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John Marshall professor offers input at Senate finance roundtable

By Josh Weinhold
Law Bulletin staff writer

SPRINGFIELD — The U.S. Senate asked for Kathryn Jennings Kennedy's academic opinion before, but never in a setting like the one she experienced this month.

Kennedy, an associate dean and professor at The John Marshall Law School, and 43 other academics participated in roundtable discussions on tax reform Jan. 5 and 6 in Washington, D.C. The experts shared their opinions and insights with staff members of the Senate Finance Committee.

Kennedy, who focuses on employee benefits law, previously testified before the finance committee in 2002 and 2003. Unlike that experience, however, the 90-minute sessions this month allowed for deeper exploration of the issues on the agenda.

"When you actually do testimony, you get literally five minutes to say what you want and then you're silenced," she said. "Here, we had an hour and a half on each panel. We had a little bit longer time for discussion."

Invited to the event by the committee's majority and minority staff members, Kennedy participated as a panelist in a session on deferred compensation, a type of employee benefit such as pensions or retirement programs.

As Congress contemplates corporate tax reform or revising other areas of the tax code, Kennedy said she and her colleagues can often point out ways in which legislative changes create a "domino effect."

Changing the way tax structures work in one area, she said, often impacts other sectors as well.

The finance committee staff deemed the meetings off-the-record and specific ideas or policy changes discussed there remain confidential. That helped improve the quality of the conversation, Kennedy said, because participants could be open and honest.

"It was very refreshing for the staff, I think, to have a frank exchange with academics, to find out what really was on their minds," she said. "Oftentimes we can think of unintended consequences that can result from federal tax changes. Maybe those were the kinds of things they were looking for."

Kennedy directs the school's master of law degree in employee benefits — the only such program in the country — and a master of science degree in employee benefits for non-attorneys.

In addition to her previous testimony before the finance committee, where she weighed in on nonqualified deferred compensation, Kennedy testified before former President George W. Bush's federal tax reform advisory panel in 2005.



Kathryn Jennings
Kennedy

She previously served three years on a U.S. Labor Department employee welfare and pension benefits advisory council and now sits on the IRS' Advisory Committee on Tax-Exempt and Government Entities.

Ralph Ruebner, John Marshall's associate dean for academic affairs, said many members of the school's faculty often lend expertise at the national and international levels. The federal government frequently seeking the same professor's opinions on matters, however, represents a rarer situation, he said.

"She stands out," he said. "Her exposure is very, very unique."

Gerald L. Pauling II, a partner at Seyfarth, Shaw LLP and an advisory board member for the school's Center for Tax Law and Employee Benefits, said Kennedy developed extensive knowledge in a specialized field, making her a go-to source on employee benefits law.

"Whenever you have someone with deep knowledge and experience in an area of specialty, it usually turns out there are fewer and fewer folks in that area," Pauling said.

While Kennedy said the opportunity to again offer input to the Senate thrilled her, she speculated the panel discussion may not produce significant tangible results.

With presidential and congressional elections ahead in November and partisan clashes between the White House and Congress, Kennedy said tax reform does not seem imminent.

"It really may have been an academic exercise," she said.