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Foreword

The Gifts of Athanassios N. Yiannopoulos: “*Ever to Excel!*”

Athanassios N. Yiannopoulos, a member of Tulane University Law School’s faculty for thirty-eight years before his passing in February 2017, was a man of extraordinary gifts, in every sense of that phrase.

He was, of course, deeply gifted as a scholar, teacher, and academic leader. That part was obvious to everyone—every scholar who ever read his insightful, path-breaking scholarship in at least three fields, every lawyer and judge guided by his incisive revisions of Louisiana’s Civil Code, and every student who encountered his infectious enthusiasm and good-natured rigor in the classroom. His accomplishments in each of these realms are too expansive to catalogue here, but even a few stand-out examples illustrate the rare quality of his gifts.

As a scholar, it is not too much to say that Professor Yiannopoulos helped remake not one, but three different fields. He made his reputation first in comparative law, and in short order. He arrived in the United States in 1953 as a twenty-five-year-old Fulbright Scholar to study comparative law at the University of Chicago under the famous comparativist Max Rheinstein. Five years, two fellowships, and three degrees later, the *California Law Review* published his doctoral thesis, *Wills of Movable in American International Conflicts Law: A Critique of the Domiciliary “Rule.”*¹

Over the next five decades, Yiannopoulos went on to publish dozens of articles and books in the field, establishing himself as the world’s foremost authority in comparative property law. In 1981, he was asked to serve as editor in chief of the *International Encyclopedia of Comparative Law*’s volume on property and trust, based upon the

1. Athanassios N. Yiannopoulos, *Wills of Movable in American International Conflicts Law: A Critique of the Domiciliary “Rule,”* 46 CALIF. L. REV. 185 (1958). In all, Professor Yiannopoulos earned five law degrees: Diploma in Law, 1950, University of Thessaloniki (Greece); M.C.L., 1954, University of Chicago; LL.M., 1955, J.S.D., 1956, University of California, Berkeley; Dr. Jur. *magna cum laude*, 1960, University of Cologne (Germany). In 1995, the University of Thessaloniki awarded Yiannopoulos an LL.D. *honoris causa*.

academy's pleading that Yiannopoulos' "widely recognized reputation" and "ideal" package of expertise in common and civil law systems made him "the obvious choice for the chief editorship."² He fulfilled that role for the next fourteen years. Two years later, upon the publication of another Yiannopoulos comparative opus, Professor John G. Fleming of the University of California at Berkeley, a leading authority on comparative tort law and the editor in chief of the *American Journal of Comparative Law*, wrote to Yiannopoulos to congratulate him: "I am overwhelmed by the monumentality of your completed treatise," Fleming wrote. "There are few among us who have contributed so much in comparative legal scholarship."³

Yiannopoulos also made significant contributions in admiralty law, publishing more than a half dozen treatises and course books in the field.⁴ In 1972, while on the law faculty at Louisiana State University, Yiannopoulos founded a summer program dedicated to admiralty law in his native Greece. The popular program became the stuff of legend for generations of students and a magnet for distinguished faculty and legal luminaries.⁵ Yiannopoulos continued to lead the program after moving to Tulane in 1979, and it still carries the distinction of being "the first and longest running U.S. law school overseas summer program."⁶ Professor Robert Force, founding director of Tulane's Maritime Law Center, credited Yiannopoulos, a veteran "admiral," with guiding him in establishing his own expertise in the field and helping to establish Tulane's international prominence in admiralty.⁷ A measure of Yiannopoulos' impact in the field is reflected in a *Resolution of Mourning*, issued by the Panamanian Association of Maritime Law upon his death in 2017. "[V]ery few foreign legal scholars," the resolution noted, "have had such a

2. Letter from Professor Ulrich M. Drobniq, Exec. Sec'y of the Int'l Ass'n of Legal Sci., to Professor A.N. Yiannopoulos (May 19, 1981) (on file with the Tulane University Law School Dean's Office).

3. Letter from Professor John G. Fleming to Professor A.N. Yiannopoulos (Jan. 26, 1983) (on file with the Tulane University Law School Dean's Office).

4. See Robert Force, *In Memoriam to A.N. Yiannopoulos: A Tribute from a Colleague and Friend to a Departed Colleague and Friend*, 41 TUL. MAR. L.J. iii (2017).

5. Among others, Justice Antonin Scalia taught in the program on five occasions. See Olivia McClure, *'He Believed in His Ideas': Louisiana Friends Share Fond Memories of Justice Antonin Scalia*, BATON ROUGE ADVOC. (Feb. 15, 2016, 9:48 AM), http://www.theadvocate.com/baton_rouge/news/article_9ef7a473-e1ff-5e46-8ff6-2248f00a8a3b.html.

6. Harold K. Watson, *Tribute to Professor Athanassios Nicholas "Thanassi" Yiannopoulos*, 41 TUL. MAR. L.J. v, v (2017).

7. See Force, *supra* note 4, at iii-iv.

profound and positive impact on the Panamanian Maritime Bar over the past decades, as Prof. A.N. Yiannopoulos has.”⁸

But Yiannopoulos’ crowning accomplishments as a scholar undoubtedly came in the field of civil law and particularly in his revival and revision of the Louisiana Civil Code. On his arrival in Louisiana, Yiannopoulos found Louisiana’s 1870 Civil Code to be moribund and suffering from “a penumbra of disenchantment and frustration.”⁹ He observed that in the 1960s “[t]he Civil Code seemed irrelevant, out of touch with reality, and suspended in a vacuum.”¹⁰ He set about a modernization of the Code, beginning with a revision of the title on personal servitudes. The work galvanized a revival and renaissance in Louisiana civil law that would occupy him, relentlessly, for the next five decades.¹¹

Yiannopoulos’ commanding scholarship relating to Louisiana civil law, reflected in his work to revise the Code and his comprehensive commentary on its every detail, sets the standard for every lawyer or judge who seeks to apply it and for every scholar who seeks to understand its place in the larger world. Lawyers and judges alike look to Yiannopoulos to navigate every shoal in Louisiana civil law. Judge James L. Dennis of the United States Court of Appeals for the Fifth Circuit, a former student of Yiannopoulos at Louisiana State University (LSU) Paul M. Hebert Law Center, observed that he remained effectively a student even forty years after leaving his classroom:

8. Resolution of Mourning, Asociación Panameña de Derecho Marítimo (Feb. 3, 2017) (on file with the Tulane University Law School Dean’s Office).

9. Tyler G. Storms, *Interview with Professor A.N. Yiannopoulos: Louisiana’s Most Influential Jurist in Our Time*, 64 LA. BAR J. 24, 25 (2016).

10. *Id.*

11. In crediting Yiannopoulos with spurring “a renaissance of the civil law in Louisiana that occurred in the 1960s and 1970s,” Judge James L. Dennis wrote:

This renaissance was a combination of many significant events—the implementation of comprehensive courses on the civil-law system as a whole, the establishment of the Institute of Civil Law Studies, the publication of the Louisiana civil law treatises and translations by Thanassi and the other great civil-law scholars he helped to attract to our state, the revisions of the Civil Code, and the renewal of the study and application of the civil law by our courts, practitioners, and scholars. In all of these developments Thanassi has been either a progenitor or an essential participant.

James L. Dennis, *Athanassios Yiannopoulos: Saluting a Remarkable Career in Progress*, 73 TUL. L. REV. 1021, 1022 (1999); *see also* Harry T. Lemmon, *A Tribute to Professor Athanassios N. Yiannopoulos*, 73 TUL. L. REV. 1025, 1025 (1999) (“Anyone familiar with Louisiana law must be aware of what is perhaps his greatest contribution to its development—his work, through the Louisiana State Law Institute, revising the Louisiana Civil Code. Indeed, Professor Yiannopoulos has virtually single-handedly revised and rewritten many areas of the Civil Code.”).

I have often found the scope and depth of Thanassi's learning and insights invaluable to a scholarly, legally correct, and just resolution of cases involving novel Louisiana law questions not clearly answered by the Civil Code or prior jurisprudence. Even though I served some twenty years as a Louisiana judge writing supreme court and court of appeal opinions, I would not think of writing an opinion dealing with Louisiana property law or a concept that might be discussed in his Louisiana Civil Law System or other works without first consulting those works.¹²

Not surprisingly, then, Yiannopoulos' work is cited in hundreds of court decisions, where his views of the civil law were often treated as authoritative.¹³ Scholars have the same respect for Yiannopoulos' work. Ronald J. Scalise, once Yiannopoulos' student and later his coauthor and colleague, characterized Yiannopoulos' Civil Law Property volume of the Louisiana Civil Law Treatise as "a monument to civilian and comparative erudition not commonly seen today."¹⁴ It "serve[s] as an exemplar for civilian legal scholarship both within Louisiana and beyond."¹⁵

Yiannopoulos was a gifted teacher as well. In more than fifty-five years of teaching at LSU and Tulane law schools, he mesmerized generations of students with his love for his subject matter—"The civil law is beautiful!" he regularly beseeched his students—and his rare talent for coaxing and cajoling them to demand more of themselves than they thought possible. Judge John deGravelles, who first encountered Yiannopoulos as "a terrified first year student" at LSU law school decades before his later appointment to the United States District Court in Baton Rouge, recalled "a unique teaching style" familiar to Yiannopoulos' thousands of students over the decades:

When he called on you to answer a question, he addressed you as "the great deGravelles" or "the great Shulman" or "the great Watson," and if you got the answer right, you actually felt you deserved the title he bestowed. But if you did not, which of course was most often the case, he did not belittle you with sarcasm or make you feel small. He would

12. Dennis, *supra* note 11, at 1022-23.

13. In 1999, Dean Edward Sherman counted "more than 400 [citations] in published opinions, including more than one hundred citations by the Louisiana Supreme Court." Edward Sherman, *Introduction: A Tribute to Athanassios Yiannopoulos*, 73 TUL. L. REV. 1017, 1018 (1999).

14. Ronald J. Scalise Jr., *Foreword* to 2 A.N. YIANNPOULOS, LOUISIANA CIVIL LAW TREATISE: PROPERTY, at iii (5th ed. 2015).

15. *Id.* at iv.

say, “See how it is” and then in his wonderful Greek accent, explain the correct answer in a way that you would never forget it.¹⁶

A telling demonstration of his gifts in the classroom can be found on yellowing onionskin paper in Yiannopoulos’ personnel file at Tulane: a carefully typed petition from the forty-eight civil law students in the Tulane Law class of 1973, respectfully demanding that the dean hire Yiannopoulos, then a professor at LSU, to teach them civil law property. Yiannopoulos had commuted from Baton Rouge to teach the first half of the course during the fall semester, but the students were to be turned over to a different professor the next semester for the remainder of the course. The petitioning students expressed their “thanks and appreciation to Professor Yiannopoulos for going out of his way to teach us,” and their appreciation to the dean for making plans to cover the remainder of the course in the spring semester; but they also asserted their firm preference “to have Professor Yiannopoulos return to us next semester and to complete our study of civil law property under his supervision.”¹⁷ The students had already prevailed upon Yiannopoulos to agree to continue the weekly commute before asking the dean “to take the necessary steps to insure Professor Yiannopoulos’ presence with us this spring.”¹⁸

Finally, Yiannopoulos’ considerable gifts as an academic leader were a product of his scholarly preeminence, his knack for inspiring others, and a relentless energy to build and make things better. The impact of his leadership is seen impressively, of course, in the monumental revision of the Louisiana Civil Code and the renewed “vigor of the civil-law tradition that distinguishes our State’s legal system.”¹⁹ At Tulane, it can also be seen unmistakably in the strengths that define the school. Besides helping Professor Robert Force to build Tulane’s admiralty program into a world leader, Yiannopoulos served as director of the Eason-Weinmann Center for International and Comparative Law from its founding in 1981 to his retirement in 2007, making it a prominent hub for comparative scholars from around the world. His singular contributions to Tulane’s international reputation readily explain why Dean Paul Verkuil considered

16. John W. deGravelles, *In Memoriam: A Tribute to Professor Athanassios Nicholas Yiannopoulos*, 41 TUL. MAR. L.J. i, i (2017).

17. Petition of Forty-Eight Civil Law Students in the Class of 1973 to Dean Joseph Modeste Sweeney (undated) (on file with the Tulane University Law School Dean’s Office).

18. *Id.*

19. Dennis, *supra* note 11, at 1022 (“All Louisianians should be grateful to Thanassi for helping to restore the vigor of the civil-law tradition that distinguishes our State’s legal system.”).

Yiannopoulos' recruitment to Tulane to be his most important accomplishment in a very successful deanship.²⁰

Yet Thanassi Yiannopoulos was a man of extraordinary gifts not only because of the enormous talents he was given but also because of the gifts he generously bestowed on others. Across six decades of storied accomplishment and stature in his professional life, Yiannopoulos was always quick to give credit to others. To his academic mentors—Albert A. Ehrenzweig, Gerhard Kegel, Max Rheinstein, and Stefan Riesenfeld—to whom he gratefully dedicated the fourth edition of his *Civil Law Treatise*.²¹ To his colleagues and students, for their collaboration and inspiring spark. And, most of all, to “the People of the United States,” he said always solemnly, for affording him the opportunity to study through the Fulbright Fellowship and other educational support.

Grateful for the generous support and mentorship that had made possible his own success, he sought always to return that generosity to others. Even after he retired in 2007, he volunteered to continue teaching his famous civil law seminar each year, without pay, until his death a decade later. Beyond the gift of his lively classroom teaching, Yiannopoulos transformed the lives of many of his students through his personal encouragement and mentorship.²² He took an interest in their ambitions, took them on as research assistants, opened their eyes to new possibilities and broader vistas, and encouraged them to believe in their own talents. He was equally generous with colleagues, always ready to share his expertise, puzzle through a problem, or pick up slack for a new or overburdened colleague.²³

20. Although Dean Verkuil deserves credit for “seal[ing] the deal” with Yiannopoulos, he shares recruiting credit with Professor Force, who first approached Yiannopoulos about a possible move from LSU to Tulane in 1978 while serving as acting dean. *See Force, supra* note 4, at iii.

21. Storms, *supra* note 9, at 25.

22. For tributes from former students who credit Yiannopoulos with changing the course of their lives and setting them on the path to their successful careers, see deGravelles, *supra* note 16, at i (author went on to become a U.S. District Judge); Watson, *supra* note 6, at v (author went on to become President of the Maritime Law Association of the United States). Professor Scalise, himself now a distinguished scholar of comparative and civil law and a successor to Yiannopoulos' work in Louisiana law reform and on the *Louisiana Civil Law Treatise*, said of Yiannopoulos' influence on him as a student: “I quite simply do not know what impact or trajectory my career would have taken without him. Although I always knew I wanted to teach, it wasn't until I met Thanassi and he encouraged me to study comparative law that my path was fixed.” Ronald J. Scalise Jr., Remarks Delivered at a Memorial Service for Professor Yiannopoulos 5 (Feb. 19, 2017) (transcript on file with the Tulane University Law School Dean's Office).

23. *See Force, supra* note 4, at iv. Professor Force recalled frequently calling upon his colleague while developing his own expertise in admiralty law: “No interruption was inopportune. No question was one too many. He never let me feel that I was a pest.” *Id.*

Acutely conscious of the transformative impact that scholarships had in his own life, enabling him to rise from the hardships and deprivations of post-war Greece to pursue graduate study in the United States, Yiannopoulos personally endowed student scholarships at both LSU and Tulane. In creating the A.N. Yiannopoulos Endowed Scholarship at Tulane in 2016, to support a Tulane student focusing on civil or comparative law, he explained with characteristic directness, “I was educated by American taxpayers’ money, and I want to discharge the debt of honor.”²⁴ At the time of his death, he was adding to his scholarship fund each year with the goal of building it ultimately into a full-tuition scholarship.

But perhaps his largest gift was the inspiration he imparted to each of his students, colleagues, and friends—and even to the countless lawyers and judges who knew him only through his magisterial work on the Louisiana Civil Code—to reach higher in their own ambitions. In an interview published in the *Louisiana Bar Journal* in July 2016, just seven months before he died, Yiannopoulos was asked if had any advice for his former students.²⁵ He answered, “Yes, αἰὲν ἀριστεύειν,” borrowing from an exhortation in Homer’s *Iliad*: “*Ever to excel*, to do better than others, and to bring glory to your forebears, who indeed were very great”²⁶ His example of excellence is great indeed and leaves a high bar for the rest of us, just as he intended.

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Professor Scalise experienced the same collegial treatment after following in Yiannopoulos’ footsteps from the faculty of LSU to Tulane in 2009. “He always made time for colleagues, students and friends,” Scalise recalled at his memorial service, “even if that meant he would be working up in his office at the law school until 10 or 11 pm at night” Scalise, *supra* note 22, at 5.

24. See *Yiannopoulos Continues His Civil Law Influence Through Endowment*, TUL. LAW., Fall 2016, at 31.

25. Storms, *supra* note 9, at 24.

26. *Id.* at 27.