



ADVANCE SHEET - ISSUE 88

SO MANY WAYS

In 1840 a group of lawyers and judges, led by the Honorable George William Brown, came together to discuss the need of the local legal community for a law library. Efforts to have the City establish one had been unsuccessful, so, the question was, where to go from there. In the best traditions of America the answer they arrived at was to establish their own. Thus was born The Library Company Of The Baltimore Bar.

Over the course of the ensuing 176 years, the Bench and Bar have advanced the causes of the Library in a myriad of ways beyond those that would automatically come to mind. These men and women have helped the Library to become one the finest law libraries in the country, boasting collections that are both “wide and deep,” computer research databases that are all encompassing, and services that are designed to meet the needs of practitioners from the largest of firms to the smallest.

Of course, the most significant and widespread form of support that the Library receives is through memberships. For the overwhelming part it is the membership that allows us to provide what we do. The book, the computer database, the M.V.A. search, the lecture, the educational seminar, none would be possible without your membership. In this election year I hope all of you remember that just as every vote counts, so too does every membership.

By now, some of you are probably asking “What about that other stuff you were talking about?” I am glad you asked.

Books - I have had so many instances where someone has said to me “I have a copy of such and such, and although I doubt that you’re interested...” Well, quite frequently it is something that we are interested in and it fills a gap in our present or historical collections. One of the Library’s favorite speakers, Professor Jim O’Hara, a man with an unmatched knowledge and passion for Supreme Court history, recently donated a substantial number of books to the Library on the history of the Court and of various Justices.

Continuing Legal Education Series - At one point in time I had a conversation with Paul Mark Sandler about the possibility of his presenting a program at the Library on some aspect of the law of evidence. Well, I soon found out that when you bring up the possibility of a program with

Paul, you just stand back and watch. It is a thing of beauty. So, our little talk eventually manifested itself into "Trials and Evidence: What You Need to Know to Succeed in Court," an epic ten part, monthly series that includes not just Paul Mark Sandler as a speaker but also the Honorable Paul William Grimm; the Honorable Benson Everett Legg; and Rignal W. Baldwin, Esquire. I am currently experiencing the same whirlwind effect with Jim Astrachan. A veteran of one Library presentation, which also featured the Honorable Julie Rubin; Donna Thomas, Esquire; and H. Jay Spiegel, Esquire, Jim is currently developing a number of series for the Library including "Lunch With A Judge," which will be "kicking off" in the fall.

Bar Library Lecture Series - On May 9, 2007, the late Honorable William Donald Schaefer, former governor of the State of Maryland presented "Reflections on His Early Years in the Practice of Law." Since that memorable night the Library has sponsored talks by members of the Bench and Bar, noted authors and academicians. They have shared their knowledge providing us with evenings that were that most excellent of combinations "entertaining and informative," in the overwhelming majority of cases without recompense of any kind. When you contemplate how much time and effort these individuals spent on the preparation of their presentations, it truly brings the generous nature of what they bestowed upon the Library into focus.

Sketches - Photos - Music - The arts do indeed live at the Library. Those extraordinary sketches that you see around the Courthouse (more about those later in this newsletter), were a gift to the Library from George W. Della, III. Recently, the Library received a gift from Mr. Charles W. Mackey, Jr., retiring as a clerk of the Circuit Court for Baltimore City after fifty-one years (good luck Mr. Mackey), of some extraordinary photographs of the swearing in of various individuals to what was the Supreme Bench of Baltimore City. These photographs that include the Honorable Harry A. Cole and the Honorable Joseph H. H. Kaplan, capture moments of historical significance and personal triumph for some of the most significant figures in the jurisprudential history of Baltimore City. So for the eyes, so for the ears. For Joe Williams and his guitar; for Jonathan Rudie and his mandolin; for Jack Gohn and Paul Sandler, two "wicked" harmonica players, thanks for the sweet sounds.

Bequests - In thanks for what the Bar Library provides to the legal community, for what it had provided them, the Library has been the beneficiary of numerous bequests over the years, including those from our former Head Librarian Ms. Kai-Yun Chiu to one of our most recent, and largest, to date, that of Franklin I. Freeman, Esquire.

The Library in every significant way is what it was in 1840, only more so. It is still that noble endeavor set into motion to provide services and collections to the Bench and Bar. It was, is and always will be The Library Company OF THE Baltimore Bar. I ask for your continued support of our Library and that you ask yourself, "what can I do, how can I help, to

make our Library even better than it is, not just for myself, but for others and for those yet to come.”

Joe Bennett

You Want it, You Got It

The Library recently received an inquiry from one of its members whether we might consider purchasing the “Tort Law Desk Reference: A Fifty State Compendium,” 2016 Edition. We did and it is now part of the Library’s collections. The promotional material for the volume sets forth the following:

“Whether you are confronted with multi-state **tort litigation**, have the opportunity to litigate a **tort case** in one of several states, or must initiate or defend a case in an unfamiliar jurisdiction, **Tort Law Desk Reference** quickly gives you the information you need about the **tort laws** of each state.

With succinct summaries of laws and citations to controlling statutes and case law, this indispensable guidebook answers vital questions about each state's **tort laws**, such as:

- Is the claim or lawsuit barred in the jurisdiction where it was filed?
- Does a “no-fault” statute limit the right to recovery?
- Do joint liability provisions require a minimally liable defendant to pay the entire judgment?
- If there is no breach of contract or breach of warranty claim, is a fraud and misrepresentation claim viable?
- Under what circumstances can a trespasser recover against a property owner?
- And much more

You'll be able to quickly determine available causes of action, realistic defenses, and permissible damages...and you'll have at your fingertips current and leading citations necessary for more detailed research of specific issues.

No other resource simplifies the process for making critical **tort litigation** choices like **Tort Law Desk Reference**. It's the only single volume book that expertly digests the many significant provisions of every state's **tort law** in a clearly organized and uniform format. State-by-state, you get up-to-date coverage of statutes and case law covering

- “No-fault” limitations
- The standard for negligence
- Causation

- *Res ipsa loquitur* and ultra-hazardous activities
- Negligence per se
- Indemnity
- Bar of workers' compensation statute
- Premises liability
- Dram shop liability
- Economic loss
- Fraud and misrepresentation
- Wrongful death
- Attorney's fees"

Remember that this is your Library. If you think there is something out there that we do not have that we should, please let us know.

Courtroom Sketches

In June 1998, an exhibit of courtroom drawings was held in Baltimore's City Hall entitled "Otter in the Court." Well, owing to the generosity of Ms. Otter's son, George W. Della, III, the Library came into possession of the sketches of the late Ms. Otter a number of months ago. On May 26, a celebration of Ms. Otter's work "Otter in the Court - Part II," was held in the Main Reading Room of the Library. Although a number of sketches were purchased that night by individuals anxious to acquire their piece of Baltimore legal history, many still remain. These signed originals truly are amazing and would greatly enhance the décor of any law office. The sketches, feature past and present members of the Bench and Bar, including individuals such as the Honorable Elsbeth Levy Bothe; M. Albert Figinski, Esquire; the Honorable Mabel Houze Hubbard; and the Honorable Joseph H. H. Kaplan, to name just a few.

There are three ways that you can view the sketches. The first and easiest is to visit the Library's Web Page at www.barlib.org and click on "Courtroom Sketches" which is on the left hand side of the Page. There you will find hundreds of numbered sketches that we invite you to browse. If one of the thumbnail images looks familiar to you, just click on it to enlarge it. If you spot yourself, a relative, friend or perhaps that first judge you appeared in front of, could you please let us know who is pictured. We hope to eventually caption all the sketches, both those that are hanging in the Courthouse as well as the ones that are in our online display.

Did I say those hanging in the Courthouse? Hadn't you heard? Currently hanging along the walls of the 1st, 2nd, 4th and 6th floors of the Mitchell Courthouse, as well as a number of stairwells and the vacated phone booths on the 2nd, 4th, 5th and 6th floors, is a veritable gallery featuring sketches by Ms. Otter.

Lastly, the Library has twenty framed sketches featuring jurists from the legendary Stephen Montanarelli, Esquire to current Court of Appeals member the Honorable Clayton Greene, Jr., rendered during his days on

the District Court of Maryland. The next time you are in the Courthouse, or in the "neighborhood," please stop by and have a look. I guarantee you will not be disappointed.

All of the sketches that I have just written about are available for purchase. Framed sketches are \$200.00 while unframed works are \$100.00. All proceeds will go to the Honorable Harry A. Cole Self-Help Center, so what we are presenting you with is the ultimate win-win. A classic piece of Baltimore legal history with the money going to a great cause.

If you would like to know more, or even arrange a tour, call me at 410-727-0280 or if you prefer send your e-mails to jwbennett@barlib.org.

Joe Bennett

Calendar Of Events

Starting this fall (technically late summer), the Bar Library will indeed be the place to be. In addition to the following, the Library film series will continue with "Muhammad Ali's Greatest Fight" (date to be determined). Paul Mark Sandler, Esquire; the Honorable Paul Grimm; the Honorable Benson Everett Legg; and Rignal W. Baldwin, Esquire will resume their series (dates, which will be in the fall, to be announced), and, drum roll please, the Honorable Charles E. Moylan, Jr., will present a series of lectures on criminal law and procedure (dates, which will be in the fall, to be announced).

September 2016

12 - Bar Library Lecture Series - Professor Jeffrey Rosen - "Louis D. Brandeis: American Prophet"

14 - Bar Library "Lunch With A Judge" Series

21 - Bar Library Lecture Series - Professor Jack Fruchtman, Jr. - "American Constitutional History"

October 2016

4 - Bar Library Lecture Series - Anton J. S. Keating, Esquire - "I'm Not Really Guilty"

27 - Bar Library Lecture Series - Professor William Reynolds - "Originalism"

November 2016

9 - Bar Library "Lunch With A Judge" Series

9 - Bar Library Lecture Series - The Honorable Thomas V. Mike Miller, Jr.,
President of the Maryland Senate

December 2016

1 - Robert Richard Hieronimus

January 2017

11 - Bar Library "Lunch With A Judge" Series

March 2017

8 - Bar Library "Lunch With A Judge" Series

May 2017

10 - Bar Library "Lunch With A Judge" Series



THE GREAT GATSBY

WHEN: Friday, August 12, 2016 - 5:30 P.M.

WHERE: The Clarence M. Mitchell, Jr. Courthouse (100 North Calvert Street)
Main Reading Room of the Bar Library (Room 618)

COST: \$5.00 – Light Refreshments will be served.

WHY “THE GREAT GATSBY” & WHY THIS VERSION: First published in 1925, “The Great Gatsby” is considered a literary classic. In 1998, the “Modern Library” editorial Board voted it the 20th century’s best American novel. Many of us have seen the DiCaprio version and undoubtedly quite a few have seen the Redford version, but if you are like me, you were probably unaware that there even was a version starring Alan Ladd. The cast includes screen legends such as MacDonald Carey; Ruth Hussey; Barry Sullivan; Shelly Winters; and Ed Begley.

FUN FACT: Movies reflect the moral attitudes of the time in which they are made, even with regard to films such as “The Great Gatsby.” In an interview, the Producer of the film Richard Maibaum related how at one point in the production, the star Alan Ladd had refused to kiss Betty Field playing the role of Daisy Buchanan, on the grounds that his fans would not forgive him if his character kissed a married woman. He eventually relented. Join us for the kiss, the film, and what promises to be a fun night at the movies.

TICKETS/RESERVATIONS: May be purchased/made at the Library, through the mail, by telephone or e-mail. Checks should be made out to the Bar Library. We ask, for the purpose of ordering refreshments, to please let us know if you think you might be attending. For more information telephone 410-727-0280 or e-mail us at jwbennett@barlib.or.

NEW ACQUISITIONS

Horwitz Collection

Bangs, Jeremy Dupertuis.
Indian deeds: land transactions in Plymouth Colony, 1620-1691. (2008)
HORWITZ 973.2 B36I

Brown, Steven Preston.
John McKinley and the antebellum Supreme Court: circuit riding in the old Southwest. (2012)
HORWITZ 347.73 M38B

Douglas, Lawrence.
The right wrong man: John Demjanjuk and the last great Nazi war crimes trial. (2016)
HORWITZ 341.6 D46D

Foley, Edward B.
Ballot battles: the history of disputed elections in the United States. (2016)
HORWITZ 324.973 F65B

Graber, Mark A.
A new introduction to American constitutionalism. (2013)
HORWITZ 342.73 G72N

Hale, Dennis.
The jury in America: triumph and decline. (2016)
HORWITZ 347.73 H26J

Hartman, Andrew.
A war for the soul of America: a history of the culture wars. (2015)
HORWITZ 306.0973 H37W

Katz, Sanford N.
Family law in America. (2015)
HORWITZ 346.7301 K38F

Magliocca, Gerard N.
The tragedy of William Jennings Bryan: constitutional law and the politics
of backlash. (2011)
HORWITZ 342.7302 B93M

Powell, Jefferson.
Targeting Americans: the constitutionality of the U.S. Drone War. (2015)
HORWITZ 343.73 P69T

The Rehnquist court: a retrospective, edited by Martin H. Belsky. (2002)
HORWITZ 347.73 R44B

Savage, Charlie.
Power wars: inside Obama's post-9/11 presidency. (2015)
HORWITZ 973.93 S36P

Savage, Charlie.
Takeover: the return of the imperial presidency and the subversion of
American democracy. (2007)
HORWITZ 973.93 S38T

Tonry, Michael H.
Sentencing fragments: penal reform in America, 1975-2025.
HORWITZ CRIM.LAW KF9225.A9 T66 2016

Toobin, Jeffrey.
The nine: inside the secret world of the Supreme Court. (2007)
HORWITZ 347.73 T66N

Woloch, Nancy.
A class by herself: protective laws for women workers, 1890s-1990s.
(2015)
HORWITZ 344.7301 W65C

Yamashita, Samuel Hideo.
Daily life in wartime Japan, 1940-1945. (2015)
HORWITZ 940.53 Y36D

Joseph Collection

Arkes, Hadley.
The return of George Sutherland: restoring a jurisprudence of natural

rights. (1994)
JOSEPH 347.73 S88A

Biskupic, Joan.
Breaking in: the rise of Sonia Sotomayor and the politics of justice. (2014)
JOSEPH 347.73 S67B

Goldstone, Lawrence.
The activist: John Marshall, Marbury v. Madison, and the myth of judicial review. (2008)
JOSEPH 347.73 M37G

Jacobstein, J. Myron and Roy M. Mersky.
The rejected: sketches of the 26 men nominated for the Supreme Court but not confirmed by the Senate. (1993)
JOSEPH 347.73 J33R

Maney, Patrick J.
Bill Clinton: New Gilded Age president. (2016)
JOSEPH 973.92 C56M

McMahon, Kevin J.
Nixon's Court: his challenge to judicial liberalism and its political consequences. (2011)
JOSEPH 347.73 M36N

Toobin, Jeffrey.
The oath: the Obama White House and the Supreme Court. (2013)
JOSEPH 347.73 T66O

Unger, Harlow G.
John Marshall: the chief justice who saved the nation. (2014)
JOSEPH 347.73 M37U

Maryland Books

Arthur, Kevin F.
Finality of judgments and other appellate trigger issues. (Looseleaf; M.S.B.A.)
KFMD 1744 .A97 2014

Using & drafting trusts in estate planning. (Looseleaf; M.S.B.A.)
KFMD 1340 .A75 U83 2016

Mitchell Collection

Berlin, Ira.
The long emancipation: the demise of slavery in the United States. (2015)
MITCHELL 326.80973 B48L

Cohen, Adam.
Imbeciles: the Supreme Court, American eugenics, and the sterilization of Carrie Buck. (2016)
MITCHELL 344.7304 C64I

Douglass, Frederick.
The heroic slave: a cultural and critical edition; Edited by Robert S. Levine, John Stauffer, and John R. McKivigan. (2015)
MITCHELL 813.3 D66H

Du Bois, W. E. B. (William Edward Burghardt).
The Souls of Black Folk; with an introduction and chronology by Jonathan Scott Holloway. (2015)
MITCHELL 973.04 D83S

James, Rawn.
Root and branch: Charles Hamilton Houston, Thurgood Marshall, and the struggle to end segregation. (2010)
MITCHELL 347.73 J36R

Leonard, Thomas C.
Illiberal reformers: race, eugenics, and American economics in the Progressive era. (2016)
MITCHELL 330.973 L46I

Marshalling justice: the early civil rights letters of Thurgood Marshall, edited by Michael G. Long ; foreword by Derrick Bell. (2011)
MITCHELL 347.7326 M34L

Office

The American Law Institute.
Principles of the law, election administration: non-precinct voting and resolution of ballot-counting disputes: tentative draft no. 1 (April 15, 2016)
OFFICE KF4886.P75 E44A

The American Law Institute.
Restatement of the law, charitable nonprofit organizations: tentative draft no. 1 (April 13, 2016)
OFFICE KF395.C37 2016

The American Law Institute.
Restatement of the law fourth, the foreign relations law of the United States, sovereign immunity: tentative draft no. 2 (Mar. 22, 2016)
OFFICE KF395.A4 F76S

The American Law Institute.
Restatement of the law fourth, the foreign relations law of the United States, treaties: tentative draft no. 1 (Mar. 22, 2016)
OFFICE KF395.A4 F76T

The American Law Institute.
Restatement of the law, liability insurance: tentative draft no. 1 (April 11, 2016)
OFFICE KF395.L53 2016

Periodicals

Mitchell Hamline law review: New title formed by the union of Hamline Law Review and William Mitchell law review, beginning with Vol. 42, no. 1, 2016.
K13.I87

The University of the Pacific law review. (2015-): New title formed by the merger of McGeorge Law Review and Pacific McGeorge global business & development law journal.
K16 .A3

Treatises

American Bar Association. Standing Committee on Ethics and Professional Responsibility.
Annotated model rules of professional conduct, 8th ed., Ellen J. Bennett, Elizabeth J. Cohen, Helen W. Gunnarsson [editors].
KF305.A2 2015

Attorney-client privilege in civil litigation: protecting and defending confidentiality, 6th ed.; editors, Vincent S. Walkowiak, Oscar Rey Rodriguez. (A.B.A.)
KF8959.A7 A93 2015

Dobbs, Dan B., Paul T. Hayden, and Ellen M. Bublick.
Hornbook on torts, 2nd ed.
KF1250.D63 2016

ERISA survey of federal circuits, edited by Brooks R. Magratten.
KF3512.E72 2016

Hopkins, Bruce R.
The law of tax-exempt organizations, 11th ed.
KF6449.H6 2016

Hovenkamp, Herbert.
Federal antitrust policy: the law of competition and its practice, 5th ed.
KF1649.H67 2016

Imwinkelried, Edward J.
Evidentiary foundations, 9th ed.
KF8935.I45 2015

Katzmann, Robert A.
Judging statutes.
KF425.K38 2014

Social media and the law, Kathryn L. Ossian, [editor]. (Looseleaf:
Practising Law Institute, 2013-)
KF390.5.C6 S63

Strategies for consumer bankruptcy trustees: leading lawyers on
analyzing the role of the trustee in the bankruptcy process.
KF1530.R3 S77 2012

Young, Thomas R.
Legal rights of children, 3rd ed.
KF479.L44 2015

Trials

Conforti, Joseph A.
Lizzie Borden on trial: murder, ethnicity, and gender.
TRIALS - BORDEN 2015

Hoffer, Peter Charles.
Rutgers v. Waddington: Alexander Hamilton, the end of the War for
Independence, and the origins of judicial review.
TRIALS - RUTGERS 2016

HOLIDAY CLOSINGS

The following is a list of holiday closings for the remainder of the year. Remember that on those days when the Bar Library closes at 6:00 P.M. the rest of the Courthouse is closed and those wishing to use the Library must enter the Courthouse through the Lexington Street door.

September 5 (Labor Day) - Closed
October 10 (Columbus Day) - Close at 6:00 P.M.
November 8 (Election Day) - Close at 6:00 P.M.
November 24 (Thanksgiving Day) - Closed
December 26 (Christmas Day Observance) - Closed