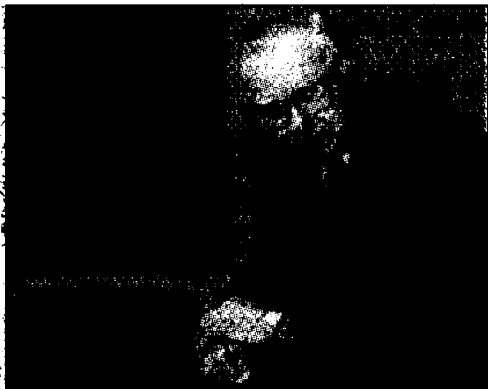


Eldridge retires today: a long and fascinating ride

BY PETER GEIER

Daily Record Legal Affairs Writer

One of Maryland's longest serving, active appellate judges will retire from the bench today when he turns 70 years old.



FILE PHOTO

The Honorable John C. Eldridge of the Court of Appeals, one of Maryland's longest serving active appellate judges, retires today after nearly 30 years on the bench. Eldridge expects to continue hearing cases and writing opinions through December, if Gov. Robert L. Ehrlich Jr. does not appoint a successor by that time.

Judge John C. Eldridge of the **Court of Appeals**, appointed to that court in 1974 by Gov. Marvin Mandel after serving five years as his chief legislative officer, said it would be difficult to summarize his time on the bench.

"It's been fascinating," said Eldridge. "I've been eligible to retire at any time in the last 10 years, so I must be enjoying it. It's an excellent court, the governors have appointed excellent judges and I have excellent colleagues."

Eldridge will continue hearing cases and writing opinions, but without the administrative duties he has shouldered for 23 years as the Annapolis-based senior judge. He expects to hear "most all of the December cases" if Gov. Robert L. Ehrlich Jr. does not appoint a successor by that time, he said.

Judge Lawrence F. Rodowsky, who retired from the Court of Appeals three years ago this month but still serves by designation, called Eldridge, with whom he

served for 14 years, "quite an extraordinary judge."

"Jack is the institutional memory and he's certainly the authority on the Maryland Constitution and probably on state government generally," Rodowsky said. "He's also the father of current Maryland administrative law."

Better right than fast

Administrative Law Judge Denise O. Shaffer, who clerked for Eldridge from 1991 to 1993, told of her first meeting with him: her interview for the clerkship.

At that interview, Shaffer and the judge had a spirited disagreement over an amicus brief she wrote as an intern for the Baltimore-based **Advocates for Children and Youth**, she said.

"As I was driving home, I thought, 'So much for that job.' But when I got home there was a message on my answering machine offering me the job," Shaffer said.

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Eldridge "always enjoyed a good intellectual argument" and treated those "significantly less experienced and his junior with respect," she said.

"But you had to really be prepared to defend yourself," Shaffer laughed.

As for the judge's famous long turnaround on opinions, she pointed out that Eldridge was very thorough.

"He would tell us it was more important that it be right than be fast," Shaffer said.

Considerable contribution

Kevin F. Arthur, Eldridge's law clerk from 1987 to 1988, now an attorney at the Baltimore law firm **Kramon & Graham**, called the judge "an intellectually daring guy ... very imaginative, very smart and a little bit eccentric," not afraid of expressing his opinions about things.

"You really don't have to guess too much what his views are," Arthur said. "He's a civil libertarian who doesn't like the government, and someone who's skeptical of the power of government is good to have in there. And he doesn't like insurance companies, but you know that from his opinions."

As Mandel's chief legislative officer, Eldridge was responsible for rewriting many parts of the Maryland code, particularly the insurance code and the courts and judicial proceedings code, Arthur said.

There was an instance in which a lawyer was making an argument to the court as to "what the General Assembly intended when they passed a section of the insurance code," he said.

"Some of the judges smiled knowingly while the poor lawyer was making his argument, because of course the in-

tent of the General Assembly was the intent of Jack Eldridge when he was writing that provision of the code back in 1972 or whenever that was," Arthur said.

Judge Marvin H. Smith, who retired from the Court of Appeals in 1986 but still serves by designation, said he did not remember this story but that it easily could have happened.

A true appellate judge

Claudia A. Diamond, who now clerks for U.S. Magistrate Judge Paul W. Grimm, said one of her first surprises in clerking for Eldridge from 1995 to 1996 fresh from academia was that the judge does all his writing in pencil on a yellow legal pad.

"Did you know he never used a computer? He's got one, but he props his feet up on it," Diamond said, adding this helped lend a sense of "working in a bit of a time warp."

Preparing opinions, Diamond said she would "sit in a chair with a concave place well worn by my butt and the butts of all the clerks before me," across from Eldridge "propping his feet up on the computer and playing with a rubber band as he speaks with you."

When her draft was ready, Eldridge "would take what you did and literally cut and paste — a paragraph here, a sentence there — handwriting a section in pencil on a yellow pad, then stapling the paragraph or sentence of yours he wanted to use on the sheet, and give that to his secretary to type up," she said.

"He's a true appellate judge — his temperament is suited to that," Diamond said. "I think he found the perfect fit for his legal skills. Some people were born to argue the great cases. Judge Eldridge was born for the ivory tower and thinking about the law."