

WILLIAM A. KAPLIN: Formidable, Foundational, Forward-Looking, Funny, and Friendly

LAURA ROTHSTEIN*

In the world of education, an “F” generally means a failing grade. But for William (Bill) Kaplin, adjectives beginning with F are appropriate, and because of those descriptors Bill receives an A+ for his work and his life.

He was **formidable**, but not daunting, because he was so knowledgeable about legal issues, primarily higher education law. Higher education law requires an appreciation for how a wide range of legal issues fits into the unique context of the institution of American higher education. These include common law torts and contracts; constitutional law issues of free speech, nondiscrimination, and due process; federal statutory requirements involving privacy, Title IX, and disability discrimination; and federal regulatory issues including accreditation, sexual harassment, finance, and governance.

He became interested in the field of education law due to his own student higher education experiences in the 1960s when student rights were at the forefront. His perspectives and expertise also were enriched by serving at the Department of Health, Education, and Welfare as an attorney in the general counsel’s office. As a scholar, he was the **foundational** (first) author on the first book on higher education law in 1978, a comprehensive textbook for law students (and related treatises for lawyers) on higher education law.¹ These works highlight

* Distinguished University Scholar and Professor Emerita, University of Louisville, Louis D. Brandeis School of Law.

1 *The Law of Higher Education, 6th Edition: The Two-Volume Treatise*, by William A. Kaplin, Barbara A. Lee, Neal H. Hutchens, and Jacob H. Rooksby was published by Jossey-Bass, Inc. in April 2019. This two-volume work updates and expands the topics and analyses that were included in the Fifth Edition. It also incorporates the latest major developments in higher education law and is current through June 2018, although many sections are current through December 2018. The treatise is available online at <https://www.wiley.com/The+Law+of+Higher+Education%2C+2+Volume+Set%2C+6th+Edition-p-9781119551188> (last visited Aug. 8, 2025). More recently, a student edition was published by Jossey-Bass in 2024. WILLIAM A. KAPLIN, ET AL., *ESSENTIALS FOR LEGAL AND ADMINISTRATIVE PRACTICE* (2024). This student edition is described by the NACUA as:

[A] new and expanded edition of the previous Student Version is intended for both practicing attorneys and use in higher education law courses. Updated information is included on Title IX, DACA, affirmative action, and numerous other recent legal developments that affect how colleges and universities function. Information for students is retained from earlier texts while broadening the coverage of significant legal issues with which institutions deal on a daily basis. *The Law of Higher Education*, NACUA, <https://www.nacua.org/resource-library/resources-by-type/the-law-of-higher-education> (last visited Sept. 8, 2025).

his depth and breadth of knowledge, and his appreciation for making the material understandable and useful to an array of audiences, including policymakers; advocates for students, faculty, and other parties; university attorneys, and outside counsel for universities.² This work always was forward looking, as demonstrated by its evolution through subsequent editions, later coauthored with Barbara Lee, and then with Barbara Lee, Neal Hutchens, and Jacob Rooksby.

He also was **foundational** as the third editor of the *Journal of College & University Law* ("JCUL"), the official law journal for the National Association of College and University Attorneys (NACUA), which he made useful and accessible to university attorneys, other practicing lawyers, and scholars of higher education law. It was my privilege to build on his three years of service as editor when I stepped into the role when JCUL became affiliated for the first time with a law school (West Virginia University College of Law, from 1980 to 1986). I tried to continue his example of having articles and commentary that were useful, insightful, and thought-provoking.

His foundational works have been recognized by diverse organizations and institutions, including the American Council on Education, NACUA,³ and Catholic University of America,⁴ to name just a few. Leaders of Tonawanda High School in Tonawanda, New York, in its 2014 High School Hall of Fame presentation (which highlighted his work *The Law of Higher Education: A Comprehensive Guide to Legal Implications of Administrative Decision Making*), noted as follows:

Professor Kaplin's publication was recognized by the American Council on Education when they presented him with the "Borden Award for the year's outstanding book about higher education." Although others have authored books in these topics, none has supplanted Kaplin's which is often referred to as "The bible of higher-education law." His books have become standards in law libraries and classrooms across the country. Teaching, publishing and speaking engagements have given him national recognition.⁵

- 2 In 1986 and 1987, I team-taught higher education law with the late Professor Michael Olivas at the University of Houston Law Center. Although Michael later wrote his own casebook on higher education law, the two of us used Bill Kaplin's textbook when we taught the course. That first-hand experience demonstrated to me Bill's skill at shaping an area of law in a way that was approachable for law students.
- 3 See CUA Law Professor Emeritus William A. Kaplin was honored at the recent conference of the National Association of College and University Attorneys (NACUA), COLUMBUS SCH. L. <https://www.law.edu/news-and-events/2018/09/2018-0913-williamkaplin.html> (last visited Sept. 7, 2025).
- 4 See Remembering Professor Emeritus William Kaplin, COLUMBUS SCH. L., <https://www.law.edu/news-and-events/2024/11/2024-1105-Kaplin.html> (last visited Sept. 9, 2025). During his 40-year tenure at Catholic University, Kaplin also served as the Founding Director of the Law and Public Policy program. *Id.* He was known for his wisdom, humor, and generosity, earning the respect and admiration of his colleagues and students. Professor Roger Hartley remembered Kaplin as a "gentle soul with firm views, a good and generous friend, and a true leader." *Id.* Kaplin's legacy is marked by his commitment to promoting justice through legal education and instilling the principles of Catholic Social Teaching in his students. *Id.*
- 5 See 2014 Induction, TONAWANDA CITY SCH. DIST., <https://www.tonawandacs.org/page/2014-induction> (last visited Sept. 7, 2025).

Those writing in his memory upon his passing in October 2024 noted his sense of humor. When our paths crossed at conferences or events—for example, ones held by the Association of American Law Schools, Stetson University College of Law, and NACUA—I enjoyed his wit and humor in conversations and his comments in presentations. He was **funny**.

He also was very **friendly**. My work on the intersection of disability law and higher education began in 1980. Because of that work I was a regular presenter on that topic at Stetson Law's National Conference on Higher Education Law and Policy. Stetson Law honored Bill by creating an award in his name, which it describes as follows:

The Center for Excellence in Higher Education Law and Policy is proud to have established the Award for Excellence in Higher Education Law and Policy Scholarship, named for our esteemed friend and colleague, Professor William A. Kaplin. This award recognizes scholars who have published works on education law that embrace the intersection of law and policy.⁶

It was one of my greatest honors of my professional life to receive the William A. Kaplin Award in the third year that Stetson awarded it (i.e., 2011). Part of the award experience was having lunch with Bill at the Stetson conference, during which his constant broad smile, positive attitude, and gentle intellect made the honor even more special.

I often reference Mitch Albom's novel, *The Five People You Meet in Heaven*, when highlighting how people are influenced by ideas and interventions of others that they may not even know.⁷ Bill Kaplin's foundational and far-ranging influence will make him one of the "five people" who have had an impact on countless higher education leaders, policymakers, scholars, students, and legal counsel who learned from his work. He made a difference while living a good life that should be a model for all of us.

6 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. 7, 2025). The late Michael Olivas and the late Robert O'Neil, both iconic scholars of higher education law, were the first recipients of this award in 2009. Barbara Lee, Bill Kaplin's co-author on many of his works, received the recognition in 2010, as did his coauthors Neal Hutchens in 2015 and Jacob Rooksby in 2023.

7 See generally MITCH ALBOM, THE FIVE PEOPLE YOU MEET IN HEAVEN (2003).