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Judge I. C. (Nelson) Spoto A Good Listener - (1907-1982)



This Circuit is currently served by forty-eight judges (36 Circuit and 12 County). In mid-1949, the judicial lineup was like this: two Circuit Judges (Parks and Sandler), one County Judge (Brooker), one Criminal Court of Record Judge (Himes/Grayson), one Judge of Juvenile Court (Kickliter). Later that year, the county's growth in population entitled it to two additional Circuit judgeships. Fuller Warren was Governor. You remember Fuller, he was the political prodigy from the Panhandle who was elected to the state legislature in 1927 at age 21, then reached his zenith as governor two decades later. The Tampa & Hillsborough County Bar Associated submitted a list of seven lawyers it endorsed to fill the Circuit openings. Not on the list were two Warren supports: one was County Attorney, I. C. Spoto, the other, Henry C. Tillman, City Utility Board member.

Nelson Spoto was a roommate and close friend of the future governor at the University of Florida. He was also identified with Manny Garcia, a Tampa lawyer and confidante of Fuller Warren. Spoto's brief but solid performance as County Attorney (also as a gubernatorial appointee) made his appointment almost a lock, and was no surprise. After becoming judge, he was challenged at the polls only once. In the 1950 primary, two lawyers sought to unseat him, but he prevailed in a campaign marked by the despicable tactic of one of the contestants who mocked and ridiculed the judge's given name at political rallies.

Teddy Roosevelt was in the White House and Napoleon Broward was resident of Florida's state house in 1907, the year Spoto, a native Tampan, was born. His given name was Ignazio, which translates to Ignatius; Nelson is the anglicized version. To his college classmates he was "Iggy." He was a member of the University of Florida's boxing team in the mold of the man called "Battling Nelson" who was twice lightweight champion of the world. Spoto did not compete at that level but he was the Southern collegiate titleholder in the same weight division.

Following graduation from law school at Gainesville, Spoto practiced law in Tampa, with an office in Ybor City for most of those years. His trusted secretarial assistant for 27½ years was Vicki Contos. Even after the present Courthouse opened in late 1952, she did double duty, handling the dockets for both Judges Spoto and Tillman. All of us who practiced before Spoto know of her immeasurable value to him as well as her deferential, pleasant and accommodating manner with attorneys. The Judge was named "Boss of the Year" in 1977 by the Legal Secretaries Association upon Vicki's nomination. As for her opinion of the "Boss", she speaks of his fairness, kindness, hard work and patience. She

recalls asking him once why he would occasionally allow attorneys to exceed their allotted time. "Well," he responded, "Because the next thing they have to say might be important."

A singular quality that Judge Spoto possessed was his willingness to listen attentively to all the lawyers who came before him to argue their cases. WC. (Mac) McLean, Esq., who tried a large number of condemnation cases in Division D (Spoto), and whose father was appointed to succeed Judge Spoto as County Attorney, puts it simply, "Judge Spoto was a good listener."

Displaying his mastery of Indiana dialect, James Whitcomb Riley (whose father was a lawyer) introduced a character he called Squire Hawkins, the subject of an 1875 rondeau which went something like this:

*Someway o' 'nother language fails
to slide ferme in the oily way
That lawyers has; and I wisht it would
Fer I've got somepin' that I call good;
I've learned to listen and admire,
Ruther preferrin' to be addressed
Than talk myse'f...but I'll do my best.*

Retired Judge Vernon W. Evans, Jr., formerly a successful civil lawyer for defense, tells of trying a case where at about the noon hour Judge Spoto announced a break for lunch, with trial to be resumed at what lawyer Evans thought was 1:30. When Evans and his client returned to the Courtroom, he was mortified to see Judge Spoto on the bench and all the other lawyers and parties in their seats. It seems that the judge directed that the trial start back at 1:00 which was a half hour before the usual post-lunch resumption. The Judge said nothing, but looked Evans in the eye with an unmistakable glower.

"One of the best," declares T. Paine Kelly, Jr., Esq., prominent defense advocate. "I tried many cases before Judge Spoto and was never disappointed," says Kelly. He especially remembers the case of *Adams v. City of Tampa Housing Authority*, and gives Judge Spoto credit for what he describes as a courageous and correct ruling against Kelly's client which ultimately ended in a mistrial at the conclusion of a 3½ day trial. "I was bitter at the time, but for a reason that Judge Spoto could not possibly have anticipated, I was able to use his ruling at a subsequent trial to win a case I should have lost."

On the other side of the counsel table, Bill Wagner, Esq., a well known plaintiff's lawyer, tried many cases before Spoto, whom he calls "an exceptionally fine judge." What Wagner found most remarkable about him was that he would hear all the arguments, whether on the law or on evidentiary matters, but it was impossible for either lawyer to determine by watching Judge Spoto in which direction he was leaning (if at all) or how he was going to rule on the issue. Wagner recollects that Judge Spoto was wise enough not to engage in a debate with either or both lawyers (something some of us who have held that position of authority never quite learned); he would courteously listen to both sides and then announce his decision.

Honorable Wm. Terrell Hodges, U.S. District Judge now in Jacksonville, relates his experience in a case arising in the early 60s in which Judge Spoto demonstrated "enormous judicial courage." Then-lawyer Hodges and another member of his firm sought and obtained a temporary restraining order enjoining the IBEW union from engaging in any acts of violence against General Telephone Co. or any of its operations. He particularly remembers that female phone operators who elected to cross the picket line were verbally

abused and some were sprayed by the strikers with liquid bleach from water pistols. With pickets around the courthouse and the courtroom filled with IBEW supporters, who did not conceal their hostility to the entire process, the judge listened to all the evidence without question or comment, showing the inscrutability which characterized his normal demeanor. Then, after warning the assemblage that he would not tolerate any outburst of any kind in the courtroom, Judge Spoto found the respondents in contempt and assessed substantial fines. Having coolly taken the action requested by Hodges' client, Judge Spoto rose and left the courtroom without another word.

This scribe had an experience as result of a case before Judge Spoto which can never be replicated. It was in 1954, and Bayard Angle and I represented an elderly lady, Alice Hagle, who brought an action claiming an easement by prescription for access to her home over a parcel of land owned by her neighbor, Mr. Graves. One of plaintiff's exhibits was a large cardboard mounted surveyor's blueprint visually demonstrating the situs of the dispute. Unfortunately for our client (and unjustly we thought), the judge granted summary judgment for defendant Graves, whose lawyer was "Shorty" Farnsworth of Hall and Farnsworth. Angle recalls that during one of the depositions he and Malcolm Hall almost got into a fist fight when tempers flared during the inquisition. Precisely 25 years later, after Judge Spoto retired and this scrivener moved into the 311 Courthouse office he vacated, a piece of cardboard was randomly discovered behind a tall, stacked bookcase in chambers. It was, sure enough, that old exhibit.

In his personal life, Nelson Spoto was a devoted husband, father of three girls and had several grandchildren. One of his greatest pleasures was walking and he indulged in that exercise energetically and regularly after lunch and dinner. Also, he was a long-time devotee of Florida Gator football. About the only time he is known to have been noticeably upset was when he and wife, Alice, were visiting in Rome on their 50th wedding anniversary (a gift from their daughters), and his wallet was stolen by one of those dexterous pickpockets in that part of the world. On the same trip, their luggage was lost for about a week. His daughter, Josephine (Josie), laughs when recalling that the actor, Ernest Borgnine, with whom he became acquainted on the trip, kidded him about how much he liked Spoto's shirt - the one he was obliged to wear every day, between washings, until the missing baggage turned up.

"Not difficult, but steady" is how Judge Spoto defined the job of Circuit Judge to this lawyer who was about to undertake that responsibility in 1977. Without realizing it, Nelson Spoto could have been describing himself. Serving for almost 30 years without a hint of scandal in either his personal or professional life, Judge Nelson Spoto deserves a proud, posthumous salute from his fellows at the Bar.

-Morison Buck

Afterword:

A timeless homily from Ella Wheeler Wilcox (1855-1919)

*So many Gods, so many creeds
So many ways that wind & wind
When just the art of being kind
Is all this sad world needs.*