

John Kernochan: A Strong Hand at the Tiller

by William M. Borchard*

My first-year class was the first to use the current law school building. In a physical space no one had used before, we were embarking on a voyage to explore the unfamiliar seas of "The Law." We felt adrift, as most first-year law students feel.

One of the required first-year courses was Legal Method. It concerned, among other things, the techniques of construing the meaning of statutes. This course was taught by Professor Kernochan.

I suspect that few of us can remember particular things we learned in law school. One of the things that I remember was being taught to "Kernochanize" a statute; that is, to identify the particular operative words in the statute to be construed, highlight them and apply rules of statutory construction to them.

Although almost 30 years have passed, whenever my practice involves the construction of a statute, I still admonish myself to "Kernochanize" it. This technique helped me to navigate through my first year of law school, and it has continued to guide me through the years since.

In the early sixties, the law school offered no courses in intellectual property other than a portion of the Business Torts course taught by Professor Milton Handler. The intellectual property field in American law schools was dominated at that time by New York University Law School, which enjoyed the influence of the great Walter Derenberg.

But in the years since then, Professor Kernochan has steered Columbia Law School into courses, organizations, programs and activities that have truly caused Columbia to become a leading center for law and the arts. It is significant that the headquarters for the Copyright Society of the USA recently moved from NYU to Columbia.

Throughout this period, Professor Kernochan has managed to maintain his contacts with many of his former students, including me. He has encouraged me to continue to be involved with the Law School, and he has insisted that I maintain my performance at his high standard.

For example, in the early 1980's, he asked me to write an article

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about trademarks and the arts for publication in the *Journal of Law & the Arts*. Shortly after that article was published, he asked me to write a sequel about the more practical aspects of the subject. And no sooner had that been done than he asked me to write a third article concentrating on solving problems that commonly arise in this area. His grand scheme was finally revealed when he asked me to put the three works together to form a book on the subject of trademarks and the arts, which became the first book published by the Columbia Center for Law and the Arts.

Throughout this process, each time I submitted a manuscript, Professor Kernochan did not hesitate to give me constructive "suggestions" on ways I could improve the work product. Naturally I followed them although it added to my workload to do so, and the results certainly were improved. I felt as if I had never left the Law School!

Over the years, Professor Kernochan has asked me to speak to law students about my experiences in the practice of law, to teach seminar classes on trademark licensing, and to attend various Law School programs as well as to continue my monetary support of the Law School. In this way, he has not only enriched the Law School's intellectual property programs but also continued to guide my personal professional development in his pleasant, quiet but demanding way.

I am certain that my experiences are typical. These individual small influences when taken together have served as a beacon to all who have been fortunate to be Professor Kernochan's students and to many others who deal in the world of the arts. Perhaps this has given new meaning to the term "Kernochanize."