

2004

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## Recommended Citation

Chen, Jim, "Portraits of the Scholar as a Young Clerk" (2004). *Minnesota Journal of International Law*. 210.  
<https://scholarship.law.umn.edu/mjil/210>

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## Portraits of the Scholar as a Young Clerk

Jim Chen\*

Bob Hudec was an invaluable colleague, a kind man, and a generous friend. The experience of irrevocably losing a colleague is a new and unpleasant one for many of us at the University of Minnesota Law School. In my eleven years here, many faculty members have retired or moved to other law schools, but only Bob Hudec has passed away. When a colleague dies, especially one as treasured as Bob Hudec, there simply is no way to fill the resulting void.

No memorial retrospective can capture the richness of a cherished colleague's life. We survivors typically have one temporal frame of reference: our own. Those of us who came to know Bob during the last decade of his career, as I did, undoubtedly will remember him as a erudite senior scholar who dispensed advice and encouragement freely and as a man whose struggles with health never dampened his love of music and the good life. Those who came to Minnesota after his retirement may know him merely as a legendary figure, almost too prodigious to be real.

This view, needless to say, gives short shrift to the earliest stages of Bob's career. Well before he became one of the preeminent figures in international economic law, Bob Hudec served two Terms as a law clerk at the Supreme Court of the United States. A handful of young lawyers are privileged to serve the Justices as clerks during any given Supreme Court Term. These clerks feel a bond across the generations and with one another, as though their time together at the high court has given them "an echo of the infinite, a glimpse of its unfathomable process, a hint of the universal law."<sup>1</sup>

Four of Bob's Supreme Court contemporaries—Peter D. Ehrenhaft, Thomas E. Kauper, Robert M. O'Neil, and Roy A. Schotland—have graciously shared their recollections of their time at

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1. Oliver Wendell Holmes, *The Path of the Law*, 10 HARV. L. REV. 457, 478 (1897), reprinted in 110 HARV. L. REV. 991, 1009 (1997).

the Court. These former clerks provide a unique outlook on an era during which the Supreme Court pursued "a program of constitutional reform almost revolutionary in its aspiration and . . . in its achievements."<sup>2</sup> Wordsworth's *Prelude* would be a fit anthem for the clerks who served during the tumultuous tenure of Chief Justice Earl Warren: "Bliss was it in that dawn to be alive, / But to be young was very heaven!"<sup>3</sup> Those of us who came to know Bob toward the end of his life owe these gentlemen a profound debt of gratitude for shedding light on this formative chapter in Bob's career, when he and his fellow clerks shook "the wings of their exultant and terrible youth."<sup>4</sup>

Like Potter Stewart, the Justice for whom he clerked, Bob Hudec approached the law with humility and a sense of the law's obligation to improve the human condition. Although he was always rightfully skeptical of claims to "fairness" within the law of international trade,<sup>5</sup> Bob would have enthusiastically endorsed Justice Stewart's belief that "[f]airness is what justice really is."<sup>6</sup> Bob's subsequent career in international trade gave meaning to then-Circuit Judge Stewart's maxim that "swift justice demands more than just swiftness."<sup>7</sup> From the Kennedy Round of world trade talks to the triumphant conclusion of the Uruguay Round, no one worked as hard or as patiently as Bob Hudec over the course of three decades to perfect the dispute settlement system that now prevails throughout international economic law. Although Bob left us far too soon, he did live long enough to evaluate his own legacy in international trade law.<sup>8</sup> Perhaps none of us will ever succeed in intelligibly defining "fairness" and "justice,"

2. Owen Fiss, *A Life Lived Twice*, 100 YALE L.J. 1117, 1118 (1991). See generally, e.g., LUCAS A. POWE, JR., *THE WARREN COURT AND AMERICAN POLITICS* (2000); *THE WARREN COURT IN HISTORICAL AND POLITICAL PERSPECTIVE* (Mark Tushnet ed., 1993).

3. WILLIAM WORDSWORTH, *THE PRELUDE*, Book XI, lines 108-09 (1814), in *THE NORTON ANTHOLOGY OF ENGLISH LITERATURE 1447, 1504* (M.H. Abrams ed., 5th ed. 1987).

4. JAMES JOYCE, *A PORTRAIT OF THE ARTIST AS A YOUNG MAN* 347 (Modern Library 1996) (1914).

5. See, e.g., FAIR TRADE AND HARMONIZATION: PREREQUISITES FOR FREE TRADE? (Jagdish Bhagwati & Robert E. Hudec eds., 1996).

6. DAVID SCHRAGER & ELIZABETH FROST, *THE QUOTABLE LAWYER* § 71.68, at 158 (1986).

7. *Henderson v. Bannan*, 256 F.2d 363, 390 (6th Cir. 1958) (Stewart, J., dissenting).

8. For one example of that evaluative process, published in this journal, see Robert E. Hudec, *The New WTO Dispute Settlement Procedure: An Overview of the First Three Years*, 8 MINN. J. GLOBAL TRADE 1 (1998).

but we do know it when we see it.<sup>9</sup> That Bob Hudec could spend his final years enjoying not only his beloved family but also seeing his life's work bear sweet fruit was justice indeed.

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9. *Cf. Jacobellis v. Ohio*, 378 U.S. 184, 197 (1964) (Stewart, J., concurring).

