

## THE LEGACY OF W. GARY VAUSE TO INTERNATIONAL LEGAL EDUCATION AND PRACTICE IN FLORIDA

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To the international lawyers of Florida, the passing of Dean W. Gary Vause on May 9, 2003, was a profound and unexpected loss. The absence of Gary Vause, then serving as University Vice President and Dean of Stetson University College of Law, has naturally been most realized in the functioning of the law school's operations, program development, and expansion.

Notwithstanding these facts, it is fair to observe that the State's international lawyers view Dean Vause as an irreplaceable visionary and maverick in international law. As one of the early pioneers of international business law in Florida since the 1970s, he was an architect in the development of a relatively new area of the law that then had, and presently has, tremendous potential with the emergence and growth of the global economy. To truly appreciate his vast contributions to international legal education and practice, one must reflect upon Dean Vause's activities, professional affiliations, and scholarly writings over past decades.

The Author's good fortune in meeting Dean Vause came in the mid-1980s, through the State's international-trade and busi-

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ness-development organizations. At that time, he advocated for Florida's leadership as a center for foreign trade with Latin America, the Caribbean, and Central America, as well as with Europe. More importantly, even though international trade in Florida had then been comparably minimal, Dean Vause was quite vocal in asserting the need for Florida lawyers to develop those specialized skills and the knowledge necessary to provide international legal services to the businesses of this State and foreign trade partners.

By 1985, he had already expressed an interest in expanding the curriculum at Stetson to meet, what he believed, would become a pronounced demand for international legal services in the future. Although few United States law schools of the time offered many courses beyond a basic survey of international law,<sup>1</sup> Dean Vause introduced International Business Transactions at Stetson in 1985 to effectuate this purpose. The new course was immediately popular as an elective, and generally attracted third-year students who focused on commercial and corporate law. With even more ambitious plans for Stetson's future, he felt this was a logical step to the ultimate goal of establishing a graduate specialization program in international law.

As vocal as Dean Vause had become in promoting international legal education in the State, he also advanced the notion that Florida's practicing lawyers needed to enhance their legal skills for international business. The Florida Bar had established its Section of International Law in 1982, which, at the time, was one of the Bar's newest and smallest sections. Dean Vause was quite active in the fledgling section, and he offered to assist with developing Continuing Legal Education (CLE) programs for the State's lawyers. At this time, the interest and attendance was modest.

With economic liberalization coming rapidly to the Soviet Union, Eastern Europe, China, and Vietnam in the late 1980s, Dean Vause expressed the positive view that national trade barriers were disintegrating throughout the world. That time period, he believed, contained the seeds of a "global marketplace," a theme consistently expressed in his scholarly writings of the late 1980s

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1. The International Law course was essentially a survey of *public* international law, focusing on sources of international law, treaties, international human rights and criminal justice, legal relations between nations, and environmental and territorial issues. It only briefly addressed issues of private (commercial) international law and dispute resolution.

and early 1990s.<sup>2</sup> As the fast pace of negotiations proceeded during the early 1990s with several major multilateral trade pacts, Dean Vause's notion of a world economy was coming into focus, and it became clear that lawyers needed to be ready, willing, and able to provide effective, quality international legal services.

While these economic developments transpired during the early 1990s, he questioned whether lawyers and law students could ever gain sufficient expertise in international business and dispute resolution through a smattering of law school courses, or by attending an occasional CLE seminar. Rather, Dean Vause believed a comprehensive program of study and technical training was essential for developing international legal competency, as could be derived from immersion in a graduate degree program. He cited that at the time, the following were the leading schools with graduate international law programs: his alma mater, the University of Virginia, as well as Columbia University, Georgetown University, Harvard University, and New York University.<sup>3</sup> However, Dean Vause felt that a quality Master of Laws (LL.M.) program with a broad selection of courses in international law was essential in the State of Florida. At least during that period, such a program did not exist. It was his ambitious goal to eventually establish such a program at Stetson.

During the 1993 to 1995 period, two profound trade agreements were in the process of ratification and implementation by the United States and its trade partners—the North American Free Trade Agreement (NAFTA) and the General Agreement of Tariffs & Trade (GATT).<sup>4</sup> Prior to the United States' ratification of

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2. See e.g. W. Gary Vause, *Law & Legitimacy in Sino-U.S. Relations*, 16 N.C. J. Intl. L. & Com. Reg. 89 (1991); W. Gary Vause, *The Coming End of Perestroika's Golden Age of Law Reform?* 20 Stetson L. Rev. 201 (1990); W. Gary Vause, *Investment in Vietnam—Prospects and Concerns for the 1990s*, 4 Fla. Intl. L.J. 231 (1989); W. Gary Vause, *Perestroika and Market Socialism: The Effects of Communism's Slow Thaw on East-West Economic Relations*, 9 Nw. J. Intl. L. & Bus. 213 (1988). In his later 1997 treatise, Dean Vause observed a “new world order” from the collapse of communism and emerging market economies. W. Gary Vause, *Introduction to International Business Transactions 2–3* (BookWorld Publications 1997) [hereinafter Vause, *International Business Transactions*].

3. Based on Dean Vause's recommendations, the Author earned an LL.M. degree at Georgetown University Law School in International Business Law for this purpose.

4. These multilateral trade agreements substantially reduce or eliminate tariffs, duties, and nontariff barriers between the signatories. NAFTA essentially creates a free trade zone between the United States, Canada, and Mexico. World Trade Org., *Regional Trade Agreements*, [http://www.wto.org/english/tratop\\_e/region\\_e/region\\_areagroup\\_e.htm](http://www.wto.org/english/tratop_e/region_e/region_areagroup_e.htm) (accessed Oct. 14, 2003). GATT, actually a comprehensive series of agreements presently

NAFTA and GATT, Dean Vause had been notably involved in the lively national legislative debates that ensued from 1992 to 1994 between the rivaling corporate and labor interests.

His zealous advocacy for free trade, lending support to the joint efforts of the Florida Department of Commerce and Florida industry, brought criticism that he favored the interests of big business to the detriment of the American worker. However, he was thoroughly committed to the premise that economic self-protection, discriminatory government trade practices, tariffs, duties, and nontariff barriers are counterproductive in the long term, and that the free-trade tenets of NAFTA and GATT were critical steps to world prosperity and financial growth.<sup>5</sup> Dean Vause summarized his view as follows: "It is clear that successful international business transactions are very important to the growth of all countries, regardless of whether they are fully developed and modernized or are still in a developing stage."<sup>6</sup>

With the United States's implementation of NAFTA and GATT by 1995, he knew that the global economy was moving forward quickly, and skilled international lawyers had to be ready to make it work and succeed. Dean Vause advocated the specialization of international practice, noting, "International trade is considered a specialty, and a business client should consider hiring such a specialist if he or she plans to conduct business in the international arena."<sup>7</sup> Dean Vause was integrally involved in promoting The Florida Bar's Board of Legal Specialization to expand its burgeoning board-certification programs to include international law as another regulated specialty field. He felt doing so would assist in monitoring and assuring the competency of Florida's international lawyers.

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between 146 nations, created the World Trade Organization (WTO). World Trade Org., *Members and Observers*, [http://www.wto.org/english/thewto\\_e/whatis\\_e/tif\\_e/org6\\_e.htm](http://www.wto.org/english/thewto_e/whatis_e/tif_e/org6_e.htm) (updated Apr. 4, 2003). It effectively diminishes trade barriers, promotes non-discriminatory trade and investment policies, liberalizes international procurement and intellectual property transactions, and limits government subsidies favoring national products. World Trade Org., *A Unique Contribution*, [http://www.wto.org/english/thewto\\_e/whatis\\_e/tif\\_e/displ\\_e.htm](http://www.wto.org/english/thewto_e/whatis_e/tif_e/displ_e.htm) (accessed Oct. 14, 2003). The WTO has a member-dispute-resolution tribunal for determining claims of violation of GATT policies and provisions. *Id.*

5. Vause, *International Business Transactions*, *supra* n. 2, at 8–9, 32–33, 92–93.

6. *Id.* at 16.

7. *Id.* at 28.

Dean Vause was named the Associate Dean of Graduate and International Programs during Stetson's 1996–1997 academic year. To bring a graduate program further within Stetson's reach, he created the International Lawyers Advisory Committee in 1996, appointing seven international practitioners from Central Florida.<sup>8</sup> At the Committee's first organizational meeting, after the group reviewed the curriculum and resource requirements of the American Bar Association (ABA) for the establishment of a graduate law program, there was skepticism in the Committee concerning Stetson's ability to meet the vast challenges of establishing an accredited LL.M. program. However, Dean Vause exuded confidence that a graduate program would come to fruition at Stetson. Two years later, it did, when an ABA inspection team announced its approval of accreditation for Stetson to award LL.M. degrees in International Law and Business. The Committee members and Dean Vause felt that the welcomed ABA action had poured the foundation for a long-needed graduate international law program in Florida, especially one on the State's west coast.

As the 1990s proceeded, the World Trade Organization (WTO) was firmly taking hold in the new world order. Global trade was increasing exponentially, fueling the notion that skilled international professionals were essential to servicing the growing world economy. Commenting on the growth of international trade professionals, Dean Vause noted the following in his 1997 treatise:

Courses in international business transactions are drawing unprecedented numbers of students in colleges and universities, and providing continuing education for established business and professional persons who wish to expand their involvement in the global marketplace. A number of factors have coalesced to establish this recent trend, not the least of which is the growing awareness that international business offers exciting career opportunities to those who possess the requisite skills and education to compete in the global arena. This new

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8. Besides the Author, other members of Stetson's International Lawyers Advisory Committee included the following: John Bierley, Esquire; Lucius Dyal, Esquire; Cary Singletary, Esquire; William Flynn, Esquire; Professor Peter Fitzgerald; Professor Tim Reilly; William Sharp, Esquire; and Frank Swacker, Esquire.

global awareness also is the product of exciting and dynamic forces that are transforming the international economy.<sup>9</sup>

In 1998, in accordance with Dean Vause's call for the development of professional standards for international lawyers, the Board of Legal Specialization of The Florida Bar approved international law as a new board certification area of specialization.<sup>10</sup> The certification program for international lawyers was the first for any United States state bar, or any bar for that matter. This screening process, he believed, was essential for the public, the profession, and the business community. The following year, thirteen attorneys became board certified by The Florida Bar as the State's first group of international lawyers.

While Dean Vause readily recognized that GATT "has resulted in more free trade throughout the world" and less protectionism, he nonetheless felt that the system was not perfect and needed improvement for the flow of trade.<sup>11</sup> Noting that "[t]he GATT/WTO system is dynamic and growing," he believed that a great deal of work needed to be done on those agreements in the areas of "subsidies, dumping, product standards, rules of origin, customs unions and free trade areas."<sup>12</sup> Therefore, the rules drafting committees of the WTO needed to keep working.

Dean Vause's vision of a graduate program in International Business and Law finally came to realization during the 1998–1999 academic year, when Stetson welcomed its inaugural LL.M. class. It was comprised of both United States and foreign lawyers, with varying levels of professional experience and language proficiency. Not everything went as planned, and many unexpected challenges surfaced for the LL.M. students throughout the year.

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9. Vause, *International Business Transactions*, *supra* n. 2, at 1.

10. In 1998, the newly enacted Rule 6-21.3 of the Rules Regulating The Florida Bar formulated standards for board certification of international lawyers. Such standards currently include the following: (a) five-year minimum membership in a state bar; (b) "substantial involvement in the practice of international law during each of the 3 years immediately preceding the date of application"; (c) completion of "at least 60 hours of continuing legal education in the field of international law"; (d) peer review of at least five attorneys or judges, demonstrating "the applicant's special competence and substantial involvement in international law, as well as the applicant's character, ethics, and reputation for professionalism"; and (e) passing a full-day examination "demonstrat[ing] sufficient knowledge, skills, and proficiency in international law to justify the representation of special competence to the legal profession and the public."

11. Vause, *International Business Transactions*, *supra* n. 2, at 92–93.

12. *Id.* at 93.

At that time, Stetson had rather modest experience in dealing with foreign lawyers, a number of whom were from civil-law jurisdictions with little familiarity with the significantly different English common-law system.<sup>13</sup> However, by May 1999, the fledgling LL.M. class managed to overcome those difficulties, and Stetson successfully conferred its first LL.M. degrees.

During 1999, Dean Vause was promoted to Vice President and Dean of the College of Law, abdicating his post as Associate Dean of Graduate and International Programs. Since the LL.M. program began, nine classes of LL.M. students have graduated and entered the international marketplace. While his contributions to Stetson clearly span far beyond the field of international law, Dean Vause is likely, in the Author's view, to be remembered most in Florida for his renowned scholarship, professionalism, and academic leadership during the critical 1988 to 1998 period of unprecedented restructuring and growth of the global economy.

In April 2003, shortly before his death, the Executive Council of The Florida Bar's International Law Section<sup>14</sup> voted unanimously to confer upon Dean Vause the Section's award recognizing his generous contributions to international legal education in Florida. Ten days after his passing, the Section's chair, Laurence D. Gore, advised Mrs. Celia Vause in a letter dated May 19, 2003, of the award to her late husband:

Dear Mrs. Vause:

As Chair of the International Section of [T]he Florida Bar, I and the members of our section's Executive Council, deeply regret the recent passing of your husband Dean Gary Vause on May 9th. The tremendous loss to you, the Stetson law community and the international bar cannot be overstated.

Prior to that, the Executive Council had decided to confer upon Dean Vause the International Section's award in recognition of his outstanding contribution to international legal education in Florida. Dean Vause has been a true maverick in the

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13. *Id.* at 24–26. In his 1997 treatise, Dean Vause pointed out the “significant differences among the major legal traditions in the modern western world.” *Id.* at 24. He noted special caution for these differences in the context of doing international business: “The differences in legal traditions have practical consequences for business persons engaged in foreign trade and investment.” *Id.* at 25.

14. With more than 1,000 members, The Florida Bar's International Law Section is one of the world's largest professional organizations for international lawyers.

field of international law and legal education, and the many innovations and programs he put into place will be felt by international practitioners and Florida industry for years to come. The Florida Bar's International Section is pleased to confer this recognition to Dean Vause.

We would invite you to attend the International Section's annual meeting next month on June 27th in Orlando for formal presentation of the award. On behalf of the members of the section's Executive Council, please accept our warmest condolences at this time of loss. Hopefully you can join us at that time.

Sincerely,

Laurence D. Gore, Chair  
The Florida Bar International Law Section<sup>15</sup>

The following month, at the Section's annual meeting on June 27, 2003, the award was presented to Mrs. Vause in her late husband's honor. During her acceptance speech, she proudly thanked the Section for its recognition, and urged Florida's international lawyers to support her husband's greatest dream—financial assistance for Stetson's international LL.M. students. At the Section's Executive Council meeting later that day, a resolution was approved creating the "W. Gary Vause Memorial Scholarship for Excellence in International Law."

Florida's international lawyers have long recognized Dean Vause's vast contributions to the field, which will be realized by generations of international practitioners and law students. Through these official actions of the state's largest and oldest association of international lawyers, it is anticipated that Dean Vause's greatest mission—serving as a relentless cheerleader for international legal education and elimination of trade barriers—will be vigilantly pursued for years to come.

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15. Copy on file with the *Stetson Law Review*.