

4/14/67

Memorandum 67-28

Subject: Relationship of Commission and State Bar Committee on the Administration of Justice

You will recall that some time ago the Executive Secretary was directed to write a letter to the State Bar Committee on Administration of Justice indicating that, if CAJ believed that it would be helpful, a staff member would attend meetings of that Committee when recommendations of the Commission are considered. The purpose of his attending the meeting would be to answer any questions concerning the Commission's recommendation and to report to the Commission the basis of any objections by the Committee.

We have delayed writing the letter because we planned to communicate the Commission's suggestion at the time we sent the next tentative recommendation to the State Bar. We are now distributing the tentative recommendation on Escheat for comment, but we have not written the letter to CAJ at this time because we believe that the matter should be discussed further by the Commission before the CAJ is contacted and further we believe that the letter to CAJ should be written by the Commission.

The staff is very concerned about our relationship with the Committee on the Administration of Justice. The reason for our concern is that, of eight of our bills reviewed by the Committee on Administration of Justice, the State Bar is opposed to six of the bills and supports only two. The situation is summarized below:

SB 244 (vehicle liability) -- State Bar opposed unless special contribution provisions are removed. Other views: One group of insurance companies will support bill in latest amended form; another group will not strongly oppose bill if contribution provisions are removed; another group is strongly opposed to bill on ground that it increases liability and may result in increased premiums for automobile insurance.

SB 245 (personal injury damages) -- State Bar opposed unless special contribution provisions are removed. Even then State Bar is not in support of proposal. Other views are same as indicated on SB 244.

SB 246 (personal injury damages) - Same as for SB 245

SB 250 (additur) -- State Bar supports (Bill has been approved by Senate and Assembly committees; probably will be in Governor's office by time of meeting)

SB 251 (unincorporated associations) -- State Bar supports bill generally

SB 252 (leases) State Bar was originally opposed to bill. An Assembly amendment will make the bill apply only to leases executed after January 1, 1968, and State Bar will now support bill.

SB 254 (good faith improvers) -- State Bar opposed

SB 531 (persons jointly liable) -- State Bar opposed. We have set the hearing on this bill over until after the April meeting.

We have not had the same difficulty with the special committees the State Bar has appointed in connection with specific topics. These Committees have made a careful study of our proposals; often the Chairman of the Committee has attended our meetings for an exchange of views on specific problems. Usually, we have presented a bill to the Legislature that is supported, not opposed, by the State Bar.

The staff is concerned that something more may be needed than merely offering to have a member of the Commission's staff attend meetings of CAJ when our recommendations are discussed.

Respectfully submitted,

John H. DeMouilly  
Executive Secretary