

DEC 30 1955

Memorandum No. 4

Subject: Agenda items.

We now have thirteen items on our proposed agenda for 1956-57. A list of these items was sent to you on November 29, 1955. In my opinion about seven more items should be added to this list.

The following Suggestions are ready for consideration at the January meeting:

	56	103 Com	108
	✓ 76(2)	104 Com	109
	95	105(1)	
	99	105(2)	
Landels	{ 102(1) Comm	106 Comm	
	{ 102(2)	107	

Reports or memoranda or both have been sent to you on Suggestions Nos. 56, 76(2), 95, 99, 102(1) [this was labelled "Report on Suggestion No. 102"], 103, 104, 106, 107, 108 and 109.

Reports on Suggestions Nos. 102(2), 105(1), 105(2) are attached hereto.

The minutes of the meeting of the Southern Committee on December 22, 1955 are being sent to you in the same package in which this is enclosed. Reported therein are the recommendations of the committee with respect to Suggestions Nos. 56, 102(1), 103, 104 and 106.

Some of the reports and memoranda on Suggestions to be considered at the January meeting are rather technical and complex. I am sure that consideration of them will be greatly facilitated if you can find time to study them carefully before the meeting.

Respectfully submitted,

John R. McDonough, Jr.
Executive Secretary

ITEMS ON CURRENT CALENDAR OF TOPICS SELECTED FOR IMMEDIATE STUDY

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|------------------------------------|---------|------------------------------------|---|
| ① | ✓ 29(3) | Dozier | A study to determine whether the provisions of the Penal Code and the Vehicle Code relating to the theft of motor vehicles should be revised and consolidated to eliminate overlapping provisions. |
| ② | ✓ 39 | Barrett | A study to determine whether the provisions of the Civil Code relating to rescission of contracts should be revised to provide a single procedure for rescinding contracts and achieving the return of consideration given. |
| ③ | ✓ 55 | Fisher | A study to determine whether the law relating to motions for new trial in cases where notice of entry of judgment has not been sent should be revised. |
| Senate
Interim
Staff
Comm | 71 | Board of
Governors
State Bar | A study to determine whether Probate Code Sections 259, 259.1 and 259.2, pertaining to the rights of nonresidents to inherit property in this State, should be revised. |
| ⑤ | ✓ 65(1) | Nourse | A study to determine whether the law should be clarified as to whether the Code of Civil Procedure or the Probate Code governs confirmation of private partition sales and whether the provisions of the Codes should differ. |
| ⑥ | ✓ 79 | Richards | A study to determine whether the law should be revised to provide a uniform State-wide procedure for fixing bail promptly in the case of a felony arrest made without a warrant. |
| ⑦ | ✓ 94 | Tobin | A study to determine whether the procedure to be followed by a person seeking to be appointed guardian of a nonresident insane or incompetent person or of a nonresident minor should be clarified. |
| ⑧ | ✓ 100 | Staff | A study to determine whether four overlapping sections of the Penal Code and the Vehicle Code, relating to the driving of a motor vehicle while under the influence of alcohol, should be consolidated and revised. |

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1955 Future Study
Topic A

A study to determine whether the law respecting post-conviction sanity hearings for persons sentenced to death should be revised.

10

1955 Future Study
Topic B

A study to determine whether the law in respect of survivability of tort actions should be revised.

11

1955 Future Study
Topic E

A study to determine whether the law governing advancement of cases for trial should be revised.

12

1955 Future Study
Topic J

A study to determine whether the rule, applied in cases involving the value of real property, that evidence relating to sales of nearby properties is not admissible on the issue of value should be revised.

13

1955 Future Study
Topic K

A study to determine whether the Arbitration Statute should be revised.

Discussion of Suggested Topics for Study

At the afternoon session the committee considered a number of suggested topics for study and staff reports and memoranda relating thereto (Mr. Ball was not present during this part of the meeting). It made the following recommendations:

1. Accept for Immediate study:

(a) Suggestion No. 56 (The committee would include only the matters mentioned in Mr. Golden's letter which are C and D of the staff report).

(b) Suggestion No. 103 (The committee would include both suggestions covered in the staff report, subject to a check as to whether a rehearing or a hearing by the Supreme Court has been granted in Estate of Nolan).

(c) Suggestion No. 104

2. Other:

(a) The committee recommended that the broader study suggested in the staff report on Suggestion No. 102(1) be checked with Mr. Brunn and that both it and the specific suggestion made by Mr. Brunn be checked with Mr. Landels of the California Bankers' Assn. before the Commission acts on this item.

(b) The committee recommended as to Suggestion No. 106 that if the problem exists only as to Wel. & Inst. Code § 702

the Commission ask one of its legislative members to handle the matter as a non-Commission matter but that if a check shows that there are several other similar conflicts as to maximum periods of probation, the Commission make a study on this problem.

Respectfully submitted,

John R. McDonough, Jr.
Executive Secretary