

9/28/77

Memorandum 77-70

Subject: Research Contract With Garrett Elmore

The staff plans to give priority to the guardianship-conservatorship revision with a view to publishing a report late in 1978 so that the proposed legislation can be submitted to the 1979 session. We have retained Garrett Elmore as a consultant on this project. His contract provides for payments of \$600 per year for providing expert advice to the staff and reviewing and submitting written and oral comments on materials prepared by the staff. In addition, he is paid \$20 for each day he attends a Commission meeting. He has performed his duties faithfully and, in fact, has devoted almost all of his time to this project for the last few months.

There is one especially difficult area of the project--revision of the provisions relating to homestead property and community property. For several years, the State Bar Committee has had under consideration various proposals designed to deal with the equal management of community property rule and how it applies when one or both of the spouses is incompetent. In addition, the existing procedure is thought by some to be too complex.

We recommend that the Commission retain Garrett Elmore as our consultant to prepare a draft statute with Comments on this aspect of the guardianship-conservatorship project. This task would appear to require about one month of full-time work. We recommend that the compensation be \$1,500, a rate we recommend after taking into consideration his work under the other contract now in effect.

Respectfully submitted,

John H. DeMouilly
Executive Secretary