

Tribute to John Kernochan

by Jane C. Ginsburg*

In dedicating this volume to Professor John M. Kernochan, the *Journal of Law & the Arts* is recognizing Jack's prolific accomplishments and untiring devotion both to the field of law and the arts and to the students of Columbia Law School. I am glad to contribute to this appreciation, noting, however, that it cannot match the gratitude and respect I feel for him.

My first contact with Jack was in 1983, when Jack was scouting prospects for recruitment to the Columbia law faculty's junior ranks. Before he raised the question, I had never intended to seek employment at Columbia. Jack not only encouraged me to consider the possibility, but initiated what turned out to be a long but steady process of persuasion. First, while I was still practicing law in New York City, he invited me to address his Business Torts class on a copyright topic of my choice. He must have anticipated, correctly, that direct exposure to Columbia students would make the abstract issue of teaching at Columbia more concrete, and more attractive. Later, when I was studying and working in France but had decided to go into teaching upon returning to the U.S., Jack persistently and convincingly made the case, by letter and phone from New York, and even in person during his visits to Paris, that the best place for a "young" copyright scholar to work was here at Columbia. Of course he was right, not least because of his presence here — but that is a reason he would never have advanced himself.

Since I became Jack's colleague, he has been unstintingly generous in his advice, encouragement and good humor. With all his many projects, he has always found or made time to help a newcomer along. He has suggested topics of scholarly interest and has offered to review work in progress. Moreover, we once collaborated on an article, and, despite his entitlement by seniority and prestige to top billing, he insisted that the publication bear my name first. That kind of graciousness and modesty is typical of Jack, and may be all the more noteworthy for its too-frequent absence from the academy.

Jack has broadened my understanding of myriad subjects, and personalities, in the copyright world. I use the term "world" advisedly:

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Jack is one of the foremost Americans on the international copyright scene, and he has labored perseveringly to bring the United States into the world copyright fold. To this end, he was a major advocate of U.S. adherence to the Berne Convention, testifying to Congress in favor of U.S. membership, and authoring papers on the U.S. role in Berne. Jack founded the U.S. chapter of ALAI (Association Littéraire et Artistique Internationale), an association initially assembled by Victor Hugo to press for international authors' rights. Under ALAI-USA's aegis, Jack has continued to urge reforms in U.S. copyright law, including most recently, endorsing a bill to confer automatic renewal on pre-1978 works now in their first term of copyright. Like so many of Jack's endeavors, the bill would protect the interests of authors here and abroad, for it is all too often the foreign author who, inadequately aware of the U.S. renewal requirement, loses the U.S. copyright after twenty-eight years through failure to effect a timely renewal. Finally, Jack's many articles for U.S. and foreign publications on issues affecting international copyright have made him a well-known expert here and abroad; indeed, Jack is almost certainly the U.S. copyright scholar Europeans know best.

Jack's close ties to Europe, and particularly to France, help supply his secret vice: whenever a French copyright colleague is New York-bound, the visitor brings Jack the most recent *San Antonio* mystery novel. Jack claims these works help keep his French in form, but those familiar with the *San Antonio* literary style may ask if Jack's brand of international copyright diplomacy really requires such immersion in the latest, and raciest, *argot*.

Although Jack has now assumed Emeritus status at Columbia, he has hardly diminished his activities. (And in any event, a "diminished" schedule for Jack is overtime for anyone else.) Because Jack continues to direct the Center for Law and the Arts and to sponsor and conduct advanced seminars in various aspects of law and the arts, the Columbia community will continue to benefit from his exceptionally rich insights and his remarkable solicitude for students.