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## Dedication: Joseph B. Kelly

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## DEDICATION

### JOSEPH B. KELLY

The Dickinson School of Law suffered a great loss this year with the death of Joseph B. Kelly. Professor Kelly passed away on Easter Sunday, April 16, 2006.<sup>1</sup>

Joseph Burns Kelly was born on July 31, 1923, in Fort Smith, Arkansas, and grew up in Ludlow, Kentucky.<sup>2</sup> He graduated from St. Xavier High School and began work on his undergraduate degree at Xavier University, however, his education was interrupted by the Second World War. He was commissioned as a Second Lieutenant in the United States Army and served in the China-Burma-India Theater as an artillery

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1. *Obituary, Joseph B. Kelly*, THE SENTINEL (Carlisle, Pa.), April 18, 2006, at B2.

2. *Id.*

advisor to the Nationalist Chinese Army.<sup>3</sup>

Following his wartime service, he completed his undergraduate education and was a 1949 graduate of the University of Cincinnati College of Law, where he was a member of the Order of the Coif and editor-in-chief of the law review.<sup>4</sup> Following a year in private practice, he re-entered the Army, serving in the JAG Corps until 1969, when he joined the faculty at The Dickinson School of Law. He taught at Dickinson for 27 years until his retirement in 1996, and he remained a fixture at the school for several years thereafter. When asked why he went into teaching, Professor Kelly offered the following explanation:

It's a good place for a Ham. It's like theater. Your juices flow when you're in front of a class; it's like being on stage. If you're a Ham and an attorney, teach.<sup>5</sup>

To a generation of law students Joseph B. Kelly was more than a member of the Dickinson Law faculty; he was an institution. It was Professor Kelly who regularly emceed the final rounds of the annual Law School Trivia Bowl, who fired the rifle that started the yearly *Race Judicata*, and who dressed the law school's LLM students in Union blue and sent them off to battle in various Civil War reenactments.<sup>6</sup> It was he who took the stage as "The Wizard of Contracts" at the Faculty Follies and was featured in Phi Alpha Delta's "Kelly Calendar." Professor Kelly's favorite classroom phrases—*Just read what you have; Give it the*

3. For a fascinating account of Professor Kelly's wartime service see Joseph B. Kelly, *Memoirs of World War II (An Odyssey, Chiefly Concerning the China, Burma, India Theater)*, 21 PENN ST. INT'L L. REV. 449-75 (2003).

4. Heather A. Burns, *Retiring Joe Kelly Enjoyed this 'Whole Little Scene,'* DICK. LAW., Sum. 1996, at 16.

5. Brett Greiner, *Just Read What You Have: An Afternoon with Professor Joseph Kelly*, JUD. NOTICE, Oct. 1992, at 5.

6. Professor Kelly was a great Civil War buff. He formed a reenactment group, the 71<sup>st</sup> Pennsylvania Volunteers, which he commanded from 1977 to 1999. Not surprisingly, an April Fool's Day issue of the student newspaper published in 1989 reported that Professor Kelly was not just involved with reenactments of Civil War battles, "but in fact believes that the war is still being fought." According to the article, when he put on his uniform "he is no longer Joseph Kelly, Professor of Law, but Ol' Blood 'n Guts Kelly:"

A cross-examination of newspaper stories and Kelly's engagement calendar shows that there were at least three unexplained casualties at each reenactment attended by Kelly last year. Witnesses at a reenactment held at Harper's Ferry, West Virginia, last May reported a man whom they believed to be firing live ammunition, rushing into battle, while drinking old wine from a new bottle. This man allegedly chided Confederate troops to "go ahead and just shoot what they had!"

Knowing Joe Kelly's wonderful sense of humor, it is probably safe to say that no one enjoyed the spoof more than he. Clement Haynesworthless, *Kelly is not Just Re-enacting*, JUD. NONSENSE, April 1, [1989], at 4.

*old college try; If it doesn't fit, give it a little push; You may pass in football, but you may not pass in this class; and Get down here, Ever-Tite*—became part of the law school's everyday lingo.

Those of us who sat through first-year Contracts with “Machine Gun Joe Kelly” never forgot the experience. Each week during the fall semester we faced three hours of terror, never knowing who would be asked to “just read what you have.” By spring semester the terror had faded to a more fatalistic resignation. Only when it was over did we realize just how much we had learned under the tutelage of this wonderful man.

Professor Kelly was an advisor to this publication when it debuted as the *Dickinson International Law Annual* in 1982. He continued in that capacity until 1995, overseeing the publication as it expanded and grew into the *Dickinson Journal of International Law*. In 1988, the Winter issue of the *Journal* was dedicated to him “in recognition of his encouragement and support in the founding of this international law journal.”<sup>7</sup>

The current editors of the *Penn State International Law Review* never knew Professor Kelly; for the past few years his declining health had made it impossible for him to visit the law school. However, they recognize and greatly appreciate his many contributions to both the Dickinson School of Law and to this journal, and they respectfully dedicate this issue to his memory.

—Mark W. Podvia  
Carlisle, Pa.

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7. *Dedication*, 6 DICK. J. INT'L L. n.p. (1988).

