

Jack Kernochan - An Appreciation

by David H. Horowitz*

Jack Kernochan is truly, in the old fashioned sense, a gentleman and a scholar. He is, as we admirers know, many other things. But his accomplishments have been so enduring precisely because they are the product of both an extraordinarily warm and sympathetic human being and a brilliant student and expositor of intellectual property law.

Jack is, first and foremost, a splendid teacher. Upwards of forty law school classes have enjoyed his incisiveness, his learning, his broad societal perspective, his wit. His acolytes today occupy key positions throughout the entertainment and communications fields. His personal alumni association is huge: legions of Columbia graduates revere him for what he taught them and love him for what he is.

More than a great teacher, Jack has been a visionary and a major innovator in legal education. He saw that dynamic technological advances in delivery systems for information and entertainment - television, cable, VCRs, communication satellites, compact discs, digital audiotapes - would enhance the importance of copyrights and of intellectual property law in the legal/industrial world. As a result, Columbia (which in our student days did not have a regular course in copyright) today offers courses and seminars covering the entire spectrum of the creative and performing arts, from Broadway theater to fine arts to recorded music to the film industry (which latter subject, with his characteristic gentleness and iron determination, he persuaded me to teach). While ever the scholar, Jack has also pioneered providing instruction in practice as well as theory and using clinics to give students real-world experience. Through all these efforts, which have been supported by Jack's colleagues and a succession of law school deans, Columbia today offers, I believe, the preeminent curriculum in arts and entertainment law.

This is so in part because Jack is not simply a visionary and dreamer; he is an activist, a pragmatist - and a hell of a fund raiser. He founded and presides over the Center for Law and the Arts at Columbia, which has served as a magnet for contributions by founda-

* Of Counsel, Proskauer Rose Goetz and Mendelsohn. J.D. 1950, Columbia University School of Law.

tions, corporations and individuals (alumni and non-alumni). He has thereby made possible the enrichment of the law school's courses, seminars, clinics, lectures and public programs in the arts. Through these programs, the vital role of copyright in our society - and the need for copyright law to keep pace with new technologies - can be communicated to an ever larger audience.

In the end, this is where Jack's heart lies. He is, above all, a tireless advocate for the rights of authors and artists. His most scholarly articles are informed by a passion for fairness and equity in copyright law and policy. He has regularly appeared before Congressional committees in support of copyright law reform. In a world in which communications satellites beam copyrighted programs across oceans and borders, he has long played an active role in the international copyright arena; he was a persuasive advocate for American adherence to the Berne Convention. Jack is a soldier whose learning and erudition are ever enlisted in the cause of encouraging creativity - and thereby enriching people's lives - through copyright.

From all this, one thing is very clear. Such a man as Jack cannot be allowed to retire! He has too much to give - to the Law School, to the creative community, to all of us. Given Jack's energy and sense of commitment, however, I don't think we need worry. This gentleman and scholar will remain engaged - and engaging.