

February 18, 1957

Memorandum No. 5

Subject: 1957 Bound Volume

As you know, the Commission has decided to bind in a single volume each year the Report of the Commission to the Governor and the Legislature and the several pamphlets containing the Commission's recommendations and studies on topics completed during the year. Our plan has been to bind 500 annual volumes and for this purpose the State Printer has retained at his plant 500 copies of each of the recommendation and study pamphlets printed this year. Our request to the Department of Finance for additional printing funds this fiscal year (1956-57) included a request for \$1,200.00 for binding and \$400.00 for printing an index and tables for inclusion in the bound volume. If this request is approved, we will be in a position to direct the State Printer to begin binding this year's volume at once. It is, therefore, necessary that the Commission decide at the March meeting several questions which have arisen regarding the bound volume. These are the following:

A. Color of Binding: As you know, the first three annual reports of the Commission and the pamphlets containing the recommendations and studies have been bound with the same light blue cover. If the Commission wishes to adopt this light blue as its identifying color, the bound volume should probably also be that color, or as close to it as can be obtained. However, the Commission may wish to adopt a different identifying color or to have a different color on its bound volumes than on its pamphlets.

B. Inclusion of the 1955 and 1956 Annual Reports: Since this will be the first bound volume compiled by the Commission, it might be desirable to

include in it and thereby preserve in permanent form the Commission's 1955 and 1956 annual reports, as well as the 1957 report. If this were done, the bound volumes would contain a complete record of the Commission's printed documents. Moreover, inclusion of the earlier reports would lend added meaning to the bound volumes by including in them the original topic descriptions of topics originating in the 1955 and 1956 calendars of topics selected for study, which would be of particular value in considering the Commission's recommendations and studies on those topics.

We have enough copies of the 1955 and 1956 reports on hand to use 500 of each for inclusion in the bound volume and still have an adequate number available to meet later requests.

The chief difficulty in including the 1955 and 1956 reports in the 1957 volume would be pagination. Each report has a straight numerical pagination, beginning with page one, and it would be necessary to differentiate them in the index and tables (see discussion below) by reference to their date; i.e. "1955-1, 1956-1, 1957-1". (The recommendations and studies, of course, are differentiated by their letter designation, i.e. "A-1, B-1, C-1, etc."). It would not be possible, however, to find, for example, page ten of the 1956 report without first leafing through the volume and finding page one of the 1956 report.

Note: The New York Law Revision Commission compiled a bound volume the first year after its creation and so did not have this problem.

C. Topical Index and Tables: Our present plan is to compile a detailed topical index for each bound volume of all material included there, including the annual report as well as the several recommendations and studies. We also plan to compile a table of statutes affected by Commission recommendations. The question is whether these two keys to the material in the volume will be adequate

or whether additional tables or indexes are necessary. The following specific matters are presented for the Commission's consideration:

1. Most law reviews publish annually, in addition to a topical index, a table of cases cited. The New York Law Revision Commission includes in its bound volume a table of all cases cited in the text, or discussed in the text or footnotes, and all New York cases cited. This table in the New York volumes has run sometimes as long as 31 printed pages. The average is probably about 16 printed pages. We believe, however, that it is quite doubtful that the utility of a table of cases justifies the difficulty and particularly the expense of preparing and printing it.

2. In addition to a table of cases and a topical index, the New York Commission has in its last two volumes also included a table of statutes cited. We believe that the justification for such a table is as doubtful as that for a table of cases. Moreover, our proposed table of statutes affected by Commission recommendations would seem to furnish a sufficient research tool to one seeking an entree to our materials through a code section alone.

3. In 1952 the New York Commission included, in addition to its regular topical index, a separate topical index of recommendations and communications to the Legislature and in 1953 it added a third topical index of recommendations enacted into law. There would seem to be little justification for such duplication.

D. Legislative History: The New York Commission does not bind its annual volume until after the legislative session. It includes two appendices, one giving the legislative history of each measure introduced pursuant to a recommendation contained in the volume, and the second reproducing verbatim each chapter enacted pursuant to a recommendation. The volume thus contains a complete

record of the ultimate disposition of each recommendation. This is particularly valuable when the Commission's measures have been amended before being enacted.

Although a similar set of appendices would be equally valuable in our volume it does not appear feasible for us to delay the preparation of our volume until after the Legislature has acted upon our bills this Session. We understand that the emergency appropriation from which the money to bind the volumes is coming must be expended before next July 1, and it is doubtful that the manuscript could be prepared, printed and bound after the Session is over and before July 1.

Respectfully submitted,

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Executive Secretary