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Arthur C. Y. Yao (1906–2004): A Pioneer Chinese Professor at St. Mary's University School of Law

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ARTICLE

ARTHUR C. Y. YAO (1906–2004): A PIONEER CHINESE PROFESSOR AT ST. MARY’S UNIVERSITY SCHOOL OF LAW

ROBERT H. HU*

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On being asked to write a few words for the 1946 issue of the *Woolsack*, I should begin by offering members of the graduating class my sincere congratulations on the occasion of your graduation. The sheepskin in your hands is the testimonial that you have done some work; how much, I will not venture to compute, but there is a prima facie case that you did some. However, I want you to feel on your graduation that your legal education in many respects is just beginning, instead of being completed. Four years in the law school are too short for you to master either the technique or the theory of the law.

You will soon join the Bar. The path of a lawyer is not always studded with roses. However, you need not feel discouraged at the number of competitors you will have to encounter in your line of activity. Be decent, be studious. Be honest in your advice and in your dealings. The success of a lawyer is not measured by the size of his bank roll. A lawyer will find his highest honour in a deserved reputation for fidelity to private trust and to public duty, as an honest man and as a patriotic and loyal citizen.

—Authur C. Y. Yao¹

“*[A] truly great teacher . . . [who] belongs in the ‘Hall of Fame’ of law teachers.*”
—Ernest A. Raba, Dean of St. Mary’s Law School (1946–1978)²

I. INTRODUCTION

Any great law school must have devoted, outstanding teachers among its ranks. Founded in 1927, St. Mary’s University School of Law, located in San Antonio, Texas, is a well-known law school with a glorious history. During its ninety-two-year existence, St. Mary’s law school has trained and graduated tens of thousands of law students, many of whom became prominent lawyers, judges, politicians, and community leaders in Texas, the United States, and abroad. Generations of St. Mary’s University law students have benefited from many great law teachers and educators,

1. This quotation was written by Arthur C. Y. Yao in 1946, who served as a professor and head of the Jurisprudence Department of Soochow University Law School in Shanghai, China. The passage was printed in *The Woolsack*, Vol. 5, 1946 and published by the Woolsack Board of the Student Body, Soochow University Law School (The Comparative Law School of China), Shanghai, China. *The Woolsack* was the yearbook of the Soochow University Law School. It is not clear why Yao’s name is spelled as “Authur C. Y. Yao,” instead of “Arthur C. Y. Yao.” The misspelling may have been a typing error. 5 SOOCHOW UNIV. LAW SCH., THE WOOLSACK (1946).

2. This quote is from the tribute *Dedication* to Dr. Arthur Yao written by Ernest A. Raba, Professor of Law and Dean (1946 to 1978) of St. Mary’s University School of Law. Dean Raba wrote the *Dedication* on the occasion of Dr. Arthur Yao’s retirement from St. Mary’s University in May 1981. Ernest A. Raba, *Dedication*, 13 ST. MARY’S L.J. xv, xv (1981).

such as Ernest A. Raba, Carlos C. Cadena, James N. Castleberry, Jr., Charles E. Cantu, Aloysius A. Leopold, and Gerry W. Beyer. Among those extraordinary educators in the law school's history is someone who is less known but who played a significant role in the life of law students of the period. That person is Arthur Yao, fondly known as "Dr. Yao" among his students and colleagues. Arthur Yao was the first Chinese national to teach on the faculty of St. Mary's University. He made substantial contributions to the training and success of our law students over twenty years. When Arthur Yao joined the university in 1958, he was one of the two foreign teachers on the law school faculty,³ and he was the only Chinese person among the faculty. Truly a trailblazer in the field of legal education, Dr. Yao was indeed a pioneering Chinese educator in the American law school.

I have never met Dr. Arthur Yao in person. I began to work at St. Mary's University School of Law in 2005 when I was hired as the Director of the Sarita Kenedy East Law Library. Dr. Yao was long gone from the University since his retirement in 1981. In fact, he had already passed away in 2004, one year before I moved to San Antonio. So, I knew very little about Arthur Yao before I started research for this article. In 2009, I was in Beijing, China to attend a Sino-U.S. international conference on legal information and law libraries. The conference was held at a hotel in the foothills of the beautiful Fragrance Hill resort in western Beijing. One day, I was strolling the exhibit hall of the conference center, when an exhibitor attending the conference walked across the hall toward me. He stopped me and asked if I was from St. Mary's University in Texas of the United States. When I gave a positive reply, he burst into a big smile and a sigh of relief. The man confessed he was thrilled to meet me because he finally found someone from St. Mary's law school. I was quite surprised by his reaction. He then pulled me over to his exhibit table and handed me a copy of a law dictionary—*English-Chinese Dictionary of Anglo-American Law*.⁴ He offered to give me the dictionary as a gift because one of the editors of the Dictionary was Arthur Yao, a professor who taught at St. Mary's law school for years. He told me that he had never met Arthur Yao, but he was an admirer of him. I told him that Dr. Yao had already retired from St. Mary's University years ago and he had probably passed away. He seemed disappointed. However, he

3. The other foreign teacher at the law school was named George E. Glos, who was originally from (now defunct) Czechoslovakia and held a doctor of science in law (J.S.D.).

4. Arthur Yao was one of the academic advisers for this dictionary and wrote the preface for the book. YUAN ZHAO YING MEI FA CI DIAN (元照英美法词典 [ENGLISH-CHINESE DICTIONARY OF ANGLO-AMERICAN LAW] D9 (Xue Bo ed., 2003) [hereinafter ENGLISH-CHINESE DICTIONARY].

was still delighted that he finally met someone who knew of Arthur Yao and worked in the same place where Arthur Yao once belonged.

That encounter in Beijing was my first brief introduction to Dr. Arthur Yao. Until that time I knew very little of Dr. Yao, his work, or his life. The only thing I knew of him was that inside the Ernest Raba Faculty Office Building on campus his black-and-white portrait was hanging on the wall among the portraits of other retired law professors. Dr. Yao looks rather calm but serious in his black-and-white portrait. Later on, as I learned more about him from former colleagues and students of his, I became very intrigued by the story of his life. The more research I did on him, the more fascinated I became with this extraordinary man I never met.

Arthur C. Y. Yao was born on August 29, 1906 in Suzhou, China, and died on May 19, 2004, in San Antonio, Texas, United States.⁵ For over two decades, spanning from 1958 to 1981, Arthur Yao was a law professor at St. Mary's University School of Law in San Antonio, Texas—a Catholic university of liberal arts and humanities. Back then, there were just a handful of Chinese-born persons in the United States who taught full-time at American law schools.⁶ In a true sense, Arthur Yao was a pioneer for Chinese-American legal educators in the United States.⁷ At St. Mary's, Dr. Yao taught and trained hundreds of law students during his long tenure.⁸ As a Chinese immigrant to the United States, Dr. Yao was an exceptionally talented teacher, prolific, outstanding scholar, and remarkable gentleman. During his twenty-three years of teaching at St. Mary's, Dr. Yao taught and touched the lives of numerous law students, many of whom

5. *Public Records*, LEXISNEXIS (last visited June 15, 2019), <https://advance.lexis.com/publicrecordshome> (follow “Voter Registration” hyperlink; enter “Arthur Yao” in name fields and “San Antonio, Texas” in city and state fields).

6. John Wu (Chinese name: 吴经熊, who was a Rosenthal Lecturer at Northwestern Law School in 1929 and later taught at Seaton Hall Law School in the state of New Jersey, among other American universities, was most likely the first Chinese person to teach in an American law school. For a good article on John Wu, see Li Xiuqing, *Huadong Zhengfa Daxue Xuebao [John C. H. Wu at the University of Michigan School of Law]*, 57 J.E. CHINA U. POL. SCI. & L. 139 (2008) translated in 58 J. LEGAL EDUC. 545 (2008).

7. It is suggested he might have been the third Asian person ever in the United States to teach law in an American law school. Based on my research, the first person to do so would be John Wu. The second person might have been S. Francis Liu (Chinese name: 刘世芳). Wu, Liu, and Yao all taught at Soochow Law School in Shanghai before teaching in the United States.

8. Dr. Yao's teaching at St. Mary's School of Law spanned from 1958 to 1981. From 1959 to 1981, the law school graduated a total of 2,574 students. See ERNEST A. RABA, ST. MARY'S UNIVERSITY SCHOOL OF LAW: A PERSONAL HISTORY (1983) (“Register of the Graduates of the St. Mary's University School of Law 1935–1981.”).

remember him fondly to this day. Dr. Yao was a beloved teacher to his students, a wonderful friend to his colleagues, and a devoted husband to his wife, Doreen Wong Yao.

However, despite the remarkable career of such a talented teacher, exceptional scholar, and humble man, there is very little by way of written records or articles about Dr. Yao, besides his own publications and scholarship. Dr. Yao passed away in 2004, followed by his wife, Doreen, who died in 2006. The Yaos never had any biological children, but they did have some distant relatives who are scattered around the United States and China. There are no books or substantive articles written about Dr. Yao in either Chinese or English literature, except for a few short pieces in old newspapers published in San Antonio, Texas. Searches on the Internet using Google and a Chinese search engine, Baidu.com, turned up many references to Arthur Yao, primarily in the context of his being associated with other prominent figures of Chinese legal education at the Soochow Law School.⁹ However, there is not a single article on him per se, except for the two-page dedication¹⁰ published in the *St. Mary's Law Journal* written by Ernest A. Raba, a former Dean of St. Mary's School of Law.

This article is the first serious attempt to investigate, reconstruct, and describe a marvelous man unknown to many of us, even among the academic circles of American legal education. The research was based on interviews with Dr. Yao's former colleagues and students at St. Mary's University, communications with his family and relatives, and limited records and documents from the St. Mary's law school and Bexar County, Texas. This article is not an effort to write a complete biography of this remarkable man and his distinguished career. Instead, the article offers a narrative about Dr. Yao's teaching, scholarship, and professional achievements during the period in which he lived in San Antonio, Texas and taught at St. Mary's University School of Law. The article is a tribute to Dr. Yao using the words of his former students, colleagues, associates, and family. Dr. Arthur Yao was truly an amazing man who led a storied life, most of which is unknown to most of us until now.

9. Searching will sometimes retrieve people with whom Arthur Yao was associated with, such as former colleagues and students at Soochow University Law School from the 1930s and 1940s. However, there are no articles focusing on Dr. Yao's life.

10. Raba, *supra* note 2.

II. GROWING UP, LEGAL EDUCATION, AND TEACHING IN CHINA

Arthur C. Y. Yao was born on August 29, 1906, in a southeastern city of Suzhou (Chinese name spelling: 苏州), which is an ancient city known for its extraordinary natural beauty and fine silk production industry. Arthur Yao's father was Yao Boxi (Chinese spelling: 姚伯希), a doctor of Western medicine, and his mother was Ms. Cai (Chinese spelling: 蔡氏), likely a homemaker. Arthur was the youngest child in a family of four children, including his elder brother and two sisters, according to his grandniece-in-law, Grace Liu.¹¹ The Yao family was very wealthy in the local community. They owned a silk shop and traded on silk apparel and accessories. In his childhood, Arthur Yao led a comfortable life and even had a maid to care for him at home. When Arthur was born, he was given the name C. Y. Yao, which stands for Ciyang Yao or, in Chinese spelling, 姚自胤¹² It is unclear when and why he assumed the Western moniker, Arthur. As a child, Arthur received his education from a missionary school where he studied and recited the Bible in English along with the Three Character Classic (三字经, in Chinese characters), a Chinese classic taught to young children. He attended high school in Suzhou and graduated from there.

11. E-mail from Grace Liu to author (Feb. 10, 2017, 15:37 CST) (on file with author).

12. Some explanations about Arthur Yao's Chinese name are in order: The name Arthur Yao is known and cited as both “姚自胤” and “姚自型” in Chinese characters, often interchangeably, and the difference of the two spellings lies merely in the last Chinese character of his given name. This is confusing, and the confusion caused different search results. For example, when either of the Chinese names is searched separately on Google and Baidu (the most popular search site in China), many results will be returned. However, a Google search by the name, “姚自胤,” will turn up more relevant results than using the name “姚自型” (searched Aug. 2, 2017). Similarly, a search by the name “姚自胤” on the Baidu site will generate more relevant results than using the name “姚自型” on the same website.

It is likely 姚自胤 is the real name for Arthur Yao, while 姚自型 is a slight variation from his true name, based on many records and documents examined. For example, 姚自胤 is listed as a law professor of Soochow University Law School in an article published in *Hongkou News*, Aug. 13, 2015. *Tian di Zheng qi yu Guo Jia Qing Huai- Ji Nian Dong Wu da Xue Fa Xue Yuan Jian Yuan 100 Zhou Nian he Kang Zhan Sheng li 70 Zhou Nian Zhuan Ji* (天地正气与国家情怀纪念东吴大学法学院建院100周年和抗战胜利70周年专辑 [A Law School of Justice and Its Glorious History: A Special Issue Commemorating the 100th Anniversary of Soochow University Law School and the 70th Anniversary of the Victory of the Anti-Japanese Aggression War], CNA PAPER, <http://www.cnepaper.com/hkb/resfile/2015-08-13/04/04.pdf> [https://perma.cc/TL2T-YG5P]. 姚自胤 also appears in another online article published in Chinese. *Dong Wu Da Xue Fa Xue Yi Bai Nian: Zhong Guo Fa Xue Di Guang Rong Yu Meng Xiang* (东吴大学法学一百年 中国法学的光荣与梦想 [Soochow University Law School's 100th Anniversary: The Glory and Dream of Chinese Legal Education], READ01 (Sept. 20, 2015), <https://read01.com/zOyG24.html> [https://perma.cc/7HPK-E2KW]. On the other hand, 姚自型 appears in the preface that Dr. Yao wrote for the English-Chinese law dictionary. ENGLISH-CHINESE DICTIONARY, *supra* note 4.

A. *Education at Soochow University Law School, Shanghai*¹³

Upon graduating from high school, Arthur Yao moved to Shanghai at the age of seventeen and enrolled at Soochow University in 1923,¹⁴ where he would spend the next five years earning a LL.B. degree. In the 1920s and 1930s, Shanghai was an important commercial, financial, and legal center in China and there existed a robust legal profession with many schools that offered legal training.¹⁵ Soochow University Law School, also known as Soochow Law School, or The Comparative Law School of China (CLS), was founded in September 1915 by Charles W. Rankin, an American lawyer and missionary from the state of Tennessee.¹⁶ Sponsored by the United States Christian missionary movement in its early years, many faculty and students of Soochow Law School were Christians, and English was the teaching language in the classroom. The school was a legendary institution in contemporary China with a glorious history¹⁷ and is widely regarded as the cradle of the modern Chinese legal profession.¹⁸ Soochow Law School was one of the earliest law schools in China and the only Chinese law school that specialized in teaching “comparative law,” or Anglo-American law. The law program lasted for five years in each class during the first two decades of the school’s existence. Students of Soochow Law School came from sixteen

13. Soochow University is commonly known as “东吴大学” in Chinese characters. It was located in Shanghai, not Suzhou.

14. It is unclear when he began at the law school, but it was likely 1923. The reason: from the founding of the law school to the mid-1930s, the law school was a five-year curriculum (two years of college plus three years of law school). This length was shortened to four years in 1937. Alison W. Conner, *Training China's Early Modern Lawyers: Soochow University Law School*, 8 J. CHINESE L. 1, 12, 14–15 (1994).

15. Alison E. W. Conner, *Soochow Law School and the Shanghai Bar*, 23 H.K. L.J. 395, 396 (1993).

16. Alison E. W. Conner, *The Comparative Law School of China*, in UNDERSTANDING CHINA'S LEGAL SYSTEM 211 (C. Stephen Hsu ed., 2003).

17. There are many articles and commentaries written in both Chinese and English literature about the history of Soochow Law School in Shanghai. A leading scholar on this subject is Alison W. Conner, a law professor at the University of Hawaii. Dr. Conner has, based on her personal interviews and archival research, published three influential essays on Soochow Law School that are often cited by others. These articles are listed as:

1) Alison E. W. Conner, *Soochow Law School and the Shanghai Bar*, 23 H.K. L.J. 395 (1993) [hereinafter Conner: No. 1];

2) Alison W. Conner, *Training China's Early Modern Lawyers: Soochow University Law School*, 8 J. CHINESE L. 1 (1994) [hereinafter Conner: No. 2]; and

3) Alison E. W. Conner, *The Comparative Law School of China*, in UNDERSTANDING CHINA'S LEGAL SYSTEM 211 (C. Stephen Hsu ed., 2003) [hereinafter Conner: No. 3].

18. Sun Wei, *Wu Jingxiong yu Dong Wu Da Xue (吴经熊与东吴大学) [Wu Jingxiong and Soochow Law School]*, 56 J.E. CHINA U. POL. SCI. & L. 145, 145 (2008).

provinces of China, although most of them came from the southern provinces like Zhejiang and Jiangsu. The course offerings at Soochow law consisted of Chinese law, modern continental law (French, German, Japanese, and Soviet Russian civil law), Anglo-American law, Roman law, and both public and private international law.¹⁹ The law school employed the case method in teaching, and English was the instructional language. Several prominent Western lawyers working in Shanghai, such as H.C. Mei, George Sellet, Stirling Fessenden, and Norwood F. Allman, taught at the law school on a part-time basis.²⁰ Students edited and published a high-quality law review in English, *The China Law Review*, along with a Chinese law journal in the Chinese language. Students also participated in moot court. The school kept close ties with American lawyers, American teachers, and law schools in the United States.²¹ Soochow Law School “was the best and most famous law school in south China.”²² Due to its emphasis on high standards, ethics, and the comparative method, Soochow Law School made significant contributions to China’s emerging legal system during the republic period.²³ The law school trained and educated some of the most famous Chinese lawyers, jurists, and legal talents in modern China. Among the school’s most distinguished alumni is John Wu (Chinese spelling: 吴经熊, also known as Wu Jingxiong.²⁴ Other famous alumni of Soochow Law School include lawyers and judges, such as Lloyd Liang-Chien Cha²⁵ (Chinese spelling: 查良鉴), and Ni Zhengyu²⁶ (Chinese spelling: 倪征燯, who

19. Conner: No. 2, *supra* note 17, at 11.

20. *Id.* at 22.

21. *Id.* at 3.

22. *Id.* at 4.

23. *Id.* at 41. The republic period began in 1911 when the Qing Dynasty was overthrown by the Chinese revolution, establishing the Republic of China. *The Chinese Revolution of 1911*, OFF. HISTORIAN, <https://history.state.gov/milestones/1899-1913/chinese-rev> [<https://perma.cc/9256-6Y3U>]. The period ended in 1949 when the People’s Republic of China (i.e., Communist China today) was founded. *Id.*

24. Wu Jingxiong, born in 1899 and died in 1986, was a prominent Chinese legal scholar, politician, educator, philosopher, and religious writer. From 1927–1929, he was appointed as a judge of the Shanghai Provisional Court. Later on, he was appointed as chief judge of the same court. In the 1930s, he was one of the drafters for the Republic Constitution of China. He served as the principal drafter of the 1946 Chinese Constitution. He was the principal of Soochow Law School from 1927–1937. For a detailed history into the life of Wu Jingxiong, *see generally* Xiuqing, *supra* note 6.

25. UNIVERSITY OF MICHIGAN, PROCEEDINGS OF THE BOARD OF REGENTS 1089 (1984).

26. Ni Zhengyu, PRABOOK, <https://prabook.com/web/ni.zhengyu/609824> [<https://perma.cc/B5V9-XQPS>].

respectively served as judges in the International Court of Justice and the Far East Tribunal for War Crimes.

In 1928, Arthur Yao graduated from Soochow Law School and was admitted to practice the same year. Some of his classmates who graduated in the same year were Ni Zhengyu (Chinese spelling: 倪征燮, Li Haopei (Chinese spelling: 李浩培), and Ao Shen (Chinese spelling: 鄂森),²⁷ who years later would become prominent figures in Chinese legal circles and the Chinese government. It was at Soochow Law School where Arthur Yao obtained a rigorous legal education in the American style, and where he became acquainted with Anglo-American law and the case method of teaching. That education and experience proved impactful on his life and gave him a solid foundation for his future studies and teaching in the United States.

B. *Study at the University of Michigan Law School, Ann Arbor, Michigan*

In August 1928, Arthur Yao graduated from Soochow Law School as part of the eleventh class of the school and was awarded a LL.B. degree. Funded by a Chinese government scholarship,²⁸ Arthur Yao sailed to the United States to study law at University of Michigan in Ann Arbor. It is unclear why he chose Michigan over other American law schools that were popular with Soochow law graduates at that time, such as Northwestern University, New York University, Indiana University, University of Washington, Yale University, and Harvard University. It is quite possible that Arthur Yao's choice of Michigan law was influenced by William Wirt Blume, who served as the Dean of Soochow Law School from 1921 to 1927. Dr. Blume was an alumnus of University of Michigan Law School and could have recommended Arthur Yao attend the Michigan law school.²⁹ In addition, another Michigan law alumnus, George Sellet, taught the contracts class to

27. NEAL NIANYI XU, RISE AND DEMISE OF THE COMPARATIVE LAW SCHOOL OF CHINA: WITH A FOCUS ON CASE METHOD AND CASE LAW 27–28 (2013), <http://blogs.colgate.edu/lampert/wp-content/blogs.dir/39/files/2013/09/XuNeal.pdf> [<https://perma.cc/4HHK-9M5E>].

28. Raba, *supra* note 2, at xv–xvi.

29. Dr. Blume held a S.J.D. from University of Michigan. *William Wirt Blume*, U. MICH., <https://www.lib.umich.edu/faculty-history/faculty/william-wirt-blume/historical-research-augments-law-professor039s-courses%E2%80%A8> [<https://perma.cc/WAR5-PHIBQ>]. Arthur Yao, on his University of Michigan student registration cards, listed “Mr. W.W. Blume” as a U.S. friend with an address at 1835 Hill St., Ann Arbor, Michigan.

Arthur Yao at Soochow Law School,³⁰ and he might have influenced Arthur Yao's decision to attend Michigan law as well.

Departing Shanghai, Arthur Yao set out on his journey to the United States on the ship *S.S. President Madison*, and arrived in the port city of San Francisco.³¹ Sailing with Arthur Yao on the same ship was a Soochow law school classmate, Mr. Ao Sen (Chinese spelling: 鄂森), who was headed to Stanford University law school, instead.³² After arriving in San Francisco, Arthur Yao continued his journey east and eventually reached Ann Arbor, Michigan in the fall of 1928. He enrolled at Michigan law school on October 6, 1928.³³

Michigan Law School, founded in 1859, was led by Dean Henry M. Bates during Arthur Yao's enrollment, and the faculty consisted of nineteen resident professors, including Edwin C. Goddard, Edson R. Sunderland, Evans Holbrook, Ralph W. Aigler, and Edgar N. Durfee, along with several part-time professors.³⁴ The law school had a three-year curriculum for the J.D. degree, plus graduate programs in LL.M. and S.J.D. The total number of students of the law school in 1929–1930 was around 659, including candidates in J.D., LL.M., and S.J.D. departments. To be admitted into the law school, a student was required to have an A.B. degree (or its equivalent). Alternatively, students were required to have satisfactorily completed three years of study either on the Combined Curriculum in Letters and Law in the College of Literature, Science, and the Arts, or on the Combined Curriculum in Engineering and Law in the College of Engineering. Meanwhile, special admissions requirements applied to international students applying to Michigan law school.³⁵ A wide range of courses were offered covering

30. Dr. Sellet joined Soochow Law School in 1923 and taught there for over a decade. Xu, *supra* note 27. He also served as the Acting Dean of Soochow Law School. *Id.* He was known for promoting the case method in instruction at the law school. *Id.*

31. See Univ. of Mich. Alumni Files, Call No. 06137 Bimu at 2 (naming *S.S. President Madison* as the steamship Arthur Yao arrived to the United States on). These records are kept at the University's Bentley Historical Library at 1150 Beal Ave., Ann Arbor, MI 48109-2113.

32. Xu, *supra* note 30, at 27–28.

33. See Arthur Yao's Student Directory Cards, available at the Bentley Historical Library of University of Michigan (on file with author) (providing the year of Yao's enrollment at Michigan).

34. Univ. of Mich., *Law School Announcement 1929–1930 and Catalog of Students 1928–1929*, 30 UNIV. MICH. OFFICIAL PUBLICATION No. 47 (1929).

35. The University of Michigan Official Law School Bulletin from 1930–1931 contains this section regarding international students:

A student from a foreign country must have his entrance credentials officially approved by the University before he can secure his passport visa from the American consul in his native country. Upon the approval of the credentials, the University will send to the applicant an admission card,

common law, equity, statutory law of the U.S., Roman law, international law, and jurisprudence.³⁶ A substantial part of the instruction “is given by means of the free discussion of legal principles as disclosed in reported cases, statutes, and other legal materials.”³⁷ And law students learned practical matters such as pleading and practice under carefully supervised instruction.³⁸

From 1928 to late 1930, Arthur Yao spent nearly three years at University of Michigan Law School pursuing a Master of Laws (LL.M.) first and then a Doctor of Juridical Science (S.J.D.). His classmates in the graduate program included Mary Louise Ramsey,³⁹ Howard Egger Wahrenbrock,⁴⁰ and two Chinese students—Lloyd Liang-Chien Cha (of Tientsin, China) and Johnson Chang (of Nanking, China).⁴¹ Of the two Chinese friends, Mr. Cha, a Soochow Law School graduate, received a J.D. from Michigan in 1931, returned to China, and taught at Soochow law school. He eventually became the Chief Justice of the Supreme Court of the Republic of China (Taiwan) in 1966 and Minister of the Judicial Administration Department.⁴²

Both LL.M. and S.J.D. degrees at Michigan were highly rigorous, challenging programs that required hard work and self-discipline to complete. The law school clearly stipulated the requirements for each of the degrees.

[The LL.M. degree] is conferred upon students who have been graduated from an approved college or university, with the degree of A.B. or its

which will enable him to secure the proper papers for immigration to the United States. On his arrival in this country, the student must report immediately to the University for registration and enrollment.

Univ. of Mich., *Law School Announcement 1931–1932 and List of Students 1930–1931*, 32 UNIV. MICH. OFFICIAL PUBLICATION No. 36 (1931).

36. *Id.*

37. *Id.*

38. *Id.*

39. Ms. Ramsey eventually became a prolific law commentator and lawyer in Chicago and Washington, D.C. She has articles and essays published in journals such as *Notre Dame Law Review* and *Illinois Bar Journal*.

40. Mr. Wahrenbrock became a distinguished government lawyer and argued more than a dozen cases before the United States Supreme Court on behalf of the government. He also served as the first Solicitor of the Federal Power Commission (1957–1967). Energy Bar Ass'n, *In Memoriam*, 25 ENERGY L.J. xiii, xiii–xix (2004).

41. Univ. of Mich., *supra* note 35.

42. Xu, *supra* note 30, at 27–28. The information is collaborated by Grace Liu in her e-mail. E-mail from Grace Liu to author, *supra* note 11.

equivalent, who have completed with high rank the curriculum prescribed for the degree of Bachelor of Laws or Doctor of Law in this or any other approved law school, and who have thereafter pursued an approved program of study in this School for a fourth year, completing at least 24 hours of work or the equivalent, and maintaining an average grade of B or better. In general no course of study for this degree will be approved which does not provide for a substantial measure of specialization in some selected subject.⁴³

Similarly,

The [S.J.D. degree] is conferred upon students who have completed with high rank the curriculum prescribed for the degree of Bachelor of Laws or Doctor of Law in this or any other approved law school; who have thereafter pursued an approved program of graduate study in this School for at least one year, with distinction; and who have demonstrated their capacity for independent research in law by completing and preparing for publication an approved original study upon some subject chosen after consultation with the instructor in charge and the Committee on Graduate Instruction. The original study may be submitted at any time within two years after the completion of the required year of resident graduate study. In general only fourth-year seminar courses will be approved for the program of resident study for this degree.⁴⁴

Arthur Yao managed and succeeded in completing both LL.M. and S.J.D. degrees within three years, a very remarkable achievement for anyone, especially for an international student from China. He was awarded a LL.M. in 1929 and a S.J.D. in 1930, respectively. His dissertation for the S.J.D. focused on international law of contracts, entitled *International Responsibility of The State for Contracts Concluded with Private Persons Not Its Own Subjects*, was an original study with brilliant ideas. When Arthur Yao received his S.J.D. degree, his classmates receiving the S.J.D. in the same year were: John Stafford Haze Beck of Canada, Wendell Berge,⁴⁵ George Ragland, Jr., Roy Robert Ray,⁴⁶ and Carl Louis Whitchurch.

43. Univ. of Mich., *supra* note 35.

44. *Id.*

45. Mr. Berge became a prominent figure in the law and politics in the United States. During his long career of government service, he served as Assistant U.S. Attorney General (1941–1947) and the head of Antitrust Division of the U.S. Department of Justice (1943–1947). Wendell Berge, A Register of His Papers in the Library of Congress (1958) (unpublished manuscript) (on file with author).

46. Mr. Ray became a distinguished law professor at the Dedman School of Law of Southern Methodist University (SMU) in Texas. *Roy R. Ray Lecture Series*, SMU, <https://www.smu.edu/Law/>

While attending Michigan law, Arthur Yao lived in two places in Ann Arbor. His first place of residence was at 209 South Thayer Street, Ann Arbor, while his second place of housing was at 524 Walnut Street, Ann Arbor. He probably walked to classes at the law school—the Quadrangle since the residences were within walking distance of campus. However, given the harsh Michigan winter, even a short walk to and from the classes could be tough. Getting a legal education at Michigan was financially challenging, even for someone from a well-off family like Arthur Yao. The University of Michigan alumni records show that Arthur Yao registered for 1928–1929 school year and paid a tuition in the amount of \$163, a considerable sum at the time; that he enrolled for the 1929 Summer Session with a tuition payment of \$44; and that for the 1929–1930 school year he paid a tuition in the sum of \$138.⁴⁷ Each of the diplomas for his LL.M and S.J.D. cost \$10 in diploma fees.⁴⁸ According to Grace Liu, despite the help of a generous government grant, Arthur Yao still had to get part-time work to supplement his living expenses through the law school. For instance, he had to wait on tables in a restaurant, making 25 cents per hour. Despite his busy law studies and part-time work, Arthur still found time to be active in the Chinese Students Club at the University of Michigan.⁴⁹

Upon getting his S.J.D. from Michigan Law School, Arthur left the United States for England where he studied at the King's College of University of London from 1930 to 1931, specializing in International Law.⁵⁰ It is not clear whether he received a degree from the University of London. What is apparent is that Arthur Yao had received a well-rounded education in Anglo-American law from both the United States and England,

Faculty/Conferences-Symposia-Lecture-Series/Roy-R-Ray-Lecture-Series [https://perma.cc/A2AG-LAFA]. For over four decades he taught Torts and Evidence at the SMU law school. *Id.*

47. See Arthur Yao's Student Directory Cards, *supra* note 33 (identifying the amount paid for the 1928–1929 school year, the 1929 summer session, and the 1929–1930 school year).

48. See *id.* (recognizing a \$10.00 fee for each diploma received).

49. See Univ. of Mich., *The Michiganensian Yearbook*, 1930 at 321 (showing Arthur Yao, first from the right on the first row, appears in a group photo of the Chinese Students Club).

50. See AM. BAR ASS'N, DIRECTORY OF LAW TEACHERS IN AMERICAN BAR ASSOCIATION APPROVED LAW SCHOOLS 367 (1961) [hereinafter AM. BAR ASS'N, 1962] (providing Arthur Yao's biography). In addition, there is a handwritten note of correspondence in Yao's University of Michigan alumni records. An official of the Michigan Law School likely wrote this note, which reads: "Dear Mrs[.] H: The enclosed slips explain our non-quota contingent. I hope you will find they o.k. Arthur Yao, who was here last year, left this country about Sept. 20, sailing from N.Y. for England. He is now enrolled at the U. of London and may be reached by addressing him c/o King's College, U of London, London, Eng. Yours, KEW, Dec. 16."

laying down a very sound foundation for his future teaching careers in China and the United States.

C. *Teacher at Soochow University Law School, Shanghai*

Arthur Yao returned to China after having obtained a LL.M. and S.J.D. from Michigan law school and then spent approximately one year at King's College of University of London, England.⁵¹ In 1931, he joined the faculty of Soochow Law School in Shanghai, his Alma Mater, and taught there until 1948.⁵² In Arthur Yao's early years of work at Soochow Law School, the school was led by two prominent Chinese educators—Sheng Zhenwei (Chinese spelling: 盛振伟) (also known as Robert C. W. Sheng), who served as the first Chinese dean of the school, and Wu Jingxiong (Chinese spelling: 吴经熊) (also known as John C. H. Wu), who worked as the school's first principal.⁵³ Famous Chinese lawyers of the period, such as Chen Tingrui (Chinese spelling: 陈霆锐) (also known as D. S. Chen) and Sun Xiaolou (Chinese spelling: 孙晓楼) (also known as Shelley Sun) were also teaching at the law school. Arthur Yao's colleagues included highly talented Chinese law teachers who were trained abroad, such as Ao Sen (Chinese spelling: 鄂森) and Ai Guofan (Chinese spelling: 艾国藩), along with Lu Jun (Chinese spelling: 卢俊) (also known as Joffre Lu) and Chen Xiao (Chinese spelling: 陈晓) (also known as Hugh Chen).⁵⁴ Another well-known teacher of the era was Mr. Liu Shifang (Chinese spelling: 刘世芳) (also known as S. Francis Liu), who graduated from Yale Law School with a J.D. in 1924 and served as the head of the graduate division of Soochow University Law School.⁵⁵

Arthur Yao taught several subjects at Soochow Law School, including Contracts, Equity, and Common Law Pleadings, among others.⁵⁶ He adopted English casebooks for his courses: for Contracts, he used the

51. He was admitted as a Barrister-at-Law in Middle Temple, London, according to an article titled *The Development of Soochow Law School: 1915–1952*, written by Sheng Zhenwei, who once served as the Dean of Soochow Law School. (Article is on file with this author).

52. See AM. BAR ASS'N, 1962, *supra* note 50, at 367 (providing Arthur Yao's biography).

53. Conner: No. 1, *supra* note 17, at 399.

54. *Id.*

55. Dr. Liu once served as the president of the Military Court in Shanghai, according to *The Woolsack*, 1946. 5 SOOCHOW UNIV. LAW SCH., *supra* note 1. He also was a chief judge of the Far East Military Tribunal, and he later taught at an American law school for many years. *Id.*

56. *Fa Lv Si Nian Di Xue Cheng (法律四年的学程 [The Four-Year Law Curriculum]*, KENNETH WANG SCH. L., <http://law.suda.edu.cn/19/17/c1050a6423/page.htm> [<https://perma.cc/C5UZ-FQ3R>].

textbook *Shepherd: Cases and Materials on the Law of Contracts*; for Equity, he adopted the textbook *Cook: Cases on Equity*; and for Common Law Pleadings, he used the textbook *Sunderland: Cases on Pleading: Common Law Pleading*.⁵⁷ For several years, he also served as the head of Jurisprudence Department and the head of the Graduate School.⁵⁸ His teaching style was that of a comparative approach—true to the school's reputation. He loved the case method, or “The Selletistic style,”⁵⁹ and used this approach extensively in instruction. Some of Arthur Yao's former Soochow law students remember his teaching style even to this day. One such student vividly recalls Dr. Yao's use of music in his Contracts class, using a song to demonstrate the elements of contract formation.⁶⁰ Another student, Wang Chengpei (Chinese spelling: 王成培), who began law school at Soochow in 1945, was also very impressed by the case method used by Arthur Yao, who taught him Contracts as well. Mr. Wang says of Dr. Yao,

He told students in advance what cases would be discussed in the next class and asked us to brief the cases, including four elements: the facts, issues, decisions, and reasoning. Based on students' preparations before class, the professor would ask many questions and gave explanations and discussions, which guided students to have a deep understanding of the rules and doctrines of the Anglo-American contract law. Each student's answer to the question was given a score, and the score was recorded by the professor, and this was strictly done.⁶¹

Dr. Yao taught and mentored numerous Chinese students at Soochow, some of whom turned out to be prominent scholars and leaders in the Chinese legal profession. One of his famous students is Pan Handian (Chinese spelling: 潘汉典,⁶² a graduate of the class of 1948, who became a

57. *Id.*

58. 5 SOOCHOW UNIV. LAW SCH., *supra* note 1; Liyuan Liu, *Dong Wu Fa Xue Yi Bai Nian: Zhong Guo Fa Xue Jiao Yu Di Guang Rong Yu Meng Xiang* (东吴法学一百年: 中国法学教育的荣光与梦想) [*One Hundred Years of Soochow Law School: The Glory and Dreams of Chinese Legal Education*], http://news.ifeng.com/yidian/44694261/news.shtml?ch=ref_zbs_ydzc_news (澎湃新闻) [<https://perma.cc/NDV4-SWTB>].

59. The Selletistic style is named after George Sellet, who taught many years as a full-time faculty member of Soochow Law School and served as the acting dean of the school for a few years. Sellet taught Arthur Yao Contracts.

60. Xu, *supra* note 27.

61. Liu, *supra* note 58.

62. Pan Handian, CHINA.ORG (Dec. 3, 2012), http://www.china.org.cn/archive/2012-12/03/content_27297554.htm [<https://perma.cc/VNB4-MJ7G>].

prominent jurist and had a teaching career at several of the most prestigious Chinese universities, including Beijing University, and China University of Political Science and Law.

The Soochow Law School during that period was known to employ talented Chinese teachers who were outstanding scholars, lawyers, judges, and leaders in Chinese law and jurisprudence. Among Arthur Yao's colleagues were several faculty members who later became famous in the legal profession, within and outside of China. One such person is Ni Zhengyu, who served as the chief Chinese legal advisor to the International Military Tribunal for the Far East and joined the military court in the prosecution and trials of Japanese war criminals.⁶³ Years later, Mr. Ni would be elected to serve as a judge of the International Court of Justice in the Hague. Unfortunately, Soochow Law School in Shanghai closed down with the class of 1952 as the last class because the Communist Party did not approve of the school's ideology.⁶⁴

It was at Soochow Law School where Arthur Yao met his future wife, Doreen Wong, who was a student of his. They got married later.

D. *Work in Taiwan after the Chinese Revolution*

When Arthur Yao joined the Soochow Law School as a professor in 1931, China was a very different country from today. From the 1920s to the late 1940s, China was going through a historical revolution and dramatic transformation from the last Imperial period (i.e., the Qing Dynasty) to a new era of the Republic established by the Nationalists (i.e., Kuomintang) led by Dr. Sun Yat-sen. That chaotic period coincided with the partial occupation of Chinese territories by the Western powers, a civil war between different factions of the Nationalists, and a revolutionary war fought between the Nationalists and the Communists. On top of the total turmoil was the war against the Japanese aggression and occupation of China.

Even during the chaotic times, Arthur Yao devoted himself to teaching his students at Soochow Law School. He taught many subjects, published articles in the school's *China Law Review*, and also directed the Jurisprudence Department for some time. It is not clear what other work or activities Arthur Yao engaged in while he was in Shanghai. Dr. Yao probably had some contacts with the Nationalist government, or he might have been

63. Ni Zhengyu, *supra* note 26.

64. See Conner: No. 2, *supra* note 17, at 8–9 (“[T]he class of 1952 proved to be the last ever graduate from Shanghai’s Comparative Law School of China.”).

connected with some of the powerful politicians of the period. According to Grace Liu, Arthur Yao once held a part-time job in the bank managed by his father-in-law to supplement his teaching salary.⁶⁵ Working in the bank, he would sometimes carry financial documents and deliver them to Mr. Kong Xiangxi, or alternatively, Kung Hsiang-hsi (Chinese spelling: 孔祥熙), a very influential figure in the Nationalist government who first served as the Finance Minister, then Vice-President, and subsequently President of the Republic of China.⁶⁶ Arthur Yao was once offered a position as Chief Justice of the Shanghai Higher Court by the Nationalist government, but he declined the offer.⁶⁷ In the late 1940s, after Japan's defeat in World War II, the Communist armies were about to defeat the Nationalists in the subsequent civil war. In the spring of 1948, a military representative of the People's Liberation Army in Shanghai summoned Arthur Yao into a meeting and interrogated him for five hours. Fearing for his life and safety, Dr. Yao, on advice of a close friend, decided to leave Shanghai the same night. His wife, Doreen, had already left Shanghai for Taiwan, knowing it was no longer safe in Shanghai. However, getting a boat ticket was very difficult and expensive, as many people were rushing to get out of the city. Dr. Yao used all his money and managed to buy a ship ticket. He fled to Hong Kong by ship overnight, and from there continued on to unite with his wife in Taiwan Island. According to a relative whom Arthur Yao confided in decades later, he felt so lucky he managed to flee Shanghai in time. From that day on until his death, Arthur Yao never looked back to China again.⁶⁸

From 1951 to 1956, Arthur Yao taught at Soochow University in Taipei, Taiwan.⁶⁹ The law school was reconstructed from scratch in 1951⁷⁰ after it was abolished in Shanghai by the Communist government. However, Arthur Yao did not enjoy living in Taiwan and decided to leave as soon as he could. There are very few historical records found to indicate what kind of work, other than teaching at Soochow University, Dr. Yao was engaged

65. Telephone Interview with Grace Liu, grandniece-in-law to Arthur Yao (Oct. 10, 2016) (on file with author) [hereinafter Telephone Interview with Grace Liu, Oct. 10, 2016].

66. *Kong Xiangxi*, ENCYCLOPAEDIA BRITANNICA, <https://www.britannica.com/biography/H-H-Kung> [https://perma.cc/PT9D-GLBF].

67. Telephone Interview with Grace Liu, Oct. 10, 2016, *supra* note 65.

68. *Id.*

69. AM. BAR ASS'N, 1962, *supra* note 50, at 367.

70. See Conner: No. 2, *supra* note 17, at 44 ("In 1951, members of the Soochow Alumni Association in Taiwan began the process of re-establishing the University.").

in while in Taiwan before he and his wife came to the U.S. as immigrants around 1956. According to Frederick Tse-shyang Chen,⁷¹ Dr. Yao once served as the legal adviser to the Civil Air Transport Co. (CAT) in Taiwan in the early 1950s and possibly also in the late 1940s in Mainland China.⁷² The CAT, jointly founded in 1946 by the American General Claire Lee Chennault and an American businessman Whiting Willauer, had its mission to transport military materials and equipment for China's Nationalist Government forces in the civil war; and years later the CAT became a civil aviation company for the Nationalist Government in Taiwan.⁷³ It went out of business in 1975 after several deadly accidents in the air. Mr. Chen believes that Arthur Yao taught at the Soochow Institute in Taipei, which was set up by alumni of Soochow University Law School after the Nationalist Government fled to Taiwan, and that Dr. Yao most likely also taught at Soochow University Law School for a short period after the law school's resurrection in Taipei in 1954. Mr. Chen states the chairman of the Board of Trustees of Soochow University was a former student of Arthur Yao; unfortunately, he does not remember much of Arthur Yao.

III. TEACHING, WRITING, AND ENGAGEMENT AT ST. MARY'S UNIVERSITY, UNITED STATES

A. *Coming to the United States and Joining St. Mary's Law School*

Arthur and Doreen Yao moved to the U.S. around 1956 after he had taught for several years at Soochow University Law School in Taipei, Taiwan. It appears that they first lived in Missouri upon arriving in the U.S. Arthur Yao did not know of St. Mary's University at the time, but he was recommended to Dean Ernest A. Raba by John Wu, a close Chinese friend

71. Frederick Chen is a Professor of Law Emeritus at Quinnipiac University School of Law in North Haven, Connecticut, where he has been a professor since 1993. *Faculty Profile: Tse-shyang Chen*, QUINNIPIAC U. SCH. L., <http://webspace.quinnipiac.edu/chen/Resume.pdf>. [https://perma.cc/UH9M-2QG2]. He received a LL.B. from Soochow University (Taipei) in 1958 and served as Dean of the Law School at Soochow University (Taipei) from 1993 to 1995. *Id.* However, he never met or worked with Dr. Yao.

72. E-mail from Frederick Chen, former Soochow University Law School student, to author (Jan. 4, 2016, 22:38 CST) (on file with author).

73. Martin Best, *The CLA's Airlines: Logistic Air Support of the War in Laos 1954 to 1975*, INTERNET ARCHIVE WAYBACK MACHINE, [https://web.archive.org/web/20130719082255/http://www.vietnam.ttu.edu/airamerica/best/#Civil%20Air%20Transport%20Co.%20Ltd.%20\(CAT\)](https://web.archive.org/web/20130719082255/http://www.vietnam.ttu.edu/airamerica/best/#Civil%20Air%20Transport%20Co.%20Ltd.%20(CAT)) [https://perma.cc/ZZR8-BZ5S].

of his. In the 1930s, John Wu served as the head of Soochow Law School in Shanghai and hired Arthur Yao to teach there after Yao returned to Shanghai from studies abroad. Later, Dr. Wu became a law professor and taught at Seaton Hall University Law School in Newark, New Jersey. During his time at Seaton Hall University Law School, Dr. Wu met Ernest A. Raba, who was the Dean of St. Mary's Law School at the time. Dr. Wu strongly recommended Arthur Yao to Dean Raba for a teaching position, so Dr. Yao was hired. He joined St. Mary's University School of Law in June 1958 as an assistant professor. It must have been very unusual to have a Chinese person teaching law school at that time. Dr. Yao may have been the first Chinese person ever hired by St. Mary's University, and his arrival sparked much interest and coverage in the local press.⁷⁴

When Arthur Yao joined the law school of St. Mary's University in 1958, the law school was still located in downtown San Antonio at 112 College Street. The law school enrolled a small number of students. Only thirty-seven students graduated in 1957.⁷⁵ The tuition was about \$20 per semester hour of credit, and the library fee was \$10.⁷⁶ The faculty consisted of twenty members.⁷⁷ Arthur Yao and George E. Glos were the only two people on the law faculty who were born outside of the United States.⁷⁸ Many of the

74. *San Antonio Light*, and its successor, *San Antonio Express-News*, published eight stories on Dr. Arthur Yao from 1958 to 1978. See [*Chinese*] *Lawyer Joins Faculty*, SAN ANTONIO LIGHT, Sept. 8, 1958, at 3 (“A Chinese lawyer who was educated on three continents has joined the St. Mary’s school of law faculty.”); Agnes Heller, *Chinese Women Free of Once-Binding Customs*, SAN ANTONIO LIGHT, Nov. 4, 1959, at 47 (referencing St. Mary’s School of Law faculty member, Arthur Yao, as an authority in the discussion of Chinese customs and traditions); *Surprise Awards Made*, SAN ANTONIO LIGHT, Apr. 20, 1968, at 13 (announcing Arthur Yao as the first recipient of an excellence award from students); 2 *St. Mary’s University Faculty Members Selected for 1973 Edition of Outstanding Educators of America*, SAN ANTONIO LIGHT, Apr. 14, 1973. (“Arthur Yao, professor of the School of Law . . . [is] selected into Outstanding Educators of America, 1973 edition.”).

75. See RABA, *supra* note 8 (listing the St. Mary’s graduates of 1957).

76. See ST. MARY’S UNIV., SCHOOL OF LAW BULLETIN 1960–1961, at 28 (1960–1961 ed. 1960) [hereinafter BULLETIN] (providing the costs of attendance at St. Mary’s University School of Law for the 1960–1961 school year).

77. AM. BAR ASS’N, 1962, *supra* note 50, at 49. The Directory lists the faculty as below: Leo Brewer, Archie Scales Brown, C.C. Cadena, Paul Ernest Casseb, James N. Castleberry, Jr., F.J. Greene, J. Guenther, J. Hebdon, Frances Sawyer Henke, E.P. Horner, C.E. Johnson, Jr., William R. Lozano, James Rankin Norvell, E. Penshorn, Ernest A. Raba (Dean), S. Schoenbaum, C.H. Sierk, Orville C. Walker, J.W. Westbrook, and Arthur Yao.

78. George E. Glos was originally from the now defunct Czechoslovakia. Vincent R. Johnson, *Turning Points in the History of St. Mary’s University School of Law (1980–1988)*, 50 ST. MARY’S L.J. 101, n.140 (forthcoming Aug. 2019). He held a LL.M. degree (1959) from University of Melbourne and a J.S.D. degree (1960) from Yale University, and taught Conflicts of Law, International Law, Comparative Law, and other courses at St. Mary’s University. *Id.* He left the law school in 1980. *Id.*

teachers were part-time. At the rank of Assistant Professor, Dr. Yao was one of the seven regular teachers, and the other regulars included James N. Castleberry, Frank J. Greene, Frances Sayer Henke (Librarian), Dean Ernest A. Raba, Carroll H. Sierk, and Orville C. Walker.⁷⁹ Dr. Yao served on the Faculty Council of the law school.⁸⁰ He taught courses including Domestic Relations, Contracts, Remedies, and Future Interests and Trusts.⁸¹ When he retired in 1981, the law school had grown to approximately 650 enrolled students and a full-time faculty of about twenty-two professors,⁸² together with about two dozen adjunct professors consisting of lawyers and jurists.⁸³ The tuition had risen to \$130 per semester hour of credit by that time.⁸⁴ The law school certainly had come a long way since Dr. Yao's first days there.

1. "A Great American Law Teacher"⁸⁵

Arthur Yao began his teaching tenure at St. Mary's law school in June 1958 and continued teaching until his retirement in May 1981. For over two decades, he taught and mentored hundreds of law students through his teaching of various subjects. By the account of Ernest A. Raba, who served as the Dean of St. Mary's law school 1946 to 1978, Dr. Yao taught courses

79. BULLETIN, *supra* note 76, at 4.

80. *Id.* at 3.

81. ST. MARY'S UNIV., ST. MARY'S UNIVERSITY SCHOOL OF LAW CATALOG 1973–1974, at 51 (1973–1974 ed. 1973).

82. *See* RABA, *supra* note 8 (listing the St. Mary's graduates of 1957) (recognizing the following law faculty members at that time: James N. Castleberry, Jr. (Dean, and Professor of Law), Joe E. Anderson (Professor of Law), Roderick Glen Ayers, Jr. (Associate Professor of Law), Gerry Wayne Beyer (Assistant Professor of Law), Thomas Black (Professor of Law), Charles E. Cantu (Professor of Law), David A. Dittfurth (Professor of Law), Paul F. Ferguson (Professor of Law), William P. Francisco (Professor of Law), Robert L. Galligan (Associate Professor of Law), Douglas R. Haddock (Associate Professor of Law), Robert Hobbs (Professor of Law), Henry F. Johnson (Associate Professor of Law), Colin Kelly Kaufman (Professor of Law), Aloysius A. Leopold (Professor of Law), Ernest A. Raba (Professor of Law, Dean, 1946–1978), Harold Gill Reuschlein (Ryan Distinguished Professor of Law), Bonita K. Roberts (Assistant Professor of Law), Edwin M. Schmidt (Professor of Law and Associate Dean), L. Wayne Scott (Professor of Law), John M. Schmolesky (Assistant Professor of Law), Robert L. Summers, Jr. (Law Library Director and Assistant Professor of Law), and Orville C. Walker (Professor of Law)).

83. *See* ST. MARY'S UNIV., ST. MARY'S UNIVERSITY SCHOOL OF LAW CATALOG 1980–1981, at 5 (1980–1981 ed. 19890) ("The faculty is composed of about twenty-two full-time professors and about the same number of adjunct professors composed of leading jurists and prominent practicing attorneys of the large and active bar in San Antonio").

84. *See id.* at 35.

85. *See* Raba, *supra* note 2 (applauding Arthur Yao's diligence and skill in the teaching of law).

in Domestic Relations, Trusts, Contracts, Remedies and Future Interests.⁸⁶ Dr. Yao taught as many as ten subjects, including Contracts, Equity, Trusts, International Law, Conflicts of Laws, Jurisprudence, Pleading, Property, Comparative Law, and Future Interests.⁸⁷ Each of the subjects is complex by itself, and together they are wide-ranging in scope and demanding to teach. Dr. Yao's ability to teach all of these subjects—and teach them well—was a testament to his dedication to teaching, intellectual prowess, and versatile talents. Although it has been over thirty years since Dr. Yao retired, many of his former students remember him clearly and with fondness.

Dr. Yao's excellence in teaching brought him many honors and recognitions. In 1964, he received an award by Bickett Senate of Delta Theta Phi for his exceptional devotion to the law and his students. This award was personally presented to him by then-University President Louis Blume, S.M.⁸⁸ On Law Day in 1968, he was the first recipient of the Phi Delta Phi's Outstanding Teaching Award, which was established to recognize teaching excellence during the past academic year. "This award is based on knowledge of the courses taught, preparedness of the lectures delivered, ability to communicate the subject matter, and for reputation and respect among his students and the legal profession."⁸⁹ Receiving this award was remarkable, and the achievement was reported in the city news.⁹⁰ In 1973, Dr. Yao was one of two St. Mary's professors listed in the publication *Outstanding Educators of America*, 1973 edition.⁹¹ As Dean Ernest Raba put it, Dr. Yao was "a truly great teacher" who belongs in the "Hall of Fame" for law teachers.⁹²

86. *Id.*

87. AM. BAR ASS'N, 1962, *supra* note 50, at 367 (1962). *See also* AM. BAR ASS'N, THE DIRECTORY OF LAW TEACHERS IN AMERICAN BAR ASSOCIATION APPROVED LAW SCHOOLS 925 (1981) (listing Yao's subjects taught as "Contracts; Domestic Relations; Equity; Future Interests; Real Property; Remedies; Trust and Estates").

88. *Awards Cocktail Party*, BARRISTER NEWS (San Antonio, Tex.), Summer 1964.

89. *Outstanding Teaching Award Given*, BARRISTER NEWS (San Antonio, Tex.), Summer 1968, at 5.

90. *Surprise Awards Made*, *supra* note 74, at 13.

91. *Outstanding Teaching Award Given*, *supra* note 89, at 5. The other St. Mary's professor receiving this designation was John D. Potter, associate professor of finance.

92. Raba, *supra* note 2.

2. “Dr. Yao Was a Legend.”⁹³

Charles E. Cantu, who went to St. Mary’s law school from 1961 to 1964, was a student of Dr. Yao’s, and Cantu is very fond of him. Cantu, the St. Mary’s University Distinguished South Texas Professor of Law and Dean Emeritus, has himself taught at St. Mary’s law school for over forty years and served as the Dean from 2007 to 2014. Cantu first met Dr. Yao at St. Mary’s in 1961, where he took three courses from Dr. Yao: Contracts, Trusts, and Domestic Relations. “He was my favorite law professor,” Dean Cantu says of Dr. Yao. “He was very [thorough], he was very funny, and students loved him,” recalls Dean Cantu.⁹⁴ “I was very fond of him As a matter of fact I imitated his teaching style when I was in the classroom.”⁹⁵ Dr. Yao was a prepared and thorough professor in every class, and some students were terrified of him calling on them in class, according to the collective memories of Dean Cantu and a few other former students. Dr. Yao also had a reputation as a tough grader among the law teachers. Dean Cantu told a story that is widely known among students of the time. In the old days, St. Mary’s law school had a grading system where fifty-five points was the lowest grade (the equivalent of F in a letter grade) that any student could earn. Once, a student who received fifty-five points in Dr. Yao’s course went to see Dr. Yao to complain about his poor grade. Dr. Yao reportedly told the student in confidence: I gave you twenty-four points as you deserved, but Dean Ernest Raba raised it to fifty-five points. The student heard this and just left quietly; he never had another word with Dr. Yao on his grade. As Dean Cantu looks back, he marvels at what a great teacher Dr. Yao was: “Dr. Yao was a legend. Even today in 2016, when I go visit with graduates of the law school, they always have a Dr. Yao story to share. He was very much loved, very much respected.”

3. “He Covers Everything Important Three Times.”⁹⁶

Aloysius A. Leopold, who graduated from St. Mary’s law school and earned a J.D. degree in 1962, is a former student of Dr. Yao’s as well. An extraordinary law teacher himself and beloved by his students, Leopold

93. Interview with Charles E. Cantu, Dean of St. Mary’s University School of Law (2007–2014) (Mar. 7, 2016) (audio tape on file with author).

94. *Id.*

95. E-mail from Charles E. Cantu, Dean of St. Mary’s University School of Law (2007–2014) (Feb. 17, 2016) (on file with author).

96. Interview with Aloysius A. Leopold, Professor of Law, St. Mary’s University (1967–2015) (May 9, 2016) (on file with author).

taught at St. Mary's law school for more than four decades—spanning from 1967 to 2015—and trained thousands of law students. He received numerous awards for teaching excellence. Leopold remembers to have taken three courses with Dr. Yao—Contracts, Conflicts of Law, and Trusts—and considers Dr. Yao as an excellent teacher. “[Dr. Yao] was a very good teacher,” recalls Leopold. “The saying about him was, he covers everything important three times.”⁹⁷ Leopold remembers, that in class “he [told] you what he [was] going to tell you, he [told] you, and he [told] you what he told you. And that was literally true.” As Leopold remarks, “He was really prepared, and there was nothing you could ask him that he didn't know, or that he couldn't give you the law on.” For illustration, Leopold mentioned that Dr. Yao once told him that he (Dr. Yao) had read every trust case in the United States before stepping a foot into the classroom to lecture.

4. Story of the Pencil⁹⁸

Larry Noll, another former student of Dr. Yao's, remembers him fondly, especially “the story of the pencil.” After graduating from St. Mary's law school in 1972, Mr. Noll went on to become a prominent lawyer in family and residential real estate practice in Texas. During his distinguished career, he served as president of the San Antonio Bar Association (1992–1993) and president of St. Mary's University Alumni Association (1982–1983). In 2006, Mr. Noll was elected to be a judge of the 408th Civil District Court in Bexar County, from which he retired in 2017. While a student at St. Mary's law school, Mr. Noll took several courses with Dr. Yao, but he recalls most clearly the courses on Contracts I and II. One thing sticks in the mind of Judge Noll about Dr. Yao's way of teaching: using a pencil as an illustration to make his point in the Contracts class. According to Mr. Noll, Dr. Yao would hold up a pencil in class and offer to sell it to anyone for ten cents; and after a student answered “yes,” he would ask the class whether there was a contract made between him and the student, and if so, why. “The pencil was used to vividly illustrate the concepts of consideration, promise, consent, and agreement.”⁹⁹ As Mr. Noll recalls, Dr. Yao always wore a smile on his face and never tried to embarrass any student in class. “Dr. Yao

97. *Id.*

98. Interview with Larry Noll, Texas District Court Judge (Retired) (May 4, 2016) (audio tape on file with author).

99. *Id.*

was an interesting and effective teacher,” says Mr. Noll. He considers himself very lucky and proud to be a student of Dr. Yao’s.

5. “I Slap Your Face; Do We Have Tort?”¹⁰⁰

Daniel J.T. Sciano, who attended St. Mary’s law school during 1978 to 1981 and graduated first in his class,¹⁰¹ was a student of Dr. Yao’s and remembers him as “a wonderful professor and man who always had a smile on his face.” A co-founder of a San Antonio law firm, Tinsman & Sciano, Inc., Mr. Sciano is an award-winning trial lawyer in Texas and the United States and was recognized as one of the “Best Lawyers” in 2017 and 2018.¹⁰² While in law school, Mr. Sciano took two subjects from Dr. Yao: Remedies and Wills and Estates. Mr. Sciano still remembers these courses vividly; he and some of his other classmates kept a secret notebook (the “Dictionary”) of words or phrases uttered by Dr. Yao in class, which were sometimes hard to comprehend. He has kept the notebook in his house even after graduating from law school thirty-five years ago. As Mr. Sciano sheepishly explains it, the “Dictionary” was a way of entertaining themselves in law school back then. One of his favorite entries in the “Dictionary” was “Putt-ah-nutta-wa.” He says that sometimes it was hard to understand Dr. Yao’s speech because of his Chinese accent (although communication was never an issue with Dr. Yao), and “Putt-ah-nutta-wa” actually meant “Put in other words.” However, Mr. Sciano comments,

I want you to know as a law student, it was just so fun. [H]e loved what he did, and you could tell in his heart, he enjoyed being a teacher. If we knew the answer was yes, we were bad students . . . and I would occasionally say the wrong answer purposefully and he would go, “No! This is not correct.”¹⁰³

Dr. Yao was “a truly amazing man,” and he is dearly missed according to Mr. Sciano.

He was engaging; he moved around in the classroom and didn’t stay in one spot. He would walk, he had good eye contact, his hands would move every

100. Interview with Daniel J.T. Sciano, San Antonio Trial Lawyer (July 4, 2016) (on file with author).

101. *Daniel J.T. Sciano*, TINSMAN & SCIANO, <https://www.tsslawyers.com/daniel-sciano> [<https://perma.cc/52RA-XLNL>].

102. *Id.*

103. Interview with Daniel J.T. Sciano, *supra* note 100.

now and then, and he enjoyed himself. Again, I can still hear him to this day, “I slap your face, I slap your face, do we have tort? Do we have tort?”

6. “He’d Be One of the Major Reasons Why I Enjoyed Law School.”¹⁰⁴

Robert Shivers, who graduated from St. Mary’s law school in 1972, is another former student of Dr. Yao’s. Mr. Shivers, a leading immigration lawyer in Texas, is a co-owner of Shivers & Shivers law office in San Antonio. While in law school, Mr. Shivers had Contracts I and II as well as Trusts and Future Interests courses taught by Dr. Yao. Shivers remembers clearly how Dr. Yao used a pencil to illustrate the point of offer and consideration in contract-making. He considers Trusts and Future Interests, a four-hour course, one of his favorites in law school because it was taught by Dr. Yao, who made it very interesting. “I loved that course,” Mr. Shivers recalls. “Dr. Yao was a very precise teacher. In other words, it was kind of like, A, B, C, D, E, F, G; he was not like one throwing out a whole bunch of theories and discussions and stuff like that.” Shivers continues,

His exams were the same way. Once you learned how to do a Dr. Yao exam you would do okay because the first thing he wanted was the decision—the ruling for the plaintiff, or the ruling for the defendant. And then he wanted your brief discussion on the specific points on the reason why you made that decision. You could answer a Dr. Yao exam in one page I just have fond memories. He’d be one of the major reasons why I enjoyed law school¹⁰⁵

7. “With Wisdom and Wit, and Love of the Law”¹⁰⁶

Donna S. Rayes, a 1981 graduate of St. Mary’s law school and a 2016 recipient of the law school’s Distinguished Graduate Award, was a student in Dr. Yao’s Remedies course. Ms. Rayes, who has served as the judge of the 81st District Court of Texas since 2003, fondly calls Dr. Yao a “wise teacher,” and she remembers his animated teaching style as a way of imparting “the joy of law” to his students. When I contacted Judge Rayes about having a conversation about Dr. Yao, she searched around her house

104. Interview with Robert Shivers, San Antonio Immigration Lawyer (Aug. 7, 2017) (on file with author).

105. *Id.*

106. Interview with Donna S. Rayes, Judge of 81st Texas District Court (Jan. 5, 2017) (on file with author).

and found the old notebook that she had kept from law school. In the notebook, she wrote down interesting or important words and phrases spoken by Dr. Yao in class, which accumulated into what she considered “pearls of wisdom.” From her notebook, one of her quotes reads, “Law loves charity . . . A meddler would not receive restitution . . . don’t be a meddler, don’t paint the neighbor’s house.”¹⁰⁷ Another quote in her notebook spells out, “Husband can cry to seven heavens and he is still liable.”¹⁰⁸ As Judge Rayes reflects on Dr. Yao, she notes that Dr. Yao was an animated teacher in the classroom and he exhibited a joy of teaching. “I think that his inflection in his voice was also something that imparted the joy that he had in the course that he was teaching Also, I remember his body language . . . he was very animated. To me, that also imparted the law and the joy in teaching the law.” Finally, Judge Rayes summarizes,

He had such joy in the law. And he had such a good way of imparting that joy to his students. I think these little quotes are examples of how he conducted his classes every single day: with wisdom and wit and love of the law. That is how I would sum up . . . Dr. Yao.

B. *A Brilliant Mind, a Prolific Scholar*

Dr. Yao was devoted to teaching and educating law students—a passion throughout his career. While busily teaching the law to law students, Dr. Yao himself was an avid student of the law and a prolific scholar and writer. While teaching at Soochow Law School in Shanghai in the 1930s, he published a 4-chapter book-length article, entitled *International Responsibility of the State for Contracts Concluded with Private Persons of Alien Nationality*, in the student-edited, English language journal, *China Law Review*.¹⁰⁹ In the early 1950s, he compiled and published a case collection called *Cases on Equity* while teaching at the reconstituted Soochow University Law School in Taipei. Teaching at St. Mary’s Law School was challenging because there were not enough full-time teachers back then, and each professor of the law school had a very heavy load of teaching throughout the school year, leaving

107. Yao said this to illustrate a point of law in Remedies that no recovery is allowed when someone rendering a service to another intends to act gratuitously.

108. Yao used this quote to illustrate another point of law in Remedies, i.e., a married couple is jointly liable to third parties for the debt incurred by the act of one of the couple in connection with living necessities.

109. This lengthy article is published in three installments: 9 CHINA L. REV. 125 (1936); 9 CHINA L. REV. 227 (1936); and 9 CHINA L. REV. 376 (1937).

little time for research and publishing. According to Dean Charles Cantu, the law school's emphasis was on teaching in the classroom while Ernest Raba was the Dean; however, James Castleberry, who succeeded Raba as the Dean from 1978 to 1989, tied faculty salary raises to publications as a way of encouraging publishing and scholarship.¹¹⁰

Dr. Yao was truly exceptional in his work ethic and his love of discovery, and he managed to write and publish articles in law reviews, in addition to his excellent teaching. These publications include: *Revocation of Trust Under Section 41 of the Texas Trust Act*¹¹¹ and *Want of Trustee as Affecting the Creation of Trusts*.¹¹² In addition, Dr. Yao authored a short article titled *Denial of Justice in International Law*, published in St. Mary's law school newsletter.¹¹³ Still, I am not certain I have located or captured all the writings by Dr. Yao, although great efforts were made to search all relevant indexes and databases in existence.¹¹⁴

1. The Dissertation at Michigan Law School

From the early years of his legal education at the University of Michigan until the early part of his teaching career at Soochow Law School, it appears that Arthur Yao was deeply interested in the study of one area of private international law: the peaceful resolution of disputes arising from commercial contracts concluded between two seemingly unequal parties—a state (government) party on one side and an alien of a foreign country on the other. It is apparent that this topical focus started developing while he pursued law degrees at Michigan Law School, and he ended up writing both of his master's thesis and J.S.D. dissertation on the same

110. Charles E. Cantu, *An Oral History of St. Mary's University School of Law (1961–2018)*, 50 ST. MARY'S L.J. 311, 347–49 (2019).

111. Arthur Yao, *Revocation of Trust Under Section 41 of the Texas Trust Act*, 7 S. TEX. L.J. 22 (1963).

112. Arthur Yao, *Want of Trustee as Affecting the Creation of Trusts*, 2 ST. MARY'S L.J. 159 (1970).

113. Arthur Yao, *Denial of Justice in International Law*, BARRISTER NEWS (San Antonio, Tex.), Winter 1961, at 1.

114. For this article, the author searched OCLC, Index to Legal Periodicals and Books, Westlaw, LexisNexis, and HeinOnline.

subject.¹¹⁵ The thesis of his doctoral dissertation can be summarized as follows:¹¹⁶

First, there is a distinction between the responsibility of the state under municipal law and its responsibility under international law.¹¹⁷ When a private person freely and willingly enters into a contract with a state, the contractual relationship between the parties is not a concern of international law. In general, a state is responsible for every contract made on its behalf by an officer of the state in the course and within the actual or apparent scope of the officer's authority. The state is responsible for the non-performance of its international obligations, and it makes no difference whether the act of non-execution was committed by the state's legislature, the executive branch, or the judiciary. A state is not engaged in international responsibility unless there is a violation of international law. However, a mere breach by a government of its contract with an alien is a private matter between the parties themselves, which does not amount to an international illegality. In this situation, the injured (alien) party may seek remedies against the government under the foreign state's domestic law, but no diplomatic interference by the alien's government on behalf of the alien is justified or required. If, however, the injured (alien) party is denied access to the courts of the foreign government concerned, or the administration of justice in the concerned state is corrupt, then international law will be violated.

Second, a state owes a duty under international law to other states to administer justice with regard to the citizens within its territory, and a disregard of that duty is per se an international illegality resulting in the offending state being responsible to another state of which the injured alien is a national. The performance of that duty should be measured by an international standard. However, there is no clearly stated standard in existence, nor is there an independent world body that has the power to define or enforce the standard.¹¹⁸

115. The J.S.D. dissertation is a 202-page voluminous work containing a table of cases and a long bibliography. The piece consists of nine chapters: Chapter I: Historical Background; Chapter II: Practice of States; Chapter III: International Responsibility: Its Definition and Nature; Chapter IV: What Are State Contracts? Contracts of the Agents; Chapter V: Continued: Contracts of the Constituent Bodies; Chapter VI: Bonds of Public Debt; Chapter VII: Denial of Justice; Chapter VIII: The Calvo Clause; Chapter IX: Conclusion. Arthur Yao, *International Responsibility of the State for Contracts Concluded with Private Persons not its Own Subjects* (May 1930) (unpublished J.S.D. dissertation, University of Michigan Law School) (on file with author) [hereinafter Yao Dissertation].

116. *Id.* at 187–96.

117. *Id.* at 187.

118. *Id.* at 189.

Third, international law at its present stage of development is “lame and halting” in that no legislature exists to make laws for the nations, no judicial decisions are in place to set precedent for what the rules of international law are, and no organization is powerful enough to compel compliance with international law or punish the law-breaker.¹¹⁹ However, it is our duty as good citizens to find a remedy for this deficiency. Toward that goal, all claims arising out of the contracts between an alien and a state government should be treated only as legal matters and be divorced from political considerations, and such claims should be submitted to the Permanent Court of International Justice or another international tribunal, for arbitration. This is a beneficial solution that will advance the rule of international law.¹²⁰

2. Articles in the *China Law Review*

During 1936 to 1937, Dr. Yao published a series of three essays in the *China Law Review*, under the title, *International Responsibility of the State for Contracts Concluded with Private Persons of Alien Nationality*. This monograph, published in three issues, is made up of four chapters: *Chapter I. Historical Background; Chapter II. Practice of States; Chapter III. International Responsibility: Its Definition and Nature; Chapter IV. What Are State Contracts? Contracts of Agents*.¹²¹ The publication continues to explore the same theme and theory as his Michigan Law School dissertation,¹²² but with refined explanations, further enlargement, and polish. This piece could have been a classic writing in that discipline of law during those days. In this lengthy essay, Dr. Yao surveyed the historical doctrines of sovereignty and its developments from ancient Greece to contemporary times and discussed many well-known scholars and jurists in this field.¹²³ He argued that states cannot be responsible for every dispute arising from a private contract between a

119. *Id.* at 192.

120. *Id.* at 196.

121. Chapter I is in 9 CHINA L. REV. 125 (1936), Chapters II and III are in 9 CHINA L. REV. 227 (1936), and Chapter IV is in 9 CHINA L. REV. 376 (1937).

122. The monograph in the *China Law Review* has nearly the identical title as that of his Michigan dissertation, which reads *International Responsibility of the State for Contracts Concluded with Private Persons Not Its Own Subjects*. Yao Dissertation, *supra* note 115.

123. For example, he cites *Plato's Laws*, Coleman Phillipson's *International Law and Custom of Ancient Greece and Rome* (1911), Marcus Niebuhr Tod's *International Arbitration Amongst the Greeks* (1913), and Jackson H. Ralston's *International Arbitration from Athens to Locarno* (1929). Arthur Yao, *International Responsibility of the State for Contracts Concluded with Private Persons of Alien Nationality*, 9 CHINA L. REV. 125, 125 n.1, 126 nn.2–5 (1936).

national citizen and an alien, and that the state is only liable if it does not provide proper channels for relief; only in such cases, the state to which the alien belongs is justified to intervene diplomatically on behalf of its wronged citizen. He concluded that, “[t]o sum up, where a state commits an act which does not of itself amount to an international illegality, a formal claim for international reparation is not in order. In such a case, only good offices may be exercised.”¹²⁴ Dr. Yao reasoned:

A government cannot interfere as a matter of right under international law to press upon another government claims of its citizens growing out of the mere non-fulfilment of contracts. It is not so much of a question of expediency or discretion, as of the right of the state to protect its citizens abroad from injustice in connection with contracts. Not until the delinquent state has committed an international illegality (such as denial of justice) can the home government of the injured party justly interpose in the matter. It seems fair to say that the mere breach of a contract is not a wrong in international law. It is a private matter between the contracting parties. The home government can only justify its resort to diplomatic interposition when an international duty has been violated.¹²⁵

Furthermore, Dr. Yao explained contracts of the revolutionists as to the effect of amnesty upon the liability of the government.

When international law attaches liability to the state for its having pardoned the rebels, it is not because international law abhors the granting of amnesty, but because it has the effect of depriving claimants of the means of addressing themselves to the local authorities for the purpose of legally proving the damages and injuries suffered.¹²⁶

Thus,

[W]here an amnesty is granted for political offences of rebellion only, the government is not thereby responsible for the contracts of the unsuccessful revolutionists. But if, on the other hand, an amnesty covers not only offenses of a political character but also private acts committed by the persons who are pursuing a rebellious course, the state, in thus precluding aliens having claims

124. Arthur Yao, *International Responsibility of the State for Contracts Concluded with Private Persons of Alien Nationality*, 9 CHINA L. REV. 227, 249 (1936).

125. *Id.* at 244.

126. Arthur Yao, *International Responsibility of the State for Contracts Concluded with Private Persons of Alien Nationality*, 9 CHINA L. REV. 376, 397 (1937).

against the pardoned rebels from initiating proceedings for redress in the local tribunals, should assume as its own the obligations previously incurred by the objects of its pardon.¹²⁷

3. Articles in American Law Reviews

Throughout life, Dr. Yao demonstrated an inquisitive mind and a love for research and writing. To the best of my knowledge, he wrote and published at least two traditional law review articles while teaching at St. Mary's University. One of the essays, *Revocation of Trust Under Section 41 of the Texas Trust Act*,¹²⁸ was published in 1963, just a few years after he joined St. Mary's law school. In that publication, Dr. Yao discussed and analyzed the relatively new Texas legislation that allowed a trust to be revoked by the trustor unless the instrument contained express language to the contrary.¹²⁹ He conducted careful research on the specific section of the statute but found no cases decided under that section prior to his writing, which might have served as judicial guidance if they existed. The fact that no cases existed in the last twenty years after passage of the statute led him to conclude that in the absence of a definite judicial pronouncement, the power to revoke by the trustor was not implied in every case.¹³⁰ The other law review article written by Dr. Yao, *Want of Trustee as Affecting the Creation of Trusts*, was published in 1970.¹³¹ That essay addressed a different issue in the area of trust law, as the title of the piece indicated. Both law review articles are outstanding scholarship and have been cited multiple times by other writers.¹³² Additionally, those articles had an impact on the practice

127. *Id.* at 398.

128. Yao, *supra* note 111.

129. The statute read: "Every trust shall be revocable by the trustor during his lifetime, unless expressly made irrevocable by the terms of the instrument creating the same or by a supplement or amendment thereto." Act of April 19, 1943, 48th Leg., R.S., ch. 148, § 41, 1943 Tex. Gen. Laws 232, 246 (repealed 1984).

130. See Yao, *supra* note 111, at 31 ("It is apparent that uncertainty exists in this area. In absence of a definite judicial pronouncement, the writer believes that such power is not implied in every case.").

131. Yao, *supra* note 112.

132. A search conducted using HeinOnline's Scholarcheck feature lists one case citing to *Revocation of Trust Under Section 41 of the Texas Trust Act*. *ScholarCheck: Quick Reference Guide*, HEINONLINE, <https://heinonline-org.skellidm.oclc.org/HOL/Page?handle=hein.journals/stexlr7&id=42&collection=journals&index=journals/stexlr#> [https://perma.cc/5LLH-332Q]; Yao, *supra* note 111. A separate search conducted using HeinOnline's Scholarcheck feature lists one case and two American Law Institute entries citing to *Want of Trustee as Affecting the Creation of Trusts*. *ScholarCheck: Quick Reference Guide*, HEINONLINE, <https://heinonline-org.skellidm.oclc.org/HOL/Page?handle=hein.journals/stmlj2&id=167&collection=journals&index=journals/stmlj> [https://perma.cc/FA44-GCVW]; Yao, *supra* note 112.

of law in the jurisdiction of Texas. As an example, in a 1970 case decided by the Texas Court of Civil Appeals in Fort Worth, Judge Brewster, delivering the opinion for the Court, cited *Revocation of Trust Under Section 41 of the Texas Trust Act* by Dr. Yao and remarked:

The article by Professor Yao deals directly with this point that we have to decide and we believe the conclusions he has therein expressed on this point are correct. The work that he put into the preparation of his article has made our task in preparing this opinion somewhat easier.¹³³

4. Essays in the St. Mary's Law School Newsletter

Dr. Yao's influence on St. Mary's law students not only came from his excellent and exceptional teaching but also in his efforts to share his knowledge by way of writings accessible to students. The Student Bar Association of St. Mary's University ran a newsletter, *Barrister News*. Dr. Yao wrote a comment printed in the newsletter in 1961. In that short essay, entitled *Denial of Justice in International Law*,¹³⁴ Dr. Yao attempted to define and clarify an important concept under international law, i.e., what it meant to be in "denial of justice" in the community of nations. The idea of this writing seemed to originate from his doctoral dissertation at Michigan Law School, a continuing effort of his journey to investigate a topic of his deep interest. Citing to extensive judicial decisions of international arbitration tribunals, practices of national governments, and the opinions of many distinguished scholars in the field, Dr. Yao explained that the term had been given numerous meanings, some of them very broad, but he favored a narrower definition. He explained:

[A] denial of justice is a failure in the administration of justice. . . . Each state is bound, under international law, to give to aliens within its borders the same laws, the same amount of protection and the same means of redress for injuries which it gives its own nationals; provided, however, the protection which the state affords to its own nationals measures up to the minimum international standard of justice.¹³⁵

133. *Shellberg v. Shellberg*, 459 S.W.2d 465, 469 (Tex. Civ. App.—Fort Worth 1970, writ ref'd n.r.e.).

134. Yao, *supra* note 113, at 1.

135. *Id.* at 4.

He continued that a state commits a wrongdoing under international law, and that conduct is actionable, only when the state does not provide proper means, especially through judicial procedures and remedies, for addressing the wrongdoing committed by its citizen against a foreigner in the context of commercial transactions. In conclusion, Dr. Yao stated that the term denial of justice “refers to that kind of international illegality which is caused by the maladministration of justice or the abuse of judicial process.”¹³⁶

IV. AN AMAZING MAN, A REMARKABLE LIFE

Dr. Yao met his future wife, Doreen Wong (Chinese spelling: 王霞青), while he was teaching at Soochow Law School in Shanghai from 1933 to 1948. Doreen Wong, born in May 1911 and passed away on March 13, 2006,¹³⁷ happened to be one of Dr. Yao's students at Soochow Law School.¹³⁸ Doreen was born into and raised by a very wealthy family. Her father, Zifeng Wong (Chinese spelling: 王子丰), served as the president of a national bank—the Communications Bank of Shanghai.¹³⁹ He offered Arthur Yao a part-time position in the bank when Dr. Yao taught at Soochow Law School in Shanghai. According to Grace Liu, Dr. Yao and Doreen were the opposite of personalities: while Dr. Yao was shy and unsociable, Doreen was very sociable and talkative—she enjoyed meeting people and socializing. The Yaos did not have children due to biological reasons. When Doreen suggested adopting a child, Dr. Yao did not agree. Thus, the couple never had any children.

A. *The Simple Life of a Frugal Man*

The Yaos came to the United States in 1956 by way of Missouri. Arthur Yao became a U.S. citizen through naturalization some years later.¹⁴⁰ While Dr. Yao taught at St. Mary's School of Law, Doreen worked

136. *Id.*

137. *Public Records*, LEXISNEXIS (last visited June 11, 2019), <https://advance.lexis.com/publicrecordshome> (follow “Death Records” hyperlink; enter “Doreen Yao” in name fields and “San Antonio, Texas” in city and state fields).

138. E-mail from Grace Liu to author, *supra* note 11.

139. Telephone Interview with Grace Liu (Jan. 18, 2019) (on file with author) [hereinafter Telephone Interview with Grace Liu, Jan. 18, 2019].

140. Texas Vote Registration records show Arthur Yao was a registered voter on Mar. 1, 1976. *Public Records*, LEXISNEXIS (last visited June 11, 2019), <https://advance.lexis.com/publicrecordshome> (follow “Voter Registration” hyperlink; enter “Arthur Yao” in name fields and “San Antonio, Texas” in city and state fields). <https://advance.lexis.com/publicrecordshome/?pdmfid=1000200&crd>

as a special education teacher in San Antonio. The couple lived in a house located at 406 Laddie Place, San Antonio, about two miles from the campus of St. Mary's University.¹⁴¹ Their 3-bedroom house was built in 1963, a one-story bungalow with 1,480 square feet sitting on a lot of 8,352 square feet, without a car garage.¹⁴² They bought the house in 1963 for \$30,000.00, according to Grace Liu. Dr. Yao and his wife lived in the house near his death in 2004.¹⁴³ Dr. Yao moved to an assisted living place during his final year(s) when he became blind and could not care for himself. He died at the nursing home. In January 2006, shortly before the death of Doreen Yao, the house was sold for \$111,720.00.¹⁴⁴

Dr. Yao was a frugal man and led a simple life, says Dean Charles E. Cantu. Dr. Yao drew a salary of between \$8,000.00 and \$10,000.00 a year, a standard compensation for a St. Mary's law professor those days, and he quite possibly received no raises during all his years of teaching at St. Mary's University, according to Dean Cantu. Dr. Yao often wore a dark suit at work, recalls Cantu. The Yaos owned a small car, quite possibly a Chevrolet Corvair model. Dr. Yao did not like driving very much, so Doreen Yao usually drove him to work in the morning and picked him up after work, observed by Al Leopold, a law professor who worked with Dr. Yao for many years. During his leisure time, Dr. Yao enjoyed reading, stock-trading, and traveling across the country and around the world. The couple once visited Paris, France. Dr. Yao was an avid jogger and was often seen strolling on the city streets and parks with Doreen, according to a former colleague, David Dittfurth. Upon his death, Dr. Yao left behind very few personal possessions, except for many photos of family vacations, daily life, travels, and adventures, according to Grace Liu.

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141. See ST. MARY'S UNIV. SCH. OF LAW, STUDENT DIRECTORY i (1977–1978) (listing the addresses and phone numbers of the full-time faculty members, including Dr. Yao).

142. *Public Records*, LEXISNEXIS (last visited May 16, 2019), <https://advance.lexis.com/publicrecordshome> (follow “Real Property” hyperlink; enter “Arthur Yao” in name fields and “San Antonio, Texas” in city and state fields).

143. Telephone Interview with Grace Liu, Jan. 18, 2019, *supra* note 139.

144. *Public Records*, LEXISNEXIS (last visited May 16, 2019), <https://advance.lexis.com/publicrecordshome> (follow “Real Property” hyperlink; enter “406 Laddie Pl.” in address fields and “San Antonio, Texas” in city and state fields, follow “Search”; follow “Hernandez, Veronica”).

B. *A Brilliant Teacher Devoted to Students*

A dedicated teacher, Dr. Yao worked tirelessly for the benefit of St. Mary's law students. Professor Wayne Scott's office was next to Dr. Yao's, so he saw Dr. Yao often. Professor Scott says of Dr. Yao: "He was well-prepared and an excellent teacher. Students loved him. He got the most [teaching] awards from the students."¹⁴⁵ Another former colleague, Professor David A. Dittfurth, who joined the law faculty in 1975 and has been teaching here since, also remembers Dr. Yao very well. Professor Dittfurth, who served as Associate Dean of the law school for four years (1989–1993), has this to say about Dr. Yao: "He always was well-prepared for class. He was methodical and meticulous in his teaching. [He was] well-liked by all students."¹⁴⁶

Dr. Yao usually arrived at work in the early mornings before anyone else came on campus and would not leave work until almost everyone else had left for the day, recall several former colleagues at the law school. As Professor Leopold remembers, when Doreen Yao would drive to campus to pick up Dr. Yao in the late afternoons, sometimes Dr. Yao would tell Doreen to wait outside in the parking lot while he was finishing his work or helping a student. Dean Ernest A. Raba remarked that Dr. Yao would spend eight to ten hours a day in the library, reading, typing, and preparing for classes. Dean Raba observed,

There was never a day during his entire teaching career that he was not researching the law in his courses in the Faculty Library. Even with piles of essay papers to grade, Dr. Yao was always first to finish the task. It is a known fact the he would work through the entire night to accomplish the grading.¹⁴⁷

The *Barrister News* elegantly sums up Dr. Yao this way:

The good teacher is both a stimulus and a guide, eager to assist the student in finding the answer to his problem. This is an accurate description of Dr. Arthur Yao His ability to cite authority from memory has amazed his students. His concise explanations of legal questions exemplify the legal

145. Interview with L. Wayne Scott, Professor, St. Mary's Univ. Sch. of Law, in San Antonio, Tex. (Apr. 1, 2016) (on file with author).

146. Interview with David A. Dittfurth, Professor, St. Mary's Univ. Sch. of Law, in San Antonio, Tex. (Mar. 28, 2016) (on file with author).

147. Raba, *supra* note 2.

reasoning which all law students hope to acquire His students appreciate his patience and willingness to help.¹⁴⁸

C. “Encyclopedic Mind”

Dr. Yao was a very learned man who obtained higher education degrees from three continents of the world: Asia (China), North America (the U.S.), and Europe (England). He was highly intelligent and seemed knowledgeable of everything in life. According to former colleagues Wayne Scott and David Dittfurth, the faculty and staff of the law school would come to Dr. Yao with a question, any question, and Dr. Yao always knew the answer. He seemed to know everything, and he remembered everything. He had a mind like an encyclopedia. Professor Scott says of Dr. Yao, “He was well educated and knew everything. He had an encyclopedic mind. Usually people came to him with questions, and he would know all the right answers.”¹⁴⁹ This view is echoed by Professor Dittfurth as well.

D. *A Collegial, Decent, and Quiet Man*

Former colleagues who worked with Dr. Yao at St. Mary’s School of Law have fond memories of him. They remember Dr. Yao, who was short physically, as an unassuming and quiet person on the faculty. Aloysius A. Leopold recalls that Dr. Yao was “very quiet” and did not attend many social functions.¹⁵⁰ This view is shared by another former colleague, Wayne Scott, who joined St. Mary’s law faculty in 1971 and worked along with Dr. Yao for about a decade. Professor Scott recalls Dr. Yao “was very quiet, very polite, and tolerant.”¹⁵¹ David Dittfurth has this to say about Dr. Yao, “He was congenial He was usually quiet in groups and faculty meetings. He got along with everyone [on the faculty] . . . [but] did not attend social events at the law school or other places. . . . He got along with Dean Raba, which was an accomplishment by itself.”¹⁵² Professor Dittfurth’s view of Dr. Yao is shared by at least one other former colleague, Charles E. Cantu, Dean Emeritus. Cantu remarks, “He was sociable, but he never invited anyone to his house. . . . He had no

148. *The Faculty Corner*, BARRISTER NEWS (San Antonio, Tex.), Fall 1960, at 2.

149. Interview with L. Wayne Scott, *supra* note 145.

150. Interview with Aloysius A. Leopold, *supra* note 96.

151. Interview with L. Wayne Scott, *supra* note 145.

152. Interview with David A. Dittfurth, *supra* note 146.

close friends on the faculty.”¹⁵³ Dr. Yao was a caring colleague. When he retired from the law school, he gave his textbooks on Trusts and Contracts to Aloysius A. Leopold so that Leopold could use them in his own teaching.

Dr. Yao was a person of great humor and modesty, according to Grace Liu. He was a very considerate person too. For example, his wife Doreen was still driving after she turned eighty years old. Dr. Yao tried to get her to give up driving. Dr. Yao would tell her that it was no longer sensible for her to drive because she took longer to respond to traffic on the road due to her age, and this was not fair to her own or others' safety. At first, Doreen resisted because she loved driving all her life and had enjoyed cars since childhood. However, she finally gave up her driving after Dr. Yao made repeated attempts to persuade her not to drive again.

The Yaos had no children, and their family and relatives spread out in several states across the country: California, Oregon, Washington State, and Virginia.¹⁵⁴ By chance, the Yaos met a Chinese woman named Kay Lee in San Antonio years ago. Ms. Lee and her husband had immigrated to San Antonio from Taiwan. It turned out that the husband, a Taiwanese businessman, had graduated from Soochow University. Sadly, the husband died of cancer in San Antonio. Since Ms. Lee was unable to speak English well, she faced many difficulties in life after her husband's death. Dr. Yao and Doreen offered a lot of help to Kay Lee, and they eventually became close friends, like family. Kay was like a daughter to the Yaos. The couple even bought a car for Kay to drive. In return, Kay was emotionally attached to the Yaos and took care of them for years.¹⁵⁵

E. *Loyal Alum of University of Michigan*

Arthur Yao earned both his LL.M. and J.S.D. degrees from the University of Michigan. For this, he was a grateful graduate of the University and remained a loyal alumnus to Michigan throughout his life. He gave services and donated money to the University of Michigan to show his deep appreciation. For example, in the 1950s Dr. Yao volunteered to serve as the Treasurer of the Taipei, Taiwan Chapter of the Michigan Alumni

153. Interview with Charles E. Cantu, *supra* note 93.

154. The Yao family relatives include: Sung-Yuen Wong (brother-in-law), Yi-Ling Wong (Doreen's nephew), Yuan Gu and Grace Liu (grandnephew and his wife), Shiwei Gu (grandniece), Bessie P.S. Yao (niece), and Doris J. Lu (niece). *See* Last Will and Testament of Arthur Yao 2–3 (April 16, 2001) (on file with the Bexar County District Clerk's Office) (listing the names of familial beneficiaries).

155. Telephone Interview with Grace Liu, Oct. 10, 2016, *supra* note 65.

Association, along with Y.C. Ma, A.M.'38, who served as president, and Helena Chang Hsu, A.M.'47, who was the secretary.¹⁵⁶ As late as 1997, Dr. Yao gave a monetary gift to the University of Michigan.¹⁵⁷

F. *Engaged in the State Bar and the Community*

Arthur Yao was not only a law teacher and scholar, but also a lawyer and practitioner. He was a member of the Chinese Bar Association when he was a law teacher at Soochow Law School in Shanghai, China.¹⁵⁸ In the early 1950s, after fleeing to Taiwan, he served full-time as the legal advisor of the Civil Air Transport Co. in Taiwan, a government-owned entity.¹⁵⁹ Upon joining the faculty of St. Mary's law school in 1958, Dr. Yao became an active member of the State Bar of Texas. He participated in the Bar's meetings and events and delivered lectures and speeches to Texas lawyers. For instance, on August 28, 1958, Dr. Yao gave a speech to the San Antonio Junior Bar.¹⁶⁰ He was awarded the honorary membership in the Phi Delta Phi fraternity in 1963.¹⁶¹ In the larger community of San Antonio, Dr. Yao was also an active citizen. For example, in November 1959, he gave a speech at the Fenwick Club luncheon on the customs concerning women in China and the United States, which was widely reported by the local news media.¹⁶²

G. *A Deep Christian Faith*

Arthur Yao was born into a Christian family in China and grew up in the company of a Christian priest, according to his grandniece-in-law, Grace Liu. He studied the Bible in English before he could recite the Three Character Classics in Chinese (三字经). He went to a missionary school

156. See Alumni Ass'n, Univ. of Mich., *Three Club Districts Hold Annual Meeting*, 63 MICH. ALUMNUS 1, 338 (1956) (listing the officers of the Taipei, Taiwan Chapter of the Michigan Alumni Association).

157. *Participating Donors*, 42 L. QUADRANGLE NOTES iii, H.R. 8 (1999).

158. See AM. BAR ASS'N, 1962, *supra* note 50, at 367 (listing Dr. Yao as a Professor of Law at St. Mary's University in San Antonio, Texas).

159. See Chen, *supra* note 72 ("[Dr. Yao] served full-time as the legal adviser of Civil Air Transport Co. in the early 1950's . . .").

160. Tex. Bar Journal, *Association Activities*, 21 TEX. B.J. 646, 648 (1958).

161. See Int'l Legal Fraternity of Phi Delta Phi, *Letters from the Inns*, 59 BRIEF 253, 298 (1964) (noting Arthur Yao obtained honorary membership from the Phi Delta Phi legal fraternity in 1963).

162. See *Fenwick Club Will Meet at Luncheon*, SAN ANTONIO EXPRESS, Nov. 3, 1959, at 12 (anticipating Dr. Yao's speech on the distinction between feminine customs in the United States and China); Heller, *supra* note 74, at 47 (noting Dr. Yao's speech on the evolution of feminine customs in China and how they compare to the United States).

where he studied and recited the Bible as a child. His early Christian education made him a life-long, devoted Christian. Upon joining St. Mary's University as a teacher, Dr. Yao, together with wife, Doreen, attended the First Presbyterian Church of San Antonio,¹⁶³ and the couple belonged to the same church until their deaths.¹⁶⁴ A deeply religious person until the very end, Dr. Yao chose to have his ashes buried in a wall of the church's backyard so that he could be with God forever. The ashes of his wife, Doreen, are buried with his on the church's grounds.

H. *A Smart Stock Trader*

Arthur Yao had a great mind and was self-reliant, even in retirement. His favorite reading was the *Wall Street Journal*. He always filed his family tax returns by himself and took care of the family finances. Dr. Yao loved stock trading as a hobby, and traded stocks for decades, and more so in his retirement, according to multiple people and sources. It was rumored that he came to the U.S. as a stock trader, as I was told by one source interviewed for this article. It is true that throughout his time in San Antonio, he kept his hobby and continued to trade stocks on the New York Stock Exchange on the side when he was not teaching in the classroom, according to Grace Liu. It is said that Dr. Yao once made a fortune on the stocks trading but eventually lost half a million dollars of his money. This story was not true, stated Ms. Liu, because Dr. Yao was a smart trader and very successful in trading. After retirement, he invested all his retirement funds into stocks, and he was very successful in making good returns on his investments. One of his investment strategies was to hold the stocks forever regardless of market fluctuations. He owned stocks in several prominent American companies and left these to his wife and relatives in his will.¹⁶⁵ As a former student recalls, he once jokingly threw this question at him, "Dr. Yao I heard you were a very rich man and that you made your money in the stock market! How do you make money in the stock market?" Dr. Yao

163. See THE FIRST PRESBYTERIAN CHURCH OF SAN ANTONIO, TEX., THE CHURCH REGISTER (1956) (listing Arthur Yao as #2369 and Doreen Yao as #2370 on the directory).

164. See THE FIRST PRESBYTERIAN CHURCH OF SAN ANTONIO, TEX., THE CHURCH REGISTER (1975–1999) (listing Arthur Yao as #1676 and Doreen Yao as #1677 on the directory).

165. Before his death in 2004, Dr. Yao owned stocks in Eastman Chemical Company, Eastman Kodak Company, General Motors Corporation, J.P. Morgan Chase & Company, Verizon Communications, Inc., and Viacom, Inc. Last Will and Testament of Arthur Yao, *supra* note 154, at 3.

did not miss a beat: “Easy—Buy loooooooooowwww and Sell HIGGGGGGGGGGGH!”¹⁶⁶

V. CONCLUSION: A LIFE WELL-LIVED

Dr. Yao was a pioneer Chinese-American law teacher in this country. He was a trailblazer, and certainly left a very positive mark on his students and St. Mary’s School of Law. He lived a long life and died at the age of ninety-seven years old.

Since leaving Shanghai in 1949, Dr. Yao never returned to China for fear of his life and prosecution by the Chinese government. In the 1990s, after China began the economic reforms and opening to the outside world, officials in the Department of the United Front of China invited Dr. Yao to return to China for a visit or resettlement, which he declined. The couple traveled to Portland, Oregon to visit their grandnephew and his wife in 1990 and 1999. In 2003, the grandnephew’s family came to visit Dr. Yao in San Antonio on the occasion of his ninety-sixth birthday celebration.

In death, Arthur Yao chose to remain humble and considerate for the living. According to his grandniece-in-law, Grace Liu, Dr. Yao was cremated, and his ashes were placed in a small container that was buried in the wall of his church—the First Presbyterian Church of San Antonio. The wall containing his ashes faces the entranceway so that he can greet fellow worshipers as they walk onto the church’s grounds. That is how he wished to be remembered—an honest man, patriot, and a loyal citizen.

166. E-mail from Daniel J. T. Sciano, Attorney at Law, Law Offices of Tinsman and Sciano, to author (July 31, 2017, 09:45 CST) (on file with author).