

9/11/73

Subject: Annual Report

Attached is a draft of a portion of the Annual Report for the year 1973. The report was sent to the printer for some revisions (of standing type) prior to the July meeting, and the portions that indicate the recommendations we will submit to the 1974 session are not accurate. We will revise those portions to reflect the output decisions made by the Commission when it considers Memorandum 73-60. We will also make a number of technical revisions in the standing type for the report. These technical revisions are indicated in Exhibit I attached.

The following are policy questions that should be considered by the Commission in connection with the Annual Report:

- (1) Recommendations to 1974 session (Memorandum 73-60).
- (2) Topics to be removed from agenda of topics. These are listed on page 1121: (1) Powers of appointment, (2) Counterclaims and cross-complaints, and (3) Joinder of causes of action. The recommendations on these subjects have been substantially enacted.
- (3) New topics. See pages 1121-1122. (Staff recommends no new topics be added to agenda at this time. See Memorandum 73-76 and First Supplement thereto.)
- (4) Legislative history. See page 1123 et seq. This is an accurate report if we assume that the Governor will sign Assembly Bill No. 103 (claim and delivery statute).
- (5) Report on Statutes Repealed by Implication or Held Unconstitutional. Page 1124 to be replaced. (See Memorandum 73-77.)
- (6) We have modified a portion of the Annual Report which formerly listed by session law chapter number the statutes enacted upon Commission recommendation. Our bound volumes contain a list by code of the sections enacted upon Commission recommendation. We have substituted in the Annual Report a cumulation of legislative action on Commission recommendations. See page 1126 et seq. We believe that this cumulation is informative and helpful to one who seeks to determine whether a particular recommendation resulted in the enactment of legislation. We noted a similar type of cumulation in reports of certain foreign law reform commissions and found it useful. We will make any revisions necessary to reflect actions on our recommended bills by the 1973 session.

Respectfully submitted,

John H. DeMouilly  
Executive Secretary

We will make the following technical adjustments in the draft of the Annual Report to reflect the facts as they are known early in November:

(1) At the bottom of page 1108 and the top of page 1109, we will adjust the figures for sections affected by Commission recommended enactments to reflect action taken by the 1973 legislative session.

(2) Page 1110 will be adjusted to reflect Commission membership and to reflect the election of Chairman and Vice Chairman (at the October meeting).

(3) Page 1111 will be adjusted if the Commission determines to request authority to study any new topics and the last sentence will be adjusted to reflect actual meetings held during 1973.

(4) Page 1112 and various other pages will be revised to reflect actual recommendations to be submitted to the 1974 session (see Memorandum 73-60) and Commission's decision whether to drop three topics as recommended by the staff.

(5) Various references in the report to recommended bills submitted to the 1973 session will be revised to reflect whether the particular bill was enacted or was pending when the Legislature recessed in September 1973.

STATE OF CALIFORNIA

**CALIFORNIA LAW  
REVISION COMMISSION**

Annual Report

December 1973

CALIFORNIA LAW REVISION COMMISSION  
School of Law  
Stanford University  
Stanford, California 94305

# THE CALIFORNIA LAW REVISION COMMISSION

## COMMISSION MEMBERS

JOHN D. MILLER  
*Chairman*

MARC SANDSTROM  
*Vice Chairman*

ROBERT S. STEVENS  
*Member of the Senate*

ALISTER McALISTER  
*Member of the Assembly*

JOHN J. BALLUFF  
*Member*

NOBLE K. GREGORY  
*Member*

JOHN N. McLAURIN  
*Member*

THOMAS E. STANTON, JR.  
*Member*

HOWARD R. WILLIAMS  
*Member*

GEORGE H. MURPHY  
*Ex Officio*

## COMMISSION STAFF

### Legal

JOHN H. DEMOULLY  
*Executive Secretary*

JACK I. HORTON  
*Assistant Executive Secretary*

NATHANIEL STERLING  
*Staff Counsel*

STAN G. ULRICH  
*Legal Counsel*

### Administrative-Secretarial

ANNE JOHNSTON  
*Administrative Assistant*

VIOLET S. HARJU  
*Secretary*

KRISTINE A. POWERS  
*Secretary*

## NOTE

This pamphlet begins on page 1101. The Commission's annual reports and its recommendations and studies are published in separate pamphlets which are later bound in permanent volumes. The page numbers in each pamphlet are the same as in the volume in which the pamphlet is bound. The purpose of this numbering system is to facilitate consecutive pagination of the bound volumes. This pamphlet will appear in Volume 11 of the Commission's *Reports, Recommendations, and Studies*.

STATE OF CALIFORNIA

RONALD REAGAN, Governor

**CALIFORNIA LAW REVISION COMMISSION**

SCHOOL OF LAW—STANFORD UNIVERSITY  
STANFORD, CALIFORNIA 94305  
(415) 321-2300, EXT. 2479

- JOHN D. MILLER  
*Chairman*
- MARC SANDSTROM  
*Vice Chairman*
- SENATOR ROBERT S. STEVENS
- ASSEMBLYMAN ALISTER McALISTER
- JOHN J. BALLUFF
- MONIE K. GREGORY
- JOHN M. McLAURIN
- THOMAS E. STANTON, JR.
- HOWARD E. WILLIAMS
- GEORGE M. MURPHY  
*Ex Officio*

December 1, 1973

To: THE HONORABLE RONALD REAGAN  
*Governor of California* and  
THE LEGISLATURE OF CALIFORNIA

In conformity with Government Code Section 10335, the California Law Revision Commission herewith submits this report of its activities during 1973.

This report was printed during the first week of December 1973 so that it would be available in printed form early in January 1974. Accordingly, it does not reflect changes in Commission membership after December 1, 1973.

Respectfully submitted,  
JOHN D. MILLER  
Chairman

**TO BE REVISED**

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# REPORT OF THE CALIFORNIA LAW REVISION COMMISSION FOR THE YEAR 1973

## FUNCTION AND PROCEDURE OF COMMISSION

The California Law Revision Commission consists of one Member of the Senate, one Member of the Assembly, seven members appointed by the Governor with the advice and consent of the Senate, and the Legislative Counsel who is ex officio a nonvoting member.<sup>1</sup>

The principal duties of the Law Revision Commission are to:

(1) Examine the common law and statutes for the purpose of discovering defects and anachronisms.

(2) Receive and consider suggestions and proposed changes in the law from the American Law Institute, the National Conference of Commissioners on Uniform State Laws, bar associations, and other learned bodies, judges, public officials, lawyers, and the public generally.

(3) Recommend such changes in the law as it deems necessary to bring the law of this state into harmony with modern conditions.<sup>2</sup>

The Commission is required to file a report at each regular session of the Legislature containing a calendar of topics selected by it for study, listing both studies in progress and topics intended for future consideration. The Commission may study only topics which the Legislature, by concurrent resolution, authorizes it to study.<sup>3</sup>

Each of the Commission's recommendations is based on a research study of the subject matter concerned. Many of these studies are undertaken by specialists in the fields of law involved who are retained as research consultants to the Commission. This procedure not only provides the Commission with invaluable expert assistance but is economical as well because the attorneys and law professors who serve as research consult-

<sup>1</sup> See CAL. GOVT. CODE §§ 10300-10340.

<sup>2</sup> See CAL. GOVT. CODE § 10330. The Commission is also directed to recommend the express repeal of all statutes repealed by implication or held unconstitutional by the California Supreme Court or the Supreme Court of the United States. CAL. GOVT. CODE § 10331.

<sup>3</sup> See CAL. GOVT. CODE § 10333.

ants have already acquired the considerable background necessary to understand the specific problems under consideration. In some cases, the research study is prepared by a member of the Commission's staff.

The research study includes a discussion of the existing law and the defects therein and suggests possible methods of eliminating those defects. The detailed research study is given careful consideration by the Commission. After making its preliminary decisions on the subject, the Commission distributes a tentative recommendation to the State Bar and to numerous other interested persons. Comments on the tentative recommendation are considered by the Commission in determining what report and recommendation it will make to the Legislature. When the Commission has reached a conclusion on the matter, its recommendation to the Legislature, including a draft of any legislation necessary to effectuate its recommendation, is published in a printed pamphlet.<sup>4</sup> If the research study has not been previously published,<sup>5</sup> it usually is published in the pamphlet containing the recommendation.

The pamphlets are distributed to the Governor, Members of the Legislature, heads of state departments, and a substantial number of judges, district attorneys, lawyers, law professors, and law libraries throughout the state.<sup>6</sup> Thus, a large and representative number of interested persons are given an opportunity to study and comment upon the Commission's work before it is submitted to the Legislature.<sup>7</sup> The annual reports and the recommendations and studies of the Commission are bound in a set of volumes that is both a permanent record of the Commission's work and, it is believed, a valuable contribution to the legal literature of the state.<sup>8</sup>

Commission recommendations have resulted in the enactment of legislation affecting 2,184 sections of the California statutes: 1,106 sections have been added, 542 sections amended, and

TO BE UPDATED

<sup>4</sup> Occasionally one or more members of the Commission may not join in all or part of a recommendation submitted to the Legislature by the Commission.

<sup>5</sup> For background study published in a law review during 1973, see Sterling, *Return Right for Former Owner of Land Taken by Eminent Domain*, 4 PAC. L.J. 65 (1973). For a listing of background studies published in law reviews prior to 1973, see 10 CAL. L. REVISION COMM'N REPORTS 1108 n.5 (1971) and 11 CAL. L. REVISION COMM'N REPORTS 1008 n.5 (1973).

<sup>6</sup> See CAL. GOVT. CODE § 10333.

<sup>7</sup> For a step by step description of the procedure followed by the Commission in preparing the 1963 governmental liability statute, see DeMouly, *Fact Finding for Legislation: A Case Study*, 50 A.B.A.J. 285 (1964). The procedure followed in preparing the Evidence Code is described in 7 CAL. L. REVISION COMM'N REPORTS 3 (1965).

<sup>8</sup> For use of Commission reports as an aid in the interpretation of statutes, see, e.g., *Vaa Arsdale v. Hollinger*, 68 Cal.2d 245, 249-250, 437 P.2d 508, 511, 66 Cal. Rptr. 20, 23 (1968).



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536 sections repealed. For a summary of the legislative action on Commission recommendations, see pages 1100-1100 *infra*.

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CALIFORNIA LAW REVISION COMMISSION

TO BE REVISED LATER

PERSONNEL OF COMMISSION

As of December 1, 1973, the membership of the Law Revision Commission is:

	<i>Term expires</i>
John D. Miller, Long Beach, <i>Chairman</i> .....	October 1, 1973
Marc Sandstrom, San Diego, <i>Vice Chairman</i> .....	October 1, 1975
Hon. Alfred H. Song, Monterey Park, <i>Senate Member</i> ....	•
Hon. Carlos J. Moorhead, Glendale, <i>Assembly Member</i> .....	•
John J. Balluff, Palos Verdes Estates, <i>Member</i> .....	October 1, 1975*
Noble K. Gregory, San Francisco, <i>Member</i> .....	October 1, 1975
John N. McLaurin, Los Angeles, <i>Member</i> .....	October 1, 1973
Thomas E. Stanton, Jr., San Francisco, <i>Member</i> .....	October 1, 1973
Howard R. Williams, Stanford, <i>Member</i> .....	October 1, 1973
George H. Murphy, Sacramento, <i>ex officio Member</i> .....	†

During 1973, the following Stanford Law School students were employed by the Commission on a part-time, intermittent basis: Roger La Brucherie, Tom P. Lallas, and Michael Rand McQuinn.

- \* The legislative members of the Commission serve at the pleasure of the appointing power.
- † The Legislative Counsel is *ex officio* a nonvoting member of the Commission.

### SUMMARY OF WORK OF COMMISSION

During the past year, the Law Revision Commission was engaged in three principal tasks:

(1) Presentation of its legislative program to the Legislature.<sup>1</sup>

(2) Work on various assignments given to the Commission by the Legislature.<sup>2</sup>

(3) A study, made pursuant to Section 10331 of the Government Code, to determine whether any statutes of the state have been held by the Supreme Court of the United States or by the Supreme Court of California to be unconstitutional or to have been impliedly repealed.<sup>3</sup>

During the past year, the Commission has received and considered a number of suggestions for topics that might be studied by the Commission. Some of these suggested topics appear to be in need of study. Nevertheless, because of the limited resources available to the Commission and the substantial topics already on its agenda, the Commission has determined not to request authority to study any new topics.

The Commission held one one-day meeting, four two-day meetings, and six three-day meetings in 1972.

to be revised

<sup>1</sup> See pages 1024-1025 *infra*.

<sup>2</sup> See pages 1012-1021 *infra*.

<sup>3</sup> See pages 1026-1028 *infra*.

1974 LEGISLATIVE PROGRAM

The Commission will submit the following recommendations to the 1974 Legislature:

- (1) *Recommendation Relating to Prejudgment Attachment* (December 1973), to be reprinted in 11 CAL. L. REVISION COMM'N REPORTS 701 (1973).
- (2) *Recommendation Relating to Enforcement of Sister State Money Judgments* (October 1973), to be reprinted in 11 CAL. L. REVISION COMM'N REPORTS 421 (1973).
- (3) *Recommendation Relating to Erroneously Ordered Disclosure of Privileged Information* (October 1973), to be reprinted in 11 CAL. L. REVISION COMM'N REPORTS 1100 (1973).
- (4) *Recommendation Relating to Evidence Code Section 999 - The "Criminal Conduct" Exception to the Physician-Patient Privilege* (October 1973), to be reprinted in 11 CAL. L. REVISION COMM'N REPORTS 1100 (1973).
- (5) *Recommendation and Study Relating to Inheritance Rights of Nonresident Aliens* (October 1973), to be reprinted in 11 CAL. L. REVISION COMM'N REPORTS 451 (1973).

The Commission also recommends that three topics be removed from its calendar (see page 1022 *infra*).

## MAJOR STUDIES IN PROGRESS

## Creditors' Remedies

Resolution Chapter 202 of the Statutes of 1957 authorized the Commission to make a study to determine whether the law relating to attachment, garnishment, and property exempt from execution should be revised. Beginning in 1969, decisions of the United States and California Supreme Courts held that significant portions of the existing statutory provisions relating to creditors' remedies constituted a taking of property in violation of constitutional due process requirements.<sup>1</sup> Therefore, by Resolution Chapter 27 of the Statutes of 1972, the scope of the topic assigned to the Commission was expanded to cover whether the law relating to attachment, garnishment, execution, repossession of property (including the claim and delivery statute, Chapter 2 (commencing with Section 509) of Title 7 of Part 2 of the Code of Civil Procedure, self-help repossession of property, and the Commercial Code repossession of property provisions), civil arrest, confession of judgment procedures, default judgment procedures, and related matters should be revised. The Commission, working with a special committee of the State Bar,<sup>2</sup> is now actively considering this topic. Professor William D. Warren, Stanford Law School, and Professor Stefan A. Riesenfeld, Boalt Hall Law School, University of California at Berkeley, are serving as consultants to the Commission.

As a result of its study of creditors' remedies, the Commission submitted recommendations to the 1971,<sup>3</sup> 1972,<sup>4</sup> and 1973<sup>5</sup> legis-

<sup>1</sup> *E.g.*, *Sniadach v. Family Finance Corp.*, 395 U.S. 337 (1969); *McCallop v. Carberry*, 1 Cal.3d 903, 464 P.2d 122, 83 Cal. Rptr. 666 (1970).

<sup>2</sup> As of December 1973, the members of this committee were Ferdinand F. Fernandez, chairman; Nathan Frankel, Edward N. Jackson, Andrea Ordin, Ronald N. Paul, Arnold M. Quittner, and William W. Vaughn.

<sup>3</sup> *Recommendation Relating to Attachment, Garnishment, and Exemptions From Execution: Discharge from Employment*, 10 CAL. L. REVISION COMM'N REPORTS 1147 (1971). The recommended Legislation was enacted. See Cal. Stats. 1971, Ch. 1607.

<sup>4</sup> *Recommendation Relating to Attachment, Garnishment, and Exemptions From Execution: Employees' Earnings Protection Law*, 10 CAL. L. REVISION COMM'N REPORTS 701 (1971). The recommended legislation—Senate Bill 88 of the 1972 Regular Session—was not enacted, and a revised recommendation on this subject was submitted to the 1973 Legislature. See note 5 *infra*.

<sup>5</sup> *Recommendation and Study Relating to Civil Arrest*, 11 CAL. L. REVISION COMM'N REPORTS 1 (1973); *Recommendation Relating to Wage Garnishment and Related Matters*, 11 CAL. L. REVISION COMM'N REPORTS 101 (1973); and *Recommendation Relating to the Claim and Delivery Statute*, 11 CAL. L. REVISION COMM'N REPORTS 301 (1973). The recommended Legislation was enacted. See Cal. Stats. 1973, Chs. 20 (civil arrest), 000 (claim and delivery), and 000, 000 (wage garnishment).

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## CALIFORNIA LAW REVISION COMMISSION

lative sessions. The Commission will submit two additional recommendations to the 1974 session. See *Recommendation Relating to Prejudgment Attachment* (December 1973), to be reprinted in 11 CAL. L. REVISION COMM'N REPORTS 701 (1973); *Recommendation Relating to Enforcement of Sister State Money Judgments* (October 1973), to be reprinted in 11 CAL. L. REVISION COMM'N REPORTS 421 (1973). See also *Tentative Recommendation Relating to Prejudgment Attachment* (March 1973), to be reprinted in 11 CAL. L. REVISION COMM'N REPORTS 501 (1973).

**Condemnation Law and Procedure**

The Commission is now engaged in the study of condemnation law and procedure and tentatively plans to submit a recommendation for a comprehensive statute on this subject to the 1975 Legislature.

The Commission plans to publish a tentative recommendation during 1974 which will include a draft of a comprehensive eminent domain statute. The comments and criticisms received from interested persons and organizations on the tentative statute will be considered before the statute to be recommended to the Legislature is drafted.

The Commission has retained three consultants to provide expert assistance in the condemnation study: Gideon Kanner, Los Angeles attorney, Thomas M. Dankert, Ventura attorney, and Norman E. Matteoni, Deputy County Counsel of Santa Clara County.

## CALENDAR OF TOPICS FOR STUDY

### Topics Authorized for Study

The Commission has on its calendar of topics the topics listed below. Each of these topics has been authorized for Commission study by the Legislature.<sup>1</sup>

### Topics Under Active Consideration

During the next year, the Commission plans to devote substantially all of its time to consideration of the following topics:

**Creditors' remedies.** Whether the law relating to attachment, garnishment, execution, repossession of property (including the claim and delivery statute, Chapter 2 (commencing with Section 509) of Title 7 of Part 2 of the Code of Civil Procedure, self-help repossession of property, and the Commercial Code repossession of property provisions), civil arrest, confession of judgment procedures, default judgment procedures, and related matters should be revised.<sup>2</sup>

<sup>1</sup> Section 10335 of the Government Code provides that the Commission shall study, in addition to those topics which it recommends and which are approved by the Legislature, any topic which the Legislature by concurrent resolution refers to it for such study.

<sup>2</sup> Authorized by Cal. Stats. 1972, Res. Ch. 27. See also Cal. Stats. 1957, Res. Ch. 202, at 4589; see also 1 CAL. L. REVISION COMM'N REPORTS, 1957 Report at 15 (1957).

See *Recommendation Relating to Attachment, Garnishment, and Exemptions From Execution: Discharge From Employment*, 10 CAL. L. REVISION COMM'N REPORTS 1147 (1971). For a legislative history of this recommendation, see 10 CAL. L. REVISION COMM'N REPORTS 1126-1127 (1971). The recommended legislation was enacted. See Cal. Stats. 1971, Ch. 1607.

See also *Recommendation Relating to Attachment, Garnishment, and Exemptions From Execution: Employees' Earnings Protection Law*, 10 CAL. L. REVISION COMM'N REPORTS 701 (1971). For a legislative history of this recommendation, see 11 CAL. L. REVISION COMM'N REPORTS 1024 (1973). The recommended legislation was not enacted. The Commission submitted a revised recommendation to the 1973 Legislature. See *Recommendation Relating to Wage Garnishment and Related Matters*, 11 CAL. L. REVISION COMM'N REPORTS 101 (1973). For a legislative history of this recommendation, see 11 CAL. L. REVISION COMM'N REPORTS 1100 (1973). The recommended legislation was enacted. See Cal. Stats. 1973, Ch. 000.

See also *Recommendation and Study Relating to Civil Arrest*, 11 CAL. L. REVISION COMM'N REPORTS 1 (1973). For a legislative history of this recommendation, see 11 CAL. L. REVISION COMM'N REPORTS 1100 (1973). The recommended legislation was enacted. See Cal. Stats. 1973, Ch. 20.

See also *Recommendation Relating to the Claim and Delivery Statute*, 11 CAL. L. REVISION COMM'N REPORTS 301 (1973). For a legislative history of this recommendation, see 11 CAL. L. REVISION COMM'N REPORTS 1100-1100 (1973). The recommended legislation was enacted. See Cal. Stats. 1973, Ch. 000.

See also *Recommendation Relating to Prejudgment Attachment* (December 1973), reprinted in 11 CAL. L. REVISION COMM'N REPORTS 701 (1973); *Recommendation Relating to Enforcement of Sister State Money Judgments* (October 1973),

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## CALIFORNIA LAW REVISION COMMISSION

Condemnation law and procedure. Whether the law and procedure relating to condemnation should be revised with a view to recommending a comprehensive statute that will safeguard the rights of all parties to such proceedings.<sup>3</sup>

Right of nonresident aliens to inherit. Whether the law relating to the right of nonresident aliens to inherit should be revised.<sup>4</sup>

Liquidated damages. Whether the law relating to liquidated damages in contracts and, particularly, in leases, should be revised.<sup>5</sup>

reprinted in 11 CAL. L. REVISION COMM'N REPORTS 421 (1973). These recommendations will be submitted to the 1974 Legislature.

<sup>3</sup> Authorized by Cal. Stats. 1965, Res. Ch. 130, at 5289; see also Cal. Stats. 1956, Res. Ch. 42, at 263; 4 CAL. L. REVISION COMM'N REPORTS 115 (1963).

See *Recommendation and Study Relating to Evidence in Eminent Domain Proceedings; Recommendation and Study Relating to Taking Possession and Passage of Title in Eminent Domain Proceedings; Recommendation and Study Relating to the Reimbursement for Moving Expenses When Property Is Acquired for Public Use*, 3 CAL. L. REVISION COMM'N REPORTS at A-1, B-1, and C-1 (1961). For a legislative history of these recommendations, see 3 CAL. L. REVISION COMM'N REPORTS, Legislative History at 1-5 (1961). See also Cal. Stats. 1961, Ch. 1612 (tax apportionment) and Ch. 1613 (taking possession and passage of title). The substance of two of these recommendations was incorporated in legislation enacted in 1965, Cal. Stats. 1965, Ch. 1151 (evidence in eminent domain proceedings); Ch. 1649 and Ch. 1650 (reimbursement for moving expenses).

See also *Recommendation and Study Relating to Condemnation Law and Procedure: Number 4—Discovery in Eminent Domain Proceedings*, 4 CAL. L. REVISION COMM'N REPORTS 701 (1963). For a legislative history of this recommendation, see 4 CAL. L. REVISION COMM'N REPORTS 213 (1963). See also *Recommendation Relating to Discovery in Eminent Domain Proceedings*, 8 CAL. L. REVISION COMM'N REPORTS 19 (1967). For a legislative history of this recommendation, see 8 CAL. L. REVISION COMM'N REPORTS 1318 (1967). The recommended legislation was enacted. See Cal. Stats. 1967, Ch. 1104 (exchange of valuation data).

See also *Recommendation Relating to Recovery of Condemnee's Expenses on Abandonment of an Eminent Domain Proceeding*, 8 CAL. L. REVISION COMM'N REPORTS 1361 (1967). For a legislative history of this recommendation, see 9 CAL. L. REVISION COMM'N REPORTS 19 (1969). The recommended legislation was enacted. See Cal. Stats. 1968, Ch. 133.

See also *Recommendation Relating to Arbitration of Just Compensation*, 9 CAL. L. REVISION COMM'N REPORTS 123 (1969). For a legislative history of this recommendation, see 10 CAL. L. REVISION COMM'N REPORTS 1018 (1971). The recommended legislation was enacted. See Cal. Stats. 1970, Ch. 417.

The Commission is now engaged in the study of this topic and tentatively plans to submit a recommendation for a comprehensive statute to the 1975 Legislature. See 11 CAL. L. REVISION COMM'N REPORTS 1015 (1973). See also *Tentative Recommendation and a Study Relating to Condemnation Law and Procedure: Number 1—Possession Prior to Final Judgment and Related Problems*, 8 CAL. L. REVISION COMM'N REPORTS 1101 (1967).

<sup>4</sup> Authorized by Cal. Stats. 1969, Res. Ch. 224, at 3888. See *Recommendation and Study Relating to Inheritance Rights of Nonresident Aliens* (October 1973), reprinted in 11 CAL. L. REVISION COMM'N REPORTS 451 (1973). This recommendation will be submitted to the 1974 Legislature.

<sup>5</sup> Authorized by Cal. Stats. 1969, Res. Ch. 224, at 3888. See *Recommendation and Study Relating to Liquidated Damages* (October 1973), reprinted in 11 CAL. L. REVISION COMM'N REPORTS 1301 (1973). This recommendation will be submitted to the 1974 Legislature.



**Partition procedures.** Whether the various sections of the Code of Civil Procedure relating to partition should be revised and whether the provisions of the Code of Civil Procedure relating to the confirmation of partition sales and the provisions of the Probate Code relating to the confirmation of sales of real property of estates of deceased persons should be made uniform and, if not, whether there is need for clarification as to which of them governs confirmation of private judicial partition sales.<sup>6</sup>

**Lease Law.** Whether the law relating to the rights and duties attendant upon termination or abandonment of a lease should be revised.<sup>7</sup>

**Escheat; unclaimed property.** Whether the law relating to the escheat of property and the disposition of unclaimed or abandoned property should be revised.<sup>8</sup>

#### Other Topics Authorized for Study

The Commission has not yet begun the preparation of a recommendation on the topics listed below.

<sup>6</sup> Authorized by Cal. Stats. 1959, Res. Ch. 218, at 5792; see also Cal. Stats. 1956, Res. Ch. 42, at 263; 1 CAL. L. REVISION COMM'N REPORTS, 1956 Report at 21 (1957). The Commission has retained Mr. Garrett H. Elmore as the consultant on this topic. Mr. Elmore is preparing a background study.

<sup>7</sup> Authorized by Cal. Stats. 1965, Res. Ch. 130, at 5289; see also Cal. Stats. 1957, Res. Ch. 202, at 4589.

See *Recommendation and Study Relating to Abandonment or Termination of a Lease*, 8 CAL. L. REVISION COMM'N REPORTS 701 (1967). For a legislative history of this recommendation, see 8 CAL. L. REVISION COMM'N REPORTS 1319 (1967).

See also *Recommendation Relating to Real Property Leases*, 9 CAL. L. REVISION COMM'N REPORTS 401 (1969). For a legislative history of this recommendation, see 9 CAL. L. REVISION COMM'N REPORTS 98 (1969).

See also *Recommendation Relating to Real Property Leases*, 9 CAL. L. REVISION COMM'N REPORTS 153 (1969). For a legislative history of this recommendation, see 10 CAL. L. REVISION COMM'N REPORTS 1018 (1971). The recommended legislation was enacted. See Cal. Stats. 1970, Ch. 89.

See also *Recommendation and Study Relating to Disposition of Property Left by Tenant After Termination of Tenancy* (December 1973), to be reprinted in 11 CAL. L. REVISION COMM'N REPORTS 1201 (1973).

<sup>8</sup> Authorized by Cal. Stats. 1967, Res. Ch. 81, at 4592; see also Cal. Stats. 1956, Res. Ch. 42, at 263.

See *Recommendation Relating to Escheat*, 8 CAL. L. REVISION COMM'N REPORTS 1001 (1967). For a legislative history of this recommendation, see 9 CAL. L. REVISION COMM'N REPORTS 16-18 (1969). Most of the recommended legislation was enacted. See Cal. Stats. 1968, Ch. 247 (escheat of decedent's estate) and Ch. 356 (unclaimed property act).

See also *Recommendation Relating to Unclaimed Property*, 11 CAL. L. REVISION COMM'N REPORTS 401 (1973). For a legislative history of this recommendation, see 11 CAL. L. REVISION COMM'N REPORTS 1100 (1973).

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## CALIFORNIA LAW REVISION COMMISSION

Child custody and related matters. Whether the law relating to custody of children, adoption, guardianship, freedom from parental custody and control, and related matters should be revised.<sup>1</sup>

Nonprofit corporations. Whether the law relating to nonprofit corporations should be revised.<sup>2</sup>

Oral modification of a written contract. Whether Section 1698 of the Civil Code (oral modification of a written contract) should be repealed or revised.<sup>3</sup>

Parol evidence rule. Whether the parol evidence rule should be revised.<sup>4</sup>

Prejudgment interest. Whether the law relating to the award of prejudgment interest in civil actions and related matters should be revised.<sup>5</sup>

Arbitration. Whether the law relating to arbitration should be revised.<sup>6</sup>

#### Topics Continued on Calendar for Further Study

On the following topics, studies and recommendations relating to the topic, or one or more aspects of the topic, have been made. The topics are continued on the Commission's Calendar

<sup>1</sup> Authorized by Cal. Stats. 1972, Res. Ch. 27. See 10 CAL. L. REVISION COMM'N REPORTS 1122 (1971). See also Cal. Stats. 1956, Res. Ch. 42, at 263; 1 CAL. L. REVISION COMM'N REPORTS, 1956 Report at 29 (1957).

A background study on one aspect of the topic has been prepared by the Commission's consultant. See Bodenheimer, *The Multiplicity of Child Custody Proceedings—Problems of California Law*, 23 STAN. L. REV. 703 (1971). This study does not necessarily represent the views of the Commission; the Commission's action will be reflected in its own recommendation. The Commission has retained the same consultant (Professor Brigitte M. Bodenheimer, Law School, University of California at Davis) to prepare a background study on another aspect of the topic—adoption—and she is now working on this new study.

<sup>2</sup> Authorized by Cal. Stats. 1970, Res. Ch. 54, at 3547; see also 9 CAL. L. REVISION COMM'N REPORTS 107 (1969).

<sup>3</sup> Authorized by Cal. Stats. 1957, Res. Ch. 202, at 4589; see also 1 CAL. L. REVISION COMM'N REPORTS, 1957 Report at 21 (1957). For a background study prepared by a former part-time member of the Commission's staff, see Timbie, *Modification of Written Contracts in California*, 23 HASTINGS L.J. 13-19 (1972). This study does not necessarily represent the views of the Commission; the Commission's action will be reflected in its own recommendation.

<sup>4</sup> Authorized by Cal. Stats. 1971, Res. Ch. 75; see also 10 CAL. L. REVISION COMM'N REPORTS 1031 (1971).

<sup>5</sup> Authorized by Cal. Stats. 1971, Res. Ch. 75.

<sup>6</sup> Authorized by Cal. Stats. 1968, Res. Ch. 110, at 3103; see also 3 CAL. L. REVISION COMM'N REPORTS 1325 (1967).

This is a supplemental study; the present California arbitration law was enacted in 1961 upon Commission recommendation. See *Recommendation and Study Relating to Arbitration*, 3 CAL. L. REVISION COMM'N REPORTS at G-1 (1961). For a legislative history of this recommendation, see 4 CAL. L. REVISION COMM'N REPORTS 15 (1963). See also Cal. Stats. 1961, Ch. 451.

for further study of recommendations not enacted or for the study of additional aspects of the topic or new developments.

**Governmental liability.** Whether the doctrine of sovereign or governmental immunity in California should be abolished or revised.<sup>1</sup>

**Evidence.** Whether the Evidence Code should be revised.<sup>2</sup>

<sup>1</sup> Authorized by Cal. Stats. 1957, Res. Ch. 202, at 4589.

See *Recommendations Relating to Sovereign Immunity: Number 1—Tort Liability of Public Entities and Public Employees; Number 2—Claims, Actions and Judgments Against Public Entities and Public Employees; Number 3—Insurance Coverage for Public Entities and Public Employees; Number 4—Defense of Public Employees; Number 5—Liability of Public Entities for Ownership and Operation of Motor Vehicles; Number 6—Workmen's Compensation Benefits for Persons Assisting Law Enforcement or Fire Control Officers; Number 7—Amendments and Repeals of Inconsistent Special Statutes*, 4 CAL. L. REVISION COMM'N REPORTS 801, 1001, 1201, 1301, 1401, 1501, and 1601 (1963). For a legislative history, of these recommendations, see 4 CAL. L. REVISION COMM'N REPORTS 211-213 (1963). See also *A Study Relating to Sovereign Immunity*, 5 CAL. L. REVISION COMM'N REPORTS 1 (1963). See also Cal. Stats. 1963, Ch. 1681 (tort liability of public entities and public employees), Ch. 1715 (claims, actions and judgments against public entities and public employees), Ch. 1682 (insurance coverage for public entities and public employees), Ch. 1683 (defense of public employees), Ch. 1684 (workmen's compensation benefits for persons assisting law enforcement or fire control officers), Ch. 1685 (amendments and repeals of inconsistent special statutes), Ch. 1686 (amendments and repeals of inconsistent special statutes), Ch. 2029 (amendments and repeals of inconsistent special statutes).

See also *Recommendation Relating to Sovereign Immunity: Number 8—Revisions of the Governmental Liability Act*, 7 CAL. L. REVISION COMM'N REPORTS 401 (1965). For a legislative history of this recommendation, see 7 CAL. L. REVISION COMM'N REPORTS 914 (1965). See also Cal. Stats. 1965, Ch. 653 (claims and actions against public entities and public employees), Ch. 1527 (liability of public entities for ownership and operation of motor vehicles).

See also *Recommendation Relating to Sovereign Immunity: Number 9—Statute of Limitations in Actions Against Public Entities and Public Employees*, 9 CAL. L. REVISION COMM'N REPORTS 49 (1969). For a legislative history of this recommendation, see 9 CAL. L. REVISION COMM'N REPORTS 98 (1969). See also *Proposed Legislation Relating to Statute of Limitations in Actions Against Public Entities and Public Employees*, 9 CAL. L. REVISION COMM'N REPORTS 175 (1969). For a legislative history of this recommendation, see 10 CAL. L. REVISION COMM'N REPORTS 1021 (1971). The recommended legislation was enacted. See Cal. Stats. 1970, Ch. 104.

See also *Recommendation Relating to Sovereign Immunity: Number 10—Revisions of the Governmental Liability Act*, 9 CAL. L. REVISION COMM'N REPORTS 801 (1969). For a legislative history of this recommendation, see 10 CAL. L. REVISION COMM'N REPORTS 1020 (1971). Most of the recommended legislation was enacted. See Cal. Stats. 1970, Ch. 662 (entry to make tests) and Ch. 1099 (liability for use of pesticides, liability for damages from tests).

<sup>2</sup> Authorized by Cal. Stats. 1965, Res. Ch. 130, at 5289.

See *Recommendation Proposing an Evidence Code*, 7 CAL. L. REVISION COMM'N REPORTS 1 (1965). A series of tentative recommendations and research studies relating to the Uniform Rules of Evidence was published and distributed for comment prior to the preparation of the recommendation proposing the Evidence Code. See 6 CAL. L. REVISION COMM'N REPORTS at 1, 101, 201, 301, 401, 501, 601, 701, 801, 901, 1001, and *Appendix* (1964). For a legislative history of this recommendation, see 7 CAL. L. REVISION COMM'N REPORTS 912-914 (1965). See also *Evidence Code With Official Comments*, 7 CAL. L. REVISION COMM'N REPORTS 1001 (1965). See also Cal. Stats. 1965, Ch. 299 (Evidence Code).

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Inverse condemnation. Whether the decisional, statutory, and constitutional rules governing the liability of public entities for inverse condemnation should be revised (including but not limited to liability for damages resulting from flood control projects) and whether the law relating to the liability of private persons under similar circumstances should be revised.<sup>3</sup>

Unincorporated associations. Whether the law relating to suit by and against partnerships and other unincorporated associations

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See also *Recommendations Relating to the Evidence Code: Number 1—Evidence Code Revisions; Number 2—Agricultural Code Revisions; Number 3—Commercial Code Revisions*, 8 CAL. L. REVISION COMM'N REPORTS 101, 201, 301 (1967). For a legislative history of these recommendations, see 8 CAL. L. REVISION COMM'N REPORTS 1315 (1967). See also Cal. Stats. 1967, Ch. 650 (Evidence Code revisions), Ch. 262 (Agricultural Code revisions), Ch. 703 (Commercial Code revisions).

See also *Recommendation Relating to the Evidence Code: Number 4—Revision of the Privileges Article*, 9 CAL. L. REVISION COMM'N REPORTS 501 (1969). For a legislative history of this recommendation, see 9 CAL. L. REVISION COMM'N REPORTS 98 (1969).

See also *Recommendation Relating to the Evidence Code: Number 5—Revisions of the Evidence Code*, 9 CAL. L. REVISION COMM'N REPORTS 137 (1969). For a legislative history of this recommendation, see 10 CAL. L. REVISION COMM'N REPORTS 1018 (1971). Some of the recommended legislation was enacted. See Cal. Stats. 1970, Ch. 69 (res ipsa loquitur), Ch. 1397 (psychotherapist-patient privilege).

See also report concerning *Proof of Foreign Official Records*, 10 CAL. L. REVISION COMM'N REPORTS 1022 (1971) and Cal. Stats. 1970, Ch. 41.

See also *Recommendation Relating to Erroneously Ordered Disclosure of Privileged Information* (October 1973), reprinted in 11 CAL. L. REVISION COMM'N REPORTS 1100 (1973); *Recommendation Relating to Evidence Code Section 929—The "Criminal Conduct" Exception to the Physician-Patient Privilege* (October 1973), reprinted in 11 CAL. L. REVISION COMM'N REPORTS 1100 (1973). These recommendations will be submitted to the 1974 Legislature.

This topic is under continuing study to determine whether any substantive, technical, or clarifying changes are needed in the Evidence Code and whether changes are needed in other codes to conform them to the Evidence Code. See 10 CAL. L. REVISION COMM'N REPORTS 1015 (1971). See also Cal. Stats. 1972, Ch. 764.

\* Authorized by Cal. Stats. 1970, Res. Ch. 46, at 3541; see also Cal. Stats. 1965, Res. Ch. 130, at 5289.

See *Recommendation Relating to Inverse Condemnation: Insurance Coverage*, 10 CAL. L. REVISION COMM'N REPORTS 1031 (1971). For a legislative history of this recommendation, see 10 CAL. L. REVISION COMM'N REPORTS 1126 (1971). The recommended legislation was enacted. See Cal. Stats. 1971, Ch. 140.

See also *Recommendation Relating to Sovereign Immunity: Number 10—Revisions of the Governmental Liability Act*, 9 CAL. L. REVISION COMM'N REPORTS 801 (1969). For a legislative history of this recommendation, see 10 CAL. L. REVISION COMM'N REPORTS 1020 (1971). Most of the recommended legislation was enacted. See Cal. Stats. 1970, Ch. 662 (entry to make tests) and Ch. 1099 (liability for use of pesticides, liability for damages from tests). See also *Proposed Legislation Relating to Statute of Limitations in Actions Against Public Entities and Public Employees*, 9 CAL. L. REVISION COMM'N REPORTS 175 (1969). For a legislative history of this recommendation, see 10 CAL. L. REVISION COMM'N REPORTS 1021 (1971). The recommended legislation was enacted. See Cal. Stats. 1970, Ch. 104.

See also Van Alstyne, *California Inverse Condemnation Law*, 10 CAL. L. REVISION COMM'N REPORTS 1 (1971).

The Commission's consultant (Professor Arvo Van Alstyne, College of Law, University of Utah) is preparing a background study on the procedural aspects of inverse condemnation.

should be revised and whether the law relating to the liability of such associations and their members should be revised.<sup>4</sup>

### Topics to Be Removed From Calendar of Topics

On the following topics, studies and recommendations relating to the topics have been made and legislation enacted. Because of their nature, these topics do not need to be continued on the Commission's calendar for further study.<sup>5</sup>

**Powers of appointment.** Whether the law relating to a power of appointment should be revised.<sup>6</sup>

**Counterclaims and cross-complaints.** Whether the law relating to counterclaims and cross-complaints should be revised.<sup>7</sup>

**Joinder of causes of action.** Whether the law relating to joinder of causes of action should be revised.<sup>8</sup>

### Topics for Future Consideration

During the next few years, the Commission plans to devote its attention primarily to (1) creditors' remedies and (2) condemnation law and procedure. Legislative committees have indicated that they wish these topics to be given priority.

<sup>4</sup> Authorized by Cal. Stats. 1966, Res. Ch. 9, at 241; see also Cal. Stats. 1957, Res. Ch. 202, at 4589.

See *Recommendation and Study Relating to Suit by or Against an Unincorporated Association*, 8 CAL. L. REVISION COMM'N REPORTS 901 (1967). For a legislative history of this recommendation, see 8 CAL. L. REVISION COMM'N REPORTS 1317 (1967). The recommended legislation was enacted. See Cal. Stats. 1967, Ch. 1324.

See also *Recommendation Relating to Service of Process on Unincorporated Associations*, 8 CAL. L. REVISION COMM'N REPORTS 1403 (1967). For a legislative history of this recommendation, see 9 CAL. L. REVISION COMM'N REPORTS 18-19 (1969). The recommended legislation was enacted. See Cal. Stats. 1968, Ch. 132.

<sup>5</sup> Some of the topics upon which studies and recommendations have been made are nevertheless retained on the Commission's calendar for further study of recommendations not enacted or for the study of additional aspects of the topic or new developments. See pages 1019-1021 *supra*.

<sup>6</sup> Authorized by Cal. Stats. 1965, Res. Ch. 130, at 5229. See *Recommendation and Study Relating to Powers of Appointment*, 9 CAL. L. REVISION COMM'N REPORTS 301 (1969). For a legislative history of this recommendation, see 9 CAL. L. REVISION COMM'N REPORTS 98 (1969). The recommended legislation was enacted. See Cal. Stats. 1969, Chs. 113, 155.

<sup>7</sup> Authorized by Cal. Stats. 1969, Res. Ch. 224, at 3888; see also 9 CAL. L. REVISION COMM'N REPORTS 25 (1969).

See *Recommendation and Study Relating to Counterclaims and Cross-Complaints, Joinder of Causes of Action, and Related Provisions*, 10 CAL. L. REVISION COMM'N REPORTS 501 (1971). For a legislative history of this recommendation, see 10 CAL. L. REVISION COMM'N REPORTS 1123-1126 (1971). The recommended legislation was enacted. See Cal. Stats. 1971, Ch. 244. See also Cal. Stats. 1971, Ch. 950; Cal. Stats. 1972, Ch. 73.

<sup>8</sup> *Ibid.*

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Because of the limited resources available to the Commission and the substantial topics already on its agenda, the Commission does not recommend any additional topics for inclusion on its agenda.

## LEGISLATIVE HISTORY OF RECOMMENDATIONS SUBMITTED TO 1973 LEGISLATIVE SESSION

### Resolution Approving Topics for Study

Senate Concurrent Resolution No. 7, introduced by Senator Alfred H. Song and adopted as Resolution Chapter 39 of the Statutes of 1973, authorizes the Commission to continue its study of topics previously authorized for study.

As introduced, the resolution also approved the removal of four topics from the Commission's agenda. However, the resolution was amended in the Senate and, as adopted, approved the removal of only two topics: (1) whether the law relating to the use of fictitious names should be revised and (2) whether the law relating to quasi-community property and property described in Section 201.5 of the Probate Code should be revised.

### Civil Arrest

Senate Bill 81, which became Chapter 20 of the Statutes of 1973, was introduced by Senator Song to effectuate the recommendation of the Commission on this subject. See Recommendation and Study Relating to Civil Arrest (July 1972), to be reprinted in 11 Cal. L. Revision Comm'n Reports 1 (1973). The bill was enacted as introduced.

### Wage Garnishment and Related Matters

Assembly Bill No. 101 and Assembly Bill No. 102 were introduced by Assemblyman Warren and Senator Song to effectuate the recommendation of the Commission on this subject. See Recommendation Relating to Wage Garnishment and Related Matters (October 1972), to be reprinted in 11 Cal. L. Revision Comm'n Reports 101 (1973). Both bills were passed in amended form by the Assembly and were pending in the Senate when the Legislature recessed in September 1973. The bills will be given further consideration by the Legislature in 1974.

### Claim and Delivery Statute

Assembly Bill No. 103, which in amended form became Chapter 0000 of the Statutes of 1973, was introduced by Assemblyman Warren and Senator Song to effectuate the recommendation of the Commission on this subject. See Recommendation Relating to the Claim and Delivery Statute (December 1972), to be reprinted in 11 Cal. L. Revision Comm'n Reports 301 (1973). The bill was substantially amended in the Assembly and in the Senate. The Senate Judiciary Committee adopted a special report with reference to the bill. This report contained revised Comments to various sections which reflected the amendments to the bill after its introduction. See Report of Senate Committee on Judiciary on Assembly Bill 103, Senate J. [date] at [page]. The text of the bill as enacted, together with the official Comments, is set out as Appendix \_\_\_ to this Report. Most of the amendments to Assembly Bill No. 103 were technical or clarifying. One significant amendment was made: Subdivision (b) of Section 512.020 was amended to add paragraph (3) which authorizes the court to issue a writ ex parte where the property claimed is commercial property which is not necessary for the support of the defendant or his family and which is likely to be unavailable for levy if the matter is heard upon noticed motion.

### Unclaimed Property

Assembly Bill No. 727 and Assembly Joint Resolution 27 were introduced by Assemblyman McAlister to effectuate the Commission's recommendation concerning the Unclaimed Property Law (Code of Civil Procedure Section 1500 et seq.). See Recommendation Relating to Unclaimed Property (March 1973), to be reprinted in 11 Cal. L. Revision Comm'n Reports 401 (1973). Assembly Bill No. 727 was pending in the Assembly Judiciary Committee when the Legislature recessed in September 1973. The bill will be given further consideration by the Legislature in 1974. Assembly Joint Resolution No. 27 was adopted as Resolution Chapter 76 of the Statutes of 1973. The resolution was adopted as introduced.



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**TO BE REVISED****REPORT ON STATUTES REPEALED BY IMPLICATION  
OR HELD UNCONSTITUTIONAL**

Section 10331 of the Government Code provides:

The Commission shall recommend the express repeal of all statutes repealed by implication, or held unconstitutional by the Supreme Court of the State or the Supreme Court of the United States.

Pursuant to this directive the Commission has made<sup>1</sup> a study of the decisions of the Supreme Court of the United States and of the Supreme Court of California handed down since the Commission's last Annual Report was prepared.<sup>1</sup> It has the following to report:

- (1) No decision of the Supreme Court of the United States or of the Supreme Court of California holding a statute of this state repealed by implication has been found.
- (2) No decision of the Supreme Court of the United States holding a statute of this state unconstitutional has been found.
- (3) Eight decisions of the Supreme Court of California holding statutes of this state unconstitutional have been found.

<sup>1</sup> This study has been carried through 93 S. Ct. 28 (Oct. 6, 1972) and 8 Cal3d 120 (Oct. 4, 1972).

To Be Revised

RECOMMENDATIONS

The Law Revision Commission respectfully recommends that the Legislature authorize the Commission to complete its study of the topics previously authorized for study (see pages 1016-1021 of this Report) and to remove from its calendar of topics the topics listed on page 1022 of this Report.

Pursuant to the mandate imposed by Section 10331 of the Government Code, the Commission recommends the repeal of the provisions referred to on pages 1026-1028 to the extent that those provisions have been held to be unconstitutional.

LEGISLATIVE ACTION ON COMMISSION RECOMMENDATIONS

Recommendation

Action by Legislature

1. *Partial Revision of Education Code*, 1 CAL. L. REVISION COMM'N REPORTS, Annual Report for 1954 at 12 (1957)

Enacted. Cal. Stats. 1955, Chs. 799, 877

2. *Summary Distribution of Small Estates Under Probate Code Sections 640 to 646*, 1 CAL. L. REVISION COMM'N REPORTS, Annual Report for 1954 at 50 (1957)

Enacted. Cal. Stats. 1955, Ch. 1183

3. *Fish and Game Code*, 1 CAL. L. REVISION COMM'N REPORTS, Annual Report for 1957 at 13 (1957); 1 CAL. L. REVISION COMM'N REPORTS, Annual Report for 1956 at 13 (1957)

Enacted. Cal. Stats. 1957, Ch. 456

4. *Maximum Period of Confinement in a County Jail*, 1 CAL. L. REVISION COMM'N REPORTS at A-1 (1957)

Enacted. Cal. Stats. 1957, Ch. 139

5. *Notice of Application for Attorney's Fees and Costs in Domestic Relations Actions*, 1 CAL. L. REVISION COMM'N REPORTS at B-1 (1957)

Enacted. Cal. Stats. 1957, Ch. 540

6. *Taking Instructions to Jury Room*, 1 CAL. L. REVISION COMM'N REPORTS at C-1 (1957)

Not enacted. But see CODE CIV. PROC. § 612.5 enacting substance of this recommendation.

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7. *The Dead Man Statute*, 1 CAL. L. REVISION COMM'N REPORTS at D-1 (1957) Not enacted. But recommendation accomplished in enactment of Evidence Code. See Comment to EVID. CODE § 1261.
8. *Rights of Surviving Spouse in Property Acquired by Decedent While Domiciled Elsewhere*, 1 CAL. L. REVISION COMM'N REPORTS at E-1 (1957) Enacted. Cal. Stats. 1957, Ch. 490
9. *The Marital "For and Against" Testimonial Privilege*, 1 CAL. L. REVISION COMM'N REPORTS at F-1 (1957) Not enacted. But recommendation accomplished in enactment of Evidence Code. See Comment to EVID. CODE § 970.
10. *Suspension of the Absolute Power of Alienation*, 1 CAL. L. REVISION COMM'N REPORTS at G-1 (1957); 2 CAL. L. REVISION COMM'N REPORTS, Annual Report for 1959 at 14 (1959) Enacted. Cal. Stats. 1959, Ch. 470
11. *Elimination of Obsolete Provisions in Penal Code Sections 1377 and 1378*, 1 CAL. L. REVISION COMM'N REPORTS at H-1 (1957) Enacted. Cal. Stats. 1957, Ch. 102
12. *Judicial Notice of the Law of Foreign Countries*, 1 CAL. L. REVISION COMM'N REPORTS at I-1 (1957) Enacted. Cal. Stats. 1957, Ch. 249
13. *Choice of Law Governing Survival of Actions*, 1 CAL. L. REVISION COMM'N REPORTS at J-1 (1957) No legislation recommended.

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14. *Effective Date of Order Ruling on a Motion for New Trial*, 1 CAL. L. REVISION COMM'N REPORTS at K-1 (1957); 2 CAL. L. REVISION COMM'N REPORTS, Annual Report for 1959 at 16 (1959) Enacted. Cal. Stats. 1959, Ch. 468
15. *Retention of Venue for Convenience of Witnesses*, 1 CAL. L. REVISION COMM'N REPORTS at L-1 (1957) Not enacted.
16. *Bringing New Parties Into Civil Actions*, 1 CAL. L. REVISION COMM'N REPORTS at M-1 (1957) Enacted. Cal. Stats. 1957, Ch. 1498
17. *Grand Juries*, 2 CAL. L. REVISION COMM'N REPORTS, Annual Report for 1959 at 20 (1959) Enacted. Cal. Stats. 1959, Ch. 501
18. *Procedure for Appointing Guardians*, 2 CAL. L. REVISION COMM'N REPORTS, Annual Report for 1959 at 21 (1959) Enacted. Cal. Stats. 1959, Ch. 500
19. *Appointment of Administrator in Quiet Title Action*, 2 CAL. L. REVISION COMM'N REPORTS, Annual Report for 1959 at 29 (1959) No legislation recommended.
20. *Presentation of Claims Against Public Entities*, 2 CAL. L. REVISION COMM'N REPORTS at A-1 (1959) Enacted. Cal. Stats. 1959, Chs. 1715, 1724, 1725, 1726, 1727, 1728; CAL. CONST., Art. XI, § 10 (1960)
21. *Right of Nonresident Aliens to Inherit*, 2 CAL. L. REVISION COMM'N REPORTS at B-1 (1959) Not enacted. But new recommendation will be submitted to 1974 session.

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22. *Mortgages to Secure Future Advances*, 2 CAL. L. REVISION COMM'N REPORTS at C-1 (1959) Enacted. Cal. Stats. 1959, Ch. 528
23. *Doctrine of Worthier Title*, 2 CAL. L. REVISION COMM'N REPORTS at D-1 (1959) Enacted. Cal. Stats. 1959, Ch. 122
24. *Overlapping Provisions of Penal and Vehicle Codes Relating to Taking of Vehicles and Drunk Driving*, 2 CAL. L. REVISION COMM'N REPORTS at E-1 (1959) Not enacted.
25. *Time Within Which Motion for New Trial May Be Made*, 2 CAL. L. REVISION COMM'N REPORTS at F-1 (1959) Enacted. Cal. Stats. 1959, Ch. 469
26. *Notice to Shareholders of Sale of Corporate Assets*, 2 CAL. L. REVISION COMM'N REPORTS at G-1 (1959) Not enacted.
27. *Evidence in Eminent Domain Proceedings*, 3 CAL. L. REVISION COMM'N REPORTS at A-1 (1961) Not enacted. But see EVID. CODE § 810 *et seq.* enacting substance of recommendation.
28. *Taking Possession and Passage of Title in Eminent Domain Proceedings*, 3 CAL. L. REVISION COMM'N REPORTS at B-1 (1961) Enacted. Cal. Stats. 1961, Chs. 1612, 1613.
29. *Reimbursement for Moving Expenses When Property Is Acquired for Public Use*, 3 CAL. L. REVISION COMM'N REPORTS at C-1 (1961) Not enacted. But see GOVT. CODE § 7260 *et seq.* enacting substance of recommendation.

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30. *Rescission of Contracts*, 3 CAL. L. REVISION COMM'N REPORTS at D-1 (1961) Enacted. Cal. Stats. 1961, Ch. 589
31. *Right to Counsel and Separation of Delinquent From Nondelinquent Minor In Juvenile Court Proceedings*, 3 CAL. L. REVISION COMM'N REPORTS at E-1 (1961) Enacted. Cal. Stats. 1961, Ch. 1616
32. *Survival of Actions*, 3 CAL. L. REVISION COMM'N REPORTS at F-1 (1961) Enacted. Cal. Stats. 1961, Ch. 657
33. *Arbitration*, 3 CAL. L. REVISION COMM'N REPORTS at G-1 (1961) Enacted. Cal. Stats. 1961, Ch. 461
34. *Presentation of Claims Against Public Officers and Employees*, 3 CAL. L. REVISION COMM'N REPORTS at H-1 (1961) Not enacted 1961. See recommendation to 1963 session (item 39 *infra*) which was enacted.
35. *Inter Vivos Marital Property Rights in Property Acquired While Domiciled Elsewhere*, 3 CAL. L. REVISION COMM'N REPORTS at I-1 (1961) Enacted. Cal. Stats. 1961, Ch. 636
36. *Notice of Alibi in Criminal Actions*, 3 CAL. L. REVISION COMM'N REPORTS J-1 (1961) Not enacted.
37. *Discovery in Eminent Domain Proceedings*, 4 CAL. L. REVISION COMM'N REPORTS 701 (1963); 8 CAL. L. REVISION COMM'N REPORTS 19 (1967) Enacted. Cal. Stats. 1967, Ch. 1104

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38. *Tort Liability of Public Entities and Public Employees*, 4 CAL. L. REVISION COMM'N REPORTS 801 (1963) Enacted. Cal. Stats. 1963, Ch. 1681
39. *Claims, Actions and Judgments Against Public Entities and Public Employees*, 4 CAL. L. REVISION COMM'N REPORTS 1001 (1963) Enacted. Cal. Stats. 1963, Ch. 1715
40. *Insurance Coverage for Public Entities and Public Employees*, 4 CAL. L. REVISION COMM'N REPORTS 1201 (1963) Enacted. Cal. Stats. 1963, Ch. 1682
41. *Defense of Public Employees*, 4 CAL. L. REVISION COMM'N REPORTS 1301 (1963) Enacted. Cal. Stats. 1963, Ch. 1683
42. *Liability of Public Entities for Ownership and Operation of Motor Vehicles*, 4 CAL. L. REVISION COMM'N REPORTS 1401 (1963); 7 CAL. L. REVISION COMM'N REPORTS 401 (1965) Enacted. Cal. Stats. 1965, Ch. 1527
43. *Workmen's Compensation Benefits for Persons Assisting Law Enforcement or Fire Control Officer*, 4 CAL. L. REVISION COMM'N REPORTS 1501 (1963) Enacted. Cal. Stats. 1963, Ch. 1684
44. *Sovereign Immunity—Amendments and Repeals of Inconsistent Statutes*, 4 CAL. L. REVISION COMM'N REPORTS 1601 (1963) Enacted. Cal. Stats. 1963, Chs. 1685, 1686, 2029



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45. *Evidence Code*, 7 CAL. L. REVISION COMM'N REPORTS 1 (1965) Enacted. Cal. Stats. 1965, Ch. 299
46. *Claims and Actions Against Public Entities and Public Employees*, 7 CAL. L. REVISION COMM'N REPORTS 401 (1965) Enacted. Cal. Stats. 1965, Ch. 653
47. *Evidence Code Revisions*, 8 CAL. L. REVISION COMM'N REPORTS 101 (1967) Enacted in part: Cal. Stats. 1967, Ch. 650; balance enacted: Cal. Stats. 1970, Ch. 69
48. *Evidence—Agricultural Code Revisions*, 8 CAL. L. REVISION COMM'N REPORTS 201 (1967) Enacted. Cal. Stats. 1967, Ch. 262
49. *Evidence—Commercial Code Revisions*, 8 CAL. L. REVISION COMM'N REPORTS 301 (1967) Enacted. Cal. Stats. 1967, Ch. 703
50. *Whether Damage for Personal Injury to a Married Person Should Be Separate or Community Property*, 8 CAL. L. REVISION COMM'N REPORTS 401 (1967); 8 CAL. L. REVISION COMM'N REPORTS 1385 (1967) Enacted. Cal. Stats. 1968, Chs. 457, 458
51. *Vehicle Code Section 17150 and Related Sections*, 8 CAL. L. REVISION COMM'N REPORTS 501 (1967) Enacted. Cal. Stats. 1967, Ch. 702
52. *Additur*, 8 CAL. L. REVISION COMM'N REPORTS 601 (1967) Enacted. Cal. Stats. 1967, Ch. 72

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53. *Abandonment or Termination of a Lease*, 8 CAL. L. REVISION COMM'N REPORTS 701 (1967); 9 CAL. L. REVISION COMM'N REPORTS 401 (1969); 9 CAL. L. REVISION COMM'N REPORTS 153 (1969) Enacted. Cal. Stats. 1970, Ch. 89
54. *Good Faith Improver of Land Owned by Another*, 8 CAL. L. REVISION COMM'N REPORTS 801 (1967); 8 CAL. L. REVISION COMM'N REPORTS 1373 (1967) Enacted. Cal. Stats. 1968, Ch. 150
55. *Suit By or Against an Unincorporated Association*, 8 CAL. L. REVISION COMM'N REPORTS 901 (1967) Enacted. Cal. Stats. 1967, Ch. 1324
56. *Escheat*, 8 CAL. L. REVISION COMM'N REPORTS 1001 (1967) Enacted. Cal. Stats. 1968, Chs. 247, 356
57. *Recovery of Condemnee's Expenses on Abandonment of an Eminent Domain Proceeding*, 8 CAL. L. REVISION COMM'N REPORTS 1361 (1967) Enacted. Cal. Stats. 1968, Ch. 133
58. *Service of Process on Unincorporated Associations*, 8 CAL. L. REVISION COMM'N REPORTS 1403 (1967) Enacted. Cal. Stats. 1968, Ch. 132

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59. *Sovereign Immunity— Statute of Limitations*, 9 CAL. L. REVISION COMM'N REPORTS 49 (1969); 9 CAL. L. REVISION COMM'N REPORTS 175 (1969) Vetoed 1969. Enacted: Cal. Stats. 1970, Ch. 104
60. *Additur and Remittitur*, 9 CAL. L. REVISION COMM'N REPORTS 63 (1969) Enacted. Cal. Stats. 1969, Ch. 115
61. *Fictitious Business Names*, 9 CAL. L. REVISION COMM'N REPORTS 71 (1969) Enacted. Cal. Stats. 1969, Ch. 114
62. *Quasi-Community Property*, 9 CAL. L. REVISION COMM'N REPORTS 113 (1969) Enacted. Cal. Stats. 1970, Ch. 312
63. *Arbitration of Just Compensation*, 9 CAL. L. REVISION COMM'N REPORTS 123 (1969) Enacted. Cal. Stats. 1970, Ch. 417
64. *Revisions of Evidence Code*, 9 CAL. L. REVISION COMM'N REPORTS 137 (1969) Enacted in part: Cal. Stats. 1970, Ch. 69; see also Cal. Stats. 1970, Chs. 1396, 1397
65. *Mutuality of Remedies in Suits for Specific Performance*, 9 CAL. L. REVISION COMM'N REPORTS 201 (1969) Enacted. Cal. Stats. 1969, Ch. 156
66. *Powers of Appointment*, 9 CAL. L. REVISION COMM'N REPORTS 301 (1969) Enacted. Cal. Stats. 1969, Chs. 113, 155

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67. *Evidence Code—Revisions of Privileges Article*, 9 CAL. L. REVISION COMM'N REPORTS 501 (1969) Vetoed. But see Cal. Stats. 1970, Chs. 1396, 1397
68. *Fictitious Business Names*, 9 CAL. L. REVISION COMM'N REPORTS 601 (1969) Enacted. Cal. Stats. 1970, Ch. 618
69. *Representations as to the Credit of Third Persons and the Statute of Frauds*, 9 CAL. L. REVISION COMM'N REPORTS 701 (1969) Enacted. Cal. Stats. 1970, Ch. 720
70. *Revisions of Governmental Liability Act*, 9 CAL. L. REVISION COMM'N REPORTS 801 (1969) Enacted in part: Cal. Stats. 1970, Chs. 662, 1099
71. *"Vesting" of Interests Under Rule Against Perpetuities*, 9 CAL. L. REVISION COMM'N REPORTS 901 (1969) Enacted. Cal. Stats. 1970, Ch. 45
72. *Counterclaims and Cross-Complaints, Joinder of Causes of Action, and Related Provisions*, 10 CAL. L. REVISION COMM'N REPORTS 501 (1971) Enacted. Cal. Stats. 1971, Chs. 244, 950
73. *Wage Garnishment and Related Matters*, 10 CAL. L. REVISION COMM'N REPORTS 701 (1971); 11 CAL. L. REVISION COMM'N REPORTS 101 (1973) Not enacted 1972. Introduced in 1973 as AB 101, 102
74. *Proof of Foreign Official Records*, 10 CAL. L. REVISION COMM'N REPORTS 1022 (1971) Enacted. Cal. Stats. 1970, Ch. 41

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- 75. *Inverse Condemnation—Insurance Coverage*, 10 CAL. L. REVISION COMM'N REPORTS 1051 (1971) Enacted. Cal. Stats. 1971, Ch. 140
- 76. *Discharge From Employment Because of Wage Garnishment*, 10 CAL. L. REVISION COMM'N REPORTS 1147 (1971) Enacted. Cal. Stats. 1971, Ch. 1607
- 77. *Civil Arrest*, 11 CAL. L. REVISION COMM'N REPORTS 1 (1973) Enacted. Cal. Stats. 1973, Ch. 20
- 78. *Pleading* (technical change), 11 CAL. L. REVISION COMM'N REPORTS 1024 (1973) Enacted. Cal. Stats. 1972, Ch. 73
- 79. *Evidence—Judicial Notice* (technical change), 11 CAL. L. REVISION COMM'N REPORTS 1025 (1973) Enacted. Cal. Stats. 1972, Ch. 764
- 80. *Claim and Delivery Statute*, 11 CAL. L. REVISION COMM'N REPORTS 301 (1973) Enacted. Cal. Stats. 1973, Ch. 0000
- 81. *Unclaimed Property*, 11 CAL. L. REVISION COMM'N REPORTS 401 (1973) Enacted. Cal. Stats. 1973, Ch. 0000

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- Number 3—Insurance Coverage for Public Entities and Public Employees
- Number 4—Defense of Public Employees
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- 1965 Annual Report
- 1966 Annual Report
- Evidence Code with Official Comments [out of print]
- Recommendation Proposing an Evidence Code [out of print]
- Recommendation Relating to Sovereign Immunity: Number 8—Revisions of the Governmental Liability Act: Liability of Public Entities for Ownership and Operation of Motor Vehicles; Claims and Actions Against Public Entities and Public Employees

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Annual Report (December 1967) includes following recommendations:

- Recovery of Condemnee's Expenses on Abandonment of an Eminent Domain Proceeding
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- Damages for Personal Injuries to a Married Person as Separate or Community Property
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- Whether Damages for Personal Injury to a Married Person Should Be Separate or Community Property
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- Additur
- Abandonment or Termination of a Lease
- The Good Faith Improver of Land Owned by Another
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- Recommendation Relating to Sovereign Immunity: Number 9—Statute of Limitations in Actions Against Public Entities and Public Employees
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Annual Report (December 1969) includes following recommendations:

- Recommendation Relating to Quasi-Community Property
- Recommendation Relating to Arbitration of Just Compensation
- Recommendation Relating to the Evidence Code: Number 5—Revisions of the Evidence Code
- Recommendation Relating to Real Property Leases
- Proposed Legislation Relating to Statute of Limitations in Actions Against Public Entities and Public Employees.

Recommendation and Study Relating to:

- Mutuality of Remedies in Suits for Specific Performance
- Powers of Appointment
- Fictitious Business Names
- Representations as to the Credit of Third Persons and the Statute of Frauds
- The "Vesting" of Interests Under the Rule Against Perpetuities

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- Real Property Leases
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Enforcement of Sister State Money Judgments (October 1973)

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