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Dean Emeritus E. Donald Shapiro Memorial Service

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Roger J. Miner
U.S. Circuit Judge

Remarks for Memorial Service
Dean Emeritus E. Donald Shapiro
Friday, April 29, 2011
New York Law School -- 4:30 P.M.

It is most appropriate that this Memorial Service celebrating the life of Don Shapiro is held at New York Law School, the institution to which he devoted so much of his professional life. During the ten years from 1973-1983 that he served as President and Dean and the ensuing eight years when he served as Joseph Solomon Distinguished Professor, he worked tirelessly to promote the interests of this law school. It is said that New York Law School underwent a Renaissance under the leadership of Don Shapiro. The entire law school community benefitted as he reached out to recruit distinguished scholars to teach here, expanded course offerings, launched new joint programs, encouraged clinical studies, enlisted practicing lawyers and judges as adjunct faculty, attended to the development of improved physical facilities and insisted that

students meet high academic standards.

Don's insistence on academic achievement resulted, from time to time, in the departure of a student, an event that caused Don great pain and anguish. He was a compassionate and sensitive man, and he often remarked that it was most difficult for him to advise students that law school was not an appropriate undertaking for them. But when he described this distasteful part of his job, I remember that he always mentioned the dismissed student who came back and thanked Don for enabling him to go into business and become wealthy.

New York Law School's reason for being is an idea -- the idea that an intelligent and highly motivated person can successfully complete a legal education even if denied the opportunity to do so elsewhere. Don clearly understood and supported that idea. He also supported the proposition that the singular purpose of New York Law School is to train excellent lawyers. That idea, and that purpose, must remain at the forefront as the School moves forward in the 21st century. Don

Shapiro's vision for New York Law School stands as a fitting memorial and an enduring tribute to him.

Desire, drive and ambition are all too often lacking in some of the students and in some of the law schools today. Fortunately, this is not true of this Institution or its students. A disturbing trend also has been the tendency of some law school faculties to have more interest in sociology, psychology, philosophy, history and economics, than in traditional legal subjects. Is it any wonder that law firms are dissatisfied with the legal background of recent graduates who seek employment? Don Shapiro well understood the danger of importing too much of other disciplines into the law school curriculum. He kept the curriculum on a steady course of traditional legal subjects, where it remains today.

Many institutions, in addition to New York Law School, have benefitted from the teachings and lectures of Don Shapiro. These included Oxford University, where Don served as a Visiting Fellow and delivered the Sachs Memorial Lecture and a Keynote Address to

the Royal College of Medicine. He taught at Harvard, Hebrew University of Jerusalem, Bar-Ilan University, NYU, and numerous other places. In speaking to those who attended his lectures and classes, I have heard one constant comment -- that Don could make understandable any legal principle, no matter how complex. This is a great compliment, especially for a law professor, a species that seems greatly to enjoy making the simple complex rather than vice versa.

Beloved as a teacher, Don imparted a high sense of morality, professional ethics and responsibility along with an understanding of legal principles. He also had the rare professorial gift of exciting in his students a desire for more learning. Don Shapiro taught by example as well as precept, and his entire life and professional career provide a lesson we all are taught and seldom learn -- our obligations to each other. Don's charitable and philanthropic activities, his work for government agencies and public service organizations, his assistance to schools and institutions, his service in improving

the laws and systems of government are just some of the ways in which Don Shapiro taught us to serve others. In many ways, we all are his students.

On December 15, 1986, I was privileged to speak at a reception held by Bar-Ilan University of Ramat-Gan, Israel here in New York. The reception was in honor, as it was said, of "the appointment of E. Donald Shapiro as Distinguished Visiting Professor of Law at Bar-Ilan." My remarks included the following: "[W]hile this appointment brings another honor to Don Shapiro, it confers a special distinction upon Bar-Ilan, because Don is a world class teacher and scholar." "Shem Ho-laych Lih-fah-nahv," I said. (His reputation precedes him). I went on to say: "He is recognized internationally as an authority in health law and legal medicine. It is indeed a rare lawyer, judge or physician whose consciousness has not been expanded by a book or an article by Don Shapiro on the subject of his expertise."

I know that Don had a special place in his heart for scholarship. I think he would want to be remembered primarily as

a legal scholar. He continued to research and write up to the end. When I last visited him in his home in Scottsdale, Arizona, I found him in his den behind a big desk piled with books and manuscripts. Behind him were floor-to-ceiling bookshelves chock full of all sorts of printed materials. His ground-breaking scholarship was, of course, in the interaction of law and medicine.

Professor Bryan A. Liang of California Western Law School put it this way: "Dean Shapiro almost single-handedly transformed the way doctors and lawyers think about how law and medicine interact. The framework of health law created by Dean Shapiro now has an established place in legal and medical education, as well as in law and in medical practice." What is the relationship between law and medicine? When are legal responses to changing medical technology appropriate? What are the societal duties of physicians and health researchers? How can forensic medical science be most effective? When do ethical and moral concerns affect medical problems? These are some of the

questions upon which Don Shapiro focused his formidable intellect -- in his authoritative and frequently quoted textbook entitled "Law, Medicine and Forensic Science," in various important articles and in the widely acclaimed Lecture that he gave at Oxford University entitled "Birth, Law, Medicine and Morality." In a law review article entitled "The Cutting Edge," Don wrote the following: "The law must not disregard its responsibilities to confront the issues that science presents." We ignore his message at our peril.

Don Shapiro received many honors during his lifetime, the most recent being an Endowed Chair named for him at California Western School of Law in 2007. Although he valued all the Honors that he received, I know what he valued the most was the love of his family and friends. My wife and I first met Don and the accomplished and glamorous Merle many years ago at a dinner given in honor of Joseph Solomon, a graduate of this school whose financial contributions Don greatly encouraged. (I know that, that is an important duty of a Dean). We were together at many

functions, public and private, thereafter. Jackie and I always enjoyed the company of Don and Merle. They made a great team in promoting New York Law School.

Don was a great storyteller and had many stories to tell. I enjoyed listening to them, for they always held a message. He very much loved Merle and their children, and I know that they will always hold his memory close to their hearts. Don touched and influenced the lives of many. That is not unusual for a teacher, but Don was a special teacher and a special friend. He will long be remembered by all whose lives he touched. He was a man who was easy to love, and he was loved by many.

It is said that the secret of a life well-lived is not in counting the years, but in making the years count. Don Shapiro made the years count. We will always miss him and never forget him.