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## Mary Ellen Barbera named first woman to head Maryland's highest court



Courtesy of State of Maryland Judiciary - Maryland Court of Appeals Chief Judge Mary Ellen Barbera.

By Trishula Patel, Published: July 3 [E-mail the writer](#)

A former public school teacher who went to law school at night will become the first woman to head Maryland's highest court.

Gov. Martin O'Malley (D) on Wednesday named Mary Ellen Barbera, who has been on the Maryland Court of Appeals since 2008, as chief judge. Barbera will take over for [Chief Judge Robert M. Bell](#), who retires Saturday.

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"Of course I am so grateful to the governor," Barbera said. "It's a wonderful honor, and I'm privileged to serve the people of Maryland as the leader of their state's judiciary."

O'Malley also appointed Court of Special Appeals Judge Shirley M. Watts to the state high court. If approved by the state Senate, she would be the first African American woman to serve on the court, officials said.

Together, the appointments would give the Maryland Court of Appeals its first female majority.

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"Judge Barbera and Judge Watts represent the best of the Maryland bar," O'Malley said in a statement. "I am honored that we are not only making history today with these appointments, but that the hard work, talents and skills of these women will help us build on the progress we're making together for the people of Maryland."

Barbera was a Baltimore City Public Schools elementary teacher in the early 1980s while she took law classes at night at the University of Maryland, officials said. She earned her law degree in 1984 and went on to work in the state attorney general's office and as counsel to former governor Parris N.

Glendening.

"It is a historical asterisk that she is the first woman," defense attorney Bruce L. Marcus said of Barbera's appointment. "Her appointment has less to do with the fact of her gender and more to do with her qualifications than anything else."

Before coming to the Court of Appeals, Barbera served on the Court of Special Appeals. She has served on various committees and is chair of the Judicial Institute of Maryland's board of directors. She has also taught courses at the American University Washington College of Law and the University of Baltimore School of Law.

"Her selection is going to receive praise from everyone here in Montgomery County," State's Attorney John J. McCarthy said. He said he was one of many who wrote letters on her behalf to O'Malley.

William Brennan, a defense lawyer in Maryland, has known Barbera since she worked in the attorney general's office.

"As a practitioner, she was always extremely well-prepared and very professional and very ethical," he said. "And I point this out because sometimes lawyers aren't all those things. But she was always a pleasure to deal with."

Barbera has dissented in some of the court's most controversial decisions in the past few years, including opposing the court's decision to [ban the state of Maryland](#) from collecting DNA samples from people arrested on serious charges but not yet convicted. The Supreme Court later upheld her dissenting view.

McCarthy said he thinks that in that particular case, "she got it right," and that her views are in step with the reliability of DNA evidence and the direction of the law.

"I salute her intellect as well as her bravery to stake out a dissenting opinion from other members of the court," McCarthy said. "Her dissent was essentially the framework for the Supreme Court's later decision. Her appointment as chief judge is a great day for the judiciary in Maryland."

Bell, the retiring chief judge, was the first African American to head the court. He has been on the Court of Appeals since 1991 and has been chief judge since 1996.

In addition to Barbera, Watts would join two other women on the court, Judge Lynne A. Battaglia and Judge Sally D. Adkins.

Marcus said he doubted that Barbera's appointment will change the dynamic of the court.

"She is still one vote of seven," he said. "She is not one to assert authority, but rather seek the best answer to a question from all of her colleagues."

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