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Loyola Law School Los Angeles

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Prof. Rex Dibble
Appointed Dean of Law School

Prof. Rex Dibble has been appointed Acting Dean of Loyola Law School, succeeding Sayre MacNeill, who has been named Dean Emeritus. Both appointments were made by Reverend Charles S. Casassa, S.J., President of Loyola University. Mr. MacNeill has been dean of the law school since 1941.

President Speaks
By Owen G. Fiore

With renewed vigor and energy, your Loyola Bar Association is well on its way in providing the student body with a full, carefully planned program of activities for the 1960-1961 school year. This program is one in which all may participate. In fact, I urge each of you to become active in the Association's program. This is your organization—it is designed not only to provide professional and social activities, but also to give each law student an opportunity to train for service to the profession and the community through participation in student activities here at Loyola Law School.

Orientation Completed
The Orientation program for first-year students is nearly completed. In fact, with the student assistance at registration time, the Annual Smoker and the coming First-Year Seminar, you new students should be well acquainted with Loyola and ready to proceed with your study of the law. I'd like to especially thank Bill Rylaarsdam, Bob Ambrose and Jim Fahres, Jack O'Rourke and Jim Thompson. "Because of the success of last year's trial, we will try to conduct two mock trials, the plaintiff are Bob Miller, Bob Olsen and Jim Thompson. Scheduled for December, the trial will be judged by a Judge of the Superior Court. The jury will be impanelled from the audience.

Mock Trial Set For
Friday, December 2nd

Loyola Law School's Second Annual Mock Trial competition has been set for Friday evening, December 2, 1960, at the Los Angeles County Courthouse, according to second-year student Jim Parker, Chairman of the Mock Trial committee.

Purpose
Designed to give third year students experience in trial practice, the competition is a courtroom litigation of a fictitious lawsuit. A committee of the faculty, chaired by Professor Marburg Yerkes, has selected the best answers and complaints submitted by the participants. Selected by the committee to represent the defendant are Jim Fahres, Jack O'Rourke, and Frank Rivera. Chosen to represent the plaintiff are Bob Miller, Bob Olsen and Jim Thompson. Two Trials Hoped
Mock Trial committee chairman Jim Harper hopes to have two trials this year. "Because of the success of last year's trial, we will try to conduct two mock trials, one in the fall semester and one in the spring."

Doug Martin and Ray Byrne have been chosen as witnesses. Other witnesses will be chosen from the second year class by the faculty committee in the same way that the attorneys were selected.

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DOUGLAS MARTIN:

DIVORCE AND ALIMONY

Within the past year the California Supreme Court has accepted the view of the majority of jurisdictions in the United States that an ex parte divorce dissolves the marital status of the parties but does not necessarily dissolve or alter the support rights of the wife. (Hudson v. Hudson, 52 Cal. 2d 735).

The general rule has been that a valid marriage must exist in a wife to obtain either temporary or permanent alimony. However, as a result of the Hudson case, an ex-wife, upon proper showing of her financial need and her former husband's ability to pay, may obtain alimony, even though the marriage has been previously dissolved in another state.

Full Faith and Credit

The most recent example of the effect of the Hudson case on California law is Weber v. Superior Court (53 Cal. 2d 403), where the court held that an ex-wife may compel the California court to hear and determine on the merits an order to show cause why she should not receive temporary alimony, cost, and fees, even though her former husband had obtained a Nevada ex parte divorce nearly three years before. Under the Full Faith and Credit clause of the United States constitution, California must recognize a Nevada judgment if Nevada had jurisdiction over the subject matter of the action, i.e. the marriage.

Due Process

Thus, because of the ex parte divorce, California must take cognizance of the dissolution of the marriage. But the wife is not thereby deprived of her support rights by the Nevada judgment. To so dispossess the wife would be to divest her of property rights without due process of law. The interests of California in protecting the wife have been held to outweigh the interests of Nevada in protecting its domiciliary, i.e. the husband, from supporting his former wife.

As Justice Peters states in Hull v. Superior Court (54 ACA 129), the Hudson and Weber decisions recognize the basic proposition that the severance of the personal relationship is divisible from the determination of support and property rights.

Divisible Divorce

The question is raised as to the effect of the concept of "divisible divorce" will have on society. In the Weber case the ex-wife was allowed to institute alimony proceedings, by forcing her former husband to appear before the court, some three years after the ex parte divorce a vinculo had become final, and after he had remarried. It is recognized that since alimony is basically on a voluntary act, the defense of laches could apply to bar the former wife's action, however, it is felt that an original action for alimony should not be permitted after a definite time after the final entry of the ex parte divorce. The rationale of this contention is that the husband's ability to pay, may obtain alimony, even though the marriage has been previously dissolved in another state.

For Example

Take, for example, a perfectly plausible situation where a husband and his second family, having relied on the complete dissolution of the marital relation between his former wife and himself some 3 or 5 years before, extended their present and future credit and obtained his college, law and master of arts degrees from West- ern Reserve. In 1921 Mr. Cook suffered a serious illness, which recurred in 1922. Acting on the advice of his doctor, Mr. Cook moved to the milder climates of Southern Washington, and Sales, Oregon, and later to California, where he now resides with his charming wife.

Suggestion

This writer, therefore, raises the suggestion that a statute of limitations, such as one existing in the state of Kansas (Section (Over on Page Three)
Study Time, Cases And Reading

By Myron Fink

Once again we begin a new academic year. New faces, new challenge, new resolution. A most propitious time, it seems to me, for faculty and by the student body which may well condition success or failure in law school. Such matters are the concern of seniors as well as freshmen. They deserve to be considered carefully by everyone, regardless of point of view. They go to the very quality of legal education which is the first concern of all of us.

Time

How much time are you planning to devote to your school work? The Loyola University Law School Bulletin states: "No student will be admitted or continued in the full-time program who does not devote substantially all his time to the work of the school."

The full-time program is 14 hours a semester. In my judgment, several hours of study and preparation are needed for each hour of class time. In effect, the full-time student is required to devote about 40 hours each week to his school work. And this should be prime time (as they say in the networks)—the hours when you are most rested and receptive.

I suspect a goodly number of our full-time students are planning to devote something less than this to their school work. To these students, I address an admonition: You are seriously endangering your standing as a student, the quality of your legal education and, most importantly, your health. There is no excuse for laziness, no matter how prevalent. Our "part-time program" allows a student to carry as few as six (18 hours of school work per week).

Case Study

The detailed study and analysis of assigned cases is the dominant mode of instruction in American law schools. If we assume that the cases assigned are selected because they present interesting problems, how are we to approach these problems? Are we to approach them as problems to be solved or as problems already solved? The distinction is crucial. Because if we emphasize the first approach, then the classroom becomes a place of search for techniques—for craft skills in analyzing cases. Whereas, if the second approach is adopted, the decisions are "... a something done and complete, a something which provides authoritative datum about the state of the law." (Llewellyn, The Current Crisis in Legal Education, 1 J. Leg. Ed. 211.)

I echo Llewellyn's view that classroom time is best spent in dissecting the facts and premises of selected cases. Or, to put it in the negative, the importing of information about subject matter is not the main business of the law school classroom. Note that the approaches are not mutually exclusive. It is a matter of emphasis and direction. But, unless I am mistaken, only this choice can justify the use of the time-consuming methods of case instruction.

Reading

But competence in a discipline demands ever growing quantities of information. If "covering subject matter" is not attempted in the classroom or, if technique is to be emphasized at the expense of information, where shall the student get the vital information he needs—the legal rules extracted and arranged? The question should suggest the answer. Why, in books, of course! What are legal texts if not packages of information, neatly boxed and tagged? Your library has them for each subject. The next time you pass the Loan Desk window, examine the list of Recommended Treatises on the counter. Ask to examine the books listed and select a different one for each course you are enrolled in.

Get the most out of class. Prepare your cases carefully and participate in class discussion. Don't use class time to copy down information better obtained from textbooks. At the same time, use textbooks to orient your case study. Read them to master the outlines and basic content of the course. The acquisition of information is best accomplished man by man, each by himself.

DIVORCE AND ALIMONY ...

(Over from Page Two)

60-1518, G. S. for Kansas for 1949) which bars a similar action after two years following the final judgment, preclude the wife from obtaining a divorce after a stated period. In 1941, say, a year or two after the final entry of the ex parte judgment, would allow former wife ample opportunity for finan-

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(Over from Page One)

the Air Force Division of the Armed Services Renegotiation Board, and was a member of the Los Angeles Regional Renegotiation Board.

From 1936 to 1941, Mr. Dibble was associated with Williamson, Ilge and Judson law firm, in Los Angeles.

During World War II, the dean served in the U. S. Army, having served as an instructor in the Anti-Aircraft school in North Carolina. In 1944, he was assigned to the War Department Price Advi-

usic: trial and appellate briefs, contracts, wills, trusts and legis-

racy in Washington, D. C., as an assistant counsel.

New Program

As the new dean, Mr. Dibble has initiated a three semester legal writing program for the first and second year students. The new program will cover many phases of legal writing, including legal memoranda, law review ar-

President Speaks ...

(Over from Page One)

and night students with great opportunities for development in the art of oral advocacy and in preparation of pleadings and appellate briefs. The Loyola Digest provides an outlet for student opinion as well as a showcase of comments on interesting aspects of the law in various fields. The Digest's Editorial Board will consider and review any articles submitted by students for publication.

"Student Lawyer"

I thing that John Collins, Loyola Bar Association Vice-Presi-

dent, who attended the national convention of the American Law Stu-

dents Association last summer as our delegate and as a national vice-president, must have gained an impression of the whole student body. John was successful in obtaining for Loyola space for an article in the Student Lawyer Journal on our school. The Journal, a national publication sent to the homes of all the nation's law schools, and in the October issue which you'll soon receive, Loyola Law School is featured.

Dance

In addition to the student competition mentioned above, the Board of Bar Governors of the Association have already set the date for the Annual School Dance. This year's dance will be the best ever held by the student body because it is scheduled for Saturday night, January 21st, 1961, at the Wilshire Country Club. The big event will last for the whole student body. John was successful in obtaining for Loyola space for an article in the Student Lawyer Journal on our school. The Journal, a national publication sent to the homes of all the nation's law schools, and in the October issue which you'll soon receive, Loyola Law School is featured.

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Blackstone’s Commentaries

Now that Daylight Saving has been wrapped up for the season, and the lend-lease hour of April has been repaid, we are no longer on borrowed time but moving at a pace making a quick shave—social that is—somewhat more definite than a mere calculated risk. The Bar squeezed its yearly get-together into the tag end of September. The scene of its heyday and varied going-ons was the Ambassador and here were the final obsequies of the old order as the chronometers were pushed to normalcy. Now that it’s a matter of history, there is a well-established opinion, that this was the most successful convention in the thirty-three years of its existence. Arrangements, accommodations, accomplishments, and know-how are the ingredients that go into the success formula... and each and all of them went top Billing... of course, not a few were landed in the lap of the “quiet man”—JOHN MALONE, who was continuously on the job and in no small way responsible for the mechanics of organization. This is a long suit of his, and he started back in his Law School days, where he was always doing the right thing at the right time... ALAN WOODARD, Alumni Prexy, qualified for the “Valiant One” on his pre-driving past performance... ‘Twas all above and beyond the call of duty... The Symposium, which with the way has become as a past the State Bar, that is to say, the validity of the Convention would have been impaired, was the highlight of the week. Details make the perfect work and Prexy Al neglected nothing to give this classic occasion for stimulating thought and provoking speech, the touch of humor, and the spark that makes the budgeted funds, and not of sacrificing quality in the interest of economy—or as JIM COLLINS, used to say in the old slum days in the Byrne Building. “Even the best isn’t good enough.” TOM GARCIN—a long time no see—was among the gallant ones accounted for... he stole away from his Hollywood office when he’s associated with SPIVEY and HERB GROSSMAN... someone had to mind the shop. His presence recalled the first State-wide Moot Court Competition (1952)... Tom was on the winning team that defeated California, Boalt Hall, that is... He was a party to the establishment of a noble tradition, which accounts for the fact that Loyola has been victorious in a majority of legal contests both at the State and National level... And by the way the tradition still holds... For the A.M. of the P.M. of the Symposium... the Court of Last Resort, had no trouble in deciding in favor of the petitioner, who protested that California’s creation of a Commission to handle auto accidents... was the final obsequies of the old order as the chronometers were pushed to normalcy... And his attention thereto... What a dizzy rate it is... and so it must be if freeway traffic is to move at a pace making a quick shave—social that is—somewhat more definite than a mere calculated risk... The Bar squeezed its yearly get-together into the tag end of September. The scene of its heyday and varied going-ons was the Ambassador and here were the final obsequies of the old order as the chronometers were pushed to normalcy. Now that it’s a matter of history, there is a well-established opinion, that this was the most successful convention in the thirty-three years of its existence. 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