

Clinton's Nomination of Motz To Fourth Circuit Applauded

CSA Judge Bishop Cites Judge Motz for 'Honesty and Thoroughness;' 'She's the Best,' Says Tyler; She Is Only 2nd Woman on Appeals Court

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Maryland Court of Special Appeals Judge Diana G. Motz could be the first Maryland woman to sit on the U.S. Fourth Circuit Court of Appeals, the second woman on that court, and half of the first couple in which both hold federal judgeships.

President Clinton late last week named Judge Diana Motz to the appellate court. The nomination has to be confirmed by the U.S. Senate.

Neither Diana Motz, her husband, U.S. District Judge J. Frederick Motz, nor any of several judges and attorneys contacted were aware of any husband and wife being on the federal bench, ei-

ther together or at different times.

"We may be the first," Diana Motz, 49, said, recalling that she was one of only two women in her law school class 25 years ago at the University of Virginia, where she met her husband.

But with the number of new women lawyers equaling the number of men, along with the corresponding increase in the likelihood of classmates marrying, Diana Motz commented, "We won't be the last."

The first and only woman on the Fourth Circuit is Karen J. Williams, from Orangeburg, S.C.,

who remains an active judge.

Motz's appointment was greeted with enthusiasm from colleagues off and on the bench. Clinton made "an excellent appointment. Considering the high quality work she's done here she'll do an excellent job on the Fourth Circuit," CSA Judge John J. Bishop said.

"She's an expert lawyer, a hard worker and a delightful person," Bishop went on.

"Her opinions are well-researched and well-written. Her critiques of other judges' opinions — including mine — have

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always been very thorough and very honest. [In oral argument] she asks a lot of questions. That shows she's well prepared. Her questions are always very pertinent."

Motz said her inclination toward an active role during arguments comes from her desire to write opinions that are intellectually honest.

"When I was in practice I'd read opinions that were so one-sided you wondered why there was an appeal in the first place." Motz said, adding that she tries to write opinions that deal with the legal issues comprehensively.

Sometimes, she said, her clerks point out that she's addressed an issue that wasn't even brought up by the advocates.

Among Motz's more prominent opinions have been her 1992 holding that a Frederick curfew for minors was unconstitutional, her 1991 decision clarifying standards for non-competition covenants, and her 1992 decision in a case involving convicted killer John Frederick Thanos shifting the burden from media organizations seeking sealed court documents.

Ex-Frank, Bernstein partner

Prior to her appointment to the CSA in 1991, she was a partner with now-defunct Frank, Bernstein, Conaway & Goldman. Prior to that job she was chief of litigation for the Maryland attorney general.

Motz said her interest in law goes back to her youth when she watched her father, Washington attorney and former Covington & Burling Managing Partner Daniel Gribbon, argue before the Supreme Court. She attended Vassar College and

the University of Virginia Law School.

Attorney General J. Joseph Curran Jr., said Motz earned recognition during her days as a state prosecutor with her successful case against former Governor and Vice President Spiro Agnew, involving money he received illegally while governor, and for a major consumer rights victory against an out-of-state diet pill vendor.

"She has remained an asset to this office," Curran said. "She participates in our legal seminars, and prior to her appointment she was a member of our moot courts on our major cases."

High praise

Deputy Attorney General Ralph Tyler III, who worked for Motz and succeeded her when she left the AG's office, also had high praise for her. "She's the best," he said. "She's the best appellate lawyer in our state."

"She's a strong constitutional lawyer, a strong administrative lawyer, and she's strong on election issues," Tyler said.

Motz said she expects to be studying federal law, since she's been involved with state law for so long, but commented that "everything that's new in life requires some learning."

She noted, however, that she had worked extensively with constitutional and other federal issues during her time with the attorney general.

Curran and Tyler have offered to testify for Motz at Senate hearings, possibly in March. The two state prosecutors may even bring a busload of Motz admirers to the Senate to show support, an AG spokesman said.

Motz said that her selection by the president was a bit of a surprise. "I didn't apply," she said. "I wouldn't have thought to apply. I like what I'm doing."