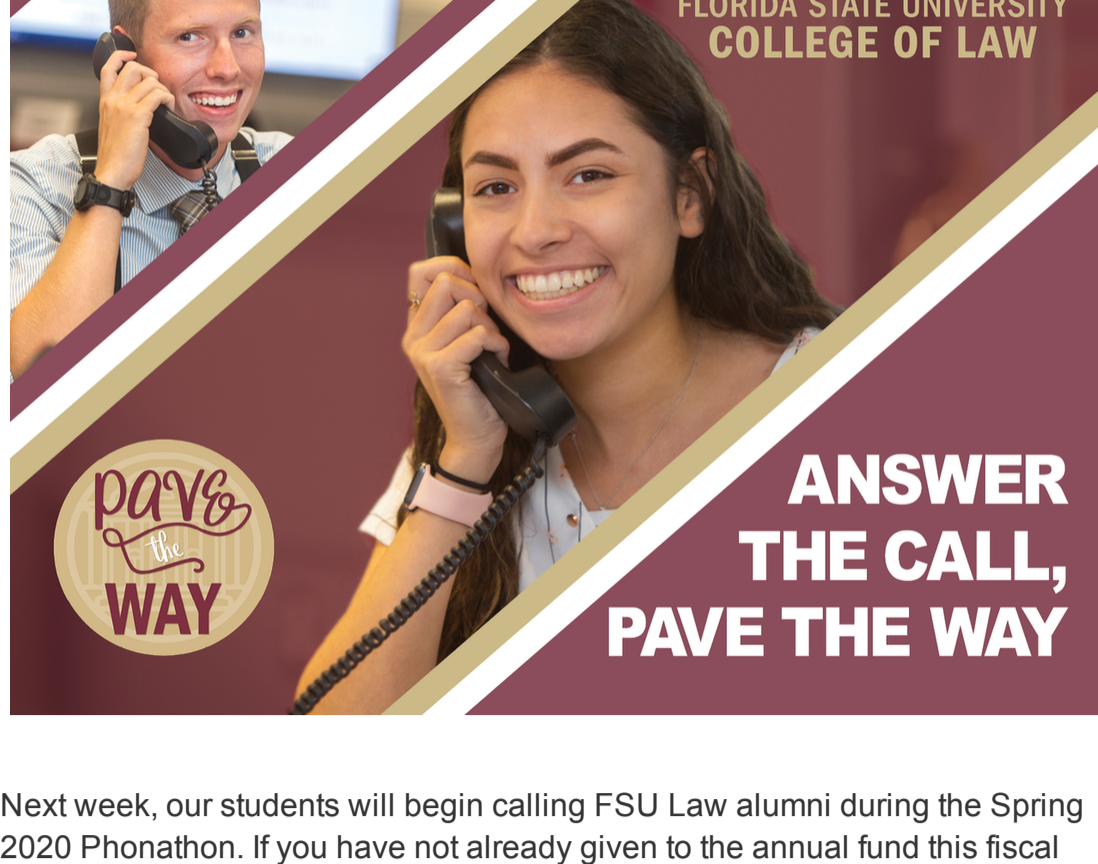


## From the Dean



Next week, our students will begin calling FSU Law alumni during the Spring 2020 Phonathon. If you have not already given to the annual fund this fiscal year, we encourage you to answer the call. A gift in any amount makes an impact and you can designate gifts to a wide variety of causes, organizations and programs. Our Pave the Way Campaign for student scholarships is still a top priority—gifts to the campaign are already making a difference in the lives of current students. Other specific needs include funds to support our student organizations and co-curriculars. Please consider giving when our students call or [donate online now](#). If you have already given, thank you very much for your support!

- Dean Erin O'Connor

## Professors Eisenberg & Spottswood Speak at Tel Aviv Conference



Professor Mark Spottswood (center) speaking at Tel Aviv University in December.

FSU Professors [Avlana K. Eisenberg](#) and [Mark Spottswood](#) were invited to present papers at a conference on legal discontinuity held at Tel Aviv University in Israel on December 29 and 30, 2019. The conference was hosted by the Cegla Center for Interdisciplinary Research of the Law at the Buchmann Faculty of Law at Tel Aviv University and organized by Professor Adam Kolber, of Brooklyn Law School, and Professor Talia Fisher, of Tel Aviv University. Presented papers will be published in an open-access issue of *Theoretical Inquiries in Law*, allowing contributions to be widely shared.

“The conference concerns a variety of ways in which the law deals with phenomena that spread across spectra,” said Kolber in his invitation to Spottswood. “The law’s discontinuities have received attention in specific contexts, but the connections among them have often been neglected, and we believe that a conference can enrich the discussion.” By discontinuities, the invitation refers to laws or rules that separate the activities into discrete buckets for differential legal treatment.

Eisenberg’s essay examines conceptual, doctrinal and practical obstacles to smoothing out discontinuities between inputs and outputs in criminal law. It exposes the challenge of calibrating punishment outputs across distinct physical spaces, especially in light of the chasm—doctrinally and experientially—between custodial and non-custodial punishments. It also examines the role of stigma, which may far outlast a person’s formal punishment, thus skewing otherwise fine-tuned input/output relationships. The essay reveals that the law’s classification of inputs—for example, the input of reasonableness—is itself contestable and responsible for a range of hard-to-resolve discontinuities. Since joining the FSU Law faculty in 2015, Eisenberg has taught Criminal Law, Criminal Procedure, and Prison Law and Policy.

Spottswood’s paper is about the relationship between different kinds of burden of persuasion rules and civil settlements. Using a data simulation method based on economic models of settlement behavior, he offers evidence that our traditional, discontinuous burden of proof yields weaker incentives to settle cases, when compared with continuous burden of proof rules. At the same time, his analysis suggests that settlements produced by the discontinuous rule tend to be fairer, on average, than the settlements we should expect to see under the alternative rules. Spottswood teaches Evidence, Civil Procedure, Scientific Evidence, and Advanced Civil Procedure. He has been a member of the FSU Law faculty since 2011.

## Alum Profile: John Marc Tamayo ('94)

[John Marc Tamayo](#) is a founding partner at Campbell, Trohn, Tamayo & Aranda, P.A., in Lakeland. He is Florida Bar board certified in civil trial and focuses on civil litigation in state and federal court. His practice areas include commercial litigation, general civil litigation, eminent domain and personal injury. Tamayo is active in numerous legal professional organizations and has served as president of the Lakeland Bar Association, as the Tenth Judicial Circuit representative on The Florida Bar Young Lawyers Division Board of Governors and on the Tenth Circuit Judicial Nominating Commission. He has also served on the boards of the Polk Museum of Art, Bartow Dixie Youth Baseball and the City of Bartow Chamber of Commerce.



*“The lessons I learned at FSU and the College of Law have never been lost on me, and I strive in my personal and professional life to exemplify those lessons. Providing one-on-one attention to my clients while objectively counseling is a core value of my practice.”*

## Student Profile: 3L Joshua Smallwood

**Desired Practice Location:** Open to anywhere in Florida

**Expected Graduation:** May 2020

**Field of Law Sought:** Business litigation or other litigation that would prepare him to work with in-house counsel; open to opportunities that allow him to make valuable contributions while gaining new experiences



Josh Smallwood is a third-year law student from Indianapolis, Indiana. He attended Pensacola Christian College, where he double majored in accounting and finance. Continuing his business studies in law school, Smallwood is pursuing the Business Law Certificate, which he will complete upon graduation in May 2020. Currently, Smallwood is working with the Leon County Attorney’s Office, where he has helped draft pleadings, interview witnesses, prepare for hearings and draft legal memos. Smallwood spent both his law school summers in Jacksonville, Florida, clerking for Paul Davis Restoration, Inc., a franchise company in the highly regulated restoration industry. His time at Paul Davis focused primarily on contract work, including drafting parts of franchise documents and reviewing carrier contracts. In addition, Smallwood researched federal, state and local laws affecting the restoration industry. Smallwood firmly believes data analytics and artificial intelligence will continue to transform the legal profession. Working from that belief, he continues to learn all he can about the “language” of big data and the basics of programming to aid him in future work.

Outside the classroom, Smallwood was a founding member of the FSU Law Negotiation Team and a member of the William H. Stafford American Inn of Court. He works part-time for the FSU Law Office of Development and Alumni Affairs, where he enjoys interacting with many of the law school’s outstanding alumni. If you are interested in hiring Smallwood after graduation, [visit his LinkedIn profile](#).

*“At FSU Law, I have learned to become very comfortable with gray areas of the law and areas with which I am not familiar. I get excited when I’m given a project on a topic I’m not proficient in because I feel that is when I learn the most.”*

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