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

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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

Camden Vilkin  
John S. Warnlof, California Dispute Resolution Council  
Robert Weisberg, Stanford Law School  
Daniel Yamshon

CONTENTS

Minutes of April 10, 2014, Commission Meeting .....	2
Administrative Matters .....	2
Report of Executive Director .....	2
2014 Legislative Program .....	3
Study G-300 — State and Local Agency Access to Customer Information from Communication Services Providers .....	3
Study J-1314 — Trial Court Unification: Publication of Legal Notice .....	4
Study K-402 — Relationship Between Mediation Confidentiality and Attorney Malpractice and Other Misconduct .....	4
Study R-100 — Fish and Game Law .....	4

1                                   MINUTES OF APRIL 10, 2014, COMMISSION MEETING

2           Memorandum 2014-19 presented a draft of the Minutes of the April 10, 2014,  
3 Commission meeting. The Commission approved the Minutes, without change.

4                                   ADMINISTRATIVE MATTERS

5   **Report of Executive Director**

6           The Executive Director reported on the following matters:

- 7           • The Executive Director and Chairperson were invited to attend a  
8           February 2015 event commemorating the thirtieth anniversary of  
9           the Davis-Stirling Common Interest Development Act. The  
10          Commission will be recognized for its work to improve the law on  
11          common interest developments.
- 12          • Commissioner Miller-O'Brien will make arrangements for meeting  
13          space for the September 5, 2014, meeting.
- 14          • The Commission rescheduled its October 23, 2014, meeting to be  
15          held on October 30, 2014.
- 16          • There is no known change to the Commission's proposed budget  
17          for 2014-15.

18          The Executive Director recognized Heather Zimmerman, a second-year law  
19          student at King Hall School of Law, currently serving the Commission as its King  
20          Hall Fellow.

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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)*.  
32

- 1 The Commission approved the draft as a tentative recommendation to be
- 2 circulated for public comment.

APPROVED AS SUBMITTED

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Date

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

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Chairperson

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Executive Director