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A MENTOR FOR THE AGES

*Kedar S. Bhatia**

I met Professor Bederman for the first time on my very first day of law school. The story actually begins a few days earlier, when I spoke to a handful of professors and administrators about the possibility of starting a Supreme Court litigation project at Emory Law School. The idea was barely half-baked at the time, but those with knowledge of the law school all gave me a seemingly simple piece of advice: “You’re going to want to speak to David about this.” I soon discovered that David was, in fact, Professor Bederman, who also happened to teach my very first course on my very first day of law school.

After a class period that did everything it should on the first day of law school—inspire, encourage, and intimidate—Professor Bederman held office hours. I dropped in to present my curious proposal. He instantly leapt at the idea, and we eventually struck a simple agreement: he would find our first case, and I would find our first group of students. Our group lacked a name, any connections, and any sort of meaningful student support, but I will never forget the way he ended our first encounter: “I think this is going to be the beginning of a wonderful endeavor.” I cannot speak for him, but it certainly was for me.

Unbeknownst to me at the time, Professor Bederman had only recently returned from a year-long sabbatical from the law school when I asked him to take on another weighty dose of responsibility. I would later discover that the kindness and enthusiasm that Professor Bederman displayed that day were characteristic of a scholar and mentor who helped countless students over the years at Emory Law School.

Professor Bederman’s unwavering support, both as a mentor and as a gentle taskmaster, would soon define our organization. Students who have had the good fortune of working with him frequently debate over how Professor Bederman would tackle a problem or approach a client. We will sorely miss the opportunity to resolve our hypotheticals with a visit to his office.

* J.D. Candidate, Emory University School of Law (2013); B.B.A., University of Texas (2010). I write on behalf of the entire membership of the Emory Law School Supreme Court Advocacy Project, which remains indebted to Professor Bederman for his guidance, generosity, and, not least of all, his expertise.

Professor Bederman was an obvious choice to approach for a project about the Supreme Court. Although this Issue is filled with pages about his thoughtful scholarship in the field of international law and his tremendous contributions to the law school as a faculty member,¹ Professor Bederman also managed to forge a sterling reputation for skilled appellate advocacy. He argued his first case before the Supreme Court in 1992 in *Smith v. United States*,² a case centering on the interesting question of whether the Federal Tort Claims Act—which typically does not apply in foreign countries—applies in Antarctica.³ He would go on to argue—and win—three other cases in the Supreme Court over the next twenty years.

The four cases that he has argued remain the most visible examples of his Supreme Court experience, but his name actually appears for the first time in United States Reports in 1992 for co-authoring the winning merits brief in the landmark standing case of *Lucas v. South Carolina Coastal Council*.⁴ His name would later appear for each of his arguments,⁵ his role on the merits briefs in a number of cases,⁶ and his countless amicus briefs.⁷ The cases that he took to the Court focused on a wide range of issues, and just in the last year, he signed briefs on topics as varied as the constitutionality of municipal taxes on consulate property, the ministerial exception to the Americans with Disabilities Act, blanket prison strip-search policies, and absolute immunity for private regulatory authorities. That citations to his work span more than sixty volumes of United States Reports is a testament to his early and unceasing impact on the Court as both a litigator and as an academic.

Although Professor Bederman managed to make advocacy before the Supreme Court appear effortless, this advocacy was a model task in hard work and deliberate effort. In many ways, Professor Bederman's attention to detail

¹ Aside from learning from Professor Bederman through my extracurricular work, I was also fortunate enough to have enrolled in two courses with Professor Bederman during my first two years at Emory Law School. I can say with certainty that his reputation as a gifted, engaging lecturer is well deserved and worthy of its own lengthy praise.

² 507 U.S. 197 (1993).

³ For an in-depth discussion of Professor Bederman's preparation for that case and his experience at oral arguments, see David J. Bederman, *A Chilly Reception at the Court*, 5 J. APP. PRAC. & PROCESS 51 (2003).

⁴ 505 U.S. 1003, 1005 (1992).

⁵ Ministry of Def. & Support for the Armed Forces v. Elahi, 129 S. Ct. 1732, 1734 (2009); Syngenta Crop Prot., Inc. v. Henson, 537 U.S. 28, 29 (2002); Lapidus v. Bd. of Regents of the Univ. Sys. of Ga., 535 U.S. 613, 615 (2002); *Smith v. United States*, 507 U.S. 197, 198 (1993).

⁶ *E.g.*, C & L Enters. v. Citizen Band Potawatomi Indian Tribe, 532 U.S. 411 (2001); *California v. Deep Sea Research, Inc.*, 523 U.S. 491 (1998); *Idaho v. Coeur d'Alene Tribe*, 521 U.S. 261 (1997).

⁷ *E.g.*, *Republic of Austria v. Altmann*, 541 U.S. 677 (2004); *United States v. Locke*, 529 U.S. 89 (2000).

on individual assignments and his sophisticated, unwavering vision for a larger project inspired each of the students who were fortunate enough to work with and learn from him. Professor Bederman's effect on students was hardly a recent development; students stretching back to his first days as a professor continue to rave about the ways he influenced their development as young lawyers.

Although Professor Bederman's remarkable accomplishments in the field of international law, in the volumes of law journals, and before the Supreme Court compose the core of his professional legacy, those who knew him—even as briefly as I knew him—invariably first recall the way that he managed to mix good humor into the work that he performed at a remarkably high level. Professor Bederman was always careful not to take himself too seriously, and that approach to his work elevated him from the legion of brilliant lawyers into a tier that holds only a handful of our profession's titans.

Lawyers often look back on their years in law school with a fondness for the single professor that most profoundly shaped them in their formative years as a professional. For me and many of my peers, Professor Bederman will be that professor.