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I. LAW REVIEWS AND JOURNALS
   A. In general


Effland, Arizona Community Property Law: Time For Review & Revision, 1982 ARIZ. ST. L.J. 1 (generalized discussion of Arizona’s community property law and its relation to UMPA; covers all areas including property classification, management
and control, creditor's rights, interspousal transfers, and rights on death).


Kulzer, *Property and The Family: Spousal Protection*, 4 RUT.-CAM. L.J. 195 (1973) (includes a discussion of changes to be considered when a state moves toward community property concepts).

Oldham, *Is the Concept of Marital Property Outdated?*, 22 J. FAM. L. 263 (1984) (proposal that equal distribution should not automatically apply to all marriages, but that marital property should only begin to be accumulated after a child is born or after a couple has remained married for a substantial period).

Prager, *Sharing Principles And The Future of Marital Property Law*, 25 UCLA L. REV. 1 (1977) (author's view that marital property policy has been distorted by focus on equality and suggestion that sharing theories should prevail instead).


**B. Marital Agreements**


**C. Conflict of Laws**


Crandell, *Planning For Clients From Community Property States*, 10 COLO. LAW. 3083 (1981)(practical guide for lawyer practicing in noncommunity property state in handling community property including some tax aspects).


Spring, *In-Migration of Couples from Common Law Jurisdictions: Protecting the Wife at the Dissolution of the Marriage*, 9
N.M.L. Rev. 113 (1978-79)(effects of migration at death and divorce).

Steward & Orsinger, Fitting a Round Peg Into a Square Hole: Section 3.63, Texas Family Code and the Marriage that Crosses State Lines, 13 St. Mary's L.J. 477 (1982)(discussion of the constitutionality of the 1981 Texas amendment that requires the court in a divorce decree to divide property that was acquired by a spouse while domiciled elsewhere and that would have been community property if acquired while domiciled in Texas).

D. Federal Preemption of State Laws

Denner, 1983 California Appellate Court Survey: Family Law, 6 Whittier L. Rev. 325 (1984) (discussion of Federal Uniformed Services Former Spouses Protection Act (FUSFSPA) which permits a state to apply community property doctrines to military longevity pensions subject to certain conditions).


E. Interspousal Transfers and Rights at Death


**F. Management and Control**


**G. Property Classification**

1. In General


Bruch, *The Definition and Division of Marital Property in California: Towards Parity and Simplicity*, 34 HASTINGS L.J. 769 (1982)(broad coverage of California's handling of community property law including probate, debts, life insurance, and family businesses).


Krauskopf, *Marital Property at Marriage Dissolution*, 43 MO. L REV. 157 (1978)(attempts at classifying professional earning capacity, goodwill, retirement plans, and personal injury claims as marital or nonmarital property; effect of acquiring property).


Comment, *Identifying, Valuing, and Dividing Professional Goodwill As Community Property At Dissolution of The Marital Community*, 56 TUL. L. REV. 313 (1980) (discussion of controversy over whether "goodwill" is to be considered community property and the difficulties involved in valuation).

Comment, *'Til Degree Do Us Part: The Community Property Interest in a Professional Degree*, 1984 U.S.F.L. REV. 275 (review of California's decision not to allow a spouse a community interest in the other spouse's medical degree and the inequities that result).

Note, *Community Property — Transmutation of Community Property: A Preference For Joint Tenancy In New Mexico?*, 11 N.M.L. REV. 421 (1981) (analyzes whether inter vivos acts of spouses were sufficient to transmute community property into another form of tenancy such as joint tenancy).

Note, *Community Property — Determination of Separate Property Interest: Community Installment Payments Made on Separate Property After Marriage*, 8 PEPPERDINE L. REV. 564 (1980) (formula determined by California Supreme Court by which community "buys in" to separate property purchased by one spouse before marriage by making community installment payments).

home after date of marriage be classified as community property).


2. Damage Awards/Disability Benefits

Nakamura, *The Classification of Personal Injury Damages Under California Community Property Law: Proposals for Application and Reform*, 14 *Pac. L.J.* 973 (1983) (classification of personal injury award as separate or community by considering component parts such as lost past wages and lost earning capacity).


3. Retirement Plans

Solomon, *Beyond Preemption: Accommodation of the Nonemployee Spouse's Interest Under ERISA*, 31 Hastings L.J. 1021 (1980) (review of Supreme Court's decision that ERISA falls within state law; analysis of ERISA and basic principles governing such plans).

4. Credit/Creditor's Rights


H. Property Division


Krauskopf, *A Theory for "Just" Division of Marital Property in Missouri*, 41 Mo. L. Rev. 165 (1965) (common-law state adopts community property model for property division at divorce; discussion of required changes from common law).

Kulzer, *Law and the Housewife: Property, Divorce and Death*, 28 U. Fla. L. Rev. 1 (1975) (examination of property distribution between husband and wife considering the traditional model with husband as breadwinner and wife as homemaker).

Rheinstein, *Division of Marital Property*, 12 Willamette L.J. 413 (1976) (division of property based on community property concepts).


Note, *Family Law*, 20 Idaho L. Rev. 460 (1984) (survey of cases coming before the Idaho Supreme Court and Idaho...
Court of Appeals dealing with division of community property; application of Idaho’s community property law to land located on an Indian reservation; determination that when separate funds are used to discharge separate debts of other spouse, the separate estate is entitled to disbursement).


I. Valuation of Property


Comment, *Identifying, Valuing and Dividing Professional Goodwill As Community Property At Dissolution of The Marital Community*, 56 Tul. L. Rev. 313 (1981)(discussion of controversy over whether “goodwill” is to be considered community property and the difficulties involved in valuation).

Note, *Community Property — Appreciation of Community Interests And Investments In Separate Property In New Mexico: Portillo v. Shappie*, 14 N.M.L. Rev. 227 (1984)(New Mexico Supreme Court held that marital property was entitled to a lien in an amount equal to any increase in the value of improved property attributable to the expenditure of community monies and labor; discussion of the conformity of the decision with holdings of other jurisdictions).


Note, *Community Property — Characterization of the Inflationary Increase in the Value of Separate Property Improved By*
Community Funds, 59 WASH. L. REV. 341 (1984) (review of Washington Supreme Court’s decision that the community is entitled to a share of the inflationary increase in the value of the separate property proportionate to the community contributions).

J. Taxation


Irish, A Common Law State Considers A Shift to Community Property, 5 COMMUNITY PROP. J. 227 (1978) (deals directly with problems encountered when a common law state such as Wisconsin shifts to community property; emphasis on problems with taxation).


Vaughn, Community Property: Allocating Income Tax Deductions and Credits, 13 TAX ADVISOR 736 (1983) (husband allowed only half the tax credit received from separate property since the income was community).

Wolf, Planning Considerations in Deferred Division of the Family Home in California, 122 TR. & EST. 35 (1983).
Note, Taxation, 19 J. Fam. L. 179 (1980-81)(section 2036(a)(1) of the Internal Revenue Code, involving transfers of property with a retained life estate, does not necessarily render some portion of a transfer between spouses includable in the donor's gross estate under Texas community property law).

II. Books and Treatises


W. Brockelbank, Community Property Law of Idaho (J. Henderson ed. 1982)(general discussion of Idaho's marital property law with detailed emphasis on the various aspects of the law including management and control, rights at death, taxation, and conflict of laws).


W. DeFuniak & M. Vaughn, Principles of Community Property (2d ed. 1971)(detailed discussion of the legal principles of the community property system including conflict of laws, taxation, and the community property law in seven American community property states).


W. McClanahan, Community Property Law in the United States (1982)(outline and analysis of the general theories, principles and concepts of community property law and the community property system in eight American states and Puerto Rico; includes historical overview of the general principles of the system and compares some of the concepts of community property with the concepts of the common-law system).

J. McKnight & W. Reppy, Texas Matrimonial Property Law (1983)(detailed discussion of Texas marital property law including comparative law sections covering the
prevailing community property principles in seven other community property states and tax law notes).


W. Reppy, Community Property in California; Cases, Statutes, Problems (1980 & Supp. 1983)(general discussion on California community property law including special notes in most chapters comparing the California law with that of seven other community property states; and tax law implications and taxation principles in community property states).

W. Reppy & W. DeFuniak, Community Property in the United States; A Comparative Study by Cases, Materials and Problems (1975).

State Bar of Wisconsin Marital Property Reform Law; Overview and Effect on the Practice of Law, (1984)(general overview of Wisconsin’s new marital property reform law including its effect on taxation, probate and interests at death, estate planning, family law, and creditor-debtor relationships).

H. Verrall & G. Bird, California Community Property, Cases and Materials (4th ed. 1983)(general discussion of the historical development and basic principles of community property law; includes detailed information of the classification principle, limitations on and application of the classification process, and the consequences flowing from a determination of community versus separate property).

Washington State Bar Ass’n Washington Community Property Deskbook (1977)(comprehensive analysis of all aspects of the Washington community property law including the tax consequences and the necessity of the underlying marital relationship; limited discussion on out-of-state developments in marital property law).

in the law comparing common law property systems with community and marital property principles).

7 B. WITKIN, SUMMARY OF CALIFORNIA LAW (8th ed. 1973 & Supp. 1984) (ch. 17 Community Property at 5089-5222) (general discussion on the acquisition of community property, control, and dissolution of community property; includes some discussion of the variation in liability in separate and community property states as well as rights in quasi-community property states).

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