

HISTORIA JURIS



Newsletter of the
Florida Supreme Court Historical Society

www.flcourthistory.org

April 2008

Tallahassee, Florida



Senator Bob Graham speaks at FSCHS Annual Dinner while Chief Justice Fred Lewis, who also spoke, looks on.

— Photo by Mark Killian, *The Florida Bar News*

ANNUAL MEETING NOTICE

Society members are encouraged to attend the organization's 26th Annual Meeting at 10:00 a.m. on Thursday, June 19, 2008, at the Boca Raton Resort and Club, Galeria South Room, in conjunction with the annual meeting of The Florida Bar.



Former Society President Bob Ervin speaks at the April 10 dedication of the Robert M. Ervin Lawyers' Commons in the Leon County Courthouse. The Tallahassee Bar Association recognized Ervin's long and distinguished career of service to the public and the legal profession by naming the new facility for him. Ervin, who still practices law at age 91, is the oldest living past president of both the Tallahassee and Florida Bars. At left is outgoing TBA President Meredith Trammell Roop, who spearheaded the Commons project that also includes space for TBA offices and the Legal Aid Foundation.

Graham delivers keynote address

Society Annual Dinner Attracts Record Crowd

Since resumption of the Society's annual dinners in 2005, the event has grown larger and become more successful each year. The 2008 annual dinner -- held on January 31 -- was no exception, attracting more than three times as many people as the 2005 event.

Well over 300 people came out for this year's dinner, held in the ballroom of the University Center Club in Tallahassee. Keynote speaker was former Florida Governor and U. S. Senator Bob Graham. Special guests for the occasion included judges appointed or recommended by Graham during his 26 years as governor and senator. Graham holds the distinction of having appointed or recommended more people (270) to serve on the courts in our state than anyone in history. (*See complete list on page 4.*)

Also in attendance were present and former Supreme Court justices, members of the Board of Governors of The Florida Bar, 2008 Pro Bono Award recipients, Society members and other guests. Supreme Court Chief Justice Fred Lewis also addressed the gathering. Dexter Douglass, a former Society president and 2008 event chair, was master of ceremonies.

See more Annual Dinner photos at: www.flcourthistory.org.

Graham addressed a number of topics in his remarks -- including the critical importance of an independent judiciary in America's system of government, the need for an informed and participating citizenry, and the erosion of civics education in our schools. Graham, who supported the merit selection and retention initiatives begun during former Governor Reubin Askew's term, said he personally favors some form of merit selection and retention for all judges in Florida.



SAVE THE DATE ...

2009 FSCHS Annual Dinner,
Thursday, January 29, 2009,
University Center Club, Tallahassee

Additional Oral History Programs Being Added to Society Archives

Society Oral History Chair Russell Troutman is working to expand the organization's oral history archives by videotaping a number of interviews with individuals who've made major contributions to Florida's system of jurisprudence -- both on and off the bench. He recently conducted interviews with Chief Justice R. Fred Lewis and Justice Harry Lee Anstead, and has scheduled an interview with incoming Chief Justice Peggy Quince. Additional interviews will be conducted and videotaped with other current justices, as well as with prominent members of the state's legal profession, for inclusion in the oral history archives.

For a complete list of Society oral history programs, visit www.flcourthistory.org. Copies are available on DVD.



PRESIDENT'S PERSPECTIVE

Rutledge R. Liles
Society President

Those who forget the lessons of the past are doomed to repeat them.

Why am I reminded of this phrase?

My thoughts are evoked by Senator Bob Graham's remarks at the Society's 2008 Annual Dinner, when he lamented present-day threats to our American system of government and the erosion of civics education in our schools.

In recent years, a shrill wake-up call has been sounded that has sharpened our focus on the reality of terrorist attacks that threaten our national security and our personal safety. To be sure, we *should* have been jolted awake by the tragic events of 9-11 and other terrorist outbursts. But while some people may debate our response to these tragic events, we may be losing sight of another threat of considerable magnitude. And, sadly, it is a threat from *within*.

This is a threat to the cherished freedoms and protections we enjoy as Americans. It is a threat to the internal peace and tranquility that our American forefathers fought for -- and won -- more than 200 years ago. In the overall scheme of evolving world civilizations, *that* is not a very long time. But it seems to be long enough that people have forgotten, or have become so preoccupied, that they have little regard for what our republican form of government is all about. Arguably, they are ignorant of how a democracy works. Surveys reveal that a majority of Americans cannot name the three branches of government. In fact, many cannot name the president, vice president, secretary of state, among other leaders. Many have no understanding of, nor regard for, the fundamental concept of *the separation and balance of powers*.

Not only is this lack of understanding evidenced by surveys of our fellow citizens, but, regrettably, also by the actions of our own elected officials. Public officials often appear to regard the Third Branch of government -- the Judiciary -- as a less-than-equal partner, compared to the Executive and Legislative branches. And nowhere is this inequity more visible than in operational funding of the three branches. In our own state of Florida, where legislators have grappled with the unenviable necessity to sharply cut operating budgets, the judiciary is allocated **less than 1 percent** of the state budgetary pie. The money, *per se*, is not really the issue -- but it goes a long way toward what it takes to make the branches equal.

We are paying the price for de-emphasizing civics education in our schools. Former students who have missed this critically important part of their education are now moving into public office. Perhaps it is understandable why they would make decisions indicating a lack of understanding and support for a strong, independent judiciary -- which is essential to the preservation of the American dream. Understandable ... but **unacceptable**.

Senator Graham was right. His message was a perfect fit for the mission of this Society: to *preserve* our judicial history and *educate* the public about the role of the courts.

The members of the Society -- and the lawyers of Florida -- have a vested interest in the challenge to re-balance the scales of government. We have a vested interest because this strikes at the very core of America's greatness.

We need your help and hope you will join us in pursuit of this critically important challenge. We cannot wage the fight without your help. Please join the Society. The annual cost -- as little as \$100 -- is modest when you consider what's at stake in this fight.

A Moment in History ...



How many of the people in this 1963 photo from Volume II, Florida Supreme Court history can you identify? To order your copy of the Society's two hardcover histories of the Court, go to: www.flcourthistory.org.

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Florida Supreme Court Historical Society

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Florida Supreme Court Historical Society

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E-mail: fschs@earthlink.net

Website: www.flcourthistory.org

Honorary Chair: Chief Justice R. Fred Lewis

Court Liaison: Justice Peggy A. Quince

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Under the Dome

**Chief Justice
R. Fred Lewis
Florida Supreme Court**



(EDITOR'S NOTE: Chief Justice Lewis will end his two-year term as chief justice at the end of June 2008.)

Painted large on the wall of the Supreme Court rotunda, an invitation greets all who enter the Court: "Come share with us your vision of justice." As we entered the front office in July 2006, a book was placed on a podium for all who come to respond to this invitation. I think my favorite "vision of justice" was described and shared by a high school student who wrote:

"Justice does not serve its full purpose if it is just delivered to the people. It must be understood by the civilians and common people."

I am deeply impressed by this student's insight. The rule of law and the role of courts must be understood throughout our state and nation if they are to be preserved and passed to the next generations. This grand exercise in constitutional democracy in which we are so fortunate to be engaged is not a spectator sport. The republic requires the thoughtful and responsible participation of all citizens.

In the last two years we have accomplished more -- much more -- than simply issue an invitation to visitors.

For instance, we have reconstituted the Judicial Management Council, which includes leaders from other branches of state government and the public. And we responded quickly to reports of secret dockets and sealed records in our trial courts, insisting on policies and practices that honored the fundamental principle of open courts.

I am particularly proud of the work we have accomplished to ensure courts are accessible to all people. This means eliminating barriers -- whether physical or digital -- that block some people with disabilities. It also means providing appropriate and effective diversity training so people are treated with proper respect, whatever their background. All Florida courts have completed this training. We have also completed a comprehensive survey of our buildings to identify and correct any obstacles, as contemplated by the Americans with Disabilities Act. It has been a resounding success and necessary changes are being made. We have also dedicated ourselves to make our digital communications -- our web pages and other electronic documents -- accessible to people with disabilities.

We convened a Mental Health Summit at the Florida Supreme Court in fall 2007 to consider an extensive new report on how the justice system can best serve the needs of the mentally ill. Attended by Governor Charlie Crist, myself and many others, the summit signaled a renewed spirit of collaboration and cooperation between Florida's branches of government in tackling the challenging and complex issue of incarceration of the mentally ill. I think we all recognized that Florida has discovered a vicious cycle of behavior caused by mental illness leading to inappropriate incarceration, again and again. At root, this is an issue of using the wrong -- and more expensive -- tools to address human problems and suffering arising from a treatable disease. Much work remains, but the work has begun. I know it will continue because it *must* continue.

I close with a quick review of Justice Teaching, which was designed as a cornerstone of the vision of justice within the structure of our constitutional institutions. With great pride and deep gratitude, I report that about 3,500 judges and attorneys across our state have volunteered to be law-related education resources for a school in their community. This virtually fills all public schools with a professional volunteer.

I know the relationships Justice Teaching volunteers establish with their schools as the years go by -- and their classroom visits month after month -- will do much to fulfill the promise of our democracy and to shape the "vision of justice" that our children and following generations carry into the future: We will deliver a future as good as our promise.

WELCOME, NEW MEMBERS

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Cantero Announces Retirement from Court

Justice Raoul G. Canterro, III, appointed by former Governor Jeb Bush in 2002 as the first Cuban-American member of the Florida Supreme Court, has announced his decision to return to the private practice of law in Miami, effective September 6. Canterro cited his family's desire to return to their hometown so they could be close to other family members as a major factor in his decision.

Governor Charlie Crist will appoint Canterro's replacement from a list of three to six nominees selected by the Judicial Nominations Commission.

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"Recount" premieres on HBO May 25

The movie "Recount," filmed last fall at locations in Jacksonville and Tallahassee to portray the drama of the 2000 presidential election, is scheduled to premiere on HBO at 9:00 p.m. EDT on May 25.

Kevin Spacey and Laura Dern star in the made-for-TV movie.

Visit the Society website . . .

www.flcourthistory.org

Judges appointed/recommended by Governor/Senator Bob Graham

KEY: (1) County Court; (2) Circuit Court; (3) District Court of Appeal; (4) Supreme Court; (5) Federal District Court; (6) Federal Court of Appeals;
* deceased

- *Robert C. Abel, Jr. (2)
Durand J. Adams (2)
Henry L. Adams, Jr. (2, 5)
Alfonso L. Adderly (2)
Cecilia M. Altonaga (5)
*Isaac Anderson, Jr. (1)
Horace A. Andrews (1)
Robert L. Andrews (2)
John Antoon, II (5)
*Richard H. Bailey (2)
William D. Baird (1)
*Jesse C. Barber (1)
Edward T. Barfield (3)
Rosemary Barkett (2, 3, 4, 6)
*Natalie Baskin (3)
Frank L. Bell (2)
Howard C. Berman (1)
Arthur M. Birken (1)
Susan H. Black (6)
John R. Blue (2)
Robert H. Bonanno (1)
*John E. Born (2)
Robert J. Boylston (2)
Avery Keith Brace (1)
*Willard L. Bray (2)
George A. Brescher (1)
Theotis Bronson (1)
Jackson Olin Brownlee (2)
Susan C. Bucklew (2, 5)
Joseph Bart Budetti (1)
Richard Bryan Burk (2)
William Ernest Butler (1)
Monterey Campbell, III (3)
Gisela Cardonne Ely (1)
Robert Bostwick Carney, III (2)
Thomas Maurice Carney (1, 2)
Charles Scott Carrere (1)
Robert Paul Cates (2)
Chester B. Chance (2)
Thomas Lee Clarke, Jr. (2)
*Wiley Gayle Clayton (1)
Warren Hyland Cobb (3)
Patricia Williams Cocalis (2)
Harold Jeffrey Cohen (2)
James I. Cohn (5)
Walter N. Colbath, Jr. (2)
Lacey A. Collier (2, 5)
Burton Cornell Conner (1)
Richard Francis Conrad (1)
Anne C. Conway (5)
Jack Henry Cook (2)
Philip Cook (1)
Marcia G. Cooke (5)
William Asbury Cooper, Jr. (1)
Timothy J. Corrigan (5)
Dedee S. Costello (2)
Virginia Maria Covington (5)
*Edward D. Cowart (2)
Joseph Allen Cowart, Jr. (3)
Clinton Austin Curtis (2)
*Michael Floyd Cycmanick (2)
Alan Robert Dakan (1)
Jerome L. Davis (1)
John William Dell (3)
David Alan Demers (1)
William Peter Dimitrouleas (5)
Amy Steele Donner (2)
- Charles David Edelstein (1)
*Warren Hardin Edwards (1)
*Raymond Ehrlich (4)
Margarita Graciela Esquiroz (2)
Donald Collins Evans (1)
Joseph P. Farina, Jr. (1, 2)
Crockett Farnell (2)
Patricia C. Fawcett (5)
Richard Yale Feder (2)
John Emmett Fennelly (2)
*Wilkie D. Ferguson, Jr. (3)
Edward Haskell Fine (2)
*Gary Lee Formet (1, 2)
S. James Foxman (2)
Richard Harlan Frank (3)
Thomas Brent Freeman (1)
*Elmer Otto Friday (1)
*Richard Stanyer Fuller (2)
Carolyn G. Fulmer (1, 2)
Norman Stuart Gerstein (1, 2)
Vincent Eugene Giglio (2)
Hugh S. Glickstein (2, 3)
Alan Stephen Gold (5)
Murray Goldman (2)
Roland Gonzalez (2)
*Alfred Benjamin Gordon, Jr. (2)
Gilbert Seay Goshorn (2)
Donald L. Graham (5)
*Malcolm William Graybill (2)
*Howard Gross (2)
Robert Marc Gross (1)
Bobby W. Gunther (2, 3)
Larry Michael Haag (1)
Peter Haddad (1)
Lawrence P. Haddock, Jr. (2)
Maurice J. Hall (2)
Vincent Thomas Hall (3)
Kim Crane Hammond (2)
Catherine Moore Harlan (2)
Charles M. Harris (2)
*Nelson Merritt Harris, Jr. (2)
James Charles Hauser (1)
Hugh Donald Hayes (2)
William Lesley Hendry (2)
*George William Hersey (3)
Shelby Highsmith (5)
Harry Glenn Hinckley, Jr. (2)
Robert L. Hinkle (5)
Howard Charles Holtzendorf (1)
Paul Courtney Huck (5)
Daniel T. K. Hurley (3, 2, 5)
James E. Joanos (3)
Felix A. Johnston, Jr. (1)
Rosemary Usher Jones (2)
Adalberto J. Jordan (5)
*James Reynolds Jorgenson (3)
Brian Phillip Kay (1)
Robert Paul Kaye (2)
Patrick Gene Kennedy (1)
Scott Marshall Kenney (2)
*Bobby Lex Kirby (1)
David Patrick Kirwan (2)
Phillip Wayne Knight (2)
Gerald Kogan (2)
*Allen A. Kornblum (1, 2)
Harvey A. Kornstein (1)
Maria M. Korvick (1)
*Richard Wallace Kreidler (1)
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Kevin Michael Moore (5)
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Celeste Hardee Muir (1)
Victor Joseph Musleh (1)
*Andrew (Jack) Musselman (2)
*William J. Nelson (2)
*Joseph Nesbitt (3)
Edmund Watson Newbold (2)
Robert H. Newman (2)
*Ralph Wilson Nimmons, Jr. (3)
*Constance R. Nutaro (1, 2)
Melvin Orfinger (2, 3)
William C. Owen, Jr. (2)
Andrew Douglas Owens, Jr. (2)
James Smiley Parker, Jr. (2)
*Jerry Ronald Parker (2)
John Thomas Parnham (2)
Maurice M. Paul (5)
Richard G. Payne (1)
Thomas Eugene Penick, Jr. (2)
Ralph Nathaniel Person (2)
John Luther Phillips (1)
George Hinton Pierce (1)
Judy P. M. Pittman (1)
Mark Edward Polen (2)
Charles Nye Prather (1)
Gregory A. Presnell (5)
H. Mark Purdy (1, 2)
Thomas Simpson Reese (2)
David Leroy Reiman (1)
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Radford William Smith (1)
Rupert Jasen Smith (2)
Frederick Dailey Smith (1)
John Duncan Southwood (2)
Leonard Lamar Stafford (1)
John E. Steele (5)
Ralph Steinberg (2)
Barry Joel Stone (2, 3)
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