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EDWARD BRUNET*

I HAVE HAD the privilege of interacting with John E. Kennedy in three different ways at three different times in our lives. Long ago I was a student of John's during academic year 1967-68 when, immediately prior to his joining the faculty at Southern Methodist, he was an immensely popular visiting professor at the University of Illinois. Recently, John was a valued teaching colleague of mine at Lewis and Clark where John and I taught and discussed the same course during a summer visiting stint in 1980, and a more recent visitorship during academic year 1988-89. In the long period in between, John and I exchanged drafts of articles, corresponded and met as friends and colleagues regularly at various professional meetings. With this background I offer three scenes depicting John Kennedy. These scenarios are John's legacies to his students and friends.

Scene I: The Student Lounge, 1968

My friends, Jim Streiker, Lewis Greenblatt and I are eating a no-star Saturday lunch in a dreary student cafeteria while studying for our civil procedure final exam. We are lauding our teacher, John Kennedy, for providing us with the best set of notes and most entertaining course of the year, and whining about how narrow lawyers must be to digest the volumes of material inherent in their work. Suddenly, Professor Kennedy appears at our table hold-

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ing a tray with chili and crackers and asks cheerfully and smilingly, “may I join you?” As always, there is a bit of a twinkle in John’s blue eyes and a ready grin on his face. Surprised but thrilled, we, of course, say yes, and John proceeds to provide excellent and light entertainment to three of his uptight law students in the middle of finals week. It was great theatre and an especially relaxing distraction from the serious business of trying to understand statutory interpleader. What I remember most of this lunch is that John didn’t once mention his course. He talked football, Notre Dame, of course, race relations and the politics of the upcoming Democratic primary. After lunch, John disappeared “to complete work on a dull article that no one will read.” He smiled deeply as he convincingly delivered what would turn out to be a major inaccuracy.1 When Greenblatt remarked how surprised he was to see Kennedy eating the crummy chili served in the student lounge, I pointed out that Professor Kennedy regularly ate lunch with law students and seldom talked law.2 Streiker’s comment was that “Professor Kennedy is a human being, not just a professor.” There was hope. We could be both humans and lawyers.

Scene II: AALS Annual Meeting, Los Angeles, 1987

It’s late in the day on a muggy afternoon of an American Association of Law Schools (AALS) meeting. I’m feeling tired, bored, inadequate, trivial—all the usual feelings one can have late in the day at the big AALS.

1 My guess is that John was working on one of the most influential articles on intervention, Kennedy, Let's All Join In: Intervention Under Federal Rule 24, 57 Ky. L.J. 329 (1969). While the subject of John’s scholarship is itself a full and rich subject, John’s students could see John’s knowledge in each class. Few American procedure scholars have influenced their colleagues as much as John Kennedy. The present edition of major casebooks cite John’s procedure articles as often as those authored by any procedure scholar. See, e.g., D. Louisell, G. Hazard & C. Tait, Cases and Materials on Civil Procedure (6th ed. 1989) (listing seven articles by John Kennedy in table of authorities).

2 My story is confirmed by groups of my Illinois classmates who lunched or coffeed with John, and reconfirmed by groups of students who had John for Civil Procedure in 1988-89 and enjoyed their lunches as much as we did.
I need a drink. I don’t see any of my cronies or associates. I ponder hitting the big receptions, perhaps the NYU. I also consider some quiet time staring at the tube to avoid the hustle of the conference.

I get up my nerve and wander in to a reception. Who should I see but John Kennedy, laughing. He is smiling to a group of four professors, and he has the same twinkle in his eyes that he displayed in 1968. Unlike the group of professors garbed in old tweeds not unlike Chevy seatcovers, John looks great. His clothes are impeccable GQ and he looks like a real Kennedy. I interrupt and say hi.

“Ed! Ed! Great to see you!” As always, John’s greetings made you feel instantly special and welcome. John, who had seen me at numerous prior conventions and meetings, but not for at least a few years, introduced me to this group of civil procedure professors as though I was his best friend and a well-known scholar. He laughed often. His good cheer was contagious to those around him. He was so polite and warm to acquaintances! Unlike me and most of the lawyers I know, John never watched the clock!

I know now that John was the master of these types of interactions. He would treat casual acquaintances with warmth and respect. He would welcome old friends with a generosity and spirit that became legendary. Seeing John in these settings was always a pick-me-up. John made one feel good about people and about oneself.

Perhaps more important, John’s warm, positive personality was unusual in our business where law professors so frequently are career cynics who thrash issues to death with deserved criticism. Not John. When you ran into John at a meeting the experience was positive. He would provide only upbeat commentary and deliver his lines with a sincere and almost innocent humor. Interactions with John made law professors feel great about their pro-
fession, their careers and themselves. That was John.  

Scene III: John’s Office, September 1988

I’m having trouble with a revision of an article on summary judgment and need to talk to someone about numerous seeming contradictions and weird twists in my research. With some trepidation about my position, I knock on John’s office and ask if he has time for a short chat. He welcomes me as though I was his best customer. A full hour later I emerge from John’s office and rush to my own desk to draft solutions to these dilemmas before the fire John ignited dies. That afternoon John sends me seven long-hand pages of additional notes on our discussion. Scrawled on the bottom of the note is the comment, “Ed — you’ve got me hooked into this one!”

Collegial visits to John’s office were an experience. The visitor was always welcomed with John’s regular charm and grace. Nonetheless, John would not offer up the automatic positive pap. He could be counted on for frank and candid assessments of ideas and topics. Indeed, John once steered me away from a topic I now see was fascinating but impossible to complete. John’s positive nature could spot the potential value and relevance of particular scholarly endeavors, and fill a scholar seeking his guidance with that important sense of purpose that propels projects to a necessary completion.

John was a talker. John also, because he was such a gentleman, seldom could or would look at the clock. These two characteristics created many extensive exchanges for John’s colleagues, making them continuing beneficiaries of his wisdom. John’s generosity and sense of courtesy to any visitor to his office was legendary. His warmth was infectious. His collegiality was a role model.

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5 While this scene is entirely my own story, readers should note that my reflections were exactly those of various other law professors who experienced AALS reactions to John that paralleled mine. I thank my colleagues Jim Huffman, Peter Nycum, and Professor Louise Ellen Teitz of Rutgers-Camden School of Law for their very similar reflections of John.