

BARRY LAW MAGAZINE



FALL 2010 | Volume 4 Number 1



Growing, Expanding, Building, Enhancing
Barry's New Multistory Law School Facility



Barry Law faculty gather at the dean's home, September 2010

BARRY UNIVERSITY
Dwayne O. Andreas School of Law

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PAGE 2 Honoring the Pioneer graduates

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COVER PHOTO:

Top Row (l-r) : Keith Hesse, Judge Donna McIntosh, Judge Carmine Bravo, Dora Casanova deToro, Warren Lindsey, Charles Frederick, Judge Jon Morgan

Bottom Row (l-r): Judge Thomas Freeman, Judge Jose Rodriguez, Dean Leticia Diaz, Virginia Townes, Kevin Cole

Cover Photo by ©Jacque Brund



Established in 1999, the Barry University Dwayne O. Andreas School of Law in Orlando, Florida, offers a quality legal education in a caring, diverse environment. A Catholic-oriented institution, Barry Law School challenges students to accept intellectual, personal, ethical, spiritual, and social responsibilities, and commits itself to assuring an atmosphere of religious freedom.



PAGE
4

Growing, Expanding, Building, Enhancing

New Multistory Law School Facility

During the past 10 years, the law school has experienced tremendous growth, including an impressive increase in student enrollment, the addition of several new full-time faculty members, and the initiation of new courses and clinics. To accommodate this expanded community, plans were approved to construct a new 31,500-square-foot building and renovate existing space on the law school's campus in Orlando.

PAGE
14

Following Customs



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JACQUE BRUND

- 2 Honoring the Pioneer Graduates
- 3 Largest Graduating Class
- 4 New Multistory Law School Facility
- 6 New Immigration Clinic Helps the Haitian Community
- 8 Passion and Vision Drive the Juvenile Justice Center
- 10 Judges Lend Support to Students
- 11 Our Environmental Legacy
- 12 A Dream Comes True
- 13 Why Do Attorneys Use the Designation "Esquire"?
- 14 Students Help "Believe, Achieve, Support, and Educate"
- 15 Honoring Faculty Scholarship



Dean Diaz and Sherri McVay

Honoring the Pioneer Graduates

The Pioneer Garden in front of the Andreas Law Center honors Barry Law School's earliest graduates. "The first graduates will always have a special place in our memories and in our hearts. Now they also have a special place on our campus," said Dean Leticia M. Diaz. "They were the 'pioneers' who came to Barry when the law school was just getting established. Without their commitment and determination, the law school would not be the thriving, successful institution that it is today."

The name of each "pioneer graduate" is engraved on a brick in the garden. Dean Diaz unveiled the garden as a surprise for this special group of alumni at the law school's 10th Anniversary Celebration.

"The garden is a wonderful tribute to everyone who came to Barry Law School in the early days," said alumna Sherri McVay '02. McVay, who currently runs The McVay Law Firm (handling primarily business and corporate cases), also owns Current Events (a special events and catering company), and does motivational speaking. While a student at Barry, McVay was president of the Student Bar Association and held several other leadership positions.

"We are building, quite literally, on the traditions that these 'pioneer graduates' created," said Dean Diaz, "and we will always be grateful to them." 🇺🇸

Celebrating Our Largest Graduating Class

Two hundred and fifty-two proud law school graduates received their diplomas on May 15, 2010, at the largest graduation ceremony in Barry Law School's history. A kilt-clad bagpiper led the ceremonial procession as faculty and graduating students marched into a packed hall. Hundreds of beaming family members and friends stood to see their loved ones in regalia. Graduating student Shannon Davis sang a remarkable a cappella rendition of the national anthem. Everyone waited expectantly for the hooding ceremony to begin.

Dean Leticia M. Diaz exhorted the graduates to continue striving to renew their knowledge and to exemplify the ideals of the Barry mission. "Being an attorney is a privilege, and with it comes power," Dean Diaz said in her welcoming address. "With power comes responsibility. Use it wisely," she emphasized.

That theme was echoed in the keynote speech given by John T. Berry, director of lawyer regulation for the Florida Bar. "Define your value system," he said. "Better people make better lawyers. Barry Law School is at the forefront of teaching new lawyers to value truth – not only the truth of your mind, but also the truth of your heart." Quoting the former Delaware Chief Justice E. Norman Veasey, Berry told the crowd, "Our profession is in a search for its heart." Barry Law School, he indicated, is a leader in that ethical search.

University President Sister Linda Bevilacqua greeted the audience. Two valedictorians, Stephanie Clark and Giovanni Yuela, also addressed their classmates. They shared inspirational

words, delivering their speeches with a touch of wit which drew chuckles from the audience.

Graduation day marked both a beginning and an end – an end to the days of being a student and the beginning of entering the legal profession. Looking back, new graduate Ashley Spizzuco said, "What I will remember most about my Barry Law experience is the caring environment that is integrated throughout the campus, particularly by the extraordinary faculty. During Orientation, Dean Diaz not only welcomed us to Barry Law, but specifically congratulated us on becoming a part of the Barry Law family."

Spizzuco, who served as Student Bar Association president for two years, emphasized that what she enjoyed most in law school was simply "being part of this Barry family. I will continue to be part of it – even as an alumna – because this family-type atmosphere is unlike that of any other law school." She said, "Although I am sad to be leaving such a



(l-r) Bonnie Adams, Kayla Mudge, Ashley Spizzuco, all part of Barry's largest class

nurturing and caring environment, I am excited that I can go into the legal community and show my colleagues the incredible values and skills that Barry has instilled in me."

Also reminiscing was Sean Mickle, a member of the Moot Court Honors

Board and a teaching assistant for the Legal Research and Writing class. "I had the opportunity to write appellate briefs and to work one-on-one with professors and practicing attorneys. The experience was not only unique, but also produced memories I will never forget."

New graduate Kaylynn Shoop, who will be active in the JAG Corps, said, "I absolutely loved going to law school at Barry. Barry Law's Career Services Office helped me land three internships during my legal education and two job offers before graduation." She added, "The professors at Barry were always willing to go the extra mile for their students. The faculty's open door policy allows students to receive the best legal education possible. The guidance and support I received from



Shannon Davis '10 sings the national anthem at graduation.

I am excited that I can go into the legal community and show my colleagues the incredible values and skills that Barry has instilled in me.

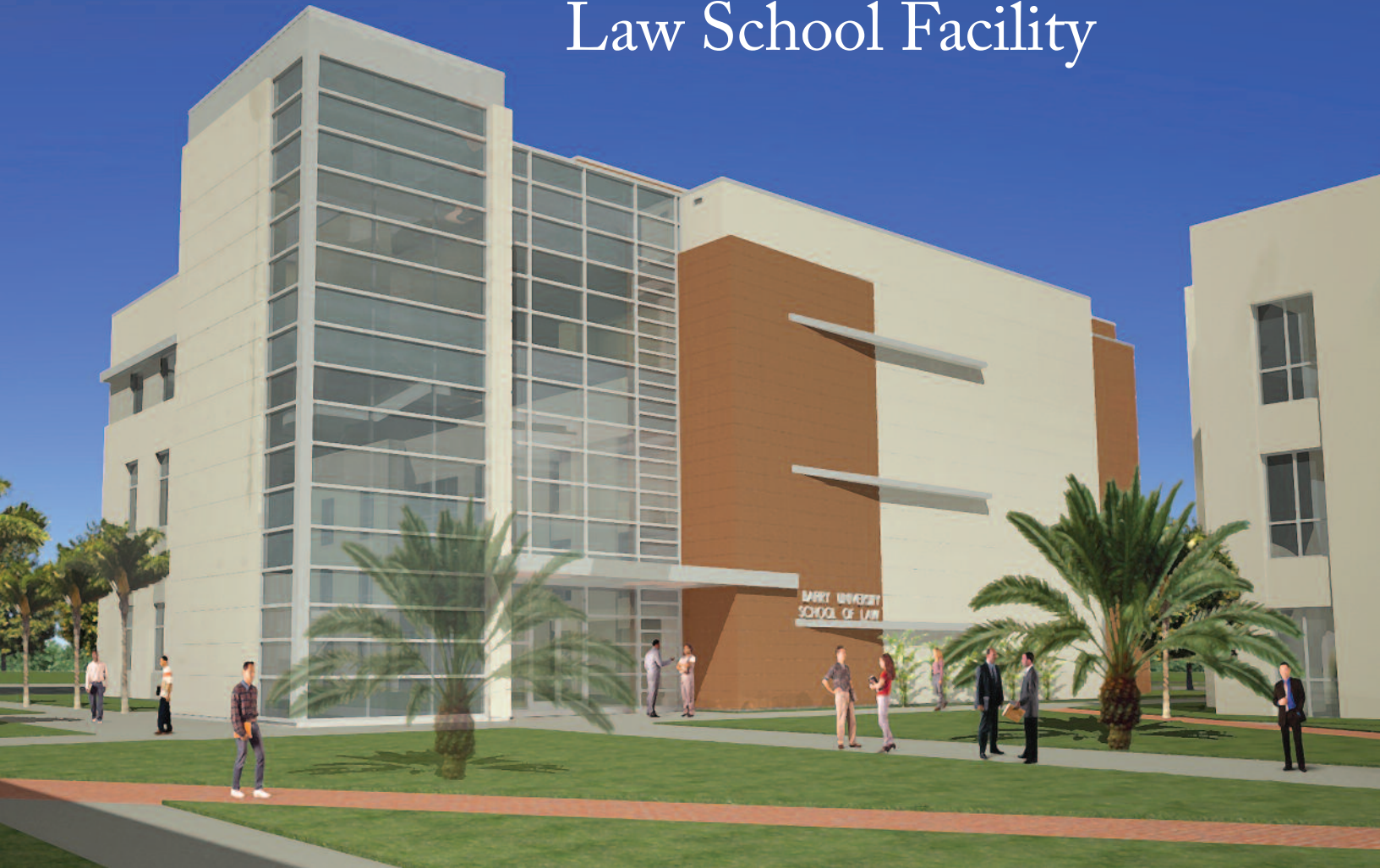
—Ashley Spizzuco '10
Student Bar Association President

professors at Barry helped me get where I am today."

Flashing a broad smile as she clutched her diploma, Shoop said, "I made friends at Barry Law School that will last a lifetime." ■

BUILDING, EXPANDING, GROWING, ENHANCING

New Multistory Law School Facility

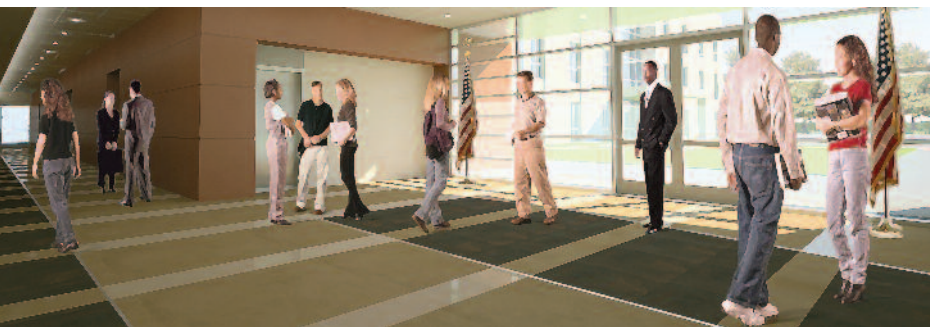


During the past 10 years, the law school has experienced tremendous growth, including an impressive increase in student enrollment, the addition of several new full-time faculty members, and the initiation of new courses and clinics. Today, Barry Law enrolls over 700 students who are served by 38 full-time faculty members, over 100 adjunct faculty members and 51 staff members.

To accommodate this expanded community, plans were approved to construct a new building and renovate existing space on the law school's campus in Orlando, announced President Sister Linda Bevilacqua in May 2010.

The building project began in July. At 31,500 square feet, the new facility will house two large classrooms to accommodate up to 80 students each; one medium and four small moot courtrooms; two seminar rooms; a dean's suite; conference room; registrar and financial aid suite; a small chapel; and a third-floor multipurpose event space to seat up to 200 persons.

"With the addition of this new building, the law school will be able to host major events such as moot court and trial team competitions," said Dean Leticia M. Diaz. "Our students and faculty will benefit





tremendously from the new classrooms and additional courtrooms for advocacy classes. Because Barry owns several acres, we have space for this new construction without changing the verdant character of the campus. The new building will not overshadow the arbor of palms, the fountain, or the Pioneer Garden.”

Renovations of existing space, scheduled to begin soon, will include a cafeteria, additional faculty offices, expanded admissions offices, more rooms for study groups in the library, and a faculty lounge. **3**



Joining the Barry Law School team is new Chief Advancement Officer Doug Elliott. He has served in a range of leadership roles in both advancement and marketing. These have included the national director of

advancement for the Smithsonian Institution and vice president of advancement and marketing for the International Centre for Missing and Exploited Children. Through his own firm, Elliott & Clark, he worked with organizations such as National Geographic Society, National Public Television, Williams-Sonoma, and Congressional Quarterly to mention a few. The firm’s work included book publishing, product development, brand extensions and a range of joint ventures. Elliott received his undergraduate degree from the University of Florida and his master’s degree from The American University in Washington, D.C. He is currently an instructor at the Rollins Crummer School of Business – Philanthropy and Nonprofit Leadership Center.

Breaking Ground in Florida is Nothing New for Barry University

MOTHER GERALD: Mother Gerald M. Barry (*center*) was an active participant at the groundbreaking on January 24, 1940.

She was Prioress General of the Dominican Sisters of Adrian, Michigan, who along with her brothers Patrick and William cofounded Barry College and was its first president. She was born in Ireland in 1881, came to America in 1900 and attended Northwestern University and Detroit’s Teachers’ College, receiving a bachelor’s degree from Sienna Heights University in Adrian. Mother Gerald entered the Dominican Order in 1912 and was elected Mother General in 1933.



BISHOP PATRICK BARRY: The Most Reverend Patrick Barry was born in West Claire, Ireland, in 1868. He was ordained in 1895 and shortly afterward left to come to Florida as a missionary. First assigned as assistant at the Church of the Immaculate Conception in Jacksonville, he served as a volunteer chaplain during the Spanish-American War. In 1903, Father Barry was appointed pastor at the mission in Palatka, Florida; 10 years later, he was named pastor of the parish

of the Assumption in Jacksonville. He served in Jacksonville until 1917 when he was called to St. Augustine and made Vicar-General of the Cathedral. On February 22, 1922, he was proclaimed Bishop of St. Augustine by Pope Pius XI. He was responsible for the establishment of 16 churches, several hospitals, an orphans’ home, and a mission church for Black Catholics in Florida.



Barry Law students volunteered to assist with the complex immigration process under the supervision of licensed attorneys.

New Immigration Clinic Helps the Haitian Community

Barry University Dwayne O. Andreas School of Law's newly formed Immigration Clinic teamed with the Legal Aid Society of the Orange County Bar Association and the Center for Multicultural Wellness and Prevention to assist Haitians living in Central Florida.

"Finding a way to help those in our Haitian community – that is the key!" So said Mr. Patrice Frage, a Haitian who moved to Orlando nine years ago. In the aftermath of the deadly earthquake that occurred on January 12, 2010, devastating Haiti's capital city, local Haitian residents of Central Florida came forward to offer their help with a law-related project. Barry University School of Law's newly formed Immigration Clinic teamed with the Legal Aid Society of the Orange County Bar Association and the Center for Multicultural Wellness and Prevention to assist Haitians who are already living in Central Florida.

The immigration project involves attorneys, law students, and other local volunteers who are helping local Haitian residents apply for Temporary Protective Status (TPS). The Department of Homeland Security determined that an 18-month designation of TPS for Haiti was warranted because of the earthquake and aftershocks. As a result, Haitians (and other individuals without nationality who last habitually lived in Haiti) residing in the United States prior to the earthquake were unable to return safely to their country. The United States Citizenship and Immigration Services (USCIS) agency is responsible for processing the immigration applications for TPS filed by Haitian nationals.

Mary Teruya, a local private attorney who specializes in immigration law, said that her caseload is tremendous. Coordinating the TPS project is just one of her efforts to assist Haitians and others with immigration issues. "One of my roles," said Teruya, "is to make sure that my clients' forms are correctly filed and processed by the government officials without undue delay." Other attorneys who helped coordinate the project and volunteered



to supervise during their weekend hours included Charles Conroy and Kira Romero-Craft, practitioners at the Legal Aid Society.

On a recent Saturday, several Haitian volunteers sat for hours, willing to help with language translation or other questions. “The Haitian community wants to help, too, but some of us are stuck here with a sense of helplessness,” explained Frage.

The Haitian Consulate told local people about the free program, sponsored jointly by the Legal Aid Society and Barry University School of Law. Barry Law students volunteered to assist with the complex immigration process under the supervision of licensed attorneys.

that these services are available at no charge,” said a recent applicant.

“This project is not only filling an important unmet legal need in the Haitian community, it has also been a great way for law students to get involved and provide a service while experiencing firsthand how some of the law they are learning in the classroom plays out in practice,” said Professor Katherine Aschenbrenner, who directs the Immigration Clinic at Barry’s law school.

The force of the earthquake was disastrous. “Everybody we know was affected in some way. Of the three of us who are volunteering together in Orlando, we all went to different schools in Port-au-Prince. Our three

Barry University School of Law is not only known for its big heart but being proactive to the needs of the community. More than 90% of the Barry Law faculty and staff volunteer with local charities, foundations and boards. This work ranges from service projects with the United Way to assisting our immigrant population to raising the visibility of the challenging environmental issues facing us today.

All Barry Law students are required to complete 40 hours of pro-bono work before graduation, though students average well over 75 hours of work in the community. It has been estimated that each year Barry Law students provide over 18,000 hours of pro-bono service.

Every dollar you give to the Barry University School of Law – whether it is to support the new building, the faculty, scholarships, or otherwise – not only enhances

MORE THAN
90%
FACULTY AND STAFF
VOLUNTEER WITH
LOCAL CHARITIES
AND COMMUNITY
FOUNDATIONS.

the law school, but also our state, our nation and our world. For example, Barry Law offers a variety of scholarships that make a superior legal training attainable for hundreds of students each year. Supporting the tremendous faculty attracts the very best scholars to enrich and educate our student body.

You can donate today by calling 321-206-5604, by visiting us online at www.barry.edu/law/donors or by mail to

BARRY UNIVERSITY
Dwayne O. Andreas School of Law
Office of Institutional Advancement
6441 East Colonial Drive
Orlando, FL 32807



(l-r) Marc Jandy '11, Jimmy Davis '11, and Dina Elmusa '11 prepare to help Haitian residents apply for temporary protective status at the Immigration Clinic.

“There is no other place in Orlando for Haitians to turn to obtain free legal assistance with this immigration procedure. There are many agents who advertise that they will help, but they charge a high fee and do not always get results. Their clients have no idea

schools were all crushed, destroyed,” said Anne Georges, speaking of her friend, her brother and herself.

“This program is great! I will champion it in any way I can,” said Frage, nodding in agreement with his fellow volunteers. ■

Passion and Vision Drive the Juvenile Justice Center

Over the past three years, Barry University's Andreas School of Law has received national recognition for its juvenile justice work. The school initially received a \$778,000 three-year grant from the Eckerd Family Foundation to start a Juvenile Justice Center (JJC) in Orlando. The JJC trains lawyers and law students to represent children accused of crimes in Florida's juvenile delinquency system.

The partnership between Barry Law and the Eckerd Family Foundation was formed following a 2006 report by the National Juvenile Defender Center which revealed that Florida's delinquency system fails to provide children adequate legal representation. This report, titled "An Assessment of Access to Counsel & Quality of



Representation in Delinquency Proceedings in Florida," states that "Florida's juvenile courts cannot guarantee due process and accountability for youth without the participation of well-trained, well-resourced defense counsel." The report concluded that improvements need to be made to Florida's juvenile indigent defense system and that many have been "troubled by Florida's high rates of waiver of counsel, lack of zealous defense advocacy, hectic courtrooms, and inadequate defense resources." Barry and the Eckerd Family Foundation worked together to find ways to improve the representation of children, which resulted in the creation of the Juvenile Justice Center. The Florida Public Defender's Association also worked with Barry on the project.

"Part of the mission of Barry University School of Law is to provide a quality education with a commitment to service. The Juvenile Justice Center meets these objectives by ensuring Florida's children have quality advocacy to improve their chances for a bright future," said Leticia Diaz, dean of Barry's Law School.

Recent graduate James Popa '10, who participated as a student intern, said, "The clinic provided me with the single most profound experience of my law school education. The combination of intensive class lectures, client interaction, and practical participation in the legal

community is essential to, and should be required for, any concentration in legal education. The true value for any student is the benefit of developing a solid foundation in practical legal knowledge while furthering the clinic's noble initiatives in social justice."

The Juvenile Justice Center, which is a part of the law school's clinical programs, has worked with juvenile defenders around the state. The JJC has provided continuous training and consultations with defender offices to improve the provision of representation of children.

"I recently attended a training seminar at Barry's JJC," said Dwight Wolfe of the Public Defender's Office in the Sixth Circuit, "and I was impressed because in addition to the lawyers and the academicians, there were child psychologists at the workshops who could discuss how kids think. Competency and insanity are not the same for juveniles as they are for adults, and the information that the childhood development professionals presented was very useful."

Because of the tremendous impact that the JJC has had, Barry was chosen by the National Juvenile Defender Center to be part of the John D. and Catherine T. MacArthur Foundation's newly created Models for Change Juvenile Indigent Defense Action Network (JIDAN).



Carrie Lee, director of the Juvenile Justice Center

“Thanks to the JJC, children in Florida have better trained advocates. The training has been a great help to Florida’s Public Defenders,” said Carlos Martinez, the elected Miami-Dade public defender.

The JJC works to create dramatic reform in the juvenile justice field in Florida with an emphasis on improvements in the quality of representation of children in the delinquency system, lasting positive impacts in legislation, and a vision that juvenile delinquency representation is a specialized discipline.

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Florida is one of four states, along with California, Massachusetts, and New Jersey, selected last year in a highly competitive process, with Barry’s Juvenile Justice Center tapped to lead the Florida effort. The MacArthur Foundation awarded the JJC a \$100,000 grant.

The JIDAN was created to pursue reforms that strengthen and enhance juvenile indigent defense systems that can be replicated nationwide. The four recently chosen states joined the existing core states (Illinois, Louisiana, Pennsylv-

nia and Washington) to form the eight-state Action Network. The JIDAN is being coordinated through the National Juvenile Defender Center (NJDC) and it actively engages juvenile defenders, policymakers, judges and other key stakeholders in designing strategies to improve juvenile indigent defense policy and practice.

Models for Change is MacArthur’s \$120 million national initiative to reform

juvenile justice across the country. “The Juvenile Justice Center is excited about using this partnership with the MacArthur Foundation to build upon the Center’s work. Being chosen by MacArthur is an affirmation that the Center is making a difference for children,” said Gerard Glynn, director of clinical programs at Barry Law School.

Barry University’s partner in this Florida effort is the Miami-Dade Public Defender’s Office. Carlos Martinez, the Miami-Dade public defender, has said “safeguarding our children’s future has to be priority No. 1. Ensuring equal justice for poor children is both the right thing and the smart thing to do.” ■

THE JUVENILE JUSTICE CENTER AT BARRY UNIVERSITY SCHOOL OF LAW was founded in 2007 through a generous grant from the Eckerd Family Foundation. The purpose of the Center is to improve the advocacy for children in delinquency court in Florida. We are here to assist lawyers across Florida with training, case law updates, practice guides and consultation services. Call us at 321-235-8402 or visit www.barry.edu/JJC for more information.

JUVENILE JUSTICE CENTER MISSION STATEMENT

The Juvenile Justice Center is committed to equality and justice through zealous advocacy for children in the delinquency system. The Center is devoted to improving the quality of representation through training, networking and consulting with law students, public defenders and those in the legal field that represent children. The Center works to create dramatic reform in the juvenile justice field in Florida with an emphasis on improvements in the quality of representation of children in the delinquency system, lasting positive impacts in legislation and a vision that juvenile delinquency representation is a specialized discipline.



Judges Lend Support to Law Students

Before a packed courtroom at Barry Law School, five Central Florida judges heard oral arguments on whether a school district could discipline a student for wearing a political t-shirt in high school and then suspend him for refusing to remove a Facebook post about the incident. Although a handful of high school students in Florida have been suspended for threatening their teachers via social networking sites, the case presented at Barry was purely fictitious.

“Our students learn so much from the judges and practicing attorneys who volunteer to help them with everything from advocacy to ethics.” –Dean Leticia M. Diaz

The appellate arguments were presented by the two top advocates in the first-year class, John Berry and Ben Kennard. The panel of well-prepared judges interrupted the students to ask challenging questions during the presentations, as is done in real life.

Sitting on the bench were:

- The Honorable Jay P. Cohen, *District Judge, Fifth District Court of Appeal*;
- The Honorable Frederick J. Lauten, *Circuit Judge, Ninth Judicial Circuit*;
- The Honorable Lawrence R. Kirkwood, *Circuit Judge, Ninth Judicial Circuit*;
- The Honorable Jose R. Rodriguez, *Circuit Judge, Ninth Judicial Circuit*; and
- The Honorable Robert J. Egan, *Circuit Judge, Ninth Judicial Circuit*.

These jurists have volunteered on numerous occasions to judge arguments and to help train Barry Law students. They encouraged the students to prepare diligently when they eventually present real cases for real clients. Praising the students’ oral arguments, Judge Lauten said, “I have been coming to the Barry Law campus for several years, and I continue to be impressed by the quality of the students that I have seen.”

Because of opportunities like this one, Barry Law students receive exceptional training in practical skills. “Having the support of members of the Bench and Bar is tremendously important to us,” said Dean Leticia M. Diaz. “Our students learn so much from the judges and practicing attorneys who volunteer to help them with everything from advocacy to ethics.” ■



Winner John Berry '12 and faculty advisor Professor Terri Day




Our Environmental Legacy

What environmental legacy do we want to leave to the next generation? After decades of expansion and development, Americans are becoming increasingly aware that social and economic choices come at a price — a price that will be paid by our children and our grandchildren in terms of climate change, loss of habitat and biodiversity, and a damaged Earth.

What will we leave to those who come after us? That question was the starting point in the keynote speech delivered by Alyson Craig Flournoy, director of the Environmental & Land Use Law Program at the University of Florida Law School, at a conference sponsored by the Center for Earth Jurisprudence at the Barry University School of Law. The conference, “Who’s Next? And What Will We Leave Them?: Safeguarding the Earth for Future Generations,” was held at the law school on March 26 and attracted a crowd of environmental lawyers, activists, professors, and Barry students and graduates.

The conference focused on the themes of interdependence and sustainability, and highlighted ongoing efforts to reconcile current human needs and the needs of future generations. Other guest speakers included:

- Keith R. Fountain, Esq., Director of Protection for The Nature Conservancy, Florida Chapter
- James A. Sellen, MSP, Executive Vice President of Planning & Design for MSCW, Inc.
- Karen Z. Consalo, Esq., founder and principal attorney of Karen Z. Consalo, LLC, whose practice areas include Land Use and Development, Environmental Concerns and Conservation Efforts

Organized by Jane Goddard, Barry’s administrator of the Center for Earth Jurisprudence, the program was moderated by Sister Patricia Siemen, Esq., executive director of the center. The conference was approved for 4.0 Florida Bar CLE credit hours. 



(l-r) Sister Pat Siemen, Karen Consalo, Jane Goddard, Alyson Craig Flournoy, Keith Fountain. Not pictured is speaker James Sellen.

DOING OUR PART

The new building at Barry Law School is being designed for LEED Silver certification and includes the following green features:

- Preferred parking for fuel efficient vehicles, to help encourage their usage
- Significant vegetated open space, utilizing native and adapted plants
- Stormwater design that will retain and treat the stormwater to protect our natural water systems
- A highly reflective roof to save energy and reduce the heat island effect
- Energy efficient site lighting
- Low flow toilets, urinals and sinks to decrease water usage inside the building by 35%
- Designed to reduce energy consumption by 18% below a typical building by using the following:
 - Energy efficient windows
 - Energy recovery ventilator
 - Variable air volume AC systems
 - High efficiency lighting and controls
- Environmentally friendly refrigerants to reduce the impacts of ozone depletion and global warming
- Construction waste management plan to try and divert more than 75% of the construction waste out of the landfill and into the recycling stream
- Local and recycled content materials
- Indoor air quality monitoring to help ensure proper ventilation
- Low emitting materials to help avoid air quality issues
- A high degree of temperature and lighting control to keep occupants happier
- High efficiency filtration





A Dream Comes True

Dream

Leticia M. Diaz, dean of Barry University's Dwayne O. Andreas School of Law in Orlando, fulfilled her father's dream – and honored her grandfather's legacy – when she graduated from law school. As Barry's dean, and as the first female Cuban American dean of an ABA-accredited law school in the United States, Diaz hopes to encourage future lawyers to contribute to their communities and to raise the profile of Hispanics in the legal profession.

The law is in Diaz's blood, going back at least two generations. Diaz's grandfather, Gilberto Diaz Barreiro, was a respected civil judge in Camaguey, Cuba's third-largest city. His son, Gaston Armando Diaz – Diaz's father – was on the verge of earning his law degree at the University of Havana when his career plans were suddenly altered. Forced to move his wife and young children to New Jersey in 1961 to avoid Castro's regime, Gaston had to leave Cuba before he could finish his legal education. He had only one class left to take before he would have become a practicing attorney, a dream that was ultimately fulfilled by his daughter many decades later.

Leticia Diaz's professional endeavors did not originate in the legal arena. As a science aficionado, she first obtained a PhD in organic chemistry from Rutgers University, and was employed as a post-doctoral research chemist with Hoffman LaRoche, where she worked on the synthesis of anti-HIV compounds. But the idea of becoming a lawyer continued to tempt Diaz, and after a few years she returned to Rutgers to pursue a law degree. While in school she received the prestigious Merck Patent Scholarship award, and after graduation she practiced in the areas of personal injury and workplace chemical exposure, utilizing her background as a scientist to seek justice for those injured in general and toxic-related accidents.

Diaz, who was a member of the full-time faculty in 1999 when Barry University purchased the Law School, worked her way up to full professor, associate dean of academics, and eventually, dean. She has more than fulfilled her father's aspirations by becoming one of only two Hispanic women law deans in the entire country.

"From the first day she started school until the day she graduated, I saw that she worked hard and made sacrifices. When she became dean of a Catholic law school, it made me very happy," Gaston Diaz explains. "Since I had not graduated myself, my life's dream was to see one of my four daughters become a lawyer. Leticia made that dream come true."

Diaz is keenly aware of the significance of her achievements in light of her family's history and the sacrifices made by her parents. "I am proud to be able to give my father this gift, and to show him that he made the right choices for our family."



As the first female Cuban American dean of an ABA-accredited law school in the United States, Leticia M. Diaz hopes to encourage future lawyers to contribute to their communities and to raise the profile of Hispanics in the legal profession.

However, it was not an easy path to take, considering how few like Diaz had done so before her. “When I was in law school, there were many women enrolled, but female or Hispanic role models for leadership positions like judges and law firm partners were few and far between. Before that, as a doctoral candidate in a scientific field, I saw that female and minority mentors were even harder to come by. Like many in my generation, I believed that hard work, perseverance, and plain old refusal to quit would allow me to succeed. Ultimately, I was right, and I try to use my example to show students what can be accomplished if they are willing to put in the time and focus on their ultimate goal.”

Diaz feels a personal connection to the mission of Barry’s law school, which celebrated its 10th anniversary last year. “The values and priorities of Barry University mirror my own beliefs,” says Diaz. “It is the charge of the Barry lawyer to use the skills learned here to ensure social justice for all citizens. We are proud that our graduates come away from this challenging academic experience committed to making the world a better place.” Through clinical programs centered on children and families, environmental justice,

and immigration, as well as a focus on volunteerism and community leadership that pervades the academic and social atmosphere at the law school, Barry seeks to produce attorneys who care about the world they live in and recognize the unique role they can have in changing the lives of those around them.

Diaz supports the next generation of Hispanic law students by mentoring members of the Hispanic Law Students Association (HALSA) at Barry and by working with leaders in Central Florida. She helped the dream come true for law student Josue Meringue, who received a scholarship from the Hispanic Heritage Scholarship Fund in conjunction with the Hispanic Bar Association.

Helping future lawyers brings Diaz personal as well as professional satisfaction. “In order to support his family, my father gave up not only everything he knew, but his own dream of becoming a lawyer. As a mother of two, I understand and respect his choice. Every day, through my work as the dean at Barry, I strive to honor him and everyone else who helps make the dream a reality for the next generation of Hispanic lawyers and leaders.” 🇵🇷

Why Do Attorneys Use the Designation “Esquire”?

The English term “Esquire” is derived from the Old French word “esquier,” which is derived from the Latin word “scutarius.” “Scutarius” means “shield bearer” in Latin.

In England, the term “Esquire” was originally added as a suffix to the end of male names to distinguish men born of either the upper or lower gentry. The term “esquire” was added as a suffix to the end of the name of a male born in the upper gentry, and the term “gentleman” was added to the end of the name of a male born in the lower gentry.

Sometime in the 1800s, the term “Esquire” was also added as a suffix to the end of male names if the individual held the office of barrister (but not solicitor). In England, a “barrister” is an attorney who performs trial work, usually in the higher courts, and a “solicitor” is an attorney

who meets and speaks with clients and prepares legal documents. Tables of precedences began distinguishing between “esquires by birth” and “esquires by office.”

In the United States, the term “Esquire” was added to the end of an attorney’s name regardless of whether the attorney was a litigator or a transactional attorney. The term “Esquire” can also be used properly in America at the end of either a male’s or a female’s name (whereas it is only used with males’ names in England).

The term “Esquire” should not be added to the end of an attorney’s name if he or she is a sitting judge. Judges are instead designated as “The Honorable.” Although no federal or state government has officially designated the term



“Esquire” to be used in connection with an attorney’s name, if a non-attorney uses the term “Esquire,” then evidence of the use of this term can be used against such person in a case prosecuting him or her for the unauthorized practice of law. “Esquire” should only be used by lawyers who have passed the Bar Exam and become licensed to practice law. Law school graduates who are not members of the Bar should simply use the designation “J.D.” after their names.

Legal trivia contributed by Mark J. Chmielarski, Esq., of Zimmerman, Kiser & Sutcliffe, P.A.

STUDENTS HELP “BELIEVE, ACHIEVE, SUPPORT, AND EDUCATE”



Many Barry Law School graduates have well exceeded their pro-bono requirement that all students must fulfill as part of the Barry experience. Several of these students have volunteered at B.A.S.E. Camp Children's Cancer Foundation, an organization in Winter Park, Florida, that provides support for children and families who face the challenge of living with cancer and other life-threatening hematological illnesses. B.A.S.E. is an acronym for its motto, “Believe, Achieve, Support, and Educate,” and the concept of a base camp (a shelter where mountaineers can rest before scaling the next

peak) also symbolizes the organization's work.

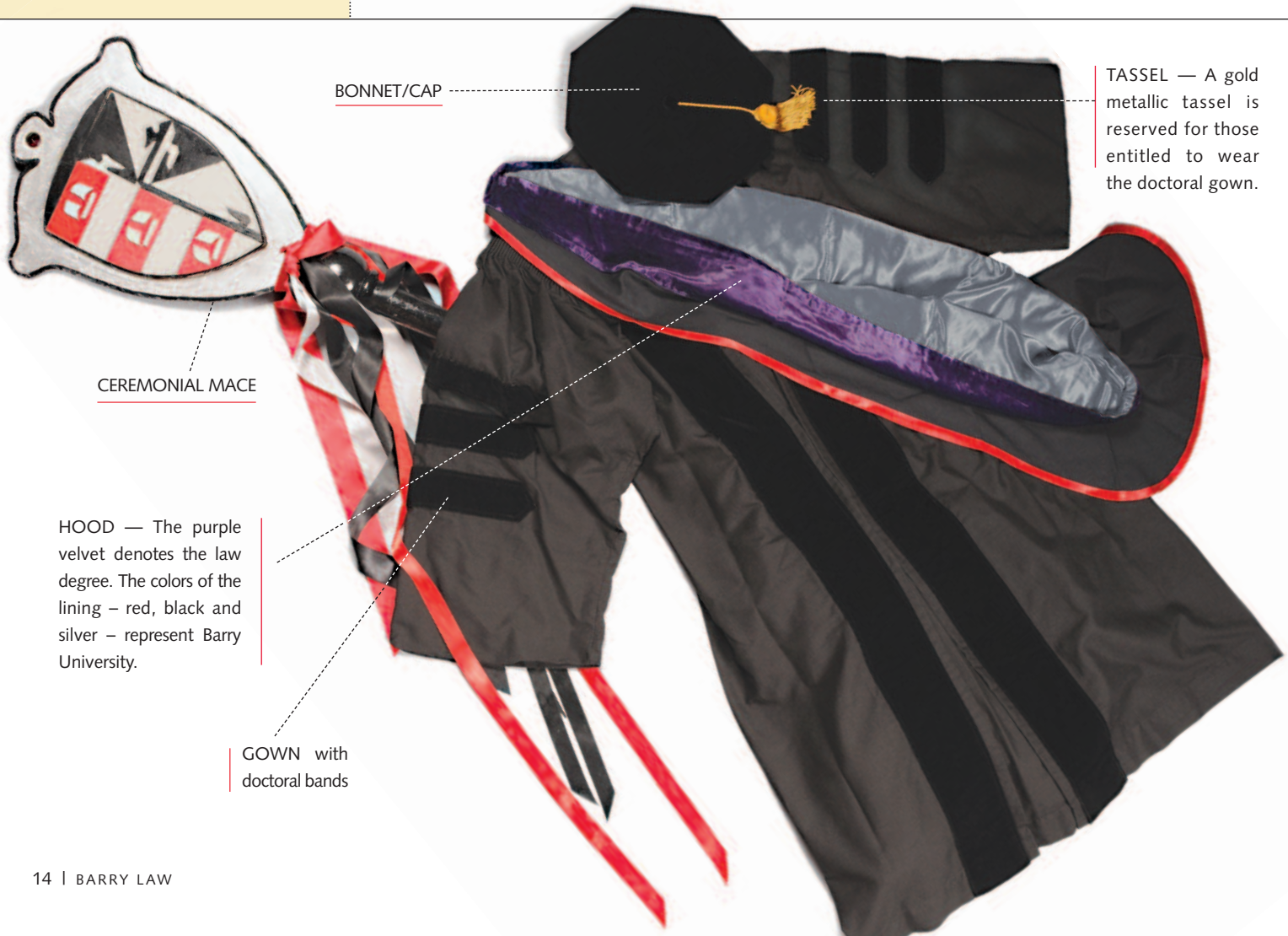
Patricia Dorn (JD '09) was a B.A.S.E. Camp Volunteer Coordinator. Class of 2010 members Kayla Mudge, Ashley Spizzuco, Jeff Gilbo, Katherine Thorne, and Baha Uddin are also among those who have volunteered with B.A.S.E. Camp. Mudge, for example, has contributed numerous hours to help with overnight camps, “little & middles” proms, weekly hospital lunches and dinners, and holiday parties.

As a “thank you” for all the volunteer help that B.A.S.E. Camp receives from Barry Law students, the organization recognized Dean

Leticia M. Diaz at a gathering on May 12, 2010. In appreciation of her support for the pro-bono requirement and for her active encouragement of the students who provide their extraordinary help to B.A.S.E. Camp, a framed painting called “At the Podium,” which was donated anonymously, was presented to Dean Diaz. The painting now hangs in the dean's office at Barry Law School as a visual reminder of ways in which Barry fulfills its mission by providing service to the Central Florida community.

FOLLOWING CUSTOMS

Following customs established in the 14th century, modern-day scholars display their academic achievements by wearing academic graduation hoods. Today, university regalia guidelines are set by the Committee on Academic Customs & Ceremonies, established in 1959.



CEREMONIAL MACE

BONNET/CAP

TASSEL — A gold metallic tassel is reserved for those entitled to wear the doctoral gown.

HOOD — The purple velvet denotes the law degree. The colors of the lining — red, black and silver — represent Barry University.

GOWN with doctoral bands

HONORING FACULTY SCHOLARSHIP

On March 25, 2010, the *Barry Law Review* hosted a reception honoring the faculty and promoting their scholarship. Kevin Dilg, editor-in-chief, welcomed the attendees:

"On behalf of the *Barry Law Review* I would like to welcome you to our fourth annual Faculty Publication Celebration. While this event is still a young tradition, the *Law Review* believes it is truly important to recognize the hard work and dedication that goes into the advancement of legal scholarship. Not only is this a celebration for some outstanding individual efforts, it is also a celebration of the printed word.

"Many of the greatest communicators of our nation have received a legal education, an education that is being advanced today. A great man once said, 'The telephone is the greatest single enemy of scholarship; for what our intellectual forebears used to inscribe in ink now goes once over a wire into permanent oblivion.' Today, we would like to pause and note that through your efforts the integrity of our current (or future) profession has been advanced.

"It's ironic that as students, we often feel overwhelmed by our classwork and think that the professors have nothing but time to develop devious questions designed to befuddle and confuse us, but most students aren't aware that while we stand in the courtyard attempting to perfect our adverse possession claims, our professors are holed up in their offices until the wee hours of the morning, attempting to finish their articles and still manage to prepare for classes. Today we are honoring several excellent examples of this dedication."



(l-r) Professors Stephen Leacock, Taylor Simpson-Wood, and Barry Dubner

RECENT BARRY LAW PUBLICATIONS

Megan Bittakis, Assistant Professor of Law

The Time Should Begin to Run When the Deed is Done: A Proposed Solution to Problems in Applying Limitations Periods to Rescission of Contracts, 44 *SAN FRAN. L. REV.* (2010).

Leticia Diaz, Dean, Professor of Law

1) *On the Evolution of the Law of International Sea Piracy: How Property Trumped Human Rights, the Environment and the Sovereign Rights of States in the Areas of the Creation and Enforcement of Jurisdiction*, 13 *BARRY L. REV.* 175 (2009).

2) *An Examination of the Evolution of Crimes at Sea and the Emergence of the Many Legal Regimes in Their Wake*, 34 *N.C. J. INT'L L. & COM. REG.* 521 (2009).

3) *Environmental Damage and the Destruction of Life—Problems that Add a New Balancing Dimension to International Port Access vs. Efficient trade Under International Law*, 10 *BARRY L. REV.* 1 (2008).

Barry Hart Dubner, Professor of Law

1) *On the Evolution of the Law of International Sea Piracy: How Property Trumped Human Rights, the Environment and the Sovereign Rights of States in the Areas of the Creation and Enforcement of Jurisdiction*, 13 *BARRY L. REV.* 175 (2009).

2) *An Examination of the Evolution of Crimes at Sea and the Emergence of the Many Legal Regimes in Their Wake*, 34 *N.C. J. INT'L L. & COM. REG.* 521 (2009).

3) *Environmental Damage and the Destruction of Life—Problems that Add a New Balancing Dimension to International Port Access vs. Efficient trade Under International Law*, 10 *BARRY L. REV.* 1 (2008).

Marc Edelman, Assistant Professor of Law

1) *Does the NBA Still Have Market Power? Exploring the Antitrust Implications of an Increasingly Global Market for Men's Basketball Player Labor*, 41 *RUTGERS L.J.* (2010) (publication forthcoming).

2) *Marc Edelman & David Rosenthal, A Sobering Conflict: A Call for Consistency in the Messages Colleges Send About Alcohol*, 20 *FORDHAM INTELL. PROP. MEDIA & ENT. L.J.* (2010) (publication forthcoming) (solicited manuscript).

3) *Are Commissioner Suspensions Really any Different from Illegal Group Boycotts? Analyzing Whether the NFL Personal Conduct Policy Illegally Restrains Trade*, 58 *CATH. U. L. REV.* 631 (2009).

4) *Marc Edelman & Brian Doyle, Antitrust and 'Free Movement' Risks of Expanding American Professional Sports Leagues into*

Europe, 29 *NW. J. INT'L L. & BUS.* 403 (2009).

5) *The House that Taxpayers Built: Exploring the Rise in Publicly Funded Baseball Stadiums from 1953 through the Present*, 16 *VILL. SPORTS & ENT. L.J.* 257 (2009) (solicited manuscript).

6) *Marc Edelman & Elizabeth Masterson, Could a New Women's Professional Soccer League Survive in America? How Returning to the Traditional League Structure Might Save More than Just a Game*, 19 *SETON HALL J. SPORTS & ENT. L.* 283 (2009).

Marsha B. Freeman, Professor of Law

1) *Florida Collaborative Family Law: The Good, The Bad, And Getting Better*, *FLA. COASTAL L. REV.* (2009).

2) *Comparing Philosophies and Practices of Law Between the United States and Other Nations: The Flintstones v. The Jetsons*, *CHAP. L. REV.* (2009).

Gerard F. Glynn, Director of Clinical Programs, Associate Professor of Law

1) *Revision – RIGHTS, DISABILITIES AND PROPERTY OF MINORS, CHAPTER 7, ADOPTION, PATERNITY AND OTHER FLORIDA FAMILY PRACTICE (8th Edition - 2009; 7th Edition - 2007).*

2) *Revision - DISPOSITION IN DEPENDENCY CASES, CHAPTER 15, FLORIDA JUVENILE LAW AND PRACTICE (11th Edition – 2009; 10th Edition – 2007; 9th Edition – 2005).*

Enrique Guerra-Pujol (EGuerra), Associate Professor of Law

1) *Insiders Versus Outsiders: A Game-Theoretic Analysis of the Puerto Rico's Constitutional Status and Other Legislative Wars of Attrition*, accepted for publication, 18 *AM. U. J. GENDER SOC. POL'Y & L.*

2) *A Tale of Two Joint Ventures: Jiangsu, China and Havana, Cuba: A Game-Theoretic Analysis of Public-Private Contracts in the Water Sector*, accepted for publication, *J. APPLIED ECON. (JAE)* (2010), a peer-reviewed journal.

3) *Coase's Paradigm*, accepted for publication in the inaugural issue, *INDIAN J. L. & ECON. (JLE)*, a peer-reviewed journal.

Helia Garrido Hull, Associate Dean of Academic Affairs, Associate Professor of Law

The Not-So-Golden Years: Why Hate Crime Legislation Is Failing a Vulnerable Aging Population, 2009 *MICH. ST. L. REV.* 387 (2009).

Frederick Jonassen, Associate Professor of Law

1) *Free Speech and Establishment Clause Rights at Public School*

Graduation Ceremonies: A Disclaimer: The Preceding Speech Was Government Censored and Does Not Represent the Views of the Valedictorian, 55 *WAYNE L. REV.* 683 (2009).

2) *The Law and the Host of The Canterbury Tales*, *J. MARSHALL L. REV.* (2009).

3) *On-Line Legal Research Workshops*, *ST. THOMAS L. REV.* (2009).

Heather M. Kolinsky, Director of the Legal Research and Writing Program, Assistant Professor of Law

Respecting Working Mothers with Infant Children: The Need for Increased Federal Intervention to Develop, Protect and Support a Breastfeeding Culture in the United States, 17 *DUKE J. GENDER L. & POL'Y* (2010) (Symposium Edition).

Judith E. Koons, Professor of Law

1) *What is Earth Jurisprudence?: Key Principles to Transform Law for the Health of the Planet*, 18 *PENN ST. ENVTL. L. REV.* (forthcoming in 2009).

2) *Engaging the Odd Couple: Same-Sex Marriage and Evangelicalism in the Public Square*, 30 *WOMEN'S RTS. L. REP.* 255 (2009) (lead article).

Eang Ngow, Associate Professor of Law

Judicial Nullification of Juries: Use of Acquitted Conduct at Sentencing, 76 *TENN. L. REV.* 235 (2009) (lead article).

Lee D. Schinasi, Associate Professor of Law

Teaching the "Portraits, Mosaics and Themes" of the Federal Rules of Evidence, 29 *MISS. C. L. REV.* 83 (2010).

Taylor Simpson-Wood, Associate Professor of Law

While It May Be True That "The King Can Do No Wrong," What About His Offspring?: The Labyrinth Law of Arm—Of—The—State Immunity Examined Through The Prism Of Port Authorities, 5 *S.C. J. INT'L L. & BUS.* 153 (2009).

Mark Summers, Professor of Law

1) *Rereading Rauscher: Is It Time for the United States to Abandon the Rule of Specialty?*, 48 *DUQ. L. REV.* 1 (2010).

2) *After Medellín v. Texas, Will U.S. Commitments in International Extradition Cases Be Enforceable?*, *SANTA CLARA J. INT'L L.* (May 2010).

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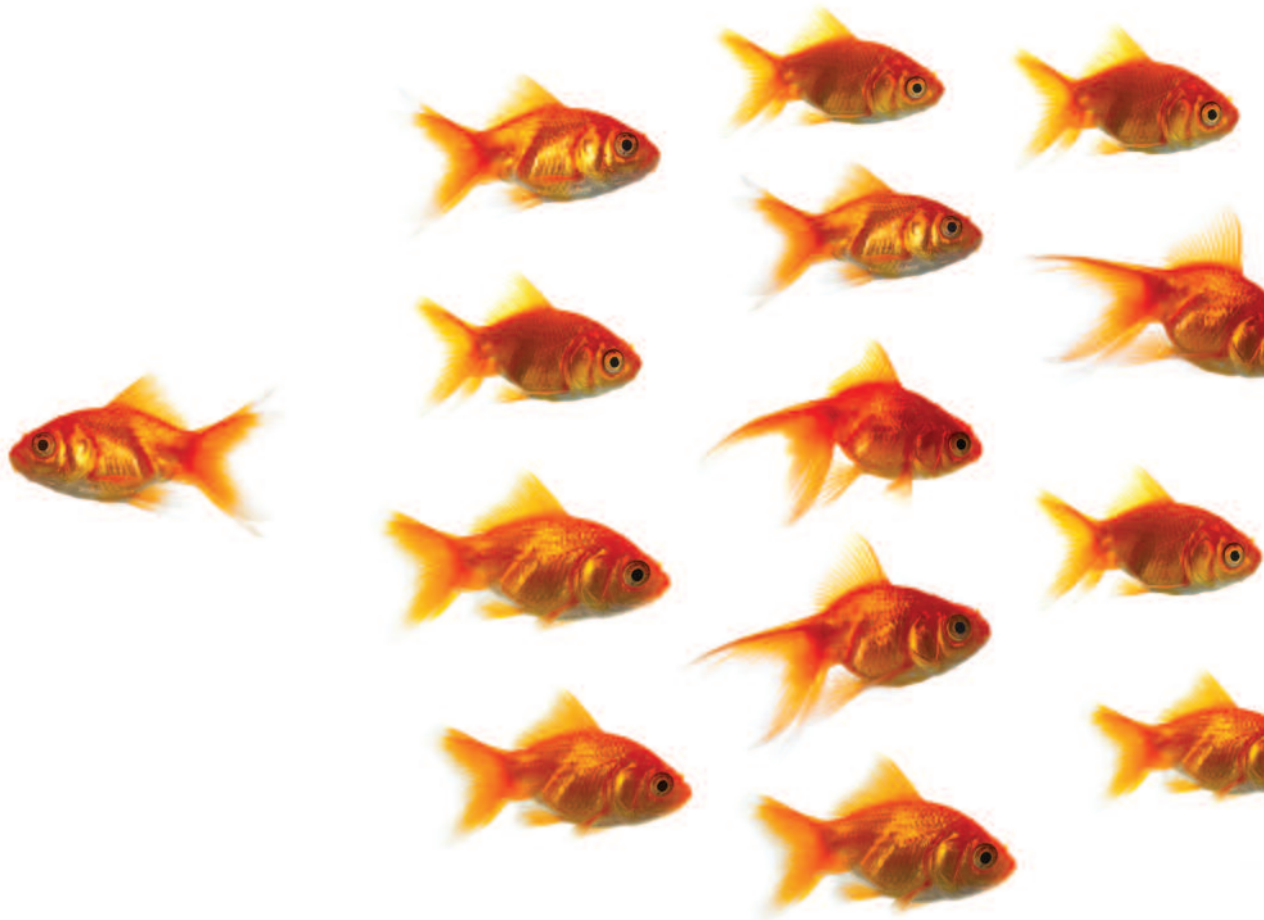
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