



# San Joaquin College of Law

September 1980

# DICTA



## New Building, New Programs for SJCL

by Dean Oliver Wanger

As the San Joaquin College of Law enters its second decade we face great challenges and opportunities. By the week of September 22, 1980, classes will commence in the new law school building located at 3385 East Shields Avenue, on the corner of Bond just east of First Street near the Midtown Plaza.

Substantial reconstruction of the existing building has taken place over the summer. Our new facility will conveniently afford at one location, administrative and faculty offices, one classroom with capacity in excess of 100 students, two additional classrooms with capacity for fifty students each, and a new, larger law library which will also house a student lounge. We believe that the centralization of all our operations will increase communication and will enhance student, faculty, and administrative contacts.

Members of the administration will be maintaining regular office hours at the new law school facility and a faculty office will enable faculty counseling and other meetings with students to take

place at the law school campus.

The new academic year will also see the first continuous effort by students and faculty advisors in preparation for the Annual Review of The Law to be offered in early 1981 to all lawyers, judges, and other interested persons in the central valley. It is our hope that the very excellent programs that were presented last year, will be enhanced and that attendance will manifestly increase.

In an effort to encourage student input and to maximize communication, we plan additional meetings of the entire student body, faculty, and administration, commencing early in September, with at least two additional meetings during the academic year.

The law school will continue to act as a clearing house for prospective employers of our law students. Any firms or persons with employment needs are encouraged to contact the law school for student law clerks or assistants.

Currently under way at San Joaquin is the formation of a Paralegal Training Program,

which will be initiated in early 1981. Final selection of a director for the program will be accomplished this month, as will finalization of the curriculum and faculty selection.

It is our belief that a quality educational program, training well qualified persons to perform as paralegals, will make an important contribution to the Central Valley legal community. Prospective paralegal employers are invited to contact the law school for information about the program and the first graduating class, who are expected to complete their training by the end of 1981.

Our law school continues to retain total enrollment under 100 students. New faculty selection and curriculum revision have been accomplished for the 1980-81 academic year with a view toward enhancing the quality of legal education at San Joaquin. We are enthusiastic about our new school and our opportunity to increase the quality of our education and service to the Central Valley community.

## "The Perry Mason Generation"

Valedictorian Address

by Nancy Ann Currier

There have been so many times in the past four years that I believed this day was a legal fiction, not unlike the reasonable man. In thinking over this time, I recalled that first Tuesday night in Legal Research with John Missirlan. Despite the warm, welcoming speech which centered around how many of us would be gone by the following September and the necessity of saying goodbye to family and friends for the duration, I remember thinking law school is really going to be a very laid back kind of experience. Fortunately, Wednesday night was Torts, and if anyone was capable of putting an end to delusions of laid back, it was Norm Fletcher. I'm sure that it was that Wednesday night when I really began to understand how long four years could be.

I feel very fortunate in having attended San Joaquin College of Law because of this front row of people. I know, for myself, that in a large school it would have been easy for me to find the more liberal element within about a week and a half and spend the next several years growing complacent in my moral superiority. I haven't given that up, of course, but I wouldn't trade the experience and challenge of this class of people for all of the radicals in San Francisco. It's hard not to get mushy because these people mean so much to me, and we have all come to know each other so well, and I want to thank you all for your

friendship and support these past four years.

I also want to thank my family and friends, and the families and friends of all of us, for putting up with us and helping us through this long haul. It would have been so much harder without you.

We are members of the Perry Mason generation of law school graduates. I grew up knowing the inside of a courtroom as well as my classroom, and I began to dream at an early age of the time when I too could leap to my feet, without knocking over my chair or spilling the water pitcher, and object. "Irrelevant, incompetent, and immaterial, Your Honor." "Sustained, counsellor." Fortunately, Judge Best continues to save San Joaquin students from that bit of brilliance. There was no one to save me, though, and I'm sure I speak for some other members of the class, from the awful knowledge that not all clients are falsely accused, that the real murderer is not always unsuccessfully wrestling with his conscience just the other side of the railing, and that Paul Drake and Della Street don't come free with the degree. That first year was really hard.

It also came as something of a shock to find myself thrust into a clearly distinguishable minority group instead of the highly respected and much loved society I had envisioned

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# Book Review

by Stephen M. Blumberg,  
Adjunct Professor of Law

ONE L  
by  
Scott Turlow

On the recommendation of Mary Ann Parker, Librarian of San Joaquin Law School, I recently read "ONE L". The author Thurlow was an Associate Professor of Creative Writing at Stanford before enrolling at the Harvard Law School in 1977. His book reflects his feelings and impressions of the School, its professors, the curriculum and student life in the first year (One L). My first year at UCLA Law School closely paralleled Turlow's. On the positive side, it was intellectually challenging, provided satisfying career direction and a feeling of student comradery. The negatives included the constant fear created by most professors, uncertainty as to what was important in the study of the law, 12 to 16 hour days immersed in legal studies, and anxiety over lack of any way to measure how you were doing.

At Harvard Law School (as well as Yale and Stanford), entering first year law students have nearly solid A averages as undergraduates. Their LSAT scores average 720, close to the 98th percentile of those taking the test nationally. What sense does it make to force the top 2% of the nation's law students in aptitude ranking to be graded on an unofficial curve where approximately 20% get A's, 60% B's, 19% C's and 1% D's and F's. I suggest a pass-fail system would make much more sense. Apparently this type of non-competitive grading is prevented by large law firm employers who like to use grade ranking as a criteria for hiring.

Many of the first year professors use the Socratic method exclusively as a teaching device whereby the student is supposed to arrive at the correct rule of law through a series of questions framed to enable the student to become enlightened by his own responses. Unfortunately, professors abuse this teaching method by turning it into a "quick draw" intellectual gun fight between the student and themselves which, of course, the professor always wins. In the process, the student may be embarrassed, humiliated or mortified. I submit that the Socratic method should never exceed 60% of class time. The balance of time should consist of lectures to clarify the subject

matter, class discussion designed to focus in on problem areas and answers to questions bothering the students. Socratic questions and the professor's responses to the student's reply never need to be demeaning or sarcastic. Turlow and classmates sat through contracts with knots in their stomachs because of the mental intimidation of a brilliant professor reminiscent of Professor Kingsfield of Paper Chase. The instructors recommend that the students refrain from use of study aids such as canned outlines or hornbooks. Then, when the student doesn't know the answer the hornbook would have clearly provided, the professor demeans the student's response — who needs that type of experience?

One professor justified the ONE L experience on the ground that Harvard Law Student graduates had no fear of court or even Viet Nam because by comparison with the terror of the first year, anything afterward was easy by comparison. That makes no more sense than to want to be stuck by a sharp pin because it will feel good when the pain stops.

The first year student has no idea how he is doing until after he takes all finals at the end of the first year. He judges what he can from a few practice exams, how well he performs in class and his level of comprehension in discussions with other students. The essay type tests are a sad criteria for judging the merits of a practicing attorney. They are essentially "issue spotting" exams, testing primarily the student's ability to identify all the legal issues presented by a complicated set of facts and his ability to argue both sides of the issues relating the facts to those issues in a meaningful way. Completely untested is the student's (1) ability to instill confidence in a client; (2) moral integrity, (3) creative thinking, (4) verbal skills, (5) personality, (6) common sense, (7) organizational ability, and (8) negotiating talent — all important in real life practice.

Why didn't I learn how to deal with a law school essay question until I took the bar refresher course after graduation? I submit that all law students should at the outset of their legal education before their first class receive a pre-law school indoctrination course. The course should explain the purpose of the case study method. Questions to be answered would include: (a)

what it means to be plaintiff or defendant, appellant or respondent; (b) how to brief a case, (c) how to relate the importance of the case to chapter in which it appears; (d) ways in which case can come up on appeal; and (e) the function of the appellate court to decide law as opposed to redeciding the facts. Another aspect of the course would be to show the students how they would be tested at the end of the year. There are a few explicit methods of dealing with law school essay exams that each law student should know.

Another sore point brought out by the Turlow experience at Harvard Law school is the way law professors are chosen by a major law school. Typically they are students from the top 10 in the class, active on law review, with experience clerking for an appellate or supreme court and/or with evidence of scholarly legal writing. This type of professor boosts the school's prestige. Unfortunately, this person may be a terrible classroom teacher — boring, murky, uninspiring and with little or no practical experience. My highly regarded real property professor at UCLA read all of his lectures. The second day he would start by rereading the last five minutes of what he had read the day before. (Why didn't he just have the notes typed up and passed out so the students could read them at their leisure instead of wasting their time in class?)

Why does Harvard Law School (along with all the other law schools) continue to teach and allow bar exams to cover antiquated subject matter of little relevance to today's practice. For example, in my second year realproperty class at San Joaquin, in the area of future interests, the students are required to understand The Rule in Shelly's Case, The Doctrine of Worthier Title and The Rule v. Perpetuities. In the rare situation where a case in the office would involve one of these ancient subjects, specific legal research would be required to resolve the matter. Would not the students and the public's interest be better served if students studied, for example, the legal aspects of a real estate sales contract so that they could properly advise sellers and buyers of homes, ranches and commercial properties of their rights. Lawyers also need to be familiar with escrows, and title insurance. These practical subjects are virtually ignored by the law schools' bar exams. It reminds me of the same unproven teaching philosophy that requires uninterested

students to take geometry that is taught with no meaning to real life but with the hope that it somehow trains the student's mind to work in a systematic, logical way.

Legal education and testing in America need to be rethought and re-vamped. Unfortunately, law schools throughout the United States blindly copy the pattern set at Harvard, Yale and Stanford.

With new creative thinking and revised teaching methods and testing techniques, we could produce better informed and prepared attorneys without the fear, undue anxiety and infliction of emotional turmoil experienced by Turlow at Harvard.

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## ORIENTATION

by Tom Sharpe

The San Joaquin College of Law extended a welcome to the 1980 entering class August 20 at the annual new student orientation. Sponsored by the Student Association, the Woodward Park event featured a chicken barbecue prepared by members of the second year class.

Student Association President Ken Wagner welcomed the new students and introduced School Dean Oliver Wanger and Associate Deans Mary Louise Frampton and Marshall Whitney. The freshmen also met Torts instructor Don Fischbach, Contracts instructor Tom Riggs, and Legal Methods instructor William Seiler.

Second year student Mitch Taylor added a few words, assuring the new students that their first year experience need not be the dreaded spectre it is often made out to be, but instead should be looked at as a stimulating experience.

# Survival Hints

FOR FIRST-YEAR STUDENTS

by Linda Rouse

*The first year of law school can be a traumatic and stressful time. You are learning completely new ways of reading, writing and thinking which will enable you to enter the legal profession. As second-year students, we have just gone through what you are now encountering and we want to help you by giving you some hints that we found helpful in our first year at S.J.C.L.*

## CLASSROOM HINTS

- Attend class at all times unless it is unavoidable.
- Don't become overly anxious at the thought of reciting before the class; no one expects you to have a complete understanding of these new and difficult concepts. Take comfort in the knowledge that your fellow classmates are going through the same thing.
- Pay very close attention to the hypothetical cases presented by your instructors. These examples will help you understand the concepts you are learning.
- Take detailed and careful notes to aid you in later review. Do not worry about missing notes on the cases you recite — you will remember!
- Don't worry about having the wrong answer; worry about the analysis.

## STUDY HINTS

- Organize your time and stick to it. Self-discipline is the key to success.
- Prepare *your own* outline using a combination of class notes, textbooks and commercial study aids.
- Make your own flashcards that you can carry with you to read and memorize when you have a spare minute during the day.

## OTHER HINTS

- Limit your outside activities. Learn to say no.
- Find a hobby which will enable you to get your mind off school. You may find it very refreshing.
- Do not get married during the school year. (This hint is from one of us who did.)

These suggestions are not designed to meet all your problems, only to help each of you develop your own study habits and practices to get you through. Good luck!

**"THE PERRY MASON GENERATION" cont'd.**

as the "legal profession." Early in my second year of school, I was visiting in San Francisco and I saw a bumper sticker. It stated, rather unequivocally, I thought, "The first thing we do, let's kill all the lawyers." What bothered me almost as much as the sentiment was the age. It was a quotation from Shakespeare. Then I began to hear myself being silent when people told lawyer jokes — actually, I even told them myself. I've never been reluctant to object to jokes which disparage any group, but I found myself being apologetic and poking fun at my own profession; and certainly never objecting to the criticism of lawyers by non-lawyers. I found I believed a lot of it myself.

It may be rather telling that this morning's comic strip of Frank and Ernest featured an attorney asking if his client wanted his honest opinion or his professional advice. I never really thought about that particular dicotomy until Professional Responsibility. (I'm sorry, John, I do promise not to say anything about Moot Court.) I never doubted that there were minimum standards of conduct for the legal profession, despite the often incredulous remarks from friends, "You mean lawyers actually take a course in Ethics? Must be the shortest course they teach there." What did bother me was the vagueness of those standards even to me. If a student in the profession can't integrate the Disciplinary Rules into a meaningful course of conduct,

I don't wonder that to that vast world out there of non-attorneys our conduct often seems about as trust-inspiring as that of the Grand Inquisitor in medieval Spain. "How can you defend a murderer" is easily answered. "No one is a murderer until the State proves him or her to be one." I believe that, and I will always defend it. And yet when a man kills two people and is convicted only of voluntary manslaughter because he ate so many Twinkies that sugar affected his ability to tell right from wrong, I get angry. I know that defense attorney was acting as a "zealous advocate," that anything less would have been malpractice, but I'm still angry. And I don't wonder that the average, reasonable man is angry too, perceives most attorneys as without ethics, and without conscience. The dislike and distrust of the profession which has only deepened since Shakespeare offered his solution must be turned around if we, as a profession, are to survive.

I would be surprised if the legal profession ever became noteworthy for its collective humility — I suspect that too many actors have gotten past the bar. And there is certainly a measure of pride attached to that achievement, if feels at times to me like passing the initiation into some arcane society, and the knowledge we possess is more valuable since it is shared by so few. But the law pervades so much of our lives, into the most private rooms of our homes, into our most personal conduct, that no person in our society should be required to deal with that pervasive influence without understanding. I believe that

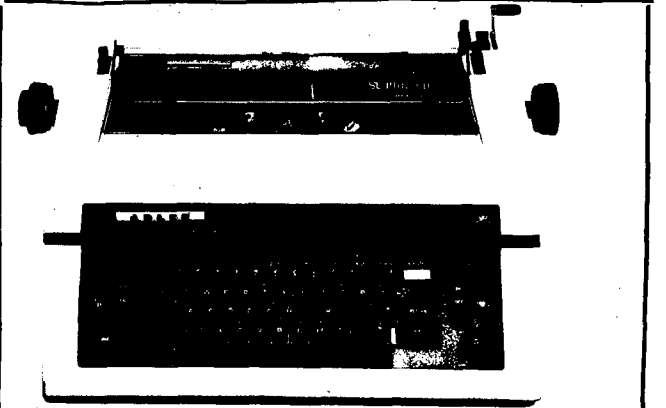
nothing can exist in a vacuum, and that attorneys cannot create and shape the law on some ethereal plane, accessible to and shared only by other initiates. If we are to continue as a viable social force, we must work to make the law and its workings accessible to all people, regardless of their educational level, their economic position, or any cultural barriers that might preclude them. To continue to protect ourselves and our knowledge so jealously is a luxury we may no longer be able to afford.

I was fortunate last Tuesday to attend a concert sponsored by the Fresno Chapter of the National Organization for Women to raise money for the ERA ratification effort.\* Holly Near sang and spoke about social responsibility. She told how, in some tribes of American Indians, no action was taken without consideration of the effects of that action for several generations. Try to think of yourself as the center of a time spanning fourteen generations. I can't believe the founders had my generation in mind when they wrote the Constitution. Would it have been different if they had? What about the society we are shaping now? How will those people be affected whom I can only envision in a landscape left over from the old Flash Gordon serials.

I think we must begin to ask those questions and trust that the right answers will come. I feel certain that the legal profession will of necessity remain inexorably bound up with whatever social change we are facing. If we are to be responsible to even one more generation, we must look to those consequences of our actions, not just as lawyers, but as members of the society as a whole. We may no longer be able to separate our roles and take the escape that compartmentalization provides. The seventh generation will come and the society they inherit will have our mark upon it. We can only fail them by failing ourselves, and I don't want that for my class.

We can make it if we try — Perry Mason would have wanted it that way.

\*(That's a plug!)



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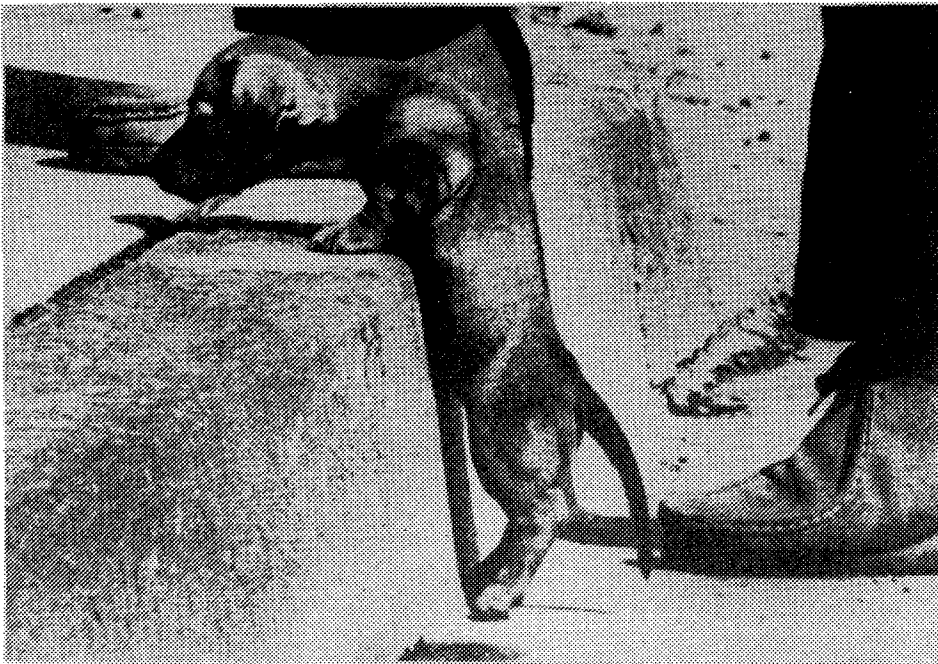
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(It's the first year that's the killer!)

Quote —

Sir, the law is as I say it is . . . we have several set forms which are held as law, and so held and used for good reason, though we cannot at present remember that reason.

— John Fortescue, chief justice of the King's Bench (1458)

I see you out there! Yes, you--the one with the quill pen in hand scratching out your first few immortal words for the next issue of the Dicta.

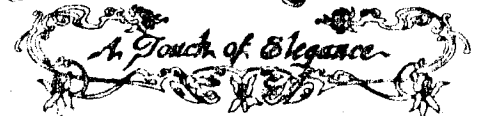
Would I like a poem in praise of the collateral source rule, you ask hesitantly? Or maybe a scathing critique entitled "The L.S.A.T. and Other Legal Fictions?" And you say you actually have a photo of the reasonable man in a short-sleeved shirt showing a tattoo on his arm that says "Born to Be Wild?" Now, that's what I call NEWS!

As this year's editor, I would like to extend a heartfelt invitation to anyone and everyone with the slightest literary or artistic inclination to contribute to the Dicta. Law reviews and scholarly articles are especially encouraged. I'd like to see the Dicta realize its potential and become not only a school newsletter but a means of capturing the interest of the legal as well as non-legal community in our area. Its potential, of course, ultimately comes from your potential.

Please contribute. If you don't, I'll have to start printing my reams of unpublished short stories. You know, the ones that start out, "It was a dark and gloomy night...."

*Denise*

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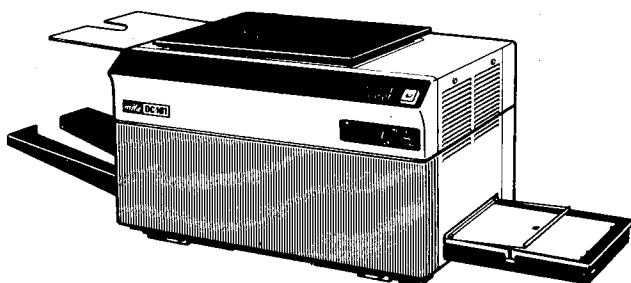
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