

#45

5/11/64

Memorandum 64-35

Subject: Research Services

Study No. 45--Whether the law relating to the doctrine of mutuality of remedy in suits for specific performance should be revised. A number of years ago we made an agreement with Dean Orrin B. Evans to prepare a research study on this topic. He failed to prepare the study within two years after the agreement was made and the funds reverted to the General Fund. We made a new agreement giving him more time to complete the study, but he has failed to prepare the study, and the funds encumbered to pay for the study have reverted to the General Fund. He has decided that he will not be able to prepare a study on this subject, and he has signed an agreement terminating his obligation to prepare the study and terminating the State's obligation to pay for the study when completed. (We will not be considering this subject in the near future, and we will need to use funds available for expenditure in the future to finance the research study.)

Accordingly, we request that the Commission approve the termination of Agreement Number 1960-61(9), dated June 15, 1961, and that the Chairman be authorized to execute an agreement on behalf of the Commission terminating the 1961 agreement.

Indexing of Volume 6. We plan to publish Volume 6 (containing the nine tentative recommendations relating to the

Uniform Rules of Evidence) prior to the 1965 legislative session if we have funds available to publish the volume at that time. Volume 6 will have approximately 1,100 pages. The staff will not have time to prepare an index for this volume, although we do plan to prepare various tables that will be included in the volume.

We have not been completely satisfied with the indexes prepared for previous volumes and have attempted to find a new indexer. Mrs. Margaret Loftus, who has indexed volumes for the Continuing Education of the Bar, has agreed to index Volume 6 for \$800.00. This is less than we have paid for comparable services in the past, but she is completely satisfied with \$800.00.

Accordingly, we request that the Commission approve the execution of an Agreement with Mrs. Loftus covering the indexing of Volume 6, and that she be paid \$800.00 for the indexing of this volume. We further request that the Chairman be authorized to execute the agreement on behalf of the Commission.

Respectfully submitted,

John H. DeMouilly
Executive Secretary