

**MEMORIAL RESOLUTION OF THE FACULTY  
OF THE UNIVERSITY OF WISCONSIN-MADISON**

**ON THE DEATH OF PROFESSOR EMERITUS JOHN A. KIDWELL**

John A. Kidwell, professor emeritus of law, died on March 10, 2012, at age 66. He is survived by his wife Jean Kidwell, and their son Ben. John's death from cancer left the Law School deeply saddened at the sudden loss of a stalwart colleague, a mainstay, and a friend. If it may be said of anyone, it could be said of John: he was universally admired.

Nearly thirty years ago, John wrote a memorial tribute to his colleague, Professor John C. Stedman:

“A remarkable thing about John . . . is that if you ask people who knew him and his work what they remember most vividly about him, they speak first not about his fine teaching, or his exemplary scholarship, but rather of what an extraordinarily gentle person John was. He was a man of exceptional balance and perspective. He was a person with great compassion, who always revealed his concern for others in the respect he showed them. He was scrupulously fair. In addition, he had a great sense of humor and revealed it in his writing, as well as in conversation. All of these traits made him a valued member of the university community; his balance and fairness led to requests that he serve on innumerable committees. He was always ready to help a student or colleague and never asked for the credit he so richly deserved. He was modest to a fault . . . . Someone who knew John said it was his firm conviction that every person who encountered John . . . was better off for it.”

John Kidwell could have been writing about himself.

When he formally retired in 2005, John wrote the following to Dean Ken Davis: “William Arthur Ward once advised that feeling gratitude and not expressing it is like wrapping a present and not giving it. It has been my privilege to teach at the Law School, and to work with you, and my other colleagues, for nearly 33 years. I feel that I should thank someone for that opportunity—and so I will thank you.”

John once described himself, for his Law School on-line profile, this way: “He enjoys reading, listening to music, idle conversation and the game of poker. His favorite composer is J.S. Bach, and his favorite writer is John McPhee. He subscribes to too many magazines.” Somewhat akin to these ‘too many’ magazine subscriptions, a comprehensive list of John's many interests and talents would be voluminous indeed—but it would nevertheless be surpassed by the roster of colleagues and friends whose lives were richer for having known John Kidwell.

John was born in Denver, Colorado, in 1945, and grew up in Custer, South Dakota. After high school, he attended the South Dakota School of Mines and Technology for two years, contemplating a degree in physics. But, as John would relate, his plans changed when “. . . I encountered The Calculus, and The Calculus won.” He transferred to the University of Iowa and majored in English, receiving his BA from the University of Iowa in 1967 (with distinction, honors program, Phi Beta Kappa). He then attended Harvard Law School and received his JD in 1970 (cum laude). He took a job as an associate attorney with the Denver, Colorado, law firm of Dawson, Nagel, Sherman and Howard.

John joined the University of Wisconsin law faculty in 1972 as an assistant professor, and except for a year as a fellow in law and humanities at Harvard University in 1976-77 and some short-term teaching at the Washington University School of Law and at the University of Minnesota Law School, John was here in Madison continuously. He began service as the Law School's associate dean for academic affairs in 2002 and retired in June 2005 after teaching, he once estimated, about six thousand law students.

(continued)

John regularly taught contracts, remedies, copyrights, and trademarks. He also occasionally taught property, entertainment law, and law of the internet. His contracts scholarship was marked by the same balance and understanding of all points of view that characterized his overall personality. He would often point out that some popular proposal to “modernize” the law may overlook unrecognized virtues of the legal rules it was intended to replace. John’s work in copyright law demonstrated a similar balance. He understood the importance of looking for the broader purposes of the law while simultaneously recognizing the importance of understanding the full diversity of interests at stake. In 1992, he received the Emil H. Steiger award for teaching excellence and in 1997 was chosen Teacher of the Year by the Wisconsin Law Alumni Association. He was a co-author of *Contracts: Law in Action*, a casebook on contract law published by Lexis/Nexis. He was also a co-author of *Property: Cases and Materials*, published by Aspen Publishers.

John published in the fields of torts, contracts and intellectual property, and was actively involved in committee and administrative work at the departmental, campus and system levels, as well as with the Wisconsin State Bar. He served as a special advisor to the University of Wisconsin in creating a distribution system for educational software and chaired a university committee to revise the rules and procedures for dealing with academic misconduct. An Army veteran (and a distinguished military graduate of the Harvard ROTC), John served as director of officer education for the University of Wisconsin’s ROTC in 1975-76 and 1998-2000.

From 1989 to 1995, John served as a member, and ultimately chair, of the Wisconsin Board of Bar Examiners, a body appointed by the Wisconsin Supreme Court to examine the skills, character, and fitness of lawyers. A member of the Testing Policy Committee of the National Conference of Bar Examiners (NCBE), he then joined the NCBE’s Multi-State Bar Exam Contracts Drafting Committee in 1996, serving as chair from 1998 to 2008, and until his death remained involved in working on bar examination issues for that body.

John Kidwell was a serious student of humor, especially legal humor. This was one of his favorites: “A noted barrister was engaged in arguing a point of interpretation with a judge of whom he held a low opinion. The judge observed: ‘To me, counselor, the words you seek to differentiate—*also* and *likewise*—seem clearly synonymous.’ The barrister’s response was prompt and crushing: ‘No fanciful distinction, my lord. My lord, the great Lord Lifford for many years presided in a most capable way over this very court. You *also* preside, but not *likewise*.’ ”

In addition to humor, John was an enthusiast about innumerable other things. Summers typically found him cruising in his Nordic Tug on Lake Michigan or playing golf and cards with his many friends at the Stoughton Country Club, where those inclined to wager often paid dearly for the pleasure of John’s companionship. John was also a collector. One of the things he collected was meaningful quotes. He once chose this, from Justice Benjamin Cardozo, for the Law School’s student handbook:

“This is no life of cloistered ease to which you dedicated your powers. This is a life that touches your fellow man at every angle of their being, a life that you must live in the crowd, and yet apart from it, man of the world and philosopher by turns.”

Justice Cardozo could have been writing about John Kidwell. John was well loved and will be greatly missed.

MEMORIAL COMMITTEE  
R. Alta Charo  
Kenneth B. Davis Jr.  
Charles Irish  
Kevin M. Kelly, chair  
Bethany Pluymers  
William Whitford