

MINUTES OF MEETING
OF
NORTHERN COMMITTEE

October 21, 1957

San Francisco

Members

Mr. Thomas E. Stanton, Jr.

Research Consultant

Mr. H. G. Pickering

Staff

Mr. John R. McDonough, Jr.
Miss Louisa R. Lindow

The Committee considered a number of suggestions for revision of the law which had been received from members of the Bench and Bar and decided upon the following recommendations to the Commission.

Approved for Study

The Committee recommends that the following suggestions be approved for study by the Commission:

Suggestion Nos.: 9

- 13(2) This study should not receive too high a priority.
- 181 Unless Article IX, Uniform Commercial Code, covers the subject matter.

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197 The community property aspect
should also be included.

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226 A comprehensive study of Calif.
law should be made in light of
the Mullane and Walker cases.

Not Accepted

The Committee recommends that the following suggestions
not be accepted for study and that various of them be dis-
posed of in the manner indicated:

Suggestion Nos.: 29(1)

53 -Too controversial a subject.

74 -Refer to Judicial Council,
attention Mr. J.D. Strauss.

97 -Acted upon by the 1957 Con-
ference of the State Bar
Delegates.

119(2) -Matter falls in area of pri-
mary concern to other State
agency.

129(2)

132(21)

132(22)-A policy problem.

143 -A matter the Commission is
 not ready to undertake.

147 -A matter the Commission is
 not ready to undertake.

152 -A matter the Commission is
 not ready to undertake.

154 -Refer to legislative members.

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158(1) -A legislative interim com-
 mittee is studying this
 problem.

160 -Too controversial.

164(12)

164(13)-Matter falls in area of pri-
 mary concern to other State
 agency.

164(14)

166(3) -Refer to State Bar.

166(4) -Refer to State Bar.

171 -Matter falls in area of pri-
 mary concern to other State
 agency.

183 -Refer to State Bar.

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- 185 -Refer to Legislative Counsel.
- 189 -A policy problem.
- 199 -Too controversial.
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- 203 -Refer to Legislative Counsel.
- 204 -Refer to Joint Legislative
 Committee to Revise Educa-
 tion Code, Attention Mr. W.
 Henderson.
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- 208 -Refer to Joint Legislative
 Committee to Revise Educa-
 tion Code, Attention Mr. W.
 Henderson.
- 210 -Matter falls in area of pri-
 mary concern to other State
 agency.
- 213 -A policy matter.
- 215(1)-Refer to State Bar.
- 215(2)-Refer to State Bar.
- 218 -Matter falls in area of pri-
 mary concern to other State
 agency.
- 219
- 220 -Matter falls in area of pri-
 mary concern to other State
 agency.
- 225 -Refer to State Bar.

Consolidate

The Committee recommends that the following suggestions be consolidated with other existing studies:

<u>Suggestion Nos.:</u>	<u>Recommend Consolidate with Study:</u>
26	52(L) -Sovereign Immunity
36	53 -Personal Inj. Recovery as Separate Property
40	52(L) -Sovereign Immunity
42(2)	39 -Attachment, etc.
49	37(L) -Claims Statute
58	39 -Attachment, etc.
79	57(L) -Bail study
88	52(L) -Sovereign Immunity
101	37(L) -Claims Statute
119(1)	35(L) -Habeas Corpus
135(1)	10 -Pen. Code §19a
158(3)	35(L) -Habeas Corpus
202	39 -Attachment, etc.
211	52(L) -Sovereign Immunity
212	53 -Personal Inj. Recovery as Separate Property
214	39 -Attachment, etc.

<u>Suggestion Nos.:</u>	<u>Recommend Consolidate with Study:</u>
216	53 -Personal Inj. Recovery as Separate Property
217(2)	39 -Attachment, etc.

Hold

The Committee recommends that Suggestions No. 10, 31(1), 31(2) and 200 be held pending the final disposition of Study No. 34(L), Uniform Rules of Evidence.

RE-REFERRED MATTERS

Pursuant to the resolution passed at the Commission's August 2 and 3, 1957 meeting, the Committee considered and discussed the re-referred matters and made the following recommendations:

(a) Study No. 1 - Suspension of the Absolute Power of Alienation: This study should be presented again to the 1959 Session of the Legislature. As a preliminary step it should be discussed with the Senate Interim Judiciary Committee at its December meeting.

(b) Study No. 6 - Effective Date New Trial Order: The proposed revision of Section 660 of the Code of Civil Procedure should be revised to make the respective effective dates the date of entry of an order in the permanent minutes and the date of the filing of a written order. This proposed revision of Section 660 should be submitted to the Legislature in 1959.

(c) Study No. 8 - Marital "For and Against" Testimonial Privilege: This study should be held pending final disposition of Study No. 34(L) (Uniform Rules of Evidence).

(d) Study No. 32 - Arbitration: We should get re-started on this study as assigned (i.e., a study to determine whether the Arbitration Statute should be revised) as soon as possible, retaining Mr. Sam Kagel as research consultant. This procedure should be cleared with the Senate Interim Judiciary Committee to avoid conflict and duplication of effort.

STUDY NO. 22 - CUT-OFF DATE MOTION NEW TRIAL

The Committee conferred with Mr. Pickering about his study. It was agreed that the study should include a comparative study of similar statutes in other code states, of the law of representative non-code states, and of the Federal Rules of Civil Procedure. Mr. Pickering pointed out that Code of Civil Procedure, Section 663a, Notice to Vacate, involves the same problem; it was agreed that his study should embrace this section.

Respectfully submitted,

John R. McDonough, Jr.
Executive Secretary