

Minutes of
California Law Revision Commission
April 24, 1954, 10 A.M.
Faculty Conference Room, Stanford School of Law
Stanford, California

Pursuant to the call of the Chairman, Thomas E. Stanton, Jr., the California Law Revision Commission met at 10 A.M., April 24, 1954, in the Faculty Conference Room, Stanford School of Law, Stanford, California.

Present:

Honorable Stanford C. Shaw, Assembly
Mr. John D. Babbage
Mr. Richard C. Fildew
Mr. Bert W. Levit
Mr. Thomas E. Stanton, Jr.
Mr. John Harold Swan
Professor Samuel D. Thurman

Charles W. Johnson, Chief Deputy Legislative Counsel,
and John P. McDonough were also present.

Absent:

Honorable Jess R. Dorsey, Senate
Ralph N. Kleps, Legislative Counsel,
member ex officio

The first matter of business brought before the commission was the selection of an executive secretary. Chairman Stanton reported that further conferences with Stanford University had disclosed that John R. McDonough, Jr., of the faculty of the School of Law was interested in the position of executive secretary and that the university would make his time available. A report was made on his qualifications and he was interviewed by the commission. Mr. Fildew moved, seconded by Mr. Levit, that John R. McDonough, Jr., effective May 1, 1954, be appointed executive secretary of the California Law Revision Commission, exempt from civil service, that he is to devote one-half of his time to the work of the commission, for which he is to be compensated at the rate of \$6,000 per year, payable monthly, and that Ralph N. Kleps, temporary secretary, is authorized to execute all documents to effectuate this appointment. The motion was unanimously adopted. Mr. McDonough then joined in the deliberations of the commission.

The question whether the executive secretary and some of the members of the commission should travel to New York to consult with the New York Law Revision Commission. It was moved by Mr. Levit, seconded by Mr. Fildew, and unanimously carried, that the chairman, vice chairman, and executive secretary of the commission be authorized to travel out of state prior to June 30, 1954, for the purpose of

consulting with the staff and members of the New York Law Revision Commission concerning their methods of operation, and that Professor Thurman be authorized to travel from New York City to Ithaca, New York for the same purpose.

It was moved by Mr. Swan, seconded by Mr. Shaw, and unanimously carried, that the chairman and executive secretary be authorized to take such action as is necessary to establish the office of the commission at the Stanford School of Law, including the employment of a stenographer, and the purchasing of all necessary office equipment and supplies.

At 12:15 P.M., a recess was taken until 2:00 P.M. for the purpose of lunching with the faculty of the Stanford School of Law.

The commission next considered the revision of the Education Code. It was suggested that the work might be performed under contract by the Legislative Counsel. The matter was fully discussed and the view expressed that it was essential that the work be performed in such a manner that it be clear to all involved that the commission was performing its assigned task and had not delegated its duties to the Legislative Counsel. After a complete discussion, it was moved by Mr. Shaw, seconded by Mr. Fildew, and unanimously carried, that the chairman and executive secretary be authorized to employ qualified persons or to contract with the Legislative Counsel to revise the Education Code in those particulars enumerated in the minutes of the meeting of the commission on March 20, 1954, and if they determine to contract with the Legislative Counsel, the total cost of said contract shall not exceed \$6,000, provided that, if it is impossible to complete the work for \$6,000 under such a contract, they may be authorized to contract for not to exceed \$12,000 with the prior approval of the commission secured by mail.

It was moved by Mr. Levit, seconded by Mr. Fildew, and unanimously carried, that the executive secretary be authorized to execute any documents which are to be submitted to the Controller, State Personnel Board, and Director of Finance, and that the chairman be authorized to take any action necessary to effectuate this authorization.

The preparation of an agenda for submission to the Legislature in 1955 was discussed. Mr. Fildew moved, seconded by Professor Thurman, and unanimously adopted, that the executive secretary be authorized to prepare a letter, stating that the commission had organized and would welcome suggestions for its study, and mail it to each judge, district attorney, member of the Board of Governors of the

State Bar, local bar association president, member of the faculty of each law school, and each member of the Legislature, provided that any letter addressed to a legislator shall be approved by the commission before mailing.

It was suggested that the executive secretary prepare an article for publication in the State Bar Journal and for publication in the legal newspapers.

Participation of the commission in the annual convention of the State Bar was discussed, and Mr. Fildew agreed to consult with the State Bar to ascertain what arrangements can be made.

The employment of graduates of the Stanford School of Law for summer work was considered. Mr. Fildew moved, seconded by Mr. Swan, and unanimously carried, that the executive secretary prepare a plan for such employment and report thereon at the next meeting of the commission.

The chairman announced that the next meeting of the commission would be in Los Angeles, on Saturday, May 22, 1954, at a place to be later announced.

There being no further business, the meeting was adjourned at 4:00 P.M.

CWJ:cc