Part VIII
Bibliography

ADMINISTRATIVE LAW AND PROCEDURE

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The compiling of a bibliography of Administrative Law and Procedure presents numerous problems. The topic is one difficult to delineate and the selection of the most useful order and manner of citation presents a perplexing problem. An explanatory note is therefore necessary.

The attempt has been to include in this bibliography a reference to every significant piece of legal writing on or relevant to the subject of California Administrative Law and Procedure. Though most of the materials included are to be found in California legal periodicals, other materials have been included where particularly relevant. Though research was not limited to any particular group of publications, special attention was given in compiling the bibliography to the following legal periodicals: the California Law Review, the California State Bar Journal, the Hastings Law Journal and Intramural Law Review, the Southern California Law Review, the Stanford Law Review, and the U.C.L.A. Law Review and Intramural Law Review.

The bibliography is arranged under broad subject headings, with subheadings where appropriate. Within this general arrangement the items in the bibliography are cited in chronological order, latest first, where no other order of citation seemed more appropriate. Wherever an article or book is of particular importance, however, it is cited first regardless of date. The titles of books and professional articles and the names of their authors are given in full. Student work is indicated by a brief descriptive phrase and citation only, the name of the author being omitted. Articles and notes are segregated only in the largest subject headings.

GENERAL

Texts and References


Newman, Frank C. Syllabus on California Administrative Law (with accompanying bibliography). (Published by the University of California Extension 1955).


California Administrative Procedure Act. (Published by the Division of Administrative Procedure 1955).
BIBLIOGRAPHY

CALIFORNIA ADMINISTRATIVE CODE, supplemented by the CALIFORNIA ADMINISTRATIVE REGISTER. These are official state publications and contain the rules of state agencies filed with the Secretary of State pursuant to the California Administrative Procedure Act (Cal. Govt. Code § 11370 et seq.). Title 1 lists in alphabetical order the agencies whose rules are included. The code consists of 23 titles. Cf. Conrey, Lucille. From the Cradle to the Grave, or Title 1 to Title 23, California Administrative Code. 25 CALIF. S.B.J. 503 (1950).


2 CAL. JUR.2d (pp. 8-414, and pocket supp.); 1 McKinney's New CALIF. Dig. (pp. 533-42, and pocket supp.); 4 WEST'S CALIF. Dig. (pp. 281-373, and pocket supp.).

ROSTER (State, County, City and Township Officials of the State of California; also Federal Officials for California) (1955, 1956).

TOMPKINS, DOROTHY C. STATE GOVERNMENT AND ADMINISTRATION—A BIBLIOGRAPHY. (Bureau of Public Administration, University of California 1954).


Articles


Kleps, Ralph N. What Safeguards Should the California Legislature Provide for Administrative Rule Making, 22 LOS ANGELES BAR BULL. 201 (1947).

Mr. Kleps wrote the chapter on Administrative Law in the first Survey of California Law 1946–1949 (Univ. of Santa Clara 1949); and Mr. John Clarkson, presently Chief of the Division, prepared comparable chapters in the succeeding five volumes. Cf. the legislative summaries in 27 SO. CALIF. L. REV. 73 (1953); 23 SO. CALIF. L. REV. 2 (1949); 21 SO. CALIF. L. REV. 21 (1947); 15 SO. CALIF. L. REV. 214 (1942).


Cook, Thomas I. Law, Arbitrariness and Ethics, 30 CALIF. L. REV. 151 (1942).


Historical Background


DELEGATION

The void for vagueness rule in California, 41 CALIF. L. REV. 523 (1953).
State, church and child—statutory provisions for school permit, 1 STAN. L. REV. 316 (1949).
Delegation of legislative power to state-wide administrative agencies—primary standards in school district reorganization statutes (comment on a Kansas case), 21 So. CALIF. L. REV. 264 (1948).
Delegation of legislative power to administrative officers (Bank of Italy v. Johnson), 15 CALIF. L. REV. 408 (1927).
Delegation of legislative power; regulation of sale of poisons (Ex parte Potter), 1 CALIF. L. REV. 371 (1913).
Cf. 25 Ops. CAL. ATT'Y GEN. 304 (1955). School Board's authority to impose library fines may not be delegated to student body organization.

PROCEDURE

Articles and Texts

The most recent text is WITKIN, B. E. CALIFORNIA PROCEDURE. (3 volumes) (1954).
Kleps, Ralph N. The Reform of Administrative Procedure in California, 18 STATEGOVERNMENT 200 (1945).

Notes

Venue: actions against the state, its officers and agencies, 37 CALIF. L. REV. 102 (1949).
Right to oral argument before an administrative board (Federal Communications Comm'n), 23 So. CALIF. L. REV. 77, 146 (1949).
Adequacy of hearings before civil service board, 20 CALIF. S.B.J. 360 (1945).
Manner of pleading judgments, 30 CALIF. L. REV. 482 (1942).
Administrative decisions as res judicata, 29 CALIF. L. REV. 741 (1941).
Practice before administrative agencies, 29 CALIF. L. REV. 603, 605 (1941).

EVIDENCE

Hearsay testimony, consideration by administrative tribunal (IAC), 13 CALIF. L. REV. 384, 394 (1925).

JUDICIAL REVIEW

Articles

The leading article is Kleps, Ralph N. Certiorarified Mandamus: Court Review of California Administrative Decisions 1939-49, 2 STAN. L. REV. 285 (1950); and most of the pre-1950 articles on California's controversy regarding mandamus are cited in his footnotes.


Ice, G. Brooks and Ice, Joyce L. Judicial Review of Rulings by California Administrative Agencies, 2 HASTINGS INTRA L. REV. 48 (Spring 1951).

Ward, John F. Requirements for Filing Claims Against Governmental Units in California, 38 CALIF. L. REV. 259 (1950).


Elliott, Sheldon D. Certiorari and the Local Board, 29 CALIF. L. REV. 586 (1941).


HARRIS, ARTHUR and WARD, ROBERT. ADMINISTRATIVE DECISIONS AND JUDICIAL REVIEW (University of California Bureau of Public Administration 1941).


Notes


Controversy requirement for declaratory relief (Govt. Code Section 11440), 41 CALIF. L. REV. 341 (1953).


De novo judicial review of state administrative findings, 65 HARV. L. REV. 1217 (1952).


Court misapplying substantial evidence rule in reviewing administrative board decisions (Moran v. Board of Medical Examiners), 22 So. CALIF. L. REV. 49 (1949); 1 STAN. L. REV. 326 (1949).

Judicial notice of the proceedings of an administrative board (Housman v. Board of Medical Examiners), 21 So. CALIF. L. REV. 267 (1948).


Current constitutional decisions of the United States Supreme Court; Necessity of findings by California Legislature (Cheeseboro v. Los Angeles County Flood Control Dist.), 12 So. CALIF. L. REV. 447, 451 (1945).

Scope of trial de novo in mandamus proceeding to review decisions of state administrative body (Dare v. Board of Medical Examiners), 31 CALIF. L. REV. 436 (1943).

Administrative adjudication in California and its review by the writ of certiorari, 25 CALIF. L. REV. 694 (1937).

Problem of review for administrative boards and bureaus remains unsolved, 15 CALIF. S.B.J. 250 (1954).

Judicial review of administrative decisions—scope of review of mandamus (Drummey v. State Board of Funeral Directors), 13 So. CALIF. L. REV. 500 (1940); 27 CALIF. L. REV. 738 (1939).

May either a State or Congress vest in an administrative tribunal the conclusive determination of a question of law?, 26 CALIF. L. REV. 683 (1938).


Judicial review of administrative findings on "fundamental" or "jurisdictional" facts, 21 CALIF. L. REV. 266 (1933).


LICENSING (Cf. PROCEDURE)


Due process in suspension of licenses—strict liability for horse doping (Sandstrom v. Calif. Horse Racing Board), 22 So. CALIF. L. REV. 461 (1949).


SEARS, KENNETH C. LICENSES AND PROCEDURAL DUE PROCESS, BROCHURE ON ADMINISTRATIVE LAW. (A.B.A. Section of Judicial Administration, p. 17, 1943).

Wilson, E. H. Court Takes Rap at Medical Board for Revoking License Without Evidence, 14 CALIF. S.B.J. (II) 345 (1939).

Licenses—power in officials, 4 So. CALIF. L. REV. 410 (1931).


Right of state to revoke physician's license, 3 CALIF. L. REV. 55 (1914).

BOARD OF EQUALIZATION

DECISIONS OF THE STATE BOARD OF EQUALIZATION (1950 to date).


The State Board of Equalization and liquor control, 38 CALIF. L. REV. 875 (1950).

Hutchinson, J. Albert. The Alcoholic Beverage Control Administration of the State Board of Equalization, 20 CALIF. S.B.J. 59 (1945).

Conclusiveness of determination of Board of Equalization; constructive fraud (Rancho Santa Margarita v. San Diego County), 21 CALIF. L. REV. 285 (1933).

DIVISION OF CORPORATIONS

BALLANTyne, HENRY W. and STERLING, GRAHAM L. JR. CALIFORNIA CORPORATION LAWS (1949) (Chap. XXI, Corporate Securities Act).


Pearce, Donald A. DO's and DON'Ts of Practice Before the Division of Corporations, CALIFORNIA PRACTICE HANDBOOK: ORGANIZING AND ADVISING SMALL BUSINESS ENTERPRISES, Chap. 11 (University of California Extension 1954).


BIBLIOGRAPHY


Power of Commissioner to investigate licensed brokers (Daugherty v. Superior Court), 26 CALIF. L. REV. 498 (1938).

*Blue Sky Laws*, 87 A.L.R. 42 (1933).


**INDUSTRIAL ACCIDENT COMMISSION**

**Decisions**

**Decisions of the Industrial Accident Commission** (1911–1935). Vol. 20 was the last official publication of the Commission's decisions. Since 1936 the decisions of the Commission have been reported in *California Compensation Cases* (Hanna Legal Publications).

**Articles**


Campbell, Douglass A. *Jurisdiction of the California IAC*, 26 LOS ANGELES BAR BULL. 363 (1951).


Notes and Reports

Has the Jensen case been jettisoned?, 2 STAN. L. REV. 536 (1950).
Legislative medicine for the sick worker, 2 STAN. L. REV. 345 (1950).
The Industrial Accident Commission, 12 CALIF. S.B.J. 19, 40 (1937); 11 CALIF. S.B.J. (II) 297 (1936).
Jurisdictional boundaries of the IAC, 8 LOS ANGELES BAR BULL. 87 (1932).
Report: Northern Section of Committee on Practice and Procedure Before the IAC, 8 CALIF. S.B.J. (II) 45 (1953).
Report: Committee on practice and procedure before the IAC, 9 CALIF. S.B.J. (II) 72, 76 (1934).

MOTOR VEHICLE


PUBLIC UTILITIES COMMISSION

Articles

Lakusta, Boris H. Practicing Before the Public Utilities Commission of California, SYLLABUS ON CALIFORNIA ADMINISTRATIVE LAW (University of California Extension 1955).
Lakusta, Boris H. Regulation of Truckers for Hire in California, 41 CALIF. L. REV. 63 (1953).
Taylor, Marvel M. Economic Regulation of Intrastate Air Carriers in California, 41 CALIF. L. REV. 454 (1953).
Cameron, Hubert. The California Railroad Commission, 16 LOS ANGELES BAR BULL. 208 (1940).
Jones, William C. Is the Regulation of Railroad Crossings a Municipal Affair?, 5 CALIF. L. REV. 292 (1917).
Eshleman, John M. Control of Public Utilities in California, 2 CALIF. L. REV. 104 (1914).

Note: The substance of two articles has been rendered moot by decisions of the Public Utilities Commission and the courts. The two articles are: Wolcott, Theodore E. Does the Jurisdiction of the California Railroad Commission Extend to Air Transportation?, 33 CALIF. L. REV. 114 (1945); and McKeege, Everett C. The California Railroad Commission Has Jurisdiction Over Intrastate Rates and Charges of Air Lines, 33 CALIF. L. REV. 298 (1945). See Newman, Frank C. Bibliography, SYLLABUS ON CALIFORNIA ADMINISTRATIVE LAW (University of California Extension 1955).

Notes and Reports

Interstate highway barriers and the household goods mover, 5 STAN. L. REV. 306 (1953).
Invasion of management by commission, 5 STAN. L. REV. 110 (1951).
Railroad operation of trucks, 4 STAN. L. REV. 89 (1951).
Extent of rights under grandfather clause, 30 CALIF. L. REV. 101 (1941).
BIBLIOGRAPHY

Rate order of Commission; deprivation of company of property without due process, 11 So. Calif. L. Rev. 265, 282 (1938).

Authorized purposes for issuance of securities, 26 Calif. L. Rev. 76, 89–90 (1937).


State regulation of interstate motor transportation, 21 Calif. L. Rev. 496 (1933); 22 Calif. L. Rev. 24, 36 (1933).


Nonenforceability of contract with city fixing public utility rates, 18 Calif. L. Rev. 427 (1930).

Invalidity of rates for failure to file with Commission, 14 Calif. L. Rev. 340 (1926).

Grade crossings, chartered cities, 14 Calif. L. Rev. 313–17 (1926).

Control over railroad engaged in both interstate and intrastate commerce, 12 Calif. L. Rev. 221–24 (1924).

Ordering street railway extension to territory where company has no franchise, 12 Calif. L. Rev. 144–46 (1924).

Power of State Water Commission to reject applications for appropriation, 10 Calif. L. Rev. 428 (1922).

Right to withdraw from business, 9 Calif. L. Rev. 435 (1921).


Injunction by superior court against acts authorized by Commission, 8 Calif. L. Rev. 180–83 (1920); 7 Calif. L. Rev. 442, 445–46 (1919).

Effect of contracts fixing water rates on Commission's powers, 7 Calif. L. Rev. 121–26 (1919).

Condemnation; fixing of compensation; constitutionality, 7 Calif. L. Rev. 68 (1918).

Power to compel construction of branch lines, 5 Calif. L. Rev. 174 (1917).

Valuation of property for condemnation, 4 Calif. L. Rev. 422 (1916).

Regulation of water company, 3 Calif. L. Rev. 81 (1914).

Commerce between ports within state, 2 Calif. L. Rev. 231 (1914).

Commission has authority to set minimum charges, 2 Calif. L. Rev. 496 (1914).

Ordering physical connection between telephone companies, 2 Calif. L. Rev. 225–30; 428–29 (1914).

Power to order extension of water service, 2 Calif. L. Rev. 426–27 (1914).

Government regulation of railways, 2 Calif. L. Rev. 87 (1914).

State and municipal control of public utility franchises, 1 Calif. L. Rev. 176 (1913).


Decisions


Public Utilities Reports and Digest [Federal]. Published by Public Utilities Reports, Inc., Washington, D.C.

Miscellaneous

California Unemployment Insurance Appeals Board decisions:

Benefit Decisions (1943 to date) and cumulative index.

Disability Decisions (1947 to date).

Disability Decisions [Disputed Coverage] (1950 to date).

Tax Decisions (1943 to date).


Ruling Decisions. (See at State Library, Sacramento, Calif.)

Franchise Tax Board Appeal Decisions. (See at State Library, Sacramento, Calif.)

Building and loan liquidation, California style, 3 Stan. L. Rev. 60 (1950).

Power of building and loan commissioner to use funds of association of which he has taken possession to hire outside counsel, 28 Calif. L. Rev. 653 (1940).

The Central Valley Project and related problems (of water and power), 38 Calif. L. Rev. 547-781 (1950).


Power of school board to reduce teacher's salary for not attending summer school, 33 Calif. L. Rev. 140 (1945).

Practical application of milk regulation through administrative agencies, 14 Calif. S.B.J. (I) 262 (1939).

Regulation of taking fish and game, 2 Calif. L. Rev. 406 (1914).


Report of the Committee on Administrative Agencies and Tribunals, 16 Calif. S.B.J. (II) (1941) at:
43: Department of Education
43: Division of Prison Terms and Paroles
44: Franchise Tax Commissioner
45: Division of Immigration and Housing
45: Division of State Lands
46: Veterans Welfare Board
47: Contractors Licensing Board

Report of the Committee on Administrative Agencies and Tribunals, 18 Calif. S.B.J. (1943) at:
424: Department of Professional and Vocational Standards
427: Contractors State License Board
432: Board of Registration for Civil Engineers
434: State Veterinary Medical Board
436: State Board of Cosmetology
438: State Board of Architecture
442: Board of Medical Examiners
445: State Board of Optometry
446: Board of Funeral Directors and Embalmers
448: Board of Dental Examiners
449: Structural Pest Control Act of California
453: Yacht and Ship Brokers Act
454: California State Board of Pharmacy
456: State Board of Barber Examiners

Loose-leaf services.

State and Local Tax Service (PH).
Unemployment Insurance Reporter (CCH).