

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

2

3

4 PRINCE GEORGE'S COUNTY BAR ASSOCIATION

5 MEMORIAL SERVICE

6 FOR

7 JUDGE WILLIAM B. BOWIE

8 CHARLES E. CHANNING, JR.

9 FRANCIS X. GAEGLER, JR.

10 VICTOR A. HOULON

11 SAMUEL F. IANNI

12 JUDGE ROBERT B. MATHIAS

13 GORDON R. MORELAND

14 FRANCIS C. O'BRIEN

15 PAUL B. RODBELL

16

17

18 Thursday, November 15, 2001

19 3:00 p.m.

20 Courtroom 201D

21 Courthouse

22 Upper Marlboro, Maryland

23

24 D. F. Coolahan

25 Official Court Reporter

	I N D E X	P A G E
4	SPECIAL PRESENTATION TO JUDGE LEVIN	4
5	(By Judge Missouri)	
6		
7	MEMORIAL TRIBUTES:	
8	Judge William B. Bowie	6
9	(By Judge Sothoron)	
10	Charles E. Channing, Jr.	14
11	(By Judge Salmon)	
12	Francis X. Gaegler, Jr.	19
13	(By James B. Hopewell)	
14	Victor A. Houlon	26
15	(By Richard A. Finci)	
16	Samuel F. Ianni	32
17	(By Mary C. Crawford)	
18	Judge Robert B. Mathias	37
19	(By Judge Garrity)	
20	Gordon R. Moreland	43
21	(By John Keller)	
22	Francis C. O'Brien	48
23	(By Egan O'Brien)	
24	Paul B. Rodbell	53
25	(By William Meyers)	

PROCEEDINGS

2 ... The Court convened en banc at 3:00 o'clock
3 p.m., there being present Honorable Robert J. Woods, Chief
4 Judge, Honorable Graydon S. McKee, III, Associate Judge,
5 Honorable Steven I. Platt, Associate Judge, Honorable E.
6 Allen Shepherd, Associate Judge, Honorable Maureen M.
7 Lamasney, Associate Judge, Honorable Ronald D. Schiff,
8 Associate Judge, and Honorable Julia B. Weatherly, Associate
9 Judge...

10 JUDGE WOODS: Welcome, everyone. Today, as we do
11 every year, we have come to honor our colleagues and
12 associates and friends who have passed on. The Court is
13 honored today to welcome all the family members, the friends
14 and guests of those that we are here to remember today.

15 The Court will now recognize the President of the
16 Prince George's County Bar Association, the Honorable
17 Michele D. Hotten.

18 JUDGE HOTTEN: Good afternoon, dear friends,
19 colleagues and families of those whom we have lost this past
20 year. I am Michele Hotten. I am an Associate Judge of the
21 Circuit Court of Prince George's County, Maryland, and also
22 President of the Prince George's County Bar Association.

23 This solemn occasion provides the opportunity to
24 reflect on the measure of the lives of our departed members
25 and to celebrate the essence of their contributions to our

1 profession. Our condolences extend to the families and to
2 the friends of those members who have passed away.

3 At this time, I would like to introduce the
4 Honorable William D. Missouri, the Administrative Judge for
5 the Seventh Judicial Circuit.

6 Judge Missouri.

7 JUDGE MISSOURI: Thank you, Judge Hotten.

8 Chief Judge Woods, my colleagues, Judge Femia, and
9 to all here assembled, good afternoon to you folks. Thank
10 you.

11 It is entirely fitting and proper that we gather
12 once a year to honor our members who have been called from
13 labor to refreshment, and it is because of that occasion
14 that we are here today.

15 You will hear some pearls of wisdom that you care
16 to hear and probably some you don't from Judge Femia later
17 on, but in the meantime I want to take a few moments, so
18 please bear with me, to speak about someone who is sitting
19 here.

20 He is the person who has been in charge of this
21 particular memorial program for the bar association for a
22 number of years. He has done an outstanding job. He has
23 bridged the gap between the bench and bar, if there ever was
24 one, and he has been held in high esteem wherever he has
25 been and with whomever he associates.

1 We are going to list his presence at these
2 memorial services because now he doesn't have to come, and
3 if he wishes to, I want him to always come back.

4 Judge Levin, on behalf of your colleagues of the
5 Circuit Court for Prince George's County and the District
6 Court of Prince George's County, we thank you and we wish
7 you well. This is a mere token of our appreciation.

8 JUDGE LEVIN: Thank you very much. This comes as
9 a surprise to me. I came to Prince George's County from
10 Washington, D. C., 45 years ago, and it has meant an awful
11 lot to me and to my family, and thank you very much.

12 JUDGE HOTTON: At this time I would like to
13 introduce the Chairperson of our Memorial Committee, Judge
14 Vincent Femia.

15 JUDGE FEMIA: The Chairperson sounds awfully
16 important until you find out there is only one member of the
17 committee. If you can't give them money, give them titles.

18 I want to start out by thanking the Court, Prince
19 George's County Circuit Court, for joining the bar
20 association in this annual presentation.

21 Quite frankly, when Judge Hotten asked me to do
22 this, I thought I'll do it because they asked, but I didn't
23 realize the importance of it until I got into it, and when I
24 got here today, I looked around and I realized it is
25 extremely important for us of the bar to celebrate and

1 remember our colleagues.

2 I want to make mention in passing of the fact that
3 we will not be memorializing Mike Maloney today. The reason
4 for that is that his family asked us not to do it this year.
5 It is awfully close to his passing. It was a hurtful loss,
6 and we will duly recognize the passing of Mike next year.

7 I would ask of the presenters that I am going to
8 call upon if you would be kind enough to point out and
9 acknowledge family members and friends that you are aware of
10 that are here with us today. Quite frankly, there is no way
11 I could know and make such an acknowledgment, so I ask each
12 of the presenters to do that.

13 Finally, may I say that I have asked each of the
14 presenters to restrict their comments, which are not
15 intended to be obituaries but rather eulogies, to five
16 minutes or thereabouts.

17 Now, that is not the Court's rule, and it is not
18 the bar association's rule. I am the one that asked them to
19 do it. If you find it offensive, and I can understand that
20 you may well find it offensive, just blame me, F-e-m-i-a.
21 Put any adjective you want in front of that.

22 With that said, let me call upon Judge Richard
23 Sothoron to say a few remarks about my predecessor in
24 office, Judge William B. Bowie.

25 JUDGE SOTHORON: Judge Woods, members of the

1 Circuit Court, friends and family, members of the Bench, I
2 am honored to speak on behalf of Judge William B. Bowie.
3 Why? Because I have known Judge Bowie since I was a child.

4 It is appropriate that this ceremony today is
5 taking place in this courtroom. For those of you who didn't
6 know Judge Bowie or Judge Mathias, I direct you to the wall
7 to my right.

8 That is a bit of history in and of itself because
9 you will note that in 1960 we only had one judge. That was
10 Judge Marbury, and I note Judge Marbury's daughter,
11 Priscilla Ryan, is here today.

12 Then in 1960 there were four judges over the
13 course of 1960 and '61 that were appointed. I will talk
14 more about it in a second.

15 Judge Bowie is truly Upper Marlboro. He was born
16 in 1913, and he was born in Mount Lubentia, which is the
17 family home. The Bowie family, for those of you who don't
18 know, I will give you a couple of geography lessons. You go
19 up 202 and one comes to the Largo High School. Across from
20 Manor Care, the Bowie residence is still standing today and
21 has been restored to its original.

22 After growing up in that lovely home, he went to
23 Charlotte Hall Military Academy in St. Mary's County,
24 Maryland, where he went to school with two young men from
25 Charlotte Hall called Sothoron. That was my father and my

1 uncle. From that point forward, they became life-long
2 friends, the best of friends.

3 After Charlotte Hall, Judge Bowie went to the
4 University of Maryland. He worked in the dining hall at the
5 University of Maryland. He went on to Georgetown Law School
6 and graduated in 1939.

7 During law school, he worked as a capitol police
8 officer, and then after law school, he worked as an attorney
9 investigator for the Department of Agriculture. Then, lo
10 and behold, World War II broke out, and he went into the
11 Navy, and he became an officer.

12 He was assigned to the USS Yorktown. For those of
13 you who certainly visited Judge Bowie's chambers, which is
14 immediately behind me and down the hallway, he had a
15 wonderful picture of the Yorktown in his chambers.

16 Anne Fichera, who is here today, will tell you
17 when she went to Charleston, South Carolina, many years ago
18 to visit that wonderful town, the Yorktown was in residence
19 there, been retired, and on the signal deck was a plaque
20 that said compliments of William B. Bowie, Lieutenant, and
21 he had donated money to restore the deck. He never wanted
22 people to know about that, but that was the way Judge Bowie
23 was.

24 After World War II, he came back to Upper Marlboro
25 and started practicing law right here on Main Street. For

1 those of you, once again, who want a geography lesson, there
2 is a place called the Marlboro Grille, and that was, indeed,
3 Judge Bowie's one-stop office. He shared space with a
4 gentleman named John Mudd, related to the thousands of Mudds
5 down in Charles County, but they shared space.

6 Judge Bowie was, for all intents and purposes, a
7 sole practitioner, and his clientele was everyday clientele.
8 He represented the little people, if you would, please, and
9 he always did so in generally these courts here in Prince
10 George's County. As I said before, it was just a one-judge
11 town.

12 He obviously knew the judge, just like Hal Clagett
13 knew his uncle, Judge Charlie Marbury, but that wasn't the
14 basis to recuse everybody to practice law. As Mr. Clagett
15 will probably tell you, Judge Marbury was probably harder on
16 those who he knew than those he didn't.

17 Judge Bowie always prided himself in answering the
18 telephone all the time because, as Anne will tell you, he
19 said if you hire Bill Bowie, you talk to Bill Bowie.

20 One of his clients of note was Boone Wayson.
21 Mr. Wayson, for those of you who don't know, in addition to
22 Wayson's Corner, he also had a restaurant right up here to
23 the right where the tax place is across from the Olde Towne
24 Inn. That's where Judge Bowie basically ate lunch every
25 day.

1 Judge Bowie represented the Towns of Upper
2 Marlboro, Glenarden and Seat Pleasant. For those of you who
3 certainly can take note, Seat Pleasant was a diverse
4 population, as was Glenarden, and Judge Bowie was their
5 go-to guy, and when he went on the bench in 1961, some
6 fellow named Taylor, I think his name is James Taylor -- in
7 fact, I think if you go back here, you will see his picture
8 on the wall too.

9 Judge Taylor was then a practicing lawyer, and
10 this was his opportunity to go ahead and represent a
11 municipality, and he came to Anne and Judge Bowie and he
12 said, you know, Judge Bowie, in all due deference -- this is
13 when Judge Bowie got appointed in 1961 -- I don't know how
14 to tell you this, but you have been undercharging the Town
15 of Glenarden all these years. Do you mind if I increase the
16 rates a little? He said, you do, Mr. Taylor, what you think
17 you have to do. That's how Jim Taylor became the lawyer for
18 the town.

19 Anne Fichera followed Judge Bowie -- in 1959 she
20 worked for him in private practice -- to the courthouse in
21 1961. Judge Bowie, as I said, took up his office right
22 behind me, and right behind me, indeed, were all the judges'
23 chambers.

24 In 1960 Judge Powers was appointed, then Judge
25 Parker, Judge Loveless and Judge Bowie, all within the time

1 frame of 1960 to '61. Only Judge Loveless is alive today,
2 and he graced our presence as being our Chief Judge.

3 Judge Bowie settled right in in Circuit Court. He
4 had no difficulty at all. But for those of you who may be
5 curious, there was only one law clerk for those four judges
6 until 1965. That was Bill Haskell or, rather, Frank
7 Haskell, not Bill, and only then in 1966 did Judge Bowie
8 start having his own law clerks.

9 I see some still in here. Judge McKee -- he was a
10 little bit younger looking in those days, you might say, but
11 certainly distinguished looking -- was one of the Judge
12 Bowie's law clerks.

13 Judge Bowie had, without question, the best track
14 record of any judge ever to serve in Prince George's County.
15 To this extent, he produced more judges, more masters, more
16 prominent attorneys than anybody else. Judge McKee, Judge
17 Steve Clagett down in Calvert County, Judge Bruce in Anne
18 Arundel County, Dave Rumsey, who is one of our Masters, and
19 the rest of the lawyers who are making more money than any
20 of those lawyers and judges ever thought they would make.

21 Judge Bowie served prominently on this bench until
22 1978. When he retired, lo and behold, he opened the door
23 for another jurist to come take his chambers, and that was
24 Judge Vincent Femia. Judge Femia, if he were at the
25 microphone, would tell you that Judge Bowie was, indeed, the

1 most gracious welcome wagon he could have. Anne continued
2 her service with Judge Femia until Judge Femia retired and
3 Anne, herself, retired.

4 But Judge Bowie was literally what one would call
5 in my opinion a judge's judge. I tried several cases in
6 front of him and did pretty well on most occasions. I know
7 one case I tried he remitted down. They gave me a case they
8 thought couldn't be won. Of course, I was the low man on
9 the totem pole. I had to try it. The jury awarded me
10 \$5,000 in attorney's fees. This is in 1974, which is
11 unheard of.

12 Judge Bowie remitted that down and said, Richard,
13 I think I gave you a bit too much leeway in front of the
14 jury. He completely wiped out my attorney's fees, but I
15 admired him for that, as far as that is concerned.

16 He was a teacher, a mentor and every one of his
17 law clerks, as I just told you, has fared very well in the
18 private sector.

19 He was a wonderful father and husband. We are
20 graced by Lucille Bowie being here today. Judge Bowie
21 passed away on his 88th birthday. What was also appropriate
22 is he had Anne Fichera call him that day and wish him happy
23 birthday.

24 I am blessed because I had the benefit of knowing
25 him both as an individual, as my father's best friend and as

1 a wonderful judge. As oftentimes I tell lawyers day in and
2 day out in this courthouse, and here I find ironically
3 myself as a judge that can never fill the shoes of Judge
4 Bowie or, for that matter, Judge Mathias or any other judges
5 on the wall.

6 But reality is a judge's role is simply to be an
7 umpire, to call the balls and strikes, not to take sides.
8 Every now and then it is the responsibility for a judge,
9 certainly at the Circuit Court level, to go ahead, if they
10 see something that is outrageous, to be the voice of the
11 public. Judge Bowie had enough conviction and courage to do
12 so when it was needed. I will tell you all if there was a
13 hall of fame for umpires, Judge Bowie would be in that hall
14 of fame.

15 I was honored in knowing him. I am honored to be
16 here today. For those of you who never had a chance to
17 practice law in front of Judge Bowie, you would have seen
18 something else.

19 The last thing I want to say is I think every one
20 of my colleagues on the Circuit Court probably would agree
21 with me, if I look around the bench, with the exception of
22 young Judge Weatherly and Judge Lamasney -- when he was
23 practicing she was probably 15 -- every one of those judges
24 tried cases in front of Judge Bowie.

25 Judge Woods, with your pleasure and with the

1 approval of the Court, I would like to have these comments
2 made a permanent part of this record, if I could, please.

3 Thank you.

4 JUDGE FEMIA: Thanks, Dick.

5 I would like to call on Judge James P. Salmon of
6 our Court of Special Appeals. Jim is going to say a few
7 words about our dear colleague Charlie Channing.

8 JUDGE SALMON: This is the first time I have ever
9 known Richard to stick to five minutes before a microphone.
10 I was looking.

11 My good friend, Charlie Channing, died on October
12 20, 2000. He was 81 years old, and he had practiced law for
13 52 years, always in the Washington metropolitan area, and
14 had his office in the Upper Marlboro area from 1964 until he
15 died.

16 I think just about everyone in this room probably
17 knew Charlie because he practiced for so long. As you will
18 see in the written material, I always remembered he said
19 that he would like to die in court when he died and his last
20 word be objection. He didn't get that, but he didn't miss
21 it by much. He was the most well-liked lawyer, I think,
22 that any of us had ever known, or as well liked as just
23 about anybody that practiced.

24 This is not supposed to be and it isn't an
25 obituary so I am not going to go over every little detail of

1 his life, but, as Judge Sothoron said before I got up here
2 to speak, I certainly have a lot of material to work with if
3 I wanted.

4 I want to just stress what a great sense of fun it
5 was to be around Charlie. When he told stories, people
6 listened. The best example of that I can give is before he
7 died the last time I saw him in the courthouse was right
8 outside the courtroom. As I was walking by, I noticed he
9 was talking to a whole bunch of young lawyers telling some
10 story, and they were all looking up at him, and he was
11 talking.

12 He said, hey, Jim, come on over. He said come on
13 in the courtroom. I am trying my last case. So he really
14 was there trying it did turn out to be maybe not his last
15 case, but he was the last case. He really worked his entire
16 life with the law, and he was just so knowledgeable and had
17 such a good grasp of people and jurors that he was extremely
18 successful as a lawyer. One of the reasons that he was
19 successful is that he could relate to people. He could
20 relate to jurors.

21 In regards to his sense of fun, nobody was more
22 enjoyable to be around at a party or at a bar or giving
23 advice, and most people that were around him know about
24 this, what is called the Charles Channing Rule. It is not a
25 legal rule, but it was a good rule to live by for married

1 guys that liked to go out to bars or other unsavory places,
2 and, no offense, but he always said never call your wife
3 when you're out like that, he said, because you'll just
4 catch hell twice. So that's the Rule of Channing.

5 Now, before a jury, whenever he had a trial, the
6 jury would just know instinctively, even though they would
7 always introduce him as Charles Channing, Jr., before the
8 trial was over, they would just know to call him Charlie,
9 and part of it was the way he dressed. No matter how long
10 his trial, he always wore the same suit. So that would be
11 pretty much it.

12 I remember one time he was so proud because he had
13 a case against Melvin Belli, and he had gone out and bought
14 a real expensive suit, and one of the secretaries
15 complimented him on that, and he said, well, I've got this
16 trial that starts on Wednesday. He said, right now I'm just
17 practicing with this suit.

18 Whenever he was in trial, his humor was always
19 very self-deprecating. Just for one example, I remember, I
20 think it was in this courtroom, he was examining a document,
21 and he was very nearsighted, so he was looking at the
22 document, and Judge Meloy very rudely leaned over and said,
23 Mr. Channing, you should get a new pair of eyeglasses, and
24 Charlie just turned just as anything and said aye.

25 He was real liked by other lawyers. One of his

1 finest compliments was a Montgomery County lawyer in one
2 closing argument said Charlie was the oldest rat in the
3 barn, which he took as a great compliment. He knew his way
4 out of corners and so forth.

5 But the other thing I wanted to really stress
6 about him is long before we even ever had any bar
7 association articles or committee on civility towards other
8 lawyers, Charlie practiced civility, and I guarantee you
9 that in his 52 years of practice he never either had a
10 motion for sanctions filed against him or ever filed one.
11 He probably wouldn't even know what it was because he didn't
12 believe in that, and any kind of discovery disputes he would
13 just pick up the phone and work it out.

14 He was a very, very successful lawyer because
15 nobody knew the facts in a case better than he did. He
16 didn't rely on trying to outsmart somebody in discovery. He
17 just knew those facts, could relate to a jury, treated other
18 lawyers very well in court, and I can honestly say that in
19 the years I knew him I never knew any lawyer that ever had a
20 case with him that didn't finish the case on friendly terms,
21 and I think that is one of the highest compliments that I
22 could pay to him.

23 With the limited time I have, I just wanted to
24 also say he was a mentor to some of our very best trial
25 lawyers that trained under him. The late Tom Farrington was

1 a really, really good lawyer and a lot he knew and a lot of
2 reasons that he was such a good lawyer was because Charlie
3 taught him.

4 Even Frank Ford trained under Charlie, as did a
5 lot of other very good lawyers who are now kind of deans of
6 our bar; Kevin McCarthy, John Buchanan, Marty Freeman, Phil
7 Zuber, John Costello, and probably about ten other people I
8 guess I've forgotten, but everybody learned under him.

9 Most of all, I want to say something about his
10 family. He was a wonderful family man. After he served for
11 five years in the Second World War, he married Maryanne, and
12 they were a devoted couple and had four children; Brooke,
13 who is here today, and I don't think Cathy is here, but I
14 know Liz is over there in the yellow suit, and Michael were
15 his four children, and he was a very, very devoted father to
16 them.

17 Then about 20 years before he died, Maryanne died,
18 and he married Zoria, and they were a real love match, and
19 it was a devastating loss when Charlie passed away a year
20 ago, and Zoria is here, and we all want to give our
21 condolences.

22 Also, Zoria's grandchildren were like
23 grandchildren to him. I remember one of Zoria's children
24 said when her children first, I guess her son, grandson to
25 Zoria, first met Charlie, he was a perfect little gentleman,

1 but after being around Charlie for a couple of years, he
2 learned to cuss like a naval officer.

3 But, anyway, we will all remember Charlie. He was
4 one of the best lawyers. Even at 78 years old, he was
5 recognized by Washingtonian Magazine and by an organization
6 that put out a book called The Best Lawyers in Maryland as
7 one of the best lawyers. I think he was also.

8 But we will all miss him, and all the lawyers here
9 in Prince George's County give our condolences.

10 Judge Woods, I would ask that these words be put
11 upon the permanent record of this Court. Thank you.

12 JUDGE FEMIA: Now I would like to call upon Jim
13 Hopewell to speak on behalf of Frank Gaegler.

14 MR. HOPEWELL: These proceedings are a little more
15 informal than they used to be. The attorneys used to stand
16 up and introduce themselves and say hello to Your Honors
17 with all the judges present, then the audience. It is good
18 to see they are more relaxed.

19 I was requested to speak here today about Frank
20 Gaegler. Frank and I shared offices for about 22 years.
21 Ten of that was as a partnership. The other 12 were just
22 sharing office space. We were good friends, and we had a
23 lot of common values.

24 Frank was one of the most extraordinary people I
25 have ever met. He was an extraordinarily natural athlete in

1 his day and had an IQ that my honest guess was somewhere
2 between 170 and 190. The combination of that made him a
3 brilliant litigator. I note the little blurb here in the
4 handout mentions that he was a tenacious litigator. There
5 is no question about that.

6 Frank was somebody that was an incredible mix of
7 qualities. He was an FDR populist and strict Catholic. He
8 had five children and two marriages. I will identify them
9 at the end of the hearing.

10 Just to show you the way things used to be down in
11 the courthouse back before my time, Judge Loveless had three
12 children that were abandoned at the courthouse, and Frank
13 took them and raised them. He never adopted them, but he
14 raised them to adulthood, and one of the young ones is in
15 the Air Force today.

16 Frank as a lawyer I've heard a lot of stories. I
17 saw a lot in 22 years, but my understanding is back in the
18 time before we went in together in 1979, he was pretty
19 flamboyant.

20 He was an exceptional criminal defense lawyer.
21 The story was that when he had a rape case, he would wear a
22 white suit and carry a white Bible; and when he had a murder
23 case, he would wear a black suit and carry a black Bible.

24 He had a zoning case in Somerset County back in
25 the early '70s. To make an impression on the judge, he

1 borrowed a friend's white Cadillac and white suit, and the
2 people in Somerset County thought he was in the Mafia.

3 But Frank was in a way sort of General George
4 Patton. He was the quintessential warrior. Frank Gaegler
5 was the quintessential litigator. He had deeply-held values
6 about what the court system should do, and later years, into
7 the '80s, he railed at the fights that went on between the
8 litigators and the administrators over who was going to
9 control the court system, his belief being that the
10 litigators understood the process and administrators didn't.
11 It seems like the administrators are winning.

12 Frank was an early member of the bar association.
13 I have seen the documents. I don't have a copy today, but he
14 put out volume number one of the first Prince George's Bar
15 newsletter, and His Honor, Judge Femia, is nodding
16 affirmatively.

17 Interestingly enough, as conservative as Frank
18 became in his later years, one of the leading articles in
19 that publication was by Justice William O. Douglas, who was
20 a flaming liberal at that time.

21 Frank's belief was as a litigator that there were
22 two things you did. You fought for your client. I
23 mentioned that. I'll come back to that. The other thing
24 was that the courts weren't simply here to administer
25 justice, they weren't here to process numbers, but it's easy

1 for a bureaucracy to get lost in it.

2 We talked this over for 20 years. What Frank
3 believed was it wasn't what the court saw in their own eyes,
4 but witness the number of people out there in the public
5 that were effectively served by the bar.

6 The huge distinction was if Frank had a case with
7 a client, he would charge bodacious fees. He was better at
8 charging fees than any attorney I ever saw, but when
9 somebody walked in the door that had a real problem,
10 somebody that needed someone to fight for them, he took the
11 case, and he fought it through.

12 Twenty years ago he took the case until it was
13 over. Today we call it a 50 hours case. But, essentially,
14 you are sacrificing 50 hours of your time for somebody that
15 can never afford to pay you. You're doing it because you
16 want the court system to serve these people. I saw Frank
17 Gaegler for 22 years do that, and time and time again I saw
18 him work in the office until 12:00 at night on those cases.
19 It really meant something to him to serve those people.

20 When you figure he practiced law for over 40
21 years, and you think of the number of clients that he
22 represented on a yearly basis, there are innumerable people
23 that have been served in this community by the sacrifices
24 that he made.

25 He was an advocate for Prince George's County.

1 Frank was born and raised in Mount Rainier, and he really
2 wanted the best for Prince George's County. He used to tell
3 me about how he had seen, as a young man, the similarities
4 between Silver Spring and Mount Rainier, and then he saw
5 Mount Rainier and Montgomery County expand in their
6 development, and Prince George's County sort of never got
7 quite on its feet. It's one of the reasons that he fought
8 tenaciously to make those developments in Bowie the quality
9 they did become.

10 What's well known is that he was one of the
11 leading negotiators that kept the Science and Technology
12 Center up at the intersection of Routes 301 and 50 in Bowie,
13 and it's still there today. Frank actually set the
14 negotiations up in our office between the state authorities
15 and the developers that designed that plant that's worked to
16 the benefit of this County.

17 When it came to the degree to which he would fight
18 for a client, there are a couple of cases that just stick
19 out. One of them happened before I was born. No disrespect
20 to anybody in what I'm going to say, but this is the degree
21 to which he had a commitment to the system.

22 He was representing an African-American defendant
23 down in Calvert County, who had been charged with a serious
24 assault on a Caucasian business man who was well liked in
25 that community, and Frank tried to negotiate the case. He

1 told me all he wanted to do was get the case out of Calvert
2 County for sentencing, and this is back in the '60s when the
3 reputation for equal protection was not found in that
4 jurisdiction. He couldn't do it so he did what lawyers have
5 to do in a difficult case, he fought that case.

6 He ended up challenging the jury selection system,
7 and I've been told by a couple people that the jury
8 selection system at the time was that on the day of trial,
9 if the defendant wanted a trial, somebody would go out of
10 the courthouse and walk down Main Street and round up a few
11 people, bring them in, and let the defendant have his say
12 before they found him guilty.

13 The story that Frank told me was he had the jury
14 commissioner on the stand on cross-examination about whether
15 the jury selection process complied with state law, and it
16 happened, I think, as I understand it, that the jury
17 commissioner was a relative of the judge and, apparently,
18 was ordered not to answer the questions. But Frank served
19 his client because the client pled to assault with the
20 promise he never would come back in Calvert County, which
21 the client happily accepted.

22 But the unfortunate effect of it was a grudge, an
23 anger by a member of the bench, who I got along very well
24 with, but it was directed towards Frank, and I think most of
25 the judges in this room know what I'm talking about. That

1 carried over for two decades. It wasn't intended to be that
2 way.

3 The object lesson, Frank used to say to me, when a
4 case is over, no matter how deeply -- we're dealing with the
5 most extreme crises of people's lives. When the case is
6 over, even though you may get personally involved in it, you
7 may tangle with judges and lawyers, you've got to be over it
8 because you're going to have a case the next day, and you've
9 got to move on.

10 But I saw Frank pay a price for that, and all it
11 came down to it wasn't a case where he made a lot of money.
12 There wasn't any notoriety to it. He just simply responded
13 for a client who otherwise would not have had an attorney
14 who would have fought for him.

15 Taking five minutes to talk about Frank Gaegler is
16 sort of like trying to swim the Potomac River with two
17 strokes. It would take forever. If there was anybody who
18 has a legacy of aggressively representing the citizens of
19 this county and fighting for justice in this courthouse,
20 Frank Gaegler is it.

21 I would request these remarks be made part of the
22 permanent record.

23 JUDGE FEMIA: Now I would like to call on Rick
24 Finci to say a few words on --

25 MR. HOPEWELL: One thing I didn't do is introduce

1 the family members that are here. Is that okay?

2 JUDGE FEMIA: Please do since I don't know them.

3 MR. HOPEWELL: We have a number of his family
4 members here. His sister Margie and her husband, Tom; his
5 sister Peggy and her husband, Jack; and, of course, his wife
6 Pat. We've got, let's see, Tricia is here. Patricia is
7 here. Ann is here. Frannie is here and Frannie's wife
8 Cece; and Chris is here, his son. I don't think I missed
9 anybody.

10 I missed somebody, Theresa, and Theresa just had
11 another grandchild. Congratulations to her.

12 And, as I said, his adopted children. Bruce is in
13 the Air Force and going overseas soon. I wish him well.

14 JUDGE FEMIA: Now I call upon Rick Finci to say
15 some words on behalf of Vic Houlon.

16 MR. FINCI: May it please the Court, the honorable
17 members of the bench here today, my brothers and sisters at
18 the bar, Sue Ann Houlon, who is present here tonight, my
19 partners, our very valued employees. A number of them are
20 present here today, Irene Sampson in particular. I want to
21 thank you all for the still cathartic opportunity to speak
22 and eulogize about my friend, my partner and my mentor,
23 Victor Houlon.

24 Before I do, though, eulogize about him briefly, I
25 promise, Judge Femia, I feel compelled to mention his death

1 because I feel it is extremely important that his death be
2 seen as a lesson to us all. Shortly after Vic died, days
3 after he died, a young prosecutor came up to me outside of
4 the courtroom, and he said to me that he just could not
5 understand what had happened. Vic was the man. He had it
6 all. He was so successful. He had all the material
7 trappings that any young prosecutor or defense attorney
8 would strive for. How could this happen? He couldn't
9 understand.

10 Well, I said to him, it just underscores that what
11 is truly important in life is not those material trappings,
12 it's other things. Vic succumbed to, I think, the most
13 consuming and vicious illness that any of us can suffer, and
14 he tried far too long to deal with it on his own.

15 That's the lesson to be learned. I say to all of
16 you here today and to all the young prosecutors and defense
17 attorneys that I talk to about this on a regular basis we
18 can help each other, and we should and we did, but the
19 bottom line is that we need to learn a lesson from this.

20 But there were two things that were really most
21 important to Victor's life, his family and being a criminal
22 defense attorney. That was it. He left two wonderful
23 children, truly gifted children, Lauren Houlon, his
24 daughter, who is a third grade school teacher in Montgomery
25 County, and a son, Jonathan Houlon, who is an attorney who

1 was a law clerk in the Fifth Federal Circuit Court of
2 Appeals, had an opportunity to have a Supreme Court
3 clerkship. Most people don't know because Victor is too
4 private. He never told anybody. He is now employed as a
5 public interest lawyer representing juveniles in
6 Philadelphia.

7 Sue Ann Houlon, as I said, who is present here
8 today, she is involved in equestrian. She shows horses and
9 has won many awards doing that. A truly accomplished family
10 that no one knew about because Victor was a very private
11 person.

12 Victor truly was the man in criminal defense
13 areas. As far as I am concerned, he was a star. He helped
14 so many people in so many ways that continue to come to our
15 office and talk about how much he helped them in ways we
16 didn't even know about. I can't tell you how many clients
17 have come in and sat in front of my desk and started to cry
18 about the loss of Victor Houlon the man.

19 He taught us so many things on how to practice
20 criminal defense law. I remember, I think, almost all of
21 them. Certainly I remember the first, and I know I remember
22 the last, because I am going to tell you about both of them,
23 and maybe some in between.

24 But the very first is probably my finest memory,
25 and that was the first really highly-publicized case we ever

1 handled together, and it was at a bond hearing, and it was
2 an extremely highly-publicized case, and there was going to
3 be a caricaturist in the courtroom. So, the first thing I
4 remember him teaching me, when we went into the courtroom,
5 is where to stand and how to pose for the caricaturist, and,
6 you know, he warned me to make sure I stood not with my back
7 to the caricaturist, because that would put your back to be
8 on TV when the picture was shown, but from the side, and
9 choose the correct side. Rick, never forget to choose the
10 correct side.

11 Well, I remembered that. Unfortunately, I haven't
12 had any caricaturists in the courtroom lately, but if I ever
13 do and you see me standing in a funny location in the
14 courtroom, you will know why.

15 Everybody is laughing because they know that is
16 such a perfect image of Victor that it's true, and it's a
17 true story.

18 He taught everybody something, but he taught us in
19 our office and members of the criminal defense bar with whom
20 he became friendly what to do to win a case. He taught us
21 how to outlearn -- I can say it. There's not too many
22 prosecutors here, so I'm going to say some of these things,
23 otherwise I wouldn't. But outlearn the prosecutor he told
24 me. Find the weakness in the case, find the hook in the
25 facts, find the inconsistency, find the missing or weak link

1 in the case, prepare, have confidence and, most of all,
2 fight the cases that should be fought.

3 He believed in that. He believed that even if you
4 were getting the best deal, if the case was bad, you better
5 fight the case, and that's what we all did and what we still
6 do as we continue to practice.

7 Perhaps the most fitting tribute under the
8 circumstances for Victor that I can give to him, having
9 practiced with him for 17 years and teaching me what I do,
10 begins with where I learned of his death, and where that was
11 was standing right here in this courtroom up against that
12 window talking on my cell phone after delivering a closing
13 argument in a murder case in front of Judge McKee.

14 I had an emergency call from my office, and the
15 first thing that came to my mind when I heard what it was
16 about was, my God, I had just finished doing something that
17 he taught me how to do. How could I have ever gone through
18 a three-day murder trial and done all the things I had done
19 in that trial if he hadn't taught me the things he had
20 taught me.

21 The last memory I had of him is in relation to
22 that as well because he died on a Wednesday, and I spoke to
23 him on Monday the last time in the office, and I was talking
24 to him about that very case. What I now think back on is
25 the fact that all along he wasn't really teaching lawyers

1 precise skills. He was teaching them about themselves
2 because all he did, as I talked to him about the case, was
3 support what I was already doing.

4 When I reflect back on that, that's what he did to
5 everybody. He supported their natural abilities. He helped
6 us all find who we were and how we could best practice law
7 as criminal defense attorneys. I can't think of a more
8 fitting tribute under the circumstances than that.

9 In closing I want to take an opportunity in front
10 of everybody present to thank Victor, because I didn't get a
11 chance to, for the things that he gave to me and to all of
12 us in our office, the skills that he gave to me, the
13 confidence that he helped me build in myself, the ability to
14 represent criminal defendants in complex cases, to handle
15 any kind of case.

16 I think to coin a phrase I've heard spoken about
17 many of the best lawyers, about their mentors, I feel truly
18 lucky just to have had the opportunity to carry his
19 briefcase.

20 I am told I am supposed to ask to have this made a
21 part of the record. Judge Femia did not make me aware of
22 that before but, Judge Woods, can I have this made a part of
23 the record.

24 Thank you.

25 JUDGE FEMIA: Certain things I didn't think you

1 had to tell trial lawyers.

2 I call upon Mary Ianni Crawford, please, to say a
3 few words about her father.

4 MS. CRAWFORD: Thank you, Judge Femia.

5 May it please the Court, I am here to speak on
6 behalf of my dad, Sam Ianni. He was a history buff, and I
7 know he would want me to mention that this tradition that we
8 do is one of the oldest traditions in our bar association
9 and in Prince George's County. The judges have done this
10 annually for at least as long as the bar association has
11 been in existence. We started in 1902 so it's about a
12 hundred years old. I am very proud to be part of it.

13 When I was preparing my remarks, I thought of the
14 word character. My dad was a character in many, many
15 respects, but he also had a beautiful character. He was a
16 character because he was really kind of an old-fashioned,
17 traditional guy.

18 As many of you know, he was president of the bar
19 association for a time, and it was a time when the character
20 of the bar association was changing in terms of its members,
21 and he caught a lot of heat when he used to refer to the
22 members of the bar and their wives because at that time
23 there were quite a few new female members of the bar. So he
24 thought it was a big improvement when he said at the next
25 meeting that, oh, it's so nice to see members of the

1 opposite sex here. He was always a character.

2 He had a very outgoing and forceful personality,
3 and that personality was matched by his voice. You never
4 had to ask him to speak up because he was usually speaking
5 very, very loudly. When I shared an office with him, I
6 frequently would hear him on the phone in the next room
7 saying, quite loudly, I'm not yelling at you. This is just
8 the way I talk. But he had a beautiful character, too, a
9 spirit.

10 Perhaps some of the things that you don't know
11 about him are his parents were immigrants to this country
12 and got here and spoke no English at all. They had very
13 little money, but my dad decided at a very early age he
14 wanted to be a lawyer, and he never ever wavered from that
15 desire. So he was kind of a Horatio Alger story.

16 He started delivering papers, and he had the
17 biggest paper route in his town. Everyone knew him. When
18 he was 70 years old, he went back and visited his parish,
19 and we left the church and people who are 80 saw him and
20 recognized him. Look, it's Samuel Ianni, our paper boy.

21 But he saved every dime that he made so that he
22 could go to college and he could go to law school. When he
23 got old enough to work in a factory, he gave the paper route
24 to one of his brothers during the summer and went and worked
25 in a clay pipe factory in the summers, saving every dime.

1 He did make it to college in 1941, but there was a
2 little interruption in his studies. He left college after
3 his freshman year, and he was inducted into the military.
4 Since he tested so highly, he went to expert infantryman
5 school, but, unfortunately, the terrible losses suffered on
6 D-Day required the school be closed, and everybody was just
7 sent to a regular unit. Sure enough, when he got sent
8 there, he got involved in the Battle of the Bulge, and he
9 was in the battle, and he was separated from his unit for
10 several weeks.

11 The thing he was most grateful for was his parents
12 didn't get that telegram because, luckily, he rejoined his
13 unit in time for the telegram not to have been sent.

14 When he returned from the war, he took advantage
15 of the GI Bill. He went to Catholic University, graduated
16 from there. He also worked at the Red Cross and processed
17 war claims, and for a good deal of my childhood, I remember
18 him working two jobs so that my mom could stay home with the
19 kids.

20 He really loved being a lawyer, and he instilled
21 that, I think, in all of his children from a very, very
22 young age.

23 He started out on K Street, Washington, D. C., and
24 for you younger lawyers that might not know it, when you
25 were a K Street lawyer, you really had to get out there and

1 hustle, and the way you did that was you just went down to
2 D. C. Superior Court and hung around until the judge
3 appointed you to a case. It was a tough way to make a
4 living, but that's how he started out.

5 Then he decided it was time to go out to Prince
6 George's County where he felt that it was a better climate
7 for lawyers. So he opened his own office where he had an
8 office in Prince George's County for 40 years.

9 He loved the Prince George's County Bar
10 Association so much. I don't even know the number of
11 committees he was on with the bar association. Every month
12 when the bar association newsletter would come in, he would
13 put it in a book and keep it. He did the golf tournament
14 for the bar association for many, many years.

15 One thing, though, you might not know is he was a
16 man of very, very deep faith. It is a tradition of the
17 Catholic Church that people visit, and they call it
18 perpetual adoration when somebody is in the church 24 hours
19 a day, and he participated in that, and he took the time no
20 one else wanted. He would get up at 2:00 or 3:00 in the
21 morning, and he would go.

22 He was so kind. He spoke to everyone, and he
23 treated everyone with respect, no matter who they were, if
24 they were a courtroom clerk or bailiff or chief judge of the
25 court. He treated everybody with kindness and respect.

1 In particular, I remember one lady who was kind of
2 mentally challenged, and she would come wandering up and
3 down Route 1, and on a really hot day, she used to come in
4 his office so she could ask him a legal question. Really,
5 she just wanted to get out of the heat. He never asked her
6 to leave. He let her stay as long as she'd want. He would
7 chat with her a little while and give her something to
8 drink, and she would stick around for a while, and when she
9 cooled off, she would go on her way. That kind of
10 exemplifies the kind of character and kindness he had.

11 Our country has been assaulted recently, and in
12 thinking about that and thinking how he would have thought
13 about it and what he would have said to me, I think that it
14 is demonstrated the truth that it is not wealth that makes a
15 country, a community great, it is the character of the
16 people that are in the country and in this community.

17 I am very proud to say that my dad, Sam Ianni, was
18 one of the finest examples of our country's greatness and
19 character for people.

20 JUDGE FEMIA: I will take care of Judge Woods, and
21 be sure that gets spread upon the record here. We
22 appreciate it.

23 MS. CRAWFORD: Thank you, Your Honor.

24 JUDGE FEMIA: Next I call upon Judge Garrity, now
25 retired from the Court of Special Appeals, and taking

1 retirement seriously, I am advised, and ask him for some
2 remarks about Judge Mathias.

3 My last trial in front of Judge Mathias took place
4 right from this chair. Bud Marshall can tell you the name
5 of that case.

6 JUDGE GARRITY: Judge Harrell, member of the Court
7 of Appeals, Judge Salmon, member of the Court of Special
8 Appeals, honorable members of the Circuit Court and
9 honorable members of the District Court, and family of Judge
10 Mathias, Colonel John Mathias and his wife, Phyllis Mathias,
11 and friends of the Court, and also all of our colleagues
12 that have passed away.

13 I see so many beautiful faces out there that knew
14 Judge Mathias, that practiced before him. I see Gus
15 Sasscer, Lloyd James and our very top-notch reporter in the
16 whole world Don Johnson, and Bill Meyers and so many
17 wonderful people out there. It is so difficult. I
18 shouldn't have started to mention it, but I see Theresa
19 Nolan and Lou Martucci, and all these people were so dear to
20 Judge Mathias, and Ron Willoner, and Judge McCullough, so
21 many wonderful people.

22 Judge Mathias served as a member of the Circuit
23 Court from 1965 to 1976, and he passed away at the age of 85
24 in his beloved West Virginia. He was a true West By God
25 Virginian, but he was so wonderful. When he came into the

1 courtroom and when he came into the courthouse, he would say
2 hello to everyone by name. If he didn't know you, he would
3 slap you on the back and say, hi, how are you and so forth.

4 Just an outgoing personality, but once he got on
5 the bench it was different. He was a true, true
6 professional. He demanded not perfection but a good
7 presentation in your case, and he was so fair in his life
8 and so fair in his pronouncements. But if there was a law
9 that was good and it was bad, he knew the difference.

10 It was Judge Mathias' rule if an attorney was not
11 fair to another attorney, he would take that attorney aside
12 sometimes and bring him into his chambers, or he would let
13 the attorney have it between the eyes with a verbal blast
14 right then and there. To some extent some attorneys learned
15 their lesson quite speedily.

16 But he was just one of a kind. You speak of Sam
17 Ianni, who was one of his dearest friends, along with Joe
18 DePaul, and they served together in the Second World War,
19 and so many of these people were so entwined in helping the
20 country and also the communities. Judge Mathias was one of
21 those individuals.

22 He grew up during the depression. He worked hard
23 for an education and earned a professional career, and he
24 readily served his country when needed during World War II
25 and also the Korean War, and returned to civilian life as a

1 responsible and successful member of the legal profession.
2 Certainly, along with Sam Ianni and the others, he was truly
3 a member of the greatest generation, and these people were
4 something.

5 He would join with Judge Loveless, Judge Bowie,
6 Judge Parker, Judge Powers, Judge Taylor and Judge Meloy,
7 and whenever they finished a case, and Don Johnson would
8 readily acknowledge this, they would go to another case and
9 help out that judge. They would stay here until 10:00
10 o'clock at night working on cases.

11 Of course, Judge Femia came along, and he was used
12 to this type of camaraderie and cooperation amongst the
13 bench, and he would carry on a case until 6:00 o'clock in
14 the morning.

15 Is that right, Judge?

16 JUDGE FEMIA: I'm looking at Bill McCullough.

17 JUDGE GARRITY: Also Judge McCullough, but this
18 was a bench that was filled with camaraderie amongst the
19 Court and also the practitioners. It was just like a
20 family.

21 Judge Mathias, many of you did not know, was in
22 the farm system of the Washington Senators. The Washington
23 Senators, in case you young people do not realize, was the
24 professional baseball team in Washington in the American
25 League, and he played in their farm system and then was

1 traded and played for the New York Yankees in their farm
2 system.

3 The war came along, and he had been an excellent
4 catcher, and he had to enlist right after Pearl Harbor, and
5 then he became a pilot and trainer of B-24's, B-25's and, if
6 you do not realize, the B-29 was the plane that was actually
7 used on Hiroshima and Nagasaki out of the Tinian Islands.

8 He was one of a kind. He did not spread his
9 knowledge of the war, Korean and Second Word War, easily,
10 but whenever Ben Wolman or Bud Marshall would come up, they
11 would always be able to relate something about the Korean
12 War. All of those individuals were highly decorated,
13 including, of course, Bud Marshall, our medal winner with
14 the many decorations, and also Ben Wolman, who received the
15 Distinguished Flying Cross. But this was a different era
16 and a wonderful era, and it is so great we can remember
17 these people.

18 Judge Mathias also had some law clerks, and in
19 1965 there was one law clerk, and that was Joe Casula, who
20 worked with Judge Marbury, and my dear classmate and
21 wonderful friend, Jim Lombardi, gave me a call, and I had
22 been an attorney in Washington, and he said they have
23 authorized some law clerks, and Judge Mathias is in need of
24 a law clerk.

25 So I did some homework on Judge Mathias's past and

1 found out that he had been a good catcher and played and so
2 forth, and that he was from West Virginia, Mathias, West
3 Virginia, to begin with, but his father brought him here
4 when he was something like four or five years old, and they
5 resided in Mount Rainier.

6 So I interviewed with Judge Mathias, and he said,
7 well, I really was looking for someone that was a native of
8 Prince George's County and really Mount Rainier, if
9 possible. I said, well, I'm sorry, Judge, but, you know,
10 your father brought you here to Prince George's County. I
11 came here from Vermont of my own volition, and I said,
12 besides that, I was a catcher, and I lifted up my arm and
13 showed him my broken fingers, and he said, I want you to be
14 here every day at 8:00 o'clock in the morning. You got the
15 job.

16 But he was such a tremendous guy. He was so
17 active in the church and community. How many individuals
18 here have had anything to do with the Boys and Girls Club of
19 Prince George's County? Would you raise your hand? A good
20 many of you. He was the founder of it, along with others,
21 and now it serves thousands of youths and is still one of
22 the best boys and girls clubs in America. But he was so
23 active in sports and also the community and this Court.

24 He had some very good qualities as far as I am
25 concerned. Colleagues who became his law clerks, and

1 following me was Mike Miller, who is presently the President
2 of the Maryland Senate; Hugh Reilly, a practicing attorney
3 in Fort Smith; Jerry Fishman, retired practitioner of Anne
4 Arundel County; Pat Duley, a practicing attorney in Prince
5 George's County; John Pleisse, who is with the Attorney
6 Title Insurance Fund in Orlando, Florida; Thomas Patrick
7 O'Reilly, who serves as the Chairman of the Maryland
8 Workers' Compensation Commission; Frank Ragione, who is an
9 Assistant State's Attorney for Anne Arundel County; and Doug
10 Lashly, who practiced in Maryland and Virginia.

11 Those who practiced before Judge Mathias and who
12 knew him we hold him in the highest esteem, the highest
13 possible esteem. His mind was as bright as his personality,
14 and his outward enthusiastic love of life was displayed in
15 all his endeavors.

16 He was dealt a horrible blow by the loss of his
17 only child, and that really hit him right in the stomach.
18 It really did a bad blow. His son, Bunky, who was 19 years
19 old, was traveling up 202 on the way to Upper Marlboro and
20 was hit head on by a drunkard, and this just about took the
21 wind out of Judge Mathias's life. He soon thereafter retired
22 from the court, but we shall always remember him with great
23 thoughts.

24 Judge Woods, if I can ask these remarks be spread
25 upon the record.

1 JUDGE FEMIA: I had dinner with Judge Mathias and
2 George Saslaw, whom you may recall was a bailiff in this
3 courthouse. Both of them had been B-29 pilots during World
4 War II and Korea, although they were not as avid volunteers
5 as they had been during World War II.

6 Saslaw had flown the Hump and always came out of
7 Tinian, I believe it was, and the two of them were sitting
8 at dinner, and the two of them are tossing back and forth
9 the Flying Crosses and everything else, and now they are
10 down in heated argument about who had what. They get it out
11 of their wallets. They reach in their wallets and pull out
12 the cards and get glasses out, and at the end of the night,
13 it's me reading to the two of these older gentlemen what
14 their various and sundry awards were. Old warriors, good
15 people.

16 Speaking of which, I call upon John Keller, if you
17 would be so kind as to come forward, to tell us about Gordon
18 Moreland, who I will say many of us don't know because he
19 practiced in Charles County.

20 MR. KELLER: If it please the Court, Your Honors,
21 ladies and gentlemen, before I start, I should say that
22 Judge Femia's remarks sort of reminded me of the seventh
23 inning stretch as we proceed.

24 The biographical details of Gordon R. Moreland's
25 life are these: Gordon was born on June 5, 1933. He

1 graduated from La Plata High School in 1951. Gordon next
2 attended the United States Military Academy at West Point,
3 New York, and graduated from there in 1957. He was
4 commissioned as a second lieutenant in the United States
5 Army.

6 Upon completion of his military service, he went
7 to Georgetown University Law School and graduated in 1965.
8 When he took the Maryland bar exam in 1965, he obtained the
9 highest recorded score that year. Many of us who are
10 amongst the younger set of attorneys here today would
11 shudder to think that such statistics were ever published.

12 Gordon married Elizabeth A. Moreland on September
13 7, 1963, and Mrs. Moreland was his devoted wife, companion
14 and helpmate through his life. Members of the bar who knew
15 them knew that the Morelands were a devoted couple.

16 One young female attorney, who did not know Gordon
17 well, called his office one day to schedule the taking of
18 testimony before him in his role as Standing Examiner, and
19 she was told by his secretary that she was having a medical
20 procedure done that day and that Gordon wouldn't be present
21 and no appointments could be scheduled.

22 That young lady proceeded to call another attorney
23 of the bar and indicated to him that she thought that
24 Mr. Moreland and his secretary appeared to be awfully close,
25 and now given the comment made by his secretary, she

1 wondered whether Mr. Moreland was having an affair with his
2 secretary. The attorney she called informed her that it was
3 an affair that had gone on for several years. The
4 secretary, of course, was Mrs. Moreland.

5 Mr. Moreland practiced from 1965 to his death. He
6 served as a Trial Magistrate before the District Court was
7 born and served as a Standing Examiner for the Circuit Court
8 in Charles County as long as anybody remembers the position
9 existing under the rules.

10 So much for the biological details. The real
11 Gordon was a complex, talented man, loved by family,
12 friends, clients and lawyers. To me he was always
13 Mr. Moreland. He probably would laugh to hear me refer to
14 him by his first name today. He commanded respect by the
15 way he conducted himself and did business. He never backed
16 away from voicing his opinion if he felt a position was
17 wrong.

18 On the subject of the Interest on Lawyers Trust
19 Accounts program, known as IOLTA, he asked the searing
20 questions, such as, do I have the duty to explain to my
21 client that interest is earned on his money in my trust
22 account and given to the Maryland Legal Corporation? Do I
23 have the duty to explain what programs it supports? Do I
24 have the duty to set up individual trust accounts for
25 clients who oppose such programs, even if the money is held

1 for a short period of time?

2 As for attorneys who appeared before him in his
3 position as Hearing Examiner with a laundry list of
4 questions that simply exculpated their conduct, he had
5 little tolerance. For, you see, such questions as you are
6 waiving your right to alimony, do you understand, you are
7 waiving your right to a marital division of property, do you
8 understand, and I told you about all of those rights, do you
9 understand, they served no purpose for the hearing at hand
10 other than the attorney's attempt to cover himself from
11 suits by clients in later years.

12 Mr. Moreland was an expert in title matters. He
13 got a great deal of delight in jousting with the clerks of
14 the court in regard to procedures and maintenance of the
15 land records room. As for the land records room of Charles
16 County, he said it is the record room with no records
17 because microfiche is no record.

18 His was a world where he knew his clients well,
19 often by nicknames such as Sly Fox, Battles, Whitey,
20 Cannonball, Fireball, and the list goes on.

21 His was often the world of walk-ins without
22 appointments. One lady standing in line to talk to
23 Mrs. Moreland at the funeral home following Mr. Moreland's
24 death said to another, he was my friend, my adviser, my
25 mentor and attorney. He handled or assisted me in three

1 divorces, and when I sought advice about my fourth marriage,
2 he leaned over the table and said, tell me, do I know the
3 poor bastard whose life you are about to ruin? That woman
4 did not follow his advice, but she remained a friend and
5 client throughout his life.

6 Mr. Moreland's language was simple and to the
7 point. His idea of a contract was to make it readily
8 understood, and it was to cover all the bases.

9 Robert Moreland, who was his associate for a few
10 years, told me that he learned everything he knows about
11 contracts from Gordon and that Gordon was a walking
12 encyclopedia.

13 Mr. Moreland loved life, and when he picked up a
14 hobby, he did it with zeal and passion. He was a voracious
15 reader and could talk on countless subjects. He was an avid
16 hunter and gardener. In later years, he took up cooking as
17 a hobby, and he made an excellent gumbo.

18 Those of you who knew Gordon Moreland miss him
19 dearly, and I am honored and pleased to have been able to
20 make these remarks.

21 I would point out that Elizabeth A. Moreland,
22 better known as Beth, is sitting six rows to the back,
23 alongside Robert Moreland, who is his cousin, and probably
24 the only individual that ever worked well, other than
25 Mrs. Moreland, with Mr. Moreland.

1 Judge Woods, I would ask that my remarks be made
2 part of the record. Thank you.

3 JUDGE FEMIA: Thank you.

4 Now I would like to ask Egan O'Brien to come up
5 and say a few words about his father, Frank.

6 MR. O'BRIEN: Good afternoon, Your Honors, ladies
7 and gentlemen. I have been asked to say a few words about
8 my father, Frank O'Brien. Those of you who knew my father
9 knew he could never address anything in just a few words,
10 but I do want to try.

11 I think it is necessary to discuss some of his
12 biographical information because where he came from to me
13 helps me really respect where he ended up. He started in
14 Washington, D. C., a modest beginning, and he did everything
15 in his power to really succeed in life.

16 He was born on June 23rd of 1922 in Clarendon,
17 Virginia. His mother was the daughter of a waterman,
18 Captain Jack Shorter of Rock Point, Maryland, and his father
19 was a Sergeant in the U. S. Calvary Mounted Band in Fort
20 Myer, Virginia.

21 When he was 14 years old, his father died, and at
22 that time he left school, and he basically became the sole
23 provider for his family, his two sisters and his younger
24 brother Billy. At this time I feel is when he started to
25 develop a strong work ethic, which really stayed with him

1 throughout his entire life.

2 His first job was he became a singing telegram boy
3 for the Western Union, and I'm sure you can see how that
4 probably worked out.

5 Later he went to work as a ship welder at Sparrows
6 Point, and it was at this time he started to meet pilots and
7 began to have an interest in flying, and this really served
8 him well. He actually met a few pilots who started to give
9 him lessons on the side, and in 1944, at 22, he joined the
10 service, and he became a pilot in the Army Air Corps. He
11 flew with the 989th Air Engineer Squadron of the 559th Air
12 Service in the Philippines and Okinawa. He was discharged
13 in November 1946 with several decorations.

14 Upon his return to the world, his priority became
15 to get the high school diploma he wasn't able to get
16 earlier, and he set out to do that. He drove a cab in D. C.
17 in the day and worked at DuPont City Liquor Store in the
18 evenings, and he completed that four-year program in two
19 years.

20 This is the important part because this is where
21 he really had his first contact with members of the bar
22 because he was responsible for getting them illicit liquor
23 after hours driving around the city working two jobs.

24 Once he earned his high school diploma, my father
25 set new goals. He wanted to go to college, to be the first

1 one in the family to do so. He enrolled in the University
2 of Maryland, and he finished that program, and at that time
3 he graduated with a Bachelor's in political science, but for
4 some reason he felt a strong desire to become a medical
5 doctor, so he enrolled in medical school, and he spent three
6 very difficult, long years in medical school, where he was
7 doing research in pathology, and there was a time that he
8 ended up putting a slide in upside down during his
9 professor's presentation, and the professor just went nuts,
10 and I think it was the straw that broke the proverbial
11 camel's back, and my father walked out and quit.

12 He said when he walked out of there, he literally
13 had a wife at home, and he had his young son Kevin. That's
14 it. He had 29 cents in his pocket. He was going to get on
15 the nearest bus he could find, go out and lie in a ditch and
16 die. But then he looked up and literally across the street
17 was a sign that said National University School of Law.
18 That's it, I will just become a lawyer.

19 So he literally walked in and said to the
20 secretary, I have to become a lawyer, and she was, like,
21 well, sir, it is October. The semester started over a month
22 and a half ago. As his Irish luck would have it, she
23 happened to be the dean's wife, and she was so impressed
24 with his passion she invited him to their house that
25 evening, and they discussed it, and she actually tutored

1 him, and they allowed him in that semester, and he graduated
2 from National, which was later GW.

3 He earned his law degree, he passed the bar, and
4 he began practice with the firm of Swingle and Swingle. It
5 is my understanding he did almost exclusively insurance
6 defense with Travelers. I know he had Coca Cola. I
7 remember that because we had so much in Coke products when I
8 was younger at Christmas. As well as Safeway.

9 He did that for many years before he left to start
10 a firm with Bill Clague, and they opened the firm of O'Brien
11 and Clague. That was a general practice firm or became a
12 general practice firm as things went in house.

13 He later went out on his own and had a solo
14 practice in Hyattsville with a secretary, Pat Faubel, and he
15 credited her with his success up until his death, and he
16 considered it the Pat Faubel law firm.

17 I skipped the part where he married my wife (sic),
18 but in 1980 my mother and he purchased a property in Croom.
19 The property was built in 1820, but no one lived in it for
20 almost 60 years. They started a six-year renovation of that
21 property. That really became his passion for a long, long
22 time, and they returned it to its original glory on the
23 Historical Registry. The property was sold, and he
24 purchased another historic house in Aquasco, Maryland, where
25 he resided with his dear friend Barbara, who is sitting back

1 there.

2 In 1988 I pulled my father out of semi-retirement.
3 I was taking a clear liability injury case, and I asked him
4 if he would take a chance and come start a firm with me and
5 my friend and now my partner Brian Young, and he took the
6 lead.

7 It was an opportunity, and I think that he gave us
8 some of the best, the latest, some of the best years of his
9 life, and he instilled in us so much practical knowledge
10 about being attorneys, and I was able to watch how he
11 related with his clients. I found him to be just an
12 uncompromising advocate for the people he represented, and
13 it was amazing.

14 Upon his death, I had the sort of odd but really
15 enlightening experience of speaking to his clients as they
16 called to give their condolences. What I found myself, more
17 often than not when I was comforting them in their grief,
18 they lost a man who represented their father and
19 grandparents and who played a role as friend and counselor
20 and confidant over a period of 45 years. I can just
21 honestly say when I leave this practice, I hope my clients
22 will have the same feelings about me that his did about him.

23 I would like to conclude and, Judge Woods, I would
24 ask you make these remarks part of the record.

25 JUDGE FEMIA: Thank you, Egan. I ask to move and

1 amend that portion of Egan's remarks where Frank was alleged
2 to have married his wife. Make it his mother. I knew
3 Frank. He wouldn't do that.

4 Now, last, but certainly by no means least, I ask
5 our dear friend Bill Meyers to say a few words about Paul
6 Rodbell.

7 MR. MEYERS: May it please the Court, as a
8 preliminary matter, I would like to ask that the jurors on
9 the left be stricken because Judge Harrell has contaminated
10 the pool. I guess I would call it a motion if I were a
11 trial lawyer.

12 Members of the Court, it is my honor today to
13 remember my partner, Paul Rodbell. I would like to at the
14 outset introduce Paul's wife, Ethel, who is sitting here in
15 the front row, and all of Paul's friends and partners from
16 our firm. I guess there are seven or eight of them here
17 today.

18 Recently we had a reception at our firm for Paul's
19 wife and some of Paul's closest friends, which I call his
20 shooting buddies, at which we consumed an awful lot of
21 spirituous liquors, and we also reminisced and unveiled a
22 photograph of Paul, which hangs in the main conference room.

23 As part of the program, we presented Ethel with an
24 album of photos and what we refer to as Paul stories, one of
25 which I will share with you today. To protect the innocent,

1 there are a lot of them I won't share with you.

2 When my former partner, Jim Chapin, who is also
3 recently deceased, decided to leave the firm in 1975 to
4 become County Attorney, I started looking for an associate.
5 At that time I was involved in a preliminary plan dispute
6 over a small office building in Temple Hills. The plan had
7 been approved, but due to a mistake in the process,
8 discovered by an opposing civil activist, which, I would
9 remind you, they were omnipresent in Prince George's County,
10 the Planning Board reversed its approval.

11 Rather than merely filing the case over again, my
12 client demanded that I appeal the Planning Board's decision
13 to the Circuit Court. Paul was the opposing counsel. He
14 represented the Planning Board, and at trial I hit him with
15 every esoteric land use argument I could conjure up. Paul,
16 then a very new and young lawyer, was flustered and, believe
17 it or not, for those of you who knew Paul, was at a loss for
18 words.

19 The judge, Judge Mathias, who was also eulogized
20 today, himself a former County Attorney who loved to put
21 young lawyers through their paces, took a recess to let Paul
22 collect himself. I thought I had pulled off a victory, even
23 though my client and I were clearly in error. After the
24 recess, Paul came back in and in a calm, clear sportsman
25 fashion kicked my rear end and won the case.

1 I came back to the office convinced I had found my
2 new associate. He was smart and pleasant, but tenacious. I
3 took him to lunch at a French restaurant, and after a few
4 scotches and bottles of wine, I saved him from a lifetime of
5 sin by convincing him to leave the government and come into
6 private practice.

7 Four years later he became my partner, and he
8 remained my partner. He is missed by everyone at our firm
9 every day, not just because he was a caring person, but
10 because he was truly a character. He was also a uniquely
11 capable lawyer in a unique arena where politics and legal
12 principles so often overlap to appear to be
13 indistinguishable to the point where the phrase zoning
14 lawyer becomes an oxymoron.

15 Paul was one of a handful of land use lawyers in
16 Maryland who could skillfully take a case through an
17 administrative agency to the Circuit Court or Court of
18 Special Appeals and Court of Appeals. His last case in the
19 Court of Special Appeals was an important victory,
20 establishing that the Prince George's County Council is
21 without authority to hear appeals of preliminary plan
22 approvals by the Planning Board, in that such power
23 statutorily lied solely in the Circuit Court.

24 Paul was a scholar of the law of land use in the
25 tradition of Russell Shipley and Glenn Harrell, who I often

1 referred to as Judge Covenant, and very few others. He is
2 remembered fondly, not by just those who worked with him on
3 a daily basis, but also the administrative agencies and
4 their counsel with whom he did battle.

5 It has truly been an honor to make remarks about
6 my departed partner, and I would ask that these remarks be
7 made part of the record.

8 Thank you.

9 JUDGE FEMIA: Thanks, Bill.

10 Judge Woods, fellow judges, friends of the family
11 of the individuals remembered today, that brings our
12 proceedings to a close. I would ask one thing for each of
13 the presenters. If you would be kind enough to come up
14 afterwards, the bar has prepared a plaque for each of those
15 individuals memorialized. We would like to deliver them to
16 the family members, and you would know the family members
17 better than I would.

18 I know from remarks made earlier that my
19 reputation is one of frivolity, somewhat less than pompous I
20 would say, and I guess you fully expect me to make some
21 humorous comment at this point. To me it has not been a
22 humorous endeavor. I was proud to do it, but the more I got
23 into it the more I realized just how much it really means to
24 all of us, all of us who remain to remember and celebrate
25 the lives of those who have gone before.

1 I am somewhat given to humor, that's true, and one
2 of my favorite humorists is a man who died 25 years ago, a
3 fellow by the name of Ogden Nash, who wrote nothing but
4 humor, except in one instance. As fate would have it, I am
5 wearing the suit I wear to funeral homes, and in my pocket I
6 carry this, and I would like to share it with you. It is
7 very short but, I think, very poignant.

8 "People expect old men to die. They don't really
9 mourn old men. Old men are different. People look at them
10 with eyes that wonder when; people watch with unshocked
11 eyes; but the old men know when an old man dies."

12 I think that says a lot for all of us. Thank you,
13 thank you.

14 JUDGE WOODS: Judge Hotten, Judge Femia, I am not
15 going to disappoint you. I am going to order that the
16 memorials presented today be spread upon the permanent
17 records of the Court and that the court reporter transcribe
18 each of them and distribute copies to the families of those
19 colleagues we are honoring today.

20 Thank you for coming.

21 Mr. Bailiff, in honor of our departed brothers,
22 please announce recess.

23 THE BAILIFF: All rise. Circuit Court for Prince
24 George's County is now adjourned.

25 * * * * *