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Reflections: The Honorable Irma S. Raker – Judge, Teacher, and Role Model

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Recommended Citation

Aaronson, David E., Elizabeth I. Boals, and Anthony C. Morella. "Reflections: The Honorable Irma S. Raker – Judge, Teacher, and Role Model." *American University Law Review* 57, no. 6 (Spring 2008): 1563-1569.

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TRIBUTES:
THE HONORABLE IRMA S. RAKER

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office. However, she did not stay away from us for long. In less than one year, she came back to Maryland, not as a prosecutor, but as a district court judge. She was there for two years. After Governor Hughes appointed her to the circuit court, she ran in a contested election in 1982 and earned a fifteen-year term. Before the end of that term, however, Irma Raker was appointed to the court of appeals, Maryland's highest court.

This is not the place to review all of Judge Raker's cases on the circuit court or on the court of appeals either. It also is too early to do so; she may be called back as a senior judge to sit for many years. It is regrettable that the Maryland Constitution requires judges to leave full-time service at three score and ten years, but it is likely that the legal community has not seen the end of Irma Raker. Her energy, her wide command of the law, and her wisdom are all a resource that will undoubtedly remain with the profession for many years wherever she goes.

V. REFLECTIONS: THE HONORABLE IRMA S. RAKER—JUDGE,
TEACHER, AND ROLE MODEL

DAVID E. AARONSON,* ELIZABETH I. BOALS,**
AND ANTHONY C. MORELLA***

A. *Determination to Become a Lawyer*

I always wanted to be a lawyer, from the time I was small girl. My father was a sole practitioner, practicing general law and criminal defense in New York City. I used to go to his office with him when I was small, and I recall watching him preparing his cases at night at the dining room table at our home in Brooklyn. And so it began for me.⁵⁷

Judge Raker started law school at American University, Washington College of Law (WCL), at age thirty-two. She deferred her legal

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57. Irma S. Raker, "Reflections" (Apr. 22, 2008) (unpublished – copy on file with authors).

education to start her family. Her three children were ages three, five, and eight when she started law school. She drove carpools, attended PTA meetings, participated as a scout leader, and went to classes. When her kids were unable to go to public school because of minor aches or pains, she brought them to class and told them to be “quiet and color.” And so it began for her two daughters who are now lawyers.⁵⁸

Judge Raker’s delayed start did not stop her from excelling as a law student at WCL and in the legal profession. She was a student in Professor Aaronson’s Criminal Procedure class in 1970. There were relatively few women law students at that time. Ms. Raker frequently volunteered in class, did not hesitate to disagree with her instructor, and thoughtfully, and sometimes tenaciously, defended her position. One such disagreement, concerning exceptions to the rule that police must “announce their authority and purpose” before forcibly entering a home to execute a search warrant inspired her to write a student note for the *American University Law Review* that was later published.⁵⁹ She earned the highest grade in Professor Aaronson’s class and received the American Jurisprudence Award. Also, she received the highest grade in Torts and Modern Land Transactions. She served as Associate Editor of the *American University Law Review* in 1972.⁶⁰

B. Her Public Service as a Prosecutor

Judge Raker pioneered new pathways for women litigators beginning with her first legal job. Following in her father’s footsteps, she knew that she wanted to litigate criminal cases, but as a prosecutor. At that time, Washington, D.C. area prosecutors’ offices,

58. Today Judge Raker’s youngest daughter, Leslie Janis, Esq., has her own criminal legal practice and three children of her own. “Mom has always juggled family life and work pressures extremely well,” Leslie claims.

I was three when she started law school and often would bring my coloring books and sit in the back of her law class. During the years our mom was a prosecutor, my siblings and I felt like she was around, even if she was preparing for trial while taking us to the pool. We have vivid memories of our dinner table discussions centering on her criminal cases that she prosecuted that week. As a judge, she even allowed us to go with her to the police station late at night when she needed to review and sign search warrants. I am certain all of our exposure to criminal law greatly influenced my decision to become a prosecutor and my sister’s decision to become a lawyer as well.

Interview by Andrea Leahy-Fuchek with Leslie Janis, Esq. (May 1, 2008) (on file with authors).

59. Raker, *supra* note 28.

60. Judge Raker received her Juris Doctor from Washington College of Law in December 1972.

as well as litigation sections of downtown private law firms, seldom hired women litigators. She informed Professor Aaronson that she was applying for a position as an Assistant State's Attorney in Montgomery County, Maryland. One obstacle—this office had never hired a woman litigator. Professor Aaronson recalls contacting Andrew L. Sonner,⁶¹ then State's Attorney, highly recommending Irma Raker and suggesting that he read her law review note. Judge Sonner had only recently become the State's Attorney and, in one of many innovations to follow, he hired her as the first woman Assistant State's Attorney in Montgomery County. Judge Raker served as Assistant State's Attorney from 1973–1979, becoming head of a division prosecuting felony cases. In that capacity, she helped train less experienced prosecutors and served as a role model for women following in her footsteps. Ms. Raker joined a private law firm in 1979, practicing law for less than a year.

C. Judicial Service as a Trial and Appellate Judge

She was appointed in 1980 to serve as a judge on the District Court for Montgomery County and, in 1982, she was appointed to the Circuit Court for Montgomery County. During her tenure on the Circuit Court from 1982–1994, Judge Raker decided a number of seminal cases, such as *Burning Tree Club, Inc. v. Bainum*, which was affirmed by the Maryland Court of Appeals.⁶² Burning Tree Country Club had a policy of not admitting women members. Applying Maryland Equal Rights Amendment,⁶³ Judge Raker declared unconstitutional a statute giving preferential tax assessments to private country clubs operating with the primary purpose of serving or benefiting members of a particular sex.⁶⁴ In 1994, Judge Raker became the second woman to be appointed to the Court of Appeals, Maryland's highest court, serving until her retirement in April 2008. She compiled a distinguished record as a fair-minded, thoughtful, intellectually keen, practical, and dedicated jurist, gaining the respect

61. Andrew L. Sonner served as Deputy State's Attorney, Montgomery County, 1967–1971. He served as the State's Attorney, 1971–1996. He was appointed Associate Judge, Maryland Court of Special Appeals, in November, 1996, and served until July 11, 2004, when he retired as an active judge. He continues to hear cases as a senior judge. Judge Sonner has authored numerous publications in professional journals. He received the Washington College of Law Distinguished Alumni Award in 1979.

62. 501 A.2d 817 (Md. 1985).

63. Article 46 of the Maryland Declaration of Rights, commonly known as the Equal Rights Amendment (E.R.A.), was adopted in November, 1972. It provides: "Equality of rights under the law shall not be abridged or denied because of sex." MD. CONST. DECL. OF RTS. art. 46.

64. 501 A.2d at 817.

both of plaintiff and defense lawyers in civil cases and defense attorneys, as well as prosecutors, in criminal cases. Some of her noteworthy opinions are the topic of other contributors to this tribute. She plans to continue to serve on various courts in Maryland as a senior retired judge.

*D. Her Career as an Adjunct Faculty Member Teaching
Trial Advocacy Courses*

In January, 1982, Judge Raker was recommended by Professors Anthony C. Morella and David E. Aaronson, then, co-directors of WCL's Trial Advocacy Program, for an adjunct faculty appointment to co-teach a section of Criminal and Civil Trial Advocacy. Now in her twenty-sixth year of teaching, she is the Program's senior adjunct faculty member and has taught more than five hundred law students trial skills.

Judge Raker brings a rich background to teaching trial advocacy courses and diverse experience as an accomplished litigator, service as both a trial and appellate judge, a practical understanding and appreciation of the professional standards for lawyers, including legal ethics, and an ability to serve as a role model, especially for woman students considering a litigation career.

The trial advocacy courses Judge Raker teaches are based on the theory of experiential learning or learning by doing. Students are divided into litigating teams and "try" three cases in a simulation mode throughout the semester. The focus is on learning trial skills, such as developing a theory of the case, trial themes, strategy, opening statements, direct and cross-examination of lay and expert witnesses, closing arguments, legal ethics, and the psychology of persuasion. Judge Raker has instituted innovative teaching techniques, using rapid "skill drills" to improve foundational trial techniques. She tailors her classes to her students' needs by having each student research the procedural rules of the jurisdiction in which they intend to practice after graduation.

Judge Raker's teaching excellence is evident from examining her teaching evaluations. She is consistently ranked at or near the top of the evaluation scale. An evaluation form consisting of twenty-one questions is administered to students in all WCL courses and seminars at the end of each semester. The "bottom-line" question, #21, asks students to rank "Overall, Prof. Effective" on a 5-point scale from "strongly disagree" = 0.00 to "strongly agree" = 5.0. Judge Raker's teaching evaluations for thirteen courses, from Fall 2001, through Fall 2007, are as follows:

Criminal Trial Advocacy (Fall 2007)	4.91
Civil Trial Advocacy (Spring 2007)	4.92
Criminal Trial Advocacy (Fall 2006)	5.00
Civil Trial Advocacy (Spring 2006)	4.90
Criminal Trial Advocacy (Fall 2005)	4.67
Civil Trial Advocacy (Spring 2005)	4.93
Criminal Trial Advocacy (Fall 2004)	5.00
Civil Trial Advocacy (Spring 2004)	5.00
Criminal Trial Advocacy (Fall 2003)	5.00
Civil Trial Advocacy (Spring 2003)	4.91
Criminal Trial Advocacy (Fall 2002)	5.00
Civil Trial Advocacy (Spring 2002)	4.93
Criminal Trial Advocacy (Fall 2001)	5.00

Her students rank her as one of the very best teachers at WCL.

Maryland's courtrooms and those of other jurisdictions are filled with skilled trial lawyers who benefited from taking one of Judge Raker's trial advocacy courses. To obtain greater insight into Judge Raker's strengths as a teacher and impact on her students, consider the comments of two of Judge Raker's former students. Andrea Leahy-Fuchek, Esq., a litigator who practices in Maryland, stated that it was Judge Raker's training that gave her the ability and the confidence to present her cases as a young Associate County Attorney: "It was my first day in District Court, and I had an intimidating stack of building code cases to handle. When the Judge called the first case, it was the training I received in Judge Raker's classroom that I relied upon the most."⁶⁵ Ms. Leahy-Fuchek recalls a humiliating experience in Judge Raker's trial practice class when she was assigned the direct examination of a witness and the introduction of several business records. She said that Judge Raker made her go back and start over again and again, instructing her where to stand and how to lay a proper foundation. More importantly, "I learned how to develop and implement a successful strategy for eliciting truthful and compelling testimony."⁶⁶

Christopher Fogleman recalls the emphasis Judge Raker placed on ethical issues, trial strategy and tactics. He stated:

65. E-mail from Andrea Leahy-Fuchek to David Aaronson (May 1, 2008) (on file with authors). She later became Chief Counsel to the Governor of Maryland and an Assistant United States Attorney.

66. *Id.*

To Judge Raker, the discussion did not end with the answer of whether one *may* properly ask a question, offer an exhibit, make an objection or argue an issue. Judge Raker only considered the discussion complete after thorough consideration of whether one *should* ask a question, offer an exhibit, make an objection or argue an issue.⁶⁷

Mr. Fogleman says that Judge Raker continues to be a mentor and role model to many of her former students.⁶⁸

E. Her Contributions to the Larger Legal Community

Judge Raker has made important contributions to the WCL community in addition to teaching criminal and civil trial advocacy courses. She has been an active alumna and served on the Dean's Advisory Council for eight years. Also, she volunteers her time to serve as a judge in moot court and in mock trial competitions hosted by WCL. Recently, she served on a three-judge panel for the final trials of the National High School Moot Court Competition. In 1999, she was awarded the Washington College of Law Distinguished Alumna Award.

Judge Raker has contributed to the Maryland legal community and the larger community in many ways, including service as a member of the Montgomery County Sexual Offenses Committee, a member of the Montgomery County Task Force on Battered Spouses, and an elected member for five years of the Board of Governors of the Maryland State Bar Association (MSBA). From 1980 to the present, she has served on the MSBA Standing Committee to Draft Pattern Jury Instructions in Civil and Criminal Cases and has chaired the Subcommittee to Draft Pattern Instructions in Criminal Cases. She also served as Chair, MSBA's Criminal Law and Practice Section Council.

Judge Raker has served in several leadership positions in the American Bar Association (ABA). In 2006, Judge Raker served as Chair of the ABA Criminal Justice Standards Committee Task Force on Diversion and Special Courts. She also served as Chair of the ABA Criminal Justice Standards Committee from 2002–2004.

Judge Raker has been recognized with numerous awards for her service to the legal profession. In 2007, Judge Raker was selected as a recipient of the prestigious ABA's Margaret Brent Award for her

67. *Id.* Shortly after completing Judge Raker's trial practice class, Christopher Fogleman became an Assistant Public Defender in the Montgomery County, Maryland, Public Defender's Office and won acquittals in armed robbery, kidnapping and homicide cases.

68. *Id.*

contributions to women in the legal profession. Criteria for honorees of this award are that they have influenced other women to pursue legal careers, opened doors for women lawyers historically closed to them, and that they advanced opportunities for women in law practice. Judge Raker is in good company with past honorees, such as U.S. Supreme Court Justices Sandra Day O'Connor and Ruth Bader Ginsburg.

F. Conclusion

While pursuing a career as a prosecutor and a judge, Irma S. Raker has been an outstanding teacher, mentor, and role model for WCL students. The students say it best as they characterize Judge Raker as "kind, helpful and encouraging," "experienced and knowledgeable," and "first among the best at WCL." We congratulate Judge Raker on her retirement from active status as a judge of the Court of Appeals of Maryland, and look forward to many years of continued participation in WCL's Trial Advocacy Program.

VI. TRIBUTE TO AN OUTSTANDING TEACHER

BRUCE A. FREDRICKSON*

I have had the privilege and wonderful opportunity to teach trial advocacy with Judge Raker for over twenty years now. As I introduce Judge Raker to our students every semester, I explain that Judge Raker brings a truly unique perspective to our classroom having served as an appellate judge, as a trial judge, as a trial lawyer in private practice, as a prosecutor, as a teacher of trial advocacy, and last but not least, as a student of trial advocacy in this very class at American University. Judge Raker shares these invaluable experiences with her students every night in class and outside the classroom setting as well.

For instance, as a former prosecutor and trial lawyer, Judge Raker introduces the students to a wide variety of trial tactics and techniques of persuasion from the use of demonstrative evidence to effective cross-examination to persuasive argument for both the jury and the judge. With Judge Raker on the bench, the student trial lawyers learn the technical aspects of the trade through her rulings

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