

Minutes of
California Law Revision Commission

May 22, 1954, 10 A.M.

Offices of the State Bar, 440 Rowan Bldg.

Los Angeles, California

Pursuant to the call of the Chairman, Thomas E. Stanton, Jr. the California Law Revision Commission met at 10 A.M., May 22, 1954, at the offices of the State Bar in the Rowan Building in Los Angeles.

PRESENT:

Honorable Stanford C. Shaw, Assembly
Mr. John D. Babbage
Mr. Richard C. Fildew
Mr. Thomas E. Stanton, Jr.
Mr. John Harold Swan
Mr. Samuel D. Thurman, Jr.
Mr. Ralph N. Kleps

Mr. John R. McDonough, Jr., Executive Secretary of the Commission, was also present.

ABSENT:

Honorable Jess R. Dorsey, Senate
Mr. Bert W. Levit

A motion was made by Mr. Babbage, seconded by Mr. Fildew, and unanimously passed that the minutes of the meeting of April 24, 1954 be approved.

The Executive Secretary then reported that he had hired Miss Florence M. Pellicone for the position of Senior Stenographer-Clerk at the office of the Commission at Stanford. Mr. McDonough reported that Miss Pellicone seems to be in every way very well qualified for the position and that she has the highest recommendations.

The Executive Secretary then reported that the matter of furnishing and equipping the offices at Stanford has gone forward in good order. Full equipment for three offices has been ordered as well as an electric typewriter and dictating equipment and office supplies.

Commissioner Shaw then raised the question whether all members of the Commission could be issued telephone toll credit cards for calls in connection with the business of the Commission similar to those which have been issued to the Chairman, the Vice-Chairman and the Executive Secretary. Mr. Kleps agreed to inquire into this matter upon his return to Sacramento.

The Commission then turned to a consideration of two letters, drafts of which were brought to the meeting by the Executive Secretary. One letter is to be sent to members of the Legislature and the other to various other persons in California, including California judges, members of the Board of Governors of the State Bar, etc. After full discussion and considerable revision the letters were approved. It was agreed that the several district attorneys and county counsels in California should be added to the list of addressees of the letter as well as the Attorney General of California. Mr. Shaw made a motion which was seconded by Mr. Swan and unanimously carried authorizing the Chairman or the Executive Secretary to enter into any appropriate contract providing for the writing of the letters in the event that it turns out not to be possible to have all of the letters written by the stenographer of the Commission.

The Executive Secretary then made a report of his investigation with respect to the various possible methods of having research work done for the Commission. He reported that several possibilities have been canvassed: Civil Service, contracts with individuals, and contracts with institutions. He stated various considerations pro and con with respect to each of these methods. He then stated that it is his opinion that the work on the preparation of the Agenda to be submitted to the Legislature in January, 1955 and the work on the Education Code to be submitted to the Legislature on the same date could best be done under contracts between the Commission and Stanford University.

The Executive Secretary then placed before the Commissioners a contract which he had drafted to cover such an arrangement with respect to the Education Code. He stated that this contract had been discussed with the people at Stanford and also with representatives of the Civil Service Commission and of the Director of Finance in Sacramento and that it had been tentatively approved by both groups. After full discussion and some revisions of the Secretary's draft Mr. Fildew made a motion which was seconded by Mr. Swan and unanimously passed that the Chairman of the Commission be authorized to enter into a contract with Stanford University substantially similar to the contract submitted by the Executive Secretary which contract should limit payments to be made to Stanford to \$10,000 unless another amount is agreed to in writing by the parties.

The Executive Secretary then stated that he had drafted a similar contract with Stanford University covering the work to be done on the Agenda program of the Commission. After full discussion and some revisions of the Secretary's draft Mr. Swan made a motion which was seconded by Mr. Shaw and unanimously passed that the Chairman of the Commission be authorized to execute a contract with Stanford substantially similar to the contract submitted by the Executive Secretary, which contract should limit payments to be made to Stanford to \$2,000 unless another amount is agreed to in writing by the parties. It was agreed that effort should be made to obtain the funds to finance this contract from the money available to the Commission prior to June 30 of this year.

The Executive Secretary then reported that he had made a preliminary study of Assembly Concurrent Resolution No. 8 calling upon the Commission to make a study of certain sections of the Probate Code, the Civil Code and the Inheritance Tax Law. He stated that he proposes to get in touch with Mr. Masterson, the sponsor of the resolution, to discuss with him further precisely what is desired, and that he will make a further report to the Commission on this matter when he has this information.

The Executive Secretary then suggested the desirability of establishing a small revolving fund to be used to defray minor expenses of the Commission. This matter was discussed, and a motion then made by Mr. Swan, seconded by Mr. Babbage, and unanimously passed that a revolving fund for the Law Revision Commission in the amount of \$300 be established and that the Executive Secretary be authorized to sign checks on the fund.

The Chairman of the Commission then stated that he had received a letter from Mr. Goscoe Farley, the Legislative Representative of the State Bar, advising that the Board of Governors of the State Bar had requested the Commission to include the subject of Imputed Negligence as between Husband and Wife on its agenda for study. After discussion a motion was made, seconded and unanimously passed that this matter be referred to the Executive Secretary for study and report.

The Chairman of the Commission then raised the question whether sub-committees should be appointed at this time to supervise the work of the Commission on the Agenda and on the Education Code. After some discussion it was decided that it would be not necessary to appoint such sub-committees now.

There being no further business, the meeting was adjourned at 3:45 P.M.