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## Frank R. Kennedy

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## FRANK R. KENNEDY

*Harold Marsh, Jr.\**

A great law professor like Frank Kennedy can have an influence on the development of the law and the legal profession in many diverse ways. First, of course, is his impact on the minds of generations of law students in the classroom, which may have incalculable influences on them, and through them on others, for many years. Some legendary law professors were content to restrict themselves to this role, and did little in the way of published legal writings, but are still spoken of with awe even after the last student who actually sat in their classes has retired. I am sure that Frank has had a student out of the distant past, whom he has totally forgotten, come up to him at some meeting and recount some classroom incident or remark, which he doesn't remember and suspects is apocryphal, and say that this has influenced him in his entire legal career.

Secondly, the great law professor through his publications as a legal scholar speaks directly to the entire legal profession in a more enduring medium. By these works he may have a profound influence upon the development of the law and upon present and future generations of lawyers who never met him in person.

Other contributors to this issue of the Law Review, I am sure, will write of Frank's outstanding contributions in both of these ways. Some law professors, however, have a more direct and tangible impact upon the state of the law — that is, by participating in law revision and codification projects which may immediately accomplish major changes in the law. Not all have the courage to do this, since it means that the professor must leave the sanctuary of the podium and the classroom and expose his work to frequently acerbic public criticism — his papers are graded by every lawyer in the United States. I would like to discuss Frank's activities in this arena.

I first worked closely with Frank Kennedy in connection with his long-time chairmanship of the Drafting Committee of the National Bankruptcy Conference. That work involved writing statutory amendments to the old Bankruptcy Act to be proposed to Congress

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(even though more often than not they were ignored by the Congressional committees).

Then, in 1971, he became at my invitation the Executive Director of the Commission on the Bankruptcy Laws of the United States created by Congress. During the next two years I was intimately associated with him while he directed the activities of the Commission staff and of the Commission itself in producing the Report of the Commission, which ultimately inspired the enactment of the new Bankruptcy Code in 1978. The work of the Commission was accomplished in only slightly over the two years originally allocated by Congress for the completion of its work, from the time it first became fully staffed and operational, and a portion of the niggardly funds appropriated by Congress (in comparison with other similar commissions) was returned to the United States Treasury at the end of that time. These accomplishments, which I doubt have ever before or since been duplicated by any advisory commission established by the United States Government, were due primarily to the leadership of Frank Kennedy.

First among the qualities which provided that leadership was, of course, his encyclopedic knowledge of bankruptcy law and all related fields, which has never to my knowledge been approached by any other scholar. But perhaps even more significant was his incredible patience and unflinching courtesy in dealing with all of the persons having an interest in the work of the Commission or submitting ideas and proposals. Frank Kennedy was and is a true gentleman of the old school, who never flaunts his massive erudition nor treats anyone with condescension. Finally, his capacity for work is apparently unlimited and he must have put in twelve or fourteen-hour days almost every day of that two-year period carrying forward the work of the Commission.

He is, of course, equally renowned in the field of secured transactions and, formerly held the position of Chairman of the Uniform Commercial Code Committee of the ABA Corporation, Banking and Business Law Section. His scholarly output of articles in numerous law reviews has greatly enriched the legal literature.

It is a privilege and a pleasure for me to join in the salute to Frank Kennedy evidenced by the dedication to him of this issue of the *Michigan Law Review*.