A TRIBUTE TO
PROFESSOR KEN MELILLI

PROFESSOR PATRICK J. BORCHERS†

When the Editors of this Review asked me to write a tribute to recently retired Creighton Law Professor Kenneth Melilli—or Ken as he asked to be called—I found myself a bit stumped. He and I have known each other for over thirty years, so it’s tempting to write something about our personal friendship, but that wouldn’t really be a tribute.

So let me start here: Ken is the best teacher (of anything) that I’ve ever known. Of course, there were many other aspects to his career. He produced a great deal of scholarship, much of it a great deal of utility to practicing lawyers, particularly his multistep process for cross-examining and impeaching witnesses with prior statements. He was a great colleague as he could brilliantly take complex problems apart piece by piece and simplify them.

He graduated from New York University Law School. He practiced briefly with a big New York City law firm, but then accepted a clerkship with a well-regarded U.S. District Court judge. From there he went on to become a federal prosecutor in Washington, D.C., and then took a similar job in Vermont. He prosecuted everything from shoplifting to the most serious felonies.

When he decided to pursue a job as a law professor he landed at Albany Law School, in Albany, N.Y. As fate would have it, I landed at the same school a few years later. We quickly became friends and I looked up to him. He engendered a great deal of respect and fondness from students, but without in any way pandering to them.

Because I had some trial experience, he asked me to co-coach competition trial teams with him. I quickly learned that I had a lot to learn about trying cases and teaching students how to try cases. Because of what I learned from him, I was able to produce trial teams that were almost as good as his. It was a source of some amusement that several years in a row each of our teams advanced to the elimination round of a competition and my team had the higher seed, but his would win the competition.

Then in a prestigious invitation-only criminal trial competition in Chicago, he literally made headlines when his Albany team defeated Harvard for the national championship.

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Trial skills were only the tip of the iceberg when it came to education, however. He was a demanding and caring instructor in the classroom. If a student really wanted to learn, Ken would spend as much time as necessary for the student to learn. If a student just wanted to know what would be on the exam that made for a short meeting.

He seemingly won the teaching award every year at Albany. He was the advisor to the Moot Court Board. He taught more classes and students than anyone in the building.

When I left Albany in 1999 to become Dean of the Creighton Law School, I figured the one surefire thing I could do to improve the already excellent education offered by the school was to recruit Ken. So I asked him to visit for a year, but I told him that we needed someone to teach Torts, a subject he hadn’t taught before. He said: “That’s OK, crimes without prison time, right?”

So he came and he stayed twenty years and kept right on doing what he’d always done: brilliantly teaching vast numbers of students, producing championship trial teams, winning teaching awards—including Creighton’s university-wide teaching award named for Robert F. Kennedy—pushing students to succeed, and working tirelessly to make Creighton Law School an even-better learning environment.

Then, in the spring of 2020, he retired without fanfare, which is how he wanted it. He never was comfortable receiving public recognition, and so it is with his retirement—save perhaps this tribute.

We miss you Ken.