

Judicial Profile Russell McIntosh  
By: Thomas A. Hoadley  
**October 1992**

Which of our judges was a Union carpenter, played in a dance band, was in the first class of our Junior College, knew General Patton, was a founder of the Florida Law Review, picked beans to go to college, and was a former high school teacher and principal? You guessed it, Russell McIntosh.

When this respected Palm Beach County jurist died on December 3, 1991, thus ended an era in our local judiciary. Never again (hopefully) will our promising young have to undergo a Great Depression and/or Great War to accomplish their career and family objectives. His contributions to our local Bar Association should not be forgotten by us. Most of this information was provided by his lovely widow, Lillian (the sister of Ralph Turlington, former Commissioner of Education), herself a well-known Latin teacher.

Russell McIntosh's father was a carpenter in Danville, Georgia. He moved with his family to Lake Worth in 1926. The Judge graduated from high school here in 1932, a deep depression year. The Judge wanted to go to college, but he had no money. He tried picking beans in the Glades for a year, but saving this way was too slow. Then came one of his early achievements. He was in the first class of our Junior College in West Palm Beach. Classes were held at Palm Beach High School. High school teachers were the instructors. The second big step was to get the University of Florida to recognize these credits. Judge McIntosh was the first student to get these credits recognized. He completed his college at the University of Florida. He worked his way through college by searching out farm produce, which he traded for meals. On one occasions, his mother sent him a dime in the mail. It fell out of the envelope and he had to fight another student to get it back.

Judge McIntosh wanted to go to law school, but had no money. He settled on an immediate job: a high school history teacher, coach of the debating team and girl's basketball team, and Assistant Principal. His pay was \$80.00 a month. High Springs High School was only 20 miles from Gainesville, but it must have been close to heaven because at the faculty meeting, he met and fell in love with his Latin teacher. The Turlingtons are a proud and respected family in Alachua County. The Judge and Lillian were married. They would teach school together for the next five years. Their next move was to Pensacola High School for \$120.00 a month. Then came the Great War. The Judge took a course in radio transmission. After enlisting as a private in 1942, he entered the Army Signal Corps. After O.C.S., he was part of General Patton's Third Army as they went to England, crossed the Channel, fought their way through Frances, Benelux, and into Germany. He knew and worked with General Patton as a supply officer.

After the war, he ended up in Wurtzburg in our military government. It was his job to open the schools and to retrain teachers in that lovely old medieval city. On his discharge papers, the United States Army said this about Captain McIntosh's work in Wurtzburg; he: "Directed and supervised one university, one teacher college, eight college level institutions, and 24 gymnasiums, 625 elementary schools, 22 newspapers, publishing houses, and book stores."

Coming back to Florida after the war, he decided he did not want to continue as a high school teacher. He and Lillian agreed he would go to Florida Law School on the G.I. Bill, and she would teach Latin at Gainesville High.

His first year in law school was a success. He was given an award for making the highest grades. From a later press release, the Judge recounted his college days. "I take pride in being a scholar and student of law. Although I had to work my way through college, in 1941 I was elected to the Phi Kappa Phi honorary scholastic society. I was awarded the Delta Theta Phi scholastic award for making the highest grades in my Freshman law class. I helped organize and found the University of Florida Law Review, and I was graduated from law school with honors."

Now, let's turn to the practice of criminal law in Palm Beach County. In 1934, there were 400 criminal cases filed. In 1950, it was 1,263 cases. Our first Criminal Court Jurist was the late Judge Ed G. Newell. In 1955, Judge Hugh MacMillan became our second Criminal Court Jurist. Our case load then was 4,281, or over 2,000 cases per judge. Judge Newell died suddenly in 1960, and had been unopposed for re-election. Then, eight well known local lawyers entered the Democratic primary, including Joe Tomberg and Edward Starr, for this position. After a primary election and run-off in May, 1960, Judge McIntosh was nominated. This was tantamount to election in those days. Then, Bobby Burns (Burns, Middleton, etc.) the local campaign manager of LeRoy Collins, requested the Governor to appoint Judge McIntosh immediately to that vacant position. He was sworn in June 1, 1960, by County Judge Richard P. Robbins. William Foster (Jones and Foster) was our local Bar President. Joel T. Daves was President of our Junior Bar. The pay of a Circuit Judge was then \$17,500.00. On his first day as a Judge, Marvin U. Mounts was sworn in as an "acting" prosecutor to try his case.

Judge McIntosh had this to say about his practice of law prior to the 1960 election: "I have practiced law in Palm Beach County for 11 years, 9 years of which I specialized in criminal law. Through the long hours at night in the law library, briefing the law for myself and other criminal lawyers, I gained a thorough knowledge of criminal law; and through countless days of successfully trying cases in the Criminal Court, I learned the tactics and strategies of a trial lawyer. It has been said that the law firm of which I am a member tries 75% of the criminal cases. I think this percentage is a little high. But we have been successful in the criminal practice. Two years ago, Hal Ives, Carlton Davis, and I formed a partnership and since that time our firm has handled a large percentage of the cases tried in the Criminal Court."

In this release, the Judge didn't mention that he also played in a dance band to supplement his income as a lawyer (this reminds me of the Judge's good friend, Eddie Starr, playing piano at the old Burlesque Theatre where Joe Farish's office now sits).

Jump ahead 17 years to 1977. This was the banner year both Russell McIntosh and "Banzai" Currie retired. Sidney Stubbs was our Bar President. Judge McIntosh had seen a lot of changes in those 17 years. In the 60's, he saw the end of our Justice of the Peace system, the new Florida Code of Civil Procedure, a Magistrate's Court in Belle Glade in 1961, a Public Defender system in 1963, and a crime explosion. He was not an easy sentencer, everyone agrees to that He stood tall and was unafraid. His lunch time ritual was the same, a brisk walk through the downtown, his head held high.

As he neared the end of his tenure as a Judge, his hearing diminished. In 1977, the Judge voluntarily retired to his home. He kept busy with his investments, 29 aquariums,

photography, computers and 1,500 slat-house orchids, and, of course, Lillian. He had been real proud of Russell, Jr., and his daughter, Betty Nell Shaw, a lawyer in Minneapolis.

In conclusion, this is a man from a hardworking but humble background who fought and struggled to get through college and then law school. An honorable warrior and military governor. A family man and father. A successful lawyer and, finally, a Judge of his peers. Judge Mounts sums it up this way: "A nice guy."