

# DAILY RECORD

## LAND LAWYER



Mike Buecher

As Kathleen O'Ferrall Friedman steps down after a decade managing the city's domestic docket, she says it's important to try any alternative to the courtroom — mediation, counseling, parenting seminars — for resolving families' problems, "because when people go into the courtroom, they kill one another."

## Veteran in Family Law Wars Cedes Judge-in-Charge Post

Judge O'Ferrall Friedman, Judge-in-Charge of City Domestic Matters, Steps Aside from Leadership Role 'Very, Very Tired,' But with Fondness

BY BRADLEY A. KUKUK

Daily Record Legal Affairs Writer

If Kathleen O'Ferrall Friedman had decided to sue, she might never have become a Maryland circuit court judge.

More than a decade after her appointment to the Baltimore City Circuit Court, Friedman believes that a decision not to file a sex discrimination claim after being passed over for an appointment made a pivotal difference in the direction of her life.

Almost 10 years after making that decision she became just one of 16 women on the bench in Maryland. A year later, she entered into the family law wars by becoming the first judge-in-charge of domestic matters.

On September 3, Friedman will end her supervisory duties and give up management of the domestic docket in Baltimore City after serving in the post for nine years, ceding her title to Judge Albert J. Matricciani.

Though she's loved the experience, she says the decision to quit has given her a great sense of relief.

### 'Very, very tired'

Friedman decided that the time had come to step down about a year ago and told Administrative Judge Joseph H. H.

Kaplan about her plans. With his blessing, she began a search for a replacement and eventually found Matricciani.

Kaplan says Matricciani has been working with Friedman for a few months to learn the system, but next month, he takes over.

"Judge Matricciani says I should wipe the smile off my face," Friedman says, "because I put it all in his lap. I loved it, I really did. But I did my time."

"At first it was so exciting to get involved in all those policy-making management issues. But after a while, you just lose your enthusiasm and your energy. I was tired — very, very, tired. It started to affect my health, working so long, all day long."

Taking a leadership position rewards those who revel in management and policy issues, as Friedman says she does. But it also takes a toll.

It's almost like taking a second job, she says. In addition to handling the regular assigned docket, the judge in charge must develop policy and procedure is-

sues, participate in management meetings and be available to work out problems.

"I do like management functions, it's sort of part of my personality," Friedman says. "I like policy, I like helping to manage the court. We've done a lot of things and made a lot of changes. It's just been very exciting. But I just didn't want to stay too long."

Friedman isn't leaving the bench, she's not even leaving the Baltimore City Circuit Court. But ironically, on the same day that she steps down as manager of family law in the city court, the court will inaugurate the first family division in the state court system.

It's an important first step that has become possible in part because of her work. Friedman helped design the case management system, solve the postponement problem and continues to work on child support enforcement problems.

So her decision comes at an important time in the world of family law and as the system

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KATHLEEN O'FERRALL  
FRIEDMAN



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changes, she'll be watching from the sidelines.

Kaplan says, "She's not going anywhere, she's right here."

## A fateful decision

When Friedman graduated from the University of Maryland law school in 1966, they didn't hire women as law clerks and women struggled mightily simply to get an associate position at a law firm.

Friedman knew of only one woman who held an associate position when she graduated.

She set her sights, instead, on becoming a master in the juvenile court system. All along she wanted to combine her law degree with social work and after law school, she enrolled in the University of Pennsylvania to get a master's degree.

After the University of Pennsylvania, she found a job as a juvenile probation officer for a couple years and "loved it." Then, Legal Aid Bureau Inc., hired her in its general practice division and moved her to managing attorney of the domestic law unit through mid-1977.

While working at Legal Aid, she made her first try for the judiciary when a master vacancy popped up in Baltimore City.

"For that vacancy, three people applied," Friedman recalls, "a black male, a white male, and me, a white woman. And the white man got it. And there was this huge brouhaha. Some judges on the bench just went bananas."

Other judges, especially African-Americans, began pressing to make sure the next master was the black man, Friedman says.

"Here I was, and I thought, what about women? I really thought about trying my own campaign. I certainly didn't want to be in competition with African-Americans, I see our cause as the same. But I was really irritated that a man had gotten the job," she says.

So Friedman called a lawyer and asked if she could file a discrimination suit. He told her he'd look into the situation and get back to her.

"He called me back and it was really interesting what he said. I wasn't sure what he meant, but I took his advice. He said, 'You certainly have a claim, there's no doubt about that. Whether it would be successful, I don't know. But I've asked around, and there's better things in store for you. I think you should just let this go.' So I did, I let it go."

She also let go of her dream of being a juvenile master, left Legal Aid in May 1977, and started a private practice with a partner. Later, she joined a 25-lawyer firm, now defunct, called Constable, Alexander, Daneker and Skeen. She primarily handled domestic relations work.

"I ended up as a partner in this law firm and was liking very much what I was doing. I didn't even think about being a judge," Friedman says. "But Harry Hughes was the governor at the time and he announced he was going to make it one of his prime projects to appoint more women and blacks to the bench."

Eight years had passed since the master vacancy and a friend convinced her that she had a good chance now to get a judicial appointment.

He suggested that, instead of chasing a master position, she should apply for circuit court judge. The friend even promised that if she applied, but didn't get it, he would organize an election campaign for her.

After talking with colleagues and finding support from many of them, she decided to apply in 1984. She didn't get the job that first time, but she got "the call" after two more openings came up in the next year.

"I remember when the call actually came," Friedman said. "It's not some-

thing you forget. I was sitting in my little office when the secretary said 'Governor Hughes is on the phone.' My heart started beating faster, I took a breath and picked up the phone. And Governor Hughes said 'I'm calling you to tell you I've appointed you to the circuit court.' I was just flabbergasted."

On March 1, 1985, she took the oath of office and began her first term.

## Judge-in-charge

Soon after she assumed her duties, Kaplan decided to try a new method of managing the court system in Baltimore City. Friedman found herself in the right place at the right time.

Kaplan began his supervisory role in September, 1984. At that time, Kaplan managed the court's 21 other judges.

As administrative judge, he had responsibility for the whole system and, he said, developed a great fear that something would fall through the cracks — es-

pecially on the criminal side where cases must be tried within 180 days.

"So, I thought it would be a good idea to spread the wealth. I organized a judge-in-charge of felony and misdemeanor, a judge-in-charge of domestic, a judge-in-charge of juvenile, and a judge-in-charge of civil.

"We would meet every Wednesday morning from 8:15 to 9:30, and that way I could be kept abreast of problems on all sides. And five heads were better than one in making those kinds of decisions," Kaplan says.

He asked Friedman to join his management team.

"I chose Judge Friedman because she had a good deal of domestic experience when she was a private attorney. It was a wise decision, because it worked out well," Kaplan says.

"I was very honored that Judge Kaplan asked me to do it," Friedman says. "I was really excited about it, I think we all were. We all just thought it was a great idea because it created a management team.

"Although by statute and rule he was accountable and responsible, he used his team to get ideas, and we really helped develop a lot of policies," she says.

Through this committee, the court created a new way to handle postponement requests by attorneys, a problem which had grown until it almost overwhelmed Kaplan.

"It was just my idea that you shouldn't have a CEO with no vice presidents," he says. "What convinced me was that I was handling [cases arising from] the saving and loan crisis in 1985. Every day I had 75 people in my courtroom at 4:30 trying to get a postponement in civil.

"Everyone was coming to me directly. I had to approve judge leave time, be responsible for all of the dockets — the system was too large. Something [bad] was bound to happen," he says.

The team came up with a new system: up to 30 days before trial, all attorneys would be required to submit a motion to the court if they wanted to postpone a court date.

Less than 30 days before trial, they would have to appear in postponement court and state their case. That ended

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the daily deluge of requests to Kaplan and the system is in place to this day.

Later, they implemented differentiated case management, created parenting seminars and built a medical office in the courthouse.

Throughout, the team worked on methods to resolve family law issues outside of the courtroom. The culmination of that effort is the creation of a family division which begins in September.

"What we tried to do is provide an alternative to the courtroom," Friedman says. "Because when people go into the courtroom, they kill one another and they kill the children, if they have them.

"So we use mediation, parenting seminars, counseling, evaluations, alternative dispute resolution, everything that we can to help people resolve their problems and avoid going to the courtroom.

"The adversarial system works so well for other things, but it feeds the rage and the acrimony and the upset of domestic litigants. It's just the wrong way to go about it," she adds.

Kaplan has tinkered with the management team over the years, eliminating one of the criminal judges-in-charge and creating an at-large post in the committee. In time, every judge in the court will serve a term on the management committee.

Most recently, in preparing for the family division, he has appointed the ju-

venile and domestic judges in charge as co-chairs of a family division committee to increase communication.

Soon he will hire a case coordinator and begin unifying the different elements of the family division to an even greater degree.

## One toe in the water

All summer, Friedman has been on an educational campaign. She's been teaching everyone to think of Matricciani as the judge-in-charge of domestic issues. She has a lot of confidence in him.

"I couldn't ask him to do this without saying to him that I'm available to help. But he'll adapt well. He's extremely talented and gifted," she says.

She's not exactly fading into the woodwork, either. Friedman is still president of the Maryland Circuit Court Judges Association and will remain as the front person in all child support enforcement matters.

September 3 is not going to be a magical day but Kaplan chose the date because that's when the new 6-month rotation starts for all of the judges.

After Labor Day, there'll be a new judge-in-charge of domestic issues and a new family division in Baltimore City.

"The timing is perfect. Although I would love, emotionally, to see it through, I don't have the energy to do it. I really don't. And a person like Matricciani does," Friedman says. He's fresh, he's new and I just think he was there when the court needed him to be there."