



# Inter Alia

San Joaquin College of Law Quarterly Newsletter

Volume XXIV, Number 1

## Spring 2013

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## 8<sup>TH</sup> Annual Donor Wall Reception

*San Joaquin College of Law is a success because of the generosity of its donors.*

The hallways and classrooms filled with students and a library filled with books in our beautiful campus in Clovis, would not be, if not for the generosity of our donors. Scholarships awarded to deserving students each spring would not be, if not for the generosity of our donors. A bustling New American Legal Clinic (NALC) and new faculty members to supervise it would not be, if not for the generosity of our donors. We have so many people and organizations to thank for the growth of SJCL over the four decades it has been in the business of educating future legal minds and practitioners.

There is no perfect way to express our gratitude to the multitude of donors who keep the school running. However, each February, the staff and faculty gather at the Annual Donor Wall Reception to do just that, give thanks to our donors. On February 22, 2013, the hallways were transformed into an evening of food, drink and celebration. Hors d'oeuvres, provided by The Painted Table, lined a beautifully decorated table, as guests sipped on wine or sparkling apple cider. Guests mingled, some making unknown connections, others talked shop, while others reunited after time gone by. Dean Janice Pearson gave a quick "state of

school," speaking on the direction and current focus of the college. Professor Justin Atkinson gave a peek into the awesome work he and Professor Jessica Smith Bobadilla and students are doing in the New American Legal Clinic. He provided a tangible example of how the generosity of our donors is making a real difference in the education of our students and the lives of many in the community.

Thank you to all of our guests who were able to join us this year. If you were unable to attend because of prior commitments, we hope to see you next year.

Photos on Page 11



**Mark Pope**, Assistant U.S. Trustee and CCBA Representative, **Andreas Borgeas**, Professor of Law, and **Ross Borba**, Board of Trustees

# Honorable Stanley A. Boone



**Stanley A. Boone** being sworn in by the Honorable **Morrison C. England, Jr.**, Chief United States District Judge Eastern District of California. Looking on is United States Magistrate Judge, **Gary S. Austin** ( Law '76)

**S**JCL congratulates and recognizes Stanley A. Boone on his investiture as a United States Magistrate Judge for the Eastern District on Friday, March 8th, 2013.

Judge Boone started teaching Moot Court at SJCL in 1998.

He, alongside Judge Jonathan B. Conklin, has taught hundreds of students oral advocacy and brief writing skills which prepared them for the George A. Hopper Moot Court competition. Many of these students advanced to the Statewide Traynor Moot Court competition.

Magistrate Judge Stanley A. Boone also has taught Evidence and Federal Courts for many semesters. We at SJCL wish the best for Judge Boone and know the Federal Court now has another dedicated magistrate judge who loves the law.

# Olmos Scholarship Banquet



Congratulations to the five SJCL students who won scholarships at the 2013 Mario G. Olmos Memorial Scholarship Banquet, presented by Fresno La Raza Lawyers Association. The Hon. David Gottlieb (far left) poses with the winners, including Joshua Longoria, Alexandria De La Fuente, Virginia Madrid-Salazar, Amanda Kjar, and Sara Santoyo.

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# Inter Alia

Volume XXIV, Number 1

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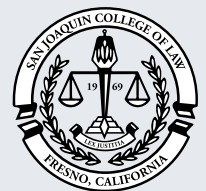
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# Professor's Publication in the Spotlight

*Andreas Borgeas, Professor of International and Comparative Law, has been very productive since joining the full-time faculty last year. In addition to teaching courses on national security, analytical process and advanced research and writing in international law, Borgeas has been conducting research on a number of topics in the field of international security law.*

One of his articles was recently selected for publication in the prestigious *Yale Journal of International Affairs*. The article is entitled *Islamic Militancy and the Uighur of Kazakhstan: Recommendations for U.S. Policy*, and is an analytical security assessment on threats in Central Asia and Kazakhstan's legal framework for combating religious extremism. The article is based on original field research he conducted as a Policy Specialist Fellow at the U.S. Embassy in the Republic of Kazakhstan. "I am thrilled the Yale Journal selected the article for publication, and that this piece, as well as others I am working on, will help contribute to the roster of scholarship coming from San Joaquin College of Law," Borgeas said.

Selected portions summarize the article as follows:

The spread of Islamic militancy amongst the Uighur of Kazakhstan is of particular importance to understanding Kazakhstan's security and economic relations with China, Russia, and the United States, and, ultimately, to the advancement of U.S. strategic interests in the region... This paper investigates this topic through original research that examines the extent to which Uighur extremists in

Kazakhstan pose a realistic threat to Kazakhstan's national security. It specifically asks whether the prevailing Islamic practice amongst the Uighur... has been made fundamental, and, if an Uighur identity exists, whether it is bound by Islamic ambitions that may manifest in widespread terrorist activity... [T]he United States can take specific steps to help Kazakhstan ensure that Islam remains a moderate—rather than extremist—force in the country. (*Yale Journal of International Affairs* (Spring 2013), available in paperback and online at <http://yalejournal.org>)

Borgeas' article has also caught the attention of the international legal community. He has been invited to present his research at the *23rd Annual Fulbright Symposium on International Law* in April in San Francisco. The theme for this year's symposium is "International Law in a Multipolar World." SJCL Dean Jan Pearson said, "The invitation for Andreas to present his scholarship at the annual Fulbright Symposium is a powerful reflection on the high quality of the SJCL faculty."

Professor Borgeas has taught courses on international and security law at SJCL since 2007.



After receiving his education at Northern Arizona University, Harvard University and Georgetown Law School, Borgeas served as a judicial law clerk to the Honorable Oliver W. Wanger at the U.S. District Court in Fresno. He is a member of the bar in California and Washington, D.C., and in private practice specialized in international law. Borgeas was a Fulbright Fellow, a Contributing Scholar for the Woodrow Wilson International Center for Scholars and a Visiting Fellow at the Hellenic Centre for European Studies. In addition to his role at SJCL, Andreas Borgeas served as a member of the Fresno City Council (2009-2012) and is currently a Fresno County Supervisor.

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## Full-Time Faculty

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

## Adjunct Faculty

Hon. James Ardaiz, Lawrence Arsenian, Art Baggett, Barry Bennett, Alyson Berg, Hristo Bijev, Hal Bolen, Hon. Stanley Boone, David Camenson, Thomas Campagne, Dan Casas, Hon. Hilary Chittick, Lisa Coffman, Hon. Jonathan Conklin, Mark Cullers, Matthew Dardenne, Matthew Farmer, Peter Fashing, Mia Giacomazzi, David Guy, Jason Hamm, Jeff Hammerschmidt, Shannon Harding, Rachel Hill, Kathi Kesselman, Stefanie Krause, Michael Linden, Jeremy Lusk, Jeff Manning-Cartwright, William McLaughlin, Steven McQuillan, Mark Miller, Hilda Montoy, David Mugridge, Doug Noll, Hon. Kim Nystrom-Geist, Dan Rogers, Rose Safarian, Gary Sawyers, Michael Sheltzer, Michael Slater, Hon. Oliver Wanger, Melissa White

**San Joaquin College of Law**  
is pleased to announce

**Professor Andreas Borgeas**  
has been selected to present his academic  
research on international security law at the

**23rd Annual  
Fulbright Symposium  
on International Law**  
*“International Law in a Multipolar World”*

The invitation for Andreas to present his scholarship  
at the annual Fulbright Symposium is a powerful  
reflection on the high quality of the SJCL faculty.

## Founder Honored



SJCL Founder and retired Federal Judge **Oliver Wanger** is flanked by fans as he receives the Fresno County Bar Association's Bernie E. Witkin Lifetime Achievement Award. Wanger was honored for his outstanding work as a lawyer, judge, and co-founder of the Law School.

## Legacy Luncheon – Entering Class of 1990



(L-R): **Eloise Janzen, Margaret Shainberg, Esmeralda Garcia, Jane (Austin) Boulger, Jan Pearson, Dean, Jeff Davis, Honorable Rosemary McGuire, James Cipolla, and Paul Carpio**

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# Preview of the 22<sup>nd</sup> SJALR

*Continuing its commitment to provide a forum for students and legal professionals to explore various issues that impact agriculture, the San Joaquin Agricultural Law Review (SJALR) is excited to be putting the finishing touches on Volume 22.*

By **Lisa Craig Flores**, *Editor-in-Chief*

This year's volume carries on the Journal's spirit of debate and discussion by examining a vast array of topics, from agro-terrorism to the effect of terminated federal marketing orders on small farms. Fresno Attorney Ronald A. Henderson (Law '80) examines marketing cooperatives in our lead professional article, *Scherbart v. Commissioner of Internal Tax Revenue: Does Agency Swallow Cooperative Taxation?*

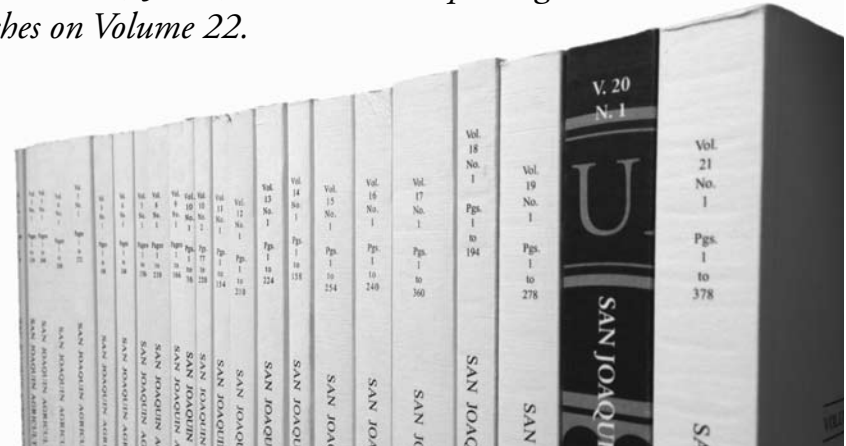
This year's Journal also contains contributions from eight current students of San Joaquin College of Law:

In *The Impact of Mandatory Recalls on Negligence and Product Liability Litigation Under the Food Safety Modernization Act*, David Benton analyzes whether the Food and Drug Administration's new mandatory recall authority will make it easier for plaintiffs to succeed in negligence and product liability suits.

Wes Carlson, in *Please Consider the Environment: NEPA Environmental Review and ESA Consultation in San Luis & Delta-Mendota Water Authority v. Salazar*, examines an appellate issue before the Ninth Circuit Court of Appeals in a lawsuit between San Joaquin Valley water users and federal agencies.

Candace Clark, in *The Asian Citrus Psyllid and the Issues Organic Farmers and the State of California Will Face With Its Eradication Program*, addresses the likelihood of a regulatory taking occurring if an organic farmer loses their organic certification because of a regulation that does not allow organic alternatives to eradicate the insect pest.

In *The Effect of Terminated Federal Marketing Orders on Small Farms, and*



*a Reflection on the Jeffersonian Spirit*, Bradley Kalebjian explores the government's long-held "Jeffersonian" policy interest of protecting small farmers, and how recent economic factors (such as the decline of small family farms in favor of large corporate farms) led to a diminished need for marketing orders.

In *U Visa Certification Requirement is Blocking Congressional Intent - Undocumented Immigrant Female Farmworkers Remain Hiding in the Fields of Sexual Violence and Harassment*, Amanda Kjar takes a critical look at the U-Visa, implemented by Congress in the enactment of the Victims of Trafficking and Violence Protection Act in 2000 to protect undocumented immigrants from domestic violence and prevent violence against women.

E. Nicole Kozycki, in *Agro-terrorism in California: Responding to Legitimate Biological Threats with Effective Legislative Responses*, examines the threat of agricultural terrorism in California, specifically addressing the possibility of the intentional dissemination of a contagious disease.

Elizabeth Thomasian examines Congress' original intent in forming the Wild Free-Roaming Horses and Burros Act of 1971 and whether that intent is currently being adhered to by the

Secretary of the Interior and Bureau of Land Management in *Should the Wild Free-Roaming Horses and Burros Act of 1971 be Reigned in or Turned Out to Pasture?*

In our final student comment, *Mandatory Labeling Of Genetically Engineered Food: Constitutionally, You Do Not Have A Right To Know*, Sally Noxon Vecchiarelli discusses contested issue of genetically engineered food. Her comment explores the public demand for mandatory labeling of genetically engineered food and the recent push by organizations across the United States to have such labeling enforced in our grocery stores.

Volume 22 of the *San Joaquin Agricultural Law Review* will be available in digital and print format this summer. All previous volumes of the SJALR, the oldest agricultural law review in the country, are currently available on line at [www.sjcl.edu/sjalr](http://www.sjcl.edu/sjalr).

Meanwhile, we offer our congratulations to the new board members for Volume 23 of the *SJALR*, including Conlin Reis, *Editor-in-Chief*; Angelica Ambrose, *Assistant Editor-in-Chief*; Bradley Kalebjian, *Articles Editor*; Amanda Kjar, *Executive Editor*; David Benton, *Production Editor*; and Candace Clark, *Notes & Comments Editor*.

# O'Neill Book Drive is Record-Topper!

*The 444 books donated through the Elizabeth O'Neill Book Drive at Race Judicata received quite a reception at Nelson Elementary School before they were divided between Nelson and Fancher Creek Elementary.*

First, Nelson Vice Principal Shannon Heilbut accompanied a golf cart carrying the nine banker's boxes from the street to the back door of the library. There, members of the Nelson Student Council carefully ferried them into the library, past signs reading "Thank You SJCL!" Students already studying there stood on tiptoe to peer over the edges of the boxes as they went by, mentally earmarking the ones they wanted to borrow first. Deals were already being whispered among Student Council representatives as the boxes were unpacked.

"I'm starting with *Sponge Bob*, but then I'll trade you for *Dragon Tales*!"



Nelson Librarian **Dickie Land** and Fancher Creek Librarian **Patti Bass** join the Nelson student Council in sorting the 444 books from this year's *Elizabeth O'Neill Book Drive*.

Fancher Creek Librarian Patti Bass and Nelson Librarian Dickie Land will divide and sort the books, which they say will help address a huge need seen in both Title I schools.

San Joaquin College of Law would like to thank everyone who helped make this year's donation a record amount, topping last year's donation by nearly a hundred books!

## FCBA Scholarship



**Mary Raterman-Doidge** (Law '13) receives the Fresno County Bar Association's annual scholarship from FCBA President **Laurie Avedisian**.

## Judicial Interns



Congratulations to **David Benton** (Law '14) and **James Mugridge** (Law '13), who are serving as judicial externs with U.S. District Court Judge Anthony Ishii for the Spring 2013 semester. These externships represent one of many opportunities that are available to SJCL students through clinical placements.

# Mason Center Merriment!

*The SJCL Alumni Association hosted the 19th annual party for the moms and dozens of children in the Marjaree Mason Center.*



FRONT ROW (L-R): **Dede Agrava** (Law '07), **Rick Horowitz** (Law '06) as *Santa*, and **Joyce Morodomi**, *Staff*  
BACK ROW (L-R): **Mary Raterman-Doidge** (Law '13), **Kristina Garabedian** (Law '14), **Roger Wilson** (Law '97), **Carey Hartsock** (Law '10), **Joan Lassley**, *Staff*, and **Brande Gustafson** (Law '09).  
Not Pictured: **Missy Mckai Cartier**, *Staff* and **Teresa Petty** (Law '07)

We can't show you the cookie-smudged face of a two-year-old gazing in wonder at Santa's face. Can't show you the picture of Santa sitting on a teen's lap because he is a "very big boy." Wish we could show you the picture of kids squealing as they open packages personally presented to them by the Jolly Old Elf. Instead, we have to hope you can see the afterglow of their joy in the faces of the members of the SJCL Alumni Association as they presented the 19th annual party for the moms and dozens of children in the Marjaree Mason Center.

Special thanks goes to the Clovis High Choir under the direction of Mark Lanford for leading the kids and moms in holiday songs, brightening the mood as they have for the past several years.

After Santa, Rick Horowitz (Law '06), parked his reindeer on the roof and hohohoed his way up the stairs, the kids exploded on him in a wave of joy and excitement.

More thanks goes to Kristina Garabedian (Law '14), who donated handmade, colorful and warm fleece blankets and scarves for each child. Some held them close like a security blanket while others threw them across their backs, like a superhero preparing for flight. She also donated pencil packs for them.

Thanks also to Georgi Leonardo, the Librarian at Tarpey Elementary School, who helped each child pick a book to keep from Santa's Library. Everything from Dr. Seuss to *The Call of the Wild* was up for grabs.

# Alumni Corner

"Holy Alumni"! Or maybe not... As the new president of the Alumni Association I wanted to know exactly who I might be representing. Did you know there have been over 1,360 graduates from SJCL since 1974?! That's a lot of legal mind power put out there over the years. The endeavors and accomplishments are too many to list here. But, suffice it to say that being a SJCL Alumnus, no matter what your position, is a huge accomplishment. SJCL is a lot like an extended family. We might not see each other for years, but when we do get together it is easy to just kind of pick up where we left off. The bonds of law school graduates are unique and they can be strong bonds, the kind of bonds that are created when you have survived a challenge with someone else and face it head on. Law School is a challenge no matter what your IQ.

We have encouraged each other to persevere in our careers. We have acknowledged each other's struggles and celebrated each other's accomplishments and like most families, there are just some things we can't talk about to just anybody. So if you were one of the 11 graduates in 1983 (our smallest class) or one of the 95 in our largest class in 1995, you have "kin" that want to hear from you. We have an awesome proactive board this year that wants to serve you. So if you need some easy inexpensive education credits mark down 11/09/13 for our "Got MCLE" day. If you want to just play you can join us for the Judy Wiseman Golf Tournament that will be held in March of 2014. Maybe you just need to complete some "community service hours." We have it all. If you have any questions or suggestions to make this year the best year ever, feel free to contact Judy at 709-1007 and don't forget to sign up for the "family tree" at [www.sjcl.edu/alumni](http://www.sjcl.edu/alumni).

**Judy Rogers** (Law '04)  
*President*  
SJCL Alumni Association

# Pancake Breakfast a Success!

*Nearly 600 runners, volunteers, and those just looking for a hot breakfast, passed through the breakfast line at this year's Pancake Breakfast.*



There was no rain in the forecast, but there was a chill in the air. Long tables covered in brightly colored tableclothes lined the back side of the Clovis Memorial Building and spilled out into the park. Dozens of volunteers huddled around waiting for the impending hordes of runners to swarm the lines of food tables overflowing with pancakes, eggs, sausage, fruit cups, raisins, honey, syrup, hot coffee and orange juice. This was the scene for the 2013 Pancake Breakfast on February 16, 2013.

New this year, breakfast was included in the Race Judicata registration, effectively tripling our largest breakfast turnout from years past. They were ready! Dean Janice Pearson stood alongside Roy Verduzco, teacher and mentor of Bullard High School's Young Lawyers Club, dishing out sausage and eggs, while Boy Scouts handed out fruit cups to lines of hungry runners. In all respects, this year's breakfast was a tremendous success. But most importantly, nearly \$2,000 was raised from the breakfast, which will support student scholarships at San Joaquin College of Law.

This event would not have been possible without the hard work and dedication

of third-year law student Kristina Garabedian. She coordinated everything from the purchase of eggs and orange juice, to securing and organizing the cadre of volunteers needed to feed 600 people breakfast in a short span of time. San Joaquin College of Law extends our thanks to the Boy Scouts of America, Troops 130, 301, 95 and 35, led by law alumnus Roger Wilson (Law '97), Bullard High School's Young Lawyers Club led by Roy Verduzco, Clovis North Key Club led by Lauren Mayne, Kristina's vol-

unteers -- friends of the kitchen at Hope Lutheran Church, and SJCL staff.

A special thank you to Sam and Linda Lucido, who underwrote a portion of the food costs through a generous donation to the breakfast, Mimi's Café for providing the pancake batter, Wawona Frozen Foods for donating hundreds of fruit cups, the California Raisin Marketing Board for supplying individual bags of raisins, and Kingsburg Honey for their donation of honey.



Dean **Jan Pearson** serves the **Honorable W. Richard Lee** one of the almost 600 meals served that day.



# Dear Faux Amici

*There are write-in advice and answer columns in hundreds of newspapers, magazines, and blogs, addressing every conceivable topic. But how many of these openly address fabricated e-mails from “audience” members who are admittedly imaginary?*

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

Only one! “Valley Views on the Law,” San Joaquin College of Law’s monthly legal information radio show on FM 88.1. KFCE, in Fresno, does just that. In the “Dear Professors” segment, I answer the pressing and topical legal questions generated by my own perfervid imagination (along with one actual e-mail from an actual listener) every month, for the edification of the audience. Here are some recent ones preceding a discussion of officers in Civil Litigation:

## Dear Professors

*My grandfather worked for the railroads until an accident which resulted in amputation of both of his legs just below the knee. He was later diagnosed with schizophrenia and was placed in a group home for the mentally ill. One day he became angry and disruptive, and the staff called the police. A police officer arrived at the home, saw my grandfather, sitting in his wheelchair, and supposedly believing he had a weapon, the officer shot and killed him. My grandfather had a pen in his hand because he liked to doodle. I can’t believe a police officer would shoot a person in a wheelchair without making sure that person was holding a weapon or was otherwise a serious threat. Nothing can bring my grandfather back, but I’d like to know if my family can do something to make sure this doesn’t happen to others. I know that police officers are rarely convicted of a crime when they shoot someone “in the line of duty,” but can we sue the police officer, the police department, and the city for what happened? And isn’t it a violation of a person’s constitutional rights to be wrongfully killed by the police?*

—Alice Sturgeon  
Pasadena, Calif

Ms. Sturgeon, your e-mail raises many important issues that we will be discussing with our guest, so I will defer a detailed consideration of them to the interview. Situations like your grandfather’s death are tragic, and like so many social problems, the emotions generated often seem to make a reasoned analysis impossible. Confronting violent people requires the police to make split-second decisions about use of deadly force to protect themselves and others present. Yet it should be possible for well-trained officers to recognize that a double-amputee in a wheelchair might be restrained somehow rather than shot and killed. My reading in preparation for today’s show indicated that police shootings of mentally ill persons have been increasing and have been recognized as a serious problem by the government.

I would like to address your constitutional law question—is it a violation of a person’s constitutional rights to be wrongfully shot and killed by a police officer? There is no specific constitutional right not to be injured or harmed by the government. The Due Process Clauses protect against wrongful deprivations of life and liberty, but only with regard to the process by which the government made the deprivation. This means that the remedy for a due process violation is to compel the government to make a new decision using proper procedures. This would have little benefit in a wrongful police shooting.

Most claims of a constitutional nature in this context are that the excessive use of force by police constitutes an unreasonable seizure in violation of the Fourth Amendment. As with many provisions of the Constitution, Fourth Amendment search and seizure law is complex



and often esoteric, but if a violation of the relevant rules can be proven, federal statutory law provides a civil remedy [42 U.S.C. Sec. 1983]. Bringing a lawsuit under Section 1983 has some big advantages; the claim can be heard in federal court, the time within which to file the lawsuit is longer than many state law causes of action, and a prevailing plaintiff can have her attorneys fees paid by the losing defendant. As with any civil litigation, you must prove your case to the jury, and even if you win, you never know what damages the jury will award. I’m sure it would be far better to make sure that police officers receive the proper training and oversight so that wrongful police shootings are held to a minimum.

*I don’t understand why liberals like you, Professor Purvis, are so eager to criticize the police, who risk their lives every day so that we all can be safe from crime. I know that a ninny like you would be the first person to call for police help if faced with a mugger. Yet you ACLU types are also the first to cry “police brutality” every*

Continued Page 18

# What Makes Our Alumni Special

At the time this article heads to press, more than 91-percent of the SJCL Class of 2012 bar passers are already working full-time as attorneys, scoring jobs in places like the Fresno, Madera, and Tulare County District Attorney's Offices, the Public Defender's Office, and more than a dozen private firms.

We are always impressed, but not really surprised, by the success of our alumni. However, we decided to ask a few of the firms who have hired our grads if there are positive characteristics which are common among the alumni of SJCL.

## Parker, Kern, Nard & Wenzel

ALUMNI EMPLOYED:

Brian Binkley (Law '06)  
Robert Cassio (Law '93)  
Kristi Costa (Law '10)  
Brian Duncan (Law '98)  
Alexia Kirkland (Law '10)  
Josh Kruger (Law '12)  
Dennis Nard (Law '95)  
Heather Pietroforte (Law '10)  
Monica Thissen (Law '10)  
Darren Van Doren (Law '04)  
Shon Wilson (Law '09)

Senior Partner Dennis Nard says there are a number of things his law firm looks at when hiring a new associate attorney. "The first thing is, are these people local?"

He laments the loss of time and training he's seen when graduates from other law schools have been hired.

"They come, work well, get trained, and then go back to Sacramento. So, we're looking for people who have roots here. We've been very impressed with the ones we've seen (from SJCL), and it's made the decision easy. They are all different people who interviewed well."

"Many of them didn't just go to law school directly out of college, and it gives them a bit of an edge as far as life experience."

Nard should know all about that. Prior to law school, he worked for seven years in the golf business as an Assistant PGA Professional, then in the Insurance industry for a year before working as a paralegal for five years. He then decided he might as well go to law school, since he "was doing all the work anyway."

## Weakley & Arendt LLP

ALUMNI EMPLOYED:

James Arendt (Law '89)  
Leslie Dillahunty (Law '97)  
Brande Gustafson (Law '09)  
Erick Rhoan (Law '11)  
Michelle Sassano (Law '04)  
James Weakley (Law '78)

Senior Partner James Arendt says there are positive traits common among SJCL graduates.

"I think so. Over the years we've had relatively few people from other law schools – and they do a fine job too – but I think the people that come from San Joaquin kind of hit the ground running because they have an understanding of practical aspects of litigation and the legal world as opposed to something more theoretical. And they know the local people so they can call attorneys that they already know and deal with. They're comfortable with going into courts here, so from a practical aspect, there are a lot of advantages of having people from San Joaquin here."

## Dowling Aaron Inc.

Alumni employed:

Jeffrey Davis (Law '93)  
Ronald Henderson (Law '80)  
Greg Miskulin (Law '05)  
Gregory Norys (Law '02)  
David Schneider (Law '00)  
David Weiland (Law '92)

Shareholder and Director David Weiland feels there are common positive traits among the graduates of SJCL. He and Firm Administrator Greg Miskulin consulted with several of the Dowling Aaron Senior Shareholders before coming to a consensus as to why.

"Most alumni have had prior careers in other areas other than law. This prior experience allows them to be flexible and adaptable in what is now a dynamically changing legal industry."

## Wanger Jones Helsley PC

ALUMNI EMPLOYED:

Daren Stemwedel (Law '12)

Senior partner, retired Federal Judge Oliver Wanger, is, of course, one of the three founders of San Joaquin College of Law. We asked him about any positive traits he sees in SJCL alumni not only in his practice, but also as they appeared before him during his 20 years on the bench.

"Every one of my classes had a significant portion of it dedicated to ethics, to professional responsibility, to congeniality, and how, in what is a hard profession, you don't need to make things harder, and you don't have to lose your humanity to do the job as a lawyer."

"I do think that our emphasis on doing the right thing is something that San Joaquin grads exhibit, they exemplify in their practices. It's to their credit."

"I didn't see in discovery disputes in over 20 years -- where lawyers can be sharp in their practices and lawyers can be difficult and lawyers can just be plain obstructionists -- I didn't have San Joaquin graduates in those positions doing those kinds of things and I think that says a tremendous amount about the school."

"The school has developed a really excellent reputation, and anywhere in this community that I go -- the car rental counter, at the grocery store, talking to a farmer, talking to a witness -- everybody has a good thing to say about San Joaquin College of Law. They recognize what a resource it is, what a benefit it is to the community and that it's a good law school."

# Lifetime Giving Societies Donor Wall



**Dede (Law '07) & Tom Agrava**

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**Steve Forrest and Sharon Markland**

---



**Honorable Dale & Deborah Ikeda**

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**Sam & Linda Lucido and Sharon & Dr. Robert L. Garabedian (Law '81)**

---



**Judith (Law '74) & John Ward speaking with SJCL Founder John Loomis**

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**Professor Jessica Bobadilla, Honorable W. Richard Lee (Law '85), Dean Janice Pearson and Professor Justin Atkinson**

---



**Deborah Boyett (Law'01) and Beth Waldow (Law '09)**

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# U Visa

## Immigration Relief for Immigrant Crime Victims

2.75 MCLE HOURS, FRIDAY, APRIL 12<sup>TH</sup>, 1-4PM

### Interested in learning more about U Visa's and how you can help our immigrant community?

This one day event has experts in immigration law  
that will give presentations on:

#### **U Visa Non-immigrant Status**

Overview of eligibility requirements for U Visa non-immigrant status,  
who can qualify as a derivative, and inadmissibility waivers.

#### **Applying for the U Visa**

Covering certification issues, brief overview of the U Visa form, where to  
file, best practices for documentation, and submitting the petition.

#### **U Visa Adjustment of Status**

Overview of eligibility requirements for U Visa adjustment of status,  
petitioning qualifying family members, and age out issues.

#### PRESENTERS

##### **Justin Atkinson**

*Director of the New American  
Legal Clinic & Professor of Law*  
SAN JOAQUIN COLLEGE OF LAW

##### **Jessica Smith-Bobadilla**

*Legal Director of the New American  
Legal Clinic & Professor of Law*  
SAN JOAQUIN COLLEGE OF LAW

##### **Sarah Kate Heilbrun**

*Attorney at Law*  
LAW OFFICE OF  
SARAH KATE HEILBRUN

##### **Sally Kinoshita**

*Deputy Director*  
IMMIGRANT LEGAL  
RESOURCE CENTER

##### **Scott Mossman**

*Attorney at Law*  
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education activities prescribed by the rules and regulations of the State Bar of California  
governing minimum continued legal education.*

**\$25** TO ATTEND OR **\$50** FOR **2.75 Hours** OF **MCLE** CREDIT  
FOR REGISTRATION INFORMATION VISIT: [www.sjcl.edu/uvisa](http://www.sjcl.edu/uvisa)  
OR **Kasi Welte** AT [kwelte@sjcl.edu](mailto:kwelte@sjcl.edu) OR **559/323-2100**



## Fundamentals of Bankruptcy

Thursday, May 16, 2013

**6.50 MCLE Hours**

This one day course provides practical knowledge about basic bankruptcy  
concepts and procedures. It gives the non-bankruptcy practitioner, or  
someone new to the field, a solid overview of what bankruptcy is all about.  
It is also a good primer for accountants, bankers and paralegals.

#### SPEAKERS

Thomas H. Armstrong, Esq.	René Lastreto, II, Esq.
Dennis Bean, CPA, CIRA.	Hon. W. Richard Lee
Hagop Bedoyan, Esq.	Trudi Manfredo, Esq.
T. Scott Belden, Esq.	Mark L. Pope, Esq.
Hon. Fredrick E. Clement	Gregory S. Powell, Esq.
Janine Esquivel, Esq	Hilton Ryder, Esq.
Kristen Gates, Esq.	Riley C. Walter, Esq.
Deanna K. Hazelton, Esq.	Michael L. Wilhelm, Esq.
David R. Jenkins, Esq.	

REGISTRATION FEE: \$260

FOR MORE INFORMATION CONTACT:

**Kasi Welte** AT [kwelte@sjcl.edu](mailto:kwelte@sjcl.edu)  
OR **559/323-2100**

Central California Bankruptcy Association  
and San Joaquin College of Law  
Reserve the right to substitute speakers.

*San Joaquin College of Law certifies this activity conforms to the standards for approved  
education activities prescribed by the rules and regulations of the State Bar of California  
governing minimum continued legal education.*

# A Race Judicata Record

*The highest turnout ever. The best weather in years. The most runners ever. This year's Race Judicata was full of record toppers, show stoppers, and few new features.*

For the third time in as many years, a new Race Coordinator stepped up to take on the challenge. Jamin Brazil not only kept pace with the 12 year tradition of Race Judicata, but added some new focus and features, partnering the Race and a portion of its proceeds with the Clovis Police Foundation to add the theme "Run for the Law." And while the Kid's Run has always been a favorite of families and photographers, a new Kids' Area was established to keep little legs busy with more than a race; there was also a tug of war, parachute games, and a repeat appearance from Ken Berryhill, who mesmerized kids with his balloon creations and bunny rabbits.

Last year, SJCL celebrated Josh Kruger's graduation, passing the bar, and landing a job three days later. This year, third-year law student Keith Teague celebrated the fact that he would not be competing with Kruger for the top SJCL runner in the men's 25-29 age bracket of the 5K run. He says Kruger has the trophies lined up from pretty much every year he spent in law school. This year, Teague's finish time of 21:20 meant he takes the Law School Trophy and an overall 5th place finish in that division. First year law student Lorna Lynott took the trophy on the women's side with a finish time of 25:38 and an overall 5th place finish in that division.

The overall winner of the 5K was Sean McManus with a time of 15:35, while Erica Rackley carried off the women's trophy with a time of 19:10.

In the 2 Mile Run, Josh Guzman was the winner, with Mig Jauregui topping the women's division; James McCall took



top place in the 2 Mile Walk while Myca Mitchell led the women; and eight-year-old Christian Zavala topped the Kids Run, with seven-year-old Haile Tullis leading the girls.

Christian Zavala was one of 26 kids from Wakefield Elementary in Turlock, ages five to 12, who were on a bus at 5 a.m. Saturday morning, headed to Race Judicata. Their coach, Kindergarten Teacher Maria Montejano, says it's a low-income area and she formed the running team because the kids would otherwise have no exposure to sports before middle or high school. The kids ran their hearts out, taking home at least ten trophies and medals.

The proceeds from Race Judicata go to the SJCL Student Bar Association, Sierra Challenge Express, Inc., and the Clovis Police Foundation, all non-profit charitable organizations. The Student Bar Association uses the proceeds to help fund three scholarships, along with

student services and events. Sierra Challenge Express largely uses the proceeds for its scholarship fund, benefiting local college runners with financial needs.

Race Judicata wishes to thank its sponsors, particularly Sierra Running Company, which donated everything from the racing bibs to the cash which made the banner across Clovis Avenue possible. Special thanks is also due The Bridge Church, which provided the enhanced Kids' Area. We also wish to thank the Clovis Reserve Officers, the members of Sierra Challenge Express, and the students of San Joaquin College of Law, who provided the many volunteers necessary to put on this great race. More special thanks goes to SJCL student Kristina Garabedian, who did everything from coordinating volunteers to passing out fliers!

The date has already been set for the 13th running of Race Judicata; we'll see you February 15, 2014.

# Alumni Profiles

*SJCL congratulates our alumni celebrating 10, 20 and 30-year anniversaries in 2013. It has been a wonderful opportunity to contact all of our alumni to write their amazing stories. Thanks to all for reading and participating.*

## 1983

### Eric Christensen

Eric wanted to share his recollections from law school:

**Criminal Law:** Getting into very loud arguments with Judge Caeton, which probably prepared me for standing up to him and other judges once I began my career as a Public Defender.

**Civil Procedure:** First class of the first year and I am the first person called by Ollie Wanger to discuss a case. I was too dumb to be nervous and he then went to another first year. She froze and couldn't get a word out. We didn't see her again.

**Community Property:** Judge Fitch started off the first session by reciting "jabberwocky" by Lewis Carroll and informing us that he had to do it as a fraternity initiation in college or his frat brothers "would have beaten my ass."

**Torts:** Professor Mario Beltramo tells us "you think you are working hard now? Wait until you become lawyers." We didn't believe him. We do now.

**Conflict of Laws:** Professor J.V. Henry doesn't show up to a mid-semester class and is never seen again.

One memory that stands out is looking over at classmate, and eventual Valedictorian, Linda Rousse's test papers. She wrote with green and red pens in the prettiest script I've ever seen. It had to be worth 10 extra points on any test she ever took.

I also recall occasionally studying with Tom Sharpe, Mitch Taylor, Chuck Weiland, and Alan Simpson – all of whom have gone on to do great things in the law. I'll take partial credit. There are many other recollections but I need to leave some space for the others.

### Tim Hart

Even though Tim has enjoyed his experiences and education through the years, he has always enjoyed his years at SJCL and the direction of his life since.

Tim's tenure at the College of the Sequoias began as a faculty member in the Administration of Justice Department. Through the years he progressed as Chair of the Department, then Director of the Police Academy for several years and then as Dean. With the encouragement of a Federal Judge who worked at Yosemite National Park, he started the Paralegal Department.

After graduation from SJCL Tim went into practice with Loretta Wichowski, but continued to work at COS. Tim just could not stay away from the classroom. When the Clovis ITT started, Tim was hired as the first chair of the Administration of Justice Department and then assisted in their new Paralegal program.

During his time at SJCL, Tim has a fond memory of moving from one location to another until finally settling in. Tim remembers the "moot court" exercise and working with his partner, Fred Marrs. They presented their case, but were soundly "trounced on" by Denise Kerner and her partner.

Tim also remembers the many professors they had, all of which had extensive experience, but he especially remembers Prof. Oliver Wanger, who taught Civil Procedure. Tim marveled at Wanger's grasp of the subject; rarely did he look at his notes. Wanger also kept them all on their toes by asking direct (and difficult) questions. Tim recalls Ron Sawl, who graduated in 1984. Ron would sit at the back of the classroom. Prof. Wanger asked Ron if he understood the material, and Ron said he did. Prof. Wanger then asked Ron a question and

Ron said he didn't know the answer. Prof. Wanger then told him, "Maybe you should check the footnotes."

Tim's class was small (11 graduated) but they kept together, meeting in groups to prepare for exams and other activities. Two of his classmates later became judges and others made a name for themselves in different areas of the law. After Tim's graduation, while still at COS, Tim hired Karen Duncan who became the first Chief of Police at COS. She eventually went to SJCL and later worked on the *San Joaquin Agricultural Law Review*. Tim is very proud of her accomplishments..

Tim has followed the exploits, deeds and adventures of the graduating classes for many years and wants to thank those who continue to publish the *Inter Alia*, the quarterly newsletter of SJCL, which has maintained a journal that continues to point out the many successes and activities of the College and the students, bringing the College to life.

Overall, Tim has led a great life, by being involved with education, law and other endeavors that may not have happened without his experiences and education at SJCL. Thank you students, faculty, staff and everyone that has been a part of a great Law School, San Joaquin College of Law.

### Denise Kerner

Denise began work for the late Justice Donald Franson of the 5th District Court of Appeal after taking the bar exam in the summer of 1983. Two years later, she accepted a job at the Fresno City Attorney's Office and worked there for the next four years. In the fall of 1989 Denise began teaching Legal Analysis/ Research & Writing part-time at SJCL and became a full-time faculty member in March of 1990. In addition to directing the first-year writing program

# Students Tour Federal Courthouse



By **Kristina Garabedian** (Law '14)

On Friday, February 22 twenty SJCL students toured the Federal Courthouse in Fresno. For many of these students, this was their first experience in a courtroom and jury assembly room. The tour guides were excellent at explaining not only the functions of the Federal Courthouse but also all of the art work and planning that went into the design of the building. We learned that the Federal Library, while not open to the public, is open to us to use as law students. Since the Federal Courthouse requires all attorneys to submit their filings electronically, there was no one waiting to speak with the clerk. This is a stark contrast from the Fresno Superior

Court. On the tour we were able to go up to the 9th floor outside balcony which offers a beautiful picture of downtown Fresno! The ceremonial courtroom, formerly used by Judge Wanger, was not in use so all of us got to take pictures in the Judge's chair and see where the prisoners are kept. After the tour portion was finished, we went to Judge Gary Austin's courtroom, where he spent 45 minutes talking to us about his life and what it is like to be a Judge. He encouraged us all to work hard and get externships with the court. While waiting in the lobby for the tour to begin, Professor Mark Cullers spotted us and invited us for a tour of the

US Attorney's office as well. He explained what the US Attorney's office does and showed us around including the Grand Jury Room. All of the students, remarked what a great experience the tour was.

As students, it is important to be exposed to the different courts and to be able to speak with professors and alumni about their careers and the law. Thank you again to the Federal Courthouse, Judge Austin and Professor Cullers for making this a memorable experience and to Jonas Parr for being our photographer.

at SJCL, she also teaches Professional Responsibility. From 1989 to 2007, she was the supervisor of the Fresno County Small Claims Advisor's Office staffed by SJCL students, and she has also supervised the school's Family Law Mediation Clinic. From 1987 to the present, Denise has worked part-time as a fitness instructor at Centerpoint Athletic Club.

In her spare time, Denise takes classes in clothing design and she makes her own clothes and jewelry as time permits. Denise loves to read and travel to distant places. She lifts weights regularly and is active in her church.

The class of 1983 was the smallest class in the school's history with only 11 students, so they got to know each other pretty well. Denise remembers sitting in class writing notes back and forth with her buddy, Linda Rouse, critiquing what was going on in class that night. They had the most fun with Professor Don Horvath who had a way of illustrating his points with creative phrases like, "This puppy won't deal with that cookie buyer!" (It had something to do with contracts...) They kept their ears tuned for those phrases and wrote them in their class notes. There was also a summer when one of their professors didn't show up to teach the class. No one

knew where he was—not even his own law office! They found out later he was up in the mountains living in a cave.

## 1993 Donn Furman

For the first three years after law school, Donn had a fledgling sole practice in Fresno. Since 1996 he has worked in the San Francisco City Attorney's office representing the San Francisco Public Utilities Commission in matters related to water rights, environmental compliance and permitting, natural resource law, and energy. The San Francisco

Continued on Page 16

Public Utilities Commission provides water to 2.6 million Bay Area water users, sewer services for San Francisco, and power and energy services to public entities throughout California. The San Francisco City Attorney represents the 94 boards and commissions of the City and County of San Francisco. The work has occasionally involved a fair amount of cognitive dissonance; Donn went from fighting dam projects and preserving rivers to defending the Hetch Hetchy Project, one of the most controversial dam projects in America. Nevertheless, it's been all anyone could ask for: interesting and complex work with smart and dedicated people in one of the finest law departments in the nation.

Cindy and Donn live in San Rafael and have been married for 27 years. Cindy works as a registered nurse in the Pediatrics Intensive Care Unit at UCSF Medical Center. Their son, Nick, lives in Bend, Oregon. Donn still loves to fly fish, backpack and canoe in the Sierra as much as possible - which is never enough. Marin County is hiking heaven, so you'll find them on some trail or other almost every weekend. He is avid reader, fair cook, and practices yoga to retain some semblance of flexibility.

Donn is an honorary Chair for the San Joaquin River Parkway and Conservation Trust, and serves on the legal affairs committee for the Association of California Water Agencies.

Since law school Donn has helped incorporate and organize two non-profit organizations: the Sierra Foothill Conservancy in Fresno County and the Fall River Conservancy in Northern California. He also served on the board of directors for the Sequoia Parks Foundation, which raises funds for restoration and education projects in Sequoia and Kings Canyon National Parks.

Donn recalls Jan and Sally as fine teachers, and he really enjoyed the practitioners/teachers SJCL offered its students. It was a wide range from Judge Caeton, who used Woody Allen clips in his class, and David Camenson, who handed out

"basic bucks" with his picture inserted in them, to the probing questions of Judges Ardaiz and Wanger. At the time, their class was the largest class ever to start at SJCL. There were three of the older students who had experience in water issues and were interested in water law: Art Baggett, Lloyd Carter, and Donn. Jan arranged to offer a water law class while they were at the school. Donn also wanted to mention that he would not have finished the program without the support of Cindy, who managed to find activities for her and Nick outside the house on weekends so Donn could study.

### Geoffrey Sims

Since graduating in May 1993 and passing the Bar, Geoff's legal career followed a very interesting and circuitous path. When he was sworn in, the job market in the Fresno area was tight and attorney positions were difficult to come by. Since he had a family and home here, he had to "put out his own shingle" and open a generalist practice. From November 1994 through the end of January 1998, he handled cases in a variety of disciplines including civil litigation, criminal law, family and custody law and bankruptcy. While he never conducted a jury trial, he did conduct more than fifty bench trials during this time. Geoff also had the good fortune and opportunity to argue a bankruptcy case before the Bankruptcy Appellate Panel in Sacramento (*First Card v. Carolan* (1996) 204 B.R. 980). While it went well and he won the case for his client, the Panel's decision cost him his fees!

Solo practice just did not seem to fit Geoff. He found a great job doing something he had no idea would lead him to where he is today. Geoff took a job as a civil litigator for Laughlin, Falbo, Levy & Moresi, in their newly-opened Fresno office, handling subrogation cases. While he had no idea what subrogation was all about, he studied, listened and learned about how to file Complaints-in-Intervention and liens, and secure subrogation recoveries for his Workers' Compensation Insurance carrier clients. While working for LFLM for more than three years, Geoff learned much about civil litiga-

tion while handling cases up and down the San Joaquin Valley, from Modesto to Bakersfield and out to the Coast.

In 2001 Geoff was hired by State Compensation Insurance Fund as a member of its in-house counsel team. Working with fellow SJCL alumni like Clint Cummins ('90), Nancy Aten ('90), Bill Gunn ('91), Karen Kern ('80), Ann Roberts ('00) and a host of great attorneys from other law schools, the SCIF Fresno office was a well-oiled machine. Later SJCL alumni additions included Tamara Smith ('02), Robirda Lyon ('02), Bryan Doss ('07), Ben McGriff ('07) and Carey Hartsock ('10).

In early 2012, Geoff left State Fund and was sworn in as an Administrative Law Judge for the Workers' Compensation Appeals Board, Fresno District Office. He now gets the chance to preside over matters brought to him by attorneys that include a wide range of SJCL alumni as well.

Geoff has been married to his wife, Karen, for over 24 years, and she still works for State Fund as a manager in their Claims Processing Center. They have two beautiful daughters. Kaitlyn is a freshman at Fresno State in the Smittcamp Honors College, majoring in Political Science and Economics, with a minor in Mathematics. Kaitlyn tells Geoff she is interested in law school now! Their youngest, Kristen, is a sophomore at Buchanan High School in Clovis. Both girls have excelled in their schooling and have participated in academic activities such as Mock Trial, History Day and State Science Fair.

Since graduating, Geoff served on the SJCL Alumni Association, including one year as President. He has also proudly served the Fresno legal community, sitting pro tempore for the Fresno County Superior Court, hearing and deciding Small Claims matters.

Beginning in 2008, Geoff co-coached the Buchanan High School Mock Trial team, taking the team to the State Championships in 2009. Beginning this year, he helped with the Fresno State Bulldog Mock Trial team, traveling with



the team recently to the Regional Qualifying Tournament in Sacramento, and the Opening Round for the National Competition in Newport Beach.

Geoff's fondest memory of his four years at SJCL is best summed up in camaraderie. The Class of '93 was the largest incoming class at that time. But by the time the Class was whittled down to those who graduated in 1992 and 1993, Geoff believes that theirs was one of the most cohesive and unified classes in school history. That shows in the success that his fellow alumni have experienced in the past twenty years. Congratulations Class of '93!

## Rissa Stuart

Rissa has been an attorney with Kahn, Soares & Conway, LLP (KSC), since shortly after being admitted to practice law. She hit the ground running in the civil litigation arena and has not looked back. Her primary practice areas include business litigation, employment law, personal injury, and a smattering of family law, just to keep it interesting. Rissa thoroughly enjoys what she is doing and must say there is never a dull moment. One day she argued a case before the Ninth Circuit Court of Appeal and the next day she was in family court in Lemoore. Not many attorneys in a firm setting get the breadth of opportunity that Rissa has at KSC. Rissa has been a partner of the firm since 2001 and was the first female partner in a traditional law firm in Kings County. They have a great team at KSC.

Rissa is married to Don Capshew and they live in Hanford. They share their home with one cat, Gabby, and Jackson, the dog. Both are rescues. Gabby hitchhiked home in the undercarriage of Rissa's Escalade when she was 10 weeks old. Yes, she survived. They had not owned a cat before, but Gabby became part of the family. Jackson is a Jack Russell Terrier mix which Rissa couldn't resist when the SPCA had its animals for adoption at Petsmart.

Rissa and Don have the occasional drop-in by Don's 25 year old daughter. When they aren't working, they like to

spend weekends at the coast, travel to San Francisco, Cabo San Lucas, Hawaii, and New York. They are planning a trip to Italy soon, whenever she can take enough time off work.

Rissa still sees her law school study group, including Carla Khal and Mary Jarvis, on regular a basis. They camp every summer in Pismo with Carla and her family. San Joaquin College of Law helped create these lifetime friendships.

Rissa is involved in the Hanford Sunset Rotary. She has served as past president, community chair and club fellowship chair. The club devotes lots of time and money to youth and literacy in their community. Rissa reads with third graders at Roosevelt Elementary School twice a month. To see their progress and give them their first dictionary makes for a great day. It is a great club and they change lives. Rissa is a member and the Secretary of the San Joaquin Chapter of the Association of Business Trial Lawyers. The members are a fountain of knowledge and she enjoys the group and learning experiences. They travel to Hawaii for conferences which doesn't hurt.

## 2003 Marjorie Bookout

Marjie has been working for the Law Office of Myron F. Smith for the past 12 years doing business litigation and transactional work. She enjoys the work very much.

In her spare time she still has the vineyard and likes to do home improvement projects. Marjie loves to travel with friends and family and enjoys kayaking, hiking, skiing, and helping a group of hang-gliders (they need drivers) during a fly-in in Bridgeport, CA.

Marjie stays in touch with her former study partners, Nitza, Julie and Tara, for regular dinners. She also regularly frequents the law school library to do research.

## Spencer Gong

After graduation, Spencer worked briefly for his cousin at the Law Office of

Michael C. Gong doing mostly personal injury and general civil matters. Later he worked at the Goldberg Law Firm for five years representing injured workers, and handling social security, and personal injury cases. Spencer changed gears and worked briefly at a workers' compensation defense firm before starting employment with his current firm, the Law Offices of Lusk and Rodriguez Inc.

Spencer's nieces, Mia and Nikki, along with his nephew, Tommy, are his de facto kids anytime he gets to hang out with them. Spencer is still into John Cho's Kung Fu school.

In his spare time Spencer works with the Central California Chinese Cultural Center.

Spencer has fond memories of hanging out with study group members Craig Collins, Joaquin Borunda, and Ramesh Deswal and the bantering in their group. He also really enjoyed working as a library proctor with Tara.

## Julie A. Hicks

Since graduation, Julie has been working in her own law practice. Julie worked for the Fresno Superior Court in the Family Law department during law school. After she passed the bar in November, she received a call from Diane Codde, a lawyer she had known for quite some time. Diane told her she was planning to retire and asked if Julie would like to take over her practice. Julie agreed, and worked with Diane for the next year. It was a valuable learning experience as practicing is quite different than working for the court. Julie shared office space with Charles Soley and Kathleen Bakergumprecht until 2011.

Julie started law school at the same time her oldest daughter, Natalie, started high school. She did a five-year program as she was also working full time and Natalie was playing travel softball. Julie was able to attend at least some of her tournaments that way. Julie was the one dragging a briefcase full of law

Continued on Page 18

## Profiles (From Page 17)

books around the ball parks. Natalie is now 28 and works at Yardhouse. Julie's younger daughter, Katie, attends Fresno City College studying art.

Julie and her husband, Scott, like the coast and go there as often as possible. They have four dogs of various breeds and enjoy them a lot. She also enjoys live music.

Julie belongs to the Central Valley Collaborative Law Affiliates (CVCLA) a group promoting and practicing collaborative law, which is a form of alternative dispute resolution developed for family law and also used in probate cases. Currently Julie is the secretary of the group, on the board and several committees. She is also a delegate to the statewide organization. CVCLA sponsors a monthly program called Divorce Options, which provides information to the public about procedures and processes in getting a divorce.

Julie recalls Remedies with Professor Artenian and the many references to spam that year. She remembers endless discussions and arguments with her study partners, Tara Brady, Nitza Coleman and Marjie Bookout. After graduation the study group spent Sunday afternoons in Raisin City on Marjie's patio studying for the bar. They still get together once a month for dinner.

## Dear Faux Amici (From Page 9)

*time a police officer has to use force against a suspect. Don't you realize that without the police, we would all be at the mercy of every crack-head with a knife or a gun? Police work is hard enough without having your hands tied by a bunch of civil liberties wackos. If you don't like the way the police do their vitally important job, then you should move someplace where there aren't any police and see how you like that!*

—Spiros Agnopolos  
Baltimore, Maryland

Mr. Agnopolos, I was going to say that your comments are the stupidest thing I've ever read, but because I read a lot of US Supreme Court opinions, that wouldn't be accurate. But I think you are taking a very one-sided view that reflects an ignorance of history and a complete lack of understanding of the constitutional protections that we refer to when we talk about civil liberties. The police are one means by which the government exercises its power, and are a very physical manifestation of that power. Like members of the military, police officers are armed and have the legal authority to use deadly force. There have been police-like groups and offices throughout history, though not exactly like the modern police organization, and they largely served the established regime, whether it was a just one or not and whether it served the people or dominated them.

The Framers of the Constitution sought to create a system that has been called "ordered liberty." We must have order, as you suggested, so that people are safe from crime and so that the laws will be generally obeyed. But the Framers recognized that if government became oppressive or corrupt, the power granted to it to preserve order could become a weapon to deprive us of our liberty. Ordered liberty means that we must strive to find a middle ground where police have enough resources and authority to deal with crime and protect the people, but where they are also restrained by law in their use of power so that abuse

is minimized. With regard to the operation of the criminal justice system itself, it has repeatedly been demonstrated that coercive police tactics can lead to conviction of innocent persons, including convictions bearing the death penalty. And police corruption, that is, police involvement with criminal activity, is an ongoing problem, particularly in connection with the "war on drugs." The only way to insure that the police are themselves obeying the law is to have outside, objective, effective review of police activities, which includes civil suits against police officers and police departments when they wrongfully injure or kill citizens.

I note in this regard that the CA Supreme Court held in the 2006 case of *Copley Press v. Superior Court*, that that records of an administrative appeal of police misconduct charges are confidential and may not be disclosed to the public. The decision prevents the public from learning the extent to which police officers have been disciplined as a result of misconduct. Here is how the ACLU described the impact of the Copley Press decision: "Copley Press has effectively shut off all avenues for the public to learn about misconduct involving individual police officers, such as excessive force and dishonesty; officer-involved shootings; patterns of misconduct and leniency; previous discipline for misconduct by another agency; and even the identity of officers in misconduct cases." So even though Fresno, for example, now has an Office of Independent Review, whose website states "The primary role of the Office of Independent Review (OIR) is to analyze complaints filed by citizens with the Police Department Internal Affairs Division to ensure they have been investigated fairly and thoroughly," the OIR cannot provide the public with any meaningful details of those investigations. The phrase attributed to the Roman poet Juvenal in this regard seems as cogent today as in the First Century CE: "Who watches the watchmen?"

# Thank you for your support!

December 10, 2012-March 1, 2013

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Central California Bankruptcy  
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SJCL Student Bar Association

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