

August 30, 1955

Memorandum No. 4

Subject: Progress Report on Items on  
Current Calendar of Topics  
for Study.

Topics Assigned to Research Consultants. Pursuant to authority given us at the meeting of June 25, the Chairman and I have retained Research Consultants to prepare reports on Topics as follows (the Topic numbers used herein are those given the Topics in Res. Ch. 207, as discussed in my letter to you of August 4):

<u>Topic No.</u>	<u>Subject</u>	<u>Consultant</u>	<u>Compensation</u>
→ 1	Restraints on Alienation	Prof. Turrentine - Stanford	\$ 1,000
→ 2	Proof of Foreign Law	Dean Hogan - Hastings	750
→ 3	Dead Man Statute	Prof. Chadbourn - UCLA	750
→ 4	Survival tort actions arising elsewhere	Prof. Sumner - UCLA	500
→ 5	Prob. Code § 201.5	Harold Marsh - Atty. S.F.	750
→ 6	C.C.P. § 660	Prof. Barrett - Boalt	500
→ 10	Penal Code § 19A	Thomas Cochran - Dept. D.A. L.A.	750
→ 13	Parties on Cross Actions	Prof. Howell - USC	750
→ 14	Administrator in Quiet Title Action	Prof. Maxwell - UCLA	500

With these appointments our Research Consultant program is complete except for whatever arrangements we make for the Inheritance and Gift Tax study, discussed below.

Each of the Consultants has been informed that his work will be supervised by a committee of Commission members. Each has been asked to prepare within the next few weeks a brief preliminary report outlining the problem as he sees it and the way in which he proposes to proceed, to be discussed with the committee assigned to his Topic (I will be happy to sit in on any of these discussions where this is desired by the committee). I anticipate that committees will be appointed and preliminary meetings with Consultants scheduled shortly after the September meeting. As discussed at our last meeting, our aim will be to have all of these studies completed by the Commission and ready for distribution to interested persons in the State by not later than June 1, 1956. I have suggested to the various Consultants that we would hope to have their reports by dates which range, depending on the circumstances of each of them, from December 1, 1955 to April 1, 1956.

Topics Assigned to Commission Staff. Topics 7, 8, 9, 11, 12, 15 and 16 have been assigned to the Commission staff. We have worked out a schedule for their completion which looks, as of now, to be possible of accomplishment by June 1, 1956. However, pressure of other work - Agenda, administration of Research Consultant studies, etc. - may make it necessary later to retain Research Consultants on some of these. We hope to complete the first staff report for distribution to the Commission prior to the September meeting so that it can, if satisfactory, be distributed to our Research Consultants as a model of the kind of report the Commission wants.

Fish and Game Code Study. As I reported in my letter of August 4, we have entered into a contract with the Legislative Counsel under which he will prepare a draft revision of the Fish and Game Code for the Commission, to be submitted to us by February 1, 1956, at a cost not to exceed \$5,000. The man assigned to this job will, we believe, receive the full cooperation of the Department of Fish and Game.

Inheritance and Gift Tax Law study. Pursuant to the Commission's instruction, the Chairman requested the State Bar to give the Commission its view with respect to the feasibility and scope of the study required by Res. Ch. 205. Mr. Jack Hayes, Secretary of the State Bar has reported to us that at its August meeting the Board of Governors of the State Bar referred the matter to its Committee on Taxation with a request that it cooperate fully with the Commission. As I reported in my letter of August 4, I have talked to Mr. James W. Hickey, Chief of the Division of Inheritance and Gift Taxes about the study and received his promise of cooperation. We hope to be able to pursue these contacts further and to have a recommendation concerning this assignment upon which the Commission can act at the September meeting.

Respectfully submitted,

John R. McDonough, Jr.  
Executive Secretary