

7/26/57

Memorandum No. 6

Subject: General status report on
current study program.

As is shown on the attached list, the Commission has an "inventory" of 41 studies on hand. I take it that our present goal is to complete all of these in time to report to the 1959 Session of the Legislature. The following is a general summary of their status as of the time this memorandum is written:

1. Two studies have been the subject of preliminary studies by research consultants which have been completed and considered by the Commission; further studies may be made:

Study No. 29 - Habeas Corpus; preliminary study made of Uniform Post-Conviction Procedure Act.

Study No. 32 - Arbitration; preliminary study made of Uniform Arbitration Act.

2. In the case of two studies, the research consultant's study has been received and considered by the appropriate committee and the study and committee report will be considered by the Commission at the August, 1957 meeting:

Study No. 24 - Mortgages for future advances.

Study No. 31 - Doctrine of worthier title.

3. In the case of one study, the research consultant's study has been received and considered by the appropriate committee and the committee report is ready for consideration by the Commission but additional editorial work is being done by the research consultant on the study:

Study No. 37 - Claims statutes.

7/26/57

4. In the case of four studies, the research consultant's study has been received and is now under consideration by the appropriate committee:

Study No. 23 - Rescission of contracts.

Study No. 25 - Probate Code §§ 259 - 259.2

Study No. 30 - Jurisdiction of custody proceedings.

Study No. 34 - Uniform Rules of Evidence (three reports covering a part of the study are in hand).

5. Three studies have been assigned to research consultants who have not yet reported:

Study No. 27 - Rights of putative spouse.

Study No. 33 - Survival tort actions

Study No. 36 - Condemnation

6. Three studies have been assigned to the staff which has not yet reported:

Study No. 11 - Corp. Code §§ 2201, 3901

Study No. 16 - Planning Procedure

Study No. 26 - Escheat

7. Twenty-six studies have not yet been assigned either to a research consultant or the staff:

19	38	43	48	53	58
20	39	44	49	54	
21	40	45	50	55	
22	41	46	51	56	
29	42	47	52	57	

7/26/57

In the right-hand column on the attached list I have indicated the cost of the studies assigned or to be assigned to research consultants. The figures having double and triple asterisks behind them are subject to revision and the August 1957 meeting would be an appropriate time for an expression of views on this matter by members of the Commission.

It would be desirable for the Commission to adopt a resolution at the August meeting authorizing the Chairman to enter into contracts with qualified research consultants to have unassigned studies on hand made. I should think, however, that the Chairman should not be limited in contracting to any specific sum for any specific contract. I recommend that the resolution also authorize the Chairman to enter into such further contracts with Stanford University, similar to those negotiated heretofore, as may from time to time be required.

We have begun a search for potential research consultants for the studies not yet assigned by writing to all law professors at California, UCLA, USC, Hastings and Stanford, sending a list of the unassigned studies and inviting an expression of interest in doing them. We have had several encouraging replies to date and I believe that we will be able to get several of the studies under way shortly. It will probably take some time however to complete arrangements for all of them. If members of the Commission have suggestions as to who might be invited to do particular studies, I would, of course, be very happy to have them.

Most of the studies present no problem other than getting them under way and completed. However, several present special problems which ought

7/26/57

to be considered at the August 1957 meeting. Each of these is the subject of an individual memorandum on the agenda for the meeting.

Respectfully submitted,

John R. McDonough, Jr.
Executive Secretary

JRM:fj

7/26/57

Current Study Program
California Law Revision Commission

Item No. on this list.	Official Study No.	Subject	Research Consultant	Honorarium
1	11	Corp. Code §§ 2201, 3901	Staff	\$ --
2	16	Planning Procedure	Staff	--
3	19	Penal & Vehicle Code Overlap		300 **
4	20	Guardians for Nonresidents		300 **
5	21	Confirmation Partition Sales		300 **
6	22	Cut-off date motion new trial		300 **
7	23	Rescission contracts	Sullivan	800 *
8	24	Mortgages Future Advances	Merryman	800 *
9	25	Prob. Code § 259 et. seq.	Horowitz	600 *
10	26	Escheat - What Law Governs	Staff	--
11	27	Putative Spouse	Mann	800 *
12	29	Post-Conviction Sanity Hearings		870 **
13	30	Custody Jurisdiction	Kingsley	800 *
14	31	Doctrine Worthier Title	Verrall	500 *
15	32	Arbitration (to be made in two parts)	Kagel	1,000 * 750 **
16	33	Survival Tort Actions	Killion	600 *

* Honorarium provided in existing contract; these total \$13,050.

** Estimate of cost of study made by Chairman and Executive Secretary at time of submitting budget for 1957-58; these total \$20,270.

*** Tentatively allocated by Executive Secretary from \$5,000 provided in 1957-58 budget for studies assigned by Legislature.

7/26/57

Item No. on this list.	Official Study No.	Subject	Research Consultant	Honorarium
17	34(L)	Unif. Rules Evidence (to be made in two parts)	Chadbourn	\$ 3,750 * 3,750 **
18	35(L)	Habeas Corpus (to be made in two parts)	Selvin	900 * 750 **
19	36(L)	Condemnation (to be made in two parts)	Hill, Farrer & Burrill	1,500 * 1,500 **
20	37(L)	Claims Statutes	Van Alstyne	1,000 *
21	38	Inter Vivos Rights 201.5 Property		750 **
22	39	Attachment, Garnishment, Execution		2,500 **
23	40	Notice of Alibi		300 **
24	41	Small Claims Court Law		1,500 **
25	42	Rights Good Faith Improver Property		600 **
26	43	Separate Trial Issue Insanity		800 **
27	44	Suit in Common Name		500 **
28	45	Mutuality re Specific Performance		600 **
29	46	Arson		800 **
30	47	Civil Code § 1698 (Contract in writing)		600 **
31	48	Juvenile Court Proceedings		600 **
32	49	Rights of Unlicensed Contractor		500 **
33	50	Rights of Lessor Upon Aban- donment by Lessee		600 **
34	51	Right of Wife to Sue for Support After Ex Parte Divorce		800 **
35	52(L)	Sovereign Immunity		800 ***

7/26/57

Item No. on this list.	Official Study No.	Subject	Research Consultant	Honorarium
36	53(L)	Whether Personal Injury Damages Should be Separate Property		\$ 600 ***
37	54(L)	Whether to Make Term "Ward of Juvenile Court" Inapplicable to Non- delinquent Minors		500 ***
38	55(L)	Whether Trial Court Should Have Power to Deny New Trial on Condition Damages Increased		500 ***
39	56(L)	Advisability of Separate Code for Narcotics Laws with Needed Substantive Revision from a Health and Law Enforcement Standpoint		1,000 ***
40	57(L)	Revision of Law Relating to Bail		1,000 - 1,200 ***
41	58(L)	Feasibility of Codifying and Clarifying Without Making Substantive Change Provisions of Law and Other Legal Aspects Relating to Grand Juries into One Title, Part, Division or Chapter of One Code.		600 ***