

The Court of Appeals

ORIGINAL IN LOCKED V.F.

Harry A. Cole

Harry A. Cole is one of two judges on the Court of Appeals selected from Baltimore city. He is also the first and only black person to serve on the high court.

SUN

When he was elevated from the Baltimore Supreme Bench in 1977, Judge Cole had been a ground-breaker in state government and politics for a quarter century.

Judge Cole was an assistant state attorney general for a short time in the 1950s, the first black person to hold such a position. In 1954, he became the first black state senator in Maryland's history, defeating the organization of Northwest Baltimore political boss James H. (Jack) Polack.

FEB 21 1982

While in the Senate, Judge Cole was a strong advocate of civil rights.

At the appeals court, he is considered a member of the liberal wing on criminal law, but that label is not absolute. In some recent criminal decisions, Judge Cole, 61, has sided with what some see as the conservative block and even wrote one of the majority opinions.

Occasionally he has written stirring dissents, including one in which he accused the four-man majority of being blind to the facts of life in the ghetto.

In that case, the appeals court upheld the drug conviction of a black man whom police nabbed when they were looking for armed robbery suspects. The man ran when people shouted, "Run, police!"

The question was whether the police had a "reasonable suspicion" that the man had done something wrong and were justified in stopping and searching him. The majority said the arrest and search were proper.

In his dissent, Judge Cole wrote that the majority "demonstrates a profound lack of understanding of the realities of ghetto life," and that the man's desire to run when he heard about the presence of the police was a "ghetto-like Pavlovian response."

FEB 21 1982

James F. Couch, Jr.

James F. Couch, Jr., was appointed to the high bench only last week, but he will be as familiar with the Court of Appeals' work as a new judge can be.

SUN

Unlike any of the other six, Judge Couch, 64, has been a judge at all levels of the state's court system. He has served on the District Court, the Circuit Court and the Court of Special Appeals, from which he was elevated last Wednesday by Governor Hughes.

Some court observers say that, even though Judge Couch has been writing formal appellate opinions since he joined the Court of Special Appeals in 1977, he has not shown any definite political or social policy in his decisions.

FEB 21 1982

He has a reputation, however, as a moderate conservative. One person called him a "middle-of-the-roader."

His vote on the court is crucial, especially in many criminal cases, because the other six judges have sometimes divided evenly on issues.

Judge Couch has been chairman of the state's Judicial Ethics Committee, the group that advises judges on professional conduct.

Last week he said he will have to resign from that job, since Court of Appeals judges are the ones who take disciplinary action against errant lower court judges, some of whose cases may have been before the committee.

He is also on the committee set up by the General Assembly last year to study, and possibly make recommendations to revise, the state's judicial system.

SUN

A native of Des Moines, Iowa, Judge Couch graduated from the Washington College of Law at American University in 1941. In private practice, Judge Couch did mainly civil work.

He represents the appellate circuit that includes Prince Georges, Calvert, Charles and St. Marys counties.

Robert C. Murphy

Unlike the man he replaced as Maryland's chief judge in 1972, Robert C. Murphy enjoys mixing in the administration of the court system.

He also seems to revel in the public eye, addressing all sorts of gatherings, from the "state of the judiciary" remarks he gives to the General Assembly to the casual comments he delivers to citizens being initiated into the system that disciplines lawyers.

FEB 21 1982

Under Judge Murphy, the administrative office of the courts has grown dramatically and has become a state bureaucracy all by itself. One of its major duties is to tell Judge Murphy what is going on in his domain.

Some people say Judge Murphy spreads himself too thin by spending a huge amount of time on administrative matters while at the same time grappling with his share of court decisions. Considered a skillful politician, he was described recently by one court observer as a man who "knows when to compromise, how to compromise and deal with people."

Some of his critics, however, say he is reluctant to share the power of his office and grips the reins of the state judicial system tightly.

From October to December of 1966, Judge Murphy was Maryland's attorney general. Before that he had spent several years as an assistant and then deputy attorney general. In 1967, he became the first chief judge of the newly created Court of Special Appeals.

When he was elevated from the intermediate court to become chief judge of the Court of Appeals, Judge Murphy, now 55, was the youngest man ever named to that position.

Considered a moderately conservative jurist, Judge Murphy has been a dissenter in some of the court's recent decisions to reverse criminal convictions.

He represents the appellate circuit that includes Harford and Baltimore counties.

