

1985

A Tribute to E. Ballard Baker

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Recommended Citation

Robert E. Shepherd Jr., *A Tribute to E. Ballard Baker*, 19 U. Rich. L. Rev. 447 (1985).
Available at: <http://scholarship.richmond.edu/lawreview/vol19/iss3/2>

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UNIVERSITY OF RICHMOND LAW REVIEW

VOLUME 19

SPRING 1985

NUMBER 3

A TRIBUTE TO E. BALLARD BAKER

The Editorial Board of the University of Richmond Law Review respectfully dedicates this issue to the memory of E. Ballard Baker, 1918-1985. Judge Baker was a graduate of both Richmond College and the T. C. Williams School of Law at the University of Richmond. He served on the Henrico County Court bench from 1967 until his appointment to the new Virginia Court of Appeals in December 1984. Judge Baker was an active alumnus of the University of Richmond. He taught business law at the University and was recently inducted into the University's chapter of the Omicron Delta Kappa leadership society.

E. BALLARD BAKER

*Robert E. Shepherd, Jr.**

I first came to know E. Ballard Baker in the summer of 1961 when, between graduation from law school and entry into the armed services, I joined the law firm in which he was a partner. I had not as yet received the bar examination results and I was practically useless to the firm, as most new lawyers are. I spent much of my time working with him, however, and following him to court. There could have been few better role models in the Richmond bar at that time for a young aspiring trial lawyer. He was not as bombastic as some of his contemporaries, but he was almost always better prepared. There were those who may have been more brilliant, but his research was usually more thorough. And he was always the very model of civility and displayed a genuine concern for

* Professor of Law, T.C. Williams School of Law, University of Richmond; B.A., 1959, Washington and Lee University; LL.B., 1961, Washington and Lee University.

litigants and witnesses, court officials and judges, and jurors and other attorneys—traits unfortunately much rarer today. E. Ballard Baker was, in a phrase, “a lawyer’s lawyer”—one who tried every case, whether pro bono or for an insurance company, with the same care and meticulous preparation, and generally with the same favorable results. He taught me much about what it means to really be a lawyer.

When I returned to the firm in 1964 after completing my military commitment, he had become a judge of the Henrico County Court—today split into the general district and juvenile and domestic relations district courts—and he took to that role the same respect for people and dedication to the law which had characterized his private practice. Litigants before him without counsel received the same attention as those with lawyers from the most prestigious firms, and he often spent his evenings in the library researching issues presented to him to insure that justice was achieved.

A friend of mine once told a story about a case before Judge Baker that epitomized his integrity. It was a “simple” landlord-tenant case in which my friend was the unrepresented tenant and the landlord was represented by counsel. Judge Baker heard all the evidence with great patience and ruled for the landlord near the end of the afternoon. The next morning, Judge Baker telephoned the tenant. He told him he had been bothered by his decision and had gone to the University of Richmond Law Library to further research a troublesome legal point. After additional consideration, he had decided to reverse his earlier decision and hold against the landlord. My friend’s view of the legal system was forever colored by Ballard Baker’s dedication to truth and total justice.

When Judge Baker was elected to the circuit court bench in 1966, many at the bar had mixed feelings. Although no one doubted he would be a tremendous asset in that position, there was much sentiment that a person like Judge Baker would be more valuable in a “people’s court” such as the county court, where the legal system and the public interacted most often and where his concern for people, sense of justice, and ability were sorely needed.

His service on the Henrico Circuit Court, and finally as the first Chief Judge of the Court of Appeals, only added to the luster Judge Baker had acquired at the bar and on the county court bench. It would be a rare legal holiday when I would not encounter

him in the law school library researching a point in a case where the attorneys had perhaps been a bit superficial, or had overlooked a point; yet he never mentioned their shortcomings. He seemed extraordinarily tolerant of the deficiencies of others, while he set exceptionally high standards for himself—qualities much desired on the bench. One of the last times I saw him was when I went into the Virginia Supreme Court library to look up a case. There he was, the Chief Judge of the new Court of Appeals, sitting at a table with volumes of the Virginia Reports spread out before him researching cases. He was, then, a judge's judge as well.

He loved the University of Richmond and was proud of the continued development of the law school. There were few law alumni functions he missed, and his wife, Billy Jane, an equally loyal alumna of Westhampton, was generally by his side. He taught one of the trial advocacy courses on occasion and never turned down a request to lecture at a continuing legal education program or to judge during a moot court competition. The last time I saw him was in the Moot Court Room at the law school with Lawrence Koontz, now his successor as Chief Judge of the Court of Appeals, waiting to have their pictures taken for an alumni publication as the two T. C. Williams graduates on the new court.

Judge Baker was a lawyer's lawyer; a judge's judge; a loving husband; a caring father; a Christian layman who lived his faith; a loyal alumnus; a teacher admired by students and other members of the bar and the bench; a good friend. What more could one leave as an epitaph when he leaves this fragile life? I shall miss his smile and friendly greeting, but I will especially miss his example which did much to make me a better lawyer, a better person, and consequently a better teacher. Thank you, Ballard, for touching my life in so many important ways.

