

4/27/77

Memorandum 77-29

Subject: Consultant on Homestead Study

You will recall that, at the last meeting, the Commission determined that a consultant should be obtained to prepare a background study on the homestead exemption. The study should include the following matters:

(1) The procedure that would be necessary if the declared homestead were abolished and a claimed homestead substituted.

(2) The necessary revisions in the existing claimed homestead exemption provisions.

(3) The necessary revisions in existing law if the declared homestead were abolished. Specifically, the study should consider the probate homestead problem and the marital dissolution homestead problem and transitional provisions to cover existing declared homesteads.

The study should also consider the law of other states where relevant to problems under consideration in the study. Consideration should be given to codification or modification of case law rules under the various homestead provisions covered by the study.

At the last meeting, Professor Riesenfeld suggested Charles Adams as a consultant to prepare the necessary background study. Mr. Adams is an associate in the firm of Paul, Hastings, Janofsky, and Walker in Los Angeles. The staff has contacted Mr. Adams, and he is interested in preparing the background study. He will need to discuss the matter with the senior members of his law firm.

Mr. Adams is a practicing lawyer so the compensation for the study will need to be somewhat greater than would be the case if the consultant were a law professor. The staff believes that, given the background Mr. Adams already has in this field, he could produce the study in the form of a completed law review article in approximately one and on-half or two months. Some additional time would be required in consulting with the staff and attending Commission meetings after the study is completed and during the time the Commission is working on its recommendation. Taking everything into consideration, the staff recommends that the compensation be \$3,500 for all duties of the consultant under the contract.

Specifically, the staff recommends that the Commission approve, and direct the Executive Secretary to execute on behalf of the Commission, a contract with Mr. Charles Adams to prepare a background study on homesteads as outlined in this memorandum, that the study be delivered in a form suitable for publication in a law review within 18 months of the approval of the contract by the state, that the compensation be \$3,500 for preparing the study and attending Commission meetings and legislative hearings, that travel expenses under the contract be limited to \$500 and be generally in accord with the rate paid to members of boards and commissions appointed by the Governor, that a partial payment of \$3,200 be authorized when the background study is completed, that the contract expire on June 30, 1979, and that in all other respects the contract follow the general form for research contracts of the Law Revision Commission.

We will transfer money from out-of-state travel, in-state travel, and salary savings to finance a portion (\$1,500) of this contract.

Respectfully submitted,

John H. DeMouilly  
Executive Secretary