

2/23/76

Memorandum 76-25

Subject: Research Contract

All four members of the legal staff have been devoting all available time to the nonprofit corporation study. The legislative program, some other topics, and various administrative matters will require considerable time of the Executive Secretary. The Assistant Executive Secretary will need to devote some time to the legislative program as will other staff members. We need to free Bob Murphy to be available to work on other matters if possible.

I believe that I have worked out a creative solution to this problem. Peter A. Whitman, a member of the firm of Spaeth, Blase, Valentine & Klein, a leading Palo Alto law firm, can be released for a four-month period on a sabbatical leave under a public service policy of the firm on a reduced salary to work full time in assisting the Commission's staff on the nonprofit corporation study. Mr. Whitman has excellent academic credentials and outstanding experience in the nonprofit corporation area and would be of great assistance to the staff in preparing background material and in drafting or reviewing statutory provisions and Comments. His resume is attached. The cost would be relatively modest to the Commission since we would not need to pay him the value of his services but only enough so that he would not need to make any great financial sacrifice to assist us.

Accordingly, the staff requests Commission approval of a contract to retain Mr. Peter A. Whitman, Palo Alto attorney, as a consultant on the nonprofit corporations study. He would devote his full time to work on this study for a period of four months, starting approximately March 15, 1976. His compensation as a consultant would be \$5,000, payable in installments

of \$1,250 at the end of each month of full-time consulting service. In addition, he would be paid travel expenses subject to the same limitations as state employees, limited in amount to a maximum of \$750.

Our budget for the current fiscal year is very tight. However, we do have sufficient money in the research consultant category to cover this contract. We will be short in other categories, and we will have to make various transfers between categories at the close of the fiscal year to cover these shortages. We may have to defer some printing until after July. Despite these fiscal problems, the staff considers the proposed contract a necessity. Accordingly, we urge the Commission to approve it.

Respectfully submitted,

John H. DeMouilly
Executive Secretary