



A Celebration of the Life  
of  
**Daniel H. FitzGibbon**  
July 7, 1942 - September 19, 2013

St. Luke's United Methodist Church  
100 West 86th Street  
Indianapolis, Indiana 46260

## **DANIEL H. FITZGIBBON**

The sudden death of Dan FitzGibbon on September 19<sup>th</sup> was not only a shock and loss to Dan's family and friends, but also the ABAROLI (American Bar Association Rule of Law Implementation) for whom Dan spent the last 15 years of his life in public service.

Dan, who became a member of the Literary Club in 2006, wrote and delivered his second essay to us 2 ½ years ago on March 7, 2011 titled "Brothers in Law: Stumping for the Rule of Law in the Footsteps of the Commissars." If you were not at this meeting, you should obtain a copy which you can download from our electronic library of Literary Club essays. See our Secretary for instructions.

The time of his essay (2011) was after Dan had spent 13 years visiting 15 countries (now it would have been 15 ½ years visiting 21 countries) "to carry out a total of 25 (or more) legal reform projects." Dan would most likely be dealing with lawyers from these countries. Most cases were "directed and funded by either the U.S. Agency for International Development or the State Department, operating through an initiative of the American Bar Association."

Dan was 56 years old in 1998 when he cut short his partnership as a business and tax lawyer at Barnes & Thornburg by taking a leave of absence to head up a commercial law program for a year in Russia. He neither requested nor received payment for his time in assisting these countries in establishing rules of law. What Dan did was 100% public service, but those who knew Dan are not surprised.

On page 12 of this 2011 essay were his “Conclusions” which read:

“Overall, despite these and other issues, my sense is that most of the former Communist states are truly emerging democracies, making progress toward international standards in most areas. Russia is a clear exception (I call it a “submerging” democracy), where conditions have deteriorated in the 12 years since I completed my year of service there. In Russia, judges in high-profile cases appear to be improperly influenced and selective prosecution of political opponents occurs. The government has taken control of television media and major business enterprises, and journalists for opposition newspapers have been intimidated and even assassinated.

In other places, though, most signs are encouraging, and improvements are evident if slow in coming. A good example is Bulgaria, where I’ve made six visits working with either the advocacy or the judiciary. The legislative changes I’ve

recommended in 2001 were largely enacted, but not until 2004, and then implementation took another two or three years. Ultimately, conditions improved, and in 2007 Bulgaria joined the European Union.

There is reason to hope that, with continued international support and internal motivation, as well as economic development, the legal systems of most of these countries will be reasonably close to international standards in all areas in the next generation or two. We need to remember that conditions in the U.S. are not perfect, and we've had some 235 years, compared to their 20, to get where we are."

Growing Up Daniel FitzGibbon was born in 1942 in Columbus, Indiana and attended Columbus schools with high grades and athletic ability as quarterback of the Columbus High School football team. He received a grant to West Point, which he attended and graduated in 1964 with a B.S. in Engineering, after which he served over five years as an Army infantry officer, rising to the rank of Captain. He successfully completed the Army's Airborne and Ranger schools and was first in his class at his Special Forces qualification course. He served nearly three years (1964-67) in West Berlin, Germany, and then spent 19 months, including 10 months as an A-team leader (and Green Beret) with the Fifth

Special Forces Group (ABN) in Vietnam during 1968-69. His time in Vietnam appears in letters to his mother, published in 2005 by the Indiana Historical Society as a book titled as “To Bear any Burden, a Hoosier Green Beret’s Letters from Vietnam.” Among these letters are references to a school Dan was able to build for Vietnam children in an area near where his troops were located.

Becoming a Lawyer & Marriage. After his Army service, Dan attended Harvard Law School, graduating with honors in 1972. It was there Dan met and married Joan Meltzer in 1973. Returning to Indiana, Dan joined the Indianapolis law firm that was later named Barnes & Thornburg. He rose quickly to partner in the Business and Corporate Tax Department, which he soon headed. Dan served 13 years on the firm’s management committee. He was listed on “Best Lawyers in America”.

Dan was a member of numerous law-related organizations and other clubs. Dan’s community activities included eight years from 1988 – 1996 as a member (two as president) of the school board of Lawrence Township School Foundation. It was at a meeting in a Lawrence High School on

September 19 where he suddenly lost his life from a heart disease he dealt with since 1980—33 years.

A dedicated public servant and lawyer, Dan was a beloved husband and father of a grown daughter and son whose gentle spirit, intelligence, generosity and sense of humor will be deeply missed.

#### Daniel FitzGibbon (1942-2013)

Daniel FitzGibbon was born in 1942 in Columbus, Indiana, to Joseph and Lenore FitzGibbon. A West Point graduate and Green Beret, Dan served over five years as an Army officer in Berlin and in Vietnam, rising to the rank of Captain. In 2005, the Indiana Historical Society published his book, *'To Bear any Burden: A Hoosier Green Beret's Letters from Vietnam*. After his military service, Dan attended Harvard Law School and became a corporate and tax attorney at the Indianapolis law firm that later became Barnes & Thornburg. He spent a year in Russia in 1998-99, running a commercial law reform program on a *pro bono* basis. He then became of counsel to his law firm to enable him to carry out more than 28 legal reform assignments in over 20 countries in the former Soviet Union, Eastern Europe, the Balkans, North Africa and the Middle East.

His community activities included eight years as a member (two as president) of the school board of the M.S.D. of Lawrence Township during 1988-96, as well as service as a board member of the Lawrence Township School Foundation and as a trustee and advisor of the Eiteljorg Museum.

Dan was the loving husband of Joan (Meltzer) for 40 years and proud father of Katherine Lenore FitzGibbon and Thomas Bernard FitzGibbon.

#### *Psalm 23*

*The LORD is my shepherd; I shall not want. He maketh me to lie down in green pastures: he leadeth me beside the still waters. He restoreth my soul: he leadeth me in the paths of righteousness for his names sake. Yea, though I walk through the valley of the shadow of death, I will fear no evil: for thou art with me; thy rod and thy staff they comfort me. Thou preparest a table before me in the presence of mine enemies: thou anointest my head with oil; my cup runneth over. Surely goodness and mercy shall follow me all the days of my life: and I will dwell in the house of the LORD for ever.*

#### “Afterglow”

I'd like the memory of me to be a happy one.  
I'd like to leave an afterglow of smiles when life is done.  
I'd like to leave an echo whispering softly down the ways,  
Of happy times and laughing times and bright and sunny days.  
I'd like the tears of those who grieve to dry before the sun  
Of happy memories that I leave behind when day is done.

*Helen Lowrie Marshall*