

Interview with Professor A.N. Yiannopoulos: Louisiana's Most Influential Jurist in Our Time

Interviewed by Tyler G. Storms

Interviewer's Note: *The reasons that I proposed, and the Louisiana Bar Journal Editorial Board agreed, to publish this article on Professor A.N. Yiannopoulos are twofold. First, one has to go back to its origins of the early 1800s to find anyone who has had a comparative impact on the Civil Code of Louisiana. Second, Yiannopoulos has helped and touched so many of us in the Bar. He cares about his students, and he consistently helps his friends. He is a good man, and he continues (usually without pay) in*

his labor of love, which is the improvement of our Civil Code. My life has been much better because of him. Our state's law has been much better because of him, and the lawyers of this state have seen farther, much farther, because they have been able to stand on the shoulders of such a rare genius. We want to take this opportunity to honor him with this "thank you note" from the Bar to be published in his lifetime.

Journal: Tell us about your childhood. What is your background?

Yiannopoulos: I was born in Thessaloniki¹ in 1928. My maternal grandfather was an attorney, and my father was an attorney who wound up serving as an artillery officer in the Balkan theater and Asia Minor before joining the Plastira Revolution.² He was a captain when I was born. He barely escaped a court-martial because of his outspoken democratic beliefs. After departing from the army, my father obtained his law license in 1935.

Journal: That was a difficult time with World War II about to start. How did it affect your family?

Yiannopoulos: I, personally, was a schoolboy in Thessaloniki when Italy declared war against Greece on Oct. 28, 1940.

Journal: Did your father remain out of the army?

Yiannopoulos: No, it was a time of desperate need. The army recalled my father in the summer of 1940, and he commanded forces who held the Nazi Panzers back for three full days with nothing but light artillery.

I eventually suffered the ignominy of Fascist occupation, as well as famine, in Thessaloniki. I was 15 when I joined the

youth resistance movement against the Fascists. A German officer caught me painting resistance slogans on a wall in Aristotle Square, in the heart of Thessaloniki. When he attempted to arrest me, I unloaded my entire paint bucket on his face and, of course, ran for dear life!

Journal: You come from a family of lawyers, and that certainly influenced your career choice. Where and when did you get your early legal training?

Yiannopoulos: I entered the University of Thessaloniki Law School in 1946. We had a class of 180 students. Four of my classmates became Supreme Court justices, and the second-ranking student in our class became the president of Greece.³ My legal career was interrupted, however. My government sent me to the army after the national student organization, which I headed, had successfully protested against tuition hikes. Protests were in contravention of the law at that time.

The army eventually trained me to be an infantry reserve officer and an interpreter. They attached me to the British military mission in Athens. After the British mission disbanded, I served as military secretary for the commander in chief, who at that time was King Paul. I held that position until my discharge in 1953.

Journal: How did you get to America?

Yiannopoulos: While serving in Athens, I had applied for a Fulbright Fellowship. I was on a boat for New York on the third day following my discharge. After the hardships of war and reconstruction, life in the USA was a dream.

Journal: What did you do with the Fulbright?

Yiannopoulos: I chose to study at the University of Chicago Law School. My mentor at Chicago was the famous Max Rheinstein. After receiving a Master of Comparative Law in May 1954, I moved to UC Berkeley on a Walter Perry Johnson fellowship and received in 1955 the LL.M. In 1956, on a University of California scholarship, I continued my graduate studies and received the JSD degree under two world-renowned specialists, Professors Albert Ehrenzweig and Stefan Riesenfeld. My doctoral thesis on "Wills of Movables in International Conflicts of Law" was published in the *California Law Review* in a whole issue.

Journal: Did you start teaching after that?

Yiannopoulos: Yes, I studied and taught at the University of Cologne as an assistant to Professor Gerhard Kegel in

the framework of the Berkeley-Cologne Exchange of Faculty and Student Program, funded by the Ford Foundation. While I was in Germany, Dean William Prosser, author of the famous torts treatise, was at Berkeley. Dean Prosser recommended me for a faculty position at Louisiana State University (LSU). LSU offered me a position on the law faculty while I was still in Germany, but I delayed accepting that position. My intention had always been to return to Thessaloniki to serve on a law faculty there. I, therefore, returned to Greece and took the *Areios Pagos* (Supreme Court) examination in 1957, which allowed me to become a member of the Thessaloniki Bar. Soon thereafter, the University of Cologne also awarded me a Doctor of Jurisprudence *magna cum laude*, which later was published by the Louisiana State University Press. Many decades later, in reverence, the dedication page of the 4th Edition of the *La. Civil Law Treatise* reads as follows:

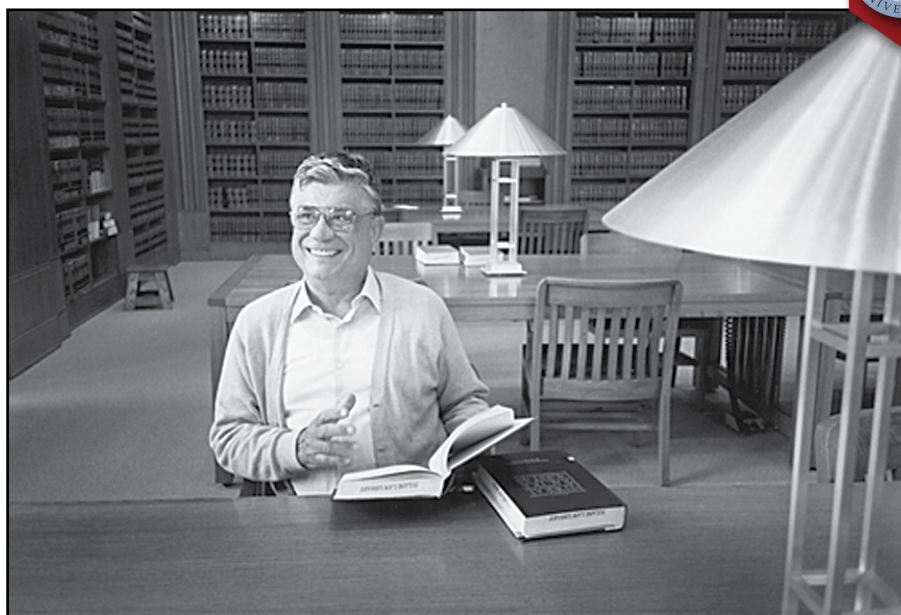
In gratitude to those who bestowed the gift of ευ ζέτιν⁴

Albert A. Ehrenzweig
Gerhard Kegel
Max Rheinstein
Stefan Riesenfeld

Journal: How did you decide on Louisiana when you had been putting off the invitation to come here for so long?

Yiannopoulos: In 1958, looking at a minuscule map of Louisiana, I accepted the LSU offer under the mistaken impression that LSU was located, if not in New Orleans, at least in a suburb of the historical city. After a rude awakening, I considered my position at LSU temporary because I was ignorant of the essential fact that my initial appointment was as *Associate Professor of Law with tenure* — no need for promotion from the rank of Assistant Professor and no tenure qualification worries.

Eventually, Mississippi mud crept in between my toes, and I fell in love with Louisiana, with Baton Rouge, with New Orleans, and with all the small communities and big cities. As a result, my “temporary” appointment at LSU could be mentioned in *Guinness World Records* as one of the longest in that it lasted only



Professor A.N. Yiannopoulos

until 1979, a mere 21 years give or take, when I was asked to join the Tulane faculty. My presence in Louisiana has been even less temporary than 21 years. Long before going to Tulane, I became a U.S. citizen with Louisiana as my home state, and I continue to work on the fabric of our law to this day.

Journal: Did you make any changes when you arrived at LSU?

Yiannopoulos: I commenced the revision of the Louisiana Civil Code, having been appointed Reporter and Coordinator for Program and Research by the Louisiana State Law Institute's Council in 1965. I published the first Louisiana legal treatise in 1966, *Civil Law Property*.⁵ I had to suggest the very idea of a Louisiana legal treatise to West.

Journal: Did you do anything to end your “temporary assignment” at LSU and return to Greece?

Yiannopoulos: Yes, a new chair had been created at the University of Thessaloniki in 1966. I was elected to that chair. Greece, unfortunately, had fallen under a military dictatorship, and in the fall of 1968, I had been advised to appear and assume my duties, or my election to the chair created for me would be cancelled. I was assigned an office, but not a class to teach. The political air was oppressive.

When I was offered to teach a class, I felt that I had to refuse because it would have been a slap in the face to one of my colleagues in exile; therefore, I graded examinations of students who needed to graduate. After such a disappointing experience, I tendered my resignation in January 1969 and returned to the United States. I left Greece without an “exit permit,” a defiant act, as such a permit was required by the dictatorial government at the time.

Journal: What did you do next?

Yiannopoulos: The LSU Dean, Paul Hebert, offered me a reappointment. After my return, it occurred to me that a penumbra of disenchantment and frustration surrounded provisions of the Civil Code. The Civil Code seemed irrelevant, out of touch with reality, and suspended in a vacuum. I, therefore, began the work of revision of the law of personal servitudes (usufruct, use and habitation) because I had just finished the first Louisiana treatise, which was on that subject. We used sources not only from France and Spain, but also from Greece, Germany and Switzerland. We additionally relied on contemporary civilian doctrine and jurisprudence. Book II, Title III of the Louisiana Civil Code acquired the force of law on Jan. 1, 1977.

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Selected Publications of Professor A.N. Yiannopoulos: Books

Professor A.N. Yiannopoulos has published a host of law review articles, books, book reviews and other materials. A complete list of his remarkable scholarship can be found at: <http://www.law.tulane.edu/tlsfaculty/profiles.aspx?id=480>. Among his books are:

1. American Greek Private International Law (with Professors Ehrenzweig and Fragistas, Oceana, 1957).
2. Negligence Clauses in Ocean Bills of Lading: A Comparative Study (LSU Press 1962).
3. Civil Law in the Modern World (LSU Press 1965, A.N. Yiannopoulos Ed.).
4. Matrimonial Regimes Coursebook (with Catherine Spaht, LSU Law School Press 1978).
5. Admiralty and Maritime Law (with Thomas J. Schoenbaum, Michie Co. 1984).
6. Ocean Bills of Lading: Traditional Forms, Substitutes, and EDI Systems (Kluwer Pub. Yiannopoulos ed. 1995).
7. Admiralty and Maritime Law (with Robert Force. Lupus Pub. 1997, updated 2011).
8. Louisiana Civil Law System (Claitor Pub. Baton Rouge, La.. 1978; 2d ed. 1998).
9. Civil Law Property Coursebook (Claitor Pub. Baton Rouge, La.. 9 ed. 2011).
10. Louisiana Civil Law Treatise, Volume 2 — Property, West Pub. Co., St. Paul, Minn. (4th ed. 2001, updated 2011).
11. Louisiana Civil Law Treatise, Volume 3 — Personal Servitudes (West Pub. Co., St. Paul, Minn. 4th ed. 2001).
12. Louisiana Civil Law Treatise, Volume 4 — Predial Servitudes, (West Pub. Co., St. Paul, Minn. (4d ed. 2013).
13. Louisiana Civil Code, Pamphlet Editions 1980-2011 (West Pub. Co., St. Paul, Minn.).
14. Selected Institutions in the Law of Obligations, a Casebook (Claitor Pub. Baton Rouge, La., 2003).

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Journal: It is unquestioned that you have served as the primary reporter⁶ for the revisions of the Civil Code since then. How long did you stay at LSU?

Yiannopoulos: I joined Tulane University in 1979. I served as professor there until 2007, and continued to write and teach as an emeritus professor. I was the lead teacher for Tulane's Civil Law Seminar until 2015. I continue to teach at Tulane to this day.⁷

Journal: Is there anything you recall as being innovative in the area of legal education, as opposed to the law itself?

Yiannopoulos: I organized for LSU a first-ever summer session in Thessaloniki in 1972. American universities had established programs for a semester or a year abroad through exchanges of students and faculty members. We, however, actually created a fictitious campus where law students would take summer classes for LSU credits in Thessaloniki. Tulane sponsored a similar program in Thessaloniki in 1980 and consistently maintained summer sessions in the islands of Rhodes, Crete and Spetses while I served as director. While Tulane continues to operate the Rhodes summer session, Loyola University now maintains the Spetses program.

Journal: I know you are a titular member of the Hague Academy of Comparative Law and various other societies such as the American Law Institute. Have you done work in other jurisdictions?

Yiannopoulos: I was asked to help with the Estonian Civil Code in Tallinn, and the Harvard Institute for International Development appointed me to serve as an expert adviser for the codification of the Russian Civil Code.

Journal: Of all the special recognitions you have been awarded, do any stand out to you?

Yiannopoulos: Yes, Greece honored me with the Gold Cross of the Order of the Phoenix for cultural achievement, and the Archbishop of Australia presented me with the Gold Cross of the Order of Saint Andreas. The University of Thessaloniki honored me in 1991 with an LLD, Doc-



Professor A.N. Yiannopoulos during his time teaching at Louisiana State University. Photo provided by A.N. Yiannopoulos.

toral Degree, *honoris causa*. There is an A.N. Yiannopoulos Endowed Chair at the LSU Law Center, as well as an endowed scholarship in my honor, which is reported to be one of the largest privately funded scholarships at the school. There is also an A.N. Yiannopoulos Professorship at the Tulane Law School and an A.N. Yiannopoulos Endowed Scholarship for Civil Law Studies. Last but not least, I have particularly enjoyed being called “a legal lion” in a Louisiana Court of Appeal decision.

Journal: You have certainly published a phenomenal amount.⁸ Will this be the last that the Louisiana Bar hears from you?

Yiannopoulos: I do not plan to stop working on the revision of the Civil Code. I hope to see a complete revision of all titles, recast into a modern, flawlessly and smoothly working whole without the continuous need for amendments. The Civil Code should be a well-organized legislative scheme without so-called “Official Revision Comments” — which, in reality, are Reporter's notes — that should be properly placed in legal archives or published in treatises and law review articles and comments.

Journal: What should be done about commentary on the Civil Code?

Yiannopoulos: I envision a commentary covering the entire Civil Code article by article, written by experts on the particular legal institution under review. As a matter of fact, WestGroup has accepted my proposal for such a series of volumes, and the Volume I of the Louisiana Civil Law Commentary is scheduled for submission for publication on July 5, 2017.

Journal: What do you enjoy doing outside of work?

Yiannopoulos: I enjoy traveling, reading literary works, attending classical music events, and participating in international conventions. The companionship of my friends has always formed an important part of my life. Unfortunately, close friends of my age have succumbed to the ravages of time or are no longer with us. I have found much comfort in the company of my family, a few remaining old friends in many parts of the world, as well as younger persons, such as law faculty members, former students, assistants and coworkers.

Journal: I personally know you have many acquaintances of the opposite sex who enjoy your company.

Yiannopoulos: Absurd, I object... Hearsay!⁹

Journal: Is there anything you would like to say to your former students?

Yiannopoulos: Yes, Αἰὲν ἀριστεύειν.¹⁰ This quotation is from the sixth book of Homer's *Iliad*, wherein Glaucus delivers a speech to Diomedes: "*Hippo locus begat me. I claim to be his son, and he sent me to Troy with strict instructions: Ever to excel, to do better than others, and to bring glory to your forebears, who indeed were very great . . . This is my ancestry; this is the blood I am proud to inherit.*"

Journal: Is there anything you would like to say to the members of the Louisiana Bar?

Yiannopoulos: Yes, but I already said it in the dedication of two *La. Civil Law Treatises*. In Volume 3,¹¹ you will find, "For the Women and Men of the Law who Cherish the Beauty¹² of the Civil law of Louisiana." Also, I wrote in the dedication of *La. Civil Law Treatise*, Volume 2,¹³



Professor A.N. Yiannopoulos while consulting for the recodification of the Russian Civil Code. Photo provided by A.N. Yiannopoulos.

"Homage to Albert Tate, Jr., and Those Who Will Guard Thermopylae."

FOOTNOTES

1. Also known as Thessalonica.
2. The 11 September 1922 Revolution was declared by Gen. Nikolaos Plastiras and led to the abdication of King Constantine I of Greece.
3. Although not stated by Yiannopoulos in his interview, it is the author's belief, on good authority, that the former president of Greece was second only to Yiannopoulos in class rankings. It has also been rumored that this erstwhile president of the Greek Republic was told that, even as executive leader, he was "not necessarily the top ranking dog!"
4. Alexander the Great: "I owe life to my parents, but I owe the good life (εὖ ζῆν) to my teacher" (viz., Aristotle). The author of this article feels the same gratitude toward his teacher and mentor, Professor Yiannopoulos.
5. *Personal Servitudes* originally came out in 1968, and *Predial Servitudes* originally appeared in 1980.
6. Professor Yiannopoulos has served as reporter on committees for the revision of the law of Absent Persons, Aleatory Contracts, Corporations, Boundaries, Building Restrictions, Community Property, Deposit and Sequestration, Domicile, Loan, Mandate, Master and Servant, Matrimonial Regimes, Natural and Juridical Persons, Occupancy and Possession, Ownership, Ownership in Indivision, Personal Servitudes, Predial Servitudes, Preliminary Title, Prescription, Property, Quasi Contracts, Rents and Annuities, Respite, Signification of Terms, Things, and Utility Servitudes or Louisiana Civil Code Revision, Book I, Titles I-III, Persons, Book II, Titles I-VII Property, Book III, Titles V, VI, XII-XV, XX, XXIII-XXV. Second to

Yiannopoulos in terms of production is the late Saúl Litvinoff, who served as reporter on the revision of the law of Conventional Obligations, Exchange, Obligations in General, Sales, Transaction or Compromise, and UCC 2 and 2A.

7. This interview was completed in February 2016.

8. In addition to his definitive *La. Civil Law Treatises*, Professor Yiannopoulos has published a host of law review articles, books and book reviews. A complete list of his remarkable scholarship can be found at: <http://www.law.tulane.edu/tlsfaculty/profiles.aspx?id=480>.

9. Author's note: Laughter follows the objection.

10. Roughly translated as, "Ever to excel!"

11. *Personal Servitudes* (5 ed. 2011).

12. "The Civil Law is beautiful." This is quoted from a mighty bas-relief celebrating the endowment of the A.N. Yiannopoulos Professorship of Law, courtesy of the generous donations of Richard J. Dodson, Esq., former LSU Law School student of Dr. Yiannopoulos, ca. 1960s, thereafter a self-described lifelong admirer and friend.

13. *Property* (3 ed. 1991).

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