

Admin.

February 18, 2022

Memorandum 2022-18

Minutes of Meeting on February 17, 2022 (Draft)

The California Law Revision Commission held a meeting on February 17, 2022, by teleconference.¹ 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.

The Bagley-Keene Open Meeting Act provides that attendees cannot be required to identify themselves.² As a means of observing that rule, the Commission is only listing attendees who have affirmatively consented to being identified in the Minutes, as part of the registration process required for those who wish to attend the meeting.

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.

2. Gov't Code § 11124.

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DRAFT MINUTES OF MEETING
CALIFORNIA LAW REVISION COMMISSION
February 17, 2022

A meeting of the California Law Revision Commission was held on February 17, 2022. Consistent with Executive Order N-1-22, the meeting was held as an online video webinar.

Only those members of the public who expressly consented to being identified in the Minutes are listed as attendees.

Commission:

Present: Richard Simpson, Chairperson
David A. Carrillo, Vice-Chairperson
Xochitl Carrion
Cara Jenkins, Legislative Counsel
Amb. (r.) David Huebner
Victor King

Absent: Assembly Member Ash Kalra
Senator Richard D. Roth
Ana Cubas
Jane McAllister

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

Other Persons:

Sean Bagby
Adam Beam
Ellen Ingebritsen
Marjorie Murray

CONTENTS

Approval of Actions Taken.....	2
Minutes	2
Administrative Matters.....	2
Recognition of Barbara Gaal	2
Report of Executive Director	3
Handbook of Practices and Procedures	4
2022 Legislative Program	4
Study J-1408 — Statutes Made Obsolete by Trial Court Restructuring (Part 9).....	4
Study L-3032.5 — Stock Cooperatives and Revocable Transfer on Death Deeds.....	4
Study R-100 — Fish and Game Law	5
Study X-100 — Emergency-Related Reforms.....	5

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APPROVAL OF ACTIONS TAKEN

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Unless otherwise indicated, the Commission decisions noted in these Minutes were approved by all members present at the meeting. If a member who was present at the meeting voted against a particular decision, abstained from voting, or was not present when the decision was made, that fact will be noted below.

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MINUTES

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The Commission considered Memorandum 2022-9, presenting draft Minutes of the January 20, 2022, meeting. The Commission approved the Minutes without change. (*Commissioner Jenkins abstained. Commissioner Carrion was not present when the decision was made.*)

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ADMINISTRATIVE MATTERS

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Recognition of Barbara Gaal

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On the occasion of her upcoming retirement, the Commission and its staff presented Barbara Gaal with a Senate Resolution recognizing her achievements, character, and service to the People of California. The Resolution read as follows:

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Whereas, Barbara Sandra Gaal, Chief Deputy Director of the California Law Revision Commission, has distinguished herself in nearly three decades of service to the Commission, the California State Legislature, and the People of California; and

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Whereas, Barbara Gaal has played a leading role in the development of numerous statutory reforms to improve the clarity, fairness, and effectiveness of California law; and

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Whereas, Barbara Gaal’s work has included the development of thousands of code revisions that were necessary to correctly

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1 implement tectonic changes to California’s trial court system in the
2 1990s, including the elimination of municipal and justice courts and
3 the shift from county funding of the trial courts and employment of
4 court personnel, to a system of state funding and employment; and

5 *Whereas*, Barbara Gaal is responsible for significant
6 improvements to the law that governs trial practice in California,
7 including reform of the hearsay rule, the Best Evidence Rule, the
8 waiver of privilege, and the confidentiality of mediation
9 communications; and

10 *Whereas*, Barbara Gaal prepared successful recodifications of the
11 Deadly Weapons provisions of the Penal Code, the California
12 Public Records Act, and the Civil Discovery Law, greatly
13 improving the accessibility, user-friendliness, and future
14 maintenance of those important bodies of law; and

15 *Whereas*, Barbara Gaal led the successful effort to enact
16 California’s adaptation of the Uniform Adult Guardianship and
17 Protective Proceedings Jurisdiction Act, a statute that will reduce
18 the difficulty and cost of caring for a dependent adult when that
19 care involves multiple jurisdictions, ; and

20 *Whereas*, Barbara Gaal has been a critical member of the
21 management team of the California Law Revision Commission,
22 helping to steer the agency through repeated state fiscal crises, the
23 creation of an entirely new law reform body (the Committee on
24 Revision of the Penal Code) and a once-in-a-lifetime global health
25 crisis; and

26 *Whereas*, Barbara Gaal’s thorough professionalism, keen
27 intellect, fairness, decency, and warm collegiality have earned the
28 respect and admiration of those who have had the good fortune to
29 work with her, including numerous members and staff of the
30 California State Legislature; now, therefore, be it

31 *Resolved*, by Senator Robert M. Hertzberg, that he takes great
32 pleasure in extending to Barbara Sandra Gaal all due recognition
33 for her many great accomplishments and for exemplifying the
34 character and competence that mark the best of those who serve the
35 People of California, and to convey appreciation for the great
36 contributions she has made to the California State Legislature and
37 the administration of justice.

38 The Commission gave its informal assent to the inclusion of the Resolution’s
39 text in the Commission’s next Annual Report.

40 **Report of Executive Director**

41 The Executive Director reported on a few minor matters relating to the
42 agenda for the meeting and Commissioner attendance.

1 **Handbook of Practices and Procedures**

2 The Commission considered Memorandum 2022-10, which presented a draft
3 of a possible new provision for the Commission’s Handbook of Practices and
4 Procedures. The Commission approved the proposed provision without change.
5 (*Commissioner Carrion was not present when this decision was made.*)

6 2022 LEGISLATIVE PROGRAM

7 The Commission considered Memorandum 2022-11, discussing the
8 Commission’s 2022 legislative program. No Commission action was required or
9 taken.

10 STUDY J-1408 — STATUTES MADE OBSOLETE BY TRIAL COURT
11 RESTRUCTURING (PART 9)

12 The Commission considered Memorandum 2022-16, which revisits the
13 possibility of amending Government Code Section 76101.5 to delete the reference
14 to Lassen County (a “county of the 47th class”). The staff reported that a source
15 at the Judicial Council recently provided the following information:

- 16 • There has been no change in status since the last time the
17 Commission considered this matter.
18 • Due to the Commission’s recent inquiries, the matter has been
19 prioritized.

20 The staff will continue to monitor this situation and will bring it back to the
21 Commission for further consideration at a later date.

22 STUDY L-3032.5 — STOCK COOPERATIVES
23 AND REVOCABLE TRANSFER ON DEATH DEEDS

24 The Commission considered Memorandum 2022-17, presenting a draft
25 recommendation on *Stock Cooperatives and Revocable Transfer on Death Deeds*. The
26 Commission approved the draft as a final recommendation for publication and
27 distribution to the Legislature and Governor. (*Commissioner Carrion was not*
28 *present when this decision was made.*)

