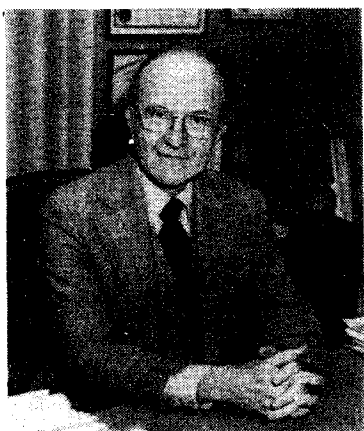




DICTA

Former Dean Reflects



by Douglas E. Haas

Former Dean John Loomis looks back at his tenure as the Dean of San Joaquin College of Law with, both, satisfaction and sentiment. Mr. Loomis became Dean of the college in March of 1977 following the death of Dean, Judge Daniel Eymann. Prior to this event Mr. Loomis had served as Assistant dean since the origination of the college in 1969. During this period he also taught Contracts and, for a couple of years, Professional Responsibility.

Several accomplishments of note were initiated under the leadership of Dean Loomis. The curriculum was revised in order to provide a better quality legal education. In order to facilitate it, the law library was improved by the addition of a part-time, on-site librarian, the receiving of a \$5000.00 grant from the Fresno Foundation and the acceptance of over \$100,000.00 in contributions, in the form of library books, from several local judges and attorneys. The application for accreditation by the Western Association of Schools and Colleges was commenced under Dean Loomis's leadership. Mr. Loomis related that, during his tenure as Dean, between 12 and 20 facilities were researched and examined as prospective sites for San Joaquin College of Law.

Mr. Loomis sees a positive

and hopeful future for San Joaquin College of Law. He believes that with the infusion of financial assistance in the form of contributions, increased enrollment, the acquisition of a free-standing structure which will facilitate increased enrollment, and one addition of outside programs such as a para-legal and a continuing bar education program, the law school will acquire greater visibility in the legal community.

Mr. Loomis views San Joaquin College of Law as gaining more prestige in and respect by the legal community as each year passes. He believes that the college is accepted by the Fresno Bar and is constantly gaining more acceptance from bars throughout the San Joaquin Valley. He predicts that it will have state-wide acceptance in the future. He noted that there are now over 150 graduates of San Joaquin College of Law and that over 130 are members of the Fresno bar. He stated that several graduates have already experienced substantial financial and professional successes.

Former Dean Loomis plans to continue as an active member of the San Joaquin College of Law Board of Trustees and to continue to be a part of the success of the school. He will carry on a full time legal practice. He stated that it was with great regret that he made the decision to step down. The school is, and always will be, a matter of great importance to him. His decision resulted from the reality that his law practice had increased to a point that required a majority of his energies.

I believe that Former Dean Loomis should be saluted and thanked for his extensive efforts and devotion to the cause and the growth of San Joaquin College of Law.

Burkett on Responsibility

by Philip Tavlian

An official of the State Bar of California spoke to San Joaquin College of Law Professional Responsibility students on January 31.

Robert L. Burkett, director of the Department of Unauthorized Practice of Law, appeared at Pacific College's Pilgram Marpeck Center.

Burkett acquainted the assembled students with the operations and purposes of his Department.

"The Department consists of myself, a secretary, and two investigators," he said. "We are charged with investigating — and hopefully controlling — the unauthorized practice of law in the State of California."

The Department has a difficult task to perform, according to Burkett.

"When I took the job I realized that the task would be an impossible task for one person, because we have between 500 and 600 complaints a year, he said. "Many of the complaints have substance. The burden of proof, in most of them, is very difficult to meet."

Burkett described the wide range of cases dealt with by his Department.

"We go from the most blatant possible situations," he said, "where somebody assumes the identity of an attorney, goes into court, picks up clients, and has a caseload."

Such a situation occurred recently, said the Unauthorized Practice of Law director.

A non-attorney named Ellis "had been practicing law in San Francisco for a year and a half, had hundreds of clients, had a good reputation . . . and he had gotten away with it," said Burkett. "That's about the fourth time that something like that has happened."

Tenth Anniversary Banquet

by Philip Tavlian

The San Joaquin College of Law Tenth Anniversary Banquet will be held Friday, April 11, at the Warnor Star Palace.

The function will begin at 6:30 pm. Banquet activities include a cocktail hour, dinner, dancing, and presentation of academic awards.

Fresno Mayor Daniel K. Whitehurst will be present to honor the Valley's only accredited law school.

Superior Court Judge Hollis G. Best, an adjunct professor of law, will be recognized as the College's Outstanding Teacher of the Year.

Nationally-known journalist Ben H. Bagdikian will be the featured speaker at the banquet. Mr. Bagdikian has served as reporter and editor for a variety of publications, including the *Washington Post*. His analysis of media coverage of the Iran crisis recently appeared in *The Quill*. *The Quill* is the magazine of the Society of Professional Journalists.

Banquet tickets are \$25 per person or \$45 per couple. Friends of the College and interested members of the community are invited to attend.

The Warnor Star Palace is located at 1420 Fulton Street, between Tuolumne and Stanislaus Streets. Valet parking will be provided on the evening of the banquet.

Further banquet information may be obtained by calling the College of Law Library, 251-6699.

"Do-it-yourself" legal services also present problems, he said.

"They'll help you do your own divorce, they'll help you do your own eviction, they'll help you do your own corporation, they'll help you do bankruptcy," he said. "I'm not opposed to these services when they don't practice law. When they get into telling somebody what their rights and liabilities are, then they're entering into a very dangerous area."

Burkett reviewed recent changes to the California Rules of Professional Conduct.

"The group legal service program rule was amended in the last year," he said. "The amendment is significant . . . because it allows profit-making organizations and individuals to engage in group legal service programs."

The State Bar Board of Governors is currently considering rule changes which will affect young lawyers.

"One of the things that is being considered is the possibility of lawyers having leases based on a percentage of gross receipts," said Burkett. This would be a traditional fee-splitting situation, he added.

Such a rule change would benefit the new practitioner with a long-term earning capacity.

"If you could convince your landlord that you have a long-term earning capacity, then it might be worth it for your landlord to 'invest' in you (by basing your) lease on a percentage of gross receipts," he said. This would alleviate the new practitioner's rent worries, he added.

Investment of lay capital in legal practices is a continuing problem for unauthorized practice officials, said Burkett.

"That old issue — whether private capital may be invested in a law firm — is before the Florida Supreme Court right

See "BURKETT" page 2

Christian Lawyers

by Lynn Knutson

By way of introduction, I would like to say that, inasmuch as I'm a member of the Christian Legal Society, this article is decidedly partisan. For this fact, I make no apology. However, maybe this approach will add "flesh, blood and life" to what may be, for some, an otherwise dull article.

The Christian Legal Society is an association of evangelical Christian lawyers, judges and students in school of law within the United States and Canada. The avowed purpose of the Society is to help its members integrate their Christian faith with the practice of law. Okay. So what?

The integration of one's Christian faith and the practice of law may be a bigger problem than it would appear at first glance. For many sincere evangelical Christians, the term "Christian Lawyer" is a contradiction of terms. For them, that term belongs in the same category with the "Christian Pimp" or the "Christian Atheist" (A. J. Altizer excepted; that's for those readers with a theological bent).

To appreciate the dilemma, it is well to remember that evangelicals believe, among other things, that the Bible is the inspired Word of God, hence the primary authority for the practice of faith. Therefore, we have Jesus, in the "sermon on the mount", telling his followers not to settle their grievances in court (Matthew 5:25 & 40). Also, the Apostle Paul, in one of his letters, reprimands church members for dragging one another into court (I Corinthians 6:1-6). And yet, Paul, this selfsame Apostle, asserted his legal rights when he was arrested at Philippi (Acts 17:37) and arrested at Jerusalem (Acts 22:25-29) plus taking advantage of the appellate process of the first century Roman legal system (Acts 25:11 & 12). To top it off, the gospel written by the Apostle John, records Jesus defending a woman actually apprehended during the commission of a crime. This was a capital crime, however, He got her off (John 8:1-11). (I wonder if the defense had anything to do with the equitable doctrine of "unclean hands".)

Given the apparent contradictions in the primary source documents of the Christian Faith, how does the sincere Christian lawyer deal with these problems. It is to these issues, plus many others, that the Christian Legal Society addresses itself.

The Society has many "ministries", programs and publications, but space does not allow me to enumerate them all. However, highlighting a couple of programs may be worthwhile.

One of the divisions of the Christian Legal Society is the Center of Law and Religious Freedom. The Society founded the Center in an aggressive attempt to marshal the necessary legal skills and resources thereby enabling the Society to act where the rights of Christians, to exercise and express their faith, are being improperly infringed. The Center maintains a data bank of federal and state decisions involving the free exercise of religion, plus a brief bank, legal research and writing staff, and an advisory panel of attorneys to assist local areas and groups with these issues. Law school students are encouraged to become "legal missionaries" by spending time at the Center and working on specific research projects. The Center for Law and Religious Freedom has submitted to various courts, including the United States Supreme Court, a number of amicus curiae briefs. Also, the Center has testified before congressional committees as to legislation bearing upon religious freedom.

Another program sponsored by the Christian Legal Society is the Christian Conciliation Service. In the belief that the primary source documents of the Christian faith, i.e. the Bible, contains some specific criteria as to the resolution of disputes between Christians, the Christian Conciliation Service seeks to develop a dispute resolution process consistent with these biblical mandates. In other words, to provide alternatives, which are distinctively Christian, to the traditional adversary structure of lawsuits. The focus of the Christian Conciliation Service is to implement the biblical requirement of reconciliation. To that end, the Service seeks to educate the evangelical Christian community as to these various alternatives. Also, the Christian Conciliation Service provides

support for the use of mediation and/or arbitration, with a distinctive spiritual emphasis, in the resolution process.

The brief article is an effort to give you a "feel" for the Christian Legal Society. Whether I have succeeded, or not, is for you to decide. However, for the lawyer, who is concerned about the consistent practice of her faith, the issue is much different. This secular, pluralistic society, in which we live, has a tendency to dismiss the Christian Lawyer as just one more "weirdo". On the other side, the evangelical Christian community may view this lawyer as compromising her faith to practice law. Into this "no man's land" comes the fellowship of the Christian Legal Society, and more importantly, the words of the prophet Isaiah, "HE WILL MAGNIFY THE LAW AND MAKE IT HONORABLE (Isaiah 42:21).

Burkett

Continued from page 1

now," he said. "There were two non-attorneys who opened a law firm. They hired seven attorneys to work for them and the Florida State Bar initiated an action."

Burkett is a native of New York. He received his undergraduate education at New York University. He earned his legal degree at the Boston University School of Law. Burkett was admitted to the State Bar of California in 1973. After several years in private practice, he served as full-time instructor/administrator at Peoples College of Law in Los Angeles. Burkett was later appointed as a hearing officer for the Agricultural Labor Relations Board. He joined the Department on Unauthorized Practice of Law in 1978.

Burkett's appearance was arranged by the College of Law Administration and the Student Association Speaker's Program. Adjunct Assistant Professor of Law John H. Missirlian is the SJCL instructor on Professional Responsibility.

WOMEN AND THE LAW CONFERENCE

by Barbara St. Louis

Three thousand women from across the nation, primarily law students and attorneys, congregated in San Francisco the first weekend of March to focus on the practical skills and substantive knowledge necessary to confront the problems which women experience within the legal system. The National Conference on Women and the Law, now in its eleventh year, is an annual conference organized by law students to promote the equality of women through a comprehensive examination of women's current status within the American political, economic, and legal institutions. This year's conference was organized and operated by the students of Golden Gate University School of Law.

The 150 topics covered during the three days of workshops are those generally not included in the traditional law school curricula and range from subjects regarding domestic law, women in the criminal justice system, such as prosecutors and defense attorneys, health law, lesbian law, equal credit opportunities, and career alternatives such as politics, education, public interest law and the judiciary.

Keynote speakers Sara Nelson and Eva Paterson highlighted the conference. Sara Nelson and Eva Paterson highlighted the conference. Sara Nelson, a community organizer for the Karen Silkwood case, a case which received a 10.5 million dollar judgment for the death of a plutonium plant worker, spoke on the political and legal significance of the Karen Silkwood case and the dangers of the nuclear power industry.

Eva Patterson, co-counsel on *Scott V. Hart*, the first case in the county to challenge the arrest avoidance policy of police departments with regard to battered women, gave an overview of the human rights movement and the role of the women's movement within the larger framework.

The Twelfth National Conference on Women and the Law will be held in Boston next spring.

Alumni Notes

by Cathrine Benko

Former Fresno City police officer, **James Sanchez**, is a 1976 graduate of SJCL. Mr. Sanchez joined the police as a cadet when he was 18 and attending CSUF and continued to work with the police full time on the 10:00-7:00 shift while attending law school. Mr. Sanchez has been working with the District Attorney's office for the past three years and is presently employed as a Superior Court Trial Deputy presenting trials involving criminal cases. The upcoming Fall school semester will find Mr. Sanchez teaching several courses on Criminal Evidence and Law at the West Hills College in Coalinga.

Mio Quartraro attended UOP in Stockton and graduated from SJCL in 1974. During her second year as a student she began working for the Public Defender's Office and continued working for them throughout the remainder of law school. After graduating from SJCL she worked for several years for the Public Defender and then for the District Attorney for two years. While employed with the D.A. Ms. Quartraro was on the sexual assault unit during which time she gave lectures to various groups and organizations concerning prevention of assaults. She is now the Assistant U.S. Attorney and handling criminal prosecutions. Ms. Quartraro serves on several legal committees including the Legal Services Committee for the Fresno Bar and the California Trial Lawyer's Association.

Ms. Irene Wolf is a business lawyer practicing with the firm of James Wagner. She attended college in St. Louis and after moving to Fresno began her study of the law at SJCL in 1974. One of Ms. Wolf's major projects at the moment is attempting to interpret the new probate code, especially as it relates to probate with out-of-state executors.

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Students Meet New Administration

by Philip Tavlian

New officials of the San Joaquin College of Law Administration were introduced to students on January 23.

The new administrators, appointed by the College's ten-member Board of Trustees, include:

Dean Oliver W. Wanger. Dean Wanger was born in Los Angeles, California. He earned his undergraduate degree at the University of Southern California (1963). He received his legal education at the University of California's Boalt Hall School of Law (1966). Dean Wanger is a partner in the firm of McCormick, Barstow, Sheppard, Coyle & Wayte. He is a member of the American Bar Association Sections on Antitrust and Litigation. He is also a member of the State Bar of California's Committee on Rules of Court Procedure. Mr. Wanger previously served as SJCL Assistant Dean and Administrative Assistant Dean. He succeeds John E. Loomis, who served as Dean from 1977 through 1979. Dean Wanger, a civil procedure instructor, will continue to serve as Adjunct Professor of Law.

Associate Dean for Academic Affairs Mary Louise Frampton. Dean Frampton received her undergraduate education at Pembroke College of Brown University. She graduated magna cum laude and was elected Phi Beta Kappa. She received her legal education at Harvard Law School, graduating cum laude. While at Harvard, Dean Frampton served as note editor of the *Civil Rights - Civil Liberties Law Review*. Since that time, she has contributed to a variety of legal publications and has prepared a casebook on constitutional law. Dean Frampton is a partner in the firm of Olmos and Frampton. As Associate Dean, she will be responsible for academic affairs,

curriculum, and faculty performance. She will be SJCL representative to the Committee of Bar Examiners and the Continuing Education of the Bar. Dean Frampton will also remain an Adjunct Professor of Law.

Associate Dean for Financial Affairs Clayton R. Tidyman. Dean Tidyman earned Bachelor of Science, Master of Business Administration, and doctoral degrees from the University of Southern California. He is a licensed Certified Public Accountant. Dr. Tidyman has held various posts at California State University, Fresno. These include the Chairmanship of the CSUF Accounting and Quantitative Studies Department. Dean Tidyman holds memberships in professional accounting organizations and engages in numerous community activities. He will serve the College of Law in several capacities. First, he will help develop a strong economic base for the school. Second, he will act as liaison between the school and the local business community. Third, he will assist the school in such academic matters as accreditation.

Associate Dean for Students and Admissions Marshall C. Whitney. Dean Whitney received his undergraduate education at the University of California at Santa Barbara and graduated with high honors. He studied mathematics as an exchange student at Trinity College in Dublin, Ireland. He was a member of the Illiteracy Relief Society while at Trinity College. Dean Whitney graduated from the Hastings College of Law in 1978. He is a civil litigation attorney with the law firm of McCormick, Barstow, Sheppard, Coyle & Wayte. Dean Whitney will be responsible for law school admissions, student relations, and placement at SJCL.

Lawyer Models

by Pauline Getz

The Fresno Legal Secretaries Association will hold its Annual Inter-Club Fashion Show on Monday, March 17, 1980 at the Smuggler's Inn.

Male models include Steve Elmore, Marlin Costello, Paul Caprioglio, William Dawson and Fred Kearney. Women models include Dolores Venturi, Elaine Peter, Cindy Nikaido, Marlene Miyasaki, Polly Getz, Mildred Christian, Yolanda Gonzales and Linda Adams.

Womens' fashions will be provided by B.B. Pepper and men's fashions will be provided by Wallace Stephen & Co.

Tickets for the dinner and show are \$10 and may be purchased from Paula Roberts (486-5620).

The entire legal community is invited to join the fun.

The State Bar Board of Governors increased the California Bar Examination fee at their February 16 meeting.

The cost of taking the examination will rise from \$182 to \$215. First-time applicants taking the July, 1980 examination will be required to pay the new fee.

Armando Menocal III, chairman of the Committee of Bar Examiners, predicted the Committee would incur a \$100,000 deficit despite the increase.

From The Editor's Desk

(In writing a "column" such as this, it is always difficult come up with profound "words of wisdom" for a community readers already saturated with such. Therefore, if something profound comes of this writing, then so much the better.)

This is not the final publication of the *DICTA* for the 1978 academic year. A fifth (this is the fourth, for those of you who aren't keeping track) is already in the making and should arrive shortly. It is in that issue that the editor will express his "congratulations" and "good luck" and other such statements worthy of a final issue, rather than one in the interim.

The purpose in this particular writing is to express reflection of this past year — the *DICTA* lives. Although timeliness was not a forte of the *DICTA*, it has been an extremely successful publication, for it has been accomplished through the efforts of a group. This aspect was expressed in an issue last fall but it is still true two issues later — with one issue to go.

So to the staff — thank you — you've done a tremendous job, and it looks as if a foundation has been laid for the future — may future editors be as fortunate.

— Peter M. Wasemiller



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What is a First-Year Law Student?

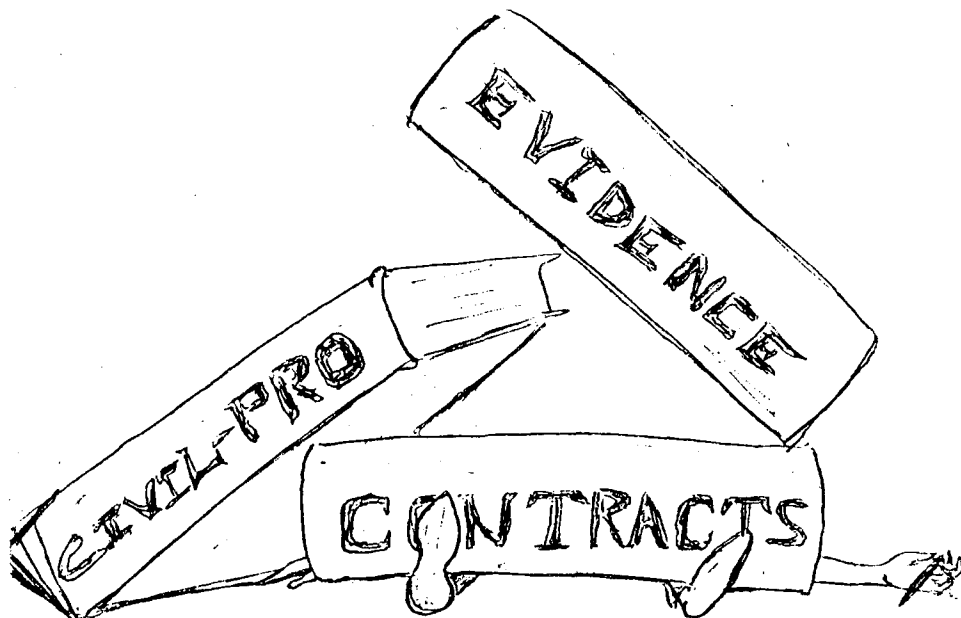
by Denise Kerner

Several theme songs were suggested by my classmates early last fall to characterize the predicament we found ourselves in as first-year law students: "Don't Cry Out Loud," "The Gambler" and "It's a Heartache" to name a few. But those of us who survived midterms and took that ultimate step of faith by shelling out another \$950 for the second semester agree that the worst must certainly be over and it should be smooth sailing from now till finals.

That's not to say we still don't have an occasional twinge of insecurity. One fellow student confided that she still takes a fiendish delight in predicting who the next drop-out will be and inking his name out on her student directory. Another classmate admits that he's still holding on to his application to Humphrey's. But by and large, the class attitude is one of confidence and serenity. Listen in on a conversation between first-year students and you'll hear: Have you checked the price on three-piece suits lately?!" and "Civil Procedure just isn't a challenge anymore" and "Big deal! It's only ten percent of your grade."

Although we've only known each other for five short months, students in the first-year class have already developed a family-like closeness. What a comfort it is, for example, when Mr. Riggs poses a tough Contracts question, to notice out of the corner of your eye that you're not the only one staring into your textbook trying to look studious and preoccupied. What a comfort to have a sympathetic friend slip an arm around your shoulders after you've answered twelve of Mr. Wagner's questions incorrectly before you figured out you were looking at the wrong case.

What is a first-year law student? He's a person who swears he'll never tell anyone what he gets on his midterms and then blurts them out at the first opportunity. She's a person who wakes up in the middle of the night after dreaming about the parole evidence rule. A first-year law student spends a lot of time thinking about what he was doing last year at this time and what he'll be doing four years from now. A first-year law student thinks, "Me? A lawyer?" and without really having an answer, sturrgles through another week's assignments as if he did.



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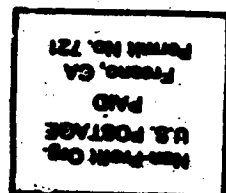


Nosey's Friends

by Deborah Byron

The first and second year students, in a moment of charitable generosity, contributed \$20.00 to the Nosey Home Fund. Pachiderm sympathizers from way back, the philanthropists donated their nickels and dimes at a conference at the Old Fresno Hofbrau. Special thanks incidentally, to Eddie the bartender, who joined this worthy venture.

Accompanying the donation was a letter, pledging support to the community and its elephants, and wishing Nosey a speedy removal from her arthritis-inducing digs. The unselfish gesture was greatly appreciated and further charitable efforts on behalf of the school should be considered.



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