

5/3/61

Memorandum No. 14 (1961)

Subject: Publication of research studies.

1. Request of Consultant To Publish Certain Research Studies.

Professor David Louisell has again requested authority to publish in a law review the two studies he prepared for the Law Revision Commission: (1) Separate trial on the issue of insanity in criminal cases, and (2) Post-conviction sanity hearings. The Governor has created a special commission to study the problem of insanity in criminal cases. For this reason, you will recall, the Law Revision Commission some time ago decided not to take up the consideration of the two studies listed above. We are advised that the Governor's commission will take up these problems and that the publication of our consultant's studies now would be of considerable assistance to the Governor's commission. We have encumbered funds to print these studies at state expense but the authority to expend the funds will expire before we would be in a position to print them.

2. Publication of Study on Incidental Business Losses in Eminent Domain Proceedings. The experience we have had during the current legislative session with our recommendation concerning moving expenses in eminent domain proceedings indicates that it would not be possible to secure the enactment of legislation authorizing payment of incidental business losses in eminent domain proceedings. Accordingly, the staff presents to the Commission the question as to whether we should publish

the consultant's study on this subject without any recommendation of the Commission relating thereto. We have encumbered funds for the printing of this study but our authority to print the study from these funds will expire at the end of May 1962. If we want to publish the study, we should make the decision now so that we can edit the manuscript and prepare it for the printer in time to meet the May 1962 deadline.

Respectfully submitted,

John H. DeMouilly
Executive Secretary