

NOV 4 1955

Memorandum to the Law Revision Commission

Subject: Agenda matters for consideration  
at meeting of November 11 and 12.

As you know, we will submit a calendar of topics selected for immediate study to the 1956 Session of the Legislature for approval for study during fiscal year 1956-57. The Commission has not decided how many items to include on the calendar; I should think that the number should be between fifteen and twenty. There are now seven items on the calendar, as listed on the attached sheet. It is hoped that some items can be added at the meeting of November 11 and 12.

Agenda matters for consideration at that meeting include the following:

1. The Chairman has suggested that the Commission review the topics reported last year as intended for future study (1955 Report, pp. 33-40) to determine whether any of them should be selected for immediate study.

2. The Commission may wish to consider whether any of the topics reported last year as selected for immediate study and refused approval should be resubmitted this year. These are topics numbered 3, 10, 11, 13, 17, 18 and 21 in the 1955 Report (pp. 18-32).

3. The following Suggestions will be brought before the Commission for consideration as topics to be added to those selected for immediate study:

35		99
76(2)	98(1)	100
95	98(2)	101

4. The following recommendations of the Agenda Committee will be presented:

That Suggestion No. 44 be not accepted.

That Suggestions 56 and 78 be referred to the Judicial Council with the advice that the Commission will put Suggestion No. 56 on its agenda if the Judicial Council has no objection.

5. I suggest that the Commission consider giving the Agenda Committee authority, with the approval of the Chairman, to add topics to the calendar to be reported to the Legislature for approval if (a) the number of topics approved by the Commission is insufficient (b) additional suitable topics are found and (c) there will not be another meeting of the Commission before the 1956 Report must be sent to the printer.

I enclose several agenda items.

John R. McDonough, Jr.  
Executive Secretary

ITEMS ON CURRENT CALENDAR OF TOPICS SELECTED FOR IMMEDIATE STUDY

- 29(3) Dozier A study to determine whether the provisions of the Penal Code and the Vehicle Code relating to the theft of motor vehicles should be revised and consolidated to eliminate overlapping provisions.
- 39 Barrett A study to determine whether the provisions of the Civil Code relating to rescission of contracts should be revised to provide a single procedure for rescinding contracts and achieving the return of consideration given.
- 55 Fisher A study to determine whether the law relating to motions for new trial in cases where notice of entry of judgment has not been sent should be revised.
- 71 Board of Governors State Bar A study to determine whether Probate Code Sections 259, 259.1 and 259.2, pertaining to the rights of nonresidents to inherit property in this State, should be revised.
- 76(1) Nourse A study to determine whether the law should be clarified as to whether the Code of Civil Procedure or the Probate Code governs confirmation of private partition sales and whether the provisions of the Codes should differ.
- 79 Richards A study to determine whether the law should be revised to provide a uniform **State-wide procedure** for fixing bail promptly in the case of a felony arrest made without a warrant.
- 94 Tobin A study to determine whether the procedure to be followed by a person seeking to be appointed guardian of a nonresident insane or incompetent person or of a nonresident minor should be clarified.