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2) Form of letter to State Bar  
8/3/56

Memorandum to Law Revision Commission

Subject: Printing of Studies and Reports

You will remember that when we discussed sending copies of our studies to the State Bar at the July meeting we considered a number of questions relating to the printing of our reports. It was suggested that several of these questions be discussed with the State Printer. Accordingly, Ralph Kleps, Charlie Johnson, Virginia Nordby and I talked at length with Ralph Titus, Assistant State Printer, on Monday, July 23. Mr. Titus was very helpful to us and indicated that the State Printer will cooperate in working out any printing program which we decide upon. The information which he gave us and my recommendations concerning the commission's printing program are set forth below.

If cost were not a factor to be taken into account, the ideal printing program would probably be one along the following lines (Note: the number of copies to be printed at various stages are arbitrary and might be fixed at a quite different number in each case):

1. As our work on each study is completed and we are ready to distribute it to the State Bar, the Judicial Council, and the District Attorney's Association, print 150 copies of a separately paginated pamphlet containing a "Proposed Report and Recommendation of the Law Revision Commission to the Legislature" and the research consultant's (or staff) report. Printing at this point in our process would have two principal advantages: (a) it would enable us to get our printing program under way at the earliest possible moment and to spread it out over the longest period of time, which would be highly

advantageous insofar as this office is concerned; (b) it would enable us to distribute printed copies of our material to the State Bar and others, thus avoiding the heavy burden of producing 150 mimeographed copies of each study for this purpose.

2. Have the printer hold the type on each study so that we could make changes, if so advised, after receiving the comments of the State Bar and others. Such changes could be limited to the commission's Report and Recommendation or could also be made in the supporting study in cases where such changes were indicated. After such changes, if any, have been made, print 850 copies of a pamphlet containing the commission's final Report and Recommendation and the research consultant's (or staff) report, for distribution to the Legislature and interested parties prior to and during the session.

3. After a year's work has been completed produce 1000 bound volumes, each containing a copy of the year's annual report and a copy of each of the final study pamphlets, the latter appearing as a series of appendices to the report. Ideally, the bound volume should be consecutively paginated throughout, as is done in the bound volumes published by the New York Law Revision Commission (pamphlet pagination appears at top of page, volume pagination appears in parentheses at bottom). In order to be able to do this the type for the annual report and all of the pamphlets would have to be held so that the volume pagination could be done.

It will be observed that this procedure contemplates three separate press runs on each of the pamphlet studies: (a) a preliminary run of 150 copies; (b) a second run of 850 copies after comments have been received; and (c) a third run of 1000 copies for the bound volume. Mr. Titus told us that the State printer would be willing to hold the type so that this could be done.

The cost of such a printing program would, on the basis of the figures which we obtained from Mr. Titus, be as follows:

1. \$10 - \$11 per printed page to produce 2000 copies of the annual report and of each pamphlet study if each item were produced in a single press run. We estimate roughly that the annual report and studies for this year will run 450 printed pages; thus, this cost would be about \$4500 - \$5000.

2. \$4 - \$5 additional per page for each separate run (this is because the type must be stored, then taken out and put back on the press, etc.). Thus, two additional runs on each pamphlet study, as contemplated above, would almost double our printing cost, to \$8000 - \$9000.

3. The cost of author's changes, such as would be involved in rewriting parts of the commission's Reports and Recommendations and possibly of the research consultant's (and staff) reports, is very high. Mr. Titus said that type-setting cost per original page is about \$8.50 per page (the balance of the \$10 - \$11 figure being press costs, etc.) but that changes in type may run three times as high as this. Thus, if we were to rewrite 100 pages after type was set, the additional cost could be as high as \$2000 - \$2500.

4. Binding cost for the bound volumes would be \$2 per volume. Thus, the 1000 volumes would cost \$2000.

The total cost of the "ideal" program outlined above, using the number of pages and of copies at each stage of the procedure which I have assumed, would be \$14,500 - \$16,500. This figure would seem, pretty obviously, to be out of the question. Hence, the following recommendations are made for your consideration:

1. That we not have our pamphlet studies printed until they are in final form as we wish them to go to the Legislature. Then have 2000 copies of

each printed in a single run. Print 2000 copies also of our annual report.

Do not save any type.

2. That we bind 500 copies of the annual report and pamphlet studies. This would not permit consecutive pagination throughout the volume. We could, however, either (a) paginate the pamphlets consecutively as they are produced and give the annual report a separate pagination (e.g. R-1, R-2, R-3, etc.) or (b) paginate the annual report in the ordinary way and paginate each pamphlet separately and distinctively (e.g., paginate Appendix A., A-1, A-2, A-3, etc.).

If this recommendation were adopted, the cost, assuming a total of 450 printed pages, would be \$5500 - \$6000 (\$4500 - \$5000 for printing plus \$1000 for binding).

The recommendation raises two policy questions for decision by the commission:

1. How many copies of the annual report and of each pamphlet study should we print? Our assumptions in printing them presumably are: (a) that copies will be requested by law libraries throughout the country because they contain valuable legal research and by California lawyers and others because they are both a research tool and a source of legislative history and (b) that we will give copies to persons requesting them on a first-come-first-served basis. We have printed 2000 copies of each of our first two reports and have 1080 copies on hand of the 1955 report and 1537 copies on hand of the 1956 report. It can probably be assumed, however, that as the commission's work becomes better known its annual reports and studies will be in greater demand. And, of course, the cost of printing additional copies is slight; of the \$10 - \$11 per page estimate for 2000 copies, probably not more than \$2 - \$3 represents the cost of the second thousand.

2. How many copies of our bound volume should be produced? To whom shall bound, as distinguished from unbound, copies of our materials be given: Our own Members and staff? Members of the Legislature? Some or all State departments and agencies? All depository libraries in California? Any library in California which requests one? Any library anywhere which requests one? Any lawyer in California who requests one? Any other citizen of the State who requests one? Any person who requests one? Five hundred bound volumes may be too many or too few, depending on how these questions are answered.

One last point: If the recommendation made above is accepted, it will have important implications for the policy we follow as to distribution of our studies to the State Bar, the Judicial Council, and the District Attorneys' Association. It will mean either that we will print our pamphlets in final form without waiting to hear from these organizations or that we must hold up material otherwise ready to go to the printer until they have found the time to study our work and comment on it, through whatever internal procedures of reference and report are involved in this process. If we follow the latter procedure it seems to be likely to extend for 60 to 90 days the period of "gestation" for our studies. In this connection, Mr. Titus advised us that we should try to get our manuscripts to him as soon as possible and certainly well before November and December which are very busy months for the State Printer.

I recommend that the Executive Secretary be authorized: (a) to send to the State Printer on September 1 all material which has heretofore been sent to the State Bar; (b) to send to the printer on September <sup>30</sup> 20 all material which is sent to the State Bar and other organizations by August <sup>20</sup> 6; and (c) to send

all remaining material to the printer on October 20 or as soon thereafter as it has been completed by the commission. If this recommendation is adopted, I recommend that we advise the State Bar, the Judicial Council and the District Attorneys' Association of this action and the reasons for it.

Respectfully submitted,

John R. McDonough, Jr.  
Executive Secretary

P.S. - I sent a copy of this memorandum to Mr. Titus for a check on its accuracy. He tells me the figures and calculations are correct.