

MEMORIAL RESOLUTION OF THE
ALLEN COUNTY BAR ASSOCIATION

HONORABLE ALFRED W. MOELLERING

WHEREAS, we are here to pay our respects to the memory of our deceased colleague and friend, Honorable Alfred W. Moellering, who died June 2, 2013, at the age of 86; and

WHEREAS, he is survived by his wife, Carol Moellering, of Fort Wayne, Indiana; son, David Moellering, of Fort Wayne, Indiana; daughter, Caroline Moellering, of Chicago, Illinois; grandchildren: Fiona, Finton and Sadie Gallagher; step-daughter, Jo Norris, and step-great granddaughter, Emilia Norris. He was preceded in death by his parents, William and Hilda Moellering; and by his brother, Paul Moellering.

Judge Moellering was born and raised in Fort Wayne, and attended St. Paul's Lutheran Elementary School, and South Side High School, graduating in 1945. After graduating high school, Judge Moellering was drafted into the U. S. Army during the conclusion of World War II and rotated out of the service after two years of service in 1947. Al enrolled at the Indiana University Extension in Fort Wayne in 1947 and then transferred to Indiana University, Bloomington, where he received his bachelor's degree from the School of Business in 1951. As was common in those days, his last year of undergraduate work was his first year of law school and he graduated from the I.U. School of Law in 1953. Al and I were contemporaries, practically from the very beginning of our lives. Al was born on December 13, 1926 and I was born one year later on December 28, 1927. Our respective parents owned homes in the 800 block of Madison Street, Fort Wayne, directly across from each other, so Al and I literally grew up together, and attended St. Paul's, where we walked to school every day with our fellow Lutheran students and the students from St. Mary's Catholic School, located just a block away from St. Paul's.

Politics was always a bone of contention between Al and me since he was an ardent Democrat. He ran for his first political office in 1948,

shortly after turning 21 and while attending I.U. Extension. He ran for State Representative and was nominated by the Democratic Party in the primary election but was defeated in the general election. While at I.U., he was deeply involved in campus politics and then became active in the Allen County Democratic Party after beginning his practice of law in 1953 in Fort Wayne. He was associated with the Law Office of Herbert Willis in the Lincoln Tower and ran for the Office of Mayor of Fort Wayne in 1955, at the age of 29 years. Because the incumbent Mayor, Harry W. Baals, died in May, 1954, he was succeeded in the office by the then City Controller, Robert E. Meyers, who ran for his own four year term in 1955 and defeated Al by a 2 to 1 margin in the general election in 1955. Bob Meyers later became a Superior Court Judge of Allen County and served for many years as a colleague of Judge Moellering's in the Superior Court.

In 1960, John F. Kennedy was elected President, thereby enabling the Democratic Party to appoint Democrats as U. S. Attorneys commencing in 1961. Because of his valiant efforts in waging losing battles for the Democratic Party, he was rewarded with being nominated for the position of U. S. Attorney for the Northern District of Indiana and was confirmed by the U. S. Senate in 1962. He was re-appointed by President Lyndon Johnson after Johnson succeeded Kennedy as President in 1963 and served as U. S. Attorney until Richard M. Nixon's election as President in 1968. He was succeeded in that position by my Chief Deputy Prosecutor, William Lee, who assumed the position of U. S. Attorney in 1969.

In 1970, Al decided to run for the Superior Court No. 1 position then held by Judge Dale Myers. Al was nominated in the Democrat primary in 1970 and was then successful in defeating Judge Myers in the general election in 1970. I had served as Allen County Prosecutor for eight years from 1963 to 1971, approximately the same period Al was the U. S. Attorney. I was elected to the Indiana State Senate in 1970. During the 1971 legislative session, I introduced legislation sponsored by the Allen County Bar Association to put all Allen County Superior Court Judges, there then being three in number, on a non-partisan retention basis. The original legislation, which was written by fellow Allen County lawyers, Fred Beckman and Jeanne Miller, was designed for the entire state, but then because of objections from many rural counties, eventually was applicable only for Allen County. For the Judges whose terms were then

expiring in 1972 and thereafter, all were then placed on a retention ballot and Judge Moellering was retained as Judge of the Superior Court No. 1 in 1974 and thereafter until he concluded his service in 1971, when he retired.

Current Allen Superior Court Judge John Surbeck was a Law Clerk for Judge Moellering before being appointed to the Superior Court bench. Judge Surbeck is quoted as saying "Al really served as a mentor to most of my generation. The things he taught us have served us well throughout our careers." Judge Fran Gull was also a Law Clerk of Judge Moellering's, as were a number of prominent Fort Wayne attorneys.

Because of his love for Indiana University, Al became a lifetime member in the I.U. Alumni Association after he received his B.S. degree in 1951 and continued as a loyal I.U. alumnus until his death.

Al was also active in the Indiana State Bar Association and enjoyed attending concerts and plays at the Fort Wayne Civic Theater and the Fort Wayne Philharmonic. He was a lifelong member of St. Paul's Lutheran Church and a devoted father and grandfather. Judge Moellering's son, David, indicated his father and mother had been married 54 years. At the time of his death, he spent a great deal of time with his children and grandchildren.

The hallmark of Judge Moellering's 20 year career as Superior Court Judge is emphasized by several comments made by local attorneys upon his retirement in 1991. Although Judge Moellering had a reputation for being critical in his treatment of attorneys who practiced in his courtroom, local attorney Donald C. Swanson was quoted as saying "I'd rather for a client to get a fair trial than I be treated with kid gloves in a courtroom." Attorney John Nimmo was quoted as saying that "Judge Moellering was always able to set aside any prejudice for either side and give a very, very fair trial."

In summing up his 28 years as federal prosecutor and Superior Court Judge, I believe my longtime friend, the Honorable Alfred W. Moellering, will be known and remembered as a diligent enforcer of federal law and a fair arbiter of state law.

NOW, THEREFORE, BE IT RESOLVED that the Allen County Bar Association gives public expression of its sorrow upon this, the occasion of the remembrance of the life of Alfred W. Moellering, and be it

FURTHER RESOLVED that this resolution be unanimously adopted by those present upon this occasion and be it

FURTHER RESOLVED that this resolution be transmitted by the Allen County Bar Association to the members of the Judge Moellering family and be it

FURTHER RESOLVED that this resolution be spread of record in the permanent records of the Federal and State courts of Allen County, Indiana, to evidence the respect and admiration of members of the bench and bar for their friend and colleague, the Honorable Alfred W. Moellering.

Dated this 26th day of July, 2013.

THE ALLEN COUNTY BAR ASSOCIATION

BY: Stephen P. Rademaker
Stephen P. Rademaker, President

BY: Stanley A. Levine
The Honorable Stanley A. Levine
Judge, Allen Superior Court

Resolution written by Walter P. Helmke

