In Memoriam:
Frank R. Kennedy

Frank R. Kennedy, a professor at Michigan Law for 25 years, died February 1 in Ann Arbor after suffering a heart attack. He was 93.

Kennedy was a pioneer in the field of bankruptcy law and widely considered to be the leading national expert in the field during his tenure at the Law School.

He served as the executive director of the United States Commission on Bankruptcy Law from 1970-73. In that capacity, he was the principal architect of the Bankruptcy Reform Act of 1978, the first comprehensive revision to the nation’s bankruptcy laws in more than 75 years. He was reporter for the Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States from 1960-76, and draftsman of the Rules of Bankruptcy Procedure promulgated in 1972 by the U.S. Supreme Court, where he was instrumental in merging the Bankruptcy Rules with the rules that generally apply in federal civil cases. He co-authored Volumes 4, 4A and 4B of Collier on Bankruptcy (14th edition), the leading treatise on bankruptcy law, and was coauthor of “Partnerships, Limited Liability Entities and S Corporations in Bankruptcies,” published in 2000.

Kennedy was born July 27, 1914, to David and Maida Kennedy in Strafford, Missouri. He and his four younger brothers worked long hours on their father’s farm in the Ozark Mountains, where his father also worked as a rural mail carrier. Of the five brothers, three became lawyers, one brother a physician, and the other brother a minister.

Kennedy obtained his bachelor’s degree in 1935 from Southwest Missouri State and taught high school English, Latin, and public speaking for a year before entering law school. While attending Washington University Law School in St. Louis, Missouri, he helped out a fellow student in the midst of exams by meeting his friend’s sister at the train station. The sister was Patricia Harvey of Tulsa, Oklahoma, who was on her way home from Wellesley College. He said he fell in love at first sight. After he obtained his law degree in 1939 from Washington University, he and Harvey married. The couple soon left for Yale University, where Kennedy was a Sterling Fellow from 1939-40, and where he received the Doctorate of Juridical Science degree. The two remained married for 67 years, until Patricia died in 2006.

During World War II Kennedy served as associate counsel for the Office of Price Administration and then served in the Navy for three-and-a-half years. He was a member of the U.S. Naval Reserve for more than 20 years and retired with a rank of commander.

Kennedy began his legal career at the University of Iowa Law School, where he taught for 17 years. From 1961 until his retirement in 1984, he taught at the U-M Law School, where he was named Thomas M. Cooley Professor of Law. While teaching at the University, he also acted as a consultant to the United States Department of Justice, the Department of the Treasury, and to the World Bank.

After his retirement from the Law School, he practiced law for 10 years with the Chicago law firm of Sidley & Austin.

Many of Kennedy’s students wrote about the profound impact he had on them. In the words of one, “He made a greater difference in my legal education than anyone else. To the extent I accomplished anything, he was the source of that accomplishment.”

Henry M. Butzel Professor of Law Thomas E. Kauper, ’60, described Kennedy as “a gentleman and a warm, sophisticated, and extremely diligent colleague who was supportive of the young faculty, both professionally and socially. He had a towering reputation in his field, a status that put him at the very top, and was a little intimidating to those of us who were just beginning.”

Kauper, who studied under Kennedy during the visiting professorship that led to Kennedy’s appointment to the Michigan Law faculty, recalled: “The class was not only his first class at Michigan, but the first and I believe only time he taught Constitutional Law to a group of Michigan students. He taught the class in an unorthodox way. In 1958, when I took the course, David Lawrence in his column in U.S. News & World Report was launching weekly attacks on the so-called Warren Court. One day a week, Frank read those columns to the class (we of course had no Xerox machines) and we spent the rest of the hour critiquing them. It was an exciting way to give the course a current setting. Most of us really enjoyed the course, although a few black-letter students objected. I have often tried to emulate what Frank did, always with far less success.”

Robert A. Sullivan Professor of Law J.J. White, ’62, who also studied under Kennedy before joining him on the Michigan Law faculty, noted that “Frank Kennedy’s impact and influence continued long after he ceased to be an active teacher, practitioner, and mover and shaker.”

“Despite the burdens of a heavy teaching schedule, continuous scholarship, and numerous outside obligations, Frank Kennedy is never impatient,” White wrote in the Michigan Law Review in 1983 on the occasion of Kennedy’s retirement from active teaching. “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.”

Memorials to Kennedy may be made to the Frank and Patricia Kennedy Endowed Scholarship Fund at the U-M Law School. [For more information call 734.615.4500 or use the envelope enclosed in this issue to send in your gift with an explanatory note.]

(This appreciation of Frank Kennedy is based on the obituary submitted by his family printed in The University Record February 18, 2008.)