Rebecca J. Scott named professor of law

The Law School is known worldwide for its interdisciplinary capabilities and the ability of its faculty to cross specialty lines to illuminate the nature of the law. In doing so, they further the understanding of how law affects other aspects of life as well as how those aspects affect law.

Historian Rebecca J. Scott is solidly in this tradition, shedding light on the law as she approaches it from the vantage point of the past. Scott, the Frederick G. L. Huetwell Professor of History at the University of Michigan, joined the law faculty in September as professor. She previously had been a Sunderland Fellow in residence at the Law School and has taught a cross-listed seminar for law and history students called Race and Citizenship in Comparative Historical Perspective: The United States and Cuba.

“...in both capacities, she has been a model member of the Law School community, participating and contributing energy and ideas, in ways that uplift all who come in contact with her,” Dean Jeffrey S. Lehman, ’81, and Terrence J. McDonald, interim dean of the U-M’s College of Literature, Science & Arts (LSA), wrote of Scott in recommending her Law School appointment to the Board of Regents. The U-M’s history department is part of LSA.

Scott earned her A.B. summa cum laude from Harvard University, a M.Phil. from the London School of Economics, and her Ph.D. from Princeton University. She has been a U-M faculty member since 1992, was the Arthur F. Thurnau Professor from 1994-97 in recognition of her contributions to undergraduate education, and has been the Huetwell Professor since 1995. She was founding director of the Program in Latin American and Caribbean Studies and chaired the U-M History Department from 1996-99.

Scott was honored with a MacArthur Fellowship, an unrestricted cash prize sometimes called “the genius award,” and is a highly regarded scholar of postemancipation societies. She is the author of Slave Emancipation in Cuba and co-author of The Abolition of Slavery and the Aftermath of Emancipation in Brazil and Beyond Slavery: Explorations of Race, Labor, and Citizenship in Postemancipation Societies. She also is co-editor of the just-published bibliography Societies After Slavery. Her recent work deals with voting rights and property relations — a field of inquiry that has led her to draw on the research and collegial resources of the Law School.

Kennedy receives Distinguished Service Award

Thomas M. Cooley Professor of Law Emeritus Frank R. Kennedy has been awarded the Distinguished Service Award by the Bankruptcy Developments Journal, and last spring’s edition of the Journal was a tribute to the longtime University of Michigan faculty member.

When consideration of the Distinguished Service Award recipient began last year, “one individual who can only be described as a true visionary in the field of bankruptcy practice, scholarship, and teaching emerged as the most deserving,” Editor-in-Chief Joseph G. Minias wrote in the Spring 2002 tribute edition.

Kennedy, continued Minias, “has had a profound influence in the field of bankruptcy through his instrumental role as reporter for the Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States from 1960-76, which contributed greatly to the Bankruptcy Reform Act of 1978.”

“In addition, the field has felt his influence both through his desire to promote and improve the practice of bankruptcy law, and through his career in education and scholarly writings on the subject of bankruptcy.”

Kennedy taught bankruptcy law and related subjects at the Law School from 1961-84. He previously had taught at the University of Iowa. He has chaired the Drafting Committee of the National Bankruptcy Conference, as well as served as a member of the Executive Committee and secretary. He was appointed executive director of the Commission on Bankruptcy Laws in 1970.
The Hon. William L. Norton Jr., who has served as bankruptcy judge for the U.S. Bankruptcy Court for the Northern District of Georgia, and received the *Journal*'s first Distinguished Service Award, had high praise for Kennedy’s impact on bankruptcy law. Kennedy is “a national resource for bankruptcy” and “the principal architect of the Bankruptcy Reform Act of 1978,” wrote Norton.

To review Kennedy’s life, continued Norton, “is to review the growth and development of bankruptcy in the 20th century. . . . He has prepared 160 printed articles, co-authored volumes 4, 4A, and 4B of *Collier on Bankruptcy* (14th ed., 1967), and contributed extensively to other treatises.”

Two years ago, the *Bankruptcy Developments Journal* honored Kennedy with its Lifetime Achievement Award. In 2000, he received the Education Award of Matthew Bender and the Endowment for Education Award for Excellence in Education from the National Conference of Bankruptcy Judges. In 1996, he received the American College of Bankruptcy’s Distinguished Service Award.

“What is distinctive about legal thinking?”

That’s the question that James Boyd White, the L. Hart Wright Collegiate Professor of Law, posed last spring in his remarks at the *Harvard Law Review* symposium “Law, Knowledge, and the Academy.” White was a panelist for the symposium, which featured speakers Judge Richard Posner, of the U.S. Court of Appeals for the Seventh Circuit; William Lee, managing partner of Hale & Dorr; and Professor Richard Epstein of the University of Chicago.

To White, “legal thinking” is different from “thinking like a lawyer.” He explained: “To put it in a phrase, it is that every actor asked to make a judgment in the law does so in a context in which others — the constitution, the legislature, earlier courts, the parties themselves in their contract — have already spoken to the issue. This means that the lawyer or judge must decide which of these judgments are to be entitled to respect, and how much, and for what reasons; and must also decide what those judgments should be taken to mean in the particular context.

“This kind of work has an inherent discipline that is at once intellectual, ethical, and political in kind. It gives content to the idea of separation of powers. I have some fear that our contemporary focus on matters of theory and policy tends to disregard the actual processes of legal thinking, with all of its special risks and merits. For me, it is a crucial question how we know when this kind of thinking is done well or badly, by lawyer or judge, and by ourselves.”

“This is not a merely aesthetic matter,” White continued, “but has intellectual and ethical substance: What does it mean, for ourselves and for the world, that we have a profession constructed on these modes of thought and expression? How can we improve, protect, reform what we do? How can we do a good job of giving definition and meaning to our deepest values — autonomy, or liberty, or speech — in the context in which this matters, that of legal dispute and judgment?”

James Boyd White