



# CONVIVIALITY AND COMMENSALITY AT THE BAR

HISTORY, IMAGES, AND MENUS

*M.H. Hoeflich*

**T**HROUGHOUT MY FOUR DECADES as a lawyer, law professor, and law school dean, I have attended hundreds of receptions, dinners, casual get-togethers, and other professional events, almost all of which involved snacks, meals, buffets, drinks, or some combination thereof. Many were quite elaborate, splendid, and convivial. When I was a dean, I often found myself attending multiple events of this sort in a single day, as a result of which my waistline grew considerably. Looking back on these various events and the culinary and vinous delights served therein, I have come to appreciate that one particularly important aspect of the lawyerly life is and always had been convivial meals and communal gatherings. This is how we bond as professionals and create professional networks. I suspect that the general public might well be surprised that a profession dedicated in large part to adversarial activities can, after hours, be so convivial.

While legal literature is full of narrative accounts of these meals and entertainments, presentations of the material remains of such communal activities are far less common. Narrative histories can only go so far to

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help us understand these events. The associated material evidence – the menus and accompanying illustrations, for example – add an extra dimension. Over the past few decades, I have purchased such evidentiary materials whenever I have found them. This brief essay is a product of that episodic collecting.

In the Anglo-American legal tradition, communal meals and entertainments date back at least to the Inns of Court in the early modern period. Barristers lived, worked, dined, and played in the Inns and there were multiple opportunities for convivial dining, from ordinary dinners to grand feasts and revels. Feasts were frequent, especially on the admission of a new member to the profession and on occasions when a lawyer delivered a “reading” before an Inn’s members.

Wilfred Prest, one of the greatest historians of the early modern English Bar, has studied Readers’ dinners at the Inns and provided a remarkable narrative of the gluttony that often accompanied these events.<sup>1</sup> The variety, quantity, and cost of the foods served boggles the modern mind. One imagines a seemingly endless parade of platters of meats and sweets presented to the diners along with copious quantities of ale, wine, and brandy. It is not at all surprising that by all accounts these were, indeed, loud, boisterous, and convivial affairs. In fact, such excessive banquets were not the exclusive province of lawyers. The monarchs and aristocrats of the Middle Ages and the Early Modern era saw communal banqueting as one of the legacies of the Roman empire and a means by which to display their wealth, standing, and power to their peers and to the populace. Some, like the Duke of Ferrara, published the menus from banquets which they had hosted. Manuals on how to put on such displays of culinary excess were common.

Peter Goodrich has studied these occasions and has suggested that these dinners served several specific professional purposes for members of the Bar.<sup>2</sup> They were, above all, “male bonding” events. Early modern lawyers,

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<sup>1</sup> Wilfrid Prest, *Readers’ dinners and the culture of the early modern Inns of Court*, in J. ARCHER ET AL., *THE INTELLECTUAL AND CULTURAL WORLD OF THE EARLY MODERN INNS OF COURT* 107-23 (2011); see also PAUL RAFFIELD, *IMAGES AND CULTURES OF LAW IN EARLY MODERN ENGLAND* 9-42 (2004).

<sup>2</sup> Peter Goodrich, *Eating Law: Commons, Common Land, Common Law*, 12 J. LEGAL HISTORY 246, 246 (1991); see also RAFFIELD, *supra* note 1, at 9-42, particularly at 16-22 where

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as noted, lived, worked, dined, and played together within a small physical space in London. Such bonding within each Inn and within the profession as a whole meant that the lawyers could exercise informal social control of their fellow Bar members and function as collective bodies, much the way that the colleges of Oxford and Cambridge functioned, themselves based on the model of monastic communities. These events were also opportunities for the lawyer hosts to demonstrate their wealth and social standing, and, thereby, increase their status amongst their peers and their clients. In this way, these were also philanthropic events, with gifting of food and drink from wealthier lawyers to those less blessed, an essential component of acquiring status within the Inns. They were an effective means of creating strong personal as well as professional networks. They were also, by most accounts, quite fun.

The tradition of commensality and conviviality at the Bar continued in England and was brought to North America. One of the earliest attempts to form a bar association on the western shores of the Atlantic occurred in Massachusetts, with the creation of a lawyers group named by its founders, the *Sodalitas*, the Roman term for a drinking society. Ann Fidler, in her brilliant doctoral dissertation, *Young Limbs of the Law*, speaks of the importance of law students and apprentices dining together as a means of socializing young lawyers to the traditions and ethics of the Bar in antebellum America. These dinners and gatherings were a way for older, more experienced lawyers to informally mix with and teach younger lawyers behaviors that might not have been so easily conveyed in the courthouse. Professor Goodrich points out, as does Maxwell Bloomfield, that the general public often criticized lawyers for gluttony and excessive drinking at such affairs, not understanding the critical subtexts of these gatherings.<sup>3</sup>

Law student and lawyer diaries demonstrate the importance of eating and drinking communally, particularly with other lawyers. During his apprenticeship with Theophilus Parsons, John Quincy Adams maintained a detailed daily diary. It is filled with accounts of dinners with other lawyers

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Professor Raffield argues for the connection between culinary practices at the early modern Inns of Court and such practices at medieval monasteries.

<sup>3</sup> CHRISTINE ANN FIDLER, "YOUNG LIMBS OF THE LAW": LAW STUDENTS, LEGAL EDUCATION, AND THE OCCUPATIONAL CULTURE OF ATTORNEYS, 1820-1860 (1996); MAXWELL BLOOMFIELD, AMERICAN LAWYERS IN A CHANGING SOCIETY (1976).

taking place on special occasions as well as spontaneously. Adams paid particular attention in his entries to the quality of the food and drink as well as to post-prandial entertainments such as singing and card-playing. He especially prized dinners with his master, Theophilus Parsons, because these provided him opportunities to speak with and impress the elder lawyer.

Of course in England, the Inns of Court continued – and continue to this day – to stress the importance of commensality in their communal dinners. Indeed, as Professor Goodrich comments, it is hard to identify many other places where communal dining a certain number of times per year is a professional requirement. The tradition of such convivial commensality extended beyond law schools and into the legal community more generally in nineteenth-century America and, happily, continues to do so today.

Such convivial meals were common not only in urban centers, but also on the country circuit. Perhaps the best account of non-urban lawyerly meals and other entertainments may be found in Henry Whitney's classic *Life on the Circuit with Lincoln*.<sup>4</sup> Abraham Lincoln and Whitney travelled the Eighth Judicial Circuit in Illinois together from 1854 to 1858. The presiding circuit judge was Lincoln's friend, David Davis, an immensely sociable – and hungry and thirsty – man.<sup>5</sup> The lawyers would travel together, sleep in the same hostelry together, and dine and party together under the leadership of Judge Davis.<sup>6</sup> This ensured the development of camaraderie among the lawyers that made more bearable the long days of travel and the difficult conditions they experienced. Life on circuit in England, though less primitive than in the American West, was equally convivial, filled with splendid meals that fostered a similar *esprit du corps*.

Over the past century, the importance of social events at the Bar, particularly communal and celebratory dinners, has not diminished. Law schools, bar associations, law clubs, and other groups of lawyers delight in holding dinners and banquets, often featuring extensive bills of fare and multiple speakers. In the following illustrations of the material remains of

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<sup>4</sup> HENRY CLAY WHITNEY, *LIFE ON THE CIRCUIT WITH LINCOLN* 61-88 (rev. ed. 1940).

<sup>5</sup> Photographs of Judge Davis clearly suggest a fondness for food. See *The Lawyers: David Davis (1815-1886)*, MR. LINCOLN AND FRIENDS, [www.mrlincolnandfriends.org/the-lawyers/david-davis/](http://www.mrlincolnandfriends.org/the-lawyers/david-davis/).

<sup>6</sup> And, on occasion when accommodations were in short supply, even sleep together.

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these events we may, like nineteenth-century antiquarians and modern-day archaeologists of ancient empires, learn much about an important aspect of past lawyers' lives.

### MENUS

Of all legal dining ephemera, printed menus are the most common. They vary significantly in terms of their contents other than lists of food and drink, illustrations (if any), and printing quality. (Of course the quality, and quantity, of the food and drink served vary from occasion to occasion as well.) Often, these menus also list a program of speakers and honorees. The contents vary to a large extent based upon the event itself, the purpose for the event, and the wealth of those who pay for the event. Generally, one can say that when lawyers get together to dine, they like to dine well. The menus that follow date from the nineteenth and twentieth centuries and are from the United States with, as a comparison, one remarkable example from Scotland. They run the gamut from fairly modest affairs to extraordinarily lavish events.

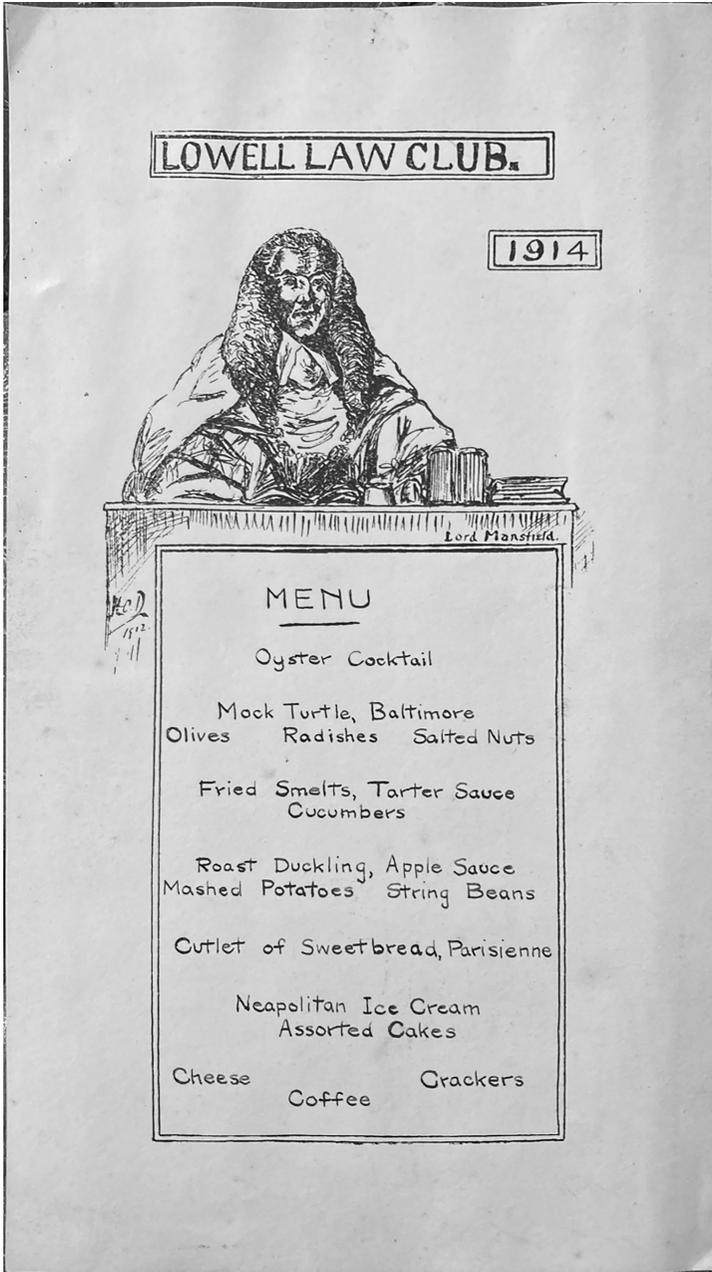
One of the most important practice-oriented law school activities is – and since time out of mind has been – the moot court.<sup>7</sup> At Harvard Law School, students were traditionally organized into “law clubs” named after legal notables, in which they competed in moot court proceedings. They also held club banquets. The menu pictured on the next page was produced for the Lowell Law Club dinner in 1914.

The menu is illustrated with a portrait of Lord Mansfield, exemplifying, perhaps, Harvard Law's Anglophile inclinations at that time.<sup>8</sup> The dishes served were both abundant and quite posh, worthy of the young would-be lawyers who enjoyed them. Indeed, the parallels to dinners at the Inns of Court are unmistakable. Also notable is the presence of both oysters and mock turtle soup on the menu. As Paul Freedman has noted in his book, *Why Food Matters*, raw oysters and turtle were immensely popular dishes in the nineteenth and early twentieth centuries and were understood to be

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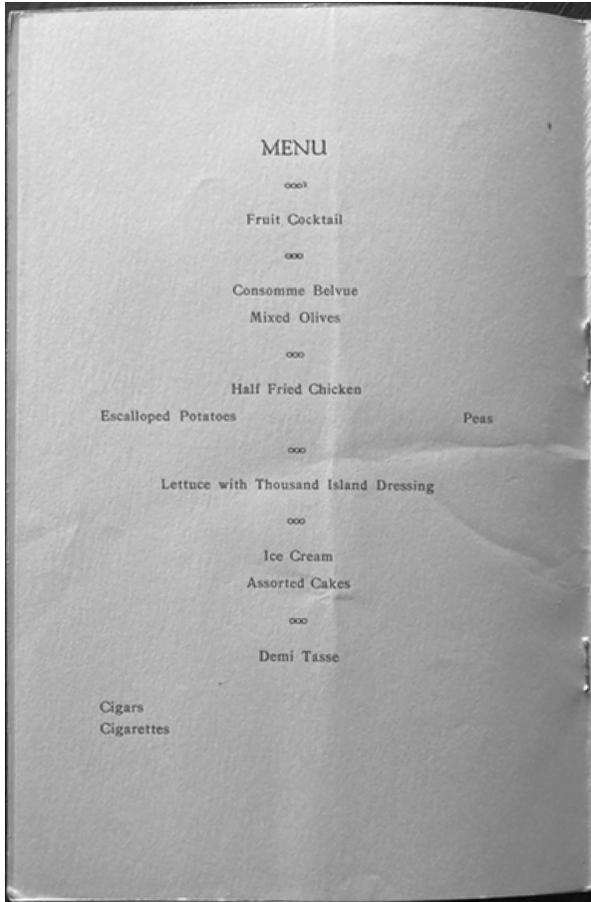
<sup>7</sup> See M.H. Hoeflich, *Plus Ça Change, Plus C'est La Même Chose: The Integration of Theory & Practice in Legal Education*, 66 *TEMPLE L. REV.* 123 (1993).

<sup>8</sup> One should not overlook that Langdell in his *Cases on Contract* (1870) included virtually no American decisions, despite having by that time nearly a century of reported state and federal cases to work with.



The Lowell Law Club Dinner 1914

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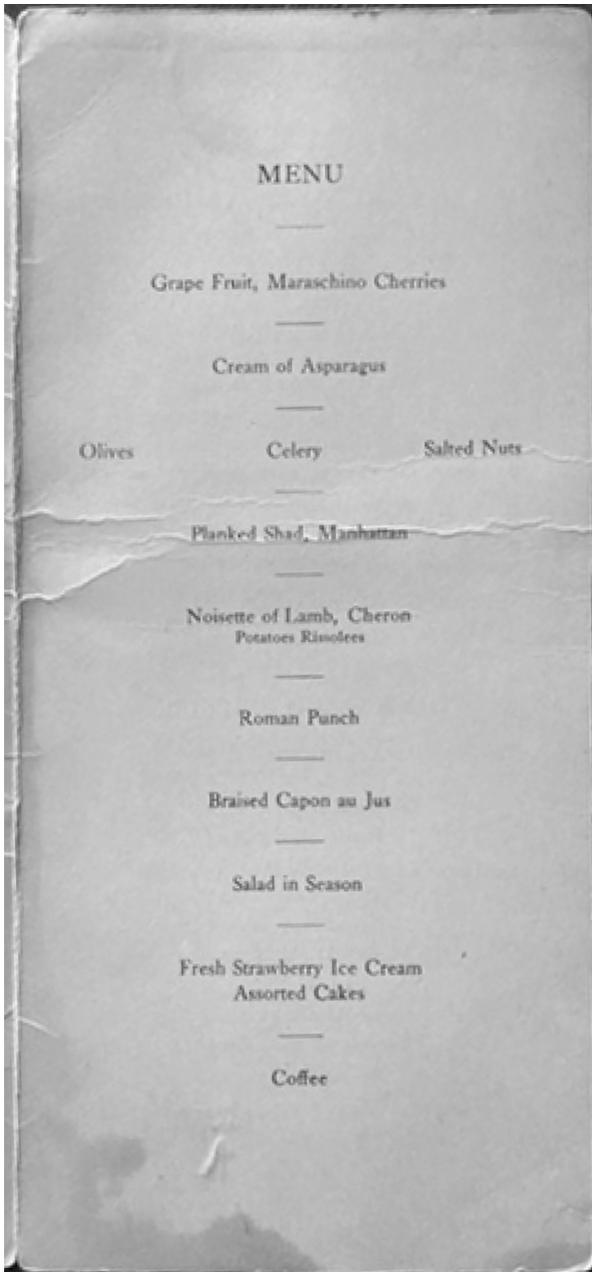
*Kansas City Law School Washington's Birthday Dinner 1929*

symbolic of luxury and wealth.<sup>9</sup> The inclusion of “Cutlet of Sweetbread, *Parisienne*” is also a nod to luxury and elite status, since, at the time, French cuisine was considered to be the *ne plus ultra* of a dining experience. In other words, the elitist aspects of the Lowell Law Club menu would have been apparent to all who viewed it, precisely what the members desired.

The menu (above) for the 1929 Washington's Birthday Banquet of the Kansas City Law School was more modest in its offerings and in its messaging than was the Lowell Law Club's, offering fewer delicacies and far

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<sup>9</sup> PAUL FREEDMAN, WHY FOOD MATTERS 133-34 (2021).



*Women Lawyers Association Dinner 1914*

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more Midwestern fare: fruit cocktail instead of oysters, and half fried chicken rather than roast duckling. Nevertheless, a whiff of Paris is present in the “Consomme Bellevue.”<sup>10</sup> Though the food was less elaborate, the level of conviviality was certainly not. The dinner featured multiple toasts to “women of the revolutionary period,” “the new patriotism,” and “our lawyer patriots,” as well as an address by the local federal district judge, a presentation of the class picture, and was followed by dancing. No doubt this was a memorable occasion, and surely why one of the attendees saved his menu as a keepsake.

By 1914 the Bar was no longer an exclusively male preserve and women lawyers quickly recognized the need both for their own bar associations and the value of commensality and conviviality for women lawyers. On April 25, 1914, the Women Lawyers Association held a dinner at the Hotel Manhattan in New York City. The menu was a bit less elaborate (and pretentious) than the Lowell Law Club’s, and certainly not “dainty,” as some men of the time might have expected.<sup>11</sup> Indeed, the quantity of the food served would have satisfied the hungriest lawyer of any sex: fruit, soup, salad, a fish course, lamb, capon, and multiple desserts (but no cigars or cigarettes, or at least none listed). Like the Kansas City event, the dinner was accompanied by a program, and a far more substantial one. The speeches covered such topics as “Our Professional Sisters,” “A World of Equal Suffrage,” “The Woman Judge,” and “The Woman’s Legal Education Society.” In spite of the serious nature of the after-dinner speeches, the program included a mock judicial order:

ORDERED, that jollity with good fellowship be observed  
by all until this occasion shall have passed into history.

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<sup>10</sup> This is a soup made from chicken stock, clam juice, cayenne pepper, and heavy cream. *Consomme Bellevue*, IFoodTV (Jan. 4, 2012), [ifood.tv/soup/410513-consomme-bellevue](http://ifood.tv/soup/410513-consomme-bellevue). It was also served at the Biltmore Hotel in New York City in November 1917. The price for a bowl was 45 cents, second in cost only to the turtle soup with Amontillado Sherry. *Menus*, NEW YORK PUBLIC LIBRARIES, [menus.nypl.org/menu\\_pages/67725/explore](http://menus.nypl.org/menu_pages/67725/explore).

<sup>11</sup> On “dainty” foods, see Freedman, *supra* note 9, at 110-11.



*The 53rd Annual Dinner of the American Bar Association 1930*

The American Bar Association has long been the largest and most powerful professional legal group in the United States. It sees itself as the “face of the Law” in this country. It also holds an annual meeting that attracts lawyers from across the nation and features speeches, educational programs, and social gatherings including splendid meals. On August 22, 1930, in the midst of the Great Depression, the ABA hosted its Annual Meeting Dinner in Chicago, and it was spectacular. The meal began with hors d’oeuvres

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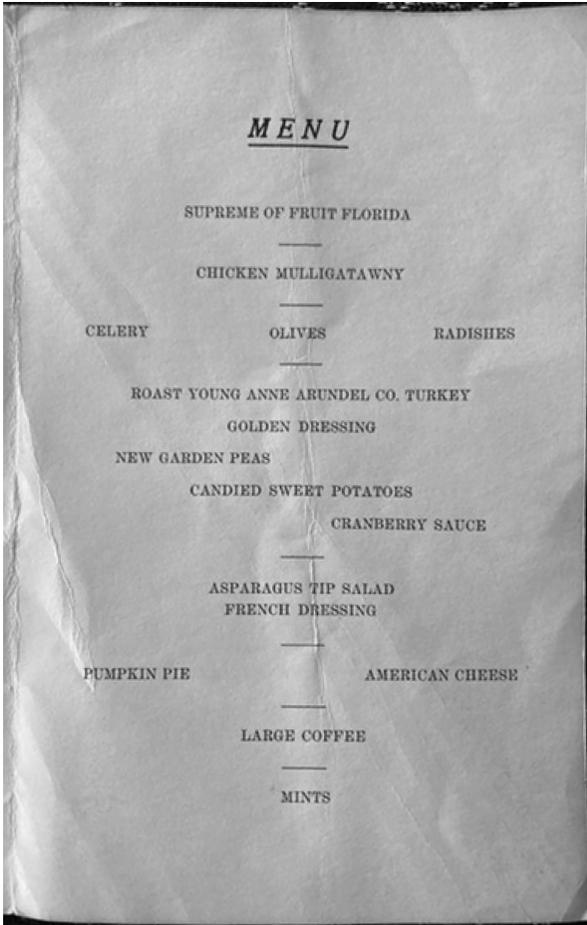
and Green Turtle soup, a fish course of pompano, and a meat course of “young capon,” with side dishes, salad, and desserts. Nearly all of the dishes were French (or at least the names were French). Instead of speeches, the program was musical, including Elgar’s *Pomp and Circumstance* and selections from the popular musical *Show Boat*. The message was clear to anyone who attended the dinner or read the menu and program: even amidst the struggles of the Great Depression the American Bar was doing just fine!

The festive dinner given in 1936 in honor of William Lawrence<sup>12</sup> stands out as one in which the chef decided to feature a local main dish. The menu (on the next page) features “Roast Young Anne Arundel Co. Turkey” accompanied by peas, sweet potatoes, and cranberry sauce. The dinner took place on October 16, so it would seem that the menu was intended to be a foreshadowing of the upcoming Thanksgiving holiday.<sup>13</sup> The pumpkin pie for dessert would appear to confirm this. It was certainly a classic American menu since it also featured “Supreme of Fruit Florida,” although an exotic note was added by the presence of mulligatawny soup. Other than the French dressing, the good people of Baltimore seem to have stayed away from Francophile notes in the food. The program lists neither toasts nor speeches, but does mention after-dinner dancing, which indicates that both men and women were present.

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<sup>12</sup> William H. Lawrence, a prominent Maryland lawyer, was appointed Baltimore County circuit judge in 1936. The appointment was not without controversy. See Jeff Scholnick, *Q: What Baltimore County Circuit Court Judge Stepped Down, Was Reappointed Within 5 Days & Later Won Election to the Bench? A: The Honorable William H. Lawrence*, BALTIMORE COUNTY SMALL AND SOLO ATTY’S BLOG (2010), [baltimorecountysmallandsoloatty.wordpress.com/2010/09/19/q-what-baltimore-county-circuit-court-judge-stepped-down-was-reappointed-within-5-days-later-won-election-to-the-bench-a-the-honorable-william-h-lawrence/](http://baltimorecountysmallandsoloatty.wordpress.com/2010/09/19/q-what-baltimore-county-circuit-court-judge-stepped-down-was-reappointed-within-5-days-later-won-election-to-the-bench-a-the-honorable-william-h-lawrence/).

<sup>13</sup> The dinner also came just a few weeks before Lawrence was appointed to the Bench on November 9. One might also speculate that the “comfort food” aspect of the dinner was related to Lawrence’s Republican political affiliations (shared with the Governor who appointed him and attended the dinner). He was the first Republican appointed to the Bench since the Civil War. *Id.*

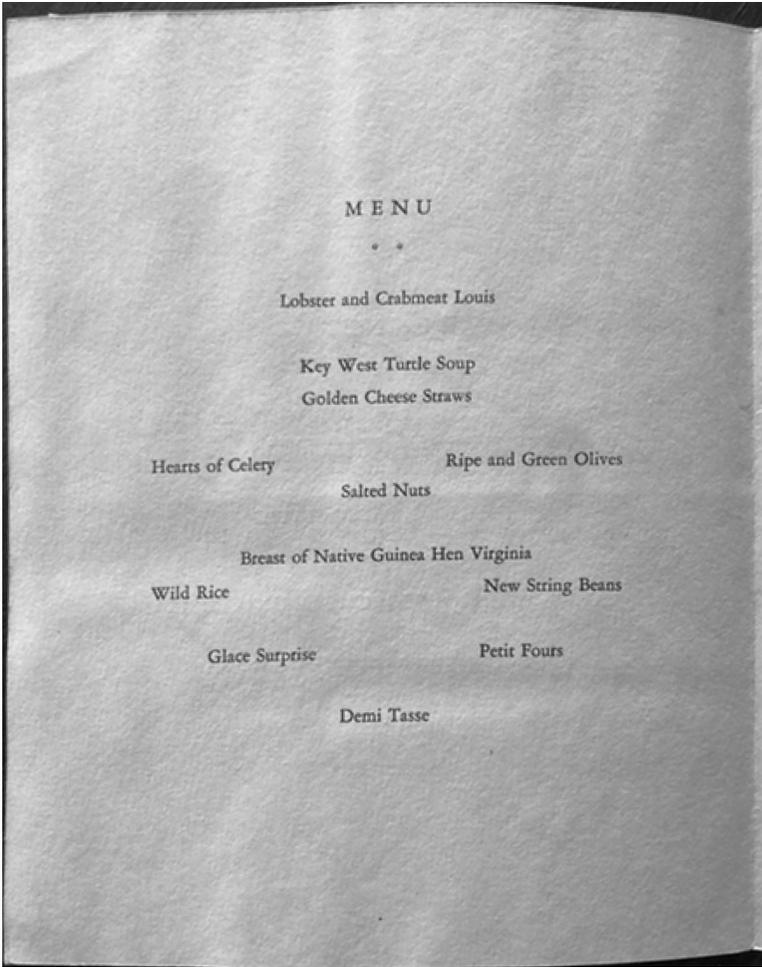


*Dinner for William H. Lawrence by the Bar  
And Laity of Baltimore, Maryland 1936*

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The American Bar has always been quite enthusiastic about honoring its successful members with speeches, eulogies, and celebrations of notable achievements. In 1947 the Alumni Association of the Columbia Law School put on a splendid feast at the Waldorf-Astoria in honor of Thomas Dewey (Class of 1925), then Governor of the State of New York and an often talked about Presidential hopeful. The menu was elegantly fitting for an American political icon: lobster and crabmeat to start, followed by Key West turtle soup and “breast of native guinea hen Virginia.” There was a hint

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*Dinner for Thomas Dewey by the Columbia Law School  
Alumni Association 1947*

of French elegance (the lobster and crabmeat were “Louis” and there was “Glace Surprise”), but for the most part the dinner was solidly American. There was a toastmaster – and presumably toasts – and speeches by the president of the university, the dean of the law school, a federal judge, the N.Y.C. district attorney, and of course, by the honoree, Governor Dewey. Although putatively a law school alumni event, there can be little doubt that the dinner featured a great deal of political networking.



*Retirement Dinner by the Bar of Scotland for Lord Shand (menu)*

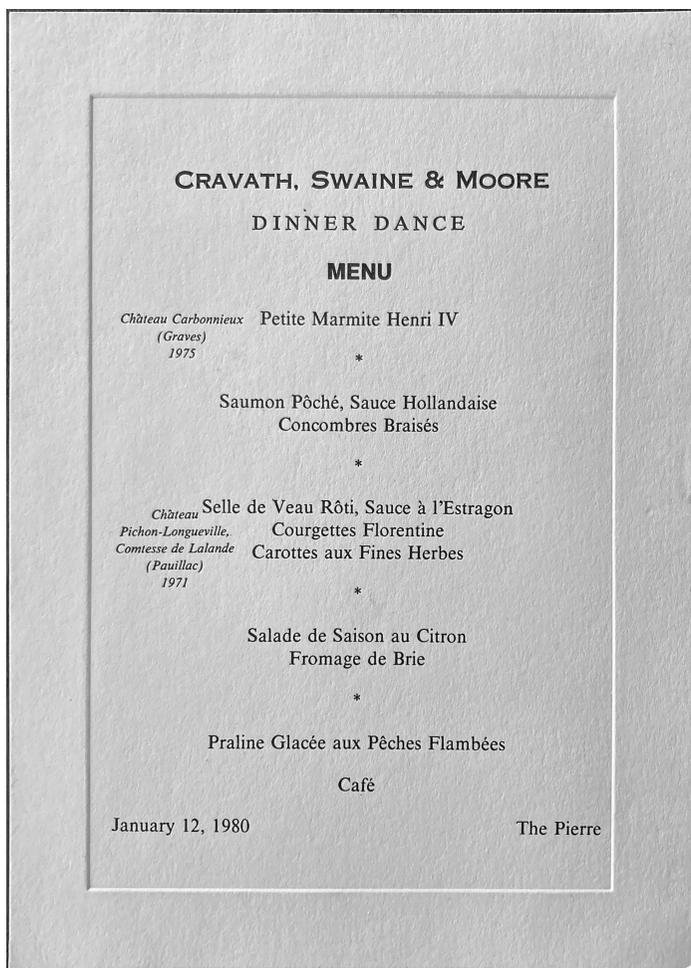
The Scots Bar is a small, closely-knit group that values ceremony. On November 1, 1890, they held a dinner in honor of Lord Shand upon his retirement from the Bench. Judging by the menu and the entertainment, it was quite an evening. The menu was entirely in French, both a sign of the historically close relations between Scotland and France and the status of French food in the later nineteenth century. The amount of food served is quite remarkable, as is the luxury of some of the dishes served: foie gras,

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*Retirement Dinner by the Bar of Scotland for Lord Shand (music)*

mutton, beef, ham, turkey, wild duck, pheasant, and more. The meal was accompanied by toasts to the Queen, The Prince and Princess of Wales, the military, Parliament, and to the guest of honor. In addition, there were extensive musical selections played by "Mr. Laubach's band." The diners drank Amontillado sherry, fine champagne, various liqueurs, and more. The menu itself is a work of art with illustrations including a wonderful caricature of the Scots Bar portrayed as an orchestra.



*The Cravath Annual Dinner Dance January 12, 1981*

The final menu pictured here is one that I had the good fortune to enjoy in early 1981 when I was an associate at Cravath, Swaine & Moore. I had attended many an elegant banquet before then, both in England at Cambridge University and then as a young lawyer at Cravath, but the event held at the Pierre Hotel in New York stands out more than four decades later as one of the best culinary and convivial experiences of my life.<sup>14</sup> The

<sup>14</sup> I had the privilege of helping my late friend, fellow gourmand, and colleague, James Smoot,

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food, all named in French on the menu, and the wines were of the highest quality. It was a dinner dance, and I remember seeing for the first time many of my colleagues, male and female, with their spouses, all dressed far more elegantly than was customary in our daily routines. It was also one of the few times during the year when associates and partners were able to enjoy a convivial meal together away from the pressures of work.<sup>15</sup> And that evening there were indeed acculturations being passed along and connections being created just as there have been in the Inns of Court since medieval times and at ABA events since the nineteenth century.



On my first day at Yale Law School, the late, great Geoffrey Hazard spoke at our first day of orientation about civility and proper behavior at the Bar. He concluded his inspiring talk with an admonition. He told the assembled new students that we should always remember that no matter how combative we might be in a courtroom setting, once we had left the courthouse precincts we should immediately abandon all aggressive and adverse behavior and wholeheartedly embrace our legal brethren. Indeed, he suggested that a visit to a local pub or eatery with our courtroom adversaries would be most advisable because we would quickly find that other lawyers would be the only people who would, in fact, want to join us for drinks or a meal. In this – as in so many things – Professor Hazard was correct. Public perceptions of lawyers have never been overly positive. Ours is a difficult profession that demands time and hard work and most often involves confrontational and adversarial behavior. Lawyers as human beings require more than this. Commensality and conviviality offer opportunities to bond on both a personal and professional level and permit us to relax amongst others who live similar lives. May the dinners long continue!



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Esq., plan the Cravath dinner, the menu from which appears in the accompanying text, which is dedicated to him. It is my hope that now he dines in a celestial banquet hall.

<sup>15</sup> The firm also sponsored a summer outing each year to which all the lawyers were invited. The food at these summer outings was quite good, but not so elegant as at the dinner dance.