



11th Circuit Historical News

Volume XXII, Number 1 | Winter 2025

THE HISTORICAL SOCIETY OF THE U.S. COURTS IN THE ELEVENTH CIRCUIT

Susan Harrell Black: Mentee, Mentor, and Trailblazer

By Bryan S. Gowdy

On June 4, 1992, Senator Connie Mack of Florida introduced U.S. District Judge Susan Harrell Black to the judiciary committee for her nomination to the U.S. Court of Appeals for the Eleventh Circuit. The Senator described Judge Black as a “person of exceptional capability and integrity,” an “excellent example for all lawyers,” and “a special role model for women in the legal profession,” as she had been “Jacksonville’s first female prosecutor, assistant city general counsel, and county judge,” and “Florida’s first female federal judge.”¹

The next senator to speak that day—Senator Moynihan of New York—introduced Ms. Sonia Sotomayor, who had been nominated to be a district court judge. After 1992, Judge Sotomayor had a remarkable judicial career that eventually led to her 2009 appointment as the third female justice on the U.S. Supreme Court.

But by that day in 1992, Judge Black already had established herself as trailblazer in the legal profession. She would continue her remarkable career for another three plus decades—and that career still marches on today.

EARLY YEARS

Judge Black was born in 1943 in Valdosta, Georgia. Her military family lived around the world. She was the oldest of three children.



Judge Susan Harrell Black served as a U.S. District Court Judge from 1979-1992.

On August 11, 1992, she was confirmed by unanimous consent to the U.S. Court of Appeals for the Eleventh Circuit, where she still sits on panels and decides cases.

“Like most first children,” Judge Black once confessed she could be “a little bossy” with her younger siblings. She was given responsibility to care, feed, and tend for her siblings while her family “moved around a lot.” They resided for a time in Denver, Colorado, where her father attended law school, and during another time, in Paris, France. Moving all the time taught Judge Black how to adapt and to make new friends. She later recalled that all the moving “was the best thing that ever happened to [her].”

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But home for Judge Black’s family was north Florida. Her mother was from Lake City, and her father was from Live Oak and was born in Mayo. In a 2001 interview, when asked to name her hero, she answered, “my parents,” though she did not appreciate that fact until many years after law school.

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Judge Black has resided in one part of north Florida—Jacksonville—during her entire professional career. She once remarked that it was “natural, of all the places, to go to Jacksonville,” as she “had an aunt and uncle [there] and some cousins,” and she “felt comfortable” in Jacksonville.

As a youngster, Judge Black was an enthusiastic reader and writer. Judge Black’s now-deceased younger brother, Bill Harrell—the founder of a prominent personal injury law firm in Jacksonville—admired how intelligent his sister was. Later in life, Bill often joked that, when he and Judge Black were at the same school, teachers would ask if the family had adopted him.

At an early age, Judge Black decided that she wanted to be a lawyer, though she was “not sure [she] knew what a lawyer was or did.” Later, at age 15, she had a science project and became interested in dentistry. Ultimately, however, law was the “obvious choice” because her “passions” were reading, history, speaking, debating, and writing, but not organic chemistry.

Judge Black’s father—a World War II pilot and prisoner of war—influenced her decision to become a lawyer. As she explained in 2019: “So many of [my father’s] comrades did not come back [from the war], and they left widows with children, and they had no skills. With my sister and me, he wanted to make sure we could support ourselves.”

In a 2001 interview, Judge Black recalled that, at age 8, she told her father—a lawyer himself who did not have an active practice—that she wanted to be a lawyer. When her father introduced her, as a child, to the University of Florida College of Law dean, she and the dean discussed her interest in the law. The dean, Judge Black recalled, said, “Well, you’ll change your mind.” Judge Black did not change her mind. Why? Because, in her own words, “My father never told me I couldn’t do it.”

LAW SCHOOL (1965-67)

After briefly attending Ohio Wesleyan University (1961-62) and Spring Hill College (summer 1962), Judge Black graduated in 1965 from Florida State University, where she was a member of the Kappa Kappa Gamma Sorority and Pi Sigma Alpha Honor Society. Then, Judge Black enrolled in the University of Florida College of Law. She recounted in a 2001 interview that there was a “family joke” that she would have her father’s “full support” and also his “full scholarship if [she] went to the University of Florida College of Law,” meaning she really had only “one choice” where to attend law school. However, she believed that one choice was the right choice.



Judge Black teaching at UF law school in 2019.

“As a youngster, Judge Black was an enthusiastic reader and writer. Her “passions” were reading, history, speaking, debating, and writing,”

“When Judge Black entered law school in 1965, a career for women in the law was unusual. She was one of two women in her 100-member class,”



Judge Black in 1967, the year she graduated from law school.

When Judge Black entered law school in 1965, a career for women in the law was unusual. She was one of two women in her 100-member class, and during her time at the University of Florida, there was never more than five to seven women students in the entire college of law. She first appreciated how few women pursued a legal career on day one of law school. But the paucity of fellow women students never deterred Judge Black.

Judge Black recalled in a 2001 interview that her fellow male students treated her as “one of the boys,” and she credited the connections that she made with them at law school for helping her to advance in her professional career. Nevertheless, at times, law school was awkward, as there were professors at that time who did not believe women should attend law school.

Law school also would have a profound personal impact on Susan Harrell’s life. It was there she met Louis E. Black, III. The two of them lived in the same apartment building, and Lou frequently would see Susan in the building, often accompanied by a young man, whom Lou assumed was her boyfriend.

One day, Susan hurt her ankle on the stairs, and the young

man accompanying Susan—Bill Harrell—introduced his sister to Lou. After learning that the young man was her brother, it did not take long for Lou to court, and then propose to, Susan. They married at the end of December 1967 and remained happily married until Lou's death almost 50 years later in 2017.



Judge Black with her husband Lou circa 1970's

PRACTICING AS A LAWYER (1967-73)

Immediately after law school, Judge Black briefly taught civics at Jacksonville's Ribault High School (Sept.-Dec. 1967). She gained her admission to The Florida Bar on November 10, 1967. She then started her legal career as an attorney for the U.S. Army Corps of Engineers (1968-69), and later served as an assistant state attorney (1969-72) and assistant city general counsel (1972-73).

With the U.S. Army Corps of Engineers, Judge Black was a real estate specialist. She negotiated purchases of properties for the government and prepared the necessary legal instruments. The transactions on which she worked included the Cape Canaveral Project, the Cross Florida Barge Project, and structural facilities for national emergencies. Her duties included preparing condemnation suits and serving as an advisor and assistant to the United States Attorney for condemnation trials.

Judge Black also was responsible for drafting contracts for governmental procurements and lease agreements.



As a lawyer for the U.S. Army Corps of Engineers, Judge Black acquired properties for the John F. Kennedy Space Center

The next stop in Judge Black's career was the State Attorney's Office for the Fourth Judicial Circuit, which consists of three counties in northeast Florida—Duval (Jacksonville), Nassau, and Clay. Judge Black worked for Ed Austin, a legendary figure in northeast Florida. He was the Fourth Judicial Circuit's first public defender, having been appointed in 1963, shortly after *Gideon v. Wainwright* established a criminal defendant's constitutional right to court-appointed counsel. In 1969, Ed Austin, by election, became the State Attorney (the prosecutor) for the same circuit—a position that he would hold for nearly 20 years. In addition to Judge Black, many of north Florida's leading lawyers and judges worked at one time for Ed Austin. For example, Leander Shaw—the Florida Supreme Court's first African-American chief justice—worked for Ed Austin during the same period that Judge Black did (1969-72). Later, Ed Austin would serve as Jacksonville's mayor.

While serving as an assistant state attorney, Judge Black performed the typical duties of a prosecutor. She exercised discretion in the filing of criminal cases; prepared over two hundred cases for trial; had sole responsibility for the

prosecution of over twenty felony cases that were tried to a jury, including several capital cases; assisted the Attorney General in preparing appellate briefs for oral arguments; and advised the grand jury, requiring the drafting of indictments. She also represented the State of Florida in civil litigation, including bond validation cases, Uniform Reciprocal Enforcement of Support Act cases, extradition cases, and habeas proceedings in state and federal courts.

In 1972, Judge Black began work for the General Counsel of the City of Jacksonville. Ed Austin had been appointed to that position by Jacksonville's then mayor, as Jacksonville was undergoing "consolidation," a process in which the county and city governments were being effectively merged. It is not surprising that Ed Austin would want Judge Black to help him in the challenges that he would face as the General Counsel.

As an assistant to the General Counsel, Judge Black served as the chief legal advisor on all the City's financial matters, and her clients included the City Council's auditor and finance committee and the City's finance department. Her work included municipal taxation, bond validation, ordinance drafting, and giving legal opinions to her clients to enable them to make policy decisions. Judge Black also represented the City's data processing division. In that capacity, she worked on computer procurement contracts for hardware and software, and she drafted and formulated licensing agreements between the City and other governmental entities. She also served various boards—for water quality control, air pollution control, civil service, and the county's schools—primarily by advising them on procedures and due process.

As a practicing lawyer from 1968 to 1973, Judge Black

tried more than 300 cases to verdict or judgment. Her most significant cases included:

- A dispute concerning the meaning of the will of Alfred I. du Pont as it related to the then-second-largest philanthropic trust in the United States. The dispute concerned the trust's obligation regarding the care and treatment of disabled children.
- A public corruption criminal case against a state-court trial judge who had served more than 15 years on the bench. Judge Black—along with Ed Austin and Everett Richardson—prosecuted the case.
- A case that required a father to pay child support, even after the father had committed his children to a child placement agency, which later arranged for the children's natural mother to adopt them. *See Morris v. Stone*, 236 So. 2d 455 (Fla. Dist. Ct. App. 1970).
- A condemnation case involving cemeteries. The case enabled the government to acquire the remaining parcels needed to complete the John F. Kennedy Space Center.
- An administrative case in the spring of 1972 concerning the expulsion of two students at Ribault High School (where Judge Black previously taught civics). The two students fought against a teacher and incited other students to fight. The school, like all schools in the county, was operating under a then-new 1971 federal desegregation order, and during that first year under the order, there was a great deal of rioting and unrest in the county's schools.

Judge Black's experience as a practicing lawyer was vast—litigation and transactional work; criminal, administrative, and civil matters; and many different substantive areas of the law.

This experience would serve her well for the next phase of her career—as a state court judge.

STATE JUDGE (1973–79)

In 1972, Judge Black was elected without opposition to be a state trial judge in the County Court for Duval County, Florida, and she served that court from 1973 to 1975. In 1974, she was elected without opposition to be a trial judge on a higher court—Florida's Fourth Judicial Circuit, the same court where she had a been a prosecutor. Judge Black served that court from 1975 until her appointment to the federal bench in 1979.

In a 2001 interview, she discussed how several judges on the Fourth Judicial Circuit from an older generation—Albert Graessle, John McNatt, Lamar Winegeart, Jr. and Charles Luckie, among others—were her mentors both before and after she joined the bench. They were instrumental in teaching her about the law and how to be a judge. She recalled that, "all she had to do was scoot in [their] doors," and her fellow judges would help her.

Hank Coxe was an assistant state attorney during the years that Judge Black served as a state judge. Mr. Coxe—who later became president of The Florida Bar—recalls Judge Black, in those days, as being part of "an inseparable group of four universally admired and respected persons" who worked in the courthouse; the other three were State Attorney Ed Austin, then-Circuit Judge Ralph "Buddy" Nimmons (later a federal district court judge), and Circuit Judge Everett Richardson. These four persons, Mr. Coxe recalls, "consulted each other, relied on each other, [and] depended on each other."



State Judge Black, sitting, talking to her judicial assistant, Eleanor Bok, who followed her to federal court. Sandy Madison and Cheryl Birkitt later served as Judge Black's assistants in federal court.

During her state judicial service, Judge Black observed that one of the sentencing alternatives for male criminal defendants was placement at a halfway house—as opposed to incarceration or probation. The same alternative, however, was not available for female criminal defendants. Judge Black worked with the probation department to establish a program so female defendants could have a halfway-house alternative. In addition, Judge Black served on several councils, committees, and task forces that worked on issues of parole, probation, and corrections.

As a state trial judge, Judge Black had the opportunity to serve as an associate judge on Florida's appellate courts. She authored some appellate opinions. *See, e.g., Nat'l Life Ins. Co. v. Se. First Nat. Bank of Miami*, 361 So. 2d 432 (Fla. Dist. Ct. App. 1978). During these years, she also was active in The Florida Bar, serving on multiple committees, including those for criminal and civil rules and jury instructions.

Judge Black's remarkable service on the state-court bench was relatively short because President Carter had other plans for her.

“ Before the Carter presidency (January 1977–January 1981), no more than ten women had ever been confirmed to Article III judgeships. ”



Judge Black and her colleagues at her 1979 judicial investiture, U.S. District Court, Middle District of Florida.

FEDERAL DISTRICT JUDGE (1979–92)

Before the Carter presidency (January 1977–January 1981), no more than ten women had ever been confirmed to Article III judgeships.² During President Carter's single term, 40 women were confirmed to such judgeships—29 to the district courts and 11 to the courts of appeals. Susan Harrell Black was one of those judges, being confirmed in 1979 to a newly authorized seat on the U.S. District Court of the Middle District of Florida. In that same year, 22 other women were confirmed to judgeships. The 23 female judges appointed in that single year more than doubled the number of female judges appointed in the prior 190 years.

Forty years later, in 2019, Judge Black was asked to comment about herself and the other 22 female federal judges appointed in 1979: "Our appointments drove the stereotypes away. At long last, women were looked at the same way men were looked at."

In October 2020—as Justice Amy Coney Barrett was about to be confirmed as the fifth female justice to the Supreme Court—a CBS Evening News reporter asked Judge Black what statement President Carter was making in 1979. Judge Black responded, "That

women can do this job, and they did the job, and I think that made it possible for women to follow."

Another judge appointed by President Carter in 1979—Phyllis A. Kravitch of Georgia to the "old" Fifth Circuit Court of Appeals—would later serve with Judge Black on the Eleventh Circuit Court of Appeals. And two years later, in 1981, Sandra Day O' Connor, nominated by President Reagan, would be the first woman to become a justice to the U.S. Supreme Court.

Judge Black served the Middle District of Florida from 1979 until her appointment to the Eleventh Circuit in 1992. During the final three years (1990–92), she served as the Chief Judge. Of course, it is not possible to summarize the body of her judicial work during this 13-year period. However, in her 1992 submission to the Senate's judiciary committee, Judge Black was asked to list the ten most significant opinions she had written. Those cases included:

- A challenge to a permitting decision by the Coast Guard related to the construction of Jacksonville's Dames Point Bridge. Judge Black determined that "it [was] the province of the Coast Guard, not the Court, to evaluate the conflicting evidence," and that the Coast Guard had "not made a clear

error in judgment." *Port of Jacksonville Mar. Ad Hoc Comm., Inc. v. Hayes*, 485 F. Supp. 741, 747 (M.D. Fla. 1980), *aff'd* 620 F. 2d 567 (1980).

- A case of first impression concerning whether a federal law preempted a Florida law concerning unclaimed property. Judge Black concluded the Florida law was preempted, and the Eleventh Circuit later agreed. *Blue Cross & Blue Shield of Fla., Inc. v. Dep't of Banking & Fin.*, 613 F. Supp. 188 (M.D.) Fla. 1985), *aff'd* 791 F. 2d 1501 (11th Cir. 1986).
- A case in which a juror in a famous criminal trial (involving drug lord Carlos Lehder) alleged that her employer terminated her employment because of her jury service. The employer argued that the juror had no right to have her claim heard by a jury. Judge Black disagreed, concluding that the juror did have such a right under a statute and the Seventh Amendment. *Juror 157 v. Corp. Defendant*, 710 F. Supp. 324 (M.D. Fla. 1989). The juror's counsel was a renowned civil rights attorney, William "Bill" Sheppard—also, like Judge Black, a 1967 graduate of the University of Florida College of Law—who was featured in the Winter 2023 edition of this publication.

Hank Coxe often appeared before Judge Black, both in federal district court and state court. He recalls that Judge Black's courtroom style was different from other judges: "The lawyer who stepped out of line for any reason, with or without a jury, regardless of the egregiousness of the conduct, received nothing more than, 'Mr. ---, I don't think so.' It stopped right there. No yelling, no castigation, no storming off the bench, no order to approach sidebar, no embarrassment."

Just as she had done during her service on the state bench, Judge

Black—while carrying the caseload of a district court judge—served many committees and voluntary bar organizations. For example, Judge Black served on committees related to court administration and case management for the Judicial Conference of the United States. Perhaps her most significant contribution during this period was her work for the American Inns of Court, a subject addressed separately in this article.

Judge Black's direct service to the Middle District of Florida concluded because of another presidential nomination—this time, by a Republican president.

FEDERAL APPELLATE JUDGE (1992–PRESENT)

On March 10, 1992, President George H.W. Bush nominated Judge Black to fill a vacancy on the U.S. Court of Appeals for the Eleventh Circuit. She was nominated to succeed Judge Thomas Alonzo Clark. According to a press report, Judge Black's confirmation was delayed because of a dispute between, on the one hand, Senators Biden (Delaware) and Metzenbaum (Ohio), and,

on the other hand, Senator Shelby (Alabama) concerning the nomination of her future colleague, Edward Carnes of Alabama. As a result, Senator Shelby reportedly blocked several nominees (including Judge Black) until the dispute over Judge Carnes' nomination was resolved.

During her confirmation hearing, Senator Edward Kennedy (Massachusetts) asked Judge Black to explain the work she had done, as a state judge, to ensure that female criminal defendants had the same sentencing alternatives as their male counterparts had. He called that work "commendable." Senator Kennedy also asked Judge Black to explain her work for her church; she had assisted in outreach to single parents to provide their children "substantive programs," like an art program, and not just "baby-sitting or day care." Senator Kennedy found Judge Black's involvement in her community to be "very impressive," and he announced at the hearing that he "would be delighted to support [her] nomination." Judge Black was confirmed by unanimous consent on August 11, 1992.

Judge Black would remain an active judge on the Eleventh Circuit Court of Appeals for eighteen and half years until February 25, 2011, when she took senior status, allowing her to reduce her caseload. To this day, however, Judge Black still sits on panels and decides cases. See, e.g., *Ramirez v. Walmart, Inc.*, No. 23-13702, 2024 WL 4880378, at *1 (11th Cir. Nov. 25, 2024). In recent years, she has elected to sit on the en banc Eleventh Circuit when permitted by law to do so. See *Hoever v. Marks*, 993 F.3d 1353 (11th Cir. 2021) (en banc). As a senior judge, she has visited and sat on panels in other circuits. See, e.g., *T-Mobile USA Inc. v. Selective Ins. Co. of Am.*, 908 F.3d 581 (9th Cir. 2018).

Having now served more than 32 years as a federal appellate judge, Judge Black has decided thousands of cases and authored hundreds of opinions. Unlike her district court opinions, the author does not have access to a list—like the one Judge Black provided to the Senate in 1992—of her most significant appellate opinions. The author will not hazard a guess as to which of Judge Black's opinions are her most significant ones. Instead, the remainder of this article focuses on Judge Black's commitment to the inns of court, professionalism, mentoring, legal education, and her family.



Judge Black sitting on the U.S. Court of Appeals for the Eleventh Circuit, with Judge Peter T. Fay (deceased) to her right, and to her left, Judge Adalberto Jordan, who succeeded to Judge Black's seat when she assumed senior status in 2011.

“The Senator described Judge Black as a “person of exceptional capability and integrity,” an “excellent example for all lawyers,” and “a special role model for women in the legal profession,”

INNS OF COURT, PROFESSIONALISM, MENTORING, AND LEGAL EDUCATION

Judge Black was an instrumental, early leader in the American Inns of Court movement. Chief Justice Warren E. Burger and others discussed in the 1970s the concept of borrowing from England the inns of court. The Chief Justice was concerned that American lawyers were lacking in professionalism, ethics, and civility and that the quality of their work suffered. In 1980, the first inn of court was established in Utah.

Not long thereafter, an *ad hoc* committee of the Judicial

Conference of the United States was formed to consider whether a method of developing professionalism and mentoring could be instituted in the United States. Chief Justice Burger appointed Judge Black, then a district court judge, to be a member of that committee. The Judicial Conference of the United States endorsed the concept in 1985, and the American Inns of Court Foundation was organized. Judge Black was one of the Foundation's first seven trustees, and she served in that capacity from 1985 to 1991.

In 1985, Judge Black and the then-Dean of the University of Florida College of Law (Frank T. Read) organized, and obtained a charter for, the Chester Bedell Inn of Court—the thirteenth inn in the United States and the first inn in Florida. Judge Black served as the Bedell Inn's president from 1985 to 1988 and from 1991 to 1992, and she has served on the Inn's executive committee since 1988.



Judge Black receiving in May 2022 from Chief Judge William Pryor the American Inns of Court's Professionalism Award for the Eleventh Circuit.

The mission of the American Inns of Court has been, and still is, to foster excellence in professionalism, ethics, civility, and

legal skills in the legal profession. Inn members seek to achieve these goals through education and mentoring activities.

In a 2020 speech, Judge Black touched on why the namesake of the inn that she co-founded—Chester Bedell—exemplified the values of the American Inns of Court: "I did know [Chester Bedell], and the Chief Justice Warren Burger also personally knew him....[The Chief Justice] once told me that he envisioned Chester Bedell as the lawyer who would serve as a model for the goals of... civility, professionalism, and ability. He elevated our profession through a lifetime of dedicated, competent, and ethical practice, and he exemplified the values of professionalism and independence...."

One senses from her 2020 speech that Chester Bedell was a mentor to Judge Black—the same role she would play for so many.

In a 2001 interview, Judge Black was asked about the importance of mentoring. She responded by discussing her interactions with Chief Justice Burger and the mission of the inns of court: "Chief Justice Burger... had a concept regarding mentoring based on the English inns of court where lawyers would not go to law school [and instead]...would go to an inn and they would learn from the older lawyers how to practice, they would learn the law, they would learn the ethics...., and Chief Justice Burger thought that this could be used in the United States [in] some form....[H]e saw something that we are all seeing now and that is the need for mentorsThat's the concept, that's the purpose of the inn is to have older judges and lawyers serving as role models and also [as] someone to call"

Judge Black, however, has done more than just talk about mentoring. She herself has mentored many judges and lawyers.

Judge Black's extraordinary life of mentoring others was exhibited when many of her mentees and others came together to nominate her for two awards of the American Inns of Courts—(1) the Lewis F. Powell, Jr. Award for Professionalism and Ethics (2023) and (2) the Professionalism Award for the Eleventh Circuit (2022)—as well as for The Florida Bar's William H. Hoeveler Award (2012). She earned all three awards. But what is truly remarkable are not the awards themselves, but rather what her mentees and others had to say about Judge Black.

For example, Virginia Norton is currently one of 35 circuit judges in the Fourth Judicial Circuit, and ten of those judges (28.6%) are women. Judge Norton wrote about Judge Black:

As a little girl, I would often see Judge Black and her family at lunch on Sundays. ... I always had a ton of questions for Judge Black. I was so excited to know that a girl could be a judge!

Judge Black always had time for me and treated me with the greatest of respect. She was the first judge that I ever met, and consequently, represented all judges to me.

Through her actions, Judge Black taught me that judges were patient, thoughtful, listened, and were sincerely interested in what people had to say.

Through the years, Judge Black has been a constant source of advice, wisdom, and strength for me. Obviously, I have turned to Judge Black as I have pursued my legal career. However, it would minimize her role in my life to call Judge Black a mentor. Instead, I would prefer to say that Judge Black represents.

what I can only hope to be as a family member, citizen, and jurist.

A former law clerk, Elaine Metlin—who had a 33-year legal career and who now serves on the Resource Board for the National Association of Women Judges—wrote in 2012:

As a female jurist, Judge Black was one of my first role models. Her success on the bench inspired me to advance the cause of women lawyers throughout my legal career. Judge Black's winning combination of intellect, strength, elegance, humor and charm made her a force to be reckoned with, in and outside the courtroom. I am sure that her influence helped me to succeed as a female litigator.

Judge Black, however, did not limit her mentoring to women. She also mentored many men. For example, U.S. District Judge Timothy Corrigan—who, like Judge Black, served as the Chief Judge of the Middle District of Florida—wrote in 2012:

[Judge Black] has encouraged and advised countless young lawyers who have needed guidance in their legal careers. I have personally benefitted from Judge Black's encouragement and support. When my initial efforts to become a judge were unsuccessful, she went out of her way to encourage me to persevere. Once I became a judge, she has always been available to counsel with me.

Another example of Judge Black's long-term mentoring impact is Robert Meynardie, who practices in Atlanta. He wrote in 2023:

Although this summer marks thirty years since my clerkships ended, I continue to reference that experience often. At the trial court, I was blessed to witness not only Judge Black's intellect but the patience and grace she exhibited to all who appeared before her. As a young, newly



Judge Black at the U.S. Supreme Court in October 2023 with friends, colleagues, and former law clerks to receive the American Inns of Court Lewis F. Powell, Jr. Award.

Pictured Top Row: L-R: Marianne Trost, Thomas Burns, Bryan Gowdy, Donald Peele, Jeff Gibson; Middle Row: Grace Taskinsoy, David Petron, Melanie Katsur, Abby Dennis, Brendan Gardiner, Allyn Gibson, Judge Joel Dubina, Allegra Lawrence-Hardy, Judge Virginia Norton; Bottom Row: Aree Panich, Judge Frank Hull, Lauren Petron, Judge Susan Black, Meredith Dresner, Jeremy Dresner, Beth Dubina, Annette Hemingway, Kitty Phillips.

minted lawyer I cannot say I shared her patience but in thirty years of practice as an advocate, I have tried to emulate it—and sometimes succeed.

Judge Black's peers also recognized her exceptional success in mentoring others. John DeVault—a former president of The Florida Bar and Judge Black's law school classmate—wrote: "[Judge Black] has served as a wonderful role model for so many young lawyers, both women and men. She is an inspiration to all who know her and those who have practiced before her."

In addition to mentoring, Judge Black during her career has emphasized professionalism and civility. When asked in a 2001 interview to distinguish between an ethical and a professional attorney, Judge Black responded: "Playing by the rules, treating others with civility, treating your colleagues, treating your clients, treating your adversary ... as your mother

would say [with] good manners and ... with civility." Judge Black expressed the view that a lawyer's role was to "help] others not in a sense of doing social work but in a sense of being a professional."

Judge Black's former law clerks and her peers can confirm Judge Black's commitment to professionalism and civility. For example, Allegra J. Lawrence-Hardy—a former law clerk who practices in Atlanta—wrote in 2023:

Judge Black is an important reminder ... what is possible when we are open to one another's opinions, accepting of our differences without judgment, committed to civil and respectful dialogue, steadfast in our ethics, and sincerely caring about one another as advocates and as human beings. ... Judge Black reminds us all that we can be adversarial without being adversaries and we can protect our clients while still maintaining a level of decorum and civility.

A law school classmate and former president of The Florida Bar—Benjamin Hill, III—likewise wrote in 2012 about Judge Black's work with the inn of courts and as judge to "promot[e] professionalism and civility in the law."

Not only have peers, mentees, and former law clerks recognized Judge Black for her excellence, so too have her colleagues. For instance, Judge Joel Dubina wrote in 2023:

Judge Black and I have worked closely as colleagues



Judge Frank Hull, Judge Joel Dubina, Judge Susan Black, and Beth Dubina at the U.S. Supreme Court in October 2023.

for over 30 years. I also consider her a close personal friend. From personal experience, I can attest that Judge Black is passionate about civility, the nobility of the law, and the legal profession, qualities which the Inns of Court espouses.

Similarly, another colleague, Judge Frank Hull, wrote in 2023 about Judge Black:

[F]or 50 years she has epitomized, on a daily basis, what it means to exhibit excellent judicial demeanor, civility and professionalism with both lawyers and her judicial colleagues at all times and in all places — both in

and out of the courtroom. She leads and inspires others by example. No one has been more committed to the highest standards in the legal and judicial system than Judge Black; no one has shown more professionalism, civility or ethics and integrity than Judge Black ...

The sentiments expressed in these letters are a small sample of what mentees, peers, and judges have said about Judge Black's devotion to mentoring, professionalism, and civility.

Finally, undergirding Judge Black's commitment to professionalism has been her commitment to legal education. As noted above, to foster excellence in professionalism, ethics, and civility, the American Inns of Court encourages not only mentoring but also legal education. The historical record shows that Judge Black, throughout her career, has been extensively involved in legal education. She advanced her own legal education from 1982 to 1984 by obtaining a master-of-laws degree from the University of Virginia. In a letter, Judge Dubina characterized Judge Black as being "active in judicial education." The following are some of Judge Black's education activities, as summarized by Judge Dubina:

- Chairman of the Education Committee of the Florida Conference of Circuit Judges.
- Dean of the College for New Florida Circuit and County Court Judges.
- Faculty member for the National Judicial College in Reno, Nevada.
- Taught at the National Institute for Trial Advocacy at the University of North Carolina in Chapel Hill and at seminars throughout the United States for the Federal Judicial Center.
- For over fifteen years, taught the Federal Appellate Practice course at Duke University School of Law.

Given all these activities, one wonders how Judge Black had any time for her family. But she made time for her family and many others.

JUDGE BLACK'S FAMILY

No article about Judge Black would be complete without discussing her family. As mentioned earlier, Judge Black met her husband, Lou, when they both were attending law school. They were married from December 1967 until Lou's passing in 2017.

Lou loved traveling, a passion that Judge Black and their daughter, Leigh Elizabeth, also still share. Before marrying Judge Black, Lou had studied or worked in Mexico,



Judge Susan Black with her daughter, Leigh Elizabeth, and her husband, Lou, unveiling her judicial portrait in March 2012

Columbia, and Guatemala, and had learned to speak Spanish, a skill he never lost. He also became fluent in French. Lou owned and operated several businesses in Jacksonville, including Avondale Limousine Service, Antique and Unique Transportation, Park 'N Fly, and most successfully, Avondale Travel Bureau. Lou opened the Avondale Travel Bureau in 1974, and when he sold it in 1989, it had become one of the nation's twenty-five largest agencies with nearly fifty offices.

There was not a trip or cruise Lou would want to miss. He traveled widely, visited over one hundred countries, took over one hundred cruises, and visited six continents.

Lou also was a licensed real estate broker, and during his 50-year career, he owned and managed several pieces of commercial real estate. He was involved in a variety of professional and civic activities, including a rotary club, a travel professionals' organization (of

which he was president), his and Judge Black's church (where he served as a deacon), and Goodwill Industries of North Florida (for which he was a board member for 25 years).

Lou loved officiating high school basketball and football games. He was a member of two officiating associations for a total of 45 years, and he officiated over one thousand games.

The author's most endearing memory of Lou is from the Christmas parties that he and Judge Black frequently hosted for families with small children. Lou routinely appeared as Santa Claus at these parties. The author is not sure who had more fun—the children visiting with Santa Claus or Lou playing the role of Santa Claus. Lou and Judge Black also would frequently entertain Judge Black's law clerks at their home, as well as many others.

Their daughter, Leigh Elizabeth, recently commented to the author how both her father and mother were able to pursue their respective—and very different—careers. Each of her parents were very independent, but they and their careers complemented one another.

Leigh Elizabeth also noted that both her parents were always there for her. As many of Judge Black's law clerks know from the daily lunch in chambers, Leigh Elizabeth as a child was active in equestrian sports. Leigh Elizabeth characterized her mother as a "great barn mom." While juggling her judicial duties, Judge Black also would frequently visit the barn, sometimes daily, to make sure everything was right with Leigh Elizabeth's horse. During Leigh Elizabeth's years in elementary school, Judge Black would attend chapel with her daughter every Thursday. And during the high-school years—when Leigh Elizabeth competed in track and field—Judge Black would stay to the "bitter end" of every track meet, no matter how busy she may have been at work.



Judge Black blazing a trail on the glaciers of western Canada in 2022.

Nowadays, Leigh Elizabeth—who married George Israel three weeks before Lou passed away—is all grown up. She followed the path of her father's career, as she re-founded Avondale Travel in 2012, of which she is still the president and owner. She and George have given Judge Black two beautiful granddaughters—twins—who have been featured very prominently in Judge Black's holiday cards to her former law clerks for the last few years.

Those holiday cards illustrate that Judge Black—like Lou and Leigh Elizabeth—loves to travel. In 2023 alone, she was able to travel to Casablanca, Tangier, Cádiz, Málaga, Cartagena, Majorca, Tarragona, Barcelona, Cornwall, and Bordeaux—in addition to trips with Leigh, George, and the grand-twins to the mountains of North Carolina and Lake Oconee in Georgia. On top of that, in October 2023, she was able to reunite with many former law clerks, colleagues, and friends at the U.S. Supreme Court, where the American Inns of Courts presented her with the Lewis F. Powell, Jr. Award for Professionalism and Ethics.

Judge Black shows no signs of



Judge Black's son-in-law George Israel, granddaughter Eloise, daughter Leigh Elizabeth, and in Judge Black's lap, grand-daughter Patterson, celebrating Thanksgiving 2023.

slowing down. Those who have had their lives enriched by Judge Black—including the author—are undoubtedly grateful for her continued warmth, kindness, friendship, and careful mentoring.

CONCLUSION

Judge Black is a trailblazer. Early in her legal career, she had several role models and mentors to help her blaze that trail—men like her father, Chester Bedell, Ed Austin, the judges at the Fourth Judicial Circuit, and others. But, at that time, there were few women in the legal profession who could serve as role models and mentors. Judge Black helped, immensely, to change that construct. She has been an exemplary role model and mentor not only for female judges and lawyers, but for all judges and lawyers.³

Bryan S. Gowdy *co-owns Creed & Gowdy, P.A., an appellate firm in Jacksonville, Florida. He attended Georgetown University and then served in the United States Navy, before graduating in 1999 from the*

University of Florida Levin College of Law. He clerked for U.S. District Judge Maurice M. Paul (1999-2000) and U.S. Circuit Judge Susan H. Black (2000-01). Since 2001, he has practiced law in Jacksonville, where he and his wife have raised their five children.

ENDNOTES

1 Judge Black also has been credited with being Florida's first female state circuit judge. See Wikipedia, List of First Women Lawyers and Judges in Florida, https://en.wikipedia.org/wiki/List_of_first_women_lawyers_and_judges_in_Florida#cite_note-:3-16; Caroline Emery, *History of the Jacksonville Bar Association*, Jacksonville Daily Record (March 3, 2003).

2 Mary L. Clark, *Carter's Ground-breaking Appointment of Women to the Federal Bench: His Other "Human Rights" Record*, 11 J. of Gender, Social Pol'y & the Law 1131, 1132-33 (2011); United States Courts, 40 Years Later, *Pioneering Women Judges Savor Place in History* (Aug. 14, 2019), <https://www.uscourts.gov/news/2019/08/14/40-years-later-pioneering-women-judges-savor-place-history>. The Clark article

reports that eight women had been appointed before the Carter presidency, while the U.S. Courts article reports the number was ten.

3 This article is based on a wide variety of public sources, interviews of those who know Judge Black, and the author's own personal knowledge. Upon request, the author can provide a bibliography of sources and a footnoted draft of this article. The author did not interview Judge Black for this article. The author thanks Judge Joel Dubina, Judge Frank Hull, Hank Coxe, John DeVault, Mary "Kitty" Phillips, Meredith Ross, and Leigh Elizabeth Black Israel for reading drafts of this article and providing invaluable feedback and information. The author also thanks Allegra Lawrence-Hardy and her firm for their assistance, and he thanks Cheryl Birkitt and Darby Robinson for gathering most the photos appearing in this article. Finally, the author thanks the former law clerks and others who wrote letters supporting Judge Black's award nominations, only a few of which are quoted in this article; each letter, by itself, merits publication. Any errors are solely the responsibility of the author.

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From the President

We are pleased to bring you this Winter 2025 edition of the Eleventh Circuit Historical News. The Eleventh Circuit Historical Society publishes these periodic newsletters in line with its goals that seek to support the federal courts of this Circuit. More specifically, the Society's objectives can be summed up as: preserving the history of the Circuit - including the history of the federal district courts and judges within it - and fostering public appreciation for the federal court system.

In line with our objectives as a Historical Society, this issue includes profiles of several judges either on the Eleventh Circuit Court of Appeals or serving as federal district judges within this Circuit. Among these are a profile of Eleventh Circuit Senior Judge Susan H. Black and a second installment of a profile of Senior Judge Gerald Bard Tjoflat, following up on an initial installment about Judge Tjoflat's service published in the Spring of 2014. We also provide reports on



John N. Bolus

comings and goings: an investiture, an appointment, and a retirement, all momentous occasions. And we celebrate with members Emmet Bondurant (a former President of this Society), who received the ABA Medal last year, and Chilton Varner, who was honored by the United States Supreme Court Historical Society at a gala event in Atlanta this past Fall. As in past

issues, we also highlight a federal courthouse, this time the U.S. Federal Building and Courthouse in Fort Lauderdale, Florida.

Finally, we highlight the "Eleventh Circuit Issue" published by the University of Miami Law Review, which contains a forward by Chief Judge William Pryor and reports on Eleventh Circuit developing authority on several key fronts. 78 U. MIA. L. REV. 1015 (2024).

We hope this issue is informative and furthers the supporting role we intend to provide. Many thanks to the Keystone law firms, and Contributing, Sustaining and Patron members who make our continuing efforts possible. We are a non-profit entity with no legal connection to the Court or the federal government. Our primary financial support comes from our membership. Please help us to identify other firms and individuals who are willing to become members and to donate time, effort and funding for the worthy goals of this Society.

SHARE YOUR NEWS

Submit items for publication in the 11th Circuit Historical News to Wanda Lamar, executive director of the Society (wanda_lamar@ca11.uscourts.gov). Historical articles on the federal courts and judges within the Eleventh Circuit will be considered, as well as investitures, courthouse dedications, portrait presentations, memorial ceremonies, and oral history programs.

Gerald Bard Tjoflat: Still Going Strong

By Daniel S. Bowling III¹

We sit on a patio table during a Duke Law alumni weekend two years ago. He has a drink in front of him - "I don't give a damn what some doctor says" - and gazes over the loud room with a face almost untouched with age lines: "My Norwegian blood," he laughs. His head is thick with hair; his eyes are clear; his laugh is loud. He is 95 years old now, the longest-serving federal judge in the United States. He is in Senior Status but keeps a full schedule and is in his office daily. Weekends? Work from home. Active? He will still scare the pants off an unprepared lawyer daring to stand before him.

He writes an annual letter to clerks, both personal and reflective. "Another year is closing. Time insists on going forward though . . . I'm 95 now and 100 isn't far off (note he makes no reference to retirement) . . .

My work continues apace. Much of it is devoted to dissenting opinions and special concurrences - teaching opinions that reflect that way in which we used to analyze controversies on appeal - by dismantling them . . .

Though I am in senior status, I seem to wind up participating in a good percentage of en banc cases, one to be heard in February."²

We have written before about Judge Tjoflat and cited the numerous honors and compliments he has received in his career from Supreme Court justices and other eminences. It would take this entire issue of the Journal to reference them all.³

For those unfamiliar with his career in the judicial system, the following will prove helpful. Here are the basics:

- Appointed to the Florida Circuit Court in 1968 by Republican Governor Claude Kirk
- Appointed to the U.S. District Court for the Middle District of Florida in 1970 by President Richard Nixon
- Elevated to the Fifth Circuit Court of Appeals in 1975 by President Gerald Ford
- Became part of the newly created Eleventh Circuit in 1981
- Served as Chief Judge of the Eleventh Circuit from 1989 to 1996
- Took senior status in 2019

He remains active to this day, as stated above. His experiences, adventures, and influence - judicial and personal - are the stuff of legend.

VIRTUE, CHARACTER, AND THE BOY SCOUTS

It is unfashionable to talk about virtue, character, love of country and respect for one's fellow man in certain academic and media circles. These traits are the bedrock of civilization, however, and few organizations traditionally exemplified them more than the Boy Scouts. These virtues are also Judge Tjoflat's North Star, and his association with the Scouts was one of the most important of his life.

The Boy Scout organization has undergone tremendous upheaval over the last decade, but these troubles were on the far horizon in 1974 when he was asked by close friends to be president for one year of the North Florida Council of the Boy Scouts of America. The Council covered nineteen counties and fifteen scouting districts with their own administrative staff. "The scouting movement was in trouble nationwide," says the

Judge, as a general antipathy in society during the Vietnam war for wearing a uniform had led to a decline in membership. He found that most districts were run by former scoutmasters, and while they were "great scoutmasters" he knew that districts had to be run by businesspeople who could handle finances and recruit local business leaders to pump life back into the organization.

Under the Judge's leadership, the Council thrived, and one year as president turned into ten. In 2014, he and two others⁴ were honored for their work in the local council's annual "American Values Dinner," which recognizes leaders who embody the values of scouting. "Scouting gives one a sense of values" and teaches a strong work ethic, said one honoree.⁵

Behind his passion for the organization was his belief, as a member of a judicial system overseeing the U.S. prison system, that Boy Scout values are the "very best program" to put young men on a track away from prison, particularly those with little parental supervision: "You've got these boys 10 to 14 years of age, below 10 when you had the Cubs included. And a Scout troop is a gang, just a regular gang but the gang has a Scout Oath and a Scout Law that they abide by. The Scouting program through the merit badge system transfers values to the young boys, and they get a better impression of themselves. So, the best thing I saw was the development of young men who had a good impression of themselves and were confident. And they had earned merit badges.

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Judge Tjoflat with his current law clerks, Jeff Katz (UF), Andrew Klauber (Duke), and Will Petro (Duke). [Photo courtesy of Andrew Klauber]

So, they had praise. They gained praise from their colleagues and people around them and became very versatile through the merit badge system. You learn how to do so many different kinds of things. So, the idea was that here you're going to turn out – hopefully if they make Eagle Scout or life Scout – young men who are confident, have pride in themselves in what they are doing, and can resist the bad elements in their peer group. In the criminal justice system, basically, as I looked at it, you have three cohorts. You have older people who are hardened criminals. Then you have another cohort that's say 18 to 26 years of age. And then you have the younger people. And so my concern was the younger people and scouting provided that alternate path."

SPLIT BETWEEN THE CIRCUITS

The split between the Fifth and Eleventh Circuit Courts of Appeals is a significant chapter in the evolution of federal judicial administration. The average lawyer would assume the more judges, the easier the task for the circuit. Nothing can be farther from the truth. When sitting *en banc*, all the judges are in a room discussing cases. The more judges, the more complexity, time, and disagreements.

The original Fifth Circuit, a judicial behemoth stretching across Texas, Louisiana, Mississippi, Alabama, Florida, and Georgia, became unwieldy in its scope and complexity by the mid-1970s. In July of 1977, a bill was put before the Senate which split the circuit roughly in half. Judge

Tjoflat and Judge John Godbold were the spokespersons for the Fifth Circuit before a Senate subcommittee. "We had to convince this committee that we had to divide. So, I had somebody run calculations on the number of panel possibilities for an appeal with the growing number of judges and the problem with *en banc* hearings. The immense caseload and geographical expanse necessitated a strategic division." On October 1, 1981, the Eleventh Circuit was born, comprising Alabama, Florida, and Georgia, while the reconstituted Fifth Circuit retained jurisdiction over Texas, Louisiana, and Mississippi.

Judge Tjoflat became one of the first judges of the newly formed

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Eleventh Circuit and served as its chief judge from 1989 to 1996. His involvement was crucial in the administrative and judicial reorganization that facilitated this circuit split. He brought continuity to the judicial process during what could have been a disruptive administrative change, which comes as a surprise to no one familiar with the Judge.⁶

FROM THE MOUTHS OF BABES

Law students graduate school and, if lucky, are selected by a judge to serve as their law clerk for two years. They can research and write but know nothing about the application of the law to real people in real cases. This changes after a year or two at “Tjoflat University.”

“I had a great experience where I learned an approach to analyzing legal cases and issues that they don't teach in law schools. Judge Tjoflat's first principal approach starting with the beginning of the case in the district or even state court really taught me a lot about the course of a case in litigation, different things lawyers do, and how that affects what we get on appeal. As I believe Judge Tjoflat has said elsewhere, he views it as the entire case is on appeal, not just particular issues, and he taught us how to take that view as well. He continues to find issues that no one else does, and I believe his unique approach will make me a far better advocate in my career,” said a recent “graduate” of Tjoflat University working for a big national firm.⁷

Another “Dukie” is Katherine Johnson. She was one of the earliest female clerks in the old Fifth Circuit. She found a mentor in Judge Tjoflat who is blind to race or gender of his clerk hires.

“I was the Judge's 16th law clerk and the first woman. For many of you here the status of professional women at that time must be hard to

imagine. For example, I pretended that I didn't know how to touch type because I feared that I would be relegated to clerical work. My fears were unfounded: clerking for the Judge was by far the best job I've ever had. The Judge always treated me as a law clerk, which is to say, in the very best of ways.”⁸

The Judge takes great pride in the hundreds of law clerks he has taught, not just employed. In an article for Duke Law's Bolch Judicial Institute, Timothy J. Corrigan, Chief Judge for the U.S. District Court for the Middle District of Florida and one of the many Duke Law graduates who clerked for Judge Tjoflat, expands: “Judge Tjoflat has pictures of each law clerk lining his chambers, and to this day he not only remembers everyone but can tell you about their families and professional lives. Judge Tjoflat and his gracious wife, Marcia, maintain law clerk traditions: an annual holiday party, a silver spoon for each new law clerk baby, and periodic law clerk reunions . . . He has traveled far and wide for his law clerks, performing weddings and swearing in new judges. He views every person who has clerked for him as part of the family and will drop everything when one of us needs his advice or assistance . . . I have tried to take the lessons that the Judge taught me while clerking and which he teaches through his opinions — respect for the law, rigorous attention to detail, fierce independence, professionalism, and collegiality in the practice of law — and apply them in my professional life as a lawyer and a judge . . . there's no one quite like the Hon. Gerald Bard Tjoflat.”⁹

Enough said.

ENDNOTES

1 The author recently retired as Distinguished Fellow, Duke Law School, after 20 years. Prior to that, he was

Senior Vice-President of Coca-Cola Enterprises and a partner in an Atlanta law firm. Dan has been a member of the Eleventh Circuit Historical Society since 2011. He can be reached at dabowling@gmail.com.

2 Quoted from annual Christmas letter to clerks, current and past. *Tjoflat, Letter to Clerks*, Dec. 2024.

3 I cite many of these in a lengthier article in this journal. Bowling, *Gerald Bard Tjoflat: A Profile*, 11th Cir. Hist. News 17, 19–20 (2014). The quotes throughout, unless referenced as direct conversations with Judge Tjoflat, are from an oral history in the *Duke Law Scholarship Repository: Gerald B. Tjoflat* (2022). Those interested in his earlier life and other details of his life and judicial career are referred to these materials. Finally, this is the second chapter in a planned three-part series on the Judge, which because of space and time is more limited than the first and forthcoming.

4 You may have heard of one honoree's son, Tim Tebow.

5 <https://www.jacksonville.com/story/lifestyle/faith/2014/04/02>

6 The general facts in this matter were obtained from public records, and the quotes are from the aforementioned history of Judge Tjoflat in the Duke Law Scholarship Repository.

7 Email exchange with recent Duke graduate, Oct. 24, 2004.

8 Excerpt from a speech by Katherine Johnson at an awards ceremony at Duke in 2010.

9 Corrigan, T. The “Duke” of the Federal Court: Celebrating Gerald B. Tjoflat's 50 Years as a Federal Judge, 104 *Judicature* 3 (2020–2021). We could spend this entire article with quotes from his “graduates” who have gone on to successful careers spanning the judiciary, government, private law firms, businesses, and non-profits. We will hear from many of them for Chapter 3 of the “Tjoflat Trilogy.”

NORTHERN DISTRICT OF ALABAMA RETIREMENT CEREMONY

The Weightier Matters of Life and Law: Reflections on the Remarkable Career of Judge L. Scott Coogler

By William B. Grimes

When he finally addressed the distinguished crowd gathered for his retirement ceremony and portrait unveiling, Judge L. Scott Coogler's signature wit was on display: "This is kind of like a funeral," he quipped, "except there are more people, and I get to talk to you."

But, of course, the mood was hardly sepulchral. Quite the contrary—on this unseasonably warm November afternoon, celebratory laughter often rang out in the Richard Shelby Federal Building and Courthouse (affectionately known as the "Tuscaloosa Parthenon" to some), and the large crowd heard many inspiring stories about Judge Coogler as both a judge and a man. It was not as though the speakers lacked material; everyone noted that there is no possible way to pay homage to Judge Coogler in the limited time allotted for remarks.

Senator Richard Shelby, Chief Judge William H. Pryor, and Chief Judge R. David Proctor each gave warm and gracious reflections on Judge Coogler's life and career. Four of Judge Coogler's former clerks—Marlena Cummings, Brett Talley, Caroline Cease, and John Gillespie—expressed their grati-



Judge Coogler with artist Caleb O'Connor. Mr. O'Connor painted the portrait of Judge Coogler that was unveiled during the ceremony. He also created the artwork in the upper floor atrium of the courthouse (where the ceremony was held).

tude to the man who not only helped launch their legal careers but also taught them profound lessons about what a good life entails.

One of the speakers' challenges was that Judge Coogler has not simply had *an* illustrious career but rather, *several* illustrious careers. Certainly, Judge Coogler will be remembered for his more than twenty years of excellent service as a federal district judge in the Northern District of Alabama (including several years as Chief Judge and a stint on the Executive Committee of the Judicial Conference of the United States). But he also will be remembered for his time on the Sixth Judicial

Circuit Court of Alabama, for his fifteen years in private practice, for his many years teaching at the University of Alabama School of Law, and for his tenure as a Captain in the J.A.G. Corps of the Alabama Army National Guard.

As Chief Judge Pryor added, while Judge Coogler's devotion to public service is already evident from this impressive list, his public service actually began before any of these achievements—as a police officer for the Town of West Blocton, a position he held while also balancing

his obligations as a student at the University of Alabama. This varied background undoubtedly gave Judge Coogler rare insight into many of the difficult tasks that a federal judge must confront.

Lauding Judge Coogler's strong work ethic, Chief Judge Pryor explained that, despite the considerable responsibilities arising from his own docket (and his teaching duties at the law school), Judge Coogler was always willing to volunteer for more work when other courts—especially the Eleventh Circuit and the Middle District of Alabama—were short-staffed.

Photos courtesy of R. Guidry Photographie

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Hard work and legal acumen reveal only part of the story. Much of the ceremony focused on even scarcer—and more important—qualities, such as Judge Coogler's charitable work, kindness, humility, mentorship, and his irrepressible (and infectious) joie de vivre.

Every speaker alluded to Judge Coogler's magnanimity, a quality actuated by a deep Christian faith. A remarkable story told by Chief Judge Proctor is perhaps the best illustration. While in private practice, Judge Coogler was at a restaurant one day when he was approached by a woman he recognized. Judge Coogler quickly realized that he had represented the woman's ex-husband in their contentious divorce action. To his surprise, the woman asked whether he could somehow help her new husband, who desperately needed a bone marrow transplant. Astonishingly, Judge Coogler offered to donate his own bone marrow to the man; however, tests revealed that he was not a proper match. Sometime thereafter, Judge Coogler was contacted by medical personnel asking if he

would consider donating bone marrow to another man in dire need of a transplant—this time a total stranger from South Carolina. Judge Coogler did not hesitate to agree; the transplant was successful.

Reverend Jeremy Burrage of Capstone Church—who gave the ceremony's invocation and benediction—attested that Judge Coogler has not let his title change the way he treats people. He recalled how Judge Coogler was handing out doughnuts at a Habitat for Humanity worksite the first time they met. Rev. Burrage had no reason to think that the man



Caleb O'Connor's portrait of Judge Coogler. It will now be on display at the Richard Shelby Federal Building and Courthouse in Tuscaloosa.

who introduced himself as "Scott" was a legendary federal judge.

Several speakers highlighted the famous "Camp Coogler"—the moniker given to Judge Coogler's internship program for law students. Although it is not unusual for a federal district judge to take on one or two law student interns during the summer or school year, Judge Coogler would accept virtually every law student that applied. At its peak, the summer version of Camp Coogler reached as many as sixty students. Obviously, hosting an internship program of this size was no simple task, but Judge Coogler strongly believes that students should have the chance to learn the law in practical ways that the academy cannot teach.



Chief Judge R. David Proctor served as the master of ceremonies and also reflected on Judge Coogler's integrity and magnanimity. Numerous judges from the Eleventh Circuit and the Northern District of Alabama were in attendance.

The Camp Coogler summer regimen was rigorous: students would spend three days a week at the courthouse drafting opinions, observing hearings, and acting as mock jurors for mediations; one day a week learning from outside experts (e.g., attending a seminar hosted by local criminal defense attorneys); and one day a week performing charity work in the community (often building houses with the local chapter of Habitat for Humanity).

The graduates of Camp Coogler number in the hundreds. Judge Coogler gave each one (along with each of his term clerks) a nickname. A nickname was never repeated, as verified by a master spreadsheet. Chief Judge Pryor recalled an example of one (un) fortunate clerk, a former student of molecular biology, who was known only as “Molecule” in Judge Coogler’s chambers.

Allison “Allie” Coogler Varra—one of Judge Coogler’s three daughters (along with Carlson and Hannah)—also paid tribute. Her



Senator Richard C. Shelby honored Judge Coogler’s life of service and reflected on their nearly thirty-year friendship.

father’s example inspired her to follow his footsteps by attending the University of Alabama School of Law. After graduation, she clerked for a federal district judge in Texas and is now an associate at Kirkland & Ellis LLP. Allie explained that, though she is the only one of Judge Coogler’s daughters to

pursue a legal career, all three are pursuing their father’s legacy of service in their respective professions (Carlson in higher education and Hannah in medicine).

When Judge Coogler took the lectern for his remarks, he had

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Chief Judge William H. Pryor Jr. paid tribute to Judge Coogler’s strong character as both a man and a jurist.



Judge Coogler's daughter—Allie Coogler Varra—spoke of how her father inspired her to pursue the practice of law.



Judge Coogler expressed his appreciation to (L-R) Chief Judge R. David Proctor, Reverend Jeremy Burrage, Chief Judge William H. Pryor Jr., and Senator Richard C. Shelby for their warm and gracious remarks.



Judge Coogler with (L-R) daughter Allie, wife Mitzi, and daughters Hannah and Carlson after they unveiled his portrait.

the same (slightly mischievous) gleam in his eye that always elicits a smile from those who recognize it. Although he had much to boast about, Judge Coogler deflected attention from himself and focused on the merits and contributions of others.

He thanked Senator Shelby for recommending his appointment and for his tremendous impact on the State of Alabama; he thanked his clerks for, in his words, "making me look like I know what I'm doing"; and he expressed appreciation for older colleagues on the federal bench who helped him learn the ins and outs of the job, such as Judges James Hancock, William Acker, and Robert Propst.

Most of all, he honored his family—his wife Mitzi and daughters Carlson,



Judge Coogler with his career law clerk, Anna Belle Norton. Before clerking for Judge Coogler, Ms. Norton clerked for Judge Joel F. Dubina during his tenure as Chief Judge of the Eleventh Circuit. Judge Dubina was also in attendance.



Judge Coogler and his wife Mitzi.

Hannah, and Allie—for their steadfast love and encouragement. Acknowledging that a career in law can be rewarding, stressful, and seemingly all-encompassing at times, he made a brief but powerful aside to his former clerks and interns in the audience. "Family is important," he told them, and he repeated it for emphasis.

This was a fitting theme for his concluding remarks. Judge Coogler has always adjured his clerks and interns to remember that, whatever the merits of temporal success, there are plenty

of things that surpass it. We would all do well to emulate a man who, though he achieved much in the way of temporal success, did not neglect life's weightier matters.

About the author: *William B. "Ben" Grimes served as a law clerk for Judge Coogler from 2022-2023 and is now an associate at Maynard Nexsen PC. (To Judge Coogler, Ben is known as "Molecule.") He would like to thank Judge Coogler's career clerk, Anna Belle Norton, for valuable insights that contributed to this article.*



After Judge Coogler's retirement ceremony, a reception was held in his honor at the Richard Shelby Federal Building and Courthouse in Tuscaloosa.

The Soon-to-be-Replaced Fort Lauderdale Federal Building and U.S. Courthouse

By U.S. Bankruptcy Judge Scott M. Grossman¹

A new federal courthouse is under construction in downtown Fort Lauderdale. It is expected to be completed in late 2026, with occupancy expected in early 2027. Before bidding adieu to the iconic existing courthouse at the heart of downtown Fort Lauderdale, however, a retrospective on this quintessential example of 1970s Brutalism architecture — and the issues that have plagued it for decades — is in order.

Upon becoming a state in 1845, all of Florida constituted one judicial district, holding court in Tallahassee, St. Augustine, and Key West.² Less than two years later, this district would be divided into the Northern and Southern Districts of Florida.³ That division then held for over a century, until 1962 when Congress created the Middle District of Florida.⁴ By that time, the Southern District of Florida — which includes Fort Lauderdale — held court only in Key West, Miami, West Palm Beach, and Fort Pierce.⁵

As South Florida's population continued to grow after World War II — particularly in Broward County (where Fort Lauderdale is located)⁶ — in 1970 Congress added Fort Lauderdale as a place for the Southern District of Florida to hold court,⁷ with a staffed divisional office opening in 1973.⁸ As of 1970, Broward County had a population of 620,100, more than fifteen times its population of 39,794 just thirty years earlier.⁹ By 1980, Broward County's population would exceed one million,¹⁰ and as of today, that number is approaching two million.¹¹



Portrait of Judge Ted Cabot.
Source: <https://www.floridamemory.com/items/show/22773>.

The first district judge to sit in Fort Lauderdale was Hon. Ted Cabot. Judge Cabot was appointed by President Lyndon B. Johnson in 1966 to a new seat in the Southern District of Florida.¹²

Before joining the federal bench in 1966, Judge Cabot was a state circuit court judge in Broward County.¹³ He also previously served as an attorney in private practice in Fort Lauderdale, as a member of the Florida Senate, and as the Clerk of the Broward County Circuit Court.¹⁴ When he was appointed to the district bench, however, Fort Lauderdale was not an official duty station for holding court in the Southern District of Florida.

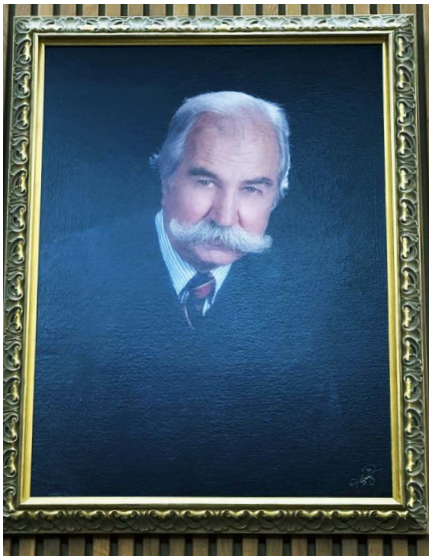
It was through Judge Cabot's efforts, lobbying, and no doubt political connections (including

with Congressman J. Herbert Burke), that in 1970 Congress added Fort Lauderdale as a place for holding court, albeit without any federal courthouse at the time. Court proceedings in Fort Lauderdale were originally held in a municipal building adjacent to a fire station — described by some as being like an old gymnasium. The U.S. Attorney's Office, the Federal Public Defender, the U.S. Probation Office, and other federal agencies that regularly appeared in court remained headquartered in Miami, with their staff having to drive about 30 miles to Fort Lauderdale for hearings.

Judge Cabot passed away in late 1971,¹⁵ less than two years after Fort Lauderdale was established as an official duty station. A few months later, President Richard M. Nixon nominated Norman Charles Roettger, Jr., for the open seat created by Judge Cabot's death.¹⁶ Judge Roettger was confirmed by the Senate on May 31, 1972, and he received his commission on June 2, 1972.¹⁷ Judge Roettger then took up residence in the Fort Lauderdale division of the Southern District of Florida, holding court in the gym-like building by the firehouse.

Just as it was Judge Cabot's mission to establish Fort Lauderdale as an official duty station of the Southern District of Florida, it was Judge Roettger's mission to build a federal courthouse in Fort Lauderdale. Within a decade, his dream and vision would be realized.

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Portrait of Judge Norman Charles Roettger, Jr.

The Federal Building and United States Courthouse opened in Fort Lauderdale in 1979.¹⁸ It sits on a prominent two-acre parcel at the corner of Broward Boulevard and 3rd Avenue, one of the busiest intersections in Fort Lauderdale. Originally, it had only three courtrooms: two for district judges and one for a magistrate judge. The rest of the building was occupied by federal agencies, including the U.S. Attorney's Office, the Federal Public Defender, the U.S. Probation Office, the Federal Bureau of Investigation, and others.

The architect of the courthouse was Jacksonville-based modernist William Morgan, who designed the building in the "Brutalist" style.¹⁹ Brutalism emerged as an architectural style after World War II and became popular in the 1950s and 1960s. It features minimalist construction, "characterized by raw, exposed concrete and bold geometric forms."²⁰ By the end of the 1970s, however, Brutalism began to fall out of favor.²¹ Its downfall has been "blamed not only on its functional shortcomings, expensive maintenance and inability to remodel but also the way this architectural style came to be perceived as a symbol of

urban decay and totalitarianism."²²

The Fort Lauderdale federal courthouse's "monumental, masonry" structure is classic Brutalism.²³ The exterior walls have a "textured raw concrete façade,"²⁴ with "rough-hewn (bush-hammered), vertical-ribbed cast concrete."²⁵ Among the most striking features are the multiple "dendriform" (tree-like)²⁶ concrete columns²⁷ holding up the roof, beneath which are three floors of "stepped, partly open levels,"²⁸ above the main-level open plaza. This design was inspired by the "stepped earthen mounds and masonry pyramids in the indigenous architecture of the Americas."²⁹ The dendriform columns were even "topped with a cluster of downward facing floodlights . . . meant to look like coconuts."³⁰

The open plaza at the core of the building — a massive "negative space" — was designed for "public enjoyment," enhanced by "cascading fountains" and native plants, intended to "create a garden effect" that was "an overt reference to gardens in public

fountains began malfunctioning, causing leaks and flooding that required frequent repairs. They were eventually drained and haven't been operable for years.

Juxtaposed against the negative space of the public plaza is an L-shaped structure housing courtrooms and offices. It consists of four stories and contains 150,000 square feet of office space, with underground parking for 230 vehicles. The building's interior is decorated with metal and wood slatted ceilings and vertical wood slats.³² The interior lighting "was intended to be soft and diffuse," with lights "placed in coves and soffits on walls or ceilings."³³ Unfortunately "inadequate or improper light bulbs may have been placed there over the years,"³⁴ which negated the intention of the original design, and instead resulted in many poorly-lit offices, courtrooms, hallways, and other areas.

Because the courthouse was constructed on top of a riverbed, the building began to experience



Federal Building and U.S. Courthouse, Fort Lauderdale, FL.
Source: Google Maps.

spaces from the ancient world through the Renaissance and into the modern era."³¹ Shortly after the building opened, however, these

frequent flooding and other water intrusion issues shortly after it opened. The underground parking garage — which at one

time was flat — today has hills and valleys because it was built on the soft riverbed. There have been numerous floods — and several cars destroyed as a result — in the garage, including as recently as April of 2023, when a catastrophic rain event flooded the parking garage and other parts of the courthouse.

Water coming up from the ground hasn't been the only issue. In 2013, during another rainfall event, a courthouse employee took a video from inside a courtroom showing "water cascading from the ceiling, ceiling tiles in pieces on the floor and buckets and trashcans in a courtroom collecting water."³⁵ Relatedly — although this cannot be blamed on the building itself — the roads and sewer infrastructure immediately surrounding the courthouse have not kept up with the development in downtown Fort Lauderdale. The area frequently floods with heavy rainfall, sometimes deep enough that people cannot cross the street without wading through a river of water.

The building's design — which features outdoor walkways and terraces — also creates challenges during South Florida's hot, muggy summers and rainy season. After entering the building and going through security, attorneys and the public must again venture outside to reach certain courtrooms and offices. It is not unusual to see attorneys walk into court with wet clothes because they had to venture into the open outdoor space to reach the courtroom.

The building's elevators have also been an issue. While already old and sorely in need of repairs, the April 2023 flood destroyed every working elevator in the building, and for the next six months, the four-story building did not have a single working elevator. This forced attorneys, judges, Deputy U.S. Marshals, and even prisoners



Courtroom inside Fort Lauderdale Federal Courthouse.

to share one narrow staircase.

Coordinating staircase access to avoid encountering prisoners has not been the only security challenge for this building. The courthouse was built well before the 1995 Oklahoma City bombing and was not designed to the setback requirements and other standards implemented since that terrible attack. The building abuts the street, with cars, trucks, and other vehicles able to pull up right outside. And with open walkways that face out onto Broward Boulevard — the main east-west thoroughfare through Fort Lauderdale — court employees (including judges) are easily exposed. Moreover, with its glass doors facing a courtyard that opens onto a public street, there have been several break-ins over the years. In the 1980s, a defendant in a pending case broke into the building over the weekend and tried to put poison gas in courtrooms. As recently as two years ago over Labor Day weekend, another individual "broke into the courthouse's main entrance and

vandalized the interior and exterior spaces of the building, including smashing windows, breaking doors, causing water damage, and destroying other property."³⁶

One positive aspect of the public courtyard, however, is that it has throughout the years been a public assembly space for demonstrations. One of the most noteworthy was the gathering of students from Marjorie Stoneman Douglas High School after the horrific mass shooting in Parkland, Florida in 2018.

While this massive Brutalist structure created a welcoming courtyard for the public, its functional shortcomings and inability to easily renovate proved challenging as the Fort Lauderdale division got busier and more courtrooms had to be constructed. As the court grew, government agencies were forced out, and their office spaces were converted to courtrooms and judicial chambers. Today the Fort Lauderdale Federal Building and U.S. Courthouse has ten courtrooms for thirteen

judges: five active district judges, two senior district judges, four magistrate judges, and two bankruptcy judges.³⁷ Creating seven additional courtrooms and ten additional chambers out of this concrete cast building resulted in a disjointed series of labyrinthine passageways, odd configurations, and non-contiguous secure areas. Indeed, many judges must traverse the public areas of the building — even directly out in the open and facing a busy public street — when exiting their chambers. There is even one passageway that the marshals must lock down when transporting prisoners directly past the chambers of the judge who just sentenced them.

Due to these security challenges, space constraints, and myriad other problems, the Fort Lauderdale federal courthouse was barely three decades old before efforts to replace it ensued, resulting in the anticipated opening of the new courthouse in early 2027. Despite all these issues, however, certain members of the local community — including Fort Lauderdale's Historic Preservation Board — have explored the possibility of designating the current courthouse as a historic landmark³⁸ due to its historical and aesthetic significance. One Fort Lauderdale City Commissioner has called the courthouse "quite stunning, Brutalism at its finest."³⁹ Whatever the merits of its architectural and historical significance, the functionality, safety, and security concerns will result in the Fort Lauderdale Federal Building and U.S. Courthouse being replaced less than 50 years after its opening. Although few who work in the building will miss it, perhaps one day this classic Brutalist structure on a prime parcel of real estate will be retrofitted for another use befitting its prime location in downtown Fort Lauderdale.

ENDNOTES

- 1 Judge Grossman is grateful to District Judge William P. Dimitrouleas and Magistrate Judge Lurana Snow for sharing their memories on the history of this courthouse.
- 2 Act of Mar. 3, 1845, ch. 75, 1845 Stat. 788, § 3, 5.
- 3 Act of Feb. 23, 1847, ch. 20, 1847 Stat. 131, § 1.
- 4 Act of July 30, 1962, Pub. L. No. 87-562, 76 Stat. 247.
- 5 *Id.*
- 6 *Population and Demographic Data — Florida Products: Census Counts: 1830-2020*, Off. of Econ. & Demographic Rsch. (Oct. 25, 2024), <https://edr.state.fl.us/content/population-demographics/data/index-floridaproducts.cfm>.
- 7 Act of June 2, 1970, Pub. L. No. 91-272, 84 Stat. 298, § 10.
- 8 J.I. Bogart, *History of Federal Courts in Florida* 4 (1981).
- 9 Off. of Econ. & Demographic Rsch., *supra* note 6.
- 10 *Id.*
- 11 *Id.*
- 12 Act of Mar. 18, 1966, Pub. L. No. 89-372, 80 Stat. 75, § 2.
- 13 *History of the Federal Judiciary: Judges: Ted Cabot*, Fed. Jud. Ctr., <https://www.fjc.gov/node/1378681>.
- 14 *Id.*
- 15 *Id.*
- 16 *History of the Federal Judiciary: Judges: Norman Charles Roettger, Jr.*, Fed. Jud. Ctr., <https://www.fjc.gov/history/judges/roettger-norman-charles-jr>.
- 17 *Id.*
- 18 *U.S. District Court, Fort Lauderdale*, Courthouses of Florida, <https://courthousesofflorida.com/courthouse/u-s-district-court-fort-lauderdale/>.
- 19 *William Morgan: Federal Building / United States Courthouse, 1975-1979*, SOSBRUTALISM, <https://www.sosbrutalism.org/cms/16448826>.
- 20 Katherine McLaughlin, *Brutalist Architecture: Everything You Need to Know*, Architectural Dig. (July 12, 2023), <https://www.architecturaldigest.com/story/brutalist-architecture-101> (quoting Mark Bittoni, principal of Bittoni Architects).

- 21 Architecture News & Editorial Desk, *Brutalist architecture — a retrospective*, Architecture & Design (Sept. 5, 2019), <https://www.architectureanddesign.com.au/features/list/a-look-at-brutalist-architecture>.
- 22 *Id.*
- 23 SOSBRUTALISM, *supra* note 19.
- 24 *Id.*
- 25 Christopher Eck, *Summary Of Discussion Points with Architect William Morgan Regarding the US Courthouse, Fort Lauderdale Interview 1* (2011).
- 26 *Id.*
- 27 SOSBRUTALISM, *supra* note 19.
- 28 *Id.*
- 29 Eck, *supra* note 25, at 1.
- 30 *Id.* at 2.
- 31 *Id.* at 1.
- 32 *Id.* at 2.
- 33 *Id.*
- 34 *Id.* at 3.
- 35 *Video Shows Flooding Inside Federal Courthouse In Ft. Lauderdale*, CBS News (May 30, 2013, 7:14 PM), <https://www.cbsnews.com/miami/news/video-shows-flooding-inside-federal-courthouse-in-ft-lauderdale/>.
- 36 *Man Charged in Federal Court for Destroying Property at U.S. Courthouse and Federal Building in Fort Lauderdale*, U.S. Dep't of Just. (Sept. 8, 2022), <https://www.justice.gov/usao-sdfl/pr/man-charged-federal-court-destroying-property-us-courthouse-and-federal-building-fort>.
- 37 Due to space limitations, a federal circuit judge sits in separate space rented by GSA in a commercial building.
- 38 Matt Hickman, *SOM's Fort Lauderdale Federal Courthouse design wins GSA approval*, Architect's Newspaper (Feb. 4, 2022), <https://www.archpaper.com/2022/02/som-fort-lauderdale-federal-courthouse-design-wins-gsa-approval/>.
- 39 *Id.*

United States District Judge Amy Totenberg

By Holly Cole



A young Amy Totenberg playing violin with her father Roman.

As the saying goes, Amy Totenberg is not from around these parts. Amy, a Harvard educated New Yorker, moved to the South in 1977 after graduating from law school to do civil rights work. Her arrival here spawned a decades-long career devoted to advancing the rights of individuals in all walks of life in service to our nation's justice system.

To the surprise of some, Amy Totenberg does not come from a family of lawyers. After all, her older sister, Nina Totenberg, is a legal affairs correspondent for National Public Radio, famous for her coverage of the United States Supreme Court. No, Amy Totenberg was the daughter of Melanie Totenberg and Roman Totenberg, a virtuoso violinist born in Poland, who as a child played his violin on the streets of Moscow for bread during the Russian revolution. Her father

made his debut as a soloist with the Warsaw Philharmonic at age 11 and performed private concerts for the King of Italy and President Franklin D. Roosevelt. Roman Totenberg immigrated to America under a concert visa during the Holocaust in 1938, smuggled money back home to his family, and worked desperately to get them out of the war and depression in Warsaw. During this time, he met Amy's mother and suddenly, in the midst of this terrible sadness, he felt the light return to his life. Amy's mother Melanie, described by Nina as "a pistol, a dynamo, elegant, vivacious, always interested in everything and who personified the word undaunted" read the New York Times from cover to cover, front section, business section, sports section, every day. She was so riveted by the early televised

Senator McCarthy hearings of the 1950s, that she barely left the house and would recount the news to her daughters upon their return home from school each day.

During a 2022 interview sponsored by the Federal Bar Association, Judge Totenberg described how the impact of her parents' experiences led her to grow up in the shadow of the history of the war and of the Holocaust with a real sense of the potential for disaster in the world, along with the potential for great good and an understanding that we are all part of a global community that serves as the foundation for commitment and passion for the pursuit of justice. Recognizing that, while there were successful women musicians at that time, but that women professionals were nearly non-existent in other fields, Amy's father always treated Amy and her two sisters as people who could do anything that they set their minds to.

So, Amy, deeply impacted by the terminal times of her youth in the 1960s and 1970s, went to college at Harvard with a desire to affect change. To the upset of her parents, Amy left college her sophomore year at the age of 20 to go to work for the "Miners for Democracy" in the Deep South and west of Appalachia after the insurgent candidate for president of the coal miners' union had been murdered in his bed, along with his wife and daughter. For Amy, the world was in disorder, she did not understand what was happening, and felt that if she stayed at Harvard she would not be applying herself as a force for change. Amy went about as far from Harvard

CONTINUED, NEXT PAGE

University as she could get to help organize the coal miners to achieve victory in their fight to bring democracy to the union. The miners said to her in the end that she ought to go to law school.

From that experience, Amy came to understand that as people, we are sheltered in our own worlds, and we do not necessarily understand the extraordinary virtues and the complexity of all people living such different lives than ours. It is this important perspective that has stayed with her in everything she does. Amy, her sister Jill says, is truly a reflection of the spirit of her parents: she is uncompromising in her devotion to the law, to her family, and to humanity.

In 1977, when Amy Totenberg graduated from Harvard Law School, the male students outnumbered the female students 7 to 1 and the few women who did graduate from law school went into government work, became law librarians, or were relegated to such fields as trusts and estates work. Amy, of course, did not see herself doing any of that. Instead, she moved to Atlanta to begin her legal career at the Law Project, a small collective of lawyers doing criminal defense and federal constitutional, civil rights, and employment litigation. Al Horn, a senior member of the Law Project, who had represented Martin Luther King, Jr. and Hosea



Amy Totenberg and husband, Ralph Green, at their wedding in 1980.

Williams, was ready to support the next generation devoted to taking on the daunting civil rights cases. It was a different world for civil rights at that time and there were only a handful of firms taking employment discrimination cases because there was no opportunity for large damages verdicts, as back pay was the only statutory remedy. And so, Amy Totenberg took the reins.

In the first years of her legal career, Amy met her husband of more than 30 years, Ralph Green. It was not an easy courtship for

Ralph, a newly divorced father of two young daughters. Amy had no time for dates, or so she thought, because she was tirelessly devoted to her work and her clients. But Ralph, unwilling to let her slip away, showed up at her door time and again with the little girls by his side and food in hand to offer Amy nourishment for her mind, body, and soul. Through his persistence, they became a family, and he became Amy's rock and her champion from that moment forward.

One of the first cases Amy took on after law school was also the most impactful and successful in her career as a practitioner. The case was *Kennedy v. Crittenden*, a ground-breaking class action employment suit against Central State Hospital in Milledgeville, Georgia, the Department of Human Resources, and the State Merit System. From 1977 through 1994, Amy Totenberg, along with Bensonetta Tipton Lane, represented a class of nearly 3,000 African American employees and applicants alleging widespread race discrimination in hiring and promotion. In his 1982 liability order following the trial, U.S. District Judge Wilbur Owens found a pervasive pattern and practice of race discrimination in the hospital and State Merit System's job selection, training, and classification practices, affecting employees extending

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*This issue is produced courtesy
of The Florida Bar.*

The 11th Circuit Historical News is published periodically by the Eleventh Circuit Historical Society. For information about the Society, please contact:

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from the lowest ranks of attendants and laundry workers to medical personnel and other professionals. In 1983, Judge Owens approved a Consent Decree providing for \$3.3 million in back pay for the plaintiff class and comprehensive injunctive relief. After protracted contempt and enforcement proceedings in 1989 and 1990, Judge Owens expanded the Decree and required significant changes in the operation of the State Merit System to ensure fair and non-discriminatory personnel selection procedures on a statewide basis. *Kennedy v. Crittenden* made history as the largest racial employment discrimination class action lawsuit ever filed and won against the state of Georgia. In an order granting an award of attorney's fees, Judge Owens said that "this case was unattractive for members of the Bar in that it involved widespread charges of discrimination brought against a large state entity which had, over the course of time, developed strong resistance to change." But it was just the kind of case that Amy Totenberg was willing to pursue. In describing the profound impact of the court's decision, Judge Totenberg remarked, "I learned vividly then the power of the federal court to breathe tangible meaning into constitutional and statutory guarantees of equality. In the classical federal courthouse in Macon, a packed courtroom of employees long relegated to menial or second-class jobs and conditions at the hospital witnessed the ground vibrating and shifting as the trial proceeded. When Judge Owens announced his decision recognizing that the hospital and state had engaged in systematic racial discrimination, one could sense literally that the weight of the world had suddenly been lifted in that courthouse and that a core of human dignity for the people in that courtroom had been restored. I will never forget that moment because it was the first time and

the most extraordinary when I saw in such a deeply personal way the vital role and impact of the federal courts in addressing the rights of my fellow citizens."

From that victory, Amy Totenberg went on to seek redress for individuals in all walks of life, from production line workers at General Motors, to law enforcement personnel, to employees at other state agencies contending with the forces of gender discrimination and unequal pay. She took many of these cases all the way to trial to achieve record victories against tall odds. Throughout these grueling years litigating complex civil rights cases, Amy was also raising a family. Her sister, Nina, remembers one visit when Amy was preparing for a trial. Each child had a task, even her three-year-old daughter, who was supposed to put color-coded stickers on each pile of exhibits. And there was a practice session for the summation to the jury which involved all four girls sitting in the jury box — the living room couch — listening carefully to their mom sum up the evidence. Year after year, remarked her sister Jill, Amy handled the daunting challenge of family and professional life by truly burning the candle at both ends. And in the process, she developed a perspective that informs

her humanity for all. According to friends who worked alongside her in the trenches, Amy was as comfortable arguing before the Supreme Court of Georgia as she was sitting in a client's trailer home preparing poverty-level witnesses to go to trial. It is her gift to be blessed with both legal genius and compassion for the great variety of the human condition.

In 1985, Michael Kramer, as General Counsel to the Georgia Association of Educators, chose Amy Totenberg to lead innovative federal litigation for the Teachers Association and teachers across the state. Over the next ten years, Amy represented hundreds of K-12 public school teachers and employees, as well as higher education faculty. These cases across the state included due process and First Amendment



Amy Totenberg with her sisters Nina Totenberg and Jill Totenberg in May 2011.

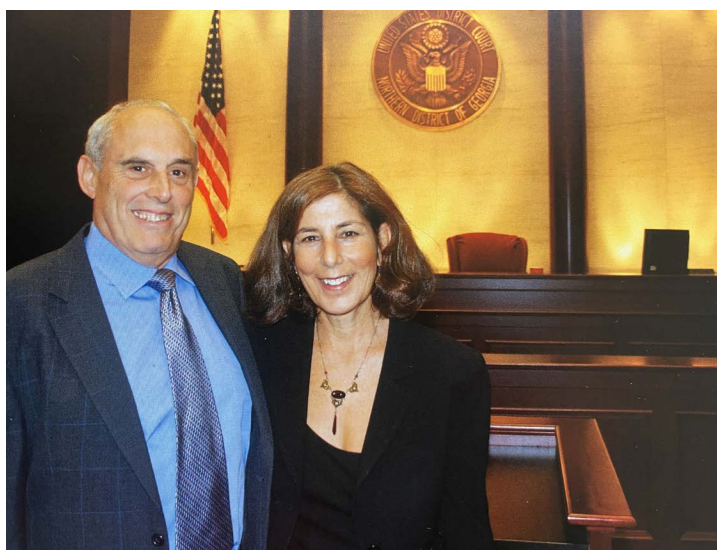
actions aimed at assuring that individual rights were protected from the excesses of arbitrary institutional power. As private counsel for rural school districts throughout Georgia, Amy litigated school funding issues that carried enormous educational and fiscal consequences in low wealth districts. This work in education law honed Amy's expertise as a constitutional civil rights lawyer who led innovative, complex, and precedent-setting federal litigation. And



Amy Totenberg with husband and daughters Clara, Emily, Sonya, and Naomi in May 2011.

it paved the way for a new role for her. Amy had children in the Atlanta City schools at a time when the school board, a billion-dollar institution, was falling apart under the overwhelming stress of so many legal issues that it became a major liability for the state. Ready for a change, Amy applied and was appointed as the Atlanta Public School District's first in-house general counsel during a major period of reform. She was charged with building a law department in the midst of sorting out a raft of complex and contentious issues facing the school system. Amy devoted her time to addressing the systemic vacuum of legal procedures relating to critical areas of potential liability. Totenberg described her time as general counsel as "a wonderful and challenging and

frustrating experience." Having mostly represented plaintiffs, she suddenly found herself representing as a defendant a large institution with a broad array of legal issues from a major construction contract dispute to a case involving a principal who had raped a teacher applicant. There was always an emergency brewing. Handling the range of issues and challenges felt to her



Amy Totenberg and Ralph Green in March 2011.

like responding to constant five-alarm fires that affected the lives of those individuals caught in the middle. Atlanta School Board's former president, Aaron Watson, shared that Amy's education expertise, her judgment, and her balanced perspective really were instrumental during a period of intense educational reform in Atlanta. Amy focused on the school system's larger mission to help the Board tackle this array of legal, financial, and practical decisions with very high-stake consequences for

the Atlanta community and its children. She tapped into the best natures of the District's leadership, said Watson, and had tough conversations and made tough decisions in which she conveyed her passion and commitment, recognized theirs, and moved decisively toward shared solutions. Amy's purpose was to institute change through the law, contract review process, investigation of discrimination and harassment charges brought by faculty and students, and in training of staff on employment and student issues, including special education. The Board then a third Amy Totenberg was determined to see change. Amy left when there were changes to the Board and its members were no longer willing to support additional needed change.

In the decade before her appointment

to the federal court, Amy Totenberg served as a special master and monitor in two major federal court cases in Baltimore, Maryland and Washington D.C. involving the failure of the school systems to provide mandated special education services to public school children. In 2000, Amy was selected by the parties and U.S. District Judge Marvin Garbis to serve as special master in *Vaughn G. v. Mayor and City Council of Baltimore*, a case that had been mired in contentious litigation since it was brought in 1984. After a nationwide search for candidates, Amy was the first applicant selected by the parties for interview. She met with both parties and they, having never agreed on anything,



Amy Totenberg and Justice Ruth Bader Ginsberg in 2011.

immediately agreed she should be appointed. Over the course of the next ten years and through the development of objective outcome measures for the case to ensure its manageability, Amy led the parties to agreement on the delivery of compensatory educational services to students and annual district-wide education remedial plans. In 2005, Amy was appointed by U.S. District Judge Paul Friedman to serve as co-mediator with Judge David Tatel of the D.C. Circuit Court in the consolidated class action special education cases, *Blackman v. District of Columbia* and *Jones v. District of Columbia*. She and Judge Tatel successfully developed an appropriate systemic remedy through a comprehensive consent decree tailored to address the specific violations at issue in the case. One year later, she mediated disputes arising under the decree and crafted remedies addressing serious compliance and educational service delivery issues evident from her monitoring and review of the case. That is

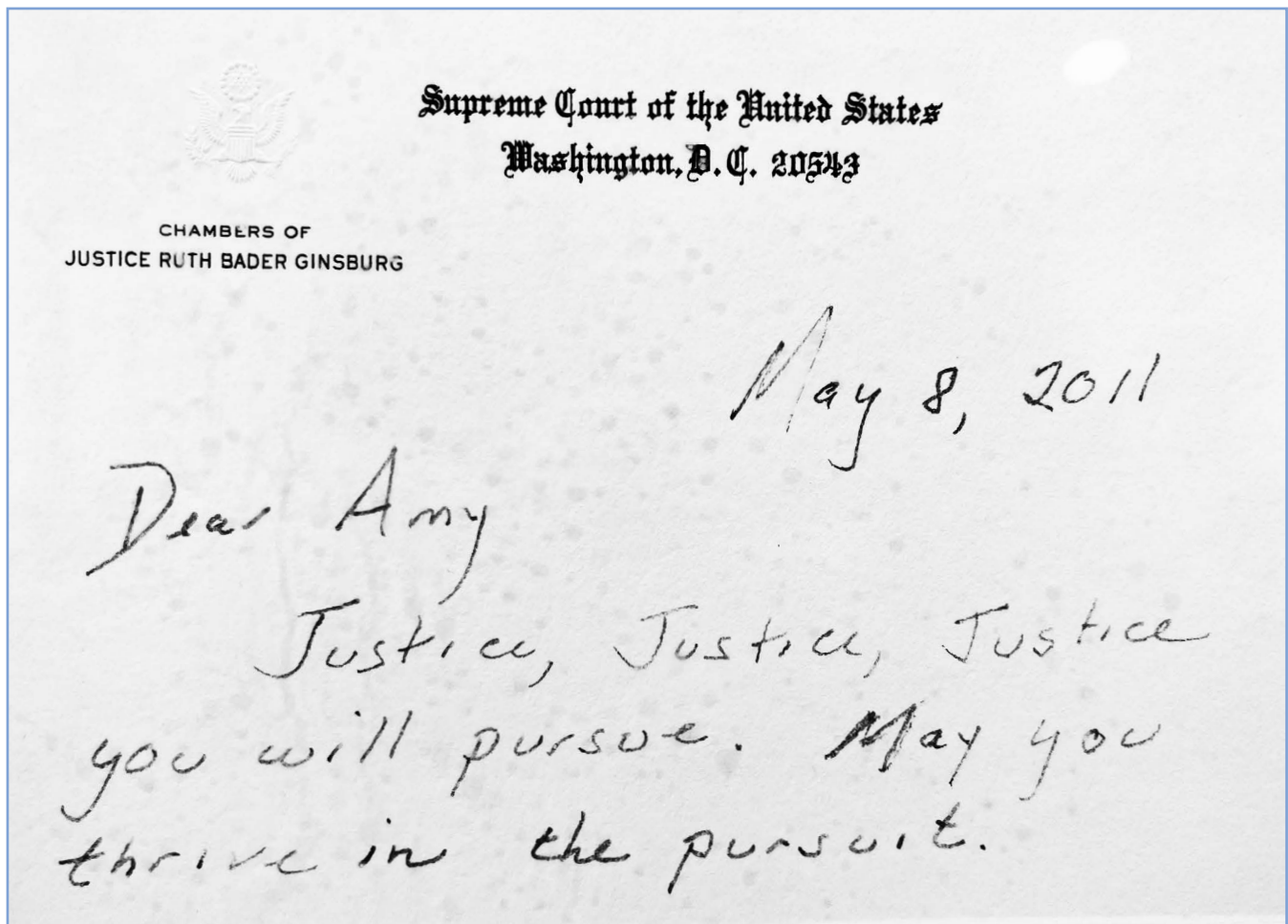
because Amy Totenberg has a rare capacity to challenge without confronting, that can change thinking and bring people together to seek resolution. In sharing his gratitude for Amy Totenberg's service, Judge Garbis remarked

“
Justice, Justice, Justice
you will pursue.
May you thrive in the pursuit.
~ Justice Ruth Bader Ginsberg ~
”

that “there are thousands of children who have the most need in Washington and Baltimore who are going to have a better chance in life because of what Amy Totenberg, with her unique talent, was able to do.” And on behalf of Judge Friedman, Judge Garbis praised her extraordinary efforts to make it possible for them to provide a full measure of justice

for the most vulnerable of children.

While her youth might have been a proper explanation for Amy Totenberg's fearlessness in heading off in 1971 to Appalachia to work on behalf of coal miners attempting to change their union and the enduring problems of health and safety in the mine, she could not claim the same excuse for her decision in 2009 at the age of 58 to pursue an appointment to the federal court. Although the nomination and confirmation processes are, according to Totenberg, as scary and challenging as any trip driving up a windy West Virginia mountainside road behind coal trucks, as the daughter of a man who gave his last concert at age 95 and a woman who adopted an entirely new career at age 62, Amy Totenberg is a firm believer in seizing and reinventing life at whatever age. “What we do makes a difference and impacts society over time,” she said during her 2011 investiture ceremony, “and I know one central truth, the axis of our



Note from Justice Ruth Bader Ginsberg to Amy Totenberg.

lives turns on our determination to embrace the challenges of the era."

Judge Totenberg was nominated by President Barack Obama on January 5, 2011, and she was confirmed by the Senate on February 28, 2011. The first challenge Judge Totenberg faced was to hire staff who share in her belief in fairness, her belief in the justice system, her dedication and perseverance, and her tireless devotion and affinity for teamwork. Relying on her varied professional and social connections, she began with a cadre of personally recommended candidates, interviewing one clerk barefoot on the beach while attending the "Baby Judge" conference in California and then another in slippers at her

kitchen table. Judge Totenberg gathered a team of fabulous experienced female lawyers to aid her in tackling the mountainous caseload she inherited upon joining the court. That first year was tough, but Judge Totenberg emanated warmth and a zest for joy in the face of challenging circumstances. At times, giddy with the stress-induced endorphins caused by late nights in chambers under lamplight while pouring over briefs and red-lined edits to draft orders, Judge Totenberg and her clerks would resort to singing and dancing in chambers much like a gaggle of teenage girls at a slumber party. After the initial jolt of the immensity of the workload became the norm, these antics and more became tradition.

When asked to share their fondest memories of working in Judge Totenberg's chambers, her former clerks shared many of the same stories. She is a kind and gracious mentor with a genuine fondness for everyone she works with. Each of her clerks has experienced the moment when they struggled with drafting an order on their first cross motion for summary judgment and Judge Totenberg dedicated most of an afternoon to sitting down with them to go over the motions, the record, and the draft order, to make sure they understood how to consider the evidence and apply the legal standard. She is so generous with her time, and so detailed with her feedback, but it is rare to be on the receiving end of that kind of

“

Judge Totenberg gathered a team of fabulous experienced female lawyers to aid her in tackling the mountainous caseload she inherited upon joining the court.

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attention and help at any stage of lawyering. One of the most challenging assignments faced by judicial law clerks is the review of a Magistrate Judge's report and recommendation on a dispositive motion. The easiest thing to do is to simply adopt the Magistrate Judge's recommendation to grant the motion and close the case without much consideration of the underlying record. But Judge Totenberg is not known for taking the easy route. She requires her clerks to really examine the record, read the depositions, and to ensure there is not a genuine dispute of material fact that has been overlooked that goes to the heart of the case. Under Judge Totenberg's scrutinizing guidance, it is not uncommon for her clerks to draft detailed, methodical orders rejecting the prior recommendation when warranted under the law.

One law clerk who worked for Judge Totenberg during the Judge's first year on the bench recalled how the Judge was willing to take a hard look at the many, many pro se cases being filed in the district court in 2011-2012 by homeowners who were desperate to try to save their homes from foreclosure. Facing a stream of motions for emergency injunctions to stop first-Tuesday of the month nonjudicial foreclosures, Judge Totenberg scheduled them all for in-person hearings so she could explain to pro se litigants exactly what was going on and make them aware of pro bono legal resources. She sent many of these cases

to mediation, and she directed her law clerk to delve deeply into the Georgia statute regarding authority to foreclose, resulting in several decisions illuminating the legal issues more substantially than any district court decisions in Georgia had done. While many in the legal system dismissed these pro se litigants out of hand, Judge Totenberg had the integrity and dedication to make sure that every legal argument, no matter how inartfully raised, was given careful consideration.

Judge Totenberg incorporates her appreciation for travel and the outdoors into her work. After sitting for hours on the courtroom bench, she has taken many a clerk on walking meetings to explore their cases while exploring the sights and streets of downtown Atlanta. During the first few blocks of the walking meetings, her clerk will present the facts of the case, the arguments in the pending motion, and their view of the governing law. For the next few blocks, Judge Totenberg peppers the clerk with questions: What about this? Is there law on this? Once I saw this – are we seeing that here? And then: You know what this is really about, right? A Totenberg clerk usually has answers to the first three questions. But Judge Totenberg's answer to the fourth question often results in opening the clerk's eyes to a totally different view of the law at play.

To be a law clerk for Judge Amy Totenberg means you become part of the Totenberg family. In our years working with Judge Totenberg, each of us has seen

how she has cultivated a chamber environment of camaraderie, fellowship, and warmth. She develops deep personal connections with her clerks and chamber staff and takes an active interest in their lives and families. From daily communal lunches together to the potluck dinners she hosts, she has built a "Totenclerk family," in which all members cheer each other's professional and personal accomplishments and supports each other during tough times. Judge Totenberg's face-time focused approach to mentorship was put to the test when the COVID – 19 pandemic hit and working from home became the norm – but she continued the traditional chamber lunches weekly by video conference, and moved the potluck dinners outdoors, insisting we keep each other's spirits up.

Judge Totenberg herself is the ultimate advocate for her clerks and staff and is an indomitable pillar of support and wisdom for them too. One clerk shared a deeply personal story about how Judge Totenberg helped shepherd him through difficulties he and his husband encountered for years when trying to start a family. First, when he learned that the woman who ran the surrogacy agency he was contracted with had confessed to stealing the escrow funds of nearly all of her clients, Judge Totenberg insisted he move his money to a safe account. Later, when he matched with a Native American birthmother for adoption, Judge Totenberg helped him navigate

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What makes Judge Totenberg most remarkable is her deep sensitivity to the rights of all humans, coupled with her deep understanding of the law; and her patience and sincerity.

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the Indian Child Welfare Act and supported him when he had to travel across the country to Sioux City, Iowa multiple times during the adoption process. After the baby was born, and they brought her home to Atlanta in the middle of "Snowmageddon 2014," Judge Totenberg and her husband layered up and braved the cold to be their first visitors to welcome the new baby into the family. But then, the Omaha tribe intervened, and her clerk was told they would only be foster parents until the tribe found the baby a family closer to the reservation. When he felt like giving up, Judge Totenberg would not allow it and called on her network for advice. Seven months later, her clerk shared one of the happiest days of his life with Judge Totenberg, sitting in her chambers, the Iowa judge on the phone, and Judge Totenberg by his side, as the adoption was finalized.

So many of her colleagues, clients, and even the litigants appearing before her have similar stories of how Judge Totenberg has impacted their lives, how she went out of her way to help them or to find the help they needed. For one notable birthday, a crew of law clerks made her a music and dance video based on the song "Get Lucky" by Daft Punk — because to know judge Totenberg, to appear before her, or to work with her, one definitely feels "sometimes you get lucky."

It is fitting that when asked how she thinks she has made the most

impact as a judge, one of her answers was by working with her law clerks and interns. "This is your legacy," she said, "a whole other way you can impact the world, the way you connect yourself to the youth, a way to continue the things that were important to you, and the way you are going to carry your mission forward."

One of the ways Judge Totenberg's experiences have had a lasting impact on her judicial temperament is illustrated by her handling of criminal cases. Her current career clerk shared that she has been most impacted by the way Judge Totenberg conducts her criminal sentencing hearings. She treats every defendant with total compassion and boundless humanity. She spends time talking with them and listening too. During COVID — 19 pandemic when family jail visits were not possible — Judge Totenberg would sit in the courtroom after sentencing to allow defendants time to be with their families. On one such occasion, when a defendant was able to spend time with his wife and children after his sentencing, he told Judge Totenberg that he was so glad that his case was assigned to her because she treats all defendants like they are her children. He said that all defendants with cases assigned to her recognize that reality. Over the course of her years on the bench, Judge Totenberg has led by example in conducting more holistic and human sentencing hearings. In doing so, she has

transformed the way these hearings are conducted in the district. It is no wonder one former defendant, speaking in a TV interview years after his case was finished, touted that Judge Totenberg is the "best person in the world."

What makes Judge Totenberg most remarkable is her deep sensitivity to the rights of all humans, coupled with her deep understanding of the law; and her patience and sincerity when communicating complicated issues and options in an understandable way.

Now enjoying senior status, Judge Totenberg is still young in spirit. She continues to believe that the federal courts are entrusted with the most privileged and important role in our nation — to preserve the Constitution's fundamental guarantees for all people without regard to race, national origin, or gender, and without regard to rank or status. She believes her job as a federal judge carries the greatest of obligations to open the doors of the justice system and to treat all who come before her with fairness, dignity, intellectual integrity, and respect. She exemplifies a life well lived, both on and off the bench.

About the author: *Holly Cole was Judge Amy Totenberg's career law clerk from March 2011 to August 2021. She is now in private practice at Holcomb + Ward, LLP in Atlanta, Georgia. She is a 2002 graduate of the University of Georgia School of Law.*

Judge Julie Sneed's Investiture

By Drew Domina

On July 12, 2024, hundreds gathered in Orlando, Florida to witness the next step in the incredible journey of United States District Judge Julie Simone Sneed. The investiture ceremony at the United States District Court in the George C. Young Federal Annex was a testament to the far-reaching impact that Judge Sneed has had on the broader legal community across the Southeastern United States. In explaining Judge Sneed's impact to those gathered, attorney Anitra Clement quoted Sir Isaac Newton: "If I have seen further, it's because I'm standing on the shoulders of giants." Judge Sneed is truly a giant in Florida's legal community and throughout her distinguished career has not only offered her shoulders for younger attorneys and students to stand upon, but has without fail offered them a helping hand and smile on their way up. The overwhelmingly positive effect that Judge Sneed has had and continues to have on those around her set the theme for her investiture ceremony and permeated the remarks of those offering their congratulations.

Judge Sneed's Court Security Officer Brian Rivera opened the proceedings by calling to order those gathered in the ceremonial courtroom and viewing in the multiple overflow rooms throughout the courthouse. The Honorable Timothy J. Corrigan presided over the ceremony in his role as Chief United States District Judge in the Middle District of Florida. Those present were then graced with a stirring rendition of the national anthem sung by Monica Williams Harris, Esq., Judge Sneed's longtime friend and colleague in the George

Edgecomb Bar Association, who had traveled from Atlanta to attend. Reverend Edward Henley of St. James House of Prayer Episcopal Church then led the attendants in an invocation asking that Judge Sneed be granted "the wisdom to discern right from wrong, the courage to uphold justice, and the compassion to consider the plight of those who come before her."

Chief Judge Corrigan then welcomed the hundreds in attendance and recognized those members of Judge Sneed's family that had travelled from across the state to be there. Numerous distinguished guests and revered members of the legal community were also in attendance, including the Honorable Charles Wilson of the U.S. Eleventh Circuit Court of Appeals, Bankruptcy Judge Denise Barnett from the Western District of Tennessee, retired

Florida Supreme Court Justice Peggy Quince, the Honorable Jessica Costello and Honorable Barbara Twine Thomas from Florida's Thirteenth Judicial Circuit, United States Congressman Maxwell Frost of Florida's tenth Congressional District, the Middle District of Florida Clerk of Court Elizabeth Warren, Chief Probation Officer Parker Anderson, Deputy Chief Pretrial Services Officer Suzanne Arwady, United States Attorney Roger Handberg, Federal Defender Alec Hall, United States Marshal William Berger, as well as several U.S. District, Magistrate, and Bankruptcy judges and Florida state court judges and justices. When asked after the event, Judge Sneed recounted how grateful she was to have so many family members, friends, and colleagues

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U.S. District Judge Julie Sneed with her family as she is welcomed by her colleagues to the bench after receiving the oath of office.

in attendance from her time spent growing up in Orlando to her years practicing law and serving as a Magistrate Judge in Tampa.

Chief Judge Corrigan then introduced Attorney Valeria Obi to begin the presentation of gifts in appreciation of Judge Sneed's generous contributions to many local and state legal organizations. On behalf of the George Edgecomb Bar Association and along with the immediate past president Cornelius Demps and current president Tiffany Hilton, Ms. Obi expressed her appreciation to Judge Sneed for her service as a past president of that organization. Ms. Obi also expressed her gratitude to Judge Sneed on behalf of the Virgil Hawkins Florida Chapter of the National Bar Association, along with its current president Benjamin Garcia, and the Paul C. Perkins Bar Association, the National Bar Association's affiliate chapter in Orlando, along with its current president Ayana Barrow and Paul C. Perkins, Jr., for Judge Sneed's dedicated engagement, service, and support over the years. On behalf of Virgil Hawkins, Ms. Obi

presented Judge Sneed with a Bible and expressed her wish that its teachings may inspire Judge Sneed "to serve with integrity, fairness, and compassion in all your decisions and your values and principles." Ms. Obi then expressed her personal admiration for Judge Sneed, including Judge Sneed's "unwavering poise" and "kindness," and that Judge Sneed's journey to the federal bench was "one of inspiration to many, showing that dedication and perseverance can lead to great accomplishments."

Linette "Starr" Brookins, Esq. then spoke on behalf of the Florida Association of Women Lawyers and Hillsborough Association of Women Lawyers. Ms. Brookins described Judge Sneed as "an incredible beacon of hope" and as "an inspiration and living proof that a dream and perseverance make all things possible." Ms. Brookins explained that "[e]very person who enters [Judge Sneed's] courtroom will find a patient and willing ear and an equal application of the law she so respects and will follow." On behalf of FAWL and HAWL, Ms. Brookins presented Judge Sneed with a hanger for her

robes and a small glass sculpture designed to inspire greatness.

Chief Judge Corrigan then introduced Leia Leitner, president of the Orlando Chapter of the Federal Bar Association, to make a presentation to Judge Sneed on behalf of her organization as well as the Young Lawyers Division of the Orange County Bar Association and Community Legal Services of Mid-Florida. In her remarks, Ms. Leitner cited Alexander Hamilton's observation in the Federalist Papers that nearly every right guaranteed under the Constitution would be meaningless in the absence of a virtuous and independent judiciary. Ms. Leitner explained that Judge Sneed's appointment is "so critical" to uphold these ideas of the Founders because Judge Sneed is someone "who will listen and think but act decisively; one who will ensure equality under the law; and one who is smart, fair-minded, and, perhaps above all, independent." In recognition of these qualities and in honor of Judge Sneed's appointment, Ms. Leitner presented Judge Sneed with a customized hanger for her robes, a framed portrait of Lady Justice, a personalized clock, and an engraved wooden desk wedge, and laptop bag. Ms. Leitner closed on behalf of each organization in stating to Judge Sneed that "we hope that these items will serve you well and remain enduring symbols of our esteem for your public service over what we expect will be a long and distinguished judicial career on our federal bench."

After the conclusion of the presentations, Chief Judge Corrigan joked to laughter from those in attendance that he has "been to a lot of investitures" but that he thought "Judge Sneed's got the most loot of anybody that [he has] ever seen." He then introduced the Honorable Charlene Edwards Honeywell for remarks about her new colleague.



The Honorable James D. Whittemore administers the oath of office to his former law clerk and new colleague, U.S. District Judge Julie Sneed, along with Judge Sneed's husband, Dr. Kevin Sneed.



Judge Sneed's family travelled from across the state to celebrate her investiture at the George C. Young Federal Annex in Orlando, Florida on July 12, 2024.

Judge Honeywell opened her remarks with a poem by Dr. Benjamin E. Mays, a former longtime president of Morehouse College:

I have only just a minute
 Only 60 seconds in it.
 Forced upon me. Can't
 refuse it.
 Didn't seek it. Didn't
 choose it.
 But it's up to me to use it.
 Give account if I abuse it.
 Just a tiny little minute.
 But eternity is it.

With these moving words, Judge Honeywell began her reflection on how Judge Sneed has so generously used the 60 seconds of her life to better others' lives, and that brought her to this "culmination of years of preparation, dedication, perseverance, and an unwavering commitment to justice." Affectionately referring to her colleague as "Judge Julie" (not to be confused with television's Judge Judy), Judge Honeywell recounted her pleasure in knowing Judge Sneed as a lawyer practicing in the Florida state courts of the Thirteenth

Judicial Circuit and as a member and officer of several organizations, including the Hillsborough County Bar Association, Hillsborough Association for Women Lawyers, George Edgecomb Bar Association, the J. Clifford Cheatwood Inn of Court, and many others. But more importantly to Judge Honeywell was her relationship with Judge Sneed "as a friend linked in friendship and connected in service to our community through our membership in The Links, Incorporated, Tampa Chapter, where [Judge Sneed] is the current president." According to Judge Honeywell, "[f]rom the early days of her career as a lawyer, it was evident that Judge Julie possessed an extraordinary combination of intellectual rigor, moral integrity, and a deep sense of commitment, qualities that are essential to a judge."

Judge Honeywell then recounted Judge Sneed's years as a Magistrate Judge in the Tampa Division of the Middle District of Florida and joked that she knew Judge Sneed "was special when she told me that she enjoyed handling discovery issues. Imagine that." Judge Honeywell then shared

an anecdote of Judge Sneed's deciding of a case involving allegations of international child abduction by a parent. Judge Honeywell told those gathered that "[a]fter listening to heart-wrenching testimony from both parents and numerous relatives for several days, [Judge Sneed] determined that the mother did not abduct the child and the father had given his consent for the relocation." According to Judge Honeywell, this case "reflects Judge Julie's ability to blend legal expertise, a steadfast commitment to the rule of law with compassion, understanding, and a sense of fairness."

Beyond her rulings from the bench, Judge Honeywell described Judge Sneed's contributions to the court, including her participation in the court's intensive reentry program, presiding over naturalization ceremonies, and developing and organizing the programming for the Tampa Division's rotational summer internship program for law students. Judge Sneed has also continuously performed community services through



Judge Sneed with some of her current and former law clerks, who gathered to celebrate Judge Sneed's appointment and to thank her for her mentorship and support.

The Links and Alpha Kappa Alpha, a public service sorority.

Judge Honeywell closed her remarks by sharing her conviction that "there is no doubt that Judge Julie will navigate complex legal issues with wisdom, balance the scales of justice with care, approach each case with an open mind, and exemplify the highest standards of judicial conduct." Judge Honeywell spoke of Ecclesiastes 3:1 and its teaching that everything on the earth has its own time and season. Judge Honeywell described this as "the right time for Judge Julie's appointment to the district court" because she "will assist the district judges here in the Middle District of Florida as we work to restore that public trust and confidence [in the courts] and strive for a system of justice that reflects the very best of our society." In a closing prayer, Judge Honeywell asked that Judge Sneed "continue to make the most of the 60 seconds in your minutes of life and that God will give you the wisdom of Solomon, the patience of Job, and the strength of Samson as you embark on this next chapter of your career."

Chief Judge Corrigan then introduced Attorney Anitra Clement as president of the Tampa Chapter

of the Federal Bar Association for some remarks about her mentor, Judge Sneed. Ms. Clement began by recounting her first meeting of Judge Sneed in 2015 and that to Judge Sneed, "nothing is too small for her to do when there's service for the community at hand." Ms. Clement remembered Judge Sneed as a mentor and guidepost for young attorneys on not only how to be excellent lawyers, but also how to be true professionals in the field. Ms. Clement recalled Judge Sneed's reminder to her in dealing with opposing counsel to "[f]ocus on your case. Focus on who you are. Be yourself. Focus on your client and your task at hand." Judge Sneed is a pillar in the legal community, and Ms. Clement recalled her impact on not only young attorneys and colleagues, but also high school students in running the high school summer camp through the Tampa Chapter of the Federal Bar Association. Several students had approached Ms. Clement after the program and shared "the impact that Judge Sneed specifically has had on them and the thoughts that they have for their future because of her." In closing, Ms. Clement thanked Judge Sneed for the opportunity

to stand on her shoulders and see further, an opportunity that Judge Sneed has given and continues to give to so many.

Chief Judge Corrigan then read remarks from Phil Brest, special assistant to President Joseph R. Biden and senior counsel within the Office of White House Counsel. On behalf of the President, Mr. Brest extended his congratulations to Judge Sneed on her investiture and recognized that he can "think of no one better suited to help" with the caseload in the Middle District of Florida than Judge Sneed. According to Mr. Brest, Judge Sneed "captures everything one could possibly want in a jurist. She is driven yet humble, probing yet patient. She understands both the gravity of the role and its constitutionally prescribed limitations. Most importantly, she is in this for the right reasons: a commitment to the fair and efficient administration of justice and to upholding the rule of law." Mr. Brest concluded that Judge Sneed "will make a lasting contribution to the Middle District and those who call it home."

David Karp of Carlton Fields, P.A. was then introduced to read Judge Sneed's commission. Karp described the arduous process leading to Judge Sneed's nomination, confirmation, and appointment as a district judge on the federal bench as "a little bit like walking at night with a blindfold on through a labyrinth that's filled with trap doors, and if you're lucky enough to get through that process, the reward is you get to appear before the Senate Judiciary Committee hearing." In contrast to what is typically seen on individuals working their way through the process, Karp described Judge Sneed in her Senate Judiciary Committee hearing as having a "radiant smile" that "puts forth [her] finest qualities of compassion, of empathy, and

of really an incredible positivity." Before reading her commission, Karp explained his hope that someday, "in the very distant, distant future, many years from now," at Judge Sneed's portrait ceremony celebrating her taking senior status, that she would still have that same radiant smile and unflinching positive attitude and effect on everyone around her. With that, Mr. Karp read Judge Sneed's commission from President Biden appointing her as a United States District Judge for the Middle District of Florida.

The Honorable James D. Whittemore, for whom Judge Sneed had the honor of clerking for as a young attorney, then administered the oath of office to Judge Sneed. After the oath, Judge Sneed's husband, Dr. Kevin Sneed, and children, Ryan and Asha, enrobed Judge Sneed in her judicial robes. Chief Judge Corrigan then officially welcomed Judge Sneed to the bench by noting her previous service with distinction as a Magistrate Judge and assuring that he is "confident that Judge Sneed will serve with equal distinction as a United States District Judge." On behalf of the court, Chief Judge Corrigan welcomed Judge Sneed in her new role and wished her "Godspeed in all of [her] undertakings."

The attendees then had the pleasure of hearing from Judge Sneed herself, who, in her well-known humble and gracious fashion, took nearly the entirety of her remarks to thank those in attendance and those that made her appointment possible. To Judge Sneed, her appointment felt "like a miracle" and she expressed her conviction that she "could not have gotten to this place alone." Among those that received Judge Sneed's gratitude were

President Biden and Senators Marco Rubio and Rick Scott. To her husband, Dr. Kevin Sneed, Judge Sneed expressed that there "was not a moment that you did not encourage me, uplift me, and reassure me and support me," and that she was so proud of their children. Judge Sneed was further grateful for the love and support of her sister, Sonja, her brothers, Darryl and John, and her entire extended family that had travelled from across the state to be with her at the ceremony. Of her extended family, Judge Sneed recalled her great grandmother, who "instilled in [her] family a culture of hard work, determination, and hope" and whose values carried through to her grandmother and mother (and most certainly on to Judge Sneed herself).

Judge Sneed then thanked each presenter as well as the litany of individuals who made her confirmation possible, including the Federal Judicial Nominating Conference, David Karp, Florida state Senator Arthenia Joyner, Yolanda Cash Jackson, and Florida Supreme Court Justice Peggy Quince. Judge Sneed further expressed her gratitude to her family at St. James House of Prayer Episcopal Church, The Links, Incorporated, Alpha Kappa Sorority, Incorporated, the Athena Society, Akerman LLP, Fowler White Boggs, Trenam Law, the members of her various Inns of Court, members of the Florida Women's Lawyers Association, the National Bar Association, and the Federal Bar Association. Judge Sneed also thanked the distinguished judges of the Middle District of Florida and the Merit Selection Panel for the "honor of serving as a United States Magistrate Judge for almost nine years." Judge Sneed further recognized her law clerks

and courtroom deputy clerks for their "commitment to excellence" and expressed her gratitude to her district judge colleagues that have been "welcoming, helpful, and extremely collegial." Judge Sneed then thanked the entirety of the court staff for making the investiture ceremony possible and their tireless work in ensuring the ceremony's overwhelming success. In conclusion and in her well-known gracious manner, Judge Sneed reiterated that "it is truly an honor to serve" in her new role and promised that she "will work every day to be worthy of the great trust that you-all have placed in me."

The ceremony concluded with a benediction by Deidre Joseph of St. James House of Prayer Episcopal Church, who asked that the "work of [Judge Sneed's] hands . . . help and not hinder those she serves so that she rules with favor, goodness, kindness and mercy." Chief Judge Corrigan then closed the proceedings by inviting all those in attendance to a reception spanning three floors of the Orlando courthouse and further epitomizing the high esteem within which Judge Sneed is held. Judge Sneed's investiture ceremony characterized the myriad accomplishments in her career thus far, and the well-wishes and convictions of so many that Judge Sneed will continue as a giant in the legal community in the next steps of her journey.

Drew Domina is an attorney in the White Collar Crime & Government Investigations group in the Tampa Office of Carlton Fields, P.A. and served as a term law clerk to Judge Sneed from 2022 to 2024.

Everything Matters: A Tribute to the Honorable W. Leon Barfield

By John E. Price

"Love is that powerful and prevalent passion by which the faculties and inclinations of the soul are determined, and on which both its perfection and happiness depend. **The worth and excellence of a soul is to be measured by the object of its love.**" –Henry Scougal, *The Life of God in the Soul of Man* (1677) (emphasis mine).

"You are what you love." –James K.A. Smith, *You Are What You Love: The Spiritual Power of Habit* (2016).



Judge Barfield's former law clerks gathered with him to celebrate his retirement on June 3, 2013. Pictured with Judge Barfield (from left to right) are former law clerks Justin Jernigan, Sarah Bullard, John Price, Brian Patterson, Melissa Hourihan, Mike Loebel, Lewis Beard, Sean Fahey, and Laurel Payne Landon.

Just over twenty years ago, I first darkened the chambers of the late W. Leon Barfield, United States Magistrate Judge for the Southern District of Georgia. Now 2 years ago, Judge Barfield passed away following a battle with illness on February 11, 2023, at the age of 75. It is fitting to think and write about him as the second anniversary of his death approaches.

Following a brilliant career as a federal prosecutor, Judge Barfield served as Magistrate Judge in the Augusta Division for twenty years, from 1993 until his retirement in 2013. From 2004 to 2006, it was

my great privilege to serve as one of his nineteen law clerks. I am honored to write this tribute, but also daunted: How do you sum up the life of a person you admire?

There are of course the details that can be found in newspaper articles and obituaries, as well as stories better told by colleagues, friends, and family who knew Judge Barfield far longer and better than I did. Judge Barfield led an extraordinary life. He grew up in Moultrie, Georgia, the son of a greenskeeper. Although I rarely saw him without a coat and tie, Judge Barfield grew up watering grass,

raking bunkers, and playing golf, the greatest and most humbling game ever devised by man.

As Judge Barfield put it, his youth was spent on "girls, golf, and gasoline," until the war in Vietnam interrupted his dreams of becoming a professional golfer. On May 23, 1968, a mortar shell exploded at his feet, destroying his right leg. As Judge Barfield put it, that mortar shell ruined his entire day, but not his life.

Upon his return from Vietnam, Judge Barfield went to college and then law school at the University of Georgia, and you did not have to be around Judge Barfield for very long before you knew he was devoted to his bride Lennie, the game of golf, and his "Dawgs." After graduating from law school in 1976, Judge Barfield became an Assistant District Attorney for



Judge Barfield with Brian Patterson, who clerked for Judge Barfield from 1996-98. Like many of Judge Barfield's former law clerks, Brian enjoyed a lifelong friendship with the judge, who was a friend, mentor, and trusted advisor to his law clerks long after they left his chambers.

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Judge Barfield with the Hon. Lisa Godbey Wood, U.S. District Judge for the Southern District of Georgia.



Judge Barfield in chambers proudly holding the author's daughter, Hannah, during a visit with the author and his wife, Sara, shortly after Hannah's birth in May 2006.

the Augusta Judicial Circuit before entering federal service as an Assistant United States Attorney in 1981, distinguishing himself as a brilliant and tireless prosecutor, handling many complex high-profile cases. In 1993, Judge Barfield had a special year: He was appointed U.S. Magistrate Judge and he married the love of his life, Lennie Shore Barfield, his wife of 29 years.

As a jurist, Judge Barfield had all the qualities you would expect: He had a keen intellect; a curious, probing, and serious mind; insight into human character; and an incredible memory. He demanded excellence from himself and expected it from others. He also loved the law, and he expected you to love the law as much as he did. Judge Barfield loved mercy, and he hated injustice.

It was easy to love Judge Barfield's ready smile and his hearty laugh, but I loved his anger, too. Judge Barfield hated evil.

Judge Barfield also readily gave himself away to others. During his time on the bench, Judge Barfield gave his time and care to mentoring wounded veterans of the wars in Iraq and Afghanistan through the CSRA Wounded Warrior Care Project, and in 2013 the Augusta Bar Association awarded him its Robert L. Allgood Service Award in recognition of his work.

Of course, Judge Barfield was far from perfect, but his flaws made him a better judge. He understood heartache, loss, and the sting of failure. Judge Barfield rarely spoke of his first marriage, but I always sensed his patience and compassion were born from experiencing difficulty, disappointment, and regret. Judge Barfield understood suffering and pain, which he faced every day with quiet courage.

And now we come to why I admire Judge Barfield. Anyone who has been around the practice of law or the administration of justice for any length of time ought to be able to identify with the Preacher of Ecclesiastes, who wrote, "I have seen everything that is done under the sun; and behold, all is vanity and a striving after wind." (Eccl. 1:14, RSV).¹ But Judge Barfield went about loving people, the law, his country, and the United States Courts as a person who knew **everything matters**, and when you worked for him, you knew it, too.

As I drove to my office early one morning a couple months ago, I let my memories of Judge Barfield mingle with these words from

Henry Wadsworth Longfellow's carol, "I Heard the Bells on Christmas Day," written during the Civil War:

I heard the bells on Christmas Day
Their old, familiar carols play,
And wild and sweet
The words repeat
Of peace on earth, good-will
to men!

....
And in despair I bowed my head;
"There is no peace on earth,"
I said;
"For hate is strong,
And mocks the song
Of peace on earth, good-will
to men!"

Then pealed the bells more
loud and deep:
"God is not dead, nor doth He
sleep;
The Wrong shall fail,
The Right prevail,
With peace on earth, good-
will to men."

We are defined and shaped by what we love, by what delights us: "**The worth and excellence of a soul is to be measured by the object of its love.**" Judge Barfield loved the law without any cynicism, despite also being profoundly realistic about life, the world, and people. His energy and enthusiasm for the law were not naivete. I've come to realize these qualities are rare and never to be taken for granted. Judge Barfield heard the bells pealing loud and deep, and so he lived as if **everything matters**, because it does.

About the author: John E. Price is a partner at Fulcher Hagler LLP in Augusta, Georgia. He clerked for Judge Barfield from 2004 to 2006.

ENDNOTE

1 Of course, paradoxically, the message of Ecclesiastes is that, despite the apparent futility and meaningfulness of life "under the sun," everything matters. (See generally Philip Graham Ryken, *Ecclesiastes: Why Everything Matters* (2010)).

The 2024 Eleventh Circuit Issue from *University of Miami Law Review*

By Melanie Kalmanson and Emily Plakon

The *University of Miami Law Review* published its annual Eleventh Circuit Issue this summer (Volume 78, Issue 4), which included four articles and one student note. (For those of you who are new to this column, the fourth issue of each volume published by the *University of Miami Law Review* is called the “Eleventh Circuit Issue” and includes pieces that relate to the U.S. Court of Appeals for the Eleventh Circuit.)

The Honorable William H. Pryor, Jr. of the Eleventh Circuit wrote the *Foreword*.¹ He began by thanking the *University of Miami Law Review* for publishing the Eleventh Circuit Issue each year, calling it “a tradition of scholarship that honors fundamental principles of our Constitution” and “help[s] judges, attorneys, scholars, and students review how the courts of this Circuit serve, in Hamilton’s words, ‘as the bulwarks of a limited Constitution.’”² Judge Pryor also reported on the status of the Court, writing that “the Eleventh Circuit returned to normality after a period of transition” and “again has twelve active judges and no vacancies.”³ He also reported on recent notable decisions from the Eleventh Circuit⁴ and the Court’s workload, which has “steadily declined” since 2004.⁵

After the *Foreword*, last year’s Eleventh Circuit Issue included four articles. First, Brian Sites, a Lecturer at the University of Miami School of Law, published *Machine Speech: Towards a Unified Doctrine of Attribution and Control*.⁶ In this article, Professor Sites explores Eleventh Circuit authority addressing the use of artificial intelligence tools in

legal practice.⁷ The discussion includes the Eleventh Circuit’s decisions in *Walters v. OpenAI* (a Georgia defamation case involving ChatGPT) and *United States v. Lamons* (a Confrontation Clause case related to AI that was “one of the first major cases of its kind”).⁸ The author also addresses key questions involving machine speech,⁹ defamation,¹⁰ copyright issues,¹¹ and forensic evidence.¹²

The second article, *Gatekeeping & Class Certification: The Eleventh Circuit’s Stringent Approach to Admitting Expert Evidence in Support of Class Certification*, is written by Pravi Patel, Mark Pinkert, and Patrick Lyons, attorneys from Weil, Gotshal & Manges LLP.¹³ This article examines the circuit split regarding whether evidence in support of a motion for class certification must be admissible under the Federal Rules of Evidence.¹⁴

The third article, *Choice of Law Issues in Eleventh Circuit Insurance Cases Arising from Lex Loci Contractus*, is written by Tom Schulte, Andrea DeField, and Jorge Aviles, attorneys from Hunton Andrews Kurth LLP.¹⁵ In this article, the authors explore the uncertainty surrounding whether Eleventh Circuit and Florida courts will apply the *lex loci contractus* doctrine to choice-of-law issues in insurance disputes.¹⁶ Specifically, the authors analyze the increasing number of Eleventh Circuit cases struggling to apply the doctrine and state courts’ lack of definitive guidance on the issue.¹⁷ The article also provides practical advice on how policyholders can avoid pitfalls associated with this uncertainty.¹⁸

The final article, *Secrecy on Steroids: How Overzealous State Confidentiality Laws Expose Leakers and Whistleblowers to Retaliatory Prosecution*, was written by Frank D. LoMonte (University of Florida’s Joseph L. Brechner Center for Freedom of Information) and Anne Marie Tamburro (Foundation for Individual Rights and Expression).¹⁹ In this article, the authors explore Florida’s broad state confidentiality laws and the overuse of “classified” and “confidential” labels nationwide.²⁰ LoMonte and Tamburro explain that these broadly enforced restrictions can lead to secrecy and deter whistleblowers, like when a Florida official was subject to a two-year investigation for releasing records regarding a sexual harassment complaint against a state regulator.²¹ The authors also explore the recent Texas case of *Villarreal v. City of Laredo*, which highlights the risks of selective enforcement.²² The article suggests that confidentiality laws should be restricted to protect genuine harm, considering the public interest.²³

Lastly, the Issue included a student note written by Annick Runyon, *Obtaining Trademark Registration for Marks Containing Political Commentary: A Look into Vidal v. Elster*.²⁴ Runyon was an Executive Editor for *University of Miami Law Review* and graduated in 2024; she is now an associate at Carlton Fields in Miami. The Note reviewed the Federal Circuit’s decision in *Vidal v. Elster*, which was pending review by the U.S. Supreme Court when the Note was published. Runyon

wrote that the case "highlights complex nuances of trying to obtain trademark registration over marks containing political commentary," and that the U.S. Supreme Court's decision in the case "could potentially erode the constitutionality of other trade-mark doctrines in the United States."²⁵

After the Note was published, on June 13, 2024, the U.S. Supreme Court issued its decision in *Vidal v. Elster*.²⁶ In a unanimous decision with several different opinions, the Court reversed the Federal Circuit's decision.²⁷ While the justices were not in agreement on the reasoning, "all agreed that the First Amendment permits the [Patent and Trademark Office] to refuse to register the mark."²⁸

Congratulations to the *University of Miami Law Review* on publishing another great Eleventh Circuit Issue.



Melanie Kalmanson



Emily Plakon

Melanie Kalmanson (Partner) and **Emily Plakon** (Associate) are both attorneys in the commercial litigation group at Quarles & Brady LLP in Tampa, Florida. Melanie received her J.D. degree from the Florida State University College of Law and Emily received her J.D. degree from Stetson University College of Law.

ENDNOTES

1 William H. Pryor Jr., Foreword, 78 U. MIA. L. REV. 1015 (2024).

2 *Id.* at 1015 (quoting THE FEDERALIST No. 78, at 522 (Alexander Hamilton) (Jacob E. Cooke ed., 1961)).

3 *Id.* at 1016.

4 *Id.* at 1016–20.

5 *Id.* at 1020–22.

6 Brian Sites, *Machine Speech: Towards a Unified Doctrine of Attribution and Control*, 78 U. MIA. L. REV. 1025 (2024).

7 *Id.* at 1032–41.

8 *Id.* at 1025; accord *id.* at 1032–41, 1052–58.

9 *Id.* at 1051–55.

10 *Id.* at 1032–41.

11 *Id.* at 1041–43.

12 *Id.* at 1033–54.

13 Pravin Patel, Mark Pinkert, & Patrick Lyons, *Gatekeeping & Class Certification: The Eleventh Circuit's Stringent Approach to Admitting Expert Evidence in Support of Class Certification*, 78 U. MIA. L. REV. 1062 (2024).

14 *Id.*

15 Tom Schulte, Andrea DeField, Jorge Aviles, *Choice of Law Issues in Eleventh Circuit Insurance Cases Arising from Lex Loci Contractus*, 78 U. MIA. L. REV. 1084 (2024).

16 *Id.* at 1088–90.

17 *Id.* at 1089–94.

18 *Id.* at 1098–99.

19 Frank D. LoMonte & Anne Marie Tamburro, *Secrecy on Steroids: How Overzealous State Confidentiality Laws Expose Leakers and Whistleblowers to Retaliatory Prosecution*, 78 U. MIA. L. REV. 1100 (2024).

20 *Id.*

21 *Id.* at 1102–03, 1118.

22 *Id.* at 1140–46.

23 *Id.* at 1152–57.

24 Annick Runyon, *Obtaining Trademark Registration for Marks Containing Political Commentary: A Look into Vidal v. Elster*, 78 U. MIA. L. REV. 1158 (2024).

25 *Id.* at 1159.

26 *Vidal v. Elster*, 602 U.S. 286 (2024).

27 *Id.*; see Ronald Mann, *Supreme Court rejects "Trump too small" trademark*, SCOTUSBLOG (June 13, 2024), <https://www.scotusblog.com/2024/06/supreme-court-rejects-trump-too-small-trademark/>.

28 Mann, *supra* note 27.

Atlanta Attorney Emmet Bondurant Awarded the 2024 ABA Medal

By Michael B. Terry

Emmet Bondurant, founding partner of Atlanta litigation firm Bondurant, Mixson and Elmore, LLP, received the 2024 ABA Medal at the ABA Annual Meeting in Chicago on August 2, 2024.

"The ABA Medal is the highest honor bestowed by the American Bar Association, and we are proud to honor Emmet Bondurant for his five decades of commitment to democratic values, equal protection, voting rights and

indigent defense," announced American Bar Association President Mary Smith. The ABA Medal is given to "a member of the bench or bar who has rendered conspicuous service to the cause of American jurisprudence." Previous recipients of the ABA Medal include Oliver Wendell Holmes, Felix Frankfurter, Thurgood Marshall, Sandra Day O'Connor, William J. Brennan, Anthony M. Kennedy, and Ruth Bader Ginsburg.

Bondurant began practicing in 1962 as an associate at Smith, Kilpatrick, Cody, Rogers & McClatchey—now Kilpatrick Townsend & Stockton—soon after earning degrees from the University of Georgia and Harvard University, and serving as a law clerk to Judge Clement F. Haynsworth, Jr., U.S. Court of Appeals for the Fourth Circuit. Bondurant credits Kilpatrick with giving him the "freedom" to do pro bono work in addition to billable work.



Mary Smith, then ABA president; Emmet Bondurant; and Bill Bay, then ABA president-elect, at the American Bar Association's 2024 annual meeting in Chicago. Courtesy of the American Bar Association.

In 1963, at the age of 26, Bondurant successfully argued *Wesberry v. Sanders* in the United States Supreme Court, which held for the first time that congressional districts must contain approximately equal populations, imposing the "one person, one vote rule" as an important bulwark against racial gerrymandering. Subsequently, Bondurant's involvement in *Toombs v. Fortson* compelled the Georgia General Assembly to comply with the Equal Protection Clause by reapportioning state senate and house districts according to the "one person, one vote rule."

Bondurant litigated challenges to voter identification requirements in cases such as *Democratic Party of Georgia, Inc. v. Perdue* and *Common Cause/Georgia v. Billups*, arguing that these laws unconstitutionally and deliberately burden the right to vote and disproportionately adversely impact minorities.

Fifty-five years after arguing *Wesberry v. Sanders*, in 2018, Emmet Bondurant made his last appearance in the United States Supreme Court to argue *Rucho v. Common Cause*, urging the court to end the practice in which state legislatures deliberately draw districts to disadvantage residents based on political views.

Bondurant worked for decades to establish a statewide indigent defense system in Georgia. This effort culminated in the passage of the Indigent Defense Act in 2003, under the supervision of the Georgia Public Defender Standards Council. He served as the council's first chairman, from 2003-07. In addition, he serves on the advisory board of Gideon's Promise, an organization dedicated to realizing effective representation and equal justice for marginalized communities.

Bondurant prevailed before the Georgia Supreme Court in *Fleming v. Zant*, establishing for Georgia the rule that execution of the mentally impaired offends constitutional guarantees against cruel and unusual punishment, 13 years before the United States Supreme Court reached the same conclusion in *Atkins v. Virginia*.

In a groundbreaking gender equality case, Bondurant represented attorney Elizabeth Hishon in *Hishon v. King & Spalding*. The U.S. Supreme Court unanimously ruled that law firms are subject to Title VII and prohibited from discriminating against women in partner selection.

"Bondurant has devoted more than 60 years to establishing and protecting fundamental

rights in America, a contribution in American jurisprudence that will endure generations beyond his remarkable career," said Smith. Smith stated at the award ceremony that Emmet Bondurant "embodies the purpose of the ABA Medal." Bondurant responded that "I was surprised and humbled to have been selected to receive the ABA Medal." Bondurant said that since law school he believed "that there should be more to the practice of law than a socially acceptable way to earn a comfortable living. Lawyers should stand for something." Bondurant went on, telling the lawyers in attendance, "you have the power that few others have to intervene and make the legal system work not merely for those with power, but also for the least among us."

About the author: Mike Terry is a partner at Bondurant, Mixson & Elmore, LLP, where he handles complex cases, trial, and appellate matters. Mike nominated his partner, Emmet Bondurant, to receive the ABA Medal.

Editor's Note: Emmet Bondurant served as the Eleventh Circuit Historical Society's president from 2005-2009. Both he and Mike Terry are members of the Historical Society through their firm's Keystone membership.

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The ABA Medal is given to "a member of the bench or bar who has rendered conspicuous service to the cause of American jurisprudence." Previous recipients of the ABA Medal include Oliver Wendell Holmes, Felix Frankfurter, Thurgood Marshall, Sandra Day O'Connor, William J. Brennan, Anthony M. Kennedy, and Ruth Bader Ginsburg.

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Celebrating Legacy: The Supreme Court Historical Society Honors Chilton D. Varner, Esq., at Atlanta's High Museum

On October 16, 2024, the Supreme Court Historical Society hosted an inspiring event at the Woodruff Arts Center in Atlanta, Georgia, to honor our esteemed President Emeritus, Chilton D. Varner, Esq. The event brought together members, trustees, and notable guests in celebration of Chilton's outstanding contributions to the Society and the legal community.

Ms. Varner joined the Society at the behest of her King & Spalding law partner, Frank C. Jones, then the Society's President. She quickly joined the Board of Trustees and then the Executive Committee. In 2017 she was elected President, an office she held until stepping down in June 2024. During her time as President of the Society, she guided the Society through both exciting changes and difficult challenges, including the COVID-19 pandemic. Her calm leadership helped the Society throughout her tenure.

The evening began with an elegant reception, where guests enjoyed cocktails and hors d'oeuvres amidst lively conversation in the beautiful second floor space of the Galleria.

Following the reception, attendees were seated in the Azadi Galleria for dinner. Chilton's longtime friend and colleague, Richard "Doc" Schneider, welcomed everyone and introduced the Society's 50th anniversary video which offered a retrospective on the Society's significant achievements over the years and set a celebratory tone for the remainder of the evening. After the video, a toast was made in honor of Chilton D. Varner, reflecting the deep respect and admiration held for her by all in attendance.

During dinner, guests enjoyed a meticulously crafted menu, reflective of the occasion. As dessert was served, Mr. Schneider returned to the stage to introduce Dwight Davis, former Senior Litigation

Partner at King & Spalding and co-founder of King Springs Pecans. Dwight took the stage to share his reflections on Ms. Varner's extraordinary leadership and friendship.

Following Mr. Davis, keynote speaker, Dan McGinn took the stage. Mr. McGinn, CEO of McGinn and Company, delivered a captivating speech about Chilton's inspiring career and its parallels with Atlanta's dynamic growth. He offered an inspirational challenge to Atlanta to become a leading center of civics education. Mr. McGinn then invited Chilton, Mr. Davis, Mr. Schneider and Society Executive Director, Jim Duff, to join him on stage for a special presentation.

Chilton was honored with an award and a thoughtful gift, recognizing her tireless dedication to the Society.

The Program concluded with a stunning performance by Hugo Castillo, an opera singer from Los Angeles whose voice filled the room and provided a perfect closing note to the evening. Jim Duff offered his thanks to the attendees and reminded them of the importance of supporting the **Chilton Davis Varner Civics Education Fund**.

The evening was a fitting tribute to Chilton D. Varner, whose legacy continues to inspire. The Society extends its deepest gratitude to all who attended and contributed to making this event a resounding success. We look forward to continuing our mission of preserving the history of the Supreme Court with the same passion and dedication exemplified by our President Emeritus.



Editor's Note: Chilton Davis Varner currently serves on the Board of the Eleventh Circuit Historical Society as one of its longtime Georgia trustees. We are grateful to the Supreme Court Historical Society for giving us the opportunity to republish this article honoring Chilton as she concluded her service as their President Emeritus.

Brian J. Suckman

Clerk of Court, U.S. Bankruptcy Court, Middle District of Alabama



On May 20, 2024, Brian J. Suckman was named Clerk of Court for the United States Bankruptcy Court for the Middle District of Alabama.

Brian is a graduate of Mercer University and the Walter F. George School of Law at Mercer University. Following in his father's footsteps, Brian joined the Air Force where he was appointed a Judge Advocate. From 1998 to 2007, Brian served in a variety of roles including prosecutor, defense attorney, labor attorney, contracts attorney, and executive officer to a general officer. After separating from



active duty with the Air Force, Brian returned to the Air Force as a civilian attorney developing specialized legal software.

In 2016, Brian was hired by the bankruptcy court as the IT manager. Because of his legal background, he was able to expand the role to be more involved in court operations. In February 2024, Brian was named Chief Deputy Clerk before assuming his current role of Clerk of Court.

In his free time, Brian enjoys spending time with his family, is an avid reader of history, and a collector of Disney fine art.



Brian served in a variety of roles including prosecutor, defense attorney, labor attorney, contracts attorney, and executive officer to a general officer.



The Eleventh Circuit Historical Society
56 Forsyth Street, N.W.
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(404) 335-6395

I hereby apply for membership in the class indicated below and enclose my check made payable to the Eleventh Circuit Historical Society.

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THE ELEVENTH CIRCUIT HISTORICAL SOCIETY

The Eleventh Circuit Historical Society is a private, nonprofit organization incorporated in Georgia on Jan. 17, 1983. Although the Society has no legal connection with the U.S. Court of Appeals for the Eleventh Circuit or the federal government, its primary purpose is to keep a history of the courts of the Eleventh Circuit as institutions and of the judges who have served these courts. In this regard, the judges in the old Fifth Circuit from the states of Alabama, Florida and Georgia are included in the Society's area of interest.

In addition, the Society has a broader mission to foster public appreciation of the federal court system in the states encompassed by the Eleventh Circuit.

The formation of the Society came shortly after the creation of the Circuit in 1981. This timing has allowed the writing of history as current history, not as research history. The Society is devoted to preserving our courts' heritage through the collection of portraits, photographs, oral histories, documents, news articles, books, artifacts and personal memorabilia.

The Society's permanent office is in the Elbert Parr Tuttle U.S. Court of Appeals Building in Atlanta. Its Board of Trustees is composed of lawyers and legal scholars representing the historical interests of Alabama, Florida and Georgia.

While the Society's archival activities are partially funded by grants and other special gifts, it primarily depends on members for financial support. Take pride in knowing that, through your membership, you are helping to recapture memories of past events, thus supplementing historical knowledge that will enlighten and enrich present and future generations. In essence, the Society's accomplishments belong to you.

ON THE WEB

Visit the 11th Circuit Historical Society's website to view
all issues of the Society's newsletters:

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