

STATE OF CALIFORNIA

CALIFORNIA LAW REVISION COMMISSION

Annual Report for 1994

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California Law Revision Commission
4000 Middlefield Road, Suite D-2
Palo Alto, CA 94303-4739

CALIFORNIA LAW REVISION COMMISSION

COMMISSION MEMBERS

DANIEL M. KOLKEY <i>Chairperson</i>	TERRY FRIEDMAN <i>Member of Assembly</i>
COLIN W. WIED <i>Vice Chairperson</i>	BION M. GREGORY <i>Member</i>
CHRISTINE W.S. BYRD <i>Member</i>	ARTHUR K. MARSHALL <i>Member</i>
TOM CAMPBELL <i>Member of Senate</i>	EDWIN K. MARZEC <i>Member</i>
ALLAN L. FINK <i>Member</i>	SANFORD M. SKAGGS <i>Member</i>

COMMISSION STAFF

Legal

NATHANIEL STERLING <i>Executive Secretary</i>	BARBARA S. GAAL <i>Staff Counsel</i>
STAN ULRICH <i>Assistant Executive Secretary</i>	ROBERT J. MURPHY <i>Staff Counsel</i>

Secretarial

VICTORIA V. MATIAS
Composing Technician

NOTE

The Commission's reports, recommendations, and studies are published in separate pamphlets that are later bound in hardcover form. The page numbers in each pamphlet are the same as in the volume in which the pamphlet is bound, which permits citation to Commission publications before they are bound.

This report will appear in Volume 24 of the Commission's *Reports, Recommendations, and Studies*.

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Palo Alto, CA 94303-4739

Cite this pamphlet as *Annual Report for 1994*, 24 Cal. L. Revision Comm'n Reports 547 (1994).

SUMMARY OF WORK OF COMMISSION

Recommendations Enacted in the 1994 Legislative Session

In 1994, three bills introduced to effectuate the Commission's recommendations were enacted. These bills amended 35 sections, added 157 sections, and repealed 89 sections of California statutes. Commission-recommended legislation enacted in 1994 concerned the following subjects:

- Powers of attorney
- Family law
- Orders to show cause and temporary restraining orders

A bill relating to the effect of joint tenancy title on marital property was not enacted. In addition, the Commission's report on trial court unification under Senate Constitutional Amendment 3 was not implemented because SCA 3 was not adopted by the Legislature.

Recommendations to the 1995 Legislative Session

In 1995, the Commission plans to submit recommendations on the following subjects to the Legislature:

- Administrative adjudication
- Debtor-creditor relations, including attachment, exemptions from enforcement of money judgments, and other matters
- Uniform Prudent Investor Act

Commission Plans for 1995

During 1995, the Commission will work on judicial review of agency action, the Uniform Unincorporated Nonprofit Association Act, unfair competition litigation, and the business judgment rule and derivative actions. The Commission will consider other subjects as time permits, including the homestead and retirement account exemptions from enforcement of money judgments, and evidentiary rules applicable to electronic data.

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STATE OF CALIFORNIA

PETE WILSON, Governor

CALIFORNIA LAW REVISION COMMISSION

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November 18, 1994

To: The Honorable Pete Wilson
Governor of California, and
The Legislature of California

In conformity with Government Code Section 8293, the California Law Revision Commission herewith submits this report of its activities during 1994.

Three out of four bills introduced in 1994 to effectuate the Commission's recommendations were enacted. A concurrent resolution recommended by the Commission was adopted.

The Commission is grateful to the members of the Legislature who carried Commission-recommended bills:

- Senator Roberti (concurrent resolution continuing the Commission's authority to study previously authorized topics)
- Senator Campbell (Power of Attorney Law, effect of joint tenancy title on marital property)
- Assembly Member Caldera (presenting miscellaneous Family Code technical corrections on behalf of the Assembly Judiciary Committee)
- Assembly Member Snyder (presenting orders to show cause and temporary restraining orders on behalf of the Assembly Judiciary Committee)

A bill on the effect of joint tenancy title on marital property was introduced but not brought to a vote. In consideration of issues raised by several organizations, further pursuit of this recommendation is being left to the State Bar and other interested persons.

The Commission prepared a report on trial court unification under Senate Constitutional Amendment 3 as directed by the Legislature. The Commission's recommendations were incorporated into SCA 3, but the measure was not adopted by the Legislature.

The Commission held six two-day meetings and one one-day meeting during 1994. Meetings were held in Sacramento and San Jose.

Respectfully submitted,

Daniel M. Kolkey
Chairperson

ANNUAL REPORT FOR 1994

Introduction

The California Law Revision Commission¹ was created in 1953 as the permanent successor to the Code Commission and given responsibility for the continuing substantive review of California statutory and decisional law.² The Commission studies the law in order to discover defects and anachronisms and recommends legislation to make needed reforms.

The Commission assists the Legislature in keeping the law up to date by:

- Intensively studying complex and sometimes controversial subjects
- Identifying major policy questions for legislative attention
- Gathering the views of interested persons and organizations
- Drafting recommended legislation for legislative consideration

The efforts of the Commission permit the Legislature to determine significant policy questions rather than to concern itself with the technical problems in preparing background studies, working out intricate legal problems, and drafting implementing legislation. The Commission thus enables the Legislature to accomplish needed reforms that otherwise might not be made because of the heavy demands on legislative time. In some cases, the Commission's report demonstrates that no new legislation on a particular topic is needed, thus relieving the Legislature of the need to study the topic.

The Commission consists of:

- A Member of the Senate appointed by the Rules Committee
- A Member of the Assembly appointed by the Speaker

1. See Gov't Code §§ 8280-8298 (statute establishing Law Revision Commission) (Appendix 1 *infra*).

2. See 1 Cal. L. Revision Comm'n Reports, Annual Report for 1954, at 7 (1957).

- Seven members appointed by the Governor with the advice and consent of the Senate
- The Legislative Counsel, who is an ex officio member

The Commission may study only topics that the Legislature by concurrent resolution authorizes it to study. The Commission now has a calendar of 24 topics.³

Commission recommendations have resulted in the enactment of legislation affecting 18,516 sections of the California statutes: 8,681 sections have been added, 3,002 sections amended, and 6,833 sections repealed. The Commission has submitted more than 280 recommendations to the Legislature. Approximately 96% of these recommendations have been enacted in whole or in substantial part.⁴

The Commission's recommendations are published in softcover and later are collected in hardcover volumes. A list of past publications and information on obtaining copies are at the end of this Annual Report.

1995 Legislative Program

In 1995, the Commission plans to submit recommendations to the Legislature concerning the following subjects:

Administrative Law

The Commission plans to submit a recommendation concerning administrative adjudication by state agencies. The recommendation will represent the first comprehensive revision of this law in 50 years.

Debtor-Creditor Law

The Commission plans to submit a recommendation concerning debtor-creditor law, including the following:

- Attachment where claim is partially secured
- Exemptions from enforcement of money judgments
- Miscellaneous debtor-creditor matters

3. See list of topics under "Calendar of Topics Authorized for Study" set out in Appendix 2 *infra*.

4. See list of recommendations and legislative action in Appendix 3 *infra*.

Probate Law

The Commission plans to submit a recommendation concerning the Uniform Prudent Investor Act, which would be added to the Trust Law.

Major Studies in Progress

During 1995, the Commission plans to work on four major topics: judicial review of agency action, the Uniform Unincorporated Nonprofit Association Act, unfair competition litigation, and the business judgment rule and derivative actions. The Commission will also consider other subjects to the extent time permits.

Judicial Review of Agency Action

Judicial review of agency action is the second phase of the Commission's study of administrative law. The first phase — administrative adjudication by state agencies — will be the subject of a Commission recommendation to the 1995 legislative session.

The Commission has considered three background studies prepared by its consultant, Professor Michael Asimow of UCLA Law School, on "Judicial Review of Administrative Decision: Standing and Timing" (September 1992), "The Scope of Judicial Review of Administrative Action" (January 1993), and "A Modern Judicial Review Statute to Replace Administrative Mandamus" (November 1993).

During 1995 the Commission plans to complete its review of these studies and circulate a tentative recommendation on the matter for comment, before finalizing a recommendation to the Governor and Legislature.

Uniform Unincorporated Nonprofit Association Act

The Commission has retained a consultant, Professor Michael Hone of the University of San Francisco Law School, to prepare an analysis of the Uniform Unincorporated Nonprofit Association Act (1992). The Commission plans to commence consideration of this matter early in 1995, after the anticipated receipt of Professor Hone's analysis. The Commission hopes to complete work on this topic during 1995 and submit a recommendation to the Governor and Legislature for the 1996 legislative session.

Unfair Competition Litigation

The Commission plans to commence consideration of issues involved in unfair competition litigation under Business and Professions Code Section 17200 *et seq.* on receipt of a background study on the subject early in 1995. The Commission's consultant on this topic is Professor Robert Fellmeth of the University of San Diego Law School.

Business Judgment Rule and Derivative Actions

The Commission has retained Professor Melvin Eisenberg of the University of California, Berkeley, Law School to prepare a background study on two aspects of corporate governance: the business judgment rule and derivative actions. The Commission anticipates receipt of the background study in the spring of 1995 and plans to commence work on the topic shortly thereafter.

Other Subjects

The major studies in progress described above will dominate the Commission's time and resources during 1995. If time permits the Commission will work other subjects into its agenda. These subjects include two debtor-creditor relations matters — comprehensive review of the homestead exemption and the retirement account exemption. Other subjects are (1) clarification of the rules of evidence concerning electronically recorded original documents and signatures, (2) revision of the statute governing covenants that run with the land, and (3) tolling the statute of limitations while the defendant is out of state.

Calendar of Topics for Study

The Commission's calendar of topics is set out in Appendix 2 in this Annual Report. Each of these topics has been authorized for Commission study by the Legislature.⁵ Because of the number and

5. Section 8293 of the Government Code provides that the Commission shall study, in addition to those topics which it recommends and which are approved by the Legislature, any topics which the Legislature by concurrent resolution refers to it for study. For the current authorization, see 1994 Cal. Stat. res. ch. 81. In addition, Code of Civil Procedure Section 703.120 requires the Commission to review statutes providing for exemptions

scope of the topics already on its calendar, the Commission does not at this time recommend any additional topics for Commission study.

Function and Procedure of Commission

The principal duties of the Commission⁶ are to:

- (1) Examine the common law and statutes for the purpose of discovering defects and anachronisms.
- (2) Receive and consider suggestions and proposed changes in the law from the American Law Institute, the National Conference of Commissioners on Uniform State Laws,⁷ bar associations, and other learned bodies, and from judges, public officials, lawyers, and the public generally.
- (3) Recommend such changes in the law as it deems necessary to bring California law into harmony with modern conditions.⁸

The Commission is required to file a report at each regular session of the Legislature containing a calendar of topics selected by it for study, listing both studies in progress and topics intended for future consideration. As a rule, the Commission may study only topics that the Legislature, by concurrent resolution, authorizes it to study.⁹ However, the Commission may study and recommend revisions to correct technical or minor substantive defects in state statutes without a prior concurrent resolution.¹⁰

The Commission's work on a recommendation begins after a background study has been prepared. The background study may

from enforcement of money judgments every 10 years and to recommend any needed revisions.

6. Gov't Code §§ 8280-8298 (statute governing California Law Revision Commission). See Appendix 1 *infra*.

7. The Legislative Counsel, an ex officio member of the Law Revision Commission, serves as a Commissioner of the Commission on Uniform State Laws. See Gov't Code § 8261. The Commission's Executive Secretary serves as an Associate Member of the National Conference of Commissioners on Uniform State Laws.

8. Gov't Code § 8289. The Commission is also directed to recommend the express repeal of all statutes repealed by implication or held unconstitutional by the California Supreme Court or the United States Supreme Court. Gov't Code § 8290.

9. Gov't Code § 8293.

10. Gov't Code § 8298.

be prepared by a member of the Commission's staff or by a specialist in the field of law involved who is retained as a consultant. Use of expert consultants provides the Commission with invaluable assistance and is economical because the attorneys and law professors who serve as consultants have already acquired the considerable background necessary to understand the specific problems under consideration and receive little more than an honorarium for their services. Expert consultants are also retained to advise the Commission at meetings.

After making its preliminary decisions on a subject, the Commission ordinarily distributes a tentative recommendation to the State Bar, other bar associations, and to numerous other interested persons. Comments on the tentative recommendation are considered by the Commission in determining what recommendation, if any, the Commission will make to the Legislature. When the Commission has reached a conclusion on the matter, its recommendation to the Legislature (including a draft of any legislation necessary to effectuate its recommendation) is published.¹¹ The background study is sometimes published with the recommendation published by the Commission or in a law review.¹²

The Commission ordinarily prepares an official Comment explaining each section it recommends. These Comments are included in the Commission's recommendations and are frequently revised by the Commission in later reports to reflect amendments

11. Occasionally one or more members of the Commission may not join in all or part of a recommendation submitted to the Legislature by the Commission.

12. For recent background studies published in law reviews, see Kasner, *Donative and Interspousal Transfers of Community Property in California: Where We Are (or Should Be) After MacDonald*, 23 Pac. L.J. 361 (1991); Asimow, *Toward a New California Administrative Procedure Act: Adjudication Fundamentals*, 39 UCLA L. Rev. 1067 (1992). For a list of background studies published in law reviews before 1991, see 10 Cal. L. Revision Comm'n Reports 1108 n.5 (1971); 11 Cal. L. Revision Comm'n Reports 1008 n.5, 1108 n.5 (1973); 13 Cal. L. Revision Comm'n Reports 1628 n.5 (1976); 16 Cal. L. Revision Comm'n Reports 2021 n.6 (1982); 17 Cal. L. Revision Comm'n Reports 819 n.6 (1984); 18 Cal. L. Revision Comm'n Reports 212 n.17, 1713 n.20 (1986); 19 Cal. L. Revision Comm'n Reports 513 n.22 (1988); 20 Cal. L. Revision Comm'n Reports 198 n.16 (1990).

made in the legislative process.¹³ The reports provide background with respect to the Commission intent in proposing the enactment, such intent being reflected in the Comments to the various sections of the bill contained in the Commission's recommendation, except to the extent that new or revised Comments are set out in the report on the bill as amended.¹⁴

Comments indicate the derivation of a section and often explain its purpose, its relation to other sections, and potential problems as to its meaning or application. The Comments are legislative history and are entitled to substantial weight in construing the statutory provisions.¹⁵ However, while the Commission endeavors in Comments to explain any changes in the law made by a section, the Commission does not claim that every inconsistent case is noted in the Comments, nor can it anticipate judicial conclusions as to the significance of existing case authorities.¹⁶ Hence, failure to note a change in prior law or to refer to an inconsistent judicial decision is not intended to, and should not, influence the construction of a clearly stated statutory provision.¹⁷

Commission publications are distributed to the Governor, legislative leadership, and, on request, to heads of state departments

13. Many amendments are made on recommendation of the Commission to deal with matters brought to the Commission's attention after publication of its recommendation. In some cases, however, an amendment may be made that the Commission believes is not desirable and does not recommend.

14. For an example of such a report, see Appendix 5 *infra*. Reports containing new or revised comments are printed in the Commission's Annual Report for the year in which the recommendation was proposed. For a description of legislative committee reports adopted in connection with the bill that became the Evidence Code, see *Arellano v. Moreno*, 33 Cal. App. 3d 877, 884, 109 Cal. Rptr. 421, 426 (1973).

15. E.g., *Van Arsdale v. Hollinger*, 68 Cal. 2d 245, 249-50, 437 P.2d 508, 511, 66 Cal. Rptr. 20, 23 (1968); see also *Milligan v. City of Laguna Beach*, 34 Cal. 3d 829, 831, 670 P.2d 1121, 1122, 196 Cal. Rptr. 38, 39 (1983). Commission Comments are published by Bancroft-Whitney and West Publishing Company in their print and CD-ROM editions of the annotated codes, and printed in selected codes prepared by other publishers.

16. See, e.g., *Arellano v. Moreno*, 33 Cal. App. 3d 877, 109 Cal. Rptr. 421 (1973).

17. The Commission does not concur in the *Kaplan* approach to statutory construction. See *Kaplan v. Superior Court*, 6 Cal. 3d 150, 158-59, 491 P.2d 1, 5-6, 98 Cal. Rptr. 649, 653-54 (1971). For a reaction to the problem created by the *Kaplan* approach, see *Recommendation Relating to Erroneously Ordered Disclosure of Privileged Information*, 11 Cal. L. Revision Comm'n Reports 1163 (1973). See also 1974 Cal. Stat. ch. 227.

and a substantial number of judges, district attorneys, lawyers, law professors, and law libraries throughout the state.¹⁸ Thus, a large and representative number of interested persons is given an opportunity to study and comment on the Commission's work before it is considered for enactment by the Legislature.¹⁹

The reports, recommendations, and studies of the Commission are republished in a set of hardcover volumes that is both a permanent record of the Commission's work and, it is believed, a valuable contribution to the legal literature of the state. These volumes are available at most county law libraries and at some other libraries. Some hardcover volumes are out of print, but others are available for purchase.²⁰

18. See Gov't Code § 8291. In the past, Commission publications have generally been distributed free of charge. Due to budget constraints, the Commission in 1991 began implementing a charge for Commission publications. For price list, see "Commission Publications" *infra*.

19. For a step-by-step description of the procedure followed by the Commission in preparing the 1963 governmental liability statute, see DeMouly, *Fact Finding for Legislation: A Case Study*, 50 A.B.A. J. 285 (1964). The procedure followed in preparing the Evidence Code is described in 7 Cal. L. Revision Comm'n Reports 3 (1965). See also Quillinan, *The Role and Procedures of the California Law Revision Commission in Probate and Trust Law Changes*, 8 Est. Plan. & Cal. Prob. Rep. 130-31 (Cal. Cont. Ed. Bar 1987).

20. See "Commission Publications" *infra*.

Personnel of Commission

As of November 18, 1994, the following persons were members of the Law Revision Commission:

Members Appointed by Governor ²¹	<i>Term Expires</i>
Daniel M. Kolkey, Los Angeles <i>Chairperson</i>	October 1, 1995
Colin W. Wied, San Diego <i>Vice Chairperson</i>	October 1, 1995
Christine W.S. Byrd, Los Angeles	October 1, 1997
Allan L. Fink, San Francisco	October 1, 1997
Arthur K. Marshall, Los Angeles	October 1, 1995
Edwin K. Marzec, Santa Monica	October 1, 1995
Sanford M. Skaggs, Walnut Creek	October 1, 1997

Legislative Members ²²

Senator Tom Campbell, Los Altos
Assembly Member Terry Friedman, Sherman Oaks

Legislative Counsel ²³

Bion M. Gregory, Sacramento

Effective September 1, 1994, the Commission elected Daniel M. Kolkey as Chairperson (succeeding Sanford M. Skaggs), and Colin W. Wied as Vice Chairperson (succeeding Daniel M. Kolkey). The terms of the new officers end August 31, 1995. At the November 1994 meeting of the Commission, Chairperson Daniel M. Kolkey announced that he planned to resign from the Commission at the

21. Seven Commission members are appointed by the Governor with the advice and consent of the Senate. Gov't Code § 8281. These Commissioners serve staggered four-year terms. *Id.* The provision in Government Code Section 8281 to the effect that Commission members appointed by the Governor hold office until the appointment and qualification of their successors has been superseded by the rule in Government Code Section 1774 declaring a vacancy if there is no reappointment 60 days following expiration of the term of office. See also Gov't Code § 1774.7 (Section 1774 overrides contrary special rules unless specifically excepted).

22. The Senate and Assembly members of the Commission serve at the pleasure of the appointing power, the Senate Committee on Rules and the Speaker of the Assembly, respectively. Gov't Code § 8281.

23. The Legislative Counsel serves on the Commission by virtue of office. Gov't Code § 8281.

end of the year to accept a new position as the Governor's counsel and legal affairs secretary.

In November 1993, Governor Wilson appointed Allan L. Fink to succeed Forrest A. Plant. In November 1993, Governor Wilson reappointed Christine W.S. Byrd and Sanford M. Skaggs as Commission members.

In May 1994, Senator Bill Lockyer became President pro Tempore of the Senate and Senator Tom Campbell was appointed by the Senate Rules Committee as the Commission's Senate Member. Senator Lockyer had been a member since 1985. The Commission particularly appreciates his regular authorship of the Commission's annual resolution of authority during his tenure.

As of November 19, 1994, the following persons were on the Commission's staff:

Legal

Nathaniel Sterling
Executive Secretary

Barbara S. Gaal
Staff Counsel

Stan Ulrich
Assistant Executive Secretary

Robert J. Murphy
Staff Counsel

Secretarial

Victoria V. Matias
Composing Technician

During early 1994, Carlton X. Osborne, a student at Stanford Law School, was employed as a student legal assistant, and Jennifer Blair Eagleton, a visiting student at Stanford Law School, assisted the Commission as part of the Public Service Program of the University of Pennsylvania Law School.

Commission Budget

The Commission's operations are funded from the state general fund. The amount appropriated to the Commission for the 1994-95 fiscal year is \$417,000. This represents a reduction of 40% over the past four years.

In order to remain productive within the limits of the reduced budget allocation, the Commission has substantially reduced its staffing and revised its operations. The Commission now imposes a charge for copies of its materials to cover reproduction and shipping costs. The Commission has reduced the frequency of its meetings to limit travel expenses and other associated meeting costs.

The Commission has eliminated one attorney position, its administrative assistant position, two secretarial positions, and temporary assistance. The Commission now functions with two full-time attorneys (including its Executive Secretary), two part-time attorneys, and one secretary.

The result of these reductions is that substantial burdens have been placed on the Commission's remaining staff to maintain productivity with fewer resources. The staff attorneys, for example, must do all work formerly performed by the administrative assistant and secretaries, in addition to a heavier load of legal work.

There is some mitigation from outside sources available to the Commission. The Commission receives substantial donations of necessary library materials from the legal publishing community, especially Bancroft-Whitney Company, California Continuing Education of the Bar, and West Publishing Company. The Commission receives additional library materials from other legal publishers and other law reform agencies on an exchange basis, and has access to the Stanford University Law Library. The Commission is grateful for their contributions.

The Commission has suffered reduced productivity as a result of the substantial budget cuts, as reflected in the Commission's legislative programs for 1994 and 1995.

Activities of Commission, Staff, and Consultants

By statute the Commission is directed to cooperate with any bar association or other learned, professional, or scientific association, institution or foundation in any manner suitable for the fulfillment of the purposes of the Commission.²⁴ Pursuant to this directive

24. Gov't Code § 8296.

Commission members and staff have participated in the following activities during 1994.

Speeches

The Commission's executive secretary addressed Legal Services of Northern California and the Sacramento County Bar Association section on Administrative Law, to provide information on the Commission's study of administrative adjudication.

The assistant executive secretary addressed the Northern California Chapter of the National Academy of Elder Law Attorneys concerning the new Power of Attorney Law.

Conferences

The Commission's executive secretary attended the National Conference of Commissioners on Uniform State Laws.²⁵

The Commission's executive secretary met with the executive committees of the State Bar sections on Administration of Justice, Appellate Courts, and Litigation at the State Bar Annual Meeting, to improve State Bar involvement in Commission studies.

The Commission's executive secretary participated in the Proposition 91 Implementation Working Group of the California Judges Association, relating to unification of the justice courts with the municipal courts.

International Visitors

The Commission's staff received two visiting delegations from the Thailand Juridical Council and a visitor from the Tasmania Law Reform Commission, to exchange information and procedures concerning law reform.

Consultant Activities

The Commission's consultant on administrative procedure, Professor Michael Asimow, published articles in legal journals concerning administrative adjudication and judicial review, based on his background studies for the Commission. Professor Asimow

25. The Commission is directed by statute to receive and consider proposed changes in the law recommended by the National Conference of Commissioners on Uniform State Laws. Gov't Code § 8289. The Commission's executive secretary is an associate member of the National Conference.

also served as a panelist on the State Bar of California Public Law Section forum on the Commission's administrative adjudication project, and served as a member of the Vial Commission to review administrative adjudication procedures of the Public Utilities Commission.

Legislative History of Recommendations Submitted to 1994 Legislative Session

The Commission recommendations were included in four bills, a constitutional amendment, and a concurrent resolution recommended for enactment at the 1994 legislative session. Three bills were enacted and the concurrent resolution was adopted.

Power of Attorney Law

Senate Bill 1907 (1994 Cal. Stat. ch. 307) was introduced by Senator Tom Campbell to effectuate a Commission recommendation. See *Comprehensive Power of Attorney Law*, 24 Cal. L. Revision Comm'n Reports 111 (1994). The bill was enacted after a number of amendments were made. For the law as enacted, with revised Comments and explanatory text, see the report *1995 Comprehensive Power of Attorney Law*, 24 Cal. L. Revision Comm'n Reports 323 (1994).

Orders To Show Cause and Temporary Restraining Orders

Assembly Bill 3600 (1994 Cal. Stat. ch. 587), presented by Assembly Member Margaret Snyder on behalf of the Assembly Judiciary Committee, included amendments to effectuate a Commission recommendation. See *Orders To Show Cause and Temporary Restraining Orders*, 24 Cal. L. Revision Comm'n Reports 603 (1994) (Appendix 4 *infra*). The bill was enacted after a number of amendments were made.

Family Law

Assembly Bill 2208 (1994 Cal. Stat. ch. 1269), presented by Assembly Member Louis Caldera on behalf of the Assembly Judiciary Committee, included a number of technical revisions pertain-

ing to the new Family Code.²⁶ For the official Comments to sections in AB 2208 sponsored by the Commission, see *Report of the California Law Revision Commission on Chapter 1269 of the Statutes of 1994 (Assembly Bill 2208)*, 24 Cal. L. Revision Comm'n Reports 621 (1994) (Appendix 5 *infra*). The bill was enacted after a number of amendments were made.

Effect of Joint Tenancy Title on Marital Property

Senate Bill 1868 was introduced by Senator Tom Campbell to effectuate a Commission recommendation. See *Effect of Joint Tenancy Title on Marital Property*, 23 Cal. L. Revision Comm'n Reports 1013 (1993). The bill was referred to the Senate Judiciary Committee, but was not heard. In consideration of issues raised by several organizations, further pursuit of this recommendation is being left to the State Bar and other interested persons.

Trial Court Unification — SCA 3

Senate Constitutional Amendment 3 was introduced by Senator Bill Lockyer in 1993 and was amended in 1994 to include recommendations of the Commission. The Commission's report was prepared pursuant to a Legislative directive. See *Trial Court Unification: Constitutional Revision (SCA 3)*, 24 Cal. L. Revision Comm'n Reports 1 (1994). The measure passed the Senate but did not receive the necessary two-thirds vote in the Assembly. For a related recommendation, see *Trial Court Unification: Transitional Provisions for SCA 3*, 24 Cal. L. Revision Comm'n Reports 627 (1994) (Appendix 6 *infra*).

26. The new Family Code was enacted on Commission recommendation in 1992, with a January 1, 1994, operative date. See *Family Code*, 22 Cal. L. Revision Comm'n Reports 1 (1992); 1992 Cal. Stat. chs. 162, 163. In 1993 legislation incorporated into the new code other family law measures enacted in 1992, further revised the provisions concerning child custody and domestic violence prevention, and made numerous additional technical changes in anticipation of the new code's operative date of January 1, 1994, which had been enacted on Commission recommendation. See *1994 Family Code*, 23 Cal. L. Revision Comm'n Reports 1, 5 (1993); *Family Code: Child Custody*, 23 Cal. L. Revision Comm'n Reports 1, 15 (1993); *Family Code: Reorganization of Domestic Violence Provisions*, 23 Cal. L. Revision Comm'n Reports 1, 23 (1993).

Resolution Authorizing Topics for Study

Senate Concurrent Resolution 34 (1994 Cal. Stat. res. ch. 81) was introduced by Senator David Roberti. It continued the Commission's authority to study 23 topics previously authorized for study and deleted seven topics previously authorized for study. The Commission had completed work on all of the deleted topics, and all of them had been the subject of comprehensive legislation enacted on Commission recommendation.

The following topics were deleted from the Commission's calendar:

- (1) Involuntary dismissal for lack of prosecution.
- (2) Statutes of limitation for felonies.
- (3) Modification of contracts.
- (4) Sovereign immunity.
- (5) Liquidated damages.
- (6) Parol evidence rule.
- (7) Pleadings in civil actions.

In addition, the resolution added authority for the Commission to study whether Code of Civil Procedure Section 351 (tolling statute of limitations while defendant is out of state) should be revised.²⁷

Report on Statutes Repealed by Implication or Held Unconstitutional

Section 8290 of the Government Code provides:

The commission shall recommend the express repeal of all statutes repealed by implication, or held unconstitutional by the Supreme Court of the state or the Supreme Court of the United States.

Pursuant to this directive, the Commission has reviewed the decisions of the United States Supreme Court and the California Supreme Court published since the Commission's last Annual Report was prepared²⁸ and has the following to report:

27. See *Annual Report for 1993*, 23 Cal. L. Revision Comm'n Reports 901, 915 (1993).

28. This study has been carried through 8 Cal. 4th 398 (1994) (Advance Sheet No. 27, Oct. 4, 1994) and 114 S. Ct. (1993-94 Term).

- No decision holding a state statute repealed by implication has been found.
- No decision of the United States Supreme Court holding a state statute unconstitutional has been found.²⁹
- No decision of the California Supreme Court holding state statutes unconstitutional has been found.³⁰

Recommendations

The Law Revision Commission respectfully recommends that the Legislature authorize the Commission to complete its study of the topics previously authorized.³¹

29. One decision of the United States Supreme Court held that federal law preempted a state policy. In *Livadas v. Bradshaw*, 114 S. Ct. 2068 (1994), a California employer discharged an employee without immediately paying her all wages due, as required under California law. The employee petitioned the Commissioner of Labor to impose a penalty on her former employer, but the Commissioner declined to pursue the matter, interpreting California Labor Code Section 229 to preclude such enforcement as to employees covered by a collective bargaining agreement with an arbitration clause. The employee challenged that nonenforcement policy in court, ultimately convincing the United States Supreme Court that the policy was preempted by the National Labor Relations Act.

30. One decision of the California Supreme Court imposed a constitutional limitation on application of a state statute. In *Alfredo A. v. Superior Court*, 6 Cal. 4th 1212, 865 P.2d 56, 26 Cal. Rptr. 2d 623 (1994), the court examined the state statutes governing probable cause determinations for extended postarrest detention of juveniles, under which a detained juvenile is entitled to a probable cause hearing within 72 hours after arrest, excluding nonjudicial days. See *Welf. & Inst. Code* § 632; see also *Welf. & Inst. Code* § 631. The court rejected a constitutional challenge to the statutory scheme, but concluded (in its lead opinion, authored by Chief Justice Lucas and joined by Justices Panelli and Baxter) that “if the 72-hour period immediately following arrest includes one or more ‘nonjudicial days,’ ... then the Constitution independently requires that the juvenile be afforded a separate, timely judicial determination of probable cause for any extended period of detention beyond the 72 hours following arrest.”

31. See “Calendar of Topics Authorized for Study,” Appendix 2 *infra*.

APPENDIX 1

STATUTE GOVERNING THE CALIFORNIA LAW REVISION COMMISSION

GOVERNMENT CODE SECTIONS 8280-8297*

§ 8280. Creation

8280. There is created in the State Government the California Law Revision Commission.

§ 8281. Membership

8281. The commission consists of one Member of the Senate appointed by the Committee on Rules, one Member of the Assembly appointed by the Speaker, and seven additional members appointed by the Governor with the advice and consent of the Senate. The Legislative Counsel shall be an ex officio member of the commission.

The Members of the Legislature appointed to the commission shall serve at the pleasure of the appointing power and shall participate in the activities of the commission to the extent that the participation is not incompatible with their respective positions as Members of the Legislature. For the purposes of this article, those Members of the Legislature shall constitute a joint interim investigating committee on the subject of this article and as a joint interim investigating committee shall have the powers and duties imposed upon those committees by the Joint Rules of the Senate and Assembly.

The members appointed by the Governor shall be appointed for a term of four years and shall hold office until the

* Added by 1984 Cal. Stat. ch. 1335, § 2; see also 1985 Cal. Stat. ch. 106, § 45 (amending Section 8295); 1989 Cal. Stat. ch. 152, § 1 (adding Section 8298). Formerly Gov't Code §§ 10300-10340, added by 1953 Cal. Stat. ch. 1445, § 2; amended by 1960 Cal. Stat. ch. 61, § 1 (1st Ex. Sess.); 1965 Cal. Stat. ch. 371, § 110; 1978 Cal. Stat. ch. 228, § 1; 1981 Cal. Stat. ch. 1106, § 2.

appointment and qualification of their successors. The terms of the members first appointed shall not commence earlier than October 1, 1953, and shall expire as follows: four on October 1, 1955, and three on October 1, 1957. When a vacancy occurs in any office filled by appointment by the Governor, he or she shall appoint a person to the office, who shall hold office for the balance of the unexpired term of his or her predecessor.

Note. The provision in the third paragraph to the effect that Commission members appointed by the Governor hold office until appointment and qualification of their successors is superseded by the rule in Government Code Section 1774 declaring a vacancy if there is no reappointment 60 days following expiration of the term of office. See also Gov't Code § 1774.7 (Section 1774 overrides contrary special rules unless specifically excepted).

§ 8282. Compensation and expenses

8282. (a) The members of the commission shall serve without compensation, except that each member appointed by the Governor shall receive fifty dollars (\$50) for each day's attendance at a meeting of the commission.

(b) In addition, each member shall be allowed actual expenses incurred in the discharge of his or her duties, including travel expenses.

Note. Government Code Section 11564.5 provides a per diem compensation of \$100, notwithstanding any other provision of law.

§ 8283. Chairperson

8283. The commission shall select one of its members chairperson.

§ 8284. Executive secretary

8284. The commission may appoint an executive secretary and fix his or her compensation, in accordance with law.

§ 8285. Employees

8285. The commission may employ and fix the compensation, in accordance with law, of such professional, clerical and other assistants as may be necessary.

§ 8286. Assistance of state

8286. The material of the State Library shall be made available to the commission. All state agencies, and other official state organizations, and all persons connected therewith shall give the commission full information, and reasonable assistance in any matters of research requiring recourse to them, or to data within their knowledge or control.

§ 8287. Assistance of bar

8287. The Board of Governors of the State Bar shall assist the commission in any manner the commission may request within the scope of its powers or duties.

§ 8288. Political activities of commissioners and staff

8288. No employee of the commission and no member appointed by the Governor shall, with respect to any proposed legislation concerning matters assigned to the commission for study pursuant to Section 8293, advocate the passage or defeat of the legislation by the Legislature or the approval or veto of the legislation by the Governor or appear before any committee of the Legislature as to such matters unless requested to do so by the committee or its chairperson. In no event shall an employee or member of the commission appointed by the Governor advocate the passage or defeat of any legislation or the approval or veto of any legislation by the Governor, in his or her official capacity as an employee or member.

§ 8289. Duties of commission

8289. The commission shall, within the limitations imposed by Section 8293:

(a) Examine the common law and statutes of the state and judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms.

(b) Receive and consider proposed changes in the law recommended by the American Law Institute, the National Conference of Commissioners on Uniform State Laws, any bar association or other learned bodies.

(c) Receive and consider suggestions from judges, justices, public officials, lawyers, and the public generally as to defects and anachronisms in the law.

(d) Recommend, from time to time, such changes in the law as it deems necessary to modify or eliminate antiquated and inequitable rules of law, and to bring the law of this state into harmony with modern conditions.

§ 8290. Unconstitutional and impliedly repealed statutes

8290. The commission shall recommend the express repeal of all statutes repealed by implication, or held unconstitutional by the Supreme Court of the state or the Supreme Court of the United States.

§ 8291. Submission and distribution of reports

8291. The commission shall submit its reports, and its recommendations as to revision of the laws, to the Governor and the Legislature, and shall distribute them to the Governor, the Members of the Legislature, and the heads of all state departments.

Note. Section 8291 is limited by the later-enacted rules governing distribution of state reports set out in Government Code Sections 11094-11099.

§ 8292. Contents of reports

8292. The commission may, within the limitations imposed by Section 8293, include in its report the legislative measures proposed by it to effect the adoption or enactment of the proposed revision. The reports may be accompanied by exhibits of various changes, modifications, improvements, and suggested enactments prepared or proposed by the commission with a full and accurate index thereto.

§ 8293. Calendar of topics

8293. The commission shall file a report at each regular session of the Legislature which shall contain a calendar of topics selected by it for study, including a list of the studies in progress and a list of topics intended for future consideration. After the filing of its first report the commission shall confine its studies to those topics set forth in the calendar contained in its last preceding report which are thereafter approved for its study by concurrent resolution of the Legislature. The commission shall also study any topic which the Legislature, by concurrent resolution, refers to it for the study.

§ 8294. Printing of reports

8294. The reports, exhibits, and proposed legislative measures shall be printed by the State Printing Office under the supervision of the commission. The exhibits shall be so printed as to show in the readiest manner the changes and repeals proposed by the commission.

§ 8295. Cooperation with legislative committees

8295. The commission shall confer and cooperate with any legislative committee on revision of the law and may contract with any committee for the rendition of service, by either for the other, in the work of revision.

§ 8296. Cooperation with bar and other associations

8296. The commission may cooperate with any bar association or other learned, professional, or scientific association, institution or foundation in any manner suitable for the fulfillment of the purposes of this article.

§ 8297. Research contracts

8297. The commission may, with the approval of the Director of General Services, enter into, amend and terminate contracts with colleges, universities, schools of law or other research institutions, or with qualified individuals for the purposes of research.

§ 8298. Recommendations concerning minor revisions

8298. The commission may study and recommend revisions to correct technical or minor substantive defects in the statutes of the state without a prior concurrent resolution of the Legislature referring the matter to it for study.

APPENDIX 2

CALENDAR OF TOPICS AUTHORIZED FOR STUDY

The Commission has on its calendar of topics authorized for study, the topics listed below. Each of these topics has been authorized for Commission study by the Legislature. For the current authorizing resolution, see 1994 Cal. Stat. res. ch. 81.

1. Creditors' remedies. Whether the law relating to creditors' remedies (including, but not limited to, attachment, garnishment, execution, repossession of property (including the claim and delivery statute, self-help repossession of property, and the Commercial Code repossession of property provisions), civil arrest, confession of judgment procedures, default judgment procedures, enforcement of judgments, the right of redemption, procedures under private power of sale in a trust deed or mortgage, possessory and nonpossessory liens, and related matters) should be revised. (Authorized by 1983 Cal. Stat. res. ch. 40. See also 1974 Cal. Stat. res. ch. 45; 1972 Cal. Stat. res. ch. 27; 1957 Cal. Stat. res. ch. 202; 1 Cal. L. Revision Comm'n Reports, Annual Report for 1957, at 15-16 (1957).)

2. Probate Code. Whether the California Probate Code should be revised, including but not limited to, whether California should adopt, in whole or in part, the Uniform Probate Code. (Authorized by 1980 Cal. Stat. res. ch. 37.)

3. Real and personal property. Whether the law relating to real and personal property (including, but not limited to, a Marketable Title Act, covenants, servitudes, conditions, and restrictions on land use or relating to land, possibilities of reverter, powers of termination, Section 1464 of the Civil Code, escheat of property and the disposition of unclaimed or abandoned property, eminent domain, quiet title actions, abandonment or vacation of public streets and highways, partition, rights and duties attendant upon assignment, subletting, termination, or abandonment of a lease, powers of appointment, and related matters) should be revised. (Authorized by 1983 Cal. Stat. res. ch. 40, consolidating various previously authorized aspects of real and personal property law into one comprehensive topic. Expanded in 1988 Cal Stat. res. ch. 81.)

4. Family law. Whether the law relating to family law (including, but not limited to, community property) should be revised. (Authorized by 1983 Cal. Stat. res. ch. 40. See also 1978 Cal. Stat. res. ch. 65; 16 Cal. L. Revision Comm'n Reports 2019 (1982); 14 Cal. L. Revision Comm'n Reports 22 (1978).)

5. Prejudgment interest. Whether the law relating to the award of prejudgment interest in civil actions and related matters should be revised. (Authorized by 1971 Cal. Stat. res. ch. 75.)

6. Class actions. Whether the law relating to class actions should be revised. (Authorized by 1975 Cal. Stat. res. ch. 15. See also 12 Cal. L. Revision Comm'n Reports 524 (1974).)

7. Offers of compromise. Whether the law relating to offers of compromise should be revised. (Authorized by 1975 Cal. Stat. res. ch. 15. See also 12 Cal. L. Revision Comm'n Reports 525 (1974).)

8. Discovery in civil cases. Whether the law relating to discovery in civil cases should be revised. (Authorized by 1975 Cal. Stat. res. ch. 15. See also 12 Cal. L. Revision Comm'n Reports 526 (1974).)

9. Procedure for removal of invalid liens. Whether a summary procedure should be provided by which property owners can remove doubtful or invalid liens from their property, including a provision for payment of attorney's fees to the prevailing party. (Authorized by 1980 Cal. Stat. res. ch. 37.)

10. Special assessment liens for public improvements. Whether acts governing special assessments for public improvements should be simplified and unified. (Authorized by 1980 Cal. Stat. res. ch. 37.)

11. Injunctions. Whether the law on injunctions and related matters should be revised. (Authorized by 1984 Cal. Stat. res. ch. 42.)

12. Rights and disabilities of minors and incompetent persons. Whether the law relating to the rights and disabilities of minors and incompetent persons should be revised. (Authorized by 1979 Cal. Stat. res. ch. 19. See also 14 Cal. L. Revision Comm'n Reports 217 (1978).)

13. Child custody, adoption, guardianship, and related matters. Whether the law relating to custody of children, adoption, guardianship, freedom from parental custody and control, and related matters should be revised. (Authorized by 1972 Cal. Stat. res. ch. 27. See also 10 Cal. L. Revision Comm'n Reports 1122 (1971); 1956 Cal. Stat. res. ch. 42; 1 Cal. L. Revision Comm'n Reports, Annual Report for 1956, at 29-31 (1957).)

14. Evidence. Whether the Evidence Code should be revised. (Authorized by 1965 Cal. Stat. res. ch. 130.)

15. Arbitration. Whether the law relating to arbitration should be revised. (Authorized by 1968 Cal. Stat. res. ch. 110. See also 8 Cal. L. Revision Comm'n Reports 1325 (1967).)

16. Inverse condemnation. Whether the decisional, statutory, and constitutional rules governing the liability of public entities for inverse

condemnation should be revised (including, but not limited to, liability for damages resulting from flood control projects) and whether the law relating to the liability of private persons under similar circumstances should be revised. (Authorized by 1971 Cal. Stat. res. ch. 74. See also 1970 Cal. Stat. res. ch. 46; 1965 Cal. Stat. res. ch. 130.)

17. Administrative law. Whether there should be changes to administrative law. (Authorized by 1987 Cal. Stat. res. ch. 47.)

18. Attorney's fees. Whether there should be changes in the law relating to the payment and the shifting of attorney's fees between litigants. (Authorized by 1988 Cal. Stat. res. ch. 20.)

19. Family Relations Code. Conduct a careful review of all statutes relating to the adjudication of child and family civil proceedings, with specified exceptions, and make recommendations to the Legislature regarding the establishment of a Family Relations Code. (Authorized by 1989 Cal. Stat. res. ch. 70.)

20. Uniform Unincorporated Nonprofit Association Act. Whether the Uniform Unincorporated Nonprofit Association Act, or parts of the Uniform Act, and related matters should be adopted in California. (Authorized by 1993 Cal. Stat. res. ch. 31.)

21. Unfair Business Practices. Whether the law governing unfair competition litigation under Chapter 5 (commencing with Section 17200) of Part 2 of Division 7 of the Business and Professions Code should be revised to clarify the scope of the chapter and to resolve procedural problems in litigation under the chapter, including the res judicata and collateral estoppel effect on the public of a judgment between the parties to the litigation, and related matters. (Authorized by 1993 Cal. Stat. res. ch. 31.)

22. Shareholders' Rights and Corporate Director Responsibilities. Whether the requirement of paragraph (2) of subdivision (b) of Section 800 of the Corporations Code that the plaintiff in a shareholder's derivative action must allege the plaintiff's efforts to secure board action or the reasons for not making the effort, and the standard under Section 309 of the Corporations Code for protection of a director from liability for a good faith business judgment, and related matters, should be revised. (Authorized by 1993 Cal. Stat. res. ch. 31.)

23. Trial Court Unification. The proposed amendment to the State Constitution contained in SCA 3 (Lockyer) of the 1993-94 Regular Session, pertaining to the unification of the trial courts, with recommendations to be forwarded to the Legislature by February 1, 1994, pertaining to the appropriate composition of the amendment and further recommendation to be reported pertaining to statutory changes

that may be necessitated by court unification. (Authorized by 1993 Cal. Stat. res. ch. 96.)

24. Tolling Statutes of Limitation. Whether Section 351 of the Code of Civil Procedure, relating to tolling statutes of limitations while the defendant is out of state, and related matters, should be revised. (Authorized by 1994 Cal. Stat. res. ch. 81.)

APPENDIX 3

LEGISLATIVE ACTION ON COMMISSION RECOMMENDATIONS

(Cumulative)

Recommendation	Action by Legislature
1. <i>Partial Revision of Education Code</i> , 1 Cal. L. Revision Comm'n Reports, Annual Report for 1954, at 12 (1957)	Enacted. 1955 Cal. Stat. chs. 799, 877
2. <i>Summary Distribution of Small Estates Under Probate Code Sections 640 to 646</i> , 1 Cal. L. Revision Comm'n Reports, Annual Report for 1954, at 50 (1957)	Enacted. 1955 Cal. Stat. ch. 1183
3. <i>Fish and Game Code</i> , 1 Cal. L. Revision Comm'n Reports, Annual Report for 1957 at 13 (1957); 1 Cal. L. Revision Comm'n Reports, Annual Report for 1956, at 13 (1957)	Enacted. 1957 Cal. Stat. ch. 456
4. <i>Maximum Period of Confinement in a County Jail</i> , 1 Cal. L. Revision Comm'n Reports, at A-1 (1957)	Enacted. 1957 Cal. Stat. ch. 139
5. <i>Notice of Application for Attorney's Fees and Costs in Domestic Relations Actions</i> , 1 Cal. L. Revision Comm'n Reports, at B-1 (1957)	Enacted. 1957 Cal. Stat. ch. 540
6. <i>Taking Instructions to Jury Room</i> , 1 Cal. L. Revision Comm'n Reports, at C-1 (1957)	Not enacted. But see Code Civ. Proc. § 612.5, enacting substance of this recommendation
7. <i>The Dead Man Statute</i> , 1 Cal. L. Revision Comm'n Reports, at D-1 (1957)	Not enacted. But recommendation accomplished in enactment of Evidence Code. See Comment to Evid. Code § 1261
8. <i>Rights of Surviving Spouse in Property Acquired by Decedent While Domiciled Elsewhere</i> , 1 Cal. L. Revision Comm'n Reports, at E-1 (1957)	Enacted. 1957 Cal. Stat. ch. 490
9. <i>The Marital "For and Against" Testimonial Privilege</i> , 1 Cal. L. Revision Comm'n Reports, at F-1 (1957)	Not enacted. But recommendation accomplished in enactment of Evidence Code. See Comment to Evid. Code § 970

Recommendation	Action by Legislature
10. <i>Suspension of the Absolute Power of Alienation</i> , 1 Cal. L. Revision Comm'n Reports at G-1 (1957); 2 Cal. L. Revision Comm'n Reports, Annual Report for 1959, at 14 (1959)	Enacted. 1959 Cal. Stat. ch. 470
11. <i>Elimination of Obsolete Provisions in Penal Code Sections 1377 and 1378</i> , 1 Cal. L. Revision Comm'n Reports, at H-1 (1957)	Enacted. 1957 Cal. Stat. ch. 102
12. <i>Judicial Notice of the Law of Foreign Countries</i> , 1 Cal. L. Revision Comm'n Reports, at I-1 (1957)	Enacted. 1957 Cal. Stat. ch. 249
13. <i>Choice of Law Governing Survival of Actions</i> , 1 Cal. L. Revision Comm'n Reports, at J-1 (1957)	No legislation recommended
14. <i>Effective Date of Order Ruling on a Motion for New Trial</i> , 1 Cal. L. Revision Comm'n Reports, at K-1 (1957); 2 Cal. L. Revision Comm'n Reports, Annual Report for 1959, at 16 (1959)	Enacted. 1959 Cal. Stat. ch. 468
15. <i>Retention of Venue for Convenience of Witnesses</i> , 1 Cal. L. Revision Comm'n Reports, at L-1 (1957)	Not enacted
16. <i>Bringing New Parties Into Civil Actions</i> , 1 Cal. L. Revision Comm'n Reports, at M-1 (1957)	Enacted. 1957 Cal. Stat. ch. 1498
17. <i>Grand Juries</i> , 2 Cal. L. Revision Comm'n Reports, Annual Report for 1959, at 20 (1959)	Enacted. 1959 Cal. Stat. ch. 501
18. <i>Procedure for Appointing Guardians</i> , 2 Cal. L. Revision Comm'n Reports, Annual Report for 1959, at 21 (1959)	Enacted. 1959 Cal. Stat. ch. 500
19. <i>Appointment of Administrator in Quiet Title Action</i> , 2 Cal. L. Revision Comm'n Reports, Annual Report for 1959, at 29 (1959)	No legislation recommended
20. <i>Presentation of Claims Against Public Entities</i> , 2 Cal. L. Revision Comm'n Reports, at A-1 (1959)	Enacted. 1959 Cal. Stat. chs. 1715, 1724, 1725, 1726, 1727, 1728; Cal. Const., Art. XI, § 10 (1960)
21. <i>Right of Nonresident Aliens to Inherit</i> , 2 Cal. L. Revision Comm'n Reports, at B-1 (1959); 11 Cal. L. Revision Comm'n Reports 421 (1973)	Enacted. 1974 Cal. Stat. ch. 425

Recommendation	Action by Legislature
22. <i>Mortgages to Secure Future Advances</i> , 2 Cal. L. Revision Comm'n Reports, at C-1 (1959)	Enacted. 1959 Cal. Stat. ch. 528
23. <i>Doctrine of Worthier Title</i> , 2 Cal. L. Revision Comm'n Reports, at D-1 (1959)	Enacted. 1959 Cal. Stat. ch. 122
24. <i>Overlapping Provisions of Penal and Vehicle Codes Relating to Taking of Vehicles and Drunk Driving</i> , 2 Cal. L. Revision Comm'n Reports, at E-1 (1959)	Not enacted. But see 1972 Cal. Stat. ch. 92, enacting substance of a portion of recommendation relating to drunk driving
25. <i>Time Within Which Motion for New Trial May Be Made</i> , 2 Cal. L. Revision Comm'n Reports, at F-1 (1959)	Enacted. 1959 Cal. Stat. ch. 469
26. <i>Notice to Shareholders of Sale of Corporate Assets</i> , 2 Cal. L. Revision Comm'n Reports, at G-1 (1959)	Not enacted. But see Corp. Code §§ 1001, 1002, enacting substance of recommendation
27. <i>Evidence in Eminent Domain Proceedings</i> , 3 Cal. L. Revision Comm'n Reports, at A-1 (1961)	Not enacted. But see Evid. Code § 810 <i>et seq.</i> enacting substance of recommendation
28. <i>Taking Possession and Passage of Title in Eminent Domain Proceedings</i> , 3 Cal. L. Revision Comm'n Reports, at B-1 (1961)	Enacted. 1961 Cal. Stat. chs. 1612, 1613
29. <i>Reimbursement for Moving Expenses When Property Is Acquired for Public Use</i> , 3 Cal. L. Revision Comm'n Reports, at C-1 (1961)	Not enacted. But see Gov't Code § 7260 <i>et seq.</i> enacting substance of recommendation
30. <i>Rescission of Contracts</i> , 3 Cal. L. Revision Comm'n Reports, at D-1 (1961)	Enacted. 1961 Cal. Stat. ch. 589
31. <i>Right to Counsel and Separation of Delinquent From Nondelinquent Minor In Juvenile Court Proceedings</i> , 3 Cal. L. Revision Comm'n Reports, at E-1 (1961)	Enacted. 1961 Cal. Stat. ch. 1616
32. <i>Survival of Actions</i> , 3 Cal. L. Revision Comm'n Reports, at F-1 (1961)	Enacted. 1961 Cal. Stat. ch. 657
33. <i>Arbitration</i> , Cal. L. Revision Comm'n Reports, at G-1 (1961)	Enacted. 1961 Cal. Stat. ch. 461
34. <i>Presentation of Claims Against Public Officers and Employees</i> , 3 Cal. L. Revision Comm'n Reports, at H-1 (1961)	Not enacted 1961. See recommendation to 1963 session (item 39 <i>infra</i>) which was enacted

Recommendation	Action by Legislature
35. <i>Inter Vivos Marital Property Rights in Property Acquired While Domiciled Elsewhere</i> , 3 Cal. L. Revision Comm'n Reports, at I-1 (1961)	Enacted. 1961 Cal. Stat. ch. 636
36. <i>Notice of Alibi in Criminal Actions</i> , 3 Cal. L. Revision Comm'n Reports, at J-1 (1961)	Not enacted
37. <i>Discovery in Eminent Domain Proceedings</i> , 4 Cal. L. Revision Comm'n Reports 701 (1963); 8 Cal. L. Revision Comm'n Reports 19 (1967)	Enacted. 1967 Cal. Stat. ch. 1104
38. <i>Tort Liability of Public Entities and Public Employees</i> , 4 Cal. L. Revision Comm'n Reports 801 (1963)	Enacted. 1963 Cal. Stat. ch. 1681
39. <i>Claims, Actions and Judgments Against Public Entities and Public Employees</i> , 4 Cal. L. Revision Comm'n Reports 1001 (1963)	Enacted. 1963 Cal. Stat. ch. 1715
40. <i>Insurance Coverage for Public Entities and Public Employees</i> , 4 Cal. L. Revision Comm'n Reports 1201 (1963)	Enacted. 1963 Cal. Stat. ch. 1682
41. <i>Defense of Public Employees</i> , 4 Cal. L. Revision Comm'n Reports 1301 (1963)	Enacted. 1963 Cal. Stat. ch. 1683
42. <i>Liability of Public Entities for Ownership and Operation of Motor Vehicles</i> , 4 Cal. L. Revision Comm'n Reports 1401 (1963); 7 Cal. L. Revision Comm'n Reports 401 (1965)	Enacted. 1965 Cal. Stat. ch. 1527
43. <i>Workmen's Compensation Benefits for Persons Assisting Law Enforcement or Fire Control Officer</i> , 4 Cal. L. Revision Comm'n Reports 1501 (1963)	Enacted. 1963 Cal. Stat. ch. 1684
44. <i>Sovereign Immunity — Amendments and Repeals of Inconsistent Statutes</i> , 4 Cal. L. Revision Comm'n Reports 1601 (1963)	Enacted. 1963 Cal. Stat. chs. 1685, 1686, 2029
45. <i>Evidence Code</i> , 7 Cal. L. Revision Comm'n Reports 1 (1965)	Enacted. 1965 Cal. Stat. ch. 299
46. <i>Claims and Actions Against Public Entities and Public Employees</i> , 7 Cal. L. Revision Comm'n Reports 401 (1965)	Enacted. 1965 Cal. Stat. ch. 653

Recommendation	Action by Legislature
47. <i>Evidence Code Revisions</i> , 8 Cal. L. Revision Comm'n Reports 101 (1967)	Enacted in part. 1967 Cal. Stat. ch. 650. Balance enacted. 1970 Cal. Stat. ch. 69
48. <i>Evidence — Agricultural Code Revisions</i> , 8 Cal. L. Revision Comm'n Reports 201 (1967)	Enacted. 1967 Cal. Stat. ch. 262
49. <i>Evidence — Commercial Code Revisions</i> , 8 Cal. L. Revision Comm'n Reports 301 (1967)	Enacted. 1967 Cal. Stat. ch. 703
50. <i>Whether Damage for Personal Injury to a Married Person Should Be Separate or Community Property</i> , 8 Cal. L. Revision Comm'n Reports 401 (1967); 8 Cal. L. Revision Comm'n Reports 1385 (1967)	Enacted. 1968 Cal. Stat. chs. 457, 458
51. <i>Vehicle Code Section 17150 and Related Sections</i> , 8 Cal. L. Revision Comm'n Reports 501 (1967)	Enacted. 1967 Cal. Stat. ch. 702
52. <i>Additur</i> , 8 Cal. L. Revision Comm'n Reports 601 (1967)	Enacted. 1967 Cal. Stat. ch. 72
53. <i>Abandonment or Termination of a Lease</i> , 8 Cal. L. Revision Comm'n Reports 701 (1967); 9 Cal. L. Revision Comm'n Reports 401 (1969); 9 Cal. L. Revision Comm'n Reports 153 (1969)	Enacted. 1970 Cal. Stat. ch. 89
54. <i>Good Faith Improver of Land Owned by Another</i> , 8 Cal. L. Revision Comm'n Reports 801 (1967); 8 Cal. L. Revision Comm'n Reports 1373 (1967)	Enacted. 1968 Cal. Stat. ch. 150
55. <i>Suit By or Against an Unincorporated Association</i> , 8 Cal. L. Revision Comm'n Reports 901 (1967)	Enacted. 1967 Cal. Stat. ch. 1324
56. <i>Escheat</i> , 8 Cal. L. Revision Comm'n Reports 1001 (1967)	Enacted. 1968 Cal. Stat. chs. 247, 356
57. <i>Recovery of Condemnee's Expenses on Abandonment of an Eminent Domain Proceeding</i> , 8 Cal. L. Revision Comm'n Reports 1361 (1967)	Enacted. 1968 Cal. Stat. ch. 133
58. <i>Service of Process on Unincorporated Associations</i> , 8 Cal. L. Revision Comm'n Reports 1403 (1967)	Enacted. 1968 Cal. Stat. ch. 132

Recommendation	Action by Legislature
59. <i>Sovereign Immunity — Statute of Limitations</i> , 9 Cal. L. Revision Comm'n Reports 49 (1969); 9 Cal. L. Revision Comm'n Reports 175 (1969)	Enacted. 1970 Cal. Stat. ch. 104
60. <i>Additur and Remittitur</i> , 9 Cal. L. Revision Comm'n Reports 63 (1969)	Enacted. 1969 Cal. Stat. ch. 115
61. <i>Fictitious Business Names</i> , 9 Cal. L. Revision Comm'n Reports 71 (1969)	Enacted. 1969 Cal. Stat. ch. 114
62. <i>Quasi-Community Property</i> , 9 Cal. L. Revision Comm'n Reports 113 (1969)	Enacted. 1970 Cal. Stat. ch. 312
63. <i>Arbitration of Just Compensation</i> , 9 Cal. L. Revision Comm'n Reports 123 (1969)	Enacted. 1970 Cal. Stat. ch. 417
64. <i>Revisions of Evidence Code</i> , 9 Cal. L. Revision Comm'n Reports 137 (1969)	Enacted in part. 1970 Cal. Stat. ch. 69. See also 1970 Cal. Stat. chs. 1396, 1397; 1972 Cal. Stat. ch. 888
65. <i>Mutuality of Remedies in Suits for Specific Performance</i> , 9 Cal. L. Revision Comm'n Reports 201 (1969)	Enacted. 1969 Cal. Stat. ch. 156
66. <i>Powers of Appointment</i> , 9 Cal. L. Revision Comm'n Reports 301 (1969)	Enacted. 1969 Cal. Stat. chs. 113, 155
67. <i>Evidence Code — Revisions of Privileges Article</i> , 9 Cal. L. Revision Comm'n Reports 501 (1969)	Vetoed. But see 1970 Cal. Stat. chs. 1396, 1397
68. <i>Fictitious Business Names</i> , 9 Cal. L. Revision Comm'n Reports 601 (1969)	Enacted. 1970 Cal. Stat. ch. 618
69. <i>Representation as to the Credit of Third Persons and the Statute of Frauds</i> , 9 Cal. L. Revision Comm'n Reports 701 (1969)	Enacted. 1970 Cal. Stat. ch. 720
70. <i>Revisions of Governmental Liability Act</i> , 9 Cal. L. Revision Comm'n Reports 801 (1969)	Enacted in part. 1970 Cal. Stat. chs. 662, 1099
71. <i>"Vesting" of Interests Under Rule Against Perpetuities</i> , 9 Cal. L. Revision Comm'n Reports 901 (1969)	Enacted. 1970 Cal. Stat. ch. 45
72. <i>Counterclaims and Cross-Complaints, Joinder of Causes of Action, and Related Provisions</i> , 10 Cal. L. Revision Comm'n Reports 501 (1971)	Enacted. 1971 Cal. Stat. chs. 244, 950. See also 1973 Cal. Stat. ch. 828

Recommendation	Action by Legislature
73. <i>Wage Garnishment and Related Matters</i> , 10 Cal. L. Revision Comm'n Reports 701 (1971); 11 Cal. L. Revision Comm'n Reports 101 (1973); 12 Cal. L. Revision Comm'n Reports 901 (1974); 13 Cal. L. Revision Comm'n Reports 601 (1976); 13 Cal. L. Revision Comm'n Reports 1703 (1976); 14 Cal. L. Revision Comm'n Reports 261 (1978)	Enacted in part. 1978 Cal. Stat. ch. 1133. See also 1979 Cal. Stat. ch. 66
74. <i>Proof of Foreign Official Records</i> , 10 Cal. L. Revision Comm'n Reports 1022 (1971)	Enacted. 1970 Cal. Stat. ch. 41
75. <i>Inverse Condemnation — Insurance Coverage</i> , 10 Cal. L. Revision Comm'n Reports 1051 (1971)	Enacted. 1971 Cal. Stat. ch. 140
76. <i>Discharge From Employment Because of Wage Garnishment</i> , 10 Cal. L. Revision Comm'n Reports 1147 (1971)	Enacted. 1971 Cal. Stat. ch. 1607
77. <i>Civil Arrest</i> , 11 Cal. L. Revision Comm'n Reports 1 (1973)	Enacted. 1973 Cal. Stat. ch. 20
78. <i>Claim and Delivery Statute</i> , 11 Cal. L. Revision Comm'n Reports 301 (1973)	Enacted. 1973 Cal. Stat. ch. 526
79. <i>Unclaimed Property</i> , 11 Cal. L. Revision Comm'n Reports 401 (1973); 12 Cal. L. Revision Comm'n Reports 609 (1974)	Proposed resolution enacted. 1973 Cal. Stat. res. ch. 76. Legislation enacted. 1975 Cal. Stat. ch. 25
80. <i>Enforcement of Sister State Money Judgments</i> , 11 Cal. L. Revision Comm'n Reports 451 (1973)	Enacted. 1974 Cal. Stat. ch. 211
81. <i>Prejudgment Attachment</i> , 11 Cal. L. Revision Comm'n Reports 701 (1973)	Enacted. 1974 Cal. Stat. ch. 1516. See also 1975 Cal. Stat. ch. 200
82. <i>Landlord-Tenant Relations</i> , 11 Cal. L. Revision Comm'n Reports 951 (1973)	Enacted. 1974 Cal. Stat. chs. 331, 332
83. <i>Pleading</i> (technical change), 11 Cal. L. Revision Comm'n Reports 1024 (1973)	Enacted. 1972 Cal. Stat. ch. 73
84. <i>Evidence — Judicial Notice</i> (technical change), 11 Cal. L. Revision Comm'n Reports 1025 (1973)	Enacted. 1972 Cal. Stat. ch. 764
85. <i>Evidence — "Criminal Conduct" Exception</i> , 11 Cal. L. Revision Comm'n Reports 1147 (1973)	Not enacted 1974. See recommendation to 1975 session (item 90 <i>infra</i>) which was enacted

Recommendation	Action by Legislature
86. <i>Erroneously Compelled Disclosure of Privileged Information</i> , 11 Cal. L. Revision Comm'n Reports 1163 (1973)	Enacted. 1974 Cal. Stat. ch. 227
87. <i>Liquidated Damages</i> , 11 Cal. L. Revision Comm'n Reports 1201 (1973); 13 Cal. L. Revision Comm'n Reports 2139 (1976); 13 Cal. L. Revision Comm'n Reports 1735 (1976)	Enacted. 1977 Cal. Stat. ch. 198
88. <i>Payment of Judgments Against Local Public Entities</i> , 12 Cal. L. Revision Comm'n Reports 575 (1974)	Enacted. 1975 Cal. Stat. ch. 285
89. <i>View by Trier of Fact in a Civil Case</i> , 12 Cal. L. Revision Comm'n Reports 587 (1974)	Enacted. 1975 Cal. Stat. ch. 301
90. <i>Good Cause Exception to the Physician-Patient Privilege</i> , 12 Cal. L. Revision Comm'n Reports 601 (1974)	Enacted. 1975 Cal. Stat. ch. 318
91. <i>Improvement Acts</i> , 12 Cal. L. Revision Comm'n Reports 1001 (1974)	Enacted. 1974 Cal. Stat. ch. 426
92. <i>The Eminent Domain Law</i> , 12 Cal. L. Revision Comm'n Reports 1601 (1974)	Enacted. 1975 Cal. Stat. chs. 1239, 1240, 1275
93. <i>Eminent Domain — Conforming Changes in Special District Statutes</i> , 12 Cal. L. Revision Comm'n Reports 1101 (1974); 12 Cal. L. Revision Comm'n Reports 2004 (1974)	Enacted. 1975 Cal. Stat. chs. 581, 582, 584, 585, 586, 587, 1176, 1276
94. <i>Oral Modification of Written Contracts</i> , 13 Cal. L. Revision Comm'n Reports 301 (1976); 13 Cal. L. Revision Comm'n Reports 2129 (1976)	Enacted. 1975 Cal. Stat. ch. 7; 1976 Cal. Stat. ch. 109
95. <i>Partition of Real and Personal Property</i> , 13 Cal. L. Revision Comm'n Reports 401 (1976)	Enacted. 1976 Cal. Stat. ch. 73
96. <i>Revision of the Attachment Law</i> , 13 Cal. L. Revision Comm'n Reports 801 (1976)	Enacted. 1976 Cal. Stat. ch. 437
97. <i>Undertakings for Costs</i> , 13 Cal. L. Revision Comm'n Reports 901 (1976)	Not enacted 1976. But see recommendation to 1979 session (item 118 <i>infra</i>) which was enacted
98. <i>Admissibility of Copies of Business Records in Evidence</i> , 13 Cal. L. Revision Comm'n Reports 2051 (1976)	Not enacted

Recommendation	Action by Legislature
99. <i>Turnover Orders Under the Claim and Delivery Law</i> , 13 Cal. L. Revision Comm'n Reports 2079 (1976)	Enacted. 1976 Cal. Stat. ch. 145
100. <i>Relocation Assistance by Private Condemnors</i> , 13 Cal. L. Revision Comm'n Reports 2085 (1976)	Enacted. 1976 Cal. Stat. ch. 143
101. <i>Condemnation for Byroads and Utility Easements</i> , 13 Cal. L. Revision Comm'n Reports 2091 (1976)	Enacted in part (utility easements). 1976 Cal. Stat. ch. 994
102. <i>Transfer of Out-of-State Trusts to California</i> , 13 Cal. L. Revision Comm'n Reports 2101 (1976)	Enacted. 1976 Cal. Stat. ch. 144
103. <i>Admissibility of Duplicates in Evidence</i> , 13 Cal. L. Revision Comm'n Reports 2115 (1976)	Enacted. 1985 Cal. Stat. ch. 100
104. <i>Service of Process on Unincorporated Associations</i> , 13 Cal. L. Revision Comm'n Reports 1657 (1976)	Enacted. 1976 Cal. Stat. ch. 888
105. <i>Sister State Money Judgments</i> , 13 Cal. L. Revision Comm'n Reports 1669 (1976)	Enacted. 1977 Cal. Stat. ch. 232
106. <i>Damages in Action for Breach of Lease</i> , 13 Cal. L. Revision Comm'n Reports 1679 (1976)	Enacted. 1977 Cal. Stat. ch. 49
107. <i>Nonprofit Corporation Law</i> , 13 Cal. L. Revision Comm'n Reports 2201 (1976)	Not enacted. Legislation on this subject, not recommended by the Commission, was enacted in 1978
108. <i>Use of Keepers Pursuant to Writs of Execution</i> , 14 Cal. L. Revision Comm'n Reports 49 (1978)	Enacted. 1977 Cal. Stat. ch. 155
109. <i>Attachment Law — Effect of Bankruptcy Proceedings; Effect of General Assignments for the Benefit of Creditors</i> , 14 Cal. L. Revision Comm'n Reports 61 (1978)	Enacted. 1977 Cal. Stat. ch. 499
110. <i>Review of Resolution of Necessity by Writ of Mandate</i> , 14 Cal. L. Revision Comm'n Reports 83 (1978)	Enacted. 1978 Cal. Stat. ch. 286
111. <i>Use of Court Commissioners Under the Attachment Law</i> , 14 Cal. L. Revision Comm'n Reports 93 (1978)	Enacted. 1978 Cal. Stat. ch. 151

Recommendation	Action by Legislature
112. <i>Evidence of Market Value of Property</i> , 14 Cal. L. Revision Comm'n Reports 105 (1978)	Enacted in part. 1978 Cal. Stat. ch. 294. Substance of remainder enacted in 1980. See item 127 <i>infra</i>
113. <i>Psychotherapist-Patient Privilege</i> , 14 Cal. L. Revision Comm'n Reports 127 (1978); 15 Cal. L. Revision Comm'n Reports 1307 (1980)	Enacted in part. 1985 Cal. Stat. chs. 545 (licensed educational psychologist), 1077 (repeal of Evidence Code § 1028)
114. <i>Parol Evidence Rule</i> , 14 Cal. L. Revision Comm'n Reports 143 (1978)	Enacted. 1978 Cal. Stat. ch. 150
115. <i>Attachment Law — Unlawful Detainer Proceedings; Bond for Levy on Joint Deposit Account or Safe Deposit Box; Definition of "Chose in Action,"</i> 14 Cal. L. Revision Comm'n Reports 241 (1978)	Enacted. 1978 Cal. Stat. ch. 273
116. <i>Powers of Appointment</i> (technical changes), 14 Cal. L. Revision Comm'n Reports 257 (1978)	Enacted. 1978 Cal. Stat. ch. 266
117. <i>Ad Valorem Property Taxes in Eminent Domain Proceedings</i> , 14 Cal. L. Revision Comm'n Reports 291 (1978)	Enacted. 1979 Cal. Stat. ch. 31
118. <i>Security for Costs</i> , 14 Cal. L. Revision Comm'n Reports 319 (1978)	Enacted. 1980 Cal. Stat. ch. 114
119. <i>Guardianship-Conservatorship Law</i> , 14 Cal. L. Revision Comm'n Reports 501 (1978); 15 Cal. L. Revision Comm'n Reports 451 (1980)	Enacted. 1979 Cal. Stat. chs. 165, 726, 730
120. <i>Effect of New Bankruptcy Law on the Attachment Law</i> , 15 Cal. L. Revision Comm'n Reports 1043 (1980)	Enacted. 1979 Cal. Stat. ch. 177
121. <i>Confessions of Judgment</i> , 15 Cal. L. Revision Comm'n Reports 1053 (1980)	Enacted. 1979 Cal. Stat. ch. 568
122. <i>Special Assessment Liens on Property Taken for Public Use</i> , 15 Cal. L. Revision Comm'n Reports 1101 (1980)	Enacted. 1980 Cal. Stat. ch. 122
123. <i>Assignments for the Benefit of Creditors</i> , 15 Cal. L. Revision Comm'n Reports 1117 (1980)	Enacted. 1980 Cal. Stat. ch. 135
124. <i>Vacation of Public Streets, Highways, and Service Easements</i> , 15 Cal. L. Revision Comm'n Reports 1137 (1980)	Enacted. 1980 Cal. Stat. ch. 1050

Recommendation	Action by Legislature
125. <i>Quiet Title Actions</i> , 15 Cal. L. Revision Comm'n Reports 1187 (1980)	Enacted. 1980 Cal. Stat. ch. 44
126. <i>Agreements for Entry of Paternity and Support Judgments</i> , 15 Cal. L. Revision Comm'n Reports 1237 (1980)	Enacted. 1980 Cal. Stat. ch. 682
127. <i>Application of Evidence Code Property Valuation Rules in Noncondemnation Cases</i> , 15 Cal. L. Revision Comm'n Reports 301 (1980)	Enacted. 1980 Cal. Stat. ch. 381
128. <i>Probate Homestead</i> , 15 Cal. L. Revision Comm'n Reports 401 (1980)	Enacted. 1980 Cal. Stat. ch. 119
129. <i>Enforcement of Claims and Judgments Against Public Entities</i> , 15 Cal. L. Revision Comm'n Reports 1257 (1980)	Enacted. 1980 Cal. Stat. ch. 215
130. <i>Uniform Veterans Guardianship Act</i> , 15 Cal. L. Revision Comm'n Reports 1289 (1980)	Enacted. 1980 Cal. Stat. ch. 89
131. <i>Enforcement of Obligations After Death</i> , 15 Cal. L. Revision Comm'n Reports 1327 (1980)	Enacted. 1980 Cal. Stat. ch. 124
132. <i>Interest Rate on Judgments</i> , 15 Cal. L. Revision Comm'n Reports 7 (1980)	Enacted. 1982 Cal. Stat. ch. 150
133. <i>Married Women as Sole Traders</i> , 15 Cal. L. Revision Comm'n Reports 21 (1980)	Enacted. 1980 Cal. Stat. ch. 123
134. <i>State Tax Liens</i> , 15 Cal. L. Revision Comm'n Reports 29 (1980)	Enacted. 1980 Cal. Stat. ch. 600
135. <i>Guardianship-Conservatorship</i> (technical change), 15 Cal. L. Revision Comm'n Reports 1427 (1980)	Enacted. 1980 Cal. Stat. ch. 246
136. <i>Revision of Guardianship-Conservatorship Law</i> , 15 Cal. L. Revision Comm'n Reports 1463 (1980)	Enacted. 1981 Cal. Stat. ch. 9
137. <i>The Enforcement of Judgments Law</i> , 15 Cal. L. Revision Comm'n Reports 2001 (1980)	Enacted. 1982 Cal. Stat. chs. 497, 1364
138. <i>Uniform Durable Power of Attorney Act</i> , 15 Cal. L. Revision Comm'n Reports 351 (1980)	Enacted. 1981 Cal. Stat. ch. 511

Recommendation	Action by Legislature
139. <i>Non-Probate Transfers</i> , 15 Cal. L. Revision Comm'n Reports 1605 (1980); 16 Cal. L. Revision Comm'n Reports 129 (1982)	Enacted in part (pay-on-death accounts) 1982 Cal. Stat. ch. 269; (credit unions and industrial loan companies) 1983 Cal. Stat. ch. 92. Substance of balance enacted. 1989 Cal. Stat. ch. 397 (banks and savings and loan associations) (item 229 <i>infra</i>)
140. <i>Revision of the Powers of Appointment Statute</i> , 15 Cal. L. Revision Comm'n Reports 1667 (1980)	Enacted. 1981 Cal. Stat. ch. 63
141. <i>State Tax Liens</i> (technical change), 16 Cal. L. Revision Comm'n Reports 24 (1982)	Enacted. 1981 Cal. Stat. ch. 217
142. <i>Assessment Liens on Property Taken for Public Use</i> (technical change), 16 Cal. L. Revision Comm'n Reports 25 (1982)	Enacted. 1981 Cal. Stat. ch. 139
143. <i>Federal Pensions as Community Property</i> , 16 Cal. L. Revision Comm'n Reports 47 (1982)	Proposed resolution adopted. 1982 Cal. Stat. res. ch. 44
144. <i>Holographic and Nuncupative Wills</i> , 16 Cal. L. Revision Comm'n Reports 301 (1982)	Enacted. 1982 Cal. Stat. ch. 187
145. <i>Marketable Title of Real Property</i> , 16 Cal. L. Revision Comm'n Reports 401 (1982)	Enacted. 1982 Cal. Stat. ch. 1268
146. <i>Statutory Bonds and Undertakings</i> , 16 Cal. L. Revision Comm'n Reports 501 (1982)	Enacted. 1982 Cal. Stat. chs. 517, 998
147. <i>Attachment</i> , 16 Cal. L. Revision Comm'n Reports 701 (1982)	Enacted. 1982 Cal. Stat. ch. 1198
148. <i>Escheat</i> (technical change), 16 Cal. L. Revision Comm'n Reports 124 (1982)	Enacted. 1982 Cal. Stat. ch. 182
149. <i>Missing Persons</i> , 16 Cal. L. Revision Comm'n Reports 105 (1982)	Enacted. 1983 Cal. Stat. ch. 201
150. <i>Emancipated Minors</i> , 16 Cal. L. Revision Comm'n Reports 183 (1982)	Enacted. 1983 Cal. Stat. ch. 6
151. <i>Notice in Limited Conservatorship Proceedings</i> , 16 Cal. L. Revision Comm'n Reports 199 (1982)	Enacted. 1983 Cal. Stat. ch. 72

Recommendation	Action by Legislature
152. <i>Disclaimer of Testamentary and Other Interests</i> , 16 Cal. L. Revision Comm'n Reports 207 (1982)	Enacted. 1983 Cal. Stat. ch. 17
153. <i>Wills and Intestate Succession</i> , 16 Cal. L. Revision Comm'n Reports 2301 (1982)	Enacted. 1983 Cal. Stat. ch. 842
154. <i>Division of Joint Tenancy and Tenancy in Common Property at Dissolution of Marriage</i> , 16 Cal. L. Revision Comm'n Reports 2165 (1982), 17 Cal. L. Revision Comm'n Reports 863 (1984)	Enacted. 1983 Cal. Stat. ch. 342
155. <i>Creditors' Remedies</i> , 16 Cal. L. Revision Comm'n Reports 2175 (1982)	Enacted. 1983 Cal. Stat. ch. 155
156. <i>Conforming Changes to the Bond and Undertaking Law</i> , 16 Cal. L. Revision Comm'n Reports 2239 (1982)	Enacted. 1983 Cal. Stat. ch. 18
157. <i>Notice of Rejection of Late Claim Against Public Entity</i> , 16 Cal. L. Revision Comm'n Reports 2251 (1982)	Enacted. 1983 Cal. Stat. ch. 107
158. <i>Liability of Marital Property for Debts</i> , 17 Cal. L. Revision Comm'n Reports 1 (1984)	Enacted. 1984 Cal. Stat. ch. 1671
159. <i>Durable Power of Attorney for Health Care Decisions</i> , 17 Cal. L. Revision Comm'n Reports 101 (1984)	Enacted. 1983 Cal. Stat. ch. 1204
160. <i>Effect of Death of Support Obligor</i> , 17 Cal. L. Revision Comm'n Reports 897 (1984)	Enacted in part. 1984 Cal. Stat. ch. 19. Balance enacted. 1985 Cal. Stat. ch. 362 (item 186 <i>infra</i>)
161. <i>Vacation of Streets</i> (technical change), 17 Cal. L. Revision Comm'n Reports 825 (1984)	Enacted. 1983 Cal. Stat. ch. 52
162. <i>Marital Property Presumptions and Transmutations</i> , 17 Cal. L. Revision Comm'n Reports 205 (1984)	Enacted in part (transmutations). 1984 Cal. Stat. ch. 1733
163. <i>Reimbursement of Educational Expenses</i> , 17 Cal. L. Revision Comm'n Reports 229 (1984)	Enacted. 1984 Cal. Stat. ch. 1661
164. <i>Special Appearance in Family Law Proceedings</i> , 17 Cal. L. Revision Comm'n Reports 243 (1984)	Enacted. 1984 Cal. Stat. ch. 156

Recommendation	Action by Legislature
165. <i>Liability of Stepparent for Child Support</i> , 17 Cal. L. Revision Comm'n Reports 251 (1984)	Enacted. 1984 Cal. Stat. ch. 249
166. <i>Awarding Temporary Use of Family Home</i> , 17 Cal. L. Revision Comm'n Reports 261 (1984)	Enacted. 1984 Cal. Stat. ch. 463
167. <i>Disposition of Community Property</i> , 17 Cal. L. Revision Comm'n Reports 269 (1984)	Not enacted
168. <i>Statutes of Limitation for Felonies</i> , 17 Cal. L. Revision Comm'n Reports 301 (1984)	Enacted. 1984 Cal. Stat. ch. 1270
169. <i>Independent Administration of Decedent's Estate</i> , 17 Cal. L. Revision Comm'n Reports 405 (1984)	Enacted. 1984 Cal. Stat. ch. 451
170. <i>Distribution of Estates Without Administration</i> , 17 Cal. L. Revision Comm'n Reports 421 (1984)	Enacted. 1984 Cal. Stat. ch. 451
171. <i>Simultaneous Deaths</i> , 17 Cal. L. Revision Comm'n Reports 443 (1984)	Enacted in part. See 1989 Cal. Stat. ch. 544 (intestate succession) (item 227 <i>infra</i>); 1990 Cal. Stat. ch. 710 (statutory will) (item 240 <i>infra</i>)
172. <i>Notice of Will</i> , 17 Cal. L. Revision Comm'n Reports 461 (1984)	Not enacted
173. <i>Garnishment of Amounts Payable to Trust Beneficiary</i> , 17 Cal. L. Revision Comm'n Reports 471 (1984)	Enacted. 1984 Cal. Stat. ch. 493
174. <i>Bonds for Personal Representatives</i> , 17 Cal. L. Revision Comm'n Reports 483 (1984)	Enacted. 1984 Cal. Stat. ch. 451
175. <i>Recording Affidavits of Death</i> , 17 Cal. L. Revision Comm'n Reports 493 (1984)	Enacted. 1984 Cal. Stat. ch. 527
176. <i>Execution of Witnessed Will</i> , 17 Cal. L. Revision Comm'n Reports 509 (1984)	Not enacted
177. <i>Revision of Wills and Intestate Succession Law</i> , 17 Cal. L. Revision Comm'n Reports 537 (1984)	Enacted. 1984 Cal. Stat. ch. 892
178. <i>Uniform Transfers to Minors Act</i> , 17 Cal. L. Revision Comm'n Reports 601 (1984)	Enacted. 1984 Cal. Stat. ch. 243

Recommendation	Action by Legislature
179. <i>Statutory Forms for Durable Powers of Attorney</i> , 17 Cal. L. Revision Comm'n Reports 701 (1984)	Enacted. 1984 Cal. Stat. chs. 312 (health care), 602 (general power of attorney)
180. <i>Dismissal for Lack of Prosecution</i> , 17 Cal. L. Revision Comm'n Reports 905 (1984)	Enacted. 1984 Cal. Stat. ch. 1705
181. <i>Severance of Joint Tenancy</i> , 17 Cal. L. Revision Comm'n Reports 941 (1984)	Enacted. 1984 Cal. Stat. ch. 519
182. <i>Quiet Title and Partition Judgments</i> , 17 Cal. L. Revision Comm'n Reports 947 (1984)	Enacted. 1984 Cal. Stat. ch. 20
183. <i>Dormant Mineral Rights</i> , 17 Cal. L. Revision Comm'n Reports 957 (1984)	Enacted. 1984 Cal. Stat. ch. 240
184. <i>Creditors' Remedies</i> , 17 Cal. L. Revision Comm'n Reports 975 (1984)	Enacted. 1984 Cal. Stat. ch. 538
185. <i>Rights Among Cotenants</i> , 17 Cal. L. Revision Comm'n Reports 1023 (1984)	Enacted. 1984 Cal. Stat. ch. 241
186. <i>Provision for Support if Support Obligor Dies</i> , 18 Cal. L. Revision Comm'n Reports 119 (1986)	Enacted. 1985 Cal. Stat. ch. 362
187. <i>Transfer of State Registered Property Without Probate</i> , 18 Cal. L. Revision Comm'n Reports 129 (1986)	Enacted. 1985 Cal. Stat. ch. 982
188. <i>Dividing Jointly Owned Property Upon Marriage Dissolution</i> , 18 Cal. L. Revision Comm'n Reports 147 (1986)	Enacted. 1985 Cal. Stat. ch. 362
189. <i>Probate Law</i> (clarifying revisions), 18 Cal. L. Revision Comm'n Reports 216 (1986)	Enacted. 1985 Cal. Stat. ch. 359
190. <i>Creditors' Remedies</i> (technical change), 18 Cal. L. Revision Comm'n Reports 217 (1986)	Enacted. 1985 Cal. Stat. ch. 41
191. <i>Uniform Transfers to Minors Act</i> (technical change), 18 Cal. L. Revision Comm'n Reports 218 (1986)	Enacted. 1985 Cal. Stat. ch. 90
192. <i>Protection of Mediation Communications</i> , 18 Cal. L. Revision Comm'n Reports 241 (1986)	Enacted. 1985 Cal. Stat. ch. 731
193. <i>Recording Severance of Joint Tenancy</i> , 18 Cal. L. Revision Comm'n Reports 249 (1986)	Enacted. 1985 Cal. Stat. ch. 157

Recommendation	Action by Legislature
194. <i>Abandoned Easements</i> , 18 Cal. L. Revision Comm'n Reports 257 (1986)	Enacted. 1985 Cal. Stat. ch. 157
195. <i>Distribution Under a Will or Trust</i> , 18 Cal. L. Revision Comm'n Reports 269 (1986)	Enacted. 1985 Cal. Stat. ch. 982
196. <i>Effect of Adoption or Out of Wedlock Birth on Rights at Death</i> , 18 Cal. L. Revision Comm'n Reports 289 (1986)	Enacted. 1985 Cal. Stat. ch. 982
197. <i>Durable Powers of Attorney</i> , 18 Cal. L. Revision Comm'n Reports 305 (1986)	Enacted. 1985 Cal. Stat. ch. 403
198. <i>Litigation Expenses in Family Law Proceedings</i> , 18 Cal. L. Revision Comm'n Reports 351 (1986)	Enacted. 1985 Cal. Stat. ch. 362
199. <i>Civil Code Sections 4800.1 and 4800.2</i> , 18 Cal. L. Revision Comm'n Reports 383 (1986)	One of two recommended measures enacted (Application of Civil Code Sections 4800.1 and 4800.2). 1986 Cal. Stat. ch. 49
200. <i>The Trust Law</i> , 18 Cal. L. Revision Comm'n Reports 501 (1986)	Enacted. 1986 Cal. Stat. ch. 820
201. <i>Disposition of Estate Without Administration</i> , 18 Cal. L. Revision Comm'n Reports 1005 (1986)	Enacted. 1986 Cal. Stat. ch. 783
202. <i>Small Estate Set-Aside</i> , 18 Cal. L. Revision Comm'n Reports 1101 (1986)	Enacted. 1986 Cal. Stat. ch. 783
203. <i>Proration of Estate Taxes</i> , 18 Cal. L. Revision Comm'n Reports 1127 (1986)	Enacted. 1986 Cal. Stat. ch. 783
204. <i>Notice in Guardianship and Conservatorship</i> , 18 Cal. L. Revision Comm'n Reports 1793 (1986)	Enacted. 1987 Cal. Stat. ch. 923
205. <i>Preliminary Provisions and Definitions</i> , 18 Cal. L. Revision Comm'n Reports 1807 (1986)	Enacted. 1987 Cal. Stat. ch. 923
206. <i>Technical Revisions in the Trust Law</i> , 18 Cal. L. Revision Comm'n Reports 1823 (1986)	Enacted. 1987 Cal. Stat. ch. 128
207. <i>Supervised Administration</i> , 19 Cal. L. Revision Comm'n Reports 5 (1988)	Enacted. 1987 Cal. Stat. ch. 923
208. <i>Independent Administration</i> , 19 Cal. L. Revision Comm'n Reports 205 (1988)	Enacted. 1987 Cal. Stat. ch. 923

Recommendation	Action by Legislature
209. <i>Creditor Claims Against Decedent's Estate</i> , 19 Cal. L. Revision Comm'n Reports 299 (1988)	Enacted. 1987 Cal. Stat. ch. 923
210. <i>Notice in Probate Proceedings</i> , 19 Cal. L. Revision Comm'n Reports 357 (1988)	Enacted. 1987 Cal. Stat. ch. 923
211. <i>Marital Deduction Gifts</i> , 19 Cal. L. Revision Comm'n Reports 615 (1988)	Enacted. 1987 Cal. Stat. ch. 923
212. <i>Estates of Missing Persons</i> , 19 Cal. L. Revision Comm'n Reports 637 (1988)	Enacted. 1987 Cal. Stat. ch. 923
213. <i>Public Guardians and Administrators</i> , 19 Cal. L. Revision Comm'n Reports 707 (1988)	Enacted. 1988 Cal. Stat. ch. 1199
214. <i>Inventory and Appraisal</i> , 19 Cal. L. Revision Comm'n Reports 741 (1988)	Enacted. 1988 Cal. Stat. ch. 1199
215. <i>Opening Estate Administration</i> , 19 Cal. L. Revision Comm'n Reports 787 (1988)	Enacted. 1988 Cal. Stat. ch. 1199
216. <i>Abatement</i> , 19 Cal. L. Revision Comm'n Reports 865 (1988)	Enacted. 1988 Cal. Stat. ch. 1199
217. <i>Accounts</i> , 19 Cal. L. Revision Comm'n Reports 877 (1988)	Enacted. 1988 Cal. Stat. ch. 1199
218. <i>Litigation Involving Decedents</i> , 19 Cal. L. Revision Comm'n Reports 899 (1988)	Enacted. 1988 Cal. Stat. ch. 1199
219. <i>Rules of Procedure in Probate</i> , 19 Cal. L. Revision Comm'n Reports 917 (1988)	Enacted. 1988 Cal. Stat. ch. 1199
220. <i>Distribution and Discharge</i> , 19 Cal. L. Revision Comm'n Reports 953 (1988)	Enacted. 1988 Cal. Stat. ch. 1199
221. <i>Nondomiciliary Decedents</i> , 19 Cal. L. Revision Comm'n Reports 993 (1988)	Enacted. 1988 Cal. Stat. ch. 1199
222. <i>Interest and Income During Administration</i> , 19 Cal. L. Revision Comm'n Reports 1019 (1988)	Enacted. 1988 Cal. Stat. ch. 1199
223. <i>1988 Probate Cleanup Bill</i> , see 19 Cal. L. Revision Comm'n Reports 1167, 1191–1200 (1988)	Enacted. 1988 Cal. Stat. ch. 113

Recommendation	Action by Legislature
224. <i>Authority of the Law Revision Commission</i> , 19 Cal. L. Revision Comm'n Reports 1162 (1988)	Enacted. 1989 Cal. Stat. ch. 152
225. <i>Creditors' Remedies</i> , 19 Cal. L. Revision Comm'n Reports 1251 (1988)	Enacted. 1989 Cal. Stat. ch. 1416
226. <i>No Contest Clauses</i> , 20 Cal. L. Revision Comm'n Reports 7 (1990)	Enacted. 1989 Cal. Stat. ch. 544
227. <i>120-Hour Survival Requirement</i> , 20 Cal. L. Revision Comm'n Reports 21 (1990)	Enacted. 1989 Cal. Stat. ch. 544
228. <i>Compensation of Attorneys and Personal Representatives</i> , 20 Cal. L. Revision Comm'n Reports 31 (1990)	Enacted except for portion relating to compensation of attorneys. 1990 Cal. Stat. ch. 79
229. <i>Multiple-Party Accounts</i> , 20 Cal. L. Revision Comm'n Reports 95 (1990)	Enacted. 1989 Cal. Stat. ch. 397
230. <i>Notice to Creditors</i> , 20 Cal. L. Revision Comm'n Reports 165 (1990); 20 Cal. L. Revision Comm'n Reports 507 (1990)	Enacted in part. 1989 Cal. Stat. ch. 544. Balance enacted. 1990 Cal. Stat. ch. 140
231. <i>1989 Probate Cleanup Bill</i> , see 20 Cal. L. Revision Comm'n Reports 201, 227-232 (1990)	Enacted. 1989 Cal. Stat. ch. 21
232. <i>Brokers' Commissions on Probate Sales</i> , 20 Cal. L. Revision Comm'n Reports 237-242 (1990)	Enacted. 1989 Cal. Stat. ch. 544
233. <i>Bonds of Guardians and Conservators</i> , 20 Cal. L. Revision Comm'n Reports 235 (1990)	Enacted. 1989 Cal. Stat. ch. 544
234. <i>Commercial Real Property Leases</i> , 20 Cal. L. Revision Comm'n Reports 251 (1990)	Enacted. 1989 Cal. Stat. ch. 982
235. <i>Trustees' Fees</i> , 20 Cal. L. Revision Comm'n Reports 279 (1990)	Enacted. 1990 Cal. Stat. ch. 79
236. <i>Springing Powers of Attorney</i> , 20 Cal. L. Revision Comm'n Reports 405 (1990)	Enacted. 1990 Cal. Stat. ch. 986
237. <i>Uniform Statutory Form Powers of Attorney Act</i> , 20 Cal. L. Revision Comm'n Reports 415 (1990)	Enacted. 1990 Cal. Stat. ch. 986

Recommendation	Action by Legislature
238. <i>Disposition of Small Estate by Public Administrator</i> , 20 Cal. L. Revision Comm'n Reports 529 (1990)	Enacted. 1990 Cal. Stat. ch. 324
239. <i>Court-Authorized Medical Treatment</i> , 20 Cal. L. Revision Comm'n Reports 537 (1990)	Enacted. 1990 Cal. Stat. ch. 710
240. <i>Survival Requirement for Beneficiary of Statutory Will</i> , 20 Cal. L. Revision Comm'n Reports 549 (1990)	Enacted. 1990 Cal. Stat. ch. 710
241. <i>Execution or Modification of Lease Without Court Order</i> , 20 Cal. L. Revision Comm'n Reports 557 (1990)	Enacted. 1990 Cal. Stat. ch. 710
242. <i>Limitation Period for Action Against Surety in Guardianship or Conservatorship Proceeding</i> , 20 Cal. L. Revision Comm'n Reports 565 (1990)	Enacted. 1990 Cal. Stat. ch. 710
243. <i>Repeal of Probate Code Section 6402.5 (In-Law Inheritance)</i> , 20 Cal. L. Revision Comm'n Reports 571 (1990)	Not enacted
244. <i>Access to Decedent's Safe Deposit Box</i> , 20 Cal. L. Revision Comm'n Reports 597 (1990); 20 Cal. L. Revision Comm'n Reports 2859 (1990)	Enacted. 1991 Cal. Stat. ch. 1055
245. <i>Priority of Conservator or Guardian for Appointment as Administrator</i> , 20 Cal. L. Revision Comm'n Reports 607 (1990)	Enacted. 1990 Cal. Stat. ch. 710
246. <i>New Probate Code</i> , 20 Cal. L. Revision Comm'n Reports 1001 (1990)	Enacted. 1990 Cal. Stat. ch. 79
247. <i>Notice in Probate Where Address Unknown</i> , 20 Cal. L. Revision Comm'n Reports 2245 (1990)	Enacted. 1990 Cal. Stat. ch. 710
248. <i>Jurisdiction of Superior Court in Trust Matters</i> , 20 Cal. L. Revision Comm'n Reports 2253 (1990)	Enacted. 1990 Cal. Stat. ch. 710
249. <i>Uniform Management of Institutional Funds Act</i> , 20 Cal. L. Revision Comm'n Reports 2265 (1990)	Enacted. 1990 Cal. Stat. ch. 1307
250. <i>Remedies for Breach of Assignment or Sublease Covenant</i> , 20 Cal. L. Revision Comm'n Reports 2405 (1990)	Enacted. 1991 Cal. Stat. ch. 67

Recommendation	Action by Legislature
251. <i>Use Restrictions</i> , 20 Cal. L. Revision Comm'n Reports 2421 (1990)	Enacted. 1991 Cal. Stat. ch. 67
252. <i>Uniform Statutory Rule Against Perpetuities</i> , 20 Cal. L. Revision Comm'n Reports 2501 (1990)	Enacted. 1991 Cal. Stat. ch. 156
253. <i>Elimination of Seven-Year Limit for Durable Power of Attorney for Health Care</i> , 20 Cal. L. Revision Comm'n Reports 2601 (1990)	Enacted. 1991 Cal. Stat. ch. 896
254. <i>Recognition of Agent's Authority Under Statutory Form Power of Attorney</i> , 20 Cal. L. Revision Comm'n Reports 2629 (1990); 22 Cal. L. Revision Comm'n Reports 965 (1992)	Enacted. 1992 Cal. Stat. ch. 178
255. <i>Debts That Are Contingent, Disputed, or Not Due</i> , 20 Cal. L. Revision Comm'n Reports 2707 (1990)	Enacted. 1991 Cal. Stat. ch. 1055
256. <i>Remedies of Creditor Where Personal Representative Fails to Give Notice</i> , 20 Cal. L. Revision Comm'n Reports 2719 (1990)	Enacted. 1991 Cal. Stat. ch. 1055
257. <i>Repeal of Civil Code Section 704 (Passage of Ownership of U.S. Bonds on Death)</i> , 20 Cal. L. Revision Comm'n Reports 2729 (1990)	Enacted. 1991 Cal. Stat. ch. 1055
258. <i>Disposition of Small Estate Without Probate</i> , 20 Cal. L. Revision Comm'n Reports 2737 (1990)	Enacted. 1991 Cal. Stat. ch. 1055
259. <i>Right of Surviving Spouse to Dispose of Community Property</i> , 20 Cal. L. Revision Comm'n Reports 2769 (1990)	Enacted. 1991 Cal. Stat. ch. 1055
260. <i>Litigation Involving Decedents</i> , 20 Cal. L. Revision Comm'n Reports 2785 (1990); 22 Cal. L. Revision Comm'n Reports 895 (1992)	Enacted. 1992 Cal. Stat. ch. 178
261. <i>Compensation in Guardianship and Conservatorship Proceedings</i> , 20 Cal. L. Revision Comm'n Reports 2837 (1990); 21 Cal. L. Revision Comm'n Reports 227 (1991)	Enacted. 1992 Cal. Stat. ch. 572
262. <i>Recognition of Trustees' Powers</i> , 20 Cal. L. Revision Comm'n Reports 2849 (1990)	Enacted. 1992 Cal. Stat. ch. 178

Recommendation	Action by Legislature
263. <i>Gifts in View of Impending Death</i> , 20 Cal. L. Revision Comm'n Reports 2869 (1990)	Enacted. 1991 Cal. Stat. ch. 1055
264. <i>TOD Beneficiary Designation for Vehicles and Certain Other State-Registered Property</i> , 20 Cal. L. Revision Comm'n Reports 2883 (1990)	Enacted. 1991 Cal. Stat. ch. 1055
265. <i>1991 General Probate Bill</i> (miscellaneous provisions), see 20 Cal. L. Revision Comm'n Reports 2907 (1990)	Enacted. 1991 Cal. Stat. ch. 1055
266. <i>1991 Probate Urgency Clean-up Bill</i> , see 20 Cal. L. Revision Comm'n Reports 2909 (1990)	Enacted. 1991 Cal. Stat. ch. 82
267. <i>Application of Marketable Title Statute to Executory Interests</i> , 21 Cal. L. Revision Comm'n Reports 53 (1991)	Enacted. 1991 Cal. Stat. ch. 156
268. <i>Relocation of Powers of Appointment Statute</i> , 21 Cal. L. Revision Comm'n Reports 91 (1991)	Enacted. 1992 Cal. Stat. ch. 30
269. <i>Miscellaneous Creditors' Remedies</i> , 21 Cal. L. Revision Comm'n Reports 135 (1991)	Enacted. 1992 Cal. Stat. ch. 283
270. <i>Nonprobate Transfers of Community Property</i> , 21 Cal. L. Revision Comm'n Reports 163 (1991)	Enacted. 1992 Cal. Stat. ch. 51
271. <i>Notice of Trustees' Fees</i> , 21 Cal. L. Revision Comm'n Reports 191 (1991)	Enacted. 1992 Cal. Stat. ch. 178
272. <i>Nonprobate Transfer to Trustee Named in Will</i> , 21 Cal. L. Revision Comm'n Reports 201 (1991)	Enacted. 1992 Cal. Stat. ch. 178
273. <i>Preliminary Distribution Without Court Supervision</i> 21 Cal. L. Revision Comm'n Reports 209 (1991)	Enacted. 1992 Cal. Stat. ch. 178
274. <i>Transfer of Conservatorship Property to Trust</i> , 21 Cal. L. Revision Comm'n Reports 227 (1991)	Enacted. 1992 Cal. Stat. ch. 572
275. <i>Standing To Sue for Wrongful Death</i> , 22 Cal. L. Revision Comm'n Reports 955 (1992)	Enacted. 1992 Cal. Stat. ch. 178
276. <i>Family Code</i> , 22 Cal. L. Revision Comm'n Reports 1 (1992)	Enacted. 1992 Cal. Stat. chs. 162, 163

Recommendation	Action by Legislature
277. <i>Special Needs Trust for Disabled Minor or Incompetent Person</i> , 22 Cal. L. Revision Comm'n Reports 989 (1992)	Enacted. 1992 Cal. Stat. ch. 355
278. <i>1992 General Probate Bill</i> (miscellaneous provisions), see 22 Cal. L. Revision Comm'n Reports 977 (1990)	Enacted. 1992 Cal. Stat. ch. 178
279. <i>1994 Family Code</i> , 23 Cal. L. Revision Comm'n Reports 1, 5 (1993)	Enacted. 1993 Cal. Stat. ch. 219
280. <i>Family Code: Child Custody</i> , 23 Cal. L. Revision Comm'n Reports 1, 15 (1993)	Enacted. 1993 Cal. Stat. ch. 219
281. <i>Family Code: Reorganization of Domestic Violence Provisions</i> , 23 Cal. L. Revision Comm'n Reports 1, 23 (1993)	Enacted. 1993 Cal. Stat. ch. 219
282. <i>Deposit of Estate Planning Documents with Attorney</i> , 23 Cal. L. Revision Comm'n Reports 965 (1993)	Enacted. 1993 Cal. Stat. ch. 519
283. <i>Parent and Child Relationship for Intestate Succession</i> , 23 Cal. L. Revision Comm'n Reports 991 (1993)	Enacted. 1993 Cal. Stat. ch. 529
284. <i>Effect of Joint Tenancy Title on Marital Property</i> , 23 Cal. L. Revision Comm'n Reports 1013 (1993)	Not enacted
285. <i>Orders To Show Cause and Temporary Restraining Orders</i> , 24 Cal. L. Revision Comm'n Reports 603 (1994)	Enacted. 1994 Cal. Stat. ch. 587
286. <i>Comprehensive Power of Attorney Law</i> , 24 Cal. L. Revision Comm'n Reports 111 (1994); <i>1995 Comprehensive Power of Attorney Law</i> , 24 Cal. L. Revision Comm'n Reports 323 (1994)	Enacted. 1994 Cal. Stat. ch. 307
287. <i>Trial Court Unification: Constitutional Revision (SCA 3)</i> , 24 Cal. L. Revision Comm'n Reports 1 (1994); <i>Trial Court Unification: Transitional Provisions for SCA 3</i> , 24 Cal. L. Revision Comm'n Reports 627 (1994).	Not enacted. Commission recommendations adopted in SCA 3, but SCA 3 not approved by Assembly
288. <i>Family Code Technical Amendments</i> . See 24 Cal. L. Revision Comm'n Reports 621 (1994)	Enacted. 1994 Cal. Stat. ch. 1269

APPENDIX 4

STATE OF CALIFORNIA

**CALIFORNIA LAW
REVISION COMMISSION**

RECOMMENDATION

**Orders To Show Cause and
Temporary Restraining Orders**

January 1994

California Law Revision Commission
4000 Middlefield Road, Suite D-2
Palo Alto, CA 94303-4739

NOTE

This recommendation includes an explanatory Comment to each section of the recommended legislation. The Comments are written as if the legislation were enacted since their primary purpose is to explain the law as it would exist (if enacted) to those who will have occasion to use it after it is in effect.

Cite this recommendation as *Orders To Show Cause and Temporary Restraining Orders*, 24 Cal. L. Revision Comm'n Reports 603 (1994).

STATE OF CALIFORNIA

PETE WILSON, Governor

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January 6, 1994

To: The Honorable Pete Wilson
Governor of California, and
The Legislature of California

This recommendation proposes to clarify the time requirements for service and hearing of an order to show cause and temporary restraining order, and to conform the civil harassment provision to general provisions in the Code of Civil Procedure.

The recommendation also would provide that an order to show cause for a preliminary injunction not set for hearing within the required time could still be heard by the court if the moving papers are served no later than would be required for a notice of motion.

This study is authorized by Resolution Chapter 42 of the Statutes of 1984, continued in Resolution Chapters 31 and 96 of the Statutes of 1993.

Respectfully submitted,

Sanford M. Skaggs
Chairperson

ORDERS TO SHOW CAUSE AND TEMPORARY RESTRAINING ORDERS

Nonuniformity in Time for Hearing and Service

The Code of Civil Procedure provides varying times for service and hearing of an order to show cause issued with a temporary restraining order, depending on the type of proceeding.

The general statute on injunctive relief provides that if a temporary restraining order is granted without notice,¹ the hearing must be held "on the earliest day that the business of the court will admit of, but not later than 15 days ... from the date of the order."² The court may extend this time to 20 days for good cause.³ Supporting affidavits and points and authorities must be served not later than two days before the hearing.⁴ The statute provides no minimum time before the hearing for service of the order to show cause itself, and, by case law, the order to show cause may be served the same day as the hearing.⁵

In a civil harassment proceeding, the 15-day period for the hearing runs from the date the petition was filed, not from the date of the order.⁶ There is no authority in the civil harass-

1. A temporary restraining order may be granted without formal notice to the party restrained unless constitutional rights are involved. See Code Civ. Proc. § 527; 6 B. Witkin, *California Procedure Provisional Remedies* § 296, at 253-54 (3d ed. 1985); Gilbert & Kaplan, *Injunctions*, in 2 California Civil Procedure Before Trial §§ 39.38 (Cal. Cont. Ed. Bar 3d ed. 1992). When formal notice is not required, Section 527 requires a good faith attempt to inform the other party (e.g., by telephone) that an application for a temporary restraining order will be made.

2. Code Civ. Proc. § 527.

3. *Id.*

4. *Id.*

5. McDonald v. Superior Court, 18 Cal. App. 2d 652, 656, 64 P.2d 738 (1937).

6. Code Civ. Proc. § 527.6(d).

ment statute for the court to extend this time.⁷ It is unclear whether the general requirement that supporting papers be served at least two days before the hearing applies to a civil harassment proceeding.⁸

There is no apparent reason for different time requirements for various proceedings. These differences cause confusion and uncertainty.⁹ There is also confusion whether general requirements for service of a notice of motion¹⁰ apply to orders to show cause.¹¹

7. Code Civ. Proc. § 527.6.

8. See Code Civ. Proc. § 527.6(c). Under the general statute, supporting affidavits and points and authorities must be served on the opposing party at least two days before the hearing. Code Civ. Proc. § 527. But if a civil harassment petition and application for a temporary restraining order are submitted on a Judicial Council form, no memorandum of points and authorities is required. Cal. R. Ct. 363(b). And defendant's response in a civil harassment proceeding must be filed not later than 48 hours before the hearing (Cal. R. Ct. 363(d)), suggesting that service of plaintiff's moving papers on the defendant be made more than two days before the hearing. The statute on notices of motion cannot apply to a civil harassment proceeding, because that statute requires service at least 15 days before the hearing with additional time where notice is served by mail. Code Civ. Proc. § 1005. It is obviously impossible to require notice to the defendant 20 days before the hearing, for example, while requiring the hearing to be held not later than 15 days after the petition was filed.

9. For example, by case law, an order to show cause may be served the same day as the hearing. *McDonald v. Superior Court*, 18 Cal. App. 2d 652, 656, 64 P.2d 738 (1937). The civil harassment statute prescribes no minimum time for service of moving papers on the defendant. See Code Civ. Proc. § 527.6. Judicial Council rules merely require the moving papers to "be personally served on the defendant." Cal. R. Ct. 363. The Judicial Council form for an order to show cause in a civil harassment proceeding requires that the order to show cause and temporary restraining order be served on the opposing party at least two days before the hearing. Judicial Council Form CH-120 (rev. Jan. 1, 1993).

10. Code Civ. Proc. § 1005.

11. It seems reasonably clear the general requirements for service of a notice of motion in Section 1005 of the Code of Civil Procedure do not apply to orders to show cause. Section 1005 requires moving papers to be served and filed at least 15 days before the hearing unless "otherwise ordered or specifically provided by law." Section 527 appears specifically to provide otherwise by requiring a hearing "on the earliest day that the business of the court will admit of" and by requiring affidavits and points and authorities to be served at least two days before the hearing. By case law, the order to show cause may be served the same day as the hearing. *McDonald v. Superior Court*, 18 Cal. App. 2d 652, 656, 64 P.2d 738 (1937). But a leading treatise says an order to show cause and temporary restraining order should be served at least two days before the hearing. Gilbert & Kaplan, *Injunctions*, in 2 California Civil Procedure Before Trial §§ 39.39, 39.43 (Cal. Cont. Ed. Bar 3d ed. 1992). *Accord*, Marshal's Manual of Procedure §

The Commission recommends one uniform time period for hearing and service of an order to show cause with a temporary restraining order applicable in all proceedings under the Code of Civil Procedure.¹² This should be accomplished by making clear that the time for service is governed by rules applicable to injunctive relief, not general notice of motion provisions, and by conforming the civil harassment statute¹³ to the general statute¹⁴ by revising it to give the court authority to extend for good cause the 15-day time within which the hearing must be held, and to measure the time for hearing from the date of the order rather than from the filing of the petition.¹⁵

112 (rev. Jan. 1985). Sheriffs normally require an order to show cause with a temporary restraining order to be served at least 15 days before the hearing. See California State Sheriffs' Association, *Civil Procedural Manual* 2.21 (4th ed. 1989, rev. 1992). This practice means the applicant will either have to obtain an order shortening time for service, or, if the hearing is set 15 days after the date of the order, will have to serve the order to show cause the same day it is issued. These problems were brought to the Commission's attention by Joseph B. Harvey, Judge of the Superior Court of Lassen County. See letter from Judge Joseph B. Harvey to San Francisco Daily Journal (August 28, 1992) (on file with California Law Revision Commission).

12. In proceedings under the Family Code, the hearing must be held "on the earliest day that the business of the court will permit, but not later than 20 days" from the date of the order, which the court may extend to 25 days for good cause. Fam. Code § 242, *amended by* 1993 Cal. Stat. ch. 219, § 85.4. The recommended legislation makes no change in the Family Code provisions.

13. Code Civ. Proc. § 527.6.

14. Code Civ. Proc. § 527.

15. Both the time limit for service and the time limit for the hearing are for the benefit of the party against whom the temporary restraining order is issued. The applicant who obtained the order has no need for an early hearing as long as the order remains in effect. Requiring service a reasonable time before the hearing gives the party restrained time to prepare for the hearing. Requiring a prompt hearing gives the party restrained an early opportunity to contest the order. *International Molders & Allied Workers Union, Local 164 v. Superior Court*, 70 Cal. App. 3d 395, 407, 138 Cal. Rptr. 794 (1977). Until a temporary restraining order is served, the party is not required to do or refrain from doing anything, and thus suffers no adverse consequence. There appears to be no justification for the civil harassment provision (Code Civ. Proc. § 527.6) measuring the time for hearing from the date the petition is filed.

This suggests the time within which a hearing must be held should be measured from the date of service of the temporary restraining order, not from its issuance. But the time for hearing is set when the order is issued, at which time it is impossible to know when

The five-day limit on the additional time the court may allow for good cause may cause a problem in small counties that hear orders to show cause only one day a week. In such a case, if the day for hearing orders to show cause falls on a holiday and that is the fifteenth day after issuance of the order, the five-day limit prevents the court from extending the time until its next regular day for hearing orders to show cause.¹⁶ The Commission recommends increasing the limit on the additional time the court may allow under the Code of Civil Procedure from five to seven days.

Existing law requires that the applicant's moving papers be served at least two days before the hearing.¹⁷ This permits the applicant to delay service as a tactical measure to minimize the other party's time to prepare. The Commission recommends that service of the moving papers be required not later than five days after issuance of the order to show cause and temporary restraining order or two days before the hearing, whichever is earlier.¹⁸

Hearing Despite Failure To Bring Order To Show Cause to Hearing Within Required Time

If an order to show cause and temporary restraining order are issued but a hearing is not held within the time required, the temporary restraining order terminates automatically on

service will be made. Measuring the time for hearing from issuance rather than service of the order is a practical solution to this problem.

16. See letter from Judge Joseph B. Harvey to California Law Revision Commission (June 2, 1993) (on file with California Law Revision Commission).

17. Code Civ. Proc. § 527.

18. The recommended legislation makes clear the court may for good cause further shorten the time for service. The party restrained is protected by a right to one continuance to prepare for the hearing. Code Civ. Proc. § 527. The recommended legislation makes clear that if the party restrained obtains a continuance, the temporary restraining order continues in effect. This is consistent with *International Molders & Allied Workers Union, Local 164 v. Superior Court*, 70 Cal. App. 3d 395, 407, 138 Cal. Rptr. 794 (1977).

the last day for hearing¹⁹ and the court may not hear the application for a preliminary injunction.²⁰ There is no sound reason to prevent the court from hearing the application for a preliminary injunction merely because the order to show cause is accompanied by an unenforceable temporary restraining order. The Commission recommends that, if an order to show cause for a preliminary injunction is not set for hearing within the prescribed time and the moving papers are served no later than would be required for a notice of motion,²¹ the court could hear the application for the preliminary injunction without making the applicant start over.

19. *Sharpe v. Brotzman*, 145 Cal. App. 2d 354, 358-59, 302 P.2d 668 (1956) (temporary restraining order terminates automatically unless subsequent order is made continuing it in force). It has been said that the temporary restraining order is "void." *Agricultural Prorate Commission v. Superior Court*, 30 Cal. App. 2d 154, 156, 85 P.2d 898 (1938). In the latter case, the original hearing was set within the time required by statute. On the date set for hearing, plaintiff asked for and was granted a two-week continuance over defendant's objection. On the new date, plaintiff asked for and was granted another two-week continuance over defendant's objection. The appellate court held the defendant was entitled to have the temporary restraining order dissolved. It is unclear whether the temporary restraining order is enforceable before it terminates. *Cf. Oksner v. Superior Court*, 229 Cal. App. 2d 672, 681, 40 Cal. Rptr. 621 (1964) (void "order of court in aid of execution").

20. *McDonald v. Superior Court*, 18 Cal. App. 2d 652, 655, 64 P.2d 738 (1937). In this case, the order to show cause was said to be "void" because the hearing was inadvertently set for hearing one day later than the last permissible day under the statute. According to Joseph B. Harvey, Judge of the Superior Court of Lassen County, "some courts are routinely issuing void restraining orders and orders to show cause by requiring service at least 15 days before the hearing" and setting the hearing later than the required 15-day period to allow time for service. See letter from Judge Joseph B. Harvey to San Francisco Daily Journal (August 28, 1992) (on file with California Law Revision Commission).

21. By case law, if an order to show cause is issued without a temporary restraining order, the order to show cause is simply a notice of motion. See *Difani v. Riverside County Oil Co.*, 201 Cal. 210, 213-14, 256 P. 210 (1927); *Eddy v. Temkin*, 167 Cal. App. 3d 1115, 1120, 213 Cal. Rptr. 597 (1985); see also Code Civ. Proc. § 1003 (application for order is a motion); California State Sheriffs' Association, *Civil Procedural Manual* 2.14 (4th ed. 1989); *Marshal's Manual of Procedure* § 112 (rev. Jan. 1985). A notice of motion must be served at least 15 days before the hearing, with additional time allowed for service by mail. See Code Civ. Proc. § 1005(b) (time for serving motions); see also California State Sheriffs' Association, *Civil Procedural Manual* 2.15 (4th ed. 1989) (rev. 1991). The recommended legislation codifies this rule to make clear that an order to show cause without a temporary restraining order is treated as a notice of motion, and is subject to the same time requirements for service as a notice of motion.

RECOMMENDED LEGISLATION

Code Civ. Proc. § 527 (amended). Injunctions and temporary restraining orders

527. (a) ~~An~~ *A preliminary injunction may be granted at any time before judgment upon a verified complaint, or upon affidavits, if the complaint in the one case, or the affidavits in the other, show satisfactorily that sufficient grounds exist therefor. A copy of the complaint or of the affidavits, upon which the injunction was granted, must, if not previously served, be served therewith. No preliminary injunction shall be granted without notice to the opposing party.*

(b) *A temporary restraining order or a preliminary injunction, or both, may be granted in a class action, in which one or more of the parties sues or defends for the benefit of numerous parties upon the same grounds as in other actions, whether or not the class has been certified. No preliminary injunction shall be granted without notice to the opposite party; nor shall any*

(c) *No temporary restraining order shall be granted without notice to the opposite opposing party, unless (1) it shall appear both of the following requirements are satisfied:*

(1) *It appears from facts shown by affidavit or by the verified complaint that great or irreparable injury would will result to the applicant before the matter can be heard on notice and (2) the.*

(2) *The applicant or the applicant's attorney certifies one of the following to the court under oath (A) that :*

(A) *That within a reasonable time prior to the application he or she the applicant informed the opposing party or his or her the opposing party's attorney at what time and where the application would be made; (B) that he or she.*

(B) *That the applicant in good faith attempted but was unable to inform the opposing party and his or her the*

~~opposing party's attorney but was unable to so inform the opposing party or his or her attorney, specifying the efforts made to contact them; or (C) that.~~

~~(C) That for reasons specified he or she the applicant should not be required to so inform the opposing party or his or her the opposing party's attorney.~~

~~(d) In case a temporary restraining order shall be is granted without notice, in the contingency above specified, the in subdivision (c):~~

~~(1) The matter shall be made returnable on an order requiring cause to be shown why the a preliminary injunction should not be granted, on the earliest day that the business of the court will admit of, but not later than 15 days or, if good cause appears to the court, 20 22 days from the date of the order. When the matter first comes up for hearing, the party who obtained the temporary restraining order must be ready to proceed and must have served upon the opposite party at least two days prior to the hearing, the temporary restraining order is issued.~~

~~(2) The party who obtained the temporary restraining order shall, within five days from the date the temporary restraining order is issued or two days prior to the hearing, whichever is earlier, serve on the opposing party a copy of the complaint and of all affidavits if not previously served, the order to show cause stating the date, time, and place of the hearing, any affidavits to be used in the application, and a copy of the points and authorities in support of the application; if. The court may for good cause, on motion of the applicant or on its own motion, shorten the time required by this paragraph for service on the opposing party.~~

~~(3) When the matter first comes up for hearing, if the party who obtained the temporary restraining order is not ready to proceed, or if he or she fails to serve a copy of his or her complaint, affidavits and points and authorities, as herein~~

~~required, the party has failed to effect service as required by paragraph (2), the court shall dissolve the temporary restraining order. The defendant, however, shall be entitled, as of course, to one continuance for a reasonable period, if he or she desires it, to enable him or her to meet the application for the preliminary injunction. The defendant~~

(4) The opposing party is entitled to one continuance for a reasonable period of not less than 15 days or any shorter period requested by the opposing party, to enable the opposing party to meet the application for a preliminary injunction. If the opposing party obtains a continuance under this paragraph, the temporary restraining order shall remain in effect until the date of the continued hearing.

(5) Upon the filing of an affidavit by the applicant that the opposing party could not be served within the time required by paragraph (2), the court may reissue any temporary restraining order previously issued. The reissued order shall be made returnable as provided by paragraph (1), with the time for hearing measured from the date of reissuance. No fee shall be charged for reissuing the order.

(e) The opposing party may, in response to an order to show cause, present affidavits relating to the granting of the preliminary injunction, and if the affidavits are served on the applicant at least two days prior to the hearing, the applicant shall not be entitled to any continuance on account thereof. On the day upon which the order is made returnable, the hearing shall take precedence of all other matters on the calendar of the day, except older matters of the same character, and matters to which special precedence may be given by law. When the cause is at issue it shall be set for trial at the earliest possible date and shall take precedence of all other cases, except older matters of the same character, and matters to which special precedence may be given by law.

(f) Notwithstanding failure to satisfy the time requirements of this section, the court may nonetheless hear the order to show cause why a preliminary injunction should not be granted if the moving and supporting papers are served within the time required by Section 1005 and one of the following conditions is satisfied:

(1) The order to show cause is issued without a temporary restraining order.

(2) The order to show cause is issued with a temporary restraining order, but is either not set for hearing within the time required by paragraph (1) of subdivision (d), or the party who obtained the temporary restraining order fails to effect service within the time required by paragraph (2) of subdivision (d).

~~(b)~~

~~(g) This section does not apply to an order described in Section 240 of issued under the Family Code.~~

~~(e)~~

(h) There shall be no filing fee for a petition or response relating to a protective order, restraining order, or a permanent injunction restraining violence or threats of violence in any action brought pursuant to this chapter.

Comment. Paragraph (1) of subdivision (d) of Section 527 is amended to increase from five to seven days the additional time the court may for good cause allow to hear an order to show cause with a temporary restraining order. This permits a court that hears such matters one day a week to extend the hearing until the next regular day for hearing.

A provision is added in paragraph (2) of subdivision (d) to require the moving papers to be served within five days after issuance of the temporary restraining order or two days before the hearing, whichever is earlier. Although paragraph (2) permits the order to show cause to be served less than 15 days before the hearing (the general requirement for a notice of motion under Section 1005), the short time permitted for service is ameliorated by paragraph (4) of subdivision (d) which gives the opposing party the right to a continuance to prepare for the hearing.

A provision is added in paragraph (2) of subdivision (d) to include a copy of the order to show cause with the documents that must be served.

A copy of the complaint must be served only if not previously served. (The former second sentence of subdivision (a), which required a copy of the complaint or of the affidavits on which the “injunction” was granted to be served if not previously served, is deleted. Neither a preliminary nor a permanent injunction may be granted without notice.) Paragraph (2) of subdivision (d) requires the order to show cause to state the date, time, and place of the hearing. This is consistent with Section 1010 (notice of motion must state when it will be made).

A provision is added in paragraph (2) of subdivision (d) to give the court authority to shorten the time for service. This is consistent with Family Code Section 243. The requirement of good cause for shortening time is taken from Rule 305 of the California Rules of Court.

A provision is added in paragraph (4) of subdivision (d) to provide that if the opposing party obtains a continuance, the temporary restraining order is continued in effect until the hearing. This codifies the rule of *International Molders & Allied Workers Union, Local 164 v. Superior Court*, 70 Cal. App. 3d 395, 407, 138 Cal. Rptr. 794 (1977).

Paragraph (5) is added to subdivision (d) to give the court authority to reissue a temporary restraining order not served within the required time. This is consistent with *McDonald v. Superior Court*, 18 Cal. App. 2d 652, 655-56, 64 P.2d 738 (1937), and with Family Code Section 245.

Subdivision (f) is added to make clear that if the time requirements of this section are not satisfied or if the order to show cause is issued without a temporary restraining order, the court may still hear the matter if the papers are served within the time provided by Section 1005 for a notice of motion (15 days, with additional time if mailed). This changes the result in *McDonald v. Superior Court*, *supra*, and treats an order to show cause without a temporary restraining order the same as a notice of motion for a preliminary injunction without a temporary restraining order. See Gilbert & Kaplan, *Injunctions*, in 2 California Civil Procedure Before Trial § 39.43 (Cal. Cont. Ed. Bar 3d ed. 1992).

The other revisions to Section 527 are technical.

Code Civ. Proc. § 527.6 (amended). Temporary restraining order and injunction prohibiting harassment

527.6. (a) A person who has suffered harassment as defined in subdivision (b) may seek a temporary restraining order, and an injunction prohibiting harassment as provided in this section.

(b) For the purposes of this section, “harassment” is a knowing and willful course of conduct directed at a specific

person which seriously alarms, annoys, or harasses the person, and which serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the plaintiff. "Course of conduct" is a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included with the meaning of "course of conduct."

(c) Upon filing a petition for an injunction under this section, the plaintiff may obtain a temporary restraining order in accordance with ~~subdivision (a) of Section 527, except to the extent this section provides a rule that is inconsistent.~~ A temporary restraining order may be ~~granted~~ *issued* with or without notice upon an affidavit which, to the satisfaction of the court, shows reasonable proof of harassment of the plaintiff by the defendant, and that great or irreparable harm would result to the plaintiff. A temporary restraining order ~~granted~~ *issued* under this section shall remain in effect, at the court's discretion, for a period not to exceed 15 days, *or, if the court extends the time for hearing under subdivision (d), not to exceed 22 days,* unless otherwise modified or terminated by the court.

(d) ~~Within 15 days of the filing of the petition, or, if good cause appears to the court, 22 days, from the date the temporary restraining order is issued,~~ a hearing shall be held on the petition for the injunction. The defendant may file a response which explains, excuses, justifies, or denies the alleged harassment or may file a cross-complaint under this section. At the hearing, the judge shall receive any testimony that is relevant, and may make an independent inquiry. If the judge finds by clear and convincing evidence that unlawful harassment exists, an injunction shall issue prohibiting the harassment. An injunction issued pursuant to this section shall

have a duration of not more than three years. At any time within the three months before the expiration of the injunction, the plaintiff may apply for a renewal of the injunction by filing a new petition for an injunction under this section.

(e) Nothing in this section shall preclude either party from representation by private counsel or from appearing on ~~his or~~ *her the party's* own behalf.

(f) In a proceeding under this section where there are allegations or threats of domestic violence, a support person may accompany a party in court and, where the party is not represented by an attorney, may sit with the party at the table that is generally reserved for the party and ~~his or~~ *her the party's* attorney. The support person is present to provide moral and emotional support for a person who alleges he or she is a victim of domestic violence. The support person is not present as a legal adviser and shall not give legal advice. The support person shall assist the person who alleges he or she is a victim of domestic violence in feeling more confident that he or she will not be injured or threatened by the other party during the proceedings where the person who alleges he or she is a victim of domestic violence and the other party must be present in close proximity. Nothing in this subdivision precludes the court from exercising its discretion to remove the support person from the courtroom if the court believes the support person is prompting, swaying, or influencing the party assisted by the support person.

(g) Upon filing of a petition for an injunction under this section, the defendant shall be personally served with a copy of the petition, temporary restraining order, if any, and notice of hearing of the petition. *Service shall be made within five days from the date the temporary restraining order is issued or two days before the hearing, whichever is earlier. The court may for good cause, on motion of the applicant or on its*

own motion, shorten the time for service on the opposing party.

(h) The court shall order the plaintiff or the attorney for the plaintiff to deliver a copy of each temporary restraining order or injunction, or modification or termination thereof, granted under this section, by the close of the business day on which the order was granted, to the law enforcement agencies within the court's discretion as are requested by the plaintiff. Each appropriate law enforcement agency shall make available information as to the existence and current status of these orders to law enforcement officers responding to the scene of reported harassment.

(i) The prevailing party in any action brought under this section may be awarded court costs and attorney's fees, if any.

(j) Any willful disobedience of any temporary restraining order or injunction granted under this section is punishable pursuant to Section 273.6 of the Penal Code.

(k) This section does not apply to any action or proceeding covered by Title 1.6C (commencing with Section 1788) of the Civil Code or by Division 10 (commencing with Section 6200) of the Family Code. Nothing in this section shall preclude a plaintiff's right to ~~utilize~~ use other existing civil remedies.

(l) The Judicial Council shall promulgate forms and instructions therefor, rules for service of process, scheduling of hearings, and any other matters required by this section. The petition and response forms shall be simple and concise.

Comment. Subdivision (d) of Section 527.6 is amended to give the court authority to allow an additional seven days for the hearing for good cause. This is consistent with Section 527. Subdivision (d) is also amended to measure the time within which a hearing must be held from the date the temporary restraining order is issued, rather than from the date of filing of the petition. This is consistent with Section 527 of the Code of Civil Procedure and Section 242 of the Family Code.

Subdivision (c) is amended to provide that a temporary restraining order under this section is governed by Section 527 “except to the extent this section provides a rule that is inconsistent.” For example, there is no requirement under this section, as there is under Section 527, that the plaintiff serve points and authorities in support of the application. See also Cal. R. Ct., Rule 363(b) (“unless otherwise ordered no memorandum of points and authorities is required if the petition and the application for temporary restraining order are submitted on a form approved by the Judicial Council”). Although subdivision (c) permits a temporary restraining order to be issued without notice, the plaintiff must make a good faith effort to give informal notice or show good cause for not doing so. See Section 527(c); Cal. R. Ct. 379.

Subdivision (g) is amended to require the moving papers to be served within five days after issuance of the temporary restraining order or two days before the hearing, whichever is earlier. This is consistent with Section 527.

The other revisions to Section 527.6 are technical.

APPENDIX 5

REPORT OF THE CALIFORNIA LAW REVISION COMMISSION ON CHAPTER 1269 OF THE STATUTES OF 1994 (ASSEMBLY BILL 2208)

Chapter 1269 of the Statutes of 1994 was introduced as Assembly Bill 2208 by the Assembly Committee on Judiciary and included 31 technical amendments recommended by the California Law Revision Commission. Comments to the sections in Chapter 1269 recommended by the Commission are set out below. For additional background, see *1994 Family Code*, 23 Cal. L. Revision Comm'n Reports 1 (1993).

Civ. Code § 4722.5 (repealed). Computation of child support where AFDC payments being made

Comment. Former Section 4722.5 is continued in Family Code Section 4071 without substantive change. This is a technical, nonsubstantive change reflecting the fact that the Family Code supersedes the former Family Law Act (former Section 4000 *et seq.*).

Code Civ. Proc. § 372 (technical amendment). Minor's waiver under Juvenile Court Law

Comment. Section 372 is amended to add a reference to the Family Code to reflect the fact that provisions concerning the capacity of minors have been moved from the Civil Code to the Family Code. This is a technical, nonsubstantive change.

Code Civ. Proc. § 397.5 (technical amendment). Transfer of proceedings for dissolution, nullity, or legal separation

Comment. Section 397.5 is amended to correct a reference to the former Family Law Act (former Civ. Code § 4000 *et seq.*) and to conform to Family Code terminology. This is a technical, nonsubstantive change.

Educ. Code § 22454 (technical amendment). Suit to enforce signature

Comment. Section 22454 is amended to correct a typographical error made in 1993 Cal. Stat. ch. 893 (AB 1796). This is a technical, nonsubstantive change.

Educ. Code § 22655 (technical amendment). Determination of community property rights in retirement allowance

Comment. Section 22655 is amended to correct a cross-reference to Family Code Section 2610. This is a technical, nonsubstantive change.

Educ. Code § 22662 (technical amendment). Determination of community property rights in retirement allowance

Comment. Section 22662 is amended to correct a cross-reference to Family Code Section 2610 and omit a reference to former Civil Code § 4800.8. This is a technical, nonsubstantive change.

Educ. Code § 41053 (technical amendment). Adults and minors defined

Comment. Section 41053 is amended to correct a cross-reference to former Civil Code Section 25 which was repealed by 1993 Cal. Stat. ch. 219 (AB 1500) and to make other technical, nonsubstantive revisions.

Evid. Code § 703.5 (technical amendment). Competency of judicial officer to testify

Comment. Section 703.5 is amended to correct the cross-reference to former Family Code Section 3155 to reflect the reorganization of those sections in 1993 Cal. Stat. ch. 219. This is a technical, nonsubstantive change.

Evid. Code § 1014.5 (technical amendment). Psychotherapist-patient privilege with regard to minor

Comment. Section 1014.5 is amended to correct a cross-reference to former Civil Code Section 25 which was repealed by 1993 Cal. Stat. ch. 219 (AB 1500). This is a technical, nonsubstantive change.

Evid. Code § 1152.5 (technical amendment). Communications with regard to mediation

Comment. Subdivision (b) of Section 1152.5 is amended to correct the cross-reference to Family Code Section 3156 which was renumbered in 1993 Cal. Stat. ch. 219 (AB 1500). This is a technical, nonsubstantive change.

Fam. Code § 2610 (technical amendment). Division of retirement plan benefits

Comment. Subdivision (a) of Section 2610 is amended to reflect the reorganization of the State Teachers' Retirement System statutes. See 1993 Cal. Stat. ch. 893, § 2 (AB 1796). This is a technical, nonsubstantive change.

Fam. Code § 3190 (amended). Order requiring counseling

Comment. Subdivision (b) of Section 3190 is amended for consistency with Section 3192 as amended. See Section 3192 Comment.

Fam. Code § 3192 (amended). Separate counseling where protective order against domestic violence

Comment. Section 3192 is amended to conform to the substance of 1993 Cal. Stat. ch. 301, § 1 (AB 197), which was unintentionally chaptered out by 1993 Cal. Stat. ch. 876, § 15.4 (SB 1068).

Fam. Code § 3686 (repealed). Consideration of age increase factor in modification of child support order

Comment. Section 3686 is repealed as obsolete since the section referred to (former Section 4005) has been repealed. See 1993 Cal. Stat. ch. 219, § 135.

Fam. Code § 4005 (added). Findings

Comment. Section 4005 is added to restore a provision in the second sentence of former Civil Code Section 4700(a) which had been carried forward in Family Code Section 4005(b) as enacted in 1992 and erroneously repealed.

Fam. Code § 4853 (technical amendment). Effect of registration of foreign support or assignment order; enforcement of registered order

Comment. Subdivision (e) of Section 4853 is amended to delete material that became obsolete on Jan. 1, 1994.

Fam. Code § 5260 (technical amendment). Finding of good cause required to stay order

Comment. Subdivision (b)(2) of Section 5260 is amended to correct an erroneous cross-reference made in 1993 Cal. Stat. ch. 876, § 27 (SB 1068). This is a technical, nonsubstantive change.

Fam. Code § 7808 (technical amendment). Child adjudged to be dependent child after January 1, 1989

Comment. Subdivision (c) of Section 7808 is amended to correct an incomplete cross-reference. This is a technical, nonsubstantive change.

Gov't Code § 21365.6 (technical amendment).

Comment. The second paragraph of Section 21365.6 is amended to correct a cross-reference to former Civil Code Section 25 which was superseded by Family Code Section 6500. This is a technical, nonsubstantive change.

Health & Safety Code § 1522 (technical amendment). Fingerprinting licensees

Comment. Subdivision (d) of Section 1522 is amended to correct a cross-reference to former Civil Code Section 222.40 which was superseded by Family Code Section 8712. This is a technical, nonsubstantive change.

Labor Code § 1308.5 (technical amendment). Limitation on minor's employment

Comment. Subdivision (a)(8) of Section 1308.5 is amended to correct a cross-reference to former Civil Code Section 36 which was superseded by Family Code Section 6750 *et seq.* This is a technical, nonsubstantive change.

Penal Code § 836 (technical amendment). Arrest

Comment. Subdivision (c) is amended to correct cross-references to the domestic violence provisions in the Family Code. These are technical, nonsubstantive changes.

Penal Code § 11105.3 (technical amendment). Access to criminal records

Comment. Subdivision (c) of Section 11105.3 is amended to substitute a reference to the Family Code provisions relating to fingerprinting and criminal records. This corrects an erroneous cross-reference to former Civil Code Section 226.55. The fingerprinting and criminal record provisions in former Civil Code Section 226.55 (as amended by 1986 Cal. Stat. ch. 1354, § 1) were replaced by former Civil Code Sections 222.40, 224.49, and 226.30, however the cross-reference in Section 11105.3 was not corrected. See 1990 Cal. Stat. ch. 1363, § 2. This is a technical, nonsubstantive change.

Penal Code § 13823.11 (technical amendment). Standards for examination of victims

Comment. Subdivision (c) of Section 13823.11 is amended to correct a cross-reference to former Civil Code Section 34.9 which was superseded by Family Code Section 6920 *et seq.* This is a technical, nonsubstantive change.

Prob. Code § 13504 (technical amendment). Community property in revocable trust

Comment. Section 13504 is amended to correct a cross-reference to former Civil Code Section 5110.150 which was superseded by Family Code Section 761. This is a technical, nonsubstantive change.

Veh. Code § 23143 (technical amendment). Parental liability for fees

Comment. Section 23143 is amended to correct a cross-reference to former Civil Code Section 34.10 which was superseded by Family Code Section 6929. This is a technical, nonsubstantive change.

Welf. & Inst. Code § 903 (technical amendment).

Comment. Section 903 is amended to omit a references to former Civil Code sections. This is a technical, nonsubstantive change.

Welf. & Inst. Code § 11478.5 (technical amendment). Parent Locator Service

Comment. Subdivision (b) of Section 11478.5 is amended to substitute a cross-reference to the Family Code sections that replaced the former Civil Code Sections 4604 and 4605. Subdivision (j) is deleted as obsolete. These are technical, nonsubstantive changes.

Welf. & Inst. Code § 11479 (technical amendment). Referral to district attorney

Comment. Section 11479 is amended to correct a cross-reference to former Civil Code Section 231 which was repealed in 1975 and superseded by Civil Code Sections 7006 and 7015. These sections, in turn, have been superseded by the Family Code sections. These are technical, nonsubstantive changes.

Welf. & Inst. Code § 12300 (technical amendment). Supportive services for aged, blind, and disabled persons

Comment. Subdivision (d) of Section 12300 is amended to substitute a reference to the Family Code for the former reference to the Civil Code.

The provisions of the Civil Code relating to support have been replaced by provisions in the Family Code. See, e.g., Fam. Code §§ 3900-4414. This is a technical, nonsubstantive change.

Welf. & Inst. Code § 16501.1 (technical amendment). Child welfare services case plan

Comment. Subdivision (c) of Section 16501.1 is amended to correct a cross-reference to former Civil Code Section 275 which is superseded by Family Code Section 7950. This is a technical, nonsubstantive change.

APPENDIX 6

STATE OF CALIFORNIA

**CALIFORNIA LAW
REVISION COMMISSION**

RECOMMENDATION

**Trial Court Unification:
Transitional Provisions for SCA 3**

May 1994

California Law Revision Commission
4000 Middlefield Road, Suite D-2
Palo Alto, CA 94303-4739

NOTE

This recommendation includes an explanatory Comment to each section of the recommended legislation. The Comments are written as if the legislation were enacted since their primary purpose is to explain the law as it would exist (if enacted) to those who will have occasion to use it after it is in effect.

Cite this recommendation as *Trial Court Unification: Transitional Provisions for SCA 3*, 24 Cal. L. Revision Comm'n Reports 627 (1994).

STATE OF CALIFORNIA

PETE WILSON, Governor

CALIFORNIA LAW REVISION COMMISSION

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May 13, 1994

To: The Honorable Pete Wilson
Governor of California, and
The Legislature of California

The California Law Revision Commission's report to the Legislature on SCA 3 (Lockyer), relating to trial court unification, recommends that a process be established to settle personnel questions in advance of the operative date of unification. The report does not propose a specific structure or specific language, but notes that a Judicial Council-commissioned study on effective implementation of coordination activities, due February 1, 1994, should provide useful ideas for development of a specific implementation process. The report notes that the Law Revision Commission will make a supplementary proposal on this matter after receipt of the Judicial Council study and after solicitation of suggestions on the transition process from interested persons. See *Trial Court Unification: Constitutional Revision (SCA 3)*, 24 Cal. L. Revision Comm'n Reports 1, 64 (1994).

The Law Revision Commission has completed this review process. See Justice Management Institute, *California Trial Court Coordination Evaluation Project* (January 1994); California Law Revision Commission, *Memorandum to Persons Interested in Trial Court Unification (SCA 3), Re Transitional Provisions* (March 1, 1994). The Commission recommends that the authority of the Judicial Council to coordinate and guide the trial courts in effectively implementing trial court unification should be recognized by a statutory mandate that the Judicial Council adopt rules of court for this purpose. The rules of court should address selection of per-

sons to coordinate implementation activities in each county, authority of the presiding judge, development of a personnel plan, and other necessary activities. The statutory mandate should be imposed by urgency legislation adopted during 1994 so that it will be in place and operative immediately if SCA 3 is approved by the Legislature and voters.

The proposed legislation is set out below, with commentary. The proposed legislation assumes a November 8, 1994, election date and a July 1, 1996, operative date for SCA 3.

Respectfully submitted,

Sanford M. Skaggs
Chairperson

RECOMMENDED LEGISLATION

Gov't Code § 70200 (added). Transitional rules of court

SECTION 1. Chapter 5.5 (commencing with Section 70200) is added to Title 8 of the Government Code to read:

CHAPTER 5.5. THE UNIFIED SUPERIOR COURTS

70200. The Judicial Council shall, before July 1, 1996, adopt rules of court not inconsistent with statute for:

(a) The orderly conversion on July 1, 1996, of proceedings pending in municipal and justice courts to proceedings in superior courts, and for proceedings commenced in superior courts on and after July 1, 1996.

(b) Selection of persons to coordinate implementation activities for the unification of municipal and justice courts with superior courts in each county, including:

(1) Selection of a presiding judge for the unified superior court.

(2) Selection of a court executive officer for the unified superior court.

(3) Appointment of court committees or working groups to assist the presiding judge and court executive officer in implementing trial court unification.

(c) The authority of the presiding judge, in conjunction with the court executive officer and appropriate individuals or working groups of the unified superior court, to act on behalf of the court to implement trial court unification.

(d) Preparation and submission of a written personnel plan to the judges of the unified superior court for adoption.

(e) Preparation of any necessary local court rules that shall, on July 1, 1996, be the rules of the unified superior court.

(f) Other necessary activities to facilitate the transition to a unified court system.

Comment. Section 70200 is a statutory implementation of authority to coordinate and guide the trial courts in effectively implementing trial court unification. See Cal. Const. Art. VI, §23(c) (constitutional transitional provisions for trial court unification subject to contrary action pursuant to statute); see also Cal. Const. Art. VI, § 6 (4th ¶) (Judicial Council shall adopt rules for court administration, practice and procedure, not inconsistent with statute). Section 70200 mandates that the Judicial Council adopt rules of court for this purpose.

Subdivision (a) provides generally that the rules will ensure the orderly conversion of proceedings in the unified superior court as of July 1, 1996, the operative date of Senate Constitutional Amendment No. 3.

Subdivision (b) provides for the selection of the presiding judge, court executive officer, and appropriate committees or working groups to assist the presiding judge. The method of selection, and the specific duties and authorities for each will be set forth in the rules, as is currently the case in existing Rules 204, 205, 205.1, 207, 532.5, and 532.6 of the California Rules of Court. This preserves the balance of power that currently exists between the legislative and judicial branches.

Subdivision (c) is intended to encourage the presiding judge to work closely with the court executive officer and court committees or other working groups to implement unification decisions.

Subdivision (d) provides that the courts will develop and adopt a personnel plan. The section parallels Rule 205(11). Decisions on the appropriate personnel system and related labor relations matters can only be made after comprehensive study and with input from all affected entities.

Subdivision (e) provides for local rule adoption before July 1, 1996. As under current practice, the Judicial Council will determine which procedural issues shall be addressed by local rule and which by statewide rule.

Examples of issues that may be addressed by rule of court under subdivision (f) include the development of informational programs for the public and the Bar about unification, and education and training programs for judicial officers and court staff to facilitate the effective transition to a unified court system. See also Cal. Const. Art. VI, § 23(b) (Judicial Council may prescribe appropriate education and training for judges with regard to trial court unification).

Operative date

SEC. 2. This act shall become operative only if Senate Constitutional Amendment No. 3 is approved by the voters at the November 8, 1994, general election, in which case this act shall become operative on the day after the election.

Urgency clause

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

Senate Constitutional Amendment No. 3, if approved by the voters at the November 8, 1994, general election, would unify the trial courts operative July 1, 1996. It is necessary that implementing steps be taken immediately so that an orderly transition of the trial court system will occur on that date.

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VOLUME 1 (1957)

[Out of Print]

1955 Annual Report [out of print]

1956 Annual Report [out of print]

1957 Annual Report [out of print]

Recommendation and Study Relating to:

Maximum Period of Confinement in a County Jail

Notice of Application for Attorney's Fees and Costs in Domestic Relations Actions

Taking Instructions to the Jury Room

Dead Man Statute

Rights of Surviving Spouse in Property Acquired by Decedent While Domiciled
Elsewhere [out of print]

Marital "For and Against" Testimonial Privilege

Suspension of the Absolute Power of Alienation [out of print]

Elimination of Obsolete Provisions in Penal Code Sections 1377 and 1378

Judicial Notice of the Law of Foreign Countries

Choice of Law Governing Survival of Actions

Effective Date of an Order Ruling on a Motion for New Trial

Retention of Venue for Convenience of Witnesses

Bringing New Parties into Civil Actions

VOLUME 2 (1959)

1958 Annual Report

1959 Annual Report

Recommendation and Study Relating to:

Presentation of Claims Against Public Entities

Right of Nonresident Aliens to Inherit

Mortgages to Secure Future Advances

Doctrine of Worthier Title

Overlapping Provisions of Penal and Vehicle Codes Relating to Taking of Vehicles
and Drunk Driving

Time Within Which Motion for New Trial May Be Made
Notice to Shareholders of Sale of Corporate Assets

VOLUME 3 (1961)

[Out of Print]

1960 Annual Report

1961 Annual Report

Recommendation and Study Relating to:

Evidence in Eminent Domain Proceedings

Taking Possession and Passage of Title in Eminent Domain Proceedings [out of print]

Reimbursement for Moving Expenses When Property is Acquired for Public Use

Rescission of Contracts

Right to Counsel and the Separation of the Delinquent From the Nondelinquent

Minor in Juvenile Court Proceedings

Survival of Actions

Arbitration

Presentation of Claims Against Public Officers and Employees

Inter Vivos Marital Property Rights in Property Acquired While Domiciled

Elsewhere

Notice of Alibi in Criminal Actions

VOLUME 4 (1963)

1962 Annual Report

1963 Annual Report

1964 Annual Report

Recommendation and Study Relating to Condemnation Law and Procedure:

Number 4 — Discovery in Eminent Domain Proceedings [The first three pamphlets (unnumbered) in Volume 3 also deal with the subject of condemnation law and procedure.]

Recommendations Relating to Sovereign Immunity:

Number 1 — Tort Liability of Public Entities and Public Employees

Number 2 — Claims, Actions and Judgments Against Public Entities and Public Employees

Number 3 — Insurance Coverage for Public Entities and Public Employees

Number 4 — Defense of Public Employees

Number 5 — Liability of Public Entities for Ownership and Operation of Motor Vehicles

Number 6 — Workmen's Compensation Benefits for Persons Assisting Law Enforcement or Fire Control Officers

Number 7 — Amendments and Repeals of Inconsistent Special Statutes [out of print]

Tentative Recommendation and A Study Relating to the Uniform Rules of Evidence (Article VIII. Hearsay Evidence) [out of print]

VOLUME 5 (1963)

[Out of Print]

A Study Relating to Sovereign Immunity [Note: The price of this softcover publication is \$25. The softcover publication includes the entire contents of the hardcover publication except for the title page and some other front matter.]

VOLUME 6 (1964)

Tentative Recommendations and Studies Relating to the Uniform Rules of Evidence:

Article I (General Provisions)

Article II (Judicial Notice)

Burden of Producing Evidence, Burden of Proof, and Presumptions (replacing URE Article III)

Article IV (Witnesses)

Article V (Privileges) [out of print]

Article VI (Extrinsic Policies Affecting Admissibility)

Article VII (Expert and Other Opinion Testimony)

Article VIII (Hearsay Evidence) [same as publication in Volume 4] [out of print]

Article IX (Authentication and Content of Writings)

VOLUME 7 (1965)

1965 Annual Report

1966 Annual Report

Evidence Code with Official Comments

Recommendation Proposing an Evidence Code [out of print]

Recommendation Relating to Sovereign Immunity: Number 8 — Revisions of the

Governmental Liability Act: Liability of Public Entities for Ownership and

Operation of Motor Vehicles; Claims and Actions Against Public Entities and

Public Employees [out of print]

VOLUME 8 (1967)

Annual Report (December 1966) includes the following recommendation:

Discovery in Eminent Domain Proceedings

Annual Report (December 1967) includes the following recommendations:

Recovery of Condemnee's Expenses on Abandonment of an Eminent Domain Proceeding

Improvements Made in Good Faith Upon Land Owned by Another

Damages for Personal Injuries to a Married Person as Separate or Community Property

Service of Process on Unincorporated Associations

Recommendation and Study Relating to:

Whether Damages for Personal Injury to a Married Person Should Be Separate or Community Property

Vehicle Code Section 17150 and Related Sections

Additur

Abandonment or Termination of a Lease

Good Faith Improver of Land Owned by Another

Suit By or Against An Unincorporated Association

Recommendation Relating to The Evidence Code:

Number 1 — Evidence Code Revisions

Number 2 — Agricultural Code Revisions [out of print]

Number 3 — Commercial Code Revisions

Recommendation Relating to Escheat

Tentative Recommendation and A Study Relating to Condemnation Law and Procedure:

Number 1 — Possession Prior to Final Judgment and Related Problems

VOLUME 9 (1969)

[Out of Print]

Annual Report (December 1968) includes the following recommendations:

Sovereign Immunity: Number 9 — Statute of Limitations in Actions Against Public Entities and Public Employees

Additur and Remittitur

Fictitious Business Names

Annual Report (December 1969) includes the following recommendations: [out of print]

Quasi-Community Property

Arbitration of Just Compensation

The Evidence Code: Number 5 — Revisions of the Evidence Code

Real Property Leases

Statute of Limitations in Actions Against Public Entities and Public Employees

Recommendation and Study Relating to:

Mutuality of Remedies in Suits for Specific Performance

Powers of Appointment [out of print]

Fictitious Business Names

Representations as to the Credit of Third Persons and the Statute of Frauds

The “Vesting” of Interests Under the Rule Against Perpetuities

Recommendation Relating to:

Real Property Leases

The Evidence Code: Number 4 — Revision of the Privileges Article

Sovereign Immunity: Number 10 — Revisions of the Governmental Liability Act

VOLUME 10 (1971)

[Out of Print]

Annual Report (December 1970) includes the following recommendation:

Inverse Condemnation: Insurance Coverage

Annual Report (December 1971) includes the following recommendation:

Attachment, Garnishment, and Exemptions From Execution: Discharge From Employment

California Inverse Condemnation Law

Recommendation and Study Relating to Counterclaims and Cross-Complaints, Joinder of Causes of Action, and Related Provisions

Recommendation Relating to Attachment, Garnishment, and Exemptions From Execution: Employees’ Earnings Protection Law

VOLUME 11 (1973)

Annual Report (December 1972)

Annual Report (December 1973) includes the following recommendations:

Evidence Code Section 999 — The “Criminal Conduct” Exception to the Physician-Patient Privilege

Erroneously Ordered Disclosure of Privileged Information

Recommendation and Study Relating to:

Civil Arrest

Inheritance Rights of Nonresident Aliens

Liquidated Damages

Recommendation Relating to:

- Wage Garnishment and Related Matters
- Claim and Delivery Statute
- Unclaimed Property
- Enforcement of Sister State Money Judgments
- Prejudgment Attachment
- Landlord-Tenant Relations

Tentative Recommendation Relating to Prejudgment Attachment

VOLUME 12 (1974)

Annual Report (December 1974) includes the following recommendations:

- Payment of Judgments Against Local Public Entities
- View by Trier of Fact in a Civil Case
- The Good Cause Exception to the Physician-Patient Privilege
- Escheat of Amounts Payable on Travelers Checks, Money Orders and Similar Instruments

Recommendation Proposing the Eminent Domain Law

Recommendation Relating to Condemnation Law and Procedure: Conforming Changes in Improvement Acts

Recommendation Relating to Wage Garnishment Exemptions

Tentative Recommendations Relating to Condemnation Law and Procedure:

- The Eminent Domain Law
- Condemnation Authority of State Agencies
- Conforming Changes in Special District Statutes

VOLUME 13 (1976)

Annual Report (December 1975) includes the following recommendations:

- Admissibility of Copies of Business Records in Evidence
- Turnover Orders Under the Claim and Delivery Law
- Relocation Assistance by Private Condemnors
- Condemnation for Byroads and Utility Easements
- Transfer of Out-of-State Trusts to California
- Admissibility of Duplicates in Evidence
- Oral Modification of Contracts
- Liquidated Damages

Annual Report (December 1976) includes the following recommendations:

- Service of Process on Unincorporated Associations
- Sister State Money Judgments
- Damages in Action for Breach of Lease
- Wage Garnishment
- Liquidated Damages

Selected Legislation Relating to Creditors' Remedies

Eminent Domain Law with Conforming Changes in Codified Sections and Official Comments

Recommendation and Study Relating to Oral Modification of Written Contracts

Recommendation Relating to:

- Partition of Real and Personal Property
- Wage Garnishment Procedure
- Revision of the Attachment Law

Undertakings for Costs
Nonprofit Corporation Law

VOLUME 14 (1978)

Annual Report (December 1977) includes the following recommendations:

Use of Keepers Pursuant to Writs of Execution
Attachment Law: Effect of Bankruptcy Proceedings; Effect of General Assignments
for Benefit of Creditors
Review of Resolution of Necessity by Writ of Mandate
Use of Court Commissioners Under the Attachment Law
Evidence of Market Value of Property
Psychotherapist-Patient Privilege
Parol Evidence Rule

Annual Report (December 1978) includes the following recommendations:

Technical Revisions in the Attachment Law includes the following recommendations:
Unlawful Detainer Proceedings
Bond for Levy on Joint Deposit Account or Safe Deposit Box
Definition of "Chose in Action"

Ad Valorem Property Taxes in Eminent Domain Proceedings
Security for Costs

Recommendation Relating to Guardianship-Conservatorship Law

VOLUME 15 (1980)

Part I

Annual Report (December 1979) includes the following recommendations:

Effect of New Bankruptcy Law on the Attachment Law
Confessions of Judgment
Special Assessment Liens on Property Taken for Public Use
Assignments for the Benefit of Creditors
Vacation of Public Streets, Highways, and Service Easements
Quiet Title Actions
Agreements for Entry of Paternity and Support Judgments
Enforcement of Claims and Judgments Against Public Entities
Uniform Veterans Guardianship Act
Psychotherapist-Patient Privilege
Enforcement of Obligations After Death

Guardianship-Conservatorship Law with Official Comments

Recommendation Relating to:

Enforcement of Judgments includes the following recommendations:
Interest Rate on Judgments
Married Women as Sole Traders
State Tax Liens

Application of Evidence Code Property Valuation Rules in Noncondemnation Cases
Uniform Durable Power of Attorney Act
Probate Homestead

VOLUME 15 (1980)**Part II**

Annual Report (December 1980) includes the following recommendation:

Revision of the Guardianship-Conservatorship Law includes the following recommendations:

Appointment of Successor Guardian or Conservator
Support of Conservatee Spouse from Community Property
Appealable Orders

Recommendations Relating to Probate and Estate Planning:

Non-Probate Transfers
Revision of the Powers of Appointment Statute

Tentative Recommendation Proposing the Enforcement of Judgments Law

VOLUME 16 (1982)

[Out of Print]

Annual Report (December 1981) includes the following recommendation:

Federal Military and Other Federal Pensions as Community Property

Annual Report (December 1982) includes the following recommendations:

Division of Joint Tenancy and Tenancy in Common Property at Dissolution of Marriage

Creditors' Remedies includes the following recommendations:

Amount Secured by Attachment
Execution of Writs by Registered Process Servers
Technical Amendments

Dismissal for Lack of Prosecution

Conforming Changes to the Bond and Undertaking Law

Notice of Rejection of Late Claim Against Public Entity

Recommendation Relating to:

Holographic and Nuncupative Wills

Marketable Title of Real Property

Statutory Bonds and Undertakings

Attachment

Probate Law and Procedure includes the following recommendations:

Missing Persons
Nonprobate Transfers
Emancipated Minors
Notice in Limited Conservatorship Proceedings
Disclaimer of Testamentary and Other Interests

1982 Creditors' Remedies Legislation

Tentative Recommendation Relating to Wills and Intestate Succession

VOLUME 17 (1984)

[Out of Print]

Annual Report (December 1983) (\$25) includes the following recommendations:

Effect of Death of Support Obligor

Dismissal for Lack of Prosecution

Severance of Joint Tenancy

Effect of Quiet Title and Partition Judgments

Dormant Mineral Rights

Creditors' Remedies includes the following recommendations:

Levy on Joint Deposit Accounts

Issuance of Earnings Withholding Orders by Registered Process Servers

Protection of Declared Homestead After Owner's Death

Jurisdiction of Condominium Assessment Lien Enforcement

Technical Amendments

Rights Among Cotenants in Possession and Out of Possession of Real Property

Recommendation Relating to:

Liability of Marital Property for Debts (January 1983) (\$8.50)

Durable Power of Attorney for Health Care Decisions (March 1983) (\$8.50)

Statutory Forms For Durable Powers of Attorney [out of print]

Family Law (November 1983) (\$18) includes the following recommendations:

Marital Property Presumptions and Transmutations

Disposition of Community Property

Reimbursement of Educational Expenses

Special Appearance in Family Law Proceedings

Liability of Stepparent for Child Support

Awarding Temporary Use of Family Home

Probate Law (November 1983) (\$25) includes the following recommendations:

Independent Administration of Decedent's Estates

Distribution of Estates Without Administration

Execution of Witnessed Wills

Simultaneous Deaths

Notice of Will

Garnishment of Amounts Payable to Trust Beneficiary

Bonds for Personal Representatives

Revision of Wills and Intestate Succession Law

Recording Affidavit of Death

Statutes of Limitation for Felonies (January 1984) (\$8.50)

Uniform Transfers to Minors Act (January 1984) (\$18)

VOLUME 18 (1986)

[Out of Print]

Annual Report (March 1985) (\$25) includes the following recommendations:

Provision for Support if Support Obligor Dies

Transfer Without Probate of Certain Property Registered by the State

Dividing Jointly Owned Property Upon Marriage Dissolution

Annual Report (December 1985) (\$25) includes the following recommendations:

Protection of Mediation Communications

Recording Severance of Joint Tenancy

Abandoned Easements

Distribution Under a Will or Trust

Effect of Adoption or Out of Wedlock Birth on Rights at Death

Durable Powers of Attorney

Litigation Expenses in Family Law Proceedings

Civil Code Sections 4800.1 and 4800.2

Annual Report (December 1986) (\$25) includes the following recommendations:

Notice in Guardianship and Conservatorship Proceedings

Preliminary Provisions and Definitions of the Probate Code

Technical Revisions in the Trust Law

Recommendation Proposing the Trust Law (December 1985) (\$25)
 Recommendations Relating to Probate Law (December 1985) (\$25) includes the following recommendations:
 Disposition of Estates Without Administration
 Small Estate Set-Aside
 Proration of Estate Taxes
 Selected 1986 Trust and Probate Legislation (September 1986) (\$40)

VOLUME 19 (1988)

Recommendations Relating to Probate Law (January 1987) (\$25) includes the following recommendations:
 Supervised Administration of Decedent's Estate
 Independent Administration of Estates Act
 Creditor Claims Against Decedent's Estate
 Notice in Probate Proceedings
 Annual Report (December 1987) (\$25) includes the following recommendations:
 Marital Deduction Gifts
 Estates of Missing Persons
 The Uniform Dormant Mineral Interests Act
 Recommendations Relating to Probate Law (December 1987) (\$25) includes the following recommendations:
 Public Guardians and Administrators
 Inventory and Appraisal
 Opening Estate Administration
 Abatement
 Accounts
 Litigation Involving Decedents
 Rules of Procedure in Probate
 Distribution and Discharge
 Nondomiciliary Decedents
 Interest and Income During Administration
 Annual Report (December 1988) (\$25) includes the following recommendations:
 Creditors' Remedies:
 Revival of Junior Liens Where Execution Sale Set Aside
 Time for Setting Sale Aside
 Enforcement of Judgment Lien on Transferred Property After Death of Transferor-Debtor

VOLUME 20 (1990)

Recommendations Relating to Probate Law (February 1989) (\$25) includes the following recommendations:
 No Contest Clauses
 120-Hour Survival Requirement
 Hiring and Paying Attorneys, Advisors and Others
 Compensation of Personal Representative
 Multiple-Party Accounts in Financial Institutions
 Notice to Creditors in Probate Proceedings
 Annual Report (December 1989) (\$25) includes the following recommendations:
 Commercial Lease Law: Assignment and Sublease
 Trustees' Fees

- Recommendation Relating to Powers of Attorney (December 1989) (\$18) includes the following recommendations:
 Springing Powers of Attorney
 Uniform Statutory Form Power of Attorney
- Recommendations Relating to Probate Law (December 1989) (\$25) includes the following recommendations:
 Notice to Creditors in Estate Administration
 Disposition of Small Estate by Public Administrator
 Court-Authorized Medical Treatment
 Survival Requirement for Beneficiary of Statutory Will
 Execution or Modification of Lease Without Court Order
 Limitation Period for Action Against Surety in Guardianship or Conservatorship Proceeding
 Repeal of Probate Code Section 6402.5 (In-Law Inheritance)
 Access to Decedent's Safe Deposit Box
 Priority of Conservator or Guardian for Appointment as Administrator
- Recommendation Proposing the New Probate Code (December 1989)
 Revised and Supplemental Comments to the New Probate Code (September 1990)
 [The two publications listed immediately above are available *only* as a set, at a cost of \$35 per set. The individual pamphlets are not available separately.]
- Annual Report (December 1990) (\$25) includes the following recommendations:
 Notice in Probate Where Address Unknown
 Jurisdiction of Superior Court in Trust Matters
 Uniform Management of Institutional Funds Act
 Discovery After Judicial Arbitration
- Recommendations Relating to Commercial Real Property Leases (May 1990) (\$8.50) includes the following recommendations:
 Remedies for Breach of Assignment or Sublease Covenant
 Use Restrictions
- Recommendation Relating to Uniform Statutory Rule Against Perpetuities (September 1990) (\$18)
- Recommendation Relating to Powers of Attorney (November 1990) (\$8.50) includes the following recommendations:
 Elimination of Seven-Year Limit for Durable Power of Attorney for Health Care
 Recognition of Agent's Authority Under Statutory Form Power of Attorney
- Recommendation Relating to Probate Law (November 1990) (\$25) includes the following recommendations:
 1991 Probate Urgency Clean-Up Bill
 Debts That Are Contingent, Disputed, or Not Due
 Remedies of Creditor Where Personal Representative Fails to Give Notice
 Repeal of Civil Code Section 704 (Passage of Ownership of U.S. Bonds on Death)
 Disposition of Small Estate Without Probate
 Right of Surviving Spouse to Dispose of Community Property
 Litigation Involving Decedents
 Compensation in Guardianship and Conservatorship Proceedings
 Recognition of Trustees' Powers
 Access to Decedent's Safe Deposit Box
 Gifts in View of Impending Death
 TOD Registration of Vehicles and Certain Other State Registered Property

VOLUME 21 (1991)

[Bound with Volume 22]

Annual Report for 1991 (\$18) includes the following recommendation:

Application of Marketable Title Statute to Executory Interests

Recommendations (November 1991) (\$25) includes the following recommendations:

Relocation of Powers of Appointment Statute

Miscellaneous Creditors' Remedies Matters

Nonprobate Transfers of Community Property

Notice of Trustees' Fees

Nonprobate Transfer to Trustee Named in Will

Preliminary Distribution Without Court Supervision

Transfer of Conservatorship Property to Trust

Compensation in Guardianship and Conservatorship Proceedings

VOLUME 22 (1992)

[Bound with Volume 21]

Family Code (July 1992) (\$40)

Annual Report for 1992 (\$25) includes the following recommendations:

Litigation Involving Decedents (Revised)

Standing to Sue for Wrongful Death

Recognition of Agent's Authority Under Statutory Form Power of Attorney (Revised)

Special Needs Trust for Disabled Minor or Incompetent Person

VOLUME 23 (1993)

1994 Family Code with Official Comments (November 1993) (\$40) includes the following report and recommendations:

1994 Family Code

Child Custody

Reorganization of Domestic Violence Provisions

Annual Report for 1993 (\$25) includes the following recommendations:

Deposit of Estate Planning Documents

Parent and Child Relationship for Intestate Succession

Effect of Joint Tenancy Title on Marital Property

VOLUME 24 (1994)

[Available early 1995]

Trial Court Unification: Constitutional Revision (SCA 3) (January 1994) (no charge)

Comprehensive Power of Attorney Law (February 1994) (\$25)

1995 Comprehensive Power of Attorney Law (November 1994) (\$25)

Annual Report for 1994 (\$25) includes the following recommendations:

Orders To Show Cause and Temporary Restraining Orders (January 1994)

Trial Court Unification: Transitional Provisions for SCA 3 (May 1994)