

8/18/69

Third Supplement to Memorandum 69-85

Subject: Suggested New Topics

The attached letter is pertinent to the new topics suggested in the Second Supplement to Memorandum 69-85.

Respectfully submitted,

John H. DeMouilly

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Mr. John H. DeMouilly
 Executive Secretary
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Dear Mr. DeMouilly:

I received a copy of Mr. Boucher's letter to you concerning the repeal of Civil Code section 715.8 and Probate Code section 41.

Harold's view about Probate Code section 41 is quite appealing at first blush. The Beverly Hills Bar Probate Committee, of which I was chairman, studied this section at some length a year or two ago. While the repeal of this section has great merit in simplifying lawyers lives, our committee was quite concerned that people on their death bed might prepare wills for charitable organizations or religious institutions without the aid of lawyers. These people might well make an ill-advised bequest in favor of charity disregarding their relatives at a time when they are thinking too emotionally or not thinking at all. Thus we felt there is a lot of merit to keeping at least the portion of section 41 which deals with wills executed a short period before death. I would also feel that section 41 should not be lightly repealed without considering some of the policy problems involved.

Sincerely,


 John R. Cohan
 of IRELL & MANELLA

JRC:rs
 CC: Harold Boucher