EIGHTH ANNUAL RICHARD E. NELSON SYMPOSIUM

The Eighth Annual Richard E. Nelson Symposium is on “The Squeeze on Local Governments.” Presenters will include Professor James Ely, Milton R. Underwood Chair in Free Enterprise at Vanderbilt University Law School; John Echeverria, currently executive director of the Institute for Energy and Environmental Policy at Georgetown University Law Center; and Frank Alexander, professor of law at Emory University. The symposium will be held at the UF Hilton Hotel on Friday, Feb. 13. For more information, contact Barbara DeVoe at 352-273-0615.

SEVENTH ANNUAL MUSIC LAW CONFERENCE

The Seventh Annual Music Law Conference is titled “From the Suits to the Stage.” Conference includes music law symposium and panel discussions, and will take place Saturday, Feb. 21, in the Chesterfield Smith Ceremonial Classroom at the UF Levin College of Law. For more information, contact Sondra Randon at sondra.randon@gmail.com.

FIFteenth ANNUAL PUBLIC INTEREST ENVIRONMENTAL LAW CONFERENCE

The 15th Annual Public Interest Environmental Law Conference is titled “Beyond Doom and Gloom: Illuminating a Sustainable Future for Florida.” The conference will focus on farsighted and innovative approaches to our environmental problems, emphasizing solutions from science and technology, progressive regulation and economics and behavioral change through communication and social marketing. For more information, contact Simone Harbas at sharbas@ufl.edu.

SECOND ANNUAL WOLF FAMILY LECTURE

The Second Annual Wolf Family Lecture is scheduled for Tuesday, March 17, at the law school. The lecture will be delivered by Gregory S. Alexander, A. Robert Noll Professor of Law, Cornell University Law School. For more information, contact Barbara DeVoe at 352-273-0615.

LEVIN COLLEGE OF LAW

P.O. Box 117633
Gainesville, FL 32611-7633
LETTERS TO LINDY

As a 1958 graduate of the U of F law school I enjoy receiving UF LAW. It is a fine publication. However, in an article on page 10 of the spring edition, I think the proof reader missed a beat. That article twice mentions “Florida Bar Association.” As a 50-year member of “The Florida Bar,” I can tell you that “Association” has not been a part of its name for that period of time.

This is a minor blip. Keep up the good work.

—CLARENCE JOHNSON (JD 58)

Congratulations on the FALL 2008 edition, your first as editor. ‘The ultimate goal for UF LAW is to be a good read.’ It is indeed.

However (you know this was coming, didn’t you?) on page 53, the editorial comment re Ms. Lanks’s quote in Time Magazine, leads to the question: Do sharks generally use cages in their killing?

—YOUNG J. SIMMONS (LLB 57)

Your is the best statewide story on water I’ve read in a very long time!

—CYNTHIA BARSETT, Florida Trend senior reporter and author of Mirage: Florida and the Vanishing Water of the Eastern U.S.


Got commentary? Whether expository or apologatory, we want to know! Send your letter to the editor — bearing in mind submissions will be edited for style, grammar and length — to Lindy Brudney, UF LAW Editor, UF Law Communications, P. O. Box 117633, Gainesville, FL 32611-7633, or e-mail it to brudney@law.ufl.edu.

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WEB-XTRAS
See a video clip of Judge Karen’s new show, view a portion of the documentary “The Virgil Hawkins Story: A lawyer made in heaven,” or play the Reapportionment Game. Visit www.law.ufl.edu/uflaw for these features and others, available only online.

ON THE COVER: Chief Justice of the United States John G. Roberts Jr. (second from left) presided over the University of Florida Campbell Thornal Moot Court Final Four Sept. 5 with fellow jurists (from left) Judges Susan H. Black, Judge Peter T. Fay and Judge Rosemary Barkett, all UF alumni and judges in the 11th Circuit Court of the U.S. Court of Appeals.
100 Years of UF Law

Q. In our last issue, we discussed changes in legal education. As the UF College of Law nears its 100-year anniversary, what are some of the most significant changes that have taken place?

Certainly the diversity of our faculty and student body has changed dramatically. We recently honored the late UF Law Professor Walter Weyrauch’s record 51 years of continuous teaching at a single institution, and he noted that when he began teaching here that teachers and students alike were male and white. Today nearly half our student body are female, and more than a quarter are minorities. We also have grown considerably in size and scope. We opened in 1909 with 38 students and two faculty members. We now have more than 1,200 students and 100 faculty members (including tenure/tenure track, legal skills, and clinical).

Q. What events do you have planned for the college’s centennial in 2009?

Our biggest event is the Centennial Celebration/All Classes Reunion April 24-25, 2009. We’re inviting alumni from every class year to return to campus to help us celebrate this significant milestone. So far, we have planned a Century Welcome Reception, tours, Heritage of Leadership & Distinguished Alumni ceremony, available CLE credits, a family BBQ with Albert & Alberta, decade dinners (classmates grouped by decades in separate locations), children’s dinner and movies (ages 5-12), an after party and a farewell brunch.

Q. What do you think would most surprise alumni returning to Gainesville after a significant absence?

Gainesville, the University of Florida and the College of Law have changed internally, of course, but the visual differences are most compelling. Gainesville is not a small college town anymore; it’s grown up. Highways have replaced dirt roads, and buildings stand where cows once grazed. Our college opened in 1909 in one unplastered room in Thomas Hall Dormitory. We moved to Bryan Hall in 1941, and then to the Spessard L. Holland Law Center, our current location, in 1968. We added Bruton-Geer Hall in 1984 and our two classroom towers in 2005, along with a major renovation of Holland Hall and the Lawton Chiles Legal Information Center. Construction is now underway on the $6-million Martin H. Levin Legal Advocacy Center, which will house a state-of-the-art courtroom. This will complete the total reconstruction of the college’s academic space during this decade. Our physical facilities are outstanding and a marvel to those who have not seen them within the last few years.

Q. How do you characterize the state of the college today?

When UF Law celebrates its centennial in 2009, we will do so proudly as a strong, thriving law school. Applications from highly qualified students to our J.D., LL.M. and S.J.D. programs increase each year. We have expanded our Graduate Tax Program, which is consistently ranked as one of the nation’s best, and which now offers the LL.M. in International Taxation and the S.J.D. in Graduate Taxation in
addition to the LL.M. in Graduate Taxation. Our highly regarded Environmental and Land Use Law Program now offers the nation’s first LL.M. in these closely-related fields.

The generous support of alumni and friends like those listed in the Honor Roll section of this magazine has helped us pass the halfway point in our $47-million capital campaign, and, along with tuition devolution, has been instrumental in allowing us to continue our progress despite Florida’s tight budget climate.

Recent guests to our campus have included U.S. Supreme Court Justices Sandra Day O’Connor and Ruth Bader Ginsburg and former Secretary of State Madeline Albright. This fall we have been honored with visits by both Chief Justice of the United States John G. Roberts Jr. and U.S. Supreme Court Associate Justice John Paul Stevens.

We are particularly proud of our faculty, whose productivity and scholarship are chronicled in our 2008 Report From the Faculty, online at www.law.ufl.edu. During the past three years, the faculty has published 53 books (including casebooks), with publishers including NYU, Oxford, Princeton, and the University of Chicago. The faculty has also published 251 law review articles and book chapters, with publishers including Ashgate, Cambridge and Harvard.

Q. As you look ahead, what do you see in the future for the law school?

Economic indicators continue to be bleak as this magazine goes to press, and that is cause for great concern for all of us. As a state institution, our fortunes, of course, are tied to Florida’s, and if budgets continue to decrease we will have some very difficult decisions to make. However, on our current track the law school has an historic opportunity created by the tuition differential strategy and a modest forthcoming reduction in class size to vastly increase our quality and reshape our institution, despite the budget cuts we have undergone. The support of our alumni and friends is more important now than ever.

The College of Law is in the initial stages of a major strategic planning effort called “UF Law 2015,” in part in preparation for the Strategic Plan & Self-Study required for the ABA sabbatical site visit in spring 2010. We have a stellar group of faculty on our Strategic Planning Committee, and they will be considering what we would like our law school to look like in the year 2015. For the college to operate at its highest level of efficiency and best serve our students, for example, we may envision a law school with a slightly smaller J.D. program, better student-faculty ratios, and more skills training per student. We might look for our tuition to be close to, but below, the mean of our peer institutions. Our entering class credentials might be even stronger, as we keep more high quality Florida residents in Florida for their legal education. And we hope to improve the broad diversity of our students and faculty as well.

As we look at how we educate our students in the future, we must consider choices such as class size and selection. Legal education is changing around us, and we must focus our attention on who we are and where we are going as an institution. We must look at who we are teaching, and what we are preparing our students to do. Our alumni are an important part of this effort, and we invite your suggestions and participation.

— ROBERT H. JERRY II
DEAN; LEVIN MABIE AND LEVIN PROFESSOR OF LAW

“We opened in 1909 with 38 students and two faculty members. We now have more than 1,200 students and 100 faculty members.”
The audience in the courtroom hushed with anticipation as the bailiff announced in a ringing tone, “Oye, oye, oye! All persons having business before the honorable Supreme Court of the United States are advised to draw near and give their attention, for the court is now sitting. God save the United States and this honorable court.”

So began the University of Florida Justice Campbell Thornal Moot Court Final Four competition held on Sept. 5. For the first time in UF history, a sitting chief justice of the United States, John G. Roberts Jr., presided over the competition, which was held in the university’s Phillips Center for the Performing Arts before an audience of 1,500 law students, faculty, staff and guests.

Judge Peter T. Fay, Judge Susan H. Black and Judge Rosemary Barkett, all UF alumni and judges in the 11th Circuit of the U.S. Court of Appeals, joined Roberts on the Moot Court bench.

The case to be decided during the Moot Court hinged on the First Amendment aspects of the “Choose Life” license plate in the fictional State of Webb. Student attorneys Cary Aronovitz and Kevin Combest served as counsel for the plaintiff, the State of Webb Department of Motor Vehicles. They would argue in the plaintiff’s appeal of respondent Planned Parenthood of Webb Inc.’s earlier victory in the U.S. Court of Appeals. Robert Davis and Tara Nelson served as counsel for the respondent.

At issue was whether the federal courts held jurisdiction in the matter, and if they did, whether or not the “Choose Life” specialty plate violated First Amendment principles of free speech.

Under the stern gazes of the jurists, counsel for the plaintiff Cary Aronovitz stepped up to the podium to open arguments on the case before the court. Fighting butterflies, Aronovitz managed to maintain his composure when Chief Justice Roberts cut him off with a line of questioning, soon joined by the other jurists, regarding whether the $25 purchase price for the specialty tag was a tax, a regulatory fee, or a contractual exchange.

“The very first question presented to me was from [Chief Justice] Roberts and I was anticipating that...
question, but it was probably the one question I really didn’t want to answer,” Aronovitz said. “I got it out of my mouth, I saw him nodding and that was a big confidence booster.”

Despite pointed questioning from the bench, the competitors were confident in their answers because of weeks of practice facing rigorous grilling from their professors.

“What really made it much easier than you would have thought was that the questions the professors asked us in practice were hard-hitting, adversarial, trying to get us to mess up, and that prepared us to talk to these judges and justice who didn’t want to do that,” Combest said. “They just wanted to talk back and forth. We had seen the worst, and anything less than that was just pleasant.”

That’s not to say the jurists didn’t ask the competitors some tough questions, probing their arguments to find chinks in their reasoning regarding complex legal questions. As an example, Roberts questioned Davis on his argument for the respondent that a four-prong approach should be adopted when determining whether a message on a state automobile license tag is government or private speech.

“The problem with multifactor tests, of course, is that they delegate a huge amount of discretion to the judiciary,” said Roberts. “When you have four factors, they can be manipulated in any way, and so you’re transferring the determination from the legislature to the courts about what types of policies the government can support and promote. Isn’t that problematic?”

During deliberations, UF Law Professor Lyrissa Lidsky addressed the audience to outline the constitutional elements of the case, stressing its importance despite its hypothetical nature. She noted Florida was the first state to have a “Choose Life” license plate and is also considering a license plate with the words “I Believe” with a picture of a cross. Although the “I Believe” tag has been stalled in Florida, South Carolina recently approved an “I Believe” license plate, and a lawsuit has already been filed in the matter, she said.

“This is a very important issue, it’s a hot issue, and some very smart people in our appellate courts have split on the constitutionality of the issue,” Lidsky said.

Although the bench eventually ruled for the petitioner, Roberts said all of the students performed well.

“We unanimously decided that there was not a bad one among them,” Roberts said. “That’s not always the case, so we appreciate very much, as we do in our day jobs, that a lot of work went into the presentations. Judges and justices are very grateful when that happens.”

Aronovitz and Combest won the competition for the petitioner. Aronovitz was awarded best brief and best oral argument of the competition, while Davis took home the best overall participant. The event was sponsored by the law firms of Holland & Knight and Zimmerman, Kiser & Sutcliffee. The Charles W. Abbott Endowment provided scholarships for the final four, the final four alternate, the best oralist, and to the author of the best brief. Dr. Joseph Rhile provided the Elizabeth Rhile scholarship for the best overall competitor.

“We depend so heavily on the jobs that the lawyers do, both in the briefs and in the oral presentations,” said Roberts. “It always makes it a more enjoyable experience to have counsel who’ve put in long hours, as I can tell all four of our advocates have.”

—Ian Fisher and Lindy Brounley

Charles ROBERSON, Secretary, Webb Dept. of Motor Vehicles, Petitioner

Represented by Kevin Combest and Cary Aronovitz, vs.

PLANNED PARENTHOOD OF WEBB, INC., Respondent

Represented by Robert Davis and Tara Nelson.

In The Supreme Court Of The United States Of America, Fall Term, 2008

Petitioner, Charles Roberson, Secretary of the Webb Department of Motor Vehicles (DMV), enforces and administers the State of Webb’s statute authorizing a specialty license plate with the words “Choose Life.” The State of Webb does not have a corresponding statute allowing for a specialty license plate with the words “Pro-Choice.” Planned Parenthood of Webb, Inc. (PPW) filed a civil action in federal district court against the DMV arguing that the statute authorizing the Choose Life license plate amounts to viewpoint discrimination by the State of Webb in violation of the First Amendment. In response, the DMV argued that the federal district court was deprived of subject matter jurisdiction to hear the case by operation of the Tax Injunction Act (TIA). Alternatively, the DMV argued that the Choose Life license plate statute need not be neutral because any message on a state-issued license plate constitutes government speech. The district court held in favor of PPW by finding that the TIA did not deprive the district court of subject matter jurisdiction and that the statute authorizing the Choose Life license plate in the state of Webb violates the First Amendment. The DMV appealed. The United States Court of Appeals for the Thirteenth Circuit affirmed the district court’s decision and reasoned that because motorists who receive a Choose Life license plate voluntarily pay a $25 charge, the charge imposed does not constitute a tax, nor does the charge constitute a regulatory fee; rather it is a simple purchase price. Consequently, the TIA did not preclude the district court from exercising federal subject matter jurisdiction. The circuit court further reasoned that the license plate statute violates the First Amendment because the license plate message constitutes private speech and the statute authorizing only the “Choose Life” message impermissibly discriminates against other viewpoints, mainly the “Pro-Choice” view. The Supreme Court granted the DMV’s petition for certiorari. Before the Supreme Court are two issues: 1) whether the charge imposed by the Choose Life license plate statute is a tax within the meaning of the TIA and; 2) if not, whether the “Choose Life” message constitutes private speech and viewpoint discrimination in violation of the First Amendment.
Study Abroad Program Raises Awareness to Benefit South African School

For 19 UF Law students, the UF/University of Cape Town Study Abroad Program turned into more than just a summer trip. The UF students, along with High Springs Community School, sponsored a pen pal project that raised $3,400 to benefit Kalksteenfontein Primary School (KPS) in South Africa. UF Law students, like Donna Vincent (2L) pictured above with KPS students, also volunteered at KPS during the Cape Town Study Abroad Program over the summer. KPS is located in Cape Flats, a poor township 15 miles outside of Cape Town. Many of its residents were forced from Cape Town when District Six became a white-only area under apartheid. The money raised will pay all 136 KPS students’ tuition, said Kathie Price, UF Law associate dean for library and technology.

Hispanic Business Ranks UF Law 10th Among Top Law Schools for Hispanic Students

Hispanic Business recently ranked UF Law as the number 10 law school in the nation for Hispanic students. HispanicTelligence, the research arm of Hispanic Business Inc., annually assesses the nation’s top law schools to identify those offering the most to Hispanics and at the forefront of recruiting, retaining and offering quality higher education. UF Law exemplified the inclusion of diversity measures on campus in the following categories: Hispanic enrollment, Hispanic faculty, Hispanic student services, Hispanic retention rate and Hispanic reputation. In 2007, more than 10 percent of the student body was Hispanic. The school specifically recruits, supports and mentors Hispanic law students, and the retention rate for Hispanic students in 2006-07 was 100 percent. Student organizations oriented toward this group include the Spanish American Law Students Association (SALSA), the Hispanic and Latino/a Law Student Association (HLLSA), the Caribbean Law Students Association (Carib-Law), and the International Law Society (ILS).

In addition, professors Berta Hernandez-Truyol, Juan Perea and Pedro Malavet and Assistant Professor D. Daniel Sokol make the University of Florida Levin College of Law a national leader in the number of tenured Hispanic faculty members.

A new University of Florida Levin College of Law program will help law students bridge the gap between what they learn in law school and legal practice. The Peter T. Fay Jurist-In-Residence Program — named after Peter T. Fay, a senior judge of the U.S. 11th Circuit Court of Appeals who graduated from the college in 1956 — will bring judges to the college to provide insights to students and faculty on a broad range of issues relating to judicial process, substantive law, trial and appellate advocacy, and the day-to-day practice of law.

“A jurist-in-residence program is one of the hallmarks of a great law school, and has long been a program I’ve wanted to see established at our school,” said Robert Jerry, dean of the College of Law and Levin Mabie and Levin Professor of Law. “Our Peter T. Fay Jurist-In-Residence Program will bring extraordinary judges to this law school to enrich the educational experience of our students, and because it is endowed, it will influence the development of UF Law students for many generations to come.” Jerry announced the Peter T. Fay Jurist-in-Residence Program during a reception to mark the 35th anniversary of the Levin College of Law at the University of Florida on Oct. 31.
UF Conservation Clinic Teams Up With Georgia On River Conservation

Law students from the University of Florida and the University of Georgia met at the border for something other than football — an opportunity to canoe the St. Marys River, the boundary water between the two adjoining states. The UF Law Conservation Clinic and the University of Georgia Environmental Law Practicum have teamed up for a trans-boundary water law project that involves researching and petitioning the state of Florida for an Outstanding Florida Water designation for the river (if warranted by research), while designing some sort of similar protection for the river in Georgia — which does not have an analogous regulation.

The two law school-based service learning programs are working with the St. Marys River Management Committee, a volunteer board appointed by the four counties that border the river (Nassau and Baker in Florida; Camden and Charleston in Georgia) and supported by the St. Johns River Water Management District. Students will also be looking into shared watershed cooperation mechanisms at the local level that could harmonize planning and local riverine protection regulations.

Fall 2008 Enrolled Class Profile

This year’s entering class is among the best and brightest in the nation. With UF Law ranked in the top 25 public and 46th overall of the nation’s nearly 200 accredited law schools, its student body continues to reflect the college’s status as one of the country’s best public law schools. With a substantial 397 students and an average LSAT score of 160, the class of 2011 is no exception to this standard of excellence.

Class Size: 397
Number of applicants: 3,373
Number of offers: 940
Gender: 52% male, 48% female
Minority Representation: 25.4%*
(8.56% Asian, 5.79% Black, 10.57% Hispanic, 5% Native American)
*8.3% self declared as other or did not indicate race, this figure is not included in the 25.4%

Average age: 24
Residency: 80% resident and 20% non-resident.

Academic Credentials:

UGPA: 75th percentile 3.78, median 3.61,
25th percentile 3.38
LSAT: 75th percentile 162, median 160,
25th percentile 156

welcoming Chief Justice of the United States John G. Roberts Jr. to campus. At the reception, which was held Sept. 4 at the UF President’s house, the Chief Justice expressed his high regard for Fay and applauded the creation of the program.

“I think it would be absolutely wonderful for the law school to invite all kinds of judges from around the country,” said Fay. “This program will really give students a chance to talk to judges and to realize a lot of different things, number one that judges are human beings striving to do a good job. And number two that jurists deal with everyday questions that are very similar, if not identical, to the questions that are being discussed in class.”

The idea to name the jurist-in-residence program after Fay came from Fay’s colleague and friend, U.S. District Court Judge Paul C. Huck, who graduated from the college in 1965. Huck regards Fay as a judicial mentor, and he wanted to honor Fay in a fashion that represented Fay’s tremendous dedication to the professional development of young lawyers. The program will bring judges to the UF law campus at least once each year for a period of several days to interact with law students, providing them with unusual access to judicial expertise and insight in appellate advocacy.

“The general concept is that judges would be invited to spend two or three days on campus and participate in law school activities as suggested by a committee comprised of judges, faculty and law students,” said Huck. “While we expect to have judges who are UF law alumni participate initially, it is contemplated that eventually we will also invite Supreme Court justices and other nationally known jurists to participate.”

Perhaps not surprisingly, Fay has been tapped to serve as the school’s first jurist-in-residence later this year.

“This honor is the highlight of my 38 years as a federal judge,” Fay said. “I’m very honored, very embarrassed and very humbled.”

Defense Prevails in Trial Team Final Four

The University of Florida Trial Team marked the end of its four-week selection process by holding its annual Final Four competition Oct. 3 in the Bailey Courthouse. Final Four advocates Amanda Brus, Katrina Gavette, Joshua Lukman and Kara Wick, who were chosen from a pool of almost 100 students, presented their arguments for the fictitious civil case Smith v. Lighter Corporation. Brus and Wick, counsel for the defendant, were awarded the title of “Best Overall Team.” Wick was also named “Best Overall Advocate.”

The Honorable Judge Stephan Mickle served as the presiding judge. At the end of the competition, Mickle congratulated both sides on their dynamic closing arguments. Rumberger, Kirk & Caldwell, P.A., a litigation firm with offices in Florida and Alabama, sponsored the tournament. The jury was composed of J. Scott Kirk, James A. Edwards, Sara J. Burton and LaShawnda K. Jackson, all attorneys at the firm. (Left to right) Joshua Lukman, Katrina Gavette, Judge Stephan Mickle, Kara Wick and Amanda Brus.

The 7th Annual University of Florida Music Law Conference February 20-21

If you are a UF alumnus experienced in entertainment law and interested in sharing your knowledge with up-and-coming musicians and fellow attorneys, please email the conference Executive Director Sondra Randon at srandon@ufl.edu.
Let’s talk: A conversation with Justice Stevens and Judge Gonzalez

In an intimate and very personal conversational setting, U.S. Supreme Court Associate Justice John Paul Stevens and his close friend and colleague U.S. District Court Judge Jose A. Gonzalez Jr. (JD 57), a judge in the Southern District of Florida, shared their judicial philosophies, insights and inside jokes with an audience of 700 UF Law students and faculty.

The two old friends were on campus as part of the Inaugural Marshall Criser Distinguished Lecture Series. Stevens is the fourth Supreme Court Justice to visit UF Law in three years, following visits by Chief Justice of the United States John G. Roberts Jr. and associate justices Ruth Bader Ginsberg and Sandra Day O’Connor.

To view a video of the conversation, visit www.law.ufl.edu/uflaw

“Oral argument is, if not the most important, one of the most important parts of the case,” Gonzalez said, “because the first thing you have to do as an advocate is gain the attention of your audience and you can do that orally much easier than you can with the written word.”

Wolf asked about Stevens’ perspective on stare decisis, the doctrine of allowing precedent to stand in court decisions. Stevens said he gives strong deference to precedent, even if he disagrees with the decision, as he did in Texas v. Johnson, a 1989 Supreme Court case which protected flag burning as a form of free speech.

“Oral argument is, if not the most important, one of the most important parts of the case.”
Lewis Schott (LLB 46) of Palm Beach, Fla., donated $600,000 to the university in early 2007 to establish the Marshall M. Criser Distinguished Lecture Series. Schott’s gift for the permanent lecture series at the college was eligible for matching funds from the state of Florida’s Major Gifts Trust Fund, which increased the speaker series endowment to more than $1 million.

“The goal of the speaker series is to host prestigious national and international speakers every year on topics of particular interest to law students,” said Robert Jerry, dean and Levin Mabie and Levin Professor of Law.

“The outstanding leadership Marshall Criser has shown throughout his career provides an example for the aspirations we want our students to hold,” said Jerry. “In honoring Marshall with the named lecture series, Lewis Schott has again enhanced the law school in a way that will enrich the academic experience of our students.”

Schott is a longtime contributor to UF. Law students, faculty, and staff are well familiar with the Marcia Whitney Schott Courtyard at the Levin College of Law. As a result of an earlier gift from Schott, this courtyard is named in honor of his late wife, who also earned her law degree from UF in 1946.

Marshall M. Criser distinguished lecture honors former UF president

Lewis Schott (LLB 46) of Palm Beach, Fla., donated $600,000 to the university in early 2007 to establish the Marshall M. Criser Distinguished Lecture Series. Schott’s gift for the permanent lecture series at the college was eligible for matching funds from the state of Florida’s Major Gifts Trust Fund, which increased the speaker series endowment to more than $1 million.

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“Marshall Criser has devoted a major part of his life to the University of Florida,” Schott said. “It is an honor to be able to continue his influence at UF.”

“I feel very strongly that case was incorrectly decided for all sorts of reasons... But, I would never suggest that it should be overruled,” Stevens said. “I think it was a firm decision, I think the country has accepted it, and I think it is part of the law and should remain the law.”

Stevens went on to note there are instances in which he feels the precedent should not rule.

“I have rather consistently disagreed with some of the sovereign immunity jurisprudence in the court,” Stevens said. “It just seems to me there is a fundamental misunderstanding about the correct relationship between the states and the federal government that is entitled to continuing examination.”

Both Stevens and Gonzalez offered wise words when asked to share general advice to the law students in the audience.

“When you first get into the practice, you’re going to find out that you don’t know an awful lot,” he said. “Don’t be afraid to admit that... Go ask somebody older than you or more experienced than you, and you’ll be surprised how happy they will be to help.”

Stevens advised that keeping one’s word is most important.

“When you graduate, you become part of a profession,” Stevens said. “If your word is good and you have the reputation for being trusted for what you say, both for facts and for your understanding of the law, that will pay more dividends than you can possibly imagine.”

“Just remember, your reputation as a person of honor is very hard to achieve,” Stevens said, “but nothing is more valuable to a lawyer than his word.”

—Ian Fisher
Desegregation

Pioneers Honored During UF Constitution Day

BY SCOTT EMERSON & KATIE GLASEWITZ
Fifty years ago one man changed the course of history for higher education in the state of Florida. African American, academically eligible, and eager to start his instruction, Virgil Hawkins was denied admission to the University of Florida College of Law based solely on his race.

In 1949, Virgil D. Hawkins applied to the UF law school and was denied entry based on the color of his skin. With the legal assistance of future Associate Justice of the United States Thurgood Marshall, it took nine years, five Florida Supreme Court and four U.S. Supreme Court rulings before Hawkins broke the color barrier for students at UF — but at great personal cost. Hawkins abandoned his own aspirations to attend the College of Law by agreeing in 1958 to drop his suit against the state if Florida would desegregate university admissions.

On Sept. 15, 1958, George H. Starke Jr. enrolled in the UF College of Law, becoming the first black student to enter the university. In 1962, W. George Allen became the first black student to receive a degree from the UF College of Law. In 1965, the Honorable Stephan Mickle, United States District Judge in the Northern District of Florida, became the first black student to earn an undergraduate degree from the university.
“In reality, Virgil Hawkins never expected to be the Rosa Parks of Florida or his admission to the UF’s College of Law to be the Ft. Sumter of civil liberties,” said Herman, the attorney who laid the groundwork to recognize and honor Hawkins.

The program also included a panel discussion on the federal constitutional issues in law school desegregation with Kenneth Nunn, professor of law; Herman; Juan Perea, Cone Wagner Nugent Johnson, Hazouri and Roth Professor of Law; and Stephan P. Mickle, U.S. District Judge, U.S. District Court, Northern District of Florida.

George H. Starke Jr. addressed the audience during the program and said that even though he had never met Virgil Hawkins, he appreciates the sacrifice he made. “Virgil Hawkins made it possible for me to attend law school,” Starke said. “He made it all possible.”

Hawkins’ niece, Harriet Livingston, also addressed the audience, telling them that Hawkins’ faith provided him with patience and perseverance. “Only those who see the invisible can do the impossible,” said Livingston. “Virgil Hawkins taught us not to judge a person by the color of their skin, but by the content of their character.”

At the close of the program Dean Robert Jerry reminded the audience to remember the heroic efforts of Virgil Hawkins, George H. Starke Jr., W. George Allen and Stephan Mickle. “As we leave today, we leave with the inspiration to do good and remember the struggle of those who came before us.”

W. George Allen (JD 63) enrolled in law school in September 1960, and became the first African-American law student to graduate from UF Law. UF Law has changed greatly in the years since Hawkins, Allen, Starke and Mickle attended. Allen said that the biggest change he’s seen in UF Law was “the proliferation of minority and women students.”

Allen is a former president of the National Bar Association, and he and wife, Enid, are major contributors to the UF Center for the Study of Race and Race Relations. Allen serves as a member of the UF Foundation Board of Directors, and the college’s Black Law Student Association is named in his honor.

“When I started there I was the only black and there were only two women. Now the class is more diverse and it represents society — but I started in 1960,” said Allen. “Now, the law school is more in tune to the population. The diversity has been good for the school.”

GEORGE H. STARKE JR.

In his own words

No one will ever know how much it meant to me to participate in the Constitution Day Program, and to have the opportunity to tell the story of some of my experiences at the law school and at UF in the first days. These experiences were unique.

I mentioned to someone earlier that while I would have come to school at UF in any event once the laws changed, I have long thought it would have been better for me as an individual just to have had the normal struggles to contend with. UF had a 105-year history of segregation when I first came, and I have to think on reflection that was more difficult to cope with than I anticipated — not because of the few threats, but because of the intangibles and subtleties.

I tried to conduct myself as simply another student, and tried to block out all thoughts about the historical implications of my being there.
FAST FACTS

- 1946-1958: 85 black students apply to the University of Florida and are denied admission.
- 1949: Virgil Hawkins and William T. Lewis are denied admission to UF College of Law.
- 1954: Brown v. Board of Education decided by the U.S. Supreme Court. In a companion decision, the court orders the University of Florida to admit Virgil Hawkins. The state resists the ruling. Virgil Hawkins brings his case before the Florida Supreme Court five times and the U.S. Supreme Court four times.
- 1957: Florida Supreme Court upholds Virgil Hawkins’ denial of admission. Justice Stephen O’Connell, who later served as UF’s president, concurs in the decision.
- 1958: Hawkins withdraws his application to the UF College of Law in exchange for the desegregation of UF graduate and professional schools.
- 1958: George H. Starke is the first African-American to be admitted to UF’s College of Law.
- 1959: College of Law celebrates 50th anniversary.
- 1962: W. George Allen is the first African-American to receive a degree from the UF College of Law.
- 1965: Stephan Mickle is the first African-American to earn an undergraduate degree from UF, later earning his law degree from UF in 1970.
- Today: In fall 2007, 51,725 students were enrolled at the University of Florida, including approximately 4,300 African-Americans, 6,000 Hispanics and 3,800 Asians.
- Today: 2008 Levin College of Law minority representation: 25.4 percent. This includes Asian, 8.56 percent; African-American, 5.79 percent; Hispanic 10.57 percent; and Native American 0.5 percent.

I tried to conduct myself as simply another student, and tried to block out all thoughts about the historical implications of my being there.”

— George H. Starke

Excerpted from correspondence to Dean Robert Jerry dated Sept. 25, 2008

wanted to be treated just like everyone else, and... I think in the main I was, although I cannot be 100 percent certain. Fred Levin and others in my class would know more about that than I, since they also know whether anything changed in how they were treated following our third semester.

My plan (upon leaving law school after the third semester) had been to reapply in about five years or so, but it took longer than that to get the negative experiences out of my system, and even longer to get to a point where I could even talk about it... . Five years became 10, and 10 became 20, and life intervened. So, I did not reapply or decide to go elsewhere.

I participated on a panel (during the Constitution Day activities at UF), with one person from each of the decades from the 50s through the 90s. It was very interesting to note how matters emerged and evolved at UF over time, with changes in both culture and leadership at institutional and community levels. I think Governor [Leroy] Collins and Dr. [John W.] Reitz set a tone for UF and the state — before and after I was there, which contributed for a long time to the climate and general atmosphere in which minority students, and all others, were able to grow, to organize, to express themselves and to work for what they wanted the University of Florida to become. I was on the Alumni Board of Directors a few years, and had the opportunity to vote to establish the Association of Black Alumni. I know there now to be any number of such organizations on the various campuses.

Finally, thank you again for the invitation and the opportunity to participate in the Levin College of Law Constitution Day Program... . I am glad I had an opportunity to learn more about the life and times of Mr. Hawkins. I knew bits and pieces but was impressed with his story.

I appreciate his call now more than ever.

— George H. Starke

Excerpted from correspondence to Dean Robert Jerry dated Sept. 25, 2008
COUNTING THE VOTE

The lasting legacy of Florida’s 2000 presidential election.

BY LINDY MCCOLLUM-BROWNLEY
“The first lesson is this: Take it from me — every vote counts.” — AL GORE

itter words from Al Gore, a man who should know. Gore, who won the majority of the nation’s popular vote in the 2000 presidential election, ultimately conceded Florida’s 25 electoral votes — and the White House — to George W. Bush after a landmark decision by the U.S. Supreme Court to end Florida’s vote recount. The final margin of victory for Bush in Florida consisted of 537 votes, .0002 percent of the state’s nearly 6 million certified ballots.

“What happened in 2000 is exactly what everyone feared, that it would go down to a few thousand votes or less,” said Stephen N. Zack (JD 71), one of the attorneys representing Gore following the election and a partner in the Miami firm Boies, Schiller & Flexner. “I think one thing important to look at from a historical perspective is that there is virtually no election that is free of problems. What usually occurs is that the margins are so large that those problems do not become significant. But when you have a very narrow margin, they become very, very significant, and that’s what happened in Florida in 2000.”

Florida’s 2000 presidential election was initially called in favor of Bush by 1,784 votes. This tiny margin of victory triggered statutorily-mandated machine recounts of ballots in all 67 Florida counties, the results of which narrowed the margin to a Bush lead of little more than 300 votes. Bush’s tenuous majority, coupled with voter complaints of confusing butterfly ballots and malfunctioning voting machines in several counties, compelled Gore, as he was entitled to do under Florida law, to protest the results in Broward, Dade, Palm Beach and Volusia counties. He pressed for recounts in those counties of “undervotes” — ballots that did not show a valid legal selection during machine counting, but which might demonstrate voter intent when examined manually.

Gore’s decision to ask for manual recounts in these heavily Democratic counties, which many critics described as “strategic cherry-picking” of votes, kicked up a legal scrum of epic proportions. After weeks of litigation in Florida’s courts, examination of thousands of ballots with chads in various states of detachment, and media attention that characterized Florida’s election and state politics as national jokes, the U.S. Supreme Court intervened with a judgment — one likely to be argued in law schools and living rooms for generations — that effectively ended the spectacle.

“There can be no doubt that a majority of Americans voted for Al Gore to be president of the United States — that more people voted for Al Gore, or thought they were voting for Al Gore, than for George Bush,” said Zack, who is slated to be the next president-elect of the American Bar Association. “It definitely indicates that elections are subject to human variables, and in a contested election that is razor thin, those human errors are going to cause problems.”

‘FLORIDA CAN’T COUNT’

Many people are still confused by the series of events leading up to the U.S. Supreme Court’s intervention in Florida’s recount of the 2000 presidential election. By the time the nation’s highest court ended the litigation on Dec. 12, the battle had been raging in Florida for 36 days and a dizzying number of suits and countersuits had made the rounds through Florida and federal courts. The country was obsessed with hanging chads, but Florida law did little to shed light on how to discern the voter intent they might reveal.

“We’d tended to overlook the importance of elections until the 2000 presidential election, in which we realized we were using outdated equipment, machines and so on, particularly in the large populated counties,” said W. Dexter Douglass (LLB 55), Gore’s lead Florida counsel and long-time state politico who previously served as general counsel for Gov. Lawton Chiles and chair of the Florida Constitution Revision Commission. “The combination of antiquated voting systems and antiquated voting laws put us in a position when we became pivotal to the election to cause the court proceedings that followed.”

The first case that made its way to the U.S. Supreme Court involved the Florida Supreme Court’s ruling in favor of Gore’s protest of the vote count in Broward, Palm Beach and Volusia counties. Central to the question was the statutory deadline, set by section 102.111 of Florida law, for counties to certify their election returns no later than seven days after the election. Several of the counties conducting manual recounts were unsure they could complete the recounts in time to certify their returns
The combination of antiquated voting systems and antiquated voting laws put us in a position when we became pivotal to the election.

by the deadline. Although the deadline was ruled to be immutable by a Florida Circuit Court, the court also ruled the counties conducting manual recounts could amend their returns later and that Secretary of State Katherine Harris, the state’s chief election officer, had the discretion to accept those amendments after the deadline.

Nonetheless, at the close of business hours on Nov. 14, Harris announced she was in receipt of certified returns from all 67 counties, although three were still conducting manual recounts. She also released criteria by which she would accept amended filings and required those counties intending to make one to submit a written statement outlining the circumstances compelling them to do so. Broward, Dade, Palm Beach and Volusia counties submitted written statements, but Harris determined none of them warranted an extension of the deadline. She certified the election on Nov. 18.

The Gore legal team immediately protested in Florida courts, a move Douglass advised against.

“My suggestion early on was that they should allow the secretary of state to certify the election and then contest it. Instead of choosing a recount, you could choose a contest statute, which would immediately place the question of a statewide recount under the jurisdiction of the courts,” said Douglass. “But Klain [Gore Chief of Staff Ron Klain] and others said, ‘Well, it had already been determined that we would go with recounts in these four counties.’ ”

Despite Douglass’ recommendation, Gore directed his legal team to pursue extending the certification deadline to allow the counties to complete their recounts. This litigation would later prove to run the clock out on Gore’s future contest of the vote.

“Had they allowed me to certify on time, there would have been time for the statewide recount,” Katherine Harris stated in a June 2, 2008, interview on FOX News Channel’s Hannity & Colmes. “His [Gore’s] political team was concerned that… would harm him politically. So he listened to his political advisers instead of Dexter Douglass, his Florida counsel, who said that, indeed,
NOVEMBER 24: To the surprise of many observers, the U.S. Supreme Court agrees to hear Bush’s appeal of the Florida high court ruling allowing hand recounts to proceed.

NOVEMBER 26: Harris certifies the results of the Florida vote after the Florida Supreme Court deadline expires, giving Bush a 537-vote lead over Gore, but these do not include results from Palm Beach County, which completed its manual recount about two hours after the deadline.

NOVEMBER 27: Gore’s lawyers move to contest the Florida result in a circuit court in Tallahassee.

NOVEMBER 30: Florida lawmakers vote along party lines to recommend a special session to name electors if the election contest is not resolved by Dec. 12, six days before the Electoral College meets. The Republican-led legislature is expected to name electors pledged to Bush.

DECEMBER 1: In Bush vs. Palm Beach County Canvassing Board, the U.S. Supreme Court hears oral arguments over whether the Florida Supreme Court overstepped its authority by ordering Harris to include the manual recounts in certified state results.

DECEMBER 4: The U.S. Supreme Court asks the Florida Supreme Court to explain its reasoning in extending the hand recounts, return the case to Tallahassee and put off any action in Bush’s appeal objecting to the recounts.

DECEMBER 8: In a decision divided 4-3, the Florida Supreme Court in Gore vs. Harris certified the election results on Nov. 26 in which Bush was the victor with a lead of 537 votes. Gore’s team then filed a petition contesting the election, the second Gore v. Harris. The case moved through circuit and district courts to the Florida Supreme Court, which ruled on Dec. 8 that a statewide recount would proceed with a deadline for completion of Dec. 12. That date was the federal “safe-haven” deadline for

“We as a people are fully committed to the constitutional electoral process and, at all times, were going to turn to our lawyers and not to our generals.”
states to appoint its electors before the Electoral College’s federally mandated Dec. 18 meeting.

The second *Gore v. Harris* ruling allowed for a statewide hand recount of undervotes, but it did not include "overvotes" — votes where selections for president were clearly indicated, but which also included the candidate’s name handwritten on the ballot. Neither state law nor the court provided uniform standards for how to conduct the recount. Instead, each county’s canvassing board would use its own standards.

"In the first case, the case involving the protest in the certification to the secretary of state, we had been unanimous. In the second case, we were not," said Wells. "I wrote in my dissent that I felt like the majority’s decision created a basketful of practical problems. The statute didn’t provide any standards for making a determination of voter intent, that at that point, our court was requiring to be done statewide. Again, those questions seem to me to have been a difficulty of the elections statutes, which really just didn’t address them."

"The [Florida] election laws really were not designed in such a way that fit a presidential election where the margin of victory was within the margin of error."

**SUPREMELY CONTROVERSIAL**

Bush asked the U.S. Supreme Court to intervene, which it did on Dec. 9 when it issued a writ of *certiorari* for *Bush v. Gore* and enjoined Florida’s recount.

“In the case of the second lawsuit, there were a couple of federal questions involved,” said Clifford Jones, associate in law and lecturer at the University of Florida Levin College of Law’s Center for Governmental Responsibility. “One of them had to do with whether or not the process of counting votes and recounting votes satisfied the constitutional protections of equal protection and due process. A secondary issue, which was related to the first appeal, was whether or not what the Florida court did was interfering with the constitutional direction that the electors for president be selected by direction of the Legislature as opposed to by direction of the courts.”

The court issued a *per curiam* opinion that the Florida court ruling was in violation of the Equal Protection Clause of the 14th Amendment because there was no standard by which all 67 counties could conduct the ballot recount. The opinion stated that it applied only to the specific circumstances of *Bush v. Gore*, and should not be considered precedential because “the problem of equal protection in election processes generally presents many complexities.” In addition, a majority of the court agreed that no constitutionally valid recount could be conducted in time to meet the federal safe haven deadline of Dec. 12. The court was divided as to whether the Florida Supreme Court’s statutory construction to allow a recount after the state’s Nov. 14 certification deadline was in violation of Article II.

“Frankly, the most controversial aspect of the Supreme Court’s decision was to stop the recount, as opposed to merely remanding it for further proceedings in the court below,” said Jones. “I think the court did that because they considered that the Florida Supreme Court had indicated intent to rely on the safe harbor provision of the federal statute.”

The Supreme Court issued its opinions on Dec. 12. The controversial decision left Gore little time for further action and he soon conceded the election. Legal scholar Cass Sunstein later wrote, “For those who believe in the rule of law, it is more than disturbing to find that by far the best predictor of one’s attitude toward *Bush v. Gore* is whether one voted for Bush or for Gore. ... it is extremely disturbing to find that on the highly technical, even esoteric issues involved in the case, the attitudes of so many specialists — including journalists who follow the court, political scientists, historians, law professors and even judges — seem determined, almost all of the time, by their political preferences.”

Nonetheless, Americans, despite their political preferences, accepted the
high court’s decision as final and got on with business as usual.

“Everyone believed this would resolve itself and a lot of people believed, at the end of the day, the Electoral College would step in as it is designed to do if necessary,” said Zack. “I’ve recently spoken at law schools in China, Russia and Poland, and this was a common question. My unequivocal answer was that we as a people are fully committed to the constitutional electoral process and, at all times, were going to turn to our lawyers and not to our generals.”

That reliance on the law hasn’t squelched cynical speculation by some that partisan fervor motivated decisions made by both the Florida Supreme Court and the U.S. Supreme Court. Yet the truth of the matter may have been in plain sight all along.

“The [Florida] election laws really were not designed in such a way that fit a presidential election where the margin of victory was within the margin of error. The courts were trying to deal in a very short time span with the proverbial square peg in a round hole. It just was not something that could be dealt with in a very satisfactory way,” said Wells. “What I have said, and what I truly believe, is this was the election of the president of the United States, and no matter what the legal avenues or approaches were for the United States Supreme Court to get to it, it still was necessary for the United States Supreme Court to have the final say.”

ELECTION REFORM, FLORIDA-STYLE
Florida is no stranger to presidential election problems. Few are aware that the congressional Electoral Count Act of 1877 — which, ironically, established the Dec. 12 safe haven deadline driving litigation in Florida’s 2000 presidential election — was enacted in part as a result of Florida’s disputed 1876 presidential election between Rutherford B. Hayes and Samuel J. Tilden. The scandal of that election involved alleged ballot box stuffing and suppression of Republican voters, mostly freed slaves.

With Florida’s 27 electoral votes up for grabs and tight margins reported in advance of the 2008 election between John McCain and Barack Obama, many worried the state could again experience chaos. This election went smoothly, for the most part, despite heavy voter turnout — 73 percent of the state’s registered voters, nearly 8.2 million Floridians, voted (4.3 million of those during early voting).

“Since 2000, there have been a series of statutory responses that would make [a recount] much more streamlined, standardized and easier to conduct.”

“The 2000 situation was unique in history,” said Jon Mills, a UF professor of law, dean emeritus, and director of the Levin College of Law Center for Governmental Responsibility (which sponsored a post-election conference at the Levin College of Law featuring the principals of the court cases, including
David Boies, Douglass, Zack and counsels for Harris). “Since 2000, there have been a series of statutory responses that, if there was a recount, would make it much more streamlined, standardized and easier to conduct.”

After the embarrassment of its 2000 presidential election experience, the state passed the Florida Election Reform Act of 2001, directly addressing inadequacies in state law regarding voting and tabulation problems. The act outlawed the venerable computer punch card machines as well as lever and manual paper voting systems — effectively banishing the hanging chad to history. Instead, the act recommended electronic voting systems, and mandated all voting systems must be certified by the secretary of state before the canvassing boards can use them.

Initially, both optical-scan and ATM-style touchscreen systems replaced the old voting machines. Concerns that the touchscreen system was vulnerable to software glitches or hacking, combined with the lack of a paper trail for ballot recounts, led Gov. Charlie Crist to ban its use in 2007 after the machine recorded 18,000 undervotes in a hotly contested 2006 Sarasota County congressional race. Optical-scan machines, which tabulate the vote electronically but provide a paper record of each vote, are now the standard in use statewide. The optical-scan machines also alert voters if they have recorded over- or undervotes as the ballot is scanned, giving the voter opportunity to correct his or her ballot before leaving the polling place.

The Florida Election Reform Act also implemented more uniform ballot design, and instructed the secretary of state’s office to standardize interpretation of ballot marks and mismarks to determine “clear indication that the voter has made a definite choice” in the event manual recounts are necessary. The standards adopted into the

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To many Floridians, tasking elected representatives to draw nonpartisan voting districts seems a lot like tasking the fox to guard the henhouse … every 10 years feathers fly.

“Reapportionment, or how we divide our districts for the Legislature and Congress, is one of the most important things we do because it determines who you can vote for in your district,” said Jon Mills, a UF professor of law, dean emeritus and director of the Levin College of Law Center for Governmental Responsibility.

Mills said Florida’s constitution directs the Legislature to review and redraw voting districts in the second year after each U.S. Census. The constitutional ideal of reapportionment is to draw districts to fairly represent the state’s population growth or movement. Unfortunately, legislators have historically used the opportunity to redistrict voting blocks to shore up re-election for themselves or their party. This history of gerrymandered reapportionment has resulted in legislators, both Democrats and Republicans, supporting redistricting that effectively splits votes down partisan lines.

“When I was in the Legislature, I sat on a reapportionment committee. Were people drawing districts to favor themselves or their political party? Absolutely,” said Mills. “There is a mutual self-interest in members of a legislative body to help each other that doesn’t necessarily favor one party or the other.”
Florida Administrative Code were written using ballots cast in the 2000 election as examples to assist in identifying common mismarking problems, resulting in clear guidelines to interpret virtually any mark on a ballot as a valid or invalid vote. Lastly, the act removed vote recounts from the discretion of the county canvassing boards and no longer allows a candidate to protest votes in specific counties. As the law stands now, an automatic statewide machine recount is triggered if unofficial returns for presidential elections indicate a margin of victory less than one-half of 1 percent of the vote. If the machine recount shows a difference of less than one-quarter of 1 percent in the margin of victory, a statewide manual recount must take place of both under- and overvotes, unless the combined total of those ballots is less than the number of votes necessary to change the outcome of the election.

“The new standards and voting system make the election more uniform and provide tangible evidence for review if a recount does arise. So, Florida is much better off than we were in 2000 or even 2004,” said Mills. “But, that doesn’t mean it’s perfect.” This year, Florida’s election was a fairly uneventful mega-event. Despite long waits to vote at some polling places and occasional malfunctioning machines, the votes of more than 8 million Floridians were cast and counted — with little post-election drama. If a recount had been necessary, new laws are in place to standardize the process that would, hopefully, quarantine the controversy within the bounds of Florida’s courts.

Florida has come a long way since its 2000 presidential election, and one might now offer it as a model of how to run a smooth election in a big, hotly-contested swing state … As long as the margins aren’t razor-thin.

Mills is now serving as counsel on a legal team representing FairDistrictsFlorida.org that includes CGR staff attorney Tim McLendon. The organization is the sponsor of a constitutional amendment to set standards the Legislature must use when redrawing district boundaries. The title and summary of the amendment, which was argued before the Florida Supreme Court Nov. 6 as Case No. SC08-1149, reads:

STANDARDS FOR LEGISLATURE TO FOLLOW IN CONGRESSIONAL REDISTRICTING

Congressional districts or districting plans may not be drawn to favor or disfavor an incumbent or political party. Districts shall not be drawn to deny racial or language minorities the equal opportunity to participate in the political process and elect representatives of their choice. Districts must be contiguous. Unless otherwise required, districts must be compact, as equal in population as feasible, and where feasible must make use of existing city, county and geographical boundaries.

The primary goal of the amendment — if the Supreme Court approves it as a ballot measure for a 2010 general election — is to establish nonpartisan reapportionment standards by which districts would be drawn. These standards would seek to assure continuity in redistricting so that boundaries are contiguous and compact, preventing district lines from being drawn in such a way that cherry-picks and patches together disparate areas that reliably vote one way or the other.

When districts are drawn to embrace contiguous communities, they include a broader range of constituencies and are not strictly split by racial or partisan lines. The theory is that legislators and congressmen elected to office from such districts would be less partisan and more balanced in their views, resulting in an approach to government that is less divisive and more representative, Mills said.

“I think there are people of good will on both sides of the aisle who really want to see the process be as transparent and fair as possible,” said Stephen N. Zack (JD 71), a partner in the Miami firm Boies, Schiller & Flexner, which also represents FairDistrictsFlorida.org. “Obviously, there are others who just want to win, and that is not the standard by which we should want to have an election.”

FALL 2008
n 1992, Andrew C. Hall (JD 68) heard a horrific story about a stranger, also named Hall, who endured the unthinkable.

Chad Hall, an American working as a contractor, was beaten and tortured after being kidnapped from Kuwaiti territory at gunpoint by Iraqi guards. One of the Iraqis, as Hall told the New York Times, “put the clip in the pistol and chambered in a round and said, ‘Well, I have the authority to shoot you if I have to, to take you with me.’ ”

A retired Army major, Hall was an expert in munitions, and the Iraqis wanted his valuable knowledge.

They did almost anything to get it.

The Iraqis confined Hall to a small prison cell with no lights, window, water or toilet. He was frequently denied food and water and had only limited access to toilet facilities. He was interrogated, accused of espionage, and physically and psychologically tortured. At one point, the Iraqis blindfolded him and told him they would shoot him if he didn’t reveal information. When he refused, they cocked their weapons, gave the “Fire!” command, and dry-fired their weapons at him.

Hall was sure he would die in his cramped, filthy jail cell somewhere in the Iraqi desert.

ENTER ANDREW HALL

After five days of torture, Chad Hall was released. He returned to his hometown of Houston and saw his family lawyer, who called Andrew Hall and told him Chad Hall’s story. Andrew Hall was asked what could be done about this, but he had no quick answer.

“My first reaction was] probably a stupid one, which was like, ‘They can’t do that!’ ” Hall said. “I was so offended by the idea that an American could be kidnapped on Kuwaiti soil by Iraqis. I said, ‘That’s got to be a violation of international law; it just has to be, and there has to be something we can do about it.’ ”

As a Holocaust survivor, Andrew Hall has seen firsthand what can happen when a government takes advantage of its power. And that is why he began his fight for victims of state-sponsored terrorism.

“I have always been a victim-oriented lawyer in that I have a sense of internal outrage whenever I see an abuse of power,” Hall said. “All of that, every bit of it, comes from the circumstances of my birth and my early childhood.”

CHAD HALL’S STORY

Chad Hall grew up in Texas and dropped out of high school to join the Army at the
By the third day, American authorities had learned of Chad Hall’s abduction, but with no diplomatic relationship with Iraq, turned to Poland for assistance. On the fourth day of Chad Hall’s imprisonment, the Polish government located him and brought him food and other necessities. Two days later, Poland negotiated his release, and he flew to freedom.

THE LEGAL BATTLE
In pursuit of justice for Chad Hall, Andrew Hall researched whether sovereign states that sponsor terrorism could be sued by their victims. He found one case: *Prince v. Germany*. Prince was a Jewish-American who was captured by Nazis in Poland at the start of World War II. Decades later in 1991, he sued Germany, and a federal judge ruled that a U.S. court could decide the case.

Relying on the *Prince* ruling, Hall filed suit in the District Court for the District of Columbia but the judge dismissed the suit on the grounds of sovereign immunity. On appeal, the Circuit Court for the District of Columbia ruled that citizens have no right to sue a foreign state in American court without its consent.

Facing a temporary dead-end, Hall sought other avenues toward justice. He went to Congress and began lobbying. In 1996, Congress responded and passed the Antiterrorism and Effective Death Penalty Act of 1996, which amended the Foreign Sovereign Immunities Act to allow victims of state-sponsored terrorism to sue foreign states for damages in American courts.

In 2000, Hall won the lawsuit for Chad Hall in the District Court for the District of Columbia, but the State Department convinced President Bill Clinton to suspend judicial process, essentially holding that the law and judgment did not count, Hall said:

Hall went back to Congress and lobbied further. Finally, in 2002, Congress passed the Terrorism Risk Insurance Act of 2002 that the judgments had to be paid. Two American banks, Chase JP Morgan and The Bank of New York, held Iraq’s money, which was frozen when Iraq was declared a sponsor of terrorism. The banks were making money on Iraq’s frozen assets and fought in court to keep it, but Chad Hall was eventually paid in 2003.

Chad Hall was awarded nearly $1.8 million for the torture and loss of past and future wages. Because his marriage failed due to Hall’s post-traumatic stress disorder caused by his kidnapping and torture, his ex-wife, Elizabeth Hall, was awarded $1.5 million for loss of consortium.

For Andrew Hall, the experiences of his early childhood made the court victory against terrorism feel especially good.

THE HOLOCAUST
Andrew Hall was born in a coal cellar in Warsaw, Poland, in September of 1944 to parents who were Polish Jews hiding from the Nazis.

“I have a sense of internal outrage whenever I see an abuse of power. All of that...comes from the circumstances of my birth and my early childhood.”
Hall’s family had hidden from the Nazis for years before he was born. Desperate to protect his family from the death camps, Hall’s father, Edmund Horskey, posed as a German Aryan and rented an office on the 13th floor of the Hotel Warsaw in February of 1942. Hall’s mother, Maria Horskey, and then 6-year-old brother, Adam Janush Horowitz (now Allan Hall), did not leave that office for more than two years. When Edmund left for work, Maria and Adam hid in a dark closet during the day, only a whisper away from disaster.

“In the shelter, at that point my mother was already pregnant, a V-2 rocket landed, and the only reason we’re here to tell you about it is because it didn’t explode,” Allan Hall said. “I clearly remember walking over to where it had penetrated the street and the ground and came all the way down to the sub-basement where we were. I remember seeing four or six feet of it exposed, and we could clearly see the German marking on it.”

“One of the things that happens to the families of Holocaust survivors is those experiences don’t leave your house,” Hall said. “They’re there every day. It is the primary subject of conversation between your parents and friends. So you grow up in an environment steeped in a sense of injustice at the highest level and what it is you can do to make sure it never happens again. It’s very much a profound part of my personality.”

**THE ESCAPE**

A few years after the war ended, Hall’s father was arrested by Poland’s new communist regime. Hall’s mother did not want to take any risks with the safety of her sons, and she sent them out of Poland with other Jewish war orphans making their way to Palestine, now Israel.

“The Polish rebellion surrendered in October. Warsaw’s German conquerors ordered everyone to leave and then burned the city to the ground. Still working to avoid capture, Hall’s family escaped through the sewer system. The exhausted family made its way to Krakow, Poland, arriving in November of 1944 and remaining until the war’s end.

Although Hall was too young to remember his life in Warsaw, it still impacts him today.
street. That cousin had come to Munich to take the brothers back to Palestine after receiving a letter from Andrew asking for help. The family was reunited at last.

COMING TO AMERICA
On Feb. 6, 1947, the reunited family flew to New York and to freedom. They first lived in Newburgh, N.Y. before moving to Miami.

Both brothers earned their undergraduate degrees from the University of Florida. Allan worked as a builder after graduation, and Andrew was pre-med, but both eventually entered UF Law.

“I took the LSAT on a lark and basically backed in,” Andrew Hall said. “I don’t know if this is true anymore, but if you got a high enough score, you were automatically admitted, so all of a sudden taking the LSAT as a lark — it was on a dare — I got automatically admitted into law school. I figured that must mean something.”

Hall graduated from UF Law in 1968; if he had passed a Spanish class in undergrad, he and Allan would’ve been a part of the same class. Instead, Allan finished a semester before Andrew.

Andrew Hall clerked for Judge Joe Eaton before going to work for a firm in Miami. In 1975, he opened his own firm, now known as Hall, Lamb & Hall.

ANDREW HALL TODAY
Although Andrew Hall once wanted to be a doctor, he has become an exceptional lawyer, Allan Hall said.

“In my opinion, he has one of the best legal minds,” Allan Hall said. “I consider myself a good lawyer, but he leaves me in the dust.”

Since winning the Chad Hall case, Andrew Hall has represented numerous other victims of state-sponsored terrorism including the families of the victims of the USS Cole bombing.

“I had no idea that it would start me on a 16-year journey that would be as difficult and complex as it has been,” Hall said. “But the fact of the matter is it’s one of those things that once I started it, I’ve never looked back; I’ve never regretted it.”

And although state-sponsored terrorism cases are just a small part of Hall’s practice, he takes a lot of pride in helping the victims.

“They’re more visible, so the stakes are higher. It’s the one case where if I walk into a cocktail party and there’s a guy in the military that’s there, he will routinely walk over, shake my hand, and thank me for the case because he knows that there are civilians out there fighting,” he said. “That’s the whole point. Notwithstanding the fact that I’m a civilian, it allows me to basically fight, in my way, against terrorism.”

Allen, left, and Andrew Hall returned to Poland in 1993 with their families to revisit their childhood haunts.
Switching Courts

From the home court to Drug Court, Judge Andy Owens makes the goal.

BY JAMES HELLEGAARD
n the old Alligator Alley, Andy Owens (JD 72) could feel his way around the basketball court. With his teammates at the University of Florida in the late 1960s, Owens sweated through countless practices, scrimmages and games at Florida Gym, devoting endless hours to dribbling around the well-worn hardwood and finding those places where he could launch shots with a feeling so true he thought he couldn’t miss.

“Every day I’d go up early and stay late and pick different spots on the floor and shoot 30 or 40 jump shots,” recalls Owens, who set school records his senior year for points in a season in 1969-70, when he averaged 27 points per game, a UF mark that still stands. “When the game comes and you get the ball in that spot, you know you’re going to make it. To me that’s the way I could develop confidence.”

Today, after 25 years as a circuit judge in Sarasota, Owens tries to instill that same persistence in young people whose lives couldn’t be more different than the one he has known, men and women living precariously on society’s edge.

“I’ve always had a desire to try make a difference and help people,” Owens said as he sat in his office in the courthouse in downtown Sarasota. ‘I just felt that as a judge you would be able to make a difference in your community, and I certainly think that you can.”

A decade ago, Owens helped create a Mental Health Court in Sarasota, as well as a Court Intervention Program. Also known as Drug Court, the year-long outpatient program for felony drug offenders has given Owens a chance to reach out a hand and lift up those who have fallen down into indescribable depths.

“Kids today all feel bulletproof,” he said.

Young people have a very difficult time reasoning abstractly, he explains, thinking bad things, like getting arrested for drugs, only happens to other people, it won’t happen to them. It’s okay if I experiment, they think, I’ll never get in trouble.

“But regrettably, that’s not the case,” Owens said. “And so a lot of good kids end up making a stupid decision. And now they’re caught, arrested for a felony and having a felony on your record carries through for the rest of your life.”

The goal of the Court Intervention Program is to help these young people make changes in their lives that will lead them to make better decisions. First-time offenders who complete the program can have their charges dismissed. For others who have multiple offenses on their record, the hope is the program will help them turn their lives around.

Emotion wells up in Owens’ eyes and in his voice when he talks about the people whose lives literally have been saved by the drug court. One woman walked into Owens’ courtroom in 1997 with a long list of 10 felony convictions on her record, including drugs and prostitution.

Brenda Owens-Philhower grew up in Sarasota. She began using drugs at age 13. By the time she went before Owens at the age of 33, she was estranged from her family and friends, addicted to crack cocaine and living behind a dumpster. She weighed 87 pounds.

“I was looking at a 10-year sentence,” recalls Owens-Philhower, who is no relation to the judge, though she now affectionately refers to him as her long-lost uncle. “I had already been in prison once, and basically Drug Court was not supposed to take me because I was already a convicted felon and had been to prison. But Judge Owens, he knew I was going to die.”

Given one more chance to turn her life around, Owens-Philhower grabbed the opportunity with everything she had, becoming the program’s first graduate. She returns to Owens’ court every year so the judge can present her with a medallion to signify her accomplishment. She eventually received a pardon from Gov. Jeb Bush, who posed for a photo with her that sits in Owens’ office.

Owens-Philhower has gone on to work as counselor to help others get off drugs, and this fall opened her own outpatient drug and alcohol recovery program in Ocala called Recovery Road. She has been a featured speaker for The Florida Bar, the Guardian Ad Litem Program and Florida’s drug courts. She’s been recognized with Florida’s Points of Light Award by both Gov. Bush and current Gov. Charlie Crist.

She and Judge Owens share a special relationship. The judge presided over Owens-Philhower’s wedding vows. Her youngest daughter, Elnora, 14, inspired by the man who literally saved her mother’s life, wants to go on to law school, and her oldest daughter, Dominique, 17, takes criminal justice classes at night while in high school.

“He’s the first person she calls when her girls bring home their report cards.

“He cares about each individual,” Owens-Philhower said of the judge. “He believes that addicts and alcoholics deserve a second chance. Not a lot of judges care about us. Everything that I do in my life is because of Judge Owens. Me getting my own business, me buying my own home, me getting

“I think the lessons that you learn in athletics apply well to life; primarily persistence.”

Circuit Court Judge Andrew Owens confers with counsel on the first day of the Carlie Brucia murder trial on Nov. 7, 2005. Joseph Smith was later convicted and sentenced to death for the abduction and killing of the 11-year-old Sarasota child.
my new car...when I got my first new car he was the first person I called...I'm crying. I cry when I talk about Andy.”

Sitting in his chambers, Owens proudly points to the photos on the shelves of Owens-Philhower and the other men and women who have successfully turned their lives around in the Drug Court program.

“That’s the driving force,” Owens said. “You see by saving a mother, you save a family. I can’t tell you the number of successes that we’ve had like that.”

His own life would appear to any observer to be one long winning season. When his playing career at UF ended and Owens graduated with a bachelor’s degree in finance, he wasn’t exactly sure what he wanted to do. He’d been selected in the National Basketball Association draft, but as a seventh round choice, there was no guarantee he would make the team and the money wasn’t exactly great.

Eschewing an uncertain future in basketball, Owens decided to take advantage of a scholarship he’d been offered by the NCAA and immediately entered law school at UF. But Owens, who had always done well in school, wasn’t prepared for the academic rigors of law school, and his grades in his first year suffered.

“I think the lessons that you learn in athletics apply well to life, and primarily persistence,” said Owens, who quickly got himself back on track academically. “And I think if you’re willing to do the work and are persistent, you can achieve desired goals. And that’s just what I had to do was buckle down and start working. I was not gifted intellectually, so I had to spend some time and read and study and re-read and study some more.”

Owens counts himself as fortunate that both his parents were college graduates. His father, Doug Owens, graduated from Georgia Tech and was an engineer. His mother, Dottie, graduated from Agnes Scott College and was an engineer.

Born in Atlanta, Owens’ moved as a child with his family to Tampa, where his father opened an auto parts business, Owens Tire Company.

That’s where Owens sports career began, initially on the North Seminole Little League baseball fields, where his teammates on Lou Boyles’ Phillips 66ers included two future judges, Stan Morris (JD 71), a longtime circuit judge in Gainesville, and Bobby Simms, a circuit judge in Tampa who died in 2004.

Owens turned his attention to basketball in the 7th grade, when he led his team to the city championship. After winning the title game, Owens invited his teammates to his house for a barbecue. It was there that his mom, much to her son’s initial embarrassment, challenged the boys to a pick-up basketball game in the backyard.

“Well, as it turned out, my mother beat all of us,” Owens recalls with a laugh. “And she had actually played college basketball for Agnes Scott. She could really shoot, and she had a two-handed shot, and none of us could do that. That was kind of fun.”

Owens distinguished himself as a prized basketball recruit at Hillsborough High as he led his team to the state finals his last two years. College programs from around the country offered him a scholarship, and Owens narrowed his list to the traditional powerhouses North Carolina and Kentucky, along with the University of Florida, which had yet to really distinguish itself as a basketball program.

Staying close to home, so his parents could continue to watch him play, was a major factor in his choice to come to Gainesville. He looks back on it now as a great decision that would impact the rest of his life.

Owens’ playing career at UF coincided with what was a golden era for college basketball in the state of Florida. While Owens and Neal Walk lit up the scoreboards in Gainesville, Artis Gilmore was helping turn Jacksonville University into a national title contender and Dave Cowens was dominating the backboards at Florida State University.

After graduating from UF Law, Owens began practicing law with a firm in Punta Gorda. The experience was a real eye opener for Owens, who recalls he had no clue what he was doing. Owens quickly learned the ropes under the mentorship of former Judge Archie Odom, mainly handling small criminal cases, and in 1977 moved with his wife to Sarasota, where he began a civil trial practice representing insurance companies with the law firm of Dickinson & Gibbons.

Although he was often so nervous with energy and anticipation before basketball games that he was sick to his stomach and could hardly eat, Owens enjoyed the competition involved in playing sports, and battling another attorney in the courtroom brought many of those same feelings back.

“I just switched courts,” he says.

Along with that sense of competition came long hours of preparation, however, and something eventually had to give. In this case, it was Owens’ marriage. Following the split, he continued working all the time. Luckily, it was then that Owens caught a big break, a new circuit court judgeship had opened up in Sarasota, and friends encouraged him to apply.

Owens credits “some really outstanding people” who helped him and pushed his application in front of Florida Gov. Bob Graham, and says it probably didn’t hurt that both he and Graham went to UF. In fact, Owens feels his connections to UF have been the key to his success and the reason he’s a circuit judge today.

Although he’d made his living in the courtroom for more than a decade, his appointment to the circuit bench in 1983 allowed Owens to see things from a different perspective. Those nervous feelings he had known before basketball games and prior to big cases as an attorney returned once again as Owens prepared to take his seat behind the bench.

“My stomach was just as upset, I was just as nervous that first day in court,” said
Owens, who initially split his time between Sarasota and Bradenton doing civil and divorce cases. “It’s still nerve-wracking. I still get nervous when I go into court. And this is true about every judge — you always want to make the right decision. And I’m not going to tell you that the right decision always makes you feel good, because the law is not always fair for every person in every instance. But you want to make the right decision. And if you can help someone you like it.”

In a quarter century as a judge, Owens has presided over some high profile cases, including death penalty cases, which he calls “such a horrible tragedy for everyone involved that you will never forget them.”

Today, Owens feels the greatest satisfaction in helping others achieve victories in their lives. Though he has no children of his own, Owens recounts their stories like a proud father.

Owens beams when he talks of the more than “20 clean babies that have been born in” the Court Intervention Program. He tells of the young man dressed in a suit and tie who recently visited his office and was such a far cry from the “horrible heroin addict” he’d seen years earlier that Owens didn’t even recognize him. The man had since graduated from college and now had a successful career with a wife and children. At the program’s recent graduation, Owens marveled at the progress made by another man who had been estranged from his family.

“He struggled, and we had a hard time. It took him close to two years to get out of this year-long program, but he never quit,” Owens said. “And there he is with his kids and his wife. So it’s very, very rewarding. I basically live for that.”

Owens tells participants in the program that everybody’s life is a series of problems, and encourages them to work with counselors to find the self-discipline they need to make good decisions. The problem many have is replicating the structure they have in the program once they leave it.

Remarried several years ago, Owens credits the support of his wife, Melissa, a third-grade teacher at Bay Haven Elementary School, along with a very strong faith with helping him get through the emotional ups and downs that can come with his job.

“I’m not going to tell you that every night I can close the door and go home and shut it out because a lot of times there are a lot of cases that you’re sitting up late at night not only doing legal research but just wondering ‘did you make the right decision, what is the right decision,’ ” Owens said. “But in general by applying those principles you’re able to close the door and realize that if you’re going to be successful in the courtroom you have to also be successful outside the courtroom. And you can only be successful outside the courtroom if you can leave the courtroom in the courtroom. So as best you can you have to be able to do that.”
Weathering the Storm

Follow your feet on any sidewalk in any great American city and you will eventually stumble into urban decay — blighted cityscapes of littered streets lined with neglected and boarded-up homes in neighborhoods surrounded by closed businesses. Many of these neighborhoods once were respectable, even grand. Now, they are relegated to the poor and disenfranchised — dark streets most of us try to avoid.
Perhaps no city stands out more vividly as an example of this than New Orleans. For centuries considered the South’s most elegant and prosperous city, New Orleans had fallen on hard times by the time Hurricane Katrina plowed through in 2005. Already adrift in urban blight before the storm, New Orleans found herself choking on it afterwards.

“Before joining NORA, ‘blight’ was merely a legal concept to me — something that I recalled talking about in Professor Hunt’s preservation law seminar, Professor Perea’s constitutional law class or professors Nicholas or Juergensmeyer’s land use class while studying eminent domain cases,” said John T. Marshall (JD 97), a project manager for the New Orleans Redevelopment Authority (NORA). “That perception changed when I joined NORA. New Orleans is a city of almost incomparable historic beauty and charm, but it has suffered from nearly a half-century of population loss — and, as families have moved away or people have passed away, increasing numbers of homes have become forgotten.”

NORA, formerly called the Community Improvement Agency, was created by state law in 1968 to “eliminate and prevent the spread of slums and blight.” Its principal legal tool to accomplish this is acquisition of abandoned and blighted properties using eminent domain — a process called expropriation.

Historically under-funded and politically troubled, NORA played only a minor role in New Orleans’ early redevelopment plans, but in response to the vast devastation wrought by hurricanes Katrina and Rita in 2005, the city government breathed new life into the tiny agency in early 2007. Money was infused into the organization, its governing board was expanded and the state legislature was pressed by the city to pass laws increasing the agency’s ability to assemble land.

For Marshall, NORA’s expansion would create an opportunity to use his education and legal skills to help the city in its redevelopment efforts, but his career path to NORA isn’t one he anticipated. After graduating from the Levin College of Law with honors in 1997, he clerked with U.S. Magistrate Judge Elizabeth A. Jenkins (JD 76) of the U.S. District Court for the Middle District of Florida in Tampa, Fla. In 1999, Marshall joined the Holland & Knight firm as an associate in its Tampa office, where he gained experience working with local governments and businesses on zoning and growth management issues. He was promoted to partner in 2006.

In September of 2007, Marshall was one of 25 mid-career professionals awarded a Rockefeller Foundation Fellowship in conjunction with the University of Pennsylvania’s Center for Urban Redevelopment Excellence (CUREx). As part of his fellowship, Marshall, along with two other fellows, was selected to work for NORA, an agency the foundation had identified as a Gulf Coast entity whose work it wished to support. Marshall’s fellowship is funded through March of 2010.

“Urban redevelopment work is fascinating because it draws on so many different disciplines, like tax law, property law, constitutional law, land use and zoning law,” Marshall said. “There’s no question in my mind that I would not have received the Rockefeller Foundation fellowship and this opportunity to serve in New Orleans were it not for my professors at UF Law and my mentors at Holland & Knight, because they taught me that revitalizing cities presents many hidden challenges and obstacles beyond designing a more attractive streetscape.”

**AFTER THE STORM**

In 2000, the U.S. Census reported 27,000 abandoned properties in New Orleans. In the aftermath of Katrina that number ballooned to nearly 72,000 according to Greater New Orleans Community Data Center estimates.

Reasons vary for why properties in the city were abandoned. For many, back taxes owed on the property amounted to more than its market value. Others were abandoned after hurricane storm damage. Still other properties, passed down through the generations without the benefit of formal deed transfers, are mired in convoluted questions of inheritance where many heirs — often the grandchildren or great-grandchildren of a deceased owner of record — may have a claim but none have maintained the property taxes. These abandoned properties pose serious health and safety threats to New Orleans’ residents and cause property values to sink.

Desperate to save itself from drowning in debt and squalor, the City of New Orleans expanded use of eminent domain to seize and rehabilitate abandoned and blighted properties. The city’s goal was to wield its eminent domain powers through NORA to clean up the city, build new homes for its returning Diaspora and jump-start the city’s economic redevelopment by returning real estate to commerce. Marshall joined NORA just as the agency ramped up its expropriation efforts.

“The city saw that NORA would have to play an important role in addressing the city’s blight problem,” said Marshall. “The consensus among policymakers and local elected officials was that NORA’s expropriation powers could serve as a critical tool to combat urban blight and could dramatically increase the number of public health and safety expropriations.”

Marshall added that before NORA expropriates a property, the agency first offers to purchase the property from the owner of record for its appraised value. This involves providing the last known owner, or the owner’s heirs, with notice of NORA’s intent to take the property.

“The process also includes filing a civil action in the state’s trial courts and, ultimately, trying the case before the court,” Marshall said. “The interests of the owners and potential heirs are represented at trial by a court-appointed attorney or ‘curator.’ ”

**John T. Marshall**

(right) speaks with Gentilly-Pontchartrain Neighborhood Association members Emanuel Esteves Jr. (center) and Victor Gordon (left) in front of the Gentilly Woods Shopping Center in March, 2008.
If an agreement with the owner or heirs is not reached, expropriated properties navigate the legal channels and enter NORA’s property pipeline for redevelopment or rehabilitation. Once title is obtained, the property is then offered for sale to adjacent property owners in accordance to the Lot Next Door Ordinance. Passed in 2007, this ordinance aims to stabilize and improve neighborhoods comprised of blighted lots and structures. If a neighbor does not purchase the property, NORA works with the community to craft redevelopment proposals.

“Based on ongoing meetings with neighborhood leadership, NORA works with the community to craft a request for proposals (RFPs) for rehabilitation and redevelopment of neighborhood properties,” Marshall said. “This RFP is published in the Times-Picayune and transmitted to a database of neighborhood leaders, interested individuals, and non-profit and for-profit developers.”

In February 2008, Marshall helped recruit a team of 12 outside lawyers he now manages. These attorneys are pursuing expropriation of more than 850 blighted or abandoned properties in the city, and each case will take roughly six to eight months to proceed to trial from the time of filing. Using eminent domain, NORA has or will soon obtain titles to more than 250 blighted properties. These properties have recently been packaged into seven different neighborhood RFPs and put out for bid by small entrepreneurs, for-profit developers, and non-profit developers. Once the new owners take title, they have nine months to eliminate health and safety code violations and begin redevelopment or rehabilitation.

As part of the overall recovery scheme, NORA and the city developed recovery target zones — areas where the city would focus use of federal disaster funds. With one of the highest percentages of abandoned properties in New Orleans, Pontchartrain Park, featuring one of the city’s most distinctive parks and a loyal group of longtime residents, became a strategic area of focus for NORA’s redevelopment efforts.

Developed in 1954, Pontchartrain Park was one of the first areas in New Orleans designed to provide homeownership to middle- and upper-income African-Americans. This model community near the shores of Lake Pontchartrain was built around a city-owned park and golf-course designed by Joseph M. Bartholomew Sr., a nationally-known African-American golf course designer. As families began to move into the community, churches, businesses and schools thrived, including Mary Dora Coghill Elementary School, Southern University and Dillard University. In the 1970s, like many U.S. neighborhoods, the community saw significant residential turnover. Now, after catastrophic damage caused by Katrina and its flood waters, the community is largely abandoned.

“Before Hurricane Katrina, Pontchartrain Park was a very nice neighborhood where kids could safely play in its huge park,” said Laurie Watt, president of Gentilly Civic Improvement Association, a coalition of 19 neighborhood groups that advocates for rehabilitation and redevelopment of their storm-ravaged neighborhoods. “There was a golf course and a recently opened senior center. It was family-oriented with a lot of older folks who were the original homeowners. But today, the community suffers from the ‘jack-o-lantern effect.’ ”

“Louisiana voters jumped on the anti-Kelo bandwagon by passing two ballot initiatives that... placed restrictions on the resale of property...”

“This is where a nice rebuilt home is next door to a lot with 8-foot weeds growing next to a dilapidated house, next to another lot of weeds. It’s just like teeth carved in a jack-o-lantern, except this goes on for blocks,” Watt explained.

According to the U.S. Census Bureau, the population of Orleans Parish in 2005 was 453,726. In 2007, the population had plummeted to 239,124. Using postal records to measure recovery, the Greater New Orleans Community Data Center determined the number of households in Pontchartrain Park dropped from 1,025 in 2005 to 389 in 2008.

As NORA’s community liaison, Marshall consults regularly with community leaders like Watt to learn the community’s wishes in regard to redevelopment.

“John Marshall has been the voice of NORA,” Watt said. “He has fielded thousands of questions during community meetings and provided information resources for countless action committees. He and his organization have done a great job in our community.”

Watt added that while there are other agencies and ongoing efforts addressing abandoned property, NORA has consistently been there to provide information to action groups about current programs and how they work.

**TROUBLED WATERS**

Despite NORA’s success rehabilitating abandoned properties in New Orleans using the strategy of expropriation, eminent domain in the State of Louisiana has caused a political part-in-the-water.

At the center of this legal storm was the 2005 U. S. Supreme Court ruling in *Kelo v. City of New London*, in which the court decided local government could use eminent domain to take private property for the sole purpose of economic development.

“The decision created a sort of ‘storm surge’ of public backlash,” said Marshall. “Immediately, people became frightened that the court’s decision would mean that their local government could take their well-kept home if the government articulated an economic development purpose for the expropriation or taking of property.”

In the wake of nationwide outrage following the *Kelo* decision, lawmakers rushed to draft amendments restricting the use of eminent domain. According to the National Conference of State Legislatures, 39 states successfully passed measures restricting government’s ability to seize private land following the *Kelo* decision.

Swept up in this tide of public disapproval of the *Kelo* court’s holding, Louisiana voters enacted two constitutional amendments that eliminated the possibility that a local government could use eminent domain to achieve economic development. The amendments also had the potential to be interpreted as circumscribing government’s use of eminent domain to eliminate threats to public health and safety — a basic governmental power long accepted.

“Louisiana voters jumped on the anti- *Kelo* bandwagon by passing two ballot initiatives that provided a detailed definition of ‘public purpose’ and placed restrictions on the resale of property that the state had previously expropriated,” said Michael Alan Wolf, a UF professor of law and chapter author of “Hysteria versus History: Public Use in the Public Eye,” in a book entitled, *Private Property, Community Development, and Eminent Domain*.

“It seemed as if politicians and activists throughout the nation felt the need to respond to the anti-*Kelo* sentiment, to take advantage of that sentiment to achieve their preexisting goal of placing restraints on government acquisition and regulation for real property, or both,” said Wolf who holds the UF Levin College of Law Richard E. Nelson Chair in Local Government. The first measure passed by Louisiana voters
was Amendment 5. It provided that an acceptable “public purpose” for expropriation is the “removal of a threat to public health or safety caused by the existing use or disuse of the property.” However, the amendment also states “property shall not be taken or damaged by the state or its political subdivisions for the predominate use by any private person or entity or for the transfer of ownership to any private person or entity.”

This provision seemed to challenge NORA’s strategy of taking blighted private property and transferring it to another private entity, such as Habitat for Humanity, and was in stark contrast to the verdict handed down in *Kelo v. City of New London*. In the *Kelo* decision, Associate Justice John Paul Stevens, writing for the majority, said New London could pursue private development under the Fifth Amendment, which allows governments to take private property if the land is for public use.

“Promoting economic development is a traditional and long accepted governmental function, and there is no principled way of distinguishing it from the other public purposes the Court has recognized.” Stevens wrote, adding that local officials are better positioned than federal judges to decide what’s best for the community. Moreover, both the majority opinion and the dissent in *Kelo* fully embraced the use of eminent domain — and the transfer of expropriated property to third parties — when the taking eliminates some “harmful property use.”

Amendment 6 arguably undermines the ability of governments to transfer expropriated property to a third party. The combined force of the two amendments seems to be a mandate that seized property must be held for 30 years by the seizing authority before it can be transferred to a third party, and that seized property must be first offered for sale at fair market value to the owner, or the owner’s heirs, from which it was seized. These could negate the city’s incentive to expropriate blighted properties and seem to gut its strategy of using expropriation to eliminate threats to public health and safety.

However, Marshall said NORA doesn’t believe the 2006 constitutional amendments prevent it from using its statutory power to expropriate properties as a means to eliminate threats to “public health and safety.”

“The primary purpose of NORA’s expropriation of blighted property is not to transfer the property to a third-party,” said Marshal. “It is to accomplish removal of a proven threat to public health or safety.”

To force examination of the constitutionality of the amendments, NORA quietly sought an appropriate suit to make its case. The suit found the agency first.

**BURGESS V. NORA**

In 1997, the City of New Orleans demolished an abandoned building on two lots owned by Joseph Burgess. At the time of demolition, Burgess owed years of back taxes and fines for health and code violations. Burgess — believed to be deceased — is survived by heirs who could inherit any profits from the sale of the lots.

In 2007, Burgess, represented by a court-appointed curator, sued NORA on the grounds that Amendment 6 prevents the agency from transferring the property to Habitat for Humanity and makes it mandatory for NORA to offer to sell the property back to Burgess.

“Since 1994, NORA has expropriated thousands of blighted properties and has never been accused of abusing its statutory expropriation authority,” Marshall said. “This lawsuit represented a direct challenge to NORA’s critical power to return thousands of dilapidated and blighted properties to commerce by taking property and conveying the land to private persons and entities who agree to remediate the properties’ blighted conditions.”

In May 2008, the case went before Judge Madeline Landrieu in civil district court. In her decision she wrote it would be “nonsensical” to offer expropriated property back to the person responsible for the blight.

“The court finds that the amendments passed in 2006 do not preclude the city from expropriating properties that are blighted in the context in which the city has historically acted, so the exception to the constitutionality is overruled,” concluded Judge Landrieu.

Marshall joined a team of legal experts representing NORA in this landmark case that included Chris Gobert, one of Louisiana’s top expropriation attorneys, Frank Alexander, former dean and professor at Emory University School of Law and John Costopoulos, professor and former chancellor of Louisiana State University. The Burgess case is now on appeal to Louisiana’s intermediate appellate court. A brief on behalf of Burgess was filed in October, and NORA filed a response soon after.

**ROUGH WATERS AHEAD?**

Today, NORA’s quest to turn the tide on urban decay continues despite voter rejection of an amendment on the Nov. 4 ballot that would have clarified the meaning of the troublesome Amendment 6. The law remains that expropriated properties must be held for 30 years before being sold to a third party.

Now, all eyes are fixed on the appellate court. If the Burgess family prevails in the appellate and Louisiana Supreme courts, the result will be a significant setback for New Orleans’ efforts to use eminent domain to resuscitate dozens of neighborhoods crippled by neglected and abandoned properties. But, the determination of the people of New Orleans to rebuild despite these political woes is a testament to their resolve.

“Spending evenings and weekend days with the residents in their homes, church halls, schools and community centers has been transformative for me,” Marshall said. “The people who have returned to New Orleans following the storm are the most informed and resilient citizens I’ve ever encountered.”

Marshall is certain they will find a way to weather the storm.
Legal Technology

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Electronic Practice Management and E-Discovery Revolutionize the Modern Practice of Law.
For those attorneys who have trouble programming their VCRs — and you know who you are — mastering technology to install case and practice management systems in their law practices might seem like the impossible dream. The good news is that case and practice management systems result in more efficient use of attorney and staff time and a boost in productivity, resulting in significant savings to the firm that is a dream come true.

The right case and practice management systems can help a firm’s attorneys and staff streamline both administrative, or “back office,” and professional, or “front office” operations, such as case management, software for substantive areas of law, docketing and calendaring, document assembly, litigation support and research.

“With a case management system, this is really putting technology in the hands of the lawyers,” said Andrew Z. Adkins III, director of the Legal Technology Institute. Adkins has been working with case and practice management systems for more than 20 years.

Practice management combines case management and other front office tasks, and back office tasks into one system. Firms conduct back office and front office tasks every day, but there is usually an overlap in record keeping which results in duplication of effort. Practice management systems allow for all those individual tasks to be stored in a central database, resulting in one-time data entry.

Once data is entered, the central database allows for increased efficiency, productivity and effectiveness within a firm’s staff and attorneys, in part because multiple users can access the data simultaneously to quickly find information through search functions.

One of the challenges for firms establishing case and practice management systems is in identifying which of the multiple practice management systems will work for the entire firm and its individual attorneys.

“The ways in which lawyers practice law are different. Even lawyers who practice the same type of law, or lawyers in the same firm, don’t do it the same way,” Adkins said. “Technology tends to standardize the way we do things; for instance time and billing is cut and dry, but you can’t really standardize the way that you practice law and I think that’s one of the things holding people back.”

Through the Legal Technology Institute, Adkins travels to firms around the country as a consultant. To date, the institute has worked with more than 300 law firms, law departments, courts and law schools.

As a consultant, Adkins recommends firms implement case and practice management systems in three phases. First, the interview phase where the firm’s needs are identified and compiled into a report. This is followed by the implementation phase where the software and hardware necessary to establish the systems are put in place. Finally, the follow-up phase consisting of training and testing is completed.

“Part of my job as a consultant is to educate them as to what’s available,” Adkins said. “[The practice management systems] all basically do the same thing... . It’s the really nitpicky stuff that has to be discussed.”

While the set-up and implementation might be time consuming, the benefits of installing a system that addresses the specific needs of the firm, its attorneys and support staff pays off in the form of “operating efficiency,” increased efficiency and productivity.

In a presentation, “Turning CHAOS into Cases,” Adkins estimated that implementing practice management systems could save each attorney in a firm 15 minutes per day. At $300 per hour, an additional 15 minutes per day could translate into $375 per week, or $1,500 per month for a total of $18,000 per year in increased billable time.

While case and practice management systems have come a long way, they still have a ways to go, according to Adkins.

He estimates between 35 to 40 percent of law firms around the country use a case or practice management system. He expects adoption of case and practice management systems to peak at about 60 percent within the next five to seven years.

Adkins has dubbed the latest in case and practice management systems as the “fourth generation.” This newest technology has the added capability of managing workflow by creating a sort of checklist that automatically routes items, tasks, documents, events and alerts to people based on their role in

PART I: Making the case for electronic practice management

BY ADRIANNA C. RODRIGUEZ
Another challenge in the adoption of case and practice management technology is lack of experience with the software. The key, Adkins said, is to reach law students early.

To this end, the University of Florida is one of fewer than a dozen law schools around the country that teaches a class on law practice management, which includes lessons on case and practice management systems.

The class focuses on teaching students both the technological and logistical aspects of practice management. It has been co-taught by Adkins and Gainesville-area attorney Lawrence J. Marraffino (JD 84) since the early 2000s.

“It gets the students ready for the real practice of law coming out of school,” said Marraffino, who volunteers his time to teach the class. “I do it because I think it’s important for the students.”

The class doesn’t teach students how to litigate, but rather prepares them for the transition from the academic to the professional world. It blends practice management, the daily ins and outs of billing and case management, as well as record keeping, time management and marketing.

Adkins teaches the technological side of practice and case management while Marraffino instructs students on handling different types of clients and litigation, as well as accessing resources, joining professional organizations and getting a practice started.

By the end, students develop a practice management business plan as well as the first part of filings in a practical problem in areas anywhere from estates and trust to bankruptcy.

“This is one of the joys of teaching this class,” Adkins said. “It’s just so cool.”

Most importantly, the students present Adkins and Marraffino with an invoice at the end of the semester. The invoice must be formatted to include date, client matter, description, and bills the professors for the amount of time spent in class, sending e-mails, attending meetings, working on the project and studying. While the students set their own rates, the mock bills remain outstanding.

“It’s really an eye opener for them,” said Adkins of the students who have never billed attorney fees before. “Most of these kids have worked for $10 an hour and here they are charging $200, $300, $400 an hour.”

Marraffino is no stranger to technology. The solo practitioner has built his Gainesville personal injury and civil litigation practice around technology.

“The whole reason I started my own practice was an excuse to buy a computer,” said Marraffino jokingly remembering the monochromatic monitor and daisywheel printer he purchased when opening his first practice over 22 years ago. “I love technology.”

The computer and printer was his largest start-up investment, he said.

In his practice, Marraffino uses AbacusLaw for practice management and Best Case bankruptcy software. Among the advantages of the software, Marraffino cites its ability to automate his research and filings.

In addition, Marraffino has installed remote log-on technology so he can access his office computer and network from anywhere. Such technology even allowed him to complete an emergency filing for a bankruptcy case from an Italian Internet café while on vacation.

He has also automated his messaging service and Dictaphone and is also looking into adding Voice Over Internet Protocol.

Marraffino’s goal is to have a near-paperless office within the next year. Among the advantages of a paperless office, he cites ease of document management and access. Marraffino’s personal injury practice produces volumes of paper records, such as medical records, which he currently has to haul to the court for trial.

“If I were paperless all I'd have to do is bring my PC to court,” he said.

Florida-based company InTouch Legal specializes in legal office technology. When identifying the needs of her clients, InTouch Legal President Debbie Foster said she often encounters lawyers with the misconception that the management system is only for the use of their assistants.

She makes it clear that for management software to be effective, all members of a firm must be committed to dedicating the time and resources to making it work for their firm, Foster said. In addition, because of the time investment required up front to learn the new system, many don’t take full advantage of systems they have implemented.

“We are just all busy and the thought of putting the brakes on to think about change and implementing new software is just not an easy place to get to,” Foster said.

Foster has seen an increase in small and mid-sized firms implementing case and practice management systems and thinks it will continue. She estimated the cost for a firm of implementing management software ranges between $800 and $1,500 per person.

For small and mid-sized firms, Foster said the leading practice management software her company installed was Amicus Attorney and Time Matters by LexisNexis.

“A small firm has got to find a way to do more with less and be more productive and efficient and there is no other single investment that they can make that will help them achieve that,” Foster said. “It’s the most bang for your buck when you’re looking for a way to streamline.”

Both Foster and Adkins agree it’s the new generation of lawyers just coming out of school, those who have lived life in Outlook, that will make the biggest push towards adopting practice management systems.

“Technology is always changing and the new generations of lawyers that are coming who grew up with technology are starting to demand the use of technology,” Adkins said. “They are the ones that are pushing buttons in law firms today. The newer crop coming in who grew up with multitasking, cell phone and laptops. They are not the traditional lawyers.”
PART II:
Discovering e-discovery

BY IAN FISHER

If Abraham Lincoln were to step into the offices of a modern law firm, chances are good he’d encounter a familiar sight — young associates poring over reams of legal papers.

“We’ve been graduating people out of law school who are prepared to practice law in the 19th century,” said noted e-discovery writer Ralph Losey, a shareholder at Akerman Senterfitt. “They’re prepared to work with Abe Lincoln, who had a partner and an associate. They went through papers, and they went to a trial courtroom.”

Losey said technology is driving electronic discovery into the most rapidly-evolving field in the legal profession, but law schools and lawyers are behind the curve in adapting. In general, law students are still trained to review a limited number of documents and build a case around what is given to them. That doesn’t bode well for efficient management of today’s cases, which can have millions of electronic documents in a variety of formats that must be reviewed, Losey said.

“You’re not trained to deal with 5 million documents. Cases now — with just 10 witnesses in a corporation — they’re going to have millions of documents,” Losey said. “You cannot look at each document. That’s the real world; it’s not the Abe Lincoln world of just having a few paper documents.”

Losey was one of a distinguished panel of experts who addressed the emerging importance of electronic discovery during an “E-Discovery Evening” held Oct. 28 at UF which was co-sponsored by The Sedona Conference® and the Levin College of Law.

“The Levin College of Law is one of the first law schools in the nation to offer a course in what is being called ‘e-discovery,’” said Robert Jerry, dean and Levin Mabie and Levin professor of law. “We’re very pleased with the importance of e-discovery during an education world for students.”

E-Discovery Evening panelist Patrick Oot, Verizon’s director of electronic discovery and senior counsel, gave the example of Verizon buying out MCI to illustrate how complicated and expensive e-discovery issues can be. During the legal preparation for the buy-out, more than 2.4 million documents — 1.3 terabytes of data — were reviewed. This required 115 attorneys at one firm doing privilege review and 110 attorneys at another firm doing timeline review. It took four months with attorneys working every day for 16 hours a day to finish the review, Oot said, resulting in legal billings of $13.5 million for outside counsel alone.

Oot recently read an article indicating only about 200 lawyers nationwide handle e-discovery issues well. Oot said that number needs to grow quickly and that advances in technology will streamline electronic discovery in the future.

“As our general counsel put it when we first started this [e-discovery] group, he said, ‘This is the only practice within the company that I actually see growing,‘” Oot said. “Federal regulatory, litigation, antitrust, intellectual property — he sees those groups shrinking where we’re hiring people all the time.”

With the e-discovery field growing so rapidly, The Sedona Conference® has been at the forefront of establishing best practices in the field. One aspect of e-discovery The Sedona Conference® emphasizes is cooperation with opposing counsel on discovery issues.

“You want to be adversarial, obviously, but at the same time, I don’t think you want to be adversarial on the issues pertaining to what information is available,” said Joseph P. Guglielmo, a plaintiff e-discovery expert for Whaley, Drake & Kallas.

Ken Withers, a distinguished e-discovery writer with The Sedona Conference®, moderated the event. Withers said two events have heightened the importance of e-discovery. The first of these were the amendments in 1983 and 1993 to the Federal Rules of Civil Procedure to facilitate greater discovery. The other driving factor in growing influence of e-discovery is the desktop PC and the exponential increase and ease in accessing information the PC makes possible.

“Discovery went from being a means to an end — getting to trial — to being the end in and of itself,” he said. “The number of cases that actually go to trial decreased, and it’s now less than 3 percent of all cases filed… The stakes of discovery were thereby raised.”

All E-Discovery Evening speakers agreed that this is the future of discovery and students should try to learn about it.

“Be smart, look at where the future is, look at the trend,” Losey said. “This is where the opportunity lies. Take these courses on e-discovery; learn about it. Nobody else in the firms you go to is going to know anything about it, trust me… There are a few firms, but there are very few, so this is a time of opportunity. You’ve got to study this stuff.”

For more information about e-discovery and The Sedona Conference®, visit www.law.ufl.edu/news/events/ediscovery/.
Virtually overnight, John “Jay” G. White III’s (JD ’83) client base swelling into the thousands. When White took office as the 60th president of The Florida Bar, he took on representation for the estimated 85,000 members of The Florida Bar.

And, as White points out, that number grows with every bar examination administered.

“Jay is truly a lawyer’s lawyer, having represented many lawyers and firms in his outstanding career,” said Gerald F. Richman, president of the Richman Greer, P.A., firm. “It is very fitting that his ‘clients’ will now include the 85,000 members of The Florida Bar.”

White, a shareholder, director and partner at Richman Greer, is the fifth attorney from the firm to serve as president of The Florida Bar in nearly half a century. He has been with the firm for seven years practicing commercial and complex business litigation, personal injury, wrongful death, professional malpractice litigation, class actions and officer and director representation.

“As a double Gator (BS ’62, JD ’64), I am very proud of Jay White,” Richman said.

White takes office as statewide budget cuts put a crunch on the judiciary. He is especially concerned about the more than 10 percent budget cuts to the courts.
which could force delays throughout the judicial system.

As president, White has begun looking into alternative solutions. He hopes to resolve the problem before leaving office.

“We need to find an adequate, permanent funding source for the judiciary,” he said.

In addition to addressing the budget cuts, during his tenure, White will also focus on improving diversity in the legal profession and increasing mentorship opportunities for young attorneys.

He stressed the importance of The Florida Bar and all of its committees, as well as all those committees not under The Florida Bar, reflecting the makeup of the bar’s population and providing broad representation for all its members.

Among the first steps towards the diversity goal is ensuring all members of the bar are aware when openings occur in the judicial system and apply for them.

This includes alerting members of the more than 150 voluntary specialty bars and local bars across the state, such as bar associations for women and minority attorneys, by e-mail when positions become available.

Another important step is having senior members of the bar call and encourage younger members and minority members of the bar to get involved and to apply for openings.

Improving diversity requires young attorneys get involved with The Florida Bar and voluntary specialty bars early on in their careers.

“The earlier you get involved the earlier you can build your reputation,” White said.

One way White has identified to help get young lawyers involved in the bar from the beginning of their careers is through mentorship programs.

A committee is in the process of looking into structuring a mentorship program for students and first- and second-year attorneys, White said.

Some law schools are also participating in the process of developing mentorship programs. For White, the earlier students and young attorneys become involved in mentorship and attorney groups the better.

“It is important we teach young attorneys that if you are professional, civil, honest and have a good moral compass, those things are far more important than winning cases,” White said. “Don’t get me wrong, winning cases is important, but not at the extent of being unprofessional.”

White’s commitment to mentorship stems from dedicated mentors he had as a young professional. Among them, he mentioned UF graduate Robert V. Romani (JD 73) and retired attorney Ed Campbell.

“I had wonderful mentors as a young lawyer, not only did they teach me the substance of law, but how we should be professional and civil in our practice,” White said.

White began learning those lessons during his time as a student at the University of Florida. He graduated in 1980 with an undergraduate degree in political science.

“I feel like I got a wonderful education and had a lot of fun doing it,” he said of his time at UF.

As a law student, White received the American Jurisprudence Award in Administrative Law. During his time at UF, White was a member of Phi Beta Kappa Honor Society, Phi Kappa Phi Honor Society, Phi Delta Phi Legal Society and Sigma Alpha Epsilon fraternity.

Almost 25 years after finishing his studies at UF, White takes on the challenge of leading The Florida Bar. One of his many priorities during his tenure, mentorship of young attorneys, stems from his experiences as a student and young attorney.

“It is really important that we teach young lawyers and law students what is appropriate and what is not appropriate,” White said. “The most important message is that you can be professional and civil and still be a great lawyer and a great advocate.”
After a chance encounter in a parking garage in Miami, Judge Karen Mills-Francis (JD 87) had an idea for her next career step.

Mills-Francis was a county judge for Miami-Dade County when she ran into her colleague, Circuit Judge David Young, in the spring of 2007. Young had just been hired for his own TV show, which is now in its second season.

“I saw him in the garage parking lot and I congratulated him, and I said, ‘I wonder why nobody has ever contacted me about a court show,’” Mills-Francis said. “About two weeks later, I got a call from someone from Sony Pictures Television asking if I would be willing to come to New York to audition for a show. I did, and here I am today.”

After a recommendation to Sony from Young, Mills-Francis is now TV’s “Judge Karen,” which began airing on Sept. 8 in syndication. To differentiate her program from others in the saturated court-TV show market, Mill-Francis made a few innovative additions. For example, she is the only TV judge who allows the litigants in her courtroom to direct and cross examine their witnesses, which often turns contentious.

Further, her courtroom has a witness stand and the witnesses are sequestered during other testimony. This is more representative of a real courtroom, while the other court TV shows often have the witnesses standing with the litigants through the whole trial.

“When I agreed to do this show, it was important to me that it be court and then entertaining,” Mills-Francis said.

The show also includes an “Ask Judge Karen” segment at the end of each episode. Viewers send in videotaped legal questions, and Mills-Francis researches their questions and answers them on-air.

Mills-Francis is satisfied with how the show has developed, and it is doing well in the ratings, she said.

“It’s kind of hard to be objective, because it is me on TV,” she said. “Of course I’m going to say ‘Oh it’s a wonderful show, because I did a great job.’ But then, others have to say that, and I guess they have spoken because we have very good ratings.”

According to Sony, the show is one of the highest rated shows in Miami.

Mills-Francis was born and raised in Miami, which some might call the TV judge capitol of the world. Five of the judges on TV came from Miami, Mills-Francis said.
some big problems with the juvenile justice system.

“I was shocked when I went to juvenile court at the number of children who were sleeping on floors at the juvenile detention center because they had no parent that would come and get them,” Mills-Francis said. “People talk about the problems and the conditions in adult prisons, but nobody talks about what goes on with these juveniles. It’s worse than adult prisons.”

At one point, Mills-Francis became a foster parent just so she could take a troubled child home with her. She continues to be very active in children’s issues, but Mills-Francis knew she wanted to do criminal work after taking a trial advocacy class at the UF College of Law.

“I took trial advocacy, and in trial advocacy, you have to argue both sides in front of a jury,” she said. “They give you a mock case, you try the case as a prosecutor, and then you turn around and try the case as a defense attorney. I won on both sides, and I got such a thrill out of being in trial that I knew that it was what I needed to do.”

Although TV judges didn’t exist when Mills-Francis was in law school, she draws on her real-life courtroom experience to decide cases on her show.

“A friend of mine said to me yesterday that I’m real,” Mills-Francis said. “R-E-A-L. The person you see on TV is the same person you’d see when you walked into a courtroom in Miami. I am no different from that person. I haven’t changed anything. My clothes, I wore the same robe as a judge, the jewelry, the hair, things I say, my personality — it’s who I am; I’m not putting on a show.”
Assistant Dean of Admissions Michael Patrick was honored Oct. 24 with a scholarship endowed in his name. Frank Goldstein (JD 93) of The Goldstein Law Group donated $40,000 towards scholarships for UF Levin College of Law students in Patrick’s name. The fund will be known as The Goldstein Law Group Endowment in Honor of University of Florida College of Law Dean Michael Patrick.

Goldstein, a double Gator, practices in South Florida where you structure a transaction, that is, the tax tail wags the dog,” said Gelberg, a practicing tax attorney and partner in the Miami law firm Lamont Neiman Interian Bellet P.A. “It is hoped this lecture series will motivate tax students to consider tax policy as a career option working to influence and change tax policy in the public sector — because the government’s tax policy affects us all.”

Her desire to give back to the college led Gelberg to establish the Ellen Bellet Gelberg Tax Policy Lecture Series, which will bring a prestigious lecturer to the college every year to speak on tax policy topics to students and faculty. Her pledge of $500,000 will become eligible for 50 percent state matching dollars through the state’s Major Gifts Trust Fund Program, which would increase the endowment to $750,000.

“Ellen’s exemplary gift will benefit our graduate tax students in perpetuity,” said Dennis A. Calfee, UF professor of law and alumni research scholar.
Nearly every aspect of society relies on the rule of law — and the decisions and counsel of generations of those who have studied it. The importance of legal education to the vitality of the rule of law cannot be overstated. That is why we are so proud of the generous support of our alumni and friends that has helped UF Law pass the halfway point in its $47-million capital campaign. Your support through the Florida Tomorrow campaign not only has an immediate and obvious effect on your area of choice but also creates ripples of change that will resonate for many years to come. Florida Tomorrow, in short, will be when private generosity translates into the public good, and membership in the Gator Nation and UF Law is recognized everywhere as being synonymous with excellence.

Campaign Totals by Year

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Commitments by Type as of Oct. 31, 2008

- Bequest Pledges: 10.52%
- Pledges Outstanding: 47.80%
- Other: 1.28%
- Cash: 40.41%

Commitments by Purpose as of Oct. 31, 2008

- Faculty Support: $4,895,153
- Graduate Support: $3,833,497
- Campus Enhancement: $3,254,894
- Program Support: $15,080,188

Commitments by Source as of Oct. 31, 2008

- Alumni: $22,197,846
- Friends: $2,432,999
- Parents: $105,193
- Corporations: $946,789
- Foundations: $973,141
- Other: $407,674

SUPPORT

Gifts & Pledges

In recognition of recent gifts and pledges:

- Ellen Bellet Gelberg (LLMT 77) made a pledge of $500,000 to establish the Ellen Bellet Gelberg Tax Policy Lecture Series.
- An anonymous donor established an unrestricted insurance policy bequest endowment of $100,000.
- David L. Roth (JD 68) made a bequest pledge of $50,000.
- The Joseph W. Little Pro Bono Support Fund was created by Philip A. & Phyllis S. DeLaney through an annual gift of $5,000 and a life insurance bequest of $100,000, which will permanently endow the program.
W. Reece Smith Jr. (JD 49)

BY SPENSER SOLIS

With a legal career spanning more than 50 years, William Reece Smith Jr. (JD 49) shows few signs of slowing down.

His impact on the legal profession and society as a whole has been a lasting one achieved through serving as president of The Florida Bar, the American Bar Association (ABA) and the International Bar Association (IBA). Smith has also served as attorney for the City of Tampa and president of the Greater Tampa Chamber of Commerce.

“I am very devoted to the law and to the contributions that it can make to a civilized society,” Smith said.

Smith, who grew up in Plant City, Fla., gained an understanding of the importance of helping others from a grandmother who was fully engaged in community affairs.

“She was a very active woman, interested in literature and higher learning,” he said. “She was a leader and I observed her.”

Upon graduating from the University of South Carolina, Smith was commissioned by the Navy in 1946. While aboard ship, he read a book by Howard Fast about the pioneers’ relationship with the American Indian.

“Reading Fast’s book about how we mistreated the Indians raised my social consciousness,” he said.

Smith came out of the service in 1946 still unsure about what to do with his life. Although he was trained as an engineer, he decided against a career in math and sciences.

“My gifts, if any, were in the humanities, coming from the training that my grandmother had given me years before,” he said. “I decided to go to law school and went to the University of Florida.”

Entering law school in 1946 under the G.I. Bill, Smith didn’t immediately catch on to the lingo of the legal field.

“When they talked to me about a legal instrument, I was a bit befuddled,” he said. “An instrument to me, from my engineering training, was a screwdriver or something like that.”

At UF Law, Smith served as president of the Student Bar Association and was selected as a member of Florida Blue Key.

During his senior year, a professor urged him to apply for a Rhodes Scholarship.

“I thought it would be wise to do what my professor suggested,” he said. “To my surprise, I was selected.”

Before heading to Oxford, Smith started a law office as a sole practitioner in Plant City with only his law books and a vacant office. He had only one client who paid him a fee.

“There was no public defender in those days and no organized legal aid, so I defended indigents accused of crime.”

After studying private international law at Oxford, he was invited by Dean Henry A. Fenn to teach at UF Law.

“I taught for over a year and then I was recruited by the firm that I’m still with, Carlton Fields,” Smith said.

Smith became curious about the ABA at the beginning of his career.

“Nobody at Carlton Fields at that time was a member of the ABA,” he said. “A lot of lawyers weren’t.”

The ABA has continued to grow in importance and now plays a powerful role in improving the legal field as the national voice of the profession, Smith said.

“It certainly has an influence on lawyer conduct and lawyer training,” he said.

When he first became involved with the ABA, Smith joined what was then known as the Junior Bar Conference. As a member of the conference, Smith networked with and befriended other young lawyers from different parts of the country.

“I sort of worked my way to the top and became chairman of the Junior Bar Conference two years down the road.”

One might say he did the same in 1980, when Smith served as president of the ABA. As ABA president, Smith was instrumental in establishing legal aid entities in private bar settings across the country.

“I was seeking to enhance access to the legal system for societal purposes,” he said. “The poor and the disadvantaged did not have that access.”

During his term as ABA president, Smith led a march of bar associations on Washington, D.C. The bar association members lobbied Congress to maintain funding of the Legal Services Corporation (LSC), a congressionally-sponsored, non-profit corporation that provides legal services to the poor across the country.

“President Reagan didn’t like the LSC and his attorney general announced that they were going to defund the program,” Smith said.

“We called upon our representatives, senators and congressmen and made our pitch on behalf of the Legal Services Corporation.”

Reagan’s measure was ultimately defeated. To this day, the LSC continues to assist the poor.

By virtue of becoming involved with the organized bar, Smith has been able to make contributions to the legal profession and to the community that he could not have otherwise made, he said.

“I became interested very early in legal aid and ultimately that became sort of an avocation for me.”

Smith believes that a lawyer should possess a strong character, a commitment to society and professional improvement, and a high level of professional competency.

“Don’t go into law solely to make money,” he said. “A lawyer must be willing to make a contribution to the profession and to society.”

“I was seeking to enhance access to the legal system for societal purposes. The poor and the disadvantaged did not have that access.”
1951

William T. Harrison Jr., shareholder with Williams Parkers, Harrison Dietz & Getzen, received the Sarasota County Bar Association’s Distinguished Community Service Award during the association’s annual installation and awards dinner Sept. 19. Harrison was recognized for his dedication to community service and his life-long commitment to the legal profession.

1960

The St. Johns County Commission renamed and dedicated the St. Johns County Court house the “Richard O. Watson Judicial Center” in honor of Senior Circuit Judge Richard O. Watson.

1964

Gerald F. Richman has been appointed by Gov. Charlie Crist to serve as a member of the Fourth District Court of Appeals Nominating Commission. The commission is comprised of nine members with the role of identifying and nominating individuals to fill open judiciary positions in the Fourth District. Richman is president of the law firm of Richman Greer, P.A.

1967

Benjamin F. Overton received the Lifetime Achievement Award from the Academy of Matrimonial Lawyers.

1969

Litigation attorney Alan G. Greer, a partner with the law firm of Richman Greer, P.A. has been named The Florida Bar Certified Lawyer of the Year for 2008. Greer was selected for his exemplary professionalism, excellence, character and commitment to the practice of law. Greer has also been named president of the Florida Supreme Court Historical Society, an organization dedicated to the preservation of the history of the Florida Supreme Court and educating the public on its role in the state’s government and law enforcement.

A. McArthur Irvin of Atlanta, Ga. has been elected as a fellow into the College of Labor and Employment Lawyers. Being elected as a fellow is the highest recognition by one’s colleagues of sustained, outstanding performance in the profession, exemplifying integrity, dedication and excellence.

Jacksonville attorney Joseph P. Milton became the first recipient of the Fran Peacock Coker Florida Chapter of American Board of Trial Advocates Community Service Award for his outstanding leadership as the ABOTA Foundation president in 2006 and 2007. Milton also was recently appointed by Chief Justice Fred Lewis of the Florida Supreme Court to the Florida Board of Bar Examiners Testing Commission, and has been elected as the second vice president of the Florida Supreme Court Historical Society.

1971

Ira H. Leesfield has been named the next president of The Melvin M. Belli Society, a charitable organization comprised of attorneys from around the world. Leesfield is the founder and managing partner of the Miami law firm Leesfield Leighton & Partners.

Making the list

Note from the editor: The individuals below self-reported their selections to the following lists.

Florida Trend Magazine
Legal Elite/Up & Coming
- Steven L. Betley (JD 91)
- Jack R. Reiter (JD 94)
- Steven J. Solomon (JD 91)
- Nicole L. Goetz (JD 77)
- T. Robert Bulloch (JD 02)
- Reuben A. Doupe (JD 02)
- Scott Shuker (JD 93)
- Richard M. Bennubi (JD 88)
- Elizabeth Green (JD 86)

Florida Super Lawyers
- Leslie J. Lott (JD 74)
- Michael T. Moore (JD 74)
- Steve Walker (JD 74)
- Dennis J. Wall (JD 77)
- Kimberly Leach-Johnson (JD 81)
- Brian D. Stokes (JD 84)
- Guy Whitesman (LLMT/JD 85)
- Tuwana J. McMillan (JD 87)
- David K. Friedland (JD 88)
- Richard M. Bennubi (JD 88)

Stuart R. Morris (JD 89)
Mark E. Stein (JD 89)

Chambers USA 2008
- Richard Fildes (JD 77)
- Hal Kantor (JD 72)
- Nicholas Pope (JD 76)
- Terry Young (JD 75)

Florida International University's College of Law on May 18.
1972

Cesar L. Alvarez was named one of the top most powerful Hispanics by Poder Power Issue, and “The 25 Best Latinos in Business,” Hispanic Magazine’s Power Issue, both in 2008. Alvarez is the chief executive officer of the firm Greenberg Traurig.

Hal Kantor will be featured in a new edition of the book The Rainmaking Machine, published by Thomson Reuters. Kantor will be included in the chapter "Building a Practice Around a Passion," written by nationally known author Phyllis Weiss Haserot. Kantor recently presented the first annual Lowndes, Drosdick, Doster, Kantor & Reed Law Review Book Award at The Florida Law Review’s senior banquet.

Jeffery W. Warren was presented with the Douglas P. McClurg Professionalism Award by The Tampa Bay Bankruptcy Bar Association for his outstanding ethical conduct and professionalism over the course of his career. Warren was also listed in the 2008 edition of Super Lawyers Magazine as being among the top 10 attorneys in Florida. Warren is president and founding shareholder of Bush Ross, P.A.

1973

Gerald A. Rosenthal has been named to Best Lawyers in America for the 15th consecutive year.

1974

Leslie J. Lott has been appointed to the Board of Trustees of the Historical Museum of Southern Florida. Lott also was named as one of Florida’s Top 50 Female Super Lawyers and as a top attorney in the intellectual property category. In addition, Lott and David K. Friedland (JD 83) celebrated the 25th anniversary in September of Lott & Friedland, the Coral Gables firm Lott founded in 1983.

1975

Susan S. Demers was honored with the Ralph Richards Award by the Clearwater Bar Association.

Debra E. Pole, a litigation partner in Sidley Austin’s Los Angeles office, was named to the Daily Journal’s 2008 “Top Women Litigators in California.” Only 75 women were selected for the honor. Pole is a seasoned trial attorney with experience in multi-district litigation, class actions, and products liability litigation. She was also named to the list in 2002, 2003 and 2004.

Dallas attorney Frances Johnson Wright recently visited Beverly Hills, Calif., where she was working on a movie deal for a Dallas client about the life of Sammy Davis Jr., based on the book Yes I Can. During this visit, she and her daughter, Leila, dined with Hugh Hefner at his mansion in Los Angeles, Calif.

Terry C. Young was named as a top attorney in Florida for 2008 by Florida Super Lawyers magazine, and as a highly ranked individual firm lawyer by Chambers, USA, a London-based worldwide guide to the legal profession.

1976

Nicholas A. Pope was named by Florida Super Lawyers magazine as a top attorney in Florida for 2008, and as a highly ranked individual firm lawyer by Chambers, USA, a London-based worldwide guide to the legal profession.

1977

Richard J. Fildes was named by Florida Super Lawyers magazine as a top attorney in Florida for 2008, and as a highly ranked individual firm lawyer by Chambers, USA, a London-based worldwide guide to the legal profession.

Nicole L. Goetz, formerly known as Nicole L. Smith, managing shareholder of the law firm of Asbell, Ho, Klaus, Goetz & Doupé, has been named co-chair of the Equitable Distribution Committee of the Family Law Section of The Florida Bar for 2008-2009.

Dennis J. Wall is the author of Litigation and Prevention Insurer Bad Faith, Second Edition, and a supplement, printed by West Publishing Company. In addition, the Excess and Surplus Lines Claims Association has just published “Big Claim, Low Limits,” an article that Wall co-authored with ESLCA Past President Ed McKinnon of California. Wall is also the co-author of CAT Claims, Insurance Coverage for Disasters, to be published by Thomson West in Summer 2008. He was appointed subcommittee
The magic touch
Derek Bruce (JD/MBA 98)

When someone asks Triple Gator Derek Bruce (JD/MBA 98) to describe himself in one word, they hear one answer — blessed. Thankful for the opportunities he’s been afforded, he now devotes his career to a place that makes dreams come true for others.

As director of government relations for Walt Disney World, he describes the position as a role that works with both internal and external stakeholders to protect and promote Walt Disney World through the development of legislation and government policies and procedures.

Bruce said his current career is highly rewarding with a great deal of intangible benefits.

“Sometimes when you work at a certain place, you can forget about just how much of an impact the work you do has on people,” he said. “But here at Walt Disney World, I’m reminded on almost a daily basis by interacting with people that we provide memories — magical memories — that last for a lifetime for people and their families. Just coming to work is remarkable.”

One of his greatest accomplishments as the director of government relations was a recent project — an initiative to bring the United States Bowling Congress’ Open Championship and Women’s Championship tournaments to Central Florida between 2011 and 2029. On behalf of Walt Disney World, Bruce worked with Osceola County government and the Central Florida Sports Commission to help garner the community support and financing necessary to secure these tournaments.

This is expected to bring tens of thousands of bowlers and spectators to Orlando, Fla., for 13 tournaments, each lasting approximately 20 weeks. A powerful economic impact for Central Florida and the entire state is anticipated — a predicted three-quarters of a billion dollars.

“My favorite component of the job is that I get to work on projects that will shape policy and have a significant impact on shaping both the economic and recreational climate for not just Walt Disney World but for our Central Florida community and the state of Florida in a lot of cases,” Bruce said.

Another large aspect of his work is collaborating with elected officials on community-based and charitable initiatives. For example, in 2007, Bruce worked tirelessly with community and business leaders who helped win support from city and county officials for three Orlando-area projects — a new performing arts center, a renovated Florida Citrus Bowl and a new events center that will be home to the Orlando Magic. These projects will enhance recreational and entertainment offerings for Central Florida residents and visitors.

But he hasn’t always worked at “the happiest place on earth.” In fact, while at law school, he never imagined using his law degree for lobbying and shaping public policy from a business perspective. An avid Trial Team competitor, one of his most memorable experiences at UF Law was participating in the Trial Team Final Four competition. It’s no surprise that he spent his first two years out of law school focusing on litigation.

He quickly determined that his skill set was better suited to a different type of practice — that of government law. Before finding his niche with Walt Disney World in 2006, he spent eight years at GrayHarris in Orlando (changed to GrayRobinson in 2005) and was elected shareholder in 2005.

“It was just a slight career path shift because so much of what I did was representing private clients in their dealings with government entities and agencies,” he said, explaining his move to Walt Disney World. “But now I do a similar kind of work for one of the world’s most recognizable companies.”

Bruce described his UF Law degree as invaluable, highlighting the success of fellow UF Law graduates.

In the business world, he has interacted with UF Law alumni in high profile and important positions, such as chairpersons, CEOs and general counsels of companies.

“A UF Law degree can open doors in so many areas that a person may not be thinking of when they’re just making the decision to go to law school,” he said. “I’m a good case in point.”

Bruce was also a winner of the Orlando Business Journal’s 2002 Up & Comers, which originally published his self-description as a blessed individual. He said his good fortune relied in part on his parents, teachers and professional mentors, emphasizing the strong support he’s had throughout his life.

“While I like to think I’m a talented professional who works hard and has a lot of capabilities, when you step back and reflect on it, you know that everything you do and accomplish you’re standing on the shoulders of people who’ve helped to make that accomplishment possible,” he said.
CLASS NOTES

1982

Julia Frey has been appointed to the Florida Probate Rules Committee for the Florida Bar with service continuing through 2010. She will attend the major bar meetings around the state to serve in this capacity critical to the administration of justice.

The Hon. Patti A. Christensen was elected to her second full term as the county judge for St. Johns County, Fla.


Gary M. Kaleita was named by Florida Super Lawyers magazine as a top attorney in Florida for 2008.

1983

West Palm Beach civil trial attorney John “Jay” G. White III became the Florida Bar’s 60th president when he took the oath of office during the Bar’s 2008 annual convention in June.

1984

John Neukamm of the Mechanik Nuccio law firm in Tampa was recently elected to serve as chair-elect of The Florida Bar Real Property, Probate & Trust Law Section. As chair-elect, Neukamm will oversee the section’s 19 general standing committees and 17 liaisons with other organizations and will become chair of the section in July of 2009.

Brian D. Stokes was elected managing partner of Unger, Stokes, Acree, Gilbert, Tressler and Tacktill, P.L., formerly the Unger Law Group, of Orlando.

Mitchell E. Widom, a partner with the Miami firm of Bilzin Sumberg Baena Price and Axelrod was recently recognized by Florida Super Lawyers as one of the top 100 lawyers in South Florida. Additionally, he was a finalist for the Dorothy Shula Award for Outstanding Volunteerism for his work on the board of the Crohn’s & Colitis Foundation. His event, The Keymorada Invitational Fishing Tournament, raised $492,000 for the Crohn’s Foundation this year.

Carol Browner (JD 79) has been appointed to the Advisory Board of the Obama-Biden Transition. Browner is a principal of The Albright Group in Washington, D.C., and former administrator of the Environmental Protection Agency during the administration of President Bill Clinton. Browner is a board member for the UF Levin College of Law Center for Governmental Responsibility, serves as a member of the Environmental and Land Use Law Program Advisory Board and periodically returns to teach environmental law classes at UF and the UF Summer Study Abroad Program in Costa Rica.

Carol Browner (JD 79) has been appointed to the Advisory Board of the Obama-Biden Transition. Browner is a principal of The Albright Group in Washington, D.C., and former administrator of the Environmental Protection Agency during the administration of President Bill Clinton. Browner is a board member for the UF Levin College of Law Center for Governmental Responsibility, serves as a member of the Environmental and Land Use Law Program Advisory Board and periodically returns to teach environmental law classes at UF and the UF Summer Study Abroad Program in Costa Rica.
Scott Makar received a barrage of tough questions while arguing his first case before the U.S. Supreme Court in March, but the toughest one came from his 7-year-old son Aaron, who watched in the courtroom with his mom, Nancy Hogshead-Makar.

“Did you answer them right?” was the first thing Aaron wanted to know as he greeted Makar (JD 87) on the steps of the U.S. Supreme Court after oral arguments.

While Makar wasn’t able to answer Aaron’s question at that moment, he can now. In June, the court ruled 7-2 in favor of Makar, who represented the Florida Department of Revenue in Fla. Dep’t of Revenue v. Piccadilly Cafeterias, Inc.

“It really is awe inspiring,” said Makar of the historic courtroom and its architecture. “It’s very intimate, but also has this grandeur about it. It’s a very comfortable environment in which to argue a case.”

As solicitor general, Makar oversees civil appeals in all state and federal courts involving Florida interests, serves as legal policy adviser to the attorney general, and teaches at Florida State University College of Law as the Richard W. Ervin (JD 28) Eminent Scholar. The eminent scholar chair was named after a former Florida attorney general.

Makar’s interest in teaching began during his time at the University of Florida, when he taught the undergraduate business law course at the College of Business while juggling earning two master’s degrees in business, a law degree, and a Ph.D. in economics.

As a law student he founded the Journal of Law and Public Policy, a multidisciplinary journal that allows students both in the Levin College of Law and other colleges around campus to tackle current law and policy issues. The journal, which celebrated its 20th anniversary in the spring, gives students another opportunity to participate in a law journal at UF.

“Law review had just cut their invited membership in half, from top 10 percent to top 5 percent, leaving many law students without a similar educational opportunity. I wanted them, as well as other motivated students, to have an option,” said Makar, who served on the law review and was the Journal of Law and Public Policy’s first editor-in-chief.

Makar views the solicitor general position as combining the best aspects of academic teaching and practicing appellate law.

“I consider this a capstone job,” Makar said. “This job is one of the best I could imagine ever having as a lawyer or legal educator.”
1986
Frank M. Bedell of Orlando has become chair of the Trial Lawyers Section of The Florida Bar. Bedell has previously served the bar as president of the Young Lawyers Division and as chair of the 2003 Annual Meeting Committee.

Lynne Borsuk of Atlanta, Ga. has been elected president of the Georgia Association of Criminal Defense Lawyers.

Elizabeth Green of the Orlando firm Latham, Shuker, Eden, and Beaudine was named to Florida Trend magazine’s Florida Legal Elite.

William E. Ruffier, a partner with the law firm Dellecker, Wilson, King, McKenna & Ruffier, has been appointed general counsel for the Boy Scouts of America, Central Florida Council. He also serves on the organization’s executive board and holds the rank of Eagle Scout.

1987
Madonna M. Finney of Tallahassee was awarded the Florida Adoption Council’s highest honor, the Adoption Star Award, for her work in the area of adoption.

Tuwana J. McMillan was named by Florida Super Lawyers magazine as a top attorney in Florida for 2008. She also began a one-year term as chair of the Workers’ Compensation section of The Florida Bar on July 1.

Louis Nostro was named to the Best Lawyers in America Guide 2009 in the areas of Tax Law and Trusts & Estates.

1988
Jaqueline Bozzuto was named by Florida Super Lawyers magazine as a top attorney in Florida for 2008.

Cathryn A. Mitchell has become partner with Cowan, Liebowitz & Latman in New York, and will be spearheading the firm’s new office in Princeton. cam@cll.com

Richard M. Benucci, a partner at Liggio, Benucci & Williams in West Palm Beach, received the Legislative Leadership “Shoe Leather” Award by the Florida Justice Association for his contributions on behalf of the FJA’s legislative efforts. Benucci has been named as one of the 2008 Florida Legal Elite and has also been included in Florida Super Lawyers for the third consecutive year.

Scott E. Ray was recently appointed as a deputy chief in the Major Crimes Section for the United States Attorney’s Office in the Southern District of Florida.

1989
Amy U. Hickman of Delray Beach was awarded the Florida Adoption Council’s highest honor, the Adoption Star Award, for her work in the area of adoption.

David P. Milian was selected as one of the Best Lawyers in America in the specialty of Commercial Litigation.

Delray Beach City Commissioner
Mackenson ‘Mack’ Bernard (JD 02 / LLMT 03)

Mackenson ‘Mack’ Bernard stepped into political office this August fulfilling a call to serve he’s felt since high school and setting a first, not just for himself, but for many in Palm Beach County, Fla. When Bernard (JD 02 / LLMT 03) accepted appointment to the Delray Beach City Commission this summer, he became the first person of Haitian descent to hold political office in the county. Although about 10 percent of Delray Beach’s population is of Haitian descent, he is among fewer than a dozen persons of Haitian descent to hold political office anywhere in the state of Florida.

“I love Delray Beach and I wanted a chance to make it a little bit better, to give something back,” Bernard said. “I was raised in Delray Beach and I spent most of my life in Delray Beach.”

Bernard emigrated to Delray Beach from Haiti in 1986 at the age of 10. After earning his undergraduate degree in political science and criminology from Florida State University in 1997, Bernard came to the University of Florida to earn his JD and LLM in taxation.

At UF, Bernard also met his wife Shawntoyia N. Bernard (JD 03) and partner at Bernard & Auguste, Parmel D. Auguste (JD 05).

“My professors really pushed me to consider tax law and they nurtured me to follow my goal,” he said. “The skills that they taught me are the skills that I’m using at the city commission.”

As the only attorney on the commission, Bernard’s education at UF and work through his firm, which primarily focuses on tax, real estate and family law, have prepared him to deal with the city’s home foreclosure woes.

Bernard has several goals during his time on the commission. He plans to help bring more affordable housing to the city. He will work to help the city deal with the budget crunch and work to make several streets in the city safer.

Bernard took the place of a commissioner who stepped down mid-term. In his first political office, he said he still has a lot to learn but is happy to be a public servant. His political ambitions remain focused on being a commissioner for now as he plans to run for the commission seat in March.

“I’m a public servant, the people will decide,” Bernard said.
Making the cut
Scott Sheftall (JD 76)

Scott D. Sheftall (JD 76) hadn’t seriously golfed for 35 years before he decided to pick up his clubs and play in a few tournament qualifiers.

Sheftall entered a 2008 Senior U.S. Open sectional qualifier in Boynton Beach, Fla., on June 27. To say he didn’t expect to qualify would be an understatement.

Sheftall birdied the 18th hole to force a sudden-death playoff to qualify for the Senior U.S. Open, which was held at Broadmoor in Colorado Springs, Colo. On the third hole of the playoff, he and his wife Regina, who was caddying, walked up to the green and couldn’t believe what they saw.

“It was a pretty special moment,” Sheftall said. “I turned to my wife as we walked up to the green and saw that I only had a one-and-a-half-foot putt, and I told her, ‘It looks like we’re going to Colorado, baby.’”

Sheftall sank the short putt, and he and his wife were off to Colorado for practice rounds on July 28. Sheftall practiced with former Gator golfer Andy Bean, whom he had coincidentally played against as an undergraduate at Davidson College.

And although Sheftall didn’t make the cut or even play his best, he will never forget the trip.

“It was an amazing, once-in-a-lifetime experience, one that I truly never expected to happen to me given the fact that I hadn’t really played serious golf for about 35 years since college, until about two summers ago, when I decided I would play in a few tournament qualifiers,” Sheftall said.

“Once I qualified and went to Colorado Springs with my wife for the U.S. Open, I was awestruck by how wonderful it was to play in a national championship — to be inside the ropes, to be in the locker room with the great players, and to just enjoy the entire spectacle, which I did.”

Sheftall’s extra confidence during the qualifying tournament came both from watching his alma mater Davidson Tournament run and from having his wife at his side the whole tournament.

“I got to see what Coach Bob McKillop of Davidson was getting at when he was telling his players about the importance of translating a dream into a belief, a genuine belief, and not just a wish,” Sheftall said.

“To see the players buy into his philosophy of competition and actually make it happen with limited talent was very inspiring and it really sort of galvanized in me a new sense of confidence. That coupled with the fact that my wife Regina caddied for me in the qualifier. She had never seen me play competitive golf before; she had never caddied for anyone. But having someone believe in me and be there to keep me calm and focused and to persevere through leg cramps and everything — I think that was the final secret ingredient that made the recipe for success work.”

Back in his day job, Sheftall is a trial lawyer for Sheftall & Torres, P.A, which he founded in 1996, and his practice is mostly complex civil litigation. The firm has developed an affinity for issues involving children after Sheftall hooked up with Dr. R. Rodney Howell, the chairman emeritus of pediatrics at the University of Miami. Howell is also a Davidson graduate.

Sheftall is very involved with children-related community service, and his wife teaches elementary school in inner-city Miami.

“Not too many people could understand and still can’t understand why an ardent Gator like myself — I’ve been a Gator since I was 5 years old — could be contributing so much to the University of Miami,” Sheftall said. “But I’ve lived down here for 30 years. As I said, the invitation I received from Dr. Howell, who was a Davidson graduate, got me involved. I do have a passion for children’s health care and believe that lawyers should be involved in their communities in a positive and visible way. For all those reasons, it just solidified a connection with the University of Miami down here, which was about as unlikely as me qualifying for the U.S. Open.”

But Sheftall is still a Gator at heart. His father went to UF in the 1930s, when it was an all men’s school with about 2,300 students, he said.

Sheftall grew up in Jacksonville and came to many historic Gator games over the years. He attended the game against Auburn in which Steve Spurrier kicked a game-winning field goal to clinch the 1966 Heisman Trophy.

Sheftall even named his two boykin spaniel retrievers Tebow and Saurian, which fans used to call Gator football players. A saurian is an ancient ancestor to modern reptiles.

“If there were any doubt in your mind about my allegiance to the University of Florida in spite of my comments about Davidson and the University of Miami, that should put it to rest,” Sheftall said. “You’ll note that I did not name my dogs Wildcat and Hurricane.”

“I was awestruck by how wonderful it was to play in a national championship — to be inside the ropes... and to just enjoy the entire spectacle.”
CLASS NOTES

1990

Fisher & Phillips LLP is pleased to announce that Steven Bernstein has been appointed regional managing partner of the firm’s Tampa office.

The law firm of Hinshaw & Culbertson announced that Burke G. Lopez has joined the firm’s Tampa office as a partner. Lopez handles cases involving coverage issues, commercial disputes, personal injury, products liability, premises liability and wrongful death litigation.

Florida Trend magazine recognized board certified criminal trial lawyer, Stephen M. Walker, as one of the 2008 Florida Legal Elite. Walker is a sole practitioner in Sarasota specializing in criminal defense.

1991

Adorno & Yoss announced that litigation and bankruptcy attorney Steven L. Beiley has joined the firm’s Miami office as a partner. Beiley also have been included by Florida Trend magazine in its Florida Legal Elite list for 2008, which recognizes the top 1.8 percent of Florida’s 56,000 lawyers.

Joseph Camerlengo was sworn in as the president of the Jacksonville Bar Association on June 12. Camerlengo also was honored as a 2008 Florida Super Lawyer and named to the Jacksonville Business Journal’s 2008 top 40 under 40 list. jcamerlengo@theplaintiffsfirm.com.

The Florida Bar has reappointed Miami attorney Julio C. Jaramillo to a three-year term on the board of directors of The Florida Bar Foundation, a statewide charitable organization that fosters law-related public service programs on behalf of Florida’s legal profession.

Beth S. Schick has joined the Orlando law firm of ShuffieldLowman. Her primary areas of practice are corporate, estate planning and administration, as well as employment law.

Steven J. Solomon, a member of the Bankruptcy and Insolvency Department of Adorno & Yoss, LLP, has been included by Florida Trend magazine in its annual Florida Legal Elite list for 2008.

John V. Tucker of Tucker & Ludin, P.A. in Clearwater recently spoke at the 11th National Advanced Forum on Litigating Disability Insurance Claims on the topic of “Techniques for Using Medical and Vocational Experts to Prove or Refute a Claimant’s Disability” held in Boston, Mass. in June.

In May Tad A. Yates took the office of president of the Orange County Bar Association. Yates practices criminal defense law with Kirkconnell, Lindsey, Snuke & Yates, in Winter Park.

1993

Scott Shuker, of Orlando-based law firm Latham, Shuker, Eden & Beaudine, has been named by Florida Trend magazine as one of Florida’s Legal Elite.

1994

Florida Trend magazine recognized Jack R. Rieter as one of the 2008 Florida Legal Elite. Reiter is a partner of Adorno & Yoss, LLP and concentrates his practice the areas of state, federal and administrative appeals, as well as general commercial litigation.

1995

Jeffrey M. Taylor was recently elected to the board of directors of the Central Atlantic Region of the America-Israel Chamber of Commerce. Taylor also has been elected to the advisory committee of the Middle Atlantic Chapter of the Society of Corporate Secretaries & Governance Professionals. Taylor is a partner at Blank Rome, LLP in Philadelphia, Penn. Taylor focuses his practice on representing public and private companies in securities law, mergers and acquisitions, and corporate law matters.

1996

Richard J. Brooderson has joined the Altamonte Springs law firm of Chaires, Brooderson & Guerrero, P.L., as a named partner. The firm represents health care practitioners and entities and focuses in the areas of health law, business law and administrative law.

Janne Prescott, a shareholder in the Orlando firm Zimmerman Sutcliffe, has become board certified in workers’ compensation through The Florida Bar, effective Aug. 1. As a board certified attorney, Prescott is identified as a lawyer with special knowledge, skills, and proficiency distinguishing her as a specialist in workers’ compensation law.

1997

Sheri L. Johnson, of Dent & Johnson, Chartered in Sarasota, received the 2008 Lynn Futch Most Productive Young Lawyer Award from the Young Lawyers Division of The Florida Bar. The award is given to the young lawyer in Florida who has worked most diligently in bar activities and/or law related public activities and who has an excellent reputation for legal abilities and integrity. Johnson also was recognized as the 2008 Woman Lawyer of the Year by the Manatee County Chapter of the Florida Association for Women Lawyers.

Donald B. Stuart (LLM), a partner in the tax practice at Waller Lansden Dortch & Davis, LLP in Nashville, Tenn., has been appointed to serve a one-year term as vice chairman of the Tax and Finance Practice Group of the American Health Lawyers Association.

Jason D. Lazarus, an attorney in Holland & Knight’s West Palm Beach office, received the “And Justice for All” award from the Legal Aid Society of Palm Beach County. The award was in recognition of one of Lazarus’ recent pro bono cases, as well as his continued pro bono service to Legal Aid over the years. The award was presented at the Legal Aid Society’s 20th Annual Pro Bono Recognition Evening, on May 10 at the Palm Beach County Convention Center.

The law firm Broad and Cassel announced that Orlando associate Peter Schoemann (LLMT) has been recognized as being among the brightest and most promising young business people in Orlando in the Orlando Business Journal’s “40 Under 40” listings.

1998

Shutts & Bowen partner, Harvey E. Oyer III, was selected to join the United States Committee of the Blue Shield, which is the cultural equivalent of the Red Cross. The Blue Shield provides emergency response to cultural property at risk during periods of armed conflict.

Lori V. Vaughan has been elected shareholder of Trenam Kemker of Tampa and St. Petersburg.
A man of firsts
Alfredo Garcia (JD 81)

BY JASON SILVER

As the first Cuban-born dean of a U.S. law school at the St. Thomas University School of Law in Miami, Fla., Alfredo Garcia (JD 81) takes great pride in being the first in his family to graduate from college and law school.

Garcia, who was president of the Hispanic and Latino Law Student Association at UF Law, remembers the school giving him an opportunity to be successful by working hard. “It was a distinct honor for me because I was a first-generation college and graduate school student,” he said. “UF Law gave me an opportunity to further my education and represent my heritage and roots, which is a privilege.”

After graduating UF Law, Garcia became an assistant state attorney under Janet Reno during Miami’s infamous high-crime “Cocaine Cowboys” era. During that time he handled felony and narcotics-related cases, gaining experience working against the best criminal attorneys, he said.

“Being an assistant state attorney was an incredible experience because I got great on-the-job training against the best criminal defense lawyers like Roy Black,” he said. “It really sharpened my criminal litigation skills, which prepared me to go into private practice in criminal defense law.”

There was never a dull moment in Miami during the 1980s as a criminal attorney, Garcia said. “I always tell my students that five years of the Miami Vice days gave me all the excitement I needed for a lifetime of practicing criminal law,” Garcia said. “I had scary clients who even smashed in my car windows, but I have no regrets.”

Garcia’s first love was always academics, and there’s nothing else he’d rather do than teach his students and learn from them as well, he said. “Your work should be your hobby and your hobby should be your work,” Garcia said. “I always wanted to be a teacher since I was a kid, and it’s great to see your students develop and then teach you things.”

When Garcia arrived at the St. Thomas University School of Law 20 years ago, it had only 14 faculty members and was newly approved by the American Bar Association. Now, under Garcia’s leadership, the school boasts 40 faculty members and more than 600 students. As an attorney and leading legal scholar, Garcia says students need to know the key to success is hard work and preparation.

“My favorite quote from Chuck Close is ‘Inspiration is for amateurs, the rest of us just show up for work,’” Garcia said. “The best attorneys I see in action are the ones who prepare better than anyone, and a lawyer who works harder than his opponent is the most successful.”

Garcia, who has Gator football season tickets, said the most rewarding aspect of being the dean of St. Thomas University School of Law is what he gets back from students. “You learn a lot from your students; it’s a two-way street,” he said. “I’m very proud and excited because my background mirrors the mission and the values of the law school.”

Gregory S. Weiss has joined the law firm of Leopold-Kuvin in Palm Beach Gardens.

1999

John Badalamenti, an appellate attorney with the federal defender’s office in Tampa, was quoted in the recent ABA Journal article “Crime Registries Under Fire” concerning the constitutionality of the Adam Walsh Act.

Bryan S. Gowdy became a board-certified appellate attorney and an equal shareholder in his firm, formerly Mills & Creed, which is changing its name to Mills, Creed & Gowdy.

Orlando attorney A. Brian Phillips (LLMT) has been appointed adjunct professor of law at the University of Florida Levin College of Law.

Vee Leonard, general counsel for Florida Gulf Coast University, has been reappointed to a three-year term as an at-large director of The Florida Bar Foundation, a statewide charitable organization that fosters law-related public service programs on behalf of Florida’s legal profession.

Richard P. Rollo was elected director of Richards, Layton & Finger in Wilmington, Del. In July, Rollo practices in the firm’s Corporate Litigation Department, representing Delaware corporations and their
CLASS NOTES

John A. Williams has been elected shareholder of Trenam Kemker of Tampa and St. Petersburg.

2001


The litigation practice at Greenberg Traurig's Tampa office announced the addition of associate Richard J. Mockler, who will focus on working with clients in Florida on commercial, real estate, land use, environmental and other complex litigation.

The law firm of Weiss Serota Helfman Pastoriza Cole & Boniskie announced that Blanca Maria Valle has joined its Miami office, where she will focus her practice on commercial litigation.

Lonn Weissblum recently started his own firm, the Law Offices of Lonn Weissblum in Boca Raton. The firm handles appeals in the Florida state courts and in the Eleventh Circuit Court of Appeals, and provides legal research and writing services for other attorneys nationwide. lonn@weissblumlaw.com.

2002

T. Robert Bulloch, an attorney in Quarles & Brady's Trusts & Estates practice in the Naples office, has been named to Florida Trend magazine’s “Up & Comers” list in the magazine’s fifth annual edition of the “Florida Legal Elite.”

Leonard Keen has joined Myers & Kaplan, Intellectual Property Law, L.L.C. as a partner in the firm’s Orlando office. A registered U.S. patent attorney, Keen focuses on intellectual property law, encompassing patents, trademarks, copyrights, trade secrets, licensing and related matters, and including IP prosecution, enforcement, litigation and business transactions.

2003

The litigation practice at Greenberg Traurig’s Tampa office announced the addition of associate Don Crawford, who will focus on working with clients in Florida on commercial, real estate, land use, environmental, and other complex litigation.

Ben Diamond has been named one of Florida’s future leaders by Florida Trend magazine. Diamond serves as special counsel to state Chief Financial Officer Alex Sink and is her senior legal and policy adviser.

JoAnn M. Guerrero has been promoted to named partner in the Altamonte Springs law firm of
Pro bono pays off
Jason Lazarus (JD 81)

BY SPENSER SOLIS

Or one UF Law graduate, the phrase “And Justice for All,” rings especially true in the courtroom. Throughout his legal career, Jason D. Lazarus (JD 97), a double Gator from Miami, Fla., and an attorney for Holland & Knight LLP, has racked up more than 200 hours of pro bono service.

“I knew that I would want to use my law degree to the extent I could to help people,” he said. “Including those who were less fortunate.”

Lazarus was recently honored for his service to those in need at the Legal Aid Society’s 20th Annual Pro Bono Recognition Evening. For Lazarus, an interest in serving the public runs in the family. His father, grandfather, stepmother and sister are all attorneys.

“My grandfather meant a lot to me,” Lazarus said. “He always took pride in being a lawyer."

Although Lazarus graduated from UF with a finance degree, he quickly decided that he was destined for the legal profession, he said.

At UF Law, Lazarus was in the top 10 percent of his class and served as a senior editor of the Florida Law Review. Before working at Holland & Knight, Lazarus served as an assistant state attorney for the Fourth Judicial Circuit in Jacksonville.

“In the State Attorney’s Office felony unit, Lazarus was exposed to serious crimes, including grand theft, burglary, armed robbery and attempted murder. Lazarus then moved on to the Special Assault Division at the State Attorney’s Office, where he prosecuted many of the most serious crimes in the office, including child abuse, felony domestic violence and sex crimes.

“The most horrific crimes in that unit were the sex crimes against children,” he said.

In his current position in the litigation department at Holland & Knight LLP, Lazarus has continued to serve those in need by providing representation to those who cannot afford it. While many attorneys simply write a check to the Legal Aid Society, Holland & Knight LLP actively encourages its attorneys to do pro bono work, Lazarus said.

Lazarus typically takes on between two and three cases a year from the Legal Aid Society. He is always handling at least one case for the society, he said.

“There have been even times that I have called Legal Aid myself asking for cases.”

In one of his most recent pro bono cases, Lazarus represented an elderly couple in a construction dispute. The pro bono clients hired a roofing company to replace their roof. The roofing company failed to complete the job as contracted but continued to demand full payment, Lazarus said.

“After several months of pre-suit negotiations with the roofing’s attorney, the roofer filed a lawsuit against the pro bono clients,” he said. “I represented the clients during the months of litigation that followed.”

The roofing company ultimately dropped the lawsuit.

Lazarus developed a good relationship with the clients, who were extremely thankful, he said.

“They praised me in letters to Legal Aid and to my superiors here at the firm.”

Throughout his legal career, the pro bono clients Lazarus has represented have been genuinely deserving of quality legal help, he said.

“These are people that without good legal representation would have nowhere to turn,” he said. “On many occasions, they have been on the right side and have had very legitimate complaints.”

Chaires, Broderson & Guerrero. The firm represents health care practitioners and entities and focuses in the areas of health law, business law and administrative law.

Lauren Heatwole was sworn in as the Young Lawyers Section secretary of the board of directors for 2008-2009 for the Orange County Bar Association.

John and Ashleigh (Bartkus) Merchant welcomed their daughter, Elle Elizabeth, into the world on Aug. 23, 2007. John is an attorney with the Atlanta, Ga., office of Greenberg Traurig, LLP in the litigation/products liability group and Ashleigh is an attorney with the Fulton County Office of the Public Defender in the complex felony trial division. The Merchant family resides in Marietta, Ga.

Amstein & Lehr LLP has announced that Gilda G. Romano has joined the firm’s Fort Lauderdale office as an associate. She is a member of the firm’s litigation group and will focus her practice in the area of complex commercial litigation.

2005
The law firm Broad and Cassel announced the addition of Angela Lipscomb, who joins the firm’s Ft. Lauderdale office as an associate in the commercial litigation practice group.

2006
Dustin N. Dailey, of Freeport, Fla., has joined Burke Blue Hutchison Walters and Smith. He is maintaining office hours in both the Burke Blue Downtown Panama City office...
and the Sandestin office. Dailey has based his preferred areas of practice on his interests in real estate transactions and disputes, contract law, government law, land use and business law.

Sasha A. Klein (LLMT), attorney for Comiter, Singer, Baseman & Braun, has been recognized by Cambridge Who’s Who for showing dedication, leadership and excellence in all aspects of the law.

Brikena Tomasic was recently admitted to practice before the United States District Court of the Northern District of Florida as well as to the Middle and Southern Districts of Florida. Tomasic is an associate in the Orlando firm of Lowndes, Drosdick, Doster, Kantor & Reed, P.A.

Diane J. Zelmer recently qualified to be appointed as a Florida Department of Transportation Dispute Resolution Board practitioner for construction matters. Zelmer is an associate in the Miami firm of Shutts & Bowen’s construction litigation group.

2007

Hillary A. Hussin has joined the Baltimore, Md. firm of Gallagher Evelius & Jones LLP as an associate. Hussin will practice in the firm’s litigation group principally on matters involving business disputes, employment, property disputes and the defense of medical malpractice claims. She will also work with the firm’s religious clients on matters involving employment and tort defense.

Farooq Mitha has been awarded a Fulbright Grant for the 2008-2009 academic year. The law firm of Richman Greer announced that attorney Joshua L. Craft has joined the firm as an associate in the West Palm Beach office. Spoont received the highest score on the February 2008 Florida Bar Examination for the Fourth District and as a result, he was invited to speak at the induction ceremony for new attorneys at the Florida Supreme Court in Tallahassee.

Veniese A. Wilkinson was recently elected treasurer of the Caribbean Bar Association. Founded in 1994 and based in Miami, the association is a volunteer bar organization made up of attorneys in South Florida working in both the public and private sectors from an array of law backgrounds.

2008

Zimmerman Kiser Sutcliffe in Orlando announced that Carnesha J. Spoot has joined the corporate practice group as an associate attorney.
Golden opportunity
Evelyn Davis Golden (JD 76)

BY IAN FISHER

From where Evelyn Davis Golden (JD 76) has been, her career path comes as no surprise.

Golden is now an attorney with the U.S. Department of Housing and Urban Development in Atlanta and has worked as a public servant for almost all of her career since law school.

Golden’s office is responsible for enforcing regulation of multifamily housing developments insured by the Federal Housing Administration (FHA) and making sure owners keep their property in decent, safe and sanitary condition for the tenants.

“Before going to New York I had somewhat of a background and life experiences that indicated that civil rights would be something I’d be interested in,” Golden said. Golden watched her parents and neighbors carpool to go to the polling place to vote for John F. Kennedy. “There was security in going to the poll together.”

Golden was born in 1951 in segregated Moultrie, Ga., and lived there until moving to New York in 1963. Since graduating from the UF College of Law in 1976, she has held numerous government jobs, including assistant attorney general for Florida, assistant public defender for Orange County and Orange County judge.

Although Golden had done well in the segregated schools in Moultrie, many in her new home of New York did not expect her education to be up to par.

“When I first came, they said, ‘Oh these A’s can’t be representative of what her educational level is,’” Golden said. “They tested me and found out, in fact, that they were. They placed me in gifted classes, called special progress classes up there... Things changed for me after that.”

Golden attributed her success throughout school to both her parents and her teachers back in Moultrie. She was taught by an all-black faculty in Moultrie that pushed her to work her hardest.

“They didn’t accept that because you were black and poor that you couldn’t learn — that you came from poverty, so you weren’t worth the effort,” Golden said. “Everybody was challenged; everybody was expected to succeed, and the majority did.”

When Golden transferred to UF Law after her first year at Brooklyn Law School, she had a new obstacle to face — gender discrimination.

Although she was raised in the South during segregation, the gender discrimination was bad to her because she was older and more conscious of it.

“When you’re young, you kind of know that you’re being slighted, but you’re not sure,” Golden said. “Of course, some things were very obvious. Every summer we went to the vacation reading club at the public library. There was a Negro section and there was a white section when I was in elementary [school]. Every year, I got my little certificate for completing all of the vacation reading for the summer, and I was always very proud of that.”

At UF, a couple of professors were openly sexist to her, but that was relatively common in the early 1970s, she said.

“When I went to the University of Florida, it was kind of scary because I had never had some of the challenges that I faced there,” Golden said. “I went to school at a time when we’d [women] walk into the library, people would shuffle their feet because I was a woman.”

Golden, who was married, got pregnant in law school and continued through law school pregnant. An employment law professor constantly questioned her in class about pregnancy discrimination laws, and an evidence professor did not give her a research position because she was pregnant.

“He said that I should be home knitting blue booties, not knitting booties, but blue booties for the baby,” Golden said (Golden has two grown daughters). “So I had some interesting experiences there, but overall, the faculty was very fair and I enjoyed property classes, so I ended up doing property. Even though the professor was horrible to me, I enjoyed employment law.”

Although Golden did not notice any obvious racial discrimination toward her at UF, it has come up in her career.

“When I was a judge, it was weird, there were people that didn’t like me because I was black and I was a judge, and they didn’t mind showing me,” Golden said. “Here I have the power to put you in jail, and you’re disrespecting me. It was a total disconnect. I found that interesting. But in most of my career, I can’t say that, even though I felt there were some judges that I felt were discriminatory, I can’t say I suffered tremendously from that.”

Golden began working for HUD in 2000 as attorney advisor in the Departmental Enforcement Center (DEC) before a stint in the Fair Housing Division, where she assisted in clearing up a backlog of pending fair housing complaints. In July, she moved back to the DEC.
Celebrate UF Law’s Centennial with an all classes reunion, family fun, and honoring your own! Albert and Alberta will be there. You should be, too!

**FRIDAY, APRIL 24**
Century Welcome Reception

**SATURDAY, APRIL 25**
Continental Breakfast
College Tours
Heritage of Leadership & Distinguished Alumnus Ceremony
Family BBQ Lunch with Albert & Alberta
CLE Offerings
Children’s Dinner (ages 5-12)
Decade Dinners
After Party at 2-Bits Lounge

**SUNDAY, APRIL 26**
Farewell Brunch

For more information, contact the Office of Development and Alumni Affairs at (352) 273-0640.
“The education I received at the University of Florida opened the doors to my future and provided the tools I needed to succeed in an increasingly competitive world. Thanks to UF Law, I have been able to be a partner in one of the nation’s great law firms, to travel the world and to give back to my profession and community.”

—MARTHA W. BARNETT (JD 73)
Holland & Knight LLP Partner and Chair of Directors Committee, and American Bar Association President 2000-2001
As chair of the Law Center Association, I want to express my appreciation to our donors for their generous support of the Levin College of Law. These contributions are vital to UF Law’s drive to excellence.

Tuition at UF Law currently funds a small percentage of the cost of educating our students. In comparison with the tuition charged by the 195 law schools reporting information to the ABA, our tuition is the 174th lowest. As a result, we must look to external funding sources to achieve our goals of maintaining and increasing quality.

That’s why your support is so important. Alumni and friends are the foundation of UF Law. Not only do you provide mentoring to our students, placement opportunities for our graduates and training in UF Law classrooms, you are dedicated to the financial support of our college. UF Law donors have contributed $747,715 to the college’s Annual Fund and more than $26 million dollars to the college’s Capital Campaign — nearly 56 percent of our goal! Increased funding for UF Law is the key to our shared aspiration of elevating the University of Florida Levin College of Law into one of the nation’s great law schools.

It has been support from alumni like you that has enhanced the outstanding educational experience of students at UF Law. They are instructed by nationally-acclaimed faculty members teaching in the state-of-the-art facilities, and they have free access to unsurpassed information technology. Construction on the Martin H. Levin Legal Advocacy Center began this summer, the completion of which will provide an enormous complement to facilities that are the finest offered by any law school in the country.

You have an opportunity to see these new facilities for yourself during the UF Law Centennial Reunion April 24-26, 2009. I urge you to make plans to attend this memorable occasion to reconnect with old friends, make new ones, visit with students and faculty members, and to rekindle your pride of place in UF Law.

I hope you will return to UF Law for its Centennial Celebration this spring. You will be impressed. In addition, please get involved with your Law School — we need your financial support and your involvement.

GO GATORS!

Bruce H. Bokor (JD 72)
Chair, University of Florida Law Center Association
I would like to thank each of you who supported our law school during the '07-'08 fiscal year. Your private contributions are directly responsible for our law school’s success.

I am pleased to report that during this past year, our Annual Fund had a record performance, raising $747,715. The average contribution from those who gave was a record high $569. This is important because the Annual Fund is the source of money the dean allocates to many academic and co-curricular student programs which bring national recognition to our law school.

That was the good news. The even better news is there is room for improvement. As we have noted in prior letters, our Annual Fund participation rate is lower than both our peer institutions, as well as many law schools that are perennially ranked lower than UF.

The current state budget crisis is putting severe pressure on the funding that the law school receives from the state. As a result, there is an increasing need for our alumni to do their part in helping our law school. In short, we must change the culture of our alumni giving by increasing the percentage of alumni that give back to the Annual Fund to a level that is at least on par with, if not higher, than those schools with which we compete. In order for the dean and his staff to do their jobs, we must do ours.

Your Alumni Council is working to broaden our base of alumni support through appeals to classmates, and by encouraging firms with two or more Gators to achieve 100 percent participation through the Law Firm Giving Program. We also need more individuals and firms to sponsor Book Awards. If you contributed to the Annual Fund last year, we look forward to your continued participation. If you did not contribute to the Annual Fund last year, please consider making a contribution this year.

We have a great law school, and your support and participation are needed more now than ever before. Thank you for your involvement.

Rahul Patel (JD 97)
President, University of Florida Law Alumni Council

In order for the dean and his staff to do their jobs, we must do ours.

HONOR ROLL
Financial Summary
OF GIVING JULY 1, 2007 - JUNE 30, 2008

Endowment Income
Gifts to the law school’s endowment are not spent, but instead are carefully invested to yield a dependable, stable source of income in perpetuity. Approximately 4 percent of earned interest from the market value of the endowment fund balance was transferred and spent for specific uses designated by donors and by college administrators for annual operating and administrative costs. (The additional earned interest above the 4 percent is returned to the fund balance.) The fund is managed by the University of Florida Foundation Investment Company (UFICO), which oversees investments and law school endowment income.

Donor Types:

Donor Pie Chart
- Law Alumni
- Alumnus
- Friend
- Parent
- Student
- UF Faculty
- Community/Charitable Fund
- Corporation
- Family Foundation
- Foundation
- Other Organization
- Religious Org.

Donor Types: Donors Gift Count Gift Total
- Law Alumni: 1,487 1,771 $1,306,763.10
- Alumnus: 22 28 $62,490.00
- Friend: 104 111 $868,123.10
- Parent: 16 38 $24,218.74
- Student: 1 1 $200.00
- UF Faculty: 8 35 $43,120.00
- Community/Charitable Fund: 10 19 $48,985.00
- Corporation: 89 107 $256,254.00
- Family Foundation: 10 12 $85,591.00
- Foundation: 8 8 $101,000.00
- Other Organization: 16 35 $41,172.46
- Religious Org.: 1 1 $150.00

TOTAL: 1,772 2,166 $2,838,067.40

Total Cash Received
2005-2006: Represents all gifts to the Levin College of Law. State match money has been excluded.

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Amount</th>
</tr>
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<tbody>
<tr>
<td>2004</td>
<td>$1,929,432</td>
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<td>2005</td>
<td>$3,791,324</td>
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<tr>
<td>2006</td>
<td>$5,741,724</td>
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<tr>
<td>2007</td>
<td>$4,224,013</td>
</tr>
<tr>
<td>2008</td>
<td>$2,838,067</td>
</tr>
</tbody>
</table>

Total Participation:
- Total Giving Participation (all donor types): 9.8%
- Total Alumni Giving Participation: 8.3%
- Annual Fund Participation: 7.5%

Endowment Income
Donors Gifts
- 2004: 2,130 2,088
- 2005: 2,503 2,440
- 2006: 2,097 2,782
- 2007: 1,890 1,772
- 2008: 2,434 2,166

Total Cash Received:
2005-2006: Represents all gifts to the Levin College of Law. State match money has been excluded.
Gator Law Alumni Receptions

"Beat the Bulldogs" UF Law Alumni Reception
October 30, 2008
FIRM SPONSORS
Volpe, Bajalia, Wickes, Rogerson & Wachs
INDIVIDUAL SPONSORS
Jim Theriac
Charlie Commander III
Even Yegelwel
Chris Hand
L.E. Hutton
Corinne Hodak
W.C. Gentry

Florida Bar Mid-Year Meeting
January 17, 2008
FIRM SPONSORS
Akerman Senterfitt
Carey, Rodriguez, Greenberg, Paul, LLP
White & Case
Lott & Friedland
INDIVIDUAL SPONSORS
Bruce Harris
Stumpy Harris
Malcolm B. Wiseheart Jr.
M. Therese Vento and Peter M. MacNamara
Marc Wites
Ronald J. Antonin
Stephen N. Zack

F. Wallace Pope Jr.
Scott G. Hawkins
Ellen C. Ham

Florida Bar Annual Meeting
June 19, 2008
FIRM SPONSORS
Boies, Schiller, and Flexner LLP
Greenberg Traurig
Jones Foster Stubbs
Akerman Senterfitt
Ruden McClosky
Avera and Smith
INDIVIDUAL SPONSORS
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Grier Pressly
Scott G. Hawkins
Betsy Eiwanger Gallagher
Girry A. Neal
Lawrence E. and Cathy M. Sellers Jr.
Crit Smith
Malcolm B. Wiseheart Jr.
J. Dudley Goodlette
Rahul Patel
Peter M. MacNamara & M. Therese Vento
I loved my time at UF as an undergrad, and staying in Gainesville for my law degree was one of the best decisions I’ve ever made. I recently joined a firm where all the lawyers are Gator alumni. To me, supporting the law school helps ensure that generations of Gator lawyers to come will continue to have the wonderful opportunities I have been privileged to have.

— SARAH ELIZABETH RUMPF (BA 00 / JD 03)
Vose Law Firm, LLP
Winter Park, Fla.
benefits from those gifts are immeasurable and allow the college to honor distinguished careers, memorialize loved ones, serve as an estate-planning tool, or to simply thank and support the college. The donorship is a meaningful way to leave a lasting legacy at the college.

Many donors give to the endowed fund to fulfill a particular need, such as the Coker, Myers, Schickel, Cooper and Schechter, P.A. Scholarship Foundation, which supports the Coker, Myers, Schickel, Cooper and Schechter Scholarship, or the Roberts, Ragan & McLeod Scholarship Foundation, which supports the Roberts, Ragan & McLeod Scholarship.

Other endowed funds include the Porter, Hildreth & Howery Scholarship Foundation, which supports the Porter, Hildreth & Howery Scholarship, and the Hahn, Lohmeyer & Shively Scholarship Foundation, which supports the Hahn, Lohmeyer & Shively Scholarship.

The Endowed Fund

The endowed fund provides a permanent foundation for the college and is indispensable in supporting important programs and activities. Donors give to this fund for many reasons: to provide scholarships, honor distinguished careers, memorialize loved ones, serve as an estate-planning tool, or to simply thank and support the college. The benefits from those gifts are immeasurable and allow the college to weather state cuts and plan for the future. The donors recognized on these and the following pages gave in the 2007-2008 fiscal year.
In Honor of Professor Ernest Jones

Book Awards

I feel sincerely honored to receive a book award. Through the generous support of alumni, book awards are a tradition that link the past with the future generations of lawyers from UF Law. After I graduate, I hope to be able to help continue the tradition.

— EMILY BANKS (3L)
While on our life’s journey, we must never forget those people and institutions that contributed to our personal successes. I am always proud to be a member of the legal profession. I am always grateful that I received my legal education at the University of Florida.

— EVAN J. YEGELWEL, ESQ. (JD 80)
Terrell Hogan Ellis Yegelwel, P.A.
Jacksonville, Fla.

Founders Society - gold
Charles W. & Betty Jo E. Abbott
Terrance B. Adamson & Edith E. Holiday
AT&T
Attorneys’ Title Insurance Fund
Bank of America v. Felisa Lallana
John Bargas
The Robert S. & Mildred M. Bayard Trust
John C. & Tiff Bierley
E. G. & Alfreda S. Boone
Mary B. Bryant
Lynn E. Burnsed
James D. & Suzanne W. Camp Jr.
Walter G. Campbell Jr.
Carlton Fields
Warren M. & Dorothy C. Cason
Luther W. Coggin Jr.
Coker, Schickel, Sorenson & Daniel
Howard C. Coker
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Margaret MacLennan

Please report corrections to Sara Cocolin at cocolin@law.ufl.edu or call 352-273-0640.
Distinguished Donors

FOUNDERS SOCIETY

Members receive permanent recognition in the annual report.

GOLD: Annual Gifts and five-year pledges of $10,000 and up.

SILVER: Annual Gifts and five-year pledges of $5,000-$9,999.

DEAN’S COUNCIL

Members receive full President’s Council benefits and recognition, invitations to special events, and distinguished recognition in the annual report.

BARRISTER: Gifts and five-year pledges of $25,000-$49,999.

PARTNER: Gifts and five-year pledges of $10,000-$24,999.

ASSOCIATE: Gifts and five-year pledges of $5,000-$9,999.

1909 SOCIETY

The 1909 Society commemorates the founding year of the law school and honors individuals who support the law school’s annual fund program. See page 75 for more details. Annual fund gifts (contributions designated to non-endowed, non-building funds) of $2,000-$4,999. All current members of the 1909 Society are designated in this report by an asterisk (*).

TRUSLER SOCIETY

Annual gifts of $1,000-$4,999. Members receive special recognition in the annual report.

ENRICHMENT SOCIETY

Annual gifts of $100-$999. Donors are recognized in the annual report.

Glenn W. Sturm
The Carl S. Swisher Foundation
James S. & Sharon L. Theriac III
Robert L. & Doris M. Trohn*
United Way of Miami-Dade
Upchurch Watson White & Max Mediation Group
Jeffrey W. & Susan P. Warren*
Michael A. & Betty M. Wolf
Samuel J. & Evelyn Wood Foundation
Frank Woltzbry
Yent Bayou Properties Partnership
C. Steven Yerrid
Zimmerman, Kiser & Sultcliffe

Founders Society - silver

C. Wayne & Kathryn Alford
Allen, Norton & Blue
C. DuBoise & Sallie M. Audley
David S. & Myrna L. Band
Barnett, Belt, Kirkwood, Long & McBride
Bedell, Dittmar, DeVault, Pillans & Coe
Joseph Bensinger
Bruce H. & Jeanne K. Bokor
Carol M. Brewer
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Community Foundation of Tampa Bay
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Forveille, Lewis, Foote & Messer
Michael K. & J. Jacqueline Friel
Ellen B. Gelberg
Gene K. & Elaine R. Glasser
Ruth Goodman
Stumply & Dorothy L. Harris*
James A. Hauser
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Caroline C. Hodak
Wayne & Patricia Hogan Family Foundation
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Winderweedle, Haines, Ward & Woodman
Susan Winn
Yegelwel Family Foundation
Evan J. & Arlene S. Yegelwel
Yerd Foundation

Barriers

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Chris M. & Kathleen D. Limberopolous
Lowndes, Droslack, Doster, Kantor & Reed

DISTRIBUTED DONORS are individuals, businesses and organizations contributing at the following levels: Founders Society, Dean’s Council, 1909 Society, Trusler Society and Enrichment Society.
Law Firm Giving

Attorneys in firms across Florida, Georgia and other key areas worked hard to achieve 100 percent participation of UF Law grads in the Law Firm Giving Program. This program encourages Gators to make a gift to the Levin College of Law and support a variety of worthwhile programs. Listed below are the firm names, office locations and volunteer champions of the participating firms in three categories: 100 percent, 90-99 percent, and 75-89 percent.

### 100% Participation Firms

- **Dean, Mead, Egerton, Bloodworth, Capouano & Bozarth, P.A., Orlando/Melbourne**
  - Champions: A. Felipe Guerrero, Laura Young
  - **Harrison Harris Bauerle & Sharma, P.A., Orlando**
  - Champion: Bruce Harris
  - **Johnson Pope Bokor Ruppel Burns, P.A., Clearwater/Tampa**
  - Champion: F. Wallace Pope Jr.
  - **Parker Alstock, P.A., Gainesville**
  - Champion: J. Parker Alstock
  - **Kubiik Draper, Jacksonville/Miami/Tallahassee/Tampa/West Palm Bch**
  - Champion: Matthew Posgay
  - **Pressly & Pressly, P.A., West Palm Beach**
  - Champion: Grier Pressly

- **Enrichment Society**

- **1000 Friends of Florida**
  - Barry A. Abbott
  - Robert R. & Catherine Aboud
  - Luis A. & Sallie B. Abreu
  - Jyomy D. & Christine M. Acosta
  - Nathaniel R. & MaryBeth Adams
  - Mark A. & Mary Addison
  - Matthew J. & Alisha
  - David M. & Susan M. Alexander
  - Steven K. Alexander
  - Linda A. Alley
  - James W. & Anne W. Almand
  - Adam L. Alport
  - Drew M. & Miriam R. Altman
  - Joseph L. & Kimberlee Amos Jr.
  - K. Dino Anastasiades & Nancy H. Jackson
  - C. Leon Anchors Jr.
  - Stephen A. & Michelle Anchors
  - Bruce R. & Donna K. Anderson Jr.
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  - Malcolm B. Wiseheart Jr.
  - Marc A. & Jennifer Wites
  - Dale S. & Kristen Witt
  - Douglas A. & Patricia Wright
  - James E. & Vanda Young
  - William K. Zedauski
  - Peter W. & Joan W. Zinner

- **Voce Law Firm, Orlando**
  - Champion: Wade Vose

- **75-99% Participation**

- **Bush Ross, P.A., Tampa**
  - Champions: J. Carter Andersen
  - Dell Graham, Gainesville
  - Champion: Liz McKillip
  - Fowler, White, Boggs & Banker, P.A., Ft. Myers & Tampa
  - Champions: Heather Brock, Richard Jacobson & Jack Weiss
  - King, Blackwell & Downs, Orlando
  - Champion: Mayanne Downs
  - Mateer & Harbert, Ocala
  - Champion: Gregory Harrell
  - Shoak, Hardy, Bacon & P.A., Tampa
  - Champion: Darrell Payne
  - White & Case LLP, Miami
  - Champion: James Robinson

### 75-99% Participation

- **Berry, Day & McFee, P.A., Clearwater/Tampa**
  - Champion: F. Wallace Pope Jr.
  - **Capouano & Bozarth, P.A., Orlando**
  - Champions: A. Felipe Guerrero, Laura Young
  - **Champion: Wade Vose**
  - **Fowler, White, Boggs & Banker, P.A., Miami**
  - Champions: Benjamin G. & Ashley Bedell
  - **King, Blackwell & Downs, Orlando**
  - Champion: Mayanne Downs
  - **Shoak, Hardy, Bacon & P.A., Tampa**
  - Champion: Darrell Payne
  - **White & Case LLP, Miami**
  - Champion: James Robinson

- **Attorneys in firms across Florida, Georgia and other key areas worked hard to achieve 100 percent participation of UF Law grads in the Law Firm Giving Program. This program encourages Gators to make a gift to the Levin College of Law and support a variety of worthwhile programs. Listed below are the firm names, office locations and volunteer champions of the participating firms in three categories: 100 percent, 90-99 percent, and 75-89 percent.**

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- **1000 Friends of Florida**
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  - Stephen A. & Michelle Anchors
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  - R. Lanier & Nancy Anderson III
  - Wallace B. Anderson Jr.
  - Mary Jane Angeles & Robert R. Pedlow
  - Ronald P. & Kay W. Anselmo
  - Robert W. & Anthony Jr. Freida
  - Ronald J. & Antonia
  - Kendall Cofey & Jon Armstrong Cofey
  - Thomas R. & Dayna Arnold
  - Kristina L. Arndt, Beth L. Green Aronson & Michael R. Aronson
  - Frank A. & Sharon Ashton
  - Robert S. & Jena R. Attias, Fred W. & Miranda Hall
  - Alton D. & Kelly S. Bain
  - Fred R. & Baisden Jr. Elizabeth
  - Peter & Elizabeth Baker
  - Janice M. Baker
  - Haywood M. & Anne Ball
  - Dane & Jennifer Baltich
  - Michael R. & Marisce Band
  - Oliver D. & Patricia Barkdsale
  - Brad F. Barrios
  - Douglas D. & Julie Batchelor & Bruce C. & Patricia Bernard
  - E. Sue Bernie
  - Yahni W. Bernier
  - Paul B. Bernsten
  - Robert G. & Francyn Berrin
  - Berry Day & McFee
  - Cecilia M. Bidwell
  - Brandon C. & Rachel Biederman
  - Jay P. & Christine K. Bildeau
  - Christine N. Bird
  - Thomas E. & Elizabeth E. Bishop
  - Susan H. & Louis E. Black III
  - W. Michael Black
  - David H. Vickrey
  - Volpe, Bajalia, Wickers & Rogerson
  - Bill & Ruth Wagner
  - Richard S. Weinstein
  - Gregory F. & Susan K. Wetter
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  - Malcolm B. Wiseheart Jr.
  - Marc A. & Jennifer Wites
  - Dale S. & Kristen Witt
  - Douglas A. & Patricia Wright
  - James E. & Vanda Young
  - William K. Zedauski
  - Peter W. & Joan W. Zinner

- **Voce Law Firm, Orlando**
  - Champion: Wade Vose

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- **Bush Ross, P.A., Tampa**
  - Champions: J. Carter Andersen
  - Dell Graham, Gainesville
  - Champion: Liz McKillip
  - Fowler, White, Boggs & Banker, P.A., Ft. Myers & Tampa
  - Champions: Heather Brock, Richard Jacobson & Jack Weiss
  - King, Blackwell & Downs, Orlando
  - Champion: Mayanne Downs
  - Mateer & Harbert, Ocala
  - Champion: Gregory Harrell
  - Shoak, Hardy, Bacon & P.A., Tampa
  - Champion: Darrell Payne
  - White & Case LLP, Miami
  - Champion: James Robinson

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We make a living by what we get, but we make a life by what we give.

—Winston Churchill

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include those designated to nonendowed, non-building funds.

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1909 Society

The 1909 Society commemorates the founding year and approaching centennial of the University of Florida law school, while recognizing alumni and friends who sustain and advance the college with gifts to the annual fund in the amount of $2,000 – $4,999 during a single fiscal year. Support at this level improves the quality and innovation of programs for students, student organizations, teaching and research, academic programs and services, and outreach efforts. Gifts to the annual fund include those designated to nonendowed, non-building funds.
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Class Gift

students in the Fall 2007 and Spring 2008 classes gave back to their law school in participation rates exceeding alumni this year, contributing a combined $87,265 towards the class gift campaign for the law school annual fund.

Both classes helped establish groundwork for a culture of giving, with the Fall 2007 class generating $28,375 in gifts and pledges to be paid over a five-year period. Sixteen percent of the students participated in the campaign. The class gift committee chair was Neil Patel.

The Spring 2008 class raised the third highest class gift amount, with 30 percent of the class contributing $58,890. The class was led by committee chair Luis Delgado.

The purpose of the class gift campaign is not only to give back to the school but also to recognize how past alumni generosity has enhanced the law school experience. These students, who are now alumni, have created a legacy that will provide meaningful support to the future scholars of law at the University of Florida.
No person was ever honored for what he received. Honor has been the reward for what he gave.

—Calvin Coolidge

HONOR ROLL

FALL 2008

75
“As a May 2006 graduate, I spent half my law school experience in the ‘Alpine Rooms’ and half in the college’s new, state-of-the-art classrooms and library. Consequently, I am keenly aware of how alumni can shape the student experience. Regardless of facilities, one thing was always constant at UF... quality education and professors. I serve on the Law Alumni Council and donate to the law school because I want to ensure that UF Law continues to rise to new heights!”

— EDDIE J. FERNÁNDEZ, ESQ. (JD 06)
Shutts & Bowen LLP
Orlando, Fla.
ALUMNI FROM MANY GRADUATING CLASSES made financial commitments to help the college grow stronger and expand programs and services, thereby permitting the college to reach toward its full potential.

FALL 2008
Tributes

In Honor of Brian Aungst, J’r’s Graduation
Janellette G. Renfrow

In Honor of Gene and Elaine’s Glasser Birthday
Robert C. & Francyn T. Berin
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Stuart A. & Evelyn Schechter
Susan L. Lopatin
Stuart A. & Evelyn Schechter

In Honor of Professors Fletcher Baldwin and Walter O. Weynuch
Stuart A. & Evelyn Schechter

Noel H. Nation
Richard E. Ouellette
Lansing J. Roy
Robert F. Williams
Brian R. Wright

Class of 1970
Class Total: $7,970.00
No. in Class: 203
Participation: 9%

Trusler Society

Christy F. Harris
Joseph D. Mellichamp III
Malcolm B. Wiselheart Jr.

Enrichment Society

Steven W. Carta
Dabney L. Conner
William E. Dunwoody III
Charles M. Gadd Jr.
David F. Hannan
Allan L. Hoffman
Richard A. Lazzara
Donald A. Lykkesbak
Stephan P. Mickie
John C. Taylor Jr.
Harry Templin
John K. Tucker
H. Adams Weaver

Class of 1971
Class Total: $58,940.00
No. in Class: 219
Participation: 7%

Founders Society - gold
Howard C. Coker
W. C. Gentry

Barristers

Robert S. Bolt
Stephen N. Zack
Associates

John K. Veeland
Trusler Society

Darryl M. Bloodworth
Enrichment Society

Larry B. Alexander
Robert V. Duus
William J. Gundlach
Karl B. Hanson Jr.
Louis F. Hubener III
Thomas E. Morris
Bruce G. Shaffner
Martin J. Sperry
Robert J. Telfer Jr.

Class of 1972
Class Total: $64,589.31
No. in Class: 350
Participation: 12%

Founders Society - gold
Joseph W. Warren
Founders Society - silver
Bruce H. Bokor
Gene K. Glasser
James G. Pressey Jr.

Barristers

Hal H. Kantor

Partners

Robert C. Grant

Associates

Russell H. Kasper
Christine N. Markussen
Trusler Society

T. W. Ackert

G. Thomas Ball
William E. Hahn
Mark L. Horwitz
Donald S. Kohlar
Donald M. Middelbrooks
Jon L. Mills
James S. Moody Jr.
David A. Schmutte
Clifford A. Schulman
Enrichment Society

James W. Almand
Allan L. Casey
Christopher M. Fear
John D. Fernandez
John Dudley Goodlette
William J. Heffernan Jr.
David L. Kahn
Elliot H. Lucas
Lester Makofka
James M. Matthews
James M. Matthews
G. Carson McEachern III
C. Richard Parker
Michael N. Schneider
Harold Silver
Theodore R. Stotzer
L. Haldane Taylor
Robert L. Taylor
Dale W. Vash
W. Eric Venable
Jonathan F. Weshaw

Class of 1973
Class Total: $24,887.00
No. in Class: 386
Participation: 10%

Founders Society - gold
Gerald A. Rosenthal
Founders Society - silver
Buddy Schulz

Associates

Pamela Q. Price
Leighton D. Yates Jr.

Trusler Society

Martha W. Barnett
Kenneth C. Ellis
Mary B. Ellis
Peter C. K. Enwall
Alan C. Jensen
S. Daniel Ponce

Enrichment Society

Joseph W. Beasley
Martha L. Cochran
James F. Comander
Paul M. Cummings
Patricia Combs Fawsett
Lynn J. Hinson
Douglas E. Myers Jr.
David F. Pope
Marion J. Radson
Patrick C. Rastatter
Hugh A. Richeson Jr.
George W. Selby Jr.
Abraham M. Shalby Jr.
Frederick D. Smith
W. Russell Snyder
William H. Stolberg
Kenneth A. Treadwell
S. Thomas Ullman
Ann E. Vitanac
Gretchen Rebecca H. Vose
Joseph H. Williams
Dale S. Wilson
Art Wroble
Robert L. Young

Class of 1974
Class Total: $74,710.50
No. in Class: 285
Participation: 13%

Founders Society - gold
Robert G. Merker
James S. Theriac III

Barristers

K. Lawrence Gragg
Partners

Robert E. Glennon Jr.
Gwynne A. Young
Trusler Society

Timothy G. Anderson
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Larry M. Stewart, P.A.
William P. White III
Bruce I. Yegelew

Class of 1975
Class Total: $26,187.50
No. in Class: 363
Participation: 12%

Barristers

Maureen G. Gragg
William H. McBride Jr.
Partners

Anne C. Conway
Trusler Society

Jean A. Bice
James R. Lavigne
A. Guy Neff Jr.

Enrichment Society

Barry A. Abbott
Theodore A. Deckert
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LEVIN ADVOCACY CENTER  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 H. Levin Legal Advocacy Center, a $6 million construction project, will expand legal advocacy education and provide state-of-the-art trial facilities for the college. 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. Other donors included the Baynard Trust, the late Robert Montgomery of Robert M. Montgomery, Jr. & Associates in West Palm Beach, and Robert Kerrigan of Kerrigan, Estess & Thompson in Pensacola.
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Neil M. O'Toole
Marshall R. Pasternak
Dean R. Plattner
Charles M. Rand
Paul S. Rothstein
Lanny Russell
C. Douglas Wingate

Class of 1981
Class Total: $33,193.50
No. in Class: 338
Participation: 11%

Founders Society - silver
Kenneth C. Johnson
Partners
Kenneth R. Johnsen*
Kimberly L. Johnson*
Michael D. Minton
Associates
Gary J. Cohen
Trusler Society
R. Mason Blake
Patricia L. Burquest-Fultz*
Susan E. Cook*
Jeffrey D. Feldman*
David H. Vickrey*
Enrichment Society
Luis A. Abreu
Frederick C. Craig J r.
Alan H. Daniels
Joseph H. Davis III
Cherie H. Fine
Stephen E. Fogel
Robert D. Henry
Steven D. Hutton
Nancy H. Jackson
Richard A. Johnston Jr.
Brian B. Joylin
Marvin A. Kinsner
Cheryl K. Lindgren
Robert R. Lindgren
Barbara B. McGriff
James E. Moye
Kathleen M. O'Connor
C. Rufus Pennington, III
Howard M. Rosenblatt
Gary L. Summers
Robert L. Tankel
Wallace C. von Arx III
Carl J. Zahner
Sharon A. V. Zahner

Class of 1982
Class Total: $54,375.00
No. in Class: 399
Participation: 11%

Founders Society - gold
John B. Morgan
Barristers
John N. Giordano
Partners
Richard A. Jacobson*
Paul R. Linder
Louis Nordo Jr.
Gary L. Prinzy*
Oscar A. Sanchez*
Associates
Mark Sonnenstein
Timothy W. Volpe
1909 Society
Margaret Mathews*
Trusler Society
Robert Altmann
Jeffery A. Boone*
Kathryn A. Carr
Linda R. Getzen
R. Lawrence Heinkel*
Margaret D. Mathews
Gregory A. Nelson
Enrichment Society
Robert W. Anthony Jr.
Bryan W. Crews
Alys N. Daniels
Alan S. Gassman
Joe B. Giles
Robert F. Goodrich
Michael P. Haymans
Janis B. Keyser
Francis Spinaile King
Susan S. Lerner
James R. Lussier
Marybeth McDonald
David B. Norris
Kevin L. Pearson
Michael A. Piscitelli
Robert V. Potter Jr.
Darrell R. Richards
Edward J. Richardson
Sheila L. Seig
Schuyler S. Smith

Class of 1983
Class Total: $14,115.00
No. in Class: 338
Participation: 10%

1909 Society
Scott C. Iigelfritz*
Trusler Society
James A. Gail*
David B. Michaela*
Enrichment Society
Thomas R. Arnold
M. Robert Blanchard
Lavinia D. Dierking
Gregory A. Fox
Linda Suzanne Griffin
John E. Hale
Cecile B. Hartigan
Scott G. Hawkins*
Dyanne F. Henkel
Elizabeth M. Hernandez
Eugenio Hernandez
Richard H. Hiers
Martin Lance Holden
Emond D. J. Johnson
William A. King
Caroline B. Marshall
Laura A. McColl
Terence P. O'Connor
T. Clay Phillips

Lorinda S. Schreier
Sidney S. Simmons II
Glenn J. Waldman
William A. Winter

Class of 1984
Class Total: $63,986.00
No. in Class: 324
Participation: 8%

Founders Society - gold
Edward Downey
Barristers
Alan B. Cohn
Partners
Bill Bone*
Trusler Society
David J. Akins
Enrichment Society
Nancy E. Bergold
Randall H. Drew, Sr.
Stephen M. Durden
Kenneth G. Ferguson III
Christopher C. Hazelip
M. Teresa Heekin-Davantles
Charles B. Heninch
Nancy C. Jacobson
Stanley D. Klett Jr.
Cynthia Z. McKinnon
Elizabeth C. Marshall
Michael L. O'Neil
Brian J. Stack
Karime R. Stratou
William A. Troner
David R. Vetter
Andrea E. Zelman

Class of 1985
Class Total: $5,080.00
No. in Class: 364
Participation: 10%

Associates
Raul A. Cuervo
Enrichment Society
Bill Berke
Patricia G. Butler
Donald C. Dowling Jr.
Brenna M. Durden
Steven Ellison
Gregg H. Fiemien
Stanley A. Gravenmier
Timothy D. Haines
Linda C. Hanksins
Michael G. Kermian
Elizabeth R. Kreitzman
John E. Leston
Robert E. Lewis
Mark K. Lindenberg
Lila I. McHenry
Daniel F. McIntosh
Dennis F. Ramsey Jr.

Class of 1986
Class Total: $25,587.67
No. in Class: 391
Participation: 7%

Partners
Mark Citrin
Thomas L. Edwards*
Associates
Jeffrey R. Dollinger
Trusler Society
Nancy K. Condron*
Lawrence Keefe*

Class of 1987
Class Total: $9,605.00
No. in Class: 376
Participation: 8%

Partners
Mayanne Downs
Associates
Juliet M. Rohlac
Trusler Society
Helen W. McBee
Kathleen M. Paustian
J O D Thraker
Enrichment Society
Mary J. Jane Angell
Jane D. Callahan
Nancy E. Dowling
Harolyn D. Dutt
John H. Dyer Jr.
Karen Caudell Dyer
Steven S. Eichenblatt
John F. Halaja
Jeffrey D. Kottkamp
Robin C. Lemosidis
Maureen Monahan Matheson
Andrew J. Meyers
Dawn M. Meyers
Lorinda S. Schreier
Patrick J. Slattery
L. Delane Olsson
Lisa M. Porter
William H. Robinson Jr.
Christopher J. Ryan
Dan F. Schacht
Sharon T. Sperling

Class of 1988
Class Total: $8,712.81
No. in Class: 365
Participation: 5%

Partners
Mark Citrin
Thomas L. Edwards*
Associates
Jeffrey R. Dollinger
Trusler Society
Nancy K. Condron*
Lawrence Keefe*

Class of 1989
Class Total: $6,952.25
No. in Class: 386
Participation: 7%

Partners
James A. Taylor III
Thomas F. Slater
Susan M. Seigle
Rosalie M. Sanderson
Barry W. Rigby
Frank A. Pavese Jr.
Barry W. Rigby
Rosalie M. Sanderson
Susan M. Seigle
Thomas F. Slater
James A. Taylor III

Class of 1990
Class Total: $8,467.00
No. in Class: 382
Participation: 8%

Partners
Mayanne Downs
Associates
Juliet M. Rohlac
Trusler Society
Helen W. McBee
Kathleen M. Paustian
J O D Thraker
Enrichment Society
Mary J. Jane Angell
Jane D. Callahan
Nancy E. Dowling
Harolyn D. Dutt
John H. Dyer Jr.
Karen Caudell Dyer
Steven S. Eichenblatt
John F. Halaja
Jeffrey D. Kottkamp
Robin C. Lemosidis
Maureen Monahan Matheson
Andrew J. Meyers
Dawn M. Meyers
Lorinda S. Schreier
Patrick J. Slattery
L. Delane Olsson
Lisa M. Porter
William H. Robinson Jr.
Christopher J. Ryan
Dan F. Schacht
Sharon T. Sperling

Please report corrections to Sara Cocolin at cocolin@law.ufl.edu or call 352-273-0640.
As a member of the UF Law Alumni Council, I have the privilege of speaking to students and alumni about the importance of giving back to the law school. I recognize that because of the support of many Gators who came before me, I received a first-rate legal education. It is the responsibility of each student and alumnus to give back to the school ensuring that future students continue to build on its distinguished tradition.

— A. FELIPE GUERRERO, ESQ. (JD 05)
Dean, Mead, Egerton, Bloodworth, Capouano & Bozarth, P.A., Orlando, Fla.
Please report corrections to Sara Cocolin at cocolin@law.ufl.edu or call 352-273-0640.
It is the duty of each generation to provide for the education of future generations. In my student days at UF, I was fortunate to have been the beneficiary of this philosophy, and now I am honored to be the benefactor. It is exciting to think that some bright, ambitious students will have assistance in their quest for a legal education at the University of Florida. It is a privilege and a joy to help these students.

—James S. Theriac III (JD 74)
Howze, Monaghan, Theriac, and Kramer PLC
Cocoa, Fla.
All my life I have tried to pluck a thistle and plant a flower wherever the flower would grow in thought and mind.

—Abraham Lincoln

LLMT Alumni

LLMT Tax

Class of 1975

Class Total: $5,025.00

Participation: 13%

Class of 1977

Class Total: $20,057.24

Participation: 18%

Class of 1978

Class Total: $4,100.00

Participation: 12%

Class of 1979

Class Total: $17,350.00

Participation: 19%
This Honor Roll includes the names of all donors to the UF Levin College of Law from July 1, 2007 to June 30, 2008. If your name is not included and you think it should be, one of the following may be the reason it is not:

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- We made a mistake. In spite of our best efforts, errors and omissions occur. If so, please accept our apologies and notify the UF Levin College of Law Office of Development and Alumni Affairs, P.O. Box 117623, Gainesville, FL 32611, or email Sara Cocolin at cocolin@law.ufl.edu.

### Making a Contribution

The Office of Development and Alumni Affairs coordinates alumni activities and fundraising for the College of Law, including activities of the Law Center Association Inc. Board of Trustees and the Alumni Council. To make a contribution, please make your check payable to UF Law Center Association to the address below. Donations are tax deductible as allowed by law. For more information on making an endowed or estate gift, please contact: Office of Development & Alumni Affairs Kelley Frohlich Senior Director of Development, Fredric G. Levin College of Law, P.O. Box 117623 Gainesville, FL 32611 Phone: (352) 273-0640 Fax: (352) 392-3434

### DECEASED DONORS

- Mildred M. Baynard
- Robert B. Cole 1935
- Lealand L. Lovering 1959
- Robert M. Montgomery Jr. 1957
- Marcia Whitney Schott 1946
- W. Paul Shelley Jr. 1939
- Blakely R. Waite 1975
- Belledeane W. Warren

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### Honor Roll

<table>
<thead>
<tr>
<th>Class</th>
<th>Total</th>
<th>No. in Class</th>
<th>Participation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class of 1997</td>
<td>$255.00</td>
<td>53</td>
<td>8%</td>
</tr>
<tr>
<td>Enrichment Society</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Teresa J. Lynch</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Keith M. Olivia</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Class of 1998</td>
<td>$1,610.00</td>
<td>69</td>
<td>4%</td>
</tr>
<tr>
<td>Associates</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Andrew K. Strimatis</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Enrichment Society</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Matthew J. Ahearn</td>
<td></td>
<td></td>
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<tr>
<td>Mark R. Mohler</td>
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<tr>
<td>Class of 1999</td>
<td>$300.00</td>
<td>45</td>
<td>4%</td>
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<td>Enrichment Society</td>
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<tr>
<td>William J. Liss</td>
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<tr>
<td>Rahul P. Ranadive</td>
<td></td>
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<tr>
<td>Class of 2000</td>
<td>$875.00</td>
<td>64</td>
<td>8%</td>
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<tr>
<td>Enrichment Society</td>
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<td></td>
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</tr>
<tr>
<td>Christopher R. D’Amico</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Christina V. Lockwood</td>
<td></td>
<td></td>
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<tr>
<td>Clancy V. Mendoza</td>
<td></td>
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</tr>
<tr>
<td>Class of 2001</td>
<td>$1,085.00</td>
<td>64</td>
<td>13%</td>
</tr>
<tr>
<td>Enrichment Society</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alton D. Bain</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Class of 2002  | $625.00  | 63           | 6%            |
| Enrichment Society |
| Julius B. Remmen |
| Kenny A. Ryan    |
| Joseph W. Zitzka Jr. |

| Class of 2003  | $6,175.00| 80           | 8%            |
| Enrichment Society |
| Srinivas R. Dantuluri |
| Terence T. Darlots |
| Joy Sabino Mullane |

| Class of 2004  | $10,000.00| 79           | 6%            |
| Partners       |
| J. Stephen Pullum |

| Class of 2005  | $785.00   | 77           | 6%            |
| Partners       |
| Deceased Donors |
| Mildred M. Baynard |
| Robert B. Cole 1935 |
| Lealand L. Lovering 1959 |
| Robert M. Montgomery Jr. 1957 |
| Marcia Whitney Schott 1946 |
| W. Paul Shelley Jr. 1939 |
| Blakely R. Waite 1975 |
| Belledeane W. Warren |

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- We made a mistake. In spite of our best efforts, errors and omissions occur. If so, please accept our apologies and notify the UF Levin College of Law Office of Development and Alumni Affairs, P.O. Box 117623, Gainesville, FL 32611, or email Sara Cocolin at cocolin@law.ufl.edu.

Thank you for your support!
Faculty Scholarship & Activities

Mary Adkins
Legal Skills Professor
- Published “Seven Qualities for Beginning Appellate Attorneys,” 16 The Record (2008) (the journal of the Appellate Practice Section, Florida Bar)
- Received scholarship grant from the Association of Legal Writing Directors to support development of an article on the effect of trial courtroom technology on appellate practice and standard of review (2008)

Miami Herald, June 3, 2008
Quoted in an article discussing The Miami-Dade Public Defender’s Office plans to begin turning away thousands of cases in the coming weeks, arguing it is so short-staffed and under funded that attorneys can’t effectively cover their assigned cases. Legal experts disagreed on whether public defenders can refuse cases simply because they are overworked. Dekle said, “The first showdown you’re looking at is between the public defenders and the judge and how quick they can get out of jail after the judge puts them in jail for not accepting cases. Refusing to accept appointments in that situation is basically refusing to perform his constitutional duty.”

— George R. “Bob” Dekle, Legal Skills Professor

Fletcher N. Baldwin
Chesterfield Smith Professor Emeritus
- Published “Where Did Our Water Go? Give the Law a Chance” (op-ed, with Richard Hamann and Christine Klein), Orlando Sentinel (Sept. 23, 2008) and Ocala Star-Banner (Sept. 28, 2008)
- Presented “When the Rivers Run Dry: Water Challenges in Florida” (with Richard Hamann and Christine Klein), Common Reading Program, University of Florida (October 2008)

Miami Herald, June 3, 2008
Quoted in an article discussing The Miami-Dade Public Defender’s Office plans to begin turning away thousands of cases in the coming weeks, arguing it is so short-staffed and under funded that attorneys can’t effectively cover their assigned cases. Legal experts disagreed on whether public defenders can refuse cases simply because they are overworked. Dekle said, “The first showdown you’re looking at is between the public defenders and the judge and how quick they can get out of jail after the judge puts them in jail for not accepting cases. Refusing to accept appointments in that situation is basically refusing to perform his constitutional duty.”

— George R. “Bob” Dekle, Legal Skills Professor

Jonathan R. Cohen
Professor; Associate Director Institute for Dispute Resolution
- Presented “Coping with Lasting Social Injustice,” J justice and Policing in Diverse Societies, sponsored by the John Jay College of Criminal Studies and several other universities, Puerto Rico (2008)
- Presented “The Benefits and Limitations of Apology” to a statewide web seminar for Florida judges and mediators addressing workers’ compensation claims within the Office of Judges of Compensation Claims (2008)

Jeff Davis
Gerald A. Sohn Term Professor
- Presented “Ethical Challenges in the Practice of Bankruptcy Law,” Annual Seminar, Central Florida Bankruptcy Law Association (September 2008)

Patricia E. Dilley
Professor
- Won one of 12 Rockefeller Foundation Innovation Awards ($30,000) to Strengthen Social Security for Vulnerable Groups for her proposal, “Restoring Old Age Income

For a complete, three-year listing of UF Law faculty scholarship, view the UF Law Faculty Report, available online at www.law.ufl.edu.
Book round-up: Jon Mills
Privacy: The Lost Right

Technology has intruded into every aspect of modern life, from how people die to how they conduct their public and private business. Although the benefits of technology are obvious, the risks can be huge.

That's because every cell phone call, credit card transaction, discount card purchase, Internet site visited, or e-mail sent or received is fair game for information poachers to flich at will and without your knowledge. So states a new book released this month, Privacy: The Lost Right (Oxford University Press), authored by Jon Mills, a University of Florida Levin College of Law professor, dean emeritus, and founder of the university's Center for Governmental Responsibility.

"Technology has moved too fast for the law, which is not totally surprising," said Mills. "The combination of the Internet and a broad range of scientific advances, like genetic testing, has created information and societal changes with which the law has not been able to keep pace."

Privacy: The Lost Right draws on Mills' academic, courtroom and legislative experiences and explores examples of privacy intrusions enabled by technology ranging from disclosure of private online video rentals, Internet purchasing habits, spyware that tracks personal online viewing habits, governmental and corporate intrusions, and salacious or defamatory Web postings made by anonymous bloggers. He outlines the legal protections people have — or don't have — to prevent these intrusions, and offers options to bolster legal protections of privacy.

Mills also relates his personal experiences as an attorney who has made successful arguments in several, high-profile court cases that have defined the First Amendment boundaries of the press' right to know and an individual's right to privacy. These included blocking the release of grisly autopsy photos of six young people murdered by serial killer Danny Rolling, preventing the posting of Dale Earnhardt Sr.'s autopsy photos to the Internet, and closing the homicide investigation file containing detailed personal information on murdered fashion mogul Gianni Versace.

These cases were sensationalized in the media and riveted public attention, but the privacy invasions of the information age that don't garner any attention can do equal harm, said Mills.

"People are unaware of how many intrusions they face during everyday life because it is not in any intruders' interest to put the public on notice, and when they do its usually only in the fine print," said Mills. "We don't know when somebody has gathered and sold our private information, we don't know that somebody looked at our medical records and that it affected the way we were treated in a job search."

Mills said it is not just government or the press or the anonymous bloggers or the data brokers that have the ability to violate our privacy rights, it's all of the above together. Although Americans enjoy the conveniences of the Internet, camera phones and online commerce, Mills contends few of us surrendered all privacy for convenience — at least not knowingly.

"Americans cherish their privacy and the legal tools that protect it. At no time in our history have the challenges to personal privacy been so great," said Janet Reno, former U.S. attorney general. "Jon Mills is uniquely qualified through legal, political and academic experience to address these challenges."
USA Today, July 3, 2008

Quoted in a front-page story in the USA Today. “In This War, Troops Get a Rousing Welcome Home,” Mazur commented on the relationship between increasingly elaborate celebrations for returning troops and the absence of a military draft: “What motivates these ostentatious displays is the unspoken, almost unconscious guilt over the way military service works now. A narrow slice of Americans serve again and again. It’s as if we’re saying, ‘We will engage in these very public displays of worship, provided you don’t ask us to serve.’ ”

— Diane Mazur, Professor of Law
Quoted in an article on how the Department of Justice revises how it deals with corporate probes. Seigel, a member of the Attorney-Client Privilege Task Force who dissented from its recommendations on the DOJ guidelines, praised the new policies and said they would avoid problems that could arise from legislation on the matter:

“I think the new guidelines are actually quite good. I think that the department has listened to its critics . . . ,” he said. “It’s irrelevant whether a company waives its attorney-client privilege, that’s not the issue. The important thing is a corporation wants to claim cooperation, the key is telling the prosecutor everything you know. Whether it’s privileged or not is essentially irrelevant.”

— Michael Seigel, Professor of Law

Michelle S. Jacobs
Professor
■ Published UN Shadow Report (U.S. Human Rights Network Committee for the Elimination of Racial Discrimination, 2008) (contributing author)

Robert H. Jerry III
Dean; Levin Mabie and Levin Professor
■ Participated on panel “Say Something New: New Insights into and Scholarship About the Goals and Responsibilities of Legal Education,” Annual Meeting, Southeastern Association of Law Schools (July 2008)
■ Appointed to a term on the Florida Board of Bar Examiners Testing Commission, which makes recommendations to the Florida Board of Bar Examiners about what should be tested on The Florida Bar (2008)
■ Appointed to the “Responsibility Centered Management Committee,” a UF committee charged with exploring the feasibility of introducing an RCM budget model to UF (2008)
■ Reappointed to the Bar Admissions Committee of the ABA Section of Legal Education and Admissions to the Bar (2008)
■ Reappointed to the Finance Committee of the University of Florida Foundation (2008)

Clifford Jones
Associate in Law Research/ Lecturer, Center for Governmental Responsibility
■ Present “The Legal Challenges of Employing a Land Bank to Support Rural Affordable Housing Development” 2008 Joint Conference of the Association of Collegiate Schools of Planning (ACSP) and the Association of European Schools of Planning, Chicago, Ill. (July 2008)

Shani M. King
Assistant Professor; Associate Director, Center on Children and Families
■ Presented “Challenging MonoHumanism: An Argument for Changing the Way We Think About Intercountry Adoption” at the following conferences: New Scholars Workshop, Southeastern Association of American Law Schools, Palm Beach, Florida (August 2008); Association for Cultural Studies Crossroads Conference, University of the West Indies, Kingston, Jamaica (2008); Gender, Family Responsibility and Legal Change Conference, Sussex Law School, Brighton, UK (2008); and Law and Society Annual Meeting, Quebec, Canada (2008)
■ Moderated panel on “Shifting Family Responsibilities and Legal Change,” Gender, Family Responsibility and Legal Change Conference, Sussex Law School, Brighton, UK (July 2008)

Christine A. Klein
Chessterfield Smith Professor of Law; Associate Dean for Faculty Development
■ Published “Where Did Our Water Go? Give the Law a Chance” (op-ed, with Mary Jane Angelo and Richard Hamann), Orlando Sentinel (Sept. 23, 2008) and Ocala Star-Banner (Sept. 28, 2008)
■ Published “Reforming the Florida Water Resources Act of 1972: Beyond the First 35 Years” (monograph, with Mary Jane Angelo and Richard Hamann), in connection with the Century Commission for a Sustainable Florida, 2008 Water Congress, Orlando, (September 2008)
■ Presented “Water Wars or Water Waste?” (plenary closing session), Water Wars: Use, Conflict and the Future, Jacksonville University and Florida Coastal School of Law, Jacksonville, FL (November 2008)

Interviewed for a front-page New York Times article which explored Barack Obama as a law professor at the University of Chicago Law School, where Sokol was one of his students. Sokol said in describing Obama’s class, “For people who thought they were getting a doctrinal, rah-rah experience, it wasn’t that kind of class.”

— D. Daniel Sokol, Assistant Professor of Law
A new Internet site, WhoCanSue.com, plans to help consumers determine whether they actually have a case and help them find an attorney from a list of lawyers who advertise their expertise on the Web site. The attorneys will pay an annual fee of $1,000 to appear on the site. University of Florida Professor of Law Lyrissa Lidsky believes the service is "likely to increase the number of lawsuits." But, adds Lidsky, who specializes in Internet law and the First Amendment, "It’s a good thing to the extent people are vindicating their legal rights to the extent they didn’t years ago."

— Lyrissa Lidsky, Professor of Law; UF Research Foundation Professor

## IN MEMORIAM

Dexter Delony

Professor Emeritus Dexter Delony, passed away Oct. 16 following long illness. He was 91.

Delony taught at UF Law for more than 30 years, educating thousands of Florida’s lawyers and leaders, including former governors Lawton Chiles and Rueben Askew. As a professor, Delony was revered by his students for teaching classes that successfully combined a generous helping of both theoretical law and its application. He retired from UF Law in 1983 and stated he was very proud to have seen the dramatic increase in women law students during his tenure at UF.

Delony specialized in labor law, commercial law and arbitration, and was a nationally recognized and published authority in all three. Delony wrote Florida’s Uniform Commercial Code, and served for several years as chairman of the Labor Law Council of the Association of American Law Schools.

Delony was recruited to the University of Florida in 1948 by then-President J. Hillis Miller from the University of Denver law school, where he served as an assistant professor. Before entering legal academia, Delony worked with Judge Beale at Beale & Delony in Tuscaloosa, Ala. He also worked as an attorney for the U.S. Department of Interior and the National Labor Relations Board.

Delony earned his undergraduate degree from the University of Alabama and his Juris Doctor from Harvard University. He was involved in numerous legal organizations and was a member of both the American Bar Association and The Florida Bar.

He is survived by his wife of 66 years, Jean Campbell Delony, daughter, Christine Vigue, two sons, Charles and John, three grandchildren and two great grandchildren.
Stephen J. Powell
Lecturer in Law; Director, International Trade Law Program; Affiliate Lecturer, Department of Food and Resource Economics; Affiliate Faculty, Center for Latin American Studies; Faculty, International Agricultural Trade & Public Policy Center
Presented “Land Use Regulation, Foreign Real Estate Investment, and Trade Agreements,” University of Florida / University of Costa Rica Conference, San Jose, Costa Rica (June 2008)
Presented “Andean Community, MERCOSUR, and UNASUL: A New Opportunity for Linkage of Trade with Labor and Other Human Rights,” MERCOSUL and Civil Society Law Faculty Workshop, Federal University of Bahia, Salvador, Brazil (May 2008)

Leonard L. Riskin
Chesterfield Smith Professor of Law
Published “Is that All There Is?: ‘The Problem’ in Court-Oriented Mediation” (with Nancy A. Welsh), 15 Florida’s Coastal Construction Control Fence 863-932 (2008)
Presented “Mindfulness and Law Practice” (videotaped interview) for video series of cutting edge law (2008)
Presented “Mediation and Mindfulness,” University of Gothenberg and the Lulea Technological University, Sweden (2008)

John Plummer
Assistant Dean, Administrative Affairs
Participated on panel, “Dealing with Difficult Economic Times,” Annual Meeting, Southeastern Association of Law Schools (July 2008) (also supported SEALS executive director and president in organizing and running the conference)

Elizabeth A. Rowe
Associate Professor
Published “Proposing a Mechanism for Removing Trade Secrets from the Internet,” 12 J. of Internet Law 3 (2008)
Quoted in Andrew Abramson, “NCAA Trying to Block Fantasy Leagues’ Move into College Football,” Palm Beach Post (Aug. 27, 2008)

Thomas Ruppert
Assistant In Environmental Law
Published “Eroding Long-Term Prospects for Florida’s Beaches: Florida’s Coastal Construction Control Line,” 1 Sea Grant L. & Pol’y J. 65 (2008)

Sharon E. Rush
Irving Cypen Professor of Law
Volunteered at request of Lambda Legal Defense to review and to be named plaintiff, with Erwin Chemerinsky and Robert Schapiro, on amicus brief in Embry v. Ryan, an appeal seeking to overturn a

Quoted in an article on Chief Justice of the United States John Roberts visit to UF Law. “To have the chief justice of our nation judge our Final Four Moot Court Competition is a great privilege for our students and the University of Florida. It is a tremendous understatement to say that it has elevated both the significance of this annual event and the anxiety levels of our student competitors.”

— Robert Jerry, Dean; Levin Mabie and Levin Professor of Law

NOTAS BENE
Florida trial court’s invalidation of a Washington second-parent adoption (2008)
- Provided background information on constitutional issues for Miami Herald story discussing a Key West case in which judge ruled that Florida’s ban on gay adoptions is unconstitutional (2008)

Michael Siegel
Alumni Research Scholar; Professor
- Quoted in Gary Blankenship, “DOJ Revises How It Deals With Corporate Probes,” The Florida Bar News (Sept. 15, 2008)
- Received “2008 Faculty Professionalism Award,” awarded by the Florida Supreme Court’s Commission on Professionalism and the Florida Bar’s Standing Committee on Professionalism (2008)
- Presented “U.S. Law and Procedure for White Collar Criminal Cases,” Summer Program in American Law for Brazilian Judges, Prosecutors and Attorneys, UF Law, Center for Governmental Responsibility, Tampa (2008)

Michael Siebecker
Associate Professor
- Published “The Duty of Care and Data Control Systems in the Wake of Sarbanes-Oxley,” 83 Chicago-Kent L. Rev. (2008)
- Invited to join the Network for Sustainable Financial Markets (an international think tank addressing regulation of capital markets) (2008)
- Presented “Legal Ethics and International Corporate Social Responsibility,” University of Costa Rica School of Law, San Jose, Costa Rica (2008)
- Presented “Trust and Disclosure,” Monash University Centre, Italy (2008)
- Presented “Trust, Efficiency, and Corporate Transparency,” Cambridge University, United Kingdom (2008)

D. Daniel Sokol
Assistant Professor
- Published “Order Without (Enforceable) Law: Why Countries Enter into Non-Enforceable Competition Policy Chapters in Free Trade Agreements,” 83 Chicago Kent L. Rev. 231 (2008)
- Presented “The Past and Future of Law & Entrepreneurship Scholarship – A Multidisciplinary Perspective” (written with Mark Suchman and Gordon Smith), Third Annual Law & Entrepreneurship Retreat, Drexel School of Law, Philadelphia (October 2008)
- Participated in “Networks in Communications,” an academic

Book round-up: Barbara Bennett Woodhouse
Hidden in Plain Sight: The Tragedy of Children’s Rights from Ben Franklin to Lionel Tate

Hidden in Plain Sight reveals why fundamental human rights and principles of dignity, equality, privacy, protection, and voice are essential to a child’s journey into adulthood. In her book, Barbara Bennett Woodhouse explores how understanding rights for children leads to a better understanding of human rights for all. In a moving account of children’s rights throughout American history from Benjamin Franklin to Lionel Tate, Woodhouse asks why the United States alone rejects the most universally embraced human-rights document in history, the United Nations Convention on the Rights of the Child. This book is a call to arms for America to again be a leader in human rights, and to join the rest of the civilized world in recognizing that the thirst for justice is not for adults alone.

Barbara Bennett Woodhouse explores the meaning of children’s rights throughout American history. Interweaving the childhood stories of iconic figures such as Benjamin Franklin with those of children less known but no less courageous, like the heroic youngsters who marched for civil rights. How did America become a place where twelve-year-old Lionel Tate could be sentenced to life in prison without parole for the 1999 death of a young playmate? In answering questions like this, Woodhouse challenges those who misguidedly believe that America’s children already have more rights than they need, or that children’s rights pose a threat to parental autonomy or family values. She reveals why fundamental human rights and principles of dignity, equality, privacy, protection, and voice are essential to a child’s journey into adulthood, and why understanding rights for children leads to a better understanding of human rights for all.

Compassionate, wise, and deeply moving, Hidden in Plain Sight will force an examination of our national resistance — and moral responsibility — to recognize children’s rights. http://press.princeton.edu/titles/8613.html
AP reported on conspiracy theories regarding government-involvement in the 2001 anthrax attacks and the apparent suicide of Army research scientist Bruce Ivins, whom the FBI was prepared to prosecute for perpetrating the attacks. Mark Fenster, author of a book on conspiracy theories, said the anthrax case is perfect for conspiracy theorists because it is “as dangerous as it could possibly be, and also deeply mysterious.” The Bush administration’s penchant for secrecy doesn’t help, nor does its intelligence failures on Iraq, he said.

— Mark Fenster, Professor of Law, UF Research Foundation Professor

Jessica de Perio Wittman
Instructional Services Reference Librarian, Lawton Chiles Legal Information Center
Published “Beyond Print: A Second Life for Continuing Education,” 27(3) Legal Information Alert 1 (2008)
Published “Legal Research Podcasts” for Exploring Online Instructional Tools: A Showcase at the American Association of Law Libraries Annual Conference, Portland, Ore. (July 2008)

Michael Allan Wolf
Richard E. Nelson Chair in Local Government Law; Professor
Published The Zoning of America: Euclid v. Ambler (University Press of Kansas, 2008)

Barbara Bennett Woodhouse
David H. Levin Chair in Family Law; Professor; Director, Center on Children and Families and Family Law Certificate Program
Published Hidden in Plain Sight: The Tragedy of Children’s Rights from Ben Franklin to Lionel Tate (Princeton University Press, 2008)

Monique Haughton Worrell
Legal Skills Professor
Published “The Child Support System: The Competing Interests of the Custodial and Noncustodial Parent—Is it Really in the Best Interest of the Child?,” 13th World Conference, International Society of Family Law, Vienna, Austria (September 2008) (also served as panel session moderator)
Elected to serve another three-year term on the International Society of Family Law, Executive Council

Danaya C. Wright
Clarence TeSelle Endowed Professor; UF Research Foundation Professor

Faculty Report Online
Walter Weyrauch

Five decades of scholarship

Walter O. Weyrauch, distinguished professor and Steven C. O’Connell Chair, died Oct. 17 at the age of 89.

“UF Law lost one of its intellectual giants with the passing of Distinguished Professor Walter Weyrauch,” said Robert Jerry, dean and Levin Mabie and Levin professor of law. “Walter has been an active presence at the law school. Many of our students and faculty knew him and will mourn his passing.”

UF Law Professor Emeritus Walter Weyrauch reached a remarkable, record-setting milestone this year — 51 years of continuous teaching at a single school. Despite being ill with cancer, Professor Weyrauch took obvious pleasure on Sept. 29 in the company of the nearly 150 people, including current and former colleagues and students, who gathered in his honor to attend the “Walter Weyrauch Symposium: Reflecting on the Contributions to Legal Thought of Walter Weyrauch.”

Weyrauch’s teaching and scholarship focused on family law, business organizations, comparative law, law and society, legal philosophy, and autonomous informal lawmaking, and he has been widely published in these areas.


Symposium speakers included Professors Inga Markovits, Friends of Joe Jamail Regents Chair, University of Texas School of Law; Lynn M. LoPucki, Security Pacific Bank Professor, University of California-Los Angeles School of Law; Alison Barnes, Marquette University Law School; and W. Michael Reisman, Myres S. McDougal Professor of International Law, Yale Law School. The four spoke eloquently on the far-ranging influence of Weyrauch’s scholarship and how it has swayed their own views and studies.

“I don’t think I know anyone as curious as Walter Weyrauch,” began Professor Markovits. “He has the investigative curiosity of a three-year-old. He is interested in not only what happened, but how and why it happened. That is what law is all about.”

An internationally known expert in comparative law, Markovits’ research has concentrated on socialist legal regimes, and more recently, on law reform in Eastern Europe. She commented that she, like Walter, is an immigrant to America, and spoke on the value of examining a culture through the lens of another.

“Walter is fascinated by the law outside the realm of the mighty and the decision-makers,” she said, and praised his use of qualitative versus quantitative research and analysis.

Walter Weyrauch joined the UF Law faculty in 1957 as associate professor. He became professor in 1960, was Clarence J. TeSelle Professor 1989-94, and became Stephen C. O’Connell Chair in 1994 and Distinguished Professor in 1998. He was named an Honorary Professor of Law at Johann Wolfgang Goethe University, Germany, and has been visiting faculty at the University of California, Berkeley, Rutgers University School of Law and University of Frankfurt.

“The law school has been a wonderful environment, and was a fascinating environment for empirical study,” said Weyrauch in his remarks at the symposium. “There have been tremendous changes in the 51 years I have been here, including dramatic shifts in the diversity of the faculty and student body.”

To honor Professor Weyrauch, Frank G. Finkbeiner (JD 72) and T.W. Ackert (JD 72) have teamed with UF Law to create an endowment to fund the Walter Weyrauch Distinguished Lecture Series in Family Law. The UF Weyrauch Lecture will affirm UF’s reputation as a leader in the area of family law scholarship, and the endowed lecture will attract speakers of the highest quality, creating a lasting legacy for UF and for Professor Weyrauch.

For more information about the Walter Weyrauch Distinguished Lecture Series in Family Law, please contact Vince PremDas in the Office of Alumni Affairs at (352) 273-0640 or via e-mail at premdas@law.ufl.edu.
LETTERS TO LINDY

As a 1958 graduate of the U of F law school I enjoy receiving UF LAW. It is a fine publication. However, in an article on page 10 of the spring edition, I think the proof reader missed a beat. That article twice mentions “Florida Bar Association.” As a 50-year member of “The Florida Bar,” I can tell you that “Association” has not been a part of its name for that period of time.

This is a minor blip. Keep up the good work.

—CLARENCE JOHNSON (JD 58)

Congratulations on the FALL, 2008 edition, your first as editor. “The ultimate goal for UF LAW is to be a good read.” It is indeed.

However (you knew this was coming, didn’t you?) on page 53, the editorial comment or Ms. Libsky’s quote in Time Magazine, leads to the question: Do sharks generally use cages in their killing?

—YOUNG J. SIMMONS (LLB 57)

Your’s is the best statewide story on water I’ve read in a very long time!

—CYNTHIA BARNETT, Florida Trend senior reporter and author of Mirage: Florida and the Vanishing Water of the Eastern U.S.


Got commentary? Whether exergetic or obtrusive, we want to know! Send your letter to the editor — bearing in mind submissions will be edited for style, grammar and length — to Lindy Brownley, UF LAW Editor, UF Law Communications, P. O. Box 117633, Gainesville, FL 32611-7633, or e-mail it to brownley@law.ufl.edu.

—LINDY BROWNLEY (JM 88)

UF LAW Editor

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FEBRUARY 13
Eighth Annual Richard E. Nelson Symposium is on “The Square and Local Governments.” Professors and include Professor James Elly, Milton R. Underwood Chair in Free Enterprise at Vanderbilt University Law School; John Echeverria, currently executive director of the Natural Resources Law and Policy Institute and professor of law at Wayne State University; and Frank Alexander, professor of law at Emory University. The symposium will be held at the UF Marriott Hotel on Friday, Feb. 13. For more information, contact Barbara DeVoe at 352-273-0615.

FEBRUARY 20 & 21
The Seventh Annual Music Law Conference is titled “From the Suits to the Stage.” Conference includes music law symposium and panel discussions, and will take place Saturday, Feb. 21, in the Chesterfield Smith Ceremonial Classroom at the UF Levin College of Law. The conference is on Friday, Feb. 20, from 9 a.m. to 1:30 p.m., at a local music venue. For more information, contact Conference Executive Director Sondra Randon at sondra@ufl.edu.

FEBRUARY 26 – 28
The 15th Annual Public Interest Environmental Conference is titled “Beyond Doom and Gloom: Illuminating a Sustainable Future for Florida.” The conference will take place at the UF Levin College of Law from 9 a.m. to 6 p.m. For more information, contact Simone Harbas at sharbas@ufl.edu.

MARCH 17
The Second Annual Wolf Family Lecture in the American Law of Real Property is scheduled for Tuesday, March 17, at the law school. The lecture will be delivered by Gregory A. S. Alexander, A. Robert Noll Professor of Law, Cornell University Law School. For more information, contact Barbara DeVoe at 352-273-0615.

APRIL 24 & 25
100 Year Celebration/All Classes Reunion. Join your classmates and professors for the Levin College of Law Centennial Celebration and All Class Reunion. Activities include the Heritage of Leadership and Distinguished Alumnus Ceremony, the Century Welcome Reception, Reunion Dinners, Decade Dinners, and a Family BBQ with Albert and Alberta. For more information or to register, contact Development & Alumni Affairs at 352-273-0640.