

SOCRATES, ULCERS, AND CAL KUENZEL*

Hon. John C. Lenderman**

In Fall 1966, I entered Stetson University College of Law as one of approximately 130 freshman students. I had graduated from Florida State University the previous spring. I was the product of a traditional Florida public school and university education. I was a good student who had the ability to regurgitate information to the professor on an examination. I was the product of traditional teaching methods wherein the student read a textbook, took notes from a lecturing professor, and then sat for an examination. I had every expectation for success in law school upon admission.

The 1966 freshman class was overwhelmingly male. Most of us were draft eligible with student deferments. Many of us had no interest in becoming "ground pounder" soldiers in Southeast Asia. We were hoping to qualify for the JAG Corps in the event the draft was still the law upon graduation. Many of us had life-long ambitions to be lawyers. With this backdrop in mind, in our first week of law school, we were confronted with the likes of Professor Kuenzel in Contracts I.

Prior to our first Contracts class, we were given a reading as-

* © John C. Lenderman, 1999. All rights reserved.

** Circuit Judge, Sixth Judicial Circuit of Florida. B.A., Florida State University, 1966; J.D., Stetson University College of Law, 1969. Practice in St. Petersburg, Florida (1969–1992). Florida Bar Board Certified Marital and Family Law Lawyer. Adjunct Law Professor, Stetson University College of Law. Adjunct Professor, Nova University. The Florida Bar: CLE Lecturer, Family Law; Member Grievance Committee (1975–1978), Chairman (1977–1978); Circuit Arbitration Committee (1989–1991); Unauthorized Practice of Law Committee; Coordinator, Representative for Bar Continuing Legal Education Programs; Family Law Rules Committee (1996–2001). Vice Chair and Organizer, Pinellas County Domestic Violence Task Force (1993–1997). Department head (1995–1998), Florida College of Advanced Judicial Studies. Presenter (1993–present), Florida College of Advanced Judicial Studies. Presenter (1993–present), Florida Conference of Circuit Judges. Faculty, Florida Judicial College. Administrative Judge, Pinellas County Family Law Division, Sixth Circuit (1995–1997). Mentor Judge (1995–present). Florida Supreme Court, Family Courts Steering Committee (1996–present), Chair, Child Support Subcommittee (1998–1999). President, Canakaris Inn of Court (1998–1999). Chair, Family Law Section, Florida Conference of Circuit Judges (1998–1999). American Academy of Matrimonial Lawyers, Florida Chapter, 1997 Jurist of the Year Award. St. Petersburg Bar Association, 1998 Judicial Appreciation Award. Florida Bar Association, Family Section, 1998 Florida Bar Judicial Merit Award.

signment. During the first class, Professor Kuenzel jumped some poor guy and proceeded to whip him into Kuenzel submission. This poor freshman law student got so frustrated that he bellowed out, "My father is a better lawyer than you'll ever be!" Professor Kuenzel, true to his style, responded, "Is that so, Mr. X?" Professor Kuenzel never referenced that incident again. However, I doubt that few of us had dinner that night as we were probably all afraid that dinner would not stay down!

Bloodied as we were, many of us made it through the first semester of law school. As I said earlier, most of us were accustomed to traditional teaching methods and we were finding Professor Kuenzel's methods challenging, to say the least. I have to admit that the stress of first semester law school and Professor Kuenzel's teaching method left me thrilled to survive Contracts I with a C. The same thing happened in Contracts II. I took Sales during the summer of 1967. By the summer session, I felt fairly comfortable that I was not going to have to leave my education, family, life, and face all the dire consequences of not finishing my legal education.

After having practically lost my mind, patience, dignity, and ego, earning two C grades from Professor Kuenzel, I was *determined* to rise to the challenge and break the B barrier. I certainly had no rational expectation of making an A. Very few people had an ego that secure.

During the summer session in which I took Sales from Professor Kuenzel, I can remember sitting in the library stumped on a very complex problem. I worked all afternoon trying to resolve the issue so that I could move on to the next step. I became frustrated. I walked over to Professor Kuenzel's office and asked him for the answer to the question I was studying. He gave me an answer. I was thrilled. It never occurred to me that Professor Kuenzel would ever answer a student's question with anything but another question. A few days later I was again studying in the library's "shush" zone. All of a sudden, the correct answer came to me and I realized that Professor Kuenzel had led me astray with the answer he provided a day or so before. I blurted out, "You son-of-a-bitch, you lied to me!" The librarian didn't find that particularly funny or appropriate! I went back over to Professor Kuenzel's office and confronted him. I had my little tantrum. In the manner and fashion that we all knew, he just looked at me and shrugged his shoulders. Naturally that didn't help

my anger. It just *incensed* me. I became even more determined to show that S.O.B. I could and would learn in spite of him. I got another C.

I had one final chance to reverse my fortunes. I thought I could break the trend in the fall semester in Bills and Notes and break the B barrier. Try as I might, another C!

In law school, we all marveled how professors dreamed up exam questions. How could they make them so hard for us? Why did they have to challenge us so unmercifully? We certainly found out in our first real case when we entered the practice of law. Looking back on it, had we not been challenged, had we not had our egos bruised, had we not suffered some of the extreme challenges from Professor Kuenzel and others, we would not have been up to the rigors of the profession. We didn't realize it at the time, but our professors, particularly Professor Kuenzel, were preparing us. We knew the consequences of leaving school. It made us learn to think, perhaps, for the first time in our lives. Looking back, Professor Kuenzel was a pussycat compared to the awaiting drill sergeant at Paris Island. Looking back, the method to Professor Kuenzel's madness was to prepare us and mature us for a demanding legal profession.

I seriously doubt Professor Kuenzel read the works of Dewey, who wrote on the role of experience in the learning process.¹ Nor did Professor Kuenzel consider the writings of Lewin who discussed the learner being active in the learning process.² I also expect that Professor Kuenzel never read Kolb's experiential learning theory.³ However, when I consider these works, I think of my own educational experience and Professor Kuenzel. Professor Kuenzel made us do the law, study the law, and think about the law. He made us think. He made us understand and painfully exercise our brains for the first time in our lives, and we resented him at the time.

I doubt that Professor Kuenzel ever articulated Kolb's four-step learning process.⁴ He put it into practice, however. He aided us with some concrete experience. He gave us the opportunity for reflective

1. See JOHN DEWEY, *EXPERIENCE AND EDUCATION* (1938).

2. See KURT LEWIN, *FIELD THEORY IN SOCIAL SCIENCE* (Dorwin Cartwright ed., 1951).

3. See DAVID A. KOLB, *EXPERIENTIAL LEARNING: EXPERIENCE AS THE SOURCE OF LEARNING AND DEVELOPMENT* (1984).

4. See DAVID A. KOLB, *LEARNING STYLE INVENTORY* (2d ed. 1985).

observation followed by abstract conceptualization and active experimentation. We certainly didn't appreciate it at the time, but we were learning, developing, and reaching higher planes of intellectual achievement, not in spite of Professor Kuenzel, but because of him.

Admittedly, there were times in the late 1960s that I did not fully appreciate Professor Kuenzel. However, after law school, as I learned to appreciate him, he became Cal to me. Over the years we conversed about legal education and teaching methods to assist students in reaching much higher planes of analysis. Cal really did want his students to succeed. If his students were unwilling to reach down and lift themselves up by their own bootstraps, so be it. But for those willing to work, think, and apply themselves, he was very proud — although he would rarely tell his present or former students that he was proud of them.

An institution has passed. An era is gone. I can truly say that were it not for Cal, I might not have made it in the legal profession. I might now be out selling shoes or cars. I am proud to say that because of Cal, I continue to be a member of this honorable profession. For all of us who grew to appreciate and love Cal, God bless his soul. For all of us who so unwillingly and begrudgingly reached down and lifted ourselves up by our own bootstraps, thank you, Cal.