

Memorandum 71-65

Subject: Study 36 - Condemnation (State Bar Committee and Judges)

State Bar Committee

Some time ago, we received Minutes of the State Bar Committee on Governmental Liability and Condemnation that included an observation that perhaps the State Bar Committee would be divided into two sections. One section would deal with current matters--bills introduced in the Legislature, proposals by judges, and the like. The other section would work on the comprehensive statute being prepared by the Commission.

How the State Bar Committee goes at its task of reviewing the comprehensive statute now in preparation by the Commission is a matter for determination by that committee. It is apparent, however, that we have a far different relationship with the State Bar Committee than we had with the State Bar Committee that worked on the Evidence Code. We have already drafted a substantial number of statutory provisions that should be under careful study by the State Bar Committee. We should be publishing our report on the right to take within the next six months. We have nothing significant in the way of comments from the State Bar Committee. I had hoped that that committee would make a significant effort to review all the work now contained in the comprehensive statute and then keep up to date each month as we produce additional provisions and revise others.

The staff believes that we should devote substantially all our time and resources to the condemnation study. This may not be possible if we are forced to devote considerable time to the attachment-garnishment study. Nevertheless, within the next year or so, we should have the initial draft of the comprehensive statute completed. The task of reviewing this will be a substantial one.

If the State Bar Committee is to give it a careful review--and such a careful review is essential to the success of this project--the committee is going to have to get to work.

What, if anything, does the Commission wish to do concerning this matter?

Court Committee to Review Eminent Domain Policy

The attached article (pink page) reports a recent development in Los Angeles County. Does the Commission wish to do anything to bring the judges into our eminent domain study? The judges in Los Angeles County made a number of significant recommendations to the 1971 Legislature, including some dealing specifically with eminent domain proceedings.

Respectfully submitted,

John H. DeMouilly
Executive Secretary

Court Panel to Review Eminent Domain Policy

A special committee of judges has been named by the Los Angeles County Superior Court to expedite the disposition of the sizable number of eminent domain cases which come to the court each year, Presiding Judge Charles A. Loring said yesterday.

The function of the committee will be essentially to develop new procedures in handling this type of case and to streamline the present procedures.

The committee appointed includes Judges Sidney W. Kaufman, chairman; Robert A. Wenke, vice chairman; Edward J. O'Connor, Homer H. Bell, William E. MacFaden, Malcolm M. Lucas and Samuel L. Kurland. Presiding Judge Loring and Assistant Presiding Judge Alfred J. McCourtney are ex-

officio members of the group. Others who are assisting the committee include Court Commissioner Richard Barry, who is assigned to handle eminent domain matters, Frank Zolin, the court's executive officer, and Joe Kavanaugh, the court's civil court coordinator.

The committee anticipates that they will ultimately be joined by selected members of the bar who are experienced in eminent domain matters with the view that the ultimate result will be the combined effort of both the Bench and Bar. In the interim period, any recommendations by the bar would be welcome.

It is suggested that correspondence be directed to the Committee Chairman, Judge Sidney J. Kaufman, Room 330 Courthouse, 111 North Hill Street, Los Angeles 90012.