



# Inter Alia

San Joaquin College of Law Quarterly Newsletter

Volume XXVIII, Number 1

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## Military Service – Great Start for a Law Career

*Veterans, attorneys, and current law students came together to discuss the compatibility of military experience and law school at the recent Veterans to Law School Forum presented by the Clovis Veterans Memorial District and San Joaquin College of Law.*

**F**ive panelists shared their fascinating journeys from military service to a well-suited civilian life made possible for some, by the post 9/11 G.I. Education Bill.

Several veterans from all branches of service attended the forum to learn that the possibilities for civilian-life careers are endless.

Aside from his boyish good looks, Cody stood out in the crowd because of his hoodie. A fiery skull across his back was encircled with the words “Camp Leatherneck, Afghanistan.”

A political science student at Fresno State with a minor in history, Cody doesn't look nearly old enough to have spent four years in the Marine Corps or become fluent enough in the Afghan language of Pashtoo to serve as an interpreter, but he did. And he says he's just getting started.

Just two days after completing his service in the Marines, Cody was in line registering for classes at Fresno City College. In addition to his studies, Cody served as a Veteran's representative on the FCC Board of Trustees, and is currently a Veteran's Transfer Officer with the Fresno

State Student Veterans Organization, yet he refers to himself as just “a local boy”. His parents tell him to calm down a bit and have some fun, but Cody is more eager than ever. After attaining his B.A. next spring, he plans to enroll in law school at SJCL. Cody has planned on being a lawyer since he was a kid.

Growing up, Sean had two big goals for his life. He wanted to be a pilot, and also maybe an attorney. His father was a Merchant Marine, but at the age of 17, Sean joined the Army National Guard. He attended officer and flight schools and eventually became a Black Hawk

See Veterans page 13



SPEAKERS PANEL AT THE VETERANS TO LAW SCHOOL FORUM, CLOVIS VETERANS MEMORIAL DISTRICT (CVMD). (L-R) **Lorenzo Rios**, CVMD Chief Operating Officer, **Gary Caine**, The Caine Law Firm, **John Miser**, Focus Vision Worldwide Inc., **Jan Pearson**, Dean, **Sally Moreno**, Senior Deputy District Attorney, **Monique Taylor** (2L), and **Jason Trupkin** (3L).

*It has been a VERY busy year and a half. By coincidence, SJCL's state (Committee of Bar Examiners) and regional (Western Association of Schools and Colleges) re-accreditation visits fell within six months of each other.*



Each accreditation requires a significant institutional report be prepared in advance, but those reports are very different. The COBE institutional report requires SJCL to demonstrate its compliance with a lengthy set of specific guidelines, sometimes with an emphasis on inputs. The WASC report focusses on what an institution is doing constantly to make itself better across every dimension of its operation.

WASC standards require SJCL to identify Learning Outcomes - exactly what skills does SJCL want its students to attain by graduation. In which classes are those skills taught? SJCL mapped its curriculum to track how skills are taught with an increasing level of sophistication through a student's law school career. Finally, how are you measuring that those skills actually are attained through mechanisms in addition to grades and bar passage rates? For example, SJCL has been using outside evaluators, not SJCL graduates,

to evaluate written assignments in the Legal Methods (first year), Moot Court (second year), Advanced Research and Writing (third year) and summative evaluations in Remedies, both written and oral, for graduating students.

The reports from the visiting teams, including the decisions, on the continuation of SJCL's accreditations will not be available for several months, but the visits seemed to go well. Teams are always surprised that a small institution can do so much. The WASC team commended SJCL for providing access to a legal education while sustaining academic vigor. The team commended SJCL for its committed Board, faculty, staff, and students, building financial reserves, and the work being done by the New American Legal Clinic to benefit both students and the community. The team commended SJCL for being an early adopter of Learning Outcomes, ahead of many law schools, but recommended that SJCL develop a plan to assess and evaluate all the Learning Outcomes within a couple of years and extend that outcome creation and evaluation to every aspect of SJCL's operation.

The accreditation process is reflective, time-consuming, and sobering. I have lost count of how many of these visits I have experienced in my lifetime at SJCL. But, every single one of them has made the Law School better and I can see that these two will do the same.

SJCL thanks all those who participated in meetings with these teams. Your help with this process is crucial to SJCL continuing to move forward.

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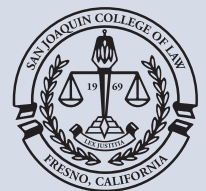
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# Veterans of Stress

*“When you wake up at 6AM, in a war zone, getting shot at, and getting paid minimum wage, it really puts the stress of law school into context. I never really stressed about law school.”*

Managed stress has been a part of attorney John Miser’s life, but his parents have worn it as well. Back in 2003, Miser was a class valedictorian at Edison Computech, with a 4.0 GPA and admission to U.C. Berkeley in hand. He recalls he was told he could either take his calculus final or the Armed Services Vocational Aptitude Battery (ASVAB). He chose the ASVAB, scored well, and didn’t really think about it. Miser says his family is solidly middle-class, with a belief that you go to college, get a degree, and then work hard at a company for several decades before retiring with a 401K or a pension. He says they are “high risk-averse.”

*Mom and Dad were shocked when he walked away from academia.*

But Miser says he needed a year away from what had become to feel like an all-consuming education track. He decided he wanted to open his own business, but knew he would need discipline and capital.

*Mom and Dad were stunned when he joined the military.*

“My grandfather served in World War II, but I didn’t come from a military family.” Miser says the Army gave him the discipline and enabled him to build capital. His high score in high school on the ASVAB enabled him to choose

a career as a Military Intelligence, Electronic Warfare, System Maintainer and Integrator. He became part of three drone units, which gave support to a half-million soldiers.

*Mom and Dad were anxious when he was deployed. Twice.*

Miser was not piloting the tiny drones you buy on Amazon. The military drones of the day had to be flown out of airports in Iraq, where they would point out targets for F16s.

*Mom and Dad were relieved when Sergeant Miser returned home.*

He immediately enrolled and received his bachelor’s degree from Embry-Riddle Aeronautical University, then began a job in digital marketing, but soon became disenchanted with seeing the bulk of his earnings go to his employer. He began investigating other benefits of his G.I. Bill, and eventually talked to a friend of a friend. She was a veteran, who told him she “went to that law school out in Clovis” and was now doing well as an attorney.

*Mom and Dad were troubled to see him leave his stable job to go to law school.*

But Miser had decided long ago he wanted to be his own boss, and this was the next step. After graduating from



**John Miser** (Law ’16)

SJCL, John passed the bar on his first try. Although he now works as an attorney at a firm, he’s getting ready to start his own firm. Miser feels so strongly about his path that he was among five veterans speaking at the Veterans to Law School Forum February 16th at the Clovis Veterans Memorial District Auditorium. He says he was initially hesitant to return to school because he didn’t want to be treated like an elementary school student, but didn’t find that to be the scenario at SJCL. He feels they treated him like an adult capable of managing his own responsibilities. “They respect the students. No busy work. You’re either ready on the test day or you’re not. So good luck to you, Sir!”

*Mom and Dad have got to be proud.*

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## Full-Time Faculty

Justin B. Atkinson, Andreas Borgeas, Christine A. Goodrich, Denise M. Kerner, Gregory Olson, Janice L. Pearson, Jeffrey G. Purvis, Rose Safarian, and Alicia Diaz Wrest

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# NALC Turns Immigrant Lives Around

*The New American Legal Clinic regularly assists immigrants with U-Visas, enabling them to work legally in the U.S. and start their path to citizenship.*

One friend suggested she move in with a man so she would have “help” feeding herself and her three children, but she didn’t see the difference between that and prostitution.

The woman, who we will call “Maria,” was an illegal immigrant from Mexico who arrived with her husband in the Bay Area in 1996. Three children came shortly after. Maria had a degree in fashion design from Mexico, but quickly discovered the design works were coming out of China. Still, she worked in a factory, for a veterinarian, in a bridal shop, and ultimately opened a shop in her own home doing alterations for a decade.

She discovered her husband, who worked as a rug cleaner, was having numerous affairs. She was devastated, but decided to forgive him. That’s when her 12-year-old daughter came to her, crying and begging her not to take him back. She said her father had been molesting her.

Maria closed her shop and spent a year in court battling through a divorce where she was accused of fabricating the molestation allegations in order to achieve custody. The shelter where she and her children stayed temporarily interviewed her daughter and agreed

the molestations occurred. The court decided in her favor, but her ex-husband never paid child support.

Out on her own again, she moved to Merced, but the money ran out and they were evicted. Her church borrowed a trailer from a member of the congregation and put it on church grounds for a month so they would not be homeless.

That’s when she heard about the New American Legal Clinic (NALC). NALC helped Maria file for a U-Visa, and get a work permit. She immediately took a job at Dollar General, where she worked in the mornings and attended training in the afternoons. She is now preparing to move to Texas to take a job as an Assistant Manager, but hopes to return to California as more Store Manager positions open.

Maria says without NALC, “I would be out on the streets with my children. Maybe my daughter would be pregnant. Thanks to the Clinic, today I am able to support my family without asking for help.”

Joshua Longoria, NALC Clinic Staff Attorney, says “cases like Maria’s are actually pretty common. NALC has handled 65 U-Visas so far. U-Visas help victims of crimes who have helped law



**Joshua Longoria** (Law '14)  
*New American Legal Clinic Staff Attorney*

enforcement prosecute the perpetrators. Sadly enough, by law, only 10,000 U-Visas can be issued nationwide each year, so the waiting list grows. Right now, an applicant waits from three to five years for their U-Visa status to be granted.”

Maria knows her case was a fairly simple filing for a U-Visa because she had documentation from both the shelter and the courts regarding the molestations. Still, she says believes she would not have made it without the NALC. Her voice trails off as she adds “If you don’t have any money to pay for a lawyer...”

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# Paboojian Named Trial Lawyer of the Year

*The CAL-ABOTA Board of Directors has selected Warren Paboojian (Law '85) as the 2017 Trial Lawyer of the Year.*

Recognized as the highest honor a California trial lawyer can receive, the CAL-ABOTA Trial Lawyer of the Year is awarded annually to a recipient exhibiting the best traits of a trial lawyer: excellence in advocacy, a distinguished career and a reputation for civility, ethics and fair play.

SJCL is especially proud to note that only three other trial lawyers in the CAL-ABOTA Central Valley Chapter have ever received this award in the past 55 years. The Law School is also grateful that Paboojian chose SJCL to receive a \$5,000 gift as part of his award.

In 2011, Mr. Paboojian was inducted into the SJCL Alumni Hall of Fame because of his outstanding trial advocacy.

Mr. Paboojian, a founding partner of the law firm of Baradat & Paboojian, has been practicing law in the San Joaquin

Valley for 30 years. He has litigated over 55 jury trials to verdict in Fresno County and throughout the State of California.

In addition to being a Life Fellow of the ABOTA Foundation, Mr. Paboojian is a member of the American College of Trial Lawyers, the International Society of Barristers, and the International Academy of Trial Attorneys. He also served as President of the San Joaquin Valley Chapter of ABOTA in 2008.

His honors and achievements include:

- 2008 Trial Lawyer of the Year for the State of California by Consumer Attorneys of California (CAOC)
- Super Lawyers' Top 100 Lawyers in Northern California for 5 consecutive years
- Central California Trial Lawyers' President's Award for Outstanding Plaintiffs Verdict in 2004



- Central California Trial Lawyers' President's Award for Outstanding Advocacy for Consumer Rights

Mr. Paboojian is most proud of his foundation called Departed Angels. Departed Angels is a non-profit that provides financial help to parents whose children have died untimely.

## Bar Admissions Celebration

Fourteen SJCL grads were among the Barpassers sworn into the Fresno County and Federal Bar on December 7, 2016 at the B. F. Sisk Courthouse. But before hands could be raised and hugs given, the congratulations were tempered with cautions.

Associate Justice Rosendo Pena Jr. reminded the candidates that they will be "required to meet tremendous expectations" as attorneys, and they should always be courteous and civil, adding "It costs you nothing." Those who stray from that path will find bad reputations could stand in their way, because "the word gets around really fast."

Superior Court Presiding Judge Kimberly Gaab echoed that sentiment of civility, adding that after court proceedings, "you should always be able to shake your adversary's hand."



FRONT ROW (L-R) **Andrew Trippel, Chineme Anyadiegwu, Jennifer Oleksa, and Sandra Garcia.** BACK ROW (L-R) **Victoria Maga, Nichola Krebsbach, Mao Lee, Sara Santoyo, Joshua Longoria, Nellie Peloian, Matthew Green, Michelle Errecart, William Chaddock, and Amanda Hines**

U. S. Magistrate Judge Sheila Oberto warned the new attorneys that they should "above all else, practice with integrity" and "never undermine the truth."

The crowd erupted in laughter as State Bar Board of Trustees Representative

Mark Broughton introduced himself with his Bar Number. He congratulated the candidates for being among the few who were successful when the State Bar passage percentage is the lowest in more than 30 years.

# New Year, New Alumni Board!

*On February 11th, the Alumni Association welcomed its 2017 board members at the inaugural board retreat.*

By **Scott Darling**, Alumni Board President

The board this year consists of a large and diverse group of alumni, all of whom are excited to offer their vision and input into continuing the Association's mission. For those who may not know, the Alumni Association provides support to the school, its students, and the alumni through various events held throughout the year. The retreat allowed the board members to get to know each other as well as share their ideas and opinions on how the Association can continue to grow as we began to plan for this year's events.

At this time, we are looking forward to the next event on our schedule, the Judy Wiseman Golf tournament, being held April 8th, at Dragonfly Golf Club. This event, along with others, helps raise funds that are used to provide scholarships to SJCL students, among other

things. This event has continued to be a big success over the years as alumni, students and faculty have enjoyed hanging out with friends while playing a round of golf at one of the Valley's most beautiful courses. A hole-in-one contest, a long drive contest and a raffle for many fantastic prizes are all part of the fun. Lunch is also included. We hope you are able to join us for this great event. For information on sponsorship or registering a team to play, feel free to contact myself or Diane Skouti at the Law School.

Lastly, we encourage all graduates to participate in the continuance of SJCL's commitment to excellence in legal education, service to our community, and assistance in building valuable network connections by becoming a member of the Alumni Association. Now is the perfect time to join in order to take

advantage of the full year of benefits, including the alumni appreciation event where alumni can reconnect with classmates and network with other graduates from the school. The Association also hosts an annual MCLE event that satisfies many of the required subjects for compliance. This event is free to members of the Association and alone is worth the cost of membership. Additionally, it's important to note that members are always welcome to provide the board with any ideas or opinions on how the Association can better serve the school, its students, and its alumni. We are always looking for ways to grow and expand upon our vision. As President I can say I am excited about the Association and the direction we are headed. I look forward to serving each of you this year and I am available to any and all who may have questions or wish to offer input.

## Trail Mix-Bar



(L-R) **Joshua Hernandez** (2L), **Jaskaran Gill** (3L), **Fabian Perez** (2L), and **Jason Crockford** (2L).

The SJCL Alumni Association provided a line-up of goodies to welcome law students returning from the winter break. The Trail Mix Bar included ingredients, both healthy and not, for making a custom trail mix that brightened the day for students and faculty alike.

## O'Neill Book Drive



What better way to celebrate Dr. Seuss' birthday on March 2nd than by dropping off the 623 books from the Elizabeth O'Neill Book Drive at Boris Elementary! This is the ninth year for the book drive at SJCL, which has donated a total well beyond 3,000 books so far. The drive reflects the vision of the Law School to be a significant provider of legal education, scholarship, and service. Boris Elementary, a Title I School, is the newest elementary school in Clovis Unified. Thanks to everyone who made this donation to delighted kids possible! Along with the young book-snatchers, **Librarian Laurel Rosa** and **Principal Erin Gage** joined in for a quick picture.

# Alumni Give Big

*A record number of donations provided a memorable evening for children and mothers of the Marjaree Mason Center.*

Children ranging in age from 4 months to 16 years seemed equally taken aback as they entered room 210, which had been magically transformed into a cozy living room complete with a fireplace,

decorations, tons of goodies, and a huge Christmas tree that was packed to its tinsel with gifts.

As each family arrived they were showered with merriment and cheer from Channel 26's Kopi Sotiropulos, the Clovis High School Choir, and assorted elves and helpers from SJCL. After some group carols, Santa and Mrs. Claus arrived in full regalia. As Kopi called out their names, each child made their way to Santa to receive gifts that had been specially purchased just for them. Santa took a moment to talk and take a photo with each, with only one little guy deciding he'd rather not! Before the night was over, attendees also chose a snuggly blanket and large stuffed bear, courtesy of Shoe Box Sharing, to take home.

When it was time to go, many of the children sported their new jackets and hats along with smiles of happiness and gratitude as they boarded the bus for the return trip to the Marjaree Mason Center (MMC).

The SJCL Alumni Association wishes to thank everyone who donated and took part in this very special event.



The family of staff (Pictured above) assisted Santa & Mrs. Claus in presenting gifts and sharing Christmas cheer along with Kopi Sotiropulos, Clovis High School Choir, and the Alumni Association Board to the children of the MMC.

## Thank you for your support

*The Board of Directors of the SJCL Alumni Association would like to thank all who donated so generously to this year's Marjaree Mason Children's Party.*

Hon. Catherine V. Benko, Jeffrey Boggs, Geraldine Brown, Karen Buck, Hon. Nancy Cisneros, Pricilla Wright Craft, Peter and Christine Cummings, Victoria Denny, Jennifer Deruosi, Sheri M. Fisher, Kristina Garabedian, Allison Gong, Brande Gustafson, Doug and Marcia Haas, John & Carey Hartsock, William Hazen, Herman & Eloise Janzen Living Trust, Rhea Ikemiya, Denise Kerner, Donna Korotie, Nichola Krebsbach, Samuel & Melinda Kyllo, Scott Levy, Jeannie Lewis, Hon. Diane Lushbough, Jere Mealer, James J. Mele, Jan Pearson, Stacie Prickett, Hon. R.L. "Chip" & Carol Putnam, Richard A. Ruiz, Howard & Margaret Shainberg, Nancy Silacci, Steven P. Simonian Jr., Diane Skouti, Hon. Nancy Smith, Michael Splivalo, Bradley Stevens, John Suhr, Kimberly Sweidy, Phil and Linda Tavlian, Mark Wilson, James P. Witherow, Jane Woodcock, Alicia Wrest, and Hon. Georgia York.

## When Law Students Became Santa Claus

*The mission was clear: excite children with many gift-wrapped toys.*



By **Ali Huda**, Member, Law Students for Community Advancement

When eight members of Law Students for Community Advancement (LSCA) entered the gift distribution site on Saturday morning, they rolled up their sleeves, sorted, and wrapped one hundred toys. By the afternoon time, they distributed all one hundred wrapped toys to fifty-six smiling Syrian refugee children residing in El Dorado Park, mainly in Section 8 housing.

This gift distribution event was the culmination of a month-long toy drive project coordinated by members of LSCA, who solicited toy donations from the student body, faculty, and other local businesses throughout January to donate those toys to children in the Syrian refugee community of Fresno. Their purpose was to unite the community, to aid the growing refugee community, and bring awareness to the ongoing refugee crisis.



# SJCL Goes to City Hall

*Aside from their impressive, and shiny, metallic digs, the SJCL grads that inhabit City Hall share an excitement and enthusiasm for their jobs.*

During a recent visit to the City Attorney's Office it became apparent that SJCL grads are engaged with issues affecting the pulse of the city. One might even say they are (to borrow an oft used phrase) among the movers and shakers of City Hall!

Brandon Collet (Law '09) who was kind enough to round up his fellow law school classmates and women to meet with us, says he never had a lifelong desire to be an attorney. He did want, however, to pursue something that provided him with intellectual interest. After spending seven years with the Department of Homeland Security during his undergrad years and after college, he realized that sort of work life was not enough.

During law school Brandon enjoyed Dean Pearson's Torts class because it provided a great introduction to the alternate thinking required in law school. "She used the Socratic Method in part," Brandon said, "but she made the (subject matter) easier to understand somehow." Brandon says he loves his job as general counsel because of the constant change. "The role is very dynamic with someone always trying to do something new." Brandon says he enjoys the fact that there is a lot of research involved, as well as development of relationships with staff and others around the city. One of his biggest projects to date is the re-opening of the Fulton Mall. City staff came to Brandon to ask if the project could be done within the scope of the law. The project became reality because of Brandon's authoritative answer: "Yes, we can."

In contrast to Brandon, Stephanie Snyder (Law '08) says she has always wanted to be a lawyer. Her grandfather was a lawyer in India and he sparked her initial interest. In the 6th grade Stephanie found her calling as the prosecuting attorney in a mock trial for O.J. Simpson. From then on her



FRONT ROW (L-R) **Larry Donaldson** (Law '75), **Seth Mehrten** (Law '13), and **Erica Camarena** (Law '02). MIDDLE ROW (L-R) **Stephanie Snyder** (Law '08), **Mary Raterman-Doidge** (Law '13), and **Brandon Collett** (Law '09). BACK ROW (L-R) **Jennifer DeRuosi** (Law '14), **Francine Kanne** (Law '88), and **Kenneth Jorgensen** (Law '02)

educational journey was planned in accordance with what would get her to law school. She majored in English at U.C. Santa Barbara (due to her serious love of reading) while clerking at the D.A.'s office. Once she found out there was a law school right here in Clovis, and that the bar pass rate was higher than at many other law schools, she came home and enrolled.

Stephanie spent several years working in estate planning and insurance defense before finding a job posting on the SJCL website for the City Attorney's Office. She's been there for a little over a year and says she loves it. She has already gotten a lot of hands on experience, including taking a case to trial. Stephanie says she received a fantastic education at SJCL. Her husband, who is also a city attorney just a few doors down, attended an ABA school. Stephanie says upon comparison they realized they received the same education: studied the same cases and methods, and got the same training.

Francine Kanne (Law '88) is the Supervisor of the Litigation unit of the Fresno City Attorney's office. She supervises 9 in-house attorneys and some 200 cases at all times. In all, there are 21 attorneys in the office. "It's very busy (here), Francine says." And this wasn't even Francine's first career. She worked as a dental hygienist for 10 years before deciding to go to law school. She originally thought she would make a change toward business and finance, but then found an interest in law. She continued working as a hygienist throughout law school.

"At that time, Judge Wanger, Judge Ardaiz, and Dean Pearson were the core teachers at SJCL and they were great," Francine said. When she attended, SJCL was in the old building on Shields Ave. She remembers hopping the brick wall to go to the donut shop for cokes with her classmates... a lot. Francine says her favorite class was civil procedure, which is probably why she has worked in civil procedure ever since.



Seth Mehrten (Law '13) says people advised him to enroll in law school right after completing his undergrad degree in psychology. "You need energy to complete law school," he said. "I'm glad I chose law school while I was still young!"

Seth says his favorite class was Constitutional Law with Professor Purvis. "He has a very rigorous (and ruthless) approach, and the course load is incredible. But Professor Purvis's approach is transformative. Once you learn it, you can apply it to your other classes." Seth says he still enjoys sharing some of his on the job experiences with Professor Purvis.

Before joining the City Attorney's Office, Seth was general counsel for a private corporation where he did business law, contracts, and liability. While having lunch with a classmate, he learned about an opening at City Hall and never looked back. That's the meaning of the term "networking!"

Down the hallway from Seth's office, one of SJCL's earliest graduates, and as his fellow alums attest - City Hall Royalty - is contract attorney Larry Donaldson (Law '75). Larry, who is still going strong at the age of 76, was a member of SJCL's second graduating class. When Larry enrolled in 1970, there were 70 students in his class. By the time he graduated, only 13 were left. Through the years, Larry has moved from private firms, to private practice, to City Hall, and back. He's handled cases ranging from DUI to homicide, and his collection of stories is robust. The 26-year-old case of Booker T. Hillary comes to mind. It was re-tried because of a lack of diversity on the original jury.

In his 43 years as an attorney, Larry says the practice of criminal law has remained pretty consistent, aside from a general tendency toward "flying by the seat of your pants" in those early years. "It's not quite so exciting now as it was back then," he says.

Larry says it's still exhilarating though, to do something that makes a difference on both sides of the issue.

## *It's never too late to join the Alumni Association but **NOW** would be great!*

Join fellow alumni in supporting programs and events that benefit alumni, law students, and the community.

**Only \$30 per year**  
[www.sjcl.edu/alumni](http://www.sjcl.edu/alumni)

**With your paid dues, Got MCLE? is free!**

Larry's colleagues said they are always impressed by the stature their co-counsel maintains among the law enforcement and legal community.

Fellow alum and colleague Erica Camarena said, "When we're on the scene of officer involved shootings, the officers treat Larry like royalty." "You can sense the enormous amount of trust and respect they have for him, and the job he has done for so many years."

Larry came to law school not wanting to become a lawyer, but to learn enough about legislation and policy to help bring about a change to the "ailing education system" of the early 1970's. A teacher for the 7th and 8th grade, Larry served as the president of the teachers association. "I was frustrated because the school system wasn't working," he said. When the law school opened, Larry said he enrolled with the idea of helping to revise the system. Once there, Larry discovered he loved the law. He never went back to teaching junior high, but he did spend 19 years teaching criminology at Fresno State. He also worked at the City Attorney's office for 16 years before retiring, the first time.

In the mid 80's, Larry says there were some 300 sworn police officers that he worked with through City Hall. He was on the forefront of writing and prosecuting ordinances. But when the department grew to nearly 800 officers, Larry said it was too much for one attorney to handle, so he left. He worked

in private practice for 7 years before, in 2011, they asked him to come back on a contract basis. He did, and he still is. He says he'll continue working as a city attorney as long as he is able, because he loves what he does.

Larry's SJCL memories include classmates like Bill Cowin, Jim Wasson, and the great defense attorney Ernie Kinney. "Ernie wore his cowboy hat and boots to court and sometimes got held in contempt for his behavior. They'd throw Ernie in jail, but that just brought him more clients than ever!" Larry said.

Erica Camarena (Law '02) credits her colleague Larry Donaldson, along with alumnus Hon. Rosemary McGuire, for teaching her a lot of what she knows. "Judge McGuire, especially in federal court, always maintained her femininity, even at trial," Erica said. "She never tried to appear aggressive like some women do, but she was assertive." Erica credits Judge McGuire with teaching her how to be organized and have her evidence in order.

Erica came to the City Attorney's office after six years at a private firm. She was recently named the head of ASET, the Anti-Slumlord Enforcement Team. The unit was created by the City Council to address Fresno's major concerns over housing code enforcement. Erica says the project is a challenge as a new City unit, but she is confident that they will be able to bring about positive and much needed change.

# So, Cite Me!

This synopsis of a recent student comment featured in the *San Joaquin Agricultural Law Review (SJALR)* is part of an ongoing series for Fresno County Bar Association's Bar Bulletin. The *SJALR*, founded in 1991, is the oldest agricultural law review in the nation. It is published annually by students of SJCL, and presents student and scholar works on legal topics of current interest to those in agriculture, government, business and law. Its articles and comments have been cited by the United States District Court for the Eastern District of California, the United States District Court for the Middle District of Tennessee, the California Supreme Court, the Minnesota Supreme Court, the Court of Appeal for the Fifth District of California and the New Mexico Court of Appeals among others.

This Comment, along with the entire 25th Volume and the previous 24 Volumes are available at [www.sjcl.edu/sjalr](http://www.sjcl.edu/sjalr).

Professional articles are always welcome. Contact Jaskaran Gill at [jaskaran.gill@student.sjcl.edu](mailto:jaskaran.gill@student.sjcl.edu) for more information.

## Unilateral Curtailment of Water Rights: Why the State Water Resource Control Board is Overstepping its Jurisdiction.

By **Kuljit Singh**, Production Editor, *San Joaquin Agricultural Law Review*

California water rights are unrivaled by anything in California's government or politics in terms of its complexity. The Water Commission Act of 1913 created California's current system of water rights, including the critical distinction between junior and senior appropriative water users. It also established the State Water Commission and entrusted it with the power to grant permits for the appropriation of unappropriated water. Permits granted by the State Water Commission gave the applicants priorities as to the use of water. Under this system, California recognized two types of water rights, riparian and appropriative water rights. Appropriative rights are further subdivided into pre-1914 and post-1914 water rights. Post-1914 appropriative right holders are known as junior right holders while pre-1914 appropriative right holders are known as senior right holders.

In the fifth year of the record-breaking California drought, it has become important to clarify the scope of water rights and modify them for the future to prevent the State Water Resource Control Board's ("SWRCB") unilateral curtailment of water rights. The SWRCB began issuing curtailment orders in early 2014 to over 5,000 junior water right holders. Since April 2014, the SWRCB has issued curtailment notices to all post-1914 appropriative right holders in the Sacramento and San Joaquin River

watersheds. Then, on January 23, 2015 and again on April 2, 2015, the SWRCB issued notices of water shortages and the potential for further curtailment due to dry conditions throughout the State. On June 12, 2015, the SWRCB notified pre-1914 water right holders for the Sacramento to San Joaquin watersheds and the Delta with priority dates of 1903 and later, of insufficient water in the system to service their claims of right.

In late June 2015, a Sacramento County Superior Court directed the SWRCB to halt enforcement of curtailment notices because the court felt the SWRCB overstepped its power. However, the court's decision did not affect the SWRCB's enforcement of fines for unauthorized diversions. On July 15, 2015 the SWRCB clarified the June 12, 2015 curtailment notices and partially rescinded the notices. The rescission of the curtailment notices characterized the previous notices as advisory in nature. The SWRCB reinforced the notion that there was insufficient water in the rivers and watersheds to serve all water right holders. The SWRCB also stated, "diversion of water when there is no available water is an unauthorized diversion and use and is subject to enforcement by the SWRCB." On September 18, 2015, the SWRCB lifted restrictions for some Sacramento Valley and Delta farmers because there was sufficient water to meet demand. The decision affected 238 right

holders who received curtailment orders in June. There has been a pattern of issuing curtailment orders during drought conditions and rescission when water conditions improve without considering the drought conditions in the future.

This Comment will show that the SWRCB lacks the authority to curtail pre-1914 water rights, and the SWRCB's actions in unilateral curtailment of water rights was a violation of the Due Process Clause and an unconstitutional taking under the Fifth Amendment of the United States Constitution. Part II will outline riparian and pre- and post-appropriative water rights and their limitations. Next, the comment will delve into a comprehensive history of California droughts, water conditions, and the extent of the SWRCB's authority. This comment will also discuss whether or not the SWRCB's curtailment notices afforded the recipients proper due process and whether or not such curtailments constitute a taking under the Fifth Amendment. This comment will next recommend that with a possible multi decadal drought looming over the heads of the residents of the State of California, the water rights must be better managed. Finally, this comment will conclude that in California's complex water law jurisprudence, redefining surface water rights is long overdue.

# Dear Faux Amici

There are write-in advice and answer columns in hundreds of newspapers, magazines, and blogs but how many of these openly address fabricated e-mails from “audience” members who are admittedly imaginary? Only one! “Valley Views on the Law,” SJCL’s monthly legal information radio show on FM 88.1. KFCF, in Fresno. In the “Dear Professors” segment, I answer pressing and topical legal questions generated by my own perfervid imagination every month or you can submit your question to JPurvis@SJCL.edu.

By **Jeffrey G. Purvis**, *Constitutional Law Professor*

## Dear Professors

*I can't believe it has been over eight years since the Supreme Court finally recognized our God-given right to have guns, as codified in the Second Amendment to the Constitution of the United States, and I still can't wear my loaded Glock to the supermarket. Then suddenly it came to me—I live in California, the latte-sipping communistic capital of elitist do-gooderism. Well, now that Donald J. Trump is President of the United States, get ready for my H&K VP9, locked and loaded, in your liberal face, Professor Purvis! It's no coincidence that between the Heller decision and now, Barack Hussain Obama was President, so he wouldn't allow the Second Amendment to be enforced. Those days are over, and we have our America back again, soon to be great again. A regular American like myself can walk down the street again, head held high, and if any politically correct, diverse immigrant gives me lip, I'll just let my MP 40 “Schmeisser” do the talking. You claim to support the Constitution, Professor Purvis, so why don't you come to our next American Freedom Party meeting, and learn how to exercise your Second Amendment rights?*

—Bannon Brimelow,  
Warrington, Calif

It is always a pleasure to hear someone support the Constitution of the United States. I'm guessing you also support the freedom of speech of right-wing hate mongers, and the freedom of religion of Christians who sincerely believe that gays are abominations and African-Americans bear the mark of Cain. Alas, your willingness to regard your constitutional rights as sacrosanct, and the constitutional rights of others as something to be brushed aside, like a water cannon blowing away Native Americans, is not

confined to conservatives, although they practice their hypocrisy much more assiduously than others. By an eerie coincidence, our topic today on Valley Views on the Law is the Second Amendment rights of Californians, so your e-mail gives me an opportunity to prime our discussion with a description of the judicial activism of the Roberts Supreme Court when in 2008 it invented your sacred right to arm yourself to the teeth whenever and wherever you like. Why “judicial activism?” Because that is the term everyone uses to describe a court decision that does not comport with their moral and political preferences. Conservatives scream judicial activism when the Supreme Court protects the rights of women to reproductive choice, or of the LGBTQ community to equal human rights. Progressives scream judicial activism when the Supreme Court protects the free speech rights of wealthy people or of right-wing nonprofit corporations.

The justices of the Supreme Court operate in a similar manner. When deciding cases, they choose an outcome first, based upon their moral or political preferences, then they construct a justification for that outcome. Rather than writing a reasoned analysis of constitutional interpretation, they stake out a position and then defend that position with a polemical intensity that brooks no ambiguity, uncertainty, or contrary positions. *District of Columbia v. Heller*, the 2008 decision that announced a personal constitutional right to possess a gun, is a perfect example of this. The Second Amendment is succinct, saying, “A well-regulated Militia, being necessary to the security of a free State,

the right of the people to keep and bear Arms, shall not be infringed.” Justice Scalia, writing for a majority, declared forcefully that the first part of the amendment, what he called the prefatory portion, only announced the reason the Framers wrote the amendment, but it had nothing to do with the constitutional right they were protecting. Justice Stevens, writing in dissent, declared just as forcefully that the “well-regulated Militia” phrase controlled the nature of the constitutional right completely. Thus, Justice Scalia and the majority held that the Second Amendment protected the pre-constitutional right of Englishmen to carry arms for self-defense. Justice Stevens argued that the government could regulate the private possession of arms in any manner so long as doing so did not interfere with the maintenance of a militia. Each justice wrote, without explicitly saying so, in a manner that suggested the other justice must be completely insane to believe that his position could possibly be correct. Justice Scalia's position won the vote, and we all benefit from a previously unrecognized constitutional right.

The reason you can't yet take your arsenal to the supermarket, Mr. Brimelow, is that the Supreme Court often decides constitutional issues relatively narrowly, resolving what they see as the specific issue before them, and generally not announcing sweeping rules that lay out a systematic treatment of other related potential issues. *Heller* decided that the District of Columbia could not make it illegal for a person to keep a working handgun in his home for protection. The majority opinion did not say much more about the nature of the constitutional right to bear arms. Justice Scalia did say this:

“Like most rights, the right secured by the Second Amendment is not unlimited. [T]he right [is] not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose. [T]he majority of the 19th-century courts to consider the question held that prohibitions on carrying concealed weapons were lawful under the

See Faux Amici page 13



# SJCL Welcomes Francisco Rosas

*The SJCL family welcomes new Admissions Counselor Francisco Rosas, who joined the law school in January.*

A veteran and recipient of a Purple Heart among many other service awards, Francisco volunteers as an advisor in the Veterans Services Office, and the Student Veterans Organization at Fresno State.

After a serious injury by an improvised explosive device in Iraq, Francisco retired from the military and attained his Bachelor's degree in History. This spring he will complete his Master's degree in Higher Education Administration and Leadership from Fresno State.

Francisco was recently awarded a Quilt of Valor by the American Legion and the Clovis Veteran's Memorial District. He and a few select Veterans were chosen for the honor according to the Quilt of Valor mission to "bestow a universal symbol and token of thanks, solace and

remembrance to those who serve in harm's way to protect and defend our lives and freedoms."

Francisco jumped into his role at SJCL at full speed in order to help Director of Admissions Diane Steel plan the recent Veterans to Law School Forum. One of his goals is to show Veterans how military training/skills mesh well with law school and a successful career in law.

While he is excited about the opportunity to help fellow veterans make the most of their options as civilians, he is also excited about recruiting for the law school in general. "My passion is to help students develop holistically, and to reach for their highest potential," Francisco says. "That's the best way I know to benefit society overall."



**Francisco Rosas** was awarded the Quilt of Honor by the American Legion and the Clovis Veterans Memorial District for his military service and his outreach and services to veterans in the community, at Fresno State and at SJCL.

# Joyce Morodomi Celebrates 25 Years at SJCL



Congratulations to Joyce Morodomi, *Director of Student Services*, who is celebrating her 25th year at the Law School. She joins four other SJCL veterans who have celebrated Silver Work Anniversaries, including Jill Waller-Randles, *Chief Financial Officer*, Denise Kerner, *Professor of Law*, Lonsetta Hightower, *Student Services Assistant*, and Janice Pearson, *Dean*. Next year, Jeffrey G. Purvis, *Professor of Law*, also joins SJCL's Silver Circle.

THE FACULTY AND STAFF CELEBRATING JOYCE (L-R) **Joshua Longoria, Victoria Denny**, Professor **Christine Goodrich, Aracely Mota, Rick Rodriguez**, Professor **Alicia Wrest, Kenia Garcia, Pat Smith**, Professor **Rose Safarian, Diane Steel, Beth Pitcock, Jeannie Lewis**, Dean **Jan Pearson, Joyce Morodomi, Jill Waller-Randles, Carlyn Robbins, Kerry Hanson, Diane Skouti, Francisco Rosas, Mark Enns**, and Academic Dean **Justin Atkinson**

## Veterans FROM PAGE 1

helicopter pilot serving in Afghanistan, among other places.

Since leaving the military three years ago, Sean has been transitioning to civilian life. He came to the Veterans to Law School Forum because of his interest in aviation law, but he also likes the idea of helping fellow veterans.

After being honorably discharged from his service in the Navy, Panelist and Fresno Defense Attorney Gary Caine's (Law '12) civilian transition included joining a rock band and dabbling in real estate. What he really wanted, however, was to continue fighting for something bigger than himself. Gary was able to use his military-infused work ethic and determination to complete law school at SJCL. He then went on to pass the Bar Exam (on the first try) and became a partner at The Caine Law Firm.

John Miser (Law '16) agrees that chasing a paycheck after the military felt empty. He too liked the team culture and mission-oriented sense of purpose he found during his time as a Military Intelligence Integrator. John's current role as in-house counsel for an International Market Research Company provides that same sense of team and mission with interesting and unique experiences.

Sally Moreno (Law '95) is a Senior Deputy District Attorney for the Fresno District Attorney's Office. Her military service started in college with the ROTC. She served in Desert Storm, and became a police officer. She says she appreciates SJCL's legal network all around the Valley, and the team spirit of the legal community. Because of it, she has been able to step out and back again into her career to focus on marriage and children.

The panelists agreed that the discipline, structure, and tenacity they learned in the military helped them to succeed through law school and beyond. Jason Trupkin (L3) noted "everyone who is a vet has already experienced the greatest stress in (their) lives. Law school pales in comparison to military service."

Monique Taylor (L2) says a common military term "Embrace the suck" seems appropriate for law school, as well as life in general.

As each speaker at the forum shared their story, the veterans in the crowd seemed to grow more convinced that military experience provides widely transferable civilian skills.

The opportunities are there, says Senior Deputy District Attorney Moreno, "you just need to find the solutions... and accomplish your new mission."

## Faux Amici FROM PAGE 11

Second Amendment. Although we do not undertake an exhaustive historical analysis today of the full scope of the Second Amendment, nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms."

To an academic lawyer, language like that is confounding and infuriating. If, like other rights included in the Bill of Rights, this right to bear arms is fundamental, then any government regulation of it should be subjected to strict scrutiny, the highest standard of constitutional review, which is very difficult for the government to satisfy. Banning felons from possessing firearms would almost certainly fail strict scrutiny, because even if the government has a compelling interest in keeping firearms from violent people, not all

felons are violent, so a blanket prohibition would be fatally over inclusive. A similar problem would affect a ban on gun possession by all mentally ill persons. (I note parenthetically that Republicans in Congress are seeking to eliminate a federal ban on possession of guns by mentally ill persons.) Strict scrutiny would place all those longstanding prohibitions in doubt. And if Scalia's language was a hint that the Second Amendment right is not fundamental, and regulation of it will trigger a lower standard of review, such a mid-level scrutiny, then all sorts of limitations on gun possession and ownership would likely be constitutional. It will probably take years for cases to work their way through the lower courts so that the Supreme Court can resolve these issues, one by one. And your MP 40 "Schmeisser" may never be legal, since as I recall it was an automatic fire machine pistol used by the Nazi soldiers during WWII. Heller was explicit that "The Second Amendment does not protect those weapons not typically possessed by law-

abiding citizens for lawful purposes." Additional comments strongly suggest that military-type weapons are not in the protected class of firearms.

It is easy to imagine the Republicans who now totally control the federal government using the Commerce Power to preempt state laws regulating possession and use of firearms. These would be the same Republicans who fought to prevent the Commerce Power from being used to prohibit guns from around schools, or to protect women from sexual assault. For them, as for nearly everyone else in America, reason and principle mean nothing when pitted against ideology and interest. Perhaps we can look forward to a modern era of gunslingers and posses comitatus, rounding up immigrants, homosexuals, and liberals in a Wild West that will never end. When the inevitable environmental catastrophe ends civilization, we will have plenty of firepower to contest over the ruins with the survivalists. Pardon me while I begin work on my dystopian novel.

# SJCL ON THE MOVE

**Nicholas E. Aniotzbehere** (Law '08) has been named partner in what is now Yarra, Kharazi, Clason, & Aniotzbehere.

**Steven E. Alfieris** (Law '97) is now an Associate Attorney at the Dias Law Firm, Inc.

**Faith Lisle Driscoll** (Law '13) is now an Associate Attorney at Michael Sullivan & Associates LLP.

**Kristina D. Garabedian** (Law '14) is now an Associate Attorney at Tucker Chiu Hebesha & Seymour PC

**Glen E. Gates** (Law '78) has opened the Gates Law Group, a Professional Corporation.

**William E. McComas** (Law '08) is now an Associate Attorney with Pascuzzi, Pascuzzi & Stoker.

**Ben C. McGriff** (Law '08) is now Assistant Chief Counsel for the State Contract Services Unit at State Compensation Insurance Fund's Fresno Legal Department.

**Jesse M. Molina** (Law '13) has been appointed to the University Advisory Board by Fresno State President Joseph I. Castro. Fresno State News reports "Molina is an international corporate attorney and data privacy professional with nearly 20 years of business and corporate experience. He serves as general counsel of FocusVision, an international technology company with offices in the U.S., Shanghai, Singapore,

Australia, Brazil, Bulgaria and London. Additionally, he worked with San Joaquin College of Law's immigration law clinic and assisted with family based immigration visas, withholding of removal cases and asylum petitions."

**Vong Mouanoutoua** (Law '02) has been elected to the Clovis City Council. It's the first time in 14 years that a new member has joined the council. Mouanoutoua was previously a planning commissioner.

**Connie M. Parker** (Law '07) is now an Associate Attorney at Parker, Kern, Nard & Wenzel.

**Karen J. Ray** (Law '10) is now a partner in the firm White Canepa LLP, where she will continue to focus on civil defense litigation, including medical malpractice and insurance defense matters.

**Adam B. Stirrup** (Law '08) is now President of the Fresno County Bar Association.

**Travis R. Stokes** (Law '02) has been named partner in what is now Doerksen Taylor Stokes LLP.

**Darren E. Van Doren** (Law '04) is a new Shareholder/Partner at Parker, Kern, Nard & Wenzel. In addition to his J.D., he has a bachelor's degree in Business Administration with an emphasis in finance. He specializes in workers' compensation.

New job? Big promotion? Special honor? Send your info to [mcartier@sjcl.edu](mailto:mcartier@sjcl.edu) and be part of the "SJCL on the Move" column!

## In Memoriam

*San Joaquin College of Law notes with sadness the passing of Robert M. Hirth (Law '96) on February 10, 2017. He is survived by his wife, Ellen.*



# Thank you for your support!

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TUESDAY, APRIL 4 FROM 7:00-9:00PM  
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**Brandon Collet**



**Sally Moreno**



**Jonathan O. Peña**



**Lazaro Salazar**

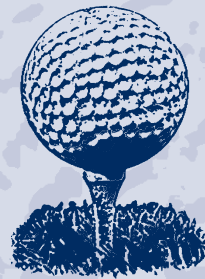


**Rene Sample**

If you know someone interested in a career in law, please invite them to SJCL's Career Panel where they will meet alumni and discover the career opportunities a Juris Doctor degree can provide. Facilitated by Dean Pearson, panelists will share information regarding their career paths and how best to prepare, offering their own experiences and examples.

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