
APPROVED MINUTES OF MEETING
CALIFORNIA LAW REVISION COMMISSION
APRIL 9, 2015
SACRAMENTO

A meeting of the California Law Revision Commission was held in Sacramento on April 9, 2015.

Commission:

Present: Victor King, Chairperson
Crystal Miller-O'Brien, Vice Chairperson
Diane F. Boyer-Vine, Legislative Counsel
Damian Capozzola
Xochitl Carrion
Assembly Member Ed Chau
Judge Patricia Cowett (Ret.)
Taras Kihiczak
Susan Duncan Lee

Absent: None

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

Consultants: None

Other Persons:

Lazaro Cardenas, Office of Assembly Member Ed Chau
Edmundo Cuevas, Office of Assembly Member Ed Chau
Andrew Doan
Lawrence Doyle, Conference of California Bar Associations
Rachel Erlich, Ehrlich Mediation
James Ewert, California Newspaper Publishers Association
Daniel Felizzatto, Los Angeles County District Attorney's Office
Robert Flack, California Dispute Resolution Council
Barbara Gill
Amelia Green, Stanford Law School
Ron Kelly
Janet Martinez, Stanford Law School
Nicole Moore, California Newspaper Publishers Association
Jordan Rice, Stanford Law School

- 1 • Chairman King and the Executive Director attended an event,
2 organized by common interest development stakeholder groups,
3 that recognized and honored the Commission for its work to
4 recodify the Davis-Stirling Common Interest Development Act.
5 • The facilities contract with King Hall School of Law is up for
6 renewal.

7 The Commission also discussed ways in which the Commission could further
8 improve its collaboration with King Hall School of Law. The Commission
9 authorized the staff to take any of the following actions:

- 10 • Assign law student employees relatively modest and
11 uncontroversial law reform projects, within the Commission's
12 study authority. When this work is included within a
13 recommendation, the staff should look for opportunities to allow
14 student employees to assist in supporting implementing
15 legislation.
16 • Hold a reception for King Hall law students at the beginning of
17 each academic year, to encourage interest in working for the
18 Commission and to discuss careers in the lawmaking process.
19 • Expand the current practice of holding one meeting per year in the
20 law school, to holding two meetings per year in that location. The
21 staff will raise this issue more formally in a memorandum
22 prepared for the June 2015 meeting. The staff will also investigate
23 the feasibility of broadcasting these meetings over the Internet.

24 *(Commissioners Boyer-Vine, Chau, and Kihiczak were not present when these decisions*
25 *were made.)*

26 **Open Government Laws**

27 The Commission considered Memorandum 2015-8, discussing open
28 government laws applicable to the Commission.

29 The Commission made the following decisions regarding the public reporting
30 of votes:

- 31 • The Minutes will include a general statement along the lines
32 proposed at the top of page 7 of the memorandum. If any
33 Commissioner votes against a particular decision, abstains from
34 voting, or is not present when the decision is made, that fact will
35 be noted in connection with the affected decision.
36 • Rule 2.4.5 of the Commission's *Handbook of Practices and Procedures*
37 will be revised as proposed on page 7 of the memorandum.

38 *(Commissioners Boyer-Vine, Chau, and Kihiczak were not present when these decisions*
39 *were made.)*

1 2015 LEGISLATIVE PROGRAM

2 The Commission considered Memorandum 2015-9, reporting on the
3 Commission’s 2015 legislative program.

4 The Commission assented to the differences between AB 139 (Gatto) and the
5 Commission’s recommendation on *Revocable Transfer on Death (TOD) Deed*, 36
6 Cal. L. Revision Comm’n Reports 103 (2006), and approved conforming revisions
7 to the Commission’s Comments. (*Commissioners Boyer-Vine, Chau, and Kihiczak*
8 *were not present when these decisions were made.*)

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

11 The Commission considered Memorandum 2015-10 and its First and Second
12 Supplements, presenting and discussing a staff draft tentative report.

13 The Commission approved circulation of the draft as a tentative report, with
14 a public comment deadline of June 15. The Commission made one change to the
15 content of the report. The sentence beginning on page 1, line 30, was revised to
16 insert a word, as shown in underscore below:

17 In addition, this report does not address access to information
18 through discovery in a civil, criminal, or administrative
19 adjudicative proceeding.

20 (*Commissioner Boyer-Vine was not present when these decisions were made.*)

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

22 The Commission considered Memorandum 2015-11, presenting a draft of
23 proposed legislation using the “City Plus” model to describe districts. No
24 Commission action was required or taken. The staff will prepare a draft tentative
25 recommendation for consideration at the June meeting.

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

28 The Commission considered Memorandum 2015-4 (further discussion of
29 federal law), Memorandum 2015-5 (empirical data), and Memorandum 2015-13
30 (public comment). Paul Rieker submitted written materials at the meeting. No
31 Commission action was required or taken.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

STUDY R-100 — FISH AND GAME LAW

The Commission considered Memorandum 2015-12, discussing the Commission’s study of fish and game law.

The Commission made the following decisions:

- At appropriate intervals, the staff will post cumulative drafts of the proposed Fish and Wildlife Code on the Commission’s website. The drafts will not be distributed in hard copy form. The availability of these drafts will be noted, as appropriate, in staff memoranda. *(Commissioners Chau and Kihiczak were not present when those decisions were made.)*
- At appropriate intervals, the staff will post lists of proposed Fish and Wildlife Code provisions that assign duties and grant authority to an agency. The lists will not be distributed in hard copy form. The availability of these lists will be noted, as appropriate, in staff memoranda. *(Commissioner Chau was not present when those decisions were made.)*
- The organizational structure set out on pages 7-8 of the memorandum was approved. *(Commissioner Chau was not present when that decision was made.)*
- In general, provisions that govern multiple types of animals should be duplicated, with the copies distributed to the parts of the proposed Fish and Wildlife Code that relate to the affected types of animals (with any appropriate adjustments to the content of the duplicated provision). *(Commissioner Chau was not present when that decision was made.)*
- The Comments in this study should generally not list technical changes that would be made to the former law. *(Commissioner Chau was not present when that decision was made.)*

APPROVED AS SUBMITTED

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

_____ Date

_____ Chairperson

_____ Executive Director