
1 **APPROVED** MINUTES OF MEETING
2 CALIFORNIA LAW REVISION COMMISSION
3 February 17, 2022

4 A meeting of the California Law Revision Commission was held on February
5 17, 2022. Consistent with Executive Order N-1-22, the meeting was held as an
6 online video webinar.

7 Only those members of the public who expressly consented to being
8 identified in the Minutes are listed as attendees.

9 **Commission:**

10 *Present:* Richard Simpson, Chairperson
11 David A. Carrillo, Vice-Chairperson
12 Xochitl Carrion
13 Cara Jenkins, Legislative Counsel
14 Amb. (r.) David Huebner
15 Victor King

16 *Absent:* Assembly Member Ash Kalra
17 Senator Richard D. Roth
18 Ana Cubas
19 Jane McAllister

20 **Staff:** Brian Hebert, Executive Director
21 Barbara Gaal, Chief Deputy Director
22 Kristin Burford, Staff Counsel
23 Steve Cohen, Staff Counsel

24 **Other Persons:**

25 Sean Bagby
26 Adam Beam
27 Ellen Ingebritsen
28 Marjorie Murray

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APPROVAL OF ACTIONS TAKEN

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

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MINUTES

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The Commission considered Memorandum 2022-9, presenting draft Minutes of the January 20, 2022, meeting. The Commission approved the Minutes without change. (*Commissioner Jenkins abstained. Commissioner Carrion was not present when the decision was made.*)

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ADMINISTRATIVE MATTERS

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Recognition of Barbara Gaal

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On the occasion of her upcoming retirement, the Commission and its staff presented Barbara Gaal with a Senate Resolution recognizing her achievements, character, and service to the People of California. The Resolution read as follows:

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Whereas, Barbara Sandra Gaal, Chief Deputy Director of the California Law Revision Commission, has distinguished herself in nearly three decades of service to the Commission, the California State Legislature, and the People of California; and

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Whereas, Barbara Gaal has played a leading role in the development of numerous statutory reforms to improve the clarity, fairness, and effectiveness of California law; and

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Whereas, Barbara Gaal’s work has included the development of thousands of code revisions that were necessary to correctly

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1 implement tectonic changes to California’s trial court system in the
2 1990s, including the elimination of municipal and justice courts and
3 the shift from county funding of the trial courts and employment of
4 court personnel, to a system of state funding and employment; and

5 *Whereas*, Barbara Gaal is responsible for significant
6 improvements to the law that governs trial practice in California,
7 including reform of the hearsay rule, the Best Evidence Rule, the
8 waiver of privilege, and the confidentiality of mediation
9 communications; and

10 *Whereas*, Barbara Gaal prepared successful recodifications of the
11 Deadly Weapons provisions of the Penal Code, the California
12 Public Records Act, and the Civil Discovery Law, greatly
13 improving the accessibility, user-friendliness, and future
14 maintenance of those important bodies of law; and

15 *Whereas*, Barbara Gaal led the successful effort to enact
16 California’s adaptation of the Uniform Adult Guardianship and
17 Protective Proceedings Jurisdiction Act, a statute that will reduce
18 the difficulty and cost of caring for a dependent adult when that
19 care involves multiple jurisdictions, ; and

20 *Whereas*, Barbara Gaal has been a critical member of the
21 management team of the California Law Revision Commission,
22 helping to steer the agency through repeated state fiscal crises, the
23 creation of an entirely new law reform body (the Committee on
24 Revision of the Penal Code) and a once-in-a-lifetime global health
25 crisis; and

26 *Whereas*, Barbara Gaal’s thorough professionalism, keen
27 intellect, fairness, decency, and warm collegiality have earned the
28 respect and admiration of those who have had the good fortune to
29 work with her, including numerous members and staff of the
30 California State Legislature; now, therefore, be it

31 *Resolved*, by Senator Robert M. Hertzberg, that he takes great
32 pleasure in extending to Barbara Sandra Gaal all due recognition
33 for her many great accomplishments and for exemplifying the
34 character and competence that mark the best of those who serve the
35 People of California, and to convey appreciation for the great
36 contributions she has made to the California State Legislature and
37 the administration of justice.

38 The Commission gave its informal assent to the inclusion of the Resolution’s
39 text in the Commission’s next Annual Report.

40 **Report of Executive Director**

41 The Executive Director reported on a few minor matters relating to the
42 agenda for the meeting and Commissioner attendance.

1 **Handbook of Practices and Procedures**

2 The Commission considered Memorandum 2022-10, which presented a draft
3 of a possible new provision for the Commission’s Handbook of Practices and
4 Procedures. The Commission approved the proposed provision without change.
5 (*Commissioner Carrion was not present when this decision was made.*)

6 2022 LEGISLATIVE PROGRAM

7 The Commission considered Memorandum 2022-11, discussing the
8 Commission’s 2022 legislative program. No Commission action was required or
9 taken.

10 STUDY J-1408 — STATUTES MADE OBSOLETE BY TRIAL COURT
11 RESTRUCTURING (PART 9)

12 The Commission considered Memorandum 2022-16, which revisits the
13 possibility of amending Government Code Section 76101.5 to delete the reference
14 to Lassen County (a “county of the 47th class”). The staff reported that a source
15 at the Judicial Council recently provided the following information:

- 16 • There has been no change in status since the last time the
17 Commission considered this matter.
18 • Due to the Commission’s recent inquiries, the matter has been
19 prioritized.

20 The staff will continue to monitor this situation and will bring it back to the
21 Commission for further consideration at a later date.

22 STUDY L-3032.5 — STOCK COOPERATIVES
23 AND REVOCABLE TRANSFER ON DEATH DEEDS

24 The Commission considered Memorandum 2022-17, presenting a draft
25 recommendation on *Stock Cooperatives and Revocable Transfer on Death Deeds*. The
26 Commission approved the draft as a final recommendation for publication and
27 distribution to the Legislature and Governor. (*Commissioner Carrion was not*
28 *present when this decision was made.*)

1 STUDY R-100 — FISH AND GAME LAW

2 The Commission considered Memorandum 2022-13, presenting proposed
3 comment relating to revision of the Fish and Game Code. The Commission
4 approved all staff recommendations made in the memorandum. (*Commissioner*
5 *Carrion was not present when this decision was made.*)

6 The Commission also considered Memorandum 2022-14. No Commission
7 action was required or taken with regard to that memorandum.

8 Consideration of Memorandum 2022-15 was postponed to the March
9 meeting.

10 STUDY X-100 — EMERGENCY-RELATED REFORMS

11 The Commission considered Memorandum 2022-12, which introduces the
12 Commission’s new study on emergency-related reforms. No Commission
13 decisions were required or made.

14 The Commission discussed and heard comment from stakeholders on this
15 study topic. The specific issues raised at the meeting included:

- 16 • Duration of a proclaimed state of emergency, including laws of
17 other jurisdictions requiring affirmative acts to continue or extend
18 a state of emergency.
- 19 • Options for the Legislature to respond to individual acts of the
20 Governor during an emergency.
- 21 • Practical impacts of laws with different balances of legislative and
22 executive power during an emergency.
- 23 • Work of the Uniform Law Commission on emergency-related law
24 development.
- 25 • Ability of the public to both participate in and receive information
26 from government during a state of emergency.