APPROVED MINUTES OF MEETING CALIFORNIA LAW REVISION COMMISSION SEPTEMBER 5, 2014

LOS ANGELES

A meeting of the California Law Revision Commission was held in Los Angeles on September 5, 2014.

Commission:

Present:	Victor King, Chairperson Crystal Miller-O'Brien, Vice Chairperson Damian Capozzola Xochitl Carrion Judge Patricia Cowett (Ret.) Taras Kihiczak Susan Duncan Lee
Absent:	Diane F. Boyer-Vine, Legislative Counsel 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
Consultants:	None

Other Persons:

Paul Dubow Jim Ewert, California Newspaper Publishers Association Philip Marshall, Los Angeles County District Attorney's Office Michelle Stephens, Daily Journal Corporation

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Minutes of June 12, 2014, Commission Meeting)
Administrative Matters	<u>)</u>
Election of Officers	<u>)</u>
Report of Executive Director2	<u>)</u>
2014 Legislative Program	
Study G-300 — State and Local Agency Access to Customer Information from Communication	
Services Providers	5
Study J-1314 — Trial Court Unification: Publication of Legal Notice	;
Study K-402 — Relationship Between Mediation Confidentiality and Attorney Malpractice and	
Other Misconduct	5
Study R-100 — Fish and Game Law4	F

MINUTES OF JUNE 12, 2014, COMMISSION MEETING

2 Memorandum 2014-29 presented a draft of the Minutes of the June 12, 2014,

3 Commission meeting. The Commission approved the Minutes without change.

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ADMINISTRATIVE MATTERS

5 **Election of Officers**

6 The Commission considered Memorandum 2014-28, relating to the election of

7 Commission officers. The Commission elected Victor King as Chairperson and

8 Crystal Miller-O'Brien as Vice Chairperson, for terms commencing immediately

9 and ending August 31, 2015.

10 **Report of Executive Director**

11 The Executive Director reported on the following matters:

- Meetings held on Fridays may pose some scheduling difficulties.
 This issue will be discussed further in the upcoming memorandum on the Commission's meeting schedule for 2015.
- Former Executive Secretary Nathaniel Sterling made another 15 • generous gift to the King Hall Law School, to be used to support 16 the Commission's work. The Chairperson will send Mr. Sterling a 17 letter of appreciation. The gift will also be recognized in the next 18 Annual Report. In addition, the staff will inquire about Mr. 19 20 Sterling's availability to attend the October or December meeting for public recognition. If necessary for that purpose, the December 21 22 meeting could perhaps be held in the San Francisco Bay Area. That issue will also be discussed in the upcoming meeting schedule 23 24 memorandum.

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2014 LEGISLATIVE PROGRAM

2 The Commission considered Memorandum 2014-30, reporting on the Commission's 2014 legislative program. The Memorandum noted the enactment 3 of Senate Bill 406 (Evans), which assigns a new study to the Commission. The 4 Commission authorized the staff to begin work on that study immediately. 5

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

8 The Commission considered Memoranda 2014-31, 2014-32, 2014-33, and 2014-9 34, discussing the scope of the study, cell phone searches, and federal privacy statutes. The Commission concurred in the staff's analysis of the scope of the 10 study, and approved the staff's recommendation that the study be bifurcated, 11 12 with the surveillance part of the study preceding work on government action affecting communication services. No other decisions were required or made. 13

STUDY J-1314 — TRIAL COURT UNIFICATION: PUBLICATION OF LEGAL NOTICE 14

The Commission considered Memorandum 2014-37, presenting a draft 15 tentative recommendation to address the issue of judicial district notice 16 17 publication.

The Commission revised the draft to use the term "public notice district" in 18 place of "publication district." With that change, the Commission approved the 19 draft as a tentative recommendation, to be posted to the Commission's website 20 and circulated for comment. 21

22 The Commission considered revising the term "warehouseman" in Commercial Code Section 6103(c)(16), to make it gender neutral, but decided 23 against doing so. It is unclear whether substituting a gender neutral term might 24 have unintended effects. 25

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

28 The Commission considered Memorandum 2014-35 and its First Supplement, discussing the law in other U.S. jurisdictions. The Commission also considered 29 Memorandum 2014-36 and its First Supplement, relating to recent 30 communications. 31

The Commission discussed how to obtain more input from mediation parties and the difficulties involved. Commission members with specific suggestions on this matter will send their suggestions to the staff. The Commission also directed the staff to send a notice to persons on the mailing lists for this study, encouraging them to spread word about the study to others who might be interested in it.

7 No other Commission action was required or taken.

STUDY R-100 — FISH AND GAME LAW

- 9 The Commission considered Memorandum 2014-38 and its First Supplement,
- 10 discussing the Commission's study of fish and game law.

11 The Commission approved the location of certain definition provisions, as 12 proposed in Memorandum 2014-38.

13 The Commission deferred making any decision on the location of provisions

14 governing falconry, as discussed in the First Supplement to Memorandum 2014-

- 15 38. The staff will solicit input on that issue from the Department of Fish and
- 16 Wildlife.

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APPROVED AS SUBMITTED

Date

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

Executive Director

Chairperson