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## Issue Editor's Preface

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## *Issue Editor's Preface*

In 1963 California became the most populous state in the nation. The growing influx of people and industry has given added emphasis and importance to many situations that have created problems in the past. More businesses than ever before are being started and more are failing and going into bankruptcy. The expansion of California industry along with its massive labor force has given rise to increased problems in the field of labor relations. In our already over-crowded and under-staffed schools it becomes increasingly more difficult for teachers to give their charges the adequate supervision and safety instruction which the courts require. The number of deaths has inevitably increased, and the funeral business in California is at an all-time high. These incidents of California's growth as they affect occupational liability have been selected for treatment by our lead articles.

The subject of occupational liabilities is a broad one. Generally, throughout the United States, common law concepts have been adhered to with little change. In California, however, a major transition in the common law has occurred—one which has added breadth to the subject. The case of *Biakanja v. Irving*, decided in 1958 by the California Supreme Court, eliminated the strict requirement of privity in contractual negligence actions. As a result, the professional and quasi-professional practitioner may no longer look only to those with whom he contracts as potential sources of liability; rather, in California, he must now be mindful also of third persons to whom his negligence may foreseeably reach.

In the first article, Sanford Jay Rosen, Assistant Professor of Law at the University of Maryland Law School, discusses the collective bargaining process, examining individual and group interests as they relate to the union and the worker. The article, entitled "Fair Representation, Contract Breach and Fiduciary Obligations: Unions, Union Officials and the Worker in Collective Bargaining," analyzes the United States Supreme Court's latest pronouncement on the general subject of individuals in collective bargaining.

Lloyd Levitin, Assistant Professor of Business at San Francisco State College, discusses "Accountants' Scope of Liability for Defective Financial Reports," emphasizing present California case law and stat-

utes pertaining to this subject. Extensive treatment is given to the accountants' liability to third persons with whom he is not in privity.

Jack Leavitt's article, "The Funeral Director's Liability for Mental Anguish," should prove interesting reading to the layman as well as the professional.

Dean Reynolds C. Seitz of the Marquette University School of Law examines "Legal Responsibility Under Tort Law of School Personnel and School Districts as Regards Negligent Conduct Toward Pupils." Dean Seitz has provided an article which will be helpful to teachers and administrators as well as school board attorneys.

August B. Rothschild, a practicing attorney in San Francisco who specializes in bankruptcy law, contributes the final article of the issue. His article, "Liability Incurred by a Receiver or Trustee in Bankruptcy Conducting a Business," discusses the practical considerations involved when one is appointed as either a receiver or a trustee to conduct a business under the Bankruptcy Act.

Following the lead articles are a student comment and notes which explore various substantive problems within the subject of occupational liabilities. Completing the issue are book reviews by Professor Lewis M. Simes and Gill H. Boehringer.

ROBERT H. TOURTELOT

*Issue Editor*