TABLE OF CONTENTS

ARTICLES

CALIFORNIA AGRICULTURE IN WORLD MARKETS – TWENTY YEARS LATER .................................................. Julian B. Heron 1

AN ANALYSIS OF STATE PESTICIDE DRIFT LAWS REVISITED ....................................................... Theodore Feitshans 23

COMMENTS

NO LONGER CRYING OVER SURPLUS MILK: THE DAIRY PRICE STABILIZATION PROGRAM ACT OF 2010 ............. Ashley A. Allred 31

JUST COMPENSATION OR JUST PLAIN UNFAIR: THE EFFECT OF EMINENT DOMAIN ON CALIFORNIA DAIRY FARMERS . Nicea M. Bates 59

THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT: A NEW LOOK AT PREEMPTION AFTER BATES ................................................................. Sam Brar 79

FEDERAL MARIJUANA LAWS AND THEIR CRIMINAL IMPLICATIONS ON CULTIVATION, DISTRIBUTION, AND PERSONAL USE IN CALIFORNIA Rachel A. Cartier 101

WHAT’S THE BIG DEAL? THE LET DOWN THAT IS THE LANDMARK MONSANTO V. GEERTSON CASE ................................................................. Lisa A. Cuts 117

PESTICIDES AND FARMERS: LIFE AFTER NATIONAL COTTON COUNCIL OF AMERICA v. EPA .............. Heather Marie McCarthy Radcliffe 151

THE RIGHTFUL POSITION: THE BP OIL SPILL AND GULF COAST TRIBES ................................................. Erick J. Rhoan 173

THE “NATIONAL” ORGANIC PROGRAM: THE INCONSISTENT STANDARD OF WASTEWATER REUSE ........ Chester E. Walls, PE, LEED AP 193

CHANNELING CRIUella DE VIL: AN EXPLORATION OF PROPOSED AND IDEAL REGULATION ON DOMESTIC ANIMAL BREEDING IN CALIFORNIA .......................... Christina Widner 217

APPENDIX – RETROSPECTIVE

NEW CHALLENGES FOR CALIFORNIA AGRICULTURE IN WORLD EXPORT MARKETS ........................................ Julian B. Heron & David B. Friedman 239

AN ANALYSIS OF STATE PESTICIDE DRIFT LAWS .................................................... Theodore A. Feitshans 269

Copyright © 2010 by San Joaquin College of Law
The San Joaquin Agricultural Law Review (ISSN 1055-422X) is published annually by the students of San Joaquin College of Law. The San Joaquin Agricultural Law Review prints all matter deemed meritorious regardless of the views expressed. Views expressed herein are views of the authors and do not necessarily reflect the policies or opinions of the San Joaquin Agricultural Law Review, its editors and staff, or San Joaquin College of Law.

Manuscripts:
The San Joaquin Agricultural Law Review welcomes the submission of unsolicited articles, comments, reviews, and case notes. To be considered for publication in a future issue of the San Joaquin Agricultural Law Review, manuscripts must be submitted on CD-ROM or via e-mail in Microsoft Word format accompanied by a single hard copy. Text and footnotes must conform to the Technical Publication Requirements posted on the Law Review webpage at www.sjcl.edu/sjalr. Text and footnote citations should conform to the rules set forth in The Bluebook: A Uniform System of Citation (19th ed. 2010).

Manuscripts should be submitted to the Executive Editor at the address indicated below or may be electronically mailed to the Executive Editor's e-mail address referenced on www.sjcl.edu/sjalr. If any portion of a manuscript has been published previously, or is to be published elsewhere, such information must be disclosed at the time of submission of the manuscript to the San Joaquin Agricultural Law Review. Manuscripts cannot be returned. The San Joaquin Agricultural Law Review will not assume responsibility for lost manuscripts. To be guaranteed consideration for the academic year publication, manuscripts must be received not later than December 10th of the academic year.

Correspondence:
Correspondence should be addressed to the Managing Editor at the address indicated below.

Change of Address:
The Postal Service will not forward copies. The San Joaquin Agricultural Law Review will make reasonable efforts to notify subscribers if their issue cannot be delivered by the Postal Service and is returned. Please notify the San Joaquin Agricultural Law Review if you do not receive your issue. Please submit address changes as soon as possible to ensure prompt delivery. The San Joaquin Agricultural Law Review will not send duplicate copies without additional charge if non-delivery is based upon a change of address without notification. Address changes should be sent to the Production Editor at the address indicated below.

Please send address changes and address all correspondence to:
San Joaquin Agricultural Law Review
William T. Richert Law Review Office
San Joaquin College of Law
901 Fifth Street
Clovis, California 93612

Printed by Darby Printing Co., 6215 Purdue Dr., Atlanta, Georgia 30336.
Please cite this issue as: 20 San Joaquin Agric. L. Rev. 1 (2011)
SAN JOAQUIN
AGRICULTURAL LAW REVIEW

VOLUME 20          2010-2011          NUMBER 1

BOARD OF EDITORS

LISA A. CUTTS
Editor-in-Chief

ASHLEY A. ALLRED
Managing Editor

ERICK J. RHOAN
Production Editor

KYLE ROBERSON
Executive Editor

RACHEL A. CARTIER
Notes & Comments Editor

STAFF MEMBERS

NICEA M. BATES
CHESTER E. WALLS

SAM BRAR
CHRISTINA WIDNER

FACULTY ADVISORS

DENISE KERNER
SALLY PERRING
JEFFREY PURVIS

DAREN A. STEMWEDEL
CHERI-LYNN WORTHAM
SAN JOAQUIN COLLEGE OF LAW
BOARD OF TRUSTEES

DOUGLAS NOEL, J.D.
Peacemaker
Chairperson

ROSS BORBA, JR., Borba Farms, Vice Chairperson
JOHN E. LOOMIS, J.D., Founder of San Joaquin College of Law, Secretary/Treasurer
RICHARD CAGLIA, J.D., Attorney at Law
HON. JANE CARDOSA, Judge, Fresno Superior Court
RICHARD M. CARTIER, J.D., Professor of Law, Faculty Representative
DEBORAH ANN CALV, J.D., Baker, Murock & Fonsen
GREG DURBIN, J.D., McCormick, Barstow, Sheppard, Wayte & Carruth
MICHAEL VARIN, Student Bar Association Representative
IAN KAHN, J.D., Kahn, Soares & Conway
HON. ROBERT OLIVER, Judge, Fresno Superior Court
HAROLD PARICHAN, J.D., Parichan Farms
DIANNA SETOODEH, J.D., Attorney at Law
DENNIS WEBB, CPA, Baker, Peterson & Franklin
DAVID WOLAND, J.D., Deering Aaron & Kerler
BOB WHALEN, J.D., Deputy District Attorney, Fresno County, Mayor, City of Clovis
HERMA WILLIAMS, PH.D., Provost and Vice President for Academic Affairs, Fresno Pacific University
FACULTY, ADMINISTRATION AND STAFF

JANICE L. PEARSON, B.A., J.D., Dean and Professor of Law
SALLY A. PERRIN, B.A., J.D., Associate Dean for Academic Affairs and Professor of Law
JUSTIN B. ATKINSON, B.A., M.A., J.D., Professor of Law
RICHARD M. CARTIER, B.A., J.D., Professor of Law
CHRISTINE GOODRICH, B.A., J.D., Professor of Law
DENISE M. KERNER, B.A., M.A., J.D., Professor of Law
JEFFREY G. PURVIS, B.A., J.D., Professor of Law
PETER ROONEY, M.L.I.S., J.D., Law Librarian
MILSY MCKAI CARTIER, Public Information Officer
DEBBIE CHACON, Accounting Assistant
MATTHEW DILLARD, Maintenance Assistant
MARK ENNS, Marketing Manager
MAURIE HAYES, Assistant to Chief Financial Officer
LONZETTA HIGHTOWER, Student Services Assistant
JOAN LASLEY, Alumni Liaison and Facilities Administrator
ROBIN LEFF, Director of Institutional Advancement
JANNE LEWIS, Director of Institutional Advancement
JOYCE MOROZOW, Director of Student Services and Career Services Coordinator
MIA MOORE, Financial Aid Assistant
KERRY PRENDIVILLE, Head of Public Services
CARLYN ROBBINS, Administrative Assistant
CYNTHIA ROBINSON, Head of Library Technical Services
RICK ROBERTS, Maintenance Supervisor
PATRICK STEPHEN, Law Coordinator
DIANE STEEL, Director of Admissions
JEFF WALLER-RANDLES, Chief Financial Officer
GWEN WARR, Human Resources and Regulatory Compliance Officer
KASI WELLE, Institutional Advancement Associate and Continuing Legal Education Coordinator
DERRON WILKINSON, Manager of Information Systems

ADJUNCT FACULTY OF LAW

LAWRENCE M. ARTENIAN, B.A., J.D.
ART BAGGETT, B.S., M.S., J.D.
BARRY J. BENNETT, B.A., J.D.
HRISTO K. BUEV, M.A., M.I.C.L.
STANLEY A. BOONE, B.A., J.D.
DAVID M. CAMERON, B.A., J.D., M.B.A.
DANIEL E. CASES, B.S., J.D.
LISA B. COFFMAN, A.B., J.D.
MARK E. COLEMAN, B.A., J.D.
JASON F. GIELETT, B.A., J.D.
KATHI KESSELMAN, B.A., J.D.
ABIGAIL LEAF, B.A., J.D.
JEFF M. MANNING-CARTWRIGHT, B.A., M.A., J.D.
MARK D. MILLER, B.S., J.D.
DOUGLAS E. NOEL, B.A., J.D., M.A.
ROSE SAFARIAN, B.A., J.D.
GARY W. SAWYERS, B.A., J.D.
MICHAEL P. SILEY, B.A., J.D.
JESSE J. AVILA, B.A., J.D.
LYSON A. BERG, B.A., J.D.
RAQUEL BIRCH, B.S., M.S., J.D.
HAIL BOLIN, B.S., M.B.A., J.D.
ANDREAS BOGGEAS, B.A., M.A., J.D.
CHRISTINE D. CARVALHO, B.S., J.D.
HON. HILARY A. CHITTICK, B.A., J.D.
HON. JONATHAN B. CONKLIN, B.A., J.D.
MATTHEW FARMER, B.A., J.D.
SHANNON HARDING, B.S., J.D.
STEFANIE J. KRASSI-KOTA, B.A., J.D.
JEREMY K. LANS, B.A., J.D.
WILLIAM T. MCLAUGHLIN, B.S., J.D.
DAVID MEGRIDGE, B.A., M.A., J.D.
HON. KIMBERLY NYSTROM-GEIST, B.A., J.D.
RENEe SAMPLE, B.A., J.D.
MICHAEL SHELTZER, B.A., J.D.
M. JACQUELINE YATES, B.A., J.D.
FOREWORD

LISA A. CUTTS
Editor-in-Chief

The San Joaquin Agricultural Law Review is proud to celebrate 20 years of providing an objective, national forum for analyzing legal issues affecting our nation’s most vital industry – agriculture. In the proud tradition of excellence carried forth since its inception in 1990, Volume 20 of the San Joaquin Agricultural Law Review continues to provide a forum to discuss topics of current interest to those in agriculture, government, business, and law. As a special feature of the 20th Anniversary Edition, we invited authors from the first ten volumes to pen an update on their piece, addressing how the law has, or has not, changed in that area and why. The Law Review was excited to have a response from an author from the very first volume. In addition, this volume includes special features, such as reproductions of the covers from the previous 19 Volumes, and an index of citation references.

Julian B. Heron, an attorney currently practicing with Tuttle, Taylor & Heron in Washington, D.C., wrote New Challenges for California Agriculture in World Export Market, with co-author David B. Friedman, for Volume 1 of the San Joaquin Agricultural Law Review. His current piece, California Agriculture in World Export Markets Twenty Years Later, explores the changes twenty years has made on an export market focused on Japanese and European markets, with a free-trade agreement with Mexico imminent. He quantifies the current export focus on China, the Asian-Pacific markets and Mexico, and a free-trade agreement on the horizon with Korea. He also explores the effect of the United States’ participation in multi-national trade agreements on the California export market. Heron ultimately concludes that as long as California continues to adapt to the changing world market conditions, as it has for the last twenty years, it will continue to benefit from them.

A professor in the Department of Agricultural and Resource Economics at North Carolina State University, Theodore Feitshans’ An Analysis of State Pesticide Drift Laws Revisited, explores the changes in pesticide drift laws since his original piece was published in the San Joaquin Agricultural Law Review in 1999. Acknowledging that there has been little research as to whether state laws on pesticide drift have been effective, he explores the fact that little has changed in these laws over the last twelve years, while technology has increased significantly. Additionally, he addresses how the situation has become complicated by the proliferation of genetically modified plants, and how recent Supreme Court decisions may impact state legislation in the area.

In her Comment, No Longer Crying Over Surplus Milk: The Dairy Price Stabilization Program Act of 2010, Managing Editor Ashley A. Allred discusses the volatility of dairy prices over the last century and a possible solution with the proposed Dairy Price Stabilization Program Act of 2010 (DPSPA 2010). The issue is explored through analysis of past attempts to stabilize dairy prices, why those attempts were unsuccessful, and how the DPSPA 2010 will differ. Specifically, this Comment analyzes dairy price fluctuations, legislative reactions to those fluctuations, and explores studies conducted using this data which show why the DPSPA 2010 will provide a more predictable market for the dairy industry. Additionally, she explores critical scrutiny of the DPSPA 2010 and explains how opponents may be relying more heavily on moral inclinations than objective analysis. She also contrasts the DPSPA 2010 to Canada’s quota system and focuses on the major differences between the two. In conclusion, she offers a variety of benefits to the dairy industry and recommends that Congress enact the DPSPA 2010.
The dairy industry is the source of a significant amount of pollution and is subject to strict environmental regulations which require farm operators to take steps to mitigate their impact. Nicae Bates addresses the crossroads of these regulations and mitigation measures with eminent domain in *Just Compensation or Just Plain Unfair: The Effect of Eminent Domain on California Dairy Farmers*. Addressing how these regulations create a unique problem for California dairy farmers who lose part of their land through eminent domain, she shows that while some jurisdictions have enacted legislation which allows juries the flexibility to award such damages where injustice would otherwise result, the current scheme of compensation in California does not. She encourages the California legislature to adopt a system of compensation which would allow for damages to include: (a) fair market value of the property taken; (b) severance damages to compensate for the damage the taking has done to the market value of the remainder in the eyes of future dairy purchasers; and (c) damages for business damages and expenses when such damages are provable with reasonable certainty.

Sam Brar explores the issues of preemption in *The Federal Insecticide, Fungicide and Rodenticide Act: A New Look at Preemption After Bates*. For many years, the state tort claims of those seeking compensation for those injured personally or financially by exposure to pesticides has been preempted by federal law. The Federal Insecticide Fungicide and Rodenticide Act was understood by many courts to completely occupy the field of pesticide labeling regulation. Almost any claim under state tort law was construed as being inconsistent with FIFRA, as a plaintiff’s success under such a claim would inevitably lead the pesticide manufacturer to change its label. In 2005, the Supreme Court of the United States, in *Bates v. Dow Agrisciences* , reigns in the widespread preemption that had thus far prevailed. His Comment discusses the foundation of preemption, the long history of FIFRA preemption cases preceding *Bates*, and a detailed look at the *Bates* decision itself, including what impact that decision has already had on subsequent litigation.

In light of recent initiatives to legalize recreational marijuana, Notes & Comments Editor Rachel Cartier analyzes the current criminal implications of the cultivation, distribution, and use of marijuana in California. In *Federal Marijuana Laws and Their Criminal Implications on Cultivation, Distribution and Personal Use in California*, she shows how the analysis is based on medical marijuana, since a recreational legalization initiative will be subject to the same jurisdictional issues as medical marijuana. This is due to the federal government’s strict ban on the use of marijuana and city/county regulation through zoning. These implications deviate greatly based on the jurisdictional splits in federal, state, and local laws. She concludes that while a California legalization bill has the potential for positive economic effects for the state, such an initiative is rife with risk for the entrepreneur who takes his chances with the possibility of federal enforcement action.

Lisa A. Cutts, Editor-in-Chief, reviews a recent Supreme Court decision in *What’s the Big Deal? The Let-Down That is the Landmark Monsanto v. Geertson Case*. Noting that this could have been the first case really dealing with the issues of genetically modified crops in the United States, the case instead focuses on the use of injunctions as a remedy in National Environmental Policy Act cases, taking the Ninth Circuit to task for its near-automatic award of injunctions in such cases. She also addresses injunctions in detail, the decision-making processes by each of the courts, and explores each of the major issues raised, and how they were, or were not, considered by the courts at all levels. The decision also introduces some nuances to the issue of standing, and Cutts explores the impact these could have on future cases. She concludes with the fact that the case still leaves the large substantive issues inherent in the proliferation of genetically modified crops for some future controversy to decide.

Heather McCarthy Radcliffe, a student at Vermont Law School, delves into the practical impacts of a Sixth Circuit case to agricultural pesticide use in *Pesticides and Farmers: Life After National Cotton Council of America v. EPA*. Noting how farmers benefit from exemptions in
environmental law, and the impacts to the environment because of them, she discussed the series of decisions and the Environmental Protection Agency’s Final Rule. This led to the Sixth Circuit decision vacating the Final Rule. She also discussed the Sixth Circuit case itself, including the parties’ arguments, the court’s reasoning, and the case’s subsequent history. She also explores the general impact of this decision on farmers by evaluating the potential negative and positive consequences of the court’s decision.

In **The Rightful Position: The BP Oil Spill and Gulf Coast Tribes**, Production Editor Erick Rhoan gives an overview of the environmental and agricultural damages done to Native American communities that inhabit the coastal areas of the Gulf of Mexico by the *Deepwater Horizon* oil spill. His Comment asks whether the Native American communities can obtain any meaningful remedies from common law or federal statutes. In answering this question, the Comment surveys prior case law that distinguishes harm to the individual versus harm to the community, ultimately determining that Gulf Coast tribes do not have an adequate remedy. The Comment concludes with an appeal to Congress to address these shortcomings.

In his Comment **The “National” Organic Program: The Inconsistent Standard of Wastewater Reuse**, Chester Walls discusses how treated wastewater from domestic sources is a viable alternative water source to help meet the increasing demand for agricultural products, but the regulation of wastewater reuse varies from state to state. Without federal regulation, states are free to set their own standards for reuse, which lead to inconsistencies among states due to varying policies. When a national program, such as the National Organic Program, applies state standards to supplement the lack of federal standards for wastewater reuse, products entering the stream of interstate commerce, under the guise of a national label, may be produced in full compliance with one state’s standards, but in direct conflict with another’s. He concludes that in order to combat this problem, and help the agricultural industry as a whole meet the water demands of the future, comprehensive federal regulation clearly defining a national standard is the best response, and is long overdue.

**Channeling Cruella de Vil: An Exploration of Proposed and Ideal Regulation on Domestic Animal Breeding in California**, by Christina Widner, explains the negative impact of puppy mills, not only to the dogs themselves, but also on a larger scale to society with pet overpopulation. After building a basis for the necessity of regulation, her Comment then attempts to establish some guidelines for proposed legislation aimed at limiting the negative effects of puppy mills. She discusses a vetoed California Assembly bill, the reasons for the veto, federal regulations and laws from other states in order to suggest guidelines that are practical and likely to fix this problem for California.

These Articles and Comments are offered to provide information, provoke discussion, and reflect the increasing complexity of legal issues facing agricultural interests across the nation. These are but a few of the varied and diverse issues confronted by those whose lives and interests are touched by agriculture.
ACKNOWLEDGMENTS

The following San Joaquin College of Law Students contributed to the production of the San Joaquin Agricultural Law Review, Volume 20:

Tim Bartell  Nick M. Bates  Sam Brar
Gabriel Delgado  Jeremiah Paul  Michael S. Studhix
Daren A. Stemwedel  Chester Wallis  Christina Whiner

The staff at the San Joaquin Agricultural Law Review would like to extend a special thank you and acknowledgement to the following people for exceptional assistance and contribution to the advancement of the San Joaquin Agricultural Law Review and the production of Volume 20:

Justin Atkinson  Ross Borba, Jr.  Debbi Chacon
Marcella Downing  Mark Enns  Scott Jones
Joan Lasley  Robin Leppo  Missy McKee-Carter
Sally Perrin  Jill Weller-Randles  Kasi Welly

LAW REVIEW EMERITUS GROUP OF THE SAN JOAQUIN COLLEGE OF LAW ALUMNI ASSOCIATES

Debi Agrava  Chinenye Anyadiogwu  Deborah Boyett
Marcella Downing  Amy Guerra  Sherrie Flynn
Kevin Hansen  Scott Jones  Joan Lasley, Limson
Karen Mathies  Kathy McKenzie  Michelle Olenka
Janice Pearson  Sally Perrin  Toni Porter
Ann Roberts  Adam Stirrup  Gary Winter

LAW REVIEW NATIONAL ADVISORY COMMITTEE

Dennis Bean  Barry Bedwell  Paul Betancourt
Thomas Birmingham  Ross Borba, Jr.  Gary Brunvye
Thomas Campagne  William Coty  Manuel Cotina
James Demsey  Oceavia Diener  Marcella Downing
Sherrie Flynn  Dan Gerwan  John Harris
Ima Jean Harvey  Bill Jones  Greg Kirkpatrick
Hon. W. Richard Lee  Dr. Bert Mason  Tony Mendes
John Mesrobian  Norman Morrison  Dick Moss
Joll Nelson  Ken Newby  Douglas Noll
Sally Perrin  Hon. Charles Pochterian  Toni Porter
Pat Ricchuti  Sharlene Robert-Caudle  Howard Sagaser
Gary Sawyers  John Shieldey  George Soares
Adam Stirrup  Elizabeth Stenfater-Clark  Riley Walter
If you are interested in obtaining more information about the San Joaquin Agricultural Law Review, including how to obtain past and future volumes or how to make contributions to help continue the Law Review’s tradition of excellence in the future, please visit the Law Review’s website at www.sjcl.edu/sjalr. Your support is greatly appreciated.
HISTORY OF THE SAN JOAQUIN AGRICULTURE LAW REVIEW

“As with any beginning, we had high hopes, but little promise of continuing success.” -
Mark Blum, the Articles Editor for the first volume.

The inaugural volume of the San Joaquin Agricultural Law Review was published in 1991. Inscribed on the back of the cover of the first volume reads this request: “[t]he Editors of the San Joaquin Agricultural Law Review invite contributions to a readers’ forum designed to encourage timely and informal exchange of ideas on legal scholarship addressed in recent legal publications.” With the publication of the twentieth volume of the San Joaquin Agricultural Law Review, the journal has realized the promise of continued success by meeting its goal of providing a forum for the exchange of ideas on legal scholarship over the past twenty years.

Numerous individuals, from faculty, local and non-local attorneys, members of the bench, and many other active members and organizations in the community can be credited with the creation of the San Joaquin Agricultural Law Review. Acknowledgment of every individual who was critical in the original formation of the San Joaquin Agricultural Law Review is beyond the scope of this brief overview. However, the members, past and present, thank all who have been instrumental over years in the creation and continued success of this Law Review.

The journal was initially formed by Professors Douglas Noll and John Evans, two full-time faculty members, in 1990. With his previous Law Review experience, Mr. Noll guided the process during the early stages of the journal. Mr. Evans was instrumental in raising the necessary funds for the initial volume by forming an Advisory Board. The Borba Family was also active in providing financial support for the fledgling journal and this continued support has enabled the journal to grow over these last twenty years. However, Mr. Bill Richert, a former law partner of Mr. Noll, was one of the prominent forces behind the creation of the journal. Mr. Richert’s legacy continues today as the San Joaquin Agricultural Law Review office located in the San Joaquin College of Law’s current home is named after him.

Primarily, the San Joaquin Agricultural Law Review was established because a Law Review experience was deemed necessary for the development of the law school and to provide students a more traditional and comprehensive law school experience. A much simpler task, however, would be the decision on what would constitute the journal’s topical theme. At the time the San Joaquin Agricultural Law Review was conceived, there was only one other Law Review that focused principally on agriculturally based legal topics, so this area was a fertile source of discussion. Therefore, a focus on agriculturally centered legal issues was a natural fit for a journal that was located in the heart of a vibrant agricultural community such as San Joaquin Valley. The numerous agriculturally-based businesses, as well as the desire to fill a highly relevant but underrepresented niche of legal scholarship, made for fertile ground on which to plant the seeds of the new journal. Even today, the San Joaquin Agricultural Law Review prides itself on being one of a handful of legal journals that emphasizes legal issues that impact the agricultural community.

1 Special thanks to Douglas Noll, Rose Mohan, and Mark Blum for their contributions, which enabled the author to complete this piece.

2 Mark Blum, Articles Editor for Volume 1 of the San Joaquin Agricultural Law, comments on the first Editorial Board’s hopes for the newly established journal.
For this fledgling journal, the next task of critical importance was the formation of the first Editorial Board. Unlike an established law review program, the San Joaquin Agricultural Law Review members did not have the benefit of coming up through the ranks of an existing institutional Law Review culture, where incoming students would receive guidance and direction. The initial Editorial Board members were recruited by the faculty. The first board was comprised of the following individuals: Rose E. Mohan, Editor-in-Chief; David J. Weiland, Managing Editor; James A. Dubbels, Executive Editor; Mark A. Blum, Articles Editor; Mary L. Rogers, Notes and Comments Editor; and Marlene A. Hubbell, Production Editor. For many of these outstanding individuals law was to be a second career, so most of them worked full time and raised families while they were in the process of laying the foundation of a Law Review at San Joaquin College of Law. Although this initial group of editors did not have the benefit of an established Law Review culture, they were all invested in enhancing the already solid reputation of San Joaquin College of Law, and they received a significant amount of mentoring, guidance and assistance from Professors Douglas Noll, Sally Perring, and current Dean Janice Pearson. Thanks in large part to the strong investment and outstanding performance by this initial editorial board, faculty advisors and other benefactors of Law Review, a solid foundation and a tradition of excellence were established that enable the journal to not only endure, but thrive.

The San Joaquin Agricultural Law Review’s primary goal was to provide a forum for law students and legal professionals to discuss the pertinent issues of interest to the agricultural legal community. This is not to say that the journal has been without controversy by publishing articles or comments that were not in accord with the desires of the agricultural community. However, over the past twenty years the San Joaquin Agricultural Law Review has been cited in numerous judicial opinions, legislative materials necessary for the formation of various statutes, and within the pages of other journals. Accordingly, the journal has done an amazing job of achieving its goal of providing a forum on agriculturally based legal issues and, at times, helping to shape the diverse body of law that concerns agricultural interests.

Kyle Roberson