



Inter Alia

SAN JOAQUIN COLLEGE OF LAW • Volume 30, Issue 1



An artist's rendering of the future "Darryl B. Freedman Law Library."

Major Announcement at 50th Pre-Party

Nearly 100 alumni, officials, and students gathered in the parking lot at San Joaquin College of Law on January 7th for the 50th Anniversary Pre-party. Along with enjoying special SJCL 50th Anniversary Appetizers from Mad Duck and a taco bar from Rubios, there was also a major announcement from Dean Jan Pearson; Darryl Freedman (Law '93) has made a substantial donation to SJCL to help with the acquisition and renovation of the new law library, which will now be named in his honor. The new law library will occupy the space currently used by the Clovis Senior Center.

In order to support his family, Darryl worked full-time in the grocery business while earning his J.D. He passed away on December 19th, but his plans to create the library legacy had been underway for a couple of years. He and his wife, Gretchen, wanted to ensure those who came after him would have even greater opportunities at SJCL. At his memorial service, Dean Jan Pearson remembered his application. She reviewed his file and says two things caught her eye.

"The first was a truly well-written personal statement – well organized, grammatically correct, even capitals. He said 'I

would receive no greater satisfaction than to acquire the legal tools to assist other persons in dilemmas and legal misfortunes.' Concern for people. A characteristic that has carried through to the way he conducted his business – client service.

"The second was a reference letter comment from a non-lawyer:

"Darryl has continuously held a job since he was 15 years old. When he has a goal and believes in it, he will accomplish it.' Hard work and commitment.

"Doesn't this sound like our Darryl?"

Along with admiring an artist's rendition of the future "Darryl B. Freedman Law

Alumni a Day

The wonderful response to our special 50th Anniversary feature Alumni a Day has exceeded our expectations. If you haven't seen it yet, visit www.sjcl.edu/50th. There you will find a special anniversary page with information about our milestone, as well as all the alumni profiles we have presented as of this publication date.

We have to say, it's been tough staying within the 365-day limit. There are so very many accomplished SJCL Alumni out there doing amazing things. We are quite proud to highlight one for each day of 2019, our 50th Anniversary year. We hope you will join your fellow graduates and check out the daily profiles; like them, share them, re-connect with your classmates (and your alma mater), and help us celebrate our 50th year of excellence in legal education.



Inter Alia

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Features

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Vision: *To be the premier provider of legal education, scholarship, and service in the San Joaquin Valley.*
Mission: *To educate and develop individuals to become highly skilled attorneys and problem solvers who will benefit their communities through public and private service. In seeking this vision and attaining this mission, SJCL shall embody the values of civility, excellence, integrity, intellectual inquiry, and service.*

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50th Anniversary Pre-Party

FROM PAGE 1

Library,” the crowd also admired the two-story banner on the SJCL building and were invited to join the Law School for two more upcoming events celebrating SJCL’s 50th Anniversary: The May 11th Picnic in the Park and the October 18th party throughout the Law School building.

Fifty years. Fifty bench officers. Sixteen hundred plus alumni. It’s a lot to celebrate!



Deborah Coe (Law '91), **Darcy Brown** (Law '18) and Academic Dean **Justin Atkinson** head to the taco bar!



Among those attending the pre-party were *Clovis Roundup* Publisher **Donna Melchor**, Clovis City Council Member **Vong Mouanoutoua** (Law '02) and staff member **Diane Steel**.

Dean **Jan Pearson** stands before the two-story banner draping the building

From SJCL to the State Capital

It is with mixed emotions I would like to express to my colleagues, students and alumni that it has been an honor serving as a faculty member at San Joaquin College of Law.

BY PROFESSOR **ANDREAS BORGEAS**, PH.D.

Since arriving at SJCL in 2007, I have thoroughly enjoyed teaching, mentoring students and conducting scholarship in exciting areas of study. As the Professor of International & Comparative Law, we expanded course offerings to include international law, national security and advanced research and writing in the field of international studies. These types of courses along with new conferences and activities have indeed contributed to the intellectual vibrancy of SJCL.

Some of you may know that in addition to education my other passion has been for public service, first on the Fresno City Council then the Fresno County Board of Supervisors. While in local politics I was able to serve as a member of SJCL's full-time faculty, yet deciding to pursue public office at the state level it became clear the obligations would be too demanding. Since then I have transitioned at SJCL to become a Scholar in Residence. This transition has enabled me to continue my scholarly work at SJCL under a leave of absence as I serve our community in the California State Senate.

Serving our community as a member of the State Senate is an incredible honor and responsibility, especially given the challenges and complexities of the world's fifth largest economy. By way of structure, the California legislature is a bicameral system with a lower and upper house, Assembly and Senate respectively. There are forty California Senators and each district includes approximately one million residents. The seat in which I serve, District Eight, includes all or parts of eleven counties, from Death Valley to Sacramento, and has offices in Fresno, Stanislaus, Amador and Sacramento Counties.

I am also thrilled to have been appointed Vice-Chair of the Senate Judiciary Committee. In this capacity I can bring additional focus to the civil code, the courts and important developments in our legal system. Additionally, I serve on Govern-



mental Organization, Insurance, Natural Resources and Water, and Joint Legislative Audit Committees.

As your representative I am excited to work on the issues that matter most to our community. Whether it be water, transportation, environmental management or economic development, my goal is to serve our extended Central Valley in a pragmatic and bipartisan fashion. After all, the future of the California Dream cannot be taken for granted.

Although this new role has taken me to Sacramento this will not be a final goodbye. You may still see me at my office or around campus, working on scholarship and interacting with students. But I will certainly miss the SJCL community on a regular basis and I look forward to learning of the future successes of our students and faculty. Best wishes!



Scholar in Residence and California State Senator **Andreas Borgeas**

Focus on the Law

Alumni Perspectives on Practice

ADA Compliance: From predatory to practical

Rachelle Taylor Golden is an attorney with Hatmaker Law Group who uses a manual wheelchair. She maintains an active practice in California focusing on proactive public and private entity ADA and Unruh compliance, and litigation defense. She also regularly handles labor and employment law and litigation before state, federal and state agencies. She is consultant with Civil Justice Association of California, and frequently consults and works with elected official in drafting ADA and Unruh reform.



BY RACHELLE GOLDEN, CLASS OF 2013

The Americans with Disabilities Act (ADA) and the California Unruh Civil Rights Act (Unruh Act) are often used as a conduit for serial plaintiffs to acquire a substantial amount of money through settlement for very minor, if not trivial, ADA violations, using a “nickel and dime” approach (\$5,000 to \$10,000, or more) for repetitive cases.

California is taking the lead in changing the law in an attempt to rein in these types of predatory lawsuits.

One law firm estimates that there were over 10,000 lawsuits filed in 2018 - a thirty-three percent increase from 2017 - in construction-related access claims filed in Federal Court. It is no surprise that California is the state with the most construction-related lawsuits filed for 2018. What is more alarming is the increase in the number of website accessibility lawsuits filed in 2018. There was an 177% increase in this newer type of ADA litigation over

those filed in 2017. Once again, California is in the top five.

Significantly, the vast majority of cases are brought against small business owners which often do not have the money to defend these types of complaints. Sometimes, the inability to defend or settle means businesses are forced to close their doors. This phenomenon has become such a concern that some cities have retained attorneys to develop approaches to protect their private businesses and tax base. It is not uncommon for a single plaintiff to target an entire business district in one afternoon.

To combat this problem, California Civil Code section 55.56 was amended in 2016 to provide for elimination of statutory damages under the Unruh Act if the defendant obtained an inspection by a Certified Access Specialist (CASp) before the plaintiff visited the property and all the items in the CASp report were fixed. CASp Inspectors are licensed professionals in the

state of California who assess the entire site for construction-related access violations. For example, the size, slope and width of an accessible parking space; the slope and width of the path of travel to the front entrance; the turning radius in the accessible restroom stall. Once this is completed, a schedule of completion must be made to create a timeline to make corrections and eliminate barriers. The \$4,000 penalty is reduced to \$1,000 if the defendant had the CASp inspection performed before the plaintiff visited the property, and corrected all outstanding items in the CASp report, within 30-days of being served with the Complaint. For small businesses, there is a \$2,000 statutory reduction, if the defendant fixes all items listed in Complaint within 30-days of service. While most litigants find themselves in Federal Court, these statutory reductions are a settlement tactic I often use, as the statutory penalties are only authorized under California law.

Additionally, California now mandates that any time a demand letter is sent to a potential defendant, the attorney is to send a copy of the letter to the California Commission on Disability Access (CCDA). Furthermore, any complaint filed is to be copied to the CCDA, and the CCDA is to be notified of any judgment, settlement or dismissal of the claim.

Website litigation is a new phenomenon. I have seen get traction since mid-2016 and observed an increase in litigation consistent with the statistics provided above. There are those cases which deal with legitimate access barriers, and there are those where predatory plaintiffs encounter “barriers” to a business, without even leaving their living rooms. One might ask how could this possibly be?

For the former, think about this. A person with a visual impairment is unable to see the photographs posted on a website, and therefore needs the website to be coded in a way that translates the photograph into text. Or a person with a cognitive impairment wants to purchase concert tickets from a website, but is unable to process the information on the screen in the five-minute time provided for checkout. They too, need the website coded in a way that will allow them to slow the time allowed.

A non-accessible website can present very real barriers to those who have visual, auditory or cognitive impairments. With that being said, the internet can be a person’s way of finding liability, where none really exists. For example, a person who uses a wheelchair navigates to a hotel website and is unable to easily find information about accessible room accommodations. The information is there, they simply do not want to take the time to read the information on the screen. The argument I often am faced with is: the plaintiff was unable to reserve an accessible room because they could not “easily locate” whether a particular unit was in compliance with the accessibility design standards. Forget about calling the property and asking, that would be entirely too much trouble. Unfortunately, regardless of whether the website was actually “accessible” to that person, the defendant is left either litigating the frivolous lawsuit, or again, shelling out between \$5,000 to \$10,000 to settle it. This, my friends, gives persons with disabilities, like myself, a bad name.

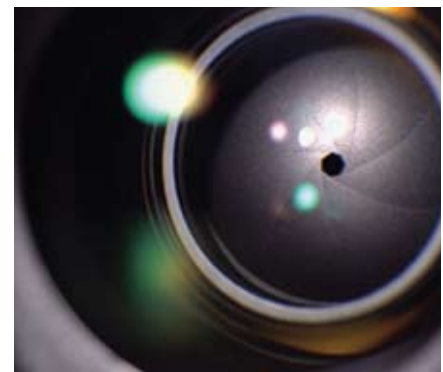


Rachelle Taylor Golden (Law '07) speaks to a group of attorneys on ADA Compliance.

So, what is one left to do? Practically speaking, the best way to protect your client is to ensure compliance with the applicable ADA and state building code design standards. The most efficient way to know what construction-related access barriers exist on your client’s property is to carefully vet and hire a CASp Inspector. For website compliance, my top recommendation is to test your client’s website to see whether it complies with the Website Content Accessibility Guideline (WCAG), level 2.0 AA or greater. If your client works with an IT company or pulled a website template off the internet, contact them to find out whether the website is compliant. If the IT company or the website company does not know what WCAG 2.0 AA is, then if I were a betting person, I would put money on the fact that the website does not comply.

While the ADA and the Unruh Act were enacted to allow persons with disabilities “full and equal enjoyment” in “any place of public accommodation,” in reality these really amazing bodies of law are often

used as a sword against small businesses to obtain a quick settlement. Thankfully, California has been a pioneer in enacting legislation in an attempt to rein in these types of accessibility complaints. There is a long road ahead of us.



Have a perspective you would like to share on your practice?

Please contact Diane Skouti at dskouti@sjcl.edu or 559/326-1463



Alumni Association Board Members, singers, and volunteers at the Marjaree Mason Children's party join **Kopi Sotiropulos** to tape a weather promo for KMPH Great Day!

SJCL Family Gives Big for Special Evening

Much love and kudos to the Alumni Association and our generous alumni, staff, faculty, and friends who donated to the Marjaree Mason Children's Christmas party this year. They put on another fabulous party for the children spending the holidays at both Centers. Dozens were treated to dinner, caroling, a free book and gifts galore, along with a visit on Santa's lap and entertainment from KMPH Great Day Host Kopi Sotiropulos!

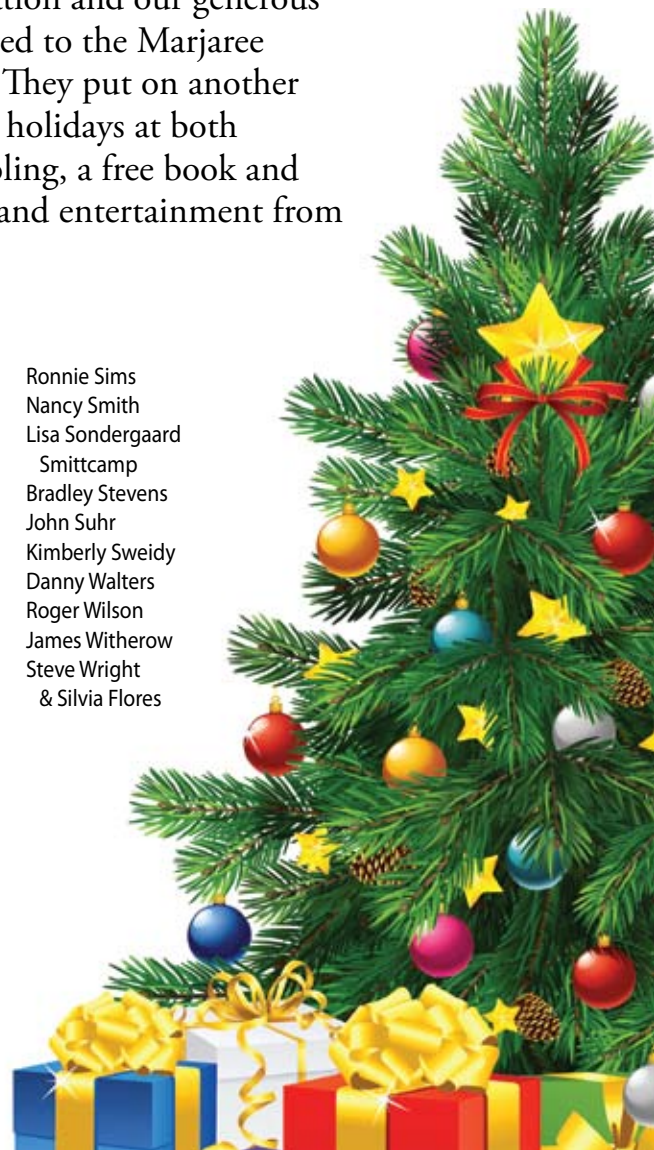
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Alumni Association

BY KRISTINA GARABEDIAN, CLASS OF 2014
ALUMNI ASSOCIATION PRESIDENT

This is a very exciting year for SJCL and the SJCL Alumni Association as we celebrate the 50th Anniversary of San Joaquin College of Law. Our dedicated board is working diligently to help make this celebration year amazing. To help you get the most out of this year we invite you to assist with, sponsor, and/or attend the events.

If you aren't currently a member of the SJCL Alumni Association, this is the year to join! We are currently running a special on a 3-year membership for \$90. Visit www.sjcl.edu and click on the alumni page to learn more about our membership or email sjclalumniassociation@gmail.com. As always, should you have any questions, feel free to reach out to me or Diane Skouti.

ANNOUNCEMENT

2019–2020 Alumni Association Board of Directors

The Alumni Association wishes to thank out-going board members: Chineme Anyadiiegwu, Gabriel Brickey, Shelli Pepper, Nancy Stegall, and Alicia Wrest. Your generosity of time is greatly appreciated.

The Association also wishes to welcome in-coming board members: Honorable Jim Petrucelli, Stefanie Krause, Rose Patrosyan, and Osmundo Arguello, in addition to continuing term members: Ashley Allred, Kristina Garabedian, Nickie Krebsbach, Natalie Packer, and Eddie Ruiz.

We're looking forward to a terrific year!

Night at the Grizzlies



Thursday, April 4, 2019

Come join us after work for the season opener of Grizzly baseball and what is sure to be a fun filled night of good food, friends, and fireworks.



Thursday
July 18, 2019

A new event this year. Stop by after work for some painting fun. No need to be an accomplished artist as the leader walks us through step by step. Take home your own masterpiece!



2019 SJCL ALUMNI HALL of FAME

Thursday, September 5, 2019

Join us as we induct alumni into the SJCL Alumni Hall of Fame. Start thinking now about a fellow graduate you would like to nominate and watch for the nomination forms this summer.

got mcle?

Saturday, January 4, 2020

Our annual MCLE program which is scheduled for the morning.

Valentine's Day Trail Mix Bar

Make-Your-Own-Trail-Mix Day welcomes students back for the spring term with an assortment of mix-ins that can be made into a healthy, or just plain fun snack between classes. It's just one of the quarterly goodie days the Alumni Association provides for students at strategic times throughout the school year, helping to bring a little fun to finals and the start of each term.

The Alumni Association sponsors activities that benefit the law school (student scholarships, Hall of Fame Inductions, Bar Survival Tips Q & A, and Student Appreciation Days), the community (Senior Citizen's Law Day, Marjaree Mason Children's Christmas party, Got MCLE?), and alumni (Night at the Grizzlies, Paint Nite, Annual Golf Tournament), through the vast alumni network.

Come join your fellow classmates and colleagues in support of your alma mater. Join the Alumni Association and be part of the excitement. You can sign up on the sjcl.edu website, or by sending your dues payment to: SJCL Alumni Association, 901 5th Street, Clovis, CA 93612.



Students **Dusty Nunes** (2L) and **Amreet Badesha** (1L) grab some coffee and goodies on their way to class.



The three Roses of SJCL (L-R) **Rosie Palomino** (1L), **Rosa Oragel-Gonzalez** (1L), and **Rose Baca** (1L) grab some goodies.

Alumnus Ryan Dunning Comes Home

Whenever he's in town, Ryan Dunning (Law '11) comes home to SJCL. "I had such a good experience here. I always try to find ways to participate and come back to my alma mater."

BY DIANE SKOUTI

On an afternoon in mid-February, Ryan served as a guest speaker at a Lunch & Learn for students and prospective students who have an interest in his specialty area, Intellectual Property. For five years now, Ryan has worked as a Patent Examiner at the U.S. Patent and Trademark Office in Alexandria, VA. The mission of his employer comes directly from the U.S. Constitution itself: Article I, Section 8, Clause 3.

It mandates that: "...the legislative branch promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries." It is this system of protection that has, in part, encouraged American industry to flourish. As stated on the U.S. Patent Office's website: "The strength and vitality of the U.S. economy depends directly on effective mechanisms that protect new ideas and investments in innovation and creativity." In other words, Intellectual Property or (IP) is a really big deal.

For Ryan the career match is near perfection. Originally prepared to teach high school, Ryan earned his undergraduate degree in natural science with an emphasis in physics and a minor in math. Two years as an actual teacher, however, changed his mind.

"Teaching is very rewarding, but it's also very, very hard, mostly due to administrative issues and student discipline." After deciding teaching wasn't for him, he went to a career fair at Fresno State in search of a second act. There he met SJCL Director of Admissions, Diane Steel, and learned that his knowledge and love of science would be a great fit for patent law. He enrolled in law school on the four-year plan.

As a second-career student, Ryan says he was struck by the double-edged diversity he found at SJCL. Falling himself near the mid-range of average for student age, he says his fellow second-career classmates

worried they were too long out of school, and at a disadvantage among the younger, fresh-from-college students. The younger students lamented that their older law school classmates had valuable life experience and were therefore more likely to succeed! "But everyone helps everyone here," Ryan said, "and that's why I loved it."

Throughout law school Ryan worked at an IP law firm, where he was hired as an associate upon passing the bar. A short stint at a firm in L.A. followed, but he eventually opened his own patent law practice, which he greatly enjoyed. The job of a patent application attorney is to help inventors protect the rights to their ideas and inventions by obtaining a patent. With plenty of experience in this area, Ryan realized that he now had the perfect training to jump to the other side of the fence, as a patent examiner. The examiner's job is to find reasons not to approve a patent.

"My favorite part of the job is working with attorneys," Ryan says. Among all the examiners in the U.S. Patent Office, between 10 and 15 percent are attorneys, and the rest are scientists. "I love making arguments against the attorneys because I know the law as well as the science. If you describe your invention in a way that lets me argue against you, I will."

Ryan has now reached the pinnacle of his position as an examiner and says he would be happy to stay right where he is. The hours are flexible, the job is stable, and there are few emergencies in patent law. Applying for a patent is generally a years-long process that moves exceedingly slowly. There are plenty of opportunities in patent law. One of the more exciting is as an IP Attaché to foreign countries. Another is as a policy writer.

Ryan says he is no hurry to figure it out. He thoroughly enjoys his subway commute from his home in Washington, D.C. (he reads during the ride), and the



humid east coast weather suits him just fine. He described an incredible research library in the patent office, in addition to in-house scientists, experts, and translators who can translate patent applications from Japan, for example, so examiners like him can access even the tiniest of details on foreign inventions.

A lifelong musician, (he plays the violin, viola, euphonium ...) Ryan spends some of his free time hosting EDM radio on a community access station in Washington. He makes the trip across country a few times a year to come home, which isn't quite enough for his parents (they attended the Lunch & Learn to make the most of this particular visit)!

Meanwhile, the students in attendance listened, spellbound, to the fascinating career possibilities that may await them. Regarding SJCL, Ryan said he feels love for his alma mater the way he now feels love for the U.S. Patent Office "I like this place (SJCL): it's well run, it makes sense, the people are great. Don't get me wrong - it was tough when I was a student here - it was really tough, but I always liked it."

Charity Care in the San Joaquin Valley

In 2017, a collection agency acting on behalf of a local hospital filed more than 200 lawsuits in Fresno County seeking to force low-income patients to pay their hospital bills. In Tulare County, the number was almost twice that. The vast majority of these cases resulted in judgments against patients who had either defaulted, or whose pro per answer to the complaint did not result in a meaningful defense.

BY **JOY K. DOCKTER** (LAW '10), CENTRAL CALIFORNIA LEGAL SERVICES HEALTH CONSUMER CENTER STAFF ATTORNEY AND **TASHARA J. KUSPA**, CENTRAL CALIFORNIA LEGAL SERVICES HEALTH CONSUMER CENTER TEAM LEAD

Hundreds of working Valley families who had sought critically needed medical care found themselves first struggling to pay the exorbitant cost of that care, and then struggling with life-changing judgments against them.

Central California Legal Services and its Health Consumer Center is changing that.

Hospital debt is not like credit card debt or past-due car payments. People who end up in the hospital rarely have a choice about going there. Sick or injured, a call to 9-1-1 leads to an ambulance ride and a hospital bill, without respect to the patient's ability to pay. Hospitals rarely, if ever, give cost estimates before providing treatments, or ask patients to choose their course of treatment based upon their ability to pay for it. In fact, the contract a patient signs upon arrival at a hospital Emergency Department, commonly referred to as "conditions of admission," is unlike any other. The multi-page document that many are too sick or in too much pain to read or understand states that the patient agrees to accept whatever treatment doctors think is necessary, and to pay whatever the hospital charges for that treatment. These terms are non-negotiable, and patients are rarely told they have a choice about signing. In some cases, hospital staff have been known to hold out the contract and instruct patients to "sign this so we can treat you."

When uninsured patients cannot afford to pay hospital bills, or when those with insurance cannot afford to pay their share, collection agencies usually try to collect that debt as if it was a defaulted car loan or a big TV that was bought and not paid for. Way too often, this leads to low and moderate income families being sued.



CCLS Community Outreach Coordinator **Jesus Sanchez** and Staff Attorney **Tran Nguyen**.

It should never be that way. Non-profit hospitals are mandated by State and Federal law to offer free or discounted care to families earning less than 350 percent of the federal poverty guidelines—currently \$42,500 annually for an individual, or \$87,850 annually for a family of four. Several hospitals in the Valley have either failed to advertise this fact at all, or failed to take the required steps to ensure patients actually receive these discounts.

California's Hospital Fair Pricing Act (Health and Safety Code § 127400, et. seq.) requires hospitals to offer financial assistance to their patients as a condition of their licensure. Though the law has been in effect since 2007, it has rarely been

enforced, and there is minimal case law applying the statute. Since 2016, Federal law also has conditioned non-profit hospitals' tax-exempt status on offering this assistance, requiring that they widely advertise the financial assistance programs and make "reasonable efforts" to determine if patients qualify, even if patients do not apply.

Even collection agencies must treat medical debt differently from other debt. Federal law (26 U.S.C. 501(r)-6) specifically requires that collection agencies' practices conform with hospitals' financial assistance programs. But few collection agencies appear to be aware they have this obligation. CCLS has encountered case after case where collection agency represen-

Alumni sworn in as Judge

tatives have told consumers that it was “too late” to apply for financial assistance, and even argued vehemently with consumer attorneys that financial assistance laws did not apply once a hospital assigned the consumer’s debt to them for collection.

As part of its efforts to reduce lawsuits and collection activity against patients who qualify for help under the law, CCLS is working with several Valley hospitals to improve their policies on financial assistance. By reaching out to hospital administrations, educating them on the gaps in their policies, and offering examples of “best practices” to ensure patients get the assistance they are entitled to, CCLS is helping both consumers and hospitals. In cases where hospitals are resistant to this help—or where collection agencies refuse to acknowledge their obligations under the law—CCLS has made it clear that offering financial assistance is not a gift, but a legal requirement that hospitals must follow in order to operate as a non-profit acute care facility in California, and that a hospital’s failure to provide qualified consumers with no-cost or discounted care may result in legal consequences for that hospital or debt collector. Through CCLS’s work in this area, there already has been a sharp decrease in the number of lawsuits filed against patients in the Valley. In Fresno County, the collection agency responsible for the largest number of lawsuits against patients filed only six cases in 2018, down from more than 200 the year before. In Tulare County, one hospital collection agency has stopped filing lawsuits altogether due to CCLS’s efforts.

Accessing affordable health care in the Central Valley is a problem for many. Through its Health Consumer Center, CCLS helps make sure Valley residents are able to get the care they need. By working with hospitals to ensure they comply with financial assistance laws, and taking appropriate legal action when they do not, we are helping to reduce the chance that an unexpected trip to the hospital results in financial ruin.



SJCL’s newest addition to the Superior Court was raised in Madera, became a Marine, and then returned to his hometown as a Madera Police Officer. The **Honorable Brian Austin** (Law ’94) was officially sworn in as a Madera County Superior Court Judge on January 18, 2019. SJCL celebrates all 50 of our bench officers!

Fresno Bar Scholarship



Congratulations to **Maria Valencia** (4L), winner of the 2019 Fresno County Bar Association’s Scholarship. She is pictured at the January 25th FCBA Banquet with current FCBA President **Deborah Coe** (Law ’91) and outgoing FCBA President **Hal Bolen**.

Firm recognized



Congratulations to the Moran Law Firm, where three of its employees were awarded Wiley Certificates from the State Bar, recognizing at least 50 hours of pro bono services this past year for each of them! (L-R): **Janay Kinder** (Law ’17), **Jason Oleson** (4L), and **Amanda Moran** (Law ’16).

We've Got MCLE

An overflow crowd of attorneys converged upon the offices of Baker Manock & Jensen on a Saturday morning in January to get in those last continuing legal education credits before the reporting deadline. A total of eight sessions were offered this year, some of which drew crowds of standing room only. On the spot fingerprinting was also available for those who had yet to comply with the fingerprint requirement. The Alumni Association is so very grateful to all our guest speakers, sponsors, and volunteers. Thank you for kindly sharing your Saturday in the service of your colleagues.

- Marshall Whitney – Whitney Thompson & Jeffcoach
- Russell Cook – Russell D. Cook Mediator
- Lee Jacobson – Jacobson Dispute Resolution
- Brenda Linder, Esq.
- James Dilling, Esq.
- Hon. Oliver Wanger – Wanger Jones Helsley PC
- Rachelle Golden – Hatmaker Law Group
- Roger Wilson – Wilson Law
- Lauren Franzella – Borton Petrini LLP
- Daniel Jamison – Dowling Aaron Inc.
- Natalie Packer – Borton Petrini LLP
- Catherine Amador – Borton Petrini LLP
- Renee Rees – Litivate Reporting
- Jared Berton - SJCL Student Volunteer
- Grace Zeluff – SJCL Student Volunteer



Honorable Oliver Wanger of Wanger Jones Helsley PC discusses the dos and don'ts of jury selection.



Roger Wilson (Law '97) of Wilson Law, speaks on bias.



This year's Got MCLE? drew a full house for eight sessions of CLE credit.



The ladies of All American Live Scan provided fingerprinting for those still needing to meet the fingerprint requirement.



Local attorneys packed the conference rooms at Baker Manock & Jensen to score CLE credits before the January deadline.



Lauren Franzella of Borton Petrini, Modesto, discusses QDROs.



SJCL student volunteer **Grace Zeluff** (3L) assists with Got MCLE?



Marshall Whitney of Whitney Thompson & Jeffcoach covers legal ethics at Got MCLE?

Bar Admissions Ceremony

It was a new venue and a fresh set of faces at the December 5th Bar Admissions Ceremony.



Congratulations to the newest SJCL members of the bar, all taking part in the recent Bar Admission Ceremony at the Fifth District Court of Appeal (L-R): **Jesse Banuelos**, **Darcy Brown**, **Osmundo Arguello**, **Tiffany Pack**, **Andrew Earl**, and **Raquel Busani**. Fewer than half of our July Barpassers made it to the Ceremony; others took their oaths in Tulare County or in private ceremonies in various judges' chambers.

More than 20 new admittees to the bar were applauded, congratulated and warned by various members of the bench at the ceremony at the Fifth District Court of Appeal.

Presiding Justice Brad Hill told the new admittees that Fresno County is a special place to work, joking "you'll enjoy almost every minute."

Fresno County Bar Association President Hal Bolen echoed Hill's comment about the congeniality of the local bar, adding "We have a 'No Buttheads Rule' here."

Superior Court Presiding Judge Alan Simpson advised them to have some fun along the way because "It's a part of you. Keep bolstering that. And learn the value of brevity."

"For the next 45 minutes, I am going to be discussing..." began U.S. Magistrate Judge Stanley Boone's speech, before he was cut off by laughter from the audience. On a more serious note, Judge Boone reminded the admittees of their "duty to respect and enhance the rule of law." Like those before him, he advised them to pro-

tect their reputation and maintain civility, although he said he's "seen more in the courtroom than outside lately."

State Bar Board of Trustees representative Mark Broughton agreed, adding "Integrity and reputation are the currency of the realm." He also cited an alarming statistic: 70% percent of local civil court litigants are not represented by attorneys. He called on the bar's newest members to assist the State Bar's "Access to Justice" center by providing some pro bono help.

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.

Rights of Pregnant Farmworkers: Do the Existing Regulations Protect Pregnant Farmworkers From Extreme Or Hazardous Conditions

BY GLADDEY DONSAÑOUPHIT, EXECUTIVE EDITOR/COMMUNITY LIAISON EDITOR, SAN JOAQUIN AGRICULTURAL LAW REVIEW

Maria Isabel Vasquez Jimenez was a 17-year-old pregnant farmworker who worked in a grape field with tens of other workers in Lodi, California. After pruning grapevines for nine hours in ninety-five-degree heat and having been denied proper access to shade and water, Ms. Jimenez suffered heat stroke, which resulted in her death, as well as the death of her unborn child. This incident is only one of the many devastating incidents that pregnant farmworkers have faced while working in extreme and/or hazardous conditions.

As a society, we must examine this public policy concern regarding the rights to health and safety for pregnant farmworkers and evaluate whether the current protections that are afforded to pregnant farmworkers, such as the Migrant and Seasonal Agricultural Worker Protection

Act, the Agricultural Worker Protection Standards, the California Occupational Safety and Health Act, and the Pregnancy Discrimination Act, adequately protect them and their unborn children.

Based on studies of the effects of extreme or hazardous conditions on the worker and stress on the pregnant body, coupled with a brief history of the current regulations, the article further analyzes how the various regulations fail to adequately protect pregnant farmworkers that are being exposed to extreme hazardous conditions on farms and asserts that various regulations fail to specifically address the needs of this population.

It is important to entertain the idea of expanding the Children's Act for Responsible Employment (CARE Act) and/



This Comment, along with the entire 27th Volume and the previous 26 Volumes are available at www.sjcl.edu/sjalr.

Professional articles are always welcome. Contact Gladdey Donsanophit at donsanophit@student.sjcl.edu for more information.

or amending the current regulations to provide further protection for pregnant farmworkers, which can be done through working with organized groups, like the United Farm Workers, to set regulations with employers and contractors through contractual agreements under the California Agriculture Labor Relations Act.





The Changing of the Financial Aid Guard

BY DIANE SKOUTI

Jeannie Lewis is clearing out her computer files. For the past 15 years she has meticulously saved and organized every MB of information available on financial aid, student loans and finance policy, with the hope of helping SJCL students better navigate the unpleasant side of graduate school – the debt. For many, this milestone chore is carried out with the excitement of what’s to come. Imagining the prospects of an endless vacation can make anyone with a job giddy with joy, and there is some of that for Jeannie, but she says it’s also triggering a bit of anxiety. “I’ve worked my entire life, from a very early age,” she said during a chat about her last days on the job. “I know there’s going to be a big adjustment period (of not being on a schedule).”

As one of three sisters who grew up on her family’s pear farm, Jeannie says she started working as a ranch hand: driving a small tractor, monitoring the oil on an irrigation pump (too many or too few drops meant the pump could blow!), and selling pears at a roadside stand, among other farm chores. “I had a lot of responsibility as a kid. I was in 4-H, raised pigs, and rode horses as my main mode of transportation,”

she recalled. She credits her early entry into the work world as the likely cause of her persistent micro-attention to detail. Some would call her a perfectionist, but it’s also what made her so good at her job.

“Financial aid administration is fraught with peril, constantly changing,” said Dean Jan Pearson. “Jeannie is a master at keeping on top of that change and the frustrating bureaucratic work it creates. She also has the highest ethical compass. Most of all, for Jeannie the students always came first. She did everything in her power to get students what they needed and to help them most efficiently manage repayment once they graduated, and with compassion and a smile.”

With a total of more than 36 years of experience in financial aid at various educational institutions, Jeannie says her first grown-up job was at Valley Children’s Hospital, as a clerk in the emergency/out-patient department. She said she loved that job, but after many years of increasing responsibility, needed to cut her hours upon the birth of her 3rd child. While she says it was challenging to have a career with four kids at home, she and her husband must have hit upon the secret to success, as her grown children are highly

accomplished. They include the head of the music/media library at Fresno State, a high school English teacher/basketball coach at Clovis North, a non-profit environmental entrepreneur in Australia, and a stay at home mom who is raising Jeannie’s beloved grandchildren.

Jeannie says she will truly miss working with the students and what she called her “small part” in their educational journeys. She will also miss her longtime co-workers. One thing she won’t miss? “The paperwork!” She’s leaving that, happily, to the new Financial Aid Director, Lisa Nilmeier.

For now, Jeannie will take a six-month breather before she does anything big, in order to find her feet as a new retiree. She knows there will be lots more time spent with her kids, grandchildren, and some volunteer work, but beyond that, she’s a bit worried about how exactly, she will fill her days. She says she might start with an extended trip to Australia to visit her daughter. We have a feeling she’ll be just fine. We thank Jeannie for her years of service to the students of SJCL. We wish her much happiness as she begins this next exciting chapter.



Law Students for Community Advancement and their panel speakers (L-R) **Ashley Emmersen** (1L), **Rose Baca** (1L), **Rosie Palomino** (1L), **Christie Myer**, **Felicia Espinosa**, **Rachel Hill**, **Ali Huda** (4L), and **George Harris** (2L) at the film screening of *Incarcerating Us*.

Justice for All?

Blaming the fallout from the decades-old War on Drugs, the lack of proper access to treatment for mental illness, and mandatory minimum sentencing, the film “*Incarcerating US*” claims that one in every 100 Americans is now locked up in jail or prison.

While the U.S. population makes up only about 5% of the world population, we claim the dubious distinction of holding 25% of the world’s prison population, prisoner.

The result of these trends, according to the film’s producers, is a far-reaching, deeply negative community impact, both within and outside the prison walls. To provide some perspective and historical data on the topic, Law Students for Community Advancement (LSCA) presented a free screening of the film, along with a panel discussion featuring experts from the Criminal Justice system. Speakers included Felicia Espinosa, Director of the Fresno Reentry Women & Employment Initiative; Rachel Hill, attorney and Victim Offender Reconciliation Board member; and Christie Myer, who has served the Tulare County Probation Department for 40 years.

The film focused on explanations for the massive rise in U.S. incarceration rates and offered the opinions of a variety of criminal justice experts on possible solutions. Interviews with some of the creators



A crowd of over 50 attended the film screening and panel discussion of “*Incarcerating US*” in room 213.

of the more aggressive incarceration policy (who are now seeking repeal because they admit the policies didn’t work) highlighted unanticipated results of both the Nixon era drug war, and the doubling down of the Reagan administration’s War on Drugs (Just Say No), which included convictions for vast numbers of drug users in addition to the dealers.

During a panel discussion after the film, additional themes took shape. Among them, the mass incarceration of people

of color, the devastation that occurs when women who are the main caregivers for their families are imprisoned, and the serious need for District Attorneys who will advocate for reform in the criminal justice system. An attendee who discovered the film screening event on Facebook said afterward “I was looking for something meaningful to do on a Friday night.” Congratulations to LSCA for bringing such relevant and impactful events to SJCL.

Staff & Faculty Appreciation Day

Staff and Faculty were treated to a luncheon fiesta in early March to celebrate Staff & Faculty Appreciation Day. A dessert of cherry pie a la mode and an assortment of board games followed for some friendly competition and comradery. It was discovered during a round of Phase 10, however, that some unnamed staffers (Lisa) take their games quite seriously! Always the teacher, Professor Jeffrey Purvis schooled Professor Alicia Wrest in a game of backgammon. Did someone say, rematch?



(L-R) Mark Masters, Professor Linda Barreto, Diane Steel, Professor Jeffrey Purvis, Academic Dean Justin Atkinson, Beth Pitcock, Diane Skouti, Dean Jan Pearson, Jeannie Lewis, Jill Waller Randles, Lisa Nilmeier, Sabina Johal, Kerry Hanson, Associate Academic Dean Alicia Diaz Wrest, Mark Enns, Susie Aguilar, Victoria Denny, Ana Yansi Gonzalez, Jared Nelson, and Rick Rodriguez



(L-R) Jill Waller Randles, Beth Pitcock, Lisa Nilmeier, and Mark Enns play a few rounds of Phase 10



(L-R) Missy Cartier, Dean Jan Pearson, Kerry Hanson, Susie Aguilar, and Victoria Denny enjoy the delicious taco bar

Out and About

Out and About celebrates the things that make your success worthwhile. Send us a picture of your vacation (with you in it), your new baby, a quick lunch with other alumni, your crazy new hobby, or even your wedding. Send to mcartier@sjcl.edu. Help us celebrate you!



Fresno County District Attorney **Lisa Smittcamp** (Law '95) had the honor of helping celebrate Dr. Seuss' birthday by reading to some incredible Third Grade students from River Bluff Elementary School. Lisa read one of her favorite books, *The Giving Tree* by Shel Silverstein.



BreAnne Ruelas (Law '18) checks out the nation's highest court along with family and friends. BreAnne (far right) says "After years of reading and analyzing decisions from the Supreme Court in school/work and writing a law review article about a Supreme Court case, this was beyond cool to actually go and tour it!"

The Women of SJCL



Some of the Women of SJCL celebrating International Women's Day on Friday, March 8 (L-R) **Beth Pitcock**, **Lorena Vargas** (1L), **Diane Skouti**, **Ashley Emmersen** (1L), **Diane Steel**, **Rosa Oregel-Gonzalez** (1L), **Carlyn Robbins**, **Victoria Denny**, **Kerry Hanson**, Dean **Jan Pearson**, **Laura Higareda-Chapa** (1L), **Sara Tarasevic** (4L), **Armida Mendoza** (1L), **Leticia Guzman** (3L), **Leslie Miller** (1L), **Erika Esqueda** (1L), **Susie Aguilar**, **Missy Cartier**, and **Ana Yansi Gonzalez**

SJCL ON THE MOVE

New job? Big promotion? Special honor? Send your info to mcartier@sjcl.edu and be part of the “SJCL on the Move!”

Shantelle L. Andrews (Law '07) is now an Associate Attorney at Andrews Legal, APC.

Osmundo J. Arguello (Law '18) has opened the Law Office of Osmundo Arguello, specializing in family law and estate planning.

Darcy L. Brown (Law '18) is now a Staff Attorney for the Housing Team at Central California Legal Services.

Ryan S. Dunning (Law '11) has been promoted to Partial Signatory Authority Patent Examiner at the U.S. Patent and Trademark Office, Alexandria VA. Dunning has worked as a Patent Examiner at the U.S. Patent and Trademark Office for the past five years.

Donald R. Forbes (Law '78) is now an Associate Attorney at Baker, Manock & Jensen.

Marvin T. Helon (Law '78) is now an Associate Attorney at Baker, Manock & Jensen, where he focuses on business and estate planning, real estate transactions and trust administration.

John “Chris” Matthes (Law '16) is now an Associate Attorney at Michael Sullivan & Associates.

Gregory J. Norys (Law '02) has been named an equity partner at Coleman & Horowitz, LLP. He manages the firm's Visalia office, and specializes in business and tort litigation, construction litigation, employment litigation and counseling for employers, public agency law, real estate and land use transactions and litigation, professional liability and casualty insurance defense.

Michelle E. Sassano (Law '04) is now an Associate Attorney at Aleshire & Wynder, LLP.

Craig A. Tristao (Law '07) has been named partner at Coleman & Horowitz, LLP. He works in the firm's litigation and environmental/agricultural practice groups where specializes in litigation, arbitration, and before federal, state, and local government agencies in matters concerning agricultural law, environmental law and compliance, water law, construction, land use and CEQA, eminent domain, and contract, real estate and construction disputes.

Justin N. Vecchiarelli (Law '14) is now a Partner at Proper Defense Law Corporation where he is in charge of its Civil Division, focusing on business law, labor and employment law and white collar criminal defense.

In Memoriam

San Joaquin College of Law notes with sadness the passing of

Chrystine D. Carvalho (Law '06) on December 17th in Pleasant View, Tennessee. In addition to her mother, Chrystine is survived by her husband, Chris Carvalho; sons, Jarryd, Blaine (fiancé Jenn), and Brandon (Trish) Carvalho; daughter, Cady Edwards; brother, Curtis Rhyne; and eight grandchildren. She is preceded in death by her two children, Justin and Jessica Minyard.

Robert A. Cassio (Law '93) on December 30th. He is survived by his brother, Louis Cassio, his son Robert Cassio (Law '99), daughter-in-law Patty Cassio, his girlfriend Sylvia Keith, and two grandsons. He was preceded in death by his brother, Anthony Cassio, and sister, June Cassio.

Darryl B. Freedman (Law '93) on December 19th. He is survived by his wife, Gretchen, his sons, Ryan Ramirez and wife Ally, Jarod Ramirez and wife Marissa, his daughter, Kaydee Hedrick and husband Jeff; and eight grandchildren.

Thank you for your support!

December 1, 2018 - February 28, 2019

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Philip Tavlian ('80)

You deserve to be properly recognized for your contributions, and we strive for 100 percent accuracy.

If we have made an error, please contact Lonsetta Hightower at 559/323-2100 or lhightower@sjcl.edu.



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Celebrating Fifty Years
SJCL's Picnic in the Park
Fun for the Whole Family



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