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The Work Praises the Man - An Irish Proverb: A Tribute to Professor Frederick Moss

Linda S. Eads
Southern Methodist University

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THE WORK PRAISES THE MAN
-AN IRISH PROVERB:
A TRIBUTE TO PROFESSOR
FREDERICK MOSS

Linda Eads

IT is difficult for me to imagine the Dedman School of Law without Fred Moss as a full-time member of the faculty. Something will be missing from this place without Fred's full participation in our professional lives. Fred was one of the first members of the faculty who "took me under his wing" when I started on my academic journey almost twenty-five years ago. He bolstered my confidence, encouraged me in my academic endeavors, and marked the map so I could find the academic land mines. Fred was and is generous, fair, and devoted to legal education, and it is these three qualities possessed by Fred that I wish to acknowledge in this tribute.

I. GENEROSITY

As his friends know, Fred is, to use a kind label, frugal. So when I speak of "generosity," I am referring to a generosity of spirit and unselfishness in approach that allows people and institutions to flourish. Fred demonstrated this generosity to the law school in countless ways. He led the committee that revised the law school's Honor Code, which continues in effect twenty years later. He coached mock trial teams for years, which required working with groups of students for hours on weekends over a period of months—all without significant additional compensation. Fred also agreed to lead the school's criminal clinic when it was in need of a faculty member. Again, this took Fred away from some of his other academic interests, but he made this sacrifice for the students and for the school.

One of Fred's most significant accomplishments was his service as Director of the Lawyering Program in its first years. This Program was conceived as a method to instill in our first-year students some sense of what lawyers do when they practice law. It included exercises in gathering facts, interviewing clients, writing legal memos, and negotiating with opposing counsel. The course was intense and required a significant time commitment from the faculty. The experience was quite different than the typical law school class. Faculty had to interact by critiquing and grading students almost on a weekly basis. The effects of this on the

faculty required Fred to discover ways to maintain faculty enthusiasm for the Program. Also, the Program was a work-in-progress during its first years when Fred was the Director. Consequently, Fred was continually revising the curriculum and the instructions to the faculty. It was a herculean effort on his part. I know because I was a member of the Lawyering Program faculty who watched and appreciated what he had to do.

Why did Fred agree to do all this? Why not choose, instead, a less demanding course? His generous spirit provides part of the answer. Fred does not evaluate his options based simply by what is best for him. Rather, he views his options as requiring an assessment of what is best for others. Fred believed that his obligation as a faculty member was to assist the school in graduating students with a high degree of proficiency in law. This obligation was greater than his own personal professional interests. Yet, Fred never pontificated on this obligation, never tried to make anyone feel less dedicated than he was. Fred led by the example he set in taking on such daunting projects without complaint.

Benjamin Franklin once said that "a man wrapped up in himself makes a very small bundle." Fred Moss, as a member of the Dedman School of Law Faculty, proved Franklin's wisdom. Fred was the antithesis of a small bundle. Rather, his generosity of spirit filled these halls with hope for progress in legal education.

II. FAIRNESS

Some of his friends on the faculty love to tease Fred about his sense of fairness. Sometimes this teasing occurs at lunch when he is calculating how to divide the check to the last penny (I mentioned above his frugality). Sometimes the teasing comes when we are trying to decide how to view certain action by other colleagues or the law school administration. Invariably, Fred will say something like "now, now let's look at it from that person's viewpoint." We will all moan about Fred being fair, again! Although we may tease him about this, we admire him for it. And we trust him without reservation because of it.

A few examples will demonstrate this quality in Fred. When I started my academic career at the law school, I was a single mother who had just moved to a new city and was beginning a new profession. I had a lot on my plate. Consequently, I was unable to participate fully at that time in certain activities at the law school, both social and academic. Some colleagues reacted by expressing concern about my "dedication" to what is expected of an academic. Fred acted in his typically Fred way. First, he asked other professors to consider how difficult it was for me at this point in time to be fully engaged in some parts of academic life. Second, he talked to me and encouraged me to participate more and to think about ways in which I could find more time in my schedule to develop relationships with the faculty. Third, he took action to help me engage. I remember fondly two such activities he planned. One was to ask me to coach a trial team with him. Second was to have me participate in poker games!

So Fred used his sense of fairness to make my first years at the law school a success.

Another example involves Fred's participation in the faculty decision to give lecturers a role in law school governance. The faculty debated the level at which lecturers should participate in governance. Eventually, the faculty voted for extensive involvement by the lecturers, and the voice I remember most in these discussions was Fred's. He noted how important our lecturers are to the work we do to educate lawyers, how dedicated our lecturers are to our students and how much tenured faculty depended on lecturers to lessen some of our burdens. In the end, Fred argued that the question is greater than who is tenured and who is not—the question was whether we would recognize fairly those who contribute so much to our endeavors. Plato said: "Be kind, for everyone you meet is fighting a hard battle." Fred lives his life with this understanding, and this has benefited all of us.

III. DEVOTION TO LEGAL EDUCATION

A real tension exists in legal education between those who want to commit greater resources to an emphasis on skills training and those who are concerned with costs that come with more skills training. This tension is not necessarily bad; it allows legal educators to review what is the best and most cost-effective way to structure the education of future lawyers in sufficient numbers so that it will not be a profession only available to the children of the elite. It also allows legal educators to evaluate thoroughly whether law schools are adequately training our students to become lawyers. Fred has always pushed for greater skills training but not in a way that ignores the financial balancing act required to provide more skills courses. Because he is fair and willing to listen to all points of view, Fred was a very persuasive advocate for greater skills training at SMU. Consequently, the law school has an exceptionally fine trial advocacy course that involves some of the best trial practitioners in the City of Dallas. Fred's commitment to the clinical program was discussed above. The national and international success of our student advocates in moot and mock trial competitions is the result, in part, of Fred's work in these areas.

But greater than these achievements is the love of the law Fred has conveyed to his students. His teaching of Evidence inspired his students to know more because he showed them how a lawyer's skill and understanding of the law of evidence was critical to having an item of evidence admitted or rejected. Fred's Professional Responsibility students wanted to be ethical lawyers because of how Fred approached ethical problem-solving and helped them understand the effects a lawyer's ethical decisions have on clients and the rule of law. In teaching Criminal Law, Fred had the authority of a former federal prosecutor, but he softened his voice of authority by helping students see that the criminal law can be a

blunt instrument that should be used by governments with care and honor.

Fred was a teacher's teacher. He was always prepared, always learning more so that his students were current, and always wanting more from himself in the classroom. Plutarch said that "the mind is not a vessel to be filled but a fire to be kindled." Fred Moss kindled thousands of fires by his dedication in the classroom to making his students finely prepared lawyers.

For all these reasons and many more, I will sorely miss Fred. I will, however, carry with me what he has taught me—to be generous of spirit, to attempt to be fair by walking in the other guy's shoes for a moment, and to want my students to not just learn things but to crave to know more.