

MEMORANDUM 2025-48

Commission Handbook Updates and CLRC Style Guide and Procedures Manual

The Commission¹ has long maintained a [*Handbook of Practices and Procedures*](#) to memorialize its decisions about how it operates.²

The Commission last approved changes to its Handbook in June 2024,³ which included both substantive and technical changes. Since then, the staff has identified additional proposed revisions to better align the Handbook with current practices, as well as technical and style changes that would improve the Handbook's readability. This memorandum presents those additional proposed revisions for the Commission's consideration and approval.⁴ For ease of reference, this memorandum includes the current Handbook with proposed changes in strikeout and underscore as well as a copy of the Handbook as it currently reads.⁵

Some portions of the Handbook were integrated into the revised *Style Guide and Procedures Manual*, which is attached to the memorandum as an Exhibit.⁶ While the *Handbook of Practices and Procedures* is meant to be a public-facing document describing Commission's business, the *Style Guide and Procedures Manual* is intended as an internal document primarily for the staff's use, which can be updated as needed. The staff welcomes comments on both documents.

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.

² See, e.g., Memorandum [69-145](#).

³ [Minutes](#) (June 2024), pp. 3-4.

⁴ This memorandum supersedes Memorandum [2025-23](#), which appeared on the Commission's September 2025 meeting agenda, but was not considered by the Commission at that meeting.

⁵ EX 43.

⁶ EX 79.

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PROPOSED HANDBOOK REVISIONS FOR COMMISSION DISCUSSION

The following items propose substantive changes to current Commission processes.

Section 150 (a-b) – Officers

The Handbook currently establishes one-year terms for Commission officers beginning September 1. Because the Commission does not have a set meeting schedule, the final meeting of the calendar year may not be in September. This does not coordinate well with the biennial legislative calendar, which begins in January of each odd-numbered calendar year.

The staff recommends resetting the date for officer elections to the end of the last meeting of the calendar year to better align with the legislative calendar.

Proposed revision:

150. Officers.

(a) ~~The officers of the Commission~~ officers of the Commission are the ~~Chairperson Chair~~⁷ and the Vice ~~Chairperson Chair~~.~~(b)~~ The terms of office are one year.

~~(b) , commencing on September 1. Officers hold office until the following September 1 or the election of successors, whichever is later. Commissioners shall elect the Commission officers at the end of the last meeting of the calendar year, and the terms for new officers are effective immediately.~~

(c) In case of an officer vacancy ~~in the office of Chairperson or Vice Chairperson~~, the Commission shall elect an officer to fill the vacancy for the remainder of the vacant term.⁸

(d) No officer is eligible to succeed themselves in the same office in which the officer has served a full term.⁹ However, an officer who has served ~~for~~ less than a full term may succeed themselves in the same office for a full term.¹⁰ If the ~~Chairperson Chair~~ is reelected to office under this provision, the incumbent Vice ~~Chairperson~~ is eligible for reelection even though reelection may result in the Vice ~~Chairperson~~ succeeding themselves for another full term.¹¹

(e) Before the terms of the ~~Chairperson Chair~~ and Vice ~~Chairperson Chair~~ end, the staff will prepare a memorandum entitled “Election of Officers” for the Commission to consider at an upcoming meeting. This will provide an opportunity for the Commission to elect officers for the coming term.

Does the Commission approve the proposed revision to Section 150?

⁷ Gov’t Code § [8283](#).

⁸ [Minutes](#) (Oct. 1986), p. 2; [Minutes](#) (Dec. 1981), p. 2.

⁹ [Minutes](#) (Jan. 1960), p. 3.

¹⁰ [Minutes](#) (Dec. 1960), p. 2.

¹¹ [Minutes](#) (Jan. 1962), p. 2.

Section 160 – Recognition of Service

The Handbook presently requires the Commission to present a commemorative plaque to the Chair following their service.

The staff is unclear how frequently this has occurred and would like to know if the Commission wishes to restart this practice, delete this provision, or establish another means to recognize service.

160. Recognition of service

The Commission will present a commemorative plaque to the Chairperson shortly after the end of the Chairpersons's term of office.

Does the Commission wish to restart the practice of giving a commemorative plaque to an outgoing Chair, delete this provision, or recognize service in another way?

Section 210(c) – Personnel Action

The Handbook authorizes the Executive Director to “take all actions with respect to appointments, promotions, terminations, leave, merit and other salary increases, and the like for Commission employees other than the Executive Director.” The Handbook further states that if an employee disagrees with the Executive Director’s decision – for something as minor as vacation time – the Commission or the Chair must approve the action. The staff consulted with the state’s Human Resources department and this clause appears to be specific to the Commission and is not otherwise required. The staff recommends deleting this provision.

Proposed revision:

210. Personnel action

(a) The appointment, promotion, or involuntary termination of the Executive Director or Chief Deputy Counsel shall first be approved by the Commission.

(b) The appointment, promotion, or involuntary termination of staff counsel shall first be approved by the ~~Chairperson~~ Chair. Commission approval is not required.

(c) Except as otherwise provided in this section, the Executive Director is authorized to take all actions with respect to appointments, promotions, terminations, leave, merit ~~increases~~, and other salary increases, and the like for Commission employees other than the Executive Director. Any other person authorized to sign personnel documents has similar authority but, except in emergency circumstances, this authority should be exercised only after consulting with the Executive Director. ~~No such action shall be taken over the objection of the employee involved unless the Chairperson or the Commission first indicates~~

~~approval of the action proposed to be taken by the Executive Director.~~

(d) Except as otherwise provided in this section, the ~~Chairperson~~ Chair is authorized to take all actions with respect to appointments, termination, leave, merit ~~increases~~, and other salary increases, and similar matters for the ~~position of~~ Executive Director.

(e) The Chief Deputy ~~Counsel~~ Director is authorized to approve ~~sick leave and vacation~~ leave requests of the Executive Director.

Does the Commission approve the proposed revision of Section 210?

Section 250(d) – Commencement of Study

Section 250 describes how the Commission and the staff begin a study, and subdivision (d) prohibits the Commission from using standing subcommittees to initially review studies on the Commission's agenda. This was added to the Handbook in 1960, and the staff believes this provision is no longer necessary. The staff presently prepares an annual New Topics and Priorities memorandum¹² for the Commission that suggests a workplan for the following year from the studies requested by the Legislature, issues within the Commissions present authority, and topics proposed by the public for the Commission's consideration.

The staff recommends updating this section to reflect current practices, which do not involve standing subcommittees.

Proposed revision:

250. Commencement of study

(a) Some studies begin with the preparation of a background report by a consultant, ~~In recent years, resource limitations and short deadlines have made it less practicable to solicit the preparation of a formal background report. Instead, the staff has done, but most studies begin with staff doing~~ the necessary background research and analysis.

(b) At the commencement of a new study and as appropriate, the staff ~~will~~ shall reach out to groups and individuals ~~who are expected~~ anticipated to have an interest and expertise in the study subject ~~of the study~~ and invite their participation. ~~Those who are interested will be added~~ Interested parties are encouraged to add themselves to the Commission's electronic notice list for the study. The staff ~~will~~ shall provide ~~Commissioners~~ the Commission with a list of the groups and individuals ~~that were~~ invited to participate.¹³

(c) When commencing a new study that is part of the ~~Commission's~~ Calendar of Topics authorized by concurrent resolution, the Executive Director "shall submit a detailed description of the scope of work to the ~~chairs~~ Chairs and ~~vice chairs~~ Vice Chairs of the Assembly Committee on Judiciary and the Senate Committee on

¹² California Law Revision Commission, *Handbook of Practices and Procedures*, [Rule 60](#).

¹³ [Minutes](#) (Oct. 2014), p. 3.

Judiciary, and any other policy committee that has jurisdiction over the subject matter of the study, ~~and if~~. If during the course of the project there is a major change to the scope of work, the Executive Director shall submit a description of the change to those groups." In recent years, this requirement has been ~~imposed~~ included as a condition in the Commission's Resolution of Authority.¹⁴

~~(d) The Commission does not use standing subcommittees to initially review studies on the Commission's agenda and submit their recommendations to the Commission.~~

Does the Commission approve the proposed revision to Section 250 ?

Section 300(b) – Meeting Dates and Locations

The Commission traditionally meets on Thursdays, which was originally intended to facilitate legislative members' schedules. However, the Legislature is frequently in session or has Committee meetings from Monday through Thursday much of the calendar year, making it difficult for legislative members to fully participate in the Commission process. This revision would delete the reference to Thursday, giving the Commission flexibility to either meet on Thursday or a day that works better for the legislative Commission members.

Proposed revision:

300. Meeting dates and locations

(a) ~~Regular Commission~~ meetings ~~are~~ shall be scheduled to occur approximately once every two months, or more frequently as required. During the legislative session, meetings ~~will~~ shall be scheduled to accommodate the schedule of the Commission's legislative members ~~this will usually involve meeting on Thursday~~.¹⁵

(b) ~~Most regular~~ Best efforts shall be made to limit the duration of meetings ~~are one to a single day meetings~~, but the staff may propose multi-day meetings if the workload requires it.

(c) The Commission shall meet in hearing rooms that facilitate remote participation by electronic means.¹⁶

(d) ~~In the second half of each calendar year, the~~ The staff will ~~will~~ shall present a memorandum proposing a meeting schedule for the next year in the second half of each calendar year. The Commission will decide whether to approve the proposed schedule, with or without changes.

Does the Commission approve the proposed revision of Section 300?

¹⁴ See, e.g., [2016 Cal. Stat. res. ch. 150](#) (ACR 148, Chau).

¹⁵ [Minutes](#) (Nov. 1996), p. 3; [Minutes](#) (Sept. 1995), p. 3; current practice.

¹⁶ [Minutes](#) (June 2024), p. 3; Memorandum [2024-22](#), p. 3.

Section 310 –Meeting Start Time

Section 310 of the current Handbook requires the Commission to delay its start by no more than 15 minutes to wait for a late Commissioner who is known to be on their way to the meeting. The staff notes that this is not the Commission’s current practice, and as a result, some Commissioners may miss votes.

The staff recommends deleting this provision and amending the Handbook to allow the Chair to hold a vote open to facilitate participation without delaying the rest of the proceedings, as discussed later in this Memorandum in Section 455.

Proposed revision:

310. Meeting starting time

~~Commission meetings are not commenced if absent Commissioners are known to be in the area where the meeting is being held and are known to be planning to attend the meeting.¹⁷ However, meetings should not be delayed more than 15 minutes from the originally scheduled starting time to await the arrival of an absent member who is known to be planning to attend the meeting.¹⁸~~

Would the Commission like to delete the requirement to wait for delayed Commissioners?

Section 380 – Electronic Communications

Section 380(a) and (b) prohibits Commissioners and the staff from using text messaging or social media to send or receive a message that relates to the Commission’s business. Read strictly, this would prohibit Commissioners from, for example, giving the staff arrival times for meetings and the staff from alerting the Executive Director to speaker requests during a meeting. While the Commission does not maintain a Facebook or X account, it does use YouTube to host its meetings,¹⁹ and many other state agencies²⁰ and commissions²¹ are active social media users. The Commission may want to use social media to publicize its studies and solicit feedback in the future. The staff notes that these communications must be maintained for purposes of public records as with any other writing.

¹⁷ [Minutes](#) (April 1984), p. 3.

¹⁸ [Minutes](#) (April 1987), p. 4.

¹⁹ The California Law Revision Commission’s YouTube channel is available [here](#).

²⁰ See e.g., the [California Health and Human Services Agency](#) maintains [Facebook](#), [Instagram](#), [X](#), [LinkedIn](#), [YouTube](#), [Medium](#), and [Bluesky](#) accounts.

²¹ See e.g., the [Little Hoover Commission](#) has [Facebook](#), [X](#), [YouTube](#) and [LinkedIn](#) accounts, and the [California Commission on Aging](#) has [Facebook](#), [X](#), [Instagram](#), and [LinkedIn](#) accounts.

Proposed revision:

380. Electronic communications²²

(a) Commissioners and ~~members of the staff shall not~~ may use text messaging or social media to send or receive a message that relates to the routine conduct of the Commission's business, such as meeting information and directions.

(b) ~~Members of the~~ The staff should ~~shall~~ only use an official account to send or receive ~~email~~ messages ~~that relating~~ to the conduct of Commission's business. In exigent circumstances, if the event that a the staff member uses a personal account for such a purpose, the staff ~~member~~ shall forward a copy of the message to an official account.

Does the Commission approve the proposed revision of Section 380(a)-(b)?

Section 380(c) directs the Commissioners to save emails related to the Commission's business and send them to the Executive Director for retention at the end of their term. To ease the storage burden for Commissioners, the Commission voted last year to clarify that emails to or from Commission staff do not need to be saved.²³ After working with a prior Commissioner to retrieve and forward years of emails, the staff believes it may be simpler to request that Commissioners forward external emails to the Executive Director as they are received.²⁴ It is the staff's understanding that the Commissioners do not receive very many communications relating to Commission business, and many Commissioners already forward such emails contemporaneously.

The staff also suggests clarifying that this section does not apply to Commission members who are legislators because their communications are subject instead to the Legislative Open Records Act,²⁵ not the California Public Records Act.²⁶

Proposed revision:

(c) If a Commissioner uses a personal account to send or receive an email message that relates to the conduct of the Commission's business, the Commissioner shall store the message in a location that is used exclusively for that purpose. However, emails to or from Commission staff do not need to be stored. ~~Prior to the end of If a Commissioner's term of service, the Commissioner shall forward all Commission messages related to Commission~~ receives an email or other electronic communication that relates to the Commission's business to that is not from the staff, the Executive Commissioner should forward that communication to

²² [Minutes](#) (Sept. 2017), p. 3; [Minutes](#) (Aug. 2017), p. 4; see also Memorandum [2017-40](#), pp. 2-3.

²³ Memorandum [2024-22](#), pp. 6-7; [Minutes](#) (June 2024), p. 3.

²⁴ This would also facilitate compliance with the California Law Revision Commission, *Handbook of Practices and Procedures*, [Rule 375](#): Communication to individual Commissioner, which recommends the Commissioners inform the staff of written or oral communications about Commission studies from interested persons.

²⁵ Gov't Code §§ [9070 – 9080](#).

²⁶ Gov't Code §§ [7920 – 7931](#).

the Executive Director as soon as possible for retention. This section does not apply to Commission members who are legislators.²⁷

(d) For the purposes of this section, “official account” means an email account within the domain “clrc.ca.gov.” “Personal account” means any email account that is not an official account.

(e) The Commission’s annual memorandum discussing “Open Government Laws” shall reiterate these practices.

Does the Commission approve the proposed revision of Section 380(c)?

Section 410(d) – Staff Produced Material

Currently, this section provides that the Commission staff will post materials to the Commission website and that the staff will attempt to deliver materials for an upcoming Commission meeting no later than five days before the meeting. This latter provision reflects the time when Commission staff would print materials and deliver them to Commissioners. Because this is no longer current practice, the staff suggests revising this requirement to provide that the staff will attempt to post materials not less than ten days prior to a meeting, rather than five days. This will facilitate adequate time for the public to comment on Commission materials.

Proposed revision:

410. Staff-produced material

(a) All staff-produced meeting materials ~~will~~ shall be posted to the Commission’s website and distributed to Commissioners and ~~to any members of the public who have subscribed to receive them~~ subscribers.

(b) The staff ~~will~~ shall bring one complete set of the staff-produced meeting materials to each meeting. This set of materials will be made available for public inspection at the meeting.²⁸

(c) In preparing meeting materials, the staff should indicate changes to a former draft of proposed legislative language or text of a Commission recommendation by some appropriate means. This may be done by written description or by the use of strikeout and underscore.²⁹

(d) The staff will attempt to ~~deliver post~~ meeting materials on the Commission website no fewer than ~~5 working~~ 10 days before a meeting. ~~If that is not possible, the staff will either deliver the material as soon as possible or distribute it at a meeting.~~

Does the Commission approve the proposed revisions of Section 410?

²⁷ [Minutes](#) (June 2024), p. 3; Memorandum [2024-22](#), pp. 6-7.

²⁸ [Minutes](#) (Feb. 2018), p. 2.

²⁹ [Minutes](#) (Oct. 1987), p. 3.

Sections 450(b) and 455 – Approval of Actions

Consistent with the Commission's statutes, the Handbook currently requires five Commissioners to establish a quorum.³⁰ Once a quorum is established, a meeting may proceed with fewer than five members, and only a majority of the members present is required to approve a motion.³¹ If a quorum is never established, the members present may move forward as a subcommittee, although no final action may be taken until a quorum is achieved, whether at the same or a later meeting.³²

Staff notes that the current structure permits a single Commissioner to approve all other motions except to approve a final report or recommendation. This situation could occur if a quorum was established, and thereafter all but one Commissioner left the meeting, or if multiple Commissioners were present but all abstained except one. The staff suggests that establishing a minimum number of affirmative votes to approve a motion may encourage greater participation and ensure Commission actions represent the views of multiple Commissioners. The staff revision below presents an option requiring three affirmative votes to pass all motions.

Currently, three affirmative votes are required to approve a final report or recommendation, but this figure has fluctuated over decades.³³ Prior to 1959,³⁴ the Commission required five votes to approve a final recommendation. However, under pressure to relieve a substantial backload, the Commission lowered that figure to four.³⁵ Facing quorum issues, the Commission reduced this to three in 1999, where it has remained since.³⁶

However, under the new teleconference rules,³⁷ it is much easier for Commissioners to attend meetings, and the Commission consistently achieves a quorum. Because a final report or recommendation should express the intent of the Commission as a whole, the staff suggests restoring the minimum affirmative vote to five.

Proposed revision:

450. Quorum

(a) Five ~~members of the Commission~~ Commissioners constitute a quorum.³⁸

³⁰ California Law Revision Commission, [Handbook of Practices and Procedures](#), Rule 450; Gov't Code § [8253](#), which specifies that five members of the Commission constitute a quorum.

³¹ California Law Revision Commission, [Handbook of Practices and Procedures](#), Rule 455(b).

³² California Law Revision Commission, [Handbook of Practices and Procedures](#), Rule 450 (c).

³³ California Law Revision Commission, [Handbook of Practices and Procedures](#), Rule 455(c)

³⁴ The Commission was created in 1953.

³⁵ [Minutes](#) (March 1959), p. 4.

³⁶ [Minutes](#) (June 1999), pp. 3-4.

³⁷ Gov't Code § [11123.5](#).

³⁸ Gov't Code § [8283](#)(a).

(b) If a quorum is established at any time during a Commission meeting ~~of the Commission~~, the Commission may thereafter act for the duration of the meeting notwithstanding the absence of any ~~member~~ Commissioner who was part of the quorum.³⁹ ~~Any action may be taken by a majority of those present after a quorum is established, except as provided in subdivision (c) of~~ Section 455.⁴⁰

(c) If a quorum is not established at a ~~particular~~ meeting, ~~members~~ Commissioners present may act as a subcommittee and no final action may be taken ~~at the meeting~~.⁴¹ Decisions of a Commission subcommittee may be ratified by the Commission when a quorum is attained, whether at the same meeting or a later meeting.⁴²

(d) The Commission may establish quorum by teleconference in accordance with the Bagley-Keene Open Meetings Act ~~open meeting act rules~~, which the Commission follows.⁴³

455. Approval of actions

(a) Commission actions ~~are generally made~~ must be preceded by a motion approved by the Commission.⁴⁴

(b) ~~Approval of~~ Approving a motion requires an affirmative vote of a majority of the Commissioners ~~present when the vote is taken~~ voting.

(c) Any motion ~~A final report or recommendation~~ must be approved by the affirmative votes of at least three Commissioners.⁴⁵

(d) A final report or recommendation must be approved by the affirmative votes of at least five Commissioners.

~~(e)~~ The Chairperson, or other ~~Commission member~~ Commissioner acting as Chairperson, may make motions, second motions, and vote on motions in the same manner as ~~Commission members~~ Commissioners generally, without ~~the need to vacate~~ vacating the chair temporarily.⁴⁶

~~(f)~~ Actions at an in-person meeting may ~~also~~ be taken by unanimous consent. If the staff asks whether a certain action should be taken, the Chair can ask the Commission whether anyone objects. If no Commissioner objects after having been given an opportunity to do so, the action is deemed approved by unanimous consent of those present.⁴⁷

~~(g)~~ All votes taken during a teleconference meeting shall be by rollcall.⁴⁸

~~(h)~~ The Commission may give the staff informal instructions or guidance without taking formal action.

³⁹ Minutes (Jan. 1993), pp. 2-3.

⁴⁰ Minutes (Jan. 1993), pp. 2-3; Minutes (Feb. 1966), p. 2; Minutes (April 1963), p. 6; Minutes (March 1959), p.

4.

⁴¹ Minutes (Jan. 1993), pp. 2-3; Minutes (April 1987), p. 4; Minutes (April 1963), p. 6.

⁴² See, e.g., Minutes (Feb. 1997), pp. 2-3; Minutes (May 9 & 15, 1996), p. 2.

⁴³ Gov't Code §§ 11120 - 11132.

⁴⁴ Minutes (April 1987); Minutes (Jan. 1985), p. 2.

⁴⁵ Minutes (June 1999), pp. 3-4; Minutes (Jan. 1993), p. 2; Minutes (Feb. 1966), p. 2; Minutes (April 1963), p. 6; Minutes (March 1959), p. 4.

⁴⁶ Minutes (May 1994), p. 3.

⁴⁷ Minutes (June 2024), pp. 3-4; Memorandum 2024-22, pp. 3-4.

⁴⁸ Gov't Code § 11123(b)(1)(D).

Would the Commission like to establish a minimum of three affirmative votes to approve all motions?

Would the Commission like to require a minimum of five affirmative votes to approve or reject a final report or recommendation?

Section 455. Approval of actions

As noted in the discussion of Section 310, the staff recommends adding a provision that would allow the Chair to hold a vote open to facilitate Commissioner votes without delaying the rest of the proceedings. While the Commission is authorized to meet as a subcommittee if Commissioners are temporarily unavailable, this revision would allow the Commission to hold the roll open even with a quorum present to allow a temporarily absent member to later add their vote.

455. Approval of actions

(i) The Chair may hold the voting roll open to allow an absent Commissioner to vote on a motion before the end of the meeting.

Does the Commission approve adding Section 455(i)?

Section 650 – Website

The Commission website lists the Commissioners but does not provide biographical information.⁴⁹ As has been noted, the staff is working on a website redesign and thinks it may be helpful to the public to provide information on the individual Commissioners and their terms of service. This information is already printed in the Commission's Annual Report.⁵⁰ The staff recommends revising the Handbook to permit, rather than prohibit, posting Commissioners' biographical information, with a Commissioner's consent.

Proposed revision:

650. Website⁵¹

(a) The Commission ~~maintains~~ shall maintain a website ~~on the Internet~~ at www.clrc.ca.gov.

(b) ~~Background~~ www.clrc.ca.gov containing information on past and ~~information present~~ Commission work.

(b) Information about the Commission and on its current activities, such as studies, agendas, Commission bills, minutes, and tentative and final reports and recommendations out for comment, and the like, are, shall be kept current on the

⁴⁹ [Minutes](#) (May 1996), p. 3; see also Memorandum [2001-22](#), p. 1. Commissioners may link to their professional business website from the Commission website at their choice. California Law Revision Commission, *Handbook of Practices and Procedures*, [Rule 650\(d\)](#).

⁵⁰ See Memorandum [2025-14](#), p. 22, Appendix 4.

⁵¹ [Minutes](#) (Feb. 2010), p. 4; current practice.

website.

~~(e) Commission meeting agendas, staff memoranda, minutes, tentative recommendations, printed reports, and other publicly distributed materials are available for downloading from the website.~~

~~(d)~~Commissioners may, as an individual choice, provide their direct email or business website addresses for linking from the Commission website. The Commission ~~has decided not to~~ may provide Commissioners' biographical information on the website if a Commissioner consents.⁵²

Does the Commission approve the proposed revision of Section 650?Section 655(c) – Electronic Notice Lists

The staff maintains electronic notice lists for each study topic, meeting agendas, and press releases, and sends an email when any relevant material is posted.⁵³ The Handbook also notes that each Commissioner should get every notice. However, the staff cannot automatically add the Commissioners to the notice lists because the registration process requires confirmation from the individual's email address. Commissioners are presently noticed by the Executive Director, who sends a link to the Commission's meeting webpage prior to the meeting, which includes links to staff memoranda.

The staff recommends revising the Handbook to reflect current practices.

Proposed revision:

655. Electronic notice lists

(a) The staff ~~maintains~~ shall maintain an electronic notice lists for each of its active study topics, meeting agendas, and press releases.

(b) Members of the public may subscribe or unsubscribe to any of the Commission's electronic notice lists, ~~using tools on~~ through the Commission's website.

(c) ~~Whenever new materials are uploaded to the Commission's website,~~ Electronic notice will ~~shall~~ be sent to persons on the related electronic notice list when relevant items are uploaded to the Commission's website. The email ~~will~~ shall include a link to ~~download~~ the new material. ~~Such notices are also sent to all Commissioners.~~

(d) ~~The~~ An individual shall only ~~information that must be provided in order required to provide an email address to subscribe to an electronic notice list is an.~~ These email address. That information will ~~addresses shall~~ not be used for any other purpose by Commissioners or the staff.

Does the Commission approve the proposed revision of Section 655?

⁵² [Minutes](#) (May 2001), p. 3; [Minutes](#) (May 1996), p. 3; see also Memorandum [2001-22](#), p. 1.

⁵³ California Law Revision Commission, *Handbook of Practices and Procedures*, [Rule 655\(a\), \(c\)](#).

PROPOSED HANDBOOK REVISIONS FOR COMMISSION CONSENT

The staff highlights the following proposals which, while substantive, do not necessarily merit Commission discussion, although the staff welcomes Commissioner comments and suggestions.

Do any Commissioners wish to remove an item from consent and discuss? Does the Commission wish to approve all proposed consent items?

Section 10 – Handbook Contents

The staff modernized this section’s phrasing and clarified that the staff may make nonsubstantive, as opposed to “technical” revisions, to the Handbook, without Commission approval.

10. ~~Contents of Handbook~~ contents

(a) This Handbook memorializes some of the Commission’s current practices and procedures.

(b) Some provisions ~~of in~~ the Handbook are the result of a formal ~~decision of the Commission~~ decision. In those instances, a footnote cites the Minutes for the meeting at which the decision was made.

(c) Some provisions describe ~~an informal practice that has been~~ practices established over time, without having been formally adopted formal adoption by the Commission. No citation is provided ~~as authority for such a procedure~~ these informal practices.

(d) ~~Some provisions~~ Governing statutes are cited for practices based on a statutory requirement. In those instances, the governing statute is cited in a footnote. requirements.

(e) The staff has discretion to make ~~technical~~ nonsubstantive revisions of this Handbook as needed without Commission approval.⁵⁴

Section 25 – Definitions

The staff alphabetized the terms below, added definitions where lacking, and moved definitions that appeared in the body of the Handbook to this section.

25. Definitions

~~As used in~~ For the purposes of this Handbook, the following terms have the indicated meanings are defined as follows:

(a) “Agency” means the California Law Revision Commission and the Committee on Revision of the Penal Code.

~~(ab)~~ “Background report” means a report prepared for the Commission by a subject matter specialist who is retained as a consultant, or prepared by the Commission staff.

⁵⁴ [Minutes](#) (Aug. 2018), p. 3.

(bc) “Bound Volume” means a hardbound volume of the Commission’s “Reports, Recommendations, and Studies” book containing an official compilation of the Commission’s final reports, recommendations, and studies submitted to the Legislature over a specified period of time.

(ed) “Calendar of Topics” means the list of studies the Commission is required by Government Code Section 8293 to submit to the Legislature each regular session, including a list of the studies in progress and a list of topics intended for future consideration. The Calendar of Topics forms the basis for the Resolution of Authority as approved by the Legislature.

(de) “Commission bill” means a bill legislation introduced to implement a Commission recommendation.

(f) “Commission Comment” means the Commission explanation for the nature of each proposed statutory revision. These Comments are presumed to be reviewed by the Legislature when considering a Commission bill, are routinely considered to constitute legislative history, and are afforded significant weight as evidence of legislative intent.

(eg) “Discussion draft” means a preliminary version of a Tentative Recommendation, issued for purposes of soliciting comment before formal public comment on a Tentative Recommendation.

(h) “In-person meeting” means a meeting at which all Commissioners attending the meeting are physically present.

(i) “Preprint report or recommendation” means a Commission report or recommendation that, except for possible technical errors, is final as to substance content, but has not yet been formatted for publication in a Bound Volume.

(j) “Recommendation” means a final Commission report that recommends a specific change to statutory law.

(k) “Report” means a final Commission report that provides information and analysis without recommending any specific change to statutory law.

(l) “Resolution of Authority” means the concurrent resolution of the Legislature that is introduced each legislative session to grant granting the Commission authority to study specified topics. It is required by as set forth in Government Code Section 8293.

(m) “Revised Report or Recommendation” means a substantively amended Commission Report or Recommendation.

(n) “Revised Comment report” means a report that sets out revised identifies changes made to previous Commission Comments that supersede those in a Commission recommendation. Recommendation to correct technical errors or conform to the effect of amendments to a Commission bill.

(o) “Staff” means state employees working for the Commission, and not contractors, consultants, or other persons hired for individual projects by the Commission.

(p) “Teleconference meeting” means a meeting at which at least one Commissioner participates from a remote location via an electronic audio/video connection.

(q) “Tentative Recommendation or Report” means a recommendation or report that has been tentatively approved by the Commission as a final recommendation

or report in a study, subject to revision based on public comment that the Commission finds persuasive received during a specified comment period, or for other reasons the Commission finds persuasive.

Section 277 – Commission Comments

The following is a new section that integrates elements from prior section 600(b) to describe the nature and use of Commission Comments.

277. Commission Comments

(a) Each code section proposed to be added, amended, or repealed by a final recommendation is followed by a Commission Comment briefly explaining the nature of the proposed revision of the section. These Comments are presumed to be reviewed by the Legislature when considering a Commission bill, are routinely considered to constitute legislative history, and are afforded significant weight as evidence of legislative intent.

(b) When a Commission bill is enacted, the Comments to revised code sections are submitted to legal publishers who thereafter publish the Comments, with attribution to the Commission, immediately below the published revision of the code section.

Section 285 - Recommendation and Report distribution

The following is a new section that directs the staff to follow state law governing the distribution of reports and integrates elements from prior section 660(b), which described additional terms for distributing Commission materials.

285. Recommendation and Report distribution

The staff shall provide copies of recommendations and reports as required by statute.⁵⁵ Members of the Legislature may be sent a printed copy of a final recommendation or report upon request.

Section 500 - Transcripts

The Commission now posts video recordings of its meetings and has transcribed portions of public comments in the Antitrust study to better help the Commissioners and staff understand those comments.

The staff recommends deleting section 500 because it is obsolete.

500. Transcripts

~~As a general rule, the staff will not make a transcript of a Commission meeting.~~

⁵⁵ Gov't Code § [9795](#).

Section 570 – Staff contacts with Legislature or Governor’s Office

The staff recommends the following changes to the Handbook’s parameters for the Commission staff’s discussions with the Legislature and the Governor’s Office, to grant greater flexibility and better reflect current practices.

570. Staff contacts with Legislature or Governor’s Office⁵⁶

(a) Except as otherwise authorized by this Handbook, the staff should not contact a member of the Legislature, the Governor, or their staff about a pending Commission bill or a bill that impacts Commission work.

(b) Such contact is permitted if a person in the Legislature or the Governor’s Office ~~has raised an issue about a Commission bill that seems to be based on a misunderstanding of the Commission’s recommendation or the reasons for it. If it appears desirable, the Executive Director may contact that person to~~ contacts a Commissioner or the staff for clarification about a Commission bill or a bill that impacts the Commission’s work. The Executive Director or the staff designated by the Executive Director may answer questions about the bill and otherwise explain it. Care must be taken not to advocate or appear to be advocating for enactment of the Commission bill or a bill that impacts Commission work.

Section 610 – Calendar of Topics

The staff created a new section to establish timing for the Commission’s approval of the Calendar of Topics.

610. Calendar of Topics

The staff shall prepare and present for the Commission’s approval a memorandum on the Calendar of Topics for the upcoming year not later than the last scheduled Commission meeting of each year.

Section 815 – Legal publishers

The staff made style changes to subdivision (a) and recommends deleting subdivisions (b) and (c), because they describe obsolete practices.

815. Legal publishers

~~(a) Shortly after~~ Near the end of each year’s legislative session, the Commission shall provides legal publishers electronic copies of all Commission recommendations and final Comments for Commission bills enacted that year. These are used by the publishers to prepare annotations for affected code sections.

~~(b) Historically, legal publishers (Thomson Reuters, LexisNexis, California Continuing Education of the Bar) have provided the Commission complimentary copies of legal publications. These have included annotated code sets, desktop code volumes, subject matter treatises, and the like.~~

⁵⁶ [Minutes](#) (Feb. 2010), p. 2; [Minutes](#) (May 2005), pp. 3-4; [Minutes](#) (Jan. 1971), p. 4; see also Memoranda [2010-1](#), pp. 7-8; [2005-15](#), pp. 6-7.

~~(c) In the past, the Commission occasionally assisted the California Continuing Education of the Bar (CEB) in their publication of educational materials for their use in connection with programs designed to instruct lawyers concerning major Commission legislative enactments.~~

Section 960 – Photo identification cards

The staff recommends deleting the following section because the staff believes it is no longer necessary for Commissioners to have a Commission photo identification card to secure state contract rates, and the Commissioners can instead provide photo identification and reference the Commission website. Additionally, the Commission staff generally secures travel accommodations and would obtain the state contract rates directly.

~~960. Photo identification cards~~

~~Any Commissioner may request that the staff provide a photo identification card that will affirm the Commissioner's status as a member of the Commission. These cards may be useful in obtaining state contract rates on accommodations when staying overnight for a Commission meeting.~~

Other amendments to the Handbook not specifically noted are understood by the staff to be merely stylistic or technical in nature (including reorganization). The staff welcomes Commission feedback on all edits to the Commission Handbook.

Does the Commission agree with the remainder of the staff recommended Handbook edits?

Respectfully submitted,

Sarah Huchel
Chief Deputy Director

Sharon Reilly
Executive Director

Steve Cohen
Senior Staff Counsel

California Law Revision Commission

Handbook of Practices and Procedures

Last Revised: ~~June 20, 2024~~ November 23, 2025

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HANDBOOK OF COMMISSION PRACTICES AND PROCEDURES

PART 1. PRELIMINARY PROVISIONS

10. ~~Content of Handbook~~ Contents

(a) This Handbook memorializes some of the Commission's current practices and procedures.

(b) Some provisions ~~of~~in the Handbook are the result of a formal ~~decision of the~~ Commission decision. In those instances, a footnote cites the Minutes for the meeting at which the decision was made.

(c) Some provisions describe ~~an informal practice that has been~~practices established over time, without ~~having been formally adopted~~formal adoption by the Commission. No citation is provided ~~as authority for such a procedure~~these informal practices.

(d) ~~Some provisions~~Governing statutes are cited for practices based on ~~a statutory requirement. In those instances, the governing statute is cited in a footnote.~~requirements.

(~~e~~d) The staff has discretion to make ~~technical~~nonsubstantive revisions of this Handbook as needed without Commission approval.¹

15. Handbook is nonregulatory

(a) The provisions of this Handbook are not regulations. They relate primarily to internal matters and do not bind the Commission or the public.

(b) Despite their nonbinding nature, ~~there are good reasons for the Commission is~~ strongly encouraged to follow the ~~practices and procedures described~~provisions in this Handbook ~~and it generally does so. Most of those practices and procedures are time tested and successful. In many cases, they are the result of Commission deliberation, after a weighing of possible alternative approaches.~~

(c) The Commission ~~is free at any time to~~may waive or change ~~a provision of provisions in~~ this Handbook ~~(, except to the extent that a provision is for those based on a statutory requirement)s.~~

20. Handbook is a public document

This Handbook is a public document. It ~~will~~shall be made available on the Commission's website.

25. Definitions

~~As used in~~For the purposes of this Handbook, the following terms ~~have the indicated meanings~~are defined as follows:

1. Minutes (Aug. 2018), p. 3.

(a) ~~(a)~~ “Agency” means the California Law Revision Commission and the Committee on Revision of the Penal Code.

(b) “Background report” means a report prepared for the Commission by a subject matter specialist who is retained as a consultant, or prepared by the Commission staff.

(c) “Bound Volume” means a hardbound book containing an official compilation of the Commission’s final reports, recommendations, and studies submitted to the Legislature over a specified period of time.

(d) “Calendar of Topics” means the ~~that~~ list of studies the Commission is required by ~~Government Code Section 8293~~. Government Code Section 8293 to submit to the Legislature each regular session, including a list of the studies in progress and a list of topics intended for future consideration. The Calendar of Topics forms the basis for the Commission’s Resolution of Authority as approved by the Legislature.

~~(e) “Bound Volume” means a hardbound volume of the Commission’s official compilation of “Reports, Recommendations, and Studies.”~~

~~(d)~~ (e) “Commission bill” means a ~~bill~~ legislation introduced to implement a Commission recommendation.

~~(e) “Pre-print report” means a report that is final as to substance~~ (f) “Commission Comment” means the Commission explanation for the nature of each proposed statutory revision. These Comments are presumed to be reviewed by the Legislature when considering a Commission bill, are routinely considered to constitute legislative history, and are afforded significant weight as evidence of legislative intent.

(g) “Discussion draft” means a preliminary version of a Tentative Recommendation, issued for purposes of soliciting comment before formal public comment on a Tentative Recommendation.

(h) “In-person meeting” means a meeting at which all Commissioners attending the meeting are physically present.

(i) “Preprint report or recommendation” means a Commission report or recommendation that, except for possible technical errors, is final as to content, but has not yet been ~~put into final form and published~~ formatted for publication in a Bound Volume.

~~(fj)~~ (j) “Recommendation” means a final Commission report that recommends a specific change to statutory law.

~~(gk)~~ (k) “Report” means a final Commission report that provides information and analysis without recommending any specific change to statutory law.

~~(hl)~~ (l) “Resolution of Authority” means the concurrent resolution of the Legislature that is introduced each legislative session to ~~grant~~ granting the Commission authority to study specified topics. It is required by, as set forth in Government Code Section 8293.

~~(im)~~ (m) “Revised Report or Recommendation” means a substantively amended Commission Report or Recommendation.

(l) “Revised Comment report” means a report that ~~sets out revised~~ identifies changes made to previous Commission Comments ~~that supersede those~~ in a Commission ~~Recommendation~~, to correct technical errors or conform to the effect of amendments to a Commission bill.

(m) “Staff” means state employees working for the Commission, and not contractors, consultants, or other persons hired for individual projects by the Commission.

(n) “Teleconference meeting” means a meeting at which at least one Commissioner participates from a remote location via an electronic audio/video connection.

(o) “Tentative Recommendation or Report” means a recommendation or report that has been tentatively approved by the Commission as a final recommendation or report in a study, subject to revision based on public comment that the Commission finds persuasive received during a specified comment period, or for other reasons the Commission finds persuasive.

PART 2. GENERAL PROVISIONS

CHAPTER 1. MISSION AND AUTHORITY

50. Mission

(a) The Commission studies topics assigned by the Legislature ~~in order to~~ recommend statutory reforms that improve the law.

(b) Some Commission studies address purely technical reforms, such as error correction and restatement of the law. Others involve substantive policy reforms, or a mixture of both technical and policy reforms.

(c) The Commission’s goal is to improve the fairness and efficiency of California law, through an open, participatory, and even-handed deliberative process.

(d) The Commission is politically neutral. It strives to develop balanced reforms that accommodate competing policy interests.

55. Authority

(a) ~~By statute, the~~ The Commission may only study topics ~~that have been~~ authorized by concurrent resolution or statute.²

(b) ~~In each Annual Report, the~~ The Commission ~~will recommend~~ shall include a Calendar of Topics ~~Authorized for Study in each annual report.~~ The Calendar of Topics ~~will~~ shall include the authority for any new studies ~~the Commission wishes to undertake. The Calendar of Topics will~~ and continue the Commission’s existing

2. Gov’t Code § [8293](#).

authority, ~~except when. However,~~ the Commission ~~decides to~~ may remove a topic that is unlikely to receive further study.³

(c) At least once per legislative session, the staff ~~will~~ shall seek introduction of ~~the~~ Resolution of Authority to authorize the most recent Calendar of Topics.⁴ ~~The content of the Resolution of Authority is not bound by the Commission's recommended Calendar of Topics. The Legislature is free to remove or add authority contrary to or in addition to the Commission's recommendation.~~

(d) The Commission has general authority to correct technical and minor substantive defects in the statutes, without a specific grant of authority from the Legislature.⁵

60. New topics⁶

(a) Any person or organization may ~~contact the Commission to~~ propose a topic for Commission study.

(b) ~~Any~~ A Commissioner may propose a study topic at any time.

(c) Any person who proposes a new topic for study, including a Commissioner, is encouraged to provide written background that describes with specificity the legal problem or problems proposed to be ~~addressed~~ studied and reformed.

(d) A proposed topic may be brought to the Commission's attention ~~when a suggestion is received~~ at any time, but proposed topics ~~will generally~~ should be considered as a group, in an annual staff memorandum entitled "New Topics and Priorities." This ~~gives~~ memorandum allows the Commission ~~a useful overview for deciding which new to prioritize~~ to request authority to for study and for planning the next year's work priorities.

(e) ~~If the Commission decides to study a topic for which it does not have current authority, it will recommend adding the topic to its New topics in the~~ Calendar of Topics. Implementing language will needing authority for study shall be included in the next ~~next resolution~~ proposed Resolution of authority.⁷ ~~The Legislature will then decide whether to grant the requested authority.~~ Authority.⁸

65. Proposed legislation affecting Commission

(a) The staff should notify the Commission when the staff becomes aware of pending legislation directly affecting the Commission.⁹

(b) The Executive Director may ~~respond to inquiries from~~ communicate with the Legislature ~~regarding~~ about the practicability of a potential new study assignment.

3. *Id.*

4. Gov't Code § 8293; Minutes (June 2024), p. 3; Memorandum 2024-22, p. 8.

5. Gov't Code § 8298.

6. Minutes (Sept. 1970), p. 8; revised to reflect current practice.

7. See Section 55.

8. See Section 55.

9. Minutes (Oct. 1986), p. 4.

70. Deference to prior recommendations

~~Unless there is a good reason for doing so, the~~The Commission ~~will~~should not recommend changes to laws ~~that were~~ enacted on Commission recommendation absent sufficient justification.¹⁰

CHAPTER 2. ~~COMMISSIONERS~~MEMBERS**100. ~~Members~~Commissioners**

(a) The Commission has ten ~~members~~Commissioners. Seven are appointed by the Governor. One is a ~~M~~member of the Assembly appointed by the Speaker of the Assembly;¹¹ another is a ~~M~~member of the Senate appointed by the Senate Committee on Rules. The Legislative Counsel is ~~also a~~ an ex officio ~~member~~Commissioner.¹¹

(b) The ~~members who are~~Commissioners appointed by the Governor serve four-year terms ~~in two staggered groups~~.¹²

(c) If a ~~member~~Commissioner is not reappointed, that ~~member~~Commissioner may serve until replaced¹³ or for 60 days after the end of the term,¹⁴ whichever comes sooner.

105. ~~Member~~Commissioner ethics¹⁵

(a) ~~The appointed members of the Commission~~Commissioners are considered state employees and are subject to the legal and ethical requirements that govern state employees.

(b) Information about those requirements can be found at the following websites:

- (1) [Fair Political Practices Commission](#)
- (2) [Ethics Training Course](#)
- (3) [California Department of Human Resources](#)

110. ~~Member~~Commissioner duties

(a) The most important duty of a Commissioner is to attend the Commission's meetings. Attendance is critical to achieving a quorum, which is a prerequisite to taking action at a meeting. Full attendance also improves the Commission's deliberative process, by ensuring that a range of views are represented.

(b) ~~Commissioners are~~Commissionersare presumed to have read all the material to be considered at a meeting.

10. [Minutes](#) (Dec. 1971), p. 3.

11. Gov't Code § [8281](#).

12. *Id.*

13. *Id.*

14. Gov't Code § [1774](#).

15. [Minutes](#) (Aug. 2018), pp. 1-2.

115. Compensation

When attending a Commission meeting, Commissioners are entitled to statutory per diem and the reimbursement of actual expenses, including travel expenses. Commissioners receive no other compensation for service on the Commission.¹⁶

120. New Commissioners

When a new Commissioner takes office, the Executive Director ~~will~~shall brief the new Commissioner; to provide a detailed introduction to the Commission's process and current work. New Commissioners will be provided with a copy of this Handbook and other introductory materials.

123. Commissioner voting

The presiding officer may hold the voting roll open to allow an absent Commissioner to vote on a motion before the end of the meeting.

125. Legislative Commission member voting

(a) To ensure compliance with statutory¹⁷ and Constitutional¹⁸ limitations, the Commission's legislative members ~~will~~may not vote on any matter that implicates the sovereign powers of the State, including, but not limited to, voting on contracts or personnel matters.

(b) Nothing in this section affects the authority of the Commission's legislative members to participate in the development of a law reform recommendation; for submission to the Legislature. Such participation includes, but is not limited to, voting on the following matters:

- (1) Approving the Commission's work priorities.
- (2) Requesting new study authority.
- (3) Directing staff work on studies.
- (4) Approving a background report, discussion draft, tentative report or recommendation, or final report or recommendation.
- (5) Deciding whether an amendment to a Commission-~~recommended~~ bill is compatible with the Commission's recommendation.
- (6) ~~Deciding whether to revise~~Approving a ~~Commission report~~Revised Comment Report to conform to an amendment to a Commission-~~recommended~~ bill.

16. Gov't Code § [8282](#).

16. Gov't Code § [8281\(b\)](#).

18. Cal. Const. [art. III, §3](#); [art. IV, § 13](#).

CHAPTER 3. OFFICERS

150. Officers

(a) ~~The officers of the Commission~~ officers are the Chairperson¹⁹ and the Vice Chairperson.

~~(b) Chair.~~ The terms of office are one year, ~~commencing on September 1.~~²⁰ ~~Officers hold office until the following September 1 or the election of successors, whichever is later.~~

(b) Commissioners shall elect the Commission officers at the end of the last meeting of the calendar year, and the new officers are effective immediately.

(c) In case of ~~an officer~~ an officer vacancy ~~in the office of Chairperson or Vice Chairperson,~~ the Commission shall elect ~~new officers~~ an officer to fill the vacancy for the remainder of the vacant term.²¹

(d) No officer is eligible to succeed themselves in the same office in which the officer has served a full term.²² However, an officer who has served ~~for~~ less than a full term may succeed themselves in the same office for a full term.²³ If the Chairperson is reelected to office under this provision, the incumbent Vice Chairperson is eligible for reelection even though reelection may result in the Vice Chairperson succeeding themselves for another full term.²⁴

(e) Before the terms of the Chairperson and Vice Chairperson end, the staff will prepare a memorandum entitled “Election of Officers” for the Commission to consider at an upcoming meeting. This will provide an opportunity for the Commission to elect officers for the coming term.

155. Officer duties

(a) The Chairperson officiates at Commission meetings. Between meetings, the Chairperson may ~~be required to~~ consult with the staff about legislative developments or administrative matters. Such consultation includes, but is not limited to, the following:

(1) Provisional approval of an amendment ~~of a bill that would implement a~~ to a Commission recommendation bill.

(2) Approval of staff-drafted revisions to a tentative recommendation, ~~recommendation,~~ or report.

19. Gov’t Code § 8283.

20. Minutes (Oct. 1986), p. 2; Minutes (Dec. 1981), p. 2.

21. *Id.*

22. Minutes (Jan. 1960), p. 3.

23. Minutes (Dec. 1960), p. 2.

24. Minutes (Jan. 1962), p. 2.

(b) If the Chairperson is unavailable or ~~there is a vacancy in the office of Chairperson is vacant~~, the Vice Chairperson ~~will~~ Chair shall perform the Chair's duties ~~of the Chairperson~~.²⁵

(c) If both the Chairperson and Vice Chairperson are absent at any point in a meeting, or are unavailable to take ~~action~~ required action between meetings, any Commissioner may act as a temporary Chairperson until an officer becomes available.²⁶

160. Recognition of service

The Commission will present a commemorative plaque to the Chairperson shortly after the end of the Chairperson's term of office.

CHAPTER 4. STAFF

200. Executive Director

(a) The Executive Director serves as the administrative head of the Agency and represents the Commission to the Executive Branch and Legislature.

(b) Unless otherwise indicated, any of the acts in this Handbook that may be done by the Executive Director may also be done by a staff member ~~of the staff~~ designated by the Executive Director.²⁷

205. Reporting structure

(a) Between meetings, the Executive Director reports to the Chairperson. At a Commission meeting, the Executive Director reports to the Commission as a body.

(b) The Chief Deputy Counsel Director reports to the Executive Director.

(c) Other staff attorneys report to the Executive Chief Deputy Director ~~and, with respect to work that is supervised by the Chief Deputy Counsel, to the Chief Deputy Counsel~~.

(d) Administrative staff report to the Executive Chief Deputy Director.

210. Personnel action²⁸

(a) The appointment, promotion, or involuntary termination of the Executive Director or Chief Deputy Counsel shall first be approved by the Commission.

(b) The appointment, promotion, or involuntary termination of staff counsel shall first be approved by the Chairperson. Commission approval is not required.

(c) Except as otherwise provided in this section, the Executive Director is authorized to take all actions with respect to appointments, promotions, terminations, leave, merit ~~increases~~ and other salary increases, and the like, for

25. [Minutes](#) (Jan. 1995), p. 3.

26. [Minutes](#) (Feb. 2010), p. 3; [Minutes](#) (June 2007), p. 2; [Minutes](#) (July 1998), pp. 2-3.

27. [Minutes](#) (May 2005), p. 3; see also [Memorandum](#) 2005-15, p. 8.

28. [Minutes](#) (Oct. 1971), see also [Memorandum](#) 71-74, pp. 16-17; [Minutes](#) (Oct. 1965) pp. 4-5.

Commission employees other than the Executive Director. Any other person authorized to sign personnel documents has similar authority but, except in emergency circumstances, this authority should be exercised only after consulting with the Executive Director. ~~No such action shall be taken over the objection of the employee involved unless the Chairperson or the Commission first indicates approval of the action proposed to be taken by the Executive Director.~~

(d) Except as otherwise provided in this section, the Chairperson is authorized to take all actions, with respect to appointments, termination, leave, merit ~~increases,~~ and other salary increases, and similar matters for the ~~position of~~ Executive Director.

(e) The Chief Deputy ~~Counsel~~ Director is authorized to approve ~~sick leave and vacation~~ leave requests of the Executive Director.

215. Incompatible activities²⁹

Each employee shall notify the Executive Director of any outside activities that might reasonably be deemed incompatible, inconsistent, or in conflict with the employee's duties to the Commission under either Government Code [Section 19990](#) or the Commission's Incompatible Activities Statement.

PART 3. STUDY PROCESS

250. Commencement of study

(a) Some studies begin with the preparation of a background report by a consultant.³⁰ ~~In recent years, resource limitations and short deadlines have made it less practicable to solicit the preparation of a formal background report. Instead, the staff has done, but most studies begin with staff doing~~ the necessary background research and analysis.

(~~ba~~) At the commencement of a new study and as appropriate, the staff ~~will~~ shall reach out to groups and individuals ~~who are expected~~ anticipated to have an interest and expertise in the study subject ~~of the study~~ and invite their participation. ~~Those who are interested will be added~~ Interested parties are encouraged to add themselves to the Commission's electronic notice list for the study. The staff ~~will~~ shall provide ~~Commissioners~~ the Commission with a list of the groups and individuals ~~that were~~ invited to participate.³¹

(~~eb~~) When commencing a new study that is part of the ~~Commission's~~ Calendar of Topics authorized by concurrent resolution, the Executive Director "shall submit a detailed description of the scope of work to the ~~e~~Chairs and ~~vice chairs~~ Vice Chairs of the Assembly Committee on Judiciary and the Senate Committee on Judiciary, and any other policy committee that has jurisdiction over the subject matter of the

29. [Minutes](#) (Feb. 2013), p. 3.

30. See [Part 8](#) *infra*.

31. [Minutes](#) (Oct. 2014), p. 3.

study, ~~and if~~. If during the course of the project there is a major change to the scope of work, the Executive Director shall submit a description of the change.²² to those groups. In recent years, this requirement has been ~~imposed~~ included as a condition in the Commission's Resolution of Authority.³²

~~(d) The Commission does not use standing subcommittees to initially review studies on the Commission's agenda and submit their recommendations to the Commission.~~²⁵⁵.
Development of proposed law Staff memoranda

~~(a) In this stage of the study process, the staff will~~ (a) Staff shall prepare memoranda that provide background information, the results of legal research and analysis, public comments, and draft legislation.

~~(b) At its~~ Each staff memorandum shall include a footnote on the first page that any comments received will be a part of the public meetings, the record and may be considered at a public meeting.³³

~~(c) The Commission will~~ shall consider these ~~staff~~ memoranda and ~~will make decisions to~~ address the matters discussed in the memoranda or that come up during discussion of the memoranda.

~~(ed)~~ The staff will shall present these memoranda orally at the Commission's meetings, making sure that all decision points are presented for Commission action. In presenting a memorandum, the staff will presume that the Commissioners are familiar with its content.

260. Tentative recommendation or report

~~(a) Once~~ The staff will prepare a draft tentative recommendation or report after the Commission has made provisional decisions about the content of a proposed reform, the staff will prepare a draft study's final determination. A tentative recommendation. It will or report shall include:

~~(1) a~~ A one page summary of the presented problem, and if a tentative recommendation, the proposed solution.

~~(2) A~~ narrative explanation of the problem and the any proposed solution, ~~(2).~~

~~(3) If a tentative recommendation, draft legislation to implement the proposed reform, and (3) an official "Comment" for every section of the proposed legislation. Comments describe the derivation and general effect of a proposed revision. They may also include brief explanatory background information.~~

~~(b) Once approved by the Following Commission approval,~~ a tentative recommendation ~~will or report shall~~ be released to the public for review and comment ~~(for at the period specified in the tentative recommendation).~~ or report.

~~(c) A notice on the cover of a tentative recommendation or report shall state that any comments received will be a part of the public record and may be considered at a public meeting.~~

32. See, e.g., [2016 Cal. Stat. res. ch. 150](#).

33. [Minutes](#) (Feb. 2010), pp. 3-4; [Minutes](#) (May 2005), p. 3; see also [Memorandum](#) 2010-1, p. 6; [Memorandum](#) 2005-15, pp. 3-4.

265. Public comment

(a) The Commission welcomes public comment at ~~any stage~~all stages of its study process.

(b) Comments can be submitted in a formal letter, by email, or by oral testimony at a meeting.

(c) The Commission ~~will~~shall consider all public comment on a tentative report or recommendation and decide whether to make any changes ~~to the tentative recommendation~~as a result.

(d) ~~In rare instances, If~~ the changes made to a tentative report or recommendation ~~may be so~~are significant ~~that~~, the Commission ~~decides~~may decide to release a ~~revised tentative recommendation~~Revised Tentative Report or Recommendation (titled Revised Report or Revised Recommendation) and conduct a further round of public comment.

270. Final ~~recommendation~~Recommendation or report

(a) ~~When~~After the Commission has considered ~~and addressed~~ all public comment on a tentative recommendation or report and has reached the end of deliberation, the staff ~~will~~shall prepare a draft of a final recommendation or report for the Commission's consideration. A final recommendation or report contains ~~all of~~ the same content as a tentative recommendation or report, except that it does not invite public comment.

(b) When the Commission approves a staff draft as its final recommendation or report, the recommendation ~~will~~or report shall be prepared for publication and distribution.

~~(d)~~ Occasionally, when time is of the essence, the Commission ~~will~~may approve a final recommendation or report subject to minor changes that have not yet been drafted. ~~Instead, the drafting of~~ The staff shall draft the changes ~~is delegated to the staff~~, subject to final approval ~~of the draft language~~ by the Chairperson.

275. Prefatory note³⁴

Each final recommendation shall include a prefatory note stating:

This report includes an explanatory Comment to each section of the recommended legislation. The Comments are written as if the legislation were already operative, since their primary purpose is to explain the law as it will exist to those who will have occasion to use it after it is operative. The Comments are legislative history and are entitled to substantial weight in construing the statutory provisions. For a discussion of cases addressing the use of Law Revision Commission materials in ascertaining legislative intent, see the Commission's most recent Annual Report.

277. Commission Comments

(a) Each code section proposed to be added, amended, or repealed by a final recommendation is followed by a Commission Comment briefly explaining the

34. Minutes (July 2002), p. 3.

nature of the proposed revision of the section. These Comments are presumed to be reviewed by the Legislature when considering a Commission bill, are routinely considered to constitute legislative history, and are afforded significant weight as evidence of legislative intent.

(b) When a Commission bill is enacted, the Comments to revised code sections are submitted to legal publishers who thereafter publish the Comments, with attribution to the Commission, immediately below the published revision of the code section.

280. Dissents

Dissenting votes of Commissioners on all or part of a recommendation or report are not reported in the report. However, any vote against approving a recommendation or report will be recorded in the Minutes for the meeting at which the recommendation or report was approved. In addition, the Commission's Annual Report states that "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."³⁵

285. Recommendation and Report distribution

The staff shall provide copies of recommendations and reports as required by statute.³⁶ Members of the Legislature may be sent a printed copy of a final recommendation or report upon request.

PART 4. MEETINGS

CHAPTER 1. SCHEDULING

300. Meeting dates and locations

(a) ~~Regular~~Commission meetings ~~are~~shall be scheduled to occur approximately once every two months, or more frequently as required. During the legislative session, meetings ~~will~~shall be scheduled to accommodate the schedule of the Commission's legislative members; ~~this will usually involve meeting on Thursday.~~³⁷

(b) ~~Most regular~~Best efforts shall be made to limit the duration of meetings ~~are one to a single day meetings,~~ but the staff may propose multi-day meetings if the workload requires it.

³⁵ Minutes (Aug. 1960), p. 6. See also Minutes (July 1960), p. 4.

³⁶ See Gov't Code § [9795](#).

³⁷ [Minutes](#) (Nov. 1996), p. 3; [Minutes](#) (Sept. 1995), p. 3; current practice.

(c) The Commission shall meet in hearing rooms that facilitate remote participation by electronic means.³⁸

(d) ~~In the second half of each calendar year, the~~The staff ~~will~~shall present a memorandum proposing a meeting schedule for the next year in the second half of each calendar year. The Commission will decide whether to approve the proposed schedule, with or without changes.

305. Special and rescheduled meetings

The Chair~~person~~ is authorized to call a special meeting and to change the date, times, and place of a previously scheduled meeting when necessary ~~to improve attendance at the meeting or for other good reason.~~ Notice of a special or rescheduled meeting shall be given immediately on the website and to the subscription list.³⁹

~~310. Meeting starting time~~

~~COMMISSION MEETINGS ARE NOT COMMENCED IF ABSENT MEMBERS ARE KNOWN TO BE IN THE AREA WHERE THE MEETING IS BEING HELD AND ARE KNOWN TO BE PLANNING TO ATTEND THE MEETING.⁴⁰ HOWEVER, MEETINGS SHOULD NOT BE DELAYED MORE THAN 15 MINUTES FROM THE ORIGINALLY SCHEDULED STARTING TIME TO AWAIT THE ARRIVAL OF AN ABSENT MEMBER WHO IS KNOWN TO BE PLANNING TO ATTEND THE MEETING.~~

CHAPTER 2. PUBLIC PARTICIPATION

350. Open meetings

Meetings of the Commission are open to the public and are subject to the provisions of the Bagley-Keene Open Meeting Act.⁴¹ Any person may attend as an observer and may address the Commission or participate in the discussion as authorized by the Chair~~person~~.⁴²

38. [Minutes](#) (June 2024), p. 3; [Memorandum](#) 2024-22, p. 3.

39. Notice of special meetings is also governed by the Bagley-Keene Open Meeting Act. See, e.g., Gov't Code §§ [11125.3](#), [11125.4](#), [11125.5](#).

40. [Minutes](#) (April 1984), p. 3.

41. Gov't Code §§ [11120-11132](#).

42. [Minutes](#) (Feb. 1960), p. 2. See also Gov't Code § [11125.7](#).

355. Commissioner identification

Commissioners ~~should~~ and staff shall be identified with a name plate or other form of identification so that members of the public are able to identify Commissioners and staff at meetings.⁴³

360. Teleconference meetings

(a) The Commission views itself as an advisory body for the purposes of the teleconferencing authority provided by Government Code Section 11123.5. The Commission reserves the right to meet via teleconference as the Commission deems appropriate and in conformance with the requirements of the Bagley-Keene Open Meeting Act.⁴⁴

(b) The staff ~~will~~ shall consult with the Commission to determine whether particular meetings should be conducted in person or via teleconference.

~~(c) The Commission may meet in person to host expert speakers and receive stakeholder comments. The Commission may use the teleconference option for routine meetings and when Commissioners are unavailable to meet in person and a quorum can otherwise not occur.~~

~~(d)~~(c) Commissioners may attend in-person Commission meetings via teleconference in compliance with the Bagley-Keene Open Meeting Act when Commissioners are unable to attend in person. Commissioners should notify staff at least two days in advance of the meeting to comply with the public notice requirement in Government Code Section 11123.5.⁴⁵

365. Written comments generally⁴⁶

A written communication to the Commission ~~that is~~ relevant to matters currently under consideration may be attached as an exhibit to a staff memorandum. In general, the memorandum will discuss the points made in the written comments. However, there may be situations in which a written communication is provided without analysis (e.g., the communication is received shortly before a meeting or has a plain meaning that does not require discussion).

43. Minutes (May 9 & 15, 1996), p. 3.

44. Minutes (May 2024). See also Gov't Code § 11123.5 as amended by 2023 Cal. Stat. ch. 216, § 2; this section expires on January 1, 2026.

45. Minutes (June 2024), p. 3; Gov't Code § 11123.5(d) states "[t]he state body shall provide notice to the public at least 24 hours before the meeting that identifies any Commissioner who will participate remotely by posting the notice on its internet website and by emailing notice to any person who has requested notice of meetings of the state body under this article. The location of a member of a state body who will participate remotely is not required to be disclosed in the public notice or email and need not be accessible to the public. The notice of the meeting shall also identify the primary physical meeting location designated pursuant to subdivision (f)."

46. Minutes (Feb. 2010), p. 4; Minutes (May 2005), p. 3; Minutes (March 2005), pp. 2-3; see also Memorandum 2010-1, pp. 6-7; Memorandum 2005-15, pp. 4-6.

370. ~~Particular types~~Types of written comments

(a) The Commission does not ordinarily receive confidential communications ~~on a confidential basis.~~ The notice on the cover of a Commission tentative recommendation or report should state that any comments received will be a part of the public record and may be considered at a public meeting.⁴⁷ ~~The same statement should be included in the footer on the first page of each staff memorandum.~~

(b) Although the Commission encourages persons to identify themselves and their affiliations, a communication to the Commission may be anonymous ~~submitted anonymously.~~ The Commission ~~can~~may take the anonymity of the author into account in evaluating an anonymous communication. The identity of a source ~~is sometimes~~may be helpful in assessing the merits of an idea or how much weight it should be given.⁴⁸

(c) A communication that is off-topic, defamatory, obscene, invasive of personal privacy or confidentiality, or that is similarly inappropriate for republication ~~will~~shall not be reproduced as an exhibit to a memorandum unless it is redacted to eliminate the inappropriate material. Any redaction shall be clearly indicated.

(d) Email transmission details ~~(, such as time of transmission and, email addresses of recipients),~~ and personal contact information, shall be ~~routinely~~ omitted ~~in when~~ presenting an email communication, ~~and this.~~ This type of omission need not be noted.

(e) A communication that is not reproduced as an exhibit may be summarized in a staff memorandum.

375. Communication to individual Commissioner⁴⁹

(a) ~~If the staff receives a written~~ Written communication addressed to the Chair ~~person~~ or ~~to~~ an individual Commissioner regarding a Commission study, ~~and received by the staff will treat the communications~~ shall be treated in the same manner as a communication to the Commission as a whole. ~~If the communication relates~~ Communications related to a topic under study, ~~it will~~ shall be treated ~~in the same way~~ as any other public comment ~~on a study.~~ ~~If the communication relates,~~ Staff shall respond to communications related to other business of the Commission; ~~the staff will normally respond to the communication.~~

(b) If the Chair ~~person~~ or an individual Commissioner receives a written or oral communication from an interested person regarding a Commission study, it is recommended that the Chair ~~person~~ or individual Commissioner inform the staff of the substance of the communication and, if possible, provide a copy of the communication to the staff.

47. Minutes (Feb. 2010), pp. 3-4; Minutes (May 2005), p. 3; see also Memorandum 2010-1, p. 6; Memorandum 2005-15, pp. 3-4.

48. Minutes (May 2005), p. 3.

49. Minutes (May 2005), p. 3; see also Memorandum 2005-15; Memorandum 87-39.

(c) Email to Commissioners ~~should~~may be sent to <commission@clrc.ca.gov>, ~~where it will be treated like any other communication to the Commission.~~.

380. Electronic communications⁵⁰

(a) Commissioners and ~~members of~~ the staff ~~shall not~~may use text messaging or social media to send or receive a message that relates to the routine conduct of the Commission's business, such as meeting information and directions.

(b) ~~Members of the~~The staff ~~should~~may only use an official account to send or receive ~~email~~ messages ~~that relate~~relating to the ~~conduct of~~ the Commission's business. In exigent circumstances, if the ~~event that a~~ staff ~~member~~ uses a personal account for such a purpose, the staff ~~member~~ shall forward a copy of the message to an official account.

(c) If a Commissioner uses a personal account to send or receive an email message that relates to the conduct of the Commission's business, the Commissioner shall store the message in a location that is used exclusively for that purpose. However, emails to or from Commission staff do not need to be stored. ~~Prior to the end of~~If a Commissioner's term of service, the Commissioner shall forward all Commission messages related to Commission receives an email or other electronic communication that relates to the Commission's business that is not from the staff, the Commissioner should forward that communication to the Executive Director as soon as possible for retention. This section does not apply to Commission members who are legislators.⁵¹

(d) For the purposes of this section, "official account" means an email account within the domain "clrc.ca.gov." "Personal account" means any email account that is not an official account.

(e) The Commission's annual memorandum discussing "Open Government Laws" shall reiterate these practices.

CHAPTER 3. MEETING MATERIALS

400. Agenda⁵²

(a) ~~Typically, the~~The staff ~~will~~shall prepare and release a tentative agenda ~~several weeks~~as soon as possible before a meeting date, followed by a final agenda ~~that is released~~ no later than 10 days before the meeting date. ~~If significant changes are made to a tentative agenda, such as a change in the meeting's date or location, the staff may prepare and release a revised tentative agenda.~~

(b) The staff shall schedule no more work for any particular meeting than can reasonably be considered at the meeting.⁵³

50. Minutes (Sept. 2017), p. 3; Minutes (Aug. 2017), p. 4; see also Memorandum 2017-40, pp. 2-3.

51. Minutes (June 2024), p. 3; Memorandum 2024-22, pp. 6-7.

52. Minutes (June 1968), pp. 2-4.

53. Minutes (Jan. 1969), p. 2.

(c) At the meeting, the Chair~~person~~ may change the order of items on the agenda ~~to accommodate persons in attendance or as necessary, except for other good reasons~~ special order items designated to be heard at a specific time.

(d) ~~When useful to fit the schedule of a consultant or other persons planning to attend the meeting, the~~ The staff may schedule a special order of business ~~for consideration or to consider~~ a topic.

405. Staff memoranda

(a) Ordinarily, the staff will prepare one or more memoranda for each item on the meeting agenda.⁵⁴

(~~eb~~) When beneficial, the staff may prepare supplements to the memoranda listed on an agenda. Supplements provide a way to provide further information, including public comment, or to segment a lengthy discussion.⁵⁵

410. Staff-produced material

(a) All staff-produced meeting materials ~~will~~shall be posted to the Commission's website and distributed to Commissioners and ~~to any members of the public who have subscribed to receive them~~ subscribers.

(b) The staff ~~will~~shall bring one complete set of the staff-produced meeting materials to each meeting. This set of materials will be made available for public inspection at the meeting.⁵⁶

(c) In preparing meeting materials, the staff should indicate changes to a former draft of proposed legislative language or text of a Commission recommendation by some appropriate means. This may be done by written description or by the use of ~~strikeout~~ and underscore.⁵⁷

(d) The staff will attempt to ~~deliver~~ meeting materials on the Commission website no fewer than ~~5 working~~10 days before a meeting. ~~If that is not possible, the staff will either deliver the material as soon as possible or distribute it at the meeting.~~

415. Material received at meeting

~~If the Commission receives written~~ Written public comment received at a meeting, ~~that material will shall~~ be attached to a memorandum, ~~which will be and~~ posted ~~and distributed on the Commission's website~~ after the meeting.

54. The exceptions are for items that are limited to oral discussion (e.g., Executive Director's Report).

55. Gov't Code § 1125.

56. Minutes (Feb. 2018), p. 2.

57. Minutes (Oct. 1987), p. 3.

CHAPTER 4. DECISIONMAKING

450. Quorum

(a) Five ~~members of the Commission~~ Commissioners constitute a quorum.⁵⁸

(b) If a quorum is established at any time during a Commission meeting ~~of the Commission~~, the Commission may thereafter act for the duration of the meeting notwithstanding the absence of any ~~member who is part of the quorum~~.⁵⁹ ~~Any action may be taken by a majority of those present after a quorum is established, except as provided in subdivision (c) of Section 455.~~ Commissioner who was part of the quorum.⁶⁰

(c) If a quorum is not established at a ~~particular~~ meeting, ~~members~~ Commissioners present may act as a subcommittee and no final action may be taken ~~at the meeting~~.⁶¹ Decisions of a Commission subcommittee may be ratified by the Commission when a quorum is attained, whether at the same meeting or a later meeting.⁶²

(d) The Commission may establish a quorum by teleconference in accordance with ~~open meeting act rules~~ the Bagley-Keene Open Meetings Act, which the Commission follows.⁶³

455. Approval of actions

(a) Commission actions ~~are generally made~~ must be preceded by a motion approved by the Commission.⁶⁴

(b) ~~Approval of~~ Approving a motion requires an affirmative vote of a majority of the Commissioners ~~present when the vote is taken~~ voting.

~~(c) Any motion must be approved by the affirmative votes of at least three Commissioners.~~⁶⁵

(d) A final report or recommendation must be approved by the affirmative votes of at least ~~three~~ five Commissioners.

~~(e)~~ The Chair ~~person~~, or other ~~Commission member~~ Commissioner acting as Chair ~~person~~, may make motions, second motions, and vote on motions in the same manner as ~~Commission members~~ Commissioners generally, without ~~the need to vacate~~ vacating the chair temporarily.⁶⁶

58. Gov't Code § 8283(a).

59. Minutes (Jan. 1993), pp. 2-3.

60. Minutes (Jan. 1993), pp. 2-3.

61. Minutes (Jan. 1993), pp. 2-3; Minutes (April 1987), p. 4; Minutes (April 1963), p. 6.

62. See, e.g., Minutes (Feb. 1997), pp. 2-3; Minutes (May 9 & 15, 1996), p. 2.

63. See Minutes (June 1999), pp. 3-4; Gov't Code § 11123.

64. Minutes (April 1987); Minutes (Jan. 1985), p. 2.

65. Minutes (Jan. 1993), p. 2; Minutes (Feb. 1966), p. 2; Minutes (April 1963), p. 6; Minutes (March 1959), p. 4.

66. Minutes (May 1994), p. 3.

(ef) Actions at an in-person meeting may ~~also~~ be taken by unanimous consent. If the staff asks whether a certain action should be taken, the Chair can ask the Commission whether anyone objects. If no Commissioner objects after having been given an opportunity to do so, the action is deemed approved by unanimous consent of those present.⁶⁷

(fg) All votes taken during a teleconference meeting shall be by rollcall.⁶⁸

(gh) The Commission may give the staff informal instructions or guidance without taking formal action.

(i) The Chair may hold the voting roll open to allow an absent Commissioner to vote on a motion before the end of the meeting.

460. Termination of deliberations

The Chair ~~person~~ should terminate prolonged deliberations on any matter either by bringing it to a vote when appropriate or by referring the matter to the staff for further research or redrafting.⁶⁹

CHAPTER 5. RECORD

~~500. Transcripts⁷⁰~~

~~As a general rule, the staff will not make a transcript of a Commission meeting.~~

505. Meeting recordings

(a) The staff shall make an electronic ~~record~~ recording of each meeting and post a link on the Commission's website.

(b) The recordings are public records.⁷¹

510. Minutes

(a) The staff ~~will~~ shall prepare draft Minutes for each meeting, ~~to record actions taken by the Commission.~~

(b) The Minutes shall ~~record~~ reflect each Commissioner's vote on each action taken ~~at a meeting~~. If a Commissioner abstained from voting or was not present when a vote was taken, the Minutes shall ~~record~~ reflect that fact.⁷²

(c) ~~Ordinarily, the~~ The Minutes generally do not describe oral statements made at a meeting.⁷³

67. [Minutes](#) (June 2024), pp. 3-4; [Memorandum](#) 2024-22, pp. 3-4.

68. [Gov't Code § 11123\(b\)\(1\)\(D\)](#).

69. [Minutes](#) (March 1959), p. 4.

70. [Minutes](#) (May 2005), p. 3; see also [Memorandum](#) 2005-15, pp. 2-3.

71. [Minutes](#) (June 2024), p. 3; [Memorandum](#) 2024-22, p. 7.

72. [Minutes](#) (April 2015), p. 3; see also [Memorandum](#) 2015-8, p. 7.

73. Exceptions include matters that involve oral reports (e.g., the Executive Director's Report).

(d) At each meeting, the Commission shall decide whether to approve the draft Minutes of the prior meeting, with or without changes. After ~~the approval of~~ draft Minutes are approved, the staff ~~will~~shall prepare ~~at the~~ final ~~draft of the~~ Minutes, including any changes ~~made~~approved by the Commission, for posting to the Commission's website.

PART 5. LEGISLATIVE PROCESS

550. Identifying potential authors

(a) After a final recommendation has been approved, the Executive Director ~~will~~shall identify legislators or legislative committees that might be interested in introducing a bill to implement the recommendation. In identifying potential authors, the Executive Director may consult with legislative staff.

(b) The Executive Director ~~will~~shall contact potential authors ~~to~~and provide a copy of the recommendation, explain its background and purpose, and answer any questions about the recommendation or the Commission's process.

555. Introduction of Commission bill⁷⁴

Although a Commission bill will generally be introduced using the ~~form in which~~ #precise statutory text that was recommended by the Commission, any of the following changes to the Commission's recommended language may be made before introduction:

(a) Technical changes proposed by the Office of the Legislative Counsel. These may be made at the staff's discretion.

(b) Unrelated content may be included ~~in the bill~~, at the discretion of the author. This is especially common when a Commission recommendation is part of an omnibus bill.

(c) The staff may make a technical correction or other minor change that appears to be proper. Such a change shall be approved in the same way as an amendment ~~to~~o a Commission bill.

560. Amendment of Commission bill⁷⁵

(a) The author of a Commission bill has unlimited authority to decide whether to amend a Commission bill. However, the Commission ~~will~~shall request that the author consult with the Executive Director before doing so.

(b) If a proposed amendment is nonsubstantive, the Executive Director may approve the amendment without first consulting either the Commission or its Chairperson.

(c) If a proposed amendment is substantive, the Executive Director shall take the following steps:

74. Minutes (Jan. 1959), p. 5; revised to reflect current practice.

75. Minutes (Dec. 2010), p. 2; Minutes (Sept. 1987), p. 3; see also Memorandum 2010-51, p. 3.

(1) If time permits, the Executive Director shall brief the Commission on the proposed amendment at its next meeting, before the amendment is made.

(2) If the author proposes to make a substantive amendment before the Commission's next scheduled meeting, the Executive Director shall consult with the Chair~~person~~ before the amendment is made. If the amendment is made, the Executive Director shall consult with the full Commission at the next scheduled meeting.

(d) When ~~the Commission or Chairperson considers~~considering a proposed amendment to a Commission bill, ~~it will typically~~the Commission or Chair may take one of the following positions:

(1) Approve the proposed amendment. If the amendment is made, the Commission may revise its recommendation to include the amendment.

(2) Do not approve the amendment, but find that it is compatible with the Commission's recommendation. If the amendment is made, the Commission will take no position on the amendment. However, to avoid confusion in the record, the Commission may revise its Comments to conform to the amendment.

(3) Disapprove the amendment as incompatible with the Commission's recommendation. The Commission will take no position on the merits of the amendment, but will make clear that the amendment is not based on the Commission's recommendation.

565. Staff assistance to author

(a) The staff ~~will~~shall offer ~~to provide~~ technical assistance to ~~the author of a Commission bill, bill's author~~ by answering questions and drafting explanatory background materials. The staff ~~will~~shall not advocate for passage or defeat of the Commission bill.⁷⁶

(b) ~~Shortly before a~~In accordance with legislative policy committee ~~hears a Commission bill deadlines,~~ the staff ~~will~~shall send an explanatory letter and a copy of the final recommendation (including any ~~Revised Comment~~ Report) to each member of ~~the each~~ policy committee scheduled to hear the Commission bill. The letter ~~will~~shall not advocate for passage or defeat of the bill.⁷⁷

(c) ~~A member of the staff will~~Staff or a Commission consultant may appear as a witness at any policy committee hearing of a Commission bill. The staff's or Commission consultant's testimony ~~will~~shall be limited to explaining the Commission's recommendation and answering questions. The staff ~~will~~or Commission consultant shall not advocate for passage or defeat of the Commission bill.

(d) ~~Ordinarily, the~~The staff ~~will not~~may send letters to, or appear before, an appropriations committee that is hearing a Commission bill. ~~However, the staff may~~

⁷⁶ Gov't Code § 8288.

⁷⁷ Gov't Code § 8288.

~~do so~~ if requested by the author or the appropriations committee, or if the staff determines that the bill involves an important fiscal issue related to the Commission.

(e) ~~When a Commission bill has passed the Legislature and is being sent to the Governor for approval, the~~ The staff ~~will~~shall send an explanatory letter and a copy of the final recommendation (including any ~~Revised Comment~~ Report) to the Governor after a Commission bill has passed the Legislature. The letter ~~will~~shall not advocate for approval or veto of the bill.

570. Staff contacts with Legislature or Governor's Office⁷⁸

(a) Except as otherwise authorized by this Handbook, the staff should not contact a member of the Legislature, the Governor, or their staff about a pending Commission bill or a bill that impacts Commission work.

(b) Such contact is permitted if a person in the Legislature or the Governor's Office ~~has raised an issue~~contacts a Commissioner or the staff for clarification about a Commission bill or a bill that seems to be based on a misunderstanding of impacts the Commission's ~~recommendation or the reasons for it. If it appears desirable,~~work. The Executive Director or the staff designated by the Executive Director may ~~contact that person to~~ answer questions about the bill and otherwise explain it. Care must be taken not to advocate or appear to be advocating for enactment of the Commission bill or a bill that impacts Commission work.

575. New legislators

The staff should send a letter to and attempt to meet with new legislators to provide background on the Commission and its function. The staff should explain that the Legislature sets the Commission's agenda, and that the Commission provides a resource legislators should consider using where there are issues appropriate for Commission study. The staff should provide a brief overview explaining how the Commission operates and ~~offer~~ing to provide additional information.⁷⁹

PART 6. RECOMMENDATIONS, OTHER REPORTS, AND OTHER WRITTEN MATERIALS ADMINISTRATIVE DETAILS

CHAPTER 1. CONTENT ANNUAL REPORT

600. Recommendation

(a) ~~A recommendation typically includes (1) a narrative description of the Commission's findings and recommendation, (2) proposed legislation, and (3) a Comment for each provision of the proposed legislation.~~

78. Minutes (Feb. 2010), p. 2; Minutes (May 2005), pp. 3-4; Minutes (Jan. 1971), p. 4; see also Memorandum 2010-1, pp. 7-8; Memorandum 2005-15, pp. 6-7.

79. Minutes (Nov. 1994), p. 4.

~~(b) Commission Comments briefly state the derivation of a provision of the proposed law. A Comment may also provide a brief explanation of the purpose or effect of the proposed revision or a reference to related law. Comments are an important source of legislative history. Overly long Comments and Comments that establish rules not found in the statute itself are disfavored.~~

605. Annual Report

~~(a) Each year, the~~ The Commission is required to ~~staff shall~~ prepare an Annual Report and present it for the Commission's approval at the last scheduled Commission meeting of each calendar year.

~~(b) The Annual Report summarizes the Commission's recent and current work, provides background information about the Commission generally and Commissioners, reports on Commission bills, identifies any United States or California Supreme Court decisions holding a California statute unconstitutional or repealed by implication, and makes a recommendation to the Legislature regarding the Commission's Calendar of Topics. sets forth in appendices its governing statute and current Calendar of Topics authorized for study.~~

~~(c) The Annual Report may also include appendices that set out revisions to Commission Comments that were containing Revised Comment Reports made to conform to amendments to~~ amended Commission bills.

~~(d) The Annual Report shall state that "occasionally one~~ 610. Approval date

~~A recommendation or report is dated as more Commissioners of the month in which Commission may not join in all or part of a report submitted to the Legislature by the Commission."~~⁸⁰

~~610. approved it. The names of the members~~ Calendar of Topics

~~(a) The staff shall prepare and present for the Commission's approval a memorandum on the Calendar of Topics for the upcoming year not later than the last scheduled Commission at that time shall be listed in the letter of transmittal.~~ meeting of each year.

615. Citation

~~A recommendation or report that has been published in a Bound Volume should be cited by its title, volume and page number, and year of approval. The Commission uses the following citation format:~~

Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, 43 Cal. L. Revision Comm'n Reports 755 (2013)

80. [Minutes](#) (Aug. 1960), p. 6. See also [Minutes](#) (July 1960), p. 4.

625. Prefatory note⁸¹

~~Each Commission recommendation should include a prefatory note stating:~~

~~This report includes an explanatory Comment to each section of the recommended legislation. The Comments are written as if the legislation were already operative, since their primary purpose is to explain the law as it will exist to those who will have occasion to use it after it is operative. The Comments are legislative history and are entitled to substantial weight in construing the statutory provisions. For a discussion of cases addressing the use of Law Revision Commission materials in ascertaining legislative intent, see the Commission's most recent Annual Report.~~

630. Dissents

~~Dissenting votes of Commission members on all or part of a recommendation or report are not reported in the recommendation or report. However, any vote against approving a recommendation or report will be recorded in the Minutes for the meeting at which the recommendation or report was approved. In addition, the Commission's Annual Report states that "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."⁸²~~

635. Special Reports⁸³

(a) At the discretion of the Executive Director, the staff may prepare special reports to provide the public with useful information, in a convenient form, about laws that were enacted on the Commission's recommendation.

(b) Such reports will be posted to the Commission's website. The Executive Director shall decide whether the report should also be included in a bound volume or distributed by other means.

CHAPTER ~~2. DISTRIBUTION~~ 3. PUBLICATION

650. Website⁸⁴

(a) The Commission ~~maintainss~~shall maintain a website ~~on the Internet at~~ <www.clrc.ca.gov>.

~~(b) Background~~www.clrc.ca.gov containing information on past and ~~information~~present Commission work.

(b) Information about the Commision and on its current activities, such as studies, agendas, Commission bills, minutes, and tentative and final reports and

81. Minutes (July 2002), p. 3.

82. Minutes (Aug. 1960), p. 6. See also Minutes (July 1960), p. 4.

83. Minutes (Feb. 2010), p. 2; Minutes (March 1960); see also Memorandum 2010-1, pp. 1-3 & Attachments.

84. Minutes (Feb. 2010), p. 4; current practice.

recommendations ~~out for comment, and the like, are~~ and shall be kept current on the website.

~~(e) Commission meeting agendas, staff memoranda, minutes, tentative recommendations, printed reports, and other publicly distributed materials are available for downloading from the website.~~

~~(d) Commission members~~ (c) Commissioners may, as an individual choice, provide their direct email or business website addresses for linking from the Commission website. The Commission ~~has decided not to~~ may provide Commissioners' biographical information on the website if a Commissioner consents.⁸⁵

655. Electronic notice lists

(a) The staff ~~maintains~~ shall maintain an electronic notice lists for each of its active study topics, meeting agendas, and press releases.

(b) Members of the public may subscribe or unsubscribe to any of the Commission's electronic notice lists, ~~using tools on~~ through the Commission's website.

~~(c) Whenever new materials are uploaded to the Commission's website, electronic~~ Electronic notice ~~will~~ shall be ~~emailed~~ sent to persons on the related electronic notice list. ~~when relevant items are uploaded to the Commission's website.~~ The email ~~will~~ shall include a link to ~~download~~ the new material. ~~Such notices are also sent to all Commissioners.~~

~~(d) The~~ An individual shall only ~~information that must be provided in order~~ required to provide an email address to subscribe to an electronic notice list ~~is an~~ These email address. ~~That information will~~ addresses shall not be used for any other purpose.

660. Hard copy distribution

~~(a) While nearly all of the Commission's meeting materials and reports are distributed by website posting and emailed notice, Commissioners or the staff may distribute hard copies in appropriate circumstances.~~

~~(b) In general, members of the Legislature are sent a copy of a final report or recommendation only on request.~~

665. Mailing list privacy

If a person requests disclosure of ~~a mailing~~ an electronic notice list maintained by the Commission, the Commission must balance the policies of the Public Records Act requiring disclosure⁸⁶ against the policies of the Information Practices Act requiring protection of personal information.⁸⁷ The Commission (or the staff, as

85. [Minutes](#) (May 2001), p. 3; [Minutes](#) (May 1996), p. 3; see also [Memorandum](#) 2001-22, p. 1.

86. Gov't Code § [7921.000](#).

87. Civ. Code §§ [1798-1798.78](#).

appropriate in the circumstances) should make this determination on a case-by-case basis, evaluating the specific circumstances of each particular request.⁸⁸

CHAPTER 34. REVISION OF RECOMMENDATIONS AND REPORTS

700. Pre-print status

(a) ~~Until a recommendation or report has been printed in a bound volume, it is identified as a “pre-print.”~~

(b) ~~A pre-print bears the date of its approval or its last revision, whichever is later.~~

705. Revisions to conform recommendation to bill amendments

(a) ~~When a Commission bill is amended, the~~The Commission may ~~wish to~~ revise its recommendation to conform to ~~the~~an amendment. made to a bill implementing a Commission recommendation. This may reflect Commission approval of the amendment or ~~it may be done~~ to avoid confusion in the historical record.

(b) If the recommendation or report is in pre-print form, such revisions can be made in the recommendation or report itself.

(c) If the recommendation or report has already been printed in a Bound Volume, and the Commission only wishes to revise its Comments, it may do so in a Revised Comment ~~Report~~, which will be printed as an appendix to the next Annual Report.

(d) If the recommendation or report has already been printed in a Bound Volume and the Commission wishes to revise more than just the Comments, it may approve and print a “Revised Recommendation” or Revised Report that supersedes the initial recommendation or report. A Revised Recommendation or Report shall be distributed in the same way as any other recommendation or report.

710. Revision to correct error or conform to Commission policy

When preparing a final recommendation or report for publication, the staff may make any revisions necessary to conform to the Commission’s policy decisions or to correct technical defects. ~~Members of the Commission~~Commissioners may submit suggested editorial revisions ~~of that type~~ to the staff for consideration.⁸⁹

CHAPTER 45. BOUND VOLUMES⁹⁰

750. Content

Each Commission recommendation, report, and Annual Report, ~~is incorporated into~~ shall be published in a hardbound volume of the Commission’s REPORTS, RECOMMENDATIONS, AND STUDIES.

88. Minutes (July 2002), pp. 3-4.

89. Minutes (Oct. 1979), p. 7; revised to reflect current practice.

90. Minutes (Feb. 2010), p. 2; see also Memorandum 2010-1, p. 10.

755. Frequency

(a) ~~In general, one bound volume is prepared each year, but that may vary due to fluctuations in~~ Bound volumes are published as necessary and in accordance with the volume of Commission recommendations, reports, Annual Reports, and budgetary constraints.

(b) The Executive Director ~~determines~~shall determine when material should be printed. However, no recommendation or report shall be printed, or distributed, unless the ~~recommendation has~~contents have first been approved for printing and distribution by the Commission.⁹¹

760. Distribution

(a) The Executive Director shall determine ~~how many copies of the~~ number of bound volumes to order ~~for the Commission's use.~~

(b) Complimentary copies of Bound Volumes ~~are~~may be sent to a limited number of government officials, legal publishers, and others. Bound volumes ~~are also~~may be sent to current ~~members~~Commissioners of the Commission and to ~~members~~Commissioners whose tenure is covered in the volume.⁹²

(c) Copies of Bound Volumes ~~are also~~may be available for purchase through the Commission's website.

~~(d) Softcover versions of the bound~~(d) Bound volumes are distributed to legal depository libraries by the Office of State Publishing under the Library Distribution Act.⁹³

PART 7. COOPERATION WITH OTHER ENTITIES**800. Committee on Revision of the Penal Code**

(a) Before proposing any extraordinary expenditure of funds or other resources, the ~~Chairperson will~~Chair shall consult with the Executive Director about the effect of the expenditure on the Committee on Revision of the Penal Code. The Executive Director has sole discretion to require that the expenditure be approved by the Committee on Revision of the Penal Code before it is made.⁹⁴ The Committee on Revision of the Penal Code shall not unreasonably withhold its approval.

91. Minutes (Feb. 2010), p. 2; Minutes (March 1960); see also Memorandum 2010-1, pp. 9-10 & Attachments.

92. For the current Publication Distribution Policy, see Appendix D.

93. Gov't Code §§ 14900 – 14912.

94. The Executive Director is personally liable for any expenditure in excess of the amount approved in the State Budget. Gov't Code § 13324 ("Every person who incurs any expenditure in excess of the allotments or other provisions of the fiscal year budget as approved by the department or as subsequently changed by or with the approval of the department, is liable both personally and on his official bond for the amount of the excess expenditures.").

(b) For the purpose of this section, “extraordinary expenditure of funds or resources” means an expenditure that exceeds the allocation to the Committee provided in the State Budget.

805. Legislative committees

By statute, the Commission is required to confer and cooperate with any legislative committee on revision of the law.⁹⁵ In practice, this typically means that the staff will provide what assistance it can in response to legislative inquiries. The staff ~~will~~shall make clear that any assistance it provides is informal and does not represent any position of the Commission as an entity.

810. State Bar, California Lawyers Association, and other associations

(a) The State Bar is required to “assist the commission in any manner the commission may request within the scope of its powers or duties.”⁹⁶ The staff presumes that this obligation now extends to the California Lawyers Association (“CLA”).

(b) The Commission may cooperate with the State Bar or any other “learned, professional, or scientific association, institution or foundation” in any manner suitable for the fulfillment of the Commission’s duties.⁹⁷

(c) ~~In practice, the~~The Commission ~~solicits~~may solicit input on its studies from relevant sections of the CLA and other ~~relevant~~ organizations. ~~Those~~The staff may request those groups ~~are requested~~ to provide written comment on Commission materials and to attend Commission meetings.

815. Legal publishers

(a) ~~Near~~Shortly after the end of each year’s legislative session, the Commission ~~provides~~shall provide legal publishers electronic copies of all Commission recommendations and final Comments for Commission bills enacted that year. These are used by the publishers to prepare annotations for affected code sections.

~~(b) Historically, legal publishers (Thomson Reuters, LexisNexis, California Continuing Education of the Bar) have provided the Commission complimentary copies of legal publications. These have included annotated code sets, desktop code volumes, subject matter treatises, and the like.~~

~~(c) In the past, the Commission occasionally assisted the California Continuing Education of the Bar (CEB) in their publication of educational materials for their use in connection with programs designed to instruct lawyers concerning major Commission legislative enactments.~~

95. Gov’t Code § [8295](#).

96. Gov’t Code § [8287](#).

103. Gov’t Code § [8296](#).

820. Law reviews

(a) A background study report may be published in a law review if it is accompanied by the substance of the following note:

This article was prepared to provide the California Law Revision Commission with background information to assist the Commission in its study of this subject. The opinions, conclusions, and recommendations contained in this article are entirely those of the author and do not necessarily represent or reflect the opinions, conclusions, or recommendations of the Law Revision Commission.

(b) A tentative recommendation or report may not be published in a law review unless Commission permission is first obtained.⁹⁸ If a tentative recommendation or report is published in a law review or otherwise distributed, it should be accompanied by the substance of the following note:⁹⁹

The purpose of this tentative recommendation or report is to solicit public comment on the Commission's tentative conclusions. A comment submitted to the Commission will be considered at a public meeting when the Commission determines what, if any, recommendation it will make to the Legislature. It is just as important to advise the Commission that you approve the tentative recommendation or report as it is to advise the Commission that you believe revisions should be made to it.

The Commission will often substantially revise a proposal in response to comment it receives. Thus, this tentative recommendation or report is not necessarily the recommendation the Commission will submit to the Legislature.

(c) A letter should be obtained from a law review publishing a Commission study or tentative recommendation or report recognizing that the Commission itself may republish the article in a Commission Bound Volume.

825. Tribal consultation policy¹⁰⁰

Consistent with the Governor's Executive Order B-10-11,¹⁰¹ the Commission shall take all practicable steps to encourage early and frequent communication and consultation with California Native American Tribes, including all of the following:

(a) Before the Commission begins a new study, it shall send notice to Tribes explaining the scope and nature of the study, inviting consultation regarding the study, and offering to add Tribes to the electronic notice list for materials prepared as part of the study. This notice shall be sent by the Commission's Chair or Executive Director.

98. Minutes (Dec. 1965), p. 6.

99. Minutes (June 1966) p. 3; current practice.

100. Minutes (Sept. 2016), p. 3; Memorandum 2016-42.

¹⁰¹ Available at <https://archive.gov.ca.gov/archive/gov39/2011/09/19/news17223/index.html>.

(b) If an official of a Tribe wishes to address the Commission at one of its public meetings, the Commission shall set aside time for that purpose.

(c) The Executive Director shall be available for consultation with representatives of Tribes on their request.

PART 8. ~~RESEARCH~~ CONSULTANTS

850. Meeting attendance

Consultants are requested to attend Commission meetings when appropriate.

855. Compensation

(a) Compensation of ~~research~~ consultants is on a modest scale, as paid in connection with public service rather than at regular professional rates.¹⁰² Payment ~~is~~ shall be made in a lump sum ~~(rather than on an hourly basis)~~ under a contract made with the consultant.¹⁰³ Partial payments may be made for completed portions of a research ~~study that have been completed~~ report.

(b) Consultants may be reimbursed for travel expenses when attending Commission meetings.

860. Statement of scope of background studyreport

(a) The Commission considers it important that there be a clear understanding concerning the scope of the background studyreport so that ~~the background study~~ it includes an adequate discussion of those matters that the Commission believes are in need of study. For this reason, a statement of the scope of the studyreport is prepared by the staff in cooperation with the Commission's consultant. The statement identifies those aspects of the topic to be studied that are considered by the Commission to be of particular importance. Where appropriate, the statement may indicate uniform or model acts or statutes of other jurisdictions that are to be considered in the background studyreport. The statement is intended to ensure that the background study includes an adequate discussion of the matters that are described in the statement, but is not intended to restrict the consultant in any way.

(b) In some cases, the Commission may invite the consultant to meet with the Commission before commencing work on the background studyreport to discuss the scope and methodology of the study. This will enable the Commission to gain additional understanding of the subject matter and ensure that the background study will address all of the matters the Commission believes would be useful in considering the topic.

102. Minutes (June 1955), p. 5.

103. *Id.*

865. Form and content of background studyreport

(a) The consultant is completely free to determine the form and content of the background studyreport, but the background study should include an adequate discussion of the specific matters that the statement of the scope of the study indicates should be discussed in the background studyreport and such other matters as the consultant believes should be considered in the background studyreport. The background studyreport ordinarily is prepared in the form of one or more law review articles.

(b) A background studyreport is most useful to the Commission if it includes the following:

(1) An identification of the specific problems that may require legislative action.

(2) A discussion of existing California decisional and statutory law with respect to each such problem and, where the consultant considers it useful, a discussion of uniform and model acts, statutes of other jurisdictions, and other material.

(3) The alternative methods by which each problem might be solved, the advantages and disadvantages of each alternative, and the consultant's recommendations as to which alternative is best. The consultant is completely free to make any recommendations the consultant considers appropriate or desirable.

(bc) If views expressed in a consultant's studyreport are not in agreement with the final recommendation of the Commission on the subject, the consultant may be asked to review pertinent parts of the study. The consultant is not required, however, to conform the study to the views of the Commission, nor are any portions of the studyreport eliminated when the studyreport is published merely because they are inconsistent with the final action of the Commission.¹⁰⁴

(ed) Whenever possible, a consultant's studyreport should be published in a California law review or other publication and may be republished by the Commission. In some cases, a studyreport may be published only in the Commission's reports. StudiesReports are printed with a note explaining that the views expressed are not necessarily the views of the Commission.

870. Presentations by consultant to other persons or groups¹⁰⁵

If a consultant makes any presentation of a background studyreport and recommendations to any person, or legislative or other group, the consultant shall make clear at the time the presentation is made that:

(a) The consultant's recommendations are not recommendations of the Commission and do not represent the views or recommendations of the Commission.

(b) The Commission may or may not make recommendations on the particular matter and, if the Commission does make recommendations, those

104. Minutes (Aug. 1960), p. 3.

105. Minutes (Jan. 1990), pp. 2-3; Minutes (Jan. 1982), pp. 3-4. For further discussion of this matter, see Memorandum 90-02; Memorandum 89-74.

recommendations will be made in the Commission's printed report to the Legislature.

875. Involvement of consultant in litigation¹⁰⁶

A consultant is free to continue professional activities in an area related to the subject for which the consultant was hired to advise the Commission, including involvement in litigation. However, if the consultant becomes involved in litigation on the side of a party or as amicus curiae, the consultant shall do the following:

(a) Advise the Commission of involvement in the litigation.

(b) When the person's status as a Commission consultant becomes known to the parties litigant or the court, make clear that the consultant's views do not represent the views or recommendations of the Commission and that the Commission's recommendations, if any, will be made in the Commission's printed report to the Legislature.

880. Advisers to commission consultant¹⁰⁷

Although the Commission encourages consultants to seek the views of other experts and interested persons in the course of preparing a background study, the Commission does not approve the consultant setting up an advisory committee or similar named group on behalf of the Commission.

885. Additional funding of consultant studiesreports

A consultant retained by the Commission for the preparation of to prepare a background studyreport may seek to obtain grants or funding from foundations or other sources for the purpose of preparing the study required by the Commissionreport, but no grant or funding shall be accepted by the consultant without the prior approval of the Commission, which approval shall be set out in the Minutes of the meeting at which the approval was given.¹⁰⁸

890. Report on status of research studies

Periodically, the Executive Director is to shall submit for Commission review the status of each research studyreport being prepared by an outside research consultant.¹⁰⁹

PART 9. GENERAL ADMINISTRATION

106. Minutes (Jan. 1990), p. 2; see Memorandum 90-02, p. 2.

107. Minutes (Jan. 1990), p. 2.

108. Minutes (Sept. 1987).

109. Minutes (April 1971), pp. 3-4; revised to reflect current practice.

CHAPTER 1. SIGNATURE AUTHORITY

900. Contracts and leases

(a) The Executive Director is authorized to sign on behalf of the Commission all leases and contracts previously approved by the Commission.¹¹⁰

(b) The Executive Director is authorized to execute contracts covering equipment maintenance, equipment rental, subscriptions, and ~~the like~~ similar items.

905. Personnel and financial documents¹¹¹

(a) The Chair~~person~~, Executive Director, and Chief Deputy ~~Counsel~~ Director are authorized to sign all personnel and financial documents.

(b) The Executive Director shall determine the particular types of documents that the Chief Deputy ~~Counsel~~ Director and other Commission ~~employees~~ staff can sign.

(c) The Chair~~person~~ and the Executive Director are authorized to sign any documents that must be executed to allow a Commissioner or Commission ~~employee~~ staff to sign personnel or financial documents.

CHAPTER 2. TRAVEL

950. Travel claims

(a) The staff is responsible for overseeing the travel claim process.

(b) To make a claim, a Commissioner must first complete a staff-provided worksheet and submit it to the staff. All required information must be provided and specified receipts must be attached. If required information or receipts are missing, reimbursement may be delayed or limited.

(c) From the worksheet information, the staff prepares the formal travel claim and sends it to the Commissioner for signature. The claim is then returned to the Commission office for final approval and submission to the State Controller for payment.

(d) Current information concerning travel expense regulations and claims is sent to Commissioners periodically or on request. Questions about travel claims or the procedure should be directed to the responsible staff member.

955. Out-of-state travel¹¹²

The Chair~~person~~ is authorized to approve requests for authorization by the Department of Finance and the Governor of unbudgeted out-of-state travel by the staff. ~~Requests~~ The Executive Director shall submit requests for budgeted out-of-state travel ~~are presented~~ for approval by the Department of Finance and Governor ~~by submission of the necessary document by the Executive Director~~.

110. Minutes (July 1964), p. 2.

111. Minutes (Feb. 2010), p. 2; see also Memorandum 2010-1, p. 10; Minutes (Oct. 1965), p. 3.

112. Minutes (Oct. 1965), p. 5.

960. ~~Photo identification cards~~

~~Any Commissioner may request that the staff provide a photo identification card that will affirm the Commissioner's status as a member of the Commission. These cards may be useful in obtaining state contract rates on accommodations when staying overnight for a Commission meeting.~~_____



California Law Revision Commission

Handbook of
Practices and Procedures

Last Revised: June 20, 2024

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HANDBOOK OF COMMISSION PRACTICES AND PROCEDURES

PART 1. PRELIMINARY PROVISIONS

10. Content of Handbook

(a) This Handbook memorializes some of the Commission's current practices and procedures.

(b) Some provisions of the Handbook are the result of a formal decision of the Commission. In those instances, a footnote cites the Minutes for the meeting at which the decision was made.

(c) Some provisions describe an informal practice that has been established over time, without having been formally adopted by the Commission. No citation is provided as authority for such a procedure.

(d) Some provisions are based on a statutory requirement. In those instances, the governing statute is cited in a footnote.

(e) The staff has discretion to make technical revisions of this Handbook as needed.¹

15. Handbook is nonregulatory

(a) The provisions of this Handbook are not regulations. They relate primarily to internal matters and do not bind the Commission or the public.

(b) Despite their nonbinding nature, there are good reasons for the Commission to follow the practices and procedures described in this Handbook and it generally does so. Most of those practices and procedures are time-tested and successful. In many cases, they are the result of Commission deliberation, after a weighing of possible alternative approaches.

(c) The Commission is free at any time to waive or change a provision of this Handbook (except to the extent that a provision is based on a statutory requirement).

20. Handbook is a public document

This Handbook is a public document. It will be made available on the Commission's [website](#).

25. Definitions

As used in this Handbook, the following terms have the indicated meanings:

(a) "Agency" means the California Law Revision Commission and the Committee on Revision of the Penal Code.

(b) "Calendar of Topics" means the that is required by [Government Code Section 8293](#). The Calendar of Topics forms the basis for the Commission's Resolution of Authority.

1. [Minutes](#) (Aug. 2018), p. 3.

(c) “Bound Volume” means a hardbound volume of the Commission’s official compilation of “[Reports, Recommendations, and Studies](#).”

(d) “Commission bill” means a bill introduced to implement a Commission recommendation.

(e) “Pre-print report” means a report that is final as to substance but has not yet been put into final form and published in a Bound Volume.

(f) “Recommendation” means a final Commission report that recommends a specific change to statutory law.

(g) “Report” means a final Commission report that provides information and analysis without recommending any specific change to statutory law.

(h) “Resolution of Authority” means the concurrent resolution of the Legislature that is introduced each legislative session to grant the Commission authority to study specified topics. It is required by Government Code Section [8293](#).

(i) “Revised Comment report” means a report that sets out revised Comments that supersede those in a Commission recommendation, to correct technical errors or conform to the effect of amendments to a Commission bill.

PART 2. GENERAL PROVISIONS

CHAPTER 1. MISSION AND AUTHORITY

50. Mission

(a) The Commission studies topics assigned by the Legislature in order to recommend statutory reforms that improve the law.

(b) Some Commission studies address purely technical reforms, such as error correction and restatement of the law. Others involve substantive policy reforms, or a mixture of both technical and policy reforms.

(c) The Commission’s goal is to improve the fairness and efficiency of California law, through an open, participatory, and even-handed deliberative process.

(d) The Commission is politically neutral. It strives to develop balanced reforms that accommodate competing policy interests.

55. Authority

(a) By statute, the Commission may only study topics that have been authorized by concurrent resolution or statute.²

(b) In each Annual Report, the Commission will recommend a Calendar of Topics Authorized for Study. The Calendar of Topics will include authority for any new studies the Commission wishes to undertake. The Calendar of Topics will continue the Commission’s existing authority, except when the Commission decides to remove a topic that is unlikely to receive further study.³

2. Gov’t Code § [8293](#).

3. *Id.*

(c) At least once per legislative session, the staff will seek introduction of the Resolution of Authority to authorize the most recent Calendar of Topics.⁴ The content of the Resolution of Authority is not bound by the Commission's recommended Calendar of Topics. The Legislature is free to remove or add authority contrary to or in addition to the Commission's recommendation.

(d) The Commission has general authority to correct technical and minor substantive defects in the statutes, without a specific grant of authority from the Legislature.⁵

60. New topics⁶

(a) Any person or organization may contact the Commission to propose a topic for study.

(b) Any Commissioner may propose a study topic at any time.

(c) Any person who proposes a new topic for study, including a Commissioner, is encouraged to provide written background that describes the problem to be addressed.

(d) A proposed topic may be brought to the Commission's attention when a suggestion is received, but proposed topics will generally be considered as a group, in an annual staff memorandum entitled "New Topics and Priorities." This gives the Commission a useful overview for deciding which new topics to request authority to study and for planning the next year's work priorities.

(e) If the Commission decides to study a topic for which it does not have current authority, it will recommend adding the topic to its Calendar of Topics. Implementing language will be included in the next next resolution of authority.⁷ The Legislature will then decide whether to grant the requested authority.

65. Proposed legislation affecting Commission

(a) The staff should notify the Commission when the staff becomes aware of pending legislation directly affecting the Commission.⁸

(b) The Executive Director may respond to inquiries from the Legislature regarding the practicability of a potential new study assignment.

70. Deference to prior recommendations

Unless there is a good reason for doing so, the Commission will not recommend changes to laws that were enacted on Commission recommendation.⁹

4. Gov't Code § [8293](#); [Minutes](#) (June 2024), p. 3; [Memorandum](#) 2024-22, p. 8.

5. Gov't Code § [8298](#).

6. [Minutes](#) (Sept. 1970), p. 8; revised to reflect current practice.

7. See [Section 55](#).

8. [Minutes](#) (Oct. 1986), p. 4.

9. [Minutes](#) (Dec. 1971), p. 3.

CHAPTER 2. MEMBERS

100. Members

(a) The Commission has ten members. Seven are appointed by the Governor. One is a Member of the Assembly appointed by the Speaker of the Assembly; another is a Member of the Senate appointed by the Senate Committee on Rules. The Legislative Counsel is also an ex officio member.¹⁰

(b) The members who are appointed by the Governor serve four-year terms in two staggered groups.¹¹

(c) If a member is not reappointed, that member may serve until replaced¹² or for 60 days after the end of the term,¹³ whichever comes sooner.

105. Member ethics¹⁴

(a) The appointed members of the Commission are state employees and are subject to the legal and ethical requirements that govern state employees.

(b) Information about those requirements can be found at the following websites:

- (1) [Fair Political Practices Commission](#)
- (2) [Ethics Training Course](#)
- (3) [California Department of Human Resources](#)

110. Member duties

(a) The most important duty of a Commissioner is to attend the Commission's meetings. Attendance is critical to achieving a quorum, which is a prerequisite to taking action at a meeting. Full attendance also improves the Commission's deliberative process, by ensuring that a range of views are represented.

(b) Commissioners are presumed to have read all the material to be considered at a meeting.

115. Compensation

When attending a Commission meeting, Commissioners are entitled to statutory per diem and the reimbursement of actual expenses, including travel expenses. Commissioners receive no other compensation for service on the Commission.¹⁵

120. New Commissioners

When a new Commissioner takes office, the Executive Director will brief the new Commissioner, to provide a detailed introduction to the Commission's process and

10. Gov't Code § [8281](#).

11. *Id.*

12. *Id.*

13. Gov't Code § [1774](#).

14. [Minutes](#) (Aug. 2018), pp. 1-2.

15. Gov't Code § [8282](#).

current work. New Commissioners will be provided with a copy of this Handbook and other introductory materials.

125. Legislative member voting

(a) To ensure compliance with statutory¹⁶ and Constitutional¹⁷ limitations, the Commission's legislative members will not vote on any matter that implicates the sovereign powers of the State, including, but not limited to, voting on contracts or personnel matters.

(b) Nothing in this section affects the authority of the Commission's legislative members to participate in the development of a law reform recommendation, for submission to the Legislature. Such participation includes, but is not limited to, voting on the following matters:

- (1) Approving the Commission's work priorities.
- (2) Requesting new study authority.
- (3) Directing staff work on studies.
- (4) Approving a background report, discussion draft, tentative recommendation, or final recommendation.
- (5) Deciding whether an amendment to a Commission-recommended bill is compatible with the Commission's recommendation.
- (6) Deciding whether to revise a Commission report to conform to an amendment to a Commission-recommended bill.

CHAPTER 3. OFFICERS

150. Officers

(a) The officers of the Commission are the Chairperson¹⁸ and the Vice Chairperson.

(b) The terms of office are one year, commencing on September 1.¹⁹ Officers hold office until the following September 1 or the election of successors, whichever is later.²⁰

(c) In case of a vacancy in the office of Chairperson or Vice Chairperson, the Commission shall elect new officers for the remainder of the term.²¹

(d) No officer is eligible to succeed themselves in the same office in which the officer has served a full term.²² However, an officer who has served for less than a

16. Gov't Code § [8281\(b\)](#).

17. Cal. Const. [art. III, §3](#); [art. IV, § 13](#).

18. Gov't Code § [8283](#).

19. [Minutes](#) (Oct. 1986), p. 2; [Minutes](#) (Dec. 1981), p. 2.

20. [Minutes](#) (Jan. 1995), p. 3, current practice.

21. *Id.*

22. [Minutes](#) (Jan. 1960), p. 3.

full term may succeed themselves in the same office for a full term.²³ If the Chairperson is reelected to office under this provision, the incumbent Vice Chairperson is eligible for reelection even though reelection may result in the Vice Chairperson succeeding themselves for another full term.²⁴

(e) Before the terms of the Chairperson and Vice Chairperson end, the staff will prepare a memorandum entitled “Election of Officers” for the Commission to consider at an upcoming meeting. This will provide an opportunity for the Commission to elect officers for the coming term.

155. Officer duties

(a) The Chairperson officiates at Commission meetings. Between meetings, the Chairperson may be required to consult with the staff about legislative developments or administrative matters. Such consultation includes, but is not limited to the following:

(1) Provisional approval of an amendment of a bill that would implement a Commission recommendation.

(2) Approval of staff-drafted revisions to a tentative recommendation, recommendation, or report.

(b) If the Chairperson is unavailable or there is a vacancy in the office of Chairperson, the Vice Chairperson will perform the duties of the Chairperson.²⁵

(c) If both the Chairperson and Vice Chairperson are absent at any point in a meeting, or are unavailable to take action required between meetings, any Commissioner may act as temporary Chairperson until an officer becomes available.²⁶

160. Recognition of service

The Commission will present a commemorative plaque to the Chairperson shortly after the end of the Chairperson’s term of office.

CHAPTER 4. STAFF

200. Executive director

(a) The Executive Director serves as the administrative head of the Agency and represents the Commission to the Executive Branch and Legislature.

(b) Unless otherwise indicated, any of the acts in this Handbook that may be done by the Executive Director may also be done by a member of the staff designated by the Executive Director.²⁷

23. [Minutes](#) (Dec. 1960), p. 2.

24. [Minutes](#) (Jan. 1962), p. 2.

25. [Minutes](#) (Jan. 1995), p. 3.

26. [Minutes](#) (Feb. 2010), p. 3; [Minutes](#) (June 2007), p. 2; [Minutes](#) (July 1998), pp. 2-3.

27. [Minutes](#) (May 2005), p. 3; see also [Memorandum](#) 2005-15, p. 8.

205. Reporting structure

- (a) Between meetings, the Executive Director reports to the Chairperson. At a Commission meeting, the Executive Director reports to the Commission as a body.
- (b) The Chief Deputy Counsel reports to the Executive Director.
- (c) Other staff attorneys report to the Executive Director and, with respect to work that is supervised by the Chief Deputy Counsel, to the Chief Deputy Counsel.
- (d) Administrative staff report to the Executive Director.

210. Personnel action²⁸

- (a) The appointment, promotion, or involuntary termination of the Executive Director or Chief Deputy Counsel shall first be approved by the Commission.
- (b) The appointment, promotion, or involuntary termination of staff counsel shall first be approved by the Chairperson. Commission approval is not required.
- (c) Except as otherwise provided in this section, the Executive Director is authorized to take all actions with respect to appointment, promotions, terminations, leave, merit increases, other salary increases, and the like, for Commission employees other than the Executive Director. Any other person authorized to sign personnel documents has similar authority but, except in emergency circumstances, this authority should be exercised only after consulting with the Executive Director. No such action shall be taken over the objection of the employee involved unless the Chairperson or the Commission first indicates approval of the action proposed to be taken by the Executive Director.
- (d) Except as otherwise provided in this section, the Chairperson is authorized to take all actions, with respect to appointment, termination, leave, merit increases, and other salary increases, and similar matters for the position of Executive Director.
- (e) The Chief Deputy Counsel is authorized to approve sick leave and vacation leave requests of the Executive Director.

215. Incompatible activities²⁹

Each employee shall notify the Executive Director of any outside activities that might reasonably be deemed incompatible, inconsistent, or in conflict with the employee's duties to the Commission under either Government Code [Section 19990](#) or the Commission's Incompatible Activities Statement.

PART 3. STUDY PROCESS

250. Commencement of study

- (a) Some studies begin with the preparation of a background report by a consultant.³⁰ In recent years, resource limitations and short deadlines have made it

28. [Minutes](#) (Oct. 1971), see also [Memorandum](#) 71-74, pp. 16-17; [Minutes](#) (Oct. 1965) pp. 4-5.

29. [Minutes](#) (Feb. 2013), p. 3.

30. See [Part 8](#) *infra*.

less practicable to solicit the preparation of a formal background report. Instead, the staff has done the necessary background research and analysis.

(b) At the commencement of a new study, the staff will reach out to groups and individuals who are expected to have an interest and expertise in the subject of the study and invite their participation. Those who are interested will be added to the Commission's electronic notice list for the study. The staff will provide Commissioners with a list of the groups and individuals that were invited to participate.³¹

(c) When commencing a new study that is part of the Commission's Calendar of Topics authorized by concurrent resolution, the Executive Director "shall submit a detailed description of the scope of work to the chairs and vice chairs of the Assembly Committee on Judiciary and the Senate Committee on Judiciary, and any other policy committee that has jurisdiction over the subject matter of the study, and if during the course of the project there is a major change to the scope of work, submit a description of the change." In recent years, this requirement has been imposed as a condition in the Commission's Resolution of Authority.³²

(d) The Commission does not use standing subcommittees to initially review studies on the Commission's agenda and submit their recommendations to the Commission.³³

255. Development of proposed law

(a) In this stage of the study process, the staff will prepare memoranda that provide background information, the results of legal research and analysis, public comments, and draft legislation.

(b) At its public meetings, the Commission will consider these staff memoranda and will make decisions to address the matters discussed in the memoranda or that come up during discussion of the memoranda.

(c) The staff will present these memoranda orally at the Commission's meetings, making sure that all decision points are presented for Commission action. In presenting a memorandum, the staff will presume that the Commissioners are familiar with its content.

260. Tentative recommendation

(a) Once the Commission has made provisional decisions about the content of a proposed reform, the staff will prepare a draft tentative recommendation. It will include (1) a narrative explanation of the problem and the proposed solution, (2) draft legislation to implement the proposed reform, and (3) an official "Comment" for every section of the proposed legislation. Comments describe the derivation and

31. [Minutes](#) (Oct. 2014), p. 3.

32. See, e.g., 2016 Cal. Stat. res. ch. 150.

33. [Minutes](#) (May 1960), p. 4; [Minutes](#) (Jan. 1960), p. 5.

general effect of a proposed revision. They may also include brief explanatory background information.

(b) Once approved by the Commission, a tentative recommendation will be released to the public for review and comment (for a period specified in the tentative recommendation).

265. Public comment

(a) The Commission welcomes public comment at any stage of its study process.

(b) Comment can be submitted in a formal letter, by email, or by oral testimony at a meeting.

(c) The Commission will consider all public comment on a tentative recommendation and decide whether to make any changes to the tentative recommendation.

(d) In rare instances, the changes made to a tentative recommendation may be so significant that the Commission decides to release a revised tentative recommendation and conduct a further round of public comment.

270. Final recommendation

(a) When the Commission has considered and addressed all public comment on a tentative recommendation and has reached the end of deliberation, the staff will prepare a draft of a final recommendation for the Commission's consideration. A final recommendation contains all of the same content as a tentative recommendation, except that it does not invite public comment.

(b) When the Commission approves a staff draft as its final recommendation, the recommendation will be prepared for publication and distribution.

(d) Occasionally, when time is of the essence, the Commission will approve a final recommendation subject to minor changes that have not yet been drafted. Instead, the drafting of the changes is delegated to the staff, subject to final approval of the draft language by the Chairperson.

PART 4. MEETINGS

CHAPTER 1. SCHEDULING

300. Meeting dates and locations

(a) Regular meetings are scheduled approximately once every two months, or more frequently as required. During the legislative session, meetings will be scheduled to accommodate the schedule of the Commission's legislative members; this will usually involve meeting on Thursday.³⁴

(b) Most regular meetings are one-day meetings, but the staff may propose multi-day meetings if the workload requires it.

34. [Minutes](#) (Nov. 1996), p. 3; [Minutes](#) (Sept. 1995), p. 3; current practice.

(c) Commission shall meet in hearing rooms that facilitate remote participation by electronic means.³⁵

(d) In the second half of each calendar year, the staff will present a memorandum proposing a meeting schedule for the next year. The Commission will decide whether to approve the proposed schedule, with or without changes.

305. Special and rescheduled meetings

The Chairperson is authorized to call a special meeting and to change the date, times, and place of a previously scheduled meeting when necessary to improve attendance at the meeting or for other good reason. Notice of a special or rescheduled meeting shall be given immediately.³⁶

310. Meeting starting time

Commission meetings are not commenced if absent members are known to be in the area where the meeting is being held and are known to be planning to attend the meeting.³⁷ However, meetings should not be delayed more than 15 minutes from the originally scheduled starting time to await the arrival of an absent member who is known to be planning to attend the meeting.³⁸

CHAPTER 2. PUBLIC PARTICIPATION

350. Open meetings

Meetings of the Commission are open to the public and are subject to the provisions of the Bagley-Keene Open Meeting Act.³⁹ Any person may attend as an observer and may address the Commission or participate in the discussion as authorized by the Chairperson.⁴⁰

355. Commissioner identification

Commissioners should be identified with a name plate or other form of identification so that members of the public are able to identify Commissioners at meetings.⁴¹

35. [Minutes](#) (June 2024), p. 3; [Memorandum](#) 2024-22, p. 3.

36. Notice of special meetings is also governed by provisions of the Bagley-Keene Open Meeting Act. See, e.g., Gov't Code §§ [11125.3](#), [11125.4](#), [11125.5](#).

37. [Minutes](#) (April 1984), p. 3.

38. [Minutes](#) (April 1987), p. 4.

39. Gov't Code §§ [11120-11132](#).

40. [Minutes](#) (Feb. 1960), p. 2. See also Gov't Code § [11125.7](#).

41. [Minutes](#) (May 9 & 15, 1996), p. 3.

360. Teleconference meetings

(a) The Commission views itself as an advisory body for the purposes of the teleconferencing authority provided by Government Code Section [11123.5](#). The Commission reserves the right to meet via teleconference as the Commission deems appropriate and in conformance with the requirements of the Bagley-Keene Open Meeting Act.⁴²

(b) The staff will consult with the Commission to determine whether particular meetings should be conducted in person or via teleconference.

(c) The Commission may meet in person to host expert speakers and receive stakeholder comments. The Commission may use the teleconference option for routine meetings and when Commissioners are unavailable to meet in person and a quorum can otherwise not occur.

(d) Commissioners may attend in-person Commission meetings via teleconference when Commissioners are unable to attend in person. Commissioners should notify staff at least two days in advance of the meeting to comply with the public notice requirement in Government Code Section [11123.5](#).⁴³

365. Written comments generally⁴⁴

A written communication to the Commission that is relevant to matters currently under consideration may be attached as an exhibit to a staff memorandum. In general, the memorandum will discuss the points made in the written comments. However, there may be situations in which a written communication is provided without analysis (e.g., the communication is received shortly before a meeting or has a plain meaning that does not require discussion).

370. Particular types of written comments

(a) The Commission does not ordinarily receive communications on a confidential basis. The notice on the cover of a Commission tentative recommendation should state that any comments received will be a part of the public record and may be

42. Minutes (May 2024). See also Gov't Code § [11123.5](#) as amended by 2023 Cal. Stat. ch. 216, § 2; this section expires on January 1, 2026.

43. [Minutes](#) (June 2024), p. 3; Gov't Code § [11123.5](#)(d) states "[t]he state body shall provide notice to the public at least 24 hours before the meeting that identifies any member who will participate remotely by posting the notice on its internet website and by emailing notice to any person who has requested notice of meetings of the state body under this article. The location of a member of a state body who will participate remotely is not required to be disclosed in the public notice or email and need not be accessible to the public. The notice of the meeting shall also identify the primary physical meeting location designated pursuant to subdivision (f)."

44. [Minutes](#) (Feb. 2010), p. 4; [Minutes](#) (May 2005), p. 3; [Minutes](#) (March 2005), pp. 2-3; see also [Memorandum](#) 2010-1, pp. 6-7; [Memorandum](#) 2005-15, pp. 4-6.

considered at a public meeting. The same statement should be included in the footer on the first page of each staff memorandum.⁴⁵

(b) Although the Commission encourages persons to identify themselves and their affiliations, a communication to the Commission may be anonymous. The Commission can take the anonymity of the author into account in evaluating an anonymous communication. The identity of a source is sometimes helpful in assessing the merits of an idea or how much weight it should be given.⁴⁶

(c) A communication that is off-topic, defamatory, obscene, invasive of personal privacy or confidentiality, or that is similarly inappropriate for republication will not be reproduced as an exhibit to a memorandum unless it is redacted to eliminate the inappropriate material. Any redaction shall be clearly indicated.

(d) Email transmission details (such as time of transmission and email addresses of recipients) and personal contact information shall be routinely omitted in presenting an email communication, and this type of omission need not be noted.

(e) A communication that is not reproduced as an exhibit may be summarized in a staff memorandum.

375. Communication to individual Commissioner⁴⁷

(a) If the staff receives a written communication addressed to the Chairperson or to an individual Commissioner regarding a Commission study, the staff will treat the communication in the same manner as a communication to the Commission as a whole. If the communication relates to a topic under study, it will be treated in the same way as any other public comment on a study. If the communication relates to other business of the Commission, the staff will normally respond to the communication.

(b) If the Chairperson or an individual Commissioner receives a written or oral communication from an interested person regarding a Commission study, it is recommended that the Chairperson or individual Commissioner inform the staff of the substance of the communication and, if possible, provide a copy of the communication to the staff.

(c) Email to Commissioners should be sent to <commission@clrc.ca.gov>, where it will be treated like any other communication to the Commission.

45. [Minutes](#) (Feb. 2010), pp. 3-4; [Minutes](#) (May 2005), p. 3; see also [Memorandum](#) 2010-1, p. 6; [Memorandum](#) 2005-15, pp. 3-4.

46. [Minutes](#) (May 2005), p. 3.

47. [Minutes](#) (May 2005), p. 3; see also [Memorandum](#) 2005-15; [Memorandum](#) 87-39.

380. Electronic communications⁴⁸

(a) Commissioners and members of the staff shall not use text messaging or social media to send or receive a message that relates to the conduct of the Commission's business.

(b) Members of the staff should only use an official account to send or receive email messages that relate to the conduct of the Commission's business. In the event that a staff member uses a personal account for such a purpose, the staff member shall forward a copy of the message to an official account.

(c) If a Commissioner uses a personal account to send or receive an email message that relates to the conduct of the Commission's business, the Commissioner shall store the message in a location that is used exclusively for that purpose. However, emails to or from Commission staff do not need to be stored. Prior to the end of a Commissioner's term of service, the Commissioner shall forward all Commission messages related to Commission business to the Executive Director for retention.⁴⁹

(d) For the purposes of this section, "official account" means an email account within the domain "clrc.ca.gov." "Personal account" means any email account that is not an official account.

(e) The Commission's annual memorandum discussing "Open Government Laws" shall reiterate these practices.

CHAPTER 3. MEETING MATERIALS

400. Agenda⁵⁰

(a) Typically, the staff will prepare and release a tentative agenda several weeks before a meeting date, followed by a final agenda that is released no later than 10 days before the meeting date. If significant changes are made to a tentative agenda, such as a change in the meeting's date or location, the staff may prepare and release a revised tentative agenda.

(b) The staff shall schedule no more work for any particular meeting than can reasonably be considered at the meeting.⁵¹

(c) At the meeting, the Chairperson may change the order of items on the agenda to accommodate persons in attendance or for other good reason.

(d) When useful to fit the schedule of a consultant or other persons planning to attend the meeting, the staff may schedule a special order of business for consideration of a topic.

48. [Minutes](#) (Sept. 2017), p. 3; [Minutes](#) (Aug. 2017), p. 4; see also [Memorandum](#) 2017-40, pp. 2-3.

49. [Minutes](#) (June 2024), p. 3; [Memorandum](#) 2024-22, pp. 6-7.

50. [Minutes](#) (June 1968), pp. 2-4.

51. [Minutes](#) (Jan. 1969), p. 2.

405. Staff memoranda

(a) Ordinarily, the staff will prepare one or more memoranda for each item on the meeting agenda.⁵²

(c) When beneficial, the staff may prepare supplements to the memoranda listed on an agenda. Supplements provide a way to provide further information or to segment a lengthy discussion.

410. Staff-produced material

(a) All staff-produced meeting materials will be posted to the Commission's website and distributed to Commissioners and to any members of the public who have subscribed to receive them.

(b) The staff will bring one complete set of the staff-produced meeting materials to each meeting. This set of materials will be made available for public inspection at the meeting.⁵³

(c) In preparing meeting materials, the staff should indicate changes to a former draft of proposed legislative language or text of a Commission recommendation by some appropriate means. This may be done by written description or by the use of strikeout and underscore.⁵⁴

(d) The staff will attempt to deliver meeting materials no fewer than 5 working days before a meeting. If that is not possible, the staff will either deliver the material as soon as possible or distribute it at the meeting.

415. Material received at meeting

If the Commission receives written public comment at a meeting, that material will be attached to a memorandum, which will be posted and distributed after the meeting.

CHAPTER 4. DECISIONMAKING

450. Quorum

(a) Five members of the Commission constitute a quorum.⁵⁵

(b) If a quorum is established at any time during a meeting of the Commission, the Commission may thereafter act for the duration of the meeting notwithstanding the absence of any member who is part of the quorum.⁵⁶ Any action may be taken

52. The exceptions are for items that are limited to oral discussion (e.g., Executive Director's Report).

53. [Minutes](#) (Feb. 2018), p. 2.

54. [Minutes](#) (Oct. 1987), p. 3.

55. Gov't Code § [8283](#)(a).

56. [Minutes](#) (Jan. 1993), pp. 2-3.

by a majority of those present after a quorum is established, except as provided in subdivision (c) of [Section 455](#).⁵⁷

(c) If a quorum is not established at a particular meeting, members present act as a subcommittee and no final action may be taken at the meeting.⁵⁸ Decisions of a Commission subcommittee may be ratified by the Commission when a quorum is attained, whether at the same meeting or a later meeting.⁵⁹

(d) The Commission may establish a quorum by teleconference in accordance with open meeting act rules.⁶⁰

455. Approval of actions

(a) Commission actions are generally made by a motion approved by the Commission.⁶¹

(b) Approval of a motion requires an affirmative vote of a majority of the Commissioners present when the vote is taken.

(c) A final report or recommendation must be approved by the affirmative votes of at least three Commissioners.⁶²

(d) The Chairperson, or other Commission member acting as Chairperson, may make motions, second motions, and vote on motions in the same manner as Commission members generally, without the need to vacate the chair temporarily.⁶³

(e) Actions at an in-person meeting may also be taken by unanimous consent. If the staff asks whether a certain action should be taken, the Chair can ask the Commission whether anyone objects. If no Commissioner objects after having been given an opportunity to do so, the action is deemed approved by unanimous consent of those present.⁶⁴

(f) All votes taken during a teleconference meeting shall be by rollcall.⁶⁵

(g) The Commission may give the staff informal instructions or guidance without taking formal action.

57. [Minutes](#) (Jan. 1993), pp. 2-3; [Minutes](#) (Feb. 1966), p. 2; [Minutes](#) (April 1963), p. 6; [Minutes](#) (March 1959), p. 4.

58. [Minutes](#) (Jan. 1993), pp. 2-3; [Minutes](#) (April 1987), p. 4; [Minutes](#) (April 1963), p. 6.

59. See, e.g., [Minutes](#) (Feb. 1997), pp. 2-3; [Minutes](#) (May 9 & 15, 1996), p. 2.

60. See [Minutes](#) (June 1999), pp. 3-4; Gov't Code § [11123](#).

61. [Minutes](#) (April 1987); [Minutes](#) (Jan. 1985), p. 2.

62. [Minutes](#) (Jan. 1993), p. 2; [Minutes](#) (Feb. 1966), p. 2; [Minutes](#) (April 1963), p. 6; [Minutes](#) (March 1959), p. 4.

63. [Minutes](#) (May 1994), p. 3.

64. [Minutes](#) (June 2024), pp. 3-4; [Memorandum](#) 2024-22, pp. 3-4.

65. [Gov't Code § 11123\(b\)\(1\)\(D\)](#).

460. Termination of deliberations

The Chairperson should terminate prolonged deliberations on any matter either by bringing it to a vote when appropriate or by referring the matter to the staff for further research or redrafting.⁶⁶

CHAPTER 5. RECORD

500. Transcripts⁶⁷

As a general rule, the staff will not make a transcript of a Commission meeting.

505. Meeting recordings

(a) The staff shall make an electronic record of each meeting and post a link on the Commission's website.

(b) The recordings are public records.⁶⁸

510. Minutes

(a) The staff will prepare draft Minutes for each meeting, to record actions taken by the Commission.

(b) The Minutes shall record each Commissioner's vote on each action taken at a meeting. If a Commissioner abstained from voting or was not present when a vote was taken, the Minutes shall record that fact.⁶⁹

(c) Ordinarily, the Minutes do not describe oral statements made at a meeting.⁷⁰

(d) At each meeting, the Commission shall decide whether to approve the draft Minutes of the prior meeting, with or without changes. After the approval of draft Minutes, the staff will prepare a final draft of the Minutes, including any changes made by the Commission, for posting to the Commission's website.

PART 5. LEGISLATIVE PROCESS

550. Identifying potential authors

(a) After a recommendation has been approved, the Executive Director will identify legislators or legislative committees that might be interested in introducing a bill to implement the recommendation. In identifying potential authors, the Executive Director may consult with legislative staff.

(b) The Executive Director will contact potential authors to provide a copy of the recommendation, explain its background and purpose, and answer any questions about the recommendation or the Commission's process.

66. [Minutes](#) (March 1959), p. 4.

67. [Minutes](#) (May 2005), p. 3; see also [Memorandum](#) 2005-15, pp. 2-3.

68. [Minutes](#) (June 2024), p. 3; [Memorandum](#) 2024-22, p. 7.

69. [Minutes](#) (April 2015), p. 3; see also [Memorandum](#) 2015-8, p. 7.

70. Exceptions include matters that involve oral reports (e.g., the Executive Director's Report).

555. Introduction of Commission bill⁷¹

Although a Commission bill will generally be introduced in the form in which it was recommended by the Commission, any of the following changes to the Commission's recommended language may be made before introduction:

(a) Technical changes proposed by the Office of the Legislative Counsel. These may be made at the staff's discretion.

(b) Unrelated content may be included in the bill, at the discretion of the author. This is especially common when a Commission recommendation is part of an omnibus bill.

(c) The staff may make a technical correction or other minor change that appears to be proper. Such a change shall be approved in the same way as an amendment of a Commission bill.

560. Amendment of Commission bill⁷²

(a) The author of a Commission bill has unlimited authority to decide whether to amend a Commission bill. However, the Commission will request that the author consult with the Executive Director before doing so.

(b) If a proposed amendment is nonsubstantive, the Executive Director may approve the amendment without first consulting either the Commission or its Chairperson.

(c) If a proposed amendment is substantive, the Executive Director shall take the following steps:

(1) If time permits, the Executive Director shall brief the Commission on the proposed amendment at its next meeting, before the amendment is made.

(2) If the author proposes to make a substantive amendment before the Commission's next scheduled meeting, the Executive Director shall consult with the Chairperson before the amendment is made. If the amendment is made, the Executive Director shall consult with the full Commission at the next scheduled meeting.

(d) When the Commission or Chairperson considers a proposed amendment to a Commission bill, it will typically take one of the following positions:

(1) Approve the proposed amendment. If the amendment is made, the Commission may revise its recommendation to include the amendment.

(2) Do not approve the amendment, but find that it is compatible with the Commission's recommendation. If the amendment is made, the Commission will take no position on the amendment. However, to avoid confusion in the record, the Commission may revise its Comments to conform to the amendment.

(3) Disapprove the amendment as incompatible with the Commission's recommendation. The Commission will take no position on the merits of the

71. [Minutes](#) (Jan. 1959), p. 5; revised to reflect current practice.

72. [Minutes](#) (Dec. 2010), p. 2; [Minutes](#) (Sept. 1987), p. 3; see also [Memorandum](#) 2010-51, p. 3.

amendment, but will make clear that the amendment is not based on the Commission's recommendation.

565. Staff assistance to author

(a) The staff will offer to provide technical assistance to the author of a Commission bill, by answering questions and drafting explanatory background materials. The staff will not advocate for passage or defeat of the Commission bill.

(b) Shortly before a legislative policy committee hears a Commission bill, the staff will send an explanatory letter and a copy of the recommendation (including any revised Comment report) to each member of the policy committee. The letter will not advocate for passage or defeat of the bill.

(c) A member of the staff will appear as a witness at any policy committee hearing of a Commission bill. The staff's testimony will be limited to explaining the Commission's recommendation and answering questions. The staff will not advocate for passage or defeat of the Commission bill.

(d) Ordinarily, the staff will not send letters to or appear before an appropriations committee that is hearing a Commission bill. However, the staff may do so if requested by the author or the appropriations committee, or if the staff determines that the bill involves an important fiscal issue.

(e) When a Commission bill has passed the Legislature and is being sent to the Governor for approval, the staff will send an explanatory letter and a copy of the recommendation (including any revised Comment report) to the Governor. The letter will not advocate for approval or veto of the bill.

570. Staff contacts with Legislature or Governor's Office⁷³

(a) Except as otherwise authorized by this Handbook, the staff should not contact a member of the Legislature, the Governor, or their staff about a pending Commission bill.

(b) Such contact is permitted if a person in the Legislature or the Governor's Office has raised an issue about a Commission bill that seems to be based on a misunderstanding of the Commission's recommendation or the reasons for it. If it appears desirable, the Executive Director may contact that person to answer questions about the bill and otherwise explain it. Care must be taken not to advocate or appear to be advocating for enactment of the Commission bill.

575. New legislators

The staff should send a letter to and attempt to meet with new legislators to provide background on the Commission and its function. The staff should explain that the Legislature sets the Commission's agenda, and that the Commission provides a resource legislators should consider using where there are issues

73. [Minutes](#) (Feb. 2010), p. 2; [Minutes](#) (May 2005), pp. 3-4; [Minutes](#) (Jan. 1971), p. 4; see also [Memorandum](#) 2010-1, pp. 7-8; [Memorandum](#) 2005-15, pp. 6-7.

appropriate for Commission study. The staff should provide a brief overview explaining how the Commission operates and offering to provide additional information.⁷⁴

PART 6. RECOMMENDATIONS, REPORTS, AND OTHER WRITTEN MATERIALS

CHAPTER 1. CONTENT

600. Recommendation

(a) A recommendation typically includes (1) a narrative description of the Commission's findings and recommendation, (2) proposed legislation, and (3) a Comment for each provision of the proposed legislation.

(b) Commission Comments briefly state the derivation of a provision of the proposed law. A Comment may also provide a brief explanation of the purpose or effect of the proposed revision or a reference to related law. Comments are an important source of legislative history. Overly-long Comments and Comments that establish rules not found in the statute itself are disfavored.

605. Annual Report

(a) Each year, the Commission is required to prepare an Annual Report.

(b) The Annual Report summarizes the Commission's recent and current work, provides background information about the Commission generally, identifies any United States or California Supreme Court decisions holding a California statute unconstitutional or repealed by implication, and makes a recommendation to the Legislature regarding the Commission's Calendar of Topics.

(c) The Annual Report may also include appendices that set out revisions to Commission Comments that were made to conform to amendments to Commission bills.

610. Approval date

A recommendation or report is dated as of the month in which the Commission approved it. The names of the members of the Commission at that time shall be listed in the letter of transmittal.⁷⁵

615. Citation

A recommendation or report that has been published in a Bound Volume should be cited by its title, volume and page number, and year of approval. The Commission uses the following citation format:

74. [Minutes](#) (Nov. 1994), p. 4.

75. [Minutes](#) (Oct. 1960), p. 5; revised to reflect current practice.

625. Prefatory note⁷⁶

Each Commission recommendation should include a prefatory note stating:

This report includes an explanatory Comment to each section of the recommended legislation. The Comments are written as if the legislation were already operative, since their primary purpose is to explain the law as it will exist to those who will have occasion to use it after it is operative. The Comments are legislative history and are entitled to substantial weight in construing the statutory provisions. For a discussion of cases addressing the use of Law Revision Commission materials in ascertaining legislative intent, see the Commission's most recent Annual Report.

630. Dissents

Dissenting votes of Commission members on all or part of a recommendation or report are not reported in the recommendation or report. However, any vote against approving a recommendation or report will be recorded in the Minutes for the meeting at which the recommendation or report was approved. In addition, the Commission's Annual Report states that "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."⁷⁷

635. Special reports⁷⁸

(a) At the discretion of the Executive Director, the staff may prepare special reports to provide the public with useful information, in a convenient form, about laws that were enacted on the Commission's recommendation.

(b) Such reports will be posted to the Commission's website. The Executive Director shall decide whether the report should also be included in a bound volume or distributed by other means.

CHAPTER 2. DISTRIBUTION

650. Website⁷⁹

(a) The Commission maintains a website on the Internet at <www.clrc.ca.gov>.

(b) Background information and information on current activities, such as agendas, bills, tentative recommendations out for comment, and the like, are kept current on the website.

76. [Minutes](#) (July 2002), p. 3.

77. [Minutes](#) (Aug. 1960), p. 6. See also [Minutes](#) (July 1960), p. 4.

78. [Minutes](#) (Feb. 2010), p. 2; [Minutes](#) (March 1960); see also [Memorandum](#) 2010-1, pp. 1-3 & Attachments.

79. [Minutes](#) (Feb. 2010), p. 4; current practice.

(c) Commission meeting agendas, staff memoranda, minutes, tentative recommendations, printed reports, and other publicly-distributed materials are available for downloading from the website.

(d) Commission members may, as an individual choice, provide their direct email or business website addresses for linking from the Commission website. The Commission has decided not to provide Commissioners' biographical information on the website.⁸⁰

655. Electronic notice lists

(a) The staff maintains electronic notice lists for each of its active study topics, meeting agendas, and press releases.

(b) Members of the public may subscribe or unsubscribe to any of the Commission's electronic notice lists, using tools on the Commission's website.

(c) Whenever new materials are uploaded to the Commission's website, electronic notice will be emailed to the related electronic notice list. The email will include a link to download the new material. Such notices are also sent to all Commissioners.

(d) The only information that must be provided in order to subscribe to an electronic notice list is an email address. That information will not be used for any other purpose.

660. Hard copy distribution

(a) While nearly all of the Commission's meeting materials and reports are distributed by website posting and emailed notice, the staff may distribute hard copies in appropriate circumstances.

(b) In general, members of the Legislature are sent a copy of a final report or recommendation only on request.⁸¹

665. Mailing list privacy

If a person requests disclosure of a mailing list maintained by the Commission, the Commission must balance the policies of the Public Records Act requiring disclosure⁸² against the policies of the Information Practices Act requiring protection of personal information.⁸³ The Commission (or the staff, as appropriate in the circumstances) should make this determination on a case-by-case basis, evaluating the specific circumstances of each particular request.⁸⁴

80. [Minutes](#) (May 2001), p. 3; [Minutes](#) (May 1996), p. 3; see also [Memorandum](#) 2001-22, p. 1.

81. See Gov't Code § [9795](#).

82. Gov't Code § [7921.000](#).

83. Civ. Code §§ [1798-1798.78](#).

84. [Minutes](#) (July 2002), pp. 3-4.

CHAPTER 3. REVISION OF RECOMMENDATIONS AND REPORTS

700. Pre-print status

(a) Until a recommendation or report has been printed in a bound volume, it is identified as a “pre-print.”

(b) A pre-print bears the date of its approval or its last revision, whichever is later.

705. Revisions to conform recommendation to bill amendments

(a) When a Commission bill is amended, the Commission may wish to revise its recommendation to conform to the amendment. This may reflect Commission approval of the amendment or it may be done to avoid confusion in the historical record.

(b) If the recommendation is in pre-print form, such revisions can be made in the recommendation itself.

(c) If the recommendation has already been printed in a Bound Volume, and the Commission only wishes to revise its Comments, it may do so in a Revised Comment report, which will be printed as an appendix to the next Annual Report.

(d) If the recommendation has already been printed in a Bound Volume and the Commission wishes to revise more than just the Comments, it may approve and print a “Revised Recommendation” that supersedes the initial recommendation. A Revised Recommendation shall be distributed in the same way as any other recommendation.

710. Revision to correct error or conform to Commission policy

When preparing a recommendation for publication, the staff may make any revisions necessary to conform to the Commission’s policy decisions or to correct technical defects. Members of the Commission may submit suggested editorial revisions of that type to the staff for consideration.⁸⁵

CHAPTER 4. BOUND VOLUMES⁸⁶

750. Content

Each Commission recommendation, report, and Annual Report, is incorporated into a hardbound volume of the Commission’s REPORTS, RECOMMENDATIONS, AND STUDIES.

755. Frequency

(a) In general, one bound volume is prepared each year, but that may vary due to fluctuations in the volume of Commission recommendations and budgetary constraints.

85. [Minutes](#) (Oct. 1979), p. 7; revised to reflect current practice.

86. [Minutes](#) (Feb. 2010), p. 2; see also [Memorandum](#) 2010-1, p. 10.

(b) The Executive Director determines when material should be printed. However, no recommendation shall be printed, or distributed, unless the recommendation has first been approved for printing and distribution by the Commission.⁸⁷

760. Distribution

(a) The Executive Director shall determine how many copies of the bound volume to order for the Commission's use.

(b) Complimentary copies of Bound Volumes are sent to a limited number of government officials, legal publishers, and others. Bound volumes are also sent to current members of the Commission and to members whose tenure is covered in the volume.⁸⁸

(c) Copies of Bound Volumes are also available for purchase.

(d) Softcover versions of the bound volumes are distributed to legal depository libraries by the Office of State Publishing under the Library Distribution Act.

PART 7. COOPERATION WITH OTHER ENTITIES

800. Committee on Revision of the Penal Code

(a) Before proposing any extraordinary expenditure of funds or other resources, the Chairperson will consult with the Executive Director about the effect of the expenditure on the Committee on Revision of the Penal Code. The Executive Director has sole discretion to require that the expenditure be approved by the Committee on Revision of the Penal Code before it is made.⁸⁹ The Committee on Revision of the Penal Code shall not unreasonably withhold its approval.

(b) For the purpose of this section, "extraordinary expenditure of funds or resources" means an expenditure that exceeds the allocation to the Committee provided in the State Budget.

805. Legislative committees

By statute, the Commission is required to confer and cooperate with any legislative committee on revision of the law.⁹⁰ In practice, this typically means that the staff will provide what assistance it can in response to legislative inquiries. The staff will make clear that any assistance it provides is informal and does not represent any position of the Commission as an entity.

87. [Minutes](#) (Feb. 2010), p. 2; Minutes (March 1960); see also Memorandum 2010-1, pp. 9-10 & Attachments.

88. For the current Publication Distribution Policy, see Appendix D.

89. The Executive Director is personally liable for any expenditure in excess of the amount approved in the State Budget. Gov't Code § 13324 ("Every person who incurs any expenditure in excess of the allotments or other provisions of the fiscal year budget as approved by the department or as subsequently changed by or with the approval of the department, is liable both personally and on his official bond for the amount of the excess expenditures.").

90. Gov't Code § [8295](#).

810. State Bar, California Lawyers Association, and other associations

(a) The State Bar is required to “assist the commission in any manner the commission may request within the scope of its powers or duties.”⁹¹ The staff presumes that this obligation now extends to the California Lawyers Association (“CLA”).

(b) The Commission may cooperate with the State Bar or any other “learned, professional, or scientific association, institution or foundation” in any manner suitable for the fulfillment of the Commission’s duties.⁹²

(c) In practice, the Commission solicits input on its studies from relevant sections of the CLA and other relevant organizations. Those groups are requested to provide written comment on Commission materials and to attend Commission meetings.

815. Legal publishers

(a) Near the end of each year’s legislative session, the Commission provides legal publishers electronic copies of all Commission recommendations and final Comments for Commission bills enacted that year. These are used by the publishers to prepare annotations for affected code sections.

(b) Historically, legal publishers (Thomson-Reuters, LexisNexis, California Continuing Education of the Bar) have provided the Commission complimentary copies of legal publications. These have included annotated code sets, desktop code volumes, subject matter treatises, and the like.

(c) In the past, the Commission occasionally assisted the California Continuing Education of the Bar (CEB) in their publication of educational materials for their use in connection with programs designed to instruct lawyers concerning major Commission legislative enactments.

820. Law reviews

(a) A background study may be published in a law review if it is accompanied by the substance of the following note:

This article was prepared to provide the California Law Revision Commission with background information to assist the Commission in its study of this subject. The opinions, conclusions, and recommendations contained in this article are entirely those of the author and do not necessarily represent or reflect the opinions, conclusions, or recommendations of the Law Revision Commission.

(b) A tentative recommendation may not be published in a law review unless Commission permission is first obtained.⁹³ If a tentative recommendation is

91. Gov’t Code § [8287](#).

92. Gov’t Code § [8296](#).

93. [Minutes](#) (Dec. 1965), p. 6.

published in a law review or otherwise distributed, it should be accompanied by the substance of the following note:⁹⁴

The purpose of this tentative recommendation is to solicit public comment on the Commission's tentative conclusions. A comment submitted to the Commission will be considered at a public meeting when the Commission determines what, if any, recommendation it will make to the Legislature. It is just as important to advise the Commission that you approve the tentative recommendation as it is to advise the Commission that you believe revisions should be made to it.

The Commission will often substantially revise a proposal in response to comment it receives. Thus, this tentative recommendation is not necessarily the recommendation the Commission will submit to the Legislature.

(c) A letter should be obtained from a law review publishing a Commission study or tentative recommendation recognizing that the Commission itself may republish the article in a Commission Bound Volume.

825. Tribal consultation policy⁹⁵

Consistent with the Governor's Executive Order B-10-11, the Commission shall take all practicable steps to encourage early and frequent communication and consultation with California Native American Tribes, including all of the following:

(a) Before the Commission begins a new study, it shall send notice to Tribes explaining the scope and nature of the study, inviting consultation regarding the study, and offering to add Tribes to the electronic notice list for materials prepared as part of the study. This notice shall be sent by the Commission's Chair or Executive Director.

(b) If an official of a Tribe wishes to address the Commission at one of its public meetings, the Commission shall set aside time for that purpose.

(c) The Executive Director shall be available for consultation with representatives of Tribes on their request.

PART 8. RESEARCH CONSULTANTS

850. Meeting attendance

Consultants are requested to attend Commission meetings when appropriate.

855. Compensation

(a) Compensation of research consultants is on a modest scale, as paid in connection with public service rather than at regular professional rates.⁹⁶ Payment

94. [Minutes](#) (June 1966) p. 3; current practice.

95. [Minutes](#) (Sept. 2016), p. 3; [Memorandum](#) 2016-42.

96. [Minutes](#) (June 1955), p. 5.

is made in a lump sum (rather than on an hourly basis) under a contract made with the consultant.⁹⁷ Partial payments may be made for portions of a research study that have been completed.

(b) Consultants may be reimbursed for travel expenses when attending Commission meetings.

860. Statement of scope of background study

(a) The Commission considers it important that there be a clear understanding concerning the scope of the background study so that the background study includes an adequate discussion of those matters that the Commission believes are in need of study. For this reason, a statement of the scope of the study is prepared by the staff in cooperation with the Commission's consultant. The statement identifies those aspects of the topic to be studied that are considered by the Commission to be of particular importance. Where appropriate, the statement may indicate uniform or model acts or statutes of other jurisdictions that are to be considered in the background study. The statement is intended to ensure that the background study includes an adequate discussion of the matters that are described in the statement, but is not intended to restrict the consultant in any way.

(b) In some cases, the Commission may invite the consultant to meet with the Commission before commencing work on the background study to discuss the scope and methodology of the study. This will enable the Commission to gain additional understanding of the subject matter and ensure that the background study will address all of the matters the Commission believes would be useful in considering the topic.

865. Form and content of background study

(a) The consultant is completely free to determine the form and content of the background study, but the background study should include an adequate discussion of the specific matters that the statement of the scope of the study indicates should be discussed in the background study and such other matters as the consultant believes should be considered in the background study. The background study ordinarily is prepared in the form of one or more law review articles.

(b) A background study is most useful to the Commission if it includes the following:

- (1) An identification of the specific problems that may require legislative action.
- (2) A discussion of existing California decisional and statutory law with respect to each such problem and, where the consultant considers it useful, a discussion of uniform and model acts, statutes of other jurisdictions, and other material.
- (3) The alternative methods by which each problem might be solved, the advantages and disadvantages of each alternative, and the consultant's

97. *Id.*

recommendations as to which alternative is best. The consultant is completely free to make any recommendations the consultant considers appropriate or desirable.

(b) If views expressed in a consultant's study are not in agreement with the final recommendation of the Commission on the subject, the consultant may be asked to review pertinent parts of the study. The consultant is not required, however, to conform the study to the views of the Commission, nor are any portions of the study eliminated when the study is published merely because they are inconsistent with the final action of the Commission.⁹⁸

(c) Whenever possible, a consultant's study should be published in a California law review or other publication and may be republished by the Commission. In some cases, a study may be published only in the Commission's reports. Studies are printed with a note explaining that the views expressed are not necessarily the views of the Commission.

870. Presentations by consultant to other persons or groups⁹⁹

If a consultant makes any presentation of a background study and recommendations to any person, or legislative or other group, the consultant shall make clear at the time the presentation is made that:

(a) The consultant's recommendations are not recommendations of the Commission and do not represent the views or recommendations of the Commission.

(b) The Commission may or may not make recommendations on the particular matter and, if the Commission does make recommendations, those recommendations will be made in the Commission's printed report to the Legislature.

875. Involvement of consultant in litigation¹⁰⁰

A consultant is free to continue professional activities in an area related to the subject for which the consultant was hired to advise the Commission, including involvement in litigation. However, if the consultant becomes involved in litigation on the side of a party or as amicus curiae, the consultant shall do the following:

(a) Advise the Commission of involvement in the litigation.

(b) When the person's status as a Commission consultant becomes known to the parties litigant or the court, make clear that the consultant's views do not represent the views or recommendations of the Commission and that the Commission's recommendations, if any, will be made in the Commission's printed report to the Legislature.

98. [Minutes](#) (Aug. 1960), p. 3.

99. [Minutes](#) (Jan. 1990), pp. 2-3; [Minutes](#) (Jan. 1982), pp. 3-4. For further discussion of this matter, see [Memorandum](#) 90-02; [Memorandum](#) 89-74.

100. [Minutes](#) (Jan. 1990), p. 2; see [Memorandum](#) 90-02, p. 2.

880. Advisers to commission consultant ¹⁰¹

Although the Commission encourages consultants to seek the views of other experts and interested persons in the course of preparing a background study, the Commission does not approve the consultant setting up an advisory committee or similar named group.

885. Additional funding of consultant studies

A consultant retained by the Commission for the preparation of a background study may seek to obtain grants or funding from foundations or other sources for the purpose of preparing the study required by the Commission, but no grant or funding shall be accepted by the consultant without the prior approval of the Commission, which approval shall be set out in the Minutes of the meeting at which the approval was given.¹⁰²

890. Report on status of research studies

Periodically, the Executive Director is to submit for Commission review the status of each research study being prepared by an outside research consultant.¹⁰³

PART 9. GENERAL ADMINISTRATION

CHAPTER 1. SIGNATURE AUTHORITY

900. Contracts and leases

(a) The Executive Director is authorized to sign on behalf of the Commission all leases and contracts previously approved by the Commission.¹⁰⁴

(b) The Executive Director is authorized to execute contracts covering equipment maintenance, equipment rental, subscriptions, and the like.

905. Personnel and financial documents¹⁰⁵

(a) The Chairperson, Executive Director, and Chief Deputy Counsel are authorized to sign all personnel and financial documents.

(b) The Executive Director shall determine the particular types of documents that the Chief Deputy Counsel and other Commission employees can sign.

(c) The Chairperson and the Executive Director are authorized to sign any documents that must be executed to allow a Commissioner or Commission employee to sign personnel or financial documents.

101. [Minutes](#) (Jan. 1990), p. 2.

102. [Minutes](#) (Sept. 1987).

103. [Minutes](#) (April 1971), pp. 3-4; revised to reflect current practice.

104. [Minutes](#) (July 1964), p. 2.

105. [Minutes](#) (Feb. 2010), p. 2; see also [Memorandum](#) 2010-1, p. 10; [Minutes](#) (Oct. 1965), p. 3.

CHAPTER 2. TRAVEL

950. Travel claims

- (a) The staff is responsible for overseeing the travel claim process.
- (b) To make a claim, a Commissioner must first complete a staff-provided worksheet and submit it to the staff. All required information must be provided and specified receipts must be attached. If required information or receipts are missing, reimbursement may be delayed or limited.
- (c) From the worksheet information, the staff prepares the formal travel claim and sends it to the Commissioner for signature. The claim is then returned to the Commission office for final approval and submission to the State Controller for payment.
- (d) Current information concerning travel expense regulations and claims is sent to Commissioners periodically or on request. Questions about travel claims or the procedure should be directed to the responsible staff member.

955. Out-of-state travel ¹⁰⁶

The Chairperson is authorized to approve requests for authorization by the Department of Finance and the Governor of unbudgeted out-of-state travel by the staff. Requests for budgeted out-of-state travel are presented for approval by the Department of Finance and Governor by submission of the necessary document by the Executive Director.

960. Photo identification cards

Any Commissioner may request that the staff provide a photo identification card that will affirm the Commissioner's status as a member of the Commission. These cards may be useful in obtaining state contract rates on accommodations when staying overnight for a Commission meeting.¹⁰⁷

106. [Minutes](#) (Oct. 1965), p. 5.

107. [Minutes](#) (May 2018), pp. 2-3; [Minutes](#) (May 2002), p. 4.

California Law Revision Commission

STYLE GUIDE and PROCEDURES MANUAL

Last updated November 22, 2025

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STYLE GUIDE

Font

Times New Roman, 13 pt. for memo body (this should be the default in Styles).
Times New Roman, 12 point for blocked text.

Page Numbers

Select the option with hyphens on either side under Insert > Page Number > Format Page Numbers.

Do not include a page number on a single-page memo.

Commissioners

Refer to Legislative Commission members as “Senator X/Assemblymember Y” in Meetings and Minutes.

Citations

- Unless otherwise indicated in this document, use the California Style Manual.
- Use hyperlinks to direct texts whenever possible. Text to be linked is indicated in underlined [blue](#).
- In general, link to names/titles for reports, articles, etc., and link to numbers for code sections.

Constitutions

California:

Cal. Const. [art. XVIII, § 6](#). (Make sure roman numerals are used for the article number.)

United States:

U.S. Const. [art. 1, § 9](#). (No roman numerals for article.)

U.S. Const. [art. 1, § 9, cl. 9](#).

U.S. Const. [amend. XIV, § 2](#). (Use roman numerals for amendments.)

Statutes

California

Short form (used in footnotes or other stand-alone citations.)

Gov't Code § [8280](#). (Code abbreviation table at the end of this document.)

Gov't Code §§ [8280-8298](#).

Gov't Code §§ [8280, 8293](#).

Gov't Code §§ [8280\(c\)\(1\)](#).

Long form (used in sentences.)

Government Code Section [8280](#).

Federal

Short form (used in footnotes or other stand-alone citations.)

[18 U.S.C. § 798](#).

Pub. L. No. [93-531](#).

Long form (used in sentences.)

[Section 798 of Title 18 of the U.S. Codes](#) (etc.)

Public Law Number [93-531](#).

Regulations

California

Short form (used in footnotes or other stand-alone citations.)

11 Cal. Code Regs. § [12902](#).

Long form (used in sentences.)

Section [12902](#) of Title 11 of the California Code of Regulations.

Federal

Short form (used in footnotes or other stand-alone citations.)

Regulation E ([12 CFR Part 205](#))

Long form (used in sentences.)

Subpart J (commencing with [Section 96.68](#)) of Part 96 of Title 22 of the Code of Federal Regulations

Bills and Resolutions

California

Codified short form (used in footnotes or other stand-alone citations.)

[2022 Cal. Stat. ch. 200](#) (AB 5, Smith).

[2022 Cal. Stat. ch. 200](#), § 5 (AB 5, Smith).

[2022 Cal. Stat. res. ch. 300](#) (ACR 5, Smith).

Codified long form (used in sentences.)

[Chapter 200 of the Statutes of 2022](#) (AB 5, Smith).

[Section 5 of Chapter 200 of the Statutes of 2022](#) (AB 5, Smith).

[Resolution Chapter 300 of the Statutes of 2022](#) (AB 5, Smith).

Uncodified short form (used in footnotes or other stand-alone citations.)

[AB 522](#) (Maienschein). [Current legislative session – no year specified]

[AB 473](#) (Chau, 2021). [Prior session – year in parentheses].

[ACR 95](#) (Cunningham & Wicks, 2022). [Assembly concurrent resolution.]

Long form (used in sentences.)

[Assembly Bill 522](#), authored by Assembly Member Maienschein (2022).

Federal

Uncodified

[H.R. No. 49](#), 105th Cong., 1st Sess. § 2, p. 1 (1997).

[Sen. No. 2301](#), 105th Cong., 2d Sess. (1998).

Legislative Bill Analysis

[Assembly Floor Analysis](#) of AB 2483 (May 15, 1996), p. 3.

[Assembly Committee on Judiciary Analysis](#) of AB 3081 (April 13, 2004), p. 1.

[Senate Public Safety Committee Analysis](#) of AB 2483 (July 9, 1996), p. 5.

Court Cases

Use [California Style](#) Manual.

Commission Materials

Reports

[Eminent Domain: Pre-Condemnation Activities](#), 47 Cal. L. Revision Comm'n Reports 101 (2020).

[Hazardous Substance Account Recodification Act](#) (Preprint – Dec. 2021).

[California Public Records Act Clean-Up](#) (Tentative Recommendation – May 2019).

Meeting Materials

Memorandum [2023-31](#).

[First Supplement](#) to Memorandum 2023-31.

[First Supplement](#) to Memorandum 2023-31, pp. 1-2.

CLRC Staff Memorandum [2023-31](#). (When using in a report.)

[Minutes](#) (January 2023), pp. 3-4. (When using in a memo.)

[Minutes](#) of Commission Meeting on January 19, 2023, pp. 3-4. (When using in a report.)

Video of Commission Meeting on January 19, 2023, 1:10:45-3:

Handbook

California Law Revision Commission, *Handbook of Practices and Procedures*, [Rule 510\(b\)](#).

Secondary Sources

Cal. Jur

64 Cal. Jur. 3d [Wills](#) § 355 (2006).

CEB Book

C. Sproul & K. Rosenberry, [Advising California Common Interest Communities](#) § 2.27, at 55 (Cal. Cont. Ed. Bar, 2005).

Essay in CEB Book

Fink, [Drafting the Trust: Administrative Provisions, in Drafting California Revocable Living Trusts](#) § 5.2, at 184-85 (Cal. Cont. Ed. Bar, 2d ed. 1984).

Law Review Article

C. Franklin, [Inventing the “Traditional Concept” of Sex Discrimination](#), 125 Harv. L. Rev. 1307, 1340 (2012).

Periodical

Walter Grady, [Record Retention](#), Echo Journal, March 2003, at 26.

Restatement

[Restatement \(Third\) of Property](#) (Wills & Don. Trans.) § 8.5 (2003).

Witkin

7 B. Witkin, California Procedure [Judgment](#) §§ 203-06, at 640-43 (3d ed. 1985).

Court Rules

[Cal. R. Ct. 123.](#)

AG Opinions

[23 Ops. Cal. Att’y Gen. 100](#) (1969).

California Code Names

Full Name	Abbreviation
Agricultural Code	Agric. Code

Business and Professions Code	Bus. & Prof. Code
Civil Code	Civ. Code
Code of Civil Procedure	Code Civ. Proc.
Commercial Code	Com. Code
Corporations Code	Corp. Code
Education Code	Educ. Code
Elections Code	Elec. Code
Evidence Code	Evid. Code
Family Code	Fam. Code
Financial Code	Fin. Code
Fish and Game Code	Fish & Game Code
Food and Agricultural Code	Food & Agric. Code
Government Code	Gov't Code
Harbors and Navigation Code	Harb. & Nav. Code
Health and Safety Code	Health & Safety Code
Insurance Code	Ins. Code
Labor Code	Lab. Code
Military and Veterans Code	Mil. & Vet. Code
Penal Code	Penal Code
Probate Code	Prob. Code
Public Contract Code	Pub. Cont. Code
Public Resources Code	Pub. Res. Code
Public Utilities Code	Pub. Util. Code
Revenue and Taxation Code	Rev. & Tax. Code
Streets and Highways Code	Sts. & Hy. Code
Unemployment Insurance Code	Unemp. Ins. Code
Vehicle Code	Veh. Code
Water Code	Water Code
Welfare and Institutions Code	Welf. & Inst. Code

Introductory Signals

[no signal]	The authority directly states a proposition, is the source of a quotation, or was mentioned in the proposition.
E.g.,	The authority is one of multiple authorities directly stating the same proposition.
See	The authority supports, but does not directly state, the proposition.
See also	The authority provides additional material supporting the proposition.
See generally	The authority is helpful background material related to the proposition.

Memorandum Naming Conventions for Word Files

- Use a leading zero
 - MM25-09 (file name), Memorandum 25-09 (memo heading)
- Be descriptive with memoranda titles so that someone could predict the contents from the title.
- Use this convention when transmitting memoranda via email.

Miscellaneous Style/Formatting Notes:

- Documents should use smart (“curved”) quotation marks, rather than straight
- Documents should not use superscript for ordinals (e.g., 1st), nor should the fraction character be used (please check under Tools>Auto Correct Options>Auto Format As You Type to be sure these autoformatting changes are not selected; you can also turn off automated bulleted and numbered lists).
- One space after periods.
- Italicize the lowercase L to distinguish it from the number one in lists.
- Use gender neutral terms.
 - For example, use “Chair” and “Vice Chair.”
- When referring to a Commission Memorandum by its name in the body of the text, hyperlink the Memorandum directly. (“This was previously discussed in [Memorandum 2024-46](#).”) If referring to a concept that was discussed in the memorandum, footnote the concept and link to the Memorandum in the footnotes. (e.g. “One of the expert reports discussed Single Firm Conduct”)¹
- A signature line should never appear alone on a page in a memorandum; be cognizant of headers missing text on the same page generally.
- Label attachments to the Memo as "Exhibits" and number each one EX-1, EX-2, etc.

Sample Memo Format: (next page)

¹ Memorandum [2024-26](#).

STUDY X-### DATE

MEMORANDUM 2024-XX

**Short Study Name: Memorandum Title (Additional Information About
Memorandum Content)**

This is the Commission² memorandum template. Body is the default paragraph style.

If a memo is ten pages or longer and/or has multiple organizational topics, use a Table of Contents after the introductory section following the first header.

Place the Table of Contents after the introductory section following the header, and use Formal Style, Times New Roman, Small Caps.

STYLE GUIDE.....	- 3 -
FONT.....	- 3 -
PAGE NUMBERS.....	- 3 -
COMMISSIONERS.....	- 3 -
CITATIONS.....	- 3 -
<i>Constitutions</i>	- 3 -
<i>Statutes</i>	- 3 -
<i>Regulations</i>	- 4 -

This format is for Exhibits:

<u>Dot header style</u>	<u>Exhibit page(s)</u>
--------------------------------	-------------------------------

Dot leader first style.....	page
-----------------------------	------

Dot leader follow style.....	page
------------------------------	------

This is **body open style**, for when you're done indenting. There is also **body flush** style, which is the same, but without the initial indent.

² 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.

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.

ORGANIZATIONAL HEADING 1 – BODY HEADING CENTERED

The standard heading styles are body heading centered, body heading flush, and body heading italic.

The centered heading above is the first level of heading in a memorandum or supplement. To provide more detail on the centered heading topic, you can use the two additional heading levels below.

All headings use title capitalization.

Organizational Heading 2 – Body Heading Flush

Below the centered heading, different topics can be separated using the flush heading.

Organizational Heading 3 – Body Heading Italic

Below flush headings, the substance can be further separated into different topics under italicized headings.

INDENT STYLES

The template includes different styles for presenting indented text. Those styles are used in the following instances.

Block Quotes

Block indentation uses **body indent 1 first** style, followed by **body indent 1 follow**. For example,

The quick brown fox jumps over the lazy dog. This is in body indent 1 first (it has more leading space in the style).

Any subsequent paragraphs would be in body indent 1 follow. This style has no leading space.

For the body text below an indented block quote, use either Body Flush or Body Open (depending on whether you want the first line flush or indented). This is Body Flush. Both of these styles include leading space above to separate it from the quoted text.

Quoted Material with Indented Text Within the Quote

In some cases, the quoted text may have further indents. This could be a lengthy passage that contains a block quote or statutory text.

If you need a second level of block indentation, use **body indent 2 first** and **body indent 2 follow**. After you're done with the second level block, use body indent 1 first if

you need to continue with the first level block indentation.

This paragraph is in body indent 1 first. If the source that is being quoted includes a block quote, the text below provides an example of what that would look like and identifies the styles:

This is body indent 2 first. It has a leading space to set it off from the indent 1 text that precedes it.

If you have a lengthy block quote, then body indent 2 follow might also be needed. It has the same indent, but with no leading space.

To go back to the first level of indent, body indent 1 first can be used (with the leading space to help set the indent 2 level text apart).

Bulleted or Numbered Lists

Hanging indents are handled with **body hang first** and **body hang follow**. As before, begin with a bullet (Opt-8) or a parenthesized number, followed by a tab.

- This is an example of body hang first. Note that the bullets are not Word's automated bullets.
- This is body hang follow, which should be used for subsequent items on the bulleted list.

Quote of Section Text

If you want to blockquote a code section, use **body indent bold** for the headline, followed by **body indent 1 follow**. Like this.

Prob. Code § 20. Application of definitions

20. Unless the provision or context otherwise requires, the definitions in this part govern the construction of this code.

When you're done with an indentation and want to resume the body, use either **body open** or **body flush** (the former has a leading indentation, the latter does not).

THIS IS THE FORMAT FOR TR SUMMARIES AND
TITLES

FOOTNOTES

Footnote Reference

There is a style "footnote reference" that is used for the footnote number in both the

text and in the note itself.³

Styles

The first paragraph in a footnote is in **footnote text** style. Any following paragraphs are generally in **footnote text 2**. We now have styles available for block indentation and hang indentation inside a footnote. Use **footnote indent first**, **footnote indent follow**, **footnote hang first**, **footnote hang follow**. Follow indented material (if need be) with **footnote text open** or **footnote text flush**. For examples, see the following footnote.⁴

Respectfully submitted,

Sarah Huchel
Chief Deputy Director

³ As you can see, the footnote number is superscript in both the text, as well as the note.

⁴ This is footnote text style. There are different footnote text styles for situations where the footnote content is more complicated. For instance,

Footnote indent first is the current style. It is used when there is a block quote presented in a footnote. It will ensure that the text of the quote is spaced differently than the other footnote text.

For very lengthy block quotes, footnote indent follow would be used in subsequent paragraphs for less spacing within the quoted material.

The footnote block quote can be followed with either Footnote Text Flush (this style) or Footnote Text Open (below). These styles are similar to the body text styles.

There are also footnote styles for bulleted or numbered lists:

- (1) Footnote hang first to start the list.
- (2) Footnote hang follow for subsequent items on the list.

Just to see the difference (from the Footnote Text Flush), this paragraph uses Footnote Text Open. Footnote Text Open has an initial indent.

CLRC PROCEDURES

Before Commission Meeting

Agenda Updates

- After updating the agenda with staff memoranda, send out MailChimp alerts for:
 - All items
 - Agenda updates
 - The study mailing list associated with the memoranda
- Post each staff memoranda to the appropriate study page.

(Currently Antitrust and Disability Terminology only)

- List each letter on the Index of Public Comments and re-post updated to website
- Upload each letter to Google docs and link on the spreadsheet

Ten Days Before Meeting:

- Remove “tentative” from “next meeting agenda” homepage.
- Ensure that any item that *may* be presented to the Commission at the meeting is listed in the Agenda and described sufficiently to “give the average person enough information to decide whether to attend or participate in the meeting,” not require collateral information to understand an intended action, not be misleading, and convey the whole scope of the matter presented.(Gov. Code, § 11125(b); 67 Ops.Cal.Atty.Gen. 84, 88 (1984).)

Not Less Than a Week Before the Meeting:

- Commissioner quorum check
- Schedule and meet with the Chair to review the agenda
- Post Commissioners attending remotely on website (Gov. Code § 11123.5(c) requires posting 24 hours before the meeting)
- Determine lunch plans
- Notify Capitol Morning Report about the meeting
- Confirm ASL translator or other accommodations (at least 3 days before, if not a week)

Two Days Before Meeting:

- Send out credentials to Commission members attending remotely, if any, and panelists, if any
- Finalize annotated agenda, send to Chair and staff
- Order lunch

Checklist for Day of Meeting:

- Plugs for all the Commissioner's laptops
- Water for Commissioners
- Lunch ordered
- Binders prepared (one for the Executive Director, one for the public)
- Nameplates
- Gavel
- Vote sheets
- Printed annotated agenda for Chair, ED, and DD
- Printed annotated agenda for staff

After Meeting Tasks

Create New Zoom Webinar

Post Meeting Video

- Download from Zoom (webinar is set to cloud record the meeting)
- Use QuickTime to adjust the recordings to cut the meeting breaks and any pre- or post-meeting information.
 - Brian Hebert, the former Executive Director, made instructional videos, which can be found in the Admin>ADMIN-Training>Training Videos.
- Keep a copy of the recordings on Fred> CLRC Meeting Recordings and Documents> 20XX Recordings
- Upload to YouTube
 - There is a separate video on how to do this. The YouTube channel is associated with hebert.clrc@gmail.com.
 - The Chief Deputy (CLRC) and the Attorney Supervisor (CRPC) currently have access to the YouTube account to post videos, and the password for the Gmail account is in the 1Password Shared Vault
- Post on website, Meetings>Video Archive
- Send out MailChimp Alert to subscribers

For Approved Minutes

- Update the draft Minutes approved at the meeting in the title and header with "Approved."
- Administrative staff files
- Post Approved Minutes
 - Under Meetings>Meeting Minutes
 - On each relevant study page

- Send MailChimp alerts to subscribers for relevant studies

Other Website Updates

- Format and move old agenda from Meeting>Next Meeting Agenda to Meeting>Prior Meeting Agendas
- Update Meeting>Meeting Agenda for next meeting
 - Add “Tentative” to Meeting Agenda and change date
 - Double check location
 - (OK to leave it mostly blank until we get content)
- Update Meeting/Meeting Schedule
- Delete last meeting
- Update Memocat

Prepare New Minutes

- After videos are posted, staff attorneys to prepare minutes for their portions of the meeting.
 - Any absences/abstentions should be noted for each decision
(keep in mind any commissioners who only attend a part of the meeting; those may be easy to miss for the different decisions).
- Attendees:
 - Add names from physical sign-in sheet; Administrative staff keeps these)
 - Add attendees from Zoom
 - Sort for only the attendees who were at the most recent meeting AND consented to their name being included in the Minutes
- Re-run the table of contents after all the content is populated (it does not update dynamically).
- Administrative staff needs the first page of the draft to process the per diems for Commissioners.

For Antitrust

- Transcribe public comments
- Post to database

Study Process

Before the Study Begins

- Assign a [study number](#) and name
- Create a study page on website
- Determine if there is an existing mailing list that should be used – if not, create new

one.

- Notify Judiciary Committees/other policy committees as required by the current Resolution of Authority approved by the Legislature.
- Send notice to California Native American Tribes (there is a mailing list in the administrative files)
- Identify stakeholders for outreach (staff typically provides, as an attachment to a memo, the list of the organizations that we send our initial outreach email to).

Staff Memoranda

- Order of Commission staff documents:

Memoranda (Commission meeting)
Discussion Draft, if any (Commission meeting)
Staff Draft TR (Commission meeting)
Public comment
Memorandum with public comments (Commission meeting)
If substantive change: Revised TR
Public comment
If no change or technical change: TR
Staff Draft Final Recommendation
Final Recommendation

- The first memorandum should lay out the assignment and, if applicable/possible, identify key scope decisions the Commission will need to make.
- Memoranda titles should be descriptive of the content (not just “update,” etc.).
- Use descriptive headings in memorandum to indicate section content.
- Each memorandum shall include the following footnote on the first page:

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.

Discussion Draft

On some occasions the Commission may direct staff to prepare a Discussion Draft, which is a preliminary version of a Tentative Recommendation, issued for purposes of soliciting comment before formal public comment on a Tentative Recommendation. A Discussion Draft should be substantially similar to a TR.

Tentative Recommendation or Tentative Report (if no proposed legislation) (TR)

- Present a TR with a staff memorandum reflecting Commission direction for the TR content.
- TRs should be prepared, in both form and substance like a final recommendation or report from the Commission, intended to be delivered to the Legislature and published in the appropriate volume of the Commission's hardbound "Reports, Recommendations, and Studies."
- The cover page of a TR should reflect the month and year that the TR was approved by the Commission (for a Staff Draft of a TR, the anticipated month and year of the approval).
- The recurring header of a TR should indicate the last date (in full) that the text of the document was revised.
- A TR has three substantive component parts:
 - a one-page summary
 - a narrative "preliminary part" that describes the genesis of the TR (typically a legislative assignment), the underlying issues addressed by the TR, and the basis and rationale for the proposed legislation (if a tentative recommendation), or for the report's conclusion (if a tentative report).
 - The narrative "preliminary part" should include matter presented in staff memos that directly relate to the Commission's ultimate recommendation — including proposals that were rejected by the Commission, if it helps to clarify the Commission's recommendation.
 - Proposed legislation (if the TR is a tentative recommendation), shall include a Commission Comment briefly explaining the nature of the proposed revision of the section for every section of the proposed legislation proposed to be added, amended, or repealed by a final recommendation.
 - The Comments are written as if the legislation were already operative, since their primary purpose is to explain the law as it will exist to those who will have occasion to use it after it is operative.
- A table of contents (TOC) is optional, with the goal being maximum clarity
 - TOCs should be considered for preliminary parts over 8-10 pages.
 - Make a separate TOC for the proposed legislation, if more than 5 code sections.
- Note the time period for public comment on the TR cover page.
- After public comment:
 - If there's public comment, draft a staff memo analyzing the public comment and make any recommended changes to the TR
 - If no public comment/no changes, memo indicates such and prepare a Staff Draft Final Recommendation/Report

Staff Draft Final Recommendation/Report

- Prepare a Staff Draft Final Recommendation/Report after there are no further changes to a circulated TR.
- Formatting differences between a TR and a Final Report/Recommendation:
 - The cover page and header of the document should be changed to read “staff draft final recommendation/report”
 - Remove public comment deadline
 - Remove references to “tentative”

End of Study Matters

- Submit reports and recommendations to the Governor and the Legislature per Government Code Sections 8291 and 9795.
- Create a “preprint” version of the final recommendation
 - Change cover page and header
 - Remove references to “staff draft”
 - If staff needs to make changes per Rule 710 of the Commission Handbook, make the changes, incorporate the precise proposed change to the recommendation in staff draft meeting Minutes and wait to publish the preprint version of the recommendation until those Minutes are approved at the next Commission meeting.
- The staff should consider potential bill authors for a legislative recommendation beginning at least in December.

Recurring Memoranda

The following Commission memoranda are prepared at regular intervals:

- All meetings – Minutes (Executive Director)
- All meetings during Legislative Season – Legislative Program (Executive Director)
- August or September – Election of Officers (Executive Director)
- Towards the end of the calendar year – New Topics and Priorities & Annual Report (As assigned)
- Towards the beginning of the calendar year – Open Government Laws (As assigned).

Implementing Legislation

- Staff shall assist the author’s office in preparing the draft of a Commission bill for introduction and may assist in the legislative process; however, staff shall not advocate for passage or defeat of a Commission bill.
- If an implementing bill is enrolled by the Legislature, Commission staff should send a “Governor’s letter” to the Governor’s office, along with a copy of the Commission’s recommendation, briefly explaining the recommendation and

offering to answer any questions the office might have.

General Administration

Written Materials Generally

All written materials must be edited by management prior to distribution/posting. See “Attorney Expectations” document for detailed guidelines.

Periodic Administrative Matters

Timesheets need to be submitted/approved electronically no later than three days after the end of the payperiod (monthly). If they aren’t done at that point, paper timecards need to be prepared and submitted.

Policy Distribution – June

- Management/Administrative staff should review each policy before sending to all staff (CLRC/CRPC) to make sure they are updated.
- Send to staff with an acknowledgement form.
 - Administrative staff will provide the acknowledgement form
 - For the whistleblower material, Administrative staff will send an email to the Auditor to confirm that staff has circulated/posted the materials as required.

Annual Staff Evaluations

June

Training

- Administrative staff maintain a training log that includes everyone’s mandatory and optional training.
- Staff should download each certificate for optional/mandatory training and send to Administrative staff for filing.

Legislative Matters

- Schedule meet and greets with new legislators/judiciary committee members at the beginning of the year.
- Provide updated study fact sheets
- Use the Legislative portal to submit letters to policy committees as Commission recommended bills are set for hearing and for Governor’s signing. Keep track of committee letter filing deadlines.
- Reach out to committee and minority party consultants by email to provide the relevant Commission materials and offer to answer any questions.

Responding to Commission comments/requests

Dear X,

We have received your submission, thank you for your interest in the Commission's work.

Regards,

X

Consultants

- If the Commission approves of a Consultant for a study, the staff shall advise the consultant of the following pursuant to Section 875 of the of the Commission Handbook:
 - A consultant is free to continue professional activities in an area related to the subject for which the consultant was hired to advise the Commission, including involvement in litigation. However, if the consultant becomes involved in litigation on the side of a party or as amicus curiae, the consultant shall do the following:
 - Advise the Commission of involvement in the litigation.
 - When the person's status as a Commission consultant becomes known to the parties litigant or the court, make clear that the consultant's views do not represent the views or recommendations of the Commission and that the Commission's recommendations, if any, will be made in the Commission's printed report to the Legislature.