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# Robert Hudec: Scholar, Internationalist, Mentor, Teacher, and Friend

Fred L. Morrison\*

Robert Hudec spent most of his academic career at the University of Minnesota Law School. His arrival in 1972 marked the beginning of a renaissance in the intellectual history of the school. His retirement, in 2000, marked the end of an era. He was a scholar, a mentor, an innovator, a diplomatic leader, and, most of all, a friend.

*Scholar.* Bob Hudec was the quintessential scholar. Early in his academic career he identified international trade law as a field ripe for development. He set about, quite systematically, to develop that field to its maximum. Bob saw the field, however, not for what it was, but for what it would become. His academic ascendancy, in a way, paralleled the ascendancy of trade law in the public mind. When he began writing in the area in 1970,<sup>1</sup> just shortly before he came to Minnesota, international trade law was a peculiar sub-specialty studied only by a few individuals, most of whom were alumni of the office of the Special Trade Representative. By the time of his retirement, trade law had become one of the mainstream advanced courses in all law schools.

In the latter half of his tenure at the University, his work centered on the issues of dispute resolution in the GATT system.<sup>2</sup> This was an opportune center for his activity, because dispute resolution became one of the key issues in the Uruguay Round of trade negotiations, ending in the Dispute Resolution

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1. Robert E. Hudec, *The GATT Legal System: A Diplomat's Jurisprudence*, 4 J. WORLD TRADE L. 615 (1970).

2. Beginning with Robert E. Hudec, ADJUDICATION OF INTERNATIONAL TRADE DISPUTES, (Thames Essay No. 16) (London: Trade Policy Research Centre, 1976), and Robert E. Hudec, *GATT Dispute Settlement after the Tokyo Round*, 13 CORNELL INT'L L.J. 145 (1980).

Understanding to the World Trade Organization agreement.<sup>3</sup>

As one distinguished foreign scholar told me, Bob Hudec was one of the "Holy Trinity" of trade law scholars in the world. When I attended conferences in Europe or Asia I was constantly amazed at the number of foreign scholars who noted that I was from "the University where Bob Hudec is" and who would send back their greetings to him. Many were the leading trade scholars in their own countries. They always looked up to Bob as one of the intellectual leaders of the field. It was an honor to be on the same faculty.

This Law School honored him as the first holder of a distinguished chair appointment—the Melvin Steen Professorship—named for Melvin Steen, an alumnus of this Law School, distinguished international and corporate lawyer, and founding partner of Cleary Gottlieb Steen Chaffitz and Hamilton. There was never any question that Hudec was the individual on this faculty who should first receive that distinction. Indeed, we were so determined to make the appointment that Bob was actually inaugurated before the endowment for the chair had fully been raised. This brilliant stroke of then Dean Robert Stein simply spurred on the fundraising efforts for that and other chairs.

In some ways he was an expensive scholar to support. He asked for and received a complete set of the dispute resolution records of the old GATT (on microfiche). This involved cases and cases of records, and hours of librarian time in cataloguing and arranging them. The investment was wise on the part of the Law School, for it paid off in the fine scholarship that he produced. His work could not have been as thorough, or well-received, without that base of information.

Bob was a demanding scholar. He demanded hard work and dedication from himself and expected it of others on the faculty. He was usually to be found in his office on weekends, editing text, writing footnotes, or developing new ideas. There was always something more to demand his attention.

*Internationalist.* Although Robert Hudec's early service was in the office of the United States Special Trade Representative,<sup>4</sup> he resisted the temptation of "Potomac fever." He saw himself as a scholar of world trade, not a practitioner. His influence with the practitioners thus grew, for he was the advocate not of

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3. Marrakesh Agreement Establishing the World Trade Organization, LEGAL INSTRUMENTS—RESULTS OF THE URUGUAY ROUND vol. 1 (1994), 33 I.L.M. 19 (1994).

4. From 1963 to 1965 he served as Assistant General Counsel in the Office of the Special Representative for Trade Negotiations.

one party, but of the functioning of the system.

While he did not return to active government service, he was active in his involvement in trade issues. Regular trips to the GATT offices in Geneva, attendance at conferences around the globe, and work as a teacher gave him greater international significance than direct involvement could ever have done. His international role was thus not as representative of a country, but as representative of the world trade system to all of the countries.

Over the years he served as a member of five trade dispute resolution panels under GATT, the WTO, the U.S.-Canada Free Trade Agreement, and NAFTA.<sup>5</sup> He was invited to serve on others, but his primary commitment to his teaching and publishing schedule sometimes intervened.

His internationalist activities sometimes took a rocky turn. In the mid-1960s his passport was stolen and he became an early victim of international identity theft. The passport thief was involved in some fraudulent activities and Bob found it necessary to spend a great deal of time explaining to various gendarmeries and constabularies that he was the *real* Robert Hudec and not the other one, who was engaged in various nefarious activities. He finally succeeded in getting his name removed from the Interpol watch list!

*Mentor.* It would have been easy for a person of Bob Hudec's stature to have sat on a pedestal, towering above the other professors and students. Far from it! He was always reaching out to other scholars to involve them in his work. This was ordinarily done very diplomatically. There would always be some connection to work the other faculty member was already doing, which Bob would ask the other scholar "to help him understand." Bob probably already understood it perfectly well—but it was a way to involve them in another aspect and level of

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5. GATT Dispute Panel Report on Canada Complaint Concerning United States - Custom User Fee, L/6264- 35S/245, Nov. 25, 1987, GATT B.I.S.D. (35th Supp.) at 245 (1988); GATT Dispute Panel Report on Canada - Imposition of Countervailing Duties on Imports of Manufacturing Beef From The EEC, SCM/85, Oct. 13, 1987, *available at* 1987 WL 421959; U.S.-Can. F.T.A. Report of the Panel on Matter of Canada's Landing Requirement for Pacific Salmon and Herring, CDA 89-1807-01 (U.S.-Can. F.T.A. Binational Panel Oct. 16, 1989) *available at* 1989 WL 250302; In re U.S. Safeguard Action Taken on Broom Corn Brooms from Mexico (Mex. v. U.S.), Arbitral Panel Established Pursuant to Chapter 20 of the North American Free Trade Agreement, No. USA-97-2008-01, *available at* <http://www.sice.oas.org/dispute/nafta/English/us97801a.asp>; WTO Dispute Settlement Body Panel Report on European Communities - Measures Affecting Butter Products (E.C., New Zealand) WT/DS72/R (Nov. 24, 1999) *available at* <http://www.wto.org>.

scholarship. I benefited from such collaboration.<sup>6</sup> Others did so also.<sup>7</sup> And many benefited from his willingness to read manuscripts and make comments on them.

Bob also reached across departmental lines. He was one of the founders of the International Trade Colloquium, a biweekly meeting of faculty from half a dozen University departments, who present papers on issues relating to international trade.

This journal was also a beneficiary of his efforts. He hardly needed it as a vehicle for the publication of his own work. By the time this journal was founded, Bob was already fending off publishers who wanted his next book and law review editors who wanted his next article, sight unseen, whatever that might be. He pressed for the creation of this journal because he knew that the students needed a vehicle to continue their contributions to the field. It was a wise decision.

*Teacher.* Bob contributed to the education of law students in a range of subjects. In addition to his international trade courses, he also regularly taught Contracts and Sales. He did not isolate himself in a small sub-specialty, but recognized that law teachers need to reach out to the mainstream of law students to stimulate their intellectual curiosity.

He was an innovative teacher. Relatively early in his career, he decided that students would understand international business transaction issues better by engaging in a simulation course regarding international trade in some product or commodity. He brought in a phalanx of downtown attorneys who were engaged in international transactions to advise one or another party to the transactions. Then students would try to wend their way through a purchase contract, shipping documents, insurance, customs, sanitation regulations, and a host of other issues. As a faculty member in a nearby office, I remember the buzz that came from the students. I also remember some of the products—canned tomatoes from China and golf carts from Poland. We heard about those canned tomatoes for most of the semester! It was far more exciting than a regular class, and more educational too!

Bob was also a dedicated teacher. In one of his last years at

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6. Robert E. Hudec & Fred L. Morrison, *Judicial Protection of Individual Rights under the Foreign Trade Laws of the United States*, in NATIONAL CONSTITUTIONS AND INTERNATIONAL ECONOMIC LAW 91 (Meinhard Hilf & Ernst-Ulrich Petersmann eds., 1993).

7. Robert E. Hudec & Daniel A. Farber, *Free Trade and the Regulatory State: A GATT's-Eye View of the Dormant Commerce Clause*, 47 VAN. L. REV. 1401 (1994).

the Law School, health problems kept him in the hospital for several weeks. He, however, resisted other faculty members' offers to take over parts of his classes. The students were *his* responsibility and *he* would have to shoulder the burden of teaching them. So he returned, in a somewhat weakened condition, to teach nearly double the usual teaching hours in order to make up the classes he had missed.

*Friend.* Most of all Bob Hudec was a friend. He had many circles of friends. In the Twin Cities there were the opera friends, who followed the Metropolitan Opera and later the Minnesota Opera. There were the Grove friends, from his neighborhood, the International Trade friends, and the Law School friends. On the global scale there were other friends, too.

Bob could be counted on to lend support when you had a problem. He fought for his neighbors in "the Grove" when the University sought to terminate the faculty exclusivity there. He sought suitable employment for his students. And he was unashamed to come to us with his own problems, which were always much smaller than those we took to him. His was a life of openness and trust.

His circle of friends and admirers is great. The huge response, from around the world, to the symposium in honor of his retirement is ample testimony of that.<sup>8</sup> I am certain that Bob recognized the tribute that was being given, but, in his usual self-effacing way, simply spoke of it as another step in the further development of the law that he loved to understand and to teach.

Robert Hudec placed an indelible imprint on this faculty, an imprint of excellence, of hard work, of collegiality, and of friendship. He also placed an incredible imprint on the world of trade law, especially with his work on dispute resolution. In this Law School, in the international trade community, and in all of his circles of friends, he will be missed.

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8. THE POLITICAL ECONOMY OF INTERNATIONAL TRADE LAW: ESSAYS IN HONOR OF ROBERT E. HUDEC (Daniel L. M. Kennedy & James D. Southwick eds., 2002).

