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Memorandum No. 10

Subject: Study No. 32 - The Arbitration
Statute.

Resolution Chapter 35 of the Statutes of 1956 authorized the Commission, inter alia, to make a study to determine whether the Arbitration Statute should be revised.

At the request of the Chairman of the Commission on Uniform State Laws the Law Revision Commission decided at the meeting of June 1 and 2, 1956 to begin its consideration of this topic by making a study to determine whether the Uniform Arbitration Act should be adopted in California. Mr. Sam Kagel was retained as research consultant on this study. He submitted a report which raised substantial questions as to whether the Uniform Act should be adopted.

Mr. Kagel's report was considered by the Commission at its meeting of December 21-22, 1956. The Commission decided to make no recommendation to the 1957 Session of the Legislature respecting the Uniform Arbitration Act and not to publish Mr. Kagel's report "at this time". It also decided "that the Commission continue its study of the California Statute and of Mr. Kagel's report with a view to determining whether it should recommend revision of the California Arbitration Statute to the 1959 Session of the Legislature and that the Commission should, if necessary, have a further research consultant's report prepared to this end".
(Minutes, page 12)

The Uniform Arbitration Act was introduced at the 1957 Session at the instance of the Commission on Uniform State Laws. The Senate Bill (S.B. 820) died; the Assembly Bill (A.B. 988) was referred by the Senate to its Committee on Rules for assignment to an appropriate interim committee. To the date of my last communication with Charlie Johnson on the subject, no such assignment

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had yet been made.

The following questions would seem to be presented for Commission action at the August, 1957 meeting:

Action
1. Should the Commission suspend further action on this study if the Uniform Arbitration Act is sent to an interim Committee of the Senate until after the 1959 Session? (Note that our assignment is to study the present law, not the Uniform Act.) If so, should copies of Mr. Kagel's report be made available to the committee?

Action
2. Should the Commission continue its study of the present Arbitration Statute? If so, should any Senate interim committee assigned the Uniform Arbitration Act be apprised of the Commission's study with an offer of cooperation? If the Commission study is continued should we have a new research study prepared? If so, should Mr. Kagel be asked to do it?

Action
3. Should Mr. Kagel's study be published? If so, should we ask him to do further work on it for that purpose?

Respectfully submitted,

John R. McDonough, Jr.
Executive Secretary

JRM:fp