

February 19, 1957

Memorandum No. 7

Subject: General Status Report

The March meeting, being the first Commission meeting in 1957, furnishes an occasion for the Commission to take stock of its general situation and to plan for the months immediately ahead. In this connection, the following information will be of interest.

Completed Studies. Table 1, attached, provides information on the status of topics assigned to the Commission for study upon which we are reporting to the 1957 Session of the Legislature.

Current Studies. Table 2, attached, provides information on the status of topics assigned to the Commission which are currently under study and upon which the Commission now expects to report to the 1959 Session of the Legislature. The following comments with respect to the information in Table 2 are in order:

1. Studies Nos. 19, 20, 21, 22 and 29 have not been started because we did not have sufficient research funds to undertake them during the current fiscal year. Our budget for 1957-58 includes funds for these studies and if it is approved we should be able to get them under way shortly after July 1, 1957.

2. We now have a further report on Study No. 14 (Administrator in Quiet Title Actions) from the State Bar and may be able to take final action on this matter at the March meeting (See Memorandum No. 8 attached).

3. Northern and Southern Committee assignments are designated on the basis of the location of the research consultants, in accordance with past practice. This is done to avoid the expense which would be involved in having research consultants travel from north to south, or vice versa, to meet with committees. Thus far we

have been able to maintain a reasonably good balance in committee assignments. However, as Table No. 2 shows, the Southern Committee has a considerably larger "caseload", so to speak, immediately in prospect, particularly in view of the fact that Studies Nos. 34 (Uniform Rules of Evidence) and 36 (Condemnation Law and Practice) are of unusual scope and complexity. I recommend, therefore, that the Northern Committee be requested to assume for the next year responsibility for serving as the Agenda Committee, heretofore performed by the Southern Committee and that the Chairman be given authority to make such other arrangements as may be necessary to equalize the burden on the committees.

New Studies. Fourteen new topics for study are included in the 1957 agenda resolution (A.C.R. 22). Several other concurrent resolutions which would give the Commission substantial additional assignments have been introduced (See Memorandum No. 2).

Tasks at Hand. The following are, as I see it, the principal tasks facing the Commission during the next several months:

1. Presenting our 1957 legislative program (12 bills, Fish and Game Code revision, agenda resolution) to the Legislature.
2. Distribution of studies and recommendations to a mailing list of 500 - 800 persons, as authorized by action taken at the December meeting. (This is contingent on getting money from the emergency fund; see below)

3. Preparation and distribution of our first bound volume, including preparation of index etc. (See Memorandum No. 5). (This is also contingent on getting money from the emergency fund)

4. Arrange for research consultants for Studies Nos. 19, 20, 21, 22 and 29 and for topics approved for study by 1957 Session.

5. Consider research reports received on current studies and work toward preparation of recommendations thereon. We should press for completion of most of the studies by September 1, 1957.

6. (Staff) Complete research reports on Studies Nos. 11 (Corporation Code Sections 2201, 3901), 16 (Planning procedure), and 26 (Escheat).

7. Consider suggestions received from various sources and reports prepared by people working under Stanford contract and prepare 1958 agenda resolution.

8. Prepare budget for 1958-59.

Financial Situation. I reported to the Commission at its December meeting that due to unexpectedly high printing costs and to the cost of distribution of the Commission's recommendations and studies, which we had simply overlooked in previous planning, we were faced with an actual deficit for the current fiscal year (1956-57) and a prospective deficit in fiscal year 1957-58 on the basis of the figures which we had submitted and which had been approved by the Department of Finance. At the suggestion of the Commission I discussed these problems with the Department of Finance early in January. The people to whom I spoke in the Department were very responsive, agreeing to recommend that the Commission be given funds to cover the 1956-57 deficit from the emergency fund and to recommend a ^{# 3438}~~\$7,000~~ increase in our 1957-58 budget when it comes before the legislative committees. At the moment of the preparation of this memorandum, therefore, it appears that we will have sufficient funds to carry our program forward in conformity with the plans which we have made.

Respectfully submitted,

John R. McDonough, Jr.
Executive Secretary

TABLE 1
STATUS OF STUDIES REPORTED TO THE 1957 SESSION

Study No.	Topic	Sent to Printer	Printed & Distributed to Statutory List	Sent to State Bar	State Bar Report Received	Bill No.	Author
1	Suspension of the Absolute Power of Alienation		x	x	--	A.B. 249	Bradley
2	Judicial Notice of the Law of Foreign Countries		x	x	x	A.B. 251	Bradley
3	The Dead Man Statute	X	X	x	x	A.B. 247	Bradley
4	Choice of Law Governing Survival of Actions		x	x	x	--	--
5	Rights of Surviving Spouse in Property Acquired While Domiciled Elsewhere		x	x	--	A.B. 250	Bradley
6	The Effective Date of an Order Ruling on a Motion for New Trial		x	x	x	S.B. 36	Dorsey
7	Retention of Venue for Convenience of Witnesses		x	x	x	A.B. 246	Bradley
8	The Martial "For and Against" Testimonial Privilege		x	x	--	A.B. 248	Bradley
9	Elimination of Obsolete Provisions in Penal Code Sections 1377 and 1378		x	x	--	S.B. 35	Dorsey
10	The Maximum Period of Confinement in a County Jail		x	x	x	S.B. 30	Dorsey
12	Taking Instructions to the Jury Room		x	x	--	S.B. 33	Dorsey

TABLE 1 (Cont'd)
STATUS OF STUDIES REPORTED TO THE 1957 SESSION

Study No.	Topic	Sent to Printer	Printed & Distributed to Statutory List	Sent to State Bar	State Bar Report Received	Bill No.	Author
13	Bringing New Parties Into Civil Actions	*	X	x	--	S.B. 34	Dorsey
15	Notice of Application for Attorney's Fees and Costs in Domestic Relations Actions		x	x	x	S.B. 29	Dorsey
18	Fish and Game Code					A.B. 616 to 621	Bradley and Davis

TABLE 2
STATUS OF STUDIES FOR REPORT TO THE 1959 SESSION

Study No.	Topic & Year Authorized	Research Consultant	Not Started	In Process	Preliminary Committee Meeting Held	Research Consultant or Staff Report Deadline	Committee to Which Assigned
11	Corporations Code Sections 2201, 3901 (1955)	Staff	x			May 1, 1957	Northern
14	Appointment of Administrator in Quiet Title Actions (1955)	Maxwell	x				Southern
16	Planning Procedure (1955)	Staff	x			May 1, 1957	Northern
19	Overlapping Provisions of Penal Code and Vehicle Code (1956)	--	x				
20	Appointment of Nonresident Guardian (1956)	--	x				
21	Confirmation of Partition Sales (1956)	--	x				
22	Cut-off Date on Motions for New Trial (1956)	--	x				
23	Rescission of Contracts (1956)	Sullivan		x	--	Fall, 1957	Northern
24	Mortgages to Secure Future Advances (1956)	Merryman		x	x	Winter, 1957	Northern
25	Right of Nonresident Aliens to Inherit (1956)	Horowitz		x	x	June, 1957	Southern
26	Escheat of Personal Property on Death (1956)	Staff		x	--	April 1, 1957	Southern

TABLE 2 (Cont'd)
STATUS OF STUDIES FOR REPORT TO THE 1959 SESSION

Study No.	Topic & Year Authorized	Research Consultant	Not Started	In Process	Preliminary Committee Meeting Held	Research Consultant or Staff Report Deadline	Committee to Which Assigned	
27	Rights of a Putative Spouse (1956)	Mann		x	--	--	Northern	
28	Evidence of Sales of Nearby Property (1956)	-----Consolidated with Study 36-----						
29	Post-Conviction Sanity Hearings (1956)	--	x					
30	Jurisdiction of Courts in Custody Proceedings (1956)	Kingsley		x	x	Feb. 15, 1957	Southern	
31	Doctrine of Worthier Title (1956)	Verrall		x	x	Mar. 1, 1957	Southern	
32	Arbitration Statute (1956)	Kagel		x	x	Report received	Northern	
33	Survival of Tort Actions (1956)	Killion		x	--	Fall, 1957	Northern	
34	Uniform Rules of Evidence (1956)	Chadbourn		x	--	March, 1958	Southern	
35	Habeas Corpus (1956)	Selvin		x	x	Report received	Southern	
36	Condemnation (1956)	Burrill*			x	June, 1957	Southern	
37	Claims Statutes (1956)	Van Alstyne		x	--	June, 1957	Southern	

* Contract not yet signed