



## FRESNO COUNTY JAIL A HOME TO HUNDREDS



## LEGAL ETHICS: CAN THEY BE TAUGHT?

by Ernie Kinney

California law schools this year and their progeny, the student, have had their curriculum changed by the after-effects of Watergate. The California BAR will have at least one question on Professional Responsibility beginning in July, 1975. To prepare for this change California Law Schools and our own SJCL will have regular classes, cram sessions, and the like to prepare us for the test question.

It is perhaps foreseeable that the legal establishment, which confessedly is composed primarily of honest, just people, would react in this way. The sight of countless attorneys in Brooks Brothers suits being uncovered, chastized and finally subjected to the rule of law they pledged to uphold, undoubtedly, represented a black day for the ABA, the California Bar, and all members of the legal community.

It is my own personal opinion that the approach by the California Bar, although politically wise, is too little too late and is viewed by the vast majority of all law students and practicing attorneys as a sham. Perhaps the spectacle of Watergate itself was the finest "class" that

we as prospective attorneys could have witnessed. It showed that legal minds often will represent powerful interests, and that in their zeal to succeed, integrity cannot be sacrificed for victory, and that no ends justify all means.

I feel that law students particularly after four years of college have developed their basic values and moral philosophies on life and the law. To think that a class and one Bar question will improve professional tendencies appreciably is foolhardy. The

See Ethics page 4

### STUDENT ASSOCIATION FEES NOW DUE

The annual \$10.00 fees for Student Association memberships are now due. They should be paid to Chuck Brewer, Association Treasurer. The fees support the efforts of the Association in representing student interests before the administration, student publications, student events, and even entitles the member to a membership card, often handy for discounts around Fresno.

See Jail page 3

There you are, Joe Citizen, driving home from your favorite pub when suddenly you see red lights flashing in your rear view mirror. An officer orders you out of the car and before you know what has happened, you are in front of a wire cage being booked under V.C. 23102a — driving under the influence — in the Fresno County Jail. But wait, this is not the way up and coming attorneys enter the FCJ. There is a better way.

Try the jail entrance located between the Sheriff's building and the jail. It leads to a counter where the inmate information center is located. At that point, about 1:00 P.M., friendly attorneys will find a smiling Officer Hunter and equally helpful civilian Mr. Cudd, who can not only tell you why an inmate is there, but also call him if you are there to interview him.

From that point you can get directly to the attorney-client interview area via two steel electrically controlled doors. Once in the area, an uncertain amount of time can be spent waiting for the inmate to appear.

Fear not, he will appear on most occasions. If he doesn't appear within a reasonable time, there is an intercom available to call Officer Hunter, or whomever else is on duty, to have the prisoner located.

During these periods of time it is always a good idea to have some extra work along. Otherwise there is a tendency to take out one's frustrations on the jail and its personnel.

There may be very good reasons why "Joe Citizen" has not arrived immediately to greet you. Let's go back to the booking area where Joe entered the jail.

Basic information is obtained from any person being booked into the jail. Name, date of birth, fingerprints, and a photo of the person are essential and not always so

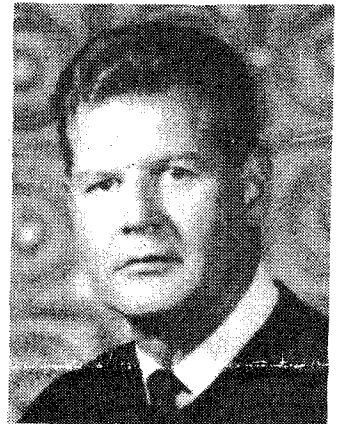
## DEAN'S MESSAGE

Welcome, and welcome back, to the new and continuing students of San Joaquin. The beginning of our fifth year in legal education marks the end of an era. The charter class has graduated, and now each year more and more San Joaquin Alumni will enter the legal profession.

This portends an active Alumni Association. As it grows, our graduates should become one of the most viable Alumni groups in Central California. The activities and policies of the Bar Associations of this area and other areas will be affected by San Joaquin attorneys.

The responsibility of the Administration and Faculty is mainly two-fold. Proper facilities and guidance must be offered so that a conscientious and diligent student will obtain sufficient knowledge to pass the Bar examination and therefore become an attorney. It must, however, also inculcate in the student, the attitudes and responsibilities of the profession that are essential for successful practice.

We have, since our inception, attempted to maintain the highest of standards with regard to faculty, facilities and curriculum. From time to time faculty and curriculum changes have occurred and will continue to occur as dictated by the continuance



Dean Dan Eymann

of these high standards and the best interests of the students.

We are proud to be the first private law school in California to receive accreditation prior to the graduation of our first class of students.

see Welcome page 4

## THE ITALIAN TRIP; GETTING AWAY FROM IT ALL

by Kathy Hart

To survive the first year of law school — and probably the second, third, and fourth — requires neither great wits nor remarkable intelligence. Law school is, pure and simple, an endurance contest. By May you are exhausted, by summer session you're on the verge of collapse. By the middle of July many students in our first year class had perfected the fine art of sleeping with their eyes open. Many others had not perfected — their eyes were shut fast. At the end of it all there is nothing you so much need as a vacation, and the further away, the more complete the escape. After all, an escaping prisoner, if he can, will head for Brazil or some place where extradition is difficult. I chose Italy.

Accompanied by the American traveller's Bible, *Europe on Ten Dollars a Day*

(which up until last year was *Europe on Five Dollars a Day* and which should really be revised to *Europe on Fifty Dollars a Day*), my husband, our eight-year-old daughter and I headed for the stones of Venice and the sunny beaches of Amalfi. We were particularly anxious to introduce our daughter to great art, good food, and a bit of culture. Having grown up in Clovis, her idea of good music is David Cassidy or the Carpenters, good food is a trip to

See Trip page 3

### WANTED

Persons interested in writing articles and/or assisting with the publication of the DICTA are encouraged to contact Chip Putnam, 1974-75 editor (224-3742).

There are also plenty of opportunities for amateur or expert photographers! Give us a hand for your benefit.

# Editorial

Believe it or not, the San Joaquin College of Law is now entering its fifth year of existence. The first class has graduated and many of the problems of the past have been eliminated by productive dialogue between the officers of the Student Association and the school's administrators.

With the past accomplishments in mind, it is now possible to discuss some potential yearly problems and some suggestions for positive changes in the area of classroom participation.

All students soon learn that casebooks are the guidebooks which instructors religiously follow in order to guarantee classroom discussions. In the early years of the law student's career he may consider any unpreparedness a threat to his or her very existence.

As the years pass and it becomes apparent that being unprepared does not influence the grade given by the professor at the podium, more and more students take the "unprepared" route. The load thus drops more and more on the shoulders of those who learn from briefing and resulting class discussions. This is not only unfair in terms of workload, but downright deflating when no credit is given for such efforts.

The simple answer would be to give some credit, say three to five points, on the final grade report. Taking into consideration that some students work full time and must expend their study efforts on materials most likely to produce the best results on exams (via outlines, canned briefs, etc.), cases could be assigned to the entire class or taken on a voluntary basis a week before they are to be briefed.

The result would be better than the current approach since all students would share the discussion load and those unprepared would be the cause of their own grief by missing out on the extra points.

One other class discussion factor is also important. Participation by faculty in terms of review or short lectures in areas which need not be fully briefed are not only helpful, but also a welcomed break from the normal briefing routine.

There can be little doubt that briefing cases can help in the training of an individual to think like an attorney. However, in reality, after the initial classes have been passed and other demands are made on the student, there is little need to brief every case by every class member, and the lack of credit only serves to press home the point.

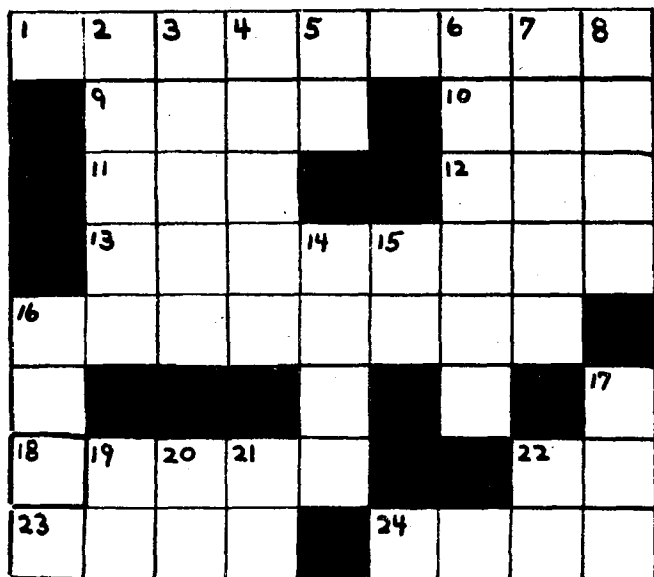
No doubt there are those who would disagree with the above approach or portions of it. Let's hear from you in positive form so that we all can benefit from constructive argument.

## DICTA STAFF

Editor ..... R.L. "Chip" Putnam  
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 ..... Ernie Kinney

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## CONTRACTS CROSSWORD



### Across:

- 1. Legal Agreements
- 9. Pure \_\_\_ and Drug Act
- 10. Northwest State (abbr.)
- 11. A type of 7 down
- 13. Restatement Section 90 gives us the doctrine of promissory \_\_\_\_\_.
- 16. Judge Sirica does it
- 18. Adversary
- 22. Coffee, tea, \_\_\_ me
- 23. A bilateral contract calls for promises on both sides, whereas a unilateral contract calls for an \_\_\_ or performance (plural).
- 24. A gratuitous promise is sometimes called a \_\_\_\_\_ promise

## JUVENILE JUSTICE CLASS

Gary S. Austin

Few opportunities are offered to students to take part in actual case work-ups and trial participation while still in law school. However one such opportunity is currently being provided here at SJCL — Mr. Nitz's "Juvenile Justice Class."

This is an excellent starting place to begin one's encounter with the practicing profession. A student will work with a qualified attorney from the Public Defenders office and assist this attorney in interviewing clients, investigation and research, and various other legal capacities.

The California juvenile jurisdiction applies to any person under the age of 18 and who comes under the description of persons within the Welfare and Institutions Code sections 600, 601, and 602. The law relating to minors in California not only covers the criminal aspect, but also the social, with such problems as child custody and wardship.

This writer participated in the class last year and recommends it as a must in your law school career. Last year the class required a total of 8 hours a week — 4 hours for 2 days. However, some extra time should be allocated due to the fact that justice does not abide by pre-set time scales. A unit credit is given and if precedent exists no tuition is required. If you are interested and are at least a 2nd year student see Mr. Nitz.

## PRESIDENT'S WELCOME

To First Year Students

Congratulations on your decision to undertake the study of law. I am sure that you will find the study of law to be the most interesting, challenging and difficult study you have ever undertaken. More important, however, is the fact that with diligent effort your study of law will certainly be the most rewarding experience of your life.

You will have to relearn many of your study methods, learn how to analyze and brief cases, and learn how to analyze a legal problem and write a lawyer-like answer to that problem. In other words you must learn to talk, write, and to think like an attorney.

To accomplish this the work load will be heavy. You will have to read 200 to 300 pages of cases and text material each week, spend 9 hours a week in class, and at least 30 to 40 hours a week in outside study. This study will be largely an individual and a personal effort. However, you need not be alone in your struggle.

Unfortunately many of you will not be with us next year. Some will drop out for personal reasons, others because they do not want to put in the effort required. Many will either drop out or fail because somewhere along the line they did not understand concepts or, more often, did not know how to put their knowledge down in the written form required by the instructor.

This last group is the one to whom the upperclassmen can be of help. Remember that by reason of having made it to their second, third, or fourth year the upperclassmen have mastered the skills you will need to master in order to make it also. Don't be afraid to ask for help. We all want to see our school grow in numbers. We want you to be a second year student next year.

The Student Association offers a tutorial program that every first year student should take advantage of. If for some reason, however, the program does not meet your needs, ask any upperclassmen for help. They will be glad to help you or to tell you where you can get the help you need.

There was a much higher pass rate last year than in any other year. Let's see if together we can't increase that pass rate significantly again this year.

Best of luck to each of you in your studies.

To the Upperclassmen

Congratulations on clearing the hurdles of another year and coming out a winner. A special congratulation is due our 25 second year students.

You have cleared the first and most important hurdle on your way to becoming an attorney, and more of you have made it, battle worn as you might be, than in any past year. That is quite an achievement.

Second year students face two of the most difficult and important classes of their law school education. These courses are Property Law and Constitutional Law. Give your full effort to these courses and remember the third and fourth year students can offer pointers, and help this year also.

At our recent Student Association meeting I was extremely pleased to see so many second year students in attendance. The Student Association needs your support.

Student representatives have been busy all summer. My thanks to Ted Forrest, Malcolm Stewart, Dale Dorfmeier, Ernie Kinney and the Law Wives for putting together a fine reception and orientation for the incoming students. Ted's committee is also working on a superb tutorial program.

There has been much work done on our grievance letter this summer. Hopefully we will never have to send this letter.

We have had two very productive meetings with the Administration this summer. At these meetings the Administration has been very willing to listen to our complaints and has shown a very open minded attitude in attempting to resolve these problems. The Administration has put some of the solutions into operation and I am confident that they will follow through in implementing the other solutions. Undoubtedly there will be other problems this year, but as long as our Administration is willing to listen and give due consideration to them I am sure they can be worked out.

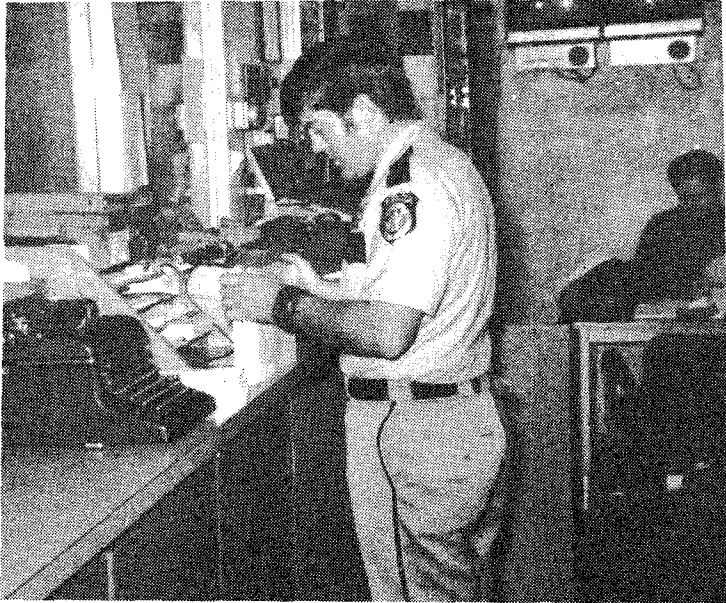
I think it is time for the Association to go full steam ahead in our efforts to help our school grow and become a major A.B.A. accredited law school. With your help and the co-operation of the Administration we can look forward to a productive and enjoyable year. Good luck to all of you this year.

Larry Donaldson

## NEWS NOTE

School enrollment reached an all time high as 70 students enrolled in the first year class. The class of 1975 still has 13 students, the class of 1976 has 16 students and the class of 1977 has 28 students, a record number for a second year class.

**Jail**



The booking room is located on the basement floor of the jail. Shown above is the administrative area with T.V. monitors to check on the various parts of the jail.

easy to get. Joe may have several aliases or is too drunk or stubborn to give his name. He may not like the way the jailers treat him and might decide to take it out on them either verbally or physically or both.

In any case, he or she is only one of more than 500 inmates at the jail on any given day, spread over five floors of the building, in various custody situations. There is always the possibility he is out to court or at Valley Medical Center for treatment of some ailment. Worse yet, there is the possibility that Joe is being visited by a relative in a nearby area and refuses to leave there until at his time is up.

The officer on duty can handle most of these inconveniences and eventually you will get to see Joe, determine his view of the problem and then head for the exit. Once outside, take a deep breath and enjoy the sunlight, because Joe is still inside looking at something quite different.

If Joe happened to be in the category of an average drunk driving arrestee, chances are he may have bailed out or have been released OR (own recognizance) shortly after being booked. However, if no one was available to take him home, bail him out, or if he had other outstanding warrants, he more than likely would be given "free lodging" for one or more days.

His first place of residence may be near the booking area

in one of the "drunk tanks" or "rubber rooms." There he can get to know others like himself or, in the latter room, bounce against the walls without making his mind more scrambled. If he is to stay at the jail for an extended period of time he probably will be placed in a cell on the second, third or fourth floor.

Of course if Joe has already entered a plea of guilty and is on work furlow or some other program, "dorms" are available on the first floor. Prisoners in the "dorms" are less security risks and thus they are entitled to more privileges, such as having no bars in their areas and sometimes duties outside the jail.

In recent years major jail improvements have made Joe Citizen's jail days much different than they have been in the past. According to Assistant Sheriff Papaleo, a very cooperative member of the Sheriff's Department, many more changes will be seen in the near future.

Next issue: Changing facilities for Joe, and Jane has her section too!

**NEWS NOTE**

Association Vice President Bob Williams resigned his position. President Larry Donaldson said a replacement would be appointed at the next Association Board meeting.

**ITALIAN**

**TRIP**

McDonalds on law school nights, and all hotels have sanitized drinking glasses and color TVs. Here was a chance to expose her to Michelangelo, Botticelli, gondolas, marbel palaces and vermicelli.

Little were we prepared for such things as the following:

— The Italian Neofascist party which blows up passenger trains with alarming regularity;

— A devastating inflation — gasoline is \$2.00 per gallon, gondoliers make \$25.00 an hour, and the restaurant bill the waiter presents must be unrolled like toilet paper, and looks as if the whole Italian national budget had been inscribed on it;

— The Italian habit of flailing arms and wildly gesticulating which, by American legal definitions, makes every conversation an intentional tort;

— Ordering milk; if you just order milk, it comes to you warm with sugar in it. Therefore you must be very careful to order cold milk without sugar. In Italian this is *latte freddo senza zucchero*, which may be remembered by the American mnemonic "Freddy come lately is a senseless sucker."

Further, practically every time you turn around in Italy you are threatened with either "pain of death" or "prosecution in full accordance with the penal code." On our train from Rome to Venice, above the sink basin in the W.C. was a skull and crossbones and lettering in four languages warning us not to drink the water, under pain of death. Above the toilets was a sign warning not to flush in the station, under penalty of prosecution in full accordance with the penal code. The twin-edged sword of death and the penal code became the byword of our trip: if you didn't die first, the penal code would get you later.

On that same train from Rome to Venice there was a

rattling under the seats in our compartment, and an Italian lady became convinced that the train was going to blow up. "Bomba, bomba," she kept saying hysterically. We thought it a joke, but the next day a train was bombed, killing scores. Needless to say, after that we rented a car. The car was a whole other story in itself. Whether we survived it, or it survived us is yet to be determined.

In the Venice railroad station we got our first acquaintance with what I have come to christen "assault with intent to maim." My daughter and I had sat down at a cafe table while my husband was out searching for a hotel in tourist-ridden Venice. We waited over an hour for the waiter to take our order. Just as we had given up all hope of ever being waited on and started to get up, the waiter sprang to attention, dashed with alacrity to our table, and asked us what we wanted.

I said "nothing," that we were leaving and had waited over an hour for service. "That is not done," he insisted. "You cannot leave!" He blocked our escape with waving arms, sliced the air with karate chops, and repeated, "You must order something right now." I repeated that we didn't want anything — in as many languages as I could think of saying "nothing" in, but as his wildly gesticulating hands approached my face I had no thought of defending myself. All I could think of were all those torts whose definitions, written on 3x5 cards the year before, I had labored to engrave in my mind.

By the time I had catalogued assault, false imprisonment, the intentional infliction of mental distress, and invasion of privacy the waiter was beating the table

furiously. It was my daughter who yanked me out of my tort reverie and dragged us both away just as the waiter was about to commit mayhem. "We're going to sue him, huh mom," she said. (Since law school started, her response to every complaint and problem is to say "take it to court" or "sue the jerks.")

We hurriedly escaped, and I have since come to wonder just what constitutes assault under Italian law. After that we witnessed many angry fist-in-the-air exchanges which came precariously close, but never really amounted to, actual battery.

We concluded that all these vituperative exchanges were games played for everyone's amusement. The screamers and flailers usually ended up shaking hands heartily.

Who knows? If we had waited for the waiter to finish his tirade, he might have ended up bringing us drinks on the house. On the other hand, so little is my knowledge of Italian law that I might have ended up in some dark Venetian jail writing that book *Death and the Penal Code* while awaiting trial for larceny of cafe table space.

All in all, I guess I'd rather be back at the San Joaquin College of Law undergoing the second year's punishment than languishing in a Venetian jail cell. As it turned out, our daughter loved Michelangelo, Siennese crucifixion paintings, and Italian ice cream. She rather missed the sanitized drinking glasses and is perhaps a bit too ecstatic about returning to what she calls "civilization" and those law school night Big Macs. As for my husband, on Monday, Wednesday and Thursday nights he at least has the sense to make do with cold cheese sandwiches.

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## Welcome

UCLA and UC Davis, public law schools, are the only others to have achieved the same status prior to the graduation of its first class. We shall continue to maintain these standards.

Inculcating the requisite attitudes, with regard to the responsibilities of the profession is a more intangible matter because it is measured more subjectively. Some factors, however, give a degree of predictability.

(1) Does the student desire to master the curriculum or do just enough to get by? If his attitude is to do barely enough, not only is the probability of graduation low, but if he does enter the profession he will have some rude awakenings. In the legal profession any effort short of ones best is simply not good enough, in view of the competition which prevails.

(2) Does the student have a good rapport with his instructors? Strangely enough, I say this depends mainly on the student. Admittedly, an occasional instructor may appear unwilling to take the time to discuss problems but it could be a misinterpretation on the part of the student. The faculty is instructed to make reasonable time periods available for this purpose. It is the students responsibility to arrange for conferences regarding problems, but it is also incumbent upon them that reasonableness, with regard to the instructors time limitations, be observed.

The asking of questions in class is not only to be encouraged but makes for better classroom rapport. It is well to remember, however, that course coverage requires a prescribed period of time and individual questions should not detract from the instructors ability to cover his lecture area. Time, before and after class, plus conferences, should be used for those matters which might possibly detract from the instructors own lecture time limitations.

(3) Does the student have any voice, wherein suggestions or complaints concerning matters connected with the school can be heard? There has been established a definite procedure for suggestions and or complaints. The Administration and your Student Association have collaborated closely to set up these procedures. Both the

Administration and the Student Association feel that the procedure adopted gives your voice every consideration. This will be explained by your student representatives, if they have not already done so.

In short, therefore, if you work diligently, maintain good rapport with your instructors, and participate with your suggestions for the good of San Joaquin then your responsibility to yourselves, your school and the legal profession will not be lacking.

The first four-year plan of San Joaquin has been successful. It has included structuring and opening the law school, receiving the grant of Provisional Accreditation of Bar Examiners, and graduating our first class. The second four-year plan contains equally exciting projections. These will become known to you when deemed appropriate by the Administration and the Committee of Bar Examiners. You have chosen to identify with San Joaquin with regards to your entrance into the legal profession. Therefore, mutual benefit comes to both the school and the student when either accomplishes or progresses. Let us proceed with all efforts to do so.

### Answers to Crossword

<b>Across:</b>	23. Acts	8. Seal
1. Contracts	24. Gift.	14. Oily
9. Food	<b>Down:</b>	15. Pd.
10. Ore.	2. Offer	16. Plea
11. Fir	3. Noise	17. Art
13. Estoppel	4. Torts	19. NC
16. Presides	5. RD	20. Et.
18. Enemy	6. Copped	21. Ms.
22. Or	7. Trees	22. Of

## SUMMER ASSOCIATION MEETING

A general Student Association meeting was held on August 13, 1974 at Association President Larry Donaldson's home.

With attendance limited to some twenty plus persons, discussion was open and for the most part informative in nature.

Donaldson briefly gave a run down of the on going discussions between the Administration and Association officers. Following a rehash of previous events, discussion focused on recent changes in the grading policies of the college.

Basically the changes allow instructors to test and grade at the end of a unit. It was not clear what constituted a unit and some questions were raised as to whether pop quizzes might count towards final grades.

The consensus was that such tests should be used only in a positive manner, that is, to help raise a grade rather than lower a final average.

Other topics discussed included the possibility of the school becoming a full time institution in approximately two years, the new professional ethics class, screening by other faculty of exams to be given by new instructors, and the pros and cons of the new schedule of semesters.

More information can be obtained from the various class representatives and Association officers.

## Ethics

ABA Code of Professional Responsibility and Canons of Judicial Ethics provides more than adequate guidelines for the prospective attorney, and I trust that nearly all attorneys read them from time to time.

I subscribe to the view of Charles E. Wyzanski, Jr., Senior Judge of the U.S. District Court in Boston, Mass., as attested to in the Parade Section of the Fresno Bee, dated May 19, 1974. Wyzanski criticized the California approach to the ethics problem. He stressed that "inspired" teaching by great men and women is necessary to encourage higher levels of morality among future lawyers, not "tinkering" with the state bar exams or curricula of law schools.

Wyzanski stated that if the standards and accomplishments of outstanding lawyers like Lincoln, Brandeis, and Learned Hand are to be mastered, the student must have a larger role, not merely with courses and their selection, but with faculty and their selection. He feels that though this will be unpopular with his generation, the sooner people participate in the institution of justice and assume more appropriate roles therein, the more likely there will be developed the moral character desired.

It is precisely here that I

feel San Joaquin can truly perfect our professional responsibilities and their credibility as well. Some of the instructors over the four year history of the school have been inspirational within the words of Wyzanski. Aside from simply learning the law and its mechanical process, they taught us a respect for the reasons behind the law and for the people whom it applied.

Unfortunately, some of the instructors at SJCL, and in particular newly acquired faculty, not only do not inspire the student educationally or ethically but come forward with rigid archaic ideas of how to communicate the law to the student and seem to have, for the lack of a better expression, "a chip on their shoulder." Students have never asked for easier instruction or grading per se, but do feel that a law school, even above all other institutions should treat students fairly and equitably with Due Process and Equal consideration.

In conclusion, the California Bar approach will not cure the wrongdoing of California Attorneys already licensed to practice law in California nor will it terribly affect our views on judicial ethics. However, encountering great teachers will, in the words of Wyzanski, "enable us to carry them in us as critics for the rest of our lives."

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