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ADDENDUM

[*When the April issue of volume 45 of The Review was going to press, the General Assembly was considering a set of proposed new rules of civil procedure for North Carolina prepared by the General Statutes Commission. The new rules have since been adopted and they will have a substantial impact on the problems of pleadings treated by Assistant Professor Martin B. Louis of the Law School in an article in that issue entitled* The Sufficiency of a Complaint, Res Judicata and the Statute of Limitations—A Study Occasioned by Recent Changes in the North Carolina Code. *Professor Louis' conclusion, which was inadvertently omitted from that issue, an oversight The Review regrets, contains remarks particularly pertinent to the new rules and is now being printed with a few changes made in light of the rules' adoption.* THE EDITOR.]

The innumerable ambiguities of G.S. § 1-131 may never be definitely resolved; but, with the General Assembly's passage of the new rules of civil procedure, that troublesome addition will cease to cause difficulties of interpretation in the near future. These new rules of procedure will establish in North Carolina the modern practice with respect to the institution of new actions. They will also modernize those other pleading rules and requirements, including the doctrine of relation back, that have heretofore made it virtually impossible, in my opinion, to adopt in North Carolina the modern rule forbidding new actions.

While the slate has been wiped clean by the adoption of the new rules, there is one important lesson to be learned from this experi-

ence with G.S. § 1-131. The addition, which was apparently enacted without the knowledge or advice of any interested persons or bodies, contained glaring ambiguities, apparently unnoticed by its draftsmen and the legislature, that any law professor, any bar association committee or any study commission would have noticed immediately and satisfactorily resolved. Unfortunately busy attorneys and legislators individually lack the time, detachment and constant involvement in the subject matter needed to handle such technical matters satisfactorily. For this reason the General Assembly has created such bodies as the Courts Commission and the General Statutes Commission, which possess these requisites and, which, in addition, usually subject their efforts to the scrutiny of the bar before their submission to the General Assembly. Ordinarily these bodies are assigned the task of drafting major new legislation. But the legislature thereafter ordinarily takes upon itself the continuing task of amending it piecemeal. It should be obvious, however, from experience with the addition that a seemingly minor amendment to an integrated code may have substantial and unforeseen ramifications. Accordingly the General Assembly would be well advised to avoid such tinkering in the future without seeking outside assistance or comment. This admonition is particularly relevant to the new rules of civil procedure. The federal courts and many states maintain continuing expert bodies to sift, evaluate and propose all changes in their rules of civil procedure. In this way continuity and consistency of purpose and application is maintained. The General Statutes Commission can similarly maintain its drafting subcommittee for this purpose, and there are innumerable good reasons why the General Assembly should endow it with this function.

JOHN P. DALZELL