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**LOYOLA DIGEST**

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**LOYOLA UNIVERSITY SCHOOL OF LAW**

January, 1961

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**Profs. Tevis, Ogren**

**Assume Full-Time Teaching Posts**

Dean J. Rex Dibble has announced that Prof. Lloyd J. Tevis and Prof. Quentin O. "Bud" Ogren will become full-time faculty members. Both men were formerly part-time instructors.

Loyola Alumni

Mr. Tevis received his LL.B. from Loyola in 1950, and was the top man in his class. He has been in private practice and joined the faculty in 1952. Mr. Tevis will start his full-time assignment in February and will teach Procedure and Pleading.

Varied Experience

Mr. Ogren also received an LL.B. from Loyola, graduating in 1949. He joined the faculty in 1954. Mr. Ogren is one of the leading labor attorneys in this area and has served with the Wage Stabilization Board and the N.L.R.B. He is slated to teach Labor Law, Administrative Law and Torts.

Professor Resigns

Dean Dibble further announced, with regret, that Prof. Theodore A. Chester will leave the faculty at the close of this semester. The increasing demands of his private practice will no longer allow the time-consuming job of teaching.

Mr. Chester received his LL.B.

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**President Speaks**

By Owen G. Fiore

President, Loyola Bar Association

With fall term examinations hovering over the Law School, it would be a logical assumption that all activity other than the teaching and the study of law has long ago ceased at our durable institution. But this is not the case!

**Meeting in Philadelphia**

Not content with the recent surge of faculty activity locally, Father Joseph J. Delevan, S. J., Regent, and Acting Dean J. Rex Dibble saw to it that Loyola was well represented at the December Annual Meeting of the Association of American Law Schools in Philadelphia, Pennsylvania. The law school delegation, in addition to the Regent and the Dean, was made up of Professors Clemence M. Smith, Quentin O. Ogren and A. Marburg Yerkes.

The meeting was held on December 28, 29 and 30, and was designed to implement the Association's purpose of the improvement of the legal profession through legal education. Member Law Schools through their faculty delegations attend panel discussions at the annual meeting led by legal authorities in various fields, and participate in the Association deliberations dealing with policies, standards, curriculum and improvement of legal education in the United States. Loyola Law School has been a member of the Association of American Law Schools since 1937.

**Scott Competition Opens**

To All Second-Year Men

The annual intra-mural moot court competition, named in honor of Joseph Scott, the late Dean Emeritus of Loyola Law School, was inaugurated in 1952, to stimulate interest in appellate brief writing and oral advocacy. While participation in this work is voluntary and extra-curricular, one unit of credit is awarded to participants achieving a grade of 81 or better in the written brief. Winning the Scott Competition is one of the highest honors attainable in the school.

Moot Court

The first three in the competition are usually chosen for the school's moot court team which participates in the state and national moot court competitions.

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Abortion is a crime. However, in 31 states it is permitted, by statutory law. In the medical profession, this is known as therapeutic abortion. At law, it is labeled Legal Abortion. Both doctor and lawyer recognize it as the only lawful abortion. In the last 30,000 years, 2.5% of the pregnant women applied. Only 2.2% were denied the operation. Of pertinent signification is the death rate of 0.1% in the Soviet hospitals compared with 1.2% in the United States (32 Ind. L.J. 1948). This little note is taken of the fact that the Soviet experiment was far from a complete success. Shortly before unrestricted legal abortion was established in the Soviet medical centers began to report a large incidence of delayed medical complications. "Menstrual disturbances, pelvic disorders, sterility, and functional neurosis ( hysteria and depression) were traced to a poor abortion." (Abortion, Spontaneous and Induced, 415, Taussig, 1936). The "Abortion-Racket" is the second greatest cause of death in this country. The American Medical Association estimated that the unborn child's mortality is about 12%. The "Racket Abortion" could not be ignored. Little note has been taken of the fact that the fetus has a separate existence from the moment of conception. "Criminal Abortion," Buirke, Medical Times, June 29, 1969. Yet, the only time the child's welfare is discussed is when there is the possibility of its subse- quent legal right to life, and not health. "Birth Control in Soviet Russia," Lublensky, Birth Control Rev., 142, 1928. How can we do the American experiment in this country? Mental health will mean more than just a certain scientifically approved number of children; or that the child may appear at the "wrong" time. How will they deal with the woman whose only justification for an abortion is a mere unwillingness for social or economic reasons? Then the class factor is not a consideration. This class is the majority of American cases, and the alarming fact is that this class is the one most difficult to define. The only difficulty in the Soviet laboratory is that the class factor is not a consideration. This class is the majority of American cases, and the alarming fact is that this class is the one most difficult to define.

Case No. 2: Mrs. C had been nervous and afraid of things all her life. She described herself as "having the blues" many times. She was advised to have an abortion on a fifteen-year-old girl who was pregnant as a result of rape. People v. Ramsey, 83 CA 2d 701 (1948).

The language of a doctor in a conversation was taken down verbatim. The doctor asked the girl if she was mentally or physically fit to be a mother. The girl answered yes. When asked if she was ready to bring the child into the world, the reply was yes. When asked what the baby would be like, the girl replied, "Oh, I don't know. I don't care."

The jury found Mrs. C guilty of "criminal abortion". The court was divided 9 to 6. The majority held that the abortion was illegal, but the case was tried upon the theory that the possibility of the child's having a "normal" baby was not an issue here. Is the Massachusetts court prepared to leave an interpretation of the statutory exception to the reasonableness of medical practitioners in the community?

California follows the majority in placing the burden of proof on the state to show non-necessity. Conviction for the crime of abortion requires that the prosecution establish prior health as an essential of the Corporation. "People v. Ramsey," 83 CA 2d 701 (1948). The "Racket Abortion" is an urgent problem. There is a conspicuous absence of California case law simply because there are few prosecutions. Even with "legal abortions" there is a great disparity between the legal and medical practice. A recent questionnaire was submitted to 26 hospitals in the San Francisco and Los Angeles area. This is a sample of how the "legal exception" has been enlarged outside the law to include mental health and economic necessity. The language of Calif. Penal Code Section 275 is clear. The language of Calif. Penal Code Section 275 is clear.

Case No. 11: Mrs. A is 8 weeks pregnant. Has become extremely tense and apprehensive. She is sure that a cesarean section of her will cause collapse of the family unit which she has worked so hard to hold intact. Therapeutic abortion is strongly recommended. "Therapeutic Abortion," People v. Ramsey, 83 CA 2d 701 (1948).

The language of Calif. Penal Code Section 275 must be read above socio-economic indication for the performance of abortion is clearly outside the existing legal jurisdiction. Has law enforcement taken a holiday? Other Considerations The welfare of the American mother has been expounded as the chief argument for more legal abortion. The experimenters professed the same concern. Yet, the principal reason given by the women that flocked to the government hospitals of Lenigrad was poverty and not health. "Birth Control in Soviet Russia," Lublensky, Birth Control Rev., 142, 1928. How can we do the American experiment in this country? Mental health will mean more than just a certain scientifically approved number of children; or that the child may appear at the "wrong" time. How will they deal with the woman whose only justification for an abortion is a mere unwillingness for social or economic reasons? Then the class factor is not a consideration. This class is the majority of American cases, and the alarming fact is that this class is the one most difficult to define. The only difficulty in the Soviet laboratory is that the class factor is not a consideration. This class is the majority of American cases, and the alarming fact is that this class is the one most difficult to define.

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LEGAL DATA RETRIEVAL

By Myron Fink

"More and more about less and less" is the lament of the modern 2000 pages of books and reports. Legal data retrieval has become a problem that the law library is plagued with. With depressing figures as many as 2500 new laws are passed each day, American libraries are already in existence and 900 volumes of law are published each year. Law like the musical film Fantasia, we will hardly hope to reduce the flood, bucket by bucket. New tools are needed to cope with the volume of information pouring from the presses.

Electronic Law Library

New tools have been found. Work of great promise has been done in the application of electronic data processing to specific legal problems. The American Bar Association recently held an encouraging report by its Committee on Electronic Data Retrieval (an infant of two years) on several electronic "law libraries" in actual operation.

Preliminary studies done at the University of Pittsburgh's Health Sciences Center disclosed that most of the law relating to hospitals was statutory in nature and was not uniform from state to state. In an effort to combat the fatigue of the research staff, a program for legal data retrieval was developed with the help of IBM Corporation and other groups. First the entire text of a group of statutes relating to hospitals was transferred onto magnetic tape. Each statute section was then analyzed by the computer. The vocabulary of the words used in the documents was created and added to the tape, printing the number of the documents in which that word appeared. Finally, an inquiry consisting of words found in the vocabulary list was framed and the computer was directed to search for that list. The resulting data is a list of all the words in the vocabulary list as well as any other words that are similar in meaning. The search can be made by any combination of words.

Conclusion: Justifiable Ends and Means

To promote a noble objective Plato allowed in his role as Hero. Christianity rebuffed the noble concept by insisting that the end does not justify the means. Likewise, lawyers are keeping with the best tradition of modern law and insisting on insistent on justifiable ends and means. Legislative approval is being solicited to sanction more legal "abortion". Before the legislature of this state is entered into each house a review of the classic definition of law is in order. Law is an ordinance of Reason for the common good, promulgated by him who has the care of the community (Aquinas, Summa Theologica, 1-2, q. 4, a. 4). Law must be reasonable. Things that the law should be "Useful" for, like law is means to an end; and conduct not directed to an end is unreasonable. The law should be just, just being on others' rights; for reason requires that these rights be respected. Human beings, though in the mother's womb, have a right to life. These fundamental rights are part of our legal heritage. Let those with the "power of command" pause and reflect before they disinherit us. Legal Abortion... (Continued from Page 2)

THO.EDOR. A. CHESTER:

Professor at Loyola

By Mary Flanagan

Professor Theodore A. Chester was born May 23, 1919 in Sacramento, California. After completing Stanford University where he obtained his Bachelor of Arts degree and entered Stanford Law School in 1941. Mr. Chester's pursuit of a legal education was interrupted by the Second World War. In 1942, he, along with a large percentage of the Stanford student body and professional staff, entered the service. After completing law school, Mr. Chester returned to Stanford and was then hired by the 25th Air Force as a Staff Judge Advocate. In 1945, he was discharged from the military with the rank of Major and began his legal "double life" as a law partner with Robert M. Newell, his friend from Stanford undergraduate and law school and Japanese Language School, and as professor of Torts at Loyola Law School.

Order of Coif

The Navy sent Mr. Chester to the Japanese Language School of the University of Colorado, and later to Pearl Harbor and Iwo Jima. After completing his naval service with the rank of Lieutenant, Mr. Chester returned to Stanford where he received the scholastic honor of Order of the Coif, and was graduated in 1947.

In October 1947, the professor successfully completed the Bar Exam in San Francisco, sojourning at Los Altos and began his legal "double life" as a law partner with Robert M. Newell, his friend from Stanford undergraduate and law school and Japanese Language School, and as professor of Torts at Loyola Law School.

Professor Chester has centered both his professional and family life in the Southern California area (a good locale for golfers) of which the professor is reliably reported that a 900-acre ranch near the community of... (Continued on Page 4)

Chinese Government

Mr. Chester's private general law practice has provided many interesting and even exciting experiences for him. One case he particularly recalls is when he represented the Chinese Nationalist Government. The facts arose during the Second World War. The Chinese Government had been involved in the manufacture of aircraft and aircraft materials in Washington. After the war, the Chinese Government feared that Mau had appropriated millions of dollars to his own use. The Chinese Government tried to contact Mau and examine his books, but couldn't reach them, as Mau had fled to Mexico. Mau had not been involved with a man named Chang. He gave Chang approximately eight hundred thousand dollars to invest in Chinese made objects of art.

The Chinese Counsel, Mr. Kiang, contacted Mr. Chester, and he, acting in behalf of the Chinese Nationalist Government, sued Chang for the eight hundred thousand dollars in money, or the goods purchased therewith, claiming that the money belonged to the Chinese Government, and that Chang knew of its embezzled origin at the time he accepted it. Mr. Chester received judgment for some eight hundred thousand dollars in favor of the Chinese Nationalist Government.

Resigning Teaching

Mr. Chester's active and expanding law practice at Newell, Chester & Gibson demands that he forsake his teaching career. In the near future Professor Chester will resign from the Loyola Law School faculty. Mr. Chester's presence at Loyola has been a great gain for the student body, and he will be missed — but wished continued success by all.

A Minnesota Bar Association survey revealed that lawyers in cities with populations over 100,000 make more money on the average than those in major cities.

The circular fountain in front of U.C. headquarters is a $50,000 gift from school children of the United States and its territories.

LOYOLA DIGEST

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President Speaks... (Continued from Page 1)

Law School in obtaining top opportunities for Loyola graduates. As Chairman of the Placement Committee, I want to thank Bob Ambrose, Marty Burke and Jim Mountain for their help in developing the student resume, the Committee's initial project. This resume, designed both to stimulate the senior student's interest in placement and to provide prospective employers with a capsule picture of the student's background and achievement, will be ready by the time of spring registration. The Law School and the individual prospective graduate will both be furnished a quantity of the two-page resume for placement purposes.

Special thanks goes to Professor John E. Anderson for his assistance in preparation of the resume format and his stimulating placement orientation seminars, given on December to the seniors. The Committee's plans for the spring tentatively include a series of talks by leaders in various areas of the legal profession on the available opportunities for the June 1961 graduating law student.

Extra-Curricular Activities

As you can see from various articles appearing in the Loyola Digest, there are many worthwhile extra-curricular activities here at Loyola. Each student should consider this aspect of the law school life as a 'required' one. The attorney has a responsibility which is broader than that to his client since he is an officer of the court and also has a responsibility to the public.

Participation in Law School activities outside of the classroom provides a training ground for acceptance of these responsibilities upon admission to the Bar. Every student should carefully consider the Law School activities and should select several of them for his active participation.

Rex Dibble Contest Opens Spring Term

The annual J. Rex Dibble Award will be given this year for the best essay on "Constitutional Rights in Juvenile Court." The award is $100.00, and is given by Professor Dibble, acting Dean of Loyola Law School.

Rules

The competition is open to all students at the law school. Essays are to be typed, double spaced, on legal size paper with 1½ inch margins. Essays must be identified by fictitious names. Each contestant must submit his essay in a sealed envelope containing both his real and fictitious name.

March 31, 1961

Essays must be submitted to the office of the Regent not later than March 31, 1961. One of the conditions of the contest is that no prize will be awarded if, in the opinion of the judges, the quality of the essays submitted justifies such action.

Tevis, Ogren... (Continued from Page 1)

same year, he entered private practice and joined the Loyola faculty.

"Mr. Chester will continue to be our good friend and will serve in an advisory capacity whenever possible," said Dean Dibble.

Competition... (Continued from Page 1)

Last year's moot court team, James McCarthy, Gary Cooper and John Gallagher, won the state competition and argued in the national competition in New York.

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ENDINGS

Ending the Old Year and starting the New is "old hat" and has been going on for eons... At the moment, all indications are that this procedure will continue... Nor will there be any deviation in the march of time as the pageant of years moves on to eternity... "Looking Backward" is an interesting operation, something attempted, something accomplished... best describes the package wrapped up and labelled " Finished business of 1960."... 'Looking Forward' is an exciting call to arms, a challenge to the will power and the won't power for that matter, as the scroll unfolds to record the language of forever, the honest efforts of "Sixty-One..." It was a delightful surprise running into JOHN H. LONG, JR. in the tag end of December at the Sheraton in Philadelphia... No, he wasn't attending the annual convention of the Association of American Law Schools, December 28-30.—the Law School was represented there by a noble contingent... he was trying a case in the interest of Simmons Saw and Steel of Fitchburg, Massachusetts... He was admitted to practice in the Commonwealth shortly after graduation, and since that time has been associated with S&S&Co. He is now doubling as Vice-President and Labor Consultant... While a student here, he was closely associated professionally and socially with FRED O. FIELD in their preparation for the practice of the law... A confirmation of the biblical adage "A brother helped by a brother is like a strong city..." Fred is now Counsel for the Los Angeles County Medical Association... Another member of the Bar of the Commonwealth is JOE NASON, '49, who is Counsel for the State Mutual Life Assurance Co. in Worcester... Another Loyolan who wasn't satisfied to remain in the local balliwick to practice law but looked beyond the Colorado, not for greener pastures... CHARLIE RONAN, '39... He recently tossed his sombrero into the political ring in Arizona and polled the second largest number of votes of any candidate in the November election... the only one ahead of him—by a narrow margin—was an old-time incumbent, who was also on the right ticket... He was sworn in as District Judge of Torrance and Justice of the Peace for the June 1961 graduating law student.

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