

## THE FIRST 100 YEARS

**1903** – The year Wilbur and Orville Wright first flew an airplane. Henry Ford started his Ford Motor Company, and for the first time, someone drove an automobile from San Francisco to New York, a 52-day trip.

Theodore Roosevelt was in the White House, having assumed the presidency after President William McKinley's assassination in 1901. Federal government spending was a mere \$520,000,000. A first-class stamp cost two cents.

Pierre and Marie Curie shared the Nobel Prize in physics for their study of radiation. The first baseball world series was held. Cy Young and his Boston Pilgrims defeated the Pittsburgh Pirates with their star Honus Wagner, five games to three.

The Panama Canal would not open until 1914. The French company that had built the Suez Canal had abandoned the Panama project in 1888, after spending \$287,000,000. When the U.S. government decided in 1903 to undertake construction of the canal, it spent \$128,000,000 in 1904 alone, and it took 12 years to complete.

California's most populous city was San Francisco, with 350,000 residents. Southern Pacific Railroad was California's largest employer and landowner. The township of Fresno, incorporated in 1885, then had about 15,000 residents, and Fresno County about 50,000.

And two young lawyers, one a New Yorker and the other a Californian, established separate law practices in Fresno. Henry E. Barbour traveled west to practice law with a fellow alumnus of Union College in Schenectady, Herbert F. Briggs. The Californian, William A. Sutherland, moved his young practice from San Francisco and joined with Joseph P. Bernhard. Our 100-year tradition had begun.

In 1905, Mr. Sutherland practiced solo and Mr. Barbour worked for a short time as an assistant district attorney in Fresno County. Then, in about 1906, Messrs. Sutherland and Barbour formed a partnership that lasted for about seven years.

Our family tree has two main branches, the Sutherland branch and the Barbour branch. Although together for seven years, they split in about 1914, and the two branches remained separate until they again merged in about 1955.

The Sutherland branch became Short & Sutherland in about 1914, and lasted as such until Mr. Sutherland entered the banking business in 1920. He remained a banker until 1926, when he resumed his law practice with Milton M. Dearing as Sutherland & Dearing. In 1930, Gilbert H. Jertberg joined the partnership, which was then renamed Sutherland, Dearing & Jertberg. Mr. Sutherland died in 1935, but the Sutherland branch continued, first as Dearing & Jertberg, then as Dearing, Jertberg & Avery.

The Barbour branch resumed in about 1914, first as Barbour & Cashin, then Mr. Barbour practiced solo for about a year after Mr. Cashin was appointed to the bench, then as Barbour & Johnson, and then as Barbour & Kellas. Milo E. Rowell joined in 1927, and the firm became Barbour, Kellas & Rowell for a couple of years. After Mr. Rowell left to become an Assistant U.S. Attorney in Los Angeles, the partnership again became Barbour & Kellas for a short time. William B. Backlund joined in about 1931, and the firm became Barbour, Kellas & Backlund. After Mr. Kellas left in 1935, the partnership was Barbour & Backlund. Mr. Barbour became ill and died in 1945. Mr. Backlund then joined with returning World War II veteran William C. Meux to form Backlund & Meux. John J. Gallagher joined in 1946, and the firm became Backlund, Meux & Gallagher. After Mr. Backlund left in about 1950, the partnership was Meux & Gallagher.

Following Mr. Jertberg's appointment to the federal bench and Milton M. Dearing's semi-retirement in 1955, Kenneth G. Avery of Dearing, Jertberg & Avery invited Meux & Gallagher to join him on the sixth floor of the Security Bank Building, and they formed Avery, Meux & Gallagher. Thus, the Sutherland and Barbour ancestral lines had merged into one.

Soon after Mr. Avery's death in 1961, the partnership became known as Meux, Gallagher, Baker & Manock. Mr. Meux left in about 1965, and the firm name became Gallagher, Baker & Manock. For a while, it was Gallagher, Baker, Manock & Fitch, then later Gallagher, Baker, Manock & Woodward, and then Gallagher, Baker, Manock & Wanger. After Mr. Gallagher's death in 1972, the firm became Baker, Manock & Wanger. After Mr. Wanger left in 1974, the name finally became Baker, Manock & Jensen.

In 1979, the partnership was transformed into a corporation, with the awkward official name of "Baker, Manock & Jensen, A Professional Corporation." Instead of partners, we then had shareholders. Later, the name was shortened to "Baker Manock & Jensen, PC."

Much has changed about the practice of law in Fresno over the past 100 years. Until the 1960's, lawyers practiced with only one or two partners. Most lawyers were generalists. Now, as commerce and the law has become more complicated, our clients rightly expect their lawyers to be experts. Thus, our lawyers have specialized. We have expert trial lawyers, experts in tax law, wills and trusts, water law, government agricultural programs, public agencies, the health care industry, and more. To meet the legal needs of our clients, the firm grew rapidly in the 1970's and 1980's, and now stands at about 30 full-time lawyers.

**Henry E. Barbour** (1903 - 1945)--Although a prominent Fresno lawyer, Henry E. Barbour may be most remembered for his seven terms in the U.S. Congress. Significant to Baker, Manock & Jensen history, he practiced with our predecessor firms for about 42 years, more than anyone else.

Born in rural New York State in 1877, he attended local public schools, Union College in Schenectady, New York, and law school at George Washington University in Washington, D.C. In 1901, he was admitted to the New York bar.

At the age of 25, he moved to Fresno and began practicing in 1903 with fellow Union College alumnus Herbert F. Briggs (1903 - 1906) in the Temple Bar Building at the corner of Mariposa and Van Ness Avenue.

Mr. Barbour had a short stint as a Fresno County Assistant District Attorney in 1905. He then began a partnership with William A. Sutherland that lasted for about seven years.

Messrs. Barbour and Sutherland codified the "Charter and Ordinances of the City of Fresno," which was issued in a hardback book by the City Board of Trustees on January 16, 1906.

In 1907, 30 years old, he married Mary M. Meux at a fancy wedding held at the Meux home on Tulare Street and R Street. His bride was the aunt of William C. Meux (1946 - 1965). They resided at 936 T Street.

Although active in politics, he held only two public offices before his election to Congress in 1918. He was a member of the City of Fresno's two "Boards of Freeholders." Mr. Barbour was chairman of the second Board of Freeholders, which in 1918 framed a new city charter that established, after voter approval, a city manager/city council form of government for Fresno.

In about 1914, Mr. Barbour and Mr. Sutherland dissolved their partnership, Mr. Sutherland moved out, and Mr. Barbour established a partnership with Darcy A. Cashin at 7 Farmers Bank Building. Mr. Cashin was appointed to the Superior Court in 1917, so Mr. Barbour practiced solo for about a year, and then beginning January 1, 1919, joined with Newton A. Johnson, who had just moved back to Fresno from the San Francisco Bay Area. Mr. Johnson had briefly worked as an associate for Sutherland & Barbour in 1909, managing their Coalinga office.

Mr. Barbour announced on June 26, 1918, his candidacy for the Republican nomination for the U.S. House of Representatives, Seventh District. This was almost two months before the Board of Freeholders he chaired proposed the new city charter. He had no serious opposition for the nomination.

First elected to Congress in 1918, Mr. Barbour was re-elected six times. He served from March 4, 1919, through March 3, 1933. Mr. Barbour initially served as part of the Republican majority on the House Committee on Irrigation of Arid Lands (1919-1923). Later, he was on the powerful House Committee on Appropriations and the House Census Committee. In 1928, he was named

chairman of the War Department Appropriations Subcommittee, which carried War Department appropriations of over \$400,000,000.

When the California Associated Raisin Company (Sun-Maid), represented by Mr. Barbour's former law partner William A. Sutherland, came under investigation by the Federal Trade Commission in 1919 for allegedly violating anti-trust laws, Mr. Barbour introduced a bill (H.R. 7784) in the House that would have exempted cooperatives from the anti-trust laws. His bill was a companion bill to that introduced in the House by California Democrat Hugh Hersman and in the Senate by Kansas Republican Arthur Capper. The Capper-Hersman bill (H.R. 7783) died in committee. However, in 1920, it was rewritten and reintroduced as the Capper-Volstead bill, which eventually was modified and then enacted and signed into law as the Capper-Volstead Act in 1922.

In 1927, Mr. Barbour became a leading advocate for the Boulder Dam project.

Back then, the job of Congressman was strictly part-time. Therefore, Mr. Barbour maintained his law practice. Although his partnership with Mr. Johnson was short-lived, he began in about 1920 a long partnership with Edward L. Kellas, who had clerked for Barbour & Johnson for about a year. In 1921, they moved from the Farmers Bank Building to 1108 Mattei Building (later known as the Fresno Guarantee Savings Building). When the Pacific Southwest Building (later the Security Bank Building) was constructed in 1925, they were one of the first tenants, occupying Room 1010. When they joined with Milo E. Rowell in 1927 to form Barbour, Kellas & Rowell, they moved to 600 Rowell Building. Mr. Rowell left in 1929 to become an Assistant United States Attorney in Los Angeles.

In about 1931, William B. Backlund joined the partnership, which became known as Barbour, Kellas & Backlund, still located at 600 Rowell Building. In 1935, Mr. Kellas left to start his own practice, and the firm became Barbour & Backlund.

The voters were in the mood for a change in 1932, as the country was well into the Great Depression. In the 1932 Republican primary election, Mr. Barbour faced a strong opponent in District Attorney Glenn M. DeVore. Amazingly, the primary election ended in a tie, 10,428 votes for each candidate. Mr. Barbour was declared the winner, his name having been pulled from a hat by California Secretary of State Frank C. Jordan. Mr. Barbour ran in the 1932 general election on a platform supporting the repeal of the 18<sup>th</sup> Amendment (Prohibition). His Democrat opponent was Fresno lawyer Denver S. Church, who defeated Mr. Barbour on Franklin D. Roosevelt's coattails.

After Congress, Mr. Barbour engaged in some lobbying on behalf of clients. In 1933, he was retained by the Sweet Wine Producers Association of California to represent its members' interests in Washington, D.C. The wine producers' concerns were primarily the taxation and regulation of wines and brandies.

Mr. Barbour died after several months of illness on March 21, 1945. He was survived by his wife Mary and his two sons, Lieutenant Commander Jack Barbour and Lieutenant Richard Barbour. He had been residing at the Californian Hotel in Fresno.

In our office library, the first series of California Reports and California Appellate Reports originated from Mr. Barbour's library. Most are stamped "H. E. Barbour." Some are marked "Briggs & Barbour," "Barbour & Johnson," "Sutherland & Barbour," or "Barbour & Kellas."

**William A. Sutherland** (1903 - 1919, 1926 - 1935)--Prominent lawyer, banker, author of the then leading practice guide for California lawyers, politician, civic leader, and world traveler, William A. Sutherland (known to his friends as "Billy") was one of Fresno's most influential men in the first third of the twentieth century.

Born in Oakland in 1874, he spent his childhood in San Francisco and Oakland. He attended Stanford University with future president Herbert Hoover. He then achieved his law degree from Stanford University. Admitted to the bar in 1898, Mr. Sutherland practiced in San Francisco until about 1901, when he moved to Fresno.

In about 1899, Mr. Sutherland began his association with legal publisher Bancroft-Whitney Company of San Francisco. He worked first on Walter Maline Rose's 12-volume "Notes on the United States Reports," or at least the supplements to this digest of U.S. Supreme Court decisions. He received sole credit for volume 13, the 263-page index published in 1900. He then in 1902 co-authored with James Henry Deering the California Digest of the California Supreme Court's cases found in volumes 126 to 136 of California Reports (1899-1902).

In about 1903, Mr. Sutherland became a partner with Joseph P. Bernhard, who had also worked on Rose's U.S. Notes in San Francisco, and they had their office in the Patterson Building. During this time, Mr. Sutherland resided at 811 Mildreda. After he and Mr. Bernhard dissolved their partnership in 1904, Mr. Sutherland practiced solo for a year or so, and then formed with Henry E. Barbour a new partnership known as "Sutherland & Barbour, Attorneys at Law and Notaries Public," located at 136-38 Forsyth Building. They moved their office to 7 Farmers Bank Building in about 1909.

Mr. Sutherland was part of the committee to obtain state approval for Fresno Normal School (which later evolved into California State University, Fresno), which was first proposed in 1908 and was created by the state Legislature in 1911.

The Bancroft-Whitney Company of San Francisco published in 1910 Mr. Sutherland's four-volume practice guide, *A Treatise on Code Pleading and Practice*. Designed for use by attorneys in California and other mostly-Western states that required code pleading, its popularity and respect compares with the later treatises authored by Bernie Witkin. Bancroft-Whitney published Mr. Sutherland's supplement to the 1910 treatise in 1917.

Mr. Sutherland had considerable help in writing his treatise from Ulysses Grant Hayden, the father of the late Fresno attorney Max Hayden. Grant Hayden, a young lawyer, arrived in Fresno in 1906 and Mr. Sutherland hired him for \$50 per month, then a generous stipend. In his son's words, Grant Hayden "stretched out the job for several years." Max Hayden gave his father's set of the treatise to Kendall L. Manock.

Mr. Sutherland also authored a 973-page treatise, *Notes on the Constitution of the United States*, published by Bancroft-Whitney Company in 1904. This book was reprinted by Fred B. Rothman & Co. in 1991.

In 1911, Mr. Sutherland was elected to the California State Assembly, where he served until 1918, on a part-time basis as was the custom.

By 1912, Fresno's dominant industry, the raisin industry, was in terrible shape. Prices were so low that they did not cover production costs. M. Theo Kearney's attempt to organize the raisin farmers had failed in 1904. After his death in 1906, several industry groups tried unsuccessfully between 1907 and 1912 to follow the Kearney model of a capitalized raisin cooperative. A group of prominent growers and Fresno businessmen, and Mr. Sutherland as their lawyer, formed the California Associated Raisin Company (later known as Sun-Maid). The Company's articles of incorporation were prepared and filed in November 1912 by Sutherland & Barbour. Similar to the Kearney model, the Company had both grower members and non-grower investors. The trustees of a voting trust controlled all the shares and elected the seven directors. An early president of the board was Wylie M. Giffen, owner of 4,200 acres. The board included businessmen such as A.G. Wishon, manager of San Joaquin Light and Power. A novel feature devised by Mr. Sutherland and Fresno lawyers H.H. Welsh (the first board president and perhaps more of a businessman than a practicing lawyer) and M.K. Harris was the three-year grower contract, subject to a two-year renewal, binding the grower to deliver all of his crop for a guaranteed price. The Company signed up 76% of the raisin acreage and raised \$800,000 in capital, and began operations in April 1913. Thus, our firm's long association with Sun-Maid had begun at Sun-Maid's incorporation.

In about 1913, Mr. Sutherland left his partnership with Henry E. Barbour and established a partnership with Fresno's preeminent attorney, Frank H. Short, at 1012-1020 Griffith-McKenzie Building (later known as the Helm Building) at Mariposa and Fulton Streets. Mr. Short became ill in 1917 and then spent considerable time in San Francisco receiving medical treatment and eventually died in June 1920.

Almost immediately after its formation, Sun-Maid's competitors and the wholesale grocers complained that Sun-Maid was an illegal monopoly. Finally, after war-time price controls were lifted and rain destroyed much of the 1918 raisin crop, such that Sun-Maid's 1919 guaranteed price to growers was 10.5 cents per pound, nearly three times the 1918 price, the raisin buyers and independent packers' crying to the government triggered a Federal Trade Commission investigation. The FTC hearing in November 1919 lasted two weeks. Defending Sun-Maid at the hearing in Washington, D.C., was Mr. Sutherland. The FTC found that Sun-Maid had

violated the anti-trust laws, but by the time its report was issued on June 20, 1920, Mr. Sutherland had left his law practice and become a banker. Sun-Maid's legal problems were eventually settled, after the Capper-Volstead Act was enacted, but Sun-Maid had to reorganize to eliminate non-grower investors.

Mr. Sutherland's entry into the banking business should be explained with a little Fresno banking history. During World War I, the Bank of Italy (later known as Bank of America) entered the Fresno market by acquiring the Fresno National Bank and People's Savings Bank, and control of O. J. Woodward's institution, the First National Bank of Fresno. This big-city competitive pressure forced innovation and aggressiveness on Fresno's locally owned banks, Farmers' National Bank managed by Fresno's leading banker, Emil R. Manheim, and the Bank of Central California, run by the late Louis Einstein's dynamic son, Berton Einstein.

The nation was terrorized in the winter of 1919 - 1920 by the Spanish flu epidemic. Mr. Manheim succumbed to the flu on December 10, 1919, and no heir was apparent to continue his work at Farmers' National Bank. The energetic Berton Einstein took advantage of the opportunity, and his Bank of Central California purchased its much larger rival Farmers' National Bank. However, on the day before the bank merger was announced in January 1920, Mr. Einstein himself died suddenly at age 38 from the Spanish flu.

Mr. Einstein's death left the merged banks without a leader. The vacuum was filled by a group of Fresno businessmen led by Wylie M. Giffen, president of the Associated Raisin Company (Sun-Maid), and assisted by Mr. Sutherland. Thus, in March 1920, Mr. Giffen became president of the bank, renamed Fidelity Trust and Savings Bank, and Mr. Sutherland ceased his law practice and became the vice-president and manager. In 1921, Mr. Giffen resigned as president and Mr. Sutherland was elected to fill the vacancy. In July 1922, the Los Angeles Trust and Savings Bank bought the bank, and the Fidelity Trust and Savings Bank became known as the Fidelity Branch of the Los Angeles bank. Mr. Sutherland's title then changed to vice-president and managing director of the Fidelity Branch. Shortly thereafter, the Los Angeles bank changed its name to Pacific Southwest Trust and Savings Bank.

In 1921, Mr. Sutherland convinced H. Z. Austin, a 20-year veteran of Fresno's Superior Court, to retire from the bench and become Fidelity Trust and Savings Bank's trust officer.

High raisin prices in 1919 through 1921 attracted more raisin grapes, and the raisin grape acreage doubled from 1919 to 1922, causing huge crop surpluses. Sun-Maid could not maintain the high prices, and by 1923, its price to growers was only 2.5 cents per pound, about one-sixth the 1920 price. Sun-Maid itself was in dire financial condition, and in 1922 Mr. Sutherland arranged a loan to Sun-Maid of \$8,000,000. In 1923, Mr. Sutherland led a small delegation of Fresno business men seeking investors in Sun-Maid at a meeting of the Merchants' Exchange in San Francisco. They returned with \$185,000 in new capital for Sun-Maid. Mr. Sutherland again came to Sun-Maid's rescue, providing temporary financing during Sun-Maid's 1924 reorganization, and agreeing to loan to growers using Sun-Maid demand notes as collateral, and thereby encouraging growers not to demand payment from Sun-Maid.

As bank officer, Mr. Sutherland was instrumental in the planning and construction of the Pacific Southwest Building (later known as the Security Bank Building). Construction began in 1923 and the bank moved its offices there in 1925. More about this building can be found below. Mr. Sutherland also made the \$400,000 loan to finance the Hotel Californian on Van Ness Avenue, a project of the Sun-Maid Hotel Corporation.

Pacific Southwest Trust and Savings Bank later was known as Security-First National Bank and then Security National Bank. Much later, it was acquired by Bank of America.

In 1920, Mr. Sutherland was a delegate to the Republican National Convention in Chicago, which nominated the Warren Harding/Calvin Coolidge ticket.

In December 1926, Mr. Sutherland left banking and partnered with Milton M. Dearing at 1412 Pacific Southwest Building. In about 1930, Gilbert H. Jertberg became their partner, and Sutherland, Dearing & Jertberg was established at 605 Pacific Southwest Building. The firm and its successors were to occupy this space on the sixth floor of the Security Bank Building for 56 years.

Mr. Sutherland was president of the Fresno County Chamber of Commerce in 1923 and 1924. He was a director and for one year president of the Sun Maid Hotel Corporation.

After leaving the bank, Mr. Sutherland became local counsel for Security-First National Bank, and remained chairman of its local advisory board until his death.

Mr. Sutherland was a director of the California State Automobile Association (“AAA”) in the 1920's. He also was a master of the Las Palmas Lodge of the Masons.

Mr. Sutherland was a frequent traveler about the state, nation, and world. He visited the Orient in 1930. He met his death while at sea on board the S.S. California, off Baja California, while returning from a European vacation via the Panama Canal. Struck by a heart attack, he died suddenly at age 61 on October 18, 1935. He and his wife Helen had lived at 1460 North Wishon (then known as 821 Pine).

Ironically, Security-First National Bank and the Sutherlands' son, Fresno dentist Keith Sutherland, litigated the validity of Helen Sutherland's wills following her death in 1939. The bank sought to probate Mrs. Sutherland's 1935 will, which named the bank as executor and trustee of a trust established by the will that would pay Keith \$150 per month, equip his dental office, and distribute the balance to Keith at age 35 in the bank's discretion. Keith contended the will was revoked by a later holographic will, of which he could produce only a portion, and that portion had been torn in half. Keith testified at the trial that the second will had been torn on the day he found it, after his mother had died.

The jury found for Keith, that the holographic document revoked the 1935 will. However, the holographic document was not admitted to probate, and the judge ruled Mrs. Sutherland died intestate. As her sole heir, Keith inherited her entire \$120,000 estate outright.

**Frank H. Short** - (1913 - 1920) --“Every phase of political or economic discussion delighted him, whether local, national, international, biblical, historical, prehistorical, present, or future.” So writes his widow in a 7-page “biographic sketch” published soon after Frank H. Short’s death in 1920 at age 57.

And so it was with Mr. Short’s varied career, first as a country teacher, a justice of the peace, an effective trial lawyer who participated in several of the most notorious criminal cases in early California history, expert on water and natural resources law, champion of the utilities and other industrial clients, and leading political advocate opposing former president Theodore Roosevelt and his progressive philosophy.

Mr. Short’s appearance in our history is merely seven years, when he and William A. Sutherland were partners in Short & Sutherland, with offices at 1012 - 1020 Griffith-McKenzie Building (later known as the Helm Building). However, those years were at the peak of Mr. Short’s extraordinary career.

Mr. Short was born in Shelby County, Missouri in 1862 of parents who had left Delaware to establish a homestead. His father served in the Civil War, where he died from drinking poisoned water when Mr. Short was about one year old. In 1910, at age 48, Mr. Short described his youth as spent “in the occupation of a rough rider, and I still enjoy a fight or a footrace.”

His mother Emily Wharton and Short’s brothers, Frank Wharton and F. A. Wharton, were early settlers of Fresno, and Mr. Short’s older brother, John W. Short, also had moved to Fresno. They encouraged Mr. Short, then living in Nebraska, to come to Fresno, and he did at age 19 in the spring of 1882. Mr. Short had taught school for a year in Nebraska, and on his arrival, he taught in a country school in Ahwanee.

He began the study of law under his uncle Frank Wharton. In 1884, at age 22, he was elected justice of the peace in Fresno, and in 1886 or 1887, he was admitted to the bar. He was justice of the peace for only two years, but was long-after referred to as “Judge Short,” which he took with some good-humored pride even after his other accomplishments had brought him far greater distinction.

Mr. Short practiced law with his uncle until his uncle’s death in 1889. He then practiced for a couple of years in partnership with George A. Nourse, and then began a solo practice. By then, through devoted self-study, Mr. Short was an accomplished lawyer, and his brother John was concerned he would outgrow Fresno.

Mr. Short was involved in several sensational criminal trials. As was customary then, the victim's family could hire private lawyers as special prosecutors to assist the district attorney in prosecuting the case.

Mr. Short prosecuted Dr. F. O. Vincent in 1891 for the murder of his wife. Dr. Vincent was convicted and was hanged in the courtyard of the county jail in Courthouse Park in 1893, the last person executed in Fresno County.

In 1893, Mr. Short was hired by the family of Louis B. McWhirter to help prosecute Richard S. Heath, who was indicted for the 1892 assassination of Mr. McWhirter. Mr. McWhirter had moved to Fresno from Tennessee a few years earlier, had practiced law unsuccessfully with M. K. Harris, and was then an editorial writer for the *Fresno Evening Expositor* and active in the Tennessean wing of the local Democratic Party, which was then in control of all county offices. Mr. McWhirter had died in a period of much contention within the local Democratic Party over the presidential candidates Cleveland and Hill.

Mr. McWhirter had been shot to death on a summer night at the rear entrance to his home. The defendant, Mr. Heath, was a young barroom politician, who worked as a sub-foreman on a vineyard owned by popular actor M. B. Curtis, who had invested his fortune in Fresno real estate. The Curtises helped finance Mr. Heath's defense, and he had five lawyers, including two from San Francisco and James H. Budd of Stockton, who later became governor. The defense was that there had been no assassination, rather Mr. McWhirter had committed suicide.

The first trial of Mr. Heath lasted 32 court days and ended in a hung jury, which had voted 11 for conviction and one for acquittal. The hold-out juror alleged that firearms were coercively displayed in the jury deliberation room. The second trial lasted 30 court days and also ended with a hung jury. Change of venue to Los Angeles was granted, but a third trial was not prosecuted.

Mr. Short was involved in another Fresno criminal case that received state-wide attention, this time as a lawyer for the accused. In 1894, William Wootten, an old wealthy man who farmed near Kingsburg, became missing. His body was never found. A neighbor, Professor W. A. Sanders, attracted suspicion when shortly after Mr. Wootten's disappearance, he attempted to negotiate a \$1,400 draft payable to him and purportedly signed by Mr. Wootten. He also presented a deed to Mr. Wootten's property with a complicated explanation that Mr. Wootten had left the country and asked him to dispose of his property.

Professor Sanders was a teacher of pre-college students in his fields of mathematics, botany, and chemistry. He also had an experimental farm. He had introduced Johnson grass as a forage plant into the valley. After Johnson grass quickly became a pest for the farmer, it was said that if he were not hanged for Wootten's murder, he should have been for introducing Johnson grass.

Professor Sanders was charged with forgery, not murder. Mr. Short defended him, and was credited with averting murder charges on the grounds that Mr. Wootten's death had not been proved. There were four trials. The first and third trials ended with hung juries. The second

trial resulted in a conviction that was reversed on appeal (reported at 114 Cal. 216). Professor Sanders was convicted in the fourth trial and was sentenced to 10 years confinement at San Quentin.

Mr. Short served on the Board of Trustees of the State Normal School at San Jose at the turn of the century, having been appointed to a four-year term by Governor Henry T. Gage.

As industry advanced in the nation, and oil discovered in the San Joaquin Valley, Mr. Short turned his full attention to commercial and industrial clients. An early matter was his opposition to Southern Pacific Company's railroad fare increase for transportation between San Francisco and Fresno. He later obtained a 10 percent reduction in Southern Pacific's fares for oil transportation in the valley, saving oil shippers about \$500,000 to \$1,000,000 per year. Mr. Short formed and represented many oil companies, and he would often share in their success.

Mr. Short represented "mineral locators" in defending their oil land under the placer mining laws from claims of "scrippers." Mr. Short prevailed on behalf of the locators in the U.S. Supreme Court, and before the Secretary of the Interior.

Mr. Short became an expert in public land use and water rights. He frequently appeared before Congressional committees on these topics. He represented private landowners such as Miller & Lux on water rights and irrigation issues, and large public utility companies in California and neighboring states. Other clients included the Fresno Canal & Irrigation Company in which he was also a director, San Joaquin Light & Power Company, the City Water Company, and Fresno National Bank, in which he was a director and an original stockholder.

Representing the water, oil, and utility industries, Mr. Short became a national figure on an issue of great national interest, the exploitation of water and oil resources in the western states. His opponents were the Progressives, led by former President Theodore Roosevelt, who sought federal control and limited development of those resources. Mr. Short advocated state control and reasoned development of the resources.

Mr. Short argued the issue with former President Roosevelt in 1911 at a Commonwealth Club meeting at the St. Francis Hotel in San Francisco. Because President Roosevelt had the last word at the meeting, Mr. Short published a pamphlet to rebut his arguments. Earlier in 1910, Mr. Short had spoken by invitation to the second annual National Conservation Congress in St. Paul, Minnesota, a group fostered by Mr. Roosevelt, where he emphatically delivered his message to a hostile audience.

An active Republican, he was a delegate to the 1896 Republican National Convention in St. Louis and the 1904 Republican National Convention in Chicago, where he was on the subcommittee that drafted the platform on which Theodore Roosevelt's campaign was based.

In 1910, Republican Progressive Hiram Johnson was elected governor of California, and the Progressives gained control of both houses of the state legislature. The Progressives first priority

was to regulate the powerful railroads. Theodore Roosevelt left the Republican Party in 1912 to run for president on the Progressive (or Bull Moose) ticket. He chose as his running mate California governor Hiram Johnson. Mr. Short strongly opposed the Progressives and he toured California in 1912, campaigning for President Taft and in opposition to Theodore Roosevelt. By splitting the Republicans, Mr. Roosevelt assured the election of the Democrat, Woodrow Wilson, whom Mr. Short preferred over his then nemesis, Mr. Roosevelt. However, by 1916 he argued for a unified Republican Party, and at a political debate at Fresno's University Club, he proposed a Republican ticket of Henry Ford (founder of Ford Motor Company) for president and Roosevelt for vice-president.

Mr. Short never held elective office, except as justice of the peace when he was age 22. He ran for District Attorney in 1888, but lost as did all the Republicans in the County. He ran for State Senate once, but was defeated after he was labeled a corporate lawyer. In 1919, he was approached to run for the U.S. Senate, but his poor health caused him to decline.

In 1898, Governor Gage appointed Mr. Short to the State Board of Commissioners for the preservation of Yosemite Valley. Mr. Short was an avid hiker and explorer of the Sierra Nevada.

In 1903, Mr. Short represented Mariposa County in its lawsuit in San Francisco against Madera County to correct the boundary line. The disputed land included the Sugar Pine mills and the head of its flume.

In 1906, concerned about a repeat of the 1868 flood, Mr. Short advocated that the City and County of Fresno provide a flood control system by constructing dams on Fancher Creek and the Dry Creek channels, and building a large channel to carry the overflow to the San Joaquin River. He estimated the expense of this project as \$50,000 to \$75,000, and proposed a bond issue to finance it.

Mr. Short was involved in the California Bar Association, a voluntary organization that predated the mandatory State Bar of California that was established in 1927. He was president of the statewide organization in 1918. He also had been president of the Fresno County Bar Association in 1899, 1912, and 1913.

In 1917, Mr. Short became ill, and he spent much of his remaining life in San Francisco, undergoing medical treatment and surgeries. He last public speech was on June 6, 1918, at the ninth annual session of the California Bar Association in San Jose, while he was president of the Association. His lengthy speech included a discussion of the Ten Commandments and concluded with his plan for world peace, an "international tribunal, with jurisdiction to restrain invasions and aggressions."

Although a Fresno resident, Mr. Short had many connections to San Francisco. For example, he was a member of the Pacific Union and Bohemian Clubs there.

Mr. Short died on June 5, 1920, in San Francisco, at the age of 57. His body was returned to Fresno for burial. He was survived by his wife, the former Nellie Curtis Rorick, a widow from Los Angeles whom he married in 1897, her daughter Mildred R. Craycroft, and his son from his first marriage, Frank H. Short, Jr. Mr. Short had married his first wife, Emma H. Packard, in 1885, but she had died in 1896.

In March 1920, Mr. Short's law partner William A. Sutherland had left the practice to become a banker. When Mr. Short was seriously ill, just nine weeks before his death, Messrs. Short and Sutherland transferred their practice to Carl E. Lindsay and J. Earl Woolley, and they opened as Short, Lindsay & Woolley at the same location, 1012-1020 Griffith-McKenzie (later Helm) Building. In 1921, Mr. Woolley became a Superior Court judge, and W.M. Conley joined Mr. Lindsay to form Lindsay & Conley at the same location.

Mr. Short had associated with Dr. Chester Rowell to form the Fresno Republican Publishing Company, which published the newspaper, *The Fresno Republican*. Mr. Short remained a stockholder until his death. His brother, John W. Short, was for many years the editor of the *Republican*.

After Mr. Short's death, his widow published a book entitled *Selected Papers of Frank Hamilton Short Being Addresses, Civic Studies & Public Letters*. This book contains his 1911 speech to Theodore Roosevelt at the Commonwealth Club, other speeches, letters, and articles, including several that Mr. Short had published in pamphlets. In the last ten or so years of his life, Mr. Short published various brochures of his commentary on national issues. These included:

- (a) "Address to the Honorable Judiciary Committee of the United States Senate," delivered by Frank H. Short, Frank P. Flint, and J.S. Chapman, published by Spencer & Parker, Los Angeles, 50 pages, 1903;
- (b) "A Reply to Colonel Theodore Roosevelt," 16 pages, 1911;
- (c) "The Philippine Question," consisting of three articles, "Reasons Why We Should Not Annex the Islands," "What Shall We Do With Them If We Do Not Keep Them," and "Our National Duty, Question of Expansion and Annexation;"
- (d) "The Oil in Southern Pacific Lands: a Series of Open Letters," consisting of correspondence between Frank H. Short and Charles P. Fox "upon the question of the Government's proceeding against the Southern Pacific Railroad Company in an attempt to recover the petroleum values in the lands given under the agricultural patent," published by California Oil World Print, Bakersfield, 23 pages;
- (e) "A Letter by Frank H. Short Discussing Bill H.R. No. 16673, Introduced on May 19th, 1914," a letter dated June 15, 1914, to San Joaquin Light & Power Corporation officers, William G. Kerckhoff, A.C. Balch, and A.G. Wishon, regarding the bill's effect on private development of public resources, 20 pages.

- (f) “The World War,” March 12, 1915; and
- (g) “The Proposed League of Nations,” 31 pages, 1919.

Mr. Short had been an investor in real estate in Fresno, including a \$100,000 two-story building constructed in 1918 at 1212 Fulton Street at Merced Street, leased to Roos Bros. to operate a clothing store. The building was later occupied by Montgomery Ward.

Mr. Short owned a massive colonial mansion at 2125 Calaveras Avenue at Van Ness Avenue. Built in 1907 at a cost of \$30,000, it was a symbol of his prominence and wealth. In 1917 he acquired the next-door residence of W. H. McKenzie, moved the house away, and landscaped the grounds. There he kept horses, cows, goats, birds, and some wild animals. After Mrs. Short’s death in 1925, the residence and spacious grounds were given to the City of Fresno to be known as the Frank Hamilton Short Memorial Park, and to be used by the City as an art gallery, concert and lecture hall, and reading room. This proved to be impractical, and after litigation was initiated by Mr. Short’s son and step-daughter in 1938, the City agreed to deed it to them for \$5,000. They sold the easterly 35 feet to John Lisle, whose funeral home was next door. Eventually, the building belonged to the First Southern Baptist Church, and then in 1954, I. Magnin & Co. purchased and remodeled it for its department store. The building now houses Arte Americas.

Despite his wealth, Mr. Short explained in 1910, “It is unprofessional for a lawyer to become rich.” He said, “Good lawyers are scarce and valuable,” and he admitted to being “a good lawyer,” but denied being “an ordinary capitalist.”

**Gilbert H. Jertberg** (1930 - 1955) -- A modest and friendly man, Gilbert H. Jertberg was loved by his clients. A fair, competent, and thorough judge, he was respected and liked by the lawyers who appeared before him.

Born in Springfield, Missouri in 1897, his Swedish-born parents and six siblings moved to Chino, California when he was five years old. He attended Stanford University, achieving his A.B. degree in 1920 and his law degree in 1922. His college education had been interrupted by duty during World War I, when he was a second lieutenant of ordinance at Camp Hancock, Georgia in 1917 and 1918.

While working in the Stanford University library in 1921, he met Fresno Judge Campbell F. Beaumont, who had been recently appointed to the Superior Court and was auditing classes at Stanford. Judge Beaumont encouraged Mr. Jertberg to consider making Fresno his home. When Mr. Jertberg moved to Fresno in 1922, the only person he knew in Fresno was Judge Beaumont.

Soon after arriving in Fresno, he was hired in 1923 as a deputy district attorney and he served as such for two or three years, achieving the rank of chief deputy. He then entered private practice, first with Julius Hansen and then in 1926 with M. G. Gallaher.

On November 1, 1930, he joined William A. Sutherland and Milton M. Dearing and they formed a new partnership, Sutherland, Dearing & Jertberg. After Mr. Sutherland died in 1935 and Kenneth G. Avery joined the partnership, it was known as Dearing, Jertberg & Avery.

Mr. Jertberg was active in Republican politics. He was a delegate to the Republican National Conventions in 1936 (Cleveland), 1940 (Philadelphia), and 1944 (Chicago), and an alternate delegate in 1948.

Mr. Jertberg was involved in many civic organizations. He acted as president of the Fresno Community Chest and the Fresno County Chamber of Commerce. He was a vice-commander of the Fresno Post No. 4 of the American Legion. He served on the board of the California State Chamber of Commerce.

In 1945, he was president of the Stanford Alumni Association, which had over 50,000 members.

Mr. Jertberg had a special interest in education. For 11 years beginning in 1943, he was a member of the California State Board of Education. For more than 25 years, he was a member of the Board of Governors of the Fresno State College Foundation. He served as Chairman of the California Commission on Redistricting of Schools for four years, and as a member of the Library Development Committee of California State Colleges for several years.

In 1929, the University of the West in Los Angeles opened a law school in Fresno known as the San Joaquin College of Law. The school intended to fill a need following the promulgation in 1929 for the first time of an educational requirement to be admitted to the State Bar. Classes were held at night in the Bank of Italy (later Bank of America) Building at Fresno and Fulton Streets. The school had a four-year program leading to an LL.B. degree. Mr. Jertberg was one of the first faculty members. When the present San Joaquin College of Law was established in the early 1970's, Mr. Jertberg donated his library to the College.

Mr. Jertberg was involved in water policy on behalf of his clients. In 1943, he and several Westside ranchers lobbied the State Water Authority to broaden the Central Valleys Project to bring irrigation water to the Westside. *The Fresno Bee* reports of his speech in 1948 before a joint meeting of the Fresno County and San Francisco Chambers of Commerce, in which he argued that the 160-acre ownership limitation on farms to qualify for federal reclamation water should no longer apply. In the 1950s, Mr. Jertberg was part of the group campaigning for the building of the San Luis Project, which was finally approved by Congress in 1960.

Westlands Water District was formed in 1952 by the legal work of Mr. Jertberg. The first meeting of the board was held at our offices at 605 Security Bank Building, and our offices were designated as Westland's place of business until other offices could be obtained several months later. Mr. Jertberg was Westland's first District Counsel.

In 1954, Mr. Jertberg was one of three persons from the western states to be appointed by the Secretary of the Interior to survey the Department's activities in the Territory of Alaska. To carry out this assignment, he took a three-week plane tour of Alaska.

Mr. Jertberg had many significant clients, including the Sun-Maid Raisin Growers, the Kings River Water Association, Westlands Water District, the Kings River Conservation District, the California Fig Institute, Fresno County Waterworks District No. 2, and the Dry Creek flood control project.

His interest in the flood control project may have arisen from his experience in the flood of March 1938. His adobe home at 3917 North Wilson Avenue was severely damaged by the flood and was featured in the national news coverage of the flood. Mr. Jertberg found his law school diploma floating in his flooded basement. Later he displayed the water-stained diploma in his office.

Mr. Jertberg was considered an expert in many fields of law. He was an outstanding trial lawyer. He had the ability to make legal concepts simple and understandable to his clients, whether they be a businessman or a widow probating her husband's estate. He was a man of duty. Once assigned to give a Republican political speech in the American Legion Hall, no one showed up except for the building's custodian. Mr. Jertberg gave his speech anyway, to the audience of one.

In 1955, Mr. Jertberg was appointed by President Dwight Eisenhower to serve as U.S. District Court judge for the Southern District of California. He was promptly confirmed by the Senate, and filled the seat in Fresno vacated by Campbell E. Beaumont, the man who had in 1921 at Stanford University encouraged Mr. Jertberg to live in Fresno.

At Mr. Jertberg's swearing-in ceremony, the courtroom was full and many were turned away. Mr. Jertberg made the usual gracious speech, and ended his remarks by saying, "And above all, I want the lawyers to feel comfortable in my court."

In 1958, Mr. Jertberg was nominated to the U.S. Court of Appeals for the Ninth Circuit by President Dwight Eisenhower. He was confirmed by the U.S. Senate three days later. He maintained offices in San Francisco and Fresno. He assumed senior status in 1967.

Mr. Jertberg's first law clerk after he was appointed to the Ninth Circuit was Kendall L. Manock. His last law clerk was Douglas B. Jensen.

Mr. Jertberg died in Fresno on June 8, 1973. He had been married to Henrietta Burns. For their honeymoon, they went camping, with another couple. They had one child, Joan, who married Fresno attorney T. Newton Russell.

At Judge Jertberg's memorial service at the U.S. Court of Appeals, prominent Westside farmer Russell Giffen described his close friendship with Judge Jertberg for over 50 years:

“I think the first thing was his innate decency, his complete and absolute sense of honor, quick to recognize right from wrong and always on the right side. A man that was blessed with a fine mind, a high degree of mentality, a high degree of logic, and with a good temper and a keen sense of humor.

I don't believe that I have known any other person that did so much, and always those things that he believed in or those things that he opposed – always in a forceful way. But it was unusual to find a man with that force at the same time always – I hesitate to use this word applying to a man but – a sweet heart.

He gave himself way beyond the limits that were usually required or were usually thought of as being required as a good citizen.”

**John H. Baker** (1957 - 1996) – John H. (“Jack”) Baker, perhaps Fresno’s best trial lawyer of his time, teamed with Ken Manock to lead our firm’s transformation from a small partnership to one of Fresno’s largest firms.

Born in Fresno in 1930, Mr. Baker attended Fresno High School and was graduated from Fresno State College in 1952. He was awarded his law degree in 1955 from Hastings College of the Law in San Francisco, where he was Order of the Coif and the comment editor for the Hastings Law Journal.

When Mr. Baker’s student deferment from the military draft expired after law school, he considered enlisting, but then decided to wait to be drafted. Consequently, he turned down a job offer from the Federal Communications Commission in Washington, D.C., concerned that he would be drafted as soon as he moved to Washington.

Instead, Mr. Baker was hired as an investigator for the Tulare County District Attorney, pending his bar examination results. About a month later, he received his draft notice, and only after the office had thrown his going-away party, did he receive notice advising his duty had been postponed. He never heard again from the draft board. After passing the bar exam, Mr. Baker became a Deputy District Attorney.

Mr. Baker was sworn in as a bar member on a Friday in 1955, and he tried his first jury trial on the following Monday. The District Attorney gave him one-hour notice before the trial started to prepare for the assault-and-battery prosecution. All in all, Mr. Baker worked in the District Attorney’s office for about two years, and obtained much trial experience.

In November of 1957, Mr. Baker decided to look for civil work in Fresno. Knowing only a few Fresno lawyers, he went office-to-office seeking a job interview. He dropped by the sixth floor of the Security Bank Building, and asked for the second name on the door, William C. Meux. Mr. Meux granted the young lawyer an interview, and Mr. Baker became Avery, Meux &

Gallagher's only associate. Mr. Baker was hired to primarily assist John J. Gallagher, who was then temporarily out for health reasons.

Initially, Mr. Baker's practice was a general one, including divorces, wills, and some business clients. He was the city attorney for Mendota and San Joaquin. Other early clients included Kearneys' Manufacturing (Mr. Gallagher's client), John Pestorich and his Fresno Meat Company (a referral from Judge Matt Goldstein after he became a judge), John Waugh and his Gray-Lift, Inc. (Mr. Baker met Mr. Waugh through an investment club), and Federico Beauty College.

In the late 1950's and early 1960's, the City of Fresno sought to redevelop downtown by turning Fulton Street into the Fulton Mall and by acquiring by condemnation much of the property on the Mall. Messrs. Meux and Baker represented many of the downtown businesses that opposed the redevelopment. This issue attracted much news media interest, and Mr. Baker was frequently the spokesman for the anti-redevelopment group.

About this time, Mr. Baker also was at the center of the media controversy over the hiring of Fresno Police Chief Brittain. Mr. Baker was then the chairman of the Fresno Civil Service Board, and its hiring procedures were being publicly questioned.

Kenneth G. Avery and, after Mr. Avery died in 1961, John J. Gallagher were local counsel for American Mutual Liability Insurance Company, the leading medical malpractice insurer. A San Francisco law firm worked up the cases and handled the trials, but Messrs. Avery or Gallagher attended the Fresno depositions and trials. As was common with institutional clients, they would bill the insurance company only at the end of every year. After Mr. Gallagher ceased practicing for health reasons in 1972, Mr. Baker told American Mutual that it did not need to use San Francisco counsel for its Fresno cases, because he could handle them by himself. Mr. Baker thereby won the work, but American Mutual soon went out of business.

A year or so later, Travelers Indemnity Company hired Mr. Baker to handle its medical malpractice cases. However, Mr. Baker almost immediately objected to Traveler's policy of not reimbursing long-distance telephone charges and other expenses. After Mr. Baker complained, he received no more cases from Travelers.

In late 1975, after Travelers tripled its premiums, Norcal Mutual Insurance Company was formed to provide medical malpractice coverage. Mr. Baker was contacted by Robert Huber, the San Francisco lawyer with whom he had worked on the American Mutual cases, to handle the Fresno cases. Mr. Baker had the support of Norcal executive John Hirsimaki who had worked for American Mutual and knew Mr. Baker from their previous relationship.

Before long, Norcal had become the firm's largest client, and it remained so for over 30 years. Mr. Baker managed the Norcal caseload, assigning cases to his proteges, Don Fischbach, Howard Zidenberg, George Strasser, Andy Weiss, and Mark Snauffer. Later, Lisa Martin, Mark Canepa, Gayle Hearst, Bill White, and Richard Salinas joined the Norcal team as senior trial lawyers.

In 1978, Mr. Baker was president of the Fresno County Bar Association.

Mr. Baker did not limit himself to Norcal cases. He also handled business litigation and sometimes other business matters.

Mr. Baker, assisted by Ralph W. Tarr, won at trial a verdict for Dorothy Schwartz, widow of prominent Kings County farmer Charles Schwartz, of over \$5.5 million, plus attorneys' fees and interest, which then may have been the largest legal malpractice award in California. Through determined and persistent efforts, Mr. Baker's team collected the entire judgment, except for about \$10,000. In the early 1980's, Mr. Baker conducted on behalf of Mrs. Schwartz a remarkable probate sale that may be still talked about in Kings County. Certain estate farmland had been sold for less than \$3 million to Westside rancher John Harris. The sale was subject to the probate overbid procedures and court confirmation. The probate hearing in Hanford drew an audience that filled the courtroom. All the big farmers in the area were prepared to overbid. Prudential Insurance Company, the Salyers, the Boswells, the Newtons were all there. The judge opened the auction and a bidding frenzy ensued. Starting below \$3 million, the bids climbed higher and higher. Finally, the Salyers won the bid -- for over \$13 million.

Mr. Baker began to wind down his practice in about 1996. He successfully transitioned the medical malpractice work to the firm's next generation of capable trial lawyers.

Mr. Baker was inducted in 1974 into the American Board of Trial Advocates (ABOTA), and served as president of the San Joaquin Valley Chapter for a couple of years in the 1980's. He became a member of the American College of Trial Lawyers in 1983.

Frequently warning of the consequences of procrastination, Mr. Baker passionately taught us that *prompt* client service is critical to client satisfaction. He frequently admonished us to be careful with our conduct and speech in public, because "a juror" may observe us. Thus, it was ironic when the uninvited media burst into the 1977 annual Bar Association dinner at Fort Washington Country Club, Mr. Baker was photographed by the media standing near what appeared to be a gaming table, adjusting his glasses such that he seemed to be exhibiting a crude hand gesture. This unfortunate scene was the talk of the Fresno bar for months.

A long-time supporter of the Fresno Philharmonic, Mr. Baker served on its board for many years.

**Kendall L. Manock** (1960 - 2010) -- A nationally renowned expert on agricultural marketing orders, agricultural cooperatives, and reclamation law, Kendall L. "Ken" Manock built a tremendous practice in the nation's agricultural center, the San Joaquin Valley. He was instrumental in the growth and success of our firm through his sound managerial judgment and consensus-building manner.

Born in Hanford in 1930, Mr. Manock and his family moved to Fresno when he was a young child. He attended Fresno High school, and then Fresno State College, obtaining his A.B. degree in 1951. He studied law at Boalt Hall School of Law, University of California, Berkeley, and was graduated in 1954. An avid snow skier, Mr. Manock was on the Ski Patrol when Sierra Summit first opened as China Peak. When China Peak went bankrupt, he successfully represented the skiers who wanted it to stay open.

His military draft deferment expired after law school, and in late 1954, Mr. Manock joined the Army, where he served for almost two years. For most of his Army service, he was stationed in the Presidio in San Francisco.

In 1956, Mr. Manock returned to Fresno and worked for John Guerard, who had been a sole practitioner. Mr. Guerard had two major clients, Sun-Maid Raisin Growers and Marcus Radin, a real estate developer. Mr. Guerard became Sun-Maid's attorney after Mr. Jertberg became a judge. Former Sun-Maid president and later assistant dean of Boalt Hall School of Law, William Keeler, and Mr. Guerard were then close friends. Soon after Mr. Manock joined him, Mr. Guerard began suffering from health problems, and Mr. Manock and the staff did almost all the legal work. When Gilbert H. Jertberg was appointed to the Ninth Circuit Court of Appeals in 1958, he asked Mr. Manock to be his first law clerk, and Mr. Manock served as his clerk for about a year, mainly in Fresno and sometimes in San Francisco. As a child, Mr. Manock lived in Judge Jertberg's neighborhood, and their families were close friends.

In 1959, Mr. Manock became an Assistant U.S. Attorney for the Northern District of California in San Francisco. He practiced as such for about a year, handling condemnation and tax refund cases. When Kenneth G. Avery of Avery, Meux & Gallagher discovered in 1960 he had serious cancer, he decided to help find his replacement. He asked Judge Jertberg, who recommended Mr. Manock. Because the firm's associate Jack Baker had been acquainted with Mr. Manock from high school and from when Mr. Manock worked for Mr. Guerard, he was tasked with recruiting Mr. Manock. Coincidentally, the same day, Mr. Baker bumped into Mr. Manock's brother Jim at the barber shop, and obtained Mr. Manock's San Francisco telephone number. Before long, Mr. Manock had joined Avery, Meux and Gallagher as their second associate. Mr. Avery died in 1961, and shortly thereafter, Messrs. Meux and Gallagher invited Messrs. Baker and Manock to become partners, and the firm became Meux, Gallagher, Baker & Manock.

Mr. Manock quickly obtained Sun-Maid as a client. Sun-Maid has ever since remained our valued client, except for a 10-year hiatus in the late 1970's and early 1980's, after Mr. Manock and Sun-Maid president Frank Light had a disagreement. After Mr. Light left Sun-Maid, our firm, led by Mr. Manock, successfully represented the Sun-Maid Litigation Committee in the consolidated "Agricultural Cooperative Accounting Cases" which we litigated from 1986 through 1994, and in the Independent Counsel's investigation of U.S. Department of Agricultural Secretary Mike Espy in the late 1990's, which involved Sun-Maid's marketing agent, Sun-Diamond Growers. Joe Marchini and John Michael helped litigate the accounting cases.

Early in his legal career, Mr. Manock became an expert in the income taxation of agricultural cooperatives. Starting in 1962, he worked on behalf of Sun-Maid to influence the writing of the Subchapter T regulations relating to the tax treatment of retains. To accomplish a favorable result, Mr. Manock enlisted the help of Congressman Bernie Sisk and his assistant (and later Congressman) Tony Coelho.

Mr. Manock also developed expertise in agricultural marketing orders, and became one of the nation's top legal expert on the subject. In the early 1960's, Mr. Manock worked unsuccessfully to get a marketing order for the grape industry. A few years later, he succeeded in getting a marketing order for the olive industry. For many years after that, he represented Lindsay Olive Growers. In the 1970's, Mr. Manock was involved in an internal industry dispute over the lemon marketing order. In the 1990's, Mr. Manock, with Robert Wilkinson and others, defended in litigation the orange marketing order and certain orange packing houses in qui tam cases. The litigation was resolved successfully for the clients, but in the complex litigation, the U.S. Department of Agriculture ended the orange marketing order. In about 2003, Mr. Manock, with Mr. Wilkinson's help, was instrumental in writing and enacting a pistachio marketing order through a lengthy administrative procedure.

Our office was involved in many of the large land sales in the Westlands Water District, as landowners sought to comply with the ownership limitations of federal reclamation law. One of the largest sales of "excess" land was Russell Giffen's ranch, which was split up beginning in 1968. Mr. Manock represented the Giffens in these sales.

Mr. Manock was a co-founder of California Valley Bank in about 1977, and served on its board of directors. The bank was organized as an agricultural bank for the Westside farmers. Eventually, the bank was acquired by Valley National Bank, which was later acquired by Bank One, which was later acquired by JP Morgan Chase & Co..

In the early 1980's, Bank of America and Crocker Bank hired Mr. Manock to revise their security documents to assure they would get proper security interests in the water rights of their borrowers. This problem came to Bank of America's attention after Joe Marchini, working for the Allen Ranch, discovered that the bank's security documents were ineffective.

The National Land for People began litigation in 1974 seeking stricter enforcement of the 160-acre limitation for federal reclamation purposes. Mr. Manock was retained by the industry group, California Westside Farmers, to represent their interests. The litigation led to a court order requiring the government to issue formal regulations. After the regulations were issued in August 1977, Mr. Manock's team (including Don Fischbach and George Strasser), together with other Western lawyers, obtained a court order from Judge Myron Crocker in December 1977 restraining the regulations' enforcement, because no environmental impact report had been made. Mr. Manock was then involved in lobbying and crafting a legislative solution, which resulted in the Reclamation Reform Act of 1982, which abolished the 160-acre limitation and replaced it with a 960-acre limitation.

Soon after Jimmy Carter became president in 1977, Congressman Bernie Sisk arranged a meeting with President Carter at the White House to discuss reclamation policy and what the new administration's position would be. Congressman Sisk, Westside farmers Russell Giffen and Jack Woolf, and Mr. Manock met with President Carter in what became a bizarre experience. The meeting opened with Mr. Giffen's remark that an Assistant Secretary of Interior had made a particular comment earlier that day. President Carter responded that the Assistant Secretary "could not" have made such a comment. Mr. Giffen responded that the Assistant Secretary indeed had. Neither President Carter nor Mr. Giffen would back down as they bickered on this point, until an angry and embarrassed Congressman Sisk excused his group from the meeting, before anything else including the meeting's purpose could be discussed.

In the 1970's, Mr. Manock began representing the dairy cooperative, Danish Creamery. Later, he formed a new cooperative with Danish as one of its members, which purchased the butter business and brand name from Challenge Dairy, so that it could market butter under the Danish and Challenge labels. Danish a few years ago merged into California Dairies, which remains a client.

Mr. Manock led the defense against First Amendment, free-speech attacks on mandatory grower assessments imposed by federal and state agricultural marketing orders and commissions for the purpose of promoting and advertising the industry's product. Our clients have included the California Table Grape Commission and various grower organizations. He and his team, including Robert Wilkinson, became experts in this esoteric area of law.

Mr. Manock was a key board member of Community Medical Center for many years. He was instrumental in founding the Fresno Heart Hospital, a Community joint venture with physicians that opened in 2003.

Mr. Manock helped create and was a member of the original board of directors of the Fresno Regional Foundation, Fresno's community foundation now known as the Central Valley Community Foundation.

Mr. Manock was long involved in firm management. His outstanding law practice and his generous willingness to share clients with other firm lawyers, along with his persuasive and persistent manner, helped him be a respected leader. Our firm always had the latest technology, for example, one of the first fax machines, to properly communicate with Mr. Manock's sophisticated clients and co-counsel. We had the first Xerox copier in the building, which was the fifth one sold in the San Joaquin Valley. Always an optimist in the end, Mr. Manock frequently predicted, "It will all work out."

Mr. Manock actively practiced law until a few weeks before his passing in 2010.

## THE SECURITY BANK BUILDING

We had our offices in the Security Bank Building, 1060 Fulton Mall, for over 60 years of our first 100 years. When the building was first occupied in late 1924, Barbour & Kellas rented offices in room 1010 on the tenth floor, and William A. Sutherland, then the bank manager, moved into the Pacific Southwest Bank's ground floor offices. In December 1926, Mr. Sutherland resumed his law practice, joining Milton M. Dearing in offices in room 1412 on the 14<sup>th</sup> floor. In about 1930, when Gilbert H. Jertberg joined the firm, they moved to room 605 on the sixth floor, where the firm remained for 56 years.

As the firm grew in the 1970s and 1980s, so did its needs for space. By about 1970, the entire sixth floor was leased by the firm. The entire floor was remodeled, under the guidance of architect Allen Lew, to become Fresno's first modern-style office space. In about 1976, we expanded to the east half of the fifth floor, and then within a couple of years, the entire fifth floor. This expansion allowed us to have a private conference room on the fifth floor. The sixth floor conference room was separated from the library by only a sliding partition, and was hardly private.

In the early 1980s, we expanded to the seventh floor. We also rented space on the 14<sup>th</sup> floor, which we occupied with our accounting staff. We had storage space on the 16<sup>th</sup> floor.

The building had some eccentricities. For example, Jack Baker's office on the sixth floor was equipped with a sink and running water, and it had two doors, including one that opened into the next-door office occupied by Jim Phillips. Supposedly, Mr. Baker's office had previously been a physician's office, or at least that was the explanation for the sink. However, the Fresno City Directories indicate that the first tenant on the sixth floor was Western Union Telegraph Company, which occupied the entire floor until about 1930. The building had a two-story underground garage that could be entered by a ramp from the alley behind the building. Because space was too tight for self-parking, there was an attendant who parked the cars. There also was a gasoline pump in the garage, and the attendant could refill one's gas tank upon request. However, for much of the 1970's and early 1980's, the attendant was an unhappy man, and the young partners were reluctant to ask him for gasoline, because they were fearful he would park their cars in a reckless manner as punishment for the inconvenience that had been imposed upon him. In the mid 1980's, the car attendant was a young Gerald Tomassian, who is now a Fresno lawyer, and whose friendly attitude was a welcome change.

The building had a variety of tenants, primarily lawyers, physicians, dentists, and business offices. Starting in 1926, the Fresno County Law Library occupied part of the 15<sup>th</sup> floor, and stayed there for many years. In the 1940s and 1950s, the California Court of Appeal had a courtroom and offices on the seventh floor. Le Figaro Barber Shop was from the 1960s through the 1980s on the second floor, and many of us were customers. In the 1940s, a Christian Science Reading Room was on the sixth floor in room 603, which was later occupied by podiatrists. During the 1960s, the "Security Bank Lounge" was in room 614, and lawyers Lawrence Kennedy (room 505), Kenneth L. Say (room 505), Hamlin & Snyder (room 510), and Chris E. Rockas (room 516) were

on the fifth floor. In the 1950s, Leo Kolligan and James V. Paige had offices in room 613, and the Fresno County Medical Society was in room 616.

In the Fall of 1986, we moved our offices to the new Fig Garden Financial Center and leased space on the third and fourth floors of 5260 North Palm Avenue. In 2020, we moved to the second floor.

The first notable building on the present site of the Security Bank Building was a two-story brick building completed in 1885 by Charles G. Hutchinson of San Francisco. To attract traffic to the area, the neighboring property owners paid the rent of the post office, so it would move east down Mariposa to the Hutchinson Building. A few years later, the building was acquired by the Fresno Loan and Savings Bank. In 1889, two stories were added, making the Fresno Loan and Savings Bank Building the only four-story building in town. A tiny elevator was installed, Fresno's second elevator. In 1891, the Fresno Loan & Savings Bank closed its doors.

The Fresno Loan & Savings Bank Building was, like many of the downtown buildings, of San Franciscan Victorian style. It had an ornamental tower. After the 1906 San Francisco earthquake and fire, many were fearful that Fresno was vulnerable to the same catastrophe. Also, the modern skyscraper became the architectural fad, and the Victorian buildings were torn down and replaced with brick skyscrapers. The Helm Building at 1111 Fulton was completed in 1914; the Bank of Italy Building at 1001 Fulton and the Mason Building at 1044 Fulton were finished in 1918.

In 1905, the Fresno Loan & Savings Bank Building had been acquired by the Fresno County Land Company, and the building was renamed the Land Company Building. Louis Einstein's Bank of Central California had moved into the building in the early 1900's, and Einstein Investment Company, acting on behalf of the bank, purchased the building in 1916 for \$152,000. The building's name was promptly changed to the Trust Company Building, because the bank was then known as the Bank and Trust Company of Central California.

After that bank purchased the Farmers National Bank in 1920, and the merged banks were named the Fidelity Trust and Savings Bank, William A. Sutherland became bank manager. In 1922, the bank became the Fidelity Branch of the Los Angeles Trust and Savings Bank, which soon changed its name to the Pacific Southwest Trust and Savings Bank.

Under the direction of Mr. Sutherland, the site was cleared in 1923, and construction of a 15-story Sullivanesque-styled building, designed and built by the R. F. Felchlin Company, began. Other Fresno projects of Richard F. Felchlin and his company include the Bank of Italy Building, the Patterson Building, the San Joaquin Light and Power Building, and the Californian Hotel. Tenants of the upper floors moved in in late 1924, and the bank moved back, and the building was dedicated, on January 19, 1925.

The Pacific Southwest Building was the tallest between San Francisco and Los Angeles. Originally, on top of the building was a beacon, 315 feet above ground level, that provided frost and storm warnings and could be seen 35 miles away.

After Security First Bank acquired Pacific Southwest Bank, the building became the Security Bank Building.