

SJCL Inaugurates Paralegal Program

The first class of the SJCL Paralegal Training Program convened on February 3, 1981.

The paralegal course, which will run until next January, will consider the following elements of legal assistant work: California civil and criminal litigation, estates and trusts, legal research, advanced legal writing and law office management. In addition, a paralegal roundtable met on the second

class session to offer practical advice and reasonable expectations for the profession.

The course is structured like a workshop, with instructors teaching a minimum of one or as many as five class sessions on a specific topic.

The Paralegal Program differs from law school in that the emphasis is on the practical and procedural rather than the theoretical aspects of law.

Among the instructors in the program are Oliver Wanger and Judge Hollis Best, who are familiar to you from their experience on the law school faculty. Some newcomers are Steve Kane from McCormick, Barstow and James Barclay from the City Attorney's Office who will be teaching portions of civil litigation, and Deborah Carson from the Public Defender's Office who will be coordinating the section on

Criminal Litigation.

We have nineteen women and three men in the first class with varied backgrounds. Several are legal secretaries, some are recent college graduates or recipients of their AA degree. Some students are re-entering the career fields after spending years as homemakers and some are looking for career changes. High motivation and interest in the career possibilities for paralegals characterize all the

students.

The Paralegal Training Program will begin accepting applications in May. Applicants must register for the Pre-admission Test which will be given at the law school on June 6, August 15, and November 14. An early testing date is recommended. For more information contact Mary Ann Parker at 221-8620.



San Joaquin College of Law

APRIL/MAY 1981

DICTA

New Landlords Held Liable For Old Defects

For Superman, it was kryptonite. For Dracula, it was a silver cross. For California landlords, it's the implied warranty of habitability.

A landlord who takes over an apartment complex in California automatically becomes liable for a breach of the implied warranty of habitability if the previous landlord received notice of substandard conditions and failed to remedy them, or so says **Knight v. Hallsthammar** (1981) 171 Cal. Rptr. 707. In **Knight**, the plaintiff landlords assumed ownership of a 30-unit apartment building and then informed their tenants of a substantial rent increase a day later. The

tenants responded that they would withhold all future rent payments because of the state of disrepair of the apartments and the unreasonable rent increase. A month later, the landlords instituted an unlawful detainer action after receiving no rent.

It was the landlords' position that they could not be held accountable for defective conditions existing before they assumed ownership, at least not until they had a reasonable time to remedy the defects. (The particular defects at issue were wall cracks, peeling paint, water leaks, heating and electrical fixture problems, broken or inoperable windows, rodents, cockroaches and insufficient

heat.) They presented evidence that renovation and repair plans had been undertaken.

The court found that the landlords were already in breach of the implied warranty of habitability and were not entitled to a reasonable time to repair. Since the tenants gave notice to the previous landlord that defects existed, the new landlords could be charged with that same notice; for purposes of the implied warranty, the new landlords stand in the shoes of the old landlord.

The landlords then argued that there had been a waiver of the implied warranty of habitability by the tenants who were fully aware of the defects but continued to live in the

premises and pay rent up until the present dispute. The court replied that a tenant's awareness of defects is not determinative of the duty of a landlord to maintain habitable premises. Because of the inequality of bargaining power between tenant and landlord, the overall shortage of housing and the impracticability of imposing upon tenants a duty to inspect, a landlord's duty to maintain habitable premises is independent and primary; a tenant's knowledge and apparent acquiescence to such conditions is not a defense.

Although the court stopped short of making a flat statement that tenants are allowed to withhold rent until substandard conditions are

remedied, the success of the tenants in defending this unlawful detainer action implies that such rent withholding is proper.

In his dissent, Justice Clark pointed out that the implied warranty of habitability should only insure that bare living requirements are maintained. A landlord and tenant, he argued, should be able to enter into a lease agreement for lesser quality premises. The expectation of the parties is the key, he said; had it not been for the rent increase in this case, the tenants would apparently have continued living in the same conditions, paying rent as usual.

SJCL Student Wins \$1000 Scholarship

Phyllis Eash, second year law student, was awarded a \$1000 scholarship for the school year 1982-82 by the American Association of University Women. The minimum eligibility requirements for this

scholarship were a 3.5 grade point average, Fresno residency, and current enrollment in Graduate school. Applicants were thereafter judged on their past and present community

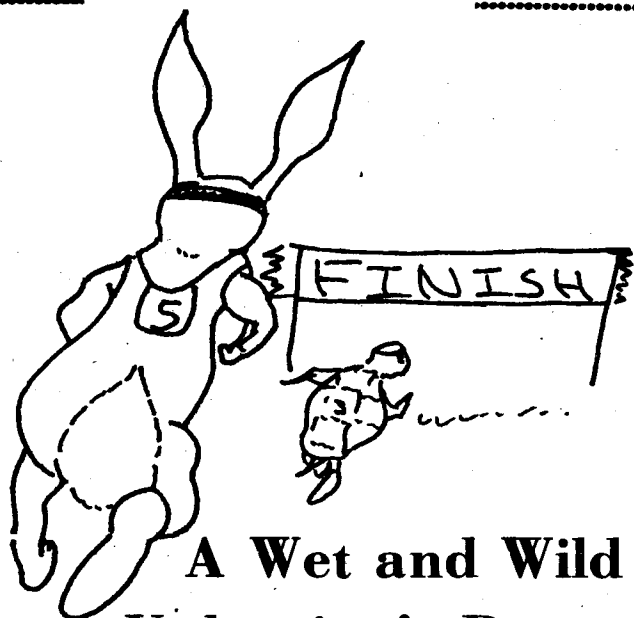
service, academic achievements, career goals, general worthiness and financial need. Applicants were required to submit all school transcripts, a personal application and three letters of

character reference.

When asked to comment on winning the scholarship, Ms. Eash stated, "I really needed the money, but what excites me is that they (AAUW) believe I'm going to be a

lawyer."

Ms. Eash, with her two children, attended the February AAUW meeting where she was formally presented to their membership.



A Wet and Wild Valentine's Day

By Eric Christensen

To paraphrase an old adage, "only mad-dogs and law students go out in the mid-morning rain." The latter proved it during the 2nd Annual Valentine's Day Fun Run hosted by S.J.C.L.

46 damp runners gathered in the men's gym lobby at C.S.U.F as the last of a Friday night storm fell outside. 28 registered for the six mile race and 18 signed up for the two mile.

At the 8:00 a.m. starting time the rain had almost stopped and the runners lined up on Barstow Avenue just beyond the school gym parking lot. Meet director Eric Christensen screamed out a "Ready...Set...Go!" and they were off. The two milers ran once around the perimeter of the campus along the Cedar to Shaw to Maple to Barstow route. The six milers had to make the same route three times as the rain had turned the planned campus/vineyard course into ankle deep mud.

2nd year students Denise Kerner, Linda Rouse and Thomas Sharpe furiously recorded and tabulated times, places, ages and gender as the participants huffed across the finish line. 3rd year student Steve Policek handled the time clocks and called times while a number of surprised recruits were enlisted to direct traffic, hand out erg and water and scream out encouragement.

Afterwards the awards ceremony was conducted in the gym lobby. Gift certificates to a local athletic shop were the prizes. \$15 went to 1st place, \$10 to 2nd and \$5 for 3rd in each of the categories, men, women, and children 12 and under in each race. A \$25 certificate lottery drawing went to 4th year student John Shehady.

Former C.S.U.F cross-country star Craig Elia placed first in the six mile in a wind-hampered 34:55. Bruce McDowell was 2nd in 35:25 and Mark Freeman 3rd at 36:15. Sue Takayama took 1st place for women in 54:26 and Zak Johnson for children in 46:06.

In the two mile Jack Wilkonson place 1st in 12:42, Ralph Jacobs was 2nd at 12:49 and Chris Todd, 3rd, in 12:42. Linda Datz was 1st for women and 4th overall in 13:28 and Brett Taylor beat out the pre-pubes-cent competition in 16:28.

Student finishers in the six mile were Shehady, 22nd overall in 48:46 and 3rd year student Julie Brungess who took 2nd place in the women's category in 58:49. Kathryn Dahlinger, a 1st year student took the women's 3rd place in the two mile at 17:47. 3rd year student Dan Harralson squeaked ahead of his son, Brian, to take 13th place overall in 18:40. 3rd year student May Witt, however, fell a place behind her son, Justin, to finish in 24:12.

Special thanks to Lane Todd for her contribution in signing up participants and tabulating results.

PATERNAL ADVICE FROM THE DIRECTOR:

(There will be a 3rd Annual Valentine's Day Run in 1982, with luck sans rain. The best time to start getting in shape for it... is now.)

DICTA STAFF

Editor:
Denise Kerner
Associate Editor:
Nanette Selover

Artist:
Eric Christensen
Photographer:
Carlos Guzman
Mailing Coordinator:
Linda Rouse

Fresno Law School Plan Is Announced

In January of 1970, plans for the San Joaquin Valley's first accredited law school were revealed. S.J.C.L.'s founding fathers included John E. Loomis, Oliver W. Wanger and the late Judge Dan B. Eymann. Fifty-eight students enrolled in that first "first-year" class. Tuition was \$648 a year.

Milestones

Fresno Law School Gets State Bar Accreditation

S.J.C.L. became accredited on July 1, 1973, making it the first accredited law school between San Francisco and Los Angeles. Accreditation gave the school the right to determine whether applicants qualified to become students in the school and the right to dispense with the first-year "baby-bar" exam requirement.

Law College Celebrates Being No. 1

The first S.J.C.L. gained statewide acclaim in 1977 when 93.8% of its students taking the Bar exam for the first time passed, making it number one in the state for that year. A three-year study for the period of 1974-76 revealed that S.J.C.L., with an average pass rate of 86%, ranked third among California law schools, trailing only Stanford and McGeorge School of Law.

Paralegal course set

Embarking on its second decade as Fresno's only accredited law school, S.J.C.L. expanded its curriculum in 1981 to include a 12-month paralegal training program. (See article in this issue.)
(Fresno Bee Headlines)

YOU ARE INVITED

SAN JOAQUIN COLLEGE OF LAW
STUDENT ASSOCIATION SPRING BANQUET

SATURDAY, MAY 2ND 1981

CROSSLANDS BARN
698 S. DE WOLF

NO-HOST COCKTAILS: 6:00-7:00 p.m.

DINNER: 7:00 p.m.

DANCING AFTER DINNER TO THE SOUND OF
THE BEACH BROTHERS

PRICE: \$12.50 EACH \$25 PER COUPLE
BRING YOUR FAMILY AND FRIENDS

DRESS CASUAL - WESTERN

FOR RESERVATIONS CALL 227-5000 or 225-1236

MAKE CHECKS PAYABLE TO S.J.C.L. STUDENT ASSOCIATION
3385 E. SHIELDS AVENUE

PLEASE MAKE YOUR RESERVATIONS BY APRIL 24, 1981

SEE YOU THERE!

Kerner & Sons

BUILDERS

REMODELING • ADDITIONS

8021 E. BARSTOW
CLOVIS 93612

299-2745

Attention All Students!!

10% Discount
WITH STUDENT BODY CARD!!



RENTALS

We rent typewriters and calculators.

Manual Typewriters—\$10/mth.
Electric Typewriters—\$20/mth.
Calculators —\$25/mth.

SERVICE

We service most makes of typewriters and calculators. FREE estimates given!!

SUPPLIES

We have ribbons for all machines, both typewriters and calculators.

Sales RENTALS Service
TYPEWRITERS & CALCULATORS

California Business Machine Co.
Midtown Plaza
3281 E. Shields
Fresno, CA 93726
(209) 225-5570

SCM factory appointed
service station

Alumni News

by Nanette Selover

The distinguished Barristers featured this issue have more in common than THE LAW; they are both married to lovely women, they each have three children, they are both short, and each was employed as a Deputy Probation Officer while attending SJCL.

Mr. Keith Lusk (listed in the current edition of Ma Bell's directory as Mr. LUSH, for which error(?) he receives phone services at a discount), practices law in the Western Way out in Clovis. Born and raised in Fresno, Keith attended Pacific College, obtaining a B.A. in Psychology in 1969. Soon after graduating from Pacific he was hired by the Probation Department. His nine-year career there included a variety of job duties including work in Superior Court with adult offenders, the Juvenile division of Superior Court serving as a court officer and conducting investigations for minors pending disposition of their cases, and as a Community Education officer.

Upon graduating from SJCL in 1978 Keith worked for the Fresno firm of Bennett and Ostroff as a clerk, and was hired as an attorney by them when he passed the Bar that fall. His year at Bennett and Ostroff included work in the fields of Labor Law and Employment Discrimination, with a smattering of general law practice. Chomping on the bit to try the Western Way of Life, Mr Lush (er, Lusk) moved his family to a Clovis homestead and opened an office in partnership there. After one year with the partnership, his partner was pining away for the excitement of downtown Fresno and the hub of the Courthouse, so their business enterprise dissolved.

Keith is now assisted in his mostly Business Law practice by San Joaquin grad Jim Sanderson. A small portion of their practice involves employment discrimination and civil rights cases, but the major emphasis is towards business areas such as debt

collections, partnership agreements, and incorporations.

Mr. Lusk has a very positive attitude about the practice of law, and thoroughly enjoys his profession. In his non-working hours, he combines his interests in his family, the outdoors, guns, hunting and automobiles. By taking his family camping out on a hunting trip in his Land Cruiser, he can pretty much fit it all in! He also enjoys working on his two Porsches (a '57 and a '70) and his '66 Jag XKE.

When asked for any advice he might like to pass on to law students, Keith had two things to say--that the struggle is ultimately worth it, and that he credits his wife, Nancy, with his success in making it through. They are both looking forward to a Caribbean cruise in May.

Daniel G. Yohman and I spent so much time at the Dicta interview talking about almost everything but his history prior to graduating from San Joaquin that I find my background information somewhat sketchy! To compound the problem, Dan went on vacation soon after our meeting and proved himself so illusive that follow-up phone calls were fruitless. So I guess I'll fabricate some excitement about Dan's youth, just to keep things interesting. After attending Oxford on a Fulbright fellowship, (How am I doing?) Dan returned to Fresno State to obtain a degree in philosophy sometime in the late sixties. He met and married his wife, Donna, God knows where, and we do know that they have three children. Somehow he made it through SJCL, graduating with the class of '77 and passing that year's state bar fall exam. He had, as mentioned earlier, been employed as a probation officer for ten years or so prior to and during law school.

He has quite a reputation with the Probation Department, where he was a popular, if somewhat eccentric P.O. Dan's interest in jurisprudence was evident throughout his career, notably

by his enthusiasm in motivating young people involved in the Juvenile Justice system to understand the Court process. He once staged a complete mock trial at the local high school, with the complete cast of characters selected from the student body.

The Fresno law firm of Dawson and Ninnis hired Dan away from the County employ soon after he was admitted to the Bar. He worked long hours with them for one year before moving over to Ferrari, Cole and Tusan where he practices primarily personal injury law, still working very hard and loving it.

In his leisure time, Dan's three favorite pastimes, not necessarily in order of preference, are spending time with his family, matchmaking, and conducting himself as THE most avid Bulldog Booster I've ever encountered. I can personally attest to his matchmaking abilities, as can Andy Sorenson, another SJCL alumni now working for the Public Defender's office. And anyone who attends CSUF athletic events will surely notice Dan, although he might wish they hadn't!

This affable character's advice to law students is to get your priorities together! Law is a great profession, but take care of yourself along the way so that you are at peace with yourself. (Thanks for the editorial license, Dan.)

As this is the last Alumni column for the academic year, I'd like to thank the Alumni who participated in the process with me; it certainly was a positive experience. It is somehow comforting to know that all who were interviewed are gainfully employed in positions where positive attitudes are built and maintained. I am most impressed with the quality of people I met throughout this assignment and am confident that they will all make their niches in the legal community. Further, I'd like to thank my Editor, Denise Kerner, for her patience and support throughout the year.

OUR ADVERTISERS
support them—
they support us

Traynor Competition Results

Met with staff competition in the preliminary rounds of this year's Roger J. Traynor Moot Court Competition, San Joaquin's representatives were narrowly edged out by Western State, San Diego--the school that placed fourth in the overall competition.

The S.J.C.L. contingency consisted of Ben Ratliff, Alan Simpson and instructor Wes Merritt. Tom Sharpe did not attend the event but the written appellant's brief he prepared tied for fourth-place honors. Tom's brief scored only four points less than the winning appellant's brief which was submitted by Southwestern.

Western State, San Diego edged out San Joaquin in Round I on a split decision. Point totals for that Round were 493, San Joaquin

and 512, Western State, San Diego. In Round II, Ben and Alan scored more total points than Western State, Orange County (457 and 452), but again lost on a split decision. Western State, Orange County made it to the Quarterfinals.

The two-day competition, held on April 10th and 11th, was hosted by Santa Clara Law School. Twenty-six law schools participated. Boalt Hall went home victorious, Loyola placing second and University of San Diego, third.

"Ben, Alan and Tom did a great job," instructor Wes Merritt was quoted as saying. I'm sure this reporter speaks for the whole school in expressing thanks and appreciation to our three representatives who gave their best efforts for S.J.C.L.

MOSQUEDA'S
FLORAL DESIGN

A Touch of Elegance

"YOUR NEIGHBORHOOD FLORISTS"
(TOP QUALITY FRESH FLOWERS)

FREE: Wedding Consultation
15% OFF ALL WEDDINGS
(Fresh Cut Flowers Every day)

★ 10% OFF FRESH ARRANGEMENTS TO ALL LAW STUDENTS AND ATTORNEYS ★

Come in and see how we maintain quality at prices that complement your budget.

WE DELIVER
"YOUR PHONE IS YOUR CHARGE ACCOUNT" 

225-3081
3275 E. Shields
Mid-Town Plaza (Next to Gemco) 

Phone (209) 222-6970

Blum's

SINCE 1890
Candy and Ice Cream

PAUL AND JOLINE Fig Garden Village - 5046 No. Palm
WASEMILLER Fresno, CA 93704

Quote--

I know no method to secure the repeal of bad or obnoxious laws so effective as their strict execution.

--Ulysses S. Grant, Inaugural Address, March 4, 1869.

Advice to the Law Forlorn

By J. Prudence Dozcardo

Dear Ms. Dozcardo:

I can't take it any longer! Late last summer, fourteen young hoodlums moved into the house next door--they said they were law students. Since then, life has been utter chaos! They scream bizarre things in the middle of the night--things like, "No, Judge Caeton, not 98 pages!" Who is this Judge Caeton anyway? Once I was in the house washing dishes when I heard this terrible crash. I ran outside only to see one of the young vandals throwing books out of a broken window onto my front lawn--books with crazy titles like **Equity and Equitable Remedies**, and **Code of Civil Procedure**. What is this code of civil procedure? Does our government know about this? Anyway, I picked those books up and threw them right back at him. (But, you know, the spots on my lawn where these books landed--the grass died and hasn't grown back since!)

To make a long story short, I marched down to my lawyer's office and demanded action. He said I have nothing to worry about because our town has an ordinance which doesn't allow more than three unrelated people to live in the same house. I asked him if he was sure and he got real indignant. He showed me all his diplomas and said, "See? This **proves** I know the law!" I thought I'd write and ask you, Ms. Dozcardo, just to be on the safe side. Can I use this ordinance to get rid of the riff-raff next door?

Name Withheld

Dear Withheld:

I wouldn't count on that ordinance saving the day if I were you. A California appellate court recently struck down a city zoning ordinance which prohibited more than three unrelated persons from living in the same house in an R-1 (residential) zone. The court concluded that a zoning ordinance which focuses on the relationship of individuals rather than land use does not fulfill a "legitimate zoning goal" and, therefore, cannot be upheld.

City of Chula Vista v. Pagard (1981) 171 Cal. Rptr. 738 involved twelve religious communes made up of between four and twenty-four unrelated people located in both R-1 and R-3 zones. (R-3 zones permitted communal living with certain restrictions.) When commune members refused to vacate their R-1 dwellings, the City sued for an injunction seeking to have the communes abated as public nuisances. The trial court found that the R-1 ordinance, prohibiting more than three unrelated persons from living in the same house, violated no fundamental constitutional right; the appellate court reversed.

The only legitimate zoning restrictions are those designed to prevent overcrowding, traffic congestion, undue financial burdens on the school system and related problems, the appellate court declared. "As long as a group bears the 'generic character of a family unit as a relative permanent house hold,' it should be equally as entitled to occupy a single family dwelling as its biologically related neighbors." In other words, a proper zoning ordinance is one which focuses on land use, not the land users.

The **Chula Vista** court went so far as to attack the R-3 zoning ordinance which permitted communal living if residents applied for a "conditional use permit," valid for three years. The free exercise of the constitutional right to privacy cannot be placed in the hands of a planning commission, the court announced; this ordinance, too, was struck down.

Please direct your attorney's attention to this case and have him read it carefully. The language and intent of your town's zoning ordinance is the key to whether its valid and enforceable.

As to your other questions, I'm told our government does know about the **Code of Civil Procedure**. And Judge Caeton...he's a legend.

Quote--

Whenever the offence inspires less horror than the punishment, the rigour of penal law is obliged to give way to the common feelings of mankind.

--Gibbon, The Decline and Fall of the Roman Empire, Ch. XIV, Vol. 1.



1924 FRESNO STREET
FRESNO, CALIFORNIA 93721
(209) 233-4247 ©1978 PIP

A warm handshake and thank you to:

Stephen M. Blumberg
Eric Christensen
Nancy Ann Currier
Phyllis Eash
Carlos Guzman
Douglas E. Haas
Dan Harralson
Linda Rousse
Nan Selover
Tom Sharpe
Barbara St. Louis
Dean Oliver Wanger
Peter Wasemiller

for their contributions to the Dicta this year.

Senise

barbn

BAR REVIEW

We're No. 1

CONTACT

4th Yr. Rep.
JOHN SHEHADEY 264-6583
3rd Yr. Rep.
CARLOS GUZMAN 485-9389
2nd Yr. Rep.
PHYLLIS EASH 222-6655

SAN JOAQUIN COLLEGE OF LAW
3385 E. Shields
Fresno, CA 93726

Non-Profit Org.
U.S. POSTAGE
PAID
Fresno, CA
Permit No. 721

HELP WANTED

A law firm commanding
Position of standing
Requires a general clerk--
A man who's admitted
To practice, and fitted
To handle diversified work;

Must know the proceedings
Relating to pleadings,
The ways of preparing a brief;
Must argue with unction
For writs of injunction
As well as for legal relief.

Must form corporations
And hold consultations,
Assuming a dignified mien;
Should read each decision
And legal provision
Wherever the same may be seen.

Must analyze cases
And get at their basis,
Should never be idle or slow;
Must manifest learning
In all things concerning
The matters referred to below:

Attachments and trials,
Specific denials,
Demurrers, replies and complaints,
Disbursements, expenses
And partial defenses,
Ejectments, replevins, distrains;

Estoppels, restrictions,
Constructive evictions,
Agreements implied and express,
Accountings, partitions,
Estates and commissions,
Incumbrances, fraud and duress.

Above are essentials,
The best of credentials
Required--and handsome physique;
Make prompt application,
Will pay compensation
Of seventeen dollars a week.

--Franklin Waldbeim