



Inter Alia

SAN JOAQUIN COLLEGE OF LAW • Volume 31, Issue 2



Professor **Jason Hamm**



Dean **Janice Pearson**



Valedictorian **Leticia Guzman**



Honorable **Jonathan B. Conklin**

2020 Graduation Goes Global

“We are brothers and sisters now.” These were among Vong Mouanoutoua’s (Law ‘02) closing remarks at the 2020 San Joaquin College of Law virtual Commencement Ceremonies on May 30th, and it perfectly encapsulated not only the day, but the future as the Class of 2020 was welcomed into the storied alumni ranks.

Thirty-seven graduates, who arrived bearing degrees from 16 different Universities, now share the common bond of an SJCL Juris Doctor. While 15 held Fresno State degrees, six hailed from U.C. Campuses, five held degrees from Fresno Pacific, and others came from as far away as the University of Hong Kong.

Commencement was not only viewed by the graduates, but also by families and friends across the country and internationally.

SJCL Dean Janice Pearson and Chairman of the Board, Doug Noll, welcomed the class as virtual congratulations poured in. The Dean also called for a moment of silence in memory of Founder John Loomis, who passed away just three days earlier.

Hon. Jonathan Conklin was quick to address the reason why this ceremony was virtual. “Your last year at SJCL will likely be associated with the “C” word,” he said. “I am only going to mention it once. COVID. Now, let’s remember other C words for this year and day.” The other eight “Cs” on his list included Congratulations, Confidence, Conquer, Community, Classical, Considerate, Comical, and, of course, Celebrate.

Valedictorian Leticia Guzman’s journey was definitely one to celebrate. She had been working in a law office when she decided to go to law school. She says none of the lawyers in their suits at her job looked like her, a first-generation Latina mother of two. That made the idea of law school intimidating, but she was thrilled to find

SJCL “welcomed her with open arms.” Leticia was the winner of the Founders’ Scholarship at graduation.

Nathalia Aguirre dedicated her graduation to her grandmother, who came to America for opportunity and spent thousands of days working in the fields. “My grandmother died before she could see her sacrifices pay off. Today I stand – the first in my family to earn a postgraduate degree. To my parents, Martha and Vicente, thank you for loving me as much as you do. I will never give up on your dreams. To my sister Krystal, one day you will be here – the second law school graduate in our family. Don’t give up.”

Most of the graduates took time to thank family and friends. Nicolas Penner said “First, thank you Mom, Matty, and



A Message From the Dean

When I came to SJCL, I hoped that we could make a legal education available to everyone in the San Joaquin Valley who had the interest, ability, and determination, regardless of income. Our school and legal community needed—and will always need—the perspective of students and faculty from a wide range of backgrounds on how to interpret and shape the law. Of course, this goal is easier said than done.

In law school, as with all other areas in life, diversity of many factors including ethnicity, nationality, LGBTQ status, socioeconomic status, and disability, enrich our classroom discussions, the law school experience, and the community we serve. A law degree empowers individuals to help others on a meaningful level, in addition to providing an entry into positions of influence and financial stability. Access to justice and trust in the legal system are essential components of a democratic society.

We at SJCL are committed to making a quality education available to all qualified candidates, and especially those from groups that have traditionally been underrepresented in the legal profession. We are putting out the call to you, our alumni and constituents, to help us form an advisory committee with the goal of combating systemic racism and improving our ability to provide educational and professional equity.

In addition to forming an advisory committee, we are taking other significant steps to ensure inclusivity. Several years ago, SJCL, along with the Hugh Goodwin Bar Association, named after the Honorable Hugh W. Goodwin, the first African American to hold the position of Judge in Fresno County, created the Hugh Goodwin Bar Scholarship. The scholarship's criteria include the applicant's record of community service as well as financial need. In hopes of increasing the number of applicants for this scholarship, we are renewing and expanding it.

We invite all who wish to be part of the solution to contact us by emailing dskouti@sjcl.edu with your interest in joining our mission to implement impactful and sustained change.

We look forward to hearing from you and hope that you and your loved ones are safe.

Sincerely,

A handwritten signature in cursive script that reads "Janice Pearson".

Janice Pearson

Dean

San Joaquin College of Law

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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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John Loomis is named a Chevalier for his World War II service in France.

The Loss of a Legend

"We are devastated to announce we lost one of the 'Giants' yesterday. SJCL Founder and Chevalier John Loomis was 96. His integrity, generosity of spirit, service, gentleness, and extreme humility will never be extinguished or forgotten. He left everyone and everything just a little bit better than he found it..."

BY **MISSY MCKAI CARTIER**, PUBLIC INFORMATION OFFICER

Dean Jan Pearson's post on Facebook the day after his death on May 27th brought immediate response and grief.

Another SJCL Founder, the Hon. Oliver Wanger says "John was totally committed to the concept of creating a law school and served it loyally from 1969 to his death. I never saw John raise his voice or get angry. That helped SJCL students to see how to be an excellent attorney. Everyone benefited from that."

Similar statements came from both from those who worked with him and alumni who benefited from his gifts:

Hon. Houry Sanderson (Law '87): "He was such a pillar for our community and especially for SJCL! A sad day indeed. May he rest in peace!"

Joan Lassley (Former SJCL staff): "So very sad to hear this news. He indeed was a gentle giant. It was my honor to work on the many events to celebrate his legacy. He will be missed by so many but now joins his sweet wife."

Mark King (Law '05): "I met Mr. Loomis, but never got to know him. I know well that those who DID know him loved him and respected him greatly."

Hon. Efrén Iglesia (Law '76): "I am saddened to hear of his passing; a stalwart of SJCL. He was not only an excellent teacher of the law but a decent human being. A tremendous loss to SJCL and to the legal community."

Sabrina Johnson Prindiville (Law '14): "This is heartbreaking."

Michael Dias (Law '93): "An amazing man, he will be missed."

Jeannie Lewis (Former SJCL staff): "So sorry to hear this. What a wonderful legacy he left, though, and touched so many hearts and minds."

Daniel Martin (Law '16): "The way you speak of him, I wish I could have known him. I'm honored to be a part of his legacy."

Courtney Caron Peters (Law '07): "Thank you to a very special person who certainly impacted my life in ways he never knew."

Bobbie Lee (Former Executive Director Fresno County Bar Association) "I am so sorry to hear this. He was a pillar of our community and will be missed dearly."

Sally Perring (Former SJCL Academic Dean): "What a loss for SJCL. He was a gentle man."

Jim Miller (Law '07): "I did not know him, but I know because of him I attended law school."

Kathy McKenna (Law '99): "I'm so sorry to learn of John Loomis' passing. All of us who are SJCL alum owe him a debt of gratitude."

Phil Cline (Law '78): "Sad news. He had greatness in him. . . and a consistent kindness."

Dede Agrava (Law '07): "A major loss to our SJCL family and the community at large."

Kathy Hart (Law '77): "He was a wonderful teacher. He taught with wit, wry irony, and a sparkle. I'll never forget my Fall 1973 contracts class where I was introduced to Whiteacre, Blackacre, and widgets. He was the best!"

John Elmer Loomis was born on April 25, 1924 in Mauston, Wisconsin. He writes in his memoir that he was introduced to politics at the age of four. "Dad took me down to the depot to see Herbert Hoover who was making a whistle stop in his presidential bid that fall. It was evening. Dad hoisted me up on his shoulders so I could see over the heads of the crowd in front of us. I wondered why everyone was so excited. He looked like most any other man." John's dad was eventually elected

Governor of Wisconsin but died before he could take office in 1943.

There was a certain level of politics involved in the creation of San Joaquin College of Law. As Mr. Loomis recounts in his memoirs, it began when a friend reached out to him.

“In the spring of 1969 I received a telephone call from my friend and colleague, Judge Dan Eymann, who said that he had been giving a review program for people who were about to take the State Bar Exam and he found they were miserably unprepared. He remarked that our community was badly in need of a quality law school and that he wanted me to help him to create one. My response was that I was too busy to get involved. He said he was having a gathering for dinner at his house with about a dozen people to discuss the idea with John Gorfinkle, the consultant from the State Bar. I, being aware of his wife, Barbara’s talent in the kitchen, agreed to come and listen. The upshot of it all was that after a delicious meal, Oliver Wanger, a new young lawyer and I were the only ones interested in joining with Dan to create a law school. Wow! To what had I committed myself?

“Now it was down to the nitty gritty of making it work. We decided that starting with Dan, we’d each contribute \$200.00 to provide working capital. Dan made his contribution, but no more was needed as applications (with application fees) rolled in. Where to hold classes? We arranged a ten-year lease with Pacific College for classrooms. Faculty and pay? We agreed we would each teach a major class the first year, without recompense, if sufficient income did not come in. We applied for a state license and had to demonstrate we had \$50,000.00 in assets. What assets? Not just money in the bank, if it was offset by an obligation of a similar amount. How about our lease? We convinced the State Inheritance Appraiser, that it had a value of at least \$50,000. So, early autumn we filed articles of incorporation, and set September 1970 for the initial class. Dan was Dean and I was Assistant Dean. Ollie managed the necessary legal steps.

“We enrolled some 100 students in the first year. In the second or third year Dan developed health problems and I found myself to be de facto Dean and with Dan’s death a couple years later, officially, the Dean.

“During the first ten years I was deeply engaged not only in administration but also in teaching. With a busy practice also calling for my time, I was putting in 60 to 80 hours a week. I loved it. I was carrying too big a load, and in 1980, it finally caught up with me with a very painful and debilitating bad back. I dropped teaching and came to the conclusion that the position of Dean required more time than I was able to give, and we hired a full time Dean. I continued to serve on the Board of Trustees until 2015.”

Aside from serving as Dean and Professor for more than a decade, along with 45 years on the Board of Trustees, Mr. Loomis was always available to lend a hand, lend advice, and was a major donor to the Law School.

His humility is legendary. His service in France during World War II led to his becoming a Chevalier, the French equivalent of knighthood.

He writes “In 2010 I received a letter from the French Ambassador congratulating me on my being named a Chevalier in the French Legion of Honor. My first reaction was skepticism, but (it) was true.”

At an ensuing ceremony in the Veterans Memorial Hall in Clovis, the French Counsel came from San Francisco to present the medal in honor of his services in the liberation of France. He was a Private First Class mortar gunner with the 379th Infantry Regiment, 95th Infantry Division. Of the approximately 150 men from his company who were directed to attack

enemy defenses, less than 30 arrived, including Mr. Loomis.

The Honorable Gary Austin was surprised to learn of John’s heroic past because, despite the many years that they had known each other, Mr. Loomis never mentioned it. Austin believes “It shows how humble he is, and what a great man he is.”

Mr. Loomis was shipped back to England after suffering from trench foot on the front lines in France. He was greatly relieved when it only cost him the tip of a toe, instead of both feet.

Following V.J. Day, Mr. Loomis enrolled at Stanford University, where he soon met Sue, the love of his life. After earning his J.D., they moved back to Fresno in 1950 where he landed a job as a Deputy D.A., in his words, “at the magnificent salary of \$360 per month.” Sue preceded him in death, but not before they enjoyed many wondrous trips and a Golden Anniversary celebration.

His daughter, Laurie, writes of her father “Middle child of three: Older Brother, Robert Morgan Loomis. Younger Sister, Laura Jean Loomis Ormson. Loving father to John and Laurie (Dunn), husband to Sue Isaacson Loomis, uncle, grandfather to Cadence, Andrew, and Duke, friend to many, many others. He gave to us all a deep sense of justice and peace, honesty and an ever-present grin.”

“We will carry you in our hearts always, Dad.”

She is not alone.



(L-R): Dean **Jan Pearson**, **John Loomis**, and his wife, **Sue**, headline the front row at the 2011 Lifetime Giving Society Reception.

Champagne with a Twist: Bar Passers Reception Adjusts



(Above) The gift boxes prepared and ready for delivery and (L) the barpassers receive their gifts.

A lot of the traditional trappings were missing. Covid prevented the cacophonous gathering in the Great Hall at SJCL for the Bar Passers Champagne Reception and the staircase stood empty instead of lifting the eleven February Bar Passers even higher than they have propelled themselves.

Instead, about 25 celebrants gathered on Zoom on the Monday evening following the release of bar results to raise a glass in celebration. SJCL staff members Beth Pitcock, Diane Skouti, and Dean of Students Logan Tennerilli did their best to assure it wasn't just any glass; they coordinated a delivery of champagne, sparkling cider, and SJCL wine glasses to the homes and offices of as many bar passers as possible.

And while the surroundings were vastly different than Champagne Receptions of the past, many of the same themes popped up among the celebrants. One was jobs. The nine bar passers able to participate in the Zoom session all have them, including

many "you pass, you're hired" offers. They include Rena Harrison, who has already clerked for Hammerschmidt Broughton for the past two years and now becomes its most recent Associate Attorney. Sara Tarasevic has a similar agreement with Laughlin Falbo Levy & Moresi, while Maritza Uribe is trading her clerk job for the Associate Attorney position at Perez Williams Medina & Rodriguez and Maria Valencia becomes the newest Associate Attorney for McCormick Barstow.

Others were unsure if they would continue with their current firms and hadn't had time for those discussions just one business day after learning of their bar passing success. Sebastian Santana hopes



Raising a glass to the February 2020 Bar Passers via Zoom

to continue working for the State Comp. Insurance Fund, saying he likes the work balance there, along with forgiveness of student loans later on. Meanwhile, Jacquelyn Plata Rios is in the process of deciding between two offers and Sukhveer “Prince” Girm plans to move up from his job of tutoring students at McGeorge and Lincoln Law on MBEs in preparation for their bar exams.

Another tradition at Bar Passers Receptions is stories of extreme anxiety during the wait, and the exhilaration of finally passing! Emilio Avellaneda says he felt pretty confident after taking the bar, but the anxiety closed in on the day results were slated to be released. Maria Valencia says she had to camp out in her Mom’s prayer room. Rena Harrison says she screamed so loud and so much that her throat hurt for three days. Joy Rodriguez says she had to have her sister push the button when it came time to see her pass/fail status, and Jacquelyn Plata Rios says she was sure she had logged into the wrong portal, so

her husband checked for her. Sebastian Santana has the option of reliving what he calls “the longest 20 minutes of my life,” because his wife recorded the final minutes of waiting for results to pop up.

Along with an array of SJCL staff, many professors joined the Zoom conference to offer congrats, including Professors Christine Goodrich, Logan Tennerelli, Mark Masters, Justin Atkinson, Phillip Cherney, John O’Connor, Jodie Howard, and of course, Dean Janice Pearson.

Only two of the Bar Passers didn’t get a chance to have their say. Cory Massey popped up for a couple minutes without sound or a camera, but he had warned SJCL in advance that his help was needed at his wife’s veterinarian clinic. So, as Dean Pearson joked, “He’s literally herding cats.”

Also missing from the reception was Bar Passer Michael Kuchar. Fellow Bar Passers speculated he might have gone to Las Vegas, prompting others to remark “but there’s nothing going on there.”

“There is if he’s there,” was the answer.

Congratulations

FEBRUARY BAR PASSERS

Emilio Avellaneda
 Sukhveer Singh Girm
 Rena M. Harrison
 Michael J. Kuchar
 Cory Massey
 Jacqueline Plata Rios
 Joy C. Rodriguez
 Sebastian Santana
 Sara E. Tarasevic
 Maritza Uribe
 Maria E. Valencia

How's Working From Home Working for You?

SJCL checked-in with a few alumni to see how COVID-19 is affecting their work life.



While the photo above is not an actual picture of Beth Morgan (Law '11), the Defense Attorney for Ciummo and Associates says it's how she's been feeling of late.

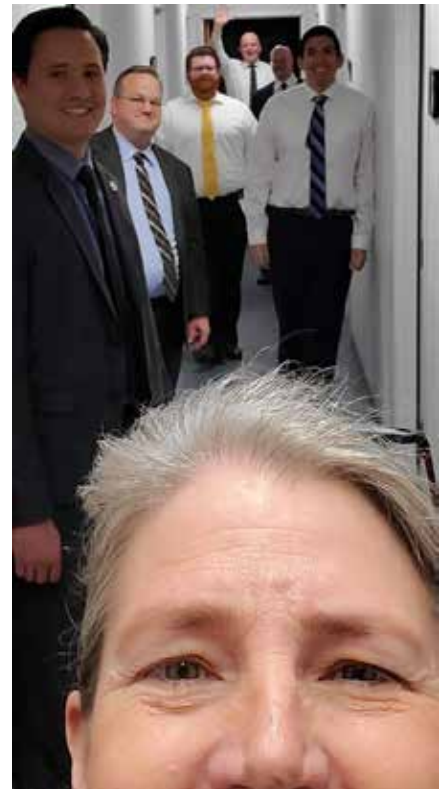
Until the re-opening of the courts on April 6th, Beth continued going into the office a few days a week to help the bosses make calls to clients. She and her colleagues were responsible for sending letters to their clients who were in-custody, explaining the situation. To top it all off, Beth says she was fighting a cold which moved her to the ranks of those working from home. "Now we have the option of working from home, using Zoom from the office, or making a personal appearance. I'm doing a hybrid of all three." She adds, "Juggling the rights of my clients, my own personal fears, and the demands of being home with teen-aged kids is a challenge."



Mark King (Law '05) is among the attorneys who can directly blame COVID for courtroom problems. "Three weeks of work in a five-week Death Penalty jury selection went down the drain...when we asked for and received a mistrial," he says. "It was the right thing to do, though, for three reasons. One is my co-counsel (David Muiridge (Law '85) is in a VERY high-risk group. A second is that it would have been unfair to put potential jurors at risk. A third is that if we HAD seated a jury, I think their concerns over potentially getting sick would have prevented them from paying full attention to the evidence. All of that was washed away by the Chief Justice of the California Supreme Court continuing all trials for 60 days."

Mark says he has found the COVID situation to be a role-changer. "I have two mentors I have leaned on heavily ever since I started practicing. One of them recently reached out to me to ask what I thought HE should do. That's really something. Stunning. Flattering. This particular person has practiced more than a quarter century longer than I have."

As for his dapper "working-from-home" appearance, Mark admits "My office is a MESS. I actually do most of my work from my house. I maintain a Fagen Suite as a place to get mail and meet clients."



Madera County District Attorney Sally Moreno (Law '95) saw what happened in Merced County when a police officer visited the courthouse shortly before he was diagnosed with COVID-19. She wanted to make sure that such an incident would not cripple the DA's Office in Madera.

"The Madera DA prosecution team is at work and ready to do justice for all Madera during this pandemic." She adds, "Note - we are observing our social distancing down the hallway in the photo above, even if the perspective looks otherwise."

"In the interest of maintaining our ability to serve Madera County, our prosecutors have separated into three teams, only one of which is working at any given time. Should one team need to go home and self-quarantine, the next team will come in and continue to serve. Support staff and investigations are similarly divided," she adds.



Teresa Petty (Law '07) and her husband, Scott Jones (Law '07), are still settling into the new reality of a law practice amid the COVID outbreak.

Teresa practices Elder Law in her downtown Clovis office. She says she closed her office on certain days during the emergency orders. She limited her client meetings to one day a week – sanitizing after each visit. Teresa says she gave her staff options for their work situations. Consultation by phone, FaceTime, Skype and Zoom have replaced the usual in-person meetings. “The upside is that I am becoming educated in technology advantages,” she says.

Teresa acknowledges that Elder Law can be a bit trickier than other types of law as many clients tend not to be internet savvy. “I’ve met with a few clients sitting in their cars with me outside. It’s challenging but getting their estate planning done or updated and addressing their concerns is really important,” she adds.

Meanwhile, her husband Scott is an attorney for the CA Department of Industrial Relations, where he works on wage and hour theft cases. He is working remotely 50% of the time, resulting in an avalanche of files being dumped on the sofa almost daily.

“**W**ish I would have taken a picture of a cleaner corner of my kitchen!” Raquel Busani (Law '18), Associate Attorney for the Erisa Law Center, sent us a picture of the scene on her first day of working remotely. Things are a little smoother now.

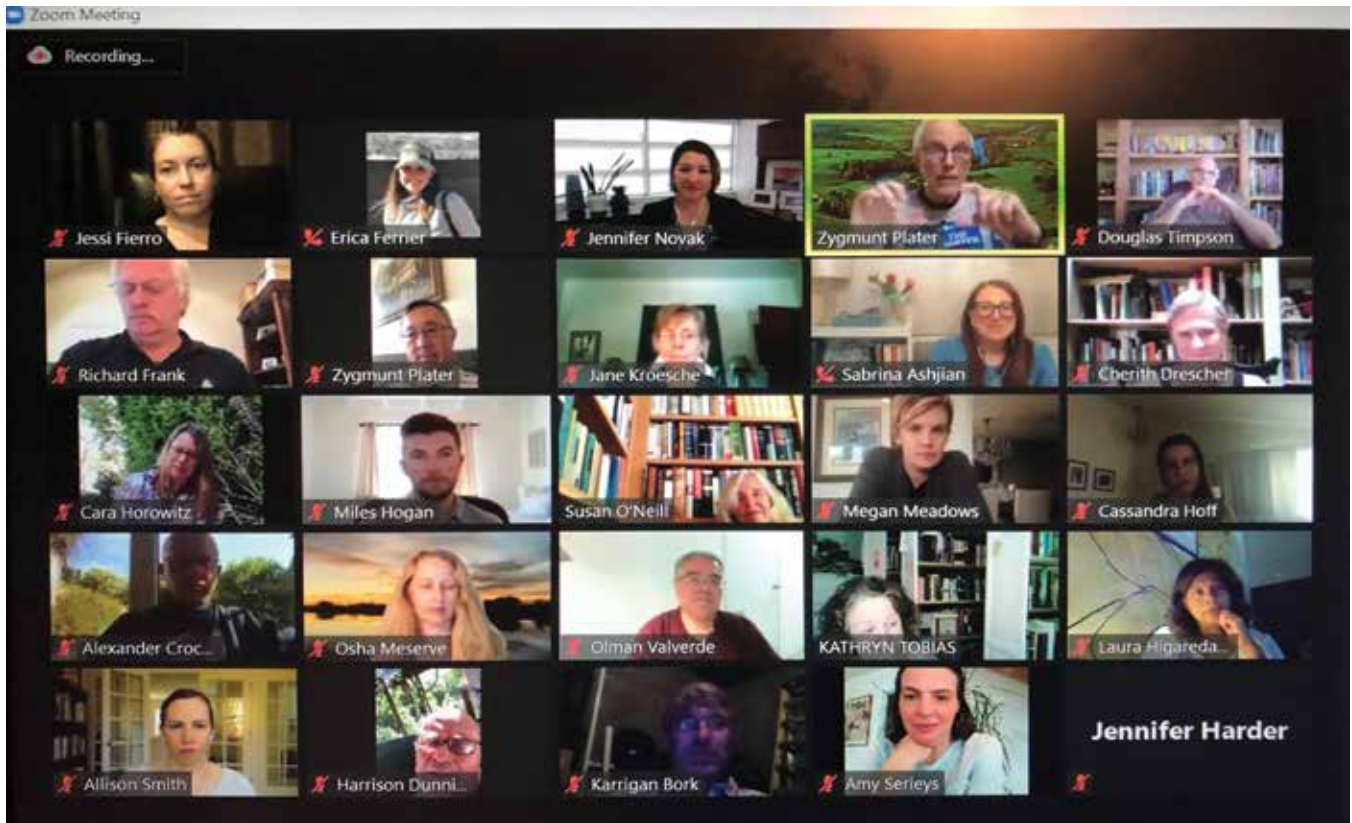
Raquel says some colleagues at the firm are now working at the office and some are still working from home. “We have strict office procedures for those who come in like taking temperatures, closing office doors, and wearing gloves and masks,” She adds “Overall, in spite of the anxiety and stress the pandemic has brought, it has also given us the opportunity to look at our lives - work lives included - through a different lens.”



Like most of us, Joy Dockter (Law '10), Staff Attorney at Central California Legal Services, didn't have much time to transplant to a home office when the gravity of COVID-19 became quickly clear. She says things got better as the days went on, adding that by Day Five, she had a pretty sweet set-up, including a baby gate to keep her at-home co-workers (the dogs pictured above) at bay. Joy says she is now “fighting the good fight, from the guest room. Ha!”

Darcy Brown (Law '18) has tried to look at the bright side when it comes to the COVID upheaval. Adding another twist to the situation, Darcy has moved into a new position. Formerly a Staff Attorney for the Housing Team at CCLS, she is now at the Sierra Foothill Conservancy, and continues to work from home. “I wind down at the end of the week by streaming yoga classes at home,” she says.

Finding Connections in Book Clubs, Environmental Law, and SJCL



A zoom shot of the conversation with **Zygmunt Plater**. Professor **Jessi Fierro** is in the top left, SJCL student **Douglas Timpson** is in the top right, and others hail from all over the state.

BY PROFESSOR **JESSI FIERRO** (LAW '13)

“Game of Thrones has nothing on this story!” So started the May 28, 2020, virtual Book Club meeting of the Environmental Law Section of the California Lawyers Association. I serve on the Section’s Executive Committee, and I am chairing our Book Club.

The Section started its virtual Book Club as a venue to stay connected and inspired. The book selections touch upon environmental law issues through myriad styles and topics. Our May 28 meeting brought together 36 individuals from throughout California to chat with Zygmunt Plater, Law Professor at Boston College and author of *The Snail Darter and the Dam*.¹ The book covers the roller

coaster-story of the often-misunderstood *Tennessee Valley Authority (TVA) v. Hill*.²

“Do you still have the T-shirt?!” I asked. Zyg smiled and stepped away. Zyg and others sold T-shirts to fund their 1970s fight to stop the TVA (a federal agency) from condemning thousands of acres of prime farmland to build the Tellico Dam on the Little Tennessee River. There, a group of biologists discovered a new fish species, the 3-inch “snail darter,” which lives nowhere else in the world. The team diligently worked through the Endangered Species Act and resistant bureaucracy to get the species listed as endangered with the Department of Interior. Then they worked through the federal court system,

all the way to the Supreme Court, to try to prevent TVA from destroying critical habitat in violation of the Section 7 of the Endangered Species Act.

The T-shirt features a shark (reminiscent of a popular 1970s film) with “TVA” forming the shark’s teeth, and the shark is coming after the small snail darter above. Zyg even wore one of these T-shirts during his 1978 Supreme Court arguments, under his dress shirt and dark three-piece suit. And now, Zyg is rejoining our Book Club meeting wearing the legendary T-shirt.

The *TVA v. Hill* case, the first Endangered Species Act case argued before the Supreme Court, is often ridiculed as environmental law run amok. Yet this

framing completely mischaracterizes the case's legal significance and the shocking underlying story.

The Tellico Dam at issue in the case was not a big hydroelectric dam, as commonly and mistakenly described, but a small recreational dam. 38,000 acres of prime farmland were condemned for the project at \$300-\$400 per acre. Most of this land was for a model city that never happened, eventually sold for a resort community at a significant profit for TVA. Congress's own General Accounting Office determined that TVA's economic projections for the project were unreliable, and that there were more profitable alternatives.³

The Attorney General himself presented TVA's case before the Supreme Court, which is very unusual. The case pitted federal agencies against one another, with the Department of the Interior submitting a brief arguing AGAINST TVA's position (also very unusual).

Zyg reminds us frequently that visuals are important. During the Supreme Court arguments, the Attorney General presented a little bottle containing a snail darter (Exhibit 7). Zyg presented a beautiful lithograph of the small fish in crystal blue water (Exhibit 12). Zyg argued that the snail darter (like many endangered species) is the "canary in the coal mine," acting as "indicators of endangered human interests... the fish and its endangered habitat identify a critical weighting of human and ecological values to show that the dam is, on balance, harmful."⁴

Zyg and his team won before the Supreme Court (6-3) in 1978, and then won before the "God Squad," which Congress established in reaction to *TVA v. Hill* to balance human and economic interests against endangered species concerns.^{5,6} But then a 1979 Congress Appropriations

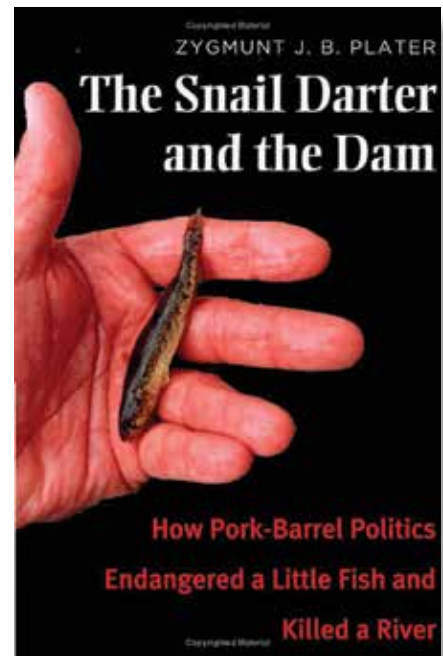
rider directed TVA to complete the dam notwithstanding the provisions of [the ESA] or any other law. The Tellico Dam was completed in 1981.

Throughout the case, Zyg and his team made dozens of attempts to get the media to cover the story from a variety of angles, but the story did not gain traction. In the aftermath (and book epilogue), Dan Rather yelled after a CBS broadcast, wondering how they missed the story, now that farmers' homes and handmade furniture were being bulldozed and burned to the ground. In reality, the network recorded the story years ago, but chose not to air it.⁷

Later, Zyg reflected, "The little snail darter was a barometer of far more than its endangered valley. It also served to register how our society makes important decisions. It is from this perspective on how the American governmental system responded to the merits of a narrow, dramatic, discrete case, involving complexity of fact, values, law, and economics, that the snail darter may have its major lessons to teach. ... the snail darter offers a sobering warning about the long term needs for improvement in the way our society makes decisions."⁸

SJCL student Douglas Timpson (2L) joined in on the Book Club discussion. "I appreciated being able to hear Zygmunt's perspectives first hand. I'm old enough to have been around when he was arguing his case before the Supreme Court and had heard a few things about it over the years. I was thinking yesterday [during Book Club], that the other endangered species in this case was the small family farm. Those people were the true victims of abusive government practices and an indifferent news media," Douglas reflected.

SJCL students will have the opportunity to further discuss the *TVA v. Hill* case and much more in this summer's



Environmental Law elective. In fact, Zygmunt Plater will be joining SJCL students via Zoom as a guest speaker for one of the Environmental Law class meetings this summer. This is a great opportunity for SJCL students to connect and interact with a renowned environmental law attorney who has argued before the Supreme Court. We greatly appreciate Zyg's time and look forward to hearing what questions and insights SJCL students have for him.

The Environmental Law Section's next Book Club meeting will consider *That Wild Country: An Epic Journey through the Past, Present, and Future of America's Public Lands*, by Mark Kenyon (2017). Part travelogue and part historical examination, *That Wild Country* invites readers on an intimate tour of the wondrous wild and public places that are a uniquely profound and endangered part of the American landscape.

¹ Zygmunt J.B. Plater (2013), *The Snail Darter and the Dam: How Pork-Barrel Politics Endangered a Little Fish and Killed a River*, Yale University Press.

² *Tennessee Valley Authority (TVA) v. Hill*. (1978) 437 U.S. 153

³ Plater, *supra*, Page 251; U.S. GOA, *The TVA's Tellico Dam Project – Costs, Alternatives, and Benefits*, EMD-77-58, October 14, 1977, available at https://lawdigitalcommons.bc.edu/darter_materials/39/

⁴ *Id* at 53.

⁵ 16 U.S.C. section 1536

⁶ When the God Committee delivered its decision on January 23, 1979, Chair Cecil Andrus declared, "I hate to see the snail darter get the credit for stopping a project that was so ill-conceived and uneconomic in the first place." Plater, *supra*, 289.

⁷ Plater, *supra*, 345-346

⁸ Zygmunt Plater, "In the Wake of the Snail Darter: An Environmental Law Paradigm and its Consequences," 19 U. Mich. J. L. Reform 805 (1986)

As I Leave The Bench...

The Honorable Efren Iglesia (Law '76) retired from his post on Friday, May 22, 2020. As one of SJCL's earliest graduates, we asked him to share his thoughts and reflections as his career in law comes to a close.

BY HONORABLE EFREN IGLESIA, SPECIAL TO INTER ALIA

Amidst a pandemic, and with two years remaining in my term, I advanced my retirement from the Monterey County Superior Court from July to May of this year. At age 70, the sedentary nature of the job had taken its toll: I have had one back surgery and two special procedures during the last three years. The coronavirus provided the final nudge for me to leave the bench which I had occupied for only 13 years with nary a chance to say thank you and goodbye.

I have no regrets. Hunkered down, I have had a chance to reflect on life, and my journey to the bench.

I was in my third year of college in the Philippines in 1971 when the political situation under the Marcos government became dire and outright dangerous as violent street rallies and demonstrations ruled the day. As the editor-in-chief of the university paper, I wrote articles and columns critical of the regime. In one of those columns, I made what at the time was a risky call: "We need a revolution."

Some American friends who had hosted me as an exchange student three years earlier had been imploring me to get out of the country while it was still safe to do so. With their help, and with only one year remaining to get my bachelor's degree, I opted to drop out of college and come to the United States on a student visa in September 1971. Almost a year to the day of my departure, Marcos declared martial law and suspended the writ of habeas corpus; scores of the leaders of the militant movement were arrested and many of them were killed.

Arriving in America, I formulated a life plan: maintain my student visa and prolong my studies toward a college degree so I could wait out what was then perceived to be the imminent overthrow of the Marcos regime. Thereafter, I was to go back, enter politics, and eventually become the President of a fair and democratic Republic of the Philippines. A tad ambitious, I must

say, but in those days, raw idealism was in full flower.

But fate intervened. After just a semester at Reedley College and two quarters at Pacific College, I was given credits for my college courses in the Philippines and handed my diploma.

Just before graduation, I saw a flyer on the Pacific College student bulletin advertising enrollment for the upcoming school year at San Joaquin College of Law. I enrolled, and thus ensured myself of another four-year extension of my student visa.

Up until that time, the thought of becoming a lawyer was furthest from my mind. I had fancied myself obtaining a degree in journalism and traveling every nook and cranny of the world.

In law school, I had the good fortune of having been a part of a study group that included the likes of Gary Austin who went on to become a judge, and Charles William Brewer—a Navy jet pilot who, if not for an injury suffered during the Vietnam War, would have been in the astronaut corps. Brilliant students. We pushed one another to study hard. Slack off and you are banished from the study group.

Studying for the bar exam, I hunkered down in much the same way I'm doing now under the State's shelter-in-place order, and, with possibly the same, if not greater, amount of fear. I completed law school in 1976 and passed the bar exam on my first try. Fifteen out of 16 in my class passed, with the sixteenth making it on his second attempt.

I started my legal career as a criminal defense attorney with the law firm of Gendron & Gendron (now defunct) in Madera. While there, among other things, I did legwork for the more senior attorneys in the firm in the defense of one of the defendants in the Chowchilla school bus kidnapping case. Three years thereafter, and wanting a taste of civil law, I landed a job as a deputy county counsel in Imperial County and worked there for four years.



In 1983 I pulled up stakes and moved to Monterey County with my wife and two-year old son to work as Deputy County Counsel. I later headed the office's land use division, supervised four attorneys, and handled land use and environmental law litigation. A couple of my cases under the California Environmental Quality Act (CEQA) resulted in published decisions.

The beginning of the 1980's saw the Marcos regime still clinging to power, albeit precariously. By this time, all thoughts of ever going back to the Philippines had long vanished as I had started a family and put down roots in my adopted country. Ironically, I took my oath as a U.S. citizen on February 14, 1986—11 days before Marcos was ousted from power during the People Power Revolution. In the meantime, my wife and I had our second child—who would go on to follow in my footsteps and eventually become a California lawyer. One of the proudest moments of my career occurred when I administered the attorney's oath to her in my courtroom.

I became a lawyer and, subsequently, a judge, not because I dreamed of becoming one, but because of luck, fortuitous circumstances, and fateful decisions I had made. This may disappoint those idealistic types expecting to hear some

SEE IGLESIA RETIREMENT PAGE 19

Personalized Swearing-Ins



Michael Kuchar and his family



Honorable **Jonathan Conklin** social distancing during the swearing-in of Michael.



Jacqueline Plata Rios was sworn-in by **Lisa Smittcamp** (Law '95).

Michael Kuchar

Newly minted attorney Michael Kuchar transformed into Michael Kuchar, Esq., after being officially sworn to the California Bar by Honorable Jonathan Conklin, from a suitable distance away. Current Coronavirus conditions caused the cancellation of the highly anticipated swearing-in ceremony to the state and federal bars for the newest batch of bar passers, providing yet another let-down in a series of disappointing and anti-climactic ends to this monumental accomplishment.

We wish to congratulate all the SJCL graduates who passed the February 2020 bar exam, which has the dubious distinction of having the lowest pass rate in the history of the California Bar. This fact makes the achievement that much more noteworthy and your alma mater is quite proud of you all.

Jacqueline Plata Rios

Welcome counselor! February Bar Passer Jacqueline Plata Rios takes the oath of office, administered by fellow alumni Lisa Smittcamp (Law '95), the current Fresno County District Attorney! Also in tow for the celebration were Jacqueline's husband, Ryan, her sister, Caroline, and Caroline's husband, George Vasquez, who is also an SJCL Alumnus (Law '13).

Jacquelyn had been considering a couple offers following word she passed the Bar and finally settled on a job as In House Counsel for Fowler Packing.

Congratulations again, Jacqueline!

Alumni Share Bar Exam Tips

Stefanie Krause (Law '00), Joshua Hernandez (Law '18), and Jason Crockford (Law '18) dropped by Professor Jason Hamm's Remedies class in March to offer some moral support and share their personal Bar Exam stories with SJCL's Class of 2020.

Professor Hamm joined the discussion by sharing his own bar prep methods (flash cards – LOTS of flash cards!). In addition to their bar prep tips, the alumni brought along coffee, cookies, and some bagged study trinkets, courtesy of the Alumni Association.



Professor Jason Hamm



Joshua Hernandez (Law '18), **Stefanie Krause** (Law '00), and **Jason Crockford** (Law '18)

Graduation FROM PAGE 1



Ryan. Your encouragement meant a lot and kept me going.” Nicolas also thanked his four children, his wife, and added “I would also like to thank all of the wonderful people at SJCL for their hard work and dedication. Especially Professors Atkinson and Wrest, who took time to talk me off the ledge more than once.”

Ashley Simpson thanked her “family, with her father watching from Mexico, her partner Michael, and all her friends for their constant support, love, and encouragement.”

For Jeffrey Wharton, graduation was almost a family affair. His wife, Jennifer, is a 2018 graduate of SJCL, as is his father-in-law, Joseph Arnold (Law ‘02), brother-in-law Michael Arnold (Law ‘09), and sister-in-law Katherine Arnold (Law ‘18). Jeffrey not only thanked his wife, saying he could not have completed without her support and guidance, but also included a shout-out to his in-laws: “Thank you to my father-in-law Professor Joseph Arnold for encouraging me to pursue a legal education. And thank you to my mother-in-law Kerry for making sure Joe gave me a passing grade in his class...Lastly, thank you to my dog Cooper and cat Cayman for keeping me company for all those case briefs.”

A number of the graduates already have “You pass, you’re hired” offers in hand. Many also have bigger plans for the future.

Nigel Marin says he plans “to use technology to build a way to help those with no or limited access to the law.”

Jennifer Rodriguez, who interned at the Western Center of Law and Poverty and worked at the New American Legal

Clinic, found her passion in immigration law. She plans “to make legal services more affordable and accessible to immigrant communities in the Central Valley.”

And then there’s Zachary Groothuyzen, who not only graduated with High Honors, but was also the recipient of the John Loomis Scholarship, multiple Witkin Awards for Academic Excellence, the Justice Hollis G. Best Scholarship, the George Hopper Memorial Scholarship, the Proctor Scholar of the Year award, the Central California Bankruptcy Association Scholarship, and the Delta Theta Phi Scholarship. He says he is a free agent and undecided about his future after the Bar exam. He thanks everyone who gave him an opportunity to gain experience, and is grateful to his son, Noah, “for being the happiest little guy, and his wife, Kaitlin, for her many sacrifices and never-ending love.”

The Class of 2020 chose Professor Jason Hamm as its keynote speaker, and the reasons why quickly became apparent. Professor Hamm said this class was special, and it had nothing to do with the recent shelter in place orders. He says it began when class members walked in one fall and handed out leis to everyone, inviting them to the Hawaiian-themed Back to School shindig. He pulled his from his pocket as he spoke. Then there was the time he jokingly told Jared Bertoni he would need to bring cookies in order to properly discuss the case of rights to a recipe. Jared complied. And the time the classroom had a swarm of bees and Syuzanna Martirosyan gently collected all but one in a plastic bag for release outside. (The lost bee did not fare as well.) Or the student who gave birth, but never missed a class, Skyping in right on time.

Beyond the stories of the past, Professor Hamm told the class about its future story, when they would be participants in the system of justice, helping to decide who to prosecute, who to involve, who to defend and whether to sue or let someone be. He told the graduates they were ready for a seat at that table. He added he looked forward to the time when everyone could celebrate this occasion in person, “and when we do, Jared Bertoni should bring the cookies.”



Francisco Rosas manning the computer while Dean **Jan Pearson** gives her remarks.



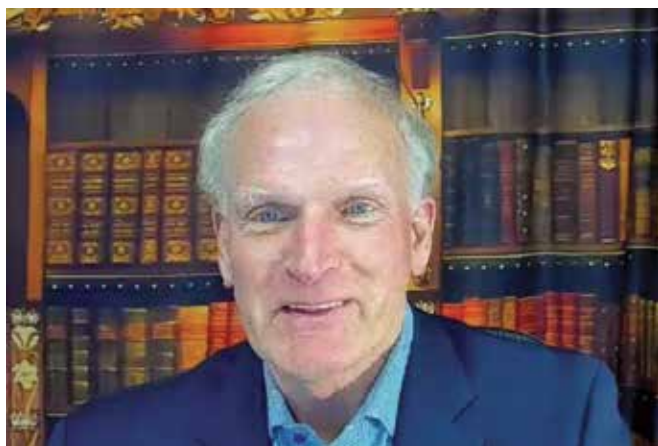
CONGRATULATIONS TO THE CLASS OF 2020, THE NEWEST MEMBERS OF THE SJCL FAMILY, INCLUDING (L-R FROM TOP): **Nathalia Alissa Aguirre, Adam Said Awad, Jordan Allen Bennett, Jared Ero Bertoni, Brian Kenneth Chin, Daniel Ray Jr Cisneros, Jacobo Espindola, Jane Faulks, Zachary Edward Groothuyzen, Leticia Guzman, Claudia Noemi Juárez, Jennifer Lemus-Fernandez, Kelly Liu Zechariah, John Vergil Magill, Nigel Albert Marin, Syuzanna Martirosyan, Adriana Isabel Mendoza-Gurrola, Amanda Virginia Metz, Anthony Joseph Muia, Lanae Oviedo, Nicholas James Penner, Jesus Pereda Jr., Angad Singh Puniani, Monica Alison Rast, Dana Lee Robnett, Jennifer Guadalupe Rodriguez, Esmeralda Serapio, Ashley Victoria Simpson, Zena Marie Sin, S. Nicole Marie Tucker, Pazong Marie-Rose Vang, Yao Vang, Elizabeth Villanueva, Jeffrey Lee Wharton, August George Wolf Petersen, Evan Andrew Wright, and Grace Eunmi Zeluff**



Vong Mouanoutou (Law '02) gave the closing remarks



Professor Justin Atkinson read the student bios along with Professor Christine Goodrich



Board Chairman **Doug Noll** congratulated the graduates on behalf of the Board of Trustees

Gratitude for Scholarships

While there will be no Student Bar Association Spring Scholarship Banquet at San Joaquin College of Law this year, there will be scholarships! The Law School would like to thank the many attorneys, law firms, and others who stepped up to help these students reach their dreams. Dean Jan Pearson says “San Joaquin College of Law is pleased to announce the award of more than 40 scholarships to deserving students. Congratulations! It’s nice to have some good news to share when we are all dealing with challenging times. We are proud of all your accomplishments and know you have great futures ahead!”

Scholarship Recipients

ABOTA Memorial Scholarship

Syuzanna Martirosyan

Alumni Association Carolyn T. Mirviss Scholarship

David Piercy

Alumni Association Spirit of SJCL Scholarship

Joslyn Hillberg

Baradat & Paboojian Trial Advocacy Scholarship

Evan Wright

Bertha and John Garabedian Military Service Scholarships

Amanda Hage, Raul Magana, Rodney Tuisavalalo, and August Wolf-Petersen

Cartier First Year Improvement Scholarship

Allison Rodriguez

Central California Bankruptcy Association Scholarship

Zachary Groothuyzen

Clovis Sorooptimist Woman’s Advocate Award

Jocelyn Stevens

Darryl Freedman Bar Study Support Scholarship

Leticia Guzman

Delta Theta Phi Scholarships

Vladimir Pacheco and James Proctor

Elizabeth O’Neill Memorial Scholarship

Bianca Lazcano

Ernest Kinney Trial Lawyer Scholarship

Adam Awad

Florentino Jose Memorial Scholarship

Esmeralda Serapio

Ibarra/Casillas LawSUIT Scholarships

Laura Higareda-Chapa, Rosie Palomino, and Lorena Vargas

Janice Pearson Scholarship

Surinder Padda

Judy Wiseman Memorial Scholarship

Syuzanna Martirosyan

Ken Coyle Memorial Scholarship

Ashley Emmersen

Kharazi Bar Study Support Scholarship

Angad Puniani

Law Student for Community Advancement – Community Action

Nancy Leon

Law Student for Community Advancement – Outstanding Member

Rosie Palomino

Law Student for Community Advancement – Executive Board

Nancy Leon

LawSuit Scholarships

Aaron Cervantes and Christina Rodriguez

Legal Edge Consumer Scholarship

Erika Esqueda

Leon S. Peters Foundation Leadership Awards

Jared Bertoni, Jaymie Eaton, Ashley Emmersen, Monica Rast, and Heather Thomas

Proctor Scholar of the Year

Zachary Groothuyzen

Rotary Club of Clovis – Book Scholarship

Besan Farra

Mike Rhodes Social Justice Scholarship

Ashley Simpson

SJCL Student Bar Association Law Scholarship for Merit/Most Improved

Armida Mendoza

SJCL Student Bar Association Law Scholarship for Need

Elizabeth Villanueva

SJCL Student Bar Association Law Scholarship for Participation

Jordan Scrivner

Good People – Great Job

For 15 years I managed a region of a national staffing firm. The president and CEO of that firm began all his presentations with the same question: “What business are we in?” Associates answered with “the people business” or “the placement business” but neither was entirely correct. His answer: “We are in the Information Gathering Business!”

BY **BETH PITCOCK**, HUMAN RESOURCES DIRECTOR

Those words are quite applicable to my role here at SJCL, but especially now as a Human Resource Director faced with an entirely new reality. Over the past three months, I have been intently focused on the business of gathering information – crucial COVID-19 information – to be passed on to our faculty, staff, students, and alumni as it relates to SJCL’s role as a vital institution of higher education. I have learned how the disease spreads, how to prevent the spread, and how to keep our faculty, staff, and students safe. Gathering, analyzing, and sharing this information with all our constituents has become a necessary but not always pleasant responsibility. Undoubtedly, you have read and heard much of this information yourself.

Since March 3rd, we have been making institutional decisions at SJCL based in part on this information, causing our

traditional school to look anything but traditional. Our physical doors remain locked to our treasured alumni and students; we complete health screenings, wear masks and keep our distance when on campus. We have completely changed the way we teach and connect through distance learning and remote work environments, two worlds with which we are now, quite familiar. A few months ago, none of this would have seemed possible. What makes it possible is talented people.

With talented people, challenges become possibilities.

As a silver lining type of person, I watched our administrative team show up in the face of adversity. I observed our faculty and staff shine by using their individual tools - “soft skills” - like adaptability, flexibility, teamwork, collaboration, and creativity, all with intention. These skills are like GOLD, employers mine for them.



Without missing a beat, we have continued to deliver services to our students and prospective students, and celebrated our 2020 graduates and Bar Passers in new, virtual ways. I am pleased to report that we have not had a single COVID-19 positive case connected to our physical campus. As a part of this incredible administrative team I say job well done! And as always I say to all of our constituents - stay safe.

SJCL Administrative Assistant Graduates Fresno State – At Work!

SJCL’s own Administrative Assistant extraordinaire Esmeralda Felix, completed her B.S. degree in Criminology, with a Victimology option from Fresno State. While nothing can take away the sense of accomplishment and pride she felt as she submitted her final assignment, the moment was bitter-sweet with no graduation ceremony planned for this year’s graduates.

The always resourceful staff at SJCL (the few who remain on campus anyway) didn’t let that stop them from throwing Esmeralda an impromptu graduation ceremony, complete with a stage, stand-in diploma, and cheering “crowd.”

Congratulations, Esmeralda!



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!"

Darcy Brown (Law '18) is now working with the Sierra Foothill Conservancy, a non-profit land trust based out of Mariposa.

Jeffrey C. Castleton (Law '17) is now co-founder and President of Jurybox Technologies, LLC.

William L. Chaddock (Law '16) is now an Associate Attorney at the Law Offices of Scott Warmuth.

Marla D. Garcia (Law '13) has taken a Counsel 3 position at the Law Offices of Dan D. Endoso.

Vismaad Gondara (Law '18) is now an Associate Attorney at Peel Garcia LLP.

Hon. Efren Iglesia (Law '76) has announced his retirement from the Monterey County Superior Court bench, effective May 22nd.

Alex R. Merriam (Law '04) is now an Equity Partner at Bradford & Barthel, LLP. He was appointed Managing Attorney for the Fresno Office in 2017 and continues in that position.

Natalie M. Packer (Law '08) has been promoted to Managing Attorney of the Fresno Office at Borton Petrini, LLP.

Jacqueline Plata Rios (Law '14) is now In House Counsel for Fowler Packing.

Victor E. Salazar (Law '93) has been appointed to the Commission on Judicial Performance by Governor Gavin Newsom. According to the Governor's Press Release, "Salazar has been a sole practitioner since 1993. He was the county clerk for the County of Fresno from 2001 to 2012. Salazar was managing attorney at Central California Legal Services from 1998 to 2001. He was an attorney at Forrest and

McLaughlin from 1997 to 1998. Salazar was assistant general counsel at the Agricultural Labor Relations Board from 1995 to 1997 and staff counsel for the Department of Fair Employment and Housing from 1993 to 1995. Salazar is a member of the State Bar Pro Bono Program. He is a member of the board of directors for Poverello House Inc., Proteus Inc., and the Central California Employment Round Table."

Jason L. Trupkin (Law '17) has opened the Law Office of Jason L. Trupkin.

Shannon Wentworth (Law '19) is now an Associate Attorney at the Mugridge Law Firm.

Cheri-Lynn Wortham (Law '11) is now an Associate Attorney at the Law Office of Scott Levy.

In Memoriam

San Joaquin College of Law notes with sadness the passing of

Colleen J. Carlson (Law '99) on June 10, 2020

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.

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John Loomis

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Central California Bankruptcy Assn.

Kimberly Sweidy ('85)

\$100 - \$499

Missy (Staff) & Richard Cartier

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Judith Hall ('91)

D. Muriel Hayes

Vernon Reynolds ('10)

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Victoria Denny (Staff)

Raymond Isleib ('08)

Ian Marty ('99)

Jaren Nelson (Staff)

Lisa Smittcamp (Board & '95)

In-Kind-Gifts

Howard Watkins

You deserve to be properly recognized for your contributions, and we strive for 100 percent accuracy. If we have made an error, please contact Lonzetta Hightower at 559/323-2100 or lhightower@sjcl.edu.

Honorable Igelsia Retirement FROM PAGE 12

noble or profound reason for my choice of this profession or career path. But, as Shakespeare admonishes, “to thine own self be true.”

I only considered a career on the bench when clients and colleagues urged me to apply for one of three vacancies on the Monterey County Superior Court. Spurred by their encouragement, I applied and eventually found myself, a late bloomer at age 57—appointed to the third vacancy on the court by Gov. Arnold Schwarzenegger.

My assignments on the Monterey County Superior Court included service in criminal court in Salinas and in King City (until its closure in 2013) as well as in civil court in Monterey. Twice I ran uncontested for re-election to a six-year term.

As a judge—and mindful of the enormous power that judges hold as well as having lived under the abuses of an

autocratic regime in the Philippines—I always reminded myself of the limitations and careful exercise of judicial power. I did so especially when dealing with self-represented litigants and those traditionally underserved and often neglected segments of society. I always aimed to be sensitive to the perceived inequities in our society and strove to achieve fairness and impartiality in my court. Poignantly, I remember being once disqualified in a case by a city prosecutor, presumably after I got a little carried away and pontificated on the criminalization of homelessness. But I have no regrets. I say what I mean and mean what I say, to borrow a popular expression.

As I leave the bench, I will be eternally grateful for the opportunities that have been afforded to me and my family in this country. I am most proud to have raised a service-oriented family of two registered

nurses (my wife and a son), a daughter who recently became a lawyer and now works for a federal agency in Washington D.C. and whose husband is serving in the US military, and another daughter with a Masters' Degree in social work employed as a social worker for a mental health facility in Orange County.

While on the bench, I always reminded myself of all the blessings of living in a country such as ours. Upon my suggestion, my bailiff would announce the opening of the court's session each day thus: “In honor of the flag of the United States of America, the Superior Court of California, County of Monterey, is now in session.”

My retirement plans? When friends and colleagues ask, I tell them it's encompassed in the acronym, MTTV: Music (I play an electric guitar in gigs with a rock band), Travel, Tennis, and Volunteering. Thus, the journey and the dream continue.



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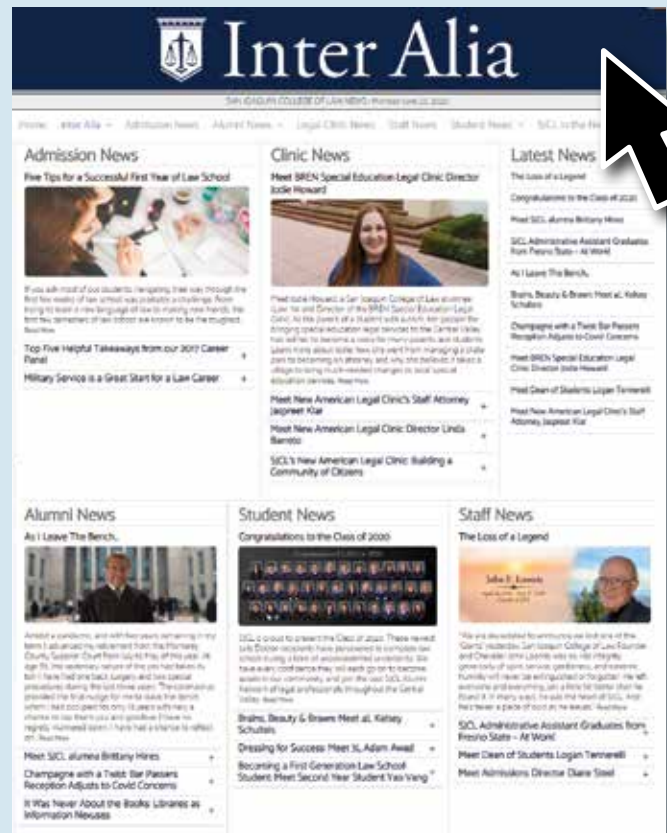
Something new and exciting has come to the sjcl.edu website. As a response to the COVID-19 crisis, we made changes in the way we will provide news and information.

In addition to the print version of the *Inter Alia* you are used to, the magazine is now also "live" and posted on our website so we can provide up-to-the-minute updates, information, announcements, and original feature stories, in real time.

Still in the introductory stage, this new concept went live in April and will surely evolve with time. For now, we hope to add news, information, and feature articles frequently enough that our various constituents will be drawn to visit the sight more often.

Be sure to have a look! You'll find it by searching up sjcl.edu, and then scrolling down until you see the blue *Inter Alia* banner. Click on the banner and you'll be taken to the "front page" of the *Inter Alia* online. From there you can click on any of the headings at the top to find a collection of articles specific to each interest area.

Any article posted will be available any time under its subject heading providing a great resource for SJCL news and information.



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