

12/26/79

Memorandum 80-1

Subject: Research Contract (Thomas M. Dankert)

In the past the Commission has employed consultants who are experts in the eminent domain field to attend Commission meetings and advise the Commission on matters where expert advice would be helpful. One of the consultants the Commission has employed is Mr. Thomas M. Dankert, who practices law in Ventura. Mr. Dankert's advice has been particularly useful to the Commission because his practice is about 50% representing condemning agencies and 50% representing property owners, so he has a balanced viewpoint. Mr. Dankert's contract with the Commission expired in mid-1979.

One of the Commission's more significant recommendations to the 1980 Legislature involves extension of the Evidence Code property valuation rules beyond eminent domain and inverse condemnation cases to any controversy where market value is in issue. Mr. Dankert has been very helpful to the Commission and staff in this area, and has followed the recommendation with interest. We believe it would be useful to extend Mr. Dankert's contract as a consultant for a few additional years to enable him to attend future Commission meetings when this matter is discussed and to enable him to attend legislative hearings when, in the staff's opinion, it would be helpful to do so. We expect there will be opposition to the Commission's recommendation, and the testimony of a person of Mr. Dankert's stature and experience would be as useful to a legislative committee as it has been to the Commission. We have discussed this matter with Mr. Dankert and he is willing to enter into such a contract.

We recommend that the Commission authorize and direct the Executive Secretary to execute on behalf of the Commission a contract with Thomas M. Dankert to provide expert advice to the Law Revision Commission and to attend hearings on Commission proposals when requested to do so by the Commission's staff, in connection with the Commission's study of eminent domain, inverse condemnation, and evidence. The contract is to provide compensation of \$50 per day of attendance at Commission meetings and legislative hearings and travel reimbursement subject to the same

limitations that apply to reimbursement of travel expenses by state employees. The total amount payable under the contract is not to exceed \$500 and the contract is to expire on June 30, 1982.

Respectfully submitted,

Nathaniel Sterling  
Assistant Executive Secretary