

9/18/56

Memorandum No. 3

Subject: Study program for  
current year.

The following summarizes the status of studies assigned to the  
commission by the 1956 Session of the Legislature:

I. Studies for which arrangements have been made.

Study No.	Topic	Consultant	Fee	Session to be submitted
24	Mortgages for future advances	Prof. Merryman	\$800	1959
25	Probate Code §§ 259, <u>et seq.</u>	Prof. Horowitz	600	1959
27	Putative spouses	Prof. Mann	800	1959
30	Custody proceedings	Dean Kingsley	800	1959
31	Doctrine Worthier Title	Prof. Verrall	500	1959
32	Uniform Arbitration Act	Mr. Kagel	1,000	1957 ✓
34	Uniform Rules Evidence	Prof. Chadbourn	3,750	1959
35	Uniform Post-Conviction Proc. Act	Mr. Selvin	900	1957 ✓
37(L)	Claims statutes	Prof. Van Alstyne	<u>1,000</u>	1959
	Total		\$ 10,150	

II. Studies for which arrangements have not been made.

Study No.	Topic	Budgeted Cost	Session to be submitted
19	Overlap Penal & Vehicle Code Sections	\$ 300	1959
20	Guardians for Nonresidents	300	1959
21	Confirmation Partition Sales	300	1959
22	Cutoff date motions new trial	300	1959
② 23	Recission of contracts	800	1959
26	Law governing escheat personal property	300	1957 ✓
28	Evidence condemnation cases *	--	
④ 29	Post-conviction sanity procedure	600	1959
③ 33	Survival tort actions	600	1959
① 36	Condemnation law and procedure	<u>1,500</u>	1959
	Total	\$ 5,000	

\$2900<sup>00</sup>

\* Consolidated with Study No. 36.

On the basis of our budgeted figures the studies listed under I and II above will cost us a total of \$15,150. This plus the \$2500 committed to the Stanford contract brings our total financial requirements for research for 1956-57 to \$17,650. Funds for Research Services in our current budget total only \$15,580. Thus, we are \$2,070 short of sufficient funds to complete all of the year's assigned work through research consultants.

The question thus becomes which of the studies listed under II above should be carried over until fiscal year 1957-58. We have \$2930 available (\$15,580 less

\$12,650 which is committed). My recommendation is that we go ahead with the Study No. 36 (Condemnation) because Senator Cobey put it on our program and is interested in it, Study No. 23 (Recission of Contracts) and either Study No. 29 (Post-conviction sanity procedure) or Study No. 33 (Survival of tort actions). Either combination will cost \$2,900, assuming that we can find research consultants willing to undertake these studies for the amounts we have budgeted for them.

The other studies listed under II above are relatively small in scope. We hope to do Study No. 26 (law governing escheat) ourselves, in time for the 1957 Session.

Of course, various combinations of studies to be completed with available funds, other than those I have suggested, might be worked out.

Respectfully submitted,

John R. McDonough, Jr.  
Executive Secretary