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MEMORIAL TO PROFESSOR DONALD E. PEASE

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"HE ALWAYS HAD TIME"

This issue of the *Delaware Journal of Corporate Law* is dedicated to the memory of Donald E. Pease.

*Remarks of Eugene L. Grimm**

I knew Don Pease as a fellow attorney with the DuPont Company and as a fellow professor, here at Widener University School of Law. As Don wished, he will primarily be remembered for his many years of service to Child, Inc., an agency that serves abused and neglected children and battered spouses, and his service to disabled attorneys, through the lawyers' assistance committee of the Delaware Bar Association. In this short note, however, I will be focusing on Don's contribution to Widener University School of Law as faculty advisor to the *Delaware Journal of Corporate Law*.

Professor Pease became faculty advisor to the *Delaware Journal of Corporate Law* for the academic year 1985-1986 and held that position until the end of 1995. In my view, it is no coincidence that this Journal is nationally ranked for excellence in its field. Professor Pease played his part in earning and maintaining this ranking. Law faculty members and law practitioners who want to know what is going on in corporate law continue to turn to the *Journal* and, although they probably do not know it, are indebted, in part, to Don Pease for its excellence.

When talking to those who worked with Don in that capacity, the fundamental contribution most often mentioned is that Don was always the steady hand, the calming influence, the "people" person. There was always

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time to confer and advise on an article or with the articles editors. He was always willing to review (and strengthen) a *Journal* article. He was always available to talk over problems encountered by administrative staff in their daily routine. He made room in his schedule for *Journal* activities, and participated as an advisor to the fullest extent

Don's feelings for his students and his willingness to help them came as no surprise to anyone who knew him. I worked with Don at the DuPont company for more than twenty years. He was an excellent attorney; comfortable in his own skin; and was interested in helping people succeed in accomplishing worthwhile tasks. Certainly, he was a mentor to me many times.

It is appropriate that the award given annually to the law review member who has contributed the best student article demonstrating substantive and stylistic excellence is named the Donald E. Pease Memorial Award. Don Pease gave his time and talents to the *Journal* without reservation. People at all levels—administrative, faculty, staff, and students—respected and loved Don as a good and gentle man. I am sure Don's contribution over the years is one of the reasons why the *Delaware Journal of Corporate Law* continues to be so well regarded.

The last time I saw and talked to Don, he was in a local nursing home, a few weeks before his death. The conversation was not about Don and his infirmities. He wanted to talk about the law school, its current enrollment, prospects for the coming academic year, my classes, and the quality of the student body. Don Pease wanted each and every one of us—faculty members, students, and staff—to succeed and knew that we would continue to do so.

*Remarks of William T. Quillen**

Donald E. Pease, Esquire, will be remembered for his dignified professionalism at Georgetown Law School, in the United States Tax Court, at DuPont (as corporate secretary and chief counsel of the corporate law division), and at Widener as a law school professor. But occupation did not define Don in life and occupation does not now capture our memory of him.

Don was a straight shooter, never a hidden agenda, the embodiment of honesty. Don had a North Dakota childhood, and, in his maturity, he possessed the openness, candor, and simplicity we associate with the

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western prairie. There could be tough love in his work on the lawyers' assistance committee, where Don applied the accumulated wisdom of personal and societal experience, but toughness would never replace kindness for toughness' own sake. Don always lived for tomorrow—for his students, in and out of the classroom, for Child, Inc., for better cultural activities in Wilmington. As he taught discipline, he would persevere with care and excellence and dedication in his own writing projects on law and history. Don, a World War II veteran, stands well for his generation. He did his duty with silent pride, and even joy, but without the need to direct the focus to self. And, like his generation, he was devoted to his family with loving and protective care.

Don was a lawyer but he will be remembered foremost as an extraordinary human being—honest, open, loving, kind, eyes front, dedicated—whose greatest pleasure was service to others. His life of human decency is a memorial to the value, and to the power, of soft-spoken truth, and perhaps to the life God wishes for us all.

*Remarks of Joseph Dell'Olio**

Donald E. Pease, Esquire, served on the Board of Directors of the Boy's Home of Delaware in the mid 1960s and continued with Child, Inc., its successor agency, serving as Vice President of the Board from 1973 to his passing in 2004. He was extremely dedicated to Child, Inc. and its mission, which is "to improve the quality of life of dependent, neglected, abused children and victims of domestic violence." He also served as the agency's Legal Counsel, generously donating his legal expertise, and as a Trustee for Child, Inc.'s Retirement Plan.

On occasion, Mr. Pease provided pro-bono legal counsel for agency clients who were indigent. He was a true practitioner of the "golden rule" frequently going out of his way to help people in need. He often said that he was "most proud of his years of service as a vice-president and pro-bono attorney for the non-profit organization, Child, Inc." We at Child, Inc. are proud to have worked closely with Mr. Donald E. Pease who was an outstanding servant of our community.

*Executive Vice President of Child, Inc.

*Remarks of Larry W. Fifer**

Donald E. Pease, Esquire was an exceptional man. I came to know Don as a fellow member of the Lawyers Assistance Committee several years ago when he was serving as its chairman. The Lawyers Assistance Committee was established in 1985 to provide assistance to Delaware lawyers and their families whose lives are adversely affected by alcoholism and other addictions. Such assistance can come in many forms, including referrals, rehabilitative services, and hands-on involvement with the affected lawyer.

I was at once impressed by Don's quiet and understated manner, especially in light of his obvious professional and intellectual prowess and his many accomplishments. Don led by example on our committee by doing what was needed, rather than talking about it or asking someone else to do it. He was always ready and willing to give of his time and the benefit of his counsel to others who were in need despite the concurrent demands of his many other commitments and activities. He performed such service time after time with genuine and non-judgmental humility. I can remember one occasion on which he was asked to personally attend to the needs of a lawyer in trouble who was in grave danger of harming himself or others. Don did not hesitate and took action immediately upon being requested to do so, and it did not matter to him that it involved visiting the lawyer in a troubled section of Wilmington at some risk to his own safety. I also remember Don as being a man of great ability and great compassion. He was deeply touched by the tragedies resulting from addictions that befell lawyers and their families. Moreover, Don would schedule necessary committee meetings at times and locations that were convenient to others although perhaps not to him personally. This was just another example of his willingness to constantly think of others before he thought of himself. Quite simply, Don gave of himself as few can and even fewer will.

I know that my life was greatly enriched by getting to know Don personally and by serving with him on the Lawyers Assistance Committee. His involvement and leadership gave purpose and meaning to what can often be a thankless job. I am grateful to have known him and feel privileged to be asked to submit these words in his memory. It is clear to me that all Delaware lawyers have benefited from the rich and exemplary life of Don Pease. He always had time for others.

*Chair, Lawyers Assistance Committee, Delaware State Bar Association.

*Remarks of Robert C. Kline, John R. Malloy, John F. Schmutz, and Charles E. Welch**

Donald E. Pease is sorely missed. We knew him in a variety of capacities. From a professional perspective, he was a fellow lawyer in the Legal Department of E. I. du Pont de Nemours and Company and, for many years, the head of its Corporate Law Group where he led the company through the turbulent corporate law turmoil of the late '70s and early '80s.

When he retired from DuPont, Don shared his wealth of knowledge and experience with the students of Widener University School of Law, where he taught corporate law for many years and served as faculty advisor to the *Delaware Journal of Corporate Law*. Don also shared his skill as a lawyer by working for more than thirty years with Child, Inc., helping abused women and children. He was also an active member of the Delaware Bar for over thirty years where he worked for many years with disabled attorneys.

But we also knew Don from another perspective, as a friend. For many years several of us carpooled to work with Don. Don was also an ardent golfer, and until several years ago, some of us played golf with him each week.

We honor Don as a friend, as a lawyer and for his legacy of service to the legal profession, the academic community, and to our state.

*Remarks of Professor Lawrence A. Hamermesh**

I owe Don Pease a great deal. It is almost embarrassing, in fact, how much of my own academic accomplishments stem from Don's work. At the most obvious level, it was the vacancy created by his retirement from full-time teaching that I had the good fortune to fill. Luckily, Don continued for some time to teach at Widener as an adjunct, and I benefitted frequently from his experience and counsel. Soon after I began teaching in 1994, however, one of Don's former students warned me, correctly, that I had "big shoes to fill."

I see in hindsight that while I may not yet have filled Don's shoes, I have certainly used them a great deal. The first major subject of my own

*Robert C. Kline, retired DuPont Vice President and Assistant General Counsel; John R. Malloy, retired DuPont Assistant General Counsel and Senior Vice President of External Affairs; John F. Schmutz, retired DuPont Sr. Vice President and General Counsel; and Charles E. Welch retired DuPont Sr. Vice President and General Counsel and Sr. Vice President of External Affairs.

*Ruby R. Vale Professor of Corporate and Business Law, Widener University School of Law; advisor to the *Delaware Journal of Corporate Law*.

scholarly efforts—the fiduciary disclosure duties of corporate directors¹—was a subject Don had already begun to address long before I arrived at Widener.² It was a remarkably neglected subject, and Don was one of the very first to recognize its importance. His insights, and his identification of the subject as worthy of scholarly attention, were an important contribution to my own work.

I also credit Don with the creation of what has become a long-standing, highly visible, and valuable part of the work of the Law School and its Institute of Delaware Corporate Law. It was Don who founded the annual Ruby R. Vale Interschool Moot Court Competition. Evidently, it was Don who perceived that Widener had the perfect mix of resources to put on a first-class moot court competition: a unique closeness to a subject matter that other moot court competitions had not yet occupied; a highly sophisticated local bar capable of supplying judges for the competitions; and a generous and expert local bench, willing to serve as judges in final rounds of the competitions, often hearing arguments on subjects not too distinct from cases they were actually hearing or hearing about.

I omitted from the previous paragraph the one resource without which the others would not have born fruit: namely, Don's own insights and energies that went into creating top quality moot court problems year after year, and attracting top-flight visiting scholars who relished the opportunity to sit with Delaware judges in the finals of the competition. The fact that the award for best brief in the competition is named in honor of Don is but a small token of recognition for his enormous contributions to the success of this annual event. I can only hope that Professor Paul Regan and I have kept Don's creation alive and well in the manner that he achieved in his lifetime.

A lesser individual with Don's experience would surely have been inclined to seek early retirement after his long and distinguished service with DuPont. The alumni and students of Widener Law School—and I—are fortunate, therefore, that Don chose to devote so much of the latter part of his career to developing the Law School and its *Delaware Journal of Corporate Law*, as well as the Vale Competition, into their present status as leading resources in the field of corporate and business law.

¹Lawrence A. Hamermesh, *Calling Off the Lynch Mob: The Corporate Director's Fiduciary Disclosure Duty*, 49 VAND. L. REV. 1087 (1996).

²Donald E. Pease, *Delaware's Disclosure Rule: The "Complete Candor" Standard, Its Application, and Why Sue in Delaware*, 14 DEL. J. CORP. L. 445 (1989).