
APPROVED MINUTES OF MEETING
CALIFORNIA LAW REVISION COMMISSION
OCTOBER 30, 2014
DAVIS

A meeting of the California Law Revision Commission was held in Davis on October 30, 2014.

Commission:

Present: Victor King, Chairperson
Crystal Miller-O'Brien, Vice Chairperson
Damian Capozzola
Taras Kihiczak
Susan Duncan Lee

Absent: Diane F. Boyer-Vine, Legislative Counsel
Xochitl Carrion
Judge Patricia Cowett (Ret.)
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:

Matthew Carr, California District Attorneys Association
Lawrence Doyle, Conference of California Bar Associations
Rachel K. Ehrlich, Ehrlich Mediation & Dispute Resolution Services
James Ewert, California Newspaper Publishers Association
Ken Von Helmolt, Los Angeles County District Attorney's Office
Ron Kelly
Aaron Maguire, California State Sheriffs' Association
Scott Merrill, California Newspaper Publishers Association
Daniel Pone, Judicial Council
Michelle Stephens, Daily Journal Corporation
Harold M. Thomas, Butte County

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1 MINUTES OF SEPTEMBER 5, 2014, COMMISSION MEETING

2 Memorandum 2014-39 presented a draft of the Minutes of the September 5,
3 2014, Commission meeting. The Commission approved the Minutes without
4 change.

5 ADMINISTRATIVE MATTERS

6 **Report of Executive Director**

7 The Executive Director recognized and thanked King Hall Law School
8 student Anthony Hoisington for his work as the Commission’s summer fellow
9 and extern.

10 **Meeting Schedule**

11 The Commission considered Memorandum 2014-40, relating to the
12 Commission’s meeting schedule.

13 The Commission changed the location of its December 2014 meeting to the
14 San Francisco Bay Area. The staff will select an appropriate venue, in
15 consultation with the Chair.

16 In addition, the Commission approved the following schedule for its
17 meetings in 2015:

1	February 2015	Sacramento
2	Feb. 12 (Thur.)	10:00 am – 4:00 pm
3	April 2015	Sacramento
4	April 9 (Thur.)	10:00 am – 4:00 pm
5	June 2015	Sacramento
6	June 4 (Thur.)	10:00 am – 4:00 pm
7	August 2015	Los Angeles
8	Aug. 7 (Fri.)	10:00 am – 4:00 pm
9	October 2015	Davis
10	Oct. 8 (Thur.)	10:00 am – 4:00 pm
11	December 2015	San Diego
12	Dec. 10 (Thur.)	10:00 am – 4:00 pm

13 **New Topics and Priorities**

14 The Commission considered Memorandum 2014-41, discussing the
15 Commission’s current program of work and possible work priorities for 2015.

16 The Commission did not make a decision on its priorities for work in 2015.
17 Instead, it directed the staff to prepare a memorandum that presents a timeline
18 for currently active studies. The memorandum should discuss the staff resources
19 assigned to each study and each study’s likely completion date. The
20 memorandum will be considered at the December 2014 meeting.

21 **Commission Work Practices**

22 The Commission made two decisions relating to its work practices:

- 23 (1) The staff will prepare a memorandum, for presentation at the
24 February 2015 meeting, discussing the Commission’s existing
25 work practices. The memorandum will pay particular attention to
26 the allocation of responsibilities between the Commission and its
27 staff.
- 28 (2) When inviting stakeholder participation in a new study, the staff
29 should provide Commissioners with a list of the groups and
30 individuals that were invited to participate.

1 2014 LEGISLATIVE PROGRAM

2 The Commission considered Memorandum 2014-42, reporting on the
3 Commission's 2014 legislative program. No Commission action was required or
4 taken.

5 STUDY D-1200 – RECOGNITION OF TRIBAL AND FOREIGN COURT MONEY JUDGMENTS

6 The Commission considered Memorandum 2014-47, introducing the study of
7 statutes governing recognition of tribal and foreign court money judgments. The
8 staff will invite Professor Katherine Florey, of King Hall Law School, to serve as a
9 consultant in the study. Should she accept, the staff will execute a contract
10 authorizing the payment of Professor Florey's travel expenses for attending
11 Commission meetings.

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

14 The Commission considered Memorandum 2014-50, discussing California
15 statutory law governing the interception of communications. No Commission
16 action was required or taken.

17 STUDY J-1314 – TRIAL COURT UNIFICATION: PUBLICATION OF LEGAL NOTICE

18 The Commission considered Memorandum 2014-51 and its First Supplement
19 and heard public testimony on its tentative recommendation on *Trial Court*
20 *Unification: Publication of Legal Notice*. The Commission directed the staff to
21 conduct further research to assess the difficulty of determining the historical
22 judicial district boundaries that are designated for notice publication.

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

25 The Commission considered Memorandum 2014-43 (discussing Pennsylvania
26 law), Memorandum 2014-44 (discussing Texas law), Memorandum 2014-45
27 (discussing federal law), and Memorandum 2014-46 (presenting public
28 comments). The staff should proceed as outlined in the memoranda and follow-
29 up with regard to obtaining the survey information mentioned by Ron Kelly. No
30 other Commission action was required or taken.

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STUDY R-100 — FISH AND GAME LAW

The Commission considered Memorandum 2014-48 and its First Supplement (presenting a draft of mammal-related provisions) and Memorandum 2014-49 (discussing public comment on the Commission’s tentative recommendation on *Technical Revisions and Minor Substantive Improvements: Part 1*).

The Commission provisionally approved the staff proposals in Memorandum 2014-48 and its First Supplement.

The Commission made the following changes to its tentative recommendation:

- Proposed revisions to Fish and Game Code Sections 2000 and 7370 should be drafted as shown on pages 7 and 8 of Memorandum 2014-49.
- The existing references to animal parts should not be deleted from Fish and Game Code Sections 22, 45, 54, 2002, and 12012.
- The Commission Comments for Fish and Game Code Sections 22, 45, 54, 2000, 2002, 7370, and 12012 should expressly state that the retention of animal part references in those provisions is not intended to imply anything about the meaning of other code sections where such references would be deleted.
- The Commission Comment to Fish and Game Code Section 2003 should indicate that the term “disability” is not being used in any defined sense.
- Fish and Game Code Section 2014(d) should be revised to make clear that all of the exceptions in that provision are subject to the existing “lawful conduct” limitation.

In addition, the staff should inquire of the Department of Fish and Wildlife whether it objects to any specific addition of the words “reptile” or “amphibian” in the proposed law.

<input type="checkbox"/> APPROVED AS SUBMITTED	_____
	Date
<input type="checkbox"/> APPROVED AS CORRECTED (for corrections, see Minutes of next meeting)	_____
	Chairperson

	Executive Director