

10/24/69

Memorandum 69-136

Subject: "Short Form" Cover Sheets; Meetings With Local Bar Associations
and Judges

Attached as Exhibit I is a letter from Commissioner Uhler containing several suggestions. The letter was brought to the Commission's attention at the September meeting and it was decided to change the place of the December meeting from San Francisco to Stanford in response to Commissioner Uhler's suggestion. With respect to the other points raised, it was decided to defer their consideration until Commissioner Uhler could be in attendance.

"Short form" cover sheets

Exhibit I suggests that the staff prepare a "short form" cover sheet to enable the Commissioners to read themselves into the problem quickly. See Exhibit I attached. The content of the "cover sheet" is set out in page 3 of the exhibit. The staff is not clear on exactly what is wanted and the extent of staff time that would be required to prepare it.

Generally, the memoranda prepared for each meeting are designed to provide much--but not all--of the information that would be included in the suggested cover sheet. Generally, however, the memoranda only briefly summarize prior action on the particular topic and present the matters for decision with a minimum amount of background material to assist in decision making. Supplementary material is often attached as exhibits and only briefly summarized in the memoranda. The memoranda are prepared on the assumption that the Commissioners, after a period of time, gain expertise in the particular field and are generally familiar with the discussion and decisions made at prior meetings. To the extent that the memoranda include a portion of the material that would be included in the cover

sheets, the cover sheets would substantially duplicate the material in the memoranda.

The Commissioners might find that the procedure we follow in the office for retaining materials would be sufficient to provide them with a ready means of refreshing their memory on past discussions and decisions of the Commission. We retain the material on each topic (or aspect of a major topic) in a separate binder. The material prepared on the topic is filed in the binder as it is produced, with the latest material on top. The Minutes relating to that topic (which are produced so that each topic is on separate pages to permit easy filing in the folder) are filed in the binder on top of the material prepared on that topic for the particular meeting. If desired, tabs can be inserted in the binder indicating the Minutes for each meeting. We keep only one copy of the material in this form. Mr. Horton maintains the binders. After the meeting, he files the materials in the appropriate binder and, when the Minutes of the meeting are available, he files the portion that relates to the topic in the binder. He finds that this does not require very much of his time.

Commissioner Uhler's suggestion also involves a determination of priorities for expenditure of Commission resources. How staff resources are to be allocated is, of course, a critical policy decision for the Commission. Preparation of the suggested forms would appear to require a significant amount of time and effort. It must be recognized in determining allocation of staff resources that we will have less--not more--staff resources (both legal and secretarial) after July 1, 1970, since our available funds will be reduced--perhaps substantially--after July 1. We will very soon be short one attorney on the staff. We are unable to obtain

research consultants to prepare condemnation studies and the amount of funds for research consultants is less than is needed for the condemnation studies even if it were all devoted to those studies and the other studies ignored for the time being. Two meetings have been cancelled during the past year because the staff is devoting a major portion of staff resources to the preparation of research studies on condemnation law. In addition, the amount of funds available for secretarial assistance is such that we will have to give something else a lower priority if we utilize a significant amount of secretarial resources in preparing cover sheets.

Meetings with local bar associations and judges

See suggestion 2 in the attached letter.

Respectfully submitted,

John H. DeMouilly
Executive Secretary

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O. T. GILBANK
SENIOR COUNSEL

September 29, 1969

FILE _____

Sho Sato, Chairman
California Law Revision Commission
Boalt Hall School of Law
University of California
Berkeley, California

Dear Sho:

As I have previously indicated, I will be unable to participate in the October Commission meeting. However, I would like to bring several items to the attention of the Commission for consideration. They are as follows:

1. At the September meeting, several of us discussed the fact that we had not visited the Law Revision Commission facilities at Stanford Law School, nor had we had an opportunity to get to know the secretarial staff. I think it would be most appropriate if we accomplished this at the earliest possible time. A logical and practical approach would be to re-schedule our November meeting at Stanford, and in accordance with past practice, schedule it for Thursday at 7:00 p.m. through Saturday noon, preceding the big game.

2. The Commission has considered from time to time additional things that we can do to relate to both Bench and Bar. I am confident that a good many Bar Associations, and the judges who function within those geographical areas, would enjoy getting together with the Commission for an exchange of views and to hear what the Commission is working on. We could accomplish this by regularly devoting luncheon time on Friday or Friday evenings meeting with various of these groups. In addition to the other benefits, this would constitute awfully good PR for the Commission.

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3. To assist the Commissioners in their preparation for each meeting, and possibly to make the Commission's deliberations more precise, I suggest that we prepare and utilize a "short form" cover sheet which will enable us to read ourselves into the problem quickly, avoid redundant deliberations and, especially, assist Commissioners who have been absent during prior discussion of the topic. To this end I enclose a suggested cover sheet form for your consideration.

Best wishes for a successful meeting. I'll look forward to seeing you in November (hopefully at Stanford).

kindest regards,

LEWIS K. UHLER

LKU:dkn

cc: Thomas E. Stanton, Jr.
Roger Arnebergh
John D. Miller
Richard H. Wolford
William A. Yale
John H. Demoutly

CALIFORNIA LAW REVISION COMMISSION

1. TOPIC.
2. BACKGROUND ON THIS ASSIGNMENT (why we are working on this topic, date upon which it was undertaken, any prior work and results thereof).
3. DEFINING THE PROBLEMS (included here should be questions of public and other policy inherent in the topic, the relationship of this problem to existing decisional and statutory law, drafting problems, etc.)
4. COMMENTS FROM OUTSIDE THE COMMISSION (included should be the date of such comment, from whom received and the nature of the comment, etc.).
5. ACTIONS AND DECISIONS OF THE COMMISSION TO DATE (this should identify the date of the meeting at which action was taken, the major points of discussion, major areas of concern, votes and other decisions already made).
6. OBJECTIVES FOR THIS MEETING. (policy and problems remaining unresolved, what decisions and general progress should we seek at this meeting).