

Date of Meeting: May 16-17, 1958

Date of Memo: May 12, 1958

Memorandum No. 9

Subject: Study #36(L) - Condemnation Law and Procedure.

You will recall that the Commission has been directed to make a study of condemnation law and procedure and that it has retained as its research consultant on this study the Los Angeles firm of Hill, Farrer & Burrill.

At the request of Mr. John Bohn, counsel to the Senate Interim Judiciary Committee, Mr. Albert Day, one of the men of the Hill firm who are working on the condemnation study, and I attended a meeting in Sacramento on Monday, May 5, of the Subcommittee on Real Estate and Probate (Senators Dolwig, (Chairman), Busch, Coombs and Desmond). The reason for Mr. Bohn's request was that the Subcommittee has before it several bills relating to condemnation law and procedure, some of which had been passed by the 1957 session of the Legislature and vetoed by the Governor. It was Mr. Bohn's thought that it might be helpful to the Subcommittee in planning its work during the interim period to know of the Commission's assignment and to have a preliminary report from Mr. Day and me.

When Mr. Day<sup>Mr.</sup> and I appeared before the Subcommittee<sup>of Sen. Int. Jud. Comm.</sup>, a question was raised as to what progress the Commission had made to date and how soon it expected to complete its work on the condemnation study. I explained that we had made a contract with the Hill firm covering three subjects -- moving

expenses, pretrial procedure, and evidence -- and that I thought we would do well to be able to report on these topics to the 1959 session. I stated that the other subjects covered in the detailed outline prepared by the Hill firm (copies of which I gave to the members of the Subcommittee) would be reported on to the 1961 session or perhaps even later sessions, depending on how the work goes. It appeared that this timetable would not meet the Subcommittee's immediate needs since it was interested not only in certain matters relating to elements of compensation (which is covered in part by the Commission's current study of moving expenses) but also in recoverable costs and allocation of award, (parts V and VI of the Hill outline). The Subcommittee suggested that we rearrange our plans in such a way as to be able to make a report on those matters in which it is interested by November 15, 1958, which would permit the Subcommittee, in turn, to make a report on these matters to the full Interim Committee in time to produce some legislation for the 1959 session. I stated that we would be happy to try to arrange our work to suit the needs and convenience of the Subcommittee, but that there would obviously be some problems involved in asking the Hill firm to take on a substantial additional assignment for completion in time for the Commission to report on them to the Subcommittee by November 15. The matter was left on the understanding that we would comply with the Subcommittee's request insofar as it is feasible for us to do so.

After consulting with Mr. Stanton, I have invited Mr. Day and either or both of the other two men in the Hill firm who are working on the condemnation study to meet with the Commission in Ventura on Saturday, May 17 to agree upon the procedure to be followed at this point. We have asked Senator Cobey,

because of his interest in the subject matter and his membership on the Senate Interim Judiciary Committee, to make a special effort to attend this part of the meeting even though he will not be able to be present on Friday.

Respectfully submitted,

John R. McDonough, Jr.  
Executive Secretary

JRM:imh