

2/24/72

Memorandum 72-17

Subject: Priorities and Scheduling of Topics

BACKGROUND

At the last meeting, the Chairman stated that the March meeting would be an appropriate time to consider the various topics on our agenda, to determine the topics that are to be given priority, and to develop a schedule for the submission of recommendations on those topics.

There are several reasons why the Commission needs to determine its priorities and to develop a schedule. First, it will help to assure that topics will be given priority in accord with Commission desires. Second, and equally important, the budget process now is based on performance budgeting. Basically; this means that the executive and legislative branches have adopted an approach of asking what will we get and how much will it cost rather than how much do you plan to spend on salaries, equipment, postage, and the like. The question then is: Is what we get worth what it costs? The Department of Finance, the Legislative Analyst, and the legislative committees want to know what we plan to produce during the next few years and expect to hold us accountable.

As you know, we are now engaged in two major studies: (1) attachment, garnishment, and exemptions from execution and (2) condemnation law and procedure. When I told Assemblyman Moorhead yesterday that we did not plan to present a prejudgment attachment bill this session, he expressed concern. He was not concerned that we did not have a prejudgment attachment bill so much as he was concerned that we have not had a substantial legislative program during the last several years. He indicated that, "as a matter of public

relations with the Legislature," he believes that it is desirable to present a number of bills each session even though most of them are minor, noncontroversial bills. I know that there are members of the Legislature, especially in the Assembly, that have indicated that the production of the Commission is insufficient to justify the amount expended for support of the Commission. However, I do not believe that this view is shared by the great majority of the Assemblymen. Nevertheless, I do not believe that we can ignore the suggestion of Assemblyman Moorhead.

Except for the last few years, the Commission has had a fairly substantial legislative program, consisting primarily of bills dealing with fairly narrow problems. We are now in a position, however, where we probably should devote substantially all our time to the two major topics mentioned above. We need to do something about prejudgment attachment as soon as possible. Also, it appears that we will be directed to study repossession of property and to report within two years. Perhaps legislative developments will reduce the pressure to give these matters top priority. In addition, we have devoted a substantial amount of time to the condemnation statute, and I believe that we should also give that topic a top priority so that we can submit a recommendation within the next few years. If we take this course of action, we will not have a substantial legislative program for the next several years. If we do this, many legislators may not be aware that the Commission is actually productive during this period. Apparently, according to Assemblyman Moorhead, it is vital that we produce a significant program for each session in order to retain our good will. On the other hand, Assemblyman Warren seems to take the view that it is more important to assist the Legislature in dealing with difficult problems it must solve as distinguished from dealing with relatively minor problems that are not of great concern to anyone.

The significance of the above is that the Commission must determine whether it will try to work into its agenda and submit recommendations on a few relatively minor topics during the next several years. In this connection, it must be recognized that there is no "easy" topic. Even the more narrow topic requires several hours at each of about four meetings to prepare a recommendation. In reviewing the status of the various topics below, the staff points out those that might be ones that could be the subject of a recommendation without requiring a great amount of Commission time.

#### STATUS OF TOPICS

##### Attachment, Garnishment, Execution

The Commission has determined to give a top priority to prejudgment attachment. The staff believes this is a sound decision and that every effort should be made to submit a recommendation to the 1973 session of the Legislature.

With respect to the remainder of the overall study, we believe that it would be desirable to give the entire study some priority. However, if possible, it would be desirable to submit recommendations from time to time on various problems that could be dealt with on a piecemeal basis.

Our consultants will be submitting an outline of the work that remains to be accomplished. The Commission can consider this outline at the April meeting and develop a schedule for the work and determine what resources (time and funds) will be allocated to it.

Also, if the Commission is directed to report on a repossession statute within two years, this topic will need to be given a top priority as to funds and time.

### Condemnation Law and Procedure

Some time ago, the Commission tentatively determined that it would publish its tentative recommendation on the right to take in July 1972. It is now obvious that other demands on the staff and lack of Commission time to devote to the subject will make it impossible to meet the deadline. Accordingly, the staff recommends that we set January 1973 as the tentative date for the publication of the tentative recommendation on the right to take. One advantage of this date is that we can perhaps get a bill introduced for study and can use the type of the bill for our report, thus saving thousands of dollars of Commission printing funds. Also, the tentatively approved provisions will be available in convenient bill form for examination by interested persons and organizations.

In connection with the above recommendation, the Commission should consider the extent to which mimeographed copies of tentatively approved provisions will be distributed. We recently sent the Commissioners and members of the State Bar Committee copies of the latest version of tentatively approved provisions. We are now receiving requests from other persons for copies of this material. See Exhibit I (attached). We have already expended substantially all of our budgeted funds for postage and our general operating expenses are being expended at a rate that will exhaust these funds before the end of the fiscal year. Shortages will need to be made up from salary savings and funds budgeted for printing and research. How should we handle requests for copies of the tentatively approved provisions? It should be noted that we anticipate that these provisions will be revised at each meeting once we again take up the condemnation study. At the same time, there are persons who review meeting materials and send us comments who will not receive the draft statute.

Generally, the eminent domain study is progressing well. We have received a substantial portion of the background study on procedure and the remainder of this study is now being prepared. Portions of the procedure study have been considered and when staff time is available we will provide a draft that can serve as the basis for drafting this portion of the eminent domain statute. We have discussed the partial take problem and some additional staff work is in progress on this matter. We have retained a consultant on apportionment of the award problems and we expect that his study will be received within the next six months. Some staff time has been devoted to the general subject of compensation and we can produce materials on this aspect of condemnation when staff and Commission time permits.

It appears likely that the Model Eminent Domain Code will be produced by the Special Conference of the National Conference of Commissioners on Uniform State Laws before we have completed work on our recommendation. This may be to our advantage since we will then be able to draw on their work, just as they will draw on the work we have already done in this field. See letter from their consultant, Professor Van Alstyne, attached as Exhibit II.

If this subject is given priority, and we believe it should, second only to prejudgment attachment (and claim and delivery if we are directed to study that), we will proceed as rapidly as staff and Commission time permit. The staff does not believe that it would be desirable to submit recommendations on a piecemeal basis unless some problem is presented that requires immediate legislative correction.

#### Right of Nonresident Aliens to Inherit

We received a preliminary draft of the research study in 1971. The consultant is now devoting substantially all of her free time to polishing up

the study for publication in the California Law Review and promises that we will have the study in substantially final form by the end of May.

The consultant reports that she believes that California can constitutionally impose some restrictions on the right of nonresident aliens to inherit. Accordingly, this topic will not be an "easy" one. At the same time, the topic would appear to be one that should be worked into our agenda with a view to submitting a recommendation to the 1973 or 1974 session, depending on the time available for consideration of "minor" topics. It should be noted that the existing California statute has been held unconstitutional and that enactment of a constitutional statute would be revenue-producing for California. Hence, the staff would give this topic priority among the "minor" topics.

#### Liquidated Damages

We recently distributed the printed study on this topic. The study was published in the California Law Review. The study recommends enactment of one section based on Commercial Code Section 2718 and that sections be enacted to deal with situations where more precise standards are needed. Three such situations are identified and the nature of the special treatment that might be provided is indicated. Despite the fact that past experience would indicate otherwise, the staff believes that a recommendation on this topic could be developed (assuming that the consultant's recommendations are sound) by devoting approximately 12-20 hours of Commission time to the topic. Enactment of legislation that would encourage use of liquidated damage provisions in place of the existing provisions which reflect a 19th century hostility to

such provisions might be useful in reducing, to some slight extent, court congestion. The staff believes that this matter should be placed on the agenda within the next few months and a determination made whether the consultant's suggestions appear to be sound. It should be noted that this topic was added to the agenda by the Legislature at the urging of the California Real Estate Association and others after the Commission had declined to request authority to study the matter. This might be the subject of a recommendation to the 1973 Legislature.

#### Oral Modification of a Written Contract

The background study, prepared by a part-time staff member, will be published in the May issue of the Hastings Law Journal if the present publication schedule is met. The study recommends retention of the basic substance of existing law with revision of the code provisions to reflect judicial decisions and with some significant modifications of existing law. This might prove to be a controversial topic, but the staff believes that we should try to work the topic into our agenda with a view to submitting a recommendation to the 1974 Legislature. We would not want to take up the topic in any event until the study has been published and would probably consider it when time permits early in 1973.

### Disposition of Property Abandoned by Tenant

Some time ago, the Commission determined that priority should be given to this topic. We used our scarce research funds to retain Professor Jack Friedenthal to prepare a background study. One of his students started work on the topic and became interested and prepared a bill which passed the Assembly but died in the Senate Judiciary Committee because of the opposition of the California Real Estate Association and because the Commission is studying this topic. I asked the consultant to defer work on the study until the fate of the 1971 bill was known.

There is continuing interest in the topic. See Exhibit III attached. There appears to be no possibility of submitting a recommendation on this topic to the 1973 Legislature. The question is whether we should try to work it into the agenda for a recommendation to the 1974 session. In this connection, it should be noted that work has been done on the matter by interested groups (a bill having passed the Assembly in 1971). Perhaps the consultant's recommendations, if they appear sound to the Commission, would be sufficient with relatively little additional work to serve as the basis for a tentative recommendation.

### Prejudgment Interest

The Commission has decided to defer the topic of prejudgment interest until funds are available to permit the financing of a background study. We believe that this would be a substantial study and would require considerable time. It is noted, however, that we were given the topic because the State Bar concluded that it did not have the resources available to develop legislation (which it believes is needed) and prevailed on the Legislature to direct the Commission to study this topic. Moreover, the decision to defer



the study has not gone unnoticed. See the letter attached as Exhibit IV. Also, legislation was introduced in 1971 on this subject and also at the current session of the Legislature. See Exhibit V attached. A major argument used to defeat the 1971 bill was that the Law Revision Commission is studying the problem. No doubt we will be receiving inquiries as to when we will be submitting a recommendation on the topic. The staff suggests that the response be that we will not be submitting a recommendation on the topic for a number of years because work on other topics must be given priority as to time and funds.

#### Evidence

We anticipate no significant work in the evidence field in the immediate future. The Commission did, however, direct the staff to send out the suggested revisions of Justice Kaus for comment, and we have sent them out. The staff doubts that these revisions are desirable but, at some point within the next few months or so, we believe that the Commission should make a decision on the matter after reviewing the comments we receive. If the Commission decides to submit a recommendation, it would be a fairly easy matter to prepare one since we already have the problem identified (and a background study by Justice Kaus) and the amendments drafted by Justice Kaus.

#### Inverse Condemnation

The Commission has published a background study on this topic. We have considered much, but far from all, of this study. We have had little success in attempting to formulate statutes governing inverse liability. We devoted considerable time to working on water damage liability, a subject that the legislative committees indicate is of great concern. Ultimately, we abandoned work on this aspect of inverse liability, concluding that we needed a

study covering liability arising out of water damage resulting from both public and private activities. Such a study would be a substantial undertaking and would require considerable time to prepare. If we want to proceed on this, we should determine whether we want to obtain a consultant to prepare the study and to commit substantially all of our research funds to this study. We also studied aircraft noise damage and ultimately decided to leave the matter to the courts, at least for the time being. We studied denial destruction and requisitioning. Ultimately, the Commission concluded that it would require too much time and resources to draft a statute dealing with these matters and that they should be left to the courts to solve if the need ever arises. We have deferred consideration of such matters as compulsory dedications and have not discussed the portion of the study dealing with the exercise of the police power.

The staff believes that we should not devote further time to attempting to draft substantive rules governing inverse liability within the next few years. However, we have retained Professor Van Alstyne to prepare a background study on procedural matters--such as offsetting benefits, interest, the claims filing requirement, and the like. This study should be received within the next few months. The matters it deals with are ones that various representatives of public entities and others have indicated are of great importance and require immediate legislative action. When should we try to work this new study into our agenda? The problems involved are not easy ones. Perhaps recommendations could be submitted on the individual problems.

#### Arbitration

Several years ago the Commission retained a consultant to prepare a study on changes needed to improve the arbitration statute and to deal with some matters on which the existing law is unclear or unsatisfactory. Despite his promise to deliver the study within a month or so, the staff doubts that we will receive the study in the near future or ever. We do not consider

this a priority matter. When the study is received, the Commission can consider what, if any, priority will be given to it. In any case, it appears that the Legislature has determined that this matter needs immediate attention and has asked the Judicial Council to study at least some aspects of arbitration. See Exhibit VI attached.

#### Partition Procedures

This topic has long been on our agenda but we have never retained a consultant to prepare a background study. Nevertheless, from time to time, lawyers advise me that there is a need to improve the law in this area.

We do not consider the topic to be a priority one. However, we know that Garrett Elmore is interested in and knowledgeable on the topic. Consideration should be given to determining whether he would be willing to prepare a background study on the topic. He is now retired and might be interested in doing a study. We have never been able to find a consultant interested in the topic. This might be a good time to retain a consultant if Mr. Elmore is interested.

#### Nonprofit Corporations

We believe work on this topic should be deferred.

#### Custody Proceedings

We believe that this topic, if expanded by the 1972 Legislature, is one that should be given a low priority.

#### Parol Evidence Rule

We believe that this topic is one of very low priority.

### Other Topics

The other topics on the agenda are ones that are continued for the further study of recommendations enacted. These topics are listed in our Annual Report. We would not consider any of these topics within the next few years unless some judicial decision appears to require immediate legislative action.

Respectfully submitted,

John H. DeMouilly  
Executive Secretary

Memorandum 72-17

EXHIBIT I

HODGE L. DOLLE  
HODGE L. DOLLE, JR.

LAW OFFICES  
**DOLLE & DOLLE**  
CITY NATIONAL BANK BUILDING  
SUITE 2114, 608 SOUTH OLIVE STREET  
LOS ANGELES, CALIFORNIA 90014

AREA CODE 213  
628-1245

February 18, 1972

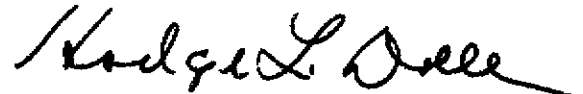
Mr. John H. deMouly  
California Law Revision Commission  
School of Law - Stanford University  
Stanford, California 94305

Dear Sir:

Yesterday I had the opportunity to look at the latest draft of your proposed new Eminent Domain Code in Sacramento.

I would appreciate receiving a copy for consideration by my son and me. We are, as you know, vitally involved in this field of practice.

Sincerely yours,



HODGE L. DOLLE

HLD:mm

THE UNIVERSITY OF UTAH

SALT LAKE CITY 84112

COLLEGE OF LAW

February 15, 1972

Mr. John H. DeMouilly  
Executive Secretary  
California Law Revision Commission  
School of Law--Stanford University  
Stanford, California 94305

Dear John:

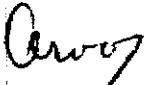
Thank you very much indeed for sending me all of the materials which has arrived during the past few weeks covering the work of the California Law Revision Commission in the field of eminent domain.

Frankly, my initial reaction was one of amazement. Your office has beyond any doubt engaged in the most thorough analysis of eminent domain law ever undertaken anywhere in the world. I am particularly grateful for the very recent draft of the latest version of the proposed statute.

Although, in a sense, you have sent me far more information that I really wanted to know about, I am convinced that your work in the area and that of your consultants will be of enormous help in the drafting of a Model Eminent Domain Code by the Special Committee of the National Conference of Commissioners on Uniform State Laws.

Again many thanks.

Cordially yours,

  
Arvo Van Alstyne  
Professor of Law

AVA:jml

*Fishman Realty & Construction Co., Inc.*

WEST COAST HEADQUARTERS

3460 WILSHIRE BOULEVARD, LOS ANGELES, CALIFORNIA 90005

February 17, 1972

John H. DeMouilly, Esq.  
Executive Secretary  
California Law Revision Commission  
Stanford University  
Stanford, California 94305

Re: (a) Civil Code Section 1952.2  
(b) Tenant's Abandoned Property

Dear John:

Enclosed, with reference to the first above captioned matter, is my correspondence of this date with Assemblyman James A. Hayes.

Based upon my discussions of last year with Doug Gillies (Legislative Advocate for California Real Estate Association) it would aid in the adoption of my proposed amendment if the Commission could (i) advise Gillies (and perhaps Assemblyman Hayes) that the Section needs amending on the subject involved and (ii) consider the possibility of recommending the form and substance of the amendment which I have asked Assemblyman Hayes to introduce.

In order to expedite the matter I hope that you will invite me to one or more of the Commission's sessions currently calendared for March 9, 10 and 11, 1972 at the State Bar Building in Los Angeles.

In addition to the matter of Civil Code 1952.2 you will recall our unsuccessful efforts last year to obtain some type of enactment to cover disposition of Tenant's Abandoned Property. Such attempts apparently floundered because of the opposition of the California Real Estate Association to the draft-legislation created by Kathleen Thomas. The ground asserted by Doug Gillies was that the draft-legislation was too complicated, i.e., it would impose too many procedural burdens on small landlords (especially with respect to items aggregating little or no value). Moreover, the absence of official support by the Commission caused the C.R.E.A., I believe, to look upon the proposed legislation as lacking in substantial official support.

*Fishman Realty & Construction Co., Inc.*

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John H. DeMouilly, Esq.

February 17, 1972

In the light of the foregoing, during the next few days I will be preparing a proposed draft of a very brief form of proposed statute which will, I hope, be considered by the Commission in lieu of the earlier statute heretofore authorized but cost of which was saved due to the informal work accomplished on the matter last year. In this regard perhaps the same March 9, 10, 11 meeting of the Commission would be an appropriate occasion to consider the legislative-draft which I will be sending you.

With many thanks to both you and the Commission for the opportunity to have in the past presented the background experience of my firm as the largest private commercial landlord in California, I am,

Cordially,

  
Ronald P. Denitz  
Assistant General Counsel

RPD:ere  
Enclosures





(213) 385-9351

*Fishman Realty & Construction Co., Inc.*

WEST COAST HEADQUARTERS

3460 WILSHIRE BOULEVARD, LOS ANGELES, CALIFORNIA 90005

February 17, 1972

Honorable James A. Hayes  
Member of the Assembly  
Sacramento, California

Re: Civil Code Section 1952.2

Dear Mr. Hayes:

Enclosed for your ready reference is a Xerox copy of my letter to you of November 22, 1971, to which you so kindly replied by letter of December 6, 1971 (a copy of which is additionally enclosed herewith).

I hope that you are in the position at this time to introduce, if you have not already done so, the amendment to Civil Code Section 1952.2 suggested by us, in order to clear up the obvious ambiguity of the applicability of Section 1951.2.

With best personal regards, I am,

Cordially,

Ronald P. Denitz  
Assistant General Counsel

RPD:ere  
Enclosures

AN ACT TO AMEND SECTION 1952.2 OF THE  
CIVIL CODE, RELATING TO LANDLORD-TENANT

Sec. 1. Section 1952.2 of the Civil Code is amended to read:

1952.2. (a) Except as provided in subdivision (b), Sections 1951 to 1952, inclusive, do not apply to:

~~(a)~~ (1) Any lease executed before July 1, 1971, whether or not amended subsequent to July 1, 1971.

~~(b)~~ (2) Any lease executed on or after July 1, 1971, if the terms of the lease were fixed by a lease, option, or other agreement executed before July 1, 1971.

(b) For the purposes of this section, an agreement whereby a lease is "amended" includes, but is not limited to, a modification of a pre-existing lease to change the term, rent, size, or location of the property demised or to require or change the amount of an advance payment as defined in Section 1951.7.

Memo 72-117

EXHIBIT IV  
RICHARD D. AGAY

CRESTVIEW 7-3595  
TREMONT 9-1791

ATTORNEY AT LAW  
1900 AVENUE OF THE STARS - SUITE 200  
LOS ANGELES, CALIFORNIA 90067

January 28, 1972

IN REPLY PLEASE REFER TO:

RDA- Bar Associations  
1969 Resolutions

A. Richard Kimbrough, Esq.  
615 South Flower Street, Suite 1700  
Los Angeles, California 90017

Re: 1969 Conference Resolution E-23

Dear Mr. Kimbrough:

A little over a year after the passage of the above resolution, the State Bar Committee on Administration of Justice (CAJ) unfavorably reported on the resolution although there was a minority opinion. A copy of the resolution and the Committee report is enclosed. Subsequently, at the suggestion of Mr. Garrett H. Elmore, I wrote to you on December 9, 1970 and I also enclose a copy of that letter. On January 5, 1971 you responded to me to the effect that the Board of Governors did not adopt the CAJ recommended action, but rather referred the matter to the California Law Revision Commission with the request that it study same. I also enclose a copy of your January 5th letter to me.

Subsequently I have been in touch with Mr. DeMouilly of the California Law Revision Commission to attempt to follow the progress of the request for study. No definite decision was made by the Commission until December of last year and January of this year.

I enclose a copy of Mr. DeMouilly's January 24, 1972 letter to me. From that letter you can see that the Commission is not about to undertake any study of the matter or make any recommendation with respect to the matter -- at least not for "a number of years." In this regard, an indefinite delay in even reaching a decision is equivalent to a rejection and it appears to me that the Commission has, in effect, turned down the request made by the Board of Governors that the Commission study the subject matter of pre-judgment interest.

Such being the fact, it seems to me that it would be appropriate that the Board of Governors now go forward on its own, either by the appointment of an appropriate committee to study the matter, or otherwise, to reach some definite decision. Obviously I would favor the Board's placing the resolution in its next legislative program.

For the sake of completeness I should point out that I have reviewed the materials enclosed with Mr. DeMouilly's letter and the proposed legislation by the Select Committee on Trial Court Delay and it does not deal with the basic subject matter of the above conference resolution which is an asserted defect in the present law of damages

A. Richard Kimbrough, Esq.

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insofar as the awarding of interest. The Committee's proposed legislation deals solely with seeking solutions to court delays (which was an ancillary basis for proposing the 1969 conference resolution 5-23, but not the main one) and, by way of footnote, from my viewpoint deals with the problems in an unsatisfactory manner.

In any event, it would seem only just and proper that some final resolution of the subject be made by the Board of Governors and I ask that it be placed on a calendar at some meeting of the Board in the near future. I also urge the Board to act favorably upon the resolution for the reasons voiced in my December 9, 1970 letter and in the statement of reasons.

Yours very truly,

RJA:LW  
Encs.

RICHARD D. ACAY

cc John F. Malone, Esq.  
601 McAllister Street  
San Francisco, California 94102

John H. DeMouilly  
California Law Revision Commission  
School of Law, Stanford University  
Stanford, California 94305

January 24, 1972

Richard D. Agay, Esq.  
1900 Avenue of the Stars, Suite 800  
Los Angeles, California 90067

Dear Mr. Agay:

The Law Revision Commission discussed the study of prejudgment interest at its December 1971 and January 1972 meetings. At the December meeting, the Commission considered the report of the Select Committee on Trial Court Delay (Report 2), a copy of which is enclosed. See the discussion beginning on page 11. The Commission took no position on the proposals of the committee. At its January 13-15 meeting, the Commission again considered the subject of prejudgment interest. The following is an extract from the unapproved minutes of that meeting:

The Commission believes that the topic is one that will require a substantial background study, and funds are not available to the Commission to finance the study at this time. Moreover, the Commission is now working on prejudgment attachment and condemnation law and procedure, and these studies are taking substantially all of the Commission's time and resources and will continue to do so for a number of years. The legislative committees have indicated that these topics should be given a priority. We are also aware that the matter of prejudgment interest is being studied by a special committee appointed by the Chief Justice. For these reasons, the Commission has not scheduled the prejudgment interest study for consideration in the immediate future. The Commission does plan to consider the topic in due course.

Sincerely,

John H. DeMouilly  
Executive Secretary

JHD:aj  
enc

## Insurance 'Settlement' Bill Offered

Special to The Daily Journal

SACRAMENTO — A Southern California legislator has introduced a bill which may give trial lawyers and their clients added leverage in compelling insurance companies to make prompt settlement in personal injury and property damage cases.

The legislation, SB 219, by Sen. David Roberti, D-Los Angeles, would direct insurance companies to pay interest on personal injury and property claims from the date of the injury or property damage.

Under existing law, interest is paid from the date of the settlement agreement. Roberti contends that the legislation will speed settlement of cases.

He argues that under the existing interest provisions, insurance companies benefit from delaying settlement since they drive the interest on unsettled claims. The legislator said that the delays sometimes amount to months and even years, during which time the insurer has the use of the claimant's money.

A similar piece of legislation, AB 1368, by Assemblyman Henry Waxman, D-Los Angeles last year died in the Assembly Judiciary Committee.

The measure took heavy fire from representatives of the insurance

industry who charged that the bill would give plaintiff's attorneys a hammer to hold over the heads of defense counsel.

The Waxman measure would have required the plaintiff to make a written demand for a settlement figure, which if rejected by the insurer could have been the basis for interest from the date of the demand. Further the plaintiff would have had to win a judgment equal to or greater than the demand in order to recover the specified interest.

The 1971 bill, was amended once. Prior to the amending, it paralleled the Roberti bill of this year providing for interest from the date of tort.

## Arbitration Study to be Made for Judicial Council

The Judicial Council has contracted with a study group headed by San Francisco attorney John G. Fall to make a study of the possible role of arbitration in the California judicial system. In making the announcement Ralph N. Kleps, Administrative Director of the California Courts, said: "This study is being made in response to Senate Resolution 139 (1971 Session), introduced by Senator George R. Moscone of San Francisco. Its purpose is to determine the possible role of arbitration in relieving our overburdened and congested courts. If the study team finds that arbitration is feasible, specific recommendations will be made concerning its use for the adjudication of civil matters."

The study will be financed by funds provided to the Judicial Council for that purpose by the Senate Committee on Rules.

Heading the group is John G. Fall, who was a partner in the firm of Partridge, O'Connell, Partridge and Fall, specializing in civil cases until 1968 when he left to become Peace Corps Director in Chile. Assisting Fall will be:

Dr. Maurice I. Gershenson, for many years Chief of the State Division of Labor Statistics and Research and presently an economic and statistical consultant with offices in San Francisco.

Thomas N. Saunders, whose background includes service as Member and Chairman of the Industrial Accident Commission and Administrative Director of the Division of Industrial Accidents, as well as insurance company experience. Saunders heads his own consulting firm in San Francisco.

Robert W. Page, Jr., a 1966 graduate of Dartmouth College with a graduate degree from the University of North Carolina, who has been working for the past three years as program analyst for United States Foreign Aid programs in Latin America.

An advisory committee will shortly be appointed by Chief Justice Donald R. Wright, as Chairman of the Judicial Council, to provide the study group with policy direction and to review its preliminary and final reports.

Completion of the study with submission of a final report to the Judicial Council is scheduled for October 15, 1972.

## Loring to Chair Judicial Advisors

**SAN FRANCISCO** — Judge Charles Loring, presiding judge of the Los Angeles Superior Court has been named as chairman of an eight-member advisory committee to provide guidance for a recently authorized study of the use of arbitration in the California court system.

The appointment was announced Monday by California Chief Justice Donald R. Wright, as chairman of the State Judicial Council.

Also appointed to the committee are Messrs. William B. Allender, El Carrito, regional director, American Arbitration Association; San

Francisco attorneys Edward D. Bronson, Jr. and Paul Elster, defense and plaintiffs representatives, respectively, on the San Francisco Arbitration Plan; Los Angeles attorneys Browne Greene and Fulton Haight, plaintiffs and defense representatives, respectively, on the Los Angeles Arbitration Plan; J. Ernest Hartz, Jr., attorney, Crown Zellerbach Corporation, San Francisco; and George Maslach, general counsel, Farmers Insurance Company.

In addition to providing policy standards the committee will review reports submitted to the Judicial

Council by the arbitration study team.

The study team is composed of the director, John G. Fall, a San Francisco attorney, Dr. Maurice F. Gershenson, Thomas N. Saunders and Robert W. Page, Jr. The study, which will explore the possible role of arbitration in civil cases to relieve congestion in the California judicial system, is scheduled for completion next fall.

It is authorized by a Senate resolution and is financed by funds provided by the Senate Committee on Rules.