

## Tribute to Chief Judge Joseph M. Getty: The Clerkship as a Modern Form of “Reading Law”

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**TRIBUTE TO CHIEF JUDGE JOSEPH M. GETTY:  
THE CLERKSHIP AS A MODERN FORM OF “READING LAW”**

DANIEL M. MOORE, ESQ.\*

Something about my service as a law clerk to Chief Judge Joseph M. Getty compels me to begin this writing in 1771. In that year, Jeremiah Townley Chase<sup>1</sup> was admitted to the practice of law in Anne Arundel County, Maryland. Chase led a public-minded life before serving as the second Chief Judge of the Court of Appeals of Maryland from 1806 to 1824. As was the case for many attorneys of that time, which predated formal legal education, Jeremiah Chase “read law” to acquire the skills necessary to become an attorney. Fortunately for Chase, he had quite the mentor—Samuel Chase—his second cousin, a signer of the Declaration of Independence, and Associate Justice of the Supreme Court of the United States.<sup>2</sup>

“Reading law” consisted of, quite literally, reading the works of Sir Edward Coke and others, and learning as an apprentice under the mentorship of an experienced lawyer. The modern-day clerkship is not all that different from reading law in the eighteenth century. At the Court of Appeals, in addition to Sir Edward Coke (occasionally), law clerks more frequently read the works of Maryland’s top jurists—legal giants in their own right. Law clerks critically analyze arguments presented to the Court, recommend dispositions of appeals, and draft opinions or portions thereof.

In what I venture to say is the most impactful year of a young lawyer’s career, one’s mentor can make all the difference. Each of Chief Judge Getty’s law clerks hit the clerkship lottery the day he offered us to “read law” with him. We did not know it at the time, but Chief Judge Getty’s approach to the judge-clerk relationship would shine a brilliant light on the inner workings of the Court of Appeals, the Maryland Judiciary, and state government more broadly. For that, we are deeply grateful.

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1. *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>.

2. *Samuel Chase (1741–1811)*, MD. STATE ARCHIVES (Apr. 26, 2012), <https://msa.maryland.gov/megafile/msa/speccol/sc3500/sc3520/000200/000235/html/235bio.html>.

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You do not need to know Chief Judge Getty very long to know that he is a judge of the highest order. Court of Appeals Judge William Pickney Maulsby (a Harford Countian, Carroll Countian, or Fredericktonian, depending on who you ask<sup>3</sup>) once described the hallmarks of a good judge. I strongly suspect Judge Maulsby would readily agree that there are no better words to describe Chief Judge Getty than those Judge Maulsby spoke in 1892: “calm, patient, learned, laboring without stint in his high calling, [and one who] administer[s] justice according to [the] law.”<sup>4</sup>

Each of Chief Judge Getty’s written opinions demonstrate utmost respect for the rule of law. Though, Chief Judge Matthew J. Fader aptly identifies what I believe to be Chief Judge Getty’s most significant contribution to Maryland law: statutory interpretation jurisprudence.<sup>5</sup> As Chief Judge Fader observes, it is Chief Judge Getty’s attention to the “nuances of legislative history, informed by his perspective as a participant in it,”—and reverence for the Court of Appeals’ role in interpreting statutory (and constitutional, or municipal) language—that has refined the Court’s “modern trend”<sup>6</sup> of using legislative source materials to confirm legislative intent.

As a participant in the legislative process, Chief Judge Getty’s service to the people of Carroll County and the State of Maryland is extensive. Judge Shirley M. Watts eloquently covered this aspect of Chief Judge Getty’s career in her remarks;<sup>7</sup> I will not use this space to reiterate his professional accomplishments here. Trust me when I say the Maryland State Archives is familiar with Chief Judge Getty and that information is well-documented for history’s sake.

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3. *William P. Maulsby (1815–1894)*, MD. STATE ARCHIVES (Jan. 23, 2002, 9:09 PM), <https://msa.maryland.gov/megafile/msa/speccol/sc3500/sc3520/001800/001835/html/1835bio.htm>. Judge Maulsby was born in Bel Air, Harford County, served as Carroll County’s first State’s Attorney and first representative in the Maryland Senate, and resided in Frederick County when Maryland Governor Oden Bowie appointed him Chief Judge of the Sixth Judicial Circuit (and, by virtue of that appointment, to service on the Court of Appeals). *Id.*

4. William P. Maulsby, Judge, Md. Ct. of Appeals, In Memoriam Upon the Death of the Honorable Levin T. H. Irving (Oct. 4, 1892), in 75 MARYLAND REPORTS, at xxvii (1893).

5. Matthew J. Fader, Tribute, *Tribute to Chief Judge Joseph M. Getty*, 82 MD. L. REV. 160 (2022).

6. *Id.* at 161 (quoting Steven M. Klepper & Paul Mark Sandler, *A Conversation with the Honorable Joseph M. Getty of the Court of Appeals of Maryland with Steven M. Klepper and Paul Mark Sandler*, MD. STATE BAR ASS’N (Feb. 14, 2022), <https://www.msba.org/a-conversation-with-the-honorable-joseph-m-getty-of-the-court-of-appeals-of-maryland/>).

7. Shirley M. Watts, Tribute, *A Tribute to the Honorable Joseph M. Getty*, 82 MD. L. REV. 163 (2022).

But, for those who do not personally know Chief Judge Getty, the lesser-known part of his career is its beginning in the field of historical preservation. Because of it, Chief Judge Getty's affinity for history—particularly Maryland history and Maryland legal history—is readily apparent. His museum-quality “tour” of the Court of Appeals' historic courtroom covers it all: the Court's first existence on the second floor of the Maryland State House (1781 to 1903); the creation of the Court of Appeals courtroom in a state building adjacent to the State House, erected in 1903 and fit with a Tiffany-glass dome (1903 to 1972); the courtroom's 1972 deconstruction and recreation in the Robert C. Murphy Courts of Appeal Building, without the aforementioned Tiffany-glass dome (1972 to present); the single, continuous bench at which modern Maryland high court jurists sit; the historic inkwells that remain prominently displayed, despite the increasingly technological practice of law; symbolic etchings in the decorative cornice; how the judges of the Court of Appeals came to don scarlet-red robes; and much, much more.

For all of the history Chief Judge Getty caused his clerks to appreciate about tangible aspects of the historic courtroom, he also emphasized the scores of judges who composed the Court over its history, which dates back to the seventeenth century and is regarded as one of the earliest appellate courts in the nation.<sup>8</sup>

There have been judges of the Court who, before joining the bench, served in both chambers of the Maryland General Assembly: C. Ferdinand Sybert<sup>9</sup> and Charles C. Marbury.<sup>10</sup> There have been judges of the Court who served as Chief Legislative Officers to Maryland Governors: John C. Eldridge<sup>11</sup> and Alan M. Wilner.<sup>12</sup>

Chief Judge Getty joins those notable ranks. However, Joseph M. Getty is the first to serve in both the House of Delegates and the Maryland Senate, and to also occupy a top post within the executive branch, before serving as

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8. *Court of Appeals Origin and Functions*, MD. MANUAL ON-LINE (Aug. 15, 2022), <https://msa.maryland.gov/msa/mdmanual/29ap/html/apf.html>; see An Act for Appeals and Regulateing Writts of Error, ch. 18, 1694 Md. Laws 6–16.

9. *C. Ferdinand (“Ferd”) Sybert (1900–1982)*, MD. STATE ARCHIVES (Jan. 21, 2002, 9:03 PM), <https://msa.maryland.gov/megafile/msa/speccol/sc3500/sc3520/001500/001523/html/1523bio.html>.

10. *Retired Md. Judge, Legislator Charles C. Marbury, 91, Dies*, WASH. POST (Jul. 20, 1991), <https://www.washingtonpost.com/archive/local/1991/07/20/retired-md-judge-legislator-charles-c-marbury-91-dies/dc7f120b-04dd-4b6e-b5e3-c30f75093271/>.

11. *John C. Eldridge (1933–2018)*, MD. STATE ARCHIVES (Aug. 3, 2018, 8:04 AM), <https://msa.maryland.gov/megafile/msa/speccol/sc3500/sc3520/011600/011653/html/11653bio.html>.

12. *Alan M. Wilner*, MD. STATE ARCHIVES (Dec. 19, 2007), <https://msa.maryland.gov/megafile/msa/speccol/sc3500/sc3520/011600/011679/html/11679bio.html>.

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*Chief* Judge of the Court of Appeals. This will undoubtedly be a prominent aspect of Chief Judge Getty's legacy. What will be less evident from written history is the impact that this remarkable career had on the law clerks fortunate to witness, and work with, Joe Getty the *jurist*.

In our fast-paced world, and often our profession, many are interested in the answer, the result, the conclusion, or the bottom-line. There is no doubt that in every case, Chief Judge Getty seeks the "right" result. But beyond that, what sets him apart from many others, is his fervent interest in the *why* and the *how*. For example, *why* did the General Assembly craft statutory language in a particular way? *How* does a bill file, on microfiche, only held in the Department of Legislative Services library, help discern the General Assembly's intent when it enacted this legislation? *Why* AND *how* am I being outbid on a gavel, a book, or a nesting doll set (note: this list is *not* meant to be exhaustive)?

Chief Judge Getty's depth of knowledge across all aspects of state government often provided the key to unlocking the most puzzling questions before the Court. As clerks, witnessing his metaphorical "gears turn" proved to be some of the most impactful moments. Only Chief Judge Getty could rely on an instinct or recall a legislative workgroup or committee on which he served to form probing questions that oftentimes ferreted out the correct result in a case.

Yet, time spent in the Getty chambers is far more formative than researching legal issues or drafting opinions. More often than not, when I hear someone speak of the impact Chief Judge Getty has on the Court, there is one recurring sentiment—he builds collegiality. On this point, I can offer no more fitting articulation than Judge Brynja M. Booth.<sup>13</sup> Whether by a thoughtful handwritten note, a personal conversation that takes precedence over the demands of a busy day, or small tokens of appreciation to recognize those around him, Chief Judge Getty works tirelessly to bring people together.

Those who have conversed even briefly with Chief Judge Getty, be it in his chambers (surrounded by countless historic artifacts each with their own, unique story), the Court's conference table, or over a meal, know it does not take long to engage in a meaningful conversation. In these moments, we got to know who Joe—not Judge, not Senator, not Delegate—but Joe, truly is. Pensive. Thoughtful. And, quite often, amusing.

When Chief Judge Getty pulls something from his jacket pocket, as he is known to do, one of two emotions overcomes you. Excitement—for the story, fact, or show-and-tell that is about to occur (on a topic you may not

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13. Brynja M. Booth, Tribute, *Chief Judge Joseph M. Getty: The Master of Collegiality*, 82 MD. L. REV. 169 (2022).

have ever had occasion to ponder prior to that point in time). Or, if that something is accompanied by a mischievous smile, a slight sense of dread; no amount of reading, studying, news-watching, or observation could prepare you for the pop-quiz that is soon to follow.

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I surmise that Samuel Chase greatly influenced Jeremiah Townley Chase's career in public service. So too has Chief Judge Getty imparted countless lessons on those who "read law" under him. The lessons are too great to list in full, but one in particular stood out above many others. Indeed, it is reflected by Chief Judge Getty's legacy.

Being an attorney is more than simply practicing law. To use Chief Judge Getty's own words, we are all called to be citizen lawyers. "Lawyers need[] to be not only skilled practitioners of the law but also servants of the public interest."<sup>14</sup>

In short, Chief Judge Getty has made us all—the judges with whom he sat, the clerks whose understanding of the law he shaped, and the attorneys who appeared before him—better lawyers, more thoughtful individuals, and more conscientious public servants. In that sense, Joe's legacy will carry on long after his time as a judge of the Court of Appeals.

That legacy fittingly joins fellow jurists of the Court who hail from Carroll County: William Pickney Maulsby (kind of),<sup>15</sup> Charles B. Roberts, James A.C. Bond, William H. Thomas, and Francis Neal Parke.

We are immeasurably appreciative for the opportunity Chief Judge Getty provided us—to learn from the brightest minds in Maryland's legal community, at the pinnacle of the judiciary—and for the wide range of lessons we learned as his clerks.

On behalf of a grateful group of clerks who developed a deep admiration for the rule of law and appreciation for history—because Chief Judge Getty worked so hard to uphold both as models for those who follow—thank you

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14. In bar admission ceremonies proceeding before the Court of Appeals, a member of the Maryland legal community often delivers remarks and moves for the admission of prospective candidates. A member of the Court responds on behalf of the entire Court. During a June 2018 bar admission ceremony, Chief Judge Getty's response from the Court focused on the Jeffersonian ideal that a successful society is, in part, dependent on attorneys who serve the public interest. Regrettably, Chief Judge Getty's remarks are not publicly archived; however, the sentiment is easily summarized. A "citizen lawyer," strengthens the sense of local community by satisfying professional obligations with integrity and civility, becoming involved in local organizations, and giving of time and legal talent to those unable to afford it.

15. *See supra* note 3 and accompanying text.

for your service to this State and congratulations on acquiring the well-deserved bliss of “constitutional senility.”<sup>16</sup>

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16. Jackie Sauter & Steve Lash, *The Age of Constitutional Senility*, DAILY REC. (Apr. 8, 2008), <https://thedailyrecord.com/2008/04/08/the-age-of-constitutional-senility/>.