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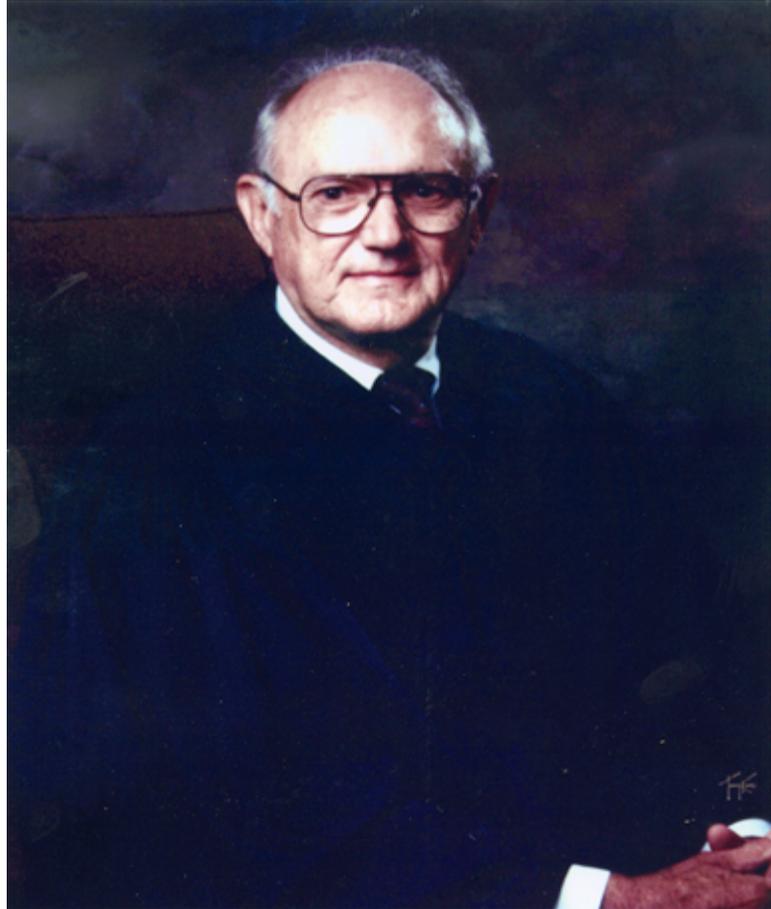
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Vernon W. Evans, Jr.

**TENDERHEARTED
SAGE OF SAUGUS (1919-
2001)**

Marianne Moore, American poet (1887-1972) considered a prime stylist of the “objectivist” school of poetry, once observed: *“We must have the courage of our peculiarities.”*

Vernon Evans, man and judge, was possessed of exceptional mental acuity; he had his own unusual, some might say peculiar, personality. His Saugus High



School Yearbook described him as “temperamental.” Around the courthouse-connected legal community, he acquired a reputation of being grouchy, of having a Ned Sparksian temperament (only old Sparks never appeared to crack a smile, and his most familiar facial expression was a snarl). This is not to suggest that Judge Evans frightened small children. As we will see later, he had a soft spot for children and small animals, whether sitting on the Court or in his private life.

A comprehensive commentary on the character of Judge Evans comes from another Judge Evans of Tampa. Don Evans (no relation to Vernon), now retired Circuit Court Judge, is the son of longtime United States Probation Officer who served for many years with great distinction in the Tampa Division of the U.S. District Court.

I first met Judge Evans when he came on the bench and I was practicing law. He was a “*no nonsense*” type judge. He probably granted fewer continuances than any judge in our Circuit’s history. Although he came from the defense side, as a judge he didn’t lean that way. Some thought he did, as he would hold plaintiff’s lawyers’ feet to the fire, but he did it equally to defense lawyers. He was personally a very conservative person, in the political sense. Although raised as a New England Republican, I’m sure he eventually registered as a Democrat. He and I became close friends once I became a judge. Each time he would earn some accolade, I would always tell him they’d gotten mixed up and it was supposed to go to me. We probably played 100 rounds of golf together. For years, we played as partners at the prestigious “*Waddell Invitational.*” He was a fierce competitor, and may be best remembered by those who didn’t know him very well, for his temper. He definitely had one, but it was mostly him strongly voicing his views about issues. I used to kid him about his famous golf tirades. He didn’t think they were funny, but tolerated the teasing.

He moved to Lutz primarily to be geographically closer to his 80 acre ranch in Hernando County. He raised cattle there. He did it for the tax benefits, but also for the experience. He didn’t enjoy taking his cattle to market. He’d given some of them names. There were a few which he’d never been able to catch and they died there, of old age. Interestingly, the ranch land is now adjacent to Hernando Oaks Gold Community. Consistent with his reluctance to take his cattle to market, he loved all animals, especially dogs. One day he arrived at his ranch to find a pup next to the gate. He took him home and “*Gate*” was his buddy for many years. The fact that Gate wouldn’t let anyone get close to their house, including Vernon’s wife Nell, didn’t matter. Vernon served the

people of Hillsborough extremely well and served as an example of what a Judge should be, to many new judges. We continue to miss him, but he still vividly lives in our memories (Don Evans).

A native of Saugus, Massachusetts, Vernon arrive there on December 23, 1919, the only child of Vernon W. Evans and wife, Gladys Wyatt Evans of Prince Edward Island, Canada. The senior Evans was Superintendent of Schools in Saugus and also served as a Selectman (one serving on a board governing the community, a practice common in New England). His mother became a trained LPN in later life. After his parents separated, later divorcing, Vernon enjoyed living with his mother's family consisting of, as he put it, "*Twelve relatives in four separate apartments in one great house.*" Saugus is an historic town located about 13 miles north of Boston, by U.S. 1, with about 27,000 residents. The local Chamber of Commerce refers to the town as the "*Gateway to the North Shore,*" and is proud of its National Historic Site, Saugus Iron Works.

After his undergraduate work in local schools, probably under the watchful eye of his father, and later at DePauw University in Indiana, Vernon received his bachelor's degree at the University of New Hampshire in 1941, about 6 months before Pearl Harbor. During his Durham days at the latter institution, he worked in the Kappa Sigma House waiting on tables and cleaning the kitchen. In his senior year he was House Manager, receiving no salary, but allowances for various fraternity obligations and meals.

Showing a high degree of prescience, anticipating he would soon be drafted into military service, Vernon enlisted as an Aviation Cadet in the Army Air Corps. In some autobiographical notes put together at the instance of his close friend and associate, F.

Ronald Fraley, Vernon acknowledges his discomfort as a potential aviator after some solo hours in a P.T. 19. Dropping out of the cadet program, he remained in the Army Air Corps as an Armament Cadet. He was commissioned a 2nd Lieutenant in January 1942 until separated with the rank of Captain. In July, 1956, he was promoted to LTC (05) in the Reserves. Of his five years on active duty in WWII, 30 months of it was in Australia, New Guinea and the Philippines. During his duty time in New Guinea, he contracted malaria which, Vernon said, made him a true veteran of the Southwest Pacific war.

After his extended military service in the Army Air Corps (which became the Air Force during the Truman administration), Evans moved to Arizona to escape the cold climate of Massachusetts. While working in a menial job in Phoenix, he met and fell in love with his first wife, Annett, who had a connection with the same business college where Vernon was employed. They married on September 25, 1946. Meantime, he became committed to becoming a lawyer but learned that due to rigidly restrictive residential requirements he could not gain early admission to law school in Phoenix. Consequently, he came to Florida where within a reasonably short time he could enroll at Stetson College of Law, then in Deland. Upon graduating with his LLB degree in 1948, he teamed up with the late Richard Cooper (later Judge Cooper) and they practiced as Cooper & Evans in Deland for a time. Later, Judge Evans remarked that they “*almost starved.*” Judge Cooper, by the way, died November 16, 1990.

To help support his family, which grew over time to include a daughter and two sons, Vernon became a claims adjuster with American Fire & Casualty Company in Jacksonville. Later, he was reassigned to Bradenton by the company and was promoted to manager at the latter location. This experience became invaluable to him later as a

defense counsel representing insurers in jury trials, state and federal. Another significant move in 1952 brought him to Tampa where he became an associate of the small firm of Graham, Dixon & Flynn. In November of the following year, the Tampa Tribune announced that Vernon received appointment as Assistant United States Attorney in the Tampa Division of the U.S. District Court. His appointment was recommended by the U.S. Attorney, James L. Guilmartin, a Republican, who served during the Eisenhower administration. At the conclusion of his two year stint as a federal prosecutor, the same newspaper noted that Evans had lost only three or four cases he handled over such period. Convictions he obtained included those of gambling figures like Charlie Sulli and John C. Ippolito on wagering and other charges. He also handled presentations to a Grand Jury that led to indictment of Santo and Henry Trafficante on gambling stamp violations.

In the years 1953-1955, Evans worked alongside Frank Muscarella, Jr. as Assistant U.S. Attorneys. Both were assigned to the courtroom of the late Dist. Judge William J. Barker, relates Hon. Roland Gonzalez of Tampa, now retired from Hillsborough County Circuit Court, who was for several years Judge Barker's trusted and able Law Clerk. During the years last mentioned, Evans became friendly with Felix Sharpe, not 87, retired U.S. Deputy Marshal who remembers Vernon as one of the brightest and best he ever dealt with in the U.S. Attorneys office in Tampa. Muscarella, who lives in Palm Harbor, describes Vernon as a "very smart attorney who tended to be a loner and not very talkative about his personal life."

In October, 1956, Vernon took another step up the ladder of professional achievement by becoming a partner in the established Tampa law firm of Shackleford

Farrior (now Gray Robinson). He was a major “*trial horse*” in the firm, participating in between 400 and 500 civil trials (jury) in his eight years with that firm. Moreover, he also was appointed to represent approximately 30 persons on trial for federal crimes. Those courtroom experiences afforded him perhaps the rare opportunity to develop his own style and technique as a top notch trial lawyer defending largely tort actions on behalf of insurance companies.

This scrivener still remembers a federal court trial in Tampa, Judge George Whitehurst presiding where this humble one representing the plaintiff suffered a defeat at the hands of Vernon Evans. My client was a passenger in the front seat of an automobile heading for Avon Park for the purpose of attending a church conference. His driver collided with the rear end of a truck which protruded out upon the roadway. One of the affirmative defenses pled that the parties were on a joint venture; that the plaintiff’s driver was negligent and that his negligence was imputed to the plaintiff. I like to think that the court’s instruction to the 12 person jury is the reason why it returned a defense verdict, but it still smarts. My client was never offered any settlement despite his loss of hearing in one ear as result of the accident. Or it simply may have been that the jury couldn’t stand plaintiff’s lawyer. Vernon had developed a trial technique which proved to be highly effective. Whenever she received an adverse ruling from the Court during the trial, he would virtually fold up and collapse in his chair at counsel table. I almost expected one of the lady jurors to rush out of the jury box and apply a cold cloth to this forehead. Crafty Vernon!

During his years with Shackleford Farrior, he was a friend and mentor to a younger crop of trial advocates, including F. Ronald Fraley, Esq., Calvin A. Pope, Esq.

and C. Lawrence Stagg, Esq. Fraley prepared a splendid Remembrance of Judge Evans after the latter's death, and it was published in the November, 2001 edition of Lawyer magazine. Larry Stagg contributed the following observations pertaining to Judge Evans:

There are a ton of stories about Vernon Evans. My particular favorite relates to golf. After finishing a particularly frustrating round, he took his clubs to his attic where he chained and locked the, instructing his first wife, Annette, to hold the key and not to give it to him no matter what he said. A few months later, on one of the gorgeous spring days we enjoy in Florida, he was persuaded to again play by some of his pals at Shackleford. I don't know exactly how he managed to retrieve his clubs, but you can imagine the exchange between him and Annette on the subject. Judge Evans' son, Dan, advises that when the attic where the clubs were chained to a rafter was entered, they found a hack saw, the cut chain and no golf bag.

Vernon was a masterful trial lawyer. I watched him a number of times and even participated in a criminal trial with him as the court-appointed defense lawyer while I was clerking with Shackleford. He had that "*hang dog*" way about him that you describe.

There was no one case in which he defended Greyhound, I think. The claims representative who came to attend the trial did not know Vernon and was apparently somewhat disappointed in Greyhound's selection of a trial lawyer during the first day. He revised that opinion as the trial went along, of course, and I am sure it was a defense verdict. John McQuigg, a veteran Tampa attorney, has positive recollections about

Vernon Evans:

During 1962, I joined the law firm of Shackleford, Farrior, Stallings, Glos & Evans. Soon I asked whether the Evans in the firm name was Tom Evans, head of the real estate department, or Vernon Evans in the trial department. The answer given to me was "*both.*"

Other lawyers, including those in the Shackleford firm, considered Vernon to be a highly skilled jury trial lawyer. Vernon was very loyal to the many insurance company clients that were loyal to him. The junior lawyers in the Shackleford firm, including me,

learned about loyalty to the client when several times Vernon, without complaint, would at the direction of one of the most thrifty insurers, turn down a small settlement offer and take a case to trial.

During early 1973, Vernon and I had adjacent offices at the Shackelford firm. One afternoon, I could tell that Vernon was ill and he admitted to dizziness and nausea. When the symptoms kept up, Vernon agreed that he might have an inner ear infection or possibly even a heart attack. Reluctantly, he agreed to let me drive him to the Tampa General Hospital Emergency Room for diagnosis. Vernon's physician was Lester Zipser, M.D., and he soon answered a page to the Emergency Room as he was making rounds at the hospital. Vernon and I told Dr. Zipser the symptoms, and Dr. Zipser began his exam by putting his stethoscope to Vernon's chest. Vernon's habits of thrift and efficiency then go the upper hand. He said, "*...Doctor, while you're here, please look at my leg where it was cut by the outboard motor last summer.*" Dr. Zipser chuckled and said, "*Vernon, if you don't mind, I'll examine this end first.*"

During 1973, Vernon became a Circuit Judge. Some attorneys mistakenly assumed that Judge Evans' long experience in vigorously defending insurers would mean that he would be establishment-minded in his rulings. Not so. During the early 1980's, I represented a large national corporation that had been sued by a small Florida business. My opponents were a former Circuit Judge and a younger attorney who is now a Circuit Judge.

The case was assigned to Judge Evans and eventually it was set for a non jury trial. Some of the advice that I offered to my client was that a reasonable settlement

would be the best course, as I knew that Judge Evans typically was sympathetic to a party that had the position of an underdog in the transaction. The case was amicably settled. Vernon Evans was an attorney that I highly respected for his skill and integrity. He was an unforgettable character to me and others.

Astute Tampa lawyer with Tremam Kemker, Marvin E. Barkin, recalls a particular case where Vernon Evans represented the insurer for his client defending a claim that Barkin's client had polluted a stream:

“Vernon, he relates, “somehow managed to persuade the jury that any pollution in the stream related more to the natural effect of leaves falling and twigs decaying than the considerable contribution made by my client. He was so transparently honest and forthright that the jury had no problem agreeing with him to my amazement.”

Vernon received the first judicial appointment under the 1972 amendment to Article V in 1973 when Governor Reuben Askew named him to succeed the late Roger D. Flynn as judge of Circuit Court. This is the same Flynn who was instrumental in hiring Vernon two decades earlier to become an associate in Graham, Dixon & Flynn. Until his court appointment, Vernon gave generously of his time and expertise to indigents who sought help from Law, Inc. (now Bay Area Legal Services, Inc.) for their legal problems.

Vernon's former colleague at Shackleford Farnior, Calvin A. Pope, Esq. who served for several years on the Hillsborough County Circuit Court, after defeating an incumbent judge, Rene A. Zacchini in a squeaker, 50.43% to 49.57% in 1978, tells of his experience in what he says was Judge Evans first jury trial:

It was a common, if ill advised, practice for jury trial lawyers to schedule several jury trials in the same week with the belief that many would settle, and that the presiding trial judge would yield to the trial judge who first called the lawyer for trial thereby precipitating a necessary continuance of trials the lawyer had in other

divisions. Judge Evans was assigned the chambers and courtroom directly across from the chambers and courtroom assigned to jury trial Judge James Lenfestey. I was scheduled for trial in both courts the same week, but I was not first in line for either judge. By chance my trial with Judge Lenfestey began on Monday morning and all of the other cases scheduled in front of Vernon continued or settled.

Soon I began to receive communiqués from across the hall from Judge Vernon inquiring when I would be over to this courtroom to try his case. My Lenfestey jury was already selected and sworn, so I was compelled to remain until my jury returned a favorable verdict mid-day on Tuesday or Wednesday. While I was gathering my documents and gear to depart and the jury were going down the hall, a bailiff told me to come across the hall to see Judge Evans. Expecting a brief scheduling conference, I entered the Judge's courtroom to find him enrobed, on the bench with the *voir dire* panel in the box and the plaintiff and her lawyers sitting at the table in front of the jurors. In response to the Judge's across the courtroom inquiry about my readiness to favor them with my presence, I had no option but to say, without a pit stop: "*Ready for the defense, your honor!*" I hoped that my grin of confidence was not too thin to inspire some affection from the jurors. The best part about being the defense attorney in civil jury trials is that the judge and the plaintiffs do a lot of talking and paper shuffling before the defense attorney is allowed to speak.

Years of practice enabled me to be able to appear to be listening to the judge and the other parties while reading and reviewing my entire file. By the time I was called upon, I was ready. I did not win the jury trial completely, but I can't attribute to being impressed to duty before I had a chance to meditate between trials. The woman was hurt and perhaps the jury verdict was correct. The trial was held rather soon after it became necessary to have women on the jury *voir dire*.

For a time I had drawn panels which facilitated the selection of juries which were 50/50 man/woman and in some cases there were a majority of women and at least once, an all woman jury. The old timers were scared stiff to have women on the jury but I found that I liked them and got good results from them. The jury in the Judge Evans case was five women and one little Italian man with a moustache. Because of his age he could have had an automatic excuse, but he demurred and remained to the verdict. One of the women jurors was seated in the second row at the end of the jury box nearest to the Judge. She must have been chilly because her arms were bare and she folded them across her chest and one on top of the other. Within moments of the start of the trial she slumped in her chair and emitted a very quiet snore to accompany her closed eyes. It seemed apparent that the juror was asleep thus denying the parties their right to a six person jury. Not wishing to embarrass the juror or do anything to offend the other jurors I waited to the first conference at the bench to suggest to the Court: *“Say, your Honor, it appears that woman juror with her arms folded is asleep.”* The other lawyer had no comment, but the Judge was ready for the challenge: “You are right Mr. Pope, she is asleep, but there is nothing I can do about it.”

In later years I would have filed a motion to withdraw the juror and to mistry the case, but the anticipated costs of a retrial and poor thinking on my part stayed my hand. We enjoyed her peaceful sleeping countenance for the rest of the trial almost within arms’ reach of the Judge on his bench. A verdict was rendered in the amount of \$14,000.00 for the plaintiff and against my defendant, and I felt down as I trudged back to my office on North Morgan Street.

There was a court reporters office on the same floor as my office and as I walked past one of the women inquired about the verdict in my case. It was not an uncommon inquiry, but tho' I had often discussed my favorable verdicts with the reporters as friends, I did not enjoy this conversation. Politeness to a colleague's friendly overtures led me to grouse that I did not see how the jury could have reached a fourteen thousand dollars verdict in this case. (Sub-ten thousand dollars verdicts were common then). The lady said: "I am going to find out what happened. That man on the jury is my uncle." Fearing some ethical problem, I demurred. The next day the lady told me: "You were right. The verdict was not fourteen thousand dollars- it was thirteen thousand dollars, but one of the jurors thought that number was unlucky." I never asked about the contribution of the sleeping juror. Wouldn't it be something if that "unlucky" suggestion was her only comment in the jury room? I have always believed that I don't know how they reach a verdict of a certain amount, buy they seem to do what I think is right in a very high percentage of jury trials. I am not sure I need to know. It works and I love it. May it always be utilized satisfactorily.

B. Anderson (Bob) Mitcham, Esq. now a retired Circuit Court Judge, was defending a party in a Circuit civil case before a jury. A co-defendant, the insurance company, was represented by R. Corbin Glos, a partner of Shackleford Farnior. Judge Evans presided. On the second day of the trial, the case was in recess for lunch until 1:30 pm. Mr. Glos was not at the counsel table although his client and everyone else was in place, including the Judge, when the trial was due to resume. After some minutes of awkward silence, Judge Evans asked Mitcham if he knew where Mr. Glos was. Mitcham replied that he did not know. After more than an hour after the trial was due to proceed,

Mr. Glos strides in with his briefcase and sits down. Judge Evans said nothing but had Glos come to the judge's chambers. Mitcham has no recollection of any action against attorney Glos as a result of his tardiness. Corbin Glos died February 22, 1999.

In his unusually fascinating collection of essays entitled "The Middle of My Tether," Joseph Epstein writes about unusual aspects of the human face. He extracts a quote from George Eliot's story, *Daniel Deronda*: "*His habit of ruling gave him an air of reserved authoritativeness.*" Anyone observing Judge Evans on the Bench could readily get that impression from his demeanor and facial expression.

Vernon was lean and physically strong, somewhat somber but always seemed to be under complete control even though he might be churning inside. Lawyers are often accused of using "words on steroids," artificially puffed up ways of expressing ideas. Evans tended to be pointed and directed in whatever he said or did which no doubt helped to make him a fine trial lawyer as well as an admired judge.

Vernon had to endure more than his share of personal tragedies late in life. His wife, Annette, succumbed to a lengthy illness in 1987. Less than a year prior to the judge's death, his younger son, David, lost his life in an industrial accident. On a positive note, he found happiness when he married Annette's sister, Nell Stewart on June 19, 1989 and she survived him as did his daughter, Nancy Evans Ward, son, Daniel L. Evans, several grandchildren and great-grandchildren, and a nephew, Robert B. Stewart. Before his retirement from the Court in 1990, he was honored by being given the Robt. W. Patton Award as Outstanding Judge, and also recognized by the Trial Lawyers of the Bar Association for distinguished service to that group.

Morison Buck

The following tribute in the form of a poignant letter from a lady who had a problem solved while he was assigned briefly to the Family Law Division of the Court might perhaps be the finest memorial of all.

Dear Mrs. Evans,

I was saddened by the passing of your husband, earlier this month. He was a wonderful man. You don't know me and I only passed through his courtroom one time, but what he did that day, changed my life. He gave me my daughter back. That was in 1979. My ex-wife and I were at odds over visitation (of course after she remarried) and when we went before Judge Evans that day, he took our beautiful three-year old daughter, put her on his lap and said "I'm going to keep her for 15 minutes, 15 days, 15 months, or 15 years, whatever, until you two decide on what is fair and reasonable for the father's visitation rights. Now, you go outside and sit on that bench, and when you work it out, I'll be right here with your daughter. Well, it didn't take 15 minutes and she has grown up to be a beautiful 25 year old graduate of Vanderbilt University and visitation was never much of a problem from that day on. Oh, I went on to get remarried and have four more children and a very happy successful life, but at that time, I was 30 years old and the only thing that mattered was having continual interaction with my daughter. Vernon accomplished that, in his down to earth, no nonsense way and although I have looked for the opportunity, I never got a chance to thank him for what he did and I admit I am somewhat ashamed, but at least through writing this letter to you I can acknowledge (although posthumously) his wonderful deed. I am sure I was just one of the many lives

that he changed for the better during the course of his life. His time on earth was well spent. May God Bless Vernon, you, and your family.

AFTERWORD:

“Our whole life is a story more or less intelligible, generally less; but we shall read it by a clearer light when it is ended.”

Charles Dickens