

*3 and/or bribery. One corporation executive did not put it quite that way, but there was no doubt what

there is no reason why we should have a system that guarantees corruption.

Public Interest v. Private Property

The California Supreme Court has once again come up with a solid and sensible decision, this one clarifying the sometimes conflicting rights of the public interest and private property owners.

This new decision has ended the confusion created last year as a result of the now-famous Klopping v. City of Whittier case, which led lawyers to counsel public planners to wipe the specifics off their maps or face the peril of lawsuits.

For a few painful months, it appeared that the court had decided that a property owner could claim he was the victim of inverse condemnation if planning maps drawn by public bodies projected any future public use for his land. That discouraged any projection of new streets, freeways, schools, health facilities, parks, fire stations, any public use that might one day involve private lands.

Now the court has said, in another milestone case, Selby v. the City of Buenaventura, that it meant only what it said in the Klopping case and did not mean to frustrate public planning. On the contrary. The Klopping case involved an action of condemnation against private property that, when the condemnation was later suspended, obviously jeopardized property rights. That's a far cry, the court noted, from suggesting that mapping the future of a city or county or state exposes governments to inverse-condemnation suits.

Public agencies are required by law to plan ahead, the court noted.

"The deleterious consequences of haphazard community growth in the state and the need to prevent further random development are evident to even the most casual observer. The Legislature has attempted to alleviate the problem by authorizing the adoption of long-range plans for orderly progress."

To this the judges added: "If a governmental entity and its responsible officials were held subject to a claim of inverse condemnation merely because a parcel of land was designated for potential public use on one of these several authorized plans, the process of community planning would either grind to a halt or deteriorate to publication of vacuous generalizations regarding the future use of land."

But the unanimous decision also spoke to the right of the property owner, as did the Klopping decision before it. This case was sent back to the lower court for rehearing on whether the plaintiff had been unreasonably denied his rights by a refusal of a building permit. The refusal appeared based solely on the fact that the new building would have conflicted with a projected street plan. If that were the case, a good argument for inverse condemnation could be made.

The clarification is important more than ever now because California, from its coastal commission to many of its city and county planning commissions, is taking more seriously the responsibility of the way the land is used.

Should Court Systems Be Merged?

Nearly all 138 judges of the 24 municipal courts in Los Angeles County favor consolidating the state's municipal and Superior Court systems. Most of the 161 judges of the county's Superior Court, however, are strongly opposed.

Reunification of California's dual courts—an idea that has been debated for more than a decade—is not up to the judges. That decision will be made by the Legislature and the voters or their county supervisors.

An Assembly committee will hold interim hearings next month on a constitutional amendment and a bill, both sponsored by Assemblyman Jack Fenton (D-Montebello), for court consolidation. The Fenton proposals would not dictate merger. They would allow voters or supervisors of a county or adjoining counties to set up a single trial-court system.

Considering the complexities of unification and the controversy it generates, it is probably fortunate that Fenton's proposals are offered in skeletal form. Most pertinent points remain to be answered at the hearings.

Consolidation, the municipal court judges argue, would speed justice by reducing trial backlogs caused by duplication of several functions on both levels, and would save this county several millions of dollars each year. Municipal Presiding Judge Vincent Erickson translates this saving into 164 hours per day of judicial bench time, or the equivalent of 27 full-time jurists.

The Superior Court opponents of merger evidently are saving their ammunition for the hearings. A spokesman for Superior Presiding Judge Alfred McCourtney, nevertheless, contends that merger would be cumbersome and potentially inefficient.

While California's judges and legislators have been debating the issue, 22 states and the District of Columbia have unified their courts in various forms and with varying results. Their experiences, a subject expected to be hotly debated in Sacramento, should be carefully considered before California decides whether or not to consolidate its court systems.