

March 27, 1958

Memorandum No. 3  
~~Memorandum to Law Revision Commission~~

Subject: Situation Report

Attached is a status report on current studies.

It now appears to me that we should be able to make reports to the 1959 Session of the Legislature on the following nineteen studies:

11. Corp. Code §§ 2201, 3901 (Sale of Assets).
16. Planning Procedure where no planning commission.
19. Penal and Vehicle Code Overlap.
20. Guardians for Nonresidents.
21. Confirmation Partition Sales.
22. Cut-off Date, Motion New Trial.
23. Rescission Contracts.
24. Mortgages Future Advances.
25. Probate Code § 259 (Right Nonresident Aliens to Inherit).
31. Doctrine Worthier Title.
33. Survival Tort Actions.
- 37(L). Claims Statute
38. Inter-vivos Rights 201.5 Property.
44. Suit Common Name.
45. Rights Unlicensed Contractor.
50. Rights Lessor on Abandonment.
- 55(L). Additur.
- 56(L). Narcotics Code.
- 58(L). Grand Jury Law Codification.

It is predictable that for one reason or another we will not be able to complete one or more of the studies in this list for the 1959 Session but I think that we should be able to report on a very high proportion of them.

I believe that we will not be able to report on the following twelve studies:

29. Post-Conviction Sanity Hearings -- Professor Louisell has requested extension of reporting date.
- 34(L). Uniform Rules of Evidence.
- 35(L). Habeas Corpus -- Not yet reassigned to new research consultant.
- 36(L). Condemnation.
39. Attachment, Garnishment, etc. -- We anticipated need for much work in second phase of study.
40. Notice of Alibi -- Not yet assigned.
43. Separate Trial on Insanity -- Professor Louisell has requested extension of reporting date.
47. Civil Code § 1698 (Modification of Contract) -- Not yet assigned.
- 57(L). Bail -- Not yet assigned.
59. Notice by Publication -- Will be approved for study by 1958 Session.
60. Representation Credit Third Person -- Will be approved for study by 1958 Session.
61. Election of Remedies -- Will be approved for study by 1958 Session.

The following twelve studies may or may not be completed in time for report to the 1959 Session:

26. Law Governing Escheat.
27. Rights Putative Spouse.
30. Custody Jurisdiction.

- 32. Arbitration.
- 41. Small Claims Court Law.
- 42. Rights Good Faith Improver Property.
- 45. Mutuality Specific Performance.
- 46. Law of Arson.
- 48. Juvenile's Right to Counsel.
- 51. Right Wife to Support after Divorce.
- 52(L). Sovereign Immunity.
- 54(L). Use Term "Ward of Juvenile Court."

The research reports for this group of studies are due during the summer months of 1958. Most of the studies are presently scheduled for consideration by the Commission in August or September, two are scheduled for consideration in September or October and one is scheduled for consideration in October or November. It seems doubtful to me that we would be able to complete any study in time to report to the 1959 Session which was not considered and disposed of by the Commission not later than its September meeting; even this will allow little time for consideration by the State Bar. All things considered, I think that we would do very well indeed to be able to report on as many as five of the studies in this group to the 1959 Session.

Respectfully submitted,

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Executive Secretary

JRM/j

March 27, 1958

STATUS OF CURRENT STUDIES

Study No.	Subject	Topic Description Report and Number	Research Consultant	Due Date of Report	Tentative Date for Commission Consideration
11	Corp. Code §§ 2201, 3901	'55-15	Staff(LRL)	Apr. '58	May '58
16	Planning Proc.	'55-23	Staff(MM)	Apr. '58	May '58
19	Penal and Vehicle Code Overlap	'56-1	Harris	Rec'd	Apr. '58
20	Guardians for Nonresidents	'56-2	Staff(LRL)	June '58	July/Aug. '58
21	Confirmation Partition Sales	'56-3	Staff(LRL)	June '58	July/Aug. '58
22	Cut-off Date, Motion New Trial	'56-4	Pickering	Rec'd	Apr. '58
23	Rescission Contr.	'56-5	Sullivan	Rec'd	Apr. '58
24	Mort. Fut. Adv.	'56-6	Merryman	Rec'd	Apr. '58
25	Prob. Code § 259	'56-7	Horowitz	Rec'd	Completed
26	Law Governing Escheat	'56-8	Staff(JRM)	July '58	Aug./Sept. '58
27	Rights Putative Spouse	'56-9	Mann	July/Aug. 1958	Aug./Sept. '58
28	Condemnation (consolidated with #36)	'56-10 '55-J			
29	Post-Conviction Sanity Hearings	'56-11	Louisell	May '59	June/July '59
30	Custody Jurisdiction	'56-12	Kingsley		
31	Doctr. Worthier Title	'56-13	Verrall	Rec'd	Completed
32	Arbitration	'56-14 '55-K	Kagel	July/Aug.	Aug./Sept. '58

Study No.	Subject	Topic Description Report and Number	Research Consultant	Due Date of Report	Tentative Date for Commission Consideration
33	Survival Tort Actions	'56-15 '55-B	Killion	Rec'd	May '58
34(L)	Uniform Rules Evid.		Chadbourn	Monthly	Monthly
35(L)	Habes Corpus				
36(L)	Condemnation	*'56-10 '55-J	Hill, Farrer & Burrill	Apr. '58	May '58
37(L)	Claims Statutes	*'55-13	Van Alstyne	Rec'd	Apr. '58
38	Inter-vivos Rights 201.5 Property	'57-1 '55-6	Marsh	Apr./May	May/June '58
39	Attachment, Garnish- ment, Prop. Exempt Exec.	'57-2	Riesenfeld	Aug./Sept.	Sept./Oct. '58
40	Notice of Alibi	'57-3			
41	Small Claims Court Law	'57-4 '55-10	Staff	July/Aug.	Aug./Sept. '58
42	Rights Good Faith Improver Property	'57-5	Merryman	Aug. '58	Sept./Oct. '58
43	Separate Trial on Insanity	'57-6	Louisell	May '59	June/July '59
44	Suit Common Name	'57-7	Crane	Rec'd	Apr. '58
45	Mutuality Spec. Performance	'57-8	Evans	July/Aug. 1958	Aug./Sept. '58
46	Arson	'57-9	Packer	Aug. '58	Sept./Oct. '58
47	Civil Code § 1698 (Modification of Contract)	'57-10			
48	Juvenile's Right to Counsel	'57-11	Sherry	July '58	Aug./Sept. '58
49	Unlicensed Contractor	'57-12	Sumner	Rec'd	Apr. '58
50	Rights Lessor on Abandonment	'57-13	Verrall	Apr. '58	May/June '58

Study No.	Subject	Topic Description Report and Number	Research Consultant	Due Date of Report	Tentative Date for Commission Consideration
51	Right Wife to Support after Divorce	'57-14	Horowitz	Sept. '58	Oct./Nov. '58
52(L)	Sovereign Immunity	*'55-H	Van Alstyne	Aug. '58	Sept./Oct. '58
53(L)	Personal Injury Damages as Pers. Property	*'55-F	(Suspended for time being)		
54(L)	Use Term "Ward Juvenile Court"		Sherry	July '58	Aug./Sept. '58
55(L)	Additur		Pickering	July '58	Aug./Sept. '58
56(L)	Narcotics Code		Legislative Counsel	Rec'd	Apr. '58
57(L)	Law Relating to Bail				
58(L)	Grand Jury Law Codification				
59	Notice by Publication	'58-1			
60	Rep. Credit 3rd Person	'58-3			
61	Election of Remedies	'58-4			