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A Tribute to Louis Leventhal Jaffe: 1905-1996

PROFESSOR JACK HYMAN

When Louis Jaffe retired from Harvard Law School in 1976 as Byrne Professor of Administrative Law, his contributions to legal education were celebrated in volume 89 of the Harvard Law Review. His outstanding scholarly work is found not only in his numerous law review articles, but in his monumental treatise of 1965, *Judicial Control of Administrative Action*. His work was characterized by acute legal analysis, an unusual breadth of view, an absence of dogmatism and a continuing willingness to re-examine his previous positions.

Professor Kenneth Davis, reviewing the judicial review book in the Columbia Law Review, characterized it as "one of the most important works ever published on American administrative law." His further comment is relevant in this period of vigorous scrutiny concerning the role of administrative law in the United States. He expressed general agreement with Jaffe's position that "an administrative process is inescapable in modern government, that continuing ingenuity is essential to make it effective, that the courts have much to offer to the success of the administrative process, that judicial review should be generally available . . ." Justice Breyer and Professor Stewart dedicated the third edition (1992) of their administrative law casebook "To Louis L. Jaffe, Teacher, Scholar, Colleague, Friend."

Many of Jaffe's articles that were the foundation for his book were published while he was at Buffalo. He also taught Torts for many years at Buffalo, and his article in the first issue of the *Buffalo Law Review*, "Res Ipsa Loquitur Vindicated," was a major doctrinal contribution.

As Professor from 1936 and Dean from 1948 to 1950, Louis Jaffe continued to foster the challenging atmosphere that had been created at Buffalo by those professors who had preceded him to Harvard. As colleague, his personality, openness to people and ideas, and extraordinarily broad range of interests led to this characterization by Professor Paul Bator of Harvard when Jaffe retired: "For more than two decades Louis Jaffe has
been, in my opinion, the single most exhilarating presence at the Harvard Law School.” This was equally true at Buffalo.

All his work and his teaching were marked by commitment to the broader professional responsibilities of the Bar. In his 1969 address at Indiana Law School, “A Pilgrimage: Reflections on a Career in Administrative Law,” he said: “The contact with tough social problems should be a great educator of the Bar. It should dispose lawyers to continue throughout their lives to serve private, semi-public and public bodies engaged in public interest representation.” This aspect of his ideals for legal education was also embodied in the career of another of the Buffalo Law School’s distinguished teachers, John Lord O’Brien. Nourished by Jaffe’s work as professor and dean, emphasis on public service has become a substantial, basic part of the Buffalo Law School’s program.

Louis Leventhal Jaffe helped greatly to make the Buffalo Law School an exciting place at which to teach and learn. That same atmosphere provided the springboard which enabled the Buffalo Law School, when it became part of the State University of New York at Buffalo, to grow and thrive as it has.