

12/30/63

Memorandum 64-5

Subject: Study No. 52(L) - Sovereign Immunity

As you know, Professor Van Alstyne is preparing a book for Continuing Education of the Bar on the 1963 governmental tort liability. In preparing his book, he has discovered a number of technical "bugs" in the legislation enacted upon recommendation of the Commission.

The staff suggests that a research contract be made with Professor Van Alstyne to prepare a report on the necessary amendments to the 1963 legislation to correct technical "bugs." If possible, this would be the basis for a brief report in our Annual Report on Sovereign Immunity. This report would state the necessary amendments to the 1963 legislation. We would not print the Van Alstyne report to us, although we would give him credit as a research consultant. If time does not permit the Commission to consider this matter in time for the 1965 session, the report would be made available to Senator Cobey so that he could author a corrective bill.

We do not believe that it would require a substantial amount of Professor Van Alstyne's time to prepare the report. Hence, we recommend that the proposed contract be for \$500.

We would hope that the legislation resulting from the report contemplated by the proposed contract would be noncontroversial.

Accordingly, it is recommended that the Chairman be authorized to enter into a research contract with Professor Van Alstyne in the amount of \$500 to prepare the report outlined above. We have not discussed the matter with Professor Van Alstyne.

Respectfully submitted,

John H. DeMouly
Executive Secretary