

30 years on bench, judge isn't retiring type

By BRIAN M. SCHLETER
Staff Writer

There were no balloons, confetti or parting gifts in sight when Court of Appeals Judge John C. Eldridge showed up for what was supposed to be his last day of work last week.

Paintings and other personal effects were still hanging on his chambers walls and his desk was a mess — piled high with open law books and tattered legal pads. The absence of any moving boxes suggested the judge, who turned 70 Wednesday and by law had to step down, wasn't retiring after all.

"I'm not really going anywhere. I could have retired 10 years ago with a full pension," he said, noting Chief Judge Robert M. Bell has signed an order allowing him to continue to hear cases part-time.

Instead of packing up, he filed three opinions that day, settling a Severna Park real estate dispute, a wrongful death lawsuit and a lead paint case.



Appointed to the court in 1973 by then-governor Marvin Mandel, Judge Eldridge is widely held to be a brilliant legal mind who shaped Maryland law as few others have in his nearly 30 years on the bench.

Over his distinguished legal career, Judge Eldridge argued a case before the Supreme Court, was a right-hand-man to former U.S. Attorney General Robert F. Kennedy and was responsible for drafting landmark legislation in Maryland that

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created the District Court and the Office of the Public Defender.

As an appellate judge, he is regarded by fellow judges, lawyers and former law clerks as a staunch defender of the Constitution. His passion for defending the rights guaranteed by the state constitution can often be found in his opinions, particularly on freedom of speech and

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administrative law cases.

"What has made Judge Eldridge unique has been his unwavering drive to uphold the rights of individuals as they are guaranteed by the Constitution. His respect for our Constitution inspired him to develop a deep understanding of its intricacies," wrote fellow Court of Appeals Judge Lynne A. Battaglia in the *Maryland Law Review*. "Along the way, he heightened and expanded our own constitutional comprehension."

Legal master

Judge Eldridge grew up in rural Baltimore County, the middle of three children. His father was a pharmacist.

After graduating Harvard College, he attended Harvard University Law School before leaving for medical reasons. He received a law degree from the University of Maryland, School of Law in 1959.

After clerking for the fourth circuit U.S. Court of Appeals Chief Judge Simon E. Sobeloff, he went to work for the U.S. Department of Justice's Civil Appellate Division. Judge Eldridge said he interviewed

with several major law firms before going to work for the government, but he was disappointed to find "they seemed more interested in how much business I could bring in than my legal ability."

As the government's lawyer, the briefs he wrote were argued by the solicitor general in the U.S. Supreme Court. The young lawyer argued an admiralty case himself there — and lost on a 7-2 vote.

"I argued cases all over the country," he said.

In 1962 he and his wife, Dayne Eldridge, moved to Annapolis. He grew up sailing and yearned to return to the water, he said.

"I hated the Potomac," he said, his voice slipping from conversational into the ill-tempered tone that he's known to use when peppering unprepared lawyers with questions.

"So we got a map and drew a straight line due east."

Judge Eldridge went to work as Mr. Mandel's chief legislative officer in 1971. He is credited with authoring several constitutional amendments that were submitted to the voters, as well as re-writing the state's insurance code and other sections of state law.

"He was a very precise and focused kind of guy, a real legal technician," said T. Joseph Touhey, a Glen Burnie lawyer

who worked in the office with Judge Eldridge. "He's like a chess player. Jack thinks eight moves ahead."

Many of the laws he helped get passed he would later interpret from the bench.

"It is rewarding to try and straighten out an area of law which unfortunately has become a little confused," Judge Eldridge said.

In the Ivory tower

In December 1973, Judge Eldridge was 40 when Mr. Mandel called him a few days after Christmas and said he was appointing him to the Court of Appeals. He took the oath two weeks later.

Since then he has written more than 800 legal opinions, Chief Judge Bell has said. Never one to shy away from controversy, his rulings touched on all areas of the law. Just this year the court struck down a longtime interpretation of the state's workers' compensation statute and paved the way for smaller political parties to get state recognition. Judge Eldridge wrote both opinions.

"He takes complicated issues and makes them understandable," said Lori Albin, a Baltimore lawyer who clerked for the judge in 1997 and 1998. "He is a shy, kind and funny man. He doesn't have the

huge ego you'd expect some judges to have."

The judge still hand-writes all his work, shunning an office computer which he uses for a foot rest, clerks said.

"He does things in a way that makes good sense to him," said Wendy Hess, a former clerk.

In court, he has a reputation for being tough on attorneys whom he believes are misinterpreting the law.

"Do you know who wrote that case?" he once asked a lawyer who was arguing the intent of an insurance law opinion the judge had written years earlier.

"Jack was a bit of a master at trying to develop an analysis of the issue and to telegraph that in advance of the conference to the other members of the court who may be struggling to get a grasp on it," said retired Court of Appeals Judge Lawrence F. Rodowsky of Baltimore.

A special committee meets today to interview the two judges and six lawyers vying to replace him. Judge Eldridge represents Anne Arundel, Calvert, Charles and St. Mary's counties and said he will sit in on as many cases as possible until the governor selects his replacement.

"It's been really rewarding experience for me," he said.

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