

Joseph Sherbow, powerful lawyer and judge, dies

Joseph Sherbow, a former city Supreme Bench judge and adviser to governors whose contributions to Maryland government and his profession included far-reaching tax and judicial reforms, died yesterday at Sinai Hospital.

Mr. Sherbow, 78, who was widely known as one of the state's top constitutional and tax lawyers, had been ill for several weeks.

During his years on the Supreme Bench of Baltimore from 1944 to 1952, he earned a reputation as a crusading judge who often abandoned the bench's traditional role to demand reforms in the courts, the welfare system and other branches of government—or to criticize police for ignoring certain laws.

Upon learning of Mr. Sherbow's death, Chief Judge Robert C. Murphy of the state Court of Appeals said last night: "He will be terribly, sorely missed. He was the dean of the bar and with his background as a judge he was someone other judges could emulate. . . . He was a special friend, certainly of mine, and I'm sure of many others.

"He was one of those legends that will live on for a long time. He was a marvelous man—a very powerful lawyer and a very powerful judge," he added.

Mr. Sherbow's help and advice were solicited by governors and city mayors, both Democrat and Republican, over half a century. His influence extended from the 1920s and 1930s administrations of the late Governor Albert C. Ritchie well into the present decade. Those who recall the Ritchie days say he was regarded as one of the "bright young stars" of Mr. Ritchie's four terms.

One of the last "Sherbow Commissions" he headed was the Maryland Commission on the Functions of Government, appointed by former Governor Marvin Mandel to investigate which government services should remain locally financed and which should be taken over by the state. The commission's 1975 report recommended the abolition of state property taxes and the substitution of increased income or sales tax as fairer methods of raising necessary revenue.

After Mr. Sherbow's retirement from the Supreme Bench, he returned to practicing law, handling primarily corporate and public-utilities cases. He served as chief counsel of the old Baltimore Transit Company until 1970. He was known as the "dean of public-utilities counsel in Maryland," his law partner of more than 25 years, Edward F. Shea, said yesterday.

Mr. Sherbow was also chairman of the Appellate Judicial Nominating Commission, screening candidates for Maryland's two highest courts.

As an active and influential participant in the state's Constitutional Convention of 1967, he headed the Maryland Bar Association's committee on the constitution and the committee on state finance and taxation.

A strong advocate of the revised constitution that was later rejected by voters, he discounted claims by the opposition that the new constitution would be too costly. Saying the cost would be minimal, he added, "I don't think you can put a dollar



JOSEPH SHERBOW

value on good government."

Mr. Sherbow served on numerous state commissions studying tax reform, duplication of services in the city and state, social services and regulatory law.

Mr. Sherbow was a fiscal adviser to Governor Ritchie and was secretary of the late Governor Herbert R. O'Connor's Commission on Revenue and Taxes in 1939.

Seven years later the first important Sherbow Commission, also named by Governor O'Connor, made the first careful study of how the state should share its revenues with local subdivisions.

The recommendations were so widely approved that the governor called a special session of the legislature in December, 1946, to enact a major portion of the commission's proposed program, recalls Richard W. Case, a fellow member who is now chairman of the board of trustees of the Peabody Institute and senior partner of the law firm of Smith, Somerville and Case.

Most of the other recommendations became law during the 1947 regular session of the General Assembly, according to Mr. Case.

In 1960, Mr. Sherbow was named to represent Baltimore on a city-state committee charged with finding new revenue sources for the city.

He nurtured an interest in politics throughout his lifetime and, as head of the Sherbow, Shea and Tatelbaum law firm, became one of the most influential lobbyists in Annapolis in the early 1960s.

While sitting on the Supreme Bench, Mr. Sherbow ruled that the Maryland Subversive Activities Act—known as the Ober law—denied constitutional freedoms. The decision, which gained him national publicity, was later reversed by the Court of Appeals, but it had rendered the act void for practical purposes.

Mr. Sherbow was active in judicial re-
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form—a movement intended to keep politics out of the courtroom—for more than four decades. He called for the elimination of competitive judicial elections and the creation of a “merit system” for appointing judges.

In a 1975 article in *The Sun*, he wrote: “All judicial candidates, including the incumbent judges, must raise funds for advertising, printing, television and radio. They must conduct active campaigns, go to political meetings, oyster roasts, crab feasts, etc.

“This is demeaning and out of character with judicial office. The language of the constitution that judges must be ‘most distinguished for integrity, wisdom and sound legal knowledge’ is rarely, if ever, mentioned in that kind of a campaign.”

Now, most judges in Maryland, including those who sit on the two highest courts, run on their records in nonpartisan elections.

After his retirement from the Supreme Bench—an action he took because, he said, the pay was too low—Mr. Sherbow remained active in both legal and political affairs. He was appointed special prosecutor to investigate the state’s scandal-ridden Department of Employment Security in 1955.

From 1929 until 1935, he served as an associate judge of the People’s Court. He later was named chairman of a special committee of the city bar which worked to reorganize the People’s Court.

Services for Mr. Sherbow will be held at 10.30 a.m. tomorrow at the Baltimore Hebrew Congregation Temple, 7401 Park Heights avenue.

Mr. Sherbow is survived by his wife, the former Sara Rosenblum; 2 sons, Theodore Sherbow, and Arthur D. Sherbow, both of Baltimore; a daughter, Joan E. Winston, who lives near Annapolis, and 12 grandchildren.