

In Memoriam

HONORABLE RITA C. DAVIDSON

MEMORIAL SERVICES FOR THE HONORABLE
RITA C. DAVIDSON, ASSOCIATE JUDGE
COURT OF APPEALS OF MARYLAND

Annapolis, Maryland—April 19, 1985

IN MEMORIAM

Memorial services in honor of the late Honorable Rita C. Davidson, former Associate Judge of the Court of Appeals from the Third Appellate Judicial Circuit, were held in the Courts of Appeal Building at Annapolis on Friday, April 19, 1985, at a special session of the Court at 3:00 p.m. Judge Davidson, who was 56 years of age, died on Sunday, November 11, 1984.

The Memorial Minute was presented by the Honorable Richard P. Gilbert, Chief Judge of the Court of Special Appeals of Maryland.

Seconding addresses were made by the Honorable David L. Cahoon, Chief Judge for the Sixth Judicial Circuit, Professor Karen Czapanskiy, Associate Professor of the University of Maryland Law School, and John J. Delaney, Esquire.

The Honorable James F. Couch, Jr., Associate Judge of the Court of Appeals of Maryland, responded on behalf of the Court. The Honorable Robert C. Murphy, Chief Judge of the Court, presided at the exercises. Associate Judges Marvin H. Smith, John C. Eldridge, Harry A. Cole, Lawrence F. Rodowsky and John F. McAuliffe were also present.

MEMORIAL MINUTE

Presented by

HONORABLE RICHARD P. GILBERT

May it please the Court:

It is my privilege to present this Memorial Minute in tribute to your late colleague, and my friend, Judge Rita Charmatz Davidson, who, at age 56, died on Sunday, November 11, 1984.

IN MEMORIAM

Judge Davidson was born in Brooklyn, New York, on September 1, 1928, the second child of Michael and Eiga Charmatz. Rita attended public schools in Brooklyn and then Goucher College in Maryland, from which she received a Bachelor of Arts degree in 1948. Thirty-one years later, in 1979, Goucher conferred upon her an honorary Doctor of Laws degree. Rita was admitted to the Yale Law School and was graduated in 1951 with the degree of Bachelor of Laws. While at Yale, Rita met David Davidson, her classmate and, as of August 27, 1950, her husband.

Rita was admitted to the Bar of the District of Columbia in 1952, and 11 years later to the Bar of this State. She was a member of the American Bar Association, the Maryland State Bar Association, the Montgomery County Bar Association, the Womens' Bar Association and the District of Columbia Bar Association. Additionally, Judge Davidson held membership in the National Association of Women Judges and the American Judicature Society. The New York Women's Bar Association honored Judge Davidson for her outstanding contribution to the field of law.

Since Rita's death, much has been said and written of the many public offices she has held. I shall, therefore, mention but a few: she was the first Zoning Hearing Examiner for Montgomery County; a member of the Montgomery County Board of Appeals; a member of the Maryland National Capital Park and Planning Commission; and Secretary of the Maryland Department of Employment and Social Services, an office she held from 1970 until 1972.

In 1972, then Governor Mandel appointed Rita Davidson as an Associate Judge of the Court of Special Appeals. As a result of that appointment, she became the first woman to ever sit on a Maryland appellate court.

During the time that Judge Davidson served on the Court of Special Appeals, she repeatedly demonstrated that she was not only a person of large intellect, but one of great compassion. I am certain that if there were anything good to be said of the worst of people, Rita said it.

IN MEMORIAM

As a member of the intermediate court, Judge Davidson was instrumental in bringing about a change in that court's philosophical concept of the Sixth Amendment speedy trial right. Furthermore, because of her expertise in the law of zoning, Judge Davidson made a considerable imprint on appellate court zoning decisions.

While a member of the Court of Special Appeals, she authored 305 opinions in direct appeal cases, 68 of which were reported majority opinions, and 12 were dissents.

One of the opinions that she penned while she was a member of the intermediate appellate bench, *Bel Pre Medical Center, Inc. v. Frederick Contractors, Inc.*, 21 Md.App. 307 (1974), was termed by this court, "a scholarly opinion." There she traced the history of arbitration in the United States and thoroughly explained the Maryland Arbitration Act. Although that decision was reversed on other grounds, see *Frederick Contractors, Inc. v. Bel Pre Medical Center, Inc.*, 274 Md. 307, 334 A.2d 526 (1975), Judge Davidson's opinion, nevertheless, continues to serve as a lighted beacon to guide lawyers and judges alike through the reefs, rocks, and shoals of arbitration law.

When Rita became a judge of this Court in 1979, she continued to explicate the law of arbitration. See, e.g., *Aetna Casualty & Surety Company v. Insurance Commissioner, State of Maryland*, 293 Md. 409, 445 A.2d 14 (1982), and *Charles J. Frank, Inc. v. Associated Jewish Charities of Baltimore, Inc.*, 294 Md. 443, 450 A.2d 1304 (1982).

As a judge of this Court, Rita wrote 86 majority opinions, 49 dissents, and 9 concurrences.

Any fair reading of the opinions signed Davidson, J., will lead to the obvious conclusion that Rita oftentimes marched to the beat of a different drum—her own. She established beyond doubt, through her writing and by her life, that she was philosophically a liberal, physically courageous, and mentally persistent.

IN MEMORIAM

Judge Davidson was a devoted public servant who did not fear to toss *stare decisis* to the winds whenever she felt that being bound by that legal precept was an artificial restraint on the rights of the people. I think she perceived the law, not as an inert, immovable mass, but as a living malleable substance that could and should be shaped and molded by the courts to fit the needs of the people. Rita believed that the law should be that which best served the interest of society. She was without doubt a judicial activist.

As an aside, it should be observed that Rita Davidson was not the first judge in the Davidson family. Her husband, David, became a federal administrative law judge before Rita ascended to the bench. However they resolved the question of seniority, I never did learn.

Following Rita's appointment to the Court of Special Appeals, she and I became and remained good friends. To be in her company was a delight. She was articulate, logical and forceful. She possessed a keen sense of humor. Rita was a person of many interests—the law, politics, government, art, literature, and the Washington Redskins. Her interest in the later, I confess, I did not share.

Whenever my thoughts focus on Rita, I recall two occasions when my wife and I spent several days at the Davidson's summer place located in the shadow of the Cape Hatteras Lighthouse. One need not have been with Rita very long before he or she discovered that Rita, in addition to her many other attributes, was a devoted wife and mother. She was also an excellent cook. Having partaken of some of her culinary creations, I stand here convinced that had she not aspired to become a judge, a desire she formulated early in life, she would have been one of the world's most famous chefs. I also recall to mind the Rita once mildly chastised me for teaching her son to play poker.

The illness that ultimately claimed her life and caused grief to many, but particularly to her husband David, her daughter Minna, and her son Leo, was first detected in 1975. Rita fought that disease with all her strength and

IN MEMORIAM

will. She fought cancer as she fought other battles—with a determination to win. She gave no quarter, and if cancer had been an army of persons, she would have taken no prisoners. Despite the pain and suffering that she certainly must have endured, she continued to be Rita—that is, she continued to be cheerful, considerate, pleasant and compassionate.

Rita's love of life and her deep concern over the loss of that life are, I believe, reflected in her approach to the death penalty. I need not tell this Court that she was reluctant to affirm the imposition of the death penalty. She was determined that if it were to be meted, it would not be done unless all the i's were dotted and all the t's were crossed. To Rita, life was too sacred to be taken, even by the State in retribution.

Much laudatory language has been used since Rita's death to describe her deeds, her accomplishments, her long lists of "firsts." Yet, none is really needed. Those utterings are, at best, surplusage. By her own acts she has carved herself a permanent niche in Maryland history. Rita was a trail blazer—the first woman to accomplish many things, including the first woman member of this Court. As long as this Court sits, Judge Rita Charnatz Davidson will never be forgotten.

It is, I understand, a Jewish tradition for the head of the household, at the beginning of the Sabbath, to sing a song of praise "for a worthy woman." The words of the song, entitled "A Woman of Valor," are found in chapter 31 of the book of Proverbs. Some of its lines are particularly applicable to Rita Davidson.

"Strength and dignity are her clothing,

and she laughs at the time to come.

She opens her mouth with wisdom,

and the teaching of kindness is on her tongue.

She looks well to the ways of her household,

and does not eat the bread of idleness.

IN MEMORIAM

Her children rise up and call her blessed;
her husband also, and he praises her.”

Rita is gone. Gone too is her friendly smile, her encouraging words, and the warmth of her greeting—“*hello, my friend!*” Aleha ha-shalom. (May she rest in peace.)

SECONDING ADDRESS

Presented by

HONORABLE DAVID L. CAHOON

Chief Judge Murphy and Associate Judges of the Court of Appeals of Maryland:

I am honored by your invitation to present a Seconding Address to the Memorial Minute offered by the distinguished Chief Judge Richard Gilbert, and am touched and grateful that Judge David Davidson expressed the wish that I participate in the ceremony.

This is my second formal appearance before this Court on behalf of Rita Davidson. On July 1, 1966, I appeared as her counsel in the matter of *Montgomery County, Maryland vs. Idamae Garrott and Rita C. Davidson, et al.*, 243 Md. 634, 222 A.2d 164, an action in which this Court upheld our contention that the county was invalidly seeking to circumscribe the Maryland constitutional requirement that County Council members be voted upon by the undivided body of county electors. Forever thereafter, she smilingly introduced me to others as her lawyer. As with the first appearance, I can now hear her saying, “Don’t mumble, Judge Cahoon.”

Too, as with her court opinions, she would want me to be thorough, precise, and clear. I cannot. For more than 30 years, I associated in law, politics, government, and family matters with this enormously intelligent, warm, courageous, dedicated, witty person. It is impossible for me to produce here an exquisite reflection of this jewel, nor is there time for a full saga of events.

IN MEMORIAM

Any chronicle would minimally include: abolition of laws prohibiting blacks from buying coffee in a restaurant, riding a merry-go-round at an amusement park, buying or renting a home, or getting a job; getting thousands of public school children more than a half a day of schooling; protecting the investment of war veterans and others in their housing; reforming and reorganizing a county political party; restoring integrity to a county government, and bringing about a restructuring of it; excising the encrusted bureaucracy of a major state agency to make sure it delivered its services; and counseling on the care and feeding of teenagers.

There is in the whole history a legacy of unique talents, personality, and character; a sterling model.

Rita possessed superb intellect. It seemed as though nothing was beyond her ken, whatever the field of learning. She was articulate, presented a firm mind-set, aggressively, but not arrogantly. If she trusted your intellectual integrity, she sought your criticism of her own thoughts. She had an absorbing curiosity about the thoughts and feelings of others.

Committed to self and group discipline, she was a team player. We wanted her to be our county's first Elected Executive, she wanted to be. Our polling showed a deep sex bias in the electorate and we decided against the venture. She disagreed but accepted the decision and maintained her dignity and leadership with us.

Capable of significant achievement in almost any human endeavor, she chose to apply her talents in service to others. She had an enormous concern for human welfare. This was reflected not only in her public and judicial activity, but in her ability to make anyone she met feel important and significant.

This was a Judge who could absorb herself in the personal problems of the building cleaning personnel and express admiration for the way they performed their tasks, giving them a sense of pride and worth.

IN MEMORIAM

She had a contagious sense of humor. It was as easily directed to her own actions as to those of others and the range of incongruities she perceived was broad.

Cognizant of her own heritage, and that her people have been, and in places are, a hunted people, she vigorously insisted that the conduct of public affairs should conform to the highest moral and ethical principles. She had an impeccable code of personal conduct. She firmly believed that abuse of discretion by a public official was as evil as bribery and chicanery. Some of her most enduring accomplishments for the state and county are in her contributions to clear and definitive standards of conduct for public acts.

Rita had an abundant measure of courage. This was manifest in her struggles with her physical maladies. It was evident in her activities for social justice. Never patient with frivolous crusades or posturing, where there were real problems to be solved, she participated with determination and fidelity regardless of risk. Of equal fortitude was the grace with which she suffered the inevitable barbs, slights, aspersions, jealousies, and prejudices resulting from her energetic conduct. Revenge was not in her arsenal.

It is fitting for the Court to have selected this date for this remembrance. It is the anniversary of the Battles of Lexington and Concord in April 1775, the revolt of the colonists from the oppression of the British Crown. In the native state of Judge David Davidson, and myself it is celebrated as Patriots Day. Judge Rita Davidson was a real patriot in this tradition. A principal thrust of her activity in law practice, politics, local government, cabinet-level service, and judicial service was the safeguarding of the individual from government excesses.

I leave to more profound scholars than I, any conclusions fitting Judge Rita Davidson into any particular mold of jurisprudence. Some commentators have seen the development of a distinctly American system of justice throughout two centuries of tension between Thomas Jefferson's populism and Alexander Hamilton's autocratic notions. Hamiltonians were concerned with precedent; Jeffersonians

IN MEMORIAM

emphasized doing justice in each individual case. Jeffersonians would abolish English common law; Hamiltonians held this law and traditions in high regard. Hamiltonians looked to the courts for protection of property; Jeffersonians saw them as a special forum for the enforcement of political and civil rights. I would not put Judge Rita Davidson in any one group but her Jeffersonian predilections certainly made substantial, and significant contributions to the development of our system of justice.

Nothing said by me should infer that she did not have a respect and esteem for legal principles. This was deeply ingrained. She acquired some reputation as a dissenting justice. However, she had a reverence and commitment found in an earlier dissenter, Justice Oliver Wendell Holmes, who wrote:

I take it for granted that no hearer of mine will misinterpret what I have to say as the language of cynicism. . . . I trust that no one will understand me to be speaking with disrespect of the law because I criticize it so freely. I venerate the law, and especially our system of law as one of the vastest products of the human mind. . . .

But one may criticize even what one reveres. Law is the business to which my life is devoted, and I should show less than devotion if I did not do what in me lies to improve it.

The virtues of this singular and remarkable woman have made citizens in this State better and our lives richer. It is with pride that I second the Motion of Chief Judge Gilbert.

SECONDING ADDRESS

Presented by

PROFESSOR KAREN CZAPANSKIY

May it please the Court:

I am honored by your invitation to present a Seconding Address to the Memorial Minute.

IN MEMORIAM

Twelve years have passed since I met Judge Rita C. Davidson. Just appointed to the Court of Special Appeals, she told me she was looking for a law clerk. Actually, she wanted a legal and personal aide-de-camp. I worked on her cases as all clerks do for all judges. I also drove her to court, to campaign appearances and to her dog's kennel. We shopped together for her clothes; I kept her in cigarettes, snacks and lunches; and I sewed hems in her dresses. What made it worthwhile was simple: Rita Davidson.

From our first meeting, I saw clearly that the Judge was unique, special, perhaps larger than life. In time I learned that she had always been a groundbreaker, starting at least as early as her days at Goucher where she battled the physical education requirement. She was the first zoning hearing examiner for Montgomery County. She was the first woman to sit in the cabinet of the Governor of Maryland. She was the first woman appointed to any appellate bench in the history of Maryland. And then she was the first to serve on this, the highest court of the State. But I do not think her uniqueness came solely from her titles. I think it came instead from two characteristics: her abundant enthusiasm for people and her integrity.

For Rita Davidson, the substance of life was people. She cared for people, cared about people, cared with people. Her dedication to the law seemed founded on the principle that the law must serve people. Her initial test of the correctness of a legal rule was whether it was good for people. If the rule denied people compassion and fairness, it was suspect in her book.

Along with her other law clerks, I was often the subject of the Judge's interest in people. My position was not always comfortable. When she found my research, analysis or expression deficient, she would say so with emphasis. Her criticism of my work was purely that, however; it was never personal. She respected me just as I respected her. When she engaged the mind of another person, she always expected to learn and to grow.

IN MEMORIAM

The Judge let every person's humanness touch her. That person may be more or less brilliant, more or less honest, more or less noteworthy, but that person was never less than a person. Instinctively, she followed the dictates of the philosopher Maimonides, who said that the highest form of charity is to make it possible for another person to be autonomous. A person in trouble is not an object of pity, but someone whose full potential has not been realized. Judge Davidson showed unstinting respect for human potential. As her clerk, I was a new, untested lawyer with much to learn, but to Judge Rita Davidson I was a person, and therefore full of potential. Her respect inspired me and many others to realize our potential and gain autonomy.

A typical experience with the Judge started one day when we were at work as usual, although the rest of the world was on vacation. The phone rang; it was my husband telling me that our apartment was on fire and he had just escaped. I informed the Judge, who replied, "I love a fire! Let's go." So we went home to watch the fire. By the time the morning was over, my husband and I were without a home. "No problem," said the Judge; "come to my house." So we did, along with our three cats and my charred bar review notes. We stayed until after the bar exam, several weeks later. Somehow, with Rita, it just seemed the most natural thing in the world for me to be living in her house and studying for the bar exam in her study while she did without me for a couple of weeks at the office. The hierarchy of our situation—she was, after all, the judge and I the clerk—could not interfere with her caring for another human being in need of help. She thrived on nourishing others.

Her enthusiasm for literal nourishment was legendary. When she was learning Chinese cooking, my husband and I frequently enjoyed her multi-course feasts. I never could eat as much as the Judge, so I was dubbed the "food fink." I bowed to the master, and marvelled that her enthusiasm for life equalled her enthusiasm for food. All her appetites were large, whether they were for people, for joy, for

IN MEMORIAM

beauty, for laughter, for music, for knowledge or for food. She experienced life's fullness and abundance.

The Judge saw herself as a perpetual learner. She was always doubting, always questioning whether she was doing the right thing. Her need to learn and her capacity to perceive and question assumptions, whether her own or another's, was at the heart of her integrity. Integrity is a quality with many definitional levels; all applied to the Judge.

Integrity encompasses honesty, one of the Judge's strongest personal values. For example, she never left one in doubt regarding her opinions of one's conduct, although she often would make her point with humor. I remember well her reaction when I was hired as a supervising attorney in the clinical law program at American University. At the time, I had never stepped into a courtroom to represent a client. She laughed so hard I ended up joining her. After all, in all honesty, it was pretty funny. At another time, in a memorable speech, she mused about gender discrimination. She remarked that she was at a loss to understand why women were said to be bad workers because of their hormones. As she understood the facts, the same hormones that are supposed to make women aggressive and unpredictable once a month are running around in men's bodies every day!

The intellectual honesty the Judge demanded of herself made it impossible to label her politically. She was neither "liberal" nor "conservative;" she was deciding cases. The precedents would control her decision once two criteria were met: she had to be sure she knew what the precedents meant, and she had to be sure that they still fit the requirements of social conditions. She understood the job of the common law judge as finding ways to solve people's problems in a real world. To do that, one needed cases to know what other judges had said about the same kinds of problems when they tried to solve them. One also needed to be certain of the facts in the case at hand. To Judge Davidson, this was a rigorous exercise demanding exquisite

IN MEMORIAM

care; the record was dissected and the evidence examined, reexamined and re-reexamined. The record alone was inadequate for her purposes, however, since a judge in 1984 never saw the same context as a judge in 1884 or 1964. Whatever made the continually changing social context different had to be examined. When she perceived differences that were determinative, she would try to reformulate the rule of law to solve the new problem. Many would call this activist judging; to her, it was the heart of the common law process.

Integrity also signifies the quality of completeness, the state of being entirely whole. The Judge would have joined in an opinion labelling her honest and full of character, but she would have dissented from being labelled whole or complete. She felt she had too much to learn, to experience, to understand, to accomplish. She sought perfection and knew she would never achieve it. But wholeness and perfection are different, and it was her quest for perfection that gave her wholeness. She knew her goal: She wanted to do whatever she did in the best way she could. Rarely does one encounter a person whose life is both so focused and so appropriate to her soul.

Judge Davidson was my mentor. In her abundance and enthusiasm, she called me her "firstborn." And she made me feel as if that were true. She offered her life for examination, but she never believed others would or should repeat her experience. She knew the uniqueness of each person's journey. Her own, full of compassion, love, life and integrity, ended too soon.

It is a great privilege for me to second the motion of the Honorable Richard P. Gilbert.

IN MEMORIAM

SECONDING ADDRESS

Presented by

JOHN J. DELANEY, ESQUIRE

May it please the Court:

Rita C. Davidson's many achievements and the strength of her character have been well documented by the previous speakers. Perhaps no group is more aware of these things than you, her fellow judges with whom she daily shared the calling to judicial office. Her major accomplishments in public life included her service in the governor's cabinet and later in the Maryland judiciary, culminating in her ascendancy to this honorable Court in 1979. She was the first woman ever to serve in these high offices. More importantly, she will be remembered for the outstanding manner in which she discharged her responsibilities in each of them. The hallmarks of Rita's character included her interest and involvement in the political process; her concern for the underprivileged; and a commitment to reforming law and public policy where necessary in her view to better serve her fellow citizens. Her integrity, erudition, perseverance, vision, and constant good humor in dealing with friend and foe alike were well known.

While any one of these achievements or attributes could be the subject of lengthy reflection, I would like today to focus upon an often overlooked episode in Rita's life which exemplifies her spirit and the meaningful contributions she made to the commonweal during her all-too-brief tenure among us. It concerned a land use dispute that occurred in the 1960's, before Rita entered public service, and which ultimately found its way to the Court of Appeals in a landmark case known as *Hyson v. Montgomery County Council*, 242 Md. 55, 217 A.2d 578 (1966).

Hyson involved an application for commercial rezoning in Montgomery County. Rita, who was in law practice at the time, represented a number of citizens in opposing the rezoning. Her unsuccessful efforts to cross-examine the

IN MEMORIAM

applicant's witnesses at the public hearing before the County Council formed the crux of the *Hyson* appeal. The case was pursued with vintage Davidson thoroughness, prompting former Chief Judge Prescott to observe for the Court in the opening sentence of his opinion:

“Appellants, apparently in an effort to be certain that they have overlooked nothing that may aid them, have assigned ten alleged errors, some of which overlap.”

Ironically, Rita represented the losing appellants in *Hyson*. Yet, her legal arguments as to the nature of the piecemeal rezoning proceeding and the proper role of the Court in reviewing piecemeal zoning decisions were fully embraced by this Court and resulted in a ruling that not only reformed the land use regulatory process in Maryland, but had national implications as well. *Hyson* firmly established the principle that the zoning function, as performed by the local legislative body, is not solely legislative in character; that while the zoning *decision* itself may be legislative or “quasi-legislative” (and therefore entitled to a presumption of correctness under the separation of powers doctrine), the *proceedings* leading to the decision, including the public hearing, are adjudicatory in character; and that the legislative body is performing a quasi-judicial function in determining adjudicative facts in zoning proceedings. Thus, the Court ruled that where the tribunal is required to hold a public hearing and decide adjudicative facts based upon the evidence of record, procedural due process rights, including the right to reasonable cross-examination, must be recognized.

Hyson is generally credited as having led to the establishment of the zoning hearing examiner system in Maryland. Maryland's zoning hearing examiner system has in turn become something of a model for the nation and has been emulated in several states. Here, too, Rita was to play a major role. She became the first zoning hearing examiner in Montgomery County, serving in this position from 1967 to 1970. Her written reports and recommendations were of such a consistently high caliber as to become the standard

IN MEMORIAM

for her successors. Former Associate Judge Wilson K. Barnes of this Court once characterized Rita's reports in a highly contested case as "perhaps the clearest and most comprehensive analyses of all relevant zoning factors in regard to a subject property I have yet seen." See *Chapman v. Montgomery County Council*, 259 Md. 641, 271 A.2d 156, 161 (Dissenting Opinion of Barnes, J.) (1970). She pioneered in establishing rules of practice and procedure for zoning hearing examiners and assisted other jurisdictions in developing their own hearing examiner systems.

Suffice it to say, that the general public and the legal profession are indebted to Rita Davidson for the *Hyson* ruling and all that it spawned. It should be observed that her contributions to the field of land use law did not end with *Hyson*. During her years as a member of the judiciary, she authored several important opinions on this subject. The quality of her opinions was in keeping with the tradition of excellence for which Maryland courts have become nationally known in land use law.

As noted previously, Rita actually lost the *Hyson* case. The Court, perhaps motivated by a desire that its ruling be prospective and not retroactive, concluded that while Rita was correct on the law regarding the adjudicatory character of the zoning proceeding, it could find no specific denial in the record of any specific request by her to cross-examine. Many who were present at the hearing on that long ago evening respectfully disagree with the court on this point. Be that as it may, Rita may have lost a battle, but with the *Hyson* ruling, she made an important and lasting contribution toward improving the process by which government regulates the use of land.

It is with respect and gratitude that I second the Motion of Chief Judge Gilbert.

IN MEMORIAM

RESPONSE

of the

HONORABLE JAMES F. COUCH, JR.

Members of the Davidson family, Chief Judge Murphy, my colleagues, friends and admirers of our former colleague, Judge Rita Davidson.

Initially and with respect, Judge Davidson, the judges of the Court request that on their behalf I publicly express our deep and sincere sympathy to you, your children, and other members of Rita's family. I speak for all in telling you that Rita and the product of her labors as a member of this Court will long remain in our memories as we toil in the cause of administering justice.

My personal acquaintanceship with Judge Davidson commenced in 1977 when I was appointed to the Court of Special Appeals of which she was then a member. Our association was interrupted in 1979 when Rita was appointed to the Court of Appeals—it was resumed in 1982 when I was appointed to my present seat on this Court.

During this time, Rita presented two views or images to those of us who served with her; two faces if you will. Intellectually she demonstrated a strong adherence to those principles she believed in; her stand on many issues did not reflect pure stubbornness, but a willingness to speak out for what she believed was right or the way something should be. This trait, of course, led to Rita's many dissents. Not to be overlooked, however, are those opinions Rita wrote for the Court, usually a unanimous Court, where new ground was being broken. For example, Rita authored the opinion of the Court in *Harper v. Harper*, 294 Md. 54, 448 A.2d 916 (1982) wherein the Court in large measure made clear how marital property was to be determined under the relatively new marital property act. In *McAlear v. McAlear*, 298 Md. 320, 469 A.2d 1256 (1984) Rita wrote for a unanimous Court that a monetary award granted pursuant to the Courts and Judicial Proceedings Article constituted a

IN MEMORIAM

property disposition award that adjusted the marital property interests of the spouses, and did not constitute a form of alimony and could not be enforced by contempt.

Another case where Rita authored the Court's opinion, without dissent, was *Grant v. Zich*, 300 Md. 256, 477 A.2d 1163 (1984) where again the Court was concerned with problems concerning marital property. So it might be said that Rita had become somewhat of an expert in matters involving the new marital property distribution law.

Rita also wrote many of the Court's opinions in the area of zoning and administrative law, as mentioned by Chief Judge Gilbert. She, as has been alluded to, brought to the Court vast experience in the zoning area stemming from her service as a Zoning Hearing Examiner for Montgomery County.

Rita's dissents were generally well written and, on occasion, brilliant. In the latter category, I place her dissent in *Little and Odom v. State*, 300 Md. 485, 479 A.2d 903 (1984) the sobriety checkpoint roadblock cases of last year. While the Court was not persuaded to change its position, there was admiration expressed for the quality of her dissent. My impression is that while the Court often disagreed with Rita's position, it had respect for that position and how it was expressed by Rita.

The other side of Rita which I observed over the years demonstrated a truly warm and caring human being. Regardless of how much she disagreed with an opposite position taken by a majority of the Court during our conference following oral argument, she expressed her view vigorously, but without rancor. In short, Rita was able to make her position known in a nonoffensive way which left all of us with a continuing feeling of good will. I, for one, never felt any antagonism by any of Rita's comments, even though her remarks may have been sharp. In short, she was able to get her point across without ostracizing herself from the rest of the Court.

IN MEMORIAM

Chief Judge Gilbert, Judge Cahoon, Professor Czapan-skiy, Mr. Delaney, and others present, the members of the Court are deeply grateful for your journeying here and joining with us in this memorial meeting.

I am authorized by the Chief Judge to state on behalf of the Court that the so well-deserved tributes paid to the life and work of Judge Rita Davidson will be recorded in the minutes of this Court and preserved among its permanent records, and that the motion to that effect will be granted.

As a further mark of respect to the memory of Judge Rita Davidson, the Court of Appeals of Maryland now stands adjourned.
