

Tribute to M. Peter Moser

Robert L. Nelson*

It is my great privilege to serve as the Director of the American Bar Foundation. In that capacity I came to know Liz and Peter Moser. Peter was the President of the ABF when I was chosen to become Director some five years ago and he was a trusted advisor right up to the time of his death.

Liz, I want to thank you, your children and their spouses, and your grandchildren, for making the special trip to come to this event tonight. And I want to thank you and Peter for the generosity and leadership you have shown by naming the Liz and Peter Moser Research Fund on Professional Ethics and Access to Justice as a memorial fund in Peter's honor. We have seen an outpouring of support, which has raised over \$30,000 in new contributions to the Moser Research Fund. This kind of support is critically important to the ABF's vitality and is a great testament to Peter and to you.

Peter's career embodied the highest ideals of professional service. He inspired us all to believe that lawyers could advance social justice by creating and applying knowledge about how the law works. In creating the Moser Research Fund, Liz and Peter saw that the ABF was an institution that could carry that vision forward by doing the highest quality social research on the pressing issues of our time.

Peter would have taken great pride in the latest prize awarded to the ABF—the Stockholm Prize in Criminology given to John Hagan for his research on the causes and potential responses to the genocide in the Balkans and Darfur.

It is wonderful to see so many individuals and groups from throughout the American Bar Association coming together to pay tribute to this remarkable man. On behalf of the American Bar Foundation, I want to thank you for coming this evening and for your support of the Moser Research Fund.

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The following commemoration was published in the 2008 Annual Report of the American Bar Foundation.

On October 17, 2008, M. Peter Moser, President of the American Bar Foundation from 2002–2004, died of cancer at his home in Baltimore, Maryland. He was 80 years old.

Peter Moser was an extraordinary lawyer, a widely respected leader within the organized bar and his local community, and a great friend to the American Bar Foundation. After graduating from the Citadel in 2-1/2 years and then from Harvard Law School at age 22, Peter served with distinction in the Army Judge

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Advocate General's Corps during the Korean War. He received the signal honor of being admitted to the Korean Bar Association. Upon returning to Baltimore he served as an assistant state's attorney and headed the homicide division for two years. He then entered private practice, eventually becoming a partner in Frank, Bernstein, Conaway & Goldman; he joined Piper & Marbury in 1992, and remained of counsel with the merged firm, DLA Piper. He was a recognized expert in business, estate, and tax law.

Peter served his profession in many capacities throughout his career, including President of the Baltimore City Bar Association, President of the Maryland State Bar Association, and Treasurer of the American Bar Association. He served on the Board of the ABF from 1995 to 2004, on the Board of the American Bar Endowment from 2002 to 2004, and was active in the Section on Business Law and the Center for Professional Responsibility of the American Bar Association. His contributions to the development and evolution of the rules of ethics that govern the profession are unparalleled. In 2002 Peter was given the Michael Franck Professional Responsibility Award by the ABA Center on Professional Responsibility.

Peter and his wife of 59 years, Liz, gave much in time and support to their community, serving on many boards, including Sinai Hospital, the McDonogh School, and the Citizens Planning and Housing Association.

In 2005, they established the Liz and Peter Moser Research Fund in Legal Ethics, Professional Responsibility, and Access to Legal Services at the American Bar Foundation. The Fund has supported ABF research on the changing character of public interest law practice, the ethical pressures faced by lawyers in different practice contexts, and the advantages and limitations of different kinds of legal services organizations. In his remarks at the inauguration of the Fund, Peter called for research on the civil legal needs of the poor and whether such needs rose to the level of a fundamental right. "One might well ask whether losing one's job, home, medical benefits, or child custodial rights is any less serious to an already disadvantaged person than a short-term jail sentence might be."

Our thoughts and sympathies go to Liz and to the rest of Peter's family. The ABF is proud to carry on Peter's legacy through research that seeks to better understand how we as a profession and a society can make high ethical practice and access to justice a reality.

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Alice E. Richmond*

I am pleased to have been asked to say a few words about Peter Moser today and I promise to follow President Franklin Roosevelt's instruction to after dinner speakers: Be sincere, be brief, be seated.

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The first of these instructions: be sincere—is easy to follow about Pete. He was truly one of the giants of our profession. I can't remember a time in the ABA when I didn't know Pete. He seemed to always be there for the important stuff—the debates, the issues, the problems. He was as welcoming to us newbies as he was to the old boys. And, in a time when women in the Association and at meetings was still a scarce novelty, Pete was one of the few men who could be counted on—always—to be on the right side of the issues that mattered to women. His respect for, and inclusion of women, became instantly understandable when one met Liz, a smart, gracious and competent thinker and doer in her own right. Peter's excellent choice of a lifetime partner benefited all of us.

The second thing about Peter was that he made us smarter. You never wanted to look or sound dumb when talking with Peter, especially about issues that interested him. So, in preparation for these remarks, I actually spent a few hours doing research—I looked up Presidential quotations and other information and I could almost imagine Peter standing there, smiling and nodding his approval. To the end—and after—Peter taught by example. As Dwight Eisenhower said: “accomplishment will prove to be a journey, not a destination” and he certainly could have been describing Peter's life.

The one word that I think summarizes the character of Peter Moser as I knew him was “integrity.” He was steadfast to his principles, even when his view was in the minority. I can remember many discussions about what was the “right” thing to do, especially in the realm of ethics and lawyers' conduct. Dwight Eisenhower—who seems to have said more smart things than maybe folks of my generation first gave him credit for—noted “a people that values its privileges above its principles soon loses both.” Pete's self deprecating wit often softened but did not erase the very sharp edge of his principles and he was all about principles and not privilege. We are the better for it.

Which brings me to my last point and that has to do with his role as treasurer of this Association. It was that unique combination of his smarts, his experience and his ability, in Harry Truman's words, “to get other people to do what they don't want to do AND LIKE IT”, which is the hallmark of a true leader. Folks in the ABA—many type-A personalities accustomed to doing thing their way—ceded the leadership reins to Peter because of his character and respect for his ability. When I decided to run for Treasurer, one of the first people at my side, and on my committee and making phone calls was Peter and I knew that his belief in my capacity to do this job would convince the skeptical and so it did.

I have thought often about Peter in the last few months as the ABA's financial position has been shredded by the current economic chaos. Sometime in September, 2008, Peter's position on a suddenly current financial matter was quoted to me. It didn't make a lot of sense to me and I made a mental note to call Peter and ask him to explain why he had done what he had done and said what he had said. I did my research. I carefully formulated my questions and by the time I was finished, I got the email that many of us received about Peter's declining condition. I never got the chance to ask him those questions and it was a reminder to me that we, as

a profession, have been blessed to have had mentors and teachers and friends like Peter and that their willingness to continue their good works is indeed a rare gift. All of us treasurers—past, present and future, are the beneficiaries of the wisdom he brought to this office. In this time of renewed interest in President Lincoln, let me leave you with this thought from him: “character is like a tree and reputation like its shadow. The shadow is what we think of it; the tree is the real thing.” In all ways, Peter was the “real thing.” We honor today his living memory and thank his family for their willingness to share this wonderful man with us. May he rest in peace.

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Jeanne P. Gray*

I am grateful to be here at the American Bar Foundation to honor Peter Moser, my friend, my colleague, my mentor. Peter donned many hats in his life, but none with more passion and prominence than as an icon in the field of professional responsibility law.

Peter and I often spoke of our good fortune to grow up together in this dynamic field of law. Though several years separated us in age, the challenges that were posed over more than twenty-five years allied us as peers in our quest to inspire the American Bar Association to its unique and sacred role as the leader of legal ethics and professional regulation.

To suggest that Peter’s relationship with me, with George Kuhlman, the ABA Ethics Counsel, and with countless others within the ABA Center for Professional Responsibility and beyond was always glorious and harmonious is to retreat from the absolute truth. For perhaps Peter’s most important role was to challenge us in often “strong and colorful” words and to prod us with his legendary “copious memos” to open our eyes to the right path, to take up the mantle, and to lead. And I and many others over many decades understood just how special and fortunate we were to be the beneficiaries of Peter’s passion, vision, and wise counsel.

Several years ago Peter received the esteemed Michael Franck Professional Responsibility Award from the American Bar Association, but that recognized only a small part of the man. For Peter’s reach was grand and his influence enormous—to the American Bar Foundation and the ABA Business Law Section, to his Jewish faith, to the civic and charitable world that he served for a lifetime, and, most importantly, to his family.

As I wrote to Liz Moser upon Peter’s passing and will repeat here in part, Peter epitomized all that is honorable in the American Lawyer. A man who often championed the unpopular cause for the noble outcome—for access to justice, for

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social justice, for civil rights, for high ethical standards, and for the independence of the legal profession and the judiciary. Few among us have committed their intellect, energy, and resources over so many decades to advance these noble causes. We have been privileged to walk with Peter Moser on his magnificent journey and will remember him always.

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Mark I. Schickman*

There have been many moving tributes to Peter Moser this evening, and I would just add two more thoughts, on behalf of the Standing Committee on Pro Bono and Public Service.

First, there are some people who perform pro bono service because they consider it to be the *kind* thing to do, something extra that they are giving away. But Peter was a keen advocate of, and volunteer, in Pro Bono service, *not* because it was the kind thing to do, but because it was the *right* thing to do, the *ethical* thing to do. For him, it was not about choice, but about responsibility, not about what was nice but what was the correct thing to do. Peter understood in his soul that the performance of pro bono service was simply an ethical duty that comes with the license to practice law. As President of the Maryland State Bar Association, as an advocate in the House of Delegates, as our profession's most eloquent voice for professionalism, Peter Moser was a powerful force promoting the pro bono help so desperately needed by our nation's poor.

Second, there is an overused phrase in our tradition, almost a cliché by now, when we say of the departed, "may his memory be a blessing." That is so often an empty platitude. What does it mean? Well, when referring to Peter Moser, I can clearly understand the expression.

When thinking of what Peter stood for as a lawyer and leader, does it make us better representatives of our profession? *Yes!* When emulating the intellect, integrity, compassion, honesty and humanity of Peter Moser, does it make us each a better person? *Yes!* When we consider all that Peter Moser did to make our world a more ethical place, a more caring place, a place with less human suffering and more tools to aid the underprivileged, does it make us want to redouble our efforts to do the same? *Yes!* In those ways, all that Peter did, all that he was, continues to operate as a force for good, in our world and in our hearts, long after he is gone. So I can truly say of Peter Moser, may his memory be a blessing.

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Karl J. Ege*

It is an honor and a privilege as a representative of the more than 60,000 members of the Section of Business Law to offer a few words of tribute on the contributions to our Section of the late Peter Moser. Pete was a long-time member of the Business Law Section, and served as Chair of our Professional Responsibility and Ethics Committee, on our governing Council, and as our representative in the House of Delegates.

But Pete was much more than just another committee chair, Council member and Section Delegate. He was a role model for an entire generation of business lawyers. He taught us that you can be a stellar corporate adviser, yet remain grounded in your personal and professional ethics. You can serve at the highest echelons in the profession, yet not neglect the community in which you live. You can walk hand in hand not just with captains of industry and the giants of the profession, but with the forgotten, the neglected, and the ill-treated as well. His long-time friend and partner, Shale Stiller, in his eulogy of Peter characterized him in words that bear repeating: “reliable, responsible, trustworthy, loyal, incorruptible, constant, devoted, resolute, conscientious, and a man of high principles”. Those of us fortunate to know Pete can attest to the accuracy of Shale Stiller’s characterization of this remarkable man.

Pete and Liz were committed to a life of justice and equity and their generosity in establishing the Liz and Peter Moser Fund is testimony to their commitment to the highest standards of ethics and professionalism.

I would be remiss if I did not mention the critical role Pete Moser played in “bridging the gap” between the Business Law Section and what we often referred to as “the Big ABA”. At times in the past the relationship between our Section and the Association was often strained. As an ABA Officer and active Section member, Pete emphasized the importance of having Section members participating in the governing bodies of the ABA. Under his guidance and stewardship, our Section increased its involvement in the councils of ABA leadership, elevating that relationship to one characterized by communication and collaboration rather than criticism and complaint.

As a Section we were blessed to have Peter Moser as one of our leaders. He and Liz were regularly present at our Section gatherings and many of us were fortunate to get to know this remarkable couple on a personal basis. Liz and the Moser family, thank you for sharing Pete with us. We will miss the companionship, leadership and generosity of a man who epitomized the term: “a gentleman and a scholar”.

Thank you.

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Elizabeth Moser

Glad to be here with so many friends. I've been tagging along after Peter since his first dipping-into ABA meetings, I think it was at a New York annual meeting in the early 70's, and the Association/Foundation/Fellows have certainly been an important part of both our lives ever since then. Of course, Peter went to meetings and carried out wonderful long-lasting service, while I went to cocktail parties and dinners and toured places like the Chicago Opera backstage, volcanic parks in Hawaii and fantastic art museums in Kansas City and San Francisco. My personal memories are outstanding, but what is more important are the treasured relationships both of us were fortunate to acquire with you, the spouses, members and staff of the various ABA-connected organizations.

You'll be hearing more formally from the others about Peter's manifold contributions to the legal profession. The tributes he has received from both the organizations he loved and supported and the individuals with whom he worked are nothing short of amazing. My job this evening is a bit different—it is to let you here at the reception know of all that you and the profession have given to Peter, me and our family over the many years of his practice.

The Association, the Foundation and the Fellows presented to him an almost holy mission, a calling. He was ready to climb to the highest mountain and proclaim the validity of a set of rules, canons or by-laws that he'd spent countless hours sitting at long tables in nameless hotel meeting rooms, more hours at his desk on conference calls and still more hours reading and responding to list serves on this or that paragraph until he was finally satisfied that there was a workable document. This was a win-win situation: not only did Peter enjoy doing the work, but the other committee members could relax, knowing that the approved piece would powerfully serve its intended audience. I have to admit, though, every so often while he was on those conference calls, I would hear a familiar “brrrrr”—a shuffling sound—and know that his phone was on mute and he was playing a hand of bridge on his computer all the while listening to his colleagues.

But seriously, all he did, including Board service, as Treasurer, working within sections (most recently Business Law) and all of his years on Professional Responsibility were a joy to him, and earned him—in his own eyes as well as yours—a knowledge of his own accomplishments.

What I didn't know about him—or at least sharply underestimated—was his tremendous influence throughout his professional life through mentoring younger people. I'll quote a few of the letters that have come in, that I find myself reading and re-reading:

Kathy Howard, current chair of MD ABA delegation, wrote “he . . . inspired young lawyers like myself to become better lawyers, but set an example for us to become leaders in our profession through Bar Association work and other public service endeavors”

And from a young lawyer in his firm: “Mr. Moser provided me such thoughtful, honest, kind and sensible advice. He seemed to have mastered the balance

between an exciting and impressive career and a wonderful family life with you, your children and grandchildren. His involvement in important social issues inspired me.”

Which brings me to a few thoughts about my husband and the father of my children. Although I am incurably lonely without him, I cannot be totally sad. I feel blessed that we were able to share such a long and rich life together—almost 60 years of marriage—in which we not only enjoyed one another’s company but were able to enter into, give counsel to and participate in each other’s independent professional lives. As to our children who are here with me this evening, he gave the greatest gifts—love and support. At the funeral ceremony, they said:

“Dad did not always agree with us, but he let us make our own choices. He did not try to keep us from taking chances or making mistakes, and either way he accepted us. What he shared in common with us all was his dedication, his focus and the importance of finding joy in whatever tasks we chose.”