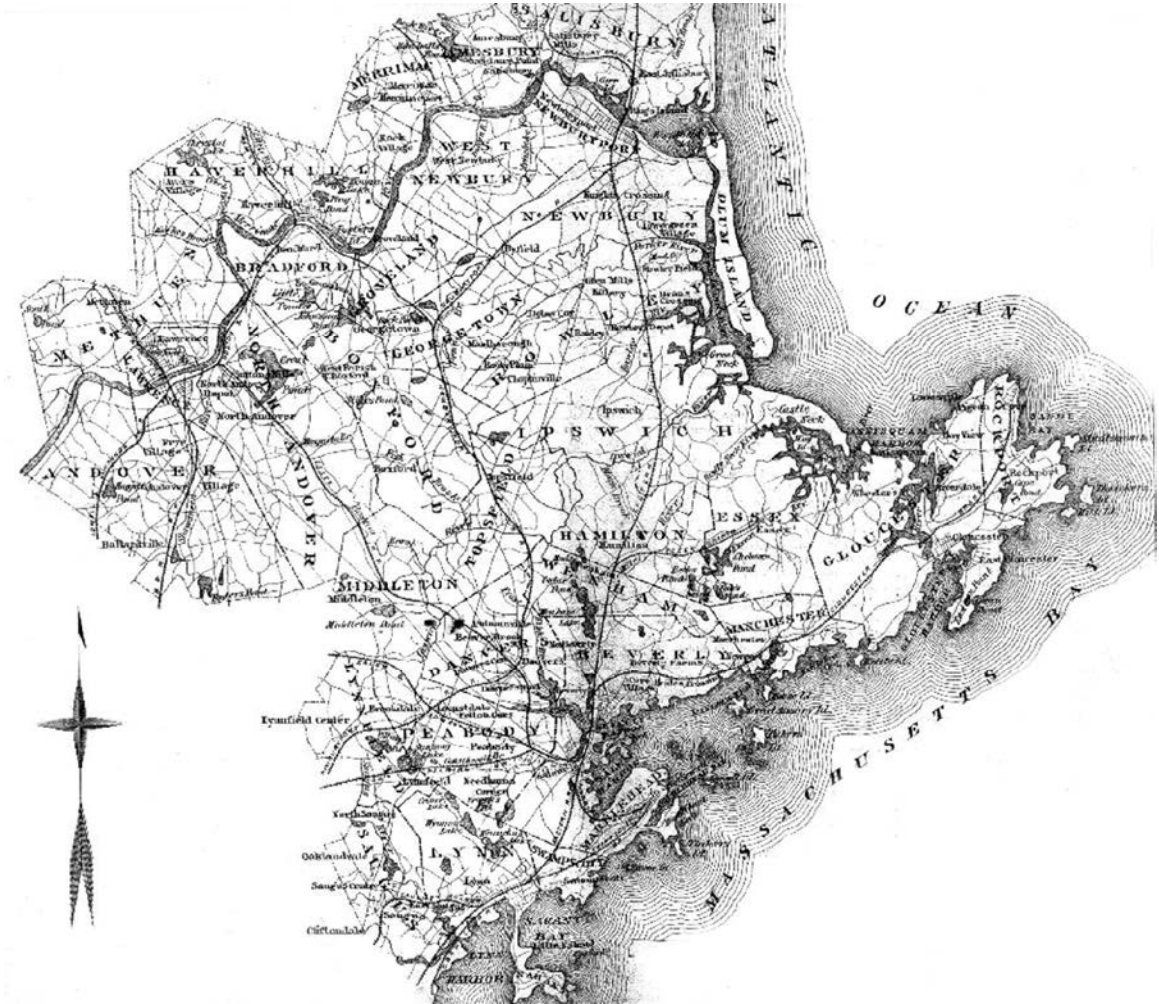


The 200 Year History of the Essex County Bar Association



By
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Introduction

The history of the Essex County Bar Association begins with a brief account of the origin of law in the Massachusetts Bay Colony. Derived from the Massachusetts Charter of 1629, laws of the early settlers were founded on England's common law system of *stare decisis*, a Latin term meaning "to stand by that which was decided", also known as *precedent*. The earliest written record of common law dates back to 1187's *A Treatise on the Laws and Customs of The Kingdom of England*, where pleas were divided into different courts,¹ and the *Magna Carta* of 1215, which reigned in the crown's power and articulated political and civil rights.²

The Massachusetts Charter of 1629 granted the Governor and his Assistants of the Colony, also known as Magistrates, complete license to administer the government of Massachusetts upon the transfer of power from England. However, it was not long before the General Court, a legislative type body consisting of colonial freemen, revealed their strength and influenced change. By granting to the Colony's freemen the right to elect their leaders, the Crown, for the first time, established the principle of stated elections, thereby bestowing rights upon the freemen that were not enjoyed by their counterparts in England. In 1634, the freemen had become adamant in their pursuit to examine the provisions of the Charter for themselves. Their victory brought to light just how powerful the magistrates were, triggering the need to adopt laws for the freemen's protection. Now a force to be reckoned with, in 1635 the General Court began the long road to the development of 100 laws. Called the *Body of Liberties* these laws, among other issues, addressed the right to representation, and in part are still recognizable in the present day. Its primary author was Nathaniel Ward, then a pastor in Ipswich, who had been trained as a lawyer in England.³

This ends our chapter on how law began in the Massachusetts Colony. We now move on to the history of the Essex bar and the formation of what has come to be known as the Essex County Bar Association.

The Essex Bar

We would be remiss to record the history of the Essex County Bar Association without mentioning the historical progress made by those members of the Essex bar prior to the organization of the Association in 1806.

According to Edward Randolph, an English colonial agent sent to America to report on the colony in 1685, there were only two attorneys in all of the Massachusetts Colony. At the time, lawyers were not looked upon favorably, which was noted by Randolph when he penned a letter to England requesting that “two or three honest attorneys, if any such there be in nature” be dispatched to the Colony.⁴ The drought was short-lived. In the years that followed, the Essex bar commenced to carve its place in history with notable members whose names included Choate, Endicott, Parsons, Saltonstall, and Sewall. It is these great men who paved the way for their descendants to form our organization.

As the 18th century drew near, the need for an organized and educated bar in the Province was clearly evident. Law schools did not exist at that time in the Colony, and the profession was devoid of guidelines. The only legal training available to prospective attorneys was to clerk in a lawyer’s office. The turnaround began slowly with the likes of Benjamin Lynde. A Harvard graduate who studied law in England, returned to practice in Salem, then became Chief Justice of the Superior Court of Judicature, Lynde’s structured and focused legal education proved to be a fundamental component of the profession, which was missing in the Colony. Lynde stood out among his peers and proved to be instrumental in the development of the profession.⁵ The needed changes in the practice of law finally began to come about in 1701. A statute was passed focusing on the moral principles of the profession mandating that all attorneys take an oath to abide by a code of ethics. The statute appeared as noted below:

Be it enacted by the Lieutenant- Governour, Council and Representatives in General Court assembled, and by the authority of the same,

That all attournys commonly practising in any of the courts of justice within this province shall be under oath, which oath shall be administred to them by the clerk in open court before the justices of the same at the time of their being admitted to such practise, in the tenour following; that is to say,—

“You shall do no falsehood nor consent to any to be done in the court, and if you know of any to be done you shall give knowledge thereof to the justices of the court, or some of them, that it may be reformed. You shall not wittingly and willingly promote, sue or procure to be sued any false or unlawful suit, nor give aid or consent to the same. You shall delay no man for lucre or malice, but you shall use yourselfe in the office of an attorney within the court according to the best of your learning and discretion, and with all good fidelity as well to the court as to your clients. So help you God.”⁶

Members of the Essex bar soon began to receive much deserved prestige and respect. The complexity of practicing law in Essex County greatly enhanced the legal education of its practicing attorneys. In 1769, to maintain their reputation and preserve the integrity of the legal profession, the five barristers of Essex County: Farnham, Lowell, Pynchon, Chipman and Sargent, and other members of the Essex bar, developed and passed a resolution for new admissions to the bar. To practice in the Inferior Court, the standards required that the applicant be college educated, or a liberal education thereof; and have received instruction from a barrister for a minimum of three years. To practice in the Superior Court, one must have fulfilled the preceding requirements and also have completed two years of practice in the Inferior Court. Those attorneys who desired to be considered for the position of barrister must also have served in the Superior Court for at least three years.⁷

The year 1778 proved to be the most influential in Essex bar history through what had come to be known as the “*Essex Result*”.⁸ A delegate of Essex bar members was selected to review the proposed Massachusetts Constitution, of which the outcome developed into *The Result of the Convention of Delegates, Holden at Ipswich, in the County of Essex, who were Deputed to take into Consideration the Constitution and Form of Government Proposed by the Convention of the State of Massachusetts – Bay*. Written by Theophilus Parsons and published in Newburyport, the *Essex Result* cited the absence of a bill of rights and called a separation of the branches of government, exclusion of the governor from the legislature, a fairer apportionment of representation, and a better method of electing senators.⁹ The *Essex Result* became the foundation not only for the Massachusetts Constitution (1780), but also along with New York’s Constitution (1777), the framework for the United States Constitution. (1787).¹⁰

The following lawyers, who resided in the County of Essex, were delegates to the convention for the purpose of framing a new Constitution of Government for Massachusetts:

Salem,	The Hon’ble John Pickering, Esq.
Ipswich,	Drummer Jewett, Esq.
	Stephen Choate, Esq.
Newbury,	Enoch Sawyer, Esq.
Newburyport,	The Hon. Benjamin Greenleaf, Esq.
	The Hon. Jonathan Greenleaf, Esq.
	Theophilus Parsons, Esq.
Andover,	Samuel Osgood, Esq.
Rowley,	Nathaniel Mighill, Esq.
Haverhill,	The Hon. Nath. Peaslee Sergeant, Esq.
Gloucester,	Winthrop Sargeant, Esq.
	Samuel Whitemore, Esq.
Danvers,	Hon. Samuel Holton, Esq.
	Amos Putnam, Esq.

The Essex County Bar Association

1806

As the number of lawyers practicing in Essex County continued to grow, it became quite a challenge to gather together for meetings on the usually informal basis. Therefore, in 1806, the lawyers listed below organized the Essex County Bar Association. Historically the first county bar association in the country, the Essex County Bar Association became an organization that maintained a reputation for its fair and honorable practices, which should be noted, was not evident in every county of the state.¹¹ The first members of the new Bar Association were:¹²

Asa Andrews of Ipswich - Harvard College Class of 1783; Deceased 1856.¹³

Nathan Dane of Beverly - Harvard College Class of 1778; member of State House of Representatives 1782-1785; member of Continental Congress 1785-1788; member of State Senate 1790, 1791, and 1794-1797; Judge of Court of Common Pleas for Essex 1794; Deceased February 15, 1835.¹⁴

Samuel Farrar of Andover - Harvard Class of 1797; One of the chief founders of the Andover Theological Seminary; first president of the Andover bank; deceased May 13, 1864.¹⁵

Ralph H. French of Marblehead - Harvard University Class of 1798; deceased 1855.¹⁶

Michael Hodge of Newburyport - Harvard Class of 1799; deceased July 6, 1816.¹⁷

Edward Little of Newburyport - Member of the State House of Representatives 1829-1838; elected to the Thirty-second Congress 1852; served as Collector of Customs at the port of Plymouth, Mass., 1853-1857; deceased February 6, 1875.¹⁸

Stephen Minot of Haverhill - Appointed justice of the Circuit Court of Common Pleas for the Middle Circuit from 1811 until its demise in 1821; District Attorney, Essex County 1824-1830.¹⁹

Ebenezer Mosely of Newburyport - Yale College Class of 1802; Standing Comm. 1831 and Library Committee; Address to Lafayette upon visit to Newburyport; engaged in Goodrich trials; member of the State Senate; president of the Board of Trustees of Dummer Academy, and president of the Essex Agricultural Society; deceased August 28, 1854.²⁰

Nathan Parks of Gloucester

Timothy Pickering of Salem - Harvard College Class of 1763; clerk of Register of Deeds in Salem 1768; committee member on State of Rights of Colonists 1773; member of the State Legislature 1776; Chief Justice, Court of Common Pleas 1802; elected to the United States Senate 1803-1811; elected to the Thirteenth and Fourteenth Congresses 1813-1817; deceased January 29, 1829.²¹

John Pickering of Salem - Son of Timothy Pickering; Harvard Class of 1796; Spoke more than nine languages; served on the commission for revising the statutes of Massachusetts 1833; chief founder of American Comparative Philology; author of articles, “*On the Adoption of a Uniform Orthography for the Indian Languages of North America*” (1820); “*Remarks on the Indian Languages of North America*” (1836); and “*Memoir on the Language and Inhabitants of Lord North's Island*” (1845); also, in book-form, “*A Vocabulary or Collection of Words and Phrases which have been Supposed to be Peculiar to the United States of America*” (Boston, 1816), and “*A Comprehensive Dictionary of the Greek Language*” (1826); Degree of LL. D., Bowdoin 1822, and Harvard 1835; president of the American Academy of Arts and Sciences; one of the founders of the American Oriental Society; author of legal articles, “*The Agrarian Laws,*” “*Egyptian Jurisprudence,*” “*Lecture on the Alleged Uncertainty of Law,*” and “*Review of the International McLeod Question*” (1825); deceased May 5, 1846.²²

Benjamin Pickman, Jr. of Salem - Harvard University Class of 1784; member of the State House of Representatives 1797-1802, 1812, and 1813; member of the State Senate in 1803; member of the Executive Council of the State in 1805, 1808, 1813, 1814, and 1819-1821; elected to the Eleventh Congress (March 4, 1809-March 3, 1811); member of the convention to revise the constitution of the State of Massachusetts in 1820; deceased August 16, 1843.²³

William Prescott of Salem - Harvard Class of 1814; left practice of law after eye injury; one of the greatest American historians: “*The History of the Reign of Ferdinand and Isabella*” (1837), “*History of the Conquest of Mexico* (1843),” “*The Conquest of Peru* (1847),” “*Biographical and Critical Miscellanies* (1859)”; deceased January 28, 1859.²⁴

John Prince, Jr. of Salem - Harvard Class of 1776; degree of Doctor of Laws from Brown University; ordained minister of the First Church in Salem 1779; deceased June 7, 1836.²⁵

Samuel Putnam of Salem - Harvard Class of 1787; practiced in Salem 1790; member of State Senate 1808-1814; member of State Legislature 1812; appointed Justice of the Supreme Judicial Court 1814-1842; Harvard honorary degree of LL.D 1825; deceased July 3, 1853.²⁶

Leverett Saltonstall of Salem - Descendant of Sir Richard Saltonstall, one of the fathers of the Bay Colony; Harvard Class of 1802; Harvard honorary degree of LL.D. 1838; degree of A.B. from Yale 1802; degree of A.M. from Bowdoin 1806; appointed justice of U.S. Supreme Court 1814; Essex County Bar president 1831 until his death in 1845; president of the Essex Agricultural Society; member of the State House of Representatives 1813, 1814, 1816, 1822, 1829, and 1834; member of State Senate 1817-1819, and as its president in 1831 and 1832; first Mayor of Salem, MA 1836-1838; elected to Congress 1838-1843; overseer of Harvard University 1835-1845; deceased May 8, 1845.²⁷

Edward St. Loe Livermore of Newburyport - United States attorney; appointed Justice of New Hampshire Superior Court; elected to Tenth Congress 1806; deceased September 22, 1832.²⁸

Joseph Story of Salem - Harvard Class of 1798; degrees of LL.D. from Brown 1815, Harvard 1821, and Dartmouth 1824; State House of Representatives 1805-1807 and 1809-1812; member of Congress 1808; Speaker of the House of Representatives 1811; appointed Associate Justice to U.S. Supreme Court 1811-1845; penned "*Selection of Pleadings in Civil Actions with Annotations*," 1805; Edited "*Public and General Statutes passed from 1789-1827*," 1828; authored numerous publications from 1832 - 1845 of which a listing can be found in "*The History of Essex County, Massachusetts*," Vol. I, Page xxxiv; Deceased September 10, 1845.²⁹

Samuel Swett of Salem - Harvard Class of 1800; rank of Major in War of 1812; aide-de-camp to Massachusetts Governor John Brooks 1816-1823; member of the State Legislature for three years; author of "*Abstract of the Baron Joseph de Rogniat's Considerations on the Art of War*," with notes (Boston, 1817); "*Sketch of the Bunker Hill Battle*" (1818 ; 3d ed., 1827) ; "*Sketches of a Few Distinguished Men of Newbury and Newburyport*" (1846); "*Who was the Commander at Bunker Hill? With Remarks on Frothingham's 'History of the Battle,'*" with an appendix (1850); "*Defence of Colonel Timothy Pickering against Bancroft's History*" (1859); "*Original Planning and Construction of Bunker Hill Monument*," with engravings (Albany, 1863); deceased October 28, 1866.³⁰

John Varnum of Haverhill - Harvard Class of 1798; elected as a Federalist to the State Senate in 1811; elected to the Nineteenth, Twentieth, and Twenty-first Congresses (March 4, 1825-March 3, 1831); deceased July 23, 1836.³¹

Daniel Appleton White of Newburyport - Harvard Class of 1797, first Scholar; member of State Senate 1810-1815; elected to Congress 1814; appointed Judge of Probate Court 1815-1853; instrumental in the reform of Probate Courts throughout Massachusetts which led to penning of "*A View of the Jurisdiction and Proceedings of the Courts of Probate in Massachusetts, and with Particular Reference to the County of Essex*", (1822); a founder of Essex County Lyceum; president of Essex Institute from its formation in 1848-1861; Harvard honorary degree of LL.D. 1843; deceased March 30, 1861.³²

A New Beginning

The first order of business for this new Association was to lay its foundation and to determine its purpose and responsibilities. To that end, the “*Rules and Regulations of the Bar of the County of Essex,*” were adopted at the first meeting on April 2, 1806.³³ Not surprisingly, several of the new rules and regulations, which focused heavily on requirements to practice law in Essex County, included the guiding principles already adopted by Essex bar attorneys in 1769.³⁴

The formation of the Essex County Bar Association proved immensely beneficial to the entire legal community, which is still evidenced today. For example, in addition to implementing educational and training standards, the rules and regulations required students to submit to, and pass, an examination prior to admission to the bar. In conjunction with the aforementioned directives, the following is a sample of edicts also adopted on April 2, 1806:³⁵

1. To elect a President, Secretary/Treasurer, and a Committee of three, of which one shall be chairman;
2. To determine fees for Attorneys and Counselors (appeared as below);

TABLE OF FEES, &c.

	<i>Dls.</i>	<i>Cts.</i>
FOR Summonses and Writs, &c. advising and commencing the action:		
Where the debt is under 50 dollars - - - - -	3.	00
50 or over - - - - -	4.	00
500 or over - - - - -	5.	00
In Replevin and Trespass	5.	00
On the Trustee Process—		
where the debt is 50 dollars or less -	4.	00
over 50 - - - - -	5.	00
over 500 - - - - -	6.	00
Appearance in the C. C. Pleas, where the debt exceeds 30 dollars		
For the <i>first</i> term - - - - -	4.	00
For the <i>second</i> term - - - - -	3.	00
And for each term after, not less than -	2.	00
And where the debt is 30 dollars or less, the charge in the C. C. P. shall not be less, at every term, than - - - - -	2.	00
<i>Provided</i> , however, that the charges shall not be so great as to reduce the Plaintiff’s demand to less than £4, or 13 <i>dolls. 33 cents.</i>		
Appearance at the Supreme Judicial Court, in all cases, not less, at any term, than - - -	6.	00
IN REAL ACTIONS, including Partition, and Petitions for the sale of Real Estate —		
For the Writ or Petition	5.	00
Attendance at a term in C. C. P. not less than - - - - -	4.	00
Ditto in S. J. C. not less than - - - - -	6.	00
FOR libels of Divorce, and appearance for the party, exclusive of costs, not less than - - - - -	20.	00

Petition, &c. for Naturalization, exclusive of court and clerk dues, not less than - - - -	15. 00
Arguing fees, in actions commenced in the C. C. P. on any issue in <i>fact</i> or <i>law</i> , not less than	10. 00
Ditto in S. J. C. not less than - - - - - - - - -	15. 00
Advice, in any case, not less than - - - - - - -	3. 00
Letter requesting payment, &c. half the price of a writ in each ease.	
Commissions on money collected, upon all sums over 13 <i>dolls.</i> 33 <i>cts.</i> follows, viz.	
For the first 300 <i>dolls</i> , not less than <i>two</i> per centum.	
For all sums above 300, at the rate of <i>one</i> per cent.	
And on all money collected for Foreigners, not less than <i>two and an half</i> per cent.	

3. Law school fees shall be four hundred and fifty dollars, for three years, to be paid by the student.³⁶

It is advantageous to those of us in 2006, that the “*Rules and Regulations of the Bar of the County of Essex*,” were not printed until 1819. The delay in production of this first edition from 1806 provided the members from 1819 with an opportunity to incorporate the pursuits of this Association into that year. Although the notations are brief, mention is made of meetings held in 1807, 1808, 1809, 1810, 1812, 1814, 1818, and 1819. Historically speaking, it is unfortunate that we are unable to ascertain the longevity and continuity of this Association. Yet, needless to say, the influence of these remarkable men, as well as their contributions to the legal profession, forged a society of highly educated, experienced, and ethical attorneys.

1831



PRESIDENT 1831 LEVERETT SALTONSTALL In September of 1831, the Essex County Bar held a meeting of its members whereby Leaverett Saltonstall was elected president, a position he excelled in until his death in 1845. Known for his honesty, as well as famous ancestry, President Saltonstall's leadership was greatly responsible for the Bar's fair and honorable reputation throughout his tenure. It is a worthy note to mention that Saltonstall also became the first elected mayor of Salem

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Massachusetts' history is teeming with Saltonstalls. Reaching as far back as 1630, Sir Richard Saltonstall, one of the original grantees of the royal charter "Governor and Company of the Massachusetts Bay in New England", arrived in Massachusetts, settled Watertown, and became the first named assistant to the new governor John Winthrop. In regard to Essex County history, the interest in Leverett Saltonstall's lineage begins with his great, great-grandfather Nathaniel Saltonstall (1639-1707), a member of the Essex bar. The first of ten consecutive generations of Saltonstalls to graduate Harvard College, Nathaniel Saltonstall was selected to be a judge in the Court of Oyer and Terminer for the infamous Witch Trials of 1692. Outraged at the persecution of innocent people, and the hysteria that engendered it, he quit the court after the first conviction.³⁸

This next chapter in the history of the Essex County Bar Association was discovered in a copy of *Rules of the Bar of the County of Essex* (1831), which stated:

"WHEREAS, in all the liberal professions, great mischiefs are caused to the public by unlearned and immoral persons assuming to perform duties, which can safely be entrusted to none, but to such as are competent in knowledge and pure in character; and as the surest safeguards against these evils it has been an ancient custom for those who exercise such professions, to unite themselves as a fraternity, to prescribe to themselves such rules as are found best adapted to secure their honor and usefulness, to judge of the qualifications of such as offer become members of the profession, and by their approbation, and by their admission to their society, to distinguish those who have pursued a proper course of study and discipline, from such as intrude themselves without due preparation; - And whereas maintenance, barratry, and abuse of legal process are, the usual consequences of unsuitable and unqualified persons assuming the practise of the law; -

The members of the Bar of Essex do agree upon and establish the following rules:..."

Accordingly, the rules then addressed seventeen Articles relating to, among other issues, the election and duties of the officers; rates of compensation and fees (same as 1806); and admission of practitioners, which is noted as follows:

ARTICLE IV

“All counselors and attorneys, who have been regularly admitted to practise, and who now reside or usually practise in this county, may subscribe these rules at, or before, the next annual meeting. But after that day no person shall subscribe the same, unless upon being admitted, on the recommendation of the Bar, to practise as an attorney in the Court of Common Pleas.

No person who has been admitted to practise in any other county of this Commonwealth shall be considered a member of this Bar, nor allowed to subscribe these rules, until he shall have filed with the Secretary of this Bar a certificate of his having been so admitted, and shall have produced to the Standing Committee the recommendation of the Bar of the county, in which he shall have been so admitted.

And any gentleman, who has been admitted a practitioner of any of the Judicial Courts in another State, and who has removed into this county with the opening of an office, and of practicing in the Courts of the same, shall, prior to his being recommended for admission to a like degree in the Courts of this Commonwealth, produce such evidence of classical and professional study, and of moral character, as by existing regulations is required from candidates for admission originally to the courts within this county. He shall have been a practitioner for one year, and shall have first proposed to the Committee aforesaid to submit to an examination, and shall have received a certificate, signed by the major part of those before whom the examination is had, that he is duly qualified for the practice of his profession.”³⁹



PRESIDENT 1845 BENJAMIN MERRILL Upon the death of Leverett Saltonstall in 1845, a meeting of the Bar was held on May 8th of that year, and Benjamin Merrill was elected as the new Essex County Bar president. Though originally from Worcester County, Benjamin Merrill became the first lawyer to open an office in Lynn, Massachusetts. This venture lasted but a few months. Apparently, the residents of Lynn had determined that a lawyer’s presence would be “prejudicial to the interests of the community.” To that end, Benjamin Merrill was asked to vacate the premises. Moving his practice to Salem, Merrill then became the partner of Samuel Putnam. Merrill remained president of the Essex Bar Association until his death on July 30, 1847.

1856

Up to this point in time, the Essex Bar Association had met with some difficulty in securing the continuity of the organization. In 1856, a Committee was formed to permanently organize the Essex Bar Association, create a Constitution, and update the By-Laws. The following prominent members of the Bar took to the task:

Hon. Otis P. Lord, Salem
Hon. Alfred Kittredge, Haverhill
Hon. Nathan W. Hazen , Esq., Andover
N.W. Harmon , Esq., Lawrence
Eben F. Stone , Esq., Newburyport
Dan Peabody, Esq., Lynn
William C. Endicott, Esq., Salem
Hon. Asahel Huntington, Salem, and
William D. Northend, Esq., Salem

With such notable members at the helm, it is no surprise that the committee succeeded in its mission to form a permanent bar. As evidenced in the resulting *Constitution and By-Laws of the Essex Bar Association*, (1857), the principles of unity, conformity, and a high standard of professional duty remains in effect, though revised to reflect societal and legal changes, to this day.

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PRESIDENT 1856 OTIS PHILLIPS LORD was elected president of the Essex Bar Association in 1856 and continued on until his appointment as associate justice to the Superior Court upon its organization in 1859, and to the Supreme Judicial Court in 1875. Historically known for his impartiality during his twenty-five years on the bench, Otis Lord’s most memorable talent was best described by Attorney General Edgar J. Sherman in his tribute stating that Lord “...*will be most appreciated and best remembered by us, who have had the opportunity to see and hear him as a lawyer, arguing an important cause to the court or jury, with a power and eloquence rarely excelled.*” ⁴²



PRESIDENT 1859 ASAHEL HUNTINGTON Upon Otis Lord's resignation in 1859, Asahel Huntington was elected president of the Essex Bar Association. Appointed District Attorney for the Eastern District in 1830, Huntington performed his role as prosecutor for nearly twenty years. The perseverance and fearlessness he exuded in his pursuit to "vindicate the majesty of the law" earned him the reputation throughout the Commonwealth as a force to be reckoned with. Though primed for a higher calling, in 1851 Huntington accepted the appointment as Clerk of the Courts for Essex County, and remained so until his death in 1870. This post, which commands proficiency, leadership and integrity, as well as an amiable nature, put Huntington in a position vital to the judicial process, yet beneficial to his peers. ⁴³



PRESIDENT 1869 WILLIAM CROWNINSHIELD ENDICOTT became the first known librarian of the Essex Law Library in 1872, and was a direct descendant of Governor John Endicott (1628). The educational and cultural opportunities afforded a family of such prominence had not been wasted on Endicott. His legal abilities, integrity, confidence, and genial demeanor appealed to those seeking representation. So impressed with Endicott's reputation, Governor William Washburne unhesitatingly appointed him an associate justice of the Supreme Judicial Court in 1873, even though Endicott was of the opposing party. In 1885 Grover Cleveland, newly elected President of the United States, appointed Endicott as Secretary of War. ⁴⁴



PRESIDENT 1873 STEPHEN B. IVES, JR. assumed the position as president of the Essex Bar upon William Endicott's resignation in 1873. An 1848 graduate of Harvard, Ives first entered the field of teaching before pursuing the study of law in the offices of Northend and Choate. Upon being admitted to the bar in 1851, Ives filled the position of Clerk of Salem Police Court until 1853 where he then entered into private practice until his death on February 8, 1884.

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PRESIDENT 1879 WILLIAM DUMMER NORTHEND was elected president of the Essex Bar in 1879, and again following the death of Elbridge T. Burley in 1896. He was also elected to the Massachusetts State Senate in 1861 and 1862. Northend's outlook on practicing law differed from the average attorney's, stating "Instead of encouraging lawsuits, it is one of the most difficult of a lawyer's duties to prevent them." A generous and benevolent man, at times Northend himself suffered because of those who took advantage of his good will. He also shared his love of history and writing through published compositions such as "Speeches and Essays Upon Political Subjects, From 1860-

1869;"and "The Bay Colony; A Civil, Religious And Social History of the Massachusetts Colony And Its Settlement (1896)," which are considered valuable contributions to the history of the period. Deceased October 29, 1902. ⁴⁶

PRESIDENT 1889 ELBRIDGE TYLER BURLEY As the son of New Hampshire farmers, Elbridge Burley lacked the educational advantages of his Essex Bar brothers; many of them graduates of Harvard. Yet, his humble beginnings only fueled his passion to represent the downtrodden, and pursue the truth to its extreme. Burley acquired his legal education in the office of both William B. Small of Newmarket, New Hampshire, and then Daniel Saunders of Lawrence. Admitted to the Essex Bar in 1865, Burley became president in 1889 and a member of the Board of Law Examiners in 1890. He continued on in both positions until his death on September 1, 1896. ⁴⁷



PRESIDENT 1897-1902 HENRY PERCY MOULTON Upon the death of Elbridge Burley, a meeting of the Essex Bar was held on December 2, 1897 whereby Moulton was elected president and served in that capacity until 1902. Prior to his law profession, Moulton taught high school in Pittsburgh, PA. Following graduation from Amherst College in 1865, Moulton studied law in Salem 1865-66; was admitted to the bar on Jan. 22, 1868; and practiced in Salem from 1868 until his death on December 5, 1904. Moulton was a senior partner with the firm of Moulton, Casey, Jones & Darling, Boston, 1900-04; a member of the Massachusetts State

Legislature in 1872; assistant District Attorney Essex County, 1873-74; District Attorney Essex County, 1882-83; and U. S. District Attorney Mass., 1901-04. ⁴⁸



PRESIDENT 1903-1914 WILLIAM H. NILES was perhaps the longest sitting Essex Bar President. Niles studied for the seminary in Rhode Island and took the position of principal of an academy in Georgia before embarking on the path to a legal career. Upon admission to the bar in 1870, he began the practice of law in Lynn, Massachusetts. Although having no desire to hold public office, Niles believed that all residents should render service when called upon. To that end, Niles volunteered as a director on the School Board of Lynn.

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PRESIDENT 1915 JOHN P. SWEENEY, Lawrence, MA

Founded law firm of Sweeney, Dow and Cox in 1902.

PROFESSIONAL AND CIVIC AFFILIATIONS: Director, Lawrence National Bank and Merchants Trust Company; treasurer, Wright Manufacturing Company; and Trustee, Lawrence Social Club.

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PRESIDENT 1916-1920 STARR PARSONS, Lynn, MA

EDUCATION: Graduated *magna cum laude* from Harvard Law School in 1891, and member of the Phi Beta Kappa Society.

Admitted to the Suffolk bar in 1892, and entered into partnership with Walter H. Southwick of Lynn.

PROFESSIONAL AND CIVIC AFFILIATIONS: Became the City Solicitor for Salem midterm in 1897 and was re-elected the following year; appointed Chancellor of Peter Woodland Lodge, No. 72, Knights of Pythias; member of Euphrates Senate, No. 362, K.A.E.O.; and the Park Club. ⁵¹



PRESIDENT 1921-1927 MICHAEL L. SULLIVAN, Salem, MA

EDUCATION: Graduated Boston University Law School in 1893.

Admitted to Suffolk bar in 1893. Successful baseball player through high school and managed the GE of Lynn's company baseball team; Salem City Solicitor for 9 years; and three-time delegate to the Democratic National Conventions.

PROFESSIONAL AND CIVIC AFFILIATIONS: Appointed to Salem Rebuilding Commission following the great Salem fire of 1914 which left 3,500 people homeless. "Summoned in the face of catastrophe, for instant, unremitting service," Sullivan and his committee did not squander the extraordinary powers bestowed upon them. By the end of the committee's three year term, Salem boasted public parks, broader thoroughfares, and a new magnificent school.⁵²



PRESIDENT 1928 -1932 IRVING W. SARGENT, Lawrence, MA

EDUCATION: Graduated from Andover Philips Academy in 1896, and Harvard College.

PROFESSIONAL AND CIVIC AFFILIATIONS: First vice president of Lawrence Savings Bank; trustee, Lawrence Public Library; and first vice president of American National Red Cross, Lawrence Chapter.

53



PRESIDENT 1933-1936 HENRY R. MAYO, Lynn, MA

EDUCATION: Graduated from Harvard College and Harvard College Law School.

PROFESSIONAL AND CIVIC AFFILIATIONS: Massachusetts Bar Association president for four successive terms; director of Lynn Institution for Savings, Lynn Gas & Electric Company, Lynn Y.M.C.A., Lynn Home for Aged Men, and Lynn Hospital.

54



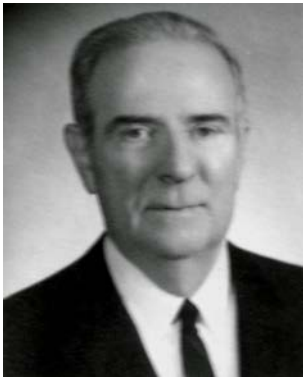
PRESIDENT 1937-1941 WILLIAM G. CLARK, Gloucester, MA.

EDUCATION: Boston University Law LL.B.

Served as Essex County District Attorney and assistant District Attorney.

PROFESSIONAL AND CIVIC AFFILIATIONS: President of the Republican Committee for the city of Gloucester as well as Alderman and common counsel.

55



PRESIDENT 1942 JOHN P. KANE, Lawrence, MA

Elected Mayor of Lawrence in 1906 and 1915; Lawrence Park Commissioner and City Solicitor.

PROFESSIONAL AND CIVIC AFFILIATIONS: Chairman of the Lawrence School Committee; president, Lawrence High School Alumni Association; and secretary, Arlington Athletic Association.

56



PRESIDENT 1943-1945 GUY NEWHALL, Lynn, MA

EDUCATION: Graduated Harvard Law School in 1901.

PROFESSIONAL: Recognized as an outstanding authority in probate and fiduciary law, in 1915 Newhall wrote the first edition of "*Newhall's Settlement of Estates and Fiduciary Law in Massachusetts*" and updated it personally through the fourth edition, (current through 2005 by various authors); and also wrote "*Crocker's Notes on Common Forms, Future Interests and the Rule Against Perpetuities in Massachusetts, Fifth Edition.*"

57



PRESIDENT 1946-1948 S. HOWARD DONNELL, Peabody, MA

EDUCATION: Graduated from Boston University

S. Howard Donnell was elected the first mayor of Peabody in 1917, and Essex County District Attorney in 1919.

PROFESSIONAL AND CIVIC AFFILIATIONS: Past president of the Essex County Republican Club, and appointed a member of the Governor's Council by Governor Leverett Saltonstall.

58

PRESIDENT 1949-1950 PETER I. LAWTON, Newburyport, MA

PROFESSIONAL AND CIVIC AFFILIATIONS: Member of the Newburyport Public Library board of directors; Newburyport Five Cents Savings Bank trustee; and vice chairman of the Newburyport School Committee.

59



PRESIDENT 1951-1953 HON. JOHN J. FOLEY, Lynn, MA

EDUCATION:

John Foley was a partner in the firm of Foley and Carey in Lynn, and appointed a Special Judge of the Lynn District Court. Extremely talented lawyer with an honorable reputation.

60



PRESIDENT 1955-1957 SUMNER Y. WHEELER, Rockport, MA

Admitted to the Massachusetts bar in 1906, Sumner Wheeler practiced law in his home high atop a hill overlooking the town and harbor of Rockport. Built in 1893, his residence still stands today providing accommodations to tourists in the form of a bed and breakfast. Appointment in 1911 as Essex County Law Librarian in the Salem Superior Court, a standing he held for 42 years, Wheeler also executed the position of town counsel for Rockport.

PROFESSIONAL AND CIVIC AFFILIATIONS: Past president, vice president, and treasurer of the American Association of Law Libraries; 1924-1926; ECBA secretary; past master, Ashler Lodge A.F. & A.M.; and past president, Granite Savings Bank of Rockport.⁶¹



PRESIDENT 1957 – 1960 JOHN J. RYAN, JR., Haverhill, MA

EDUCATION: Graduated from the College of Holy Cross in 1925, and Harvard Law School in 1928.

Admitted to the Massachusetts bar in 1928. First assistant District Attorney for Hugh A. Gregg, and investigator of the 1942 Coconut Grove fire.

PROFESSIONAL AND CIVIC AFFILIATIONS: American College of Trial Lawyers, fellow; and a member of the Massachusetts Board of Bar Examiners.

62



PRESIDENT 1961 C. RICHARD CLARK, Gloucester, MA

Solicitor for the city of Gloucester. Entered into private practice with his father William G. Clark and brother William G. Clark, Jr.

PROFESSIONAL AND CIVIC AFFILIATIONS: President, Maplewood Realty Corp. of Gloucester, and a director for Cape Ann Bank & Trust Company.

63



PRESIDENT 1962-1964 HON. EDWARD MORLEY, Manchester, MA

EDUCATION: Graduated Harvard College in 1929, and Harvard Law School in 1932.

Admitted to the Massachusetts Bar in 1932, Judge Morley was appointed Presiding Justice of the Gloucester District Court in 1937, marking his place as the youngest judge in the Commonwealth for quite some time. He often sat by special assignment in the Superior Court throughout the state.

PROFESSIONAL AND CIVIC AFFILIATIONS: Board of directors of the Cape Ann Bank & Trust Company, and a recognized leader of his Manchester community until the day of his death in 1978.⁶⁴



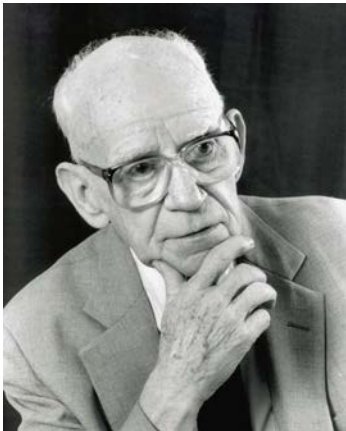
PRESIDENT 1965 - 1966 MICHAEL J. BATAL, SR., Lawrence, MA

EDUCATION: Boston University Law School in 1921,

MILITARY: Veteran of World War I

Admitted to the Massachusetts Bar in 1921, the first of Syrian-Lebanese descent to do so. Former city solicitor for Lawrence and, from 1940 to 1952, represented the city in the Massachusetts House of Representatives, the last four years as majority whip; and a member of the Massachusetts Parole Board.

PROFESSIONAL AND CIVIC AFFILIATIONS: Past president and executive board member of Boston University Law School; Lawrence Bar Association; and the Syrian and Lebanese Club of Massachusetts; and 58-year secretary of the Lawrence Kiwanis Club; member of the Bon Secours Men's Guild; and the Men of Merrimack.⁶⁵



PRESIDENT 1967 C. FRANCIS LEARY, Newburyport, MA

EDUCATION: Graduated Suffolk Law School in 1933.

Admitted to the Massachusetts Bar in 1934.

PROFESSIONAL AND CIVIC AFFILIATIONS: Past president of the Newburyport Bar Association; and board member of Massachusetts Trial Lawyers Association, 1956.

66



PRESIDENT 1968 + 1969 HON. SALVATORE BASILE, Lawrence, MA

EDUCATION: Suffolk University Law School.

MILITARY: Master Sergeant/Regimental Sergeant Major, 592nd Engineer Boat and Shore Regiment, U.S. Army (1942-1945), stationed in the Pacific Islands.

Admitted to the Massachusetts Bar in 1939; appointed an associate justice of Lawrence District Court from 1977-1985; appointed First Justice, 1985-1986, and recall judge 1987-1991.

PROFESSIONAL AND CIVIC AFFILIATIONS: Former director of Arlington Trust Company; Essex Savings Bank trustee; former president of the Lawrence Bar Association and Andover Lions Club.

67



PRESIDENT 1970-1971 THOMAS D. DOLAN, Lynn, MA

EDUCATION: Graduated from the College of the Holy Cross in 1945, and Harvard Law School in 1949.

MILITARY: Apprentice program, Navy ROTC at the College of Holy Cross, 1942-1945, Pacific amphibious forces, 1945-1946, and separated from service as Lt. Junior Grade.

Admitted to the Massachusetts Bar in 1949.

PROFESSIONAL AND CIVIC AFFILIATIONS: Chairman of the Planning Board for the city of Peabody; member of Judicial Nominating Committee; American College of Trial Lawyers, fellow; and director, Essex Bank, Bank of New England.⁶⁸



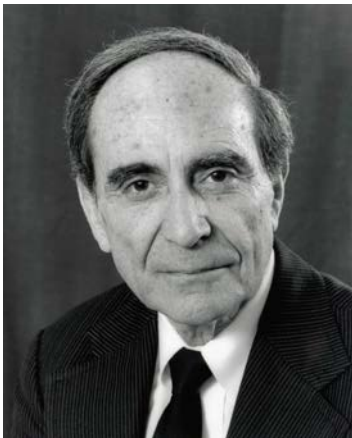
PRESIDENT 1972 WILLIAM H. GLEED, Haverhill, MA

EDUCATION: Graduated from the University of Massachusetts, and Boston University Law School.

MILITARY: U.S. Army

Admitted to the Massachusetts bar in 1952.

PROFESSIONAL AND CIVIC AFFILIATIONS: Past president of the Haverhill Bar Association; past president of the Haverhill Rotary Club; and member of Title Standards Committee of Massachusetts Conveyancer's Association.⁶⁹



PRESIDENT 1972 – 1974 BARRY D. BERKAL, Salem, MA

EDUCATION: Graduated from Boston University Law School, 1950.

MILITARY: First Lieutenant in the United States Air force during WWII in China and Korea.

Admitted to the Massachusetts bar in 1950.

PROFESSIONAL AND CIVIC AFFILIATIONS: Past president of the Salem Bar Association; and member of the Client Security Board for 5 years.

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PRESIDENT 1974 – 1976 JOSEPH DAVID CASEY, Lynn, MA

EDUCATION: Graduated from Boston College in 1956, and New England School of Law in 1969.

Admitted to the Massachusetts bar in 1959, and assistant District Attorney from 1960-1971. Legal Council for the Lynnfield Center Water District and Essex Agricultural and Technical Institute.

PROFESSIONAL AND CIVIC AFFILIATIONS: Honored, posthumously, with the Ronan Jurisprudence Award by the Essex County Bar Association in 2006. ⁷¹



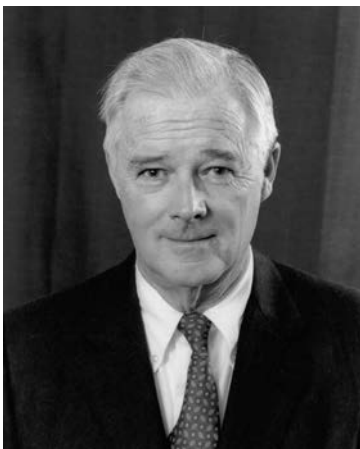
PRESIDENT 1976 – 1978 BERTRAM W. ALLEN, Manchester, MA

EDUCATION: Graduated from the University of Massachusetts in 1950, and Boston University Law School in 1953.

MILITARY: U.S. Coast Guard, Radioman 3rd Class, in the South Pacific and California.

Admitted to the Massachusetts bar in 1953; U.S. Federal District Court, Massachusetts; and U.S. Supreme Court.

PROFESSIONAL AND CIVIC AFFILIATIONS: Co-founded “Theta House” for youthful offenders with wife Anne Zengerle Allen; former ECBA treasurer for twenty years; member of the Masonic Lodge, Manchester; and deacon and trustee of the First Parish Church in Manchester. ⁷²



PRESIDENT 1978 – 1980 JEREMIAH W. DOYLE III, Newburyport, MA

EDUCATION: Attended Boston College in 1946-1948, and graduated from Northeastern Law School in 1953.

MILITARY: Sergeant in the U.S. Army, 84th Infantry Division, 1943-1946, in three campaigns: Rhineland, Battle of the Bulge, and Central Germany.

Admitted to the Massachusetts bar in 1953.

PROFESSIONAL AND CIVIC AFFILIATIONS: Former ECBA vice president, treasurer, and secretary. ⁷³



PRESIDENT 1980 – 1982 THOMAS COLLINS, Lawrence, MA

EDUCATION: Harvard College and Harvard Law School.

Admitted to the Massachusetts bar in 1951. Following in the footsteps of his father, Henry F. Collins, Esq., Tom joined the family practice.

74



PRESIDENT 1982 – 1984 TIMOTHY J. O'KEEFE, Peabody, MA

EDUCATION: Attended West Point, graduated from the University of Massachusetts in 1955 (B.S.), and Boston University Law School in 1964.

MILITARY: Airborne Ranger of the Tank Battalion, Second Armored Division.

Admitted to the Massachusetts bar in 1964, joined the family law firm of Murphy, Gerry, Ryan, and O'Keefe; and appointed Peabody City Solicitor under Mayor Mavroules.

PROFESSIONAL AND CIVIC AFFILIATIONS: Posthumously honored as the 1992 "Man of the Year" by the Ancient Order of Hibernians.⁷⁵



PRESIDENT 1984 – 1986 JAMES LAGOULIS, Newburyport, MA.

EDUCATION: Graduated Boston University Business School in 1964; Boston University Law School in 1966; and New York University Graduate Law School in 1967.

Admitted to the Massachusetts bar in 1967.

PROFESSIONAL AND CIVIC AFFILIATIONS: Past president of Newburyport Bar Association; Town Counsel, Newbury; Town Counsel/City Solicitor, Salisbury, West Newbury, and Newburyport;

Board of Trustees for Boston University Law School, Newburyport Greek Orthodox Church, St. Mark's Masonic Lodge in Newburyport, and Turning Point.⁷⁶



PRESIDENT 1986 – 1988 NICHOLAS J. DECOULOS, Peabody, MA.

EDUCATION: Graduated from Suffolk University in 1951 (A.A.), and Suffolk University Law School, 1954 (J.D.).

Admitted to the Massachusetts bar in 1954; U.S. Federal District Court, Massachusetts; U.S. Court of Appeals, First Circuit; U.S. Supreme Court; Supreme Judicial Court; and the U.S. Tax Court.

PROFESSIONAL AND CIVIC AFFILIATIONS: Former secretary, treasurer, and vice president of the ECBA; member of the Board of Trustees of the J.B. Thomas Hospital (1963-1975) and president (1973-1975); member of the North Shore Health Planning Council Review Committee and Board of Trustees from 1980-1986; and member of the City of Peabody School Building Committee, 1999 to the present.⁷⁷



PRESIDENT 1988 – 1990 JOHN P. FITZGERALD, Boston, MA.

EDUCATION: Graduated from College of the Holy Cross in 1958 (B.S.), and New England School of Law, *cum laude*, in 1967 (J.D.).

Admitted to the Massachusetts bar in 1968 and the U.S. Federal District Court, Massachusetts.

PROFESSIONAL AND CIVIC AFFILIATIONS: Former secretary, treasurer, and vice president of the ECBA; co-founder of the Essex Superior Court Pro Bono Conciliation Program; MBA member of Board of Delegates; fellow and life member, Massachusetts Bar Foundation; member, Board of Directors, Massachusetts Defense Lawyers Association; and American College of Trial Lawyers, fellow.⁷⁸



PRESIDENT 1990 – 1992 CHARLES W. GODDARD, Salem, MA.

EDUCATION: Graduated from Boston College in 1960 (A.B.), and Boston University School of Law in 1963 (LL.B.).

Admitted to the Massachusetts bar in 1964, and the U.S. Federal District Court, Massachusetts.

PROFESSIONAL AND CIVIC AFFILIATIONS: Former secretary, treasurer, and vice president of the ECBA; co-founder of the Essex Superior Court Pro Bono Conciliation Program; MBA Civil Litigation Section Council; Essex County Delegate Massachusetts Academy of Trial Attorneys; Judicial Nominating Council; Joint Bar Committee on Judicial Nominations; chairman, Board of Selectmen; and chairman, Zoning Board of Appeals for the Town of Manchester.⁷⁹



PRESIDENT 1992 – 1994 CAROL A.G. DIMENTO, Swampscott, MA

EDUCATION: Graduated from Salem State College in 1965 (B.A.) and 1967 (M.A.), and Suffolk University Law School in 1977 (J.D.).

Admitted to the Massachusetts bar in 1977; the Florida bar; the U.S. Federal District Court, Massachusetts; U.S. Court of Appeals First Circuit; and the U.S. Supreme Court. Preceding her career in law, Ms. DiMento taught school for the towns of Marblehead and Hamilton.

PROFESSIONAL AND CIVIC AFFILIATIONS: Former ECBA secretary, treasurer, and vice president; former Massachusetts Bar Association president, president-elect, first vice president, treasurer, vice president, and secretary; former American Bar Association House of Delegates member; Supreme Judicial Court Historical Society, Board of Overseers; and North Shore Women Lawyers' Association, board member. Harry Agganis Foundation, trustee; Collier County (FL) Women's Bar Association, board member.⁸⁰



PRESIDENT 1994 – 1996 MALCOLM F. MACLEAN III, Peabody, MA

EDUCATION: Graduated from Colby College (A.B.), and New England School of Law (J.D.).

Admitted to the Massachusetts bar in 1967; the U.S. Federal District Court, Massachusetts; U.S. Court of Appeals First Circuit; and the U.S. Supreme Court.

PROFESSIONAL AND CIVIC AFFILIATIONS: Former secretary, treasurer, and vice president of the ECBA; MBA Board of Delegates; Headmaster's Council chairman, St. John's Preparatory School trustee; North Shore Catholic Charities Nominating Committee chairman; a corporator of North Shore Medical Center; an associate of Partners Health Care; past president of the Danvers International Kiwanis Club; past president of the Danvers Touchdown Club; past president of the Danvers American Little League; past chair of the Danvers United Way, Heritage Award; North Shore Chamber of Commerce, chairman of the board of directors; and Essex National Heritage Commission, member of executive committee.⁸¹



PRESIDENT 1996 – 1998 WALTER A. COSTELLO, JR., Salem, MA

EDUCATION: Graduated from Boston University in 1969 (A.B.), and Boston College Law School in 1973 (J.D.).

Admitted to the Massachusetts bar in 1973; U.S. Federal District Court, Massachusetts; U.S. Court of Appeals, First and Fifth Circuits; and the U.S. Supreme Court. Honored by Association of Trial Lawyers of America with the Wiedemann Wysocki Citation of Excellence Award in 1993 and 1996.

PROFESSIONAL AND CIVIC AFFILIATIONS: Former secretary, treasurer, and vice president of the ECBA; Massachusetts Academy of Trial Attorneys former president, committee chair, and lifetime member of Board of Governors; Association of Trial Lawyers of America former member of Board of Governors, former chairman of Counsel of Presidents, committee chair, and former State Delegate; Town of Swampscott Board of Appeals chairman; Board of Bar Overseers Hearings Committee; and Board of Editors, Massachusetts Lawyers Weekly. ⁸²



PRESIDENT 1998 – 2000 HON. PATRICK J. RILEY, Danvers, MA.

EDUCATION: Graduated from Loyola College, Montreal, Quebec, in 1971 (B.A.), and Suffolk University Law School in 1975 (J.D.).

Admitted to the Massachusetts bar in 1975; U.S. Court of Appeals, First Circuit; U.S. Federal District Court, Massachusetts; and Federal Court of Claims. Assistant District Attorney in Essex County, (1976 to 1982); co-founder of the Essex Superior Court Pro Bono Conciliation Program; appointed associate Justice of the Superior Court in December, 2002.

PROFESSIONAL AND CIVIC AFFILIATIONS: Former secretary, treasurer, and vice president of the ECBA; life fellow, Massachusetts Bar Foundation; and Hearings Officer for the Massachusetts Board of Bar Overseers. ⁸³



PRESIDENT 2000 – 2002 BRUCE N. SACHAR, Lynn, MA.

EDUCATION: Graduated from the University of Massachusetts in 1955 (B.S.), and Boston College Law School in 1960 (LLB, J.D.).

MILITARY: First Lieutenant, Platoon Leader of the 7th Tank Battalion of the Third Armored Division (1956-58).

Admitted to the Massachusetts bar in 1960; the U.S. Federal District Court, Massachusetts; U.S. Court of Appeals First Circuit; and the U.S. Supreme Court. Honored by the Greater Lynn Bar Association with the 2004 John Jennings Advocacy Award. Founder of the Lynn District Court Pro Bono Conciliation Program; the Essex Probate & Family Court Pro Bono Conciliation Program and implemented lawyer access to Registry of Deed documents online.

PROFESSIONAL AND CIVIC AFFILIATIONS: Past president of the Greater Lynn Bar Association (1991-95); former secretary, treasurer, and vice president of the ECBA; Selectman, Town of Swampscott; appointed assistant District Attorney, and assistant Attorney General for Essex County, Lynn District Court; appointed Special U.S. Assistant Attorney General as Hearing Officer in Conscientious Objector Cases; Neighborhood Legal Services Board Member; Master, Mount Sinai/Mount Carmel Lodge of Masons; and author of the book “From the Chicken House to the Court House”.⁸⁴



PRESIDENT 2002–2004 MARSHA V. KAZAROSIAN, Haverhill, MA

EDUCATION: Graduated from the University of Massachusetts, Amherst in 1978 (B.A.), and Suffolk University School of Law in 1982 (J.D.).

Admitted to the Massachusetts bar in 1982 and the New Hampshire bar in 1990; U.S. Federal District Court, Massachusetts; U.S. Federal District Court, New Hampshire; and the U.S. Supreme Court. Named one of the top ten lawyers in Massachusetts by Massachusetts Lawyers Weekly in 1999.

PROFESSIONAL AND CIVIC AFFILIATIONS: Former secretary, treasurer, and vice president of the ECBA; secretary, treasurer, and president-elect of the Massachusetts Academy of Trial Attorneys; Massachusetts Lawyers Weekly Board of Editors ; MBA Joint Bar Committee on Judicial Appointments, Access to Justice Committee, and Nominating Committee; Anti-Crime Summit Committee; incorporator of Pentucket Five Cents Savings Bank; Massachusetts Bar Foundation, fellow; SJC Pro Bono Committee; former MBA’s President’s Executive Committee; former Board of Bar Overseers Hearings Committee Officer; former CJA Panel attorney in the U.S. District Court for District of NH; Essex County Bar Advocates Mentor, and MCLE Faculty Member; and former CPCS Appeals Advocate.⁸⁵



PRESIDENT 2004-2006 ROBERT L. HOLLOWAY, JR., Danvers, MA.

EDUCATION: Graduated from Amherst College in 1968 (B.A.), and Boston University School of Law in 1973 (J.D.).

Admitted to the Massachusetts bar in 1973; U.S. Federal District Court, Massachusetts; U.S. Court of Appeals, First Circuit; U.S. Supreme Court; and the U.S. Court of Federal Claims. Honored by the MBA with the 1993 Community Service Award, co-founder of the Essex Superior Court Pro Bono Conciliation Program; and president of the firm MacLean Holloway Doherty Ardiffe & Morse, P.C.

PROFESSIONAL AND CIVIC AFFILIATIONS: Former secretary, treasurer and vice president of the ECBA; Emeritus member of Board of Editors of Mass. Lawyers Weekly; MBA's Ethics Committee, Civil Litigation Council chairman, and Joint Bar Committee on Judicial Nominations; representative to Masconomet Regional School Committee; Topsfield Board of Health, member; past president of the Topsfield Athletic Association; Danvers Recreation Committee; founding member of Hospice of the North Shore; and corporator of Beverly Hospital. ⁸⁶



PRESIDENT 2006-2008 ANNE GUGINO CARRIGAN, Lynn, MA.

EDUCATION: Graduated from Purdue University in 1965 (B.A.); Syracuse University in 1967 (M.A.); and Boston College in 1981 (J.D.).

Admitted to the Massachusetts bar in 1981; the New York bar in 1982; the U.S. District Court for the District of Massachusetts; and U.S. Court of Appeals, First Circuit. Honored by the North Shore Women Lawyers Association as the 2005 North Shore Woman Lawyer of the Year. Preceding her career in law, President Carrigan

was employed as a social worker with the Dept. of Social Services, and taught high school French and Spanish at the Rome Free Academy in Rome, NY.

PROFESSIONAL AND CIVIC AFFILIATIONS: Former secretary, treasurer, and vice president of the ECBA; former president of the Greater Lynn Bar Association, North Shore Women Lawyers Association, and Girls Incorporated of Lynn; volunteer teacher for citizenship preparation courses, and English as a second language course for Catholic Charities. ⁸⁷

THE ESSEX BAR

By SIDNEY PERLEY

Written, at the request of the committee, to be read at the complimentary dinner given by the Essex bar to Sheriff Horatio G. Herrick, at Young's Hotel, in Boston, January 21, 1893.

The history of the Essex bar
Is honorable, and reaches far
Back to the old provincial days
When men were wont to speak the praise
Of equity, and right, and law,
And deprecate the wrong they saw.

Once on a time, a mystic year,
The Devil entered human kind
And stirred anew the people's fear
That witches were existing here
Whom they, in duty bound to find
And kill as by the Scriptures told
And by a law then centuries old,
Began to seek, arrest and bind.

More than two hundred years ago
A court, so called, in Salem sat
And heard the ghoulish tales of woe
And saw afflicted ones point at
Some seen or unseen thing, and rave
As of some demon power the slave.

The Essex bar has not the shame
Of such a fearful scene as that;
The victim's legal rights to claim
Within the rail no lawyer sat.

If law had ruled in those weird hours
None would have wended oft their way
To that commanding hill which towers
Above the happy homes to-day.

From the days of Benjamin Lynde
Have been strong men of brilliant mind;
Bred to the law, their master hands
Have wrought us fame in other lands.

Scores of judges have here begun
Their honorable career to run;
There's Samuel Sewall long ago,
And Joseph Story later on
And learned Parsons rare and slow

To speak the evil that he knew
In other men, less apt to do,
We hope to better things have gone.

And Bradbury's gifts and eminence,
Sam Putnam's sound intelligence,
And individualistic Lord
Are reaping now their just reward.

And lately Marcus Morton died
And left *us* no one to decide
Upon the bench of high assize
The questions that in Essex rise.

That others might embrace the law
John Pickering wrote on legal themes
And Oliver noted what he saw,
And from the words of Cranch yet streams
Brilliant and strong light-giving beams;

Fast out his volumes Story gave;
And Perry rests upon his trusts;
And Perkins in his wisdom. clave
To works of brothers dry-as-dusts.

And statesmen, too; excelled by none
Were Nathan Dane, the rising sun
To the great West, which scarcely yet
Appreciates the loss it met
When word went out to either shore
That men would see his face no more;
And Caleb Cushing who began
In practice at this ancient bar
The famous, brilliant course he ran
In spite of thrust and wound and scar.

And at the nation's capitol
Is fiery Ingalls, slim and tall,
Who, with much force and great ado,
Determined not to lose his cause,
Is pressing forward rightful laws
As will most bless the country through.
And Cogswell, too, as duty calls,
Lifts his voice in the council halls.

"The Brougham of the Western world"
The lawyer Rufus Choate was deemed
Who 'truly like Lord Brougham seemed
When like the lightning hot and swift
With his mad oratoric gift

He burned his way, his fire he hurled,
his looks his adversary's dread
When for his client's cause he plead.

His thunder now is wrapped in death,
His fire no more will here appear;
No longer juries hold their breath,
Amazed at what they see and hear.

Among the next to come in sight
Upon the list of Essex names
That of Judge Endicott is bright,
Undimmed, untarnished in the strife
To further on the nation's life,
Give due regard to all its claims.

The older members of the bar
With thrills of pleasure can recall
The comely, polished, smooth Nat Lord
And pure and noble Saltonstall.
And many of the younger lives
Remember with a deep impress
The bright, the skilled, successful Ives,
And Abbott's scholarly address.

Within the bar to-day we see
A trusted, loyal company.
There's Burley's dignity and grace,
Which on the bench should find a place.
And there is Northend still among
The leaders as when he was young.

And Moulton, too, who hustles still
For gold with which to crowd his till,
Whom judges trust and juries heed,
And clients willingly have feed.

Here's Hurlburt with his piercing eyes
To penetrate the hearts of men
And wrench from juries, calm and wise,
The verdicts oft beyond our ken.

And there is gifted much-tried Niles
With all his sweet and winning wiles.

Old times would all come back again
Should brother Gerrish, bent and rough,
Here pass around to bench and bar
His dingy worn-out box of snuff.

To be a lawyer now, 'tis thought,
Is to have riches easily got;
And yet so many of this bar
Are still called Poor; 'tis better far
At least one thinks, to be just Wright
Than bear the shield of proudest knight.

Why should a man of pleasant mien
Like Moody have a name to screen
His real nature's brighter side
From those who know him far and wide?
And why should quiet Amos Noyes
In such a clamorous name rejoice!

Why should we wish to see again
Those rare old days when other men
So widely honored and renowned
Controlled the thought the country round,
When our own Webster, Choate and Burke
Yet in our trial houses lurk?

None of the ladies of our shire
To practice of the law aspire,
Though there are names which would suggest
That we are thus with sisters blessed.

There was a comely Lucie once
Among the legal lights of Lynn,
Whom New York called in confidence
A fortune and renown to win.

And on our border at the north
Dwells one who will not leave the state,
As home hath every charm on earth
For pure and honored gray-haired Cate.

And where the noble Merrimack
Flows out to meet the coming tide,
Which wafts the blackened sea-weed back,
Under the dingy wharves to hide,
Within the town, law's help to seek,
Have clients come from near and far
That they might in their trouble speak
With the Dame of the Essex bar.

HISTORY OF WOMEN IN THE LAW

“Women lawyers” was a term unheard of until the mid 1800s. The attitude of the time was best described by U.S. Supreme Court Justice Joseph P. Bradley who stated “The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life,” as he denied Myra Bradwell’s application to the Illinois state bar in 1872.⁸⁸

Amazingly, history shows early on that, although women had functioned in a similar capacity within the courts as their brother attorneys, they were denied admission to the bar for almost two centuries. Margaret Brent, addressed as “Gentleman Margaret Brent” by her male counterparts, arrived in the Bay Colony in 1638, became executrix for Governor Leonard Calvert of Maryland, and argued cases before the court. As time passed, and independence from England sought, lawyers became leaders and turned an unpopular profession into a prestigious, male dominated social order.⁸⁹

Very slowly, the tide began to turn, but for many, it was not smooth sailing. Law schools began accepting female students, yet state bar associations deprived them admission. Arabella (Belle) A. Babb Mansfield, the country’s first female admitted to the bar in 1869, was fortunate. The Iowa court enthusiastically approved Belle’s admission to the bar based on “not only the language of the law itself, but by the demands and necessities of the present time and occasion.”⁹⁰

Many others, like Myra Bradwell, did not fare as well. Unfortunately, many states elected to not follow the precedent set by Iowa. To that end, in an effort to ensure fair treatment of her application to the District of Columbia Bar in 1872, Charlotte E. Ray applied for admission under “C.E. Ray.” Believing the applicant to be male, the admissions committee approved Charlotte Ray’s application, no questions asked, making her the first African American woman lawyer admitted to the bar.⁹¹

Locally, Boston University Law School, the first law school in Massachusetts to accept women, opened its doors in 1872. Lelia J. Robinson was the first female to graduate in 1881. Her request to take the bar exam was referred to the Supreme Court, who held that the statute did not permit women’s admission to the bar. Turning to the legislature, a bill allowing women lawyers the same rights of practice as men was passed unanimously. Lelia passed the bar in 1882.⁹²

Research of records from the Essex County Court of Common Pleas reflects that no women were admitted to the bar in Essex County from 1795 through 1887.⁹³

However, the first woman of record from Essex County to graduate law school and gain admittance to the Massachusetts bar was Elizabeth (Lizzie) Adams Smith of Newburyport. An 1892 graduate of BU Law School, Lizzie Smith was admitted to the bar on July 26, 1892.⁹⁴

An 1893 poem titled *The Essex Bar*, written by Sidney Perley, leads us to believe that women lawyers, although present in other states, were still non-existent in the Essex Bar:

“None of the ladies of our shire
To practice of the law aspire,
Though there are names which would suggest
That we are thus with sisters blessed.”

Women lawyers have come a long way since Justice Bradley denied Myra Bradwell's admission to the bar in 1872 due to a woman's "timidity and delicacy." Not only is the current Massachusetts Supreme Judicial Court's Chief Justice a woman, but the 2000 Lawyers Diary and Manual lists 703 of the 2,887 lawyers in Essex County as women.

ESSEX COUNTY LAW LIBRARY HISTORY

The history of law libraries in Massachusetts begins in 1803 with the formation of the Social Law Library by members of the Suffolk bar. The necessity for such an institution arose following the exodus of Tory lawyers back to England, who took with them their law books. The loss of these vital resources created a hardship for both the members of the bar and the judiciary. To support their objective, Suffolk bar members pledged \$50 each to the “establishment of a public Law-Library in this Town.” With \$1,100 in his pocket, Boston attorney John Lowell purchased the needed volumes of reports and texts while touring England and the Continent.

The first annual meeting of the Social Law Library was held April 23, 1804, where the Essex bar’s Theophilus Parsons was elected president. Members of the Suffolk bar were once again in the position to properly practice law, however, the court and judiciary still lacked resources of its own. To remedy the situation, that same year, the Supreme Judicial Court offered space within the courthouse to the library for the privilege of using its materials. That relationship continues to this day.⁹⁵

In 1815, an Act was approved authorizing the establishment of Law Libraries in every county where at least five attorneys at law were admitted and sworn to practice before the Circuit Court of Common Pleas. To fund the libraries, the twenty dollar new admission fee, which was currently paid to the Court of Common Pleas, would now be paid to the treasurer of that county’s law library.⁹⁶

Members of the Essex Bar Law Library compiled an exceptional assortment of some four hundred volumes through the year 1837. Until that time, the library maintained residence in the old brick Court on Washington Street which was scheduled to be replaced with a new stone Courthouse on Federal Street. Unfortunately, no space was allocated for the library in the new location. Therefore, it was moved to the office of Joshua Ward. Without one individual, or entity, to manage and preserve its contents, many of the library’s books vanished, and the library faltered until 1856.

The organization of the Essex County Law Library Association in December of 1856 was the result of an Act passed by the Massachusetts Legislature in 1842. This Act required the appointment of a clerk, treasurer and librarian to oversee the administration of the library, which in the long run may have contributed to its preservation.⁹⁷ Although the 1856 by-laws acknowledge Stephen B. Ives, Jr. as the Clerk of the Essex County Law Library, no mention is made of a librarian. The new library flourished, increasing the number of volumes from less than three hundred in 1856, to over twenty-six hundred in 1872. A catalogue listing the library’s contents was published that same year, indicating William C. Endicott as the librarian.⁹⁸

A worthy note to mention was the creation of the Reporter of Decisions office in 1803 by the Massachusetts legislature. As the first official reporter in the United States, newly formed states, inevitably needing their own laws, referred to the Massachusetts Reports as its domestic source.⁹⁹

PRO BONO CONCILIATION IN MASSACHUSETTS

The Massachusetts Supreme Judicial Court realized in the mid-1980s that a solution must be found to combat the high cost and intense delays of trials in the courts of the Commonwealth. To that end, a directive by the SJC resulted in Standing Order 1-88 (1988), which implemented time standards on new cases beginning on July 1, 1988. These cases were required to be completed within certain periods of time and, though beneficial, practically guaranteed that backlogged cases would continue to languish. Something needed to be done.¹⁰⁰

Alternative Dispute Resolution (ADR), a process whereby a neutral person helps the parties to settle their case in lieu of a trial, was fairly new and rarely used in the courts. The ADR process piqued the curiosity of Essex Superior Court Regional Administrative Justice John T. Ronan who approached the Essex County Bar Association for assistance. It was in 1988 that Judge Ronan called Anthony C. Adamopoulos, John P. Fitzgerald, Charles W. Goddard, Robert L. Holloway, Jr., and Patrick J. Riley into his chambers and presented his dilemma: Ten years of backlogged cases needed to be heard, yet the newly filed cases must come first to comply with the new time standards.¹⁰¹

The new ADR Committee set to conquering the problem by meeting on a weekly basis to devise a plan. Middlesex Superior Court had already put into effect a program whereby the judges met with the parties, explained benefits, helped determine whether the case would go to trial or ADR, and handled motions. Considering that there were not enough judges to handle the mountain of trials before them as it was, the committee needed to find an alternate approach. The results proved to be innovative and shaped the pro bono conciliation movement in Massachusetts.

Judge Ronan appointed eight members of the Bar, which included the five committee members, as Master Conciliators (Judicial Adjuncts) to evaluate cases upon filing, thereby relieving the judges of that burden. All parties would be ordered to appear and sanctions could be assessed if they did not attend. Upon meeting with the parties, Master Conciliators (MCs) would first attempt to settle the case. They also acted as a motion session, provided the option of trial or further ADR (arbitration/mediation), and were authorized to assign a trial date. The first pro bono conciliation program in the Commonwealth was born. Today, there are currently three such programs in each of Essex County's Superior Courts.

The overwhelming success of the Superior Court program prompted Bruce N. Sachar (President 2000-2002), to establish a pilot pro bono conciliation program in 1988, in the Lynn District Court. This program became a joint venture with members of the Greater Lynn Bar Association, whose members also volunteered as pro bono conciliators. To date, the Lynn District Court proudly boasts three pro bono conciliation programs: Small Claims, Civil, and Evictions (Summary Process).

In 1996, again under the direction of Bruce N. Sachar, and then Essex Probate Court First Justice Edward J. Rockett, the ECBA broke ground with the Essex County Probate and Family Court Pro Bono Conciliation Pilot Program. The first of its kind in the state, and only second in the country, this program was tailor-made for the Essex Probate Court, and strays from the norm of other conciliation programs in its degree of performance and time dedicated to each case. Conciliators meet with the parties in three hour increments, providing time to pursue, in-depth, the delicate issues of the Probate and Family Court.¹⁰²

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