

James Joseph Lynch, Jr.

Attorney

RESUME

DATES OF ADMISSION TO PRACTICE:

California Bar, 1979

U.S. Court of Appeals, 9th Circuit, 1980

U.S. Supreme Court, 1982

U.S. District Court, E.D. Calif. 1979

U.S. District Court, N.D. Calif., 1986

U.S. District Court, C.D. Calif., 1992

EDUCATION

University of the Pacific, McGeorge School of Law, JD, 1978

California State University, Sacramento, BSBA, 1974

American River Community College, AA, 1972

University *Ateneo De Manila*, Quezon City, Philippines, 1970-71

Phong Tong Tin Hoa Ky, Viet Nam, (Vietnamese Language), 1964

Thame Further Adult Education Institute, Thame, England (French). 1963

MEMBERSHIPS:

California State Bar, 1979-

Sacramento County Bar Association, 1979-

MENTIONED IN:

Marquis' Who's Who In American Law, 5th ed, 1987-88

TEACHING EXPERIENCE:

Guest Lecturer, American Institutions. Humphrey's College, Sacramento Campus, 1994

Professor, University of Northern California, Lorenzo Patiño School of Law (Criminal Law), 1988-9

Law and the Media, Columbia School of Broadcasting. Sacramento, 1986

Lawyer as a Missionary. Radio KFIA, Sacramento, 1986

AMICUS CURIAE BRIEFS - General:

Ayotte v. Planned Parenthood of N. New England, 546 U. S. 320 (2006)(New Hampshire Parental Notification Statute) *Bray v. Alexandria*, 506 U.S. 263 (1993) (AC in support of Petitioner)

Dickerson v. United States, 530 U. S. 428 (2000) (AC in support of Petitioner)(Representing Rutherford Institute).

Gonzales v. Planned Parenthood, 550 U. S. (2007) (*amicus curiae* in support of Petitioner; merits), pending argument

Hodgson v. Minnesota v. Hodgson, 497 U.S. 417 (1990) (AC in support of Minnesota - 2 Briefs)

Ohio v. Akron Reproductive Center, 497 U.S. 502 (1990) (AC in support of Appellant)

Planned Parenthood v. Williams, 10 Cal.4th 1009 (2004)

Strauss v. Horton (Hollingsworth) (2009) 46 Cal.4th 364 (AC in support of Proposition 8)

Scheidler v. NOW, 537 U.S. 393 (2003) (AC in support of Petitioner) (Representing Catholics for Life)

Turnock v. Ragsdale. 503 U.S. 916 (1992) (AC in support of Appellant)(Briefs not filed, cased Dismissed)

United States v. Knights. 534 U. S. 112 (2001) (Scope of probation search)

USA v. Knights, 534 U.S. 112 (2001) (AC in support of Respondent) (Representing Rutherford Institute)

Walters v. NARS, 473 U.S. 473 U.S. 305 (1985) (AC in support of Appellee)(Representing Andrew Groza)

Webster v. Reproductive Health Services, 492 U.S. 490 (1989) (AC in support of Petitioner)

AMICUS CURIAE BRIEFS— CAPITAL CASES:

Harris v. California, 547 U.S. _____ Leave to file Brief granted; cert. denied (in support of petitioner; petition)

Hill v. Florida 96-1957 Capital Case (Dismissed)

Quinones v. USA Cert. den. 2003 03-6148: Capital Case in 2ndCir 02-1403L & 02-1405 (Consolidated)

Rompillia v. Beard, 545 U. S. 374 (2005) Capital Case; conviction reversed

ARTICLES & LETTERS WRITTEN:

Abortion and Inalienable Rights; A prospective Policy (C 1987) [Analysis of Preamble; Is "Ourselves and Our Posterity" a fee tail? Is a "fetus" a person within the meaning of "posterity"?

Automobile Search and Seizure: Another approach?, *Champion* (Dec. 1987) p. 3.

BIVENS-1983 LAW: THE FEDERAL COMMON LAW OF LIABILITY FOR CONSTITUTIONAL INJURIES (1987)

CALIFORNIA SENTENCING GUIDE (C 1987)

Chasing Roe: Broken Eggs and All C 2007; *Paladin*; On line

Church and State, *Trial*, December '85.

Commentary: Con: *Roe v. Wade*. by James Joseph Lynch, Jr.: Pro: *Roe v. Wade*. by James J. Brosnahan; *The Recorder*, April 26. 1989, p.

Computers and Layers, Trial. April '85
Consensual Encounter, Champion (M'91) p. 5
Doctor 'misperceives' (Whose right to life?), Calif Lawyer (Feb '83) p. 9.
Electrophoresis: The Common Denominator, Champion (April 1987), p. 3
Emerging Standards of Decency and Sovereignty: The Death Penalty is Justified. if At All, Only When the State Demonstrates Beyond A Reasonable That It Cannot Control Defendant's Conduct by Mere Incarceration. ABA General Practice Section, Criminal Justice COMM. I I EE UPDATE (Jan '88) (Lead Article)
Federal Drug Sentencing is Irrational, Champion (July 1987), p. 5
Fetus Has Rights, California Lawyer. Jan '86. page 8.
Jail House Snitches: An argument in support of corroboration (Under Submission, 1989)
Kids and The Law, California Lawyer (12k/93), p. 11.
Legislature v. Judiciary, Editorial Page, Daily Recorder, 8/12/85.
Posterity A Constitutional Peg for the Unborn, 40 The American Journal of Jurisprudence (Notre Dame Law School) (1995) p. 401.
Rise. Fall. & Resurrection of Diminished Capacity (Under submission)
Testing for RFD, 19 Trial 22 (Aug' 83)
The Bivens Doctrine, A Federal Employee's Individual Liability for Constitutional Injuries (1978)
Trial by Jury. Trial (Nov. '85) p. 9.
Uncharged Offenses and Factors in Aggravation: A case for the reasonable doubt standard, Champion (S/O '87) p. 3.

PUBLISHED ADVOCACY:

Appellant's Attorney in *People v. Braz* (1998) 65 Ca1.App.4th 425 (Partial Reversal) (CVC § 20001(b)(2).)
Plaintiff's Attorney *Soto v. Sacramento*, 567 F.Supp. 667 (1983)

OTHER LANDMARK ACHIEVEMENTS:

Acknowledgment and Commendation, California State Bar, October 1983, Contributions to the Delivery of Voluntary Legal Services in California
Acknowledgment and Letter of Appreciation, May 1989, Hon. William L. Webster, Attorney General of the State of Missouri. for presenting *Amicus Curiae Brief in Webster v. Reproductive Health Services*.
Acknowledgment and Commendation, California State Bar, October 1989, Contributions to the Delivery of Voluntary Legal Services in California
Acknowledgment of Contribution to Understanding of Abortion Issues, Thomas W. Straham, The Rutherford Institute of Minnesota, 2/7/90
Appreciation for *Amicus Curiae Brief in Bray Case*, Walter Weber, The American Center for Law and Justice, 6/17/93.

OTHER ACTIVITIES:

Sacramento Indigent Criminal Defense Panel, 1979 - 1996
Civil Rights Activist 1979 -
Former Legal Counsel, Interfaith Service Bureau, 3720 Folsom Blvd., Sacramento, CA 95816
Contract Vendor of Legal Services to Inmates, California Medical Facility Vacaville. 1984-86
Citizenship and Law-Related Education Center, 15th Annual Law Related Education Conference Mock Trial Competition,, Presiding Judge (2 trials), Scoring Judge (2 trials)
Citizenship and Law-Related Education Center, 16th Annual Law Related Education Conference Mock Trial Competition, Presiding Judge (2 trials)
Citizenship and Law-Related Education Center, 17th Annual Law Related Education Conference Mock Trial Competition, Presiding Judge (2 trials)
Citizenship and Law-Related Education Center, 18th Annual Law Related Education Conference Mock Trial Competition, Attorney Coach for Grant High School (Homicide Case)

SAMPLE OF OTHER READINGS COMPLETED (PARTIAL LISTING ONLY):

Bromberg, *The Uses of Psychiatry in the Law* (1979)
Buckout, *Psychology and Eyewitness Identification*, 2 Law & Psch R. 75
Cahn, "The Moral Decision (Right & Wrong in the Light of American Law)"
California Death Penalty Defense Manual (2 vol. 1986 Ed.)
Criminal Defense, Trial Magazine, October 1984
Fishman & Loftus, *Expert Psychology Testimony on Eyewitness Identification*, 6 Law & Psych R 87
Lacqueur, et al, *The Human Rights Reader*

Loftus. Unconscious Transference in Eyewitness Identification, 2 Law & Psch R. 75
McKechnie, *Magna Carta*, A Commentary on the Great Charter of King John Post-Conviction Remedies in Capital Case, by NACDL. Death Penalty Task Force Royal & Schutt, *The Gentle Art of Interviewing and Interrogation*
Verdross, *Jus Cogens and Jus Dispositivum* in International Law. 66 AJIL 55 *Id.*
Forbidden Treaties In International Law, 31 AJIL 571 (1931)

SEMINARS ATTENDED:

McGeorge School of Law Annual Alumni MCLE Program, 1996 to present

CPDA Annual 8 hours, 1981, 1982, 1983, 1984

hrs, Drunk Driving, 1983	8 hrs. Evidence in Criminal Cases, 1985	8 hours, Cross-Examination. 1985
8 hrs, Requests/Use of Investigators, 1984		8 hours, Criminal Investigation/Lab
8 hours, Closing Arguments in Criminal Cases, 1985	8 hrs. Defending Sex Crimes, 1985	Testing/Sanity
8 hours, Criminal Defense Practice, 6/29/02	4 hours, Cross-Examination in Identification Cases	CPDA 8 hours, Introduction to Criminal Law for Public Defenders
	8 hrs Homicide Seminar, 1994	

State PD. Criminal Appellate Practice. 1980

Federal Defenders' Seminar, 4 hours, Criminal Practice, 1985

Sacramento County Bar Association, 8 hours, Death Penalty Seminar by Sheldon Grossfeld, formerly Superior Court Judge, 1984

CACJ/CPDA 2.5 DAYS, Annual Death Penalty Seminar, 1986

NATIONAL HABEAS CORPUS INSTITUTE: Habeas Corpus post Judicial Relief in Capital Cases.

ADVOCACY COURSES:

McGeorge School of Law, 2 semesters. One mock jury felony trial.

McGeorge School of Law, 1 semester. International Moot Court.

SUMMARY OF EXPERIENCE:

Over 100 Criminal Defense Cases, mostly felonies

Over 50 Unlawful Detainer Actions (summary proceedings)

30 Civil Rights Cases

7 Civil Fraud Cases (Including 1 Federal Civil RICO)

9 Civil Real Estate Commissions Case

3 Legal Malpractice Cases

5 Wrongful Termination Cases

2 Pro-Life Cases

1 Medical Malpractice/False Imprisonment/Battery

Miscellaneous cases involving Child Custody; Domestic Violence Dissolution, Conservatorship; Will Contest; Foreclosures; False Arrest & Imprisonment.

PERSONAL

DOB: 08/12/39 PLACE: SAN FRANCISCO. CALIFORNIA

WIFE: FIDELA (nee Lazaro) LYNCH dab 08/03/46 Place Philippines Married: 06/21/69

CHILDREN: Joy Francis, James J. III, Justin George

MILITARY SERVICE: UNITED STATES AIR FORCE, 1959-1967; Honorable Discharge; Air Force Commendation Medal; Bronze Star (Meritorious Service); 2.5 yrs Combat Duty, VIET NAM.

CIVILIAN EMPLOYMENT: governmental contract, Viet Nam, 1.5 yrs; State of California, 1973-79; Solo practice 1979 to 1998; Joint Venture, 1998; Solo practice, 1999 - present.