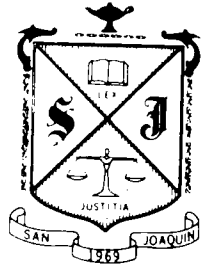


Association Elections

Haron, Rossi, Ward seek presidency

San Joaquin College of Law

DICTA



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March 28, 1973

All qualified... vote for one



ROSSI

HARON

WARD

Students Seek Association Offices

One fact is evident! This year's Student Association elections have generated more interest than did either one of the previous elections. Three students are actively seeking the top spot; ROD HARON, RICK ROSSI, and JUDY WARD. For the VP position, third year student JIM AARON is pitted against second year student BOB WILLIAMS. PAUL JAMES and CHIP PUTNAM are also making it an inter-class contest in the race for treasurer. LEE EBERLEIN will be the new secretary. The Class Representatives are going to be WALTER JOHNSEN and MIO QUATRARO (4th year), LARRY DONALDSON and ERNIE KINNEY (3rd year), and GARY AUSTIN and GERALD SCHWARTZ (2nd year). Take your pick of colors: SILVER and BLUE---CARDINAL and GOLD---BURNT ORANGE and WHITE--- or BLUE and GOLD.

President

Haron

RODNEY HARON, one of three candidates for president of the San Joaquin College of Law Student Association, was born in Fresno and received his education here. He is a graduate of Bullard High School, attended Fresno City College, where he was active in student government, and earned a degree in business administration at Fresno State University. He currently is a third-year student at SJCL and works for the Fresno County Public Defender's Office. Mr. Haron has participated in student government at the law college since it began. He was a member of the constitution committee, the picnic committee, the budget committee, the public relations committee, a committee to secure student loans and the committee on parking lot security.

Rossi

Presidential candidate RICK ROSSI has been involved in student government during both his years at San Joaquin. During his first year he served on the constitution committee and as assistant editor of the newsletter. As editor of 'Dicta' he took the newsletter concept and ex-

panded it both in size and frequency of publication during his second year and also served as vice president of the association. Mr. Rossi has been active in student government throughout his junior college and college years and while a student at Denver University, where he received his degree in accounting, he served on the school's student government panel and initiated and directed a program to increase the heterogeneity of the university.

Ward

Presidential candidate JUDY WARD has been active in student government at San Joaquin College of Law since its inception. She was a member of the committee which wrote the student association constitution and drafted the original document. Mrs. Ward is a member of the internship committee which seeks to promote practical work training in law-oriented fields for students and was a member of last year's picnic committee. She has served as secretary of the student association for two years. She is a native of Pennsylvania, graduated from Clovis High School and attended Fresno City College. Mrs. Ward currently works full-time as a legal secretary for a prominent Fresno law firm and is a third-year student at SJCL.

Vice-Pres.

Aaron

JAMES AARON, like his opponent for the vice presidential spot of the San Joaquin College of Law Student Association, is plunging into student government for the first time this year. In addition to running for office he currently is chairman of the elections committee. Mr. Aaron was born in Fresno, finished high school at Roosevelt and went on to Fresno State University to earn both a BA and MA degree in Business Administration as well as a lifetime teaching credential for junior college. He is the owner of an auto dealership and prior to that was vice president of an agricultural firm. Mr. Aaron served with the U. S. Army Reserves and spent four and one half years in the Air National Guard. While with the guard he worked as the guard's public information representative to the local news media. He is a third-year student.

((CONTINUED ON REVERSE SIDE))

VOTE TONIGHT... MARCH 28th

Williams

Vice Presidential candidate BOB WILLIAMS is entering the realm of student government at San Joaquin College of Law for the first time this year. He has been active in helping to produce the student newspaper, Dicta, and recently proposed a change in the student association by-laws to permit all continuing students at SJCL to run for president. The measure was approved in a recent election. Mr. Williams is a native of Fresno, a graduate of Clovis High School and obtained a degree in business at Fresno State University. He formerly served as assistant plant engineer at the Berven Rug Mills firm but resigned recently to devote full-time to his studies. He is a second year student.

Secretary

LEF EBERLEIN has no opposition for the position. After all, who would want to run against a TV personality. Lee is a second year student.

Treasurer

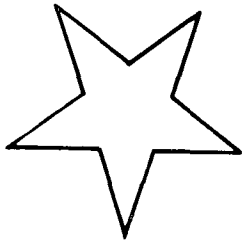
James

One of two candidates for treasurer of the San Joaquin College of Law Student Association is PAUL JAMES, a third-year student. Mr. James was elected vice president of the initial association government and currently is treasurer. He is a member of the budget committee, the program committee and last year served on the grievance committee. He was born in Ogden, Utah, graduated from Ogden High School and obtained a degree in management at Weber State in Ogden. He attended one year of law school at Gonzaga University in Spokane, Washington before transferring to San Joaquin in his second year. Mr. James served three years in the Army from 1964 through 1967 including one year in Korea. He currently works as a data processing specialist at the IRS Center in Fresno.

Putnam

CHIP PUTNAM, a candidate for treasurer of the San Joaquin College of Law Student Association, has been involved in student government since enrolling at the law school. A second-year student, Mr. Putnam served as his class representative last year and is a member of this year's annual banquet committee. He has served on the budget committee, the commencement committee and helped write the election code for the student association. Mr. Putnam is a native of Phoenix, Ariz., attended McLane High School here and graduated from Fresno State University with a degree in political science. He has done graduate work toward a Master's Degree in political science and currently works as a student affairs assistant in the office of the Dean of Students at Fresno State.

Student Comment



DAVIS and NELSON

AND YOUR OLD FRIENDS ASK,
WHAT ARE YOU UP TO THESE DAYS?

What can you say? Do you run down the intentional torts and defenses to them, or launch a low-keyed discussion of mens rea? For six months you have been living in the shadow of the drunken bailor, the innocent agent, the unintended third party beneficiary. . . . When called upon to explain this, you are beset with virtual nations of plaintiffs and defendants who rush forward and threaten your powers of normal speech.

"You need more sun," your old friends say, sadly shaking their sun-tanned heads; and you see yourself reflected in their eyes as a heavy-eyed, pale-faced creature who seeks out wisdom in an underground maze.

Several points appear from encounters with old friends:

FIRST OF ALL, WE NEED MORE SUN.

Second, it's close to impossible to try to tell old friends about a lot of what's been going on. What we've learned this year is embodied in a language of its own which requires some translation before it is to become intelligible to people unfamiliar with the study of law. Some sorts of communications are becoming very complicated.

Which brings us to the final point: there may indeed be a maze. In addition to learning a new language, we are trying to internalize to the point of intuition heretofore alien methods of analysis and exposition. Neither logic, policy, nor common sense delineates a clear path. Occasionally, the spectre of the maze looms large. . . .

One thing we creatures of the underground have in common is a desire for more feedback: we need to know just how much trouble we're in. It would be very helpful if we could have more frequent practice exams closely coordinated with the material we are covering. We found that the model answer which we received was quite useful. Especially during the first semester, a discussion of what a proper answer should be seemed less instructive than a paradigm in black and white which could be taken home and pondered over.

Those of us who have the time to do extra reading have found that a good way to eliminate confusion is to refer to a treatise or alternate text. It would be helpful to have a list of suggested additional sources for difficult areas of study.

Learning all of the common law crimes in one semester of two-hour classes is a blitz. We wonder if it would be possible to re-schedule the writing class so that it would not always fall on a Thursday.

Lately it seems that we are creating much of our own maze. When we know something, it is natural for us to want to tell others that we know. But within the context of discussion in class, what useful learning purpose does it serve? After two hours of class, no one is particularly interested in a fellow student's observations on a point of law that was covered months ago and which is not in point. A moment's introspection should indicate whether honest confusion exists, or whether the matter could better be disposed of outside of class.

We hope we make it through the maze in time to pass exams. If not, consolation could be found in seeing the light in time to give our old friends a good idea of what we've been up to; although, as Patchen wrote in BECAUSE TO REALLY PONDER ONE NEEDS TO WONDER, "You know, lads, the trouble with even the best story is, it all too seldom tells what happened to us."

-Deborah Davis
-Douglas Nelson



SAN JOAQUIN COLLEGE OF LAW ANNUAL DINNER
April 6---Cocktails from 7 to 8 p. m. Dinner at 8:00
PARDINT'S RESTAURANT. . . . 2257 W. Shaw. . . .

Local Attorney Kenneth W. DeVaney of Shepard, Olson, DeVaney, Turner, and Dietrich will speak on "The American Way--Innocent Until Proven Guilty".

Professor's Column

professor LOOMIS

Nullum Tempus Occurrit Regi

Rarely in practice do we consider the different standards which exist at common law between the position of the sovereign and the ordinary person. It is accepted Hornbook law that the sovereign cannot be sued without its consent and that when it wishes to exercise its sovereign powers it is not necessarily bound by the same rules as are we the people.

Fairly recently however, a cause arose which has led me to question the propriety of this double standard and the premise upon which it is based.

On December 27, 1957, my client and her husband signed a promissory note promising to pay Bank the sum of \$4,500.00 in return for a renovation loan insured by the Federal Housing Administration. Payments were made on this note for a period of time, then the makers defaulted. Pursuant to the statutory authority under United States Code Annotated Title 12, Sections 1700 et seq., the defaulted note was assigned by Bank to the United States as insurer and the United States paid the Bank the unpaid balance thereon. About the same time the husband obtained a discharge in bankruptcy. In 1968 husband and wife were divorced. In the summer of 1969, more than nine years after the default and assignment of the note, wife received summons and complaint recently filed by the United States Government demanding \$1,800.00 in principal and \$1,200.00 in interest.

When she placed this complaint on my desk I said to myself, "They can't do this to her. Look at all the time that's passed, it isn't fair". I then went to the Law Library with a view of preparing a demurrer to the complaint based on the Statute of Limitations, for after all under Rule 3 of Federal Procedure, the state's Statute of Limitations controls when an action must be filed. Under California Code of Civil Procedure Section 337, an action on a promissory note must be brought within four years or be barred. What fun it was going to be to file my demurrer and throw Uncle out of Court.

Don't Uncle's lawyers know what the rules are? Is there a hooker in my analysis? I decided I should review the statute under which the loan was given. United States Code Annotated Title 12, Sections 1700 et seq., revealed that no particular time was specified for making a claim against a defaulting party. I noted parenthetically that under Section 1739 (g), relating to war housing, the United States was required to bring its action to recover on the guarantee within six months. Why was that limitation applied to loans for war housing and not applied to renovation loans I asked? However, based on Rule 3 and the California statute, my optimism was yet unabated.

Then I suggested to myself that I should be sure that this was not an area where the double standard applied. An examination of limitation of actions in the Modern Federal Digest, Key II (1), dashed my hopes.

United States v. Simmerlin, 310 U. S. 414, and United States v. Warshaw, 61 Fed. Sup. 678, make it clear that the Statute of Limitations doesn't run against the United States in its sovereign or governmental capacity nor ordinarily is the government subject to the doctrine of laches. It is said that this conclusion is based on sound public policy. After all, the rights which are vested in the United States are vested there for the benefit of the whole community and the exercise of these rights should not be dependent upon negligence or bad faith on the part of particular governmental officers who fail to pursue them vigorously. Therefore, though Uncle had delayed for over nine years to press his rights, this delay was without legal significance. Had I more time for research and space to write, I would like to explore with you the soundness of the rationale which is the basis for this double standard. Perhaps questions posed to you will stimulate further research and response in subsequent issues of DICTA. I submit to you:

Should the United States Government be bound by Statutes of Limitations and laches to the same extent as the ordinary litigant?

Does the use of such double standard suggest as "equal protection" question?

If a double standard is appropriate, what should be its extent in this and comparable areas?

If you don't like what you find, is there anything you can or should do about it?

-John E. Loomis