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Burbank, Stephen B., "Edward R. Becker: A Man in Full" (2006). *Faculty Scholarship at Penn Law*. 953.
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University of Pennsylvania Law Review

FOUNDED 1852

Formerly
American Law Register

VOL. 155

NOVEMBER 2006

NO. 1

IN MEMORIAM

EDWARD R. BECKER: A MAN IN FULL

STEPHEN B. BURBANK[†]

I described Ed Becker as “a judge in full” when, as one of a number of friends and colleagues, I saluted him upon receipt of the Devitt Award in 2002. The occasion permitted me to complete a picture that I had started to paint when introducing a collection of tributes published in this journal upon his thirtieth anniversary as a federal judge.¹ Whereas the latter concentrated on Ed’s remarkable contributions to the development of the law, the tributes in connection with the Devitt Award, like the award itself, celebrated a lifetime of achievement in judicial administration.

My description of Ed reflected the conclusion that, at least in his case, there could be no meaningful dichotomy between judicial work

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¹ See Stephen B. Burbank, *Making Progress the Old-Fashioned Way*, 149 U. PA. L. REV. 1231 (2001).

and administrative work. For he evinced the same qualities in both. Those qualities—unbounded intellectual curiosity, high intelligence, extraordinary energy, patience, and, ultimately, humility—enabled him to fructify not just his technical proficiency, but also his aspirations for institutional architecture and arrangements both efficient and humane. Perhaps more important, politics was central to his enormous contributions in both spheres, at least if one defines politics as the art of seeking to improve the human condition through intelligence, patience, persuasion, and compromise.

Like the late Richard Arnold, Ed was adept at the politics of judging and the politics of the judiciary. He understood that, as Richard put it, “[p]olitics is people.”² He also understood that judicial independence requires the support of the people and thus requires that courts and judges be accountable. The accountability he championed, however, was not one of the degraded versions blighting the current landscape, such as that suggested by the reactions of some politicians and interest groups to the decisions of the federal courts in the *Schiavo* litigation,³ by claims of congressional “oversight” power over the decisions of individual federal judges, and by attempts to extract commitments to vote a certain way on highly salient issues from aspirants to judicial office. Rather, Ed’s vision included the accountability to litigants and their counsel that Justice Alito’s tribute so well evokes, and the accountability to precedent and to the separation of powers—to the rule of law—that suffuses all of his painstaking opinions.

My late colleague, Louis B. Schwartz, once observed that “to be only a lawyer is to be half a lawyer.” The tributes in these pages from Chief Justice Roberts and Justice Alito convey the same message about judges. We despair of living up to Ed’s example of work, service, devotion to family, friendship, and respect for all people. We mourn his passing. For those who loved him, and for future generations of lawyers and judges, however, that example did not die. It shines brightly in our memories, in the pages of the *Federal Reporter*, and in countless other sources from which histories of the judiciary and of Philadelphia will be written. It is the example of a man in full.

² Obituary, ARK. DEMOCRAT-GAZETTE, Sept. 25, 2004, at 8B.

³ See, e.g., *Schiavo ex rel. Schindler v. Schiavo*, 357 F. Supp. 2d 1378 (M.D. Fla.), *aff’d*, 403 F.3d 1223 (11th Cir.), *reh’g en banc denied*, 403 F.3d 1261 (11th Cir.), *stay denied*, 125 S. Ct. 1692 (2005) (mem.).