

1-1964

## Issue Editor's Preface

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### Recommended Citation

Victor Elting III, *Issue Editor's Preface*, 15 HASTINGS L.J. 235 (1964).

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## *Issue Editor's Preface*

The field of occupational licensing has become important for a large and ever increasing number of business and professional people in California as well as for those charged with protecting their rights. In California more than any other state a rapidly growing and highly mobile population, coupled with a high standard of living and diversity of business opportunity, makes impossible the situation of yesterday in which any person desiring the services of another could rely on the servant's reputation in the community. It is essential for the state to protect the public by establishing certain standards for those seeking to practice a business or profession, and by establishing administrative agencies to ensure that these standards are maintained. It is equally essential that there be a uniform procedure to ensure that objective standards of justice guide the activities of the various agencies. These goals have been achieved in California by the Business and Professions Code and by the Administrative Procedure Act.

It is the object of this issue to examine procedural and substantive aspects of the field of occupational licensing with a view towards placing the subject in its proper perspective in the practice of law generally, and to point out some problems which, despite great progress, still exist.

John A. Clarkson, who has played an important role in the implementation of the Administrative Procedure Act, has written a detailed account of the background of the Act and of the Office of Administrative Procedure of which he was formerly the head, and has given his opinion of recent legislative activity in this area. For those interested in the purpose of the Act, and in its alteration or extension into new fields, this article should be of great value.

Charles H. Bobby's article concerns a subject on which he is the leading expert—Practice and Procedure under the Administrative Procedure Act. The increasing number of clients with problems in the occupational licensing field calls for a greater understanding of this subject on the part of practitioners. This article should contribute to that understanding.

The problem of whether an administrative ruling should be appealed on the ground that the agency has exceeded the power delegated to it by the legislature is an extremely interesting one. J. Albert

Hutchinson, a San Francisco attorney who has faced this problem many times, has written briefly of some of the considerations to be taken into account by the lawyer contemplating this step.

Until recently the status of the "probationary" teacher raised one of the most perplexing problems in the field of licensing. It could not be said with certainty what rights this licensed employee enjoyed. The article of George R. Coan was designed originally to clarify this problem as much as possible through careful examination of the applicable codes and legislative intent behind them, and cases which have a bearing on the subject. Almost simultaneously with the completion of the article, the California Supreme Court supplied case authority for the positions taken in the article. This exhaustive examination of teacher's employment rights becomes, therefore, all the more timely as a clarification of this formerly problematical area.

Professor Henry A. Dietz has written a thought-provoking article on a problem which is certain to arise in the near future; that is, the establishment of some degree of uniformity in local (city and county) administrative proceedings. As is made evident in the article, the problems are easier to find than the solutions.

Following the lead articles are a comment and notes, prepared by students, dealing primarily with substantive problems under the Business and Professions Code. In addition, there are excellent book reviews by Malcolm T. Dungan and Leo J. O'Brien. The issue closes with a new feature, a book note by a member of the Editorial Board.

VICTOR ELTING III  
*Issue Editor*