

Tough questioner prepares to step down

Judge Eldridge, 70, set to leave appeals bench, plays down the 'hoopla'

By LISA GOLDBERG
SUN STAFF

Judge John C. Eldridge was in fine, querying form — some might call it curmudgeonly — as he posed question after question to the lawyer standing behind the lectern, desperate to get his point across in 30 minutes or less.

Eldridge was insistent, impatient even, when the lawyer attempted a dodge.

"Answer my question," he interrupted, his voice gruff and gravelly, from his elevated post among the red-robed judges of Maryland's Court of Appeals.

This was classic Eldridge questioning: the rapid-fire probing into gray areas of law and procedure. It's so much a part and parcel of the judge's style that one of his former law clerks, hearing that Eldridge was sitting on the bench one day, said jokingly, "Did he have anyone for breakfast?"

And it's about to become a rarer sight.

After nearly 30 years on Maryland's highest appellate bench, Eldridge is retiring today. The Annapolis-area resident has little choice because it's his 70th birthday, a milestone that, under Maryland law, makes him too old to serve.

But he insists that for the short term, he isn't going any farther [See Eldridge, 10B]



BARBARA HADDOCK TAYLOR : SUN STAFF

"I've found ... wrestling with tough legal issues to be fascinating," Judge John C. Eldridge says of his time on the appeals bench.

A tough questioner is set to leave bench

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than the third floor of the Robert C. Murphy Courts of Appeal Building. He has opinions to write, and — until his replacement is named — a regular seat on the seven-member bench.

More cases to come

Even after someone fills his seat, he said, he expects to fill in many days, as needed, as a retired judge on the state's two appellate benches.

Today means little to him, then: "The only thing is the hoopla about it," he said with a gruff laugh.

But those who worked closely with Eldridge insist the "hoopla" is well-deserved. The Baltimore-area native and 1959 University of Maryland School of Law graduate has a brilliant legal mind and has been a key player in creating and evaluating Maryland law since the late 1960s, they say.

After all, it was Jack Eldridge, who as chief legislative officer to former Gov. Marvin Mandel in the early 1970s, helped to craft many state laws, some of which he would later interpret from the bench.

And it was Eldridge who wrote some of the state's high-profile opinions striking down juvenile curfew laws, ruling that the governor's phone and office appointment records were public record and declaring that white people cannot be excluded from juries based on race.

He also wrote a national first — an opinion that allowed victims of gun violence to sue those who make or market cheap guns called Saturday night specials, weapons he said are useless for anything but committing crimes.

"I can't imagine him actually not doing the law," said U.S. Department of Justice lawyer Anne Murphy, who sought out a clerkship with Eldridge in the mid-1990s after reading the Saturday night-special opinion. "It's so integral to who he is and how he operates."

Eldridge, a married father of two, honed his craft working two years as a clerk for another noted Maryland judge, Simon E. Sobeloff, then the chief judge of the U.S. 4th Circuit Court of Appeals before moving to the civil appellate section of the U.S. Department of Justice. That job allowed him to argue federal cases across the country.

By 1969, Mandel was the state's chief executive and was ready to push an aggressive legislative agenda that would ultimately result in the creation of the state's District Court system and the reorganization of state government and in laws that governed the environment and reformed insurance. The governor tapped Eldridge to be the point man who would craft the legislation.

When Court of Appeals Judge William J. McWilliams retired, Eldridge applied and Mandel enthusiastically named him to the seat — just a few minutes after learning his aide had been nominated for the job. Eldridge was 40 when he took the bench Jan. 7, 1974.

"He had one of the brightest legal minds I ever talked to and I think his service on the Court of Appeals has demonstrated that," Mandel said recently.

The appointment, which was opposed by the Anne Arundel County bar, caused charges of political cronyism and spurred another Court of Appeals judge, Wilson K. Barnes Sr., to resign in protest.

But newspaper editorials lauded Eldridge's legal ability, and friends and colleagues say that he has proven his worth in nearly three decades on the court.

"He's certainly not been opposed to sticking his chin out there," said Glen Burnie lawyer T. Joseph Touhey, who worked as Eldridge's assistant in Mandel's office in 1969 and 1970. "And for that I admire him because he takes some stands, at times, that are not considered popular."

His time on the court has been distinguished by liberal-leaning opinions that rely heavily on legal history and centuries-old English common law and demonstrate his passion for Maryland law and the rights afforded under the state constitution, colleagues, court observers and former law clerks say.

Eldridge said he finds that tracing the history of a law will often "answer the questions in the case." And new arguments may cause him to change his thinking years after an opinion is issued, he said.

"I've found ... wrestling with tough legal issues to be fascinating," he said. "I'm happy with the way I spent the 30 years."

Court officials say he has written more than 800 opinions.

"He's been a source of continuity for the court. He's been there and he's seen the development of the court over time," said Court of Appeals Chief Judge Robert M. Bell.

'A gift' to Maryland

Over the years, too, he has developed a reputation for his combativeness from the bench and his intolerance for unprepared lawyers. But some say Eldridge is just trying to fill in the blanks with his questioning.

"I would say he's very demanding and expects everyone to be as thoroughly prepared as he is," said Annapolis-based appellate lawyer Cynthia Young.

But while his public persona is gruff, former law clerks and colleagues say the grumbles and growls actually mask his shyness. The Eldridge they know, they say, is highly intelligent and humorous, with a passion for old movies and amateur photography.

Clerks said they still reap the benefits of their learning from the year they spent probing the law with Eldridge; Judge Lynne A. Battaglia, the court's junior judge, says she often relies on his guidance and considers him a mentor.

"I really think of him as a historical figure," Battaglia said. "... He's been a student of the law for all of his life, and that is really a gift he's given to the court and the state of Maryland."