



Judicial Profile- James C. Downey

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Judge James C. Downey has served as a judge in Palm Beach County for 29 years-- 10 years as a Circuit Judge, and 19 years as an Appellate Judge where he authored more than 1,100 written opinions. Few of us know of his pioneer Palm Beach County lineage.

It all started in county Limerick, in Southwestern Ireland, on the River Shannon. Few in Ireland knew what caused their potatoes to turn black in the ground, but it caused a great exodus to the United States. Thus, the father of James Downey came to the New World. He was a civil engineer and expert in railroad construction. He constructed railroads in both North and South America. Then he came to Florida to address a major problem, water drainage.

Professor Tebeau at the University of Miami has described Florida at the turn of the century as having one-fourth of its land area either under water or subject to overflow in times of heavy rainfall. Local state and federal governments wrestled with this problem. The first transportation between West Palm Beach and Lake Okeechobee was the Palm Beach Canal, which was part of the drainage system. In 1917, "Fingy" Conners, from Buffalo, purchased 12,000 acres of muck between Okeechobee and Canal Point. He was then given authority from the State to construct a toll road from 20-mile Bend to the Lake, and 33 miles around the Lake to Okeechobee. Judge Downey's father was involved not only in the construction of the various drainage systems, but also Conner's Toll Road. The Toll Road was acquired by Palm Beach County in 1929, who then turned it over to the State Road Department, and it became free.

Jim Downey was 8 years old at this time, 1929, and was attending St. Anne's Grade School next to the Courthouse. He had a very good Irish Catholic upbringing. He transferred to a Benedictine boarding school in Alabama for his high school from 1935 to 1939. Then, where else would a good Catholic boy go to college except to Notre Dame? Also, where would a Notre Dame student look for a wife except at the nearby girls school, St. Mary's of the Lake? Judge Downey's wife had come north from Memphis and later obtained a B.S. in chemistry and medical technology. This allowed her to return to Memphis to work in a hospital until the war was over, and the Judge discharged from the Air Force. It also allowed her to help the Judge in law school by working in the Gainesville Hospital.

The judge went through Notre Dame in three years because he and his classmates were eager to serve their country in World War II. He enlisted in South Bend and became a ball-turret gunner in a B-24 with the 8th air Force stationed in England. You may remember that our bombing runs into Germany were made without fighter

protection. Judge Downey's first position was in a turret on the downside of the nose of his B-24. The turrets were changed to the side to protect the aircraft from attacks from that direction. Judge Downey made 30 daylight bombing runs into Germany through the heaviest flak imaginable. The gunner opposite him in the aircraft was killed by flak shrapnel to his head. Bomber crews were rotated back to the United States after 30 runs; Downey 2

and the Judge came home. He spent the next few months at Fort Myers teaching B-29 crews how to parachute, crash land, and ditch their aircraft in the water. He was discharged in October, 1945, and decided to go to law school at Gainesville on the G. I. Bill. He states that the University of Florida was not large at that time and he met classmates that have remained his good friends to the present. This includes fellow Judges Walden and Owen.

After graduation from law school, he came back to West Palm Beach and practiced law with the junior and senior Farrishes for five years; he says, "I learned a lot." He next started a ten-year association with the law firm of Paty, Downey and Daves. B.F. Paty, Sr., is considered by most to have been the finest courtroom orator in the history of the local Bar. The Courthouse was not air conditioned until after the death of Judge Chillingworth. Prior to that time, passers-by could hear great orations from B.F. Paty, Sr., and other spell-binders such as Jordan Johnson coming through the open windows of the Courthouse. Many lawyers in Palm Beach County will remember taking the afternoon off to hear these orations. Judge Downey states that when he came to Palm Beach County, it was a slower existence. It was more than enjoyable to practice law here. And, during the summer, the Courthouse shut down.

Governor Farris Bryant appointed Jim Downey as a Circuit Judge in 1963. Governor Bryant made this appointment knowing that Judge Downey was one of the brightest lawyers in town and certainly one of the most popular. He had been elected as President of the Junior Bar and the Palm Beach County Bar Association, along with other civic associations and clubs. There is an interesting footnote at this point. Judge Downey officiated at the now famous election when Chubby Damsel became Bar President in the "long-count" vote. It is said that Chubby won that election by one vote. Harry Anstead and a few of his followers were eating lunch in a different part of the old Holiday Inn at the time of the vote. Judge Downey was the sixth Circuit Judge in 1963. He joined Circuit Judges Joseph White, Russell Morrow, Culver Smith, Robert Hewitt, and Jimmy Knott. Although many of the attorneys who tried cases before Judge Downey in the ten years he was a Circuit Judge would describe him as even handed and fair, I would use one other adjective. He was bright, very bright. He would listen to counsel in his self-effacing way, then go to the library and look up the correct law. In 1973, Rueben Askew appointed him to the Fourth District Court of Appeal. I think the Trial Bar in Palm Beach County was saddened by this turn of events. When it is said that the Fourth District takes some of our most capable Circuit Judges, Jim Downey immediately comes to mind. Nineteen years have passed since his appointment and he authored more than 1,100 opinion, most all of which were majority opinions. He served as Chief Judge and on various Supreme Court commissions and Florida Bar committees.

For an insider's view of Judge Downey, I interviewed his long-time secretary, Kay DeForest. She has been with the Fourth District for 27 years, and was the author of the written history of that Court at their recent 25th anniversary. She has worked for

Judge Downey for 17 years. She describes him as, "One of the best persons I have ever met. He has a calming influence on the Court and he is very bright, and he brings me coffee." She mentioned that he was in good spirits, had earned his retirement, and was ready to accept Senior Status. Kay will also be retiring, along with Judge Downey.

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So, Jim Downey, we say "Godspeed" in your retirement. You are the son of an Irish immigrant who became a palm Beach pioneer. You never shirked your duty. You risked your life for your country over Germany. You were devoted to the practice of law, and your law firms, and to the Bar Association. During the years you were an exemplary family man. Your two fine daughters and two fine sons will attest to that. While I realize that your former golf partner, Tom Sholts, spent a week at golf school and currently plays out of your league, our fondest hope is that you can break eighty every time. Maybe if you get good enough, Judge Sholts will let you play with him again. What a retirement that would be!