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THE HISTORY OF THE UNIVERSITY OF FLORIDA LAW REVIEW: THE EARLY YEARS

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Editor-in-Chief

The University of Florida College of Law was relatively quiet during the Second World War, but in 1946 students were returning to campus. There were only nine law teachers for a student body of between 500 and 600 law students. Money was in short supply, and Bryan Hall, constructed to house the Law School in 1914, was becoming more crowded each semester.¹ Students were serious about their education, toughened by their experiences in the war. Many students had families to support. Although the mood was generally optimistic, the times did not seem propitious for founding a new law review. But a small group of students set out to thrust the College of Law into the ranks of quality schools with law reviews.²

*This history is dedicated to Dr. George John Miller, Professor of Law, and faculty advisor of the *University of Florida Law Review* from 1948-1955, and to Judge Harold B. Crosby, the first Editor-in-Chief.

The author would like to thank the following individuals for providing information for the history: Judge Harold B. Crosby; Professor Mandell Glicksberg, and Professor Emeritus Robert T. Mann, University of Florida College of Law; Dr. George John Miller; Assistant University Archivist Carl Van Ness; Staff Editor Vivien S. Payne, *University of Florida Law Review*.

I also wish to thank my wife, Meike E. Aton, for her assistance in this project and support during law school. Special thanks are also due to Dr. Samuel Proctor, Professor of History and Director of the Oral History Program at the University of Florida, for his instruction in the art of oral history interviewing and assistance in the project as a whole.

1. S. PROCTOR & W. LANGLEY, *GATOR HISTORY* 28 (1986). Although Bryan Hall had become crowded, space was a more acute problem in 1909 when the Law College began in a single room. *Id.* All 38 students and the entire library squeezed into that single room during the first year. *Id.*

2. For an excellent overview of the law review movement in the United States, see Swygert & Bruce, *The Historical Origins, Founding, and Early Development of Student-Edited Law Reviews*, 36 *HASTINGS L.J.* 739 (1985). A humorous, albeit still earnestly held interpretation of law reviews is presented in Rodell, *Goodbye to Law Reviews*, 23 *VA. L. REV.* 38 (1936). Rodell explained that "[t]here are two things wrong with almost all legal writing. One is its

The historical records indicate that the students were the impetus behind the effort to establish a review. The faculty were greatly overworked and could not assume such a labor-intensive task as founding and operating a law review, even if only on a supervisory basis. In 1946, Dean Harry A. Trusler was joined by only eight professors: Robert C. Brown, Vernon W. Clark, Clifford W. Crandall, James W. Day, Frank E. Maloney, Dean Slagle, Clarence J. TeSelle, and James W. Wilson. Ila R. Pridgen was the head librarian, and Benjamin P. Richards was the assistant librarian.³

Although the possibility of starting a review was poor, the John Marshall Bar Association appointed a student committee in September 1946. The members were Bill Norman, chairman, Edgar Dunn, and Theo Bruno. In the committee report the students stated their purpose was to consider whether a law review could be published at the College of Law.⁴ Although they mentioned that the *Florida Law Journal* was continuing to print student case comments, the students thought a law review could not be established in the near future.

The principal reason for the pessimistic outlook was faculty opposition. The faculty, suffering from the teacher shortage and burgeoning student population, could not afford to assign a professor to supervise a review.⁵ The faculty also worried that articles critical of recent Florida cases would offend the Bar, although the committee considered this objection exaggerated.⁶ Finally, the faculty thought students could better use their time in law study than in "the drudgery and routine work" of a law review.⁷ The student report ended with the hope that

style. The other is its content. That, I think, about covers the ground." *Id.* Professor Rodell says articles printed seem less than compelling, and might include "The Rule Against Perpetuities in Saskatchewan," or "An Answer to a Reply to a Comment on a Criticism of the Restatement of the Law of Conflict of Laws." *Id.* at 42-43. Professor Rodell concludes that law reviews are "spinach." *Id.* at 45. *See also* Rodell, *Goodbye to Law Reviews-Revisited*, 48 VA. L. REV. 279 (1962) (the author believed law reviews had not changed in the 25 years since his first article).

3. UNIVERSITY OF FLORIDA, THE UNIVERSITY RECORD, CATALOG 129 (1947-1948). The catalog lists the faculty for the 1946-1947 academic year. *Id.*

4. B. Norman, E. Dunn, & T. Bruno, Report, Law Review Committee, John Marshall Bar Association 1 (1946) [hereinafter JMBA Report] (available in U. Fla. Archives, Law Review, Series 64, Founding Documents).

5. Only nine teaching faculty for approximately 550 students yields a faculty to student ratio of 1:61. The faculty to student ratio in 1988 is approximately 1:20, with 52 faculty for about 1,000 students. Thus, when the faculty reticence is viewed in light of these statistics, hesitation is readily understandable. Soon, however, resistance gave way to plans for the new *Review*.

6. JMBA Report, *supra* note 4, at 1.

7. *Id.* at 2.

a review would eventually be founded to “put our College ‘on the map’ nationally and to increase the value of our diplomas.”⁸

The law professors, however, reacted to the student report in the faculty meeting of November 13, 1946. The minutes reveal that Professor Slagle moved to appoint a faculty committee to confer with the Executive Committee of the John Marshall Bar Association.⁹ Dean Trusler appointed Professors Brown, Day, Wilson, and Clark. The faculty and student committees later issued a joint report, which explained in full the recommendations for founding a law review. As the minutes of faculty meetings reveal, the professors were concerned only that a “first things first” policy be adopted.¹⁰ The faculty did not want to begin a review without careful planning.

The joint report suggested establishing a review on a tentative and experimental basis.¹¹ By the time the report was issued, the student committee had changed and was composed of William D. Durden, Jr., Harold B. Crosby, and Corneal B. Myers, Jr. The greatest obstacle to beginning the experiment was an organizational plan for performing the work of a review. This early document, however, was important in setting out the philosophical goals for the organization that would later emerge from these committees. The committees thought the review should be independent and meet the challenge of out-of-state journal competition by concentrating on issues important to Florida lawyers.¹² The review would thus contain leading articles by professors and practitioners, notes and comments by students, Florida Supreme Court opinion digests, legislative developments, book reviews, and current law school news.¹³

The report stressed that any materials developed could be published in another forum if the law review were never established, and therefore no harm could come from beginning the process of preparing articles. The *Florida State Bar Journal*, later called the *Florida Bar Journal*, had indicated a desire to accept works from the students. Dean Trusler had even written to the deans of Miami and Stetson

8. *Id.*

9. Minutes of the College of Law Faculty Committee (Nov. 13, 1946) (available in U. Fla. Archives, Series 45, Minutes).

10. Minutes of the College of Law Faculty Committee (Nov. 21, 1946) (available in U. Fla. Archives, Series 45, Minutes).

11. Joint Report and Recommendations on Law Review Work 1 (1946) [hereinafter Joint Report] (available in U. Fla. Archives, Law Review, Series 64, Founding Documents).

12. *Id.*

13. *Id.* at 1-2. The Florida Supreme Court and law school news sections never appeared as parts of the *Review*.

law schools to explore a joint agreement to publish student works in the *Florida State Bar Journal*.¹⁴ Publication of materials in the *Journal* did continue until the *University of Florida Law Review* was established. On only one occasion was an article refused. The article dealt with labor law, a topic on which the *Journal* did not publish.¹⁵

The recommendations of the joint committee also included suggestions for editorial positions. A faculty advisor, editor-in-chief, and various head editors were required to run the review. To serve as an editor, a student was required to have a grade point average of 3.0 or better, and be at least in the second semester of law study.¹⁶ An exception to the 3.0 grade requirement was made for the Business Manager, who would need only a 2.5.

The editor-in-chief would have to be in the fourth semester or beyond and be elected by the professors on the advice of the faculty advisor.¹⁷ The joint committee's suggestion was actually followed when the *Review* was later established. The Executive Committee of the *Review* was to elect all other editors, who would serve for a full year. Editors, in practice, did not serve for a year as recommended, but changed with each issue. Thus, many students served in three or four editorial positions during their law review careers. The joint committee also recommended that general membership be selected from the student body at large, and upon subsequent establishment of the *Review*, many students were chosen because of their superior performance in the Legal Writing class. Students also gained admission to the *Review* by volunteering for a project and performing well.

The joint report concluded by recommending that Dean Trusler appoint a faculty advisor and prepare a list of qualified candidates for editorial board positions.¹⁸ The committee also stressed the need to procure funding to begin the "experiment."¹⁹ Professor Day, chairman of the faculty committee, signed the joint report with Professors Clark, Brown, and Wilson. The student committee from the John Marshall Bar Association also signed the document. At the faculty meeting of

14. *Id.*

15. See H. Crosby, A Proposal for the Establishment of a University of Florida Law Review in the College of Law of the University of Florida 4 (1947) (available in U. Fla. Archives, Series 41B, Box No. 21, College of Law, Administrative Policy Records, Law Review).

16. Joint Report, *supra* note 11, at 3.

17. *Id.*

18. *Id.* at 5.

19. *Id.*

February 5, 1947, all recommendations were accepted and the preliminary plans for a law review were affirmed.²⁰

The faculty appointed the first editorial board. The editors were Harold B. Crosby, Editor-in-Chief; Herman Ulmer, Jr., Notes and Comments Editor; Louis Leibovit, Legislative Editor; Warren M. Goodrich, Articles Editor; J. Allen Smith, Book Review Editor; and Harold S. Smith, Business Manager.²¹ When these editors were appointed, there was no assurance that the *Law Review* would continue on a permanent basis. The appointment of the Board was an act of faith.²² The faculty appointed a total of twenty-five students to the

20. Minutes of the College of Law Faculty Committee (Feb. 5, 1947) (available in U. Fla. Archives, Series 45, Minutes).

21. See H. Crosby, *supra* note 15, at 19. The document lists Harold S. Smith as Business Manager, although the masthead for the first issue of the *Review* lists W. Fred Turner. 1 U. FLA. L. REV. 61 (1948).

Others who have served as Editor-in-Chief are: Warren M. Goodrich, Virgil L. Milbrath, William Reece Smith, Jr., Corise Patricia Varn, Richard H. Allen, William S. Belcher, John M. Farrell, J. Nixon Daniel, Jr., Jack R. Bissell, Robert Trask Mann, Stephen H. Grimes, C. Harris Dittmar, Albert P. Schwarz, Joel T. Daves III, Thomas C. MacDonald, Jr., James W. Cullis, Justin C. Montgomery, Burton M. Michaels, Lyle Donald Holcomb, Jr., Orville M. Weston, Jr., Archibald J. Ryan, Jr., Robert J. Beckham, D.L. Middlebrooks, Jr., James E. Travelstead, Jerry B. Crockett, William T. McInarnay, Harry G. Carratt, Robert P. Smith, Jr., Sheldon J. Plager, Aubrey V. Kendall, James E. Cobb, Stephen W. Sessums, George A. McKendree, Albert D. Quentel, James E. Glass, Granvel S. Kirkland, John Edward Smith, Paul W. Smalbein, Jr., John M. Starling, John E.M. Ellis, Charles J. Cheves, Jr., J. Warren Frazier, Michael J. Freedman, William M. Barr, Don R. Livingstone, Charles W. Pittman, Ronald P. Anselmo, William Bruce Loudon, Michael L. Jamieson, John R. Purcell, Jr., James Elliott Messer, Earle W. Peterson, Jr., Marion Jackson Menge, Daniel Scarritt, Richard H. Adams, Jr., Roderic Gregg Magie, Dennis J. McGillicuddy, Osmond C. Howe, Jr., Charles A. Intriago, Richard M. Robinson, Patrick Brown, William D. Goddard, John F. Fannin, Thomas C. Cobb, William Knight Zewadski, Thomas J. Sherrard, Fred W. Pope, Jr., Howard W. Brill, William F. Maher, H. Edward Hales, Jr., Hal H. Kantor, Bruce H. Bokor, C. Ken Bishop, George W. Estess, John D. Milton, Jr., Harley E. Riedel, Michael A. Fogarty, Jacqueline R. Griffin, John M. Welch, Jr., William A. Weber, James G. Paulsen, Sharon E. Best, John L. Schaub, Waddell A. Wallace III, Richard M. Zabak, Scott A. Specht, Robert S. Griscti, Lewis F. Murphy, Linda Ebin, R. Mason Blake, Steven A. Landy, Timothy W. Volpe, Caroline L. Bensabat, Tracy N. Eddy, Tim Haines, Robert W. Bivins, Blan L. Teagle, William P. Weatherford, Jr., Paula M. Sicard, John H. (Buddy) Dyer, Susan L. Turner, and Stephen F. Aton.

22. H. Crosby, *supra* note 15, at 19. The document lists the first editors as belonging to "the Executive Board of the tentative University of Florida Law Review Staff." *Id.* The use of the word "staff" in various documents in the early days of the *Review* simply meant student members. Judge Crosby confirmed that the editors were selected before the *Law Review* was established. Interview with Harold B. Crosby, first Editor-in-Chief of the *University of Florida Law Review*, in Pensacola, Fla. (Feb. 5, 1988) [hereinafter Crosby interview] (transcript available in the Oral History Archives, University of Florida). I spoke with Judge Crosby in his new law firm overlooking the Pensacola Bay. He is also working on a history of the Florida Supreme Court with a co-author, which should be complete in about two years.

tentative organization. The other students were William H. Carey, Allen Crouch, Osee Fagan, E.B. Griffis, Jr., John R. Hoehl, S.L. Holland, Jr., William J. Lemmon, Russell H. McIntosh, William J. McLeod, Virgil L. Milbrath, John B. Orr, George O. Pringle, Chesterfield H. Smith, and John S. Van De Motter. The Business staff included W. Fred Turner, Samuel Y. Allgood, George Y. Kates, Gladys I. White, Fredericka E. Cook, and Marie Garcia.

Although this first Board was provisional, it quickly organized the procedural mechanisms of the *Review*. During the fall of 1947, Herman Ulmer completed an operating manual that explained the responsibilities of the *Law Review* candidates in detail.²³ The new "Law Reviewers," as they were called, were required to brief several cases assigned to them and make a report to the editors. The editors then assigned a single case to each student for the comment. The students had three weeks to prepare a rough draft. After the editors examined this draft, students prepared a "tentative draft," which the faculty advisor reviewed in preparation for the "final draft."²⁴ Ulmer's operating manual instructed editors to be "exacting to the highest degree as to the content of a Note and Comment."²⁵ Only those students who had satisfactorily completed a comment could then write a note.

In those early days, the editors did not check every citation, but relied on the author to cite correctly all cases and statutes. The official procedure manual states, "Time will not permit an Editor to check each and every authority cited. This responsibility lies squarely upon the author."²⁶ Editors were required only to spot-check the citations, a practice to which contemporary law review editors might like to return. Thus, the tentative *Law Review* had specific candidate and operating procedures well before its continued existence was assured.

In October 1947 Harold Crosby and the new editors were continuing with preparations for the *Law Review*. Crosby wrote to Julius Parker, who was practicing in Tallahassee, about publishing his article on the California Tidelands decision in the first issue.²⁷ The letter also

23. H. Ulmer, University of Florida Law Review Board, Operating Procedure for the Notes and Comments Section (Fall, 1947) [hereinafter H. Ulmer, Operating Procedure] (available in U. Fla. Archives, Law Review, Series 64, Founding Documents).

24. *Id.* at 5. This process is similar to the one now used at the *Law Review*. The students, however, only prepare one draft and a final version, and no formal faculty review occurs.

25. *Id.* at 6. Ulmer's remarks on writing a note and comment, although written over forty years ago, are similar to instructions given to present *Law Review* candidates.

26. *Id.*

27. Letter from Harold B. Crosby to Julius F. Parker (Oct. 16, 1947) (available in U. Fla. Archives, Law Review, Series 64, Founding Documents). The Parker article was later published. See Parker, *Problems in Florida and Other Coastal States Caused by the California Tidelands Decision*, 1 U. FLA. L. REV. 44 (1948).

sought advice about presenting a proposal to the Board of Control, which is now called the Board of Regents, seeking their approval for the project. Less than two weeks later, Editor-in-Chief Crosby wrote to Acting Dean Clifford W. Crandall, who served after Dean Trusler retired, prior to the arrival of Dean Henry A. Fenn in 1948.²⁸ The letter stressed the Executive Committee's desire to make a formal presentation to the Board of Control, as mentioned in the Parker letter. Crosby sought the dean's permission to speak with President J. Hillis Miller, who had assumed the presidency of the University of Florida only two months earlier.²⁹ Dean Crandall made a laconic reply right on the letter itself: "You may call at my office any morning after 9:30 — Crandall."³⁰ Two days later, Crosby spoke with the dean, and after the meeting wrote the following memorandum on the same letter the dean had returned to him:

October 31, 1947

Memorandum: This morning I discussed the above subject with Dean Crandall, who, while not necessarily approving our plans, gave his assent to our conversation with President Miller, provided Mr. Day or Mr. Maloney were present during the interview. Both Mr. Day and Mr. Maloney have agreed to accompany us.

H.B.C.³¹

While Dean Trusler had been relatively supportive, Dean Crandall made it clear that "the students could go ahead, but that he was not going to have anything to do with it."³² Crosby had earlier spoken with Dean Crandall about traveling to Tallahassee to meet with Julius Parker and other prominent Florida graduates about the *Law Review*, and to solicit leading articles. Although the students were enthusiastic, they were still practical enough to caution potential article contributors that publication was contingent upon faculty satisfaction with the editing process. A letter to the dean confirmed the travel plans, and mentioned that November 5, 1947, was agreeable to Professor

28. Letter from Harold B. Crosby to Dean Clifford W. Crandall (Oct. 29, 1947) (available in U. Fla. Archives, Law Review, Series 64, Founding Documents).

29. See S. PROCTOR & W. LANGLEY, *supra* note 1, at 40. President Miller began his term on September 1, 1947. *Id.* The Miller administration was a very active one under which the University of Florida made great advances.

30. Letter from Harold B. Crosby to Acting Dean Crandall (Oct. 29, 1947) [hereinafter Letter] (available in U. Fla. Archives, Law Review, Series 64, Founding Documents).

31. *Id.*

32. Crosby interview, *supra* note 22.

Maloney, whom Dean Crandall had appointed to accompany the students.³³ Dean Crandall made another brief notation on that letter and sent it back to Crosby. The notation said only, "O.K. Crandall."

Julius Parker wrote back to the editor-in-chief to suggest people with whom he should speak about establishing a review.³⁴ The trip did take place and the students spoke with such notable figures as Justices James B. Whitfield, Armstead Brown, and other members of the Florida Supreme Court. But the most surprising aspect of the trip was the meeting with Governor Millard F. Caldwell. In discussing plans for the *Review*, the Governor was very supportive, and even agreed to provide \$1,000 from his contingency fund as seed money for the project.

The funds were not made available until after Harold Crosby and the other editors appeared before the meeting of the Board of Control in Ocala, on December 12, 1947, to seek authorization to form the *Review*. President J. Hillis Miller wrote a letter to congratulate Crosby on the Board's approval to establish the organization.³⁵ The president sent a similar letter to faculty advisors James Day and Frank Maloney.³⁶ Only one week earlier, Professors Day and Maloney had sent the president a copy of the materials Crosby had prepared for the Board. The letter explained, "An unusually capable group of students are working enthusiastically for the establishment of a law review, and in fairness to them we feel that we should state that the plan has been formulated almost entirely by them."³⁷

After Board of Control approval, which had been facilitated considerably by the Governor's generous offer of \$1,000 for the project,³⁸ Governor Caldwell wrote to Editor-in-Chief Crosby:

33. Letter, *supra* note 30.

34. Letter from Julius Parker to Harold B. Crosby (Oct. 30, 1947) (available in U. Fla. Archives, Law Review, Series 64, Founding Documents).

35. Letter from President J. Hillis Miller to Harold Crosby (Dec. 15, 1947) (available in U. Fla. Archives, Law Review, Series 64, Founding Documents).

36. Letter from President J. Hillis Miller to Messrs. Day and Maloney (Dec. 15, 1947) (available in U. Fla. Archives, Law Review, Series 64, Founding Documents).

37. Letter from Professors Day and Maloney to President J. Hillis Miller (Dec. 6, 1947) (available in U. Fla. Archives, Law Review, Series 64, Founding Documents). This letter seems to indicate that a meeting did not take place between the students and the president prior to the meeting of the Board of Control on December 12, 1947. President Miller, however, was very supportive of the project. Crosby interview, *supra* note 22.

38. Crosby interview, *supra* note 22. Judge Crosby stated that the Governor's offer of financial support facilitated approval by the Board of Control.

I have today requested the Comptroller to issue a warrant for \$1,000 against the Governor's Contingency Fund in favor of the Board of Control for the purpose of helping to finance the University of Florida Law Review for the first six months of 1948. I trust that this financial assistance will be helpful in properly inaugurating this newly authorized project.³⁹

With public support from the president of the University and the Governor of the State of Florida, the *Law Review* was soon to become a permanent institution. The editors still had much preparation to do before the first issue would appear.

The editor-in-chief tried to gauge the number of subscriptions the new *Review* was likely to receive by mailing a questionnaire to 1,500 law firms in the state.⁴⁰ The letter explained that the editors had been working toward publishing an initial issue in the coming year, and asked whether the firm would consider subscribing. Three issues were planned and an annual subscription would be three dollars.⁴¹ The results were encouraging. By December 5, the *Review* had received 307 replies. Of this number, 220 indicated that they "would subscribe," 70 "might subscribe," and 17 "would not subscribe."⁴²

Based on the results of the questionnaire, the students estimated the maximum number of regular subscriptions at 1250, and student subscriptions at 500. The Law Reviewers agreed to send copies to the Library of Congress, the Justices of both the United States and Florida Supreme Courts, the Governor of Florida, the Board of Control, the president of the University of Florida, the library of the College of Law, and other law reviews willing to exchange issues.⁴³ The editors also proposed to send the first issue and an invitation to subscribe to any firm that had responded on the postcard survey that it would or might subscribe. The students wanted to print 2,050 copies of the first issue, and 1,650 copies of subsequent issues.⁴⁴

Advertising was designed to help subsidize publication costs. Law book publishers, legal printers, trust companies, and title companies were considered likely prospects for placing advertisements at \$100 per page.⁴⁵ Mailing costs were figured at four to six cents per copy,

39. Letter from Governor Millard F. Caldwell to Harold B. Crosby (Jan. 6, 1948) (available in U. Fla. Archives, Law Review, Series 64, Founding Documents).

40. See H. Crosby, *supra* note 15, at 9.

41. See *id.* at app. C. The letter was dated November 26, 1947.

42. *Id.* at 9-10.

43. *Id.* at 10-11.

44. *Id.* at 11.

45. *Id.* The *Law Review* over the years has sold between two and six pages of advertising per issue.

and a stenographer was budgeted at an annual salary of \$1,800.⁴⁶ Considering miscellaneous expenses, the total projected budget for the three issues of volume one was \$4,225. Income was estimated at \$2,500, leaving a deficit of \$2,025.⁴⁷ Thus, if the students could demonstrate to the faculty that they could produce a quality publication in one semester, the *University of Florida Law Review* would become a permanent, rather than experimental organization.⁴⁸

In January 1948, eight months before Henry A. Fenn became dean, Professor George John Miller was hired as a full professor of law to teach and oversee the *Law Review*.⁴⁹ Professor Miller served as faculty advisor from 1948-1955, and helped assure the success of the *Review*. His students uniformly praised his academic skills and writing and editing abilities. In addition, he was a good friend to the *Law Review*ers, lending support whenever there was a job to be done.⁵⁰

Professor Miller not only supervised production of each issue, but also contributed book reviews and articles of current interest. He received a letter from Roscoe Pound after reviewing one of Pound's works.⁵¹ But perhaps his most important contribution was in volume

46. *Id.* at 12. The cost of mailing each issue was estimated at \$75.

47. *Id.* at 15. The cost of running the *Review* was very carefully estimated. These projections show the *University of Florida Law Review* losing money, but this was, and still is, the case for almost all law reviews.

48. Although the funding provided by Governor Caldwell and the approval of the Board of Control were secure, the viability of the *Review* still had to be proven by producing a quality issue in one semester. Crosby interview, *supra* note 22.

49. Professor Miller was a native of New York, but moved to Florida at an early age with his parents. He was the valedictorian of his high school class in St. Petersburg before he entered the University of Florida. In 1930, at the age of only eighteen, he graduated with a degree in Philosophy with a perfect straight "A" average in all subjects. Professor Miller was a Rhodes scholar, earned a degree at the Honours School of Jurisprudence at Oxford, and studied at Columbia University before joining the Wall Street firm of Davis Polk Wardwell Sunderland & Kiendl. The firm's name, as Professor Miller often admonished, is written without commas. Interview with Professor George John Miller, faculty advisor of the *University of Florida Law Review* from 1948-1955, in Pensacola, Fla. (Feb. 4, 1988) [hereinafter Miller interview] (transcript available in the Oral History Archives, University of Florida). I spoke with Professor Miller for approximately two hours about a range of topics. He has retired from a teaching position in the Political Science Department at the University of West Florida.

50. Professor Miller even worked with the students on the *Law Review* in the evenings to meet publication deadlines. *Id.*

51. See Miller, Book Review, 1 U. FLA. L. REV. 111 (1948). The book reviewed was INTERPRETATIONS OF MODERN LEGAL PHILOSOPHIES (P. Sayre ed. 1947). Professor Miller told me that Pound wrote him because in the book review he stated that, "Certainly no review of this volume would be complete without a reference to the man in whose honor it was produced, Roscoe Pound, who in all weathers wears an idea instead of a topcoat . . ." *Id.* at 116. Apparently, Pound was amused and wrote Miller a letter. Professor Miller mentioned in our interview that he never wore a topcoat either. Miller interview, *supra* note 49.

two of the *Review* when he co-authored with Harold Crosby an article entitled *Our Legal Chameleon, The Florida Homestead Exemption*.⁵² The authors did not expect the work to have five parts and extend over three issues of volume two. The completed work was 139 pages long and had 650 footnotes. To finish the last part of the article, Miller and Crosby scheduled a weekend trip to a fishing camp on the Kissimmee River.⁵³

Soon after Professor Miller arrived, he began to interview for an Administrative Assistant of the *Review*. Although only two people applied for the newly created position, an exceptional candidate, Martha B. Culpepper, was hired. Mrs. Culpepper, affectionately called Mrs. "C" by the *Law Review* members, was an excellent grammarian. She worked very well with Professor Miller, who was also a stickler for style, and called him Dr. "M," perhaps in self-defense.⁵⁴ From volumes one to fourteen, Mrs. "C" typed every manuscript and helped maintain the quality of the publication. When she resigned in 1962, the *Law Review* dedicated an issue to her in recognition of her great contribution.⁵⁵

Another notable figure of assistance to the *Review* in the early days was Ila R. Pridgen, the librarian of the College of Law from

52. Parts I-III are contained in 2 U. FLA. L. REV. 12 (1949), part IV in 2 U. FLA. L. REV. 219 (1949), and part V in 2 U. FLA. L. REV. 346 (1949).

53. Professor Miller drove from Gainesville and picked up Crosby in Kissimmee, where he was already practicing following graduation. Professor Miller was driving a Mercury touring car overflowing with boxes of papers, manuscripts, and books. When they arrived at the camp, the owner showed them to their cabin and stood by watching them questioningly as they unloaded box after box of materials. The last box removed from the car contained several bottles of whiskey. Suddenly, the owner looked up and with new understanding said, "What are you fellas, preachers?" Crosby interview, *supra* note 22.

54. Miller interview, *supra* note 49. For an example of Professor Miller's expertise in legal writing and grammar, see Miller, *On Legal Style*, 43 Ky. L.J. 235 (1955) (practical suggestions for clear writing). Professor Miller taught Legal Writing at the College of Law, and the following statement will sound familiar to his former students:

Our introductory course in legal research and writing at the University of Florida College of Law, required in the second semester, is producing the results that we had hoped for, despite the students' woefully poor training in English when they begin their legal studies. We have found that individual tutorials, supplemented by lectures on specific aspects of grammar and style, are the one effective method of imparting the technique of writing. What impresses me particularly is that most of the law students want to write English. All they need is some adequate instruction; the desire is there.

Id. at 373 n.52.

55. The dedication to Mrs. Culpepper appears in volume 14, issue 3, following page 212 (1962).

1929-1955. She was always helpful to Professor Miller and the Law Reviewers, and seemed to know where every book in the library was located.⁵⁶ During her years at the College she served as librarian, an assistant to Dean Trusler, and a member of the faculty.⁵⁷ In addition to her busy schedule at the College of Law, she ran a boarding house that over the years sheltered many law students.⁵⁸ In an oral history interview, she spoke fondly of "her boys," including Robert Mann, Frank Maloney, Reubin Askew, Lawton Chiles, and George Smathers.⁵⁹

With the procedures and staff of the *Review* in place, the students began in earnest to prepare the first issue for publication. The students set a target date for the issue of March 5, which would coincide with the inauguration of President J. Hillis Miller.⁶⁰ The articles, however, were already selected. Julius Parker's article on the California Tidelands decision had been submitted, and William McRae's article on the development of nuisance was scheduled to appear. A third article was written by James Wilson and Martin McGehee on Florida probate claims. The Law Reviewers worked very hard, spending as many as thirty hours of editing and cite checking for each page of the issue.⁶¹ The students succeeded in producing a timely issue and the faculty at last gave approval to print, which officially established the *University of Florida Law Review*.

The first printer for the *Review* was Convention Press in Jacksonville.⁶² The issue was completed in time for a ceremonial breakfast at the Hotel Thomas in Gainesville at 8 a.m. on Thursday, March 4, 1948.⁶³ Among the invitees were Chief Justice Elwyn Thomas, J.

56. Miller interview, *supra* note 49.

57. See S. PROCTOR & W. LANGLEY, *supra* note 1, at 49.

58. *Id.*

59. See Stobbie, *Back to the Forties*, FLA. LAW. 12 (Fall, 1986) (Alumni magazine of the University of Florida College of Law). The article contains segments of the Pridgen interview, as well as an excellent accounting of the College of Law in the war years. *Id.* at 4-13.

60. See H. Crosby, *supra* note 15, at 18.

61. Crosby interview, *supra* note 22.

62. The printers for the first 40 volumes of the *Review* were as follows: Volumes 1-2, Convention Press, Jacksonville, Fla.; 3-4, Rose Printing Co., Inc., Tallahassee, Fla.; 5-15, E.O. Painter Printing Co., DeLand, Fla.; 16, Rose Printing Co., Tallahassee, Fla.; 17-35, E.O. Painter Printing Co., DeLeon Springs, Fla.; 36, Darby Printing Co., Atlanta, Ga.; 37-38, Western Newspaper Publishing Co., Indianapolis, Ind.; 39-40, E.O. Painter Printing Co., DeLeon Springs, Fla.

63. The Hotel Thomas, listed on the National Register of Historic Places since 1973, was renovated and is now called the Thomas Center. The building contains city offices and is used for art exhibits and musical concerts. From 1906-1925 the building was a private residence, and from 1928-1968 a distinctive resort hotel.

Thomas Gurney, E. Dixie Beggs, Governor Millard F. Caldwell, Herman Ulmer, Louis Leibovit, Dean Clifford W. Crandall, William A. McRae, Jr., Julius F. Parker, N.B. Jordan, James R. Wilson, Hollis Rinehart, Charles Silliman, J. Henson Markham, President J. Hillis Miller, and Professor George John Miller.⁶⁴ The invitations stated that a breakfast would take place to present volume one, issue one to Governor Caldwell, who had provided early monetary support and encouragement to the editors.

At this ceremony, the first copy of the *Law Review* was presented to the Governor. The second copy was given to the new President J. Hillis Miller, who just six months earlier had supported the project and allowed the editors to seek the approval of the Board of Control. A humorous event took place relating to Parker's article on the California Tidelands decision. The article was submitted to the *Review* in the form of a speech, just as it was in fact given at a Florida Bar meeting. Thus, Harold Crosby and Professor Miller had to adapt the format to that of a law review article, which required the addition of extensive footnotes. Governor Caldwell was aware that Miller and Crosby had supplemented the work. In jest, the Governor leafed through the new issue and turned to Parker and said, "Julius, this is the first law review article I've ever seen where the footnotes are more interesting than the text!"⁶⁵

After the *Law Review* became a permanent organization, the students began to set up a Board of Trustees. Since President Miller had been involved in the establishment of the organization, the *Review* asked him to send letters to those selected to serve three year terms as trustees. President Miller wrote back to the editor-in-chief, Warren M. Goodrich, asking what the duties and responsibilities of the trustees were. In a reply dated February 23, 1948, Goodrich explained the trustees were to solicit subscriptions and suggestions for articles, notes and comments; assist in obtaining lead articles; inform the *Law Review* of criticism by the Bar and practitioners; and promote good-will on behalf of the *Review*.⁶⁶ President Miller agreed to send the letters, and the first trustees were Edward F. Boardman, Charles Francis Coe, William A. McRae, O.K. Reaves, Julius F. Parker, Herman

64. The people listed were without question invited, for copies of the invitations or responses exist in the archives. Others were almost certainly invited, although copies of correspondence are not extant (available in U. Fla. Archives, Law Review, Series 64, Founding Documents).

65. Crosby interview, *supra* note 22.

66. Letter from Warren M. Goodrich to President J. Hillis Miller (Feb. 23, 1948) (available in U. Fla. Archives, Law Review, Series 64, Founding Documents).

Ulmer, John A.H. Murphree, and Raymond A. Carter. President Miller sent the letters for the *Law Review* each year, until his untimely death in November 1953.⁶⁷

The *Law Review* members were a coterie whose association continued after graduation from the College of Law. One of the ways the network was maintained was through the annual "Christmas letter," sent to both past and present members of the *Law Review*. Professor Miller wrote the early letters, with the appellation "Dear Law Reviewers." The style was informal, and anyone who had worked under Professor Miller would immediately recognize his copious editing symbols, which he required all editors to learn.⁶⁸ The 1949 newsletter informed the Law Reviewers that the staff exceeded fifty students.⁶⁹

The 1949 newsletter also discussed the speaking programs carried out by Professor Miller and the members of *Law Review*. The students presented humorous speeches in an informal manner, usually at a meeting of a local Bar Association. The newsletter said that two programs were scheduled for Clearwater and Tallahassee, and others could be arranged.⁷⁰ The programs required students to travel to the site of a meeting to speak on some subject of current interest.⁷¹

The purpose of the speaking programs was not only to amuse or to inform the Bar members of recent developments in the law. The *Review* was also looking for subscribers and the informal speaking programs afforded an opportunity to solicit support. Professor Miller's

67. See S. PROCTOR & W. LANGLEY, *supra* note 1, at 42. The president's death was premature.

That fall, quite unexpectedly, Dr. Miller died. He had not been feeling well for several days and had decided not to go to Jacksonville for the Florida-Georgia game on November 7, 1953. While watching the television broadcast of the game, he suddenly became worse. Taken to Alachua General Hospital, he died of rheumatic heart disease one week later at the age of fifty-four.

Id.

When Dr. J. Wayne Reitz became president of the university, he sent the letters as President Miller had done. Even Acting President John S. Allen sent the letters until Dr. Reitz's administration began. (See letters available in U. Fla. Archives, Law Review, Series 64, Trustees).

68. Miller interview, *supra* note 49.

69. Miller, Christmas Newsletter (Dec. 21, 1949) (available in U. Fla. Archives, Law Review, Series 64, Christmas Newsletter). All extant newsletters, which include those from 1949-1955, are in the University Archives.

70. *Id.*

71. Professor Miller recalled telling a group at one meeting that he was sorry to appear in formal attire, but that he had just landed at the airport and did not have time to change! The Law Reviewers accompanying Professor Miller usually introduced him as the Law Review Advisor who had graduated in the top 98 percent of his class! The students varied the percentage from one speaking program to the next. Miller interview, *supra* note 49.

newsletter gave specific advice regarding the solicitation process: "Office-to-office canvass, already tried with success by several of you, is the best method. Sign the prospect on the spot, while your contact is hot."⁷² The plea ends with a note that the Law Reviewers are available for speaking programs.

Perhaps because of Professor Miller's frequent contact with the members of the Bar and his special relationship with the students, the dean usually named him chairman of the Law College Placement Committee. Professor Miller would take a group of students to the Bar convention each year, and turn his room into the recruitment headquarters. He also received calls from lawyers throughout the state looking for a "good property [student] or litigator."⁷³ Professor Miller's Law Reviewers often received the best jobs in the state.⁷⁴

The 1950 newsletter reported that the finances of the *Law Review* were more secure since they were included in the budget for the College of Law.⁷⁵ Dean Fenn was able to procure enough funding to allow the *Review* to expand to four issues per volume, and to hire an assistant, Mrs. Jean Branch, for Mrs. "C."⁷⁶ The dean's budget also provided funds for "a fine suite of offices next to the new courtroom, and new furniture therein."⁷⁷

But the most interesting topic in the newsletter concerned Karl Llewellyn's lecture the prior spring at the Southern Law Review Conference, on the ideal law review.⁷⁸ Professor Miller assured the Law Reviewers that their *Review* fit the description from the "apprentice training to Crosby Outlines."⁷⁹ The "Crosby's" themselves have a considerable history. When Harold Crosby was a student he took excellent notes, having mastered the art of shorthand as a clerk of court.⁸⁰ In those days, the professors posted grades by name on a bulletin board, and Crosby had received a one hundred percent on his Real Property examination from Professor Day.⁸¹ When the students

72. Miller, *supra* note 69, at 2.

73. Miller interview, *supra* note 49.

74. *Id.*

75. Miller, Christmas Newsletter (Dec. 21, 1950) (available in U. Fla. Archives, Law Review, Series 64, Christmas Newsletter).

76. *Id.*

77. *Id.*

78. *Id.* at 2.

79. *Id.*

80. Crosby interview, *supra* note 22. This story was mentioned in the interview, and is well known by lawyers attending the University of Florida College of Law for many years after Crosby's graduation in February 1948.

81. *Id.*

saw his grade, they encouraged him to stencil his notes and sell them to other students. After some hesitation, he decided to risk forty dollars, a considerable sum in the late 1940s, for typing and stencils.⁸² He began to sell the outlines, soon termed "Crosby's," in the halls, accompanied by a cigar box for receipts. "Crosby's" soon had students lining up for notes in Real Property and other subjects Crosby had taken.⁸³

Upon graduation, several of Crosby's *Law Review* friends tried to arrange a business deal in which they would sell the notes and split the money with him. Crosby decided instead to "bequeath" the outlines to the *Law Review* for sale to earn money for activities not readily funded with state resources.⁸⁴ Thus the *Law Review* inherited a money earner, and the outlines came to be called "heirlooms," or "looms" for short. The "looms" were sold for many years, and when "Crosby's" notes were out of date, other students continued the tradition by bequeathing their outlines to the *Review*.

In the late 1950s, disputes developed between the John Marshall Bar Association and the *Law Review* over alleged favoritism in access to the "looms." Dean Maloney appointed a faculty committee in 1960 to investigate the issue, but no action was recommended.⁸⁵ The committee, composed of Professors Mandell Glicksberg, Walter Weyrauch, and W.D. Macdonald, concluded that the heirloom business should not be quashed.⁸⁶ It was not until the last year of Dean Joseph R. Julin's administration in 1980 that the *Law Review* ceased sales of the outlines in exchange for a promise from the dean to make up the lost income of approximately \$1,600 annually. Thus ended a tradition which had begun some thirty-three years earlier.

As the *Review* celebrates its fortieth year of publication, it is appropriate to recall its origins. Although many important events have occurred since the early days of the *Review*, understanding the foundations of the organization clarifies its accomplishments. The history of the *University of Florida Law Review* is a distinguished one. The story told here is necessarily abbreviated, but the *Review* today continues the tradition of excellence and commitment to service begun by a small group of dedicated students four decades ago.

82. *Id.*

83. *Id.*

84. *Id.*

85. Report of the Faculty Committee on Heirlooms (Feb. 2, 1960) (available in U. Fla. Archives, *Law Review*, Series 64, Heirlooms).

86. *Id.*