

## Paul Gillies Remarks – Dan Richardson Swearing In Ceremony 5/20/2022

What a glorious day this is. What a rare and special moment when we are privileged to share the joy and pride of someone who achieves their most cherished life goal. It's a magical moment, deserving of a ceremony where the individual can be celebrated and lauded.

Investiture into the office of a judge is akin to the ordination of a minister or priest. The similarities are striking. In both cases, the individual dons a robe, takes an oath (or three), rises up a step to an altar or a bench above the rest of us, and renounces the world and its temptations. And then, properly self-isolated, is required to hear the confessions of the wicked and the guilty, the innocent and the unlucky, and judge them, punish them, reward them, cleansing their souls or offering a way toward redemption, one case at a time, all day long, all week long, all career long.

The Governor has chosen Dan, and it's a good choice. We all know Dan: to know him is to love him. But before he slips from our grasp into the hermitage of the bench, the protective bubble of the robe, let's take a last look at our friend. Let's look at him closely.

Those whose job it is to hire others for jobs have to know how to read a resume. The discovery of a period of time unaccounted for must raise questions. From the time he graduated from college to the time he entered law school was more than four years. The resume is silent on this period. Questions must be raised. Where was he, and what was he doing? Many go to law school directly after college. Dan didn't take that route, and that decision makes him a superior Superior Judge.

Where his passport required declaration of profession, he wrote: "comedian." His first inspiration was to make people laugh. He chose the most difficult of all performance choices-improvisational comedy. Right out there, without a score or a script or a prop. His comedy comes from within, spontaneously, and his quick wit and imagination flashes when he's challenged. With other

actors he stands on the stage. The audience throws out words, scenes, ideas, and the actors have to make up a skit or a song that incorporates the words and ideas. What a risky business that is. The odds of failure-failing to bring out the humor-are high, and there you are, exposed on the stage.

To support his comedy, Dan went to work on the grounds crew of a large Boston cemetery. A blue-collar job, an outside job, the kind of job where you shower at the end of the day, rather than the beginning. Among other workers who didn't have college degrees, weren't Phi Beta Kappa. He learned about plants, burials, and graves, all the business of cemeteries, about making friends and dealing with people-and he thrived.

In those four years he learned humility. The lessons were not put aside as he moved into other worlds, worlds we inhabit, the dry, cold atmosphere of the courtroom, the prison quiet of the law office, the fire pit, the furnace, the searing volcano that arises when people confront their fears and passions. In our world, in spite of its distractions and challenges, Dan has delighted us with his magic, and performed in the same way he did on that stage and in that cemetery. He is a product of his experiences, all of them, not just the intellectual, the jurisprudential, the transactional, but the essential challenge of dealing with others unlike himself, in their most difficult moments.

These experiences are essential to the development of character, as a judge, as a human being. They are critical predictors of his success after he left the cemetery-law student, judge's clerk, litigator, partner, city attorney, and soon, Superior Judge. These experiences, particularly to a high-achieving individual like Dan, remain in him long after he doffed the work clothes of the graveyard, the imaginary costumes of the stage.

Dan has many friends, many loyal acolytes and associates. We are the lucky ones. We've all learned from Dan, been intrigued by his words and delighted by his energy and amazed at his genius. Here he is, Eagle Scout, President of the Bar Association, the recipient of every award available short of the Nobel or the Pulitzer or canonization, and yet, accessible, humble, generous, funny, and kind.

After law school, Dan was hired as clerk in the Chittenden Superior Court, and learned the law on the job, enriched by his work with Judges Matthew Katz, Richard Norton, and Geoffrey Crawford. Dan listens. He absorbs. Nothing escapes him. He learned how to be a judge by serving great and experienced judges and lawyers. I suspect it was in those chambers that the first inspiration to become a judge was born.

My first encounter with Dan was about twenty years ago. Gregory Sanford and I had been invited to submit an article on Section 47 of the Vermont Constitution for publication in the Vermont Law Review. Once a draft was submitted, I received a call from the student editor, suggesting the addition of a quote from Edmund Burke as a footnote.

Burke spoke to his constituents in 1774 about the role of a representative, reassuring them that in all he did in Parliament he would always "prefer their interest to his own."

But his unbiased opinion, his mature judgment, his enlightened conscience, he ought not to sacrifice to you, to any man, or to any set of men living. These he does not derive from your pleasure,--no, nor from the law and the Constitution. They are a trust from Providence, for the abuse of which he is deeply answerable. Your representative owes you not his industry only, but his judgment, and he betrays, instead of serving you, if he sacrifices it to your opinion.[1]

I have often had a problem with being edited (perhaps we all do). Coming from a mere law student, I declined the footnote, slightly offended that my deathless prose could be improved. Maybe I thought Burke's statement had become a cliché, as it was said many times during the hard debates over civil union. I was wrong. My pride got in the way. Looking back now, I see Dan was right: Burke fit right in with the study of how the legislature decided elections of constitutional officers when "There Be No Choice Made." But it took years to realize that. I look back at that phone

call as an augury.

A year or two later, I was about to try a case in Chittenden Superior before the Hon. Matthew Katz, and the recording system broke down. "Ask Dan to come out here," said the judge, and out of the back came this man, who quickly fixed the machine and then turned and introduced himself. The one person in the courthouse who knew how to fix the machine. Then he disappeared back into the chambers of the court.

This man is about to become a Superior Judge. Governor, Dan is ready. What he has done in his life has prepared him for the bench, and not only because of his impressive resume, his honors, awards, leadership, and abilities, but in what he did before the law became his passion.

Let me add another element of character. Dan is, without qualification, the most well-read person I've ever met. The breadth of his reading is extraordinary. With all the duties he has as a father, a husband, a leader of Boy Scouts, a city councilor, a law professor, an acting judge in Small Claims, a litigator, a city attorney, he finds time to read. Heaven knows how he does it. Does he ever sleep? He doesn't just reduce the pile of novels on his bedside, and add titles to his list of books. He reads closely. He absorbs. And incidentally that has made him a fine writer. Just look at his recent book reviews in the Bar Journal, his Small Claims decisions. He could have been another David Foster Wallace, a Kerouac, a Steinbeck. Literature will get over losing him to law, and Vermonters will be the beneficiaries of his choice.

We were delighted when Dan joined our office, an associate who became a partner. He tried his first cases with us, and it didn't take long before he learned to fly on his own, in courtrooms all over the state, in cases both important and those lacking poetic beauty. He took to litigation like a young Robin learns to fly, stretching his wings, gracefully gliding through the sky, with a joy and a natural dexterity and balance that is a wonder to observe. Not long after the fledgling flew off on his own, he began to teach us and inspire us with his energy and imagination.

So today, as we wave goodbye to Dan Richardson as he embarks on his new career, dons the robe, takes his seat one foot above us on the bench, we cannot but marvel at how perfect the appointment is. Governor, excellent choice. Vermont will be in your debt for your decision, and your legacy, among all the other accomplishments, is ennobled by the decision to appoint Dan Richardson to the trial bench. Thank you.