

DAUPHIN COUNTY BAR ASSOCIATION
MEMORIAL RESOLUTION
ON THE DEATH OF
DAVID C. EATON 1929-2012

Our friend, longtime colleague and partner, David C. Eaton, passed away on January 19, 2012 at his home nestled in the beautiful woods of Monaghan Township, York County at the age of 82. Dave was born on November 11, 1929 in Warren, Pennsylvania, the son of the late Dr. Hamblin C. and Zelma M. Eaton. Dave's father was a psychiatrist and the one-time Superintendent of the Harrisburg State Hospital, where his family lived on the grounds. Dave often commented that having spent his formative years at a mental institution was perfect preparatory training for the practice of law.

He was a 1947 graduate of Camp Hill High School. It was here where he first developed an interest in the Navy, which he subsequently joined. He received his Bachelor's degree in Economics from Allegheny College in Meadville, Pennsylvania in 1951 and on December 23rd of that year, had the good sense to marry Mary Hunt. Unfortunately, the Korean War was occurring, and Dave, being on active duty with the U.S. Navy, served for the next 4 1/2 years in tours involving the Caribbean, Mediterranean and North Atlantic seas, primarily aboard the destroyer USS Hale. He also was stationed for a time at the Naval Research Center in Washington, D.C. Dave retired as a Commander from the U.S. Navy Reserves.

Upon the conclusion of his active service, he attended and earned his law degree from the Dickinson School of Law in 1958. While attending law school and in order to help support his family, Dave worked for the American Can Company loading railroad cars and also worked for a time for the Pennsylvania Railroad on a track gang, providing him with valuable experience into

the workings of railroads which would later serve him and his eventual clients well in his law practice.

Upon graduating from law school, Dave was admitted to the Bar on March 16, 1959 and began the practice of law sharing office space with Henry Hanson for a time. He eventually joined the law firm of Nauman, Smith, Shissler & Hall, practicing as an associate and partner there for over 30 years. He retired from Nauman Smith in 1995 as its senior partner.

During his distinguished career, Dave focused his practice primarily on litigation in both the county and federal courts and particularly in the representation of railroads, including the Pennsylvania Railroad, the Penn Central, Consolidated Rail Corporation and Amtrak. He was a member of the National Association of Railroad Trial Counsel and the Defense Research Institute. Dave ably represented his railroad clients throughout most of central Pennsylvania, all of the Pennsylvania Appellate Courts and the United States Middle District and Third Circuit Court of Appeals. He also handled numerous issues involving railroads before the Pennsylvania Public Utility Commission. Dave's skilled advocacy helped to establish several fundamental principles of law as they applied to railroads, many of which continue today.

Those who knew Dave and either worked with or opposed him in the practice of law gained a respect for his knowledge of the law, and although he demanded precision from both his associates and his opponents, he did so in a professional and gentlemanly manner. This was pointed out to me during one prolonged conversation with Dave about whether or not a certain citation style was correct. When I pointed out to him that the Supreme Court of Pennsylvania did so in the manner I was advocating, he informed me that even they were capable of mistakes when it came to proper citation method.

I and several of my current partners were the fortunate beneficiaries of Dave's mentorship, and he was never too busy or impatient to field the numerous, anxious questions of an associate drafting his first answer or returning from an argument court that had not quite gone as expected. Not only did Dave enjoy the practice of law, but he enjoyed equally the rich history of his clients and the circumstances involved within the cases he ably handled. He also valued the attorney-client relationship and embodied the ethics required in thorough representation of one's client and of ardent but respectful advocacy before the courts.

Those of you who knew Dave recall his love of automobiles, and like the case law he felt most authoritative, he preferred those which came out before 1960. Dave loved to drive those automobiles at a rather rapid pace, and I had the particular pleasure of leaving permanent finger marks in the armrest of the door of one of his cars on a particularly fast trip to and from the Federal Courthouse in Scranton one sunny fall afternoon. That trip made me think that Dave should have perhaps been a member of the Air Force as opposed to the Navy. Dave's love of cars, particularly older ones, was also evidenced by his membership in the Antique Auto Club of America, the Buick Club of America and the Hershey Antique Car Association.

Dave spent many an hour regaling his friends with tales of the 1941 Phaeton Buick convertible that he was restoring, and many of his friends would joke with him that it was taking so long to do the restoration that Buick would be out of business before the car's restoration was finished. That almost came true, but fortunately, the car was completed and one of Dave's last car trips was with his son, Bill, to a show in Massachusetts where the car won an award.

Dave also treasured his poker group. As the history has been recounted to me, one of the now "younger" members of the group, they first began playing poker together after a bar association picnic over 45 years ago and have continued more or less monthly ever since. Made

up of fellow lawyers from both the public and private sector, this group was the embodiment of the expression inscribed on our own lawyer's lounge, "And do as adversaries do in law, strive mightily, but eat and drink as friends."

Dave's other interests involved being a member of the Torch Club, the Navy League, serving for many years on the Research Committee for the Harrisburg Hospital and as President of the USS Hale Reunion Group, the ship he had served on during the Korean War. At the time of his passing, he was a member of the Grace United Methodist Church of Harrisburg.

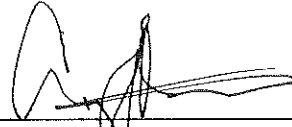
Dave is survived by his wife of 60 years, Mary H. Hunt Eaton, now of Rockville, MD; his daughter, Gail H. Eaton; his son, William D. Eaton; Bill's wife, Judy; their three grandchildren, William, Amy and Eric; and a sister-in-law, Ginny Eaton, of Harrisburg, the widow of Dave's only sibling, Robert H. Eaton, who preceded him in death and was an equal lover of history.

Those of us who had the pleasure of knowing and practicing law with Dave will always remember him as a skillful practitioner, a kind and knowledgeable mentor, a valued partner, a true gentleman, a trusted colleague and a friend. Memories of the lawyer he was and, more importantly, the person he chose to be, will be treasured, and his presence will be sorely missed.

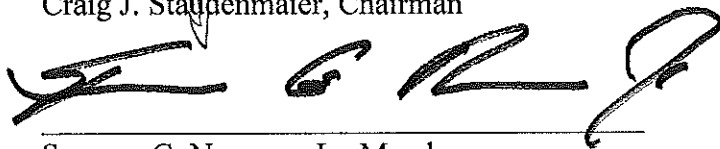
NOW, THEREFORE, BE IT RESOLVED, that in the passing of David C. Eaton, his family, his colleagues and the community have lost an honest, decent and caring person and that our Bar has lost one of its most able practitioners.

And Be It Further Resolved, that the members of the Dauphin County Bar Association, in meeting assembled, mourn the death of our esteemed colleague, David C. Eaton, and tender our sympathy and condolences to his widow, Mary, and his family, Gail, Bill, Judy and their children.

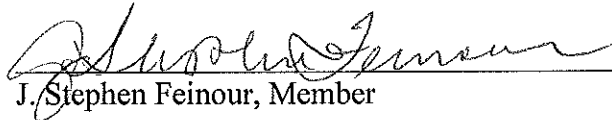
And Be It Further Resolved, that copies of this Memorial Resolution be spread upon the records of the Dauphin County Courts and the Dauphin County Bar Association, that the original copy be filed in the Office of the Prothonotary, and that copies be transmitted to Mary and her family.



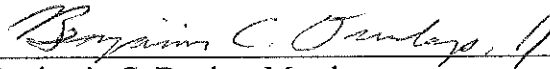
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