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**A DEDICATION TO
CHESTERFIELD H. SMITH**

"We'll all keep trying to 'Do Good' in your memory."

Scott D. Makar

Founding Editor-in-Chief

DEDICATION OF THE UNIVERSITY OF FLORIDA
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(from our inaugural issue)

Reprinted in Memory of Chesterfield H. Smith



Chesterfield H. Smith
(1917-2003)

DEDICATION

An era came to an end on July 16, 2003. On that day, the inestimable Chesterfield H. Smith passed from this world to the next, where his indomitable spirit will undoubtedly leave its mark as it has here. The Chesterfield Era was marked by civic virtue and involvement of the highest order, a commitment to law and community in the grand tradition of the lawyer-statesman,¹ exemplary professionalism and decorum at all times,² and devotion and loyalty to a broadly defined “family” that included his kin proper as well as his law partner, business associates, social colleagues and their families. These were the values he built during the “Greatest Generation” of our time.³

Few people in the history of the State of Florida have touched the professional and personal lives of so many others as did Mr. Smith.⁴

¹ See ANTHONY KRONMAN, *THE LOST LAWYER: FAILING IDEALS OF THE LEGAL PROFESSION* 3 (1993) (discussing the lost species of attorneys, the lawyer-statesmen, for whom broad learning, a commitment to civic values, and practical wisdom and judgment were hallmarks).

² See Candace R. Duff, *On Civility: An Interview with Chesterfield Smith, The Affiliate* (ABA Young Lawyers Div.) at <http://www.abanet.org/yld/affiliate/jan97/22-3duff.html> (last visited Oct. 31, 2003).

³ See generally TOM BROKAW, *THE GREATEST GENERATION* (1998) (chronicle of fifty personal narratives, including that of Chesterfield Smith, from the generation born in the United States in the 1920s, who lived during the Depression, fought in World War II, and shaped the post-war era in America); see also *UF Law School Officials Cite Chesterfield Smith as ‘Giant’ in Legal Profession, Success of College*, University of Florida College of Law, News Releases (“Chesterfield Smith was a world citizen, truly one of the most important figures in the ‘Greatest Generation,’ as Tom Brokaw said in his book,” said Dean Emeritus Jon Mills. “We have lost a giant who set the highest standards of courage, vision and commitment – not only in the legal profession but in every other aspect of the wonderful, complete, unselfish life he led.”) at <http://www.law.ufl.edu/news/releases/030717.shtml> (last visited Oct. 31, 2003).

⁴ “Mr. Smith” is used in its honorific form for a man whose stature few can equal. Mr. Smith understood and put into practice the importance of formality and stature in cultivating a duty of public respect and dignity for others. Most of us, including some managing partners of Holland & Knight, called him “Sir” or “Mr.

Every superlative has been bestowed justifiably upon this remarkable man for whom so many owe their careers. This short tribute cannot attempt to capture his essence, which has been so vividly expressed in the testaments of his partner and mentee, former ABA President Martha Barnett,⁵ as well as many, many others.⁶ Instead, it presents only a few glimpses from my perspective as a former law partner, forty years his younger, who had his fair share of Chesterfieldian moments over the past seventeen years, including those at the “founding” of the *Journal*.

Most everyone has at least one Chesterfield Smith story. Wherever he went, he inevitably said or did something memorable. He was the antithesis of the shrinking violet. He was colorful, loud, flamboyant, but not offensive, demeaning or hurtful. He had the strongest of opinions, and doggedly fought for his to prevail. But he would not denigrate the person opposing his position (other than to say his or her position was misguided!). Yes, he usually won. But it was through persuasion of a degree not encountered except in the passionate closing arguments of the nation’s finest trial lawyers. As Florida gubernatorial candidate Bill McBride noted, Mr. Smith was a “colossus” in the literal and figurative sense of the word: larger than life and, if not on your side, the most formidable of rivals.

Smith” publicly in recognition of this fact and his eminence in the profession. Only those very close to him personally (which were many) had attained the privilege of calling him Chesterfield in public, with those closest calling him Harvey, his middle name, which he chose to use early in life because Chesterfield was too “sissified.” See Jan Pudlow, *Chesterfield Smith: 1917-2003*, FLA. BAR J. 14 (Nov. 2003) [hereinafter *Chesterfield Smith*]. His military service resulted in him being again known as Chesterfield. *Id.*

⁵ See *Eulogy of Martha Barnett*, at <http://www.hklaw.com/Chesterfield/GetToKnow.asp> (“Eulogies”) (last visited Oct. 22, 2003) [hereinafter *Barnett Eulogy*].

⁶ See *Chesterfield Smith Biography*, Holland & Knight LLP web site, at <http://www.hklaw.com/Chesterfield/Biography.asp> (last visited Oct. 21, 2003) (collecting dozens of news articles and tributes to Mr. Smith); see generally *Chesterfield Smith*, *supra* note 4 (detailed biographical article on Mr. Smith with reflections from many prominent persons around the country).

Mr. Smith was one of the few individuals in recent memory who accumulated power, not for the sake of personal aggrandizement, but for the betterment of others. He developed corporate clients only to pass them on to younger partners rather than hoard them for himself. As president of the Florida Bar and the American Bar Association, he exercised influence by spreading power through the appointment of people of character to important positions, giving them the latitude to achieve. He created a law firm that for decades has been unparalleled in its commitment to creating community leaders, rather than millionaires. With his efficacious spirit and commanding decree to go forth and “Do Good”⁷ he has empowered generations of like-minded folks to help others both within and beyond their own spheres of influence by making life more meaningful and dignified for those in need.

He never rested on of his laurels nor boasted without good cause. He loved life and attention.⁸ Because he was somebody of importance, he

⁷ Mr. Smith’s directive to “Do Good” is one of his many trademarks. Martha Barnett, in her eulogy of Mr. Smith, recounted her last time in his presence:

As I turned to leave his hospital room recently, still holding his hand, Chesterfield said, “Do Good.” It wasn’t a surprise. I had heard it many times before. It was one of his favorites. I did not know it would be the last thing he ever said to me. But perhaps it was the perfect parting gift. Like the consummate leader he was – whether on the battlefield or in the courtroom, whether in the law firm or in the public arena – he never asked more of others than he gave of himself. So, I will close by simply saying, “Chesterfield, you did good.”

See *Barnett Eulogy*, *supra* note 5. To some the “Do Good” slogan meant doing only politically “liberal” things. In the author’s view, however, Mr. Smith meant doing virtuous, principled and noble things, regardless of political viewpoint. As Governor Jeb Bush stated in recognition of Mr. Smith’s life:

Chesterfield Smith embodied the ideals of the American legal system. He was a man of principle who insisted that no man is above the law, and challenged a president to concede that truth. Throughout his career he championed the nobility of the law, and devoted tremendous effort to improve the legal profession.

See Statement by Governor Bush Regarding Chesterfield Smith, at http://sun6.dms.state.fl.us/eog_new/eog/library/releases/2003/July/chesterfield-smith_7-17-03.html (last visited Oct. 31, 2003).

⁸ As Martha Barnett stated: “He was the most gregarious person I have known. He adored people. He relished attention. Having so many of us gathered

alone could deliver his famous “You gotta' be somebody speech” to young lawyers. Hundreds of us were told as we began the climb up the associate-to-partner ladder at Holland & Knight that to become a partner we had to “be somebody.” Mr. Smith would look each of us squarely in the eye – as if sizing up our inner moral core – and tell us we had to have the exemplary character, the highest of professional standing, and the community leadership to be a Holland & Knight partner. You had to “be somebody.” The “go to” person who is called upon when clients or public officials, friends or family, have the most difficult problems to handle. The person who is known as the voice of authority in their field of practice. The peacemaker who can foster healing from the most hurtful of situations in the most trying of times.

To facilitate his “be somebody” philosophy, he created a firm that “walked the walk” under his beneficent leadership, whether exercised directly as managing partner or indirectly as lone provocateur. He made sure that young lawyers had the resources and opportunities to achieve professional stature and community leadership. More than anyone else in recent memory, Mr. Smith “opened doors” for others to achieve greatness. He loved it. He relished it. He lived for it. What better fulfillment than to see his protégés achieving their full promise in the law and society, and to see them follow his lead by opening doors for the next generation. Each of us believed that when he awoke each morning, he would be thinking about what he could do that day to help us achieve excellence in our fields. And, to a greatest extent that a single human being could do it, it was true of Mr. Smith.

Mr. Smith’s “be somebody” mantra also meant you had to have a backbone. Mel Maguire, a Holland & Knight partner and a “Chesterfield Smith Lawyer,” said it best:

He commanded you to “be somebody,” to stand up for what is right and good; to take the heat for what you believe, no matter the opposition. He teaches you that the minority view over time can become the majority view if you “work it” -- work the issue, work the people, listen

for the sole purpose of saying nice things about him would have pleased him greatly. Of course, he would expect no less. He never missed an event. Whether it was important to him or just to the organization or person involved, he showed up, and in doing so he validated each one.” See *Barnett Eulogy*, *supra* note 5.

to others, challenge facts, accept new facts, modify your direction. But always stay true.⁹

Martha Barnett emphasized these points in noting that she “learned a lot of lessons from Chesterfield: The difference between a great lawyer and just a good lawyer; the importance of being ‘for’ something; To be somebody; The difference between doing well and doing good.”¹⁰

He was political, but his politics did not blind him. He understood that today’s “enemy” is tomorrow’s “friend.” When he had an important brief to be written, he wanted the best to write it – whether that be a Democrat, Republican, or whomever. It didn’t matter. If you were politically different from him, you were not ostracized or degraded. You were included. Why? First, because he liked people regardless of their views. Yes, he might admit to liking a few more Democrats than Republicans – but that didn’t mean he didn’t like Republicans too! Second, because to know and include views of others on an issue of great importance was to expand one’s understand of its nuances and dimensions. Mr. Smith – for all his disarming Arcadia, Florida folksy charm – was a brilliant and clever tactician. He was always many chess-moves ahead of others in the game.

Two final notes. The first is academic, the second personal. In 1987, I asked Mr. Smith to become the one and only founding member of the *Journal’s* Advisory Board from the legal profession. He knew little about me (then a mere summer associate at Holland & Knight) and almost nothing about the struggling and quixotic efforts of this neophyte organization, which then had no official affiliation with the law school (only the Business School welcomed us at the time). He said he was interested and would like to discuss it. I traveled to Miami, Florida to visit with him personally – my first visit to his inner sanctum. I was overwhelmed at his hospitality and kindness, but more so at his sharp focus on the need for more scholarship in the legal academy. He recounted how he, along with a group of law students, had started the

⁹ “Lawyer’s Legacy: ‘Army’ to do Good, Letters to the Editor, MIAMI HERALD (July 19, 2003), at <http://www.miami.com/mld/miamiherald/news/editorial/letters/6336791.htm> (last visited Oct. 22, 2003).

¹⁰ See *Barnett Eulogy*, *supra* note 5.

University of Florida Law Review forty years earlier. He understood the need the *Journal* was attempting to fulfill. He “got it” and got on board without hesitation, even though he encountered strong opposition from the “powers that be” at the law school. He alone provided the clout necessary for the *Journal* to become accepted in the legal community statewide. Every *Journal* member owes a tip of the hat to Mr. Smith. And I commend a reading of his Dedication in the inaugural issue (reproduced herein).

Finally, no tribute to Mr. Smith would be complete without mention of Jackie Allee, his wife of sixteen years, and his other family members as well. I mention Jackie specifically because I got to know her over the years. I know the selfless dedication she had to her adored and adoring husband, and the irreplaceable loss she must feel. As she and Mr. Smith tied the knot sixteen years ago, this *Journal* was a mere seed in the soil. No roots or foundation, no fruit or flowers, no history or past. Today, it is firmly rooted in the University community with a history of scholarship and public service that reflects many of the great qualities of its first Advisory Board member from the legal profession: the legendary and lovable Chesterfield Smith. Thank you Mr. Smith with our deepest gratitude. We’ll all keep trying to “Do Good” in your memory.

Scott D. Makar
Founding Editor-in-Chief