

Minutes

February 14, 2014

## Memorandum 2014-10

**Minutes of February 6, 2014 Meeting (Draft)**

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Draft Minutes for the February 6, 2014, meeting of the California Law Revision Commission<sup>1</sup> are attached to this memorandum.

The attached draft will be deemed final after it is approved by a vote of the Commission. When voting, the Commission may make specific changes to the Minutes. If so, those changes will be memorialized in the Minutes for the meeting at which the vote occurred.

Respectfully submitted,

Brian Hebert  
Executive Director

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1. Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission's website ([www.clrc.ca.gov](http://www.clrc.ca.gov)). Other materials can be obtained by contacting the Commission's staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

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MINUTES OF MEETING  
CALIFORNIA LAW REVISION COMMISSION  
FEBRUARY 6, 2014  
SACRAMENTO

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A meeting of the California Law Revision Commission was held in Sacramento on February 6, 2014.

**Commission:**

*Present:* Damian Capozzola, Chairperson  
Victor King, Vice Chairperson  
Diane F. Boyer-Vine, Legislative Counsel  
Xochitl Carrion  
Susan Duncan Lee  
Crystal Miller-O'Brien

*Absent:* Judge Patricia Cowett (Ret.)  
Assembly Member Roger Dickinson  
Senator Ted Lieu  
Taras Kihiczak

**Staff:** Brian Hebert, Executive Director  
Barbara Gaal, Chief Deputy Counsel  
Kristin Burford, Staff Counsel  
Steve Cohen, Staff Counsel

**Consultants:** None

**Other Persons:**

Valerie Baumer  
Laura Bennett, Verizon  
Yolanda Benson, Government Strategies, Inc.  
Blanca Castro, AARP  
June Clark, Governor's Office  
Elizabeth Dietzen Olsen, Senate Office of Research  
Claudine Desmond, Desmond & Desmond  
Jerry Desmond, Desmond & Desmond  
Jerry Desmond, Jr., Desmond & Desmond  
Jim Ewert, California Newspaper Publishers Association  
Daniel Felizzatto, Los Angeles District Attorney's Office  
Amelia Green, Stanford Law School  
Lindsay Gullahorn, Capitol Advocacy



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ADMINISTRATIVE MATTERS

**Report of Executive Director**

The Executive Director reported on the following matters:

- Going forward, the staff will prepare a memorandum when presenting draft meeting minutes.
- Before posting any meeting recordings on the Commission’s website, the staff will research the requirements of the federal Rehabilitation Act, as it applies to California agencies. The staff will report its findings at the April 2014 meeting.
- The staff will start the formal process of revising the Commission’s Statement of Incompatible Activities at the beginning of the next fiscal year.
- The Governor’s budget would slightly increase the Commission’s budget. This would include an additional .5 authorized positions.
- The staff received informal advice from an attorney at the Fair Political Practices Commission that work as counsel or as a neutral in mediation does not present a disqualifying conflict of interest with regard to the Commission’s study of the Relationship Between Mediation Confidentiality and Attorney Malpractice and Other Misconduct.

**Open Government Laws**

The Commission considered Memorandum 2014-1, summarizing “open government” laws applicable to the Commission. The memorandum did not present any questions for decision. As a follow-up, the staff will confirm that the Commission’s current practices regarding the dissemination of material handed out at meetings complies with the requirements of the Bagley-Keene Open Meeting Act.

2014 LEGISLATIVE PROGRAM

The Commission considered Memorandum 2014-2 and its First Supplement, reporting on the Commission’s 2014 legislative program.

On behalf of AARP, Blanca Castro thanked the Commission for its work on the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (“UAGPPJA”). She also informed the Commission that AARP plans to support Senate Bill 940 (Jackson), which would implement the Commission’s recommendation on the topic.

1       Regarding that bill, the Commission ratified the Chair's decision to revise  
2 proposed Government Code Section 70663 as follows:

3               70663. ~~(a)~~ The fee for registering a conservatorship under Article  
4 4 (commencing with Section 2011) of Chapter 8 of Part 3 of Division  
5 4 of the Probate Code is thirty dollars (\$30). ~~Subject to subdivision~~  
6 ~~(b), amounts~~ Amounts collected shall be distributed to the Trial  
7 Court Trust Fund under Section 68085.1.

8               ~~(b) From the operative date of this section to June 30, 2017,~~  
9 ~~inclusive, ten dollars (\$10) of each fee collected pursuant to~~  
10 ~~subdivision (b) shall be used by the Judicial Council for the~~  
11 ~~expenses of the Judicial Council in implementing and~~  
12 ~~administering the civil representation pilot program under Section~~  
13 ~~68651.~~

14 The staff should take steps to ensure that the printed version of the  
15 Commission's recommendation reflects this revision.

16               STUDY G-300 — STATE AND LOCAL AGENCY ACCESS TO CUSTOMER  
17 INFORMATION FROM COMMUNICATION SERVICES PROVIDERS

18       The Commission considered Memorandum 2014-5, introducing the study of  
19 State and Local Agency Access to Customer Information from Communication  
20 Services Providers. The Commission approved the approach described in the  
21 memorandum. In addition, the following disclosures and decisions were made:

- 22       • Commissioner Susan Duncan Lee disclosed that she had helped to  
23 prepare an opinion of the Attorney General relating to trap and  
24 trace devices. She does not see this as creating any conflict with  
25 regard to the study.
- 26       • Commissioner Victor King disclosed that he is an Information  
27 Privacy Officer and is a certified member of the International  
28 Association of Privacy Professionals. He does not see this as  
29 creating any conflict with regard to the study.
- 30       • The staff will contact the National Conference of Commissioners  
31 on Uniform State Laws to determine whether they are doing any  
32 work that relates to the study.
- 33       • If the study exposes any problems relating to civil discovery, those  
34 will be noted for possible future attention.
- 35       • The staff will attempt to locate sources of technical expertise that  
36 have no direct interest in the outcome of the study.

1 Robert M. Morgester, of the Office of the Attorney General, submitted a  
2 document providing background on searches of communication records. See  
3 First Supplement to Memorandum 2014-5.

4 STUDIES H-855 & H-856 — COMMON INTEREST DEVELOPMENT LAW

5 The Commission considered Memorandum 2014-9 and its First, Second, and  
6 Third Supplements, discussing public comment on the Commission's recent  
7 work on common interest development law. The Commission directed the staff  
8 to be cautious about responding to media commentary, evaluating each instance  
9 on a case-by-case basis.

10 STUDY J-1314 — TRIAL COURT UNIFICATION: PUBLICATION OF LEGAL NOTICE

11 The Commission considered Memorandum 2014-4 and its First Supplement,  
12 introducing a new study on publication of legal notice in judicial districts. In  
13 future written materials, the staff will explain that the current study will not  
14 address the use of Internet publication as an alternative to print publication. That  
15 issue is beyond the scope of the current study, which is focused on addressing  
16 laws made obsolete by trial court unification.

17 STUDY K-402 — RELATIONSHIP BETWEEN MEDIATION CONFIDENTIALITY AND  
18 ATTORNEY MALPRACTICE AND OTHER MISCONDUCT

19 The Commission considered Memorandum 2014-6, presenting a preliminary  
20 analysis of policy considerations relevant to the intersection of mediation  
21 confidentiality and attorney misconduct. The memorandum did not present any  
22 questions for decision.

23 For the next meeting, the staff should begin to explore the Uniform Mediation  
24 Act and the law of other jurisdictions. For consideration in that regard, mediator  
25 Ron Kelly submitted a document entitled "Sample Summary of Significant  
26 Differences Between UMA and Current California Statutes." See First  
27 Supplement to Memorandum 2014-6.

1                                   STUDY L-750 — UNIFORM ADULT GUARDIANSHIP AND  
2                                   PROTECTIVE PROCEEDINGS JURISDICTION ACT

3           The Commission considered Memorandum 2014-3 and its First Supplement,  
4 discussing conforming revisions for its final recommendation on UAGPPJA.

5           The Commission approved the conforming revisions shown below. The staff  
6 should take steps to include those conforming revisions in (1) the printed version  
7 of the recommendation, and (2) the implementing legislation (SB 940 (Jackson)).

8   **Appealable Orders**

9           To provide guidance on the appealability of an order issued under the  
10 proposed law, a provision along the following lines should be added to the  
11 Probate Code:

12           **Prob. Code § 1301.5 (added). Appeals under California**  
13           **Conservatorship Jurisdiction Act**

14           1301.5 The following rules apply with respect to the California  
15 Conservatorship Jurisdiction Act, Chapter 8 (commencing with  
16 Section 1980) of Part 4:

17           (a)(1) An appeal may be taken from an order assessing expenses  
18 against a party under Section 1997 if the amount exceeds five  
19 thousand dollars (\$5,000).

20           (2) An order under Section 1997 assessing expenses of five  
21 thousand dollars (\$5,000) or less against a party may be reviewed  
22 on an appeal by that party after entry of a final judgment or an  
23 appealable order in the conservatorship proceeding. At the  
24 discretion of the court of appeal, that type of order may also be  
25 reviewed upon petition for an extraordinary writ.

26           (b) An appeal may be taken from an order under Section 2001  
27 denying a petition to transfer a conservatorship to another state.

28           (c) An appeal may be taken from a final order under Section  
29 2002 accepting a transfer and appointing a conservator in this state.

30           (d) Notwithstanding any other law, an appeal may not be taken  
31 from either of the following until the court enters a final order  
32 under Section 2002 accepting the proposed transfer and appointing  
33 a conservator in this state:

34           (1) An order under Section 2002 determining whether or how to  
35 conform a conservatorship to the law of this state.

36           (2) An order that is made pursuant to a court review under  
37 Sections 1851.1 and 2002.

38           **Comment.** Section 1301 is amended to reflect the enactment of  
39 the California Conservatorship Jurisdiction Act (Section 1980 *et*  
40 *seq.*).

1 Paragraph (1) of subdivision (a) is modeled on Code of Civil  
2 Procedure Section 904.1(a)(12). Paragraph (2) is modeled on Code  
3 of Civil Procedure Section 904.1(b).

4 Subdivision (b) makes clear that an order *denying* a petition to  
5 transfer a conservatorship to another state is appealable. An order  
6 *provisionally granting* such a petition is not appealable. If a court  
7 issues a *final* order granting a transfer to another state, the court  
8 will terminate the conservatorship and enter a final judgment,  
9 which will be appealable. See Code Civ. Proc. § 904.1.

10 Subdivision (c) makes clear that a *final* order accepting a transfer  
11 of a conservatorship is appealable. See also Section 1301(a) (order  
12 granting letters of conservatorship is appealable). In contrast, an  
13 order *provisionally granting* a petition to transfer a conservatorship  
14 to California is not appealable. If a court *denies* such a petition, the  
15 California proceeding will be over and the court will enter an order  
16 of dismissal, which will be appealable. See Code Civ. Proc. §§ 581d,  
17 904.1.

18 Subdivision (d) makes clear that a conformity determination  
19 under Section 2002 is not appealable until the court issues a final  
20 order accepting the transfer and appointing a California  
21 conservator. The same is true of an order that is made pursuant to a  
22 court review under Sections 1851.1 and 2002.

23 **Authority to File a Petition for Instructions or a Petition to Grant a Power or**  
24 **Authority (Prob. Code § 1455)**

25 Probate Code Section 1455 should be amended along the following lines:

26 **Prob. Code § 1455 (amended). Authority to file petition for**  
27 **instructions or petition to grant power or authority**

28 1455. Any petition for instructions or to grant a guardian or a  
29 conservator any power or authority under this division, which may  
30 be filed by a guardian or conservator, may also be filed by a person  
31 who petitions for the appointment of a guardian or conservator,  
32 including, but not limited to, a person who petitions under Section  
33 2002 for transfer of a conservatorship.

34 **Comment.** Section 1455 is amended to reflect the enactment of  
35 the California Conservatorship Jurisdiction Act (Section 1980 *et*  
36 *seq.*).

37 **Conservatorship for an Absentee (Prob. Code §§ 1840-1844)**

38 Probate Code Sections 1840 to 1844 should be amended along the following  
39 lines:

40 **Prob. Code § 1840 (amended). Appointment of conservator for**  
41 **absentee**

42 1840. Except as otherwise provided in this article, a conservator  
43 for an absentee (Section 1403) shall be appointed as provided in

1 Article 3 (commencing with Section 1820) of this chapter or Article  
2 3 (commencing with Section 2001) of Chapter 8.

3 **Comment.** Section 1840 is amended to reflect the enactment of  
4 the California Conservatorship Jurisdiction Act (Section 1980 *et*  
5 *seq.*).

6 **Prob. Code § 1841 (amended). Contents of petition relating to**  
7 **absentee**

8 1841. In addition to the other required contents of the petition, if  
9 the proposed conservatee is an absentee:

10 (a) The petition, and any notice required by Section 1822,  
11 Section 2002, or any other law, shall set forth the last known  
12 military rank or grade and the social security account number of  
13 the proposed conservatee.

14 (b) The petition shall state whether the absentee's spouse has  
15 commenced any action or proceeding against the absentee for  
16 judicial or legal separation, dissolution of marriage, annulment, or  
17 adjudication of nullity of their marriage.

18 **Comment.** Section 1841 is amended to reflect the enactment of  
19 the California Conservatorship Jurisdiction Act (Section 1980 *et*  
20 *seq.*).

21 **Prob. Code § 1842 (amended). Notice requirements for petition**  
22 **relating to absentee**

23 1842. In addition to the persons and entities to whom notice of  
24 hearing is required under Section 1822 or 2002, if the proposed  
25 conservatee is an absentee, a copy of the petition and notice of the  
26 time and place of the hearing shall be mailed at least 15 days before  
27 the hearing to the secretary concerned or to the head of the United  
28 States department or agency concerned, as the case may be. In such  
29 case, notice shall also be published pursuant to Section 6061 of the  
30 Government Code in a newspaper of general circulation in the  
31 county in which the hearing will be held.

32 **Comment.** Section 1842 is amended to reflect the enactment of  
33 the California Conservatorship Jurisdiction Act (Section 1980 *et*  
34 *seq.*).

35 **Prob. Code § 1843 (amended). Notice requirements for petition**  
36 **relating to absentee**

37 1843. (a) No citation is required under Section 1823 to the  
38 proposed conservatee if the proposed conservatee is an absentee.

39 (b) No notice is required under Section 2002 to the proposed  
40 conservatee if the proposed conservatee is an absentee.

41 **Comment.** Section 1843 is amended to reflect the enactment of  
42 the California Conservatorship Jurisdiction Act (Section 1980 *et*  
43 *seq.*).

44 **Prob. Code § 1844 (amended). Proof of inability to attend hearing**

45 1844. (a) ~~An~~ In a proceeding to appoint a conservator for an  
46 absentee under Article 3 (commencing with Section 1820) of this

1 chapter or Article 3 (commencing with Section 2001) of Chapter 8,  
2 an official written report or record complying with Section 1283 of  
3 the Evidence Code that a proposed conservatee is an absentee shall  
4 be received as evidence of that fact and the court shall not  
5 determine the status of the proposed conservatee inconsistent with  
6 the status determined as shown by the written report or record.

7 (b) The inability of the proposed conservatee to attend the  
8 hearing is established by the official written report or record  
9 referred to in subdivision (a).

10 **Comment.** Section 1844 is amended to reflect the enactment of  
11 the California Conservatorship Jurisdiction Act (Section 1980 *et*  
12 *seq.*).

### 13 **Conservatorship for a Missing Person (Prob. Code §§ 1845-1849)**

14 Probate Code Sections 1845 to 1849 should be amended along the following  
15 lines:

#### 16 **Prob. Code § 1845 (amended). Appointment of conservator for** 17 **missing person**

18 1845. (a) Except as otherwise provided in this article, a  
19 conservator of the estate of a person who is missing and whose  
20 whereabouts is unknown shall be appointed as provided in Article  
21 3 (commencing with Section 1820) of this chapter or Article 3  
22 (commencing with Section 2001) of Chapter 8.

23 (b) This article does not apply where the proposed conservatee  
24 is an absentee as defined in Section 1403.

25 **Comment.** Section 1845 is amended to reflect the enactment of  
26 the California Conservatorship Jurisdiction Act (Section 1980 *et*  
27 *seq.*).

#### 28 **Prob. Code § 1846 (amended). Contents of petition relating to** 29 **missing person**

30 1846. In addition to the other required contents of the petition, if  
31 the proposed conservatee is a person who is missing and whose  
32 whereabouts is unknown, the petition shall state all of the  
33 following:

34 (a) The proposed conservatee owns or is entitled to the  
35 possession of real or personal property located in this state. In a  
36 proceeding to transfer a conservatorship of a missing person to this  
37 state under Article 3 (commencing with Section 2001) of Chapter 8,  
38 this requirement is also satisfied if the petition states that the  
39 proposed conservatee owns or is entitled to the possession of  
40 personal property that is to be relocated to this state upon approval  
41 of the transfer.

42 (b) The time and circumstance of the person's disappearance  
43 and that the missing person has not been heard from by the  
44 persons most likely to hear (naming them and their relationship to  
45 the missing person) since the time of disappearance and that the

1 whereabouts of the missing person is unknown to those persons  
2 and to the petitioner.

3 (c) The last known residence of the missing person.

4 (d) A description of any search or inquiry made concerning the  
5 whereabouts of the missing person.

6 (e) A description of the estate of the proposed conservatee  
7 which requires attention, supervision, and care.

8 **Comment.** Section 1846 is amended to reflect the enactment of  
9 the California Conservatorship Jurisdiction Act (Section 1980 *et*  
10 *seq.*).

11 **Prob. Code § 1847 (amended). Notice requirements for petition**  
12 **relating to missing person**

13 1847. In addition to the persons and entities to whom notice of  
14 hearing is required under Section 1822 or Section 2002, if the  
15 proposed conservatee is a person who is missing and whose  
16 whereabouts is unknown:

17 (a) A copy of the petition for appointment of a conservator and  
18 notice of the time and place of the hearing on the petition shall be  
19 mailed at least 15 days before the hearing to the proposed  
20 conservatee at the last known address of the proposed conservatee.

21 (b) Notice of the time and place of the hearing shall also be  
22 published pursuant to Section 6061 of the Government Code in a  
23 newspaper of general circulation in the county in which the  
24 proposed conservatee was last known to reside if the proposed  
25 conservatee's last known address is in this state.

26 (c) Pursuant to Section 1202, the court may require that further  
27 or additional notice of the hearing be given.

28 **Comment.** Section 1847 is amended to reflect the enactment of  
29 the California Conservatorship Jurisdiction Act (Section 1980 *et*  
30 *seq.*).

31 **Prob. Code § 1848 (amended). Acts not required in proceeding to**  
32 **appoint conservator for missing person**

33 1848. (a) In a proceeding under Article 3 (commencing with  
34 Section 1820) to appoint a conservator of the estate of a person who  
35 is missing and whose whereabouts is unknown, the following acts  
36 are not required:

37 ~~(a)~~ (1) Issuance of a citation to the proposed conservatee  
38 pursuant to Section 1823.

39 ~~(b)~~ (2) Service of a citation and petition pursuant to Section 1824.

40 ~~(c)~~ (3) Production of the proposed conservatee at the hearing  
41 pursuant to Section 1825.

42 ~~(d)~~ (4) Performance of the duties of the court investigator  
43 pursuant to Section 1826.

44 ~~(e)~~ (5) Performance of any other act that depends upon  
45 knowledge of the location of the proposed conservatee.

1           (b) In a proceeding to transfer a conservatorship of a missing  
2 person to this state under Article 3 (commencing with Section 2001)  
3 of Chapter 8, the following acts are not required:

4           (1) Notice to the proposed conservatee pursuant to Section 2002.

5           (2) Production of the proposed conservatee at the hearings  
6 pursuant to Section 2002.

7           (3) Performance of the duties of the court investigator pursuant  
8 to Section 1851.1.

9           (4) Performance of any other act that depends upon knowledge  
10 of the location of the proposed conservatee.

11           **Comment.** Section 1848 is amended to reflect the enactment of  
12 the California Conservatorship Jurisdiction Act (Section 1980 *et*  
13 *seq.*).

14           **Prob. Code § 1849 (amended). Required findings for appointment**  
15 **of conservator for missing person**

16           1849. A conservator of the estate of a person who is missing and  
17 whose whereabouts is unknown may be appointed only if the court  
18 finds all of the following:

19           (a) The proposed conservatee owns or is entitled to the  
20 possession of real or personal property located in this state. In a  
21 proceeding to transfer a conservatorship of a missing person to this  
22 state under Article 3 (commencing with Section 2001) of Chapter 8,  
23 this requirement is also satisfied if the court finds that the proposed  
24 conservatee owns or is entitled to the possession of personal  
25 property that is to be relocated to this state upon approval of the  
26 transfer.

27           (b) The proposed conservatee remains missing and his or her  
28 whereabouts remains unknown.

29           (c) The estate of the proposed conservatee requires attention,  
30 supervision, and care.

31           **Comment.** Section 1849 is amended to reflect the enactment of  
32 the California Conservatorship Jurisdiction Act (Section 1980 *et*  
33 *seq.*).

34           **Order Regarding Conservatee's Capacity to Give Informed Consent to Medical**  
35 **Treatment (Prob. Code § 1890)**

36           Probate Code Section 1890 should be amended along the following lines:

37           **Prob. Code § 1890 (amended). Rules relating to court order under**  
38 **Section 1880**

39           1890. (a) An order of the court under Section 1880 may be  
40 included in the order of appointment of the conservator if the order  
41 was requested in the petition for the appointment of the  
42 conservator or the transfer petition under Section 2002 or, except in  
43 the case of a limited conservator, may be made subsequently upon  
44 a petition made, noticed, and heard by the court in the manner  
45 provided in this article.

1 (b) In the case of a petition filed under this chapter requesting  
2 that the court make an order under this chapter or that the court  
3 modify or revoke an order made under this chapter, when the  
4 order applies to a limited conservatee, the order may only be made  
5 upon a petition made, noticed, and heard by the court in the  
6 manner provided by Article 3 (commencing with Section 1820) of  
7 Chapter 1.

8 (c) No court order under Section 1880, whether issued as part of  
9 an order granting the original petition for appointment of a  
10 conservator or issued subsequent thereto, may be granted unless  
11 supported by a declaration, filed at or before the hearing on the  
12 request, executed by a licensed physician, or a licensed  
13 psychologist within the scope of his or her licensure, and stating  
14 that the proposed conservatee or the conservatee, as the case may  
15 be, lacks the capacity to give an informed consent for any form of  
16 medical treatment and the reasons therefor. Nothing in this section  
17 shall be construed to expand the scope of practice of psychologists  
18 as set forth in the Business and Professions Code.

19 **Comment.** Subdivision (a) of Section 1890 is amended to reflect  
20 the enactment of the California Conservatorship Jurisdiction Act  
21 (Section 1980 *et seq.*).

22 **Proper Court for Seeking Approval of Compromise of Claim or Extension,**  
23 **Renewal, or Modification of Obligation (Prob. Code § 2505)**

24 Probate Code Section 2505 should be amended along the following lines:

25 **Prob. Code § 2505 (amended). Proper forum for seeking court**  
26 **approval**

27 2505. (a) Subject to subdivision (c), where the claim or matter is  
28 the subject of a pending action or proceeding, the court approval  
29 required by this article shall be obtained from the court in which  
30 the action or proceeding is pending.

31 (b) Where the claim or matter is not the subject of a pending  
32 action or proceeding, the court approval required by this article  
33 shall be obtained from one of the following:

34 (1) The court in which the guardianship or conservatorship  
35 proceeding is pending.

36 (2) The superior court of the county where the ward or  
37 conservatee or guardian or conservator resides at the time the  
38 petition for approval is filed.

39 (3) The superior court of any county where a suit on the claim or  
40 matter properly could be brought.

41 (c) Where the claim or matter is the subject of a pending action  
42 or proceeding that is not brought in a court of this state, court  
43 approval required by this article shall be obtained from either of  
44 the following:

45 (1) The court in which the action or proceeding is pending.

(2) The court in which the guardianship or conservatorship proceeding is pending.

(d)(1) Subdivisions (a), (b), and (c) do not apply to a conservatorship that is registered in this state pursuant to Article 4 (commencing with Section 2011) of Chapter 8 of Part 3.

(2) Except as provided in paragraph (3), when a conservatorship is registered in this state pursuant to Article 4 (commencing with Section 2011) of Chapter 8 of Part 3, the court approval required by this article shall be obtained in accordance with Section 2014.

(3) Notwithstanding Section 2014, when a conservatorship is registered in this state pursuant to Article 4 (commencing with Section 2011) of Chapter 8 of Part 3, and the claim or matter in question is the subject of a pending action or proceeding that is not brought in a court of this state, the court approval required by this article may be obtained from the court in which the action or proceeding is pending.

**Comment.** Section 2505 is amended to reflect the enactment of the California Conservatorship Jurisdiction Act (Section 1980 *et seq.*).

STUDY R-100 — FISH AND GAME LAW

The Commission considered Memorandum 2014-7, and Memorandum 2014-8 and its First Supplement, discussing the Commission’s study of fish and game law. The Commission approved all of the staff proposals in Memorandum 2014-7 and Memorandum 2014-8. The Commission also made the following decisions:

- Proposed Fish and Wildlife Code Section 5505(a) should be revised to replace the word “effective” with “operative.”
- Where appropriate, the staff may prepare separate recommendations proposing the enactment of specific reforms in existing provisions, rather than waiting to enact them as part of a complete Fish and Wildlife Code.

APPROVED AS SUBMITTED

\_\_\_\_\_ Date

APPROVED AS CORRECTED  
(for corrections, see Minutes of next meeting)

\_\_\_\_\_ Chairperson

\_\_\_\_\_ Executive Director