



FRESHMAN ELECTIONS

CHAUVINISM TAKES ANOTHER BLOW

The Freshman Class showed great enthusiasm in the recent student body elections. Four students of first year standing ran for freshman representative to the student bar association. The polling was close, but unfortunately only two could be elected. This year's voting ran the feminist route, electing the two female candidates. They are Shirley Stetta, a graduate of Cal State University at San Jose in Social Service, and Lynn Strahan, a former student of Cal Poly University in San Luis Obispo. Our congratulations not only to the newly elected officers, but to the entire class as well.



The new Freshman Class representatives Lynn Strahan and Shirley Stetta. Shirley wants to work towards a lower attrition rate at SJCL and Lynn feels the best way to succeed is by promoting camaraderie. These two fine representatives should compliment each other and their class.

ATTENTION ATTORNEYS:

TRAINED RESEARCHERS AVAILABLE

Pursuant to the recently enacted Rules Governing the Practical Training of Law Students, law students enrolled at San Joaquin College of Law can work for you on a one-to-one basis, under your direct supervision or in research pools.

Those students who desire part-time work on a permanent basis can be certified by the State Bar Examiners and thereafter would be able to prepare documents, interview clients, investigate, research and perform a host of other duties as set out in the Rules.

We will also have a research pool available at the

school for those rush jobs you occasionally have. All researchers are second, third, and fourth year students, trained in research techniques.

Don't miss this opportunity to help a struggling law stu-

dent and to HELP YOURSELF by ridding your office of the unwanted and troublesome chores you have been putting off for months. HIRE A STUDENT.

Call Judy Ward at 237-8341, or S.J.C.L. at 251-4322.

LAW WIVES SPONSOR CHRISTMAS PARTY

The Law Wives' Association is sponsoring this year's Christmas party. It will be held December 22, at 8:00 p.m. at the home of Judy

Ward, 4015 E. Cornell, Fresno. As the L.W.A. has no funds, bring your own drinks and munchies.

"Orientation" Party:

JUST A BEGINNING

That a law school is a time consuming, frustration ridden, mental pulverizer will hardly be disputed. With few exceptions no other discipline of study quite habitually confuses the student mind as does the legal profession. To be sure, statistics turn from micro to macro analysis when computing first year student casualty ratios. Hope does exist for this yearling adventurer although at times he (she) needs instruction, nourishment and companionship . . . exactly the goals of the SJCL party of Oct. 26.

It was the hope of this writer and others that a combination of bodies under one roof, sipping libations, eating morsels, and exchanging game strategy would provide for an atmosphere of social lubrication to fulfill the companionship goal. Students basically are warm beings who need togetherness for release of tension and rebuilding of shaken confidence. To this few disagree. Hence, a party seemed the best choice to accomplish this end and if you feel the same way let us know.

As for nourishment, more properly addressed morale, the substance which puts a budding school on a direct course for success needs a student body that not only exists but talks to itself. One that puts first names on lips, one that speaks with candor and interest, one that puts its knowhow at work for the enlightenment of new members. The party was only a start and efforts like the student tutorial program will carry us much further, but only our constant feedback and interaction will keep us on that course.

Finally, the many and various outlines, study techniques, and suggested approaches provided the third necessary ingredient for beating the statistic. School morale and school togetherness do not make for success without this element. Instruction of students by students is the added insurance that puts a person over the hump. A few extra pointers in mental gymnastics, a term borrowed from Professor Perez, can make all the difference in the world.

The chairman's thanks goes out to all for helping the party get off the ground.

STUDENT BOARD MINUTES:

An Energy Crisis?

There may be a graduation exercise after all. The Executive Board has voted to allocate up to \$200 to the senior class to hold appropriate graduation exercises and a reception. The vote came after a heated discussion during which some students voiced opposition to the student body supporting one specific class.

Continued Page 7

IN THIS ISSUE

Analysis: UFW	3
Crossword	6
Editorial Page	2
Freshman Corner	5
Mini-Law Review	6
Prexy's Prose	4
Prof's Column	3

OUR SINCERE THANKS TO THE FRESNO DAILY LEGAL REPORT

FOR THEIR ASSISTANCE IN CIRCULATING DICTA!

Editorial

ELECTION PORTENDS INCREASING VIABILITY OF STUDENT ASSOCIATION



THE COLOR OF THE LAW

by Mio D. Quatraro

Developing a respected reputation at San Joaquin College of Law is something that will only come with time and successful graduates, but many bits and pieces go into creating such a recognized school.

One example of progress toward that goal was evidenced last week with the conclusion of the student elections. For the first time in the short history of the school the student elections were taken seriously. This is not to say that the upper class representatives have not been sincere in the past but at this point the Student Board seems to be recognized by the first year students as a viable and active organization within the college.

The Freshman hopefuls actively campaigned for the two spots on the student board and platforms were presented during a brief candidate night in the cafeteria. Hopefully the next student presentation can be conducted in a more conducive atmosphere than the cafeteria, which is a bit like public speaking in Giradelli Square, as the candidates deserve better attention for their efforts.

Despite this minor problem, the elections were conducted in a very professional manner and the Student Board should be congratulated for working to make SJCL a viable academic institution.

Were the rules of law capable of learning as all black or all white there would be little need for practicing attorneys, only a greater demand for law professors or outline publishers. Luckily for us, looking ahead to more prosperous years, this is not the case. If the law is a color, it is a passionate, pompous, perplexing Gray.

As attorneys and right now as law students, it is our task to take colorful fact situations, reduce them into black and white issues, attempt to mold them into the gray rules of law and come forth with a golden conclusion.

The fact that a case has

been included in our case-books or cited in some renowned Supreme Court brief doesn't mean that it states an infallible rule of law. A case seldom goes to trial, moreless to appeal, if there isn't a valid controversy. The Landmark cases are generally 5 to 4 decisions. It is the subsequent treatment of a case which gives backbone to a decision.

In exam writing we are given, in effect, a case of first impression. We are the attorneys for both sides and we are the judge. We have a fiduciary duty to wear all the hats in good faith.

Perhaps the greatest lesson

to learn in law school is that no matter how many cases support your view there is no guarantee that you will prevail. It is the duty of opposing counsel to show why the majority is wrong or does not apply in this particular set of facts. The trier of fact makes its ruling and a conclusion drawn. We, wearing all the hats, therefore, can never afford to be "conclusionary."

Still, as a 4th year student beginning to experience Bar-Panic, I would be a lot happier if the law were a bit less Gray.

(Would you believe, Magenta? It couldn't hurt!)

Letters to the editor:

Letter to the Student Board:

Several of you have approached me with the question: "Why am I so occupied with circulating our newspaper to the local bar associations when this endeavor advances only the interests of S.J.C.L. (not the students), and when the administration refuses to help the student association in return?"

I have varied thoughts on the "whys" and "wherefores" of your question, but will remain neutral and tender only the following "facts" in answer.

My experience last year with *Dicta* was frustrating. The students at San Joaquin could have provided enough quality material for an eight page newspaper; yet we published only an eleven-by-fourteen newsletter. This was because the printing costs of an eight-pager is about \$200.

What was to be done to give those people at S.J.C.L. who wanted it, the chance to express themselves and learn from others doing the same? How could I provide, for those who wanted it, a place to print their mini-law reviews (see page 5)?

No problem though; the answer was quite simple and very logical. Selling advertising was the key; and, because a circulation of 110 students (or less) would not sell ads, circulation to the local community (especially the bar) was the only solution.

Notice what else happens when *Dicta* is thus circulated. First, the local community, especially the attorneys, get a chance to become acquainted with S.J.C.L. and the students. This could encourage local placement. Secondly, the advertising space in *Dicta* becomes very valuable, thereby making available more space for content.

I fully understand your qualms about the administration not helping much. I hasten to add, though, that I have no present gripes. Without request, they offered some help to *Dicta*. Initially, a little help may be needed, but the long-term outlook is that *Dicta* will provide its own resources. We do thank you for the help you've given.

Sincerely,

Rick

Dear Editor:

The feature "Reasonable Man, as translated from a confused law student's notes," which appeared in the last issue of *Dicta*, might have been more aptly titled "Reasonable Man, as translated by a confused plagiarist." By not giving proper credit to A.P. Herbert, author of the reasonable man satire, you are guilty of plagiarism. By not seeking permission of the publisher to reprint the piece, you are guilty of violation of copyright. That's two counts already.

It matters not that the essay as published in *Dicta* was a slight reworking of the original. When I compared your reprint with the original, I found certain sentences paraphrased, some transitions omitted, and a few participles changed to infinitives. None of these tamperings, however, obscures the fact of plagiarism, defined in *Black's Law Dictionary* as appropriating parts or passages of another's writings and "passing them off as the product of one's own mind." By omitting the source of the essay (A.P. Herbert, *Uncommon Law*, 7th edition, 1952), you imply the essay was written by one of the newspaper staff.

One other complaint, to make a third and final count: your watering-down and occasional mutilation of Herbert's original satire seemed to be wholly without merit. Did you think that eliminating the anglicisms from Herbert's writing style would make the piece more palatable to your local readership? Please don't underestimate the literacy of your audience. Otherwise, you might acquire the inglorious reputation of publishing the legal scholar's *Reader's Digest*. Such a reputation is to be avoided at all costs.

Yours truly,
Kathy Hart

Dear Kathy,

The "Reasonable Man" article was not written by a staff writer. We regret what happened too. Thanks for bringing this to our attention.

Your "Sex Discrimination" article left something to be desired also.

You neglected to give the reader a chance to come to his or her own opinion; or did you leave out a fact fearing that your article would not have been as strong without it!

When a married woman is having an affair, a meeting with her lover might be more appropriately termed a meretricious tryst than a rendezvous. But that is up to the reader to decide; not for you to decide for them. Your omission of a relevant fact, that the lady was married, was a twisting of the truth. The truth is the whole truth...

Sincerely,
Rick

DICTA STAFF

EditorRichard Rossi
 Assistant Editor and PhotographerDon Peoples
 Assistant Editor and Production ManagerJohn Stavros
 Advertising EditorsGary Gentile, Gary Wasserman
 Staff WritersGary Austin, Lee Eberlein,
 Jim Gray, Doug Nelson,
 Bruce Owdom, Mio Quatraro,
 Gary Wasserman.
 ContributorsKathy Hart, John Loomis,
 Bob Williams, Dave Roberts, Roger Vehrs.

The official opinions of the *Dicta* Editorial Board are expressed in unsigned editorials. Letters, cartoons, and columns represent the opinions of the authors, and not necessarily those of the *Dicta*, the Student Bar Association, or San Joaquin College of Law. The publisher and staff assume no liability for the views expressed herein. Views expressed do not necessarily reflect the views or official policy of this school, its staff, faculty, or student body. Articles and editorials appearing herein may not be reproduced or used for any purpose without the express, written consent of the executive editor.

The staff at *Dicta* regret the loss of John Stavros who helped improve our publication. Thank you, John. Best wishes for a happy future.

SJCL NEEDS SCHOLARSHIPS

If a civic group or organization would be willing to invest in a student's future, please contact the school. The lines are open, so dial now.

ACROSS FROM CSUF
(NEXT TO TACO SHACK)

KOPY KORNER

Xerox - IBM
Copies
(no waiting)

4¢ PER COPY

WITH THIS COUPON

PHONE: 222-3442

COUPON

CASA CANALES

MEXICAN FOOD

EMILIO CANALES

3110 N. Maroa • Fresno, Calif. • 222-4835

Lunches • Dinner • Cocktails

ANALYSIS:

A CLOSE LOOK AT THE FARMWORKER STRUGGLE



By Jim Gray

EDITOR'S NOTE; Jim Gray is a community activist and first-year law student at SJCL. He has been affiliated with the U.F.W. primarily while working for the American Friends Service Committee Farm Labor Project as an organizer. Jim is currently out on his own recognition pending a trial for unlawful assembly, and failure to disperse, arising out of a U.F.W. demonstration in Tulare County this July. All correspondence for Jim please send to 1732 S. Garden, Visalia 93277.

Probably no issue generates such emotional and rhetorical debates as the issue surrounding the United Farmworkers Union of America does. To listen to most debates one becomes immediately aware of many problems encountered in intelligent conversations of the situation. There are so many complex problems, diverse cultures, wild charges, involved interest groups, and ever-changing rapid activity, that it boggles the mind.

Nowhere is there a greater need for a better understanding of the farm-labor issues than in the San Joaquin Valley.

This summer the administration of justice was pushed to the brink of fatigue and mockery. The County Jails of Tulare, Fresno and Kern were overflowing with striking farmworkers and their supporters. Superior Court dockets were crowded with requests for temporary restraining orders by farmers seeking a halt to picketing activities. Municipal and Justice Courts were so overburdened with arraignments and pre-trials for arrested Huelgistas that many felt the system of justice would become a sham. And civil suits for

huge sums, were being filed amongst the warring trilogy of U.F.W.A., Teamsters and agri-business at a preposterous rate.

A critical period in the complex farm-labor struggle has temporarily ended with the finish of harvest time for tree fruits and grapes in the valley area. However, a worldwide boycott by the U.F.W. is currently underway. Negotiations between the U.F.W. and the Teamsters have broken off without any form of settlement apparently being arrived at. Therefore, the prospects of another dangerous summer feud between the rival unions and agri-business is imminent.

In an effort to broaden the understanding of this struggle, I am going to undertake the task of presenting viewpoints, insights, facts and a wide cross section of material on the farm-labor struggle in this and future issues of DICTA.

I hope that all those who are concerned about the farm-labor struggle will send me any interesting or revealing articles concerning these inter-related issues. I will try to present a fair analysis and I'm sure contributions will help me to do so.

Part I EL MACRIADO

The past September the first Constitutional Convention of the United Farmworkers of America was held at Sellend Arena in Fresno. The national convention included 352 delegates, thousands of spectators, beautiful pageantry, and a unique spirituality which laced the entire event.

The convention was certainly a monumental and historic exercise in democracy. For over fifty hours in

Continued Page 5

PROFESSOR'S COLUMN

Certified Attorney Assistants —

A Boon or Boondogle?

By Dave Roberts



Editor's Note: The Professor's Column began as a regular feature of Dicta last year. Good response to excellent articles prompts continuance of this column. Our sincere thanks to all contributing Professors.

Associate Justice Leonard Friedman, who, for many years has been a member of the California Court of Appeal, Third Appellate District, sitting in Sacramento, not long ago in a critical essay concerning the participation of lawyers toward our present social and economic problems noted the following:

"Lawyers, it is said, imbibe conservatism with their professional learning, their need for stability and predictability overflowing from the law itself into perception of their surroundings. Then, too, he who draws profit from things as they are is apt to be an enemy of change... Cautious outlook, preoccupation with the thronging demands of business, plus self-interest and lethargy — all combine to set up a forceful inertia which hinders adaptation, indeed fiercely resists it."

No doubt the profession—its members, governing bodies, educational institutions and the judiciary—maintains an attitude or inclination to initiate changes only when empirical evidence reveals substantial proof of existing social acceptance.

Yet, within the last three years, the State Bar has undertaken and fostered a number of projects intended to bring significant new changes to the profession in California (i.e., legal specialization, prepaid legal services). The Bar recently adopted a pilot project for recognized legal practice specialization. A qualifying California attorney may now seek and acquire a specialist title in the area of

Criminal Law, Workmen's Compensation, or Taxation (see 48 Calif. St Bar J. 80; 46 Calif. St. Bar J. 183).

More recently the State Bar Committee on Law Economics recommended to the Board of Governors of the State Bar that it approve the recognition of legal assistants or paralegals and bring such persons within the scope of the State Bar Act. According to the Committee, formal recognition of paralegals would result in the implementation of standards for education and training of paralegals, standards for accreditation of educational institutions and examinations for certification of qualified persons. The Board of Governors has tentatively adopted the Committee proposal to support implementing legislation (see Assembly Bill 1814, 1973 Leg. Session).

According to the Committee, the legal assistant is a person who assists an active member of the State Bar in the rendition of legal services when trained in certain specific areas of legal work. The legal assistant may also be an "independent contractor" rendering services to a lawyer, a law firm or "organization employing the lawyer."

The framework for inclusion of "paralegals" within the State Bar Act is relatively analogous to the Physician Assistant Act relating to certification of paramedicals recently enacted by the State Legislature (Cal. Stats. 1970, ch 1327; Cal. Bus & Prof. Code Section 2500 et seq., Section 2377.5).

While the American Bar Association became formerly interested in paralegals in 1968 with the creation of a

Special Committee, California, through the State Bar Committee of Economics of Law Practice, commenced formal study on the question of legal assistants during 1971. Based on their study, the Committee concluded that paralegal employees are active within the private sector in California, though there are no data available from which the numbers of such persons can be determined. This is explained in part because there is no clear definition of a paralegal or legal assistant. (See also Pasquesi, **Putting the Paralegal to Work**, 17 Practical Lawyer 29, 30 (1971)). The Committee ventured that there is probably one non-lawyer working in the legal profession for every lawyer and observed that there are presently at least four California associations whose members are non-lawyers employed in the legal profession and who are advocates of the legal assistant concept. Furthermore, there are at least eight schools on the university, college and junior college levels in California offering legal assistant training courses. (For a concise history of the evolution of paralegals in America see Brickman, **Expansion of the Lawyering Process Through a New Delivery System**, 71 Colum. L. Rev. 1153, 1169-1171 (1971)). Despite such observations the Committee is unable to clearly describe the impact of paralegals at the present.

The Committee reached a number of conclusions based on its study with respect to the need and purpose of legal assistants; however, the reason or reasons supporting the Committee's recommenda-

Continued Page 8

PHONE 268-6643



LOU GENTILE'S
Flower Basket, INC.

722 E. OLIVE AVENUE
FRESNO, CALIFORNIA 93728

- WEDDINGS
- FUNERAL DESIGNS
- CORSAGES
- CUT FLOWERS
- ARTIFICIAL ARRANGEMENTS

(714) 543-1213

Pacific law book co.

305 N. MAIN ST., SANTA ANA, CALIFORNIA 92701



NEW AND USED LAW BOOKS
BOUGHT, SOLD, EXCHANGED, APPRAISED
STUDENT OUTLINES AND TEXTS
MAIL ORDERS ACCEPTED



SUN LIFE ASSURANCE COMPANY OF CANADA

- SPECIALISTS IN BUSINESS PROTECTION
- LONG TERM DISABILITY INSURANCE
- ESTATE PLANNING
- MORTGAGE PROTECTION
- MUTUAL FUNDS
- HR10 PLAN ADMIN.
- VARIABLE ANNUITIES
- PROFIT SHARING & PENSION

WILLIAM L. COWAN

325 North First Street • Fresno • 233-6171

PREXY'S PROSE



Contrary to my writing style, there will be several very short paragraphs covering different topics.

Law library: The communication problem is solved. Keys to the Fresno County Law Library are now available to second, third, and fourth-year students at SJCL. Thank you Mr. Best. See Mr. Loomis for details.

Your class representative: If you have an idea or problem, please tell your class representative (input). We will try to solve it. You should get an answer in the monthly report (feedback). If you haven't been receiving a monthly report about the monthly Board meetings, then your class representatives are out to lunch, so wake them up.

Individual Counseling of First Year Students: I want to know your feelings, do you need more counseling? Tell your class representative so we can formulate a program around your needs.

Advice: During Christmas

vacation, take a week off from studies, just relax; you've earned it. If you have not earned it, then you'd better study like hell so you can pass! See you at the library!!

Car pool for students: There are people willing to map out routes and coordinate rides with fellow students for those interested. Just fill out the questionnaire available in class. Volunteer now, you may not have another chance to choose later who you ride with. We would appreciate all professors ending class promptly at 9:30, so no one has to walk home and I can eat hot meals at home.

Graduation: It is now confirmed that Justice Stanley Mosk of the California Supreme Court will be our speaker.

That's what is happening at SJCL for now. This article was designed to instigate action with a smile, so get to work. In the true spirit of the Holiday Season, The San Joaquin College of Law Student Association wishes you and yours a very Merry Christmas and a Happy New Year.

—Rod Harron, Student Association President

MERRY, MERRY CHRISTMAS FROM THE STAFF OF DICTA

FACULTY: FRIEND OR FOE

by Bob Williams

During the course of study at this school, one thought continues to be on my mind: Is the faculty and administration of this school, a friend or an arch enemy of the students?

This school is very hard. It takes a lot of time, effort, and sacrifice, by the student. At times it is downright discouraging to spend hour upon hour on a subject only to find out, on a practice exam, that you need hour upon hour more study in order to fully understand it.

After a while some students, like myself, begin to develop the certain paranoid attitude that this faculty is really out to get us. We do more work, spend more time, and still, no grades. This can get very depressing, if you know what I mean!

It seems to me that the reason for this is really very simple: The study of law is hard; damn hard. It takes more than just a lot of time and effort to master; it takes almost total dedication. It's a new way of thinking. The mind must learn to retain great amounts of material. This alone is a task that all but a few persons are willing to take the time to do, but this is only half of what is required of the law student at this school. In addition, the mind must be trained to focus on exacting problems: Issues. Once the relevant problem is spotted, instant recall of the law involved and a development of a conclusion by using facts and law is needed to present an adequate answer in the time allotted. This is law school. This is what it's about. It's not that the faculty makes it seem hard, it is hard!

The students in the second, third and fourth-year classes have a great advantage over the first-year students at this point since we have already been put to the test, so to speak, by taking the Baby Bar. (Although the ultimate test, the Bar Exam, is still ahead of all of us.) As I took

the Baby Bar, one thought kept going through my mind: All of the people taking that test have to be fairly sharp and determined individuals, for if they weren't they could not have even gotten as far as this test, and yet most of them won't make it. Yet, the majority of those taking the test after one full year of law study, will not pass. Why won't they pass? Well, I believe for the most part it's because they didn't have any friends to tell it like it is. Friends that are willing to help before and after class. Friends who took the time to grade many practice tests and go over and over the areas that seem weak; who were even willing to spend their Saturdays with us so that we would be ready. Yes, as I look back on last year the faculty truly was a friend of the student.

Now I'm in my third year. The work? Well, it seems that there is even more of it and one thing is for sure, it's not getting any easier. Again we put in the hours and again our grades don't seem to show it. It's quite a transition from a college classroom, where a person who gets an 85 is only a fair student, to law school, where a person who can get a 65 is surely bordering on sheer genius.

Sure it's hard! We have all come to accept that fact by now, but that's getting away from the point. The point is our faculty, the teachers and administration, are they really friend or foe?

The harder they make it now the easier it will be later for those who make it to the Bar Exam. For those people at that time the faculty will certainly seem to be great

friends. Now then, if they are too hard, many students who could pass the Bar, and may even still pass it from another school, will not pass the school. For these persons the faculty will seem as foe.

It's the tight line in between these extremes that the faculty is forced to walk and somewhere a point in between complete friend and complete foe must be reached between student and faculty for the best interests of both to be achieved. Where is this point? I don't know! I don't think anyone really knows. The faculty of this school is, however, in a much better position than the student for determining what this point should be. They have gone through the entire ordeal themselves. Therefore, their judgment deserves great weight. But this does not mean that the judgment of the students does not merit consideration.

The students are the ones on the receiving end of the instruction. They are the ones under the pressure. They must either "shape up or ship out" so to speak.

It is my opinion that sometimes the reason students do not understand is not entirely their fault. It is the fault of some breakdown in communication between what the instructor is attempting to teach, and what the students receive. The ideal, maximum communication between student and instructor, would result in the student absorbing 100% of the material taught; a test devised that could test this knowledge exactly; and a resulting grade of 100% given. Unfortunately, none of us are perfect students; the perfect

Continued on page 7



**TITLE
INSURANCE
AND TRUST**

The insignia is new but the name's the same, and the service is better than ever!

For Litigation Guarantees,
Title Reports or Title Insurance the best
still costs no more.

FOR TITLE INFORMATION ANYWHERE, CALL

486-6111

1260 M STREET . . . FRESNO, CALIF.

**Stewart's
OFFICE SUPPLY**

2626 N. BLACKSTONE

OFFICE FURNITURE

**ACCOUNTING
SYSTEMS & SUPPLY**

CUSTOM PRINTING

RUBBER STAMPS

Free Delivery

222-3791

EX NIHILO NIHIL FIT

by Roger Vehrs

Some old friends have returned to SJCL, and are presently becoming acquainted with the first year students.

Remember the young lady that was always having miscarriages, the rescuer who bumbles it, the ambulance driver who crashes, and the doctor that always requires expert testimony, and last, but not least, that businessman with the limited vocabulary of "it's a deal" who requires prompt delivery on heaters to keep the apples from freezing. Well, they are all back, and looking forward to a full and exciting year

with their newfound friends.

Anyhow, all of this is to say the first year tutorial is underway. The gist of the program is to give the first year students some practical experience in the art of writing law school exams.

It's too early to make any prediction regarding the success or failure of the program. However, one prediction I will venture as to the Latin proverb at the top of this article. Any first year student that is not writing the practice exams, and looks it up in Blacks, will get nervous.

EL MACRIADO

Continued from page 3

a three day period, the delegates adopted a one-hundred-ten page constitution, debate resolutions, and elected officers and directors for the U.F.W.A.

Perhaps of most interest to the readers of *Dicta* will be the section of their constitution pertaining to justice. El Malcriado, the official voice of the United Farmworkers provides some insights into this area.

"The care with which this section was formulated reflects the farmworkers' experience with justice in this country. Their strong sense of what is just comes precisely out of the injustice done to

them, as well as their knowledge of the difference between law and justice.

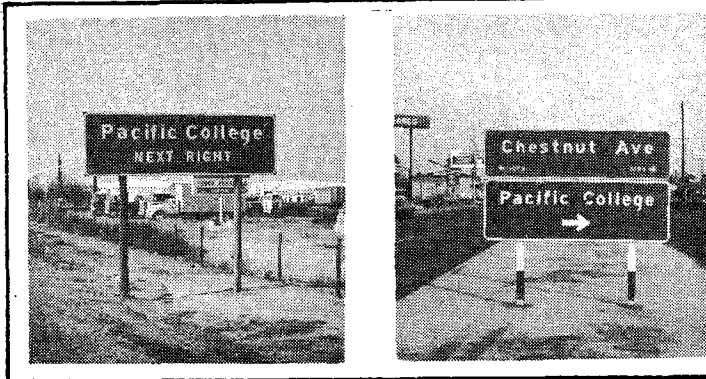
"Out of this understanding came the creation of a judicial process for farmworkers, based on certain democratic principles such as trial by peers, rights to fair hearings, and rights to appeal."

Basically most disputes will be heard by the Ranch Committee, which is the most grass-root organization in the U.F.W. structure. "At a hearing, for example, the Ranch Committee presides and the community is present. Rather than allow lawyers to participate and dominate, farmworkers them-

selves serve as prosecutor and defendant. The decision of the ranch committee must be upheld by a majority of the community members."

Quite an elaborate appeal system has been established. If the farmworker feels his trial has been unjust the first step is to the National Executive Board. If the defendant still disagrees with the decision the member can then appeal to the delegates of the next convention; the Convention being authority in the U.F.W. structure.

**STUDENT
ASSOCIATION
MEMBERS —
YOUR
FREE
CLASSIFIED
AD COULD
HAVE
APPEARED
HERE**



S.J.C.L. Where are you?

THE FRESHMAN CORNER



by Gary Wasserman

What role does law school play as a psychological factor in the creation of a new person?

To the man on the street, law school is a glorious adventure shared by few. It is a mind excursion into the professions, filled with future rewards and security. It is a challenge of honor diminished only by the cost and hard work. This may be a good outside analysis of the forces of change of law students, but what of the psychological changes.

Other than students few realize the psycho-trauma involved in the pursuit of law. Even if warned in advance, first year students all the way to the end, are victims of academic intercourse corraling their minds, confining their spirits and funneling knowledge through very narrow corridors.

Law school is watching girlfriends or boyfriends, or wives or husbands, slip away like hot butter on a hot skillet, and you powerless to vary your course for fear of failing. In general, law students become a rather paranoid lot. The fear of failure ranks high. Will all this sacrifice be for naught?

The mental discipline is such that competition may be more a factor than academic pursuit. Grouchiness is the most predictable mood present at all times, accompanied by depression and frustration.

The drifting away from old friends, who pat you on the

back and say great things lie ahead and then disappear to be lost in the tangle of 9 to 5 business and labor, is a source of great sadness. The world of law study leaves little time for old friendships. To attend a local school such as S.J.C.L. has advantages in this regard but the distractions take their toll in concentration.

Many have said money is the key to success and as a lawyer the chances of financial success are greatly enhanced. To the starving law student, that's little comfort. He has already spent four or five years to gain a degree and live in poverty. Now a graduate he has three or four more years left of poverty. It is not very comforting. Also not to be forgotten is the dis-

pation of a lawyer's social ear. He no longer listens for substance, but instead ignores, picking out key phrases or tuning a conversation out all together because it bears little relevance to the location of his thoughts. While skiing he may reconiter intentional torts on the chair-lift. While watching a movie he may analyze crimes committed. Now when students listen to some television programs with a legal emphasis, they realize how frustrated doctors must feel watching "Medical Center" or "Dr. Welby."

You may ask in light of all this why a student pursues law. The answer is simply that he or she must want it very much and be willing to

(Continued Page 6)

MEMBER — NATIONAL SOCIETY OF INTERIOR DESIGNERS



624 W. Olive Avenue
Fresno, California 93728
Phone 237-3838

COMPLETE CUSTOM INTERIORS

DRAPERIES . . ACCESSORIES . . FURNITURE . . LIGHTING
RESIDENTIAL CONTRACT COMMERCIAL

Across from the Motor Vehicle Department

Your whole financial future is ahead of you. Bankers Life can make your future secure at the lowest possible cost now and in the future.

LIFE — DISABILITY — MEDICAL

JACK SCOW

268-5611

(Home 486-0828)



BANKERS LIFE NEBRASKA



Vested Suits
by
America's Finest Makers

DOWNTOWN AND FASHION FAIR

NEW COLUMN

MINI-LAW REVIEW TO BE ESTABLISHED

INTRODUCTION

The increased size of *Dicta* enables the initiation of a new feature: a mini-law review. Hopefully, there will be enough interest to publish a monthly review. In June these will be collected and published in a booklet and circulated.

When printed in *Dicta*, the review's footnotes will be omitted. The full text with footnotes will be available in the library. Copies will be available to non-students on request for a nominal (printing and mailing) fee.

Please do not let "mini" dissuade interested people. It is presently estimated that a 16-plus page essay can be accommodated.

All ideas for reviews will be appreciated and should be directed to the editor in care of S.J.C.L.

The editor will be coordinating this program under the auspices of the student board and all students and instructors interested in participating should contact him.

The following article, written by Professor Loomis and published in *Dicta* last year, is republished here as raising possible issues for a law review. Thank you, Mr. Loomis, for your permission to reprint the article.

THE FRESHMAN CORNER

From Page 5

accept sacrifices. Each student must seek out a purpose within himself and financial gain is too remote.

A law student must either bend with the necessary changes or break. The drop-out rate is phenomenal in most freshmen classes and apathy fights you at every turn. To be able to conquer yourself and become the mental master is to accomplish law. To leave your apathy and suffering behind yet to remember the tough times may provide you with the compassion for future clients who may be needy. As a student you may become an expert on law, but it can be guaranteed that you will become an expert on being poor.

So cheer up, it probably won't be any better once we graduate.

NULLUM TEMPUS OCCURRIT REGI

by John Loomis

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, Section 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 11(1), dashed my hopes.

United States v. Simmerlin, 310 U.S. 414, and United States v. Warsaw, 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

ALTERNATIVE LIBRARIES

by Doug Nelson

The prospect of traveling to and from the S.J.C.L. law library on the weekend in order to look up some section of the California codes leaves a lot of us cold. If you are faced with this problem you may be able to save yourself a little mileage by using either the Fresno City College library, or the library at C.S.U.F.

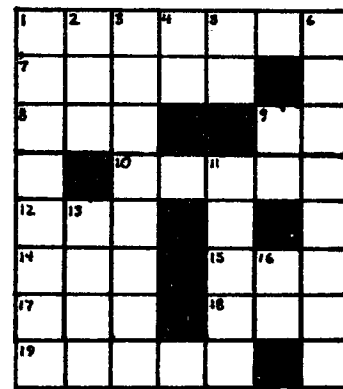
The library at Fresno City College has a small section on the rear wall of the main reading room containing a set of the California codes, Annotated (west). There are also a number of supplementary hornbooks, if the one you are using doesn't get the job

done.

The C.S.U.F. Library contains the West CA codes and the U.S. codes. In addition you can find the restatement and restatement 2d, the supreme court reports, California reports, Cal App, Mode Federal Practice Digest, C.J.S., Words and Phrases, A.L.R., and a number of books on various aspects of the law. These are located in the stacks on the second floor.

So, if you have some research that deserves doing but doesn't rate the trip across town, you might try the local libraries.

LAW STUDENTS CROSSWORD



CLUES

Across

- 1 The intentional, unprivileged act of placing another in apprehension of an immediate, harmful or offensive contact
- 7 One of the elements of burglary (noun form)
- 8 An atom carrying an electric charge
- 9 In the matter of, concerning (Latin)
- 10 Helpers

- 12 Interest (abbr.)
- 14 Adverb meaning very or extremely
- 15 Certified Public Accountant (abbr.)
- 17 International Railroad (abbr.)
- 18 Tax collectors
- 19 Fertile area in the desert

Down

- 1 Trespass from the beginning (Latin word)
- 2 Standing room only (abbr)
- 3 Elected representatives
- 4 Aggravated assault (abbr)
- 5 British Isles
- 6 Wrongful entry upon land in the possession of another
- 9 Second tone of musical scale
- 11 Decision (short form)
- 13 Woman's name (character in Ibsen's *Doll House*)
- 16 Public Relations (abbr.)

Stephens & Bean

San Joaquin Valley's Oldest Funeral Service
Since 1885

202 NORTH TEILMAN AVENUE
FRESNO, CALIFORNIA 93706

PHONE 268-9292



OFFICE FURNITURE

OFFICE ACCESSORIES



OFFICE EQUIPMENT CO.
Division of Valley Typewriter Co.

1417 FULTON STREET
PHONE: 264-2891
FRESNO, CALIF. 93721

Friend or Foe . . .

From Page 4

test has never been devised; and our instructors are not perfect instructors. As a result, a grade of 100% should not be expected. I do think, however, it is the duty of every person who is truly concerned with this school, student and faculty, to do all that is possible to see that instructor-student communication is kept at its maximum. I don't think the maximum has yet been reached at this school and I fully believe that steps should be taken right now to open up communication in the best interests of all of us.

The question then is this. What can be done to fully open up communication? I cannot even begin to answer this question. All that I can do is present an outline of my ideas on this subject. I think the following can be helpful and beneficial in improving the effectiveness of this school.

(1) There is no room for any criticism that is not constructive.

(2) A complaint should not be considered valid unless the person making that complaint has given it enough thought to come up with some alternative to correct the situation.

(3) The students should channel all complaints through the student government, and the student government should set up proper channels for directing the complaint to those who can remedy the situation.

(4) The student government itself should be set up in such a way to remedy certain complaints.

(5) Every complaint made should be given an answer, with reasons. Sometimes what seems to be a problem really is not a problem when the reasoning for the other side's actions are made known.

These are my ideas. I feel that this paper is a great media for making our feelings known. Only by bringing our views into the open can we hope to resolve problems we may have. I hope that more persons, students and faculty alike, will take the time to express themselves in this paper. The editor has committed himself to make this a free press, and it is no one's fault but our own if we fail to use it. It is my firm conviction that by student-faculty cooperation we can come a lot closer to that 100% than we are now.

STUDENT BOARD NOTES CONTINUED

From Page 1

Graduation committee chairperson Mio Quatraro said that without some funding . . . it was possible there would be no graduation. She asked for a commitment from the student body. It was argued that the senior class should collect funds from its 15 members to support a reception.

Mrs. Quatraro also noted that the Fresno County Bar Association might help to bear the expense.

Much discussion came after it was noted that at other law schools . . . the administration sponsors the graduation. Second year representative Roger Vehrs will head a committee to find out just how much support other law schools give to student associations.

Graduation is scheduled for Friday, May 24.

In other action, the diploma contest has been extended to January 1 for entries. At the

next board meeting several selections will be made. These will be presented to the student body for final selection. (Remember: A \$10 award for best . . .)

BOOK REVIEW

FANTASTIC FABLES

EDITOR'S NOTE: The two fables reprinted here are from a collection of like, but not all legal-oriented, fables of Ambrose Bierce.

He was an American satirist of the late 19th and early 20th centuries. In 1912, Bierce left for South America to join some cause (revolutionary?). No one knows where or how he died.

"Fantastic Fables" was copyrighted by Neale Publishing Company in 1909. We appreciate being able to reprint these.

A HASTY SETTLEMENT

"Your Honor," said an Attorney, rising, "what is the present status of this case—as far as it has gone?"

"I have given a judgment for the residuary legatee under the will," said the Court, "put the costs upon the contestants, decided all questions relating to fees and

other charges; and, in short, the estate in litigation has been settled, with all controversies, disputes, misunderstandings and differences of opinion thereunto appertaining."

"Ah, yes, I see," said the Attorney, thoughtfully, "we are making progress—we are getting on famously."

"Progress?" echoed the Judge—"progress? Why, sir, the matter is concluded!"

"Exactly, exactly; it had to be concluded in order to give relevancy to the motion that I am about to make. Your Honor, I move that the judgment of the Court be set aside and the case reopened."

"Upon what ground, sir?" the Judge asked in surprise.

"Upon the ground," said the Attorney, "that after paying all fees and expenses of litigation and all charges against the estate there will still be something left."

"There may have been an error," said his Honor,

thoughtfully — "the Court may have underestimated the value of the estate. The motion is taken under advisement."

A DEFECTIVE PETITION

An Associate Justice of the Supreme Court was sitting by a river when a Traveler approached and said:

"I wish to cross. Will it be lawful to use this boat?"

"It will," was the reply: "it is my boat."

The Traveler thanked him, and pushing the boat into the water embarked and rowed away. But the boat sank and he was drowned.

"Heartless man!" said an Indignant Spectator. "Why did you not tell him that your boat had a hole in it?"

"The matter of the boat's condition," said the great jurist, "was not brought before me."

QUIPS AND QUOTES ON JUSTICE

In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously. Our government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the government becomes a law-breaker, it breeds contempt for law; it invites

every man to become law unto himself; it invites anarchy. To declare that in the administration of law . . . the end justifies the means . . . would bring terrible retribution. U.S. Supreme Court Justice Louis Brandeis, 1928.

Justice is whatever those in power say it is, and whatever is to their advantage. Thrasymachos in Plato's Republic.

Always Beautiful Music

KKNU

STEREO 103



SECURITY PACIFIC BANK

**Penn
Mutual**

**BUY NOW,
PAY LATER!**

Take advantage of your present good health and youngest possible age to start your Life Insurance program NOW. Penn Mutual has recently introduced a unique deferred-payment plan for professional graduate students. For more information, without obligation, call

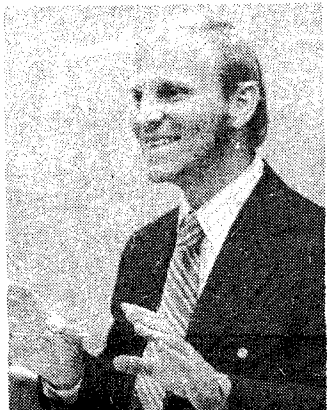
PHIL ANDERSON at 485-0651.

**THE ADMINISTRATION, FACULTY AND STAFF OF
SAN JOAQUIN COLLEGE OF LAW SUPPORT DICTA**

From Page 3

CERTIFIED ASSISTANTS . . .

tion do not stand out clearly in its July, 1973 report. The implicit justification seems predicated on the fact that a large number of persons are today working in positions as paralegals or legal assistants where they perform legal work of varying degree with broad diversity in training, education and experience and without defined standards for qualification. The Committee does venture to suggest that there is a "great public interest in legal assistants" and that the "increased use by lawyers of the services of legal assistants will be necessary in order for members of the State Bar to continue to furnish quality legal services to the public at reasonable costs." Finally, the committee seems to argue that the Bar should recognize legal assistants as professionals in order to encourage greater



use of legal assistants by lawyers and then the Bar should undertake programs to train lawyers to use legal assistants. Such instruction would be designed to create in lawyers, attitudes favorable to the use of legal assistants (compare Brickman, supra, at pp. 1248-1255). There seems to be something suspect about this reasoning.

At the outset one might be skeptical that there is, at the present, an inadequate number of California lawyers to

provide services to the general public. While many proponents of the legal assistant concept have adopted this rational, (Brickman, supra, Prescott, *Legal Professionals*, 48 L.A.B.Bul.132, (1973)), there is some suggestion that

"The Committee suggest 'there is . . . an inadequate number' of California lawyers."

the employment opportunities may not be as originally anticipated (Larson, *Legal Paraprofessionals: Cultivation of a New Field*, 59 A.B.A. J. 631, 633 (1973)), and that the real value of the paralegal is to improve attorney profits rather than to provide services not now available (Cantor, *A Practical Look at Legal Assistants*, 18 *Practical Lawyers* 43, (1972)). Furthermore, the student enrollment in American law schools, during the last four years, has been greater than ever before. Certainly, one preferable method of solving the Committee's suggested problem of providing legal

"Without the proper requirements set forth, there will be a number of unqualified paralegals assisting the public."

services to the public at economical rates is through some pre-paid legal service plan such as the program now in formulative stages in California (see 47 *Calif. St. Bar J.* 182), rather than to substitute legal service by less qualified non-lawyers.

While the Committee does not express the source of "great public interest" certainly factions with economic concerns — paralegal assoc-

iations, educational facilities, and perhaps large business corporations (banking and trust, insurance, mortgage and title companies)—might have a significant interest in paralegals. According to Cantor, the salaries paid to paralegals are generally only 10% to 20% higher than salaries paid to legal secretaries.



A member of the American Paralegal Association, writing in support of legislation similar to that proposed by the Committee, expressed the following:

"One of the goals of the paralegal is to assist the attorney in various phases of his practice. However, in

"I'm thinking of those who have earned the right to practice law."

order to work under the supervision of an attorney, proper legislation must be enacted setting forth the requirements needed to obtain a credential, similar to that which was enacted for the Paramedic . . . Without the proper requirements set forth, there will be a number of unqualified paralegals assisting the public in matters which they are not capable of handling."

However, the Dean of the West Los Angeles School of Paralegal Studies noted that certification is probably sought for recognition rather than for the purpose of authorizing paralegal employment. In many respects the Committee's proposals may very well serve as a major thrust to expanded employment opportunities for the legal assistants by predetermined education or condition-

ing of California lawyers calculated to foster acceptance of paralegals.

Today, law students, legal assistants, paralegals, legal secretaries, and others, are involved in segments of legal work under supervision of practicing lawyers authorized by present rules and state law. As it now stands, the supervising attorney is responsible for the conduct of the non-lawyer (Prescott, supra). This would not change under the Certified Attorney

"Salaries paid to paralegals are generally only 10% to 20% higher than salaries paid to legal secretaries."

Assistant plan. According to William Schall, a member of the Board of Governors who is opposed to the Committee recommendation, the Board would not have to implement a change in the present rules in order for such persons to continue to work as they are at present. In Mr. Schall's view, the plan to recognize legal assistants is an authorization to practice law without a license and antithetical to one of the foremost interests of members of the state bar. In his opposition Mr. Schall also expresses his concern for the new lawyer:

"I speak of the thousands of young men and women

"The plan to recognize legal assistants is an authorization to practice law without a license."

who through diligence, hard work and sacrifice have completed their law studies, have passed the Bar examination, and have earned their licenses to practice law as members of this State Bar. It bothers me greatly that we now propose to break faith by creating a whole new class of mini-lawyers, or lawyers-for-limited-practice-only, or whatever. I am thinking about Mary X and John Y of July, 1976, who, having earned the right to practice law, may wind up with less than they bargained for when they undertook the long road lead-

ing to a place in our profession."

While Mr. Schall's concern may be an overreaction to the plan his comments serve to indicate that the Committee has not satisfied everyone as to the necessity for a Certified Legal Attorney Assistant Program in California. Perhaps Mr. Schall just needs to be educated regarding the use of legal assistants; yet, on the other hand, perhaps more time should be spent evaluating the demand for legal assistants by the mem-



bers of the Bar and the public in general in relation to the number of new attorneys and potential attorneys now available in this state, and the relationship of a prepaid services program.

In conclusion, the Certified Attorney Assistant proposal, where it appears to be a method of improving employment opportunities of paralegals, should be a concern of newly admitted attorneys and law students. It is a program which seems to be off and running before many of our profession really have sufficient information to permit evaluation. As Mr. Schall opines:

"Stripped of its essentials, I view this proposal purely and simply as permitting law offices to replace young lawyers with para-professionals presumably in the interests of economy and efficiency."

Editor's Note: Dave Roberts is presently employed by the Fresno County Public Defender's Office. He teaches "Conflict of Laws" at S.J.C.L. He is a graduate of Portland State University and McGeorge School of Law.



FREE PARKING IN REAR

FRESNO'S FINEST
HABERDASHERY

Ralph Cross

(209) 237-8369
716 E. Olive Ave.
Fresno, Calif. 93728

ALLIED OFFICE SERVICES

PROFESSIONAL
SECRETARIES

DICTATION VIA PHONE TO SECRETARY
SHORTHAND
MIMEOGRAPH WORK
TYPING DONE FROM YOUR ROUGH DRAFT
STATISTICAL TYPING
REPORTS
RESUMES

TELEPHONE 222-4111
RUTH E. CHUMAN
SHERI WALKER

1300 W. SHAW - SUITE 311 FRESNO, CA 93705

OFFICE SUPPLIES, SAFES, FILES, DESKS, BLACKBOARDS
AND STAGE EQUIPMENT

Shelburne's

OFFICE SUPPLIES AND EQUIPMENT
FRESNO, CALIFORNIA 93721

MAIN STORE & DISPLAY ROOMS
1133 FULTON MALL
PHONE 268-8444