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FRANK R. KENNEDY

*James J. White**

In an academic world thickly populated with persons of unlimited ego but of limited scholarly output, Frank Kennedy stands out as a remarkable exception. On the one hand he is the author of scholarly writings too numerous to recount; on the other he is a man of deep humility. A reader or listener soon learns he has strong views which he states with power and precision. Yet his humility is such that he will listen patiently to the most idiotic view of a colleague or student and will kindly help them find their way.

Frank's work as a scholar is as important as it is extensive. The crowning achievement of that work is the Bankruptcy Reform Act of 1978. While not every word in that act came from his pen, Frank Kennedy has a greater claim to be its author than does any other single person. Passed in 1978, the Act is the direct descendant of the bill that was introduced in 1973 and was the product of the Commission on Bankruptcy Laws of the United States. During its entire existence beginning in 1971, Frank Kennedy served as the executive director of that commission. In that capacity he not only drafted portions of the law and directed drafting of other portions but also conducted and directed a variety of studies to determine the appropriate substantive content of the new law. How many scholars can make the claim not merely that they have tinkered with the law or proposed radical and provocative ideas but that they have been one of the important forces in the enactment of an entirely new body of law? In that achievement alone Frank Kennedy surpasses nearly all of the rest of us. By it he has worked an influence on the law of the United States that few persons inside academia or out will ever be able to match.

Frank Kennedy's scholarship did not begin with the Bankruptcy Reform Act nor has it ended there. He has published more than 100 papers. An examination of those articles shows an admirable capacity to stick to his last. For example, his two articles published in the *Michigan Journal of Law Reform* on the automatic stay are the most

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exhaustive coverage of that topic to be found anywhere.¹ Both courts and commentators repeatedly cite them. In addition to his influence as a commentator and a draftsman, Frank has been a draftsman of rules and has served for many years as a member of the Bankruptcy Rules Committee.

More than any other person in my recollection Frank Kennedy has been recognized not only in academia but also in the practice world as the leader in his field. His recognition arises not just from the writing of books and articles but from the drafting of the Act and of the rules and from work on various committees and commissions. He is a scholar of unique stature.

Because of his lofty standing as a scholar, Frank Kennedy's behavior as a colleague is the more remarkable. High standing in the academic community or in the bar often brings with it the baggage of haste, impatience, and self-importance. Despite the burdens of a heavy teaching schedule, continuous scholarship and numerous outside obligations, Frank Kennedy is never impatient. No student or colleague's question is too trivial or too foolish for his consideration. On many occasions I have presented him with questions about the bankruptcy law, and I have never come away empty handed. Commonly he cites a bit of history, a prior version of the Act or a case. Frequently he will recall the facts of an obscure case from a distant jurisdiction. All of that is done with a grace which leads the questioner to believe that he has uncovered a significant problem.

It is typical of Frank Kennedy's dedication that even after he has retired from active teaching, one finds him daily in the office or on the road speaking to members of the bar or consulting with bankruptcy judges. In Frank Kennedy the University of Michigan Law School has been favored with a scholar of enormous influence, a colleague of warmth and humility, and a fine teacher.

1. See Kennedy, *The Automatic Stay in Bankruptcy*, 11 U. MICH. J.L. REF. 175 (1978); Kennedy, *Automatic Stays Under the New Bankruptcy Law*, 12 U. MICH. J.L. REF. 1 (1978).