



11th Circuit Historical News

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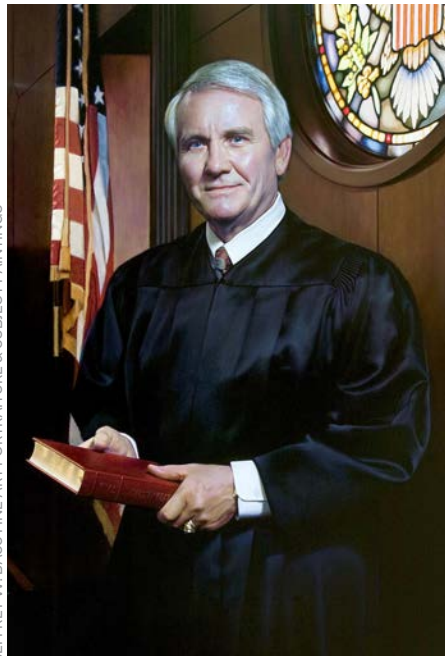
THE HISTORICAL SOCIETY OF THE U.S. COURTS IN THE ELEVENTH CIRCUIT

Judge Clyde Roger Vinson (1940 – 2023)

Clyde Roger Vinson, 83, of Pensacola, Florida, passed away on Saturday, April 1, 2023, after a valiant battle with cancer. A well-respected, long-serving U.S. District Court judge, beloved family patriarch and devout Christian, he proudly served his country as a U.S. Naval Aviator and had a passion for growing camellias.

Throughout his 40-year tenure on the bench, Judge Vinson consistently rendered non-ideological, scholarly decisions with meticulous attention to the rule of law, and he presided over many of the Pensacola area's significant cases. From 1997-2004, he was chief judge of the 23-county

➤ SEE JUDGE VINSON | PAGE 3



“My Judge,” The Honorable C. Roger Vinson

**TIMOTHY J. INACIO, LAW CLERK
(2006-2023)**

Judicial law clerks are a little odd and quirky in that we tend to refer to the judges we work for as “our judges.” I don’t know of any other industry where the employees refer to their bosses in such a uniquely personal and possessive way. I am not going to buck the tradition today, however, as I am here to say a few words and share a few stories about the man I was privileged to call “my judge” for the last 17 years, the late Honorable C. Roger Vinson. Everyone knows he was a great judge, but fewer people know he was—more importantly—a great man.

Voltaire once said: “We owe respect to the living; to the dead we owe only the truth.” The truth is I did not like Judge Vinson when I first met him at my job interview. I found him to be aloof and impersonal. I did not think he had liked me either, so I was surprised when he offered me a two-year clerkship in his chambers. It was not long after I joined his staff that I learned my initial impression of him could not have been more wrong. He turned out to be a kind and thoughtful man who I quickly grew to respect and admire like a father. After I completed the first year of my clerkship, he asked if I would stay on as his permanent law clerk, and I gladly accepted. There were only three of us in chambers—the judge, his longtime ad-

➤ SEE “MY JUDGE” | PAGE 8

IN THIS ISSUE

- 1 Judge Clyde Roger Vinson (1940-2023)
- 1 “My Judge” The Honorable C. Roger Vinson
- 2 From the President: Welcome Back Judge Abudu
- 11 Remembering Judge Roger Vinson
- 12 Winston E. Arnow Federal Building
- 15 Sheppard: An Unquenched Fire in the Belly for Justice
- 19 Judge Corali Lopez-Castro’s Investiture
- 24 The 2023 Eleventh Circuit Issue
- 26 Atlanta IP Inn of Court Renames Itself After Judge Charles A. Pannell, Jr. to Honor His Career of Dedication to Professionalism, Civility, and Excellence
- 27 Clerk of Court for the U.S. District Court, Northern District of Alabama
- 27 Clerk of Court for the U.S. Bankruptcy Court, Northern District of Georgia
- 28 Recollections of Early Fifth Circuit Conferences

WELCOME BACK JUDGE ABUDU

HALSEY G. KNAPP, JR.

The Eleventh Circuit Historical Society would like to extend a warm welcome and congratulations to the newest member of the United States Court of Appeals for the Eleventh Circuit: The Honorable Nancy Gbana Abudu.

Judge Abudu has focused her career on public service through litigation—largely in federal court. Immediately prior to her nomination and confirmation, Judge Abudu served as the Director of Strategic Litigation and Deputy Legal Director for the Southern Poverty Law Center. Judge Abudu also worked at the American Civil Liberties Union, Voting Rights Project, and then served as the ACLU of Florida's legal director for a combined thirteen years. Finally, and of note, toward the beginning of her legal career Judge Abudu spent two

years as an Eleventh Circuit Court of Appeals staff attorney. Our warm welcome, therefore, is more of a “welcome back.”

Of course, Judge Abudu now occupies the seat vacated by Judge Beverly B. Martin. It is appropriate, therefore, that the Eleventh Circuit Historical Society take a moment to thank Judge Martin for her service. Judge Martin served on the United States District Court for the Northern District of Georgia before being elevated to the Eleventh Circuit. She spent over a decade on the Court, where she brought her intellect, perspective, and sense of justice to her 21 years of combined judicial service to the people of Georgia as well as Florida and Alabama. The Eleventh Circuit Historical Society wishes Judge Martin all the best in her future endeavors.

The Eleventh Circuit Historical Society has confidence that Judge Abudu will serve our circuit with distinction. Already, she has proven capable of quickly wrapping her mind around the thorniest legal issues the Court faces. Upon receiving her commission on May 26, 2023, Judge Abudu hit the ground running, sitting for the Court's next en banc oral argument a little over two weeks later. The Eleventh Circuit Historical Society thanks Judge Abudu for her commitment to the Court and wishes her well in the years ahead.



Halsey G. Knapp, Jr.
President, Eleventh
Circuit Historical Society

CONTACT US

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

Wanda W. Lamar,
Executive Director

P: (404) 335-6395

E: wanda_lamar@ca11.uscourts.gov

The Eleventh Circuit
Historical Society
56 Forsyth St. NW
Atlanta, GA 30303

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PHOTO COURTESY OF JOE VINSON



Roger Vinson was born on a farm near Cadiz, Kentucky. Shown here in a family photo circa 1959 are siblings Tom, June, Jesse, Lu and Roger. Seated are parents Carey and Mallie.

PHOTO COURTESY OF JOE VINSON



After graduating from the U.S. Naval Academy in 1962, Vinson entered flight training at Naval Air Station Pensacola.

Northern District of Florida, stretching from Escambia to Alachua. He also served on the highly secret Foreign Intelligence Surveillance Act (FISA) Court from 2006-2013.

Roger's remarkable story began from humble origins. He was born on a farm near Cadiz, Kentucky, a small town in the southwestern part of the state. The youngest of five siblings, he was affectionately referred to by family and friends in Cadiz as "Bus"—short for Buster, a nickname bestowed by older brother Jess. He learned the importance of hard work at an early age, helping out on the family farm that raised cattle and sheep and grew tobacco, wheat, corn and soybeans. By age 12, he had learned to drive the family's 1944 Willys Jeep, soon graduating to tractors, dump trucks and bulldozers. This early aptitude for complex machinery foreshadowed his later skill as a pilot of both military and civilian aircraft.

Roger attended grade school at a one-room schoolhouse with no electricity or running water. A single teacher handled instruction for all ages through eighth grade. He made the best of the sparse educational resources available to him, excelling academically and graduating from Trigg County High School at age 17, having skipped the sixth grade. While in high school, Roger was deeply honored to be elected as president of the Future Farmers

of America (FFA) for the entire state of Kentucky, leading an organization of 10,000 teenagers pursuing careers in agriculture.

While Roger's journey would soon lead him away from Kentucky and life on the farm, he never lost his Kentucky roots. Roger's formative years were shaped by the tight-knit relationships he had with his many relatives—parents, siblings, nieces and nephews—who would gather regularly around the table to laugh, share stories and sometimes engage in heated, but respectful, debates about current events.

Following graduation, Roger spent a year at the University of Kentucky, sparking his lifelong affection for the Kentucky Wildcats. The next year, he began his naval career as a midshipman at the U.S. Naval Academy in Annapolis, Maryland, a prestigious honor achieved through a Congressional appointment. While earning a bachelor's degree in engineering, Roger served prominent roles on multiple school magazine and yearbook staffs and was active in the Academy's debate team and Christian Association. He was also very proud to have helped produce the first two Naval Academy Foreign Affairs Conferences, an annual event which continues today.

After graduating from the Naval Academy in 1962, Roger entered flight training at Naval Air Station Pensacola, his first visit to the city he would call home for

most of his life. After earning his wings as a Naval Aviator in 1963, he was assigned to Patrol Squadron (VP) 5 in Jacksonville, Florida, where he commanded crews flying P-2 Neptune and P-3 Orion aircraft. In 1967, Roger returned to the area as a flight instructor at Whiting Field in Milton, Florida.

Despite being an eminently skilled pilot with a promising future in aviation, Roger's experience presiding over several courts-martial inspired him to pursue a career in law. In 1968, Roger enrolled at Vanderbilt University Law School in Nashville, Tennessee, as a recipient of the prestigious Patrick Wilson Scholarship. He excelled at Vanderbilt, serving on the Law Review while maintaining his commitments to the Naval Reserves out of Memphis, Tennessee.

Upon graduation in 1971, Roger joined the law firm now known as Beggs & Lane, Florida's oldest law firm, where he practiced general civil law for the next twelve years. Almost immediately into his private practice, Roger emerged as an indispensable, trusted counsel for clients such as Gulf Power. With his keen legal intellect and sharp sense of practical judgment, he became a partner of the firm within four years.

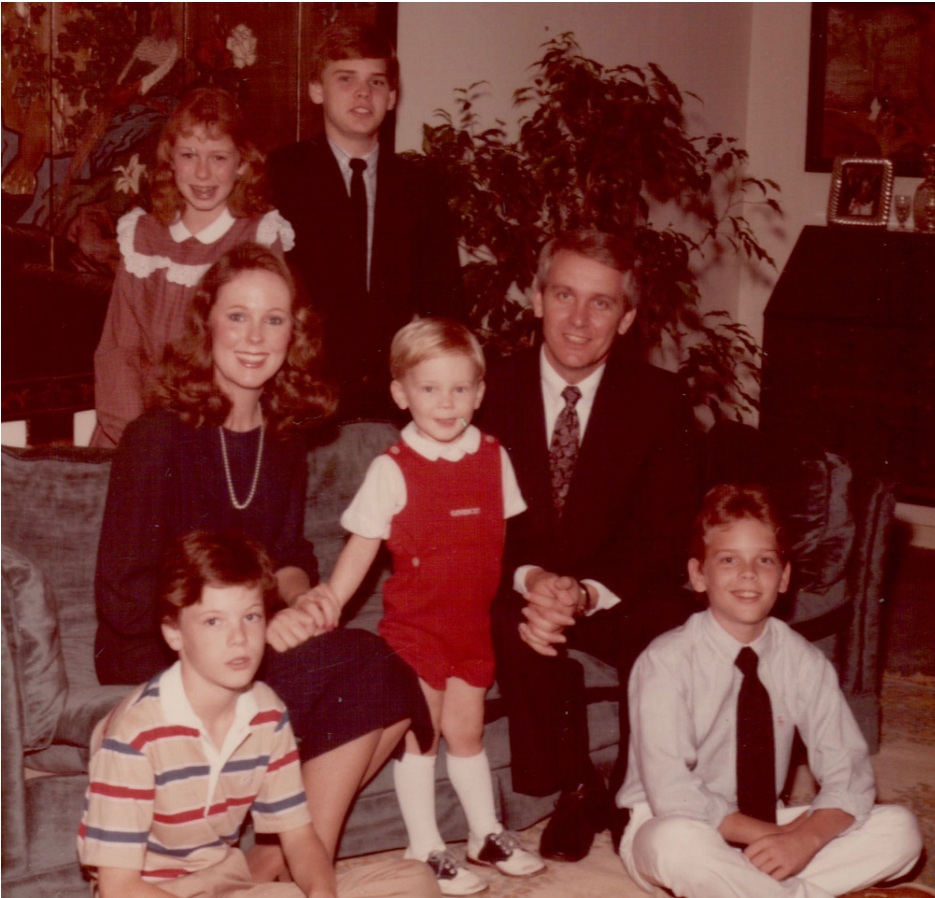
When a judicial vacancy opened in the Northern District of Florida in the early 1980s, Roger quickly emerged as the per-

PHOTO COURTESY OF JOE VINSON



Following a speedy confirmation in the Senate, Judge Vinson was sworn into office by Judge Winston E. Arnow on Nov. 4, 1983, at the age of 43.

PHOTO COURTESY OF JOE VINSON



Family photo circa 1984. Back row: Cate (then Jennings, now Rosenthal) and Matt. Middle: Ellen, Joe, Roger. Front: Patrick (Jennings) and Todd.

fect candidate to fill the seat. Roger's official notification of his nomination came when he received a personal telephone call from President Ronald Reagan while giving a client presentation at Barnett Bank. Following a speedy confirmation in the Senate, he was sworn into office on Nov. 4, 1983, at the age of 43.

Barely a year after taking the bench, Judge Vinson was assigned the first of many cases garnering national attention, the infamous Christmas Day 1984 abortion clinic bombings. In 1988, Judge Vinson overturned Escambia County's ban of the controversial film "The Last Temptation of Christ" on First Amendment grounds. In 1994, Judge Vinson presided over the high-profile federal trial of Paul Hill for shooting and killing an abortion provider and his bodyguard outside a Pensacola women's clinic.

Perhaps his most widely known ruling, Judge Vinson in 2010 granted a challenge brought by 26 state attorneys general against the constitutionality of the Affordable Care Act, the legislation commonly known as Obamacare. His 78-page decision, which the Wall Street Journal called "an exhaustive and erudite opinion (that) is an important moment for American liberty," meticulously analyzed the provisions of the act and concluded that the legislation violated the Commerce Clause of the Constitution. Moreover, Judge Vinson ruled that the flaws could not be severed, rendering the entire act unconstitutional. After the Eleventh Circuit Court of Appeals affirmed Judge Vinson's ruling, it went before the U.S. Supreme Court. While a majority of justices agreed with Judge Vinson's Commerce Clause analysis and ruling, the act was ruled constitutional on separate grounds not raised before Vinson.

In 2017, the national spotlight once again converged on Judge Vinson's courtroom, this time involving a First Amendment challenge to a cross located on public property at Pensacola's Bayview Park. Despite his own deeply held Christian beliefs, Vinson ruled that the cross was unconstitutional under applicable case law regarding government endorsement of religion. In 2019, the Supreme Court reversed decades of precedent in a similar challenge, allowing the Bayview cross to remain.

In each of these cases, Judge Vinson put aside his own personal, political and religious biases and applied the law according to his even-handed interpretation of the Constitution, as he had sworn to do upon taking the bench. Vinson made these potentially divisive rulings knowing that they might subject him to disdain from some within his own community—and even his own church.

Judge Vinson's esteem as a preeminent judicial mind stretched far beyond the Florida Panhandle. In 2006, he was appointed by Chief Justice John Roberts to a seven-year term on the Foreign Intelligence Surveillance Court, which reviews physical and electronic surveillance applications involving critical threats to national security. Judge Vinson considered his work on the FISA Court among his most significant career achievements. He also served on the Federal Rules of Civil Procedure Committee for six years and regularly sat on federal appellate courts across the country.

Judge Vinson led a life of service to the Pensacola community throughout his career. While an attorney, he was active in the Junior Chamber of Commerce (Jaycees), being recognized as the Outstanding Jaycee President in Florida for 1974-75 and one of the Jaycees' Five Outstanding Young Men in Florida in 1976. As a member of the Pensacola Area Chamber of Commerce, he helped launch the organization's Leadership Pensacola program in 1982. He was a 40-year member of the Rotary Club of Pensacola, serving as its president in 1998-99 and recently achieving the Rotary milestone of Paul Harris Fellow +8.

In 1991, Judge Vinson helped to establish the Pensacola chapter of the American Inns of Court, an organization created by then-Chief Justice Warren Burger in the late 1970s to foster mentoring between experienced members of the legal community and younger attorneys. He was surprised in 2021 when the chapter renamed

PHOTO COURTESY OF JOE VINSON



Judge Roger Vinson attended a Judicial Conference in New Orleans in the mid-1980s along with fellow Northern District of Florida Judges Maurice Paul, William Stafford and Winston Arnow (seated); and Judge Virgil Pittman (seated) of the Southern District of Alabama.

PHOTO COURTESY OF JOE VINSON



In 2006, Chief Justice John Roberts appointed Judge Vinson to a seven-year term on the Foreign Intelligence Surveillance Court. This is one of the FISA Court group photos.

PHOTO COURTESY OF JOE VINSON



In the 1990s, Judge Vinson joined the Pensacola Camellia Club, the oldest in the country, and became its president in 2005.

PHOTO COURTESY OF JOE VINSON



Ellen and Roger Vinson with their eleven grandchildren in 2015. Back row: Caroline Ware, Madeline Jennings, Will Vinson, Colin Vinson, Kit Ware. Middle: Ellen, Tori Vinson, Sarah Vinson, Margaret Ann Vinson, Roger. Front: Carey Vinson, Elliott Vinson, Collier Merrill.

PHOTO COURTESY OF JOE VINSON



Back row: Matt, Joe, Todd. Front: Cate, Ellen, Roger, Patrick.

PHOTO COURTESY OF JOE VINSON



Ellen and Roger at his 80th birthday surprise, February 2020.

itself the C. Roger Vinson American Inn of Court. As Chief U.S. Magistrate Judge Elizabeth Timothy commented at the time, “Judge Vinson is the epitome of that for which the inn stands and strives to instill in its members.”

Roger proudly served as a trustee of the J. Hugh and Earle W. Fellows Memorial Fund for 48 years and as its chairman for the last 23 years. This private foundation has provided more than \$12 million in low-interest loans to West Florida students pursuing careers in medicine, nursing, medical technology or the ministry. Last year, he and the trustees converted the

fund to a scholarship program that is expected to provide about \$400,000 in grants annually.

While Roger’s legacy undoubtedly centers around his legal career, his strong devotion to family and his faith in God were always of paramount importance in his life. The love between Roger

and Ellen, his wife of 45 years, seemed to grow stronger every day. Their different but complementary personalities seemed to bring out the best in each other—she an outgoing type who likes to sing jazz; he a reserved intellectual more at home among the books of his voluminous library. Together they raised five beloved children and now have eleven grandchildren. Roger was a devoted member and Sunday school teacher at First Baptist Church for over 50 years and a corporate director of the church for 40 years. He was grateful to witness each of his children get baptized in this church and to see them grow into active members of their communities.

Roger’s mother loved to grow roses at their Kentucky farmhouse, but he found that Florida soil is better suited for camellias. In the 1990s Roger joined the Pensacola Camellia Club, the oldest in the country, and became its president in 2005.

A frequent competitor in camellia shows across the Gulf Coast, he would pack two refrigerators to take around 100 blooms to a typical show. In 2009, Roger was elected president of the American Camellia Society (ACS) and helped secure its financial stability during challenging times. In 2021, his name was added to the Tablet of Honor at the ACS headquarters in Fort Valley, Georgia, and a beautiful new red japonica was registered with the name “Judge Roger Vinson.”

Roger and Ellen shared a love of the arts and enjoyed attending Pensacola Symphony Orchestra concerts together. In 1980, they starred together in the Pensacola Little Theatre’s production of “Same Time, Next Year,” receiving rave reviews for their portrayal of the couple played by Alan Alda and Ellen Burstyn in the film released two years prior. Roger appeared in several other PLT productions over the years, usually typecast as the judge.

After a distinguished life of honor and courage, Roger saved perhaps his most inspirational act for last. First diagnosed with prostate cancer in 1997, he was cancer-free for 22 years. The cancer returned aggressively in 2019, and by spring 2021 his prognosis was poor. Rather than give up, Roger bravely volunteered for clinical trials of promising new cancer treatments. While these experimental treatments ultimately could not save his life, his participation in the trials will help countless future cancer patients.

Even as he transitioned into hospice care, he continued to work. He never complained about his fate; he never questioned his faith. He exhibited unwavering bravery until the very end. ●

Editor’s note:

The official court portrait of the Honorable Clyde Roger Vinson was completed in 2010. The portrait currently hangs in the Ceremonial 5th Floor Courtroom of the Pensacola United States Courthouse, One North Palafox Street.

The artist, Jeffrey W. Bass, completes fine art portraits as well as historical works for private collections and museums. His work is represented in the U.S. House of Representatives, the Smithsonian, the Central Intelligence Agency, the National World War II Museum, the National Naval Aviation Museum, the Reagan Presidential Library and Museum and the Hoover Institute.

After a distinguished life of honor and courage, Roger saved perhaps his most inspirational act for last ... Rather than give up, Roger bravely volunteered for clinical trials of promising new cancer treatments.

PHOTO COURTESY OF JOE VINSON



Judge Vinson was born to be a judge. During his 40-year judicial career, he was well known and highly respected for being a methodical, extremely smart, and meticulous jurist. (Photo taken in the main courtroom of the Pensacola federal courthouse.)

PHOTO COURTESY OF TIM INACIO



The Judge and Tim Inacio, his law clerk of 17 years, in chambers in June 2021.

ministrative assistant Val Harmon, and me—and we had a near perfect working relationship. We started as co-workers but became a family, and I was fortunate to be with him until the end. But I will begin at the beginning.

Clyde Roger Vinson was born on February 19, 1940, in Cadiz, Kentucky, a small town with about 1,000 residents. He was raised on a farm, the youngest of five children. He spoke to me often and fondly about his early years on the farm, including during one of our very last visits after he entered hospice. He told me about the demanding but rewarding chores he had to perform. By the time he was 12 years old, he could, among many other things, tear down and repair the tractor; plow the fields; feed all the animals; and even deliver baby lambs.

He attended school in a small one-room schoolhouse without electricity or running water. Despite these limited educational resources, he applied the same work ethic that he had cultivated on the farm to his academic studies, and it served him well. After graduating high school and spending a year at the University of Kentucky, he received a Congressional appointment to the U.S. Naval Academy in Annapolis. He served as an aviator at the Naval Air Station in both Pensacola and Whiting Field from 1962 until 1968, after which he attended Vanderbilt University Law School. He received his J.D. in 1971 and returned to Pensacola to join Beggs & Lane, where he practiced law for the next 12 years. President Ronald Reagan appointed him to the federal bench in 1983, a position he held until his death.

Judge Vinson was born to be a judge. During his 40-year judicial career, he was well known and highly respected for being a methodical, extremely smart, and meticulous jurist. His written decisions were well researched and painstakingly crafted, and reversals were rare. An Eleventh Circuit judge once remarked that he enjoyed reviewing Judge Vinson's cases on appeal because he was "an easy judge to affirm."

Of course, to say that his decisions were legally correct most of the time is not to say that he liked how all his cases came out. The Bayview Cross case is a prime example. As a personal matter, he did not

want the cross removed. To be sure, he was not only a devoted Christian, but he once served as president of the organization that had installed the cross, the Pensacola Jaycees. Nevertheless, Supreme Court case law in effect at that time suggested that it violated the First Amendment. To avoid a result he personally disliked, he could have attempted to get around the inconvenient precedent—he was probably smart enough to have pulled it off—but he didn't even try. He ordered the city to remove the cross, and he concluded his written opinion by encouraging the Supreme Court to reconsider its Establishment Clause jurisprudence. But unless and until that happened, he wrote, his hands were tied. The Eleventh Circuit affirmed his ruling, after which the Supreme Court did in fact change the law and the cross remains standing to this day. He was pleased with that outcome, and it was a rare occasion where he was glad to be reversed. The important takeaway from the case is not that his personal views and desires were vindicated, of course. What matters is he took his judicial oath seriously and did his job despite those views and desires.

The 26-state challenge to "Obamacare" provides another good example of his willingness to faithfully apply the law, regardless of his personal feelings. For this, I would like to share a private anecdote. Within minutes of being assigned the case, he came into my office and closed the door. He told me there were going to be a lot of eyes on the case and pressure from both sides, but he wanted to stress that we were going to follow the law wherever it took us. He said, "We're going to read every case and consider every argument. If the statute is constitutional, we're going to uphold it. If it's not, we're going to strike it down. We will ignore all the political noise and do whatever the Constitution requires." By that point in time, I had been working with him long enough (and knew him well enough) that it was unnecessary for him to say what he said. But I have never forgotten and have always respected that he did.

All judges (and their law clerks) enjoy that sort of big, high-profile case, but Judge Vinson applied the same work ethic and commitment to getting it right in all

his cases. He recognized there were real people and real stakes behind every case, so he took each one seriously, whether it was a slip-and-fall in a grocery store or a case like Obamacare that dealt with issues affecting the entire country. As he once wrote in an opinion, not every federal case is independently significant, but "every case is important to the litigants involved."

This across-the-board commitment to fairness, impartiality, and judicial excellence solidified his reputation among other judges and attorneys in our community and beyond. And this reputation, in turn, led to him being asked to participate in scores of activities outside his busy district court docket, including serving on the Advisory Committee for the Federal Rules of Civil Procedure and the Committee on Bankruptcy Administration. He served on the Foreign Intelligence Surveillance Act (FISA) Court in Washington, D.C., and he spent seven years on the Eleventh Circuit's Judicial Council and 18 years on its Pattern Jury Instruction Committee. He was a co-author of Business and Commercial

Litigation in Federal Courts, and he was regularly invited to sit on courts of appeals around the country. I traveled with him to 16 of those sittings, and I have great memories from each one.

Unfortunately, despite that he was a fair, reasonable, and impartial judge, that was not his reputation in all quarters. Indeed, there was at times a disconnect between the type of judge he was and the type of judge that some (quite wrongly) thought him to be. For example, he was once referred to in the press as a "Tea Party Judge." That was nonsense. When it came to deciding a case, he strove to be apolitical and non-ideological, which is why his rulings did not consistently fall on one side of the fence. A political judge adhering to a traditionally conservative ideology would not have struck down both Obamacare and the Bayview Cross (or the ordinance banning the film *The Last Temptation of Christ*, which he also did).

It was also said of him that he was a "hanging judge" who always sentenced criminal defendants to the harshest sen-

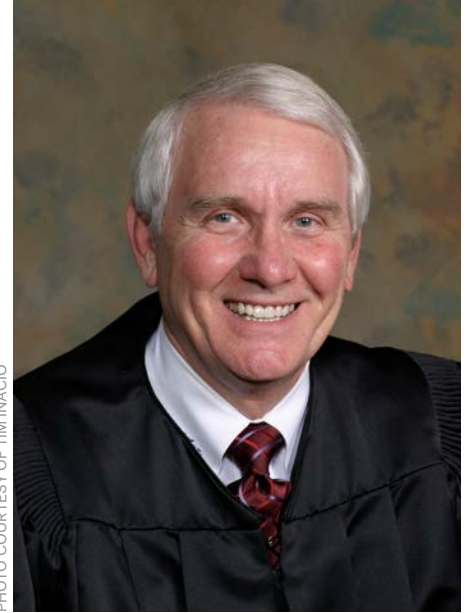


PHOTO COURTESY OF TIM INACIO

Judge Roger Vinson lived a productive and meaningful life that touched so many, but he also leaves a lasting impact on people he didn't even know and who didn't know him. And that's not a bad legacy for a farm boy from small town Kentucky.



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tences possible. Wikipedia describes him as "a hardline judge who refused to depart from maximum sentences in spite of their severity." Calling Judge Vinson a "Tea Party Judge" was nonsense, but calling him a "hanging judge" was nonsense on stilts. He received countless letters from former criminal defendants over the years—I know, because I opened and read many of them, including one from just a few weeks ago—thanking him for the mercy he showed at sentencing and crediting him with turning their lives around. At times, he was required by the law to impose harsh sentences due to mandatory minimums, but he was critical of those sentences and his criticisms were a matter of public record. As he told the *New York Times* in 2012: "The punishment is supposed to fit the crime, but when a legislative body says this is going to be the sentence no matter what other factors there are, that's draconian in every sense of the word. Mandatory sentences breed injustice."

Many times over the years—far too many to count—I saw him struggle in sentencing criminal defendants. Sentencing a defendant was a responsibility that he took very seriously, and it weighed on him. He would sometimes cry back in chambers after imposing a sentence. On rare occasions he would let the mask slip in open court. In an international drug conspiracy case from several years ago, for example, he had to sentence a man from Colombia who had been extradited for serious offenses. He did not believe the defendant to be a hardened criminal but, rather, a young man who had made a mistake. He departed downward from the guideline range and gave him a substantial sentence reduction, but the defendant still had to serve time in prison. As he imposed the sentence from the bench, he could barely get the words out as he unsuccessfully choked back tears. Everyone noticed this—it was impossible to miss—and it led to the entire courtroom crying, including his courtroom deputy; the court reporter; the interpreter; defense counsel; and the defendant himself. In fact, I think I even saw the Assistant U.S. Attorney tear up (although he would probably deny it). If my judge was a "hardline judge" who enjoyed imposing harsh sentences, he was unchar-

acteristically bad at it.

But for some reason, the view that he was excessively tough on defendants persisted. It was once reported in the media (and repeated on Rush Limbaugh's radio show) that he was a hunter and amateur taxidermist who had killed three bears and mounted their heads over his courtroom door "to instill the fear of God into the accused." The man was a lover of classical music and opera, and an avid gardener and the past president of the American Camelia Society. He was not a bear-killing taxidermist. He took the objectively false report in stride, however, telling a newspaper that called for comment: "I've never killed a bear, and I'm not Davy Crockett." One of his sons later made him a taxidermy plaque with three stuffed teddy bears that he hung over the door leading into his courtroom, with an inscription that read "INJUSTITIA INURSABILIS EST" (injustice is inexorable). In addition to being a funny inside joke, I always thought it was an appropriate display because for people who knew him well, he was much more teddy bear than grizzly.

He adored Ellen, his wife of almost 45 years, and their marriage was the envy of everyone who knew them. They were a rare couple that seemed to grow closer and more in love every day. Together they raised five children (whom he also adored), and he delighted in their accomplishments and those of the eleven grandchildren whose pictures cover his office walls and bookshelves. He was an extremely generous man who gave large amounts to charity every year. He didn't announce or make a big production of it. He just quietly wrote his checks and sent money to numerous organizations and causes dear to his heart. He was also a man of deep faith. He attended church unfailingly and taught the same Sunday School class at First Baptist Church for an incredible 50 years.

In the many years I worked for him, he never engaged in gossip or spoke ill of people who appeared before him (not even litigants or lawyers who sometimes really deserved it). He could occasionally be sharp-tongued in his written opinions when appropriate, but I never once heard him utter negative or ugly words about

anyone. He carried himself with dignity and class in an era when, sadly, both are in short supply. He was a decent man in an increasingly indecent world.

In closing, there is an old saying that if you like your job, you'll never work a day in your life. I think that adage is only partially true. You not only have to like your job, but you also have to like who you work for. You can like what your job duties require, but if your boss is unpleasant, difficult, or unworthy of respect, it will still feel like work. I can honestly say that even when I had more cases than I could handle and had to work late into the night to meet unmovable deadlines (sleeping on the chambers couch on more than one occasion), it never really felt like I worked a day in the 17 years I spent with my judge, and I'm going to miss him forever.

Countless others will, too, because he lived a productive and meaningful life that touched so many. In the end, he will not only be missed by his family, friends, colleagues, and staff, but he leaves a lasting impact on people he didn't even know and who didn't know him: the lawyers and litigants around the country who learn and benefit from his work product; the families of criminal defendants he inspired to better their lives; the recipients of his charitable generosity; and the children and grandchildren of the students in his long-running Sunday School class who he helped grow in their faith.

And that's not a bad legacy for a farm boy from small town Kentucky. ●

Editor's note: This tribute to Judge Roger Vinson was originally published in the April 12, 2023, issue of *The Summation Weekly*, a publication of the Escambia-Santa Rosa Bar Association.

REMEMBERING JUDGE ROGER VINSON

VAL HARMON, ADMINISTRATIVE ASSISTANT (1974-2023)

PHOTO COURTESY OF TIM INACIO



Judge and Ellen Vinson attended the wedding of Val Harmon's daughter in 1989. Harmon was Judge Vinson's administrative assistant for close to 50 years.

PHOTO COURTESY OF TIM INACIO



Tim Inacio and Judge Vinson celebrate with Val Harmon at her retirement dinner in October 2021.

I have been asked to write about my remembrances of Judge Roger Vinson because of my long tenure with him. We called it 50 years together, but we actually fell short of that by a few months. Tim's tribute to him is definitive and ditto to all he wrote in "My Judge." This is just an addendum to that just because I knew him longer and because my job was different, of course. I was his secretary.

After an interview with him in early 1974, I was hired by the Beggs & Lane law firm as his first fulltime secretary. Unlike Tim, I liked him immediately because he WAS aloof, serious, and reserved. We spent 10 very busy years at the law firm. He was active in the community, usually in a leadership role of many civic organizations, the obituary only hit the highlights, as well as a very demanding law practice.

I am now 76 years old and cannot remember the exact details of our conversation when he was appointed to the bench and asked that I go with him as his secretary. Probably because there wasn't a conversation, but just taken for granted that is what would happen.

By this time, I knew his clients, colleagues, friends, and family. I was the perfect person to run interference for him while he acclimated to the judging business. He took over a huge caseload in the Pensacola and Panama City Divisions. Together we learned all of the court acronyms (don't laugh), and there were many. It was challenging even for a Navy man:

word processing, software programs, and computers. I have typed many wedding ceremonies, memorials, and eulogies. We buried his first law clerk and later his long-time courtroom deputy, who was one of our best friends.

We had children close in age and those children had families, so we had grandchildren stories and accomplishments to share. His wife Ellen and I became close friends, and I have always said that her friendship was my best "job perk." We still talk almost every day.

I remember when he told Tim and me about the return of his cancer. I was certain he would beat it like before; that there was no possibility that someone who had had such a positive impact on so many and was, in my mind, such a perfect person in every respect, would die. But he did and I miss him. ●

Unlike Tim, I liked him immediately because he WAS aloof, serious, and reserved.

WINSTON E. ARNOW FEDERAL BUILDING

DOUGLAS ALAN BATES

The City of Pensacola

Pensacola is located in Florida's panhandle, resting alongside the Gulf of Mexico's emerald-green waters, white-sand beaches, and abundant bays, bayous, and other extensive waterways. Pensacola's vast natural resources, which include a true deep-water port, made the area an early favorite for commerce and national defense. The City enjoys a proud military legacy thanks, in part, to Naval Air Station Pensacola. Known by many as the "Cradle of Naval Aviation," N.A.S. Pensacola is also the proud home of the U.S. Navy Flight Demonstration Squadron, more commonly known as the "Blue Angels."

Pensacola traces its history to 1559 when Don Tristan de Luna and Spanish settlers originally embraced Pensacola Bay and the surrounding landscape and established a settlement. Over the centuries, Pensacola would change ownership several times and ultimately become known as "The City of Five Flags." As the name suggests, Pensacola has hoisted five separate governing flags during its long and complex history, which flags include the Spanish, French, British, Confederate, and American. As part of Pensacola's celebration of its 450-year anniversary, King Juan Carlos I and Queen Sofia of Spain visited the city, alongside a visit from the world's third largest tall ship, the famous Royal Spanish Navy ship known as the *Elcano*. Pensacola's Spanish heritage can be seen throughout the City, from Plaza Ferdinand located at Government St. and Palafox St., to live oak shaded Seville Square, and up to 100 North Palafox Street where the Winston E. Arnow Federal Building stands as a wonderful expression of Spanish Colonial Revival design, and provides a special glimpse into the City's early 20th century years.

Depression-Era Construction

By the 1930s, the 1885 vintage Victorian brick Escambia County Courthouse was showing its age. It was decided that the courthouse structure would be razed, and that a new federal post office and courthouse would be built on the same site. The Escambia County government moved south on Palafox Street and took over the U.S. Customs House at the corner of Palafox and Government St. Completed in 1939 as the United States Post Office and Court House, the building, now known as the Arnow building, provides a wonderful example of Depression-era craftsmanship. As a Depression-era project, construction of the Arnow building was funded by the Works Progress Administration. Architect Rudolph Stanley-Brown, the grandson of President James A. Garfield, was hired to design the building. As reflected in the construction contract pictured, Montgomery-based contractor Algernon Brown was awarded the \$329,590 contract on December 5, 1938. The Arnow building was first occupied on October 28, 1939.

In its early years, the Arnow building functioned mainly as post office. The courtroom was only used intermittently (and the author suspects, without independent verification, that the candy and cigar store, operated on the first-floor lobby, was a far more popular feature). Like many post offices, during World War II, the Arnow building served as a center for up-to-date information, including information related to rationing and special services. Perhaps more importantly, the walls of the Arnow building also displayed World War II draft boards.

Judge Winston E. Arnow became the first resident judge of the Pensacola courthouse in 1967. Years later, in 1998, the United States District Court moved south on Palafox Street to a new courthouse on

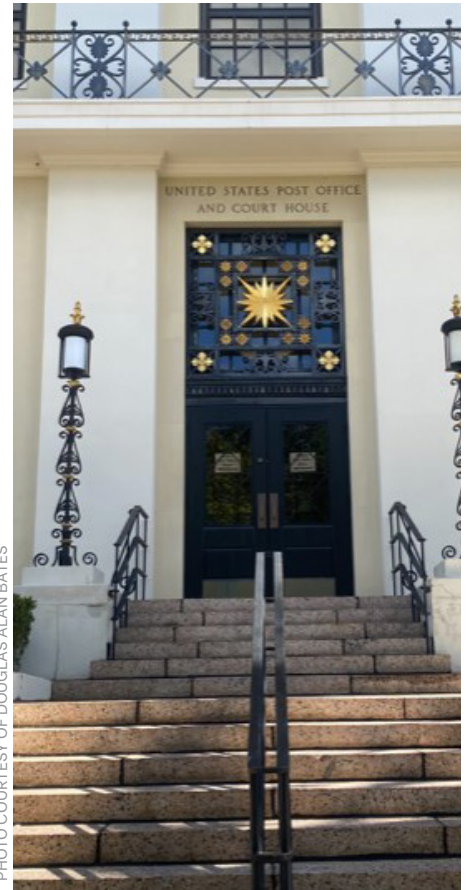


PHOTO COURTESY OF DOUGLAS ALAN BATES

Winston E. Arnow Federal Building

the site of the former San Carlos Hotel (at the intersection of Palafox and Garden Streets). The San Carlos Hotel is a wonderful history lesson unto itself. The hotel's once towering presence on Palafox Street, and once prominent sign atop the hotel's roof, are both visible in the Arnow building construction photo included with this article. It is fair to assume that stories from long days in trial at the Arnow building made their way to the walls of the San Carlos Hotel.

Renovation

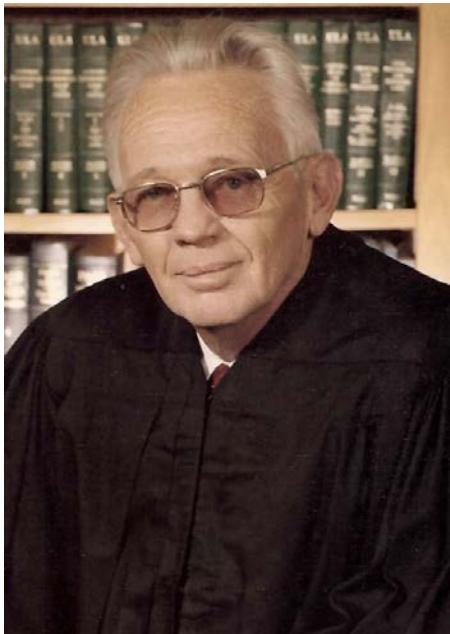
Following the District Court's move south on Palafox, the Arnow building began an

11-year renovation. In 1999, the General Services Administration started the process of removing lead paint and asbestos. In addition, various systems were installed and updated, and a new fire sprinkler system was added. As the modernization of the Arnow building continued, the building sustained substantial damage during the 2004 and 2005 hurricane seasons. In 2006, the Arnow building received a new roof, and in 2007 the wonderfully appointed interior began receiving a full refurbishment. During the process of receiving renovations, Congressman Jeff Miller introduced legislation in the United States Congress in order to name the building in memory of Judge Winston E. Arnow. In 2010, certain federal offices reoccupied the building, and on December 14, 2010, President Barack Obama signed Congressman Miller's designation into law. On May 20, 2011, the fully renovated Arnow building was formally dedicated.

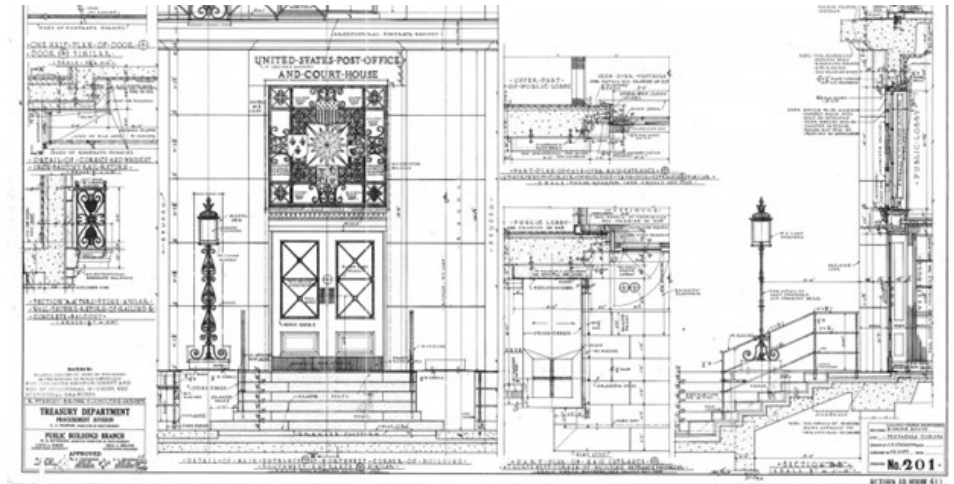
On July 11, 2014, the Winston E. Arnow Federal Building was added to the National Register of Historic Places as the United States Post Office and Court House.

A Brief Note on Judge Arnow

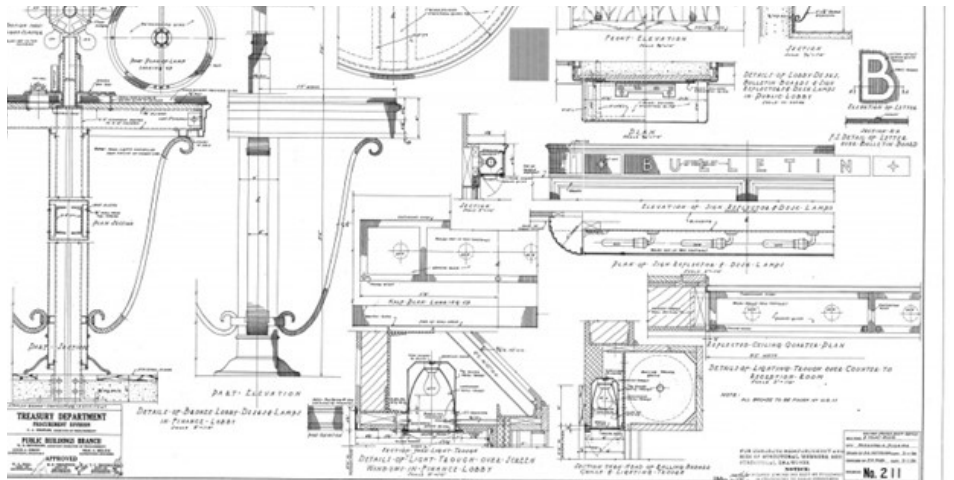
Winston Eugene Arnow was born on March 13, 1911, in Micanopy, Florida. Arnow received undergraduate and legal education in



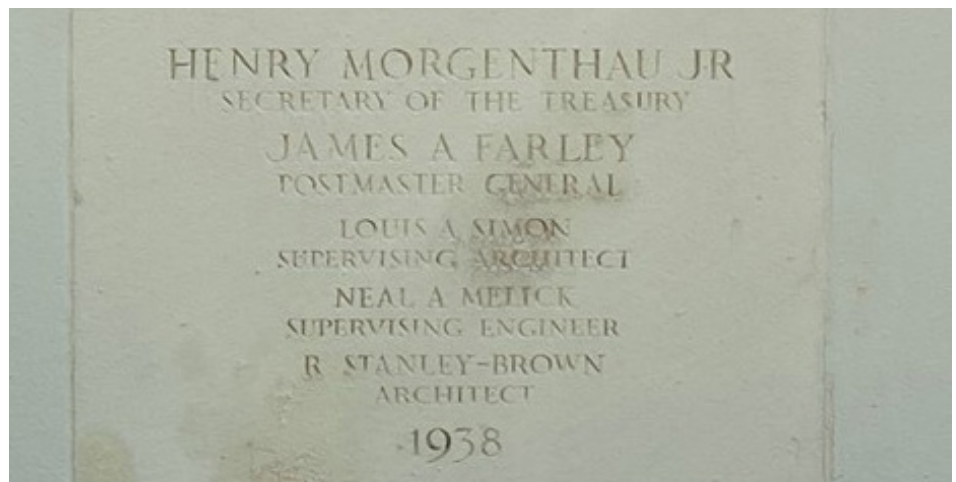
U.S. District Judge Winston E. Arnow



U.S. Treasury Department procurement document showing original building plans that provide details regarding the main entrance at the Northwest corner of the Arnow building.

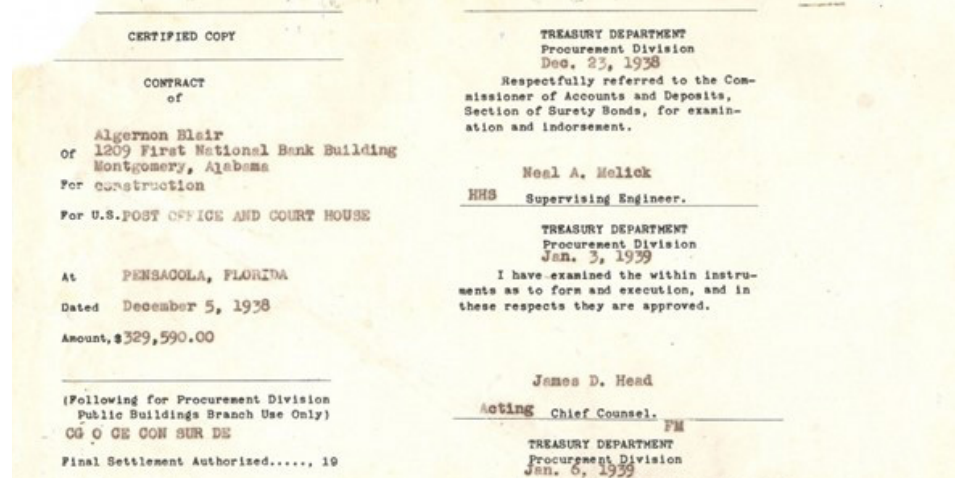


U.S. Treasury Department procurement document showing interior details of the Arnow building including lobby spacing, desks, lamps, exterior to interior light flow, and other interior features.



Cornerstone of the Arnow building located on the building's Southwest corner and visible from Palafox Street sidewalk.

Gainesville, Florida, not far from his Micanopy roots. As might be expected, Judge Arnow enjoyed a decorated professional career which included time in the United States Army Judge Advocate General Corps during World War II. On November 29, 1967, President Lyndon B. Johnson nominated Judge Arnow to the United States District Court for the Northern District of Florida. Judge Arnow was promptly confirmed by the United States Senate, and quickly got to work presiding over many substantial cases during a complicated time in United States history. Judge Arnow served as Chief Judge from 1969 to 1981, assuming senior status on March 14, 1981. Judge Arnow died in Pensacola in 1994 at the age of 84.



Original construction contract with Algernon Blair. A copy of this contract is on display in the Arnow building lobby

Thank You to the U.S. Marshals

Today, the Arnow building houses the United States Bankruptcy Court for the Northern District of Florida, as well as other federal offices. Visitors will find United States Marshals willing to share stories of the building's long and distinguished history, from the "wanted" posters and draft boards that once adorned the lobby walls, to the jail cell keys prominently displayed, along with other relics, as reminders of the building's rich history. A step inside the Arnow building is a step back in time, and a glimpse into the remarkable history found in the City of Pensacola, as well as the continuing legacy found inside our nation's federal buildings. ●

Douglas Alan Bates, Esq. is a multi-generation Floridian, native Pensacolian, and a shareholder with the Clark Partington law firm located in downtown Pensacola (just a few blocks south of the Arnow building). Doug maintains a commercial litigation and bankruptcy practice as part of Clark Partington's full-service business law firm. Doug is a former Chair of The Florida Bar Business Law Section and stays active in many civic organizations. Doug gives special thanks to the U.S. Marshals at the Arnow building for their welcoming kindness, Chief United States Bankruptcy Judge for the Northern District of Florida Karen K. Specie, who currently presides over cases at the Arnow building, and United States Bankruptcy Judge for the Middle District Catherine P. McEwen for her continuing historical insights.



View of construction from Southwest corner of Arnow building, located at the intersection of Palafox and Chase Streets.



View of lower-level foundation construction of the Arnow building, facing Southwest, with a view of the historic San Carlos Hotel standing tall, as well as the Basilica of St. Michael the Archangel which was built in 1886.

SHEPPARD: AN UNQUENCHED FIRE IN THE BELLY FOR JUSTICE

LILLIANNA ROSE SHEPPARD AND ELIZABETH LOUISE WHITE

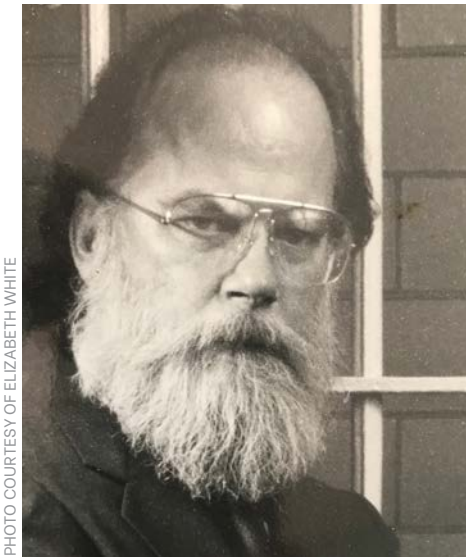


PHOTO COURTESY OF ELIZABETH WHITE

William (Bill) Jewell Sheppard

Authors' note: Bill Sheppard always used to use the phrase "fire in the belly" to describe how invigorated an attorney needed to be to truly advocate for their clients.

William ("Bill") Jewell Sheppard assumed many roles during his time on this Earth, but amongst his proudest were father and defender. While many individuals are familiar with the body of legal work spanning from his nearly six decades as an attorney, few were fortunate enough to truly bear witness to the creative process which allowed for his mastery of the art of crim-

The photo above was taken outside of Union Correctional Institution, circa 1993. One of Sheppard's most infamous cases in terms of ensuring the rights of prisoners was *Costello v. Wainwright*. It led to the federal takeover of all jails and prisons located within Florida to ensure proper treatment of inmates.

inal defense and civil rights work. Sheppard's ability to see single cases connected as constellations, comprising a whole universe of legal work which scant, if any other lawyer could see, much less believe in, was astounding.

It was this ability which allowed him to translate his time serving in the United States Military as an Army Artillery Second Lieutenant in Korea following his graduation from Florida State University in 1963 to his passion for justice and freedom above all. "You take virtually the same oath to become a soldier as you do to become a 'flipping' attorney,"¹ he stated on many occasions. "And that's to uphold the Constitution of the United States." The Constitution was Bill's Bible, as he worshipped and studied each of its passages and gleaned the value of protecting the rights of each and every citizen in our nation from its pages.

Often, when pressed regarding how he himself could represent the most reprehensible and vile criminals, Sheppard would grin and ponder his upbringing as a cowboy in the ranching town of Burns, Oregon. As he was once quoted, "I am a damn cowboy, a 'darn' anti-government renegade." To him, there were no greater renegades or rebels than those who drafted the United States Constitution, namely James Madison who himself was a farmer. When pushed further about his most grotesque and infamous cases, Sheppard would pull his trusted Constitution from his back pocket, hold it out, and kindly instruct anyone still asking, "If you do not like it this 'flipping' way then get the 'flip' out of here." Although he would have used more colorful language, as pointed out by Larry Hannan, a former Florida Times-

Union reporter who covered Sheppard's cases aptly stated, "He elevated his profanity to a poetry, as Sheppard used profanity like Yo-Yo Ma used a cello."

Sheppard's propensity for colorful language was not to exaggerate or sensationalize the cases to which he lent his life, but rather to highlight his infuriation and intolerance for the injustices present within the United States legal system. He was a self-professed "issues" kind of guy, seeking to iron out the folds in the judicial system which left individuals downtrodden and marginalized. He was a man unafraid of the most notorious prisons, unaltered by appearances before prestigious judges, but shaken to his core by violations against the rights of any citizen within our nation. This was evidenced by his three appearances before the United States Supreme Court and numerous accolades earned throughout his career. While not exhaustive, the few that meant the most to him include the Tobias Simon Award given by the Chief Justice of the Supreme Court of Florida; the Steven M. Goldstein Criminal Justice Award and the Medal of Honor Award from The Florida Bar Foundation; the Henry Lee Adams Jr. Diversity Trailblazer Award presented by the Jacksonville Bar Association; the Jacksonville Area Legal Aid Robert J. Beckham Equal Justice Award; The Federal Bar Association-Jacksonville Chapter Spirit of Giving Award; and the William J. Sheppard Lifetime Achievement Award, awarded posthumously.

While Sheppard felt a deep gratitude for the recognition garnered throughout his career, he would also be the first to declare that none of it meant a 'gosh darn' thing unless it represented true, unadulterated change in the lives of his clients and the

judicial system as a whole. In fact, upon graduating from University of Florida's Levin School of Law in 1967 and passing the bar, Sheppard left his first position as a commercial real estate attorney following the tragic deaths of two of his brothers several years apart after being appointed to represent Black Muslims seeking a pork-free meal, the ability to grow a beard longer than their fist, and access to a Quran. He often recalled being disillusioned with the nature of his initial commercial work, as he truly sought to make a difference in the community he called home in Jacksonville. Upon realizing that he had already fought to lay down his life for the Constitution, Sheppard decided to dedicate every fiber of his being to it.

Shortly thereafter in the 1970s, he opened the first racially integrated law firm in the state of Florida with several law partners he truly saw as brothers, Sheppard, Fletcher, Hand & Adams, eventually joined by now retired Florida Circuit Court Judge Hugh Carithers. These men spent tireless hours together, cultivating cases out of the most unlikely of places, including the disco clubs where they collected their spirits following a good 'behind-whooping,' as Sheppard used to say. There was rarely a minute of the day Sheppard could not be found contemplating his cases, both old and new, searching for unexplored avenues which might house hope and opportunity for those he served.

Dedication was something which came natural to Sheppard, perhaps amongst the long and arduous hours he worked in the Oregon summers growing and harvesting hay, along with herding sheep. He saw many of his clients as sheep who had slipped out of the pasture through

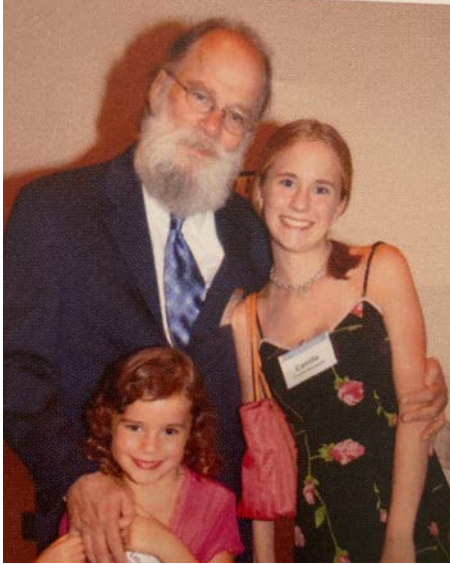


Bill Sheppard graduated from the University of Florida Levin School of Law in 1967.



Bill Sheppard; future U.S. District Judge Henry Lee Adams, Jr.; and Ed Austin, future mayor of Jacksonville, sharing a laugh in the 1970s.

PHOTO COURTESY OF ELIZABETH WHITE



Bill, pictured here with two of his daughters, Lillianna and Camille, on the occasion of receiving The Florida Bar Foundation's Medal of Honor Award.

PHOTO COURTESY OF ELIZABETH WHITE



Bill Sheppard at his coveted office located at 215 N. Washington Street, where he could often be heard answering the phone "Sheppard."

the holes in the fence, likening this to the cracks present throughout the legal system and its processes. Sheppard was compelled to guide his clients back to pasture, yet he somehow managed to return them better than he found them in most cases. To him, success was not comprised of merely winning his case, but instead found in freeing his clients from whatever spiritual, emotional, or soul-binding chains which had brought them to the steps of his office in the first place.

In fact, Sheppard was rarely concerned with winning or losing, often reminding his partners to "Celebrate the wins because a 'behind-whooping' is surely around the corner." He was unafraid of disappointment, as he understood that to do so was to grow, learn, and strive for a deeper understanding of his clients, and in turn the world. Sheppard espoused his energy on efficiency and efficacy, both individually and systemically, surmised by the fights he took on at every level of the judicial system to protect citizens and their liberty, freedom, and justice. He was always willing to give his all to the people and causes he loved, regardless of the emotional or financial cost to himself, as many of Sheppard's most notorious cases were completed pro bono.

Regardless of offense or cause, Sheppard was willing and ready to fight. Whether taking on the fight to ensure racial integration amongst the Jacksonville Fire Department, fighting against abhorrent conditions in Florida jails and prisons, or defending a distributor of Linda Lovelace's pornographic film of the 1970s, "Deep Throat," he came prepared. He was unfettered by the court of public opinion, often noting that people are too pretentious when it comes to judgment, as most often these judgments are based in inaccurate

or incomplete information. He, and his work, were resilient in the face of the most fearsome of obstacles, including property destruction of his beloved office too many times to count, death threats, and his own physical health. In 1998, Sheppard suffered a massive heart attack. The surgeon operating on him coldly informed his wife and legal partner since 1984, Elizabeth White, who was nine months pregnant with their youngest child at the time, that Sheppard was not likely to make it off the operating room table. Instead, he listened to his child's birth over the telephone.

Later in his life, excruciating back pain resulting from four inoperable, collapsed disks in his lower spine left Sheppard unable to walk. Much like his previous encounters with pain and suffering, he did not waiver. Sheppard did what Sheppard did; he used his own experiences with loss, pain, and suffering to grow and cultivate a deeper appreciation for the experiences of his clients. He often reflected that his own uncomfortable and painful experiences were exactly what allowed him to enact change and growth in the lives of his clients. Sheppard saw his heart attack as permission to live his "second helping" of life, taking on even larger legal and often moral questions in his late career, as well as spending precious time with the family he crafted to Mrs. White. It was on a college trip with the same baby born shortly after his heart attack that he and his partner in love and life learned their lawsuit legalized same-sex marriage in Florida in 2015.

This is how Sheppard aimed to be remembered, as he once stated: "When all is said and done, I just want to be remembered as giving 100%. If I can walk away and they say 'he gave 100%...' then I'm smiling." He aimed to work until he was no longer effective, never explicitly stat-

PHOTO COURTESY OF ELIZABETH WHITE



Bill, Judge Henry Lee Adams, Jr., and Samuel Jacobson: "Legal Legends."

PHOTO COURTESY OF ELIZABETH WHITE



Bill and Betsy attended the Fleetwood Mac concert in Portland, Oregon in 2014. When not in the office, Bill could be found blasting music out of his Volvo, namely Fleetwood Mac, Leonard Cohen, Bob Dylan, and Warren Zevon. His love for rock n' roll was unmatched.

ing he would practice until his death, but that is precisely what he did. He worked up to his last breath to tirelessly pursue the promises held by the document to which he devoted his life. His dedication and persistence to his family and life's work will not soon be forgotten, as each individual who encountered Sheppard was left with a massive responsibility to honor the unique and wonderful path he walked. Sheppard's success was achieved through his honest and meaningful work, as well as the love and light left in his wake, and through the love bestowed upon his family including his wife, Elizabeth L. White; children, Lang, Laura, James, Camille, Max, and Lillianna; and grandchildren, Hunter, Poppy, William, and Jewell.

Contemplating his memory, the cases he tried, and the everlasting change brought about through his career is an act of devotion to William Jewell Sheppard, one enacted daily at 215 N. Washington Street, where his firm still stands with Elizabeth White, Matthew Kachergus, Bryan DeMaggio, and his own daughter, Camille Sheppard, at the helm. Nothing will ever fill the space left by his passing, as his boots might be too large to fill; however, he would be the first to remind each of us to "Try- damnit!" ●

Editor's note: Bill Sheppard joined the Eleventh Circuit Historical Society in 2001. For the past 11 years, his Jacksonville law firm, Sheppard, White, Kachergus & DeMaggio, P.A., has supported the Society's work as a Keystone Firm member.

Endnote

1. Sanitized for this publication.

JUDGE CORALI LOPEZ-CASTRO'S INVESTITURE

JOHN W. KOZYAK AND CHARLES W. THROCKMORTON

On August 14, 2023, Chief Bankruptcy Judge Laurel M. Isicoff welcomed hundreds in attendance in the Ceremonial Courtroom and three overflow courtrooms at the Wilkie D. Ferguson, Jr. U.S. Courthouse in Miami, Florida for the formal investiture of Bankruptcy Judge Corali Lopez-Castro. It was a fitting way for the first Hispanic bankruptcy judge in the Eleventh Circuit to celebrate her birthday with family, lifelong friends, and colleagues from her distinguished legal career.

The numerous distinguished guests included Chief U.S. Circuit Court of Appeals Judge William H. Pryor Jr., Chief U.S. District Court Judge Cecilia Altonaga, Chief U.S. Magistrate Judge Edwin G. Torres, Third District Court of Appeal Chief Judge Thomas Logue, 11th Judicial Circuit Chief Judge Nushin Sayfie, and many of their colleagues. Other distinguished attendees included Katherine Fernandez-Rundle, the State Attorney for Miami-Dade County, Roland Sanchez-Medina, President-Elect of The Florida Bar, Mary Ida Townson, the U.S. Trustee for Florida, Georgia, the Commonwealth of Puerto Rico and the U.S. Virgin Islands, and Heidi Feinman, the Assistant U.S. Trustee for the Southern District of Florida.

Judge Lopez-Castro's daughters, Maria (an External Affairs Associate at BlackRock in New York City), Lucia (Adviser to President Biden's Deputy Chief of Staff) and Ava (a freshman at Wake Forest University) led the Pledge of Allegiance. Judge Lopez-Castro's former law partner, Detra Shaw-Wilder, began the invocation by acknowledging that she was neither a priest nor a minister, but had prayed privately many times with, and for, Judge Lopez-Castro. She began, "Father, thank you for this historic investiture which, in and of itself, is an answered prayer."



DANIEL PORTNOY, PHOTOGRAPHY

U.S. Bankruptcy Court Judge Corali Lopez-Castro and family.



PHOTO COURTESY OF RAQUEL PENALVER

Detra Shaw-Wilder, Judge Lopez-Castro's former law partner, opened the investiture with a prayer and shared how many times she and Cori prayed together and for each other.

DANIEL PORTNOY, PHOTOGRAPHY



The theme of Senior U.S. District Court Judge Federico A. Moreno's remarks was "Who is Cori Lopez-Castro?"

PHOTO COURTESY OF RAQUEL PENALVER



Judge Lopez-Castro smiles at Judge Moreno's recanting the Lopez-Castro family history and accomplishments.

Judge Isicoff introduced Judge Lopez-Castro's husband, Bradley Hornbacher, her mother, Maria ("Maggie") del Carmen Lopez-Castro, two sisters, Betty Lopez-Castro and Dr. Maria del Carmen Iparraguirre, and brother, Amadeo Lopez-Castro III. Her aunt, Corali Pino, proudly travelled from Puerto Rico to mark the occasion. Judge Isicoff reminisced that she first met both Judge Lopez-Castro and Bankruptcy Judge Peter Russin when, as associates at Kozyak Tropin & Throckmorton (hereinafter "KTT"), they "vetted" her before she received and accepted an offer to join the firm. Judges Isicoff and Lopez-Castro quickly became close friends and colleagues. Judge Isicoff noted that, as a jurist, "I [knew] that whenever I saw Cori's name on the docket, ... the skill and professionalism was going to be at the highest level." She highlighted the fact that Judge Lopez-Castro was the third woman bankruptcy judge in the Southern District of Florida, and the first Hispanic bankruptcy judge in Florida and possibly the entire Circuit.

Noting that, "When you think about it, the judges who are most likely to encounter the American people are ... bankrupt-

cy judges," Chief Judge Pryor reflected on the importance of a public oath-taking and the promises that judges make to the American people. He also described how Judge Lopez-Castro had passed the Court of Appeals' rigorous application and interview process with flying colors.

Carlos Sardi, representing the Bankruptcy Bar Association for the Southern District of Florida, described Judge Lopez-Castro as a "trailblazer," stating that her commitment to the rule of law, and her extensive community service, were "second to none."

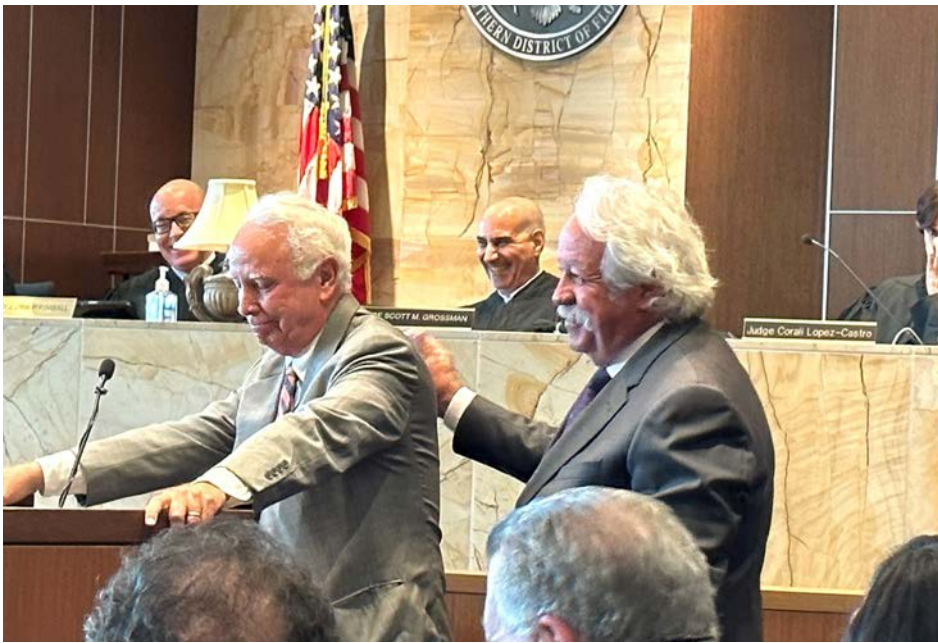
Roland Sanchez-Medina, a close high school friend of Judge Lopez-Castro and, like her, a past president of the Cuban American Bar Association ("CABA"), spoke in his capacity as President-Elect of The Florida Bar and its 110,000 members. He described Judge Lopez-Castro's late father, Amadeo Lopez-Castro, Jr., as "a titan in our community" and noted that her family represents "the very best of the Cuban diaspora." Roland commended her husband Brad as a model husband and father, playfully referring to him as "the American." He recited some of Judge Lopez-Castro's many accomplishments, including her academic achievements at

Brown University and the University of Miami School of Law, and her service as the second woman President of CABA and as a three-time managing partner of KTT. He added that "Cori always had the 'it' factor. We need calmness and serenity. You want Cori making those decisions."

The first woman President of CABA and long-time State Attorney for Miami-Dade County, Katherine Fernandez Rundle, described Judge Lopez-Castro as a dear friend and noted that "Cori credits her CABA family, in large part, for the path it paved for her and so many over the past fifty years." She told Judge Lopez-Castro, "You exemplify and magnify one of the core reasons for our sustained existence." She joined current CABA president Giselle Gutierrez in presenting a beautiful plaque to the Judge.

The first Cuban American Eleventh Circuit Court of Appeals Judge, former Florida Supreme Court justice, former Third District Court of Appeal judge, and dear friend, Judge Barbara Lagoa, made her own personal remarks before administering the oath of office. Judge Lagoa said of this historic investiture that "It comes as no surprise that you, Cori, are the one to make this mark. Because you

PHOTO COURTESY OF RAQUEL PENALVER



John Kozyak and Chuck Throckmorton represented Judge Lopez-Castro's Kozyak Tropin & Throckmorton family by presenting its "Top Ten List of What the Bankruptcy Court Will Gain and What KTT Will Lose."

PHOTO COURTESY OF RAQUEL PENALVER



Judge Lopez-Castro's former partners, David Rosendorf, David Samole, and Javier Lopez; and long-time friend and mentor, Cesar Alvarez, watch proudly as the Judge takes the podium and begins her speech. Sitting next to David Rosendorf is his wife, the Hon. Lisa Walsh.

have been a leading practitioner... and leading force in this legal community, you are the epitome of what a bankruptcy lawyer is." After the oath was administered, Judge Lopez-Castro's daughters and husband enrobed her, and she took the bench with her colleagues.

The theme of Senior U.S. District Court Judge Federico A. Moreno's remarks was "Who is Cori Lopez-Castro?" He began with the story of how her grandfather, Amadeo Lopez-Castro, left his native Galicia for Cuba, became Secretary of Agriculture in Cuba, and with his wife raised Judge Lopez-Castro's father, Amadeo, Jr. Amadeo, Jr. was forced to leave Cuba at a very young age eventually settling in Puerto Rico and, ultimately, Miami, with his wife, Maggie. Forging ahead with his professional life, Amadeo, Jr. went to Cornell and became a prominent banker. Judge Moreno said, "He was also Chair of the Miami-Dade Public Health Trust and a lot of other public service activities where he did much for many without expecting anything in return. Sounds a lot like Cori, doesn't it?"

Judge Moreno lauded the character and many accomplishments of Judge Lopez-Castro's mother, siblings, husband, and daughters, and concluded by remarking, "Cori has never confused her career, as good as it has been, with her life. She knows that success is realizing what is important—faith, family, serving, mentoring, and getting a good lunch too.... So your appointment is, of course, by the Eleventh Circuit judges a tribute to you and your family, but it goes beyond that... It's a tribute to our great country of the United States that it can happen here."

John Kozyak and Chuck W. Throckmorton represented the judge's KTT family by presenting its "Top Ten List of What the Bankruptcy Court Will Gain and What KTT Will Lose," alternating between humor, pride, and the bittersweetness of the end of a long professional collaboration. John Kozyak and Chuck Throckmorton co-founded KTT with Harley Tropin 40 years ago and worked with Judge Lopez-Castro her entire legal career. They noted that "Cori" joined KTT out of law school in 1990 and is now nationally recognized as a leading bank-

ruptcy lawyer, receiver, and commercial litigator. She is a Fellow in the American College of Bankruptcy and the International Academy of Trial Lawyers and was key to the firm's growth and success.

They spoke of how Cori and Detra Shaw-Wilder had mentored countless women in and outside of KTT by candidly sharing their own experiences and advice. They reminisced about her formidable performance as second chair in a 10-week accounting malpractice jury trial in Palm Beach County at a time when her daughters were preschoolers. They noted her willingness to mete out "tough love" and candid advice to her friends and partners, and the rigorous moral code, which had been instilled by her father. KTT partner David Rosendorf was quoted as saying, "On basic matters of right and wrong, fair and unfair, Cori always saw absolutely clearly and was never afraid to speak up." John Kozyak concluded by noting that everyone at KTT said they would miss Cori's smile and presence in their daily orbit: "Her departure leaves an unfillable void. Her presence will be great for everyone else in the community ... We love you."

While many speakers and guests described themselves as good friends, the closing speaker, Ada Bill, was able to proclaim that she has been Judge Lopez-Castro's best friend since eighth grade. She described the judge's attributes as "brave, hardworking, wise, fair, inclusive...generous, thoughtful, humble. These are the values that Cori has had her whole life, as her classmates who have known her all these years say she has. We are delighted and so proud, but we are not the least bit surprised.... I had the privilege of witnessing Cori being honored by the UM Inter-American Law Review, as Lawyer of the Americas. Her message was one of service. Instead of speaking to the work she had done to achieve that honor, she spoke to the lawyers that were there reminding them of the importance of mentorship. Another example of how not only she served but how she led others to want to serve as well. It was contagious."

Addressing Judge Lopez-Castro's daughters, Ada recalled how they had confided in her about "how [your moth-

PHOTO COURTESY OF RAQUEL PENALVER



Daughters Maria, Ava, and Lucia joined their parents Judge Lopez-Castro and Brad Hornbacher after the investiture ceremony. Maria holds the CABA plaque that Katherine Fernandez Rundle and Giselle Gutierrez presented to the Judge.

DANIEL PORTNOY, PHOTOGRAPHY



U.S. Bankruptcy Judge Laurel M. Isicoff, U.S. Bankruptcy Judge Corali Lopez-Castro, and State Attorney for Miami-Dade County Katherine Fernandez Rundle.

er] inspired you, reassuring you that everything was going to be okay, especially during your greatest challenges. How her confidence in you made you brave and that was her superpower. When she spoke to you, she instilled a sense of duty when you were too tired to go to volleyball practice and she was probably too tired to take you. She said you must go because you made a commitment, and you must honor it. You don't get a pass just because you are tired. What beautiful words for a Mom to hear... You girls rock!"

Judge Lopez-Castro began her remarks with "The feeling of gratitude I have is overwhelming." She referred to herself as "the luckiest person in the world" for having been hired at KT&T. When she was sworn in as CABA's second woman president, she "stood on the shoulders of every man, and Kathy, the first woman to be elected CABA President. When I walked into a courtroom, I felt like I had every past president with me because they fought so many battles to have Hispanics treated fairly in the legal profession. Today, I stand on the shoulders of everyone who has succeeded me, as well, with a special shout out to the women. I'm here because of all your hard work."

She continued, "Today I have my real family with me. How did I get here? Why am I here? I think Judge Moreno said it best. The daughter of Cuban exiles does not stand here as the first Hispanic bankruptcy judge in Florida without some luck, and the result of a lot of sacrifice and hard work by her parents and

her grandparents. Many of you knew Amadeo, my Father, also known as the 'Godfather.' He and my mother were forced to leave Cuba when they were very young, and they grew up very fast... As Judge Moreno said, you could ask him for a favor, but he wanted nothing in return. He was the least transactional person I have ever known... The true force in our home was and is my mother, the 'Queen.'" Judge Lopez-Castro praised and thanked her husband, the "Norte Americano," and described him as her better half. She described the key to work/life balance as picking the right partner and she had done so. She expressed her overwhelming pride in her daughters and exhorted them to "never change."

Noting the extraordinary career of retired Chief Bankruptcy Judge Emeritus A.J. Cristol, Judge Lopez-Castro emphasized that she was not replacing him but was "filling his seat." Judge Lopez-Castro appreciated she had appeared before judges who were prepared and compassionate and promised to do so. She praised her new colleague on the bench, Bankruptcy Judge Robert Mark, as having achieved "probably the most important and difficult thing you can achieve as a judge by leaving a litigant and a lawyer who lost, with the feeling that 'I was heard, and I can accept the ruling.'" She expressed the hope that she could live up to the words of her friend, Miami-Dade County Circuit Judge Lisa Walsh, expressed when she had taken the bench: "As a judge, I will do my best at this job, educate myself

on the law, and treat people fairly and always with respect and dignity. Ultimately, I know the job is not one of entitlement, but something I must continue to earn every day."

Judge Lopez-Castro concluded, "I am the luckiest person in the world as I would not be standing here without everyone in this room. When I was sworn in as CABA President in 2006, I spoke about service and I ended my speech with 'My name is Cori Lopez-Castro, how can I serve you?' I end today's remarks the same way: My name is Judge Cori Lopez-Castro. How can I serve you?"

Senior District Court Judge Patricia A. Seitz, the first woman President of The Florida Bar and a dear friend of Judge Lopez-Castro, described the investiture as joyous and then delivered a beautiful benediction to close the investiture. ●

John W. Kozyak and Charles W. Throckmorton co-founded Kozyak Tropin & Throckmorton 40 years ago and worked with the Hon. Corali Lopez-Castro her entire legal career. Kozyak, Throckmorton, and Judge Lopez-Castro are all Fellows in the American College of Bankruptcy.

Editor's note: A special thanks to Raquel C. Penalver, photographer, for her help in coordinating the delivery of the images used in this article. She was Judge Corali Lopez-Castro's former legal assistant at Kozak Tropin & Throckmorton.

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THE 2023 ELEVENTH CIRCUIT ISSUE

MELANIE KALMANSON & EMILY PLAKON

The *University of Miami Law Review* published its annual Eleventh Circuit Issue last summer (Volume 77, Issue 4). (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.)

Eleventh Circuit Judge Robin S. Rosenbaum wrote the *Foreword*, in which she chose to reflect on the Court’s process for hearing cases en banc.¹ She writes that the Circuit Courts of Appeals’ processes for en banc “vary—sometimes widely.”² As to the Eleventh Circuit, Judge Rosenbaum says that the Eleventh Circuit is “a talkative bunch when it comes to seeking en banc proceedings,” reciting statistics that the Court “granted en banc rehearing more than half the time” between 2016 and 2022.³ She explains that en banc review occurs when a majority of the non-recused Eleventh Circuit judges in active service vote to rehear a case as an entire court.⁴ Judge Rosenbaum notes that en banc decisions are reserved for extraordinary cases, such as situations where “(1) the panel decision conflicts with a decision of the United States Supreme Court or of our Circuit, or (2) the question involved is one of ‘exceptional importance’—for instance, if the panel decision creates an inter-circuit split.”⁵

After the *Foreword*, last year’s Eleventh Circuit Issue included four articles. First, attorneys from Wil, Gotshal & Manges LLP’s Complex Commercial Litigation practice group discussed the U.S. Supreme Court’s 2022 unanimous decision in *Morgan v. Sundance*.⁶ The authors of *Beware of Testing the Waters: Wading Into Litigation Could Cost the Company Its Arbitration Right* write that Morgan “will have far-reaching implications,” and the article “addresses practical and strategic considerations moving forward in light of this pivotal decision.”⁷

The second article, *An Essential Preliminary: The Grand Jury, Its Cloak of Secrecy, and the Misconceived Inherent Authority to Release Grand Jury Materials*, is written by Jose M. Espinosa, law clerk to Judge Jose E. Martinez of the U.S. District Court for the Southern District of Florida.⁸ Espinosa was also Editor-in-Chief of Volume 75 of the *University of Miami Law Review*.⁹ This article discusses the Eleventh Circuit’s 2020 move away from precedent that “allowed district courts in [their] discretion to disclose grand jury records . . .”¹⁰ That position was consistent with many other circuits’ position, and Espinosa explores this circuit split.¹¹ Instead, the Court “held that district courts lack the inherent authority to authorize the disclosure of grand jury records outside of the limited exceptions set forth in [Federal] Rule [of Criminal Procedure] 6(e).”¹² Espinosa argues that the Advisory Committee on the Criminal Rules should recommend an amendment allowing “district courts . . . to order the disclosure of grand jury materials of particular historical significance.”¹³

The third article is written by Amanda Harmon Cooley, a Professor at South Texas College of Law Houston. In *Establishing an End to Lemon in the Eleventh Circuit*, Professor Cooley discusses the *Lemon* test, its origins, progeny, importance within First Amendment jurisprudence, and gradual abandonment.¹⁴ Under this infamous *Lemon* test, a government action must pass a three-pronged test to be acceptable under the Establishment Clause: (1) the government action “must have a secular legislative purpose”; (2) “its principal or primary effect must be one that neither advances nor inhibits religion”; and (3) the state action “must not foster ‘an excessive government entanglement with religion.’”¹⁵

Professor Cooley explains that, although the *Lemon* test was once firmly established First Amendment jurisprudence, courts, including the Supreme Court, gradually

stopped applying the test.¹⁶ And, in 2022, after a recent Supreme Court decision noting the abandonment of the *Lemon* test, the Eleventh Circuit explicitly abandoned the test in *Rojas*.¹⁷ Thus, lower courts in the Eleventh Circuit must now interpret the Establishment Clause by reference to historical practices and understandings.¹⁸ The article concludes that *Rojas* is a step in the right direction for providing clarity within the Establishment Clause.¹⁹

Finally, in *Florida’s Market-Based Property Reforms and Revocation of One-Way Attorney Fees: Implications for Florida Policyholders*, Jae Lynn Huckaba from Hunton Andrews Kurth LLP discusses Florida’s unstable insurance market, the perceived and actual causes of the instability, and Florida’s reform attempts that are heavily insurer-friendly.²⁰ Specifically, Ms. Huckaba discusses the recent turmoil in Florida’s property insurance market due to hurricanes, how the government perceives litigation to be the main threat, and how Florida property owners are impacted by this turmoil.²¹

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.

Ms. Huckaba also discusses how the reform acts passed by the State to reduce litigation merely seek to protect insurers and that the changes add more barriers for insureds to file claims.²² One major example Ms. Huckaba explores is Florida's new law revoking the insured's right to attorneys' fees in suits arising under residential or commercial property insurance policies.²³ The article concludes that Florida's market-based reforms are merely increasing economic opportunity for insurers and incentivizing carriers to deny coverage, forcing policyholders to jump through procedural hoops and litigate claims at their own expense.²⁴

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

Melanie Kalmanson and **Emily Plakon** are commercial litigation associates at Quarles & Brady LLP in Tampa, Florida. Both received their J.D. degree from Florida State University.



Melanie Kalmanson



Emily Plakon

Endnotes

1. *Hon. Robin S. Rosenbaum*, 77 U. MIA. L. REV. 885 (2023).
2. *Id.* at 887.
3. *Id.* at 889.
4. *See id.* at 885.
5. *Id.*
6. *Morgan v. Sundance, Inc.*, 142 S. Ct. 1708 (2022).
7. Susan L. Shin, et al., *Beware of Testing the Waters: Wading Into Litigation Could Cost the Company Its Arbitration Right*, 77 U. MIA. L. REV. 893, 895 (2023).
8. Jose M. Espinosa, *An Essential Preliminary: The Grand Jury, Its Cloak of Secrecy, and the Misconceived Inherent Authority to Release Grand Jury Materials*, 77 U. MIA. L. REV. 920 (2023).
9. *Id.* at n.*.
10. *Id.* at 920.
11. *Id.* at 921. *See generally id.* at Part IV.
12. *Id.* at 920.
13. *Id.* at 921.
14. Amanda Harmon Cooley, *Establishing an End to Lemon in the Eleventh Circuit*, 77 U. MIA. L. REV. 972–73 (2023).
15. *Id.* at 981.
16. *Id.* at 997–98.
17. *Id.* at 991–99 (citing *Rojas v. City of Ocala*, 40 F.4th 1347 (11th Cir. 2022) (reversing lower court's judgment based on its application of the *Lemon* test and officially abolishing test in Eleventh Circuit)).
18. *Id.* at 999.
19. *Id.* at 1010.
20. Jae Lynn Huckaba, *Florida's Market-Based Property Reforms and Revocation of One-Way Attorney Fees: Implications for Florida Policyholders*, 77 U. MIA. L. REV. 1014, 1015–17 (2023).
21. *Id.* at 1015–16.
22. *Id.* at 1016–17.
23. *Id.* at 1017, 22–23.
24. *Id.* at 1026.

ON THE WEB

Visit the 11th Circuit Historical Society's website to view all issues of the Society's newsletters: <https://sites.google.com/site/circuit11history>.

ATLANTA IP INN OF COURT RENAMES ITSELF AFTER JUDGE CHARLES A. PANNELL, JR. TO HONOR HIS CAREER OF DEDICATION TO PROFESSIONALISM, CIVILITY, AND EXCELLENCE

Inns of Court exist to promote the highest level of professionalism through example, education, and mentoring. Last year, the Atlanta Intellectual Property Inn of Court honored Judge Pannell's lifelong dedication to the same principles by renaming itself "The Honorable Charles A. Pannell, Jr. Intellectual Property American Inn of Court."

"Atlanta has one of the most impressive IP legal communities in the country," said Inn President Amanda Hyland of Taylor English Duma, LLP. "Since its founding in 2010, our Inn has brought together the leading Atlanta IP practitioners to help ensure that when they meet one another as adversaries, they treat one another with the highest level of civility and respect."

"When we formed the Inn in 2010, Judge Pannell immediately stepped in as our Judicial Advisor," said past President Jason Rosenberg of Alston & Bird. "For more than a decade, he has led us by example."

"Many Inns are named after great jurists," continued Rosenberg. "When the idea came up of naming our Inn after someone, Judge Pannell was the only choice. The vote among

our members was not just immediate. It was enthusiastic. We are thrilled to call ourselves the Pannell Inn."

After graduating from the University of Georgia Law School in 1970, Judge Pannell began active duty in the U.S. Army. Shortly thereafter, he transitioned to the U.S. Army Reserves and became an Assistant U.S. Attorney for the Northern District of Georgia.

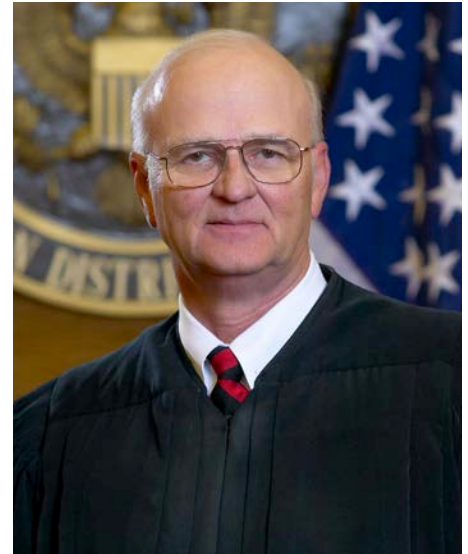
After over four years as an associate and partner in a Dalton law firm with emphasis on insurance defense and criminal appointed cases, Judge Pannell was elected District Attorney for Georgia's Conasauga Judicial Circuit in 1976. In 1979, Governor Busbee appointed him to the Superior Court bench, where at age 33, he was the youngest Superior Court judge to serve at that time. Judge Pannell served in the Army Reserves for 28 years in the Judge Advocate Generals Corps, achieving the rank of Colonel, Military Judge. He was awarded the Legion of Merit.

Judge Pannell served on the Superior Court until President Bill Clinton appointed him to the federal bench in 1999, where he has remained a steady and steadfast presence ever since.

Judge Pannell's service to the community goes far beyond his judicial and legal services. He has also been recognized by the Boy Scouts of America and the United Methodist Church with their highest awards for service and dedication to youth.

To his namesake Inn of Court, Judge Pannell has been far more than just an imposing judicial presence. "We have at least six meetings a year, and Judge Pannell is there with incredible frequency," noted Hyland. "I will often see him chatting with our younger lawyers, giving them the kind of access to and understanding of our judiciary that without organizations like this would not be possible."

"We frequently asked Judge Pannell to address our Inn as a whole, and he never balked at the request," said Virginia Carron, the first president of the Pannell Inn in 2010.



The Honorable Charles A. Pannell, Jr.

"Judge Pannell has an incredible ability to relay his experiences in a funny and engaging way that almost makes you forget that every time he talks anyone listening is learning how to be a better lawyer."

"I cannot overstate how lucky we were to have Judge Pannell agree to be our Judicial Advisor from day one," said Carron.

Among Inn members, Judge Pannell's talks are legendary for their insight and humor. "Judge Pannell looks a lot like Bill Murray, and he's almost as funny," said President-Elect Rich Miller. "He has encountered situations that none of us will ever see. I'm sure they were incredibly stressful when he went through them. But when Judge Pannell talks, he helps us to remember that as long as we adhere to our core principles, no matter how difficult the circumstance, at the other end we will come through as better lawyers who can look back on our work with pride, and hopefully a little more wisdom."

It is little wonder that nearly 150 Atlanta lawyers voted to name their Inn in honor of Judge Pannell. ●

"Judge Pannell has an incredible ability to relay his experiences in a funny and engaging way that almost makes you forget that every time he talks anyone listening is learning how to be a better lawyer."

—Virginia Carron

Clerk of Court for the U.S. District Court, Northern District of Alabama



On January 3, 2023, Greer M. Lynch was sworn in by Chief U.S. District Judge L. Scott Coogler as the new Clerk of Court for the Northern District of Alabama.

Lynch is a graduate of the U.S. Naval Academy (B.S.), University of Tennessee College of Law (J.D.), and U.S. Naval War College (M.A.). Prior to moving to Birmingham, he served as the Chief Deputy Clerk of Administration in the Eastern District of Virginia and as a Regional Administrator in the Court Services Office of the Administrative Office of the U.S. Courts. Lynch served six years on active duty as a Surface Warfare Officer in the U.S. Navy prior to law school and is currently a Commander in the Navy Reserve.

Lynch and his wife, Megan, are the proud parents of Vaughn (5) and Adeline (2). ●

Clerk of Court for the U.S. Bankruptcy Court, Northern District of Georgia



On July 1, 2023, Vania S. Allen became Clerk of Court for the U.S. Bankruptcy Court, Northern District of Georgia. Prior to becoming Clerk, Allen served as Chief Deputy Clerk and Chief Deputy for Operations. Before joining the court, Allen was an Assistant United States Attorney for the Northern District of Georgia. She also served as a law clerk to the Hon. C. Ray Mullins (Ret.) in the U.S. Bankruptcy Court, Northern District of Georgia.

Allen is a past chair of the Bankruptcy Section of the Atlanta Bar Association and a member of many bar organizations to include the American Bankruptcy Institute, Atlanta Bar Association, and GABWA.

Allen received her B.A. in English/Composition from Florida State University and her J.D. from The Catholic University of America, Columbus Law School in Washington, D.C.

She lives in the metro Atlanta area with her husband and children. ●

RECOLLECTIONS OF EARLY FIFTH CIRCUIT CONFERENCES

CHARLES L. GOWEN

Editor's note: The following letter and recollections from Charles L. Gowen were recently found in the archives of the Eleventh Circuit Historical Society. Gowen became a senior partner in the Atlanta firm of King & Spalding after serving 20 years in the Georgia Legislature. A collection of his papers may be found at the Richard B. Russell Library for Political Research and Studies, University of Georgia Libraries, Athens, Georgia.

The first Judicial Conference in the Fifth Circuit were held in 1944 and was attended by John A. Sibley as the representative of the Georgia Bar Association. These conferences have been held annually ever since, except for 1945 which was canceled because of the war.

In 1948, I was appointed as one of the delegates from the Georgia Bar Association to the Fifth Circuit Judicial Conference. Early in 1949, I received a copy of an order issued by Chief Judge Joseph C. Hutcheson and addressed to the judges and lawyer delegates of the circuit calling a conference for the Fifth Circuit to be held in New Orleans on May 26 and 27 "in accordance with 28 U.S.C. 333" and those addressed to "please govern themselves accordingly."

Desiring to know what was expected of me, I read the section of the Code and later mentioned my appointment to Judge Frank M. Scarlett of the Southern District of Georgia and suggested we might travel together to the conference. Judge Scarlett said he had been to one and he didn't think too much of it and doubted if he would go again. I told him the law appeared to require him to attend and stay through the conference unless excused by the Chief

Judge. Whereupon he said, "That must have been what Judge Hutcheson meant when I saw him in Atlanta and he said, 'Judge Scarlett, I missed you at our last Judicial Conference.' I expect I'd better attend this one."

So, he and I went to New Orleans via Jacksonville and the Seaboard and L & N train and stayed at the St. Charles Hotel where we met the other two district judges from Georgia, Judges Robert L. Russell and T. Hoyt Davis, and my fellow Georgia conferees, Charles J. Bloch, Bentley H. Chappell, James M. Hull, and Robert B. Troutman.

On the morning of May 26, we walked over to the offices of the United States District Court in the Federal Building on LaFayette Square. The conference was held in the Court of Appeals courtroom. The judge's bench with the clerk's desk beneath was at the far end as we entered the room. Around the wall on each side was a raised area wide enough for chairs. In the center in front of the bench were tables and chairs used by attorneys appearing before the court. Between this and the entrance door were benches for use by the public when the court was in session.

Judge Hutcheson, who presided, sat in a chair on the level of the clerk's desk and his secretary, Miss Randall, sat just below him at a small desk. The district judges sat at the counsel area, and the lawyer-delegates sat on the left side against the wall and the other circuit judges on the right side by the wall.

Miss Randall called the roll; and when one of the district judges failed to answer, Judge Hutcheson smiled and said he was reminded of the colloquy between Glen-

2500 TRUST COMPANY TOWER
ATLANTA, GEORGIA 30303
404/572-4000
November 7, 1985



Mr. Thomas H. Reese
Eleventh Circuit Historical Society
Richard B. Russell Building
75 Spring Street, S. W.
Atlanta, Georgia 30303

Dear Tom:

Enclosed is a draft of my recollections of early Fifth Circuit Conferences. The first one I attended was in 1949 and with the exception of three years I believe I have attended every Conference of the Fifth Circuit and later the Eleventh Circuit.

It would probably be better to leave out the reference to Judge Scarlett on page 1, but I left it in so that you and Judge Goldbold could make a decision.

I didn't attempt to name it. You can do that if you think it is worthy of publication.

Sincerely yours,

Charlie
Charles L. Gowen

CLG/b
Enclosure

dower and Hotspur in Henry IV when Glendower said, "I can call spirits from the vastly deep," and Hotspur replied, "Why so can I, or so can any man, but will they come when you do call for them?"

The courtroom was adequate for the conference since there were then only six circuit judges, 26 district judges, and a maximum of 36 lawyer-delegates in attendance.

The first business was a statement by Mr. Shafroth, Chief of the Division of Procedural Studies and Statistics, Administrative Office of the United States Courts, giving in detail the condition of the dockets and calendars and the volume of work of each of the district courts and courts of appeals. In the discussion that followed, it was clear that some of the district judges did not like making reports to the administrative office. One judge from Alabama

was quoted as saying the government was a litigant in his court and was not entitled to any special consideration. A judge from another state said he had not filled out the questionnaire because there was no space on it to list the hours that he lay awake at night trying to find the right way to decide the matters before him. Generally, though, the judges approved the gathering of the statistical information in the hope that some solution could be had to the increasing load even then being placed on all the federal courts.

All legislation before Congress affecting the district courts and district judges was discussed and the position of the conference on each determined by a vote in which the lawyers participated. At this conference, the bill which would increase the jurisdictional amount in diversity cases from \$3,000 to \$10,000 raised the most controversy, and the vote was overwhelmingly against it.

As lunch time arrived, Judge Hutcheson said that the Texas judges and lawyers would be his guests at the Boston Club, and the circuit judges from Louisiana, Mississippi, Alabama, and Florida followed with invitations to the judges and lawyers from their states naming prominent restaurants and clubs as the place to gather. When nothing was said about Georgia, Judge Hutcheson said to Judge Sibley: "Sam, aren't you going to invite the Georgia folks?" And Judge Sibley replied: "They will be my guests at Morrison's Cafeteria."

We walked to Morrison's with Judge Sibley, who stood at the end of the cafeteria line and collected our tabs. We put some tables together and had a pleasant and very good lunch. Judge Sibley said as we sat down: "The reason we are here is because I think Morrison's has the best food in New Orleans." During lunch, Bob Troutman asked Judge Sibley if he could have some dessert. All the rest of the Georgia folks, perhaps being more at home in cafeterias than Bob, had selected dessert as we went through the line. Judge Sibley told Bob: "You can, only if you bring me the charge slip."

The afternoon session was devoted to use of the writ of habeas corpus which was

even then posing problems to the federal courts. There were two excellent papers by Judge Sibley and Judge Robert L. Russell, and general discussion brought out that expanded protection being given to defendants tried in state courts for alleged crimes resulted in far more cases seeking the writ than ever before.

There was no social activity (other than the first day luncheons when we were guests of our respective circuit judges) in connection with the conference. Judge Hutcheson felt that the conference should be all business. During the next conference, there was discussion among the lawyers that it was a shame to make the trip without some entertainment; and, if the judges didn't want it, perhaps the lawyers could get together and have a "Dutch treat" dinner. Ford Reese, a Louisiana delegate, agreed to make the arrangements, and the next year such a dinner took place at Arnaud's Restaurant with only the lawyers in attendance, except for one district judge whom a lawyer had invited. This resulted in more judges being invited the next year, and soon Judge Hutcheson relented and arranged an elegant black-tie dinner at the New Orleans Country Club. Thus, the social activity that has been enjoyed at conferences of the Fifth, and later the Eleventh, Circuit ever since was born.

It has been my good fortune to attend most of the conferences since 1949. The Gulf Wind carried many of the lawyers and judges from South Georgia and Florida to New Orleans, and the club car provided fellowship enjoyed by both judges and delegates. On one occasion, the train left Jacksonville on the afternoon of a Florida election day. When we gathered in the club car, the attendant advised that no alcoholic beverages could be served until the train reached Alabama about 3:00 a.m. because of state law. Fortunately, I had a bottle in my bag and the drought was relieved. When air travel replaced the trains, such inconvenience was a thing of the past since alcoholic beverage control at the ground level never reached those in the air. ●

Biographical Note from the Charles L. Gowen Papers, Richard B. Russell Library for Political Research and Studies, University of Georgia Libraries, Athens, Georgia:

Charles Latimer Gowen was born in Westgate, Iowa and moved to Brunswick, Georgia at an early age. He graduated from Glynn Academy in 1921 and received his law degree from the University of Georgia Law School in 1925. He was admitted to the bar upon his graduation and returned to Brunswick in July 1925, to become a partner in the law firm of Conyers & Gowen.

Gowen practiced law in Brunswick for thirty-six years and served as Brunswick Juvenile Court Judge from 1939-1946. In 1939, he was elected to the Georgia House of Representatives where he served until his retirement in 1960, except for a two-year absence when he ran an unsuccessful race for governor of Georgia in 1954 against Samuel Marvin Griffin. While in the legislature, he was a chairman of both the Appropriations and Judiciary Committees and a member of the 1945 State Constitution Revision Committee. He was elected president of the Georgia Bar Association for the 1945-46 term, and in 1958 he was elected a Fellow of the American College of Trial Lawyers.

In 1962, Gowen became a senior partner in the Atlanta firm of King & Spalding. He then moved to Atlanta where he practiced trial law and became involved in a variety of civic activities. Gowen's courtroom appearances covered half a century and include his successful argument before the United States Supreme Court in 1968 representing the Presbyterian Church in the U.S. in a precedent-setting case involving church-state conflict and his successful defense in 1972 of the Coca-Cola Company in an anti-trust jury trial.

Gowen served on the University of Georgia Law School's Board of Visitors and was a recipient of the Law School Association's Distinguished Service Scroll. In July 2002, his family honored him with the dedication of the Charles Latimer Gowen Courtyard on the University's Old Campus. He was also a member of the Board of Trustees for the Richard B. Russell Foundation, Inc.

Gowen died in Atlanta, Georgia on March 31, 2003.

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 and thus supplementing historical knowledge that will enlighten and enrich present and future generations. In essence, the Society's accomplishments belong to you.