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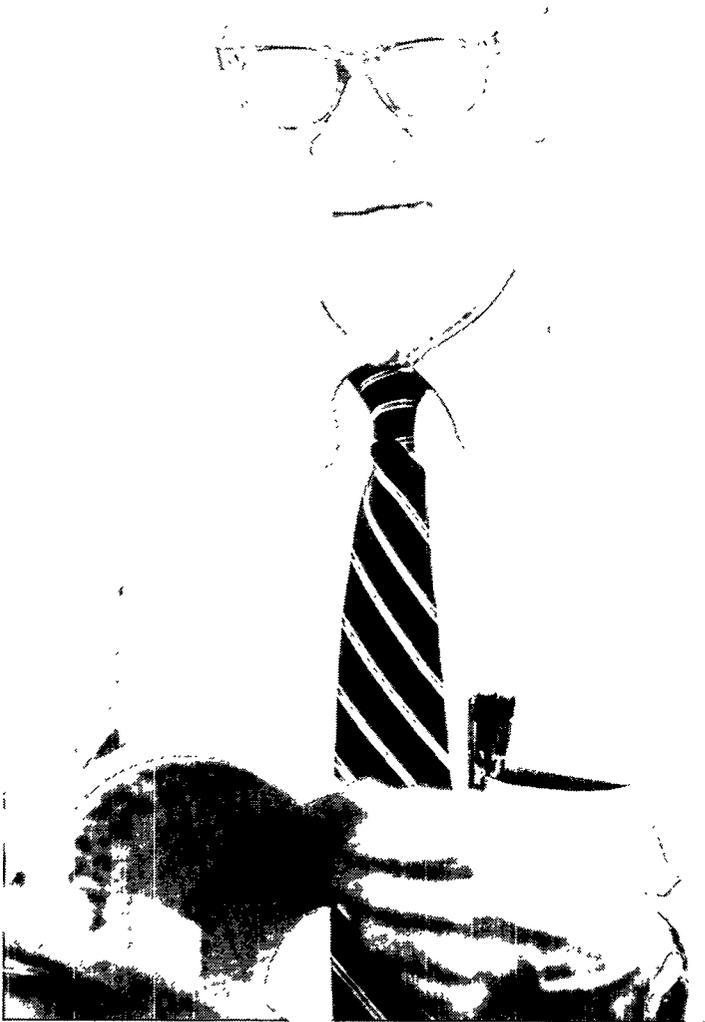
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Introduction

In the Spring of 1985, Professor Milton Kaplan retired from his full-time position at our law school after nearly twenty years of distinguished service as a teacher, innovator, researcher, writer and mentor. His credentials are numerous and impressive. He has taught us property, state and local government law and land planning law with knowledge and interest unsurpassed by anyone in the field. He has taught us to think critically, to ask many questions, and to be as thorough and detailed as a lawyer should be. At the same time, he has devoted his talents to activities ranging from local community development projects in Buffalo to metropolitan planning in India and Brazil. We are indeed fortunate to have had such a teacher, practitioner and advisor on our faculty, and it is with this thought that we present the following tribute to Milton Kaplan.

—THE EDITORS

I.

Milton Kaplan and I have shared a number of interests and experiences together. We have both spent part of our lives trying to fathom the political mores of South Asia, another part nurturing the development of the Jaeckle Center, and another part redesigning and teaching the basic Property course. His involvement and understanding in these matters always reached deeper than mine, which explains my admiration for him as well as my gratitude. Milton's sense of responsibility is individualistic; his sense of

honor and credit, collective. In joint projects he cheerfully assumes major responsibility and then generously shares the credit for the results with his partners. It is a rare and admirable quality.

For the same reason he makes an extraordinary colleague. Accordingly his scale of responsibilities, School, program, student, colleagues all come before his own interests. Issues that engender passion and excite antagonism among his friends draw cool, sensible, balanced tempered reactions from him. His experience has certainly given him perspective, but evenhandedness is part of his soul, not just an accumulation of wrestling with life's paradoxes. No one has been more unselfishly engaged in his work, the life and development of the School, and the responsibilities of the faculty than Milton.

In a way his own academic ambiguities are reflected in the School's. He practices and highly values careful legal analysis and craftsmanship. Yet he also realizes that law as law has limits to its social usefulness, that lawyers are often most socially effective when they keep the purely legal construction of a problem in perspective. The years have strengthened his passion to open new territory, his faith in change and innovation, and his commitment to constant rethinking as a path to improvement.

These gifts and strengths Milton has bestowed on his colleagues and his students for nearly two decades. In his own quiet way he has had a profound impact upon the Law School and he will continue, because he is not leaving, just exchanging titles.

—THOMAS E. HEADRICK

II.

Milton came to the Law School of the State University of New York at Buffalo as Professor of Law in 1965. It was a happy and fruitful association for the Law School. I hope it has been as satisfying for him. Before the University of Buffalo became part of the State University, its law school had been concerned with problems of state and local government law. In the fifties the School presented several annual conferences in that area and offered occasional courses to its students.

Milton brought to the school a rich professional experience and high dedication to this much-neglected area of concern. In addition to an extended stint in private law practice, he had

served as Assistant Attorney General of New York State, Counsel to the Division of Municipal Affairs, New York State Department of Audit and Control, first assistant counsel to the Governor, and consultant to the Ford Foundation in Calcutta, India. Under his guidance, and with his energizing participation, the Law School developed a coherent program in state and local government. In that area he has regularly taught a variety of different courses. At the same time he continued and enlarged his own involvement with the larger aspects of the field: local, state and international.

Among other activities, Milton served as Chief Legal Consultant to a New York State Joint Legislative Committee on Intergovernmental Fiscal Relations; Legal Consultant to a Ford Foundation Advisory Planning Group in Calcutta; General Rapporteur, Pacific Conference on Urban Growth, sponsored by H.U.D., A.I.D.; conducted a seminar on Comparative Environmental Law with members of Southeastern law faculties; presented a paper in Japan, at a Conference on Regional Planning, under the auspices of the U.N. Centre for Regional Development; prepared a monograph on Guidelines for Land Development Agencies for U.S.A.I.D.; spent a summer at the University of Karachi on a Master Plan Project.

Throughout these years, Milton has been providing the core of the Law School's State and Local Government Law Program, regularly developing new teaching materials in various related subjects. Most importantly, he has guided the Law School's Edwin F. Jaekle Center for State and Local Government Law.

Throughout this entire period he has provided numerous students, and his colleagues, with a superb model of sound legal craftsmanship, self-effacing dedication to the public interest, and effective impact on the too-much neglected area of his dominating concern: the application of law to the improvement of government at the state and local levels. His broad knowledge and impeccable analysis of the legal problems was always generously at the disposal of his colleagues; I have been a frequent and grateful beneficiary. It is good to know that he will continue at the Law School, albeit less strenuously.

—J. D. HYMAN

III.

I am pleased to join many other of his friends and admirers in paying tribute to Professor Milton Kaplan as he moves into semi-retirement at the Buffalo Law School.

Milton Kaplan and I have been friends for approximately fifty years—since we were both students at Hamilton College. (Let me quickly add that I was an upper classman when he arrived as a freshman.) When we met, I was immediately taken with this bright, shy, quiet young man with a delightful and unpredictable sense of humor. Very early on I learned to respect that inquisitive mind and those diffidently posed but pointedly focused questions which inevitably went to the heart of the matter—painful as that might be.

It was almost inevitable that Milton would become a lawyer. He has a lawyer's approach to issues and a lawyer's gift for analyzing difficult problems and finding his way to solutions. He also has a lawyer's talent for becoming expert in an issue, amassing the immense number of details necessary to formulate and present a case effectively—whether in state and local government or in dealing with the immense problems of India and Pakistan.

In all he has done, Milton Kaplan has always been a man of principle, commitment and integrity. He has always recognized his responsibility to the other human beings on this earth and has reached out to them with understanding and empathy. I am confident that he will continue to contribute in many ways—as a lawyer, as a teacher, as a human being—in the years to come. I am proud to know him as a friend.

—SOL M. LINOWITZ

IV.

For two decades, Milton Kaplan has enriched the professional and personal lives of his students and colleagues while contributing indispensably to the institutional strength of the law school.

Milt has been the mainstay of the state and local government program. Drawing on his own extensive background in state and local government in this country and in urban and regional planning in Asia, he developed innovative courses and materials in local government, land use planning and comparative environmen-

tal law. He initiated any number of research and consultation projects engaging law school faculty and students in issues of policy and equity as they affect local communities here and in the Third World. Among those I recall from an earlier era are an experimental ombudsman in the City of Buffalo, research studies for the 1967 New York Constitutional Convention, a comprehensive study of land use planning legislation for the State Office of Planning Coordination, a study of police consolidation in Erie County, and an ordinance providing for citizen participation in the Buffalo Model Neighborhood Program. More recently, he organized the certificate program in state and local government, and he has been instrumental in the success of the Sea Grant Program and Journal.

The most exciting and influential academic course I have ever participated in was a faculty-student seminar in comparative environmental law organized by Milt in 1967. With typical resourcefulness, he found funding for three young Asian lawyers to participate; he assembled materials from diverse and in some cases obscure sources; and drawing on his own experience in the Calcutta Metropolitan Planning Project and in state and local government here, he put together a course addressing common theoretical and practical problems of urban development under widely varying economic and social conditions. One of the Asian lawyers went on to eminence in that field as Dean of the Graduate School of Environmental Design at Seoul National University, the others to eminence in other fields, one as Singapore's Ambassador to the United Nations where he served as Chairman of the Law of the Sea Conference, and the other as a respected judge in the Philippines. At least, two of our students developed career interests in urban development. All of us, I think, gained a fuller and clearer understanding of the workings of legal institutions in the world; certainly I did. Thanks to the seminar and to further efforts by Milt in my behalf, I had the opportunity to pursue a continuing and at times active interest in that field.

Much of Milt Kaplan's writing is in the form of reports to public agencies. Like all of his work, his writing is characterized by directness, thoroughness, and a sure sense of the central issues as confronted by the people responsible for dealing with them. His prose, like his thinking, is clean, uncluttered and entirely free of pretension. His report of the proceedings of the Pacific Confer-

ence on Urban Growth, sponsored by the United States Department of Housing and Urban Development and Agency for International Development in 1970, distilled an important and influential message from diverse papers and deliberations by scholars and government officials from a number of Asian countries, who were beginning to articulate the idea that rather than fighting rapid and inexorable urbanization, it might be wiser to find ways to make the most of it.

Milt's contributions to the lives of his colleagues and students are harder to document (though I could produce a long list of the many ways in which he has helped me) but certainly of no less value than his contributions to the institutional development of the Law School. He has been unfailingly generous of time, energy and concern. More than once, he has not only initiated a project for a group of his colleagues, but has bailed them out when they faltered, synthesizing divergent and incomplete work into a respectable product. Over the years, many students have mentioned their indebtedness to the insight, guidance and encouragement of Milt Kaplan. These students, I have noticed, tend to be particularly fine people, distinguished by a quiet commitment to understanding and contributing to the common good, unconfused by intellectual or personal affectation. Not surprisingly these are qualities that stand out in Milt himself. Milton Kaplan is what a lawyer, a teacher and a human should be.

—JAMES MAGAVERN

V.

The first time I met Milton Kaplan was in 1967, almost seventeen years ago. Soft spoken, knowledgeable, dignified, and in many senses inspiring with regard to visions he had for the future of the State University of New York, Buffalo, Law School. Milton had a dream that he could gather together a cadre of individuals in the state and local government area, the aggregate expertise of which would be a critical mass for innovative and creative thinking. The group would provide intellectual leadership for other law schools around the country and would be capable of providing service at a state, local and national level. Milton's confidence in his dream and his ability to have others want to share in it with him, probably, more than anything else was responsible for my

decision to come to, and stay at, the State University of New York School of Law.

Milton's academic qualities are legendary. Milton was primarily responsible for the formation of the State and Local Government Program at the Law School which he has so carefully nurtured over the years. He has written newsletters, papers, studies, and speeches in a host of areas concerning all levels of governmental activity. His dedication to scholarship and teaching has led him to produce what can only be characterized as a never ending revision of teaching materials for his classes in Municipal Government and Land Use. The materials "must" be reviewed and revised each year lest they not meet his standards for offering his students the latest and best materials in these fields.

During the last five or six years Milton has been the mainstay of the Sea Grant Law Program. Sea Grant is a research and service program of the United States Department of Commerce similar to the original land grant legislation that led to the formation of the land grant colleges throughout the country. The New York Sea Grant Program is considered a college, administered out of Albany, comprising a partnership between the State University system and Cornell University. The Law School received funding for the purpose of research, teaching, and training of Sea Grant Scholars for almost a decade. Milton and I have been Co-directors of the program these past six or seven years. He has been the mentor of over thirty law student Sea Grant Scholars during this period; he has edited, cajoled, taught and pleaded for the quality work which he always anticipates from students. He co-edited the Sea Grant Law Journals. He presented speeches and wrote what will someday be known as the definitive works on ownership of underwater lands in New York, the law of aquaculture in New York. In addition, he has most recently completed an extensive manuscript on shoreline erosion structures. The quality and depth of this research will serve Sea Grant and the State of New York well for decades to come.

Milton will be the first to admit that he long ago abandoned the illusions of powerful oratory for the soft delivery of substantive accuracy. Anyone who has taken the time to carefully listen to each well thought through word delivered in sometimes bare whispers knows well how worthwhile the message has always been. Certainly, the students in the front rows are there by choice with

full knowledge of the truth of this observation.

All this does not reflect the private side of Milton Kaplan, the quiet (albeit devilish) sense of humor. He has been my friend, my mentor, my critic, and my conscience for almost two decades. He has forced me to dot my i(s) and cross my t(s). He has taught me patience and given me perspective. His example, in responding in his late sixties to emerging technology by taking to computers and word processors like a duck to water, has proven that age is not measured by years alone.

Another of Milton's private attributes is that he has always communicated the positive side of every situation, which all of us must look for even in the fact of his having announced his retirement. The bright side is that while 1985 marks the year in which Milton Kaplan made a decision to formally retire from the University this is only nominally in his capacity as a "full time" faculty member. Milton will still be here serving the students, his colleagues and the University, albeit in an Emeritus status. For those of us who know Milton, this alteration in status will not involve a reduction in his careful, painstakingly long, devoted labors of love. This will give him the opportunity to do more research (not less), more course development (not less), and to be selective of where and how to invest his time and energies.

In Milton's own words, this simply means that he can devote himself to a different kind of, but no less intense, service to the University and the Law School. The truth is that there is no sorrow in Milton's retirement because that is but a formalism. People like Milton Kaplan do not retire, they continue their work and contribution with a vigor and permanence that is fitting of men of their stature.

—ROBERT REIS

VI.

Recently some special circumstances caused me to prepare a rather extensive curriculum vita. Those circumstances called for a more detailed recounting of professional activities and accomplishments than is the norm for a law faculty member. When the job was done and I sat back to review the results I noted that the name of one of my colleagues appeared again and again in connection with various ventures and projects on which we had col-

laborated. That came as no special surprise, for in the course of an eighteen year association with the University at Buffalo Law School one colleague more than any other provided me friendship, counsel, support and professional partnership. Milt Kaplan is that colleague.

When I joined the faculty in 1967, Milt took me under his wing, and recruited me to work with him in the development of courses, materials, and projects regarding real property, environmental protection, and state and local government law. Several other new faculty signed on with Milt at that time. Patiently and carefully he helped us to develop our knowledge and skills as we worked on our joint and individual ventures. He was always generous with his time and his great store of knowledge, regarding both theory and practice, which he had built up in his years of experience as an attorney for state and local governments and agencies. Each of us also benefitted from the aid and advice of other senior colleagues, for Buffalo traditionally has been a place where the faculty pays great attention to helping its newest members advance. Milt was an especially active proponent of this tradition. Over the years I marvelled at his generosity towards new colleagues, and I came to appreciate what a special resource he was for the Buffalo Law School.

In addition to his concern for individuals, Milt also displayed an extraordinary dedication to the advancement of the overall enterprise. He has been associated with a broad array of curricular innovations and organized research projects, which engaged faculty and students in new modes of instruction or in novel areas of inquiry. In all these endeavors he provided leadership, but in a gentle self-effacing manner which projected his colleagues to the fore. In all these endeavors he also saw to it that his colleagues and students engaged in projects which displayed the practice of law as a public profession in which service to others is the key virtue. In his individual efforts as teacher, scholar and practitioner he was a model of dedication to the lawyering craft. Painstaking attention to detail, coupled with an extraordinary devotion to clear, precise, and spare exposition marked all of his written work. Much of that work lies in teaching materials, especially notes and commentary, which he lovingly prepared for his students.

Milt Kaplan has already embarked on a post-retirement career of teaching and law practice. The teaching finds him provid-

ing instruction for students in another of the professional schools at this University; the practice finds him serving as counsel to a distinguished Buffalo firm which is noted for its public law practice. I am happy for those students, and the members and clients of that firm, for they now will experience the charm and wit and professional dedication of one of the finest gentlemen ever to have graced the halls of our Law School.

Milton, we wish you well in your third career. If past is prologue, a new generation of students, and a new group of colleagues have a major treat in store for them.

—WILLIAM R. GREINER