

4/20/72

Memorandum 72-36

Subject: Meeting Schedule

The staff is concerned that no significant progress is being made on the prejudgment attachment study, primarily--I believe--because of the lack of attendance at Commission meetings. One day of the March and April meetings was cancelled because of a lack of a quorum. Only four members attended the April meeting and this made it difficult to accomplish anything significant on the prejudgment attachment study. We must have better attendance and more meeting time than we have had the last two months. How can this objective be accomplished?

The staff believes that the problem is one that should be discussed. At the rate we are proceeding, we would be fortunate to have something on prejudgment attachment for the 1974 session.

Another matter that needs to be discussed is whether we are going to devote time at future meetings to condemnation law and procedure. In this connection, it should be noted that, if we do not complete work on prejudgment attachment for the 1973 session, we may have nothing significant for presentation to that session. We have background studies on various smaller problems that might be worked into the agenda if we decide not to attempt to push two major studies forward at the same time. We now have on hand or will have within the next few months background studies on:

- (1) Liquidated damages (study on hand).
- (2) Oral modification of a written contract (study completed; will be printed in law review within next few months).
- (3) Right of nonresident aliens to inherit (study due at the end of May 1972).

(4) Landlord-tenant law--abandonment, disposition of property (study will be received within next few months).

(5) Procedural aspects of inverse condemnation (interest, claims filing requirement, and the like)(study will be received within next few months).

The staff believes that we should drop condemnation until we have prepared a tentative recommendation on prejudgment attachment and repossession. If it is possible to work anything additional into the agenda, we would suggest that liquidated damages be considered (with a view to making a recommendation to the 1973 Legislature or recommending that the topic be dropped) and that the study on landlord-tenant law be worked into the agenda when it is received, possibly with a view to submitting a recommendation to the 1973 Legislature. If we do not take this course of action, the staff fears that we will not have recommendations on prejudgment attachment and repossession ready for the 1974 Legislature and will not be submitting any significant recommendations to the 1973 or 1974 session.

Respectfully submitted,

John H. DeMouilly  
Executive Secretary