



## IN MEMORIAM: THE HONORABLE CORNELIA GROEFSEMA KENNEDY



The editors of the *Ohio State Law Journal* respectfully dedicate this issue to the Honorable Cornelia Groefsema Kennedy.\*

Cornelia Kennedy was born on August 4, 1923, in Detroit, Michigan.<sup>1</sup> After receiving her undergraduate and law degrees from the University of Michigan, she became one of the first women to clerk for the United States Court of Appeals for the District of Columbia Circuit.<sup>2</sup> Judge Kennedy was the first woman named to the federal district bench in Detroit and the first woman to become chief judge of a federal district court.<sup>3</sup> In 1979, President Jimmy Carter nominated her to the United States Court of Appeals for the Sixth Circuit in Cincinnati.<sup>4</sup> She retired as a senior judge in 2012.<sup>5</sup>

Judge Kennedy passed away on May 12, 2014, in Grosse Pointe Woods, Michigan.<sup>6</sup> She will be remembered as the “first lady” of the Michigan judiciary<sup>7</sup> and a leader who paved the way for women in the legal field.

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\* Thank you to Professor Marc Spindelman for helping put together this *In Memoriam*.

<sup>1</sup> Derek J. Sarafa, *Judge Cornelia G. Kennedy: First Lady of the Michigan Judiciary*, MICH. LAWYERS IN HISTORY, <http://www.michbar.org/journal/article.cfm?articleID=105&volumeID=9> (last visited Nov. 13, 2014), *archived at* <http://perma.cc/B329-C5R2>.

<sup>2</sup> Douglas Martin, *Cornelia G. Kennedy, a Pioneering Federal Judge, Dies at 90*, N.Y. TIMES (May 23, 2014), [http://www.nytimes.com/2014/05/25/us/cornelia-g-kennedy-pioneering-federal-judge-dies-at-90.html?\\_r=0](http://www.nytimes.com/2014/05/25/us/cornelia-g-kennedy-pioneering-federal-judge-dies-at-90.html?_r=0), *archived at* <http://perma.cc/Y72P-WEAT>.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> Sarafa, *supra* note 1.





## Fond Memory

JUSTICE JOHN PAUL STEVENS (RET.)\*

Cornelia Kennedy and I were both nominated by President Richard Nixon and became federal judges in 1970. We first met in Washington in the Senate Judiciary Committee hearing room, when our confirmation hearings were held on the same day. A year or two after we had both been elevated to higher judicial offices we sat together as two of the judges of a moot court argument at the Notre Dame Law School. All of the student participants in the argument were women and excellent advocates. I have mentioned that argument on many occasions as the best moot court that I attended during my years on the bench. It was an important occasion for reasons that have seldom been recognized.

During the argument all of the participants addressed Judge Kennedy as “Madame Justice.” I noticed that she did not seem to welcome that form of address; nevertheless I was surprised by her response during the fourth advocate’s argument. Obviously unhappy with the fact that all female advocates had addressed her as “Madame Justice,” she ultimately interrupted the fourth advocate with this question: “Why do you address me as ‘Madame Justice’? The word ‘Justice’ is not a sexist term.”

At our conference after the argument, I made a comment on the obvious strength of her reaction to the use of the term “Madame Justice,” and she forcibly restated views that she must have formed during her tenure as the only female jurist on the federal bench during the preceding years.

After my return to Washington, at the next Court Conference that I attended, I described the incident to my colleagues. Potter Stewart responded by stating that sooner or later we were going to have women serving on the Court, and that it would be wise to anticipate that change by substituting the simple term “Justice” for the term “Mr. Justice” that had formerly been the only accepted form of address to a Member of the Court and which then appeared on the brass name plates on the door to every Justice’s chambers. His suggestion was promptly endorsed, and by an eight-to-one vote put into effect. Thanks to the firm position expressed by one of the pioneer female members of the federal judiciary, an all-male institution anticipated and avoided one of the problems that might have confronted Sandra Day O’Connor (and the rest of us) when she joined the Court.

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That incident is only one of the many occasions on which I found myself admiring the excellence and independence of Cornelia Kennedy's work as a federal judge. We were good friends for many years, and I miss her.



## Remembering Judge Cornelia Kennedy

JUSTICE SANDRA DAY O'CONNOR (RET.)\*

It is a great privilege to help remember Judge Cornelia Kennedy. Judge Kennedy's four decades on the bench were extraordinary by any standard, and she would have been a model judge during any era. But Judge Kennedy was more than a great jurist. She was a trailblazer. As one of the first women to be appointed to the federal bench, Judge Kennedy was an inspiration for countless female lawyers of her generation—including me. I am convinced that my own path to the United States Supreme Court was made more likely because of the exemplary service Judge Kennedy was already providing on the federal bench.

Throughout her legal career, Judge Kennedy forged new paths for women. After graduating from the University of Michigan Law School, she became one of the first women to serve as a law clerk to a judge on the D.C. Circuit. In 1970, following a successful career in private practice and as a state court judge, she was appointed by President Nixon to the United States District Court for the Eastern District of Michigan. That appointment made Judge Kennedy the first woman on the federal bench in the State of Michigan. Seven years later, Judge Kennedy was elevated to *chief* judge of the Eastern District, becoming the first female chief judge of a district court anywhere in the country.

In 1979, President Carter appointed Judge Kennedy to a vacancy on the Sixth Circuit Court of Appeals. I am told that during her confirmation hearings, Senator Orrin Hatch exclaimed: "By damn, you have a lot of qualifications!" It was true. At that point, Judge Kennedy had already been the first woman to serve as director of the Detroit Bar Association, the first woman to serve as chairperson of the National Conference of Federal Trial Judges, and the first woman to serve on the Judicial Conference of the United States. With those superb qualifications, it is no surprise that Judge Kennedy's appointment to the court of appeals was confirmed.

Two years later, I was nominated for a seat on the Supreme Court, and went through my own Senate confirmation process. I was confirmed unanimously, at a time when female lawyers in this country still faced considerable discrimination. I suspect I have Judge Kennedy to thank for my relatively straightforward confirmation. Judge Kennedy was at the vanguard of female

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\* Associate Justice, Retired, Supreme Court of the United States.

judges of my generation, and she impressed the Senate with her qualifications just two years earlier. Perhaps more importantly, by the time I was nominated to the Supreme Court, Judge Kennedy had been providing exemplary judicial leadership for over a decade. Not only did Judge Kennedy clear a path for female judges, she emphatically showed the world that women were up for the job.

As a female lawyer and judge, I had long admired Judge Kennedy from afar. But it was only once I began serving on the Supreme Court that I became better acquainted with her work. During my first five years on the Court, I was the Circuit Justice for the Sixth Circuit. In that role, I was responsible for considering hundreds of applications arising from the Sixth Circuit, on a variety of matters both routine and complex. Then, as now, the Sixth Circuit's docket was nothing if not diverse. As Justice Stewart memorably described the docket: "To [the Sixth Circuit] for decision come admiralty cases from the Great Lakes, moonshine cases from Appalachia, labor cases from Cleveland, patent cases from Detroit, tax cases from Memphis—criminal cases and civil cases of every conceivable kind from almost everywhere within the circuit's broad borders."<sup>1</sup>

Whatever the case—and whatever its subject matter—I learned quickly that I could always count on Judge Kennedy to be thorough, thoughtful, and fair. Her opinions were characterized by sharp, clean legal analysis, and were overlaid with a healthy dose of common sense. Judge Kennedy's opinions also exuded compassion for the human beings at the center of each case. She unfailingly provided litigants the attention and respect they deserved.

As Sixth Circuit Justice, I regularly attended the Sixth Circuit Conference, where I had the great privilege of getting to know Judge Kennedy personally. I quickly learned that not only was Judge Kennedy an exemplary judge, she was a wonderful human being. She radiated warmth and good humor to all those around her. She treated her colleagues and employees with empathy. She took a deep and abiding interest in the lives of others. And she was held in the highest regard by both the attorneys who practiced before the Sixth Circuit and by her fellow judges on the court.

I am often asked to give advice to young women who aspire to push boundaries and forge new paths. I tell them that there is no shortcut to success: the key is to do excellent work, and to try to be helpful to those around you. I tell young women that people will remember the work that they do and that, in the end, they are responsible for increasing opportunities—both for themselves and for other women who will follow in their footsteps.

I am tremendously fortunate to have followed in the footsteps of Judge Kennedy. She opened doors for a generation of female lawyers and judges. Her judicial legacy, built over the course of four decades on the bench, is second to none. Just as importantly, I know that Judge Kennedy touched and inspired countless colleagues, friends, and mentees. Her example lives on in all of us.

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<sup>1</sup> Potter Stewart, Preface, *The Sixth Circuit Review 1968–69*, 2 U. TOL. L. REV. 49, 49 (1970).

There is no way to replace Judge Kennedy, but she left the world far better than she found it. I shall forever be grateful for the paths that she forged, and I will never forget her many years of service and friendship.



## ***In Memoriam: Judge Cornelia Kennedy***

JUDGE DAMON J. KEITH\*

My friend, Judge Cornelia G. Kennedy, was one of the hardest working judges in the federal judiciary. It was both a pleasure and an honor to serve with her on the district court, and then, the Sixth Circuit for almost thirty-three years.

One of my fondest memories of Judge Kennedy was of the time when she refused to let a “little” thing like being hospitalized deter her from attending a “sentencing conference”—a meeting where judges gather to discuss sentencing issues. On one occasion when we had a date set, Judge Kennedy was in the hospital recovering from surgery for a broken leg. In consideration for Judge Kennedy’s illness, I suggested that we wait until she was released from the hospital to have our conference. Her response was, “no, Damon, come out to the hospital and we will go over these cases here.” I was not surprised; that was Judge Cornelia Kennedy—steadfast and indefatigable.

The relationship that Judge Kennedy and I had is a testament to the importance of diversity. Judge Kennedy and I came from very different backgrounds and very different experiences, but one thing united us—our dedication to upholding the Constitution and the laws of the United States. Our collective dedication to the principles of equal justice enabled us to disagree without being disagreeable—despite our philosophical differences.

Because of our different backgrounds, we also had very different approaches to the law, with different insights about people. Throughout our time together on the bench, Judge Kennedy’s experiences and insights presented me with viewpoints that I would have never thought of, and I would like to think that I affected her similarly. For opening our minds to each other’s viewpoints and learning from them, I would say that we grew, not just as jurists, but, most importantly, as people.

In closing, when I think of the rich background and legal acumen that Judge Kennedy brought to our court, I am firmly convinced that our court was, and will continue to be, well served because of her presence and her lasting mark.

I will miss you, my dear friend Nealie.

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\* Senior Circuit Judge, United States Court of Appeals for the Sixth Circuit.



## **Judge Cornelia Kennedy: A Dignified Colleague**

JUDGE NATHANIEL R. JONES\*

I donned my robe as a Judge of the United States Court of Appeals at the same time as Judge Cornelia Kennedy of Michigan. I came directly from the ranks of being a civil rights litigator, having served for the previous decade as general counsel for the National Association for the Advancement of Colored People. She, on the other hand, brought to that court a long history as a Michigan state court judge, and a federal chief judge, with a legal philosophy much different than mine.

We both were nominated by President Jimmy Carter, who had vowed to bring greater racial and gender diversity to the federal bench. He hoped to accomplish this by means of appointing judicial selection commissions in each of the federal judicial circuits. She and I were beneficiaries of President Carter's vow to change the makeup of the federal courts.

While our voting records on matters of civil rights, civil liberties, and affirmative action demonstrate different views of those concepts, we nevertheless developed mutual respect for each other as colleagues. That mutual respect led Judge Kennedy and I to join with our other colleagues in pleasant lunches during sessions of the court. On numerous occasions Judge Kennedy crossed the hall and entered my chambers to inquire whether I was ready to leave with her for our judges' luncheon. That may seem like an empty gesture given the differences in our approach in deciding cases, but it was a reminder of a comment made by Justice Sandra Day O'Connor about lessons she learned from conversations with Justice Thurgood Marshall.

Persons bring to their judicial positions the experiences of their past. Given the racial and cultural divisions in the makeup of our society, those differences are often reflected in the way they decide cases. However, diverse judges, as equals, are in a position to bring different perspectives to the dialogue that may, over time, cause a reconsideration of their orthodox views. My interaction with Judge Kennedy led me to believe that the "hard" positions on social issues that she brought to the court of appeals were somewhat modified, though not dramatically so.

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She and I never allowed our different perspectives in resolving cases interfere with the obligation we owed to the judicial system to be collegial. Even though some of those differences were sharp, they were expressed with words that avoided personal harshness. Three cases on which Judge Kennedy and I sat make the point. Early in our service on the Sixth Circuit there was a case on our docket that dealt with the legality of the Ohio High School Athletic Association's policy that barred girls from participating in co-ed contact sports. The district court had struck it down as violative of Title XI and the Equal Protection Clause of the Fourteenth Amendment. Judge Kennedy, joined by a Tennessee judge, wrote the majority opinion that remanded the case to the district court for further consideration and findings. I felt that the decision, as it stood, warranted affirmance. Thus, in response, I wrote a dissent.

Some may have thought that Judge Kennedy's gender would have resulted in her also voting to affirm. The sense of collegiality in this and other situations that she and I shared led us to express our disagreement in intellectually honest tones.

Another case that she and I sat on in 1984, along with a former Chief Judge, Harry Phillips, who hailed from Tennessee, involved a claim for Social Security benefits. The claimant claimed that his mental condition was disabling and that absent evidence of an improved condition, the disability could be presumed to be continuing, making him eligible to receive benefits. Judge Kennedy could not accept the presumption theory and would have denied benefits. My view was concurred in by Judge Harry Phillips. I authored the majority opinion. The differing views of Judge Kennedy's dissent and my majority opinion were expressed in vigorous but respectful language.

A third example that comes to mind involved a Section 1983 civil rights case brought by a prominent Cincinnati physician who sought to bar local law enforcement officials from forcibly entering his office to serve a warrant on some of his employees. It was not clear that the actions of the city police were pursuant to a policy. If they were pursuing a policy, then the city could be held liable under the federal Civil Rights Act. Judge Kennedy and I, along with the third member of the panel, agreed to a remand for the trial court to determine that question. Judge Kennedy agreed that the city could be held liable under section 1983: if the police officers' forcible entry into the physician's office in order to serve warrants was pursuant to its policy of using whatever force they felt was necessary, the physician was entitled to recover for any injuries sustained.

Aware of Judge Kennedy's cautious views reflected in a number of civil rights cases, I was impressed that she did not hesitate to join my opinion that sent the case back to the trial court that could result in recovery against the city by the plaintiff for violating his Sixth and Fourteenth Amendment rights.

One of the reasons I am honored to offer this essay about my former colleague, Judge Kennedy, is to remind contemporary Americans that this nation does have a history of debating differences in a civil and respectful manner. I have become distressed with the coarse and crude turn our national



debate of public issues has taken. Judge Kennedy was indeed a civil judge, and a kind person. The positive personal relationship that Judge Kennedy and I developed—in spite of our ideological differences—is one of which I am most proud.



### ***In Memoriam of Judge Kennedy***

JUDGE DANNY J. BOGGS\*

Cornelia Kennedy was indeed a judge's judge. In all my sittings with her I could always be sure that her decisions were based on nothing but her best view of the law. Her favorable advice was always given in a pleasant and helpful tone, and any contradiction or criticism was always in the most neutral and constructive manner. As a young judge coming to the court without prior judicial experience, she gave me an invaluable exemplar of how to be a judge.



### ***In Memoriam of Judge Kennedy***

JUDGE ALICE M. BATCHELDER\*

The federal judiciary, and the Sixth Circuit in particular, are diminished by the death of Judge Cornelia Kennedy. I was honored to have been asked to speak at her memorial service, a daunting task when the subject is an icon. What follows here is the text of those remarks.

It is my honor to participate this morning, both on behalf of the Court and on my own behalf, in a celebration of a life wonderfully lived.

It is definitely not my intention to review Judge Kennedy's career—although she blazed an extraordinary trail. What made her such an extraordinary person is *how* she blazed that trail, how she impacted so many along the way, and how she influenced the profession she loved and the judicial system she served.

In his discussion of the judiciary in *The Federalist* No. 78, Alexander Hamilton said:

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To avoid an arbitrary discretion in the courts, it is indispensable that they should be bound down by strict rules and precedents, which serve to define and point out their duty in every particular case that comes before them; and it will readily be conceived from the variety of controversies which grow out of the folly and wickedness of mankind, that the records of those precedents must unavoidably swell to a very considerable bulk, and must demand long and laborious study to acquire a competent knowledge of them. Hence it is, that there can be but few men in the society who will have sufficient skill in the laws to qualify them for the stations of judges. And making the proper deductions for the ordinary depravity of human nature, the number must be still smaller of those who unite the requisite integrity with the requisite knowledge.

In his wildest dreams, Hamilton couldn't have imagined the actual magnitude of that "bulk," and he certainly couldn't have imagined that someday those qualified to be judges would not be only men. But he surely would have had to acknowledge, if presented with Cornelia Kennedy, that she was perfectly qualified to be a judge.

Judge Kennedy came into the legal profession at a time when women in the profession were both scarce and scorned. On the bench, when she came onto it, there were proportionally even fewer women. I never heard her complain about the difficulties she encountered on that road, or even tell very many stories about it, although I am pretty sure she must have had some dillies. She did enjoy pointing out to each new woman appointed to the Sixth Circuit the little marble-topped table in her chambers that had belonged to Florence Allen, the first woman on the Sixth Circuit—Judge Kennedy was the second. Judge Allen kept a hot plate on that table, which she used to heat up her lunch because her colleagues refused to give up their tradition of going to the University Club for lunch, and women were not allowed in the University Club. That table occupied a place of some prominence in Judge Kennedy's chambers.

Judge Kennedy was a remarkable mentor to younger lawyers and judges, and through the example she set, she was a role model for young women. She was always wholly professional and she was always and in every way a lady. To the point that it took me several years on the court to bring myself to wear a pants suit when I knew I would be in Cincinnati at the same time she was . . .

Not long after the very first time I sat with Judge Kennedy, I circulated an opinion that I thought pretty well nailed the case before us. I was particularly proud of my discussion of one specific issue. And then I got a phone call from Judge Kennedy. She said she would concur in the opinion except for my discussion of that issue, about which she said, "You may well be right about that, but it is not properly before us." She was right, of course, both as to the principle she was pointing out and the specific instance. She was straightforward and kind about it. I cannot count the number of times since then that I have "heard" the voice of Judge Kennedy as I was writing an opinion—"You may well be right, but that issue is not really before us." Or the number of times I have quoted her on that, mostly to law clerks who are anxious to have us

opine on an issue not really before us, but occasionally to a colleague similarly inclined. I have always been grateful for the standard she set.

One of the articles written about Judge Kennedy a couple of years ago quoted her as summing up her remarkable career by saying, “Well, you just do it. You just go to work and do the job.” That statement is quintessentially Judge Kennedy, and probably every judge she ever served with has a story that reflects it. I do. One day we were working through a very difficult death penalty habeas case, and I mused that although I am not opposed to the death penalty, I thought it would be extremely difficult to impose it. I will never forget Judge Kennedy’s response: “I would not have trouble imposing the penalty if it was appropriate under the law. But if I were a legislator, I would never vote to adopt the death penalty.” That, to me, is the mark of the ideal judge.

Judge Kennedy set a great example in other ways as well. She was kind of little, and she always—at least as long as I knew her—looked a bit fragile. But she went whitewater rafting on the Colorado River when she was in her 70s. And she said she loved it. A few years later, she went on a trip to somewhere near Antarctica to count polar bears. And counted a bunch of them. That was inspirational, so far as I am concerned, and I’m not giving up hope on following that example.

When Judge Kennedy was in her early 70s, someone at a Federal Bar Association dinner asked her—somewhat impertinently, I thought—whether she was planning to take senior status. She responded, “I don’t know why I would do that. My husband is gone, I still enjoy the work of the court, and I don’t have something else that I would rather do.” She didn’t say, but her colleagues certainly could have, that she was still the backbone of a court that treasured and needed her.

Many years ago, I had occasion to write a letter supporting Judge Kennedy’s nomination for an award. I said then what I have only come to believe even more strongly in the years since:

Although it is tempting to write this letter from the perspective of a woman judge, I think to do so would be a disservice to Judge Kennedy. For while it is true that she has been a shining example to women, both in the bar and on the bench, she is much more an example of exactly what a judge, regardless of gender, should be. Judge Kennedy is meticulous in her work, and unfailingly genteel in her treatment of those who come before her and those who work with her. She is generous with her time and always willing to share the benefit of her experience. Most importantly, when Judge Kennedy issues an opinion, it represents her view of the law after careful research and analysis—nothing more and nothing less.

Judge Cornelia Kennedy holds a special place in the hearts and memories of the judges in this circuit. We loved her. We have all benefitted from her strength of character, her wisdom, her intellect, her gentility, and her humility. When I think of Judge Kennedy, I think of the opening words of the 26th Psalm: “Judge me, O Lord; for I have walked in mine integrity.” Surely she did.



## “Thank You, Judge Kennedy”: Thoughts from a Former Law Clerk

JUDGE LAURIE J. MICHELSON\*

“There is no doubt that Cornelia Groefsema Kennedy was a pioneering judge of the highest caliber.”<sup>1</sup> She “was one of the first women to serve as a clerk at the prestigious United States Court of Appeals for the District of Columbia Circuit, and the first woman in the nation to serve as chief judge of a federal district court. Three presidents shortlisted her for the United States Supreme Court.”<sup>2</sup> She was also the first female director of the Detroit Bar Association, the first female member of the Judicial Conference of the United States, and the first female chair of the National Conference of Federal Trial Judges.<sup>3</sup> Indeed, during Judge Kennedy’s confirmation hearings, Senator Orrin Hatch commented, “by damn you have a lot of qualifications[.]”<sup>4</sup>

In addition to being a pioneer, Judge Kennedy was a jurist of the highest caliber. Her friend and colleague on the United States District Court for the Eastern District of Michigan, Judge John Feikens, referred to her as “a treasure in our federal judiciary.”<sup>5</sup> Sixth Circuit colleague Judge Ralph Guy also explained: “There is no doubt that her reputation for scholarship and her even judicial temperament are without peer. The bench and bar hold her in the highest esteem. Attorneys are delighted to appear before her, and other judges eagerly seek her counsel.”<sup>6</sup> And former Supreme Court Justice Sandra Day O’Connor likewise captured the essence of Judge Kennedy:

She has been a shining example to women across the land in every area. Her work on the bench has been marked by excellent analysis overlaid by common

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<sup>1</sup> Richard George Kopf, *Cornelia Groefsema Kennedy, A Pioneering Federal District and Circuit Judge, Is Gone but Must Not be Forgotten*, HERCULES & THE UMPIRE (May 18, 2014), <http://herculesandtheumpire.com/2014/05/18/cornelia-groefsema-kennedy-a-pioneering-federal-district-and-circuit-judge-is-gone-but-must-not-be-forgotten/>, archived at <http://perma.cc/5L4L-YTHP>.

<sup>2</sup> Douglas Martin, *Cornelia G. Kennedy, a Pioneering Federal Judge, Dies at 90*, N.Y. TIMES (May 23, 2014), [http://www.nytimes.com/2014/05/25/us/cornelia-g-kennedy-pioneering-federal-judge-dies-at-90.html?\\_r=0](http://www.nytimes.com/2014/05/25/us/cornelia-g-kennedy-pioneering-federal-judge-dies-at-90.html?_r=0), archived at <http://perma.cc/Y72P-WEAT>.

<sup>3</sup> Kopf, *supra* note 1.

<sup>4</sup> *Id.*

<sup>5</sup> Derek J. Sarafa, *Michigan Lawyers in History—Judge Cornelia G. Kennedy: First Lady of the Michigan Judiciary*, 79 MICH. B.J. 850, 851 (2000).

<sup>6</sup> *Id.*

sense. Her volunteer service has spanned every aspect of legal service. She has been a wife and a mother, and a friend and mentor to countless young lawyers, both male and female. She has been a most impressive model for me for a very long time. She is deserving of the highest tribute for her splendid service on the bench for more than thirty years.<sup>7</sup>

So it can come as no surprise that a clerkship with Judge Kennedy was a coveted position. The esteem in which she was held by judges, lawyers, and litigants was certainly shared by her law clerks. We were, as referenced by Justice O'Connor, the "countless young lawyers" to whom Judge Kennedy was "a friend and mentor." She was a guiding force in our legal careers and a voice of reason on issues in our personal lives. Following her tutelage, we became lawyers, academics, business executives, and even judges.

We are accustomed to professional athletes identifying their idols and famous actors talking about the screen legends who inspired them. Judges too have their role models. You cannot help but aspire to be a judge when you have the opportunity to clerk for Judge Kennedy. She was the consummate role model. She taught me that judges should always be prepared—she read every brief, every key case, and every important document in the appendix. She taught me that judges think things through—she collaborated with her law clerks and fellow judges on all decisions. She taught me that judges make independent and fair decisions—she had a simple philosophy: apply the specific facts of the case to the controlling law to reach a decision. And she taught me that judges should always be respectful to the lawyers. At my first sitting of the court in Cincinnati, Judge Kennedy came back to the chambers after oral argument and the first thing she asked the clerks: "Was I respectful to the lawyers?" I have never forgotten that. The answer was yes. It was always yes.

During my clerkship, on March 17, 1992, Judge Kennedy presided over the Sixth Circuit's first all-female three-judge panel (with Sixth Circuit Judge Alice Batchelder and Eastern District of Michigan Judge Anna Diggs Taylor).<sup>8</sup> Over twenty years later, I will have the honor of following in my role model's footsteps and sitting by designation on an all-female panel of the Sixth Circuit. Thank you, Judge Kennedy.

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<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

