

A Brief History of Robes in the Supreme Court of Maryland
(based largely on *A Study of Scarlet: Red Robes and the
Maryland Court of Appeals* (Lamy, 2006))

English judges had a history of wearing colorful robes from at least the 14th century, at which time the colors—green, violet, and scarlet—changed with the seasons. Violet and scarlet robes lasted longer than green ones, with the scarlet being reserved for criminal cases and holidays.

“There is some evidence that during the post-Revolutionary period (1783-), the Maryland General Court, a sort of precursor to the Maryland Court of Appeals, heard arguments while wearing scarlet cloaks. However, by 1828 and the era of Jacksonian Democracy, the wearing of judicial garb of any sort had fallen into such complete disfavor that judges wore business suits. The sartorial pendulum eventually began to swing in the other direction and by 1914 members of the Court of Appeals had once again begun to wear judicial robes.”* It appears that the robes worn beginning in 1914 were black.

A suggestion to switch to scarlet robes was first made in 1930-31 by Judge W. Mitchell Digges. No change was made at the time. Approximately 40 years later, at a time of transition in the Court, Judge J. Dudley Digges—the son of Judge Mitchell Digges—again suggested moving to scarlet robes. At the time, the Court was not in possession of any evidence that the Court had ever previously worn scarlet robes.

Judge Frederick J. Singley, Jr. found such evidence in a passage in the 1872 Memoir of Roger Brooke Taney. That passage contained the following:

The first session of the General Court, after I went to Annapolis, made a strong impression upon me. The three judges, wearing scarlet cloaks, sat in chairs placed on an elevated platform; and all the distinguished lawyers of Maryland were assembled at the bar.

Justice Taney began his study of law in Spring of 1796 by reading the law in the office of Jeremiah Townley Chase, who was then a member of the Maryland General Court, “a sort of precursor to the Maryland Court of Appeals.”*

“Based then upon Justice Taney’s statement, the five sitting members of the court accepted the proposed change to red robes and the scarlet robes were adopted as the official judicial garb of the Maryland Court of Appeals during the summer of 1972. . . . In October of 1972 the modern court wore red robes; the first time Maryland’s highest court had worn red robes in approximately 200 years.”*

The Court continued to wear red robes, accompanied by white stocks, from October 1972 through June 2025. During its September 2024 Term, the Court voted to continue wearing red robes on ceremonial occasions, including the first oral argument day of each term and for bar admissions ceremonies, and to return to wearing black

robes on most other court days. The Court's first day returning to wearing black robes will be September 5, 2025.

*All quotes are from *A Study in Scarlet*.