

Louisiana Law Review

Volume 70 | Number 4

Recent Developments and Ruminations in Retrospect

Summer 2010

In Memory of Professor Saúl Litvinoff

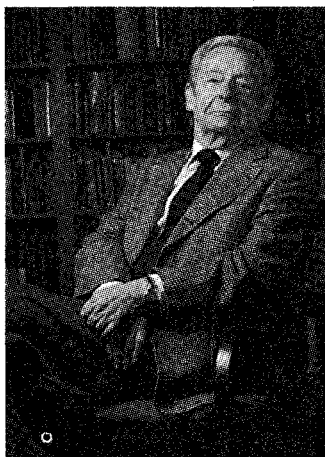
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Repository Citation

Cordell Haymon, *In Memory of Professor Saúl Litvinoff*, 70 La. L. Rev. (2010)

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**IN MEMORY OF
PROFESSOR SAÚL LITVINOFF**

Remarks from the Funeral Service of Boyd Professor Saúl Litvinoff, January 9, 2010 by Cordell Haymon, J.D., Louisiana State University Paul M. Hebert Law Center, Order of the Coif, Louisiana Law Review. Mr. Haymon was the president of Louisiana State Law Institute from 2008–2009 and a former president of the Baton Rouge Bar Association. He practiced law in Baton Rouge for 25 years and serves as senior vice president of SGS Petroleum Service Corporation.

Professor Litvinoff and I started at the LSU Law School at the same time in the fall of 1965. At first, my fellow law students and I didn't know what to make of him. We knew he was different. As our first year went by, we began to appreciate the depth and breadth of his knowledge and understanding of the law. For the next 43 years, generations of law students were enriched by his remarkable teaching.

I had the benefit of a long apprenticeship as Saúl's student. I had the honor of serving on the revision committees for the Louisiana State Law Institute on all of Saúl's projects, beginning with the revision of the Civil Code articles on Obligations. That work began around 1970 and concluded with the Legislature's adoption of the articles in 1984. Later I worked with Saúl on the revision of the articles on Sales, then Transaction and Compromise, and finally Exchange. That was his last code revision project and it ended just a few months ago. We also served on other revision committees where Saúl was not the Reporter, and I saw him regularly at Law Institute Council meetings. This kept our relationship active and gave me the opportunity to observe the master at work throughout his brilliant career.

The first thing we freshman law students noticed was that he talked funny. He spoke with the unique accent that all of us liked to imitate and can still imitate to this day. But it was not just his pronunciation that was different; his use of the English language was informed by his fluent knowledge of many other languages, eight or nine of them. He found different nuances of meaning in English words and used them in unexpected ways, which gave us new and rich insights into the meaning of our own language.

In a similar way, Saúl's rich understanding of legal concepts was informed by his eminent familiarity with the history of the development of law and of many different legal systems and traditions.

Saúl loved the early sources of law. He was educated in the field of psychology and was a keen student of human nature. In the early sources of law, he could see most clearly the ways in which the law is a reflection of the needs and desires of individuals and of human communities. Saúl always wanted to keep the law congruent with this fundamental underlying reality.

Some of his harshest critiques of law came when it deviated too far from this reality and became too mechanical in its application to human affairs. For instance, he objected to the philosophy of permitting recovery only for pecuniary losses while prohibiting or limiting recovery for damages that are primarily personal, aesthetic, or spiritual.

Saúl's favorite areas of law tended to be those in which law favored the application of basic ethical imperatives, such as the Roman institution of *Negotiorum Gestio* which protects the rights of a person who takes it upon himself to manage the affairs of a person who is not present to manage things for himself. This principle is preserved in Louisiana's law of quasi contract.

Saúl also loved the idea that obligations are to be performed in good faith. He felt this was not only a general statement of principle, but an important guidepost to be applied by courts to the facts of real cases.

Saúl loved beauty. He loved beauty in all its forms: art, music, poetry, fine wines... He also loved elegance. He always stayed at the Windsor Court Hotel when he was in New Orleans because it was properly elegant and rated as one of the finest hotels in the country. Saúl was always well dressed and immaculately groomed with his perfectly coiffed hair and buffed nails.

I remember when my wife and I were on a charter flight to Paris in 1975 with other Louisiana lawyers going to celebrate the 150th anniversary of the Louisiana Civil Code of 1825. At the airport in Paris all of us were tired and ruffled after a long flight. Saúl found the whole experience particularly unpleasant and grumbled about the "indignity" of waiting in long lines for passport control and to claim luggage. Saúl would have preferred

to arrive in Paris at his leisure with a personal butler overseeing trunks of fine clothing and adornments.

Saúl was a 19th century European sensibility trapped in 20th century America. In his teaching, all of his hypothetical questions involved fabulous fur coats, famous jewels, great opera stars and grand occasions such as weddings or funerals.

Saúl had a critical side and often used sarcasm as a rhetorical device. When he wanted to express disdain for things in Louisiana law, he referred derisively to “your law” or bad decisions by “your courts” or “your Legislature.” And yet he loved and appreciated America deeply as many immigrants do. And he completely loved Louisiana, which had just enough old world charm and traces of an elegant past to compensate for the corruption and dysfunction that he as an Argentine understood so well.

Saúl craved stimulating conversation and the clash of ideas. When he couldn't find a game with students, colleagues or friends, he could always find stimulation in the books he read voraciously. Saúl had an intimate familiarity with the civil code commentators through the ages, such as Planiol and his favorite whom he affectionately referred to as Old Pothier.

Saúl was an expert in so many subjects—languages, psychology, all of the arts, movies, fashion. He loved the life of the mind, but he also appreciated things in a sensual way. Although he avoided the public spotlight himself, he loved movie stars, opera singers, and great dancers.

Our family had a tradition of going to visit with Saúl, his wife Ana, and his daughter Ana Alejandra every Christmas Eve for decades. Sometimes others such as Mark Zimmerman, John Broeckhoeft, and Cindy Samuel were also there. These visits were a time for more personal interaction. He encouraged Ava's writing and our children in their journey in life. I remember that when my son Houston got married, we brought his wife Sonja for our Christmas Eve visit with Saúl. Sonja is from Germany, an opera singer, a tall and beautiful blonde. All things Saúl liked. He immediately gave her the nickname Hersilide. He gave everyone nicknames. Mine was Cordelito.

After that night, Saúl always referred to Sonja as Hersilide. I assumed this was probably a character in an opera, but this morning Ava and I looked it up on the internet. Sure enough, it is a soprano role in the 18th century opera *Les Sybarites* by Jean-Philippe Rameau. When I sent an email letting family members know of Saúl's death, I received this response from Sonja: “I really liked Saúl. I know his presence is eternal. In other words, he has become a kind of archetype in my life, and maybe that is one of the nicest ways to survive death.”

Saúl once said to us in a sentimental moment, “You are our children.” He could well have said the same to all of his students and to the others he nurtured in life.

So Don Saúl, Papa Saúl, Saúlito—adios, au revoir, goodbye and gracias.