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JOHN J. REGAN

*Ronald H. Silverman**

It was my privilege to be John's colleague and friend for seventeen years. We first met in 1978 when he left the Maryland Law Faculty to become the fourth dean of a very young Hofstra University Law School. I still vividly recall John's smiling poise and quiet confidence as he answered questions about his somewhat unusual background during rather aggressive interviews with both faculty and students during our dean-search process. John's rich experience, not only as a law professor but as a former priest and university administrator, doubtless helped him cope with a variety of complex decanal problems during an especially challenging time in our school's short history.

Though I regretted John's all too early departure from the dean's office in 1982, it soon became apparent that he would be an especially productive colleague. While he remained an effective and caring teacher of criminal law and procedure, his special interests in health and elder law became the focal points for both new courses and, especially, for the pioneering scholarship that continued to the very end of his sadly shortened life.

While others are better equipped to reflect in detail on John's specialized contributions, it is appropriate to note that his numerous books, book chapters, articles, and speeches reflect an important mix of professional concerns. Very clearly, John understood the critical importance of supporting practitioner competencies in new professional specialties. Many practitioners of the new specialty called "elder law", for example, learned to rely, during the '80s and '90s, on both John's concise descriptions of complex government programs and his thoughtful practical guidance related to the tax, estate, and financial problems of the elderly.

At the same time, John also remained interested in a world beyond

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bread and butter. His sympathetic concern for the vulnerable among us, his lively interest in very important health policy issues, and his deeper philosophical interests led him to contribute both published commentary and active professional leadership on a variety of issues related to death and dying, the government regulation of nursing homes, health care, and protective services for the elderly.

Despite John's impressive record of tangible professional achievement, specified in greater detail by Dean Rabinowitz in this issue of the *Hofstra Law Review*, there is also another dimension of John's professional and human achievements that deserves special attention. In short, John was an exceptional human being, conscientious colleague, and active contributor to a law school community that long benefitted from his practical judgment, respect for principle, and from his humane wisdom. Two stories make the larger points.

First, at a more personal level, I especially recall how helpful and sensitive John was during my own family crisis of sorts. During the late '80s and early '90s, I was coping, as so many do these days, with the care of two elderly and increasingly ill parents. John, who occupied the office next door, became both my practical adviser and sympathetic sounding board. In truth, my many questions, combined with a dose of distracting personal distress, far exceeded my available answers. John, sensitive to both my professional pride and obvious needs, regularly offered just the right assistance in just the right ways. I will always remember his remarkable ability to retrieve just the right form or reference from his remarkable filing system while simultaneously lending a compassionate ear.

John's unique mix of personal and professional qualities was also evident during a particularly challenging committee assignment at our law school. During the early '90s, our then new dean, Stuart Rabinowitz, somehow persuaded John to chair a special faculty committee to comprehensively review the status and operations of our three student-edited law journals.* I reluctantly came along for the ride as a member of this committee.

It soon became obvious that this committee had very important and very difficult work to do. While all three of our then student-edited journals had records of achievement, each journal, in varying degrees, also had its own unique problems. Though I will resist the temptation to

* *Hofstra Law Review*, *Hofstra Labor Law Journal*, and the now defunct *Hofstra Property Law Journal*.

describe the more than two-year committee process in all its engaging detail, suffice it to say that John quickly recognized the magnitude and sensitivity of the task before us.

On the one hand, we were dealing with the venerable and academically unique institution of the student-edited law journal. While many law professors have long had reservations about entrusting so much of our professional literature to the tender editorial mercies of second and third year law students, the tradition, in theory, has its plausible benefits. At its best, the program of a well-run student-edited law journal cultivates both self-generating scholarship and professional independence among our better students. Whatever the actual benefits of law journal service, student editors are also understandably inclined to passionately defend "their" journals and autonomy.

On the other hand, student editors are often, though not always, weakly equipped to recruit and evaluate professional articles for publication. In addition, distracted law students, however strong their academic records, are often, though again not always, relatively inexperienced administrators of budgets which, in many law schools, must be well into the six figures. The arguable net national effect, recognized by a growing number of law professors in many law schools, is the publication of a large and growing number of relatively mediocre student-edited law journals that make decidedly mixed contributions to the education of our student editors, to the genuinely useful literature, and to the reputation of our many sponsoring and striving law schools.

Against this backdrop of contentious concerns, John skillfully led our faculty committee through a very time-consuming process of fact-finding, consultation, and persuasion that exposed a complex number of specific problems and threatened a variety of both student and faculty interests, perceived by some as interests of the "near-vested" variety. Moreover, unlike many law school committees, this committee actually produced a blueprint for considerable change that eventually involved the elimination of the *Hofstra Property Law Journal*, the creation of a new faculty-edited journal, and potentially significant changes in the structure and operation of both the *Hofstra Law Review* and the *Hofstra Labor Law Journal*. While it is still too early in the reform day to evaluate the real effects of this committee's work, the committee experience is noteworthy, not only for its controversial contributions to our law school community, but for the light it sheds on John's dual character: his intertwined professional and personal characters that served him and us so well for so long.

Chairman Regan amply demonstrated, in leading this committee, a

set of indispensable qualities. What I and others saw in John, on this and other academic occasions, was a remarkable capacity for fairness and open-mindedness; a patient willingness to consider competing points of view, to reconcile seemingly intractable conflicting opinions, and, even, to perceive a certain merit in sometimes intemperate arguments.

What is it, at root, that accounts for such a leadership capacity, for the quiet ability to dispassionately evaluate the passionate opinions of others? Perhaps we have no choice but to resort to an old fashioned but unsurpassed vocabulary that imperfectly incorporates descriptive terms like judgment, temperance, and prudence.

Perhaps you did not know him or know him well? If you did not, then you missed a man with a genuine respect for other human beings, a man of considerable common sense who recognized not only the need for periodic change, but the competing need to respect certain limits and to preserve certain values.

Finally, I come to a speculation of sorts. John's excellence, both as a person and as an academic lawyer, seems to me to have been grounded on both a certain clarity about himself and upon a certain optimism about the human condition. He often acted, it seems to me, as if our much conflicted world might actually be persuaded to see the value of humane reason. Doesn't that explain why we shall miss him and the living model that he provided for us all?