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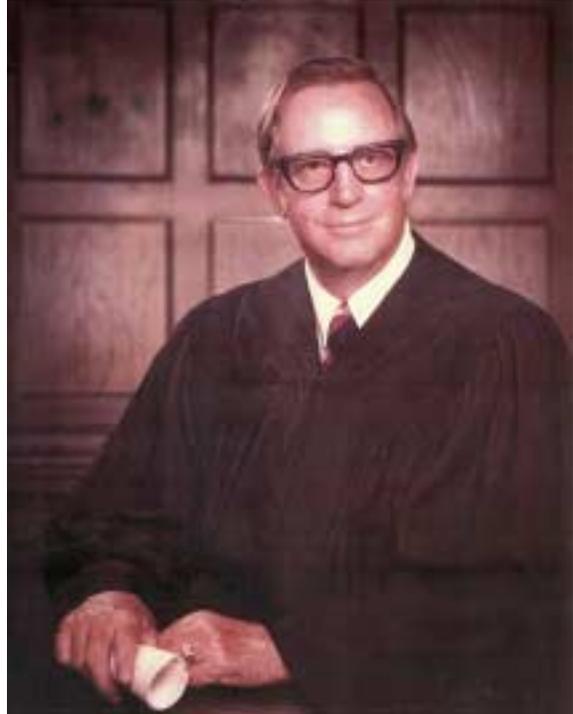
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James S. Moody: Lawyer, Lawmaker, Leading Judge (1914-2001)

Celebrated actor Edmund Gwenn uttered his most memorable lines on his deathbed: “Dying is easy, comedy is difficult.” Paraphrasing the estimable Mr. Gwenn, dying may be easy but writing a posthumous biography worth reading is not. Capturing the reader’s interest at the outset, keeping him or her from nodding off during the body of the story, and then closing in socko fashion are challenges to any writer – fiction or non-fiction. But the larger problem lies in not having the subject on hand to confirm the truth of the narrative.



Scientists snicker at the mention of astrology, defined in one dictionary as the study of the stars and planets to fathom their supposed influence on persons and events, present and future. About 30 years ago, Horizon, a national hard-cover magazine of the arts which is no longer in print, featured a story on the resurgence of belief not only in astrology but in the occult and other forms of mysticism by this country’s most sophisticated and nest educated young people. Maimonides, the 12th century philosopher, called astrology a disease, not a science. Only fools and charlatans, he said, lend value to

it. Take this simple test: Match the birthday of someone you know well with his or her Zodiac sign. Then compare the personality traits which astrology associates with that person with your personal knowledge of the individual. It's surprising how often they concur.

Jim moody was born in Plant City on December 29, 1914 under the sign of Capricorn. Such individuals tend to be blunt, ambitious, persistent, loyal. It will be left to the reader to decide whether or not his personality fits the mode advanced by believers of astrology. Capricorns are represented by the goat, "a sure-footed animal who scaled the heights by taking advantage of every foothold." The writer never knew Judge Moody on a personal level, but that sounds like an apt description of Jim Moody to me.

Juan Ponce DeLeon is recognized for occupying and claiming this state for Spain in 1531. He called it Florida (meaning in Spanish "full of flowers"). The along came J.T. Evers who is credited with the discovery of Plant City in 1883. For the most authoritative and edifying look at the Moody family, you need go no further than to read, "Plant City, Its Origin and History," co-authored by David E. Bailey, Jr. and Quintilla Bruton. It was first published in 1977 and has a biographical section highlighting the FFPC (First Families of Plant City). Mrs. Bruton (now deceased) was married to Jas. D. Bruton, Jr., who achieved fame and fortune as a landed-lawyer, and later Hillsborough Circuit Judge.

The following segment of the Bailey-Burton book is printed with Mr. Bailey's permission:

The Moody ancestors came to America prior to the American Revolution, locating originally in Williamsburg and eastern Virginia. From there they migrated down the Shenandoah Valley of Western Virginia into western North Carolina and eastern Tennessee.

In 1885, Moreau Eates Moody came to Mango, Florida, and established a drug store which he relocated, in 1891, in the promising new town of Plant City. As an accommodation to the farmers and neighbors, he had kept money for them in his store safe. As an outgrowth of this, he and Colonel James L. Young of Plant City organized the town's first bank, the Hillsboro State Bank, in 1902. M.E. Moody succeeded to the bank's presidency on the death of Colonel Young in 1928 and held that position until his death in 1945.

As the principal banker and one of the most stable businessmen in the community, Mr. Moody's knowledge, ability and advice were utilized in the early development of Plant City. Among other things, he was a motivating influence in the establishment of the South Florida Baptist Hospital and donated five acres of the ten-acre site on which the hospital was built.

Thomas Edwin Moody, Sr., of Athens, Tennessee, brother of Moreau Estes Moody, married Mary Noel Estes in 1883. They were parents of five children: Thomas Edwin, Jr., Henry Shelton, Patrick Mann, Gladys Elizabeth, who married William Reece Smith, and Gary Estes, who died in 1929, unmarried. This family moved to Lakeland, Florida in 1886, because of the father's poor health, but after two years returned to Athens. After his death in 1919, his widow, Mary Noel Estes Moody, returned to Florida, joining her married children in Plant City in 1925.

Mrs. Moody had been extremely active in civic and church affairs in Athens and Lakeland and continued her activity in both areas in Plant City. She was a teacher in the Sunday School of the First Baptist Church for many years, and served as president of the Women's Missionary Society. Continuously active in the Women's Club of Plant City, she served two terms as president. It was she who held the club together when it almost collapsed during World War II. And it was she who labored unceasingly to keep the club-sponsored public library in operation, devoting countless hours of her time to actual library work. Mrs. Moody served a term as vice-president of the Hillsborough County Federation of Women's Clubs, and was the organizer of the Junior Women's Club of Plant City.

Mrs. Moody's eldest son, Thomas Edwin, Jr., or "Mr. Edwin" as he came to be known, came to Plant City in 1901 to join his uncle, Moreau Estes Moody, in the bank. In 1903 he married Anna Louise Herron, who had come from Trezavant, Tennessee, to teach in the public schools of Plant City. Of this union were born Thomas Edwin III; Frank Herron; James Shelton; and Martha Louise, who married Brand Laseter of Decatur, Georgia.

There are likely few old settlers still alive who know what it was like to grow up in Plant City in the first quarter of the 20th century. Life was simpler then – no television, no fast-moving automobile traffic on congested interstate highways. Radio and silent movies provided much of the diversion for the townspeople, and residents knew everybody living in their neighborhood. After all, during Moody's boyhood, Plant City was little more than a village. The population in 1920, when he started school, was 3,729. It nearly doubled in the next decade when the population increased to 6,800.

His neighbor and classmate through high school, 85 year old James Porter, now living in Wesley Chapel, recalls that Jim Moody was bookish, a good student; and also an exceptional athlete, playing football in both high school and college. Unlike Henry Ford who called exercise “bunk,” saying sententiously: “If you’re healthy, you don’t need it; if you are sick you shouldn’t take it,” Moody believed in keeping fit and trim. Having the size, desire and mobility, he played center in football. Moreover, he had a lifelong passion for hunting, fishing and later, golf.

Tennesseans (like this reporter) and those with ancestral roots there (like Jim Moody) tend to have big league appetites for good things to eat, and those who knew him well suggest that Moody was a proficient feeder.

Pursuing his clear ambition to get a superior education, he attended Washington & Lee and the University of Florida. Awarded a B.S. in Business Administration in 1937, he completed his formal education at Gainesville by earning his law degree with honors in 1939. Past President of Phi Kappa Alpha (a fraternity which included in its membership his colleague, the late Judge John G. Hodges, and also this writer), he also affiliated with Phi Kappa Phi and Phi Delta Phi, scholastic and legal societies respectively.

His supreme achievement after graduating from law school was his marriage in the late fall of the same year. His beautiful future wife, Irma Cone, lived in Mayo, only a medium iron shot from Gainesville. She was teaching high school when she met Moody at a fraternity social. “Preacher” Gordon, legendary Presbyterian minister in Gainesville, did the honors and their marriage thrived for more than sixty years; “beautifully blessed,” to use her vivid phrase. Children of the marriage are: Carole

Moody Shelton, and U.S. District Judge James C. Moody, Jr., both of Plant City, and William B. Moody of Lexington, S.C.

Better known, perhaps, for its strawberries, Plant City also produced (or adopted) an impressive crop of attorneys, in addition to the subject of this piece, over the years. Some who come to mind: J.E. Cassels, J.R. Trinkle, James A. Henderson, Harry G. McDonald, Jas. D. Bruton, Jr., Paul Buchman, E.P. and D.M. Martin, Woodie Liles, and Harley Miller (all now deceased). Still living and active: John Germany, Warren Cason, William Reece Smith, Jr., Robert Trinkle, Jim Redman, Bob Edwards, Bob Clawson, Conrad Swanson, and Hon. James S. Moody, Jr., currently U.S. District Judge in Tampa.

After finishing law school in 1939, it was not long before Moody became associated with John R. Trinkle in the practice. It was a fortuitous connection for the 25 year-old new lawyer. A native of Indiana and graduate of the state university law class of 1925, Trinkle soon became established as a highly skilled and able lawyer who toiled with great success until his death on March 25, 1969. One of his law school classmates was Hoagy Carmichael who shunned law to become an internationally famous composer and musical prodigy. John Trinkle's two sons were trained in the legal profession: John, Jr. was a partner in Allen, Dell, Frank & Trinkle for years until his death several years ago; Robert Trinkle is a senior member of the Plant City firm, Trinkle, Redman, Byrd & Coton.

The advent of World War II interrupted Moody's career trail. He served with the Army Military intelligence in Europe during his service (1943-1946), and was discharged as Captain in the U.S. Army Reserve.

Before his call to colors, while Trinkle & Moody was developing and gaining in professional stature, there came probably the first flicker of interest in local government and politics. The February 2, 1941 edition of *The Plant City Courier*, a local paper published twice weekly, carried a front page story announcing Jim Moody's appointment as Assistant County Attorney under Luther W. Cobbey. Oliver Maxwell, Cobbey's brother-in-law with whom he practiced law, would years later serve on the Circuit Court with Moody. At some point in the history of Hillsborough County's government, it became customary for East Hillsborough to be represented on the staff of the County, e.g. John Germany, Harry G. McDonald and Bob Edwards were all at different times hired for that job, and there may have been others. The aforementioned of the Courier, incidentally, featured "Fuller's Fulminations," a political commentary by future Governor Fuller Warren.

In 1948, still an Assistant County Attorney, Moody decided to challenge E.P. Martin of Plant City for his seat in the Florida House of Representatives. Martin was not a favorite of the Tampa press: the *Tampa Daily Times* called him, "the most disrupting influence of the whole delegation," and a "dogged obstructionist." Martin was defeated, garnering 2104 votes to Moody's 3564. Losing only the Keyville precinct by 11 votes, Moody's public career took off and endured for thirty years.

Moody served in five legislative sessions, 1949-1957, and his was a record of getting things done without hoopla or self-aggrandizement. Former 2nd District Court of Appeals Judge, Robert T. Mann, now living in Clearwater, was also a House member for several terms beginning in 1957. He usually aligned with Moody as a friend of LeRoy Collins' legislative agenda. Mann confirms that Jim Moody (not a back-slapper, to use

his term) was deserving of a dual MVP award (most valuable person) given during the 1957 session both by the legislature and the *St. Petersburg Times*' poll.

A few of the highlights of his Tallahassee period:

1) Called "Icewater Jim" by his colleagues, a sobriquet played up by the media, he served three terms as Chairman of the House Appropriation Committee, earning the reputation, which he wore proudly, of keeping a tight rein on expenditures of public funds. In the 1955 session, he axed one bill which he himself proposed to provide Circuit Judges a secretary at state expense.

2) He was the only member of the Hillsborough delegation to oppose the bill sponsored by his colleague, Neil C. McMullen, to allow the Tampa Utility Board to take over Tampa Electric Company. The proposed legislation which Hampton Dunn off the *Tampa Times* called a "sneak" play failed when Senator John Branch joined in Moody's motion to table the bill.

3) *The Tampa Daily Times* reported on May 28, 1949 that Moody, commenting on how the job of Hillsborough County Attorney should be filled if Nelson Spoto were appointed by Governor Fuller Warren (he was), said, "It is my feeling that this position should be filled by a qualified attorney not previously holding any public office." Those reportedly interested in the attorneyship were Senator Raymond Sheldon, Deputy Neil C. McMullen and Moody himself.

4) Showing a keen sense of high ethical standards, an incongruity in contemporary political life where the lobbyists and special interests are in control, Moody sharply criticized the South and Central Florida Flood Control Districts for entertaining legislators at dinner during the 1955 session.

5) On November 29, 1957 he was presented with an award for meritorious service to the public by Governor LeRoy Collins. It read:

“You are one of the most completely dedicated men I have known. Your political career has not been one influenced by ambition for power and glory. You have been one to do the kind of hard, painful, and often unnoticed work which is the real backbone of our democratic form of government. You have these qualities of character that make men wear well and endure. You are loyal and dependable. Public office to you Jim Moody is indeed a public trust—a burning obligation to which you have applied, without flinching, your mind, your energies, and your heart. [signed,] LeRoy Collins, Governor of Florida.”

The year 1957 was an especially notable one for Jim Moody. In addition to the previously described honors, he received the Plant City Jaycee Good Government Award that year. That capstone of his career in law was his appointment by Governor Collins as the fifth judge of the 13th Judicial Circuit. He was given assignment to new Division E (as in excellent). The appointment was hailed by Hampton Dunn of *The Tampa Daily Times* in his *Palm Tree Politics* column. Recognizing him as the first Circuit Judge ever appointed from east Hillsborough County, Dunn described him as “dignified, calm, willing to listen to both sides before making up his mind, firm, humane, considerate and mature.” High praise, indeed.

Moody served honorably until announcing his retirement effective May 31, 1977. He was only 63 years old. No reason was given for his decision to step down, but it is possible that he wished to avoid the proscription of the Code of Judicial Conduct from being an officer or director of any business. At one time he was a director of Hillsboro Bank, Sunshine State Federal Savings & Loan, and Florida Strawberry Festival Association.

He did more than just keep the judicial seat warm during his tenure, just shy of twenty years. From 1963-65 he was presiding (now called chief) judge of the Circuit. His statewide influence became manifest when in 1967 he was one of two Circuit Judges

in the state to serve on the newly created Judicial Qualifications Commission. In late 1969 he was elected Chairman of the Conference of Circuit Judges of Florida, elevated from the vice-chairmanship as of January 1, 1970.

He was, according to the *Tribune*, one of the leaders of the opposition to the proposed “home rule” plan for Hillsborough County under consideration by the legislature. He was criticized for speaking out on that issue by the *Tampa Tribune* for possibly giving the appearance of partisanship. That was in 1959. Showing again that he was not bashful from being heard from on controversial matters, Moody, joined by his colleague, John G. Hodges, went on record against the proposals being offered to revise Article V of the state Constitution. Nevertheless, substantial changes in the judicial article were adopted in 1972 to become effective January 1, 1973.

One of his most publicized cases was *Thomas v. Duval* in which the plaintiff alleged that two of his neighbors, adjoining lakefront owners, had cut him off from access to the water by construction of a fence and placement of landfill. As reported in a news story, the judge swapped his robe for a swim suit so he could reconcile or resolve conflicting evidence on a crucial issue, to wit: the depth of the water at the site. The ruling enjoined maintenance of the fence and mandated removal of any fill. The court modestly declined to permit any news photos of his bathing attire at the *locus in quo*. Appeals from his judgment went to both the 2nd District court of Appeals and the Supreme Court of Florida went for naught; the opinion of the former tribunal can be found in 107 So.2d 148 (1958).

In 1960, Judge Moody evidently spearheaded the writing of a letter to the late well-known Tampan, Clyde Perry. The letter dated May 9, 1960 took exception to a

local newspaper ad promoting the reelection of Justice of the Peace W. Marion Hendry. The ad quoted from the report of a Tampa Grand Jury, of which Perry was foreman, finding that there was no evidence given the Grand Jury to establish any wrongdoing by the Justice of the Peace or members of his staff, and that as result of the investigation the members of the Grand Jury named in the ad “have confidence in Judge Henry. He is an honest public official doing a good job.” All five Circuit Judges (Moody, Parks, Sandler, Spoto and Germany) signed the letter advising Mr. Perry that the Grand Jury’s action was “inadvisable and unprecedented.” It is clear, however, that the admonitory letter was never sent because Senior Judge Parks directed that his name be removed and that no letter be sent. And, as Harry Truman used to say, that’s all there was to it.

In 1974, Moody ruled that the proposed (and controversial) Brandon Planning and Zoning Authority was not a valid act of the legislature, and his ruling was applauded by the local press.

From the lengthy record of serving as a Ruling Elder of the First Presbyterian Church of Plant City, Judge Moody’s deep religious convictions were evident to all. Lee Tennant, longtime employee of the Circuit Clerk’s office, who served often as his courtroom clerk in trials, recalls that he was the only judge in the courthouse who required the Clerk to use a Bible for the swearing of witnesses. Ms. Tennant, now retired, lives in Georgia.

Even after his productive life was curtailed by physical disability in his last years and he faced the only universal experience other than birth, Judge James Moody confronted the third and final act in life’s drama with characteristic courage and strength.

Late in his public career, Thomas Jefferson said, “I served with General Washington in the legislature of Virginia before the Revolution, and during it with Dr. Franklin in Congress. I never heard either of them speak ten minutes at a time, nor to any but the main point which was to decide the question. They laid their shoulders to the great points, knowing that the little ones would follow of themselves.” In fulfilling his destiny as a member of the State House, then later as Circuit Judge, Jim Moody was respected as a taciturn, quiet man who spoke plainly and to the point. He was in pretty good company...

Morison Buck

Last Word: “Every man is said to have his peculiar ambition. Whether it be true or not, I can say, for one, that I have no other so great as that of being truly esteemed of my fellow-men, by rendering myself worthy of their esteem.”

Abraham Lincoln, 1832