
Herbert W. Vaughan, Leading Lawyer, Preservationist and Philanthropist, Dies at 91

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Herbert W. Vaughan, a pioneering real estate lawyer who helped to shape the skyline of Boston and preserve hundreds of acres of conservation land throughout Massachusetts, died November 21, 2011 at his home in Fox Hill Village, Westwood, Massachusetts. He was 91.

Born in Brookline, Massachusetts in 1920, Vaughan, known to his colleagues and friends as Wiley, received his undergraduate degree in philosophy from Harvard College in 1941. Following graduation from Harvard Law School in 1948, he joined the Boston law firm of Hale and Dorr, now WilmerHale. During his 47-year career at Hale and Dorr, Vaughan developed a reputation as a dean of the Boston real estate bar, while helping to oversee the growth of the firm into one of the nation's strongest and most successful.

When he was admitted to the bar, the Custom House Tower stood as the tallest building in Boston. Over the next few decades, a building boom radically transformed the skyline of the city. During that time, Vaughan was the go-to lawyer for developers and lenders involved in Boston's most complex and prominent projects because of his reputation for wisdom and sound judgment, meticulous drafting, tenacious negotiating and consummate deal-making skills. His involvement began when he served as co-counsel on the pivotal Prudential Center, which converted a blighted rail yard into a vibrant and catalytic commercial center. In order to make that project financeable, Vaughan worked tirelessly with the Massachusetts Legislature to obtain milestone legislation to protect lenders and investors from the unpredictability of local real estate taxation.

In addition to managing a thriving practice, Vaughan chaired Hale and Dorr's Real Estate Department and Executive Committee, and he served as co-managing partner of the firm from 1976 to 1980. When Vaughan joined Hale and Dorr in 1948, there were 32 lawyers in the firm's sole office in the 10-story building at 60 State Street. He spent his first year sharing an office, seated opposite the desk of his mentor, Roger Swaim. Today, WilmerHale has more than 1,100 lawyers with offices in Boston, Washington, New York, California and abroad. While much of the firm's growth occurred after his retirement, Vaughan's leadership during his tenure helped to set the stage for the firm's success.

[William F. Lee](#), who was a law partner of Vaughan's and is now co-managing partner of WilmerHale,

remarked that “Wiley was a consummate lawyer, a wise counselor and a great leader. He mentored and developed several generations of outstanding real estate lawyers and always ensured that our lawyers represented the best the profession had to offer. At the firm, he was our partner and our colleague but, most of all, our friend.”

Following his retirement from Hale and Dorr in 1995, Vaughan continued to consult for clients of the firm for many years, including in the areas of tidelands, wetlands and complex title matters, in which he was a nationally recognized expert.

Vaughan made lasting contributions to the practice of real estate law in Massachusetts. Along with a handful of members of The Abstract Club, an association of distinguished real estate attorneys of which he was secretary and treasurer from 1971 to 1977 and president from 1977 to 1980, Vaughan led the effort to enact legislation in the 1970s that reformed many archaic and inefficient rules and standards that had plagued real estate titles. He was also a contributing author and editor of *Crocker’s Notes on Common Forms*, known to real estate practitioners as the “conveyancer’s bible.” He frequently lectured and served as a panelist for programs sponsored by Massachusetts Continuing Legal Education—for which he established a scholarship fund—and other legal and industry trade organizations. Vaughan was president of the Massachusetts Conveyancers Association, the predecessor to the Real Estate Bar Association of Massachusetts, from 1963 to 1964. In 1989, he received the association’s highest honor, the Richard B. Johnson Award. He also held leadership positions within the Real Estate Section of the Boston Bar Association, where he led the successful effort to found the “Lawyer for a Day” program, which for more than a decade has assisted nearly 14,000 tenants and lower-income landlords in resolving residential disputes in the Boston Housing Court.

Vaughan was regarded by his peers as one of the leading real estate lawyers in the United States. He was an active member of prestigious and important national real estate law organizations, including the American College of Real Estate Lawyers, of which he was a charter member, and the American Law Institute, which was formed to improve the law and its administration.

An avid conservationist, Vaughan had a deep love and respect for land and was committed to preservation of our natural environment. He was a life trustee and past chairman of The Trustees of Reservations, which owns fee title to more than 25,000 acres of protected land at more than 100 reservations and holds conservation restrictions on more than 354 other properties in Massachusetts. In 2004, The Trustees awarded him The Charles Eliot Award for his leadership, service and devotion to conservation. Commenting on Vaughan’s 31-year association with The Trustees, Andrew Kendall, president of The Trustees, noted that “One of Wiley’s great commitments was to expand and improve the educational programming available to The Trustees’ audience. His efforts on this point were transformational to the caliber of the educational experiences and opportunities now offered at The Trustees.”

Vaughan was also a passionate scholar of government and history, particularly the United States Constitution, which he regarded as the “greatest practical achievement of political science.” He was a member of the board of directors of the Witherspoon Institute, a private, independent think tank in Princeton, New Jersey that supports the work of scholars interested in western moral political

thought and the principles and institutions of American government. A fellow of the Massachusetts Historical Society and a member of the James Madison Program in American Ideals and Institutions at Princeton University, Vaughan endowed lecture series at Princeton and at his alma mater, Harvard Law School, to advance the understanding of the core doctrines of American constitutionalism. The lecture series have featured prominent scholars, including Supreme Court Justice Antonin Scalia, who delivered the inaugural lecture of the Vaughan series at Harvard Law School.

Upon learning of his passing, Professor Martha Minow, dean of Harvard Law School, commented that "Wiley Vaughan's devotion to the fundamental principles of our legal system is outstripped only by his own example as a superb lawyer, leader, and man of fine judgment. All lucky enough to be associated with him—through his great firm, his law school and other communities—now have the tall order of carrying on his high standards of excellence and integrity."

Vaughan was a trustee emeritus of the board of trustees of the American Friends of New College, Oxford University, where he spent a term as a visiting senior fellow in 1985, exploring the writings of leading philosophers of law. Oxford University honored him with the Edmund Burke Award for lifetime service and achievement.

Vaughan was also a member of the Society of Fellows and the Alumni Leadership Council of the American Council of Trustees and Alumni.

In his later years, Vaughan grew concerned about the bleak outlook for the field of primary care physicians, whom he considered to be vital to the healthcare system but sorely overworked and undervalued. To support his goal of furthering the practice of primary care, he established a fund at Brigham and Women's Hospital in honor of his longtime physician, Dr. Thomas H. Lee. The fund provides an annual award to a Brigham and Women's physician who provides exceptional service and compassionate care. A companion fund helps to bring a distinguished physician to the hospital annually to discuss issues arising in the area of primary care.

Among his final acts, Vaughan was moved to create a fund at Harvard Law School that will honor Dr. Lee's brother, William F. Lee of WilmerHale. The gift to Harvard is expected to support the development of leadership in the legal profession.

Vaughan's wife of more than 50 years, Ann (Graustein), an artist and sculptress, died in 2002. Among other pursuits, they shared a love for dogs, especially West Highland Terriers. They also greatly enjoyed boating. Mrs. Vaughan, a fishing enthusiast, would often take a rod and reel with them on their regular Saturday excursions on the water.

A memorial service for Vaughan will be held at 2 p.m. on January 14, 2012 at St. Andrew's Episcopal Church in Wellesley, Massachusetts.