

UFLC 57

Interviewee: Richard E. Nelson

Interviewer: Rebecca Hoover

Date: September 16, 1991

H: This is Rebecca Hoover, associate director of the University of Florida College of Law publications office. [We are] in the Sarasota office of Richard E. Nelson, 1955 alumnus of the college. Today is September 16, 1991. Please state for the record your full name and date of birth.

N: Richard E. Nelson, and I was born on August 20, 1930.

H: What does the E stand for?

N: Edward.

H: I saw in some of the literature, I guess in the *Martindale- Hubble*, that you were born in Cincinnati. I was wondering, were you raised there? Did you go to school there?

N: I was born there, but I grew up on a little farm about thirty miles outside of Cincinnati. I went to high school in the little town of Loveland, Ohio. After high school I went on to Miami University in Oxford, Ohio, where I got my bachelor of arts degree.

H: Were you from a large family?

N: No. [There were] two boys.

H: Your parents were both farmers?

N: You could say my mother was. My mother and father were separated when we were small children, and my brother and I and my mother lived on and worked this small farm in southern Ohio.

H: What did you raise?

N: We raised cattle and chickens and pigs. As a matter of fact, the first big investment--the first business profit--I ever had was from raising a pig. I bought her when she was ten weeks old and raised her. I was going to ship her to market and then decided to breed her. She had fourteen pigs, and all of a sudden I had fifteen pigs, and was able to make a good profit on my first real investment. That was back in the 1940s.

H: Now are you the older brother or the younger brother?

N: I am the older brother.

H: What is your brother's name?

N: Charlie. Charlie and I are very close brothers. We are only eighteen months apart in age. We went all through high school together and played in the same back field on the high school football team, and we played on the same basketball team.

H: What was the name of your high school?

N: It was Loveland High School. Charlie has five boys and a girl and lives in Fort Lauderdale. We see him all the time. We always get together for fishing and once in a while for hunting in the fall. This year we fished together up in Canada near the town of Thompson [Manitoba], I think it was.

H: Is he an attorney like you?

N: No. He started out at the University of Florida Law school. He was married and his wife got pregnant and he had to drop out after about a year and a half. He went to work for Southern Bell. He has been with Southern Bell now, I guess nearly thirty years.

H: What was your mother's name?

N: Elizabeth Gin Nelson.

H: Were there any lawyers in the family?

N: No lawyers.

H: OK. Where did you meet your wife and what is her name?

N: Her name is Jane. We met at the University of Mexico in Mexico City. She was taking a summer course in Spanish, and I was taking a summer course Latin America trade. We were both enrolled at that time in the University of Florida. I was in law school but [I was] interested in Latin America trade, and hoped to go into that field after I graduated from law school. She was in the school of education studying to be a teacher in Spanish.

H: What is her maiden name?

N: Barlow.

H: You mentioned you went to Miami University in Ohio and earned your bachelor of arts degree [there]. What was your major?

N: I had a dual major. I was pre-law and pre-med. I could not make up my mind which to do. I guess I had pretty good grades, honor grades at least, in pre-med courses and that sort of thing. I felt that the study of law was a little broader, and therefore, I chose to go to law school instead of [continuing] pre-med.

H: Then you received a degree from the University of Mexico.

N: [I received] no degree. I just went there one summer. I took a summer course in Latin American trade.

H: OK.

N: I also did the same thing one summer at Ohio State University. While I was working one summer in Columbus, I took a course in U.S. constitutional law at Ohio State, and I took that one summer while I was working in Columbus.

H: So you always enjoyed school, and I always enjoyed athletics. I have always been interested in athletics of one kind or another. How did you finance your undergraduate degree?

N: I was offered a scholarship at Miami University and started in football. But I was injured and it ended up [that] I could not play. The school allowed me to work in various jobs which helped with my education. I was a counselor in the dormitories. I waited tables and things like that, which at that time was a lot of fun. That is how I paid for part of my undergraduate school.

H: I want to get into [your experiences in] law school. You mentioned that law seems broader [than medicine]. What are the reasons that drew you to the study [of law]? What were your aspirations?

N: I think I can go back to my high school prophecies. It seems as though I had almost made up my mind when I was in high school because I recall reading in some of my old high school annuals that I had indicated a desire to go on to law school. I think the reason I like it is [that involves] dealing with people and solving people's problems and actually involving yourself in the real heart of the free enterprise system. The legal profession is essential to the survival of the free enterprise system. That has always been a basic interest of mine. I thought law school would provide a broad base.

I had originally wanted to get involved with Latin American trade, but the only job offer I had was with...I think it was Standard Oil. After assessing what they

wanted me to do (I was going to go to Venezuela for them and join their legal staff) it looked to be somewhat confining, and I thought, "Well, I will try general practice first and see what happens." So I did, and I have always been in general practice since then.

H: I have a lot of questions about your practice, but first I want to talk about your days at the law school. Why did you choose the University of Florida law school?

N: I felt the University of Florida law school was probably the broadest-base school in the state. I noticed, at that time, most of the leaders in Florida who had legal backgrounds came from the University of Florida. I thought Florida would probably be the best place for me to start practice because it was a rapidly growing state. I had no contacts in Ohio, and so I chose the University of Florida. I did not know a soul there, and did not really have a sponsor or anybody who encouraged me to go. It was my own analysis of long-range planning as to where to practice law that would be best. And I chose Florida.

H: No more snow either. [laughter]

N: Right, although I do not mind snow.

H: When you came to law school, did you have to take an admissions exam?

N: No.

H: No LSAT or anything like that?

N: I do not think so. I do not remember exactly, but I do not think so. I know we had to take a bar exam. We were one of the first classes that had to take the bar exam.

H: Right. I have a question about that as well. Maybe it was just after you [entered law school]. I read somewhere that they were giving a test, and some of them [were given] just to first-year students. But they were not using it for admissions.

N: Could be.

H: They were using it for counseling and academic advisement, I guess. [It was] that sort of thing.

N: I may have taken a test, but I honestly do not remember it.

H: What were your impressions of [the] University of Florida when you arrived?  
What year was that?

N: 1952. My impression was that this was a progressive school that had quite a future and quite a responsibility ahead of it. I had an interesting experience my first day at the University of Florida after applying and being admitted to law school. I came down and I went to the housing office trying to find a place to live. Of course, all the dormitories were for undergraduates and that sort of thing, so they had a list of housing. There were several of us in line. Right behind me in line was a short, dark-complected fellow with somewhat of a Spanish accent. We were waiting in line together, and we had been waiting for about twenty or thirty minutes, and rooms were hard to [come] by. I struck up a conversation with him, and he said he had come to the University of Florida from the University of Puerto Rico to go to law school. I said, "Well, that is a coincidence. So am I. I am starting in law school." He said, "But I do not have a place to live." I said "I do not, either. I guess that is why we are both in this line." He said, "Yes. I guess so." I said: "Gee, I sure could use a roommate. I do not want to have to pay full fare if i can help it. It might save us both some money if we roomed together. What do you think about that?" He said, "That is a great idea." So we got a room together.

But what I want to tell you about this fellow is his name Jose Toledo, and his uncle was dean of the law school of the University of Puerto Rico. He subsequently went back to Puerto Rico and started in the practice of law, and in a few years was appointed to the federal bench. He ended up the chief federal judge for Puerto Rico, in which capacity he served until he died about five years ago.

H: Wow. That is wonderful.

N: So I had an interesting roommate.

H: You sure did. In those days, [things were different]. I mean, today you just cannot say to the fellow next to you, "Well, let us room together." [laughter]

N: No. You do not dare to that today. [laughter]

H: Times have changed.

N: Times have changed. We ended up, of course, being the best of friends. We traveled together. We made a couple of trips to Mexico. Once I visited him in San Juan, and at that time he was the attorney for Charter House, which is one of the big rum distilleries. I will never forget the party they threw for us. [laughter] It was a fantastic party.

H: That is wonderful.

N: Joe sponsored it for us.

H: So you maintained a friendship with him.

N: I maintained a friendship with him all the rest of his life. He died of cancer. I think he was in his middle to late seventies.

H: That is too bad. How did you finance your legal education?

N: My grandmother and mother helped me, and I worked.

H: What was your grandmother's name?

N: Her name was Gin, and my grandparents had a home in Sanford, Florida, that was really a summer home. They had inherited it from my grandfather's uncle, who was the first county surveyor for Seminole County. He surveyed Seminole County when the boundaries were set--when it split off from Orange County. Seminole County and Orange County were one county years ago.

H: I know that you have been back to campus recently. Just yesterday, right?

N: Yes. Just yesterday.

H: Tell me, how does the College of Law compare from when you were in school to how it is now?

N: I do not know. I really have not attempt to make that distinction. They have a new law school and they have about three or four times as many students. They have a much larger faculty, although there are still a couple of people around who were there when I was in school. Mandell Glicksberg [1954-present] is still there, and Dexter. . . is Dexter Delony [1949-1982] not there anymore?

H: No.

N: And Frank [Francis Tyrone] McCoy [1956-present]. Frank and I were in the same class. We used to share textbooks.

H: Oh, boy.

N: [laughter] Frank would make notes in the margins and they were always good

notes, but I had a hell of a time reading them. [laughter] I see Frank every so often. I know Dean [Henry Anderson] Fenn [1948-1978] is around [although] he is no longer teaching. Bob [Robert Barbeau] Mautz [1950-1967] still lives in Gainesville, too, does he not?

H: He might. I am not sure, though. [Mr. Robert Mautz lives on SW 27th Crt. in Gainesville, Ed.]

N: He was the assistant dean when I was in law school and really did an awful lot to help me get my first job.

H: Did any of your professors have an influence on your life, and if so, how?

N: [Clarence John] TeSelle [1928-1930, 1932-1958] scared the living hell out of me. [laughter]

H: How was that?

N: He was a great, great teacher. He believed in having his students come prepared. When he would call on them to recite in class, they had to stand on their feet and they were to remain standing until he told them they could sit down. Sometimes he would keep a student on their feet for a half hour [or] forty-five minutes asking them questions about the case and interpretation and how that related to another decision and that sort of thing. He had a cane that he used to assist him in walking.

Dean Slagle [1923-1928, 1929-1958] was a quiet, soft-spoken man from whom I took corporate law. As a matter of fact, I won the book in his course. He was not like TeSelle at all. I liked them both. They were both entirely different people. TeSelle, of course, was much more of a demanding person. He was a dominant [figure]. When he was in a classroom, you knew he was there.

H: Did any of these professors come back to haunt you in any way or to help you because of their teaching?

N: [Professor Joseph W.] Little and I [1967-present] work [together] quite a bit now, although he was not there at the time I was in school. Professor Little and I have worked together on a number of different cases and are working together right now on a case. Most of them are civil rights cases in which he has donated a great deal of his time. [He is involved in] various charitable organizations and environmentally oriented organizations. We have gotten involved with him in various types of litigation involving civil rights, including some rather interesting litigation against the city of Gainesville and against Alachua County.

H: Oh, boy!

N: [laughter] It is still pending.

H: OK.

N: We spent a month the summer before last trying a jury case in federal court against Alachua County, which we won. The jury awarded a very substantial verdict for our client. It is still on appeal.

H: Is this an employment [case]?

N: It had to do with employment, yes.

H: I want to keep with some of the. . . .

N: Professors?

H: The old-timers. How about Professor Danny [Vernon Wilmont] Clark [1946-1974, 1976-1977]?

N: Danny died this year. After he retired, he came to Bradenton, which, as you know, is only about ten miles away, and he worked. [Bradenton] was where his original home was. I took criminal law from him and enjoyed it very much. He was a very interesting, colorful teacher. He would generally start out in class (at least his freshman classes) with the admonition, "If you come to my class and you are not prepared, I will bust you." I will never forget [that] after the first class, one of the guys that was in our class [and] who was from New York said, "What does he mean that he is going to bust us?" [laughter] Somebody finally told him, "He means he is going to fail you, dummy." [laughter]

H: Does Karl Krastin [1948-1963] ring a bell?

N: Yes. Karl taught creditors' rights, and he was the expert in creditors' rights, as I recall, when I was at the University of Florida, and I did not take that course. So I did not have Karl for any courses.

H: Did you have Dean [Frank Edward] Maloney [1947-1972] for any classes?

N: I had Dean Maloney, and I thought he was one of the greatest teachers I ever had. He was so interesting and he always had a sense of humor. [It was] his own, rather reserved sense of humor. He was a great teacher. I took Equity from him. He was also a leading expert in water law. I had the occasion to

discuss some water law questions with him from time to time. He was always very unselfish with his time in answering questions that helped us in our practice after law school.

H: That is great. How about Eugene Scoles [1949-1956]?

N: No. I did not have Scoles. I knew who he was, but I did not [have him as a teacher].

H: P. K. [Philip Keyes] Yonge [1949-1961]?

N: Yes, I had him for Florida Civil Procedure. He was an interesting personality. [He was] a lot of fun. I think he was a bachelor and we always used to kid him about dating and that sort of thing. He was one of the few guys that you know that would scratch his left ear with his right-hand during the course of class. We would always wait for him to do that because you knew that he was getting impatient when he would start scratching his left ear with his right hand. [laughter]

H: Oh, boy. What a sign. What was it like going to law school in the 1950s?

N: It was a challenge because of the volume of work that was always assigned. It always took a lot of work. I think everyone more or less felt that by the time the students got through the first year, you could pretty well count on graduating if you would do the work. Or if you flunked out or dropped out after the first year. So everyone was pretty well assured they were going to get through school, but there was a lot of work to be done. I thought it was very enjoyable. I enjoyed law school.

H: There is a comment somewhere in your file at the law school that says that at one time you said that law school was the greatest time of your life. You made that comment.

N: I enjoyed law school so much more than I [enjoyed] undergraduate school. I think it was primarily because of the professors and my classmates. It was a closer knit group, and everybody had the common goal, and that was to try and give the guys a decent liberal education. I think we all appreciated it and realized that was what the dean and faculty were trying to do. You felt as though everybody was working together to try and accomplish that end. I really thought it was a great time in my life. Of course, I like practicing [law] too, very much.

H: What kind of student were you?

N: I was average [or] a little above average, maybe. I excelled in some subjects

and some I had a hard time with.

H: Do you remember which ones?

N: Income tax was the one I had the hard time with. [laughter] I still have a hard time with income tax.

H: Don't we all! [laughter]

N: I liked Corporate Law. As I said, I won the book in that. But that was the only book I won. I guess I had a 2.8 to 3.2 average. [It was] around in there. I was not any curve setter.

H: Do you remember Ila Pridgen [1930-1954]?

N: I sure do. She was the librarian and she did a lot for the Law Review, I think. I am not sure.

H: Yes, I believe she did.

N: She helped out at the Law Review because we had such a short staff and that sort of thing.

H: Yes, and she retired.

N: She was the librarian, though, was she not?

H: Yes. She had twenty-five years of service in, and retired in 1955. We were wondering what she was like those last few years.

N: I do not know. I did not know her that well, frankly. Is that not a job that Frank McCoy now has?

H: No. I believe that when Frank first started [working at the law school] he began in the library. He was only there, I think, a year before they made him a professor.

N: I see. He is a good guy.

H: I see him all the time in the halls.

N: I loved to talk to Frank. We use to study together because one summer we had several courses together. We studied Labor Law together. I do not know why in the world I ever took Labor Law, but I did have occasion to use it once after I

got out. Anyway, we took Labor Law together, and at the time, Frank was studying Arabic. So in the margin he would sometimes lapse into writing his notes in Arabic.

H: No wonder you could not read it!

N: [laughter] That is right. That is what it was. I said, "Frank, what the hell of an inconsiderate thing to do. This is our folder. We both own this book and here you are writing our notes in Arabic. They do not help me at all." He and I had a lot of fun together and I still enjoy talking to Frank. I had lunch with him once within the last few years.

H: Of all those professors, which one stands out?

N: You know, that was one of the things about the professors. They all were different; they all stood out. And I thought they were all just great people. Dexter Delony was quite a [person]. He was an intense professor and he wanted you to learn and understand his teaching so much. He was an interesting person.

H: I have [notes about] Winifred Wentworth. She is a judge. I cannot remember which circuit. She graduated in 1951. She called him the "mix master." [laughter] His lectures in personal property, where he would [talk about his watch].

H: He would talk about his watch?

N: He would talk about his watch; he would use that as an example. [He would say:] "Now this is personal property, and now I deliver it to you. If I throw it out the window, to whom does it belong when it is out the window and gets picked up by someone?" He actually threw his watch out the window one day by accident. He got so excited. That is the story, anyhow. I did not see it, though. [laughter]

H: That is funny. I think I have heard that. [I heard] something about the time flying. Maybe that was a different story. I do not know. How about Dean Fenn? What was he like? What kind of relationship did he have with the students?

N: Dean Fenn, as you know, is a physically imposing person. He must be 6'7" or 6'8". He was the kind of person who immediately commanded your respect. He was tremendous. In his contracts courses and contracts theories, I can truthfully say that almost every time I came out of one of his classes, I came out with a headache because I had to think so hard to try and keep abreast of his

lecture. His intellectual capacity was such that it was difficult to stay on his plane. But he was a fantastic teacher and a highly respected dean. I thought he personified the demeanor of a law school dean. As you may know, he came from Yale, I believe. He had a little bit of the Northeastern accent to some extent, I think. [I] better not say that. I thought he was just a fantastic teacher.

H: Outside of the class, did he interact with the students?

N: Yes, he did, but not as much as some of the other professors because he was the dean at the time, and he was so doggone busy. He had full-time teaching job as well as [having] the responsibility of the dean. When I was there, he was a busy person, although he invited the senior students to his house on various occasions primarily in connection with his ethics courses. That was a whole different side of Dean Fenn, and that was very impressive.

H: Did you participate in those discussions?

N: Yes, I did, but I cannot remember how many of them. There were not that many sessions at his house. Most of [the visits] were associated with other things that happened.

H: Would it be a large group or a small group?

N: It was small group, generally. It was generally the last semester seniors, as I recall. There were not that many of us. In my graduating class, I seem to think it was about thirty-five or thirty-seven students.

H: That is small, certainly compared to what we have today.

N: We had some guys have made a difference since, like Lawton Chiles [Florida governor, 1991-present] and Reubin Askew [Florida governor, 1971-1979], and Peter Fay [US Circuit Judge; Us Court of Appeals 11th Circuit]. [We attended school with] people like that who really accomplished a lot.

H: I want to ask you about them as well. One other thing about Dean Fenn. He placed an emphasis on research and writing, I understand, in his administration. Did you notice that, or was it just there and you took it for granted that, that is what you had to do?

N: His assignments were such that you did a lot of analysis of case law. The subject I took from him was contracts. His grading method was all based on your legal writing ability. I think he took that approach. He told your that from the very beginning. His exams were all as many pages as you could write within the time. I guess that is how the emphasis was [given].

- H: There was not a special course in [legal writing]?
- N: Maybe he did teach a course in legal writing. I am not sure. Of course, I think that is an awfully important field. That is one field in which a lot of improvement could be done. I find with young lawyers that [legal writing] is the biggest problem we have. Since I have gotten out of law school, the biggest disappointment is their lack of ability to write.
- H: Everywhere I go, I hear the same thing.
- N: That is fundamental. That is not the law school. You cannot blame the law school for that. It is basic, fundamental writing skills that should be taught and starting in the grades. You cannot all of a sudden take a kid who does not have that background, put him not be. That is a generic , overall complaint about the educational system. But, you are right. What we emphasize in our firm is legal writing. We always want a sample of any job applicant who applies for a job with us. We require them to give us a sample of something that they have written.
- H: That is a good policy. OK. What were the conditions like at Bryan Hall?
- N: Where?
- H: Were you not in Bryan Hall?
- N: No, ma'am.
- H: Where were you?
- N: I do not know. [laughter] I do no think I was in Bryan Hall.
- H: [It was] on the corner of 13th Street.
- N: Was that called Bryan Hall?
- H: Yes, sir.
- N: [laughter] I'll be darned. I thought it was called the law school. I did not know that. Yes. [It was] right there at the corner, across from the old SAE [Sigma Alpha Epsilon] house with the lion. And [there was] a hotel was on the north[east corner]. We used to play touch football out there amongst the pine trees. I guess it that is Bryan Hall, I was there.
- H: OK. Supposedly they had just finished the new wing a few years before you arrived.

N: Yes. That is right. That is where the practice courtroom was, and the library was.

H: Was it comfortable?

N: It was fine. I had no complaints.

H: Not even about the air conditioning.

N: I do not remember that they had air conditioning.

H: I do not think they did.

N: [laughter] I do not think they did either.

H: But it did not bother you.

N: No. Not in the slightest. It would have been terrible to be in air conditioning all day long and then to go back to where we lived and all night long not have any air conditioning. It was something we did not have to get used to.

H: Right. Where did you find an apartment?

N: Let us see. We had a couple of different places. The first place was a real nice apartment, but it was small. The second place we rented was a big old house almost in downtown Gainesville. It was a two-story house and we got another roommate. There were three of us. My recollection is [the rent was] forty dollars a month.

H: Oh, boy.

N: We saved a lot of money, and I was the cook. The other two guys did all the cleaning and the dishes. I had the responsibility of buying the groceries and cooking the meals.

H: That sounds like fair deal.

N: Yes. These guys were both Latin Americans (Joe Toledo that I mentioned and another fellow by the name of Carlos), and they like soup. They liked "sopa." So I always had hot soup on the stove. After every meal, if anything was left over, it went into the soup. [laughter] So we never ran out of soup. We always had some hot soup.

H: So you learned to cook down home on the farm?

N: Yes. I knew how to cook. I do not know where I learned how to cook. But I cooked and I bought the groceries. I saved those guys hundreds of dollars, and they appreciated it, although neither one of them were poor. They came from wealthy families.

H: Were you involved in any extracurricular activities?

N: Yes. I will never forget that Reubin Askew came to me one day in my junior year, I guess it was, and said, "You ought to run for the law school representative to the University senate." The law school had one representative to represent the law school in that body. I said, "Oh, Reub, I do not know much about politics." He said, "Well, think it over. The fraternity would benefit too." (We were both members of the Delta Tau Delta fraternity.) So several days later he came up [again] and asked me, and I said, "Yes. I have thought it over, and I will be glad to do it, on one condition. That is, you help me because I do not know a thing about student politics." He had been president of the student body at FSU and he was involved in student politics. And as you know, he was a very astute politician. So I agreed to run.

I never heard another thing from Reub, [he] never had much to say. Finally, about two or three weeks later, he came up to me and said, "You know, your campaign is not going too well." I guess the qualifying period had not expired. I said, "I thought it had been going pretty good. Everybody I have asked said they would vote for me." He said, "I do not think it is going too good." I said, "What do you mean?" He said, "We want to be sure and win this post for the fraternity and we really need the law school. We cannot afford to lose this." So I said, "What do you think we ought to do?" He said, "I think I ought to qualify and we will both run." I said, "What?" [laughter] "How can you do that?" He said, "Yes. We can both run." I said, "OK, if that is what you think. But I am going to win." [laughter]

H: Did you?

N: And I did. [laughter]

H: Good for you.

N: Reub could not have been more help after that.

H: That is funny.

N: I am trying to think of the guy who was president of the student council at that time. He later became speaker of the Florida House. [It was] Terrell Sessums. Then he became a member of the ruling body of the University system--the

Regents

H: Board of Regents.

N: He became probably one of the most valuable Regents that they have ever had. Terrell Sessums went on to law school at the University of Florida, too, and I got to know him as a result of being on the...I guess it was called the executive council. I do not remember what the job was, but it had to do with a student representative of the law school at the general University governing body.

H: I am not sure. I know they have the student body government [and] they have the senate.

N: It was not the senate. I know that my responsibility was to represent the law school and the law students at the meeting of the University representative from all the other colleges.

H: Student council.

N: In effect, student council.

H: That is interesting. What about some of these other fellows? There were a lot of heavy hitters.

N: Jimmy [James W.] Kynes was a great, great guy and a good friend. Of course, he died of cancer here about two or three years ago.

H: Was he in private practice?

N: When Jimmy Kynes got out of law school, I think he started private practice in Ocala and then he got involved in the [gubernatorial] campaign of Farris Bryant [1961-1965], and a vacancy occurred in the office of the attorney general, and he was appointed to fill that vacancy. So he became attorney general in Florida. He ran for re-election and he lost. [laughter] So he then was offered and took the job for the Jim Walter Corporation. [He] became executive vice president/general counsel of the Walters Corporation, where he worked the rest of his life. He was quite a guy. By the way, he was captain of the University of Florida football team as an undergraduate.

H: I thought he was a football hero.

N: He was a football hero and just an all-around great guy. His son was a quarterback and did play at [the University of] Florida.

H: And you remained friends with him?

N: All the rest of our lives, yes.

H: That is great. How about Lawton Chiles?

N: Lawton is still a good friend. I will never forget [that] Jimmy Kynes and Lawton were partners in the practice court case. Myself and my partner, Charlie, tried our practice court case against Lawton and Jimmy. I will never forget [that] they had a screwball factual situation in which one of their key witnesses had been convicted of perjury and if you were convicted of perjury at that time under Florida law, you could not testify. You were ineligible to testify. So they built their whole case around the testimony of this one witness, and they had not found out [that he had been convicted of perjury]. They had not interviewed him thoroughly enough to find out that he had been convicted of perjury. So when they put him on, I objected and the judge sustained the objection. And they lost the case. [laughter] I thought Lawton was going to have a fit. I will never forget that. He thought that was a dirty trick. [laughter]

H: Well, you showed him what prepared meant.

N: It was an interesting course, and I was just lucky to find that [information] out. I have been acquainted with Lawton for years and years. I have been turkey hunting with him. I followed him as a U.S. Senator and now as governor.

H: Have you been involved in any of his political campaigns?

N: No. I am a Republican. I think I was the only Republican at the University of Florida law school when I was there. That is what Jimmy Kynes told me. He said: "You are a Yankee Republican. How the hell do you think you are going to get along with politics in Florida?" [laughter]

H: I will tell you, it is a diverse group now.

N: I know, but back in those days it was the Eisenhower days, of course. They all liked Eisenhower, but they did not like Republicans and they did not like Yankees. [laughter] I am almost sure I was the only Republican in my class.

H: Is that not something? How about Dempsey Barron [Florida state senator]?

N: Dempsey and I were in the same class of [professor] Dean Slagle on Corporate law, as I recall. Dempsey never said much. He worked hard and got his work done. He was all business. He was married and older. He was involved more in the group, I think.

H: He developed a strong personality in the Senate.

N: Oh, yes. Very much so, as you know.

H: Were you a friend of Stephen Grimes [Florida Supreme Court Justice, 1987-present]?

N: I know Judge Grimes. I have argued a number of cases in front of him, both when he was on the Second CCA [Circuit Court of Appeals] and now that he is on the Supreme Court. I think I have argued two or three [cases]. I think he is one of the best judges we have in Florida, other than maybe Pete Fay. I have often thought we should draft Pete Fay to the U.S. Supreme Court because he has that kind of ability. When you read some of his opinions, they are really excellent. He is a senior judge [in the] Eleventh Circuit Court.

H: Did he graduate the same year as you?

N: Yes. We used to double date. As a matter of fact, I fixed him up with a date one time.

H: Were you married when you went to law school?

N: No.

H: You met your wife before.

N: I met my wife one summer when I was studying at the University of Mexico in Latin America trade.

H: Right. So when did you get married?

N: In 1955, after I graduated and had a job. [laughter]

H: So did she come to Gainesville?

N: No. She was in Gainesville at the time. She had not graduated yet. She was about a year behind.

H: OK. So you just happened to meet in Mexico, but you were both UF students.

N: That is right.

H: That is interesting.

N: She graduating with [honors]. What is it? Summa cum laude? She was a very good student and belonged to the honorary in her field. She was very active in the alumni association here for several years, as was I. I was president of the alumni association locally for several years.

H: That is great. This is a list of your classmates. I do not see Judge [Peter] Fay on there, but he must have graduated within the same [few years].

N: He may have graduated in the summer. They let you go year-round in those days. I do not know if they still do or not.

H: Pretty much. You have to go one summer at least. It is required.

N: Is that right?

H: yes.

[Rebecca Hoover has brought out a list of University of Florida Law School graduates for the year 1955, and Mr. Nelson has surveyed the list. Ed.]

N: I have a case [and] Broaddus Livingston is on the other side of the case right now. I think he got disbarred. He was a judge, too. They have some real problems in Miami [and] Dade [County] right now with the judiciary down there. John Bargas is not practicing law anymore. He went into business and I understand he has done exceedingly well. Bob [Robert] Beckham still practices in Jacksonville. [During] the last year [of law school] Dave Bowman and I were roommates. He practices here [in Sarasota]. Worley Brown does not practice. John Burton was killed in an automobile accident. Julian Clarkson is an appellate lawyer for a law firm in Tampa. I think he was our [valedictorian]. I think he had the highest grades. He was quite a good student. I see Bob [Robert] Cobb all the time. Dexter Douglas practices in Tallahassee. George English is in [Fort] Lauderdale. I stayed with Herb Jones last night. He lives in Gainesville and practices there. We could not get a place to stay, so I said, "Herb, you have to do me a favor and let me sleep on your couch tonight." [laughter] So I stayed at his house Saturday night. Jimmy Kynes passed on. Mark McGarry is a circuit judge in St. Pete. How many were there? Do you recall?

H: I did not count them. I do not know if it gives you a total at the bottom. It might.

N: No, it does not. Russ [Rusley] Meeker is practicing in Boca Raton. [Gene] Osselmeier disappeared off the face of the earth. A. J. Ryan was a bright, bright guy. He did not file an income tax return for five years. He got in bad trouble. I do not know what happened to him. It is a shame. He is a terrific guy. Ed[ward] Siegel, after Julian Clarkson, I think he was [the best student]. [It was]

between Julian and him as to who would have the best grade. I think both of them had all A's with the exception of one. Eugene Spellman just died.

H: Really?

N: He was a federal judge. He died of cancer. I tried a case in front of him about two years ago.

H: Do you know when he died? I do not know that I have heard of that.

N: This spring.

H: OK. I will have to check on that.

N: I remember Gil[christ] Stockton. He was a bright guy but he had a drinking problem. I hope he is still alive; I do not know. George Vega is down in Naples and is doing very well. He is a great guy. [It is] a good bunch. They have all done very well--most of them. [There have] been a few who had troubles. But that is the way it goes.

H: It was a great class. There were a lot of . . .

N: Seems like there is more than thirty-five there, though. I would like to figure out how many there are. It looks more like fifty-five. [There were fifty members of the University of Florida College of Law Class of 1955. Ed.]

H: There were 200 students in the law school your last year. If you would like this [list], you can have this.

N: Yes. I would love to have it. Thank you.

H: Were you involved in Law Review [or] anything like that?

N: I wrote one article, but I did not really do very much.

H: OK. How about moot court?

N: Moot court was a good class. We had to take moot court. I got involved in that, and I liked that very much. That is what I do now.

H: We know you were involved with student government. How long were you the [representative for the law school]?

N: One term.

H: Now I understand you fly. Did you begin flying in law school?

N: No. I learned to fly in 1951, I think it was.

H: Did you do flying for fun while you were in law school?

N: I bought a little airplane, and I had an airplane, and I used to fly once in awhile.

H: In Gainesville?

N: Yes.

H: Did you take your dates out [on the airplane]?

N: Most of them did not want to do that. [laughter] I probably could not find one of them who wanted to go.

H: What kind of plane was it?

N: It was a little single-engine Swift. Are you a pilot?

H: No. So where did you learn to fly?

N: When I was in undergraduate school, at the end of my junior year, I had a fantastic job. I went to work for a construction firm that was building the airport in Columbus, Ohio. I was the first or second laborer on the job. The job was during the Korean War, and it was a job that was expanding and expanding. They could not hire people quickly enough to do all the work that needed to be done. So, before long, they appointed me a labor boss. I would work sometimes eighty hours a week.

H: While you were going to school?

N: No. This was just a summer job. So I earned an awful lot of money--more money than I thought ever existed. So I got back to school. I had two fraternity brothers and they wanted to learn to fly. We were discussing it one evening, and so we decided we would go together and buy an airplane.

We bought this airplane from this young lady who had had a heart attack, and we paid \$400 for this airplane. We all three used it to learn to fly with. Then we sold it for \$475 and made seventy-five bucks.

Then I had this idea of flying around Latin America and selling various products and promoting different types of things and keeping a dialogue with the States. The dean of men at Miami University encourage me to do this and so I contacted

all these companies that did business in Latin America. I told them what I had in mind and [asked] whether they would want to employ me to keep a running dialogue and tell about the adventure as we went along. Back in those days, that was a different thing to do.

So I had three or four sponsors lined up to pay for the cost and I talked my grandmother into advancing the money to buy the airplane. So I bought this little airplane. I was going to make quite a bit of money on the deal if everything went according to the plans. About two or three weeks before I was ready to go, the landing gear on the plane [failed]. I came in for a landing one night in Columbus, and the landing gear collapsed. And I did have a date with me that time. [laughter]

H: Oh, no.

N: She almost died of fright. In order to fix the airplane landing gear, they had to specially make a part. By the time they got the part made, I had to cancel the trip [and] send back the money.

H: Oh, dear. So did you speak Spanish?

N: I could speak a little because I had taken Spanish in undergraduate school.

H: So you felt [you spoke] enough [Spanish] to do business. That is interesting. So then in Gainesville you just flew for pleasure.

N: I had this airplane then and I did not have anything to do with it. So I finally sold it. But, yes, I started flying in 1951. I have 5,000 hours of flying time. [Mr. Nelson reaches over and brings out a photograph.] This is the airplane I have now.

H: Is that not a beauty? That is gorgeous.

N: I have had that one for quite awhile.

H: Do you do much flying now?

N: Yes. I flew up to the game Saturday. I fly four or five times a month.

H: That is a lot. [laughter]

N: I keep my instrument ticket current. I do not fly anything but instruments, though. I do not try to fly VFR [visual flight rules]. As a consequence, I think it is pretty safe way to travel.

H: It sure is efficient.

N: Yes. It gets you there in a hurry. You can get to Gainesville in less than an hour.

H: That is wonderful. We are going to fly back to law school. Did they still shuffle [their feet] when [you were there]?

N: Yes. [They] sure did. That was a tradition. It was not done as often as it probably had been previously.

H: And what would prompt a shuffle?

N: I was just trying to figure that out. I have forgotten. I really do not know. I guess somebody who makes a rather overly broad statement that was not generally popular or accepted.

H: I understand if a woman entered the room they would shuffle. Were there many female students?

N: No. There were not too many. Lenore Carrero was one. I did not see her name there. You know, you sort of confuse the classes before you and after you. Pete Fay must have been after me. [Fay graduated in 1956. Ed.]

H: It might have been 1956.

N: Yes, he was after me because he succeeded me in office of the John Marshall Bar Association.

H: So you were a member of JMBA?

N: Yes. I was trying to think. I think I was president of JMBA, and Pete came along after me. He was the next president.

H: Did you belong to any other law school clubs or organizations?

N: [I belonged to] Phi Delta Phi, the legal fraternity.

H: And that was the one that Reubin Askew [also belonged to]?

N: No. Delta Tau Delta is a social fraternity. Reubin Askew and I were both members of that. He was not a member of Phi Delta Phi. He was a member of the other legal fraternity, which is PAD [Phi Alpha Delta].

H: What did you do for fun?

N: You had so much work to do that you did not really have time for a lot of extracurricular activities. So I do not remember having a whole lot of time to worry about having fun. I think we got our fun out of studying and interaction with the other students and that sort of thing.

H: That is about the same comment that Winifred Wentworth [UF law school, class of 1951] made. She said that there was not much time for that. You could interact between classes and that was about it.

N: That is exactly it.

H: You mentioned that you were one of the first to have to take the bar exam.

N: That is right.

H: Can you tell me about that?

N: A number of us took the cram course. But I can tell you, I do not remember exactly what it all consisted of. Then we studied a volume called Summary of American Law. The test was given in Tallahassee at FSU, and it lasted three days. [laughter]

H: Wow! [It went] all day?

N: All day, yes.

H: That is rough.

N: That is my recollection: [the test lasted] all day, three days.

H: How did you feel about that?

N: I thought it was a fair test.

H: I called the Board of Bar Examiners, and they were established in 1955. I guess there are not any records as to what transpired before that. Do you know if there was a test before that?

N: There was not any [test]. They called it the diploma privilege. The diploma privilege was that you were automatically admitted [to the bar] when you received your diploma. Then they extended privilege to those guys who were veterans and who had come back to law school. I remember Jimmy Kynes did not have to take the exam, and I did. The reason why is because he started a year earlier

and then went off to the Korean War and then when he came back they still accorded him the diploma privilege.

H: So 1955 was the first year [the bar exam was required for admittance to the bar]?

N: That is my recollection.

H: Is [the exam] still three days?

N: It may still be three days.

H: Did the law school curriculum prepare you for the practice of law?

N: Yes, I think it did. That is why they call it practicing law, I think, because you never get it exactly perfect. You keep working on it. But I thought it prepared you. It gave you an oversight into the field in which you were going to practice. The first thing I did was examine abstracts. Actually, I would not assign a young lawyer that much [responsibility] because it takes an experienced lawyer to examine an abstract and know what is a good title and what is not. But in those days, real estate was king and they did not have enough people to do the abstracts. So that was one of the first things that I did. I worked for Fletcher Rush in Orlando, who still practices there. [He is] a great guy. He gave me a job based on a great recommendation from the assistant dean. Bob Mautza wrote a tremendous recommendation letter and so Fletcher Rush hired me. Six months later, I was in the army. [laughter]

H: Was that the Korean War still?

N: Yes. It was the Korean War, but I did not get sent to Korea. I got sent to Germany.

H: OK. I want to move on to your practice. You told me after graduation, you went to work for that fellow [Fletcher Rush] in Orlando and then six months later you were drafted. How long were you in the service?

N: A little less than two years.

H: When you came back, what were your plans?

N: I had hoped to go back to the law firm that I had left, but it had dissolved. The senior partner, a fellow named Boyce, had gone on the Second District Court of Appeals bench because the second district was just created at that time. So I had to go looking for a job. I started around the state. I came to Sarasota and like it. So I stayed here.

H: Did you open your own practice or did you get on with a firm?

N: No. There was an older lawyer who needed some help, and I went to work for him. [He was] a fellow named Tom Butler, who had practiced here for many, many years.

H: Was it a large firm?

N: [It was] just two of us.

H: Did he work with you a lot in teaching you the ropes and the actual practice of law? [Did he] serve as a mentor?

N: We were so busy that he did not have much time to do that, frankly. My responsibility was to do most of the trial work and that sort of thing. He was an excellent real estate lawyer.

H: What kind of trial work?

N: Civil.

H: How long were you with Mr. Butler?

N: I just do not remember exactly. We decided to increase the size of the firm. In order to do that we had to get new quarters. We moved our to an office building that I and another fellow built. Then we added three or four lawyers. Mr. Butler did not want to expand anymore. We had more work than we could handle and more than I could do. That is when he and I split up. I formed my own firm. I do not know what year that was; I am trying to remember. It must have been in the middle 1960s. So I have been practicing ever since. I had a change in personnel because one partner was killed and we had two retire. So we come to where we are today.

H: OK. Can you tell me about Nelson, Hesse, [Cyril, Widman]? [Tell me] a little bit about the history of the firm, the growth, [and] how many members you have.

N: Bob Hesse is not retired. He graduated from Penn State or University of Pennsylvania; I cannot remember which one has a law school. One has a law school; the other does not. [the University of Pennsylvania has a law school].

H: I am not sure.

N: He was an excellent lawyer. He was mostly office practice and that sort of thing. He is semi-retired now. He still comes in once in a while. Dick Smith attended

an Ivy League school, and I cannot remember which one it is. The practice had just been growing.

H: Did you continue to do trial work in those early years?

N: Yes. We have always done trial work. I know one of the things we have done. We represented three major clients that I had: bank representations, Wellcraft, and local county government.

H: Right. I have questions about that. How many folks do you have on board now? Looks like you have got about a dozen.

N: Yes.

H: Does everyone work for the banking, Wellcraft, [and county government] clients?

N: We have a general practice. It is better to say what we do not do rather than what we do do. We do not do any criminal work because we represent the sheriff. We would not do criminal work even if we did not represent the sheriff, but since we do, we have an extra reason not to get involved in that. We do very little domestic relations work because we do not like that kind of work. It is just not a desirable kind of work to do. [It is] awfully tough work, and the field is really changing right now, too. Other than that, I think we do about everything else that there is to be done. We do both state and federal trial practice. We handle administrative law proceedings and we do estate planning. One of our lawyers got his master's [degree] in taxation, so he does a lot of estate planning and tax planning.

H: That is Gary Peel.

N: Yes. Do you know him?

H: I knew him from Gainesville. I worked with Karen, his ex-wife. I just found out that they were divorced three years ago. I have not spoken to them since.

N: He is remarried. He is really quite good in his field. Rick Aubrick was a prosecutor. He prosecuted for about seven years. He handled major criminal prosecution. He now represents the sheriff's office and does a lot of work in the field of personal injury and that type of thing. Dick Smith is probably one of the best land use lawyers around. He is an A-rated Martindale lawyer. Bob Widman does general trial practice. He is an excellent lawyer. He does complex trial work in state and federal court. A vast majority of Steve Herb's time is [spent] with Wellcraft. Mike Cruise does general practice, real estate, creditor's rights, and bankruptcy. Jim Keeney is another Ivy Leaguer. He is

from Harvard. He does a lot of work in the field of employment disputes, EEOC [Equal Employment Opportunity Committee] type things, [and] civil rights violations. And he does eminent domain work. So does Carlton. Bill Dooley is a general practitioner-type. He does litigation as well. He does a lot of work for the bank that we represent.

H: Which bank is that?

N: Enterprise. Actually, we represent three banks. But Enterprise is probably the one we spend the most time with.

H: What are the other two?

N: The other ones are South Trust and First Presidential.

H: Those are all local banks?

N: Yes. South Trust is all over the state. First Presidential has offices up and down the coast. Enterprise was started here. I helped start Enterprise. I was on the board and worked for them. At one point I was president of a bank for about a year.

H: When was that?

N: That was back in the 1970s.

H: Did you still have your law practice?

N: Yes. I had the law practice. It was more of a titular thing than anything else, but I had to go and sign all the documents to supervise the resolution of all the major administrative problems. It was an interesting year.

H: How did you manage to get in that position?

N: I was on the board and we had to make a change in officers. The board did not tell me but they discussed it before I had gotten there [laughter] and decided they would make me the president.

H: This was with Enterprise?

N: No, this was another bank that we since sold. It was fun. It was a challenge.

H: Yes. [You had an opportunity to] learn the banking business. How did you get involved with local government law?

N: A senator, a client and friend of mine, ran for and got elected to the county commission. They needed a new lawyer when he went on the board. He asked me if I would undertake the task, and I said, "Sure. How much time is it going to take?" He told me [it would take] a half a day a week, and I said, "Fine. Can I count on that?" [laughter] He did not know, but thought that I could. That was back in 1959 or 1960.

H: How long did that half a day week last?

N: It did not seem like it lasted very long. It started taking a lot of time. Then, of course, we had the experience to handle that type of work.

H: I wanted to ask you about that. In the beginning, you handled Sarasota County's legal affairs?

N: Yes.

H: Then you had to bring on other lawyers to help you with that? Have you always handled their affairs?

N: No. I am not sure I understand your question. We had to expand in order to take care of their needs. The two lawyers in the office who handle most of the county work right now are Dick Smith and myself. But all of the guys do anything that involves the county that requires their particular specialty.

H: I see.

N: We try not to let the representation of the county just overwhelm one guy. You cannot count on how long you are going to continue to represent them. I have been feeling this way for the last thirty years. You never know. They might get angry with you one day and that is the end of it. Up until a few years ago, we did not have a contract. We served from one meeting to the next. They could fire us any meeting and we could quit. Then, of course, they came to the conclusion they wanted [to be] a little more sure. They wanted a little more protection and continuity. They wanted a contract. So we entered into a contract to give a year's notice [if] either [party] wanted to terminate. That is what we have done. I am not going to represent them anymore after January 1. I have heard that. I do not see how they are going to be able to assume all the work that needs to be done to their in-house staff by January 1. So they have told me I better be prepared to continue on for another year.

H: Have they hired that staff?

N: They have hired some of it. They have hired a fellow named Jorge Fernandez, whose primary responsibility is to build an in-house legal staff.

H: That was an interesting article that you sent me by Waldo Prophet.

N: I have known Waldo for years and years. Most newspapers are critical one time and the next time they are helpful. I should not say helpful; they are reluctant to laud anybody, as they should be. Good news never sells any newspapers.  
[laughter]

H: Unfortunately. What has the majority of your work been for the county?

N: The major efforts have been trial work.

H: Tell me a little bit more about that. What kind of trials are you talking about?

N: Let me give you an example. [Many cases involve] land use. They had a suit filed against them here about three years ago because they refused to allow one of the major property owners in the county to put in an additional shopping center. It would have been the longest single frontage of shopping center in the county if they had approved it. He wanted to build this shopping center. The board said, "No. We had better not do that unless we go through a study." So they went through a study. They call it a sector plan. The study turned out that the staff and planning commission recommended against what this fellow wanted. So he brought suit against them, having never really processed to completion the rezoning application. This suit was brought into federal court. It was here in town. He recovered a judgment against the county requiring them to zone it the way he wanted it and then pay him damages.

He wanted damages. It was a jury trial in federal court, and he won. So I recommended an appeal, although I told the board, "Your chances on appeal are greatly diminished." I think that you stand a reasonable opportunity of success on appeal. On appeal, we did win. The Eleventh Circuit reversed the district judge and dismissed the lawsuit against the county. So we won hands down. That is the type of litigation [we handle. There are] several million dollars involved there, one way or another.

H: Are there a lot of growth issues?

N: Most all of the land use questions are growth issues. One way or another they are still related to growth.

H: Has any of the work that you have done as the county attorney for Sarasota had any statewide ramifications?

- N: I think any of the cases that go into the appellate level have potential statewide ramifications because they are binding precedents for the district court in which they are decided. If they go to the Supreme Court, then they are binding precedents for the entire state. So yes, I think there have been some.
- H: This one that you just mentioned?
- N: That one, too, [had ramifications] because that was in the federal court system and of course the Eleventh Circuit affects the whole southeastern United States.
- H: Is there anything that stand out that has affected growth in any way that you could take your claim [upon]?
- N: Sarasota County, I think, was one of the first counties to take major responsibility in drafting all the special legislation (that dealt with land use) that pertained to Sarasota County and getting it passed. I think Sarasota County, perhaps, to actually enact zoning laws pertaining to the unincorporated area of the county. Of course, since that time, it has happened all over the state. The planning act that we drafted and got passed, I think, was a model that most of the other counties relied on.
- H: Which is part of comprehensive plans now? Is that what you are talking about?
- N: No. It used to be that the legal foundation for zoning in the unincorporated area had to be by special act. It is no longer that way. Counties now have ordinance-making authority and they have county charters and that sort of technique. But in those days, when zoning first became apparent as a useful tool for use in managing growth in the unincorporated areas, the only way that you could authorize it was through the adoption of special acts by the legislature authorizing county government to enact zoning regulations that would be effective in the unincorporated areas. The active leader of the Sarasota County Planning Act was probably one of the first--if not the first--effort by state legislature to encourage county government to plan and zone.
- H: Is there anything else that you feel is significant that you have done for Sarasota County during your thirty years [as county attorney]?
- N: Our biggest objectives always has been to try to keep Sarasota County out of litigation. Our greatest effort is directed toward accomplishing that. We have had a lot of litigation, though, that has been unavoidable. I cannot think of just offhand. The practice of law is a reactionary sort of thing. You react to the facts and are given the facts, and then you give advice and judgment. You do not really control what you want to accomplish. You just have to take those

cases as they come and dispose of them. We have had a lot of cases in the field of land use and DRI appeals and things of that sort.

H: Are you involved in the push for a tenth state university at all?

N: No. I really wonder whether it is really needed, but I guess that has already been determined. I guess it is going to be in the Fort Myers area. It seems to me that is probably the best place to put it. It depends on how cheaply they can get the land and that sort of thing. I am sure they have done careful studies. My offhand reaction is, "I hope we really need it," because it is going to be awfully expensive.

H: If you are not employed by Sarasota County in January, are you going to miss being in their employment?

N: It depends on who the commissioners are. If you have a good relationship with the commissioners, it is an interesting endeavor, although somewhat nerve-wracking from time to time. You do not know from one minute to the next what they are liable to do and whether it is the right thing from a legal standpoint. You never know when someone is going to turn to you and say, "What do you think about the legality of that one?" You had better be ready to answer with something that make sense. Hopefully it will be of help to the board. I suppose you could say that in some ways I will miss it and in some ways I sure as heck will not. I think I am going to be involved in it for awhile, at least on the periphery, and maybe in connection with some of their major litigation, which is what I enjoy doing the most, anyway.

H: All right. In 1979, you received the Local Government Law Section Award for outstanding achievement in local government law. Why were you honored with that award?

N: You would have to ask the guys who voted for that. I do not know. [laughter] I just have no idea.

H: Was something happening in 1979 or 1978 in Sarasota that may have been significant in terms of local government law that you were involved in?

N: I guess all of us in the local government law section worked pretty darn hard to carry out our responsibilities so far as the legislature was concerned. We were trying to protect local government and do what we could to keep a sensible legal basis for conducting local government as a general legal policy of the state. We all worked hard at it, and we all worked hard at trying to understand the various court rulings that affected our jobs from time to time. I am not active in it as much as I used to be. But I do not know why they gave me the award. Maybe

it was longevity! [laughter] That is the one thing I can think of that none of the rest of them did. I can remember the guy who was ahead of me as chairman of the section. [It was] Osee Fagan from Gainesville. You probably know of him, have heard of him.

H: I have heard of him.

N: He was a great fellow. I knew him well. He and I worked together on several different things.

H: OK. I have another tough question for you. Waldo Prophet, the journalist, described you as a premier governmental attorney. How did you earn that reputation?

N: I think probably because of our number of wins. We figured it out one time as to how successful we had been in defending the county. Most of the work we do for the county is defense because somebody is always suing it. The county very seldom brings suits on its own. What we look at is a successful defense of the various litigation that is brought against the county. We figured out one time that our success rate was in the neighborhood of 90 to 95 percent.

H: That is excellent.

N: One of the commissioners one time asked us about that, and I think that is what we came up with. So that could be part of it.

H: How many cases have you tried over the years?

N: Hundreds.

H: What have been the major ones?

N: Going back to one of the first cases which I took particular delight in winning was an eminent domain case where the lawyer on the other side of the case had an appraisal that was just a few dollars higher than the appraisal we had. I kept trying to settle the case before it went to trial with him, and he never would tell me how much his appraiser thought his client's property was worth. Of course, he knew how much the county's appraisal was for. So we tried the case. It took about three days. At the end of the third day, he finally called his appraiser to the witness stand. He testified that in his opinion, the property was only worth a few dollars more than what our appraiser had said it was worth. So when he said that, I said, "No cross examination," because there was no issue. So I went by the counsel table for the other lawyer and said, "It looks like to me that the only issue in this case is going to be the amount of your attorney's fees because we would have paid that amount and you know we would have paid that amount

if you had just told us." So he did not say anything. He is a very good senior lawyer here in town.

So the next thing was to set his attorney's fees. In those days the jury set the attorney's fees in an eminent domain case. They decided on the amount the lawyer could be paid. So he took the witness stand to testify as to all he had done and what his fee should be. He testified approximately an hour. He took up to the witness stand a file about six inches thick with papers, which was his file in this eminent domain case. Finally he finished testifying and I asked the judge if I could cross-examine him. He said, "Yes," of course. I said to him, "Really, don't you agree [that] lawyer's fees ought to be to a great extent based on the value of those services to the client?" He would not agree to that. I said, "You say you have done a lot of work." He said, "Yes. I have done a tremendous amount of work on this case." [I said,] "Yet, you are only asking for a couple hundred dollars more than what the county appraised this property for." [He said,] "Yes. That is right. My client is entitled to that representation." I said: "Now, take out of your file all those pleadings and document that we prepared and sent to you and leave in that file the pleadings that you prepared, and only the ones that you prepared. You say you did a lot of work." Of course, I knew that he only prepared two pages of pleadings out of this whole big stack.

H: Oh, my.

N: I said, "You really did not do much work, did you?" I said, "That is all the cross." I terminated the cross [examination]: "OK. You are so smart, son; you get on the witness stand. The court is going to call you as its witness." I said, "I do not think that it would be proper for me to be a witness." He said, "I am telling you to take the witness stand." [I said,] "Yes, sir." So I took the witness stand. The judge asked me, "What is a reasonable fee? Tell this jury what a reasonable fee would be for that lawyer who handled this case." I said: "Well, judge, the rules of ethics say that one of the most important factors is the value of the lawyer's service to his client. In this instance, the lawyer's services cannot have benefited his client more than \$200 or \$300 because that is the sole difference in the price. So, in my opinion, he has not benefited his client in any significant amount." The judge said, "Get off the witness stand!" [laughter]

This was just before lunch. So he recessed for lunch. We came back after lunch. During lunch hour, I had the chance to work up a full head of steam. By that time I was mad. I had this other lawyer with me from my firm, Alan Webber, who has just retired. I said, "Now, Alan, this judge is probably going to hold me in contempt after I make this motion, but I feel as though I have to make this motion, and you [need to] be ready to take over the case." He said, "Are you sure you want to do that?" I said, "Yes. I am sure." So the jury got back in the

box and the judge got back on the bench and I got in the back in the courtroom. In a loud, clear voice, I moved the court for a mistrial based on the prejudicial conduct and comments of the judge toward the counsel for the county. He did not even look up. He just said, "Motion denied."

The case then went to the jury shortly thereafter. The jury was out about fifteen minutes. It came back and awarded the other lawyer a \$50 attorney's fee. [laughter] The lawyer immediately moved for mistrial, and the judge granted his motion for mistrial based on the fact that he did not get enough in the way of attorney's fees. The case went up to the Second District. The Second District reversed him and reinstated the jury verdict. All he got was fifty bucks. [laughter]

H: Good for you.

N: So that was one of my early interesting cases. There was not a huge amount involved, but it was an ethics case. The newspaper got involved in the whole thing, which they really should not have. It changed the entire approach of the bar with regard to asking for attorney's fees when they were not entitled to them. So it was a significant accomplishment, we felt, because the ethical lawyers. . . I should not say "ethical lawyers" because this lawyer was not totally unethical, he just was doing what had been the custom for years: to take advantage of the taxpayers and get paid for something you really should not be paid for or at least not be paid in excess. So that was one of the early cases. I had some others. I wish I would have thought about it a little in advance.

H: Do you run into a lot of ethical cases being a county attorney?

N: No.

H: You do not have trouble with builders and people coming in?

N: Lobbying the client does happen, but the lawyer does not do that. It is a different world practicing administrative law because it is a different approach. You cannot be quite as technical as you can in other fields of law.

H: Because you are dealing with people and voting and concepts?

N: It is because of the way the disputes are generally resolved. If they are resolved politically, then there is no real criteria for their resolution. It is just a matter of what makes the best sense politically, I suppose. Our county has been blessed with having very highly qualified commissioners. Most of them are intelligent, well-educated people. So it has been interesting representing them even though they have had their fusses. Our biggest task is to try and stay neutral in any of

their fusses and avoid getting involved in their policies. Otherwise, every difficult policy question becomes a legal problem, and that does not ever solve anything.

H: Can you give me the name of someone in the county who I could talk to about you?

N: What kind of person are you looking for? On what subject do you want to ask them about?

H: Just about you, what kind of attorney you are, and how you have served the county over these years.

N: The guy that I probably worked with the longest, and that is the reason why I will give you his name, is John Saba. He was a commissioner for three terms, I think, which is about eighteen years. No. I think [he was with the commission] either twelve or sixteen years. I do not know which.

Another person whom I have known a long time and worked with is Senator Warren Henderson.

H: Is Mr. Saba still in Sarasota?

N: Yes. And so is Senator Henderson.

H: Now, come January when some of that county work is going to be cut back a little bit, what else will you be doing? What other areas will you be branching out in?

N: We will probably represent people in the local government field. As I said, we had a case involving Alachua County. It might be on the other side of the issue. For example, years ago, when Orange County was considering a charter, they asked us to draft the charter for them, which I did. It did not pass, though. [laughter] I told them it was not going to pass because they were taking too much authority away from the constitutional officers. But we did draft it for them. We also worked for Charlotte County, and just recently handled some litigation for the mayor of the city of North Port [in Sarasota County]. So we will be doing local government law representations and civil rights cases. I had a guy ask me yesterday if I wanted to handle a civil rights case against the city of St. Petersburg. I told him we would talk about it. That is the type of thing [we will handle].

H: Do you do a lot of representing the little guy, the guy on the other side?

N: Oh, sure. The case in Gainesville was representing the little guy. There is a

little guy there that got devastated. What they did to him was just unbelievable.

H: Can you talk about that case?

N: The fellow's name is Bailey. He worked for the county as a guard in the jail. There were apparently a lot of drugs and things being brought into the jail. They were looking for somebody who did it. The scuttlebutt was that it was an inside job. So they were looking for whoever was doing it. They finally decided [it might be] this guy Bailey, who was kind of a whistleblower type. He would complain every time somebody did not do something according to regulations.

H: This might have been in the paper.

N: Yes. It was in the paper. They decided he was the culprit who was bringing drugs and things into jail. This particular [case was regarding] a hacksaw blade. They were going to hacksaw out. At the last minute, they caught the guys who did it. Somehow or another, they decided they were going to try to set Bailey up. So they gave one of the prisoners \$500 and told him to contact Bailey to see if Bailey would come and take the \$500. We never did figure out just what it was supposed to be payment for.

So when the prisoner called him, Bailey immediately reported it to his superior. He came to work that night and he reported it again to his superior on the shift. Of course, these guys all knew that they were trying to set him up. So he said, "This guy wants to see me at such and such a time," and so forth. He tried to get some instruction out of his superior, and he was not getting any. So the prisoner actually gave him the \$500 and he protected it so the fingerprints [could be] taken off of it. He got distracted just for a moment, and in that moment, several guys came in and they arrested him. They charged him with \_\_\_\_\_ and scared him to death. They did not want to put him in the local jail. They gave him a ride to the next county jail. He thought they were going to stop and get him as he was escaping. Obviously, there was somebody else on the inside [who] is still there today who actually was helping these guys.

They started prosecution. Oh, [by the way,] they had the affidavits supporting the warrants made out and signed the day before the events actually happened. Talk about being stupid! That is the stupidity of it all. In other words, the affidavit under which the arrest warrant was issued was notarized the day before the events [that were] depicted in the affidavit occurred.

H: They cooked their own goose, did they not?

N: We thought so.

H: So did Professor Little call you about this? Is that how you got involved?

N: Yes. Professor Little called us after Bailey went out of his mind. He absolutely went crazy. He is now on drugs. The only way he can be out and around is if the is totally drugged. He totally went crazy because he lost his job, he was accused of this crime, [and] he thought he was going to get killed.

H: And they have not found the culprits.

N: They, of course, will not admit that there are any. They know it was not Bailey. So who was it? The case went on to trial as a civil rights case not this summer, but last summer. The jury brought in a verdict of \$2.7 million in his favor. A number of the defendants were dismissed at an early stage, and, of course, there is an appeal of their dismissal. Then the county police department and sheriff's department have appealed the verdict. It is okay if they have a chance win, but the interest is going right on.

H: So when so you think that will come?

N: It ought to come down within the next six months.

H: I guess our sheriff has some problems these days, too.

[Wayland] Clifton.

N: Is that right?

H: Yes.

N: I have not been hearing about him.

H: It has been in the paper. Supposedly there was some inside group within the sheriff's department called "Hallucinations 2000". That was their comical name for this group. It is alleged that the people within this group would do favors for each other to get promotions.

N: A way of manipulating the personnel system.

H: Yes.

N: So there is a woman that is suing them. She was removed from a position that she like and put in another position so she is complaining about that. It evidently is because her supervisor did not like the way she looked.

N: A nice verdict for [Bailey]. He is very happy. But that is also on appeal. They are going to have to have a special levy in Alachua County to pay off these judges before long.

H: [laughter] Probably. Are there any other cases or anything about the practice of law that you would like to mention, or that we missed?

N: I do not think so.

H: OK. Have you enjoyed it?

N: Very much. If I did not enjoy it, I probably would have retired by now. But I really enjoy the practice of law, particularly with my firm and the way it is constituted. We really have a great bunch of guys. It is absolutely fun. I have just enjoyed the living daylights out of it. I look forward to it. Every day at work is something new. For example, today I am working on an inverse condemnation case and you were asking me about Steve Grimes. I was just reading one of his opinions on the subject and how they arrived at the conclusion that there was inverse condemnation in that particular factual case. We have a case that is filed now that is based on that opinion of Grimes. It has been fun working on it. It looks like it is going to be a precedent-setting case.

H: I do not know what inverse condemnation means.

N: That means that the government has taken some regulatory action and in effect has deprived a property owner of his property without due process and without paying him for it.

H: So what precedent do you think you will be setting with this case?

N: This is an area of law where the courts, particularly in the Second District, are not too clear as to when you have an inverse condemnation and how far you can go from a regulatory standpoint before it becomes a taking. So it is going to be a field of law in which you are going to see more cases and more controversy because of the land use regulations that have been passed that are applicable both statewide and locally. If the regulation is such that it deprives the property owner of his property, they will say that is the basis for inverse condemnation as well as perhaps even a civil right claim. It is an interesting area.

H: As we populate this planet, there will probably be even more and more of it.

N: [I am] afraid so.

H: Because the land gets scarcer.

N: The problem is that as the population gets denser, then there is more regulation supposedly required. I do not know if it really is required, but we seem to get more regulation when we have a greater population.

H: Do you speak anywhere on a speaking circuit?

N: I used to. I do not do that much anymore. I was supposed to do a lecture in February this year. The Florida Bar asked me to do that in conjunction with a CLE program. I was all set. Then I became ill, and I was in bed for about six weeks. So I could not do it.

H: That is too bad.

N: I had to cancel it. But I was looking forward to that. There is a lot of work in preparing one of those and in making it interesting and keeping everybody's attention and that sort of thing. So I used to do more of that than I do now.

H: How about publishing? Do you write any articles?

N: No. I have been asked by FSU to critique some different publications, but I have never done it. I have thought about it, but you are always going to make somebody angry when you do that. You cannot help but make them [angry]. So I have kind of shield away from it, although I was asked to write a critique on one of the civil procedures books that came out.

H: Let us talk about your gift to the College of Law. What prompted you to establish this chair, and how long have you been thinking about it?

N: I have been thinking about it for several years, and the reason is because I think this is an area of law where a singular expert can be very helpful. There really are no courses in law school that prepare you to become a civil county attorney. There is a little bit of it in several other different fields, but if you tie it all together, I think it would be much more helpful in preparing a student for that type of practice, rather than scattering it out someplace in Creditors' Rights and another place in Constitutional Law and another place in eminent domain law and that sort of thing.

I think if you can tie it all together into one package called Local Government Law, it would be a popular course, and I think it would be a very helpful course because we are, as you pointed out earlier, getting more and more local regulation. The free enterprise system is, more and more frequently, bumping into these local regulations which have the potential of totally stifling the economic growth of Florida if it is not done right. It has done that. We had a

problem here with a so-called moratorium that went to referendum election. It makes you realize that local government law is important and [that] it is important to be able to have lawyers educated in that field of law, I think because of the fact that we are growing so rapidly and are going to continue to grow.

H: I also wondered about the decentralization in the last eight or twelve years. There is more pressure for the local governments to take more of a burden for providing services and taking care of themselves.

N: The farther away from home [it] gets, the less people are concerned about how it is spent. So I think more of our taxpayers' funds [are] spent paying federal taxation and there is greater waste at the federal level than there is at the local government level because there are so many people at the local government level watching every penny that is spent. Whereas, at the federal level, you bundle your payment up in you income tax return and you send it up there and you do not know where it goes or who spends it or how, other than generic references to the multi-billion dollar federal budget. So everybody is just totally overwhelmed and as a consequence, nobody carefully watches or tends to the efficient expenditure of federal tax money--at least they do not do as much as they do at local level. Therefore, I think the idea of having local governments assume responsibility for their own communities is a good idea because different communities have different objectives. Why should we all be the same? That is what the federal approach is like. So I think that you are right. There is going to be increased emphasis on local government solving their own problems. That is as it should be. That again would put greater emphasis on local government solving their own problems.

H: OK. How do you think local governments in Florida will benefit from the chair?

N: Better trained personnel.

H: Do you think it can be taught in one course?

N: No. I do not think it can. But you can give an overview in one course. Then you can go into it deeper. It is just like in contract law. There is Contracts I and Contracts II. First you get the generic, overall principles and in Contracts II you go into the details. I do not think any single course is going to solve the problem but I think if you have a chair in local government, that will stimulate the interest enough and point to those areas in which official studies are desirable or needed.

H: It was mentioned that you are going to make an attempt to establish this chair in the future here. I was wondering, how close is the college to getting that chair?

N: The way it is set up now, I would have to be dead. I have left a \$1 million

bequest which is to set up the chair provided that the school matches it with a like amount of money. I understand [that amount] is more than enough to fund it in perpetuity, from just the income. Setting it up in my lifetime depends on a lot of things. The retirement situation has been changed so drastically by the federal government. It used to be you could deduct for money that you put in your retirement program. You cannot do that anymore. So our firm's retirement program I had originally set up with the county was abolished. So I do not have one there. As a consequence, I am left with an IRA. You cannot accumulate too much in an IRA. That is where we are right now.

H: On the day when it does arrive, \$400,000 will go for the chair and the state will match that.

N: I have provided \$1 million because they could not tell me for sure how much it would be. It was initially \$400,000; that is right. But my thought was, if they have \$2 million, they will know for sure they have more than enough.

H: What I understand is [that] the balance that is left over after the chair is established will go for scholarships and professorships.

N: I do not know. Not the way I have it set up. It is all going to go for a local government chair.

H: OK.

N: And it is \$1 million because nobody was really sure what it would be at the time that I kick off.

H: I will check with Randy, then.

N: Originally it was \$400,000 or so, and then they increased it to \$600,000. It all depended on when it got established. It is a temporary situation the way it is now, as far as I am concerned. I am looking for an opportunity to set it up before I die. Hopefully, I will, but I want to be sure some other things are taken care of, too.

H: Why support the College of Law?

N: That is simple. [laughter] In my opinion, it has the greatest potential for doing good in the legal profession than any organization I know of. It has done so much for me. The University law school was just a great learning experience, and I am thankful I had that opportunity. I would like to see a lot of other aspiring capable young men do the same.

H: I think when they see your example [they will].

N: Hopefully.

H: We are all hoping that! [laughter] Your gift is going to be the largest gift to the College of Law to date.

N: You are kidding.

H: No.

N: You have to be joking.

H: No.

N: I'll be damned.

H: How do you feel about that?

N: I did not know that. [laughter] Are you sure you are right?

H: Yes.

N: Well, I am glad to do it. It was my idea to go to the million dollars. They had not talked to me about that. Maybe they will be surprised when they see it because our discussions were \$400,000 and \$600,000, and then we were talking about immediate establishment. I told them with this retirement situation [I was not sure how much I would bequeath]. I do not know how it is all going to come out.

H: Randy had been talking about a remainder trust of some sort.

N: Yes. [It was] a remainder trust. It is a rather complex legal approach to giving and so I discussed it with my wife. She is happy with this approach. The main thing is to keep her happy. [laughter]

H: That sounds good.

N: My will does provide that they will have to determine that my wife will have at least \$5 million net worth, which is more than accomplished already, so there does not seem to be any question about that. I have always invested most of my cash, and I have done everything in one type of investment or another.

H: I was going to ask you about that. [laughter] I read somewhere [that] someone commented about you as being a wheeler-dealer [and] an entrepreneur.

N: I do not think I have "wheeled and dealed" anything. I have never really sold much of anything. I have always bought and held. So I do not think that would quality as a wheeler-dealer.

H: Just a wheeler. [laughter]

N: I suppose you might say I have been an investor. I have invested in a lot of different things. But I very seldom sell anything.

H: What kinds of things?

N: Real estate [and] the stock market. Mobile home parks are one of the biggest areas of revenue that I have. I got involved in that. [I] organized mobile home parks and they all have done exceedingly well. All are totally filled. I guess that is most of it.

H: Are your mobile home parks in Sarasota County?

N: No. I had to be careful about what I do in Sarasota County because [I am] the country attorney. Everybody would say "Well, he is taking care of his own things." I have never gotten involved in any development at all. I have absolutely avoided involvement in any type of real estate development. I buy and invest and hope to pay the rent. [laughter] Most folks do.

H: Let us talk about your sporting activities. How did you get involve in your big game hunting [and] your fishing? I understand you scuba dive as well.

N: Yes. I have scuba dived. All the diving I do now is free diving. I have gotten to where I can dive seventy feet without a tank. I do not do that too much anymore. Rarely am I under fifty [feet]. But growing up on a farm you learn to hunt as a kid. I learned to hunt as a kid. I have always enjoyed hunting and that sort of thing. So about 1970 I had a real good friend. His name was Tony Luberman. He was a West Point graduate who had retired from the military and he loved to hunt. He had hunted in Africa several times. He invited me to go along with him. So I went along and had a fantastic time. I got started in big game hunting. At that point, I had already done some big game hunting in the West for elk, deer, and moose. But I had not gone outside the United States.

In 1970, I started hunting with Tony Luberman. We hunted in Africa several times. Then I started hunting in different places around the world. I have hunted in Australia, Russia, Mongolia, South America, [and] Alaska. I do not know [where else I have been hunting]. I have a map at home which pinpoints all over where I have been hunting.

H: Romania [is] coming up.

N: Romania [is] coming up and Spain [is] coming up. I am going to take my wife with me to Spain.

H: You will go during the Olympics?

N: I guess not. I would love to see the Olympics. But we are going to go [to Spain] in December. We are going to Romania in about two weeks. As a matter of fact, I was out yesterday sighting in my rifle. [He reaches over and picks up a bullet.] This is the kind of ammunition the rifle uses.

H: That will do the job. [laughter]

N: That should!

H: What do you hunt in Romania?

N: Bear and wild boar.

H: And [what will you hunt] in Spain?

N: In Spain, it is more wild boar, but also sheep and goats.

H: Were you ever personally attacked by a leopard, or was it the fellow you were with?

N: No. I saw the leopard attack. The leopard ran right past me. I was closer to the leopard than the White Hunter. But the leopard had locked onto his scent because he knew he was the one who had shot him. He jumped him [and] knocked his rifle out of his hand and just started tearing him apart. He is lucky. He had enough guts and sense to jam his fist in the leopard's mouth [or he would] have torn his throat out. That is what he was trying to do. [He looks over to a photo graph. Ed.] That is why his wrist is so beat up; he shoved it in his mouth. The leopard was after his neck. He put one bite all the way through into his spine in the back of his neck. You probably could see it in his shirt. Yes. The one in the back of his [neck] could have killed him.

H: When did this happen?

N: This was about three years ago.

H: That is not too long ago.

N: This guy comes over to the United States about once a year and always comes to visit me and thank me. "I would not be here if it were not for you," he says. I say, "Well, I am glad both of us are here." [laughter] "I am glad that damn thing jumped you and not me." [laughter]

H: I heard there was a shark attack. Were you ever attacked by a shark?

N: Yes. That was the worst I have ever been frightened in my life. You hear people say [that] when they are about to die, their life passes in front of their eyes. I had that feeling. I thought to myself, "It is a hell of a day and a way to go, but I guess it is my day. [I] hope it does not last long." I speared this schoolmaster [that weighed] about fifteen or twenty pounds in about thirty or thirty-five feet of water. The spear had not killed the fish. He was down on the bottom flopping around. I came back up to the surface and I had a friend of mine with me. I said, "Let me borrow your spear. I want to go down and finish off this fish, unless you want to go down." He was not a real deep diver and did not like to go much under twenty feet, so he gave me his spear.

So I am on my way down, and I see this dark shadow come over at high speed. It was reflecting off the bottom because the water is crystal clear. This was in the Bahamas. I thought it was a shark. I could tell he was going fast and I immediately knew it was trouble. I have seen hundreds of sharks and have killed a lot of them with a powerhead myself when I am hunting them, rather than them hunting me. That is a much better way to have it. So I started back toward the surface. I saw the shark and he had just gone over the fish and was circling around. He was coming back around to go over it again. I figured he would grab the fish and he would be satisfied and he would leave. So I was going back to the surface. I watched the shark. It was about a 450- pound bullshark. [He was] a big one. [He points to a photograph. Ed.] It was a little less than the size of that one. That is a little bigger than this shark.

H: Wow.

N: So the shark went down over the fish, and I thought he was going to take the fish. He did not even slow down. He turned and looked at me. He looked right up at me and he came right at me, full speed. Now, most people do not see a shark when they are really at full speed. [At full speed,] they go about thirty miles an hour in the water. At that speed, I knew that as soon as he hit me, I would be knocked out. That is when I thought, "Well, this is it, friends." [laughter] "It has been a good life." Sure enough, just before he got to me, he opened his mouth. He threw out these big pectoral fins and slowed down, almost to a stop. When he did that, he came right up at me. I put the spear all the way to the back of his mouth. As soon as it did that, he clamped shut like that and he started shaking like this, back and forth, to try and cut the spear with

his teeth.

When he did that, I thought he was going to shake my eyeballs out. I literally thought my eyeballs were coming out of my head because I was hanging onto my spear. That is the only thing I had to protect myself with. So finally, he stopped that and he let go and he backed off and went around and made another turn. I thought, "He will go down for the fish now or he will leave." No, sir. He came right back at me the second time. This time, just before he got to me, he threw his big fins out again and almost stopped. When he did that, he turned. When he turned, I jammed him in the gills with the spear, hoping that I would irritate him and he would go away. He did not. He came around and made another turn and came back at me a third time. The same thing happened virtually that happened the second time. Then he did leave. But I was scared to death. [There is a knock at the door and a secretary walks in.]

H: You must be a good man to work for.

N: That is not what they tell me. [laughter]

H: But that shark attack is unbelievable!

N: As I said, it was the most frightening thing that ever happened to me. I knew that if I had not had that spear, he would have gotten me. There was a guy behind me, and the boat was not more than fifteen feet away.

H: Could he see what was happening?

N: He was in the water. He was the whole damn thing. If either one of us had tried to run for the boat, the shark would have gotten him. You cannot run from a shark. If they are after you, the very best thing for you to do is to swim right straight at them. I have done that a number of times and headed off attacks that otherwise would have been a problem. I have shot a lot of them with a big powerhead and killed them. But that is when I am looking for them. I put a bait out for them, and they go down after the bait, and I follow them down and hit them on top of the head.

H: With the fins coming out, is that something that they do every time?

N: That is the way he stopped because he is going at a real high speed. These pectoral fins they have are about that big. If he had hit me at that speed, that would have been the end of it.

H: I guess my point is, they do not use their speed to knock out their prey.

N: I guess it depends on the shark. Some sharks do and some sharks do not. A maco shark will hit you. A bull shark, apparently, would rather bite you. I do not know. That is a tiger [shark] that you see up there. This shark's head was about that same size, but his body was not as long. A bull shark has a huge big head, and real little bitty eyes.

H: Scary.

N: That was the worst I have ever been scared by a shark.

H: How did you get involved in the fishing and scuba diving and all that?

N: Hunting and fishing kind of go together. As soon as my son was big enough to learn to dive, I said: "Come on. Let's you and I take a scuba course together," and we did. We both learned to scuba dive very well. But I came to the conclusion early that it is an awfully dangerous sport because of the potential for problems with the equipment and rising and the limitations on time and all that sort of thing. So my nephew, my brother's boys, taught me to dive with them. They can all dive to seventy feet.

H: [With] no tanks?

N: [With] no tanks. The first day we went out, they said, "See that big grouper down there? He is seventy feet deep." I said, "Yes, I see him." He said, "We are going to go get him." I said, "The hell you are." [laughter] He said, "Yes, we are going down to get that grouper." I said, "I ain't going with you." [laughter] [They said,] "Come on, Uncle Dick." Anyway, within about four of five days, they had me diving to seventy feet.

H: That is amazing.

N: But you have to be really in good shape. It takes awhile to work up to it every time you start in the summertime. I was diving over in the Bahamas two weeks ago and we got some good fish. I did not go down below fifty feet; I did not have to. We got some nice big grouper.

H: How do you stay in shape?

N: I jog and I run the exercise trail. [I] play tennis. [He shows her a trophy. Ed.]

H: A finalist. That is great.

N: I just got that.

H: Mixed doubles tennis championship. June 1991. that is excellent. How many

miles do you run?

N: Not too many. I hurt one knee in football, as I told you. That is why I did not go on with a scholarship. I get a lot of exercise. I like it. I used to play basketball at the YMCA until I was fifty. I played basketball this spring and I still have a sore finger from it, so I have more or less decided not to do that. Joe Villa and I played basketball over in the Bahamas. He used to come over once in awhile and go fishing us. On this one particular trip, we challenged the local Bahamian team. We were playing and Joe slipped on a wet court and pulled his Achilles tendon and ended up having to have an operation.

H: He was in a cast and a walker.

N: That is where he did it: over in the Bahamas. That [happened] and he walked off the dock one night.

H: [laughter] No wonder he did not want to talk about it.

N: [laughter] I will never forget the night he walked off the dock. That was so damn funny. We had been working on this case. He brought all this material along in a briefcase. We rented a cabin and some of us also slept on my boat. I had a 45-foot Hatteras. It slept ten. I had already gone to bed. I and my partner, Ron Serial, were in the bunks. Joe stayed up later to talk with some of the guys. He was walking down the dock. In some way or another, he walked off the dock with all these papers and things in his hands and fell down between the boat and the dock. He said, "Hey! Help! Guys, I need some help!" He did not yell real loud, and we had just gotten to sleep. I said, "Hey, Ron, that sounded like Joe." I said, "It is JoeJoe!" We both jumped out of bed just like in these comic. [We] bumped into each other and knocked each other back in bed. We got up again and ran out there and here is Joe. He is treading water, holding these resource materials up over his head. I said, "Joe, are you alive?" He said, "Yes." [I said,] "How bad are you hurt?" [He said,] "I am not hurt at all, but I am going to get these papers wet if you do not get me out of here right now." [laughter] So we threw him a rope and got him out. It is just a miracle he did not hurt himself.

H: Did you say how you know Professor Little?

N: I met him through my partner, Bob Widman. Bob Widman was one of his students.

H: How does your wife feel about all these activities of yours?

N: She does not like them at all, but life is not always a bowl of cherries.

H: It does not always go exactly how we want it to go.

N: No. Actually, this trip to Spain is going to be the first time she ever gone with me

H: How long have you been married?

N: Since 1955. Thirty-six years.

H: It is about time she went on a trip with you.

N: I think so. That is what I told her. She said, "You did not invite me on all of them." I said, "There is no point in inviting you when I know you would not go." She goes fishing with us. As a matter of fact, [during] this last trip to the Bahamas, she stayed in the boat. When we caught the fish, we handed them up to her in the boat on the spear and she lifted them into the boat and dumped them in the fish cooler.

H: She has a job.

N: She does it well. And [she] can run the boat, except in heavy weather.

H: Tell me about your children briefly.

N: I have a daughter, Mary Genevieve, who works at Disney World who [we are] exceedingly proud of. She graduated from Katherine Gibbs. [She] is going up the executive ladder, I hope. She really is doing exceedingly well. She has gotten every promotion that comes along and every raise that has been available. We are proud of her. She was at the top of the class. My son Ed is an outboard marine mechanic and works in Fort Lauderdale. He likes what he is doing and gets paid well. He earns more money than Mary does. [laughter] I cannot believe it.

H: That probably drives her crazy, right?

N: It is almost one of those cases of discrimination against women is the way I figure it. Mary has not figured that yet. She wants to get along with management. She is part of management so she has to watch her step.

H: With that Disney corporation, I would imagine [one would have to] walk a tight line.

N: She enjoys it. She was in charge of Grad Nite. I do not know if you know what that means.

H: That was a new program at Disney World. They had a prom to help keep kids safe. [Every year, during Friday and Saturday nights in May and June, the Magic Kingdom closes its doors to the "regular" public and opens from 5 p.m. to 4 a.m. for high school seniors as a graduation party. Ed.]

N: All the kids from all over the United States come into Disney World for this Grad Nite business.

H: That was a big deal, then.

N: Thousands of them [come]. She organized that. Now she is working on some TV show. She is in public relations. She likes it. She is a good tennis player. [She is a] big, husky girl. When she hits the ball, she scares me to death. She hits it at me at the net. She is mean. [laughter]

H: Did either of the kids go to the University of Florida?

N: No. I would have liked that to happen, but it just did not happen. You cannot force them to do something they are not going to do. Mary went to FSU and Ed got married. That is the end of that.

H: As long as they are happy, that is what counts.

N: Yes, they are happy.

H: OK. I think that is all of my questions.

N: Well, that is plenty. [laughter]

H: I told you I had a bunch!

N: It is always fun talking about yourself.

H: Did I leave anything out? Did I miss anything?

N: You have not talked about some of the other organizations and the bar that I was involved with. I was president of the Sarasota County Bar in 1972 and 1973. I was president of the Florida Association of County Attorneys. I was chairman of the local government bar section. I think you already knew that.

H: Yes.

N: Then I got this local government award.

H: That was a couple of years after you were chairman, right?

N: Yes. In 1979. I was president of the Council of Florida Bar Presidents, whatever that organization was. [laughter] It was sort of a lobbying group. All of the presidents of the local bars belonged to that organization, and they elected a president.

H: So you were president of the presidents.

N: This is a certificate of appreciation [from the] Sarasota County Bar Association when I was president of the local bar. [It is] signed by Reese Smith who used to teach at the University of Florida.

H: Right. [He is] a big man.

N: [He is] a big lawyer and former president of the American Bar, like Sandy D'Alemberte.

H: Right. And now Reese is president of the International Bar Association.

N: He is?

H: I believe so.

N: I did not know that.

H: It is the first time it is an American.

N: Reese got me to go to South America on a bar association task. We had a joint meeting with the South America Bar and I really enjoyed that. I got sent down there one other time. I was with this delegation sent by the Commissioner of Agriculture. I was one of the few who could speak any Spanish and I enjoyed it a lot. We met with the president of Ecuador. That is who our host was.

H: That is exciting.

N: It was exciting [and] interesting. I also got in some fishing while I was down there.

H: Of course! [laughter] Are you active in any bar organizations right now?

N: Not really. I spend most of my time practicing law and tending to my investments. My wife spends a lot of time on investments. We own several shopping centers as well, and she generally has undertaken and managed those tasks. She is a pushover landlord. [laughter] When I tell her [that] she gets

mad. [laughter]

H: Not too much of a pushover.

N: No, not too much. She is doing very well.

H: Is there anything else you would like to add?

N: I had the distinction of meeting Gerald Ford.

H: What was that occasion?

N: I worked on his campaign. I did not mention this to you. I was the state chairman for Claude Kirk when he ran for the United States Senate. I traveled with him.

H: What was that like?

N: It was not bad because that was before he had gone a little cuckoo. He was a very conservative businessman, he was a churchgoer, and he was a family man. He tended to his business and he was president of the young Presidents Club of all the businessmen in the southeast, and he was a tremendous guy. But then he got a divorce. He went goofy after that. You have heard of Madame X and all that business.

H: I saw him on television recently and he was a real crackpot.

N: He has gone to hell now. He has drunk himself to death.

H: He was registered and re-registered back and forth about a dozen times. He does not know what he wants. But I was his chairman anyway, and that was quite an experience. He ran against Spessard Holland [Gov. of Fla, 1941-1945, U.S Senator, 1946-1971] And you know, if Florida ever had a statesman in the twentieth century, it was Spessard Holland. Spessard Holland had done everything there was to be done in Florida and was a tremendous leader. I said, "You are never going to beat Spessard Holland. I will be your chairman if you will agree to run for governor four years from now." He said, "I will do that." I said, "OK. Let us go at it." So we did, and he did very well, actually. That is why he ran for governor, because he had done so well.

H: So then did you help him with his gubernatorial campaign?

N: Not as much because by that time he was getting a little flaky, and I was just apprehensive. But I did work for him. I have to admit that. But I was very

disappointed in his administration.

H: I am not very familiar with his administration.

N: Anyway, I was involved twice in political things. I am a very strong supporter of Connie Mack, [U.S. Senator, 1989-present], who I think is representing the state very well. Frankly, I like both of our senators.

I think Bob Graham [Gov. of Fla, 1979-1987, U.S. Senator, 1987-present] was an excellent governor and I think he is doing a good job one of the leading citizens in the state in connection with youth sports activities. My brother worked with the youth in the Fort Lauderdale/Hollywood area. The governor had a big dinner for him and the whole business when he gave this award for being outstanding leader for supporting the youth. I am not sure exactly what they called it. So I have a warm feeling in my heart for Bob Graham.

H: That is great. There was an interesting article in Sunday's paper about [him]. He is involved in trying to curb activity in the sanctuaries so we can maintain the environment a little bit better.

N: I hope they do something to save the [Florida] panther. It does not look like it is too optimistic. Frankly, where they went wrong [and everybody know it, and there is no point minicing words about it], is when they got all those sugar plantation to go into the Everglades. I knew that and everybody knew it at the time. I used to fly from here to Miami all the time over the Everglades before they had that sugar. It is just totally devastated now with sugar. The only reason we really got into it was to try and curtail Castro's market of sugar internationally. The only way we are going to get rid of it is to get rid of those now. I do not know how they are going to solve that. The panther's habitat, and a lot of other things down there are going to slowly decline because of all the pollution that is flowing south. It is going to devastate the Everglades if they do not do something about it. What can they do other than buy the sugar plantations?

H: I do not know. Just last summer I came up [U. S. Highway] 27 part way, and that is all we drove past: sugar cane and sod.

N: Sugar cane and sod are both very devastating to the environment. The sugar cane [is] probably more [devastating] because of the extensive use of certain types topsoil, and that topsoil is very, very fragile in itself. Some of it, if you just expose it to the air, starts deteriorating because of the high organic material.

H: We have a slew of problems.

N: I fly over it all the time going down to the Miami area. I just hate to see it.

H: I do too, having grown up there. I think we have covered everything, unless you have anything else that you would like to add.

N: No. I cannot think of a thing.

H: Let me thank you, for the record, for all this time and [for] answering all my questions.

N: You are quite welcome.

H: I appreciate it and the folks in the Oral History Project at the museum appreciate it, too. It was a great interview. Thanks.

[End of the interview]