

Memorandum 2014-29

Minutes of Meeting on June 12, 2014 (Draft)

The California Law Revision Commission¹ held a meeting on June 12, 2014. A draft of Minutes for that meeting is attached for Commissioners to review.

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

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). 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.

DRAFT MINUTES OF MEETING
CALIFORNIA LAW REVISION COMMISSION
JUNE 12, 2014
SACRAMENTO

A meeting of the California Law Revision Commission was held in Sacramento on June 12, 2014.

Commission:

Present: Damian Capozzola, Chairperson
Victor King, Vice Chairperson
Diane F. Boyer-Vine, Legislative Counsel
Judge Patricia Cowett (Ret.)
Taras Kihiczak
Susan Duncan Lee
Crystal Miller-O'Brien

Absent: Xochitl Carrion
Assembly Member Roger Dickinson
Senator Ted Lieu

Staff: Brian Hebert, Executive Director
Barbara Gaal, Chief Deputy Counsel
Kristin Burford, Staff Counsel
Steve Cohen, Staff Counsel
Heather Zimmerman, King Hall Fellow

Consultants: None

Other Persons:

Brandon Castillo, Capitol Television News Service
Bill Chan
Lawrence Doyle, Conference of California Bar Associations
Jim Ewert, California Newspaper Publishers Association
Daniel Felizzatto, Los Angeles District Attorney's Office
Ron Kelly
Eileen Kim, Los Angeles District Attorney's Office
James Madison, California Dispute Resolution Council
Janet Martinez, Stanford Law School
Aimee McKinney, Capitol Television News Service
Scott Merrill, California Newspaper Publishers Association
Elizabeth Dietzen Olsen, Senate Office of Research

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2014 LEGISLATIVE PROGRAM

The Commission considered Memorandum 2014-20, reporting on the Commission’s 2014 legislative program. The Commission made the following decisions:

- *AB 1798 (Committee on Public Safety), relating to deadly weapons.* The Commission assented to the possible insertion of a “subordination clause” into the bill and a minor technical amendment proposed by the Senate Committee on Public Safety. Neither change required revision of the Commission’s Comments.
- *AB 2747 (Committee on Judiciary), relating to technical corrections.* The Commission assented to a minor technical amendment proposed by the Office of Legislative Counsel. That change did not require revision of the Commission’s Comments.
- *SB 940 (Jackson), relating to the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.* The Commission ratified the Chair’s approval of the amendments discussed in the memorandum. The Commission approved the Comment revisions shown on pages 5-9 of the memorandum, subject to deletion of a duplicative phrase in the Comment to proposed Probate Code Section 2013. The Commission approved in concept any additional Comment revisions necessary to reflect renumbering of provisions in the bill. The Commission instructed the staff to make such Comment revisions as needed.

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

The Commission considered Memoranda 2014-21 and 2014-22, discussing constitutional privacy, free expression, and free association rights, and Memorandum 2014-23, presenting a report of the Stanford Law & Public Policy Initiative. The latter memorandum was presented by Stanford Law School Professor Robert Weisberg and Stanford Law School student Camden Vilkin.

In general, no Commission action was required or taken with respect to the memoranda. However, on a related point, the Commission directed the staff to prepare a memorandum revisiting the scope of the Commission’s mandate and authority in this study, to be considered at a future meeting. In particular, the Commission asked for analysis of the Commission’s authority to study the following matters:

- (1) The responsibilities of a communication service provider when presented with a government request for customer information.

- 1 (2) Private party access to customer information of a communication
2 service provider.
3 (3) A police search of a cell phone.

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

5 The Commission considered Memorandum 2014-25, relating to notice
6 publication in a judicial district. The Commission directed the staff to prepare a
7 draft tentative recommendation based on the “Improved Status Quo” approach
8 discussed in the memorandum and set out in the first discussion draft attached
9 to the memorandum. The Commission made the following decisions about the
10 content of the draft tentative recommendation:

- 11 • The Judicial Council should be charged with researching and
12 publishing the district boundaries.
13 • Proposed Government Code Section 6082 should include the
14 sunset clause shown in the discussion draft.
15 • In Revenue and Taxation Code Section 3381, the term “judicial
16 district” should be replaced with “publication district.”
17 • Code of Civil Procedure Section 38 should be revised along the
18 lines shown in the discussion draft.

19 In addition, the staff will research the “judicial district” reference in
20 Government Code Section 24052 to determine if the section needs to be
21 amended.

22 STUDY K-402 — RELATIONSHIP BETWEEN MEDIATION CONFIDENTIALITY AND
23 ATTORNEY MALPRACTICE AND OTHER MISCONDUCT

24 The Commission considered Memorandum 2014-24, relating to
25 implementation of the Uniform Mediation Act. The Commission also considered
26 Memorandum 2014-27 and its First Supplement, relating to new developments
27 and recent communications. No Commission action was required or taken.

28 STUDY R-100 — FISH AND GAME LAW

29 The Commission considered Memorandum 2014-26 and its First Supplement,
30 which presented a staff draft tentative recommendation on *Fish and Game Law:
31 Technical Revisions and Minor Substantive Improvements (Part 1)*.
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- 1 The Commission approved the draft as a tentative recommendation to be
- 2 circulated for public comment.

APPROVED AS SUBMITTED

Date

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

Chairperson

Executive Director