

**AGLIANO, Nat A.** RETIRED PRESIDING JUSTICE, COURT OF APPEAL, Sixth Appellate District. Appointed [succeeding Presiding Justice Edward A. Panelli, elevated] by Governor Deukmejian March 31, 1986, confirmed by commission on Judicial Appointments April 16, 1986, oath same day, confirmed by electorate to 12-year term in 1988, and retired from bench Feb 28, 1992. Associate Justice, same court, Nov 2, 1984 (date of confirmation by Commission on Judicial Appointments and of oath) to April 16, 1986, appointed to new court by Governor Deukmejian Sept 14, 1984. Judge, Superior Court, Monterey County, March 16, 1972 (date of appointment and oath) to Nov 2, 1984, appointed by Governor Reagan, elected in 1974 (unopposed), and reelected in 1980 (unopposed). Judge, Municipal Court, Salinas Judicial District, Monterey County, Oct 1, 1971 (date of oath) to March 15, 1972, appointed Sept 29, 1971 by Governor Reagan. Private law practice, Salinas, Monterey County, Dec 1962 to Oct 1971 (partner, Panelli & Agliano). Deputy Attorney General. Calif State Department of Justice, Sacramento, Sacramento County, Jan 1960 to Dec 1962 (Criminal Division). Legal Research Assistant, Calif Department of Justice, Sacramento, 1959. Admitted to Calif Bar and to U.S. Dist Court, Northern Dist of Calif, Jan 12, 1960. J.D. (June 1959), Hastings College of the Law, San Francisco, Calif. B.S. (Jan 1954, Business Administration), Univ of Calif, Berkeley (played football). A.A. (June 1951), Monterey Peninsula College, Monterey, Monterey County. Graduate: Monterey High School, Monterey (1949); and Saint Thomas Aquinas Grammar School, Philadelphia, Pennsylvania (1945). Served as private (E-2), U.S. Army, Jan 1954 to Jan 1956. Born Feb 18, 1932 in Philadelphia, Pennsylvania (son of Sicilian immigrants). Married Lillian Bergren Aug 29, 1953 in Reno, Nevada. Four children: Michael, born Dec 21, 1959; Lisa, born Dec 26, 1961; Cheryl, born May 12, 1963; and Julie, born March 27, 1968.

Member: Calif Judges Assn, 1971— (Criminal Law and Procedure Committee, 1976). Former member: Calif Judicial Council's Sentencing Practices Advisory Committee, 1976-77; and Monterey County Bar Assn, 1963-71. Republican. Enjoys playing golf.

Significant decisions as appellate justice include: *Municipal Court v. Superior Court* (1988) 202 C.A.3d 957, 249 C.R. 182 (ruling that the municipal court cannot sue the superior court); *Financial Corp. of America v. Wilburn* (1987) 189 C.A.3d 764, 234 C.R. 653 (ruling that while attorney does not enjoy absolute privilege against being sued for statements made prior to litigation to people who are not connected with case, attorney who makes prelitigation statements to prospective witnesses while gathering evidence in good faith is protected from legal action); *In re Estate of Parrette* (1985) 165 C.A.3d 157, 211 C.R. 313 (upholding probate order removing Arizona lawyer as trustee over deceased Californian's assets, even though trust documents specifically exempted lawyer from probate court jurisdiction).

Significant trial court decisions include *City of Oakland v. Oakland Raiders* on retrial after the Calif Supreme Court had ruled that eminent domain law permitted cities to acquire both tangible and intangible property (including the Oakland Raiders) if the property would be put to public use [*City of Oakland v. Oakland Raiders* (1982) 32 C.3d 60, 183 C.R. 673, 646 P.2d 835]. On the retrial Judge Agliano ruled that the stated purpose for seeking the acquisition was not a public use, that the city's action was invalid under the federal antitrust law, and that its action was invalid under the Commerce Clause (U.S. Const, art I, § 8, cl. 2). The court of appeal affirmed [*City of Oakland v. Oakland Raiders* (1985) 174 C.A.3d 414, 220 C.R. 153], ruling that professional football is such a nationwide business and so completely involved in interstate commerce that acquisition of the franchise by the city through eminent domain would impermissibly burden interstate commerce, and consequently would violate the Commerce Clause.

Available as a private judge. Member, Judicial Arbitration & Mediation Services, Inc. (JAMS), 1992—.

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