



Judicial Profile- John J. Hoy
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Answer this burning question: How many of you know a person who “trained” jackasses in French in the Sahara Desert? Got your interest? Give up? It’s John Hoy, one of our newly elected judges; but I’m jumping ahead of my story- let’s start in Swansea, Massachusetts, where he was born. Then after years of boiled dinners and after tiring of taciturn New England, he went south to Duke University for his B.A. Then because he was interested in African studies, he shipped out to the south Sahara in Niger as a Peace Corps volunteer. Thirty miles from the capital in the center of Africa, west of Chad (I mean this is real boondocks), he and 3 to 5 other Americans and 10 Frenchmen trained African students how to hitch up and utilize oxen and donkeys. This agricultural station was training young Africans to be agricultural agents. Not only that, he liked it. Then to Morocco, back to the United States, back to France for eight months, then back home: his world wanderlust was completed. He decided to go to Toledo Law School, “Dick and Jane” country, then to the Big Apple for the ritual Tax LLM at NYU, then to Florida. After passing the Bar, he joined that training ground of many capable alumni, Walton Lantaff. He remained there from 1976 to 1985; then after one of many splits at Walton Lantaff, he helped form the law firm of Davis, Hoy, Carroll & Isaacs, P.A. in 1985. From there he launched his successful election.

Early in his career he had done battle with a Miami lawyer named Alesia Novick. They had worked on two hospital staff privilege anti-trust cases over a three-year period. These cases must have been really boring because they fell in love. Not one to have an ordinary wedding with friends, flowers and rice, he and Alesia were married in Steamboat Springs on a skiing vacation. It cost them \$5.00 for a license, they went upstairs, and Judge Cooper married them; Joe Johnson (of McCall & Johnson) was best man and maid of honor. Now, two sons later, Alesia is staying home and will return to work as a lawyer in a few years.

This next section is entitled, “If at first you don’t succeed, try, try again!” In his Curriculum Vitea, John describes it as follows: “since 1985 the Judicial Nominating Commission for the Fifteenth Judicial Circuit has recommended me for appointment to seven vacancies on the Circuit Court.” John kept trying . Governors appointed Dan Hurley coming down from the fourth District, Don Adams in Belle Glade, County Judge after County Judge was elevated, everyone was over-qualified; so when Judge Poulton decided not to run for retention, John decided to go for that position by election. He started campaigning early last February. He first started talking to lawyers. Then he started going to political clubs, including Republican, Democrat and Independent. He went to a lot of service clubs, Rotary, Chamber of Commerce, V.F.W., American Legion,

and met with the movers and shakers of the condo crowd. This also included many visits to Belle Glade, Pahokee and Boca Raton . He was on the campaign trail for 6 months, 86,000 people voted and he won the election.

When John assumes his position as Circuit Judge, he will take Judge Lindsey's seat in Family Court. Rumor has it that Judge Cook will be taking over Judge Wessel's docket, Lucy Brown will take over Judge Stewart's docket, and Judge Phillips will remain in Family court.

Our new judge has become quite an expert in mediation and arbitration. In reply to a routine question as to why mediators don't ask a lot of questions during mediation, he said that every mediator works on a case that is most natural to him. Some are "deal maker" and they get right down to business and ask, "How much do you want?" The second question is to the other side, "How much have you offered?" A second broad category is the "third-party negotiator," and to take this approach, you need to know the facts of the case and you need to ask a lot of questions to find out where the strengths and weaknesses of each side of the case are. John says mediators are trained not to recommend a specific settlement figure, although some of our retired judges feel that recommending a figure is well within the mediation process. Our new judge states that in at least half of the cases he mediates, there has been no mediation summary filed. In a high percentage of the remaining cases, he is presented with a one-page letter. He said it would be most helpful to the mediator if one side or the other would provide him with a copy of the auto accident report, the discharge summary from the hospital, final medical report, a list of specials, lost wages, a list of any future medical, available insurance, set offs, and the demand and offer. It might also be worthwhile for the Plaintiff's lawyer to send a copy of the demand letter and for the defense attorney to send a comprehensive summary of the case that had been sent to the insurance carrier. Our new judge states we would be amazed at the number of cases that are hung up on a \$5,000.00 differential. He recommends that there should be some system by which routine soft-tissue injury cases could be mediated early so that a prompt settlement could be made without each side hardening their position. The pilot program on non-binding arbitration in three Circuit Courts addresses this problem, as the arbitration must be within the first 60 days. In a choice between mediation and non-binding arbitration, our new judge would pick mediation because this involves the parties. If they are a part of the decision-making process, they cannot complain later about the settlement, and this makes the system work better. A possible quick resolution of a case might be non-binding arbitration as a starting point; and immediately after this, mediation to see if an agreement could be reached. Non-binding arbitration and mediation are welcome newcomers to the decision-making process. Our new judge says these are successful with fine-tuning.

In conclusion, those who have known John through the years are proud of him. He is living proof that "nice guys" with a true social conscience don't finish last. The dame persistence he used training jackasses in the Sahara Desert paid off by vigorous campaigning in Palm Beach County. What the Florida Governors wouldn't give him, he went out and earned on his own.