

minutes

Date of Meeting: July 24-25, 1959

Date of Memo: July 14, 1959

Memorandum No. 3

Subject: Study #37(L) - Claims

I enclose two items which I believe will be self-explanatory.
I suggest we discuss the draft argument at the July meeting.

Respectfully submitted,

John R. McDonough, Jr.
Executive Secretary

July 8, 1959

California Law Revision Commission
School of Law
Stanford, California

Attention: Mr. John R. McDonough

Dear John:

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Ralph Brown has advised me that I am to prepare the arguments in favor of ACA 16, our constitutional amendment on Claims, and has asked me to arrange for a co-author.

I have written to William Biddick and told him that I would like to have him join with me as such a co-author and that I was writing to you as I was sure that you would like to compose the arguments.

Technically, arguments in favor of a constitutional amendment are limited to 200 words, but the rule does not seem to be too hard and fast. We have somewhere between thirty and sixty days for this matter.

Sincerely,

S/ Clark
Clark L. Bradley

7/14/59

Draft of Argument in Favor of Proposition No. _____

California law provides that a person may not sue a public entity, such as a county, a city or a district, unless he has given the entity written notice of his claim shortly after it accrues. This principle is sound but considerable hardship has resulted from the fact that prior to 1959 there were no less than 174 different statutes, charters and ordinances containing such claim-filing requirements. These differed greatly as to time of filing, information to be furnished, etc. and it was often difficult to determine which provision was applicable to a particular case. This resulted in otherwise meritorious suits against public entities being lost solely because of failure to comply with the applicable claim-filing provision.

To remedy this situation the Legislature in 1959 enacted a new statute to govern the filing of virtually all claims against public entities. The new statute, which replaces most existing claims filing provisions, adequately protects public entities while providing a greatly simplified claim-filing procedure. In order fully to accomplish its purposes it is necessary to make the new statute applicable to chartered cities and to confirm its validity as applied to chartered counties through the adoption of Proposition NO. _____.