



TRIBUTES

In Honor of Pierre R. Loiseaux

A TRIBUTE TO PETE LOISEAUX

*John D. Ayer**

After 20 years of intimate conversation with Pete Loiseaux, it seems a bit a bit odd to be writing a tribute to him. But to share the perception of T.H. Huxley, "The world is neither wise nor just, but makes up for all its folly and injustice by being damnably sentimental."¹ And Pete's retirement is an occasion for sentiment, and each of us must play our part.

Still, it is a pleasure for me to have a chance to share a story that I don't think I ever told before. Away back more than 20 years ago when the U.C. Davis Law School faculty was first considering Pete's appointment, Pete's principal sponsor was Dan Dykstra,² who had served with Pete at Texas where Pete was on the regular faculty, and where Dan had been a visitor. I confess that I entertained some reservations as to whether we should hire

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¹ THE VIKING BOOK OF APHORISMS 139 (W.H. Auden & Louis Kronenberger eds., 1966).

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an old geezer of 45 or 46 to our faculty. And it was Dan who convinced me that we ought to do it. What Dan told me was that if you polled the students and the faculty at Texas to find one person in whom they both had total confidence, they would choose Pete Loiseaux.

Dan's entreaty was enough to persuade me at the time, and I have had any number of occasions to be grateful for him since as I have encountered Pete's presence as teacher, scholar, counsellor, dean, and most of all as colleague and friend.

SCHOLAR: I know Pete better than some, perhaps, because I've worked along with him in the field of commercial law, where I know how solid his own achievement has proven to be. He discovered early in his career that some of the law's best work is done in the unglamorous recesses of the bankruptcy and consumer protection statutes. He knows that with care and diligence, one can use the law, if not to do great good, still at least to reduce by a little the quantum of squalor and suffering in the world. And Pete understands that this is no trifling achievement.

TEACHER: I can also bear witness to Pete's work as a teacher. I know how much Pete has contributed to the careers of so many including, not least, any number of people who have gone on to be our colleagues in academic life and at the bar—I have in mind people like Jay Westbrook³ and Mike Greenfield⁴ and Doug Whaley⁵ and Marci Mihaila⁶ and Molly Baier⁷ and our own Margaret Johns⁸ and any number of others whose achievements are known to us both, and whose success, as they would cheerfully acknowledge, owes so much to Pete.

DEAN: And I want to say a special word of thanks for Pete's years as Dean. In a sense, those were tough years for all of us. But the fact is, they would have been far tougher without Pete's

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⁸ Lecturer in Law, University of California, Davis; J.D. 1976, University of California, Davis.

steadiness and the clarity of his vision. These are unobtrusive virtues, but nonetheless indispensable, and I am not sure we have ever yet given them the recognition they deserve.

COUNSELLOR: Over this last decade, I've seen abundant evidence of another and perhaps even more important aspect of Pete's character. That is his work as a wise counsellor and friend—not just to me, but to countless students, colleagues and members of the staff. I know this because I've had the office next door to Pete's, and I can testify to the more or less perpetual procession of supplicants who make their way to his door seeking encouragement or advice.

FAMILY: I know the law school has never been the whole of Pete's life. I know a little bit about the life Pete shares with his wife, Judy, and with his children, and I know he even has a bit of experience at the business of being a grandparent. But I can share the sentiment of Ogden Nash that

Senescence begins
And middle age ends
The day your descendants
Outnumber your friends.⁹

It hasn't happened yet. Pete's descendants will have their turn, but at the law school, he is among friends. Pete has inspired us all, as he discharged his tasks and responsibilities with courage, diligence, and a quiet mind. Pete, enjoy your retirement, and don't be a stranger.

⁹ OGDEN NASH, *Crossing the Border*, in COLLECTED VERSE FROM 1929 ON 508 (1961).

A TRIBUTE TO PROFESSOR LOISEAUX

Gary D. Schwebach*

Professor Loiseaux is an institution at King Hall who will be sorely missed upon his retirement. I had the good fortune of getting to know Professor Loiseaux during my studies at King Hall from 1987 to 1990. As a harried, confused first year, I was impressed by Professor Loiseaux's calmness, dignity and purposefulness as he walked through the halls. I noticed that almost every morning as I was going to class, I passed Professor Loiseaux walking towards King Hall. No matter how late I was running, Professor Loiseaux was always on time to teach his classes. In the midst of the mental maelstrom known as the first year of law school, it was refreshing to have such an example of tranquility. In this small way, Professor Loiseaux helped me keep the first year experience in perspective.

While at King Hall, I drove my daughter to elementary school on Anderson Road almost every morning. We would pass Professor Loiseaux as he walked to school. It became a regular practice for both of us to wave to Professor Loiseaux. Much to my daughter's delight, he always responded with a cheerful wave and a big smile.

Professor Loiseaux had received mixed reviews as a teacher, so it was with some trepidation that I enrolled in his Article 9¹ class during my third year. The concern soon vanished. Professor Loiseaux practiced the Socratic method with a skill acquired over years of practice. He did not put his students uncomfortably on the spot, but led his students with kind and patient guidance.

Professor Loiseaux left it to his students to explore the black letter law on their own. He used the classroom time to put flesh on the black letter law letter skeleton that so many of us sought to memorize in preparation for final exams. I found after entering the practice of law that I had acquired a fair amount of knowledge and understanding about Article 9 that wasn't derived from read-

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¹ Article 9 of the Uniform Commercial Code involves transactions secured by personal property or fixtures. See U.C.C. § 9-102 (1990) (describing policy and subject matter of Article 9 of the Uniform Commercial Code).

ing the black letter law. Though frustrating at times, Professor Loiseaux's technique worked. A teacher can receive no higher compliment.

Professor Loiseaux also provided those students willing to listen with real world lessons that are usually acquired only after years of experience. His anecdotes highlighted the area of Article 9 being studied and provided a glimpse into the all but forgotten human side of the practice of the law. Unfortunately, many of us were interested mainly in the technical aspects of the law and didn't take the time to learn more about the human side. In practice I have come across the same problems that Professor Loiseaux addressed in his anecdotes, and I now have a greater appreciation for the lessons he tried to teach us. Professor Loiseaux also educated us on other subjects as well, such as the reason behind the invention of the sausage (otherwise the ingredients would be thrown away).

Professor Loiseaux was one of the hooders for the class of 1990. I remember as I walked across the stage toward Professor Loiseaux that he had a look of pride and joy in his eye. He had invested a part of himself in our class and he realized that this investment would reap benefits of which we, as members of the class of 1990, were not yet aware. The benefits of some experiences are not realized by a person until some distance has come between the person and the experience. Professor Loiseaux was such an experience.

I left Davis and moved to San Diego to practice law in the fast-paced environment of a large corporate law firm. In the course of my many hours spent in the office, I often reflected on the peace and tranquility that Professor Loiseaux had shown in his daily life. After one year and countless billable hours, I made the decision to return to Davis with my family and to practice in a more humane legal market. In my first week back, I went shopping in Davis and ran into Professor Loiseaux. He recognized me and we began to talk. He told me of his decision to retire and his excitement about teaching at McGeorge Law School. He was the same Professor Loiseaux, full of dignity and tranquility that transcended the hustle and bustle around him.

Professor Loiseaux was an outstanding part of my King Hall education. Future students who miss out on having him as a professor will have missed out on one of the most rewarding experiences King Hall offered me.

I wish Professor Loiseaux great good luck in his future. Most of all, I hope he will continue to experience the peace for which I remember him.

PETE LOISEAUX AS A COLLEAGUE

*John A. Spanogle**

I have known and worked with Pierre Loiseaux as a colleague on a research project and later on a law school faculty. I have also worked for him when he was my "boss," but even then we still worked together as colleagues.

Our first meeting was on the Brookings Institution project on bankruptcy reform, which led to a book in 1971,¹ and ultimately to a total revision of the law and enactment of the Bankruptcy Code in 1978.² The second time was during a year spent as a Visiting Professor at the University of Texas Law School, teaching many of the same subjects that Pete did. The third collaboration was in Egypt, where I filled in for him doing a study of Egyptian agricultural law, after he had been promoted to Director of the entire Agricultural Development Services (ADS) Project in Cairo.

All of these were enjoyable experiences for me, and working with Pete enhanced that. Several attributes of Pierre Loiseaux stand out very clearly in my memory from these experiences, even twenty and twenty-five years later. The most vivid of these attributes are a commitment to service, a caring for "the little people," and the desire to challenge orthodoxy.

In the Brookings Institution study of bankruptcy law, Pete helped to design and execute a major piece of field research on the performance of the courts under the 1938 Bankruptcy Act. That study started a chain reaction which is very typical of the American legal system. The results of the study were published in a book, and that book led to congressional hearings, which resulted in a National Commission on Bankruptcy, which in turn led to a complete overhaul of the bankruptcy legal system and the 1978 Bankruptcy Code.

Throughout the study, Pete consistently raised questions about the effect of the then-current law on individual consumer bankrupts. He was not so much interested in the theoretical legal doctrine as he was in the actual impact of the law on individual

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¹ DAVID T. STANLEY & MARJORIE GIRTH, *BANKRUPTCY: PROBLEM, PROCESS, REFORM* (1971).

² Pub. L. No. 95-598, 92 Stat. 2549 (codified as amended at scattered sections of 11 U.S.C.) (current version at 11 U.S.C.).

debtors, and long before the Law and Society movement became widespread and popular. Other people may have been willing to hypothesize the results and work from the resulting assumptions, but Pete argued persuasively that actual data be assembled, analyzed and used. That data did not always confirm the assumed results. As a result, many people consider those parts of the study that concerned the problems of the individual debtor to be among the best parts of the study, and those portions of the bankruptcy commission report that dealt with individual debtors to be the most realistic, and so on.

At the University of Texas Law School, Pete was the faculty person who organized faculty off-campus lunch gatherings and could be relied upon to play "devil's advocate" to his super-conservative faculty colleagues. He did this in his typical style of advocacy, by asking soft-voiced, but very sharp-edged questions (sometimes rhetorical).

His greatest impact, however, was on the students, as it should be. In a law school faculty wing famous for its corridors of closed doors, Pete's door was open. In faculty meetings in an era when faculty ruled like the Barons at Runnymede, Pete consistently raised student concerns to the conscious attention of his colleagues, and sometimes won. In a time of primarily unrelieved Socratic teaching, Pete tried other methods. The students knew that he cared, and they loved him for it. It is little wonder that most of his tributes come from former students.

In Egypt, all of his best attributes came to the fore. The announced goal of the ADS project was to help improve Egyptian agriculture. Quite quickly there developed two basically different schools of thought on how best to do this. One school of thought believed that the best solution was for American agricultural experts to develop solutions through research in America, where the finest research facilities were already available. They would then fly to Egypt to tell the Egyptians how to improve themselves with American solutions. The second school of thought believed that it was better, although slower, to work with Egyptian agricultural experts in jointly developing solutions through research in Egypt. They would then have these Egyptian experts persuade Egyptian farmers to adopt the necessary changes.

Most Americans, except Pete, adopted the first school of thought; most Egyptians adopted the second. Pete adopted the second because he believed that Egyptian-created solutions were less likely to cause inadvertent, unforeseen harm to their own

farmers. He believed that protection of the farmers from such harm was just as important as incremental improvements in agricultural productivity. He cared for these people and knew that they needed protection from the typical American large-scale solutions, which were not always useful on a three-acre farm in Egypt.

In order to promote joint research in Egypt, Pete had to challenge the agricultural establishment and their "made in America" orthodoxy. This he did, and the Egyptians thoroughly approved. The results were mixed. As happens often when the establishment is challenged, they staged a coup and took control of the project—but not for long, for the Egyptians transferred the grant to another institution and sought greater recognition of their own thinking in subsequent work. The Egyptians had learned from Pete how to protect their own interests better, and had received confidence-building support for the idea that they could do useful research.

The Egyptian project also had a dramatic effect on the second half of my career. It was my first chance to do a research project abroad, and I loved the new pattern of analytic issues and problems created by the comparative study of other legal systems. So, that study of Egyptian agricultural law brought me into the field of international business law. When our casebook on International Business Transactions³ was published four years later, it was dedicated in part to Pete. That was a public "thank you" from me to him for starting my involvement in international and comparative legal problems. This tribute gives me a second chance to thank him publicly for bringing me into the Egypt project and giving me that first opportunity in the international and comparative law field.

³ RALPH H. FOLSOM, MICHAEL R. GORDON & JOHN A. SPANOGLE, INTERNATIONAL BUSINESS TRANSACTIONS—A PROBLEM ORIENTED CASEBOOK (1st ed. 1985) (2d ed. 1990).

