

Judicial Profile

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Hon. Adalberto Jordan U.S. District Court for the Southern District of Florida

SITTING IN THE Southern District of Florida, Judge Adalberto Jordan may be known to his friends as Bert, but his reputation as a jurist confirms that his given name — Adalberto — was wisely chosen. Judge Adalberto Jordan is, indeed, “famous for nobility” in southern Florida. Jordan

could certainly claim nobility of rank or title, having graduated summa cum laude from the University of Miami Law School and clerked for Justice Sandra Day O’Connor before pursuing his career at Steel Hector and Davis, in the U.S. attorney’s office, and most recently on the bench in Miami. However, the nobility most often ascribed to Judge Jordan relates to his ideals, character, and conduct. Judge Jordan believes in — and strives for — judicial impartiality. His law clerks and colleagues describe him as genuine and unpretentious; he affords equal respect to people from all walks of life — from attorneys during oral argument, to criminal defendants and their family members during an emotional sentencing, and to court personnel in the daily operations of the courthouse. Beware, however, lest Judge Jordan’s calm and polite demeanor lull unsuspecting attorneys into lax arguments. As one of his former clerks advised, attorneys are often caught off guard by the judge’s razor-sharp intellect, because, as they say, “he’s so darn nice.”

At the age of seven, Jordan arrived in the United States with his parents and younger brother after fleeing Cuba. Their arrival in the United States in 1968 was by way of Spain, where the family spent several months in order to be allowed to emigrate to the United States (and where Jordan saw snow for the first time in his life). Jordan’s memory of the family’s emigration is marked by their weather-induced landing in the Azores, a group of islands located almost 1,000 miles off the coast of Portugal, while en route to Spain as well as by a walk across the tarmac during a thunderstorm.

Once in this country, Jordan acclimated quickly to life in America; indeed, he has both dreamed and lived many of the classic American dreams. As a child, Jordan dreamed of becoming a baseball player, and he did, in fact, play one year for the Miami Hurricanes while he was in college. In 1984, Jordan married his wife, Esther, and their relationship has been described by his family as a “storybook romance.” Thanks in some small part to the intrigue of Perry Mason and, more substantially, to Jordan’s increasing attraction to classes on



law and history while he was in high school, Jordan’s dreams took a legal turn, and he began to gravitate toward a career in law.

Judge Jordan received his bachelor’s degree in politics and his degree in law from the University of Miami. His legal career began on a high note with a clerkship with Judge Thomas Clark of the 11th Circuit Court of Appeals and thereafter proceeded even higher to a coveted clerkship with Justice Sandra Day O’Connor of the U.S. Supreme Court. Seeing the day-to-day work of Judge Clark and Justice O’Connor in administering justice on a case-by-case basis gave Jordan his first sense of aspiration to the bench. Judge Jordan remains in regular contact with Justice O’Connor, who reportedly encourages all her former clerks to stop by and visit when they are in Washington to share with her the latest news of their work and families. Judge Jordan admits to mixed feelings about Justice O’Connor’s recent announcement of her resignation: he is a bit sad, knowing that the Supreme Court could have enjoyed her service for several more years, but he is glad that Justice O’Connor has both the time and the good health to enjoy her grandchildren following her retirement.

After completing his clerkship at the Supreme Court, Jordan began work as a litigator with Steel, Hector and Davis in Miami and was accepted into the partnership five years later, in 1994. Jordan left private practice to serve as an assistant U.S. attorney in the Southern District of Florida and, in 1998, was promoted to chief of the appellate division. President Clinton nominated Jordan to the bench in 1999, and since then the judge has served in the Southern District of Florida. In recent years, Judge Jordan has been asked to sit by designation in the 11th Circuit, and he has agreed to do so.

Judge Jordan explains that, even though he enjoys the give-and-take of a trial court and the interaction with lawyers and litigants, he has been an appellate lawyer for most of his legal life. Looking at cases from an appellate perspective is, in his words, “something I’ve always loved doing.”

Down the hall from his courtroom, Judge Jordan’s chambers reflect two of his great passions: sculpture and reading. The judge’s recreational library focuses on biographies and historical fiction. His favorite biographies are those of Abraham Lincoln and Winston Churchill (particularly the Churchill biography by Roy Jenkins), because, as he explains, both leaders lived through turbulent times and were required to make difficult decisions in order to hold their countries together. Judge Jordan also reads historical fiction and tends to work his way through one era at a time. Currently, he is enjoying biographies and novels about the Napoleonic era, because he happened upon a book about that period and was intrigued. Sports continue to play a significant part in the judge’s life, and he enjoys “almost all sports.” He shares his love for the game of baseball with the rest of his staff: each spring Judge Jordan takes his staff and clerks to the opening game in Miami.

Although he obviously brings his own background and experiences to the bench, Judge Jordan strives for judicial impartiality. As an immigrant, Jordan admits that he, like everyone else, has been shaped by his experiences, stating, as but one example, that “I have a different sort of understanding of the issues immigrants encounter because I’m an immigrant myself. But you’re supposed to take a step back and judge cases without any reference to your personal views, and I try hard to do that.” His colleagues note that Judge Jordan is known for his impartiality and for his consistency in reaching the right answer under the law. “There may be times when you might not agree with the law as written, or you might wish that it was different,” Jordan explains. “You sometimes rule reluctantly, but you rule.”

Given his reputation for impartiality, his background with Justice O’Connor, and his own appointment to the bench, Judge Jordan naturally looks with interest at the upcoming confirmation process for the next justice who will join the Supreme Court. He is of the opinion that the confirmation process should test the nominee’s general approach to the law, but he believes that discussion of actual cases should be off-limits. Judge Jordan considers hypothetical questions “more of a gray area,” but he feels that a nominee would be justified in refusing to answer a hypothetical that is designed to box in the nominee and reveal how he or she would rule in a particular case. “It’s fair game to ask about judicial philosophy, but asking what a candidate would do on a given case goes over the line,” the judge states, “because judges should not pre-judge issues that may later come before them.”

As for his own judicial philosophy, Judge Jordan is a man of words: he starts with the text of the constitutional provision, statute, rule, or contract at issue. Next, given his position as a district judge, he looks at what has come before and examines the decisions of courts that have already considered the matter to give life, body, and meaning to the text at issue. If the answer is still not clear, then he considers a number



The judge with his staff (l to r): Maria Bonvoy, Ann Chen, Francine Salopek, Judge Jordan, Marlon Moffett, and Elsa Pazos.

of things, depending upon the situation, including original intent, legislative intent, historical practice, the breadth of the provision at issue, policy, and state law trends, if applicable.

Judge Jordan confesses that his biggest challenge on the bench is trying to keep up with the caseload. He claims to be “not the fastest of judges” and explains that he doesn’t rule very quickly. His pace, however, is the result of his attempt to achieve the difficult balance of getting things right, being thorough and clear in his opinion, and not making litigants wait too long. Despite the pressures and challenges presented by the bench, his wife, Esther, is glad that Jordan serves as a judge, because she sees “that [he is] very happy doing it.” Judge Jordan agrees: “I can’t think of a better job. You work with great people, have great job security, and get to try to do what you think is right most of the time.” **TFL**

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