just had a moot court team. The person who won the competition was supposed to be captain of the court team. Then I was articles editor of the *Law Review* and president of JMBA [John Marshall Bar Association] my last semester.

S: That does not sound like you were a grind. It sounds like you were pretty involved. [laughter] Did you enjoy law school?

- D: Yes. I enjoyed all of those. I thought moot court was really very valuable. That second- [and] third-year period when law school courses can get a little bit repetitious and you learn to play the game that students learn, moot court was very challenging and very well coached. A fond [memory I have of a] faculty member in those days is of Professor Leonard Powers. He is now dead. He put so much energy into it and treated his moot court students with particular care. Of all my student activities, I thought [moot court was the most valuable]. I thought it was more valuable than *Law Review*. And we did pretty well. We won the Florida competition. We competed well in regionals and went to the national competition at a time when there was only one national competition.
- S: Did you have some intermural competitions, or was the Florida competition against other [law school teams]?
- D: That was against other law schools in Florida. The Florida State University College of Law did not exist in those days. It was Stetson [University], University of Florida, and [University of] Miami in competition. We won the first competition that was ever sponsored by the Florida Bar. The Florida Bar began sponsoring that competition. In fact, that trophy still has our name on it. I had a moot court partner named Selig Goldin. Selly was a fine lawyer, very intense, but just a great guy. We were lucky. We met the other Florida team in the finals. That was Jim Quincey [now of Gainesville] and Kermit Kindred, now in Miami. We had a grand time on moot court. [A team of John Smith (now my law partner), Kermit Kindred, and I] came in second in regionals and defeated a team of which Sam Nunn, now a U.S. Senator from Georgia, was a member. You wind up, over the years, looking back on things you particularly enjoyed. Law school was enjoyable, but I particularly treasure moot court and practice court.
- S: Why did you go to law school? What were your aspirations?
- D: That is a good question. I came to law school after a period of time in the service. I think it is true of most of the people who went to law school the same time I went. For most of us, the prospect was that we could make more money if we stayed in the service. There was no way that any of us could have predicted what happened to law [practice] in our generation. After three years of law school you would expect to get a job that would pay you somewhat less--quite a bit less, really--than you would be paid as a person in the service [with] three years of experience. [As a lawyer you would be paid] considerably less than you would get if you had six years seniority in the service. By leaving the service after three or four years--and most of us had something like that in active duty--we clearly were not going into it for money. We had just no idea.
- Most of us had seen lawyers as people who played a significant role in their

communities. Some of them were prosperous--not by today's standards--but respectable, middle-class, prosperous people. The vast majority of them were well respected in the community, and they played roles in the community that were interesting roles. They were part of the political, civic life for most communities. And I think most of the people who went to law school with me saw themselves playing those kinds of roles. That did not happen to all of us.

S: Were you introduced to that by your parents or by the people they associated with?

D: Yes, I think so. But, again, remember these were very small communities. Tallahassee in those days [was around 15,000 people, and] Chattahoochee was quite small. Of course, Chattahoochee did not have any lawyers. When my dad started practicing law, he was the only lawyer in town.

S: Where did you really start to feed the interest?

D: I saw my uncles in practice, and we knew a number of lawyers throughout all of north Florida. Dad was always proud of being a lawyer even though he was not [always] in active practice. I have thought about this before. When you are in a very small town, you look around and see what you would like to do. People who seemed to me to be interesting or people who had something to say something about the community, the kind of people you would listen to when you were a young person, to me, were ministers and lawyers. They were people who really seemed to be very important. They were not as wealthy as the bankers or some of the merchants, but they seemed to me to be more important. They were doing the kinds of things I wanted to do. What they contributed seemed to me to be more important.

S: I asked that because in the [*Miami Herald*] article you had said that lawyers have lost touch with the reasons they went to law school. Today when we are interviewing students many of them say they are going to law school for money--to make a real good living.

D: I have started thinking lately a lot about the myths that make us a community. The myths that I think my generation of law students shared were very much along [the lines of the character] Atticus Finch [in] *To Kill A Mockingbird* and Clarence Darrow. And most of my colleagues in law school saw themselves being that kind of lawyer--people who participate one way or another in community life and political life and who care a lot about their community. It is a harder role to play in large cities than it is in small towns in part because of the way we organize ourselves now in large law firms. We have tall buildings, and we are not attached to what people are doing in the community.

S: Nonetheless, you would think that lawyers could still make that effort.

D: I almost think they have to for individual sanity. Even though people today are attracted by money, I still think that a large percentage of people come to law school thinking they are going to be of service of some kind. They get satisfaction by dealing with people and helping people. But they are not finding that satisfaction in the kind of law practice that pays them a large salary. They charge high fees so that when they do something pretty spectacular clients shrug it off. The clients are paying enough money, and they expect us to win. They expect us to do good work. The typical lawyer in a large firm never gets thanked by a client for anything and does not really get the personal satisfaction that a small-town lawyer gets day in and day out.

This is obviously a thesis I am trying to think through, but I believe that is true. I think my father, who earned so little money out of law practice, still loved practicing law [late in his life]. I talk to so many people who are my age who do not like practicing law. They think it is unfulfilling, and yet, by any objective measurement, they are quite successful. They are partners in large law firms, driving very nice automobiles, living in nice houses, owning boats and all the material things far beyond their expectations during their time in law school. I am talking about people who lived in Flavel [Village at UF] and barely got by, who clearly did not go into law in order to make a killing. Yet they have made a lot of money and found they are not satisfied.

I think we have to connect with the community again just for our own sanity. Then we will feel better. The second thing concerns the old premise of the law profession. We are supposed to be a very unique profession of public service. As soon as we disconnect from that, I do not think the public will allow us to exercise the vast franchise we are exercising. And I think it is a real danger that we are drifting away.

One way I have started thinking about it lately is how many of my partners who have been compensated very well could afford to be involved a lawsuit. I do not think any of them could have been in a lawsuit if a firm like ours represented them. They simply would not have the resources. So legal remedies are not within our grasp. Again, small-town lawyers are doing a pretty good job of serving the middle class, but in large cities I do not think we are doing that well. So we are not connected to the community in ways that we were individually and as a profession.

S: What do you plan to do about that?

D: I do not know if there is anything dramatic that can be done. This gets complicated. I believe the courts are the key to reconnecting the professional community. I think judges in the common law system play a very important role,

and they are going through their own kind of bureaucratic development. But the judges see the problems of the community and are in the best posture to redeem contact with what the legal needs of the community are.

A proposal I made to the Florida Supreme Court which is still pending is that the courts take responsibility for reconnecting the professional group. The way to do that, I think, is in the old-fashioned way. There are community needs out there. The judges call lawyers and appoint them to take cases or to perform service function. That is the way Atticus Finch took on his case in *To Kill A Mockingbird*--he was ordered to do it by the local judge.

S: That is still being done, though.

D: Not really.

S: No?

D: It is still [happening] on the criminal side, where lawyers are compensated. But not very much on the civil side, and certainly not in any kind of systematic way. There may be some places where it is done. There are examples of such programs, including in Dade County. Judges have a fundamental duty to see that justice is done. I think lawyers have the same duty. I think that judges can fulfill their duty by appointing all lawyers, and lawyers are obligated to accept those appointments.

S: So what kind of appointments? Like what kind of cases?

D: If a legal services program in Alachua County is not sufficiently funded, then people [who] cannot afford legal services [are not served]. In my theory, it is the responsibility of the judges to identify the need, and it is the responsibility of the lawyers to [try to] fulfill it through either an appointment process or something that the local bar puts together. Lawyers can organize sufficiently to see that the legal needs of the poor are met and the judges do not ever have to make an appointment. But if the bar does not organize itself in a way to meet that need, then it is the duty of the judges to meet it.

S: A judge would just appoint an attorney to handle a certain case?

D: Yes.

S: Do you think that the legal needs of the poor are not being met at this point by the legal services?

D: I think definitely they are not being met.

S: It is not enough.

D: I do not think anybody speaks out. I made a proposal, and I am arguing with the Florida Bar. The Florida Bar has been in opposition to this proposal, but they do not oppose it on the grounds that there are no needs. They can see their needs, but they do not think that is the way to meet it. They think this is like mandatory pro bono. I do not think it is like mandatory pro bono. I think it is like an old-fashioned system with the courts caring about whether justice is done, and about the bar connecting with that to accepting appointments, which I view as our obligation. But that is a proposal, and I think that would work. But it would not take care of the legal needs of the middle class.

S: Yes. [That is] true.

D: That is, to me, a more complex problem than the legal needs of the poor. I do not think you can ask lawyers to work for free where there is some availability of private funds. I simply do not know how to handle it. I have the feeling that even the best of our law schools are not doing very much to handle the problem. They continue to educate people for large law firms [and] for judicial clerkships. We do not do much to train lawyers or encourage lawyers to go out and serve the real needs of our communities.

S: Well, UF law professors W. Scott Van Alstyne and Joseph R. Julin would love to talk with you more about that, because that is what they talk about in their books.

D: Yes. I really agree with a lot of their thesis. I do not agree with them about their solution, but I do think they have helped bring the problem into clearer focus. Dick Julin particularly has had a great impact on legal education.

S: So let us talk about legal education, then. Do you have any thoughts on changes that need to be made in our law schools?

D: Yes.

S: Major curriculum reforms?

D: I did an interview recently with *ABA Journal*. I will copy this for you.

S: OK. Good.

D: It was just really in a conversation like this. It was not presented the way I said it because I think I had a long rambling conversation like this. A person edited and cleaned it up substantially, and in the process wound up getting some things a

little bit out of sequence from what I proposed. But I said all those things. That will be useful for your [purposes].

S: Can you sum that up?

D: I can restate the problem, and then I am not so clear on the solution. There are several problems, I think, in education. Let me just focus on one, and that is the division between law practice and law teaching. There are several different ways to talk about it. One is to sit here and ask myself, Is there any other profession in this country that allows its next generation to be educated by people so distant from the profession? I cannot think of one. Journalism probably does the next worst job.

S: Yes. There are some real problems in journalism.

D: There are some problems in journalism, but let us go to people who do a pretty good job: physicians, who train in a quite direct way with practicing physicians with experience in medical school. But let us not go there, [because that is very expensive]. Nobody has the resources for education that the medical schools have. The medical school student/faculty ratio is so absurdly large that we will never get there.

Look at X-ray technicians and nurses. Look at academic programs, certainly at the graduate level, which we pretend to be, and think about those that are intended to end in some kind of practice: psychology, and the performance areas, such as music and theater. Those programs do not teach the average class size of 40 and 50 or 110 people. How do you teach someone to play an oboe in a class that size? How do you teach a graduate school historian or a dental hygienist in community college programs? You teach them in small classes, often one-on-one.

Indeed, to prove a point, most programs, particularly any of the medical arts programs, could not even be accredited if they had a student/faculty ratio as bad as the best American law school. What I am saying is you cannot run those programs with the kind of [teaching] resources that are used by legal educators.

Fundamentally, the point I am trying to make is that we have legal education disconnected from the profession. It does not have the resources needed. A solution may be to reconnect the profession and do that by providing law schools with resources. How to do that is a key question.

S: Yes. Did you meet some resistance up here in trying to bring in practitioners into the college?

D: Yes. The effort was not to bring just practitioners. The effort was made to look at others, too. A practicing lawyer walks out of a law school and says, "You do not do a very good job of training people for trial work," which is probably one of the areas where we do a better job. I taught trial practice. Since 1962 I have been around courtrooms enough to feel like I know something about trial practice, even though I certainly have never been trained to teach trial practice. I know less about making presentations. I know something about courtroom procedure, but in terms of presentation we would be far better off having people who have studied making presentations [teach the classes]. That is [the way things are done in] theater school. FSU has a great theater school. We ought to be using the theater people.

What [other] skills do lawyers need? Counseling skills. Who at the law school is going to teach them how to do counseling? We never learned how to do counseling unless we happened to get our undergraduate work in social work or psychology. We would be so much better off getting the psychologists or social workers to come over and teach us to be counselors.

It is another way of looking at the problems of legal education: who is conducting legal education today? First of all, I would say the best qualified people ever, and that is the problem. We have the best law faculty we have ever had. Sadly, the experience of a typical law faculty member is not very great. I think I can get 80 percent or 90 percent of the people in a room--even of law professors--to agree to this profile. The typical law professor is someone who has gone to a very good law school and was very high in their class, clerked for a federal judge for one or two years, gone to a very good law firm, meaning, if you translate these things, a large law firm. And when they arrived at the law firm, they have gone down into the bowels of some department within that law firm and done the dullest possible work, [having] little or no contact with law practice in a "grand manner," meaning no contact with clients and little or no understanding about what contributions can be made or what a professional [life] can be [in terms of public service]. They must focus on billable hours, and they decide at some point that there are better things in life.

They are bright enough to qualify for an academic position, and they come to the law schools. Some of them enjoy the law practice. Many of them do not enjoy the law practice and do not regard the law practice, as they experienced it, a particularly noble thing. And indeed it is not a particularly noble thing the way they practiced. It is to that group of people we now turn and say, "We would like you to train the next generation of lawyers." Now, I have no quarrel with a large part of the training of the next generation of lawyers falling in the hands of these people whose great virtue seems to me to be intelligence. But we cannot turn back to these people and say, "Train the next [generation of] professionals." Those professors have never been trained in the first instance in the things that

lawyers really need. We have never connected with other academic departments to help us train.

I have not been trained in counseling. I do not know a thing about counseling. I have studied a little bit about negotiations, but not enough to really qualify me to teach the course. It would probably be better to have people, if we were going to do this in law school, to come with at least some practice experience. This is a silly fight that goes on within law schools [by] those people who see themselves as pure academics, and whose mission it is to defend the law school against those people who [threaten to] turn the law school into a trade school. That [is a] great clash of values.

S: You cannot have the academics with just input.

D: Precisely. Again, it is dependent on how you define yourself. When you go to a theater school, when you train somebody to perform, you do not think of that as a trade school function. You are trying to make somebody into a great actor or teach them how to direct. A part of the reason we get into this battle in legal education is that we always have such scarce resources, and we run our law schools in the way to continue this fight. Your point is a good point. Can you do both? The answer is, sure, you can do both. It is going to require getting some different type of people around. It is going to require us to loosen up a little bit about who we have at the law school and who can teach lawyers.

S: Were you proposing that here?

D: Well, we did some of this. We ran some programs that got practicing lawyers in, and there was some resistance to it. But there also was some support and acceptance to it. Let me give you a couple of examples. The easiest one to use is trial practice. Typically, the University of Florida does role-playing and clinical courses. We did the same thing, but we brought lawyers in to help. We would bring in two lawyers and/or a lawyer and a judge to stay a full week. Rather than teaching students on Monday, Wednesday, and Friday, we taught courses which had students come in in the morning and stay all day every day. So we now had a law student and some practicing lawyers and judges there with him, working through exercises the whole day. So we began to get the real use out of the practicing lawyer who could be there to conduct demonstrations [and] to critique the work of students. You run all-day courses rather than running three hours a day. Law students are very definitely underworked. [They are], of course, worked hard as hell the first year. After that, law students are not engaged in very much, and it gets them into an awful lot of mischief. Law students run out and try to clerk for law firms. Although some of them get lucky and get with good law firms, most of them get exploited. Although they learn a lot from working at the law firms, many of them learn the wrong damn thing.

And they go out because they are bored in law school. I do not think that any third-year student who loves law school exists in this country.

S: I agree with you. In the second and third years they definitely slow down, because students tell us that that is when they get involved in other activities.

D: They are underworked. Their classes are not challenging enough.

S: And yet they are worked to death in the first year, or they work themselves to death.

D: Yes. They are scared. We scare them so hard in the first year, and the old myths are still around. We really did lose approximately half of my law school class in the first year. And law school is so hard to get into. It is easy to keep people psyched up for the first year. Then, all of a sudden, about the second year, they realize that we are just doing the same old stuff with them. So they are bored. Are there law students in class a lot? Dick Julin has said, particularly concerning the law school in the third year, that there is nobody there. I think they are bored.

S: Or they will be there and are unprepared. I was amazed at the classes I have sat in on. The professor would ask a question, and the student would say, "I am unprepared."

D: You ought to go back and try a course that Joe Jacobs developed. Joe is a very fine FSU professor who has taught tax and other subjects. The course is called "Deals" by the students. It is a seven-week course. The course starts every morning, and you leave when you finish your work that night, whenever that is. Sometimes [it is] the next morning before you leave. The first week is a week in which you sit down at the computer and learn to do financial analysis and to read financial statements. You become, in a week, somewhat literate in finance and evaluation. You will not be a Wall Street investment banker in that course, but you will know [the basics] when you walk away from that week. And you will not walk away from it unless you [master the material]. They have a computer program, and people learn to run Lotus 1-2-3 and to do exercises. At that point, students are now equipped with the prerequisites for the course and the ability to read financial statements.

The second week is spent entirely--again, morning on into the night--in negotiations and negotiation theory. We developed a program with the Harvard Negotiation Project in special problems that involved business-type negotiations and theories of negotiations. [Students performed and were videotaped, and practicing lawyers] critiqued those videotapes. It is a small class of eighteen to twenty people[with] a law professor and two practicing

lawyers [who are invited each week]. I do not propose to drive professors out of the classroom. I propose bringing practicing lawyers in and using role-playing techniques.

The third week they begin to pick up the first of five deals. (It is a seven-week course.) They have two weeks in preparation. They now have five deals, [one] each week of increasing complexity. They start out organizing a small corporation, figuring out how you get the financing. This is a course in banking law, tax law, corporate law, securities law, everything. It also includes drafting. Students have to draft all the documents.

The first week [of deals] begins by saying, generally, "This deal, this transaction, will look something like this." The professors and lawyers do the lecturing and provide sample forms, etc. Students are then divided into teams for various purposes, and they conduct a series of negotiations. There will be somebody representing the bank. There will be somebody representing other people who are sought as investors. The practicing lawyers' role in this is to give the first lecture, saying, "Here is the way we do things in my office." Understand, students do not get a single lecture. They always get two [or three] lectures, [one from the professor and one--preferably two--from the visiting lawyers. So they get different views on how to do things. Then the lawyers bring in the forms. "Here are the forms I used. You may find some of these useful. Please photocopy them. This will give you a starting place so you can see what they look like." You then put the students through a series of negotiations. The lawyers, now, after giving the lecture, role-play as clients.

The students begin to pick up on what they are doing, and the problems become problems of greater and greater difficulty. The materials also emphasize ethical complications. The lawyers, acting like clients, will change their minds and try to back out of an agreement. They will do all the kinds of things that these lawyers have seen clients do. What kinds of ethical problems do you encounter [as a lawyer]? So you go through five weeks of that increasing complexity. Classes sometimes break down. Students who arrive with prerequisites in tax and securities suddenly realize they do not know what to do, and they stop and beg you to teach a seminar. "Can't we stop it?" You do not stop at first. You make them really [try to work it out. But when you do stop the exercise to allow a lecture--when you have students begging you to teach them something, and they know they have to go out and negotiate and draft documents using that information--then they will pay attention. So it is quite different from when you say, "Your next assignment is such-and-such," and the student shows up for class unprepared. They are not going to be unprepared because they have to go out and negotiate. We are going to put a videotape on them while they are negotiating, and you have good practicing lawyers there who are going to critique them. They know what they should be doing, what they should be saying, and

what knowledge they should have in the negotiations.

You still get complaints from students. The principal complaint is, "You are working us too hard for the number of hours you are giving us." That is the thing I love to hear most from law students, because I think we have now pampered law students too much. Law students in their second or third years do not have to do that much. We will not fail students. Just stick around until graduation.

S: Did you initiate this?

D: Yes. I actually know nothing about business law. Let me tell you about what we did. We went to the corporation and banking law section of the Florida Bar and said, "We would like to try something different, but it is going to be expensive. Do you think there might be some value [to this proposed approach] to business law? A section is trying this out. Would you give us a grant?" We got \$15,000, enough to pay for some of the expenses. The section's members came in to help us teach it.

S: What did the faculty think of that?

D: The faculty members who had taught it seemed to like it. Joe Jacobs really enjoyed doing it. He taught intensely for seven weeks. Then he had no other teaching duties for the rest of the semester, so he was able to write a little more. He worked so much harder than any other professor.

I look at the organizational structure of legal education. It is a delightful conspiracy. Everybody gets what they want out of law school. The profession gets the barrier [against] too many people coming in to practice law. The barrier of requiring three years of law school makes it very expensive and time consuming, so only the people who are diligent or who are going to stick through the experience will be allowed to practice. The students have this extremely difficult first year, but after that you ease up and do not work them so hard. The professor's life would be considerably more complicated if they had to do the kinds of tasks that would make legal education sound.

I am overstating on this; I know I am. But let me make the point. Is there anyone who would argue that a method of giving examinations once a semester is a valid way to conduct an educational enterprise? Is there anybody else who does that? While I was dean I decided I had enough time to go out and do something I had always wanted to do. I wanted to learn to fly, so I went out and took flight training. I was struck by the methods that were used to teach me to fly. In the theory part, they would give me information. They would test me on it right away to see whether I knew it or not. And if I did not do well on the test, I would go back until I got that segment. Then I would look at the next. It was

extremely well-organized. I never had a classroom session without a test. There were tests constantly. They knew what they wanted to teach me. Now, I am not suggesting that you convert to that kind of training to law school in all areas. But there are some areas that you can! And we would turn out a better product if we would use those techniques. Clearly you are trying to bring along the students. But you have to let the students know whether they are mastering the material as they go.

S: Yes, because it takes the students a while to adjust to that [schedule of] one test a semester.

D: That is right. We do our best to destroy their confidence, and then we do not give them anything that builds their confidence. We wait until the end of the semester to give them a test. We then give a test, and they learn that they are not going to fail, but they also learn that they will not learn much about lawyering if they stick with our curriculum. We teach in large classes. We do not give exams. We do not do very much writing.

The remarkable thing is that students are the ones who are showing the initiative [in legal education]. They are going out and expanding moot court programs. They are the ones who are going out and organizing new journals and insisting on other educational enterprises. If it were not for students educating themselves, law school would be in a terrible mess. But the kinds of things that we would like to have done in law school are not going to be done because it takes too much work to do them. And if it interferes with the way we run educational programs, we will not do it. The faculties will not put that burden on themselves. The only question in my mind is whether the faculty can be convinced that the legal education as we know it is not a good system.

There are several alternatives. One is, through the profession, take over the education of the next generation. Legal education as we know it is a rather recent phenomenon. Another alternative is for law schools to join with the profession in the partnership.

The lawyers are the ones who have let this happen. We control all the apparatus that controls the law schools. We control the accreditation process both in the rule making and in the administration of that accreditation process. That is run by the American Bar Association. We control the resources for legal education. We do not do that much about it.

I do not believe in conspiracy theory, but let me try one out on you. Law school faculties and lawyers are in a big conspiracy, it can be argued, and the conspiracy is that each of them will leave the other alone. You can even talk about the students being in the conspiracy because the faculty leaves them

alone [and] they leave the faculty alone. Faculty members are giving lectures to the second- and third-year classes that they have given for years and years, and students are not preparing.

S: And they suffer when they try to step out into the real world.

D: Yes. And they would suffer even if the faculty were prepared and the students were prepared, because teaching is not relevant to what most of them will be doing in the real world. Again, the faculty member is educating students for a narrow life in the law. Pick up your alumni journals. Law schools have their greatest pride for students who have been appointed clerks to federal judges and who go to large law firms. That is not where the majority of American lawyers are. But that is what our law schools are doing, and we are all doing our best to train people for positions where they do not need the training because they will be closely supervised. We are not doing enough to train students for practice outside of the large law firm environment.

S: In the short term, though, do you think that just by having more input from the practicing bar and maybe input from others things will change?

D: First of all, in the short term, nothing will happen. In the short term, all that will be accomplished is causing the debate. In the long term, nothing will happen unless the bar is very tenacious, and legal education has waited out most proposed reforms. Take clinical education. Five percent of the students go into it, but at the school we would say, "Oh, yes, we have clinical [education]." It is not pervasive, and it is not always very well focused.

If you were cross examining, I would have to say the student body is better than it ever has been before in terms of intellectual strength. Our faculty is better than it has ever been before in terms of intellectual strength. Resources are pretty good. The student/faculty ratio is dropping rather dramatically in the last decade. There are some signs of interdisciplinary work at some law schools. In many ways, legal education is improving. Fundamentally it is still failing.

S: So we have a progressive president-elect of the ABA.

D: "Liberal" is what most people would say.

S: And I imagine you are going to be hearing a lot about this.

D: Yes. As you can tell by my rambling, I have not developed this into anything that is coherent, but I still would like to talk about it some.

S: As president-elect, do you have any plans developed for what you will do? What

are you doing in terms of reform in this area?

D: A fine person who is a former president for the American Bar Association, a lawyer by the name of Bob MacCrete, is working on a research project now which is intended to look at the way law schools are dealing with the gap between the profession and the law schools. Bob MacCrete is very likely to provide good, reasonable research that will serve as a predicate to some of our proposals. And I think it is important that we criticize. I think it is just as Justice [Oliver Wendell] Holmes said. When he criticized the law, he said that it was not that he did not love the law. He did very much. He loved it enough to take time to criticize it. I feel like that with legal education. I think it is really good. I think it is improving. But I think it is a long way from where it ought to be.

S: Well, you are in an interesting position now. Having served as a [law school] dean, you have seen legal education from the inside.

D: Yes. That is right. I hope that I can criticize it without losing friends. I know I disagree with a number of people concerning legal education, but some of the people I disagree with most I still respect the most.

S: I am sure that is mutual.

D: Yes.

S: Let me see what else I need to ask you while we are on legal education. At UF there are a lot of attorneys who ask to be involved. A lot of our alumni will even travel up from south Florida or west Florida to come and lecture. Do you think that it is important that attorneys make the effort to do more of that?

D: Yes, but I do not think that that is a problem. The problem with the bar has been with getting itself organized to deal with legal education. As a dean I can say that I have never had a single lawyer turn me down when I invited him to the law school. Now, I have had people say, "I cannot come on that date. I have a trial." But even that person has always said, "Will you invite me back later?" Getting the practicing lawyer involved is the easiest thing in the world, and there can be lawyer involvement in a way that does not undermine fundamental academic values.

I taught for a while at the University of Miami as an adjunct, and I do not believe in adjunct professors. I do not like the idea of a practicing lawyer coming to law school and teaching a class at five or six [p.m.] Monday, Wednesday, and Friday.

The reason I do not like it is I remember my own experience. If I had a case I was preparing for trial or whatever, and there was a choice between getting prepared for trial and cancelling class, I know what I did: cancel class.

I would not propose to take legal education away from legal educators. I just propose that legal educators loosen up a little and figure out ways to use practicing lawyers in a format that does not have practicing lawyer telling war stories and doing all the other things practicing lawyers like to do. The way to do that, I believe, is to develop role-playing courses, which I think is a very successful form of education. It allows us to enrich the problems of ethical questions which are not being addressed very adequately in law schools or in law practice and allows us to use practicing lawyers in ways that draw on their competence and demonstrate what they do, and then conduct criticisms. That is what they use them for.

S: Does all this rest on the law schools, in your opinion, or should the court operate more mentorship programs?

D: I think there are various ways to do it. In the first instance, I think the responsibility is on the bar, because the bar has the resources, and the bar will develop programs as they develop materials and package that with people who are trained to use the materials and make those available to the law schools. It is going to be up to the law schools to see if they want the help of the practicing lawyers. Again, I think the law students will. My experience is that the law students can push reform along pretty well. The faculty who resist the coming in of a practicing lawyer cannot resist the offer of free resources to provide valid educational content. The bar must come forward with solid resources.

S: But you do not think (and I do not think, either) that students want war stories?

D: No, I do not think that they do. Students are very quickly turned off by war stories. That is the reason I would not accept all of these offers of help that deans get. I always try to put those people on a list. We have a very extensive moot court program, and those people who practice [can help with] moot court. Let us ask them to come in and read briefs and critique the briefs and critique the practice arguments. Let us have the practicing lawyers do for us what they ought to be doing back in their law practice--helping train young people. It is not nearly as much fun training people in your own firm as [it is] to go to the law school. Lawyers love to say, "I was just invited to Georgetown to lecture," or teach a class or whatever. I know that happens. I have been invited. I taught at Harvard Law School. I was there for only one week teaching a course in trial advocacy. But it is the kind of thing lawyers love to brag about. It is strange how eager lawyers are to come back and help out. It is a point of real distinction for them, and we are not using that effectively.

S: Let us move on. We could keep going on that [subject] for a while. Tell me, how will you be spending this year as president-elect? What are some of the

responsibilities of that position?

D: Fundamentally, it is a period of training and orientation for me. I will take on certain duties that are delegated. I will chair a long-range planning committee, and I will chair a search committee for the new executive director for the American Bar Association [ABA]. I will serve on a number of committees. I am also involved in a couple of projects for ABA. We have a project going on in central and eastern Europe [that] I am involved with. I have traveled some in connection with that. Tomorrow I am going to Sofia, Bulgaria, and then on to Prague, Czechoslovakia. We have recently developed some programs, some of which I have worked with Jeff Lewis [dean, UF College of Law]. Of course, the University of Florida's is one of the [law] schools that has had enough vision to be in Poland very, very early on, and I hope to have some chances to work with the law schools and people in that region who have expressed interest in exchanges.

S: Helping them to develop.

D: Yes. The thought is to try to provide technical assistance where sought in a variety of areas. Obviously, changing a Marxist economy into a market economy is a very interesting proposition. Not very many people know very much about that subject. That would probably be experimentation for all of us. But there are some people out there who have done some work in that area.

Countries in the central European region are also entering criminal law reform, looking at court reform and wanting to know how we manage to preserve our civil liberties but still have a very active and free market economy. So American lawyers will have some role to play in that, although not the entire role. American lawyers might play even a facilitating role in that discussion, which would be education for all of us. When you start thinking about our system, there are probably parts of our system that we would recommend and parts that we would have trouble recommending. I am not sure we ought to advance very much our system for building housing or handling banking institutions these days. There are certain failures we have that now we face up to without having this ideological overlay. So it will be an interesting for American lawyers.

S: I get the feeling from that that the ABA position is very actively sought after, a very important person, because I would imagine the government would look to that position when other countries ask for assistance.

D: Yes. That is right. That has been correct for some time. In September there is a conference of American lawyers going to Moscow. Approximately seven hundred lawyers are going to Moscow, and it comes at a time that is really important in developing the Russian system. They are beginning to look at what kind of associations they should have with lawyers. They are beginning to look

at law practice and how it should relate to the government. They are beginning to ask: What does independence of lawyers mean? In addition, [there are] all of the subsequent questions: What is property? Who owns the property? What rights are embodied in property rights? How do you market goods? How do you establish free society? Again, back to the fundamental question: How do you develop an independent judiciary? Those are questions of American lawyers who have something to say. American lawyers will probably come away with a considerable education and, hopefully, with some critical self-examination of our own system [and] our own role in the system.

S: Is that an ABA delegation that is going over there?

D: Yes. It is a project begun by the ABA's Section of International Law.

S: You have been involved with the ABA for quite a while. What about running uncontested for president? Is that unusual?

D: It happens some. The person who just was president ran uncontested. It does not [happen] all that often, but some. I had a great advantage, and that is that I was a Florida lawyer. Chesterfield Smith and Reece Smith were both presidents of the ABA, and they both made very good names for themselves and, by extension, Florida lawyers. They are two people who are most highly regarded in ABA circles, and it becomes much easier for someone who runs with the support of Florida lawyers, because people expect that a Florida lawyer will be a good president. Florida lawyers are very active in the ABA. So if you are running from Florida with the support of Florida lawyers, you will very likely have a step up on someone from almost any other state. To me, Florida is a very special place. I do not think we appreciate it ourselves until we get out and deal with lawyers from around the nation. Our Florida Bar itself is thought of as one of the very best of the bars.

S: OK. I am glad you commented on that, because that was one of my questions. When I was talking to someone before I came up, he was saying that Florida's is really a powerful and influential bar.

D: Yes, it is.

S: You would not think that. I would think [the powerful bars would be in] New York or the [Washington] DC area.

D: They are a very powerful, influential groups, at least within bar circles, but I think there is a special regard that goes out to Florida lawyers. There is a real esprit among Florida lawyers, too. Some smaller states have it, also, but not many larger states have the same kind of feeling among their membership.

Then again, some of it ties back to our opening discussion about community. People who do care about the law but disagree violently about individual issues never doubt the sincerity of their opponents. The debate is among a community whose members respect one another. I think about strong leaders of the bar with whom I often disagree but have always respected, people like Ray Ferraro and Jim Rinamer.

S: Yes. Let me ask you a little bit about Chesterfield. Do you consider him your mentor?

D: Certainly in ABA matters, and maybe in other things as well. He was the first one to talk me into getting involved [in the race for president]. When I gave my acceptance speech to ABA a couple of weeks ago, I said that I owed him a great deal. I had known Chesterfield before I went to legislature. I got to know him very well in my legislative years because he was representing phosphate interests, and I was one of the people trying to put an excise tax on phosphate. Chesterfield stayed in fairly close touch as antagonist, and we got to like each other. At least, I got to like him.

S: That was how you met?

D: No. We had met before. I had actually interviewed with his firm. But we got to know each other very well by being on opposite sides of a political issue. Then we worked together. We started working on reform of the court system. I chaired the committee, and Chesterfield was a bar leader who continued to advocate reform of the judicial system.

In 1972, after we accomplished that, I left the legislature and went back to [full-time] law practice. Chesterfield, about that time, was elected to be ABA president, and he called and asked me to serve on an ABA committee. I said I could not do it. He called me back a second time and said: "I sent you a list of committees. Just pick the committees you want to serve on." I said: "Chesterfield, I told you I am not going to do that. I am not going to waste my time fooling around with something like the ABA. I am happy to help you out. I am proud of your being there, but I am just not going to do it." He called me a third time. This time he said, "Sandy, I have just authorized a press release announcing your appointment as chairman [of a new committee]." (This is during the period following Nixon's awful 1972 campaign in which an obscene amount of money was collected.) Chesterfield said: "We are organizing a new special committee on election reform, and I have appointed you chairman of it. Your other committee members are . . . ," and then [he] rattled off names of the general counsel to United Auto Workers and several distinguished academics. I said, "That really sounds like an interesting project." [He said,] "It is interesting,

but you are going to do this because I just told them to issue the press release." So my first work with ABA was I got to chair a committee. I think I got to do it because of Chesterfield. [It is] quite simple.

I sometimes think if I had told him yes the first time that I would not have gotten to chair a committee. He would have taken yes for an answer. I just told him I would not do it. Thereafter, as a coincidence, because Chesterfield asked me to do that, I went to an ABA convention out in Hawaii. Dick Julin [Joseph R. Julin, dean, UF College of Law, 1971-1980] was out there. Dick was at a meeting of the Section on Legal Education. It turned out they had a vacancy on the council for the sectional. I had worked with Dick when I was in the legislature to help appropriate money for law school libraries at both Florida and FSU, and I had done some other things with Dick. I was one of the first members when we organized the law center trustees. Lawton [Chiles], from the senate, and I, from the house, were the two legislative members of the law center trustees when it was first organized. [You had] better check me on that, but I am pretty sure it is right.

S: OK.

D: So there was a vacancy on the council of the ABA Legal Education Section. The section runs the accreditation processes. They were looking around. They needed a lawyer because it is a mixture of lawyers, judges, and academics, and they wanted somebody else from the South. So Dick got me elected to that, and I went on to be chair of the section. So Chesterfield was very definitely my mentor, but Dick Julin, the holder of the Chesterfield Smith chair, was the other person who got me involved in ABA activities.

S: Why were you against ABA activity?

D: I thought it was sort of a rich lawyers' club. I did not think it had much relevance to what lawyers do and are supposed to do. Again, remember that ABA had really been pretty conservative at one time regarding its admissions policies. Late in their history they admitted black lawyers. Back in those years it was not thought of as a very progressive organization. Chesterfield, as much as any person, transformed the ABA. He really turned it into something that lawyers could be proud to belong to.

S: And what about Reece Smith?

D: Reece's and Chesterfield's styles are very different. Reece has a strong, competent, intellectual, idealistic manner. Other people have done this as well, but of all the ABA presidents you think about Reece as a person who cared in a real fundamental way about bringing services to the poor, who advanced that

cause when he was president of the Florida Bar, and became the national spokesperson when he was president of the ABA. [He] continues to this day as a person who is looked to in this area. The two of them take us back to a solid public service foundation. I am only touching on a piece of it.

S: Right. What do you think of the ABA now?

D: I think the ABA has been an important leader in a number of areas. I mentioned earlier in our discussion [the important ABA role in] legal education. As much as I try to state things in a confrontational manner, I think ABA has been very successful in improving legal education. I think the ABA positions on civil rights issues are, by and large, correct. I think they have developed model rules and model codes in areas of criminal justice [and] lawyer and judicial ethics. The ABA is weaving the fabric that joins the profession. When you talk to people from overseas they do not quite understand how we develop things. Lawyers are, after all, regulated by each of the separate states. In most ways, they are tied together. I view the ABA as the central organization, that is, by and large, very, very constructive. It does not operate most of the time like a trade union. But there are exceptions. It operates in response to [the] higher principle [of] public service.

S: Before I go on, are there any other issues that you want to touch on that you plan to concentrate on during your ABA term?

D: We talked about legal education. We talked briefly about legal services for the poor. I think the areas that I am likely to spend time on are the areas that I have spent time on in the past. They are the things I know the best: legal education, court reform, legal services, law revision, law reform (both the domestic and international response).

S: I know those go into a lot of material, but [are there] any main points over each of those under judicial reform?

D: When I was in the legislature and when I was president of the American Judicature Society I was involved with movements--first state and [then] national--for merit selection [and] merit retention, judicial discipline, and so forth.

I think there are two developments in the very recent past that have made it [necessary] to look at judicial reform very carefully. Those two developments are the federal Voting Rights Act decisions holding that judicial elections are governed by provisions of the Voting Rights Act, which may mean that we should have single-member districts for judges so that judges could be elected as representatives of racial and ethnic groups. I think that is terrible. I talked about the idea of having judges and lawyers closer to their communities, with the

idea of judges being controlled as community representatives, [and that] troubles me. I do not think that is going to do what the American judiciary is supposed to do. Indeed, the genius of the American judiciary has been the capacity to be anti-majoritarian, and that is a really important contribution. Making the judiciary into that kind of political instrument is, in my judgment, a very dangerous thing.

The second development, [which] is something that I applaud theoretically, is the attack on the American Bar Association's formulated standards for judicial ethics, which says that lawyers cannot speak out on political issues. I believe that this is an infringement of the judicial candidate's right of free speech and cannot be upheld. Thus, the civility of the judicial process is threatened. Yet I do not like the idea of judges speaking out. Of course, there is the temptation for judges to speak out to win an election.

Because of these two developments, I think it is going to be necessary for judges not to be elected anymore. We should move to appointed judges--and move to a merit-selection/merit-retention type of system. That is a long-winded answer. I see new vigor in court reform efforts because of these two developments.

- S: In appointing judges, though, you run the risk of the feelings of the person who appointed them determining who is appointed.
- D: The process of merit nominations and appointments, I think, has worked pretty well. There is at least a screening process that takes care of some of the worst features of that. I personally would accept that system. I do not want the judiciary to be responsible in a democratic sense. I do not think that is the role of our judiciary. Again, remember I am a creature of my times. I grew up in the South in a segregated society. The federal judiciary in particular--but the state judiciary also--played a role in ending that. If you put any of those principles to a vote, or if judges were easily thrown out by election, I do not have much doubt about what would have happened, at least in the communities where I grew up. So I think having an independent judiciary is very, very important.
- S: What do you think of the justices [U.S. Supreme Court nominees] lately being quizzed on their feelings on abortion and on other political issues?
- D: I had a lot of doubts about that even during the [Robert] Bork hearings. I had a lot of difficulty with the way Bork was treated. I think he invited a lot of it, honestly, but even with that there were some excesses. And people I would normally think of as allies, Ted Kennedy and others, were inappropriately aggressive in the early stages of those hearings. On the other hand, I have come to respect the role of the Senate. If I were a Senator I would want to be satisfied with the nominee before I would cast a vote.

S: What about law reforms?

D: I think American law is one of the very important products of this country. Most business people would laugh at you if they heard you say that, because they see our legal system as some kind of impediment to doing business; they always have to tangle with lawyers. I really believe our legal system is a fundamentally fair one which allows sufficient freedom of operation and protects civil liberties. It is a system which I think is greatly admired around the rest of the world. I think American lawyers have a lot to contribute when people think about restructuring their societies. I see the value of bringing American lawyers in to exchange views with people from other countries that are trying to restructure.

S: Will you be working at all with Reece on that since he is president of the International Bar?

D: Yes, some, although the American Bar Association has a separately constructed project called the Central and Eastern European Law Initiative. I think our major effort will probably come through that program.

S: You mentioned in the other interview that your election offers you a chance to speak out. Who will be your target, your listening audiences?

D: I guess it is polite to [wait to] be invited as a speaker. The typical audiences are bar associations, but communication with the media is becoming increasingly in demand.

S: I just wondered who you hoped to reach.

D: Most of what I have to say will be of interest principally to lawyers.

S: Are you going to continue to practice at all?

D: I will do some practice. I am still finishing up some things. I will handle some appeals. I do not think I will be doing very much trial work for the next couple of years. I may try one or two cases, but I do not think I will have a very full load.

S: You have been with Steel, Hector, Davis since 1962? I mean, off and on.

D: Yes. It had a different name then. It was Scott, McCarthy, Preston & Steel when I joined it, but it is the same firm. I have been with them since I left law school.

S: Have you ever been with any other firm?

D: No. They have been very supportive. It is a big sacrifice for a law firm to have

somebody go off and take this much time for the American Bar Association. I am really proud of our practice. I do not know this, but we may be the first law firm in the country to have had two ABA presidents. A fellow by the name of Scott Loften actually founded the firm that is now Steel, Hector, Davis. He was both the president of the ABA and a United States Senator.

S: The law school is proud to have three alumni who have served as ABA presidents.

D: Yes, it is, and it has been three within a relatively short period of time. It is pretty remarkable thing.

S: You spoke about lawyers getting closer to their community, getting involved, and doing that to maintain sanity and to find satisfaction in what they are doing. Are you satisfied?

D: Oh, yes. I have seen a survey recently done by the Young Lawyers Section of the ABA that just had devastating figures. A large percentage of the people are not happy practicing law. But I am really happy practicing law. My practice has allowed me to do things that otherwise I would not have been able to do. I cannot imagine anything I could have enjoyed as much as being a lawyer. My career allowed me to serve in the legislature, represent interesting clients, and serve as chair of the Constitution Revision Commission. Many times the firm let me take on things that did not pay: death penalty post-conviction cases, and serve as chief counsel in the impeachment of Supreme Court justices. I have done some interesting things that I had always thought were the kinds of things I would love to do if I were a lawyer. I have absolutely no regrets about becoming a lawyer. I like it at least as much now as I did when I was a young lawyer.

S: Do you think the secret to that was your involvement?

D: Yes. I think lawyers who do not change their dream, who are attracted to law for a reason, find satisfaction in it if they persist in their dream, if they persist in doing that, if they have a chance to participate in public service. It may be difficult; there will be some sacrifices. Clearly you cannot ask your law firm to pay you as much money while you are doing public service as you would be entitled to if you continued working full time [on client matters]. But you very likely will get more satisfaction doing public service than you would by getting the additional money. There will be chances to take on new things. Lawyers have those chances. Government agencies and commissions and other enterprises are always looking for talented people, and lawyers are talented, competent people. The happier lawyers are the ones who wind up doing things that excite them.

I have told this story several times. During the period I was dean of a law school

I was speaking to bar associations. I would finish giving a speech, and somebody who knew me from law school days would come up to me and say something like: "Sandy, you are so lucky to be teaching in law school now. I would really like to do that. I really hate practicing law." It happened often enough to make me think, If these people said it, there must be other people who thought it, and there probably are people from other generations who did not know me well enough to say those words to me. There must be a high percentage of the bar who feel that way.

I started thinking about people who were saying it, and they were all people who were successful by any objective measure. They had nice houses, boats, cars, and airplanes. But none of those people who had those things to say were people who had done anything other than just sit down at their desks and be conscientious lawyers. I did not hear that from people who were going out to serve in legislature, [have] gone on the bench, been mayor of a city, or been very active in the Florida bar. Sometimes people say, "Gosh, I would like to teach sometime." People say that. But the remark that always startled me was, "I hate practicing law." I never heard that from people who were active [in the law] or engaged in their community.

S: You did not hear that from lawyers who really served. Service is good.

D: So I find myself thinking that one of the things that law schools ought to do is to get people back to the idea that we can really serve. When I was at FSU we started a mandatory pro bono program. It was part of a requirement for graduation from law school. There are three or four schools that have active programs.

S: While they are students?

D: While they are students. I have a real problem with mandatory pro bono for practicing lawyers, but I think it is part of the socialization that law school is responsible for. We need to teach law students something about public service, and the only way to do it is to get them into doing it. There are mistakes that law students will make that you cannot save them from. But one thing we ought to be able to do is to show them how you go get involved in pro bono service with the hope that they will not lose their souls. They will know how to do it after they establish their practice. I am convinced they would be so much happier if they did. And the bar (the individuals in the bar and the bar as an institution) will be connected again with the community. I feel very comfortable having law students do pro bono work.

S: What would they do? Work with legal aides?

- D: In Tallahassee we have a good bar. To belong to the voluntary Tallahassee Bar you must agree to do pro bono work, working with the legal aid society. There is also a legal services program here that is quite good, very well run. Those two [now] have law students to help.
- S: Let me see if there is anything else I have to ask you.
- D: I crashed a plane back in November and destroyed it.
- S: Yes, I heard. Well, better to destroy the plane than yourself.
- D: Yes, I know. I was really lucky. I walked away from it without any real problem.
- S: I imagine you are incredibly busy. Do you find time to take some time off and relax?
- D: I would answer the question saying yes, and my wife would answer it saying no. [laughter] A lot of what I am doing now is recreation time. I am getting ready to go to Bulgaria tomorrow. I have never been to Bulgaria. And then we are going to Czechoslovakia. I do a lot of reading to try to learn something about those countries and about what is going on in the region. We really have not taken a vacation. Although it is not entirely relaxing, I guess I feel guilty about taking a vacation to a place like that.
- S: As far as flying, do you fly any other planes?
- D: I fly some, but not a lot, and I do a lot of sailing. I play racquetball, so I get my exercise.
- S: You look like you are fit.
- D: I get exercise. I have a sailboat that I spend some time on, and I enjoy it very much.
- S: Sailing away from Miami is . . . That is where I grew up.
- D: It is?
- S: Yes. I was born and raised down there.
- D: It is a great sailing place. The bay [Biscayne Bay] just could not be better. I have some friends I really love to sail with.
- S: Do you think you will honor us with your presence at the commencement in May?

- The dean had said that he hoped you would speak at commencement.
- D: I told him that I would accept that if the ABA did not have any [conflicts]. My agreement with the ABA is that any invitation I get, I clear through them. When I [clear it], I tell them whether I want to do it or do not want to do it. This one [UF College of Law commencement] I am marking in category one: I want to do this if they will work it out. My memory is that it was tentatively cleared on the calendar. If we have not gotten back with you, we should [have]. One of the calls on my desk is to my scheduling person. We have a conference about once a week to try to clear things and get answers out to everyone.
- S: That is something I could put in the article if it is cleared. I will check with the dean's office and see if they have gotten word. I think we have covered most of it. The only question I have on here is I wonder if you foresee any major changes in the provision of legal services in the near future. I know that California had adopted a law providing for legal technicians. Do you see Florida doing anything like that?
- D: I have not studied that enough to have an opinion on it. That is one of the things I am supposed to get briefed on.
- S: OK. The other thing I would like to do if you come down in May [is to interview you further]. We have an Oral History Project, and maybe if you have a little extra time I would like to interview you a little more just about your law school days, professors, things that you remember. We are interviewing a lot of alumni, and eventually we will publish a history of the school.
- D: That would be fun to do.
- S: OK. Great. I think that is all of my questions.

[End of the interview]