

11/4/69

First Supplement to Memorandum 69-124

Subject: Function of Law Revision Commission

The attached portion of the latest Annual Report of the New York Law Revision Commission may be of interest.

Respectfully submitted,

John H. DeMouilly
Executive Secretary

REPORT OF THE LAW REVISION COMMISSION
FOR 1969

At the opening of the 1969 legislative session Assemblyman Edward F. Crawford, as Chairman of the Assembly Judiciary Committee, and Assemblyman Prescott B. Huntington, as Chairman of the Assembly Codes Committee, became members ex officio of the Commission.

I. THE COMMISSION'S ORGANIZATION AND PROCEDURE

The Law Revision Commission was created by chapter 597 of the Laws of 1934, which enacted article 4-A of the Legislative Law. It consists of the chairmen of the Committees on the Judiciary and on Codes of the Senate and Assembly, as members ex officio, and five members appointed by the Governor, each for a term of five years. The statute provides that four members appointed by the Governor shall be attorneys and counselors at law, admitted to practice in the courts of this State, and at least two of them shall be members of law faculties of universities or law schools within the State.

The Commission is charged by statute with the following duties:

1. To examine the common law and statutes of the state and current judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms.

2. To receive and consider proposed changes in the law recommended by the American Law Institute, the commissioners for the promotion of uniformity of legislation in the United States, any bar association or other learned bodies.

3. To receive and consider suggestions from judges, justices, public officials, lawyers and the public generally as to defects and anachronisms in the law.

4. To recommend, from time to time, such changes in the law as it deems necessary to modify or eliminate antiquated and inequitable rules of law, and to bring the law of this state, civil and criminal, into harmony with modern conditions.

The offices of the Commission are at Ithaca, New York in Myron Taylor Hall.

A number of studies undertaken by the Commission have been made at the direction of the Legislature. Studies have also been made in response to requests by the Governor and by other officers of the State government. Some studies have involved problems suggested by bar associations and other organizations, and by public officers, judges, lawyers and laymen. In other instances, the Commission through its own examination of statutes, case law and legal literature, has ascertained the need for new legislation or for the amendment of existing statutes.

Each year the Commission reviews the problems that have been brought to its attention and selects a number of them for study. In making its selection, the Commission considers whether the problem is such that a legal study is needed and whether there are questions involved on which the opinion of the Commission would be helpful to the Legislature. Proposals relating solely or primarily to matters within the special fields of other departments and agencies of the government are referred to those bodies.

Bills to carry out its recommendations are drafted by the Commission and their introduction in the Legislature is made or arranged by the ex officio members of the Commission. Multilithed

copies of the formal recommendations of the Commission are placed on the desk of each member of the Legislature following the introduction of the bills. The ex officio members bring to the attention of the Commission questions relating to the bills which may arise during their consideration by the Legislature.

During the legislative session the Commission distributes multilithed copies of its recommendations to bar associations throughout the State, to official and unofficial agencies concerned with legislation, and to all interested persons who request them.

The research reports considered by the Commission in its study of topics on which recommendations are made are not printed at the time the recommendations are presented to the Legislature. Multilithed copies, in the form in which they were prepared for use by the Commission, are made available as unpublished and unedited material to members of the Legislature who request them and, to the extent permitted by the limited number of copies, to members of bar association committees who prepare reports on the bills recommended by the Commission.

While the bills are before the Legislature, the Commission seeks to inform itself of all criticisms of the bills and suggestions for improving them, and this material is carefully considered. On some occasions the Commission has withdrawn a recommendation for further study in the light of objections; on others, it has recommended amendment of its bills. To allow time for comment and consideration of criticism, action on the Commission's bills has customarily been deferred by the Legislature until after a public hearing on the bills held jointly by the Senate and Assembly Committees on the Judiciary and on Codes. It has been customary to hold this public hearing after the middle of February.