

David E. Moore

Footsteps in Our Souls



I cannot adequately express how saddened I was when I learned that Kelly Pace had passed away. He was a truly good man. As I sit here, I am somewhat bothered that I cannot remember the first time that I met him. But, I guess Kelly is one of those friends that seem like they have been there

comfortably forever, from the beginning. What I am certain of is that we, collectively, have lost a treasure.

It is important that we memorialize Kelly and acknowledge the multitude of things he did for all of us. I've come up with a partial list.

Kelly was a frequent lecturer and teacher of lawyers. He would go anywhere, any time to address his fellow lawyers. And while probably his most frequent topic was our ever-shrinking Fourth Amendment, Kelly would prepare and cover just about anything on the spectrum—from ethics to trial tactics. Just tell him what was needed, and he would then absolutely pour himself into the topic and make a sterling presentation. His abilities were reflected in the fact that he was consistently graded by

seminar attendees as one of our top speakers.

One thing you could count on, just as sure as the sun rises in the east, in March of each year, Kelly would put his practice on hold and spend the better part of a week in Huntsville as a faculty member of the TCDLA Trial College, teaching lawyers fresh out of law school how to defend the citizen accused. He absolutely loved being able to help those young neophytes ready themselves for what lay ahead of them in their challenge of crossing swords with the State of Texas.

Kelly also served on the TCDLA Board of Directors. Just so you understand, the ladies and gentlemen who volunteer for the board make an eight-year commitment to serve our members. That's right: an eight-year hitch of making board meetings, serving on committees, and taking care of the business of our organization. It is important to note that board members are not compensated for their time. Their expenses and travel are paid out of their own pockets. Kelly was first elected to our board in 2006 and finished his service a couple of years ago . . . Then, last year, he volunteered to do it all again and was in his second go-round when we lost him. When he applied for this tour of duty, I somewhat jokingly asked him if he was a glutton

for punishment. Kelly just smiled that Kelly smile and told me “I think there’s more that I can do, more that I can contribute.” When his application for the rare second hitch came before the nominations committee, the consensus was that nobody does more for our membership, and that we would be absolute fools *not* to take him up on his offer.

For the last 10 years, Kelly served as a committee member of TCDLA’s Criminal Defense Lawyer Project, a lawyer training program dedicated to bringing quality seminars to all corners of the state, even the most rural of venues. He was named chair of that committee in 2014.

Kelly also was the heart, the absolute core, of our Lawyer’s Assistance Program. He was the chair person of that committee for over a decade. It may have been his greatest calling. Kelly was always there for our members when they were at rock bottom. In their darkest hour, he was there as a guiding light, as a confidant, as a life preserver, and as a friend.

Those are just some of the things he did for TCDLA. And as if that were not enough service for any single human to undertake, Kelly also found the time to contribute to other local bar groups and the State Bar in various capacities, even serving some of them in the role of president.

It is crystal clear that Kelly Pace was a giver, not a taker. That was his spirit. And what he gave, he did so selflessly—out of the limelight, never seeking credit, never ever interested in self-promotion. And, he gave of himself until the very end.

So, what motivated him?

I know he loved TCDLA. Our mission statement: “to protect and ensure by rule of law those individual rights guaranteed by the Texas and Federal Constitutions in criminal cases; to resist the constant efforts which are now being made to curtail such rights; to encourage cooperation between lawyers engaged in the furtherance of such objectives through educational programs and other assistance; and through such cooperation, education, and assistance to promote justice and the common good.” Those were not just hollow words to Kelly—it’s what he believed in, and that belief moved him to action.

He also did what he did because he really cared about his brothers and sisters in the criminal defense bar. He wanted to help us be better lawyers. And, he wanted to be there to catch and assist us when the pressures of our profession sometimes caused our lives to go off the rails.

But above all else, I think he committed himself to the service of others because he loved his fellow man. To quote Dickens, mankind truly was Kelly Pace’s business.

I am reminded of the words of Elizabeth Barrett Browning. To paraphrase her words from *Sonnets from the Portuguese*: “The face of our world is changed, I think, since we first heard the footsteps of Kelly Pace’s soul.” He did so much, so long, so

well, so unselfishly—for all of us.

What can we do to honor him? I know that Therese and Kelly’s children have asked that memorial donations be made through a TCDLEI scholarship fund set up to help lawyers, and that is certainly something Kelly would have approved of. But more than just giving money, I think Kelly would have wanted each of us, individually, to take some action, to take a page from the Kelly Pace playbook.

Give back. Mentor a young lawyer or two.

Kelly would have told us that life is short and we are not guaranteed to be here for the next board meeting, or the next birthday, or the next holiday, or even tomorrow for that matter. Take the time today to tell the people around you how much they mean to you, how much you love them. Tell them now, and then remind them every chance you get.

And he would want us to take care of each other. We are our brothers’ (and sisters’) keeper. If you see someone that you think may be struggling, whether from depression or substance-abuse issues, step up and say something. Engage them, support them. Not in a finger-wagging or preaching way, but like Kelly would do it—quietly, with compassion, acceptance, love, and understanding.

Our hearts go out to Therese and Kelly’s whole family. Thank y’all for sharing this remarkable man with us.

I am going to miss him greatly. I know I am certainly the better for having known him, for being able to have counted him as my friend. I know that we, together, are all the poorer now that Kelly Pace is gone, but we will always remember his footsteps in our souls.



David Moore, TCDLA president 2017–2018, is a partner at Holmes & Moore in Longview. He has also served as chair of the Criminal Defense Lawyer Project and as a member of numerous TCDLA committees—including the Executive Committee, the Budget Committee, and the TCDLA Strike Force. David also teaches on the faculty of the Tim Evans Texas Criminal Trial College and lectures at various seminars regarding continuing legal education requirements for lawyers. He can be reached at dmoore@holmesmoore.com.