



Inter Alia

San Joaquin College of Law Quarterly Newsletter

Volume XXI, Number 3

Fall 2010

- 2 Dean's Message
- 3 New Faculty
- 4 Constitution Day
- 5 Golf Tournament
- 6 Back to School
- 7 SJALR
- 8 40th Reunion & Gala
- 10 Media
- 12 Profiles
- 14 Advancement

Celebrating 40 Years

The 40th anniversary gala celebration of San Joaquin College of Law was held on September 11, 2010 at the beautiful Fort Washington Golf and Country Club.

By **Robin Leppo**, *Director of Institutional Advancement*

The ballroom was transformed with a plethora of sparkling crystals and diamonds accented with bright yellow lilies. Attendees feasted on passed hors d'oeuvres and a 3 course dinner followed by the grand finale of Dean Jan Pearson's 25th anniversary celebration cake-sparklers and all. The highlight of the evening was, while Dean Pearson was serenaded by the "SJCL Choral Group" and the cake was being wheeled in, the sparklers set off the fire alarm causing a slight panic in the smoke-filled room. The choral group was not able to completely finish their version of "She is the Dean of San Joaquin" sung to the tune of Johnny

Cash's "I Walk the Line," due to the possible impending evacuation. Other than that, the evening went off without a hitch!

This year's event was emceed by Melissa White, Fresno County Bar Association President, and Tim Sullivan, President-Elect. Laughter filled the room when slides from the SJCL "lost year of 1969" were shown. The entertainment continued with our lively auctioneer, Chuck Magill (Law '89), selling items ranging from a historic wrench sculpture to a weekend stay at the Ahwahnee Hotel and tickets to the Chef's Holiday dinner. SJCL student volunteers were instru-



Photo: Laura Guzman Magill

Eddie (Law '95) & Mimi Fanucchi

mental in selling raffle tickets throughout the evening and modeling some of the beautiful donated items. Just as night fell, the Joe Lenigan Band roused the crowd with their rockin' tunes and everyone was on their feet dancing throughout the rest of the evening.

SJCL would like to thank all of our generous sponsors who supported this event and everyone who attended. A very special thank you goes to our planning committee and student volunteers—without whom this event would not have been possible. We look forward to what the next 40 years brings to SJCL!



Photo: Ronald D. Webb

The Law Office of Michael Dias

More Photos – Page 8



Dean **Janice Pearson** with SJCL founder **John Loomis**



Robert (Tax '86) & Kathryn Price



Jose & Erica Camarena (Law '02)

Much of this issue of the Inter Alia features the celebrations honoring the 40th Anniversary of the first class entering San Joaquin College of Law. The celebrations began Friday, September 10, 2010 with an All-Class Reunion Reception at The Downtown Club. More than 100 alumni and guests reconnected and reminisced while enjoying wine and hors d'oeuvres.

The Judy Wiseman Memorial Golf Tournament followed on Saturday morning with festivities culminating in the Gala Saturday night. A fabulous time was had by all. Many thanks to all who made these events possible.

The Legacy Luncheons held throughout the last two years for each of the graduating classes were similar opportunities to renew old acquaintances and hear new stories. I was overwhelmed by the incredible success graduates have had in their careers and the diversity of their accomplishments. We plan to start the cycle again in September of 2011. However, many graduates working in the Merced, Hanford, and Visalia-Tulare areas were unable to attend luncheons in

Fresno. So – we are taking the luncheons to them! We work hard to keep track of every graduate, but if you know of someone newly working in those areas, please let us know. We don't want to leave anyone out!

Finally, through the 40th Anniversary events and the Legacy Luncheons, we have seen that SJCL graduates make a difference in arenas far beyond the courtroom. Some have created foundations. Some are involved in international charitable efforts. We would like to spotlight these efforts in future issues of the Inter Alia. If you know of an SJCL graduate's special efforts, please let me know. We would like to demonstrate the often unacknowledged good work that lawyers do!



(L-R) **Allen Stegall, Zeppy Attashian (Law '05), Martin Gamulin, and Nancy Stegall (Law '96)**

[More Photos – Page 8](#)

Special Thanks to our 40th Planning Committee

Dede Agrava ('07), Zeppy Attashian ('05), Mark Blum ('92), Erica Camarena ('02), Leah Cole ('92), Eddie Fanucchi ('95), Nancy Flynn, Brande Gustafson ('09), Doug Haas ('82), Shannon Harding ('06), Chuck Magill ('89), Lori Mayfield ('94), Kathy McKenna ('99), Greg Miskulin ('05), Warren Paboojian ('85), Connie Parker ('07), Teresa Petty ('07), Robert Price (Tax '86), Dianna Setoodeh ('01), Nancy Stegall ('96), Beth Waldow ('09), Annette Ballatore-Williamson ('97)



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New Full-Time Faculty Members

SJCL has hired Professor Justin B. Atkinson to teach Remedies while Professor Christine A. Goodrich takes on Torts.

By Missy Mckai Cartier, Public Information Officer



Justin Atkinson

B.A., 2000 University of Utah
M.A., 2002 University of Utah
J.D., 2007 University of Utah

While in law school, Professor Atkinson was an executive editor of the Utah Journal of International Law, and published work on topics related to international law and literature. Prior to that, Professor Atkinson taught Spanish and Latin-American literature at the University of Utah. He was born and raised in that state, but it was his wife, Ana, and her family's roots in Fresno that brought him to the Valley.

After arriving in 2007, he practiced general litigation with McCormick, Barstow, Sheppard, Wayte and Carruth LLP, and later joined the Office of the Fresno County Counsel, where his

practice included extensive motion and trial work, as well as appellate work, at both the state and federal level.

The same family calling that moved Atkinson to the Valley also interrupted this interview, which began in the Professor's newly painted office as he "waited for the call." The next day, his son, Sebastian, entered the world under the proud gaze of his parents and big sister, two-year-old Sofia.

Along with his passion for his family, Atkinson's passion for teaching is hard to miss. However, the graduating students seated in his Remedies class may find that "passion" does not translate to "easy passing." While the Professor admits he is "not too big on cold calling," he will call on those without raised hands if he has no volunteers.

"I love teaching, love the interaction with the students," Atkinson says, adding that his practice of law after teaching at the University of Utah was still "always with the thought of coming back to teach."

Professor Goodrich's experience as an Adjunct Professor at SJCL dates back to 1989, and includes teaching Research and Writing, Advanced Research and Writing, and Legal Process. In her words, "You could say it was a 21-year audition."

While Goodrich is teaching Torts to incoming students, she remains of counsel for Lozano Smith, where she has worked over the last 22 years, primarily for school districts and on construction related matters. Prior to that, Professor Goodrich represented private clients in business litigation and creditor bankruptcy proceedings at Jory, Peterson, and Sagaser.

She believes working with Lozano Smith is good for both the students and the law firm. "I can bring current legal experience into the classroom. It's good for the firm as well, because the student perspective impacts school construction."

Professor Goodrich describes her first-year students as more than just energetic, adding "enthusiastic and curious." They good naturedly enter into the spirit of being called upon to answer questions even when they do not have their hands raised. Goodrich also taps into Dean Jan Pearson's 25 years of experience teaching torts. While Professor Goodrich sometimes calls the Dean, "the oracle," when it comes to teaching torts, she maintains a different style, "especially when it comes to handwriting," in a nod to Pearson's notoriously perfect penmanship.

Goodrich's many interests include anthropology, as is reflected by her Bachelor's Degree in the subject and 20-some years of involvement with the Fresno County Archaeology Society.



Christine Goodrich

B.A., 1980, UC, Berkeley
J.D., 1983, UC, Los Angeles

Full-Time Faculty

Justin B. Atkinson, Richard M. Cartier, Christine A. Goodrich, Denise M. Kerner, Janice L. Pearson, Sally A. Perring, Jeffrey G. Purvis, Peter Rooney

Adjunct Faculty

Larry Artenian, Jesse Avila, Art Baggett, Barry Bennett, Alyson Berg, Hristo Bijev, Raquel Birch, Hal Bolen, Andreas Borgeas, Dave Camenson, Chrystine Carvalho, Dan Casas, Hilary Chittick, Lisa Coffman, Jon Conklin, Phil Cronin, Mark Cullers, Matt Farmer, Gregory Gillett, David Guy, Jason Hamm, Shannon Harding, Kathi Kesselman, Stephanie Krause-Cota, Abigail Leaf, Jeremy Lusk, Jeff Manning-Cartwright, Deanna Martinez, Bill McLaughlin, Mark Miller, Dave Mugridge, Doug Noll, Kim Nystrom-Geist, Timothy O'Connor, Rose Safarian, Rene Sample, Gary Sawyers, Mike Sheltzer, Mike Slater, Jacqueline Yates

2010 Constitution Day

Law met political science in the 2010 Constitution Day celebration of San Joaquin College of Law.

by Jeffrey G. Purvis, *Professor of Law*

As a result of an invitation by Dr. Jeff Cummins of the California State University, Fresno Political Science Department, SJCL and CSUF conducted the first cooperative Constitution Day in the history of the two great institutions. (Constitution Day celebrations have been conducted nationwide for the past several years, after the federal government began requiring schools to do so in order to retain eligibility for federally supported financing for students.) The topic for the panel discussion, chosen by the Fresno State professors, involved the recently enacted health care legislation. The constitutional law issue which was "debated" by Dr. Yishaiya Abosch and myself was whether the provision requiring that every affected person maintain health care insurance was an appropriate exercise of federal legislative authority. (Dr. Cummins and Dr. Tom Holyoke made presentations addressing public policy and the legislative process by which the law was enacted.)

About 120 people packed the Satellite Student Union, mostly CSUF students but including a contingent of SJCL stalwarts. (If I named each student I am terrified that I would forget someone, but they included current and former Constitutional Law students. A special thanks goes to Professor Atkinson for attending with his wife and daughter.) Each panelist made a twenty-minute presentation on his topic, followed by a question and answer session. (Again,

a special mention of student Tim Jolly, who courageously went to the microphone and asked why lawyers charge so much for their services.)

As Dr. Holyoke ably described, the Patient Protection and Affordable Care Act of 2010 and related legislation was enacted after fierce political conflict and arcane legislative maneuvering. I thought it particularly insightful when Dr. Cummins pointed out that, having made a previous decision to provide medical care to all Americans, some "universal" type health care plan was made inevitable, whether a single payer system or via the mandatory provisions of the current law. As a result of the extreme partisanship characteristic of current government functioning, and the tendency for the losing side in a political battle to shift the conflict to the judicial system, the attorneys general of several states have filed challenges to the constitutionality of the health care legislation. The requirement that each "applicable individual" maintain "minimum essential coverage" each month, or face a monetary penalty that could eventually reach over two thousand dollars a year for a family, is a centerpiece of these legal challenges, and has generated intense media and blogospheric interest.

Legal practitioners who have been away from constitutional law for awhile may not recall that the grant of power to Congress in Article I of the Constitu-



tion to "regulate commerce among the Several States . . ." has been the principal source for the expansion of federal power during the second half of the Twentieth Century. Sweeping and pervasive regulation of agriculture, labor-management relations, product safety, narcotics, and even bans on private racial discrimination have all been justified under the Commerce Power. The way in which constitutional issues are decided by the United States Supreme Court had a direct influence on this expansion. Except where a fundamental constitutional right is at stake, or in other specifically defined situations, the standard of review applied to most legislation is the rational basis test, the "lowest" form of constitutional scrutiny. Under our system, the legislature is designed to be the "value choosing" institution. Our elected representatives

Continued – Page 15

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Judy Wiseman Memorial Golf Tournament

What a wonderful way to extend the week-end festivities in celebration of the 40th Anniversary of SJCL.

By Joan Lassley and Kathy McKenna, 2010 Co-Chair

The eighth Annual Judy Wiseman Memorial Golf Tournament was held at Eagle Springs Golf and Country Club on Saturday, September 11th. Again this year we had amazing sponsors. We would like to thank: our two Eagle Sponsors – Dr. Mark Wiseman & the Visalia OB-GYN Medical Assn, and Table Mountain Casino; four Birdie Sponsors – Ramirez & Hernandez, Price Paige and Co., Phillips Law Firm, and the CCPOA team, Brad, Bob, David and Kenny; and finally, our four Tee Sponsors - Richard Ciummo & Associates, Craig Fry of Lang Richert & Patch, Roger Wilson for Nuttall & Coleman, and Kim Thayer & Assoc.

We also want to thank the following donors and participants in the raffle prizes: Hedrick's Chevrolet, Judy Rogers, Beth Waldow, Vonda's, Nancy Flynn, Hungry Hair, Hernandez & Ramirez, Valley Business Bank, Golfers Gallery, San Joaquin College of Law, Kathy McKenna, Kim Mayhew, Joan Lassley,



The winning team from California Correctional Peace Officers Association, including (L-R) **Bradley Stevens** (Law '99), **David Burnett**, **Kenny Collins**, and **Bob Stevens**.

Kings River Expeditions, Jack Nadel, Inc.–Kitty Manus, Ft. Washington Golf and Country Club, Copper River Golf and Country Club, Eagle Springs Golf and Country Club. We also thank Kathy McKenna (Law '99), co-chair of the event, Kim Mayhew (Law '98),

Gracie Torres (Law '03), Robert Howk, Carey Hartsock (Law '10) and student volunteer, Keith Teague.

The winning team from CCPOA, including David Burnett, Brad Stevens, Bob Stevens and Kenny Collins, won a round of golf for their foursome donated by Ft. Washington Country Club. The second place team was Glen Dorgan and Ben Hall from the US Attorney's office and SJCL students Alejandro Gaytan and Eddie Martin. They won a foursome donated by Copper River Country Club. Men's longest drive winner was Tim Bennett (Law '06) and the women's longest drive winner was Kathy McKenna (Law '99). Closest to the pin award winners were Deborah Coe (Law '91) and Ted Barker. Winners received \$100 gift certificates from the Eagle Springs Pro Shop.



Second place team was **Glen Dorgan** and **Ben Hall** from the US Attorney's office and SJCL students, **Alejandro Gaytan** and **Eddie Martin**.

Our special thanks go to the wonderful staff at Eagle Springs Golf Club, who provided cheerful assistance, as well as a beautiful venue and awesome weather!

Make sure to watch for next year's tournament!

Back to School Night

It was another hot success for the SJCL Student Bar Association. The crowd that gathered at the Clovis Veteran's Memorial Park in front of the law school, was treated to asian-inspired cuisine, while the costumes and music took on an 80's theme. Another exciting venue was karaoke, in which students Keith Teague and Brad Kalebjian changed the lyrics of "I Will Survive" to "Hey, Cartier! How do I get an A?" Professor Richard Cartier, who teaches Civil Procedure, was in the audience offering applause.



Travis Ishikawa and Daren Stemwedel take the Asian theme to the extreme!



Keith Teague and Brad Kalebjian sing "Hey, Cartier! How do I get an A?"



Alumni **Stefanie Krause Cota** (Law'00) and **Michelle Jorgensen** (Law '02)



Lorena Garcia, SBA President **Michael Varin**, and **Stacy Prickett**



Brittany Pell, Kristina Garabedian, and Wesley Carlson



Alumni Association President **Scott Jones** (Law '07) and Associate Dean of Academic Affairs **Sally Perring**

The San Joaquin Agricultural Law Review Keeps Going and Going...

The San Joaquin Agricultural Law Review continues to provide the legal community information about agricultural legal issues that are not only relevant to the Central Valley, but also nationwide.

By Ashley A. Allred, *Managing Editor*

On July 10, 2010, the authors of the 19th volume received their Westlaw citations. This was very exciting because all of the student-written comments and the professional articles contained in Volume 19 became available for the legal community to review worldwide. In addition, the printed version of Volume 19 was delivered to San Joaquin College of Law on August 16, 2010.

Volume 19 features eight student-written comments on various topics including tribal sovereign immunity and agroterrorism, California farm owner liability for farm worker heat-related injuries when farm labor contractors are utilized, and a proposal for an exemption under the Endangered Species Act for delta smelt as a result of economic hardships on rural agricultural communities. Volume 19 also contains two

professional articles. One discusses extending new protections to Oklahoma's producers under Oklahoma's 2009 right-to-farm statute. The other is a primer on California's producer liens. The Editorial Board plans to hold a small gathering celebrating the release of Volume 19; details will be forthcoming. If you are on our subscription list, you should receive your hard copy of the journal shortly.

Currently, all Law Review candidates are busy working on their rough drafts for Volume 20. This upcoming Volume will be unique, as it will have a special cover to commemorate the 20th edition of our law review, as well as small articles written by the Editorial Board and many student-written comments.

The San Joaquin Agricultural Law Review Editorial Board was recently

contacted by another author regarding a reprint of Karen Ray's comment, "Are Biofuel Crops the Next Kudzu?" Volume 17. The Editorial Board officially granted permission for a reprinting of Karen's comment and will be very pleased to see it reprinted elsewhere.

Every volume of the San Joaquin Agricultural Law Review includes a professional article. The professional article is needed to continue our long-standing tradition of providing quality information on agricultural legal issues to the legal community. Our 20th Volume is a tremendous milestone and the Editorial Board hopes to receive many professional submissions. The professional submission deadline for inclusion in the journal is December 10, 2010. For more information about submitting a professional article, please visit the Law Review's website at www.sjcl.edu/sjalr.

SJCL Wins Hopper Scholarship

Congratulations to Naser Nekumanesh (Law '10), winner of the 2010 George Hopper Memorial Scholarship offered by the Fresno County Young Lawyers Association! Students from a dozen law schools were invited to the competition, where criteria include overall excellence and accomplishment in pursuit of a Juris Doctorate, with particular consideration given to civic and academic involvement.



Naser Nekumanesh (Left) is congratulated by Committee Chair **Brian E. Qualls**.

Alumni Reunion Reception

SEPTEMBER 10, 2010



Founder **John Loomis, Loyd & Pamela** (Law '85) **McFarland**, and **Stefanie Krause-Cota** (Law '00)



Greg Hood & Deborah Coe Hood (Law '91) and **Kirstin Corey** (Law '99)



Chuck (Law '89) & **Laura Magill**



Jeff (Law '89) & **Susan Mendoza**



Karen Mathes (Law '95), **Joan Jacobs Levie** (Law '95), **Rissa Stuart** (Law '93), and **Carla Khal** (Law '93)



Dave (Law '99) & **Rose Moeck**



Cyrus & Dianna (Law '89, Board) **Setoodeh, Honorable Elizabeth Parker** (Law '89), **Nancy Stegall** (Law '96), and **Alberta Ferrer**



Peter Wall (Law '08) & **Mary Thornton Wall** (Law '08)



Melissa White (Law '96) and **Traci Fritzler Kirkorian** (Law '97)



Steve Hrdlicka (Law '84) and **Philip Tavlian** (Law '80)



Susan (Law '04) & **Richard** (Law '92) **Hemb, Lusine Babayan**, and **Ka'ren Ketendjian** (Law '92)



Greg (Law '05) & **Diane Miskulin**

40th Anniversary Gala

SEPTEMBER 11, 2010

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Special Recognition

Crème de la Cake, Fort Washington

Country Club, Rod Geist, L and B

Vintners, Joan Lassley, Diane Miskulin,

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Volunteers, Tim Sullivan, Ron Webb,

Melissa White (Law '96), Wildflower

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Alice & Mark (Law '87) Busick, Annette Ballatore-Williamson (Law '97) & Billy Williamson



Jim (Law '87) & Piti Witherow



Doug (Law '82) & Marcia Haas



Honorable James (Law '74) & Heather Aaron



Honorable Houry (Law '87) & James (Law '80) Sanderson



Deborah Boyett (Law '01) Kevin Cann, and Beth Waldow (Law '09)



Ross Borba (Board) & Nancy Flynn



Alicia Hinton (Law '09), Dr. Herma Williams (Board), and Bill Hinton



**SJCL STUDENT VOLUNTEER
Rachelle Taylor**



SJCL STUDENTS VOLUNTEERS (L-R) Kristina Garabedian, Stephanie Smittle, Ryan Dunning, Brittany Pell, and Sam Brar

Forming a More Perfect (Media) Union

The Constitution has been a big topic of discussion nationwide over the past few months, and SJCL has responded resoundingly on the local level.

By Missy Mckai Cartier, Public Information Officer

Constitutional Law Professor Jeffrey G. Purvis, who was called on earlier this year to comment on the nomination of Elena Kagan to the Supreme Court, was also in demand for analysis of the Constitutional issues surrounding the injunction filed against Arizona's immigration law.

In addition, as you will read elsewhere in this edition of *Inter Alia*, Professor Purvis was called on to take part in a Constitution Day panel debate titled "*Obamacare - Landmark Legislation or Dead on Arrival?*" on the campus of the California State University, Fresno. Media outlets giving advanced coverage of the debate included the *Business Journal*, the *Fresno Bee*, and *KYNO 940 AM*, but it was the coverage of the actual event which opened another door for the Law School.



Collegian reporter Mike Boylan not only covered the debate, but also did follow-up interviews with the panelists, including an exchange of e-mails with Professor Purvis. This led to an exchange of e-mails and a meeting between SJCL and the Collegian, resulting in a new media partnership. As with all of our media partnerships, it's a win for both sides, giving the Law School a chance to display the expertise of faculty and alumni on the campus of CSUF while giving Collegian reporters access to legal experts as they hone their stories and writing skills.

In addition to the efforts of Professor Purvis, San Joaquin College of Law made the news with the help of Professor Lawrence Artenian. The Fresno

Bee utilized his knowledge of contracts in a recent article on the front page of the sports section, seeking analysis of a contract calling for CSUF to pay a \$5 million penalty to the Western Athletic Conference. The WAC claims CSUF breached its contract by moving to the Mountain West Conference. Professor Artenian mentions several ways in which the University could mount a fairly significant defense against the multi-million-dollar penalty.

While the faculty has been busy over the past few months, the Alumni Circle has also done its share of the heavy lifting! That includes landing another new media partnership:



Following the explosion of a PG&E gas line in San Bruno, the KMJ morning show was looking for an attorney specializing in consumer protection and personal injury for an on-air interview. Rene Turner Sample (Law 88) offered analysis of the liability and probable lawsuits, while fielding questions from both General Manager Skip Essick and News Director Blake Taylor. The new media partnership between SJCL and KMJ means more opportunities for such interviews.



The media partnership between the *Business Journal* and SJCL moved to a new level, with the paper deciding to do two articles in advance of SJCL's 40th Anniversary. One tracked the

stories and memories of three alumni who graduated in the early years of the Law School's existence. C. William Brewer (Law '76), John F. Garland (Law '84), and Thomas Campagne (Law '75) provided the stories, while Dean Jan Pearson provided the overview.

The other story in that same issue of the *Business Journal* portrays SJCL as a type of business incubator, in that every alumni who opens a practice has created a new business. The focus was on recent alumni who had done just that. SJCL Alumni Teresa Petty (Law '07), Kathleen Phillips (Law '09) and Pahoua Lor (Law '08) provided a look at both their challenges and their successes.



Madera County Defense Attorney Bob Hirth (Law '96) was preparing for trial the next day when a call came from the KMPH Ten O'clock News Team, looking for an attorney to comment on medical marijuana laws in light of fresh violence surrounding pot plants in the Fresno area. Hirth didn't have time to drive to the Fresno studios, so the KMPH News trucks headed north. Aside from legal analysis of the dilemma facing both legal growers and law enforcement, Hirth also spoke about the potential impact of a November ballot initiative legalizing recreational use of marijuana.



DUI defense attorney Terry Wapner (Law '86) joined News Director Billie



Founder Judge **Oliver Wanger** (right) joins Host **Bill McEwen** and Producer **Gail Marshall** on KYNO's "San Joaquin College of Law Roundtable."

Wright for a look at stiff penalties for first offenses, flaws in DUI testing, and the types of DUI charges, which could lead to a conviction for someone with a blood alcohol level below the legal limit. The interview hit audiences on five Clear Channel Stations, including Soft Rock 98.9, Alice 96.7, KRZR, Big Country 102.7FM, and B-95.



The San Joaquin College of Law Roundtable, which airs during the noon hour every Tuesday on 940 AM KYNO, just gets better and better! Recent shows include Bob Hirth (Law '96) on the effects of juvenile strikes on adults, Mark King (Law '05) on what to do when you are stopped by police, Ed Johnson (Law '04) on Small Claims Courts and new forms of mediation, David Mugridge (Law '85) with the legal impact of turning 18, Julia Brungess (Law '82) with a look at domestic violence, Tim Magill (Law '78) on what to do when your own insurance company accuses you of fraud, and Christina Skaf Hathaway (Law '08) discussing renters' rights during a time when foreclosures are hitting landlords.

Perhaps one of the most outstanding shows came as Bill McEwen interviewed SJCL Founder Judge Oliver Wanger

regarding the Law School's upcoming 40th Anniversary Celebration. Along with talking about the early days of SJCL and his hopes for its future, Judge Wanger also fielded calls from listeners on topics ranging from capturing water rights through eminent domain to proposed projects for the Law School.

In addition, in keeping with the Law School's role as the regional academic legal resource center, adjunct faculty member Hal Bolen discussed the perils of forming a partnership while his law firm partner, Ken Fransen, detailed succession plans for family farms on KYNO's SJCL Roundtable. Another

non-alumnus, William Kreig, fielded a call from Chris Daniel at KMJ-FM to speak on consumer protection laws.



Inter Alia is a great place to showcase SJCL alumni and students, but there's no way 600-some snapshots taken at more than a dozen events since January will fit! Find them stored in 17 albums on the SJCL Facebook page, along with quick tidbits about alumni accomplishments and upcoming events.

New Spotlight on SJCL

San Joaquin College of Law highlights the quality of the J. D. program, the support for students, and the legacy of successful alumni in a new television commercial. The music, "Fantasia No. 40," is taken from the album "Carpe Diem" by SJCL Alumnus Nicholas Schuller (Law '98), a classical guitarist who was also recently named "Tulare County Prosecutor of the Year." The commercial has been airing on KVPT Channel 18, and can also be seen on the Law School's Facebook page.



Nick Schuller (Law '98) lends his artistic support to last February's Donor Wall Reception.

Alumni Profiles

SJCL congratulates our alumni celebrating 10, 20, and 30-year anniversaries in 2010. It has been my pleasure contacting and interviewing each of you. Thanks to those who participated in this effort. I look forward to catching up at the next milestone.

-Joan Lassley, Alumni Liaison

1980

Ronald Henderson

After graduating from CSUF in 1974, Ron became aware of San Joaquin College of Law sometime in 1975 while working for the Internal Revenue Service, near Pacific College. Several of his co-workers were attending the College, including alumni Stephen Denning and Jose Banuelos. At that time President Carter had instituted a hiring freeze for new positions and, serendipitously, the law school seemed like a good alternative to explore.

Highlights of his time at law school included teaching the tax research portion of the Research and Writing class to his classmates and making lifelong friendships with them. After graduating from SJCL in 1980, Ron enrolled in McGeorge School of Law and received his LL.M. in taxation in 1982. He began working for the local law firm of Blumberg, Sherr and Kerkorian. Around 1985 he began teaching taxation classes for the SJCL as well as coordinating and teaching in the graduate tax program. In 1991 he discontinued teaching tax classes to focus on his family.

Ron is married to Christina Knox, a Dean at College of the Sequoias in Visalia. Ron has a daughter, Erin, who graduated from UC Davis. Erin's mother is Georgia York, a 1978 alumnae of SJCL. Ron worked with Theodore Forrest until his untimely death in 2001 at which time Ron began working for Dowling, Aaron and Keeler. He is cur-

rently a shareholder in the law firm and head of its tax department.

Ron misses teaching and looks forward to the opportunity of doing more.

Gregory Myers

After semi-retiring from Myers and Mayfield, Greg worked for a couple of years with the Fresno City Attorney's Office as a trial attorney. He has now returned to private practice at the Law Offices of Gregory L. Myers. Greg continues to represent public entities, but now also represents employers and employees in employment matters, as well as practicing in personal injury and real estate law.

Greg says he has been blessed with a good wife, Reda, who has put up with him for over 40 years. They have four grandchildren. He and Reda are very active in the lives of their grandchildren and are eternally grateful for them.

Reda and Greg have taken up camping and are having the time of their lives enjoying nature. They are also very active in their church.

When asked about SJCL memories, he stated, "As we students were waiting for Judge Best to arrive and give us our final evidence examination, I told some of my fellow students that I had come up with a way of remembering all of the exceptions to the hearsay rule. They asked what it was and I told them, "Holy ____ Judge Best is going to flunk me." It was great to see them looking in the air trying to figure out how it worked."

1990

Clinton Cummins

Clint worked for nearly seventeen years with the Social Security Administration as a Claims Supervisor, taking a downgrade back to a Claims Representative when he started law school in 1986. He worked full-time through law school and the bar exam, was sworn in December 1990, and went to work in the legal department of State Compensation Insurance Fund in Fresno in March 1991. In April 1991, Clint married Pam Bills in Sea Ranch, California taking Judge Harry Papadakis and his family along for the ceremony. He then worked as a staff attorney for State Fund until his retirement on October 1, 2010. Clint practiced general workers' compensation defense for State Fund until 1998, when he was picked to be lead attorney for a special unit defending state agencies exclusively. Clint received the annual State Fund President's Award for achievement five times.

Last year, during a visit to the Pacific Northwest, where Clint's mom and brother Eric, a wildlife biologist, live, Clint and Pam began looking for retirement property. They finally purchased a beautiful Craftsman-style house on four acres near Sequim, Washington. They are excited about moving there, just as soon as they can get their Fresno home fixed up and on the market. Their new home has a view of Vancouver Island and the San Juan Islands out the front door and a view of the Olympic Mountains seemingly rising up from their backyard. Other plusses are the cleanest air imaginable, great fishing, and summer temperatures in the seventies.

Pam retired from her job as a newspaper reporter several years ago and has devoted herself to keeping the domestic situation going while Clint was wrapped up in his job. Over the last couple of years they have both had major health

problems, with Pam requiring a risky cervical spine surgery and Clint having a triple coronary bypass, but the problems are resolving now and hopefully are in the past. Pam continues to do her gourmet cooking and Clint still raises bonsai. Time has been too scarce to permit him to continue his pre-SJCL automobile restoration and racing activities, but he hopes to get back to both in at least a limited way soon. The last twenty-five years can truly be summed up by the old saw about when you have the time you don't have the money and when you have the money you don't have the time. They now hope to do some long-deferred travel, both in the US and overseas. Their immediate goal, however, is to accomplish their move to Sequim before the Siskiyou Pass gets snowed in, and to do it somehow with four cats that don't get along all that well.

Clint's fondest memories at SJCL are his study group, consisting of Nancy Aten, Ernie Montanari, and Bob Hurlbett, and the post-class sessions at the late, lamented Copper Pot with them and others, including Tom Georgouses, Mary Peterson, and the other usual suspects. Although he has not kept up with Ernie or Bob in recent years, he and Pam continue to be best friends with Nancy and her husband, Bill. They plan to visit them in their new home in Genoa, Nevada in the next few weeks.

Clint has a special place in his memory for Real Property with Sally Perring, probably because of his lifelong fascination with history, for Torts with Dean Pearson, which stands out as one of the most difficult subjects for him, perhaps due to its sheer scope, and strangely enough, for Contracts with Dale Bacigalupi, a subject for which he would never have guessed he had any aptitude. Unfortunately, he never could quite warm up to Criminal Law or Evidence, and barely squeaked through both of them. Clint's years at SJCL have been a high

point of his life, as well as the hardest. They prepared him well for a rewarding mid-life career change and made his present retirement possible.

2000 Jason Bell

Prior to and during law school Jason was employed by Marderosian, Swanson, Oren and Paboojian, from 1994-2000. From 2000-2008 he worked for Oren and Paboojian. Then in 2008, Warren and Jason joined Dan Baradat and formed the firm he currently works with, Baradat and Paboojian. Their sole emphasis of practice is representing plaintiffs in personal injury cases.

Jason has been married to his lovely wife, Kim, since March 30, 1996. They have three very good-looking and intelligent children (take after their mother), Parker, nine years old; Taylor, eight years old and Payton is four.

Jason is a BV peer-review rated lawyer through Martindale Hubbell and has been named a "Rising Star" as one of the top young lawyers in Northern California by Super Lawyers in both 2009 and 2010, for his practice in the area of plaintiff's personal injury. Jason was elected and is currently serving his second year on the Fresno County Bar Association Board of Directors.

When Jason is not at work, he enjoys golfing, dirt bike riding, scuba diving and attending his children's sporting and activity events.

Ann Roberts

Ann is Staff Counsel for the Fresno office of State Compensation Insurance Fund, which keeps her extremely busy. It's hectic, but no two days are ever the same and new issues crop up all of the time. She has enjoyed working with great people, such as SJCL graduates Geoff Sims, Clint Cummins and Bill Gunn.

Ann is married to John Roberts, who was a major support to her in getting through law school. Anytime she needed copies made or papers delivered, he was eager to help. Ann has two children; her daughter lives in Fresno and her son in Indianapolis. Her husband, John, has two sons, one in Los Angeles and one in Indianapolis. John has been like a father to Ann's children, but she hopes John's sons don't view her as a mother, as they are both less than 7 years younger than she.

At SJCL, Ann was pleased to be awarded a Leon S. Peters Leadership Award, as well as scholarships associated with the San Joaquin Agricultural Law Review.

Ann is always interested in learning new things and exploring the unknown through reading. Her husband is an excellent artist. Last year, he won a first place award at the Fresno Fair! Ann says she has no talent, but she does dabble in poetry when the mood strikes. She also enjoys spending time with her children and friends, as well as those expensive trips to the casino now and then.

Ann supports Animal Rescue of Fresno (ARF) by participating in their fund raising activities. She is also active in her church group. She enjoys meeting and working with the Law Review Emeritus Board.

SJCL memories include meeting Donna Taghdiri, working on Law Review with Gary Brunsvik and Deborah Boyett, and Charlotte Wade's fingernails. She was very surprised to find out that the classes she thought she would love were not as interesting as those she thought she would hate. It was a lot of work, but something she had always wanted to accomplish--and she did!

As the crisp of Autumn fills the air, I am renewed with the spirit of thankfulness—thankful for my family and friends, thankful for my health and prosperity, and especially thankful for all the alumni and donors who realize the importance of supporting SJCL enough to make us a priority in your giving each year.

As we enter a new fiscal year, we are greeted with new challenges. Since we were able to meet and surpass our annual fund goal for last year, we are challenging ourselves with an even bigger goal—\$100,000! With the generosity of our alumni and supporters, we know we can count on all of you for your continued support to help us reach our goal. A gift to the law school—no matter the size—works immediately. Your gifts help provide scholarships to students, support faculty development, maintain our library resources, and make sure our students continue to get the best legal education possible.

With the end of 2010 rapidly approaching, it's that time of year when we ask our scholarship donors to continue to fund this much-needed student program. SJCL awarded over \$27,000

in scholarships last year. These were funded by generous donors of the law school. Scholarships are a great way to give back to the law school and ensure a legacy for current and future students. If you are interested in donating to a scholarship or creating a new one, please contact the Advancement Department for details.

SJCL is looking forward to our annual Donor Wall reception that will be held on February 25, 2011. I am always inspired when I walk through the halls of SJCL and see the impressive panels with our generous donor's names etched on them.

One of the ways SJCL is trying to stay "in tune" with our alumni and supporters is through your feedback. In the coming months, an email survey will be sent asking your opinion on topics such as school events, communication from the school, and ways we can improve. Please take a moment to complete it. Your feedback is very important to us and we want to hear from you!

From all of us in the Advancement Department, during the upcoming holidays, we wish you joy and a renewed sense of Thanksgiving!

You deserve to be properly recognized for your contributions, and we strive for 100 percent accuracy. If we have made an error, please contact the Advancement Department at 559-323-2100 or email kwelte@sjcl.edu with corrections. Please note our new format of recognizing donors will include those donors and gifts received during the period between each Inter Alia publication instead of an annual cumulative list. Due to the generosity of our donors, we are unable to report cumulatively on one page anymore.

2009–2010 Donors

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2010 Constitution Day (Continued From Page 4)

decide what the rules governing our behavior should be, and the proper role of the courts is to defer to that legislative judgment, unless, as mentioned, a fundamental right or other important interest is adversely affected. Thus, as I explained during my presentation, the challengers claiming that the mandatory health insurance coverage provision is unconstitutional must show that Congress was "irrational" to believe that the topic of the legislation--health care and health insurance--was sufficiently related to interstate commerce. In terms of the rules articulated by the Supreme Court, the question to be answered is whether it is irrational to conclude that the purchase and sale of health insurance has a substantial impact, in the aggregate, on interstate commerce.

The congressional findings included in the health care legislation demonstrate, in my view almost beyond dispute, that the requisite impact is present. For example, one of the many supporting findings was: "Health insurance and health care services are a significant part of the national economy. National health spending is projected to increase from \$ 2,500,000,000,000, or 17.6 percent of the economy, in 2009 to \$ 4,700,000,000,000 in 2019. Private health insurance spending is projected to be \$ 854,000,000,000 in 2009, and pays for medical supplies, drugs, and equipment that are shipped in interstate commerce. Since most health insurance is sold by national or regional health insurance companies, health insurance is sold in interstate commerce and claims payments flow through interstate commerce."

However, as Dr. Abosch correctly noted, the Supreme Court, in the 1995 case *United States v. Lopez* (involving a federal law punishing gun possession near schools) and the 2000 case *United States v. Morrison* (a federal law punishing gender-motivated violence), expressed a concern that continued unrestrained expansion of the federal commerce power would eclipse state

regulatory authority in areas thought to be traditionally committed to the States, and frustrate a vital purpose of our dual system of government--that State governments provide independent centers of political power to protect our liberties against federal infringement. (A modern example: California has effectively protected medical marijuana users against federal prosecution, at least in the sense that the federal government chooses not to vigorously enforce the federal ban on possession and use as to those who come within operation of the California law.) (I would attribute this to the increasing political conservatism of the Supreme Court Justices appointed by the last few Presidents but Dr. Abosch disagreed.) In an attempt to "contain" the Commerce Power, the cases I mentioned established additional factors to be applied after concluding that an activity did have a substantial economic effect on interstate commerce. My argument was that most of these still favor a finding of constitutionality for the mandatory provision:

Does the federal regulation involve a commercial transaction or economic activity? Yes, the purchase and sale of health insurance is a commercial transaction.

Did Congress make express findings concerning the impact of the regulated activity on interstate commerce? Yes, detailed, extensive findings were included in the legislation.

Does the regulation involve traditional areas of State sovereignty? Perhaps, in that health care is certainly such an area, but less clearly in the sense that commercial transactions in health insurance are manifestly not exclusively a State concern.

Is the connection between the regulated activity and interstate commerce "attenuated?" I do not regard this as remotely so, since purchase and sale of health insurance is solidly part of commerce in general and interstate commerce specifically.

More general objections that I have read being raised to the mandatory health insurance provision are not, as I stated during my presentation, really constitutional or even legal arguments.

"I can't be compelled to purchase a product I don't want." All regulation involves legal compulsion, this "complaint" simply reflects an objection to the specific content of the regulation, and is irrelevant to the constitutionality of the regulation

"I can only be regulated when I voluntarily engage in an activity." This is patently not an accurate view of legislation or the nature of regulation. Two examples that immediately come to mind: conscription, when the draft was in effect, or the exercise of the power of eminent domain, both operate on people who are engaged in no activity other than being alive or owning real property. There is no reason why the commerce power alone should be subject to such a novel and illogical limitation.

"If Congress can force me to buy health insurance, I've lost my freedom." As someone who has bemoaned our loss of freedom in several previous Constitution Day events, this one frustrates me the most. Former President George W. Bush asserted that the Constitution gave him the power, as President and Commander in Chief, to take any action he believed necessary to protect the United States from attack, including intercepting the communications of American citizens without warrants, seizing American citizens without warrants, holding them indefinitely without any judicial recourse, and ordering torture, in violation of US and international law, all without any oversight or control by the legislative or judicial branches. If one did not object to this immense loss of our liberty, being compelled to purchase health insurance is an interesting point at which to raise the barricades.



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SENIOR CITIZEN **Law Day**

NOVEMBER 13, 2010

9:00AM-12:20PM



The SJCL Alumni Association presents the Eighth Annual Senior Citizens Law Day at SJCL. This event is a community service where seniors can learn about conservatorships, guardianships, estate planning, planning for long term care, competency, fighting predatory lending and protecting themselves from financial abuse. Statewide experts, local attorneys and healthcare professionals will be available to teach and answer questions.

If you are interested in participating in this event, contact:

Marcie Downing at **559/229-8109**
marcella.downing@sbcglobal.net