

1-1-1972

A Dedication to J. D. Hyman

Wade Newhouse

University at Buffalo School of Law

Follow this and additional works at: <https://digitalcommons.law.buffalo.edu/buffalolawreview>



Part of the [Legal Biography Commons](#)

Recommended Citation

Wade Newhouse, *A Dedication to J. D. Hyman*, 21 Buff. L. Rev. 311 (1972).

Available at: <https://digitalcommons.law.buffalo.edu/buffalolawreview/vol21/iss2/5>

This Tribute is brought to you for free and open access by the Law Journals at Digital Commons @ University at Buffalo School of Law. It has been accepted for inclusion in Buffalo Law Review by an authorized editor of Digital Commons @ University at Buffalo School of Law. For more information, please contact lawscholar@buffalo.edu.

A DEDICATION TO J. D. HYMAN

WADE NEWHOUSE*

It is a happy occasion to join the *Buffalo Law Review* in honoring Professor Jacob D. Hyman for his 25 years service as a member of the Faculty at the Buffalo Law School. Professor Hyman came to teaching, and to Buffalo, in 1946 at the age of 37. He brought with him twelve years of experience in a successful and varied career as a lawyer, in private practice in New York City, as an attorney in the United States Labor Department in Washington from 1939 to 1942, and as an attorney (later Associate General Counsel) of the O.P.A. from 1942 to 1946. This law school and its alumni have profited immeasurably from that career decision. His contributions can easily be catalogued by reference to academic form-book categories: teaching, scholarship, administration and concern for legal education generally. However, it should be said that Jack Hyman does not readily fit into any of the academic stereotypes.

He has never needed a reminder that faculty people are teachers. We are generally identified by our colleagues in the law school world by a subject of specialization. I suppose if one had to name a subject as "his," it would be constitutional law. But to simply list the subjects Jack has taught over 25 years reveals much about him. Apart from constitutional law and constitutional law seminars, he has taught "introduction to law," torts, corporations, civil procedure, labor law, jurisprudence and local government . . . and this does not exhaust the list. Jack has always been there to carry his share of the load—plus a little more. I am sure that he would have done so as a matter of obligation, but I suspect that it was not all duty. In part, he must have been satisfying a strong personal interest, an almost insatiable curiosity about the "law." If there is a "seamless web," then surely his is a "seamless" interest. That interest, that curiosity, is well illustrated by his frequent use of the writings of Justice Holmes. We all know the risk in too frequently moving from subject to subject—the dilettante can be dangerous as well as boring. Fortunately, Jack is no dilettante. He has brought unusual depth to his own sub-

* Professor of Law, State University of New York at Buffalo. A.B., Southwestern at Memphis, 1948; LL.B., University of Michigan, 1951.

jects, such as constitutional law, and understanding and sensitivity to all those he has taught. Whatever the subject might have been, a student was fortunate to have encountered Jack in the classroom.

As for scholarship, he has written selectively and carefully, making lasting contributions. Within a relatively short period after turning to a teaching career he had published three articles which may still be read with profit. In 1949 he analyzed the constitutional aspects of the proposed covenant on human rights;¹ in 1951, he published a piece on segregation and the 14th Amendment,² before *Brown I*, which anticipated much that has developed with respect to the elusive state action concept; and in 1952, inspired (or provoked) by the *Dennis Case*, he wrote a perceptive analysis of the justification for vigorous judicial protection of basic freedoms under the first amendment.³ Those pieces, written early in his career, set a standard for quality which he has continued to meet. His writings suggest his respect for both "theory" and "results." He wrote on the theory of judicial decisions,⁴ and with equal ease about "home rule" in New York State and the technical aspects of selection of county supervisors.⁵ His works on the judicial process reveal his understanding of other academic disciplines. But Jack has not been a scholar, closeted alone with his writing. He has consistently and frequently contributed to his colleagues' efforts. Not only has he collaborated in writing joint articles, he has also encouraged them by giving careful consideration to their ideas still in draft. Faculty members, whether newly arrived or long time friends, have found a willing listener and constructive critic.

Jack Hyman's service as an administrator and his dedication to the improvement of legal education may be discussed together,

1. *Constitutional Aspects of the Covenant*, 14 LAW & CONTEMP. PROB. 451 (1949).

2. *Segregation and The Fourteenth Amendment*, 4 VAND. L. REV. 555 (1951).

3. *Judicial Standards for the Protection of Basic Freedoms*, 1 BUFFALO L. REV. 221 (1952).

4. *A Response to Perry: Judicial Method and The Concept of Reasoning*, 19 BUFFALO L. REV. 247 (1970); *Concerning the Responsibility and Craftsmanship of the Judge: A Review of Julius Stone's Legal System and Lawyers' Reasoning, in the Light of Recent Criticism of the Supreme Court*, 14 BUFFALO L. REV. 347 (1965); and a Review of *The Jurisprudence of Interests*, in XI PHILOSOPHY AND PHENOMENOLOGICAL RESEARCH 113 (1950).

5. *Home Rule in New York 1941-1965: Retrospect and Prospect*, 15 BUFFALO L. REV. 335 (1965); *Scope of City Home Rule in New York: Revising Ward Boundaries for Election of Supervisors Serving on County Board* (with Emil L. Cohen), 9 BUFFALO L. REV. 1 (1959).

because his service as Dean was but another way of putting his beliefs into action. He served for over a decade as Dean, from 1953 to 1964. He provided leadership during a critical period when resources were limited and double duty was the order of the day. That was a period in this law school's history bridging the era begun in 1936 by the appointment of Dean Shea, a time during which an unusually distinguished group of teachers were gathered (many of whom were to go on to Harvard or Yale), and the present era, a period in which we have become a state law school with all the material resources to be a school of national prominence, if we will. The history of the Buffalo Law School is an interesting one. Before 1936 it served for many years as a local school, manned in large part by practitioners. It was affiliated with the University of Buffalo but in 1936 it had been approved neither by the American Bar Association nor by the Association of American Law Schools. When in 1936 Chancellor Capen brought in Francis Shea to become the new dean of the school, an abrupt break with the past occurred. For the next decade, interrupted by the years of World War II, a remarkable group of people were gathered to form the faculty. They were no more than a handful, but consider some of the names: Jaffe, Howe, Ernest Brown, Riesman, Lenhoff, Clyde Summers and—local in origin, but of matching quality—the late Judge Philip Halpern.

Jack Hyman was a part of that earlier distinguished group and he might also have left Buffalo. He had opportunities to leave, but he stayed . . . by choice. During a period made difficult by a lack of resources, he served as Dean and provided an intellectual leadership that sustained for the school a reputation for quality, probably out of proportion to what might reasonably have been expected. By 1953, when he became Dean, the school was entering a period of economic crisis. But Jack had committed himself to Buffalo. This was his community; he became a part of it. And he set about making the most of the limited resources available.

Much of what we take for granted today, at Buffalo, has roots in the period of Jack's deanship. Near the end of his administration, the University of Buffalo merged with the State University of New York, and he contributed with wisdom and sensitivity to the basic planning necessary for a transition to a law school with enormous potential. During his administration he labored long and hard, and at times without much support, to see that

this school paid due attention to the legal affairs of local government. Today, that attention is more fashionably subsumed under the title Urban Affairs. He made certain during the early sixties that the faculty gave its attention to the emerging concern with clinical training in legal education; and since that time he has played an active role in faculty committees exploring the future role of clinical training. His concern for, and active encouragement of, interdisciplinary collaboration between the law school faculty and other segments of the university community were evident long before 1967 when we became a "Faculty of Law and Jurisprudence" under the reorganization plan of President Meyer-son, which formally committed the law school to interdisciplinary cooperation and the teaching about law outside the professional school. Jack's concern with interdisciplinary collaboration, and his encouragement of the development of clinical training have not obscured his deep concern for strengthening the teaching of the traditional professional skills of the lawyer. He has been an active participant on the curriculum committee, and in the faculty as a whole, in seeking to improve our training of students in those skills.

Jack's attention has not been limited to the programs and formal structure of a law school. A school's points of contact with the "real world" are many and varied. For example, no member of the faculty has worked with more dedication or given more time than Jack Hyman to seeing that we develop a satisfactory program for minority students and actively recruit minority faculty members. Finally, it should be noted that throughout his years of service at Buffalo he has demonstrated his strong belief in the necessity for a close, continuing relationship between faculty and members of the bar.

I have touched only upon some of the highlights of Jack Hyman's 25 years of service at Buffalo and his many accomplishments. Fortunately for all of us at Buffalo, faculty and students, I can conclude by noting that this celebration of his 25th anniversary of service is merely a pause. There are a good many tomorrows to come.