



President's Message

by Susan W. Fox



To the Men Who Helped Me

This column is dedicated to the men I have loved. No, not husbands or boyfriends, but men who allowed me to become the lawyer I am today, who taught me, guided me, believed in me, gave me opportunities, and never gave up on me.

In particular, I write about **Robert T. Mann** and **David C. G. Kerr**, both of whom, as I write this, have just been laid to rest. Both were icons in the legal profession and leaders in their communities whose passing warranted front-page stories and editorial eulogies in their hometown press.

I write not to speak of their many accomplishments, already well covered, but of the fact each took me under his wing at different stages in my young career and contributed to whatever success I have had. They took a brash, intemperate, and insecure young woman and tried to make a lawyer of her.

I met Judge Mann, as most everybody called him, at University of Florida in 1974. It was my first term as a law student and his first as professor. We developed an immediate bond when he patronized the Italian restaurant where I worked, against strict UF policy, because law school you must understand was a full time job. Mann agreed not to reveal my secret moonlighting, because I could not afford to go to school otherwise.

Mann was a legendary wit and intellect. Before teaching law, he had been in the Florida Legislature in the 1950s and '60s, where he was a populist egalitarian who stood against special interests and bigotry long before it became correct. Mann joined with Leroy Collins in opposing segregation in Florida and sponsored ethics in government legislation. He then served six years as an appellate judge on the Second District, the final

two years as chief judge, where his written opinions were Cardozo-like in depth and beauty. Then, he taught law beginning in 1974.

Mann formally taught me only one course, appellate law. He decided (I never understood how) that I would make a good appellate lawyer. He encouraged me to write my law review papers on appellate law, and to then to begin attending meetings of the appellate rules committee. He wanted me to understand the historic revision of appellate procedures and principles then under way.

After law school, I became an associate at Macfarlane Ferguson & McMullen ("MFM"). Mann and I stayed in touch; we co-authored an article for the *Florida Bar Journal* on appellate rules. Mann somehow got me assigned to give CLE lectures on the new rules and helped me, as just a first-year lawyer, become appointed to the appellate rules committee.

In 1978, Mann was named to the Public Service Commission by Governor Askew, who chose him as a "maverick" who would shake up utility regulation. Mann asked me to be his aide during his term as Chair in 1979. Chester Ferguson, my boss, gladly granted me a leave of absence from MFM so that I could join Mann in Tallahassee. Ferguson said the experience would be good for me.

Working for Mann was full of challenge. Some people found it hard to communicate with Mann because he rarely finished a sentence. He would already be off to the next thought before he finished stating the last one. I could always finish his sentences, I don't know why.

Just being associated with Mann was a roller coaster ride. He bristled with ideas, most of which involved upsetting the status quo. Some of his initiatives, such as deregulating transportation, have stood the test of time.

I admired Mann because he was a "deep thinker," which I certainly aspired to be. He lived in a world in which many things were not right, and was always looking for ways to make it better. Being associated with Mann, I felt, elevated me from the level of people who complained about the system

to the level of people who tried to make it better.

After Mann's term as Chair of the PSC ended, he returned to teaching law at UF and I to the practice of law in Tampa at MFM. There I came to work closely with **Dave Kerr**. Kerr had distinguished himself at a young age as a trial and appellate lawyer with major victories in the United States Supreme Court, and went on to become a nationally recognized expert in an unbelievable number of areas of law, including admiralty, eminent domain, agriculture, food and beverage, corporate, and transportation, not to mention appellate law.

Kerr quickly sized me up as someone who would throw herself with abandon into any legal argument. He said, on the first project I did for him, that my research, writing and analysis were impeccable, but that I "got carried away" with my advocacy in the conclusion. Kerr quickly found ways to put my talent for excess emotion to its best use.

Kerr had to rein me and cool me down more than once. He was good at that. Kerr was the ultimate consensus and confidence builder. A "lawyer's lawyer" the newspaper said. Kerr often found an indirect way to remind me "you catch more flies with honey" and not to "feed the dog" (not to appeal to the client's baser or aggressive instincts).

Kerr always cared enough to find out if there was something or someone bothering me, as often there was. The '80s and '90s were not easy times to be an aspiring woman litigator.

To this day, I wonder what Judge Mann and Dave Kerr saw in me, and why they were so good to me. I never thought I deserved it, and even if I perhaps have vindicated their faith in

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woman Private First Class bears repeating: "In their culture they get to tell their females what to do. Well, they are now in a new culture, and I get to tell them what to do."

Before we leave the subject of robes entirely, what about the \$8,000 garment that Attorney General John Ashcroft ordered to be installed to cover the partially nude body of *Spirit of Justice* in the Justice Department's Great Hall? Apparently Ashcroft was tired of being photographed at his press conference with the statue's naked breast hovering in the background.

The *Deutsch Presse-Agentur* said it perfectly: "The mighty U.S. military may have liberated the women of Afghanistan from their *burqas*, but at least one woman in official Washington has been ordered covered from head to toe."



There is a Council on Biblical Manhood and Womanhood in Kentucky that makes it its business to "set forth the Biblical view of the relationship between men and women." Based on the research of this group, 26 evangelical Christians condemned a new Bible translation, *Today's New International Version*. According to the critics, the new translation—which continues to refer to God as He—may be "gender-neutral," but it is not "gender-accurate." ■

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LETTERS TO THE EDITOR

Dear Susan and Dinita,

I have just completed reading with interest your President's and Editor's Messages in the FAWL Winter 2001 Journal. I would like you to think about something, and in whatever way possible, keep it in your minds as you continue to support gender equality in the legal profession.

Through my contact with young teenagers, I have suffered a rude awakening over the past year that it is not uncommon for teen boys to grope girls on a bus, in the movies, etc., unprovoked and unwelcome. The lyrics of today's teen music are replete with anti-female, anti-family and anti-(il)legitimate offspring. The media hypes the Brittany Spears of this world, with teenage girls sporting messages plastered on their chests that are downgrading to the wearer, not to mention the likes of us. And don't even let me get started with MTV.

And the sad part is, if you question this blitz of our future female lawyers, those young women think that all of this is "normal," and boys are supposed to act that way. We may think that we have made progress. Well, maybe for ourselves, but I fear it is not long lasting, given the feedback from our upcoming generation of future successful women. The book, *Reviving Ophelia* by Mary Pipher, tells it all, in very clear detail. And sadly, neither the author, nor anyone else that I have spoken

with, has an answer.

My point is, if we think we're close to having solved the gender equity problem in the United States, we need to look again. Our daughters need our continued support. Never mind Afghanistan (though, I agree the situation there remains absolutely deplorable), we can't delude ourselves into thinking we've solved the problem here. If we do, I believe that history will certainly repeat itself, as the seeds already have been sown.

Respectfully,

Linda A. Keen, R.N., M.S., J.D.

Dear Editor,

After reading an article about saving tigers in the January issue of the *Smithsonian*, I had to write.

In the FAWL Journal's profiles of the Executive Board I was quoted as enjoying good books in my spare time. At the time I was asked, I was reading Hemingway's *True at First Light*. After reading the book further, I requested it be deleted from the article prior to printing, as the book is quite bad.

Currently, I am enjoying annotating the Audubon Society's *Field Guide to Birds* and reading nightly passages from *Winnie the Pooh*.

Thank you for correcting the record.

Sincerely,

Siobhan Helene Shea

President-elect

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me, I cannot write that I particularly merited their attentions or would have succeeded without them. At times, they had more faith in me than I had in myself.

Judge Mann and Dave Kerr were pioneers for gender equality. They typify the gentlemen who opened the doors of the legal profession and let women in. Although I write this tribute to these two gentlemen, many of my other male partners at MFM, **T. Paine Kelly, Jr.**, **Charles W. Pittman**, and my father, **Hamilton H. Whaley**, as well as the late **Chester Ferguson** and **Charles F. Clark**, all assisted me in the practice of law.

Men like them gave women opportunities, as well as the confidence to seize

them. They shared their networks or their clients with us, sponsored us, promoted us, and even staked their own reputations on our capabilities. In writing this tribute to them, it occurred to me that we are beginning to witness the passing of the generation of men who helped women lawyers become accepted in the legal profession.

And so, in honor of these men and others who helped open the doors for women, I say, "Thank you." For being open-minded. For being pioneers of gender equality. For giving women like me a chance. For sharing your wisdom, your practice, your clients, and your time with me. ■

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WANTED

The Board of the Florida Association for Women Lawyers is looking for a FAWL member with expertise in securities and/or ERISA to assist it in evaluating proposals for a member benefit offering 401(k) plans to members and their employees. If you are interested in working on this project, please contact Pat Stephens at the FAWL office, (850) 894-0055, or at ph-stephens@comcast.net.