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Professor Aloysius A. Leopold: An Extraordinary Man.

Gerry W. Beyer

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TRIBUTE

PROFESSOR ALOYSIUS A. LEOPOLD: AN EXTRAORDINARY MAN

GERRY W. BEYER*

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I. INTRODUCTION

Aloysius A. Leopold is the finest teacher, scholar, mentor, and friend I have ever known or can imagine knowing. I was initially ecstatic when Kris Hufstetler, the Solicitations and Articles Editor of *St. Mary's Law Journal*, asked me to write a few words about Al. After accepting the invitation without hesitation, I began to have second thoughts. Could I find adequate words to express Al's awesomeness? Would Al ever speak to me again for "embarrassing" him with the praise he so richly deserves but may prefer to dodge? I could have backed out but decided I would take these risks because everyone needs to know and appreciate his humor, warmth, and intelligence.

* Governor Preston E. Smith Regents Professor of Law, Texas Tech University School of Law. B.A., Eastern Michigan University; J.D., Ohio State University; LL.M., J.S.D., University of Illinois. Professor Beyer taught at St. Mary's University School of Law from July 1981 through May 2005.

Because I do not want to stray too far from a tribute's traditional elements, I begin with a very brief summary of Al's life and career. Aloysius A. Leopold was born on March 14, 1934 in Nada, Texas, where he grew up on his family's cotton farm. I remember hearing the excitement in his voice when he explained the thrill his family experienced when the "modern" convenience of electricity was first available at their home. Before entering law school, Al had a variety of diverse "occupations." He worked on a construction crew, managed a lumberyard, and served in the Army (as I recall, in the intelligence division—no surprise, eh?).

Back in the day, an undergraduate degree was not required for law school admission, so Al used his three years at the Assumption Seminary in San Antonio as his entrance ticket to the St. Mary's University School of Law.¹ Al graduated in 1962 at the top of his class.

Because of his stellar law school performance, Al was immediately offered a professorial position at the St. Mary's School of Law by the iconic Dean Earnest Raba. Although excited about this possibility, Al knew that to be an excellent teacher, practical experience was essential, so he declined the offer and headed to the Rio Grande Valley, where he practiced law, first as an associate with the firm of Kelley, Looney, McLean & Littleton and then as a partner in the Edinburg firm of Peña & Leopold.

Five years later, Al heard a knock on his office door and in walked Dean Raba who renewed his offer. On that fateful day in 1967, Al accepted and began teaching in the following summer term. Interestingly, instead of initially being assigned a course in his areas of expertise, real property and probate law, his first teaching assignment was domestic relations.

Preferring the rural life to the hustle and bustle of the big city of San Antonio, Al and his family moved to Boerne, where they lived for the next forty-eight years as he guided over 10,000 law students through complex legal concepts, especially those surrounding property-based issues in courses such as mortgages, marital property and homesteads, wills, trusts, and of course, the first-year property course.

No summary of Al's life is complete without mentioning his family. Agnes, his insightful and charming wife, is a constant source of support and inspiration. They raised seven children, four sons and three daughters. All are good, honest people who have succeeded in life because of the

1. Several years after teaching law, Al returned to the classroom as a student and earned his B.A. degree in History from St. Mary's in 1970.

love, integrity, and faith Al and Agnes bestowed upon them.

II. THE TEACHER

*The mediocre teacher tells. The good teacher explains.
The superior teacher demonstrates. The great teacher inspires.*²

Al has most likely taught more students than any professor at St. Mary's and would rank in the uppermost reaches of the national "rankings" if there were such statistics. If you did not know better, you might suggest this is because of his forty-eight years of teaching. Although this is indeed a factor, the more significant reason is his teaching style, engaging personality, and understated humor. Al's classes filled up quickly, and there were usually long waiting lists brimming with students hoping to gain a seat.

Students, alumni, and colleagues have presented Al with countless awards for his stellar teaching. In 1984, St. Mary's University presented him with the first Distinguished Faculty Award for the School of Law, and numerous student organizations have named him as the Professor of the Year. Even in this modern age where students rate professors online, Al's rating is a stunning 4.9 out of 5.0 at RateMyProfessors.com.³ Examine the quotes below, which I culled from his rave reviews:

Professor Leopold is the best teacher for anything property or wills related. If you're looking for an easy class, don't take him, but if you're looking for a class in which you will walk away knowing your stuff . . . he is the man!

Amazing professor. He has been teaching property for over 40 years and knows everything about it. He is always available during office hours so if you don't understand something[,] he is always helpful in explaining the material.

Best Teacher EVER!

I gained personal experience of Al's teaching by observing him in the classroom. His gentle, yet commanding demeanor made it immediately apparent I was in the presence of a great teacher. I was actually jealous of his students and wished I had the time to sit through an entire semester of one of his classes, especially his marital property and homestead class which, to this day, I still regret not having done.

2. William Arthur Ward, *William Arthur Ward Quotes*, BRAINYQUOTE, <http://www.brainyquote.com/quotes/quotes/w/williamart103463.html> (last visited Nov. 29, 2015).

3. *Aloysius Leopold*, RATE MY PROFESSORS, <http://www.ratemyprofessors.com/ShowRatings.jsp?tid=428890> (last visited Nov. 29, 2015).

III. THE SCHOLAR

*The most prolific scholar of his generation on the [St. Mary's] law faculty.*⁴

Statistics prove the veracity of this assertion. Al has authored over twenty-five state and nationally published treatises and form books on topics such as real estate, community property, homesteads, mortgages, land titles, wills, probate, and estate administration. These volumes combine academic discussions, sophisticated legal analysis, and practical advice making them necessary parts of a practitioner's law library. Al has also prepared numerous casebooks carefully designed for use in law school classes in mortgages and real estate finance, marital property and homesteads, and the international law of stolen art and artifacts. Last, but not least, he has authored traditional law review articles on topics such as ante-mortem probate and loss of earning capacity in community property jurisdictions. As a testament to the impact of his writings, at least two dozen state courts and many federal courts have cited his writings as authority for their opinions.

Al's scholarship efforts have not been limited to authoring legal materials. He takes a leading role in encouraging the scholarship of students and his faculty colleagues. I will provide two examples. First, Al was instrumental in the founding of the *St. Mary's Law Journal* along with then Dean Earnest Raba and the future Dean Charles Cantu. Al also served for many years as the Journal's faculty advisor, providing continued support to the *Journal* and its editors as they successfully completed their mission of writing excellent student notes and comments and tweaking professional articles. Second, as he has with his colleagues before and after me, Al played an instrumental role in encouraging my own scholarship. He even allowed me to join him as a co-author on several publications.⁵

IV. THE MENTOR

*Mentoring is a brain to pick, an ear to listen, and a push in the right direction.*⁶

Al has been a revered mentor throughout the years to an unfathomable

4. Aloysius A. Leopold, ST. MARY'S U. SCH. OF L., <https://law.stmarytx.edu/academics/faculty-and-staff/alloysius-a-leopold> (last visited Nov. 29, 2015).

5. See Aloysius A. Leopold & Gerry W. Beyer, *Ante-Mortem Probate: A Viable Alternative*, 43 ARK. L. REV. 131 (1990) for an example of a publication Al and I did together.

6. John C. Crosby, BRAINYQUOTE, <http://www.brainyquote.com/quotes/quotes/j/johnccros137546.html> (last visited Nov. 29, 2015).

number of students, attorneys, and colleagues. This point was recently reinforced when I attended the fall 2015 meeting of the Real Estate, Probate, and Trust Law Council of the State Bar of Texas in Denver, Colorado. Two of his former students, now highly respected attorneys in their fields, spontaneously told me the positive impact Al had on their personal lives and professional careers, showing Al's influence stays with us even decades after law school.

I would like to add a personal note to illustrate the impact Al's mentorship has had on me. I first met Al when I traveled to San Antonio in the winter of 1981 to interview for a teaching position at St. Mary's. Even during our brief interview, he was already giving advice to this nervous but excited applicant who quickly realized this fine gentleman could have an impact on his career. Little did I know how correct these initial impressions would be. In my first year at St. Mary's, I had to prepare five different courses, including wills and trusts. If that was not tough enough, Dean James Castleberry advised me it would be preferable to teach these courses from a Texas law perspective. Coming from a practice in Ohio, I had no clue about Texas law and especially the community property system, which my Ohio professors referred to as "some strange stuff down South you will never need to know." Al freely shared his knowledge with me and patiently endured my daily office visits, which entailed walking across the law campus from what is now the law library to his office in what is now the law administration building to field my questions about Texas law.

As I started to become comfortable with Texas law and my classes, I figured I had likely worn out my welcome and could "stay in my own building." But, I was wrong. While dining at a law school banquet, Al took a gamble when he asked me to work with him on one of his many publications. During the months that followed, he guided me through the authoring process again resulting in more "out-of-building" experiences.

When the former law library was remodeled to hold faculty offices, I decided my best bet to continue to absorb his wisdom and benefit from his guidance was to stake out the office next to his. Although my seniority was relatively low, I was fortunate enough to secure the office next to his, where I remained for the next twenty or so years of my tenure at St. Mary's.

Each and every day, Al's mentorship continued as he shared with me his encyclopedic legal knowledge and teaching advice. In addition, and certainly of greater importance, Al always demonstrated and instilled in me the highest degree of ethics, morals, and values. By example, he taught me

and countless others how to take the high road even when an alternate route seemed justifiable. I owe him a debt for his personal and professional mentorship, which I will never be able to repay.

V. THE FRIEND

*There is nothing on this earth more to be prized than true friendship.*⁷

More important than being a mentor, Al is a true friend. Al is always available when I need advice, ranging from how to handle sensitive interpersonal issues to the best way to grow tomatoes, build a workbench, or “convince” Margaret, my wife, to enjoy lamb by generously sharing with me some of the prime cuts of his Barbados sheep.

As I contemplated leaving St. Mary's in 2005 to accept a professorship at Texas Tech, I sought Al's advice. Part of me hoped he would tell me it was a “bad deal” and convince me to stay as I knew I would miss the fun, comfort, and security of having Al just a few steps away. As you already know, he did not do so but instead explained this was an opportunity not to be ignored. So, I decided to leave, but not a day goes by that I do not miss him as my next door neighbor.

Fortunately, distance has not detracted from our friendship, especially with the ease of communication by phone and e-mail. And, Margaret and I have been honored to play hosts to Al and Agnes at our home when their travels bring them through west Texas. As is the case with true friends, once we are together, it is as if we have never been apart.

VI. CONCLUSION OF THIS ARTICLE, BUT NOT THE END

Those of you who know Al are certain to echo my sentiments and have experiences of your own which extol his positive impact on your life. Hopefully, you have enjoyed my brief comments so that a smile has crossed your face and joy was brought to your heart. If you are not acquainted with Al, I hope you can appreciate he is indeed an extraordinary man.

As I bring to a close my fond homage to this great man, I am pleased to report I have recently learned that future law students will not, after all, be deprived of Al's wisdom and tutelage. As he assumes his new position as Professor Emeritus, he revealed to me he plans to teach a course “now and then” for the law school. The legend continues.

7. *Thomas Aquinas*, BRAINYQUOTE, http://www.brainyquote.com/quotes/authors/t/thomas_aquinas.html (last visited Nov. 29, 2015).