

# HISTORIA JURIS



Newsletter of the  
**Florida Supreme Court Historical Society**

www.flcourthistory.org

May 2010

Tallahassee, Florida



Annual Dinner attendees included (left-to-right) Justice Charles Canady, Justice Barbara Pariente, Chief Justice Peggy Quince, guest speaker Neal Katyal, Justice Ricky Polston, FSCHS President Edith Osman, Justice Jorge Labarga, Florida Bar President Jesse Diner

## ***Record Crowd Attends 2010 Annual Dinner***

The Society's Annual Dinner continues to set records each year. The 2010 Annual Dinner -- held January 28 at the University Center Club in Tallahassee -- was the best-attended and most profitable Annual Dinner since the event was resumed in 2005.

"We were extremely pleased with the turnout," said Society President Edith Osman, "and we are especially grateful for the financial support of our sponsors. With a 'sellout' crowd and a great speaker like Neal Katyal, everyone in attendance had a great time. The Annual Dinner has truly become an event that people look forward to attending each year."

Katyal is the Principal Deputy Solicitor General of the United States in Washington, DC. After listening to his remarks, annual dinner attendees could understand why he is considered a "rising star" on the national legal scene. Katyal has held such key positions 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. Prior to taking his present position, he was the Saunders Professor of National Security Law at Georgetown University.

See Annual Dinner photos and list of sponsors/supporters on page 4.

In addition to Society members, the Annual Dinner was attended by present and former Florida Supreme Court justices, judges from the federal and state courts, educators, elected officials and guests. See adjacent article on presentation of Lifetime Achievement Awards to long-time Society members Bob Ervin and Mark Hulsey.

Katyal recounted to the audience a 2004 conversation with his client, Salim Ahmed Hamdan, at the Guantanamo Bay Naval Base detention center. "Why are you here?" asked the accused terrorist.

(Turn to 'Why are you here?' on page 2)

## **Bob Ervin, Mark Hulsey Honored by Society**

Lifetime Achievement Awards were presented at the 2010 Annual Dinner to Robert M. Ervin of Tallahassee and Mark Hulsey of Jacksonville, veteran Society members who have devoted years of their lives to the organization and its goals.

Reciting their countless contributions to the Society and the legal profession, FSCHS President Edith Osman said "Bob and Mark share many attributes – gentle spirit, trusted confidant, wisdom personified, mentor to many, friends beyond number, 'lawyer's lawyer' and Great American."



Bob Ervin

Mark Hulsey

Both Ervin and Hulsey were instrumental in publication of the Society's first two historical volumes on the Florida Supreme Court. Both have served as president of the Society and The Florida Bar.

Established in 2009, the inaugural Lifetime Achievement Award was presented last year to Russell Troutman of Winter Park.

### ***28<sup>th</sup> Annual Meeting in Boca Raton***

All Society members are invited to attend the organization's 28th Annual Meeting at 10:00 a.m. on Thursday, June 24, in the Galleria South Room at the Boca Raton Resort and Club. The meeting is being held in conjunction with the annual convention of The Florida Bar.

Among items to be discussed and voted upon will be a recommendation from the ByLaws Committee for revision of the Society ByLaws. Other business will include a review of Society activities for 2009-2010, discussion of planned activities for the coming year and the election of officers and trustees.



## PRESIDENT'S PERSPECTIVE

**Edith G. Osman**  
Society President

With the arrival of June, most people think of beaches, barbecues, baseball and "no more school." For me, however, June means one thing ... The Florida Bar convention. This event has been a staple in my life for over 20 years. The Bar convention signals the end of one Bar year and heralds the beginning of the next. Likewise, the Florida Supreme Court Historical Society's year begins and ends at its Annual Meeting, held in conjunction with The Florida Bar convention.

It has been an honor and privilege to serve as the Society's president this past year. It has been especially rewarding to have the support of Chief Justice Peggy Quince and the Florida Supreme Court. As my term draws to a close, I would like to thank the officers, the Executive Committee and the Board of Trustees for their inspiration, dedication and hard work to further the Society's goals.

First Vice President Joe Milton chaired a very successful membership drive that added 164 new members. We are extremely grateful for Joe's dedication and leadership, while being deeply saddened this spring to receive his letter of resignation due to health issues. My thanks to Bruce Blackwell for moving up to first vice president after Joe's resignation. Bruce chaired the ByLaws Committee and is responsible for the proposed ByLaws changes that will be voted upon at our June 24 Annual Meeting.

The January 28, 2010, Annual Dinner was our most successful one yet. With a record high \$70,000 in sponsorships and sales of over 425 tickets, the dinner included in its audience six sitting Florida Supreme Court justices, seven retired Supreme Court justices, the current president, president-elect, president-elect designate and 11 past presidents of The Florida Bar, 28 members of the Board of Governors, the president-elect and three past presidents of the ABA, the presidents of The Florida Bar Foundation and the Tallahassee Bar; two Federal district judges, one 11th Circuit Court of Appeals judge and four 1st DCA judges.

The highlight of the evening was our keynote speaker, Neal Katyal, principal deputy solicitor general of the United States. Mr. Katyal serves immediately under Solicitor General Elena Kagan, the current nominee for a U.S. Supreme Court seat. The deputy general delivered a truly inspirational speech to a sold-out crowd. A gifted orator, Mr. Katyal wooed the audience with humorous anecdotes of his teaching experience at Georgetown Law and "inside the beltway" stories. He held the audience spellbound as he described his representation of accused terrorist Salim Ahmed Hamdan, Osama bin Laden's driver and bodyguard, who was being detained at the Guantanamo Bay Naval Base to face a military trial. Mr. Katyal's message focused on the "majestic words of the 14th Amendment," which provides equal protection of law to all persons, not just United States citizens, and thereby ensures that non-citizens do not receive the "beat-up Chevy version of justice" while citizens are afforded the "Cadillac gold standard." The audience was visibly moved by Mr. Katyal's modern day version of *To Kill A Mockingbird*.

A special moment of the evening for me was the presentation of Lifetime Achievement Awards to two of the Society's longest-serving and most dedicated members, Robert M. Ervin and Mark Hulsey.

I am proud of the Society's many other accomplishments this year, including trustee Sylvia Walbolt's inspiration for the "African American Experience with the Supreme Court" project, due for completion this fall. The project studies how African Americans have been impacted by Supreme Court decisions – as attorneys, litigants, justices and citizens.

We are currently in the process of creating our first Society magazine, anticipating publication in the fall of 2010. My thanks to trustee Judge Scott Silverman, who provided the inspiration for this project, and to Frank Ramos, our first editor. Additionally, we created a new line of Society merchandise, including briefcases, polo shirts and T-shirts, and have upgraded and expanded our website.

Finally, the Society will undergo a major transition with Park Trammell's resignation after nine years as executive director – during which time our membership has increased five-fold. We thank Park for his dedicated service and welcome our new executive director, Kathy Arrant.

I am gratified by the role I was able to play in these magnificent developments and remain ever proud of Florida's rich judicial legacy. I am confident that under Bruce Blackwell's able leadership the Florida Supreme Court Historical Society will continue to grow and prosper.

## Alleged terrorist asked:

# 'Why are you here?'

(Continued from page 1)

"Why are you representing me?" asked Hamdan, who had just emerged from eight months in solitary isolation

Katyal said it took him more than a minute to formulate his answer. He knew all the constitutional arguments he planned to make in Hamdan's trial, but sitting across from his client for the first time – an alleged terrorist with ties to bin Laden – he expected belligerence from the man captured during the invasion of Afghanistan.

When he did answer, Katyal told Hamdan the story of his parents, who immigrated to the United States from India 40 years earlier with only \$8 in their pockets.

"They came to America not because of the quality of its soil or its sports teams; they came for one simple reason," Katyal said. "Which is ... they could land on these shores and their children could be treated, basically, fairly. Maybe not perfectly all the time, but basically fairly."

Katyal told Hamdan about the wonderful opportunities this nation had afforded him as the son of humble immigrants – opportunities that just would not have been possible in many other countries.

"I thought that is what has always made America really special," Katyal said.

"I told him when I read President Bush's order (establishing the military commissions without the consent of Congress) that was the first time I felt that my parents' vision of America was in peril. Because that order said if you were one of the 12 million green-card holders or one of the five billion people around the world and were accused of even a minor crime, you could be sent to Guantanamo for the beat-up Chevy version of justice – and you could be put to death.

"As an American citizen, you get the Cadillac version, the federal criminal trial, no matter how horrific an act you commit."

That – he said – was the inequity that bothered him most.



**Neal Katyal**

## Florida Supreme Court Historical Society

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

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## Under the Dome

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

As my tenure as chief justice approaches an end, I cannot help but look back upon the past two years, which have been full of both challenges and reasons to celebrate. In the midst of ongoing financial difficulties and growing workloads for court staff, it is inspiring to think of our court system's rich history of innovation and perseverance when faced with challenges. As Florida continues to change, dedicated men and women have stepped up on all fronts to provide Floridians with the most efficient and effective court system possible. I feel it is no coincidence that throughout these trying times we have had the opportunity to celebrate several milestones of justice in Florida. These special occasions have offered opportunities to reflect on the progress that can be made in the face of great obstacles.

One such celebration occurred exactly one year from the day I was sworn in as chief justice. The historic event marked the presentation of "Florida's Firsts," an extensive collection of written and oral histories that document the experiences of the first black lawyers in Florida. This momentous occasion offered an overdue opportunity to celebrate the deeds of the trailblazing individuals who broke down barriers for African-Americans and all minorities to follow in their footsteps.

This collection would not have been possible without the exhaustive research of the Virgil Hawkins Chapter of the National Bar Association. Researchers dug deep into Florida history to uncover a wealth of information on the driven men and women who bravely took on the challenge of integrating the Florida bar. Because such records were not kept in our state's early years, many of these stories may have been forgotten in time. Thanks to this project, their remarkable stories lie safe within the pages of Florida's First Black Lawyers 1869-1979, which will hopefully inspire all Floridians for many years to come.

Additionally, we celebrated two anniversaries which marked events of foresight, perseverance and courage. First, in April 2009 we commemorated the 30th anniversary of the bold decision of the Florida Supreme Court to break with conventional wisdom of the time and open each state courtroom to cameras and electronic media.

For the preceding 40 years court officials feared cameras would be disruptive, and rules barring them from courtrooms were the norm across the nation. Questioning the validity of this assumption, Florida's high court crafted a daring experiment: For one year all Florida courtrooms would be open to cameras. With a positive response from across the state, the Florida Supreme Court issued "In re: Petition of Post-Newsweek Stations, Florida, Inc." This sweeping new rule permanently opened Florida courtrooms to electronic media and may remain the broadest in the nation today. We should all feel pride in that decision.

The very next month marked the 20th anniversary of the first drug court, which was created in Miami-Dade County in 1989. When this innovative program began who could have guessed that within just two decades the concept would become a national movement? In a single year, more than 120,000 Americans are served by one of the 2,300 drug courts across the nation -- 108 of which are in Florida. Aside from keeping non-violent offenders out of prison, drug courts can effectively reduce crime and recidivism rates, save money and restore families. This ground-breaking program has been an inspiration not only in the lives it has changed but also as an example of effective problem solving in our justice system.

Finally, we saw historic progress last year when the other two branches of government took the first steps to establish stable funding for Florida's judiciary. First, the Legislature answered the Court's call for stabilized funding by creating the State Courts Revenue Trust Fund. Hopefully, this trust fund will eventually allow Florida courts to operate at least partially from funds generated by their daily business.



**Former Chief Justices judging UF moot court competition (seated, L-R) were Charles Wells, Parker Lee McDonald, Ben Overton, Steve Grimes and Harry Lee Anstead.** (Photo courtesy UF Levin College of Law / Joshua Lukman)

## Former Justices on UF Moot Court Panel

Five former Chief Justices of the Florida Supreme Court – all law school graduates of the University of Florida – judged the 26<sup>th</sup> Annual Maguire Appellate Advocacy Competition in Gainesville on March 5.

Members of the UF Moot Court Team were David Hughes, C. Andrew Roy, Philip Moring and Cary Aronovitz. Alternates were Kevin Combust and Shelly Garg.

Purpose of the Maguire competition is to provide competitors with useful critiques regarding their oral arguments before going on to compete against other moot court teams from across the nation in the American Bar Association's National Appellate Advocacy Competition.

## Manley To Donate Books In Honor of Ervin, Hulsey

Walter W. Manley, II, of Tallahassee is donating 110 copies of Volume II, Florida Supreme Court history, to libraries around the country in honor of Bob Ervin and Mark Hulsey, Society icons who were presented Lifetime Achievement Awards at the 2010 Annual Dinner.

"Bob Ervin and Mark Hulsey were dedicated to the project that led to publication of the first two volumes in the Society's historical series on the Florida Supreme Court," said Manley, Tallahassee professor and lawyer, who co-authored both Volume I (1821-1917) and Volume II (1917-1972). "Bob and Mark deserve to be recognized for their extraordinary commitment to the first two volumes. It was my privilege to work with them and I am proud to honor them in this way."

Manley, Canter Brown and Eric Rise were co-authors of the first volume, while Manley was director of the project and editor. Manley was project director and co-author with Brown of the second volume. Readers and critics have given the books high praise

Published reviews include the following:

- "The most comprehensive treatment of any state supreme court ... groundbreaking research ... an important contribution to Florida and southern research" (*The Journal of Southern History*),
- "Its preparation was a demanding undertaking ... much more than the judicial history of Florida emerges because it is done with care to create the context and characters of this history ... essential to serious preservers and pursuers of Florida's past" (*The Florida Times Union*).
- "A masterful work ... this entertaining and informative volume ... a great feature is the authors' use of original sources ... exceptionally well-researched and written ... a 'must read' for anyone with interest in Florida's history or its judiciary" (*Journal of Florida Bar Appellate Practice & Advocacy Section*),
- "The first significant history of the Florida Supreme Court ... a work that deserves a wide audience ... any who teach Florida history, constitutional law or the history of the judiciary should consider adopting this book for their courses" (*The Florida Historical Quarterly*),
- "Beautifully researched book ... the result is a book which ought to interest readers of history, politics and law" (*Tampa Bay History*),
- "Packed full of new, previously unpublished material ... an excellent general history ... will be a standard source of reference for Florida's legal, judicial and political development ... the best legal history of the state available" (*The Florida Bar Journal*).

The copies of Volume II presented to the libraries will bear a bookplate acknowledging Professor Manley's gift in honor of Ervin and Hulsey.

# 2010 Annual Dinner sponsors

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## Welcome, New Members

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# Annual Dinner photos . . .

Right (left-to-right): Former Senator Skip Campbell & John DeVault



All photos courtesy of Mark Killian, *The Florida Bar News*

Below (left-to-right): Chris Searcy, Steve Zack, David Prather, Greg Coleman & Bill Norton



L-R: Neal Katyal, Robert Mandell & Hank Coxe, Annual Dinner emcee



Young Lawyers Division board members pose with speaker (L-R): R. J. Haughey, Sean Desmond, Christine D. Graves, Neal Katyal & Renee E. Thompson

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