
***APPROVED* MINUTES OF MEETING**
CALIFORNIA LAW REVISION COMMISSION
APRIL 12, 2018
Sacramento

A meeting of the California Law Revision Commission was held in Sacramento on April 12, 2018.

Commission:

Present: Thomas Hallinan, Chairperson
Jane McAllister, Vice-Chairperson
Diane F. Boyer-Vine, Legislative Counsel

Absent: Assembly Member Ed Chau
Victor King
Susan Duncan Lee
Crystal Miller-O'Brien
Olga Mack
Senator Richard D. Roth

Staff:

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

Other Persons:

Sarah Abbott, Judicial Council of California
David G. Knitter, Executive Committee, Trusts and Estates Section of the California
Lawyers Association
Nikki Moore, California News Publishers Association

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PROVISIONAL DECISIONS

2

Due to unexpected last-minute developments, the Commission did not achieve a quorum, so it operated as a subcommittee. All of the decisions listed below are provisional only. When the Commission next meets, it can decide whether it wishes to ratify any of the decisions without further discussion, or instead hear the matter fully. The staff will present that question separately for each of the topics discussed below.

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Unless otherwise indicated, the Commission decisions noted in these Minutes were approved by all members present at the meeting.

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ADMINISTRATIVE MATTERS

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Report of Executive Director

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The Executive Director reported on the following matters:

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- Olga Mack was appointed to a seat on the Commission. One vacancy remains.

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- The Commission will not be able to achieve a quorum for the meeting.

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Handbook of Practices and Procedures

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The Commission considered Memorandum 2018-13, discussing possible revisions of the Commission's *Handbook of Practices and Procedures*. The Commission made the following provisional decisions:

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- The staff should prepare a draft of a comprehensive restatement of the *Handbook*.

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- The restated handbook should not include the substance of Rule 1.4.1 (photo identification cards), Appendix D (publication distribution policy), Appendix E (Commission consultants), or Appendix F (office addresses).

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(Commissioner Boyer-Vine was not present for these decisions.)

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2018 LEGISLATIVE PROGRAM

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The Commission considered Memorandum 2018-14 and its First and Second Supplements, discussing the Commission's 2018 Legislative Program.

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1 The Commission provisionally decided to revise its recommendation on
2 *Revocable Transfer on Death Deed: Recordation* (April 2017) to conform to the March
3 6 amendment of AB 1739.

4 (*Commissioner Boyer-Vine was not present for this decision.*)

5 STUDY L-4100 — NONPROBATE TRANSFERS:
6 CREDITOR CLAIMS AND FAMILY PROTECTIONS

7 The Commission considered Memorandum 2018-15 and its First Supplement,
8 discussing the Commission’s study of the liability of nonprobate transfers for
9 creditor claims and family protections.

10 The Commission made the following provisional decisions:

- 11 • It should suspend work on a general reform of the law on
12 nonprobate transfer liability for decedent debts. Instead, the
13 Commission should focus on narrow issues relating to the topic,
14 including a study of the decision in *Kircher v. Kircher*, 189 Cal. App.
15 4th 1105, 117 Cal. Rptr. 3d 254 (2010), *rev. denied*, 2011 Cal. LEXIS
16 1437.
- 17 • The staff should prepare a memorandum discussing the possible
18 application of probate family protections to nonprobate transfers,
19 including trusts. That memorandum would help the Commission
20 decide whether to study that topic.