Government Brown Names Three Loyola Graduates to Bench

Loyola School of Law was recently honored when three of her favorite students were appointed to the Bench of the Superior Court of the State of California.

Nominated from Riverside County was Judge Leo Deegan, a 1939 graduate from Loyola Law School. Judge Deegan has brought to the Bench a distinguished career in public service. He has served in Riverside County as a Public Defender and City Attorney.

Another Superior Court appointee is Municipal Court Judge Maryvynn Aggeler. Judge Aggeler is the son of the late Superior Court Judge William Tell Aggeler and the brother of Municipal Court Judge Leo Aggeler. A native of San Jose, Calif., Judge Aggeler graduated from Loyola Law School in 1931. He was a Deputy District Attorney from 1936 to 1954, when he was appointed to the Municipal Court Bench.

Judge Julian Beck graduated from Loyola Law School as a night student. During his law studies, Judge Beck taught school in the Los Angeles City School District-Politics eventually attracted Judge Beck, and he was elected to serve as an Assemblyman from the Burbank area. He received his A.B. from UCLA in 1929, his LL.B. from Loyola in 1935.

On September 17, 1937, Phi Alpha Delta Law Fraternity granted a charter to a local law fraternity at Loyola Law School known as Phi Alpha Delta. This local fraternity had been in existence at Loyola since 1925. Members of the new branch of Phi Alpha Delta are first names of the Hammel Hamlin chapter, in later years this name was changed to the Ford chapter, after the eminent Dean Ford.

Premier Mock Trial To Be Held Dec. 18

The Mock Trial of a Personal Injury action, sponsored by the Loyola Law School Student Association, will be held Friday, December 18, 1959. A new competition, the Trial is designed to give students at Loyola Law School experience in preparing and handling a legal action in a Code Proving jurisdiction. The time and place of the competition will be announced shortly.

The first case on the docket is a personal injury action presided over by Superior Court Judge Jesse Hampton. The action will be brought by Owen Freer and Jim Mountain for Plaintiff Lauralea Trisler against Defendant Gene Loyva, who will be represented by Ed Masry and Norm Ranover.

Other students participating in the Trial will be Bill Schad, who will act as bailiff, Tom Mantthea, as clerk, and Mike Collins and Frank Rivera, as witnesses. A jury, consisting of first year students, will be impaneled at the time of the trial. Two practicing physicians will act as expert witnesses.

Sponsored by the Loyola Student Bar, the Mock Trial was planned to give students an opportunity to participate in and view proceedings similar to those of an actual trial. This is the first attempt at such a competition at Loyola, and will be conducted bi-annually. This year's trial is organized by third year students Les Hartley and Ed Carney, and second year students (Over on Page Four)

EDITORIAL:

A Law School Newspaper

Perhaps it is well at this time to discuss, in a general way, a few functions of a student newspaper in a law school. In the same vein, a few words should be said about the role of such a newspaper in the legal community of students, faculty and alumni, and the relationship of the students to their newspaper.

Needless to say, the primary function of a newspaper is to communicate. A newspaper is a communication medium, and like all such media, it has reasons for communicating. To name but a few, newspapers fulfill its informative function in two ways: actively, by publishing upcoming activities and events; passively, by objectively reporting activities as they happen. Metropolitan newspapers are concerned primarily with this informative function.

On the other hand, a law school is primarily concerned with legal concepts, events and personalities. Necessarily, the scope of a law school newspaper is narrower than that of a metropolitan newspaper. News reporting, because of this, has a limited value in a law school. But of course, certain news reporting plays an important role in a law school.

For example, events, as we have seen this past month, such as lectures by prominent attorney Raoul Magana on Personal Injuries, and noted scholar, Dr. Frank Sullivan, of Loyola University, on St. Thomas More, point this out clearly. Here publicity and reporting play an instrumental role.

Likewise, such school activities as the Scott Competition, the Moot Court, and the Mock Trial must be publicized and reported. Such organizations as the St. Thomas More Law Society, which sponsors, throughout the academic year, a series of lectures by prominent judges and members of the bar, and the school fraternities-Phi Delta Phi and Phi Alpha Delta—which host men such as Professor William Prosser and United States Senator Thomas Kuchel at their conclaves, come within the informative function of a law school newspaper.

There remains, finally, the function best described as the stimulation of thinking and ideas. This function is expressed in expository or critical writing. Expository writing transends the individual student and law school. Because of this, a law school newspaper becomes of interest, not only to the law student, his school, alumni and faculty, but to other schools and the legal profession as well. In this kind of writing, it may be said, lies the stature of a law school newspaper. Such writing tests the writer, measures the newspaper, and, indirectly, reflects the law school itself.

Indeed, expository writing is best seen in law reviews. For the

(Over on Page Two)
**COMEDY OF ERROR**

By RABERN B. PRANTE

The Konigsberg case is a living legal example of what happens when the cart is put before the horse. Because the California State Bar Committee did not state its real reason for first refusing to certify Konigsberg to practice law, I think they will be precluded from doing so now.

The controversy began in 1953 when Konigsberg refused to answer questions as to his Communist Party membership. As a result of that hearing, though Konigsberg did not carry his burden of proof, the Committee found that he had not carried it. His Communist affiliation was protected from such real reason being his failure to certify him because he would not answer the questions, though this was patently their basic reason.

When the U. S. Supreme Court considered the problem, the Committee refused to certify Konigsberg as a matter of law, sustanting the burden of proof. Though the Committee did not carry its burden of proof, they could do so when they refused to certify Konigsberg because he had refused to answer the questions about his affiliation.

The California Supreme Court, Konigsberg v. State Bar (52 A.C. 265), in upholding the Committee's decision, not to certify Konigsberg, found that the State's interest in his Communist Party membership was as vital as the State's interest in his moral character and affirming its contention that he was loyal, the Committee found that he had not carried his burden of proof according to these qualifications. A showing of good moral character and of loyalty is required by California Business and Professions Act, Sections 6063 and 6064.1. The Committee's only reason for refusing to certify Konigsberg was his alleged failure of proof. The Committee did not say that he refused to answer the questions because he did not answer the questions, though this was patently their basic reason.

Upon the rehearing that led to the present case, the Committee, without introducing any new evidence, advised Konigsberg that he would be denied certification if he refused to answer material questions, and that he had already failed to answer material questions as to his Communist Party membership material. In refusing to consider this case, the U. S. Supreme Court held that the decision not to certify Konigsberg was made because he had refused to answer questions about his Communist affiliation.

The crime of communism is one of the fundamental offenses of the California Constitution. There is no crime in communism as a belief in an abstract doctrine, or in his political affiliation, so that the burden of proof is on the State's Committee and the California Supreme Court to the extent of showing that the loyalty of his interest in his affiliation was removed.

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Because the California Bar Committee failed to honestly state their real reason for refusing to certify Konigsberg at the conclusion of their first hearing (their real reason being his failure to answer the questions), they should not have been allowed to state that he refused to answer questions about his political affiliation. The California Bar Committee had the burden of showing that the person already proven loyal being denied the privilege of practicing law because he refused to answer questions which could only be pertinent to the issue of loyalty. And Konigsberg has already, as a matter of law, successfully borne the burden of proving that he is loyal.

**LIBRARIAN'S CORNER**

By MYRON FINK

It is pleasant to be able to report a considerable response to my call for reading supplemental to casebook study. Several dozen students have since sampled our many legal periodicals. This formula is likely to continue, as the law school's library is one of the most comprehensive in the world. The legal newspaper has been removed from this case.

The sad neglect of intellect in American society has been brilliantly documented in a recent work by Jacques Barzun called "The House of Intellect." It is a book that is extended to students, faculty, alumni, and members of the academic year. The staff, however, cannot do the job alone. We in the law school's library are discovering that convenient legal periodicals have come in for a considerable response to my call for reading supplemental to casebook study. Several dozen students have since sampled our many legal periodicals. This formula is likely to continue, as the law school's library is one of the most comprehensive in the world. The legal newspaper has been removed from this case.

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Blackstone’s Commentaries

Ever since time started on its march to eternity, man, who is created for happiness, has been trying to find this commodity, pure and unalloyed, in some place along the route, not unlike the alchemist of an elder day. In his search for the missing link he may have even been a case for transmute all metals into gold. Some thought they had found such a spot. But the Utopias and Arcadias didn’t fill the bill. In fact they never got beyond the word stage to which responded no objective reality. And while time continues on the march to eternity, the quest continues. And, however, Leo Deegan, ’39, didn’t do too badly when he left Spring Canyon to find his place in the sun amid the golden groves of Riverside. After going through the chairs in government service—he was Public Defender and City Attorney—and establishing a record of notable service—the Benches was next plateau on this progress chart. This was reached a couple of weeks ago when the Chief Executive of the Sovereign State of California made the Court the beneficiary of his superior qualifications. Confirming the old chunk of wisdom—“all good things come in threes”—his Excellency didn’t stop here. Looking out Santa Monica way, he recognized the rich competence and judicial men of the youngest son of the “HOUSE OF AGGELE,” a name honorably interwoven into the fabric of California jurisprudence. And the Superior Court of this State is the richer this day because of his elevation to it. Julian Beck was the third of the trio to get the emerald light to higher places.

A long-practitioner, leader in the halls of legislation, a splendid record in the Municipal Court, a wise counselor in the affairs of state. These are but a few of the highlights that glitter on his achievement scroll and make him a natural to rule with equanimity in man’s struggle with the law and the facts. To find agreement among a group of lawyers is the ultimate in something or other, but when this phenomenon is experienced among judges, whose opinions are weighty and decisive, then something out of this world has come about. Well, that’s what happened when the Judges of the Superior Court in solemn conclave assembled to elect their Presiding Judge. All agreed, no dissents, that Louis H. Burke should be their choice for the third consecutive year and for an all-time record. But Judge Burke’s stock in trade is breaking records, what with his Conciliation Court to save the family—the bulwark of the state—he expediting the administration of Justice, for well he understands that “Justice delayed is Justice denied,” and for his impetus to pre-trial procedure. It all adds up to a job well done and confirms the wisdom of those who placed him in it. At this same conclave four court commissioners were named out of a hundred-odd applicants to the products of the Grand Avenue Maison in the lush ’45-’50 era. And Bella, legal knowledge how was a likely choice. And apparently is conditioned for the sacrifice, for it takes no little fortitude and carloads of courage to give up the enticements of suburban practice for the smog and machinations of the Civic Center. Jim Tante, ’49, is a distinct acquisition to the bench. With his judicial experience with administrative tribunals—Since his admission to the Bar, he has been associated with quasi-judicial offices, notably with the Adult Authority and only recently a Referee of the Juvenile Court. The growing boy and the grown man have profited immeasurably by his penetration into human nature and his fine sense of sympathetic understanding. And, by the way, the Chief Justice of the Superior Court was casting about recently to assign a justice-pro tem for the District Court of Appeal here. His scrutinizing gaze fell upon serene John J. Shea, who was pursuing the even tenor of his life as Superior Judge of Orange County...”

MOOT COURT TEAM AND COACH—The Loyola School Moot Court Team defeated U.S.C. before dropping a close match to U.S.F. includes, from left to right, Richard Smith, Jo Ann Mares, shown with Professor Otto Kaus.

Moot Court Team Wins, Loses

On November 13th and 20th, the Loyola Law School Moot Court Team engaged in competition to decide the national Moot Court regional championship. The Loyola team defeated the University of Southern California and was defeated by the University of San Francisco. The San Francisco team will represent California in the national competition.

The victory over the U.S.C. School of Law was a true team victory, with Loyola defeating U.S.C. in both the brief and oral aspects of the competition. The oral argument was conducted by Judge Smith and Jo Ann Mares. Richard Smith performed the major portions of the writing.

dissents... Jim romped through the executive branch of Government as Mayor of San Bernardino... hurdled the obstacles in the Halls of Legislation as Senator from the County in California with more acreage than Rhode Island and is climaxing his career by attaining judicial eminence—and all with the ease and elegance of a gazelle. A dropper-inner a few days ago was TONY RUFOLO, ’38, fresh from his indoctrination in JAG at Lackland, Texas... He’s getting into the right atmosphere for Christmas—a sort of deep freeze assignment at Goose Bay, Labrador.

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Dr. Sullivan Talks
On St. Thomas More

The St. Thomas More Law Society recently sponsored a lecture heralding its namesake as "A Pattern and Patron for Today's Lawyer."

Dr. Frank Sullivan, noted professor of English at Loyola for the past 13 years, delivered the lecture on Wednesday, Oct. 21.

A nationally recognized authority on St. Thomas More, Dr. Sullivan was made an honorary member of the law society in 1953, joining such eminent legal personalities as Justice Thomas White of the California Supreme Court and Los Angeles County President Superior Judge Louis H. Burke and Superior Judge and Loyola Professor J. Howard Ziemann as well as the late attorney, Joseph Scott.

Dr. Sullivan has made several trips to Europe pursuing his studies and brought to the lecture not only the scholarly results of the investigations, but also a warm feeling and admiration for the person of the man who is regarded by all as the perfect lawyer.

Mock Trial...

(Over from Page One)

Al Holt, Pat McCormick and Larry Crispo.

A friendly rivalry, the mock litigation will be pleaded by night students Fiore and Mountain, and defended by day students Masry and Hanover.

Selected by Loyola law professors Richard Henigson and James Maupin, the trial counsel were selected on the basis of answers to model complaints.

Cross examination of witnesses...will be conducted by day students Masry and Mountain, and defended by night students Fiore and Mountain.

Students, alumni and friends of the law school are invited to attend the competition.

In the past it has been a traditional practice for the student bar to allocate a portion of its annual budget as a donation to charitable organizations. While this has been undoubtedly appreciated, it would be much more significant in bringing the nature of the public duty of the lawyer to the attention of the students if the bar were to devote some time and energy to a phase of public services.

That the student bar should always be a constructive force is beyond question. It should work closely with the administration, faculty and alumni to fulfill the best interest of the students and the law school itself. Also it should further professional training and unite the students in the pursuit of objectives which are beneficial to the individual, the legal profession and the public.

Currently, a committee of bar governors is engaged in the process of surveying the material aspects of this problem and preparing alternative recommendations to the bar for approval. In order to accomplish an understanding in this nature, it is essential to enlist your support and cooperation. An initial step in this respect is to encourage you to discuss the various ways in which this program can be implemented with your class representatives.

Our purpose is to sponsor a program of public service which is consistent with the character of the law student, and which will be of benefit to the community, reflect favorably upon the law school and be rewarding to the individual.

LOYOLA DIGEST

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