

IN MEMORY OF  
THE HONORABLE LOUIS F. OBERDORFER  
1919-2013

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**Federal Judge Oberdorfer, Who Died at 94, ‘Tried to Do Justice Wherever Possible’**

By Zoe Tillman and Tony Mauro

Judge Louis Oberdorfer, who spent more than three decades serving on the federal court bench in Washington, died on February 21 at age 94. In 60-plus years of practicing law, Oberdorfer was on the front lines of the fight for civil rights, from combatting racial discrimination to advocating for prisoners’ rights. He clerked for U.S. Supreme Court Justice Hugo Black; worked in private practice at what would eventually become Wilmer Cutler Pickering Hale & Dorr; served in the U.S. Department of Justice under Attorney General Robert F. Kennedy; and helped establish the Lawyers’ Committee for Civil Rights Under Law and the Legal Services Corporation.

In a statement on behalf of the Robert F. Kennedy Center for Justice & Human Rights, Kerry Kennedy called Oberdorfer, who was appointed to the court in 1977, a “towering figure in the American judicial system” and said that throughout his career he “remained a dynamic legal mind dedicated to pursuing America’s most just future.” The Lawyers’ Committee said in a statement that he “made profound and lasting contributions in the fight for racial and social justice in America.”

Oberdorfer’s former clerks, colleagues and friends recalled some of the highlights of his career and shared their thoughts on his legacy with *Legal Times*.

**U.S. Supreme Court Justice Ruth Bader Ginsburg. She sat on the D.C. Circuit when Oberdorfer was a district judge:**

*Lou was a man who lived greatly in the law. I count it my good fortune to have been among the legions who learned from the products of his bright mind and caring heart. He was the most dedicated, the least self-regarding, and he had no fear of adventure.*

**Sarah Cleveland, a professor at Columbia Law School. She clerked for Oberdorfer from 1992 to 1993:**

*He was one of the first judges who was really upset by the difference in...federal sentencing guidelines on individuals who used crack and individuals who used cocaine. There was a case our term in which two guys and their girlfriend were prosecuted for making crack, and the girlfriend had basically just lived in the house, and she was facing a 20-year sentence. [Oberdorfer] declared the guidelines unconstitutional, and he was of course reversed by the D.C. Circuit. And when it came back to him on remand, he recused himself – he wouldn’t sentence her. I think he’s been vindicated by history as to the unfairness of the crack cocaine sentencing disparity.*

**Retired U.S. District Judge James Robertson worked with Oberdorfer at Wilmer and through the Lawyers' Committee, and served with him on the bench:**

*He and I arrived at the firm of Wilmer at about the same time. I was fresh out of law school and he was just returning to the firm from the Kennedy Justice Department. That was in the summer of 1965. It was quite an education. Judge Oberdorfer kept asking me questions I didn't know how to answer. And that was his way of getting help and information from people who are working for him. Most people would call it demanding, but he never pushed, he never scolded, he never demanded, he just asked questions. And after a while you learned that you had to get out there and get ahead of him and find out what the answers to the questions were. That was quite an education for me.*

*In the last 10 or 15 years of his active life on the bench, he was quite a welcome guest judge in courts of appeals all over the country. He had a national reputation. Judges from all over the country wanted him to come and sit with him. You don't just say, I want to go sit with the Fifth Circuit, you go by invitation. And there are a few judges who do it, and who are sought after and welcomed, and he was one of them. He was held in great respect all over the country.*

**Judge David Tatel of the U.S. Court of Appeals for the D.C. Circuit. Tatel was connected to Oberdorfer through his work at the Chicago Lawyers' Committee for Civil Rights Under Law, and also worked with him to set up the Legal Services Corporation:**

*He came to Chicago [in 1969] to get the leaders of the Chicago bar to establish a Chicago lawyers' committee. I was practicing law in Chicago at the time. My immediate reaction was that this is a very extraordinary lawyer. Here he is, a major partner in a major law firm, and he's devoting his energies and all of his personal contacts to creating an organization through which lawyers can focus their pro bono activities. I knew he had been an assistant attorney general, I knew about all of his accomplishments. I thought to myself right away, what a wonderful role model for a young lawyer.*

*He was inspirational, not because of what he said, but because of what he did. The way in which he practiced law was particularly inspirational to my whole generation. There are lots of people my age who, I can assure you, will tell you they were influenced in the way they shaped their career and their understanding of their professional responsibility.*

**Michael Levy, a partner at Bingham McCutchen. He clerked for Oberdorfer from 1988 to 1989:**

*Spending a year with such a smart, kind, passionate believer in the law and the law's role in society is something that sticks with you for the rest of your career.*

*He was perhaps the best storyteller I've ever encountered. He had a plethora of inevitably entertaining, fascinating stories. Part of it is just recognizing this is a man who was best friends with Byron White, worked for Robert Kennedy at the Justice Department, and clerked for Hugo Black. He had an incredible array of experiences and inevitably would tell stories that would leave your jaw on the ground when you realized what he'd been able to witness and accomplish in his life, but they always seemed to be injected with humor and modesty.*

**Judge Paul Friedman of the U.S. District Court for the District of Columbia. He appeared before Oberdorfer when he was an attorney and served with him on the bench:**

*Judges are constrained in what we can do because we're supposed to follow the law, but there are a lot of gray areas in the law. When [Oberdorfer] saw the gray areas and when he saw injustices being done, he would try to do the just thing, and/or to force people before him to do the right thing. He viewed his role, I think, as trying to do justice wherever possible.*

*[During a birthday party for Judge William Bryant], Judge Oberdorfer said that there were two people in his life whom he knew who really understood the Constitution as it applied to real people in the real world and interpreted it in that context, and that was Justice [Hugo] Black and Judge Bryant. And I think I would add Judge Oberdorfer as someone who really saw the Constitution in that light and tried to do his very best to see how judicial decisions would affect real people and to do what he could to do justice.*

**Judge Ellen Segal Huvelle of the U.S. District Court for the District of Columbia. She served with Oberdorfer on the bench:**

*He believed, as many of us do, in being fair and reasonable, and he cared dearly about people who were not likely to have equal access to the courts because they were less wealthy. I know when I was in private practice he called somebody at my law firm and said, can somebody come down to take a case. The lawyer said, if Judge Oberdorfer calls, we go. And I understand that now in hindsight. He was such a wise man.*

**Ronald Goldfarb, a lawyer in Alexandria, Virginia, and a former Justice Department official under Attorney General Robert F. Kennedy. He wrote a book about the Kennedy Justice Department in 1995:**

*One of Robert F. Kennedy's wise moves when he became Attorney General was bringing in department heads who were men of quiet but respected accomplishments, and following their suggestions and allowing them to set policies. John Douglas, Burke Marshall, Archibald Cox were examples, as was Lou Oberdorfer. Quiet, non-political, with expertise in their fields, these men set the tone and quality at Justice. Wise leaders know how to choose lieutenants, and this is what RFK did.*

*When an organized crime case had tax implications, as they often did, Lou had to sign off on our actions, always caring about "the symmetry of the revenue policies" our cases impacted on. That was the case right up to the morning of the assassination when we debated a prosecution I proposed concerning a major mob figure. The Criminal Division signed off on my proposal; Lou voiced concerns about the tax law implications, and we broke for lunch so RFK could consider the debate. Needless to say, we never got back to that meeting.*

**David Hayes, deputy secretary of the U.S. Department of the Interior. He clerked for Oberdorfer from 1978 to 1979:**

*He's an amazing man, a wonderful mentor. He had clerked for Justice [Hugo] Black and valued the relationship between judge and clerk and demonstrated that every day with all of us. He was a tremendous mentor and exemplified a commitment to public service.*

*He was full of very interesting and important historical perspectives on the civil rights movement and he deeply affected all of us as clerks. He personally helped me and encouraged me to do public service. As a judge, he leaned on folks for pro bono work. He brought out the best in people. He's going to be greatly missed.*

**Ariel Levinson-Waldman, senior counsel to the attorney general in the Office of the Attorney General for the District of Columbia. He clerked for Oberdorfer from 2003 to 2004:**

*He is a hero of mine and a total model of the role we as lawyers should strive to play, and was a gentle and generous mentor to me and so many. He emerged from a city where the Ku Klux Klan had been dominant, helped on behalf of the Robert Kennedy-led Justice Department to quell the crisis in that city, Birmingham, Alabama, after the 16<sup>th</sup> Street Baptist Church bombing, and was a lead lawyer for the Kennedy administration in connection with the resolution of the Bay of Pigs crisis. And then, after all that, we was a fiercely independent and careful judge who for over 30 years sought to implement the principles he liked to quote from his mentor Justice Black.*

**Judge Joan Zeldon of the District of Columbia Superior Court appeared before Oberdorfer when she was practicing at Proskauer Rose Goetz & Mendelsohn and represented American Merchant Seamen seeking veteran's status:**

*There was a lot of bias and prejudice against [merchant seamen] in the military. He did a brilliant job, and held that denial of veteran's benefits had been arbitrary and capricious.*

*He had a wonderful presence. To me, he was like Moses carrying the Ten Commandments when he came on the bench to hear our case carrying the record that I had prepared. He just had a presence about him that was so impressive. We were very lucky that a man of that stature, that courage, that intellectual capacity wound up with the case and ruled fairly.*

**William Orrick III, special counsel at Coblenz Patch Duffy & Bass. His father, William Orrick, Jr., who died in 2003, was a federal judge and ran the Justice Department's civil division during the Kennedy administration:**

*I will remember Judge Oberdorfer as a man of uncompromising intellect, integrity and values, a man who was deeply loyal to his friends and devoted to the law. He was an integral part of the Kennedy Justice Department. He remained a close friend of mine and advisor to the Kennedys and others, like Byron White and my father, who were part of the "band of brothers" that made such a difference during the days of the New Frontier and throughout their lives. He left an indelible mark on anyone who knew him.*