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Melvin B. Goldberg

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BERNIE BECKER—TEACHER

MELVIN B. GOLDBERG†

The office next door is empty. There are chairs, a desk, telephone and even some books on the shelves. But the great teacher who occupied that office is gone. Professor Bernard P. Becker, “Bernie,” to everyone who knew him for more than ten minutes, died on January 2, 1991.

Much has been said and written about Bernie’s important contributions to legal services and, in particular, to Indian rights law. He did many important things as a lawyer that will live on for generations. His work as a federal magistrate has also drawn much praise and respect from the judges he worked with and the litigants who appeared before him. All whose lives he touched knew his strengths and the magnitude of their loss. I shall remember him most as a friend and a great teacher.

Second only to his beloved Carole and sons Lawrence, Aaron and Daniel, Bernie loved to teach. Of course, he, like the rest of us on the faculty, taught classes and seminars on the assigned schedule. But Bernie taught all of the time and did so with a zest and relish known only to the great teachers. He wouldn’t necessarily call it teaching. Indeed, he would probably take this last statement and begin to play with it so as to explore its depth, its limitations, its connotations and its importance to the world. I suppose, if I pressed him, he might concede to calling his “lessons” a mutual exploration of ideas. As a colleague and friend, Bernie would not say that he taught me, rather, we would “schmooze.” One could almost see him take an idea as if it were a balloon and keep it suspended in the air by the sheer force of the verbal thrusts he would make at it.

A typical lesson would proceed in this fashion: Bernie would come into my office, sit down and light his ever-present cigar. We would then begin by discussing the state of our families. Having sons of about the same age was a fertile common ground for our beginning. If one of the boys had a minor run-
in with the traffic laws, the conversation could evolve into an analysis of the deterrent effect of traffic fines, the pros and cons of whether parents should pay such fines for minors, the responsibility of the automobile industry in building and advertising cars that greatly exceed the speed limit, and the safety of the roads on which they operate. Once "warmed up," we would go on to other topics to the extent our schedules would permit.

No topic was ever exhausted. Having once identified and begun our exploration, each of us was duty-bound to bring it up days, months and even years later if relevant examples of law, nature or human behavior crossed our paths. Thus the lesson would continue a month later in the hallway or on the way to a meeting with, "Do you remember the traffic fine problem . . . ?"

In another form, our study together might begin with a problem that had been bothering one of us. One could always ask Bernie about any subject. Even if he didn't have a command of the substance, he could nevertheless, in true socratic method, raise the questions that one should consider in going about solving the matter. With Bernie, your problem would often become his. It was as if he were a small child given a new toy. He loved to play with ideas. If it were his question that began the discussion, he would nevertheless end up asking me questions about the topic. Sometimes, the most trivial question would lead to a flurry of research for a "recent" Law Week or slip opinion that he knew addressed the issue. He would plumb the depths of the paper on his desk and almost unerringly retrieve the case, whether six days, six months or six years old. Other times, he would recall reading something about the matter in one of the many textbooks and treatises he kept piled in his office. The depth of his interest could almost be measured by the speed with which he would bound from his chair and begin grabbing books. If other scheduled matters would cut short the "research" period, it, too, was simply continued to a later date, but never abandoned.

Studying with Bernie Becker was always fun, educational and most importantly, a form of mental exercise that left one feeling exhilarated, not tired. To be sure, I have other colleagues and friends with whom I discuss and analyze ideas. But none will ever do it with the ease, style, wit and vigor of my friend, colleague and teacher, Bernie Becker.