A meeting of the California Law Revision Commission was held in Sacramento on June 4, 2015.

**Commission:**

*Present:* Victor King, Chairperson  
Crystal Miller-O’Brien, Vice Chairperson  
Diane F. Boyer-Vine, Legislative Counsel  
Xochitl Carrion  
Judge Patricia Cowett (Ret.)  
Susan Duncan Lee

*Absent:* Damian Capozzola  
Assembly Member Ed Chau  
Taras Kihiczak

**Staff:**

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

**Consultants:**

None

**Other Persons:**

Lawrence Doyle, Conference of California Bar Associations  
Rachel K. Ehrlich, Ehrlich Mediation  
Patrick J. Evans  
James Ewert, California Newspaper Publishers Association  
Lindsey Gullahorn, Capitol Advocacy  
Ron Kelly  
Nicole Moore, California Newspaper Publishers Association  
Harold M. Thomas, Butte County District Attorney’s Office  
John S. Warnlof, California Dispute Resolution Council
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APPROVAL OF ACTIONS TAKEN

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

(Commissioner Boyer-Vine was present only briefly, near the beginning of the meeting. She was not present when any of the decisions described in these Minutes were made.)

MINUTES OF APRIL 9, 2015, COMMISSION MEETING

Memorandum 2015-14 presented a draft of the Minutes of the April 9, 2015, Commission meeting. The Commission approved the Minutes, without change.

(Commissioner Miller-O’Brien was not present when this decision was made.)

ADMINISTRATIVE MATTERS

Report of Executive Director

The Executive Director reported that there has been no change to the Commission’s proposed budget for 2015-16.

The Executive Director recognized Anita Barooni, a second-year law student at King Hall School of Law, currently serving the Commission as its King Hall Fellow.
Commissioner Carrion announced that she accepted a position with the District Attorney’s Office for the City and County of San Francisco. Due to her new position, she will not be applying for reappointment to the Commission and will not be able to attend the August 2015 meeting (the last before her term expires).

Meeting Schedule

The Commission considered Memorandum 2015-15, discussing the Commission’s meeting schedule.

The Commission decided to hold two meetings each year at King Hall School of Law in Davis, one in each academic term.

The staff will talk to law school personnel about the possibility of holding an informal reception with students after the October meeting.

(Commissioner Miller-O’Brien was not present when these decisions were made.)

2014 Legislative Program

The Commission considered Memorandum 2015-16, reporting on the Commission’s 2015 legislative program. No Commission action was required or taken.

Study D-1200 — Recognition of Tribal and Foreign Court Money Judgments

The Commission considered Memorandum 2015-17 and its First Supplement, providing background for the study on the recognition of tribal and foreign court money judgments. No Commission action was required or taken.

Study G-301 — Government Interruption of Communication Service

The Commission considered Memorandum 2015-18 and its First Supplement, introducing the study and discussing government interruption of a specific communication service that is used in an unlawful enterprise.

The Commission made the following decisions:

- The study will examine state and local agency action to interrupt communication service.
- The study will include analysis of “push notifications,” such as Amber Alerts. The Commission will contact California agencies that initiate such notices, to invite their participation in the study.
• The Commission will investigate broadening the application of Public Utilities Code Section 7908 to include all forms of electronic communications.
• The Commission will investigate whether there are legitimate purposes for government interruption of communications, other than the abatement of unlawful activity and the protection of public health, safety, and welfare.
• Once the Commission has considered the legitimate purposes for government interruption of communications, it will consider the extent to which interruption should be permitted in non-urgent circumstances (with prior notice and an opportunity to be heard).
• The Commission invites public comment on whether Public Utilities Code Section 7908(b)(1)(B) should be revised to incorporate a probable cause standard.
• The Commission will investigate whether Public Utilities Code Section 7908 should provide for a prompt post-interruption opportunity for a hearing on the merits of the government’s allegations.
• Public Utilities Code Section 7908(d) should be revised to correct an obsolete reference to the California Emergency Management Agency.
• The Commission will examine the relationship between Public Utilities Code Section 7908 and the federal Emergency Wireless Protocol.
• The Commission will investigate broadening the application of Public Utilities Code Section 7907 to include all forms of electronic communication. If this change is not made, the Commission will clarify the relationship between Sections 7907 and 7908.
• The Commission will investigate broadening the application of Business and Professions Code Sections 149 and 7099.10 to include all forms of electronic communication.
• The Commission will investigate whether Business and Professions Code Sections 149 should include the ban on forwarding to a terminated communication service that is included in Section 7099.10.
• The Commission will investigate broadening the application of Public Utilities Code Sections 5322 and 5371.6 to include all forms of electronic communication.
• The Commission invites input from the Public Utilities Commission on whether Public Utilities Code Sections 5322 and 5371.6 should be revised to include a pre-termination notice and hearing procedure, for use in less-urgent circumstances.
• The Commission postponed making any decision about coordination with federal law, until it has fuller information on the subject.
STUDY J-1314 — TRIAL COURT UNIFICATION: PUBLICATION OF LEGAL NOTICE

The Commission considered Memorandum 2015-19, presenting a draft tentative recommendation.

The Commission approved the draft as a tentative recommendation, with one revision. In proposed Government Code Section 6085.460 (San Diego County), “National District” was changed to “National City District.”

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

The Commission considered Memorandum 2015-22 and its First Supplement (further discussion of California law), Memorandum 2015-23 (scholarly commentary), and Memorandum 2015-24 (public comment). Patrick J. Evans submitted a binder of written materials at the meeting, as well as a CD and a flash drive with electronic versions of the same materials.

The Commission decided not to propose statutory revisions relating to mediator immunity in this study. The Commission will focus on the topic specified in the legislative resolution requiring the study: the relationship between mediation confidentiality and attorney malpractice and other misconduct. The Commission did not discuss or decide whether to limit the study to attorney misconduct, or also address the relationship between mediation confidentiality and other types of professional misconduct (e.g., mediator misconduct).

No other Commission action was required or taken.

STUDY R-100 — FISH AND GAME LAW

The Commission considered Memorandum 2015-20 and its First Supplement, which presented a staff draft tentative recommendation on Fish and Game Law: Technical Revisions and Minor Substantive Improvements (Part 2).

The Commission approved the staff draft as a tentative recommendation, with the following revisions:

- Line 5 of page 5 of the narrative part was revised as follows:

  To account for that possible repeal, Article 1 also contained Section 250. Section 250 was added to account for that possible repeal.
• In the proposed amendment of Health and Safety Code Section 131052(6), a reference to Section 1115 was replaced with a reference to Section 7115.

☐ APPROVED AS SUBMITTED

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

________________________________________
Date

________________________________________
Chairperson

________________________________________
Executive Director