

OBITUARIES

Pioneering Judge Kathryn DuFour Dies

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Kathryn J. DuFour, 94, a Montgomery County jurist who was Maryland's first female Circuit Court judge, died of complications from a stroke Feb. 4 at her home in Gulf Stream, Fla. She had been a resident of Florida since 1988.

Judge DuFour, who was known as Kathryn Lawlor and Kathryn Shook for most of her 16 years on the bench, was appointed a Montgomery County judge in 1955. The next year, she was elected to a 15-year term as a circuit judge.

Known as an "outspoken and tough-minded jurist," according to a Washington Post article in 1969, Judge DuFour was a leading force in Maryland political and judicial circles.

After retiring in 1971, she became a philanthropist, particularly for Catholic causes. Although she did not attend Catholic University, she was one of the school's leading benefactors, along with her third husband, Raymond A. DuFour. The law library at Catholic's Columbus School of Law is named in Judge DuFour's honor, as is an annual scholarship for a second-year female law student.

An item on display at the library is a letter that Judge DuFour received from Justice Sandra Day O'Connor, who in 1981 became the first woman on the U.S. Supreme Court.

"You have helped pave the way, all the way from Maryland," O'Connor wrote.

Judge DuFour was sometimes known for capricious decisions that could be alternately lenient or harsh. In 1956, she sentenced a man to five years in prison for stealing 57 cents from a 14-year-old boy, saying, "We're not going to have people like you walking around Montgomery County."

In 1962, a 19-year-old black man sentenced to life in prison for raping a 60-year-old woman protested the judge's decision, claiming racial discrimination.

"The color of your skin means nothing to me whatsoever, nothing," Judge DuFour said. "God made you that way and in His sight, you look the same as I. The court considers only the crime you committed in imposing sentence. Not your race."

After she was named chief judge of the 6th Circuit Court in 1966—the first woman to hold such a post—Judge DuFour was pressured by lawyers, other judges and county officials for what



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Kathryn J. DuFour, in the 1950s, was Maryland's first female Circuit Court judge and was known as an "outspoken and tough-minded jurist."

some perceived as incompetence and arrogance.

In 1967, she ousted a clerk who conducted weddings at the Montgomery courthouse from his paneled office, claiming the space as her own. Her gold-carpeted office became known as the Taj Mahal.

A year later, after she asked Sheriff Ralph W. Offutt to vacate his office to make way for expanded judges' chambers, the Montgomery County Council interceded. She threatened to sue when a scheduled pay raise—which would make Montgomery judges the highest paid in the state—was scaled back.

"One of the biggest open secrets in Montgomery County," a Washington Post article said in 1969, "is that the competence of the four judges who have served longest on the Circuit Court is held in low esteem by the legal fraternity. Virtually without exception, County lawyers will tell you that the Circuit Court has the worst reputation of any in the State."

At the time, Judge DuFour was the court's chief judge. In an unusual move, she was dismissed from her position as chief judge in 1969. When her term ended two years later, she retired.

Kathryn Josephine Condon was born March 19, 1910, in Lawrence, Mass., and grew up in Hollywood, Calif. While acting in a play at Hollywood High School, she was spotted by talent

scouts and offered a movie contract. After her mother objected, she married a Veterans Administration lawyer and began to take an interest in the law.

"I got tired of waiting for my husband while he was trying federal cases," she said in a 2003 interview with CUA Lawyer, "and went to law school myself."

Despite not having attended college, she graduated from American University's law school in 1936 and entered private practice in Silver Spring. She moved up in Montgomery's Republican circles and was elected to the County Council in 1950. In 1952, she was named to the Maryland House of Delegates to fill a vacancy. Three years later, over the opposition of many members of both parties, Republican Gov. Theodore R. McKeldin appointed Mrs. Lawlor, as she was then known, to the court.

Judge DuFour handled relatively few cases of wide-ranging impact, but in 1968, she and another judge rejected a challenge by the campaign of Minnesota Sen. Eugene J. McCarthy to have McCarthy's name placed on the Maryland Democratic primary ballot.

In 1965, while handing down a life sentence to a man who murdered an elderly country store owner—"a crime that to my mind practically cries to heaven for vengeance"—Judge DuFour mused on the morality of the death penalty.

"I feel the time has come to speak out in Maryland," she said. "No one has ever asked me if I have conscientious scruples against capital punishment. Up to a month ago, I would not have known what answer I would give. At this point in my life, I do have conscientious scruples."

Judge DuFour outlived her three husbands. Lawrence Lawlor died in 1957; Donald Shook in 1969; and Raymond A. DuFour in 1990. A daughter from her first marriage, Joan L. Emerson, died in the early 1990s.

Survivors include a son from her first marriage, Lawrence Lawlor of Mendocino, Calif.; six grandchildren; and four great-grandchildren.

She lived in Chevy Chase until moving to Florida in 1988.

In an interview with the Palm Beach Post in 1998, the salty jurist expressed no regrets for her sometimes-tumultuous career.

"Lots of judges are afraid they're going to make a mistake," she said. "I called 'em like I saw 'em. If I made a mistake, there was a court of appeals."