

WILLIAM A. KAPLIN: The Master Cartographer of Higher Education Law

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I am one of the second generation of higher education law scholars and, as such, was privileged to have interacted with the titans of the first generation who launched the field and created its foundations.

No figure in the founding first generation was larger than William (Bill) Kaplin.

My shepherd into the field was one of Bill's longtime collaborators—Robert (Bob) Bickel, founder of Stetson University College of Law's Annual National Conference on Law and Higher Education (which will celebrate its 47th year in March 2026¹). Bill was a fixture at the conference over the years, often leading multiple sessions in the course of several days—to packed rooms. Bill could barely move about the conference facilities in peace after a session—there was crowd around him everywhere he went that included old friends and practitioners from all walks of higher education life who had learned the law of higher education from Bill.

Bob Bickel and I both taught Torts at Stetson University College of Law. One day Bob invited me to speak at the conference, which he chaired, regarding my work on the liability of psychotherapists for their failure to warn third persons of a patient's dangerous intentions. The root case, *Tarasoff v. Regents of the University of California*,² had taken place on a college campus but I had not thought of my work as higher education law scholarship *per se*. Bob told me I would meet some exciting thought leaders and scholars, and the field would welcome me. I was a bit trepidatious and had little sense at the time about how fortunate I would be to have a chance to meet the foundational scholars and practitioners in the field.

At first, I was only somewhat familiar with Bill's work (Bill's masterwork on the *Law of Higher Education*³ sat prominently in Bob's office), but it was through the conference that I met Bill and his long-time master-work collaborator Barbara

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1 See *47th Annual National Conference on Higher Education Law & Policy*, STETSON L., <https://www.stetson.edu/law/conferences/highered/home/william-a-kaplin-award-national-conference.php> (last visited Sept. 7, 2025). 217 Cal.3d 425, 551 P.2d 334 (Cal. 1976).

2 17 Cal.3d 425, 551 P.2d 334 (Cal. 1976).

3 Bill wrote the first edition of *THE LAW OF HIGHER EDUCATION: LEGAL IMPLICATIONS OF ADMINISTRATIVE DECISION-MAKING* in 1978; Barbara Lee joined the third edition in 1995.

Lee (I cannot count the number of times that I had to clarify that there were two Barbara's in Bill's life, the other his lovely wife who routinely accompanied him on his visits to the Stetson Conference). I was also introduced to Edward Stoner and Gary Pavela, authors of codes of conduct and honor codes that are still foundational in the field today. I met Donald Gehring, who ran what was widely regarded as a, if not *the*, premier graduate program in higher education and the founder of then ASJA (Association for Student Judicial Affairs), later ASCA (Association for Student Conduct Administration). I met Professor Michael Olivas, a leading figure in American legal education and author of a widely adopted law school classroom casebook on higher education law.

In retrospect, attending the Stetson conference was like going to Woodstock to see all the legends, each of whom had a role in building the foundations of our field. Bob ran the signature law and policy conference; Edward Stoner wrote the thought-leading modern conduct code; Gary Pavela authored the parallel honor code and led the creation of the leading academic integrity group in the field; Donald Gehring taught the prominent non-law graduates in higher education, and organized a critical group of practitioner-disciplinarians and gave them identity, training and mission in formation of a membership group (and yes—it is no myth—the idea was born out of conversations Bob had with Donald Gehring at the Stetson conference⁴); Michael Olivas led law school training on higher education law and authored *the* law school classroom casebook of its time. What I remember most is how each of the titans knew and worked well with all the others—like some superhero movie ensemble cast. But in the convocation of legends, Bill Kaplin was King. There was always an air of reverence projected around Bill when he came to the Stetson conference; hushed whispers would attempt to conceal fandom as people would remark, “That is *the* Bill Kaplin! Should I introduce myself?”

Remarkably, Bill created a map of the *entire* known world of higher education, which was, and is, a platform for all the work of others in the field. You could see the impact in the way colleagues gravitated to him, and newcomers were in awe. Bill never courted fame and was charmingly self-effacing when adulations were directed his way. I saw him blush occasionally and I would surmise that if he read this *In Memoriam* he would do so again, and in perfect form deflect praise to his “two Barbara's.”

As our Master Cartographer, Bill Kaplin set out first alone, and later with co-author Barbara Lee, to do what no one ever had done before, or even would have *dared* to do—lay out the whole world of higher education law, corner to corner, in one massive treatise—that has been ever evolving. The scale and ambition of the project was on the order of compiling Blackstone's Commentaries.⁵ Very few scholars could even attempt such a project, let alone bring it to fruition in brilliant fashion and then *sustain and nurture it*. I am still awestruck at the academic commitment Bill made. Books are a heavy lift, but a treatise of this ambition involves a level of dedication and persistence to task that is Herculean. The commitment

4 See *History*, ASSOC. STUDENT CONDUCT ADMINISTRATION, <https://www.theasca.org/history/> (last visited Aug. 8, 2025) (synopsis of the history of ASCA).

5 William Blackstone, 1723-1780 COMMENTARIES ON THE LAWS OF ENGLAND (1962).

Bill made was to lifetime(s)—not just his—of effort in building out the map as the field evolved. Bill’s masterwork in various editions is a living monument, not just a treatise.

The first edition of Bill’s famous treatise was the product of an incredible effort to organize the Phrygian stables of higher education law into a coherent, usable map of the field *and* point of entry for practitioners, scholars and students alike. Readers should reflect on the fact that there were no such maps of higher education law prior to this. Cartography is a special art and takes unique skills—particularly when one is *the first* cartographer. Many of us visit favorite locations in higher education law regularly—employment law, college athletics, accreditation, etc.—but it is altogether different to see *all* of world of higher education law—and make sense of how the various spaces and places connect and intersect. Bill’s masterwork updates and subsequent editions required a super-human level of scholarly attention and dedication to task that humbles even the most prolific scholars. Bill even had the vision to plan for sustaining and nurturing his work after his time by attracting outstanding younger scholars to collaborate with him and eventually take the helm of the work.⁶ It is so rare in the legal scholarship field to have created scholarship that is truly heritable, ever evolving, and utterly foundational. Bill stands among greats like Dean William Prosser;⁷ it is obvious that his name will continue to appear in higher education law dialogue for decades—even *centuries*—to come.

After Bill passed, leaving us to plow forward without him, I invited his wife, Barbara, and family to a special dedication for him at the 46th Annual National Conference on Law & Higher Education in March 2025 (I became chair of the conference in the 2000s). If there were such a thing as “Higher Education Scholar of the Century,” Bill would rightfully own that throne. I will venture to guess that over an even longer period he will be regarded as the greatest name in the field of all time—the way no one will ever surpass Raphael Nadal’s achievements at the French Open,⁸ for example.

I was fortunate to know Bill beyond his masterworks and his dedication to the Stetson Conference. I also direct the Center for Excellence in Higher Education Law and Policy, which Bill dedicated significant time and effort to support while he was in residence as a visiting scholar at Stetson. When I lose someone to the passage of time I tend to focus on the human interactions over scholarly achievements. Let it be known that Bill was *tirelessly* dedicated to students. He was a wonderful and beloved teacher at his home institution and also as a visiting scholar at Stetson Law. Many people did not realize this, but Bill was a master of K-12 education

6 Bill’s treatise is now in its seventh edition and includes Dean Jacob Rooksby (Gonzaga Univ.) and Professor Neal Hutchens (Univ. of Kentucky) as co-authors. WILLIAM A. KAPLIN, BARBARA A. LEE, NEAL H. HUTCHENS, & JACOB H. ROOKSBY, *THE LAW OF HIGHER EDUCATION: LEGAL IMPLICATIONS OF ADMINISTRATIVE DECISION-MAKING* (2019).

7 See Wikipedia, *William Lloyd Prosser*, https://en.wikipedia.org/wiki/William_Lloyd_Prosser (last visited Sept. 8, 2025).

8 See Wikipedia, *List of French Open men’s singles champions*, https://en.wikipedia.org/wiki/List_of_French_Open_men%27s_singles_champions (last visited Sept. 8, 2025).

law also and taught a course covering education law focused on K-12 at Stetson. Bill also graciously and regularly made guest appearances in my higher education law class, where it is safe to say the students were awestruck. It was a rare treat to have known the Master Cartographer also as a colleague. In the Stetson Law faculty meeting immediately following Bill's passing, I shared the sad news—to an audible gasp among colleagues. Several colleagues shared with me how much they admired Bill and remembered him fondly, even though some years had passed since he was last in residence. Bill left an impression on everyone he encountered. He was quietly charismatic and eternally charming. If you knew him, you would always remember his smile—I know my colleagues did.

In my own work, Bill's foundational treatises were essential in research and thematic development. I cannot count how many times I started research with his work—and advised others to do so. Any academic trip in higher education law began with consulting the "WAZE"⁹ of the field. What many of us have treasured the most has been not only gaining point of entry on a topic but having the guidance in his work to see overlapping or intersecting topics—and to be exposed to thought leaders and foundational materials on literally every topic in higher education law and policy. When I came to direct the Center for Excellence in Higher Education Law and Policy, I was peppered with questions about all aspects of American higher education law and policy. Newly minted general counsels will resonate with this: Bill's treatises were always on my desk and gave insight into topics that were new to me. I would have been lost—we all would have been—without having the resources he created. Bill understood that practitioners in higher education law—especially general counsels—are among the last true generalists in the law. For much of one's career in higher education law, every day is a new day—with novel issues or issues new to you. The comfort of having a comprehensive resource to navigate one's way is incalculable.

In recognition of Bill's monumental contributions to the field, Stetson Law created the William A. Kaplin Award for Excellence in Higher Education Law and Policy Scholarship in 2008. The award is given annually to an outstanding scholar in the higher education law and policy field.¹⁰ The award is an ongoing testament to supporting and recognizing the work of others, including practitioner-scholars.

Perhaps the greatest gift of our Master Cartographer has been that subsequent generations of scholars have been able to pursue in-depth research and scholarship related to specific topics with confidence that we know where we are on the map, and how it relates to the work of others. Our field might have become a scattering of works without Bill.

As fate would have it, Bill passed away on the cusp of what I have been referring to as "Eduapocalypse"—the polycrises facing higher education today. In a sense, Bill left us when we needed his steady hand and field vision the most. It seems that so many of the foundational beliefs, legal rules and policies of the 20th

9 See Wikipedia, *Waze*, <https://en.wikipedia.org/wiki/Waze> (last visited Sept. 8, 2025).

10 See *William A. Kaplin Award – National Conference on Law and Higher Education*, STETSON L., <https://www.stetson.edu/law/conferences/highered/home/william-a-kaplin-award-national-conference.php> (last visited Sept. 8, 2025).

Century have been revised, rejected and/or fundamentally reconceived. I have a thousand conversations in my head with Bill about all sorts of higher education law and policy topics: I am sure I am not alone asking myself, "What would Bill think?" I suppose he was spared to some extent from redrafting the map of higher education law and policy in the current juridical climate, but thank goodness we have the foundational work he created to help us better understand how to map out the 21st Century. It is hard to say goodbye to Bill, but I realize that none of us in the field will ever truly do so because his work and influence permeate our collective work.

My final reflection relates to Bill's special place in history that I have alluded to. Bill Kaplin was born in 1942 when, in a very real sense, there was little to no law of higher education at all; the concept of general counsels and higher education law scholarship was only a future dream. Higher education was largely a pre-judicial field in which law played only minor role in managing day to day affairs. Bill understood the ever-growing presence of law in our field and shepherded us to a time today when legal compliance now dominates every activity in higher education. These are difficult times in higher education but they are made easier by Bill's vision and foresight—and heroic dedication to all of us as our Master Cartographer.