

Condemnation Commissioners

Directive #15-67

Issued by:

June 10, 1968

Edward B. McConnell

Administrative Director

At its last conference the Supreme Court considered the question, discussed at the last Assignment Judges meeting on May 2, 1968, whether an attorney who represented a property owner in condemnation proceedings could serve as a condemnation commissioner with respect to other property being condemned by the same authority (see paragraph 14 on page 5 of the summary of the May 2nd meeting).

The Supreme Court has asked me to advise you that it agrees fully with the conclusions reached at the May 2nd meeting that: (1) no attorney could serve as a condemnation commissioner while that attorney or members of his or her firm have any cases pending against the authority involved; (2) assignment Judges before appointing a condemnation commissioner should make inquiry to make certain that no such conflict of interest appears; and (3) the same limitations should be observed when appointing real estate brokers or appraisers as condemnation commissioners.

The Supreme Court also indicated that it did not consider it feasible or desirable to establish more specific guidelines as to when a conflict of interest barring appointment exists, but the application of these general policies in specific situations be left to the discretion of the Assignment Judges.

EDITOR'S NOTE

No substantive changes have been made to the original text.