

Memorandum 72-23

Subject: Study 39.70 - Attachment, Garnishment, Execution (Prejudgment Attachment Procedure--Schedule for Study)

The Commission has previously determined that it will attempt to prepare a recommendation relating to prejudgment attachment for introduction at the 1973 legislative session. This memorandum outlines the intermediate steps that must be taken to meet that target date so that, at the April meeting, the Commission can give us some further direction as to how best to proceed.

The recommendation (bill) will, we believe, be a controversial one and hence should be introduced as early as possible if we hope to get it through the respective committees and the Legislature itself. Assuming then that the bill must be introduced in January 1973, the final recommendation must go to the printer after the October 1972 meeting. Working backwards, a tentative recommendation must be distributed during the summer so that comments may be received and analyzed and defects eliminated at the September and October meetings. If we are to allow interested persons a reasonable period of time in which to analyze the recommendation and send us their comments (having in mind that this will be during the summer when vacations, conventions, and other sundry entertainments will distract them from their task), the distribution should follow the June Commission meeting. In turn, this means that a draft recommendation should be prepared for the May meeting. At this point, our ability to meet this schedule seems uncertain at best. We suggest, therefore, at the conclusion of the April meeting, that you consider whether we should divert more staff resources towards this study--at the necessary expense of further delay for other projects, e.g., condemnation. Also, you should consider whether the May meeting should be a three-day meeting.

Respectfully submitted,

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Assistant Executive Secretary