

Joel D. Eaton's life has been shaped by a love of writing and flying. Long before he launched a successful career as an appellate specialist with Podhurst Orseck in Miami, Eaton was studying English and writing regularly. He also became a pilot at an early age, and continues to take to the skies as often as possible.

"When I was in college, I wanted to write novels, but that never happened," says Eaton, a shareholder at the Miami firm. "When I was in the Navy, everyone called on me when they needed something written. As an appellate attorney, I spend my time reading and thinking and researching and writing. I much prefer that style of work to traveling all the time to litigate cases."

Asked what makes a good appellate brief, Eaton says the key is clarity. "I write and rewrite and proofread everything many times until things are perfectly clear," he says.

Attorney Phillip A. Hubbard, former chief judge of the Third District Court of Appeal in Miami

training school as the war in Vietnam was escalating. In 1968, he flew 91 combat missions over North Vietnam in an A-7 single-engine attack aircraft based on the carrier USS America. He returned for a second tour of duty in 1970, flying 59 more combat missions of North Vietnam and Laos from the USS Coral Sea, before leaving the service in 1971.

"When I got out of the Navy, it was almost inevitable that I would apply to law schools based on my background," says Eaton. "I was accepted at Harvard Law School, as one of four former military pilots in my class." Eaton continued to write frequently at Harvard and one of his papers was published in Virginia Law Review.

Meanwhile, Eaton had married a Miami native he met while in flight school in Pensacola. He and his wife Mary had their first child, Douglas, when Eaton was in law school. Today, Douglas Eaton is an attorney in the Miami firm, Eaton & Wolk. Their second son Darryl earned a degree in computer science and is an entrepreneur in California, and

## A SOARING CAREER AS AN APPELLATE SPECIALIST

agrees wholeheartedly. "Joel's briefs were well-researched and his arguments – both oral and written – were carefully crafted. Unlike many appellate attorneys, Joel wrote long briefs that were very readable. For me, they were page-turners."

### BECOMING A NAVAL AVIATOR

A native of Miami, Eaton grew up in a legal-minded family. His father, Joe Eaton, was a federal judge in U.S. District Court for many years. "We had some great discussions about the Bill of Rights over the dinner table," Eaton recalls.

After graduating from Coral Gables High School, where he was an end on the football team, Eaton accepted a Navy ROTC (Reserve Officer Training Corps) scholarship to Yale University, where he majored in English. "I started out as a political science major but decided that my talents were in writing," he says. "I am really not a political creature."

At Yale, Eaton took a writing course with Robert Penn Warren, the Pulitzer Prize-winning author of "All the King's Men," a political drama set in the South. Eaton had to write a 500-word theme every day of the week for the class, as well as short stories on a regular basis, including one published in Yale Literary Magazine.

After earning his bachelor's degree in 1965, Eaton joined the Navy, earning his aviator's wings in flight

their third son David is an architect in Manhattan. "I'm now a proud grandparent of five, with a sixth grandchild on the way," Eaton says.

### PRACTICING LAW

In 1975, Eaton joined the Podhurst firm and has practiced law there for the past 40 years. Because of his firsthand knowledge of aviation, Eaton began his career as a trial attorney handling plaintiffs' actions in air crashes and other matters. But his career changed course in 1978 after firm co-founder Bobby Orseck drowned in the Mediterranean trying to rescue a child.

"Bobby was the firm's appellate specialist, so I offered to hold on to his caseload," Eaton says. "For two years, I worked 100 or more hours a week handling his appeals so we could retain those clients. By then, our appellate practice had grown so much that I gave up the trial work."

Along the way, Eaton also found his calling. "Trial work is all about resolving factual disputes," he says. "At the appellate level, you are arguing things that go beyond whether the traffic light was red or green at the time of an accident. As an appellate attorney, you can influence the direction of the law and sometimes even change it."

Since joining Podhurst Orseck, Eaton has handled more than 1,000 appeals. His practice has



taken him to all of the appellate courts of Florida, including the Florida Supreme Court, the U.S. Courts of Appeals for the Fifth and Eleventh Circuits and the U.S. Supreme Court. “I’ve been to the Supreme Court three times and lost every case,” Eaton says. “Tort victims usually do not fare well in that court.”

One of Eaton’s successful appeals to the Florida Supreme Court was *D’Amario v. Ford Motor Co.*, a 2001 case when a young man suffered minor injuries when the car in which he was riding hit a tree, but lost three limbs in the ensuing car fire that resulted from a defective fuel pump. “I argued that the liability of the manufacturer needed to be measured without taking the initial collision into account,” he says.

Another game-changing case was *Auburn Machine Works Co. v. Jones*, which Eaton argued before the Florida Supreme Court in 1979. “At that time, the courts

allowed manufacturers to defend their actions based on the ‘open and obvious hazard’ doctrine,” he says. “In other words, it was okay to make a hazardous product as long as everyone knew it was dangerous. I felt that should not be a defense, and the Supreme Court agreed.”

#### A LEADER IN APPELLATE ORGANIZATIONS

Throughout his career, Eaton has been actively involved in organizations concerned with appellate practice. He served as chair of the Appellate Court Rules Committee of The Florida Bar, and two terms on the Florida Supreme Court Committee on Standard Jury Instructions in Civil Cases. On a national level, Eaton was adviser to “The Reporter of the American Law Institute’s Restatement of the Law of Torts (Third),” and is a member of the American Law Institute, the American Association for Justice.

In the early 1990s, Eaton was a co-

founder of the American Academy of Appellate Lawyers with Miami attorneys Joe Unger and the late Arthur England, former justice on the Florida Supreme Court. “Today, our membership consists of 300 appellate lawyers who are highly vetted before allowed to become members,” Eaton says. “We exchange ideas from one jurisdiction to another, file amicus curiae briefs, and promote a high standard of law.”

Meanwhile, Eaton continues to fly his 2000 Mooney Eagle, and recently celebrated his 50th anniversary as a pilot. “I love flying and do it as often as I can,” he says. “My other hobby is woodworking, which helps me relax between briefs.”

But Eaton has no plans to retire. “I really enjoyed working with law professors, judges and lawyers, as well as our clients,” Eaton says. “After all these years, I’ve finally gotten good at what I do, so it doesn’t make sense to give it up.”