

9/7/65

Memorandum 65-63

Subject: Topics to be included on or deleted from Commission's Agenda

We enclose a letter from the Judicial Council (see pink page attached). We are merely bringing this to your attention, but we recommend that no action be taken at this time on the two topics referred to in the letter.

You will recall that, at the last meeting, the Commission indicated a desire to retain jury instructions on the Agenda for the time being. (We have already set the pertinent portion of our 1966 Annual Report in type.) As the letter indicates, the matter of the study of small claims courts involves both substantive and procedural matters and cannot be disposed of merely by tendering it to the Judicial Council. We suggest that any further action on this topic be deferred. Some time in the future we will provide you with a staff recommendation as to whether either or both of these topics should be dropped from the agenda or whether some other course of action should be taken with respect to them.

Also attached is a communication from the State Bar suggesting an additional topic for Commission study. In view of the number of topics now on our agenda and the nature of the topic suggested, the staff suggests that we indicate to the State Bar that we are not in a position to undertake the study of an additional topic of this nature.

Respectfully submitted,

John H. DeMouilly
Executive Secretary

CHIEF JUSTICE
ROGER J. TRAYNOR
CHAIRMAN



JUDICIAL COUNCIL OF CALIFORNIA

ADMINISTRATIVE OFFICE OF THE COURTS

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July 2, 1965

Professor John R. McDonough, Jr.
Chairman, California Law Revision Commission
Stanford University
Stanford, California 94305

Dear John:

At a meeting of the Judicial Council's Executive Committee held this week we discussed your recent suggestions with respect to the Law Revision Commission's 1957 recommendations for taking instructions to the jury room, and the possible revision of the small claims law. The Executive Committee is in agreement that the matter of taking instructions to the jury room falls appropriately within the responsibility of the Judicial Council and believes that it might be possible to handle the matter through Rules of Court. Thus, there would be no objection to your reporting that this matter has been referred to the Judicial Council, although we are in no position to make representations as to when a specific proposal in this respect might be acted upon by the Council. The whole area of civil procedure is under consideration, and this issue would be taken up at an appropriate place in the overall inquiry.

The revision of the small claims law presents a somewhat different problem. Insofar as procedural, rather than substantive, issues are concerned this matter would appear to be within the Judicial Council's responsibility. We note that there is a possibility of a legislative inquiry into the revision of the small claims court law (H.R. 293) and our Committee thought that it would be appropriate to defer any study of this matter until after the Legislature's investigation is complete.

Yours truly,

A handwritten signature in cursive script that reads "Ralph".

Ralph N. Kleps
Director

RNK:elt

THE STATE BAR OF CALIFORNIA

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September 3, 1965

John H. DeMouilly, Esq.
Executive Secretary
California Law Revision Commission
Room 30, Crothers Hall,
Stanford University
Stanford, California

Dear Mr. DeMouilly:

Herewith copy of a portion of the May 10, 1965 report of the Committee on Taxation of the State Bar discussing 1963 Conference Resolution No. 14. You will note that the committee recommends that the matter be referred to the California Law Revision Commission.

At its August, 1965 meeting, the Board considered the foregoing and, by formal resolution, recommended to the California Law Revision Commission that it give favorable consideration to the views and recommendations of the Committee on Taxation and, that if it is in accord therewith, that the Commission take appropriate action to have the matter placed upon its agenda.

Kindly advise this office if you desire additional copies of the enclosed material.

Very truly yours,


Jack A. Hayes
Secretary

JAH:f

copy with enclosure:
John R. McDonough, Jr., Chairman
California Law Revision Commission
copy without enclosure:
Messrs. Mack, Fitzgerald & Swarner

ES	
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AC	
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Committee on Taxation

(Excerpt from Report of May 10, 1965)

"5. 1963 Conference Resolution 14 - Alternate Valuation Date. The Committee approved the inclusion of an alternate valuation date in the California Inheritance Tax Law in principle, but does not feel the Committee is adequately staffed to draft the necessary enabling legislation. The Committee foresees numerous technical problems both under the Inheritance Tax Law and the Probate Code with respect to the adoption of an alternate valuation date. The following resolution was adopted:

'RESOLVED, that this Committee approves in principle the adoption of an alternate valuation date for California Inheritance Tax purposes;

'RESOLVED, FURTHER, that this Committee recommends to the Board of Governors that this matter be referred to the California Law Revision Commission or to such other suitable agencies as the Board may determine, for preparation of the necessary legislation.'"