

August 30, 1955

Memorandum No. 1

Subject: Personnel for Agenda work.

The Commission has the continuing responsibility of selecting a suitable agenda of Topics for study. While the "case load" which we can handle efficiently is still conjectural, I should think that the Commission will eventually recommend from twenty to twenty-five Topics for approval to each regular Session of the Legislature and from fifteen to twenty Topics to each budget Session.

The Commission will, of course, want its agenda to consist of the best Topics possible - substantial problems of practical importance whose solution will be of real value to the people of the State. The selection of such Topics involves a good deal of legal research work of a high order. This phase of the Commission's work is, I think, fully as important as any other part of our job.

Our search for Topics should, in my opinion, include each of the following procedures:

1. Continuing solicitation of the Bench and Bar and law teachers for suggestions for law revision;
2. A thorough search of current issues and past volumes of law reviews published by California law schools;
3. A thorough search of current advance sheets and past volumes of the California Reports;
4. A study of miscellaneous sources such as the State Bar Journal, local bar association publications, the Reports of the New York Law Revision Commission, the annual publication of the Michigan Law School legislative study group, etc.

Each of these procedures takes a good deal of time. More time is required to make a study of each potential Topic suggested or found to verify the existence of the problem and write a report concerning it upon which the Agenda Committee and the Commission can act.

We have attempted to handle this matter to date through our Agenda contract with Stanford University. Our procedure has been to have Stanford hire law review men to do the work. This method has not proved satisfactory because the students are so involved in their law review work that they simply cannot devote enough time to the Agenda work to keep up with its demands. As a result we are not now soliciting anyone for suggestions nor are we making any study of law reviews, California Reports or miscellaneous sources for possible study topics. Indeed, we are not even turning out reports for the Agenda Committee on suggestions in our files. Some new method of doing our Agenda work must, therefore, be found.

One possibility which I think the Commission should consider is that we add a second Junior Counsel to the Commission's staff to do the Agenda work. If such an arrangement were made and the work did not require the full time of this person, he could be assigned the preparation of reports on current Topics. I am somewhat reluctant to recommend such an addition to the Commission's staff. For one thing, space is at a premium at the Law School. And there would probably be some difficulty in getting just the person we want through Civil Service.

Another possibility would be to have Mrs. Nordby do the Agenda work instead of spending most of her time, as she now does, on the preparation of reports on Topics on the current agenda. The principal difficulty with this is that it would require us to retain outside Research Consultants for the Topics now assigned to her and these are all so limited in scope that they do not really justify a Research Consultant - or the not inconsiderable administrative problems involved in working out the necessary arrangements with them. Moreover, a considerable amount of Mrs. Nordby's time will probably have to be given to work of various kinds in connection with Topics assigned to Research Consultants once they get really under way.

A third possibility would be to continue the Stanford agenda contract and have Stanford hire someone to do the work. This would, of course, increase the cost of the Stanford contract which is now \$1,500 for the year. I think we might be able to work out an arrangement to split the time of one of the Law School's Teaching Fellows (these are men just out of law school who supervise our writing program for first and second year students) between work for the School and work under the Agenda contract. Such an arrangement would be quite flexible and would probably provide a pretty able person most years. It might, however, run into difficulty with Civil Service.

In any event, we must do something about our Agenda work. I raise the question now because if we are to add a new Junior Counsel position to our staff this must be taken into account in presenting our budget for 1956-57.

Respectfully submitted,

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Executive Secretary