

4/18/74

Memorandum 74-18

Subject: Research Consultants

Professor Riesenfeld

Recommendation. The staff recommends that the Executive Secretary be authorized and directed to execute a contract with Professor Riesenfeld in the amount of \$5,000 (plus \$500 for travel expenses) to cover his work in connection with the preparation of a statute relating to enforcement of judgments.

Background. Professor Warren tells me that Professor Riesenfeld believes that additional compensation should be paid for the major work we are now undertaking with reference to enforcement of judgments (which includes execution and other means for enforcement of judgments). The recommended amount takes into account the limited funds available to the Commission for research and will probably exhaust the amount of funds the staff believes will be available for research after other expenses for the current fiscal year are paid.

We retained Professor Riesenfeld as one of our consultants on the creditors' remedies study in the 1969-70 fiscal year. He has served as a consultant since then and has attended meetings, produced various written communications, and has assisted and consulted with the staff. During this period, we have produced reports covering the claim and delivery statute, prejudgment attachment (two reports), civil arrest, enforcement of sister state judgments, and wage garnishment and related matters (two reports). We have also considered other matters that have not yet resulted in a printed report. We are now engaged in preparing a report on enforcement of judgments, a major project in the area where Professor Riesenfeld is the only acknowledged expert.

Professor Riesenfeld has been paid for his work to date pursuant to two contracts as follows:

1969-70 fiscal year -- \$5,000

1970-71 fiscal year -- 3,500

Mr. Elmore

Recommendation. The staff recommends that the Executive Secretary be authorized and directed to execute an addendum or other suitable document to increase the amount of travel expenses that may be paid to Mr. Elmore in attending Commission meetings by \$200. We will exhaust the amount available for this purpose in paying the expenses for Mr. Elmore's attendance to the May 4 meeting of the Commission.

Power of sale in trust deed and related matters

We do not have funds available during the current year to retain a research consultant on this aspect of the creditors' remedies study. Nevertheless we are seeking to find a competent consultant who would be willing to prepare a background study for the Commission. If we find such a consultant, we will present our recommendation concerning the arrangement that should be made for the study at the June meeting with a view to financing the study out of funds available for 1974-75 if we find that there will be funds available for that purpose in the approved budget for 1974-75.

Respectfully submitted,

John E. DeMouilly
Executive Secretary