

'Just judges' take the bench on historic day

Three women make up panel to hear cases in Md. appellate court

By ANDREA F. SIEGEL

SUN STAFF 9.3.98

Just by walking into the courtroom yesterday, the three judges made a statement: Women on the state's intermediate appellate court have achieved critical mass.

The opening of the fall term of the Court of Special Appeals marked the first time one of its three-judge panels was all-women.

"We all wore pearls to mark the occasion," Judge Ellen L. Hollander quipped during a short break from hearing arguments in a half-dozen cases. "It was either this or white gloves."

But each one's pearls were different.

"I don't expect we'll speak with one voice," Hollander said.

Occasion for pictures

As cameras clicked in the courtroom — an exception for the day — Hollander briefly noted the "rather historic composition of today's particular panel" and efforts to diversify the bench. "This is really a very exciting moment."

The late June addition of then-Wicomico County Circuit Judge Sally D. Adkins to the Court of Special Appeals made yesterday's trio inevitable for the 32-year-old appeals court.

Hollander, a former Baltimore City Circuit judge, is beginning her fifth year on the appellate bench and Deborah S. Byrnes, formerly a civil trial attorney from Towson, is in her second.

The person who arranged the panel missed it because he was part of an all-men three-judge judicial panel across the hall.

"I am only sorry that I didn't get to see it happen," said Chief Judge Joseph F. Murphy Jr., who made the opening-day assignment "to honor the fact that we now have three full-time female judges."

Law clerks attend

In addition to the lawyers who generally jam the Annapolis courtroom when the court is in session, a cadre of recent female law clerks flocked to Courtroom 1 to see role models.

"The quality of jurisprudence is the aim — but there is something

nice about seeing three women judges on the bench," said Lynn E. Ricciardella of Baltimore, who was Byrnes' first law clerk.

Of Gov. Parris N. Glendening's 79 judicial appointments, 26 have been women, according to his office.

Whether enough women and minorities have been appointed and how selections are made remains contentious.

The number of female judges has more than doubled since 1986, when 19 women donned judicial robes, according to court statistics.

As of May, 52 of the state's 256 sitting judges were women.

Of the 26,000 lawyers in the state, about 35 percent are women, a figure steadily increasing, said Lawrence Hicks, membership manager of the Maryland State Bar Association.

Glendening vowed to make the judiciary look more like the make-up of the state's population.

'Not enough women'

"There are not enough women. Representation of women and other minorities still lags behind their comparative representation in the legal community," said Joan B. Gordon, president of the Women's Bar Association of Maryland. "We believe that justice is best ensured when our legal decision-makers reflect that diversity."

Nevertheless, she said, "things are getting better" and she was looking forward to when all-women appellate panels would be commonplace.

Republican Del. Robert L. Flanagan of Howard County, whose law office is in Columbia, took issue with a focus of appointments being on gender or race, saying it was politically divisive and demeaning to judicial appointees.

A focus on "gender or race as to distinguish from other types of life experiences, I think it's too narrow," he said.

For lawyers coming before yesterday's panel, the focus was on something else.

Impressed with questions

"We are beyond having a token woman judge," said Emmet Davitt, assistant attorney general who argued the first case of the day for the state and had to have answers to judges' questions that put him on the defensive.

"They were tough questions," said Eileen A. Canfield, a University of Baltimore law student granted permission to argue for the public defender's office.

Assistant public defender Bradford C. Peabody, her supervising attorney, said while bias against female judges is yielding to a more diverse bench, a lawyer can't get caught up in the sex of the judge.

"Once the argument starts, they are just judges," Peabody said.