

Edward R. Becker

Born: May 4, 1933, in Philadelphia, Pennsylvania
Died: May 19, 2006, in Philadelphia, Pennsylvania

Federal Judicial Service:

Judge, U.S. District Court for the Eastern District of Pennsylvania
Nominated by Richard M. Nixon on September 24, 1970, to a new seat authorized by 84 Stat. 294.
Confirmed by the Senate on October 8, 1970, and received commission on October 14, 1970.
Service terminated on January 22, 1982, due to appointment to another judicial position.

Judge, U.S. Court of Appeals for the Third Circuit
Nominated by Ronald Reagan on November 16, 1981, to a seat vacated by Max Rosenn.
Confirmed by the Senate on December 3, 1981, and received commission on December 3, 1981.
Served as chief judge, 1998-2003. Assumed senior status on May 4, 2003.
Service terminated on May 19, 2006, due to death.

Education:

University of Pennsylvania, B.A., 1954
Yale Law School, LL.B., 1957

Professional Career:

Private Practice, Philadelphia, Pennsylvania: 1957-1970
Board Member, Federal Judicial Center: 1991-1995
Member, Judicial Conference of the United States: 1998-2003

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Judicial Biography

*In 1970, President Richard M. Nixon named four judges, all Republicans, to fill newly authorized seats for the Eastern District. They were Edward R. Becker, Donald W VanArtsdalen, Daniel H. Huyett 3rd, and J. William Ditter Jr., each of whom resided in a different county. They progressed through confirmation in lockstep. Had the President signed their commissions on the same day, their seniority on the court would have been determined by age, with Becker, the youngest of the four, having the least seniority. Instead, Becker's commission was signed by the President a day ahead of the others so that he had precedence over his three older colleagues.

Becker, age thirty-seven, lived in the Northwood neighborhood of Northeast Philadelphia in the house where he grew up and usually rode the Market-Frankford elevated line to the courthouse. He had served as counsel to the Republican City Committee, was close to William Austin Meehan, the city's Republican leader, and had run unsuccessfully for City Council and the State Senate. He had practiced law with his father and brother-in-law in a small firm. As a judge, he wrote long erudite opinions with a plethora of footnotes, and in 1981 was appointed to the Court of Appeals for the Third Circuit where he eventually became the Chief Judge. Becker, a hard worker with enormous energy, was rarely seen without a brief in his hand. One of his most notable and oft-repeated comments was his description of the Eastern District as Valhalla for Philadelphia Republicans who had been defeated for elective office.

Becker was actively involved in countless efforts for judicial, administrative, and civic improvement. The prestigious Devitt Award was presented to him in 2001. His leadership and persistence resulted in the opening of Chestnut Street between Fifth and Sixth Streets after it had been closed to pedestrian and vehicular traffic purportedly to protect Independence Hall after the terrorist attacks of September 11, 2001.

Judge Becker presided over what came to be known as the Japanese Electronics case, formally *Zenith Radio Corp. v. Matsushita Electric Industrial Co., Ltd.* The plaintiffs were two American corporations that manufactured and sold television sets. They claimed that defendants, twenty-one Japanese and American companies that also manufactured and sold televisions, conspired to fix and maintain high prices in Japan while fixing and maintaining low prices in the United States. After reviewing the massive record, Judge Becker granted summary judgment in favor of defendants. Considering only what would be admissible evidence, he concluded that there were no genuine issues of material fact and that defendants were entitled to judgment as a matter of law, without the necessity of a trial. Judge Becker explained that the evidence established that defendants conspired but not in ways that injured plaintiffs.

Perhaps what was most remarkable was the length of Judge Becker's opinion. It consumes 217 printed pages in Volume 513 of the Federal Supplement - if not a record, probably

* The following material is excerpted from JUDGE HARVEY BARTLE, III, MORTALS WITH TREMENDOUS RESPONSIBILITIES, A HISTORY OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA, 3-12 (Saint Joseph's University Press, 2011). Reproduced with the permission of the author, Judge Harvey Bartle, III, and the publisher, Saint Joseph's University Press.

close to it. The Court of Appeals reversed with a sixty-nine page opinion, but that reversal was short-lived. The Supreme Court, granting certiorari, held 5 to 4 that Judge Becker had it right. In the opening section of the Court's opinion, Justice Lewis Powell wrote, "Stating the facts of this case is a daunting task" and, undoubtedly much relieved, found it "unnecessary to state the facts in great detail" since the Court's sole role was to decide whether Judge Becker had applied the correct standard in ruling that summary judgment was appropriate and that no trial would be needed. The Court concluded:

In sum, in light of the absence of any rational motive to conspire, neither petitioners' pricing practices, nor their conduct in the Japanese market, nor their agreements respecting prices and distribution in the American market, suffice to create a "genuine issue for trial."

There were other substantial antitrust actions in the District at this time. Judge Cahn was assigned a Multidistrict Litigation ("MDL") involving allegations that major sugar refiners and others East of the Mississippi River had conspired to fix prices of refined sugar in violation of § 1 of the Sherman Act. Judge McGlynn presided over an MDL consisting of thirty-seven class actions charging a conspiracy to fix the prices of fine paper. His opinion awarding counsel fees and costs consumed 171 printed pages in the Federal Rules Decisions, coming close but not exceeding Judge Becker's record of 217 pages in the Japanese Electronics case. Judge McGlynn is supposed to have wrapped a copy of his opinion with a ribbon and bow and presented it to his friend Judge Becker with a note, "We're like Avis, we try harder."

Changes took place during this period in the appearance of the interior of the courthouse. Through the efforts of Circuit Chief Judge Becker and Senator Specter, an appropriation was obtained from Congress to refurbish the expansive lobby to make it more inviting. The lighting was vastly improved, and three transparent floor-to-ceiling panels were installed containing quotations referencing due process of law, the right of trial by jury, and justice. One was authored by Daniel Webster: "Justice is the great interest of man on earth. It is the ligament which holds civilized beings and civilized nations together." Another originated with Martin Luther King, Jr.: "True peace is not merely the absence of tension; it is the presence of justice." Since these renovations, the first floor of the courthouse has been designated as the Edward R. Becker Lobby.

Judge Becker was elevated to a seat on the Third Circuit Court of Appeals in 1981. He served as Chief Judge of the Third Circuit from 1998 to 2003 and assumed senior status on May 4, 2003. He passed away on May 19, 2006 at the age of 73 in Philadelphia.

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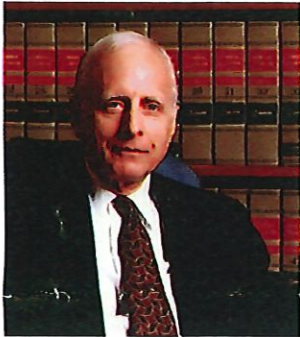
Biographical Materials

1. Biographical information.



The Honorable Edward R. Becker

May 4, 1933 – May 19, 2006



Peers saluted him as a brilliant scholar and one of America's most respected judges. Known for his dedication to his work and to his family, and for his personal modesty and compassion, the Honorable Edward R. Becker was one of Philadelphia's greatest citizens.

Judge Becker's story is a story of Philadelphia. He grew up in the Northwood section of Philadelphia and attended the H.R. Edmunds Elementary School and Central High School. He earned his B.A. at the University of Pennsylvania, to which he commuted daily by riding the Market Street El. After graduating from Yale Law School, Judge Becker returned to Philadelphia and became a partner in his father's law practice, which his brother-in-law later joined. The firm Becker, Becker & Fryman has its offices in the PSFS Building, one of Philadelphia's early skyscrapers and still a significant architectural icon. In addition to law practice, he was involved in Republican Party politics throughout the 1960s, as a result of which President Richard M. Nixon named

him to the federal bench in 1970. He was 37 years old at the time of his investiture, among the youngest people ever to become a federal judge.

On the district court, Judge Becker distinguished himself with his sound judgment, his decency and his capacity for sustained legal analysis. He presided over hugely significant cases such as *Pennsylvania Association of Retarded Children (PARC) v. Commonwealth of Pennsylvania*, wherein Judge Becker brokered a settlement agreement ensuring that children with disabilities would receive free and appropriate public education throughout the Commonwealth of Pennsylvania. *In Re Japanese Electronic Products*, a complex antitrust case, prompted Judge Becker to write lengthy opinions about complex civil procedure that still define ground rules for litigation in the federal courts.

President Ronald Reagan elevated him to the U.S. Court of Appeals for the Third Circuit in 1981. Judge Becker served as chief judge from 1998 to 2003 and served as senior judge until 2006. The author of more than 2,000 appellate opinions, Judge Becker was known for lengthy and in-depth analyses that thoroughly explored the issues of the case. The "Becker opinion" became a storied feature of the federal appellate landscape, and though jokes were told about the length of these opinions, there never was doubt about the gravity and persuasive value of these contributions. Judge Becker emerged as among the most distinguished federal judges in modern American history—indeed, a judge whose opinions often were consulted by other judges, including by the U.S. Supreme Court. Judge Becker's contributions to the judiciary extended beyond opinion writing; he worked actively to improve federal judicial administration and was a regular participant in continuing legal education programs.

Judge Becker's desire to serve the public was evident not only in his duties as judge; he was actively involved in civic affairs as well. There are a myriad of examples that could be recounted. For example, when the National Park Service closed Chestnut Street in front of Independence Hall after the tragedy of September 11, Judge Becker fought with other citizens to reopen the block. He believed that people should be free to experience the landmark because freedom is precisely what the park represents. Judge Becker galvanized the entire community, and the block reopened in 2003. After his death, the block was renamed Edward R. Becker Way in memory of his contributions to Philadelphia and the cause of liberty. Judge Becker also served on the Northwood Civic Association and fought throughout his career to preserve the neighborhood's residential character and traditions. With the Independence Foundation, he helped the New Frankford Community Y obtain a \$100,000 grant to save the center from closure.

Judge Becker lived for most of his life in the Northwood house in which he grew up—with Flora Becker, his wife, whom he met at the University of Pennsylvania, and with his three children who followed in his footsteps (two are involved in law and the third is an educator). He rode the Frankford El almost every day with fellow Philadelphians, leaving him valuable time to pore over his legal briefs. With a natural talent for playing almost any song by ear, he enjoyed being the Supreme Court's pianist for its periodic sing-alongs. He lived a full life, surrounded by friends and productive in his work until his very last days.

Judge Becker lost his courageous battle with prostate cancer in May 2006. Hundreds of mourners attended the service, including many judges, lawyers, neighbors and friends. He was respected and admired by those who worked with him, and so many depended on his advice and knowledge. "One of the bright spots was always when Ed called ... I will sorely miss those calls," remembered Supreme Court Associate Justice Samuel A. Alito, Jr., a former U.S. Court of Appeals judge for the Third Circuit. "I can't tell you how much he helped me." His memory still inspires others to realize their greatest potential and to serve the public good.