

3/8/68

LAND AND NATURAL RESOURCES DIVISION

LAND ACQUISITION SECTION

Directive No. 1-68

Pursuant to the approval of Assistant Attorney General Clyde O. Martz of a proposed reorganization of assignments and procedures in order to achieve more efficient utilization of attorney time, this directive is issued to effectuate the approved reorganization.

In order to assure that cases involving substantial amounts of money, complicated legal or factual situations, or novel claims for compensation, are adequately analyzed, supervised, prepared and tried and in order that cases of lesser importance, both from a monetary and a legal or factual standpoint, can be handled or supervised with a minimum of effort and time of the professional staff, thus freeing the attorneys for more professional work, the organization of the Land Acquisition Section is reorganized as follows:

1. Section Chief - The position of Section Chief is hereby retained with the same supervisory duties and responsibilities, both from an operational and an administrative standpoint.

2. Assistant Chiefs -

A. Assistant Chief for Administration -

1. Supervision of the Condemnation Groups (records and administration).
2. Supervision of Title work if the proposed amendment of 40 U.S.C. sec. 255 is enacted.
3. Reports on legislative matters.

.No

Give reasons for recommendations---

4. Congressional and White House mail.
5. Processing of settlements.
6. Final and declaration of taking opinions.
7. Monthly and annual reports.
8. Personnel matters.
9. Review of mail.
10. Other matters as assigned by Chief.

B. Assistant Chief for Field Operations -

1. Supervision of the Condemnation Groups (operations).
2. Supervision of briefing and trial work.
3. Settlement negotiations and legal instructions to appraisers on major tracts.
4. Field records and reports.
5. Liaison with United States Attorneys.
6. Field inspections.
7. Review of mail.
8. Trial of cases selected for their significance or suitability for trial purposes.
9. Other matters as assigned by Chief.

Give reasons for recommendation

C. Assistant Chief for Title Matters - This position is retained with the same duties and responsibilities. As reflected above, provision has been made, however, that in the event that the proposed revision of R.S. 355 [40 U.S.C. sec. 255] is enacted, supervision of the title work will become a function of the Assistant Chief for Administration, with Special Title Assistants, as needed, to assist him in the proper performance of this function. Also, as reflected hereinafter, provision has been made for inclusion in the Condemnation Groups discussed immediately below of title specialists in the event of the enactment of the proposed amendment of R.S. 355.

3. Condemnation Groups - The pending condemnation cases and all future condemnation cases for the Land Acquisition Section shall be divided into four groups in accordance with the circuit of the United States Court of Appeals having jurisdiction over the District Court in which the proceeding is pending. The following groups are hereby established.

- A. GROUP ONE - Comprising the First, Second, Third and Fifth Circuits.
- B. GROUP TWO - Comprising the Sixth, Seventh and Eighth Circuits.
- C. GROUP THREE - Comprising the Ninth and Tenth Circuits.
- D. GROUP FOUR - Comprising the circuit for the District of Columbia and the Fourth Circuit.

Each group shall consist, insofar as possible in view of available personnel, of a "Team Captain", bearing the title "Group Chief", an attorney who is a research and briefing specialist (which assignment will be considered as a training position with the trial specialist serving as instructor), an attorney who is a title specialist and who will also try cases

Give reasons for recommendation:

*Give range of deposit or deposits of individual tracts to explain recommendation.

and do research work, other attorneys as required by the workload, an administrative aide and a secretary or secretaries as needed. An attorney may, of course, come within one or more of the specialties.

The duties and responsibilities of the Group Chief are to assign cases among the attorneys in his group, make recommendations to the Section Chief as to what action should be taken in the prosecution of condemnation cases, and generally coordinate the work of the group among the attorneys assigned thereto. It is anticipated that the Group Chief will be generally familiar with all the cases, particularly those classified as "B" and "C", in his group, and the exchange of ideas among the team of attorneys should be free and extensive. Such an exchange will bring to bear the talents of the various team members in the more effective handling of our work which the revised procedures are designed to accomplish. Although Group Chiefs will have responsibility for matters assigned to their groups, it must be emphasized that the "team" effort is just that, i.e., a team of lawyers working toward a solution of our condemnation problems with the Group Chief continuing to devote substantial efforts in a trial capacity.

The duties and responsibilities of the Group Chief, and other attorneys, shall be the review and implementation of a request to condemn, the furnishing of recommendation as to the classification of the individual condemnation proceeding and the assignment of both primary and secondary responsibility for the conduct of the proceeding to Division attorneys or United States Attorneys and their staffs under the provisions of Land and Natural Resources Division Directive No. 5-68 dated February 14, 1968, [discussed more fully hereinafter], the acting as liaison when required between the United States Attorneys' staff and other agencies of the Government, the review of factual and legal aspects of the condemnation proceeding (as required by Directive No. 5-68), the consideration and furnishing of recommendations as to acceptability of offers of settlement (as required by Directive No. 5-68), the review of transcripts of the cases upon conclusion and preparation of the final opinions.

The duties and responsibilities of the Group Chief, and other attorneys, in connection with field cases as defined in Land and Natural Resources Division Directive No. 5-68 shall be, in addition to the above, to assist United States Attorneys as requested

Give reasons for recommendation:

and to encourage the processing of such matters in accordance with Division directives. The supervision shall be held to a minimum consistent with the public interest. Recommendations of the United States Attorney relative to settlements shall be promptly processed and the United States Attorney shall be promptly advised as to the determination made relative to the acceptability of the settlement.

The duties and responsibilities of the Group Chief and other attorneys with respect to "division cases" [referred to as "Category 2 cases" in the Land Acquisition Program Statement promulgated to United States Attorneys on March 4, 1968] shall be as in accordance with the letter forwarding the condemnation assembly or sent thereafter advising the United States Attorney of such participation in the matter provided in Division Directive No. 5-68. United States Attorneys have been advised in this respect that [Land Acquisition Program Statement, p. 8]:

Category 2 cases will be the joint responsibility of the United States Attorneys' offices and the Department of Justice. The Department of Justice's condemnation group will provide such assistance in the preparation of pleadings, selection of appraisers, preparation for trial, and settlement negotiations, as shall be prescribed by the condemnation group in each case. Such participation may range from mere counsel and advice on the one hand to management of the case on the other, depending upon the effect of the case upon the national interests and the experience of the Assistant United States Attorney assigned in the particular district.

4. Administrative Aides - The duties and responsibilities of the Administrative Aides shall be as follows:

1. Maintain tract sheets.
2. Process paper work.
3. Routine Clerical.
4. Maintain records.

Give reasons for recommendation: