



# Inter Alia

San Joaquin College of Law Quarterly Newsletter

Volume XX, Number 3

**October 2009**

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## Civility in the Profession of Litigation

*San Joaquin College of Law was fortunate to have Warren Paboojian and James Weakley present a lecture on Civility in the Profession of Litigation on Monday, September 14, 2009.*

By **Manuel Ignacio**, Second Year Law Student

**W**arren Paboojian (Law '85) and James Weakley (Law '78) are both past presidents of the San Joaquin Valley chapter of the American Board of Trial Advocates (ABOTA), and Mr. Weakley is currently a National Board Representative of ABOTA. ABOTA is a nationwide organization of experienced trial attorneys with the dual mission of preserving the 7th Amendment right to a jury trial in civil litigation and promoting civility in the profession by providing educational programs. Lectures designed for law students, such as *Civility in the Profession of Litigation*, are one of those educational programs.

The speakers touched on three main ideas in their presentation: the business of law versus the profession of law; "you lose your cool, you lose your case"; and the importance of reputation.

### **The Business of Law Versus The Profession of Law**

Public perception of the profession of law has been damaged by movies like "The Rainmaker" and, the actions of some lawyers. Every lawyer has a duty to advance or defend the interests of the client, but there is a bigger duty to the law itself. Lawyers are called on everyday to balance the business of law against the profession of law. Being civil does not mean giving up

the ability to be an effective advocate. It simply means being honest, professional, and courteous.

Taking the oath and becoming a member of the Bar allows a member to act in three distinct roles. As a counselor, a member gives clients sound legal advice, hopefully keeping them out of court. As an attorney, a member has the right to represent clients in court. Most importantly, as a lawyer, a member is the guardian of the law. A lawyer's job is to make sure that everyone who comes into contact with the legal system comes away feeling like they have been treated fairly,

See ABOTA page 15



**Warren Paboojian, Esq.** (Law '85)  
*Baradat, Edwards and Paboojian*

**James Weakley, Esq.** (Law '78)  
*Weakley, Arendt & McGuire, LLP*



*As a serious educational institution, SJCL seeks not only that students learn but also to learn about itself. This kind of institutional learning and improvement is a major objective of WASC accreditation.*



To examine itself, SJCL first had to determine its Student Learning Outcomes. What skills should an SJCL graduate attain? This has been a major project, entailing numerous faculty meetings and seven drafts, culminating in the following:

### Student Learning Outcomes

#### Doctrinal Knowledge

- Substantive and Procedural Law
- Underlying policy and jurisprudence

#### Critical Thinking

- Statute and Case Analysis – comprehending and evaluating arguments, comparing and contrasting cases, and synthesizing law.
- Problem Analysis – application of law to new factual contexts.

- Problem Solving – creative thinking, analogizing, recognizing policy objectives.

#### Professionalism

##### Practice Skills – All Students

- Research Proficiency
- Oral Communication
- Written Communication

##### Practice Skills – Specializations

- Pre-Trial, Trial and Post-Trial
- Alternative Dispute Resolution, including negotiation, arbitration, and mediation.

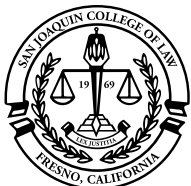
Second, SJCL has created mechanisms, other than grades and bar passage, to evaluate whether those learning outcomes are being achieved by SJCL graduates. The balance of this article gives you a flavor for the mechanisms adopted. For many, we expect the first results in the upcoming weeks.

SJCL has asked attorneys not affiliated with the law school to review tapes of the Moot Court Competition to evaluate student oral communication skills on numerous dimensions and employing a scale from well-below average practice to well-above average practice. We have asked other outside evaluators to review a sample of the final first-year briefs from Legal Research and Writing, the Moot Court briefs, and the final assignment from Advanced Research and Writing.

These evaluations will help us to determine whether students are mastering critical thinking, research and written communication skills and how student skills improve over their time in law school. These too are being assessed by professional standards.

Also, upon entry to law school, first year students are given a short writing assignment that mirrors comparing and contrasting legal cases but outside a legal context. Those assignments are evaluated on multiple standards by Professor Sally Perring, but the assignment is not discussed in class. At the end of the first year, the same students perform a similar assignment and it is evaluated by the same standards. This process was completed for the academic year 2008-2009 and demonstrated a dramatic improvement in virtually every student's critical thinking skills by the end of the year.

Other mechanisms are in the works to assess the ultimate student attainment of skills by graduation. This is a labor intensive process but has been extremely enlightening and will ultimately produce improvements in the SJCL curriculum.



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# Senior Citizens' Law Day

*On September 12th, SJCL's Alumni Association sponsored the 7th Annual Senior Citizens' Law Day.*

By **Joan Lassley**, *Alumni Liaison*

This free event offered seniors in the community an opportunity to hear panelists speak on many timely topics. This year's Chair, Marcella Downing along with Nitza Coleman put together a wonderful group of panelists. The primary concerns of older citizens are maintaining their independence, protecting their homes, and access to public benefits.

The Association would like to thank the speakers that put on this very comprehensive program. Kevin Gunner, Esq., Ruth Ratzlaff, Esq., and Jennifer Walters, Esq., were on the first panel. Mr. Gunner spoke on Wills and Trusts and Estate Planning. Ms. Ratzlaff explained how family Mediation may assist in the estate planning and administration process and Jennifer Walters presented information needed for grandparents that are guardians and what they should know.

At the intermission Ms. Downing, a member of the Speakers Bureau for the State Bar, presented a program produced by the Bar designed to educate seniors about financial abuse. Included in the presentation was a video entitled "Taking Charge" and a variety of pamphlets published by the State Bar for distribution to the attendees. One of the handouts con-

tained over 25 "hotline 800 numbers" seniors may utilize in a wide variety of circumstances.

The second panel of the day included Erik Peterson, Esq., an attorney for American Ambulance, presented information regarding the use of powers of attorney for medical care and do not resuscitate papers (DNR's) and how they are used by emergency personnel. Robert Howk, Esq., licensed by the Veterans' Administration to provide counseling for Veterans, provided information on Veterans Benefits and Medi-Cal- how to qualify and save assets. Dr. Helen Jones and RN Beth Betchel spoke about Palliative Care vs. Hospice Care and how end of life discussions are important for family peace of mind and care for the patient.

A representative from the The James Rowland Crime Victims Assistance Center provided table information and was available to answer questions.

The Association would like to thank Teresa Petty, Esq. and Jennifer Nuygen who handled the registration, Carey Hartsock and Jeremiah Paul, who are current law students, that provided great doцент support for the day.

*As another summer drew to a close the Alumni Association held two exciting events.*

The first was the Senior Citizens' Law Day on Saturday, September 12, 2009 at SJCL. This year's Chair was Marcella Downing (Law '05). She assembled quite a team. This highly successful program brings critical assistance within the reach of many local senior citizens who would be otherwise unable to afford it.

Got MCLE occurred on October 17, 2009 and the price was right – FREE to Alumni Association members. Topics ranged from ethics to secured transactions under article 9 to collaborative law. Just around the corner is the SJCL Alumni Hall of Fame which you absolutely do not want to miss. It will be held again this year at the Federal Courthouse on Thursday, November 12th.

On behalf of the entire Alumni Association I also bid welcome to all new and returning SJCL students. I was granted the privilege of addressing an impressive first year class at this year's orientation and was further asked to pinch-hit as the representative for the Law Review. Despite being forced to listen to me twice, the incoming students were gracious and even laughed, albeit gratuitously, at my jokes. This large group of bright new students bodes well for the future of SJCL.

Finally, I want to know what you want and need from your Alumni Association. If you have a question, a request, or a complaint please call or email me.

Sincerely,  
Scott Jones (Law '07)  
2009 Alumni Association President

## Full-Time Faculty

Lawrence M. Artenian, Richard M. Cartier, Denise M. Kerner, Janice L. Pearson, Sally A. Perring, Jeffrey G. Purvis, Peter Rooney

## Adjunct Faculty

Jesse Avila, Art Baggett, Barry J. Bennett, Alison Berg, Hristo Bijev, Hal Bolen, Andreas Borgeas, David M. Camenson, Dan Casas, Hon. Hilary Chittick, Lisa Coffman, Hon. Jonathan B. Conklin, Phil Cronin, Mark Cullers, Matthew Farmer, Christine Goodrich, Jason Hamm, Shannon Harding, Kathi K. Kesselman, Abigail Leaf, Jeremy Lusk, Jeff Manning-Cartwright, Deanna Martinez, William T. McLaughlin II, Mark D. Miller, Douglas E. Noll, Kimberly Nystrom-Geist, Timothy O'Connor, Rose Safarian, Rene Sample, Gary Sawyers, Michael Sheltzer, Michael Slater, Jacqueline Yates

# Legacy Luncheons

## Class of 1995



Top Row (L-R): Michelle West, John Rorabaugh, Lynette Hecker, Dennis Nard, Jan Pearson, *Dean*, Jessica Millar, Pat Harter, Ken Carver, Eddie Ruiz, and Eric Schweitzer.

Seated (L-R): Linda Richardson, Kristen Siemens, Judge F. Brian Alvarez, Mike Karby, and Peter Cabbiness.

Also attending but not pictured was Richard Beshwate, Sally Perring, *Dean of Academic Affairs*, Robin Leppo, *Director of Institutional Advancement*, and Joan Lassley, *Alumni Liaison*.

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## Class of 1997



Top Row from left : Marshall Moushigian , Philippe Dwelshauvers, Angela Hill, Linden Lindahl, Janice Pearson, *Dean*, Annette Ballatore-Williamson and Sally Perring, *Dean of Academic Affairs*.

Seated from left: David Milligan, Traci Fritzier-Kirkorian, Cynthia Hopper, John Brekhus, and Roger Wilson.

Also attending but not pictured Billy Williamson (husband of Annette), Robin Leppo, *Director of Institutional Advancement*, and Joan Lassley, *Alumni Liaison*.

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## Staff

Janice Pearson, *Dean*, Sally Perring, *Dean of Academic Affairs*, Missy Mckai Cartier, *Public Information Officer*, Debbi Chacon, *Accounting Assistant*, Kristi Costa, *Head of Circulation*, Matthew Dillard, *Maintenance Assistant*, Mark Enns, *Marketing Manager*, Maureen Hayes, *Assistant to Chief Financial Officer*, Lonzetta Hightower, *Student Services Assistant*, Joan Lassley, *Facilities Administrator & Alumni Liaison*, Robin Leppo, *Director of Institutional Advancement*, Jeannie Lewis, *Director of Financial Aid*, Joyce Morodomi, *Director of Student Services & Special Events Coordinator*, Mia Moore, *Administrative Assistant for Accounting*, Carlyn Robbins, *Administrative Assistant/ Receptionist*, Cynthia Robinson, *Head of Technical Services*, Rick Rodriguez, *Maintenance Supervisor*, Pete Rooney, *Law Librarian*, Patricia Smith, *Law Coordinator*, Diane Steel, *Director of Admissions*, Cynthia Van Doren, *Director of Career Services*, Jill Waller-Randles, *Chief Financial Officer*, Gwen Watt, *Human Resources & Regulatory Compliance Officer*, Kasi Welte, *Institutional Advancement Associate & Continuing Legal Education Coordinator*

# The Constitution and You

*The theme of my presentation for SJCL's Fifth Annual Constitution Day celebration on September 17, was inspired by the people shouting at "town hall" meetings held across America in connection with health care reform.*

by Jeffrey G. Purvis, *Professor of Law*

When we study constitutional law, a great deal of inquiry is made into how the Constitution is supposed to protect us from government oppression, and a little bit of time is spent talking about whether the government has any affirmative obligation to help people exercise their constitutional rights. None of the legal rules we learn address the role that private citizens should play in upholding the Constitution. So I went back to the time of the framing to talk about how the Founders thought citizens in a constitutional democracy should behave.

An important fact about those Founders, which influences theories of interpreting the Constitution and is directly relevant to my topic, is what they thought "citizen" meant a belief system now identified as the civic republican tradition, held that the people of America would be classified as either "citizens" or "others," and the responsibility for maintaining the constitutional order rested on the citizens. The others would remain obedient to the social order because of a culture of deference to authority. The citizens were white males with a certain minimum of property; the others were everyone else. (African-Americans, of course, were not regarded as persons at all--they were property.) The civic republican tradition expected that these homogenous citizens, all similarly educated and sharing civic values inculcated by their upbringing, would engage in politics at a local (state) level, learn that public spiritedness and compromise were necessary for the good of all, and then would pick the best politicians among them to be sent to the national government as elected representatives. (Citizens would elect House members; U.S. Senators were to be selected by state legislatures.) If these "best of the best" legislative lead-

ers succumbed to the temptations of corruption, a judiciary of life-tenured judges would use the easily-understood provisions of the Constitution and the Bill of Rights to strike down wrongful government acts.

A competing belief system also animated the Founders--the liberal tradition. It emphasized individual rights, free markets, and expected everyone to pursue their self interest according to their own ideas about what was best for themselves. It did not assume that society would remain homogenous, would implicitly agree on shared values, or would be divided into citizens with political rights and others with none. To deal with the problem of individuals gaining political power and then using that power for their personal benefit, the liberal tradition sought to distribute governmental authority among various institutions that could act as a check on each other--a federal system where state government coexist with the national government, and a national government structured with three branches. The liberal tradition also expected that the judicial branch would play a crucial role in protecting our liberty by enforcing the constitutional limitations on government power. Oppressive action by the judicial branch would be minimal because the law would be clearly separated from politics, and judges would only have authority to decide cases that came before them.

Under either the civic republican tradition, or the liberal tradition, citizens were expected to be reasonably well educated, to be sufficiently independent so that they would not be controlled by more powerful individuals, and to make decisions about public policies based on informed reason. As I asked the Constitution Day attendees, how has that worked out in



America? Are we all learning to participate in civic activities in connection with our local and state governments, then selecting the best of us to become our national legislators? When the President of the United States asserted that he has Constitutional authority to seize and detain indefinitely American citizens, unreviewable by any other branch of government, did the Congress rise up as one and demand that he afford every person due process of law? Did an alert citizenry demand that clear violations of the Constitution and of the law, such as torture and unilateral wiretapping be immediately stopped?

Professor George Lakoff, a scientist who studies the workings of the human brain, believes that the traditional, philosophical view of human beings as rational policy analysts is inaccurate. The idea that citizens would gather and debate the substantive merits of public policies such as health care is not only wrong but is precluded by the manner in which the human brain operates. According to Professor Lakoff, science has discovered that ideas are physical, part of brain circuitry. Ideas are constituted by brain struc-

See Constitution page 15

# Student Spotlights



By Manuel Ignacio,  
Second Year Law Student

## Mathew Bowden

Originally from Castor Valley, California, Mathew is no stranger to hard work and the success it brings. He joined the U.S. Marine Corps 7 days “out of the gate” from high school, graduating from boot camp top 5 in his class. His unique MOS (Military Occupational Specialty) in signals intelligence required a 5 year commitment, rather than the usual 4 years, and a typical work day of 14 hours. Matt served with distinction, completing a 7 month deployment in Darmstadt, Germany, and achieving a position of responsibility 3 ranks above his pay grade.

After leaving the Marine Corps, Matt relocated to 20 acres of land he purchased in Tollhouse. There he maintains a “sustainable living” operation focused on harvesting water efficiently and growing crops organically. His interest in law school was sparked by family friends who are local Fresno attorneys and who impressed him with their professionalism and demeanor. Lacking a bachelor’s degree, Matt was admitted to SJCL based on his military experience. As a special student, he was required to pass the first year law student exam.

Matt is currently on the 3 year option program, taking 6 classes and working 20 hours a week as a law clerk at the Law Offices of Lenden F. Webb, while commuting an hour each way from Tollhouse. After graduating and passing the bar exam, he plans to practice in business litigation and transactions.

For Matt, growing things is a way to keep things in perspective. “Whenever I start to lose focus in law school I turn back to my relationship with God and working the land.” SJCL is proud to have outstanding students like Matthew Bowden among our ranks.

## Shara Tirapelle

Shara was born in Sanger, California to James Yakligian, a local tree fruit farmer, and Debra Yakligian, a Sanger Unified School Nurse. Shara loved growing up in the country, “I have such fond memories of my childhood – I was always outside playing tennis, making mud pies in the grape vineyards, or gardening with my mom.” Shara attended Lone Star Elementary School, and went on to graduate Valedictorian from Sanger High. She was accepted by multiple UC’s, but chose UC San Diego for the college’s reputation and the beauty of the area. Shara admits that moving away from family and friends was a difficult transition, but was something she needed to experience to grow as a person. She received a BA degree in Psychology, and graduated a member of the Pre-Law Society. When asked why she chose SJCL, she replied, “I wanted to be near my family, and go to a great law school. The College and its faculty have exceeded my expectations.”

Shara received a Witkin Award for Academic Excellence in Civil Procedure. She works as a family law mediator at the SJCL Mediation Center and as a Professor’s Assistant to Dean Janice Pearson. She was also an extern at the local firm of Baker, Manock, and Jensen in the summer of 2009. She plans to practice either Business or Property Law after passing the Bar.

“Law school has changed my thought process by allowing me to see issues clearly, whether related to the law or life. The education I’ve received at San Joaquin is invaluable.”

Shara will be a passionate advocate for her clients and a valuable asset to the Central Valley legal community. San Joaquin College of Law is proud to have given her the opportunity to pursue her legal education right here in Fresno.

# 2009 George A. Hopper Moot Court Competition



FRONT ROW (L-R): Lisa Cutts, Joy Dockter, Rachel Cartier, Rachel Gonzalez, Jessica Weatherley

MIDDLE ROW (L-R): Naser Nekumanesh, Ryan Dunning, Pauline Seiler, Devika Choudhury, Michael Mahoney and Francine Zepeda

BACK ROW (L-R): Instructor Judge Jonathan Conklin, Francisco Martinez, Jonathon Petty, Professor Jeffrey Purvis and Judge Steven Vartabedian

**Best Oral Advocate**  
**Joy Dockter**

**Oral Advocate Finalists**  
Rachel Cartier  
Lisa Cutts  
Rachel Gonzalez

**Best Brief**  
Lisa Cutts & Daniel Epperly

**Best Brief Finalists**

Ryan Dunning & Francisco Martinez  
Pauline Seiler & Alicia Wrest  
Brandon Ormonde & Jessica Weatherly

**Best Oral Advocate Semi-Finalists**

Devika Choudhury  
Michael Mahoney  
Naser Nekumanesh  
Jonathon Petty

## Special Thanks

Hon. Brian Arax  
Hon. Dennis Beck  
Mr. Jake Borchers  
Ms. Deborah Boyett  
Mr. Timothy Buchanan  
Ms. Karen Buck  
Ms. Lisa Coffman  
Mr. Phil Cronin  
Mr. Carl Faller  
Ms. Mia Giacomazzi  
Mr. Benjamin Hall  
Ms. Judith Hall  
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Mr. James Terzian  
Hon. D. Tyler Tharpe  
Hon. Steven Vartabedian  
Ms. Melissa White  
Ms. Francine Zepeda

**In Memoriam**

1974 – 2009



## Ken Coyle

Ken Coyle joined the SJCL staff as the Manager of Information Systems in 1998. It quickly became apparent that Ken was exceptional at his job. His ability to think outside the box and anticipate SJCL's needs made him an incredible asset to the law school. Ken was born December 19, 1974, the youngest of six children. He lost his battle with cancer on September 29, 2009.

Ken had a gentle heart and a quick wit that endeared him to all with whom he came into contact. He was known for the outrageous, clever and entertaining gifts he would present at the annual staff Christmas party. On Mother's Day, Ken brought flowers to every mother on staff. With these gestures he stole our hearts. When computers were on the fritz, frustrations reaching maximum, you could walk into Ken's office with your problem and with a shrug of his shoulders and a "sure I can do that" you knew your problem would be solved.

Ken became a part of all our lives, always caring and brilliant in his solutions. He will be deeply missed by everyone at SJCL.

# Continuing the Legacy

*There's many a family story at San Joaquin College of Law. Over the next few issues of the Inter Alia, we hope to tell a few of them.*



**Bob Cassio** (Law '93)  
**Rob Cassio** (Law '99)

"If he could do it, I could do it." Rob Cassio explains how he chose to enter law school at SJCL two years after his father, Bob Cassio, graduated in May of 1993.

Bob Cassio owned his own company doing business workouts for 20 years before entering law school, working routinely with lawyers. His first retained case after law school was a workout case against an attorney he had always used during his business days. Now Bob's practice is federal criminal law and family law. He serves as a Judge Pro Tem on the Family Law calendar. Bob loves the variety and sense of helping his clients

Rob took his law degree a civil direction. He was a History major at California State University Fresno and had college teaching as his goal. Rob figured he'd give law school a year but loved the challenge, graduating in 1999. Now Rob is a partner with Parker, Kern, Nard & Wenzel, focusing on insurance defense, employment law, and worker's compensation defense.

Bob loves to travel and Rob loves to fish with his kids. They both agree that the practice of law has enabled them to have exciting lives.



**Katherine Hart** (Law '77)  
**Pauline Seiler** (Law '10)

It's all about love of the English language. Thus, Katherine Hart, 1977 SJCL graduate, explains why she and her daughter, Pauline Seiler, a current SJCL student, both have gravitated to law.

Language, poetry, and speech are in their blood. Kathy's great great grandmother had a university education, an anomaly for the time, and wrote a book about the Mormon primary education system. Kathy's great grandmother was a poet. Kathy's mother, Kathy herself, and Polly all majored in English at the undergraduate level.

Kathy was the editor of the SJCL newsletter during her law school years. She was drafted to write for the newly-initiated Fresno County Bar Bulletin while still a student. Kathy worked for the Fresno County Public Defender's office upon graduation until opening her own practice in 1988, focusing on criminal defense.

Polly insisted she would never go to law school. She was planning to obtain a Masters degree in Public Administration when Kathy suggested she go to law school. Polly decided to give it a try, now interns with the Public Defender's Office and loves it.

Sometimes you just can't fight what is in the genes.



**Judy Wright** (Law '97)  
**Robert Wright** (Law '98)

Judy and Robert Wright, mother and son, planned to attend law school together. They both worked in the family financial services business and saw a need for lawyers in estate planning and coordination. It amused them that it took many members of the first-year class several weeks to figure out they were mother and son.

Judy's husband (Robert's father) became disabled during their first year of law school, so Robert delayed his graduation a year to devote more time to the family business. Judy graduated in May of 1997 and Robert in May of 1998. They feel dad's illness made them better counselors since they have experienced the emotions a serious illness evokes.

Judy's part of the practice focuses on probate administration while Robert emphasizes advanced planning. Both do basic estates. Dad remains involved in the business as the technology expert and controller. Two years ago they downsized the business somewhat. Judy now lives in Chowchilla and Robert in LeGrand. They sometimes work from home or car pool to Fresno. The step into law has granted them great flexibility in their practice.

Judy says the greatest compliment she receives is when a child, after a parent's death, says something like "I can hear my dad's voice in this document!"



# Alumni Profiles

*SJCL congratulates our alumni celebrating 10, 20, and 30-year anniversaries in 2009. It has been my pleasure contacting and interviewing each of you. Thanks to those who participated in this effort. I look forward to catching up at the next milestone.*

*-Joan Lassley, Alumni Liaison*

## 1979

### Geraldine Brown

Geraldine has been a sole practitioner in Merced since 1987. She does estate planning and family law work. She thinks Merced is a great place to practice law. "There judges are very approachable and the clerk's office very supportive. There are not that many attorneys so one's reputation for integrity is a high priority." Geraldine enjoys her new office and now has more space for piles that seem to accumulate.

Geraldine and Rich enjoy traveling and find cruising particularly relaxing. In January of last year they flew to Australia and cruised from there to New Zealand with a group of friends. The Aussies and Kiwis were friendly. This made up for the fact that everything was so much more expensive there than in the States.

Geraldine is involved with Soroptimist International of Merced, a service organization working to improve the lives of woman and girls locally and throughout the world. This gives her an opportunity to have an effect both locally and on an international scale. Geraldine has been on the Board of Directors for Hinds Hospice since approximately 1995. Because of the generous donations from the people of Merced, Madera and Fresno counties, this non-profit organization provides an incredibly high quality of service. Nancy Hinds has been able to instill in both her board members and her employees her incredible mission of honoring the journey of the terminally ill while supporting their loved ones.

In June 2008 Geraldine was awarded the Greater Merced Chamber of

Commerce ATHENA award. This award is given to a woman who has demonstrated excellence, creativity, and initiative in their business/profession and personal lives, provided valuable service by contributing time and energy to improving the quality of life for others in their community and actively assisted women in realizing their full leadership potential. The local program is part of an international program. She was surprised and overwhelmed by the honor bestowed on her.

SJCL started the day program the year her class began so it was a very small group; however, they grew close and were very supportive of one another. Geraldine can remember the day she went to John Loomis' contracts class unprepared. As it turned out, it was the night an accrediting official was attending. She prayed all night that Mr. Loomis did not call on her and fortunately he did not. She thinks he pretty much tried to stay with those students he knew would impress the official. Geraldine was very comfortable with the education she got at SJCL and would highly recommend the law school to anyone.

## 1989

### Janet Maus

Janet feels that her legal career has been exciting and fulfilling. She is currently employed by the Law Offices of Edward B. Chatoian. This is the firm she worked with previously from 1991 to approximately 1996. They handle personal injury and workers' compensation cases representing plaintiffs and applicants. After working with Mr. Chatoian, Janet went to the "Dark Side" where she practiced workers' compensation defense and

was primarily assigned to work with Richard Kern at Yohman, Parker, Kern & Nard performing subrogation work for insurance carriers along with other civil litigation. Janet has now gone full circle.

Janet met her husband, Michael, at a court appearance where he was defending an employer on workers' compensation issues. Janet represented the employer on the civil aspects of the case. The problem? She lived in Fresno and he lived in Salinas. After dating for several years they were married in 2001 and Janet moved to Salinas. As a result of this marriage she has been graced with three wonderful children. Matthew has served one tour of duty in Iraq and is currently training for special forces assignments at Ft. Bragg, N.C., Erin attends college in San Diego. Jennifer graduated from college back East and is now in California trying to decide what her next step in life will be.

Janet was a Special Prosecutor for the San Benito County District Attorney's office where she was the Charging Attorney, deciding with what a defendant should be charged. Janet loved that assignment and was sorry to leave such an exciting endeavor.

Janet loves to read, garden, crochet, entertain, cook and anything to do with the outdoors. They have a beach house in Humboldt County and Janet's dream home in Craig, Colorado (where she grew up) about 3 1/2 miles out of town on ten acres. They love to be at those houses and spend time with their family and friends.

Janet's most special memories are of her study group- Sue (Cercone), Rick (Monge), Randy (Long) and Chuck (Magill). They had some really fun times. She will never forget those thousands of index cards they typed. Bethany Baker was her upper class buddy as was Ellen Jahn with whom she was able to reconnect in Salinas through reading the *Inter Alia*. "Who could forget jumping the fence to go the donut shop, Civil Procedure and briefing *Agachuck v. Mont-*

*gomery Wards.* How did Montgomery Wards sell that freezer to the Eskimos Judge Wanger?"She will never, ever forget the torture and fear of the Moot Court competition, both at SJCL and McGeorge. If anyone would like to reconnect, they can email Janet at bidibah@yahoo.com.

## 1999 Colleen Carlson

Colleen is currently self-employed at Carlson Law Corporation. She spent many years, including those in law school, working for the firm of Dooley & Herr representing numerous public agencies. Eventually, in 2005, she became a partner in that firm. She opened her own firm approximately 4 years ago, specializing primarily in assisting various local agencies to acquire land and rights of way and dealing with all associated legal issues to bring roads, canals, and other development projects to fruition she also served as general counsel to two local water entities.

Colleen is a member of the Tulare County Bar Association, International Right of Way Association, Tulare County Association of Realtors and National Association of Realtors. In addition to her attorney license, she is a licensed real estate broker and notary public.

Colleen's husband and love of her life is Eric. Her son, and joy of her life, Evan, is in his third year at Fresno State pursuing a degree in Public Administration with a minor in criminology in furtherance of his goal of becoming a fireman.

While in law school Colleen received Best Brief Runner-up in the moot court competition. The only award/reward since is clients paying their bills and the challenge and satisfaction she gets in representing those clients. Each year on Mother's Day her son, Evan, gives her the Mother of the Year award and if there was a Wife's Day, Colleen is sure her husband would crown her Wife of the Year.

Colleen enjoys scuba diving, cycling, traveling, reading, gardening. Her client base and the various city council and local district board meetings that she attends regularly, keep her from participating too much in other local events. Evan and Colleen have worked on a Habitat house, as well as volunteered for local tree plantings and one-time events such as the City of Visalia sponsored 4th of July celebration.

Colleen worked full time, commuting from Visalia and raising a 5-year old during school, so she was kind of the old lady of the bunch and didn't get a lot of time to hang out with her fellow classmates even though she would have liked to. Colleen carpooled with Shani (Reeder) Jenkins and Kerry Coulliard and enjoyed that a lot. She also remembers being one of the few who had a laptop and 110 wpm typing ability, so many people came to her for notes.

## Kathy McKenna

Kathy has spent her entire legal career with the Attorney General's Office in the Appeals, Writs & Trials Section of the Criminal Division. Though she spends the majority of her working hours sitting at her computer drafting appellate briefs and doing legal research, the job has some exciting high points. She has argued many appellate cases in the Fifth District Court of Appeal. Kathy has also been lucky enough to argue six cases before the California Supreme Court, including a death penalty appeal and another was on a topic of first impression concerning application of a statute that allows a convicted person to request DNA testing. Kathy has argued in the Ninth Circuit Court of Appeals. Occasionally she goes to a trial court, including the Superior Courts of Fresno and most of the surrounding counties on trial matters and recusals.

2009 has been a great year for Kathy and her family. Kathy married her wonderful husband, David, this year (the first and probably last time she

goes to Reno). Her daughter, Laura, graduated from law school this year and studied for the bar at SJCL (bringing back mixed memories for her). Her son, John, just got a teaching job, which is exciting in this economy. Her other two children, Joey and Lisa, are still attending school and trying to decide what to do in the future – maybe they'll figure it out at a younger age than Kathy was when she started law school.

Since law school, Kathy has taken up golf – "There's an activity that'll keep you humble". But she finds it great to be outdoors and to visit beautiful golf courses. David and Kathy love to travel. Recently they have put a couple of Mexico stamps on their passports and are ready to venture farther afield once they stop spending so much money fixing up their house.

Kathy has been involved with many different organizations since leaving SJCL. She has been on the SJCL Alumni board, including a stint as President. Kathy and Joan Lassley have spent a lot of time over the years putting together the annual Wiseman Golf Tournament to raise scholarship funds for SJCL. Last year Kathy was President of Fresno County Women Lawyers. Currently she is on the board of Children's Musical Theaterworks, a nonprofit that puts on great productions while teaching kids aged 6-20 years about theater. Oh – and how could she forget the agony and ecstasy of teaching first year law students Legal Analysis & Research and Writing at SJCL (and also Advanced Research & Writing).

Kathy says that SJCL's move from Shields Avenue to Clovis was a major step up – no more being squeezed like sardines into a tiny facility. Attending law school with a group of adults, all of whom had a life outside of law school, juggling families and jobs with studies, helped put the experience in perspective. Studying for the bar exam was like a vacation, because she wasn't working and going to class and she

had peace and quiet to study. Michele Oleksa was a brilliant study partner because they balanced each other's strengths and they had to make good use of their study time. Law review led to another dear friend, Kim Mayhew. Kathy truly appreciates the strength of the faculty at SJCL - especially when she hears stories about professors at highly-regarded law schools who are not good teachers. Kathy says, "The faculty and staff at SJCL were and are the best."

## Jennifer Morrison

Jennifer has been a sole practitioner since graduation. She specializes in Family Law. She loves what she does, so decided she did not need to venture out into other areas of law.

Jennifer has a daughter, Shereé, age 22. Shereé graduated from UC Santa Cruz and now works for Intel. Shereé is the light of Jennifer's life, so Jennifer sees her often.

Jennifer has been working so hard since beginning her practice that she is now focusing on learning what her other interests might be! Her practice consumes a significant part of her time. Recently she has been exploring nature at the coast, taking piano lessons and - learning how "not" to work.

When asked about special memories for her law school days she recalled :

- The PG&E guy in Jan's first year Torts class who always came to school barefoot.
- Smoking with George Herman (She finally quit.).
- Future interests with Sally (which was like doing a puzzle for Jennifer).
- Beers with her buddies after exams.
- The wonderful feeling of getting grades (usually), which she longed for even after school was done .
- Jim Kalomiris chanting "65 to stay alive".
- Watching my friends' growth while attending law school, and keeping those friends for a lifetime.
- And especially fond memories of studying with Rick and Sandy!

## Enrobing of Brian Alvarez

*On Friday, September 25, 2009 Brian Alvarez (Law '95) was sworn in as the newest Fresno County Superior Court Judge. Brian becomes the 8th alumni currently sitting on the Superior Court bench. Congratulations, Judge Alvarez!*



Photo: Howard Watkins

(L-R) **Honorable Gary Orozco**, **Honorable Brian Alvarez** (Law '95), **Honorable James Opplinger**, and **Honorable Gary Hoff**

## Hopper Scholarship

*David Ibarra was awarded the 2009 George Hopper Memorial Scholarship at the annual Hopper luncheon held on September 25, 2009.*



(L-R) **Janice Pearson**, *Dean*, **David Ibarra**, and **Justice James A. Ardaiz**, *Presiding Justice of the 5th District Court of Appeal*

The luncheon was held at the newly renovated Holiday Inn Skyroom and was hosted by the Fresno County Young Lawyers Association. Justice James A. Ardaiz, Presiding Justice of the 5th District Court of Appeal was the keynote speaker and SJCL Board Chairman, Doug Noll, presented David with the scholarship.

This annual scholarship is awarded to a 2nd or 3rd year student demonstrating scholastic achievement while showing particular interest in civic activities and public interest. David is the current SBA President of San Joaquin College of Law and is active in student affairs, presently serving as president of LawSuits, a diverse student mentoring and service organization. Congratulations, David!

*Author Gladys Bronwyn Stern once wrote, "Silent gratitude isn't much use to anyone." I stand here today and announce in my loudest voice, "Thank You, Thank You, and Thank You Again!"*

To all our donors who continue to support San Joaquin College of Law, no matter what the economic tide brings to shore, we are so grateful for your generosity. This year's annual fund, exceeded our goal and we are on our way to do the same for this year. The results from this year's Classathon challenge are in. We had the largest participation of alumni giving in the 40 year history of the law school!

This edition of the *Inter Alia* is dedicated to recognizing all our donors who have given throughout the last fiscal year. As we head into another year, I would like congratulate SJCL on 40 years of providing excellent legal education here in the Central Valley and we look forward to what the future holds for the next 40. In the spirit of this year's 40th anniversary, we are asking every alumni to make a minimum gift of \$40 this year to commemorate, not only your law school experience, but the experience for future students following in your footsteps. In recognition of this milestone, SJCL will be hosting an all-class 40th anniversary reunion next Fall-check your mail to "save the date". If you are interested in serving as a representative for your class in the planning of this event or participating on your class gift committee, please contact me as soon as possible. We welcome alumni support in this endeavor.

All special thanks to everyone who attended the two recent lectures, "Civility in the Profession of Litigation", presented by Warren Paboojian ('85) and James Weakley ('78) and "Death Panels are Trying to Kill My Grandma!" presented by Professor Jeff Purvis on Constitution Day.

Please make plans to attend the Alumni Association Hall of Fame. We enjoy seeing our alumni and friends.

**2009 CLASSathon**

**Winning Class for Total Contributions**

*Class of 1996*  
(\$6,090)

**Winning Class for Total Participation**

*Class of 1987*  
(31%)

**Annual Fund Recap for Fiscal Year 2008-'09**

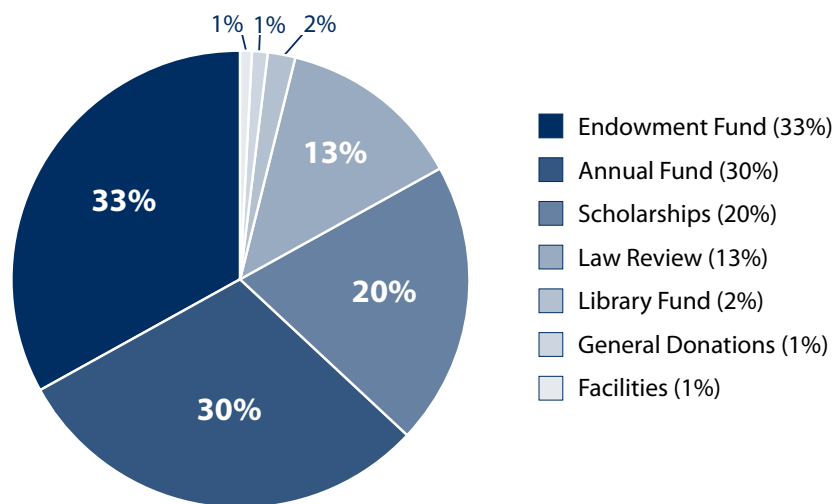
(Goal of \$50,000 and 10% participation rate)

Total contributions.....	\$53,752
Total 1st time gift – alumni donors .....	44
Total alumni donors.....	143
Total alumni participation rate .....	12.5%

**Total Giving Report for Fiscal Year 2008-'09**

Total Contributions to all fund categories.....	\$136,901
Total % of funds contributed by alumni.....	40%

**Total Giving (August 1, 2007 - July 31, 2008)**



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

# 2009 CLASSathon

- Class of 1974**  
Participation – 25.00%  
Contribution - \$215  
**Jerry E. Henry**  
**Mio D. Quatraro**  
**Judith Ward**
- Class of 1975**  
Participation – 10.00%  
Contribution - \$200  
**Hon. Ralph L. Putnam**
- Class of 1976**  
Participation – 18.75%  
Contribution - \$1,115  
**Hon. Gary S. Austin**  
**C. William Brewer**  
**James J. Mele**
- Class of 1977**  
Participation – 12.50%  
Contribution - \$535  
**Katherine L. Hart**  
**Malcolm H. Stewart**
- Class of 1978**  
Participation – 13.64%  
Contribution - \$905  
**Anonymous**  
**Mary Ann Bluhm**  
**Gary J. Hill**  
**Ysidro Macias**  
**Stephen Sefton**  
**Hon. Georgia York**
- Class of 1979**  
Participation – 20.00%  
Contribution - \$200  
**Hon. Jose Banuelos**  
**Fran Christiansen**
- Class of 1980**  
Participation – 20.00%  
Contribution - \$1,038  
**Hon. Nancy A. Cisneros**  
**Michael Condry**  
**Nancy Silacco**  
**Philip E. Tavlian**
- Class of 1981**  
Participation – 30.77%  
Contribution - \$453  
**Edward Mosley**  
**David M. Overstreet**  
**W. Scott Quinlan**  
**John Shehadey**
- Class of 1982**  
Participation – 16.67%  
Contribution - \$850  
**Julia A. Brungess**  
**Douglas Haas**  
**Joanne Sanoian**
- Class of 1983**  
Participation – 18.18%  
Contribution - \$300  
**Timothy R. Hart**  
**Hon. Charles A. Wieland**
- Class of 1984**  
Participation – 10.53%  
Contribution - \$525  
**John F. Garland**  
**Dennis A. Marshall**
- Class of 1985**  
Participation – 20.69%  
Contribution - \$920  
**Joby E. Dupuis**  
**William R. Frank**  
**Hon. W. Richard Lee**  
**Pamela J. McFarland**  
**Warren Paboojian**  
**Sharon Stull**
- Class of 1986**  
Participation – 12.00%  
Contribution - \$325  
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**Linda Kelly**  
**Lisa M. Urrizola Cooper**
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Participation – 25.00%  
Contribution - \$1,265  
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Contribution - \$100  
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Participation – 6.25%  
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Contribution - \$1,880  
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**Robert I. Lindsay**  
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Participation – 10.91%  
Contribution - \$2,810  
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Participation – 4.84%  
Contribution - \$440  
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Participation – 9.78%  
Contribution - \$2,030  
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**Barry Matson**  
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Participation – 15.38%  
Contribution - \$6,090  
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Contribution - \$490  
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Participation – 5.26%  
Contribution - \$150  
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Participation – 11.36%  
Contribution - \$660  
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Participation – 9.68%  
Contribution - \$540  
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Participation – 21.05%  
Contribution - \$1,230  
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Participation – 6.67%  
Contribution - \$140  
**Erica M. Camarena**  
**Tamara P. Smith**
- Class of 2003**  
Participation – 0.00%  
Contribution - \$0
- Class of 2004**  
Participation – 25.00%  
Contribution - \$354  
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Participation – 10.81%  
Contribution - \$1,280  
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Participation – 3.85%  
Contribution - \$140  
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Contribution - \$1,155  
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Participation – 8.16%  
Contribution - \$80  
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Participation – 2.17%  
Contribution - \$40  
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August 1, 2008 – July 31, 2009

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# ABOTA

justly, and truthfully.

In the words of Judge Thierry P. Colaw of the Supreme Court of California, “Lawyers should be acting as buffers between their respective clients, not part of the problem.” In other words, “Lawyers are the fluid that makes the machinery of law work. Lawyers need to work with the other side to solve problems rather than exacerbate them.”

Civility starts from the time a complaint is filed or answered. Often times, lawyers get into battles unnecessarily during pre-trial procedures, such as discovery conferences. These battles end up in court by motion and ultimately the client has to pay for it. Plaintiffs spend time and money unproductively, and defendants spend more money than they otherwise would, which makes the lawyers look bad to their clients.

Civility also means being civil to everybody, including judges, parties, staff, and witnesses, as well as opposing lawyers. As Mr. Weakley states, “We want people to walk away from everything we do thinking that this profession is honorable. Losing sight of the fact that Law is a profession more than a business can cause the profession to lose the respect that we have worked so hard to earn.”

## Lose Your Cool, Lose Your Case

It cannot be stressed how important it is to have the judge’s ear when arguing points and authorities. Mr. Weakley points out that “In trial you will have some of the highest highs, and lowest lows you can experience in your life. Anything that can go wrong in trial will go wrong, and you have to maintain your demeanor.” Mr. Paboojian adds that the most important thing, when you go before a trial judge, is to have the judge listen to you for your client. You do not want the judge to shut you out because you have demonstrated a lack of civility in the past, i.e., being overly gregarious, verbose,

# Constitution

tures called “frames” and “metaphors,” and reason uses them. Frames form systems called worldviews. All language is defined relative to such frames and metaphors. Thus, people are persuaded to support or oppose public policies by the manner in which those policies are “framed.” If health care reform is communicated in terms of “death panels,” “socialized medicine,” and “government takeover,” the brain circuits that lead to a conservative worldview are activated. Change the framing to “greedy insurance corporations,” “denial of coverage to enhance profits,” and “an American Plan to protect families’ health,” and progressive brain circuits are stimulated and strengthened.

If the traditional, possibly outmoded model of human cognition is accurate, then citizens should feel a patriotic obligation not only to engaged in reasoned debate of public issues, but to permit other voices to be heard. The

purpose of public meetings is to obtain information, discuss the advantages and disadvantages of proposed policies, and communicate individual preferences to government officials.

If Professor Lakoff is correct about how humans reason, then citizen participation in a constitutional democracy seems to involve receipt of carefully crafted “frames and metaphors” whose purpose is to activate synapses to strengthen or weaken particular worldviews. Aside from the experts or gifted leaders who construct the frames and metaphors, the individual is acted upon, or repeats the frames to other individuals.

Maybe there are two or more kinds of people, and political communication should be tailored to the method of “reasoning” used by each kind.

What do you think?

loud, aggressive, condescending, or ridiculing the other lawyer.

## Reputation

Benjamin Franklin said, “Glass, china, and reputation are easily cracked, and never well mended.” In the context of a lawyer’s reputation, competence is paramount, but the most important thing is that a lawyer can be trusted. Lawyers survive by the strength of their reputations, and civility in the profession is key to maintaining a good reputation with clients and other lawyers.

Some lawyers’ egos get in the way of good lawyering. While the legal system is an “adversarial” system, that does not mean it always requires “bull-dogging” and “hard-nosing”. For example, if lawyer A files a lawsuit and opposing lawyer B asks for a two week extension beyond the default period (because he is overloaded or going on vacation), civility really requires lawyer A to give the extension. When lawyer A “hard balls” opposing lawyers in situations like that, the court will set aside the default every time, and lawyer A will

develop an unfavorable reputation with lawyers and judges alike.

Civility in litigation also refers to little things, such as pointing out to the other side things they may have overlooked. The purpose is not to give up a strategic advantage, but rather to help the other side avoid embarrassment in front of their clients, the judge, and the jury. Hopefully, the other side will return the favor when the opportunity is presented, and doing so bolsters the reputation of the legal profession as well as the lawyer. As the speakers point out, “Saving your reputation is more important than saving money, or even your case.” In other words, it is never worthwhile to gain a victory at the expense of one’s reputation.

Maintaining civility in the legal profession should be the goal of every lawyer. By keeping in mind that law is a profession more than a business, that if “you lose your cool, you lose your case”, and the importance of reputation, lawyers can maintain civility in the profession of litigation, and be effective advocates.



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