

MINUTES OF MEETING

OF

SOUTHERN COMMITTEE

August 4, 1956

PRESENT

Members

Mr. Stanford C. Shaw, Chairman
Mr. John D. Babbage
Mr. Joseph A. Ball

Staff

Mr. John R. McDonough, Jr.
Mrs. Virginia B. Nordby

The committee considered and discussed a memorandum of the Executive Secretary to the Law Revision Commission raising the question of what the commission's policy should be in selecting topics selected for study. The committee reached no conclusion and makes no recommendation respecting this question.

The committee considered a number of suggestions for revision of the law which had been received from members of the Bench and Bar and decided upon the following recommendations to the commission:

Consolidate

The committee recommends that Suggestions No. 131, 144 and 149(2) be consolidated with Suggestion No. 159, which has already been placed on the calendar of topics selected for immediate study. All of these suggestions

relate to attachment, garnishment, and property exempt from execution.

The committee recommends that Suggestion No. 121 be consolidated with current Study No. 8 relating to the testimonial privilege of spouses.

The committee recommends that Suggestion No. 161 be consolidated with 1955 Topic No. 10 relating to the Small Claims Court Law, which is now on the inactive list.

The committee recommends that Suggestion No. 134 be consolidated with Suggestion No. 82, which was not accepted for study.

Immediate Study

The committee recommends that the following suggestions be placed on the calendar of topics selected for immediate study:

Suggestion No. 118(1) -- Mr. Shaw would call the attention of the Judiciary Committees to this topic particularly and would ask if they felt it should be handled in some other way, such as interim committee.

Suggestion No. 118(2), (3), (4)

1955 Topic No. 10 (Small Claims Court Law)

Not Accepted

The committee recommends that the following suggestions not be accepted for study and that they be disposed of in the manner indicated:

Suggestion Nos. 111, 138, 139

- Suggestion No. 113 -- Suggest to originator that he may wish to write to the Chairman of the Senate Interim Committee on Transportation and Commerce or to the California Highway Patrol.
- Suggestion No. 114 -- Refer to Senator Dorsey for personal handling.
- Suggestion No. 115 -- Request Clark Bradley to refer this to originator's Assemblyman.
- Suggestion No. 117 -- Tell originator we are informed the Legislative Counsel has expressed the opinion that any legislation authorizing a judge to act as a notary public would be unconstitutional.
- Suggestion No. 120 -- Suggest to originator that he write to the District Attorneys' and Peace Officers Associations about this matter.
- Suggestion No. 122 -- Suggest to originator that he may wish to write to the Chairman of the Senate Interim Committee on Transportation and Commerce.
- Suggestion No. 123 -- Send to the State Bar.
- Suggestion No. 125 -- (Mr. Shaw favored further study of this matter.)
- Suggestion No. 126(1)
- Suggestion No. 126(2)
- Suggestion No. 127
- Suggestion No. 130 -- John Babbage would suggest to originator that he discuss the matter with his Assemblyman.
- Suggestion No. 140
- Suggestion No. 142 -- Request Clark Bradley to sponsor a bill at the 1957 Session to remedy this matter.
- Suggestion No. 146
- Suggestion No. 148
- Suggestion No. 150 -- Send to the State Bar for consideration for reference to the Committee on Criminal Law and Procedure.
- Suggestion No. 151 -- Request Clark Bradley to refer this to originator's Assemblyman.

Suggestion No. 156(1)

Suggestion No. 156(2) -- (Mr. Shaw favored further study of whether restitution should be required more often).

Suggestion No. 156(3)

Suggestion No. 163 -- Request Senator Dorsey to refer this to originator's Senator.

Suggestion No. 168 -- Do not notify Dean Kingsley.

Respectfully submitted,

John R. McDonough, Jr.
Executive Secretary