

Schaefer Appoints Wilner To Replace Gilbert As CSA Chief

Must Deal With Backlog of Cases Left From Last Term

By Jef Feeley

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Maryland Court of Special Appeals Associate Judge Alan M. Wilner has been named to replace retiring CSA Chief Judge Richard P. Gilbert as head of the state's intermediate appellate court, state officials announced yesterday.

Gov. William Donald Schaefer selected Wilner last week to lead the 13-judge court. Gilbert informed the governor early in August that he would step down from the chief judge seat because of a battle with cancer.

Wilner's designation as the CSA chief judge will take effect Nov. 1, the day Gilbert officially retires, the governor said.

"I have every confidence you will do much to carry on the tradition of good service, and that the interests of the people and our judiciary will be more than well served by this designation," Schaefer wrote in a letter to Wilner.

Wilner, 53, has been a member of the CSA since 1977. He said yesterday he was saddened to attain the chief judgeship as the result of Gilbert's illness.

"It is not something that I wished would have happened," Wilner said. "The loss of Judge Gilbert will be a real blow to this court."

Rules committee prepared Wilner

As the CSA chief judge, Wilner will be responsible for scheduling arguments on cases, assigning judges

to hear them, reviewing finished opinions and handling administrative functions at the court.

Wilner said his tenure as head of the Maryland Court of Appeals Standing Committee on the Rules of Practice and Procedure has helped prepare him to take over as the CSA's new boss.

"But I didn't have to keep track of 13 judges, 13 clerical and administrative employees and thousands of cases," the judge said. "This will be a learning process for me." Wilner said he plans to keep his post as head of the rules committee.



Judge Alan M. Wilner will be the fourth chief judge to head the 13-member Court of Special Appeals.

One of the first problems Wilner will have to tackle is figuring out how to erase a backlog of 150 to 200 cases left over from the court's last term.

The increasing caseloads have left the CSA judges unable to hear and decide all the cases filed last term — only the second time in the court's history that this has occurred, the newly-appointed head of the court said.

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Wilner Named New CSA Chief

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Wilner said however, that the court does not plan to request any new judges to help handle the increased load, given the present budget crunch facing the state.

"We discussed that option several years ago, but decided we preferred not to do that," the judge added. "We wanted to try to do the job with the resources we already had."

Wilner is 'CSA traffic cop'

Adam Ambrose, publisher of a newsletter that focuses on developments in Maryland law and a close observer of the state's appellate courts, said yesterday that Wilner's role as the CSA's top judge differs from that of Maryland Court of Appeals Chief Judge Robert C. Murphy.

"It's not nearly the same kind of policy position as Murphy, who serves as the judiciary's spokesman for what they need in terms of resources," said Ambrose, who publishes the *Maryland Family Law Monthly*.

"But because of the tremendous caseload the CSA faces, that system needs to be able to process cases through efficiently," Ambrose said. "It needs a real good traffic cop

at the head of it to keep things rolling. Wilner is the best man to do that job. It's not a terribly visible job, but it's an important one nonetheless."

CSA observers had speculated that Associate Judge Charles E. Moylan Jr., who

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— Adam Ambrose

had been on the CSA three years longer than Wilner, might get the nod as the new chief.

"But Wilner has always sort of been recognized as the second-in-command for the system and I know that he had the support of some of the more influential people in the appellate court system to get this job," Ambrose added.