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Professor John E. Kennedy: 1934-1989

A Remembrance

John E. Kennedy (LL.B. '59 Notre Dame, LL.M. '64 Yale, J.S.D. '70 Yale) joined the College of Law faculty in 1964, the school's last year at Lafferty Hall. In total, John spent only five of his subsequent twenty-five years of service as a law teacher and scholar on the premises of the University of Kentucky College of Law. (He was on leave visiting first at the University of Illinois and later at Southern Methodist University for three of his eight years as a member of the U.K. faculty.) But these were the particularly important formative years; they were formative not only for John, but also for the College of Law, which, in his second year of teaching, moved to the present building and soon underwent an approximate doubling of student body and faculty size, and an expansion of the upper level curriculum. Moreover, these were years of turmoil and change—the civil rights movement took hold on campus and in the community, renewed attention was focused upon the plight of the poor, Lexington struggled to control potentially chaotic urban growth, and the nation attempted to understand the moral, legal, and political responsibilities of the U.S. role in the Vietnam War.

The political issues of the day and the problems inherent in the transition from a small to medium size school all generated individual and institutional tensions and conflicts for the law faculty. In the resulting tests of personal attributes, John Kennedy emerged as involved, thoughtful, mature, good-humored, and understanding. As a result, some will remember John for his occasional intervention as a mediator—he was liked and respected by all the parties and his sincere concern and convictions did not alter his ability to be civil and help others find guidance through reason.

Hundreds of U.K. law graduates will remember John Kennedy as a teacher whose dedication to excellence gained the immediate appreciation and affection of his students. Colleagues soon learned that they could tell by the persistent pattern of laughter that John was holding forth in a classroom. His teaching was challenging, stimulating, and innovative. He developed a civil procedure game that reduced drudgery while enabling students to master the details and nuances of the subject. Rarely did he return to his office less

than ten to fifteen minutes after the end of a class hour. There were too many students lingering with questions, comments, or just a desire not to miss out on anything additional Professor Kennedy might say.

Students, colleagues, and Kentucky friends will remember John as well for his warmth, wit, good looks, and charm. His infectious zest for joy and laughter made him a popular figure at student-organized social functions. Coupled with Janet Kennedy's beauty and sparkling sense of humor, the Kennedys brought life to any party—even faculty events. Additionally, the Kennedy home on Cooper Drive played its special role in those years. It was a sanctuary for faculty bachelors and a place where younger law professors and their families often gathered on cold winter weekends to unchill their bones with Janet's brew of spiked Constant Comment.

Law teachers in every corner of the nation will remember John Kennedy not only as a respected scholar but also as someone who gave frequent valued service to institutions of higher education. He served on several committees of the Association of American Law Schools, as well as on key committees of his own university. And his continued affection for the U.K. College of Law was reflected in his participation, in the mid-1980s, on the law school's Advisory Committee.

While John will be warmly remembered throughout the lives of his wife, his children, his friends, and his students, John's scholarly achievements will endure even longer. During the eight years John Kennedy was affiliated with the College of Law, he published eight law journal articles, a mark of his dedication to scholarship. In addition, he was co-author of the second edition of volume 3B of Professor Moore's prestigious multi-volume treatise on Federal Practice. John's frequent contributions to legal scholarship continued in his years at Southern Methodist University and gained him national recognition in the field of civil procedure. No doubt he was best known for his influential work in the area of class actions, a subject whose philosophic, political, historic, jurisprudential, and practical complexities John explored in great depth.¹

¹ For a few illustrations of the influence John's work has had upon courts and scholars, see *Phillips Petroleum Co. v. Shutts*, 472 U.S. 797, 809 (1985) (taking guidance from the discussion in 3B J. MOORE & J. KENNEDY, *MOORE'S FEDERAL PRACTICE* ¶ 23.45 [4.-5] (2d ed. 1984)); *In re Dennis Greenman Securities Litigation v. Merrill Lynch, Pierce,*

When we remember John Kennedy, we will always picture him in that pose that epitomized his character. There is a twinkle in his eyes, a soft chuckle interrupting his flow of speech, and an almost childlike look of delighted amusement at the anecdote he is recounting. He could derive a tremendous intensity of concentrated joy in a clever statement he had just read, a student's perceptive response, a colleague's accomplishment (or foible), or in watching his (or others') children discover their abilities or limitations, or in observing Dogas, the Kennedy terrier, pretend that a stick was a conquered prey.

On September 21, 1989, Professor John E. Kennedy ended a long, painful illness in the manner characteristic of that illness—major depression. Some may think it inappropriate to include that fact in this Remembrance. But for those of us who loved and admired John, it is essential that we remember why he ended his life. Depression is a disease. Physicians have found cures and controls for many sufferers. Tragically, John's illness was unresponsive. We can memorialize John's life, his contributions as a teacher, as a scholar, as a colleague, and as a friend, by supporting research for better ways to combat depression.

Farewell, John, you will always be with us.

*Alvin L. Goldman**

Fenner and Smith, 829 F.2d 1539, 1544 (11th Cir. 1987) (taking guidance from Kennedy, *Class Actions: The Right to Opt Out*, 25 ARIZ. L. REV. 3 (1983)); Abrams & Dimond, *Toward a Constitutional Framework for the Control of State Court Jurisdiction*, 69 MINN. L. REV. 75, 99 n.121 (1984) (Where the 25 ARIZ. L. REV. article is characterized as an "exhaustive study of the policies informing opt-out provisions."); Miller & Crump, *Jurisdiction and Choice of Law in Multistate Class Actions After Phillips Petroleum Co. v. Shutts*, 96 YALE L.J. 1, 3 n.1 (1986) (Where the authors make frequent reference to J. Kennedy, *The Supreme Court and the Bride of Frankenstein*, 34 KAN. L. REV. 255 (1985), which they describe as "an excellent critique of the Court's opinion." *Id.* at 3, n.1.).

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