

4/21/72

Memorandum 72-32

Subject: Research Contracts

We have approximately \$9,000 available during the 1971-72 fiscal year for research contracts. The decisions as to how this money is to be allocated must be made at the May meeting. The funds available for research in future fiscal years will be very limited. The staff suggests that the following contracts be made, priority being given in the order in which the contracts are listed:

1. Repossession of property. To prepare a draft statute with explanatory comments superseding the present claim and delivery statute and covering also self-help repossession and any needed revisions in the Commercial Code provisions relating to repossession of property. Consultant--Professor William D. Warren. Compensation--\$2,000 plus not to exceed \$300 for travel expenses. Professor Warren has indicated that he would be willing to prepare a draft statute with comments and should be able to commence work on the study this summer.

2. Partition procedures. Whether the various sections of the Code of Civil Procedure relating to partition should be revised and whether the provisions of the Code of Civil Procedure relating to confirmation of partition sales and the provisions of the Probate Code relating to confirmation of sales of real property of estates of deceased persons would be made uniform and, if not, whether there is need for clarification as to which of them governs confirmation of private judicial partition sales. To prepare a background study on this topic with needed legislation and explanatory comments. Consultant--Garrett Elmore. Compensation--\$1,500 plus not to exceed \$200

travel. (This study was authorized in 1957; the scope of the study was expanded in 1959. We have never been able to find a qualified person to prepare the study. Mr. Elmore is willing to prepare the study, and the staff believes that we should have the study prepared so we can dispose of this topic within the foreseeable future.)

3. Adoption. A study identifying the needed revisions in the adoption statute. Consultant--Professor Brigitte M. Bodenheimer. Compensation--\$2,500 plus not to exceed \$200 travel expenses. I have discussed the study with Professor Bodenheimer, and she believes the Commission could do a worthwhile revision of the adoption statute and is willing to prepare the study. The study would be produced within the next two years.

4. Consultant on condemnation. Additional encumbrance for travel expenses and compensation (\$20 per meeting) for Fadem and Kanner. Amount--\$400. We still have more than \$450 available for this purpose under a prior contract. The additional amount would provide funds through June 30, 1974.

The above suggested contracts for research assistance will use up \$7,100 of the approximately \$9,000 available for research. We will use the remainder to cover communications expense (primarily postage) and other expenses that will be in excess of the amount we budgeted for those items. Any excess not otherwise used will be used for printing.

We have not allocated any funds to the study of water damage liability. I discussed with Professor Sato (who the Commission some time ago decided to retain as a consultant when we activate this study) whether he is in a position to prepare the study now. He has other projects that now occupy his attention and would prefer not to undertake this study at this time unless the Commission determines that it is impossible to delay the study.

With the other major projects underway, the staff does not believe that we could reasonable expect to consider another major study within the next few years.

Respectfully submitted,

John H. DeMouilly  
Executive Secretary