

# Metro

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## Bench nominee 'very thorough, tough lawyer'

By Joyce Price  
News American Staff

The son of an Irish mathematician, nominated for federal judgeship Tuesday, is described by colleagues as a "very thorough, very tenacious and very tough trial lawyer."

"When he's on the other side of a case, you know you're in for a battle," said Anthony M. Carey, law partner of Francis D. Murnaghan, nominated by President Carter late Tuesday to fill a vacancy on the 4th U.S. Circuit Court of Appeals, the second highest level of the federal judiciary.

Murnaghan is a prominent Baltimore attorney who was a former school board president and mayoral candidate.

The Senate must confirm Murnaghan's nomination.

If he is confirmed, Murnaghan will be one of three new judges on the 4th Circuit federal appellate court, which encompasses Maryland, Virginia, West Virginia, North Carolina and South Carolina. A U.S. Justice Department spokesman said the other new appointments to the court will be from Maryland, West Virginia and North Carolina.

Murnaghan, 58, a partner in the prestigious downtown law firm of Venable, Baetjer and Howard, is the first Marylander since 1966 to be named to the appellate court, the spokesman said.

"He's brilliant, with amazing energy and dedication to the highest principle," said Jacques T. Schlenger, also in Murnaghan's firm.

Carter selected Murnaghan from a list of five Marylanders recommended for the judgeship last March by a judicial nominating commission. Murnaghan was the only non-sitting judge recommended. The other candidates were Alexander Harvey II, Frank Kaufman and Herbert F. Murray, all judges of the U.S. District Court of Maryland, and John R. Hargrove, a Baltimore Supreme Bench judge.

Murnaghan, long a mainstay of the liberal wing of Maryland's Democratic Party and a close friend and political ally of Sen. Paul Sarbanes, D-Md., was considered the front-runner for the appellate post.

Sarbanes called Murnaghan's nomination to the appellate court an "excellent one" and said Murnaghan has "demonstrated the highest standards of integrity, intelligence and character ... both as a lawyer and citizen."

Murnaghan said Tuesday he has no idea how long it will take to win Senate confirmation. Such confirmations are followed up by FBI checks that usually take about a month.

Murnaghan expressed doubts that the process would be completed in time for him to be part of a special six-judge panel of the 4th Circuit Court of Appeals scheduled to convene June 5. That panel is to review an earlier decision by a three-judge panel that overturned the convictions of former Gov. Marvin Mandel and five co-defendants.

Born in Baltimore, Murnaghan is the son of the late Francis D. Murnaghan, a mathematics professor at Johns Hopkins University. The younger Murnaghan graduated from Hopkins in 1941, and after a stint in the Naval Reserves, completed studies at Harvard Law School in 1948.

Murnaghan has been a practicing attorney since 1949. From 1950 to 1952, he served as general counsel to the U.S. High Council of Germany in Frankfurt. From 1952 to 1954, he served as an assistant attorney general for Maryland. He has been in full-time practice with the firm of Venable, Baetjer and Howard since 1954.

Murnaghan said he has acquired extensive knowledge of constitutional law by representing such clients as the *Sunpapers* and the University of Maryland in cases involving First Amendment questions and sex and racial bias charges.

Murnaghan said he long has wanted a judicial post and admitted he had "never considered any other judiciary position" other than the one to which he's been nominated. But he said he had thought his chances for such a post "remote" and credited his newfound success to "the luck of the Irish."

During the 1960s, Murnaghan headed the city's Charter Revision Committee.