

Schaefer Snubs Montgomery In Naming Appeals Court Judge

By Richard Tapscott
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ANNAPOLIS, June 25—Gov. William Donald Schaefer bypassed Montgomery County State's Attorney Andrew L. Sonner today and chose a Baltimore County judge to fill a vacancy on the Maryland Court of Special Appeals, the state's second-highest court.

The nomination, which needs state Senate confirmation, was met with some bitterness in Montgomery County, since it leaves no judge from the state's largest county on the 13-member court after the April 22 retirement of Judge Rosalyn B. Bell.

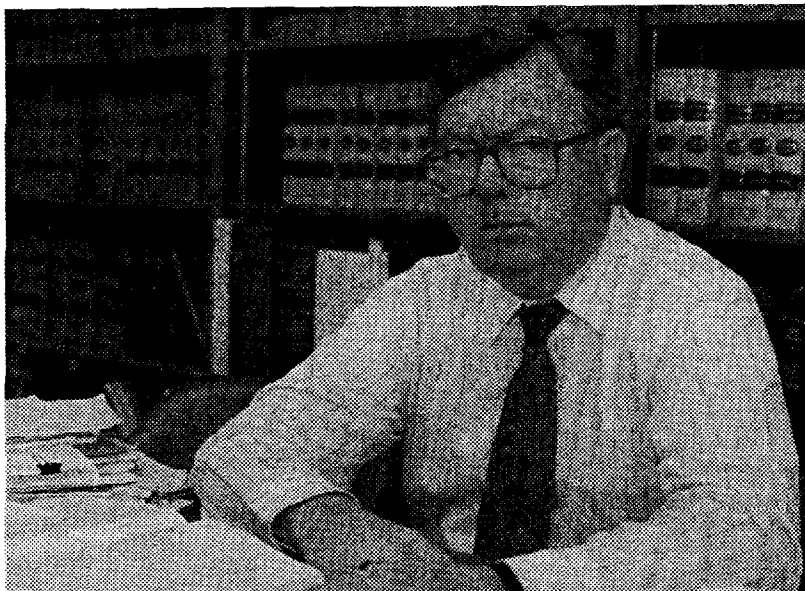
"It's just one more in a series of setbacks for the county," said Montgomery County Democratic Party Chairman Michael Gildea. "This happens over and over and over again, and people are getting fed up with it."

From a list of six finalists, Schaefer nominated Baltimore County Circuit Court Judge Joseph F. Murphy Jr., 49, to succeed Bell. Murphy, who attended the University of Maryland Law School, has a state-wide reputation as a legal scholar and a respected, apolitical jurist.

Murphy was an assistant state's attorney in Baltimore from 1975 to 1976 and was in private practice until he was appointed to the circuit bench in 1984.

Sonner was the lone finalist from Montgomery, and county Democrats had generally supported his nomination, in part as a matter of local pride after losing several high-profile budget battles in the General Assembly. If confirmed, Murphy will be the sixth of the 13 Court of Special Appeals judges to be from Baltimore or Baltimore County.

A spokeswoman for Schaefer said the Democratic governor believes that regional representation is "important" in his appointments. "But the governor's ultimate responsibility is to put the person who's best qualified on the bench, and he feels very comfortable with the decision," said Page Boinest, Schaefer's press secretary.



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Baltimore County's Judge Joseph F. Murphy has been tapped by governor.

One of Sonner's allies, Sen. Mary H. Boergers (D-Montgomery), predicted that the nomination will not sit well in the county.

"It's the largest jurisdiction in the state, and one of the concerns coming from political leaders as well as citizens is that there should be representation at all levels, so the county's perspective is included," Boergers said.

However, she praised Murphy as highly qualified and said that seeking geographical diversity or any other special traits should not lead to a "quota system" for appointments.

Schaefer's decision to pass over Sonner, a fellow Democrat, was not universally criticized in Montgomery.

Del. Leon Billings (D-Montgomery) said he and some others felt that the most important consideration is to have the best possible nominee, regardless of geography.

"I don't think the state's attorney was the best possible nominee," said Billings, a maverick first-term legislator.

Some lawmakers said Sonner's political opponents had been threatening a bruising confirmation battle if he was nominated, noting that the

Montgomery prosecutor had made political enemies during his 22 years in office. Most recently, Sonner incurred the wrath of former county executive Sidney Kramer when he backed Neal Potter's successful primary challenge to Kramer in 1990.

The prospect of a confirmation fight was far from welcome in the state House, particularly after this year's abortive attempt by Schaefer to put a former state delegate, John S. Arnick, on the district court in Baltimore County.

Sonner congratulated Murphy today and predicted he would do "an exceedingly fine job." Geographic representation, Sonner added, should have been only one of Schaefer's considerations.

"If he felt Judge Murphy would do a better job, he should appoint him," Sonner said.

With his current term as state's attorney expiring next year, Sonner said he plans to talk with friends and advisers about seeking reelection and hinted that he wants to remain politically active.

"It's something I've done a long time, that I know how to do, and I expect to continue doing that," he said.