

STATE OF CALIFORNIA

CALIFORNIA LAW REVISION COMMISSION

1996-1997 Annual Report

California Law Revision Commission
4000 Middlefield Road, Room D-1
Palo Alto, CA 94303-4739

CALIFORNIA LAW REVISION COMMISSION

COMMISSION MEMBERS

ALLAN L. FINK <i>Chairperson</i>	QUENTIN L. KOPP <i>Senate Member</i>
CHRISTINE W.S. BYRD <i>Vice Chairperson</i>	ARTHUR K. MARSHALL <i>Member</i>
DICK ACKERMAN <i>Assembly Member</i>	EDWIN K. MARZEC <i>Member</i>
ROBERT E. COOPER <i>Member</i>	SANFORD M. SKAGGS <i>Member</i>
BION M. GREGORY <i>Legislative Counsel</i>	COLIN W. WIED <i>Member</i>

COMMISSION STAFF

Legal

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

Administrative-Secretarial

LAUREN M. TREVATHAN <i>Administrative Assistant</i>	VICTORIA V. MATIAS <i>Secretary</i>
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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 publication (#190) will appear in Volume 26 of the Commission's *Reports, Recommendations, and Studies*.

Commission publications and other materials are available on the Internet at <http://www.clrc.ca.gov/>.

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SUMMARY OF WORK OF COMMISSION

Recommendations Enacted in the 1996 Legislative Session

In 1996, four bills effectuating the Commission's recommendations were enacted relating to the following subjects:

- Administrative adjudication by state agencies
- Statute of limitations in trust matters
- Inheritance from or through child born out of wedlock
- Collecting small estates without administration

Commission recommendations relating to the homestead exemption from enforcement of money judgments and tolling the statute of limitations when a defendant is out of state were not enacted.

Recommendations to the 1997 Legislature

In 1997, the Commission plans to submit recommendations on the following subjects to the Legislature:

- Judicial review of agency action
- Ethical standards for administrative law judges
- Quasi-public entity hearings
- Unfair competition litigation
- Mediation confidentiality
- Best evidence rule
- Tolling statute of limitation when defendant is out of state
- Covenants that run with the land
- Obsolete land use restrictions
- Attachment by undersecured creditors

Commission Activities Planned for 1997

During 1997, the Commission will work on trial court unification, administrative rulemaking, health care decisionmaking, environmental law consolidation, the business judgment rule, derivative actions, the Uniform Unincorporated Nonprofit Association Act, settlement negotiation confidentiality, and Public Utilities Code restructuring. The Commission will consider other subjects as time permits, including protective proceedings for federal bene-

fits, inheritance from or through a foster parent or stepparent, local agency hearing procedures, overlapping statutes of limitation in unfair competition litigation, election of Bankruptcy Chapter 9 treatment by California public and quasi-public entities, time for responding to a discovery request for production of documents, and severance of joint tenancy by dissolution of marriage.

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STATE OF CALIFORNIA

PETE WILSON, Governor

CALIFORNIA LAW REVISION COMMISSION

4000 MIDDLEFIELD ROAD, ROOM D-1
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ALLAN L. FINK, Chairperson
CHRISTINE W.S. BYRD, Vice Chairperson
ASSEMBLYMAN DICK ACKERMAN
ROBERT E. COOPER
BION M. GREGORY
SENATOR QUENTIN L. KOPP
ARTHUR K. MARSHALL
EDWIN K. MARZEC
SANFORD M. SKAGGS
COLIN W. WIED

November 15, 1996

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 1996.

Four of the six bills introduced in 1996 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 Kopp (administrative adjudication followup, homestead exemption, tolling statute of limitations, concurrent resolution continuing Commission's authority)
- Senate Judiciary Committee (collecting small estates, Family Code amendments)
- Assembly Member Kaloogian (inheritance involving person born out of wedlock, statute of limitations in trust matters)

The Commission held two two-day meetings and eight one-day meetings during 1996. Meetings were held in Long Beach, Los Angeles, and Sacramento.

Respectfully submitted,

Allan L. Fink
Chairperson

1996-1997 ANNUAL REPORT

Introduction

The California Law Revision Commission was created in 1953 as the permanent successor to the Code Commission and given responsibility for a continuing substantive review of California statutory and decisional law.¹ The Commission studies the law 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 Commission's efforts enable the Legislature to focus on significant policy questions in a recommendation rather than on the technical issues which can be resolved in the process of preparing background studies, working out intricate legal problems, and drafting implementing legislation. The Commission thus helps the Legislature 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
- Seven members appointed by the Governor with the advice and consent of the Senate
- The Legislative Counsel, who is an ex officio member

1. See Gov't Code §§ 8280-8298 (statute establishing Law Revision Commission) (Appendix 1 *infra*). See also *1955 Report* [Annual Report for 1954] at 7, 1 Cal. L. Revision Comm'n Reports (1957).

The Commission may study only topics that the Legislature has authorized. The Commission now has a calendar of 26 topics.²

Commission recommendations have resulted in the enactment of legislation affecting 18,756 sections of the California statutes: 8,801 sections added, 3,112 sections amended, and 6,843 sections repealed. The Commission has submitted more than 290 recommendations to the Legislature. About 95% of these recommendations have been enacted in whole or in substantial part.³

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

1997 Legislative Program

In 1997, the Commission plans to submit recommendations to the Legislature concerning the following subjects:

Administrative Law

Judicial review of agency action. The Commission will recommend revision of the statutes governing judicial review of state and local agency action.

Ethical standards for administrative law judges. The Commission will recommend a code of ethics for administrative law judges, based on the California Code of Judicial Ethics applicable to judicial branch judges.

Quasi-public entity hearings. The Commission will recommend that the general provisions of the Administrative Procedure Act, including the new administrative adjudication bill of rights, be applied to statutorily created private entities that conduct statutorily or constitutionally mandated hearings in performance of a state function.

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

3. See "Legislative Action on Commission Recommendations" in Appendix 3 *infra*.

Business Law

Unfair competition litigation. The Commission will recommend revision of the statutes governing unfair competition litigation under Business and Professions Code Section 17200 *et seq.*

Civil Procedure

Tolling statute of limitation when defendant is out of state. The Commission will recommend repeal of Code of Civil Procedure Section 351 (tolling statute of limitation when defendant out of state), which predates California's long-arm jurisdiction process.

Debtor-Creditor Law

Attachment by undersecured creditors. The Commission will recommend continuation of the authorization for limited attachment by undersecured creditors under Code of Civil Procedure Section 483.010-483.015, along with some technical revisions.

Evidence Law

Best evidence rule. The Commission will recommend that the best evidence rule be replaced by a "secondary evidence rule."

Mediation confidentiality. The Commission will recommend that the confidentiality given mediation communications be clarified and extended.

Property Law

Covenants that run with the land. The Commission will recommend repeal of Civil Code Section 1464, California's codification of the First Rule in Spencer's Case (covenant concerning thing not in being must refer to "assigns" in order to run with the land).

Obsolete land use restrictions. The Commission will recommend that the Marketable Record Title Act be applied to obsolete land use restrictions and that a uniform five-year limitations period govern enforcement of land use restriction violations.

Major Studies in Progress

During 1997, the Commission plans to work on nine major topics: trial court unification, administrative rulemaking, health care decisionmaking, environmental law consolidation, the business judgment rule, derivative actions, the Uniform Unincorporated

Nonprofit Association Act, settlement negotiation confidentiality, and Public Utilities Code restructuring. The Commission will also consider other subjects to the extent time permits.

Trial Court Unification

Pursuant to legislative directive, the Commission in January 1994 issued its report on *Trial Court Unification: Constitutional Revision (SCA 3)*, 24 Cal. L. Revision Comm'n Reports 1 (1994). Since then, the legislative directive has been revised to assign the Commission responsibility to report recommendations pertaining to statutory changes that may be necessitated by court unification.⁴

The Legislature has enacted Senate Constitutional Amendment 4 (Lockyer), providing for unification of the trial courts in a county on a vote of a majority of the judges of superior and municipal courts in the county.⁵ The matter is scheduled for a vote of the electors at the June 1998 primary election. The Commission plans to work during 1997 to recommend implementing legislation in advance of the election.

Administrative Rulemaking

Administrative rulemaking is the third phase of the Commission's study of administrative law and procedure, following revision of state agency adjudication and judicial review of agency action. This phase of the study was activated in 1996. The Commission plans to address individual problems in the rulemaking procedure; it will not propose a comprehensive revision of the rulemaking procedure. The Commission has engaged the services of three expert academic consultants to give advice on this project: Professors Michael Asimow (UCLA Law School), Gregory Ogden (Pepperdine Law School), and Gregory Weber (McGeorge Law School).

Health Care Decisionmaking

The Commission has begun consideration of revisions of health care decisionmaking law. This review considers changes in the law

4. 1995 Cal. Stat. res. ch. 87 (ACR 14).

5. 1996 Cal. Stat. res. ch. 36 (SCA 4).

that have occurred throughout the country since California enacted its pioneering durable power of attorney for health care statute in 1983. The Commission is reviewing the California Natural Death Act and the proposed Uniform Health-Care Decisions Act (1993). Consideration of durable power of attorney for health care issues was reserved for study when the Commission reviewed the power of attorney statutes culminating in enactment of the comprehensive Power of Attorney Law in 1994.

Environmental Law Consolidation

In 1996, the Commission was directed to study whether the laws within various codes relating to environmental quality and natural resources should be reorganized in order to simplify and consolidate relevant statutes, resolve inconsistencies between the statutes, and eliminate obsolete and unnecessarily duplicative statutes.⁶ The Commission plans to begin active work on this topic during 1997.

Business Judgment Rule and Derivative Actions

During 1996 the Commission commenced work on two related corporate governance matters — the business judgment rule and derivative actions. The Commission's consultant on this study, Professor Melvin Eisenberg of the University of California, Berkeley, Law School, has prepared background studies on both these matters. See Eisenberg, *Whether the Business-Judgment Rule Should Be Codified* (May 1995); Eisenberg, *The Requirement of Making a Demand on the Board Before Bringing a Derivative Action, and the Standard of Review of a Board or Committee Determination that a Derivative Action Is Not in the Corporation's Best Interests* (October 1995). The Commission has begun consideration of both studies. The Commission plans to complete work on this project during 1997.

Uniform Unincorporated Nonprofit Association Act

The Commission has retained Professor Michael Hone, University of San Francisco Law School, as a consultant to prepare an analysis of the Uniform Unincorporated Nonprofit Association Act

6. 1996 Cal. Stat. res. ch. 38 (SCR 43).

(1992). The Commission plans to begin consideration of this matter when Professor Hone's analysis is received. The Commission hopes to complete work on this topic during 1997 and submit a recommendation in the 1998 legislative session.

Settlement Negotiation Confidentiality

The Commission will recommend for enactment in 1997 revision of the law governing mediation confidentiality. During 1996 the Commission began consideration of a parallel matter — settlement negotiation confidentiality. The policies affecting protection of settlement negotiations differ from the policies affecting mediation and call for a different level of protection. The Commission plans to complete its analysis of these matters during 1997.

Public Utilities Code Restructuring

The Legislature has also directed the Law Revision Commission to work with the Public Utilities Commission:⁷

On or before June 30, 1997, the Public Utilities Commission in consultation with the Law Revision Commission shall submit a report to the Legislature on needed revisions of the Public Utilities Code that result from the restructuring of the electrical, gas, transportation, and telecommunications industries.

Pursuant to this directive the Law Revision Commission plans, during the first half of 1997, to review materials prepared by the Public Utilities Commission, focusing on procedural and substantive problem areas identified by the Public Utilities Commission and other interested persons, and make recommendations to the Legislature on the problem areas.

Other Subjects

The major studies in progress described above will dominate the Commission's time and resources during 1997. If time permits, the Commission will work other subjects into its agenda. These subjects include protective proceedings for federal benefits, inheritance from or through a foster parent or stepparent, local agency hearing procedures, overlapping statutes of limitation in unfair

7. 1996 Cal. Stat. ch. 856, § 12.

competition litigation, election of Bankruptcy Chapter 9 treatment by California public and quasi-public entities, time for responding to a discovery request for production of documents, and severance of joint tenancy by dissolution of marriage.

Calendar of Topics for Study

The Commission's calendar of topics is set out in Appendix 2 in this Annual Report. The Legislature has authorized each of these topics for Commission study.⁸

The Commission recommends that three topics be removed from its agenda since it is unlikely that the Commission will be doing any further work on them: prejudgment interest, injunctions, and inverse condemnation.

Two other topics — child custody, adoption, guardianship, and related matters, and adjudication of child and family civil proceedings — should be combined with the overlapping authority to study family law. The combined authority would read as follows:

Whether family law (including, but not limited to, community property, the adjudication of child and family civil proceedings, child custody, adoption, guardianship, freedom from parental custody and control, and related matters, including other subjects covered by the Family Code) should be revised.

8. Section 8293 of the Government Code provides that the Commission shall study, in addition to those topics that it recommends and are approved by the Legislature, any topics the Legislature by concurrent resolution refers to it for study. For the current authorization, see 1996 Cal. Stat. res. ch. 38 (SCR 43). In addition, Code of Civil Procedure Section 703.120 requires the Commission to review statutes providing for exemptions from enforcement of money judgments every 10 years and to recommend any needed revisions. The next report will be due in 2003.

Function and Procedure of Commission

The principal duties of the Commission⁹ 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,¹⁰ 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.¹¹

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 general rule, the Commission may study only topics that the Legislature, by concurrent resolution, authorizes for study.¹² However, the Commission may study and recommend revisions to correct technical or minor substantive defects in state statutes without a prior concurrent resolution.¹³

Background Studies

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

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

10. 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.

11. 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. See "Report on Statutes Repealed by Implication or Held Unconstitutional" *infra*.

12. Gov't Code § 8293.

13. Gov't Code § 8298.

may be prepared by a member of the Commission's staff or by a specialist in the field who is retained as a consultant. Expert consultants provide the Commission with invaluable assistance and provide an economical alternative to in-house research. Law professors and practicing attorneys 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. From time to time, expert consultants are also retained to advise the Commission at meetings.

Recommendations

After making its preliminary decisions on a subject, the Commission ordinarily distributes a tentative recommendation to interested persons and organizations, including the State Bar, local and specialized bar associations, public interest organizations, and business and professional associations. Comments received on the tentative recommendation are considered by the Commission in determining what recommendation, if any, will be made to the Legislature. When the Commission has reached a conclusion on the matter, its recommendation¹⁴ to the Legislature (including a draft of any necessary legislation) is published and distributed in printed form and on the Internet. If a background study has been prepared in connection with the recommendation, it may be published by the Commission or in a law review.¹⁵

14. 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. Dissents are noticed in the Minutes of the meeting where the recommendation is approved.

15. For recent background studies published in law reviews, see Asimow, *The Scope of Judicial Review of Decisions of California Administrative Agencies*, 42 UCLA L. Rev. 1157 (1995); Asimow, *Toward a New California Administrative Procedure Act: Adjudication Fundamentals*, 39 UCLA L. Rev. 1067 (1992); Kasner, *Donative and Interspousal Transfers of Community Property in California: Where We Are (or Should Be) After MacDonald*, 23 Pac. L.J. 361 (1991). A revised version of Prof. Fellmeth's background study on unfair competition litigation was published as Fellmeth, *Unfair Competition Act Enforcement by Agencies, Prosecutors, and Private Litigants: Who's on First?*, 15 Cal. Reg. L. Rep. 1 (Winter 1995).

Official Comments

The Commission ordinarily prepares an official Comment explaining each section it recommends. These Comments are included in the Commission's recommendations and may be revised by the Commission in later reports to reflect amendments made in the legislative process.¹⁶ 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.¹⁷

Comments are provided to legislative committee members and staff before a bill is heard and are provided to the Governor's office once a bill is passed.

A Comment indicates the derivation of a section and often explains its purpose, its relation to other sections, and potential problems as to its meaning or application. The Comments are leg-

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).

16. Many amendments are made on Commission recommendation to address 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.

17. For an example of such a report, see Appendix 5 *infra*. Reports containing new or revised comments are printed in the next annual report following enactment of a recommendation, and may be found by reference to the "Cumulative Table of Sections Affected by Commission Recommendations" included in each bound volume of Commission reports. 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). On rare occasions, the Commission will approve revised Comments to make important editorial changes or correct obvious errors in past Comments. See, e.g., "Report of the California Law Revision Commission on Corrected Probate Code Comments," Appendix 8 to the *Annual Report for 1991*, 21 Cal. L. Revision Comm'n Reports 1, 75 (1991).

islative history and are entitled to substantial weight in construing the statutory provisions.¹⁸ 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.¹⁹ 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.²⁰

Publications

Commission publications are distributed to the Governor, legislative leadership, and, on request, to heads of state departments and to lawyers, law professors, courts, district attorneys, and law libraries throughout the state.²¹ 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.²²

18. 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); *Juran v. Epstein*, 23 Cal. App. 4th 882, 893-94, 28 Cal. Rptr. 2d 588, 594 (1994). The Commission concurs with the opinion of the court in *Juran* that staff memorandums to the Commission should not be considered as legislative history. *Id.* at 894 n.5, 28 Cal. Rptr. 2d at 594 n.5.

Commission Comments are published by Bancroft-Whitney Company and West Publishing Company in their print and CD-ROM editions of the annotated codes, and printed in selected codes prepared by other publishers.

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

20. 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.

21. See Gov't Code § 8291. For availability see "Commission Publications" at pp. 177-78 *infra*.

22. For a step-by-step description of the procedure followed by the Commission in preparing the 1963 governmental liability statute, see DeMouly, *Fact*

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 many county law libraries and at some other libraries. Some hardcover volumes are out of print, but others are available for purchase.²³

Electronic Publication and Internet Access

Since June 1995, the Commission has provided a variety of information on the Internet, including online material and downloadable files.²⁴ Interested persons with Internet access can find current agendas, recent meeting minutes, background studies, tentative and final recommendations, staff memorandums, and general background information.

Electronic Mail

Email commenting on Commission proposals or suggesting issues for consideration will be given the same consideration as letter correspondence, if the email message includes the name and regular mailing address of the sender. Email to the Commission may be sent to *commission@clrc.ca.gov* or to *staff@clrc.ca.gov*. Email to an individual should be sent to *name@clrc.ca.gov* — substituting the addressee's first initial and surname for "name."

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).

23. See "Commission Publications" at pp. 177-89 *infra*.

24. The URL for the Commission's Website is <http://www.clrc.ca.gov/>.

Personnel of Commission

As of November 15, 1996, the following persons are members of the Law Revision Commission:

Members Appointed by Governor ²⁵	<i>Term Expires</i>
Allan L. Fink, San Francisco <i>Chairperson</i>	October 1, 1997
Christine W.S. Byrd, Los Angeles <i>Vice Chairperson</i>	October 1, 1997
Robert E. Cooper, Los Angeles	October 1, 1999
Arthur K. Marshall, Los Angeles	October 1, 1999
Edwin K. Marzec, Santa Monica	October 1, 1999
Sanford M. Skaggs, Walnut Creek	October 1, 1997
Colin W. Wied, San Diego	October 1, 1999

Legislative Members ²⁶

Senator Quentin L. Kopp, San Francisco
Assemblyman Dick Ackerman, Fullerton

Legislative Counsel ²⁷

Bion M. Gregory, Sacramento

Effective September 1, 1996, the Commission elected Allan L. Fink as Chairperson (succeeding Colin W. Wied), and Christine W.S. Byrd as Vice Chairperson (succeeding Allan L. Fink). The terms of the new officers end August 31, 1997.

25. 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).

26. The Senate and Assembly members of the Commission serve at the pleasure of their respective appointing powers, the Senate Committee on Rules and the Speaker of the Assembly. Gov't Code § 8281.

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

In November 1995, the Governor reappointed Robert E. Cooper, Arthur K. Marshall, Edwin K. Marzec, and Colin W. Wied to four-year terms ending October 1, 1999.

In April 1996, Assemblyman Dick Ackerman was appointed by the Speaker as the Commission's Assembly Member.

As of November 15, 1996, the following persons are on the Commission's staff:

Legal

Nathaniel Sterling
Executive Secretary

Stan Ulrich
Assistant Executive Secretary

BARBARA S. GAAL
Staff Counsel

BRIAN P. HEBERT
Staff Counsel

ROBERT J. MURPHY
Staff Counsel

Administrative-Secretarial

Lauren M. Trevathan
Administrative Assistant

Victoria V. Matias
Secretary

In October 1996, Brian P. Hebert was appointed to a full-time position on the Commission's legal staff and Lauren M. Trevathan was appointed to the Administrative Assistant position.

During the spring 1996 law school term, Deborah J. Muns, a student at Stanford Law School, worked as a student legal assistant under the work-study program. Cynthia Bradford prepared an analysis of health care decisionmaking law as part of her course work at Stanford Law School in the spring of 1996. Andrew Jaramillo, a student at Stanford Law School, worked as a volunteer student legal assistant during the summer. Starting in the fall 1996 law school term, Elizabeth Eberle a student at Stanford Law School, is working as a student legal assistant under the work-study program. During the spring and fall 1996 law school terms, Tina Chen assisted the Commission as part of the Public Service Program of the University of Pennsylvania Law School. In the spring term, Matthew Waddell assisted the Commission under the same program.

Commission Budget

The Commission's operations are funded from the state general fund. The amount appropriated to the Commission for the 1996-97

fiscal year is \$563,000. This amount represents a substantial increase over the previous year's funding. The increase has enabled the Commission to eliminate its operations deficit and to restore one legal position and one administrative position lost due to earlier funding reductions.

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 from other law reform agencies on an exchange basis, and has full access to the Stanford University Law Library. The Commission is grateful for their contributions.

Other Activities

The Commission is directed by statute to cooperate with bar associations and other learned, professional, or scientific associations, institutions, or foundations in any manner suitable for the fulfillment of the purposes of the Commission.²⁸

National Conference of Commissioners on Uniform State Laws²⁹

The Commission's Executive Secretary participated in the National Conference of Commissioners on Uniform State Laws, in San Antonio, Texas, in July 1996. Matters considered at the conference included uniform acts on limited liability partnerships, Commercial Code Articles 2, 2B, and 9, interstate family support and child visitation, guardianship and protective proceedings, management of public employee pension funds, and punitive damages.

The Executive Secretary also served on the drafting committee for a new Uniform Trust Act. The uniform act will be based on the

28. Gov't Code § 8296.

29. 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.

California Trust Law, a national model enacted on recommendation of the Commission.³⁰

California Continuing Education of the Bar

The Commission's Executive Secretary participated in planning the new edition of the book published by the California Continuing Education of the Bar, *California Administrative Hearing Practice*, and prepared the introductory chapter for the book. The new edition will reflect enactment of the Commission's recommendation on administrative adjudication by state agencies.³¹

The Assistant Executive Secretary reviewed and commented on several chapters of *California Elder Law: An Advocate's Guide* (Cal. Cont. Ed. Bar 1996).

Consultant Activities

The Commission's consultant on administrative law and procedure, Professor Michael Asimow, published an article on the revision of the Administrative Procedure Act enacted on recommendation of the Commission.³² He also gave a number of speeches relating to the Commission's administrative law and procedure study.³³

The Commission's consultant on unfair competition, Professor Robert C. Fellmeth, published an article on priorities between pri-

30. See *Recommendation Proposing the Trust Law*, 18 Cal. L. Revision Comm'n Reports 501 (1986); enacted 1986 Cal. Stat. ch. 820.

31. See *Administrative Adjudication by State Agencies*, 25 Cal. L. Revision Comm'n Reports 55 (1995), enacted as 1995 Cal. Stat. ch. 938 (SB 523). See also *Annual Report for 1995*, Appendix 7, 25 Cal. L. Revision Comm'n Reports 615, 711 (1995).

32. Asimow, *The Influence of the Federal Administrative Procedure Act on California's New Administrative Procedure Act*, Tulsa L. Rev. (forthcoming Winter 1996).

33. Asimow, *Close Encounters of the Administrative Kind: California's Office of Administrative Law*, Speech to ABA Annual Meeting, Orlando, Fla. (Aug. 1996); Asimow, *The Effect of the New APA on the Unemployment Insurance Appeals Board*, Speech to Administrative Law Judges of UIAB, Sacramento (June 1996); Asimow, *The Revolution in California Administrative Law*, Speech to California Environmental Trial Lawyers, San Diego (June 1996).

vate litigators and public prosecutors under the unfair competition act.³⁴

Bar Associations

The Commission's Executive Secretary addressed the Sacramento County Bar Association's Business Law Section in March 1996 to provide information on the Commission's study of the business judgment rule. The Executive Secretary addressed the Sacramento County Bar Association's Administrative Law Section in July 1996 to provide information on the Commission's studies of judicial review and administrative rulemaking.

Visitors

Ms. Bience Gawanas, Chairperson of the Law Reform and Development Commission of the Republic of Namibia visited the Commission office to consult with the staff on law reform issues and experience in August 1996.

Other Activities

The Commission's Executive Secretary testified before the Conference Committee on California Public Utilities Commission and California Energy Commission Reform in July and August 1996, concerning the Commission's work in the areas of administrative adjudication by state agencies and judicial review of agency action.

The Executive Secretary addressed the regional training session of the administrative law judges of the California Unemployment Insurance Appeals Board in September 1996, concerning the Commission's recommendations on a code of ethics for administrative law judges.

34. Fellmeth, *Unfair Competition Act Enforcement by Agencies, Prosecutors, and Private Litigants: Who's on First?*, 15 Cal. Reg. L. Rep. 1 (Winter 1995).

Legislative History of Recommendations Submitted to 1996 Legislative Session

The Commission's recommendations were included in six bills and a concurrent resolution recommended for enactment at the 1996 legislative session. Four of these bills were enacted and the concurrent resolution was adopted.

Administrative Adjudication by State Agencies

Senate Bill 794 (1996 Cal. Stat. ch. 390) was introduced by Senator Quentin L. Kopp to implement Commission-recommended technical revisions to the Administrative Procedure Act. The bill was enacted after a number of amendments were made. See *Report of the California Law Revision Commission on Chapter 390 of the Statutes of 1996 (Senate Bill 794)*, 26 Cal. L. Revision Comm'n Reports 171 (1996) (Appendix 4 *infra*).

Probate and Trust Law

Senate Bill 392 (1996 Cal. Stat. ch. 563) was an omnibus probate law bill introduced by the Senate Judiciary Committee, which included a Commission recommendation. See *Collecting Small Estate Without Administration*, 26 Cal. L. Revision Comm'n Reports 21 (1996). The recommendation was enacted without change.

Assembly Bill 2751 (1996 Cal. Stat. ch. 862) was introduced by Assembly Member Howard Kaloogian, and included two Commission recommendations. See *Statute of Limitations in Trust Matters: Probate Code Section 16460*, 26 Cal. L. Revision Comm'n Reports 1 (1996); *Inheritance From or Through Child Born Out of Wedlock*, 26 Cal. L. Revision Comm'n Reports 13 (1996). Both recommendations were enacted without change.

Family Law

Senate Bill 1033 (1996 Cal. Stat. ch. 1061) was an omnibus family law bill introduced by the Senate Judiciary Committee, which included a Commission-recommended technical amendment of Code of Civil Procedure Section 664.5. See *Report of the California Law Revision Commission on Chapter 1061 of the Statutes*

of 1996 (*Senate Bill 1033*), 26 Cal. L. Revision Comm'n Reports 175 (1996) (Appendix 5 *infra*).

Civil Procedure

Senate Bill 1510 was introduced by Senator Quentin L. Kopp, and included a Commission recommendation. See *Tolling Statute of Limitations When Defendant Is Out of State*, 26 Cal. L. Revision Comm'n Reports 83 (1996). Most of the recommended revisions were removed from the bill in the Senate Judiciary Committee. The bill was vetoed by the Governor for reasons unrelated to the part of the Commission's recommendation remaining in the bill. (The Commission plans to resubmit the recommendation in the 1997 legislative session.)

Debtor-Creditor Relations

Senate Bill 197 was introduced by Senator Quentin L. Kopp to effectuate a Commission recommendation. See *Homestead Exemption*, 26 Cal. L. Revision Comm'n Reports 37 (1996). The bill failed passage in the Assembly Judiciary Committee.

Resolution Authorizing Topics for Study

Senate Concurrent Resolution 43 (1996 Cal. Stat. res. ch. 38) was introduced by Senator Quentin L. Kopp. It continues the Commission's authority to study 24 topics previously authorized and adds authority requested by the Commission to study one new topic, the law of contracts.³⁵ The resolution also added new authority to study environmental law, in the following terms:

Whether the laws within various codes relating to environmental quality and natural resources should be reorganized in order to simplify and consolidate relevant statutes, resolve inconsistencies between the statutes, and eliminate obsolete and unnecessarily duplicative statutes.

35. See *Annual Report for 1995*, 25 Cal. L. Revision Comm'n Reports 615, 628-29 (1995).

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 prepared³⁶ and has the following to report:

- 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.³⁷
- Two decisions of the California Supreme Court holding a state statute unconstitutional have been found.³⁸

36. This study has been carried through 14 Cal. 4th 29 (Advance Sheet No. 28, Oct. 17, 1996) and 116 S. Ct. (1995-96 Term).

37. One decision of the United States Supreme Court held that state statutes were preempted by federal law. In *Smiley v. Citibank (South Dakota)*, 116 S. Ct. 1730 (1996), the Supreme Court affirmed that late payment fees are included in the term "interest" as used in the National Bank Act, 12 U.S.C. § 85 (laws of bank's home state govern the amount of interest chargeable). Therefore, California statutes (e.g. Civ. Code § 1671 governing liquidated damages for breach of contract) are preempted under the Supremacy Clause (U.S. Const. art. 6, cl. 2) to the extent that they operate to control late payment fees charged within California by out of state banks.

38. In one decision, the California Supreme Court declined to judicially reform statutes deemed unconstitutional by the Ninth Circuit Court of Appeals. In *Kopp v. Fair Political Practices Commission*, 11 Cal. 4th 607, 905 P.2d 1248, 47 Cal. Rptr. 2d 108 (1995), the court found that provisions of Government Code Sections 85301-85304, relating to campaign contributions, found unconstitutional by the Ninth Circuit, could not be reformed so as to closely effectuate the policy judgments of the enacting body. Government Code Sections 85301-85304 were repealed and reenacted in revised form by Proposition 208 (approved November 5, 1996), and appear not to present the constitutional infirmities of the prior sections.

One decision of the California Supreme Court interpreted a statute so as to avoid an unconstitutional violation of the Separation of Powers provision of Article III, Section 3 of the California Constitution. In *People v. Superior Court*

In *Amwest Surety Insurance Co. v. Wilson*,³⁹ the court found that Insurance Code Section 1861.135, which exempted surety insurance from certain insurance rate regulation provisions of Proposition 103 (approved November 8, 1988), did not further the purpose of Proposition 103 and therefore violated the constitutional rule that the Legislature may not amend or repeal an initiative statute without voter approval “unless the initiative statute permits amendment or repeal without their approval.”⁴⁰ Proposition 103 permits amendment without voter approval, but only if the amendment furthers the purpose of the initiative.⁴¹

In *Pacific Merchant Shipping Assn. v. Voss*,⁴² the court held that Food and Agriculture Code Sections 5352-5353 and an implementing regulation, which provide for inspection fees to be charged when ships bring agricultural products into California from foreign countries, while no agricultural inspection fees apply to interstate commerce, discriminate against foreign commerce in violation of the Commerce Clause of the United States Constitution.⁴³

Recommendations

The Law Revision Commission respectfully recommends that the Legislature authorize the Commission to complete its study of the topics previously authorized.⁴⁴

(Romero), 13 Cal. 4th 497, 917 P.2d 628, 53 Cal. Rptr. 2d 789 (1996), the court interpreted Penal Code Section 667(f)(2), a provision of the “Three Strikes” sentencing law, to permit judges, acting pursuant to Penal Code Section 1385, to strike prior felony allegations on their own motion. To interpret Section 667(f)(2) as requiring approval of such strikes by the District Attorney would constitute executive oversight of judicial discretion, in violation of the Separation of Powers doctrine.

39. 11 Cal. 4th 1243, 906 P.2d 1112, 48 Cal. Rptr. 2d 12 (1995)

40. Cal. Const. art. II, § 10(c).

41. Proposition 103, § 8(b).

42. 12 Cal. 4th 503, 907 P.2d 430, 48 Cal. Rptr. 2d 582 (1995), *cert denied*, 116 S. Ct. 1851 (1996).

43. U.S. Const. art. 1, § 8, cl. 3.

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

APPENDIX 1

STATUTE GOVERNING THE CALIFORNIA LAW REVISION COMMISSION

GOVERNMENT CODE SECTIONS 8280-8298*

§ 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 later-enacted rules governing distribution of state reports set out in Government Code Sections 9795 and 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.

Note. The requirement that materials be printed at the State Printing Office may be subject to superseding general rules. See Gov't Code § 11808(b)(17)(A) (enacted by 1996 Cal. Stat. ch. 191, § 2, operative July 20, 1996, until July 1, 1997, unless sunset provisions are extended or repealed).

§ 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's calendar of topics authorized for study includes the subjects listed below. Each of these topics has been authorized for Commission study by the Legislature. For the current authorizing resolution, see 1996 Cal. Stat. res. ch. 38.

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.)

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 attorneys' fees to the prevailing party. (Authorized by 1980 Cal. Stat. res. ch. 37.)

10. Special assessments 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 minor and incompetent persons. Whether the law relating to the rights and disabilities of minor 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 the law relating to the payment and the shifting of attorneys' fees between litigants should be revised. (Authorized by 1988 Cal. Stat. res. ch. 20; 1995 Cal. Stat. res. ch. 87.)

19. Family law proceedings. Whether the law relating to the adjudication of child and family civil proceedings should be revised. (Authorized by 1995 Cal. Stat. res. ch. 87. See also 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 competition litigation. 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. Recommendations to be reported pertaining to statutory changes that may be necessitated by court unification. (Authorized by 1995 Cal. Stat. res. ch. 87. See also 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.)

25. Law of contracts. Whether the California law of contracts, including the effect of electronic communications on the law governing con-

tract formation, the statute of frauds, the parol evidence rule, and related matters, should be revised. (Authorized by 1996 Cal. Stat. res. ch. 38.)

26. Environmental law. Whether the laws within various codes relating to environmental quality and natural resources should be reorganized in order to simplify and consolidate relevant statutes, resolve inconsistencies between the statutes, and eliminate obsolete and unnecessarily duplicative statutes. (Authorized by 1996 Cal. Stat. res. ch. 38.)

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 (<i>Application of Civil Code §§ 4800.1 and 4800.2</i>). 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); 26 Cal. L. Revision Comm'n Reports 175 (1996)	Enacted. 1994 Cal. Stat. ch. 1269; 1996 Cal. Stat. ch. 1061

Recommendation	Action by Legislature
289. <i>Uniform Prudent Investor Act</i> , 25 Cal. L. Revision Comm'n Reports 543 (1995). See also 25 Cal. L. Revision Comm'n Reports 673 (1995)	Enacted. 1995 Cal. Stat. ch. 63
290. <i>Debtor-Creditor Relations</i> , 25 Cal. L. Revision Comm'n Reports 1 (1995)	Enacted in part. 1995 Cal. Stat. ch. 196
291. <i>Power of Attorney Law Technical Amendments</i> . See 25 Cal. L. Revision Comm'n Reports 709 (1995)	Enacted. 1995 Cal. Stat. ch. 300
292. <i>Administrative Adjudication by State Agencies</i> , 25 Cal. L. Revision Comm'n Reports 55 (1995)	Enacted. 1995 Cal. Stat. ch. 938
293. <i>Statute of Limitations in Trust Matters</i> , 26 Cal. L. Revision Comm'n Reports 1 (1996)	Enacted. 1996 Cal. Stat. ch. 862
294. <i>Inheritance From or Through Child Born Out of Wedlock</i> , 26 Cal. L. Revision Comm'n Reports 13 (1996)	Enacted. 1996 Cal. Stat. ch. 862
295. <i>Collecting Small Estate Without Administration</i> , 26 Cal. L. Revision Comm'n Reports 21 (1996)	Enacted. 1996 Cal. Stat. ch. 563
296. <i>Homestead Exemption</i> , 26 Cal. L. Revision Comm'n Reports 37 (1996)	Not enacted
297. <i>Tolling Statute of Limitations When Defendant Is Out of State</i> , 26 Cal. L. Revision Comm'n Reports 83 (1996)	Vetoed, for reasons not related to part of Commission recommendation remaining in bill
298. <i>Administrative Adjudication Technical Amendments</i> , 26 Cal. L. Revision Comm'n Reports 171 (1996)	Enacted. 1996 Cal. Stat. ch. 390

APPENDIX 4

REPORT OF THE CALIFORNIA LAW REVISION COMMISSION ON CHAPTER 390 OF THE STATUTES OF 1996 (SENATE BILL 794)

Chapter 390 of the Statutes of 1996 was introduced as Senate Bill 794 by Senator Quentin L. Kopp on recommendation of the California Law Revision Commission. The measure is follow-up legislation for 1995 Cal. Stat. ch. 938, relating to administrative adjudication by state agencies. Comments to the sections in Chapter 390 that are recommended by the Commission are set out below.

Gov't Code § 11019.6 (amended). Principal state agency

Comment. Section 11019.6 is amended to add a reference to the general provisions on administrative adjudication in the Administrative Procedure Act.

Gov't Code § 11346.14 (repealed). Statement of reasons

Comment. Section 11346.14 is repealed, operative immediately, because it is superseded by and its substance is continued in Section 11346.2, effective January 1, 1995.

Gov't Code § 11400.20 (amended). Adoption of regulations

Comment. Subdivision (a) of Section 11400.20 is amended to permit use of the procedure provided in this section for adoption of interim or permanent regulations under the formal hearing procedure, Chapter 5 (commencing with Section 11500).

Subdivision (a) makes clear that the authority of an agency to adopt regulations governing its hearings does not apply to hearings required to be conducted for it by the Office of Administrative Hearings, unless there is express statutory authority for the regulations. Examples of express statutory authority include:

- Section 11420.10 (alternative dispute resolution)
- Section 11425.50 (penalty guidelines)
- Section 11440.10 (administrative review)

- Section 11440.50 (intervention)
- Sections 11445.20 and 11445.50 (informal hearing procedure)
- Section 11460.20 (emergency decision)
- Section 11518.5 (correction of mistakes and clerical errors in decision)

It should be noted that the provision of Section 11425.40(d) allowing an agency that conducts an adjudicative proceeding to provide by regulation for peremptory challenge of the presiding officer applies to the Office of Administrative Hearings and not the agency for which the Office of Administrative Hearings is conducting the proceeding. See Comment to Section 11425.40(d).

Nothing in subdivision (a) precludes regulations governing matters peripheral to administrative adjudication proceedings, such as a requirement that a person maintain an address with the agency for the purpose of notice.

Gov't Code § 11400.21 (added). Adoption of regulations

Comment. Section 11400.21 enables enactment of implementing regulations before the July 1, 1997, operative date of 1995 Cal. Stat. ch. 938.

Subdivision (a) makes clear that the authority of an agency to adopt regulations governing its hearings does not apply to hearings required to be conducted for it by the Office of Administrative Hearings, unless there is express statutory authority for the regulations. Examples of express statutory authority include:

- Section 11420.10 (alternative dispute resolution)
- Section 11425.50 (penalty guidelines)
- Section 11440.10 (administrative review)
- Section 11440.50 (intervention)
- Sections 11445.20 and 11445.50 (informal hearing procedure)
- Section 11460.20 (emergency decision)
- Section 11518.5 (correction of mistakes and clerical errors in decision)

It should be noted that the provision of Section 11425.40(d) allowing an agency that conducts an adjudicative proceeding to provide by regulation for peremptory challenge of the presiding officer applies to the Office of Administrative Hearings and not the agency for which the Office of Administrative Hearings is conducting the proceeding. See Comment to Section 11425.40(d).

Nothing in subdivision (a) precludes regulations governing matters peripheral to administrative adjudication proceedings, such as a requirement that a person maintain an address with the agency for the purpose of notice.

Gov't Code § 11415.60 (amended). Settlement

Comment. Section 11415.60 is amended to protect conduct and statements made in settlement negotiations from admissibility, parallel to the protection provided in Section 1152 of the Evidence Code. This provision supplements the existing protection from admissibility of evidence of an offer of compromise or settlement (as opposed to evidence of conduct or statements made in settlement negotiations).

Gov't Code § 11425.60 (amended). Precedent decisions

Comment. Subdivision (d) of Section 11425.60 is amended to make clear that if an agency designates as precedential a decision issued before July 1, 1997, the decision must be indexed pursuant to subdivision (c).

Gov't Code § 11435.15 (amended). Application of article

Comment. Section 11435.15 is amended to correct a printing error.

Ins. Code § 1861.08 (amended). Conduct of hearings

Comment. Section 1861.08 is amended to reflect revision of the Administrative Procedure Act by 1995 Cal. Stat. ch. 938.

The introductory portion of the section is amended to refer to the entire formal hearing chapter. That chapter is supplemented by Chapter 4.5 (commencing with Section 11400) of the same part, containing general provisions on administrative adjudication applicable to all state agency hearings. See Gov't Code § 11410.10 (application of chapter).

Subdivision (c) is amended to add a reference to Section 11517(b), which includes expanded procedures for agency adoption of a proposed administrative law judge decision. The reference in subdivision (c) to the procedure for adoption, amendment, or rejection of a decision is supplemented by a reference to the new procedure for correction of mistakes and clerical errors in the decision. See Gov't Code § 11518.5. The reference to a decision "solely on the basis of the record" in subdivision (c) is amended to cross-refer to Government Code Section 11425.50. All decisions under the Administrative Procedure Act must be based exclusively on the record. Gov't Code § 11425.50 (decision).

The reference in subdivision (d) to former Government Code Section 11513.5 is deleted as obsolete. That section is superseded by Government Code Sections 11430.10-11430.80 (ex parte communications), which apply to all hearings under the Administrative Procedure Act. However, subdivision (d) makes clear that Government Code Sections 11430.30 (permissible ex parte communications from agency personnel) and 11430.70(b) (ex parte communications in individualized ratemaking

proceeding) do not apply in hearings under this article; this preserves the effect of existing law under former Government Code Section 11513.5.

The reference in subdivision (e) to determination of discovery disputes by the administrative law judge is amended to cross-refer to Government Code Section 11507.7. All discovery disputes under the formal hearing procedure are now determined by the administrative law judge pursuant to Section 11507.7.

APPENDIX 5

REPORT OF THE
CALIFORNIA LAW REVISION COMMISSION
ON CHAPTER 1061 OF THE STATUTES OF 1996
(SENATE BILL 1033)

Chapter 1061 of the Statutes of 1996 was introduced as Senate Bill 1033 by the Senate Judiciary Committee. The Comment to the section in Chapter 1061 recommended by the Commission is set out below.

Code Civ. Proc. § 664.5 (technical amendment). Notice of entry of judgment

Comment. Section 664.5 is amended to delete references to former Civil Code provisions. The reference to a proceeding for “summary dissolution” is omitted from Section 664.5 as unnecessary, since summary dissolution is included under the language “dissolution of marriage” used in the amended section. See Chapter 5 (commencing with Section 2400) of Part 3 of Division 6 of the Family Code.

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Publication List

The bound volumes and separate pamphlets listed below are available unless noted as being out of print. For some years, only one or two copies remain. If a bound volume is out of print, individual pamphlets from that volume may still be available. Conversely, some pamphlets are unavailable on an individual basis, but can be found in available bound volumes.

Prices for pamphlets in Volumes 17-26 are indicated in the following list. Prices of individual pamphlets in Volumes 1-16 are available on request.

The most current version of the publication list is available at the Commission's website on the Internet at <http://www.clrc.ca.gov/>. The Internet version of the publication list also provides a current count of the number of remaining copies of the scarcer publications.

VOLUME 1 (1957)

[Hardcover Volume 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
[out of print]

Taking Instructions to the Jury Room [out of print]

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 [out of print]

Choice of Law Governing Survival of Actions [out of print]

Effective Date of an Order Ruling on a Motion for New Trial [out of print]
 Retention of Venue for Convenience of Witnesses [out of print]
 Bringing New Parties into Civil Actions [out of print]

VOLUME 2 (1959)

1958 Annual Report
 1959 Annual Report, includes the following recommendation:
 Procedure for Appointing Guardians
 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)

[Hardcover Volume Out of Print]

1960 Annual Report [out of print]
 1961 Annual Report [out of print]
 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 [out
 of print]
 Rescission of Contracts [out of print]
 Right to Counsel and the Separation of the Delinquent From the Nondelinquent
 Minor in Juvenile Court Proceedings [out of print]
 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
 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) [same as publication in Volume 6] [out of print]

VOLUME 5 (1963)

[Hardcover Volume 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)

[Hardcover Volume Out of Print]

- 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 [out of print]
- 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)

[Hardcover Volume 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:
 - 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
 - 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)

[Hardcover Volume 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 [out of print]

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, includes the following recommendations:

Abandonment of Leased Real Property

Personal Property Left on Premises Vacated by Tenant

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:

Eminent Domain Law [out of print]

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: PART I (1980)

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: PART II (1980)

[Hardcover Volume Out of Print]

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)

[Hardcover Volume 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)

[Hardcover Volume 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
 - Reimbursement of Educational Expenses
 - Special Appearance in Family Law Proceedings
 - Liability of Stepparent for Child Support
 - Awarding Temporary Use of Family Home
 - Disposition of Community Property
- 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)

[Hardcover Volume 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 Definition 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
 Administration of Estates of Missing Persons
- 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)
- 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:

- 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) (\$25) 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)

Trial Court Unification: Constitutional Revision (SCA 3) (January 1994) (\$25)

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)

VOLUME 25 (1995)

Debtor-Creditor Relations (November 1994) (\$18) includes the following recommendations:

Attachment Where Claim Is Partially Secured — Report on 1990 Amendments

Exemptions from Enforcement of Money Judgments — Decennial Review

Miscellaneous Debtor-Creditor Matters

Administrative Adjudication by State Agencies (January 1995) (\$35) also includes the following background studies:

Asimow, *Toward a New California Administrative Procedure Act: Adjudication Fundamentals*

Asimow, *The Adjudication Process*

Uniform Prudent Investor Act (November 1994) (\$18)

Annual Report for 1995 (\$25)

VOLUME 26 (1996)

[Available mid-1997]

1995-96 Recommendations (August 1996) (\$25) includes the following recommendations:

Statute of Limitations in Trust Matters: Probate Code Section 16460

Inheritance From or Through Child Born Out of Wedlock

Collecting Small Estate Without Administration

Repeal of Civil Code Section 1464: The First Rule in Spencer's Case

Homestead Exemption

Tolling Statute of Limitations When Defendant Is Out of State

1996-1997 Annual Report (\$18)

Unfair Competition Litigation [forthcoming]

Judicial Review of Agency Action [forthcoming]

[Additional publications may be included.]
