

Admin.

April 18, 2018

## Memorandum 2018-27

**Minutes of Meeting on April 12, 2018 (Draft)**

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The California Law Revision Commission<sup>1</sup> held a meeting on April 12, 2018. A draft of Minutes for that meeting is attached for Commissioners to review.

The Commission failed to achieve a quorum at the meeting, so all of the decisions made were provisional. When the Commission next meets, it can decide whether it wishes to ratify those provisional decisions or hear a full presentation of the related materials and make new decisions.

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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**DRAFT MINUTES OF MEETING**  
**CALIFORNIA LAW REVISION COMMISSION**  
**APRIL 12, 2018**  
**Sacramento**

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A meeting of the California Law Revision Commission was held in Sacramento on April 12, 2018.

**Commission:**

*Present:* Thomas Hallinan, Chairperson  
Jane McAllister, Vice-Chairperson  
Diane F. Boyer-Vine, Legislative Counsel

*Absent:* Assembly Member Ed Chau  
Victor King  
Susan Duncan Lee  
Crystal Miller-O'Brien  
Olga Mack  
Senator Richard D. Roth

**Staff:**

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

**Other Persons:**

Sarah Abbott, Judicial Council of California  
David G. Knitter, Executive Committee, Trusts and Estates Section of the California Lawyers Association  
Nikki Moore, California News Publishers Association

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PROVISIONAL DECISIONS

Due to unexpected last-minute developments, the Commission did not achieve a quorum, so it operated as a subcommittee. All of the decisions listed below are provisional only. When the Commission next meets, it can decide whether it wishes to ratify any of the decisions without further discussion, or instead hear the matter fully. The staff will present that question separately for each of the topics discussed below.

Unless otherwise indicated, the Commission decisions noted in these Minutes were approved by all members present at the meeting.

ADMINISTRATIVE MATTERS

**Report of Executive Director**

The Executive Director reported on the following matters:

- Olga Mack was appointed to a seat on the Commission. One vacancy remains.
- The Commission will not be able to achieve a quorum for the meeting.

**Handbook of Practices and Procedures**

The Commission considered Memorandum 2018-13, discussing possible revisions of the Commission’s *Handbook of Practices and Procedures*. The Commission made the following provisional decisions:

- The staff should prepare a draft of a comprehensive restatement of the *Handbook*.
- The restated handbook should not include the substance of Rule 1.4.1 (photo identification cards), Appendix D (publication distribution policy), Appendix E (Commission consultants), or Appendix F (office addresses).

*(Commissioner Boyer-Vine was not present for these decisions.)*

2018 LEGISLATIVE PROGRAM

The Commission considered Memorandum 2018-14 and its First and Second Supplements, discussing the Commission’s 2018 Legislative Program.

1 The Commission provisionally decided to revise its recommendation on  
2 *Revocable Transfer on Death Deed: Recordation* (April 2017) to conform to the March  
3 6 amendment of AB 1739.

4 (*Commissioner Boyer-Vine was not present for this decision.*)

5 STUDY L-4100 — NONPROBATE TRANSFERS:  
6 CREDITOR CLAIMS AND FAMILY PROTECTIONS

7 The Commission considered Memorandum 2018-15 and its First Supplement,  
8 discussing the Commission’s study of the liability of nonprobate transfers for  
9 creditor claims and family protections.

10 The Commission made the following provisional decisions:

- 11 • It should suspend work on a general reform of the law on  
12 nonprobate transfer liability for decedent debts. Instead, the  
13 Commission should focus on narrow issues relating to the topic,  
14 including a study of the decision in *Kircher v. Kircher*, 189 Cal. App.  
15 4th 1105, 117 Cal. Rptr. 3d 254 (2010), *rev. denied*, 2011 Cal. LEXIS  
16 1437.
- 17 • The staff should prepare a memorandum discussing the possible  
18 application of probate family protections to nonprobate transfers,  
19 including trusts. That memorandum would help the Commission  
20 decide whether to study that topic.

APPROVED AS SUBMITTED

\_\_\_\_\_ Date

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

\_\_\_\_\_ Chairperson

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