

THE EARLY YEARS OF THE *STETSON LAW REVIEW*

Robert Batey*
Scott William Fitzpatrick**

The centennial of Stetson University College of Law is an appropriate time to look back at the origins of what is now one of the school's most prominent institutions, the *Stetson Law Review*. In existence for only the last 30 of the law school's 100 years, the *Law Review* had humble beginnings, functioning from 1970 to 1978 as the *Stetson Intramural Law Review*, with no nonstudent works and with circulation limited to the College of Law's students, faculty, and alumni. Yet, these early years provided the necessary foundation for the *Law Review's* subsequent achievements and are worth studying for that reason alone. Moreover, the story of those years details the trials and tribulations of the students and faculty who labored to help the enterprise succeed; trials and tribulations that their successors should record and recognize before memories further fade.

Accordingly, the Authors — a faculty advisor to the *Review* at the very end of its intramural days and one of its recently graduated editors — conducted telephone interviews with many of those who worked on or with the early *Review*.¹ Of course, any such “oral”

* © Robert Batey and Scott William Fitzpatrick, 2000. All rights reserved. Professor, Stetson University College of Law. Faculty Advisor, *Stetson Law Review*, 1977–1983, 1988–1991.

** Research Editor, *Stetson Law Review*, 1999–2000. J.D., Stetson University College of Law, 2000.

The Authors would like to thank the following individuals for sharing their memories regarding the *Stetson Intramural Law Review*: Jeff Brown, A. Craig Cameron, Keith M. Casto, W.M. Chanfrau, Denis M. deVlaming, E. Vernon Douglas, Timothy G. Hains, Bruce R. Jacob, Michael J. Keane, Thomas E. Kingcade, Michael Lenehan, Bernard J. McCabe, Jr., Donald E. Pellicchia, Marvin E. Rooks, Peter W. Rotella, James H. Siesky, Gary Simon, Barry F. Spivey, Leslie Reicin Stein, Charles R. Stepter, Jr., Gerald M. Taylor, Harry O. Thomas, Joan LoBianco Walker, William H. Walker, and J. Lamar Woodard. The Authors would also like to thank John F. Cooper, who commented perceptively on an early draft.

1. For those interested in methodology, the Authors attempted to locate current addresses for each person listed on the mastheads of the *Stetson Intramural Law Review* (though one issue was inadvertently omitted) and then wrote to each address, requesting permission to conduct a recorded telephone interview. The junior Author of this Article then

history is subject to the vagaries of both memory and conversation, and our Article probably contains inaccuracies and omissions for which we apologize.² Nonetheless, we feel it gives as accurate a picture as possible of the initial stages of the *Stetson Law Review*.

Regarding any lessons that might be drawn from this history, the foremost is what a few talented and committed individuals can accomplish with inspiration and perseverance. Thus, the following story has many heroes and heroines. Also significant is the perception of a rhythm of accomplishment — the sense that each successful strategy exposes a new set of problems, which in turn requires a new strategy, the success of which leads to still other problems, and so on. The early history of the *Stetson Law Review* shows this alternation of challenge and response, which has continued to the present day.

The following Article has three main parts. Part I briefly considers why it took the College of Law seventy years to form a law review and how this delay shaped the review that was eventually instituted. Part II, the bulk of the Article, traces the history of the *Stetson Intramural Law Review* until its supersession by the *Stetson Law Review* in 1978. Part III comments quite superficially on the *Review* since 1978, leaving the history of those years to persons capable of taking a longer view than this Article's Authors.

I. 1900–1970: A LAW REVIEW FOR STETSON?

Given the ubiquity of law reviews today — every school seems to have one and most more than one — it may be surprising that Stetson University College of Law got along for seven decades without a review. But in 1900, at the founding of the College of Law, only a few law schools, those at the pinnacle of the elite structure that even then characterized American legal education, had well-

called all those who responded positively, as well as a few individuals of the College of Law faculty during the intramural years. Stetson's faculty secretarial staff — to whom the Authors express their deep appreciation — transcribed each of the twenty-five resulting interviews. Copies of the transcripts are on file with the Authors.

2. Because of the imprecision of the historical method, the Authors have chosen (with only a few exceptions) to include quotations from the various interviews without attribution so that any inadvertent errors will be perceived as theirs alone. In keeping with this practice of source anonymity, the Authors, in a few instances, slightly blurred certain irrelevant facts so as not to reveal the identity of the person quoted.

established law reviews.³ For the rest of American law schools, it was sufficient to let Harvard, Yale, and their emulators occupy the law review field.

Over the first half of the twentieth century, this attitude slowly began to change, as more and more deans and faculties aspired to move up the perceived hierarchy of law schools to get closer to the pinnacle. One way to do so was to develop a distinguished law review, so in 1947 the University of Miami published the State's first law review, and the University of Florida soon followed suit.

But Stetson University College of Law, the State's first law school, whose faculty had provided the founding deans for both Miami and Florida,⁴ was ill-equipped at mid-century to emulate its successors. After World War II, during which Stetson University closed its law school, the College of Law found itself in straitened circumstances. Other departments had occupied its previous facilities on the DeLand campus. The American Bar Association considered the law school's temporary facilities (a deactivated naval air base a few miles outside DeLand) unacceptable, thus threatening the school's accreditation, because the University had no source of funds with which to erect new law buildings.⁵ Faced with a threat to its very existence, the College of Law had little time or energy to devote to the creation of a law review.

The law school averted this crisis by relocating to Gulfport in 1954. This move posed its own challenges as the College of Law developed its new facilities while expanding both the faculty and student body, which had dwindled during the final years in DeLand.⁶ With many items on his agenda, the law school's new dean, former Florida Supreme Court Chief Justice Harold L. Sebring, reputedly had little interest in developing a law review, an understandable attitude given Dean Sebring's nonacademic background. Likely sharing his attitude were the faculty Dean Sebring helped select, who were predominantly former judges and practitioners,⁷ and their students, whose orientation was more toward the day-to-day practice of law than to the arcane questions

3. See generally Michael I. Swygert & Jon W. Bruce, *The Historical Origins, Founding, and Early Development of Student-Edited Law Reviews*, 36 *Hastings L.J.* 739 (1985) (discussing the development of American law reviews).

4. W. Gary Vause, *Foundations for Excellence — The History of Stetson University College of Law*, 16 *Stetson L. Rev.* 295, 308, 310 (1987).

5. *Id.* at 315–319.

6. *Id.* at 322–323, 326–328.

7. *Id.* at 325–326.

of legal doctrine typically explored in law reviews. So under Dean Sebring's leadership, Stetson became an innovator in skills education, opening the State's first legal clinic,⁸ but did not start a law review.⁹

After Dean Sebring's death in 1968, the law school's new administration, led by Dean Richard T. Dillon, adopted a different attitude.¹⁰ At the impetus of professors like the late Calvin A. Kuenzel — one of the few faculty members at that time who had himself been a law review member — the law school set out to develop a review. But the faculty, and Professor Kuenzel in particular, were sensitive to the fact that theirs was a late entrant in the contest to achieve distinction through such a publication, so the school insisted on starting slowly. According to one editor of the early review, “[T]he school didn't want to put [its] name on something unless it was going to really be excellent.” Another participant attributed this feeling specifically to Professor Kuenzel — “[H]e just didn't want to thrust out something with Stetson's name on it that was not up to par with the other state . . . law reviews.”

8. Paul Barnard, *Milestones and Memories: Stetson's Public Defender Clinic Faces the Florida Supreme Court*, 30 *Stetson L. Rev.* 177 (2000).

9. According to Bruce R. Jacob, later dean and currently a professor at Stetson, students in the 1950s twice attempted to start law reviews but failed. While attending Stetson, Jacob found evidence of a project on mechanic's lien law, which Dean Sebring told Jacob that students interested in starting a law review had begun, but then had abandoned because the subject was so boring. Jacob himself sought to inaugurate a review, with Sebring's blessing, but could not convince ten students to participate, the minimum Dean Sebring had set.

After reading an early draft of this Article, Professor Jacob took exception to its conclusions regarding Dean Sebring. In a handwritten letter, on file with the Authors, Professor Jacob wrote the following:

I do not think Sebring had “little interest” in developing a law review. He was not anti-intellectual or “nonacademic,” as the text suggests. He was one of the best teachers I've ever had and he produced materials for his courses that showed a tremendous amount of work and a great deal of intellectual, academic, and scholarly ability. He probably was the most intellectual and most academic faculty member we had.

I think he would have liked a law review if there had been enough good students here who were motivated enough to produce a quality law review consistently, year after year. Unfortunately, this was not true at that time.

Letter from Bruce R. Jacob, Prof., Stetson U. College of L., to Robert Batey, Prof., Stetson U. College of L., *Dean Sebring* 1–2 (n.d.) (copy on file with the Authors).

10. J. Lamar Woodard, who came to the law school on a part-time basis in 1969 and has been its law librarian since 1971, commented,

[Dean] Dillon understood that for a law school to have any prestige at all it needed a publication. . . . Apparently Dean Sebring didn't think much of a law review. Dean Dillon did and realized that we needed to . . . have a publication and proceeded to set aside the money and get someone in here to supervise it.

The device for achieving excellence was the intramural format. The publication would produce only student casenotes and comments until those skills had been mastered, and the books themselves would circulate only within the Stetson community until the product was worthy of wider distribution.¹¹ As another member of the *Review* recalled,

[I]f we were going to have a *Law Review* of any kind, . . . it was to be of a quality of a nature that would satisfy [Professor] Kuenzel's muster. That meant it would be very, very good strictly following the traditions of the finest law reviews in the country and it would be years before we would disseminate a law review to anyone outside of the Stetson law community, and that's how the title intramural came about because there was an intention that until we proved ourselves to be worthy of calling ourselves a law review . . . we would be intramural and only alumni and friends would ever see a copy of our initial publications.¹²

Thus, wariness of the reception that Stetson's belated entry into the world of law publication might receive resulted in adoption of the intramural format, one that was designed eventually to be superseded.

II. 1970–1978: THE STETSON INTRAMURAL LAW REVIEW

The *Stetson Intramural Law Review* was thus intended as the chrysalis from which the butterfly of the *Stetson Law Review* would eventually emerge.¹³ This maturation process took eight years, as the contributions of students and faculty members built the quality

11. One former editor recalled that there was consideration of becoming “a specialized law review, [in other] words, one that just dealt with commercial relations or one that dealt with [t]orts, or something like that. . . . I think [Professor] Kuenzel would have liked that a lot, to have . . . UCC stuff, but that never quite went that way.”

12. An editor of the early *Review* stressed the negative connotation of this explanation. “It was called intramural because they didn't . . . even know if it would fly. It was real doubtful that we could get one going that would fly.”

13. This planned development was officially noted soon after the first issue of the *Intramural Law Review* was published. The unsigned lead article in the July 1970 issue of the *Stetson Lawyer*, discussing, among other topics, the first issue of the *Intramural Law Review*, noted significantly, “How long the *Review* will continue to be limited to an intramural publication depends to some extent upon the reaction of its readers to the first issue and the time that will be required to create a well-trained, self-perpetuating editorial board and staff.” *Past Year One of Growth, Achievement and “Firsts,”* 13 *Stetson Law*. 1 (July 1970).

of the publication. As in most human endeavors, progress was not steady; there were lulls and spurts.

A.

The first chore of those organizing the law school's new *Review* was to recruit a core of students to lead it, not the easy task one might suspect today when law review membership is a coveted credential. During the summer of 1969, Dean Dillon and Professor Kuenzel contacted the top-ranked students about to enter their third year to ask if they were interested in starting a law review. While most of those recruited agreed to participate, a few balked at the amount of work involved to the consternation of at least one of those who signed on.

[T]here were a couple of people that didn't want to do it since it had never been done and seemed like a lot of work. There were a lot of fellows that just didn't want to participate.

. . .

[G]uys used to go around talking about "[w]e need a law review" and shooting off their mouth about "[w]ell, this will never be a great school until we get a law review," and then when push came to shove and they said "Okay, you want to start one?" a lot of guys backed off and didn't really want to put the time in.

Those who responded positively were assigned editorial positions — Thomas E. Kingcade was editor in chief, Stephen C. Watson was managing editor, and Barry F. Spivey and Thomas W. Ullrich were executive editors — given a small budget (the donors were William Amory Underhill and J. Ben Watkins, alumni and members of the school's Board of Overseers), and an even smaller office ("about the size of maybe three or four substantial closets"). Some of them traveled to Atlanta to attend a law review conference and visit Darby Publishing Company, a leading printer of reviews, and to Gainesville, where the editors of the *Florida Law Review* were "very helpful."

The new editors then set about recruiting other high-ranking students to write for the *Intramural Review*, which proved almost as difficult as recruiting the editorial board. While in Gainesville, the editors "were amazed because . . . [e]verybody wanted to be on the law review, they had these candidates that were . . . killing themselves to be on it." But the situation was different at Stetson.

“We were . . . begging people to come in and be a candidate or a member of the [B]oard. . . . You’d go to a guy and you’d say ‘We want you to write [an] article.’ ‘[Y]eah, get serious.’ They wanted to hang around the pool room.” Another editor was more philosophical about the rejection they encountered.

Students were concerned about their grades. There was no tradition. There was a little bit of arm twisting involved in trying to get people to do articles. We found people who were qualified to do it, and we just basically talked to them about it.

. . . .

[W]e were asking them to devote a lot of extracurricular time for which they would get no grade and for which we would harass them about their footnotes and edit their articles and all — who needs that? At that point anyway that was kind of the attitude. It was a struggle.

Despite the difficulty, several students did commit to produce works for the first issue of the *Intramural Law Review*, and the 1969–1970 academic year saw concentrated work by them, the editors, and various faculty members — including Professor Kuenzel, who was then the school’s assistant dean, and Assistant Professor Joseph C. Long, the *Intramural Law Review*’s advisor (who spent less than a year at Stetson before moving on to the University of Oklahoma, where he still teaches).

True to the initial conception of the *Intramural Law Review*, these faculty members set high standards for publication. One editor remembered Professor Long as being very helpful. “We had some agonizing decisions to make about articles to reject and all, and he was very helpful” in supporting the editors’ negative decisions.¹⁴ Another *Law Review* participant recalled, “There was an obstacle to the publication of every *Law Review* article . . . and that was Professor Kuenzel. . . . [H]e was very, very adamant that quality come before any publication.” Despite these high standards, or perhaps because of them,¹⁵ the first issue of the *Intramural Law*

14. Another editor gives a personal aside about a faculty advisor. “[H]e could eat lobster better than anybody I’ve ever seen. We went to this conference [in] Atlanta and we went out for lobster and this guy, I mean he ate everything but the shell.”

15. One published author details how the high standard set affected his work.

[S]ome of [us] thought . . . we’ll just sit down and knock out a case comment or a couple of case notes. . . . Well, were we mistaken. I don’t know how many drafts I did of the

Review was published in time to be distributed at the Spring 1970 law school graduation.

The first Editorial Board had set as a goal getting Volume I, Number 1, of the *Stetson Intramural Law Review* out during the 1969–1970 academic year. Considering their small number — the four editors initially chosen, plus board members J. Dana Fogle, Thomas C. Garwood, Jr., Joan LoBianco Walker, and C. Allen Watts — this was an ambitious goal, especially since what they were doing was entirely new to them. After starting out by putting in eight to ten hours per week, the editors found that the pace quickened substantially as their deadline neared.

As it came down to the last month, we had all these things we had never seen — proof sheets and all that kind of stuff and we had to do all this proofreading and checking on the notes and the citations and doing things that we had no idea what was entailed in this or how to do it. As that last month unfolded, we were probably in that room every night five or six hours — many nights we wouldn't be leaving until one or two in the morning.

Another editor's comment, although more succinct, is similar. "We just had to all pitch in. It was a little shorthanded there for a while. We were . . . writing articles and editing one another's articles and soliciting articles. It was chaotic."

Meeting their self-imposed deadline was not just a matter of pride to the *Intramural Law Review's* first editors. To some of them, the existence of the *Review* depended on their success, for they worried that otherwise there might not be funding in the coming academic year. "We made it a goal that we would publish one that year to show that it could be done, because that grant, as I understood, was just for a year, and everyone felt that if we didn't get this finished, that the money might not be there next year."¹⁶ Another

first article that I had published, . . . but we really were [put] through, and we put each other through [a lot], in order to achieve the standard . . .

16. Considering the generosity of William Amory Underhill, who served the University and its College of Law until his death in 1999, and of J. Ben Watkins, which continues to this day, the editors' fear was probably unfounded. In 1993 the *Law Review* recognized Watkins's many contributions by establishing the J. Ben Watkins Award for Professional Excellence in the Practice of Law, which the *Review* presents at its annual banquet. *Dedication: In Appreciation of J. Ben Watkins*, 23 *Stetson L. Rev.* 1 (1993). Additionally, on March 26, 2000, the *Law Review* office was renamed in Watkins's honor. *J. Ben Watkins Dedication*, 30 *Stetson L. Rev.* ix (2000). One of the University's many recognitions of Underhill's support

editor recalled, “[J]ust getting something in print was the objective — something that wouldn’t embarrass the school.”

The school was apparently not embarrassed, for the administration distributed copies of Volume I, Number 1 to the entire graduating class at the awards dinner preceding the Spring 1970 ceremony, which was a surprise to the editors who did not know the issue had arrived from the printer.

At graduation, they made it kind of a big thing.

[T]hey gave us . . . little plaques for being on the *Law Review* and then they announced [that] the *Law Review* had been published and they held it up and gave it out to all of the students and all the guys that didn’t want to be on the *Law Review* and all the students [who] kind of didn’t think we’d ever get this up, . . . their eyeballs about bugged out of their heads. . . . Everybody was really proud for us.

Volume I, Number 1 of the *Stetson Intramural Law Review* covered 94 pages, and contained 3 comments and 7 casenotes. Board members Fogle and Watts co-authored the lead comment on products liability under the Uniform Commercial Code in Florida; Managing Editor Watson and Board Member Garwood wrote the other comments on government in the sunshine and the voluntariness of criminal confessions. In addition to Executive Editor Spivey, the casenote authors were Wayne L. Hogeboom, W. Scott Lovejoy III, Bernard J. McCabe, Jr., Donald E. Pellicchia, Wendell L. Schollander, Jr., and Edward F. Simpson, Jr. who along with thirteen others were listed on the masthead as candidates. The casenotes mainly represented fundamental areas of law — torts, criminal law and procedure, evidence, constitutional law, and civil procedure — but one casenote dealt with an issue of intellectual property, a professor’s copyright in his lectures, which undoubtedly had been suggested by Professor Kuenzel, who had a lifelong interest in that topic. Board Member Walker (who would be published in the next two issues of the *Review*) designed the cover of the first issue, which featured a line drawing, black on mottled beige, of the Stetson tower. In the words of one editor, Volume I, Number 1 “wasn’t stellar,” but it certainly was commendable, with well-organized comments and notes, presenting creditable legal

analysis, largely free of typographical and citation errors. The *Intramural Law Review* had begun well.

B.

In Fall 1970 Elizabeth M. Leeman, a former law librarian at both Florida State University and Texas Tech, “in the twilight of her career,” as one of her students put it, became the first woman to join the full-time faculty at Stetson.¹⁷ One of her many new responsibilities (she also served as assistant librarian and taught research and writing courses) was to advise the *Intramural Law Review*. Fortunately, the *Law Review* was running relatively smoothly, allowing Professor Leeman to advise with a relatively light hand. As one editor explained,

[Professor] Leeman was still feeling her way, so we put it together and she was certainly very, very much of an assistance and a driving force but I don't remember her actually working that much with us. I'm sure as time went on, she assumed more of a leadership role than she might have with us, we were just sort of left to blunder, which we did.¹⁸

Despite such modesty, the editors of the *Intramural Law Review* continued to put out a good and timely product. Two issues, Volume I, Number 2, and Volume II, Number 1 were published in the 1970–1971 academic year. The former was 118 pages long, the latter 104. There were 5 comments, 10 casenotes, and in Volume II, Number 1, 2 pieces labeled “Commentary,” which were designed to give greater scope for the expression of student opinion.¹⁹ The topics of all these works were bread-and-butter issues of Florida and federal law; interestingly, one of the commentaries recorded Hogeboom's reactions to the Florida Supreme Court's reversal of a district court of appeal decision on drug possession,²⁰ which Hogeboom had applauded in Volume I, Number 1.

The editors bore primary responsibility for these issues. As one *Law Review* member from this era recalled, “[T]he main drivers of

17. Vause, *supra* n. 4, at 323.

18. Another member from those years recalled, “I remember her being the advisor, but it seems to me back then it was pretty much a self-generating operation with her guidance.”

19. C. Allen Watts, Student Author, *Commentary Section*, 2 *Stetson Intra. L. Rev.* 83 (1971).

20. Wayne L. Hogeboom, Student Author, *Eckroth Rehashed*, 2 *Stetson Intra. L. Rev.* 85 (1971).

the train were the editors.” Though Kingcade, Watson, Spivey, and Ullrich had graduated, those they recruited continued to put in long hours: Watts as editor in chief, Garwood as managing editor, and Fogle, James D. Henry, Jr., Lovejoy, and Walker as executive editors. Each of them also published at least one work during 1970–1971, joining Hogeboom and Peter Brick, Robert R. Carbonell, Edward D. Foreman, John N. Jenkins, Ronald G. Meyer, A.J. Musial, Jr., David C. Park, Peter W. Rotella, O. Stephen Thacker II, John P. Warren, and Howard M. Zaritsky. Foreman, Hogeboom, Jenkins, McCabe, and Pellicchia also served that year as *Law Review* Board members.

The comments of a few of the noneditors from this period give some insight into the process of becoming a *Law Review* member and suggest that membership was not as strenuous a commitment as it is today. The principal criterion for being invited to be a candidate was class standing — “If you were on the honor roll or the dean’s list, you automatically became eligible”²¹ — though apparently any student could submit a finished product to be considered for publication. The primary academic reward for *Law Review* members was that “they did not have to take that research and writing course,” a third-year requirement that Stetson discontinued only in the late 1970s. But *Law Review* “wasn’t a slouch thing, it was probably more work” than the upper-level research and writing course.

At least according to some members, the time required of noneditors was not the same as most law reviews demand today. A “[c]ouple hours a week,” says one; another reports, “It did not [take], and I think [other members] will tell you the same thing, a lot of our time, at all.”²² But the latter speaker adds tellingly, “I can’t speak for the editor[s] or those that would have had hands on.” So it seems that *Law Review* membership in this period concentrated primarily on writing, leaving the remainder of the process of producing a law review to the Editorial Board. “[T]hey didn’t have regular meetings”

21. One *Law Review* member describes the recruitment process as “[v]ery, very informal.” [I]f you met the [grade point average] threshold, then you were invited, but it was a verbal invitation, . . . there was nothing engraved, nothing written. [S]omebody ran into you in the hall one day and said by the way, if you are interested in the *Law Review*, go by room 209, or whatever it was, and talk to them about it.

22. Another member during this same period estimates “[three to four] hours a week.” Though not necessarily in disagreement with those quoted, another noneditor phrased his commitment this way — “[Y]ou had the feeling that you needed every spare minute to work on your article. I don’t know how much time, but you felt like any moment that you didn’t have to study on something that you should be working on that.”

of the entire *Law Review* staff to hand out technical assignments like cite-checking and proofreading; instead, “all the [B]oard members helped us” with the writing, fulfilling not only editorial functions, but also the more humdrum work of publication.

A new group of editors succeeded to these tasks in Fall 1971. Lovejoy and Henry became editor in chief and managing editor, respectively, for Volume II, Number 2 and Volume III, Number 1, while Hogeboom, Jenkins, and Pellecchia served as executive editors for those issues. Published pages dipped slightly with Volume II, Number 2 — 87 pages, including 9 for an index and table of cases to the first 2 volumes — but Volume III, Number 1 weighed in at a more respectable 104 pages. There were no commentaries in the issues published during 1971–1972, but there were nine comments to match the nine casenotes, showing a greater facility at the more demanding comment form. In addition to Lovejoy, Henry, Jenkins, and Pellecchia, published authors included Worth T. Blackwell, Keith M. Casto, C. Thomas Ferrara, John A. Friedman, Lawrence E. Fuentes, George D. Lynn, Jr., McCabe, Robert A. Meade, Jr., Ronald G. Meyer, Philip Padovano, J. Carlisle Rogers, Jr., Marvin E. Rooks, Cary R. Singletary, Charles R. Stepter, Jr., and William H. Walker. Casto, McCabe, Meyer, Rogers, Singletary, and W. Walker were *Law Review* Board members, as were Musial, Park, Rotella, and Simpson.

These issues also betrayed some slight interest in moving beyond the intramural format. For the first time, the *Law Review* presented an “Editors Page,” which indicated that while “[i]t is not the policy of the Editorial Board to actively solicit lead articles from members of the profession,” this policy “does not, however, preclude the Board from publishing lead articles submitted by authorities in the legal profession from time to time.”²³ This veiled invitation, which continued to appear in the *Review* through 1976, was never accepted, but it shows that some at least felt that Stetson was ready to move beyond the intramural format. Another indicator of this attitude was the inclusion of a page of general information about the College of Law, an acknowledgment that persons other than its students, faculty, and alumni might be perusing the *Review*.

23. *Editors Page*, 3 Stetson Intra. L. Rev. i (1972); *Editors Page*, 2 Stetson Intra. L. Rev. i (1971).

C.

While nurturing aspirations of moving the *Intramural Law Review* to its next level, the new set of editors who took over in the 1972–1973 academic year faced a number of all too typical problems in the publication of a journal. There was, in the words of the editor who discovered it, “a pretty gross example of plagiarism” by a *Law Review* member — “[H]e copied whole hog a whole article and whole [excerpts] from an article, it wasn’t inadvertent and it wasn’t minor.” Because of diligent editing, the plagiarism was caught before the work was published, and because of the integrity of the Editorial Board, the matter was referred to the Honor Court rather than hushed up within the *Review*.²⁴

Accompanying this internal problem was an external difficulty that law reviews also experience much too frequently. Responding to a casenote praising the Florida Supreme Court’s reversal of a criminal conviction, the trial judge in the case called the note’s author “at home and just raised holy hell, you ought to see all the pictures for this case, blah, blah. H]e called the dean and the dean called me in. . . . [T]here was a big brouhaha.” But Dean Dillon “was very supportive of the law review,” as was the faculty, which according to the note’s author “made us all feel good.”

A third unfortunately common problem that began to bedevil the *Intramural Law Review* was difficulty maintaining its publication schedule. Having produced 2 issues in both 1970 and 1971, the *Review* brought forth only 1 in 1972; and Volume III, Number 2, which according to the previous schedule should have been 1972s second issue, carries instead the year 1973. This slowing in the publication process seems attributable to a toughening of the editorial process both by the students and by the *Review*’s faculty advisor. One editor commented, “We really tightened down the editorial standards,” while suggesting that without these higher standards the instance of plagiarism might not have been detected

24. Another editor remembered that he and his colleagues were surprised that the College of Law eventually allowed the plagiarist to graduate. “[W]e were shocked at the fact that they were so light in terms of how they dealt with it. For all I know, they were just embarrassed by the whole thing. . . . This was a very smart guy, he didn’t have to do that.”

until after publication, which would have seriously embarrassed the school.²⁵

The upgrading of editorial standards probably mirrored the increased vigilance of Professor Leeman, the faculty advisor, who became, in the words of one editor, the *Review's* "guiding light." Assuming a greater role in the day-to-day operations of the journal, Professor Leeman approved each *Law Review* member's topic, and then, after the member had worked with an editor to produce a draft, meticulously critiqued the draft in marathon sessions with the student. One member described the process as follows:

[T]hey ought to build a statue to that lady.

[Y]ou would go over to her apartment, . . . and you would spend, oh my gosh, you could spend eight hours over there working on everything from punctuation to syntax and citation to accuracy of the cite. Are you citing a case for a holding, or are you citing it for [obiter] dicta, and if so, do you distinguish between the two, or are you just citing the case because it is kind of a cool case and you found it while you were looking around, and it doesn't really stand for anything pertinent[? Y]ou would go through all of these inquiries on all of the case citations and all of the analysis of how you were writing . . . and it was a dynamite experience, just an absolutely tremendous writing experience.

Such tutelage was obviously a rewarding experience for those receiving it. Another member commented, "[S]he was a very meticulous individual who taught young law students the value of producing a product that was quality." Yet another concluded simply, "She was a great lady . . . , our inspiration." Nonetheless, it is also easy to see how this process inevitably slowed the production of student works and retarded the *Review's* publication schedule.

When Volume III, Number 2 did appear, it covered 115 pages (including a 5-page index to Volume III) and included comments by Park, Singletary, and Daniel Wiser; notes by John Asbell, W.M. Chanfrau, Timothy G. Hains, William I. Livingston, Jr., Padovano, and James N. Powell, and commentaries by Stepter, and Musial and Zaritsky. Singletary served as editor in chief and Park served as

25. "[One prestigious law review] had some examples of plagiarism where they've gotten hit so whether you [are that prestigious law review] or *Stetson Law Review*, you [have] got to do a pretty thorough job of editing because sometimes you get snookered."

managing editor. The executive editors were Casto, Musial, and W. Walker. In addition to Chanfrau, Livingston, and Stepter, the issue's masthead lists as Board members Larry Bergman, Ferrara, Fuentes, and Gary Trombley.

As with previous Boards, this organizational scheme was fairly flexible. One who served as both Board member and editor recalled, "I don't really think we had any real strict hierarchy. I mean we kind of threw things together to make this thing work." This former editor further explained,

[The managing editor ran the business, and the executive editors primarily read the articles and recommended whether they should be published or not. Members of the board . . . participated as fully as anyone else. . . . There wasn't any real distinction and it was an honor to be the editor in chief.

While this type of organizational flexibility can be quite effective, it can also be somewhat disorderly. In the words of the Board member and later editor quoted above, "There was no continuity. Everybody was sort of starting from scratch, trying to figure out how to proceed." Without continuity, many tasks formerly performed by Editorial Board members began to devolve to the faculty advisor, who by 1974, according to another editor, "pretty much ran the whole thing." Professor Leeman's critiquing skills were so outstanding — "She was good" is the simple verdict of an editor in chief during this period — that she eventually took over "most of the edits." Her involvement became so extensive that this same editor in chief could say, when asked how much time he devoted to the *Law Review*, "Not a whole lot. I don't remember it being that big a strain." A Board member from this same period commented, "I don't recall editing or making any changes to anybody else's [work]. . . . [W]e didn't do a whole lot of peer review."

Of course, this development exacerbated the *Review's* scheduling problems by creating a bottleneck. Volume III, Number 2 was 1973's only publication, and in 1974 the *Intramural Law Review* combined Numbers 1 and 2 of Volume IV in a single issue that was only 77 pages long (including a 3-page index of that volume). The works in the *Review* — one comment and ten casenotes — included two by Bergman, and individual efforts by Ferrara, Hains, Livingston, Powell, Joseph C. Rubel, Marguerite Smith Stephens, Stepter, W. Walker, and G. Alex Weller. The masthead for the combined issue listed two editors in chief, Hains and W. Walker; two managing editors, Bergman and John E. Woodbery; six executive

editors, Fuentes, Ron Goldstein, Livingston, Gary Simon, Stephens, and Stepter; and two Board members, Ferrara and Trombley.

While an editorial bottleneck caused the members of the *Intramural Law Review* to publish less, they continued to enjoy the *Law Review* experience, especially at the banquets held to celebrate each published issue. As one editor in charge of the banquet arrangements explained, “I was leaving . . . [and] I thought I might do it in style, so I kind of over contracted and we ended up with roast beef, and all kinds of good stuff.” Another editor recalled, “Yeah, we had a great banquet. I remember that. It was real nice. You had a lot of professors going, too.” But some of the professors apparently had second thoughts about the level of expenditure. As the organizing editor related, “[F]ollowing that year, the faculty became much more involved in the budget for the banquet. They had never been before.”²⁶

More budgetary oversight may have curtailed the opulence of the banquet, but it did little to solve the *Review*'s publication problems. Volume V, Number 1, appearing in 1975, was again under 100 pages, with 2 comments (labeled “Commentaries,” but evidently different from the commentaries previously published) and 11 casenotes covering 80 pages, supplemented by a 2-page index. Jeff Brown, William A. Grimm, Michael Lenehan, A. Thomas Mihok, Gerald M. Taylor, and Harry O. Thomas each authored two works, and the other contributor was Thacker. Again, there was a combined masthead, listing Grimm and Stephens as editors in chief; Mihok and Simon as managing editors; Goldstein, Grimm, Mihok, Thomas, and Weller as executive editors; and Brown, Gary A. Carnal, William R. Dickey, William H. Green, Lenehan, Leslie Reicin Stein, Taylor, and Thacker as Board members. For the first time, Elizabeth M. Leeman's name appeared on the masthead as faculty advisor.

Volume V, Number 2, which also carries the publication year 1975, was even shorter than Number 1, at only 56 pages, with an additional 14 pages of indices. The issue consisted of eleven casenotes, two each by William C. Davell, Marsha Griffin Rydberg, Stein, and J. Brent Walker, and three others by Carnal, Dickey, and James H. Siesky. Once more there was a combined masthead — thus implying that Volume V spanned 4 semesters of students,

26. One problem that greater faculty involvement did not avoid was the subsequent scheduling of a *Law Review* banquet at a “restricted” private club, to which, in the words of one member, “half the staff wasn’t invited because they were Jewish.”

making the 1975 publication date of both numbers of that volume inherently suspect. Volume V, Number 2 identified Lenehan and Stein as editors in chief; Green and Carnal as managing editors; Brown, Carnal, Davell, Alice K. Nelson, Rydberg, Siesky, Stein, Taylor, Thacker, and J. Walker as executive editors; and Judy A. Schropp Burnett and Dickey as Board members.

Comparing this issue to its predecessors from only a few years before showed a number of unfortunate trends. The *Review* was publishing less often, with fewer pages and fewer comments and commentaries, and with shorter and shorter casenotes (down to an average just above 5 pages in Volume V, Number 2). It seems clear that these developments were the product of Professor Leeman's increasing control over the *Review*. She was apparently committed to producing pithy but serviceable casenotes, to aid the harried practitioner in understanding recent decisions. She focused rather singlemindedly on this goal and did not care how long it took to produce work that met her standards nor how few works actually did meet them.

These attitudes were bound eventually to rile the students on the *Review*. While many members continued to admire Professor Leeman,²⁷ some became dissatisfied with her close editorial supervision and attributed the *Review's* publication problems to her oversight. One writer, who was not alone in complaining of Professor Leeman's incessant smoking,²⁸ was also disheartened by her style of editing.

You would go into her office, and it reeked of smoke and she would only meet there. So that was always difficult. It was always the same words "I don't like it." "Rewrite it. Bring it back again." So, she just didn't like anyone's writing. I never got . . . any more definitive answer from her except "It's not well-written." "Shorten your sentences. . . ." She just went on and on about rewrite it, rewrite it.

. . . .

27. Typical comments include, "She was very nice, stately," and "she knew how to write, knew how to research."

28. One editor remembered, "She liked her cigarettes. I'd meet with her, I'd have to brush away the smoke." Another recalls, "She would get you in that little room of hers and she would smoke one cigarette after another until you almost felt like you were being asphyxiated after a while. . . . Her fingers I remember being as brown as could be from it."

She didn't give anything real constructive. That's what I remember, maybe to others she did, but with me she didn't.

Another member, a smoker, remembered the editorial inconsistencies more vividly than the office atmosphere.

You went and sat down in her office and lit up cigarettes and sat there and she would go through and make changes . . . [I]t was not all that unusual from time to time that she might change something this week, go completely through the article, you go ahead and incorporate the changes and come back and she changed something she had changed the week before as though she didn't remember she had done it.

So, by the mid-1970s, Professor Leeman clearly had some detractors among those writing for the *Law Review*.

Editors during this period were also of two minds regarding their faculty advisor. One said candidly, “[I]t was impossible to get the woman to get on a schedule, the schedule didn't have any relationship to her.” Because Professor Leeman “would never approve anything that was supposed to go out,” casenotes had to be “dump[ed]” because of preemption by other reviews or because the cases were no longer current. In short, for this editor, the effort to get the *Review* published was “horrendously difficult.” While there undoubtedly was plenty of evidence to support these conclusions, another editor from the same period views Professor Leeman with more charity, perhaps because of her obvious goal of improving the quality of the *Intramural Law Review*. “She was a character. . . . I'm just trying to remember what it was like getting together with her, but I kind of enjoyed it. She was pretty unique. . . . Kind of a unique personality.”

Perhaps this unique personality recognized the problems the *Review* was developing under her leadership, for she stepped down as faculty advisor in 1976, retiring from law teaching in that same year. She helped to produce 1 more issue of the *Intramural Law Review*, Volume VI, Number 1 — there never was a Number 2 — in 1976. Like its immediate predecessors, Volume VI, Number 1 was quite short and filled with works, all but one of them casenotes, that were themselves quite short. The issue's sixty-three pages (one of which was an index) comprehended one commentary by Editor in Chief Siesky and eleven notes, two each by Jerry E. Aron and Dennis E. Dabroski, and individual works by Joseph G. Burns,

Nelson A. Faerber, Jr., Richard A. Kupfer, Kenneth A. Marra, Stephen C. Page, Paul T. Scheverman, and Archie J. Thomas, III. In addition to Siesky, the masthead identified Rydberg as managing editor and Aron, Dabroski, Dickey, Schropp, and J. Walker as executive editors. It was also the last issue to bear Elizabeth M. Leeman's name as the *Review's* faculty advisor.

D.

Norman Terry Deutsch, the *Intramural Law Review's* new faculty advisor in Fall 1976, was new to full-time law teaching. A member of the *Maryland Law Review* as a law student, Professor Deutsch found at Stetson few of the traditions of law review organization with which he was familiar, so he set about, while also preparing for the first time a full load of courses, to inculcate those traditions in the *Review's* staff. An inevitable part of this process was to begin the transition away from the intramural format.

To accomplish this goal, the *Review* needed internal structures and practices to fill the gaps Professor Leeman's departure created. Accordingly, Professor Deutsch assigned the editors of the *Review* the task of developing a manual of internal procedures. After culling through manuals from other law reviews, they identified and then modified organizational structures and editorial processes, as well as methods for the selection of new members and the election of editors.²⁹ As one member recalls of the editors, "I think they spent as much time writing the organizational manual as they did trying to get something published."

This labor produced not only a manual (and a draft constitution for the *Law Review*), but also the beginnings of the work habits the manual was designed to institute. Responding to Professor Deutsch's requirements, standards were raised across the board. As one editor stated, "[H]e moved the format to . . . more formal . . . case notes and case comments, more the tradition of the regular law reviews, a little more formality and more editorial insistence on perfection and those types of things. He was a real perfectionist himself."

Inevitably, these higher standards, as well as the substantial time devoted to the production of internal documents, drastically

29. One resulting change was that the *Review* lost its executive editors. Accompanying the editor in chief and managing editor on the editorial board were instead two new categories, notes and comments editors and research editors.

reduced the *Review's* already low productivity. No issue appeared during the 1976–1977 academic year. The editor quoted above explained, “[T]here’s a big gap in time between issues coming out and part of it was this change over and Deutsch[’s] insistence that the *Law Review* be like other law reviews and a real step up. . . . [H]e was a very hard critic.”

Of course, some *Law Review* members chafed at the *Review's* new standards, but the lack of tangible results from imposing those standards also ruffled some in the faculty and administration. “[T]here was some frustration” at the lack of productivity, according to an editor; higher standards are “all nice and good,” faculty members were saying, “but what do we [have] to put on our shelves?” Alumni, accustomed to receiving the *Intramural Law Review* reportedly called the school asking where their copies were, which furthered the faculty’s consternation.

A new law teacher does not need such aggravation, so Professor Deutsch gave up his position as *Law Review* faculty advisor at the end of the Spring 1977 semester, leaving Stetson after another year for Albany Law School (where he still teaches). Another new teacher with *Law Review* experience as a student was slated to take over advising Stetson’s *Review*, but decided a few weeks before the beginning of the Fall 1977 semester to remain in practice. So, at the last minute, the senior Author of this Article — who had two years experience as a law teacher, but whose closest previous encounter with a law review was having roomed with two editors — was drafted to be the new faculty advisor to the *Stetson Intramural Law Review*.

Into this leadership void stepped the *Review's* new editors, who decided not only to move toward publication of previously rejected material, but also to push for a quicker end to the *Review's* intramural status than even Professor Deutsch had envisioned. Through their efforts, the faculty became convinced that the switch to the traditional law review format should occur as soon as possible, by the Fall 1978 semester, if the present *Review* would return to a regular publication schedule. “[W]e went to the faculty and got the notion approved that we ought to, if we could show them something, get something published, we ought to move to be a full-fledged law review.”

It is ironic that these editors successfully built on the foundation Professor Deutsch had laid — using the procedures he instituted, getting the faculty to approve the constitution drafted under his direction — simply by advancing his timetable. But in addition

to ingenuity (and some audacity in even making the suggestion³⁰), the new editors needed a lot of hard work to fulfill their end of the bargain with the faculty. The editors “spent the whole summer [of 1977] cleaning up other people’s articles and getting them in shape,” so that an issue, Volume VII, Number 2, could be published near the end of the fall semester.

Still in the intramural format, Volume VII, Number 1, showed many other similarities to its predecessors. It was ninety-six pages long (plus a one-page index) and contained seventeen student works, two casenotes, and fifteen “recent decisions,” a denomination that acknowledged the brevity of the works so labeled. The student authors were Steven R. Andrews, Aron, Ann S. Azdell, William David Dugan, Gary M. Fader, Fred F. Harris (twice), Lucy Harrison Harris (twice), Michael P. Jones (twice), Michael J. Keane, Robin Richards Lane, Carol C. Murphy, Eileen Murphy (twice), Michael L. Reda, Robert S. Schumaker, and John Cameron Story. The masthead included both the 1976–1977 Board — Aron as editor in chief; Page as managing editor; Harris, Jones, Keane, and E. Murphy as notes and comments editors; and Burns and Marra as research editors — and the 1977–1978 Board — Keane and Jones as editor in chief and managing editor, respectively; Andrews, Fader, Harris, and Schumaker as notes and comments editors; and E. Murphy as research editor.

Despite the similarities, Volume VII, Number 1 was a clear break from its predecessors in a few significant ways. In the words of one editor, which perusal of the issue confirmed, “There is a marked difference in the quality of the bluebooking and tight legal writing.” So one aspect of Professor Deutsch’s higher standards had begun to take hold. Another (admittedly more superficial) distinction was a new cover, reportedly designed by Managing Editor Jones, with alligator green print on a lemon yellow background, sporting the College of Law seal superimposed on a map of Florida.³¹ The issue’s “Editor’s Page” cheerily references the new cover, the *Review*’s publication hiatus, and its intention to keep its end of its bargain with the faculty in a single sentence — “Following a year of

30. Another sign of audacity was one editor’s trip to Atlanta’s Piedmont Driving Club (recently lampooned in Tom Wolfe’s novel, *A Man in Full*), at the invitation of an executive from Darby Publishing Company, the *Review*’s publisher. “[A]t that time I was sporting earth shoes, hair down to my shoulders, [I] just wasn’t the Piedmont-Driving-Club-looking kind of guy. So I was kind of amused by the looks I drew, and I’m sure [the Darby executive] wasn’t amused at all, since this was his club.”

31. One editor reports that a judge still “razze[s]” him about the cover’s color.

internal reorganization, the STETSON INTRAMURAL LAW REVIEW will resume a regular publication schedule with a new face and a bright outlook.”³²

While striving to publish this issue, the 1977–1978 editors were also laboring on an issue composed not of backlogged work from the previous year, but of comments and notes produced through their direct supervision. This crop of students works, published in Volume VII, Number 2, was the first written entirely under the procedures instituted by Professor Deutsch and showed what those procedures could accomplish when followed by talented writers and editors. The issue, appearing in mid-1978, was 190 pages long, by far the longest the *Intramural Law Review* had ever published (even if one discounts the 14 pages devoted to a table of cases and a cumulative index). There was an even more impressive jump in the average length of the works. The issue contained only two comments and ten casenotes, which ran from ten to twenty pages. Greater length allowed more detailed analysis, which each of the student works discloses. The topics also ranged a bit more widely, with a comment about stare decisis in Florida and a note on a Second Circuit decision interpreting the Warsaw Convention, joining more standard fare casenotes on criminal law and procedure, real property, family law, and the Uniform Commercial Code.

The authors published in this breakthrough issue were William G. Berzak, Joel T. Daves, IV, Cheryl Flax-Davidson, James C. Hauser, Kevin B. Krauss, Lane, Harley K. Look, Jr., C. Murphy, John Harrison Rains, III, Reda, Julia C. Roberts, and Diane M. Van Ness. The editors responsible for the issue were Editor in Chief Keane and Managing Editor Jones; Notes and Comments Editors Andrews, Fader, Harris, Lane, Reda, and Schumaker; and Research Editor E. Murphy. At the editors’ suggestion, an award was created for the best student work in each issue of the *Review*. The prize, which went to Berzak’s note on impeachment under the Federal Rules of Evidence, was named the Elizabeth M. Leeman Award, “[i]n recognition of her efforts as an organizer and guiding force during her term as faculty advisor” to the *Stetson Intramural Law Review*.

This appreciation, which appeared in the issue under the photo of a smiling Betty Leeman pulling a Southern Reporter off the shelves of the Stetson law library, was not only a fitting way to commemorate her service to the *Law Review*, but also an appropri-

32. *Editor's Page*, 7 *Stetson Intra. L. Rev.* i (1977).

ate note on which to end the *Intramural Law Review* itself. The student editors, having more than kept their end of the bargain with the faculty, were allowed to end the intramural format. As the “Editor’s Page” of Volume VII, Number 2, proclaimed,

Established in 1970, the *Stetson Intramural Law Review* has sought to provide the practicing attorney in Florida with current, informative, and noteworthy articles. The Editorial Board is happy to announce that the *Review* will continue to strive to meet these objectives under a new format. Rather than continue as a strictly in-house publication with limited distribution, the *Review* will begin publishing articles submitted by outstanding members of the legal profession, and distributing on a subscription basis.

To those who have followed the *Review* throughout its years of growth, the Board wishes to extend both its appreciation and its assurance that the new *Stetson Law Review* will become a truly professional publication.³³

It is possible to consider the last sentence of this announcement false modesty, for Volume VII, Number 2, seemed already to meet the minimum standards for being “a truly professional publication.” It appears, however, that the editors of that issue knew that much greater achievements lay ahead. One of them remarks today,

[F]or us it was sort of a scramble to both keep the thing alive, [and] to get it to move to the next level. [I]t’s been a real pleasure watching it develop because there is no question now that the *Law Review* is a real law review, and it does the school proud.

We kept the balls up in the air enough for the real talent to come in.

This comment could easily extend to the efforts of all those who served the *Review* during its intramural days, students and faculty. They scrambled first to establish the *Intramural Review* and then to improve it. As new challenges developed, there was a determined effort to meet them, to keep the balls in the air. The challenges were met, not always quickly and not always cleanly, but well enough so that new talent could come in to address the next set of challenges,

33. *Editor’s Page*, 7 *Stetson Intra. L. Rev.* i (1978).

and so that eventually the intramural format could give way to the *Stetson Law Review*.

III. 1978–2000: SNAPSHOTS OF THE STETSON LAW REVIEW

Because a history of the post-1978 *Law Review* would require more time and objectivity than the Authors of this Article can muster, what follows are mere glimpses of some of the events of this period, influenced by the recollections of the senior Author, who advised the *Law Review*, usually in company with other faculty members, off and on for a third of those years. Yet, even through this jaded perspective, the trajectory of improvement in the work product of the students on the *Law Review* remains clear.

The first issue of the rechristened *Stetson Law Review* (which, however, continued the numerical sequence of the previous volumes and so was Volume VIII, Number 1) appeared in Fall 1978. Fittingly, the first nonstudent work ever to appear in the journal was an article by Calvin A. Kuenzel,³⁴ whose efforts had contributed quite substantially to the creation of the *Law Review*.³⁵ Another apt feature of the first issue in the new format — the rightness of which would not be fully evident until much later — was its other article, authored by Assistant Dean W. Gary Vause,³⁶ then in his fourth year on the Stetson faculty, who would become dean of the College of Law two decades later. The issue, packaged in another new cover (olive green on tan, with a smaller version of the College of Law seal), also contained 12 student works and ran to over 240 pages.³⁷

For the next three years, the *Review* produced similar issues twice a year. This period saw the *Review*'s first article by a person outside the Stetson community,³⁸ as well as the kind of embarrassing event most law reviews experience at one time or another — an article so badly mangled in the editorial process — one author's

34. Calvin A. Kuenzel, *The Bulk Sales Risk — Who Needs UCC Article 6?*, 8 Stetson L. Rev. 1 (1978).

35. See *supra* nn. 11–12, 15 and accompanying text (reflecting on Calvin A. Kuenzel's contribution to the *Stetson Law Review*).

36. W. Gary Vause, *Occupational Safety and Health Law for Agricultural Employment*, 8 Stetson L. Rev. 13 (1978).

37. The issue ended with Stetson's first book review, an extremely short piece by the senior Author of this Article, panning the first volume of a multivolume criminal law treatise.

38. Russell E. Crawford, *Successive Prosecutions of the Same Defendant: Extending the Double Jeopardy Protection*, 8 Stetson L. Rev. 289 (1979).

name was misspelled³⁹ — that a corrected version had to be published in a later issue with an apology.⁴⁰ Despite such a setback, the improvement in the *Review* continued to impress the faculty and administration, which in 1981 approved an expanded publication schedule, from two issues per year to three.

In 1983 United States Supreme Court Justice John Paul Stevens (whose father had attended Stetson University College of Law for one year several decades prior to the school's relocation to Gulfport) honored the law school with a visit, and Justice Stevens kindly agreed to the *Law Review's* publishing his remarks to a gala dinner for faculty, students, alumni, and guests. This coup for the *Review* was somewhat diminished by the Justice's apparently odd choice of topics, the questionable propriety of electing judges, but the speech appeared in due course in the Winter 1984 issue.⁴¹ Only a few months later, the full import of these seemingly obscure remarks became evident with the Supreme Court's opinion in *Spaziano v. Florida*,⁴² which upheld Florida's practice of letting elected judges impose the death sentence even when the jury had recommended a noncapital sentence. Justice Stevens filed a vigorous dissent on this issue, which when combined with the reasoning he had used in his speech, strongly implied that electoral politics would inevitably distort the capital sentencing process.⁴³ With a bit more prescience, the *Review* might have been able to highlight this aspect of the Justice's speech when originally published.

The mid-1980s marked two important events in the history of the *Law Review*. In Summer 1985, after months of first negotiation and then collaboration with the Local Government Section of The Florida Bar, the *Review* published the first of its annual Local Government Law Symposia, which included not only articles on that topic, but also student works and a survey of recently decided cases on local government law. This format has proved so successful that the *Review* subsequently used its example as the model for symposia

39. J.B. Spence & Jeffery [sic] Roth, *Closing the Courthouse Door: Florida's Spurious Claims Statute*, 10 Stetson L. Rev. 397 (1981).

40. J.B. Spence & Jeffrey C. Roth, *Closing the Courthouse Door: Florida's Spurious Claims Statute*, 11 Stetson L. Rev. 283, 283 n.† (1982).

41. Justice John Paul Stevens, *Reflections on the Removal of Sitting Judges*, 13 Stetson L. Rev. 215 (1984).

42. 468 U.S. 447 (1984).

43. *Id.* at 467 (Stevens, J., concurring in part and dissenting in part).

on different topics⁴⁴ and for its recent move to an all-symposia format.

The other significant event of the middle of the last decade was Stetson's publication of one installment of the mammoth empirical study of race and the death penalty by Professor David C. Baldus and his colleagues.⁴⁵ This prize-winning work,⁴⁶ probably the most important article ever published in the *Stetson Law Review*, was brought to the law journal through Stetson's Distinguished Lecture Series, which attracted Baldus, as well as others, to the campus to speak and to publish in the *Review*.⁴⁷ Baldus's work is also significant, because it is the brightest star in a series of articles in the *Review* on the death penalty, which began in 1979 with a sociological portrait of Florida's condemned⁴⁸ and includes more recent works by Professor Michael Mello and others.⁴⁹

44. *Labor and Employment Law Symposium*, 15 *Stetson L. Rev.* 1 (1985); *Symposium on Sovereignty Lands*, 20 *Stetson L. Rev.* 143 (1990); see *infra* text accompanying n. 50 (for a list of many of the symposia topics). Before 1985, the *Review* had published a symposium for entering law students, *Symposium: Maximizing the Law School Experience*, 12 *Stetson L. Rev.* 549 (1983), and two student symposia, *Changes in Florida's U.C.C. Article Nine: A Student Symposium*, 9 *Stetson L. Rev.* 61 (1979) and *Symposium: The Uniform Land Transactions Act and the Uniform Simplification of Land Transfers Act: Impact on Florida Law*, 10 *Stetson L. Rev.* 21 (1980).

45. David C. Baldus et al., *Arbitrariness and Discrimination in the Administration of the Death Penalty: A Challenge to State Supreme Courts*, 15 *Stetson L. Rev.* 133 (1986).

46. In 1987 the Law and Society Association awarded its annual Harry J. Kalven, Jr. Prize, for "empirical scholarship that has contributed most effectively to the advancement of research in law and society," to a series of articles authored by Professor Baldus and his colleagues, including their work in the *Stetson Law Review*. L. and Socy. Assn., *Association Prizes* <<http://www.lawandsociety.org/prizes.htm>> (last modified June 8, 2000).

47. The following are a few of those published: A.E. Dick Howard, *How Ideas Travel: Rights at Home and Abroad*, 22 *Stetson L. Rev.* 893 (1993); William W. Schwarzer & Russell R. Wheeler, *On the Federalization of the Administration of Civil and Criminal Justice*, 23 *Stetson L. Rev.* 651 (1994); Ellen Wertheimer, *Calabresi's Razor: A Short Cut to Responsibility*, 28 *Stetson L. Rev.* 105 (1998).

48. Peter W. Lewis et al., *A Post-Furman Profile of Florida's Condemned — A Question of Discrimination in Terms of the Race of the Victim and a Comment on Spinkellink v. Wainwright*, 9 *Stetson L. Rev.* 1 (1979).

49. Ken Driggs, *A Current of Electricity Sufficient in Intensity to Cause Immediate Death: A Pre-Furman History of Florida's Electric Chair*, 22 *Stetson L. Rev.* 1169 (1993); Jonathan Kennedy, *Florida's "Cold, Calculated and Premeditated" Aggravating Circumstance in Death Penalty Cases*, 17 *Stetson L. Rev.* 47 (1987); Michael Mello, *Florida's "Heinous, Atrocious or Cruel" Aggravating Circumstance: Narrowing the Class of Death-Eligible Cases without Making It Smaller*, 13 *Stetson L. Rev.* 523 (1984); Michael Mello & Nell Joslin Medlin, *Addendum: Espinosa v. Florida: Constitutional Hurricane, Lambent Breeze, or Idiot Wind?*, 23 *Stetson L. Rev.* 317 (1993); Michael Mello & Nell Joslin Medlin, *Espinosa v. Florida: Constitutional Hurricane, Lambent Breeze, or Idiot Wind?*, 22 *Stetson L. Rev.* 907 (1993); Neil Skene, *Review of Capital Cases: Does the Florida Supreme Court Know What It's Doing?*, 15

The 1980s also witnessed a low point for the *Review*, a year in which one editor's malfeasance, condoned by others, brought the publication process to a halt. Catching up required the publication of a 646-page double issue, probably the longest issue the *Review* will ever produce. But the *Review* withstood this challenge, continuing to produce quality work even under the pressure of publishing two years' material within a span of barely more than twelve months.

Much of the credit for the achievements of this period goes to Professor Michael S. Finch, who served as faculty advisor to the *Review* from 1983 to 1991. A former editor of the *Boston University Law Review* and the holder of an S.J.D. degree from Harvard, Professor Finch insisted on excellence from the members of the *Law Review* and, with rare exceptions like the one just noted, almost always got it.

Nineteen ninety-one brought several changes to the *Stetson Law Review*. There was a new slate of faculty advisors, more than the previous one or two at any given time, with faculty rotating in and out of the advisor position. (Since 1991, each of the following faculty members has served as an advisor: Thomas E. Allison, James J. Brown, John F. Cooper, Darby Dickerson, Charles M. Elson, Ester C. Kim, Patrick E. Longan, Marleen A. O'Connor, and Ann M. Piccard.) And in 1991 there once again was a new cover, this time olive green and black on white over a faint imprint of the College of Law seal, which has since remained the "face" of the *Review*.

In the 1990s the *Review* expanded its use of symposia to attract prominent authors writing on cutting-edge topics. In addition to the annual article collections on local government law, the *Review* published symposia on corporate stakeholder statutes, labor law, limited liability companies, elder law, higher education, nonprofit organizations, foreign economic sanctions and trade controls, business philanthropy, litigation ethics, international environmental law, and prosecution law.⁵⁰ Matching the increase in prestige

Stetson L. Rev. 263 (1986).

50. *Corporate Philanthropy Symposium*, 28 Stetson L. Rev. 1 (1998); *Economic Sanctions, Trade Controls, and Foreign Policy Symposium*, 27 Stetson L. Rev. 1207 (1998); *Elder Law Symposium*, 26 Stetson L. Rev. 481 (1996); *Higher Education Law Symposium*, 27 Stetson L. Rev. 115 (1997); *International Environmental Law Symposium*, 28 Stetson L. Rev. 1031 (1999); *Labor Law Symposium*, 24 Stetson L. Rev. 1 (1994); *Labor Law Symposium*, 23 Stetson L. Rev. 3 (1993); *Limited Liability Company Symposium*, 25 Stetson L. Rev. 253 (1995); *Litigation Ethics and Professionalism Symposium*, 28 Stetson L. Rev. 247 (1998); *Nonprofit Symposium*, 27 Stetson L. Rev. 395 (1997); *Prosecution Law Symposium*, 29 Stetson L. Rev. 1 (1999); *Symposium: Corporate Malaise — Stakeholder Statutes: Cause or Cure?*, 21

flowing from these symposia was an increase in volume, so that by 1996 the *Review* was ready to move to publication four times a year, thus equaling the standard of productivity of most American law reviews.

A further indicator of Stetson's status among the nation's law reviews was its selection to host the National Conference of Law Reviews in the year 2000. The *Stetson Law Review* had previously sought this recognition, which is voted for every year by representatives of each journal at their annual conference, but perhaps it is appropriate that the *Law Review's* hosting of this conference was deferred until the centennial year of the College of Law. Thus, representatives of many American law reviews gathered on the Stetson campus this spring and celebrated not only the 100th year of the law school, but also recognized the candidacy of the *Stetson Law Review* for a place among "the finest law reviews in the country," the goal of its organizers some three decades before.⁵¹ The road to this status was long and frequently circuitous, but the members of the *Law Review*, with some assistance from their faculty mentors, traversed it with diligence and skill, producing a strong institution eminently capable of leading Stetson University College of Law into its second century.