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IN THE SUPREME COURT OF FLORIDA

FILED  
SID J. WHITE

IN RE:

VIRGIL DARNELL HAWKINS

APR 12 1988

DOCKET NO.

CLERK SUPREME COURT  
By \_\_\_\_\_  
Deputy Clerk

PETITION FOR READMISSION OF VIRGIL DARNELL HAWKINS  
TO MEMBERSHIP IN THE FLORIDA BAR

The petition filed on behalf of VIRGIL DARNELL HAWKINS, deceased, shows:

1. This is a petition for the posthumous readmission of VIRGIL DARNELL HAWKINS (referred subsequently in this petition as "Hawkins"), to the Florida Bar. A motion requesting a waiver of certain requirements of Rule of Discipline 3-7.9 accompanies this petition.

2. The jurisdiction of the Florida Supreme Court to regulate the admission of persons to the practice of law is invoked under Article V, Section 15 of the Florida Constitution.

3. Hawkins was a member of the Florida Bar until his petition for resignation was granted by this court on April 18, 1985. The petition as granted did not deny leave for subsequent readmission.

4. Hawkins died on February 11, 1988. If he were alive, he would have been eligible under the provisions of Rule of Discipline 3-7.9(m), to apply for readmission after April 18, 1988.

5. Posthumous readmission is sought:

a. To recognize the unique contribution Hawkins made to the State of Florida and the interests of justice, in his efforts to desegregate the universities of the State of Florida.

b. To provide a means for restoring the importance of this

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attached 1-35

contribution, so that the errors in judgment made by Hawkins in his unsuccessful attempt to begin to practice law as a man in his seventies, do not overshadow the value of his service to humanity.

c. To recognize that by remaining the plaintiff in the suits brought to achieve justice, Hawkins sacrificed his opportunity to practice law while he was still young enough to physically and mentally handle the challenges of the legal profession.

d. To recognize that the actions of the State of Florida in refusing to comply with the lawful orders of the United States Supreme Court caused irreparable harm to Hawkins, and that extraordinary remedial measures should be considered in light of the unavailability of other adequate remedies.

e. To recognize that while the actions that led to Hawkins resignation are not condoned, the denial of an equal education, the years elapsing from Hawkins' graduation from an unaccredited law school until the time he began to practice law, and the difficulties involved in attempting to practice law as a sole practitioner, without prior experience and at an advanced age, substantially diminished Hawkins' ability to successfully practice law, and in all probability, substantially contributed to his errors in judgment.

f. To recognize that the survival of democracy and justice in this country and the world requires individuals to take action at various times in history, similar to those taken by Hawkins, and that recognition of his noble efforts through posthumous readmission to the Florida Bar can serve to motivate others to allow the good of the many to outweigh individual needs, and to sacrifice the pursuit of happiness, so that others will enjoy a better world.

6. Hawkins' readmission will not adversely affect the public interest, undermine the purity of the courts, or hinder the administration of justice or the confidence of the public in the legal profession in that:

a. The loss of Florida Bar membership for the remainder of Hawkins' life served as an adequate means of punishment. In addition to the public humiliation suffered by Hawkins for the remainder of his life, Hawkins lost the two goals he sought for the majority of his life: the right to practice law and represent clients in the pursuit of justice, and the right to be a member of the Florida Bar at his death.

b. The balancing of the positive contribution of Hawkins against the matters involved in his resignation is consistent with the Florida Standards for Imposing Lawyer Sanctions.

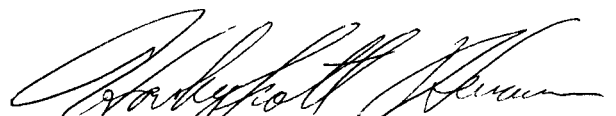
7. Granting the petition for readmission will not establish a precedent for other posthumous applications for readmission, in that

a. The unique circumstances of the sacrifices of Hawkins and actions taken by the State of Florida to deny Hawkins' admission to law school will hopefully never be repeated in the future.

b. The admission of Hawkins to the practice of law in 1976 did not serve to establish a precedent for other individuals.

8. Statements of support for this petition are attached. Additional statements are anticipated, and will be submitted as they are received.

RESPECTFULLY SUBMITTED on April 10<sup>th</sup>, 1988.



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