

Historical Review

SPRING / SUMMER 2020

A Publication of THE FLORIDA SUPREME COURT HISTORICAL SOCIETY



THE FLORIDA BAR CELEBRATES 70 YEARS

**70 YEARS OF
THE FLORIDA BAR**
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Florida Supreme Court Historical Society

SPRING / SUMMER 2020

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The Florida Supreme Court Historical Society works to save and maintain for future generations the records of the people and events that have shaped the evolution of Florida's court system from the early 1800s, through the 21st Century, and beyond. The Society is committed to making sure people understand the importance of a strong, independent judiciary in our governmental balance of power. The Society's two-fold mission is to (1) educate the public about the critically important work of the courts in protecting personal rights and freedoms, as well as in resolving the myriad of disputes that arise within the state, and (2) preserve the rich history of Florida's judicial system.

This publication has been sponsored by the members of the Florida Supreme Court Historical Society.

Florida Supreme Court Historical Society

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EDITOR'S MESSAGE

First and foremost, I hope this finds you and your family safe and well. Since the last issue, the country has experienced a historical pandemic that uprooted our daily lives. While this issue focuses on celebrating 70 years of The Florida Bar, it is not meant to ignore the challenges and resilience Florida, and especially its legal community, has shown in weathering COVID-19.



Since accepting the role of Editor of the *Historical Review* last year, this magazine has become a special project of mine. I get excited to see each issue in print. But this issue is by far the most exciting thus far—for two reasons.

First, as I'm sure you noticed by now, we completely revamped the magazine's layout and design. Thank you to Stephen Leacock from Leacock Design Co. (Tallahassee, Florida) for his design brilliance and making this new design come to life. Thank you to Max Flugrath for his help with capturing several great photos of the Supreme Court building, which helped us with content for the redesign and will likely be featured on the cover of future issues. And, thank you to Mark Miller and Jon Claussen for supporting my vision throughout this process. I hope you all enjoy the new look of the *Historical Review*!

Second, we worked with The Florida Bar to dedicate this issue to commemorating its 70th Anniversary. As you'll see, this issue includes several articles reviewing and recounting the history of and related to The Florida Bar. Thank you to everyone who contributed to this joint effort!

If you have an idea for a future article or would like to contribute to the *Historical Review*, please email me at editor@flcourthistory.org. Enjoy!

Melanie Kalmanson, Esq., Editor
AKERMAN LLP • TALLAHASSEE, FLORIDA

P.S. Emails and Tweets commenting on the new design are also welcome! You can now connect with the Society on Twitter at @FlCourtHistory.

From the President

Welcome to the Spring/Summer edition of The Florida Supreme Court Historical Society's *Historical Review* magazine. The Florida Supreme Court has seen unprecedented change in its makeup this past year, just as we all have seen unprecedented change in the way we live our day-to-day lives due to COVID-19 and the resulting state-wide shut down.

As we slowly begin to emerge from this worldwide crisis, I look back on the unique events that have taken place during this period. The Florida Supreme Court held its first oral argument via Zoom video conference in May 2020, Chief Justice Canady suspended jury trials through July 2020, the Court's Public Information Office facilitated virtual tours of the Supreme Court building, and judges across the State have adapted to our "new normal" by holding proceedings in various new formats.

Likewise, this newly redesigned magazine is a first for the Society, not only due to the fresh new look, but also because it marks the first bi-annual edition of the magazine.

The Society partnered with The Florida Bar for this issue of the *Historical Review* in honoring the Bar's 70th anniversary. Many of the enclosed articles reflect and honor The Florida Bar's storied past. Many thanks to the tireless efforts of our magazine editor, Melanie Kalmanson, in spearheading this project for the Society.

The Society has maintained operations and continued to further its mission during the shutdown. Each meeting

and project brought news from our Trustees across the State on how each corner of the State was doing. I want to thank our Trustees and members for their support during these uncertain times.

As we all know, Governor Ron DeSantis just recently appointed John Couriel and Renatha Francis as the newest members of the Court. The Society welcomes them to the Court and looks forward to assisting with the investitures of these new justices as it has done in the past.

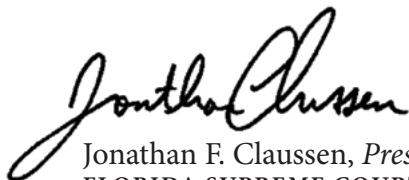
The Society remains dedicated to preserving the Court's history through artifact acquisitions, oral histories, written publications, and further outreach to our members via newly formed social media avenues. We continue to welcome member submissions and ideas for future articles, historical artifact identification, and archiving.

At the outset of the pandemic, a friend sent me a message: "*Don't count the days in quarantine, make the days in quarantine count.*" The Society has indeed made strides in several areas, from this magazine, to conducting oral histories, to commemorating the

historic Supreme Court building with a historic registry monument. We will continue to make the days count as we adjust to a new way of life. I thank you for your support and hope that you and your loved ones are safe and healthy. Please enjoy the magazine.

Sincerely,




Jonathan F. Claussen, President
FLORIDA SUPREME COURT
HISTORICAL SOCIETY

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Raul Alvarez is a third-generation Cuban-American from Miami, Florida. He majored in English with a focus in Creative Writing at Florida International University before attending the Florida State University College of Law. There, he served as President of the Cuban American Bar Association and Managing Editor of the Florida State University Law Review. He will graduate cum laude this May under the Business Law Certificate. Raul will begin his legal career with Salehi Boyer Lavigne Lombana, P.A. in Miami.

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Amani Kmeid is a first-year student at the Florida State University College of Law, where she is the founder and President of the Multicultural Law Students Association. Prior to moving to Tallahassee, she grew up in Beirut, Lebanon and completed her B.A. at the University of Arizona. Her interests are international business and human rights.

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Historical Society Trustee **Dr. Steven R. Maxwell** has worked over 35 years in state and local government, education, and public affairs broadcasting. Dr. Maxwell has served on the Florida Judicial Qualifications Commission as a Public Member as well as the Florida Board of Bar Examiners (FBBE). He continues to serve as an Emeritus Member for the FBBE as well as a member of The Florida Bar's Citizen Advisory Committee and the Historical Society Board of Trustees.

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Alison Bowlby is a 1L at the Florida State University College of Law. She is primarily interested in pursuing a career in either criminal law, government, or trust and estates litigation but enjoys learning about other practice areas. During her first year at FSU Law, Alison was involved with the Association of Criminal Justice, the Women's Law Symposium, and the LitiGators. She would like to thank her family and friends for always encouraging her to follow her dreams.

Sara Shapiro



Sara Shapiro graduated magna cum laude from Florida State University in December 2019 with a B.A. in media communication studies and a minor in law and society. While an undergraduate, she was a research assistant at her college and also interned for the chambers of Justice Barbara J. Pariente. Currently, Sara is in New York working towards attending law school next year.

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Keep the Courts Open: *Access, Planning Guide Response to Maintain Justice*

By **Chief Justice Charles T. Canady**

You are reading this with the advantage of hindsight. I write to address how we, the judiciary of the State of Florida, jumped into action to respond to the COVID-19 crisis.

In this extraordinary time, whether we are weeks or even longer removed from when I am writing, circumstances when you are reading this are almost certainly different than anticipated. This has been the challenge in this unprecedented global crisis: making decisions while so much is unknown. The orders I have issued related to the public health emergency as chief justice are guided by and benefit from many factors. To guide our actions, I have relied first on our branch's foundational principles, then on extensive planning, and on the ability and commitment of judges and courts personnel.

Serious planning for emergency preparedness goes back to 2002 when then-Chief Justice Charles T. Wells received the final report of the Florida Supreme Court Workgroup on Emergency Preparedness. Workgroup Chair Bill Lockhart, who was Sixth Judicial Circuit Court Administrator, relayed the straightforward charge Chief Justice Wells gave the group: "Keep the courts open."

This imperative is the basis of my decisions in response to COVID-19, while operating within the constraints required to protect the health and safety of our judiciary, courts personnel, and those who look to the courts for justice.

Keeping courts open is not optional. Article 1, section 21, of the Florida Constitution says: "The courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial or delay."

The public health emergency declared by the Governor and the way the virus that causes COVID-19 is transmitted necessitated jury trials be suspended, as I did in a February 13 administrative order. I did not do so lightly. The very nature of how we have seated a jury, with hundreds of random citizens compelled to report for a process that put them in close contact with each other, is contrary to containing the spread of a deadly infectious disease.

On March 17 and in subsequent orders, I directed judges to conduct essential functions to protect liberties and rights and further directed other court activities be conducted remotely when possible. We now have advantages unforeseen in 2002 with technology available to keep much work of the courts going virtually. The Office of Information Technology within the Office of the State Courts Administrator acted swiftly to secure and implement 1,200 video conference licenses throughout the state. It is this same solution, implemented by the Supreme Court Clerk and the Public Information Office, that will allow the Supreme Court to hold oral arguments on May 6. My fellow justices on the Supreme Court and the lawyers arguing the cases will appear remotely. These proceedings will also be available live to the public on cable television, the internet, and social media.

While as Chief Justice I have responsibility for and authority over the entire state courts system, our governance structure and the administrative orders I have issued afford the chief judges of our district courts of appeal and our judicial circuits a great deal of flexibility. This allows chief judges to make decisions appropriate to the circumstances in their respective jurisdictions. They



and their judges have shown admirable commitment and adaptability to help maintain the rule of law and protect the rights and liberties of the people. First appearances for criminal defendants have continued each day all around the state. Hearings have been conducted by judges to ensure protections for those whose liberty may be taken away as well as for those who face danger from others. Less critical matters have been handled as well—by technological means that were unfamiliar to many of us a short time ago. The work of administering justice continues.

Even now, the leadership of the judicial branch and I are looking forward. While the progression of this public health threat is unknown, we know it ultimately will be overcome. Courthouses in Florida will once again be fully open to the public and the regular operations of courts will resume. It seems likely our idea of regular operations will change, and often in positive ways. We are learning things about how we can most effectively go about the work of the judicial branch that will inform our work in the future.

Many challenges await us in the courts. The same strengths I have seen in our response to the coronavirus outbreak will serve us well as we recover and resume.

Keeping courts open is not optional.

CHIEF JUSTICE
CHARLES T. CANADY

One event where I do have the benefit of hindsight is the 2020 regular session of the Legislature, which concluded on March 19. A number of supreme court priorities successfully advanced, including initial funding of a new courthouse for the Second District Court of Appeal. The addition of judges in line with the needs

demonstrated in the certification opinion of the Supreme Court is important as well. Changes to appellate jurisdiction and the ability for district courts of appeal judges to maintain remote headquarters are also valuable. I am appreciative of the work of the legislative leadership and the team of judges who worked to advocate for the Supreme Court's agenda to produce these positive outcomes.

Now, as the Governor and the Legislature respond to the impact of the public health emergency on our state's finances, we will continue to work for the judicial branch by advocating on behalf of the people who now and in the future seek justice from Florida's courts. As Florida moves down the road to full recovery from the pandemic, it is essential to the liberty and prosperity of our people that we maintain the strength of Florida's court system.

70 Years of The Florida Bar: *The Petition for Integration*



The Florida Bar New Attorney Inductees stand outside the Supreme Court of Florida with the Justices of the Court (June 9, 1958).
Justices left to right: Campbell Thornal, B.K. Roberts, Elwyn Thomas, Chief Justice Glenn Terrell, T. Frank Hobson, Harris Drew, Stephen O'Connell

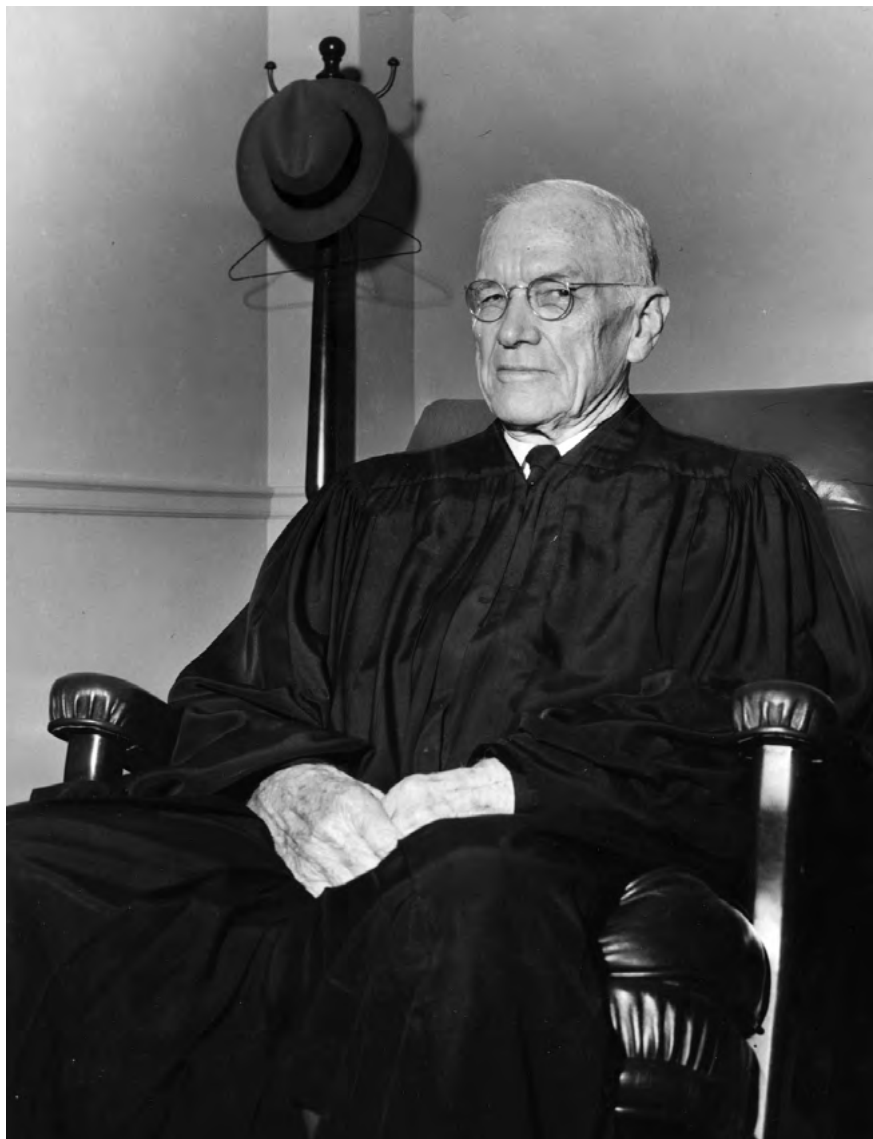
By Catherine Awasthi

The Florida Bar is the third-largest unified state bar in the United States. Its primary responsibility is to regulate the practice of law in Florida; ensure the highest standards of legal professionalism; and protect the public by prosecuting unethical attorneys and preventing the unlicensed practice of law. Although The Florida Bar is essential to the state's legal and judicial functions today, it was not established as a unified bar until 1949. This is when the Supreme Court of Florida granted a petition proposed by the Florida State Bar Association, an organization that dates back to 1889, when it consisted of just a small voluntary group of lawyers in a state with a total population of under 400,000 persons. Now, despite the fact that gaining admission to The Florida Bar is a rite of passage for every lawyer in the state, few in Florida know much about the Bar's history and roots. As this article explains, The Florida Bar has undergone an evolution that involved a rather eclectic bar integration petition, which included discussion of topics ranging from conduct, coercion, communists, and even an epidemic.

Prior to the petition, admission to practice law in Florida was governed by a 1925 statute that ultimately created a Florida Board of Law Examiners. However, unlike the current Florida Board of Bar Examiners, the original board consisted of nine "attorneys of distinction in the law for their learning and character." The statute listed subject areas of which applicants must study to gain admission to practice. The statute granted a diploma privilege to graduates of Florida law schools, entitling them to a waiver of the bar examination. The only requirements for applicants were to present the Board of Law Examiners a proper diploma and satisfactory evidence of good moral character.

The petition proposed the Integration Rule of The Florida Bar. An integrated bar is defined as an official state organization, as opposed to a voluntary one, requiring membership and financial support from all the attorneys admitted to practice in a specific jurisdiction. In sum, the association's petition stated that the Supreme Court possesses the inherent jurisdiction to regulate the practice of law and, further, that the practice of law by persons whose fitness have not been approved would constitute contempt of the court. These Bar leaders argued that only through a unified organization could all Florida lawyers receive uniform education on changes in the law and legal procedures.

The petitioners presented the Court with what it said was a complete roster of the 2,700 lawyers practicing in



In his 26th year of his 40+ year career on the Florida Supreme Court, Justice William Glenn Terrell wrote in 1949 the petition for the majority of the Court granting the request by The Florida Bar Association to become an integrated bar. Justice Terrell is Florida's longest-serving Justice, from 1923 to 1964. During that time on the bench, he served alongside 19 different Justices and served three terms as Chief Justice. Portrait of Justice William Glenn Terrell by Clarence H Jones, Jr. (1958). Courtesy of the State Archives of Florida.

Florida at the time, although the opponents of integration disputed that number. The association then sent those lawyers letters with a ballot requesting their vote on the question of bar integration. Of the 1,631 returned ballots, 1,131 voted in favor of integration, and 500 voted against integration. With a seemingly high interest in integration, the Supreme Court addressed the pros and cons of moving forward with the idea.

Justice William Glenn Terrell, writing for the majority of the Court, provided a wide-ranging array of reasons for the Court's decision to grant the integration petition. First, Justice Terrell established the Supreme Court has the power to integrate the Bar. The Court simply reasoned that "[i]nherent power arises from the fact of

the Court's creation or from the fact that it is a court." At this point, 27 other states had successfully accomplished bar integration—some by Rule of Court, others by an Act of the Legislature. Justice Terrell also reasoned that it is the Court's responsibility to honor the dignity of the law profession and to improve the administration of justice.

The Supreme Court expressed that it also had the power to require members to pay fees as "an incident to its power to integrate." The dissenting justices feared the Court was coercing attorney membership and prescribing dues by attempting to levy a tax beyond the powers of the judiciary. Despite the legislative police power to impose taxes, Justice Terrell said the membership fee was collected for regulation only, whereas the purpose of a tax is revenue. If the membership fee is a means to the end of integrating the bar, the Court said it was constitutional. In addition, the Supreme Court reasoned, "[i]t would not be possible to put on an integrated Bar program without means to defray the expense" and

made clear bar integration was much more noble than a money-making scheme, writing "[t]he bar increases in public esteem by the precepts it lives by, not by the money it makes."

The ballot also signified that half the bar in Florida favored an imposed \$5 membership fee.

Finally, Justice Terrell explained how bar integration is good public policy and calculated to serve the best interests of the public and lawyers. At a time when more and more institutions provided legal education, the Court explained that the reason for bar integration was not for disciplining unethical conduct, "but to alert the bar to professional and public responsibility." The Bar, Terrell said, may put limits on professional freedom. However, "every other business must give place to restrictions that arise in the face of growing populations." Justice Terrell even compared bar integration to the State Board of Health's response to a yellow fever epidemic in Jacksonville, saying the state would "not hesitate to



The Florida Bar New Attorney Inductees stand outside the Supreme Court of Florida with the Justices of the Court (November 6, 1959).
Justices left to right: Campbell Thornal, B.K. Roberts, Elwyn Thomas, C.J. Glenn Terrell, Frank Hobson, Harris Drew, Stephen O'Connell



Florida Bar Board of Governors (March 1983); front row second from left is Chief Justice James Alderman

quarantine its citizenship and draft its full manpower including doctors to put down the epidemic.” The Court said growing populations and changing conditions necessarily give rise to social and economic complexes that require wisdom and discretion to cope with and a unified bar “should be the first sector of the population to comprehend this and order its house to meet such emergencies.”

The opposition also argued that an integrated bar would not eliminate unethical lawyers. To that, Justice Terrell said, “We do not believe it will relieve the Bar of ethical anemics, crackpots and communists. Certainly, this class should be screened out, but the law school is the logical place to do it.” The Court understood bar integration would improve the administration of justice and be a platform for every member of the Bar to share the public and professional responsibility of justice.

Following the petition, the Court approved the Rules Regulating The Florida Bar in 1950. Practicing law in Florida now takes more than a degree and good character. In 1955, the Supreme Court, “in an effort to provide uniform and measurable standards by which to assess the qualifications of applicants, adopted a two-pronged system for the determination of educational fitness.” This

system required all Bar applicants to graduate from an accredited law school and to submit to the bar examination. As the number of law schools proliferated, the Court was persuaded to follow the American Bar Association standards on law school accreditation and strived to provide an objective method of determining the educational quality of prospective Florida attorneys.

The Florida Bar’s success continues today, especially as members endeavor to help provide quality and ethical legal services in the midst of the COVID-19 pandemic. The Bar has become a central resource for all attorneys in the State of Florida and a place for association and leadership opportunities due to its several organizations and committees.

For ease of publication and reading, footnotes have been removed from this article. The full version, with footnotes, may be viewed on the Historical Society’s website at www.flcourthistory.org/Historical-Review/footnotes/

► Several additional historical photos of past Florida Bar induction ceremonies are available at the Florida Supreme Court Archives upon request.



 FLORIDA LEGAL HISTORY

The Florida Bar John F. Harkness, Jr. Complex

By **Alison Bowlby**

Once the Supreme Court of Florida recognized the need to establish an integrated bar association to cater to Florida's rapidly growing population and influx of young attorneys, the need arose for an all-encompassing building to house full-time Florida Bar staff and manage the varied programs of the legal profession.

In 1958, The Florida Bar leased space for its headquarters in Tallahassee's Petroleum Building. But, when membership more than doubled between 1950 and 1960, the Bar quickly noted the desire for its own space. Concerted and

enthusiastic efforts on behalf of Bar leadership developed the ultimate goal of having their own free-standing building. Paul Comstock, former Executive Director of The Florida Bar, remarked that "the construction of a spacious headquarters building is clearly a visible goal." These dedicated officials worked tirelessly to make this ambitious aspiration possible. Marshall Cassedy, the Bar's Executive Director from 1961 to 1980, led a state-wide fundraising campaign, and due to the fervent generosity of attorneys and judges alike, the Bar began construction in March 1965.

Once funds were earmarked, Florida Bar leaders and



members disagreed as to the style of the building. Many believed that the building should represent Florida's role in the emerging "space age" and reflect modern industry and development. Others believed that the building should be more traditional, cherishing our nation's ideals of liberty and solemnity, paying tribute to our humble beginnings. After contentious debate, parties agreed on a colonial Williamsburg-style as this architecture has deep roots in American law. The final draft of the building included three floors and a basement, which was to be constructed on a 2.5-acre tract on the corner of Apalachee Parkway and Franklin Boulevard in Tallahassee, Florida. In April 1965, Bear Construction Company broke ground and construction began.

The building, known as The Florida Bar Complex, was completed in October 1966. The red-brick building has six large pillars at its front entrance, is located only three blocks from Florida's Capitol, and has been described as "a symbol of the essential unity of all Florida lawyers."

The Complex was dedicated on October 8, 1966, in front of more than 400 spectators, primarily Florida Bar members. Notably, the morning dedication ceremony took place before the annual Florida State University versus University of Florida football game, further boosting morale and overall excitement.

Upon establishment of a definitive headquarters, The Florida Bar thrived and continued to rapidly grow throughout the 1970s, forming a need for further expansion. Through the continued generosity and voluntary donations of Bar members, the Bar purchased an additional three acres adjacent to the headquarters' tract of land in 1976 and constructed a 23,000 square foot addition. The addition was modeled under the same Colonial Williamsburg-style architecture to promote

TOP Guests, including Justice Alan Sunberg (front right), attend the dedication of The Florida Bar building on October 16, 1976

MIDDLE Guests attend the dedication of The Florida Bar building on October 16, 1976

BOTTOM Aerial photo of the newly constructed building that would house The Florida Bar



UPPER LEFT Workers are busy at work on The Florida Bar building

UPPER RIGHT A worker stands on top of the walls of The Florida Bar building with a crane overhead

BOTTOM Florida Bar President Edward J. Atkins visits the construction site of the Florida Bar Building

aesthetic consistency. Subsequently, in 1989, The Florida Bar purchased a neighboring IBM building, known as the Annex, creating space for 200 professional staff and catering to the Bar's growing needs.

Throughout the 21st century, The Florida Bar Complex has been primarily regarded as one of the most beautiful buildings in Tallahassee. It successfully allows The Florida Bar to promote the state's legal profession and regulate all 105,000 Bar members. The Complex also oversees smaller branch offices in Fort Lauderdale, Miami, Orlando, and Tampa.

In 2016, the Complex was dedicated as the "Florida Bar John F. Harkness, Jr. Complex," paying tribute to the lasting service and dedication of former long-serving Executive Director and Bar leader "Jack" Harkness. Mr. Harkness witnessed the Bar grow from 27,000 to 105,000 members and was integral in not only the Bar's continued success, but in the addition and expansion of the Complex. Today, the Complex continues to effectuate the spirit and integrity of Florida's lawyers, providing a locus for organization and cooperation.

For ease of publication and reading, footnotes have been removed from this article. The full version, with footnotes, may be viewed on the Historical Society's website at www.flcourthistory.org/Historical-Review/footnotes/

The Final Step to Becoming a Member of The Florida Bar: The Florida Bar Exam

By **Sara Shapiro**

After integration, becoming a member of The Florida Bar is equivalent to being licensed by the Supreme Court of Florida (the “Court”) to practice law in Florida. For an individual to become a member of The Florida Bar, he or she must graduate from an American Bar Association-approved law school or a member of the Association of American Law Schools and must successfully complete the Florida Bar Exam. As such, in Florida, the Florida Bar Exam is the crescendo of many students’ education—the inevitable test that most Florida law students approach with adrenaline-pumping excitement, but also high anxiety, due to the fact that passing the Exam is the final step to becoming a licensed attorney in the State of Florida.

To conserve the community and protect the judicial system, the dominant intention of the Bar Exam is to guarantee that individuals admitted to practice law have displayed minimum technical competence. The exam is administered bi-annually, in February and July of each year, at the Tampa Convention Center. Historically, the February administration is much smaller than the July administration. Also, pass rates for the February administration of the Exam have historically been much lower than pass rates for the July administration.

The Florida Bar Exam is a two-day exam, comprised of subjects chosen by the Court to test applicants’ familiarity with general law and Florida law. Day 1, or “Part A,” of the Exam is the “Florida portion” of the exam. In the morning, the examinee has three hours to answer three essay questions. After a one-hour lunch break, the examinee will have an additional three hours to answer 100 multiple-choice questions. Some of the subjects that may be tested in Part A of the exam include, but are not limited to, family law, Florida and federal constitutional law, Florida Rules of Civil and Criminal Procedure, professionalism, evidence, real property, contracts, and torts.

Day 2, or “Part B,” of the Exam is the Multistate Bar Examination (MBE), which is comprised of 200 multiple-choice questions, which are split into two three-hour segments. The MBE was created by the National Conference of Bar Examiners to measure the examinee’s capability to employ legal reasoning skills, as well as knowledge of

fundamental legal principles. Once testing has concluded, the examinees wait approximately six weeks for individual results.

In comparison to 2009, statistics in 2019 reflect a staggering decrease in the overall pass rate for first-time Florida Bar Exam-takers. According to statistics reported by the Florida Board of Bar Examiners, July pass rates for first-time test-takers plummeted from 80% to 73.9% in 2009 and 2019, respectively. Although the testing pool was approximately four times larger in July than February in both of the aforementioned years, the pass rate was historically much higher for July test-takers. The larger pool of test-takers in the summer appears due to law students taking the Exam promptly after graduation and studying, which is referred to as “bar review.”

The establishment of the Florida Bar Exam has generated more uniformity across Florida’s legal profession, proven to be an intellectually challenging examination, and shifted the process of how a person becomes a lawyer. Since Florida does not have reciprocity for bar admission with any other state, individuals must take, and pass, the Florida Bar Exam and be admitted to The Florida Bar to practice law in the State of Florida. While the Florida Bar Exam is undoubtedly both emotionally and physically tolling on the aspiring attorney, it is not uncommon for an applicant seeking admission to The Florida Bar to take the Exam more than once.

Despite the difficulty of the Exam, The Florida Bar’s membership has increased remarkably since the Exam’s implementation. The Florida Bar began with only 3,758 lawyers who were originally grandfathered in. Since then, membership has grown significantly with every passing decade. By the early 1960s, The Florida Bar had more than doubled its members to 7,000, and membership continued to grow: 12,000 in 1970, 30,000 in 1980, and 45,000 in 1990. Today, The Florida Bar is comprised of over 107,000 attorneys.

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 LEGAL HISTORY

THE
**Nineteenth
Amendment**
CELEBRATES ITS
100th Anniversary

By **Amani Kmeid**

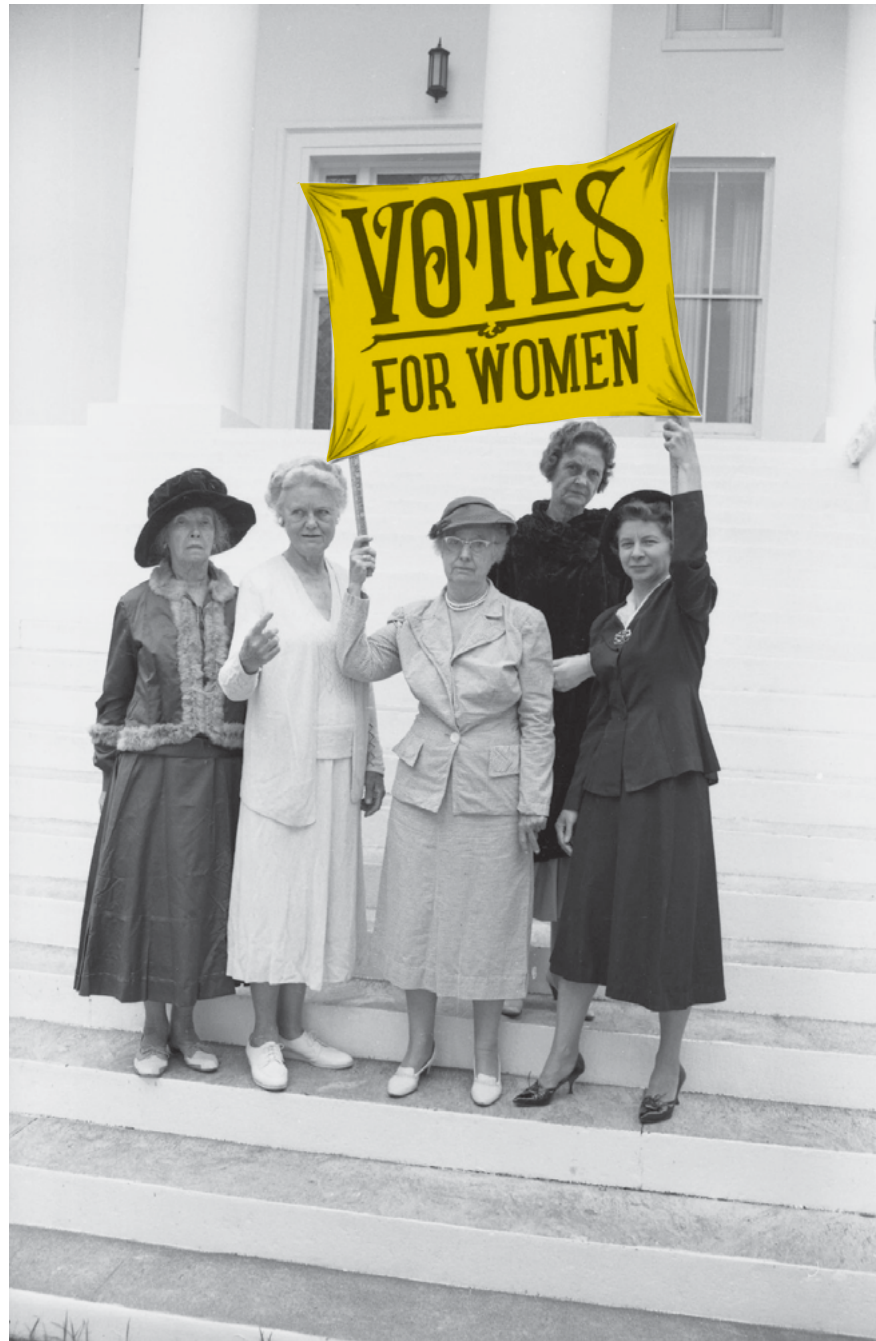
League of Women Voters
recalling suffragist years at the
Capitol in Tallahassee (1963).
Photo by Ellis Finch, courtesy
of State Archives of Florida.

On August 18, 1920, Harry Burn of the Tennessee House of Representatives fidgeted with a red rose pinned to his coat. This red rose symbolized his intent to vote against the ratification of the Nineteenth Amendment. That Amendment would eventually grant women the right to vote. Though Burn changed his stance while preparing to vote in the House, and single-handedly broke the 48–48 tie in favor of ratification, it is improper to credit him with women’s suffrage. After all, activists and reformers fought for nearly 100 years before they secured the right for women to vote in the United States. In celebrating the 100th anniversary of the Nineteenth Amendment’s ratification, we remember these women’s struggles, ambition, and success with a brief history lesson.

The campaign for women’s suffrage began in the 1820s and 30s, prior to the Civil War. Many American women questioned the idea of a “true” woman – one that was pious, submissive, married, and motherly. Because of this, a new way of thinking emerged, now questioning what it meant to be a woman and a citizen in the United States.

At the Seneca Falls Convention of 1848, women and some men came together to discuss the political identity of the American woman. While it was still early in the movement, attendees believed women and men were created equal, and that women should have the right to vote.

During the 1850s, the women’s rights movement took a backseat to the Civil War. However, the movement quickly gained momentum after the ratification of the Fourteenth and Fifteenth Amendments in the 1860s. Those two Amendments extended the Constitution’s protection to all male citizens regardless of race, and



guaranteed black men the right to vote, respectively. With this expansion of critical rights, historical suffrage leaders Elizabeth Cady Stanton, Susan B. Anthony, and Lucy Stone knew this was the time to push for universal suffrage.

In 1869, Stanton and Anthony founded The National Woman Suffrage Association (NWSA), and took a radical approach. Their movement opposed the Fifteenth

Amendment because it did not include women's right to vote. On the other hand, the American Woman Suffrage Association (AWSA), founded by Stone the same year, took a more conservative approach and supported the Fifteenth Amendment, considering it one step closer to universal suffrage.

All three women became prominent writers from the 1870s well into the 1890s. In the early 1880s, Stanton, Anthony, and Gage co-authored *History of Woman Suffrage*. In 1895, Stanton and a committee of women published *The Woman's Bible*, which became a bestseller. Stanton and others also published weekly periodicals in the *Revolution*. These weekly periodicals primarily focused on the women's rights movement. Stone founded the *Woman's Journal*, which became the unofficial voice of the women's suffrage movement by the 1880s. These writings not only influenced activists of the nineteenth century, but continue to influence activists worldwide today.

In the 1890s, the NWSA and the AWSA merged into the National American Woman Suffrage Association (NAWSA). By this time, women were no longer fighting to be seen as equal to men, but were fighting for different rights because they were different than men. They claimed their votes would create a moral, maternal commonwealth. This argument successfully swayed some, particularly those who wanted a white woman's vote to neutralize a black man's vote. Durable white supremacy and racism were at the forefront of the battle for women's suffrage.



At the age of 76, after nearly five decades fighting for women's suffrage, Stanton appeared before the U.S. House Committee on the Judiciary. There, she emphasized the importance of changing the national understanding of a woman's position in society:

[t]he strongest reason for giving wom[en] all the opportunities for higher education, for the full development of her faculties, her forces of mind and body; for giving her the most enlarged freedom of thought and action; a complete emancipation from all forms of bondage, of custom, dependence, superstition; from all the crippling influences of fear—is the solitude and personal responsibility of her own individual life. The strongest reason why we ask for woman a voice in the government under which she lives; in the religion she is asked to believe; equality in social life, where she is the chief factor; a place in the trades and professions, where she may earn her bread, is because of her birthright to self-sovereignty; because, as an individual, she must rely on herself.

– *The Solitude of Self*, 1892

Recognized for its brilliance, Stanton's speech, *The Solitude of Self*, was later published in Stone's *Woman's Journal*.

In the late nineteenth century and through the 1910s, some states extended women the right to vote. However, southern and eastern states still resisted. NAWSA mobilized local and state suffrage organizations nationwide to put pressure upon these states. With no official color, yellow ribbons, sashes, and pins were worn by suffragists to symbolize their commitment to the cause.

On August 18, 1920, as Harry Burn wore his anti-suffragist red rose while he cast his vote to ratify the Nineteenth Amendment, suffragists bore their yellow roses en masse as they descended upon Nashville. Tennessee was the final state to vote, and the last opportunity for national ratification. While all three women suffrage leaders passed away before the ratification of the Nineteenth Amendment—Stone in 1893 (aged 87), Stanton in 1902 (aged 86), and Anthony in 1906 (aged 86)—they are remembered for their struggles, ambition, and success every August 26th on National Women's Equality Day. On August 26, 2020, the 100th anniversary of the ratification of the Nineteenth Amendment, they are remembered by the same yellow roses that symbolized the women's rights movement 100 years ago and continue to do so today.

For ease of publication and reading, footnotes have been removed from this article. The full version, with footnotes, may be viewed on the Historical Society's website at www.flcourthistory.org/Historical-Review/footnotes/

Looking Back On Florida's Cuban-American Lawyers Initiative

By **Raul Alvarez**

Introduction By **Justice Jorge Labarga**

INTRODUCTION

In his timely book, *The Soul of America*, historian Jon Meacham emphasized that “man’s capacity for justice makes democracy possible, but man’s inclination to injustice makes democracy necessary.” To be sure, the history of the world is filled with horrific examples of man’s inclination to injustice—Stalin, Hitler, Mao and Fidel Castro, to name a few—and, sure enough, in each instance, democracy was either eradicated or non-existent to begin with.

Having been old enough to have experienced and vividly recall the initial years of the so-called Cuban revolution, I can easily see the comparisons. First, all such regimes were led by a charismatic figure. Second, once in power, any existing semblance of a free press was replaced with a state-run communication system. And, third, the rule of law, the glue that holds democracies together, was replaced with military tribunals answering only to the call of revolutionary leaders.



Justice Jorge Labarga was the State's first Cuban-American Chief Justice.

Of these three factors, it was the swift eradication of the established rule of law, such as it was, that cemented Fidel Castro's reign of tyranny for over fifty years and continuing. It was this factor that convinced me as a young boy in grade school in the United States to pursue a career in the legal profession. After all, lawyers have been there since the beginning of our great democracy. More than

twenty lawyers signed the Declaration of Independence and more than twenty lawyers signed the Constitution of the United States. It was the work of a group of lawyers who filed and successfully argued *Brown v. Board of Education* before the United States Supreme Court and thereby opened the floodgates to the civil rights action that followed.

As a lawyer, it was my childhood belief that I could make the greatest contribution to fight for the preservation of our deeply rooted constitutional values. To that end, it is my sincere hope that my contributions as a lawyer and as a judge have helped.

* It is unclear whether the program was called the “Cuban-American Lawyer Program” or the “Cuban-American Lawyers Program.” Recent materials use the latter while earlier materials use the former. Because recent materials use the latter, the editors chose to do the same.

There were instances when politically exiled Cubans stretched desperate hands across ninety miles of oceanwater and Americans clasped those hands back. Not always. But in the late 1960s and early 1970s, many Americans realized that they had plenty in common with what became known as *el exilio* (“the exile” in English), or the first wave of Cubans who sought refuge after leaving Fidel Castro’s newly imposed Communist government. Even President Kennedy and his cabinet welcomed the wave of exiles, eager to gain new allies against his Soviet-backing (and Soviet-backed) neighbor to the South, Castro. For many more Americans, though, the realized commonalities drew from ordinary facets of life. Generally speaking, many saw that the exiled were composed of decent families and hardworking individuals who were simply displaced but yearning to find in the United States semblances of their lives left behind.



Former Justices Raoul Cantero and Barbara Lagoa stand together in the courtroom at the Florida Supreme Court at Justice Lagoa’s Investiture in 2019. Cantero was the Court’s first Cuban-American Justice and Lagoa the third.

The Florida Supreme Court realized that along with many professionals in different fields, an influx of lawyers was coming from Cuba. These lawyers were educated at one of four law schools in Cuba—the University of Havana, Jose Marti University, St. Thomas of Villanova Law School, or Oriente University. In 1973, the Court issued an order announcing its intention to educate Cuban lawyers in the American common law and called on the state’s law schools to develop specialized courses of study for them. The end goal was getting them certified to take the Florida Bar examination. The Court’s order followed a petition filed by an Ad Hoc Committee of the National Association of Cuban Lawyers.

The University of Florida answered the call with the most significant program in terms of enrolled participants, the Cuban-American Lawyers Program. It implemented a twenty-one-month curriculum that was taught almost entirely on weekends. University law professors flew to Miami each weekend to teach the program in Florida International University classrooms. A smaller section was offered in Gainesville, and the University of Miami offered its own smaller program too, though it was conceptualized as a residence program with more class hours.

A quick Google search of the Cuban-American Lawyers Program would yield only a few articles about the program—one about an honorary exhibit of the program and another about a fortieth anniversary reunion—which might lead some to believe the program was a gleaming success and a clean transition for Cuban-American lawyers. This, unfortunately, was not the actual result. Despite the noble efforts of many involved, a large majority of the program’s participants did not pass the Florida Bar examination and sixty-three participants even sued the University of Florida because they felt the university misrepresented what would happen at the program’s close. It is difficult to pinpoint a reason why the results were so poor. Remembering instead the characters, logistics, and attitudes of the program may better paint the circumstances that led to its glum end.

The program’s roots sprouted not just from benevolent intentions, but practical ones. Julian C. Juergensmeyer, director of the program at the University of Florida, explained why the Florida Supreme Court decided to set up the program: “Professional licensing. I mean, all of a sudden Florida had a large number of people who had been lawyers to come [from Cuba], and now in their new country they wanted to continue to be lawyers.” A quote from then-Chief Justice James C. Adkins, memorialized in a 1975 pamphlet from an honorary ceremony concluding the program, captured the spirit of the Cuban-American Lawyer Program’s participants:

Sixteen years ago you and your colleagues enjoyed the coveted distinction and honor of being the leaders of the legal profession of the Republic of Cuba. Yet, you, like the forefathers of many of our fellow Americans, chose to flee your beloved country to seek a refuge of freedom rather than submit to the shackling will of an oppressive tyrant.

Aside from Cubans, the University of Florida program eventually enrolled lawyers from Israel, Mexico, Pakistan, Colombia, Italy, Spain and other Latin American countries.

Approximately twelve percent of the enrolled University of Florida participants were women.

The main idea of the program's curriculum was to build on the Cuban lawyers' civil law background instead of restarting their legal education from scratch. The main difference between the Cubans' legal understanding and the standard American legal education, explained Juergensmeyer, was that the Cuban legal system relied heavily on codes. Caselaw had been relatively unimportant to the Cubans and because of that, the program's instructors were challenged with transitioning the Cuban lawyers from studying law from a code orientation to a case precedent orientation. The program, taught only in English, covered the "bar exam topics," like property, torts, contracts, business organizations, civil procedure, and criminal procedure.

Juergensmeyer explained that although the program's participants came from all walks of life, their common ground was a desire to adjust to life in the United States:

[T]here was a wide range in ages. There were some elderly people in the program, and some quite young, so there was a big age range. There was a big range in terms of whether people had had a really big practice [in Cuba], a successful practice or whether they'd only recently been admitted to the bar or had worked in industry, never really practiced law even though they had a law degree. One of the things that was evident was just a personal aspect—you know, how successfully they were getting along, living in the United States. You could tell that a lot of them had adjusted totally, spoke excellent English, understood the lectures, and then there were a lot that obviously were not adjusting well, were having financial difficulties, were unhappy, [their] English not as good as it really needed to be.



Pictures that were used in materials for UF Law's 40th Anniversary Celebration of the Cuban-American Lawyers Program can be found at <https://www.law.ufl.edu/alumni-affairs/for-the-love-of-law-gallery>. Source: UF Law



Cuban and American flags flying at Osceola Farms: Pahokee, Florida (1986). Photo by Jan Rosenberg, Collector, courtesy of the State Archives of Florida.

In the end, the number of Cuban examinees that passed the bar exam was low compared to the average passing rate. Disappointment also stemmed from the fact that upon the program's completion, the Cuban lawyers were not granted Juris Doctor degrees as many had come to expect and felt they deserved. Juergensmeyer and other faculty were surprised at that expectation, and the University of Florida maintained that it never represented Juris Doctor degrees would be conferred, but that certification to take the bar exam would be the fruit of the participants' labor. Ultimately, the university only gave the participants certificates of completion. What representations the participants were given remains unclear, but the lawsuit brought against the University of Florida, decided in the university's favor, demanded the award of Juris Doctor degrees and money damages for each plaintiff in the amount of \$100,000. In 1979, the Florida Supreme Court denied a petition by the Cuban-American Lawyers General Assembly to ease restrictions on admission to the Florida Bar for the participants of the program.

In a handwritten note dated October 27, 1975, from Joseph R. Julin, Dean of the College of Law, to Harold P. Hanson, Executive Vice President of the University of Florida, Julin lamented that "age (40-73), language, civil law background, [and] full time jobs . . . obviously [made] the hurdle high."

A letter dated the next day from Hanson to Julin offers some solace for the poor examination results in the fact that the results were not dissimilar from Mexican immigrants' performance in California bar exams. It reads:

Dear Dick,

Thank you for sending me the analysis of minority performance on the California bar exam. Clearly the Florida result is not out of line because the Cubans are late-life immigrants. I think you are handling a sticky situation as best it can be done...

Though the program was conceived as a one-time effort, there was a sentiment that should the program continue; the results could be improved, especially for participants who were on the cusp of a passing score. Juergensmeyer also stated that another factor limiting continuance of the program was the departure of Justice David McCain from the Florida Supreme Court, who had been the main point of contact supporting the program. Justice McCain notoriously left the Court after several judicial scandals had spurred impeachment proceedings against him, and he later was involved in drug smuggling and disappeared from the public eye.

Juergensmeyer believes that the state missed an opportunity to integrate the non-passing Cuban-American lawyers into the legal profession in other ways:

My feeling was that the opportunity that was missed was to give some sort of special category of bar membership instead of “you pass the bar and you are a FL lawyer for everything” or “you fail the bar and you never got to practice in any way again” and I always thought that there was a third possibility there that was never pursued that would have been very beneficial to a lot of people... Some sort of thing almost like how students can practice under supervision...

Juergensmeyer continued:

I never succeeded in convincing anyone of that but I think that would have helped a lot of people and solved some of the problems of imposing the regular standard when there were so many difficulties to meeting that. So I guess my frustration was that I didn't feel that the state really explored the possibility... It was always in terms of can we make them full lawyers or not and I think there was a middle ground there that was never adequately explored...

The state's efforts to integrate the Cuban-American lawyers serves as a reminder that while assistance may be appreciated by outsiders in the United States, assistance is best offered with patience and a unique understanding that others will not always be adjusted to our language and thought processes. The foreign lawyers put in a tremendous

Special thanks to Julian C. Juergensmeyer and David L. Powell, who provided the historical information in this article. Mr. Juergensmeyer was the director of the Cuban-American Lawyer Program at the University of Florida and graciously participated in a phone interview. Mr. Powell also participated in a phone interview and provided vital research from his upcoming publication, *Ninety Miles Away: Memories of Early Cuban Refugees*, an oral history of Cubans who came to the United States in the first fifteen years after Castro assumed power, from 1959 through 1973 (expected publication by the University of Florida Press, 2021). Also thanks to Craig Waters of the Florida Supreme Court's Public Information Office and Judith Russel, Dean of Libraries at the University of Florida, who each assisted Mr. Powell in gathering vital pieces of research. Finally, the author dedicates this article to his grandfather Alberto García Menocal, a Cuban lawyer who gave up his profession to make a life for his family in the United States, and one of the most intelligent men he knows.

effort to learn the ways of American law, but ultimately several were held back by the obstacles that stand before every foreign professional wishing to work in the United States. Sometimes, when you leave behind your home in a desperate attempt for a newer, safer one, you leave behind much more than the tangibles like your house or valuable belongings. You could be forced to decide whether it is worth leaving behind the years of studying you put in at the law school library, your dissertations, your livelihood, your profession.

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Pictures that were used in materials for UF Law's 420th Anniversary Celebration of the Cuban-American Lawyers Program can be found at <https://www.law.ufl.edu/alumni-affairs/for-the-love-of-law-gallery>. Source: UF Law

The History of the Florida Board of Bar Examiners: *Its Roles, Responsibilities and Relevancy*

By **Dr. Steven Maxwell**

The Florida Board of Bar Examiners (“the FBBE”), as presently constituted, was created by the Supreme Court of Florida (the “Court”) in 1955, five years after the formation of The Florida Bar, pursuant to the Court’s general statutory and constitutional authority. The FBBE is an administrative agency of the Court and was created to implement the rules relating to bar admissions.

The FBBE was originally housed in the basement of the Court. In 1994, the FBBE was authorized to buy land and build its own headquarters at 1891 Eider Court in Tallahassee. The new facility is named the Tippin Moore Building after the first two executive directors of the FBBE.

Who are the members of the FBBE?

The Rules of the Supreme Court Relating to Admission to the Bar (the “Rules”) provide that the FBBE consists of 12 members of The Florida Bar and 3 public members who are not lawyers. The term of service of attorneys is not more than five years. The term of service of the public members is not more than three years.

Attorney members must have been members of The Florida Bar for at least 5 years immediately preceding their appointment to the board, and otherwise deemed qualified by the Court to assess whether applicants for admission to The Florida Bar meet the essential eligibility requirements. Public members must possess a bachelor’s degree and otherwise must be deemed qualified by the Court to assess whether applicants for admission to The Florida Bar meet the essential eligibility requirements.

After completing their term of service, attorney and public members may be designated as emeritus board members if eligible. A board member emeritus is authorized to assist the board by participating as a member of an investigative or formal hearing panel. Board members emeritus bring to bear significant institutional history and experience.

Board members perform their duties without compensation. They are, however, reimbursed for reasonable travel, and subsistence expenses incurred while performing their duties for the FBBE.



New attorneys stand outside on the steps of the Supreme Court of Florida building just after being inducted into The Florida Bar. June 3, 1960. Standing in front row (left to right): Florida Bar President Clyde Atkins, Justices Campbell Thornal, B. K. Roberts, Glenn Terrell, Chief Justice Elwyn Thomas, T. Frank Hobson, E. Harris Drew, Rabbi A. M. Granison, and FBBE Chairman Wilson Sanders. Photo by Slade Studio, Tallahassee.

What Does the FBBE Do?

As set forth in an article authored by Jerry M. Gewirtz, a former chair of the FBBE:

The Board is charged with a number of significant, challenging, and interesting responsibilities including preparing, administering and grading written examinations, conducting investigative hearings, and serving in a quasi-judicial capacity at formal hearings. Investigative hearings are convened before a division of the Board consisting of not fewer than three members, and formal hearings are conducted before a panel of the Board that consists of not fewer than five members.

The Board must ultimately ensure that each applicant has met the requirements of the Rules with regard to character and fitness, education, and technical competence prior to recommending an applicant for admission to the Bar. The Rules further require that '[e]ach board member should be just and impartial in

recommending the admission of applicants and should exhibit courage, judgment, and moral stamina in refusing to recommend applicants who lack adequate general and professional preparation or who lack good moral character.'

... By serving on the Board, one has the opportunity to play a significant role in the Bar admission process and to assist the Supreme Court in protecting the citizens of Florida.

Scott Baena, another former chair of the FBBE, describes the role of the members, in the preparation and grading of the bar exam, as follows:

Board members may be involved through membership on a questions committee with the development of questions that are posed on the Bar exam. We build up an inventory of those questions and [board members] will inevitably be asked to attend the exam and proctor it. And in addition, participate in grading sessions where the readers that we employ to review the exams attempt to develop a rhythm, if you will, with how to score the examinations.

Florida Supreme Court Justice Alan Lawson, who serves as the Court's liaison to the FBBE, has further observed:

Our Board members are extraordinary, dedicated people who spend hundreds of hours per year administering the Bar admissions process, considering policy matters relating to the admissions process, and hearing cases relating to individual applicants for admission to our Bar. It is a privilege to work with the Board, and with our nationally recognized and equally dedicated FBBE staff. The Court is truly grateful to each member of the Board, and to our staff for their exceptional service to the Court, to our profession, and by extension, to the people of the State of Florida whom we serve.

Executive Directors of the FBBE

The FBBE is authorized to hire and compensate an executive director and any other support staff to carry out the administration of the board's prescribed duties and responsibilities. Since being founded, the FBBE has employed five executive directors, each of whom are discussed below.

1. FBBE EXECUTIVE DIRECTOR JAMES TIPPIN

James B. Tippin was the first executive director of the FBBE. He served from 1955 to 1972. Mr. Tippin is credited with creating the official seal of the FBBE that features a bronze cast of a Griffin. Beneath the Griffin appears the Latin phrase "Clemens justitiae custodia." According to the FBBE's website:

Custodia is the word used for keeping watch in order to protect, and Clementia is used technically for leniency in punishing offenses. Closely translated this phrase means 'Compassionate and vigilant protection of justice.' Expanded, this would mean the watchful protection (or preservation) of justice, a watchful or protective preservation which is compassionate or merciful. The Arabic numerals '1955' appear at the bottom of the seal, indicating the year of the creation of the Florida Board of Bar Examiners.



After Mr. Tippin retired from the FBBE, he served as the executive director of the California Board of Bar Examiners from 1972 to 1989. Mr. Tippin has been enjoying retirement in North Carolina and, on August 1, 2019, he celebrated his 91st birthday.

2. FBBE EXECUTIVE DIRECTOR JOHN HENRY MOORE

John Henry Moore came from a distinguished military career in the Air Force and served in the Korean and Vietnam Wars, where he flew 100 combat missions as a fighter pilot. While flying as a test pilot, he twice broke the speed of sound. After retiring from the Air Force, Mr. Moore became the second executive director of the FBBE in 1972. He served nearly 25 years as executive director—until January 1996. During that time, one of his major accomplishments was being one of the first in the nation to implement the development of a software system that streamlined background checks for bar applicants.

3. FBBE EXECUTIVE DIRECTOR KATHRYN RESSEL

In 1971, James Tippin hired an "unemployed English teacher," Kathryn Ressel, to work for the FBBE. After serving nearly 15 years working for both James Tippin and John Moore, Kathryn Ressel became the FBBE's third executive director in January 1996. She served in that position until retiring in 2003, having worked nearly 32 years for the FBBE.



New attorneys stand outside on the steps of the Supreme Court of Florida building just after being inducted into The Florida Bar. June 2, 1961. Standing in front row (left to right): Florida State University President Gordon W. Blackwell, Charles H. Spitz of the FBBE, Justices Campbell Thorne, B. K. Roberts, Glenn Terrell, Chief Justice Elwyn Thomas, T. Frank Hobson, E. Harris Drew, and Stephen C. O'Connell, Florida Bar President Charles Fulton, Junior Bar Section President W. Dexter Douglass, Florida Bar Executive Director Paul B. Comstock. Photo by Slade Studio, Tallahassee.

Though Ms. Ressel noted that the FBBE was “a once-feared organization, [she hoped] that her time as executive director . . . changed lawyers’ perceptions of the board,” and that “the board should not be considered just a ‘gaping unpleasant passage’ one must go through in order to become a lawyer.” Ms. Ressel went on to say that she hoped part of her legacy is that they “worked real hard at being patient . . . as professional and respectful as [they] could.”

4. FBBE EXECUTIVE DIRECTOR ELEANOR MITCHELL HUNTER

On June 1, 2003, the Florida Bar News reported that the FBBE hired Eleanor Mitchell Hunter as its fourth executive director. Judge Hunter is the only executive director of the FBBE to hold a law degree. Judge Hunter was a practicing attorney and served as an administrative judge before and after her time with the FBBE.

Eleanor Hunter served as an attorney board member from 1980-1985. She served as the executive director of the FBBE from 2003-2006. During her tenure, she made the submission of bar applications process more efficient for both applicants and FBBE staff by using new technology and implementing an online process for bar applicants to submit their bar applications, instead

of the paper applications applicants had used for nearly fifty years. Judge Hunter said in an interview with the Florida Bar News that she wanted her legacy “to be that she helped bring into the profession more ‘capable and honest’ lawyers.”

In Eleanor Hunter’s letter of resignation as the executive director of the FBBE in 2006, she wrote: “I feel privileged to have had the opportunity to revisit a professional experience and find it vastly improved in many ways, not the least of these are advancements in the art of investigating, the science of testing, and the diversity of the board itself.” Judge Hunter passed away in Washington D.C., on November 16, 2019.

5. FBBE EXECUTIVE DIRECTOR MICHELE “MISSY” GAVAGNI

In 2006, the FBBE hired Michele “Missy” Gavagni as the fifth executive director of the FBBE. Ms. Gavagni previously served as deputy executive director and director of examinations. Ms. Gavagni said in her interview with the Florida Bar News: “My goal is the mission of the bar examiners: to efficiently administer all qualified applications . . . [O]ur mission is the fair and professional evaluation of each application.”

New attorneys stand outside on the steps of the Supreme Court of Florida building just after being inducted into The Florida Bar. October 21, 1960. Standing in front row (left to right): Justices Stephen C. O'Connell, B. K. Roberts, Glenn Terrell, Chief Justice Elwyn Thomas, T. Frank Hobson, and Campbell Thornal, First District Court of Appeal Judge John T. Wigginton, FBBE Chairman Wilson Sanders, and Florida Bar President Clyde Atkins. Photo by Slade Studio, Tallahassee.



The Court's Efforts to Improve the FBBE

The Court has worked with the FBBE to study and improve the process, procedures, and policies governing bar admission for applicants. For example, in 1994, former Chief Justice Rosemary Barkett created the Supreme Court Select Committee to Study The Florida Board of Bar Examiners ("SCSC"), which was instructed to "study the admission procedures for new lawyers." The SCSC had reviewed "the recommendations of the Florida Bench/Bar Commission, and the request proposed by the Florida Legislature in Senate Resolution 2680, to determine whether any changes should be made in the bar admissions process." The SCSC was also tasked with producing recommendations for the Court to use for the "continuous improvement" of the FBBE's processes and procedures. The SCSC, in its Final Report and Recommendations, commended the FBBE for making the following improvements:

- Modifying the guidelines for evaluating applicants for drug and alcohol abuse to make them less intrusive and less costly;
- Easing the requirements for reporting past employment and addresses on the bar application;
- Improving communications with law students to make them more aware of how the process works and how it affects them; and
- Narrowing the scope of financial inquiries to those involving specific financial problems encountered by applicants.

Growth in Florida Since the FBBE Was Founded

In 1955, the State of Florida had only four law schools in operation. Two of the four schools were private, Stetson University and the University of Miami, and the other two were public law schools, the University of Florida and Florida Agricultural and Mechanical University. Today, there are 12 law schools operating in the state of Florida.

Bar membership in the State of Florida has seen a similar increase. In 1949, when the Court created The Florida Bar, there were only 3,758 members, and Florida's population was nearly 2.7 million. Today, there are over 106,000 members of The Florida Bar and the state's population has grown to nearly 21.7 million.

Conclusion

During the past 65 years, the FBBE has played an important role in assisting the Court in vigilantly protecting the public from unscrupulous and incompetent individuals being allowed to practice law in the State of Florida. Looking forward, the Court and the FBBE "will continue to fulfill their 'constitutional responsibility to protect the public by taking necessary action to ensure that the individuals who are admitted to practice law will be honest and fair and will not thwart the administration of justice.'"

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Florida Supreme Court Hosts Historic Remote Oral Arguments During the COVID-19 Pandemic

By **Kimberly Kanoff Berman**



Chief Justice Charles Canady is shown in the live broadcast of the oral arguments, a view that was not much different from how viewers would watch in-person oral arguments on Facebook Live.

The Florida Supreme Court has always been ahead of the curve when it comes to the use of technology. Twenty-three years ago, the Court was a leader in granting public access to oral arguments when it collaborated with WFSU Public Media and began broadcasting oral arguments for the public to view.

Attorneys would stand at the podium to make their arguments, while the judges would sit at the bench asking tough questions. Visitors, including members of the press, court staff, law students, and others often packed the galley. For those who could not make it to the courthouse to see the arguments in person, the arguments were livestreamed on the Gavel to Gavel

website and on the webpages of The Florida Channel. The arguments were also archived for future viewing.

Then, in January 2018, the Court made history when it became the first tribunal in the nation to broadcast the arguments live on Facebook. By livestreaming arguments on Facebook Live, the Court allowed more people than ever to observe oral arguments in real time. For people who have never had the opportunity to step foot in the awe-inspiring courtroom in the Supreme Court building in Tallahassee, Florida, the Facebook Live feed made it easier to view arguments, even on your smartphone.

Just over two years later, in March 2020, the COVID-19 pandemic erupted, forcing court closures across the state. Because it was not safe to conduct in-person oral

arguments, the Court had no choice but to cancel April 2020's oral arguments.

However, as the pandemic continued to evolve, it became abundantly clear that the courts would not immediately reopen and when the courts would reopen was still up in the air. Rather than continue to postpone oral arguments, the Court decided to conduct the May 2020 oral arguments remotely via the Zoom application. It was the most dramatic change the 175-year-old Florida Supreme Court had seen to the format of oral arguments since its inception.

On May 6, 2020, the Court held its first-ever virtual oral argument. In-person, the view of the courtroom was different from in the past. The bench was empty. The galley was empty except for the Marshal and Deputy Marshal who sat in the courtroom during the arguments. The table normally reserved for attorneys during arguments was empty except for a few select people from the team who made the remote oral arguments possible, including the Clerk of the Court John Tomasino, and the Court's computer technician, Tyler Teagle.

For the online viewer, though, the view was not much different than it would otherwise be viewing an argument online. WFSU Public Media maintained the feeds, and Teagle tapped at his laptop keyboard splicing together the live video, showing attorneys and Supreme Court justices interacting from various distant locations. Some justices were at their homes, others in their offices. The justices were dressed in their robes and appeared in front of a still photograph of the bench, whereas most of the attorneys suited up in front of a still photograph of the counsel table or a blank wall. The questions were as tough as ever, especially given that two out of four of the cases on the docket that day involved the controversial marijuana regulation.

Prior to the historic first virtual oral arguments, the Court's Public Information Office, the Clerk's office, and the Clerk's IT staff worked closely with the justices and the attorneys to make these broadcasts happen. The only noticeable glitch during the broadcast was when Chief Justice Charles Canady had to remind some of the lawyers to unmute their Zoom interface.

Just as the Court had been doing for the last two years, the arguments were livestreamed over the web on Facebook Live and through the Florida Channel. The virtual arguments could be viewed in real time around the world.

The Court's use of technology was a smart solution that enabled the Court to continue operations during the public health crisis. As the pandemic evolves and changes the way legal proceedings are conducted in Florida, one can be sure that the Court will continue to stay ahead of the curve when it comes to technology.



TOP During the broadcast, Teagle sat alone at the table that would otherwise be reserved for attorneys, clothed in a face mask, with his laptop, iPad, and two cellphones overseeing the arguments.

MIDDLE During the broadcast, Teagle sat alone at the table. The courtroom was otherwise empty except for the Marshal and Deputy Marshal who can also be seen in this picture.

BOTTOM Justice Alan Lawson asks a question during the live broadcast of remote oral arguments.

Another Supreme Success: A Supreme Evening 2020

By **Mark A. Miller**

The nearly 400 guests of A Supreme Evening 2020 arrived on the Champion Level of the Florida State University Center Club on January 30, 2020. They were treated with an impressive view of the University's football field during the Historical Society's opening cocktail reception. The Lincoln Electric Rock Orchestra provided live music, which continued later in the University Center's main ballroom with a classical string orchestra. The main dinner event started with a moving rendition of the national anthem, led by the Historical Society's immediate past president, Edward Guedes. The Historical Society's President, Jonathan Claussen, welcomed and thanked the guests for their support of the Historical Society and the annual dinner. Hank Coxe, a Historical Society Trustee and past president of The Florida Bar, again performed admirably (and humorously) as the master of ceremonies, as he introduced the current and former Florida Supreme Court Justices in attendance. He also recognized other members of Florida's judiciary in attendance. Florida's judiciary at every level from throughout the State was well represented.



TOP RIGHT The Conference of County Court Judges of Florida was well represented as one of the sponsors of this year's event. The Judges from left to right: Mark Yerman (Citrus), Joey Williams (Baker), JJ Frydrychowicz (Escambia), Tommy Thompson (Marion), Chuck Tinlin (St. John's), Gary Flower (Duval), and Ken Gottlieb (Broward).

MIDDLE RIGHT Historical Society Trustee Edith Osman (right) and Florida Bar President-Elect Dori Foster-Morales (left) pose for a picture at the reception before the dinner portion of the event.

BOTTOM RIGHT To start the dinner, Historical Society Past President Edward Guedes sang a beautiful rendition of the National Anthem.

ABOVE LEFT Past President of The Florida Bar Michael Higer (right) greets The Honorable Patricia Seitz (left) of the U.S. District Court for the Southern District of Florida. Judge Seitz is also a Past President of The Florida Bar.

TOP LEFT The keynote speaker, Pulitzer Prize-winning author Gilbert King, talks to Justice Muñiz at the dinner.

TOP RIGHT Judge Luck (left) and Historical Society Trustee Fred Karlinsky (right) at the dinner portion of the event. Judge Luck was recently nominated and confirmed to the U.S. Court of Appeals for the Eleventh Circuit after serving a short term on the Supreme Court of Florida.

MIDDLE RIGHT Chief Justice Canady gives the State of the Court address to the audience, reporting on the Court's activities over the past year.

BOTTOM RIGHT Senior Judge Emerson Thompson, Jr. and his wife, Representative Geraldine Thompson, with the keynote speaker Gilbert King. Rep. Thompson provided the dinner guests with an insightful and warm introduction to her friend, the Pulitzer Prize-winning author.



After dinner, Historical Society President Claussen provided the guests with insight on the many activities the Historical Society has been involved in over the last year, including hosting celebrations for the three Justices who recently retired and investitures for the three newly appointed Justices. Chief Justice Charles Canady then presented his State of the Florida Supreme Court address. The Chief Justice commented on several points, including sharing some of the Court's new initiatives that will begin later in the year.

The evening's keynote speaker, Pulitzer Prize-winning author Gilbert King, was introduced admirably by State Representative Geraldine Thompson. Representative Thompson has advocated tirelessly for many years for a pardon for the four innocent African-American men, known as "the Groveland Four," who were wrongly accused of raping a white woman in Lake County in the 1950s. Gilbert King's award-winning book, *Devil in the Grove: Thurgood Marshall, the Groveland Boys, and the Dawn of a New America*, sheds light on the incredible atrocities perpetrated against the Groveland Four by Lake County Sheriff, Willis McCall. During his presentation, Mr. King kept the audience's full attention as he discussed the details in his latest book, *Beneath a Ruthless Sun: A True Story of Violence, Race, and Justice Lost and Found*. The well-researched novel brings attention to McCall's efforts to frame a disabled teenager for the rape of a Leesburg socialite. He also spoke about injustices in Central Florida decades ago, as well as the posthumous pardon of the Groveland Four by Governor Ron DeSantis and the Florida Clemency Board in the first week that Governor DeSantis took office in January 2019.





Historical Society President Jonathan Claussen reports on the Society's activities over the past year.

A Supreme Evening is the premier fundraising and friend-raising event for the Florida Supreme Court Historical Society. The Historical Society brings together interested persons from the legal profession and the broader community to preserve Florida Supreme Court history and provide access to historical facts, artifacts, and information for the benefit of Floridians.



Pulitzer Prize-winning author Gilbert King gives the keynote address, recounting the harrowing history of the Jim Crow era in Central Florida.

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A special thank you to our sponsors for their generous contributions that make this annual dinner event possible.

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FSU Law Students Present Oral Arguments in the Annual Final Four Moot Court Competition at the Court



Every spring, first and second year law students at the Florida State University College of Law are invited to compete for a chance to join the FSU Law Moot Court Team (the “Team”) in the annual Judges John S. Rawls and James R. Wolfe Intramural Competition. Students submit appellate briefs from their first-year Legal Writing & Research class and then compete in three rounds of oral arguments. Selection to the Team is based on a combination of students’ brief score and oral argument scores from the three rounds of competition. The four highest scoring oralists from the final round of competition are selected to compete in the annual Final Four Competition.

The Final Four Competition (the “Competition”) began in 1986 as the brainchild of Professor William VanDercreek. With the exception of just one year, the Competition has been held at the Florida Supreme Court every year since its beginning. The Team “is extraordinarily fortunate that for well over three decades, Justices of the Florida Supreme Court have taken time each year from their crowded schedules to participate in the Final Four Competition,” said Nat Stern, the John W. & Ashley E. Frost Professor and faculty Advisor to the Team. “Of course, the very privilege of arguing before the Court in this setting makes the event a unique and invaluable experience for our student advocates. In addition, however, the learning, insight, and wit consistently displayed by Justices have been of immense benefit to advocates and audience alike. This has always been an opportunity for all of us to witness how an informed, engaged, and insightful bench conducts itself in the finest tradition of oral argument.”

This year’s Competition was held on October 16, 2019, at the Florida Supreme Court. The four featured oralists from the Intramural Competition were Alex Clise, Holly Parker Curry, Gabriela De Almeida, and Erin Tuck. The four students competed for the Best Oralist Award before Chief Justice Charles T. Canady, Justice Ricky Polston, and Justice Carlos G. Muñoz of the

TOP Oral arguments about to begin at the annual Final Four Moot Court Competition at the Florida Supreme Court.

MIDDLE Top Row Left to Right: Judge Thomas, Justice Polston, Justice Canady, Justice Muñoz, Judge Roberts; Bottom Row Left to Right: Holly Parker Curry, Alex Clise, Erin Tuck, Gabriela De Almeida.

BOTTOM Justice Polston of the Florida Supreme Court awards second-year law student Holly Parker Curry the Best Oralist Award at the 2019 Final Four Moot Court Competition Reception in the FSU College of Law D’Alemberte Rotunda.

Florida Supreme Court, and Judges Bradford L. Thomas and L. Clayton Roberts of the First District Court of Appeal. After the Competition, the participants, Judges, Justices, and spectators were invited to the FSU College of Law D'Alemberte Rotunda for a reception, where Holly Parker Curry was presented the Best Oralist Award by Justice Polston.

Alex Clise found the experience of giving an argument at

the Florida Supreme Court awe-inspiring. “The weight of the moment didn’t hit me until I entered the courtroom the day of the competition, but once I was standing at the podium, looking at the Justices, I realized how extraordinary this entire experience was and how lucky I was to be a part of it,” said Clise. “I’m so happy my family was there to witness it and I’m so honored I got to compete against my incredible colleagues.”

“My favorite memory thus far in law school has been arguing at the Florida Supreme Court,” said Gabriela De Almeida. “I felt especially honored that my family came in from out of town to watch me compete. After the competition, I learned that my grandparents, my aunt and uncle, and my cousin had even tuned in online via the Florida Supreme Court’s Facebook page live feed to watch the competition.”

The 2019 competition problem was adapted from the 2019 Charleston School of Law National Moot Court Competition and involved two questions of law related to a First Amendment issue. In the months leading up to the Competition, each finalist received an Appellant and Appellee brief from the Charleston competition to guide them in crafting their oral arguments, but were encouraged to undertake independent research as well. Holly Parker Curry and Gabriela De Almeida represented the Appellant, while Erin Tuck and Alex Clise represented the Appellee. Curry and Tuck addressed the first question, and De Almeida and Clise presented arguments on the second question. From the end of August until mid-October, the competitors honed their arguments in front of panels composed of local attorneys—including Historical Society Trustee Melanie Kalmanson, professors, and Team members.

“The entire process was such a great learning experience,” said Tuck. “We got to practice in front of experienced attorneys and judges who pushed us to really think about how we were crafting our arguments and staying a step ahead of questions. Being able to present our months of hard work in front of the Justices was incredibly rewarding.”

The competitors were coached by three of last year’s Final Four competitors, Elisabeth Avilla,



TOP The finalists at the reception hosted by the FSU College of Law following the Competition.

BOTTOM The 2019-2020 FSU College of Law Moot Court Team poses at the Court following the 2019 Final Four Competition.

About the Authors

Alex Clise

A native of Orlando with a Bachelor's in Political Science from the University of Florida, Alex Clise is interested in Constitutional and Political Law. He joined the Moot Court team in the Spring of 2019 and is also a member of the FSU Law Review.

Holly Curry

In addition to Moot Court, Holly Curry is a member of the Journal of Land Use & Environmental, and President of the FSU Sustainable Law Society. Holly Received her B.S. and M.S. from FSU, and is mom to Dawson, age 4, and Parker, age 2.

Gabriela De Almeida

Gabriela De Almeida recently won a national moot court competition on the topic of family law. She is also a member of the FSU Law Trial Team and will serve as the organization's president next year. She hopes to one day become a trial attorney.

Erin Tuck

In addition to Moot Court, Erin Tuck is a member of the FSU Law Review and has served as an Editor for FSU's Business Review Journal and Journal of Transnational Law & Policy. Originally from southeast Kansas, Erin received her Bachelor's in Business Management from the University of Kansas and worked for two years in Washington, D.C. before law school.

Melody Deatherage, and Heather Lopez. This was particularly helpful to the competitors, as the coaches were deeply familiar with the process of preparation. The coaches instilled confidence and expertly calmed nerves throughout each practice panel and on the day of competition. Clise, Curry, and De Almeida will continue this tradition in the fall as they coach the incoming finalists for next year's competition.

"The opportunity to argue in front of the Florida Supreme Court is something that most law students can only dream of. It was an experience that will stay with me for the rest of my life," said Holly Parker Curry. "I am immensely grateful to the Florida Supreme Court for giving us this extraordinary opportunity to learn and grow as advocates."



TOP Pictured Left to Right: Gabriela De Almeida and Holly Parker Curry before presenting their oral arguments at the 2019 Final Four Moot Court Competition.

BOTTOM Pictured Left to Right: Second-year law students Gabriela De Almeida, Erin Tuck, Holly Parker Curry, and Alex Clise pose on the steps of the Florida Supreme Court before the 2019 Final Four Moot Court Competition.

The Expanding Court: The Evolution of the Florida Supreme Court Building

Florida has had one of the fastest growth rates of the 50 states, with only 50,000 people at statehood and around 500,000 in 1900. Today, its population is over 22 million and ranks third in the nation. Similarly, the Florida Supreme Court building has had to grow to keep up with the demands of the Court.

Finished in 1845, the year Florida became a State, the first state capitol housed the judicial, legislative, and executive branches.

One large room, located on the south end of the second floor, contained the supreme court chamber, court library, and clerk's office.

Architect Frank Milburn added the dome and two wings to the Capitol in the 1902 expansion. The enlarged court area included four justices' offices, new oak furniture, and a specially constructed law library. The court, located in the far left wing on the first floor, met here until 1913.

On October 10, 1912, the Supreme Court moved into its new building on Jackson Square in Tallahassee, just a block from the Capitol Building. It housed the Railroad Commission, the courtroom, justices' and staff offices, and the law library. It was renamed the J.B. Whitfield Building in 1952 in honor of Justice Whitfield and was demolished in 1978 to make way for the Senate Office Building.

By the early 1940s, the court needed more space. After considering various plans to enlarge the Whitfield Building, they decided to build a new structure. The present Supreme Court Building (on magazine cover), constructed in 1948 at a cost of \$1.7 million (\$18 million in 2020), is located directly west of the Capitol complex. It was renovated and expanded in 1990.



TOP The first Supreme Court building (1913)

MIDDLE The 1902 State Capitol building, which included the Supreme Court

BOTTOM The 1845 State Capitol building, which included the Supreme Court

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This is a historic year for the Florida Supreme Court and your support for the Historical Society efforts are needed more than ever. Help us to ensure the legacy and proper preservation of the long and the proud history of Florida's exemplary Judicial Branch by joining or renewing your membership today here or on your Florida Bar Dues Statement.

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A MOMENT IN TIME



BENCH AND BAR, STATE OF FLORIDA, 1899.

THE BENCH AND BAR OF 1899

In 1899, there were approximately 300 judges and lawyers in all of Florida. Shown in this composite photograph of the 1899 Bench and Bar are many past and future supreme court justices. In addition to sitting Justices Francis Carter, Milton Mabry, and R. Fenwick Taylor, are former Justices George P. Raney, Augustus E. Maxwell, Benjamin S. Liddon, and Henry L. Mitchell. Future justices are Jefferson B. Browne, William H. Ellis, William A. Hocker, Charles B. Parkhill, and Thomas M. Shackleford. Also pictured are former governor Francis Fleming, federal judge Charles Swayne, and future governor William S. Jennings. Only two women are pictured, Louise Rebecca Pinnell, Florida's first woman lawyer, and Alice Johnson.

This and the historical images on page 36 of the Court buildings are two of 40 historical panels from The Evolution of Justice in Florida series that are on display to the public throughout the Supreme Court building to provide insight into the development of Florida's judicial system.