

Judicial Profile: Judge Gale Rasin Caplan

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Judge Gale Rasin Caplan was appointed to the District Court of Maryland for Baltimore City on April 2, 1992. The Magna Cum Laude graduate from Duke University, who received her J.D. from the Georgetown University Law Center in 1976, is now the mother of two children, ages 11 and 8, and is married to the Honorable Hilary D. Caplan, Judge, Circuit Court for Baltimore City. When not on the bench, Judge Rasin Caplan is a little league mother, a member of the vestry of the Church of the Redeemer and an avid reader. A member of a book club group, Judge Rasin Caplan recently completed and highly recommends Michael Ondaatje's *The English Patient*.

Before ascending to the bench, Judge Rasin Caplan was the Chief of the Medicaid Fraud Unit of the Office of the Attorney General (1985-92), working on "primarily criminal, civil settlements with medical providers involving hundreds of thousands of dollars in fraud, drug diversion, and patient abuse cases as well as a case involving the exchange of controlled drugs by a physician for sex, and the first successful prosecution of a doctor convicted of criminally neglecting nursing home patients." Formerly, Judge Rasin Caplan was also an associate at Piper & Marbury (1981-85), an Assistant U.S. Attorney (1977-81), and an Assistant State's Attorney (1976-77).

Over the past year, Judge Rasin Caplan has held court at Fayette & Gay Streets presiding over civil cases – contract, tort, small claims involving any number of issues and domestic violence cases. Judge Rasin Caplan is pleased with the increased jurisdictional limit of the District Court to \$20,000. "It is almost a badge of honor that the judges on the District Court handle a large number of cases per day. The judges take pride in the fact that over the years the filings have increased, the jurisdictional limits have increased, the complexity of the cases has increased. Recently, I tried a stock fraud case involving five

plaintiffs with claims of \$20,000 per plaintiff. From July-December, 1993, each judge was taking one day of duty hearing domestic violence cases. But, in January 1994, I volunteered to hear domestic violence cases two days per week, because I really had a particular interest in that."

Over the past two years, the domestic violence statute has been modified, says Judge Caplan, "so that a domestic abuser may be excluded from the family home for up to 200 days. In addition, the statute now applies to spouses, former spouses, persons related by blood or marriage, persons having children together, parents on behalf of their children against an abusing parent, and to cohabitants."

CBR: How often is this maximum period of protection, 200 days, afforded the victim of abuse?

GRC: Every judge has the discretion to use his/her guidelines, but in my use of the statute, I routinely use 200 days, under the theory that it can always be modified for less, and it is not unusual for a petitioner, someone who received the benefit of an Order, to file a request that the

Order for Protection Against Domestic Violence be rescinded or modified. The 200 days is not in stone; the period of protection may be modified. There would be serious uncertainty, a legal question, as to whether a period of less than 200 days may be increased. For example, in a criminal proceeding, a criminal sentence may not be increased, but may be reduced.

CBR: Do attorneys often appear as counsel for any of the parties in a domestic violence proceeding?

GRC: No, not in Baltimore City. However; it is not unusual to have counsel appear in other counties, especially Montgomery County. In Baltimore City, in a minority of cases, when counsel does appear, it is sometimes a staff attorney from the House of Ruth. But given the nature of the consequences, and the ability of the Court to order



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emergency family maintenance wherein the Court orders that one of the parties to make payments of financial support, it is unfortunate that more people cannot obtain counsel.

CBR: Will you very briefly describe the usual step for initiating the procedure to obtain an Order for Protection Against Domestic Violence?

GRC: Procedurally the first stage is *ex parte*, usually the result of an emergency. At this stage, the petitioner must establish reasonable grounds to believe that an act of abuse has occurred under the statute, such as a battery, child abuse or a threat of grave bodily harm. An *Ex Parte* Order for Protection Against Domestic Violence may be issued for 7 days, and may be extended for up to 30 days to effectuate service of process. The second stage normally consists of a joint hearing involving the petitioner and the alleged abuser. At this time, the 200 day period of protection may be imposed.

CBR: Besides ordering emergency family maintenance and issuing an Order for Protection Against Domestic Violence, is any other relief ordered by the Court?

GRC: In some cases, I will refer an alleged abuser to a six month educational

and counseling program run by the House of Ruth. In this case, the House of Ruth receives a copy of the Order; an abuser who fails to attend may be held in contempt of court. Either the petitioner or the House of Ruth may initiate the contempt proceeding.

Anecdotaly, and rather ironically, one alleged abuser who failed to appear for the initial intake meeting at the House of Ruth blamed the victim, his wife, for his failed appearance. But 'your Honor,' he said, 'my wife isn't around to help me comply with your Order. Since my wife has moved to another state, I don't have anyone who can schedule the initial appointment for me.'

CBR: Were you always interested in the law and a devotion to public service?

GRC: At age eight, I read a book entitled *How to Cross Examine Witnesses Successfully*. My father happened to be the Circuit Court Judge for Kent County, Maryland (the Honorable George B. Rasin, Jr.) who served on the bench for more than 25 years. I was affected by how much my father loved his job.

At my investiture, I thanked my father for being a model of public service for my brother, George, and me. With a reference to the *Book of Common Prayer* I said that I hoped to judge 'with an inquiring and a discerning heart, and the courage to will and to persevere.'