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Reverend Joseph J. Donovan, S. J. 1891-1977—In Memoriam

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*Otto M. Kaus**

It is easy to take good fortune for granted, even if richly deserved. Sixteen years ago Governor Pat Brown, for reasons that may still puzzle him, appointed me to the bench. I have enjoyed every—well almost every—single day as a judge. All too rarely have I thanked the person who first decided that I was miscast as a practicing attorney and somehow got that message to Sacramento. Father Donovan's passing is a jolting reminder of this outstanding I.O.U. These few words in tribute to his memory are offered as a partial redemption.

It is beyond my powers to describe the whole man. I did not know him well until he was about sixty years old. Perhaps, though, a few vignettes of my contacts with him will contribute to a picture which others may help complete.

My first encounter with Father had all the earmarks of also being the last. It was the summer of 1946. Recently discharged from the service I wanted to enter law school that fall. Though already accepted at U.S.C., I really wanted to get into Loyola mainly, I confess, because the class schedule was more compatible with the part-time job I had and needed to keep to support my family. Admission to Loyola was, however, contingent on one's passing a fiendish so-called "legal aptitude test" which Father had personally devised and the results of which were not out when classes at U.S.C. were already starting. Being by nature a belt-and-suspender man, I did not want to miss registration at U.S.C. if there was a chance that I flunked the test. With the brashness of comparative youth I bearded the lion in his den and explained my dilemma. He noted my Austrian accent and started to reminisce about his seminary days in Innsbruck. I listened politely, but after awhile brought the conversation back to the point: "Was I going to be admitted at Loyola?" He seemed amazed that anyone could prefer so trite a topic to a chat about the beauties of the Tyrolean Alps. Nevertheless, he opened my folder, rubbed his tonsure, stared at the Grand Avenue traffic—remember the streetcars—folded his hands behind his head, leaned back on his chair and said: "S.C. is a fine law school, an excellent law school. Best of luck to you." Thus it came about that when three weeks later I did start classes at Loyola, I was already one of the fastest drop-outs in the history of U.S.C. Law School.

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While I was a student at Loyola, my contacts with Father Donovan were few—my choice, not necessarily his. The agenda was always the same: “Why was I smoking in an area reserved for non-smokers?” There was an easy, though not necessarily diplomatic answer: “The entire school, except the tiny lounge off the library, was reserved for non-smokers.” After a few of these encounters I learned how to be more circumspect or, perhaps, he learned how to avoid mutually unsatisfactory encounters. From then on we pretended that the other did not exist.

This state of diplomatic nonrecognition continued until right after graduation when it was broken by an event which struck me much like President Nixon’s announcement, twenty years later, that he was going to China: Out of the blue Father asked me to become a member of the part-time faculty. I greedily accepted, not necessarily because of any burning desire to become an educator, nor for the money—I believe my first stint in Father’s vineyard was on the house—but because my lowly status in my law firm urgently called for the kind of ego-booster that I imagined teaching to be. Thus started a happy association with Loyola and particularly with Father which was to last for twenty-five years.

That was, of course, still at the old Grand Avenue site. Naturally I had to teach nights as well as days. Somehow mine was always the last hour in the evening when, invariably, I found Father Donovan standing in the middle of the lobby bidding the students goodnight, simultaneously smiling, frowning, shaking his hands as well as his jowls, joking, exhorting, insulting and explaining to my successor of the moment that the lobby was one of the areas reserved for non-smokers.

Somehow I got into the habit of spending a few minutes with Father Donovan in his office before going home. Pleasant though these meetings always were, I often found myself subjected to what seemed rather pointless questioning: Did I know X in the public defender’s office, Y on the district attorney’s staff, the sentencing practices of Judge Z on the municipal court, what were “they” likely to do to a mixed up young would-be rapist, and so on. Having no criminal practice I was rarely able to answer any of Father’s questions and he never explained his purpose in putting them. Only much later did I learn that Father was quietly running a legal aid clinic, trying to help unfortunates on whom others had given up.

Often, as I was on my way out after these chats in Father’s office, I would run into very non-U types on their way in—bums, winos, seedy men in faded suits. These, it turned out, were the clients of Father’s private welfare agency, reporting for their nightly bits of advice, consul-

tation, sympathy and handouts. It seemed that when the law school finally ended its long day, Father was just starting another.

In the fifties Father's most glorious week was the State Bar Convention. In those years the convention coincided with the final round of the state moot court competition which, thanks to a succession of silver tongued orators and a splendid coach whose identity I am too modest to reveal, we won several years in a row. Father's pride always equaled that of a millionaire who had bought himself a Superbowl winner. He would accept congratulations as if he had personally written the briefs and prompted the contestants in their arguments and responses to questions from the bench. This climax was only rivaled by the splendor of the alumni bash he originated—the "Symposium"—a cocktail party which put the dull lunches of other law schools to shame, and over which he presided like an Irish Bacchus. The party was free, but Father never forgot to set up a card table at the entrance where the alumni association collected its annual dues from alumni and gatecrashers alike.

Every December Father took a trip East, usually going first to Washington, D.C., and arriving in New York at the time of the final round of the national moot court competition. He was most insistent that a Loyola team would meet him there. Happily we were able to oblige him most years, though unhappily we only once survived the first round. This left us with several evenings with nothing to do except to listen to the surviving teams knock each other out or go to hit shows to which nobody could get tickets. Nobody, that is, except Father. I remember one year when we managed to lose by 7:30 p.m. on the first day. Father's reaction was to pull out the theatre page of the Times, ask what show we wanted to see, get on the phone to some mysterious angel and announce that the house seats were to be picked up at the box office.

The final round of the New York competition was always preceded by a dinner, at which the judges—always pretty heavy types—participated. During the preceding social hour they invariably proved to be bosom friends of Father. He knew literally everybody in the legal world. After one of these occasions, when he had been hobnobbing with Justice Frankfurter a good part of the evening, I walked him back to his hotel through the concourse of Grand Central Station. It was midnight and the place was virtually empty, except for folks like the Western Union operator and the janitors with mops and buckets who were cleaning up for the morning rush hour. To this day I will never know why all of them greeted Father with precisely the same cordiality and familiarity as Justice Frankfurter had done a few hours earlier. They did, though, and

made the long walk through the concourse seem like the triumphal return of a Roman conqueror.

To end where I started: My own debt to Father. Let me sum it up with a mini-vignette. In 1964 my appointment to the Court of Appeal had just been announced and I was celebrating it with a few friends at the Curtain Call bar at the Music Center. While they were assuring me how I had merited the promotion, a more realistic lawyer came to our table, congratulated me and remarked: "I didn't know that Father Donovan had that much juice."