

<u>Time</u>	<u>Place</u>
9:30 a.m. - 12:00 noon	State Bar Building 1230 West 3rd Street Los Angeles

FINAL AGENDA

for meeting of

CALIFORNIA LAW REVISION COMMISSION

Los Angeles

December 1, 1967

1. Approval of Minutes of September 21-22 meeting (enclosed)
2. Administrative matters

Future Meetings - Suggested Dates and Places

January 18, 19, 20 (three full days)	Sacramento
February 15 (evening), 16, 17	San Francisco
March 14 (evening), 15, 16	Los Angeles
April 18 (evening), 19, 20	San Francisco

3. Approval for Printing

(1) Annual Report

Memorandum 67-68 (enclosed)
Annual Report (attached to Memorandum)
First Supplement to Memorandum 67-68 (enclosed)

(2) Recommendation Relating to Service of Process on
Unincorporated Associations

Memorandum 67-69 (enclosed)

4. Study 52 - Sovereign Immunity

Memorandum 67-78 (enclosed)

5. Election of Officers

Memorandum 67-71 (enclosed)

MINUTES OF MEETING

of

CALIFORNIA LAW REVISION COMMISSION

DECEMBER 1, 1967

Los Angeles

A meeting of the California Law Revision Commission was held at the State Bar Building, Los Angeles, on December 1, 1967.

Present: Richard H. Keatinge, Chairman
Sho Sato, Vice Chairman
Hon. Alfred H. Song
Hon. F. James Bear
Thomas E. Stanton

Absent: Joseph A. Ball
James R. Edwards
George H. Murphy, ex officio

Mr. John H. DeMouilly, Executive Secretary, was present. Also present was Robert F. Carlson, State Department of Public Works.

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ADMINISTRATIVE MATTERS

Minutes of September Meeting. The minutes of the meeting held on September 21 and 22, 1967, were approved as presented (these included the corrections made on November 16, 1967).

Future Meetings. Future meetings are scheduled as follows:

January 18, 19, 20 (three full days) - Sacramento
February 15 (evening), 16, 17 - San Francisco
March 14 (evening), 15, 16 - Los Angeles

Note: The April meeting is tentatively scheduled for the California Alumni Center at Lake Tahoe during Easter vacation if a block of rooms can be tentatively reserved and held until a decision is made at the January meeting whether to hold the April meeting at Lake Tahoe.

Election of Officers. Professor Sho Sato was elected Chairman. Mr. Joseph A. Ball was elected Vice Chairman. Their terms commence on December 31, 1967.

Annual Report. The Annual Report (attached to Memorandum 67-68) was approved for printing after the following revisions were made:

1. The Letter of Transmittal is to be dated December 1, 1967.
2. The members listed on the inside front cover and under "Personnel of Commission" (page 1310) should reflect the Commission membership as of December 1, 1967. However, on the inside front cover, Professor McDonough and Mr. Selvin are to be listed

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as members with a footnote indicating that they resigned and the date of their resignation. If new members are appointed before the report is actually printed, the new members should be listed on the inside front cover. These decisions were made so that the Annual Report can be printed and be available during the first week in January 1968 when the Commission will be presenting the four recommendations contained in the Annual Report to the Senate and Assembly committees.

3. In the discussion of unconstitutional statutes, the report is not to recommend the repeal of any constitutional provisions held unconstitutional but should note in a footnote that Proposition 14 was held unconstitutional.

4. The discussion of the need for a study of arbitration should be revised to indicate that the arbitration statute should be reviewed for other problems that have been brought to light since its enactment in 1961.

Payment of Consultant on Study 69 - Powers of Appointment.

The Commission approved the payment of \$1,000 to Professor Richard Powell for his research study on Powers of Appointment. The payment was made with the understanding that the study will be prepared in a form suitable for publication in a law review in accordance with a schedule that will permit its publication in a law review not later than July 1968.

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STUDY 52 - SOVEREIGN IMMUNITY

(Minimum mandatory costs recoverable by public entity)

The Commission considered Memorandum 67-78 and the attached material. The material attached to the memorandum included a letter from the State Bar requesting the Commission's views on Senate Bill No. 921 which was vetoed by the Governor at the 1967 session. Letters from various public agencies and from a private attorney were also considered by the Commission.

The Commission concluded that Sections 947 and 951 are in need of revision. The Commission further concluded that the needed revision could take the form of (1) an amendment deleting subdivision (b) from Section 947 and subdivision (b) from Section 951 or (2) in the alternative, an amendment of subdivision (b) of Section 947 and subdivision (b) of Section 951 that would make it clear that the fifty dollar minimum recovery is to be awarded not against each plaintiff but against all the plaintiffs in the action. Under the latter amendment, if there were five plaintiffs, the minimum recovery from all plaintiffs would be \$50, rather than \$250. The Commission believes that either of the alternatives would be a satisfactory solution of the problem and that neither would be an undesirable solution.

The representative of the Department of Public Works, Mr. Carlson, stated that his agency would not object to a bill that adopted the second alternative listed above but would object to a bill that adopted the first alternative.