

CALIFORNIA LAW REVISION COMMISSION

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Civil Discovery: Statutory Clarification and Minor Substantive Improvements

Request for Public Comment

The California Law Revision Commission seeks public comment on its tentative recommendation proposing to revise civil discovery provisions to:

- Make clear that the deposition of an organization is to be treated as a single deposition under the one-deposition rule for a limited civil case, even if more than one individual is deposed.
- Make clear that a party's right to make an audio or video recording of a deposition is not dependent on the method of recording used by the party who noticed the deposition.
- Update remaining references to audiotape and videotape to reflect advances in technology, consistent with prior legislation.
- Permit presuit discovery in anticipation of a suit by a petitioner's successor in interest, subject to statutory safeguards.
- Make clear that if a deposition to perpetuate testimony is taken in another jurisdiction, it must be taken in accordance with the law of that jurisdiction, or in accordance with California or federal law, to be admissible in California.

The tentative recommendation is available at the Commission's website (www.clrc.ca.gov) through the "Reports" menu. The tentative recommendation is also available from the California Law Revision Commission, 4000 Middlefield Road, Room D-1, Palo Alto, CA 94303-4739.

The Commission often substantially revises its recommendations as a result of public comment. To receive timely consideration, comments should be submitted by **May 15, 2004**.

The Commission is continuing its work on civil discovery and welcomes suggestions regarding other possible reforms.

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