

9/26/77

Memorandum 77-62

Subject: 1977 Annual Report

Attached is a draft of the Annual Report for the year 1977. We would like to have this approved for printing at the October meeting. Some portions of the Annual Report are composed by the printer and must be sent to the printer after the October meeting. If priorities are established that require revision of the draft, the necessary revisions will be made before the draft is sent to the printer. If the Commission decides to request authority to study any new topics, the portion of the Annual Report requesting authority to study these new topics will be presented for approval for printing at the November meeting.

The attached draft follows closely the Annual Report for the year 1976. One change in the order of the material in the Annual Report has been made. The "1978 Legislative Program" has been inserted before, rather than after, the "Legislative History of Recommendations Submitted to the 1977 Legislative Session." You should find Appendix II (Legislative Action on Commission Recommendations), beginning on page 1641, to be of interest.

Please mark any suggested editorial revisions on the attached draft and return it to the staff at the meeting.

Respectfully submitted,

John H. DeMouilly
Executive Secretary

STATE OF CALIFORNIA

CALIFORNIA LAW REVISION COMMISSION

Annual Report



December 1977

CALIFORNIA LAW REVISION COMMISSION

Stanford Law School

Stanford, California 94305

THE CALIFORNIA LAW REVISION COMMISSION

COMMISSION MEMBERS

(To be elected at the October meeting)

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(To be elected at
October meeting)

Vice Chairman

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Member of the Senate

ALISTER MCALISTER
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Jean C. Love
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Violet S. Harju
Word Processing Technician

Kristine A. Clute
Word Processing Technician

NOTE

The Commission's annual reports and its recommendations and studies are published in separate pamphlets which are later bound in permanent volumes. The page numbers in each pamphlet are the same as in the volume in which the pamphlet is bound. The purpose of this numbering system is to facilitate consecutive pagination of the bound volumes. This pamphlet will appear in Volume 14 of the Commission's Reports, Recommendations and Studies which is scheduled to be published late in 1979.

Cite this pamphlet as *Annual Report, 13 CAL.L. REVISION COMM'N REPORTS 1 (1978)*.

SUMMARY OF WORK OF COMMISSION

The Commission recommended one resolution and eight bills for enactment at the 1977 session. The resolution was adopted and five of the bills were enacted. Final action on one bill--pending in conference committee when the Legislature recessed in September 1977--will be taken in the second year of the 1977-78 session. Committee hearings on two bills (relating to nonprofit corporation law) were postponed during 1977 in order to give an Assembly Select Committee time to study the subject matter of the bills. The bills enacted in 1977 dealt with a variety of subjects: enforcement of sister state money judgments; damages in unlawful detainer actions; use of keepers on writs of execution; liquidated damages for breach of contract; "earnest money" deposits in connection with the sale of real property; and effect on attachment of bankruptcy proceedings or general assignments for the benefit of creditors.

The Commission plans to submit seven recommendations to the 1978 session. The recommendations deal with review of resolution of necessity by writ of mandate; use of court commissioners under the attachment law; evidence of market value of property; psychotherapist-patient privilege; parol evidence rule; attachment of property subject to a security interest; and wage garnishment.

During 1978, the Commission plans to complete work on a major recommendation proposing a comprehensive revision of the guardianship-conservatorship provisions of the Probate Code. The Commission also plans to devote a major portion of its time and resources to the study of creditors' remedies, inverse condemnation, evidence, child custody, and adoption. Other topics may be considered if time permits.

During 1977, the Commission also reviewed decisions of the Supreme Court of the United States and the Supreme Court of California, as required by Section 10331 of the Government Code, to determine whether any statutes of this state have been held to be unconstitutional or to have been impliedly repealed.

During 1977, the Commission held 10 separate meetings, consisting of 25 days of working sessions.

CALIFORNIA LAW REVISION COMMISSION

STANFORD LAW SCHOOL
STANFORD, CALIFORNIA 94305
(415) 497-1731

JOHN N. MCLAURIN

Chairman

HOWARD E. WILLIAMS

Vice Chairman

SENATOR GEORGE DEUKMEJIAN
ASSEMBLYMAN ALISTER McALISTER
BEATRICE P. LAWSON
JEAN C. LOVE
JOHN D. MILLER
THOMAS E. STANTON, JR.
LAURENCE N. WALKER
BION M. GREGORY, ex officio

December 1, 1977

To: THE HONORABLE EDMUND G. BROWN JR.
Governor of California and
THE LEGISLATURE OF CALIFORNIA

In conformity with Government Code Section 10335, the California Law Revision Commission herewith submits this report of its activities during 1977.

I am pleased to report that one concurrent resolution and five bills were enacted to implement the Commission's recommendations during the 1977 legislative session.

I would also like to give special recognition to Assemblyman Alister McAlister, who carried five bills recommended by the Commission, to Senator George Deukmejian, who carried two bills recommended by the Commission, to Senator George N. Zenovich, who carried one bill recommended by the Commission, and to Senator Alan Robbins and Senator Alfred H. Song, who managed and explained bills recommended by the Commission on the Senate floor.

Respectfully submitted,
JOHN N. MCLAURIN
Chairman

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ANNUAL REPORT FOR THE YEAR 1977

INTRODUCTION

The primary objective of the California Law Revision Commission is to study the statutory and decisional law of this state to discover defects and anachronisms and to recommend legislation to make needed reforms.

The Commission consists of a Member of the Senate appointed by the Committee on Rules, a Member of the Assembly appointed by the Speaker, and seven additional members appointed by the Governor with the advice and consent of the Senate. The Legislative Counsel is an ex officio nonvoting member of the Commission.

The Commission assists the Legislature in keeping the law up to date by:

- (1) Intensively studying complex and controversial subjects;
- (2) Identifying major policy questions for legislative attention;
- (3) Gathering the views of interested persons and organizations; and
- (4) Drafting recommended legislation for legislative consideration.

The efforts of the Commission permit the Legislature to determine significant policy questions rather than to concern itself with the technical problems in preparing background studies, working out intricate legal problems, and drafting needed legislation. The Commission thus enables the Legislature to accomplish needed reforms that otherwise might not be made because of the heavy demands on legislative time. In some cases, the Commission's report demonstrates that no new legislation on a particular topic is needed, thus relieving the Legislature of the need to study the topic.

The Commission may study only topics that the Legislature by concurrent resolution authorizes it to study. The Commission now has a calendar of 21 topics.¹

Commission recommendations have resulted in the enactment of legislation affecting 4,327 sections of the California statutes: 1,760 sections have been added, 923 sections amended, and 1,644 sections repealed. Of the 107 Commission recommendations submitted to the Legislature, 95 (93%) were enacted into law either in whole or in substantial part.²

¹ See listing of topics under "Calendar of Topics for Study" *infra*.

2. See listing of recommendations and legislative action in Appendix II *infra*.

1978 LEGISLATIVE PROGRAM

The Commission plans to submit the following recommendations to the 1978 Legislature:

(1) Recommendation Relating to Review of Resolution of Necessity by Writ of Mandate (September 1977), published as Appendix VII to this Report.

(2) Recommendation Relating to Use of Court Commissioners Under the Attachment Law (October 1977), published as Appendix VIII to this Report.

(3) Recommendation Relating to Evidence of Market Value of Property (October 1977), published as Appendix IX to this Report.

(4) Recommendation Relating to the Psychotherapist-Patient Privilege (November 1977), published as Appendix X to this Report.

(5) Recommendation Relating to the Parol Evidence Rule (November 1977), published as Appendix XI to this Report.

(6) Recommendation Relating to Attachment of Property Subject to a Security Interest (November 1977), published as Appendix XII to this Report.

(7) Recommendation Relating to Wage Garnishment, 13 Cal. L. Revision Comm'n Reports 1703 (1976). Assembly Bill 393 was introduced at the 1977-78 Regular Session to effectuate this recommendation. The bill was pending in a joint conference committee when the Legislature recessed in September 1977. The bill will be given further consideration when the Legislature meets in 1978.

LEGISLATIVE HISTORY OF RECOMMENDATIONS SUBMITTED
TO 1977 LEGISLATIVE SESSION

The Commission recommended one concurrent resolution and eight bills for enactment at the 1977 session. The concurrent resolution was adopted and five of the bills were enacted. When the Legislature recessed in September 1977, one bill was pending in conference committee and two bills were pending in committee in the first house. Final action on these three bills will be taken by the Legislature in the second year of the 1977-78 Regular Session.

Nonprofit Corporation Law

Senate Bills 623 and 624 were introduced by Senator George Deukmejian to effectuate the Commission's recommendation on this subject. See Recommendation Relating to Nonprofit Corporation Law, 13 Cal. L. Revision Comm'n Reports 2201 (1976). The Commission decided to defer hearings on the bills in 1977 in order to give the Assembly Select Committee on Revision of the Non-profit Corporation Code time to complete its study.

The Commission will not recommend legislation relating to nonprofit corporations for enactment at the 1978 legislative session and will not request that Senate Bills 623 and 624 be set for hearing in 1978. The Commission's decision is based on the conclusion that it is important that legislation be enacted as soon as possible to eliminate the need for persons interested in nonprofit corporations to refer over to the old General Corporation Law¹ which was repealed when the new General Corporation Law was enacted.² The Assembly Select Committee is preparing legislation for introduction in 1978. The Commission is concerned that the presentation of competing bills recommended by the Commission and the Select Committee will generate controversy that is unnecessary³ and that could result in the failure of the Legislature to enact any legislation at all in 1978 on this subject.

1. Nonprofit corporations generally are governed by the repealed General Corporation Law with the exception of a handful of key provisions in the General Nonprofit Corporation Law. See Recommendation Relating to Nonprofit Corporation Law, 13 Cal. L. Revision Comm'n Reports 2201, 2224-26 (1976).
2. See Cal. Stats. 1975, Ch. 682, § 6.
3. The Commission is advised that the Select Committee plans to adopt the Commission's basic recommendation that a new nonprofit corporation law be enacted that is independent and is substantially complete in itself and that the Select Committee has drawn from other aspects of the Commission's 1976 recommendation in preparing its proposals.

Creditors' Remedies

Four bills relating to creditors' remedies were recommended by the Commission for enactment at the 1977 session.

Use of keepers pursuant to writs of execution. Assembly Bill 13, which became Chapter 155 of the Statutes of 1977, was introduced by Assemblyman McAlister to effectuate the Commission's recommendation on this subject. See Recommendation Relating to the Use of Keepers Pursuant to Writs of Execution (March 1977), published as Appendix III to this Report. The bill was enacted as introduced.

Sister state money judgments. Assembly Bill 85, which became Chapter 232 of the Statutes of 1977, was introduced by Assemblyman McAlister to effectuate the Commission's recommendation on this subject. See Recommendation Relating to Sister State Money Judgments, 13 Cal. L. Revision Comm'n Reports 1669 (1976). See also Report of Senate Committee on Judiciary on Assembly Bill 85, Senate J. (June 9, 1977), at 3255, reprinted as Appendix VI to this Report.

The following amendments were made to this bill by the Assembly Judiciary Committee:

(1) Code of Civil Procedure Section 1710.15 was amended as follows: In paragraph (3) of subdivision (b), the phrase "and, if accrued interest on the sister state judgment is to be included in the California judgment" was inserted preceding the words "a statement of the amount of interest"; the phrase "(computed at the rate of interest applicable to the judgment under the law of the sister state, but not at a rate in excess of 7 percent per annum)" was substituted for the phrase "computed at the rate of interest applicable to the judgment under the law of the sister state".

(2) Code of Civil Procedure Section 1710.25 was amended as follows: In paragraph (2) of subdivision (a), the phrase "(computed at the rate of interest applicable to the judgment under the law of the sister state, but not at a rate in excess of 7 percent per annum)" was inserted following the word "judgment"; the second sentence was added to subdivision (b).

(3) Code of Civil Procedure Section 1710.30 was amended to insert in subdivision (b), following the word "judgment", the words "under this section."

(4) Code of Civil Procedure Section 1710.40 was amended as follows: The second sentence of subdivision (a) was deleted; a new subdivision (c) was added.

Attachment--effect of bankruptcy and assignments for benefit of creditors. Senate Bill 221, which had been introduced by Senator Zenovich, was amended in the Assembly to incorporate the legislation recommended by the Commission on this subject and, as so amended, was enacted as Chapter 499 of the Statutes of 1977. See Recommendation Relating to Attachment--Effect of Bankruptcy Proceedings; Effect of General Assignments for the Benefit of Creditors (April 1977), published as Appendix IV to this Report.

Wage garnishment. Assembly Bill 393, which was pending in a joint conference committee when the Legislature recessed in September 1977, was introduced by Assemblyman McAlister to effectuate the Commission's recommendation on this subject. See Recommendation Relating to Wage Garnishment, 13 Cal. L. Revision Comm'n Reports 1703 (1976). The bill will be given further consideration with the Legislature meets in 1978.

Liquidated Damages

Assembly Bill 570 was introduced by Assemblyman McAlister to effectuate the Commission's recommendation on this subject. See Recommendation Relating to Liquidated Damages, 13 Cal. L. Revision Comm'n Reports 1735 (1976). The bill was enacted as introduced.

Damages in Action for Breach of Lease

Assembly Bill 13 was introduced by Assemblyman McAlister to effectuate the Commission's recommendation on this subject. See Recommendation Relating to Damages in Action for Breach of Lease, 13 Cal. L. Revision Comm'n Reports 1679 (1976). See also Report of Senate Committee on Judiciary on Assembly Bill 13, Senate J. (April 21, 1977), at 1437, reprinted as Appendix V to this Report.

The following amendments were made to this bill upon recommendation of the Commission as a result of continuing study of this topic after the bill was introduced:

Civil Code Section 1952, which was not included in the bill as introduced, was amended to insert at the beginning of subdivision (b) the phrase "Unless the lessor amends the complaint as provided

in paragraph (1) of subdivision (a) of Section 1952.3 to state a claim for damages not recoverable in the unlawful detainer proceeding,".

Civil Code Section 1952.3 was amended to substitute a new section for the one which was included in the bill as introduced.

Resolution Approving Topics for Study

Assembly Concurrent Resolution No. 4, introduced by Assemblyman McAlister and adopted as Resolution Chapter 17 of the Statutes of 1977, authorizes the Commission to continue the study of 21 topics previously authorized for study and to drop two topics previously authorized for study--tort liability and transfer of out-of-state trusts to California--from the Commission's calendar of topics.

**REPORT ON STATUTES REPEALED BY
IMPLICATION
OR HELD UNCONSTITUTIONAL**

[Covered in Memorandum 77-69.]

CALENDAR OF TOPICS FOR STUDY

Topics Authorized for Study

The Commission has on its calendar of topics the topics listed below.¹ Each of these topics has been authorized for Commission study by the Legislature.²

Topics Under Active Consideration

During the next year, the Commission plans to devote substantially all of its time to consideration of the following topics:

Creditors' remedies. Whether the law relating to creditors' remedies including, but not limited to, attachment, garnishment, execution, repossession of property (including the claim and delivery statute, self-help repossession of property, and the Commercial Code repossession of property provisions), civil arrest, confession of judgment procedures, default judgment procedures, enforcement of judgments, the right of redemption, procedures under private power of sale in a trust deed or mortgage, possessory and nonpossessory liens, and related matters should be revised.

The Commission, working with a State Bar committee, is now engaged in drafting a comprehensive statute governing enforcement of judgments. Professor Stefan A. Riesenfeld is serving as the consultant to the Commission.

The Commission plans to submit two recommendations relating to the Attachment Law to the 1978 Legislature. See Recommendation Relating to Use of Court Commissioners Under the Attachment Law (October 1977), published as Appendix VIII to this Report, and Recommendation Relating to Attachment of Property Subject to a Security Interest (November 1977), published as Appendix XII to this Report.

The Commission also plans to submit a recommendation relating to wage garnishment to the 1978 Legislature. See Recommendation Relating to Wage Garnishment, 13 Cal. L. Revision Comm'n Reports 1703 (1976). Assembly Bill 393 was introduced at the 1977-78 Regular Session to effectuate this recommendation. The bill was pending in a joint conference committee when the Legislature recessed in September 1977. Final action will be taken on the bill when the Legislature meets in 1978.

¹ For information concerning prior Commission recommendations and studies concerning these topics, and the legislative history of legislation introduced to effectuate such recommendations, see "Current Topics—Prior Publications and Legislative Action" *infra*.

² Section 10335 of the Government Code provides that the Commission shall study, in addition to those topics which it recommends and which are approved by the Legislature, any topic which the Legislature by concurrent resolution refers to it for such study. The legislative authorization for each topic is noted in "Current Topics—Prior Publications and Legislative Action" *infra*.

Evidence. Whether the Evidence Code should be revised.

The Commission has undertaken a study of the differences between the newly adopted Federal Rules of Evidence and the California Evidence Code. Professor Jack Friedenthal of the Stanford Law School is the Commission's consultant on this study. The Commission also is making a study of the experience under the Evidence Code to determine whether any revisions are needed.

The Commission plans to submit a recommendation to the 1978 Legislature proposing expansion and revision of the provisions of the Evidence Code relating to evidence of market value in eminent domain and inverse condemnation proceedings. The recommendation proposes that the existing provisions be made applicable generally to all cases where market value of property is in issue (other than ad valorem property taxation proceedings) and recommends a number of changes in the existing rules governing the evidence admissible on the issue of market value of property. See Recommendation Relating to Evidence of Market Value of Property (October 1977), published as Appendix IX to this Report.

Another recommendation to be submitted to the 1978 Legislature is the result of the Commission's study of the experience under the psychotherapist-patient privilege. See Recommendation Relating to the Psychotherapist-Patient Privilege (November 1977), published as Appendix X to this Report.

Child custody, guardianship, and related matters. Whether the law relating to custody of children, adoption, guardianship, freedom from parental custody and control, and related matters should be revised.

Professor Brigitte M. Bodenheimer of the Law School, University of California at Davis, has been retained as the chief consultant on this topic. She has prepared two background studies—one relating to child custody and the other to adoption. See Bodenheimer, *The Multiplicity of Child Custody Proceedings—Problems of California Law*, 23 Stan. L. Rev. 703 (1971); *New Trends and Requirements in Adoption Law and Proposals for Legislative Change*, 49 So. Cal. L. Rev. 10 (1975). The background studies do not necessarily represent the views of the Commission; the Commission's action will be reflected in its own recommendation. Mr. Garrett H. Elmore has been retained as a consultant on one aspect of the topic—revision of the guardianship and conservatorship statutes.

The guardianship-conservatorship revision project now under active study has three basic objectives: (1) To make clear that the standard for appointment of a

guardian of the person of a minor is the same as the standard for awarding custody under the Family Law Act, (2) to eliminate guardianship for adults--adults would be governed by the conservatorship statute only, and (3) to consolidate general provisions applicable to guardianship and conservatorship in one statute containing provisions common to both. Working with a special subcommittee of the State Bar Committee on Guardianships and Conservatorships¹ and a special² committee of the California Land Title Association, the Commission plans to submit its recommendation on this matter to the 1979 Legislature.

Parol evidence rule. Whether the parol evidence rule should be revised.

The Commission plans to submit its recommendation on this topic to the 1978 Legislature. See Recommendation Relating to the Parol Evidence Rule (November 1977), published as Appendix XI to this Report.

Inverse condemnation. Whether the decisional, statutory, and constitutional rules governing the liability of public entities for inverse condemnation should be revised (including but not limited to liability for damages resulting from flood control projects) and whether the law relating to the liability of private persons under similar circumstances should be revised.

The Commission may study one or more aspects of this topic during 1978.

Other Topics Authorized for Study

The Commission has not yet begun the preparation of a recommendation on the topics listed below.

1. The members of the State Bar Committee are: Arne S. Lindgren, Chairman (Los Angeles), William S. Johnstone, Jr. (Pasadena), David Lee (Oakland), Arthur K. Marshall (Los Angeles), Matthew S. Rae, Jr. (Los Angeles), and Ann E. Stodden (Los Angeles).
2. The members of the Special Committee of the California Land Title Association are: Edward J. Wise, Chairman (Los Angeles), Helen Byard (Los Angeles), Michael Melton (Van Nuys), Harvey Pederson (San Diego), and Dean A. Swift (San Francisco).

Prejudgment interest. Whether the law relating to the award of prejudgment interest in civil actions and related matters should be revised.

The Commission is deferring consideration of this topic in order to avoid possible duplication of the work of the Joint Legislative Committee on Tort Liability. See Cal. Stats. 1976, Res. Ch. 160.

Class actions. Whether the law relating to class actions should be revised.

Offers of compromise. Whether the law relating to offers of compromise should be revised.

The Commission is deferring consideration of this topic in order to avoid possible duplication of the work of the Joint Legislative Committee on Tort Liability. See Cal. Stats. 1976, Res. Ch. 160.

Discovery in civil cases. Whether the law relating to discovery in civil cases should be revised.

Possibilities of reverter and powers of termination. Whether the law relating to possibilities of reverter and powers of termination should be revised.

Marketable Title Act and related matters. Whether a Marketable Title Act should be enacted in California and whether the law relating to covenants and servitudes relating to land, and the law relating to nominal, remote, and obsolete covenants, conditions, and restrictions on land use should be revised.

Topics Continued on Calendar for Further Study

On the following topics, studies and recommendations relating to the topic, or one or more aspects of the topic, have been made. The topics are continued on the Commission's calendar for further study of recommendations not enacted or for the study of additional aspects of the topic or new developments.

Arbitration. Whether the law relating to arbitration should be revised.

Escheat; unclaimed property. Whether the law relating to the escheat of property and the disposition of unclaimed or abandoned property should be revised.

Unincorporated associations. Whether the law relating to suit by and against partnerships and other unincorporated associations should be revised and whether the law relating to the liability of such associations and their members should be revised.

Partition procedures. Whether the law relating to partition should be revised.

Modification of contracts. Whether the law relating to modification of contracts should be revised.

Governmental liability. Whether the law relating to sovereign or governmental immunity in California should be revised.

The Commission is deferring further consideration of this topic in order to avoid possible duplication of the work of the Joint Legislative Committee on Tort Liability. See Cal. Stats. 1976, Res. Ch. 160.

Nonprofit corporations. Whether the law relating to nonprofit corporations should be revised.

The Commission published its recommendation on this topic in 1976. See Recommendation Relating to Non-profit Corporation Law, 13 Cal. L. Revision Comm'n Reports 2201 (1976). The Commission has suspended further work on this topic because the Assembly Select Committee on Revision of the Non-profit Corporation Code has undertaken a study of nonprofit corporation law.

Eminent domain. Whether the law relating to eminent domain should be revised.

Lease law. Whether the law relating to the rights and duties attendant upon termination or abandonment of a lease should be revised.

Liquidated damages. Whether the law relating to liquidated damages in contracts generally, and particularly in leases, should be revised.

Topics for Future Consideration

[This portion of the Annual Report will be written later in conformity with the Commission's decisions with respect to new topics. See Memorandum 77-64. If authority to study any new topics is to be requested, the "Recommendations" portion of the Annual Report on page 1631 will be revised to conform.]

FUNCTION AND PROCEDURE OF COMMISSION

The California Law Revision Commission consists of one Member of the Senate, one Member of the Assembly, seven members appointed by the Governor with the advice and consent of the Senate, and the Legislative Counsel who is ex officio a nonvoting member.¹

The principal duties of the Law Revision Commission are to:

(1) Examine the common law and statutes for the purpose of discovering defects and anachronisms.

(2) Receive and consider suggestions and proposed changes in the law from the American Law Institute, the National Conference of Commissioners on Uniform State Laws, bar associations, and other learned bodies, and from judges, public officials, lawyers, and the public generally.

(3) Recommend such changes in the law as it deems necessary to bring the law of this state into harmony with modern conditions.²

The Commission is required to file a report at each regular session of the Legislature containing a calendar of topics selected by it for study, listing both studies in progress and topics intended for future consideration. The Commission may study only topics which the Legislature, by concurrent resolution, authorizes it to study.³

Each of the Commission's recommendations is based on a research study of the subject matter concerned. In some cases, the study is prepared by a member of the Commission's staff, but some of the studies are undertaken by specialists in the fields of law involved who are retained as research consultants to the Commission. This procedure not only provides the Commission with invaluable expert assistance but is economical as well because the attorneys and law professors who serve as research consultants have already acquired the considerable background necessary to understand the specific problems under consideration.

The research study includes a discussion of the existing law and the defects therein and suggests possible methods of eliminating those defects. The study is given careful consideration by the Commission and, after making its preliminary decisions on the subject, the Commission distributes a tentative recommendation

¹ See Govt. Code §§ 10300-10340.

² See Govt. Code § 10330. The Commission is also directed to recommend the express repeal of all statutes repealed by implication or held unconstitutional by the California Supreme Court or the Supreme Court of the United States. Govt. Code § 10331.

³ See Govt. Code § 10335.

to the State Bar and to numerous other interested persons. Comments on the tentative recommendation are considered by the Commission in determining what report and recommendation it will make to the Legislature. When the Commission has reached a conclusion on the matter, its recommendation to the Legislature, including a draft of any legislation necessary to effectuate its recommendation, is published in a printed pamphlet.⁴ If the research study has not been previously published,⁵ it usually is published in the pamphlet containing the recommendation.

The Commission ordinarily prepares a Comment explaining each section it recommends. These Comments are included in the Commission's report and are frequently revised by legislative committee reports⁶ to reflect amendments⁷ made after the recommended legislation has been introduced in the Legislature. The Comment often indicates the derivation of the section and explains its purpose, its relation to other sections, and potential problems in its meaning or application. The Comments are written as if the legislation were enacted since their primary purpose is to explain the statute to those who will have occasion to use it after it is in effect. They are entitled to substantial weight in construing the statutory provisions.⁸ However, while the Commission endeavors in the Comment to explain any changes in the law made by the section, the Commission does not claim that every inconsistent case is noted in the Comment, nor can it

⁴ 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.

5. For a listing of background studies published in law reviews, see 10 Cal. L. Revision Comm'n Reports 1108 n.5 (1971), 11 Cal. L. Revision Comm'n Reports 1008 n.5 & 1108 n.5 (1973), and 13 Cal. L. Revision Comm'n Reports 1628 n.5 (1976).

⁶ Special reports are adopted by legislative committees that consider bills recommended by the Commission. These reports, which are printed in the legislative journal, state that the Comments to the various sections of the bill contained in the Commission's recommendation reflect the intent of the committee in approving the bill except to the extent that new or revised Comments are set out in the committee report itself. For a description of the legislative committee reports adopted in connection with the bill that became the Evidence Code, see *Arellano v. Moreno*, 33 Cal. App.3d 877, 884, 109 Cal. Rptr. 421, 426 (1973). For an example of such a report, see 13 Cal. L. Revision Comm'n Reports 1701-1702 (1976).

⁷ Many of the amendments made after the recommended legislation has been introduced are made upon recommendation of the Commission to deal with matters brought to the Commission's attention after its recommendation was printed. In some cases, however, an amendment may be made that the Commission believes is not desirable and does not recommend.

⁸ *E.g.*, *Van Arsdale v. Hollinger*, 68 Cal.2d 245, 249-250, 437 P.2d 508, 511, 66 Cal. Rptr. 20, 23 (1968). The Comments are published by both the Bancroft-Whitney Company and the West Publishing Company in their editions of the annotated codes.

anticipate judicial conclusions as to the significance of existing case authorities.⁹ Hence, failure to note a change in prior law or to refer to an inconsistent judicial decision is not intended to, and should not, influence the construction of a clearly stated statutory provision.¹⁰

The pamphlets are distributed to the Governor, Members of the Legislature, heads of state departments, and a substantial number of judges, district attorneys, lawyers, law professors, and law libraries throughout the state.¹¹ Thus, a large and representative number of interested persons are given an opportunity to study and comment upon the Commission's work before it is considered for enactment by the Legislature.¹² The annual reports and the recommendations and studies of the Commission are bound in a set of volumes that is both a permanent record of the Commission's work and, it is believed, a valuable contribution to the legal literature of the state.

⁹ See, e.g., *Arellano v. Moreno*, 33 Cal. App.3d 877, 109 Cal. Rptr. 421 (1973).

¹⁰ The Commission does not concur in the *Kaplan* approach to statutory construction. See *Kaplan v. Superior Court*, 6 Cal.3d 150, 153-159, 491 P.2d 1, 5-6, 98 Cal. Rptr. 649, 653-654 (1971). For a reaction to the problem created by the *Kaplan* approach, see *Recommendation Relating to Erroneously Ordered Disclosure of Privileged Information*, 11 Cal. L. Revision Comm'n Reports 1163 (1973). See also Cal. Stats. 1974, Ch. 227.

¹¹ See Govt. Code § 10333.

¹² For a step by step description of the procedure followed by the Commission in preparing the 1963 governmental liability statute, see DeMouly, *Fact Finding for Legislation: A Case Study*, 50 A.B.A.J. 285 (1964). The procedure followed in preparing the Evidence Code is described in 7 Cal. L. Revision Comm'n Reports 3 (1965).

PERSONNEL OF COMMISSION

As of December 1, 1977, the membership of the Law Revision Commission is:

| | <i>Term expires</i> | |
|---|---------------------|---|
| John N. McLaurin, Los Angeles, <i>Chairman</i> | October 1, 1975 | |
| Howard R. Williams, Stanford, <i>Vice Chairman</i> | October 1, 1977 | |
| Hon. George Deukmejian, Los Angeles, <u>Senate Member</u> | | * |
| Hon. Alister McAlister, San Jose, <u>Assembly Member</u> | | * |
| Beatrice P. Lawson, Los Angeles, <u>Member</u> | October 1, 1979 | |
| Jean C. Love, Davis, <u>Member</u> | October 1, 1979 | |
| John D. Miller, Long Beach, <u>Member</u> | October 1, 1977 | |
| Thomas E. Stanton, Jr., San Francisco, <u>Member</u> | October 1, 1977 | |
| Laurence N. Walker, Berkeley, <u>Member</u> | October 1, 1979 | |
| Bion M. Gregory, Sacramento, <u>ex officio Member</u> | | † |

* The legislative members of the Commission serve at the pleasure of the appointing power.

† The Legislative Counsel is *ex officio* a nonvoting member of the Commission

In March 1977, Governor Brown appointed Beatrice P. Lawson, Los Angeles (replacing Marc Sandstrom who had resigned) and Jean C. Love, Davis (replacing Nobel K. Gregory who had resigned). In June 1977, Laurence N. Walker, Berkeley, was appointed to replace John J. Balluff who had resigned. Bion M. Gregory, Sacramento, became an ex officio member of the Commission upon his appointment as Legislative Counsel in January 1977 to replace George H. Murphy who retired.

In October 1977, _____ was elected Chairman, and _____ was elected Vice Chairman of the Commission. Their terms commence on December 31, 1977.

As of December 1, 1977, the staff of the Commission is:

Legal

| | |
|--|--|
| John H. DeMouly <i>Executive Secretary</i> | Stan G. Ulrich <i>Staff Counsel</i> |
| Nathaniel Sterling <i>Assistant Executive Secretary</i> | Robert J. Murphy III <i>Staff Counsel</i> |

Administrative-Secretarial

| | |
|---|--|
| Juan Carlos Rogers <i>Administrative Assistant</i> | Violet S. Harju <i>Word Processing Technician</i> |
|---|--|

Kristine A. Clute
Word Processing Technician

In September 1977, Anne Johnston, who had served as the Commission's Administrative Assistant for approximately 13 years, resigned to accept employment in private industry. In October 1977, Juan Carlos Rogers was appointed to replace her. The Commission wishes to express its appreciation to Mrs. Johnston for her long and faithful service to the Commission.

RECOMMENDATIONS

The Law Revision Commission respectfully recommends that the Legislature authorize the Commission to complete its study of the topics previously authorized for study (see "Calendar of Topics for Study" *supra*)

Pursuant to the mandate imposed by Section 10331 of the Government Code, the Commission recommends the repeal of the provisions referred to under "Report on Statutes Repealed by Implication or Held Unconstitutional," *supra*, to the extent that those provisions have been held to be unconstitutional.

APPENDIX I

CURRENT TOPICS—PRIOR PUBLICATIONS AND LEGISLATIVE ACTION

Arbitration

Authorized by Cal. Stats. 1968, Res. Ch. 110, at 3103. See also 8 Cal. L. Revision Comm'n Reports 1325 (1967).

This is a supplemental study; the present California arbitration law was enacted in 1961 upon Commission recommendation. See *Recommendation and Study Relating to Arbitration*, 3 Cal. L. Revision Comm'n Reports at G-1 (1961). For a legislative history of this recommendation, see 4 Cal. L. Revision Comm'n Reports 15 (1963). See also Cal. Stats. 1961, Ch. 461.

Child Custody and Related Matters

Authorized by Cal. Stats. 1972, Res. Ch. 27, at 3227; see 10 Cal. L. Revision Comm'n Reports 1122 (1971). See also Cal. Stats. 1956, Res. Ch. 42, at 263; 1 Cal. L. Revision Comm'n Reports, "1956 Report" at 29 (1957).

Background studies on two aspects of this topic have been prepared by the Commission's consultant, Professor Brigitte M. Bodenheimer, Law School, University of California at Davis. See Bodenheimer, *The Multiplicity of Child Custody Proceedings—Problems of California Law*, 23 Stan. L. Rev. 703 (1971); *New Trends and Requirements in Adoption Law and Proposals for Legislative Change*, 49 So. Cal. L. Rev. 10 (1975). The studies do not necessarily represent the views of the Commission; the Commission's action will be reflected in its own recommendation. Mr. Garrett H. Elmore has been retained as a consultant on one aspect of this topic—a project to eliminate the overlap between the guardianship and conservatorship statutes.

Class Actions

Authorized by Cal. Stats. 1975, Res. Ch. 15. See also 12 Cal. L. Revision Comm'n Reports 524 (1974).

Condemnation Law and Procedure

Authorized by Cal. Stats. 1965, Res. Ch. 130, at 5289. See also Cal. Stats. 1956, Res. Ch. 42, at 263; 4 Cal. L. Revision Comm'n Reports 115 (1963).

See *Recommendation and Study Relating to Evidence in Eminent Domain Proceedings*; *Recommendation and Study Relating to Taking Possession and Passage of Title in Eminent Domain Proceedings*; *Recommendation and Study Relating to the Reimbursement for Moving Expenses When Property Is Acquired for Public Use*, 3 Cal. L. Revision Comm'n Reports at A-1, B-1, and C-1 (1961). For a legislative history of these recommendations, see 3 Cal. L. Revision Comm'n Reports, "Legislative History" at 1-5 (1961). See also Cal. Stats. 1961, Ch. 1612 (tax apportionment) and Ch. 1613 (taking possession and passage of title). The substance of two of these recommendations was incorporated in legislation enacted in 1965. Cal. Stats. 1965, Ch. 1151 (evidence in eminent domain proceedings); Chs. 1649, 1650 (reimbursement for moving expenses).

See also *Recommendation and Study Relating to Condemnation Law and Procedure: Number 4—Discovery in Eminent Domain Proceedings*, 4 Cal. L. Revision Comm'n Reports 701 (1963). For a legislative history of this recommendation, see 4 Cal. L. Revision Comm'n Reports 213 (1963). The recommended legislation was not enacted. See also *Recommendation Relating to Discovery in Eminent Domain Proceedings*, 8 Cal. L. Revision Comm'n Reports 19 (1967). For a legislative history of this recommendation, see 8 Cal. L. Revision Comm'n Reports 1318 (1967). The recommended legislation was enacted. See Cal. Stats. 1967, Ch. 1104 (exchange of valuation data).

See also *Recommendation Relating to Recovery of Condemnee's Expenses on Abandonment of an Eminent Domain Proceeding*, 8 Cal. L. Revision Comm'n Reports 1361 (1967). For a legislative history of this recommendation, see 9 Cal. L. Revision

Comm'n Reports 19 (1969). The recommended legislation was enacted. See Cal. Stats. 1968, Ch. 133.

See also *Recommendation Relating to Arbitration of Just Compensation*, 9 Cal. L. Revision Comm'n Reports 123 (1969). For a legislative history of this recommendation, see 10 Cal. L. Revision Comm'n Reports 1018 (1971). The recommended legislation was enacted. See Cal. Stats. 1970, Ch. 417.

See also *Recommendation Relating to Condemnation Law and Procedure: Conforming Changes in Improvement Acts*, 12 Cal. L. Revision Comm'n Reports 1001 (1974). For a legislative history of this recommendation, see 12 Cal. L. Revision Comm'n Reports 534 (1974). The recommended legislation was enacted. See Cal. Stats. 1974, Ch. 426.

See also *Tentative Recommendations Relating to Condemnation Law and Procedure: The Eminent Domain Law, Condemnation Authority of State Agencies, and Conforming Changes in Special District Statutes*, 12 Cal. L. Revision Comm'n Reports at 1, 1051, and 1101 (1974).

See also *Recommendation Proposing the Eminent Domain Law*, 12 Cal. L. Revision Comm'n Reports 1601 (1974). For a legislative history of this recommendation, see 13 Cal. L. Revision Comm'n Reports 2010 (1976). The recommended legislation was enacted. See Cal. Stats. 1975, Chs. 581, 582, 584, 585, 586, 587, 1176, 1239, 1240, 1275, 1276. See also Cal. Stats. 1976, Ch. 22.

See also *Recommendation Relating to Relocation Assistance by Private Condemnors*, 13 Cal. L. Revision Comm'n Reports 2085 (1976). For a legislative history of this recommendation, see 13 Cal. L. Revision Comm'n Reports 1614-1615 (1976). The recommended legislation was enacted. See Cal. Stats. 1976, Ch. 143.

See also *Recommendation Relating to Condemnation for Byroads and Utility Easements*, 13 Cal. L. Revision Comm'n Reports 2091 (1976). For a legislative history of this recommendation, see 13 Cal. L. Revision Comm'n Reports 1615 (1976). The recommended legislation was enacted in part (utility easements). See Cal. Stats. 1976, Ch. 994.

The Commission plans to submit two recommendations to the 1978 Legislature. See Recommendation Relating to Review of Resolution of Necessity by Writ of Mandate (September 1977), published as Appendix VII to this Report, and Recommendation Relating to Evidence of Market Value of Property (October 1977), published as Appendix IX to this Report.

Creditors' Remedies

Authorized by Cal. Stats. 1972, Res. Ch. 27, at 3227. See also Cal. Stats. 1957, Res. Ch. 202, at 4589; 1 Cal. L. Revision Comm'n Reports, "1957 Report" at 15 (1957).

See *Recommendation Relating to Attachment, Garnishment, and Exemptions From Execution: Discharge From Employment*, 10 Cal. L. Revision Comm'n Reports 1147 (1971). For a legislative history of this recommendation, see 10 Cal. L. Revision Comm'n Reports 1126-1127 (1971). The recommended legislation was enacted. See Cal. Stats. 1971, Ch. 1607.

See also *Recommendation Relating to Attachment, Garnishment, and Exemptions From Execution: Employees' Earnings Protection Law*, 10 Cal. L. Revision Comm'n Reports 701 (1971). For a legislative history of this recommendation, see 11 Cal. L. Revision Comm'n Reports 1024 (1973). The recommended legislation was not enacted. The Commission submitted a revised recommendation to the 1973 Legislature. See *Recommendation Relating to Wage Garnishment and Related Matters*, 11 Cal. L. Revision Comm'n Reports 101 (1973). For a legislative history of this recommendation, see 11 Cal. L. Revision Comm'n Reports 1123 (1973); 12 Cal. L. Revision Comm'n Reports 530 n.1 (1974). The recommended legislation was not enacted. The Commission submitted a revised recommendation to the 1975 Legislature. See *Recommendation Relating to Wage Garnishment Exemptions*, 12 Cal. L. Revision Comm'n Reports 901 (1974). For a legislative history of this recommendation, see 13 Cal. L. Revision Comm'n Reports 2012 (1976). The recommended legislation was not enacted. See also *Recommendation Relating to Wage Garnishment Procedure*, 13 Cal. L. Revision Comm'n

Reports 601 (1976) and Recommendation Relating to Wage Garnishment, 13 Cal. L. Revision Comm'n Reports 1703 (1976). For a legislative history of these recommendations, see this Report supra. Final action on recommended legislation will be taken by the Legislature in 1978.

See also Recommendation and Study Relating to Civil Arrest, 11 Cal. L. Revision Comm'n Reports 1 (1973). For a legislative history of this recommendation, see 11 Cal. L. Revision Comm'n Reports 1123 (1973). The recommended legislation was enacted. See Cal. Stats. 1973, Ch. 20.

See also Recommendation Relating to the Claim and Delivery Statute, 11 Cal. L. Revision Comm'n Reports 301 (1973). For a legislative history of this recommendation, see 11 Cal. L. Revision Comm'n Reports 1124 (1973). The recommended legislation was enacted. See Cal. Stats. 1973, Ch. 526. See also Recommendation Relating to Turnover Orders Under the Claim and Delivery Law, 13 Cal. L. Revision Comm'n Reports 2079 (1976). For a legislative history of this recommendation, see 13 Cal. L. Revision Comm'n Reports 1614 (1976). The recommended legislation was enacted. See Cal. Stats. 1976, Ch. 145.

See also Recommendation Relating to Prejudgment Attachment, 11 Cal. L. Revision Comm'n Reports 701 (1973). For a legislative history of this recommendation, see 12 Cal. L. Revision Comm'n Reports 530 (1974). The recommended legislation was enacted. See Cal. Stats. 1974, Ch. 1516. See also Recommendation Relating to Revision of the Attachment Law, 13 Cal. L. Revision Comm'n Reports 801 (1976). For a legislative history of this recommendation, see 13 Cal. L. Revision Comm'n Reports 1612 (1976). The recommended legislation was enacted. See Cal. Stats. 1976, Ch. 437. See also Recommendation Relating to the Attachment Law--Effect of Bankruptcy Proceedings; Effect of General Assignments for the Benefit of Creditors (April 1977), published as Appendix IV to this Report. For a legislative history of this recommendation, see this Report supra. The recommended legislation was enacted. See Cal. Stats. 1977, Ch. 499. The Commission plans to submit two recommendations to the 1978 Legislature. See Recommendation Relating to Use of Court Commissioners Under the Attachment Law (October 1977), published as Appendix VIII to this Report, and Recommendation Relating to Attachment of Property Subject to a Security Interest (November 1977), published as Appendix XII to this Report.

See also Recommendation Relating to Enforcement of Sister State Money Judgments, 11 Cal. L. Revision Comm'n Reports 451 (1973). For a legislative history of this recommendation, see 12 Cal. L. Revision Comm'n Reports 534 (1974). The recommended legislation was enacted. See Cal. Stats. 1974, Ch. 211. See also Recommendation Relating to Sister State Money Judgments, 13 Cal. L. Revision Comm'n Reports 1669 (1976). For a legislative history of this recommendation, see this Report supra. The recommended legislation was enacted. See Cal. Stats. 1977, Ch. 232.

See also Recommendation Relating to Use of Keepers Pursuant to Writs of Execution (March 1977), published as Appendix III to this Report. For a legislative history of this recommendation, see this Report supra. The recommended legislation was enacted. See Cal. Stats. 1977, Ch. 155.

Discovery in Civil Cases

Authorized by Cal. Stats. 1975, Res. Ch. 15. See also 12 Cal. L. Revision Comm'n Reports 326 (1974).

Escheat; Unclaimed Property

Authorized by Cal. Stats. 1967, Res. Ch. 81, at 4592. See also Cal. Stats. 1956, Res. Ch. 42, at 263.

See *Recommendation Relating to Escheat*, 8 Cal. L. Revision Comm'n Reports 1001 (1967). For a legislative history of this recommendation, see 9 Cal. L. Revision Comm'n Reports 16-18 (1969). Most of the recommended legislation was enacted. See Cal. Stats. 1968, Ch. 247 (escheat of decedent's estate) and Ch. 356 (unclaimed property act).

See also *Recommendation Relating to Unclaimed Property*, 11 Cal. L. Revision Comm'n Reports 401 (1973). For a legislative history of this recommendation, see 11 Cal. L. Revision Comm'n Reports 1124 (1973). The recommended legislation was not enacted.

See also *Recommendation Relating to Escheat of Amounts Payable on Travelers Checks, Money Orders, and Similar Instruments*, 12 Cal. L. Revision Comm'n Reports 613 (1974). For a legislative history of this recommendation, see 13 Cal. L. Revision Comm'n Reports 2012 (1976). The recommended legislation was enacted. See Cal. Stats. 1975, Ch. 25.

Evidence

Authorized by Cal. Stats. 1965, Res. Ch. 130, at 5289.

See *Recommendation Proposing an Evidence Code*, 7 Cal. L. Revision Comm'n Reports 1 (1965). A series of tentative recommendations and research studies relating to the Uniform Rules of Evidence was published and distributed for comment prior to the preparation of the recommendation proposing the Evidence Code. See 6 Cal. L. Revision Comm'n Reports at 1, 101, 201, 301, 401, 501, 601, 701, 801, 901, 1001, and *Appendix* (1964). For a legislative history of this recommendation, see 7 Cal. L. Revision Comm'n Reports 912-914 (1965). See also *Evidence Code With Official Comments*, 7 Cal. L. Revision Comm'n Reports 1001 (1965). The recommended legislation was enacted. See Cal. Stats. 1965, Ch. 299 (Evidence Code).

See also *Recommendations Relating to the Evidence Code: Number 1—Evidence Code Revisions; Number 2—Agricultural Code Revisions; Number 3—Commercial Code Revisions*, 8 Cal. L. Revision Comm'n Reports 101, 201, 301 (1967). For a legislative history of these recommendations, see 8 Cal. L. Revision Comm'n Reports 1315 (1967). The recommended legislation was enacted. See Cal. Stats. 1967, Ch. 650 (Evidence Code revisions), Ch. 262 (Agricultural Code revisions), Ch. 703 (Commercial Code revisions).

See also *Recommendation Relating to the Evidence Code: Number 4—Revision of the Privileges Article*, 9 Cal. L. Revision Comm'n Reports 301 (1969). For a legislative history of this recommendation, see 9 Cal. L. Revision Comm'n Reports 98 (1969). The recommended legislation was not enacted.

See also *Recommendation Relating to the Evidence Code: Number 5—Revisions of the Evidence Code*, 9 Cal. L. Revision Comm'n Reports 137 (1969). For a legislative history of this recommendation, see 10 Cal. L. Revision Comm'n Reports 1019 (1971). Some of the recommended legislation was enacted. See Cal. Stats. 1970, Ch. 69 (res ipsa loquitur), Ch. 1397 (psychotherapist-patient privilege).

See also report concerning *Proof of Foreign Official Records*, 10 Cal. L. Revision Comm'n Reports 1022 (1971), and Cal. Stats. 1970, Ch. 41.

See also *Recommendation Relating to Erroneously Ordered Disclosure of Privileged Information*, 11 Cal. L. Revision Comm'n Reports 1163 (1973). For a legislative history of this recommendation, see 12 Cal. L. Revision Comm'n Reports 535 (1974). The recommended legislation was enacted. See Cal. Stats. 1974, Ch. 227.

See also *Recommendation Relating to Evidence Code Section 999—The "Criminal Conduct" Exception to the Physician-Patient Privilege*, 11 Cal. L. Revision Comm'n Reports 1147 (1973). For a legislative history of this recommendation, see 12 Cal. L. Revision Comm'n Reports 535 (1974). The recommended legislation was not enacted. A revised recommendation was submitted to the 1975 Legislature. See *Recommendation Relating to the Good Cause Exception to the Physician-Patient Privilege*, 12 Cal. L. Revision Comm'n Reports 601 (1974). For a legislative history of this recommendation, see 13 Cal. L. Revision Comm'n Reports 2012 (1976). The recommended legislation was enacted. See Cal. Stats. 1975, Ch. 318.

See also *Recommendation Relating to View by Trier of Fact in a Civil Case*, 12 Cal. L. Revision Comm'n Reports 587 (1974). For a legislative history of this recommendation, see 13 Cal. L. Revision Comm'n Reports 2011 (1976). The recommended legislation was enacted. See Cal. Stats. 1975, Ch. 301.

See also *Recommendation Relating to Admissibility of Copies of Business Records in Evidence*, 13 Cal. L. Revision Comm'n Reports 2051 (1976). For a legislative history of this recommendation, see 13 Cal. L. Revision Comm'n Reports 2012 (1976). The recommended legislation was not enacted.

See also *Recommendation Relating to Admissibility of Duplicates in Evidence*, 13 Cal. L. Revision Comm'n Reports 2115 (1976). For a legislative history of this recommendation, see 13 Cal. L. Revision Comm'n Reports 1615 (1976). The recommended legislation was not enacted.

See also *Recommendation Relating to the Psychotherapist-Patient Privilege* (November 1977), published as Appendix X to this Report. The Commission plans to submit this recommendation to the 1978 Legislature.

This topic is under continuing study to determine whether any substantive, technical, or clarifying changes are needed in the Evidence Code and whether changes are needed in other codes to conform them to the Evidence Code. See 10 Cal. L. Revision Comm'n Reports 1015 (1971) and 13 Cal. L. Revision Comm'n Reports 1622 (1976). See also Cal. Stats. 1972, Ch. 764 (judicial notice--technical amendment).

Governmental Liability

Authorized by Cal. Stats. 1957, Res. Ch. 202, at 4589.

See *Recommendations Relating to Sovereign Immunity: Number 1—Tort Liability of Public Entities and Public Employees; Number 2—Claims, Actions and Judgments Against Public Entities and Public Employees; Number 3—Insurance Coverage for Public Entities and Public Employees; Number 4—Defense of Public Employees; Number 5—Liability of Public Entities for Ownership and Operation of Motor Vehicles; Number 6—Workmen's Compensation Benefits for Persons Assisting Law Enforcement or Fire Control Officers; Number 7—Amendments and Repeals of Inconsistent Special Statutes*, 4 Cal. L. Revision Comm'n Reports 801, 1001, 1201, 1301, 1401, 1501, and 1601 (1963). For a legislative history of these recommendations, see 4 Cal. L. Revision Comm'n Reports 211-213 (1963). Most of the recommended legislation was enacted. See Cal. Stats. 1963, Ch. 1681 (tort liability of public entities and public employees), Ch. 1715 (claims, actions and judgments against public entities and public employees), Ch. 1682 (insurance coverage for public entities and public employees), Ch. 1683 (defense of public employees), Ch. 1684 (workmen's compensation benefits for persons assisting law enforcement or fire control officers), Ch. 1685 (amendments and repeals of inconsistent special statutes), Ch. 1686 (amendments and repeals of inconsistent special statutes), Ch. 2029 (amendments and repeals of inconsistent special statutes). See also *A Study Relating to Sovereign Immunity*, 5 Cal. L. Revision Comm'n Reports 1 (1963).

See also *Recommendation Relating to Sovereign Immunity: Number 8—Revisions of the Governmental Liability Act*, 7 Cal. L. Revision Comm'n Reports 401 (1965). For a legislative history of this recommendation, see 7 Cal. L. Revision Comm'n Reports 914 (1965). The recommended legislation was enacted. See Cal. Stats. 1965, Ch. 653 (claims and actions against public entities and public employees), Ch. 1527 (liability of public entities for ownership and operation of motor vehicles).

See also *Recommendation Relating to Sovereign Immunity: Number 9—Statute of Limitations in Actions Against Public Entities and Public Employees*, 9 Cal. L. Revision Comm'n Reports 49 (1969). For a legislative history of this recommendation, see 9 Cal. L. Revision Comm'n Reports 98 (1969). See also *Proposed Legislation Relating to Statute of Limitations in Actions Against Public Entities and Public Employees*, 9 Cal. L. Revision Comm'n Reports 175 (1969). For a legislative history of this recommendation, see 10 Cal. L. Revision Comm'n Reports 1021 (1971). The recommended legislation was enacted. See Cal. Stats. 1970, Ch. 104.

See also *Recommendation Relating to Sovereign Immunity: Number 10—Revisions of the Governmental Liability Act*, 9 Cal. L. Revision Comm'n Reports 801 (1969). For a legislative history of this recommendation, see 10 Cal. L. Revision Comm'n Reports 1020 (1971). Most of the recommended legislation was enacted. See Cal. Stats. 1970, Ch. 662 (entry to make tests) and Ch. 1099 (liability for use of pesticides, liability for damages from tests).

See also *Recommendation Relating to Payment of Judgments Against Local Public Entities*, 12 Cal. L. Revision Comm'n Reports 575 (1974). For a legislative history of this recommendation, see 13 Cal. L. Revision Comm'n Reports 2011 (1976). The recommended legislation was enacted. See Cal. Stats. 1975, Ch. 285.

See also *Recommendation Relating to Undertakings for Costs*, 13 Cal. L. Revision Comm'n Reports 901 (1976). For a legislative history of this recommendation, see 13

Cal. L. Revision Comm'n Reports 1614 (1976). The recommended legislation was not enacted.

Inverse Condemnation

Authorized by Cal. Stats. 1970, Res. Ch. 46, at 3541. See also Cal. Stats. 1965, Res. Ch. 130, at 5289.

See *Recommendation Relating to Inverse Condemnation: Insurance Coverage*, 10 Cal. L. Revision Comm'n Reports 1031 (1971). For a legislative history of this recommendation, see 10 Cal. L. Revision Comm'n Reports 1126 (1971). The recommended legislation was enacted. See Cal. Stats. 1971, Ch. 140.

See also *Recommendation Relating to Sovereign Immunity: Number 10—Revisions of the Governmental Liability Act*, 9 Cal. L. Revision Comm'n Reports 501 (1969). For a legislative history of this recommendation, see 10 Cal. L. Revision Comm'n Reports 1020 (1971). Most of the recommended legislation was enacted. See Cal. Stats. 1970, Ch. 662 (entry to make tests) and Ch. 1099 (liability for use of pesticides, liability for damages from tests). See also *Proposed Legislation Relating to Statute of Limitations in Actions Against Public Entities and Public Employees*, 9 Cal. L. Revision Comm'n Reports 175 (1969). For a legislative history of this recommendation, see 10 Cal. L. Revision Comm'n Reports 1021 (1971). The recommended legislation was enacted. See Cal. Stats. 1970, Ch. 104.

See also *Recommendation Relating to Payment of Judgments Against Local Public Entities*, 12 Cal. L. Revision Comm'n Reports 575 (1974). For a legislative history of this recommendation, see 13 Cal. L. Revision Comm'n Reports 2011 (1976). The recommended legislation was enacted. See Cal. Stats. 1975, Ch. 285.

See also Van Alstyne, *California Inverse Condemnation Law*, 10 Cal. L. Revision Comm'n Reports 1 (1971).

Lease Law

Authorized by Cal. Stats. 1965, Res. Ch. 130, at 5289. See also Cal. Stats. 1957, Res. Ch. 202, at 4589.

See *Recommendation and Study Relating to Abandonment or Termination of a Lease*, 8 Cal. L. Revision Comm'n Reports 701 (1967). For a legislative history of this recommendation, see 8 Cal. L. Revision Comm'n Reports 1319 (1967). The recommended legislation was not enacted.

See also *Recommendation Relating to Real Property Leases*, 9 Cal. L. Revision Comm'n Reports 401 (1969). For a legislative history of this recommendation, see 9 Cal. L. Revision Comm'n Reports 98 (1969). The recommended legislation was not enacted. See also *Recommendation Relating to Real Property Leases*, 9 Cal. L. Revision Comm'n Reports 153 (1969). For a legislative history of this recommendation, see 10 Cal. L. Revision Comm'n Reports 1018 (1971). The recommended legislation was enacted. See Cal. Stats. 1970, Ch. 89.

See also *Recommendations Relating to Landlord-Tenant Relations*, 11 Cal. L. Revision Comm'n Reports 951 (1973). This report contains two recommendations: *Abandonment of Leased Real Property* and *Personal Property Left on Premises Vacated by Tenant*. For a legislative history of these recommendations, see 12 Cal. L. Revision Comm'n Reports 536 (1974). The recommended legislation was enacted. See Cal. Stats. 1974, Chs. 331, 332.

See also Recommendation Relating to Damages in Action for Breach of Lease, 13 Cal. L. Revision Comm'n Reports 1679 (1976). For a legislative history of this recommendation, see this Report *supra*. The recommended legislation was enacted. See Cal. Stats. 1977, Ch. 49.

Liquidated Damages

Authorized by Cal. Stats. 1969, Res. Ch. 224, at 3888.

See *Recommendation and Study Relating to Liquidated Damages*, 11 Cal. L. Revision Comm'n Reports 1201 (1973). For a legislative history of this recommendation, see 12 Cal. L. Revision Comm'n Reports 535 (1974). The recommended legislation was not enacted.

See also *Recommendation Relating to Liquidated Damages*, 13 Cal. L. Revision Comm'n Reports 2139 (1976). For a legislative history of this recommendation, see 13 Cal. L. Revision Comm'n Reports 1616 (1976). The recommended legislation was passed by the Legislature but vetoed by the Governor. See also Recommendation Relating to Liquidated Damages, 13 Cal. L. Revision Comm'n Reports 1735 (1976). For a legislative history of this recommendation, see this Report *supra*. The recommended legislation was enacted. See Cal. Stats. 1977, Ch. 198.

Marketable Title Act and Related Matters

Authorized by Cal. Stats. 1975, Res. Ch. 52.

Modification of Contracts

Authorized by Cal. Stats. 1957, Res. Ch. 202, at 4589. See also 1 Cal. L. Revision Comm'n Reports, "1957 Report" at 21 (1957).

See *Recommendation and Study Relating to Oral Modification of Written Contracts*, 13 Cal. L. Revision Comm'n Reports 301 (1976). For a legislative history of this recommendation, see 13 Cal. L. Revision Comm'n Reports 2011 (1976). One of the two legislative measures recommended was enacted. See Cal. Stats. 1975, Ch. 7.

See also *Recommendation Relating to Oral Modification of Contracts*, 13 Cal. L. Revision Comm'n Reports 2129 (1976). For a legislative history of this recommendation, see 13 Cal. L. Revision Comm'n Reports 1616 (1976). The recommended legislation was enacted. See Cal. Stats. 1976, Ch. 109.

Nonprofit Corporations

Authorized by Cal. Stats. 1970, Res. Ch. 54, at 3547. See also 9 Cal. L. Revision Comm'n Reports 107 (1969).

The Commission plans to submit a recommendation to the 1977 Legislature. See *Recommendation Relating to Nonprofit Corporation Law*, 13 Cal. L. Revision Comm'n Reports 2201 (1976). For a legislative history of this recommendation, see this Report *supra*. The recommended legislation was not enacted.

Offers of Compromise

Authorized by Cal. Stats. 1975, Res. Ch. 15. See also 12 Cal. L. Revision Comm'n Reports 525 (1974).

Parol Evidence Rule

Authorized by Cal. Stats. 1971, Res. Ch. 75, at 4215. See also 10 Cal. L. Revision Comm'n Reports 1031 (1971).

See *Recommendation Relating to the Parol Evidence Rule* (November 1977), published as Appendix XI to this Report. The Commission plans to submit this recommendation to the 1978 Legislature.

Partition Procedures

Authorized by Cal. Stats. 1959, Res. Ch. 218, at 5792. See also Cal. Stats. 1956, Res. Ch. 42, at 263; 1 Cal. L. Revision Comm'n Reports, "1956 Report" at 21 (1957).

See *Recommendation Relating to Partition of Real and Personal Property*, 13 Cal. L. Revision Comm'n Reports 401 (1976). For a legislative history of this recommendation, see 13 Cal. L. Revision Comm'n Reports 1610-1612 (1976). The recommended legislation was enacted. See Cal. Stats. 1976, Ch. 73.

Possibilities of Reverter and Powers of Termination

Authorized by Cal. Stats. 1975, Res. Ch. 15. See also 12 Cal. L. Revision Comm'n Reports 528 (1974).

Prejudgment Interest

Authorized by Cal. Stats. 1971, Res. Ch. 75, at 4215.

Unincorporated Associations

Authorized by Cal. Stats. 1966, Res. Ch. 9, at 241. See also Cal. Stats. 1957, Res. Ch. 202, at 4589.

See *Recommendation and Study Relating to Suit By or Against an Unincorporated Association*, 8 Cal. L. Revision Comm'n Reports 901 (1967). For a legislative history of this recommendation, see 8 Cal. L. Revision Comm'n Reports 1317 (1967). The recommended legislation was enacted. See Cal. Stats. 1967, Ch. 1324.

See also *Recommendation Relating to Service of Process on Unincorporated Associations*, 8 Cal. L. Revision Comm'n Reports 1403 (1967). For a legislative history of this recommendation, see 9 Cal. L. Revision Comm'n Reports 18-19 (1969). The recommended legislation was enacted. See Cal. Stats. 1968, Ch. 132.

See also *Recommendation Relating to Service of Process on Unincorporated Associations*, 13 Cal. L. Revision Comm'n Reports 1657 (1976). For a legislative history of this recommendation, see 13 Cal. L. Revision Comm'n Reports 1616 (1976). The recommended legislation was enacted. See Cal. Stats. 1976, Ch. 888.

APPENDIX II

LEGISLATIVE ACTION ON COMMISSION RECOMMENDATIONS

(Cumulative)

| Recommendation | Action by Legislature |
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| 1. <i>Partial Revision of Education Code</i> , 1 CAL. L. REVISION COMM'N REPORTS, Annual Report for 1954 at 12 (1957) | Enacted. Cal. Stats. 1955, Chs. 799, 877 |
| 2. <i>Summary Distribution of Small Estates Under Probate Code Sections 640 to 646</i> , 1 CAL. L. REVISION COMM'N REPORTS, Annual Report for 1954 at 50 (1957) | Enacted. Cal. Stats. 1955, Ch. 1183 |
| 3. <i>Fish and Game Code</i> , 1 CAL. L. REVISION COMM'N REPORTS, Annual Report for 1957 at 13 (1957); 1 CAL. L. REVISION COMM'N REPORTS, Annual Report for 1956 at 13 (1957) | Enacted. Cal. Stats. 1957, Ch. 456 |
| 4. <i>Maximum Period of Confinement in a County Jail</i> , 1 CAL. L. REVISION COMM'N REPORTS at A-1 (1957) | Enacted. Cal. Stats. 1957, Ch. 139 |
| 5. <i>Notice of Application for Attorney's Fees and Costs in Domestic Relations Actions</i> , 1 CAL. L. REVISION COMM'N REPORTS at B-1 (1957) | Enacted. Cal. Stats. 1957, Ch. 540 |

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| 6. <i>Taking Instructions to Jury Room</i> , 1 CAL. L. REVISION COMM'N REPORTS at C-1 (1957) | Not enacted. But see Cal. Stats. 1975, Ch. 461, enacting substance of this recommendation. |
| 7. <i>The Dead Man Statute</i> , 1 CAL. L. REVISION COMM'N REPORTS at D-1 (1957) | Not enacted. But recommendation accomplished in enactment of Evidence Code. See Comment to EVID. CODE § 1261. |
| 8. <i>Rights of Surviving Spouse in Property Acquired by Decedent While Domiciled Elsewhere</i> , 1 CAL. L. REVISION COMM'N REPORTS at E-1 (1957) | Enacted. Cal. Stats. 1957, Ch. 490 |
| 9. <i>The Marital "For and Against" Testimonial Privilege</i> , 1 CAL. L. REVISION COMM'N REPORTS at F-1 (1957) | Not enacted. But recommendation accomplished in enactment of Evidence Code. See Comment to EVID. CODE § 970. |
| 10. <i>Suspension of the Absolute Power of Alienation</i> , 1 CAL. L. REVISION COMM'N REPORTS at G-1 (1957); 2 CAL. L. REVISION COMM'N REPORTS, Annual Report for 1959 at 14 (1959) | Enacted. Cal. Stats. 1959, Ch. 470 |
| 11. <i>Elimination of Obsolete Provisions in Penal Code Sections 1377 and 1378</i> , 1 CAL. L. REVISION COMM'N REPORTS at H-1 (1957) | Enacted. Cal. Stats. 1957, Ch. 102 |
| 12. <i>Judicial Notice of the Law of Foreign Countries</i> , 1 CAL. L. REVISION COMM'N REPORTS at I-1 (1957) | Enacted. Cal. Stats. 1957, Ch. 249 |

13. *Choice of Law Governing Survival of Actions*, 1 CAL. L. REVISION COMM'N REPORTS at J-1 (1957) No legislation recommended.
14. *Effective Date of Order Ruling on a Motion for New Trial*, 1 CAL. L. REVISION COMM'N REPORTS at K-1 (1957); 2 CAL. L. REVISION COMM'N REPORTS, Annual Report for 1959 at 16 (1959) Enacted. Cal. Stats. 1959, Ch. 468
15. *Retention of Venue for Convenience of Witnesses*, 1 CAL. L. REVISION COMM'N REPORTS at L-1 (1957) Not enacted.
16. *Bringing New Parties Into Civil Actions*, 1 CAL. L. REVISION COMM'N REPORTS at M-1 (1957) Enacted. Cal. Stats. 1957, Ch. 1498
17. *Grand Juries*, 2 CAL. L. REVISION COMM'N REPORTS, Annual Report for 1959 at 20 (1959) Enacted. Cal. Stats. 1959, Ch. 501
18. *Procedure for Appointing Guardians*, 2 CAL. L. REVISION COMM'N REPORTS, Annual Report for 1959 at 21 (1959) Enacted. Cal. Stats. 1959, Ch. 500
19. *Appointment of Administrator in Quiet Title Action*, 2 CAL. L. REVISION COMM'N REPORTS, Annual Report for 1959 at 29 (1959) No legislation recommended.

20. *Presentation of Claims Against Public Entities*, 2 CAL. L. REVISION COMM'N REPORTS at A-1 (1959) Enacted. Cal. Stats. 1959, Chs. 1715, 1724, 1725, 1726, 1727, 1728; CAL. CONST., Art. XI, § 10 (1960)
21. *Right of Nonresident Aliens to Inherit*, 2 CAL. L. REVISION COMM'N REPORTS at B-1 (1959); 11 CAL. L. REVISION COMM'N REPORTS 421 (1973) Enacted. Cal. Stats. 1974, Ch. 425.
22. *Mortgages to Secure Future Advances*, 2 CAL. L. REVISION COMM'N REPORTS at C-1 (1959) Enacted. Cal. Stats. 1959, Ch. 528
23. *Doctrine of Worthier Title*, 2 CAL. L. REVISION COMM'N REPORTS at D-1 (1959) Enacted. Cal. Stats. 1959, Ch. 122
24. *Overlapping Provisions of Penal and Vehicle Codes Relating to Taking of Vehicles and Drunk Driving*, 2 CAL. L. REVISION COMM'N REPORTS at E-1 (1959) Not enacted. But see Cal. Stats. 1972, Ch. 92, enacting substance of a portion of recommendation relating to drunk driving.
25. *Time Within Which Motion for New Trial May Be Made*, 2 CAL. L. REVISION COMM'N REPORTS at F-1 (1959) Enacted. Cal. Stats. 1959, Ch. 469
26. *Notice to Shareholders of Sale of Corporate Assets*, 2 CAL. L. REVISION COMM'N REPORTS at G-1 (1959) Not enacted. But see CORP. CODE §§ 1001, 1002 (effective January 1, 1977) enacting substance of recommendation.

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| 27. <i>Evidence in Eminent Domain Proceedings</i> , 3 CAL. L. REVISION COMM'N REPORTS at A-1 (1961) | Not enacted. But see EVID. CODE § 810 <i>et seq.</i> enacting substance of recommendation. |
| 28. <i>Taking Possession and Passage of Title in Eminent Domain Proceedings</i> , 3 CAL. L. REVISION COMM'N REPORTS at B-1 (1961) | Enacted. Cal. Stats. 1961, Chs. 1612, 1613 |
| 29. <i>Reimbursement for Moving Expenses When Property Is Acquired for Public Use</i> , 3 CAL. L. REVISION COMM'N REPORTS at C-1 (1961) | Not enacted. But see GOVT. CODE § 7260 <i>et seq.</i> enacting substance of recommendation. |
| 30. <i>Rescission of Contracts</i> , 3 CAL. L. REVISION COMM'N REPORTS at D-1 (1961) | Enacted. Cal. Stats. 1961, Ch. 589 |
| 31. <i>Right to Counsel and Separation of Delinquent From Nondelinquent Minor In Juvenile Court Proceedings</i> , 3 CAL. L. REVISION COMM'N REPORTS at E-1 (1961) | Enacted. Cal. Stats. 1961, Ch. 1616 |
| 32. <i>Survival of Actions</i> , 3 CAL. L. REVISION COMM'N REPORTS at F-1 (1961) | Enacted. Cal. Stats. 1961, Ch. 657 |
| 33. <i>Arbitration</i> , 3 CAL. L. REVISION COMM'N REPORTS at G-1 (1961) | Enacted. Cal. Stats. 1961, Ch. 461 |
| 34. <i>Presentation of Claims Against Public Officers and Employees</i> , 3 CAL. L. REVISION COMM'N REPORTS at H-1 (1961) | Not enacted 1961. See recommendation to 1963 session (item 39 <i>infra</i>) which was enacted. |

35. *Inter Vivos Marital Property Rights in Property Acquired While Domiciled Elsewhere*, 3 CAL. L. REVISION COMM'N REPORTS at I-1 (1961) Enacted. Cal. Stats. 1961, Ch. 636
36. *Notice of Alibi in Criminal Actions*, 3 CAL. L. REVISION COMM'N REPORTS at J-1 (1961) Not enacted.
37. *Discovery in Eminent Domain Proceedings*, 4 CAL. L. REVISION COMM'N REPORTS 701 (1963); 8 CAL. L. REVISION COMM'N REPORTS 19 (1967) Enacted. Cal. Stats. 1967, Ch. 1104
38. *Tort Liability of Public Entities and Public Employees*, 4 CAL. L. REVISION COMM'N REPORTS 801 (1963) Enacted. Cal. Stats. 1963, Ch. 1681
39. *Claims, Actions and Judgments Against Public Entities and Public Employees*, 4 CAL. L. REVISION COMM'N REPORTS 1001 (1963) Enacted. Cal. Stats. 1963, Ch. 1715
40. *Insurance Coverage for Public Entities and Public Employees*, 4 CAL. L. REVISION COMM'N REPORTS 1201 (1963) Enacted. Cal. Stats. 1963, Ch. 1682
41. *Defense of Public Employees*, 4 CAL. L. REVISION COMM'N REPORTS 1301 (1963) Enacted. Cal. Stats. 1963, Ch. 1683

42. *Liability of Public Entities for Ownership and Operation of Motor Vehicles*, 4 CAL. L. REVISION COMM'N REPORTS 1401 (1963); 7 CAL. L. REVISION COMM'N REPORTS 401 (1965) Enacted. Cal. Stats. 1965, Ch. 1527
43. *Workmen's Compensation Benefits for Persons Assisting Law Enforcement or Fire Control Officer*, 4 CAL. L. REVISION COMM'N REPORTS 1501 (1963) Enacted. Cal. Stats. 1963, Ch. 1684
44. *Sovereign Immunity—Amendments and Repeals of Inconsistent Statutes*, 4 CAL. L. REVISION COMM'N REPORTS 1601 (1963) Enacted. Cal. Stats. 1963, Chs. 1685, 1686, 2029
45. *Evidence Code*, 7 CAL. L. REVISION COMM'N REPORTS 1 (1965) Enacted. Cal. Stats. 1965, Ch. 299
46. *Claims and Actions Against Public Entities and Public Employees*, 7 CAL. L. REVISION COMM'N REPORTS 401 (1965) Enacted. Cal. Stats. 1965, Ch. 653
47. *Evidence Code Revisions*, 8 CAL. L. REVISION COMM'N REPORTS 101 (1967) Enacted in part: Cal. Stats. 1967, Ch. 650; balance enacted: Cal. Stats. 1970, Ch. 69
48. *Evidence—Agricultural Code Revisions*, 8 CAL. L. REVISION COMM'N REPORTS 201 (1967) Enacted. Cal. Stats. 1967, Ch. 262

49. *Evidence—Commercial Code Revisions*, 8 CAL. L. REVISION COMM'N REPORTS 301 (1967) Enacted. Cal. Stats. 1967, Ch. 703
50. *Whether Damage for Personal Injury to a Married Person Should Be Separate or Community Property*, 8 CAL. L. REVISION COMM'N REPORTS 401 (1967); 8 CAL. L. REVISION COMM'N REPORTS 1385 (1967) Enacted. Cal. Stats. 1968, Chs. 457, 458
51. *Vehicle Code Section 17150 and Related Sections*, 8 CAL. L. REVISION COMM'N REPORTS 501 (1967) Enacted. Cal. Stats. 1967, Ch. 702
52. *Additur*, 8 CAL. L. REVISION COMM'N REPORTS 601 (1967) Enacted. Cal. Stats. 1967, Ch. 72
53. *Abandonment or Termination of a Lease*, 8 CAL. L. REVISION COMM'N REPORTS 701 (1967); 9 CAL. L. REVISION COMM'N REPORTS 401 (1969); 9 CAL. L. REVISION COMM'N REPORTS 153 (1969) Enacted. Cal. Stats. 1970, Ch. 89
54. *Good Faith Improver of Land Owned by Another*, 8 CAL. L. REVISION COMM'N REPORTS 801 (1967); 8 CAL. L. REVISION COMM'N REPORTS 1373 (1967) Enacted. Cal. Stats. 1968, Ch. 150

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| 55. <i>Suit By or Against an Unincorporated Association</i> , 8 CAL. L. REVISION COMM'N REPORTS 901 (1967) | Enacted. Cal. Stats. 1967, Ch. 1324 |
| 56. <i>Escheat</i> , 8 CAL. L. REVISION COMM'N REPORTS 1001 (1967) | Enacted. Cal. Stats. 1968, Chs. 247, 356 |
| 57. <i>Recovery of Condemnee's Expenses on Abandonment of an Eminent Domain Proceeding</i> , 8 CAL. L. REVISION COMM'N REPORTS 1361 (1967) | Enacted. Cal. Stats. 1968, Ch. 133 |
| 58. <i>Service of Process on Unincorporated Associations</i> , 8 CAL. L. REVISION COMM'N REPORTS 1403 (1967) | Enacted. Cal. Stats. 1968, Ch. 132 |
| 59. <i>Sovereign Immunity—Statute of Limitations</i> , 9 CAL. L. REVISION COMM'N REPORTS 49 (1969); 9 CAL. L. REVISION COMM'N REPORTS 175 (1969) | Vetoed 1969. Enacted: Cal. Stats. 1970, Ch. 104 |
| 60. <i>Additur and Remittitur</i> , 9 CAL. L. REVISION COMM'N REPORTS 63 (1969) | Enacted. Cal. Stats. 1969, Ch. 115 |
| 61. <i>Fictitious Business Names</i> , 9 CAL. L. REVISION COMM'N REPORTS 71 (1969) | Enacted. Cal. Stats. 1969, Ch. 114 |
| 62. <i>Quasi-Community Property</i> , 9 CAL. L. REVISION COMM'N REPORTS 113 (1969) | Enacted. Cal. Stats. 1970, Ch. 312 |

63. *Arbitration of Just Compensation*, 9 CAL. L. REVISION COMM'N REPORTS 123 (1969) Enacted. Cal. Stats. 1970, Ch. 417
64. *Revisions of Evidence Code*, 9 CAL. L. REVISION COMM'N REPORTS 137 (1969) Enacted in part: Cal. Stats. 1970, Ch. 69; see also Cal. Stats. 1970, Chs. 1396, 1397
65. *Mutuality of Remedies in Suits for Specific Performance*, 9 CAL. L. REVISION COMM'N REPORTS 201 (1969) Enacted. Cal. Stats. 1969, Ch. 156
66. *Powers of Appointment*, 9 CAL. L. REVISION COMM'N REPORTS 301 (1969) Enacted. Cal. Stats. 1969, Chs. 113, 155
67. *Evidence Code—Revisions of Privileges Article*, 9 CAL. L. REVISION COMM'N REPORTS 501 (1969) Vetoed. But see Cal. Stats. 1970, Chs. 1396, 1397
68. *Fictitious Business Names*, 9 CAL. L. REVISION COMM'N REPORTS 601 (1969) Enacted. Cal. Stats. 1970, Ch. 618
69. *Representations as to the Credit of Third Persons and the Statute of Frauds*, 9 CAL. L. REVISION COMM'N REPORTS 701 (1969) Enacted. Cal. Stats. 1970, Ch. 720
70. *Revisions of Governmental Liability Act*, 9 CAL. L. REVISION COMM'N REPORTS 801 (1969) Enacted in part: Cal. Stats. 1970, Chs. 662, 1099

71. *"Vesting" of Interests Under Rule Against Perpetuities*, 9 CAL. L. REVISION COMM'N REPORTS 901 (1969) Enacted. Cal. Stats. 1970, Ch. 45
72. *Counterclaims and Cross-Complaints, Joinder of Causes of Action, and Related Provisions*, 10 CAL. L. REVISION COMM'N REPORTS 501 (1971) Enacted. Cal. Stats. 1971, Chs. 244, 950; see also Cal. Stats. 1973, Ch. 828
73. *Wage Garnishment and Related Matters*, 10 CAL. L. REVISION COMM'N REPORTS 701 (1971); 11 CAL. L. REVISION COMM'N REPORTS 101 (1973); 12 CAL. L. REVISION COMM'N REPORTS 901 (1974); 13 CAL. L. REVISION COMM'N REPORTS 601 (1976); 13 Cal. L. Revision Comm'n Reports 1703 (1976) Recommended legislation pending in 1977-78 legislative session.
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74. *Proof of Foreign Official Records*, 10 CAL. L. REVISION COMM'N REPORTS 1022 (1971) Enacted. Cal. Stats. 1970, Ch. 41
75. *Inverse Condemnation—Insurance Coverage*, 10 CAL. L. REVISION COMM'N REPORTS 1051 (1971) Enacted. Cal. Stats. 1971, Ch. 140
76. *Discharge From Employment Because of Wage Garnishment*, 10 CAL. L. REVISION COMM'N REPORTS 1147 (1971) Enacted. Cal. Stats. 1971, Ch. 1607
77. *Civil Arrest*, 11 CAL. L. REVISION COMM'N REPORTS 1 (1973) Enacted. Cal. Stats. 1973, Ch. 20

78. *Claim and Delivery Statute*, 11 CAL. L. REVISION COMM'N REPORTS 301 (1973) Enacted. Cal. Stats. 1973, Ch. 526
79. *Unclaimed Property*, 11 CAL. L. REVISION COMM'N REPORTS 401 (1973); 12 CAL. L. REVISION COMM'N REPORTS 609 (1974) Proposed resolution enacted. Cal. Stats. 1973, Res. Ch. 76. Legislation enacted. Cal. Stats. 1975, Ch. 25.
80. *Enforcement of Sister State Money Judgments*, 11 CAL. L. REVISION COMM'N REPORTS 451 (1973) Enacted. Cal. Stats. 1974, Ch. 211
81. *Prejudgment Attachment*, 11 CAL. L. REVISION COMM'N REPORTS 701 (1973) Enacted. Cal. Stats. 1974, Ch. 1516. See also Cal. Stats. 1975, Ch. 200.
82. *Landlord-Tenant Relations*, 11 CAL. L. REVISION COMM'N REPORTS 951 (1973) Enacted. Cal. Stats. 1974, Chs. 331, 332
83. *Pleading* (technical change), 11 CAL. L. REVISION COMM'N REPORTS 1024 (1973) Enacted. Cal. Stats. 1972, Ch. 73
84. *Evidence—Judicial Notice* (technical change), 11 CAL. L. REVISION COMM'N REPORTS 1025 (1973) Enacted. Cal. Stats. 1972, Ch. 764
85. *Evidence—"Criminal Conduct" Exception*, 11 CAL. L. REVISION COMM'N REPORTS 1147 (1973) Not enacted 1974. See recommendation to 1975 session (item 90 *infra*) which was enacted.

86. *Erroneously Compelled Disclosure of Privileged Information*, 11 CAL. L. REVISION COMM'N REPORTS 1163 (1973) Enacted. Cal. Stats. 1974, Ch. 227
87. *Liquidated Damages*, 11 CAL. L. REVISION COMM'N REPORTS 1201 (1973); 13 CAL. L. REVISION COMM'N REPORTS 2139 (1976); 13 Cal. L. Revision Comm'n Reports 1735 (1976) Vetoed 1976. Enacted: Cal. Stats. 1977, Ch. 198
88. *Payment of Judgments Against Local Public Entities*, 12 CAL. L. REVISION COMM'N REPORTS 575 (1974) Enacted. Cal. Stats. 1975, Ch. 285
89. *View by Trier of Fact in a Civil Case*, 12 CAL. L. REVISION COMM'N REPORTS 587 (1974) Enacted. Cal. Stats. 1975, Ch. 301
90. *Good Cause Exception to the Physician-Patient Privilege*, 12 CAL. L. REVISION COMM'N REPORTS 601 (1974) Enacted. Cal. Stats. 1975, Ch. 318
91. *Improvement Acts*, 12 CAL. L. REVISION COMM'N REPORTS 1001 (1974) Enacted. Cal. Stats. 1974, Ch. 426
92. *The Eminent Domain Law*, 12 CAL. L. REVISION COMM'N REPORTS 1601 (1974) Enacted. Cal. Stats. 1975, Chs. 1239, 1240, 1275
93. *Eminent Domain—Conforming Changes in Special District Statutes*, 12 CAL. L. REVISION COMM'N REPORTS 1101 (1974); 12 CAL. L. REVISION COMM'N REPORTS 2004 (1974) Enacted. Cal. Stats. 1975, Chs. 581, 582, 584, 585, 586, 587, 1176, 1276

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| 94. <i>Oral Modification of Written Contracts</i> , 13 CAL. L. REVISION COMM'N REPORTS 301 (1976); 13 CAL. L. REVISION COMM'N REPORTS 2129 (1976) | Enacted. Cal. Stats. 1975, Ch. 7; Cal. Stats. 1976, Ch. 109. |
| 95. <i>Partition of Real and Personal Property</i> , 13 CAL. L. REVISION COMM'N REPORTS 401 (1976) | Enacted. Cal. Stats. 1976, Ch. 73 |
| 96. <i>Revision of the Attachment Law</i> , 13 CAL. L. REVISION COMM'N REPORTS 801 (1976) | Enacted. Cal. Stats. 1976, Ch. 437 |
| 97. <i>Undertakings for Costs</i> , 13 CAL. L. REVISION COMM'N REPORTS 901 (1976) | Not enacted. |
| 98. <i>Admissibility of Copies of Business Records in Evidence</i> , 13 CAL. L. REVISION COMM'N REPORTS 2051 (1976) | Not enacted. |
| 99. <i>Turnover Orders Under the Claim and Delivery Law</i> , 13 CAL. L. REVISION COMM'N REPORTS 2079 (1976) | Enacted. Cal. Stats. 1976, Ch. 145 |
| 100. <i>Relocation Assistance by Private Condemnors</i> , 13 CAL. L. REVISION COMM'N REPORTS 2085 (1976) | Enacted. Cal. Stats. 1976, Ch. 143 |
| 101. <i>Condemnation for Byroads and Utility Easements</i> , 13 CAL. L. REVISION COMM'N REPORTS 2091 (1976) | Enacted in part (utility easements). Cal. Stats. 1976, Ch. 994 |

102. *Transfer of Out-of-State Trusts to California*, 13 CAL. L. REVISION COMM'N REPORTS 2101 (1976) Enacted. Cal. Stats. 1976, Ch. 144
103. *Admissibility of Duplicates in Evidence*, 13 CAL. L. REVISION COMM'N REPORTS 2115 (1976) Not enacted. But see Cal. Stats. 1977, Ch. ____ (S.B. 1066), enacting substance of recommendation in modified form.
104. *Service of Process on Unincorporated Associations*, 13 Cal. L. Revision Comm'n Reports 1657 (1976) Enacted. Cal. Stats. 1976, Ch. 888
105. *Sister State Money Judgments*, 13 Cal. L. Revision Reports 1669 (1976) Enacted. Cal. Stats. 1977, Ch. 232
106. *Damages in Action for Breach of Lease*, 13 Cal. L. Revision Comm'n Reports 1679 (1976) Enacted. Cal. Stats. 1977, Ch. 49
107. *Nonprofit Corporation Law*, 13 Cal. L. Revision Reports, 2201 (1976) Not enacted. Recommended legislation pending in 1977-78 legislative session
108. *Use of Keepers Pursuant to Writs of Execution* (March 1977), published as Appendix III to this Report Enacted. Cal. Stats. 1977, Ch. 155
109. *Attachment Law--Effect of Bankruptcy Proceedings; Effect of General Assignments for the Benefit of Creditors* (April 1977), published as Appendix IV to this Report Enacted. Cal. Stats. 1977, Ch. 499

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Notice of Application for Attorney's Fees and Costs in Domestic Relations
Actions
Taking Instructions to the Jury Room
The Dead Man Statute
Rights of Surviving Spouse in Property Acquired by Decedent While
Domiciled Elsewhere
The Marital "For and Against" Testimonial Privilege
Suspension of the Absolute Power of Alienation
Elimination of Obsolete Provisions in Penal Code Sections 1377 and 1378
Judicial Notice of the Law of Foreign Countries
Choice of Law Governing Survival of Actions
The Effective Date of an Order Ruling on a Motion for New Trial
Retention of Venue for Convenience of Witnesses
Bringing New Parties into Civil Actions

VOLUME 2 (1959)

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1959 Annual Report

Recommendation and Study Relating to:

The Presentation of Claims Against Public Entities

The Right of Nonresident Aliens to Inherit

Mortgages to Secure Future Advances

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Taking Possession and Passage of Title in Eminent Domain Proceedings

The Reimbursement for Moving Expenses When Property is Acquired for
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Rescission of Contracts

The Right to Counsel and the Separation of the Delinquent From the
Nondelinquent Minor in Juvenile Court Proceedings

Survival of Actions

Arbitration

The Presentation of Claims Against Public Officers and Employees

Inter Vivos Marital Property Rights in Property Acquired While Domiciled
Elsewhere

Notice of Alibi in Criminal Actions

VOLUME 4 (1963)

1962 Annual Report

1963 Annual Report

1964 Annual Report

Recommendation and Study Relating to Condemnation Law and Procedure:

Number 4—Discovery in Eminent Domain Proceedings [The first three pamphlets (unnumbered) in Volume 3 also deal with the subject of condemnation law and procedure.]

Recommendations Relating to Sovereign Immunity:

Number 1—Tort Liability of Public Entities and Public Employees

Number 2—Claims, Actions and Judgments Against Public Entities and Public Employees

Number 3—Insurance Coverage for Public Entities and Public Employees

Number 4—Defense of Public Employees

Number 5—Liability of Public Entities for Ownership and Operation of Motor Vehicles

Number 6—Workmen's Compensation Benefits for Persons Assisting Law Enforcement or Fire Control Officers

Number 7—Amendments and Repeals of Inconsistent Special Statutes [out of print]

Tentative Recommendation and A Study Relating to the Uniform Rules of Evidence (Article VIII. Hearsay Evidence)

VOLUME 5 (1963)

A Study Relating to Sovereign Immunity

VOLUME 6 (1964)

[Out of print—copies of pamphlets (listed below) available]

Tentative Recommendations and Studies Relating to the Uniform Rules of Evidence:

Article I (General Provisions)

Article II (Judicial Notice)

Burden of Producing Evidence, Burden of Proof, and Presumptions (replacing URE Article III)

Article IV (Witnesses)

Article V (Privileges)

Article VI (Extrinsic Policies Affecting Admissibility)

Article VII (Expert and Other Opinion Testimony)

Article VIII (Hearsay Evidence) [same as publication in Volume 4]

Article IX (Authentication and Content of Writings)

VOLUME 7 (1965)

1965 Annual Report
1966 Annual Report
Evidence Code with Official Comments [out of print]
Recommendation Proposing an Evidence Code [out of print]
Recommendation Relating to Sovereign Immunity: Number 8—Revisions of the Governmental Liability Act: Liability of Public Entities for Ownership and Operation of Motor Vehicles; Claims and Actions Against Public Entities and Public Employees

VOLUME 8 (1967)

Annual Report (December 1966) includes the following recommendation:
Discovery in Eminent Domain Proceedings
Annual Report (December 1967) includes following recommendations:
Recovery of Condemnee's Expenses on Abandonment of an Eminent Domain Proceeding
Improvements Made in Good Faith Upon Land Owned by Another
Damages for Personal Injuries to a Married Person as Separate or Community Property
Service of Process on Unincorporated Associations
Recommendation and Study Relating to:
Whether Damages for Personal Injury to a Married Person Should Be Separate or Community Property
Vehicle Code Section 17150 and Related Sections
Additur
Abandonment or Termination of a Lease
The Good Faith Improver of Land Owned by Another
Suit By or Against An Unincorporated Association
Recommendation Relating to the Evidence Code:
Number 1—Evidence Code Revisions
Number 2—Agricultural Code Revisions
Number 3—Commercial Code Revisions
Recommendation Relating to Escheat
Tentative Recommendation and A Study Relating to Condemnation Law and Procedure: Number 1—Possession Prior to Final Judgment and Related Problems

VOLUME 9 (1969)

Annual Report (December 1968) includes following recommendations:
Recommendation Relating to Sovereign Immunity: Number 9—Statute of Limitations in Actions Against Public Entities and Public Employees
Recommendation Relating to Additur and Remittitur

Recommendation Relating to Fictitious Business Names

Annual Report (December 1969) includes following recommendations:

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