Chief Judge Robert C. Murphy '51

Pondering the Past, Embracing the Future

He winces, but does not give in to back pain caused by a herniated disc. Instead Judge Robert C. Murphy searches for a comfortable spot in a chair in his Towson office. Despite the pain—an unpleasant remnant from surgery a year ago—he keeps a schedule that would fell people half his age. The 69-year-old chief judge of Maryland’s Court of Appeals and administrative head of the Maryland Judiciary divides his time between legislative sessions in Annapolis and his Towson office with a day that begins at 6:30 a.m. and often doesn’t end until after midnight.

“If I get home at 11 p.m., that’s an early night,” he says with a wry smile. “I’ve spent a lot of nights sleeping on the sofa in the Annapolis office because meetings would end too late to go home.” Night meetings are often a necessity for judges who spend their days in court.

And while he confesses to playing golf—“not very often and not very well”—Judge Murphy’s dedication to detail and to the judiciary most often keeps him away from the tee and at the office. There he reads stacks of cases, combs through law books for forgotten precedents and any other references that will help decide current legal issues that can affect Marylanders long into the future.

“I’ve always been an avid reader. I’ve always read everything in sight—aspirin tablet labels even,” he says. “With all the reading I have to do, there hasn’t been much chance to read for pleasure,” he says.

That will change at the end of the year. Judge Murphy will retire, bringing to a close a 24-year appointment as chief judge of Maryland’s highest court and a legal career that has spanned more than four decades. He earned an LL.B. degree from the University of Maryland School of Law in 1951. He then served as law clerk to the Honorable William P. Cole, Jr., associate judge of the United States Court of Customs and Patent Appeals in Washington, D.C., for two years before becoming counsel for the University of Maryland Hospital.

“I drafted the contract that brought the first COBALT machine to Baltimore,” he says. “They had to create a concrete base for the machine or the radiation rays would go right through the floor,” the judge recalls.

by Rosalia Scalia
Two years later, he joined the staff of the Attorney General’s Office where he spent a decade as special assistant attorney general, assistant attorney general and deputy attorney general. In 1966, he was appointed Attorney General of Maryland by Governor J. Millard Tawes.

Over the years, Judge Murphy has witnessed monumental changes in the state’s political landscape and played a major role in landmark cases, personally arguing several of them in the Supreme Court.

“I remember the first time I argued in front of the Supreme Court,” he says with a smile. “I didn’t know they were going to call my case on that day until I got a telephone call asking where I was.”

Judge Murphy was in Baltimore. “I jumped in the car with a state trooper driving and sped down there, arriving just in time.” The case involved an effort to keep black people out of certain parks. “One of the Supreme Court Justices, Arthur J. Goldberg, asked me if I knew what page a particular point was on, and I didn’t. You’ve got to be prepared and I wasn’t.” “We lost that case as we should have,” says Judge Murphy, adding that he will never forget “the understanding and kindness of that justice” who directed him to the page where the answer was.

Judge Murphy also recalls warm relationships with such politicos as governors Tawes, Mandel, Hughes, Schaefer and the late Theodore R. McKeldin, as well as mayor Tommy D’Alejandro ’51—a fellow law school classmate.

Of the many cases that he’s been involved in over the years, a few stand out. “The last man executed in Maryland before John Thanos was Nathaniel Lipscomb in 1961. Only a few people seemed to care that Lipscomb was extremely mentally impaired. At that time, the death penalty was by no means uncommon. He was executed in a gas chamber and it seemed as though the state’s biggest problem was how to get the air expelled outside without harming the neighbors,” he says.

While Judge Murphy recalls cases and their implications, he counts as his greatest achievement the administration of the courts. “When I first was appointed in 1972, my predecessor took me out to lunch and advised me not to answer the phone or open the mail if I wanted to get any work done,” he says. “Of course, I had no intention of doing that. I knew I had to do things differently.”

Judge Murphy implemented orientation and continuing education programs for judges. “There was no education for judges. Once you become a judge, you put on your robes and got up on the bench. No one ever offered any information after that,” he explains.

With that behind him, Judge Murphy is looking forward to retirement. “I want to spend time with my family, my grandchildren. And I am looking forward to reading for pleasure again.”

Rosalia Scalia is a Baltimore freelance writer.