

10/14/71

Memorandum 71-74

Subject: Handbook of Commission Practices and Procedures

Attached is a revised version of the Handbook of Practices and Procedures. This revision reflects Commission decisions since the last edition.

We do not plan to discuss the Handbook at the meeting. However, we are distributing the revised edition now and we hope you will read it and raise any matters you wish for discussion at the meeting.

Respectfully submitted,

John H. DeMouilly  
Executive Secretary

CALIFORNIA LAW REVISION COMMISSION

H A N D B O O K  
OF  
P R A C T I C E S A N D P R O C E D U R E S

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  
November 1971

## CONTENTS

CHAPTER	PAGE
1. OFFICERS AND MEMBERS OF COMMISSION. . . . .	1
Officers . . . . .	1
Recognition of Service . . . . .	1
Materials and Supplies . . . . .	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 . . . .	8
4. RELATIONSHIP WITH STATE BAR . . . . .	9
5. RELATIONSHIP WITH RESEARCH CONSULTANTS. . . . .	10
Compensation of Research Consultants . . . . .	10
Form and Contents of Consultant's Study. . . . .	10
Report on Status of Research Studies . . . . .	11
Copies of Printed Reports. . . . .	11
6. PRINTING AND DISTRIBUTION POLICIES. . . . .	12
Sending Research Consultant's Study to Printer . . . . .	12
Publication of Commission Material in Law Reviews. . . . .	12
Number of Copies Printed . . . . .	13
Distribution . . . . .	13
Bound Volumes . . . . .	13
Printed Recommendation and Study Pamphlets. . . . .	14
Unpublished Studies . . . . .	14
Sale of Commission Publications. . . . .	15
7. DELEGATION OF AUTHORITY CONCERNING PERSONNEL AND FISCAL MATTERS . . . . .	16
Personnel and Fiscal Matters Generally . . . . .	16
Personnel Matters. . . . .	16
Out-of-State Traveling . . . . .	17
Research Contracts and Leases. . . . .	18
8. EVALUATION OF SUGGESTED TOPICS. . . . .	19
Procedures for Determination of New Topics . . . . .	19

APPENDIX

PAGE

- I. STATE BAR COMMITTEE ON GOVERNMENTAL LIABILITY AND  
CONDEMNATION. . . . . pink pages
- II. PERSONS RECEIVING TENTATIVE RECOMMENDATIONS AS OF  
JULY 1971 . . . . . yellow pages
- III. BIOGRAPHIES OF COMMISSION MEMBERS AND STAFF. . . . . green 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:

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CALIFORNIA LAW REVISION COMMISSION

presented to

RICHARD H. KEATINGE

IN RECOGNITION OF DISTINGUISHED SERVICE

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

Binders for Commission Materials. Upon request to the Executive Secretary, a member of the Commission will be provided with hard-cover binders.<sup>1</sup> These are used by some members to keep Commission mimeographed material in a convenient form.

Credit Cards.<sup>2</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>3</sup>

## ADMINISTRATIVE SERVICES

Claims. Travel Claims for members appointed by the Governor should be submitted to the Commission's office. The member submits 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 Administrative Assistant and returned to the member for his signature.

- 
1. Statement of existing practice.
  2. Statement of existing practice.
  3. 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 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 and must be present before the Commission may attend to any business.<sup>1</sup> 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 at the request of any voting member of the Commission.<sup>4</sup> 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>

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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 and to submit their recommendations to the Commission.<sup>1</sup>

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

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 the Chairman.<sup>3</sup> The agenda for each meeting is sent to a selected group of persons who normally attend the meetings as observers.<sup>4</sup>

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 or redrafting.<sup>5</sup>

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1. Minutes, January 1960; Minutes, May 1960.
  2. Statement of existing practice.
  3. Minutes, February 1960.
  4. Statement of existing practice.
  5. 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 noncapitalization of letters, etc., without further consultation with the Commission.<sup>3</sup>

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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 members 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

- 
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, January 1971.

committee or otherwise and it seems likely that the member does not fully understand the Commission's recommendation or the reasons for it. If it appears desirable, the Executive Secretary should contact the member to 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>

#### REQUEST FOR AUTHORITY TO CONTINUE EXISTING STUDIES<sup>3</sup>

Each session a concurrent resolution is submitted to authorize continuance of existing studies and to drop previously authorized studies from the Commission's agenda. Another concurrent resolution is submitted to authorize any new studies the Commission desires to undertake.

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1. Minutes, February 1965.

2. Statement of existing practice.

3. 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>

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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

#### 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>1</sup> Payment is made in a lump sum (rather than on an hourly basis) under a contract made with the consultant.<sup>2</sup> Partial payments may be made for portions of a research study that have been completed.<sup>3</sup>

#### FORM AND CONTENTS OF CONSULTANT'S STUDY<sup>4</sup>

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 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.

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1. Minutes, June 1955.
  2. Minutes, June 1955.
  3. Statement of existing practice.
  4. Minutes, June 1955.



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 that the views expressed are not necessarily the views of the Commission.<sup>2</sup>

#### REPORT ON STATUS OF RESEARCH STUDIES

The Executive Secretary is to submit for Commission review approximately every six months the status of each research study being prepared by an outside research consultant.<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>4</sup>

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1. Minutes, August 1960

2. Statement of existing practice. See also Minutes, March 1961.

3. Minutes, April 1971.

4. 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 substance of the following note:

This Article was prepared to provide the California Law Revision Commission with background information to assist the Commission in its study of this subject. The opinions, conclusions, and recommendations contained in this Article do not necessarily represent or reflect the opinions, conclusions, or recommendations of the Law Revision Commission.

No tentative recommendation may be published in a law review unless Commission permission is first obtained.<sup>3</sup> If a tentative recommendation is published in a law review or otherwise distributed, it should be accompanied by the substance of the following note.<sup>4</sup>

- 
1. Minutes, March 1960.
  2. Minutes, June 1966.
  3. Minutes, December 1965.
  4. Minutes, June 1966.

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 2,500 copies of each annual report and 2,200 copies of each recommendation and study are printed.<sup>1</sup> The State Printer holds 500 of these copies (unbound) for incorporation into the bound volume of Commission reports, recommendations, and studies.<sup>2</sup> Five hundred copies of the bound volume are printed. In some cases, more copies may be printed.

#### DISTRIBUTION

Bound Volumes. A copy of the bound volume is sent to each of the following:<sup>3</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

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1. Statement of existing practice.
  2. Minutes, August 1956.
  3. Minutes, August 1957.

Distribution to private law firms or to out-of-state libraries is not made.<sup>1</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>2</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.

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>3</sup>

- Members of the Legislature
- Supreme Court Justices
- Heads of all State Departments who indicate they wish copies
- 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>4</sup>

Unpublished Studies. The Executive Secretary may send a copy of an unpublished study of the Commission to a person requesting it.<sup>5</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>6</sup>

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1. Minutes, May 1959.
  2. Statement of existing practice.
  3. Minutes, December 1956.
  4. Minutes, August 1957.
  5. Minutes, February 1960.
  6. Minutes, February 1960.

## SALE OF COMMISSION PUBLICATIONS

The Commission has a liberal policy on distribution of its free printed pamphlets and distributes them upon request.<sup>1</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>2</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>3</sup>

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1. Statement of existing practice. See Minutes, December 1956.
  2. Minutes, August 1962.
  3. Minutes, July 1963.

## CHAPTER SEVEN

### DELEGATION OF AUTHORITY CONCERNING PERSONNEL AND FISCAL MATTERS

#### PERSONNEL AND FISCAL MATTERS GENERALLY<sup>1</sup>

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 July 1971, the Chairman, Executive Secretary, and Assistant Executive Secretary 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.

#### PERSONNEL MATTERS<sup>2</sup>

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 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.

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1. Minutes, October 1965.

2. Minutes, October 1965; Minutes, October 1971.

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. The Assistant Executive Secretary, and in his absence the Administrative Assistant, is authorized to approve sick leave and vacation leave requests of the 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.)

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1. Minutes, October 1965.

RESEARCH CONTRACTS AND LEASES<sup>1</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>2</sup>

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1. Minutes, July 1964.

2. Statement of existing practice.



## CHAPTER EIGHT

### EVALUATION OF SUGGESTED TOPICS

#### PROCEDURES FOR DETERMINATION OF NEW TOPICS<sup>1</sup>

The Commission determined that the decision as to which new topics will be requested for authorization at a particular legislative session ordinarily should be made at one meeting during the year. If the various possible new topics are considered at one meeting each year, the Commission will have an overall view of all the possible new topics when a decision is made as to the new topics to be requested for authorization at a particular session.

Topics may be brought to the Commission's attention when the suggestion is received, but those topics that appear to be suitable for study should be written up for possible inclusion in the Annual Report and considered at the time the Annual Report is approved for printing.

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1. Minutes, September 1970.

APPENDIX I

July 1971

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: William J. Schall  
2222 U. S. Nat'l Bank Bldg.  
San Diego, CA 92101

Southern Section

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

Thomas G. Baggot, Jr.  
611 W. 6th St., Suite 3450  
Los Angeles 90017

Thomas M. Dankert  
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

William L. Gordon  
P.O. Box 177  
Santa Barbara 93101

Roscoe D. Keagy  
304 Kalmia St.  
San Diego 92101

Carl K. Newton  
649 S. Olive St., Suite 1000  
Los Angeles 90014

Roger M. Sullivan  
458 S. Spring St., # 709  
Los Angeles 90013

Northern Section

Robert F. Carlson, Vice Chairman  
P.O. Box 1499  
Sacramento 95807

William T. Ivey, Jr.  
P.O. Box 2248  
Merced 95340

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

John B. Reilley  
2130 Adeline St.  
Oakland 94607

John H. Tallett  
369 Pine St.  
San Francisco 94104

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

---

Harold F. Bradford  
The State Bar of California  
926 "J" St., Rm. 1003  
Sacramento 95814

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

APPENDIX II

July 1971

PERSONS RECEIVING TENTATIVE RECOMMENDATIONS

PERSONS RECEIVING TENTATIVE RECOMMENDATIONS

Tentative recommendations are distributed for comment to those persons and organizations who request that their names be placed on a mailing list to receive them. In July 1971, The Commission had a list of over 400 names for distribution of all tentative recommendations. In addition, there were three further lists for distribution of tentative recommendations on a specific topic:

Attachment & Garnishment. . . . .	almost 150 additional names
Condemnation & Sovereign Immunity . . . . .	over 100 additional names
Evidence. . . . .	over 100 additional names

## ATTACHMENT & GARNISHMENT

Over 550 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 material on this topic distributed to the Commission prior to each meeting. (An additional 25 persons receive agendas so that they can determine if they wish to attend a particular meeting of the Commission.)

Mr. Gordon H. Bishop  
Dept. of Consumer Affairs  
1020 "N" St., Rm. 516  
Sacramento, Ca 95814

Harold F. Bradford, Esq.  
State Bar of California  
926 "J" St., Rm. 1003  
Sacramento, Ca 95814

Mr. James M. Connors  
989 Market St.  
San Francisco, Ca 94103

Hal L. Coskey, Esq.  
1100 Glendon Ave., Ste. 1111  
Los Angeles, Ca 90024

Loren S. Dahl, Esq.  
555 Capitol Mall  
Sacramento, Ca 95814

Paul F. Dauer, Esq.  
Office of City Attorney  
P. O. Drawer P - P  
Santa Barbara, Ca 93102

John Rex Dibble, Esq.  
1400 W. Ninth St.  
Los Angeles, Ca 90015

Harold Eisenberg, Esq.  
Assembly Judiciary Committee  
State Capitol, Rm. 2126  
Sacramento, Ca 95814

Ferdinand F. Fernandez, Esq.  
100 Pomona Mall West, 6th floor  
Pomona, Ca 91766

Allan L. Fink, Esq.  
CIT Financial Services, Inc.  
405 Montgomery St.  
San Francisco, Ca 94104

Nathan Frankel, Esq.  
502 Bank of Commerce Bldg.  
Oakland, Ca 94612

Harvey M. Freed, Esq.  
Neighborhood Legal Assistance  
2701 Folsom St.  
San Francisco, Ca 94110

Mr. Lawrence E. Gercovich  
Administrative Adviser to the  
State Controller  
P.O. Box 1019  
Sacramento, Ca 95805

J. E. Gugerty, Esq.  
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School of Law  
University of California  
Berkeley, Ca 94720

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Legal Aid Society  
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Marshal's Office  
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Los Angeles, Ca 90017

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School of Law  
University of California  
Los Angeles, Ca 90027

Western Center on Law & Poverty  
1709 W. Eighth St., Ste. 600  
Los Angeles, Ca 90017

CONDEMNATION LAW AND PROCEDURE; SOVEREIGN IMMUNITY;  
INVERSE CONDEMNATION

About 550 persons and organizations are currently on the Commission's mailing list to receive all tentative recommendations distributed on these topics. The following people also receive the material on these topics distributed to the Commission prior to each meeting.

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San Jose, Ca 95110

Reginald M. Watt, Esq.  
116 W. Second St.  
Chico, Ca 95928

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Reclamation Board  
1416 Ninth St., Rm. 1335  
Sacramento, Ca 95814

## EVIDENCE

About 550 persons and organizations are currently on the Commission's mailing list to receive all tentative recommendations distributed on this subject.

APPENDIX III

July 1971

BIOGRAPHIES OF COMMISSION MEMBERS  
AND STAFF

THOMAS E. STANTON, JR.

DATE OF APPOINTMENT TO COMMISSION: 1954

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

May 10, 1947 at San Francisco, California

CHILDREN Adora Elizabeth Stanton July 30, 1948  
Thomas E. Stanton III December 3, 1951  
Alicia Martha Stanton April 3, 1954

ADMISSION TO PRACTICE State Bar of California at San Francisco  
December 13, 1935

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 Sacramento High School, 1928

University of California, A.B. 1931

University of California, School of Juris-  
prudence (Boalt Hall), LL.B. 1935; Harvard  
Law School, LL.M. (Master of Laws) 1936

COLLEGE FRATERNITIES  
AND LEGAL SOCIETIES

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

SCHOLASTIC HONORS

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

William Carey Jones Scholarship, 1935

Harvard Law School Tuition Scholarship, 1935

LEGAL EXPERIENCE

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 -

PUBLICATIONS

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

BAR ASSOCIATION MEMBERSHIP  
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

DATE OF APPOINTMENT TO COMMISSION: 1969

DATE OF BIRTH December 2, 1927

MARRIED TO Barbara Decker Miller  
December 27, 1950 at Long Beach, California

CHILDREN Thomas Lee Miller July 8, 1956  
Jennifer Lynn Miller 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  
Stanford University, B.A. 1950 with distinction  
Stanford University School of Law, LL.B. 1953

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

MILITARY RECORD U. S. Army, Discharged 1947

NOBLE K. GREGORY

DATE OF APPOINTMENT TO COMMISSION: 1970

DATE OF BIRTH April 19, 1918, in Los Angeles, California

EDUCATION University of California (Boalt Hall), 1946

ADMITTED TO BAR 1946

BUSINESS ADDRESS Pillsbury, Madison & Sutro  
225 Bush Street, 19th Floor  
San Francisco, California 94104

HOME ADDRESS 225 Maywood Drive  
San Francisco, California 94102

JOHN NICHOLSON McLAURIN

DATE OF APPOINTMENT TO COMMISSION: 1970

RESIDENCE ADDRESS 825 Flintridge Avenue  
Pasadena, California 91103

BUSINESS ADDRESS 445 South Figueroa Street  
34th Floor  
Los Angeles, California 90017

LEGAL EXPERIENCE January 1957 to present: Member, law firm  
of Hill, Farrer & Burrill (Los Angeles),  
specializing in civil litigation and eminent  
domain matters.

January 1962 to present: Partner, Hill,  
Farrer & Burrill.

1947 to 1957: Trial attorney for the  
Division of Highways, Department of Public  
Works, State of California. Chief duties:  
trial and appellate practice in eminent  
domain matters; last three years Chief  
Trial Deputy in Southern California area.

1946 to May 1947: With the Bank of America  
Trust Department, Los Angeles

1945 to 1946 (approximately one year): In  
the general practice of law in Los Angeles.

ADMISSIONS TO PRACTICE LAW

State of California: January 1941.

Federal District Court (Southern District  
of California); December 1945.

Federal District Court (District of Hawaii):  
August 1954.

District Court of Clark County, Nevada:  
1968 (For one trial).

Federal District Court of Nevada, Clark  
County: 1970 (For one trial).



**APPOINTMENTS**

Member, California Law Revision Commission:  
October 1970 to present.

Consultant, California Law Revision Commission in eminent domain law: 1957 to October 1970 when I resigned to accept appointment to the Commission

**BAR ORGANIZATIONS**

State Bar of California  
Los Angeles County Bar  
Orange County Bar  
City of Pasadena Bar  
American Bar Association

**OTHER LEGAL ORGANIZATIONS AND  
ACTIVITIES**

Visiting lecturer in law, University of California School of Law (Boalt Hall):  
1966 to 1970.

State Bar Committee on Governmental Liability and Condemnation: 1963 to present.  
(Appointed Chairman in 1971 and Vice Chairman 1970-71.)

Former member, Los Angeles County Bar Committee on Condemnation Law.

Legion Lex, University of Southern California.

Delta Theta Phi, Legal Fraternity.

**HONORARY ORGANIZATION**

Fellow--American College of Trial Lawyers:  
1962 to present

**CLUBS**

Los Angeles Athletic Club  
Petroleum Club

**MILITARY EXPERIENCE**

World War II: United States Coast Guard Intelligence Unit (1942-1945).

**EDUCATION**

University of Southern California Law School, LL.B., 1940.

University of California at Los Angeles, A.B., 1937

Local public schools, City of Los Angeles.

**PERSONAL**

Born May 29, 1915. Lives in Pasadena with wife, Louise Ann; four children.

MARC W. SANDSTROM

DATE OF APPOINTMENT TO COMMISSION: 1970

DATE OF BIRTH February 24, 1935

MARRIED TO Ann Hollingsworth

CHILDREN Bret, 11  
Brad, 8  
Scot, 4

EDUCATION South Pasadena-San Marino High School  
  
Stanford University, A.B.(political science)  
  
Stanford Law School, LL.B. 1958

ACTIVITIES & HONORS California Scholarship Federation;  
High School Scholarship Society;  
Varsity Track Letter  
  
Phi Sigma Alpha, Honorary Political Science  
Fraternity; Secretary, Chi Psi Fraternity;  
Sales Manager, Stanford Yearbook; Letter,  
Freshman Baseball  
  
Phi Delta Phi Legal Fraternity

BUSINESS AND TRANSPORTATION  
AGENCY EXPERIENCE The following activities were undertaken as  
an appointee within the Business and Trans-  
portation Agency, which is one of the four  
Cabinet level agencies formed by Governor  
Reagan to assist in the management of state  
government. The Agency has under its  
jurisdiction and policy control 11 depart-  
ments representing 34,500 employees and an  
annual budget of over \$1 billion. The 11  
departments under the Agency's jurisdiction  
are as follows:

Department of Aeronautics  
Alcoholic Beverage Control  
Corporations  
Housing & Community Development  
Insurance  
Motor Vehicles  
Public Works  
Real Estate  
Savings and Loan  
State Banking Department  
California Highway Patrol

- a) Served as Agency Counsel, 1967-1968
- b) Served as Assistant Secretary of Agency from 1968 to present, moving up to number two position in the Agency in December 1969, as Chief Deputy for Gordon C. Luce, Secretary of Business and Transportation.

During this period, had responsibility for legislative program of Agency including legislative appearances, coordination and development of departmental positions on approximately 1500 bills annually. Activity included sponsoring, assisting in drafting and passage of legislation; regulating promotional subdivisions, providing re-location assistance for persons displaced by highway construction, protection of parks from unnecessary highway intrusion, establishing jet noise limits--a national first--creation of California Transportation Board, funding Bay Area Rapid Transit District and Southern California Rapid Transit District, establishing presumptive limits for blood alcohol content of motor vehicle drivers.

- c) Primarily responsible at direction of Secretary for reviewing and holding budget hearings for all Agency departments. Thereafter, presented budgets to the Cabinet and Governor.
- d) Represented Agency as member of Bay Area Transportation Study Commission.
- e) Appointed by Governor as alternate on Intergovernmental EDP Board.
- f) Served on Cabinet Task Forces relating to reorganization, employee relations and consumer protection.

#### LEGAL EXPERIENCE

The following work was performed as a trial attorney for the State Department of Public Works for 9 years (1958-1967):

- a) Preparation and trial of condemnation and personal injury actions throughout Northern California involving several hundred parcels of property.
- b) Representation of the Department of Public Works at personnel hearings and before the State Board of Control.
- c) Writing of appellate briefs and appearances before appellate and Supreme Court.
- d) Drafting and review of legislation in areas of condemnation and governmental liability.
- e) Supervision of other attorneys. Writing of opinions on matters relating to the activities of the Division of Highways.

#### RELATED LEGAL EXPERIENCE

The following additional activities have been undertaken:

- a) Gave series of lectures for State Bar on "California Government Tort Liability."
- b) Designed course and delivered series of lectures for State Bar on "Evidence in Condemnation Actions."
- c) Lectured at Highway Patrol Academy on "Liability for Dangerous Conditions of Public Property."
- d) Addressed service organizations on "Right of Way Acquisitions."
- e) Co-author of a chapter on "Condemnation Proceedings" in book prepared for training right of way agents throughout the United States.
- f) Author of "Use of a Commission System to Determine Just Compensation in Condemnation Actions"--Highway Research Board Bulletin 273, National Academy of Sciences National Research Council.

- g) Approximately one year private law practice with firm of Hardy, Carley, and Love in Palo Alto, California, which had a general business and domestic practice.

AFFILIATIONS

Member State Bar of California; Sacramento County Barristers; County Bar Association; Elks; Y.M.C.A.; Parkside Congregational Church; Past President, Greenhaven Homeowners Association representing 500 families; Vice Chairman, State Deputy Directors Conference.

INTERESTS

Hunting, sports, fishing, writing

JOHN H. DEMOULLY  
Executive Secretary

EXPERIENCE:

Assistant Reviser - Oregon Statute Revision Council, 1951-1953

Assistant Professor (Research Attorney) - University of Oregon, Bureau of Municipal Research and Service, 1953-1954

Chief Deputy Legislative Counsel - Oregon, 1954-1959

Executive Secretary, California Law Revision Commission, and Lecturer in Law, Stanford Law School, 1959 to date

EDUCATION

University of Minnesota, B.S.L. 1949, J.D. 1951

Order of the Coif, class rank - first  
Teaching Assistant in Legislation (two years);  
Minnesota Law Review; Research Assistant to  
several Minnesota State Bar Committees; Phi  
Delta Phi Legal Fraternity

PROFESSIONAL INFORMATION

Admission to practice United States Supreme Court, California, 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 Condemnation and Condemnation Procedure, ABA Section of Local Government Law

MILITARY RECORD

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 1965-1967

Lecturer and consultant for Continuing Education of the Bar

PERSONAL

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

JACK I. HORTON  
Assistant Executive Secretary

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-January 1971; Assistant Executive Secretary, February 1971
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
MILITARY RECORD	U.S. Army, Engineer Intelligence, Heidelberg, Germany (1958-1962)
PERSONAL	Born in Englewood, New Jersey, June 22, 1936; lives in Menlo Park, California with wife, Ellen, two sons, and one daughter.

E. CRAIG SMAY  
Legal Counsel

EXPERIENCE:	California Law Revision Commission, Legal Counsel, since February 1971
EDUCATION	Public schools, San Diego, California  Antioch College, 1962-1963, San Diego State College 1963-1967  University of Utah, J.D. 1970 Utah Law Review
ADMISSION TO PRACTICE	California, Federal Courts 1970
PERSONAL	Born in Fall River, Massachusetts, July 22, 1944; lives in Palo Alto, California, with wife, Judith



NATHANIEL STERLING  
Legal Counsel

EXPERIENCE: Reference Clerk, Government Documents Library,  
University of California at Berkeley 1965-1967

Legal Counsel, California Law Revision  
Commission, Stanford University, School of  
Law since 1970

EDUCATION University of California at Berkeley, B.A.  
1967 (philosophy)

University of California at Davis, J.D. 1970

ADMISSION TO PRACTICE California State Bar 1971  
United States District Court (Northern  
California) 1971  
United States Circuit Court of Appeals  
(Ninth Circuit)-1971

PUBLICATIONS 3 book reviews, Virginia Reading Guide 1967-  
1968  
Numerous articles, Review of Selected Code  
Legislation C.E.B. 1969  
Recent Developments in California Inverse  
Condemnation Law, Chapter 7 of California  
Inverse Condemnation Law, 10 Cal. L. Rev.  
Comm'n Reports 1 (1971)

PERSONAL Born in Oakland, California, February 6, 1946:  
Lives in Menlo Park, California with wife,  
Julia, and two sons.