

Chittenden County Courthouse Chronicle #10

## **“Judge Eaton”**

### *The 'Duke' of Woodstock*

*by Connie Cain Ramsey, Chittenden County Assistant Judge*

When I was elected Assistant Judge of Chittenden County, I was proud to become part of a great Vermont tradition that values the importance of local knowledge in the adjudication of Vermont law.

I was equally proud to be invited to the investiture last November of Harold “Duke” E. Eaton Jr. to the Vermont Supreme Court. Born, raised and educated in Vermont, Judge Eaton was appointed as a Trial Judge by Republican Governor Jim Douglas, and then ten years later, appointed to the Vermont Supreme Court by Democratic Governor Peter Shumlin. When queried by Governor Shumlin as to his political affiliation Judge Eaton said: “I don't think of myself as a Republican or Democrat – rather as a Vermonter.”

And there were plenty of Vermonters in attendance that day, from former Burlington restaurateur, Nectar Rorris, to fellow classmates from the Woodstock, Vermont, high school class of 1973, an eclectic bunch of supporters gathered to pay tribute to a man they knew would dedicate himself to serving Vermont's judiciary at the highest level.

Judge Eaton was born in Woodstock, Vermont, just 300 yards from Windsor County Courthouse where we were gathered that day. He graduated from the Woodstock High School, the University of Vermont, and Vermont Law School (the first VLS graduate to sit on the Vermont Supreme Court).

He was Woodstock high school's class president, following in the footsteps of his mother, who graduated as class president a generation before. Judge Eaton was raised in close proximity to the courthouse where his father sat as Assistant Judge for Windsor County. His mother was an administrator of the Vermont Judicial Bureau. Serving the Vermont judiciary has been a family affair. Of his upbringing, Judge Eaton said: *“Everything I have achieved or will achieve has been made possible by my parents.”*

Like many college graduates born in Vermont, Duke Eaton considered the opportunities of an out-of-state career. But he was too proud of being a Vermonter to be lured away from his home state. He once stated to a colleague: *“Why play for an away team when you can play for the home team?”*

After graduation from VLS, Duke served as prosecutor in the Chittenden County State's Attorney's Office and later worked as a lawyer in Rutland.

But his dream of returning to his hometown was realized when he, with another local Vermont lawyer, Thomas Hayes, founded the Eaton & Hayes law firm on the historic triangle in Woodstock Center.

At his investiture into the Vermont Supreme Court, Judge Eaton spoke fondly of his fellow Vermonters: *“Vermonters are a special breed, a hard-working, tolerant, resourceful, loyal and dependable people,*

*possessed of solid core values, good humor, and a seemingly unending supply of common sense. No finer examples of those qualities exist than in the people I grew up with.”*

### **“Respect for the Human Challenge”**

Former Woodstock High School classmate, Virginia “Ginny” Eldridge spoke at the investiture with heartfelt emotion. She spoke of Duke Eaton's sense of diversity, a different view of diversity from the common definition of race and color.

*“...knowing where a person came from, what he or she has faced and overcome, their means and how their evolution brought them to this point. It's a respect for the human challenge.”*

This, according to Ginny, is what separates a great judge from a good judge.

*“The ability to look a person in the eye and explain exactly why and how his decision was made. Talking with them, and not at them, and assuring them that they are understood to their core. Duke gets people,”* she added.

### **Humanitarian and Egalitarian**

In his court, Judge Eaton always gave the gift of a stuffed animal to children involved in his cases to help comfort them during the duress of court proceedings. He still keeps a thank you note given to him years ago by a young girl who was thankful for his gift to her of a stuffed bear. Every once in a while he thinks about that girl, now in her teens, and wonders if her life is better now, and if she is free from abuse and neglect.

Equality is a big issue for Judge Eaton. In his acceptance speech, he talked about the importance of drug court as a first step for many drug addicted people who otherwise would end up in the court system. Drug court allows addicted people to make amends outside of criminal court. At his swearing in speech, Judge Eaton said, *“...law abiding citizens find themselves breaking into their neighbor's houses, stealing from others, or engaging in illegal activities they would never have considered had they not become addicted. We cannot incarcerate our way out of this problem.”* He urged counties not offering drug court to do so, saying that these counties are *“no less in need and no less entitled.”*

The high cost of legal representation is another inequity that Duke Eaton spoke out on.

*“We find ourselves today with approximately 70% of our family court litigants representing themselves. At the same time, lawyers graduating from law school are struggling to get experience and to find employment. In my view we should work in conjunction with the Vermont Bar Association to further mentoring and pro bono opportunities, marrying the needs of young lawyers with the needs of those who cannot afford to pay full price for legal services,”* he said.

### **A Selfless Mentor**

Barbara Blackman, a young lawyer mentored by Judge Eaton, graduated from Vermont Law School 22 years ago. After graduation, she wrote letters to many law firms seeking employment and luckily was invited to join the Eaton & Hayes law firm in Woodstock. At Duke's swearing-in ceremony she paid tribute to her mentor: *“While I learned a lot at Vermont Law School...the honest truth is that I graduated*

*without knowing anything about the practice of law...he (Judge Eaton) became a mentor to me and had me work with him so that I could learn to be a trial attorney. Not every young lawyer is so fortunate.”*

Ms. Blackman spoke about the rules Judge Eaton taught her, like not allowing water at the lawyer's table in court because the jury didn't have access to water and therefore the prosecution and defense shouldn't have access to any. Another rule was not to react emotionally when a jury returns a verdict, rather wait to celebrate or commiserate with a client later in private quarters. Barbara also mentioned Duke's Ten Good Rules for Professional Conduct, citing three of them:

“strive to treat people equally”

“treat people with respect even if they don't treat you with respect”

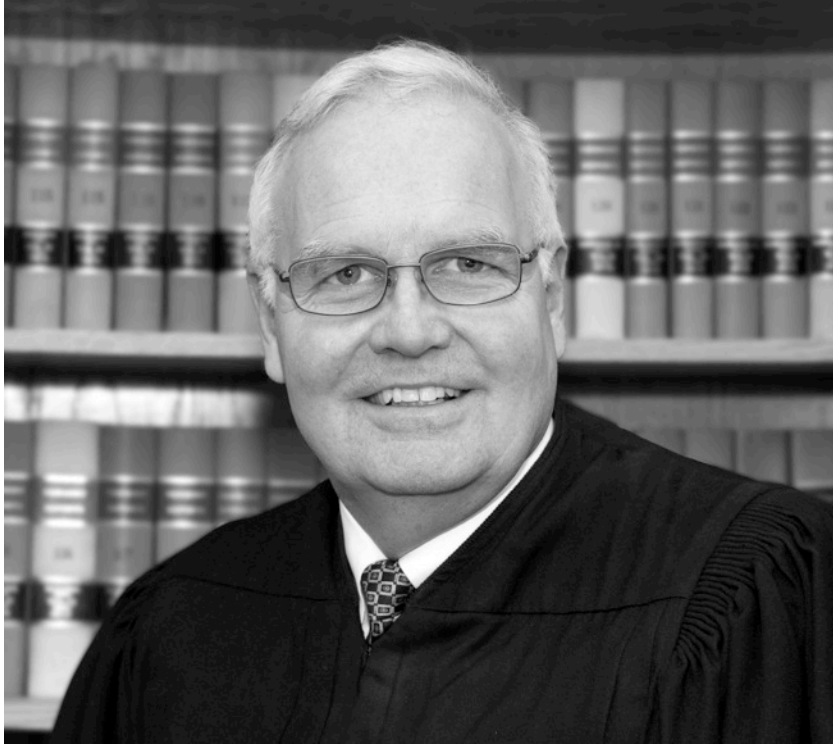
“never call a user of court services by their first name”

She ended her speech by saying: *“I, for one, would not be where I am today without Duke Eaton.”*

### **An Advocate for Assistant Judges**

It was great to be amongst the crowd of supporters witnessing the swearing-in of Judge Harold “Duke” Eaton that crisp Fall day – from prominent members of the Judiciary including Supreme Court Justices and Superior Court and Federal Court Trial Judges, to the friends and classmates from Woodstock High School for whom Duke reserved the court jury box. As an Assistant Judge in attendance, I was particularly proud of what he had to say in our behalf: *“The restructuring of our Court system has had many advantages. But there are also some unhealed wounds, especially among Probate and Assistant Judges. We should recognize the important roles that all judicial officers play within our judicial system and strive for inclusion not exclusion. Because of my background, perhaps, (his father was an Assistant Judge), I have never viewed Assistant Judges as an imposition. Whatever their historical origin may have been, I believe they play important roles in our judicial system. I do not feel my legal training has given me any more insight into determining the facts of a case than a lay person, whether they are an assistant judge or a juror. To my mind, the more viewpoints that are discussed the higher the quality of the fact finding.”*

Like everyone in that room, I was happy that Duke deservedly capped off his long law career by becoming a Supreme Court Justice. Still, I felt a little sadness that Vermonters had lost such a talented and personable trial court judge.



Justice Harold E. Eaton, Vermont Supreme Court Justice

*If you have questions or comments about this chronicle, contact Connie Ramsey at [Connie.Ramsey@state.vt.us](mailto:Connie.Ramsey@state.vt.us)*