

7/26/57

Memorandum No. 1

Subject: Status Report on Distribution
of Commission Printed Materials

Pursuant to action taken by the Commission at the December meeting, the following distribution has been made of the annual reports and the 13 recommendations and studies printed to date:

Automatic Distribution: All persons in the following categories were sent copies of the 1957 report and the 13 recommendation and study pamphlets:

Members of the Legislature	120
Supreme Court and Judicial Council	8
Heads of all State Departments	35
Members of the Board of Governors of the State Bar	15
Members of the State Bar Committee to Act in Liaison with the Law Revision Commission	3
Members of the Executive Committee of the Conference of State Bar Delegates	11
Chairman, Vice Chairman and Secretary of State Bar Committee on Administration of Justice	3
Justices of the California District Courts of Appeal	20
Deans of all California Law Schools	10
Members of the Stanford Law School Faculty	18
Law reviews published at California law schools	4
California law school libraries	11
California county law libraries	33
Legal newspapers published in California	12
	<hr/>
Total	303

Distribution bound volume

7/26/57

In addition, copies of all our material have been sent to anyone who has written asking for them and also to a group of miscellaneous persons on our list. We now have a permanent, "automatic" mailing list of 408 persons to whom our material routinely will be sent each year.

A number of selected persons on the automatic list were sent personally typed covering letters with the report and studies. These included members of the Legislature and Supreme Court, State Bar officials, heads of State departments and a few others. Everyone else on the automatic list was sent a copy of the attached statement labelled "A".

Optional Distribution: The attached statement labelled "B", soliciting requests for our materials, and two sample recommendation and study pamphlets were sent to all persons in each of the following categories:

Local bar associations	88	20
Justices of the U.S. Court of Appeals, 9th Circuit	10	1
Justices of U.S. District Courts in California	21	3
Judges of the California Superior Courts	248	51
Judges of California Municipal Courts	171	38
California law professors other than Stanford faculty	76	22
County counsels	15	3
District attorneys	58	11
Non-California law school libraries	75	26
Commission's research consultants not otherwise reached	5	
Miscellaneous individuals	4	
	<hr/>	
TOTAL	771	

We have received 182 requests in response to this solicitation, which was sent out over two months ago. Although we are still receiving a few requests each week, it is unlikely that the total number will be more than 200. Of the requests received, 126 have asked for copies of all our recommendations and studies and will be placed on our automatic

7/26/57

list to receive copies of all our material in the future. This will bring our automatic, permanent list to 534.

Action

Distribution of the Bound Volume: There is one question regarding the distribution program which should be decided at the August meeting: That is: To whom should the 500 copies we have ordered of the first bound volume be sent? (See Memorandum No. 2, relating to the bound volume). Should we undertake a formal distribution of the volume, sending it automatically to some persons and offering to others to send it on request? And if so, who should those persons be? Or, on the other hand, should we send it only to persons who specifically request copies? Should we decline to send bound volumes to anyone who has already received the individual pamphlets? Or should we intentionally duplicate in the case of libraries and perhaps others, on the theory that the bound volume is a better research tool than the pamphlets because it contains the legislative history and index?

Respectfully submitted,

John R. McDonough, Jr.
Executive Secretary

JRM:fp

THOMAS E. STANTON, JR.
CHAIRMAN
111 BUTTER STREET
SAN FRANCISCO

JOHN D. BARRAGE
VICE-CHAIRMAN
12 EVANS BUILDING
RIVERSIDE

JOHN R. McDONOUGH, JR.
EXECUTIVE SECRETARY
SCHOOL OF LAW
STANFORD

GOODWIN J. KNIGHT
GOVERNOR



STATE OF CALIFORNIA

California Law Revision Commission

JESSE R. DORSEY, SAKERSFIELD
MEMBER OF SENATE

CLARK L. BRADLEY, SAN JOSE
MEMBER OF ASSEMBLY

STANFORD C. SHAW, ONTARIO

JOHN HAROLD SWAN, SACRAMENTO

SAMUEL D. THURNMAN, STANFORD

RALPH N. KLEPS, EX OFFICIO, SACRAMENTO
LEGISLATIVE COUNSEL

A

Enclosed herewith is a copy of the 1957 Report of the California Law Revision Commission to the Governor and the Legislature and copies of the thirteen recommendations and studies published by the Commission to date.

The Law Revision Commission was created by the Legislature in 1953 to examine the common law and statutes of the State for the purpose of discovering defects and anachronisms therein and to recommend such changes in the law as it deems necessary to modify or eliminate antiquated and inequitable rules of law and to bring the law of this State into harmony with modern conditions. The Commission studies only those topics which the Legislature approves for its study or refers to it for study.

The enclosed pamphlets contain the recommendations of the Commission and the studies prepared by the Commission's research consultants or staff on topics which were approved for study by the 1955 Session of the Legislature. The legislative members of the Commission have introduced bills at the 1957 Session which, if enacted, would effectuate the recommendations of the Commission set forth and explained in the pamphlets.

The Commission will welcome any comments, questions, or suggestions which you may have relating to the enclosed material.



Mailing Address:
School of Law
Stanford, California

THOMAS E. STANTON, Jr.
Chairman
111 Sutter Street
San Francisco

JOHN D. BABBAGE
Vice-Chairman
12 Evans Building
Riverside

JESS R. DORSEY
Member of Senate
Bakersfield

CLARK L. BRADLEY
Member of Assembly
San Jose

STANFORD C. SHAW
Ontario

JOHN HAROLD SWAN
Sacramento

SAMUEL D. THURMAN
Stanford

RALPH N. KLEPS
Ex Officio
Legislative Counsel
Sacramento

JOHN R. McDONOUGH, Jr.
Executive Secretary
School of Law
Stanford

B

Enclosed herewith are copies of two recommendations and studies prepared by the California Law Revision Commission.

The California Law Revision Commission was created by the Legislature in 1953 to examine the common law and statutes of the State for the purpose of discovering defects and anachronisms therein and to recommend such changes in the law as it deems necessary to modify or eliminate antiquated and inequitable rules of law and to bring the law of this State into harmony with modern conditions. The Commission studies only those topics which the Legislature authorizes it to study.

The enclosed pamphlets contain the recommendations of the Commission and the studies prepared by the Commission's research consultants or staff on topics which were approved for study by the 1955 Session of the Legislature. A number of other topics, which are described on the attached list, also were approved by the 1955 Session for inclusion in the Commission's first major study program. The Commission has prepared a series of pamphlets containing its recommendations and studies on these topics.

If you would like us to do so, we will put your name on our mailing list for this year to receive copies of some or all of the pamphlets and annual reports prepared by the Commission. Enclosed for your convenience is a postcard addressed to the Commission's Executive Secretary on which you may indicate which, if any, of the pamphlets on the attached list and of the annual reports of the Commission you would be interested in having.

RECOMMENDATIONS AND STUDIES OF THE CALIFORNIA
LAW REVISION COMMISSION

- No. 1: A study to determine whether the sections of the Civil Code prohibiting the suspension of the absolute power of alienation should be repealed.
- No. 2: A study to determine whether the courts of this State should be required or authorized to take judicial notice of the law of foreign countries.
- No. 3: A study to determine whether the Dead Man Statute should be repealed or, if not, whether the rule with respect to waiver of the statute by the taking of a deposition should be clarified.
- No. 4: A study to determine whether California should continue to follow the rule that survival of actions arising outside California is governed by California law.
- No. 5: A study to determine whether Section 201.5 of the Probate Code should be revised.
- No. 6: A study to determine whether Section 660 of the Code of Civil Procedure should be amended to specify the effective date of an order granting a new trial.
- No. 7: A study to determine whether, when the defendant moves to change the place of trial of an action, the plaintiff should in all cases be permitted to oppose the motion on the ground of the convenience of witnesses.
- No. 8: A study to determine whether the law with respect to the "for and against" testimonial privilege of husband and wife should be revised in certain respects.
- No. 9: A study for the purpose of revising Sections 1377 and 1378 of the Penal Code to eliminate certain obsolete language therein.
- No. 10: A study of the conflict between Penal Code Section 19a, which limits commitment to a county jail to one year in misdemeanor cases, and other provisions of the Penal Code providing for longer county jail sentences in misdemeanor cases.
- No. 11: A study to determine whether the jury should be authorized to take a written copy of the court's instructions into the jury room in civil as well as criminal cases.
- No. 12: A study to determine whether Sections 389 and 442 of the Code of Civil Procedure should be revised to permit defendants to bring into a civil action by cross-complaint persons who are not "indispensable" parties.
- No. 13: A study to determine whether, when the defendant in a divorce or annulment action has defaulted, the court should be authorized to include in a decree of annulment or an interlocutory or final decree of divorce an award of attorneys' fees and costs not exceeding the amount prayed in the complaint without requiring that an order to show cause or notice of motion be served on the defendant.