

11/25/69

Memorandum 69-145

Subject: Review of Handbook of Practices and Procedures

The Commission has not recently reviewed its handbook of practices and procedures. Such a review serves two purposes. First, it brings to your attention the various matters contained in the handbook. Second, it provides the Commission with an opportunity to determine whether any changes in procedure should be made.

The staff suggests that this material be discussed at the January meeting only to the extent necessary to consider matters brought up by members of the Commission at the meeting. We would suggest that the manual--with any revisions made at the January meeting--be approved at the January meeting as reflecting the Commission's practices and procedures.

Respectfully submitted,

John H. DeMouilly  
Executive Secretary

CALIFORNIA LAW REVISION COMMISSION

HANDBOOK

of

PRACTICES AND PROCEDURES

*This reflects changes made  
at March meeting*

School of Law  
Stanford University  
Stanford, California

## P R E F A C E

The purpose of this handbook is to state in a convenient form some of the policy decisions made by the California Law Revision Commission with respect to its practices and procedures.

From time to time replacement pages will be distributed to reflect additions or changes in the Commission's policies.

Stanford University  
March 1970

# CONTENTS

CHAPTER		PAGE
1.	OFFICERS AND MEMBERS OF COMMISSION . . . . .	1
	Officers. . . . .	1
	Recognition of Service. . . . .	1
	Materials and Supplies. . . . .	2
	Advance Sheets . . . . .	2
	Binders for Commission Materials . . . . .	2
	Credit Cards . . . . .	2
	West's California Codes. . . . .	2
	Administrative Services . . . . .	2
	Claims . . . . .	2
2.	MEETINGS AND PROCEDURE . . . . .	3
	Meetings. . . . .	3
	Meeting Agenda. . . . .	3
	Conduct of Meeting. . . . .	4
	Quorum . . . . .	4
	Roll Call Votes. . . . .	4
	Committees . . . . .	5
	Research Consultants . . . . .	5
	Open Meetings. . . . .	5
	Termination of Deliberations . . . . .	5
	Reports and Recommendations . . . . .	6
	Listing of Members Approving Report. . . . .	6
	Dissents . . . . .	6
	Editorial Corrections. . . . .	6
3.	RELATIONSHIP WITH LEGISLATURE. . . . .	7
	Introduction of Bills . . . . .	7
	Interim Committees. . . . .	7
	Contacting Individual Members of Legislature. . . . .	7

CHAPTER		PAGE
	Acceptance of Amendments After Introduction in Legislature . . . . .	8
	Request for Authority to Continue Existing Studies. .	9
4.	RELATIONSHIP WITH STATE BAR. . . . .	10
5.	RELATIONSHIP WITH RESEARCH CONSULTANTS . . . . .	11
	Selection of Consultants. . . . .	11
	Compensation of Research Consultants. . . . .	11
	Form and Contents of Consultant's Study . . . . .	11
	Copies of Printed Reports . . . . .	12
6.	PRINTING AND DISTRIBUTION POLICIES . . . . .	13
	Sending Research Consultant's Study to Printer. . . .	13
	Publication of Commission Material in Law Reviews . .	13
	Number of Copies Printed. . . . .	14
	Distribution. . . . .	15
	Bound Volumes. . . . .	15
	Printed Recommendation and Study Pamphlets . . .	16
	Unpublished Studies. . . . .	16
	Sale of Commission Publications . . . . .	16
7.	DELEGATION OF AUTHORITY CONCERNING PERSONNEL AND FISCAL MATTERS . . . . .	17
	Personnel and Fiscal Matters Generally. . . . .	17
	Personnel Matters . . . . .	17
	Out-of-State Traveling. . . . .	19
	Research Contracts and Leases . . . . .	19
8.	EVALUATION OF SUGGESTED TOPICS . . . . .	20

# APPENDIX

PAGE

I	EXCERPTS FROM RULES AND REGULATIONS OF STATE BOARD OF CONTROL RELATING TO TRAVELING EXPENSES. . . . .	pink pages
IIa	SAMPLE OF HOW TO COMPUTE SUBSISTENCE ALLOWANCES . . .	yellow pages
IIb	SAMPLE TRAVEL EXPENSE CLAIM . . . . .	green pages
IIc	SAMPLE - SAME INFORMATION PROVIDED FOR COMPLETION OF CLAIM BY STAFF . . . . .	blue pages
III	STATE BAR COMMITTEE ON GOVERNMENTAL LIABILITY AND CONDEMNATION. . . . .	buff pages
IV	PERSONS RECEIVING TENTATIVE RECOMMENDATIONS AS OF OCTOBER, 1969 . . . . .	blue pages
V	BIOGRAPHIES OF COMMISSION MEMBERS AND STAFF . . . . .	yellow pages

## CHAPTER ONE

### OFFICERS AND MEMBERS OF COMMISSION

#### OFFICERS

The officers of the Commission are the Chairman and the Vice Chairman. The term of office of the Chairman and Vice Chairman is two years, commencing on December 31 of each odd-numbered year.<sup>1</sup> No officer is eligible to succeed himself in the same office in which he has served a full term.<sup>2</sup> However, an officer who has served for less than a full term may succeed himself in the same office for a full term;<sup>3</sup> and, where the Chairman is re-elected to office, the incumbent Vice Chairman is eligible for re-election even though his re-election may result in his succeeding himself for another full term.<sup>4</sup>

#### RECOGNITION OF SERVICE<sup>5</sup>

The practice of the Commission has been to present a gavel to each retiring Chairman.

It has also been the Commission's practice to present each retiring member with a plaque in substantially the following form:

---

#### CALIFORNIA LAW REVISION COMMISSION

#### RECOGNITION OF DISTINGUISHED SERVICE

RICHARD H. KEATINGE  
Chairman 1966-1967  
Vice Chairman 1964-1965  
Member 1961-1967

- 
1. Minutes, November 1965.
  2. Minutes, January 1960.
  3. Minutes, December 1960.
  4. Minutes, January 1962.
  5. Statement of existing practice.

## MATERIALS AND SUPPLIES

Advance Sheets. Upon request to the Executive Secretary, a member of the Commission is provided with advance sheet reports of the decisions of the California Supreme Court and Court of Appeal for use in connection with his work on the Commission.<sup>1</sup>

Binders for Commission Materials. Upon request to the Executive Secretary, a member of the Commission will be provided with hard-cover binders.<sup>2</sup> These are used by some members to keep Commission mimeographed material in a convenient form.

Credit Cards.<sup>3</sup> Members of the Commission are provided with credit cards for telephone and air transportation for use on official business of the Commission.

West's California Codes. A number of sets of West's California Codes have been provided the Commission through the courtesy of the West Publishing Company. To the extent the number of sets available permits, members of the Commission are furnished with a set. This set passes on to his successor.<sup>4</sup>

## ADMINISTRATIVE SERVICES

Claims. Travel claims for members appointed by the Governor should be submitted to the Commission's office. If the member prefers, he may submit the necessary information on a simple form that may be obtained from the Commission's office; the formal travel expense claim will be completed by the Commission's staff and returned to him for his signature. See Appendix I for regulations governing the reimbursement of travel expenses.

---

1. Minutes, November 1955.

2. Statement of existing practice.

3. Statement of existing practice.

4. This is a statement of our agreement with West Publishing Company. Original members of the Commission were authorized to keep their sets.



## CHAPTER TWO

### MEETINGS AND PROCEDURE

#### MEETINGS<sup>1</sup>

Regular meetings normally are scheduled for the first Friday and Saturday of each month; meetings are held on Thursday or Thursday evening only if it is essential to maintain the work schedule. The meetings are ordinarily scheduled as follows:

Thursday - 7:00 p.m. to 10:00 p.m. (if held)

Friday - 9:30 a.m. to 5:00 p.m.

Saturday - 9:00 a.m. to 4:00 p.m.

Because of the difficulty in proceeding when unanimous votes are needed, meetings are cancelled when it appears that only four members will be present.<sup>2</sup>

The Chairman is authorized to call both regular and special meetings.<sup>3</sup> Notice of a special meeting shall be given to all members of the Commission.<sup>4</sup> At a special meeting, no matter may be acted upon except as provided in the call.<sup>5</sup>

#### MEETING AGENDA<sup>6</sup>

Subjects that are of interest to persons who attend meetings as observers should be scheduled for Friday rather than Saturday so that the meeting on Saturday can be cancelled if the agenda is completed on Friday. The staff is to schedule no more work for any particular meeting than can reasonably be considered at the meeting. Commissioners are to be presumed to have read all the material to be considered at the meeting and the staff is to make its presentations on this assumption.

- 
1. Minutes, January 1969. See also Minutes, June 1968; Minutes, October 1968.
  2. Minutes, April 1963.
  3. Minutes, November 1957.
  4. Minutes, November 1957.
  5. Minutes, November 1957.
  6. Minutes, January 1969. See also Minutes, June 1968.

## CONDUCT OF MEETING

Quorum. Four voting members of the Commission constitute a quorum<sup>1</sup> and must be present before the Commission may attend to any business. Any action may be taken by a majority of those present if a quorum is present, but any final recommendation to the Legislature must be approved by a minimum of four affirmative votes.<sup>2</sup> The Chairman is authorized to determine that less than four voting members constitutes a quorum for the purposes of a particular meeting and members attending the meeting are entitled to per diem and travel expenses but no final action shall be taken at such meeting.<sup>3</sup>

Roll Call Votes. A roll call vote shall be taken on any matter<sup>4</sup> at the request of any voting member of the Commission. An absent member may be polled and his vote incorporated in the roll call on such matter only if he was present during a previous discussion of the subject matter at a meeting of the Commission.<sup>5</sup>

- 
1. Minutes, April 1963.
  2. Minutes, March 1959; Minutes, April 1963; Minutes, February 1966.
  3. Minutes, January 1958; Minutes, April 1963.
  4. Minutes, November 1965.
  5. Minutes, July 1956.

Committees. The Commission has disapproved the use of standing subcommittees to initially review studies on the Commission's agenda<sup>1</sup> and to submit their recommendations to the Commission.

Research Consultants. Research consultants are requested to attend<sup>2</sup> meetings from time to time.

Open Meetings. Meetings of the Commission are open to the public and persons so requesting are permitted to attend as observers but are not permitted to participate in the discussion except as authorized by<sup>3</sup> the Chairman.

Termination of Deliberations. The Chairman should terminate prolonged deliberations on any matter by either bringing it to a vote when appropriate or referring the matter to the staff either for further research<sup>4</sup> or redrafting.

- 
1. Minutes, January 1960; Minutes, May 1960.
  2. Statement of existing practice.
  3. Minutes, February 1960.
  4. Minutes, March 1959.

## REPORTS AND RECOMMENDATIONS

Listing of Members Approving Report. The printed reports of the Commission are dated as of the month in which the Commission approves their printing and the names of the members of the Commission at the time of such approval are listed in the letter of transmittal.<sup>1</sup>

Dissents. Dissenting votes of Commission members on all or part of a recommendation of the Commission are not reported in the recommendation. Rather, a statement is included in the Annual Report of the Commission stating in substance that "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>2</sup>

Editorial Corrections. After the Commission has approved a recommendation, the staff is authorized to make minor changes therein with respect to such matters as punctuation, the elimination of minor unnecessary words, revisions needed for consistency, the capitalization or non-capitalization of letters, etc., without further consultation with the Commission.<sup>3</sup>

- 
1. Minutes, October 1960.
  2. Minutes, August 1960. See also Minutes, July 1960.
  3. Minutes, August 1954.

## CHAPTER THREE

### RELATIONSHIP WITH LEGISLATURE

#### INTRODUCTION OF BILLS

Commission bills are introduced by the legislative members of the Commission<sup>1</sup> or by other legislators designated by the Commission.<sup>2</sup> Both legislative members of the Commission normally are listed as sponsors of Commission bills and other measures.<sup>3</sup> The Commission is not adverse to allowing other members of the Legislature to be co-authors of its bills.<sup>4</sup> Ordinarily, Commission bills will be introduced in the form in which they are published by the Commission and later amended to reflect changes which the Commission believes desirable.<sup>5</sup>

#### INTERIM COMMITTEES

The Commission is agreeable to a proposal of an interim committee that the Commission present its legislative program to the interim committee prior to the legislative session.<sup>6</sup>

#### CONTACTING INDIVIDUAL MEMBERS OF LEGISLATURE<sup>7</sup>

The Commission has considered whether and under what procedure the Executive Secretary should contact individual member of the Legislature to explain Commission bills. A member of the Legislature should not be contacted unless he has raised questions about the Commission's bills in committee or otherwise and it seems likely that the member does not fully

- 
1. Minutes, January 1959.
  2. Statement of existing practice.
  3. Minutes, March 1962.
  4. Minutes, January 1959.
  5. Minutes, January 1959.
  6. Minutes, October 1959.
  7. Minutes, April 1957.

understand the Commission's recommendation or the reasons for it. If in such circumstances it seems desirable to have the Executive Secretary discuss the bill with the member who has raised the question, the Executive Secretary should contact him and answer such questions as he may have about the bill and otherwise explain it.

#### ACCEPTANCE OF AMENDMENTS AFTER INTRODUCTION IN LEGISLATURE

Whenever possible after Commission recommended legislation has been introduced in the Legislature, the Commission (or, if time does not permit, the Chairman) should be given an opportunity to review amendments to be made to the bills except for amendments made by a legislative member on his own initiative.<sup>1</sup>

The legislative member of the Commission carrying the bill and the Executive Secretary are authorized to agree to an amendment proposed in the course of a legislative committee hearing on a Commission bill so long as the amendment does not depart from the basic policy of the Commission with respect to the particular bill.<sup>2</sup>

---

1. Minutes, February 1965.

2. Statement of existing practice.

## REQUEST FOR AUTHORITY TO CONTINUE EXISTING STUDIES

Each session a concurrent resolution is submitted to authorize continuance of existing studies and to authorize any new studies the Commission desires to undertake.<sup>1</sup>

- 
1. Statement of existing practice. This procedure is required by the Commission's enabling statute.

## CHAPTER FOUR

### RELATIONSHIP WITH STATE BAR

A copy of each study prepared by a research consultant is sent to each member of a special State Bar Committee appointed to consider a Commission study as soon as the research study is approved by the Commission.<sup>1</sup> Later, a copy of the Commission's tentative recommendation and proposed statute is sent to the State Bar.<sup>2</sup> If no special State Bar Committee has been appointed, 35 copies of the study and the tentative recommendation are sent to the State Bar for distribution to the appropriate bar committee.<sup>3</sup> When time permits, the Commission will postpone the printing of its recommendations and studies until it receives and considers the views of the State Bar.<sup>4</sup>

The Chairman and members of the staff meet with representatives of State Bar Committees to discuss informally Commission recommendations when requested to do so by the State Bar Committee.<sup>5</sup>

- 
1. Minutes, March 1957.
  2. Minutes, March 1957.
  3. Statement of existing practice.
  4. Minutes, September 1956.
  5. Statement of existing practice.



## CHAPTER FIVE

### RELATIONSHIP WITH RESEARCH CONSULTANTS

#### SELECTION OF CONSULTANTS

Consultants are selected by the Chairman and the Executive Secretary.<sup>1</sup>  
The Chairman is authorized to determine who should be a research consultant on each of the topics on which a research consultant is to be obtained and to determine the compensation to be paid such consultant.<sup>2</sup>

#### COMPENSATION OF RESEARCH CONSULTANTS

Compensation of research consultants is on a modest scale, as paid in connection with public service rather than at regular professional rates.<sup>3</sup> Payment is made in a lump sum (rather than on an hourly basis)<sup>4</sup> under a contract made with the consultant.

#### <sup>5</sup> FORM AND CONTENTS OF CONSULTANT'S STUDY

Generally speaking, a consultant's study should cover the history and present state of the California law and the law of all or representative other states relating to the problem. It should also include a statement and an objective discussion of the policy considerations which the consultant believes are relevant to the problem. At least with respect to the principal cases discussed in the study, the facts should be stated and, where possible, the pertinent parts of the opinion should

- 
1. Minutes, June 1955.
  2. Minutes, April 1965.
  3. Minutes, June 1955.
  4. Minutes, June 1955.
  5. Minutes, June 1955.

be quoted. The study should include the consultant's recommendation with respect to the position to be taken by the Commission and a draft of such proposed legislation as would be necessary to give effect to such recommendation.

If views expressed in a research study are not in agreement with the final recommendation of the Commission on the subject, the consultant may be asked to review pertinent parts of the study. The consultant is not required, however, to conform the research study to the views of the Commission, nor are any portions of the research study eliminated in printing merely because they are inconsistent with the final action of the Commission.<sup>1</sup> Research studies are printed with a note explaining<sup>2</sup> that the views expressed are not necessarily the views of the Commission.<sup>3</sup>

#### COPIES OF PRINTED REPORTS

All research consultants are given 25 copies of their printed studies and requests for additional copies would be entertained by the Commission.<sup>3</sup>

- 
1. Minutes, August 1960.
  2. Statement of existing practice. See also Minutes, March 1961.
  3. Minutes, May 1956.

## CHAPTER SIX

### PRINTING AND DISTRIBUTION POLICIES

#### SENDING RESEARCH CONSULTANT'S STUDY TO PRINTER

The Executive Secretary determines when a research consultant's study should be sent to the printer to be set in type.<sup>1</sup> However, no pamphlet containing the recommendation of the Commission and the consultant's study is printed without prior authorization from the Commission.

#### PUBLICATION OF COMMISSION MATERIAL IN LAW REVIEWS

A reasonable effort is made to distribute articles to various law reviews in a fair manner.<sup>2</sup> A letter should be obtained from the law review stating that the Commission has authority to consent to the republication of the article after it has been published in the law review and that the Commission itself may republish the article in its pamphlet containing its recommendation to the Legislature.

Research studies may be published in law reviews if they are accompanied by the following note:

This Article was prepared by the author for the California Law Revision Commission and is published here with the commission's consent. The Article was prepared to provide the commission with background information to assist the commission in its study of this subject. However, the opinions, conclusions, and recommendations contained in this Article are entirely those of the author and do not necessarily represent or reflect the opinions, conclusions, or recommendations of the California Law Revision Commission.

---

1. Minutes, March 1960.

2. Minutes, June 1966.

No tentative recommendation may be published in a law review unless Commission permission is first obtained.<sup>1</sup> If a tentative recommendation is published in a law review or otherwise distributed, it should be accompanied by the following note.<sup>2</sup>

This tentative recommendation is published here so that interested persons will be advised of the Commission's tentative conclusions and can make their views known to the Commission. Any comments sent to the Commission will be considered when the Commission determines what recommendation it will make to the California Legislature.

The Commission often substantially revises tentative recommendations as a result of the comments it receives. Hence, this tentative recommendation is not necessarily the recommendation the Commission will submit to the Legislature.

#### NUMBER OF COPIES PRINTED

Ordinarily 2,200 copies of each annual report or recommendation and study are printed.<sup>3</sup> Of the 2,200 copies printed, 500 are held by the State Printer [unbound] for incorporation into the bound volume of Commission reports, recommendations, and studies.<sup>4</sup> Five hundred copies of the bound volume are printed. In some cases, more copies may be printed.

- 
1. Minutes, December 1965.
  2. Minutes, June 1966.
  3. Statement of existing practice.
  4. Minutes, August 1956.

## DISTRIBUTION

Bound Volumes. A copy of the bound volume is sent to each of the  
following:<sup>1</sup>

- Library of Congress
- Libraries of the U. S. Supreme Court
- California State Library
- Libraries of the California Supreme Court
- Libraries of the several district courts of appeal
- Libraries of the Judicial Council
- California county law libraries on the Commission's mailing list
- California law school libraries on the Commission's mailing list (exchange law reviews for Commission publications)
- California Continuing Education of the Bar
- Members of the Law Revision Commission (past and present)
- The Attorney General
- The Governor
- The Legislative Counsel
- West Publishing Company
- Bancroft-Whitney Publishing Company
- Libraries of the State Bar of California

Distribution to private law firms or to out-of-state libraries is not made.<sup>2</sup> Distribution is made on an exchange basis with the New York Law Revision Commission and with similar agencies in a few other states.<sup>3</sup> Copies of the bound volume also are sent to certain other persons and agencies at the discretion of the Executive Secretary.

Distribution to members of the Legislature is not made automatically. Each legislative member of the Commission sends a letter to the members of his house reporting the availability of the bound volume and offering to send a copy upon request.

---

1. Minutes, August 1957.  
2. Minutes, May 1959.  
3. Statement of existing practice.

Printed Recommendation and Study Pamphlets. Copies of all free material printed by the Commission are automatically sent to approximately 1,000 addresses, including the following persons;<sup>1</sup>

Members of the Legislature  
Supreme Court Justices  
Heads of all State Departments  
California State Bar  
Special State Bar Committee (if any)  
Members of the Stanford Law School Faculty  
Law Reviews published at California law schools  
Legal newspapers published in California  
Other persons and agencies on the Commission's  
mailing list not included above.

When persons who are on the Commission's mailing list leave office, their successors are given the opportunity to be placed on the list.<sup>2</sup>

Unpublished Studies. The Executive Secretary may send a copy of an unpublished study of the Commission to a person requesting it.<sup>3</sup> A "warning note" is included on the study indicating that the study is not a recommendation of the Commission and that no part of the study may be published without prior written consent of the Commission.<sup>4</sup>

#### SALE OF COMMISSION PUBLICATIONS

The Commission has a liberal policy on distribution of its free printed pamphlets and distributes them upon request.<sup>5</sup> However, where it is necessary that a charge be made for the Commission's publications, arrangements for the sale are made with the State Printer.<sup>6</sup> The general policy is that publications should be sold if the cost of the publication justifies a charge of \$2.50 or more.<sup>7</sup>

---

1. Minutes, December 1956.

2. Minutes, August 1957.

3. Minutes, February 1960.

4. Minutes, February 1960.

5. Statement of existing practice. See Minutes, December 1956.

6. Minutes, August 1962.

7. Minutes, July 1963.

## CHAPTER SEVEN

### DELEGATION OF AUTHORITY CONCERNING PERSONNEL AND FISCAL MATTERS

#### 1

#### PERSONNEL AND FISCAL MATTERS GENERALLY

7.10. Both the Chairman and the Executive Secretary are authorized to sign on behalf of the Commission the necessary documents giving one or more Commissioners and employees authority to sign personnel and financial documents. (As of March 1969, the Chairman, Executive Secretary, Assistant Executive Secretary, and Associate Counsel are authorized to sign all such documents; the Administrative Assistant is authorized to sign personnel documents and certain other documents.)

7.20. The Executive Secretary is authorized to determine the particular types of documents that the Assistant Executive Secretary and other Commission employees will as a matter of practice sign.

#### 2

#### PERSONNEL MATTERS

7.30. Subject to Section 7.50, the Executive Secretary is authorized to take all actions with respect to appointment, promotions, terminations, leave, merit increases, other salary increases, and the like, for Commission employees other than himself. Any other person authorized to sign personnel documents has similar authority but, except in emergency circumstances, this authority should be exercised only after consulting

- 
1. Minutes, October 1965.
  2. Minutes, October 1965.

with the Executive Secretary. It is understood that no such action shall be taken over the objection of the employee involved unless the Chairman or the Commission first indicates its approval of the action proposed to be taken by the Executive Secretary.

7.40. Subject to Section 7.50, the Chairman, and the Vice Chairman in case of the unavailability of the Chairman, is authorized to take all actions with respect to appointment, termination, leave, merit increases, and other salary increases, and similar matters for the position of Executive Secretary.

7.50. Subject to Section 7.60, appointments, promotions to higher level positions, and involuntary terminations of persons to or from positions as Executive Secretary, Assistant Executive Secretary, and other full-time attorney positions on the Commission staff shall first be approved by the Commission.

7.60. In the case of an appointment of a person to a full-time attorney position (other than Executive Secretary or Assistant Executive Secretary), the approval of the Chairman, or the Vice Chairman in case of the unavailability of the Chairman, shall be obtained before the appointment is made but Commission approval is not necessary. It is understood, however, that whenever feasible the Commission or as many of the individual members thereof as is feasible shall be given an opportunity to meet and interview the persons being considered for appointment to a full-time attorney position before an appointment is made.



OUT-OF-STATE TRAVELING<sup>1</sup>

7.70. The Chairman, and the Vice Chairman in case of the unavailability of the Chairman, is authorized to approve requests for authorization by the Department of Finance of unbudgeted out-of-state travel by members of the Commission or its staff. (Requests for budgeted out-of-state travel are given approval by the Department of Finance upon submission of the necessary document by the Executive Secretary.)

RESEARCH CONTRACTS AND LEASES<sup>2</sup>

7.80. The Executive Secretary is authorized to sign on behalf of the Commission all leases and contracts previously approved by the Commission.

7.90. The Executive Secretary is authorized to execute contracts covering equipment maintenance, equipment rental, subscriptions, and the like.<sup>3</sup>

- 
1. Minutes, October 1965.
  2. Minutes, July 1964.
  3. Statement of existing practice.

## CHAPTER EIGHT

### EVALUATION OF SUGGESTED TOPICS<sup>1</sup>

Letters suggesting new topics should be reproduced and distributed to each Commissioner if the topic is one that the staff concludes does not merit study by the Commission. Letters that suggest topics that appear to merit study by the Commission should be presented to the Commission with sufficient additional background information so that the Commission can make an informed determination as to whether the Legislature should be requested to authorize the Commission to study the topic.

---

1. Minutes, May 1968.

APPENDIX I  
EXCERPTS FROM RULES AND REGULATIONS

of  
STATE BOARD OF CONTROL

Effective: October 1, 1969

Article 8. Traveling Expenses

700. Scope. It is the purpose of this article to provide reimbursement for the necessary out-of-pocket expenses incurred by state officers and employees because of travel on official state business. Each state agency is charged with the responsibility of determining the necessity for, and the method of, travel, provided, however, that once such necessity has been determined, reimbursement shall be governed by these rules. It is the intent of the Board that state agencies shall not have discretion to provide reimbursement at a lower amount than contained in Board rules, unless such discretion is specifically mentioned. Language of this article providing a specific time, distance, or amount shall be rigidly interpreted. Language such as "not more than" or "up to" a specified amount shall be interpreted as a rigid ceiling with departmental discretion below such ceiling.

701. Definitions. For the purposes of this Article, the following definitions will apply:

(a) Headquarters. Headquarters shall be established for every state officer and employee and shall be defined for the purposes of these rules as the place where the officer or employee spends the major portion of his working time, or the place to which he returns on completion of special assignments, or as the Board of Control may define in special situations.

\* \* \* \*

(3) Each state officer and employee when making claim for travel expenses must show his headquarters address on the expense claim.

(b) Residence. A place of residence shall be designated for each state officer and employee and no travel expenses shall be allowed for subsistence, on the premises of such residence.

(1) For the purpose of these rules, residence shall be defined as the actual dwelling place of the employee and, as such shall be determined without regard to any other legal or mailing address.

\* \* \* \*

(8) Each state officer and employee when making claim for travel expenses must show his residence address on the expense claim. It is the responsibility of the officer approving the claim to ascertain the necessity and reasonableness of incurring any travel expense in the proximity of said residence.

(c) Higher Officials. The following officers and employees are designated as Higher Officials:

(1) General Categories:

\* \* \* \*

(G) Members of boards and commissions in any of the following categories:

1. Whose appointments are authorized by the Constitution.
2. Appointed by the Governor.
3. Non-salaried.

\* \* \* \*

(d) Travel Expenses. Travel expenses include:

(1) Subsistence Expenses. Subsistence expenses consist of the charges for meals, lodging, and their attendant expenses; and all charges for personal expenses incurred while on travel status, unless specifically authorized elsewhere in this Article.

(2) Transportation Expenses. Transportation expenses consist of the charges for commercial carrier fares; private car mileage allowances; emergency repairs to state cars; overnight and day parking of state or privately owned cars; bridge and road tolls; necessary taxi, bus, or streetcar fares; and all other charges essential to the transport from and to the official headquarters. Reimbursement will be made only for the method of transportation which is in the best interest of the State, considering both direct expense as well as the officer's or employee's time. Provided the mode of transportation selected does not conflict with the needs of the agency, the officer or employee may use a more expensive form of transportation and be reimbursed at the amount required for a less expensive mode of travel. Both modes of transportation will be shown on the travel claim with reference to this section.

(3) Business Expenses. Business expenses consist of the charges for business phone calls and telegrams, emergency equipment or supply purchases, actual travel expenses of prisoners or inmates, wards, or patients of state institutions, and all other charges necessary to completion of the official business function.

\* \* \* \*

704. Expense Account Form. (a) No travel expense account shall be paid unless rendered upon Department of General Services Form 262 or upon some other form approved by the Controller. All expense accounts shall be properly itemized, accompanied by the necessary vouchers and approved by the duly authorized officer.

(b) Expense accounts shall be rendered at least once a month and not more often than twice a month except that if the amount claimable for any month or two months does not exceed \$10, the filing may be deferred until the amount exceeds \$10 or the end of the third month or June 30, whichever occurs first.

(c) Each officer and employee when making a claim for travel expenses must show the inclusive dates of each trip for which allowances are claimed and the times of departure and return. Time of departure and return, as used herein, means the time employee starts from or returns to his office or, when leaving on a trip or returning from a trip without going to the office, his home.

705. Personal Expenses. No personal expenses, except as provided in Section 706 and (a) and (b) below, shall be allowed.

(a) Established charges by common carriers or terminal stations for the handling or transportation of necessary personal or official baggage will be allowed.

\* \* \* \*

706. Subsistence Allowances. Higher officials will be authorized a per diem allowance of \$25 for in-state travel. The circumstances of travel will determine the rate of per diem allowance granted to other officers and employees. Each agency will be responsible for choosing from the following per diem rates those which will reasonably minimize the amount of per diem expense for each trip. Where the duration of continuous travel is greater than 24 hours, the circumstances of travel shall determine which of the following per diem rates will apply:

\* \* \* \*

(b) Computation of Allowances.

(1) In computing the allowances for continuous travel of more than 24 hours, one full per diem allowance will be paid for each full 24-hour period, beginning with the traveler's time of departure.

(2) For a period which is the last fractional part of a period of travel of more than 24 hours, or where the duration of continuous travel is less than 24 hours and the travel is not performed wholly between 7:00 a.m. and 7:00 p.m. (or comparable hourly limitations if the work day significantly differs from the normal), the following allowances will be authorized:

<u>Length of Travel</u>	<u>Higher Officials</u>
Over 2 hours but not in excess of 4 hours	\$ 3.10
Over 4 hours but not in excess of 8 hours	6.25
Over 8 hours but not in excess of 12 hours	9.40
Over 12 hours but not in excess of 24 hours	12.50

If the traveler incurs any expense for lodging during such a period, he may, in addition to the above, be reimbursed for that expense, provided that his total subsistence reimbursement for the period does not exceed one full 24-hour per diem allowance for the type of travel involved. No voucher will be required for such lodging.

\* \* \* \*

(e) Supplemental Lunch Allowance. Where the travel occurs wholly between 7:00 a.m. and 7:00 p.m. (or comparable hourly limitations if the work day significantly differs from the normal), and includes the normal lunch period, an allowance of \$1.20 may be claimed to reimburse officers and employees for additional cost of eating in unfamiliar locations except that non-salaried members of boards and commissions may claim \$3.00.

\* \* \* \*

707. **Expenses Outside the State.** Expenses incurred outside the State will not be allowed unless authorization for incurring them and permission for absence from the State has first been obtained from the Governor and the Director of Finance, except that in cases where such expenses are incurred by travel to and from places in states bordering upon this State, approval of the Director of Finance only will be required. Any terms or directives set forth in such authorization are limitations and will not operate as exceptions to these rules. A claim for expenses for out-of-state travel must be submitted on a separate expense account. This section shall not apply to committees of the Legislature or of either house thereof nor to employees of any such committee. (Sec. 11032, Gov. Code.)

\* \* \* \*

710. **Receipts or Vouchers.** (a) Receipts or vouchers shall be submitted for every item of expense except as follows:

(1) Railroad and bus fares, where the fares are available in published tariffs, and travel is wholly within the State of

California. However, vouchers must be submitted in the case of cash purchases of airplane travel, travel by any common carrier outside of the State, Pullman accommodations, or extra fare train.

(2) Subsistence allowances, excepting receipts or vouchers for commercial lodging incurred out of state.

(3) Street car, ferry fares, bridge and road tolls.

(4) Long distance telephone or telegraph charges, if date, place and party called are shown, unless the telephone call is in excess of \$2.50 in which case vouchers or other supporting evidence shall be provided.

(5) Taxi or hotel bus fares, when necessary upon official business.

(6) All legal expenditures of \$1 or less.

(7) Parking fees of \$2.50 or less for any one continuous period of parking.

(b) In cases where receipts can not be obtained or have been lost, a statement to that effect shall be made in the expense account and the reason given. In the absence of satisfactory explanation the amount involved shall not be allowed.

711. Railroad Transportation. (a) No more than actual fare on any transportation service, in accordance with the latest tariffs at the time the trip was made, shall be allowed. Special rates and round-trip rates shall be used whenever possible.

(b) Reimbursement for roomette Pullman accommodations will be allowed. Where it is necessary to use Pullman accommodations more expensive than a roomette, a full explanation stating the facts constituting the official necessity shall accompany the expense account together with a receipted voucher.

(c) Unused portions of railroad and sleeping car tickets are subject to refunds and all steps necessary to secure refunds on such tickets shall be taken.

(d) Any unusual delay or a deviation from the shortest, usually traveled route shall be explained unless connected with return trip out-of-state deportation travel authorized by the Department of Mental Hygiene or the California Youth Authority.

\* \* \* \*

(f) Meals incurred while on overnight train travel will be reimbursed in accordance with Section 706(f).

(g) Tickets for rail transportation or Pullman accommodations may be purchased (1) by the individual, (2) by credit card, or (3) ticket order. If purchased by credit card, or by ticket order this fact should be noted on the individual's expense claim.

712. Special Transportation. (a) Where it is necessary to hire special conveyances, except automobiles, a full explanation, stating the facts constituting the necessity, shall accompany the expense claim.

(b) Commercial Automobile Rental. (1) Reimbursement will be for actual and necessary costs of such rental when substantiated by a voucher. Where it is necessary to pay extra charges or premium rental rates for air conditioning, convertible body-style, expensive, or other luxury items, a full explanation shall accompany the expense claim.

(2) Reimbursement will not be made for a damage waiver. Reimbursement will be made to the officer or employee for any loss necessarily sustained by him by reason of his not having purchased such waiver.

713. Transportation by Aircraft. (a) Scheduled Airline. Claims for transportation by scheduled airline shall be allowed at the lowest fare available in conformity with the regular published tariffs for scheduled airlines in effect on the date of origination of the flight. Claims for reimbursement of higher fare or extra charges for transportation by scheduled airline may be allowed if accompanied by a full explanation stating the facts constituting the official necessity.

\* \* \* \*

(d) Payment of Fare. Payment for transportation by aircraft may be made by (1) cash, (2) credit card, or (3) ticket order. In cases where payment is made by cash, the travel expense claim must be accompanied by the traveler's flight coupon if one was issued, in accordance with Rule 710(a)(1). If no flight coupon was issued, as may be the case with chartered or private aircraft, a formal receipt must be submitted. If payment was made by credit card or by ticket order, this fact should be noted on the travel expense claim.

\* \* \* \*

714. Privately Owned Automobiles. (a) Where claimant is authorized to operate a privately owned vehicle even though a state car is available, a rate of 7 cents per mile will be allowed.

(b) Where a privately owned vehicle is used because a state vehicle is not available or the Director of General Services has determined that a state vehicle cannot be made available economically, the employee will claim 11 cents per mile.

(c) Where use of a privately owned vehicle is authorized for travel to or from a common carrier terminal and the car is not parked at the terminal during the period of absence, a rate of 22 cents per mile may be claimed by the employee for the distance between the terminal and his residence or headquarters, whichever is less.

(d) In any case in which reimbursement for expenses of transportation by private automobile is claimed, the license number of the automobile used as well as the name of each state officer, employee, or board, commission, or authority member transported on the trip shall



be stated. As such reimbursement is for the expense of use of the automobile regardless of the number of persons transported, no reimbursement for such transportation shall be allowed any passenger in an automobile operated by another such officer, employee or member.

(c) Where reimbursement is claimed under this rule, ferry, bridge, or toll road charges shall be allowed in addition to mileage.

(f) Where reimbursement is claimed under this rule, reasonable charges may be allowed for necessary parking while on state business for:

(1) Day parking when on trips away from the headquarters office and residence.

(2) Overnight public parking when on trips away from the headquarters city and city of residence. Claim should not be made if expense-free overnight parking is available.

(3) Day parking adjacent to claimant's headquarters, provided that claimant had other reimbursable private car expenses for the same day.

Parking charges shall be claimed on Form 262, together with claims for mileage.

(g) Expenses for gasoline or routine repairs shall not be allowed. When a privately owned vehicle operated by an officer, agent or employee is damaged by collision or receives other accidental damage, reimbursement for repair expenses incurred by him shall be allowed under the following conditions:

(1) The vehicle was used with the permission or authorization of his employing agency;

(2) The vehicle was damaged through no fault of the officer, agent or employee;

(3) The claim is processed in accordance with the procedures prescribed by the Department of General Services.

Repair expenses shall be claimed on Form 262. Claims the total of which exceed \$100 require approval by the Board of Control.

(h) Expense arising from travel between home or garage and headquarters shall not be allowed. Where a trip is commenced or terminated at claimant's home, the distance traveled shall be computed from either his headquarters or home, whichever shall result in the lesser distance.

(i) Allowance of transportation expenses by privately owned automobile incurred in travel outside the State is limited by these rules and the requirement of the authorization specified in Section 707.

715. Certification on Travel Claims. Each claim for the payment of travel expenses shall contain a certification reading as follows:

I hereby certify that the above is a true statement of the travel expenses incurred by me in accordance with Board of Control rules in the service of the State of California, and that all items shown were for the official business of the State of California.

716. Transportation Tax. Transportation, incurred in the performance of official state duties and paid for by the State, is exempt from federal tax on transportation of persons. Exemption should be claimed at the time of purchase of such transportation by means of exemption certificate provided by the Federal Government, (Treasury Department, Form 731). Where payment of such tax is necessary, reimbursement may be allowed but, where the amount of the tax exceeds \$1.00, explanation as to the necessity therefor shall accompany the claim.

APPENDIX II a

Sample of How to Compute Subsistence Allowances

1. Example of computing subsistence allowance (per diem) where away from home for more than 24 hours:

Where travel duration exceeds 24 hours, one full per diem allowance is paid for each 24-hour period, beginning with the traveler's departure time. Effective October 1, 1969, a full 24-hour per diem will be \$25.00; reimbursement for the last fractional part of a period of more than 24 hours is to be computed according to the following table:

<u>Length of Travel</u>	<u>Per Diem</u>
Over 2 hours but not in excess of 4 hours	\$ 3.10
Over 4 hours but not in excess of 8 hours	6.25
Over 8 hours but not in excess of 12 hours	9.40
Over 12 hours but not in excess of 24 hours	12.50

Assume that the Commissioner leaves Los Angeles at 6:00 p.m. on October 2 for a meeting in San Francisco and returns at 8:30 p.m. on October 4. The per diem is computed as follows:

10/2 (1800)-10/3 (1800)	\$25.00
10/3 (1800)-10/4 (1800)	25.00
10/4 (1800-2030)	3.10
	<u>\$53.10</u>

Incidental expenses include mileage to and from the airport, airport parking, and a local telephone call. The per diem and all incidental expenses are entered on a sample claim in Appendix II b.

\* \* \* \* \*

2. Example of computing subsistence allowance where away from home for less than 24 hours but where trip begins before 7:00 a.m. or is completed after

7:00 p.m.: The per diem allowed is also computed according to the table set out in Example 1. If the Commissioner left home at 6:00 a.m. and returned at 6:45 p.m. (total duration of trip: 12 hours and 45 minutes), the per diem would be \$12.50.

\* \* \* \* \*

3. Example of computing subsistence allowance where away from home for less than 24 hours and where trip is completed within the hours of 7:00 a.m. to 7:00 p.m.:

If the Commissioner left home at 7:15 and returned at 6:45 p.m. the same day, the only subsistence allowance permitted is \$1.20. Actual transportation and business expenses are, of course, allowed to the extent provided by the pertinent rules.

NAME	POSITION	DATE
me	Commissioner	Date of fil
DEPARTMENT	DIVISION OR BUREAU	
California Law Revision Commission		
HOME ADDRESS	HEADQUARTERS ADDRESS	PRIVATE CAR LICENSE
Home Address	Office Address	XXX ---

[illegible]

3) VO. NO.	REMARKS (Detail of amounts in Columns 5 and 6, when necessary)	
	PURPOSE OF TRIP: To attend October meeting of CLRC	
	Air travel is paid by credit card # 000-000 [Note: if cash payment, attach coupon as voucher]	
	Taxi from hotel to State Bar Building (10/3/XX)	1
	(This space is also used to itemize miscellaneous expenses, not entered above, such as airport limousines, etc.)	1

<input checked="" type="checkbox"/> Employee has minimum liability insurance on private car per SAM 4195	(10) Miles already claimed this month B/C Rule 714(d) <u>-0-</u>	<b>TOTAL OF CLAIM</b>	<b>61</b>
<input type="checkbox"/> Conference or convention attendance under B/C Rule 708(c) approved. Signature of department head or principal deputy	(12) Paid by Revolving Fund check number _____		

HEREBY CERTIFY That the above is a true statement of the travel expenses incurred by me in accordance with Board of Control rules in the service of the State and that all items shown were for the official business of the State of California.

**Signature of officer approving payment**

**Signature of claimant**

Signature

Executive Secretary

## APPENDIX II C

SAMPLE--SAME INFORMATION PROVIDED FOR COMPLETION OF CLAIM BY STAFF

LRC-14

## TRAVEL EXPENSE INFORMATION

1. NAME: Name
2. PURPOSE OF TRIP: Commission meeting (indicate month) October  
Other (specify) \_\_\_\_\_
3. BETWEEN WHAT POINTS DID YOU TRAVEL? L.A. to S.I. & return
4. DATE AND TIME OF DEPARTURE: Oct. 2, 6 p.m.
5. DATE AND TIME OF RETURN: Oct. 4, 8:30 p.m.
6. AIRFARE:  
Charged to Commission credit card? Yes  
(If yes, transportation tax should not be deducted from price of ticket.)  
OR  
Paid by you from your own funds?  
(If yes, transportation tax must be deducted. Attach flight coupon.)
7. MILEAGE: Passengers (in addition to driver) \_\_\_\_\_  
Date: 10/2 Miles: 20 From: Office to L.A. airport  
Date: 10/4 Miles: 20 From: L.A. airport to Office  
Date: \_\_\_\_\_ Miles: \_\_\_\_\_ From: \_\_\_\_\_ to \_\_\_\_\_
8. PARKING (voucher required if amount exceeds \$2.50):  
Date: 10/4 Amount: \$2.50 Place: L.A. airport  
Date: \_\_\_\_\_ Amount: \_\_\_\_\_ Place: \_\_\_\_\_
9. TAXI FARES (no voucher required):  
Date: 10/3 Amount: \$1.00 From: Hotel to State Bar Bldg.  
Date: \_\_\_\_\_ Amount: \_\_\_\_\_ From: \_\_\_\_\_ to \_\_\_\_\_  
Date: \_\_\_\_\_ Amount: \_\_\_\_\_ From: \_\_\_\_\_ to \_\_\_\_\_
10. FARES FOR AIRPORT LIMOUSINES (no voucher required):  
Date: \_\_\_\_\_ Amount: \_\_\_\_\_ From: \_\_\_\_\_ to \_\_\_\_\_  
Date: \_\_\_\_\_ Amount: \_\_\_\_\_ From: \_\_\_\_\_ to \_\_\_\_\_
11. COMMERCIAL AUTO RENTAL (voucher required):  
Date(s) \_\_\_\_\_ Amount: \_\_\_\_\_ Reason justifying: \_\_\_\_\_
12. BRIDGE TOLLS: Date: \_\_\_\_\_ Amount: \_\_\_\_\_  
Date: \_\_\_\_\_ Amount: \_\_\_\_\_

ATTACH SEPARATE STATEMENT GIVING EXPLANATION OF LOSS OF ANY REQUIRED VOUCHER(S)

APPENDIX III

October 1969

LIST OF MEMBERS  
OF  
STATE BAR COMMITTEE  
ON  
GOVERNMENTAL LIABILITY AND CONDEMNATION

STATE BAR COMMITTEE ON GOVERNMENTAL LIABILITY AND CONDEMNATION  
(Formerly Committee on Condemnation Law & Procedure)  
Liaison:

John J. Golden  
Savings Bank Bldg.  
P.O. Drawer 720  
Ukiah, Ca. 95482

Southern Section

George C. Hadley, Chairman  
One Wilshire Blvd.  
Suite 2000  
Los Angeles 90017

Robert G. Cockins  
1685 Main St.  
Santa Monica 90401

Thomas M. Dankert  
144 So. California St.  
P.O. Box 1443  
Ventura 93002

John J. Endicott  
634 So. Spring St.  
Los Angeles 90014

Jerrold A. Fadem  
6505 Wilshire Blvd.  
Los Angeles 90048

Richard L. Franck  
107 So. Broadway  
Suite 9111  
Los Angeles 90012

John N. McLaurin  
445 So. Figueroa St.  
34th Floor  
Los Angeles 90017

Paul E. Overton  
1700 The Home Tower  
707 Broadway  
San Diego 92101

Northern Section

Willard A. Shank, Vice Chairman  
500 Wells Fargo Bank Bldg.  
Suite 427  
Sacramento 95814

Robert F. Carlson  
Suite 1316, 1120 N St.  
P.O. Box 1499  
Sacramento 95806

Stephen W. Hackett  
10th Floor, 240 Stockton St.  
San Francisco 94108

Holloway Jones  
1111 Chestnut St.  
San Francisco 94109

Robert E. Nisbet  
508 - 16th St.  
Oakland 94612

John B. Reilley  
2130 Adeline St.  
Oakland 94607

Grace M. Wallis  
Room 1015  
508 - 16th St.  
Oakland 94612

Norman S. Wolff  
206 City Hall  
San Francisco 94102

---

Harold F. Bradford  
475 Insurance & Exchange Bldg.  
455 Capitol Mall  
Sacramento 95814

Karl E. Zellmann  
The State Bar of California  
601 McAllister Street  
San Francisco 94102

APPENDIX IV

October 1969

PERSONS RECEIVING TENTATIVE RECOMMENDATIONS



## APPENDIX IV

### PERSONS RECEIVING TENTATIVE RECOMMENDATIONS

Tentative recommendations on certain topics are distributed for comment to those persons and organizations who request that their names be placed on a special mailing list for those topics. In October 1969, the Commission had four such special lists:

Condemnation Law and Procedure . . . . .	over 500 names
Inverse Condemnation . . . . .	almost 500 names
Sovereign Immunity . . . . .	almost 500 names
Evidence . . . . .	almost 600 names

## STUDY 36 - CONDEMNATION LAW AND PROCEDURE

Over 500 persons and organizations are currently on the Commission's mailing list to receive all tentative recommendations distributed on this topic. The following people also receive the material on this topic distributed to the Commission prior to each meeting:

Mr. William W. Abelmann, SREA  
3532 Ocean View Boulevard  
Glendale 91208

Mr. Harrison R. Baker, Jr., SREA  
Harrison R. Baker & Associates  
393 East Green Street  
Pasadena 91101

Robert F. Carlson, Esq. (52, 65)  
Legal Division  
Department of Public Works  
P. O. Box 1499  
Sacramento 95807

John B. Clausen, Esq. (52, 65)  
County Counsel  
P. O. Box 69  
Martinez 94553

Norval Fairman, Esq. (65)  
Division of Highways  
369 Pine Street  
San Francisco 94104

Tom P. Gilfoxy, Esq. (52, 65)  
Southern Calif. Edison Co.  
P. O. Box 351  
Los Angeles 90053

Eugene Hill, Esq. (52, 65)  
Office of Attorney General  
500 Wells Fargo Bank Bldg.  
Sacramento 95814

William G. Holliman, Jr., Esq. (52, 65)  
League of California Cities  
Hotel Senator  
Sacramento 95814

Mr. Ernest I. Johnston, SREA  
301 E. Regent Street  
Inglewood 90301

George P. Kading, Esq. (52, 65)  
County Counsel  
Courthouse  
Santa Barbara 93104

Albert E. Levy, Esq. (52, 65)  
Goldstein, Barceloux & Goldstein  
650 California Street  
San Francisco 94108

John N. McLaurin, Esq. (52, 65)  
455 S. Figueroa  
Los Angeles 90017

Bertram McLees, Jr., Esq. (65)  
County Counsel  
302 Civic Center  
San Diego 92101  
Attn: Donald L. Clark, Deputy

Robert P. McNamee, Esq.  
405 W. Hedding Street  
San Jose 95110

John D. Maharg, Esq. (52, 65)  
County Counsel  
648 Hall of Administration  
500 W. Temple Street  
Los Angeles 90012  
Attn: Robert C. Lynch, Esq.

Joseph A. Montoya, Esq. (52, 65)  
Legal Division  
Department of Public Works  
107 S. Broadway, Suite 9111  
Los Angeles 90005

John N. Morrison, Esq.  
Office of Attorney General  
Room 429, Wells Fargo Bank Bldg.  
Sacramento 95814

Kenneth G. Nellis, Esq. (52, 65)  
Department of Public Works  
369 Pine Street  
San Francisco 94104

Mr. Hulbert F. Rice, SREA  
15117 Ventura Boulevard  
Suite 4  
Sherman Oaks 91403

Willard A. Shank, Esq. (52, 65)  
Department of Justice  
500 Wells Fargo Bank Bldg.  
Sacramento 95814

Terry C. Smith, Esq. (52, 65)  
Deputy County Counsel  
648 Hall of Administration  
Los Angeles 90012

Charles W. Thissell, Esq. (52, 65)  
Pacific Gas & Electric Co.  
245 Market Street  
San Francisco 94106

Gerald J. Thompson, Esq. (52, 65)  
Assistant County Counsel  
504 County Administration Bldg.  
70 W. Hedding Street  
San Jose 95110

P. A. Towner, Esq. (52, 65)  
Department of Water Resources  
P. O. Box 388  
Sacramento 95802  
Attn: James T. Markle, Esq.

Reginald M. Watt, Esq. (52, 65)  
116 W. Second Street  
Chico 95928

Allan I. Wendroff, Esq. (52, 65)  
Reclamation Board  
1416 Ninth Street, Room 1335  
Sacramento 95814

Mr. Raymond A. Wood, SREA  
Wood & Bricker  
4744 Sepulveda Boulevard  
Sherman Oaks 91403

Butte County Counsel (52, 65)  
Courthouse  
Oroville 95965

## STUDY 52 - SOVEREIGN IMMUNITY

Almost 500 persons and organizations are currently on the Commission's mailing list to receive all tentative recommendations distributed on this subject. The following people also receive the materials distributed to the Commission prior to each meeting:

(See list on Condemnation marked 52.)

## STUDY 65 - INVERSE CONDEMNATION

Almost 500 persons and organizations are currently on the Commission's mailing list to receive all tentative recommendations distributed on this subject. The following people also receive the materials distributed to the Commission prior to each meeting:

(See list on Condemnation marked 65.)

### STUDY 63 - EVIDENCE

Almost 600 persons and organizations are currently on the Commission's mailing list to receive all tentative recommendations distributed on this subject.

APPENDIX V

December 1969

BIOGRAPHIES OF COMMISSION MEMBERS  
AND STAFF

THOMAS E. STANTON, JR.

BIOGRAPHICAL DATA

SOCIAL SECURITY NO:	546 01 5374
NAME	THOMAS E. STANTON, JR.
HOME ADDRESS	15 Tamalpais, Belvedere, California
TELEPHONE NO.	Geneva 5-0313
DATE OF BIRTH	January 7, 1912
BIRTHPLACE	Glendale, California
FATHER'S NAME	Thomas E. Stanton
MOTHER'S NAME	Leora M. Stanton (Kimball)
MARRIED TO	Adora E. C. Maltby
DATE AND PLACE OF MARRIAGE	May 10, 1947 at San Francisco, California
CHILDREN (Names and Dates of Birth)	Adora Elizabeth Stanton July 30, 1948 Thomas E. Stanton III December 3, 1951 Alicia Martha Stanton April 3, 1954
DATE ADMITTED TO BAR CALIFORNIA	State Bar of California at San Francisco December 13, 1935
OTHER STATES OR FEDERAL COURTS (give dates)	District Court of the United States for the Northern District of California, at San Francisco, July 24, 1936  Ninth Circuit Court of Appeals of the United States, at San Francisco, July 24, 1936  Court of Claims, at Washington, D. C., September 14, 1953  United States Supreme Court, at Washington, D. C., April 24, 1956
EDUCATION	
PRELIMINARY	Sacramento High School, 1928
UNDERGRADUATE (College; year; degree)	University of California; 1931, A.B.
LEGAL (School; year; degree)	University of California; School of Jurisprudence (Boalt Hall), 1935; LL.B.; Harvard Law School, 1936, LL.M. (Master of Laws)



**COLLEGE FRATERNITIES  
AND LEGAL SOCIETIES**

Chi Psi  
Phi Delta Phi (Legal)  
Order of the Coif (legal scholastic)

**SCHOLASTIC HONORS  
(Scholarships; Law  
Review, etc.)**

Student Editor in Chief, California Law  
Review, 1934-1935

William Carey Jones Scholarship, 1935

Harvard Law School Tuition Scholarship, 1935

**LEGAL EXPERIENCE  
(Firm; place; dates)**

Associated with firm of Pillsbury, Madison  
& Sutro, San Francisco, 1936-1942, 1946-1947;  
Attached to Legal Office, San Francisco  
Chemical Warfare Procurement District, 1942

**PUBLIC OFFICES HELD or  
PUBLIC SERVICE RECORD**

Member, California Code Commission,  
1940 to 1953

Member, California Law Revision Commission,  
1954 to date; Chairman, 1954 to 1960, 1970 -

**CONTRIBUTIONS TO PROFES-  
SIONAL PUBLICATIONS  
(Journal; year; title of  
article)**

Various student notes, California Law Review,  
1933-1935; various articles, State Bar  
Journal

**BAR ASSOCIATION MEMBER-  
SHIP AND SERVICE**

Member of American Bar Association, 1940  
to date

Member of the Bar Association of San  
Francisco (Member, Board of Governors, 1948)

President, Barristers Club of San  
Francisco (1940)

President, Conference of Junior Bar  
Members of State Bar, 1946-1947

**PROFESSIONAL OR FRATERNAL  
ORGANIZATIONS**

Commonwealth Club of San Francisco

**MILITARY RECORD**

Inducted as private, January 1943; Commissioned  
as Second Lieutenant, Judge Advocate General's  
Department, December 1943; District Claims  
Officer and District Judge Advocate, Western  
District, Air Technical Service Command, Los  
Angeles, 1945; Relieved from active duty as  
Captain, February, 1946.

**LAW FIRM**

Johnson & Stanton, 221 Sansome, San Francisco  
94104

JOHN D. MILLER

BIOGRAPHY - 1969

**BIRTHDATE:** December 2, 1927

**FAMILY:** Married to Barbara Decker Miller  
December 27, 1950 in Long Beach,  
California. Children are:  
Thomas Lee Miller, born July 8, 1956  
Jennifer Lynn Miller, born May 20, 1959

**HOME ADDRESS:** 3838 Cedar Avenue  
Long Beach, California 90807

**BUSINESS ADDRESS:** Suite 610, Fidelity Federal Plaza  
555 East Ocean Boulevard  
Long Beach, California 90802

Telephone: 436-7206

**EDUCATION:** Long Beach Polytechnic High School;  
Leland Stanford, Jr. University,  
B.A. 1950 with distinction;  
Stanford University School of Law,  
LL.B. 1953

**PROFESSIONAL  
INFORMATION:** Admitted to California Bar in 1953;  
Member Long Beach Bar Association,  
twice serving on it's Board of Governors;  
Member of the Los Angeles County, State  
and American Bar Associations;  
Admitted to practice before the U. S.  
District Court S.D., Ninth Circuit Court  
of Appeal, U. S. Supreme Court (1959)  
and all California Courts;  
Arbitrator, American Arbitration  
Association.

**MILITARY:** U. S. Army, Discharged 1947

JOSEPH T. SNEED:

Prof. Stanford Univ. School of Law. b. 1920.  
BB.A., 1941, Southwestern Univ.; LL.B., 1947,  
Southwestern Univ.; LL.D., 1958,  
Univ. of Texas; S.J.D., 1958, Harvard./ Admitted:  
Texas, 1947; New York, 1958. Grad. Student, Harvard  
1950-51. Instr., Univ. of Texas, 1947; Asst. Prof.  
1947-51; Assoc. Prof., 1951-54; Prof., 1954-57;  
Prof., Cornell, 1957-62; Prof. Stanford, since 1962.  
Coif. Consultant, Am. Law Inst. Estate and Gift Tax  
Proj., 1961-68; Pres., Assn. of Am. Law Sch., 1968;  
Mem. of Council on Educ. and Prof. Respon., A.A.L.S.  
Mem. of Council on Legal Education Opportunity; 1962-68  
Trustee of College Retirement Equities Fund.

PUBLICATIONS:

Books

The Configurations of Gross Income. Columbus: Ohio State University  
Press, 1967. 340 p.

Articles

Capital Gains Taxation - American Plan. To be published in British  
Tax Review, 1968-1969.

United States Taxation of United Kingdom Persons. To be published in  
British Tax Review, 1968-1969.

Some Anxieties of Legal Education. 21 Southwestern Law Journal.  
619 (1967).

The Criteria of Federal Income Tax Policy. 17 Stanford Law Review.  
567 (1965).

Unlabeled Income and Section. 483. Proceedings of the Seventeenth  
Tax Institute, University of Southern California School of Law.  
643 (1964).

Member, State Bars of New York and Texas, American Judicature Society

Vestryman - All Saints Episcopal Church, Palo Alto, California

Political Affiliation - Republican

Joseph T. Sneed

Some Reflections About the Impact of Federal Taxation on American Private Law. 12 Buffalo Law Review 241 (1963).

The Rule of Good Law and Federal Taxation. 2 Boston College Industrial and Commercial Law Review. 203 (1961).

Major Objectives of and Guides for Income Tax Reform. Tax Revision Compendium; Committee on Ways and Means, 61 (Comm. Print. 1959).

Supreme Court Strip Mining Decisions Alter Tests for Depletable Interests. 11 J. Taxation 2 (1959).

Another Look at the Economic Interest Concept, Proceedings of the Tenth Annual Institute on Oil and Gas Law and Taxation As It Affects the Oil and Gas Industry. 353 (1959).

A Defense of the Tax Court's Result in *Prunier and Casale*. 43 Cornell Law Quarterly 339 (1958).

The Economic Interest - An Expanding Concept. 35 Texas Law Review. 307 (1957).

Fundamentals of the Estate and Gift Tax. 1 Texas Institutes. 1 (1956).

More About Associations in the Oil and Gas Industry. 33 Texas Law Review. 168 (1954).

Bank Collections: The Stop-Payment Transaction - A Comparative Study. (Co-author with K.E. Morrison). 32 Texas Law Review. 259 (1954).

Proposed Solution to the Documentary Problem of Airborne International Trade. 65 Harvard Law Review. 1392 (1952).

Bank Collections - A Comparative Study. (Co-author with K.E. Morrison). 29 Texas Law Review. 713 (1951).

Insanity As a Defense in Criminal Law and Semi-Responsibility. (*Fisher v. United States*, 66 sup. ct. 1318) 25 Texas Law Review. 295 (1947).

Value of Lessor's Share of Production Where Gas Only Is Produced. 25 Texas Law Review. 641 (1947).

#### Book Reviews

Eisenstein, Louis: The Ideologies of Taxation. 1961. 71 Yale Law Journal. 186 (1961).

Sayre, Paul: Life of Roscoe Pound. 1948. 26 Texas Law Review. 844 (1948).

Joseph T. Sneed

Courses taught: Taxation, Federal; Estate Planning; Contracts;  
Commercial Law.

Current Research: Materials on Taxation in Developing Countries.

LEWIS K. UHLER

BIOGRAPHY

1968

Birthdate: November 22, 1933

Law School: University of California, Boalt Hall, graduated 1958

Admitted to Bar: 1958

Law Firm: Garvey, Ingram & Baker

Business Address: 281 E. Workman Street  
Covina, California 91722

Home Address: 541 N. Segovia  
San Gabriel, California 91775

1/22/67

JOHN H. DEMOULLY, Executive Secretary

**Experience:** Assistant Reviser - Oregon Statute Revision Council  
(two years, 1951-1953)  
Assistant Professor (Research Attorney) - University  
of Oregon, Bureau of Municipal Research and  
Service (one year, 1953-1954)  
Chief Deputy Legislative Counsel - Oregon (five years,  
1954-1959)  
Executive Secretary, California Law Revision Commission,  
and Lecturer in Law, Stanford Law School, since  
1959

**Education:** University of Minnesota, B.S.L. 1949, J.D. 1951  
a. Honors: Order of the Coif; class rank - first  
b. Activities: Teaching Assistant in Legislation  
(two years); Minnesota Law Review; Research  
Assistant to several Minnesota State Bar Committees;  
Phi Delta Phi Legal Fraternity

**Admission to Practice:** California, United States Supreme Court, Oregon, and  
Minnesota

**Member:** State Bar of California; Oregon State Bar; American Bar  
Association; The American Judicature Society;  
Palo Alto Area Bar Association; Committee on Con-  
demnation and Condemnation Procedure, ABA Section  
of Local Government Law

**Service:** U.S. Army during World War II. Master Sergeant -  
Military Intelligence, U.S. Army Reserve. Awards:  
Combat Infantryman Badge; Bronze Star

**Other Professional Activities:** Panel Member - State Bar Convention, American Association  
of Law Schools meeting, National Legislative  
Conference  
Member Executive Committee of National Legislative  
Conference since 1965  
Lecturer and consultant for Continuing Education of the  
Bar  
Speaker - local bar association and other organizations

**Personal:** Born in St. Paul, Minnesota, October 4, 1923. Lives in  
Los Altos Hills with his wife, Wilma, one son, and  
two daughters

JACK I. HORTON, Associate Counsel

**Experience:** Private practice, insurance defense litigation and general practice, Monterey, California, 1965-1968.  
  
California Law Revision Commission, Junior Counsel, July 1968-December 1968; Associate Counsel, January 1969

**Education:** Public Schools, Leonia, New Jersey  
Yale University, B.S. 1958 (Geology)  
Stanford University, LL.B. 1965, Managing Editor, Stanford Law Review

**Admission to Practice:** California, Federal Courts (1965)

**Member:** State Bar of California, American Bar Association

**Service:** U.S. Army, Engineer Intelligence, Heidelberg, Germany (1958-1962)

**Personal:** Born, Englewood, New Jersey, June 22, 1936; married; lives in Menlo Park, California with wife, Ellen, two sons, one daughter.