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# Baltimore Law Clubs: A Tradition Promoting the Integrity of the Bar Through Scholarship and Congeniality


Stuart R. Berger

*Court of Special Appeals of Maryland*

Bryant S. Green

*Niles, Barton & Wilmer, LLP, bsgreen@nilesbarton.com*

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## ARTICLE

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### BALTIMORE LAW CLUBS: A TRADITION PROMOTING THE INTEGRITY OF THE BAR THROUGH SCHOLARSHIP AND CONGENIALITY

By: **The Honorable Stuart R. Berger\*** and **Bryant S. Green\*\***

Since before the civil war, lawyers and judges in Baltimore have had a tendency to organize informal, intimate, and exclusive clubs for the purpose of promoting congeniality and scholarship.<sup>1</sup> Although this Anglo-American tradition traces back to as early as the sixteenth century,<sup>2</sup> the institution of law clubs in the United States appears to have been a unique, local phenomenon until the 1960s and 1970s.<sup>3</sup> Today, this tradition continues in Baltimore City, which currently plays host to no fewer than eight individual law clubs, with many more existing throughout the state. These law clubs offer their members the opportunity to pursue scholarly endeavors while also providing a social outlet for members of the bench and bar alike. While the members of these organizations certainly realize the intrinsic benefits attendant to membership, Baltimore's law clubs also benefit the legal profession by promoting scholarship and congeniality.

Our purpose in drafting this article is two-fold. First, we aim to memorialize the rich and storied tradition of Baltimore's law clubs in a medium accessible to the local legal community. Secondly, we endeavor to describe how participation in our local law clubs not only provides fulfillment to their members, but also how the scholastic and social functions of law clubs improve the legal profession by instilling public confidence in the bar. In furtherance of these objectives, Part I articulates why legitimacy is required for our legal system to function, and how law clubs positively work to instill public confidence in the legal profession. Part II, then, proceeds to document the history of the specific law clubs in Baltimore City

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\* Associate Judge, Court of Special Appeals of Maryland.

\*\* Associate Attorney, Niles, Barton & Wilmer, LLP.

<sup>1</sup> Samuel H. Feldstein, BAR ASS'N OF BALT. CITY, "LAW CLUBS" IN BALTIMORE 4 (The Daily Record, centennial ed., 1980).

<sup>2</sup> Edward H. Warren, *Serjeants-At-Law; The Order of the Coif*, 28 VA. L. REV. 911, 934 n.48 (1942) ("There was a 'Le Sergeantes Inne' at least as early as 1544.").

<sup>3</sup> ROGER B. WILLIAMS, *THE WRANGLERS, A BRIEF HISTORY OF A BALTIMORE LAW CLUB 10* (H. H. Walker Lewis rev., 1965) (1953) ("As far as is known, law clubs . . . do not exist anywhere in the United States except in Baltimore."). Chief Justice Warren Burger was a motivating force behind these national legal fraternal organizations, first by instituting programs within the Phi Alpha Delta legal fraternity, and then by leading the American Inns of Court movement. See J. Clifford Wallace, *Birth of the American Inns of Court*, 25 BERKELEY J. INT'L L. 109, 109 (2007).

and Maryland more generally. Finally, Part III endeavors to outline the specific circumstances in Maryland that require an increased focus on professionalism, and how our law clubs are working to increase professionalism among the bar.

### I. LEGITIMACY IS ESSENTIAL FOR LAW TO FUNCTION

“Four things belong to a judge: to hear courteously, to answer wisely, to consider soberly, and to decide impartially.”<sup>4</sup> Likewise, reasoned judgment is the only meaningful export that any lawyer has to offer by virtue of his or her status as a lawyer.<sup>5</sup> The value of that product is inseparably bound to, and dependent on, its actual and perceived legitimacy.<sup>6</sup> As the United States Supreme Court eloquently articulated:

[T]he Court cannot buy support for its decisions by spending money and, except to a minor degree, it cannot independently coerce obedience to its decrees. The Court's power lies, rather, in its legitimacy, a product of substance and perception that shows itself in the people's acceptance of the Judiciary as fit to determine what the Nation's law means and to declare what it demands.<sup>7</sup>

Of course, “legitimacy” is not readily reduced to one universally accepted definition.<sup>8</sup> Nevertheless, lawyers and judges alike should aim to instill public confidence in our legal institutions by promoting their legitimacy both in “substance and perception.”<sup>9</sup> The ideal of promoting the integrity of the legal profession, however, is more than a mere lofty aspiration that lawyers should strive to achieve. To the contrary, a lawyer’s duty to promote the integrity of the legal profession is imposed by the authorities of both the General Assembly and the Court of Appeals. Indeed, section 10-212 of the

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<sup>4</sup> SOCRATES, IN THE QUOTABLE LAWYER 142 (David S. Shrager & Elizabeth Frost eds., 1986 (citing F.P.A. BOOK OF QUOTATIONS (Franklin Pierce Adams ed., 1952))).

<sup>5</sup> ALEXANDER HAMILTON, FEDERALIST NO. 78, 393-94 (Garry Willis ed. 1982 (“The judiciary . . . has . . . no direction either of the strength or of the wealth of the society, and can take no active resolution whatever. It may truly be said to have neither Force nor Will, but merely judgment . . .”).

<sup>6</sup> *Planned Parenthood of Se. Pa. v. Casey*, 505 U.S. 833, 865 (1992) (“The Court’s power lies . . . in its legitimacy, a product of substance and perception . . .”).

<sup>7</sup> *Id.*

<sup>8</sup> Richard H. Fallon, Jr., *Legitimacy and the Constitution*, 118 HARV. L. REV. 1787, 1794 (2005) (“Legitimacy can be measured against three kinds of standards that produce different concepts of legitimacy—legal, sociological, and moral. Although these types of legitimacy are sometimes interconnected, it is analytically helpful to distinguish them.”).

<sup>9</sup> *Casey*, 505 U.S. at 865.

Business Occupations & Professions Article requires an attorney attest that they will “demean [themselves] fairly and honorably . . . [and] support, protect and defend” federal and state laws.<sup>10</sup> Additionally, the Maryland Rules provide:

As a public citizen, a lawyer should seek improvement of the law, access to the legal system, the administration of justice and the quality of service rendered by the legal profession. As a member of a learned profession, a lawyer should cultivate knowledge of the law beyond its use for clients, employ that knowledge in reform of the law and work to strengthen legal education. In addition, a lawyer should further the public’s understanding of and confidence in the rule of law and the justice system because legal institutions in a constitutional democracy depend on popular participation and support to maintain their authority.<sup>11</sup>

Through their scholarship and congeniality, Baltimore’s storied law clubs positively contribute to the local legal profession by encouraging thoughtful dialogue among their members, thus increasing competence while promoting a sense of civility.

## II. HISTORY OF BALTIMORE’S LAW CLUBS

Having set forth the principle that the effectiveness of the law is dependent on its actual and perceived integrity and legitimacy, this section seeks to highlight the history of Baltimore City’s many law clubs, and how those clubs contribute to maintaining the integrity and legitimacy of the legal profession. Although each law club has its own unique nuances, the law clubs in Baltimore City typically maintain a format whereby they hold periodic meetings where their respective members socialize over a meal, followed by a scholarly presentation about a legal topic of interest.

The tradition of Baltimore’s law clubs traces its history back to November 26, 1852, when twelve members<sup>12</sup> of the bar gathered at the home of William

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<sup>10</sup> MD. CODE ANN., BUS. OCC. & PROF. § 10-212.

<sup>11</sup> MD. RULE 19-300.1 (incorporating The Maryland Lawyers’ Rules of Professional Conduct [hereinafter MRPC]); MRCP Preamble [6].

<sup>12</sup> Feldstein, *supra* note 1, at 4 (“Twelve legal luminaries of the early 1850’s met in the home of William H. Norris on November 26, 1852 and organized the ‘Friday Club.’ In this group were Severn Teackle Wallis, Henry Winter Davis, William F. Frick, Judge George W. Dobbin, William A. Talbott, William H. Norris, William Dorsey, Judge Benjamin C. Presstman, Judge George William Brown, C. H. Pitts, Thomas Donaldson, and Fredrick W. Brune.”).

H. Norris for a meal and a congenial discussion of law and literature.<sup>13</sup> This first law club came to be known as the Friday Club.<sup>14</sup> Members of the Friday Club met bi-weekly from October through April at its members' homes.<sup>15</sup> The objective of these meetings was to foster congenial discussion in a comparatively informal environment. In fact, in order to promote modesty, one of the more peculiar regulations that governed the Friday Club was a provision that provided: "Not more than two kinds of wine and two dishes shall be offered by any Member at his regular entertainment; if [o]ysters be served, they shall not be dressed in more than two styles."<sup>16</sup> Two years later, the Temple Club was established, consisted of thirteen members,<sup>17</sup> and catered to the bar's "harder working and less plutocratic juniors."<sup>18</sup> Similar to the Friday Club, the Temple Club's governing rules went to great lengths to present an appearance of modesty.<sup>19</sup>

The primary purpose of Baltimore's earliest law clubs was simply to foster intimacy and sociability amongst their members<sup>20</sup> and to "elevate the bar" more generally.<sup>21</sup> It is notable that the Friday Club and Temple Club organized with the intent to improve the status of the bar, because at that time "[t]he bar was disorganized and unregulated. There were no written codes of ethics nor bar examination; students 'read law' in the offices of practicing attorneys, then were admitted to the bar upon motion before the local bench by their sponsors, who attested to their competence and integrity."<sup>22</sup>

The influence of Baltimore's early law clubs likely extended beyond their twenty-five respective members, but also to the local bar as a whole. First,

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<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> H. H. Walker Lewis, *The Lawyers' Round Table of Baltimore*, 70 MD. HISTORICAL MAGAZINE 279, 280 (1975).

<sup>16</sup> *Id.*

<sup>17</sup> Feldstein, *supra* note 1, at 4 (The founding members of the Temple Club consisted of: James A. Buchanan, E. Wyatt Blanchard, Archibald Stirling, Jr., Charles Marshall, Wilson C. N. Carr, Henry Webster, R.J. Gittings, William Shepard Bryan, William C. Pennington, John Johns, Jr. Levin Gale, I. Shaaff Stockett, and A.W. Machen); *Id.* The club's first minutes recorded on November 7, 1854, however, it is noted that John Johns, Jr. resigned from the club and was replaced by Edward A. Israel.

<sup>18</sup> *Id.* (noting the establishment of the Temple Club in 1854); Arthur John Keeffe, *Baltimore: The Law Clubs that Cheer*, 62 A.B.A. J. 138, 138 (1976).

<sup>19</sup> Lewis, *supra* note 15, at 280 ("At each meeting there shall be a plain supper provided at a cost not exceeding the sum of One Dollar per Member. No Member shall at a meeting order or provide at his own expense or at the expense of the Club any additional articles of food or drink.").

<sup>20</sup> Lewis, *supra* note 15, at 279.

<sup>21</sup> Joseph W. Cox, *The Origins of the Maryland Historical Society: A Case Study in Cultural Philanthropy*, 74 MD. HISTORICAL MAGAZINE 103, 113 (1979).

<sup>22</sup> James F. Schneider, *THE STORY OF THE LIBRARY COMPANY OF THE BALTIMORE BAR* (1979).

the members of these clubs comprised a significant portion of the bar. For example, in 1840 there were approximately two hundred lawyers in Baltimore City and Baltimore County combined.<sup>23</sup> As such, at that time there was approximately one lawyer per every five hundred citizens.<sup>24</sup> Accordingly, in their era, the members of the Friday and Temple Clubs made up approximately 12.5% of the practicing bar in the Baltimore region. In comparison, however, today there is approximately one lawyer for every two hundred and fifty-one citizens in Maryland.<sup>25</sup> Additionally, the members of Friday Club were identified as “legal luminaries” and “[m]ost of the names of members of the group appear as those of counsel in many cases in the early volumes of the Maryland Reports.”<sup>26</sup> Accordingly, the clubs’ goal to “elevate the bar” was a noble one due in large part to the significant influence wielded by their members.

One prominent member of the Friday Club was George William Brown.<sup>27</sup> By the time the Friday Club was established, Brown had already led the movement to establish The Library Company of the Baltimore Bar in 1840.<sup>28</sup> Brown would later continue his career and become mayor of Baltimore from 1860 to 1862.<sup>29</sup> It was during Brown’s tenure as mayor that the first blood of the civil war was shed in the Baltimore Riot of 1861.<sup>30</sup> Brown’s political alliances during that time, however, appear ambiguous. On one hand, during the riots, Brown—in an apparent effort to protect union soldiers—marched “unarmed at the head of the Union column as it proceeded to Camden

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<sup>23</sup>*Id.* (“The city and county were not then the separate political entities they are today; before the [Maryland] Constitution of 1851 by which the separation was effected, Baltimore City was the County seat.”).

<sup>24</sup> *Id.* (“The Baltimore of 1840 was a thriving city of 100,000 . . . [and t]here were then no more than two hundred lawyers practicing law in Baltimore.”).

<sup>25</sup> *ABA National Lawyer Population Survey: Lawyer Population by State*, AMERICANBAR.ORG (2016), [http://www.americanbar.org/content/dam/aba/administrative/market\\_research/national-lawyer-population-by-state-2016.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/market_research/national-lawyer-population-by-state-2016.authcheckdam.pdf) (In 2015 the American Bar Association reported that there were 23,902 active attorneys on the role of the Maryland Bar.); United States Census Bureau, *QuickFacts: Maryland*, CENSUS.GOV (2016), <https://www.census.gov/quickfacts/table/PST045215/24> (Estimates that Maryland’s population as of July 1, 2015, was 6,006,401.). This illustrates how the members of such clubs represented a greater proportion of the members of the profession than they would today. The estimates contained herein are likely conservative, as the differences in these ratios would be even more pronounced if data was available that limited the comparison to the Baltimore region. This is so, because urban areas tend to have higher concentrations of attorneys than other parts of the state.

<sup>26</sup> Feldstein, *supra* note 1, at 4.

<sup>27</sup> *Id.*

<sup>28</sup> Schneider, *supra* note 22.

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

Station.”<sup>31</sup> Yet, Brown was also among the alleged confederate sympathizers that were detained at Fort McHenry by President Lincoln during his suspension of habeas corpus.<sup>32</sup> After his detention, Brown would go on to serve as the second Chief Judge of the Supreme Bench of Baltimore City, and help form the Bar Association of Baltimore City.<sup>33</sup>

Perhaps the greatest detriment of the earlier law clubs—and the legal profession generally<sup>34</sup>—was that that they were socially and ideologically homogeneous to an incredible degree.<sup>35</sup> Indeed, the apparent dearth of inclusion would be a vice that would continue well into the twentieth century.<sup>36</sup> For example, the Friday Club consisted almost exclusively of members of a city reform association in Baltimore that advocated ideologies consistent with the Whig party, which was declining in power at the time.<sup>37</sup> Moreover, there were few members with ideologies inconsistent the prevailing norms of the group, and those of differing persuasions were often suppressed.

Consider Henry Winter Davis, a member of the Friday Club, who stood out as an outspoken opponent of Brown’s reform movement and led a counter-demonstration as a member of the Know Nothing party.<sup>38</sup> Unlike the

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<sup>31</sup> *Id.*

<sup>32</sup> *Id.*; *Ex parte Merryman*, 17 F.Cas. 144, 151-52 (1861) (These controversial detentions would later be the subject of Chief Justice Taney’s opinion where he held that “the power is given to congress [and not the president] to suspend the writ of habeas corpus.”); see also Abraham Lincoln, *July 4th Message to Congress* (July 4, 1861), MILLERCENTER.ORG, <http://millercenter.org/president/speeches/speech-3508> (President Lincoln then disregarded Chief Justice Taney’s opinion justifying his action by posing the questions: “Are all the laws but one to go unexecuted and the Government itself go to pieces lest that one be violated? Even if such a case, would not the official oath be broken if the Government should be overthrown when it was believed that disregarding the single law would tend to preserve it?”).

<sup>33</sup> Schneider, *supra* note 22.

<sup>34</sup> *Id.* (“[Lawyers] were the elite of society . . . [and] members of such a small, closed set. . . . They were brothers in the law, in name and fact, for there was not a woman in the whole number.”).

<sup>35</sup> Cox, *supra* note 21, at 113 (explaining that The Friday Club “consisted of the most socially prominent of Baltimore’s lawyers and jurists. . . . The very select group, all descended from socially prominent families, all of the same age and marked with promise.”).

<sup>36</sup> See, e.g., George F. Flentje, Jr., *The Trial Table Law Club—Neither Gone nor Forgotten*, 62 A.B.A. J. 525 (1976) (“The June meeting is devoted to a summer outing, to which the ladies of the members are invited. It is the only occasion on which the ladies are invited.”).

<sup>37</sup> See H. H. Walker Lewis, *The Baltimore Police Case of 1860*, 26 MD. L. REV. 215, 221 (1966) (describing how The City Reform Association declared that “their conviction that the only positive security . . . is the combined and resolute actions of the citizens themselves, within the limits of law.”).

<sup>38</sup> *Id.* at 221-22.

reformers, Davis and the Know Nothings advocated the abolition of slavery.<sup>39</sup> Moreover, Davis incited the Know Nothings by denouncing the reformers as “silk stocking gentry.”<sup>40</sup> The Know Nothing movement, however, proved to be quite controversial as the means they employed to advance their position involved engaging in violence to forcibly insure that their political opponents had no access to the polls.<sup>41</sup> Shortly after the violent events of the 1859 election, “a correspondence took place between the [Friday] Club and Mr. Davis, which resulted in his resignation.”<sup>42</sup> It appears, however, that Davis’s disassociation with the Friday Club was less of a “resignation” and more of an ouster attributable to the club’s intolerance of “[Davis’s] association with rowdies or his contumelious attacks on his friends as broadcloth gentry.”<sup>43</sup> The Friday and Temple Clubs would only survive three years after Davis’s departure.<sup>44</sup> The outset of the civil war in 1861 brought about the demise of both the Friday and Temple Clubs, as most members enlisted in the Confederate army.<sup>45</sup>

Following a half-century hiatus, Judge Alfred Niles of the Supreme Bench of Baltimore City conceived the idea to revive the institutions of Baltimore’s law clubs by establishing The Lawyers’ Round Table in 1911. As one member recounted:

[W]hile still a judge of the Supreme Bench of Baltimore City, [Judge Alfred Niles] called a group of lawyers to his office in the Court House and laid before them a plan which he had originated and developed for periodical gatherings of a few men of his profession, to have dinner together and to enjoy professional talk somewhat beyond and above their daily routines.<sup>46</sup>

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<sup>39</sup> Feldstein, *supra* note 1, at 4.

<sup>40</sup> *Id.*

<sup>41</sup> Walker Lewis, *supra* note 37, at 222 (“[The polls were] taken forcible possession of by the [Know Nothings] with a volley of bricks and a discharge of firearms . . . [T]he attack was so violent and so sustained; no interference made by the judges, and no policeman visible on the grounds that there was no alternative for the Reformers but to leave the ground or sacrifice their lives uselessly.”) (quoting MARYLAND HOUSE DOCUMENTS, Doc. U. and MARYLAND SENATE DOCUMENTS, Doc. L, *Papers in the Contested Election Case from Baltimore City* 175-77 (1860)).

<sup>42</sup> *Id.* (quoting the minute book of THE FRIDAY CLUB (November 1859) (on file with the Maryland Historical Society)).

<sup>43</sup> Cox, *supra* note 21, at 113; *see also* Feldstein, *supra* note 1, at 4 (relating how one member of the Friday Club said of Davis, “We all respected his honesty, but he was too radical in his views for even the strongest Union men in the club . . .”) (quoting BERNARD C. STEINER, *LIFE OF HENRY WINTER DAVIS* 66 (John Murphy Co., 1916)).

<sup>44</sup> Feldstein, *supra* note 1, at 4.

<sup>45</sup> *Id.*

<sup>46</sup> Lewis, *supra* note 15, at 281.



The Lawyers' Round Table was substantially larger than either the Friday Club or Temple Club, consisting of twenty-five members.<sup>47</sup> The club held their first meetings at the Baltimore Club on the northwest corner of Charles and Madison streets.<sup>48</sup> Upon the ratification of the Eighteenth Amendment, however, meetings were moved to the home of the secretary of the club, Judge Eugene O'Dunne of the Supreme Bench of Baltimore City.<sup>49</sup> The club's transition to a private venue was in order for the members of the club to partake in alcohol consumption under the Eighteenth Amendment's *bona fide* guest exception.<sup>50</sup> When, however, the group's reserves of alcohol were depleted, they declined to violate prohibition by replenishing their stock.<sup>51</sup> Notably, although the members complied with prohibition, they nevertheless made it clear that many of the members did not endorse it.<sup>52</sup>

Interestingly, the founding members of the Lawyers' Round Table were handpicked by Judge Alfred Niles, and many belonged to the Baltimore Reform League—as did Judge Alfred Niles.<sup>53</sup> The Baltimore Reform League was organized to “elect[] honest, efficient and capable men to office [and] . . . oust corrupt or dictatorial political machines and to keep them out in ensuing years.”<sup>54</sup> The Baltimore Reform League had successfully toppled the Gorman-Rasin democratic machine sixteen years prior to the establishment of the Lawyers' Round Table.<sup>55</sup> Perhaps unsurprisingly, the cohort of lawyers that Judge Alfred Niles selected to form this fraternal organization were among the same individuals that he had previously worked with to restore legitimacy in the political process by ousting corrupt political bosses.

Just over three decades prior to the establishment of the Lawyers' Round Table, prominent attorneys in Baltimore had organized to form the Bar Association of Baltimore City on January 15, 1880.<sup>56</sup> At that time, the

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<sup>47</sup> Feldstein, *supra* note 1, at 5.

<sup>48</sup> Lewis, *supra* note 15, at 284.

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*; see *Kiefer v. State*, 87 Md. 562, 565 (1898) (noting that one may “sell or furnish . . . intoxicating liquors . . . with their meals to bona fide guests.”).

<sup>51</sup> Lewis, *supra* note 15, at 285.

<sup>52</sup> *Id.* (“Our attitude was more one of deference to the Federal Judges in our membership and to certain others of our members who were more or less inclined to a course of law-abiding action, than because many of us were profoundly impressed with the argument as to any great ‘moral issue’ being involved, except that of personal liberty.”).

<sup>53</sup> *Id.* at 283.

<sup>54</sup> James B. Crooks, *The Baltimore Fire and Baltimore Reform*, MD. HIST. MAG., spring 1970, at 1, 2.

<sup>55</sup> *Id.*

<sup>56</sup> James F. Schneider, A COMMEMORATION OF THE CENTENNIAL OF THE BAR ASSOCIATION OF BALTIMORE CITY 1880-1980 56 (1980).

organization of bar associations across the country were becoming a phenomenon, first in New York City, and then in other major American cities.<sup>57</sup> Similar to the Baltimore Reform League, the bar association movement was an effort by the legal profession to restore legitimacy to the profession following the corrupt “Tweed Ring” and other corrupt political institutions that compromised the integrity and legitimacy of the bar.<sup>58</sup> To be sure:

The great purpose of all this organizing, which took on something of the flavor of a revival, was the restoration of the reputation the legal profession had enjoyed during the first half of the nineteenth century. . . . One of its main goals was the improvement of legal education in America. It also sought to reawaken in the bar itself the self-perception of attorneys as dedicated, honorable servants of the people, motivated as much by the public good as by personal gain.<sup>59</sup>

Just as the Friday Club was organized to “elevate the bar,”<sup>60</sup> so too did the Bar Association of Baltimore City arise from a desire to maintain and strengthen the integrity and legitimacy of the legal profession. Similarly, the acquaintances among the founding members of the Lawyers’ Round Table were also formed to instill confidence in the legal profession several years later.

Nine years after the founding of the Lawyers’ Round Table, Judge Alfred Nile’s son—Emory Niles<sup>61</sup>—along with Malcom Lauchheimer and Roger Williams, resolved to “organize a small club of lawyers of similar ages and tastes to meet frequently for the purpose of seriously discussing legal problems of mutual interests.”<sup>62</sup> This club later became known as The Wranglers and continues to exist today.<sup>63</sup> Unlike the Lawyers’ Round Table, which was governed by an elaborate constitution, the Wranglers adopted a

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<sup>57</sup> *Id.* at 47.

<sup>58</sup> *Id.*

<sup>59</sup> *Id.* at 48.

<sup>60</sup> Cox, *supra* note 21, at 113.

<sup>61</sup> Emory Niles, like his father Alfred, served as a Judge on the Supreme Bench of Baltimore City from 1938 until 1962, and was the Chief Judge beginning in 1954. Lewis, *supra* note 15, at 283 n.8. In addition, not only was Emory Niles a founding member of The Wranglers, he was also elected to join the Lawyers’ Round Table in December of 1940. *Id.*

<sup>62</sup> WILLIAMS, *supra* note 3, at 2.

<sup>63</sup> *Id.* at 3 (“[I]t was not until several months had elapsed that it was finally agreed that the club should be named ‘The Wranglers.’”).

more *laissez-faire* governance structure.<sup>64</sup> Particularly, the Wrangler's are governed by a "Pooh-Bah" who acted as a president, secretary, and treasurer all-in-one.<sup>65</sup> Although the initial meetings of The Wranglers were quite businesslike, the tone of the meetings changed after the club's first year upon the adoption of a meeting format including dinner and alcohol.<sup>66</sup> During the club's first year, members met at the City Club.<sup>67</sup> After that, the club met at various members' homes or law firms.<sup>68</sup> Then, on March 9, 1926, The Wranglers had their first meeting at the West Hamilton Street Club, where they continue to meet to this day.<sup>69</sup> One member wrote of the club:

[W]e represent organized anarchy. It is both our strength and our weakness, our pride and our pleasure. We acknowledge no authority. Our members sharpen their wits on each other with joy and abandon. Judges, law school deans, and even senior partners are heckled without mercy. There is no restriction on comments save that they be pertinent, not restraint on insults save that they be good-humored.<sup>70</sup>

Thereafter, on October 20, 1926, twenty members of the Baltimore Bar organized the Wednesday Law Club in an effort "to promote learning and the legal qualifications of its members."<sup>71</sup> By 1980, the Wednesday Law Club grew to thirty members. In order to become a member of the Wednesday Law Club, one must be an active practitioner, be twenty-one years old,<sup>72</sup> and be elected unanimously by the members of the club.<sup>73</sup> Today, the Wednesday Law Club has a diverse membership that consists of lawyers and well-respected federal and state judges. Consistent with its name, the Wednesday Law Club assembles the first Wednesday of each month at the Mount Vernon Club.

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<sup>64</sup> *Id.* at 2-3 ("It was decided that the club should have no constitution but that the constitution should be what the members say it is.").

<sup>65</sup> *Id.* at 3. The poo-bah "recognizes no limitations other than his own cussedness." Keeffe, *supra* note 18, at 139.

<sup>66</sup> WILLIAMS, *supra* note 3 at 5-6.

<sup>67</sup> *Id.* at 5.

<sup>68</sup> *Id.*

<sup>69</sup> *Id.* at 6; *14 West Hamilton Street Club*, THE WRANGLERS A BALTIMORE LAW CLUB, <http://www.wranglerslawclub.com/?location=14-west-hamilton-street-club> (last visited Aug. 10, 2016).

<sup>70</sup> WILLIAMS, *supra* note 3, at 1.

<sup>71</sup> Feldstein, *supra* note 1, at 5.

<sup>72</sup> It is difficult, but not impossible to conceive a situation where one would be under twenty-one, yet an active practitioner. See Md. Rule 19-201(c) (minors under 18 "shall not be admitted to the Bar until 18 years of age.").

<sup>73</sup> Feldstein, *supra* note 1, at 5.

Similarly, one year later “twenty-five veterans of the trial table[] organized” to form the Barristers’ Club.<sup>74</sup> The Barristers’ governing constitution provides that “[t]he object of the Barristers’ Club shall be the promotion of sociability among its members, and the discussion of legal topics and questions.”<sup>75</sup> The Barristers originally met at the Southern Hotel, and then moved to the University Club.<sup>76</sup> Currently, the Barristers meet monthly at the Johns Hopkins Club, except during the summer. The final meeting before the summer had become known as the “Mint Julep Party,” and is typically held on the veranda of the Baltimore Country Club. Recently, the “Mint Julep Party” was renamed the William W. Cahill Jr. Memorial Dinner in honor of the distinguished member of the Barristers’ Club who passed away in 2007.

The Rule Day Club began in 1932 during the final year of prohibition, and the beginning years of the Great Depression.<sup>77</sup> This club acquired its name because it met on the second Monday of every month, which at the time was colloquially known as “Rule Day,” or the day “the law made certain writs returnable after service to the civil common law courts in Baltimore.”<sup>78</sup> Unlike the Lawyers’ Round Table—which respected the legal restraints imposed by prohibition—the members of the Rule Day Club “freely imbibed” on the basis that liquor was an “institutionalized ritual.” Notably, the Rule Day Club was founded at Congressman John Philip Hill’s rowhome at 3 West Franklin Street, which the congressman had conveniently renamed “Franklin Farms” in order to avail himself of an exception to prohibition that permitted farmers to brew beer and ferment wine.<sup>79</sup> Congressman Hill was later indicted for violating prohibition, but he was subsequently acquitted.<sup>80</sup>

Nearly three decades after the establishment of the Rule Day Club,

[i]n December, 1960, John W. Sause, Jr., Assistant State’s Attorney for Baltimore City, invited himself and seven other lawyers to attend a very exclusive luncheon at the Merchants’ Club for the purpose of discussing the formation of a “law club.” The seven invitees were F.

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<sup>74</sup> *Id.*

<sup>75</sup> H. H. Walker Lewis, *The Battle of Franklin Farms: John Philip’s Jest with Booze*, ATLANTIC MONTHLY, June 1961, at 53.

<sup>76</sup> Feldstein, *supra* note 1, at 5.

<sup>77</sup> Albert J. Matricciani, Jr., *The Baltimore Law Clubs: A Tradition of Collegiality*, CELEBRATING A CENTURY OF SERVICE: THE CLARENCE M. MITCHELL JR. COURTHOUSE 66, 69 (2000) (“[T]he [Rule Day] club was born in 1932 during the twin apocalypse of the Great Depression and Prohibition” (quoting The Honorable James F. Schneider, Associate Judge, United States Bankruptcy Court, Address to the Rule Day Club (January 12, 1998))).

<sup>78</sup> *Id.*

<sup>79</sup> *Id.* at 68-69.

<sup>80</sup> *Id.* at 69.

Hooper Bank, Charles Cahn, II, P. McEvoy Cromwell, Joseph G. Finnerty, Jr., Robert J. Martineau, Shale D. Stiller, and H. Rutherford Turnbull, III. The date of the luncheon was January 12, 1961.<sup>81</sup>

The club initially met at the University Club. On September 18, 1961, the group resolved to call themselves “The Serjeants’ Club.”<sup>82</sup> In March of 2012, however, the club decided to change its name to “The Serjeants’ Inn.”<sup>83</sup> Indeed, the name that this well-established law club chose is telling and consistent with the objectives of this club’s predecessors, that is, to improve and “elevate” the integrity and legitimacy of the bar.

A serjeant was traditionally the highest-ranking title in the hierarchy of the order of the coif.<sup>84</sup> At that time, a lawyer could only become a serjeant by means of a direct writ from the king, and between 1164 and 1875 kings created serjeants at a rate of about 1.5 a year.<sup>85</sup> Most notably, however, a serjeant had a duty not only to act as counsel to the sovereign itself, but also to the king’s subjects directly.<sup>86</sup> As such, upon elevation, a serjeant:

Shall swear well and truly to serve the King’s people as one of the Serjeants-at-law, and you shall truly counsel them that you be retained with after your cunning; and you shall not defer or delay their causes willingly, for covetness of money, or other thing that may turn you to profit; and you shall give due attendance accordingly. So help you God.<sup>87</sup>

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<sup>81</sup> *Id.* at 71.

<sup>82</sup> *Id.*

<sup>83</sup> Matricciani, *supra* note 77, at 71. (“On March 21, 1962, as a result of an article explaining the English history of “Serjeants,” which appeared in the March 1962 issue of the American Bar Association Journal, it was decided to change the name of the club to “The Serjeants’ Inn.”).

<sup>84</sup> The order of the Coif is an institution of “immemorial antiquity.” Warren, *supra* note 2, at 919 (“that in conveying a descent in a writ of right, none shall presume to declare of the seisin of his ancestor further, or beyond the time of King Richard.’ Richard I came to the throne in 1189, and the English courts in other matters adopted 1189 as the date when, as it is sometimes put, ‘legal memory began.’” (quoting 3 Edw. I, c 39 (1275))).

<sup>85</sup> *Id.* at 915-16.

<sup>86</sup> *Id.* at 914. Indeed, a serjeant was obliged to give counsel to any subject who came to them for legal aid, regardless of the subject’s ability to pay. *Id.* at 925. This commitment is often cited as the genesis for a lawyer’s ethical duty to render *pro bono* services.

<sup>87</sup> *Id.* at 925.

Until 1979, membership in The Serjeants' Inn was limited exclusively to men. Then, in April of 1980, the nominating committee proposed nominating Judge Ellen M. Heller, Judge L. Paige Marvel, and M. Natalie McSherry for membership.<sup>88</sup> All three women were admitted to the club and The Serjeants' Inn became the first of Baltimore's law clubs to admit women.<sup>89</sup> The club's minute book for that meeting reads, "Citadel of male chauvinism crumbles—The opening meeting of The Serjeants' Inn was marked by the attendance of the club's first female members . . . ."<sup>90</sup> Prior to adopting the club's gender-neutral admission policy, the club had met at the Hamilton Street Club.<sup>91</sup> After integrating women into the ranks of The Serjeants' Inn, however, discussion arose about changing the club's venue because of the club's all-male policy.<sup>92</sup> In 1989, the members of The Serjeants' Inn wrote the owners of the Hamilton Street Club and petitioned them to reconsider their policy, and ultimately were successful.<sup>93</sup> The Serjeants' Inn continued to meet at the Hamilton Street Club for many years until they moved to the Johns Hopkins Club, where they currently meet. Consistent with the obligations of the original serjeants-at-law, so too did the members of The Serjeants' Inn aim to improve the integrity and legitimacy of the bar through scholarship and congeniality.

Importantly, Baltimore's law clubs are not merely a vestige of a bygone legal era. Although it is true that many of the city's successful law clubs have roots dating back to the early twentieth century, this tradition continues with groups of lawyers regularly organizing to form new clubs. Take for example the Black Aggie Society, organized in 2012 by judge, then-master, William M. Dunn of the District Court for Baltimore City.<sup>94</sup> The Black Aggie Society was organized to cater to younger members of the bar and provided a more relaxed meeting structure that called for group topic discussions, rather than the lecture format adopted by other law clubs.<sup>95</sup> The Black Aggies accomplished this goal by maintaining a membership of twenty-five, but requiring sixteen percent of its members to be under the age of thirty.<sup>96</sup> Its inclusive membership policy, its relatively low membership dues, and the informal nature of its meetings, all supported the objective of the Black Aggie Society, which was to promote sociability among its

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<sup>88</sup> Shale D. Stiller, Esquire, Partner at DLA Piper, Address to the Serjeants' Inn (Feb. 5, 2014).

<sup>89</sup> *Id.*

<sup>90</sup> Matricciani, *supra* note 77, at 69.

<sup>91</sup> *Id.*

<sup>92</sup> *Id.*

<sup>93</sup> *Id.*

<sup>94</sup> Lizzy McLellan, *The Black Aggie Society Is the Newest Addition to A Baltimore Tradition*, THE DAILY RECORD (July 1, 2012).

<sup>95</sup> *Id.*

<sup>96</sup> *Id.*

members and the bar.<sup>97</sup> As Judge Dunn reported, “If someone doesn’t feel welcome in a law club, then I don’t think the law club is properly serving its purpose, or our profession.”<sup>98</sup>

It would be remiss if this article did not note that it is often difficult to account for a complete history of Baltimore’s law clubs, and, accordingly this article does not purport to be an exhaustive historical account of this unique local phenomenon. Indeed, by their very nature, law clubs tend to be “[m]ysterious,” as “[t]here is no definitive list, and few clubs advertise or even have websites.”<sup>99</sup> Additionally, there also exist other regional, statewide, and national law clubs that exist outside Baltimore City’s limits; including the Loophole Club,<sup>100</sup> The Dissenters,<sup>101</sup> and various chapters of the American Inns of Court.<sup>102</sup> Finally, other clubs, such as, “The” Law Club,<sup>103</sup> the Trial Table Law Club,<sup>104</sup> and the Roger B. Taney Club,<sup>105</sup> have dissolved over the years.<sup>106</sup> Nevertheless, the unique institution of Baltimore’s Law Clubs has proven to be a beneficial and resilient force in the Baltimore legal community. As H. H. Walker Lewis wrote,

Man is a clubbable animal and Baltimore law clubs are one of his more pleasant inventions. They are also a means of self-preservation. Regardless of years, old age is when you stop learning. To this should be added Gerald Johnson’s favorite bit of gospel: “While we laugh we live.” It would be hard to find these twin remedies in a more gratifying form.<sup>107</sup>

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<sup>97</sup> *Id.*

<sup>98</sup> *Id.*

<sup>99</sup> *Id.*

<sup>100</sup> The “Loop Holes,” as they are called, included members of the bar outside the Baltimore metropolitan area, and meet at locations around the state. Matricciani, *supra* note 77, at 72.

<sup>101</sup> The Dissenters were established in 1968, and consists of venerable attorneys and judges primarily located in Baltimore County. *Id.*

<sup>102</sup> The American Inns of Court website reports that there are currently five active chapters throughout Maryland. *Find An Inn*, AMERICAN INNS OF COURT, [http://home.innsforcourt.org/AIC/Find\\_an\\_Inn/AIC/AIC\\_Get\\_Involved/Find\\_An\\_Inn.aspx?hkey=ffb07a28-dcd9-45dc-bda5-48ab4e2d8e62](http://home.innsforcourt.org/AIC/Find_an_Inn/AIC/AIC_Get_Involved/Find_An_Inn.aspx?hkey=ffb07a28-dcd9-45dc-bda5-48ab4e2d8e62).

<sup>103</sup> “The” Law Club began in 1933 and met at the Phoenix Club on Eutaw Place. Feldstein, *supra* note 1, at 6.

<sup>104</sup> Flentje, *supra* note 36, at 525.

<sup>105</sup> The Taney Law Club was proposed in 1936 at a memorial proceeding at the United States District Court to honor the late chief judge. By 1980 the club had not yet settled into a consistent routine, and subsequently folded. Feldstein, *supra* note 1, at 6.

<sup>106</sup> McLellan, *supra* note 94.

<sup>107</sup> Lewis, *supra* note 15, at 285.

### III. LAW CLUBS' INFLUENCE ON PROFESSIONALISM IN MARYLAND

As articulated in Part I, the actual and perceived legitimacy of the judiciary is indispensable if it is to operate effectively.<sup>108</sup> Accordingly, as officers of the court, all lawyers have an obligation to “further the public’s understanding of and confidence in the rule of law and the justice system because legal institutions in a constitutional democracy depend on popular participation and support to maintain their authority.”<sup>109</sup> Additionally, lawyers have a more specific duty to remain competent by obtaining the “legal knowledge, skill, thoroughness and preparation reasonably necessary for representation,” for which the failure to abide by that duty might subject a lawyer to discipline.<sup>110</sup> Perhaps most relevant, the Court of Appeals of Maryland has adopted the “Ideals of Professionalism” promulgated by the Maryland Professionalism Center.<sup>111</sup> The preamble to the Ideals of Professionalism provides that “[l]awyers enjoy a distinct position of trust and confidence that carries the significant responsibility and obligation to be caretakers for the system of justice that is essential to the continuing existence of a civilized society.”<sup>112</sup> The Ideals of Professionalism continue to require lawyers to demonstrate “civility,” “decorum,” and “courtesy and respect” in all contexts to clients, colleagues, and the court alike.<sup>113</sup>

The history of Baltimore’s many law clubs demonstrates that these institutions have helped maintain the ideals of the bar since before the Civil War. That is to say, scholarship and congeniality are themes that have weaved themselves through nearly all of Baltimore’s existing and former law clubs. Whether they assembled to “elevate the bar,”<sup>114</sup> oust corrupt political bosses,<sup>115</sup> revere positive influences of legal generations’ past,<sup>116</sup> mentor younger members of the bar,<sup>117</sup> engage in scholastic activities, or simply to foster friendships over drinks and a dinner, the law clubs of Baltimore are a positive influence on the bar that promote professionalism through scholarship and congeniality. Of course—as is consistent with the history of

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<sup>108</sup> *Casey*, 505 U.S. at 865 (“The Court’s power lies . . . in its legitimacy, a product of substance and perception.”).

<sup>109</sup> MRCP Preamble [6].

<sup>110</sup> MRCP 1.1.

<sup>111</sup> Kez U. Gabriel, *The Idealist Discourse of Legal Professionalism: Delineating The Omissions and Eloquent Silences as Progressive Critique*, 41 U. BALT. L.F. 120, 123 (2011).

<sup>112</sup> Ideals of Professionalism, MARYLANDPROFESSIONALISM.ORG, <http://www.marylandprofessionalism.org/images/pdf/2216633.pdf>.

<sup>113</sup> *Id.*

<sup>114</sup> Cox, *supra* note 21, at 113.

<sup>115</sup> Crooks, *supra* note 54, at 2.

<sup>116</sup> Matricciani, *supra* note 77, at 69 (The Serjeants’ Inn).

<sup>117</sup> McLellan, *supra* note 94.



the legal profession more generally—our law clubs have also evolved to abandon practices that are inconsistent with an attorney’s obligation to promote the integrity and legitimacy of the bar.<sup>118</sup> Indeed:

Baltimore is unique in the possession of its many congenial law clubs. . . . The long reputation for congeniality and literary activity of the Baltimore City Bar is in no small part due to the function of these law clubs. They have always been among the Bar of Baltimore and likely will always be.<sup>119</sup>

This observation is no less true today than it was in 1980. In the modern era—where we seem to be observing a decrease in the quality of political discourse, among other cultural norms inconsistent with the civility required of the legal profession—as attorneys, now more than ever, we must remind ourselves that the legal profession is dependent on its actual and perceived integrity and legitimacy. Throughout the history of Maryland’s bar, Baltimore’s law clubs have been one outlet for lawyers that has positively contributed to these laudable ideals. Today, Baltimore’s many law clubs continue to serve an important function within the bar by promoting scholarship and congeniality. We have every reason to believe that Baltimore’s rich heritage of law clubs will continue well into the future to promote scholarship and congeniality among members of the legal profession.

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<sup>118</sup> Examples include limiting membership to “silk stocking gentry,” Feldstein, *supra* note 1, at 4, and excluding—sometimes unabashedly, Flentje, *supra* note 36, at 525—the inclusion of minorities. Matricciani, *supra* note 77, at 71.

<sup>119</sup> Feldstein, *supra* note 1, at 6.