

1 IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

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PRINCE GEORGE'S COUNTY BAR ASSOCIATION

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M E M O R I A L S E R V I C E S

6

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For

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9

H. JOSEPH GINTER, JR.

10

ALAN J. GOLDSTEIN

11

HERBERT D. HOROWITZ

12

J. BOWIE LILLARD

13

CHARLES C. MARBURY

14

RAYMOND J. McDONOUGH

15

PAUL J. MURPHY

16

NELSON M. ONEGLIA

17

DOMENIC TESAURO

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19

3:08 p.m.

20

Thursday, November 14, 1991

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24

Court Room Number 201  
County Court House  
Upper Marlboro, Maryland

25

**COPY**

## 1 P R O C E E D I N G S

2 The Court convened en banc at 3:08 p.m., there  
3 being present the Honorable William H. McCullough,  
4 Presiding Judge, and the Honorable Graydon S. McKee, III,  
5 Arthur M. Ahalt, Robert J. Woods, Vincent J. Femia, Darlene  
6 G. Perry, and Steven J. Platt, Associate Judges.

7 JUDGE McCULLOUGH: All right, the Court will  
8 recognize Robert H. Silberman, president, Prince George's  
9 County Bar Association.

10 MR. SILBERMAN: Thank you, Your Honor.

11 I want to welcome everybody here. And before I  
12 turn the program over to the chair, Richard Sothoron, I'd  
13 just like to indicate that since I've been practicing law,  
14 it's kind of interesting to go through the various stages.  
15 First you're a young lawyer, then you don't qualify for  
16 that anymore. Then you're known as somebody who has been  
17 around. For me this is the first year that I knew  
18 everybody on this list, and they were people I admired, and  
19 people that I considered friends, and so I ask that their  
20 souls rest in peace, and I turn the program over to our  
21 chairman, Richard Sothoron.

22 MR. SOTHORON: Thank you, Robby. Members of the  
23 Bar, Judge McCullough, members of the Seventh Judicial  
24 Circuit here for Prince George's County, retired judges,  
25 and most importantly of all, members of the families of the

1 honorees here today. I have the honor not just to chair  
2 this particular function today, but to serve as a  
3 replacement to Edwin Hutchinson who, ever since I can  
4 remember, ran this particular event, and he is in good  
5 health. He just has some problems with his eyesight today,  
6 so he asked me to chair this particular special celebration  
7 today. And this is indeed a celebration. Once a year, the  
8 Prince George's County Bar Association has a ceremony to  
9 honor those lawyers who have departed within the last year,  
10 but departed only in appearance, not by spirit.

11 This is a sad occasion, in the sense, as Robby  
12 just said, that we have literally nine lawyers who have  
13 passed away within the last year. For those of you who  
14 could not be with us last year, it was a very special  
15 occasion, because unlike any other event we've ever had, we  
16 had three judges from the Maryland Court of Appeals from  
17 Prince George's County in the same room, Judge Marbury,  
18 Judge Chasanow, and Judge Blackwell. And Judge Marbury,  
19 for those of you who could not be here, was 91 years of age  
20 last year. And even though he was blind, he had somebody  
21 read the "Daily Record" to him every single day. So he was  
22 probably more on top of things than most lawyers here in  
23 Prince George's County. But I would like to go ahead and  
24 say that we try, in a short period of time, to go ahead and  
25 do justice to those fine lawyers who have departed, but we

1 never can quite come up to snuff. But remember, regardless  
2 of what is said today, it's said from the heart, and even  
3 after this event is over with today, we will always  
4 remember the contributions, the appearances, and the  
5 personalities of all the lawyers who appear here today.

6 Judge McCullough, with your pleasure, I would  
7 like first and foremost to call upon Miss Sheryl Negron,  
8 who is going to speak on behalf of H. Joseph Ginter, Jr.  
9 Thank you.

10 MS. NEGRON: Good afternoon. I'm here to speak  
11 in memory of Joseph Ginter. Joe Ginter was my friend and  
12 colleague; however, Joey Ginter had been my student when I  
13 taught fifth grade at St. Mary's School in Piscataway  
14 before I went to law school. Joe had the makings of a fine  
15 lawyer, even when he was in the fifth grade. He was an  
16 excellent student. He paid great attention to detail, and  
17 he was very good in school work. Most children in the  
18 fifth grade have messy notebooks, and they have dog-eared  
19 and tattered corners and sticky fingerprints on the papers  
20 they turn in, but not Joe. Every paper was neat and in its  
21 place. And whenever Joe wrote a report, it was thorough,  
22 and always interesting. He became an expert on any subject  
23 that he studied.

24 Joe was a sharp-looking kid, too. Back in those  
25 days, the boys in Catholic school had to wear ties and

1 dress shirts; and most of the fellows, when they came in  
2 from recess, their pants were dirty, their ties were slung  
3 behind their shoulders, but Joe, when he came in, his pants  
4 were dusted off, his tie was adjusted, and he was ready for  
5 work, because he knew the difference between play time and  
6 work time.

7 Joe had an inquiring mind. I remember him  
8 telling me in the fifth grade that his family was going to  
9 go to Germany the next summer because his mother, who was  
10 in real estate, had sold some houses. Well, he spent the  
11 rest of the school year going to the library and looking up  
12 information on Germany, so I'm sure by the end of the  
13 school year, during that summer, he knew everything there  
14 was to know about Germany.

15 I enjoyed having Joe as a student that year,  
16 because I could always count on him to raise his hand and  
17 give me a good -- correct answer. He made me look good  
18 when the principal came, or when any other visitors came to  
19 the classroom.

20 When Joe left St. Mary's School, he went on to  
21 Bishop MacNamara High School, where he distinguished  
22 himself in his senior year. He was the salutatorian of his  
23 class. I understand that Bishop MacNamara has instituted a  
24 scholarship in honor of Joe. This scholarship will be for  
25 a senior who is planning to major in government and

1 political science.

2 After high school, Joe attended St. John's  
3 College in Annapolis, and during college, he was the  
4 captain of his intramural sports teams. He was elected to  
5 Polity, and he worked as an intern on Capitol Hill. During  
6 his time at the University of Maryland Law School, he was  
7 president of the school's chapter of the Young Democrats.  
8 He was also president of the Maryland State Young  
9 Democrats.

10 During his tenure as president of the Young  
11 Democrats for Maryland, he took the membership from 300  
12 members to 1800 members. The Young Democrats has  
13 instituted an award for the State's Outstanding Young  
14 Democrat, and that award is to be named the H. Joseph  
15 Ginter award.

16 Before attending law school, Joe worked a year  
17 for the American Enterprise Institute as a research  
18 assistant for Judith Kiper. During that time, he was able  
19 to help such people as Henry Kissinger and even President  
20 Ford.

21 After law school, Joe served as house counsel  
22 for Regent Construction Company of Virginia. He worked for  
23 Frank Luente, he did legislative research for Mike Miller,  
24 and just prior to his death, he was an associate with H.  
25 Michael Rankin. I understand from Joe's family that even

1 as early as the sixth grade, about the time of Watergate,  
2 when we had the Watergate scandal, Joe had decided to go  
3 into politics. He had already decided to go to college and  
4 go to law school. He thought that a person could make a  
5 difference. Joe never wanted glory. He wanted to be  
6 helpful to other people.

7 While he was an intern on Capitol Hill, he  
8 coordinated the MIA program for Maryland. As a Young  
9 Democrat, he was the originator of the candlelight vigil  
10 held in Baltimore for Martin Luther King. He always  
11 strived to get the best people involved in any project he  
12 undertook. He was considered a peacemaker, with the  
13 ability to bring people together, to work toward a common  
14 goal.

15 Being civic-minded and interested in Maryland,  
16 Joe was a member of the Brandywine Citizens Association,  
17 the Piscataway Citizens Association, and the Fort  
18 Washington Citizens Association, and he was also a member  
19 of the Friends of Montpelier. Joe was also active in voter  
20 registration. I am proud of the accomplishments of Joe  
21 Ginter, and I mourn the loss of my friend and colleague.  
22 If he had not been taken from us at such an early time, his  
23 presence would have enriched the bar and the community.

24 I take this opportunity to extend our sympathy  
25 to his family, and as a mother, my heart goes out to his

1 parents. Thank you.

2 MR. SOTHORON: Thank you, Sheryl.

3 Judge McCullough, members of the bench, I'd now  
4 like to call upon Lenny Stamm, who is going to talk on  
5 behalf of a friend dear to many of us, who was bigger than  
6 life, bigger than his little size, Alan Goldstein.

7 Lenny.

8 MR. STAMM: Thank you, Richard.

9 When Alan Goldstein passed away on August 1st  
10 this year, many of us here in Prince George's County, as  
11 well as in the legal community throughout the state and the  
12 country, lost a close friend. But Alan also left us warm  
13 memories of a man who, above all else, was deeply  
14 principled, who knew the difference between right and  
15 wrong, who gave every fiber of his spirit to the pursuit of  
16 fairness and the integrity of the legal process. Alan  
17 loved life and loved the law. He was a friend, counselor,  
18 lawyer, lecturer and teacher to judges, prosecutors,  
19 defense lawyers, police officers, students and anyone else  
20 who needed his help or guidance. He was never too busy to  
21 lend an ear to those who sought his advice. He had a  
22 clearness, a lucidness of thought that allowed him to  
23 analyze complicated problems with clarity, and he had the  
24 gift of being able to present either side of an issue in  
25 such a compelling manner that it was difficult to disagree

1 with him.

2 Alan was a talented trial and appellate lawyer.  
3 He was a legal scholar. The "Washington Post" referred to  
4 him as a legal genius. He was a brilliant strategist and  
5 theoretician, whether he was trying the simplest speeding  
6 case or litigating the most complex constitutional issue,  
7 and his skill translated into something like 21 out of 23  
8 wiretap wins, countless DWI victories, and numerous  
9 successes in other types of cases as well.

10 But it wasn't his brilliance alone that won him  
11 his enormous degree of success and respect. He had an  
12 uncanny ability to befriend everyone he dealt with. A  
13 friend of mine who hired Alan for a DWI said he knew he had  
14 the right lawyer because when Alan entered the courtroom in  
15 Hyattsville, it was like the parting of the Red Sea.  
16 Everyone in the courtroom wanted to exchange greetings with  
17 Alan. To Alan, being a lawyer was fun. He used to tell us  
18 that we had so much fun working for him, that we were  
19 fortunate that he also paid us.

20 Alan was not modest. He also had a terrific  
21 sense of humor. I can still hear him punning in the  
22 hallways here, "Good morning, Your Error, I mean Your  
23 Honor."

24 He was in the national news after Lenny Bias  
25 died, when the TV reporter asked him, "What is the meaning

1 of Long and Gregg testifying in the grand jury on Friday  
2 instead of Tuesday?" Alan, in front of about five TV  
3 cameras, without missing a beat, replied, "It means it  
4 won't be on Thursday, and it won't be on Saturday."

5 Alan entertained us with his fall line of  
6 designer motions and his Mickey Mouse memorabilia. He was  
7 always into the newest gadgets, car phones and beepers. He  
8 loved clothes, golf, food, and his Jag. He was a colorful  
9 lawyer. Alan's philosophy was that if you could get the  
10 judge or the jury laughing with you, or get them to like  
11 you, it would be harder for them to hurt your client.

12 We all know that Alan got lots of laughs and was  
13 extremely well liked and respected. His philosophy  
14 frequently paid off. Alan also believed strongly in our  
15 system of laws, and that defense lawyers are the protectors  
16 of the Bill of Rights. He believed in providing his  
17 clients the best defense possible, and his absolute best  
18 was what he always delivered.

19 Alan's beliefs and dedication to his profession  
20 got him involved in organizations like the ACLU, the  
21 National Association of Criminal Defense Lawyers, the  
22 Maryland Criminal Defense Attorneys Association, and in  
23 committees like The Pattern Jury Committee.

24 He taught as an adjunct professor at the  
25 Georgetown Criminal Justice Clinic, and taught innumerable

1 local and national seminars. He coached the High Point  
2 High School Mock Trial Team to a championship. He was a  
3 one-man initiation rite for a generation of young  
4 prosecutors in this county. While Alan represented his  
5 clients vigorously and enthusiastically, whatever the  
6 result, it was never personal. When he won, he frequently  
7 would tell prosecutors and police how to improve their  
8 cases for the next time.

9 After Alan's funeral services, the police in  
10 Montgomery County gave the funeral motorcade a special  
11 escort to the cemetery, and closed every entrance on the  
12 beltway between Rockville and Virginia while the motorcade  
13 passed. The escort was a testament to the respect Alan had  
14 achieved in his short life, even from the police.

15 Alan's career as a lawyer began when after  
16 graduating from UVA Law School, he was an advance man in  
17 Hubert Humphrey's presidential campaign. The vice  
18 president personally delivered Alan the news that he had  
19 passed the bar.

20 Alan's career neared an end at his last trial in  
21 Hyattsville when he successfully defended Manute Bol  
22 against assault and battery charges.

23 Alan had many cases of varying degrees of  
24 notoriety, the Progress Club, the Lenny Bias case, Erica  
25 Daye, Lisa Rubin and Gerald Eiland to name a few. Alan

1 loved every minute of his career, and he loved hanging out  
2 with all of us.

3 When he found out he had cancer, he told his  
4 doctors to keep him on his feet so he could go to court.  
5 Alan's untimely death at 48 saddens all of us who were his  
6 friends. While Alan tried cases all over this state and  
7 spoke at seminars all over the country, and had a degree of  
8 national recognition, Alan felt at home in the courthouses  
9 of this county. He was one of us.

10 We are extremely privileged to have known Alan  
11 as a friend, as a lawyer, and as a teacher. When Alan was  
12 alive, we could all feel a little bit more secure in the  
13 knowledge that individually, as well as collectively, our  
14 liberties would be well defended by an eloquent spokesman.  
15 Now that he is gone, it is for the living to fill in the  
16 ranks and carry on that proud tradition. That is Alan's  
17 legacy.

18 Alan also taught us how to practice law with  
19 respect, integrity, decency, professionalism, skill,  
20 fairness, compassion, and with humor. In the process, he  
21 made us better human beings. That is also Alan's legacy.

22 Alan, thank you for being our teacher and our  
23 friend. We'll remember you always.

24 THE COURT: Thank you, Mr. Stamm.

25 MR. SOTHORON: Now I'd like to call upon our own

1 Judge Jacob S. Levin to speak on behalf of Herbert D.  
2 Horowitz. Judge Levin.

3 JUDGE LEVIN: If it please the Court.

4 "Herbert D. Horowitz, age 70, who practiced  
5 general and domestic law, died April the 15th at Holy Cross  
6 Hospital. He had maintained offices in Wheaton for the  
7 past three years. He worked in Silver Spring for about 20  
8 years before that. His first law offices were in  
9 Washington. Mr. Horowitz, who lived in Silver Spring, was  
10 born in New York City, and grew up in Reading,  
11 Pennsylvania. He attended New York University, and served  
12 in the Army/Air Force during World War II before coming to  
13 our area in 1946.

14 He graduated from George Washington University  
15 Law School in 1948. He was a member of Temple Israel  
16 Synagogue in Silver Spring, where he served on the board of  
17 directors as treasurer and as president of that  
18 congregation. He was a member of B'Nai Brith, a mason, and  
19 a member of the Northwest Branch Civic Association of  
20 Silver Spring. Survivors include his wife of 45 years,  
21 Aline Horowitz, a daughter, Ruth Sacks, and a son, Joseph,  
22 and four grandchildren." What I have just read was part of  
23 the obituary that appeared in the "Washington Post" on  
24 April the 23rd of this year.

25 I first met Herbie when we were classmates in

1 law school at G.W. Law School in the late forties. He  
2 graduated one year before I did and opened up an office in  
3 a building downtown where you all are not familiar with.  
4 It was called The Barrister Building. It was across the  
5 street from the Hecht Company.

6 He practiced law in Washington around the  
7 courthouse for a number of years, when he joined forces  
8 with two lawyers downtown named Joe Schneider and Albert  
9 Ginsberg. And they formed a partnership in the District of  
10 Columbia called Schneider, Ginsberg and Horowitz.

11 They later moved their offices from downtown to  
12 Silver Spring, and were located on Georgia Avenue in the  
13 Perpetual Building that is located there on Georgia  
14 Avenue. This firm eventually dissolved after 20 or more  
15 years, and Herbie was still practicing law when he had his  
16 untimely death. And his offices were in Wheaton at the  
17 time. At the time that I moved to Maryland, Herbie  
18 persuaded me to join his synagogue, which was located in  
19 Silver Spring on University Boulevard, and was known at  
20 that time as the Langley Hebrew Congregation, and that  
21 congregation was a group of people that lived around the  
22 Langley Park area, and were meeting in the basement of the  
23 Citizens Bank of Takoma Park at the time. And Herbie,  
24 along with a few other people, because of his professional  
25 and business abilities, persuaded these people to buy 10

1       acres of land on University Boulevard to establish a  
2       synagogue. He persuaded the University of Maryland to  
3       donate a barracks, and had it moved to University  
4       Boulevard, and that was the starting of the Langley Hebrew  
5       Congregation, which is known now as Temple Israel  
6       Synagogue. And because of his ability, and because of his  
7       business acumen, we now have a fine structure in our  
8       state.

9           He was active not only in his synagogue, but he  
10      was active in the Montgomery County community, and served  
11      on the Montgomery County Welfare Board for 10 years. He  
12      taught paralegal courses at the University of Maryland, was  
13      not only a member of our association, but a member of the  
14      District of Columbia and the Maryland State Bar  
15      Associations. He was a good lawyer who practiced his  
16      profession honestly, diligently, and capably. Many of his  
17      previous clients became life-long friends. He was that  
18      kind of person. We need more of his caliber in our  
19      profession, and we shall all miss him.

20           Those are my remarks, but before I sit down, I  
21      want to take this occasion to say that I knew personally  
22      all the nine lawyers, and this has been a bad year for  
23      lawyers.

24           THE COURT: Thank you, Judge Levin.

25           MR. SOTHORON: I would echo what Judge Levin has

1 said.

2 I next would like to call upon John Lillard, who  
3 is the nephew of our next honoree, J. Bowie Lillard.

4 John.

5 MR. LILLARD: Thank you, Dick.

6 May it please the Court, Your Honor. It's  
7 humbling to stand in a room with such great and lengthy  
8 talent in the law. I have taken my assignment as seriously  
9 as I can, Dick. I've attempted to try to find some  
10 anecdotes about my uncle that are in the name of law. It's  
11 been tough. My uncle was raised -- born in Hyattsville.  
12 My granddad was one of the first lawyers there, and raised  
13 in Washington, where he went, I believe, to Central High  
14 School, and won the Latin prize. He thought he wanted to  
15 be a priest, and went and studied at St. Charles up in  
16 Baltimore, and he got -- at that point it was Jesuit type  
17 of training. And in the middle of his training, while law  
18 secretary to my grandfather, went to law school, went to  
19 the National University downtown, which became George  
20 Washington, and started doing quite a lot of legal work for  
21 my grandfather. The hill that is in Hyattsville, as you  
22 know, goes up over the B and O Railroad, and was right next  
23 to the office. Well, there were three shingles, John M.  
24 Lillard, John F. Lillard, Jr., and J. Bowie Lillard. I was  
25 in law school while that building was still alive, and if

1 you had added one more shingle underneath that sign, you  
2 would have hit your head going in the door. And besides,  
3 it would be impossible to say Lillard, Lillard, Lillard and  
4 Lillard.

5 Uncle Bowie was the entertainment, I understand,  
6 at Bar Association activities, where Judge McCullough, is  
7 it true that you also played the piano, and a fella by the  
8 name of Ignatius Kane would get up and do a routine that  
9 apparently has made its history in all the hearts of people  
10 here. Uncle Bowie wore a hat that you would have to see to  
11 believe, a beret, and drove his Mercedes here to the  
12 courthouse. He was a library lawyer, and that is very  
13 sad. He did a lot of work for GMAC, taking their appellate  
14 work up to the Court of Appeals, and was a wordsmith. He  
15 loved to find error where it could be found in some of the  
16 proceedings and take it to the Court of Appeals. In fact,  
17 very seldom did he ever come to court. And there was one  
18 time, I understand, when the three Lillards were walking  
19 down the corridor right here, and I have forgotten who made  
20 this remark, but somebody wise-cracked, and it was heard by  
21 a number of the judges, "Here comes the Father, the Son and  
22 the Holy Ghost." Bud has told me that he used to go and  
23 have lunch, which he did with great fervor, because he was  
24 about the size of a barrel, with Winship Wheatly and Old  
25 Judge -- Old Senator Metzerott at Jay's Cafe in

1 Hyattsville. How many remember Jay's Cafe.

2 MR. SOTHORON: They're afraid to admit it.  
3 They're afraid to admit it.

4 MR. LILLARD: Uncle Bowie was a character. He  
5 loved to recite long passages from some of the old movies.  
6 "Lost Horizon" was his favorite, and he did Sam Jaffe's  
7 bit about the old man who was thousands of years old, and  
8 kept the kid, us kids, entertained during Christmas and  
9 holidays. He was the kind of a guy that just would not --  
10 just a -- a bottomless well of anecdotes about the movies  
11 and about opera, a real opera buff, a colorful character.  
12 He never married because he had, in a sense, a priesthood  
13 background, and no kids. But to me and my sister and my  
14 family, he was an inspiration. He helped inspire me to get  
15 into the practice of law. We're all going to miss him. He  
16 was a character, a colorful man, and I appreciate the  
17 opportunity. Thank you.

18 JUDGE McCULLOUGH: Thank you, Mr. Lillard.

19 MR. SOTHORON: I would rest just a short bit and  
20 move to Mr. McDonough. We'll come back to Judge Marbury,  
21 if we could.

22 I would like to call upon Ray Ticer, who was a  
23 good friend of Ray McDonough's, as were many of us here  
24 today. I might point out that Ray was also a partner who  
25 helped Alan Goldstein come into the legal world.

1 helped Alan Goldstein come into the legal world.

2 MR. TICER: Good afternoon.

3 Ray McDonogh was a good friend of mine. I only  
4 knew Ray back -- I met him in 1980. By the time I met Ray,  
5 he had years earlier left his childhood home in New York  
6 state and attended law school in the District at George  
7 Washington University Law School. He had served in the  
8 U.S. Army from September 18, 1943, to January 23, 1946, in  
9 the South Pacific with the 739th Anti-Aircraft Battalion.

10 Before I met him, he had practiced with a law  
11 firm in the District of Columbia for many years. He had  
12 opened his own office in Prince George's County, practiced  
13 from a building on Indian Head Highway, practiced in the  
14 Lucente Building, had hired Judge Robert Woods, who is  
15 here, had hired Alan Goldstein, had hired Fran Taylor. He  
16 practiced in this county for many years. It was only two  
17 and a half years ago that many of us thought we were giving  
18 him a short, fun-filled sendoff into a long and  
19 well-deserved retirement. For Ray, it didn't work out that  
20 way. He did retire two and a half years ago, and lived an  
21 additional two years. During those last two years, he and  
22 his wife Madeline moved to De Land, Florida, and made that  
23 their home. Their children have moved all around the  
24 country. Their daughter, Dottie, in the small world nature  
25 of things, married a classmate of mine from the University

1 of New Mexico. They live in Nebraska. Steven lives in  
2 Pennsylvania, Matt still lives and works in Maryland.  
3 Madeline will remain in Florida for the time being.

4 Those of us who had an opportunity to know and  
5 work with Ray would probably attempt to measure his success  
6 and his meaning to the legal profession in a variety of  
7 ways. Personally, I have tried to measure his success and  
8 his life, if you will, by the fact that he did practice for  
9 a substantial period of time, he did it very well, and at  
10 the same time he raised three very, very decent children,  
11 and left as a survivor a wonderful lady Madeline McDonough,  
12 and we will miss him.

13 THE COURT: Thank you, Mr. Ticer.

14 MR. SOTHORON: I now would like to call on the  
15 Honorable John Kelly, one of the registered court judges,  
16 who is not only a fine jurist, but a very close personal  
17 friend of our next honoree, Paul Murphy, who was sitting  
18 right out in this audience last year when we had this  
19 memorial service. I'll let Judge Kelly tell you more about  
20 that.

21 JUDGE KELLY: Good afternoon. Trying to talk  
22 about Paul Murphy, you almost need two and a half days  
23 without any break to really tell you about Paul Murphy; but  
24 Paul Murphy was born on July 4th, 1932. That is why he was  
25 a firecracker. He was born on that date. He was born in

1 Washington, D.C. He was a native Washingtonian. He went  
2 to a number of schools in Washington, and because there  
3 were so many, I decided not to name them all, but he  
4 finally did graduate from Roosevelt High School with honors )  
5 down in Washington, D.C.

6 Paul then joined the Air Force. He stayed in  
7 the Air Force, and then after coming out of the Air Force,  
8 he went to American University, where he received his  
9 college degree. And then he became basically a -- what we  
10 used to call in the old days a claims adjustor, but today  
11 now they're called claims representatives, because it's  
12 more formal, claims representative. He worked for  
13 Continental Insurance Company, he worked for GETCO, he  
14 worked for Charlie Wolfson, an independent firm. While  
15 working for Continental Insurance Company, he met his wife,  
16 Mercedes, and they got married. They have three  
17 children -- four children, I'm sorry. They have Paul  
18 Junior. Paul Junior is a member of our Bar Association.  
19 He passed the bar about a year, year and a half ago. They  
20 have a daughter, Nancy, who presented Paul and Mercedes  
21 with two grandchildren. I blew it, Nancy, I forgot to get  
22 your husband's name, but Nancy and her husband did in fact  
23 give Paul lovely grandchildren. He has a daughter,  
24 Barbara, and a young son, Billy, who is, I'm not sure, 15,  
25 15 or 16. And Paul, while he was working in the insurance

1 industry, decided that he was giving out so much money, he  
2 decided he was going to get some, so he decided to go to  
3 law school.

4 He went to the University of Maryland, finished  
5 in two years because he went to school 12 months out of  
6 each year while he was raising his first three children.  
7 Mercedes and he managed to get them through law school, and  
8 then he, shortly after that, became a lawyer. He went to  
9 work, his first job was with Joe Collins out in Mount  
10 Rainier. One of the reasons I remember that is we both  
11 applied for the job, Paul got it, and I didn't. After Paul  
12 went on to law school, I want to suggest also, before I  
13 begin any further talking about Paul the lawyer, that he  
14 has a sister-in-law Ann, who is here, and he has a brother  
15 Francis, did I say Miller? Francis Murphy. It's Ann  
16 Murphy. Francis Murphy, who is a lawyer, was a corporation  
17 counsel in the District of Columbia for a number of years,  
18 which is a very tough job, and now he's out in the private  
19 practice himself.

20 After Paul started his law practice, he -- well,  
21 he got to take the idea -- Everyone thinks of a lawyer as  
22 someone who is tall, thin, wears assertive clothes, never  
23 smiles, never tells a joke, and is always serious. Well,  
24 if that is the lawyer, then Paul Murphy wasn't a lawyer,  
25 because Paul was the opposite of all that.

1           Paul was an outgoing guy. He was humorous, he  
2 was gracious, he was social. He had a lot of humor with  
3 him, and as a lawyer, he used to strut. I mean he didn't  
4 walk in like everybody else. Paul used to strut in to  
5 court, come up to his opponent, or his opponent's officers,  
6 tell a few Irish jokes, and then try to get down to serious  
7 business and see if he could negotiate a settlement. And  
8 if he couldn't negotiate a settlement, then he would go to  
9 trial. And the only thing I want to say about Paul Murphy  
10 the lawyer is that if you did not, or were not able to work  
11 a settlement out with Paul Murphy, whoever you were, you  
12 better have your cards in order, you better have your  
13 witnesses ready, because Paul Murphy was ready, and Paul  
14 Murphy knew how to try a case.

15           I indicated to you earlier that Paul, when you  
16 first met him, you would automatically get the impression  
17 this is a nice guy. No one, after they met Paul Murphy the  
18 first time, could not feel he was not a nice guy. The more  
19 you got to know Paul, the more you got to like Paul. As I  
20 indicated, he was outgoing, gracious. I don't think he was  
21 humble, but he was gracious. He was humorous, and the one  
22 thing about him is that he liked a lot of people.

23           Before I tell you about his being a people  
24 person, I indicated to you what a gracious guy he was, and  
25 about four years ago, right in this room here at this

1 podium, I was appointed the job I'm in now, and someone  
2 said to me later, "Well, you have to have someone who can  
3 say some nice words about you," so I tried to think of who  
4 could say nice words about me, and I thought Paul Murphy is  
5 a very gracious guy, he'll say some nice things about me.  
6 So I said, "Paul, how about speaking at my swearing in?"  
7 He said, "Sure, Jack, I'd be glad to do it." And very  
8 graciously with my 22 relatives down from New England for  
9 this big, hysterical occasion, in a room this size, Paul  
10 Murphy got up here and he immediately told everybody how  
11 lucky they were that Governor Schaefer just appointed a  
12 great appointment, because I was the second best lawyer in  
13 Prince George's County. There was complete silence.  
14 Somebody forgot the punchline. Judge Femia said, "Who is  
15 the best?" And Paul Murphy said, "All the rest." That is  
16 what a gracious person Paul Murphy was. He was a people  
17 person, though. That was one of his, I don't know how to  
18 put it -- He always wanted to be around people. He would  
19 never eat lunch alone. He would get into that Black's Law  
20 Directory and call all the lawyers, because he didn't want  
21 to eat alone, didn't want to go anywhere alone.

22 As he was out to be a people person, as I call  
23 him, Paul Murphy became the founder and co-chairman of a  
24 continuing legal education program here in Prince George's  
25 County, and believe this or not, this started back maybe 10

1 years ago, and we started with a lunch. We started down at  
2 the Back Alley down in Bladensburg, and we used to have  
3 lunch and used to have all kinds of people there. We would  
4 discuss the law, have our lunch, of course, and then go  
5 back to work. But later on it became so popular that we  
6 continued it again, we called it the Paul Murphy Continuing  
7 Legal Education Program, and we used to meet on Friday  
8 nights after a hard week at the shop. We used to come in  
9 at 4:30, a quarter to five, after a hard day's work on a  
10 Friday, and we had these lessons at Jasper's in Greenbelt,  
11 and they lasted -- And they lasted from 4:30 to whatever  
12 time the last person who was in the group left. That was  
13 our continuing legal education program. And he was really  
14 starting it out as a joke, but this had been going on for a  
15 long time, and we used to have lawyers there, state's  
16 attorneys, public defenders. We used to have insurance  
17 salesmen, insurance claims people, real estate people,  
18 people who worked in the government, and all those  
19 conversations. We even had some -- some -- a few from the  
20 University of Maryland. And you learn a lot of things from  
21 the University of Maryland. And we used to have  
22 politicians there. And that was great, because we could  
23 stand there and we could listen to these politicians and  
24 their plans, and we could find out what was going on ahead  
25 of everybody else. But the problem we had, when we broke

1 up, the thing I wanted to tell you about is this is not an  
2 easy thing to do. The other thing I wanted to tell you was  
3 that it started out as a joke, but after about four or five  
4 years, some of the younger lawyers would catch up in the  
5 hallway, call us on the phone, and all they would say was,  
6 "Is there a CLE tonight?" And everyone knew what CLE they  
7 were talking about. And sometime, in fact, people would  
8 come in and ask to approach the bench and say, "Is there a  
9 CLE tonight?" And I would say, "Certainly," and I would  
10 see them there at the CLE. I also told you, though, in  
11 talking about Paul, a very gracious man, he was a very  
12 caring guy also, and if you were down, you went to see Paul  
13 Murphy and bumped into him, and you were in a downer, for  
14 whatever reason, if you had a bad day, if you were in a  
15 downer, Paul Murphy loved to talk. I mean he loved to  
16 talk, but when he knew you were in a downer, he listened;  
17 and he would talk to you, and he listened. He would talk  
18 to you, and I could assure you that if you went in feeling  
19 very badly, and you went out feeling a lot better, he was  
20 very, very, very good about that.

21 Then one day Paul Murphy said, "Jack, I've got  
22 cancer." We talked for a long while, and Paul Murphy, I  
23 think, we got the impression, anyway, and he did, too, I  
24 think that he didn't have too much longer to live with us,  
25 and he went over two years before they took him from us.

1 And it was amazing to see the determination with every  
2 ounce of energy in his body, his soul, in his mind and in  
3 his heart that Paul Murphy fought this thing. And he said  
4 pretty much, like, if you want me, come and get me, 'cause  
5 I ain't folding, and he didn't. And it was amazing to hear  
6 the rumors that Paul Murphy is in the hospital, Paul Murphy  
7 is getting treatment, and he was, and then Tuesday he would  
8 come in, and he would take depositions, try cases, and he  
9 would handle his business Tuesday and Wednesday and  
10 Thursday, and then Friday sometime, even he came to our  
11 continuing legal education programs. But he didn't stay  
12 too long, though, in those days. And then he'd be back in  
13 the hospital, and bounce right back again. And then after  
14 that, many people who used to think of Paul Murphy as the  
15 guy who had the humor, who used to strut through the  
16 courthouse everywhere, he gained a lot of respect for Paul  
17 Murphy, and finally, on September the 22nd, 1991, Paul left  
18 us. And his family will deeply miss him. His friends and  
19 people from the legal fraternity will truly miss him. I  
20 will truly miss him, and I hope Paul knows that, and I  
21 think he knows he's going to be missed, and I pray that the  
22 Lord will be with him at all times. Thank you.

23 JUDGE McCULLOUGH: Thank you, Judge Kelly.

24 MR. SOTHORON: Thank you, Judge.

25 Next I'd like to call upon Judge Joseph Casula.

1 who is a dear friend of Nelson M. Oneglia, better known as  
2 Nick.

3 Judge Casula.

4 JUDGE CASULA: May it please the Court. It  
5 certainly is my distinct honor to present this remarks in  
6 recognition, in tribute to the life of our late colleague  
7 and my dear friend Nelson "Nick" Oneglia, who in his 52nd  
8 year died at Georgetown University Hospital on December  
9 10th, 1990. Nick had multiple sclerosis.

10 Now Nick was many things to many people. He was  
11 an expert on family law, and really frequently conducted  
12 seminars for other lawyers and for social workers. As a  
13 specialist in his field, he was the prevailing lawyer in  
14 several landmark cases that established such legal  
15 principles as pensions being considered marital property,  
16 and that one spouse could not be ordered to sign a joint  
17 tax return.

18 And there was a time when he served as Assistant  
19 County Attorney, and there Mr. Oneglia established himself  
20 as a problem solver, and I think my friend Harry Durity I  
21 see sitting there, who was a Deputy County Attorney at the  
22 time, could attest to the fact that there was a transition  
23 going on in the county between the old county commissioner  
24 system and our charter system. There was all kinds of  
25 problems. There was the hospital problem, and Nick took

1 that on. He established the Hospital Commission. He later  
2 on, when he left the County Attorney's Office, he became an  
3 expert in the field of hospital law, and then there was  
4 that feud between the volunteer firemen and the paid  
5 firemen that the county had going on through the '50s and  
6 the '60s. And Nick solved that by legislation, and also by  
7 drafting some rules that implemented the legislation. He  
8 appeared on numerous television shows. At one time, he was  
9 the subject of a featured article in "People's Magazine."  
10 His seminars and classes at the University of Maryland were  
11 always over-subscribed. He counseled many young students  
12 and established internships in a variety of legal and  
13 governmental settings.

14 From the years 1957 to 1963, he was a member of  
15 the Armed Services in the Army, and he served at that time  
16 in the Criminal Investigative Division. When he was  
17 discharged, he remained as a consultant to the Army on  
18 criminal and family law matters.

19 He was a private investigator at one time. He  
20 also was a skydiver. He used to jump out of airplanes. He  
21 was a cross-country skier. He was a skilled trial lawyer  
22 and spirited competitor. Anyone that had Nick in a  
23 domestic case, judges would run away, and the opponent knew  
24 he was in for a brawl.

25 Nick had an essential and unforgettable

1 integrity, one that united substance and style with  
2 compassion and ability. The illness that ultimately ended  
3 his legal career was discovered some three years before his  
4 death. Nick fought this affliction with a great deal and  
5 abundance of courage, but notwithstanding his progressive  
6 physical debilitation that was taking place, he would stop  
7 by my office every time he was in the courthouse, and I  
8 never heard a complaint. No one I know of ever heard him  
9 complain of anything. The most he ever said to me was he  
10 asked me for a cup of coffee. But still those of us who  
11 knew him well could see the sadness in his eyes.

12 In some respects, Nick lived a very full life,  
13 albeit too short. There were a lot of smiles in his life,  
14 and there were a lot of tears.

15 On December 10th, 1990, Susan Oneglia lost a  
16 very good husband, the Bar a super lawyer, society a good  
17 human being, and I lost a very dear friend. We will miss  
18 him very much. Thank you.

19 JUDGE McCULLOUGH: Thank you, Judge Casula.

20 MR. SOTHORON: If the Court please, I now would  
21 like to call upon Ronald H. Cooper, who is a fine member of  
22 our bar and most significantly today the law partner of  
23 Domenic Tesauro. Ron.

24 MR. COOPER: I feel very honored to stand up  
25 here and say a few words about a man who was a very dear

1 friend of mine, someone who I grew to love very much as the  
2 years went by. Domenic and I shared an office together for  
3 many years, and he and I were very close. He was a very,  
4 very dear man. He was also probably one of the most  
5 interesting men I've ever met in my life.

6 His parents were immigrants to this country that  
7 came over here from Italy. Domenic was raised in South  
8 Philadelphia. He -- His parents had a -- a corner grocery  
9 store which his mom and dad ran, and he was a delivery  
10 boy. He was delivering groceries at about the age of six  
11 all over the neighborhood, and I think that is probably how  
12 he got to learn how to know people and handle people, and  
13 I'll say a few words about that in a few minutes. He  
14 became a lawyer in 1950, graduated from American  
15 University, and began his practice of law in the District  
16 of Columbia. He used to tell me that he was called a Fifth  
17 Street lawyer down there.

18 Sometime thereafter, Judge Femia became a very  
19 close friend of his, persuaded him to come to the State of  
20 Maryland and practice law, which he did. I'd like to take  
21 this opportunity to tell Judge Femia that your friendship  
22 to him meant an awful, awful lot. He loved you like a  
23 brother, and he was very proud to say that you were his  
24 friend.

25 When he started practicing law in Maryland, he

1 came into -- started representing some people who were well  
2 known. He represented Jayne Mansfield. There is a letter  
3 hanging in his house signed by her about a week before she  
4 died, famous Hollywood actress. He also got into battles  
5 with Vince Lombardi, head football coach of the Washington  
6 Redskins. Back in the 1960s, the National Football League  
7 Players did not have a union, and there was a player by the  
8 name of A.E. Whitfield who played football for the  
9 Washington Redskins. He wanted Domenic to become his agent  
10 to represent him in contract negotiations. Vince Lombardi  
11 didn't want any part of any type of union or agents or  
12 anything like that. Domenic had a stack of letters from  
13 Vince Lombardi probably calling him every name in the book,  
14 stay away from his football players, and he and Vince  
15 Lombardi battled it out for quite sometime. Domenic was  
16 always also associated with an individual by the name of  
17 Jack Olander, a very prominent medical malpractice attorney  
18 down in the District of Columbia.

19 Domenic was also quite a character. The last  
20 couple years of his life, when he was basically retired,  
21 any time you wanted to find him, you could probably just go  
22 out here on Main Street and see him going up and down Main  
23 Street saying, "Hi," to everybody, and probably knew  
24 everybody in the street, knew everybody here in the  
25 courthouse. Every day he'd make his rounds in the

1 courthouse. He would come in about 8:30 and go say, "Hi,"  
2 to Lou Hobbs down at the information booth on the first  
3 floor; go up and see Judge Femia and his staff. When Judge  
4 Blackwell was here, he'd go up and see him, his staff, and  
5 he spent about an hour, hour and a half going around  
6 saying "Hi," to everybody in the courthouse. He knew  
7 everybody, everybody loved to see him. He was that kind of  
8 person. To use a phrase Judge Kelly just used, he was a  
9 people man. Everybody loved him. Everybody thought very  
10 highly of him.

11 At his funeral, the priest told a little story  
12 about what happened to him shortly before he died. The  
13 church he went to down in Davidsonville, the priest had a  
14 new church built behind the old church that Domenic had  
15 gone to for many years, and Domenic, in his way, did not  
16 like a lot of change, so he gave the priest a hard time  
17 about building a new church. He couldn't understand what  
18 was wrong with the old church. When the new church was  
19 built, Domenic, in his rebellious way, would come to mass  
20 on Sunday, but refused to sit down in the church. He would  
21 stand in the back of the church the whole time, and made  
22 himself very noticeable to the priest. The priest kind of  
23 wondered what he was going to do with Domenic, and was  
24 hoping that Domenic wouldn't cause rebellion amongst his  
25 congregation, so the light bulb went on in his head, and he

1 said, "Well, if Domenic wants to stand up, we'll make him  
2 him an usher." So he went up to Domenic and asked him, and  
3 Domenic said, "Sure, I'll do that." And one of the duties  
4 of being the usher was to pass the plate, and the first  
5 Sunday that he was passing the plate, he came up to an  
6 individual who, I don't know who it was, but it was either  
7 a doctor or a lawyer, I really can't remember, and he put  
8 the plate in front of the man, and the man put five dollars  
9 in the plate. Domenic just stood and held the plate in  
10 front of the man. The man didn't know what to do, and  
11 Domenic kind of was pushing the plate and told him, "You  
12 can afford more," and embarrassed the man so much that the  
13 man went back in his pocket and put more money in the  
14 plate. The only regret the priest had was he didn't ask  
15 Domenic to be an usher sooner.

16 But also a serious side about Domenic. He did  
17 leave a legacy. I think for all of us who knew him well,  
18 it's safe to say he's probably one of the most honest men  
19 I've ever met in my life. He was also a man who knew how  
20 to treat people, knew how to care about people, and he knew  
21 how to do that better than anybody I've ever met in my  
22 life. He loved people, cared about people, and he would do  
23 anything to help anybody out. He would literally give the  
24 shirt off his back to anybody who needed it, put himself  
25 second to anybody else. I know that as the years went by,

1 one of the things he did was to help out young attorneys.  
2 He would refer them cases, help them out with how to  
3 practice law, how to handle cases.

4 He helped a lot of young attorneys get their  
5 start, and you're looking at one of them right here. I  
6 probably wouldn't have a private practice today if it  
7 wasn't for this man. I'm eternally grateful to him, and I  
8 want to thank him right now for doing everything that he  
9 did for me.

10 There is also one other thing that I noticed  
11 about Domenic as the years went by. There is very few  
12 people who you can say this about, not one time in all the  
13 years that I knew this man did I ever hear anyone ever say  
14 anything bad about him. Nothing negative, nothing  
15 detrimental. Everything was always positive, everything  
16 was always good. That is saying something today, and that  
17 is just the type of person that he was.

18 And as we all go home today, we ought to think  
19 about this man, take a little bit of him, apply it to our  
20 own lives, and make it a part of us, because I think we'd  
21 all be a little better if we became the type of person that  
22 he was; he cared about people, his honesty, how he treated  
23 people, we'd all be better for it. I love that man, and I  
24 know I'll miss him, and I know that many, many other people  
25 will miss him too. May God bless him. May God always be

1 with him.

2 THE COURT: Thank you, Mr. Cooper.

3 MR. SOTHORON: It is now my privilege to  
4 introduce Hal C.B. Clagett who will speak on behalf of  
5 Judge Charles C. Marbury. Hal is, amongst other things, a  
6 prominent lawyer, but today he is speaking as a nephew of  
7 Judge Marbury.

8 MR. CLAGETT: Your Honors, fellow lawyers and  
9 family members, friends and associates, it was near the  
10 beginning of a new century when the Honorable Charles  
11 Clagett Marbury was born. It was November the 2nd, 1899.  
12 During the following years, he bore the heritage of being  
13 the son of Alexander Marshall Marbury and Lucy Clagett  
14 Marbury with great glee and delight. As he roamed the  
15 fields of the approximate 600 acres that his parents owned,  
16 he learned how to shoot quail behind a standing dog, rail  
17 birds on the marsh, duck, and geese as they flew either out  
18 of the Patuxent or over on the Eastern Shore, and so he  
19 enjoyed that side of growing up in Prince George's County  
20 and southern Maryland. And that enabled him to stand up to  
21 the labors of working in the tobacco fields of those  
22 approximate 600 acres that his parents owned.

23 At about 17 years of age, he left Upper Marlboro  
24 and became a freshman at Johns Hopkins University. Somehow  
25 he became confused there. A war was on, and he volunteered

1 and enlisted. He was then in fact only 17, but he was  
2 accepted and eventually was shipped as a doughboy to  
3 France. That his contribution was creditable speaks for  
4 itself, we won the war. And while he was awaiting to be  
5 shipped back, he went to the University of Bordeaux, but  
6 then eventually was extracted and did in fact return to  
7 Johns Hopkins University and graduated in 1925 -- 1922.

8 Three years later, in 1925, he graduated from  
9 Georgetown University Law School, and thus began a practice  
10 of some 16 years here in this county and elsewhere  
11 throughout southern Maryland. During that period of time,  
12 in 1927, he married Katherine Worthington Lancaster, a  
13 cousin. Their sole issue was one daughter, Priscilla, who  
14 arrived in 1929. In about 1931, he ran and was elected a  
15 delegate to the House of Delegates, and then ensued a  
16 number of successful returns until he was elected to the  
17 Senate in 1941. That lasted a very short period of time  
18 because he was appointed a judge on the Circuit Bench of  
19 what is now the Seventh Judicial Circuit, and so began  
20 another tenure of years, approximately 20, as a nisi prius  
21 judge. He was the only sitting judge in Prince George's  
22 County full-time, and he carried all the burdens and labors  
23 of a growing county, some 40,000 to begin with, now nearly  
24 800,000, and requiring a much more multiple bench than that  
25 occupied by him singly for all of those years.

1                   Administratively at that time there was a call  
2 of the docket, and there were two trial terms, spring and  
3 fall. This courtroom would be filled with lawyers who had  
4 cases to try. As Judge Marbury presided from the bench,  
5 and as the docket was called, cases would be scheduled for  
6 trial. In many instances, I can recall having three, four,  
7 five cases scheduled in the same week. Also, as I look  
8 back, I recall that never once was there a continuance of  
9 one of those cases merely because there happened to be so  
10 many in one week. And the way in which that was done was  
11 that many, many times a jury verdict would be returned just  
12 before or just after midnight, as their labors, their  
13 resolving of the issues, had to be accomplished before the  
14 courthouse lights went out.

15                 Among those cases, I remember one rather  
16 significantly, Plank versus Summers. It was tried in this  
17 courtroom before Judge Marbury, before a jury, three  
18 times. The jury returned its verdict the first time at  
19 3:00 in the morning, the second time 4:00 in the morning,  
20 the third time, 5:00 in the morning. Each of those  
21 mornings at 10:00, Judge Marbury was on the bench to  
22 conduct the trial that was called for that day, or the case  
23 that was called for that day. But before I leave Plank  
24 versus Summers, it is significant, because it implanted as  
25 an item of recoverable damage to an innocent plaintiff the

1 comparable source rule. In other words, for gratuitous  
2 services, recovery could be attained of a reasonable  
3 value. All of that came about in that five sailors had  
4 left Lexington Air Force Base and were traveling at a good  
5 rate of speed up 301, and in the vicinity of Cheltenham,  
6 collided with my client's automobile, which unfortunately  
7 was over on the wrong side of the road, and the impact was  
8 head-on. The five sailors ended up at Bethesda Naval  
9 Hospital, and after a considerable stay there, eventually  
10 were in this courtroom bringing suit against Mr. Summers.

11 Well, the collateral source rule had not been  
12 heard of before the effort was there made on their behalf  
13 by Joe Bulman to recover the fair and reasonable value of  
14 doctor, medical, and hospital bills, and neither had it  
15 been heard of by Judge Marbury until that time, and that  
16 resulted in going forward to the Court of Appeals, and  
17 having it come back from the Court of Appeals, and then go  
18 back to the Court of Appeals, and then come back, and then  
19 go back the third time, and ultimately the Maryland Court  
20 of Appeals was affirmed by the Supreme Court of the United  
21 States, and the collateral source rule became an indelible  
22 part of the recoverable damages of an innocent plaintiff  
23 for the fair and reasonable value of gratuitous services.  
24 While the civil aspect of this courtroom presided over  
25 Judge Marbury was in that way well-illustrated, similarly

1 the criminal side was given good and fair attention by him,  
2 and out of the past comes the memory of the case of State  
3 of Maryland versus Gerald B. Wright. And this gives a bit  
4 of insight into the moral fiber and the family ideals of  
5 Judge Marbury, because when Gerald Wright came into our  
6 office and sat down across the desk from me, he had an  
7 indictment for bigamy. And unfortunately he disclosed not  
8 confidentially, but in fact that he had married five  
9 women. Well, the net result was that after reading every  
10 case that had ever been tried in the State of Maryland, and  
11 all the textbook material, all I could do by way of his  
12 defense was to request postponements. Well, there came a  
13 day when there were no more postponements going to be  
14 allowed, and I was walking with Gerald B. Wright from our  
15 offices up at the head of Main Street down to this  
16 courthouse, Judge Marbury presiding, and thinking myself,  
17 oh, gracious what is going to happen now, when Wright and I  
18 passed in front of a plate glass window that was just being  
19 installed in the then Safeway, later the Sam Malloy  
20 building, and an opposite bound pedestrian passed in front  
21 of that same plate glass window, and the reflection of the  
22 three of us sent a chill down my back. My theory of  
23 defense was the man was not guilty of bigamy because he was  
24 guilty of trigamy. And I didn't -- It was based upon the  
25 second and third marriages, and I did not disclose to

1 anybody at that point the other two. But somehow that  
2 theory of defense did not really sit very well with Judge  
3 Marbury. And neither did it sit well with the jury, which  
4 found him guilty. And there came a time when Judge Marbury  
5 gave him nine years at hard labor. Now, the ensuing motion  
6 that I filed to reconsider based upon to have kept up with  
7 those marriages was labor enough, did nothing to change his  
8 mind, so the only recourse was to go to the Court of  
9 Appeals. There justice, or judge, Chief Judge Paul  
10 Hammond, wrote the opinion and reversed the jury verdict  
11 and Judge Marbury's sentence, agreeing that trigamy was a  
12 good defense to bigamy, that there could only be a criminal  
13 marriage based upon a valid marriage. The second marriage  
14 was not valid, therefore there was no criminal merit to be  
15 based upon a valid marriage. Well, Gerald B. Wright was  
16 reindicted, Gwinn Bowie having fished around and found the  
17 name of the lady that was the first wife, and then  
18 administratively, when the matter of a Motion to Dismiss  
19 filed by me came forward was assigned to Judge Gray to be  
20 taken care of, Judge Marbury, thinking in terms he'd had  
21 enough of me and Gerald B. Wright, I think at that time,  
22 and the basis of that motion was that the marriage to this  
23 lady had occurred down in Florida. And there is a lot of  
24 water between here and Florida, and more than seven years  
25 had gone by, so the presumption was that she was dead.

1 Well, there was no evidence to the contrary, and Judge Gray  
2 agreed, and the motion was granted, and Gerald B. Wright  
3 disappeared from this courtroom. I can still see him right  
4 now. He disappeared from this county, disappeared from the  
5 Washington metropolitan area, disappeared from the  
6 "Washington Post" circulation manager position, and I've  
7 never heard of him since.

8 One other significant recollection comes to mind  
9 of those years of Judge Marbury on the nisi prius bench,  
10 and that was that never once during all of that time did I  
11 ever have opposing counsel ask that he disqualify himself  
12 because I was on the opposite side. And neither did I ask  
13 for it, and never thought of it. And I think that in  
14 itself was a tremendous tribute, because there were no  
15 shortage of lawyers that would have raised the point if it  
16 had been to their advantage. George Burroughs, John White,  
17 Walter Green, I can think of many, many other feisty  
18 lawyers who would have scrapped for every inch, and did  
19 scrap for every inch of advantage that could come their  
20 way, but never once was Judge Marbury asked to disqualify  
21 himself, and I never even knew what the definition of  
22 recuse was until much, much, much later. In 1940 -- In  
23 1959, 1960, it was that the Court of Appeals was given two  
24 more members, raising from five to seven judges making up  
25 the Court of Appeals. That had been true back in 1938.

1 Some of us will recall when the seven-man Court of Appeals  
2 was reduced to five. Judge Marbury had opposed that, and  
3 when the time came, and his efforts could be expended, as  
4 in fact they were, the two vacancies were restored, and he  
5 was appointed to the Court of Appeals, and did leave this  
6 courtroom, this courthouse, this county, and transfer the  
7 next nine years to Annapolis; and there he presided with  
8 the same degree of dedication of intellect and ability to  
9 the task of being a member of the highest court of our  
10 state.

11 I would say that there are two members, Judge  
12 Casula and Judge Salmon, who will endorse that accolade, in  
13 that they were his law clerks at one time or another during  
14 those nine years.

15 The mandatory retirement age came in 1969, and  
16 Judge Marbury, then arriving at the age of 70, had to  
17 retire. Sadly, he became blind over the ensuing years, but  
18 notwithstanding the tragedy of the death of Dolly Marbury,  
19 his wife of nearly 50 years in 1986, the fact was revealed  
20 that instead of being four days older than she was, his  
21 birthday being November the 2nd, and her birthday being  
22 November the 6th, her birth certificate showed that she was  
23 in fact four days less than a year older than he was,  
24 having been born November the 6th of 1898. She had kept  
25 that secret guarded. Her birth certificate was in the

1 hands of her daughter, Priscilla, and none of us knew it  
2 until the date of her death, and Judge Marbury, whenever  
3 that was mentioned, being totally blind at that time, would  
4 not agree with it. Their relationship of 50 years had been  
5 so compatible, had been so dependent one upon the other in  
6 all of that time, he could not believe that she had fooled  
7 him for all of those years. But the birth certificate  
8 spoke for itself. We had to make a lot of corrections at  
9 one time or another. Ninety-two years into that century  
10 which he had begun, Judge Marbury, or nearly 92 years,  
11 Judge Marbury died on July the 19th of 1991.

12 The full measure of his talent and energy had  
13 been given to his nation, to his state, to his county, to  
14 his profession, to his family, and to his friends. In all  
15 respects across the board, his life had lived up to the  
16 title which he had earned, the Honorable Charles C.  
17 Marbury. And equally that life had lived up to the family  
18 motto, ad finem fidelas, to the end faithful.

19 I move that when transcribed, my remarks be made  
20 a part of the Record of the Prince George's County and the  
21 Seventh Judicial Circuit.

22 JUDGE McCULLOUGH: Thank you very much, Mr.  
23 Clagett.

24 THE COURT: Mr. Silberman, ladies and gentlemen,  
25 all the judges of the Seventh Circuit are grateful to the

1 Prince George's County Bar Association and the members of  
2 the Committee on Memorial for the presentation of these  
3 memorials today. It is a very fine tradition that we have  
4 maintained in Prince George's County for many years. Some  
5 have said it's been over 200 years that we pause from the  
6 usual adversary matters taking place in the courtroom to  
7 honor our departed brothers and to pay tribute to their  
8 memories.

9 So the Court, all of whose members have enjoyed  
10 a very pleasant and warm relation, warm personal  
11 relationship with those who have been memorialized today,  
12 will direct that the memorials presented, and be spread  
13 upon the permanent records of this court, and that copies  
14 will be sent to the families of those colleagues we are  
15 honoring today.

16 There are plants here that are here for the  
17 families, and we would appreciate it very much if, Mr.  
18 Silberman, you take care of making sure that they get those  
19 plants.

20 Now, Mr. Bailiff, in honoring, and in honor of  
21 our departed brothers, you may now announce the adjournment  
22 of this court.

23 (Whereupon, at 4:20 o'clock p.m., the  
24 proceedings were concluded and the court was adjourned.)