

## ESSAY

### CELEBRATING THE CENTENNIAL

Honorable Ben F. Overton\*

Although I did not graduate from Stetson, the College of Law has been very special to me. As a young lawyer, I remember working with other members of the St. Petersburg Bar Association who tried to help Stetson relocate the College of Law to Gulfport. Dean Harold L. Sebring was a personal mentor to me, and I enjoyed being an adjunct professor at the College of Law in the early 1970s. I am from Pinellas County and used to live less than ten minutes from the campus.

Stetson University College of Law was the first law school in this State; it has a historical legacy of being a progressive leader in legal education. As we embark on the new millennium and celebrate Stetson's centennial, let me briefly illustrate how Stetson has been a leader in legal education.

Stetson has superb clinical education programs. At the request and insistence of then-Dean Sebring, the Supreme Court of Florida, on October 1, 1964, adopted The Law Student Practice Rule.<sup>1</sup> The Rule provided that a senior law student, in a law school that operated a faculty-supervised legal aid program, could appear in a trial court on behalf of any insolvent person accused of a crime,

---

\* © Ben F. Overton, 2000. All rights reserved. Former Florida Supreme Court Justice (1974–1999). B.S., University of Florida, 1951; J.D., University of Florida, 1952; LL.M., University of Virginia, 1984. Adjunct Law Professor, Stetson University College of Law (1971–1974); Adjunct Law Professor, Florida State University College of Law (1989, 1991, 1993–1995); Professor, National Judicial College (1968–1977); United States Delegate to Romania (1990). General Practice Section of The Florida Bar 1995 Tradition of Excellence Award; 1984 Florida Bar Medal of Honor Award; 1992 Guardian of the Constitution Award; 1994 National Hall of Fame of Pi Kappa Phi Fraternity. This Essay is a derivation of a speech given at Stetson University College of Law on December 11, 1996.

1. R. Regulating Fla. B. 11-1 (1964).

provided that the law student was under the immediate and personal supervision of a public defender.

There was no initial petition for the adoption of this Rule. I understand from knowledgeable sources that Dean Sebring, a former chief justice of the Florida Supreme Court, personally presented the Rule to each justice individually, obtaining approval from each. On October 9, 1964, Robert E. Jagger, the public defender for the Sixth Judicial Circuit, submitted the names of ten students to participate in the program. The Florida Supreme Court authorized those law students to appear in court for a period of twelve months under the provisions of that Rule.

Dean Sebring was a strong believer in a law school curriculum that allowed law students to be involved with real cases. That Rule was the forerunner of the clinical programs now present in almost every law school in this country.

The legacy of practical legal education has continued with the College of Law's highly-regarded and top-rated advocacy teams. Stetson's trial and moot court teams participate in more than twenty competitions annually, and Stetson is consistently recognized for its superior trial advocacy programs. Moreover, nearly 100 students are trained annually in Florida Supreme Court-certified programs offered at the College of Law.<sup>2</sup> Other clinical programs ensure that every student has an opportunity to learn the law in a hands-on environment alongside practicing attorneys who specialize in environmental law, labor law, and alternative dispute resolution. The Civil Poverty Clinic also fosters a deep respect for the importance of making the law available to every person, without regard to economic or social status. Through the development of its trial advocacy and clinical training programs, Stetson has provided the legal community with graduates eager to assume the duties of young associates in private and public sector practice.

I have spent some time on the past to illustrate the legacy of this law school of expanding on how to better educate its law students. Stetson continues that legacy even in its 100th year. It is a law school for the future and the Information Age that is now upon us.

Some of you might think it would be nice to go back to the 1950s or to the early 1960s when "coke" meant a Coca-Cola, and "pot"

---

2. Stetson has five Florida Supreme Court-certified programs — the Public Defender Clinic, the Prosecution Clinic, the Civil Government Clinic, the Civil Poverty Clinic, and the Civil Clinic for the Elderly.

meant nothing more than something to cook in. But we cannot do that, and most of us would not like to give up the conveniences we now have. We must not be afraid of new ideas or new technology. We must instead examine how this new Information Age is going to change the court system and the legal profession and try to make sure that the changes make us more productive and efficient.

To illustrate how we are changing, let me present to you events involving the trial of a substantial civil case. The case is to be tried by a jury; counsel for the defendant is an experienced, well-respected trial lawyer who has tried cases for more than twenty-five years. Because of his seniority, he has not been in the courtroom for approximately four years, but he has decided that he needs to rehone his skills. He is, as are most of his contemporaries, computer-illiterate. His adversary, representing the plaintiff, in defense counsel's own words "appears to be a good young trial lawyer who seems to be very articulate."

The court has set a status conference to resolve issues before trial; certain events have occurred that have troubled defense counsel in preparing for this trial. First, the trial transcripts were sent directly and immediately to the laptop of the plaintiff's counsel. Second, plaintiff's counsel advised defense counsel and the court about a very recent medical journal report on an important issue in the case. Next, the trial judge advised the parties to bring any changes in the standard jury instructions to him on a 3.5 diskette in WordPerfect 6.0 or higher. Finally, defense counsel wonders why his adversary always has his laptop computer with him and also carries with him some of those music-type CD-ROM disks.

Let us look specifically at these items. The first event concerns "real-time reporting." Real-time reporting is when what the court reporter takes down by stenotype is immediately converted to English in the hard drive of laptop computers on counsel tables and the judge's bench. Once it is transmitted to the laptop, the attorney or judge can do with it as he or she pleases, such as highlighting segments or paging up or down to see how the present testimony compares with prior testimony. At the end of the day, the lawyer or judge can print the transcript or leave it on the hard drive. As you can see, it is useful for many purposes, including the ability to refer back to the exact words used and to clarify direct examination or prepare for cross-examination. To those of you who do not know it, real-time reporting is already being used in many places in Florida. We have at least one circuit in which it is used in all major criminal trials.

The second event is the reference to the recent medical journal article concerning an issue in the case. The Internet has given us the ability to research in other disciplines and to obtain the most current information available. The Supreme Court of Florida has used the Internet in its independent research on matters before the court. For example, it has been used to obtain the most current information on DNA from scientific sources rather than traditional legal research sources.

The third event is the trial judge advising counsel to bring any changes in standard jury instructions on a 3.5 diskette in WordPerfect 6.0. Many judges in Florida are now computer-literate; they have with them on the bench a laptop computer that can be connected to a network. They can edit jury instructions on their laptop and print the instructions without leaving the bench. This is just the tip of the iceberg. New ways for utilizing this new technique are being developed daily.

The fourth and final event concerns the lawyer who is carrying the laptop and the CD-ROM disks with him. Those CD-ROM disks contain the entire Florida library of cases, statutes, and rules and the constitution. This means that the lawyer can do research anywhere, even in the courtroom, and the information is easily accessible on his computer. On his laptop, the lawyer can also have a trial brief that includes deposition testimony in a format that is easily searchable.

Are we talking about tomorrow with these events? No, we are talking about today and Stetson University College of Law is again leading the way; it has an excellent computerized Law Library and Information Center available for its students so that they will be able to knowledgeably represent their clients in this Information Age. The Law Library, with 150 data-connected carrels and 2 computer classrooms set up with 14 terminals each, provides students and graduates with the tools and the means to be truly productive lawyers in this new Information Age. Stetson's professors are also using technology in the classroom and are providing students with the advantages they need to succeed in today's fast-paced, dot-com legal environment.

Thus, it is evident that Stetson University College of Law continues to be a pioneer in legal education. As the College of Law celebrates its centennial and remembers past successes and accomplishments, one can only imagine what the College of Law has planned for the next 100 years. Yet, one need never wonder what the College of Law's role will be in the future — it will maintain its

position as a progressive leader and will continue to prepare the legal community and its students for the next 100 years by providing dedicated faculty members, state-of-the-art facilities, and innovative teaching methods.