



Sun photo—Weyman Swagger

JUDGE RITA C. DAVIDSON

Lee selects woman for top court

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By TIMOTHY M. PHELPS

Rita C. Davidson, an outspoken liberal from Montgomery county, was chosen yesterday to become the first woman member of the Court of Appeals.

Judge Davidson, who is 50, was appointed by acting Governor Lee to succeed the late Irving A. Levine on the state's highest court, in accordance with Judge Levine's wishes.

A controversial advocate of welfare rights while heading the state's social services agency six years ago, Judge Davidson is expected to maintain and probably strengthen the tenuous liberal majority on some issues that had recently begun to emerge on the court, with some support from Judge Levine.

The appointment requires approval by the state Senate, but that has been easily obtained in the past.

Judge Davidson said she was in her office in Montgomery county about 1.30 yesterday afternoon when her secretary told her the acting governor was calling. "I have good news. I am going to appoint you to the Court of Appeals," she said he told her.

Asked about comments that some judges on the court "were not too eager to have a woman in their club room," Judge

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Davidson said she did not think she would have any problems.

"Men generally like women," she said. "I find no reason to believe that my new-found colleagues on the Court of Appeals will deviate from that.

"I have been known as a person who gets other people to laugh," she said, when asked if she would bring changes to the court. "If that's the kind of change people are talking about, then I think my colleagues will welcome it. I certainly hope so."

Judge Davidson was chosen over three other judges from Montgomery county, two of whom, John P. Moore and John F. McAuliffe, received higher ratings from the Maryland State Bar Association than Judge Davidson. They were found highly qualified, whereas Judge Davidson and Judge Joseph M. Mathias were rated qualified.

Mr. Lee has often said he would like to appoint women and blacks to the bench. Now he has appointed both the first black, Judge Harry A. Cole, and the first woman to the Court of Appeals.

"Judge Davidson will be the first woman to serve on Maryland's highest court," Mr. Lee said in a statement. "This fact was not controlling in her selection, but it may serve as an inspiration to present and future female attorneys."

The acting governor said the selection was not a comfortable task, since all four of the judges recommended by a judicial nominating commission "have been my friends for many years."

"Nevertheless, I have concluded that Judge Davidson is unsurpassed among them in terms of scholarship, intellectual capacity and breadth of experience," he said.

Judge Davidson generated enough controversy as head of the then Department of Employment and Social Services (now Human Resources) that suspended Governor Mandel found it expedient to appoint her in 1972 to her present post on the state's second highest court, the Court of Special Appeals.

Various Chambers of Commerce called for her ouster from the Social Services post after she considered paying welfare benefits in 1970 to families of striking public employees in Garrett county. She eventually rejected paying the benefits to businessmen and some legislators were still citing the episode two years later.

Judge Davidson said yesterday she does not consider herself a controversial judge. "On the bench I speak my piece and take my positions. My colleagues either

agree or disagree as the case may be. We get along. I consider myself no more controversial than any other judge."

Mrs. Davidson has not attracted great attention outside of legal circles on the Court of Special Appeals, probably because it is a "workhorse" court that is not often in the limelight. With four or five dissents a year she is probably the court's most frequent dissenter.

Her elevation to the Court of Appeals leaves a major judicial appointment to Governor-elect Hughes. Unlike Judge Levine's seat, which is limited to Montgomery county and Western Maryland, Judge Davidson's seat on the Court of Special Appeals has no residency requirement.

Mrs. Davidson and her husband, David, are greeted by friends as Judge Davidson and Judge Davidson, since Mr. Davidson is an administrative law judge with the Na-

tional Labor Relations Board.

Born in Brooklyn, she moved to the Washington area in the early 1950's with her husband, whom she met while they were both at Yale Law School, according to friends.

She and Judge Levine, who died suddenly two months ago, struggled together in the 1950's to gain control of the Democratic party in Montgomery county for its reform element. At first opposed to Mr. Lee, they eventually closed ranks with him.

Judge Levine, who one friend said had said he would like to see Judge Davidson succeed him, attended her 50th birthday party in September. It was a particularly joyful occasion, since she had just recovered from a 2½ year bout with cancer, including several operations.

Judge Davidson gave the chief eulogy

at Judge Levine's funeral. Her appointment also continues a tradition that Judge Levine's seat be held by a Jewish person.

"She is a very strong person. She is strong in her views," said one friend who has known her for more than 20 years. "She says what she believes in."

The friend said that as a zoning hearing examiner in Montgomery county between 1967 and 1970, she won the respect of businessmen and neighborhood groups alike in controversies over some of the most expensive land in the country. "People who cannot agree on other things agree on Rita," he said.

In 1970, she considered running for county executive, but, faced with a crowded field of opponents, she decided to accept Mandel's offer of the welfare job, becoming the first—and still the only—woman cabinet member in the state.