

HISTORIA JURIS



Newsletter of the
Florida Supreme Court Historical Society

www.flcourthistory.org

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Tallahassee, Florida

Involving African Americans

RESEARCH PROJECT EXAMINES CHANGES AT SUPREME COURT

The Florida Supreme Court and its judicial officers have played a powerful role in shaping the lives of the residents of Florida. In collaboration with the Florida Supreme Court Historical Society, the History Department of Florida State University is working to document the history of African American experience in relation to the Court since the landmark *Brown v. Board of Education* decision of 1954.

Among the questions the project seeks to answer are: How have the Court's decisions impacted African Americans? What has been the role of African Americans as litigants? What have been African Americans' encounters as lawyers appearing before the Court? What have been their experiences as Justices? How have rights developed in the course of the Court's history/jurisprudence?

Wendell Johnson, a doctoral student studying with Dr. Maxine Jones and Dr. Jennifer Koslow, is working during the fall and spring semesters to uncover the chronology of cases, lawyers and judges to tell a complicated history of racial injustice that functioned and was fought at an institutional and personal level. In constructing a history of the importance of the judicial process, Johnson will research court records, newspapers and photographs. He also will conduct oral histories. His work will culminate in a report that will serve as the material basis for the production of a small traveling exhibit that can be used for public education to reach multiple audiences in a variety of venues (including libraries, historical societies, schools and legal conferences).

This history of African American experience with the Florida Supreme Court will show that everyday experiences with the law matter. Knowing this history enriches our understanding of the past and inspires our sense of civics in the present.



Dr. Jennifer Koslow and FSU doctoral student Wendell Johnson discuss the "African American Experience" project.

Meeting Notice

The Society Board of Trustees will hold its semi-annual meeting on Thursday, January 28, at 1:00 p.m. in the Judicial Meeting Room on the second floor of the Florida Supreme Court Building in Tallahassee.

Justice Dept.'s 2nd in Command Headlines Jan. 28 Dinner

Neal Katyal, one of the U. S. government's top lawyers who is considered a "rising superstar" by Washington insiders, will be the keynote speaker for the Society's 2010 Annual Dinner on Thursday evening, January 28, at the University Center Club in Tallahassee.

Katyal is the Principal Deputy Solicitor General of the United States. Previously he was the Saunders Professor of National Security Law at Georgetown University and he has held several key legal positions in the nation's capital. He has been at the forefront of a number of high-profile court cases, as lead counsel in the challenge to the policy of the Guantanamo Bay military trials and as co-counsel to Vice President Al Gore in the *Bush v. Gore* presidential election dispute of 2000.

In announcing the Annual Dinner speaker, Society President Edith Osman said, "We are very pleased to have Katyal as our keynote speaker. We've heard nothing but stellar reviews about him from the people in the know. This is an opportunity for our dinner guests to meet and listen to a legal scholar whose name will soon become commonplace in legal circles around the country."

Osman noted that the Annual Dinner has grown in popularity and attendance each year since its resumption in 2005. Past event speakers have included former Governor Reubin Askew, former Senator Bob Graham, Governor Charlie Crist and former U.S. Attorney General Griffin Bell. Last year's speaker was Judge Rosemary Barkett of the 11th District U.S. Court of Appeals.

This year's Annual Dinner program also will include a tribute to veteran Society members Bob Ervin of Tallahassee and Mark Hulsey of Jacksonville, who will receive Lifetime Achievement Awards.

Tickets are \$75 each. Deadline for reservations is January 18.



Neal Katyal

You are invited ...

2010 Annual Dinner
of the
Florida Supreme Court Historical Society

Guest Speaker: Neal Katyal
Principal Deputy Solicitor General

Thursday, January 28
Reception 6:00 p.m. - Dinner 7:15 p.m.
University Center Club, Tallahassee

For reservations: www.flcourthistory.org
or call (850) 222-3703



PRESIDENT'S PERSPECTIVE

**Edith G. Osman
Society President**

On June 27, 2009, I -- along with over 500 attorneys, judges, and guests -- stood teary eyed in the ballroom of the World Center Marriott as the audience gave a standing ovation to Judge John Davis Johnson of Miami, then 95 years old. Judge Johnson was the oldest of the living legends present at the Gala Dinner sponsored by the Virgil Hawkins Bar Association at which the book "Florida's First Black Lawyers: 1869-1979" was unveiled. The book, which that organization was responsible for researching and writing, was the first history of black lawyers admitted to practice law in Florida.

Nine years earlier, as president of The Florida Bar, I spearheaded an almost identical project on behalf of women attorneys. The project was a collaborative effort between The Florida Bar and the Florida Association for Women Lawyers. It was intended to honor and celebrate Florida's first female lawyers. When I approached both organizations, however, it never occurred to me that no records had been kept of Florida's pioneering women lawyers. We found ourselves confronted with the dilemma of finding and honoring women whose existence was never documented. We eventually assembled a team of volunteer researchers, including, among others, lawyers, law students, and writers -- all willing to dedicate themselves to the task of re-creating history. This history, as it turned out, dated back to the Supreme Court admission of Louise Pinnell in 1898. The discovery of the first 150 female attorneys that followed was a project of enormous dimension because of the severe lack of any documented history.

After listening to and learning about the black lawyer project, I realized that it had encountered the exact same problem we encountered -- the complete absence of any prior recorded information. This lack of information, however, highlighted the essential need to preserve and document individual histories. As a result, both groups undertook to not only discover and record the history they uncovered, but they also documented their findings in a book. These books were published and distributed, not only to attendees at both momentous events, but to libraries across the country.

These experiences are just two examples that embody the fundamental importance that a historical society can play in capturing history in a timely fashion. If we cannot be motivated to appreciate and understand history's value, it will inevitably disappear, thus rendering an accurate reconstruction of our past impossible.

The Florida Supreme Court Historical Society can, and must, teach the imperative need of discovering, collecting, and preserving such material.

It gives the legal profession an inspiration to live up to the best ideals of those before us. It allows us to recognize that experiences of prior actions, relations with people, and awareness that the rightness and wrongness of our work will always be relevant.

To achieve all of these purposes, one thing is absolutely essential: a large, dedicated membership. Members are the heart of this Society and our membership is growing daily. To date, we have increased by 80 new members in the last three months. The Society relies on your modest membership dues, which are essential in enabling the Society to fund special and contributive projects, such as the third volume of the Court's history and the new African American Experience project, a project that we are in the midst of and which you can learn about more in-depth in this issue. Please encourage your friends to join and please join us on January 28th for an exhilarating and enjoyable evening as we welcome the Principal Deputy Solicitor General, Neal Katyal, with some Florida hospitality as he addresses the Society. We encourage our members and their friends to attend and to become an event sponsor.

As Oliver Wendell Holmes, Jr. once said, "When I want to understand what is happening today or try to decide what will happen tomorrow, I look back." Your contributions now will ensure detailed, accurate and sufficient recorded history for those moments when we feel the need to look back.

Recruiting Campaign Spurs Membership Growth

Fueled by a recruiting drive being conducted by members of the Society's Board of Trustees, membership in the organization has risen to an all-time high of almost 800 members.

The trustee recruiting campaign was implemented as a recommendation of the Society Membership Committee, chaired by Joe Milton of Jacksonville. "As we near the end of 2009, we are pleased to have gained 76 new members so far," Milton said, "but we can do a lot better before the campaign ends on June 30, 2010. Our goal is for each of the Society's 62 trustees to recruit at least three new members."

Society Second Vice President Bruce Blackwell of Orlando is setting the pace on the recruiting trail with 14 new members at press time. "Bruce has been hard at work spreading the word about the Society and bringing in new members," Milton said. "If each of our trustees brought in half as many members as Bruce has, our total membership already would be well over 1,000."

A sizeable number of new members also have joined the Society this year via the checkoff provision on the 2009 Florida Bar fee statement.

Society Merchandise Now Available

Attractive new merchandise bearing the Florida Supreme Court seal is now available from the Society at special introductory prices. To order an attaché case, a polo shirt or a tee - shirt, see our website at www.flcourthistory.org.



Florida Supreme Court Historical Society

A 501 (c) (3) non-profit organization

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Website: www.flcourthistory.org

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Under the Dome

**Chief Justice
Peggy A. Quince
Florida Supreme Court**

Courts often are front and center when it comes to the stage of history. We know that's certainly the case for the Florida Supreme Court! We could all rattle off the names of high-profile opinions that shaped our state in some important way and even, every now and then, grew into national controversies.

But sometimes events of great significance and much consequence take place outside the glare of the spotlight. So I'm going to take this opportunity to discuss a remarkable thing that should have a historic impact on the Florida judiciary -- and, therefore, everyone who turns to the courts for justice and peaceful resolution of disputes.

It happened just this year.

First some background: Just moments after I was sworn in as Florida's chief justice in mid-2008, I warned that the state court system simply could not sustain the kind of cuts it had experienced the prior year without being forced to push entire categories of cases to the backburner. But I also pledged that, with a lot of help from a lot of people, we would secure the funding needed for our courts to handle every case efficiently and effectively.

How very grateful I am that my pledge was partially fulfilled this spring when Florida's legislative and executive branches took historic steps to establish stable funding for Florida's third branch of government. Although we still have more work ahead of us before we have funding sources that do not change with the economic condition of the state, this was a giant first step. It is no exaggeration to say the benefits will flow from this to countless people all across Florida for many years to come.

Truly, stable funding for our courts secures justice for our people. In essence, the Legislature and Gov. Crist brought all court-related revenue into the normal state appropriations process, giving control of nearly \$1 billion in filing fees, fines, service charges and court costs to state lawmakers. This means this revenue will be evaluated in its proper context to provide for balanced funding of all parts of the justice system.

Much hard work and careful thought went into the new funding structure. Florida's business and legal communities spoke out clearly and convincingly for the need for adequate and stable funding of state courts. Trial judges from around Florida, the court administration professionals who support them locally and the Office of the State Courts Administrator here in Tallahassee provided the insights, data and expert analysis to help lawmakers make the wise decision they did. I also think it is important that our branch laid out the need for stable court funding in a very principled way; in fact, the work began by articulating several principles of judicial funding.

I began this column by discussing something historic. I'll conclude by taking note of something that, fortunately, is an aspect of our status quo: the high caliber of the men and women who work for the Florida courts. Thanks to their dedication and expertise, our state judiciary has long enjoyed a national reputation as an effective, efficient and innovative court system. More importantly, Florida's people have been well served when they have turned to the courts for justice.

Facing even greater challenges the last couple of years, our employees have performed even more impressively. As our state and nation struggled to cope with recession, court jobs were cut and caseloads soared. But the people who make up Florida's judiciary worked even harder to carry out the mission of our branch: "to protect rights and liberties, uphold and interpret the law and to provide for the peaceful resolution of disputes."

It simply is not possible to express the depth of appreciation and respect I feel for these women and men -- for what they did this year and what they do every year. So I will say just one thing:

Bravo!

New Officers, Trustees

Osman, Milton, Blackwell Lead Society

Edith G. Osman, of Miami, was elected president of the Florida Supreme Court Historical Society for 2009-2010 at the organization's 2009 annual meeting in Orlando in June. She succeeds Alan G. Greer of Miami. Previously Osman served as Society first vice president.

A partner and shareholder in Carlton Fields' Miami office, Osman previously served as president of The Florida Bar as well as president of both the statewide organization and the Miami-Dade County Chapter of the Florida Association for Women Lawyers. She also is past president of the Florida Council of Bar Presidents and past chair of The Florida Bar's Standing Committee on the Legal Needs of Children.

Recipient of this year's Anti-Defamation League Jurisprudence Award, Osman is a member of the ABA House of Delegates, the Anti-Defamation League Board of Directors, the Greater Miami Chamber of Commerce, and The Commonwealth Institute. She heads Carlton Fields' Family Law Practice Group, where she specializes in family law and business litigation.

Elected Society first vice president was Joseph P. Milton of Jacksonville, founding partner of the Milton, Leach, Whitman, D'Andrea & Milton law firm. Milton is past president of the Jacksonville Bar, the Florida Council of Bar Presidents, the American Board of Trial Advocates Foundation and FLABOTA.

Second vice president of the Society is Bruce B. Blackwell of Orlando. A partner with the King Blackwell Downs & Zehnder law firm, Blackwell is a former president of The Florida Bar Foundation and the Orange County Bar.

The Society reelected Linda F. Wells of Windermere and Ruth McDonald of Tallahassee as secretary and treasurer, respectively.

Society trustees elected to three-year terms were Tod Aronovitz, Miami; Alan B. Bookman, Pensacola; Stephen D. Busey, Jacksonville; Jane Harding, Tallahassee; Tomas F. Gamba, Coral Gables; Edward G. Guedes, Coral Gables; Dr. Charlotte Maguire, Tallahassee; Kimberly S. Mello, Tampa; Daryl D. Parks, Tallahassee; Michael L. Rosen, Tampa; Stanley M. Rosenblatt, Miami; Sheldon J. Schlesinger, Ft. Lauderdale; Judge Scott J. Silverman, Miami; and Burton Young, North Miami Beach. Other new trustees are Judge Mary Patricia C. Fawsett, Orlando (term expiring in 2010) and David C. Prather, West Palm Beach (term expiring in 2011).



Joe Milton



Bruce Blackwell



**New President
Edith Osman presents
plaque to outgoing
President Alan Greer
for his leadership
of the Society in
2008-2009.**

Society Welcomes 128 New Members

Wendy L. Aikin, *Winter Park*
Daniel K. Bean, *Jacksonville*
Richard Taylor Becker, *Tampa*
Ceci C. Berman, *Tampa*
Edward R. Blumberg, *Miami*
Philip F. Bonus, *Orlando*
Miguel J. Chamorro, *Miami*
Bob A. Cole, *Jacksonville*
Drew Collins, *Jacksonville*
Margaret L. Cooper, *West Palm Beach*
Michael F. Coppins, *Tallahassee*
Hugh Cotney, *Jacksonville*
Warren A. Crawford, *Bartow*
Benjamin L. Crump, *Tallahassee*
J. Jeffrey Deery, *Winter Park*
Brian R. Denney, *West Palm Beach*
Charles Dodson, *Tallahassee*
Andy Dogali, *Tampa*
Robert Ehrhardt, *New Port Richey*
Michael V. Elsberry, *Orlando*
Hon. Kevin M. Emas, *Miami*
Juan C. Enjamio, *Miami*
James Etscorn, *Orlando*
James E. Farah, *Jacksonville*
Amy S. Farrior, *Tampa*
David P. Folkenflik, *Kenneth City*
Virginia S. Forbes, *Miami*
Brenda S. Fulmer, *West Palm Beach*
Robert M. Fulton, *Tampa*
Tomas F. Gamba, *Coral Gables*
Suzanne E. Gilbert, *Orlando*
Lawrence Gordon, *West Palm Beach*
Christine D. Graves, *Tallahassee*
Robert F. Green, *Winter Park*
Christina M. Green, *Orlando*
Robert S. Griscti, *Gainesville*
Claramargaret H. Groover, *Orlando*
Edward G. Guedes, *Coral Gables*
Linda L. Hagerty, *Oakland, CA*
John A. Harrelson, *Tallahassee*
Christopher C. Hazelip, *Jacksonville*
Kimberly Healy, *Orlando*
Roger Helms, *Winter Park*

Robert Hemphill, *Winter Park*
Burton Herman, *Forest Hills, NY*
Linda C. Hertz, *Coral Gables*
Ruth Ann High, *Tallahassee*
Ellsworth W. Hoppe, *Gainesville*
Mark L. Horowitz, *Orlando*
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Christopher J. Hunter, *Weston*
Timothy M. Ingram, *Clearwater*
Paul B. Irvin, *Winter Park*
Lauren Kathleen Jacobellis, *Jacksonville*
Wendell Johnson, *Tallahassee*
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Cathy A. Kamm, *Tampa*
Robert E.V. Kelly, Jr., *Tampa*
Mike Krasny, *Indianapolis*
Carolyn J.B. Lawrence, *Orange City*
Philip R. Lazzara, *Tampa*
Susan S. Lerner, *Miami*
Gary S. Lesser, *West Palm Beach*
Jeffrey L. Lewis, *St. Augustine*
Michael A. Lewis, *Stuart*
Hal K. Litchford, *Orlando*
R. Lynn Lovejoy, *Pensacola*
Georgia H. Ludlum, *Dothan, AL*
Reggie Luster, *Jacksonville*
Jarian Lyons, *Tallahassee*
Jamy Magro, *St. Petersburg*
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Matthew H. Maschler, *Boca Raton*
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Marisa M. Morcom, *St. Augustine*
Martha R. Morcom, *Jacksonville*
Frank Morreale, *Jacksonville*
James F. Moseley, Jr., *Jacksonville*

(continued in next column)

Work Underway on Third Volume In History of Florida Supreme Court

The Society has selected Tallahassee lawyer Neil Skene to serve as the project coordinator and principal author for the third volume in its series of hardcover books chronicling the history of the Supreme Court of Florida. Volume III will cover the period from 1972 through the beginning of the 21st Century, including the Court's role in the hotly contested U. S. Presidential Election of 2000.

Volume I, which covered Florida's judicial history from 1821 through 1917, was published in 1997. The second volume, which spanned the 1917-1972 time frame, was published in 2006.

For ordering information on Volumes I and II, see the Society website at www.flcourthistory.org.

In Memoriam

D. Burke Kibler, III, *Lakeland*
Wade L. Hopping, *Tallahassee*

Claude T. Moorman, *Plymouth, NC*
Charles C. Papy, *Coral Gables*

New Members (continued) ...

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Tim Murphy, *West Palm Beach*
Cyrus Niakan, *West Palm Beach*
Carol Lee Ortman, *Ft. Lauderdale*
Roberto L. Palenzuela, *Miami*
Thomas F. Panza, *Ft. Lauderdale*
Benjamin R. Patterson, *Tallahassee*
Shannon Perez, *West Palm Beach*
Joel S. Perwin, *Miami*
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