



Judicial Profile

by Elizabeth Ford and Don K. Ferguson

Hon. Leon Jordan Senior U.S. District Judge Eastern District of Tennessee

Close your eyes, and imagine that you are watching a movie, a courtroom thriller. The judge who sits behind the bench is tall; he is white-headed; and he has a kindly smile and treats all of those who appear before him graciously. For those who practice in the Eastern District of Tennessee, this is not a scene produced in Hollywood.

It is a frequent occurrence in the courtroom of Hon. Leon Jordan, a working senior federal court judge who has been on the federal bench since 1988, when he was appointed by President Ronald Reagan.

At the time of his appointment, Judge Jordan was on the state bench, serving as chancellor in Upper East Tennessee for eight years. Before his state judicial service, Judge Jordan worked for oil companies and banks and later was a partner in a law firm dealing with civil law.

When he arrived at the chancery court, there was a backlog of 2,200 civil cases. Judge Jordan plunged into the work, and, even though the district covers five counties and includes eight courthouses, he got the docket completely current in four years with the assistance of only a part-time secretary.

His days started early, and court started on time. Judge Jordan's definition of on time meant then and now that "ten minutes early is five minutes late." This is according to an assistant U.S. attorney who has known him since he was Chancellor Jordan.

One who does not know any better might think that the kinds of cases heard in chancery court would be on the dry side—property line disputes, church disagreements, accounting disputes, and the like. However, that was certainly not the case for Chancellor Jordan.

Chancery court in Tennessee does not have criminal jurisdiction, but it does have divorce jurisdiction. While on a recess during a divorce trial, Judge Jordan had stepped



into another office when he heard a gunshot from the direction of the courtroom. The brother-in-law of the woman seeking a divorce shot her to death in the courtroom, because he did not want her to be awarded any of his family's property. The murder caused a new era of court security in the state of Tennessee.

Judge Jordan, a life-long Republican, was nominated by President Reagan and supported by Tennessee's two

Elizabeth Ford serves as the Federal Community Defender for Federal Defender Services of Eastern Tennessee, Inc. Don K. Ferguson is the executive director of the U.S. District Court Historical Society for the Eastern District of Tennessee. He retired in 2001 after serving as the court's chief deputy clerk for 28 years. His association with the court dates back to the late 1950s, when he was a reporter for the Knoxville News Sentinel covering the court.

Democratic senators, James Sasser and Albert Gore Jr., to succeed U.S. District Court Judge Robert L. Taylor. Having a background in business and being ahead of his time, Judge Jordan prepared a brochure about himself and his qualifications to give to the senators and others involved in the confirmation process.

He appeared before the Senate Judiciary Committee, where Sen. Joe Biden (D-Del.) was the lead inquisitor. Sen. Strom Thurmond (D-S.C.), also a member of the committee, was a strong supporter of Judge Jordan. The full Senate approved his nomination, and Judge Jordan was sworn in on November 15, 1988.

On his second day as a federal judge, he was assigned more than 400 civil cases. Just as when he was appointed to be a chancellor, the federal judgeship had been vacant for some time, and there was a backlog with which to deal.

These cases included several Federal Deposit Insurance Company (FDIC) cases that resulted from the collapse of a banking empire headed by two Union County brothers, Jake and C.H. Butcher. One of those cases, brought by the FDIC against the accounting firm Ernst & Whinney, resulted in a trial that lasted 99 days (13 months). At that point, the parties asked for time to negotiate. Judge Jordan gave the lawyers six weeks. The case settled.

The case of *FDIC v. Whinney* is the best illustration of Judge Jordan's philosophy of judging. One of his former law clerks, Knoxville, Tenn., lawyer Francis Lloyd, says he learned from Judge Jordan that, in civil litigation, it is often better for a judge "to allow litigants some time to deal with a dispute, without an immediate judicial intervention ..."

Not only did the parties resolve that long case—the nation's longest trial that year—the jurors left with a great appreciation and admiration for the court. During the time that the case was tried, the jurors got to know each other very well. At the end of the case, many of the jurors hugged Judge Jordan as they left the courtroom, and the lawyers gave each of the jurors bound copies of the exhibits that had been introduced.

Judge Jordan did not have experience handling criminal cases until he became a federal court judge, but no one would recognize this when watching him preside over a criminal trial or sentencing. Rarely has he been reversed.

For Judge Jordan, the biggest challenge in handling criminal cases is sentencing, particularly having to impose mandatory minimums. One case, in particular, stands in his mind. The defendant who was convicted of a marijuana offense had lost his business, a fortune, and his family. Judge Jordan felt that 18 months satisfied all of the goals of sentencing and imposed an 18-month sentence, but the Sixth Circuit sent the case back to him to impose a mandatory minimum of five years.

In the early 1990s, Judge Jordan handled one of the district's first large, multi-defendant criminal cases, a cocaine conspiracy that came to be known as the "Florida Boys" case. Thirteen of the defendants went to trial, and the logistics—from who was to sit where to the handling of jury selection—were daunting. Many of the defendants were bodybuilders and had histories of violence. However, Judge Jordan and his staff planned and thought through all of the issues and problems. The trial went very smoothly, and from that trial, Judge Jordan learned how to deal with cases involving many defendants. His caseload today

contains cases with as many as 45 co-defendants.

When asked of what he is most proud, Judge Jordan mentions three accomplishments. He is proud of having taken a leading role in bringing the federal and state judges closer in the state of Tennessee. In 1992, he was appointed by then-Chief Judge Gil Merritt of the Sixth Circuit Court of Appeals to a committee charged with improving the communication among state and federal judges in Tennessee.

Judge Jordan drew up the charter for the Tennessee State and Federal Judicial Conference. The conference succeeded in bringing the judges together, sharing solutions to issues that all judges face. Unfortunately, the Conference is no longer active due to changes in the courts' leadership.

A second thing of which Judge Jordan is proud is his key role in obtaining a new federal courthouse in Knoxville. When he came to the federal bench, there was insufficient space in the U.S. Post Office and Courthouse for a second judge or a second district courtroom. (U.S. District Judge James H. Jarvis, appointed in 1984, was the other federal judge in Knoxville.)

Judge Jordan and his staff were housed in rented space across the street from the courthouse. Judge Jordan and the late U.S. District Judge Thomas Gray Hull went to Washington, D.C., and made their case for a new courthouse. They successfully obtained approval and funding. The first bids for the new building came back way over budget, but an almost-new facility in the heart of downtown Knoxville became available at the same time—the two-square-block Whittle Communications building.

Judge Jordan and Judge Jarvis convinced the federal government's General Services Administration and the Administrative Office of the U.S. Courts to purchase the building and its custom-made furnishings for use as a federal courthouse.

The third accomplishment cherished by Judge Jordan is the part that he played in the development of the court's mediation program. In the early 1990s, the court's civil docket was growing. There were only four district judges in the district. Judge Jordan was appointed chair of a committee to determine what type of alternate dispute resolution (ADR) program would work in the district.

The committee determined that court-annexed mediation would be the most efficient method. By the summer of 1994, the first group of mediators were certified. Today, there are more than 60 mediators in the Knoxville area representing all major practice specialties. Also, the state courts have a similar program pursuant to Rule 31.

Family is at the center of Leon Jordan's life and has always been. He was raised in a family where giving to the community was a high priority. The youngest of seven children, he grew up on a farm near Clarksville, in Middle Tennessee. He served in the U.S. Army and then attended the University of Tennessee on the GI Bill for his undergraduate and law degrees.

One does not have to spend much time with Judge Jordan before learning about his bride of 56 years. The Judge and Dottie have traveled the world and have raised three children. They are the grandparents of two grandchildren, one of whom has performed at Carnegie Hall.

Judge Jordan plans to work as long as his health will allow. There is plenty of work to be done, and he feels that he can be of service to the court and to the community. ☺