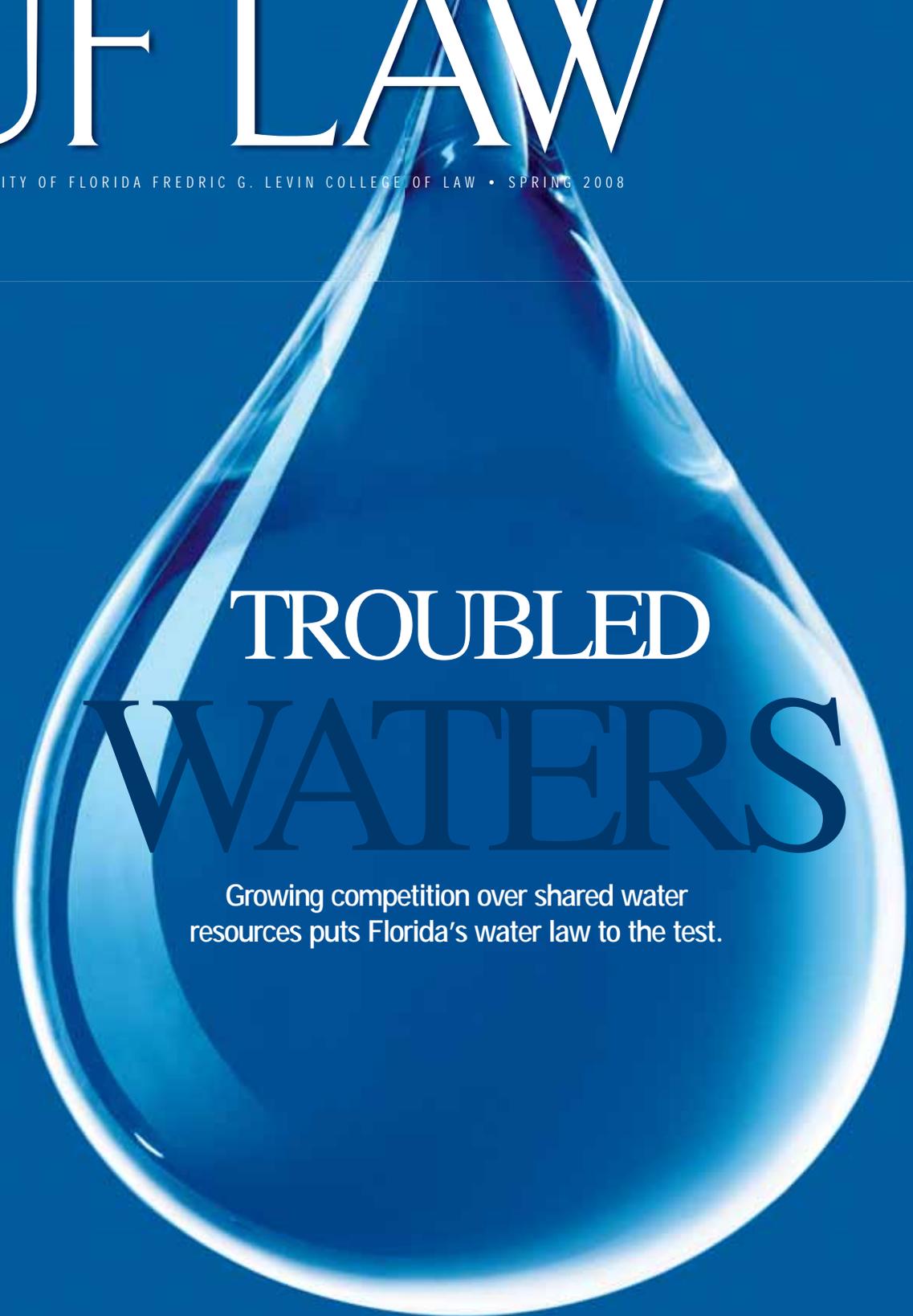


# UF LAW



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## TROUBLED WATERS

Growing competition over shared water resources puts Florida's water law to the test.

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## LETTER FROM LINDY

This issue of *UF LAW* is my first as editor for the magazine. I hope you enjoy it! Pulling this publication together has been a daunting task, mainly because my predecessor, Kathy Fleming, left some big shoes to fill when she moved on to become a corporate VP last fall. Now, my job is to carry on the tradition she established of producing a magazine that is colorful, vibrant and interesting.

The ultimate goal for *UF LAW* is to be a good read. Fortunately, *UF LAW* never runs out of great story topics. Our alums are important professional participants in every aspect of society, and each issue of *UF LAW* often has more superb stories than pages on which to print them.

To make sure we continue to include the news you enjoy, we've added "Letters to the Editor" to publish your feedback on articles, topics, issues and other items covered in *UF LAW*. "Letters to the Editor" is a direct connection to assure your magazine includes the content you value.

Send your letter to the editor — bearing in mind submissions will be edited for style, grammar and length — to Lindy Brounley, *UF LAW* Editor, UF Law Communications, P. O. Box 117633, Gainesville, FL 32611-7633, or e-mail it to [brounley@law.ufl.edu](mailto:brounley@law.ufl.edu).

A handwritten signature in black ink that reads "Lindy".

LINDY BROUNLEY (JM 88)

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# CONTENTS

UF LAW Vol. 44, Issue 2 Spring 2008



## 16 Troubled Waters

Growing competition over shared water resources puts Florida's water law to the test.

BY LINDY BROUNLEY

## 28 Keeping You Clean

Charles Intriago helps banks wring-out money laundering schemes.

BY JAMES HELLEGAARD

## 34 Now I Lay Me Down to Sleep

Planning ahead for end-of-life eases health crises for patients and their families.

BY LINDY BROUNLEY

## NEWS

### 4 DEAN'S MESSAGE

Dean Jerry Speaks on Legal Education

### 6 NEWS BRIEFS

- Madeleine Albright outlines presidential challenges ahead
- Florida Attorney General Bill McCollum shares his vision on shaping public policy
- Martin Levin Advocacy Center set to break ground this summer
- UF Law and Journalism students observe Florida Supreme Court consideration of false light cases

### 12 CONFERENCES

From family law to sports and music law, UF Law enjoyed a well-rounded spring conference schedule

### 40 PARTNERS

- New scholarship fosters diversity
- Gift funds summer fellowship with Anti-Defamation League
- Recent gifts and pledges

### 42 ALUMNI NEWS

- Class Notes
- Walbolt honored for pro bono work
- Mickle celebrates 10 years on the federal bench
- Ervin and a lifetime of service

### 52 NOTAS BENE

- Faculty Scholarship
- Awards

### 62 FACULTY NEWS

- Farewells: Jerold Israel, Michael Gordon, Joseph Little
- Welcome new faculty members

### 64 BOOK ROUND UP

Fill your bookshelves with literary works penned by faculty and alumni

### 66 CAREER SERVICES

Find new associates or post your job openings

### 67 UP AND COMING

State "Son of Sam" laws at risk of being struck down as unconstitutional



## 5 QUESTIONS



DEAN  
ROBERT  
JERRY  
*Levin, Mabie  
& Levin  
Professor  
of Law*

### Dean Jerry Speaks on Legal Education

**Q. Can you speak on today's challenges for legal education?**

**A.** Twenty-first century legal education has its roots in a choice our predecessors made in the late 19<sup>th</sup> century when legal education stood at a crossroads. One of the available paths was similar to the route taken by the medical profession, and would have made heavy use of clinical training provided to small groups of students in live practice settings. That was a more expensive choice, and the medical profession made it work by setting up clinical practices that earned revenue and essentially competed with medical professionals who were not a part of the teaching establishment.

Law schools took a different path, largely under the influence of Langdell at Harvard, and adopted a model of one instructor leading large classes of 100 or more students in a setting that looked more like a traditional classroom. That model persisted as the norm for nearly 100 years until a number of lawyers and some academics put forward the proposition that legal education would be improved if skills training had a greater role. The critique of legal education stuck, and beginning in the 1970s and with the impetus of the McCrate report in 1992, almost all law schools added a significant skills component to their curriculum, including both clinical training opportunities and simulation courses. UF Law was no exception and we offer eight clinics, a number of externships, and a rich array of skills simulation courses, including a mandatory upper-class legal drafting requirement.

The challenge for legal education today is that the economic model we use to pay for what we do continues to be driven by the ancient Langdell

approach, that is, a large number of students being taught by a relatively small number of instructors. Most public law schools, and this is especially true of Florida, have not had the resources to support clinical and small-group skills programs in the style that the medical profession provides training to its students. If we were to mimic that approach, we would have law school faculties form their own law firms and go out and compete for clients and administer legal services to those clients to generate revenue to pay for the costs of small group instruction. That's where we see a profound cultural difference between the medical and legal professions — it's difficult to imagine law schools engaging in direct competition for paying clients with the non-academic legal profession.

So, in legal education today we grapple with how to pay for many of these skills training programs that are delivered in small-class settings with a very low student-faculty ratio.

**Q. How is UF Law at training students to succeed in private practice?**

**A.** We do a very good job here, but we continuously strive to improve the quality of our programs. As a large school that needs more funding, we do extremely well with what we have. Thus far, we provide a clinical experience or a major skills simulation training experience (such as trial practice, negotiation, counseling, or mediation) to every student who wants it. I mentioned our legal drafting program — we're fairly unique among all law schools in this regard — where every student must complete, in addition to the required legal research and writing course, an intensive course on drafting legal documents that advances those skills in very practical, real-life ways. One of our success stories is an advanced business documents legal drafting course in the corporate area, where Professor Stu Cohn works with a team of adjuncts led by Dan Aronson to provide intensive, in-depth skills training. A number of other courses are heavily oriented toward preparing students to manage sophisticated aspects of specialized practice areas.

**Q. What are some continuing challenges for higher education in general in Florida, and specifically for this law school?**

**A.** Unfortunately, the trying economic times facing our country generally, and Florida specifically, have led to reductions in funding for nearly all government agencies, including those that deliver educational services. Over the long haul, I hope our state's budget fortunes will turn around so that new revenues can lead to new investments in our academic program. It is inevitable that increases in tuition will supply some

of those new revenues, given that our tuition is among the very lowest of the nation's 200 ABA-accredited law schools. If you look for other large public law schools affiliated with the nation's top universities, you'll find what are widely regarded as the seven or eight best public law schools in the United States — and when compared to that group, you'll find that UF Law spends less than half per student in providing an education as the average of those other law schools.

The bottom line is that UF Law provides a really high quality education for the dollar, but we're not going to be able to deliver the kind of academic program Florida citizens deserve if we have to go through an extended time period where those other schools outspend us two to one in direct educational expenditures. We'll have to change that through a combination of state support, increased tuition, and increased private support from our alumni. That's really the only alternative if we're going to provide Florida residents with a premier legal education.

**Q. How could public or private investments improve the academic program?**

A. Our student-faculty ratio is getting better, but we still lag behind our peers. We need to appoint additional faculty. For a law school of our size, we need more student affairs professionals, including career services support. We need to improve the library's collection and its array of electronic databases. Having more resources to invest in adjunct faculty would improve our curriculum, and we could do more to support our co-curricular activities, such as the journals, moot court, and trial team. We have an excellent program — make no mistake about that. But we have the potential to be better, and I believe the citizens of our state deserve a law school of the very highest caliber. If, however, we go through a sustained era of resource deprivation, our current quality will definitely be at risk.

**Q. What can our alumni do to help us through this time?**

A. Our alumni have been terrific. We would never expect them to provide for all our financial needs, and that's not what we're asking them to do. But alumni provide the real margin of excellence for the college. Our college's endowment is very strong and getting stronger, and annual giving has been growing year by year. We have been able to leverage those dollars through state matching gift programs and wise financial management, and we use those resources to fill in areas where state support stops. For example, our extracurricular activities, moot court, trial team and student journals are exclusively funded by private

support. Private support makes most of our faculty research assistant positions possible, and this program is a classic win-win — the student gets a one-on-one educational experience with a faculty member, the student gets financial support to help pay for his or her tuition or living expenses, and the faculty member gets help with his or her research. When we bring in outside speakers to the college and make them available to interact with students and faculty, it's private support that makes those visits possible. We're about to have two more United States Supreme Court justices visit the law school, which is a wonderful experience for our students, and it is private support that will make those visits possible. It's also important to realize that alumni help us not just through their gifts, but also through their time and their advocacy for the law school's future. There's really no substitute for that kind of support, and our alumni have been wonderful in providing it.

**Q. What do you see in the Levin College of Law's future?**

A. We have a great tradition at UF Law of preparing leaders for our workplaces, our profession, the judiciary, state and national government, our communities and society. We are all familiar with countless examples of UF Law alumni making a profound difference in all of those venues, and it is hard to imagine what our communities, our state, or our profession would be like without the efforts and contributions of those alumni. I see our law school building on this tradition and projecting it into the future. It's an exciting future to imagine, and I hope we can all work together to achieve it.

**“Private support makes most of our faculty research assistant positions possible, and this program is a classic win-win.”**





## Former U.S. Secretary of State Madeleine Albright Visits UF Law

**F**ormer U.S. Secretary of State Madeleine Albright spoke on March 26 to a packed classroom of UF Law students, faculty and staff about the difficulties the next president will face.

Albright discussed the state of the presidency and her new book, *Memo To The President Elect: How We Can Restore America's Reputation and Leadership*. "It was written for the president elect to read on election night, but it's out now, so it's basically for Americans

**Albright's book centers around the five big issues that the next president will have to confront.**

primarily, some foreigners, in order to see what I think are the major national security issues for the next president to confront," she said.

The idea of the book stemmed

from thinking about the power of the American presidency while watching former presidents and President George W. Bush interact at former President Gerald Ford's funeral at the Washington National Cathedral. Albright spent much time researching how former presidents had seen the office.

The former U.S. Secretary of State spoke mostly of the "horrors of the world" that the next president will have to combat. "I think this is going to be one of the hardest presidencies that we have seen in a very, very long time," Albright said.

The book centers around five big issues that the next president will have to confront, including fighting terrorism without creating more terrorists, mitigating the threat of nuclear powers, reducing the effects of

globalization, restoring the good name of democracy, dealing with environmental issues, and managing two wars.

Albright spoke of the "hot wars" in Afghanistan and Iraq and the task of the president to deal with each war's unintended consequences. Afghanistan's unintended consequence is Pakistan, she said. "Pakistan is a country that has every element of what gives you an international migraine. They have nuclear weapons, terrorism, extremism, poverty and corruption."

But "Iraq is going to go down in history as the greatest disaster in American foreign policy," in terms of unintended consequences. Albright compared the war in Iraq to billiards. "With a bunch of balls in the middle of the table, you hit the ball, hope it will get into the pocket on the other side, but on the way it hits a lot of other balls – it's very horizontal and dynamic," she said.

“The next president has a huge agenda, and is going to have to operate in some other way realizing that we have to work with other countries,” Albright said. “The next presidency is going to be a very, very difficult one.”

Albright was the 64th secretary of state of the United States. In 1997, she was named the first woman secretary of state and became, at that time, the highest ranking woman in the history of the U.S. government. Albright visited the Levin College of Law upon the invitation of UF Law Professor and Dean Emeritus Jon Mills (JD 72), director of the Center for Governmental Responsibility.

Albright is a principal of The Albright Group LLC. She is the first Michael and Virginia Mortara Endowed Distinguished Professor in the Practice of Diplomacy at the Georgetown University School of Foreign Service. She chairs both the National Democratic Institute for International Affairs and the Pew Global Attitudes Project and serves as president of the Truman Scholarship Foundation. Albright co-chairs the UNDP’s Commission on Legal Empowerment of the Poor, serves on the board of directors of the Council on Foreign Relations, the board of trustees for the Aspen Institute and the board of directors of the Center for a New American Security.

UF Law alumni Carol M. Browner and Janet R. Studley were instrumental in arranging the visit. Browner (JD 79) is a principal of The Albright Group LLC, a global strategy firm, former head of the U.S. Environmental Protection Agency and a member of President Bill Clinton’s cabinet for eight years. Studley (JD 76) is a partner with Holland & Knight in Washington D.C. and past chair of Holland & Knight’s Government Law Section. Studley also served as chief counsel to the Subcommittee on Federal Spending Practices and Open Government of the United States Senate Governmental Affairs Committee, chaired by the late Senator Lawton Chiles.

Visit [www.law.ufl.edu/Albright](http://www.law.ufl.edu/Albright) to hear Albright’s complete presentation.

—Rachel Attal

## Florida Attorney General Bill McCollum Speaks at 20th Anniversary of *Florida Journal of Law and Public Policy*

Florida Attorney General Bill McCollum (JD 68) discussed the role of the Office of Attorney General of Florida at the University of Florida Journal of Law and Public Policy’s 20th Anniversary Celebration on March 28.

McCollum said he truly enjoyed his days as a U.S. congressman because of the new challenges he faced every day, but as the chief legal officer of the state, McCollum said his role is very different but still exciting. “You are in the executive branch, you have to make tough policy decisions, and you are able to really get things done. The pay isn’t very good, but you are doing good every day,” McCollum said.

The “Double-Gator” credited his passion for public policy as beginning as a UF Law student. McCollum’s lecture was centered on the discussion of important policy issues, including the right of free speech and consumer protection.

He spoke of the importance of the right to free speech around the world. At the heart of public policy is free speech, McCollum said. “It’s just not right to deny free speech; that is so fundamental to us.” He expressed that the Office of Attorney General of Florida has a lot of important public policy issues, but “there is nothing more important than free speech.”



While speaking to the future lawyers in the room, McCollum said, “you are the protectors of these freedoms, but there’s balance. The constitution and the scales of justice are one in the same. Your job and my job is to do our very best to get it right.”



From Left: Stacy Scott, Esq., Justin Stevens (3L), Alicia Philip (3L), Frank Gaulden (3L), Jessica Anderson (3L), The Honorable David Gersten.

## UF Trial Team Brings Home National Civil Rights Trial Competition Title

**U**F Trial Team brought home a national title at the St. John’s University National Civil Rights Trial Competition in Jamaica, N.Y. After an intense three-day competition Oct. 18-20, team members Jessica Anderson (3L), Frank Gaulden (3L), Alicia

Philip (3L) and Justin Stevens (3L) defeated 15 teams from across the country, including Pace, Arizona State, and Emory.

The team was coached by Stacy Scott, Esq. (JD 95) and the Hon. David Gersten (JD 75), chief judge of Florida’s Third District Court of Appeals in Miami. Presenting the plaintiff’s case, Gaulden and Stevens defeated Temple University in the semifinals, and presenting the defense’s case, Anderson and Philip defeated Washburn University School of Law in the final round. The civil rights case concerned a student

accusing his college of violating his due process and free speech rights in the way in which the school sanctioned him after he was accused and found responsible for harassing a

college dorm director. After weeks of practicing the team is very proud of the victory. “We only had four weeks but everyone worked extremely hard day in and day out and in the end it all paid off,” Philip said. “I’m so proud of the effort my teammates put in and we couldn’t have done it without our coaches.”

“We only had four weeks but everyone worked extremely hard day in and day out and in the end it all paid off.”



## Moot Court in the Elite Eight

**T**he Justice Campbell Thornal Moot Court Board team finished in the “Elite Eight” at the American Bar Association Law Student Division National Appellate Advocacy Competition National Finals in Chicago April 3-4. As one of only 26 regional champions to advance to the National Finals, the team of Elizabeth Faist, Michael Schuster and Jennifer Jones beat out Michigan State to reach the quarterfinals. The ABA NAAC is the largest and most prestigious moot court competition in the United States.

## Martin Levin Law Advocacy Center to Break Ground This Year

Thanks to support from Levin College of Law alumni and friends, UF law faculty, staff and students will soon enjoy a legal advocacy center second to none. The Martin Levin Law Advocacy Center, the core of a \$5.2 million construction project scheduled to break ground this year, will expand legal advocacy education and provide state-of-the-art trial facilities for the college. Named in honor of Martin H. Levin, son and former colleague of Pensacola attorney and college namesake Fredric G. Levin, the center will put UF Law at the forefront of major law colleges providing students with sophisticated facilities and services.

The impressive stand-alone 20,000 sq. foot center will boast a two-story grand foyer and glass entry with an open staircase that will rise south of Bruton-Geer Hall. It will house a fully functional trial and appellate courtroom on the first floor with a 98-seat gallery, bench for seven judges, a jury box and attorneys' tables. The courtroom also will accommodate judge's chambers and a jury deliberation room.

Fred Levin, a 1961 alumnus of the UF law school, contributed \$2 million for the center as the lead gift to the University of Florida Levin College of Law. In addition to significant gifts from others, Levin's gift was matched by the State of Florida Alec P. Courtelis Facilities Enhancement Challenge Grant Program to bring the total contribution to \$5.2 million.



Levin is well known as one of the most successful trial attorneys in the country. In 1999 he provided a \$10 million cash gift that, with \$10 million in state matching funds, moved the college's endowment into the top 10 of all public law schools in the nation.

Other donors included Robert Montgomery of Robert M. Mont-

gomery, Jr. & Associates in West Palm Beach, and Robert Kerrigan of Kerrigan, Estess, McLeod & Thompson in Pensacola and the Baynard Trust. Montgomery and Kerrigan have exceptional trial records and were instrumental in representing the State of Florida in its \$13 billion settlement against the tobacco industry.

The Martin Levin Law Advocacy Center will feature spacious, state-of-the-art courtroom facilities.

## 2008 NALSC Freedom Fellowship

The National Association of Legal Search Consultants is awarding the "NALSC Freedom Fellowship" to University of Florida Levin College of Law first-year student Ghulam Tariq Khan. Khan will be a volunteer law clerk with the American Civil Liberties Union of Georgia on its National Security and Immigrant Rights Project. As part of this summer program, Khan also will be assisting in monitoring the conditions at Georgia immigration detention facilities, as well as conducting community outreach.

This project was recently created to address the erosion of the civil liberties of various immigrant communities in Georgia post-9/11. There will be a special

emphasis on education, community outreach and the framing of domestic civil liberties in an international human rights framework.

Khan's dedication to community service is exceptional. He spearheaded a local organization called "Project Downtown," which provides weekly hot meals and hygiene products to the homeless in downtown Gainesville, Fla. Additionally, Khan has volunteered in flood relief efforts for the Pakistan Red Crescent, a counterpart to the Red Cross. UF Law applauds Khan's commitment to the public interest and immigration issues and we wish him much success in his summer endeavors.



**Statutory Slayers Knock-out the Corporate Kickbacks**  
 7-4 Second-year law students enrolled in Professor Lee-ford Tritt's Estates and Trusts and Professor Michael Siebecker's Corporations classes spent an afternoon testing their skills in the 5th Annual Kickball Tournament held on the softball field at Southwest Recreation Center on Nov. 9. Serving as the neutral party and referee, Associate Dean for Students Rachel Inman kept the competitors in line. To see more photos of the game, visit the UF Law online photo gallery at <http://www.law.ufl.edu/kickball07>.

## Strengthening Ties Between Students and Professionals

**F**lorida Supreme Court Justice Raoul G. Cantero, III (above left) engaged UF Law students in a round-table discussion in the college's Rare Book Room during his visit to the Levin College of Law on April 16. Justice Cantero, accompanied by Carl Zahner, director of the Florida Bar Association's Henry Latimer Center for Professionalism, and John Berry, also of the Florida Bar Association, met with faculty and students to discuss ways to strengthen implementation of professionalism in law school classrooms and curriculum.

## U.S. News Rankings

**T**he Levin College of Law rose a spot in recent *U.S. News and World Report* rankings to place in the top 25 public law schools and 46th overall of the

## Faculty Among Most Cited Law Professors in the Country

**S**everal UF Levin College of Law professors are among those recognized as the most cited in the country in the latest rankings from University of Texas Law Professor Brian Leiter. Leiter's ranking of Most Cited Law Professors by Specialty, 2000-2007 includes the following members of the UF Law faculty: Professor Jerold Israel, Ed Rood Eminent Scholar in Trial Advocacy & Procedure, who is 25th in Criminal Law and

Procedure; Professor Lawrence Lokken, Hugh F. Culverhouse Eminent Scholar in Taxation, who is 9th in Tax; Cone Wagner Nugent Johnson, Hazouri and Roth Professor Juan Perea, who is 24th in Critical Theories; and Professor Christopher Slobogin, Stephen C. O'Connell Chair, who is 11th in Criminal Law and Procedure. Earlier this fall, Leiter ranked the UF Law faculty among the Top 35 Law Faculties Based on Scholarly Impact for 2007.

nation's nearly 200 accredited law schools. The Graduate Tax Program was again rated first among public law schools and second overall, with only New York University ranking higher. The law school also was ranked 13th overall and 6th among public schools for environmental law. UF Law Dean Robert Jerry said, "First let me emphasize, as detailed in a letter I have endorsed along with about 170 other law school deans in the nation, that ranking systems are an unreliable guide to the differences among law schools

that should be important to anyone trying to compare them. The *U.S. News and World Report* ranking methodology is, in my opinion, an extremely inexact measure of an institution's true quality. But the reality is that many people use such rankings, and it would therefore be poor judgment for us simply to ignore them. Having said that, we are still pleased that the exceptional quality of our graduate tax program continues to be recognized, as is our status as one of the country's best public law schools."

## False Light

Boarding a bus for Tallahassee at 5:15 a.m. was no obstacle for 50 law and journalism graduate and undergraduate students who traveled to the Florida Supreme Court March 6.

The students heard arguments in two significant false light cases, *Jews for Jesus, Inc. v. Edith Rapp* and *Joe Anderson, Jr. v. Gannett Co., Inc.* Both are cases of first impression on appellate review. The outcome will decide whether Florida will recognize the privacy tort of false light.

“The Anderson case is incredibly important for the state’s new media,” said Professor Sandra F. Chance (JD 90), who teaches media law at the College of Journalism and Communications and was one of two faculty members on the trip. “This case involved an investigative news story, where both parties agreed that all the facts were true, yet the jury awarded the plaintiff more than \$18 million. That’s a direct assault on the First Amendment and journalists and media lawyers everywhere are watching this case.”

The event was coordinated by Ana-Klara Hering and Kristen Rasmussen, both second-year UF Law students. Hering and Rasmussen are part of the joint degree program in media law and policy with the College of Journalism and Communications, where Hering is a doctoral candidate and Rasmussen is pursuing her masters.



“I would like to think that our presence in the court room demonstrated to the judges how significant the false light issue is to future journalists and media lawyers,” Hering said.

UF law students took up nearly two-thirds of the court room and were acknowledged by Chief Justice R. Fred Lewis before arguments began.

“It was fascinating for students to see the kinds of questions the justices asked,” said Professor Lyrissa Lidsky, a professor at the College of Law who also attended the trip. “The Justices clearly had thought about the First Amendment implications of their decision.”

After oral arguments, the students participated in a panel discussion with plaintiffs’ and defendants’ counsel from both cases. Professor Chance participated in the panel and Professor Lidsky moderated.

“We got to hear from the fighters right out of the boxing ring,” Hering said of the panel.

The panel discussed the issues surrounding the torts of false light, defamation and how those issues affect the media.

To end the day, students heard from Florida Supreme Court Public Information Officer Craig Waters (JD 86). Waters is instrumental in the court’s online court system, which was recognized as one of the best in the nation.

The trip was sponsored by the College of Journalism and Communications and the Gainesville Professional Chapter of the Society of Professional Journalists. —Adrianna C. Rodriguez

UF faculty and students on the steps of the Florida Supreme Court.

“I would like to think that our presence in the court-room demonstrated to the judges how significant the false light issue is to future journalists and media lawyers...”

# CONFERENCES



## Music Law Conference

**“I am sure that everyone regardless of whether they are musicians, business owners, lawyers or students all left a little bit more prepared to deal with their futures in entertainment.”**

**W**hen Brian Mencher (JD 02) organized the inaugural Music Law Conference, he was just like any other law student trying to make a difference. After being rejected three times from UF Law, he made a promise to himself that he would graduate in the top 3 percent of his class and leave his mark with the school. Well, he accomplished both of these goals and set the foundation for one of the largest conferences held at the Levin College of Law.

The Sixth Annual UF Music Law Conference, held on Feb. 16 in the Chesterfield Ceremonial classroom, explored 360 degrees of the music industry and how the

music business is integrated with everything from film, television and changing technologies to music sharing and merchandising.

The Live Music Showcase hosted on Friday night at Side Bar, a local club, gave everyone involved with the conference a chance to sit back and mingle with people from the industry while enjoying different genres of music.

The conference, titled, “Music & Mixed Media,” was organized into five panels that focused on entertainment markets, ethics, protecting rights, new distribution and commercial markets. Two of the five past Music Law Conference directors served on these panels. Brian Frankel (JD 07) and Mencher discussed the entertainment markets and ethics involved with being a successful young lawyers in the business. Also

attending the conference were past directors Jason Gordon (JD 04) and Andrew Kanter (JD 06).

Whether the panelists were attorneys, musicians or businesses executives, it was clear that their passion for protecting and creating music was a driving force. All of the panelists emphasized the importance of networking, establishing relationships and not being afraid to take chances.

“It’s the people you know who will get you the jobs,” said Frankel, who is an attorney working in Washington, D.C. and past director of the 2007 Music Law Conference. He emphasized the importance of location in the industry and getting involved with volunteering. Frankel said the most important piece of advice is to learn to barter with clients stating, “getting paid is not nearly as important as getting known.”

Director Gerard Kardonsky said he was very pleased with the turnout, which attracted an excellent crowd from diverse backgrounds. “I am sure that everyone, regardless of whether they are musicians, business owners, lawyers or students all left a little bit more prepared to deal with their futures in entertainment,” he said. “The panels were extremely stimulating and provocative this year.”

Director of Legal and Business Affairs for EMI Televisa Music Oswaldo Rossi served as the keynote speaker for this year’s conference. Nick Nanton (JD 04), an award-winning songwriter, also served as a panelist for “New Distribution.” Dean Robert Jerry, Associate Dean Kathie Price, LTI Director Andy Adkins, Associate Dean Rachel Inman and Associate Professor Elizabeth Rowe served as moderators for the panels.

## Weyrauch Lecture Revisits the American Family

Stephanie Coontz, a professor at Evergreen State College and director of research and education of the Council on Contemporary Families, delivered the second annual Weyrauch Distinguished Lecture in Family Law on March 26 in the Chesterfield Smith Ceremonial Classroom.



COONTZ

Coontz, a social historian who is nationally known for her work on the history of marriage, has been deeply involved in the litigation and public debate over same-sex marriage. She is perhaps best known for her book, *The Way We Never Were: American Families and the Nostalgia Trap*. She most recently published *Marriage, A History: From Obedience to Intimacy, or How Love Conquered Marriage*. The title of her lecture was “Courting Disaster: The Historical Revolution in Marriage.” Presented by the Center on Children and Families, the lecture is named in honor of Professor Walter O. Weyrauch, internationally known for his work in foreign and family law. Weyrauch came to the United States from Germany in 1952 and joined the UF law faculty in 1957 as an associate professor of law. Before retiring this year, he was a distinguished professor of law and Stephen C. O’Connell Chair.

## Sports Law Symposium

The University of Florida Entertainment and Sports Law Society’s inaugural Sports Law Symposium, “From the Locker Room to the Board Room,” drew a diverse crowd to UF’s Reitz Union Auditorium Feb. 8 for a series of discussions involving players, coaches, agents and executives.

The focus for this first-ever symposium — held in conjunction with the Law College Council, the Sports and Entertainment Business Society and the Undergraduate Sports Management Club — was to take an in-depth look at each aspect of the world of sports. Marc Isenberg (at left in photo below), author of *Money Players: A Guide to Success in Sports, Business & Life for the Current and Future Pro Athletes*, served as the morning keynote speaker and moderated the panel of student-athletes.

During the afternoon, former vice president of the New Orleans Saints and current city councilman of New Orleans Arnie Fieklow spoke on the different aspects of management in professional sports while also moderating the panel with executives. Panelists included Jai Lucas, UF Men’s Basketball player; Travis McGriff, former UF and NFL player and currently a member of Team Florida’s All-American Football League; Shane Mathews, head coach of the AAFL who played in the NFL for 14 years; Paul Vance, senior vice president of the Jacksonville Jaguars; and Glenn Schwartzman, CEO of Alliance Sports Management and agent for several

“The transition from college ball to pro-ball forces you to quickly realize it is a business and you are an investment as a player...”

professional athletes. Many participants emphasized the importance of maintaining relationships in this businesses, while every professional athlete recognized the importance of player-agent relationships.

“The transition from college ball to pro-ball forces you to quickly realize it is a business and you are an investment as a player,” said Darren O’Day, former UF baseball star now playing in the minor leagues for the Anaheim Angels. “We hope that we’ve laid the groundwork for something important here at the University of Florida,” said Scott Ehrlich, president of EASLS. “Next year, we would like to get even more student involvement. We hope that the University of Florida Sports Symposium will become as synonymous with Florida sports as winning national championships.”





Bahar Armaghani (at right) speaks with Nelson Symposium attendees.

## Nelson Symposium Examines “Green Building”

“State and local governments don’t just need to reduce emissions, they need to push ahead of technology...”

UF Law students and faculty, state and local government agency representatives and building contractors gathered to discuss the many implications of “Going Green”

to improve the environmental landscape for future generations. The Seventh Annual Richard E. Nelson Symposium, held Feb.

15, featured a diverse panel of speakers from law and related fields to explore the construction of green building, its positive impact on the environment and its implications for state and local governments.

The conference, titled “Green Building: Prospects and

Pitfalls for Local Governments,” examined topics including the legal landscape of green building, Leadership in Energy and Environmental Design (LEED) and other certification programs, the state of Florida’s climate change initiatives and private environmental lawmaking.

Green building construction is an integrated design that is environmentally responsible, profitable in the long term and creates a healthy place to live and work. This high performance building construction helps alleviate our carbon footprint caused by making everyday decisions that increase greenhouse gas emissions, Bahar Armaghani, assistant director at UF’s Facilities Planning & Construction Division, said.

When analyzing state and local climate change initiatives

it is important for government agencies to be on the cutting edge. Kristen Engel, University of Arizona James E. Rogers College of Law professor, urged government agencies to be proactive in the race to become green.

“State and local governments don’t just need to reduce emissions, they need to push ahead of technology,” she said. “State governments should mandate the adoption of better technologies.”

This is the seventh symposium honoring Richard E. Nelson — who served with distinction as Sarasota County attorney for 30 years — and Jane Nelson, two UF alumni who gave more than \$1 million to establish the Richard E. Nelson Chair in Local Government Law, which sponsors the annual event.

## Public Interest Environmental Conference

The University of Florida Levin College of Law's 14th Annual Public Interest Environmental Conference (PIEC) was held Feb. 28 - March 1 at the UF Law campus. The theme of this year's conference was "Reducing Florida's Footprint: Stepping Up to the Global Challenge." The conference focused on Florida's role in global issues on energy, land use, biodiversity and water. The PIEC was held place in conjunction with the inaugural University of Florida Water Symposium, "Sustainable Water Resources: Florida Challenges, Global Solutions."



The PIEC opened with a pre-conference keynote speech by Sheila Watt-Cloutier, an Inuit climate change and human rights activist and 2007 Nobel Peace Prize nominee. Co-sponsored by the UF Office of Sustainability, the conference was free for all UF students, faculty and staff.

Since its inception in 1994, this student-organized conference has attracted top practitioners, legal scholars and scientists from around the state and beyond to discuss Florida's most pressing environmental issues.

Now in its 14th year, the PIEC has enjoyed a continual increase in reputation, attendance and popularity.

## American Law of Real Property

Columbia University Law Professor Thomas W. Merrill cautiously encouraged the use of eminent domain to be determined by local referendum at the first Wolf Family Lecture in the American Law of Real Property on Feb. 22. The lecture, entitled "Populism and Public Use," examined the role and consequences of popular constitutionalism in regards to deciding the use of eminent domain.

Merrill examined the hostile public backlash concerning the U.S. Supreme Court's decision in the *Kelo v. City of New London* case involving an economic development project. The Supreme Court upheld the use of eminent domain because it determined that the property qualified as a public use and thus the use of eminent domain was permissible.

Even though the decision caused an immediate uproar from the U.S. House of Representatives, which passed a resolution condemning the decision the following day, Merrill thought the public outrage would soon cease. However, his assumption was inaccurate and the consequences of the decision have continued. The public opinion of the use of eminent domain is that it has not been properly handled by the courts or state legislatures, Merrill said. As a result, many states have taken matters into their own hands.

Opinion polls show that 80 to 90 percent of people disagreed with the Supreme Court's decision; and as a result, there were 10 public referendums in various states during the November 2006 election, and eight pure anti-Kelo measures passed by comfortable margins, Merrill said. "There is some evidence that the closer the decision is to the people via referendum, the more uniformly anti-Kelo, anti-eminent domain the response tends to be."

The public backlash gave a glimpse into the possible use of popular constitutionalism when deciding contested constitutional issues. The argument entails that constitutional issues should not be decided by the courts or elected officials, but by the people themselves, Merrill said.

**"The public backlash gave a glimpse into the possible use of popular constitutionalism..."**

Merrill discussed the conflicting principles of eminent domain. On one hand, eminent domain is crucial to help protect ecological sites and fight urban sprawl, but the dissenting opinion views eminent domain as unfair because it provides incomplete compensation for land and undermines general property rights.

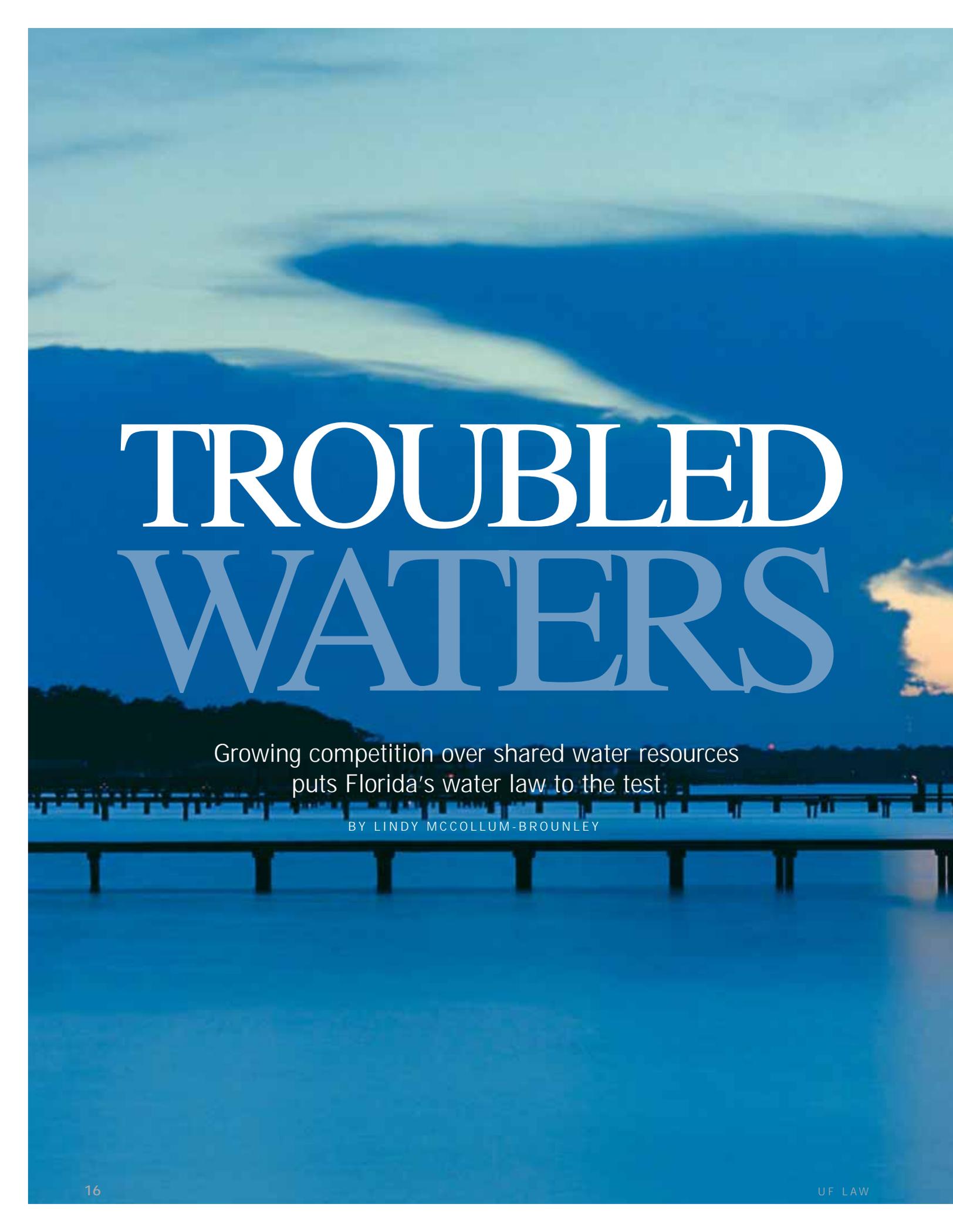
When trying to develop a plan to balance the two values, Merrill concluded it is a complicated task. "There is no clear right answer of how to balance these conflicting values." As a result, Merrill cautiously advocates that this issue needs to be decided by the people at a local level.

He said the experiment would be a risk but insists it's worth it to decide the issue that has not been properly handled by the Supreme Court or state legislatures. Merrill believes that the eminent domain debate should be decided by local referenda, but it is important to ensure the people making the decision are knowledgeable and well informed regarding the issue.

The lecture series was endowed by a gift from UF Law Professor Michael Allan Wolf and his wife Betty. Wolf, the Richard E. Nelson Chair in Local Government Law, is the general editor of a 17-volume treatise, "*Powell on Real Property*," the most utilized treatise in the country in the area.



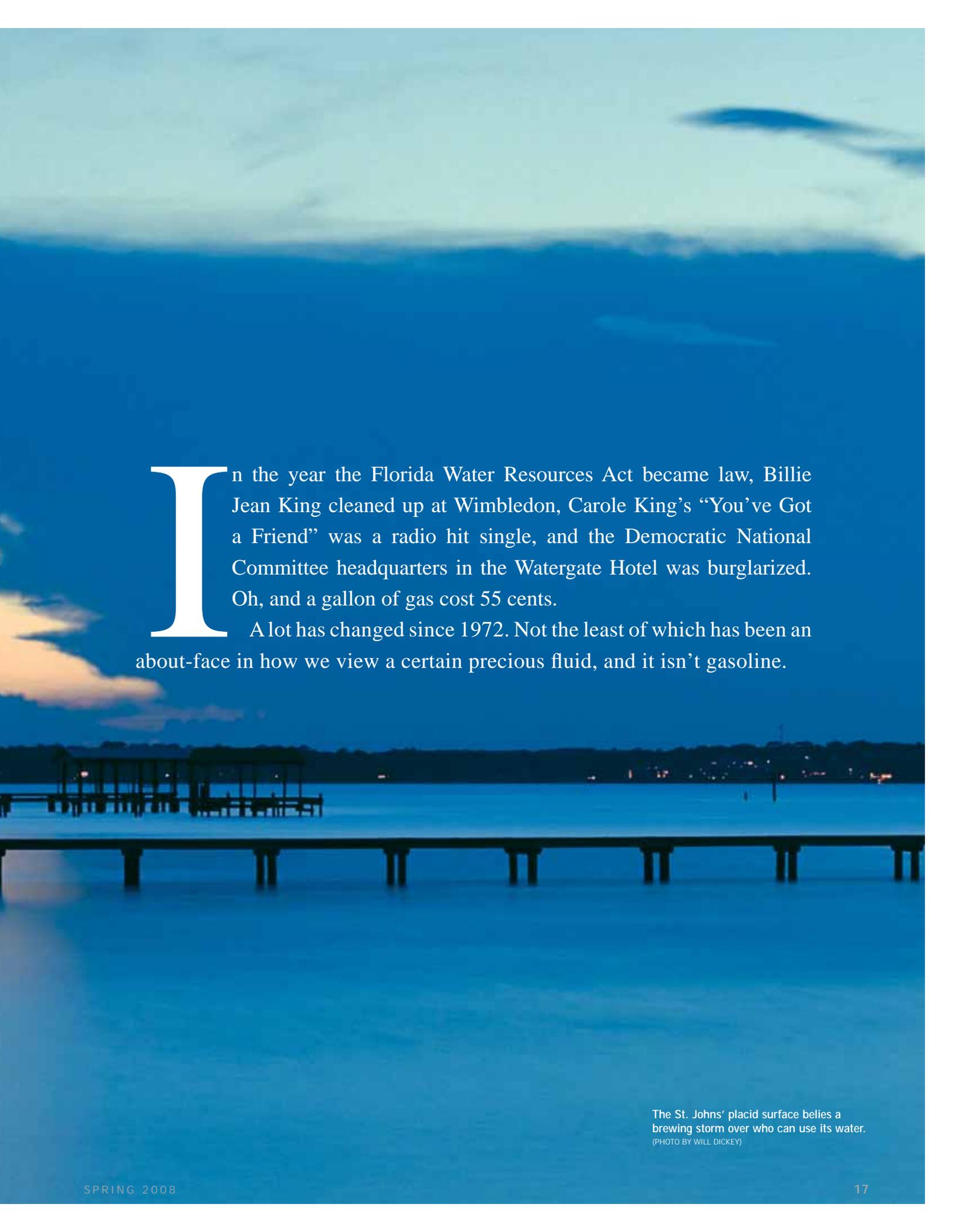
Merrill (left) with symposium sponsors Michael and Betty Wolf.



# TROUBLED WATERS

Growing competition over shared water resources  
puts Florida's water law to the test

BY LINDY MCCOLLUM-BROUNLEY



**I**n the year the Florida Water Resources Act became law, Billie Jean King cleaned up at Wimbledon, Carole King's "You've Got a Friend" was a radio hit single, and the Democratic National Committee headquarters in the Watergate Hotel was burglarized. Oh, and a gallon of gas cost 55 cents.

A lot has changed since 1972. Not the least of which has been an about-face in how we view a certain precious fluid, and it isn't gasoline.

The St. Johns' placid surface belies a brewing storm over who can use its water.  
(PHOTO BY WILL DICKEY)

**W**ater is now the resource on which all future growth in the state of Florida hinges. Burgeoning communities throughout the state are beginning to recognize the limits of sustainability for their own groundwater supplies and are casting jealous eyes on the seemingly plentiful, clean water of less-developed neighbors.

As varying interests jockey for their cut of Florida’s water pie, citing “local sources first” and “reasonable beneficial use” to carve out their claims, straightforward solutions to the state’s complex water crises seem increasingly unlikely. Municipal demand, which accounts for a third of all the water used in the state, is projected to increase 50 percent by the year 2025 as Florida’s population continues to swell. And agriculture and industry cut their own mammoth slices out of Florida’s water resources.

The water management districts work hard to implement Florida’s water law, but the insatiable demand

of their various constituencies is a lot like water for elephants ... there just never seems to be enough.

Take the “water war” brewing in the St. Johns River Water Management District over its proposed approval of Seminole County’s request to siphon 5.5 million gallons of water a day from the St. Johns River. Critics throughout North and Central Florida have excoriated the intended decision, with some saying it will impact river ecology while others fretting it will reduce the water available to supply their own thirsty futures.

Challenged by environmental watchdog organization the St. Johns Riverkeeper, the city of Jacksonville and St. Johns County, the matter is now on the docket to be sorted out during a Chapter 120 Formal Administrative Hearing this October in Tallahassee. A recommended order is expected by the end of the year.

“I don’t like the phrase, ‘water war,’” said Kathryn Mennella (JD 80), general counsel for the St. Johns River Water Management District. “I think it represents a level of divisiveness that doesn’t reflect the reality of what so many people are striving to achieve.”

## IN THE PRESS

**WATER WARS: COSTLY ALTERNATIVES**  
**Tap river, ocean? Brace for bills**  
 Cost to turn this ... ..to this  
 Right now, our water is pumped from underground and costs about \$5 to \$1.50 for every 1,000 gallons. To drink treated water from the St. Johns River or Atlantic Ocean, estimated costs are:

|  |               |
|--|---------------|
| <b>St. Johns River</b>                                   |               |
| Ocala (Putnam County)                                    | \$3.19-\$3.49 |
| Yalaha Lake (Seminole County)                            | \$3.59        |
| State Road 44 (Seminole County)                          | \$4.16        |
| Island (Volusia County)                                  | \$4.29        |
| Taylor Creek (Orange County)                             | \$3.00-\$4.00 |
| <b>Atlantic Ocean</b>                                    |               |
| Coquina Coast Operations (Flagler County)                | \$6.22-\$6.50 |
| Smallmouth alternative to Ocala project (Flagler County) | \$7.08        |

© The Orlando Sentinel

**Water wars have begun**  
 BY PAT HATFIELD  
 pat@beacondeltonabeacon.com  
 Water wars have arrived in Central Florida, and the opening salvoes have already been fired. The fight is over use of the St. Johns River as an alternative source of water. The battle is of a legal nature — with the St. Johns Riverkeeper, the City of Jacksonville and St. Johns County filing legal challenges to Seminole County’s plan to draw water from the river at the Yalaha Lake plant.

© Deland-Deltona Beacon

**County may scale back its growth blueprint**  
 BY ROBERT SARGENT  
 SENTINEL STAFF WRITER  
 TAVARES — Lake County may scale back its growth plans to save water and thousands of acres of vital wetlands. Officials have worked for more than two years to overhaul the county’s comprehensive development plan — a blueprint for growth that estimates a 60 percent population increase during the next 17 years to more than 403,000 people. Along with the effects of other counties’ growth, the steep impacts in Lake are expected to outpace available underground drinking water in just five years.



“What this debate will do is educate people about where their water comes from and about the water resource...”

—Kathryn Mennella (JD 80)



The media has billed Seminole County's proposed withdrawal as slated for lawn irrigation. But Mennella points out that's not entirely true. According to the county's permit application, most of the water would be treated to meet future public supply demands — municipal drinking water piped to homes and businesses — while less than 1 mgd of the withdrawn water would supplement the county's reclaimed water system to increase efficiency.

"It's tricky for people to understand why you would need to augment the reclaimed water supply," Mennella said. "The primary reason is because people are flushing their toilets about the same amount all year round, so the amount of reclaimed wastewater is constant year-round, but peak demand for irrigation water occurs during April, May and June."

If the reclaimed water system isn't supplemented with river water during months of peak use, Mennella notes, not enough reclaimed water can be supplied for irrigation when customer demand is greatest. When that happens, utilities must limit the number of new customers using the reclaimed water system, leaving some customers to irrigate year round with municipal drinking water drawn from high-quality ground water sources.

She says the district has proposed to approve a limited river withdrawal in part to facilitate the county's effort to use 100 percent of its treated wastewater for irrigation, a proactive initiative consistent with the district's regional water plan and one that relieves stress on limited ground water that sustains lakes and springs.

Despite the firestorm of criticism directed at her agency because of its proposed permit decision, Mennella is confident in the law.

"I think this administrative law proceeding is, in many ways, a very positive thing," she said. "What this debate will do is educate people about where their water comes from and about the water resource. ... In a way, the debate has really raised the consciousness of so many people about how much water is needed, and that every water resource — whether it's ground water, surface water, sea water, brackish water — has its limitations."

Mennella believes the spirited discussion will lead to more diversified community water portfolios that emphasize use of reclaimed wastewater and increased conservation. But changing the water habits of residents in a state that promotes itself as a tropical paradise with overflowing fountains, swimming

pools and lush landscapes might be more easily said than done.

"From a big-picture perspective, the concern is if the growing part of the state is not using water wisely, then we are just being wasteful by feeding their addiction by giving them more and more water, when they should really be doing other things to curb their water use first," said Mary Jane Angelo (JD 87), a University of Florida associate professor of law.

Angelo has served in the general counsel offices of both the U.S. Environmental Protection Agency and the St. Johns River Water Management District. She noted that the Florida Legislature has expressed its "local sources first" preference with provisions in the law that require consideration of other options — such as implementing conservation measures and other alternative sources — before looking to tap another part of the state.

The St. Johns Water Management District has estimated as much as 262 mgd of water may be available for withdrawal from the St. Johns River and its tributary, the Ocklawaha River. Although the Seminole County withdrawal would benefit people within the district, some of the river water targeted for withdrawal by other proposed projects



"You're either going to have to cut back or pay a lot of money for desalination or some other technology..."

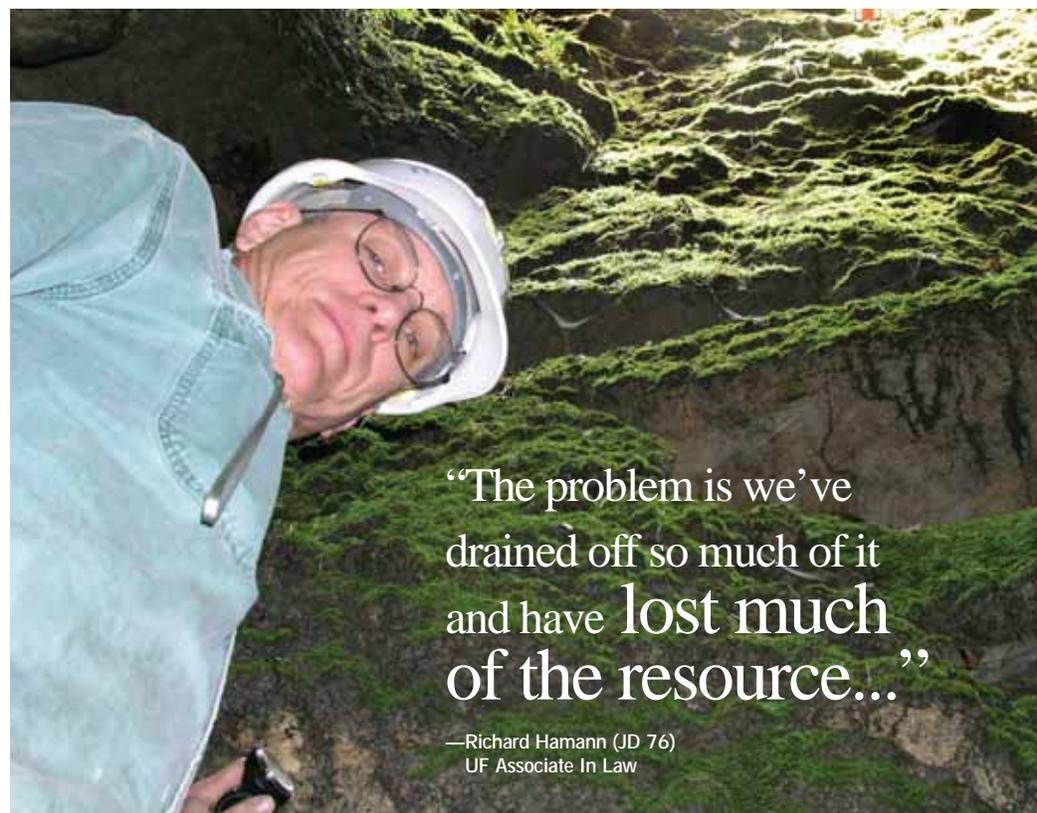
—Mary Jane Angelo (JD 87)  
UF Associate Professor of Law

in the district's regional water supply plan could be used by counties and cities located at the district's shared boundary with another water management district. As a result, there is potential that some water could be proposed for transfer for use within an adjoining district.

"I think these water transfers are a bad idea, because if we keep giving people more and more water there is no incentive for them to cut back on wasteful water use or to stop using excessive amounts of water to irrigate landscaping and lawns," Angelo said. "Whereas, if at some point, we said, 'There is just no extra cheap, easy water and you're either going to have to cut back or pay a lot of money for desalination or some other technology,' then I think you'll get people's attention."

#### THE WAY WE WERE

With nearly 60 inches of annual rainfall, Florida's long-term problem isn't a shortage of water. It's the diminishing supply of clean, inexpensive water from the aquifers underfoot. The deep Floridan aquifer and various shallow aquifers bordering the coast are the sources from which 92 percent of Florida's 18 million residents drink. Each drop of the cool liquid is a hot commodity in a state that



"The problem is we've drained off so much of it and have lost much of the resource..."

—Richard Hamann (JD 76)  
UF Associate In Law

relies on more than 20 billion gallons of water every day for residential, industrial and agricultural uses.

"Basically, we've got the same amount of water as we've ever had," said Richard Hamann (JD 76), a UF Levin College of Law associate in law

and assistant director of the Center for Governmental Responsibility. "The problem is we've drained off so much of it and have lost much of the resource that would otherwise be available for consumptive use and for maintenance of natural systems."

## Estimated Cost of Alternate Drinking Water Sources per 1,000 Gallons



Source: St. Johns River Water Management District (Cost of treatment only, does not include transmission.)

Hamann said thousands of drainage canals carved into Florida's landscape for flood control and removal of water from wetlands for development have resulted in compromised natural systems that are unable to store and recharge water. Increasing urbanization and continuing agricultural demand place added stress on already strained water systems.

"The basic, fundamental problem is scarcity," said Hamann, "yet as the resource becomes scarce greater demands are placed upon it, and those demands are increasing because of population growth."

In 1976, the year Hamann graduated from UF with his law degree, the state was sparsely populated, home to 6.8 million people. Orlando was a sleepy town better known for its cattle and citrus industries than tourism, and the state's Water Resources Act of 1972, offspring of the Model Water Code formulated in the early 1970s by Dean Frank Maloney of the University of Florida College of Law, was in fledgling stages of implementation.

"I think we're blessed with a very flexible law in Chapter 373 of the Water Resources Act, in that it anticipated most of the issues that would arise over the course of time," said Stephen A.

Walker (JD 74), a shareholder of Lewis, Longman & Walker in Palm Beach County.

As general counsel for the South Florida Water Management District until entering private practice in 1991, Walker was instrumental in negotiating the historic Everglades Settlement Agreement with the federal government. Also under his leadership, the legal framework was erected for the district's regulatory initiatives under the Water Resources Act, a framework that continues to guide water management in the region.

"I started work at the South Florida Water Management District in 1975," said Walker. "One of my first jobs at the water management district was to take these rules (established by the Water Resources Act) and translate them into tangible action items that can be applied by a permit reviewer to assure that the purpose and intent of the rules were being followed and that we were getting the water resource results that the law intended."

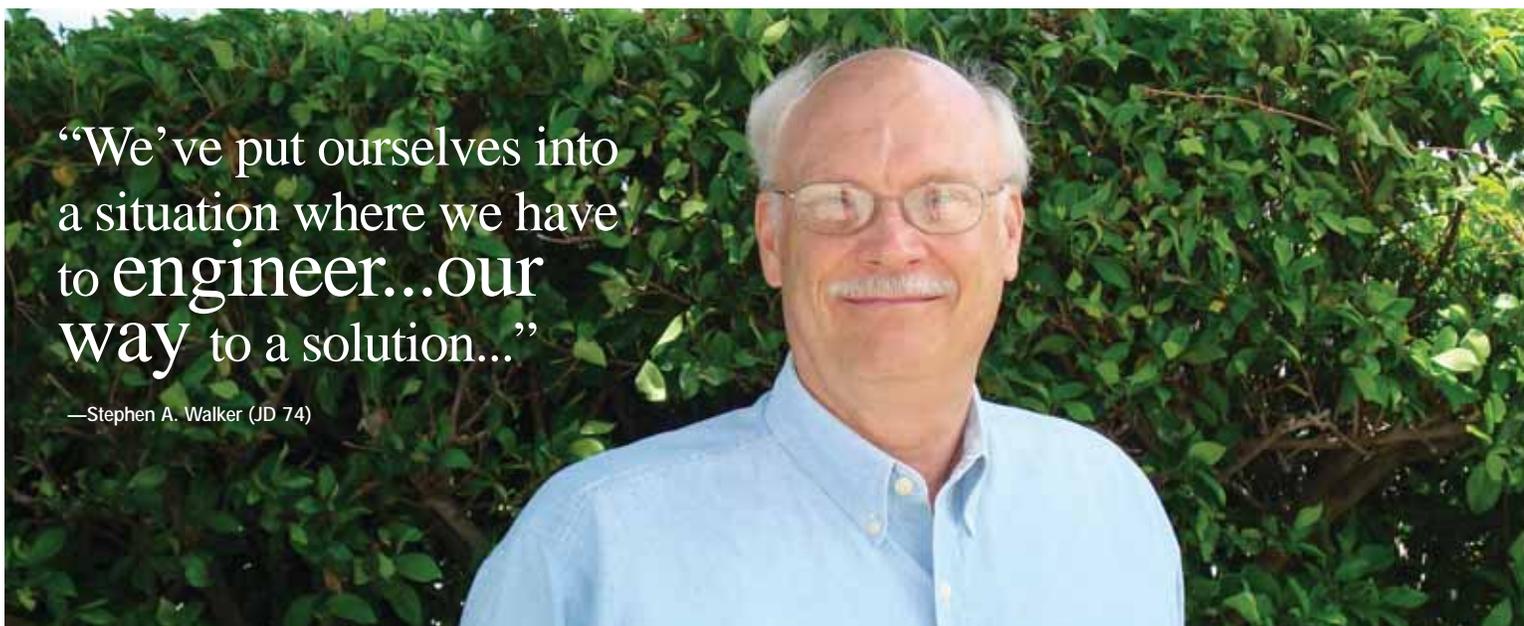
As a first step, the state's water management districts inventoried surface and ground water systems within their boundaries and established rules and regulations designed to protect and

equitably allocate water. The districts also were charged with protecting the environment, and they began establishing some of the first assessments for minimum flows and levels in water systems in an effort to balance preservation and recovery of important natural systems with the need to allocate water for beneficial human uses. This juggling act sometimes achieved mixed results.

"We've put ourselves into a situation where we have to engineer, if you will, our way to a solution," Walker said. "It's inordinately complex, because despite all our efforts, we still don't fully appreciate and understand the interrelationship between human decision making and actions with the environment, and the environmental consequences that might result in 15, 20 years from now."

#### CHANGING TIMES

In the late 1990s, the environmental consequences of human actions became painfully evident. Over-pumped well fields in some parts of the state led to saltwater intrusion, drops in land elevation, bone-dry lakes and dwindling wetlands — a dramatic wake-up call for Floridians, who, to their credit, sat up and took notice. With the Water Resources Act as its core, Florida law evolved



"We've put ourselves into a situation where we have to engineer...our way to a solution..."

—Stephen A. Walker (JD 74)

again to address the growing need to balance water supply for both growth and environmental sustainability.

“The regional water supply planning statutes that were adopted in the late ’90s, which actually just refined those established by the Water Resources Act of 1972, called for water supply planning looking at a 20-year horizon, both for people and the environment,” said Elizabeth D. Ross (JD 85), senior specialist attorney for the South Florida Water Management District.

“These were followed by two landmark statutes passed in 2005; Senate bills 444 and 360,” said Ross. “Senate Bill 444 primarily funded alternative water supply development and required the water management districts to identify appropriate projects for future water supply development.”

Under SB 444, which seeks to promote regional solutions to water supply issues, alternative water supply projects are identified as options in regional water supply planning undertaken by the districts. Regional water supply plans are formulated by a public process designed to engage all the stakeholders, including local governments, agriculture, industry and environmental advocacy groups. Local governments must select projects



“The regional water supply planning statutes adopted in the late ’90s...called for water supply planning looking at a 20-year horizon...”

—Elizabeth D. Ross (JD 85)

from the regional water supply plan, unless they want to propose their own alternatives that will meet their water supply needs in a sustainable manner.

Senate Bill 360 shored up linkages between water supply and land use

planning under Chapter 163. The combined force of the statutes requires communities to demonstrate in their comprehensive growth management plans that an appropriate 10-year water supply for new land development has

## Fresh Water Withdrawals and Population by District, 2000

Northwest Florida Water Management District  
8% 1.22 million residents

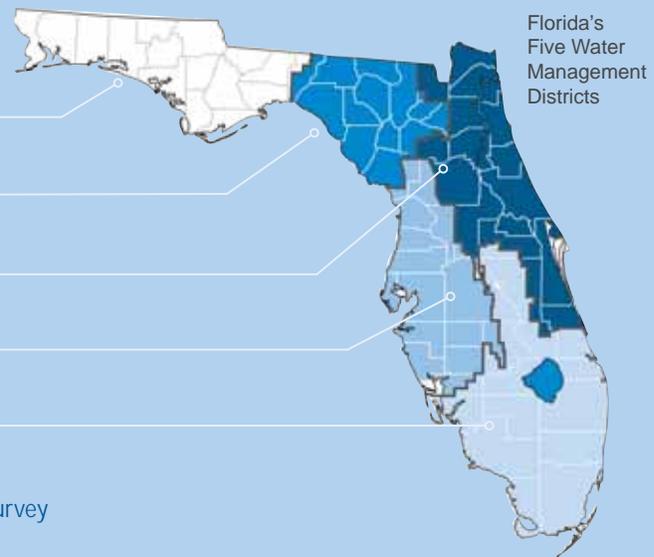
Suwannee River Water Management District  
4% .25 million residents

St. Johns River Water Management District  
20% 3.89 million residents

Southwest Florida Water Management District  
19% 3.99 million residents

South Florida Water Management District  
49% 6.6 million residents

Total: 8,191,770,000 gallons/day Source: U.S. Geological Survey





“If the water isn’t there, then your comprehensive land use change is not going to get approved...”

—Roger W. Sims (JD 74)

been identified consistent with their regional water development plans. The growth management plans are submitted to the relevant water management district for initial staff review, after which they’re moved to the Florida Department of Community Affairs for final action.

“What you have going on in

Florida now is a requirement under the Comprehensive Planning Act, Chapter 163, that local governments have to plan for the expected demand of water and they have to include specifics in their capital improvements elements as to how they’re going to get that water,” said Roger W. Sims (JD 74), a Holland

& Knight partner based in the firm’s Orlando office.

During the past 10 years of Sims’ 33-year career, he’s seen water rise to the top of the state’s list of planning priorities, right up there with transportation. The Department of Community Affairs deems water supply to be such an urgent issue that local comprehensive growth management plans are rejected if they fail to adequately address water supply for new development consistent with the regional water supply development plans.

“If the water isn’t there, then your comprehensive land use change is not going to get approved and they’ll tell you to go find an alternative supply,” said Sims. “... the result is that it’s a win-win if you can find the water, it’s just going to cost more.”

Some of the alternative water supplies the state identified in SB 444 to expand its water portfolio include those generated using reverse osmosis of brackish water, desalination of sea water, capture and storage of wet weather river flows, and reclaimed waste and storm water.

Projects to develop and treat these alternative water supplies will cost hundreds of millions of dollars. To meet



The Taylor Creek Reservoir is located in Orange and Osceola counties near the headwaters of the St. Johns River.

(PHOTO COURTESY OF THE SJRWMD)

economies of scale, projects will be regional in nature, pooling the shared water and financial resources of local municipalities, the water districts, and state and federal governments.

Ultimately, the costs of producing drinking water from alternative sources will be borne by the consumer. That's not likely to sit well with state residents used to getting water on the cheap, yet Florida's situation has become one of pay now ... or pay dearly later.

### CASE IN POINT

"You've heard that saying, 'Water, water everywhere, but not a drop to drink,' " said Brian Wheeler, director of Toho Water Authority in Kissimmee. "That's where we are in Central Florida right now — there's water everywhere, but none of that cheap aquifer water. So, we're forced to go to the dirty water, the expensive water."

As director of the Toho Water Authority, Wheeler oversees an organization that straddles three of the state's five water management districts — the St. Johns, Southwest Florida and South Florida. That has placed Toho at ground zero within the Central Florida Coordination Area,

cooperatively established by the three water management districts in 2006 to more effectively manage shared water resources.

The water management districts have determined ground water held by the aquifer within the Central Florida Coordination Area is limited, under stress and unable to sustain metropolitan Orlando's booming growth into the future. No new or increased allocations will be permitted from the area to meet projected water demands after 2013. In a little less than five years, water utilities must have alternative sources of water in place to bridge that gap, and they are scrambling for options.

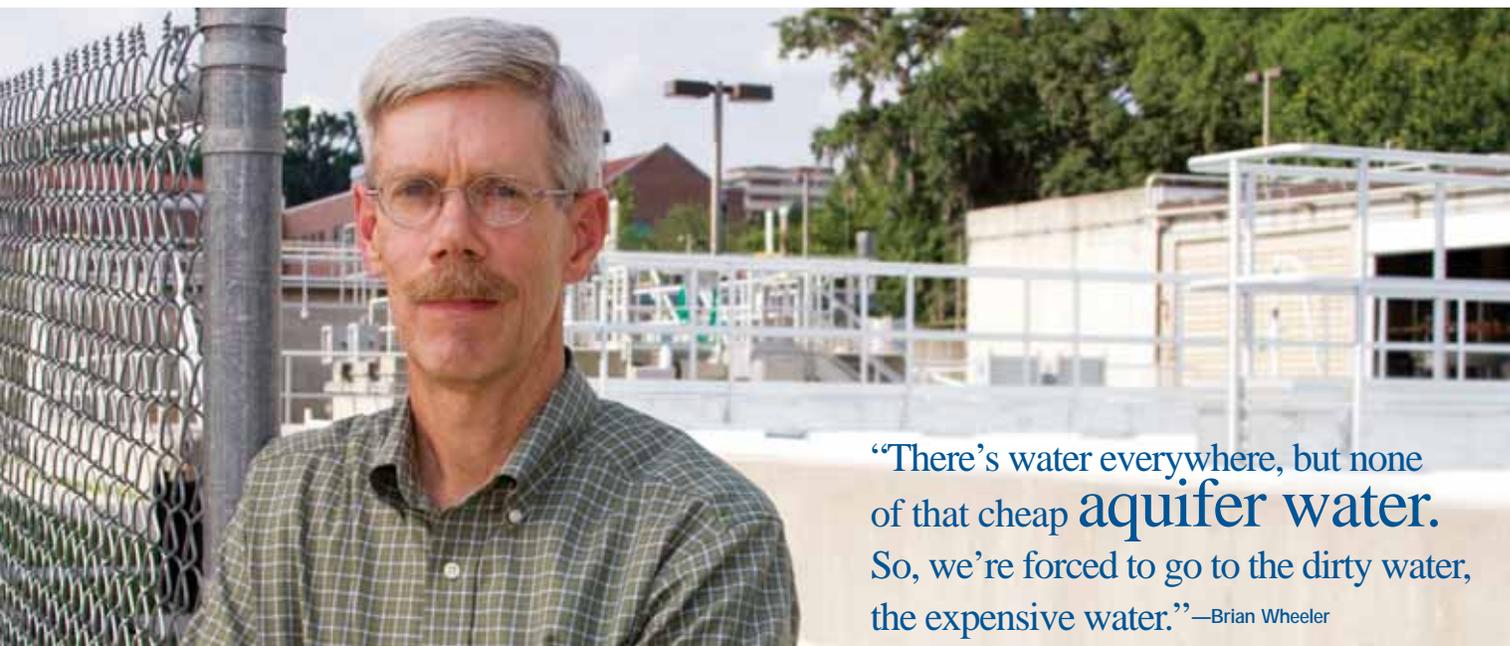
"Like a lot of utilities, we've got multiple irons in the fire. Nobody has identified a specific source that is guaranteed, so we have a lot of utilities exploring multiple sources, and many of these new sources are going to require cooperative ventures to be affordable," Wheeler said.

Affordable, but in this case also controversial, because the Toho Water Authority is one of six Central Florida water utilities seeking to expand its water portfolio with a \$250 million joint venture to withdraw as much as 40 mgd

from the St. Johns River. The water would be stored in the Taylor Creek Reservoir near the river's headwaters in a system similar to that of the successful Hillsborough River Reservoir in Tampa Bay. The idea is part of a larger regional water development plan put forth by the water management district.

Toho Water Authority isn't counting on the proposed St. Johns River/Taylor Creek Reservoir project alone to meet its future water demands. Wheeler and the authority's governing board have several options on the table, including the potential for a reservoir to capture some of the wet weather flow from the Kissimmee River, and additional groundwater sources in Osceola County's undeveloped south.

"In conjunction with that, we're looking at extending the efficiency of the use of our reclaimed water system," Wheeler said. "Half of our future water demand, as it is for most utilities within Central Florida, is irrigation ... which doesn't require potable water. So, if we can use reclaimed water for that purpose rather than potable water, then we have reduced our future demand for potable water and maximized efficiency."



**"There's water everywhere, but none of that cheap aquifer water. So, we're forced to go to the dirty water, the expensive water."**—Brian Wheeler

“Water-efficient appliances, water fixtures and irrigation practices could save billions of gallons of conserved potable water every day.”

#### A SHIFT IN MINDSET

Reclaimed water is a plentiful source of cost-effective alternative water, which together with conserved and reallocated water, ranks among the most overlooked and difficult to sell to the general public. Because wastewater is 99.9 percent water, it’s also a guaranteed source — as long as people flush toilets and send water down drains it will always be in steady supply — and it has been demonstrated to be safe and more affordable than other alternative sources such as reverse osmosis or desalination.

“Floridians rely more heavily than the national average on ground water, and somehow we’ve developed this myth that there’s this 1,000,000-year-old drop of water stored in the Floridan aquifer just for me so I can run it through my toilet once,” said Christine Klein, a UF Levin College of Law professor of natural resources, water and property law. “That’s not a sustainable water use.”

But ground water use for residential irrigation, which accounts for as much as 75 percent of municipal water used during some periods of the year, could be replaced by reclaimed water. The same could be said for agricultural irrigation and water used to cool power plants.

Klein noted that water-efficient appliances, water fixtures and irrigation practices could save billions of gallons of conserved potable water every day without a change in lifestyle. Take Denver, Colo., where a judge required installation of low-flow toilets and other conservation measures rather than allow construction of a new dam. The savings? Another 20 years of water supply from the city’s existing sources.

#### SORTING IT OUT

Choosing how best to conserve water, develop new sources of water and preserve existing resources and the natural systems they support will not be easy, politically or otherwise. Those involved say it will require enormous amounts of foresight, cooperation and money to achieve.

Despite all the controversy, Florida’s water law seems to be working well. The process is bringing all of the stakeholders to the table and has elevated the issue of water sustainability on the public radar. The final outcome may involve sacrifices and compromise. It may be expensive. And not everyone is likely to be satisfied. But, Klein believes the rule of law will bring equitable resolution to this compelling issue that affects us all.

“Our time has come to sort out our water issues,” Klein said. “The function of law, of course, is to prevent a sort of self-help, free-for-all, where the water users at the head of the watershed would get it all.

“Because we are a society of laws,” she said, “I’d like to think we can be more sophisticated in our approach.” ■

“Floridians rely more heavily than the national average on ground water, and somehow we’ve developed this myth that there’s this 1,000,000-year-old drop of water stored in the Floridan aquifer just for me...”

—Christine Klein, UF Law Professor





## UF now offers nation's first environmental and land use law LL.M.

In a world grappling with critical shortages of water, increasing developmental pressures and the unknown but real threats of climate change, environmental and land use law policies and applications are changing almost as fast as the weather.

To prepare a new generation of environmental lawyers to meet these challenges, the University of Florida Levin College of Law now offers a Master of Laws (LL.M.) in Environmental and Land Use Law. The program, a one-year, post-Juris Doctor degree, is the nation's first to combine environmental and land use law.

"The environmental problems we're facing are so fundamental and serious that the laws and policies we will need to adopt are inevitably going to go beyond the bounds of what we have traditionally thought of as environmental law," said Alyson Flournoy, UF professor of law, research foundation professor and director of the college's Environmental and Land Use Law Program.

"There will be corporate lawyers, many of whom don't currently think of themselves as environmental attorneys, who will be seeking to learn more, to understand the environmental law regimes, the underlying environmental problems and the policy and legal solutions that have been employed here and elsewhere to deal with these issues," she said.

Flournoy points to emerging fields of environmental law, such as the growing importance of carbon markets and efforts to value and protect ecosystem services, as examples of the

changing legal landscape that may propel traditional corporate lawyers to seek a broader understanding of environmental and land use law.

"We need a new generation of environmental lawyers who focus on drafting instruments and contracts that satisfy both environmental and business concerns," she said. "We are finally coming to grips with the fact that 'business as usual' is unsustainable. Corporations, governments and nongovernmental organizations will need to hire new lawyers who blend traditional skills with a broader knowledge of environmental laws and policy."

Flournoy said the LL.M. program will educate students on the historical and legal underpinnings of environmental and land use law policies, and will encourage them to think creatively to innovate solutions to pressing environmental and related social issues. A major strength of the program is the diversity of faculty, which has expertise in a wide array of fields covering environmental law, water law, international trade, land use law, natural resources law and others.

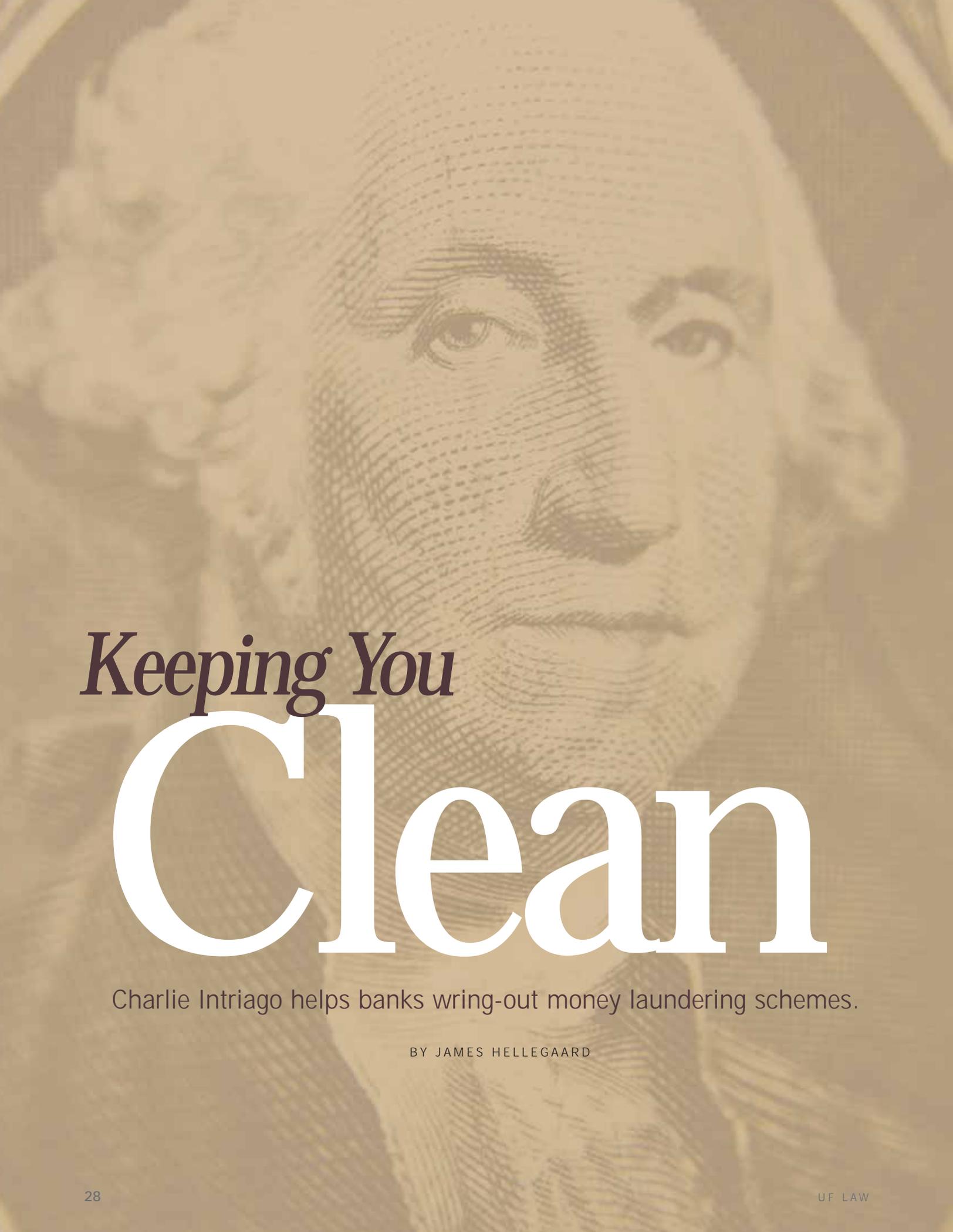
In addition, the LL.M. program is unique in that six of the 26 required credit hours must be from relevant courses that have substantial non-law content — either offered outside the Levin College of Law or jointly by the law school and another department. This broadens student exposure to disciplines related to environmental and land use law practice, such as wildlife ecology, environmental engineering, urban and regional planning, and sustainable development.

LL.M. candidates also must complete a written project in connection with a seminar or the college's Conservation Clinic. The Conservation Clinic focuses on non-litigation policy and transactional projects, providing a superb hands-on learning laboratory for the college's LL.M. students. A summer environmental law study abroad program in Costa Rica is also offered.

"Florida's new LL.M. program is at the cutting edge of environmental legal education, combining different specialties from within the practice of law, like land use and environmental law, and adding to that a non-law, interdisciplinary component that includes science and engineering coursework," said Wendy A. Wagner, the Joe. A. Worsham Centennial Professor of Law at the University of Texas at Austin School of Law and a leading authority on the use of science by environmental policy-makers.

"Such a broad-based curriculum, coupled with Florida's prestigious environmental and land use law faculty, should produce lawyers who are well prepared to tackle the complex issues at the interface of law and environmental policy," Wagner said.

The University of Florida Levin College of Law LL.M. in Environmental and Land Use Law Program is now accepting applications for the class entering in fall 2008. For application instructions and detailed program information, contact Lena Hinson at (352) 273-0777 or [hinson@law.ufl.edu](mailto:hinson@law.ufl.edu), or visit the Web at [www.law.ufl.edu/elulp](http://www.law.ufl.edu/elulp).



*Keeping You*

# Clean

Charlie Intriago helps banks wring-out money laundering schemes.

BY JAMES HELLEGAARD

Charles A. Intriago (JD 66) is world renowned for his expertise in helping financial institutions fight money laundering and other dangers that come with it. But if you want to understand who he really is, you should know he grew up a fan of the Brooklyn Dodgers.

Before team owner Walter O'Malley broke the hearts of legions of fans and moved the club to sunny Los Angeles in 1957, the Dodgers, for all their success, embodied what it meant to be the underdog. Their fans were blue-collar types, immigrants and minorities — a tough-nosed bunch that offered a great juxtaposition to the business-like image of their greatest enemies, the pin-striped, baseball bluebloods, the New York Yankees.

Recalling those days more than a half a century later, the names of his heroes roll off Intriago's tongue in quick succession — Pee Wee Reese, Jackie Robinson, Duke Snider, Gil Hodges, Roy Campanella and Don Newcombe. He remembers how the Dodgers won the National League pennant five times in 1941, 1947, 1949, 1952 and 1953, only to fall to their cross-town rivals the New York Yankees in the World Series every year. For legions of long-suffering Dodgers fans "Wait 'til next year!" became the unofficial team slogan.

Intriago identified well with the Dodgers. Born in Ecuador, Charlie was just a baby when his father contracted tuberculosis. With no health insurance, the cost of treatment nearly wiped out the family financially.

With little money and barely able to speak English, Intriago's mother brought Charlie and his sister to the United States, settling in New York, where she found work as a seamstress



Charles A. Intriago (JD 66) built an empire based on an idea rejected by others.

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in the Garment District. The family lived in Washington Heights in upper Manhattan, just blocks from the Polo Grounds, where the Dodgers' other great rival, the New York Giants, played ball. But it was the Dodgers, hundreds of blocks away and a long subway ride across the East River at Ebbets Field, who had Charlie's heart.

"I empathized with the Brooklyn Dodgers. They broke the color barrier with Jackie Robinson and lost the World Series every year to the Yankees," Intriago recalled from his office in downtown Miami. "You can imagine my sadness every time they lost to the Yankees. I was a little kid back then. And then came 1955, of course..."

Ah yes, 1955, the year "next year" finally came to Flatbush. By then, Charlie and his family had moved to Miami, after his mother, widowed for many years, left her job in New York's Garment District to find a better life for her family in sunny South Florida. On

the day of the decisive seventh game of the 1955 World Series, Charlie anxiously waited for school to let out before running to watch the end of the game on a television in a downtown Miami deli.

More than 52 years later, Intriago remembers every detail of the game as if it was yesterday. The players. The pitches. The way the late afternoon sun and shadows in Yankee Stadium made it difficult for the Yankees hitters to pick-up Dodgers' pitcher Johnny Podres "mean, mean change-up." And of course, the ground ball the Yankees' Elston Howard hit to Reese, who threw to Hodges at first base for the final out.

"Podres threw him an unbelievable change-up that faked Howard out of his pants. He was so out of tempo that he hit a little weak ground ball to Pee Wee," Intriago recalls as he happily jumps from his office chair to re-enact the play in moment-by-moment detail. "And Pee Wee...and I'm over there



Charlie Intriago as a child in downtown Miami on his second day in the U.S. His family later moved permanently to Miami from New York.

(PHOTO COURTESY CHARLES INTRIAGO)

praying ‘C’mon Pee Wee, get it’...he comes in, throws it straight to Hodges. And then all hell broke loose.”

Today, at age 65, Intriago appears to have won the World Series himself. Starting from a simple printed newsletter in 1989, he constructed an empire around a topic that not long ago seemed to have little if any commercial interest — money laundering.

Flashback to Miami in the 1980s. The popular television series “Miami Vice” and the blood-splattered film

“Scarface” are offering Hollywood versions of the drug-fueled dramas occurring in the seamy underbelly of South Florida. Miami is the entry point of illegal drugs, most notably cocaine from South America, which comes in on boats and planes and is transported up Interstate 95 on its way to virtually every town in the U.S. The drug trade produces piles of cash that kingpins of the illicit industry are pressed to move through banks. The practice of money laundering, which had been

around since Biblical times, reaches a new level.

On the nightly news, Americans were introduced to Panamanian dictator Gen. Manuel Noriega, who U.S. law enforcement officials said was laundering billions of dollars in drug money through several financial institutions, including a secretive organization known as Bank of Credit and Commerce International (BCCI), which had operations throughout Florida.

Intriago learned more about BCCI through conversations with a friend, an ex-CIA agent in Miami, who shared with him an idea he had to start a company consulting banks who needed help to avoid getting tangled up in money laundering and the expensive government crackdown such problems would bring.

While Intriago wasn’t particularly interested in being a consultant, he did begin looking at the laws the U.S. Congress was creating to fight money laundering, including the huge penalties against banks that were found guilty of cleaning up dirty money, which could reach \$1 million. At the same time, another friend had tried to interest him in launching a newsletter on Latin American affairs. Intriago wasn’t interested in that idea either, figuring the field was already cluttered. But soon enough, the newsletter idea and the anti-money laundering legislation ran into each other in his head.

“Boop, bingo,” is how Intriago describes the moment the idea for his newsletter germinated. It seemed like a perfect idea, one that would allow him to pursue his entrepreneurial dreams and avoid the private practice of law, which he had not found to be satisfying. He contacted a market research team and paid them \$20,000 to look at the viability of the newsletter.

He summarizes the voluminous and detailed market research report this way: “Bad idea, buddy. Don’t even think about it. We know you’re hooked on it, but forget it.”

“I was sitting at home, depressed over this news that these guys had found, and probably with a stiff scotch in my hand, and I might have even resorted to smoking a cigarette,” Intriago said. “My nerves were jangled from the prospect of having to practice law for the rest of my life.”

His gut told Intriago that the research report was wrong. From his previous experience — as a federal prosecutor, as counsel to a Congressional oversight committee that oversaw the Department of Justice and other agencies involved in the anti-money laundering effort, and as special counsel on organized crime in Florida — Intriago knew the time was right. He looks back on it as a revelation that came to him in the form of a question.

“What do 95 percent or more of all the crimes in the world, no matter the country, have in common? The answer is money!” he explains. “So I said to myself these guys are wrong, I’m right. I just happen to be a little bit ahead of the curve.”

As it turned out, Intriago’s instinct was right on the money. With little staff or resources, Intriago launched *Money Laundering Alert* newsletter in 1989 with the graphic design help of his eldest daughter, Patricia, a recent University of Pennsylvania graduate who had embarked on a successful career in New York as brand administrator for a major company. He crossed his fingers that the market, mostly bankers at the time, was ready for what he was selling — information on how to keep clean and clear from dirty money.

Intriago may not have gone into the venture with any journalistic experience, but he did know a few things about marketing and public relations. A copy of that first issue ended up in the hands of a reporter at *The Wall Street Journal*, who called him and wrote a story about Intriago’s newsletter that appeared on the front page of one of the paper’s sections. Subscribers quickly signed up as the media coverage around the world,

“What do 95 percent or more of all the crimes in the world, no matter the country, have in common? The answer is money!”

including CNN, Reuters, AP, *The Financial Times* and others, surged. Before long the newsletter evolved into a corporation, Alert Global Media, which grew into a small media empire, spawning Web sites, books, seminars, training programs, and conferences around the world.

In 1993, Intriago met his wife, Joy Intriago, a certified public accountant who had run businesses before. In 1996, at the same time she was expecting the couple’s daughter,

Alexandra, now 11, Joy joined the business.

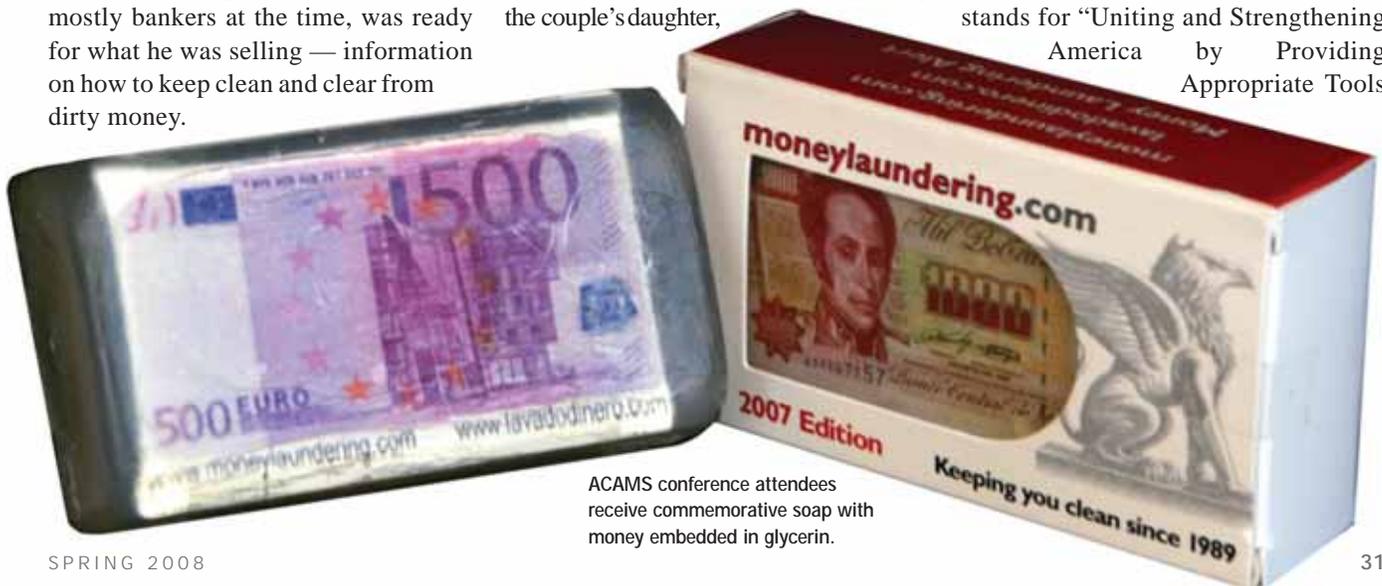
She helped the company jump on the Internet wave early, launching [www.moneylaundering.com](http://www.moneylaundering.com) in 1996 and [www.lavadodiner.com](http://www.lavadodiner.com) in 1997. The Web sites allowed the company to deliver content at a premium price to subscribers.

At Joy’s suggestion, the Intriagos also developed a way to give credentials to those people involved in anti-money laundering efforts who pass a tough examination constructed by experts. They created a business model for an anti-money laundering awareness and training organization called the Association of Certified Anti-Money Laundering Specialists (ACAMS).

Providing training and a standardized examination developed by an independent testing agency, ACAMS now has 8,000 members in about 100 countries — including regulators, bankers and law enforcement officials.

One reason for that growth is that money laundering isn’t just for drug money anymore. Since 9/11 the regulatory focus has shifted increasingly to stemming the flow of dirty money into the hands of terrorist networks and taking the property through asset forfeiture of those who foster or assist terrorism. Seven weeks after the terrorist attacks, President George W. Bush signed into law The USA PATRIOT Act, commonly known as the Patriot Act (the acronym stands for “Uniting and Strengthening

America by Providing Appropriate Tools



ACAMS conference attendees receive commemorative soap with money embedded in glycerin.



Joy and Charlie Intriago in the Miami headquarters of Alert Global Media.

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Required to Intercept and Obstruct Terrorism Act of 2001”). The Act expanded the authority of U.S. law enforcement and regulatory agencies for the stated purpose of fighting terrorism in the United States and abroad, and broadened the fight against money laundering.

“The Patriot Act had some unbelievably strong, far-reaching anti-money laundering and asset forfeiture provisions that brought the whole world really under Uncle Sam’s thumb,” Intriago said. “It’s basically saying this: If you want to do business in this country as a bank or as a customer, I don’t care what you are, you’re going to follow our rules, buddy.”

Today, there’s hardly an industry that’s not touched by these regulations. The increased focus on anti-money laundering efforts propelled Intriago’s business to a spurt of growth that late in 2006 led to its sale to Fortent, a New York-based portfolio company of

the private equity firm Warburg Pincus. Fortent specializes primarily in the sale of software products to the financial community.

Although the price Fortent paid for Alert Global Media has never been published, according to an article published in August 2007 in *The Miami Herald*, rumors are that Intriago received more than \$20 million.

“We struck a nerve,” Intriago said of his company’s success, “just got lucky.”

One could argue that Intriago created his own luck. He had come a long way from the kid who shined shoes for 10 cents on Broadway and 159<sup>th</sup> Street in Washington Heights, where he shared a one-room apartment with his mom and sister. It was a tough life, which the family escaped in 1954 when they put all their belongings in cardboard boxes and boarded a Greyhound bus for Miami. Life did get better. Charlie did well in school,

graduated from Archbishop Curley High School, and enrolled at Florida State University.

Intriago admits he socialized a little too much as an undergrad and consequently didn’t do nearly as well in college as he should have. When he followed that up with a disappointing LSAT score, his prospects for a successful legal career didn’t look very good. He managed to get accepted into the University of Florida law school, but was told by the admissions dean that his grades and test score were an indication, based on statistical studies, that he would only last four or five semesters.

Knowing he could do better, Intriago told him, “Well, I’m going to try to prove you wrong.”

He worked hard and did well enough in his classes to be named editor-in-chief of *Florida Law Review*. On the afternoon he was elected to the position, which required high grades to be eligible, Intriago ran down to the

admissions office, knocked on the door of the dean who earlier had predicted his academic downfall and said, “I just wanted to let you know that I was just elected editor-in-chief of the law review. So you might want to put a little asterisk on your statistical studies. Not everybody falls into those categories.”

As editor-in-chief, Intriago scored a major coup with the coaching of his mentor, Professor Sanford N. Katz, who now teaches law at Boston College. Intriago brought United States Supreme Court Justice William J. Brennan, Jr., to speak at UF Law in 1966, the first member of the U.S. Supreme Court to speak at the University of Florida. Intriago still has the letter he received from Justice Brennan, one of the countless letters he has exchanged with dignitaries and other important people — baseball players included — over the years. The letters, which he saves in various folders in his office, are a strong testament to Intriago’s personality. If you want something, you have to be bold enough to ask for it.

One such instance occurred early in Intriago’s career when after a couple of years practicing with an international law firm in Miami he decided what he really wanted to do was be a Congressional committee counsel in Washington, D.C. In 1968, he wrote to the late Congressman Dante B. Fascell, who would become the most important man in Intriago’s life. Pictures of the two are all over the walls of Intriago’s office.

“I was able to get a job with him by getting to him directly,” Intriago explains. “I didn’t realize that there was a procedure to follow. I just wrote to him directly and he gave me an interview. And it was love at first sight. We loved each other and we just hit it off tremendously. We worked magnificently well together.... It taught me everything I needed to know for this business.”

After five years of working with Fascell’s House Government

Operations subcommittee, Intriago accepted an offer from Florida Gov. Reubin Askew (JD 56) to work as special counsel on organized crime. Intriago, who had investigated organized crime in Washington under Fascell, conceived the idea for and wrote Florida’s statewide grand jury law, which is still on the books, and introduced the idea of creating a statewide prosecutor, which was later passed.

After two years, Intriago moved back to Miami, where after an unsuccessful run at public office, he became an assistant United States

“The Patriot Act had some unbelievably strong, far-reaching anti-money laundering and asset forfeiture provisions that brought the whole world ..under Uncle Sam’s thumb.”

attorney. As a federal prosecutor, he led the successful prosecution of former Florida Insurance Commissioner Thomas O’Malley on corruption charges. In 1979, Intriago went back to practicing law, specializing as a litigator and “rainmaker” for a large international firm where he became an equity partner.

By the late 1980s, Intriago was ready for a new beginning. His first marriage had ended, and he had found his work at the law firm less than satisfying. That’s when he began twirling the idea for the money laundering newsletter around in his head. As it happens, the new idea was not only a well-timed business venture but the perfect fit for Intriago personally.

While his mother may have pulled him away from the streets of New York decades ago, there’s still a part of the city in Intriago today. He’s never shy in giving his opinion, whether he’s testifying

before Congress or speaking to the media about banks that complain about federal regulations. He doesn’t lose any sleep over those who disagree with him.

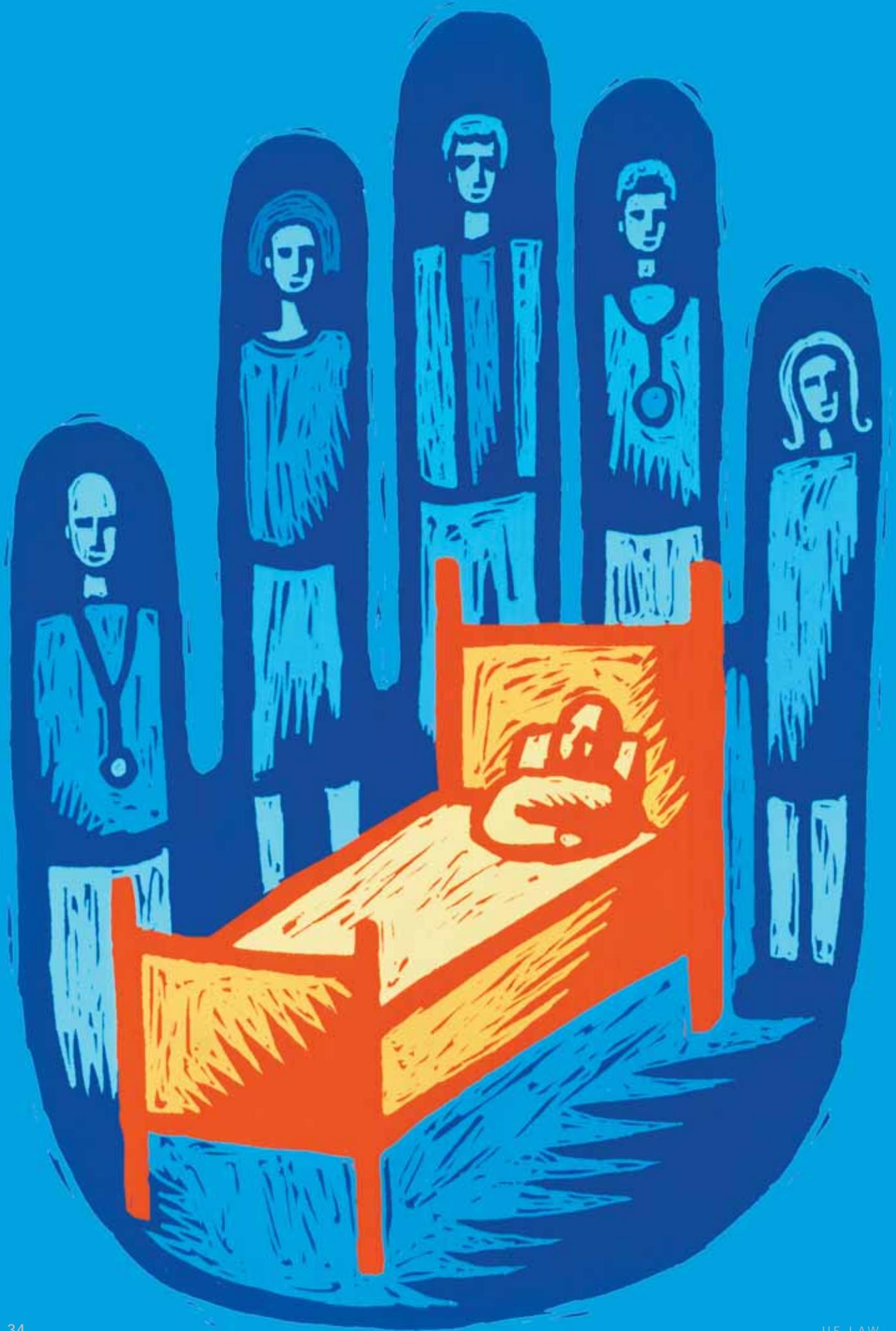
“I’m a New York guy,” Intriago says. “Don’t forget, I’m the son of a widowed mother. I’ve had to scrap all my life. And if I didn’t have a degree of aggressiveness and ambition, and an in-your-face type approach — I hope softened every now and then by a good sense of PR and finesse — I wouldn’t have gotten very far, I don’t think.”

There’s still a bit of that 11-year-old shoe-shine boy in Intriago, too. Having reached a level of success that might lead some people to want to sit back and enjoy a well-deserved retirement, Intriago is now involved in creating a new business venture after having left the company he and Joy sold to Warburg Pincus. He continues to approach his work with the boyish enthusiasm of a kid trying to muster up enough kids for a pick-up baseball game.

Hustling through his paces in downtown Miami like a homerun hitter rounding the bases, Intriago frequently stops to talk to friends and former employees, often in fluent Spanish, and offers words of encouragement. More than 1,300 attended the last international conference he hosted in March at the Westin Diplomat in Hollywood, Fla. Showing his sense of humor, Intriago gives visitors to his office a bar of his former company’s soap, which contains a piece of embedded currency from somewhere in the world and the slogan, “Keeping you clean since 1989.”

“Governments are going to continue creating new laws and regulations, international tensions keep heating up,” he said. “The money laundering issue’s never going to go away and governments are going to continue to require banks and others to train their employees. I’m very proud of what we did in this fascinating field.” ■

*Charlie invites anyone interested in contacting him to e-mail intriago8@gmail.com*



# Now I Lay Me Down To Sleep

BY LINDY MCCOLLUM-BROUNLEY

This is not a story about Terri Schiavo, although her case is central to our theme. This is not a story about death, although dying is the final chapter. This is a story about life, and how preparing ahead for the end can help us live it to its fullest measure.

“Getting old ain’t for sissies.”

This statement amused me as a 20-something woman hearing it for the first time. Now 40-something, on the cusp of 50 — with stiffening joints, rising blood pressure and the worry that the Alzheimer’s dementia afflicting close relatives may predict my own fate — it just “ain’t” that funny.

Getting old has gotten personal.

As the reality of aging sinks in, it has spurred serious but prickly ponderings on what my twilight years may bring. What level of care would I want should I become terminally ill? What rights would I have as a patient to assure I receive that care? Who will make decisions for me if I can’t?

“We spend most of our lives ignoring our mortality. Even though we kind of abstractly know it, we find ways to emotionally distance ourselves from it,” said William L. “Bill” Allen (JD 91), a UF College of Medicine associate professor and director of the Program in Bioethics, Law and Medical Professionalism. “Crisis situations force us to address it, but it’s better if we do that in advance.”

Nonetheless, for many of us, planning for health crises and end-of-life calls for considering difficult questions many of us would rather ignore. According to a 2006 report issued by the Pew Research Center for People and the Press, 71 percent of

adult Americans do not have a living will, despite “virtually universal” awareness of living wills and their purpose. Interestingly, the number of people who do have living wills has more than doubled since 1990, perhaps in part because of the media coverage of the Terri Schiavo case.

As the chairman of Shands Hospital’s ethics committee, Allen has seen, firsthand, the painful consequences that arise when people haven’t established advance directives or living wills and have not designated a health surrogate. Even worse, some may have these instruments in place but have not communicated their wishes to their physician or health care providers.

“When people go to be admitted into the hospital, their living will is probably the last thing they’re thinking about. If you forget to bring it with



Bill Allen (JD 91) is a bioethicist familiar with the painful consequences families face when a loved one has not established a living will.

SARAH KIEWEL/UNIVERSITY OF FLORIDA

you, somebody should go home and bring it back. It shouldn't just be in the attorney's office. Your attorney is probably not going to know when you go into the hospital emergency room," Allen said.

Allen also observes that the families of patients who have spoken openly about the level of care they want to receive experience less dissension when a health crisis hits. Identifying a health surrogate,

establishing advance directives and outlining in a living will the kinds of treatments a patient would want helps family members accept it when the patient receives that care — even if it means withdrawing or withholding life-prolonging treatment.

"The Browning case established that either through a surrogate decision-maker, durable power of attorney for health care or a living will, or

some combination of those, even an incapacitated person doesn't lose their constitutional right to refuse life-sustaining treatment," Allen said.

Prior to *In re: Guardianship of Estelle M. Browning, State of Florida v. Doris F. Herbert* (Fla. 1990), Florida statute under the Life-Prolonging Procedure Act of 1987 only allowed for refusal of life-sustaining treatment in cases of terminal illness where death was imminent. By the time the Browning case made its way to the Florida Supreme Court, Estelle Browning had already died, but the court chose to rule on it anyway, stating, "Although the claim is moot, we accept jurisdiction because the issue raised is of great public importance and likely to recur."

In its Browning ruling, the Florida Supreme Court reinforced a person's constitutional right to privacy in refusing life-sustaining treatment regardless of whether the illness is terminal or otherwise, and confirmed the role of the health surrogate in enforcing a patient's choice to forego treatment in the event the patient is incapacitated, following a three-part test to demonstrate clear and convincing evidence of the patient's wishes:

- The surrogate must be satisfied that the patient executed any document knowingly, willingly and without undue influence, and that the evidence of the patient's oral declarations is reliable.
- The surrogate must be assured that the patient does not have a reasonable probability of recovering competency so that the right could be exercised directly by the patient.
- The surrogate must take care to assure that any limitations or conditions expressed either orally or in the written declaration have been carefully considered and satisfied.

Under Florida law a patient's spouse becomes health surrogate if the patient has not previously identified one, but Allen encourages people to make their choice clear to family and friends, so the difficult decisions the surrogate may

have to make are more readily accepted.

“If you don’t make your choice clear, the burden of proof is on your spouse if anybody challenges or argues with them,” said Allen. “If you choose your surrogate, they’re presumed to know what you want, and anybody challenging them would bear the burden of proof. You can recognize what a huge advantage that is.”

It was not one Terri Schiavo or her husband, Michael, enjoyed when Terri went into cardiac arrest in the early morning hours of Feb. 25, 1990. Deprived of oxygen for too long, Terri’s cerebral cortex, the part of her brain that formed the thoughts and feelings that made her Terri, suffered profound damage that left her in a persistent vegetative state at the age of 26. She didn’t have a living will and hadn’t designated a health surrogate — the absence of which sealed the fractured

“The absence of a living will... spawned a furious controversy pitting right-to-life advocates against Florida law and the state’s judicial system.”

fate of her family and spawned a furious controversy pitting right-to-life advocates against Florida law and the state’s judicial system.

**NOT JUST FOR THE AGED**

“Generally, young people don’t express wishes about end of life because

they’re going to live forever,” said the Hon. George W. Greer (JD 66), the Sixth Judicial Circuit Court trial judge who presided over the Schiavo case. “Clearly, Terri Schiavo didn’t have a living will. So, you had to go on statements that she made during her lifetime about situations and extrapolate from those.”

During the week of Jan. 24, 2000, Greer’s court considered the petition of Michael Schiavo, *In re: The Guardianship of Theresa Marie Schiavo*, to remove the feeding tube sustaining Terri. The case was quickly mired in a volatile mix of discord and ugly accusations regarding money and motives between Michael and Terri’s parents, Bob and Mary Schindler.

In the absence of a living will, the court’s task was to wade through the acrimonious allegations and counter-allegations between the parties involved to consider the law, and only the law,



Supporters of the Schiavo family hold a vigil outside the Woodside Hospice where Terri Schiavo was being cared for in Pinellas Park, Fla., March 22, 2005.

in determining the scope of Terri's incapacity and in establishing what oral declarations she may have made before her injury regarding end-of-life wishes. In his ruling, Greer wrote:

*"The court is called upon to apply the law as set forth in In re: Guardianship of Estelle M. Browning, supra, to the facts of this case. This is the issue before the court. All of the other collateral issues... are truly not relevant to the issue which the court must decide. That issue is set forth in the three-pronged test established by the Florida Supreme Court in the Browning decision, supra."*

In the Schiavo case, Greer heard expert medical testimony from Terri's attending physician and a neurologist, and reviewed the report of court-appointed Guardian Ad Litem Richard L. Pearse Jr., Terri's medical chart and CT scans. On the basis of this evidence, Greer wrote, *"...the court finds beyond all doubt that Theresa Marie Schiavo is in a persistent vegetative state or the same is (sic) defined by Florida Statutes (sic) Section 765.101 (12)... the overwhelming credible evidence is that Terri Schiavo has been totally unresponsive since lapsing into the coma almost ten years ago, that her movements are reflexive and predicated on brain stem activity alone, that she suffers from*

*severe structural brain damage and to a large extent her brain has been replaced by spinal fluid...."*

The court also heard testimony from five witnesses regarding statements Terri made during her lifetime about her end-of-life beliefs. Those she made as a child to her mother and a family friend were found by the court not to be reflective of her adult wishes. Michael testified Terri made statements to him in the context of her grandmother's experience in intensive care that if she "was ever a burden, she would not want to live like that," and after watching a television show depicting patients on life support she told him she would "not want life like that." Terri's brother- and sister-in-law testified she made separate statements to them that "she wanted it stated in her will that she would want the tubes and everything taken out" if she were in a hopeless coma, and after a family funeral, "if I ever go like that, just let me go. Don't leave me there. I don't want to be kept alive on a machine."

Based on this testimony, the court found *"these statements are Terri Schiavo's oral declarations concerning her intention as to what she would want done under the present circumstances and the testimony regarding such oral declarations is reliable, is creditable and*



The Hon. George Greer (JD 66) presided over the controversial Terri Schiavo case.

*rises to the level of clear and convincing evidence to this court."*

The combined weight of these findings led the court to conclude Michael's petition to remove Terri's feeding tube did meet the requirements outlined in the "controlling legal authority" of the Browning case, and the petition was granted Feb. 11, 2000.

In the five years after the judgment, Terri, without her knowledge or consent, became the center of international media attention and the focus of national pro-

## A Right to Die?

The Oregon Death with Dignity Act provides legal umbrella to physician-assisted suicide

The truth is, a person's right to die in America really isn't that controversial.

In fact, 84 percent of Americans polled by the Pew Research Center for People and the Press supported the right of individuals to decide whether they want to be kept alive by artificial means, and 70 percent agreed there are circumstances when people should be allowed to die.

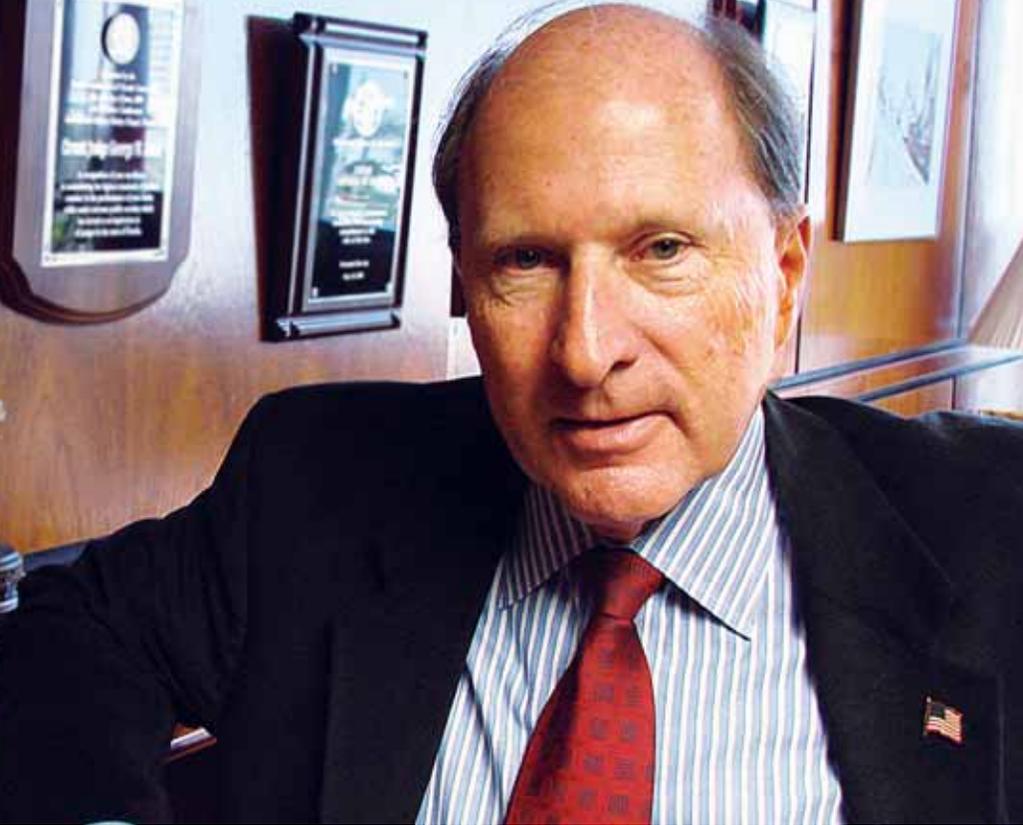
Physician-assisted suicide, on the other hand, splits public sentiment right down the middle. Although 60 percent of Americans believe individuals have the moral right to commit suicide when suffering from illness with great pain and no hope of improvement, only 46 percent approve of laws that would allow doctors to assist in those deaths.

Despite American Medical Association condemnation of physician-assisted suicide, some physicians say they have helped their terminally ill patients die. Nationwide about 6 percent of physicians anonymously surveyed admitted to hastening the death of at least one terminally ill patient upon the patient's request. These physicians said they either prescribed a fatal dose of drugs or pushed the plunger on a lethal injection.

## "Dying is every bit as complicated as living."

Oregon is the only state with a law allowing physician-assisted suicide, and, even then, only under highly regulated circumstances. The state's Death with Dignity Act, passed by public referendum in 1997, allows physicians to write prescriptions for lethal drug doses to adult, terminally ill patients to ingest at a time of their own choice.

To qualify, patients must be residents of Oregon, of sound mental state, terminally ill with no more than six months to live, and must have two medical opinions confirming their illness. To receive the prescription, the patient must orally request the physician's assistance followed by a



**“To Greer’s great credit, no court ever found any legal grounds to overturn his judgment in the Schiavo case...”**

many commended his adherence to the law despite its difficult emotional aspects.

“Judge Greer is one of my heroes,” Allen said. “I am so thankful he took the courageous path that he took, and I think he’s the reason we were able to avoid a constitutional crisis, because he was faithful to the law.”

Although publicly vilified by impassioned pro-life activists and the target of three death threats, the judge at the center of the Terri Schiavo maelstrom, true to his stoic Scots heritage, remains unmoved in his faith to the law.

“Life support is withdrawn on a daily basis across this country, and very few of those cases make it into court,” Greer said. “It’s only the highly unusual case that ever gets to court.”

“My role as a trial judge is to decide matters of controversy and apply the law if there is law. Period,” he said. “It gets pretty tough sometimes, but that’s it.” ■

life protests. During the time between the ruling and her death on March 31, 2005, her feeding tube was removed three times and replaced twice; her person was taken into state custody, then returned to her guardian’s care, under Gov. Jeb Bush’s orders acting as erstwhile *parens patriae*; the U.S. Supreme Court issued four denials of *certiorari* on the case; and, at different times, both the Florida House and U.S. Congress unconstitutionally violated the separation of powers principle in their zeal to intervene.

“Even though the court ordered removal of the feeding tube, the governor ordered it not to happen and the Legislature passed a law that essentially only applied to Terri Schiavo. That’s unconstitutional right there. It’s a clear violation of separation of powers,” Allen said. “This one family disagreement almost produced a constitutional crisis. I think that is remarkable.”

To Greer’s great credit, no court ever found any legal grounds to overturn his judgment in the Schiavo case, and

formal, written request signed by two witnesses. The physician’s responsibility to the patient is to ensure the patient is making a fully informed decision, with the understanding that the patient can rescind the request at any time.

Because physician-assisted suicide is so controversial, many fear it could become a “slippery-slope” leading to arbitrary euthanasia of the old and infirm or those who can’t afford medical treatment. So careful tracking and reporting procedures are in place to record the number, case details and outcomes of patients who requested physician-assisted suicide under the act. The data are gathered and reported each year, and include surveys of family members and loved ones who provided end-of-life care to the patients.

Of the 98,942 Oregonians who died

of a terminal disease since the law went into effect in 1998, 541 patients requested prescriptions under the act for lethal doses of medications and 341 patients chose to use the prescriptions to end their lives.

In 2007, the last year for which data is available, 85 prescriptions for lethal drug doses were written under the provisions of the act, and 46 patients died after taking the dose. Friends and family members close to the patients reported primary end-of-life concerns influencing patients’ decisions to ingest the prescriptions as being loss of autonomy (100 percent), inability to participate in activities that made life enjoyable (86 percent) and loss of dignity (86 percent). All but four of the patients died at home, mostly under the care of hospice.

When asked if an act like Oregon’s might work in Florida, Bill Allen (JD 91), a UF College of Medicine associate professor and director of the Program in Bioethics, Law and Medical Professionalism somberly responded, “It has taken me years of teaching and consulting in this area and thinking about public policy to come to this conclusion, but dying is every bit as complicated as living. Because of technology we can keep people alive a lot longer but sometimes in circumstances they don’t value. ... we’re beginning to get to the point that we have to make choices about, not whether to live or die, but the timing and the circumstances. That’s a hard thing to do and it’s very complex. It’s worth some thought.”

# PARTNERS



Pictured left to right: Kendall Moore (JD 95), Jim Theriac (JD 74) and Greg Francis (JD 94), will serve as lead fundraisers in developing the scholarship.

## New Scholarship Created by UF Law Alumnus

“This could become our largest endowment to enhance diversity in the student body.”

Thanks to a generous \$100,000 challenge pledge from Jim Theriac, the Theriac-Moore Families Scholarship Fund has been created to promote diversity among the law student population. Alumni Kendall Moore (JD 95) and Jim Theriac (JD 74) are very enthusiastic about the project and hope this scholarship fund will have an everlasting effect

on the student body and future practitioners.

Announced at the Black Law Students Association Alumni Reunion Weekend in Orlando in March by Dean Robert Jerry and BLSA President Jonathan Blocker to the students, faculty and alumni in attendance, the funds will be used to establish an endowed scholarship for students of the law school to increase and improve interaction across social lines of gender, race, generation, geography and class for the college.

“Jim’s commitment, which also honors the family of his good

friend Kendall Moore, is a promise to match the first \$100,000 pledged or donated to this scholarship fund,” said Dean Robert Jerry. “I hope that our alumni and friends will rise to this challenge and take advantage of this match — plus, we hope, an eventual state match as well — to leverage their own gifts to this important fund and purpose. This could become our largest endowment to enhance diversity in the student body.”

For additional information, please contact Vince PremDas in the Office of Development and Alumni Affairs at (352) 273-0640.

### Contact Us:

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Fredric G. Levin  
College of Law  
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32611-7623  
(352) 273-0640

### In Recognition of Recent Gifts and Pledges

- **Mary Joan and Sam H. Mann Jr.** (JD 51) pledged \$375,000 to establish the Mary Joan and Sam H. Mann Jr. fund through their estate plans.
- **Joan K. and John H. Moore II** (JD 61) pledged \$200,000 to establish the John H. Moore II and Joan Kraft Moore Endowment Fund through their estate plans.
- **Eva and William Gruman** (JD 56) made a generous gift of art by Winslow Homer, valued at more than \$120,000, currently on display in the Lawton Chiles Legal Information Center.
- **Sidney A. Stubbs Jr.** (JD 65) made an unrestricted pledge of \$100,000.
- **The Robert S. & Mildred M. Baynard Trust** pledged \$100,000 to name the Martin Levin judicial chambers in the new Advocacy Center.
- **McLin & Burnsed, PA** pledged \$100,000 to create The McLin & Burnsed Scholarship Fund to honor the firm’s two founding partners, Walter S. McLin III (JD 62) and R. Dewey Burnsed (JD 65), both of whom passed away last year.
- **Ellen B. Gelberg, Esq.** (LLMT 77) donated \$73,500 to the Dennis A. Calfee Eminent Scholar Chair in Federal Taxation.

## Alumni Gift Establishes Summer Fellowship with Anti-Defamation League

A new summer fellowship has been established with a generous gift made by Evan Yegelwel (JD 80). Coordinated through the Center for the Study of Race and Race Relations, the Summer 2008

Yegelwel Fellowship provides a \$4,000 stipend



to a UF Law student to participate in a summer fellowship program at the Anti-Defamation League, Florida Regional Office in Boca Raton.

Following an intensive applicant selection process, Jana Wasserman (3L) was chosen by David Rosenkranz of the Anti-Defamation League Southern Area Counsel to receive the fellowship. Wasserman's fellowship will last eight weeks, and she will work a minimum of 35 hours per week. As part of her fellowship, Wasserman will conduct research on hate crimes, housing discrimination, education, bullying, and other bias-related topics.

The Yegelwel Fellowship is limited to UF Law students who have completed the first-year required curriculum and Constitutional Law prior to the fellowship summer and who at the time of application are in good academic standing. Yegelwel is a partner in the Jacksonville law firm of Brown, Terrell, Hogan, Ellis, McClamma, & Yegelwel.

# 1909-2009

## ATTENTION! Calling all Law Classes!

Mark your Calendars: April 24-25, 2009

In celebration of the College's 100-year Anniversary, in 2009 we will be holding an all-classes reunion. Events will include the "Century Reception" Friday night, a BBQ and individual "Decade Dinners" on Saturday. Plus, many more fun, family-oriented activities and the induction ceremony for the law school's Heritage of Leadership Class of 2009.

We need representatives from each decade to be involved in reunion planning committees. Please contact Victoria Rudd if you are interested in serving on the committee for your graduation year decade. 352-273-0640.

*Stay tuned for more information.*



- Fisher & Phillips LLP made a gift of \$50,000 to establish the Rebecca Jakubcin Labor & Employment Law Book Award Fund.
- Renee and Ladd H. Fassett (JD 79) made a \$50,000 unrestricted pledge.
- Stumpy Harris (JD 65) made a \$50,000 unrestricted pledge.
- Goldstein & Ray, PA pledged \$40,000 to establish the Goldstein and Ray Scholarship in honor of Assistant Dean of Admissions Michael Patrick.
- Lowndes, Drosdick, Doster, Kantor & Reed, PA made a pledge of \$25,000 to the Law Review Endowment.
- Vicki and Hal H. Kantor (JD 72) pledged \$25,000 to the Law Review Endowment.
- Hans (LLMT 77) and Deborah Tanzler made an unrestricted pledge of \$25,000.

**"...alumni provide the real margin of excellence for the college...It's important to realize that alumni help us not just through their gifts, but also through their advocacy..."**



## Sylvia Walbolt Recognized for Pro Bono Work

BY RACHEL ATTAL

While following in the footsteps of fellow UF Law alumni, Sylvia Walbolt (JD 63) found her passion for pro bono work and created a legacy that will undoubtedly inspire future lawyers.

As a young lawyer in the beginning of her career, Walbolt intently watched her mentor and UF Law alumnus William Reece Smith Jr. (JD 49) — known as Mr. Pro Bono throughout the country — provide legal counsel for the less fortunate. Seeing the difference he made in individuals' lives and the satisfaction he received from his experience, Walbolt was motivated to do

her part as a lawyer.

A proud "Double-Gator," Walbolt's motivation to help

the poor stems from her strong belief that lawyers are very privileged to have the opportunity to practice law and have the obligation to uphold their oath of office by assisting the oppressed. "There are so many unmet legal needs of the true disadvantaged," she said.

Although Walbolt has spent 44 years in the private sector at Carlton Fields in Tampa, Fla., she said she considers her pro bono work as the "single most satisfying part of her law career" and has the full support of her firm.

Carlton Fields prides itself as an advocate for pro bono causes by providing the same caliber work for pro bono clients as billable clients. Walbolt said her pro bono work is very gratifying because cases are not only won for individuals but also for the justice system itself. "It truly shows that the system works no matter whom the case involves," she said.

As a lawyer at a law firm that is dedicated to helping the poor, Walbolt has represented individuals in various pro bono cases, including representing migrant workers, the mentally ill and individuals on death row. Defending individuals on death row is a challenge but a "sobering experience," Walbolt said. These cases are especially difficult because the clients are often not nice people, but the justice process still ought to work, she added.

Walbolt challenges all lawyers to use their licenses to practice law to do their part in helping the poor. She also emphasized that trial lawyers are not the only lawyers who can do pro bono work. All lawyers regardless of their specialty can do some sort of pro bono work, she said. It's all about making a difference in an individual's life, whether it involves going to retirement communities on Saturday mornings to help senior citizens file for social security or volunteering with guardian ad litem, Walbolt explained.

In addition to her achievements as a shareholder of Carlton Fields, the demonstrated champion of pro bono causes has won numerous awards for her work, including the 2007 Florida Bar Presidents Pro Bono Service Award, ABA Section of Litigation 2006 John Minor Wisdom Public Service and Professionalism Award and Stetson University College of Law 2005 Wm. Reece Smith, Jr. Public Service Award.

Although she enjoys her significant role in her pro bono cases, Walbolt said balancing her private firm work and pro bono caseload is no easy task.

"But, if you want something done, give it to a busy person," Walbolt said.

**"Pro bono work is very gratifying because cases are not only won for individuals but also for the justice system itself."**

# CLASS NOTES

## 1955

**Robert Beckham**, an attorney with Holland & Knight of Jacksonville, was selected as this year's recipient of The Equal Justice Award, the highest honor given by Jacksonville Area Legal Aid (JALA). The award recognizes an attorney or organization who has most assisted JALA staff in accomplishing their mission of serving low-income people on the First Coast.

## 1956

In 2007, **Clifton R. "Pete" McDonald, Jr.**, gifted five works of artist Charles Bragg to the University of Florida. The art will be placed on display within the Levin College of Law. Clifton resides in Williamsburg, VA.

## 1960

Senior Circuit Judge **Thomas M. Gallen** was honored with the Lifetime Achievement Award by the Manatee County Bar Association.

Bay Area Legal Services announced the dedication of the "**L. David Shear** Law Center." The law center is named in honor of Shear for his record of service to the community and provision of legal services to the poor.

## 1965

**Gordon H. "Stumpy" Harris** has been elected as president-elect of the Gator Boosters organization for the University of Florida.

**Leroy Moe** is now the senior circuit court judge in the state. Judge Moe was appointed judge of the Broward County Court by Governor Askew in 1971, elected circuit court judge in 1972, and has been re-elected five times thereafter.

## 1966

**William B. Barnett** has been named as one of the "Best of The Bar," as published in the *Orlando Business Journal*.

## 1967

**Eric Smith** has retired as assistant dean for external affairs at Florida Coastal School of Law. He has joined the Tallahassee and state-wide Maddox Horne law firm and opened a Jacksonville, Fla. office for the firm. Smith is also the producer and host of the television program, "People and Politics," which airs each Friday evening at 9:30 on Comcast Cable Channel 29.

## 1968

Florida Governor Charlie Crist has appointed attorney **Kirk N. Kirkconnell** of Winter Park, Fla. to serve a four-year term on the Judicial Nominating Commission (JNC) for the Fifth District Court of Appeals.

Attorney General **Bill McCollum** gave the recent commencement address to 200 graduates of St. Thomas University in Miami Gardens, including 25 who received their Juris Doctorates.

## 1971

**Howard Coker** acted as leader in a U.S./Russia Joint Conference on the Rule of the Law in St. Petersburg, Russia. The conference was co-sponsored by People to People Ambassador Programs and the law faculty at Russia's St. Petersburg State University.

Kids Incorporated of the Big Bend honored **Steve Uhfelder** with the 2007 Budd Bell Award at the 17th Annual Night of Champions Nov. 12, 2007, for his lifetime achievement as an advocate for children.

## 1973

**Martha Barnett** was awarded the 2008 Robert F. Drinan Award for Distinguished Service for her commitment to the American Bar Association Section of Individual Rights and Responsibilities and its mission of providing leadership to the legal profession.

**Gerald A. Rosenthal** was named to 2008 Florida Super Lawyers for a second consecutive year.

## 1974

**Robert McAliley** has been promoted to partner of Rumberger, Kirk & Caldwell in Orlando, Fla.

## 1976

**Mark P. Buell** has been recognized as a leading trial lawyer in Florida Super Lawyers, Best Lawyers in America and the Legal Elite for 2008. Buell, of the firm Buell & Elligett, is board certified as a civil trial lawyer and a business litigation lawyer by The Florida Bar.

**Leonard J. Cooperman** has been appointed a United States administrative law judge in Springfield, Mass., within the Social Security Administration.



Beckham 55



Harris 65



McCollum 68



Barnett 73



Rosenthal 73



McAliley 74

## Share Your News

The e-mail address to submit Class Notes news has been changed to FlaLaw@law.ufl.edu. You also can mail submissions to: *UF Law Magazine*, Levin College of Law, University of Florida, PO Box 117633, Gainesville, FL 32611.

If you wish to include your e-mail address at the end of your class note, please make the additions to the class note and provide permission to print.

## CLASS NOTES



Wall 77

### 1977

**Linda A. Conahan**, shareholder and a member of Gunster Yoakley's litigation department, was named a top litigation and real estate lawyer by *South Florida Legal Guide 2008*.



Buford 80

Gov. Charlie Crist appointed **Hans Tanzler III** (LLMT) as one of nine members to serve on the St. Johns River Water Management District board. Tanzler is a certified public accountant and Florida Bar member who will represent the Lower St. Johns River Basin.



Leet 81

**Dennis J. Wall** has been selected by the editorial board of *Insurance Coverage for Catastrophe Claims* being published by Thomson West Publishing as a national leader in insurance law. He is also one of six coverage attorneys featured as a chapter author in *Catastrophe Insurance Claims Coverage: Leading Lawyers on Evaluating a Catastrophe Claim's Scope Investigating Claims and Developing Strategies for Prosecution and Defense*. Wall served as a guest speaker on A.M. Best Company podcast about "Web Logs and Insurance Law." Lastly, his Web log, "Insurance Claims and Issues," is the most popular and highest-ranked insurance Web log by the American Bar Association.



Hatcher 82



Risner 82

### 1978

**Maurice Baskin** has been named to the *Best Lawyers in America* annual legal rankings guide, published by Woodward/White, Inc. Gov. Charlie Crist announced the appointment of **Jay P. Cohen** of Orlando, Fla. to the Fifth District Court of Appeals.



Atkins 84

### 1979

**John J. "Jeff" Scroggin** (LLMT) has been appointed chairman of the Community Foundation for North Fulton in Georgia. Scroggin was quoted on the front page of the personal finance section of *The Wall Street Journal* on Oct. 19, 2007, and was profiled as an estate planning professional in *Wealth Management Business* in



Berg 86

January. He's made presentations to the Million Dollar Round Table, at the Financial Planning Association's national meeting, the Georgia Society of CPAs annual estate planning meeting, and many others.

### 1980

**Charles A. Buford** has joined the law firm of Johnson Pope Bokor Ruppel & Burns as a shareholder. Buford was formerly a partner with Harper Kynes Geller & Buford and is a board-certified civil trial attorney, business litigator and court-certified mediator.

### 1981

PEN USA presented its 2007 Award of Honor to several media attorneys, including **Thomas R. Julin** of Hunton & Williams. The award recognizes those who have done pro bono work at reduced fees to defend journalists against the vastly increasing numbers of federal subpoenas and other actions.

McDonough Holland & Allen shareholder **James L. Leet** (LLMT) was recently honored by the State Bar of California for his 20 years of service as a certified specialist in taxation law.

### 1982

The law firm of Zimmerman Kiser & Sutcliffe announced **Stephen B. Hatcher** (LLMT) as its new president. Hatcher has been with the firm since 1984 and focuses his practice in the areas of real estate transactions, business transactions and planning for taxable estates.

U.S. Preventive Medicine® announced the appointment of **Paul E. Risner** as executive vice president, general counsel. In his position Risner will be responsible for the company's legal issues related to its national and international operations, including acquisitions, licensing agreements and investor relations. He will be based in the company's new operations center in Jacksonville, Fla.

### 1984

**David J. Akins**, a shareholder in the Orlando, Fla. office of Dean Mead, was recently re-elected to the board of directors and elected first vice president of the Central Florida Estate Planning Council for 2008-2009.

Valenti Campbell Trohn Tamayo & Aranda in Lakeland, Fla., announced **Henry B. Campbell** has joined the firm as a partner. He is a civil trial lawyer who will continue to focus his practice in general civil litigation, commercial litigation, and personal injury defense law.

**Brian D. Stokes** has been designated a named partner in the Orlando, Fla. law firm of Unger Stokes Acree Gilbert Tressler & Tacktill, which specializes in the defense of medical malpractice, products liability, insurance claims and other complex litigation.

### 1985

**Mark Klingensmith** has been elected as a city commissioner for the town of Sewall's Point in Martin County, Fla.

**Neil Paulson** was interviewed by the *New York Times* on self-directed individual retirement accounts. The article, "Exotic I.R.A.'s: Leaving Stocks and Bonds Behind," was published Oct. 20, 2007.

**Michael W. Smith** has been named president of AIG Executive Liability. Smith was formerly president of AIG Financial Lines Claims and joined AIG in 1996 as division counsel in AIG Executive Liability's professional liability division. He subsequently served as executive vice president and chief underwriting officer before his promotion to president.

### 1986

**David Berg** has been named executive vice president for international strategy & corporate development for Best Buy.

# Mickle Honored for Decade of Service on Federal Bench

BY ALINE BAKER

Stephan P. Mickle (JD 70) pulled into the driveway of his parents' house as a young man and prepared to sell his beloved red Chevy Malibu.

Selling this car marked the defining moment when Mickle's parents realized he was serious about attending law school and no longer wanted to be a social studies teacher, his mother Catherine said. This decision to sell his car was the first step toward Mickle's unprecedented career.

Since then, a decade of service as a U.S. Federal Judge in the Northern District of Florida has been just one of Mickle's many contributions to the legal system — contributions the Center for the Study of Race and Race Relations (CSRRR) honored at the Hilton University of Florida Conference Center on March 28.

The CSRRR celebrated Judge Mickle's outstanding leadership and service to the community during its spring 2008 lecture series, which brought together many of the university's most prestigious alumni. Those in attendance included the first black student to receive a UF Law degree, W. George Allen (JD 62), the first black student to graduate from UF Medical School, Dr. Reuben Brigety (MD 70) and President J. Bernard Machen.

"I am very proud to see this day because I always knew that it was in Stephan to be great and to help his fellow man," Allen said. "He has accomplished so much, but I expected it of him and everyone else did as well. He has not

disappointed any of us. In fact, he has lived up to what we expected and more so."

Mickle is truly a man of firsts who has gained the respect of his peers, co-workers and the legal community for being an outstanding judge. He was the first black student to graduate from UF with a bachelor's in political science and his wife, Evelyn Moore Mickle, was the first black student to graduate from UF's nursing school. After being the second black student to graduate from UF Law, Mickle joined the UF faculty as an assistant

**"...he has lived up to what we expected and more so."**

professor while also becoming the first black attorney to establish a law practice in Gainesville, Fla. Mickle was the first black man to receive UF's Distinguished Alumnus Award in 1999.

After having his own private law practice for seven years, Mickle became the first black county judge for Alachua County and has been a judge ever since. He served as a judge in Florida's Eighth Judicial Circuit in 1984 before becoming the first and only black lawyer from the Eighth Judicial Court appointed to the First District Court of Appeals.

"In September of 2009, I will have been a judge for 30 years," Mickle said at the program.

"During that time, I have seen the good, the bad and the ugly, yet every day I go to work and I look



for the good in people."

In 1998, President Clinton nominated Mickle to the federal bench, which the U.S. Senate unanimously confirmed.

Mickle has always been a leader and advocate for equal justice but has overcome

diversity with honor while climbing the ranks as a judge.

"He is living proof that diversity produces excellence," said UF Associate Professor Elizabeth Rowe.

Katheryn Russell-Brown, director for the CSRRR, presented a plaque to Judge Mickle as a symbol of his time at UF as a student and educator and to honor him for bearing witness of the changing times at the university since 1962.

"I really appreciate all that the center and law school has done, and it's the kind of thing I feel humbled by," said Mickle. "I am thinking to myself that, 'I did this stuff,' but it didn't seem as significant at the time and now I can see what they are talking about."

Judge Stephan Mickle embraces his wife Evelyn. Both Mickles made history at the University of Florida — Judge Mickle as one of seven African-American undergraduate students first admitted to UF in 1962 and the second African-American to graduate from UF Law in 1970, and Evelyn as the first African-American graduate of the UF College of Nursing in 1967.

# Light in the Storm

Juliet M. Roulhac

BY JASON SILVER

When it comes to UF Law alums powering up the legal profession all across the state, Juliet M. Roulhac (JD 87) is leading the charge as one of Florida Power and Light's (FPL) senior attorneys.

Roulhac, who serves both on the UF Law Board of Trustees and The Florida Bar's Board of Governors, has been with the General Counsel's Office of FPL for the past eight years. She was an active student while in law school, taking part in moot court competitions, and was a leader in the Black Law Students Association.

"Being on the moot court really allowed me to think on my feet and build confidence, which worked out well because the experience led me into something I would eventually do," she said. "Without the experience I may have never realized how much I love litigation."

UF Law's support of the Black Law Students Association while Roulhac was in school really made a difference in her leadership development, she said.

"The law school was always very supportive of sending BLSA members to represent UF Law at moot court competitions around the country," Roulhac said. "I interacted with amazing lawyers nationally and statewide, and I really appreciated the law school's support."

In 2002, Roulhac took the leadership experiences she gained in law school to become the first African-American to be president of the Young Lawyers Division of the Florida Bar. The experience was tremendous, she said.

"One of the greatest benefits is that you're affiliated with leaders of the bar and future leaders of the bar," Roulhac said. "Whatever legal issues I have around the state, I can call someone in every circuit due to the relationships I have built through the experience."

Although she specializes in litigation with FPL, there's never a dull moment around the Miami office, especially when a hurricane comes through the state.



Roulhac

"When an emergency situation occurs, that's when the real team mentality of FPL kicks in because everyone is expected to pitch in and help each other, no matter their role," she said. "The biggest thing is when everything shuts down around the office; it has a major impact on the General Counsel's Office because most employees are out on storm duty."

Roulhac says the daily challenges of having to work with diverse kinds of cases makes her job at FPL very appealing.

"There's a great diversity in the types of matters we deal with in the office," she said. "When I got here I had to learn about electrical engineering, which is something I found to be very exciting."

For current students who want to get involved with corporate law or a general counsel's office, Roulhac says knowing your client and developing relationships are most important.

"My advice is that you develop client relationships, and understand the business," she said. "The reality is that anything you do may impact the organization."



Mandel 86

**Hal R. Bradford** has joined the law offices of Moyle Flanigan Katz Breton White & Krasker as an associate. He practices in the areas of real estate, land use and development law.

Fisher & Phillips LLP, a national labor and employment law firm, announced that **Jeffrey Mandel** is among five of Florida's most respected labor and employment attorneys who have joined the Firm's Orlando, Fla. office.



Wallace 86

**Hugh W. "Bill" Perry** has been named the new managing shareholder for Gunster Yoakley.

**Asifa Sheikh** and her family have endowed a professorship in the University of Florida Department of Religion. The professorship, honoring the life of the family matriarch, Izzat Hassan Sheikh, intends to foster a greater understanding of Islam in the modern world.

**David A. Wallace** served as a panelist at the Sarasota County Bar Association's Appellate Practice Section CLE seminar titled, "Inside the Second District: A Presentation for Trial and Appellate Lawyers,"

held at the University of South Florida's Sarasota Campus on May 16.

## 1987

Carlton Fields Miami Shareholder **Gary M. Pappas** recently served as a presenter for a webinar titled "Trouble From China" on behalf of the Sporting Goods Manufacturers Association. The webinar focused on domestic products liability issues arising from products or component parts made in China.

**Kurt M. Spengler**, a senior partner residing in the Orlando, Fla. office of

Wicker Smith O'Hara McCoy & Ford, was named to the American Board of Trial Advocates (ABOTA). ABOTA is a national association of experienced trial lawyers and judges dedicated to the preservation and promotion of the civil jury trial right provided by the Seventh Amendment to the U.S. Constitution.

1988

**Timothy Campbell** is the new chairman of the 2,100-member Lakeland Area Chamber of Commerce.

**R. Scott Costantino** of the Jacksonville, Fla. firm Liles Gavin Costantino & George has been elected to the American Board of Trial Advocates. ABOTA is a national organization devoted to the preservation of the right to trial by jury. He is a board-certified civil trial lawyer and specializes in complex personal injury, wrongful death and medical negligence cases. Costantino resides in Ponte Vedra Beach with his wife and four children.

Valenti Campbell Trohn Tamayo & Aranda in Lakeland, Fla., announced **James C. Valenti** has joined the firm as a managing partner. Valenti is a civil trial lawyer who will continue to focus his practice in general civil litigation, commercial litigation, and personal injury law.

1989

**Stuart R. Morris**, founding partner of Morris Law Group in Boca Raton, Fla., has been named to *Worth Magazine's* Top 100 Attorneys list for the second year in a row.

1990

**Joseph "Joe" L. Amos** was appointed by The Florida Bar to serve on its Supreme Court Standard Jury Instructions Committee for Civil Courts.

**Joseph A. Osborne**, a partner in the plaintiffs' trial law firm Babbitt Johnson Osborne & Le Clainche in West Palm Beach, Fla., has been accepted into the Multi-Million and Million-Dollar Advocates Forums.

Valenti Campbell Trohn Tamayo & Aranda in Lakeland, Fla., announced **Jonathan Trohn** has joined the firm as a partner. Trohn is a civil trial lawyer, who will continue to focus his practice in general civil litigation, commercial litigation, and personal injury defense law.

**Johnathan Short** is now senior vice president and general counsel of Inter-Continental Exchange (ICE), a New York Stock Exchange company.

**Kathleen Smith** was appointed by Gov. Charlie Crist to serve as head of the Office of the Public Defender in the Twentieth Judicial Circuit serving Charlotte, Collier, Glades, Hendry and Lee counties. She had previously served as assistant deputy public defender for the agency, which represents criminal defendants unable to afford their own lawyers, replacing Robert Jacobs II, who died in December after suffering a stroke.

1991

**William N. Halpern**, real estate attorney with the law firm of Shuffield-Lowman, was recently named a firm shareholder.

**John V. Tucker** was recently elected to the board of trustees of the National Multiple Sclerosis Society, Mid-Florida Chapter. Tucker practices law with Tucker & Ludin, P.A. in Clearwater, Fla. where he is managing shareholder. Tucker also was a feature speaker at the Multiple Sclerosis Society Mid-Florida Chapter Seminar titled "Financial Planning for a +Life with MS," where he spoke on applying for and receiving disability benefits.

1992

**Morgan R. Bentley** has been selected by The Florida Bar for its 2008 Florida Bar President's Pro Bono Service Award. He was one of 20 winners.

**Jeffery M. Goodz** has joined the law offices of Moyle Flanigan Katz Breton White & Krasker as an associate. He practices in the areas of employment and labor law.

1994

Roetzel & Andress announced **Michael McNatt** is the first attorney in Orlando, Fla. to become a U.S. Green Building Council LEED Accredited Professional (LEED AP). He was also recently appointed to the Sustainable Development National Forum of the National Association of Industrial and Office Properties (NAIOP) and elected its chairman.

1995

The law firm of Broad and Cassel announced the addition of **Thomas G. Norsworthy**, of counsel, who joins the Firm's Orlando, Fla. office and the Affordable Housing and Tax Credit Practice Group.

1996

Gov. Charlie Christ appointed **Holly Benson** to serve as secretary for the Florida State Agency for Health Care Administration.

**William T. Hennessey**, a litigation attorney and shareholder at Gunster Yoakley & Stewart in West Palm Beach, Fla., has been elected a fellow of the American College of Trust and Estate Counsel (ACTEC). He is one of approximately 138 lawyers in Florida and 2,700 nationwide to earn this distinction. He was also named an "Up & Comer" in trust and estate litigation and estate planning by *South Florida Legal Guide 2008*.

**Christopher A. McMican** (LLMT) was promoted from senior counsel to principal for the law firm of Miller Canfield in Detroit, Mich. His practice

**Best Lawyers in America**

As an addendum to the list published in the last issue of *UF Law* of those who informed us of their selection, we'd like to add the following:

- James Cobb (JD 58)
- Linda Conahan (JD 77)
- Maurice Baskin (JD 78)
- Michael Simon (JD 88)
- Stephen Vogelsang (LLM 87)



Morris 89



Amos 90



Osborne 90



Halpern 91



Tucker 91



Norsworthy 95



Hennessey 96



McMican 96



Goetz 97

focuses on employee benefits law with an emphasis on qualified retirement plans, nonqualified deferred compensation, health and welfare benefits, and estate planning.

## 1997

The managing shareholder of Asbell Ho Klaus Goetz & Doupe, **Nicole L. Goetz**, and associate attorney **Stephanie Sussman**, made a presentation at the Trusts and Estates Section meeting of the Collier County Bar Association on March 7. The title of the presentation was "Can You Trust Your Trusts and Presume Your Prenuptials Will Protect Your Clients?: A Brief Overview of Family Law for the Estate and Trust Practitioner."

**Pardis Zomorodi** was elected partner of Latham & Watkins in Los Angeles, Calif. She is a tax attorney with a focus on the federal income taxation of corporations, partnerships and real estate investment trusts, including planning and structuring mergers, acquisitions and financing transactions.

## 1998

**Michael G. Archibald**, of Marshall, Dennehey, Warner, Coleman & Goggin in Tampa, Fla., was named a shareholder of the firm.

**Rebecca C. Cavendish**, a shareholder and member of Gunster Yoakley & Stewart's litigation department, was named an "Up & Comer" in complex commercial litigation and employment by *South Florida Legal Guide 2008*.

**Jason Gonzalez**, general counsel to the Republican Party of Florida, is Gov. Charlie Crist's new full-time general counsel. He is a shareholder at Ausley & McMullen, an old-line Tallahassee firm, and is a member of the Florida Supreme Court Judicial Nominating Commission.

Miami attorney **Kenneth Dante Murena** has recently become of counsel to the law firm of Damian & Valori. His area of practice will continue to concentrate on commercial, bankruptcy and fraud litigation.

**Harvey E. Oyer III**, a fifth-generation native of Palm Beach County, has joined the statewide law firm Shutts & Bowen in West Palm Beach as a partner and will chair the office's land use practice group.

Broad and Cassel announced **Stephen Grave de Peralta** has been named a partner with the south Florida firm and is a member of the firm's corporate and securities and real estate practice groups. He has been with the firm since 2000.

**Michelle Tomlinson Williams** was invited to be the keynote speaker at the Caribbean Law Student's Association Banquet at the UF Levin College of Law. Ms. Tomlinson Williams is senior director & counsel at Hilton Grand Vacations, which develops, sells and operates timeshare resorts for Hilton Hotels Corporation and the Blackstone Group. She is lead counsel for the resort operations, international, information technology and association governance practice areas, and handles general corporate matters.

## 1999

**Kara K. Baxter**, an associate with the law firm Greenberg Traurig, has been designated as a Leadership in Energy and Environmental Design Accredited Professional (LEED AP) by the United States Green Building Council (USBGC).

The Law Firm of Shutts & Bowen announced the election of **Andrew J. Fruit** as a new partner of the Tampa office at its recent annual meeting. He is a member of the corporate department and represents clients in mergers and acquisitions matters, while focusing on corporate law, contracts, securities and corporate finance.

**Candy Messersmith** has been promoted to partner of Rumberger, Kirk & Caldwell in Orlando, Fla.

**Stefan Rubin**, a partner with Ruden McClosky's Orlando, Fla. office, was named among the "Best of the Bar" by the *Orlando Business Journal*.

## 2000

The Law Firm of Shutts & Bowen announced the election of **Roland Gallor** as a new partner of the Miami office at its recent annual meeting. He is a member of the firm's real estate department and focuses his practice on the transfer of commercial property. This representation includes acquisitions, sales, leasing and lending. He works with banks and other lending institutions, as well as developers and property owners.

The Orlando, Fla. firm of Lowndes, Drosdick, Doster, Kantor & Reed announced **Jill Harmon** has been elevated to a partner/shareholder.

Advanced Disposal Services, Inc., a regional provider of integrated solid waste collection, transfer, and disposal services announced the hiring of **Christian Mills** to the newly-created position of vice president-general counsel. Mills will work out of Advanced Disposal's corporate office in Jacksonville, Fla.

**Brian and Beth Mulligan** were blessed with the birth of their second child, Jake Donal Mulligan, born Sept. 22, 2007. Their first son, Quinn Michael Mulligan was born in July of 2006.

The law firm, Quarles & Brady, announced **David Pash** joined the firm's trusts & estates group in the Naples office.

The Orlando, Fla. law firm of Zimmerman, Kiser & Sutcliffe, named **Jeremy S. Sloane** as a new shareholder for 2008.

The Law Firm of Shutts & Bowen announced the election of **Ricardo J. Souto** as a new partner of the Miami office at its recent annual meeting. He is a member of the International and Tax Practice Group, where he concentrates his practice in taxation, estate planning and business planning. He advises foreign clients with respect to investments in the United States



Archibald 98



Murena 98



Fruit 99



Gallor 00



Harmon 00



Sloane 00



Souto 00

# A Lifetime of Service

Robert M. Ervin

BY ALINE BAKER

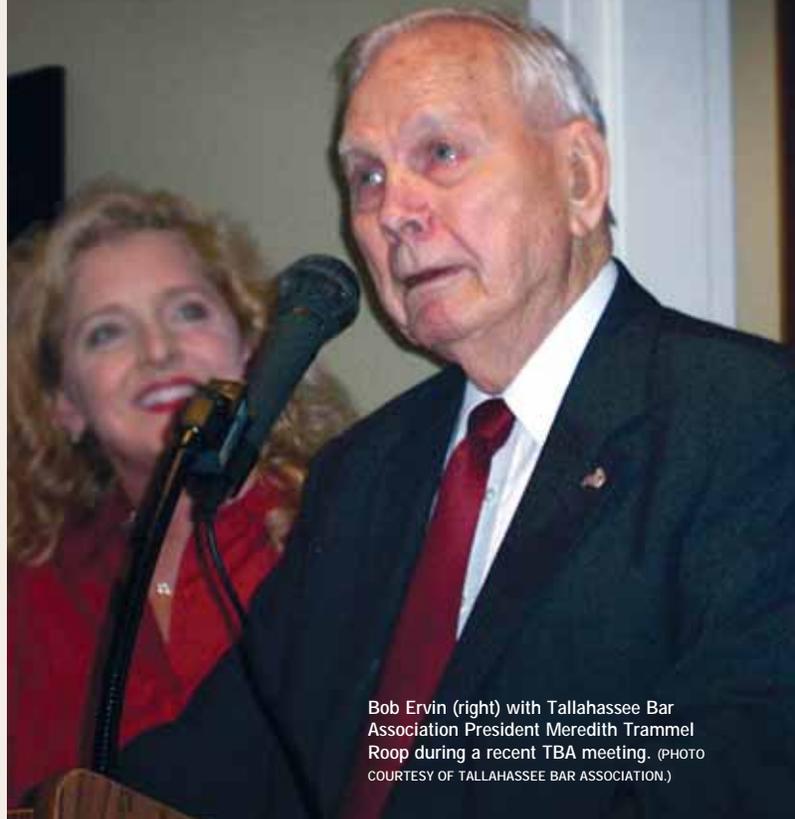
**A**t 92, he is the oldest living past president of The Florida Bar, but that doesn't stop Robert M. Ervin (JD 47) from maintaining an active role in the legal profession.

In acknowledging Ervin's dedication and service to the field, the Tallahassee Bar Association (TBA) honored its oldest active member by naming the new Lawyers' Commons in the Leon County Courthouse after Ervin. TBA President Meredith Trammell Roop announced on Aug. 7, 2007, that the TBA board voted unanimously for the "Robert M. Ervin Lawyers' Commons" and held a ribbon-cutting ceremony after the completed construction in March.

"Most people do not know the depth of Bob's service to our profession both directly and indirectly, but are even more unaware of his contributions of infinite time, energy, vision and dedication to our citizenry outside of the bar associations," Trammell Roop said. "He is probably the most accomplished person I have ever known, yet he is a man full of humility and compassion who never misses a chance to be nice to others."

Ervin's service to his country is something many of his friends and co-workers admire him for as well. In the middle of his law school career, Ervin, a "Double-Gator," left to join the U.S. Marine Corps during World War II and served for two tours before being discharged in 1946 with the rank of Major — all before completing his law degree. Ervin continued this patriotism as a retired Colonel of the USMC, leading the organization of and commanding the Marine Corps Reserve Staff Unit (VTU 6-13) in Tallahassee for 18 years.

His leadership and accomplishments on paper do not begin to illustrate the wonderful contribution and influence Ervin has made on attorneys throughout the state. Throughout his illustrious career, Ervin



Bob Ervin (right) with Tallahassee Bar Association President Meredith Trammell Roop during a recent TBA meeting. (PHOTO COURTESY OF TALLAHASSEE BAR ASSOCIATION.)

served as president of the TBA, served on the Florida Constitution Revision Commission, authored much legislation, as well as articles in various scholarly publications.

"We can all learn how to practice our profession, treat others, to get the job done, and to make the world a better place," Trammell Roop said. "Bob Ervin's list of accomplishments and successes serve as a blueprint for how to get the most out of a law degree and how to use every opportunity in life to make a difference rather than just get by."

"My debt of gratitude to the University of Florida, particularly to the College of Law is boundless; not simply for the formal and professional training but the commencement of my 'Gator Nation' awareness," Ervin said.

and related income tax and estate planning matters.

## 2001

**Brandon Biederman** was recognized by the *South Florida Business Journal* during the journal's 2007 Up & Comers Awards ceremony. "UP & Comers" awards recognize the outstanding young business leaders under the age of 40 who are making their mark in South Florida.

The law firm of Arnstein & Lehr announced **Loren W. Fender** has become a member of the firm. Fender's practice is concentrated on commercial and tort litigation with emphasis in complex product liability matters involving catastrophic personal injury and wrongful death.

**Brad Gould**, an associate with the law firm of Dean Mead, has been elected chairman of the board for Big Brothers Big Sisters of St. Lucie, Indian River and Okeechobee counties. Gould has been on the board since 2005 and has also served as vice president.

The Orlando, Fla. law firm of Zimmerman, Kiser & Sutcliffe, named **Katherine E. McKinley** as a new shareholder for 2008.

**Roger H. Miller III** was named a shareholder with Farr, Farr, Emerich, Hackett & Carr, of Punta Gorda, Fla. Miller concentrates his practice in the areas of real estate and civil litigation. He is also serving as president of the board of directors

for Charlotte County Habitat for Humanity.

**David M. Migut**, assistant city attorney for the City of Fort Myers, has become board-certified by The Florida Bar in city, county and local government law.

**Roger H. Miller III** was named shareholder with Farr Farr Emerich Hackett & Carr, of Punta Gorda, Fla. Miller concentrates his practice in the areas of real estate and civil litigation and also serves as president of the board of directors for Charlotte County Habitat for Humanity.

The Florida business law firm Berger Singerman announced **Marc S. Shuster** has joined the



Gould 01



McKinley 01



Shuster 01

# Double Gator appointed UF Trustee

## S. Daniel Ponce

BY RACHEL ATTAL

**G**ov. Charlie Crist appointed S. Daniel Ponce (JD 73) to succeed Manny Fernandez as a member of the University of Florida Board of Trustees. Ponce's term as UF trustee began Jan. 8. He joins two other UF Law alums who have served as UF trustees, Courtney Cunningham (JD 86), who continues to serve on the board, and C. David Brown II (JD 78) whose term expired Jan. 6.

Ponce, 59, of Gainesville, is a "Double-Gator" who received his bachelor's degree in business (BSBA) with honors in 1970 and his law degree in 1973, both from the University of Florida. He is a partner in Legon Ponce & Fodiman P.A., a law firm based in Miami. Ponce also is chairman of the board of Imperial Industries Inc., a NASDAQ-traded company.

"I'm honored that the governor has given me the opportunity to serve the university that I love so much," Ponce said. "I look forward to working with the other trustees in guiding the university toward its goal of being among the top 10 public universities in America."

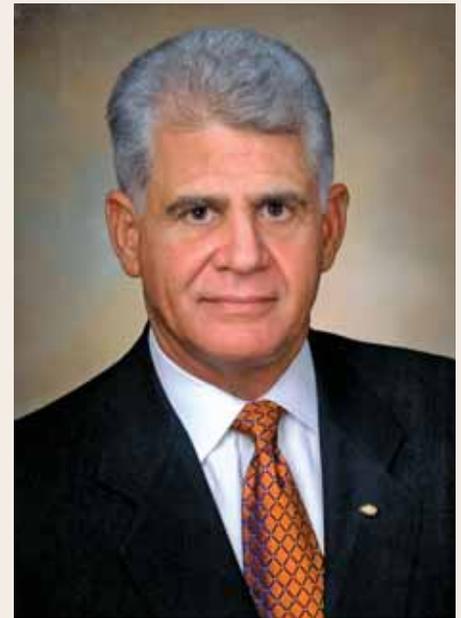
Ponce already serves UF as a member of the boards of University of Florida Foundation and the University of Florida Athletic

Association. He also was a past president of the UF National Alumni Association. He recently was named president and chairman of the Orange Bowl Committee.

Ponce was the keynote speaker at the Levin College of Law's commencement ceremony May 9.

Ponce is president and chairman of the Orange Bowl Committee and is on the executive board of the New World School of the Arts in Miami. He is a member of the board of directors of the UF Foundation, serving on the Audit and Finance committees and also currently serves on the University of Florida Athletic Association Board, having served on the Audit Committee, Finance Committee and the Athletic Director Search Committee. Ponce has served for many other organizations and has received many awards, including the University of Florida Hall of Fame.

Ponce served as Senator Bob Graham's special counsel in Washington, D.C. in 2002. Ponce was formerly assistant general counsel and acting executive assistant to the State of Florida Comptroller and cabinet officer (1974-75).



Ponce, former Florida Blue Key president, has been a lawyer in the State of Florida since 1974, a certified public accountant since 1972, and is admitted to practice law in all courts of the State of Florida and federal Courts, including the United States District Courts for the Southern, Middle and Northern Districts of Florida, the Eleventh and Fifth Circuit Court of Appeals and the United States Supreme Court.



Young 01

firm as an associate. He is a member of the transaction team based in the firm's Fort Lauderdale, Fla. office.

Fisher & Phillips LLP, a national labor and employment law firm, announced **David Young** is among five of Florida's most respected labor and employment attorneys who have joined the firm's Orlando, Fla. office.

### 2002

**Reuben A. Doupe** has become a shareholder with the marital and family law firm of Asbell Ho Klaus Goetz & Douopé in Naples, Fla. He will continue to practice exclusively in marital and family law.



Persis 04



Gobeo 05

The Sarasota, Fla. law firm of Williams Parker Harrison Dietz & Getzen announced **Jennifer Lodge** has joined the firm's litigation department.



Sheesley 05

### 2003

**Laura Leslie-Schuemann** has recently joined the Stuart office of Gunster Yoakley & Stewart. She is a private wealth services attorney who concentrates her practice in trusts and estates, tax preparation and estate planning.

**Cristina Papanikos** has recently joined the West Palm Beach, Fla. offices of Gunster Yoakley & Stewart. She is a litigation attorney and concentrates her practice in estate, trust and guardianship litigation, as well as employment litigation.

### 2004

**Chad M. Muney** has joined the law offices of Moyle Flanigan Katz Breton White & Krasker as an associate. His practice focuses on business litigation, construction law,

real property disputes, landlord and tenant, and first party insurance coverage.

Carlton Fields' associate, **Karen L. Persis**, was appointed president-elect of the Central Florida Gator Club – the largest alumni chapter of the University of Florida Alumni Association.

### 2005

After law school, **Jennifer C. Finch** worked as in-house counsel for Sunterra Corporation in Las Vegas, Nev. In September of 2007, she took an in-house position with Starwood specializing in registrations and government relations, working out of Orlando, Fla.

Fisher & Phillips LLP, a national labor and employment law firm, announced **David Gobeo** has joined the firm's Fort Lauderdale, Fla.

## Dear Editor...

UF Law welcomes your feedback. Send letters to Lindy Brounley, *UF LAW* Editor, UF Law Communications, P. O. Box 117633, Gainesville, FL 32611-7633, or e-mail it to [brounley@law.ufl.edu](mailto:brounley@law.ufl.edu).



office as an associate. He will focus his practice on employment litigation, including discrimination, harassment and wage and hour claims.

McGlinchey Stafford announced that **Robert D. Sheesley** has joined the firm as an associate in New Orleans, La. Sheesley practices in the commercial litigation section of the firm and has considerable experience representing private employers in labor and employment litigation and compliance matters.

**Mark W. Terrell** (LLMT) joined the Orlando, Fla. office of Dean Mead as an associate in the estate and succession planning department.

## 2006

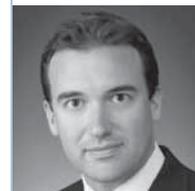
**Amy Fletcher** has joined the National Veterans Legal Services Program in Washington, D.C. as a staff attorney.

**Brian McAlhane**y has joined Nelson Mullins Riley & Scarborough in Greenville, S.C., to practice in the area of intellectual property law.

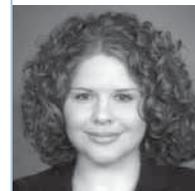
## 2007

**James M. Bandoblu Jr.** (LLMT) has joined Hodgson Russ LLP's Federal/International Tax Practice Group in the firm's Buffalo, N.Y. office.

**Daniel J. Cooper** has joined the law firm of Armstrong Teasdale in St. Louis, Mo. and focuses his practice primarily in the areas of tax, employee benefits, trusts and estates, and public law and finance.



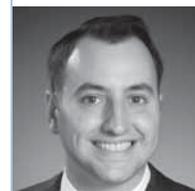
Terrell 05



Fletcher 06



McAlhane 06



Bandoblu 07

► **IN MEMORIAM** online at [www.law.ufl.edu/in\\_memoriam.pdf](http://www.law.ufl.edu/in_memoriam.pdf)

## Young Lawyer Meets the Bar

Jewel White Cole

BY RACHEL ATTAL

**T**riple-Gator Jewel White Cole (JD 95), the youngest of four children and first in her family to graduate from college, is used to making big strides. The latest one is as president of The Florida Bar Young Lawyers Division, an office she will take in June.

Cole doesn't mind spending her nights and weekends planning for her new leadership position because of the numerous community outreach opportunities it will offer. Everything in the organization is focused on serving members or the community, she said. "It is my goal to educate current and future attorneys that The Florida Bar not only regulates but helps attorneys do meaningful things for the community."

As president, Cole's initiatives will be to continue the division's focus on student outreach to current law students at Florida's 10 law schools and working towards developing a law student division of The Florida Bar to facilitate more networking opportunities. The Florida Bar Young Lawyers Division also provides professional opportunities for current attorneys,

including sponsoring numerous continuing legal education (CLE) programs throughout the year and hosting networking activities with local bar associations.

However, these programs couldn't be implemented successfully without the division's continuous efforts to forge partnerships with other organizations, such as the Florida Bar Foundation, for grants to successful execution of the projects. "It is a way to spread money around the state for great member and community programs," she said. "Our division includes the true worker bees of The Bar."

This fifth-generation Ft. Myers native spent eight years in Gainesville, where she received a bachelor's degree in sociology, master's degree in urban and regional planning and JD. After graduating from law school, Cole moved to Clearwater, Fla., and began working as a land use attorney at the Pinellas County Attorney's Office. "Working in the public sector of land use and environmental law allows me to be part of the solution in Florida," she said. During her 12-year stint, her position has morphed into more of an in-house counsel position than litigation, including writing ordinances and helping direct



policy making at the staff level. "I'm working to truly shape the future of the county," she said. "I have become more of a jack-of-all trades." Cole is board-certified in city, county and local government law by The Florida Bar.

Although Cole grew to love Gainesville, she had a difficult time leaving her beach-filled weekends behind in Ft. Myers before attending college. "I was a beach bum kid and suffered from severe separation anxiety from the beach," she said. But after one year in Gainesville, Cole appreciated the city's differences. "There is something in the air up there in Gainesville," she said. "I'm always proud to be a Gator."

# NOTAS BENE

## Faculty Scholarship & Activities

### Mary Adkins

*Legal Skills Professor*

- Selected to receive an Association of Legal Writing Directors 2008 Summer Research Grant to fund the project, "Effects of the 'Wired Courtroom' on Appellate Practice and Review."
- Argued *Herbert Price v. State* before the Florida Supreme Court in December.

### Mary Jane Angelo

*Associate Professor*

- Published "The Killing Fields: Reducing the Casualties in the Battle Between U.S. Endangered Species and Pesticide Law," 32 *Harvard Environmental Law Review* 95 (2008).
- Published the book chapter "Reforming the Federal Insecticide, Fungicide, and Rodenticide Act" in *CPR for the Environment: Breathing New Life into the Nation's Major Environmental Statutes, A Legislative Sourcebook of Progressive Ideas for Members of Congress and Staff* (Alyson Flournoy and Matthew Shultz, eds.) (2007)
- Presented "Florida Wetlands, New Case Law, New Regulations and New

Directions" to the CLE International, Tampa, Fla., Nov. 29, 2007.

- Presented "Harnessing the Power of Science in Environmental Law: Why We Should, Why We Don't, and How We Can" at the Texas Law Review's Symposium "Harnessing the Power of Information for the Next Generation of Environmental Law" at the University of Texas Law School, Feb. 1.

### Thomas T. Ankersen

*Legal Skills Professor; Director, Conservation Clinic, Center for Governmental Responsibility*

- Served on Florida Building Commission's Green Building Task Force, which developed a model green building ordinance for Florida based in large part on the ordinance the UF Law Conservation Clinic developed for the City of Gainesville, Fla. November – February.
- Presented a paper titled, "Lawyers (and law students) without Borders: Transnational Collaboration in Climate-induced Endangerment Petitions Under the World Heritage Convention" at the Michigan State Journal of International Law

symposium "A Climate of Disruption: Legal Measures for Adaptation and Mitigation," Feb. 15.

- Presented a paper titled, "A Long Slow Flood: Comprehensive Coastal Adaptation Planning for Sea Level Rise" at the Widener Law Review annual symposium "Living with Climate Change: Legal Challenges in a Warmer World," April 15.
- Served as UF Provost's Faculty Fellow for Sustainability and in that capacity directed the development of an undergraduate minor in sustainability approved by the university-wide curriculum committee. The minor is unique in its incorporation of a service learning capstone based partly on a clinical model, 2008.
- Presented a white paper, with conclusions and recommendations for a comprehensive reform of Florida's boating laws, to the Florida Boating Advisory Council under contract with the Florida Fish and Wildlife Conservation Commission, 2008.
- Moderated the closing policy synthesis for the UF Water Institute Symposium "Sustainable Water Resources: Florida's Challenges; Global Solutions," Feb. 27-28.

## Faculty Profile: Bill Page

### Page to Serve as Senior Associate Dean for Academic Affairs

Professor Bill Page will begin serving this summer as UF Law's senior associate dean for academic affairs. Page joined UF Law in 2001 as the Marshall M. Criser Eminent Scholar in Electronic Communications and Administrative Law.

Page, whose teaching and scholarship includes antitrust, civil procedure, administrative law,

telecommunications, local government, intellectual property, constitutional law and energy policy, has a J.D. from the University of New Mexico and an LL.M. from the University of Chicago. He came to UF Law from Mississippi College School of Law, where he served as the J. Will Young Professor of Law.

"I believe Bill is an excellent choice, and that he is the right colleague to serve in this leadership role," Dean Robert Jerry said.

Page is the author of *The Microsoft Case: Antitrust, High Technology, and Consumer Welfare*, among other books, and has extensively published articles in prominent law journals.



- Moderated the closing plenary of the 14th Annual UF Law Public Interest Environmental Conference "Reducing Florida's Footprint: Stepping Up to the Global Challenge," Feb. 28 - March 1.

**Dennis A. Calfee**

*Professor; Alumni Research Scholar*

- Named Distinguished Accredited Estate Planner by the National Association of Estate Planners and Councils, 2008.

**Charles W. Collier**

*Professor; Affiliate Professor of Philosophy*

- Published "Presidential Debates and Deliberative Democracy," 117 *Yale Law Journal* Pocket Part (2008).
- Published article, "Terrorism as an Intellectual Problem," in 55 *Buffalo L. Rev.* 815 (2007)

**Professor Stuart R. Cohn**

*Gerald A. Sohn Research Scholar; Associate Dean for International Studies*

- Published "Capital Offense: The SEC's Continuing Failure to Address Small Business Financing Concerns," 4 *NYU J. Law & Bus.* 1 (2007).
- Gave an address at the ABA International Law Section Conference in New York, April 4, on "Legal and Financial Developments in Cross-Border Finance Between Africa and the United States."

**Jonathan R. Cohen**

*Professor; Associate Director, Institute for Dispute Resolution*

- Published "Coping with Lasting Social Injustice," 13 *Washington and Lee Journal of Civil Rights and Social Justice* 259-283 (2007).

**Jeffrey Davis**

*Professor; Gerald A. Sohn Scholar*

- Published "Florida's Beefed-Up Assignment for the Benefit of Creditors as an Alternative to Bankruptcy," 19 *U.F. J. L. & Pub. Pol.* 17, (2008).

*Time Magazine, March 3, 2008*

“ One of the things about these high risk activities is that if you're going to participate in them you assume a certain kind of risk.... Is the thing that killed him something that you normally associate with shark watching? Or, is it something that could have been avoided had the company used reasonable care? ”

—Lyrisa Lidsky, Professor; UF Research Foundation Professor  
*Speaking on the question of whether a tour operator failed to use reasonable care when he took a group of tourists diving with sharks, one of whom was attacked by a shark and killed, without the use of cages.*



LIDSKY

**Elizabeth Dale**

*Affiliate Professor of Law; Associate Professor of Constitutional and Legal History, Dept. of History*

- Published "Death or Transformation? Educational Autonomy in the Roberts Court in the 2006-2007 Supreme Court Review," guest editor Erwin Chermersky, 43 *Tulsa Law Review* (2008).
- Published "People v. Coughlin and the Criminal Jury in Late Nineteenth-Century Chicago, as part of a symposium issue on the Modern Jury published in 28 *Northern Illinois University Law Review* (2008).
- Published "Employee Speech & Management Rights: A Counterintuitive Reading of Garcetti v. Ceballos," 29 *Berkeley Journal of Employment & Labor Law* (2008).
- Published "Criminal Justice in the United States, 1780-1920: A Government of Laws or Men?" 2 *Cambridge History of Law in America* (Christopher Tomlins and Michael Grossberg, eds.) (2008)
- Published "Review Essay: Two Ways of Looking at the Founding," 35 *History: Reviews of New Books* 129 (2008).

**Patricia E. Dilley**

*Professor*

- Presented "Work and Institutions" at a session on "Gender and Class: Voices from the Collective," held by the Section on Women in Legal Education and co-sponsored by

several other sections at the AALS Annual Meeting in New York City, held Jan. 2-6.

**Nancy E. Dowd**

*Chesterfield Smith Professor of Law*

- Published "Multiple Parents/Multiple Fathers," 9 *Journal of Law and Family Studies* 231 (2007) "Keeping it Real: Fathers, Masculinities and Work/Family Policy," presented at New Legal Realism meets Feminism & Legal Theory II: Empirical Perspectives on the Place of Law in Women's Work and Family Lives, Oct. 5-6, 2007 at the University of Wisconsin.
- Speaker for Law Association for Women, Women's History Month, March 20, on work/family issues and gender issues in law school.

**Mark Fenster**

*Professor; UF Research Foundation Professor*

- Presented "The Dilemmas of Local Transparency" at Hastings College of Law in San Francisco (2008).
- Presented "Thurman Arnold and Legal Theory" at the American Studies Association Annual Meeting in Philadelphia (2008).
- Selected to receive a University of Florida Research Foundation Professorship Award for 2008-10. These professorships recognize faculty who have established a distinguished record of research and scholarship expected to lead to continuing distinction in their fields.



WOLF

*South Florida Sun-Sentinel*, Nov 25, 2007

“ The chances that the Supreme Court would hear the case and ultimately decide it’s unconstitutional are not great. But there still is the risk, and someone has to pick up the legal tab. ”

—Michael Allan Wolf, Richard E. Nelson Chair in Local Government Law; Professor Quoted regarding the potential for a court battle that may be faced by Proposition 1, the property tax amendment passed by Florida voters in January. Wolf said courts have upheld the constitutionality of Save Our Homes because it promotes stability in communities; homeowners tend to stay in place because of the tax savings they enjoy. But the portability provision in the constitutional amendment is designed specifically to allow homeowners to sell and take their Save Our Homes protection and big tax discounts with them. Wolf, who specializes in local government, said the state could luck out in the end because the U.S. Supreme Court — a lawsuit’s likely final stop — takes so few cases to hear each year.

- Published article, “Regulating Land Use in a Constitutional Shadow: The Institutional Contexts of Exactions,” in 58 *Hastings Law Journal* 729 (2007); the article was reprinted in the 2008 edition of the *Zoning and Planning Handbook*.
- Published review essay, “The Folklore of Legal Biography,” in 105 *Michigan Law Review* 1265 (2007).
- Published article, “Takings, Version 2005: The Legal Process of Constitutional Property Rights,” in 9 *University of Pennsylvania Journal of Constitutional Law* 667 (2007).
- Published “On Idiocratic Theory: A Reply,” in 19 *Critical Review* 147 (2007).

**Alyson C. Flournoy**

*Professor; Director, Environmental and Land Use Law Program; UF Research Foundation Professor*

- Moderated the program of the Section on Environmental Law on “Responses to a Changing Climate” at the AALS Annual Meeting in New York City, held Jan. 2-6.
- Presented “Harnessing the Power of Information to Protect our Public Natural Resource Legacy” at the University of Texas School of Law, Feb. 1.
- Served as a moderator at the 14th Annual Public Interest Environmental Conference Feb. 28 - March 1.

**Jeffrey L. Harrison**

*Stephen C. O’Connell Chair*

- Published *Law and Economics* with Norton and Co (2008). Co-author is Jules Theeuwes, Professor of Economics, University of Amsterdam.
- Published “Economics of Business Associations” in the *Encyclopedia of Law and Society* (2007).
- Work cited in *Westerfield v. Quizno’s Franchise Co., LLC*, 527 F.Supp.2d 840, 2007-2 Trade Cases P 75,942, RICO Bus.Disp. Guide 11,386, E.D.Wis., Nov. 05, 2007 (NO. 06-C-1210)
- Work cited in *White Mule Co. v. ATC Leasing Co. LLC*, F.Supp.2d, 2008 WL 763486, N.D. Ohio, March 25, 2008 (NO. 3:07CV00057).
- Operator of “Class Bias in Higher Education” blog and contributor to “MoneyLaw” blog.

**Berta E. Hernandez-Truyol**

*Levin Mabie and Levin Professor; Associate Director, Center on Children and Families*

- Jointly honored, with Angela Harris, by the executive committee of the Association of American Law Schools Minority Groups Section with the 2008 Ferguson Award for excellence in scholarship, teaching and service.

**Jerold H. Israel**

*Ed Rood Eminent Scholar in Trial Advocacy and Procedure*

- On Dec. 21, 2007, Thomson/ West published the 3rd edition of the *Criminal Procedure* treatise, which was co-authored by Israel. Originally published in three volumes in 1984, the treatise has grown to seven volumes in its third edition. Professor Israel wrote 10 of the treatise’s 28 chapters, running just shy of 3,000 pages. Over the years, the treatise has been cited in more than 2,500 appellate opinions.

**Robert H. Jerry, II**

*Dean; Levin Mabie and Levin Professor*

- Presented “Leaders in the Integration of Legal Education,” Feb. 26 (co-sponsored by the Black Law Student Association and the Center for the Study of Race and Race Relations).
- Presented “Florida’s Hurricane Insurance Market, the State Regulatory Response, and Development on Florida’s Coasts” at the 14th Annual Public Interest Environmental Conference, Feb. 28 - March 1.
- Selected to serve as reporter for a National Conference of Commissioners on Uniform State Laws project involving a trustee’s insurable interest in a life insured by a policy used to fund an irrevocable life insurance trust.
- Published the fourth edition of *Understanding Insurance Law*, LexisNexis (2008); on this edition, Jerry adds co-author Douglas Richmond

**Clifford A. Jones**

*Visiting Assistant Professor in Law Research*

- Published “ ‘Hail to the Cheese’: Stephen Colbert, Technology, and Corporate Political Advocacy in the 2008 Presidential Campaign,” in R.A. Oglesby and M. G. Adams, Eds., 15 *Business Research Yearbook* 202 (2008).

- Published "Bipartisan Campaign Reform Act," in L.L. Kaid and C. Holtz-Bacha, eds., 1 *Encyclopedia of Political Communication* 56 (2008).
- Published "Buckley v. Valeo," in L.L. Kaid and C. Holtz-Bacha, eds., 1 *Encyclopedia of Political Communication* 69 (2008).
- Published "Campaign Finance," in L.L. Kaid and C. Holtz-Bacha, eds., 1 *Encyclopedia of Political Communication* 77 (2008).
- Published "European Commission," in L.L. Kaid and C. Holtz-Bacha, eds., 1 *Encyclopedia of Political Communication* 215 (2008).
- Published "European Court of Justice," in L.L. Kaid and C. Holtz-Bacha, eds., 1 *Encyclopedia of Political Communication* 217 (2008).
- Published "Federal Election Campaign Act," in L.L. Kaid and C. Holtz-Bacha, eds., 1 *Encyclopedia of Political Communication* 233 (2008).
- Published "McConnell v. Federal Election Commission," in L.L. Kaid and C. Holtz-Bacha, eds., 2 *Encyclopedia of Political Communication* 426, (2008).
- Presented "Hail to the Cheese: Stephen Colbert, Technology, and Corporate Political Advocacy in the 2008 Presidential Campaign" to the International Academy of Business Disciplines Annual Conference, Houston, Texas, April 2-3.
- U.S. Fulbright Commission, Senior Scholar Research Grant, *Comparative Antitrust Law: New Issues in Germany and the European Union*. Research on the interface between intellectual property law and antitrust law and private enforcement of antitrust law in Germany and the EU. Hosted by the Max Planck Institute for Intellectual Property, Competition, and Tax Law, Munich, Germany, March 16-July 15, 2007.

#### Christine Klein

Professor; Associate Dean for Faculty Development

- Published "The New Nuisance: An Antidote to Wetland Loss, Sprawl,

- and Global Warming," 48 *Boston College Law Review* 1155 (2007).
- Published "Mississippi River Stories: Lessons from a Century of Unnatural Disasters" (with Sandra B. Zellmer), 60 *SMU Law Review* 1471 (2007).
- Published "Survey of Florida Water Law," in *Waters and Water Rights* (Robert E. Beck, ed., Matthew Bender & Co., Inc. (2007 Supp.)).
- Presented "The Case Against Water Transfers" at the 14th Annual Public Interest Environmental Conference, Feb. 28 - March 1.
- Served on panel on "Climate Change Litigation" at the Judicial Symposium on Scientific Evidence in the Courts sponsored by the AEI-Brookings Joint Center for Regulatory Studies (Washington, D.C.), June 22, 2007.

Forum at the University of Louisville in December.

- Published article with co-author Tera Jckowski Peterson, titled "Medium-Specific Regulation of Attorney Advertising: A Critique," in 18 *University of Florida Journal of Law & Public Policy* 259 (2007).
- Published "U.S. Media Law Update," in 12 *Media & Arts Law Review* 387 (2007).
- Presented the paper, "The Implied Audience of First Amendment Speech," as a faculty enrichment lecture at William Mitchell Law School on Feb. 21 and at Loyola University Law School in Chicago on Feb. 25.
- Spoke about liability for Internet

*The Boston Globe*, Nov. 25, 2007

“The belief in an imminent North American Union reflects the particular ways in which Americans feel besieged economically, powerless politically, and alienated socially.” In a deeper sense, the apprehension and anger that sustain the NAU rumors are quite real. For all their talk about national threats, national sovereignty, and national strength, conspiracy theories are usually more about individual powerlessness. //

—Mark Fenster, Professor Quoted in an article titled, "The Amero Conspiracy," which discusses the social anxiety, unrest and problems that may arise if a North American Union should ever be formed.



FENSTER

#### Elizabeth T. Lear Professor

- Published article, "National Interests, Foreign Injuries, and Forum Non Conveniens," 41 *U.C. Davis Law Review* 559 (2007).

#### Lyrissa Lidsky Professor; UF Research Foundation Professor

- Spoke on Internet defamation at the Florida Free Speech Forum in December, which was recorded for radio broadcast on WUFT-FM.
- Spoke about holocaust denial at the First Amendment Discussion

speech to the American Constitution Society on March 4.

- Moderated a panel discussion of the tort of false light in conjunction with a trip to Tallahassee, Fla. by UF law and journalism students to hear oral arguments in an important false light case before the Florida Supreme Court on March 5.
- Spoke at the University of Louisville's First Amendment Discussion Forum in December, presenting a paper titled, "Lies and the First Amendment." The paper has been accepted for publication by the *Washington and Lee Law Review*.



MILLS

*Associated Press, Florida Today, South Florida Sun-Sentinel, St. Petersburg Times, Tallahassee Democrat, and the Fort Myers News-Press, Jan. 30-31, 2008*

// This compact, as it stands before you, is unconstitutional. //

—Jon L. Mills, Professor; Director of Center for Governmental Responsibility; Dean Emeritus; acting as counsel for the Florida Legislature in the matter Quoted in stories regarding the Florida Supreme Court hearing oral arguments in a Seminole Indian gaming case in regarding the constitutionality of Governor Charlie Crist's agreement with the tribe that allows for Vegas-style slots and games such as blackjack and baccarat at its seven Florida casinos.

**Lawrence Lokken**

*Hugh F. Culverhouse Eminent Scholar in Taxation; Professor*

■ Presented a paper titled, "Income Effectively Connected with U.S. Trade or Business: A Survey and Appraisal" at the 60th Annual Federal Tax Conference, held in November and sponsored by the University of Chicago Law School.

**Diane H. Mazur**

*Professor*

■ Served as a moderator for "The Great Torture Debate," sponsored by the Federalist Society, UF Levin College of Law, March 3, 2008.

■ Spoke on military law as portrayed in film and television at the Law and Popular Culture Symposium, Marquette University Law School, Nov. 1, 2007. The symposium celebrated the publication of the new LexisNexis casebook, *Law and Popular Culture: Text, Notes, and Questions*. Professor Mazur is one of the casebook's co-authors.

■ Appointed the University of Florida representative to the Simon Center for the Professional Military Ethic, United States Military Academy at West Point (2008).

■ Appointed to the Editorial Board of the *Journal of National Security Law and Policy* (2008).

**Martin J. McMahon Jr.**

*Clarence J. TeSelle Professor*

■ Published "2009-1 Cumulative Supplement" to *Federal Income Taxation of Individuals*, Third Edition, (with Boris I. Bittker & Lawrence A. Zelenak) Warren, Gorham & Lamont (2002).

■ Published "2008-1 Cumulative Supplement" to *Federal Income Taxation of Individuals*, Third Edition (with Boris I. Bittker & Lawrence A. Zelenak), Warren, Gorham & Lamont (2002).

■ Published the article, "Recent Developments in Federal Income Taxation: The Year 2007," 8 *Florida Tax Review* 715 (2008) (with Ira B. Shepard & Daniel L. Simmons).

■ Presented "Recent Income Tax Developments" to the 2008 Oregon & Washington Tax Institute, Seattle, Wash., May 1.

■ Presented "Recent Developments in Federal Income Taxation" (jointly with Prof. Ira Shepard) during the 24th Annual Tax Institute, University

## Faculty Profile: Dennis Calfee

### Calfee Named Distinguished Accredited Estate Planner

UF Law Professor and Alumni Research Scholar Dennis Calfee has been named a Distinguished Accredited Estate Planner by the National Association of Estate Planners and Councils. Calfee is only the third professor to receive this prestigious honor. The award is given in recognition of the recipient's outstanding and distinguished service in the field of estate planning. Past recipients have included Howard M. Zaritsky, Byrle M. Abbin, Roy M. Adams, Steve R. Akers, Lawrence Brody, Natalie B. Choate, Richard B. Covey, S. Stacy Eastland, Stephan R. Leimberg, and 25 other estate planning professionals. The National Association of Estate Planners and Councils is the non-profit umbrella organization for more than 28,000 members of estate planning councils in the U.S. — consisting of the leading estate planning professionals in their local communities. Calfee (pictured right) was presented the award by Jeff Scroggin (JD 79), a former student of Calfee and a member of the NAEPC National Board.



of North Carolina School of Law, Chapel Hill, N.C., April 24.

- Presented "Recent Federal Income Tax Developments" at the Palm Beach Tax Institute, West Palm Beach, Fla., Jan. 23.

- Presented "Recent Income Tax Developments," to the American Bar Association, Tax Section, Midyear Meeting (with Ira Shepard and Daniel Simmons), Lake Las Vegas, Nev., Jan. 19, and to the 54th Annual Taxation Conference, University of Texas School of Law, Austin, Texas, Nov. 7, 2007.

- Presented "Tax Planning for Sales and Purchases of Partnership and LLC Interests" during the 55th Annual Tax Institute, University of Montana School of Law, Missoula, Mont., Oct. 19, 2007.

- Served as a panelist speaking on "The US and Canadian Perspectives on Tax Avoidance" during the American Bar Association, Tax Section, Fall Meeting, Committee on Teaching Taxation Program: Individual Income Tax Committee; Vancouver, B.C., Canada, Sept. 28, 2007.

#### Jon L. Mills

*Professor; Director of Center for Governmental Responsibility; Dean Emeritus*

- Served on a panel and presented "Communication Breakdown: Science Education for Policymakers and Policy Education for Scientists" at the 14th Annual Public Interest Environmental Conference Feb. 28 - March 1.

- Argued the Indian Gaming case before the Florida Supreme Court in April representing Florida Legislature House Speaker Marco Rubio.

- Moderated the 14th Annual Public Interest Environmental Conference panel on Science Education for Policy Makers & Policy Education for Scientists, Feb. 23.

- Moderated audience questions for former Secretary of State Madeleine Albright's presentation to UF College of Law students and faculty, March 26.

- Served as facilitator for Askew Institute annual meeting, "Building

Community around Florida's Four Generations," Feb. 7-8.

- Served as Rapporteur, Meeting of the World Justice Project of the American Bar Association, Buenos Aires Forum, November 2007.

- Moderated panel discussion following Dr. Jack Kevorkian's speech held at the Stephen C. O'Connell Center, Jan. 15.

#### Robert C. L. Moffat

*Professor; Affiliate Professor of Philosophy*

- Served on a panel discussing physician-assisted suicide and right to die issues, following a speech by Dr. Jack Kevorkian held at the Stephen C. O'Connell Center, Jan. 15.

- Invited as one of four panelists in an immigration law symposium titled,

*Affiliate Professor of Anthropology*

- Published "Transitional Justice: The Moral Foundation of Trials and Commissions in Social and Political Transformation" in the *East African Journal of Peace & Human Rights*, Makerere University, Human Rights and Peace Centre, Vol. 13, No. 3 (2007).

- Published "Globalism from an African Perspective: The Training of Lawyers for A New and Challenging Reality," *Iowa Journal of Transnational Law and Contemporary Problems*, Vol. 17, No. 2 (2008).

- Submitted the petition document "Petition to the Inter-American Commission on Human Rights Seeking Recognition of the Shuar Land Rights, and Relief from the Acts and Omissions by the Republic of Ecuador

#### *Investment News, March 3, 2008*

“The pot of gold is getting something characterized as political speech, but if it is determined to be commercial speech that would be much more favorable to sustaining the regulations.... The Supreme Court has never defined the difference between commercial and political speech, and the problem arises when you have an amalgam of political and commercial speech.”

—Michael Siebecker, Associate Professor, Quoted in an article discussing open-access to hedge fund information that may lead to a lawsuit against the Securities Exchange Commission. Siebecker discussed the free speech argument and said it could come down to whether the hedge fund information is deemed political or commercial in nature.

"A New Year and The Old Debate: Has Immigration Reform Reformed Anything," held at Chapman University School of Law, Feb. 20, with sponsorship by the *NEXUS Journal of Opinion*.

- Published "Social Impacts on the Criminal Law of the Enforcement of Morality: Some Reflections on the Anglo-American Debate," 38 *Rechtstheorie* 1-30 (2007).

#### Winston P. Nagan

*Professor; Samuel T. Dell Research Scholar; Director, Institute of Human Rights and Peace Development;*

that have Resulted in the Violation of Shuar Land Rights" (44 pages) to the Inter-American Commission (2007).

- Submitted a petition dealing with bioprospecting to the Inter-American Commission titled "Petition to the Inter-American Commission on Human Rights Seeking Recognition of the Shuar Rights to Traditional Knowledge, and Relief from the Acts by the United States of America in Aiding New York Botanical Garden and United States Agency for International Development in the Misappropriation of Shuar Traditional Knowledge and Trade Secrets," (124 pages) (2008).



SIEBECKER



From left: Professors Kenneth Nunn, Michael Friel and Martin McMahon Jr. on the set of "Law Matters."

## Faculty Profile: Kenneth Nunn

### "Law Matters" takes legal issues on-the-air

BY ALINE BAKER

It was nearly 10 years ago that Professor Kenneth Nunn appeared as a guest on "Law Matters," a local program broadcast by WUFT-TV. His appearance and his college days at Stanford University where Nunn dabbled in communications and hosted his first gig as a radio host in 1979 eventually led to his interest in production and current role as host.

As a student, Nunn was a radio broadcaster for a weekly news and affairs show on KZSU, which aired Sunday mornings on the Stanford campus. Nunn says it was a great experience that allowed him to appreciate the importance of speaking in public.

Fast forward to the present— Nunn now finds himself using those skills learned nearly 30 years ago to present current legal issues to citizens of North Central Florida on "Law Matters." The TV program is taped once a month, excluding summers, and is run on the last Thursday of every month with additional viewing when time slots are available, Nunn said.

"We are mainly topic driven and try to run shows that are focused on

current issues affecting those in the area," Nunn said. "My role as the host is to be the traffic cop and make sure no one monopolizes their time on the air."

With more than five years of legal practice and 17 years of teaching, Nunn's experience brings true insight of legal issues to the show and allows him to understand the importance of shaping questions to highlight his panel of guests. Nunn's expertise is in criminal law, criminal procedure and law and cultural issues related to race.

Nunn said he enjoys volunteering his time for this program because of the interaction with fellow colleagues, scholars and experts. He said the producers contacted him about hosting the show because they felt Nunn provided an "in" to an academic approach that could take the show in a new direction.

"Now, the show is focused more on policy questions and concerns more than the nuts and bolts of a typical legal show," Nunn said. "Bringing in different scholars allows broader concerns to be explored."

Nunn's active involvement at the law school and on main campus, coupled with his wife's interest in film studies, has set the foundation for his success outside of law school.

Dr. Patricia Hilliard-Nunn, Nunn's

wife, has been a strong influence in Nunn's involvement and interest in serving and educating audiences through the media, he said. She currently teaches "Blacks and Film" as an adjunct instructor in the African-American Studies Program at UF, and she previously taught a similar class focusing on African-American Women in film at the UF Center for Women's Studies and Gender Research.

They both have appeared on talk radio programs as commentators discussing race and community issues, and received a grant in 1999 to produce radio spots aired locally in Gainesville that addressed the history of African-Americans. Hilliard-Nunn focuses a large portion of her time studying film (independent and mainstream) and the history of African-Americans in Florida. At the same time, she runs her own film production company in Gainesville. She currently serves as the president-elect of the WUFT-TV board of directors.

Whether filming in the studio, broadcasting over the radio or teaching in his fields of scholarship, there is no question that his areas of expertise overlap in ways that have not only created a bond with his wife, but helped to propel Nunn's undergraduate hobby into a popular TV program broadcast to nine counties.

- Presented "National Security and the Immigrant" to the Association of Retired Intelligence Analysts, March 1.
- Served as a moderator at the 14th Annual Public Interest Environmental Conference, Feb. 28 - March 1.

#### Kenneth B. Nunn

Professor

- Lectured on "Fifth and Sixth Amendment Issues," as part of the Florida Bar and Fla. Ass'n. Crim. Def. Lawyers Criminal Law Certification Review Course, Tampa, Fla., April 18.
- Presented a paper on, "Policing, Criminal Injustice & the Black Community," at the Southeast/Southwest People of Color Legal Scholarship Conference, North Carolina Central University School of Law, Durham, N.C. April 12.
- Spoke on a panel on "Law School Institutes," representing the Center for the Study of Race and Race Relations at the University of Florida, at the Southeast/Southwest People of Color Legal Scholarship Conference, North Carolina Central University School of Law, Durham, N.C., April 12.
- Presented for the panel, "Race and the Criminal Justice System: Does Race Play a Part in Prosecutorial Decision-Making?" as a part of the Third Annual Working in the Public Interest Law Conference, University of Georgia School of Law, Athens, Ga., April 5.

#### William H. Page

Marshall M. Criser Eminent Scholar in Electronic Communications and Administrative Law; Professor

- Presented "Mandatory Contracting Remedies in the American and European Microsoft Cases" at a November conference on "The End of the Microsoft Case?" at Northwestern in Chicago; Page was also a commentator in a panel on recent U.S. Supreme Court antitrust decisions at the annual meeting of

*The Florida-Times Union, Feb. 24, 2008*

“ Although it might be an attractive short-term solution, it never seems to really satisfy long-term needs... It doesn't solve the underlying problem, which is growth and growing water consumption. ”

—Christine Klein, Professor; Associate Dean for Faculty Development  
Quoted in an article discussing the the St. Johns River and inter-district transfers of river water. Klein said the issue of moving water from one place to another is new to Florida, but not to people living in the American west, where an arid climate makes water shortages a constant threat to survival. There, water is piped hundreds of miles away, nothing like what's being proposed here.



KLEIN

the Southern Economic Association in New Orleans, La.

- Published *Kintner's Federal Antitrust Law*, 2008 supplements (with Joseph Bauer and John Lopatka).
- Published "Software Development as an Antitrust Remedy: Lessons from the Enforcement of the Microsoft Communications Protocol Licensing Requirement," 14 *Michigan Telecommunications and Technology Law Review* 77 (2007) (with Seldon J. Childers).
- Work cited in *Costco Wholesale Corp. v. Maleng*, 514 F.3d 915, 929 (9th Cir.2008); *Schlotzsky's, Ltd. v. Sterling Purchasing and Nat'l Distrib. Co.*, 520 F.3d 393 (5th Cir. 2008); *In re Live Concert Antitrust Litig.*, 247 F.R.D. 98 (C.D. Cal. 2007); *Drug Mart Pharmacy Corp. v. American Home Products Corp.*, No. 93-CV-5148, 2007 WL 4526618 (E.D.N.Y. Dec. 20, 2007); *Lorix v. Crompton Corp.* 736 N.W.2d 619 (Minn. 2007).

#### Juan F. Perea

Cone Wagner Nugent Johnson Hazouri and Roth Professor

- Presented "Musings on Barack Obama's Race Speech and the Black/White Binary Paradigm of Race" during the Mills Endowed Series of Conversations on Race, Duke University Law School, March 20.
- Presented "On Cubans and Cuban Americans: a Historical and

Critical Analysis" at the University of Pittsburgh School of Law and during the "Critical Race Theory Colloquium Series" at Northwestern University School of Law, both in October of 2007.

- Gave the opening keynote address, "Why we need a Truth and Reconciliation Commission," during the fifth National Conference on Race in 21st Century America, Michigan State University, April 2007.
- Moderated the Ethics Panel during the 2007 Music Law Conference, February 2007.
- Presented "Awakening from the Dream: The New Struggle for Diversity in the Legal Academy" to the Committee on Recruitment and Retention of Minority Law Teachers Program, American Association of Law Schools Annual Conference, January 2007.
- Published the book, *Latinos and the Law*, (with Richard Delgado and Jean Stefancic) Thomson/West (2008).
- Published Teachers' Manual for *Latinos and the Law*, Thomson/West (2008).
- Published *Race & Races: Cases and Resources for a Diverse America*, 2d. ed. (with Richard Delgado, Angela Harris, Jean Stefancic and Stephanie Wildman) Thomson/West (2007).
- Published Teachers' Manual for *Race & Races* Thomson/West (2007).



MOFFAT

*First Coast News, Orlando Sentinel, Bay News 9, Miami Herald, Examiner.com, FlaToday.com, FloridaToday.com, WOOD TV 8, January 2008*

“ I favor liberty in general. There is no social interest in making people stay alive who do not want to be alive. ”

—Robert C.L. Moffat, Professor; Affiliate Professor of Philosophy  
Quoted in the article discussing Dr. Jack Kevorkian's recent visit to UF where Moffat served on the panel discussion after the speech. Moffat said he was in favor of assisted suicide.

**Stephen J. Powell**

*Lecturer in Law; Director, International Trade Law Program*

■ Published “Peru-U.S. Trade Promotion Agreement: The New Economic Model for Civil Society?” in *Acuerdo de Promocion Comercial Peru—Estados Unidos*, Lima: Universidad Peruana de Ciencias Aplicadas (2007).

■ Published “Toward a Vibrant Peruvian Middle Class: Effects of the Peru-United States Free Trade Agreement on Labor Rights, Biodiversity, and Indigenous Populations,” 20 *Fla. J. Int'l L.* No. 1 (2008) (with Paola Chavarro).

■ Published “Should or Must: Nature of the Obligation of States to Use Trade Instruments for the Advancement of Environmental, Labor, and Other Human Rights,” 45 *Alberta L. Rev.* 443 (2007).

■ Presented paper on “Effective Teaching of Linked International Law Specialties –Example of International Trade and Human Rights Law” at panel on “Addressing Transnational Collaboration in the Law School Curriculum” of SEALS 2007 Annual Meeting July 29, 2007.

■ Presented paper on “Expanding the NAFTA Chapter 19 Dispute Settlement System: A Way to Declaw Trade Remedy Laws in a Free Trade Area of the Americas?” at the 45th Annual Congress in Toronto of L'Association Internationale des Jeunes Avocats, Aug. 21, 2007.

■ Presented paper on “Lessons of NAFTA Chapter 19's Unique

Dispute Settlement System” at the Commercial Defense, Safeguard, and Escape Clause Measures Conference in Buenos Aires held by Universidad Nacional de Tres de Febrero, May 15, 2007.

**Elizabeth A. Rowe**  
*Associate Professor*

■ Published “Introducing A Takedown for Trade Secrets on the Internet,” at the 2007 *Wisconsin Law Review* 1041 (2007).

■ Republished “Saving Trade Secret Disclosures on the Internet Through Sequential Preservation,” at 2007 Boston College Intellectual Property & Technology Forum 249 (2007).

■ Presented “Rethinking ‘Reasonable Efforts’ to Protect Trade Secrets in the Digital Age” at Case Western University Reserve Law School, on April 23.

■ Moderated a panel on “Commercial Markets” at the 2008 Music Law Conference at the Levin College of Law on Feb. 16.

■ Served as a panelist, “Teaching Trademark Law,” International Trademark Association Meeting, Orlando, Fla., November 2007.

■ Appeared as a guest on “Law Matters” (WUFT-TV) to discuss intellectual property protection on Feb. 19.

**Thomas Ruppert**  
*Assistant in Environmental Law*

■ Served as a moderator at the 14th Annual Public Interest Environmental Conference Feb. 28-March 1.

**Sharon E. Rush**

*Professor*

■ Published “Whither Sexual Orientation Analysis?: The Proper Methodology When Due Process and Equal Protection Intersect,” 16 *William & Mary Bill of Rights Journal* 1 (2008).

■ Published the essay, “Reflections on Prejudice and Animus under Equal Protection,” *UF Law* (Winter 2007).

■ Published the book chapter “Time Out For Huckleberry Finn,” in *Education Landscapes in the 21st Century: Cross-cultural Challenges and Multi-disciplinary Perspectives*, Cambridge Scholars Pub., United Kingdom (2008).

■ Published the book chapter “I Have a Feeling We are Still in Kansas,” in *Law Touches the Hearts of Children: A Generation Remembers Brown v. Bd. of Education* (Richard J. Bonnie and Mildred W. Robinson, Eds.), Vanderbilt Univ. Press, Nashville, TN (2008).

**Katheryn Russell-Brown**  
*Professor; Director, Center for Study of Race and Race Relations*

■ Awarded the 2007 Coramae Richey Mann Award for outstanding contributions of scholarship on race, ethnicity, and justice by the American Society of Criminology through its Division on People of Color and Crime.

**Michael Seigel**  
*Professor*

■ Published article (with co-author Daniel Weisman) titled “The Admissibility of Co-Conspirator Statements in a Post-Crawford World,” 34 *Florida State University Law Review* 877 (2007).

■ Published “Corporate America Fights Back: The Battle Over Waiver of the Attorney Client Privilege,” 49 *Boston College Law Review* 1 (2008).

■ Appointed to serve as editorial board member with responsibility for international collaboration and review, *DE JURE* (Procuradoria-Geral de Justia,

Belo Horizonte, Minas Gerais, Brazil; a semi-annual journal published by the Prosecutor General's Office for the State of Minas Gerais).

■ Presented a lecture Feb. 11 titled, "Establishing and Maintaining a Norm of Collegiality in the Law School Setting," to the faculty at Florida International University Law School in Miami, Fla.

■ Presented the lectures "Comparative Criminal Procedure: the United States versus Brazil," and "Comparative Taxation, the United States versus Brazil" as a guest of the Magistrates' Association of Minas Gerais, the Brazilian Magistrates' Association, and the Association of the Ministério Público of Minas Gerais, Brazil, June 2007.

#### Michael Siebecker

*Associate Professor*

■ Published a chapter in *The First Amendment Handbook 2007-2008* (Rodney Smolla ed. 2008), titled, "Corporate Speech, Securities Regulation and an Institutional Approach to the First Amendment." The handbook, published by Thomson/West, provides a collection of the most notable articles on First Amendment law published in the last year.

■ Published "Building a 'New Institutional' Approach to Corporate Speech," 59 *Alabama Law Review* 247 (2008) (lead article).

■ Published "Corporate Speech, Securities Regulation and an Institutional Approach to the First Amendment," 48 *Wm & Mary Law Review* 613 (2006).

■ In a recent Massachusetts case, *Bulldog Investors v. Galvin*, the court cited Siebecker (and his article mentioned above) as authority for denying a hedge fund's claim that its solicitation efforts were political speech under the First Amendment. Siebecker has previously been quoted extensively in an industry periodical, *Hedge World Daily*, about the same case.

■ Presented "Building a 'New Institutional' Approach to Corporate Speech," Northwestern University School of Law, March 2008.

■ Presented "Corporate Sustainability and International Trade," University of Costa Rica Law School, June 2008.

■ Presented "Trust and Disclosure" to the Third International Conference on Interdisciplinary Social Sciences, Monash University, Italy, June 2008.

■ Presented "Trust, Efficiency, and Corporate Transparency" during the Eighth International Conference on Knowledge, Culture and Change in Organisations at Cambridge University, United Kingdom, June 2008.

■ Awarded \$5,000 grant for "Enhancement of Sustainability in Instruction" from the University of Florida Committee on Sustainability and the UF Levin College of Law.

#### Michael Allan Wolf

*Professor; Richard E. Nelson Chair in Local Government Law*

■ Published "Hysteria v. History: Public Use in the Public Eye," as a chapter in *Private Property, Community Development, and Eminent Domain* (Robin Paul Malloy ed.) (2008).

■ Published "William Faulkner, Legal Commentator: Humanity and Endurance in Hollywood's Yoknapatawpha," 77 *Mississippi Law Journal* 957 (2008).

■ Presented "Green Building in the Evolving Legal Landscape," at the Seventh Annual Richard E. Nelson Symposium, UF Levin College of Law.

#### Danaya C. Wright

*Professor*

■ Presented "Power, Intimacy, and Rights: The Legalization of Family Discourse in One Victorian Marriage," Cornell University Faculty Colloquium, Nov. 3, 2007.

*Miami Herald, Feb 1., 2008*

“ It's whether or not you can understand the nature of the charge and be able to discuss your case in a meaningful fashion with your lawyer and manifest appropriate courtroom behavior... It has to do with life experience. And the older you get, the more you've been exposed to, the more sophisticated you become, hopefully. ”

—George R. “Bob” Dekle, *Legal Skills Professor* Quoted in the article discussing the standard for competency as being the same regardless of age in evaluating the competency of a 12-year-old boy who beat his 17-month-old cousin to death with a baseball bat.



DEKLE

#### Walter Weyrauch

*Distinguished Professor; Stephen C. O'Connell Chair; Associate Director, Center on Children and Families*

■ Published "Private Legal Systems," 3 *Encyclopedia of Law & Society* 1182 (2007).

■ Published "Gypsies and Travelers," 2 *Encyclopedia of Law & Society* 682 (2007).

■ Spoke "Making a HASH of Federal Transportation and Railbanking Policies," for the Amer. Const. Society, UF Levin College of Law, Feb. 20.

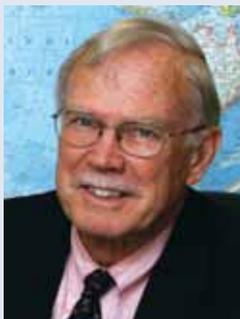
■ Published "Charitable Deductions for Rail-Trail Conversions: Reconciling the Partial Interest Rule and the National Trails System Act" (co-authored with Scott Bowman) 32 *Wm. & Mary Env't'l & Pol'y Rev.* 1-57 (2008).

# FAREWELL

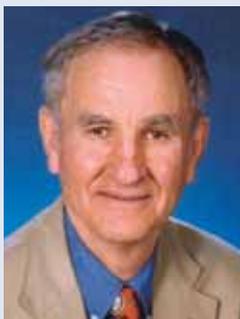
## Faculty Retirement



ISRAEL



GORDON



LITTLE

### Jerold Israel

Jerold Israel joined the UF Law faculty in 1993 as an Ed Rood Eminent Scholar in Trial Advocacy and Procedure. During his teaching career, Israel wrote numerous publications, books, law review articles and government commission reports. His most prominent writings are 10 chapters (running roughly 3,000 pages) in the seven-volume LaFare, Israel, King & Kerr treatise on criminal procedure, which has been cited in more than 2,500 appellate opinions, and a co-authored casebook on criminal procedure, which has been the most widely used casebook in the field for more than 40 years. While at UF Law, Israel taught courses in criminal procedure and white collar crime. Before joining UF Law, Israel taught at the University of Michigan for 35 years. He received his bachelor's degree from Case Western Reserve University and his law degree from the Yale Law School, and served a two-term clerkship with Justice Potter Stewart of the United States Supreme Court following his graduation from Yale.

### Michael Gordon

Michael Gordon has taught at UF Law since 1968. He served as visiting associate professor, professor, Chesterfield Smith Professor, and most recently, the John H. & Mary Lou Dasburg Professor while simultaneously serving as affiliate professor at UF's Center for Latin American Studies. While at UF Law, Gordon

taught international business and trade law, international litigation, comparative law, corporation law and law of the North American Free Trade Agreement. Throughout his career, Gordon co-authored and authored multiple books, chapters and articles on international business transactions, has been appointed to the North American Free Trade Agreement and World Trade Organization dispute panel rosters and served as a consultant for foreign governments and the departments of State and Justice. Once retired, Gordon will continue to write and serve as a legal consultant and expert witness on domestic and international corporate law, international litigation issues and civil law.

Gordon received numerous awards throughout his teaching career. He was elected to the American Law Institute, the Academia Mexicana de Derecho Internacional Privado y Comporado, and the Academia Internationale du Droit Compare. Gordon earned his law degree with honors and bachelor's degree from the University of Connecticut and master's degree in economics from Trinity College. Gordon also received a Diplome du Droit Compare from Strasbourg, France, and Maestria en Derecho, which is equivalent of an LL.M., from Mexico.

### Joseph W. Little

Joseph W. Little came to UF Law in 1967 and quickly moved up through the ranks to

become a full professor in 1971 and Alumni Research Scholar in 1994. His has been a colorful career involving innovative and engaging teaching methods, election as a Gainesville, Fla. city commissioner and mayor, and a lifetime of scholarly achievement. He is widely published in the areas of local government law, state and local taxation, United States and state constitutional law, worker's compensation and employment legislation, torts and reparation systems reform, property, administrative law, comparative constitutional law and history.

Beloved by students, Little was named the 2007-2008 John Marshall Bar Association Teacher of the Year. He has served as a visiting professor in law schools in South Africa, China, Australia, New Zealand and the United Kingdom. Little earned his bachelor's *summa cum laude* from Duke University, a master's with highest honors from Worcester Polytechnic Institute, and his law degree from the University of Michigan.

### Visiting and On leave Faculty

A number of our faculty will be serving for a brief time at other schools next year. Associate Professor Michael Siebecker will visit Washington University in St. Louis, Mo.; Professor Kenneth Nunn will go on leave to serve at Florida A&M University in Orlando, Fla.; and, Michael Seigel will visit Stetson University in Gulfport, Fla.

## We are pleased to welcome the following new faculty members

### **Deborah Cupples**

#### *Legal Skills Professor*

Deborah Cupples (JD 05) has joined the faculty as a lecturer and legal skills professor and will teach legal drafting. She previously served UF Law as an adjunct professor teaching legal drafting and currently works as a part-time attorney at F. Parker Lawrence, P.A. Cupples earned her bachelor's degree in English and master's degree in political science, both from the University of Florida.

### **Charlene Luke**

#### *Assistant Professor*

Charlene Luke has joined the faculty as an assistant professor and will teach income, corporate, and partnership taxation. She was previously an assistant professor at Florida State University College of Law and visiting faculty at the University of Utah S.J. Quinney College of Law. Before teaching, Luke was an associate at Dechert in Philadelphia, Penn. Luke received a bachelor's and law degree from Brigham Young University. She graduated from law school *summa cum laude* and was first in her class.

### **D. Daniel Sokol**

#### *Assistant Professor*

D. Daniel Sokol has joined the faculty as an assistant professor teaching corporations and business organizations law. Before joining UF Law, he was a visiting associate professor at the University of Missouri School of Law and a fellow at the University of Wisconsin Law School.

After earning a bachelor's in history and political science from Amherst College, he went on to earn a Master of Studies in modern history from the University of Oxford. After earning his law degree from the University of Chicago, Sokol worked as an associate at Swidler Berlin Shereff Friedman in Washington, D.C., and Steel Hector & Davis in Miami, Fla., where he specialized in antitrust, international trade and corporate law.

### Visiting Professors

**Randall Baldwin Clark** has joined the faculty as a visiting assistant professor teaching criminal and health care law. Most recently, Clark served as a visiting assistant professor at George Mason University School of Law. He holds a doctorate in political philosophy from the University of Chicago and law degree from the University of Virginia. Before turning to the study of the law, Clark was a research associate in the department of government at Dartmouth College. Following one year of service in the chambers of the Hon. Edith H. Jones, United States Court of Appeals for the Fifth Circuit, he joined the firm of Goodwin Procter, in Boston, Mass., where he litigated intellectual property, products liability and land use disputes.

**Robin Davis** has joined the faculty as a legal skills professor and associate director of the

Institute for Dispute Resolution. Davis will teach mediation and mediation clinic. Since 1994, she has been the alternative dispute resolution director of the Eighth Judicial Circuit. In spring 2008, Davis served as an adjunct professor at UF Law teaching alternative dispute resolution and mediation. She received her JD *cum laude* from the University of Florida Levin College of Law and bachelor's *magna cum laude* from Michigan State University.

**William Pizzi** has joined the faculty as a visiting professor teaching criminal law and criminal procedure this fall. Most recently, Pizzi served as professor at the University of Colorado Law School. He earned his law degree from Harvard Law School, master's in philosophy from the University of Massachusetts and bachelor's from Holy Cross College.

**Kenneth Williams** has joined the faculty as a visiting professor teaching criminal law and criminal procedure this fall. Most recently, Williams served as professor at Southwestern Law School. He has also been a faculty member at Gonzaga University School of Law and Texas Southern University Thurgood Marshall School of Law where he also served as associate dean for academic affairs. Williams earned his law degree from the University of Virginia School of Law and bachelor's from the University of San Francisco.



CUPPLES



LUKE



SOKOL



CLARK



DAVIS



PIZZI



WILLIAMS

# BOOK ROUNDUP

Faculty  
and  
Alumni  
Literary  
Works

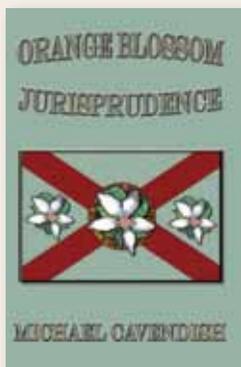


**Nath Doughtie (JD 66)**  
“All Rise”

Nath Doughtie (JD 66), a lawyer and judge serving the Gainesville community for more than 30 years, took his legal experience and long-time connection with North Central Florida to write his first fictional novel that depicts the inner politics of the local judicial system. The plot of the book revolves around Judge Alva Cason, “AC,” whose attempt to avoid daily courtroom drama is obstructed when a routine case sparks romance and rumors that threaten his professional reputation. The setting for *All Rise* is the Eight Judicial Circuit of Florida, the circuit where Doughtie served as chief judge.

**Michael Cavendish (JD 98)**  
“Orange Blossom  
Jurisprudence”

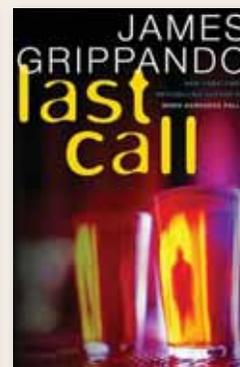
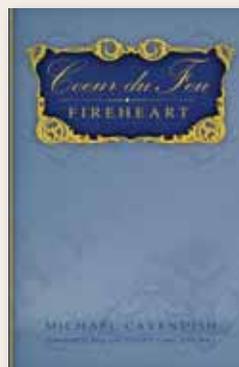
*Orange Blossom Jurisprudence*, written by Michael Cavendish (JD 98) and released late 2007, is an insightful outline into the philosophies of the Florida legal system and explores the unseen aspects of the system. The book is a collection of



five essays with the first discussing the roots of Florida common law, followed by an explanation of the role and function of the Florida district court. The remaining essays offer examples of the creation of two divergent portions of Florida common law with the final describing a Florida Supreme Court opinion from the Civil War era that addressed slavery. This book describes the true richness of Florida law but also reflects the need for more attention and study of its complexities.

**Michael Cavendish (JD 98)**  
“Coeur du Feu/ Fireheart”

Most lawyers end with the model codes when they discuss legal ethics. Michael Cavendish’s (JD 98) *Coeur du Feu / Fireheart* presupposes that a lawyer’s ethics begin at great personal depth — human virtue. The book’s 10 essays explore in experiential terms whether virtues like humility, mercy, civility, and wisdom bought with loss are in fact the natural core of the lawyer’s role. Inspired by the American Inns of Court movement, and released in 2008 to a warm international reception, *Coeur*



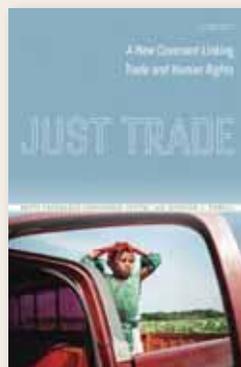
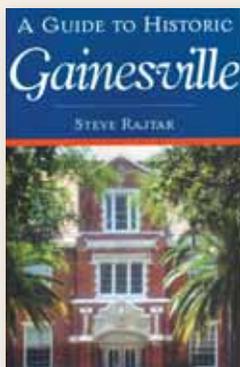
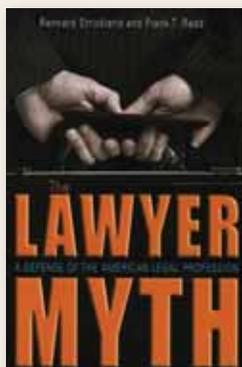
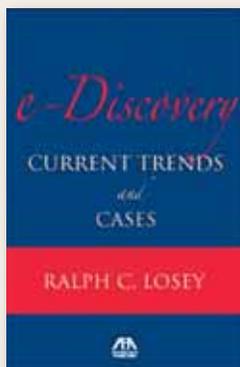
*du Feu / Fireheart* aims for a rediscovered ideal of legal ethics, expressed in gentle prose.

**James Grippando (JD 82)**  
“Last Call”

James Grippando (JD 82), New York Times Best Seller of *When Darkness Falls*, has released the seventh novel in his popular book series titled, *Last Call*. This book features a Miami criminal defense lawyer, Jack Swytek, and his outrageous sidekick, Theo Knight, who was on death row for a murder he didn’t commit. After proving his innocence, Theo turns to Jack again for help later in life. The story follows Jack and Theo as they piece together a 20-year-old conspiracy of greed and corruption pointing to the very top of Miami’s elite, while revisiting a past that Theo has tried hard to forget. This is a brilliant and bullet-fast thriller, complete with revelations that no reader will ever forget.

**Ralph C. Losey (JD 79)**  
“e-Discovery: Current  
Trends and Cases”

Interested in technology and the law? The ABA released *e-Discovery: Current Trends and*



*Cases* (2008) is the first book to introduce this high-tech field to all readers, not just lawyers. In seven chapters and 58 separate articles, Ralph C. Losey (JD 79) introduces the exciting new field of electronic discovery, explains the latest trends and cases in an interesting and easy-to-read manner, and outlines the new interdisciplinary team approach to solving the unique problems of e-discovery — where the talents of law, IT and management are combined.

**Frank Read  
(Dean Emeritus)  
“The Lawyer Myth”**

Co-authored by UF’s former dean from 1981-1988, *The Lawyer Myth* is a passionate refutation of many misconceptions that exist about lawyers and the legal system. Frank T. Read and Rennard Strickland affirm the role of lawyers as problem solvers in our society and pose the question of, “Where would our society be without lawyers?” This book looks behind current anti-lawyer media images to explore the historical role of lawyers as a balancing force in time of social, economic and political change.

**Steve Rajtar (JD 76, LLMT 77) “A Guide to Historic Gainesville”**

Steve Rajtar, (JD 76 & LLMT 77), has written on several subjects, most of which relate to history. Three of Rajtar’s recent historical guides chronicle the growth and birth of Florida cities, including Gainesville, Orlando & Tampa. Rajtar chronicles Gainesville’s history since its humble beginnings in the 1850s up to what has made the “Gator Nation” a unique place to live, visit and learn. Along with *The United States as Depicted on Its Postage Stamps* and *A Guide to Historic Lakeland*, both published in 2007, Rajtar also has published 12 other books.

**Berta Esperanza Hernandez-Truyol and Stephen J. Powell  
“Just Trade: A New Covenant Linking Trade and Human Rights”**

As globalization explodes into ever more intrusive corners of our lives, the consequences of leaving undisturbed the profound disconnect between human rights law and international trade law daily grow more tragic. *Just Trade*

proposes that the inevitable intersection of these two dominant human policies be purposeful, conspicuous, proactive, and ingenious, rather than simply more of the *ad hoc* mélange of superficial duct-tape “solutions” the world’s poor, disenfranchised, and otherwise marginalized majority have had so far to endure. *Just Trade* examines trade’s effect on human rights policies involving child labor, sustainable development, health, equality of women, human trafficking, indigenous peoples, poverty, citizenship, and economic sanctions. Hernández-Truyol and Powell put forward a pragmatic yet holistic approach in which the interests of human rights are not sacrificed to trade nor are the benefits of trade myopically condemned. Instead it seeks to provide a guiding principle that identifies specific paths governments can follow to exploit trade’s enormous power for the advancement of human rights. Published by New York University Press, *Just Trade* will be on book stands in October.

## Share Your Book News

Send your submission to Fla@law.ufl.edu or mail to:  
*UF Law Magazine*,  
Levin College of Law,  
University of Florida,  
P.O. Box 117633,  
Gainesville, FL 32611.

# CAREER SERVICES

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The Center for Career Services encourages your recruiting department to contact us to schedule a date for an on-campus visit. CCS can also help your firm recruit top law clerks, entry-level associates or laterals through no-cost job postings and resume collections. For more information on recruiting UF Law students, visit [www.law.ufl.edu/career/employers](http://www.law.ufl.edu/career/employers).

There are also many outreach options for law firms. Consider hosting a networking reception at your firm, mentoring a law student, or speaking to our students about practice areas, day-in-the-life of an associate, or how to be better prepared for practice. Firms can also participate in the 1L Shadow Program. The shadow program allows your firm or organization to “host” a first-year student over the summer ranging from one day to multiple days — depending on your schedule and needs. During their time with your office, the student can shadow an attorney and perform work as needed. The goal of the program is to expose students to the day-to-day work of a law office while introducing you to some of your future UF Law colleagues. To participate in any of these rewarding activities, please contact [careers@law.ufl.edu](mailto:careers@law.ufl.edu).

## UF Law Students and Alumni Selected for Prestigious Federal Judicial Clerkship

Last fall, seven UF Law students and two recent alumni were selected through a highly competitive process for prestigious Federal Judicial Clerkships to begin during summer and fall 2008. Those selected included (pictured below standing from left) **Michael Hoii**, a May 2008 graduate who will clerk in the U.S. Court of Appeals for the Eleventh Circuit for Judge Charles R. Wilson in Tampa; **Scott Kennelly**, a May 2008 graduate who will clerk in the U.S. Court of Appeals for the Eleventh Circuit for Judge Susan Black in Jacksonville; **Ryan Maxey**, a May 2008 graduate who will clerk in the U.S. District Court for the Middle District of Florida for Magistrate Judge Elizabeth A. Jenkins in Tampa; **John Paglio**, a December 2007 graduate who

will clerk in the U.S. District Court for the Middle District of Florida for Magistrate Judge Howard T. Snyder in Jacksonville; **(John) Cole Oliver**, a December 2007 graduate who will clerk in the U.S. District Court for the Middle District of Florida for Judge John Antoon II in Orlando; and (pictured sitting) **Laura Lothman**, a December 2007 graduate who will clerk in the U.S. District Court for the Middle District of Florida for Senior Judge Harvey E. Schlesinger in Jacksonville. Not pictured: **Simon Rodell**, a May 2008 graduate who will clerk in the U.S. District Court for the Middle District of Florida for Judge Steven D. Merryday in Tampa; **Robert Caplen**, a December 2005 graduate who will clerk in the U.S. Court of Federal Claims for Judge Margaret Sweeney in Washington, D.C.; and **Amanda Reid Payne**, a December 2004 graduate who will clerk in the U.S. Court of Appeals for the Eleventh Circuit for Judge Susan Black in Jacksonville.



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PHOTO BY HULTON ARCHIVE/GETTY IMAGES

Since 1991, California, Nevada and Rhode Island have had their Son of Sam laws overturned by courts on First Amendment grounds.

## State 'Son of Sam' Laws May Be Unconstitutional

Research by a University of Florida graduate student finds most state statutes designed to prevent criminals from profiting from telling the story of their crimes are ineffective and unconstitutional.

Christina Locke, who graduated this spring from a combined program resulting in a Master of Mass Communication and a law degree, wrote her master's thesis on her research of the so-called "Son of Sam" laws in each state that has one.

These laws most often apply when a convicted criminal writes a book or collaborates on a movie project, Locke said. They are designed to seize the criminal's profits and give the money to the victims or the victims' families.

According to her thesis, 28 states have laws on the books modeled after the original 1977 New York law created to prevent the serial killer known as the Son of Sam from receiving any profits from the book "Confessions of Son of Sam."

The problem, Locke said, is that the original New York statute was unanimously ruled a violation of the First Amendment by the U.S. Supreme Court and struck down in 1991. Since then, most of the derivative laws in other states have not been revised at all, leaving them critically vulnerable to constitutional challenges.

Because these laws restrict speech specifically based on its content, they are subject to the strictest judicial scrutiny. The Supreme Court said the New York law was dangerously overbroad and that if such restrictions had been in place in the past, they would have prevented the publication of important works such as Malcolm X's autobiography and Thoreau's "Civil Disobedience."

Since 1991, California, Nevada and Rhode Island have had their Son of Sam laws overturned by courts on First Amendment grounds.

The solution is to use general forfeiture laws to claim assets and profits that would normally go to convicted criminals, Locke said.

General asset forfeiture laws allow the state to seize assets that are the proceeds or instruments of crime. These laws are frequently used in drug trafficking cases and are not specifically geared toward preventing criminals from any kind of speech. Consequently, they are not subject to the same strict constitutional scrutiny as Son of Sam laws, but their effect can be the same as long as the seized funds are used to compensate victims, Locke said.

"Politically, maybe general forfeiture laws aren't as effective," Locke said, "but they work, which I think is more important."

Florida used general forfeiture statutes in 1994 to seize proceeds from Gainesville serial killer Danny Rolling's macabre artwork and a book co-written with his then-girlfriend Sondra London, "The Making of a Serial Killer." The state split the \$16,000 it took among the five families of the killer's victims, Locke said.

The decision to simply use the general forfeiture statute in Rolling's case, the exact situation for which Son of Sam laws were created, probably indicates that prosecutors did not have faith in the constitutional viability of Florida's "Son of Sam" law, Locke said.

The most important conclusion reached by her research, Locke said, is that state legislatures must not wait until a court overturns their "Son of Sam" laws to recognize the need to make revisions or change their policies.

"These laws are so rarely used, but when they are, they are really important," Locke said. "Why wait until a high-stakes case comes along and it's too late?"

—Jay Goodwin



CHRISTINA LOCKE  
Recent UF Law/Grad Student

# Calendar of Events

2008

**June 19**

Florida Bar Annual UF Law Alumni Reception  
6:30 – 8:00 pm  
Boca Raton Resort and Club  
Contact: Victoria Rudd, 352-273-0640  
Boca Raton, Fla.

**Sept. 5**

Moot Court Final Four  
Time & location TBA.

**Sept. 17**

Constitution Day Program  
Time & location TBA.

**Sept. 26-27**

Board of Trustees/Law Alumni Council Board Meetings at the Levin College of Law.  
Contact: Development & Alumni Affairs, 352-273-0640

Fall Book Award Ceremony in the Chesterfield Smith Ceremonial Classroom, time TBA. Contact Sara Grimm, 352-273-0640

**Sept. 27**

Weyrauch Symposium  
Keynote speaker – Gary Melton, director of the Institute on Family and Neighbor Life at Clemson University  
Contact: Debbie Willis, 352-273-0613.

**Oct. 24**

UF Homecoming

**Nov. 17**

Inaugural Marshall Criser Distinguished Lecture Series. Time & location TBA.

2009

**April 24 & 25**

100 Year Celebration/All Classes Reunion – activities, times and locations TBA. Contact: Development & Alumni Affairs, 352-273-0640.



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