Today is March 18, 1993. We are in the office of Professor [E. L.] Roy Hunt of the University of Florida College of Law. Professor Hunt has been on the faculty since 1962. We will be doing an oral history interview today for the University [of Florida Oral History] Archives on his career here at the University.

Please start by telling us your full name.

Elmer LeRoy Hunt.

When and where were you born?

Humboldt, Tennessee, August 10, 1933. I was born at home, in the basement.

What did your parents do?

My father at the time worked for a dry goods company in that small town. My mother and my father both were from families that had been there since some time in the nineteenth century.

Where exactly is Humboldt?

It is in west Tennessee; it is eighty miles east of Memphis, about 140 miles west of Nashville. It is named for Baron Alexander von Humboldt.

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

Yes. I had a very happy childhood. The happiest part of it was the rural setting. My family owned a fourteen-acre farm on Main Street, and most of our time was spent exploring and camping.

So your family was well-to-do, at least by those standards?

Well, my immediate family was broke. They lost the home they built right after they were married; my parents lost their home in the Depression when I was about nine or ten months old. But most everyone else was in the same boat. My mother's uncle was president of the local bank, and certainly we were from a family that was better off than most.

You went to public school there?
H: I went to school in Humboldt for the first ten years, and then I went to Columbia Military Academy for my junior and senior years.

P: Is that Columbia, South Carolina?

H: No, it is in Columbia, Tennessee. It is defunct.

P: I see. What made you decide to go there?

H: I think that my mother is the one who encouraged it, feeling that the educational program in our public school was so oriented toward football and basketball—that that was all that really mattered, and she was certainly right. Because I was so tall I was seen as a basketball player and was given lots of special instruction in basketball, but very little in anything else.

P: OK. I see you served in the navy. Did you have aspirations for a military career at that time?

H: Never. But the military school that I went to made all of us aware of the various scholarships that were available and encouraged us to take the exams for the NROTC scholarships, which were the most generous scholarships available in those days. They provided buses for us to go to Nashville and take the exam, and I was fortunate enough to pass the first part, which was a comprehensive test. Then I made it past the physical and political process and gained an NROTC scholarship to Vanderbilt.

P: So apparently you were an excellent student.

H: Well, I graduated as valedictorian of my class.

P: Why did you pick Vanderbilt?

H: It certainly was the school in terms of an academic institution in our area, and it was the only school in the state that had an NROTC program. Of course, I had to pick a school that had an NROTC program in order to take advantage of the scholarship.

P: What did you study at Vanderbilt?

H: I majored in English literature because that was Vanderbilt’s strongest faculty at the time, and I minored in French, Spanish, and Russian.

P: Did you have a problem with the navy? Today they are the only ROTC unit that makes people major in the hard sciences or engineering.
H: Well, I had no problem. It is true that in those days they required a certain number of hours in physics and courses of that sort, which I took, so I graduated with a minimum number of hours in my major because of the hard sciences.

P: When and what made you decide to become a lawyer?

H: I think even in those days I felt that the leaders in the community I grew up in--in Humboldt--were the lawyers. They had a comfortable living, but they also seemed to be doing something that was interesting, and they certainly influenced decision making more than anyone else. So I leaned in that direction, although I certainly had not made up my mind at that point. In part, I knew I had to go to the Navy immediately upon graduation--there was no possibility of delaying that service--so I was not required to choose any career immediately upon getting my B.A.

P: You were in the navy from 1955-1958.

H: Right.

P: What did you do while you were in the navy?

H: I was the five-inch battery officer aboard the USS Wisconsin, a battleship.

P: When you came out of the Navy and went to law school, you went to the University of Mississippi.

H: Right.

P: That seems an unusual choice. What made you choose Mississippi?

H: Well, it was not unusual at all. I was married at the time, and we had a baby and no money. My mother had remarried a native of Oxford [Mississippi] while I was at Vanderbilt, and I could go to Ole Miss for practically nothing. We could get an apartment in the old vet village, which was the World War II housing that had been moved on campus. I could get that for fourteen dollars a month, pay practically no tuition, and eat a lot of meals with my mother and stepfather's family. So that is what we did.

P: That sounds good to me. How did you find law school? Was it what you expected when you got there?

H: Yes, it was what I expected, and I enjoyed it very much. I enjoyed law school much more than undergraduate school.
P: I think it is unusual to have someone say that law school is what they expected.

H: Yes, it was about what I expected.

P: I take it you did well there also?

H: Yes, I did.

P: What were your favorite classes or your best class?

H: I think that the ones [I enjoyed most were those] that emphasized the history of law and the common law courses like contracts and torts. In large part I think that is because of the teachers. Dean [Robert J.] Farley, who later came here and taught for ten years, was my torts teacher. He and his wife were close friends of my parents, so I had known them before law school. He had a wonderful grasp of history, and he made it all very interesting for me.

P: Did you always want to teach, or did you think you would practice law when you started law school?

H: No, I did not intend to teach at all when I started and did not intend to teach until the very end. I had certainly planned to practice. I thought I would go back to my hometown in Tennessee. I graduated in August, and during that summer there was a sudden vacancy on the Ole Miss faculty, and I was asked to fill it for a year. I had already decided to go to Yale for an LL.M. as sort of a finishing school because the curriculum at Ole Miss was quite narrow, with a small faculty. I had been accepted at Yale for that fall, but I intended to practice after that. I just wanted the additional year [to take] perspective courses like international law and things of that sort.

I was asked to delay matriculation at Yale to teach a year, and that was very appealing to me, because once again I was broke. I also felt that I would get more out of the Yale experience if I taught for a year. So I taught, for the most part, courses that I had never taken as a student.

P: I was going to ask you what you taught.

H: Well, I taught what was then called workmen's compensation and labor law, neither of which I had taken as a student. Of course, I had a lot of students in my class who had been my classmates a week earlier. I also taught criminal law and personal property law during that year.

P: That is an eclectic mix.
H: In fact, one of the students I taught was [Winton E.] Skip Williams, who is on our faculty here now.

P: How was that--teaching immediately after you finished at the same law school?

H: It was tough because I was teaching my ex-classmates.

P: How did they respond to it?

H: I think they were very generous.

P: Was that a common occurrence at that time to hire someone straight out of law school? I cannot imagine that happening today.

H: No, it was not, but again this was an emergency situation in which they lost a faculty member, and rather than try to find someone at that very late date, they chose to go with someone they knew.

P: Was it during that year that you decided to make a career out of academics?

H: No. I still had not made up my mind to do that. I was not sure what I was going to do. But I certainly found it interesting, and I began to consider it an option.

P: The Yale LL.M., as I understand it, is basically a law professor's degree, pretty much. How did you find Yale Law School?

H: Well, I thought it was an incredibly exciting place--not just the law school, but the Yale University community.

P: Was that the first time you had ever been out of the South for an extended period of time?

H: No. I had lived in New York when I was in the Navy, so I had spent a good deal of time out of the South. In fact, between my completion of teaching at Ole Miss and going to Yale, I received a Ford Foundation Grant to participate in an international law program at Berkeley. I spent the summer at Berkeley before I went to Yale. So I had quite a varied educational experience, geographically speaking.

P: I want to talk to you about your whole international law involvement, but before we get to that: You took the general program at Yale, as opposed to an LL.M. in a specific area of law, like taxation or international law?

H: Well, the LL.M. is a general LL.M., although I concentrated on international law.
But Yale's graduate program is not an LL.M. in taxation or whatever. It is just an LL.M.

P: What made you pick international law?

H: In part because of the travel I had done in the Navy, I had become interested in international affairs. I think that had a lot to do with it. In addition, Professor McDougal at Yale was preeminent in international law. I had known him for many years; he was my stepfather's first cousin. Professor McDougal was born and raised in Booneville, Mississippi, had gone to Ole Miss, and had been a Rhodes Scholar before he went to Yale and ended up on the Yale faculty. So he was certainly my mentor.

P: Did you have any coursework at Mississippi in international law?

H: No, there were no courses offered in it.

P: OK. What did you write your thesis on at Yale?

H: I did my thesis on the Panama Canal treaties. It was a policy-oriented perspective on the Panama Canal treaties, and it was later published in the University of Florida Law Review.

P: It sounds more like a political science or history thesis than a law thesis.

H: Well, there was a lot of that in it. I picked it in part because I had been through the Canal a couple of times and knew people who lived in the Canal Zone just before I went to Yale. That was shortly after the riots; I guess the riots occurred a year earlier. This lent itself to treatment in the McDougal-Lasswell framework, so that is what I did.

P: I understand that very early you were involved in the international law program here at the University of Florida. Tell me a little bit about that.

H: Well, certainly it was taught here before I came; [William D.] Bill Macdonald taught it, particularly. I guess I picked it up for the first time in 1964 when Bill had a stroke or a heart attack. I taught it off and on from then on. Then in the late 1960s--I guess about 1969--we had some then-young alumni like Jake Dyal and [John C.] Jack Bierley in Tampa. We created an international law committee within the Florida Bar. That subsequently became a section--now it is a very large section, but at the time it was a recognized committee of the bar--and we began to do some lawyer exchange programs. The exchanges were rather one-sided in the sense that we always went there and they never came here.
We focused our attention on Latin America. I also had been teaching a seminar in Latin American legal institutions, which was really based on the one I took at Yale with Bayless Manning, so I offered that for a number of years. I suppose this bar program grew out of that.

We did week-long programs with the local bars in various Latin American capitals. The first one we did was in Costa Rica, and subsequently we did them in every Central American country other than Nicaragua, and we did them in a number of South American countries. We did these for about fifteen years and finally expanded our horizons to the roots of the Latin American legal systems by having programs in Madrid and in Barcelona. I am not sure what this had to do with it, but the last one we did was in Athens, Greece. So that involved a lot of travel in terms of setting them up, meeting with the local bar officers and with our embassy people and making the arrangements, and then going back six months later and doing the programs.

P: You have taught in a lot of the world. You taught in Seoul, South Korea.

H: Yes. I had a Fulbright at Seoul National University's graduate law school in 1967.


H: We had a summer program at Trinity College, Cambridge, for a number of years, and I taught in that program.

P: Did you have any involvement in setting up the various exchange programs that Florida has [with] Leiden [Netherlands], Poland, and various places?

H: Yes, I did. In fact, the very first one we did was in 1971 in Mexico City. I had a lot to do with setting that one up. Professor [Michael W.] Gordon and I taught in it, and then I taught in that one a couple other years. Shortly after that we created the Cambridge-Warsaw program, and I also taught in that. I was either assistant or associate or acting or interim dean throughout that period, so I had a lot to do with setting that up and so on.

P: The law school has talked about an LL.M. in international law for a decade, I guess.

H: No, that is not right. We have talked about an LL.M. in comparative law.

P: OK. Will it happen? Should it happen?
H: Well, I hope it will happen, but I am not sure when it will happen. Throughout my stay here at the law school, which is now thirty-one years, going on thirty-two, the obstacle has been the Graduate School. When I first came here in 1962, I learned that the college had been trying to inaugurate an LL.M. in taxation for a number of years, and the then-dean of the Graduate School, Dean [Linton E.] Grinter, had thrown up every possible obstacle. It was another ten years before he retired, and we finally were able to inaugurate the LL.M. in taxation, which is now widely recognized as being the number-two program in the United States. We could have one of the best LL.M. in comparative law programs in the United States with very little cost to the Florida taxpayer were it not for the intransigence of the present dean of the Graduate School, Madelyn Lockhart.

P: She will not be there much longer.

H: Well, she has no concept of an LL.M. in comparative law. We brought Professor McDougal down from Yale to meet with her and to explain how the Yale program operates. I think it is generally considered the top one in the world. The goal of the Yale program has always been to train those who might teach or serve in government service in their respective countries, and indeed the Yale law school has trained such public servants all over the world. Despite having Professor McDougal explain this, Dean Lockhart still does not understand. As a result, we have still not begun a program, although we are fully ready and competent to do so.

P: I had not planned to talk about it, but since you brought it up, as a joint-degree student, I find that there is very little understanding in the Graduate School of what the law school does, and there is very little understanding in the law school of what the Graduate School does. Professors in both tell me how weak the other one's program is and how easy their classes are. Is that just lack of knowledge or professional jealousy?

H: I do not know the explanation. I suspect that a lot of it is professional jealousy, but I think the professional jealousy stems more from the salary differential than any other single thing.

P: That is a factor.

H: This is one way in which that expresses itself. For many years, beginning in 1976, I taught a seminar in historic preservation law with [Frank] Blair Reeves at the architecture school. He is the one who requested it, and we had an even distribution of law students and graduate architectural students in the preservation option. This operated with no difficulty whatsoever until Blair retired (because his name was on the teaching roster as well as mine, and of course, he was a member of the architecture faculty). Once he retired and Dean Lockhart
learned of this, she indicated, "Certainly graduate architecture students can take the seminar, but they cannot get credit for it because law study is not graduate-level work." It is really ironic that all those years the architecture school gave their students three hours credit for the seminar where we gave our own law students only two hours credit for the same work. So certainly there was some differentiation being made there.

This has so far been insoluble. The same thing occurred with respect to the art law seminar I taught and [continue to] teach. The first two or three years I had graduate art students as well as law students. Now the same problem exists. I think that this is incredibly destructive in terms of any notion of what a university is about. The great strength of this University is that all units are on a single campus, and we have the ability to do interdisciplinary work of this sort. Dean Lockhart and those who support her view have made this impossible.

P: Well, we do [have that capability] in theory, but based on where we are positioned with relation to the rest of the campus and having different calendars and different class schedules and no parking space, it is not that practical, at least from the student's standpoint.

H: Well, it was not insuperable. Indeed, when we were doing it in architecture we usually held our meetings there rather than here, so the law students had to go to the other part of the campus.

P: I guess the point of that is that there is not a lot of effort made to facilitate it.

H: Well, that is certainly the case, although I think we are ready, willing, able, [and] anxious to have graduate architecture students and graduate art students in our seminar.

P: Since you brought up that seminar, [let's talk about] historic preservation. It is one of your big areas of interest. How did you get involved in historic preservation?

H: Well, I have always been interested in architecture, going back to my childhood. In Humboldt my family was in that community for a long time, so there were nineteenth-century family houses both in town and out in the country and on our farms, and we spent a lot of time on Sundays in the country looking for ancestors in country churchyards and what have you. Then I was in military school in Columbia, and Columbia is very rich in antebellum structures and magnificent plantation homes in the countryside. We did a lot of hiking on those back country roads, and I became more interested in the architecture. Then at Vanderbilt, Nashville is quite rich in architectural history, with buildings by William Strickland--the capitol as well as others. He came down from Philadelphia. So
I knew quite a bit about architecture and pursued it as a hobby. Then in 1976, as I indicated, Blair Reeves asked if I would consider teaching a seminar on historic preservation law. The following year we had a distinguished visiting professor here at the University, Bill Murtagh, who was then the Keeper of the National Register of Historic Places. He was given a three-month leave of absence from his office in Washington, and we did the seminar together. I guess that was in 1976 or 1977. By virtue of my acquaintance with Bill, I became a member of the board of directors of the Victorian Society in America. That is headquartered in Philadelphia at the Athenaeum, which required me to be there two or three times a year. We also met around the country. So I became more involved with the preservation community. I was then asked to serve as a member of the board of advisors of the National Trust for Historic Preservation. Shall I keep going with respect to this?

P: Sure. One thing I wanted to bring up, though, [is that] I talked to the administrator on the main campus last week and told him I was interviewing you, and he said, "I would classify him as one of the five most-involved faculty members in the whole University as far as being involved in the community in doing things." You have been involved with Historic Gainesville, Inc., the Florida Museum of Natural History board, historic St. Augustine, [and] the Matheson Historical Center [in Gainesville]. You are involved locally as well as nationally. How did you get started in the local scene?

H: Well, probably through the Thomas Center--the conversion of the Hotel Thomas to the Thomas Center that we know now. I was asked by Lucille Maloney, who was very active in that--of course, Lucille's husband [Frank Edward Maloney, dean, UF College of Law] had hired me back in 1962--if I would help with that, so I incorporated the Thomas Center Associates, which is a private support group for the Thomas Center, and I served on their board. Certainly I have spent a lot of time and money on that project.

That, I suppose, led to my involvement in the Matheson Historical Center when [Gainesville physician] Mark Barrow became interested in creating a local history museum and archives. (He is my doctor.) Mark, of course, has long had an interest in such matters. His wife Mary served as a vice president of the Florida Trust for Historic Preservation, which I had incorporated and later served as president. So there are all of these interlocking relationships in the preservation community.

P: The Barrows have bought numerous houses in east Gainesville and restored and sold them. Have you ever been involved in any of that?

H: No, I have not. Actually, they have sold very few. They have just bought them.
P: OK. Well, they certainly have been involved. You are on Historic Gainesville, Inc.?

H: I am just a member. I am not a board member.

P: OK. You wrote a textbook a few years ago, *Historic Preservation in Florida* [1988], which is considered to be the definitive work on the subject.

H: Well, it is definitive because it is the only one. [laughter]

P: That is even better. [laughter]

H: I had two co-authors, one of whom was a product of the preservation law seminar, Caryl Brinson, and the other is a graduate of our law school, John McPherson.

P: Do you think that historic preservation law is now your major academic interest in law?

H: I suppose so, in terms of any nationally-recognized expertise.

P: Is it what you personally enjoy the most?

H: Well, I also enjoy the art law, but I have been teaching it for a much shorter period.

P: That is closely related. How did you get involved in art law?

H: Because I think the same philosophical issue is at the heart of both art law and historic preservation law, and that is what we loosely refer to in the legal world as the "taking issue." If there is to be any meaningful historic preservation, there must be some sort of regulation, and the question always arises as to the point at which regulation for historic preservation purposes rises to the level of the taking of someone's private property. The same thing, I think, is true in the art world. When I first became interested, the United States as a federal entity did not recognize the concept of the moral rights of artists--Droit Moral, as it is known in Europe--although this concept had been recognized in France and most western European countries since early in the century. This is a concept whereby the artist retains a personality interest in the integrity of his or her work, even though the work may be sold. This is totally aside from copyright, and it is qualitatively different from the various property interests that we think of in intellectual property. Under that notion, even though you may have bought a painting or a sculpture, you have no right to alter it or to destroy it. Well, that raises the same basic issue: "It is my property, and I can do as I damn well please with it."
1990 our Congress passed the Visual Artists Rights Act which says, "No, you cannot." So it will be very interesting to see the case law as this is tested over the years.

P: I can see the current [U.S.] Supreme Court taking a dim view, with their emphasis on vested property rights.

H: We will have to wait and see. But beginning in the late 1970s, states like California and New York adopted their own versions of Droit Moral, so there were precedents for it at the state level. Florida had not, and most states had not, but now, as I say, it is a matter of federal law. Under this new law, for example, what was done over at Shands three years ago could not be done. The Dental Guild had commissioned Ellie Blair to do a major mural there, and she did. The Shands staff made the decision to wallpaper it when they redecorated. That is the kind of thing that could not routinely be done under this new federal legislation.

P: That is of interest to me. What disposition is made when the owner decides that he or she no longer wants it? Do they simply give it back to the artist, or are they stuck with it?

H: Well, they are stuck with it unless they want to offer it back to the artist. In fact, there are provisions with respect to features that are affixed to buildings whereby the building owner must notify the artist that they plan to remodel or whatever, and the artist must be given an opportunity to remove the work. This means, with respect to murals, for example, that in the future they will be placed in such a fashion that they are removable. There is a very elaborate registration system, and it is the business of the artist to update the registrar in Washington as they change addresses so this notification can occur.

But with respect to a movable piece like a painting or a sculpture, if an owner were to destroy it there is a tort action provided in the federal statute against the owner.

P: I may be wrong, but I suspect the vast majority of the general public has no idea this law even exists.

H: Well, I think that is entirely likely, because it attracted very little attention in the national press. Certainly Art News and Art in America carried articles about it, but that was about the extent of it. I am not even sure that most artists know about it. I am doing a lecture for Robin Poynor [UF professor of art], and I do several guest lectures over in the art school each year in which I deal with this issue, among others.
P: No one knows, but I would think that could engender a lot of litigation in the future as time goes on.

H: It may. It also will provide new work for art historians and artists and art museum directors because of the way the statute is written. For some reason the tort action provided for destruction of art is only provided with respect to works of recognized stature. The tort action provided with respect to alteration or modification does not require that the work be of recognized stature, but destruction must be [of an artwork of] a recognized stature. There is no definition in the statute of what is "recognized stature," and that is going to require the calling of expert witnesses, as we have in the law generally, and that is going to mean art historians and artists and directors of museums, so they are going to have a very lucrative new source of income.

P: Since you have been involved in so much we will not cover it all. You were involved in the planning for the art museum [the Samuel P. Harn Museum of Art] long ago, back when it was projected to be on the corner of [SW] 13th [Street] and Museum Road.

H: Yes.

P: Tell me a little about that process--how you got involved, the steps leading up to the so-called "Miracle on 34th Street."

H: I suppose that it goes back to the death of Bob Stanley. His widow, Patty, is now married to José Medina. She and her husband had a very interesting contemporary house out on Lake Wauburg. I will not go into the details; they are all in *The Gainesville Sun*. He was killed. They had been significant art collectors, so some of his work was given to the University Gallery, which already existed, as a memorial. That led a group of us to get together at Mike and Buff Gordon's [Michael Wallace Gordon, Professor of Law] house to talk about forming what became the Gallery Guild, which would be a private support group for the University Gallery but with a long-term goal of creating a real art museum on campus.

I was active in forming the Gallery Guild. In fact, Frank Maloney and I drew up the bylaws for the group, and I served as the second president of the Gallery Guild. The Gallery Guild existed as an entity until the Harn opened, and then the Gallery Guild was disbanded. But that was the beginning of my involvement.

A steering committee was formed which was chaired by Bill Hadley. It was a committee comprised mainly of people in the community and not University people--I was one of two University people on the steering committee, I think--to try to raise seed money to pay for a campaign to raise big money for an art
museum. We began meeting monthly, I guess. I recall that we had to get then-President [Robert Q.] Marston's permission to do this, and he gave it. He thought we were crazy, because nobody was ever going to give money for an art museum. To his considerable astonishment, the David Cofrin family gave $3 million. At that time, that was the largest single gift the University had ever received. Well, that changed the picture, and of course, we got the Harn Museum.

P: You have also been, or at least were for a considerable time, a Florida Museum of Natural History Associates board member, Marjorie Kinnan Rawlings Society, Florida Arts Celebration, the Hippodrome.

H: I have never been active with the Hippodrome, but I did serve as president of the Museum Associates for a couple of years, and I am presently serving as president of the Rawlings Society. I am coordinating the annual meeting tonight in Palatka. I was president of the Florida Arts Celebration, and I am presently on that board. I think that has been a very vital force in the community culturally.

P: Are you involved in the planning or the fund-raising or anything else for the new display museum of the Florida Museum of Natural History?

H: I served on the steering committee for that group, and I guess I am still on it, although I have not been very active other than to give them money every year. Fortunately this is the last year of my five-year pledge, and I will be released from bondage. [laughter]

P: You will probably sign up for something else at that point. Has your interest in the arts just grown out of your personal life?

H: Yes.

P: Let us go back and talk about your career here at the University or at the law school. You have been heavily involved in administration. You came here in 1962. What made you decide to come to Florida?

H: The weather, and the fact that it was in the South. I decided when I was in New Haven during the fall that I would interview for a teaching position. I still was not sure that was what I was going to do and still was considering practice, but teaching became increasingly attractive because I enjoyed very much what I was doing, and I had enjoyed the year teaching at Ole Miss. In those days the technique for getting placed in a law school was to go to the annual meeting of the Association of American Law Schools, which always occurred in Chicago between December 28 and 30, no matter what day of the week that was. It always happened at the old hotel that was on the lake there. It has been torn
down since. There was a long area called the passagio, and the directors of the various graduate programs like Professor McDougal would stand somewhere or sit somewhere in the passagio with his "products" surrounding him, and he would grab people as they went by and try to set up interviews. Sometimes it is called the slave market, sometimes the meat market. In any event, it was all taking place at the passagio, and then you would go up to somebody's hotel room and interview. I was asked to interview at several places, but the only Southern school that was really hiring that year was the University of Florida, so I flew down here.

I left New Haven in the sleet and snow in early February and got off the plane in Jacksonville to about eighty-degree, sunny weather, and I knew immediately this was the right place; I thought that there must be some life better than that in New Haven where we went underground in October and stayed until May.

In those days, of course, you could not fly into Gainesville, so I flew to Jacksonville and took a Greyhound bus here. Fletcher Baldwin was being interviewed at the same time. We had never met each other before, but we gathered together in Jacksonville and came over on the bus. The school was so poor that they put us in the same room at the Travelodge downtown--perfect strangers. We had to walk from the Travelodge to the law school to be interviewed the next day.

P: The law school was at Bryan Hall then, so it was a lot closer. But still it was at least a mile.

H: Yes. We both were made offers and took the jobs.

P: Tell me about Dean Maloney. He was, of course, a great expert in water law.

H: Yes, that was his specialty. Of course, he taught torts as a basic course. He was certainly the person responsible for the building we are in now. He even succeeded in getting the federal law changed so that law schools were considered graduate facilities for the purposes of [obtaining] funding that was available for graduate facilities but not for anything else. Sam Gibbons, who is an alumnus of ours [1947] worked with him on that. That was the way a major portion of the funding for this building came about.

P: You came here in 1962 and were an assistant professor for three years. In 1965 you are both promoted to associate professor and you become assistant dean. That seems a meteoric rise, if I have my dates right.

H: Well, I do not think it was meteoric. I think that is the general pattern for law teachers.
P: Well, to be promoted in three years is, but to become a dean is not.

H: I think I took it by default. Nobody else wanted it. In fact, I had no intention of remaining in administration. I never wanted to be an administrator. It just sort of happened. Then I managed to be an administrator for seventeen years.

P: When you first came here what did you teach?

H: Let me see. I taught a different course every term for about the first three years. I taught legal method, civil procedure, and workmen's compensation. I do not even remember all the things I taught, but I taught a lot of different courses.

P: That would seem to be a difficult assignment.

H: Well, it was what happened in teaching generally around the country. The newest teacher taught whatever anyone senior did not want to teach.

P: Law students constantly complain that they have teachers who have never practiced, and law professors usually resent that to a great degree. Do you feel that practical, hands-on experience has any part in law school, or should it be purely academic?

H: I think that it should be mostly academic, but I certainly believe that it is desirable for someone to have practice experience before they teach. I have always said that, even though I never did it. The problem is that once I got into teaching it was all but impossible to take off for three years. It was unfair to a firm to say, "I want to come practice with you for three years, and then I want to go back to teaching." My career was unplanned; it just happened. It is not what I would recommend. I would recommend that someone have at least three years of practice before they go into teaching.

P: Realistically speaking, wouldn't that person be at a distinct disadvantage in the hiring process over someone that had done the LL.M. and judicial courtship route?

H: Well, they are not exclusive. I think that one can practice for three years, then do the Yale year, and so on. That often happens and has happened.

The other possibility, of course, is that you hire someone out of practice, have them teach for a year, and then send them to Yale, which we did with Professor [Winton E.] Williams and Professor Mary Twitchell, as an example. In fact, I think a person gets more out of the graduate experience if they have taught for a year or two.
P: What was the law school like when you arrived in 1962? Of course, it was in Bryan Hall.

H: It was small, very small, and [almost] all male. We had two full-time female law students. Of course, Betty Taylor was our law librarian, although she was also a part-time law student at the time.

P: So Anne [Cawthon] Booth had just left; she graduated in 1961.

H: That is right; she graduated before that. There were two here: Sylvia Hardaway [Walbolt], who is now in Tampa with Reece Smith’s firm--her husband is a vice president at USF--and Johanna Lenz [Fusco], who subsequently went to Jacksonville to practice. I do not know what has happened to her, but they were the two women who were in law school [then].

P: Was the building already overcrowded by that time, or was it still small enough that it was functional?

H: It was very comfortable at the time. The tremendous demand occurred, really, three or four years later.

P: How did you find the students when you got here? How were they intellectually and academically? How would they compare to today's students?

H: Well, certainly the best students, perhaps 30 percent of the students, were every bit as bright as those we have today, but there was a much greater range. In those days there simply was no great demand to get into law school, and as a result, most anybody who applied could get in. Our attrition rate was about 40 percent, and effectively the first year served as the screening process. Anybody could get in, but 40 percent flunked out. That is the difference.

P: What about the faculty? What type of faculty did this law school have in 1962?

H: Most of the people on the faculty had gone through the Yale graduate program, so it was a very heavily Yale-oriented faculty.

P: Yes. Dean Maloney's predecessor, Dean [Henry A.] Fenn, had come from Yale, and the rumor was that he hired only Yale people.

H: Well, that probably is true. Of course, the faculty played no role in hiring. He simply went to New Haven and hired people.

P: When Dean Maloney retired, there was some faculty dissension and division.
Tell me a little bit about that. What brought that up?

H: I am not sure of all the things that brought it about, but certainly one of the reasons had to do with some very senior faculty who were disgruntled that they did not become dean when Frank Maloney became dean. In particular I am talking about [Richard B.] Dick Stephens, who was the tax teacher here, and [Robert B.] Bob Mautz, who later served as chancellor of the State University System.

At the time I came here, Bob had just moved over to Tigert [Hall] as an administrator, but at the time Frank became dean, Bob was on the faculty here. Both Bob and Dick aspired to be dean, and neither ever forgave Frank for becoming dean. I think Bob made Frank's life very difficult from the outside as an administrator, and certainly Dick Stephens made his life very difficult on the inside as a senior faculty member who influenced a number of the younger faculty.

Then there were other divisions which were both philosophical and political. So yes, there were factions and splits.

P: There was a group called the Young Turks that was alleged to be radically far left. I guess Professor [Fletcher] Baldwin was one who is still here, and the others have long since moved away. Integration was coming at that time.

H: Well, we had already been integrated at that point. Our second black law student, George Allen, was here when I came, so I do not think integration of the law school was a real issue at that point. That was past us.

P: There had been a lot of controversy and faculty dissension before you came here--but early in Dean Maloney's tenure--over Virgil Hawkins. That is my understanding, but maybe that is not correct.

H: Well, I suspect it was.

P: It dragged on for years. It started in the late 1940s and ended in, I think, 1957 or 1958.

H: It started with Dean Fenn. I just did not feel it was an issue by the time I got here.

P: Apparently the story was that Dean Maloney had been told that when the [admission] standards were raised in response to the Hawkins case that it would not be used to keep blacks out, and then the administration of the University and the state legislature had kind of reneged on it, and there were some faculty that blamed him for it. He was caught in the middle.
H: I do not know, but it was before my time.

P: You became assistant dean in 1965; I take it Dean Maloney asked you to do that.

H: Yes.

P: What did you do as assistant dean?

H: I handled everything that he did not want to handle. Edie Jennings, who was his administrative assistant, and I just did whatever was needed. In a sense I succeeded Bob Mautz. Bob had been an assistant dean. Of course, he moved to Tigert, and there was a period when there was no assistant dean, a long period, like three years.

P: Were you involved in scheduling, student affairs . .

H: Yes, all of that. Everything. Whatever there was.

P: OK. The new building--I guess they moved over here in 1969.

H: Yes.

P: When did they start thinking about it, and when did it become a real potential? Tell me a little bit of the process involved in moving over here, from the ideal to the reality.

H: I guess there was talk about it as early as 1965. In October of 1967 we had Tom Clark here as our person to wield the first shovel--he was still on the U.S. Supreme Court at that point. But the process leading up to it was working with the architectural firm of Pancoast, Grafton, Ferendino & Skeels from Miami. We were very fortunate in that ours was one of the first projects in which an outside architectural firm was brought in. Up to that point the Board of Regents had their own architect and architectural staff, and they sort of designed everything--and it looked like it.

Ed Grafton, who just died in the last year, was the brother of Rhea Chiles [wife of Governor Lawton Chiles], and Lester Pancoast, who was the son of the main partner of the architectural firm, came up here often and met with our building committee and our faculty. The faculty had a tremendous input into the program for the building. They had no input at all into the design of it in terms of the aesthetics, but insofar as the program is concerned, the faculty played a tremendous role. In fact, the reason that it is all but impossible for students to find faculty is that faculty wanted it that way. The offices are up here in such an
inaccessible place because the faculty as a whole did not want to be accessible to the students. That was not my view, but it clearly was the view of the majority of the faculty. After months and months of meetings the plans were finalized, the bids were invited, and the building got underway. Again, I think it was in October 1967.

Then we dedicated the building in 1969--I think it was in February. We had then-Chief Justice [Earl] Warren and an unknown appellate court judge named Warren Burger. Senator [Spessard L.] Holland [for whom the building is named] was here. In fact, the three of them flew down together on Air Force 2 or whatever it was. I went out to the airport to meet them because I was Warren’s escort throughout the period. It was an interesting experience. We put them all up over at the Reitz Union.

We had asked Warren Burger to participate because we wanted to do some sort of meaningful symposium as part of the dedication, and our then-associate dean, Len Powers, had been teaching law and medicine for a number of years and was interested in the ethical legal relationships of what was happening in the medical world. So I think I coined the title for the symposium, "The New Biology and the Law." We then started looking around for somebody who had written some opinions in this area, and we discovered that Warren Burger had. That is why we invited him. Of course, we had him and Warren on the stage together, and no one dreamed that within a matter of months he would be the next chief justice of the Supreme Court, so we are probably the only institution that had the two of them together. That was a very impressive occasion, and that was the dedication of the building. We had actually moved in, I guess, right after Christmas.

P: Since you are so interested in architecture, tell me what you think about the building.

H: I have always liked the building. I think that the building was a much more handsome building before we started tinkering with it--when it was furnished as the architects designed it to be furnished. They had a staff that selected carpet, furniture, and all the things, and it was really coordinated from one end to the other. I look at it now and see all of the exposed conduit and the pseudo-Georgian faculty lounge and dean’s suite, and it is not at all as they designed it. We had partitioned and partitioned and partitioned.

The major compromise that was struck--I have always regretted this and always shall; I think about it often--has to do with light. The architects designed this building so that there were two more bays in the length of the building, and those two bays occurred between what is the library portion of the building and the classroom portion. That would have meant there would have been four more
offices on each side. Then in the middle, between where those offices would have been, there would have been an opening to the sky, so that the dark tunnel effect that you get as you walk through would have been open [instead], with trees and greenery there; it would have let light into the building's center. That was cut, as I understand it, as per [UF] President Reitz's order. He took the money and used it to renovate the old union building that is now [Manning] Dauer Hall. That was unfortunate and very shortsighted. In fact, the money that was taken was essentially the money that Frank had gotten by virtue of getting the federal legislation reinterpreted so that we got those federal funds. I know it was a very disappointing event as far as Dean Maloney is concerned.

This building designed in a period when architects did not want any windows, and we had the most heated battle in order to get these little slits, because the architects really did not want us to have any glass at all in these offices. When the second building was built [Bruton-Geer Hall], state law required operable windows, so the situation had changed dramatically. But in terms of the time this was built, it was state of the art, and I think it was good design aesthetically. I just disagree about pulling those funds, resulting in considerably less light and atmosphere. I know Chester Ferguson, who at the time was chairman of the Board of Regents, referred to the stair towers on the outside as the urinal, as the silos, and as various other things.

P: A significant number of people are not thrilled with those. In 1970 Dean Maloney [returned to full-time teaching], and you became acting dean for several months. First of all, why were you chosen to be acting dean? I also want you to talk about the search process.

H: Well, I was the assistant dean, and Len Powers, who was the associate dean, was a dean candidate, so it was inappropriate for him to serve as acting dean (at least that was the view of the administration, and I guess that is correct). In those days we had so much democracy that the faculty voted on who would be the acting dean, and I guess I ended up as the acting dean because I got the least number of negative votes.

It is interesting to contrast that situation with what happened ten years later when Dick Julin stepped down from the deanship. By that time the president of the University [was Robert Q. Marston]. I was in Portugal setting up one of these programs for the bar, for the international law section, when that decision [to name me as acting dean] was made. I recall when I returned that my car was stranded in Tampa, and I called Dick to tell him that I was not going to get back until Monday because I could not get anybody to do anything with the car on Sunday. He said, "President Marston is trying to contact you because he wants to announce my stepping down as dean and your appointment as acting dean to the faculty when they meet Monday afternoon." So there was no notion
whatsoever that the faculty had any role at all to play in this. That was the first I knew that Dick was stepping down.

I did make it back in time for the meeting, and Marston came over and announced that I was going to be [acting dean]. I said I did not want to be acting dean this time--I wanted them to appoint me interim dean. They said they did not care what I was called. But I remember Dean [Robert J.] Bob Farley [professor of law] had told me never to be acting dean again. He said, "Get them to make you dean pro tem or interim dean. Then they do not know what you really are, but you probably have a little more power." E. T. York had just served a year as interim president [of the University], and I knew there was precedent for interim. So they appointed me interim dean. It was supposed to have been for a very short period, but, of course, we got involved in the government in the sunshine litigation, and I ended up serving much longer than I ever intended.

P: Before we talk about that, let us talk about the search process when Dean Julin was brought here, the first time you were acting dean. It is kind of unusual for this law school to bring in a national figure, whereas in the past the deans had been chosen from the existing faculty. What was behind that?

H: Well, that is not true, because Fenn was not [a faculty member before he was named dean]. In fact, I think the only one ever chosen from the existing faculty was Maloney.

P: Dean [Harry R.] Trusler was on the faculty.

H: Was he? OK. I was thinking he had been brought in.

P: He had been on the faculty, although the faculty was very small. There were only three originally.

H: I never thought of him as being local. I thought of him as a Michigan person.

P: He was a Michigan person. His wife was from Florida, but he had been brought here to teach. How did the process work for the selection of Dean Julin?

H: I do not recall a lot about it. I was elected to the search committee; there had been an elected search committee, and we narrowed the search, I guess, to five people. Then we brought them in for interviews, and he emerged as the top contender, and he took the job.

P: During his administration you continued to serve as assistant dean?
H: No, I served as associate dean.
P: That is right; you were associate dean under him. I am sorry. During that period the law school grew a lot, the LL.M. program [in taxation] was established, [and] there was a lot of student radicalism nationwide.

H: Actually the LL.M. program was established when Maloney was still dean.

P: Was it? OK. Tell me what the law school was like then, in the 1970s. Certainly it grew rapidly, and more women [enrolled], although they still were relatively few in number.

H: Well, the demand for admission was rising. It grew enormously, so our admissions process became a very important part of the whole operation. He was very good at alumni relations, I think, and the Law Center Association that Dean Maloney had founded [was moved] much further along in terms of money. I think that he enjoyed the travel associated with the A.B.A. legal education section, of which he moved up to chair. I think he brought a lot of national stature to the school because of his involvement in various things nationally. I felt that he was a very good dean. He delegated a lot more responsibility—much more than Frank was able to. His was never a crisis management style. Everything got done early in the day, and the secretaries knew they could go home at five o'clock. With Frank, everything suddenly had to be done after five o'clock on Fridays. Dick's was a very different style.

P: The late 1960s and early 1970s saw a lot of student radicalism. Certainly it came later to the University of Florida campus; it was in the 1970s. Did that affect the law school?

H: Relatively little. I think that Dick was very much involved with Mike Gannon [professor of history and religion] in dealing with crises on the main campus, but I felt there was relatively little of it in the law school.

P: When Dean Julin resigned, you became interim dean, and you talked a little about how that was. What was the University looking for when they began to search for a new dean?

H: Again, I think they were looking for someone of national stature who would be an effective fund raiser. I think by that time it was recognized that we were a big business and we needed somebody who was not just a good scholar but also a good manager, and we set out looking for someone of that sort. The first time around we established our own ground rules to require that a candidate receive such a high percentage of positive votes that we could not agree on very many candidates. Then, of course, the [government in the] sunshine law controversy also intervened.
P: Will you discuss that a little bit for the record?

H: Tom Julin, Dick Julin's son, was editor of the Alligator, and the Alligator (I cannot remember whether The Gainesville Sun joined in or not) sued in local courts to open the search process to the press, and it was successful in doing so. So all meetings of the faculty and all votes were required to be public. This is the law now as far as I know, although it has amazed me having just served on the search committee for the new vice presidential position how little interest the press has in that. Only once or twice did anyone from the press show up at any of our meetings. But at all the meetings of the law dean search there were always lots of media present. It shows how much more important the law school is than the Graduate School and the Division of Sponsored Research!

P: It is politically more important, at least. Do you think that is a good process? It has been viciously criticized.

H: I think that certainly it kept a lot of highly qualified candidates from agreeing to be considered. I know that for a fact because they told me so on the telephone. They simply refused to be a candidate here because they did not want a number of things: they did not want people at their home institutions to know that they were looking around, and perhaps they did not want to be the subject of public discussion and publicity. It clearly affects those you have in your candidate pool.

H: So you would like to see that law changed.

H: I think on balance we would get a larger pool of highly qualified candidates if it were changed.

P: OK. When Dean [Frank T.] Read was chosen, you said the school was looking for a national figure. Tell me a little bit about him. I guess you continued to serve as associate dean early in his administration. What was his philosophy?

H: Well, I agreed to serve for one year while he found someone else, but I made it clear to him at the time that I wanted to return to full-time teaching, so there was no question about that from the outset. I had known Tom through the Law School Admission Council for quite a long time. In fact, I got on the phone the day that the deadline was occurring with respect to the second dean search. As I said, we got no dean out of the first search, so we were pretty desperate to get people to permit their names to be in the search. So many had said, "No, I will not do it under those circumstances," so I was asked by the faculty search committee to encourage him to have his name in. All that was required was that they agree verbally by the deadline, and they could follow that up in writing. I did call and encouraged him to do so, and he agreed to do so. Although, of course,
we interviewed other people, he ended up as the one who was selected. He thoroughly enjoyed the external responsibilities in terms of traveling the state raising money.

P: Certainly that is his image, as a fund raiser.

H: He just liked people and that kind of activity. I found him a very pleasant person to work with. I have absolutely nothing negative to say about him.

P: Since he was primarily involved externally, I take it his associate dean did most of the day-to-day administration of the law school.

H: Yes.

P: You left as associate dean in 1982 and went back to full-time teaching?

H: Yes, and that permitted me to do a number of things. It permitted me to be much more active in these other things, like the Florida Trust, for example. When I was asked to be president of the Florida Trust I did it only after getting [Dean Read’s] agreement because I realized that it would take a lot of time and, indeed, resources in the sense of secretarial resources and what have you. But he saw it as being a valuable contribution to the state and wholeheartedly supported that. The same thing was true with the other activities that I undertook. They were viewed as public service, and, of course, one of the three things that faculty members are required to demonstrate involvement in is public service, so everything I did along those lines he viewed as public service. I was appointed to the state Historic Preservation Advisory Council when the legislature created that. It was a four-year appointment, and I ended up chairing it. Then I was appointed by Governor Graham to the historic St. Augustine preservation board, although [Governor] Martinez very quickly fired me when he became governor.

P: Really? [laughter] Tell us a little bit about that. That was somewhat controversial.

H: Of course, I was in the [same] position that a number of regents were. They were appointed by Graham after the senate had adjourned for the year, and those appointments, like mine, are subject to senatorial confirmation. So when Martinez became governor, he informed everyone who had been appointed by Graham and was in that situation that he was firing them and would be making his own appointments.

As a matter of fact, the first person appointed to succeed me, according to the [Florida] Times-Union had such an extreme conflict of interest that his name had
to be withdrawn. The second person he appointed turned out to have a criminal record, so the senate refused to confirm him. After the senate adjourned Martinez reappointed him.

That was only a small part of the problem over there in St. Augustine. Of course, the appointments there were all being called by Brian Ballard, who was Martinez's assistant who graduated subsequently from our law school [class of 1988]. Brian's mother owned a little sandwich shop there on St. George Street, and she got appointed. Then she decided who the other appointees should be. Mike Gannon tried to hold on [to his position on the board], and did hold on a few months, feeling that he could exercise some positive influence, but he finally realized he could not, and he and the other two Graham appointees resigned.

Then the House Governmental Operations committee was so aghast at what was happening there they held a hearing in St. Augustine. The upshot of that was that the House was determined to get rid of that board, and the only way they could do it was to abolish all the boards in Florida, and that is what happened. Then the next year, after [Lawton] Chiles had become governor, six of the boards were recreated, and Chiles appointed me to the present board. I am the only person on the present board who served on the Graham board. No one had ever politicized these boards until Martinez. Indeed, Gannon had been appointed by Claude Kirk, and Graham had appointed one of the most prominent Republicans in the United States, Lawrence Lewis from Richmond, Virginia, to the board. But it became an entirely political board under Martinez and this despite the fact that his patronage committee in that area recommended against everything he did. But Brian Ballard seemed to have complete control, and the patronage committee was ignored in all of this.

P: It was controversial because those preservation boards had not been politicized. Some other boards had been very political in the past, and his actions in withdrawing appointments also had a lot of precedent in politics.

H: Oh, sure.

P: But not with that level of boards, which were considered to be professional. We tried to talk about each dean's administration, and we got up to the current dean, Dean [Jeffrey] Lewis. I guess he succeeded you as associate dean.

H: That is correct.

P: And he became dean when Dean Read went to Hastings, which was somewhat controversial in itself because we had several interim and acting people being given the [permanent] positions on this campus at the same time Dean Madelyn Lockhart, the acting dean of the Graduate School, was made permanent dean
[as was] the acting vice president for agricultural affairs, [Gerald Zachariah.] which got a lot of negative press in the *Chronicle of Higher Education*. How was the decision made to give the associate dean's job to Lewis?

H: Well, it clearly was Marshall Criser's decision. I was, again, elected to the search committee, and I think by the time it all ended and various candidates withdrew their names, we presented Marshall with only two names, those of Jerry Israel and Jeff, and he selected Jeff.

P: Reportedly the two of them had identical votes on the faculty.

H: I do not recall; I really do not.

P: That is a major change. You are going from a search for a national figure, like had been done with the previous two deans, to an internal candidate.

H: Well, it was not a major change in terms of the search, because Jerry certainly was a national figure. In terms of the choice, the choice may have been a major change.

P: The choice is what I was talking about. What has Dean Lewis's approach been as dean, and how would you contrast it with the other ones? I will not ask you to evaluate it.

H: I do not mind evaluating it. I think he has done a very good job. We are presently engaged in a dean evaluation, which takes place after five years by virtue of faculty mandate, and I am the one who has received all the letters from the alumni we have surveyed in the sense of all the college council representatives, and they have been uniformly positive with respect to Jeff. He has certainly done an excellent job in terms of his willingness to go all over the state and meet with alumni groups. Our annual fund has risen dramatically during his tenure. In fact, he has had to raise money for all kinds of purposes. I think he has been dean at the worst period anybody could ever have been dean, and I think he has handled it very well indeed. I think the law school has fared far better than most anybody else, and I think a lot of that is attributable to his leadership. I feel he has done a good job.

P: He is also an external fund-raising dean primarily and lets the assistants [handle the other administrative duties]?  

H: Well, of course, we now have three associate deans, if you include tax, and we have more assistant deans than I can count.

P: Liberal arts always complains about the fact that the law school has eight deans
for 1,200 students, and they have seven for 18,000.  [laughter]

H: Well, I do not blame them.  To the extent I have any criticism--this began before Jeff--I question the size of the administrative staff that we have.  I am sure that is partly because I remember running a law school of 1,200 with one dean and one assistant dean and Edie, and I did not think it was all that bad.

P: I understand that Dean Lewis would like, when [Associate] Dean [Dennis A.] Calfee steps down, to make that a professional, nonteaching [position].

H: I think that would be a good move.  I do not think that we need a law-trained person to deal with building maintenance.

P: Let us talk about the law school today.  Florida likes to say they are in the top twenty, but nobody else seems to think so.  How would you rate the quality of the school in terms of students, faculty, facilities, [etc.]?

H: I think the quality of the students is very high.  Certainly in terms of public institutions, ours is in the top twenty.  In terms of the faculty, we are probably in the top twenty among public institutions.  I mean, all you have to do is think about public institutions, and it is not hard to say we are in the top twenty.  Part of the problem is that it takes a long time to acquire a reputation, and there are a lot of law schools that are still coasting along or living on their reputations, like the one at Chapel Hill or even Virginia.

Another part of it, and I do not see any way of solving this problem if it is a problem, is that so much of your reputation depends upon sending your graduates around the country, if not around the world, and the fact is that our graduates do not want to go out around the country or around the world.

I happen to chair the academic standards committee, and in fact the major topic the committee is dealing with now is a prescribed grading curve, and a major reason for that is to deal with the problem you are describing.  In fact, I am sure our committee will make such a recommendation to the faculty.  Whether the faculty will accept it or not is something else.

But most of our graduates do not want to leave Florida, and in fact, the out-of-state ones who have come here come here because they see Florida as a growing state and a place where the action is.  Certainly we send a substantial number to Atlanta and to Washington for a brief period, although most go with the notion of coming back to Florida after they have served in an agency or done something like that.  But our students do not really want to go to Chicago or St. Louis for the most part, and that is a problem in terms of developing a national reputation.  Most of Michigan's graduates go somewhere else.
P: Even Virginia has substantial portions go [elsewhere].
H: Although we think of Virginia as public, it is semipublic. It has never been quite like the University of Minnesota or Illinois or Georgia or Florida, in my opinion. In fact, they had the luxury of having William and Mary after it became part of the state system to send the inferior students to.

P: They still do.
H: They still go to a Virginia school. Anyway, I think ours is a very good law school, and I think the various polls and things that you see in different magazines and whatever are highly suspect, and I really do not pay any attention to them. The breadth of the curriculum, the journals in which the younger faculty are publishing, and things of that sort are very impressive.

P: They are. You are probably correct that those polls are not very accurate. They do, however, have a great deal of influence on public perception, funding decisions, hiring decisions, [and the like]. Do you think Florida will ever have the reputation of public law schools like Texas, Michigan, some in the California system?

H: Well, it just depends on what kind of support we get from the state. We have gotten wonderful private support; there is no question about that. In fact, we would be in terrible circumstances now were it not for the private support that we have developed over the years. Our alumni have been wonderful. Unfortunately the legislature is not as wonderful.

P: It has been pretty bad for three years. So you really feel that money is the main thing holding the school back right now?

H: Yes, I think money is a problem, primarily because we are going to lose these wonderful young teachers if they have to go year after year with no raise. The teachers who are the most movable are this group in their thirties. They do not have a deep investment here in terms of homes or anything else, and many of them are women. Of course, in our own hiring this year we have hired only women; we have hired three women. We did not even interview anyone else.

P: That is correct.
H: Some of them are black. So the very people that we have hired are the people who are most desirable for two reasons: number one, their sex or race, and also the fact that they are very good and are publishing in the best journals. So they are very marketable. While it is true that other states have had problems as well, the private schools are hiring, and these are the people for whom we are most likely to be raided. So I think that is really the depressing, scary part about
all of this. I think we have done a wonderful job of hiring in recent years, but I think that that may all be destroyed as a result of a legislature that is so interested in being reelected and in responding to the apparent voter demand that taxes not be raised that we will lose it.

P: The last thing we will talk about is the curriculum itself. The curriculum has not been [updated] for a couple of years. The faculty has been considering revising it, and there is sort of a bromide around the country. The first year of law school is great, the second is tolerable, and the third year is a waste of time and everyone hates it. What are your visions, not just specifically for Florida, but your opinions about the law school curriculum--issues like theoretical versus clinical training, breadth of training versus narrow specialties, electives, the Socratic method?

H: Well, I am old fashioned, and I still think that the same kind of approach that I found appealing at Vanderbilt, which was basically a liberal arts approach where you learn a lot about classical disciplines and what have you, is a good approach, and I think the same thing is true in law school—a liberal arts approach to the law. I think the place where practical training should occur is really in the law firms. I certainly recognize why the law firms are demanding that this be done in law school; it saves them a lot of time and money. But I continually find that those who are in the clinic courses find that those take priority, so they cut classes. That is understandable because clinic is immediate, it is real-life, [and] it is very exciting. But I think that the same sort of thing is going on there that you see going on in schools like FSU. If you look around the country, there is no truly first-rate law school in the nation’s capital, and it is very hard to find a first-rate one in a state capital. It is true that Harvard is in the vicinity of Boston, but the Harvard students are not serving as legislative interns for the Massachusetts legislature. When you look at FSU, most of the law students there are serving as legislative interns in some form or other, and that is so much more exciting and so much more immediate that the students there are not really law students.

P: Now, Yale has started requiring all of their second-semester students to take a clinic.

H: Well, that is all right. Yale has done a lot of stupid things, and that is another one.

P: [laughter] OK. I like an honest person.

H: I think it is a mistake. I do not get very excited about the curriculum review or curriculum change because I have been through so many. I have them all up there on the shelf. I think that most of us—Fletcher Baldwin would agree with me—who have been through all of those just cannot get excited about it. We
continually reinvent the wheel. Here we are going back to essentially what we had when we arrived: legal method, this "new" first-year course. It is really funny in a sense. We have fought this battle four times since I have been here. When you have done this so many times and have been deeply involved and have devoted hours and hours and hours, you realize it really does not make a lot of difference. Just wait a few years, and we will go back to where we were before.

P: That is interesting. Of course, there was this great controversy both among the student body and certainly among the faculty over how the first-year courses would be taught. It was voted on three times. I guess my attitude was it does not make that much difference, but there literally are faculty members not speaking to each other now over whether the course is going to be taught in one semester or two.

H: Well, I have stayed very disengaged. I am speaking to everybody because, again, I have learned over the years that it does not make a lot of difference.

P: They will probably switch back in a few years, anyway.

H: Yes. Absolutely.

P: You are about to finish your thirty-second year on the faculty. Looking back, do you have any regrets about coming here?

H: None! I cannot think of anywhere I would rather have been in the last thirty-two years. In fact, I stopped agreeing to interview elsewhere about twelve or fifteen years ago.

P: Ultimately, of course, the College of Law would like to use these tapes as part of a history of the law school, perhaps for its centennial. Is there anything that I have not covered that you feel we need to know about?

H: I think I have said enough.

P: Well, I thank you.

H: You are welcome.

[End of the interview]