

Memorandum No. 1

Subject: Suggested schedule for completion of work on program for 1957 Session.

I think that the commission should at the March meeting decide upon a tentative schedule for completing its work on the program for the 1957 Session of the Legislature. Such a schedule is proposed herein for your consideration.

You will recall that we hope to be able to send our 1957 report, which will include all of our studies and recommendations for the 1957 Session, to the printer on or about October 1, 1956. The purpose of this is to be able to distribute it to the Members of the Legislature far enough in advance of the Session to afford those who will be interested a real opportunity to read it.

The Commission has, therefore, previously decided that its work on the 1957 program should be completed at the earliest possible date in order to afford time to circulate the studies and recommendations to interested parties for comment before they are printed. This creates a rather tight scheduling problem. To meet it I propose the following commission and committee meetings:

only June 1

Meetings of Commission

| <u>Date(s)</u> | <u>Agenda</u> |
|---------------------------------|--|
| March 12 <i>S. 20</i> | No. 7 - Venue study. No. 10 - Penal Code § 19a. No. 4 - Law governing survival. |
| April 27 and 28 <i>L. 19</i> | No. 2 - Judicial notice foreign law. No. 3 - Dead Man Statute. No. 5 - Probate Code § 201.5 - marital property. No. 6 - C.C.P. § 660 - new trial orders. No. 8 - Testimonial privilege of spouses. <i>No. 10 - Penal Code § 19a</i> |

TES. conflict

Memorandum No. 1 (Cont'd)

Date(s)

Agenda

May 25 and 26

S.F.

- No. 11 - Corporations Code §§ 3301 and 3901 - notice to stockholders.
- No. 12 - Whether jury should have copy of instructions.
- No. 13 - C.C. P. §§ 389 and 442 - parties on cross-complaints.
- No. 15 - Attorneys fees and costs in divorce, etc. actions.

June 22 and 23

L.A.

- No. 1 - Suspension power of alienation.
- No. 9 - Penal Code §§ 1377, 1378 (technical revisions).
- No. 14 - Administrator in quiet title action (if retained on agenda).
- No. 16 - Planning commission procedure.

July 20 and 21

S.F.

- No. 18(L) - Fish and Game Code

Note: The earlier meetings have a heavier agenda than the later ones but it seems probable that there will be sufficient carry-over to assure an adequate agenda for the later meetings. The meetings (except March) are scheduled for two days each; at least some of them might be reduced to one day if we start at 9 and work steadily until 5 or 6 with a short break for lunch.

Meetings of Northern Committee

| <u>Date</u> | <u>Agenda</u> |
|-------------|--|
| March 17 | No. 2 - Judicial notice foreign law. No. 5 - Probate Code § 201.5 No. 6 - C.C.P. § 660. No. 18(L) - Fish and Game Code (possible) |
| April 7 | Further consideration of same items as above. |
| May 5 | No. 12 - Copy of instructions to jury. No. 15 - Attorney's fees and costs. No. 18(L) - Fish and Game Code |
| June 2 | No. 1 - Suspension power of alienation. No. 16 - Planning commission procedure. No. 18(L) - Fish and Game Code. |
| July 7 | No. 18(L) - Fish and Game Code. |

Note: Carry-over point made above applies here.

Meetings of Southern Committee

| <u>Date</u> | <u>Agenda</u> |
|-------------|--|
| April 14 | No. 3 - Dead Man Statute No. 8 - Testimonial privilege of spouses. <i>No. 10 - Penal Code 19 a</i> |
| May 12 | No. 11 - Corporations Code §§ 2201, 3901. No. 13 - C.C.P. §§ 389 and 442. |
| June 9 | No. 14 - Administrator in quiet title action. No. 9 - Penal Code §§ 1377, 1378. |

Note: Carry-over point made above applies here.

The chronological meeting schedule for the commission and the committees would be as follows:

Memorandum No. 1 (Cont'd)

| | | |
|---------------|------------------|--------------------|
| March 12 | Succ | Commission |
| March 17 | SF | Northern Committee |
| April 7 | SF | Northern Committee |
| April 14 | LA | Southern Committee |
| April 27 - 28 | LA | Commission |
| May 5 | SF | Northern Committee |
| May 12 | LA | Southern Committee |
| May 25 - 26 | SF | Commission |
| June 2 | LA SF | Northern Committee |
| June 9 | LA | Southern Committee |
| June 22 - 23 | LA | Commission |
| July 7 | SF | Northern Committee |
| July 20 - 21 | SF | Commission |

Attached is a current status report on all items planned for presentation at the 1957 Session.

Respectfully submitted,

John R. McDonough, Jr.
Executive Secretary

STATUS REPORT

| Study No. & Committee to which referred | Subject | Present Status | Target date for completion by Commission |
|---|--|--|--|
| 1 (Northern) | Suspension absolute power of alienation | Research consultant's report due April 1 | June meeting |
| 2 (Northern) | Judicial notice law foreign countries | Research consultant's report received; to be considered by Northern Committee meeting March 17 | April meeting |
| 3 (Southern) | Dead Man Statute | Research consultant's report received; to be considered by Southern Committee April meeting | April meeting |
| 4 (Southern) | Law governing survival of actions | Committee recommendation to be considered at March meeting of Commission | March meeting |
| 5 (Northern) | Section 201.5 Probate Code | Research consultant's report received to be considered by Northern Committee meeting March 17 | April meeting |
| 6 (Northern) | Section 660 of Code of Civil Pro- cedure - effective date new trial order | Research consultant's report received; to be considered by Northern Committee meeting March 17 | April meeting |
| 7 (Southern) | Retention venue for convenience of witnesses | Committee recommendation to be considered at March meeting of Commission | March meeting |
| 8 (Southern) | Testimonial privilege of spouses | Staff report to be submitted by April 1 | April meeting |
| 9 (Southern) | Sections 1377 and 1378 of Penal Code | Staff report to be submitted by June 1 | June meeting |

Status Report (Cont'd)

| <u>Study No. & Committee to which referred</u> | <u>Subject</u> | <u>Present Status</u> | <u>Target date for completion by Commission</u> |
|--|--|---|---|
| 10 (Southern) | Penal Code Section 19a | Committee recommendation to be considered at March meeting of Commission | <i>April meeting</i> March meeting |
| 11 (Southern) | Sections 2201 and 3901 of Corporations Code | Staff report to be submitted by May 1 | May meeting |
| 12 (Northern) | Whether jury to get copy instructions | Staff report to be submitted by May 1 | May meeting |
| 13 (Southern) | C.C.P. §§ 389 and 442 - parties on cross-complaint | Research consultant report overdue | May meeting |
| 14 (Southern) | Administrator quiet title action | Commission to consider whether to continue at March meeting | June (if at all) |
| 15 (Northern) | Procedure for awarding attorney's fees and costs in divorce, etc. actions | Staff report to be submitted by May 1 | May meeting |
| 16 (Northern) | Planning procedure when no separate planning commission | Staff report to be submitted by June 1 | June meeting |
| 17 (Northern) | Revision of Fish and Game Code | Legislative Counsel draft to be available by April 15 | July meeting |