

8/25/69

Memorandum 69-83

Subject: Printing of Recommendations to 1970 Legislature

The staff suggests that the following recommendations be printed as separate pamphlets:

(1) Recommendation and Study Relating to the Fictitious Business Name Statute. Comments on Tentative Recommendation will be reviewed at the September meeting. Study will be printed by photo-offset from law review article.

(2) Recommendation and Study Relating to Representations as to Credit. Comments on Tentative Recommendation will be reviewed at October meeting. Study will be reprinted by photo-offset from law review article.

(3) Recommendation Relating to Sovereign Immunity: Number 10-- Revision of the Governmental Liability Act. This recommendation would include all the tentative recommendations on sovereign immunity that have been distributed for comment (prisoners and mental patients--approved for printing; plan or design immunity; ultrahazardous activities; pesticides) and, in addition, if the staff suggestion is adopted, a provision on nuisance liability. All these tentative recommendations would be consolidated into one Recommendation in a separate printed pamphlet. This would anticipate that all the proposals would be combined into one bill so that the problems involved in obtaining enactment of the legislation would be minimized.

(4) Recommendation Relating to the Evidence Code: Number 5--Revisions in the Evidence Code. This pamphlet would contain the combined recommendations on res ipsa loquitur and on the marital testimonial privilege. The

noncontroversial sections of the psychotherapist-patient privilege recommendation also could be included. In addition, the staff suggests (if permission can be obtained) that the two chapters relating to the marital testimonial privileges from the CEB book on Trial Objections be reprinted as background information in the pamphlet. The Commissioners, we believe, found this material to be of value and we believe that the legislators also will find the material of assistance. Making this material available in the pamphlet may avoid the questions that arose when this proposal was considered in 1969 on the Assembly floor.

The marital testimonial privileges portion was approved for printing at the June meeting. The comments on res ipsa loquitur will be considered at the September meeting.

The staff suggests that the following recommendations be printed in the Annual Report as an appendix:

(5) Recommendation Relating to Quasi-Community Property (June 1969). Approved for printing at the June meeting.

(6) Recommendation Relating to Condemnation Law and Procedure: Arbitration of Just Compensation (July 1969). Approved for printing at June meeting after Commissioners have opportunity to provide editorial suggestions concerning revised Recommendation.

(7) Recommendation Relating to Civil Code Section 715.8. A decision as to whether a recommendation will be submitted on this topic will be made at the September meeting.

Respectfully submitted,

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Executive Secretary