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Karen Rothenberg

Lynne Battaglia

David Bogen

Deborah K. Chasanow

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TRIBUTES TO PROFESSOR ABRAHAM DASH

KAREN ROTHENBERG*

Abe Dash has been a member of our School of Law community for thirty-five years and until we moved to this new building he and I had offices next door to one another. In my early years, he was a constant support to me and I was a constant nag to him. I was determined to get Abe to quit smoking. I never did succeed. What I learned only recently is what an incredible life Abe has led! Abe Dash is a true triple threat—a man with three careers. The first began when he joined the armed services at the end of World War II. He trained as a pilot, shifting from the Naval Academy to the Air Force when they discontinued the pilot training program. He flew transport planes and was a bomber pilot during the Korean War. After the war he continued to fly for the Air Force until he left active duty in 1955. He then finished college in 1957 and received his J.D. from Georgetown in 1959, switching into the JAG program in the reserves. He remained a JAG officer in the Air Force until retiring in 1987 as a Lieutenant Colonel—a forty-two-year career in the armed services. I never knew I was to salute him every morning when I passed by his office.

Before he joined the law school faculty, he had a second career as an attorney in the federal government. He worked for the Senate Judiciary Committee, then as an appellate lawyer with the NLRB, as a trial lawyer with the Department of Justice, becoming Director of Litigation in the Criminal Division, and finally as Deputy Chief Counsel to the Comptroller of the Currency—serving more than a decade in high-level federal government positions.

During his thirty-five years at the law school Abe has routinely taught large upper-level courses, in Administrative Law, Professional Responsibility, and Criminal Procedure to more than three hundred students in a given year. Abe has provided extraordinary service to the school as a longstanding member of the Administrative Committee, advisor to the Moot Court Board and PAD Legal Fraternity, and founder of our National Trial Team.

Outside of the classroom, one of Abe's legacies is the *Maryland Trial Judges' Benchbook—Criminal Procedure* and the ten-year project on Criminal Jury Instructions. Abe is one of the school's most widely rec-

* Dean and Marjorie Cook Professor of Law, University of Maryland School of Law.

ognized professors in the community at large, known for his frequent contributions to debates over, and commentary on, popular legal issues of the day. He has testified on legal ethics in a number of cases including such well-known cases as the dispute between Peter Angelos and the State of Maryland over the size of Angelos's fee in the national tobacco litigation. His own professionalism led me to suggest him for the Professionalism Commission chaired by Judge Lynne Battaglia, who writes of his contribution elsewhere in this tribute.

Professor Abe Dash is a person who has left a lasting imprint on the character of thousands of Maryland lawyers and on all of us. We are grateful that, like several of his fellows, he will continue to be part of our community as an Emeritus Professor and to teach courses here at the school in the future—maybe for another thirty-five years!

LYNNE BATTAGLIA*

Abraham Dash, the consummate professional. If this was all that I could say about my former professor and present colleague on the Professionalism Commission, it would be enough; I cannot stop here, however.

I first encountered Abe Dash when I was a student at the University of Maryland School of Law in his Administrative Law course. That class was unlike any other that I had taken in law school. Professor Dash rejected the long-held belief that law was best taught through the adversarial Socratic method, pitting professor against student. Rather, he embraced a teaching style that was both supportive and collaborative. Each student received fair warning of his or her time in the spotlight to recite the holding and dicta of a case under discussion. Speaking from personal experience, this all but eliminated the usual "deer in the headlights" response. His demeanor was always courteous as he encouraged discourse among the students to ferret out the gist of a case. He demonstrated unwavering respect for students, even those who obviously lacked his appreciation of the power of the legal process. Professor Dash is truly one of the rare people who understands what it means to lead by example.

As I clamored through the shoals of practicing law in a law firm and as a public servant, I would be reminded of Professor Dash's anecdotes from many years of public service with the federal government and his quiet dignity and authority when I would find a quote from

* Judge, Court of Appeals of Maryland; Adjunct Professor, University of Maryland School of Law; J.D., University of Maryland, 1974.

him in my morning paper or when his brother continued to garner notoriety. I would occasionally run into him at the law school, and to my amazement, he was always quick with my name and a few questions about my life after law school.

We were reunited in 2004 on the Professionalism Commission, with myself presiding as chair and Professor Dash representing the law school. Dean Rothenberg was so right when she said that Professor Dash's participation in the Commission would be invaluable. His considered opinion is often the final word when other members cannot agree on what it means to be "professional."

During the last year, Professor Dash has attended many Commission meetings and participated actively in each one of them. From discussions concerning the importance of mentoring, to the unauthorized practice of law, to the development of a course for errant attorneys, Professor Dash's learned and thoughtful contributions have consistently carried significant weight with his other Commission members. His work, both in and out of the classroom, has borne out his guiding principle that process itself can serve as an instrument for the common good.

Professor Dash understands the importance of encouraging differing viewpoints to flourish as a means of enriching legal discourse. He forever reflects an inspiring openness to a myriad of ideas and theories and is always thoroughly prepared to leap into any situation or discussion with both feet. He displays a certain playful patience that seems to know no end with those who may not be quite so knowledgeable. Abe Dash has set an astounding example for those of us fortunate enough to follow in his footsteps.

So, as I said, it would be enough to say that Abe Dash is a professional, in every sense of the word. He is, though, so much more.

THE WILD ABE DASH*

DAVID BOGEN**

Off he goes into the wild blue yonder,
Climbing high into the sun;
Stories now, something for them to ponder,

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** T. Carroll Brown Scholar and Professor of Law, University of Maryland School of Law.

At'em Abe, mix in the fun!
Down he dives spouting crim. procedure,
Making one hell-uv-a splash!
He lives in fame with his cursed flame,
Nothing'll stop *Professor Abe Dash!*

At Admin. Law, our Abe's a wonder;
Clarity comes out of the blue.
Ignorance blasted by Abe asunder,
How he could, God only knew!
Students sit, dreaming of worlds to conquer
Spurred by Abe, never too rash,
With legal lore taught with semaphore,
Nothing can stop *Professor Abe Dash!*

Here's a toast, as we roast a man
Who loves the vastness of the sky,
To a friend we send a message
of love for a splendid guy.
To Tactics Trial he brought his Philly style;
To start the team
'twould seem he went the extra mile.
A toast to the best of men we boast, our Abraham Dash.

Abe is sought by the wide world yonder,
because he is level and true!
If you'd live to be a grey-haired wonder,
Follow him, keep him in view!
Teaching then, ethics, law and order,
Doing all with such panache,
At the dawn he carries on! Hey!
Nothing'll stop *Professor Abe Dash!*

DEBORAH K.* & HOWARD S. CHASANOW**

Our professional association and friendship with Abraham Dash began over two decades ago. We have always had the utmost admiration for his intellect and teaching ability, but when we began to write this brief tribute we discovered so much more to admire about our friend. For example, we learned that he completed his law school

* Judge, United States District Court for the District of Maryland.

** Judge, Court of Appeals of Maryland (Ret.); J.D., University of Maryland, 1961.

studies in only two years at Georgetown University Law Center, graduating in 1959. He had a multi-faceted legal career working for the federal government in a variety of capacities including: Associate Counsel for the Senate Judiciary Committee and the National Labor Relations Board; Trial Attorney in the Criminal Division of the Department of Justice; Director of Litigation, U.S. Administrator of National Banks; and Deputy Chief Counsel for the Comptroller of the Currency.

Perhaps our biggest surprise about our friend Abe Dash was his heroic military career beginning at the very young age of 16. He enlisted in the Navy, with his father's permission, in September 1945. On December 2, 1950, which was his birthday, he received his wings and was commissioned a Second Lieutenant. The Korean War had just begun. At first, he flew C-54 transports as part of the Material Air Command stationed in Japan, and flying to Wake, Guam, and Formosa. Professor Dash is reticent to talk about his military career, but his wife Mary Catherine recounted:

Then came the opportunity to volunteer for a special secret assignment. They only wanted single officers. Being young and adventurous, he volunteered. Lt. Dash was assigned to Yokota Air Force Base, Japan, to fly missions over enemy territory in B-29s to calibrate radar. After 17 missions, with an occasional loss of one or two engines, he decided he might be better off flying combat missions in B-26s. He was stationed in Pusan, Korea at K-9 doing dive bombing runs at night over roads and railways. On his 51st mission, he was shot down. Guiding his severely damaged plane away from land over water, so he and his crew would not become prisoners of the North Koreans, he crashed into the icy cold waters of Wansan Bay in the pitch blackness of night, north of the 38th parallel. A tour was 55 missions. He had just missed completing it by four more flights. It was April 1952. There were U.S. Naval ships at a distance that saw Lt. Dash's plane go down. They put a boat over the side to look for survivors, finding only the pilot. Abe grieves to this day over the loss of his crew. His mother was notified that he was "missing in action." Lt. Dash was taken on board the Grosom Hospital ship and transferred to another, before he reached Japan. After a while there, he recalls being laid out next to the runway where Medi-vac planes would pick up the injured being sent to Hawaii. He said that it looked like a scene in "Gone with the Wind," where the injured were lying on cots next to the railway. When he got to Hawaii, he called

his mother and sent her flowers, which he did each year afterwards.

Everyone who knows Abe Dash recognizes that he found his true calling in 1971 when he began teaching. He is a gifted instructor and his enthusiasm for the subjects he teaches is infectious. His teaching is not just confined to the law school classroom. Professor Dash has also been a guest lecturer or instructor at the National Judicial College, the American Bar Association (Administrative Law Section), the Administrative Law Judge Seminar, OSHA Commission, the U.S. Board of Contract Appeals, the Conference and Institutes Division of the University of Maryland, and the National Institute of Trial Advocacy. His expertise in the areas of Criminal Procedure, Administrative Law, and Legal Ethics is well recognized and he has served as consultant to several American Bar Association and Maryland Bar Sections and Committees in these areas. The knowledge and respect Professor Dash commands in the area of Legal Ethics is exemplified by the fact that in the past few years he has served as an expert witness and/or consultant in well over a dozen cases. His accomplishments were recently recognized when he was awarded the prestigious Daughters of the American Revolution Medal of Honor.

We particularly enjoy our association with Professor Dash in the Marlboro Chapter, American Inn of Court. Professor Dash is an active member, and, as with everything he does, his knowledge, wit and enthusiasm always help to keep the discussions lively. Professor Dash is a wonderful scholar, teacher and friend.

JEROME DEISE*

When I first came to Maryland, fifteen years ago, the first tenured, full professor I met was Abe Dash. I had been told that I would teach, among other subjects, Criminal Procedure and that I should meet with Professor Dash for advice about teaching "his" course. I knew of Abe's reputation as a lawyer and teacher. Everyone who practices criminal law knows of Abe Dash. I was brand new to teaching and woefully unsophisticated in the ways of academia. Not having met Abe, but knowing of his reputation as a veritable legal polymath, I was more than a little anxious, perhaps even a tad fearful, to meet with him to discuss Criminal Procedure, one of the many subjects that he mastered and taught. The prospect was rather daunting.

* Law School Professor, University of Maryland School of Law.

I expected to find a very smart, arrogant, impatient and curmudgeonly man. I found, instead, a very smart, generous, humble, kind and gentle man. He welcomed me as if we had been colleagues for years. My discomfort immediately passed. While we discussed Criminal Procedure casebooks, curriculum and the like, Abe, sensing my anxiety as a new teacher, spent much of his time instilling confidence in this green recruit. This was the first of many occasions when I sought and valued Abe's advice. After leaving Abe's office that day, I was a more confident, if not yet a more competent, teacher. After meeting with Abe, I thought, as well, that, perhaps, I had unfairly judged our tenured faculty. They were not irascible as I had thought. They were not curmudgeonly, after all. And then I met Bill Reynolds—but that is a tale for another day.

Most of us hope to be successful in one field. Abe has enjoyed enormous success in three—as a Lieutenant Colonel in the Air Force, as a federal prosecutor, and as a law professor. Others will describe, more eloquently than I am able, Abe's many contributions to our profession and this law school. Of these, there is one in particular which is little known, but which has had a profound impact on our school. It is Abe Dash who began the winning legacy of our National Trial Team. Through his tireless dedication, saintly patience and considerable skill and knowledge, not to mention the countless weekends and evenings that he devoted to preparing the team, Abe laid the foundation for what has become our nationally ranked trial team. He did this while teaching a full load, serving on various committees and contributing to the community and profession in countless ways.

When Professor Dash asked me to assist him with the trial team, I was immensely flattered and excited to be working with the master. He has since passed this honor on to me. There have been times, mostly the weekends and evenings that I now spend with the team, when I question whether I should be grateful to my friend for this "honor," but those times are infrequent. Most often, I am delighted to have been given the opportunity to work with some of our most talented students. Abe taught the trial team and me many important lessons. Of those he taught me, the wisest and most helpful was to be patient with my students and with myself. Abe instilled in us a passion for trial advocacy, gave us the skills and techniques that made us winners and taught us how to do it with the utmost grace and dignity.

Abe has been, and will continue to be, my mentor, colleague and friend. For that, I am most fortunate and will be forever grateful. As we travel through life and our respective careers, we are fortunate if we find even one of those very special people who, by their honorable

character, talent, skill and professionalism, earn our greatest admiration and respect. I am fortunate to know more than a few who fall into this category. Some, like Melvin Sykes, we may get to know only in passing and admire from afar. Others, like Leonard Orman, we are fortunate to get to know better and appreciate more with each passing year. Still others, like Abe, we are privileged to work with as a colleague on a daily basis. They, and other very special men and women like them, have had a profound influence on me as a lawyer and person, although, I am certain, they are all unaware of it. Abe, and those like him, represent all that is good in our profession. By their example, both professionally and personally, they exemplify our highest and noblest ideals.

The word that most aptly describes Abe, of course, is, "gentleman." Abe is a gentle man and, in every respect, a gentleman. I will never be able to pass on to my students Abe's vast knowledge, skill or wisdom. I will continue to try to instill in them, what is even more important, Abe's integrity, humility, generosity, patience and kindness. For all that he has done for us individually, for our students, the law school and our profession, and for all that he will continue to do, we thank you, our dear friend.

FRED SMALKIN*

Someone once said—or, if I am saying it here for the first time, someone should have said long ago—that you seldom find out you have been in the presence of a hero until long after you meet him. And so it was with Abe Dash.

When I first met Abe, he had just come to the law school after a varied career in the highest legal precincts of the federal government. What motivated him to take up full-time teaching, I do not know. But, I know that his years of experience as a federal government lawyer, both as a prosecutor and as a regulatory law expert, gave him not only credibility with the students, but also a wealth of the kind of legal "war stories" that never divert, but always inform, the student.

Although I knew that Abe was a reserve Air Force legal officer, it wasn't until almost twenty years after our first meeting that I found out—quite by happenstance—that he was also a "rated officer," that is, that he had been a pilot. And it was another ten years before I found out that he had been a combat pilot, with plenty of "war stories"

* Senior Judge, United States District Court for the District of Maryland; J.D., University of Maryland, 1971.

of the other sort to tell. The thing was, he never told them. This is characteristic, as I said above, of the real heroes one meets.

Abe's war stories harken back to the Korean War. Although some call it "the forgotten war," it will never be forgotten by those who fought in it, or their families. For Abe, it meant low-altitude bombing runs in World War II-era bombers. There are two old sayings in flying that well describe Abe's Korean War flying experience. One is that altitude is a pilot's "money in the bank." That is, low flight is very dangerous, because there is little margin for error or time to recover from emergencies. The second—especially descriptive of combat flight—is that flying consists of hours of boredom punctuated by moments of sheer terror. For Abe, those terrifying moments included being shot out of the sky over the water, a terrifying plunge, and a providential rescue. He emerged from the war having earned (not "won") a decoration respected by every pilot, the Distinguished Flying Cross, and one respected by every American, the Purple Heart.

Yet, in his quiet way, this American hero, a true citizen-soldier, turned away from the profession of arms when the war was over and took up the scholar's mantle. He completed his education with a law degree, practiced with distinction, and has given the gift of understanding to—literally—generations of law students. He lately has had the pleasure of teaching the children of some of his first law school students. With his characteristic sense of propriety, however, Abe avoids making embarrassing (usually to the parents) comparisons.

Now, you all know the "rest of the story" about Abe Dash. An American story, comprising an extraordinary career, told about an extraordinary American. I am proud to have had the privilege of calling Abe Dash my teacher, my colleague, my friend, and—best of all—my hero.