



Winter 2023

Tribute to Professor James Moliterno

Patricia Roberts

St. Mary's University School of Law, proberts6@stmarytx.edu

Soledad Atienza

IE University Law School

Eleanor Myers

Youth Sentencing & Reentry Project

Jim Heller

William & Mary Law School, heller@wm.edu

Gary Tamsitt

Australian National University College of Law

See next page for additional authors

Follow this and additional works at: <https://scholarlycommons.law.wlu.edu/wlulr>



Part of the [Legal Biography Commons](#), and the [Legal Education Commons](#)

Recommended Citation

Patricia Roberts, Soledad Atienza, Eleanor Myers, Jim Heller, Gary Tamsitt, Neal Devins, Peter Čuroš, Maxim Tomoszek, Veronika Tomoszek, Pavol Žilinčík, Rongjie Lam, José M. de Areilza, Irina Lortkipanidze, Ján Mazúr, Javier Guillen, Lucia Berdisová, and James Étienne Viator, *Tribute to Professor James Moliterno*, 80 Wash. & Lee L. Rev. 627 (2023).

Available at: <https://scholarlycommons.law.wlu.edu/wlulr/vol80/iss1/14>

This Tribute is brought to you for free and open access by the Washington and Lee Law Review at Washington and Lee University School of Law Scholarly Commons. It has been accepted for inclusion in Washington and Lee Law Review by an authorized editor of Washington and Lee University School of Law Scholarly Commons. For more information, please contact christensena@wlu.edu.

Tribute to Professor James Moliterno

Authors

Patricia Roberts, Soledad Atienza, Eleanor Myers, Jim Heller, Gary Tamsitt, Neal Devins, Peter Čuroš, Maxim Tomoszek, Veronika Tomoszek, Pavol Žilinčík, Rongjie Lam, José M. de Areilza, Irina Lortkipanidze, Ján Mazúr, Javier Guillen, Lucia Berdisová, and James Étienne Viator

Tribute to Professor James Moliterno

An Exponential Impact

Patricia Roberts*

As a first-year law student, I was one of the early beneficiaries of Professor Moliterno's brilliance, forward thinking, and innovation. Professor Moliterno joined William & Mary Law School, my alma mater, in 1988, tasked with developing the Legal Skills Program that all 1Ls and 2Ls would take, and that would, through simulated law firms in six jurisdictions, teach professionalism, advocacy, research and writing, negotiation, and other necessary lawyering skills. The comprehensive program was designed by Professor Moliterno, Professor Fred Lederer, and Professor John Levy, the latter a dear friend and colleague whom we all lost far too soon. The Legal Skills Program was ambitious and received the inaugural E. Smythe Gambrell Professionalism Award. Each law firm was led by a Senior (faculty member) and Junior (teaching assistant) partner. As law schools nationally look to ensuring we meet the requirements of integrating professional identity formation and cultural competence into our curricula, I smile and think Professor Moliterno was doing it long before it was cool (and required!).

I have vivid memories of my experience as a student in the Legal Skills Program, and, in late summer before my third year, was contacted by Professor Moliterno asking if I would serve as a Junior Partner. The class was over-enrolled and I was an alternate selection for the honor of serving as a teaching assistant. I quickly said yes and started my journey learning alongside Professor Moliterno. After graduating from law school, I practiced for eight years. Eight months after my first

* Dean, Charles E. Cantu Distinguished Professor of Law, St. Mary's University School of Law.

son was born, Professor Moliterno reached out again. A large class again necessitated an additional law firm, and he was wondering if I would now take on the role of Senior Partner. I was thrilled, as I wanted to try out teaching on a part-time basis, and this would give me the chance.

Nearly a quarter century ago, as he was concluding his term as Vice Dean, Professor Moliterno was hiring an Assistant Dean who would help run Legal Skills, and he encouraged me to apply. So began my full-time career in legal education, one that would lead me from Assistant Dean to Co-Director of Legal Skills alongside my mentor. Our daily work together in adjacent offices brought laughs, as well as support, as we each navigated family challenges. We shed tears as we lost our touchstone John Levy, and Professor Moliterno, now my colleague Jim, held me up literally and figuratively when I suddenly lost my first husband while managing our Madrid Summer Program. In circumstances that could only have been planned by God, Jim was the faculty member attending the Madrid Program in the summer that I was the onsite manager. Not only was he a compass for me during those initial days when navigating hospitals, international travel and permissions, notifications, and burial arrangements, he was a daily guardian when I returned to work. I remember distinctly when he said, "Patty, we are going to get through this year. It doesn't have to be our best year. We just need to get through it." Well-meaning colleagues and students often triggered emotions I attempted to keep at bay as I entered and exited the law school. I found out years later that Jim and my best friend and colleague Liz Jackson had a strategy whereby one of them just happened to be nearby as I entered in the morning, and coincidentally exited when I did. They contacted each other and tag-teamed as my sentinels. I had no idea at the time, but they did this for months.

At the same time we were in Madrid, Jim was becoming increasingly interested in legal education, training, and ethics reform abroad. He was reaching a crossroads in his professional and personal life, and the work he started to undertake in countries around the world ignited a passion. This passion inspired nearly a decade of influencing the rule of law worldwide and making friends among his international colleagues, spending nearly half his time abroad for many of those years.

Jim's next professional journey took him to Washington & Lee University School of Law in 2009 as the Vincent Bradford

Professor of Law. He was again asked to design an innovative method of teaching future lawyers, and their immersion programs began. We were excited for his new professional opportunities, but it was his personal news that brought us the most joy—Jim met and married his wife, Valerie, in a beautiful ceremony in Lexington, Virginia, and his travels abroad and in life now included an equally passionate traveling companion.

I had the good fortune to run into Jim and Valerie a month ago. We caught up on families and work and discussed his upcoming retirement. It was the first time I had seen them since I left William & Mary and my roles as Director of Clinics and Vice Dean and was now concluding my third year as Dean of St. Mary's University School of Law in San Antonio, Texas. It was as if we'd seen each other regularly all these years, picking up just where we left off, relishing our friendship and shared history. I will never forget when Jim looked over at me and said how proud he was of me, and that, in shorthand for my journey from adjunct faculty member to law school dean two decades later, "nobody does what you did." That may be right, but only because not everyone is as fortunate as I was in having Jim Moliterno as a mentor. Godspeed, Jim; may this next journey with Valerie be filled with blessings as abundant as those your friendship has bestowed on all of us who learned from you and love you.

A Tribute to Professor James Moliterno

Soledad Atienza*

Professor James Moliterno has been and still is an inspiration to me, as well as a good friend. Since I met him, fifteen years ago, I have had the luck to learn from him, as he has been very generous sharing his knowledge and experience—not only with students, but also with faculty and with international law schools.

Professor Moliterno is a visiting faculty at IE Law School at IE University in Madrid and Segovia, Spain, and year after year, in addition to teaching courses in different programs, he

* Dean, IE Law School.

has inspired us and advised us. He has pushed us to become the innovative and international law school that we are today.

Moliterno is, among many other things, an expert in legal clinics, and he has played a key role in the creation of the legal clinic at IE Law School. When I visited Washington & Lee University for a research stay, he introduced me to other faculty experts in legal clinics who shared their best practices and the challenges and opportunities that legal clinics offer academic institutions and students. Again, he has shared with generosity his experience and knowledge in this area. Our legal clinic at IE has grown to become one of our most relevant experiences that we offer our students and one that all the community feels very close to. We owe the idea of the creation of our legal clinic, one of the first of its kind in Spain, to Moliterno.

He has the ability of adapting to all circumstances, and when I asked him some years ago, long before the pandemic, to teach a course online, he responded, “You cannot teach an old dog new tricks, but I will try”—and, as I had expected, he not only succeeded but he excelled. His flexibility and resilience make working with him a pleasure to all.

I will always remember the day he was a member of the panel in my legal education book launch. He was not only brilliant in his speech, but he said he would speak slowly so that all those non-English speakers would understand him. His communication skills are such that some non-English speakers in the audience said, “I understood every word, I did not know my English was so good.”

Those of us that have worked with Moliterno have not only profited from his knowledge, but also from his network around the world. He facilitates communication amongst academics from Asia, Europe, and America, and is always willing to introduce his colleagues from different international universities.

I have been lucky enough to meet James’s wife Valerie, and my family and his have spent time together in Madrid and in Lexington. It is always a pleasure and I look forward to many more occasions to spend time together. I am very proud to say that Professor Moliterno is among my mentors as well as among my friends.

*At Home Before Any Audience: Jim Moliterno's
Gift for International Education*

Eleanor Myers*

The first time I worked with Jim Moliterno, we were surrounded by small toys and candy, a sobbing Japanese woman in a beautiful kimono, and a stoic Western man in a suit. We were part of a student simulation involving custody of a Japanese-American child whose mother had refused to return her from Japan in violation of a U.S. court order. At the time of the simulation, Japan was not a party to the Hague Convention on the Civil Aspects of International Child Abduction. Therefore, she was not required to observe the U.S. court order. Subsequently, she had been awarded custody by a Japanese court. The father had traveled to Japan to try to negotiate and secure contact with his child. The Japanese law was against him, but the emotional factors and the needs of the child argued in his favor. Both parents had brought toys and candy to woo the child.

It was an excellent simulation designed by faculty at Kwansai Gakuin University Law School in Osaka, Japan, based on a real case involving a Canadian father and Japanese mother. It was February 2006. I had communicated with Jim in planning the program, and I had attended some of the excellent ethics conferences he had organized at William & Mary Law School. This was the first time I had the opportunity to see him teach.

He was a wonder. Students from Kwansai Gakuin University Law School and Temple Law School's Tokyo program enthusiastically represented their respective clients, and the proceedings were protracted and heated. Jim was a co-mediator with a Kwansai Gakuin faculty member. When I was asked to write this essay in honor of Jim, I found a DVD of the simulation and watched it again.¹ My memories of Jim's talents as a teacher were right on point. Our two-day visit to Kwansai Gakuin was

* Senior Advisor, Youth Sentencing & Reentry Project, Philadelphia, PA; Associate Professor Emeritus, Temple University Law School.

1. Finding a DVD player and downloading an app to watch it took some searching, seventeen years later.

busy and complex. The proceedings were in English and Japanese with translation equipment taken on and off as speakers changed. Teaching in that atmosphere was complicated. Nevertheless, Jim conveyed his trademark ease, humor, and warmth. He deescalated the heated rhetoric between the parents. He urged them to think about the best interests of their child. He cajoled the husband into promising financial support and the wife into providing long periods for visitation.

The evening before the simulation, Jim and I had walked all around Osaka and talked about our mutual interest in ethics and experiential education. From that conversation and our work together on the Japanese simulation, I invited Jim to join Temple Law School at our Rule of Law program in Beijing, China. Together with others, we developed a multiday demonstration of experiential education, incorporating simulations and debriefing sessions. The invited participants were law teachers from all over China. It was during this trip that Jim met my husband. They bonded over my husband's inability to operate the espresso machine at our hotel and Jim's ability to fix it!

Chinese schools are notable for the “Stuff the Duck” method of lecturing—that is, cramming in as much information as students can absorb.² Simulations are antithetical to this style of teaching.

Nevertheless, we were pleasantly surprised by the enthusiastic reception for our work by Chinese law faculty. Again, Jim was a star. His comfort in navigating the double language dynamics, his ability to read the audience and speak in terms to which they responded and connected, and his humor

2. See Victor Chen, *Stuffing the Duck* 填鴨, ISOTONIC REHABILITATION (Nov. 15, 2017), <https://perma.cc/P7Z8-W9NF>

The Mandarin term “填鴨” means “stuffing the duck”. It is used in such expressions as “填鴨式教育[”] which means “stuffing the duck style of education” or “stuff the duck education”.

“Stuff the duck education” involves memorization, repeatedly studying textbooks without checking reference sources, repeatedly copying text, disallowing independent research of subjects and topics, and practices to fill the student with knowledge just enough to pass entrance exams to advance into a good school.

and good cheer were a pleasure to watch. It is easy to understand Jim's great success in teaching all over the world when you see him interact with international audiences. We returned to China a few years later. This time the Chinese faculty had developed their own simulations and presented them to us. The result was a Chinese textbook of simulation exercises, published in Mandarin, for faculty in Chinese law schools who wished to use this style of teaching.³

After Jim moved to Washington & Lee, we had an opportunity to meet his fantastic wife Valerie and to visit the W&L campus. Valerie and I bonded over our mutual interest in college football. Our friendship never waned even though Jim and I did not work together after those experiences. I have always admired his creativity, courage,⁴ and adventuresome spirit. It was a deep pleasure to be invited to contribute to this tribute for Jim. He has been a very special inspiration to me throughout my career.

A Tribute to Professor Jim Moliterno on His "Retirement"

Jim Heller*

I doubt that "retire" is a word in Jim Moliterno's vocabulary; I suspect he will be engaged in training lawyers and judges, if not students, for many years to come. I've known Jim since 1988 when we both came to William & Mary Law School, he from Texas Tech (perhaps to get away from the dust storms) and me from Idaho (to get away from the cold). I won't elaborate on what Jim has accomplished in his nearly forty years in legal education, which includes:

3. *Practical Legal Education for Chinese Law Schools* is the translated title.

4. A word about Jim's courage. I thought his article *Politically Motivated Bar Discipline*, 83 WASH. U. L.Q. 725 (2005), was a courageous piece to write, taking on then-Attorney General John Ashcroft and his handling of the so-called War on Terror. Years later, I knew that he wore his Black Lives Matter T-shirt at the Lee-Jackson Day parade. Jim says and does what he thinks is right.

* Professor Emeritus, William & Mary Law School.

1. More than 200 consultancies (in no fewer than seventeen different countries) and presentations at professional meetings, law schools, and the like;
2. Chair of numerous law school, bar, and professional association committees;
3. Author of dozens of law review articles;
4. Author of a dozen or so books; and, probably most important,
5. Teaching thousands of law students not only how to be a good and ethical lawyer, but how to be a good person.

I recall Jim speaking to law students on the ABA Model Rules of Professional Conduct and related state rules, acknowledging that they must be observed. More significant, Jim told the students that they may want to design another ethical code—one for themselves. It was pretty simple, as they just had to answer a few questions:

1. Is this the right thing to do?
2. Is this going to keep me up at night?
3. Is this how I would want to be treated if I was the client?
4. Is this how I would want to be treated by a lawyer on the other side of the case?

As I write this tribute, I can see on my bookcase *The Mensch on a Bench*. The creator easily could have put Jim Moliterno on that bench. I am fortunate to have had Jim—a person of the highest integrity, and someone to admire and emulate—as a colleague and friend for thirty-five years.

Tribute for James Moliterno

Gary Tamsitt*

I had a difficult journey from Canberra, Australia, to a winter legal education conference at Harvard. My luggage did

* Retired Professor and longtime Director of the Legal Workshop, Australian National University College of Law.

not make it to my flight from Sydney to L.A. I missed my connection to Boston trying to sort it out. I arrived in Cambridge late with little more than my laptop and what I was wearing.

I froze in the morning walking in the snow in a casual shirt and jeans to the conference. I knew a few faces from the United Kingdom and United States. But I seemed to be the only one not in a suit or academic tweeds.

The keynote speaker started to tell a story about Harvard in the late nineteenth century. The Medical School faculty met to decide their teaching aim. They agreed it was to produce doctors. Then the professors of the Law School had their meeting. They decided their aim was to produce law professors.

The theatre erupted with laughter. The keynote speaker was Jim Moliterno. With a few sentences, he had broken the ice. As well as being funny, the story he told raised the tension at the core of legal education between the poles of “academic law” and “the practice of law.” Jim has worked consistently to bring these poles together.

I introduced myself to Jim at the break, saying I was from Law at the Australian National University. He said, “My, you Australians dress very casually for a conference at Harvard.” The twinkle in his eye suggested he was teasing me, but I wasn’t sure. We spoke several times during the conference, mostly about the challenges of preparing students for professional practice and raising standards of ethical practice.

We saw each other probably once a year, at legal education and ethics conferences or AALS and ABA meetings. We always found plenty to discuss. I eventually persuaded Jim to come as a Visiting Professor to Law at the ANU. Jim’s visit was a great success, with plenty of in-depth talk about professional education, ethics, and the regulation of lawyers. At a personal level, we hosted Jim and his lovely wife, Valerie, at our small farm outside Canberra. More recently we have enjoyed reciprocal visits in Ireland and Virginia after a long email correspondence about plans ruined by COVID-19.

In preparing this tribute, I struggled to organize my thoughts about Jim’s wide-ranging contributions. It dawned on me that Self Determination Theory (SDT), which has been very useful in my work, offered a lens for focusing on Jim’s motivation and how he works with others. SDT posits that people are more strongly and consistently driven by internal

“intrinsic motivators” rather than “extrinsic motivators” such as rewards or punishments. Intrinsic motivators are:

- *Autonomy*: The need to feel freedom and agency in one’s work and life
- *Competence*: The need to be able to do things and feel confident about it
- *Relatedness*: The need to be connected to other people and to care for them

Autonomy

Clearly Jim has valued and used the autonomy a career as a law professor gives, but he had to work hard to get it. He grew up in a blue-collar neighborhood and had to earn to put himself through college and law school. Australians would say his alma mater was “the school of hard knocks.” He worked as a legal aid lawyer, particularly with prisoners. He climbed the difficult ladder of legal skills and clinical teaching in six law schools to establish his mature career as a law professor of international standing. Of course, as he explains it with a barely suppressed grin, “I think the thing about teaching at six different law schools sort of means I can’t hold a job.”

His leadership in the innovative third year J.D. curriculum at Washington & Lee (which really encompasses the whole J.D.) and the many international capacity-building programs he has worked on demonstrate his initiative and his sense of agency.

He followed a matching trajectory with his research, which has broadened and become more ambitious. Importantly, Jim has bridged the problematic divide between traditional legal academics on the one hand and the clinical and skills teachers on the other.

Perhaps unusually amongst lawyers, Jim has also fostered the autonomy of those with whom he works. For students, be they J.D. students, practicing lawyers, judges, government lawyers, or bureaucrats, he is open and encouraging. Not for him, the God-professor using the Socratic method as a deadly weapon. Rather, he creates opportunities for independent and experiential learning, so students have more control of their own learning.

Competence

Jim has always wanted to make a difference. That has required confidence in his own abilities, first as a practicing lawyer, then as an educator and researcher. His early teaching was based, naturally enough, on his practice in litigation, leading to clinical and skills programs and procedure classes. He quickly expanded his teaching repertoire into legal ethics and then, more broadly, into regulation of the legal profession, the judiciary, and the rule of law as it affects the ethical functioning of democracies.

With students at all levels, he wants them to succeed, not just grade them on a curve. He develops their confidence with helpful feedback and scaffolded experiential learning. I have seen him burn the midnight oil when told he had double the number of students presenting than planned in a Zoom class the next morning. He came up with a plan to give them all feedback. The student engagement measures for the third J.D. year also demonstrate his success. Of course, this success also reflects that the other faculty involved have developed their own competence, including with new educational approaches.

For his international programs, he is careful to build the skills and confidence of his local collaborators. For those programs to stick, the local “owners” need the ability to run and develop the program themselves.

Relatedness

Jim has always seen his role in a social way: for clients, students, communities, faculty, the profession, the judiciary, government, and society. This shows in ways ranging from local volunteering to advising national governments on anti-corruption and the rule of law.

Jim’s early life and work were immersed in what I imagine North Americans would describe as “regular people.” His alma mater was the school of hard knocks. He brings respect and interest in people to all his dealings.

I am particularly struck by two examples of his care in dealing with faculty. First, even though his law school career started in clinical and skills work, he resisted the temptation to demonize “traditional” faculty attached to the Langdellian case method. He knew that students needed the case analysis and legal reasoning these teachers offer. He knew students also

needed the other lawyering skills that experiential methods could offer. His opportunity to bring them together came with the “crisis in legal education” in the late 2000s. As Jim described it, “It’s a bad time for legal education . . . but it’s a great time to be a legal education reformer.” The pressure for law schools to produce practice-ready J.D. graduates paved the way for the third-year J.D. project. It required collaboration from both “sides” of faculty to bring it off. Jim’s inclusive leadership facilitated that successful teamwork.

Second, “collaboration” is also the keyword in Jim’s extensive international capacity-building work. He takes great care not to simply impose U.S. models and methods on the poor benighted locals. He does his homework, asks questions, and listens carefully. He makes suggestions, not demands. The outcome is a genuine collaboration, tailored to the local conditions and culture and “owned” by the locals who will continue to develop it into the future. That Jim has grown such a wide-ranging set of international engagements and contacts is not just down to his broad smile and cheerful personality, engaging as they are! His respect and empathy help folks feel comfortable and happy to work as a team.

So, Self-Determination Theory fits Jim Moliterno like a glove. It explains his own intrinsic choices to do good in the world. Shaped by his personality and his experiences, he has intuitively fostered intrinsic motivators, rather than rewards and punishment, to bring out the best in others.

We can all be grateful for Jim’s many contributions to the law and society. Those contributions may be winding down in terms of Washington & Lee. But I suspect that he will keep his fingers in his many other pies for a good while yet.

I have a photo of Jim in a BLM march. His placard says, “I’m old, I’m white, I’m here.” He thought it was poetic. Jim, it sums you up—well-intentioned, determined, funny . . . and, yes, poetic.

Tribute to Jim Moliterno

Neal Devins*

Friend, Mensch, Role Model? What angle should I pursue in this too-brief tribute to the too-wonderful Jim Moliterno?

Some background: Jim and I were colleagues at William & Mary for two decades, from 1988 to 2009. Jim was in my immediate orbit. Having started one year after me, we were fellow travelers on the road to tenure and much more. Unlike me, however, Jim quickly became the main man at the law school. His wit, endearing personality, and stewardship of our Legal Skills program propelled him to chair the most important committees and serve as Vice Dean.

But unlike most who assume leadership positions, Jim often made his mark by acting against self-interest to transform William & Mary from a largely regional law school into a national law school. Most notably, Jim chaired a dean search committee that served as a referendum on whether the law school should have national ambitions. Jim navigated a treacherous path and never lost his balance or focus. In particular, rather than validate the preferences of the then-existing law school hierarchy (and secure his status in that hierarchy), Jim rolled the dice, building consensus around an alternative vision of the law school. Specifically, by bringing exceptional, nationally recognized external candidates to the law school, Jim never put his thumb on the scales while nonetheless facilitating faculty and alumni alike to embrace a new era in the life of the law school.

More telling, Jim regularly took one for the team. The antithesis of a prima donna, Jim embraced collegiality even when it came at a personal cost. Consider this quintessentially Jim Moliterno vignette: In 2008, my colleague Charles Koch was in ill health and could not teach administrative law. Jim had never taught ad law before but nonetheless sacrificed what would be his last William & Mary sabbatical. He did so because a colleague was suffering and the law school was in need. That is only part of that story. The other part was that he embraced

* Sandra Day O'Connor Professor of Law and Professor of Government, William & Mary School of Law.

this project and the students embraced him. Jim told the students that he had no experience teaching the course and that they would learn it together. By partnering with the students this way, the course was a hit (albeit a one hit wonder).⁵

Humble, self-effacing, honest, and embracing, Jim understands the importance of showing up. Throughout his career, Jim has been rock-solid in and outside the classroom. He never rested on his laurels. He has been a prolific scholar throughout his career and a worldwide ambassador of legal ethics instruction.⁶ He may not toot his horn but he's the shit. More than that, Jim is old-school in the best possible way. He understands that his job is teaching, writing, and service. And that is what he does. Rather than cut corners (even at the end of his career—a time where cutting corners is commonplace), Jim “showed up” (beyond the requisite ninety percent). Over the past five years, he authored or coauthored six articles, one book, and one casebook revision.⁷ For those who do not know, that is peak of career (not exiting stage left) behavior.

One final observation: Jim is a role model for many reasons, and one is his willingness to jump into the abyss and embrace life. He is gregarious and fun loving; he truly has never met a stranger. There are countless examples, including the last time I saw Jim⁸—at the 2019 AALS convention in New Orleans. Jim invited me to join him at a local bowling alley to dance, drink, and be merry. It was, of course, great fun and, of course, a fitting

5. I have it on good authority that Jim was beloved by his Washington & Lee students. In the summer of 2022, I met a W&L couple while hiking in the Grand Tetons. The conversation turned to faculty I knew at W&L, and these two alums told me that their favorite professor was none other than Jim Moliterno.

6. Let me acknowledge Jim's embrace of worldwide travel, including a willingness to ignore language and cultural difference in favor of the kindness of strangers.

7. See generally *Selected Works of James E. Moliterno*, WASHINGTON & LEE UNIV. SCHOOL OF LAW SCHOLARLY COMMONS GALLERY, <https://perma.cc/A4VV-HUSF>.

8. Jim's embrace of life and his ability to quickly earn people's trust also translates into Jim being the perfect person to give a eulogy, a retirement speech, a law school graduation speech—you name it. Jim's gift is to humanize, not solemnize.

testament to Jim Moliterno, the standard-bearer of fully living a good life.

Thanks Jim, for reminding me of what's important and for making my life better.

Jim, My "Frienter" and a Friend of the Slovak People

Peter Čuroš*

Meeting Jim has changed the direction of my life. It was 2014, and I remember receiving an email from the library about a series of lectures provided by an American professor. Just a short introduction to the culture: I come from an "Eastern Bloc" country, so everything labeled American is considered a luxurious commodity. At the moment, however, I didn't know how great this American was.

Furthermore, the announced topic was not even in the dictionary of Slovak legal academia at that time. "Legal ethics" was, in Slovakia, used as an oxymoron at that time. Law and ethics? Together? But how? It was like connecting a pizza with a pineapple.

Moreover, I was busy reading books on the never-ending topic of the relationship between law and morality to fulfill my ambition to submit a truly original thesis on civil disobedience. As you can see, even my topic was far from the announced lectures. I was mistakenly thinking that the subject would match my thesis. However, it did not match at all. It did much more. It changed my future academic focus and attitude toward law, society, and Slovak reality.

When I write "it," I mean the course on legal ethics taught by Jim via videoconference. Before the pandemic, videoconference was a sporadic way of teaching in Slovakia. There were two groups of law students and lawyers in Bratislava and Košice. Both were listening to Jim, who was broadcasting from the small room on the ground floor of Sydney Lewis Hall. We gathered every other Wednesday in the library to listen to topics not taught at the local law faculties.

As mentioned above, terms like "legal ethics," "professional ethics," and "professional responsibility" were relatively out of

* Postdoctoral Fellow, Department of Private Law, University of Oslo.

focus in Slovak legal culture. As the heritage of the continental legal culture, ethics was always taught on Aristotle, Aquinas, or Bentham. Only seldom did law professors teach the ethics of the legal profession.

And yet, eight years after the workshop, we can start to summarize. All three main law faculties in Bratislava, Košice, and Trnava added a course on legal ethics to their curriculum. The Slovak Bar Association made legal ethics seminars compulsory for all legal associates. The Judicial Council of the Slovak Republic enacted a Code of Ethics for judges. Legal enforcement agents started encouraging professional responsibility lectures at their bar meetings. Prosecutors passed their code of ethics.

Let's follow with what Jim's course achieved. Mária Kolíková became a Minister of Justice of the Slovak Republic. Juraj Šeliga joined politics and became history's youngest vice chairman of the National Assembly. Lucia Berdisová continued her studies at Cambridge and then became an advisor to Justice Minister Mária Kolíková. Recently she was appointed as a member of the Judicial Council of the Slovak Republic. Ján Mazúr continued studies at the Hertie School in Berlin, joined the faculty at Comenius University, and became the director of Metropolitan Institute in Bratislava. Zuzana Dluhošová became the president of the Institute for Protection of Whistleblowers, and Zuzana Številová received an International Women of Courage Award from John Kerry. Many more who participated in Jim's lectures started to change the country for the better. And I was asked to write this piece for Jim, which I consider the highest award.

However, the most critical thing is that terms such as "confidentiality," "conflict of interest," "fiduciary duties," "independence," and "impartiality of the judge" moved from the periphery to the center of legal discourse. This was not a coincidence. Jim has a large share of guilt in this. Thanks to his natural skill in talking to people, he opened the door to the local institutions for us all. I remember how Jim managed to start courses for judges at the Judicial Academy, thanks to his personal interview with the president of the Academy.

Jim has always been encouraging and inspirational. I remember him awarding us one by one after his final workshop in Bratislava in March 2015. When he congratulated me on finishing the course, he said something. I remember it as: "You

will be great, Peter.” But this is how I remember it. Maybe Jim said something else: “You will be late, Peter.” To be frank, there was noise in the room. However, I always go back to this memory when I look for instant support and motivation.

Soon after this meeting, our relationship developed. And I started to perceive Jim as a “frientor”—friend and mentor at the same time. Therefore, when my wife and I were planning our wedding, saving the date started with an email to Jim and Valerie.

Learning from Jim is terrific. Behind every corner, I learn something new about myself. And I think that is the Moliterno method: to learn through experience. Those who know Jim’s early work history, traveling across the United States for academic opportunities, also know that Jim, as we see him today, is a brilliant outcome of all the happenings throughout his career. There should be trivia about Jim. Did you know he started as a legal aid (LSC) lawyer? And traveled from West Virginia through Washington State and Texas to get back to Virginia? And did you know that Jim has a B.A. in mathematics? He is a man of surprises.

I do not know if Jim is fully aware of his contribution to my life and to the story of my country. The parallel that I want to show is very much self-centered. However, I know that if Jim would read a chapter from me which was not self-centered, he would hardly believe that I was writing it.

I was born in the same year as the Velvet Revolution happened. Therefore, I have this tendency to humbly compare my life to the Slovak story, even though the split of Czechoslovakia occurred in 1993. Just like Jim contributed to Slovak legal culture, he helped me. I was a confused Ph.D. candidate who did not know what the next step in life should be, and Jim inspired me to keep going. Before we met, I could hardly imagine leaving my hometown to get experience. This is also something that I always remember when a hard career choice needs to be made. I say to myself: Jim traveled from Seattle through Texas to Virginia, so dare to experience!

Anyway, like Slovakia, I was looking for how to succeed. At the same time, I was very much aware of my qualities and limits. I needed a teacher. And I was given one. We can observe these crucial moments in individual life in mythologies, in stories we tell, like in *Bhagavad Gita*, when Krishna advises Arjuna, or in *Divine Comedy*, when Vergilius guides Dante. At

least, I want to picture our journey like this. Of course, I imagine what Jim tells Valerie when finishing this paragraph: “Could you imagine he is comparing himself to Arjuna and Dante?” Yes, but Jim, I compared you to Krishna and Vergilius.

Sometimes I feel like he is biting his tongue not to tell me how wrong I am in certain situations. And then, I am sure, he enjoys it even more when he sees how I find out how wrong I was.

I haven’t had a better teacher in my life. For me, Jim is the teacher.

I am happy to call him my frientor. Jim, I am grateful we met.

Jim Moliterno, You Rock!

Veronika* & Maxim Tomoszek⁺

We welcome and honor this opportunity to pay tribute to our dear friend and mentor Jim Moliterno who has, in honest words, significantly rocked our world. We met Jim in May 2005 in Prague at the conference Preparing for Practice: A Conference on Legal Skills Training in Central and Eastern Europe, which was organized by the Central and Eastern European Law Institute (CEELI). Jim presented there with his Serbian colleagues on a legal research and writing course which he had helped to design. Beside the presentation about the Serbian legal research and writing course project, Jim shared a leaflet about the Legal Skills Program he designed and directed at William & Mary Law School. We took the leaflet about William & Mary Legal Skills Program together with the textbook *Essential Lawyering Skills* by Stefan H. Krieger and Richard K. Neumann that was offered free to conference participants by Aspen Publishing, who sponsored the Prague conference. What these two conference souvenirs meant for us and our law school revealed itself later.

When the Palacký University Academic Senate decided to set up Palacký University Law School in 1991, it required that

* Director of the Center for Clinical Legal Education at Palacký University Law School.

⁺ Vice Dean for Education at Palacký University Law.

the school's curriculum be modern, oriented towards practice, and reflect education trends at Western universities. In 1996, Palacký University Law School was the first law school in Central Europe to establish the live-client clinic with the help of Richard K. Neumann and Stefan H. Krieger from Hofstra Law School and the financial support of the Ford Foundation. For several reasons, the law school was not able to run the clinic after 1998 and the contacts with its founders from Hofstra Law School stopped. We joined the faculty in 2003 and never got to meet either one of them. However, the seed of clinical legal education was planted, and it just waited for the right time and the right opportunity.

In May 2004, just one year before the Prague conference mentioned above, the Czech Republic joined the European Union, and the membership opened new funding opportunities for the higher education sector. In 2006, we wrote a successful grant application and received E.U. funding to establish a complex skills-oriented program, which included a renewal of the original live-client clinic and the introduction of the compulsory legal skills course modelled after Jim Moliterno's Legal Skills Program at William & Mary. Realizing that the authors of the book *Essential Lawyering Skills* were the same Stefan H. Krieger and Richard K. Neumann who set up our original live-client clinic was an even bigger motivation to build a successful and sustainable program. In 2008, we planned a final conference for the E.U. project with the aim of presenting new courses we implemented. We wrote an email to Jim that we had established a legal skills course inspired by his William & Mary Legal Skills Program and that we would like to invite him to Olomouc. We were thrilled when he agreed to come! He came and since then has become our guide and mentor, and no words can express what his advice and mentorship on our way to design (and constantly redesign) the first compulsory legal skills program in the Czech Republic meant to us.

Jim Moliterno also opened the door for us to teach professional ethics and responsibility. After having a chance to observe a demonstration class held by Jim for Palacký law students in 2008 as part of the conference program, we realized that this was a missing piece in the puzzle. To add context, we need to say that, in 2008, professional ethics was rather a marginal and neglected discipline in the Czech Republic, with no textbooks or doctrinal literature available. We realized that

what we needed was to learn more about how to teach professional ethics and responsibility if we wanted to introduce it into the curriculum. Jim regularly started coming to Olomouc for conferences, workshops, to consult, and to provide advice and guidance.

Thanks to Jim, in 2010 we finally opened the first modern professional ethics course in the Czech Republic, implementing a wide range of interactive methods, case studies, and simulations. Jim provided much-needed expertise and experience, as well as teaching methodology, and significantly contributed to the course's success. We admire and follow Jim's natural teaching mode, relying on inconspicuous conversation with students, presenting simple, everyday situations and adding a little spice to them with every follow-up question, and thus revealing the dilemmas we face every day in everything we do. On a personal level, this cooperation with Jim on developing the professional ethics course, as well as the legal skills course, was the start of a strong and long-lasting friendship.

Besides being an amazing teacher, scholar, and mentor, Jim is a wonderful person and friend. Every minute with him is engaging, enriching, and entertaining, be it a hike in the mountains, Thanksgiving dinner, drinking beer, or just a friendly afternoon talk. On one hand, he has a very rational and scientific approach to problems—but at the same time, he is amazingly empathic and respectful, and understands the multifaceted and complicated nature of human psychology. This all is combined with an unwavering willingness to help, creativity, and, of course, a masterful way of connecting people from all over the world. Through Jim, we have developed fruitful cooperation and sometimes friendship with colleagues in Southern and Eastern Europe and become part of international networks related to judicial reforms or professional ethics.

Thanks to Jim's support, we were blessed with two opportunities to come to Lexington as visiting scholars at W&L School of Law, which provided an enormous boost to our academic careers. Having the opportunity to work closely with Jim on a daily basis, attend his classes, and experience the immersion course he designed at W&L Law was enriching on both professional and personal levels. Having such great hosts as Jim and his wife Valerie made both of our stays in Lexington one of the best experiences of our lives. Jim made us really feel like we were part of the W&L community, and he and Valerie

made us feel like part of their family. Thank you, Jim, for coming into our lives, and we hope to have many more opportunities to spend time together!

A Tribute to Jim Moliterno

Pavol Žilinčík*

I think it was 2011 when I caught wind that Jim Moliterno was coming to lecture at the Faculty of Law in Olomouc, in the neighboring Czech Republic. For some reason, I intuitively sensed that it was important to see him.

Between 2006 and 2012, Slovakia faced one of its darkest periods, with widespread corruption in the judiciary. The importance of legal ethics was vastly underestimated, and if it was discussed at all, it was in the form of a purely theoretical issue with little or no practical application.

I was hoping that by attending the lecture, I could gain insights into how we could raise the standards of ethics and integrity in our legal system. I remember it was Saturday morning, and the first thing I was amazed with was that the auditorium at the Olomouc Law Faculty was completely full. Unbelievable! About a hundred students came to listen to a law professor . . . on Saturday . . . about legal ethics!

The second moment of astonishment came with Jim's presentation. I have never seen such an interactive discussion about ethics. Full of roleplays, arguments, and practical situations every lawyer should think and talk about, but none in my country actually did. Jim brought a totally new perspective to the concept of legal ethics and showed the importance of practical, hands-on approaches to education and training. His interactions with students and practitioners were inspiring, and his dedication to his work was contagious. It was immediately clear that I must bring this man to Slovakia.

Jim agreed, and what followed were years of cooperation and friendship, as well as countless discussions with lawyers and judges, with law students and law professors, with

* Former member of the Judicial Council of the Slovak Republic (2016–2021); lecturer of legal ethics at the Slovak Judicial Academy; member of the Selection Commission for Judges.

diplomats and journalists. Jim opened the eyes of many to the importance of legal ethics and the crucial role it plays in maintaining the rule of law. He taught us the value of integrity and impartiality in the administration of justice and helped us understand the complexities of ethical dilemmas faced by judges and lawyers.

I remember that he was once interviewed by one of the Slovak weeklies to speak about judicial independence and ethics of lawyers. It was at a time when the plague of judicial corruption was also affecting the freedom of the press. The newspapers were usually afraid to publish articles criticizing the corrupt judicial hierarchy because there were too many libel cases brought successfully against the media. Sometimes for a critical reflection, another time also for just a cartoon . . . The chilling effect was palpable.

Jim's interview was widely discussed in legal circles, because while he was outspoken and firm in his statements, he was also brilliantly diplomatic and very difficult to object to. What a lesson for me and many others!

Another example from this era shows that Jim is not only a fantastic professor, but also a compassionate human being. Too many judges in Slovakia faced unfair disciplinary proceedings aimed at suppressing critical voices against the corrupt judicial leadership. Jim was a sensitive listener who, at the same time, provided practical guidance to help these judges navigate through the challenges they faced.

When evaluating a dozen years of the development of legal ethics in Slovakia, I see many results: legal ethics courses are now a natural part of law schools' curricula. The new generation of young lawyers advocates for high ethical standards in the Slovak Judicial Council. Incoming judges face practical ethical dilemmas during the judicial selection process. Unimaginable twelve years ago!

I know that if I tried to attribute these achievements to Jim, he would object. He would probably say that it was us, Slovak lawyers, who deserve the credit for these great accomplishments. But we know that without him, this all would not have happened.

I very much hope that our collaboration with Jim Moliterno will continue in the future, after his retirement. Because in addition to its professional value, its real impact on the country's legal system, and the inspiration it brings to new generations, I

love working with him for one other reason: working with him is also such great fun.

*The Professor I Want to Imitate:
A Tribute to James Moliterno*

Rongjie Lan*

Some say that the highest compliment for anyone is wanting to replicate his life. This is what I often thought about during my years knowing Jim. I first met him when I was twenty-seven years old, and he was exactly twenty-seven years older than me. What did a young Ph.D. student perceive from an established scholar twice his age and charming in so many ways? I remember I told my girlfriend in our daily call that night: “This is what a law professor looks like!” The next year my girlfriend became my wife, and she immediately felt the same way when Jim came to visit us in China. A few years later, when we once again saw the Moliterno couple off at the airport after they concluded their China trip, my wife asked me: “Which part of Jim’s life charms you most?” I wrote down three words (in Chinese) on a piece of napkin and showed it to my wife: aim high, ground solid, and balance well. She smiled, nodding, and held my hand tight.

Aim high. Jim never talked about his life goals to me. I would not, either. That kind of conversation is a little too formal and somehow awkward for two grown-up men coming from similar humble backgrounds. But I believe I saw his life goals through his resume. He could have been a very successful business lawyer if he so chose. He may still deny it now, but do not forget that he taught legal skills for many years, and he published widely recognized books in civil procedure, too. This combination generally comes from experienced lawyers who can easily cash out such expertise in the market. Yet Jim chose a life in academia, which probably looks unwise economically, but stands a better chance to leave behind longer legacies than money. After all, well-preserved paper books and journals—not to mention digital ones—last much longer than any writer’s

* Associate Dean and Professor of Law, Southwestern University of Finance and Economics Law School, Sichuan, China.

lifetime. Sparks sown in younger minds can proliferate and be passed down for generations. That said, Jim's pick of academic specialization seems even more unwise. Professional ethics, no matter how strongly emphasized in law schools and bar exams, is hardly a mainstream or lucrative subject in the legal services market, especially in many other countries where the rule of law is still stumbling. Yet it is so important for the common good of the entire profession in the long run, and only those who aim high and think big would embrace as a lifelong commitment writing, teaching, and even preaching professional ethics in various countries. This is THE Jim I have known for sixteen years: always stay intellectually curious, stick to high virtue, and try hard to enlighten younger minds across the world with better findings and higher standards.

Ground solid. Jim does not talk about his aims, but he always talks about his means. When he taught an experiential leaning workshop in Beijing, he discussed every detail with co-teachers and coordinators in advance, making sure nothing was lost between the two languages and cultures. When he delivered a compact but full course of comparative legal ethics in Chengdu, he sought students' feedback on a daily basis. I was lucky to be part of these workshops and courses, although it had saddened me that I was too late to be his student at W&L. I witnessed how he unfolded a complex topic and walked students through different levels of issues, and I was always fascinated by how he grasped students' curiosities and sowed their minds with rules and reasonings. I must confess that I often copy his teaching methods in my own classes, and sometimes I even cannot stop imitating his morale and gestures. I believe this contributed greatly to the several teaching awards I received and partly paved my way to full professorship, too. But teaching is not the only field Jim excels in. His more than ten books and over forty articles prove that he is a highly productive and efficient writer. Few professors are lacking in novel ideas, but Jim surely has the rare persistence to give shape to every worthy idea and push it through printing. Unfortunately, this part I can only admire but am not able to imitate so far, which also explains why this Tribute only came in at the last minute.

Balance well. My wife told me several times that she wants to retire early and accompany me to teach and research around the world, just like what Jim and Valerie have done for all these years. This is not an implicit reminder that she earns more than

I do, because I know she sincerely admires how Jim balances his work and life and how Valerie supports him with her full heart while finding her own explorations. No doubt Jim's academic life also involves piled books and long nights sitting in front of his laptop, but what fascinated my wife and me most were the little memories: when they tried every eccentric dish in China with great curiosity, when they drove our car on a chaotic country road and competed against duck-carrying motorcycles and laughed loudly, when they ran into several dozens of friendly smiling local elders at a shabby teahouse in my hometown for ice creams on a crazily hot summer afternoon, when they walked into a nameless noodle stand at the foot of the Great Wall almost starved and later had the best noodles in their lives after gesturing to the old lady for food, or just when they had a cold beer in the breeze in their backyard and occasionally looked at each other with smiles. My wife and I know that Jim and Valerie greatly enjoy exploring the world together; we feel so happy that they find both peace and excitement with each other's company, and we believe that Jim's retirement will bring more possibilities to their yet-wonderful lives. We will be there watching them. After all, we want our lives to be alike.

Tribute to Jim Moliterno

José M. de Areilza*

Jim has friends all over the world. I would like to add my voice from Spain to those who praise here his many talents and his wonderful humanity.

I met him many years ago when William & Mary Law School had a summer program in Madrid. Since then, I have followed his outstanding achievements as a teacher, scholar, and institution-builder. He has helped me reflect and better understand what we do in the classroom when we teach law to our students, as well as the many ways to understand and value clinical skills and practice-oriented pedagogy.

Jim has been a champion of connecting legal theory and lawyering, always inspired by the Citizen Lawyer ideal at the

* Professor of Law and Jean Monnet Chair, ESADE Law School; Secretary General, Aspen Institute España.

heart of William & Mary School of Law. He has lived up to the school's invitation to "lead for the common good," and not just in the United States. He has also helped many foreign academics and lawyers have a much better insight into the American legal profession and its evolution to modern day.

Above all, I admire the integrity and thoughtfulness that he brings to many corners of the world, where he works side by side with judges, civil servants, and lawyers as a partner and friend, not only a revered teacher. In his never-ending international voyages, Jim displays the energy of an Olympic marathon runner and the curiosity, empathy, and observational skills of the best classic navigators. It is an honor to pay tribute to a dear friend who has taught me so much.

Tribute to James Moliterno

Irina Lortkipanidze*

I am honored to be joining you to write a tribute to Professor James Moliterno. I had the privilege of working with him on several projects in Georgia, and I can attest to his incredible contributions to developing the legal profession and promoting ethical conduct among lawyers.

I first met Professor Moliterno in Georgia from 2006 to 2009 under an American Bar Association Rule of Law Initiative (ABA ROLI). His focuses during this time were the development of a lawyer ethics course for Tbilisi State University (TSU), producing a Commentary on the Georgian Bar Association Lawyer Ethics Code, and teaching a short course in lawyer ethics at TSU. Professor Moliterno's work during this time was instrumental in shaping the future of the legal profession in Georgia.

Our professional cooperation was renewed and successfully continued after Professor Moliterno began working for the USAID rule of law projects in late 2010. He played a key role in building a highly effective system for handling disciplinary complaints and issuing advisory opinions. Professor Moliterno's advice created a system that caused a reduction in ethical

* Regional Rule of Law Advisor, USAID Rule of Law Program, implemented by the East-West Management Institute.

wrongs done to citizens of Georgia by lawyers, promoted more ethical conduct among lawyers, and encouraged lawyers to seek advice about the proper course of conduct. In 2014, a Georgian translation of his book, *Global Issues in Legal Ethics*, was published—the first book on lawyer ethics available in the Georgian language. Professor Moliterno worked tirelessly to create the system nearly from scratch. He was able to take a system that was in its infancy and develop it into a model that other bar associations across Europe could look to as an example.

In addition to his work on legal education and ethics enforcement, Professor Moliterno has played a crucial role in the development of an unprecedented continuing ethics training program for Georgian lawyers. Through his training modules and training-of-trainers programs, he helped deliver ethics content in an interactive and engaging way, fostering a culture of ethical conduct and responsibility in the profession. He understood that ethics training is not a one-time event but a continuous process, and his training programs reflect that. Over the course of several years, a significant change has been visible. His training resulted in joint sessions by the Ethics Commission members, staff, and professors as workshop partners, sharing ideas and information, and leading different sessions.

He played the role of teacher, mentor, and leader in many cases, and sometimes his work became that of a problem-solver and of a maintainer of the system, developing and inspiring new Ethics Commission members. He worked tirelessly to make Ethics Commission lawyer members more comfortable with their role of disciplining their lawyer colleagues. He discussed the painful reality of imposing punishment and explained that their efforts on this front should be seen as the profession's effort to protect the public, and to maintain the stability of the legal profession, the education of their fellow lawyers (not just those who receive discipline), and the enhancement of public trust. He helped the Georgian Bar Association establish an advanced disciplinary system that was transferred to the different compositions of the Ethics Commission. Every new member praises the system and has pride of ownership. Once, the new chair of the Ethics Commission said that, when she was on the original Commission when the first draft of the Ethics Code was drafted, they were driving a horse and cart—but five years later, with the help of Professor Moliterno, she said, “We are driving a

Mercedes Benz and we must all commit ourselves to learn how to drive it.”

With Professor Moliterno’s efforts and work in the ethics and disciplinary realm, lawyers have advanced and the institutional stability of the Ethics Commission has significantly enhanced the Georgian lawyers and the GBA, which serves the long-term goal of enhancing the ethical behavior of Georgian lawyers by training current lawyers and educating law students. His contributions to the field of legal ethics in Georgia have earned him the nickname “Father of Ethics,” and it is an honor to have had the chance to work with him and learn from him.

Retirement Tribute to Professor James E. Moliterno

Ján Mazúr*

I first met Professor James E. Moliterno—Jim—in 2014, during very difficult times for the Slovak judiciary and justice in general. Jim was invited by the U.S. Embassy to Slovakia to teach local Ph.D. scholars a course of legal ethics with the ambition of restarting the practice of legal ethics education at Slovak law faculties. I was one of the lucky students who participated. The experience was formative and allowed me and my colleague to open a new course of legal ethics at the Comenius University in Bratislava. Hundreds of students have already benefited from the experience and knowledge Jim brought to Slovakia.

I often recall my favorite of Jim’s often-repeated convictions: the perfect is the enemy of good, so don’t let it be. The Slovak judiciary was transitioning from a power grab during the years Jim travelled to Slovakia to teach legal ethics to judges and prosecutors. Many of us, people concerned about malfunctioning justice in Slovakia, used to be restless about the reforms our justice system had to undertake. We wanted too much too soon, yet little did we realize that, by too much pressure, change becomes impossible due to internal losers of the system.

* Assistant Professor, Comenius University in Bratislava, Faculty of Law, Slovakia.

Jim always had a recipe: don't try to change everything immediately, be patient, change comes incrementally. Small wins are important; they bring us closer to our objective as they build hope and, if done cohesively, these small victories establish trust within trust-dependent systems such as justice.

Jim's endless hope and optimism is something I greatly admire. I'm reminded of many fruitful exchanges we have had on law, politics, or society. For instance, during his most recent visit to Slovakia in the summer of 2022, we discussed the politics of memory in relation to memorials of racists and other problematic historical figures, and the necessity of resisting the attacks on our institutions. The common denominator of our exchanges was an ever-present optimism about the trajectory we must take, no matter the setbacks we may experience from time to time. Our common journey may be long and twisted but it leads to justice, to paraphrase the classic quote.

In his scholarship and teaching, Jim has worked with legal scholars and practitioners (I'm lucky to be among them) from a number of post-socialist countries, including Slovakia, the Czech Republic, and Georgia, but also countries with different concepts of rule of law and institutional framework, such as China. Jim has always been able to quickly identify common problems and critically review successful or unsuccessful responses tried in other jurisdictions.

His helicopter view of our shared experiences—attempts to improve the institutional framework of the rule of law and justice system—has been extremely valuable to whoever had the pleasure to meet and collaborate with Jim. It's been in this comparative perspective where the rich American legal tradition comes to hand to provide reflection, and there are few as gifted to translate the knowledge and experience across cultures as Jim.

I owe a great debt and gratitude to Jim. He has always been very supportive of myself and many of my friends and colleagues in the Slovak legal academic or NGO environment, but also judges and other legal professionals. I'm certain that all of them would not hesitate to join me in this Tribute.

Jim, you've been a great mentor, teacher, and friend. I remember how you and your wonderful wife Valerie welcomed us into your home in Virginia. What a great time we had decorating the Christmas tree after the conference where we presented the expansion of legal ethics education in Slovakia at

Fordham University that you had ignited! I can't wait until our next meeting and collaboration.

Tribute to Professor Jim Moliterno

Javier Guillen*

It is quite difficult to know how to begin a tribute to my dear friend and colleague Jim Moliterno. When I received the invitation to write a few words in recognition of the successful academic work of Jim Moliterno, various doubts and questions arose about what would or would not be appropriate to record in this Tribute to honor—as he deserves—the multiple and diverse university activities in which he has developed his career.

The first questions that, from the first beginning, came to my mind revolved around the idea of what the university stands for and how Jim has contributed to it; specifically, my thoughts focused on the ideas about “What are the values that the university pursues?” and “How should a law professor face his academics and teaching functions?”. Well, after thinking thoughtfully on those issues—something that a professor should do from time to time—one quickly sees that Professor Moliterno has honestly and sincerely embodied all the values and purposes that, from a teleological perspective, constitute not only the university reality but also the university spirit—that is, a special way of life in which intellectual honesty, generosity with students, and intellectual respect for the rest of the university community—have been the *raison d'être* of the university career of Professor Moliterno.

Having said this, what is obvious—and it is more than evident to all of us who have been lucky enough to share moments and experiences with Jim—I would like to dedicate the following lines to outline some memories and moments that throughout all these years of friendship I have been lucky to share with him.

The first time we met was at the end of the '90s at the William & Mary Law School Summer Program that was held annually in July in Madrid. It was an international program in

* Professor of Administrative and E.U. Law, Universidad Rey Juan Carols, Madrid, Spain. Legal consultant at Herbert Smith Freehills.

which students from law schools all over the United States attended, as well as some Spanish students, in which various legal courses were taught by Spanish and U.S. law professors. From the very first moment, Jim and I hit it off, not only because of his sympathy and kindness, but because we shared some common experiences and hobbies. First of all, his first steps as a lawyer had been taken in Wheeling, West Virginia—a place that, for those who do not know it, is a harsh and industrial environment, but at the same time with open and very generous people. Well, I had been an exchange student in my sophomore year at Weirton High School, in a town near Wheeling in 1985, which made us share our experiences in the much-loved land of mountaineers. The second point that we had and still have in common is our love for golfing, which has meant that over the years we have shared intense golf rounds, both in Spain and in the United States—in which, by the way, I must say, Jim has always emerged victorious from them, despite all my efforts to try to achieve some victory for my homeland Europe. I especially remember a day of golf at La Herreria Golf Club in Spain, where we enjoyed not only golf but also the spectacular views from the eighth hole of the Escorial Monastery, where Felipe II lived and which so impressed Jim.

A second special moment that I was lucky enough to share with Jim was my first visit as a Visiting Professor at William & Mary Law School—during March 2006, if I remember correctly—where Jim was lecturing. There we shared with other dear friends (Jim Heller, Patty Roberts, Rob Kaplan) dinners and rounds of golf. Jim's generosity for making me feel as if I was at home was permanent throughout the month I lived in Williamsburg. This did nothing but strengthen and consolidate our friendships that have endured over the years,

Likewise, when he transferred to Washington & Lee University School of Law, I had the opportunity to visit him in Lexington and spent a fabulous and unforgettable weekend at his home with Valerie. On this occasion, I attended one of his classes where I was able to enjoy his teaching *in situ*. I was not only impressed by his teaching skills but also by the connection and complicity he had with his students, who were totally hooked on his explanations and legal arguments. It was certainly a unique experience!

Later, throughout these years of friendship, Jim has visited us in Spain on several occasions to lecture at the IE Law School

in Madrid and Segovia. This is part of his international side, since Jim, like any university professor, has always paid special attention and interest in disseminating law throughout the world (China, Spain, the Czech Republic, Georgia, Slovenia, etc.). On his visits to Madrid, we have always been lucky enough to share lunch and dinner together with our common friend, José de Areliza, enjoying long conversations about law, culture, and especially wine, in which we have become real “experts.”

This international activity only enhances his extensive academic legacy which, I am sure, he will continue to disseminate in the coming years and which I hope to continue enjoying it.

I am honored and grateful for his friendship. I know all his students will miss his lectures, as Professor Moliterno has left his indelible mark on them. Thank you, my friend, and I look forward to your next visit to Spain where you are always welcome.

Tribute to Professor Moliterno

Lucia Berdisová*

I have been working on this tribute for some time. I realized how much I want it to express my personal and professional affinity towards Jim Moliterno. I wanted to express my gratitude and remember the pieces of our conversations or fragments of moments we spent together. Of course, I also would like my tribute to be unique, just like Jim.

The tribute was supposed to start with these sentences: “*When the words ‘little did she know’ appear in the book, something not pleasurable usually happens a couple of pages later. However, when I met Jim ten years ago, little did I know how much my life would change for the better.*” Then followed the sentences, starting with “little did I know,” listing the events that happened thanks to Jim or with his direct or indirect support. Among them were the introduction of the voluntary Ethical Dilemmas of Lawyers course at the Law Faculty of Trnava University in 2014 and the mandatory Professional Legal Ethics course in 2023 that I started to teach; increased

* Institute of State and Law, Slovak Academy of Sciences.

interest in legal ethics among judges, which lead to the introduction of the new Judicial Ethics lectures at the Judicial Academy of the Slovak Republic taught by Pavol Žilinčík and other like-minded lawyers; my LL.M. studies at Cambridge University supported by Jim's letter of reference; our presentation with Janko Mazúr at the International Legal Ethics Conference in 2016 and with Jim, Peťo Čuroš, and Janko at a conference at Fordham University in 2017, which lead to a paper questioning the impact of E.U. policies on the independence and accountability of the judiciary of Central and Eastern European (CEE) entrants; or my appointment to the Judicial Council of the Slovak Republic, where I serve in the permanent ethics committee and where I chair the ad hoc committee for introduction of the new code of ethics for judges. None of these would be possible without Jim.

But then I realized that such a beginning of the tribute is too much about me. Jim was only somewhere in the background. And I wanted Jim to be at the forefront. At the same time, I valued his personal impact and the impact of his work on who I am and what I do today so much that I wanted to share it. Hence, I got a bit overwhelmed and stuck. But of course, Jim's "*don't let the perfect be enemy of good*" works.

So here is the tribute that will celebrate *Jim in action* (even if *Jim in books* shall be equally celebrated). Jim in action is Jim in relationships.

Jim in action is Jim as your fan. Jim is very supportive of others. It simply seems that he is cheering for his students, colleagues, friends, and family. He is our fan. Jim has a massive talent for showing others what they can do themselves. He may say that he merely metaphorically opens doors for you and you enter yourself, but there is so much done in the act of opening the door. He once mentioned that one of his favourite professors never gave straightforward advice on how to proceed in solving the case or helping the client in legal clinics. The professor only asked good questions, and Jim, as a student, found out himself what to do in the next step. Jim is also building this in his students, including us, his friends and colleagues from Slovakia, Czechia, and other CEE countries. Jim helped us to gain confidence (not pride) because he let us solve ethical puzzles, whether hypothetical or real, and he let us do the job. Jim not only helped us to think like lawyers, but also helped us be lawyers.

Jim in action is Jim as a network. Jim played a central role in creating a community of lawyers abroad who care for the role of lawyers in a society strongly supporting the rule of law and democracy. Quite recently, we discussed with Martin Kopa from the Czech Republic the compatibility of the judicial function with other positions. Of course, Martin reminded us of Jim's idea that we should always "*keep an eye on the ball.*" And the ball in legal ethics is responsibility. Jim and his ideas connected so many people here in Slovakia, Czechia, Georgia, and Romania. I have met some of my closest friends through Jim. His ideas and his style of lecturing mixed with roleplaying are now more common—they have also found their way to the selection procedures of judges—and it helps to form the identity of young lawyers in Slovakia. Sometimes Jim is "virtually" present in the community via his insightful remarks like "*keep an eye on the ball.*" Sometimes he is among us through questions like "*Who is your client?*"—it is always amazing to watch how our students, year after year, find out that *they* are their clients while studying—and sometimes by his approach that trusts the other person and strives to realize their potential. Jim never looked down on us; he never saw himself as the one bringing wisdom to less evolved countries. He was always the partner.

Jim in action is Jiminko (the Slovak diminutive version of "Jim"). Jim is a friend and inspirational person. It is not uncommon here to judge a lawyer's success based on the absence of a personal life. The busier, the merrier. However, throughout his life, Jim shows that it is not necessarily the case. It is the legitimate and perhaps utmost goal to be a happy lawyer—to have life, deep family relationships, genuine companionship, hobbies, and engagement in your community's life. In fact, it is to be a compact and complex person with a balanced life. When Jim invited Peťo, Janko, and me to his cottage and his house, and he let us enjoy his domestic pre-Christmas life with Valerie, he also mentioned that life was not always easy. And that it was beneficial for him to realize that bad things also happen to good people. Looking around his place and life, I suddenly felt so much happiness over his happiness. I still do. I wish him all the best and feel very privileged to have him in my life.

*Jim Moliterno, Teacher: Everything
Everywhere All at Once*

James Étienne Viator*

This is a bittersweet reminiscence: partly sweet, because it is not written for an "in memoriam" issue of the *W&L Law Review*; but partly bitter, because law students are losing what they need most—a masterly teacher who, in whatever place he has taught, has been implicitly devoted to teaching tradecraft and soulcraft. Most law professors can handle the former. The amazing thing about Jim Moliterno is that he does both... superbly.

Even outside of the classroom, Jim is a superb teacher. He would have to be, to teach an LSU fan to enjoy watching (and cheering for) THE Ohio State University football team. I suppose that was part of Jim's soulcraft pedagogy. And it was done directly, through our attending Ohio State games together. But sometimes he taught me soulcraft indirectly, through his example.

Picture an almost Dickensian scene, when Jim and I were colleagues at Texas Tech Law School: Christmas Day in a wind-battered ranch-style "rent house" on the frigid, snowbound plains of West Texas. My seven-year-old son was recovering from grave, lifesaving Christmas-Eve surgery, his mother keeping uninterrupted vigil by his side—which meant that my four-year-old daughter and I had spent Christmas Eve watching her favorite VHS movies while munching on the junk food I had bought from the hospital vending machines a few hours earlier before we left the hospital. The two-lane blacktop "farm-to-market" road running from Texas Tech University Hospital in Lubbock to my house in the country was plated in steel-blue ice like the deck of an aircraft carrier in the Arctic Ocean.

Asleep on the sofa with my daughter, I was awakened early Christmas morning by the whirring of a VHS tape in automatic rewind mode. I slid off the sofa, telephoned the hospital, and was told my son would be home, safe and well, a few days later. After

* Adams & Reese Distinguished Professor, Loyola University (New Orleans) College of Law.

enjoying that happy news for a few moments, I thought, “But what about today, Christmas?” The vending machine goodies were gone, and anyway, my daughter had been talking for weeks about a real Christmas dinner of turkey and all the trimmings, just like she had seen in her favorite Disney Christmas movies.

Then, as if on the director’s cue in this Dickensian drama, there was a knock on my door, which, upon opening, revealed Jim Moliterno, in a heavy parka, bringing us our home-cooked turkey dinner, from his kitchen to our table—soulcraft.

I have several times recounted this Christmas tale to mutual friends in Jim’s presence, and he always laughed it off with a deflecting joke about his innate Midwestern ability to navigate frozen roads. So, I am thankful to the editors of the *W&L Law Review* for the opportunity to memorialize this little vignette in a more serious format, even though Jim will, I dare say, still shrug off his Christmas rescue mission with a self-deprecating joke. But I hope he’ll take just pride, if not in his rescue, then in his mastery of the teacher’s craft—in everything, everywhere, and maybe not all at once, but certainly all the time.

I was never one of Jim’s matriculated students, so I cannot testify to his method of teaching the lawyer’s tradecraft. I can only offer this one instance of the many effects his teaching has had on me. The lessons of our great teachers may forever just exceed our ability to articulate or explain their complete meaning. But the invisible soulcraft—that which cannot be taught directly—has been imparted to me by Jim’s example. And he can’t laugh that off.