

March 27, 1958

Memorandum No. 3

~~Memorandum to Law Revision Commission~~

Subject: Situation Report

Attached is a status report on current studies.

It now appears to me that we should be able to make reports to the 1959 Session of the Legislature on the following nineteen studies:

11. Corp. Code §§ 2201, 3901 (Sale of Assets).
16. Planning Procedure where no planning commission.
19. Penal and Vehicle Code Overlap.
20. Guardians for Nonresidents.
21. Confirmation Partition Sales.
22. Cut-off Date, Motion New Trial.
23. Rescission Contracts.
24. Mortgages Future Advances.
25. Probate Code § 259 (Right Nonresident Aliens to Inherit).
31. Doctrine Worthier Title.
33. Survival Tort Actions.
- 37(L). Claims Statute
38. Inter-vivos Rights 201.5 Property.
44. Suit Common Name.
45. Rights Unlicensed Contractor.
50. Rights Lessor on Abandonment.
- 55(L). Additur.
- 56(L). Narcotics Code.
- 58(L). Grand Jury Law Codification.

It is predictable that for one reason or another we will not be able to complete one or more of the studies in this list for the 1959 Session but I think that we should be able to report on a very high proportion of them.

I believe that we will not be able to report on the following twelve studies:

29. Post-Conviction Sanity Hearings -- Professor Louisell has requested extension of reporting date.
- 34(L). Uniform Rules of Evidence.
- 35(L). Habeas Corpus -- Not yet reassigned to new research consultant.
- 36(L). Condemnation.
39. Attachment, Garnishment, etc. -- We anticipated need for much work in second phase of study.
40. Notice of Alibi -- Not yet assigned.
43. Separate Trial on Insanity -- Professor Louisell has requested extension of reporting date.
47. Civil Code § 1698 (Modification of Contract) -- Not yet assigned.
- 57(L). Bail -- Not yet assigned.
59. Notice by Publication -- Will be approved for study by 1958 Session.
60. Representation Credit Third Person -- Will be approved for study by 1958 Session.
61. Election of Remedies -- Will be approved for study by 1958 Session.

The following twelve studies may or may not be completed in time for report to the 1959 Session:

26. Law Governing Escheat.
27. Rights Putative Spouse.
30. Custody Jurisdiction.

- 32. Arbitration.
- 41. Small Claims Court Law.
- 42. Rights Good Faith Improver Property.
- 45. Mutuality Specific Performance.
- 46. Law of Arson.
- 48. Juvenile's Right to Counsel.
- 51. Right Wife to Support after Divorce.
- 52(L). Sovereign Immunity.
- 54(L). Use Term "Ward of Juvenile Court."

The research reports for this group of studies are due during the summer months of 1958. Most of the studies are presently scheduled for consideration by the Commission in August or September, two are scheduled for consideration in September or October and one is scheduled for consideration in October or November. It seems doubtful to me that we would be able to complete any study in time to report to the 1959 Session which was not considered and disposed of by the Commission not later than its September meeting; even this will allow little time for consideration by the State Bar. All things considered, I think that we would do very well indeed to be able to report on as many as five of the studies in this group to the 1959 Session.

Respectfully submitted,

John R. McDonough, Jr.
Executive Secretary

JRM/j

March 27, 1958

STATUS OF CURRENT STUDIES

| Study No. | Subject | Topic Description Report and Number | Research Consultant | Due Date of Report | Tentative Date for Commission Consideration |
|-----------|--------------------------------------|-------------------------------------|---------------------|--------------------|---|
| 11 | Corp. Code §§ 2201, 3901 | '55-15 | Staff(LRL) | Apr. '58 | May '58 |
| 16 | Planning Proc. | '55-23 | Staff(MM) | Apr. '58 | May '58 |
| 19 | Penal and Vehicle Code Overlap | '56-1 | Harris | Rec'd | Apr. '58 |
| 20 | Guardians for Nonresidents | '56-2 | Staff(LRL) | June '58 | July/Aug. '58 |
| 21 | Confirmation Partition Sales | '56-3 | Staff(LRL) | June '58 | July/Aug. '58 |
| 22 | Cut-off Date, Motion New Trial | '56-4 | Pickering | Rec'd | Apr. '58 |
| 23 | Rescission Contr. | '56-5 | Sullivan | Rec'd | Apr. '58 |
| 24 | Mort. Fut. Adv. | '56-6 | Merryman | Rec'd | Apr. '58 |
| 25 | Prob. Code § 259 | '56-7 | Horowitz | Rec'd | Completed |
| 26 | Law Governing Escheat | '56-8 | Staff(JRM) | July '58 | Aug./Sept. '58 |
| 27 | Rights Putative Spouse | '56-9 | Mann | July/Aug. 1958 | Aug./Sept. '58 |
| 28 | Condemnation (consolidated with #36) | '56-10 '55-J | | | |
| 29 | Post-Conviction Sanity Hearings | '56-11 | Louisell | May '59 | June/July '59 |
| 30 | Custody Jurisdiction | '56-12 | Kingsley | | |
| 31 | Doctr. Worthier Title | '56-13 | Verrall | Rec'd | Completed |
| 32 | Arbitration | '56-14 '55-K | Kagel | July/Aug. | Aug./Sept. '58 |

| Study No. | Subject | Topic Description Report and Number | Research Consultant | Due Date of Report | Tentative Date for Commission Consideration |
|-----------|--|-------------------------------------|------------------------|--------------------|---|
| 33 | Survival Tort Actions | '56-15 '55-8 | Killion | Rec'd | May '58 |
| 34(L) | Uniform Rules Evid. | | Chadbourn | Monthly | Monthly |
| 35(L) | Habeas Corpus | | | | |
| 36(L) | Condemnation | *'56-10 '55-J | Hill, Farrer & Burrill | Apr. '58 | May '58 |
| 37(L) | Claims Statutes | *'55-13 | Van Alstyne | Rec'd | Apr. '58 |
| 38 | Inter-vivos Rights 201.5 Property | '57-1 '55-6 | Marsh | Apr./May | May/June '58 |
| 39 | Attachment, Garnish- ment, Prop. Exempt Exec. | '57-2 | Riesenfeld | Aug./Sept. | Sept./Oct. '58 |
| 40 | Notice of Alibi | '57-3 | | | |
| 41 | Small Claims Court Law | '57-4 '55-10 | Staff | July/Aug. | Aug./Sept. '58 |
| 42 | Rights Good Faith Improver Property | '57-5 | Merryman | Aug. '58 | Sept./Oct. '58 |
| 43 | Separate Trial on Insanity | '57-6 | Louisell | May '59 | June/July '59 |
| 44 | Suit Common Name | '57-7 | Crane | Rec'd | Apr. '58 |
| 45 | Mutuality Spec. Performance | '57-8 | Evans | July/Aug. 1958 | Aug./Sept. '58 |
| 46 | Arson | '57-9 | Packer | Aug. '58 | Sept./Oct. '58 |
| 47 | Civil Code § 1698 (Modification of Contract) | '57-10 | | | |
| 48 | Juvenile's Right to Counsel | '57-11 | Sherry | July '58 | Aug./Sept. '58 |
| 49 | Unlicensed Contractor | '57-12 | Sumner | Rec'd | Apr. '58 |
| 50 | Rights Lessor on Abandonment | '57-13 | Verrall | Apr. '58 | May/June '58 |

| Study No. | Subject | Topic Description Report and Number | Research Consultant | Due Date of Report | Tentative Date for Commission Consideration |
|-----------|---|-------------------------------------|----------------------------|--------------------|---|
| 51 | Right Wife to Support after Divorce | '57-14 | Horowitz | Sept. '58 | Oct./Nov. '58 |
| 52(L) | Sovereign Immunity | *'55-H | Van Alstyne | Aug. '58 | Sept./Oct. '58 |
| 53(L) | Personal Injury Damages as Pers. Property | *'55-F | (Suspended for time being) | | |
| 54(L) | Use Term "Ward Juvenile Court" | | Sherry | July '58 | Aug./Sept. '58 |
| 55(L) | Additur | | Pickering | July '58 | Aug./Sept. '58 |
| 56(L) | Narcotics Code | | Legislative Counsel | Rec'd | Apr. '58 |
| 57(L) | Law Relating to Bail | | | | |
| 58(L) | Grand Jury Law Codification | | | | |
| 59 | Notice by Publication | '58-1 | | | |
| 60 | Rep. Credit 3rd Person | '58-3 | | | |
| 61 | Election of Remedies | '58-4 | | | |