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## **Maryland's new chief judge lauded as forthright, diplomatic**

### **Hampden woman went from schoolroom to courtroom**

By Andrea F. Siegel and Erin Cox, The Baltimore Sun

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The disagreement between Mary Ellen Barbera and Glenn T. Harrell Jr. made it all the way to the U.S. Supreme Court, but that didn't stop them from meeting for lunch in Washington after oral arguments in the case.

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Barbera and Harrell, both judges on Maryland's highest court, were on opposite sides of a hard-fought case over the collection of DNA from suspects arrested for violent crimes. Harrell wrote the majority opinion striking down the practice; Barbera criticized his reasoning in a dissent.

The Supreme Court rejected Harrell's position, vindicating Barbera. But Harrell has no hard feelings when discussing his colleague, named this week as the first woman to lead the state's highest court.

"She can be a rock when she needs to be, but she is as responsive to the occasion as any person can be," Harrell said. "I always get good vibes from her and from working with her."

People who know Barbera describe her demeanor as forthright, yet diplomatic. Colleagues say she'll use those qualities in a complicated role that requires a sharp legal mind and the political acumen to oversee Maryland's \$463 million court system.

"She really has real skill at building bridges," said lawyer Timothy F. Maloney, a former Prince George's County delegate. He said those abilities will serve her well in dealing with the General Assembly, Gov. Martin O'Malley and future governors.

Beyond leading the state's top court, the chief judge is expected to be the public voice of the state court system. Barbera will have to deal with court policy issues and maintain a role in national judicial organizations. If the nomination of Judge Shirley M. Watts is confirmed by the state Senate, Barbera will reach another milestone at the head of the first female-majority court in Maryland.

The 61-year-old judge said she sees the position as an opportunity to make a lasting contribution to Maryland law. And she hopes to foster a collegial atmosphere in the vein of her predecessor, retiring Chief Judge Robert M. Bell.

"I hope it isn't a surprise that one can have an intense intellectual disagreement and still get along as friends," she said.

She's advised a governor and two attorneys general, taught law at American University and spent more than a decade as an appellate judge. But Barbera traces her career in public service back to an eight-year, "life-informing" job as a teacher at Patapsco Elementary School in Cherry Hill. Teaching impressed upon her that most laws are not abstractions, but rules whose application influences real people.

"It's an awareness of the complexities of life and the complexities of families in struggle," Barbera said of the experience. "Often, it is the happenstance of birth that can give us opportunities or not."

Back then, in the mid-1970s and early 1980s, she was a working mother of two in her late 20s, a woman from Hampden teaching by day and attending law school at night, first at the University of Baltimore and later at the University of Maryland School of Law.

Her daughter, Lisa Lyon, recalled Barbera's taxing law school schedule but said she always made sure to strike a balance between work and home life.

"Our father entertained us in the evening while she was at law school, and then we would go and pick her up," Lyon said. "I remember how joyous it was when she graduated and we burned her law books in the fireplace. ... It was hard work for all of us."

Barbera earned a clerkship and eventually worked for Maryland Attorney General Stephen H. Sachs, who recalled her as an outstanding criminal appeals attorney, "a very good and respected lawyer and a comfort to have on one's staff."

Barbera later worked for former Maryland Attorney General J. Joseph Curran, then as legal counsel to former Gov. Parris N. Glendening.

"She would very quickly pick up the policy and the politics," said Glendening, who later appointed Barbera to the state's second-highest court, the Court of Special Appeals.

Those who know Barbera say that she works exceptionally hard, that she is collegial and funny, that she has long been recognized as an expert in criminal law as well as for her clear writing and that she knows how to work a room.

In taking the court's top seat, colleagues say, Barbera will bring a quick-on-her feet style that goes back to her days in the classroom.

"When you see lawyers, you can always tell which ones have been teachers," said Baltimore City District Court Judge Kathleen M. Sweeney, who first met Barbera three decades ago. "Teachers have an ability to express themselves and explain things in a way that other people don't."

Barbera's husband, Judge Gary E. Bair, a 2012 O'Malley appointee to the Montgomery County Circuit Court bench, called her "a generous person in every way."

"She gives of herself. She never says no. She's loves learning, she loves living," said Bair, whom Barbera married in 2000, her second marriage.

Born Mary Ellen Santiago, she and her first husband, Anthony J. Barbera, divorced in 1998.

After the governor announced Barbera's appointment Wednesday, Barbera posed for photos with her family.

She hugged fellow judges and lawmakers who stopped by the State House for the big announcement. Barbera told the crowd, "I am at once proud and humbled."

As the well-wishers at the State House began to drift away, her 7-year-old grandson, Jackson, tugged at her jacket sleeve.

"What is like to be a judge?" he asked.

"It's a wonderful job," she answered. "I have a chance to do great things for all people in Maryland, including you and your sister."

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Mary Ellen Barbera

Chief judge, Maryland Court of Appeals

**Age:** 61

**Raised:** Hampden

**Resides:** Kensington, Montgomery County

**Experience:** Judge, Court of Appeals and Court of Special Appeals; assistant attorney general; legal counsel to former Gov. Parris N. Glendening. Taught in Baltimore City schools, 1975-1984.

**Law degree:** University of Maryland School of Law, 1984.

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