

Memorandum 68-92

Subject: Study 70 - Arbitration

The staff suggests that the Commission obtain a research consultant on the Arbitration study authorized by the 1968 Legislature.

You will recall that this is a follow-up study on a study previously made by the Commission. We requested authority to make the follow-up study primarily because the existing California law is unclear as to the effect of an arbitration clause upon the right of a party to file a mechanic's lien or obtain provisional relief such as attachment.

We suggest that we obtain a consultant familiar with commercial arbitration to prepare the necessary study. We further suggest that Mr. Eddy Feldman, Los Angeles attorney, be selected as our research consultant. Mr. Feldman is the author of the best California law review article on arbitration. See Feldman, Arbitration Law in California: Private Tribunals for Private Government, 30 So. Cal. L. Rev. 375 (1957). He called me and indicated he would like to prepare the study for us.

We suggest that the honorarium be fixed at \$1,000. The study will involve an examination of all of the provisional remedies and, in addition, a determination of what effect, if any, an arbitration clause has on each and also a review of the experience under the 1961 arbitration statute. We suggest that the study be written with a view to submitting it for law review publication.

Respectfully submitted,

John H. DeMouilly
Executive Secretary