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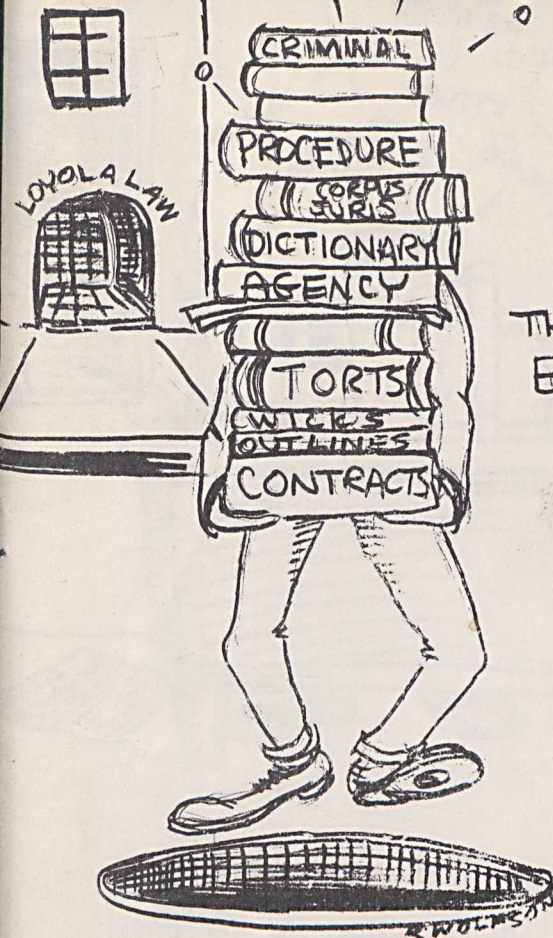
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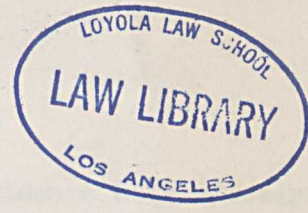
LOYOLA
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THE LAW IS
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LOYOLA UNIVERSITY, LOS ANGELES,
SCHOOL OF LAW. STUDENT BAR
ASSOCIATION.

MEN
WORK



ANNUAL BREAKFAST ----- A SELLOUT

The officers of St. Thomas More Law Society, now treating their peptic ulcers with a milk diet, are rejoicing over the unprecedented attendance at the Annual Mass and Breakfast held on April 12. At 10:00 a.m. the Loyola University Campus was deluged with 190 hitherto unknown members of the student body--i.e. the Law School students. Mass was celebrated by Father Donovan in the Sacred Heart Chapel. The Loyola University Chapel Choir under the direction of Ted McNamara sang at the Mass. Following which everyone sojourned to the new banquet room in Maloke Memorial Student Center for breakfast.

After breakfast Bill Coskran introduced Father Donovan, who in turn introduced the guest speaker of the morning, Mr. S. Ward Sullivan, late of the Duncan trial. Father Donovan commenting on Mr. Sullivan's unbelievably high scholastic average while at Loyola Law School (95) consoled the present students by commenting that Mr. Dibble was not then on the teaching staff.

Mr. Sullivan gave an interesting and informative speech on trial tactics in a criminal suit, noting especially that those preparing for this field of law should concentrate heavily on learning the rules of evidence.

Result --- a good time all around.

CHIEF PARKER GUEST SPEAKER

St. Thomas More Law Society closed its lecture series for the year on April 22 with a speech by Chief William Parker of the Los Angeles Police Department.

Speaking on the Balance Between Effective Law Enforcement And Personal Liberties, Chief Parker aroused considerable interest and comment among his hearers. The lecture was devoted primarily to a discussion of recent decisions which the Chief considers to have placed a real road block to law enforcement, namely People v. Cahan, (44 Cal. 2d 434) and Priestly v. Superior Court (50 Cal. 812)

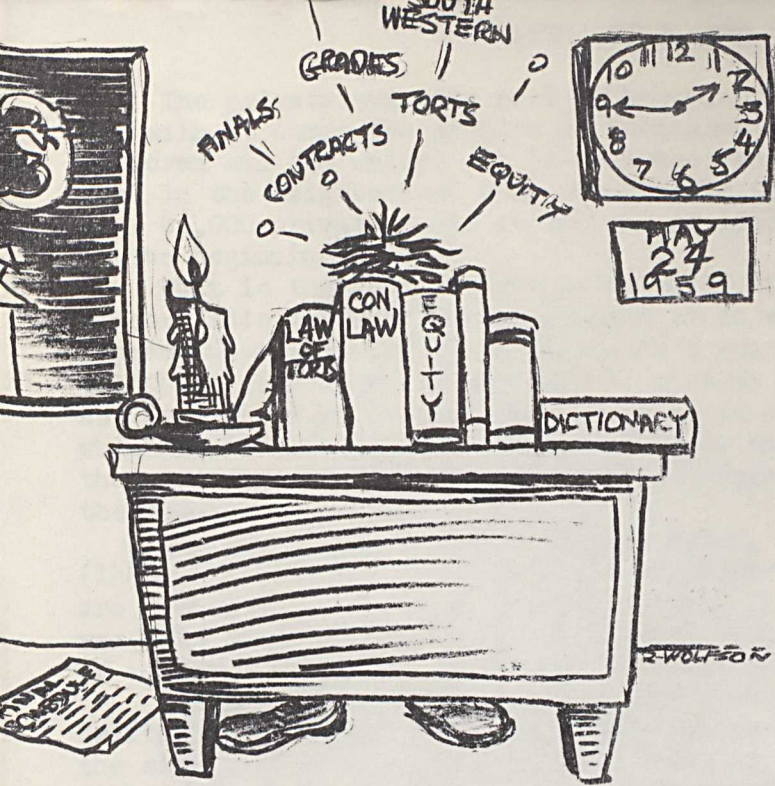
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GUEST SPEAKER

JUDGE BENJAMIN HARRISON

FRIDAY

MAY 1 - 11:00 AM.

In the Cahan case, California adopted the Exclusionary Evidence Rule already in use in the Federal Courts; and in the Priestly case it adopted the rule requiring the naming of informers where a suspect is arrested solely on information, there being no additional evidence sufficient to constitute probable cause for arrest. The result of these two decisions has been a major set-back to police enforcement, in that, where an officer makes an arrest under conditions which might fall under either of these rules he may be risking a civil suit or the court may destroy his work by finding either the search or arrest invalid.

The primary point of the lecture was to the effect that the amount of protection offered individuals under these decisions is far outbalanced by the harm to the public in general by reason of the difficulty in obtaining competent evidence on illegal activities and following through with an arrest which will be upheld by the court. Chief Parker criticized the courts for being eager to hand down esoteric rulings based on highly complicated use of semantics with little regard for the practical effects on maintenance of law and order.

The Society and students were honored to have Chief Parker as a guest and hope that in the following year we will be able to hear other informative speakers on equally pertinent topics.

PHI DELTA PHI

Achievements in many lines ranging from sports to studies have marked second semester activities of Phi Delta Phi.

Fraternity baseballers sparked by the pitching of Dan Diedrich and the catching of Bob Courtney knocked out a 12-3 victory over PAD to make a complete sweep of the year's athletic contests.

In academic ranks, the fraternity's "Graduate of the Year", Bill Coskran, seems certain to take top honors for the class of '59.

The Moot Court Team has also had the benefit of Phi Delta Phi members with fraternity members Dick Smith and Pete Smith joining Jo Ann Mares on the squad.

A major event has been the formation of the Wives' Club largely through the work of Carol Yates and Norma Moulton. Newly elected president of the group is Peggy Liesch.

A highlight of semester activity was the initiation of pledges March 24 at Raffles Restaurant. Magister George Montgomery exemplified the spirit of the fraternity in his introduction of the featured speaker, a representative of the internal revenue service, who exemplified that department.

The evening broke up with considerable discussion of the speaker in the bar: followed by a seminar on assumption of the risk attended by the magister and members Falkenhainer, Moulton, Smith, Thorpe, Morris and Ward.

The private swimming pool is becoming a common part of the Southland scene and with it comes the problem of increased accidental death and injuries involving children and the water. It is no longer an isolated problem of an occasional pool in the neighborhood when the Pacific Coast area is seen to be dotted with over 87,000 private pools at the end of 1958, a 30,000 increase over the number at the beginning of 1956.

What is the pool owner's position of liability when the neighbor's child wanders into the yard and is drowned or injured in the pool? The California Supreme Court has spoken on California's general position in Reynolds v. Willson (51AC93). The court stated that as regards the swimming pool itself, it does not constitute an "Attractive Nuisance" as a matter of law. The manner in which it is maintained and used, however, may impose a duty of ordinary care on the possessor toward young children although they may technically be trespassers at the time.

The swimming pool, as a body of water, was considered in Wilford v. Little (114CA2d477) as being in the class of dangers common in the community which all are deemed to understand, as a fire, fall from height, etc. In this case there was held to be on "Attractive Nuisance" although there was an additional factor of a diving board upon which the children were playing.

The particular maintenance of the pool may involve an "artificial instrumentality in the nature of a "trap" and impose the duty mentioned above. Such was the situation in the Reynolds case which involved a pool which was only partially filled and in which leaves and algae had accumulated to make the bottom along the sharp decline from the shallow to deep end of the pool slippery.

Pool owners should be advised of simple precautionary measures such as electronic warning devices or pool covers which are now available, in addition to enclosures surrounding pools which are now required in most areas by law.

LOYOLA MOOT COURT TEAM

Last month the Moot Court team was chosen to represent Loyola in the State competition. The team is made up of Jo Ann Mares, Richard Smith and Peter Smith with Don Harrington as alternate.

The competition is conducted on an appellate level. The teams are given the transcript of the proceedings in the trial court and must then develop the theories for appeal. Each team is assigned as either appellant or respondent and must submit a written brief of their arguments. They then meet one another for the oral argument. The oral argument is generally held in the Federal Building for the local schools and is presided over by a judge from the local bench.

There will be a preliminary round within the two regions, Los Angeles and San Francisco, which will produce one team each. These teams will then compete against each other for the state championship to be held at the California State Bar Convention this summer.

The schools that comprise the region that Loyola will compete in are the University of Southern California and the University of California at Los Angeles. Loyola has drawn a bye for the first round which will be held May 3, 1959. However, on May 8, 1959 Loyola will meet the winner between USC and UCLA and the winner of this round will then meet the winner from the northern region this summer for the championship.

We wish our team all the luck in the world, and by the way, try and make it down to the Federal Building on the 8th of May to lend moral support to the team.

HELP NEEDED

If plan currently under way crystalize, the Loyola File will expand to a four page printed paper next fall.

To assemble a paper of this size it will be necessary to form a committee that can work together during the summer vacation and co-ordinate the first issue. A notice will be placed on the Student Bar Bulletin Board in the near future. All those interested are urged to assist. A journalistic background is not required. Both evening and day students are invited to aid in this project.

The year 1958-1959 found Ford Chapter of Phi Alpha Delta completing a most successful and active term.

The highlight of the year was the annual P.A.D. Initiation Dinner - Dance held at the Carolina Pines and featured Raymond Burr as the guest speaker. The same night 62 men of Loyola became active members of Ford.

On March 20-21, Ford Chapter in conjunction with Ross (USC) and McKenna (UCLA) hosted the annual II and III District Conclave. The Ambassador Hotel served as headquarters for the gathering. Festivities commenced Friday, March 20 with a cocktail party hosted by the Los Angeles Alumni. Saturday morning commenced with a panel discussion on various aspects of the law by prominent attorneys in the various fields of law insofar as employment was concerned. That afternoon, following a lunch in the Ambassador Venetian Room, the delegates convened for a Chapter workshop session centered mainly on placement problems of the law graduate. That evening, a cocktail hour, followed by an excellent dinner-dance, brought to a close an outstanding conclave.

Many seminars in various subjects have been given by P.A.D. this semester. Norm Hanover, Skip Prante, Owen Fiore, Les Hartley and Barney Finley have contributed their time to assist in these seminars.

The Padettes have once again completed an outstanding year. The Wives' Club actively assisted Ford Chapter in its preparations for various social functions and contributed much time and energy toward charity projects. Mary Ann Fiore served as President during the past term.

The annual Bar-b-que will be held at the home of the parents of Owen Fiore. Char-broiled steaks, salad and potatoes, coffee and pie will fill the appetites of the party-goers. Swimming and a bar that will open at 1:00 p.m. should combine for a restful afternoon. The evening will find the couples dancing in the patio, in what should prove to be a successful highlight to an outstanding Ford Chapter year.

INTRA-MURAL SPORTS

The close of the 1958-59 "Sports" year at Loyola ended with Phi Alpha Delta in second place and Phi Delta Phi next to last in overall standings.

The featured athletic events of the year were football and softball. Phi Alpha Delta lost to Phi Delta Phi on the gridiron by a tight score of 26-0. In a close 7 innings softball game, Phi Delta Phi edged Phi Alpha Delta 12-3.

The contests featured fine sportsmanship and fair play and it is expected that the series will commence anew next fall. There is a rumor that Phi Alpha Delta has challenged Phi Delta Phi to a chug-a-lug contest, but this rumor has not yet been substantiated. If the proposed event does take place, it is expected to be a spirited occasion.

