# Memorandum 2014-52

## Minutes of Meeting on October 30, 2014 (Draft)

The California Law Revision Commission[1] held a meeting on October 30, 2014. A draft of Minutes for that meeting is attached for Commissioners to review.

The attached draft will be deemed final after it is approved by a vote of the Commission. When voting, the Commission may make specific changes to the Minutes. If so, those changes will be memorialized in the Minutes for the meeting at which the vote occurred.

Respectfully submitted,

Brian Hebert
Executive Director

1. Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission's website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission's staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

# *DRAFT* MINUTES OF MEETING
# CALIFORNIA LAW REVISION COMMISSION
## OCTOBER 30, 2014
## DAVIS

A meeting of the California Law Revision Commission was held in Davis on October 30, 2014.

**Commission:**

*Present:* Victor King, Chairperson
Crystal Miller-O'Brien, Vice Chairperson
Damian Capozzola
Taras Kihiczak
Susan Duncan Lee

*Absent:* Diane F. Boyer-Vine, Legislative Counsel
Xochitl Carrion
Judge Patricia Cowett (Ret.)
Assembly Member Roger Dickinson
Senator Ted Lieu

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

**Consultants:** None

**Other Persons:**

Matthew Carr, California District Attorneys Association
Lawrence Doyle, Conference of California Bar Associations
Rachel K. Ehrlich, Ehrlich Mediation & Dispute Resolution Services
James Ewert, California Newspaper Publishers Association
Ken Von Helmolt, Los Angeles County District Attorney's Office
Ron Kelly
Aaron Maguire, California State Sheriffs' Association
Scott Merrill, California Newspaper Publishers Association
Daniel Pone, Judicial Council
Michelle Stephens, Daily Journal Corporation
Harold M. Thomas, Butte County

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## MINUTES OF SEPTEMBER 5, 2014, COMMISSION MEETING

Memorandum 2014-39 presented a draft of the Minutes of the September 5, 2014, Commission meeting. The Commission approved the Minutes without change.

## ADMINISTRATIVE MATTERS

### Report of Executive Director

The Executive Director recognized and thanked King Hall Law School student Anthony Hoisington for his work as the Commission's summer fellow and extern.

### Meeting Schedule

The Commission considered Memorandum 2014-40, relating to the Commission's meeting schedule.

The Commission changed the location of its December 2014 meeting to the San Francisco Bay Area. The staff will select an appropriate venue, in consultation with the Chair.

In addition, the Commission approved the following schedule for its meetings in 2015:

| | |
|---|---|
| **February 2015** | **Sacramento** |
| Feb. 12 (Thur.) | 10:00 am – 4:00 pm |
| **April 2015** | **Sacramento** |
| April 9 (Thur.) | 10:00 am – 4:00 pm |
| **June 2015** | **Sacramento** |
| June 4 (Thur.) | 10:00 am – 4:00 pm |
| **August 2015** | **Los Angeles** |
| Aug. 7 (Fri.) | 10:00 am – 4:00 pm |
| **October 2015** | **Davis** |
| Oct. 8 (Thur.) | 10:00 am – 4:00 pm |
| **December 2015** | **San Diego** |
| Dec. 10 (Thur.) | 10:00 am – 4:00 pm |

**New Topics and Priorities**

The Commission considered Memorandum 2014-41, discussing the Commission's current program of work and possible work priorities for 2015.

The Commission did not make a decision on its priorities for work in 2015. Instead, it directed the staff to prepare a memorandum that presents a timeline for currently active studies. The memorandum should discuss the staff resources assigned to each study and each study's likely completion date. The memorandum will be considered at the December 2014 meeting.

**Commission Work Practices**

The Commission made two decisions relating to its work practices:

(1) The staff will prepare a memorandum, for presentation at the February 2015 meeting, discussing the Commission's existing work practices. The memorandum will pay particular attention to the allocation of responsibilities between the Commission and its staff.

(2) When inviting stakeholder participation in a new study, the staff should provide Commissioners with a list of the groups and individuals that were invited to participate.

## 2014 LEGISLATIVE PROGRAM

The Commission considered Memorandum 2014-42, reporting on the Commission's 2014 legislative program. No Commission action was required or taken.

## STUDY D-1200 – RECOGNITION OF TRIBAL AND FOREIGN COURT MONEY JUDGMENTS

The Commission considered Memorandum 2014-47, introducing the study of statutes governing recognition of tribal and foreign court money judgments. The staff will invite Professor Katherine Florey, of King Hall Law School, to serve as a consultant in the study. Should she accept, the staff will execute a contract authorizing the payment of Professor Florey's travel expenses for attending Commission meetings.

## STUDY G-300 — STATE AND LOCAL AGENCY ACCESS TO CUSTOMER INFORMATION FROM COMMUNICATION SERVICES PROVIDERS

The Commission considered Memorandum 2014-50, discussing California statutory law governing the interception of communications. No Commission action was required or taken.

## STUDY J-1314 – TRIAL COURT UNIFICATION: PUBLICATION OF LEGAL NOTICE

The Commission considered Memorandum 2014-51 and its First Supplement and heard public testimony on its tentative recommendation on *Trial Court Unification: Publication of Legal Notice*. The Commission directed the staff to conduct further research to assess the difficulty of determining the historical judicial district boundaries that are designated for notice publication.

## STUDY K-402 — RELATIONSHIP BETWEEN MEDIATION CONFIDENTIALITY AND ATTORNEY MALPRACTICE AND OTHER MISCONDUCT

The Commission considered Memorandum 2014-43 (discussing Pennsylvania law), Memorandum 2014-44 (discussing Texas law), Memorandum 2014-45 (discussing federal law), and Memorandum 2014-46 (presenting public comments). The staff should proceed as outlined in the memoranda and follow-up with regard to obtaining the survey information mentioned by Ron Kelly. No other Commission action was required or taken.

## STUDY R-100 — FISH AND GAME LAW

The Commission considered Memorandum 2014-48 and its First Supplement (presenting a draft of mammal-related provisions) and Memorandum 2014-49 (discussing public comment on the Commission's tentative recommendation on *Technical Revisions and Minor Substantive Improvements: Part 1*).

The Commission provisionally approved the staff proposals in Memorandum 2014-48 and its First Supplement.

The Commission made the following changes to its tentative recommendation:

- Proposed revisions to Fish and Game Code Sections 2000 and 7370 should be drafted as shown on pages 7 and 8 of Memorandum 2014-49.
- The existing references to animal parts should not be deleted from Fish and Game Code Sections 22, 45, 54, 2002, and 12012.
- The Commission Comments for Fish and Game Code Sections 22, 45, 54, 2000, 2002, 7370, and 12012 should expressly state that the retention of animal part references in those provisions is not intended to imply anything about the meaning of other code sections where such references would be deleted.
- The Commission Comment to Fish and Game Code Section 2003 should indicate that the term "disability" is not being used in any defined sense.
- Fish and Game Code Section 2014(d) should be revised to make clear that all of the exceptions in that provision are subject to the existing "lawful conduct" limitation.

In addition, the staff should inquire of the Department of Fish and Wildlife whether it objects to any specific addition of the words "reptile" or "amphibian" in the proposed law.

☐ APPROVED AS SUBMITTED

☐ APPROVED AS CORRECTED
(for corrections, see Minutes of next meeting)

_____
Date

_____
Chairperson

_____
Executive Director