

Judge in Tripp trial says she likes a challenge

Her ability to listen, sense of fairness will aid Leasure, many say

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The trial of Linda R. Tripp is at least a few months away, but the pressure of the high-profile case is already building on Howard County Circuit Judge Diane O. Leasure.

Many legal observers say the case will be decided and shaped during motions hearings before Leasure and might not even reach a jury. However she rules on the complicated legal issues, the relatively inexperienced judge is assured of intense scrutiny from the legal community and the news media.

Sounding like a circumspect coach before a big game, Leasure says only that she likes a good "challenge," refusing to comment further on the case or even allow a new photograph to be taken for fear of being accused of grandstanding.

Leasure's selection last week to oversee the Tripp criminal case might raise eyebrows, given that she has been a judge for just four years and practiced only civil law before that. But lawyers and others familiar with Leasure list qualities that help explain why Howard County Administrative Judge Raymond J. Kane Jr. made a good choice among the five Howard circuit judges. These observers say both sides will get ample time to air their arguments before Leasure, a judge known for her work ethic, patience and kindness.

"I know I'm going to lose [before her] sometimes," said Carol A. Hanson, the district public defender for Howard County. "But I'm not going to feel too bad about it if it's in Judge Leasure's courtroom."

A Howard County grand jury indicted Tripp in July on charges she illegally tape-recorded a December 1997 telephone conversation with former White House intern Monica Lewinsky and then had her attorney disclose its contents to *Newsweek* magazine. Tripp's disclosures led to the impeachment of President Clinton.

Already, the file is thick with motions — and attorneys expect to file more, setting the stage for some lengthy hearings. Most of those motions deal with the federal grant of court-ordered immunity extended to Tripp by Kenneth W. Starr, the independent counsel.

Joseph Murtha, a Tripp lawyer, has argued in those filings that state prosecutors used his client's immunized testimony against her while building their case. State prosecutors fired back that they can use the tape and other evidence against Tripp because she wasn't officially granted immunity until 34 days after turning over the tapes and other evidence.

Some lawyers in Howard County said those legal issues and Leasure's own attributes could eventually collide: Leasure's too nice, they said, and sometimes lets frivolous arguments last too long.

"I know that sounds like an oxymoron," said one attorney, who has appeared before Leasure several times and requested anonymity. "But sometimes, she lets lawyers go on and on."

Yet, despite that complaint, the vast majority of lawyers, judges, courtroom observers and associates say the judge is probably the perfect one to hear the case. She is fair, they said. She will assiduously research the arguments and come back with a strong opinion, they said. And, most important, she will listen, they said.

"Some judges will make up their minds reading the file before listening to your arguments," said F. Todd Taylor, an assistant county solicitor. "She asks questions. When she doesn't understand, she asks questions to help her focus on the issues."

No matter how Leasure handles the case, experts said, she might end up getting caught in a juggernaut she can't control —

something that California Judge Lance A. Ito experienced during the O. J. Simpson trial.

"This is a no-win situation for any judge," said Abe Dash, a University of Maryland law professor. "If she dismisses the case for good reasons, people who hate Tripp will pillory her. If she proceeds with the case, people who think Tripp is a heroine will pillory her."

Even if Leasure conducts ideal hearings and keeps control of a potential media frenzy, she will have other judges looking over her shoulder. With near certainty, her decisions will be appealed.

But Leasure, 47, has dealt with politics and bad publicity before — though on a much smaller scale — during her election bid in 1996, when the normally placid judicial election process turned ugly.

Gov. Parris N. Glendening had appointed Leasure, a Democrat, to fill a vacancy on the Howard Circuit Court. He also tapped Donna Hill Staton to fill the other vacancy on the Howard bench. Required to run for election, they teamed up to defend their seats in a tightly contested race against attorney Jonathan Scott Smith and then-District Judge Lenore R. Gelfman.

Issues of race, gender and qualifications permeated the contest. Much of the criticism was directed at Leasure and Hill Staton, who is black, but the judges had to be careful about defending themselves and their stances on crime and punishment — to avoid appearing biased when future defendants appeared in court.

"You would go out at night [to meetings], and people couldn't appreciate that you couldn't take a position on something," Leasure said. "I didn't want to give the appearance of partiality."

Some in Howard County's legal community thought the governor made a poor choice — Leasure was a civil attorney with no criminal case experience who had practiced in Prince George's County. Some criticized that inexperience and chastised her for participating in a Glendening fund-raiser before her appointment in 1995. She also donated \$875 to Glendening's campaign before her appointment.

Leasure said she participated in the fund-raiser only because a longtime friend had asked her to do so. Leasure and Gelfman won the election and the right to sit on the bench for 15 years.

Leasure, the mother of a 14-year-old son, Kevin, wouldn't talk about her ambitions, and her past reveals no indication of her goals.

Leasure was born in 1952, the oldest of six children, and grew up in LaVale, a small town outside Cumberland. At first, Leasure wanted to be an oceanographer — her father was a chemist — because she often visited the Jersey shore.

She fell in love with Ralph Leasure, her future husband, at Allegheny High School, she said, and went to college at Virginia Tech, where he was on a baseball scholarship.

They eventually married, moved to New Jersey and she graduated with a bachelor's degree in human behavior and development from Glassboro State College in 1974. While teaching middle school, she earned a master's degree in the same subject from Drexel University and in 1979 enrolled as a law student at Rutgers University.

When her husband, a medical sales entrepreneur, took a job in Maryland, they moved to Howard County, where they still live. She graduated from Rutgers in 1982, while completing her final year of classes as a visiting student at the University of Maryland School of Law.

After graduating, Leasure landed a job with the Prince George's County firm of Fossett & Brugger, which handles mostly business litigation. The firm had four lawyers at the time. Leasure became the fifth and was able to quickly gain trial experience. "I was able to get into court right away," she said.

At Fossett & Brugger, Leasure impressed her colleagues and earned a reputation for hard work and an eye for detail. "She is the



Jurist: Howard County Circuit Judge Diane O. Leasure was chosen last week to preside over the case of Linda R. Tripp.

consummate professional," said Bill Shipp, a former law partner. "She took all her matters very seriously. She was a stickler for preparation."

For reasons Leasure says she can't discuss, she switched her party affiliation in 1990 from Republican to Democrat. "I'm apolitical," she said.

Leasure said she wanted to be a judge because she thought she

would enjoy the hearing cases from the bench. She applied to become a judge before a Howard County judicial nominating committee in 1994 and impressed committee members.

Jason Shapiro, a defense attorney, remembers Leasure coming in for the committee's interview and answering a legal question about jury selection that dealt with criminal and civil cases.

"We had already seen half a dozen candidates who had trouble answering the question," Shapiro said. "She comes in and nails it. The whole committee felt that we knew we had a candidate that was someone special."

In Leasure's office, a dozen brightly decorated nutcrackers sit atop one shelf, and a multicolored stained-glass lamp rests on a spotless desk. Law books line the walls and baseball players making diving catches flash by on her computer screen saver.

After discussing her past, Leasure takes a few seconds to ponder a question about the Tripp case and her future. She has to be careful. Though she says she has read the motions in the file, she won't discuss them.

"It's always fun to have a case that presents an interesting challenge," she said. "It's always an absolute pleasure when two or more attorneys are involved and they have really done their homework, where everybody is prepared. I hate to see those trials end."