

Judicial Profile on Judge John E. Born
By Eric C. Santo
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Some men aspire to greatness. Some men seek fame and fortune. Others quietly delight in a wholesome and close-knit family life, sharing with their loved ones the greatest treasure of all: the composition of talents, feelings, attitudes, knowledge, beliefs and actions that makes each individual unique. Judge John E. Born, a quiet, dedicated family man offers his family a gentle, warm person who is sensitive, bright, artistic, and down to earth.

Family life has been good to John E. Born. The 61-year-old native of Pittsburgh, Pennsylvania glowed as he spoke of his wife, three children and two grandchildren. Family photographs stand proudly amidst volumes of age-old jurisprudence. Their prominence more than held its own. It is unmistakably clear that the greatest accomplishment and treasure in Judge Born's life is the Born family.

During his leisure time the judge enjoys arts and crafts for hobbies. In addition to painting still life and portraits, he takes deep pride in making ceramics. A personal friend once sent him a postcard with a picture of a wooden Japanese sculpture. Judge Born converted the head of the sculpture to a mold and a copy of it is proudly displayed in the hallway outside the office of Judge Mounts. The judge also designs rugs, which his wife, Jane, needle points. Weekly, the judge exercises with a game of golf.

The athletic side of John Born was more prominent during his younger days. Having won an athletic scholarship for swimming, Born attended the University of Miami where he earned a Bachelor of Science degree in Business Administration in 1943. After three years as an Army engineer, Born returned to Pittsburgh and sold heavy industrial equipment for a year. He then returned to Miami to attend law school and supported himself by working as an insurance adjuster.

The judge graduated from the University of Miami Law School in 1950 and entered a plaintiff-oriented general practice with Adams, Blank and Born, where he remained until he became a municipal judge for the City of West Palm Beach. Having been re-elected to two two-year terms, Born decided to return to private practice and at different times worked with Ralph Blank, Don Kohl, and Thomas Sholts. In 1972, Judge Born became Judge of Industrial Claims covering Palm Beach, Martin, St. Lucie and Indian River Counties. Governor Graham appointed him to the Circuit Court in 1979 and he has served in both the Civil and Criminal Divisions. The judge offers the following viewpoints about his latest position:

Life Philosophy: "I never really thought about one, except that everything looks better tomorrow. Don't worry about it because everything will straighten itself out if you give it time."

The Media: "They have a tendency (and maybe it is rightly placed) to blame judges for things that are inherent in the system. We are bound by tradition. They come down on us pretty hard for not changing. The judicial system is supposed to be stable.

You're supposed to know what tomorrow holds for you under the law. Drastic change should come from the legislature, not the judicial system. The judges should not be blamed all that much. There are some pretty good guys around here who work at innovating solutions."

Criminal Division: "It's almost impossible to be an expert in the civil division because there is something different everyday and the lawyers teach you something everyday. With the narrowness of the criminal law field there is a chance to be comfortable with it."

Common Mistakes: "Attorney's underestimate the intelligence of the jury and sometimes make silly factual arguments."

Industrial Claims: "The system is dying because of significant changes in the law. I would have been comfortable over there. If there had not been as many changes, I never would have left. It appeared that the changes would emasculate the system and I did not wish to remain. They have moved the lawyers out for the most part. That was part of what I thought would go wrong."

The Criminal Justice System: "People object to plea bargaining. If anything, the judges have been giving stiffer punishment than I generally consider necessary. You can be as hard as you want with a person who goes beyond the first or second offense. As far as first offenses, I am not in favor of stiff sentences. I don't think that the system, except on rare occasions, is capable of rehabilitation. Florida has 25,000 prisoners in a system designed for 16,000 or 17,000. There are 350 new prisoners each week. The prison system cost \$257 million to operate in 1980. Sixty-five percent (65%) of the prisoners are under age 25. Nine hundred (900) are serving twenty-five year mandatory minimum sentences. Twenty five hundred (2500) prisoners are in for life. Life is 13 years as opposed to 7 years 5 or 6 years ago. We have the third largest prison population, behind Texas and California, and tied with New York. Some statutes require 25-year mandatory minimum sentences for offenses that just a few years ago were being sentenced to 7 years. There are too many people in the system for too long for people to afford it. That's what is wrong. The legislature passes more and more laws to load people on top. There has to be some other answer. It's too expensive to maintain. Probation is not so much rehabilitation as it is a second chance."

Duties: "You must realize that if you can avoid keeping a person at the jail for even a couple of days, you should do so. It's so easy to put things off, but I don't think it's right. Just because it takes an extra half hour is not a reason to let someone sit over in the tank. I think we should afford enough time to get him out before the weekend, if possible."