

Nashville Bar Journal

A full-page background image showing the Nashville skyline at night. The city lights are reflected in the water of the river. A large white bridge with a truss design spans the river in the foreground. The sky is dark blue with some clouds. The overall scene is vibrant and captures the essence of Nashville's urban landscape.

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**Changes Are Coming to our
Nashville Bar Foundation**
Bob Mendes

**Ideas to Save Money and Improve
Tennessee Court Systems**
Everette Parrish

Tennessee after DOMA: What Now?
Abby R. Rubenfeld

Donald Capparella

by: Tim Ishii



One of the more attractive aspects of living in Nashville is that many of the preeminent people in the various professions are as interesting and nice as they are distinguished in their careers. Donald Capparella of Dodson, Parker, Behm and Capparella falls into this category.

After graduating from the University of North Carolina law school and passing the bar here in Nashville, he commenced practicing of law in 1985. In his career Mr. Capparella has tried over hundred cases at the trial level and perfected and argued 170 appeals.

Mr. Capparella came to the attention of most of us when he was asked to co-write the amici brief while at Manier, Herod, Hollabaugh & Smith in the landmark case of *McIntyre v. Ballentine*, 833 S.W.2d 52 (Tenn. 1992), which modified our negligence law. The McIntyre case changed Tennessee to a comparative fault state, abrogating the principles of contributory negligence as an absolute bar to recovery. Mr. Capparella also has taught legal writing at Vanderbilt School of Law as well as Nashville School of Law, and is a frequent speaker at continuing legal education classes on the issues of comparative fault, and appellate writing, and legal ethics.

Donald frequently is heard to say, "I like attorneys, I especially like getting calls from them." His collegial attitude extends to inexperienced attorneys perfecting their first appeal. I know--I was one of those inexperienced attorneys whom he helped.

Donald's friendly professionalism has helped to magnify his professional reputation and thus his workload to such that to date he is prosecuted over 170 appeals of all types, both civil and criminal.

His professionalism is not the only thing that sets Donald Capparella apart. This year is the 25th anniversary of his establishing the Nashville Shakespeare Festival, which performs in Centennial Park in its summer festival, and at Belmont University in the winter, and tours other programs throughout the year. This is no small accomplishment, as over 12,000 people will see the summer Shakespeare in the Park each year, and another 4,000 will see the winter show, including over 50 schools. His nonprofit Shakespeare company has not only survived, but has flourished longer than many professional companies in larger venues.

Not merely a promoter, Donald is an active participant in the Shakespeare Festival and has been since he founded the company in 1988. Three times during his life, once in law school, and twice after entering the practice of law, Donald

has taken extended sabbaticals of up to a year at a time to play various parts in Shakespearean plays such as the Merchant of Venice with the Horse Cave Theater in Kentucky, and the Orlando Shakespeare Festival in production of The Tempest and Taming of the Shrew..

One of the outgrowths of his interest in Shakespeare is a rather unique service provided by the Shakespeare Festival. In 2000 Donald was trying a case which require the reading of more than a dozen depositions. Not wanting to bore the jury with droning attorneys reading depositions, Donald conceived the idea of having Shakespearean actors do the reading at trial. The actors' rendition was so successful that the Shakespeare Festival maintains a fee-based service for trial attorneys that hires out actors as readers to do the same thing. He also regularly uses Shakespeare Festival actors in his CLE ethics seminars to aid in the teaching of ethics to lawyers, and created the well-received CLE featuring a mock trial between the Earl of Oxford and Mr. Shakespeare himself over the issue of who really wrote the complete works attributed to Shakespeare. Several members of the Tennessee Supreme Court and several trial and appellate judges have judged this mock trial.

Integrating the arts into his law practice has helped to distinguish Mr. Capparella's career. Together with his wife, the well-known classical pianist Amy Dorfman, he has been lucky to be around some of the best artists and trial lawyers in Nashville. Perhaps there is not that much difference between them after all. ■



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