

2013

The St. Thomas Law Review: Its Ideal and Its Accomplishments (Introduction)

Follow this and additional works at: <https://scholarship.stu.edu/stlr>



Part of the [Legal Writing and Research Commons](#)

Recommended Citation

The St. Thomas Law Review: Its Ideal and Its Accomplishments (Introduction), 25 ST. THOMAS L. REV. 269 (2013).

Available at: <https://scholarship.stu.edu/stlr/vol25/iss3/2>

This Article is brought to you for free and open access by the STU Law Journals at STU Scholarly Works. It has been accepted for inclusion in St. Thomas Law Review by an authorized editor of STU Scholarly Works. For more information, please contact jacob@stu.edu.

THE ST. THOMAS LAW REVIEW: ITS IDEAL AND ITS ACCOMPLISHMENTS

The St. Thomas Law Review: Its *Ratio Essendi*

.....*Siegfried Wiessner* 271

A Sense of Pride

.....*Maria Sallato* 275

Past and Future: The Same

.....*Daniel Gordon* 277

The St. Thomas Law Review: Twenty-Five Years Young and Yet So
Established

.....*Jessica Fonseca-Nader* 279

Volume 10 of the St. Thomas Law Review Issues 1, 2, and 3 (Fall 1997-Spring
1998): Building Something that Endures

.....*Nancy Pico Campiglia* 283

Growing Forward

.....*Michael A. Vera* 287

Rethinking Success: Justice Fred Lewis' Remarks at the 25th Anniversary
Celebration of the St. Thomas Law Review

.....*Jay Silver* 291

THE ST. THOMAS LAW REVIEW: ITS *RATIO ESSENDI*

SIEGFRIED WIESSNER*

At its twenty-fifth birthday, the *St. Thomas Law Review* deserves a hearty round of applause for its abundant contributions to knowledge and to a public order of human dignity. Over all these years, it has stood for a vision of legal education and legal practice that emphasized not only excellence in the profession, but a commitment to the common good. It has provided the antithesis to the caricature of lawyers as attack dogs for hire or sharks out only for money, committed to winning at all cost. In contrast, St. Thomas lawyers are to be seen as true professionals, deeply intellectual, and able to fashion innovative solutions to the problems of their clients and society.

Indeed, St. Thomas University School of Law was created in this vein – within a Catholic university dedicated to the ideals of social justice, human dignity, and the preference for the poor. From Day One, our law school would live to embrace, unleash, and foster the intellectual potential of the members of our community, both faculty and students. In particular, we cherished the papers our students wrote and felt it was necessary to share their most profound analyses and solutions to society's problems with the world.

Student articles based on the innovative and liberating New Haven approach to law commanded attention. At the time of the founding of this law review, in the mid-1980s, however, there were virtually no outlets for important analyses authored by students, which, if submitted, were rejected as a matter of course, particularly if they came from outside the home institutions. Student contributions to law reviews were limited to the traditional formats of notes and comments. St. Thomas Law, as in many other ways, set a counterpoint. It believed in its students' unlimited potential and intellectual ability and published their best papers exclusively in the first three volumes of the review, to provide a forum otherwise foreclosed. Appropriately, the name of the law review in these first three years of its existence was the *St. Thomas Law Forum*. The belief in the quality work, indeed excellence, of our students propelled the journal's

* Professor of Law and Director of the Graduate Program in Intercultural Human Rights at St. Thomas University School of Law. Professor Wiessner founded the *St. Thomas Law Review* in 1987, then named the *St. Thomas Law Forum*, and chaired its first Board of Faculty Advisors.

further development – always under the guiding light of our mission to, optimistically, struggle for a better tomorrow in the realm of laws, not remaining captive to sometimes questionable decisions of the past.

A prime example of this social justice mission of the *St. Thomas Law Review* has been its leadership in the area of federal Indian law and international indigenous law, strongly supported by the President of St. Thomas University, Monsignor Franklyn M. Casale, and the various deans and faculty of the School of Law. Starting in 1993, the *Law Review* frequently hosted tribal sovereignty symposia celebrating the heritage and discussing the claims of indigenous peoples in the Western hemisphere and beyond. St. Thomas University was the common ground for meetings of Indian chiefs and their spiritual and intellectual leaders, including, to mention just a few of the national and international leaders of the indigenous movement seeking to assure cultural survival and development, the Peace Chief of the Cheyenne, The Honorable Lawrence Hart; Kiowa leader Professor Kirke Kickingbird; The Honorable Robert Yazzie, Chief Justice of the Navajo Supreme Court; Professor S. James Anaya, now UN Special Rapporteur on the Rights of Indigenous Peoples; The Honorable Chief Ferrell Sekakuku of the Hopi Tribe; Keller George, Chairman of the United South and Eastern Tribes; the Principal Chief of the Cherokee Nation, The Honorable Ross Swimmer; The Honorable Ray Halbritter, Representative of the Oneida Indian Nation; Comanche leader LaDonna Harris; Oren Lyons, spiritual leader of the Onondaga Nation; the leaders of the Florida Tribes of the Seminole and Miccosukee; and Erica Daes, charismatic Chair of the UN Working Group on the Rights of Indigenous Populations.

These symposia brought a touch of magic to St. Thomas, an enchantment gripping the entire community, in particular, the students of the *St. Thomas Law Review*. They also brought government to the table, memorably The Honorable Harry Lee Anstead of the Florida Supreme Court and The Honorable Ada Deer, Director of the U.S. Bureau of Indian Affairs. This neutral academic ground allowed for the development of thoughtful responses to indigenous claims not only on the domestic, but also on the international, plane. This work ultimately culminated in the adoption, by the International Law Association, of ILA Resolution No. 5/2012 at its 75th Biennial Meeting in Sofia, Bulgaria, on August 30, 2012, finding customary international law rights of indigenous peoples to their lands, culture, and self-government. In fact, the *St. Thomas Law Review* was so identified with its focus on the law of indigenous peoples that a Canadian law firm specializing in issues of the First Nations found it necessary to subscribe to it.

This tradition of commitment to indigenous issues was continued by the sister journal of our honoree today, the *Intercultural Human Rights Law Review*, upon its creation in 2005; but the dedication of the *St. Thomas Law Review* to issues of social justice and the identification of solutions to problems in society did not end. It has continued in a focus on cutting-edge issues in the fields of criminal justice, health care, elder law, race, and other forms of discrimination, to mention but a few of the themes addressed, including the exploration of the potential of therapeutic jurisprudence. The *St. Thomas Law Review* is a showcase of what our law school, its faculty, and its students can do and have done. May its excellence and prudence continue to reign for many years to come.

A SENSE OF PRIDE

MARIA SALLATO*

It was 1987; the year prior to the St. Thomas University School of Law receiving full accreditation approval. I can still remember the enthusiasm inspired as a young, vibrant, and hopeful law school pursued its national accreditation. As students, we were all inspired by the School of Law's struggle, and we felt a great sense of responsibility to the university, to ourselves, and to each other to contribute to the accreditation process.

Although young and not yet accredited, the School of Law and its faculty invoked a sense of pride and unity as everyone focused on the task at hand. As students, we were kept informed on the status of the accreditation process and the benchmarks to be met. Meetings on the matter were all well attended and every breath on campus was filled with anticipation and hope for approval. It was a time of great excitement and uncertainty, but, with the quality of the faculty, we were confident that we would prevail.

During those early years, new opportunities to increase our legal education were being made available to students. The *St. Thomas Law Forum* was one such avenue that provided the students an outlet to publish well reasoned and thoughtful legal articles. With the introduction of the *Law Forum's* first successful publication, St. Thomas University School of Law established itself as an appropriate and suitable leader in legal studies.

I was privileged to have been part of the editorial board for Volume 2 published in the spring of 1990. We had a superb board with Brian McMahon as Editor-in-Chief. I specifically remember editing the work of our classmate, Carol Lee Childress, who authored an article titled *Saudi-Arabian Contract Law: A Comparative Perspective*. We worked hard as we were mindful that our efforts were setting the precedence for future publications.

After we completed our publication, a celebration was held at the home of Eileen Weber, the first Editor-in-Chief. There was a sense of accomplishment and pride in our law school, and we knew then that it was to become a highly recognized institution of legal studies and learning.

* Maria Sallato served on the editorial board for Volume 2 of the *St. Thomas Law Review*, then named the *St. Thomas Law Forum*. She graduated from St. Thomas University School of Law in 1991, and she currently owns her own family law practice in Miami, Florida.

Today, for those of us that are practitioners of the law, the *St. Thomas Law Review* serves not only as a source of pride in our alma mater, but as a source for continuing education and legal research.

On the twenty-fifth anniversary of the *Law Review*, a recognition to all the dedicated faculty that made the publication of the *Law Forum* possible, and specially to Professor Siegfried Wiessner, the founder and the spirit behind the *Law Forum*. And most of all, congratulations to the various Boards of Editors for twenty-five years of hard work, and best wishes to future Boards of Editors so that the *St. Thomas Law Review* can continue to be the excellent scholarly legal journal that it is today.

PAST AND FUTURE: THE SAME

DANIEL GORDON*

During the 1987-1988 school year, Professor Siegfried Wiessner lobbied Dean Jacqueline Allee and the St. Thomas University School of Law faculty to create a law review. Professor Wiessner prevailed, and the *St. Thomas Law Review* served, and continues to serve, as an intellectual anchor for the School of Law. The *Law Review* contributes to the School of Law and its continued development and maturation in a number of ways:

The *Law Review* creates a focal point for student academic leadership. The *Law Review* editors and staff serve as the student academic leadership. They set the tone for the serious learning tasks implicated in training for lawyering, which includes a strong intellectual skill set.

The *Law Review* serves as a center for ethical practice for St. Thomas law students. The editors and staff possess great autonomy, which contrasts with the typical law school classroom under the direction of faculty. This autonomy requires an ethical commitment to the scholars who publish in the *St. Thomas Law Review*. With few exceptions over the years, the *Law Review* has taken its responsibilities to authors very seriously. Issues emerge in a timely fashion. The cite check and other work obtains completion in a timely manner.

The *Law Review* also serves as an intellectual showcase for students and the School of Law. A marvelous example involved the superb job the *Law Review* performed when it hosted many law reviews throughout the United States for the National Conference of Law Reviews. The *Law Review* managed the conference with great planning and execution.

The *Law Review* assures that the School of Law participates fully as a vital component of a Catholic university sponsored by the Archdiocese of Miami. *Ex Corde Ecclesiae* requires that Catholic universities and their component schools and departments advance academic freedom and an interface of ideas. The *Law Review* serves as tangible evidence that St. Thomas University is a serious Catholic institution of higher education that encourages intellectual dialogue.

The *Law Review* assures that the School of Law participates in a broader intellectual narrative, connecting St. Thomas with national and

* Daniel Gordon is a former Professor of Law at St. Thomas University School of Law. He served on the Board of Faculty Advisors for the *St. Thomas Law Review* in 1992 and as its sole faculty advisor from 1993 to 1997 and in 2007.

international legal academics, practitioners, and the courts. Over the years, articles have been cited in a variety of intellectual and practice venues.

The future will remain the same. At least, this former *St. Thomas Law Review* advisor hopes so. Yes, the *Law Review* will adapt to a new electronic format along with other law reviews. The *Law Review* may well include some type of blog or ongoing electronic real time dialogue. However, the contributions of the *Law Review* to the School of Law, its students and faculty, the Catholic university and its sponsor, the legal academy, practitioners, and the courts will remain steady. Hopefully, a former advisor will write the same account twenty-five years from now.

THE ST. THOMAS LAW REVIEW: TWENTY-FIVE YEARS YOUNG AND YET SO ESTABLISHED

JESSICA FONSECA-NADER*

I am honored to be a part of the *St. Thomas Law Review*'s 25th Anniversary celebrations.

I always knew the *Law Review* was very important to me, but writing this piece, I realize just how it has all come full circle. I have had the unique opportunity to be a part of the *Law Review* as its Editor-in-Chief and most recently as its faculty advisor. Looking back at the *Law Review*'s many accomplishments, I am honored to have been a part of such a wonderful organization, and I am grateful to have shared in the growth of St. Thomas University School of Law. For me personally, the *Law Review* was so much more than a résumé builder; my colleagues and peers were my family for that period of my life.

Believe it or not, some of my most memorable law school experiences are attributed to the *Law Review*. I gladly gave up weekends to discuss potential articles for upcoming issues, edit articles, and plan for an upcoming symposium because I worked with such wonderful people who I am happy to still call friends.

I watched the *Law Review* grow from a two-issue journal to a three-issue journal. More importantly, I have watched the *Law Review* leave its mark on the legal community with excellent symposia in Intercultural Human Rights (1996-2000), Criminal Law (1996-1998, 2011-Present), *Bush v. Gore* Anniversary (2010), and Media and the Law (2012). The *St. Thomas Law Review* has forged great relationships with The Florida Bar, particularly, the Criminal Law and Elder Law sections. This coming year, it will host the Ninth International Conference on Contracts, once again helping to put St. Thomas University School of Law on the map.

In its short existence, the *Law Review* has even hosted the National Conference of Law Reviews ("NCLR"). The NCLR has been instrumental in shaping law reviews and journals across the country. I know we implemented a number of policies and brought back many ideas from our

* Jessica Fonseca-Nader is the Assistant Dean for Enrollment and Scholarships and a Professor of Legal Writing at St. Thomas University School of Law. Professor Fonseca-Nader is a former Editor-in-Chief of the *St. Thomas Law Review* and graduated with honors from the School of Law in 1997. She is also the current faculty advisor and a great mentor for the *St. Thomas Law Review*.

experience at the NCLR. In 2010, I sat through several of the sessions of the NCLR and was impressed with the caliber program the *Law Review* provided. I am certain that other journals took some ideas back with them.

I met and continue to maintain contact with some of my greatest friends, who I met through *Law Review*. Who would have thought that those late nights and weekends in the *Law Review* office would be the start to some very special friendships?

One of the greatest honors an institution can bestow on a student organization is confidence. Professor Daniel Gordon, and the School of Law, was a great support system and mentor for me and the members of the *Law Review* during my year as Editor-in-Chief. I recall the first day I met with Professor Gordon to discuss the *Law Review*'s plans for the upcoming year. We met in his office and I shared a proposal for a Criminal Law Symposium we wished to host in partnership with The Florida Bar Criminal Law Section. If you knew Professor Gordon, you can imagine how terrified I felt. Professor Gordon leaned over the pile of papers and books on his desk and, like only Professor Gordon can do, he looked at me square in the eyes and said, obviously not expecting me to respond, "Do you know what you are getting into? Who will come to this? How will you get anyone to come? Jessica, this will be a lot of work. Are you sure you know what you are getting into?" I finally had an opportunity to respond and muttered a weak, "Yes." But I can admit now I was slowly feeling the weight of the pressure. Then Professor Gordon came around to the front of his desk and said to me, like only Professor Gordon can, "You cannot fail! You hear me? You understand?" And with those menacing queries, I went down to the Executive Board and said, "It's a go, but WE CANNOT FAIL!" Words that continue to carry me at times to this day. And so we proceeded.

Some of the great criminal law scholars and practitioners and members of Florida's judiciary participated in the symposium, including Chief Justice Gerald Kogan,¹ who presented on a panel about television coverage in state criminal trials with Judge Stanley Weisberg² and Rikki Klieman.³ Justice Harry Lee Anstead⁴ delivered the keynote speech, which

1. Justice Kogan was the Chief Justice of the Supreme Court of Florida at the time and served on the Court from 1987 to 1998.

2. Judge Weisberg has presided over notable trials including the Menendez brothers' trial, the Rodney King state trial, and the McMartin preschool trial.

3. Rikki Klieman was an anchor for *Court TV* at the time. She has been named one of the five most outstanding woman attorneys in the country by *Time* magazine and was a member of the United States Supreme Court Advisory Committee on the Federal Rules of Criminal Procedure.

focused on the limitations of the adversary approach in our criminal justice system. Professor Steven Wisotsky identified some miscarriages of justice and suggested cures. Professor Mark Dobson and Professor Alfredo Garcia participated in a panel discussion about the Fourth Amendment and the effect of the *Whren* case. Professor John Yetter spoke about jury instructions and lesser included offenses. Additionally, many criminal defense attorneys, including Ben Kuehne, Al Kreiger, and Jeff Weiner, shared valuable expertise about criminal practice. We had a great turn-out, as many attorneys both government and in private practice supported the symposium. Needless to say, the symposium was a huge success. I remember how proud we were on the day of the Criminal Law Symposium. We pulled it off.

I must say that I was always very fond of the *Law Review* for everything it meant to me. It was an honor for me to, years later, serve as its faculty advisor. I immediately reflected on my relationship with Professor Gordon and remembered the impact his guidance and advice had on me personally and on the *Law Review* during my time as Editor-In-Chief. I vowed to provide a similar hands-off guidance to the *Law Review*, never losing sight that it belonged to the students of this great law school. During my time as faculty advisor, I had the honor of working with a very committed group. I watched the *Law Review* achieve its goals from year to year as they hosted a symposium on Media and the Law and, most recently, as they organized and presented a wonderful twenty-five year anniversary celebration.

Congratulations to the *Law Review* and to all who have served and continue to serve. Thank you, *St. Thomas Law Review*, for everything you have given to me.

4. Justice Anstead served on the Supreme Court of Florida from 1994 to 2009.

VOLUME 10 OF THE ST. THOMAS LAW REVIEW ISSUES 1, 2, AND 3 (FALL 1997-SPRING 1998): BUILDING SOMETHING THAT ENDURES

NANCY PICO CAMPIGLIA*

Tentative efforts lead to tentative outcomes. Therefore, give yourself fully to your endeavors. Decide to construct your character through excellent actions, and determine to pay the price for a worthy goal. The trials you encounter will introduce you to your strengths. Remain steadfast . . . and one day you will build something that endures, something worthy of your potential.

-Epictetus

The 1998 Board of Editors began its ambitious journey to elevate the *St. Thomas Law Review* to levels admired within academia and legal practice early in the summer of 1997, immediately upon taking the baton from its predecessors, the 1997 Board of Editors. Our predecessors were a team of skilled and dedicated editors that exited with bravado, having performed during their tenure in a manner worthy of emulation and leaving us inspired by quality.

The editing process was in place and familiar. Our first challenge was choosing our staff. This process, too, was in place and familiar, but slightly infirmed. With the expert guidance and support of our faculty advisor, Professor Daniel Gordon, who led by example, we quickly streamlined the procedures and were able to concentrate on article solicitation and review.

Without wasting any time, we proceeded to the arduous, but satisfying, task of editing and publishing our first volume, which we proudly titled *Indigenous Renaissance: Law, Culture & Society in the 21st Century*. This awesome presentation of the “blossoming into freedom” of the Native American culture would not have been possible without the assistance of Professor Siegfried Wiessner, who acquired the speakers; Olga Leyva, the Building Administrator; and the School of Law faculty and staff. It was through the magnanimous efforts of these individuals that we

* Nancy Pico Campiglia served as Editor-in-Chief of the *St. Thomas Law Review* for the 1997-1998 academic year. Mrs. Campiglia graduated from St. Thomas University School of Law in 1998 and is currently managing Your Towne Law, P.A. in Orlando, Florida, where she focuses on administrative and property law.

were able to sponsor an outstanding symposium and to realize the publication of a compendium of valuable resources, which the *Law Review* staff authenticated through resourceful research and citation, making this memorialization of our nation's history a most reliable source within its genre and a credit to the *Law Review*.

The next challenge was one that every law review faces, obtaining quality articles. We had begun direct solicitation early in the summer. The response was expansive and comprehensive. Notwithstanding the demand on our time, we spent countless and precious hours reviewing the submissions and choosing from amongst them. We delighted and labored over the treasure of articles that enriched our second issue. To further enrich the whole of the publication, we undertook a small children's rights symposium.

At all times, we remained mindful of the contributions that our fellow law students could make and motivated everyone enrolled at the school to partake in the making of the legacy. This endeavor produced five notes and comments, which triggered citations from within the legal community, further advancing the *Law Review's* stature and credibility.

Realizing that the greatest responses for articles would come from events, we opted to sponsor a criminal law symposium. Even though we were painfully aware of the time constraints and demands that such a huge undertaking would impute into our already taxed law school schedules, we forged forward, fearlessly and successfully recruiting respected lawyers and scholars to speak on cutting edge criminal law issues.

The symposium was a magnanimous success. With that success arose the obligation of assisting the contributors, as necessary, to quickly convert their speeches into the robust compilation of articles that the third issue of Volume 10 evidences, a rewarding tribute to the presenters and to our staff.

Among the memorable group of speakers and authors in this criminal law symposium was our own Professor Alfredo Garcia. Not only did he later become the Dean of St. Thomas University School of Law, but his article, *Is Miranda Dead, Was It Overruled, or Is It Irrelevant?*, 10 ST. THOMAS L. REV. 461 (1998), is one of the most cited publications of the *St. Thomas Law Review*.

On behalf of the entire 1998 Board of Editors and Editorial Staff, I take this opportunity to thank Professor Garcia for investing from the labors of his professional life in us, in our school, and our *Law Review*. Equally as important, I thank all the contributors to each issue of Volume 10 for partnering with us and trusting us with the editing and publishing of your outstanding works.

In conclusion, the Board of Editors and Staff of the 1998 *St. Thomas Law Review* gave fully of themselves, remaining steadfast in their resolve to build something that has endured, something worthy of our potential, even when paying a price for the worthy goal.

GROWING FORWARD

MICHAEL A. VERA*

The 2010-2011 *St. Thomas Law Review* Executive Board convened with a simple purpose in mind: What can we, as a group, do to further establish the *St. Thomas Law Review* as a serious academic publication, while also enhancing the *Law Review*'s brand and venturing out beyond the traditional publication format by embracing new media. With these lofty goals in mind, the Executive Board, the membership, and our wonderful office manager, faculty advisor, and the entire faculty, embarked upon a truly exciting year in the *St. Thomas Law Review*'s history.

From the beginning of our tenure, expanding the *Law Review*'s reach by utilizing new media was a primary goal, especially when considering that print media, whether traditional newspapers or legal publications, was in steep decline. Though the *Law Review* did have a website, it was the equivalent of a beat up 1980s era Volkswagen Beetle: sure, you could drive it, but did you really want to? Realizing we needed a complete overhaul, I spoke with then Dean of the School of Law, Alfredo Garcia, about the idea. Dean Garcia has always been a champion of his students' pursuits, and this time was no different. Dean Garcia granted the *Law Review* the budgetary flexibility as the fiscal year was nearing its end, and, just like that, a professional first class website was being designed. This web design effort was spearheaded by Michael Skiscim, the Articles Selection Editor, who every day over the summer spent countless hours working with the web designer and debating with me over the most meticulous of details. Before summer's end, the effort paid off and the *Law Review* had its new and vastly improved web presence. The new website is not only aesthetically pleasing, it is also a repository for legal articles published by the *Review*. In addition, there is a feature blog which permits the membership to review, comment, or opine on breaking legal news and the implications that local legal decisions may have on the South Florida community. The website, though seemingly a simple concept, changed the fundamental way in which the *Law Review* could communicate with the legal community. Most importantly, the *Law Review* met one of its first goals for the year and began the school year with great momentum.

* Michael A. Vera, Esq., served as Editor-in-Chief of the *St. Thomas Law Review* for the 2010-2011 academic year. Mr. Vera graduated from St. Thomas University School of Law *magna cum laude* in 2011, and is currently the Senior Member at Vera + Skiscim, PL, a general service law firm located in Miami, Florida.

As the school year began, the *Law Review* found itself brimming with new, bright, and eager member-candidates—thanks in large part to the tireless efforts of our notes and comments editors, Lauren Shoemake and Emily Tompkins. Before I knew it, the *Law Review* had its first organizational meeting, and it was time to bring the rest of the membership in on an idea that had been developing the entire summer. Shortly after being appointed Editor-in-Chief, I began wondering what kind of event we could host that builds off the *Law Review*'s recent success in hosting the National Conference of Law Reviews in 2008, but one that is also unique to South Florida. Early in the summer, I was having coffee with Professor Murray Greenberg, a true friend and mentor. One topic of discussion that we always enjoyed speaking about was the 2000 Presidential Election, pitting then Vice President Al Gore against future President George W. Bush. Professor Greenberg mentioned he was very close with a distinguished professor at Columbia University, Nate Persily, and that Professor Persily would love to revisit that election, which occurred exactly one decade earlier. Realizing this fantastic opportunity, we immediately undertook the enormous logistical challenge of making this event a reality, in less than five months.

The first issue became who will participate in this event? After failing to get responses back from either former Vice President Gore or President Bush, we reached out to the premier legal talent involved in the case. Individuals like Benedict P. Kuehne, Kendall Coffey, Joseph P. Klock, former Attorney General of Florida Bob Butterworth, as well as attorneys who worked with General Butterworth, all enthusiastically agreed to participate. In addition to these practitioners with firsthand knowledge, we were also able to secure the participation of the country's foremost election law scholars. All that we were missing now was the view of the judiciary. Judge Nikki Ann Clark, who currently sits on the First District Court of Appeal, but at the time of the election served at one of the epicenters of the legal battle at the circuit level, agreed to participate. Then, one more stroke of good luck. Many of us were gathered in the *Law Review*'s office when our faculty advisor, Professor Gary Kravitz, walked in with Judge Michael Genden of Florida's Eleventh Judicial Circuit. Judge Genden was very interested in the event and asked who would be participating. After rattling off the impressive list of names, Judge Genden looked directly at me and asked, "Do you want Justice Fred Lewis?" Clearly, I thought he was joking. I continued thinking he was joking when he pulled his cell phone out, dialed a number, said hello, and then handed the phone to me. When I said hello, the voice on the other end of the line introduced himself as Justice Lewis and asked how he could be of help.

Once I was assured this was not a joke, and that Justice Lewis would love to participate, I knew this event would be a success. And, it was. Over the course of two days, through the efforts of the *Law Review*, the School of Law administration, and the amazing and talented speakers, the *Law Review* hosted this truly unique symposium, which highlighted our university, the South Florida community, and a momentous event in our nation's history.

In truth, I could write countless more pages championing the *Law Review* and all that we achieved that year. For example, that was the year we were able to reengage a long-term partnership with the Criminal Law Section of The Florida Bar to become their exclusive publication. I could speak at length about the individual successes our members achieved that year, through the stewardship of Executive Board members Jacob Hurst, Jenkins Chan, Robert DeMarco, Ryan Price, and Vanessa Torres, who selflessly gave of themselves to provide guidance and counseling to our membership. Though I could talk about each of these individuals at length, there simply is not enough space. So, what I will say is this: it was one of the greatest honors to serve as Editor-in-Chief of the *St. Thomas Law Review*, and it was my absolute privilege to work alongside and with the fantastic individuals that comprised the 2010-2011 *St. Thomas Law Review*.

RETHINKING SUCCESS: JUSTICE FRED LEWIS' REMARKS AT THE 25TH ANNIVERSARY CELEBRATION OF THE ST. THOMAS LAW REVIEW

JAY SILVER*

Longtime Florida Supreme Court Justice Fred Lewis, a straight shooting, folksy man who has earned enormous respect for his contributions both on and off the bench, spoke in the spring of 2013 at the *St. Thomas Law Review's* 25th Anniversary Celebration. I assumed he would talk about legal issues or the professional responsibility of attorneys, throw in some war stories, and give a pep talk about the practice of law. "Do good as you seek to do well" and "keep your chin up" are the normal fare in a speech to eager law students poised to step into the rough and tumble world of practice.

While his talk included pinches of each of those, his theme was very different and deeply personal. If you would have heard a recording of his remarks, but did not know who he was speaking to, you would have had no way of guessing where he was.

As he walked among the tables of law students, faculty, and alumni, microphone in hand, Justice Lewis advised us to reformulate the central purpose in our personal and professional lives: instead of pouring all our efforts into constructing the perfect life, which even this youthful audience may have understood to be a futile enterprise, he advised that we focus on living the life we have *in a perfect manner*.

His point, which did not particularly resonate with me at the time, kept bubbling up in the days and weeks that followed. Although St. Thomas University School of Law is a Catholic university and the theme has a spiritual feel, it was secular. Lewis never suggested we accept our particular lot as what is *supposed* to be or that living "perfectly" is grounded in a particular set of religious principles.

His message was simpler. Many attorneys just do not like what they do, or, if they do, they do not like the conditions they do it in. That fact, coupled with the knowledge that they are unlikely or unable to change things much, takes an immense psychological toll on them and those

* Jay Silver has been a Professor of Law at St. Thomas University School of Law since 1988. He also served on the Board of Faculty Advisors for the *St. Thomas Law Review* in 1990.

around them. It can transform an otherwise pleasant and decent human being into a creature who, if they were to view their own behavior through a Rawlsian veil of ignorance, would condemn it.

Justice Lewis' point was not that we should abandon our efforts to improve our lives at home and at work, but instead – knowing they are not perfect and never will be – to reframe our purpose much like a struggling sports team reformulates its game plan at halftime. By leaving the definition of perfection up to each of us, we become motivated to do better in a far more effective way than if we are simply preached to or warned not to run afoul of codes of ethical conduct.

To understand this, imagine that, with Rawls' veil still draped over your head, you are reading a novel in which the protagonist had led your exact life up to the present day. Now imagine you are assigned the task of writing the rest of the book so that the main character handles a host of serious challenges with aplomb in a way that inspires your readers. If the protagonist's life happens to work out perfectly by the end of the book, the reader would, of course, be pleased; but, if they are *inspired* by the character, they would obtain a higher pleasure.

The point here – and the reason Justice Lewis' advice is so wise – is that we are both the author and the reader in our own lives. As Odysseus found, the journey will not be trouble-free and the ending may not be perfect, but we *are* able to experience the reader's pleasure in an inspiring tale as long as we focus on writing it that way.

So His Honor's advice to live the life we have perfectly is a formula for success, a means of enhancing our enjoyment of life, with no pious sermons or sleight of hand. And the fact that an uptick in our own satisfaction may transform us into better human beings is a bonus, which, as we know from experience, is rarely achieved by simply imploring us to do better.