

Dean Emeritus Patrick J. Rohan

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**IN MEMORIAM:
DEAN EMERITUS PATRICK J. ROHAN**



(1933–2009)

*The editors of the St. John's Law Review respectfully
dedicate this issue to Dean Emeritus Patrick J. Rohan*

MEMORIAL TRIBUTE TO PATRICK J. ROHAN
DEAN EMERITUS AND PROFESSOR OF LAW

Patrick J. Rohan's connection to St. John's reaches back more than half a century. He graduated from St. John's University in 1954 and from the School of Law in 1956. Two years later, he joined the Law School faculty, where he served for fifty-two years until his retirement in June 2009. He died just a few months later, on November 26, 2009. The School of Law community mourns the passing of this man of St. John's—Dean Emeritus, Professor of Law, alumnus, supporter, and friend.

Professor Rohan's five decades on the St. John's faculty began in 1958. He served as Dean of the Law School from 1981 to 1991 and returned to teaching until his retirement. He taught Real Property, Trusts and Estates, Land Use Planning, and Condominiums, Cooperatives, and Homeowner Associations.

Professor Rohan was a prolific author and a leading authority on property and condominium law. His publications included *Powell on Real Property*;¹ and *Nichols on Eminent Domain*;² as well as national treatises on Condominiums;³ Cooperatives;⁴ Home Owner Associations;⁵ Zoning and Land Use Controls;⁶ Real Estate Financing;⁷ Syndications;⁸ Trusts and Estates;⁹ Real Estate Brokerage;¹⁰ Leasing;¹¹ and Real Estate Tax Appeals.¹² Professor Rohan served as a visiting professor at Columbia and N.Y.U. Law Schools and lectured at the Lincoln

¹ RICHARD R. POWELL & PATRICK J. ROHAN, *POWELL ON REAL PROPERTY* (abridged ed. 2010) (1968).

² PATRICK J. ROHAN ET AL., *NICHOLS ON EMINENT DOMAIN* (3d ed. 2009) (1964).

³ PATRICK J. ROHAN & MELVIN A. RESKIN, *CONDOMINIUM LAW AND PRACTICE* (rev'd ed. 2010) (1965).

⁴ PATRICK J. ROHAN & MELVIN A. RESKIN, *COOPERATIVE HOUSING LAW AND PRACTICE* (2001) (1967).

⁵ PATRICK J. ROHAN, *REAL ESTATE TRANSACTIONS: HOME OWNER ASSOCIATIONS AND PLANNED UNIT DEVELOPMENTS—LAW AND PRACTICE: FORMS* (2010) (1977).

⁶ PATRICK J. ROHAN ET AL., *ZONING AND LAND USE CONTROLS* (2009) (1977).

⁷ *REAL ESTATE FINANCING: LAW AND PRACTICE: TEXT, FORMS, TAX ANALYSIS* (1973).

⁸ PATRICK J. ROHAN & B. HARRISON FRANKEL, *REAL ESTATE SYNDICATIONS* (1986).

⁹ *NEW YORK CIVIL PRACTICE: ESTATES, POWERS AND TRUSTS* (2010) (1969).

¹⁰ PATRICK J. ROHAN, BERNARD H. GOLDSTEIN & CHARLES S. BOBIS, *REAL ESTATE BROKERAGE LAW AND PRACTICE* (1985).

¹¹ PATRICK J. ROHAN ET AL., *CURRENT LEASING LAWS AND TECHNIQUES* (2010) (1982).

¹² *REAL ESTATE TAX APPEALS: FORMS* (1984).

Land Institute and the Southwestern Legal Foundation. He also received his LL.M. from Harvard Law School and his J.S.D. from Columbia University.

He served as counsel to numerous educational and governmental bodies, including the New York State Temporary Commission on Estates; the Temporary State Commission on Rental Housing; the U.S. Department of Housing and Urban Development; the Federal Deposit Insurance Corporation; the Federal National Mortgage Association; the Restatement of Property (Second); and the New York State Judicial Conference. He was elected to membership in the American College of Real Estate Counsel and the American Bar Foundation. In recognition of his service as President of the International Association of Jurists (1984–1986), he was honored by the Italian Government and by the University of Bologna. He was named to the Knights of Malta and Knights of the Holy Sepulchre by Pope John Paul II.

He is survived by his wife Janet and children Lauri Rohan-Griffin (and her husband, Tim), Terry Keebaugh (and her husband, Karl), Patrick J. “Rick” Rohan, Jr., Janet McCarthy (and her husband, Neil), Amy Rohan, Courtney Rohan Rockett (and her husband, Nat), William “Billy” Rohan (and his wife, Erika), and Kaitlin Gavin (and her husband, Sean). He is also survived by nineteen cherished grandchildren; his brothers, Timothy Rohan (and his wife, Eileen), John Rohan (and his wife, Jan); his sister, Mary Rohan; many nieces and nephews; and countless extended family members and friends whom he loved dearly.

The entire St. John's community will miss the friendship of this dedicated alumnus, scholar, and friend.

MICHAEL A. SIMONS[†]

In January 2010, the St. John's School of Law community gathered with the Rohan family to celebrate a Memorial Mass in St. Thomas More Church on the St. John's campus. The gospel reading that day began with the following words: "One day, while he was teaching . . ." ¹³ The gospel went on to tell the story of Jesus and the paralyzed man. It is a story of faith, a story of forgiveness, and a story of healing. But it is also the story of a teacher and the power that a teacher has to touch others, to enable them to stand up and walk on their own.

Patrick J. Rohan was a teacher—not just for one day, but for something like 18,000 days. And at his Memorial, we gathered in thanksgiving for those 18,000 days and for the thousands and thousands of students that Pat Rohan taught, touched, inspired, and empowered. The following are the remarks that I delivered on that day:

"Pat Rohan was many things. He was a kid from Brooklyn, who went on to obtain degrees from Harvard and Columbia. He was an Irishman, who went on to become president of the International Association of Jurists and to be honored by the Italian government. He was a man of faith and a member of the Knights of Malta, who was also relentlessly funny and irreverent. He was a man of great professional success, who was also a family man, with his wife Jan, and their eight children, and eventually six sons and daughters in law and nineteen grandchildren. The Rohan family is also a three-generation St. John's family: with his son-in-law Tim, class of '84; his daughter Courtney, class of '98; and his grandson David, class of '13.

"And here at St. John's, Pat was a student, a teacher, a scholar, a dean.

"He was a brilliant student: graduating magna cum laude from St. John's College and magna cum laude from St. John's Law School. Indeed, he was widely reported to have graduated first in his class from law school—though I suspect that his classmate Governor Cuomo may have the last word on that subject.

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¹³ Luke 5:17–39.

“He was a preeminent scholar of condominium law and property and a prolific author. To give you a sense of how prolific Pat Rohan was, I have been a legal academic for over eleven years. And in that time, I have written a number of law review articles. Last night, I took all my articles and stacked them up, and they made a pile a little more than an inch high. I then went and measured the collection of Rohan books we have in the faculty library: thirty-three feet. So, to catch Pat Rohan, all I need to do is keep writing at the same pace for 4,345 years.

“He was also a dean. And as the current occupant of that office, I have a new-found respect for the particular difficulties of that job. But Pat Rohan’s legacy at St. John’s is not going to be as a dean. Deans come and deans go. Since Pat Rohan was dean, Rudy Hasl has come and gone, Joe Bellacosa has come and gone, Mary Daly (sadly) has come and gone. Someday, I will be gone. Yes, Dean Rohan’s portrait hangs in the library, but the portrait does not do anything.

“And Pat Rohan’s legacy at St. John’s is not going to be primarily as a scholar either. Yes, law libraries around the country are filled with Rohan treatises, but those books are getting out-of-date as we speak. That is what happens to words on a page. Eventually, those words will not be doing anything either.

“No, Pat Rohan’s legacy at St. John’s will be as a teacher. When we sent out the notice for this Memorial, we did not solicit testimonials; but we received them anyway. And those testimonials stretch across the whole five decades of Pat’s service on the faculty. Here is one from a student in the 1960s: ‘He was my (and many, many other students’) favorite professor for his incredible intellect and humor.’ Another from the 1970s: ‘Through twelve grades of high school and six degrees of college, Professor Rohan was my favorite.’ From the 1980s: ‘He is responsible for my passion for estate planning.’ From just a few years ago: ‘He was a very engaging academic and one of the most memorable professors I have ever had. He made Property one of my favorite subjects as a 1L.’

“In fifty-two years, Pat Rohan taught thousands of students. Those students have gone on to become leaders of the bench and bar. Many of them are on our faculty. Some, like Fr. Gorman, have higher callings. And whatever they have gone on to do, those students have been touched by Professor Rohan, by his

brilliance, by his humor, and by his enthusiasm for the law. Those students are not words on a page or a portrait on a wall. They are lawyers and judges and teachers themselves. They are a living embodiment of a teacher's lasting power. They are representing clients, deciding cases, and teaching future generations of lawyers. Pat Rohan lives on through those students.

"That is a fitting legacy for a dean, a scholar, and a teacher."

MARIO E. CUOMO[†]

Wife, Janet [Jan] Rohan; children, Lauri Rohan-Griffin [husband, Tim], Terry Keebaugh [husband, Karl], Patrick J. "Rick" Rohan Jr., Janet McCarthy [husband, Neil], Amy Rohan, Courtney Rohan Rockette [husband, Nat], William "Billy" Rohan [wife, Erika], and Kaitlin Gavin [husband, Sean]; nineteen cherished grandchildren; brothers Timothy Rohan [wife, Eileen], John Rohan [wife, Jan]; sister Mary Rohan; and many nieces and nephews.

While I didn't ask for the opportunity to speak, I am pleased to have the opportunity to clarify some things about my long relationship with Pat. I will try to keep my remarks short because Pat, I am sure, is listening and waiting for the chance to say again what he once did a long time ago after hearing a speech I gave: "I told you not to go into politics—it's made a windbag out of you."

Pat loved to have fun. He told two generations of students at St. John's that on one occasion, asked whether I was in the same class as "Pat Rohan," I answered, "We were in the same school and the same classroom, but we were not in the same class," implying I had been both insulting and hubristic.

The truth is that I did say we were not in the same class, but it was only because from the very beginning of our relationship, it seemed to me he was going to be the star of the class all by himself.

[†] The following remarks were prepared by Patrick J. Rohan's classmate and friend, Governor Mario Cuomo, for his memorial service on January 11, 2010, at St. Thomas More Church, St. John's University Queens Campus.

And I was right. He was especially gifted, with high intelligence, amazing recall, great tenacity, and a sparkling sense of humor.

By the end of our law school days, it was apparent I was right about him, and for half a century later, he proved it over and over. His curriculum vitae was a recitation of prodigious accomplishments: the top of his class in law school, masters degree from Harvard Law, doctorate from Columbia, a stalwart member of the St. John's Law School faculty for more than fifty years, a Dean who helped the Law School to new heights, dozens of highly regarded articles, lectures, pamphlets, and texts.

Somehow, he also found time to serve as counsel to numerous educational and governmental bodies, and was honored by the distinguished International Association of Jurists of Bologna.

In sum, St. John's has produced a lot of extraordinarily successful people, but Patrick was surely one of the best of them. And he was much more than just "successful" as most of our world defines success.

Pat and his loved ones measured their life's worth by conforming their life to the religious faith that inspired and sustained them. Like all religions, their faith is built on two basic principles: "Love one another, and work together to improve the world because God created the world, but didn't complete it: God leaves it to us to be collaborators in Creation."

Pat believed that with all his heart and mind and so, apparently, do all the Rohans. Their large loving family of eight children, their spouses, and nineteen grandchildren is beautiful and inspiring evidence of their love of life.

Pat shared his many gifts with students, with other teachers, and with much of the rest of this nation. His words and work have significant influence in several cases decided by the Supreme Court of the United States and far beyond. He helped build St. John's Law School—intellectually, professionally, and spiritually, with his talent and goodness.

For more than half a century that Pat and I remained aware of one another's progress and activities, I and so many others have been constantly pleased by and proud of his enormous success.

As for Pat's misgivings about my years as a politician, I hope they have not done the great university we both have loved any significant damage.

I can imagine Pat now listening to me and telling his class: "If that sounds humble, you're right. Mario is humble and he's got a whole lot to be humble about." Pat would be right, but I would add I have plenty to be grateful for as well, and that includes knowing Pat for more than half of my life. Deo Gratias.

PATRICK J. ROHAN: DEAN, MENTOR, COLLEAGUE, AND FRIEND
EDWARD D. CAVANAGH[†]

I was deeply saddened by the news of Pat Rohan's death on Thanksgiving 2009, shortly after his retirement and following fifty years of service to the St. John's University School of Law. Pat was a prolific scholar, a gifted teacher, and a devoted servant of the bar. Institutionally, the law school will endure, but it will be a long time before we see another with Pat Rohan's unique set of talents.

I was one of Pat's first hires and joined the faculty as Assistant Dean and Associate Professor of Law in 1981, shortly after he became Dean. Everything that I have been able to achieve in legal education I owe to Pat Rohan. After nearly a decade in private practice, I set my sights on a teaching career in the law; but few schools showed any interest, largely because I did not follow the typical teaching trajectory—law review editor, federal clerkship, teaching fellowship. However, Pat saw in me some potential as a scholar and a classroom teacher and was willing to take a chance on me when other schools balked.

He encouraged me to pursue my teaching interests in Antitrust and Civil Procedure and to develop additional courses in those areas. He also encouraged me to become a productive scholar, regularly suggesting topics, reviewing my manuscripts, and recommending my work to major law reviews. After I had taught for three years, he facilitated my entry into the Columbia Law School graduate program for law teachers, which to this day remains my most exhilarating educational experience. In addition, Pat helped me connect with the legal profession by

[†] Professor of Law, St. John's University School of Law.

sponsoring my application for the Antitrust and Trade Regulation Committee of the Association of the Bar of the City of New York. He also recommended me to serve on the Special Committee on Pretrial Discovery established by then Chief Judge Jack B. Weinstein in 1982. Both of those experiences created significant speaking and writing opportunities for me.

As Dean of the Law School, Pat embarked on an ambitious program of faculty recruitment, doubling the size of the Law School faculty with quality hires. On his watch, the Law School curriculum was significantly expanded to include advanced courses in environmental law, real estate, federal litigation, securities, antitrust, and taxation. Most importantly, Pat sponsored a number of initiatives to recruit and retain minority students. To this end, he forged alliances with traditionally African American colleges in the South and developed a joint degree program that would permit students to complete their undergraduate and law degrees in six years instead of the usual seven. He hired Professors Philip Roache and Cynthia Pierce to help recruit minority students and to establish mentoring programs to assist those students. At his urging, the faculty reviewed and modified what, in retrospect, was a draconian retention policy for all students. Finally, he laid the groundwork for the doubling in size of the Law School facility, which came to fruition under subsequent deans.

Pat was also a compassionate leader. He knew well human frailties and failings. He would never turn his back on those in need. When a newly hired faculty member, distraught over the break-up of his marriage and separation from his children, offered to resign before even starting his position, Pat suggested that he take a year off and come back when things settled down. Pat kept his word, held open the job, and the new professor returned the next year. Another faculty member lost his voice after suffering a severe winter cold. Again, Pat told the professor not to worry about his job. The important thing was to get healthy. He arranged for another faculty member to cover the professor's courses.

Pat's personal kindness was not limited to faculty. When an alumnus came to Pat for help because his agency was on strike and he was without the means to support his family, Pat found work for him in researching one of his many treatises. Pat's cheesecakes for staff at holiday time were legendary. I remember

well his warmth and understanding when my father died and later when he learned that I had been diagnosed with prostate cancer.

Unfortunately, his generosity was not always reciprocated. That did not seem to bother Pat. He understood well what Senator Daniel Patrick Moynihan called the “Irishness of life”—that life is from time to time going to knock you down. For Pat, the thing to do was to get up, dust himself off, and get back to work.

Pat loved students. His door was always open. He would always hear out students and was never dismissive, no matter how trivial the complaint. He was also responsive to students' needs. It was largely through Pat's efforts that the Law School cafeteria—a great place for students to interact and eat—came into existence. Students loved Pat too. I always marveled at how students gravitated to him and hung on his every word.

Pat's most endearing trait, however, was his sense of humor. He loved the wry wit of *New Yorker* cartoons and regularly circulated them among the faculty. He also loved to tell tales about the old Brooklyn campus in which his partner in crime, Ned Fagan, was typically the butt of the joke. Pat was a practical joker extraordinaire. A signature Rohan prank involved the retirement of Professor David Siegel. Professor Siegel had been living in Massachusetts but continued to teach a day a week at the Law School. When the trip down to New York City became too much for him, Siegel decided to retire. He was set to teach his final class in Conflict of Laws on a beautiful afternoon in May. The class had barely begun when a bagpiper, who, much to Siegel's chagrin, continued to play despite exhortations to cease and desist, interrupted it. He grew ever more agitated as Pat read a “tribute” to Siegel, with much of the Law School community looking on. Then the bagpiper played again.

Siegel normally possessed a good sense of humor but on this day was very unhappy because he needed to cover material in the last class that would be on the final examination. Rohan's hijinks were preventing him from finishing the course and undermining any attempt at serious classroom discourse. Pat now was laughing uncontrollably.

I miss that laughter, as I miss Pat Rohan: Dean, mentor, colleague, and friend.

A REMEMBRANCE OF PATRICK J. ROHAN:
TEACHER, AUTHOR, DEAN
VINCENT C. ALEXANDER[†]

Patrick J. Rohan was one of the proverbial giants of the St. John's Law School faculty. He began his fifty-plus year teaching career in 1958 as the junior member of a faculty that included Harold McNiece, Edward Fagan, George Keenan, Charles Sparacio, Kenneth Wang, and Frederick Whitney. Within a few short years, Patrick acquired the same stellar status as these dedicated St. John's educators, having established himself as an extraordinary teacher and prolific author in his own right. And with the same Vincentian spirit that animated his personal life, he eventually served as Dean of the institution he loved so well. It was my privilege to know and work with Patrick in each of his roles at St. John's.

Professor Rohan's 1L Property Law class was rigorous and challenging but also entertaining. It was there that my classmates and I first came to appreciate his keen intellect, Irish wit, and fondness for good-natured needling. On an occasion when I was called upon to discuss a case I did not quite grasp, I fumbled about and reported that the case appeared, "on first glance," to stand for a particular proposition. With a twinkle in his eye, he jumped in to advise the class that "upon second glance" the case stood for an entirely different proposition. I knew I had to do a better job of absorbing the material in the future! This was the first of many occasions on which Professor Rohan kept me on my toes, not only as a student but also in my professional career. He did the same for countless other St. John's students.

Patrick Rohan understood the value of enhancing the scholarly reputation of St. John's. He himself did so through his many articles, treatises, and commentaries on property law. In particular, his trailblazing work on condominiums made a major contribution to the legal and practical understanding of the then-novel form of property ownership. During the year I served as Editor-in-Chief of the *St. John's Law Review*, a position Professor Rohan had held when he was a St. John's student, it was the task of the editorial board to bring to fruition a major symposium

[†] Charles M. Sparacio Professor of Law, St. John's University School of Law.

on condominiums that Patrick had helped organize during the previous year.¹⁴ He brought leading experts to campus to discuss the legal, economic, and social problems of the condominium, to be followed by the publication in the *St. John's Law Review* of a collection of papers on the topic.

This was one of the first major on-site symposiums conducted at St. John's, and it served as a template for the many conferences and academic gatherings that have occurred in subsequent years. For an entire year, Professor Rohan worked around the clock with the *Law Review*, which evidenced his well known habit of foregoing a good night's sleep in order to produce excellent scholarship. He helped us complete the editorial work on the articles—five of which he authored or co-authored—and served as a consultant and mentor for the students whose papers were to be included in the symposium. His nurturing assistance was critical to the success of this landmark project. This is but one example of his devotion to, and talent for, legal scholarship at St. John's.

When it was my good fortune to join the St. John's faculty, Patrick became my friend and mentor. He encouraged me to broaden my scholarship and pursue advanced law degrees, as he himself had done, not only to make me a better teacher but also to enhance the academic life of St. John's and the academy beyond its walls. He provided the same type of counseling for other junior faculty over the years.

In the first year of Patrick's Deanship, it was my privilege to serve as his Assistant Dean. I observed first-hand his love and affection for the law school and its students, faculty, and staff. He tirelessly sought ways to broaden opportunities for students to excel (inspiring the creation of a new student-written journal then known as the *Journal of Legal Commentary*, now the *Journal of Civil Rights and Economic Development*), for the faculty to prosper (supporting numerous scholarly writing and conference initiatives), and for all of us to enjoy first-class facilities (undertaking major fund-raising campaigns for the physical expansion of the building). With the same type of compassion exhibited by his predecessors as Dean, Patrick also did his best to comfort students who were in distress.

¹⁴ *Symposium on the Law of Condominiums*, 48 ST. JOHN'S L. REV. 677 (1974).

Throughout his Deanship, he left no doubt that he cared deeply about St. John's Law School and sought to promote its best interests.

In his later years, Patrick continued to needle me, as he had done so long ago in the classroom, to encourage me to work hard and diligently—the same ethic he sought to instill in the faculty and students. “Only half a day?” he would ask when he saw me heading for the elevator at 7 p.m.

We miss his presence at the school and can never fill the gap he has left behind. St. John's owes much to this teacher, scholar, and Dean. I wish for Patrick the same traditional Irish blessing that he conveyed with fondness to others: “May the road rise to meet you; may the wind be always at your back; and, until we meet again, may God ever hold you in the hollow of His hand.”

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