

MIKE BUSCHER



Joseph F. Murphy cut short an Italian anniversary trip to accept the governor's appointment as CSA chief judge. As consolation, he made it back to the United States in time to see colleague Robert M. Bell sworn in as the Court of Appeals' chief judge.

■ THE COURTS

New Chief at Court of Special Appeals Praised by Trial Lawyers of All Stripes

Judge Joseph F. Murphy Is Taking on Lead Role at CSA After Only 3 Years — But His Reputation Did Precede Him

BY BRADLEY A. KUKUK

Daily Record Legal Affairs Writer

Judge Joseph F. Murphy was ready to forsake an anniversary celebration in Italy with his wife when he learned he'd made Gov. Parris N. Glendening's short list to become Chief Judge of the Court of Special Appeals.

When Glendening assured Murphy he should take the vacation, the intermediate appeals court judge went ahead with his anniversary plans. But, he told the governor, "If you appoint me while I'm over there, I'll swim back to accept."

Glendening handed Murphy the appointment, but the judge skipped the transatlantic swim. Instead, he took the first available plane out of Italy — two days ahead of schedule.

"The security forces in Milan were very interested in an Irishman with a U.S. passport, traveling on a one-way ticket to the United States," Murphy said. "They were very polite, but very thorough. It gave me a good feeling about airport security."

Lucky timing

Murphy made it back to the United States just in time to see new Court of Appeals Chief Judge Robert M. Bell's swearing-in ceremony.

That's when Glendening announced Murphy's appointment to the public. He said the timing was lucky from his perspective.

"I was delighted they asked me to come back. Had they just talked to me, I would have missed Bob Bell's swearing-in. I was delighted and grateful to Gov. Glendening, not only for including me, but for announcing my appointment on the date of Bob Bell's swearing-in," Murphy said.

Back in 1969 when Murphy graduated from the University of Maryland School of Law, he never envisioned becoming the top appellate judge at the Court of Special Appeals.

Today, the native of Fitchburg, Mass., lives in Parkton with his wife, a teacher who's fluent in

Italian. They have one child, Erin Murphy Berquist, and a 100-pound German Shepherd named Lucky.

Berquist is following her father's footsteps in more ways than one. She plans to graduate from the University of Baltimore School of Law in December and, just like her dad, she's married to a school teacher.

Murphy grew up an only child. His father died before his first birthday. When he got his law degree, he became first person in his family to earn a post-graduate degree.

His law career has taken him from defending small claims in Maryland's "People's Court" to prosecuting drug dealers for the state.

A nine-year stint as a trial judge drew praise and respect from virtually every trial lawyer in the state — plaintiffs' and defense counsel, civil and criminal — and caught the attention of Gov. William Donald Schaefer, who appointed him to the Court of Special Appeals in 1993.

Now he teaches classes at both Maryland law schools and is author of the seminal book of evidence law in the state, the "Maryland Evidence Handbook." He's proud of his Irish-Catholic heritage and still wears his graduation ring from Boston College.

Framing an issue

During an appellate argument last week in Annapolis, Murphy displayed all of the qualities for which he's known as a judge.

As two attorneys argued a zoning issue, Murphy — flanked by two mostly silent colleagues — kept a steady gaze on the arguing lawyer. He asked questions in a loud, clear voice that didn't even hint at judicial attitude.

At one point, he spun out a long, hypothetical question. He said later that, contrary to the beliefs of some lawyers, such convoluted queries aren't intended to screw up attorneys' arguments.

All Murphy wanted to do, he said, was frame

Murphy

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the issue so that the lawyer could address it — and so opposing counsel could argue it in rebuttal. And every once in a while as he asked questions, a bit of Murphy's Boston accent crept into his voice.

Murphy didn't even think of visiting Baltimore when he graduated from Boston College in 1965. He had planned to stay in Boston and enroll in Suffolk Law School. But he got a job with Crawford & Co., an insurance adjustment firm, and they sent him to Baltimore.

After law school here, he did stints at Legal Aid and the Baltimore State's Attorney's office. Then Murphy set up a private practice with a friend, Russell White, and began almost a decade at White & Murphy in Towson.

'People's practice'

"Russ and I had what I call a 'people's practice,'" Murphy recalled. "We didn't represent institutions or companies. Most of our clients were people in trouble with the law."

Carmina S. Hughes began her legal career as the only associate attorney at White & Murphy. For the past 11 years she's worked as an assistant U.S. attorney in Baltimore. She remembered the law firm as "a chaotic place" when she came on board, but called Murphy a "wonderful teacher."

"He taught me a lot of lessons," Hughes said. "The most valuable was that you have a responsibility when you're in court to be prepared and care about your client, which he always did no matter who the client was."

In 1981, at age 37, he applied for a seat on the Court of Special Appeals. When the commission approved his application, he became the youngest person approved for appointment to the court. The appointment, however, went to John J. Bishop.

He applied several more times before getting an appointment to the Baltimore Coun-

ty Circuit Court from Gov. Harry Hughes.

In 1984, *The Daily Record* praised Murphy for having "a thorough understanding of the law, while being attentive to the most minute details of practice." The comments could apply today.

"A judge has to be decisive," Murphy said. "My experience as a lawyer was that an indecisive judge causes problems not only for himself but for the people in the case. People need a decision. Once they get it, they can usually adjust."

Attorney Dan Clements praised Murphy's selection.

"He was voted by the lawyers in Baltimore County as the best trial judge in the county," Clements said. "It was obvious to everyone. His strength is his incredible intellect and getting to the heart to the matter."

'First-rate judge'

Baltimore U.S. District Court Chief Judge J. Frederick Motz predicted back in 1984 that Murphy would become "a first-rate judge."

Motz said his prediction has panned out. "He has a good sense of people," Motz said. "He takes his job seriously but doesn't take himself too seriously."

So far, the biggest change since Murphy's elevation to chief judge has been an office move. His former office, he said, was "the size of a bathroom."

In replacing former Chief Judge Alan M. Wilner, who was elevated to an open spot on Maryland's Court of Appeals, he has a tough act to follow, Murphy said. But the current court is "wonderful and the system in place is a good one," so he's not planning any major changes.

And don't expect Chief Judge Murphy's head to swell in the new job. When he moved into his new office he discovered someone had already affixed a "Chief Judge Murphy" name tag outside his door. How did they do it so fast?

"It wasn't for me," Murphy said. "They just took [former Court of Appeals Chief Judge] Bob Murphy's old sign down and put it up here."