

11/4/69

First Supplement to Memorandum 69-126

Subject: Status of Topics (Topics Under Study by Other Law Reform Bodies)

The Commission has indicated a desire to have a listing of topics under study by other law reform bodies. The following listing is based on the latest annual report from law reform bodies in the United States and, in the case of other law reform bodies, the listing is taken from List of Official Committees, Commissions and Other Bodies Concerned with the Reform of the Law (Institute of Advanced Legal Studies, University of London, Fifth Edition, August 1969).

New York Law Revision Commission

Recommendations presented in 1969:

1. Recommendations enacted:
  - Derivative actions by limited partners
  - Effectiveness of recording option agreement to purchase or lease real property
  - Right of surety to compel creditor to proceed against the principal debtor
  - Removal of federal tax lien files from town clerk's offices to county clerk's offices
  - Service of process on unauthorized foreign corporations
  - Privileged communications of psychologists and social workers
2. Recommendations that did not become law:
  - Conforming changes to reflect enactment of Uniform Commercial Code (vetoed by Governor)
  - Liability of housing merchants for personal injuries and breach of warranty (not passed by Legislature)
  - Bonds to be tendered by housing merchants with deeds or other instruments of conveyance (not passed by Legislature)
  - Filing notice of claim under motor vehicle accident indemnification corporation law (not passed by Legislature)
  - Conservators of property of persons unable to manage their affairs (not passed by Legislature)
  - Standardization of labor and material payment bonds for private improvements (not passed by Legislature)

Work in progress:

1. Administrative law and procedure: procedures relating to zoning, planning, and urban renewal.

2. In rem jurisdiction
3. Revision of consolidated laws to transfer provisions to more appropriate chapter or to a new chapter: consolidation of real property law and personal property law
4. Power of trustees and other fiduciaries to act by majority vote
5. Relief for persons who erect structures under mistaken assumption they are fee owners of building site
6. Abandoned property
7. Lost and found property
8. Contracts for instruction or use of physical or social training facilities: clarification of statutes

Proposals for future consideration (on calendar but not yet being studied):

1. Compensation when property taken by eminent domain: items of damage; valuation of separate interests in property taken; distribution of award
2. Incompetency: authority of committee of incompetent to lease real property; effect of execution of lease before commencement of term
3. Incompetency: provision by which person committed as incompetent, or his relatives, could obtain specific particulars of diagnosis and symptoms on which they are based
4. Degree of mental capacity necessary for execution of contract
5. Formal errors and irregularities in statutes
6. Workmen's Compensation Law: public filing of compensation award, priority of interest of bona fide purchaser of real property under conveyance recorded before public filing
7. Right of privacy: application to use of name of deceased person; unauthorized publication of private letter
8. Actions between parents and children: parent's immunity from liability for torts against children
9. Contract to obtain policy of life insurance: right of person who was to have been named beneficiary to damages for breach
10. Conversion of intangibles
11. Consent to cancellation of mechanics' liens to permit conveyance of real property
12. Malicious prosecution: interference with person or property as necessary element
13. Responsibility of unincorporated association for acts of its officers
14. Uniform security requirements for various bank deposits
15. Registration and enforcement of foreign judgments
16. Creation of joint tenancies: abolition of the "four unities" requirement
17. Remedy to prevent premature publication of information about kidnapping
18. Automobile liability insurance: payment of or offer to provide for medical expenses as admission of liability
19. Short statute of limitations for violation of building codes and zoning ordinances with reference to front and side yard restrictions

20. Real Property Law, § 311(2): authentication of notary's signature on documents notarized outside the state; reciprocity between states
21. Real Property Law, § 223: liability for breach of covenants for title where property or lease is transferred
22. Landlord and tenant: implied warranty of title in assignment of leasehold
23. State Finance Law, § 137: application to subcontractors of subcontractors

#### Michigan Law Revision Commission

##### Recommendations submitted:

1. Administrative procedure act
2. Jury selection act
3. Stockholder liability for labor debts
4. Recrimination in divorce
5. Quo warranto
6. Trustees' powers
7. Emancipation of minors
8. Guardian ad litem
9. Land contract
10. Contribution among joint tortfeasors
11. Powers of appointment
12. Limitations on possibilities of reverter and rights of entry
13. Dead man's statute
14. Corporations as partners
15. Corporation use of assumed names
16. Stockholder action without meeting
17. Stockholder approval of mortgaging assets
18. Appeals from probate courts

##### Recommendations on current study agenda:

1. Condemnation law and procedures
2. Interpleader where insurance coverage is insufficient
3. Court costs
4. Local administrative procedure act
5. Uniform single publication act
6. Joint estates in real and personal property
7. Interspousal and parental immunity from torts.
8. Partial subrogation in accident cases
9. Mechanics' liens
10. Access to adjoining property to improve one's own property
11. Venue

##### Topics for future study:

1. Evidence Code

2. Probate code
3. Corporation code
4. Realty broker's commissions
5. Antenuptial agreements
6. Tax refund procedures
7. Notice of change in assessment
8. Disposition of automobile accident cases

#### Oregon Law Improvement Committee

##### Projects completed 1965-69:

1. New Probate Code (enacted)
  2. Partition of real property
  3. Homestead exemption from execution
  4. Terminology inconsistent with Uniform Commercial Code
  5. Conveyances of real property
  6. Domestic relations suits
  7. Joinder of causes and parties
  8. Limitation of actions for radiation injuries
  9. Satisfaction of judgments
  10. Forestry law - comprehensive revision
  11. Revocation of will by marriage, divorce, or annulment
  12. Insurance law - comprehensive revision
  13. Notaries public - comprehensive revision
- and other minor projects

##### Future projects:

1. Public utilities and carriers - comprehensive revision
2. Banks and trust companies - comprehensive revision
3. Liens
4. Evidence
5. Real property
6. Administrative procedures
7. Procedure for appeals from minor courts to circuit courts
8. Statutory law on arbitration
9. Supervision of handling of cemetery funds
10. Enforcement of property settlement and support determinations
11. Statute of frauds
12. Summary judgments
13. Statute of limitations against state
14. Obsolete laws relating to married persons
15. Motor vehicle rights of way on highways
16. Pawnbrokers and pawnshops
17. Public records
18. Handling of small trust estates with minor children as beneficiaries
19. Statutory sales by trustees
20. Venue of actions and suits

Note: First six are priority projects

Louisiana State Law Institute

Current projects:

1. Revision of Constitution by articles or major areas
2. Mineral law
3. Revision of Civil Code Provisions: Of Things and of the Different Modifications of Ownership
4. Uniform Commercial Code
5. Continuous statutory revision (keeping code up-to-date on codes previously adopted on recommendation of Institute)
6. Evidence Code

Institute of Law Research and Reform (Canada - Province of Alberta)

Publications:

1. Compensation of victims of crime
2. Powers of personal representatives to grant options

Work in Progress:

1. Occupiers liability
2. Limitations
3. Perpetuities
4. English statutes in force in Alberta
5. Family court
6. Family relief act
7. Expropriation (condemnation)
8. Co-tortfeasors and contributory negligence
9. Public inquiries act

Ontario Law Reform Commission (Canada - Province of Ontario)

Publications:

1. The wages act: assignment of wages
2. Proposed extension of guarantor's liability on construction bonds
3. Condominiums
4. Supplementary report on the mechanics' lien act

5. Basis for compensation on expropriation
6. Limitation period for actions under railway act
7. Certain aspects of the proposed divorce legislation
8. Uniform wills act
9. Protection of privacy in Ontario
10. The insurance act (commutation)
11. Trade sale of new houses and the doctrine of caveat emptor
12. Interim report on landlord and tenant law applicable to residential tenancies
13. Limitation of actions

Work in Progress:

1. Family law
2. Limitation of actions
3. Law of property
4. Enforcement of judgment debts
5. Compensation for personal injuries (motor vehicle operation)
6. Evidence
7. Age of majority
8. Crown immunity and the defense of statutory authority
9. Admissibility of certificate of conviction in criminal case as evidence in subsequent civil proceeding
10. Expunging records of conviction for provincial offenses

Civil Code Revision Office (Canada - Province of Quebec)

Publications:

1. Legal position of married woman
2. Adoption
3. Solemnization of civil marriage
4. Civil rights
5. Matrimonial regimes
6. Rights of parents and natural children
7. Judgments in declaration of death

Work in Progress:

1. Revision of Civil Code

Law Revision Committee (West Indies - Bahamas)

Work in Progress:

1. Condominiums
2. Restrictive covenants
3. Real property
4. Company law

Law Reform Committee (West Indies - Jamaica)

Recommendations:

1. Road traffic law
2. Judiciary proceedings
3. Frustrated contracts
4. Limitation of actions
5. Bankruptcy
6. Indecent Assault
7. Functions of judicial officers
8. Occupiers' liability law
9. Marine insurance
10. Divorce law

Standing Committee of Commonwealth and State Attorneys-General (Australia)

"The Committee has achieved a degree of uniformity throughout Australia in legislation on hire-purchase, companies, maintenance, adoption, transfer of marketable securities, photographic evidence, formal validity of wills, aerial spraying and rainmaking."

Law Reform Commission of New South Wales (Australia - State of New South Wales)

Publications:

1. Habeas corpus
2. Legal practitioners act
3. Limitations of actions
4. Application of Imperial Acts
5. Options on leases
6. Defamation
7. Occupiers' liability
8. Covenants in restraint of trade

Work in Progress:

1. Supreme Court procedures and fusion of law and equity
2. Review local statute law
3. Administrative procedure, including Ombudsman
4. Modern statute interpretation act
5. Law of infancy and contracts, disposition of property, etc.
6. Law and procedures in claims for damages for personal injuries
7. Libel and slander
8. Testator's family maintenance
9. Codification of law of contracts
10. Evidence
11. Sale of goods
12. Leases
13. Occupiers of land

14. Limitation of actions
15. Damage caused by or to animals
16. Actions by and against the Crown
17. Coroners
18. Mortgages of personal property
19. Conflict of laws in contract actions where contract unlawful
20. Covenants affecting land
21. Covenants in restraint of trade

Chief Justice's Law Reform Committee (Australia - State of Victoria)

Publications:

1. Tort between husband and wife
2. Administration and probate act of 1958
3. Chattell mortgages
4. Crimes Act 1958
5. Corporate bodies contracts
6. Reform of rule against perpetuities and accumulations
7. Motor manslaughter
8. Matrimonial causes act
9. Restrictive covenants
10. Suicide
11. Damages by way of periodic payments
12. Local government--disqualification of councillors
13. Administrative tribunals
14. Limitation of actions (personal injuries)
15. Instruments act

Work in Progress:

1. Abolition of certain ancient criminal offenses
2. Sale of land by trustees and others
3. Hearsay evidence in civil proceedings
4. Misrepresentation
5. Arrest without warrant
6. Unrepresented accused--caution to
7. Justices act
8. Trustee act (statutory powers of investment)
9. Wrongs act 1958 (industrial accidents)
10. Wills act

Statute Law Revision Committee (Australia - State of Victoria)

Publications:

1. Firearms act 1958
2. Gambling
3. Compellability of spouses to give evidence



4. Fences act 1958
5. Rights of succession (intestacies)
6. Wrongs (assessment of damages)
7. Sale of land act 1962
8. Administrative procedure and Ombudsman
9. Perpetuities and accumulations
10. Arrest without warrant

Law Reform Committee of Western Australia (Australia - Western Australia)

Publications:

1. Protection of defaulting purchasers under terms contracts
2. Testators' family maintenance
3. Illegitimate succession
4. Damages in personal injury claims
5. Summary trial of indictable offenses
6. Disposal of uncollected goods

Work in Progress:

1. Newspapers and the law of defamation

Torts and General Law Reform Committee (New Zealand)

Work in Progress:

1. Hearsay evidence
2. Occupiers liability to trespassers
3. Miscellaneous domestic torts
4. Products liability
5. Theft of trade secrets and unfair competition
6. Nonfeasance rule in relation to highways
7. Liability for damage caused by animals
8. Action for inducing breach of contract

Law Commission (United Kingdom - England and Wales)

Programme:

1. Codification of law of contract
2. Exemption by contract from common law liabilities
3. Consideration--third party rights in contract and contracts under seal
4. Civil Liability for dangerous things and activities
5. Civil liability for animals

6. Personal injury litigation  
(Jurisdiction and procedure and assessment of damages)
7. Civil liability of vendors and lessors for defective premises
8. Codification of law relating to landlord and tenant
9. Transfer of land
10. Family law
11. Financial limits on magistrates' orders in domestic and affiliation proceedings
12. Recognition of foreign divorces, nullity decrees and adoptions
13. Imputed criminal intent
14. Common law misdemeanors: crime of conspiracy
15. Miscellaneous actions involving obsolete principles or procedures:  
Actions for loss of services, loss of consortium, seduction and enticement; breach of promise and damages for adultery; actions for the tort and crime of maintenance; others
16. Judicature act
17. Interpretation of statutes
18. Codification of criminal law
19. Interpretation of wills

Law Reform Committee (United Kingdom - England and Wales)

Work in Progress:

1. Evidence in civil cases
2. Conversion and detinue
3. Interpretation of wills

Scottish Law Commission (United Kingdom - Scotland)

Programme:

1. Evidence
2. Obligations
3. Prescription and the limitation of actions
4. Judicial precedent
5. Interpretation of statutes
6. Insolvency, bankruptcy, and liquidation
7. Succession
8. Diligence
9. Reciprocal enforcement of judgments
10. Damages arising from personal injuries and death
11. Presumption of death
12. Legal capacity of minors and pupils
13. Criminal procedure
14. Family law

Respectfully submitted,

John H. DeMouilly  
Executive Secretary