

## A Tribute to the Honorable Joseph M. Getty

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### Recommended Citation

Shirley M. Watts, *A Tribute to the Honorable Joseph M. Getty*, 82 Md. L. Rev. 163 (2022)

Available at: <https://digitalcommons.law.umaryland.edu/mlr/vol82/iss1/6>

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## A TRIBUTE TO THE HONORABLE JOSEPH M. GETTY

SHIRLEY M. WATTS\*

Upon becoming the twenty-fifth Chief Judge of the Court of Appeals of Maryland on September 11, 2021, the Honorable Joseph M. Getty made history.<sup>1</sup> He became the first Chief Judge of the Court to have served in the Judiciary, the Maryland House of Delegates, the Maryland Senate, and the Office of the Governor.<sup>2</sup> In other words, he became the first Chief Judge to

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\* Judge, Court of Appeals of Maryland.

1. See *Chief Judges of the Maryland Court of Appeals*, MD. STATE ARCHIVES (Apr. 25, 2022), <https://msa.maryland.gov/msa/speccol/sc2600/sc2685/html/cjctap.html> [hereinafter *List of Chief Judges*]; *Former Chief Judge Joseph M. Getty*, MD. STATE ARCHIVES (Apr. 18, 2022), <https://msa.maryland.gov/msa/mdmanual/29ap/former/html/msa12229.html> [hereinafter *Biography*].

2. See *List of Chief Judges*, *supra* note 1; *Biography*, *supra* note 1. Only two of Chief Judge Getty's predecessors came close to achieving this distinction. First, before becoming Chief Judge, the Honorable Jeremiah Townley Chase was a Maryland Senate elector and a member of the House of Delegates and the Governor's Council. See *Jeremiah Townley Chase (1748–1828)*, MD. STATE ARCHIVES (Oct. 24, 2008), <https://msa.maryland.gov/megafile/msa/speccol/sc3500/sc3520/000200/000234/html/234bio.html>. Second, before becoming Chief Judge, the Honorable Stedman Prescott was a member of the Maryland Senate and the Alcoholic Beverage Survey Commission. See *Stedman Prescott (1896–1968)*, MD. STATE ARCHIVES (July 6, 2001, 1:15 PM), <https://msa.maryland.gov/megafile/msa/speccol/sc3500/sc3520/001600/001636/html/1636bio.htm>. Contemporary periodicals referred to the commission as “the Governor’s Alcoholic Beverage Survey Commission.” *Local Option Hearing Set for Baltimore Friday*, EVENING STAR, Jan. 13, 1943, at 2-X, [https://www.gastearsivi.com/en/gazete/evening\\_star/1943-01-13/3](https://www.gastearsivi.com/en/gazete/evening_star/1943-01-13/3); see also *Dry Laws Threaten Clubs* 10, BILLBOARD (Mar. 6, 1943), [https://books.google.com/books?id=QQwEAAAAMBAJ&printsec=frontcover&source=gbs\\_ge\\_summary\\_r&cad=0#v=onepage&q&f=false](https://books.google.com/books?id=QQwEAAAAMBAJ&printsec=frontcover&source=gbs_ge_summary_r&cad=0#v=onepage&q&f=false). Although the commission was evidently formed by and reported to the Governor and was part of the executive branch, it does not appear that the commission was part of the Office of the Governor. This is consistent with current organizational structures, in which executive commissions are part of the executive branch but not part of the Office of the Governor. See *Executive Branch Chart*, MD. STATE ARCHIVES (June 7, 2022), <https://msa.maryland.gov/msa/mdmanual/08conoff/pdf/08exec.pdf>; *Office of Governor Organizational Chart*, MD. STATE ARCHIVES (Aug. 19, 2022), <https://msa.maryland.gov/msa/mdmanual/08conoff/pdf/08gov.pdf>.

Other than Chief Judges Chase, Prescott, and Getty, only three Chief Judges served as both legislators in the General Assembly and members of the executive branch of the government of Maryland. First, before becoming Chief Judge, the Honorable Beale Dorsey was a member of the Maryland House of Delegates and the Attorney General of Maryland. See *Thomas Beale Dorsey (1780–1855)*, MD. STATE ARCHIVES (Apr. 3, 2012, 3:56 PM), <https://msa.maryland.gov/megafile/msa/speccol/sc3500/sc3520/001400/001498/html/1498bio.htm>. Second, before becoming Chief Judge, the Honorable John Carroll LeGrand was a member of the

have served at the highest levels of all three branches of the government in Maryland—judicial, legislative, and executive. Chief Judge Getty also became only the second Chief Judge—and the first in well over a century—to have served as a member of both the Maryland Senate and the Maryland House of Delegates.<sup>3</sup>

As Thomas V. Mike Miller, Jr.—the President of the Maryland Senate during Chief Judge Getty’s tenure as a Maryland Senator—said when Chief Judge Getty was sworn in as a member of the Court of Appeals, Chief Judge Getty brought “to the court an extraordinary depth of experience and knowledge.”<sup>4</sup> And, as Chief Judge Getty similarly observed after he was designated to serve in his present capacity, it was “very interesting . . . to have been on both sides, in the legislature, creating statutes, and in the judiciary, interpreting statutes” that he “brought a realistic perspective to the court in some of its interpretation of statutes.”<sup>5</sup>

Because Chief Judge Getty’s record of public service is so extensive, I will discuss only a few of the numerous highlights of his accomplishments so that this tribute does not become unduly long. A lifelong Marylander, Chief Judge Getty earned a B.A. from Washington College and an M.A. from George Washington University before working in various positions related to historical preservation.<sup>6</sup> In 1996, he graduated from the University of Maryland School of Law and was admitted to the Bar of Maryland the same year.<sup>7</sup> In a testament to his work ethic, initiative, and dedication to serving

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Maryland House of Delegates and the Secretary of State of Maryland. See *John Carroll LeGrand (1814–1861)*, MD. STATE ARCHIVES (June 25, 2002, 8:30 PM), <https://msa.maryland.gov/megafile/msa/speccol/sc3500/sc3520/001600/001623/html/1623bio.html>. And third, before becoming Chief Judge, the Honorable Ogle Marbury was a member of the Maryland House of Delegates, an Assistant Attorney General of Maryland, and the acting Attorney General of Maryland. See *Ogle Marbury (1882–1973)*, MD. STATE ARCHIVES (Jan. 12, 2001, 9:03 PM), <https://msa.maryland.gov/megafile/msa/speccol/sc3500/sc3520/001500/001516/html/1516bio.html>.

3. See *List of Chief Judges*, *supra* note 1; *Biography*, *supra* note 1. The first such Chief Judge was the Honorable Richard Johns Bowie, who served in that capacity from 1861 to 1867. See *Richard Johns Bowie (1807–1881)*, MD. STATE ARCHIVES (Mar. 24, 2022, 3:49 PM), <https://msa.maryland.gov/megafile/msa/speccol/sc3500/sc3520/001600/001624/html/1624bio.html>.

4. Kevin Dayhoff, *Getty Sworn-in to Md. Court of Appeals*, CARROLL CNTY. TIMES (June 27, 2016, 9:49 PM), <https://www.baltimoresun.com/maryland/carroll/news/ph-cc-getty-swearing-in-20160627-story.html>; see also *Biography*, *supra* note 1; *Senate President Emeritus: Thomas V. Mike Miller, Jr. (1942–2021)*, MD. STATE ARCHIVES (Mar. 14, 2022), <https://msa.maryland.gov/msa/mdmanual/05sen/former/html/msa01619.html>.

5. See Justin Fenton, *Gov. Hogan Appoints Joseph Getty to Become Short-Term Chief Judge of Maryland’s Highest Court*, BALTIMORE SUN (Sept. 3, 2021, 1:49 PM), <https://www.baltimoresun.com/news/crime/bs-md-cr-20210903-lfbrlbfrcuzl6jfnayj6ts2e-story.html>.

6. See *Biography*, *supra* note 1.

7. See *id.*

the public, in 1995, Chief Judge Getty became a member of the Maryland House of Delegates representing Carroll County—not to mention a member of the Commerce and Government Matters Committee, the State Government and Civil Rights Subcommittee, and the Task Force to Review the State’s Election Law—the year before he graduated law school and was admitted to the bar.<sup>8</sup> In addition, during his nearly eight-year tenure as a Delegate, Chief Judge Getty served as the Deputy Minority Whip and a member of the Judiciary Committee, the Family and Juvenile Law Subcommittee, the Article 27 (Crimes and Punishments) Revision Committee, the Commission to Revise the Election Code, the Forensic Sciences Task Force, and the Committee on Access to Court Records.<sup>9</sup> After serving as Delegate, from 2003 to 2007, Chief Judge Getty served in the Office of the Governor—first as Director of Policy, then as Policy and Legislative Director.<sup>10</sup>

It was not long before Chief Judge Getty became a legislator again by being elected to the Maryland Senate in 2010, representing Baltimore and Carroll Counties.<sup>11</sup> During four years as a Maryland Senator, from 2011 to 2015, Chief Judge Getty once again demonstrated his industriousness by becoming a member of a wide variety of committees and task forces.<sup>12</sup> During this time, Chief Judge Getty served as a member of the Senate Committee on Reapportionment and Redistricting, the Judicial Proceedings Committee, the Joint Committee on Transparency and Open Government, the Task Force to Study Court Decision regarding Pit Bulls, the Work Group to Review Disclosure Requirements of the Public Ethics Law, the Budget and Taxation Committee, the Joint Committee on Legislative Ethics, the Senate Special Committee on Ethics Reform, the Spending Affordability Committee, the Legislative Policy Committee, the Joint Audit Committee, the Executive Nominations Committee, the Task Force to Study the Laws and Policies relating to Representation of Indigent Criminal Defendants by the Office of the Public Defender, the Commission on Child Custody Decision Making, the Task Force to Study Implementing a Civil Right to Counsel in Maryland, and the Task Force to Ensure Retirement Security for All Marylanders.<sup>13</sup> In addition, Chief Judge Getty served as the Minority Whip and the Senate Chair of the Carroll County Delegation.<sup>14</sup>

In 2015, Chief Judge Getty stepped down from his position as a Maryland Senator to return to the Office of the Governor, this time as the

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8. *See id.*

9. *See id.*

10. *See id.*

11. *See id.*

12. *See id.*

13. *See id.*

14. *See id.*

Chief Legislative Officer.<sup>15</sup> He served in that capacity until June 2016, upon being appointed an Associate Judge of the Court of Appeals.<sup>16</sup> Chief Judge Getty served as an Associate Judge with the Court of Appeals for more than five years before being appointed Chief Judge.<sup>17</sup>

It is fitting that Chief Judge Getty's appointment as Chief Judge made history because he is a historian. Before earning his J.D., Chief Judge Getty served as the Acting Director of the Mid-Atlantic Regional Office of the National Trust for Historic Preservation, the Executive Director of the Historical Society of Carroll County, a member of the Board of Governors of the Union Mills Homestead Foundation, the Chair of the Carroll County Committee for Maryland's 350th Anniversary, a member of the Board of Directors of Preservation Maryland, a member of the Rural Historic Village Protection Program Advisory Committee of the Maryland Environmental Trust, and a member—and later the Chair of—the Carroll County Historic District Commission.<sup>18</sup> Chief Judge Getty also worked as a researcher and writer on the topics of architectural history and historic preservation, authoring three books: *Uniontown, Maryland-Walking Tour*; *Carroll's Heritage: Essays on the Architecture of a Piedmont Maryland County*; and *The Engine of Liberty & Uniontown Advertiser*.<sup>19</sup>

Anyone who knows Chief Judge Getty knows of his fabled interest in history, particularly the history of Maryland. Chief Judge Getty demonstrated his legendary interest in and knowledge of history during his tenure on the Court of Appeals. As a member of the Court, he has been a regular source of interesting facts about a wide variety of topics, including the history of the Court, the Maryland Constitution, and historical artifacts inside the Robert C. Murphy Courts of Appeal Building. His passion for history is contagious, and his colleagues, their staffs, and court personnel would pass along the tidbits that he shared.

Chief Judge Getty's interest in history is reflected in the opinions that he writes for the Court. For instance, in *Ademiluyi v. Egbuonu*,<sup>20</sup> Chief Judge Getty provided an impressive history of the laws governing judicial appointments and elections in Maryland.<sup>21</sup> This case involved a candidate for judge of the Circuit Court for Prince George's County, who encountered a lawsuit by voters challenging her qualifications to run for the judgeship.<sup>22</sup>

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15. *See id.*

16. *See id.*

17. *See id.*

18. *See id.*

19. *See id.*

20. 466 Md. 80, 215 A.3d 329 (2019).

21. *See id.* at 94–110, 215 A.3d at 337–47.

22. *See id.* at 91–92, 215 A.3d at 335–36.

The circuit court issued a preliminary injunction ordering that the candidate's name be removed from the ballot.<sup>23</sup>

An appeal ensued, and the Court of Appeals affirmed, ruling in favor of the voters.<sup>24</sup> Writing for the Court, Chief Judge Getty delved into the history of the laws governing judicial appointments and elections in Maryland, discussing the constitutional provisions that applied in the late 1700s and culminating with the statutes currently in the Election Law Article of the Code of Maryland.<sup>25</sup> Ultimately, Chief Judge Getty concluded that the candidate's nomination for office was invalid because it did not comply with section 5-701(3) of the Election Law Article.<sup>26</sup> So thorough was Chief Judge Getty's opinion in the case that it has been included the New Trial Judge Orientation, a program in which all newly-appointed trial judges must participate.<sup>27</sup>

On top of making history and being a historian, Chief Judge Getty is a devoted family man and a colleague who has always acquitted himself well. Chief Judge Getty would often delight members of the Court with photos of his wife and children and recollections of family trips. He is also generous, as shown by his practice of gifting fresh-picked red apples to his colleagues during the Court's lunches. Ever the student of history, Chief Judge Getty would always tell us about the origin of the apples or the orchard where the apples came from.

Another memory I have of Chief Judge Getty is of a somewhat humorous nature. One day, during the time that the Court conducted oral arguments remotely due to the pandemic, when the members of the Court convened via Zoom, we saw a familiar item near Chief Judge Getty, perched on a table behind his right shoulder—the eagle figurine that has long been a fixture in the Court's conference room at the Courts of Appeal Building. Apparently, Chief Judge Getty had taken the eagle home with him. It became an open joke among his colleagues that Chief Judge Getty had “borrowed” the eagle. Of course, Chief Judge Getty later returned the eagle to its rightful place in the conference room.

A similar event occurred during the remote Bar admission ceremonies in December 2021. During each ceremony held via Zoom, Chief Judge Getty held up an inkwell and explained to the bar applicants that it dated back to the early days of the Court. Unlike with the eagle, Chief Judge Getty never took an inkwell home with him though—at least, as far as I know.

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23. *See id.* at 92–93, 215 A.3d at 336.

24. *See id.* at 92–93, 215 A.3d at 336–37.

25. *See id.* at 94–110, 215 A.3d at 337–47.

26. *See id.* at 121, 215 A.3d at 353 (citing MD. CODE ANN., ELEC. LAW § 5-701 (West 2019)).

27. *See Judicial Education*, MD. JUDICIARY (2022), <https://mdcourts.gov/judicialeducation> (describing the requirements and goals of the program).

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The eagle and the inkwell were not the only historical artifacts that Chief Judge Getty was interested in. After becoming aware that a centuries-old gavel made of wood from a mulberry tree at Historic St. Mary's City existed somewhere in the courthouse, Chief Judge Getty searched for it until he finally found it in a display case in the atrium outside of the Court of Appeals courtroom. Chief Judge Getty next searched for the long-missing key to the display case until he found it on a ring of old keys in his chambers. He sent us a photo of himself standing next to his long-time Judicial Assistant (and right hand), Amanda Boyd Miller, who was holding the gavel—both were smiling and clearly immensely pleased with the lucky find. Along with the photo, Chief Judge Getty told us that: “The silver plaque on the mallet of the gavel says ‘Made from the Mulberry Tree associated with the landing of the Pilgrims at St. Mary’s, Md. March 27<sup>th</sup> A.D. 1634. Presented to the Court of Appeals by St. Mary’s Parish, March 27<sup>th</sup> 1884.’”

Although I did not meet Chief Judge Getty until he joined the Court, I had heard of him before then, as his reputation as a public servant and a person deeply committed to Maryland preceded him. Once we became colleagues, I immediately noticed how well-prepared and knowledgeable he was about the cases pending before the Court. It is well known that, when the Court conferences concerning a case or other matter, the judges speak in descending order of seniority—*i.e.*, the most junior judge speaks first.<sup>28</sup> Thus, Chief Judge Getty spoke first during the nearly-three-year period when he was the most junior judge.<sup>29</sup> Both during and after that time period, Chief Judge Getty's summaries were always informative and well-thought-out. It became clear to all that he is a well-centered person who knows his own mind and is dedicated to serving the citizens of Maryland.

Thank you for your service, Chief Judge Getty, and best wishes to you and your family upon your retirement.

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28. See PAUL MARK SANDLER, ANDREW D. LEVY & STEVEN M. KLEPPER, APPELLATE PRACTICE FOR THE MARYLAND LAWYER: STATE AND FEDERAL 4–59 (5th ed. 2018).

29. Then-Judge Getty was the most junior member of the Court until Judge Booth's appointment in April of 2019. See *Biography*, *supra* note 1; *Brynja McDivitt Booth*, MD. STATE ARCHIVES (Mar. 11, 2022), <https://msa.maryland.gov/msa/mdmanual/29ap/html/msa18104.html>.