



# Inter Alia

San Joaquin College of Law Quarterly Newsletter

Volume XXVI, Number 4

## Winter 2015

- 2 Alumna Appointed Judge
- 3 Founder Moves to Oregon
- 4 Hon. Richard Lee Retires
- 5 New Law Librarian
- 6 July Barpassers
- 7 Moot Court
- 8 SJCL Visits Firms
- 10 SJALR Release Reception
- 11 So Cite Me!
- 12 Dear Faux Amici
- 13 Senior Law Day
- 14 SJCL on the Move
- 15 Giving Back

Janice Pearson Fore Jurgari

Jeffrey G. P.

Justin B. Atkinson

Alan Brown

Kerwin G.

Denise Kerner

Spindull

Joyce Morrow

Peace  
on Earth

Yon O'Connell

Lisa Wilmer

Mike Gans

Therisa McHenry

Han & T. D.

Patricia

Christina Hoodlin

Kasi Weete

2015

Debbie Gropfi

Ray G.

Bill

Louetta Hightower

Midgut

Siane Gul

Lissy Brock (Carter)

Diane Skouti

[Signature]

Carolyn A. Robinson

Beth Pitrock

Jeanie Lewis

Paul Jarobee

Cyndee Robinson

Jared Vera

# New Workers' Compensation Administrative Law Judge Debra Sandoval

*When asked how she ended up in the field of Worker's Comp, Sandoval says it was the first job she got after graduating San Joaquin College of Law in 2003.*

Debra worked as an Associate Attorney for Jane Woodcock (Law '92) for two years before taking a position with the State Compensation Insurance Fund, where she has worked for the past decade.

It isn't until later in the conversation that she reveals how she is uniquely qualified to pore through the medical documents which accompany such claims; she is also a physician with a medical degree from U.C. San Diego. She took time off after completing her first year of residency to have a family, but later turned her attention to law.

Debra says she really enjoyed her time at SJCL and feels it truly prepared her for her future. She is especially grateful for what she learned in her Research and Writing classes, which gave her skills she "uses every single day."

Sandoval says she loves what she does, "the variety of issues, the high volume, and the opportunity to negotiate settlements." While she has had experience in litigation and subrogation, she prefers the administrative hearing forum where the trials are much shorter and less formal.

She has high praise for the current ALJs, and feels both eager and honored to join them. She is equally excited about the opportunity



to be "the one to make the decisions, and be responsible for them."

Along with her very busy career, Sandoval has two adult sons. One has a degree in Bioscience Engineering while the other is studying for the LSAT right now. Both live in the Bay Area.

In her spare time, she raises and shows rabbits. It's been her hobby for the past 30 years. The day following this interview, Sandoval planned to head to a national competition in Portland with 40 of her approximately 100 bunnies in tow.

## Board of Trustees

Douglas Noll, J.D., *Chair*, Ross Borba, Jr., *Vice Chair*, Melissa White, J.D., *Secretary/Treasurer*, Roger D. Wilson, J.D., *Alumni Representative*, Richard Caglia, J.D., Hon. Jane Cardoza, Deborah Coe Hood, J.D., Greg Durbin, J.D., Jan L. Kahn, J.D., Anthony Mendes, J.D., Hon. Robert Oliver, Lisa Smittcamp, J.D., Steven Spencer, J.D., Dennis Veeh, CPA, David Weiland, J.D., Bob Whalen, J.D., and Nick Zinkin, J.D.

# Inter Alia

Volume XXVI, Number 4

## Editorial Staff

Janice Pearson  
Justin Atkinson  
Missy McKai Cartier  
Mark Enns  
Lonzetta Hightower  
Joyce Morodomi  
Diane Skouti  
Kasi Welte

## Contributing Writers

Missy McKai Cartier  
Diane Skouti  
Kasi Welte

## Design & Production

Mark Enns

## Photography

Missy McKai Cartier  
Kenny Gilman  
Howard K. Watkins  
Ronald D. Webb

## Publication

Professional Print & Mail



San Joaquin College of Law

901 5th Street  
Clovis, CA 93612  
T: 559/323-2100  
F: 559/323-5566  
www.sjcl.edu

# John Loomis Moves to Portland

*“John was never about the limelight, or the kudos, or the awards.” That’s the assessment Oliver Wanger, a retired U.S. Federal Judge and Senior Partner at Wanger Jones Helsley, has of John Loomis, with whom he and Judge Dan Eymann founded San Joaquin College of Law in 1969.*

Loomis, who served continuously on the Board of Trustees for the Law School up until a month before his departure, has quietly moved to Portland, Oregon to be close to his daughter Laurie, son-in-law Judge Randall Dunn and grandson Jon. A reading room at SJCL will be named in his honor.

“He’s a quiet and unassuming man,” Wanger continues, “but as you look deeper, you see he’s a man of great courage and integrity...someone who is uniquely committed to purpose.”

Those in the Valley got a glimpse of that courage in 2011, when the Consul General of France formally conferred the title of Chevalier of the French Legion of Honor upon Loomis for his service during World War II, when he was a Private First Class mortar gunner who was part of the campaign to liberate the City of Metz in the eastern region of France. Being named a Chevalier is the highest honor bestowed by France.

The Hon. Gary Austin was surprised to learn of Loomis’ heroic past because, despite the many years they have known each other, Loomis never mentioned it. Austin believes, “It shows how humble he is, and what a great man he is.” Austin remembers Loomis as his Contracts professor during his first year at SJCL. Even though every student was fully



Dean of Academic Affairs **Justin Atkinson** and Dean **Jan Pearson** celebrate Founder **John Loomis’** contributions at a farewell luncheon.

aware of Loomis’ standing as one of the three founders of the Law School, Austin describes his classroom demeanor as “very kind, very embracing, reaching out to his students.”

Retired Judge Robert Oliver, who has served on the SJCL Board with Loomis for the past decade, believes Loomis will be deeply missed. “Dean Loomis has distinguished himself over many years as a lawyer of integrity, professionalism. His dedication in contributing to the vision of SJCL and its ongoing success cannot be overstated.”

Retired SJCL Professor Richard Cartier also reflected on Loomis’ character, call-

ing him “the epitome of a true gentleman and American hero. It was a pleasure to see the French government recognize the value of his service. Closer to home, all of the SJCL family is indebted to him as a founder and supporter.”

SJCL Dean Jan Pearson takes it one step farther, adding, “There would not be a San Joaquin College of Law without John’s efforts. We wish him great happiness in his new adventures in Portland and hope he knows the depth of our affection and appreciation for all he has done. He has been a wonderful mentor and inspiration for me. I will miss him profoundly both personally and professionally.”

## Full-Time Faculty

Justin B. Atkinson, Jessica Smith Bobadilla, Andreas Borgeas, Christine A. Goodrich, Denise M. Kerner, Gregory Olson, Janice L. Pearson, Jeffrey G. Purvis, Rose Safarian, and Alicia Diaz Wrest

## Adjunct Faculty

Thomas H. Armstrong, Lawrence M. Artenian, Arthur G. Baggett, Jr., Barry J. Bennett, Alyson A. Berg, Hon. Stanley A. Boone, Shawna Braun, David M. Camenson, Daniel E. Casas, Phillip H. Cherney, Erin M. Childs, Lisa B. Coffman, Hon. Jonathan B. Conklin, Mark E. Cullers, Niki Cunningham, Matthew R. Dardenne, Marc Days, Matthew Farmer, Peter Fashing, Mia Giacomazzi, Daniel Griffin, David J. Guy, Jason P. Hamm, Scott C. Hawkins, Rachel Hill, Paul Kerkorian, Kathi Kesselman, Stefanie J. Krause, Andrew S. Kucera, Michael R. Linden, Jeremy K. Lusk, Mark Masters, Kathleen McKenna, William T. McLaughlin II, Steven McQuillan, Devon McTeer, Mark D. Miller, Hilda Cantú Montoy, David Mugridge, James Mugridge, John M. O’Connor, Nelson Richards, Christina A. Roberson, Dan Rogers, Gary W. Sawyers, Kathleen Servatius, Babak Shakoory, Hon. Michael Sheltzer, Shara Tirapelle, Anastasya Uskov, George J. Vasquez, Kaycie Wall, Hon. Oliver W. Wanger, and Melissa L. White

# The Honorable Richard Lee Retires

*The Honorable Richard Lee (Law '85) was the first SJCL graduate to be appointed to the federal bench.*

As such, Judge Lee has shared each of his career milestones with Dean Pearson, who was at his graduation ceremony to offer her congratulations, at his judicial swearing-in ceremony, and at his retirement party as well.

“You were here from the beginning of this,” he told her with a hug, as he celebrated his thirty-year law career with colleagues, friends, family, and a few surprises at a retirement party in his honor at the Federal Courthouse. Among his many accomplishments, Judge Lee’s career included sixteen years as an attorney, and fourteen years on the bench.

Having graduated from USC with a BS in Mechanical Engineering and a Master’s in Business Administration, Judge Lee started out as a professional mechanical engineer. While attending SJCL, he worked at Kimble MacMichael & Upton, and went on to become an associate attorney, and then a partner. He was appointed by the Ninth Circuit Court of Appeals, replacing the Honorable Brett Dorian, as a US Bankruptcy Court judge in 2001.

During his career, Judge Lee served as president of the Central California Bankruptcy Association and Chairman of the CCBA’s 1995 Institute Committee. He also served on the California State Bar Board of Legal Specialization’s Personal and Small Business Bankruptcy Law Advisory Commission, Fresno County Small Claims Court, Judicial

Arbitration Panel for Fresno County, Alternative Dispute Resolution panel for the Eastern District, Attorney/Clerks Advisory Committee for the Fresno Division, and the Advisory Board of the *San Joaquin Agricultural Law Review*.

A trio of musicians and tables of delectable hors d’oeuvres and wine provided the backdrop for an evening of reminiscence by some of Judge Lee’s colleagues over the years. Tom Armstrong, another SJCL graduate and bankruptcy attorney who often appeared before Judge Lee, brought along a special guest. He told a story about an adversary proceeding he once filed for a client (Will) who was struggling desperately to support his family. After discharging Will’s student loans, Judge Lee came into the courtroom to wish him well. In time, Will’s situation did indeed improve. He had been promoted in his job and was now saving to purchase a home. Hidden among the audience at the party, Will appeared upon Tom’s recounting of his story, and he thanked Judge Lee once again, and wished him well in retirement.

Other speakers included Retired Bankruptcy Judge Whitney Rimel. She spoke of how much she enjoyed working with Judge Lee, noting how he was always willing to listen when she needed to vent about an attorney or witness, given that judges can never vent in court.

Sharlene Roberts Caudle, Judge Lee’s law clerk, said the Judge’s serious nature



inspired her to concoct many an April Fool’s joke. Once, she added a group of made-up cases to his docket for the day. Another time she replaced some ever-present fake fruit in his office, with real apples. She proceeded to take a bite out of one during a staff conference, giving everyone a laugh.

Among the gifts presented to Judge Lee at the party were a top-notch banjo (he says he really wants to learn to play), and a book on how to play it.

Judge Lee expressed his gratitude to everyone he has worked with through the years, and said he now looks forward to sitting as a bankruptcy judge, by assignment.

---

## Staff

Janice Pearson, *Dean*, Justin Atkinson, *Academic Dean*, Missy McKai Cartier, *Public Information Officer*, Victoria Denny, *Administrative Assistant to the Deans*, Matthew Dillard, *Maintenance Assistant*, Mark Enns, *Senior Graphic Designer, Web Developer, & Helpdesk Manager*, Kenia Garcia, *NALC Receptionist & Administrative Assistant*, Lonsetta Hightower, *Student Services Assistant*, Nicole Jacobsma, *Admissions Counselor*, Jeannie Lewis, *Director of Financial Aid*, Joyce Morodomi, *Director of Student Services*, Jared Nelson, *Senior Network Systems Engineer*, Lisa Nilmeier, *Assistant to CFO*, Beth Pitcock, *Director of Human Resources and Compliance*, Kerry Prindiville, *Head of Public Services*, Carlyn Robbins, *Administrative Assistant/Receptionist*, Cyndee Robinson, *Technical Services Librarian*, Rick Rodriguez, *Facilities Manager*, Diane Skouti, *Alumni Coordinator*, Patricia Smith, *Law Coordinator*, Diane Steel, *Director of Admissions*, Jill Waller-Randles, *Chief Financial Officer*, Kasi Welte, *Annual Giving & MCLE Coordinator*, Derron Wilkinson, *Chief Information Officer*, Alicia Diaz Wrest, *Law Library Director*, Debbie Yakovetic, *Staff Accountant*



# Ali Diaz Wrest is SJCL's New Law Librarian

*"I always enjoyed the part of Law School where you are helping other students, and it's a collaborative effort."*

**A**licia Diaz Wrest is taking a job guaranteed to offer her many such opportunities. She is the new Law Library Director at San Joaquin College of Law, in addition to teaching "Legal Methods," all the while working on her Masters of Library and Information Science through the University of Arizona.

She was raised in Hanford and has always seen the Valley as her future. Her past includes stints as everything from a waitress to produce broker and sales rep for action sports equipment, including snowboards.

She is a 2010 graduate of SJCL. During law school, she was Assistant Editor in Chief for the *San Joaquin Agricultural Law Review* and published her Comment, "Buyer Beware: The Liability Gap Created by Tribal Farming," in

the 18th Volume. She also became the first student in the Law School's history to attend classes via Skype when she found herself bedridden during the final months of her pregnancy with her first child. She recalls with gratitude how classmate Pauline Seiler set up the computer in class, and how the Hon. Hilary Chittick called on her to brief a case via Skype.

Wrest clerked for the Dias Law Firm, Inc. while attending law school, was hired there as an associate after passing the bar, and became a partner in the firm in 2012. She practiced in the areas of Business Transactions and Civil Litigation.

Wrest says her top goals are "being a good mom, a participant citizen and giving back to the community," so when she saw the Librarian opening at SJCL



she "just felt compelled, as if it is a calling to merge my passion for the law with helping others."

Wrest replaces Peter Rooney, who, after ten years at SJCL, is now at the helm of the Fresno County Law Library.

## Constitution Day

*San Joaquin College of Law celebrated Constitution Day with a lecture from Professors Jeffrey Purvis and Dara Purvis on Thursday, September 17.*

**T**hanks to all who joined us for another legendary Constitution Day Lecture from Professor Purvis. This year, the topic was "*Having Destroyed Marriage, What are the Gays up to Now? A Conversation with Penn State Law Professor Dara Purvis on Human Rights after Obergefell.*" Professor Dara Purvis took part in the conversation via Skype.



**Jeffrey G. Purvis**, Professor of Law,  
San Joaquin College of Law



**Dara Purvis**, Professor of Law,  
Pennsylvania State University

# SJCL Toasts July Barpassers

*“If you pass the Bar, you’re hired. If you don’t pass the Bar, you’re going to stay here and clerk until you do. And then you’re hired.”*

Luckily, John Orman did not have to cash in on the second part of that statement from Laughlin, Falbo, Levy & Moresi; he passed the Bar on his first try. Also in the “you pass, you’re hired” category is Sally Vecchiarelli, who was snapped up by Hammerschmidt Broughton Law.

Meanwhile, Sarah McNabb says her clerkship at the Tulare County Public Defender’s Office will turn into a fulltime job as an attorney on December 14th.

Barpasser Corina Burchfield didn’t have to wait long to be hired. Less than 45 minutes after receiving bar results on Friday, November 20th, her employer’s Facebook page featured the following status:

“Sawl Law Group would like to congratulate Corina Burchfield for passing the California State Bar Exam (on her first try)! It is a monumental achievement and we are all incredibly proud of her. I am very excited to welcome Corina as Sawl Law Group’s newest associate attorney on Monday.”

Corina started with Sawl Law Group as a volunteer file clerk when she was 15. After graduating from UC Davis, she returned to SLG as a legal assistant in 2005. Corina graduated law school from San Joaquin College of Law earlier this year and took the July bar exam.



FRONT ROW (L-R): **Jessica McClung** and **Cinderela Co**

MIDDLE ROW (L-R): **Sally Vecchiarelli**, **Sarah McNabb**, **William Klomhaus**, and **Anneka Sweeney**

BACK ROW (L-R): **John Orman**, **Elizabeth Thomasian**, and **Corina Burchfield**

ALSO PASSING BUT NOT PICTURED: **Aaron Blunt** and **Jarrett Rogers**

Laughter, hugs, and congratulations flowed as freely as the champagne as San Joaquin College of Law’s traditional Barpassers Reception raised a glass to eleven July Barpassers on November 23rd. Anneka Sweeney admitted it hadn’t been all laughs; she says she cried for two solid minutes after receiving word she’d passed. Her husband was trying to console her, thinking the news was the opposite.

Barpasser William Klomhaus and his wife toasted the victory at the end of his

five-year journey through law school. He says he loves his current job in Workers’ Compensation with Zenith Insurance. When asked whether he had been hired as an Associate Attorney, he simply said “I will be!”

Barpasser Cinderela Co says she will take her time finding the perfect job. She is a Registered Nurse and Director of Nursing at her current job. Her dream job will combine the law and health care.

# Moot Court Fall 2015

*The Fall 2015 Moot Court Competition was held on October 22-29.*



Best Oral Advocate winner **Lenora Barnes** joins fellow Oral Advocate Finalists and judges in the courtroom during the final round of Moot Court. (L-R) **James Castleman, Darcy Brown, Hon. Barbara McAuliffe, Justice Steven Vartabedian, Lenora Barnes, Hon. Jonathan Conklin, and Joshua Milton.**

## **Best Brief Winners**

Raquel Busani & Tejumola Olubeko

## **Best Brief Finalists**

Jaskaran Gill & Kuljit Singh  
BreAnne Ruelas & Brandon Hamparzoomian

## **Best Oral Advocate Semi-Finalists**

Martha Figueroa, Jaskaran Gill, Tiffany Pack, and Jennifer Wharton

This term's Moot Court instructors Shawna Braun and Kathy McKenna said they were pleased with the students' briefs and presentations.

**Thank you to all the judges from the legal community who generously donated their time. Your participation is greatly appreciated!**

Mr. Robert Abrams  
Hon. Brian Arax  
Mr. Adam Benkoski  
Mr. Gabriel Brickey  
Mr. Mark Broughton  
Mr. Kenneth Carver  
Ms. Amanda Cary  
Hon. Jonathan Conklin  
Ms. Sherrie Flynn  
Ms. Mia Giacomazzi  
Ms. Lynette Gonzales  
Hon. David Gottlieb  
Hon. Gary Green  
Mr. Daniel Griffin  
Hon. Jeffrey Hamilton  
Mr. Kevin Kalajian  
Hon. James Kelley

Hon. Leanne LeMon  
Hon. Barbara McAuliffe  
Ms. Ann McGlenon  
Mr. David Mugridge  
Ms. Connie Parker  
Justice Rosendo Pena Jr.  
Professor Jeffrey Purvis  
Ms. Pauline Seiler  
Ms. Kathleen Servatius  
Hon. Geoffrey Sims  
Justice Bruce Smith  
Mr. Patrick Suter  
Ms. Emily Takao  
Justice Steven Vartabedian  
(Retired)  
Mr. Peter Wall  
Ms. Alicia Wrest



# Bennett Sharpe Inc. an “All SJCL” Firm

*Barry Bennett of Bennett Sharpe has been an adjunct instructor at SJCL for 30 years. The focus of his course is the same as the focus of his firm: labor law. Bennett Sharpe Inc. just happens to be an all-SJCL firm.*

As specialists in labor relations, Bennett Sharpe represent a number of police, fire and correctional associations. In addition, they are well versed in the Bill of Rights for Public Safety Officers and Firefighters, as well as public safety retirement laws. Oh yes, and did we mention, aside from Barry himself, they are an all-SJCL law firm? We dropped in for a visit in October to see what they were up to.



Thomas Sharpe says he always intended to pursue a career in law at some point, but instead became a teacher. He taught English for 12 years, and then realized he had better hurry up if he wanted to study law. He continued teaching, worked part-time as a law clerk, and attended SJCL at night. “I was lucky I could get by on very little sleep!” Thomas was a student in Barry Bennett’s labor law course, which eventually led to Barry inviting him to join his firm as a partner. (L-R) **Katwyn DeLaRosa** (Law ’09), **Jeni Derousi** (Law ’14), **Thomas Sharpe** (Law ’83), **Eric LiCalsi** (Law ’13), and **Ann Bennett** (Law ’07).



**Ann Bennett** (Law ’07) spent nearly 20 years working in law enforcement before joining Bennett Sharpe in 2004. She served as the first female President of the Fresno Deputy Sheriff’s Association, and sat on the Board of PORAC. Her primary focus is representing public safety officers and other public employees.



**K.T. DeLa Rosa** (Law ’09) joined Barry Bennett’s firm as a law clerk during her 2nd year of law school. She had to take a short leave of absence when her son was born. “They were amazing in how they accommodated me here,” she said of Bennett Sharpe. “I was allowed to bring my baby to work for the first nine months, so I wouldn’t have to worry about childcare.”



**Jeni Derousi** (Law ’14) transferred to SJCL from the University of San Francisco Law School. With her rare perspective of having attended two different law schools, she says she found many benefits at SJCL. “There is no grading on a curve here,” she said. “When there is no direct competition (between students), a more collaborative environment is fostered.”



**Eric LiCalsi** (Law ’13) practices in the areas of criminal defense and labor law. He started at Bennett Sharpe upon passing the bar. He gained criminal law experience through his prior employment with the Fresno County District Attorney’s Office.

NOT PICTURED: **Sandra Harbottle** (Para ’92) conducts many investigations in her role at Bennett Sharpe and is a licensed private investigator; **Nicole Idiart** (Law ’13) represents workers in internal investigations, disciplinary interviews and termination cases; and **Mao Lee** (4L) clerks for Bennett Sharpe.



# Firm Visit Uncovers Fresno's Best Taquerias

*Jeremy Lusk (Law '03) of the Law Offices of Jeremy Lusk near Palm and Herndon Avenues, didn't set out to create an all-SJCL law firm. "It just happened organically," he said.*

Having attended both high school and SJCL with some of his associate attorneys, Jeremy says he likes having people in the firm who also had Professor Purvis as a law school instructor. "We learned a lot from him," Jeremy said. "And we use the Socratic method here in the office, too!"

Jeremy was a teacher for 11 years before enrolling in law school. He says he knew having a law degree would offer a wide range of career opportunities. Jeremy's father, Keith, graduated with SJCL's third graduating class in 1976. Then, as now, SJCL possessed the attributes of a strong sense of community, one-on-one attention from faculty, and lots of networking among alumni.



When **Jeremy Lusk** (Law '03) opened his own firm seven years ago, he focused mainly on workers' compensation defense. Later, he added personal injury and immigration law. An additional area of expertise is Jeremy's extensive knowledge of great taquerias in Fresno. We talked him into sharing the names of two: Castillo's at Marks & Olive, and Taco Grande in Pinedale!



**Richard Fritsch** (Law '08) has more than 19 years of experience in workers' compensation. He joins his fellow SJCL grads at the Law Offices of Jeremy Lusk, with a primary focus on workers' compensation law.



**Rosie Bravo** (Law '02) first became interested in law at the age of 19, when she went to court to dispute a speeding ticket. "The bail for the ticket was \$40, but the judge cut the fee down to \$5!" Rosie said. Because her parents spoke no English, Rosie was often called upon as a child to interpret their legal matters. After completing her undergraduate degree, she worked in an office that processed workers' compensation claims for 25 years. At the age of 47, she realized she was handling half the office caseload herself, and had plenty of experience with workers' compensation law. She decided she may as well make it official and become a lawyer.



**Spencer Gong** (Law '03) started out thinking he wanted to go into law enforcement. A job at a jail changed his mind, however, and he went to law school instead. Spencer says his cousin graduated from the law school at UCLA, but had heard that SJCL was a good school. Spencer enrolled and says he especially enjoyed constitutional law with Professor Purvis, and Real Property with Professor Sally Perring. Spencer was hired by Jeremy Lusk in 2012, and says he is excited about his career.

# Release Reception for Law Review

*Thanks to everyone who joined us November 6th for the Release Reception honoring the 24th Volume of the San Joaquin Agricultural Law Review! The SJALR is the oldest agricultural law review in the country. The topics discussed in each volume are always of current interest to those in agriculture, government, business, and law.*



The Editorial Board and staff for the 25th Volume of the *San Joaquin Agricultural Law Review*, including BACK ROW (L-R): **Monique Galvan**, Candidate; **Mao Lee**, Production Editor; and **Jeffrey Castleton**, Executive Editor

CENTER ROW (L-R): **Jaskaran Gill**, Candidate; **Ryan Petty**, Articles Editor; **Brandon Hamparzoomian**, Candidate; **BreAnne Ruelas**, Candidate; **Ryan Lopez**, Candidate; and **Kuljit Singh**, Candidate

FRONT ROW (L-R): **Virginia Madrid-Salazar**, Editor-in-Chief and **Jennifer Vanzant**, Assistant Editor-in-Chief.

## San Joaquin College of Law Seeks Professional Articles from Legal Community

San Joaquin College of Law is now accepting professional articles for Vol. 25 of the *San Joaquin Agricultural Law Review*. Submissions from our alumni and local legal community are a vital part of the publication.

Submission guidelines include:

- Article must be agriculture related and use a novel approach.
- Article must not have been published in another law review within the past five years.
- Article must be approximately 15 pages in length, including footnotes.

If you are interested in considering a submission or have any questions, please contact:

Jeffrey Castleton, Executive Editor  
*San Joaquin Agricultural Law Review*, Vol. 25  
jeffery.castleton@student.sjcl.edu

The 24th Volume includes the following Articles and Comments.

### Articles

*A New Way to Roost: How Land Use Policies Can Facilitate the Changing Tide of Poultry Regulations*  
Lauren Manning

*Something Old, Something New: Relying on the Traditional Agricultural Cooperative to Help Farmers Solve the Power Imbalance in Modern Meatpacker Production Contracts*  
Dean Zimmerli

### Comments

*Puff, Puff, or Pass? Why the United States is Not Ready to Legalize Recreational Marijuana*  
Megan Brown

*Central California Irrigation Districts: Are They the New Standard Oil?*  
Jeffrey C. Castleton

*The Failure that Topples Success: How the Migrant and Seasonal Agricultural Worker Protection Act Does Not Actually Protect*  
Amanda Kendzora

*Good Intentions Fall Short: Why the Southeast Asian Community is Precluded From Obtaining Farm Loans*  
Mao Lee

*Feeding the World Has Left Our Water Contaminated: Will California's Human Right To Water Act Fix the Problem?*  
Virginia Madrid-Salazar

*A Modern Tale of the Fox Guarding the Hen House: The Inherent Conflict of Interest that Exists When Pesticide Distributors Employ Pest Control Advisers*  
Jennifer Oleksa Vanzant

*You Can't Grow That Here: Obstacles to an Agrarian Renaissance*  
Ryan L. Petty

The complete Volume is available online at [www.sjcl.edu/sjalr](http://www.sjcl.edu/sjalr).

# So Cite Me!

This synopsis of a recent student comment featured in the *San Joaquin Agricultural Law Review* is part of an ongoing series for Fresno County Bar Association's Bar Bulletin. The *San Joaquin Agricultural Law Review*, founded in 1991, is the oldest agricultural law review in the nation. It is published annually by students of San Joaquin College of Law, and presents student and scholar works on legal topics of current interest to those in agriculture, government, business and law. Its articles and comments have been cited by the United States District Court for the Eastern District of California, the United States District Court for the Middle District of Tennessee, the California Supreme Court, the Minnesota Supreme Court, the Court of Appeal for the Fifth District of California and the New Mexico Court of Appeals among others. The complete Comment is available online, along with the entire 24th Volume and the previous 23 Volumes at [www.sjcl.edu/sjalr](http://www.sjcl.edu/sjalr). Professional articles are always welcome. Contact Volume 25 SJALR Executive Editor Jeffrey Castleton at [Jeffrey.Castleton@student.SJCL.edu](mailto:Jeffrey.Castleton@student.SJCL.edu) for more information.

## **A Modern Tale of the Fox Guarding the Hen House: The Inherent Conflict of Interest that Exists When Pesticide Distributors Employ Pest Control Advisers**

By **Jennifer Oleksa Vanzant**

*Assistant Editor-in-Chief*

24 *San Joaquin Agric. L. Rev.* 1 (2015)

*San Joaquin Agricultural Law Review*

In California, when agricultural growers want to apply pesticides to their crops, they are required to first obtain a recommendation from a licensed Pest Control Adviser ("PCA"). Imagine you are a grower and in need of such a recommendation. A PCA visits your property to determine what type of chemical you need and how much of it is required to keep your precious crops protected from

pests that could destroy your profit. The PCA tells you that he just so happens to sell the exact pesticide that he has recommended for your crop. This is a common scenario experienced by farmers, considering that nearly ninety percent of all PCAs are employed by agricultural chemical distributors and sell the very products they recommend to farmers. In fact, a substantial number of these company affiliated PCAs pocket a hefty commission for selling their employers' products. This presents an extraordinary conflict of interest: PCAs employed by pesticide distributors provide pest control advice that is biased toward the profit of their employers and also aimed at earning a commission.

The incentives for company affiliated PCAs to sell their employers' product are substantial because their job security, income, and often bonuses are all dependent upon the promotion and sale of their company's pesticides. For some farmers, this conflict of interest leads to a very destructive outcome. For example, in 2010, a PCA employed by agricultural chemical giant Britz-Simplot recommended and sold a product to G & M Farms, representing that it had been tested and was safe for use on blueberries; however, this was a false representation. As a result of using the product in the manner and amount recommended by the PCA, most of G & M Farms' blueberry crop was rendered completely unmarketable or diminished in quality. Although both the company affiliated PCA and the pesticide distributor knew or should have known that this particular pesticide was not safe for use on blueberries, this information was never disclosed to G & M Farms.

Despite the potential for harm, the conflict of interest created when pesticide distributors employ PCAs has survived virtually unregulated since as early as the 1950s, when Integrated Pest Management ("IPM") pioneer Robert van den Bosch was just beginning his career as an entomologist. He waged a controversial

war against company affiliated PCAs, declaring: "[p]erhaps the greatest absurdity in contemporary pest control is the dominant role of the pesticide salesman, who simultaneously acts as diagnostician, therapist, nostrum prescriber, and pill peddler." Van den Bosch's book, *The Pesticide Conspiracy*, was published nearly forty years ago and many of his concerns regarding company affiliated PCAs remain relevant in the modern agricultural world. Decades later, most PCAs are employed by the pesticide industry and have a fundamental conflict of interest.

This Comment explores the inherent conflict of interest that exists when pesticide distributors employ PCAs, the destructive consequences which result from the conflict, and how eliminating company affiliated PCAs will undoubtedly reduce pesticide use, pesticide residues, and the health, safety, and environmental concerns caused by under-regulation and over-prescription of chemical pest control. This Comment examines the existing conflict of interest prohibition for government employees who make recommendations, and the absence of a similar prohibition imposed on PCAs operating in the private sector. Further, it will draw parallels between the current pest control adviser conflict of interest and a similar conflict resolved long ago in the medical field. This Comment sheds light on the harmful effects of the conflict of interest, including the over-prescription and over-use of pesticides, as well as the pesticide distributors' ability to avoid liability for such harms. This Comment recommends the elimination of the conflict of interest and the promotion of less hazardous, more sustainable methods of pest control. Finally, this Comment concludes that failure to erect a legal barrier between pesticide advisers and pesticide salesmen acts as an open invitation for the fox to continue guarding the hen house.



# Dear Faux Amici

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

Addressing fabricated e-mails from “audience” members who are admittedly imaginary. Have a question you would like answered? Send an e-mail to [jpurvis@sjcl.edu](mailto:jpurvis@sjcl.edu).

## Dear Professors

*Nothing proves how little you liberals care about America than how hard you work to provide benefits to illegal aliens at the expense of regular Americans. And nothing proves how evil you liberal lawyers are than the legal assistance you give to illegal aliens who are criminals. The next President of the United States, Mr. Donald Trump, tells the truths that liberals try to hide, and one of them is all the rapist Mexicans and other criminals who sneak illegally into the United States, where they ravage American victims, and are advised by liberal lawyers on how best to avoid being deported as a consequence of having been caught by the criminal justice system. There is absolutely no justification for this, and nothing you professional liars could ever say would convince me otherwise. That's why I and my fellow patriotic Americans will be voting for Donald J. Trump for President in 2016!*

—James S. Thurmond, Edgefield, SC

I'm pleased to see that, like most conservatives, Mr. Thurmond, you are keeping an open mind on the subject. And like most conservatives (and too many liberals), you see the presumption of innocence, and the right to counsel, among other constitutional rights, as unnecessary impediments to effective police work, unless, of course, you are accused of a crime.

When someone is charged with criminal offenses, they often languish in jail for months, even years, while waiting for the trial at which they may be judged guilty or not guilty. This is generally because the accused person cannot afford bail. The prosecution often adds as many charges as conceivable against a defendant, carrying the threat of years in prison, so that they can offer a “plea bargain” to the accused where the more serious (and probably unprovable)

charges are dropped in exchange for a guilty plea on a lesser charge.

Even an innocent person, having spent a year in jail awaiting trial, with no money for bail and none for a private attorney, will consider falsely pleading guilty to a charge that will result in his immediate release from custody rather than face more time waiting in jail only to risk the possibility of a lengthy prison sentence. Such an accused who is also a non-citizen, whether in the United States legally or not, may not realize that by pleading guilty to any offense, he then becomes eligible for deportation. So an innocent non-citizen agreeing to falsely plead guilty because he will be sentenced to the time served waiting for trial and thus finally get out of jail, discovers the immigration consequences of his plea bargain when ICE shows up to send him to another country.

For many years this kind of deportation, along with the various other harmful ancillary effects of a criminal conviction, was considered a “collateral consequence” of the conviction, meaning that the defense lawyer for the accused had no obligation to warn her client about the danger when considering a plea bargain. Criminal defense attorneys generally knew very little or nothing about immigration laws, and probably did not regard it as an effective use of their time trying to learn about that arcane and highly specialized federal legal practice area.

However, in 2010 the US Supreme Court decided *Padilla v. Kentucky*, which held that defense counsel had an obligation to inform a client considering a plea of guilty that there would or might be adverse immigration consequences from such a plea. In appropriate circumstances, a failure to so warn a criminal defendant client would be regarded as ineffective assistance of counsel, a violation of constitutional rights, and the plea of guilty would be set aside, requiring the government to proceed to trial. This means that defense attorneys

either have to become well-informed about immigration law, or immigration attorneys have to be available to provide expert guidance to defense attorneys representing non-citizen clients.

Beyond the xenophobia and the bigotry and the imperviousness to evidence of your despicable attitude, Mr. Thurmond, there is a misperception about the criminal justice system that is pervasive among Americans, who accept its depiction as the “thin blue line” of law enforcement protecting us, the civilized, against a howling tide of barbaric destroyer criminals. Why can't you understand that the constitutional rights provided to us all when we are accused of committing a crime are a vitally important protection from oppression by our own government?

Consider this situation of Washington Post journalist Jason Resaian, held by Iranian authorities since 2014, recently convicted of charges never publicly identified by an Iranian court after a secret trial in which reportedly no witness testimony was presented. This could never happen in the United States, unless one were an unlawful enemy combatant, because the Constitution demands that trials be public, and be fair, and where the accused is protected by the right to be informed of the charges, to be provided with counsel, able to confront the witnesses against him, and other mandatory procedures designed to insure that justice is done. All of these things, which conservatives complain “handcuff the police,” are intended to protect the innocent and prevent the government from using its power to silence its critics. If Donald Trump were accused of wearing a ferret on his head, in violation of laws prohibiting the keeping of wild animals as pets, he would be entitled to all these protections to make sure that the prosecution wasn't something “trumped up” by President Obama to prevent the Donald from saving America from the Kenyan Socialist Communist Fascists.

So don't be so quick to condemn the protections that our Constitution provides to persons accused of a crime. Even if those persons are not citizens.

# Senior Law Day

Over fifty Senior Citizens came to SJCL on a Saturday in October to hear informative presentations on legal issues that impact them. This annual event is sponsored by the SJCL Alumni Association as a community service to local Senior Citizens. This year, Deborah Boyett (Law '01), Joy Dockter (Law '10), and Ismael Anda – Senior Driver DMV Ombudsman, were the featured speakers. Volunteers from Central California Legal Services were also on hand to provide one-on-one appointments at no charge for those seniors who qualified. This year CCLS was able to provide 19 personal appointments!

The Alumni Association wishes to thank everyone who helped make this year's Senior Law Day a big success. Thank you to our helpful student volunteers: Leila Alamri-Kassim, Emilio Avellaneda, Teshlene Galaviz, Mirna Garcia, Adriana Gomez, and Veronica Pena.



Thank you to CCLS volunteers, our speakers, and Alumni Board Members (L-R) **Faith Lisle** (Law '13), **Deborah Boyett** (Law '01), **Ismael Anda**, DMV Sr. Driver Ombudsman, **Brande Gustafson** (Law '09), **Joy Dockter** (Law '10), and **Beth Waldow** (Law '09).



Congratulations to **Rachelle Taylor Golden** (Law '13), who has been named to Business Street Online's "40 Under 40" Class of 2015. She is an Associate Attorney at Overstreet & Associates. Business Street Online say the annual list "recognizes some of the top young business professionals in the public and private sectors in Central California. They are leaders in their communities and have achieved great success before the age of 40. They were nominated by their peers and represent the future of the Central Valley."



Fresno County Women Lawyers (FCWL) President **Christina Roberson** (Law '12) presented the 2015 Justice Pauline Davis Hanson Award to **Kathy Hart** (Law '77) on October 30th at the FCWL Hanson Dinner. FCWL made a donation to the Sierra Club in Kathy's honor at her request.



Congratulations to Law Students United in Tolerance (LawSUIT), which collected and donated 86 coats to the Poverello House, thanks to this year's drive. They're hoping to hit 100 next year!



Congratulations to Hopper Scholarship Award Winner **Matthew Lear**, a 3L at San Joaquin College of Law!

# SJCL on the Move

**Peter Aguayo** (Law '14) has opened the Law Offices of Peter Aguayo, specializing in Immigration Law and Criminal issues relating to Immigration status.

**Benny D. Barco** (Law '07) has opened a private practice under the name of Barco Law. He specializes in helping small business owners with their everyday legal needs including contract review/negotiation, employment law issues, business dissolution/bankruptcy, and business succession planning (including Wills & Trusts).

**Corina Burchfield** (Law '15) is now an Associate Attorney with the Sawl Law Group. This past year, her Law Review Comment was cited in the Environmental Law Foundation's brief in a case at the California Supreme Court. The Comment is titled *Taking 'Baby Steps' Towards Protecting Our Children: Why Proposition 65 Does Not Do Enough To Protect Infants From Lead Exposure* (2013-2014) 23 *San Joaquin Agric. L. Rev.* 75.

**Kristen M. Gates** (Law '08) has opened the Law Offices of Kristen M. Gates, specializing in Family Law, Civil Litigation, and Bankruptcy.

**Charles Hamamjian** (Law '14) is now an Associate Attorney at Barsamian & Moody.

**Mary F. Lerner** (Law '02) is now an Associate Attorney at Walter & Wilhelm Law Group, where she specializes in Business Litigation, Employment/Labor Law, and ADA Defense.

**David Litman** (Law '12) is now an Associate Attorney at Sagaser, Watkins & Wieland PC.

**Timothy Logoluso** (Law '87) is now an Associate Attorney with Gilmore Magness Leifer.

**Ian Marty** (Law '99) is now a Kings County Deputy District Attorney.

**Kimberly Mayhew** (Law '98) is now an Associate Attorney at Lang, Richert & Patch, PC where she specializes in Real Estate, Commercial and Business Litigation.

**Sarah McNabb** (Law '15) is now a Tulare County Public Defender.

**Craig Meredith** (Law '13) is now an Associate Attorney at Tuttle & McCloskey.

**Jesse Molina** (Law '13) is now General Counsel for FocusVision.

**Sally Orme Moreno** (Law '95) is now a Fresno County Deputy District Attorney.

**Lacey O'Brien** (Law '14) is now an Associate Attorney with the Law Offices of Borton Petrini LLP.

**John Orman** (Law '15) is now an Associate Attorney with Laughlin, Falbo, Levy and Moresi.

**Warren Paboojian** (Law '85) has been inducted into the International Academy of Trial Lawyers. Membership is limited to 500 fellows from the U.S. who have achieved a career of excellence, demonstrating skill and ability in jury trials, trials before the court and appellate practice.

**Jamie Palm** (Law '13) has opened the Law Offices of Jamie Palm, specializing in Criminal Defense and Family Law.

**Jonas Parr** (Law '14) is now an Associate Attorney at Yruegui & Roberts.

**Amanda S. Patterson** (Law '10) has joined the firm of Baker Manock, & Jensen, where she specializes in corporate and general business, employment, and health care law.

**Robert Price** (Tax '87) of Price, Page & Company has been selected to be the recipient of California Society of CPA's 2015 Public Service Award.

**Frankie D. Rodriguez** (Law '07) is now an Associate Attorney at the Childs Law Office, a PLC.

**Jonathan Rooker** (Law '09) has been named an ACS-CHAL Forensic Lawyer-Scientist by the American Chemical Society-Chemistry and Law Division (ACS-CHAL). According to the Chemistry and the Law Division of the ACS, "The ACS-CHAL Forensic Lawyer-Scientist is one who uses validated and legitimate science for the benefit of justice. These are lawyers who study the science and apply it legitimately in the courtroom. They expose invalid or non-validated science and use valid science in the courtroom."

**Debra J. Sandoval** (Law '03) has been appointed as a Workers' Compensation Administrative Law Judge.

**Carol Ann Seita** (Law '14) is now an Associate Attorney in the Fresno Offices of Erickson Arbuthnot

**Michael Splivalo** (Law '86) has opened the Law Office of Michael N. Splivalo, specializing in Family Law.

**Sally Vecchiarelli** (Law '15) is now an Associate Attorney with Hammer-schmidt Broughton Law.

**Peter Wasemiller** (Law '82) is the new Director of the Fresno City College Paralegal Program.



# Thank you for your support!

*San Joaquin College of Law thanks the following individuals and organizations for their gifts. Their generosity helps SJCL deliver an outstanding academic program to students.*

## August 1 – December 1, 2015

### Gifts of \$25,000+

Granville Homes, Inc.

### Gifts of \$2,500-4,999

John Loomis (Board)  
Donna Korotie ('85)  
Missy McKai Cartier (Staff)  
Richard Cartier  
Charles W. Palmer Family  
Foundation  
Charles M. Palmer ('13)

### Gifts of \$1,000-2,499

C. William Brewer ('76)  
Hon. Nancy A. Cisneros ('80)  
Michael Condry ('80)  
Steven Spencer (Board)  
Robert (Tax '87) and Kathryn Price  
Melissa L. White (Board and '96)

### Gifts of \$500 – 999

Geraldine Brown ('79)  
Dias Law Firm, Inc.  
Germaine Dias  
Michael Dias ('93)  
Mark Miller  
Jennifer Morrison ('99)  
Sierra IP Law, PC  
SJCL Alumni Association  
David Weiland (Board and '92)

### Gifts of \$250 – 499

Carol Banuelos  
Hon. Jose Banuelos ('79)  
W. Allen Bennett ('94)  
Denise Cahill ('04)  
James O. Demsey  
Donn Furman ('93)  
Hon. K. Diane Lushbough ('88)  
Barry Matson ('95)  
Kathleen McKenna ('99)  
Hon. Ralph L. Putnam ('75)  
Rose Safarian (Faculty)  
Hon. Barbara St. Louis ('80)  
Malcolm Stewart ('77)  
Regina Tanner ('95)  
Hon. James Thaxter  
Hon. Georgia York ('78)

### Gifts of \$100 – 249

Steven Alfieris ('97)  
Robert Broughton ('78)  
James Cipolla ('94)  
Peter Cowper ('88)  
Lisa Cutts ('11)  
Joby Dupuis ('85)  
Bret Grove ('06)  
Judith F. Hall ('91)  
William Hazen ('86)  
Sandra McIntyre ('99)  
Janice Pearson (Faculty)  
Beth Pitcock (Staff)  
Mary K. Rau ('91)  
Vernon Reynolds ('10)  
Sentry Insurance Foundation, Inc.  
Robin Schumacher  
Nancy Silacci ('80)  
Wells Fargo Foundation  
Kasi Welte (Staff)  
Sara Widener-Brightwell ('94)  
Stephen Wright ('96)  
Thomas Zynda ('93)

### Other

Sofian Dawood ('04)  
Victoria Denny (Staff)  
Timothy Hart ('83)  
Hon. Gary Hoff  
Linda Kelly ('86)  
Joan Lassley  
Stephen Malm ('08)  
Karen L. Mathes ('95)  
Jared Nelson (Staff)  
Loretta Ramseyer  
Carlyn Robbins (Staff)  
Sevag Tateosian ('08)  
Alicia Wrest (Faculty and '10)

### Donation of Books to the Library

Andrew Antaramian ('14)  
Bryce Hatakeyama ('09)  
Phillip Tavlian ('80)  
Howard Watkins

### In-Kind Gifts

Steven Spencer (Board)



**SAN JOAQUIN  
COLLEGE OF LAW**

901 5th Street  
Clovis, California 93612

RETURN SERVICE REQUESTED

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

**SAVE THE DATE**

*San Joaquin College of Law  
Alumni Association Presents*

# Justice Run & Pancake Breakfast



**Saturday, February 27, 2016**

Join us for a fun filled morning in Veterans Park outside SJCL for a pancake breakfast and fun run.

5K Run  
2 Mile Walk/Run  
1/4 Mile Kids Run

[www.justicerun.org](http://www.justicerun.org)



**13TH ANNUAL  
Judy Wiseman  
Memorial Golf  
Tournament**  
APRIL 2, 2016

*Join San Joaquin College of Law  
Alumni Association for the Thirteenth  
Annual Judy Wiseman Memorial Golf  
Tournament on April 2, 2016.*

This tournament was established in honor of Judy Wiseman, a San Joaquin College of Law student who succumbed to cancer in 2002. The Alumni Association will use proceeds from this tournament to fund San Joaquin College of Law Student Scholarships.



43369 Avenue 12  
Madera, CA 93636  
(559) 908-1014