

WILLIAM A. KAPLIN: Scholar, Mentor, and Friend

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Bill Kaplin was a gentle, self-effacing individual who, as far as I know, never sought attention or praise for his work, yet left a legacy to those of us who practice higher education law, who teach higher education law, or who work in colleges and universities that are influenced by the law and by Bill's ground-breaking work. I was lucky enough to be his coauthor, his colleague, and his friend for over forty years.

I first met Bill when I was attending Georgetown Law School and working first for the U.S. Department of Education, and then for the Carnegie Foundation for the Advancement of Teaching. Bill's first edition of *The Law of Higher Education* was published a year after I finished my Ph.D. in higher education administration at The Ohio State University. My Ph.D. program offered one course in higher education law, taught by a wonderful professor who had no legal training but whose enthusiasm for higher education law was infectious. I decided to attend law school based, in large part, on the interest his course sparked in me, even though, in those days, law schools didn't offer courses in higher education law.

There had been a few books about legal issues related to colleges and universities published in the 1970s, but the first edition of *The Law of Higher Education* was published in 1978, and was far more comprehensive than the earlier books, which had been intended primarily for administrators. The American Council of Education recognized the first edition of Bill's book as the most outstanding book on higher education published that year.¹

Bill and I participated in the same national scholarly conferences in the late 1970s and early 1980s. I attended the sessions at which he spoke and apparently he attended those at which I spoke, although I do not recall exactly when I met him. Just as I was finishing my J.D. and preparing to move to New Jersey and take a faculty position at Rutgers University, Bill invited me to lunch. After a pleasant conversation about our families and our research interests, he asked me if I would consider working with him on future editions of *The Law of Higher Education*, saying the scope of higher education law had grown so quickly and so broadly that it was beyond the ability of one individual to write about in any comprehensive way. I was enormously flattered, of course, and quickly agreed.

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1 See William A. Kaplin, COLUMBUS SCH. L., <https://www.law.edu/about-us/faculty-and-staff/directory/expert-faculty/kaplin-william/index.html> (last visited Sept. 5, 2025).

From then on, we communicated frequently (this was before email became routinely available and several years before I owned a personal computer). Bill was well along on the second edition of *The Law of Higher Education*, and he proposed that we prepare both an instructor's manual and a book of *Cases, Problems and Materials* to be used in teaching higher education law, whether or not the instructor used *The Law of Higher Education* as a text. We have revised and updated those publications with each new edition of *The Law of Higher Education*. Bill loved teaching higher education law. A former student, Sandra Casey, has written a tribute to Bill that is part of this special issue of the *Journal of College and University Law* ("JCUL"), and her memories of Bill as an instructor and mentor are strong evidence of his devotion and kindness to his students.

We were fortunate that the National Association of College and University Attorneys (NACUA) agreed to publish supplements to several editions of what we came to call "the treatise." After the publication of the fourth edition in 2006, Bill suggested that we prepare a Student Version of "the treatise" for use as a text, since the main volume (soon to be two volumes) kept expanding with each edition and was far too lengthy for law or education students to absorb. So, with each edition of "the treatise," we also prepared a freestanding *Student Version*.

Bill's writing was clear and precise, and on occasions when mine was not, he was an excellent editor. He was particularly interested in, and grounded in, Constitutional law, and he wrote a well-received book on the topic in the middle of our preparing the fourth edition of *The Law of Higher Education*, which delayed our publication a bit, and which he said he was chagrined to confess to me—after it was finished!

Bill always treated me as an equal scholar rather than as a junior faculty member or coauthor. We were both invited twice to a conference on higher education law at New College, Oxford University and encouraged to partner with a scholar from the United Kingdom to write about some higher education law topic using a comparative approach. Bob Bickel, a higher education law faculty member at Stetson University, and David Palfreyman, the Bursar of New College, organized these scholarly experiences, and Bill (and his wife Barbara) were very popular with the participants, who were pleased to have such an eminent scholar as part of the program.

I was so pleased on Bill's behalf when Stetson University College of Law created the William A. Kaplin Award for Excellence in Higher Education Law and Policy Scholarship. He clearly was, and still is, in my opinion, viewed as the most distinguished scholar of higher education law in the United States, as other writers in this special issue attest.

It also is important to note that Bill served as editor of JCUL, which NACUA created in 1973. JCUL is still the only refereed law journal devoted exclusively to higher education law. Bill became editor in 1976 and remained as editor through 1979. He introduced innovations that served both legal scholars and practitioners. In the year between Bill's completion of his editorship and the journal's transfer to West Virginia University, Jeff Orleans and Claire Guthrie, both active NACUA members (and both employed full-time) served as interim co-editors. JCUL then

moved to West Virginia University, where Laura Rothstein became editor between 1980 and 1986. When Laura moved to the University of Houston in 1986, JCUL moved to the University of Notre Dame, edited first by Tex Dutile, and then by John Robinson and William Hoy. In 2016 JCUL moved to Rutgers University under the editorship of Ray Solomon. JCUL is now published by NACUA, and I have the privilege of editorship. JCUL's fiftieth volume is published this year—another legacy of Bill Kaplin.

By around 2014, Bill and I realized that, given the unceasing expansion and complexity of higher education law, we needed to add a couple of co-authors in order to produce subsequent editions and still attend to our other responsibilities. We were very fortunate to identify two future winners of the Kaplin award—Neal Hutchens and Jacob Rooksby—who were willing to join the team and contribute several chapters to the next editions. Both are Ph.D. and J.D. recipients and both are prolific scholars. In addition, both have significant academic administrative experience—Jacob as Dean of the Gonzaga University School of Law and Neal as department chair at the University of Mississippi and more recently as interim department chair at the University of Kentucky. I am grateful that there is a new generation of higher education law scholars who are so well prepared and eminently qualified to take over what Bill began nearly fifty years ago.

I am very fortunate to have had the privilege of working with Bill on the books and teaching materials that we produced over the past forty years. He has been an important influence in my life, and I am grateful for his friendship, support, and the confidence he placed in me as we worked together to address the fascinating and challenging—and occasionally frustrating—field of higher education law.