

STATE OF CALIFORNIA

# **CALIFORNIA LAW REVISION COMMISSION**

2017-2018 Annual Report

California Law Revision Commission  
c/o UC Davis School of Law  
Davis, CA 95616  
[www.clrc.ca.gov](http://www.clrc.ca.gov)

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## SUMMARY OF WORK OF COMMISSION

### **Recommendations to the 2017 Legislature**

In 2017, bills effectuating three Commission recommendations were enacted, relating to the following subjects:

- Recognition of Tribal and Foreign Court Money Judgments
- Government Interruption of Communication Service
- Mechanics Liens in Common Interest Developments

### **Recommendations to the 2018 Legislature**

In 2018, the Commission plans to seek the introduction of legislation effectuating Commission recommendations on the following subjects:

- Homestead Exemption: Dwelling
- Deadly Weapons: Minor Clean-Up Issues
- Revocable Transfer on Death Deed: Recordation
- Relationship Between Mediation Confidentiality and Attorney Malpractice and Other Misconduct

### **Commission Activities Planned for 2018**

During 2018, the Commission intends to work on the following major topics: revision of the Fish and Game Code, California Public Records Act clean-up, liability of nonprobate transfers for creditor claims and family protections, revocable transfer on death deeds, estate disposition without administration, trial court restructuring, and eminent domain pre-condemnation activities.

The Commission will work on other topics as time permits.



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**CALIFORNIA LAW REVISION COMMISSION**

c/o UC Davis School of Law  
Davis, CA 95616

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SENATOR RICHARD ROTH

December 1, 2017

To: The Honorable Edmund G. Brown, Jr.  
*Governor of California*, and  
The Legislature of California

In conformity with Government Code Section 8293, the California Law Revision Commission submits this report of its activities during 2017 and its plans for 2018.

Three Commission recommendations considered by the Legislature in 2017 were enacted into law.

The Commission is grateful to the members of the Legislature who carried Commission-recommended legislation in 2017:

- Assembly Member Brian Maienschein (Recognition of Tribal and Foreign Court Money Judgments)
- Assembly Member Ed Chau (Government Interruption of Communication Service)

- Assembly Member James Gallagher (Mechanics Liens in Common Interest Developments)

The Commission held six one-day meetings in 2017. Meetings were held in Sacramento, Oakland, and Los Angeles.

Respectfully submitted,

Tom Hallinan  
*Chairperson*



## 2017-2018 ANNUAL REPORT

**Introduction**

The California Law Revision Commission was created in 1953 and commenced operation in 1954 as the permanent successor to the Code Commission,<sup>1</sup> with responsibility for a continuing substantive review of California statutory and decisional law.<sup>2</sup> The Commission studies the law to discover defects and anachronisms and recommends legislation to make needed reforms.

The Commission ordinarily works on major topics, assigned by the Legislature, that require detailed study and cannot easily be handled in the ordinary legislative process. The Commission's work is independent, nonpartisan, and objective.

The Commission consists of:<sup>3</sup>

- A Member of the Senate appointed by the Rules Committee
- A Member of the Assembly appointed by the Speaker
- Seven members appointed by the Governor with the advice and consent of the Senate
- The Legislative Counsel, who is an ex officio member

The Commission may study only topics that the Legislature has authorized.<sup>4</sup>

1. See 1953 Cal. Stat. ch. 1445, operative September 9, 1953. The first meeting of the Commission was held on February 23, 1954.

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

3. For current membership, see "Personnel of Commission" *infra*.

4. Under its general authority, the Commission may study only topics that the Legislature, by concurrent resolution, authorizes for study. See *Calendar of Topics Authorized for Study*, Appendix 2 *infra*. However, the Commission may study and recommend revisions to correct technical or minor substantive defects in state statutes without a prior concurrent resolution. Gov't Code § 8298. Additionally, a concurrent resolution or statute may directly confer authority to study a particular subject. See, e.g., 2016 Cal. Stat. ch. 179 [AB 1779] and 2015

The Commission has submitted 410 recommendations to the Legislature, of which 380 (more than 90%) have been enacted in whole or in substantial part.<sup>5</sup> Commission recommendations have resulted in the enactment of legislation affecting 25,287 sections of California law: 5,227 sections amended, 11,097 sections added, and 8,963 sections repealed.

The Commission's recommendations, reports, and other selected materials are published annually in hardcover volumes. Recent materials are also available through the Internet. A list of past publications and information on obtaining printed or electronic versions of Commission material can be found at the end of this Annual Report.<sup>6</sup>

### **2018 Legislative Program**

In 2018, the Commission plans to seek the introduction of legislation implementing Commission recommendations on the following subjects:

- Homestead Exemption: Dwelling
- Deadly Weapons: Minor Clean-Up Issues
- Revocable Transfer on Death Deed: Recordation
- Relationship Between Mediation Confidentiality and Attorney Malpractice and Other Misconduct

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Cal. Stat. ch. 293 [AB 139] (revocable transfer on death deeds); 2014 Cal. Stat. ch. 243 [SB 406] (standards for recognition of tribal and foreign court money judgments); 2013 Cal. Stat. res. ch. 115 [SCR 54] (state and local agency access to customer information from communications service providers); 2006 Cal. Stat. res. ch. 128 [ACR 73] (nonsubstantive reorganization of weapon statutes); 2006 Cal. Stat. ch. 216 [AB 2034] (donative transfer restrictions).

5. See *Legislative Action on Commission Recommendations*, Appendix 3 *infra*.

6. See *Commission Publications*, Appendix 6 *infra*.

## Major Studies in Progress

During 2018, the Commission intends to work on the following major topics: revision of the Fish and Game Code, California Public Records Act clean-up, liability of nonprobate transfers for creditor claims and family protections, revocable transfer on death deeds, estate disposition without administration, trial court restructuring, and eminent domain pre-condemnation activities.

The Commission will work on other topics as time permits.

### Revision of the Fish and Game Code

The Commission will continue to study the revision of the Fish and Game Code and related statutory law to improve organization, clarify meaning, resolve inconsistencies, eliminate unnecessary or obsolete provisions, standardize terminology, clarify program authority and funding sources, and make other minor improvements, without making any significant substantive change to the effect of the law.<sup>7</sup>

### California Public Records Act Clean-Up

The Commission will continue to study the nonsubstantive revision of the California Public Records Act (Gov't Code §§ 6250-6276.48) and related provisions.<sup>8</sup>

### Nonprobate Transfers for Creditor Claims and Family Protections

The Commission will continue to study the treatment of creditor claims and family protections, with respect to property passing outside of probate.<sup>9</sup>

### Revocable Transfer on Death Deeds

The Commission will continue to study the effect of California's revocable transfer on death deed.<sup>10</sup>

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7. See 2016 Cal. Stat. res. ch. 150.

8. *Id.*

9. *Id.*

10. See 2016 Cal. Stat. ch. 179, § 1 (AB 1779 (Gatto)); 2015 Cal. Stat. ch. 293, § 21 (AB 139 (Gatto)).

**Estate Disposition Without Administration**

The Commission will continue to study possible defects in existing statutes governing disposition of estates without administration.<sup>11</sup>

**Trial Court Restructuring**

The Commission will resume work on cleaning up the codes to reflect three major trial court restructuring reforms: (1) trial court unification, (2) enactment of the Lockyer-Isenberg Trial Court Funding Act, and (3) enactment of the Trial Court Employment Protection and Governance Act.<sup>12</sup>

**Eminent Domain Pre-Condemnation Activities**

The Commission will continue to study whether to codify the holding of *Property Reserve Inc. v Superior Court*, 1 Cal. 5th 151 (2016).<sup>13</sup>

**Other Subjects**

The studies described above will dominate the Commission's time and resources during 2018. As time permits, the Commission will consider other subjects authorized for study.

**Calendar of Topics for Study**

The Commission's calendar includes 24 topics authorized by the Legislature for study.<sup>14</sup>

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11. See 2016 Cal. Stat. res. ch. 150.

12. See Gov't Code § 71674; see also 2016 Cal. Stat. res. ch. 150.

13. See 2016 Cal. Stat. res. ch. 150.

14. See *Calendar of Topics Authorized for Study*, Appendix 2 *infra*.

## Function and Procedure of Commission

The principal duties of the Commission are to:<sup>15</sup>

- (1) Examine the common law and statutes for the purpose of discovering defects and anachronisms.
- (2) Receive and consider suggestions and proposed changes in the law from the American Law Institute, the National Conference of Commissioners on Uniform State Laws,<sup>16</sup> bar associations, and other learned bodies, and from judges, public officials, lawyers, and the public generally.
- (3) Recommend such changes in the law as it deems necessary to bring California law into harmony with modern conditions.<sup>17</sup>

The Commission is required to file a report at each regular session of the Legislature containing a calendar of topics selected by it for study, listing both studies in progress and topics intended for future consideration. Under its general authority, the Commission may study only topics that the Legislature, by concurrent resolution, authorizes for study.<sup>18</sup> However, the Commission may study and recommend revisions to correct technical or minor substantive

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

16. The Legislative Counsel, an ex officio member of the Law Revision Commission, serves as a Commissioner of the Commission on Uniform State Laws. See Gov't Code § 10271.

17. Gov't Code § 8289. The Commission is also directed to recommend the express repeal of all statutes repealed by implication, or held unconstitutional by the California Supreme Court or the United States Supreme Court. Gov't Code § 8290. See "Report on Statutes Repealed by Implication or Held Unconstitutional" *infra*.

18. Gov't Code § 8293. Section 8293 requires a concurrent resolution authorizing the Commission to study topics contained in the calendar of topics set forth in the Commission's regular report to the Legislature. Section 8293 also requires that the Commission study any topic that the Legislature by concurrent resolution or statute refers to the Commission for study.

defects in state statutes without a prior concurrent resolution.<sup>19</sup> Additionally, a concurrent resolution<sup>20</sup> or statute<sup>21</sup> may directly confer authority to study a particular subject.

### **Background Studies and Expert Consultants**

The Commission's work on a recommendation typically begins after a background study has been prepared. The background study may be prepared by a member of the Commission's staff or by a specialist in the field who is retained as a consultant. Law professors and practicing attorneys who serve as consultants have already acquired the considerable knowledge necessary to understand the specific problems under consideration, and receive little more than an honorarium for their services.

From time to time, the Commission requests expert assistance from law professors and other legal professionals, who may provide written input or testify at meetings.

### **Recommendations**

After making its preliminary decisions on a subject, the Commission ordinarily distributes a tentative recommendation to

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19. Gov't Code § 8298.

20. For an example of a concurrent resolution referring a specific topic to the Commission for study, see 2013 Cal. Stat. res. ch. 115 [SCR 54] (state and local agency access to customer information from communications service providers).

21. For example, Government Code Section 70219 requires the Commission, in consultation with the Judicial Council, to perform follow-up studies taking into consideration the experience in courts that have unified. For a list of specific studies, see *Trial Court Unification: Revision of Codes*, 28 Cal. L. Revision Comm'n Reports 51, 82-86 (1998).

Government Code Section 71674 requires the Commission to recommend repeal of provisions made obsolete by the Trial Court Employment Protection and Governance Act (Gov't Code § 71600 *et seq.*), Lockyer-Isenberg Trial Court Funding Act of 1997 (1997 Cal. Stat. ch. 850), and the implementation of trial court unification.

Pursuant to Code of Civil Procedure Section 681.035, the Commission also has continuing authority to study enforcement of judgments.

Statutory authority may be uncodified. See, e.g., 2016 Cal. Stat. ch. 179 (revocable transfer on death deeds).

interested persons and organizations, including the State Bar, local and specialized bar associations, public interest organizations, and business and professional associations. Notice of the availability of the tentative recommendation is mailed to interested persons on the Commission's mailing list and publicized in legal newspapers and other relevant publications. Notice is also posted on the Commission's website and emailed to interested persons.

Comments received on the tentative recommendation are considered by the Commission in determining what recommendation, if any, will be made to the Legislature.<sup>22</sup> When the Commission has reached a conclusion on the matter,<sup>23</sup> its recommendation to the Legislature (including a draft of any necessary legislation) is published and distributed in printed form and on the Internet. If a background study has been prepared in connection with the recommendation, it may be published by the Commission or in a law review.<sup>24</sup>

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22. For a step-by-step description of the procedure followed by the Commission in preparing the 1963 governmental liability statute, see DeMouly, *Fact Finding for Legislation: A Case Study*, 50 A.B.A. J. 285 (1964). The procedure followed in preparing the Evidence Code is described in 7 Cal. L. Revision Comm'n Reports 3 (1965). See also Gaal, *Evidence Legislation in California*, 36 S.W.U. L. Rev. 561, 563-69 (2008); Quillinan, *The Role and Procedures of the California Law Revision Commission in Probate and Trust Law Changes*, 8 Est. Plan. & Cal. Prob. Rep. 130-31 (Cal. Cont. Ed. Bar 1987).

23. Occasionally, one or more members of the Commission may not join in all or part of a recommendation submitted to the Legislature by the Commission. Dissents are noted in the minutes of the meeting at which the recommendation is approved.

24. For recent background studies published in law reviews, see Méndez, *California Evidence Code—Federal Rules of Evidence, IX. General Provisions*, 44 U.S.F. L. Rev. 891 (2010); Méndez, *California Evidence Code—Federal Rules of Evidence, VIII. Judicial Notice*, 44 U.S.F. L. Rev. 141 (2009); Méndez, *California Evidence Code—Federal Rules of Evidence, VII. Relevance: Definition and Limitations*, 42 U.S.F. L. Rev. 329 (2007); Méndez, *California Evidence Code—Federal Rules of Evidence, VI. Authentication and the Best and Secondary Evidence Rules*, 41 U.S.F. L. Rev. 1 (2006); Méndez, *California Evidence Code—Federal Rules of Evidence, V. Witnesses: Conforming the*

## Official Comments

The Commission ordinarily prepares an official Comment explaining each section it recommends for enactment, amendment, or repeal. The Comments are included in the Commission's published recommendations. A Comment indicates the derivation of a section and often explains its purpose, its relation to other law, and potential issues concerning its meaning or application.<sup>25</sup>

## Commission Materials as Legislative History

Commission recommendations are printed and sent to both houses of the Legislature, as well as to the Legislative Counsel and Governor.<sup>26</sup> Receipt of a recommendation by the Legislature is

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*California Evidence Code to the Federal Rules of Evidence*, 39 U.S.F. L. Rev. 455 (2005); Alford, *Report to Law Revision Commission Regarding Recommendations for Changes to California Arbitration Law*, 4 Pepp. Disp. Resol. L.J. 1 (2004); Méndez, *California Evidence Code—Federal Rules of Evidence, IV. Presumptions and Burden of Proof: Conforming the California Evidence Code to the Federal Rules of Evidence*, 38 U.S.F. L. Rev. 139 (2003); Méndez, *California Evidence Code—Federal Rules of Evidence, I. Hearsay and Its Exceptions: Conforming the Evidence Code to the Federal Rules*, 37 U.S.F. L. Rev. 351 (2003); Méndez, *California Evidence Code—Federal Rules of Evidence, II. Expert Testimony and the Opinion Rule: Conforming the Evidence Code to the Federal Rules*, 37 U.S.F. L. Rev. 411 (2003); Méndez, *California Evidence Code—Federal Rules of Evidence, III. The Role of Judge and Jury: Conforming the Evidence Code to the Federal Rules*, 37 U.S.F. L. Rev. 1003 (2003).

For a list of background studies published in law reviews before 2003, see 32 Cal. L. Revision Comm'n Reports 585 n.14 (2002); 20 Cal. L. Revision Comm'n Reports 198 n.16 (1990); 19 Cal. L. Revision Comm'n Reports 513 n.22 (1988); 18 Cal. L. Revision Comm'n Reports 212 n.17, 1713 n.20 (1986); 17 Cal. L. Revision Comm'n Reports 819 n.6 (1984); 16 Cal. L. Revision Comm'n Reports 2021 n.6 (1982); 13 Cal. L. Revision Comm'n Reports 1628 n.5 (1976); 11 Cal. L. Revision Comm'n Reports 1008 n.5, 1108 n.5 (1973); 10 Cal. L. Revision Comm'n Reports 1108 n.5 (1971).

25. Commission Comments are published by LexisNexis and Thomson Reuters in their print editions of the annotated codes, and printed in selected codes prepared by other publishers. Comments are also available on Westlaw and LexisNexis.

26. See Gov't Code §§ 8291, 9795, 11094-11099; see also *Reynolds v. Superior Court*, 12 Cal. 3d 834, 847 n.18, 528 P.2d 45, 53 n.18, 117 Cal. Rptr.



noted in the legislative journals, and the recommendation is referred to the appropriate policy committee.<sup>27</sup>

The bill introduced to effectuate a Commission recommendation is assigned to legislative committees charged with study of the matter in depth.<sup>28</sup> A copy of the recommendation is provided to legislative committee members and staff before the bill is heard and throughout the legislative process. The legislative committees rely on the recommendation in analyzing the bill and making recommendations to the Legislature concerning it.<sup>29</sup>

If an amendment is made to the bill that renders one of the Commission's original Comments inconsistent, the Commission generally will adopt a revised Comment and provide it to the committee. The Commission also provides this material to the Governor's office once the bill has passed the Legislature and is before the Governor for action. These materials are a matter of public record.

Until the mid-1980s, a legislative committee, on approving a bill implementing a Commission recommendation, would adopt the Commission's recommendation as indicative of the committee's

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437, 445 n.18 (1974) (Commission "submitted to the Governor and the Legislature an elaborate and thoroughly researched study").

27. See, e.g., Senate J. Aug. 18, 2003, at 2031 (noting receipt of 2002-2003 recommendations and their transmittal to the Committee on Judiciary).

28. See, e.g., Office of Chief Clerk, California State Assembly, California's Legislature 126-27 (2000) (discussing purpose and function of legislative committee system).

29. The Commission does not concur with the suggestion of the court in *Conservatorship of Wendland*, 26 Cal. 4th 519, 542, 28 P.3d 151, 166, 110 Cal. Rptr. 2d 412, 430 (2001), that a Commission Comment might be entitled to less weight based on speculation that the Legislature may not have read and endorsed every statement in the Commission's report. That suggestion belies the operation of the committee system in the Legislature. See White, *Sources of Legislative Intent in California*, 3 Pac. L.J. 63, 85 (1972) ("The best evidence of legislative intent must surely be the records of the legislature itself and the reports which the committees relied on in recommending passage of the legislation.").

intent in approving the bill.<sup>30</sup> If a Comment required revision, the revised Comment would be adopted as a legislative committee Comment. The committee's report would be printed in the journal of the relevant house.<sup>31</sup>

The Legislature has discontinued the former practice due to increased committee workloads and an effort to decrease the volume of material reprinted in the legislative journals. Under current practice, a legislative committee relies on Commission materials in its analysis of a bill, but does not separately adopt the materials. Instead, the Commission makes a report detailing the legislative history of the bill, including any revised Comments. Bill reports are published as appendices to the Commission's annual reports.<sup>32</sup>

### **Use of Commission Materials To Determine Legislative Intent**

Commission materials that have been placed before and considered by the Legislature are legislative history, are declarative of legislative intent,<sup>33</sup> and are entitled to great weight in construing

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30. See, e.g., *Baldwin v. State*, 6 Cal. 3d 424, 433, 491 P.2d 1121, 1126, 99 Cal. Rptr. 145, 150 (1972). For a description of legislative committee reports adopted in connection with the bill that became the Evidence Code, see *Arellano v. Moreno*, 33 Cal. App. 3d 877, 884, 109 Cal. Rptr. 421, 426 (1973).

31. For an example of such a report, see *Report of Senate Committee on Judiciary on Assembly Bill 3472*, Senate J. June 14, 1984, reprinted in 18 Cal. L. Revision Comm'n Reports 1, 115 (1986).

32. Commission reports have in the past been published as well in the legislative journals. See, e.g., *In re Marriage of Neal*, 153 Cal. App. 3d 117, 124, 200 Cal. Rptr. 341, 345 (1984) (noting that Chairman of Senate Judiciary Committee, when reporting on AB 26 on Senate floor, moved that revised Commission report be printed in Senate Journal as evidence of legislative intent).

33. See, e.g., *Fair v. Bakhtiari*, 40 Cal. 4th 189, 195, 147 P.3d 653, 657, 51 Cal. Rptr. 3d 871, 875 (2006) ("The Commission's official comments are deemed to express the Legislature's intent."); *People v. Williams*, 16 Cal. 3d 663, 667-68, 547 P.2d 1000, 128 Cal. Rptr. 888 (1976) ("The official comments of the California Law Revision Commission on the various sections of the Evidence Code are declarative of the intent not only of the draft[ers] of the code but also of the legislators who subsequently enacted it.").

statutes.<sup>34</sup> The materials are a key interpretive aid for practitioners as well as courts,<sup>35</sup> and courts may judicially notice and rely on them.<sup>36</sup> Courts at all levels of the state<sup>37</sup> and federal<sup>38</sup> judicial systems depend on Commission materials to construe statutes

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34. See, e.g., *Dep't of Alcoholic Beverage Control v. Alcoholic Beverage Control Appeals Bd.*, 40 Cal. 4th 1, 12-13 n.9, 145 P.3d 462, 469 n.9, 50 Cal. Rptr. 3d 585, 593 n.9 (2006) (Commission's official comments are persuasive evidence of Legislature's intent); *Hale v. S. Cal. IPA Med. Group, Inc.*, 86 Cal. App. 4th 919, 927, 103 Cal. Rptr. 2d 773, 778 (2001):

In an effort to discern legislative intent, an appellate court is entitled to take judicial notice of the various legislative materials, including committee reports, underlying the enactment of a statute. (*Kern v. County of Imperial* (1990) 226 Cal. App. 3d 391, 400, fn. 8 [276 Cal. Rptr. 524]; *Coopers & Lybrand v. Superior Court* (1989) 212 Cal. App. 3d 524, 535, fn. 7 [260 Cal. Rptr. 713].) In particular, reports and interpretive opinions of the Law Revision Commission are entitled to great weight. (*Schmidt v. Southern Cal. Rapid Transit Dist.* (1993) 14 Cal. App. 4th 23, 30, fn. 10 [17 Cal. Rptr. 2d 340].)

35. Cf. 7 B. Witkin, *Summary of California Law Constitutional Law* § 123, at 230 (10th ed. 2005) (Commission reports as aid to construction); Gaylord, *An Approach to Statutory Construction*, 5 Sw. U. L. Rev. 349, 384 (1973).

36. See, e.g., *Kaufman & Broad Communities, Inc. v. Performance Plastering, Inc.*, 133 Cal. App. 4th 26, 34 Cal. Rptr. 3d 520 (2005) (providing overview of materials that may be judicially noticed in determining legislative intent); *Hale*, 86 Cal. App. 4th at 927; *Barkley v. City of Blue Lake*, 18 Cal. App. 4th 1745, 1751 n.3, 23 Cal. Rptr. 2d 315, 318-19 n.3 (1993).

37. See, e.g., *Sullivan v. Delta Air Lines, Inc.*, 15 Cal. 4th 288, 298, 935 P.2d 781, 63 Cal. Rptr. 2d 74 (1997) (California Supreme Court); *Admin. Mgmt. Services, Inc. v. Fid. Deposit Co. of Md.*, 129 Cal. App. 3d 484, 488, 181 Cal. Rptr. 141 (1982) (court of appeal); *Rossetto v. Barross*, 90 Cal. App. 4th Supp. 1, 110 Cal. Rptr. 2d 255 (2001) (appellate division of superior court).

38. See, e.g., *California v. Green*, 399 U.S. 149, 154 n.3 (1970) (United States Supreme Court); *S. Cal. Bank v. Zimmerman (In re Hilde)*, 120 F.3d 950, 953 (9th Cir. 1997) (federal court of appeals); *Williams v. Townsend*, 283 F. Supp. 580, 582 (C.D. Cal. 1968) (federal district court); *Ford Consumer Fin. Co. v. McDonell (In re McDonell)*, 204 B.R. 976, 978-79 (B.A.P. 9th Cir. 1996) (bankruptcy appellate panel); *In re Garrido*, 43 B.R. 289, 292-93 (Bankr. S.D. Cal. 1984) (bankruptcy court).

enacted on Commission recommendation.<sup>39</sup> Appellate courts have cited Commission materials in more than a thousand published opinions.<sup>40</sup>

Commission materials have been used as direct support for a court's interpretation of a statute,<sup>41</sup> as one of several indicia of legislative intent,<sup>42</sup> to explain the public policy behind a statute,<sup>43</sup> and on occasion to demonstrate (by their silence) the Legislature's intention not to change the law.<sup>44</sup> The Legislature's failure to adopt

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39. See, e.g., *Jevne v. Superior Court*, 35 Cal. 4th 935, 947, 111 P.3d 954, 962, 28 Cal. Rptr. 3d 685, 694-95 (2005) (Commission report entitled to substantial weight in construing statute); *Collection Bureau of San Jose v. Rumsey*, 24 Cal. 4th 301, 308 & n.6, 6 P.3d 713, 718 & n.6, 99 Cal. Rptr. 2d 792, 797 & n.6 (2000) (Comments to reenacted statute reiterate the clear understanding and intent of original enactment); *Brian W. v. Superior Court*, 20 Cal. 3d 618, 623, 574 P.2d 788, 791, 143 Cal. Rptr. 717, 720 (1978) (Comments persuasive evidence of Legislature's intent); *Volkswagen Pac., Inc. v. City of Los Angeles*, 7 Cal. 3d 48, 61-63, 496 P.2d 1237, 1247-48, 101 Cal. Rptr. 869, 879-80 (1972) (Comments evidence clear legislative intent of law); *Van Arsdale v. Hollinger*, 68 Cal. 2d 245, 249-50, 437 P.2d 508, 511, 66 Cal. Rptr. 20, 23 (1968) (Comments entitled to substantial weight), overruled on other grounds by *Privette v. Superior Court*, 5 Cal. 4th 689, 854 P.2d 721, 21 Cal. Rptr. 2d 72 (1993); *County of Los Angeles v. Superior Court*, 62 Cal. 2d 839, 843-44, 402 P.2d 868, 870-71, 44 Cal. Rptr. 796, 798-99 (1965) (statutes reflect policy recommended by Commission).

40. It should be noted that the Law Revision Commission should not be cited as the "Law Revision Committee" or as the "Law Review Commission." See, e.g., *Venerable v. City of Sacramento*, 185 F. Supp. 2d 1128, 1132 (E.D. Cal. 2002) (Law Revision "Committee"); *Ryan v. Garcia*, 27 Cal. App. 4th 1006, 1010 n.2, 33 Cal. Rptr. 2d 158, 160 n.2 (1994) (Law "Review" Commission).

41. See, e.g., *People v. Ainsworth*, 45 Cal. 3d 984, 1015, 755 P.2d 1017, 1036, 248 Cal. Rptr. 568, 586 (1988).

42. See, e.g., *Heieck & Moran v. City of Modesto*, 64 Cal. 2d 229, 233 n.3, 411 P.2d 105, 108 n.3, 49 Cal. Rptr. 377, 380 n.3 (1966).

43. See, e.g., *Southern Cal. Gas Co. v. Public Utils. Comm'n*, 50 Cal. 3d 31, 38 n.8, 784 P.2d 1373, 1376 n.8, 265 Cal. Rptr. 801, 804 n.8 (1990).

44. See, e.g., *State ex rel. State Pub. Works Bd. v. Stevenson*, 5 Cal. App. 3d 60, 64-65, 84 Cal. Rptr. 742, 745-46 (1970) (finding that Legislature had no intention of changing existing law where "not a word" in Commission's reports indicated intent to abolish or emasculate well-settled rule).

a Commission recommendation may be used as evidence of legislative intent to reject the proposed rule.<sup>45</sup>

Commission materials are entitled to great weight, but they are not conclusive.<sup>46</sup> While the Commission endeavors in Comments to explain any changes in the law made by a section, the Commission does not claim that every consistent or inconsistent case is noted in the Comments,<sup>47</sup> nor can it anticipate judicial conclusions as to the significance of existing case authorities.<sup>48</sup> Hence, failure of the Comment to note every change the recommendation would make in prior law, or to refer to a consistent or inconsistent judicial decision, is not intended to, and should not, influence the construction of a clearly stated statutory provision.<sup>49</sup>

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45. See, e.g., *McWilliams v. City of Long Beach*, 56 Cal. 4th 613, 623-24, 300 P.3d 886, 155 Cal. Rptr. 3d 817 (2013); *Nestle v. City of Santa Monica*, 6 Cal. 3d 920, 935-36, 496 P.2d 480, 490, 101 Cal. Rptr. 568, 578 (1972).

46. See, e.g., *Redevelopment Agency v. Metropolitan Theatres Corp.*, 215 Cal. App. 3d 808, 812, 263 Cal. Rptr. 637, 639 (1989) (Comment does not override clear and unambiguous statute). Commission materials are but one indicium of legislative intent. See, e.g., *Estate of Joseph*, 17 Cal. 4th 203, 216, 949 P.2d 472, 480, 70 Cal. Rptr. 2d 619, 627 (1998). The accuracy of a Comment may also be questioned. See, e.g., *Buzgheia v. Leasco Sierra Grove*, 30 Cal. App. 4th 766, 774, 36 Cal. Rptr. 2d 144, 149 (1994); *In re Thomas*, 102 B.R. 199, 202 (Bankr. E.D. Cal. 1989).

47. *Cf. People v. Coleman*, 8 Cal. App. 3d 722, 731, 87 Cal. Rptr. 554, 559 (1970) (Comments make clear intent to reflect existing law even if not all supporting cases are cited).

48. See, e.g., *Arellano v. Moreno*, 33 Cal. App. 3d 877, 885, 109 Cal. Rptr. 421, 426-27 (1973) (noting that decisional law cited in Comment was distinguished by the California Supreme Court in a case decided after enactment of the Commission recommendation).

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

Some types of Commission materials are not properly relied on as evidence of legislative intent. On occasion, courts have cited preliminary Commission materials such as tentative recommendations, correspondence, and staff memoranda and drafts in support of their construction of a statute.<sup>50</sup> While these materials may be indicative of the Commission's intent in proposing the legislation, only the Legislature's intent in adopting the legislation is entitled to weight in construing the statute.<sup>51</sup> Unless preliminary Commission materials were before the Legislature during its consideration of the legislation, those materials are not legislative history and are not relevant in determining the Legislature's intention in adopting the legislation.<sup>52</sup>

A Commission study prepared after enactment of a statute that analyzes the statute is not part of the legislative history of the statute.<sup>53</sup> However, documents prepared by or for the Commission

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50. See, e.g., *Rojas v. Superior Court*, 33 Cal. 4th 407, 93 P.3d 260, 15 Cal. Rptr. 3d 643 (2005) (tentative recommendation, correspondence, and staff memorandum and draft); *Yamaha Corp. v. State Bd. of Equalization*, 19 Cal. 4th 1, 12-13, 960 P.2d 1031, 1037, 78 Cal. Rptr. 2d 1, 7 (1998) (tentative recommendation). However, in some cases, proposed legislation will be based on a tentative, rather than final, Commission recommendation. See, e.g., *Estate of Archer*, 193 Cal. App. 3d 238, 243, 239 Cal. Rptr. 137, 140 (1987). In that event, reliance on the tentative recommendation is proper.

See also *Ilkchooyi v. Best*, 37 Cal. App. 4th 395, 406, 45 Cal. Rptr. 2d 766, 772-73 (1995) (letter responding to tentative recommendation); D. Henke, *California Legal Research Handbook* § 3.51 (1971) (background studies).

51. *Cf.* *Rittenhouse v. Superior Court*, 235 Cal. App. 3d 1584, 1589, 1 Cal. Rptr. 2d 595, 598 (1991) (linking Commission's intent and Legislature's intent); *Guthman v. Moss*, 150 Cal. App. 3d 501, 508, 198 Cal. Rptr. 54, 58 (1984) (determination of Commission's intent used to infer Legislature's intent).

52. The Commission concurs with the opinion of the court in *Juran v. Epstein*, 23 Cal. App. 4th 882, 894 n.5, 28 Cal. Rptr. 2d 588, 594 n.5 (1994), that staff memoranda to the Commission should generally not be considered as legislative history.

53. See, e.g., *Duarte v. Chino Community Hosp.*, 72 Cal. App. 4th 849, 856 n.3, 85 Cal. Rptr. 2d 521, 525 n.3 (1999).

may be used by the courts for their analytical value, apart from their role in statutory construction.<sup>54</sup>

### **Publications**

Commission publications are distributed to the Governor, the Secretary of the Senate, the Chief Clerk of the Assembly, and the Legislative Counsel.<sup>55</sup> Commission materials are also distributed to interest groups, lawyers, law professors, courts, district attorneys, law libraries, and other individuals requesting materials.

The Commission's reports, recommendations, and studies are published in hardcover volumes that serve as a permanent record of the Commission's work and, it is believed, are a valuable contribution to the legal literature of California. These volumes are available at many county law libraries and at some other libraries. About half of the hardcover volumes are out of print, but others are available for purchase.<sup>56</sup> Publications that are out of print are available as electronic files.<sup>57</sup>

### **Electronic Publication and Internet Access**

Since 1995, the Commission has provided a variety of information on the Internet, including online material and downloadable files.<sup>58</sup> Interested persons with Internet access can find the current agenda,

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54. See, e.g., *Sierra Club v. San Joaquin Local Agency Formation Comm'n*, 21 Cal. 4th 489, 502-03, 981 P.2d 543, 551-52, 87 Cal. Rptr. 2d 702, 712 (1999) (unenacted Commission recommendation useful as "opinion of a learned panel"); *Hall v. Hall*, 222 Cal. App. 3d 578, 585, 271 Cal. Rptr. 773, 777 (1990) (Commission staff report most detailed analysis of statute available); *W.E.J. v. Superior Court*, 100 Cal. App. 3d 303, 309-10, 160 Cal. Rptr. 862, 866 (1979) (law review article prepared for Commission provides insight into development of law); *Schonfeld v. City of Vallejo*, 50 Cal. App. 3d 401, 407 n.4, 123 Cal. Rptr. 669, 673 n.4 (1975) (court indebted to many studies of Commission for analytical materials).

55. See Gov't Code § 8291. For limitations on Section 8291, see Gov't Code §§ 9795, 11094-11099.

56. See *Commission Publications*, Appendix 6 *infra*.

57. See "Electronic Publication and Internet Access" *infra*.

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

meeting minutes, background studies, tentative and final recommendations, staff memoranda, and general background information.

Since 2002, all Commission publications and staff memoranda are available as electronic files. Recent publications and memoranda may be downloaded from the Commission's website. Files that are not on the website are available on request.<sup>59</sup>

### **Electronic Mail**

Email commenting on Commission proposals or suggesting issues for study is given the same consideration as letter correspondence. Email to the Commission may be sent to *commission@clrc.ca.gov*.

The Commission distributes the majority of its meeting agendas, staff memoranda, and other written materials electronically, by means of its website and email distribution lists. The Commission encourages use of email as an inexpensive and expedient means of communication with the Commission.

### **MCLE Credit**

The Commission is approved by the State Bar of California as a minimum continuing legal education provider. Participants and attendees at Commission meetings may be eligible to receive MCLE credit. To receive credit for participation or attendance at a meeting, a person must register at the meeting. Meeting materials are available free of charge on the Internet<sup>60</sup> or may be purchased in advance from the Commission.

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59. See *Commission Publications*, Appendix 6 *infra*.

60. See "Electronic Publication and Internet Access" *supra*.



## Personnel of Commission<sup>61</sup>

As of December 1, 2017, the following persons were members of the Law Revision Commission:

### Legislative Members<sup>62</sup>

Assembly Member Ed Chau  
 Senator Richard Roth

### Members Appointed by Governor<sup>63</sup>

	<i>Term Expires</i>
Tom Hallinan, Ceres <i>Chairperson</i>	October 1, 2019
Jane McAllister, Hilmar <i>Vice-Chairperson</i>	October 1, 2019
Susan Duncan Lee, San Francisco	October 1, 2019
Victor King, La Crescenta	October 1, 2019
Crystal Miller-O'Brien, Los Angeles	October 1, 2021
<i>Vacant</i>	October 1, 2021
<i>Vacant</i>	October 1, 2021

### Legislative Counsel<sup>64</sup>

Diane F. Boyer-Vine, Sacramento

61. See also *Biographies of 2017 Commissioners*, Appendix 5 *infra*.

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

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

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

On October 1, 2017, Commissioners Damian Capozzola and Taras Kihiczak ended their service as Commissioners.

The following persons are on the Commission's staff:

*Legal*

BRIAN HEBERT  
*Executive Director*

BARBARA S. GAAL  
*Chief Deputy Counsel*

KRISTIN BURFORD  
*Staff Counsel*

STEVE COHEN  
*Staff Counsel*

*Administrative-Secretarial*

DEBORA LARRABEE  
*Associate Governmental  
Program Analyst*

VICTORIA V. MATIAS  
*Secretary*

In addition, Karin Bailey, Damian Caravez, Greg Gonzalez, and Elisa Shieh, all from the University of California, Davis, School of Law, worked for the Commission in 2017.

**Commission Budget**

The Commission's operations for the 2017-18 fiscal year have been funded through a reimbursement from the California Office of Legislative Counsel, in the amount of \$958,000.

That reimbursement is supplemented by monies budgeted for income generated from the sale of documents to the public, to recover the cost of the documents.

The Commission also receives substantial donations of necessary library materials from the legal publishing community, especially California Continuing Education of the Bar, LexisNexis, and Thomson Reuters. In addition, the Commission receives benchbooks from the California Center for Judicial Education and Research (CJER). The Commission also receives a copy of the McGeorge Law Review, annually. The Commission receives

additional library materials from other legal publishers and from other law reform agencies on an exchange basis, and has full access to the law libraries at the University of California, Davis, School of Law and at Stanford Law School. The Commission is grateful for these contributions.

### **Other Activities**

The Commission is directed by statute to cooperate with bar associations and other learned, professional, or scientific associations, institutions, or foundations in any manner suitable for the fulfillment of the purposes of the Commission.<sup>65</sup>

#### **National Conference of Commissioners on Uniform State Laws**

The Commission is directed by statute to receive and consider proposed changes in the law recommended by the National Conference of Commissioners on Uniform State Laws.<sup>66</sup> Legislative Counsel and Commission member Diane F. Boyer-Vine is a member of the California Commission on Uniform State Laws and the National Conference. The Commission's Executive Director, Brian Hebert, is an associate member of the National Conference.

#### **Other Commissioner and Staff Activities**

On March 29, 2017, Executive Director Brian Hebert participated in a panel discussion conducted by the Public Law Section of the Sacramento County Bar Association, on Emerging Issues in the California Public Records Act (Gov't Code §§ 6250-6276.48), with a focus on the Law Revision Commission's ongoing study of a nonsubstantive revision of that act and related provisions.

On September 19, 2017, Executive Director Brian Hebert participated in a panel discussion at the University of California, Davis, School of Law, on law student opportunities in the legislative process, with a focus on the work of the Law Revision Commission.

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65. Gov't Code § 8296.

66. Gov't Code § 8289.

## **Legislative History of Recommendations in the 2017 Legislative Session**

In 2017, bills to effectuate three Commission recommendations were introduced. All three proposals were enacted.

### **Recognition of Tribal and Foreign Court Money Judgments**

Assembly Bill 905 (2017 Cal. Stat. ch. 168) was introduced in 2017 by Assembly Member Brian Maienschein. The bill effectuated the Commission's recommendation on *Recognition of Tribal and Foreign Court Money Judgments*, 44 Cal. L. Revision Comm'n Reports 611 (2016).

The measure was enacted, with amendments. See *Report of the California Law Revision Commission on Chapter 168 of the Statutes of 2017 (Assembly Bill 905)*, 45 Cal. L. Revision Comm'n Reports \_\_\_ (2017) (Appendix 4, *infra*).

### **Government Interruption of Communication Service**

Assembly Bill 1034 (2017 Cal. Stat. ch. 322) was introduced in 2017 by Assembly Member Ed Chau. The bill effectuated the Commission's recommendation on *Government Interruption of Communication Service*, 44 Cal. L. Revision Comm'n Reports 681 (2016).

The measure was enacted, with amendments.

### **Mechanics Liens in Common Interest Developments**

Assembly Bill 534 (2017 Cal. Stat. ch. 44) was introduced in 2017 by Assembly Member James Gallagher. The bill effectuated the Commission's recommendation on *Mechanics Liens and Common Area*, 44 Cal. L. Revision Comm'n Reports 739 (2016).

The measure was enacted, with amendments.

## **Report on Statutes Repealed by Implication or Held Unconstitutional**

Government Code Section 8290 provides:

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

Pursuant to this directive, the Commission has reviewed the decisions of the United States Supreme Court and the California Supreme Court published since the Commission's last Annual Report was prepared<sup>67</sup> and has the following to report:

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

In *Briggs v. Brown*, 1 Cal. 5th 151, 400 P.3d 29, 221 Cal. Rptr. 3d 465 (2017), the California Supreme Court held that Proposition 66, the Death Penalty Reform and Savings Act of 2016, a citizen initiative, repealed by implication provisions of Penal Code Section 1506 that require a prosecution appeal in a capital habeas corpus proceeding to be taken to the California Supreme Court. The court held that the enactment by the initiative of Penal Code Section 1509.1(a), which authorizes either party to appeal the decision of a superior court on a capital habeas corpus petition "to the court of appeal," demonstrated a clear intent by the electorate to supersede the contrary provisions of Section 1506.

### **Recommendations**

The Commission respectfully recommends that the Legislature authorize the Commission to continue its study of the topics previously authorized.<sup>68</sup>

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67. This study has been carried through opinions published on or before November 1, 2017.

68. See discussion under "Calendar of Topics for Study" *supra*; *Calendar of Topics Authorized for Study*, Appendix 2 *infra*.

Pursuant to the mandate imposed by Government Code Section 8290, the Commission recommends the repeal of the provisions referred to under “Report on Statutes Repealed by Implication or Held Unconstitutional,” *supra*, to the extent they have been held unconstitutional, and have not been amended, reformed, or repealed.

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## APPENDIX 1

### STATUTE GOVERNING THE CALIFORNIA LAW REVISION COMMISSION (Government Code Sections 8280-8298\*)

#### **§ 8280. Creation**

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

#### **§ 8281. Membership**

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

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

The members appointed by the Governor shall be appointed for a term of four years and shall hold office until the appointment and qualification of their successors. The terms of the members first appointed shall not commence earlier than October 1, 1953, and

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\*Added by 1984 Cal. Stat. ch. 1335, § 2; see also 1985 Cal. Stat. ch. 106, § 45 (amending Section 8295); 1989 Cal. Stat. ch. 152, § 1 (adding Section 8298), 2004 Cal. Stat. ch. 193, § 33 (amending Section 8293). Formerly Gov't Code §§ 10300-10340, added by 1953 Cal. Stat. ch. 1445, § 2; amended by 1960 Cal. Stat. ch. 61, § 1 (1st Ex. Sess.); 1965 Cal. Stat. ch. 371, § 110; 1978 Cal. Stat. ch. 228, § 1; 1981 Cal. Stat. ch. 1106, § 2.

shall expire as follows: four on October 1, 1955, and three on October 1, 1957. When a vacancy occurs in any office filled by appointment by the Governor, he or she shall appoint a person to the office, who shall hold office for the balance of the unexpired term of his or her predecessor.

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

### **§ 8282. Compensation and expenses**

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

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

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

### **§ 8283. Chairperson**

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

### **§ 8284. Executive secretary**

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

### **§ 8285. Employees**

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



**§ 8286. Assistance of state**

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

**§ 8287. Assistance of bar**

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

**§ 8288. Political activities of commissioners and staff**

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

**§ 8289. Duties of commission**

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

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

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

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

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

#### **§ 8290. Unconstitutional and impliedly repealed statutes**

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

#### **§ 8291. Submission and distribution of reports**

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

**Note.** Section 8291 is limited by later-enacted rules governing distribution of state reports set out in Government Code Sections 9795 and 11094-11099.

#### **§ 8292. Contents of reports**

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

#### **§ 8293. Calendar of topics**

8293. The commission shall file a report at each regular session of the Legislature that shall contain a calendar of topics selected by it for study, including a list of the studies in progress and a list of topics intended for future consideration. The commission shall confine its studies to those topics set forth in the calendar

contained in its last preceding report that have been or are thereafter approved for its study by concurrent resolution of the Legislature. The commission shall also study any topic that the Legislature, by concurrent resolution or statute, refers to it for study.

**§ 8294. Printing of reports**

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

**§ 8295. Cooperation with legislative committees**

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

**§ 8296. Cooperation with bar and other associations**

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

**§ 8297. Research contracts**

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

**§ 8298. Recommendations concerning minor revisions**

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

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## APPENDIX 2

### CALENDAR OF TOPICS AUTHORIZED FOR STUDY

The Commission's calendar of topics authorized for study includes the subjects listed below.<sup>1</sup> Each of these topics has been authorized for Commission study by the Legislature. For the current authorizing resolution, see 2016 Cal. Stat. res. ch. 150.

**1. Creditors' remedies.** Whether the law should be revised that relates to creditors' remedies, including, but not limited to, attachment, garnishment, execution, repossession of property (including the claim and delivery statute, self-help repossession of property, and the Commercial Code provisions on repossession of property), confession of judgment procedures, default judgment procedures, enforcement of judgments, the right of redemption, procedures under private power of sale in a trust deed or mortgage, possessory and nonpossessory liens, insolvency, and related matters.<sup>2</sup>

**2. Probate Code.** Whether the California Probate Code should be revised, including, but not limited to, the issue of whether California should adopt, in whole or in part, the Uniform Probate Code, and related matters.<sup>3</sup>

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1. The calendar of topics lists only those topics selected by the Commission for study and authorized by the Legislature. The Commission also studies topics specifically directed to it by concurrent resolution of the Legislature or by statute. See, e.g., 2013 Cal. Stat. res. ch. 115 [SCR 54] (state and local agency access to customer information from communication service providers); 2014 Cal. Stat. ch. 243 [SB 406] (recognition of tribal and foreign court money judgments). The Commission may also study and recommend revisions to correct technical or minor substantive defects in state statutes without a prior concurrent resolution. Gov't Code § 8298.

2. See also 1983 Cal. Stat. res. ch. 40; 1974 Cal. Stat. res. ch. 45; 1972 Cal. Stat. res. ch. 27; 1957 Cal. Stat. res. ch. 202; 1 Cal. L. Revision Comm'n Reports, Annual Report for 1957, at 15-16 (1957). Revised in 2001 Cal. Stat. res. ch. 78; 30 Cal. L. Revision Comm'n Reports 661 (2000).

3. See also 1980 Cal. Stat. res. ch. 37. Revised in 2001 Cal. Stat. res. ch. 78; 30 Cal. L. Revision Comm'n Reports 661 (2000).

**3. Real and personal property.** Whether the law should be revised that relates to real and personal property, including, but not limited to, a marketable title act, covenants, servitudes, conditions, and restrictions on land use or relating to land, powers of termination, escheat of property and the disposition of unclaimed or abandoned property, eminent domain, quiet title actions, abandonment or vacation of public streets and highways, partition, rights and duties attendant on assignment, subletting, termination, or abandonment of a lease, and related matters.<sup>4</sup>

**4. Family law.** Whether the law should be revised that relates to family law, including, but not limited to, community property, the adjudication of child and family civil proceedings, child custody, adoption, guardianship, freedom from parental custody and control, and related matters, including other subjects covered by the Family Code.<sup>5</sup>

**5. Discovery in civil cases.** Whether the law relating to discovery in civil cases should be revised.<sup>6</sup>

**6. Rights and disabilities of minors and incompetent persons.** Whether the law relating to the rights and disabilities of minors and incompetent persons should be revised.<sup>7</sup>

**7. Evidence.** Whether the Evidence Code should be revised.<sup>8</sup>

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4. See 1983 Cal. Stat. res. ch. 40, consolidating various previously authorized aspects of real and personal property law into one comprehensive topic. Expanded in 1988 Cal Stat. res. ch. 81. Revised in 2001 Cal. Stat. res. ch. 78; 30 Cal. L. Revision Comm'n Reports 661 (2000).

5. See 1997 Cal. Stat. res. ch. 102, consolidating Family Code authority, child custody, adoption, and guardianship authority, and family law proceedings authority. See also 1995 Cal. Stat. res. ch. 87; 1989 Cal. Stat. res. ch. 70; 1983 Cal. Stat. res. ch. 40; 1978 Cal. Stat. res. ch. 65; 1972 Cal. Stat. res. ch. 27; 1956 Cal. Stat. res. ch. 42.

6. See also 1975 Cal. Stat. res. ch. 15; 12 Cal. L. Revision Comm'n Reports 526-28 (1974).

7. See also 1979 Cal. Stat. res. ch. 19; 14 Cal. L. Revision Comm'n Reports 217-18 (1978).

8. See also 1965 Cal. Stat. res. ch. 130.

**8. Alternative Dispute Resolution.** Whether the law relating to arbitration, mediation, and other alternative dispute resolution techniques should be revised.<sup>9</sup>

**9. Administrative law.** Whether there should be changes to administrative law.<sup>10</sup>

**10. Attorney's fees.** Whether the law relating to the payment and the shifting of attorney's fees between litigants should be revised.<sup>11</sup>

**11. Uniform Unincorporated Nonprofit Association Act.** Whether the Uniform Unincorporated Nonprofit Association Act, or parts of that uniform act, and related provisions should be adopted in California.<sup>12</sup>

**12. Trial court unification.** Recommendations to be reported pertaining to statutory changes that may be necessitated by court unification.<sup>13</sup>

**13. Contract law.** Whether the law of contracts should be revised, including the law relating to the effect of electronic communications on the law governing contract formation, the statute of frauds, the parol evidence rule, and related matters.<sup>14</sup>

**14. Common interest developments.** Whether the law governing common interest housing developments should be revised to clarify the law, eliminate unnecessary or obsolete provisions, consolidate existing statutes in one place in the codes, establish a clear, consistent, and unified policy with regard to formation and management of these developments and transaction of real property interests located within

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9. See also 1968 Cal. Stat. res. ch. 110; 8 Cal. L. Revision Comm'n Reports 1325-26 (1967). Revised in 2001 Cal. Stat. res. ch. 78; 30 Cal. L. Revision Comm'n Reports 661-62 (2000).

10. See also 1987 Cal. Stat. res. ch. 47.

11. See also 1995 Cal. Stat. res. ch. 87; 1988 Cal. Stat. res. ch. 20.

12. See also 1993 Cal. Stat. res. ch. 31; 22 Cal. L. Revision Comm'n Reports 846 (1992).

13. See also 1995 Cal. Stat. res. ch. 87; 1993 Cal. Stat. res. ch. 96.

14. See also 1996 Cal. Stat. res. ch. 38; 25 Cal. L. Revision Comm'n Reports 628-29 (1995).

them, and to determine to what extent they should be subject to regulation.<sup>15</sup>

**15. Legal malpractice statutes of limitation.** Whether the statutes of limitation for legal malpractice actions should be revised to recognize equitable tolling or other adjustment for the circumstances of simultaneous litigation, and related matters.<sup>16</sup>

**16. Coordination of public records statutes.** Whether the law governing disclosure of public records and the law governing protection of privacy in public records should be revised to better coordinate them, including consolidation and clarification of the scope of required disclosure and creation of a single set of disclosure procedures, to provide appropriate enforcement mechanisms, and to ensure that the law governing disclosure of public records adequately treats electronic information, and related matters.<sup>17</sup>

**17. Criminal sentencing.** Whether the law governing criminal sentences for enhancements relating to weapons or injuries should be revised to simplify and clarify the law and eliminate unnecessary or obsolete provisions.<sup>18</sup>

**18. Subdivision Map Act and Mitigation Fee Act.** Whether the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7 of the Government Code) and the Mitigation Fee Act (Chapter 5 (commencing with Section 66000), Chapter 6 (commencing with Section 66010), Chapter 7 (commencing with Section 66012), Chapter 8 (commencing with Section 66016), and Chapter 9 (commencing with Section 66020) of Division 1 of Title 7 of the Government Code) should

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15. See also 1999 Cal. Stat. res. ch. 81; 28 Cal. L. Revision Comm'n Reports 693-94 (1998).

16. See also 1999 Cal. Stat. res. ch. 81; 28 Cal. L. Revision Comm'n Reports 696 (1998).

17. See also 1999 Cal. Stat. res. ch. 81; 28 Cal. L. Revision Comm'n Reports 695-96 (1998).

18. See also 1999 Cal. Stat. res. ch. 81; 28 Cal. L. Revision Comm'n Reports 695 (1998). Revised in 2002 Cal. Stat. res. ch. 166.



be revised to improve their organization, resolve inconsistencies, and clarify and rationalize provisions, and related matters.<sup>19</sup>

**19. Uniform Statute and Rule Construction Act.** Whether the Uniform Statute and Rule Construction Act (1995) should be adopted in California in whole or in part, and related matters.<sup>20</sup>

**20. Place of trial in a civil case.** Whether the law governing the place of trial in a civil case should be revised.<sup>21</sup>

**21. Charter schools and the Government Claims Act.** Analysis of the legal and policy implications of treating a charter school as a public entity for the purposes of Division 3.6 (commencing with Section 810) of Title 1 of the Government Code.<sup>22</sup>

**22. Fish and Game Code.** Whether the Fish and Game Code and related statutory law should be revised to improve its organization, clarify its meaning, resolve inconsistencies, eliminate unnecessary or obsolete provisions, standardize terminology, clarify program authority and funding sources, and make other minor improvements, without making any significant substantive change to the effect of the law.<sup>23</sup>

**23. Mediation Confidentiality.** (a) Analysis of the relationship under current law between mediation confidentiality and attorney malpractice and other misconduct, and the purposes for, and impact of, those laws on public protection, professional ethics, attorney discipline, client rights, the willingness of parties to participate in voluntary and mandatory mediation, and the effectiveness of mediation, as well as any other issues that the commission deems relevant. Among other matters, the commission shall consider the following:

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19. See also 2001 Cal. Stat. res. ch. 78; 30 Cal. L. Revision Comm'n Reports 662 (2000).

20. See also 2003 Cal. Stat. res. ch. 92; 33 Cal. L. Revision Comm'n Reports 599 (2003).

21. See also 2007 Cal. Stat. res. ch. 100; 38 Cal. L. Revision Comm'n Reports 30 (2008).

22. See also 2009 Cal. Stat. res. ch. 98; 39 Cal. L. Revision Comm'n Reports 28 (2009).

23. See also 2012 Cal. Stat. res. ch. 108; 42 Cal. L. Revision Comm'n Reports 361 (2012).

(1) Sections 703.5, 958, and 1119 of the Evidence Code and predecessor provisions, as well as California court rulings, including, but not limited to, *Cassel v. Superior Court* (2011) 51 Cal. 4th 113, *Porter v. Wyner* (2010) 183 Cal. App. 4th 949, and *Wimsatt v. Superior Court* (2007) 152 Cal. App. 4th 137.

(2) The availability and propriety of contractual waivers.

(3) The law in other jurisdictions, including the Uniform Mediation Act, as it has been adopted in other states, other statutory acts, scholarly commentary, judicial decisions, and any data regarding the impact of differing confidentiality rules on the use of mediation.

(b) In studying this matter, the commission shall request input from experts and interested parties, including, but not limited to, representatives from the California Supreme Court, the State Bar of California, legal malpractice defense counsel, other attorney groups and individuals, mediators, and mediation trade associations. The commission shall make any recommendations that it deems appropriate for the revision of California law to balance the competing public interests between confidentiality and accountability.<sup>24</sup>

**24. California Public Records Act.** Study, report on, and prepare recommended legislation as soon as possible, considering the commission's preexisting duties and workload demands, concerning the revision of the California Public Records Act and related provisions. This legislation shall accomplish all of the following objectives:

(1) Reduce the length and complexity of current sections.

(2) Avoid unnecessary cross-references.

(3) Neither expand nor contract the scope of existing exemptions to the general rule that records are open to the public pursuant to the current provisions of the Public Records Act.

(4) To the extent compatible with (3), use terms with common definitions.

(5) Organize the existing provisions in such a way that similar provisions are located in close proximity to one another.

(6) Eliminate duplicative provisions.

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24. See also 2012 Cal. Stat. res. ch. 108; 42 Cal. L. Revision Comm'n Reports 361 (2012).

(7) Clearly express legislative intent without any change in the substantive provisions.<sup>25</sup>

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25. See also 2016 Cal. Stat. res. ch. 150; 44 Cal. L. Revision Comm'n Reports 782 (2016).



## APPENDIX 3

### LEGISLATIVE ACTION ON COMMISSION RECOMMENDATIONS

(Cumulative)

**Note.** The “Action by Legislature” column may include references to relevant legislative history in the Commission’s Reports, following the italicized “*See.*” These references are to pages in Commission bound volumes (e.g., “35:73” refers to bound volume 35, page 73).

<b>Recommendation</b>	<b>Action by Legislature</b>
1. <i>Partial Revision of Education Code</i> , 1 Cal. L. Revision Comm’n Reports, Annual Report for 1954, at 12 (1957)	Enacted. 1955 Cal. Stat. chs. 799, 877
2. <i>Summary Distribution of Small Estates Under Probate Code Sections 640 to 646</i> , 1 Cal. L. Revision Comm’n Reports, Annual Report for 1954, at 50 (1957)	Enacted. 1955 Cal. Stat. ch. 1183
3. <i>Fish and Game Code</i> , 1 Cal. L. Revision Comm’n Reports, Annual Report for 1956, at 13-14 (1957)	Enacted. 1957 Cal. Stat. ch. 456
4. <i>Maximum Period of Confinement in a County Jail</i> , 1 Cal. L. Revision Comm’n Reports, at A-1 (1957)	Enacted. 1957 Cal. Stat. ch. 139
5. <i>Notice of Application for Attorney’s Fees and Costs in Domestic Relations Actions</i> , 1 Cal. L. Revision Comm’n Reports, at B-1 (1957)	Enacted. 1957 Cal. Stat. ch. 540
6. <i>Taking Instructions to Jury Room</i> , 1 Cal. L. Revision Comm’n Reports, at C-1 (1957)	Not enacted; but see Code Civ. Proc. § 612.5, enacting substance of this recommendation.
7. <i>The Dead Man Statute</i> , 1 Cal. L. Revision Comm’n Reports, at D-1 (1957)	Not enacted; but recommendation accomplished in enactment of Evidence Code. See Evid. Code § 1261 Comment
8. <i>Rights of Surviving Spouse in Property Acquired by Decedent While Domiciled Elsewhere</i> , 1 Cal. L. Revision Comm’n Reports, at E-1 (1957)	Enacted. 1957 Cal. Stat. ch. 490

Recommendation	Action by Legislature
9. <i>The Marital “For and Against” Testimonial Privilege</i> , 1 Cal. L. Revision Comm’n Reports, at F-1 (1957)	Not enacted; but recommendation accomplished in enactment of Evidence Code. See Evid. Code § 970 Comment
10. <i>Suspension of the Absolute Power of Alienation</i> , 1 Cal. L. Revision Comm’n Reports, at G-1 (1957); 2 Cal. L. Revision Comm’n Reports, Annual Report for 1959, at 14 (1959)	Enacted. 1959 Cal. Stat. ch. 470
11. <i>Elimination of Obsolete Provisions in Penal Code Sections 1377 and 1378</i> , 1 Cal. L. Revision Comm’n Reports, at H-1 (1957)	Enacted. 1957 Cal. Stat. ch. 102
12. <i>Judicial Notice of the Law of Foreign Countries</i> , 1 Cal. L. Revision Comm’n Reports, at I-1 (1957)	Enacted. 1957 Cal. Stat. ch. 249
13. <i>Choice of Law Governing Survival of Actions</i> , 1 Cal. L. Revision Comm’n Reports, at J-1 (1957)	No legislation recommended.
14. <i>Effective Date of Order Ruling on a Motion for New Trial</i> , 1 Cal. L. Revision Comm’n Reports, at K-1 (1957); 2 Cal. L. Revision Comm’n Reports, Annual Report for 1959, at 16 (1959)	Enacted. 1959 Cal. Stat. ch. 468
15. <i>Retention of Venue for Convenience of Witnesses</i> , 1 Cal. L. Revision Comm’n Reports, at L-1 (1957)	Not enacted.
16. <i>Bringing New Parties Into Civil Actions</i> , 1 Cal. L. Revision Comm’n Reports, at M-1 (1957)	Enacted. 1957 Cal. Stat. ch. 1498
17. <i>Grand Juries</i> , 2 Cal. L. Revision Comm’n Reports, Annual Report for 1959, at 20 (1959)	Enacted. 1959 Cal. Stat. ch. 501
18. <i>Procedure for Appointing Guardians</i> , 2 Cal. L. Revision Comm’n Reports, Annual Report for 1959, at 21 (1959)	Enacted. 1959 Cal. Stat. ch. 500
19. <i>Appointment of Administrator in Quiet Title Action</i> , 2 Cal. L. Revision Comm’n Reports, Annual Report for 1959, at 29 (1959)	No legislation recommended.

Recommendation	Action by Legislature
20. <i>Presentation of Claims Against Public Entities</i> , 2 Cal. L. Revision Comm'n Reports, at A-1 (1959)	Enacted. 1959 Cal. Stat. chs. 1715, 1724, 1725, 1726, 1727, 1728; Cal. Const., art. XI, § 10 (1960)
21. <i>Right of Nonresident Aliens to Inherit</i> , 2 Cal. L. Revision Comm'n Reports, at B-1 (1959); 11 Cal. L. Revision Comm'n Reports 421 (1973)	Enacted. 1974 Cal. Stat. ch. 425
22. <i>Mortgages to Secure Future Advances</i> , 2 Cal. L. Revision Comm'n Reports, at C-1 (1959)	Enacted. 1959 Cal. Stat. ch. 528
23. <i>Doctrine of Worthier Title</i> , 2 Cal. L. Revision Comm'n Reports, at D-1 (1959)	Enacted. 1959 Cal. Stat. ch. 122
24. <i>Overlapping Provisions of Penal and Vehicle Codes Relating to Taking of Vehicles and Drunk Driving</i> , 2 Cal. L. Revision Comm'n Reports, at E-1 (1959)	Not enacted; but see 1972 Cal. Stat. ch. 92, enacting substance of a portion of recommendation relating to drunk driving.
25. <i>Time Within Which Motion for New Trial May Be Made</i> , 2 Cal. L. Revision Comm'n Reports, at F-1 (1959)	Enacted. 1959 Cal. Stat. ch. 469
26. <i>Notice to Shareholders of Sale of Corporate Assets</i> , 2 Cal. L. Revision Comm'n Reports, at G-1 (1959)	Not enacted; but see Corp. Code §§ 1001, 1002, enacting substance of recommendation.
27. <i>Evidence in Eminent Domain Proceedings</i> , 3 Cal. L. Revision Comm'n Reports, at A-1 (1961)	Not enacted; but see Evid. Code § 810 <i>et seq.</i> , enacting substance of recommendation.
28. <i>Taking Possession and Passage of Title in Eminent Domain Proceedings</i> , 3 Cal. L. Revision Comm'n Reports, at B-1 (1961)	Enacted. 1961 Cal. Stat. chs. 1612, 1613
29. <i>Reimbursement for Moving Expenses When Property Is Acquired for Public Use</i> , 3 Cal. L. Revision Comm'n Reports, at C-1 (1961)	Not enacted; but see Gov't Code § 7260 <i>et seq.</i> , enacting substance of recommendation.
30. <i>Rescission of Contracts</i> , 3 Cal. L. Revision Comm'n Reports, at D-1 (1961)	Enacted. 1961 Cal. Stat. ch. 589

Recommendation	Action by Legislature
31. <i>Right to Counsel and Separation of Delinquent From Nondelinquent Minor in Juvenile Court Proceedings</i> , 3 Cal. L. Revision Comm'n Reports, at E-1 (1961)	Enacted. 1961 Cal. Stat. ch. 1616
32. <i>Survival of Actions</i> , 3 Cal. L. Revision Comm'n Reports, at F-1 (1961)	Enacted. 1961 Cal. Stat. ch. 657
33. <i>Arbitration</i> , 3 Cal. L. Revision Comm'n Reports, at G-1 (1961)	Enacted. 1961 Cal. Stat. ch. 461
34. <i>Presentation of Claims Against Public Officers and Employees</i> , 3 Cal. L. Revision Comm'n Reports, at H-1 (1961)	Not enacted 1961; but see recommendation to 1963 session (item 39 <i>infra</i> ), which was enacted.
35. <i>Inter Vivos Marital Property Rights in Property Acquired While Domiciled Elsewhere</i> , 3 Cal. L. Revision Comm'n Reports, at I-1 (1961)	Enacted. 1961 Cal. Stat. ch. 636
36. <i>Notice of Alibi in Criminal Actions</i> , 3 Cal. L. Revision Comm'n Reports, at J-1 (1961)	Not enacted.
37. <i>Discovery in Eminent Domain Proceedings</i> , 4 Cal. L. Revision Comm'n Reports 701 (1963); 8 Cal. L. Revision Comm'n Reports 19 (1967)	Enacted. 1967 Cal. Stat. ch. 1104
38. <i>Tort Liability of Public Entities and Public Employees</i> , 4 Cal. L. Revision Comm'n Reports 801 (1963)	Enacted. 1963 Cal. Stat. ch. 1681 <i>See 4:211, 219</i>
39. <i>Claims, Actions and Judgments Against Public Entities and Public Employees</i> , 4 Cal. L. Revision Comm'n Reports 1001 (1963)	Enacted. 1963 Cal. Stat. ch. 1715 <i>See 4:211, 222</i>
40. <i>Insurance Coverage for Public Entities and Public Employees</i> , 4 Cal. L. Revision Comm'n Reports 1201 (1963)	Enacted. 1963 Cal. Stat. ch. 1682 <i>See 4:212, 223</i>
41. <i>Defense of Public Employees</i> , 4 Cal. L. Revision Comm'n Reports 1301 (1963)	Enacted. 1963 Cal. Stat. ch. 1683 <i>See 4:212, 224</i>
42. <i>Liability of Public Entities for Ownership and Operation of Motor Vehicles</i> , 4 Cal. L. Revision Comm'n Reports 1401 (1963); 7 Cal. L. Revision Comm'n Reports 401 (1965)	Enacted. 1965 Cal. Stat. ch. 1527



<b>Recommendation</b>	<b>Action by Legislature</b>
43. <i>Workmen's Compensation Benefits for Persons Assisting Law Enforcement or Fire Control Officer</i> , 4 Cal. L. Revision Comm'n Reports 1501 (1963)	Enacted. 1963 Cal. Stat. ch. 1684 <i>See 4:212, 224</i>
44. <i>Sovereign Immunity — Amendments and Repeals of Inconsistent Statutes</i> , 4 Cal. L. Revision Comm'n Reports 1601 (1963)	Enacted. 1963 Cal. Stat. chs. 1685, 1686, 2029 <i>See 4:213</i>
45. <i>Evidence Code</i> , 7 Cal. L. Revision Comm'n Reports 1 (1965)	Enacted. 1965 Cal. Stat. ch. 299 <i>See 7:912, 923</i>
46. <i>Claims and Actions Against Public Entities and Public Employees</i> , 7 Cal. L. Revision Comm'n Reports 401 (1965)	Enacted. 1965 Cal. Stat. ch. 653 <i>See 7:914, 928</i>
47. <i>Evidence Code Revisions</i> , 8 Cal. L. Revision Comm'n Reports 101 (1967)	Enacted in part. 1967 Cal. Stat. ch. 650 Balance enacted. 1970 Cal. Stat. ch. 69 <i>See 8:1315</i>
48. <i>Evidence — Agricultural Code Revisions</i> , 8 Cal. L. Revision Comm'n Reports 201 (1967)	Enacted. 1967 Cal. Stat. ch. 262
49. <i>Evidence — Commercial Code Revisions</i> , 8 Cal. L. Revision Comm'n Reports 301 (1967)	Enacted. 1967 Cal. Stat. ch. 703
50. <i>Whether Damage for Personal Injury to a Married Person Should Be Separate or Community Property</i> , 8 Cal. L. Revision Comm'n Reports 401 (1967); 8 Cal. L. Revision Comm'n Reports 1385 (1967)	Enacted. 1968 Cal. Stat. chs. 457, 458 <i>See 8:1318; 9:18</i>
51. <i>Vehicle Code Section 17150 and Related Sections</i> , 8 Cal. L. Revision Comm'n Reports 501 (1967)	Enacted. 1967 Cal. Stat. ch. 702 <i>See 8:1317</i>
52. <i>Additur</i> , 8 Cal. L. Revision Comm'n Reports 601 (1967)	Enacted. 1967 Cal. Stat. ch. 72 <i>See 8:1317</i>
53. <i>Abandonment or Termination of a Lease</i> , 8 Cal. L. Revision Comm'n Reports 701 (1967); 9 Cal. L. Revision Comm'n Reports 401 (1969); 9 Cal. L. Revision Comm'n Reports 153 (1969)	Enacted. 1970 Cal. Stat. ch. 89 <i>See 8:1319; 10:1018</i>

<b>Recommendation</b>	<b>Action by Legislature</b>
54. <i>Good Faith Improver of Land Owned by Another</i> , 8 Cal. L. Revision Comm'n Reports 801 (1967); 8 Cal. L. Revision Comm'n Reports 1373 (1967)	Enacted. 1968 Cal. Stat. ch. 150 <i>See 8:2319; 9:19</i>
55. <i>Suit By or Against an Unincorporated Association</i> , 8 Cal. L. Revision Comm'n Reports 901 (1967)	Enacted. 1967 Cal. Stat. ch. 1324 <i>See 8:1317</i>
56. <i>Escheat</i> , 8 Cal. L. Revision Comm'n Reports 1001 (1967)	Enacted. 1968 Cal. Stat. chs. 247, 356 <i>See 9:16</i>
57. <i>Recovery of Condemnee's Expenses on Abandonment of an Eminent Domain Proceeding</i> , 8 Cal. L. Revision Comm'n Reports 1361 (1967)	Enacted. 1968 Cal. Stat. ch. 133 <i>See 9:19</i>
58. <i>Service of Process on Unincorporated Associations</i> , 8 Cal. L. Revision Comm'n Reports 1403 (1967)	Enacted. 1968 Cal. Stat. ch. 132 <i>See 9:18</i>
59. <i>Sovereign Immunity — Statute of Limitations</i> , 9 Cal. L. Revision Comm'n Reports 49 (1969); 9 Cal. L. Revision Comm'n Reports 175 (1969)	Enacted. 1970 Cal. Stat. ch. 104 <i>See 9:98</i>
60. <i>Additur and Remittitur</i> , 9 Cal. L. Revision Comm'n Reports 63 (1969)	Enacted. 1969 Cal. Stat. ch. 115 <i>See 9:99</i>
61. <i>Fictitious Business Names</i> , 9 Cal. L. Revision Comm'n Reports 71 (1969)	Enacted. 1969 Cal. Stat. ch. 114 <i>See 9:98</i>
62. <i>Quasi-Community Property</i> , 9 Cal. L. Revision Comm'n Reports 113 (1969)	Enacted. 1970 Cal. Stat. ch. 312 <i>See 10:1019</i>
63. <i>Arbitration of Just Compensation</i> , 9 Cal. L. Revision Comm'n Reports 123 (1969)	Enacted. 1970 Cal. Stat. ch. 417 <i>See 10:1018</i>
64. <i>Revisions of Evidence Code</i> , 9 Cal. L. Revision Comm'n Reports 137 (1969)	Enacted in part. 1970 Cal. Stat. ch. 69 <i>See also 1970 Cal. Stat. chs. 1396, 1397; 1972 Cal. Stat. ch. 888</i> <i>See 10:1018</i>
65. <i>Mutuality of Remedies in Suits for Specific Performance</i> , 9 Cal. L. Revision Comm'n Reports 201 (1969)	Enacted. 1969 Cal. Stat. ch. 156 <i>See 9:99</i>
66. <i>Powers of Appointment</i> , 9 Cal. L. Revision Comm'n Reports 301 (1969)	Enacted. 1969 Cal. Stat. chs. 113, 155 <i>See 9:98</i>

<b>Recommendation</b>	<b>Action by Legislature</b>
67. <i>Evidence Code — Revisions of Privileges Article</i> , 9 Cal. L. Revision Comm'n Reports 501 (1969)	Vetoed; but see 1970 Cal. Stat. chs. 1396, 1397 <i>See 9:98</i>
68. <i>Fictitious Business Names</i> , 9 Cal. L. Revision Comm'n Reports 601 (1969)	Enacted. 1970 Cal. Stat. ch. 618 <i>See 10:1019</i>
69. <i>Representation as to the Credit of Third Persons and the Statute of Frauds</i> , 9 Cal. L. Revision Comm'n Reports 701 (1969)	Enacted. 1970 Cal. Stat. ch. 720 <i>See 10:1021</i>
70. <i>Revisions of Governmental Liability Act</i> , 9 Cal. L. Revision Comm'n Reports 801 (1969)	Enacted in part. 1970 Cal. Stat. chs. 662, 1099 <i>See 10:1020</i>
71. <i>"Vesting" of Interests Under Rule Against Perpetuities</i> , 9 Cal. L. Revision Comm'n Reports 901 (1969)	Enacted. 1970 Cal. Stat. ch. 45 <i>See 10:1021</i>
72. <i>Counterclaims and Cross-Complaints, Joinder of Causes of Action, and Related Provisions</i> , 10 Cal. L. Revision Comm'n Reports 501 (1971)	Enacted. 1971 Cal. Stat. chs. 244, 950; see also 1973 Cal. Stat. ch. 828 <i>See 10:1125</i>
73. <i>Wage Garnishment and Related Matters</i> , 10 Cal. L. Revision Comm'n Reports 701 (1971); 11 Cal. L. Revision Comm'n Reports 101 (1973); 12 Cal. L. Revision Comm'n Reports 901 (1974); 13 Cal. L. Revision Comm'n Reports 601 (1976); 13 Cal. L. Revision Comm'n Reports 1703 (1976); 14 Cal. L. Revision Comm'n Reports 261 (1978)	Enacted in part. 1978 Cal. Stat. ch. 1133; see also 1979 Cal. Stat. ch. 66 <i>See 11:1024; 11:1123; 12:530; 13:2012; 14:13, 223; 15:1024</i>
74. <i>Proof of Foreign Official Records</i> , 10 Cal. L. Revision Comm'n Reports 1022 (1971)	Enacted. 1970 Cal. Stat. ch. 41
75. <i>Inverse Condemnation — Insurance Coverage</i> , 10 Cal. L. Revision Comm'n Reports 1051 (1971)	Enacted. 1971 Cal. Stat. ch. 140 <i>See 10:1126</i>
76. <i>Discharge From Employment Because of Wage Garnishment</i> , 10 Cal. L. Revision Comm'n Reports 1147 (1971)	Enacted. 1971 Cal. Stat. ch. 1607 <i>See 10:1126</i>
77. <i>Civil Arrest</i> , 11 Cal. L. Revision Comm'n Reports 1 (1973)	Enacted. 1973 Cal. Stat. ch. 20 <i>See 11:1123</i>

Recommendation	Action by Legislature
78. <i>Claim and Delivery Statute</i> , 11 Cal. L. Revision Comm'n Reports 301 (1973)	Enacted. 1973 Cal. Stat. ch. 526 <i>See 11:1124</i>
79. <i>Unclaimed Property</i> , 11 Cal. L. Revision Comm'n Reports 401 (1973); 12 Cal. L. Revision Comm'n Reports 609 (1974)	Proposed resolution enacted. 1973 Cal. Stat. res. ch. 76 Legislation enacted. 1975 Cal. Stat. ch. 25 <i>See 11:1124; 12:530; 13:2012</i>
80. <i>Enforcement of Sister State Money Judgments</i> , 11 Cal. L. Revision Comm'n Reports 451 (1973)	Enacted. 1974 Cal. Stat. ch. 211 <i>See 12:534</i>
81. <i>Prejudgment Attachment</i> , 11 Cal. L. Revision Comm'n Reports 701 (1973)	Enacted. 1974 Cal. Stat. ch. 1516 See also 1975 Cal. Stat. ch. 200 <i>See 12:530</i>
82. <i>Landlord-Tenant Relations</i> , 11 Cal. L. Revision Comm'n Reports 951 (1973)	Enacted. 1974 Cal. Stat. chs. 331, 332 <i>See 12:536</i>
83. <i>Pleading</i> (technical change), 11 Cal. L. Revision Comm'n Reports 1024 (1973)	Enacted. 1972 Cal. Stat. ch. 73
84. <i>Evidence — Judicial Notice</i> (technical change), 11 Cal. L. Revision Comm'n Reports 1025 (1973)	Enacted. 1972 Cal. Stat. ch. 764
85. <i>Evidence — "Criminal Conduct" Exception</i> , 11 Cal. L. Revision Comm'n Reports 1147 (1973)	Not enacted 1974; see recommendation to 1975 session (item 90 <i>infra</i> ), which was enacted. <i>See 12:535</i>
86. <i>Erroneously Compelled Disclosure of Privileged Information</i> , 11 Cal. L. Revision Comm'n Reports 1163 (1973)	Enacted. 1974 Cal. Stat. ch. 227 <i>See 12:535</i>
87. <i>Liquidated Damages</i> , 11 Cal. L. Revision Comm'n Reports 1201 (1973); 13 Cal. L. Revision Comm'n Reports 1735 (1976); 13 Cal. L. Revision Comm'n Reports 2139 (1976)	Enacted. 1977 Cal. Stat. ch. 198 <i>See 12:535; 13:1616; 14:13</i>
88. <i>Payment of Judgments Against Local Public Entities</i> , 12 Cal. L. Revision Comm'n Reports 575 (1974)	Enacted. 1975 Cal. Stat. ch. 285 <i>See 13:2011</i>
89. <i>View by Trier of Fact in a Civil Case</i> , 12 Cal. L. Revision Comm'n Reports 587 (1974)	Enacted. 1975 Cal. Stat. ch. 301 <i>See 13:2011</i>

Recommendation	Action by Legislature
90. <i>Good Cause Exception to the Physician-Patient Privilege</i> , 12 Cal. L. Revision Comm'n Reports 601 (1974)	Enacted. 1975 Cal. Stat. ch. 318 <i>See 13:2012</i>
91. <i>Improvement Acts</i> , 12 Cal. L. Revision Comm'n Reports 1001 (1974)	Enacted. 1974 Cal. Stat. ch. 426 <i>See 12:534</i>
92. <i>Condemnation Law and Procedure: Conforming Changes in Special District Statutes</i> , 12 Cal. L. Revision Comm'n Reports 1101 (1974); 12 Cal. L. Revision Comm'n Reports 2004 (1974)	Enacted. 1975 Cal. Stat. chs. 581, 582, 584, 585, 586, 587, 1176, 1276
93. <i>The Eminent Domain Law</i> , 12 Cal. L. Revision Comm'n Reports 1601 (1974)	Enacted. 1975 Cal. Stat. chs. 1239, 1240, 1275 <i>See 13:2010</i>
94. <i>Oral Modification of Written Contracts</i> , 13 Cal. L. Revision Comm'n Reports 301 (1976); 13 Cal. L. Revision Comm'n Reports 2129 (1976)	Enacted. 1975 Cal. Stat. ch. 7; 1976 Cal. Stat. ch. 109 <i>See 13:2011; 13:1616</i>
95. <i>Partition of Real and Personal Property</i> , 13 Cal. L. Revision Comm'n Reports 401 (1976)	Enacted. 1976 Cal. Stat. ch. 73 <i>See 13:2013, 1610</i>
96. <i>Revision of the Attachment Law</i> , 13 Cal. L. Revision Comm'n Reports 801 (1976)	Enacted. 1976 Cal. Stat. ch. 437 <i>See 13:1612</i>
97. <i>Undertakings for Costs</i> , 13 Cal. L. Revision Comm'n Reports 901 (1976)	Not enacted 1976; but see recommendation to 1979 session (item 118 <i>infra</i> ), which was enacted. <i>See 13:1614</i>
98. <i>Service of Process on Unincorporated Associations</i> , 13 Cal. L. Revision Comm'n Reports 1657 (1976)	Enacted. 1976 Cal. Stat. ch. 888 <i>See 13:1616</i>
99. <i>Sister State Money Judgments</i> , 13 Cal. L. Revision Comm'n Reports 1669 (1976)	Enacted. 1977 Cal. Stat. ch. 232 <i>See 14:12</i>
100. <i>Damages in Action for Breach of Lease</i> , 13 Cal. L. Revision Comm'n Reports 1679 (1976)	Enacted. 1977 Cal. Stat. ch. 49 <i>See 14:13</i>
101. <i>Admissibility of Copies of Business Records in Evidence</i> , 13 Cal. L. Revision Comm'n Reports 2051 (1976)	Not enacted. <i>See 13:2012</i>

Recommendation	Action by Legislature
102. <i>Turnover Orders Under the Claim and Delivery Law</i> , 13 Cal. L. Revision Comm'n Reports 2079 (1976)	Enacted. 1976 Cal. Stat. ch. 145 <i>See 13:1614</i>
103. <i>Relocation Assistance by Private Condemnors</i> , 13 Cal. L. Revision Comm'n Reports 2085 (1976)	Enacted. 1976 Cal. Stat. ch. 143 <i>See 13:1614</i>
104. <i>Condemnation for Byroads and Utility Easements</i> , 13 Cal. L. Revision Comm'n Reports 2091 (1976)	Enacted in part (utility easements). 1976 Cal. Stat. ch. 994 <i>See 13:1615</i>
105. <i>Transfer of Out-of-State Trusts to California</i> , 13 Cal. L. Revision Comm'n Reports 2101 (1976)	Enacted. 1976 Cal. Stat. ch. 144 <i>See 13:1615</i>
106. <i>Admissibility of Duplicates in Evidence</i> , 13 Cal. L. Revision Comm'n Reports 2115 (1976)	Enacted in bill not sponsored by Commission. See 1985 Cal. Stat. ch. 100 <i>For original history, see 13:1615</i>
107. <i>Nonprofit Corporation Law</i> , 13 Cal. L. Revision Comm'n Reports 2201 (1976)	Not enacted.; legislation on this subject, not sponsored by Commission, was enacted in 1978. <i>For original history, see 14:11</i>
108. <i>Use of Keepers Pursuant to Writs of Execution</i> , 14 Cal. L. Revision Comm'n Reports 49 (1978)	Enacted. 1977 Cal. Stat. ch. 155 <i>See 14:12</i>
109. <i>Attachment Law: Effect of Bankruptcy Proceedings; Effect of General Assignments for the Benefit of Creditors</i> , 14 Cal. L. Revision Comm'n Reports 61 (1978)	Enacted. 1977 Cal. Stat. ch. 499 <i>See 14:12</i>
110. <i>Review of Resolution of Necessity by Writ of Mandate</i> , 14 Cal. L. Revision Comm'n Reports 83 (1978)	Enacted. 1978 Cal. Stat. ch. 286 <i>See 14:224</i>
111. <i>Use of Court Commissioners Under the Attachment Law</i> , 14 Cal. L. Revision Comm'n Reports 93 (1978)	Enacted. 1978 Cal. Stat. ch. 151 <i>See 14:224</i>
112. <i>Evidence of Market Value of Property</i> , 14 Cal. L. Revision Comm'n Reports 105 (1978)	Enacted in part. 1978 Cal. Stat. ch. 294 Substance of remainder enacted in 1980. See item 123 <i>infra</i> <i>See 14:225</i>

<b>Recommendation</b>	<b>Action by Legislature</b>
113. <i>Psychotherapist-Patient Privilege</i> , 14 Cal. L. Revision Comm'n Reports 127 (1978); 15 Cal. L. Revision Comm'n Reports 1307 (1980)	Enacted in part. 1985 Cal. Stat. chs. 545 (licensed educational psychologist), 1077 (repeal of Evid. Code § 1028) <i>See 14:225</i>
114. <i>Parol Evidence Rule</i> , 14 Cal. L. Revision Comm'n Reports 143 (1978)	Enacted. 1978 Cal. Stat. ch. 150 <i>See 14:224</i>
115. <i>Attachment Law — Unlawful Detainer Proceedings; Bond for Levy on Joint Deposit Account or Safe Deposit Box; Definition of "Chose in Action,"</i> 14 Cal. L. Revision Comm'n Reports 241 (1978)	Enacted. 1978 Cal. Stat. ch. 273 <i>See 14:224</i>
116. <i>Powers of Appointment</i> (technical changes), 14 Cal. L. Revision Comm'n Reports 257 (1978)	Enacted. 1978 Cal. Stat. ch. 266
117. <i>Ad Valorem Property Taxes in Eminent Domain Proceedings</i> , 14 Cal. L. Revision Comm'n Reports 291 (1978)	Enacted. 1979 Cal. Stat. ch. 31 <i>See 15:1025</i>
118. <i>Security for Costs</i> , 14 Cal. L. Revision Comm'n Reports 319 (1978)	Enacted. 1980 Cal. Stat. ch. 114 <i>See 15:1025</i>
119. <i>Guardianship-Conservatorship Law</i> , 14 Cal. L. Revision Comm'n Reports 501 (1978); 15 Cal. L. Revision Comm'n Reports 451 (1980)	Enacted. 1979 Cal. Stat. chs. 165, 726, 730 <i>See 15:1024, 1427</i>
120. <i>Interest Rate on Judgments</i> , 15 Cal. L. Revision Comm'n Reports 7 (1980)	Enacted. 1982 Cal. Stat. ch. 150 <i>See 15:1427; 16:2025</i>
121. <i>Married Women as Sole Traders</i> , 15 Cal. L. Revision Comm'n Reports 21 (1980)	Enacted. 1980 Cal. Stat. ch. 123 <i>See 15:1426</i>
122. <i>State Tax Liens</i> , 15 Cal. L. Revision Comm'n Reports 29 (1980)	Enacted. 1980 Cal. Stat. ch. 600 <i>See 15:1427</i>
123. <i>Application of Evidence Code Property Valuation Rules in Noncondemnation Cases</i> , 15 Cal. L. Revision Comm'n Reports 301 (1980)	Enacted. 1980 Cal. Stat. ch. 381 <i>See 15:1429</i>
124. <i>Uniform Durable Power of Attorney Act</i> , 15 Cal. L. Revision Comm'n Reports 351 (1980)	Enacted. 1981 Cal. Stat. ch. 511 <i>See 16:25</i>
125. <i>Probate Homestead</i> , 15 Cal. L. Revision Comm'n Reports 401 (1980)	Enacted. 1980 Cal. Stat. ch. 119 <i>See 15:1428</i>

Recommendation	Action by Legislature
126. <i>Effect of New Bankruptcy Law on the Attachment Law</i> , 15 Cal. L. Revision Comm'n Reports 1043 (1980)	Enacted. 1979 Cal. Stat. ch. 177 <i>See 15:1024</i>
127. <i>Confessions of Judgment</i> , 15 Cal. L. Revision Comm'n Reports 1053 (1980)	Enacted. 1979 Cal. Stat. ch. 568 <i>See 15:1024</i>
128. <i>Special Assessment Liens on Property Taken for Public Use</i> , 15 Cal. L. Revision Comm'n Reports 1101 (1980)	Enacted. 1980 Cal. Stat. ch. 122 <i>See 15:1428</i>
129. <i>Assignments for the Benefit of Creditors</i> , 15 Cal. L. Revision Comm'n Reports 1117 (1980)	Enacted. 1980 Cal. Stat. ch. 135 <i>See 15:1427</i>
130. <i>Vacation of Public Streets, Highways, and Service Easements</i> , 15 Cal. L. Revision Comm'n Reports 1137 (1980)	Enacted. 1980 Cal. Stat. ch. 1050 <i>See 15:1429</i>
131. <i>Quiet Title Actions</i> , 15 Cal. L. Revision Comm'n Reports 1187 (1980)	Enacted. 1980 Cal. Stat. ch. 44 <i>See 15:1428</i>
132. <i>Agreements for Entry of Paternity and Support Judgments</i> , 15 Cal. L. Revision Comm'n Reports 1237 (1980)	Enacted. 1980 Cal. Stat. ch. 682 <i>See 15:1426</i>
133. <i>Enforcement of Claims and Judgments Against Public Entities</i> , 15 Cal. L. Revision Comm'n Reports 1257 (1980)	Enacted. 1980 Cal. Stat. ch. 215 <i>See 15:1426</i>
134. <i>Uniform Veterans Guardianship Act</i> , 15 Cal. L. Revision Comm'n Reports 1289 (1980)	Enacted. 1980 Cal. Stat. ch. 89 <i>See 15:1428</i>
135. <i>Enforcement of Obligations After Death</i> , 15 Cal. L. Revision Comm'n Reports 1327 (1980)	Enacted. 1980 Cal. Stat. ch. 124 <i>See 15:1426</i>
136. <i>Guardianship-Conservatorship</i> (technical change), 15 Cal. L. Revision Comm'n Reports 1427 (1980)	Enacted. 1980 Cal. Stat. ch. 246
137. <i>Revision of Guardianship-Conservatorship Law</i> , 15 Cal. L. Revision Comm'n Reports 1463 (1980)	Enacted. 1981 Cal. Stat. ch. 9 <i>See 16:24</i>



<b>Recommendation</b>	<b>Action by Legislature</b>
138. <i>Non-Probate Transfers</i> , 15 Cal. L. Revision Comm'n Reports 1605 (1980); 16 Cal. L. Revision Comm'n Reports 129 (1982)	Enacted in part (pay-on-death accounts). 1982 Cal. Stat. ch. 269; (credit unions and industrial loan companies) 1983 Cal. Stat. ch. 92 Substance of balance enacted. 1989 Cal. Stat. ch. 397 (banks and savings and loan associations) (item 229 <i>infra</i> ) <i>See 16:2026; 17:823</i>
139. <i>Revision of the Powers of Appointment Statute</i> , 15 Cal. L. Revision Comm'n Reports 1667 (1980)	Enacted. 1981 Cal. Stat. ch. 63 <i>See 16:25</i>
140. <i>The Enforcement of Judgments Law</i> , 15 Cal. L. Revision Comm'n Reports 2001 (1980)	Enacted. 1982 Cal. Stat. chs. 497, 1364 <i>See 16:2024</i>
141. <i>State Tax Liens</i> (technical change), 16 Cal. L. Revision Comm'n Reports 24 (1982)	Enacted. 1981 Cal. Stat. ch. 217
142. <i>Assessment Liens on Property Taken for Public Use</i> (technical change), 16 Cal. L. Revision Comm'n Reports 25 (1982)	Enacted. 1981 Cal. Stat. ch. 139
143. <i>Federal Pensions as Community Property</i> , 16 Cal. L. Revision Comm'n Reports 47 (1982)	Proposed resolution adopted. 1982 Cal. Stat. res. ch. 44 <i>See 16:2027</i>
144. <i>Missing Persons</i> , 16 Cal. L. Revision Comm'n Reports 105 (1982)	Enacted. 1983 Cal. Stat. ch. 201 <i>See 17:822</i>
145. <i>Escheat</i> (technical change), 16 Cal. L. Revision Comm'n Reports 124 (1982)	Enacted. 1982 Cal. Stat. ch. 182
146. <i>Emancipated Minors</i> , 16 Cal. L. Revision Comm'n Reports 183 (1982)	Enacted. 1983 Cal. Stat. ch. 6 <i>See 17:823</i>
147. <i>Notice in Limited Conservatorship Proceedings</i> , 16 Cal. L. Revision Comm'n Reports 199 (1982)	Enacted. 1983 Cal. Stat. ch. 72 <i>See 17:823</i>
148. <i>Disclaimer of Testamentary and Other Interests</i> , 16 Cal. L. Revision Comm'n Reports 207 (1982)	Enacted. 1983 Cal. Stat. ch. 17 <i>See 17:823</i>
149. <i>Holographic and Nuncupative Wills</i> , 16 Cal. L. Revision Comm'n Reports 301 (1982)	Enacted. 1982 Cal. Stat. ch. 187 <i>See 16:2026</i>

Recommendation	Action by Legislature
150. <i>Marketable Title of Real Property</i> , 16 Cal. L. Revision Comm'n Reports 401 (1982)	Enacted. 1982 Cal. Stat. ch. 1268 <i>See 16:2026</i>
151. <i>Statutory Bonds and Undertakings</i> , 16 Cal. L. Revision Comm'n Reports 501 (1982)	Enacted. 1982 Cal. Stat. chs. 517, 998 <i>See 16:2025</i>
152. <i>Attachment</i> , 16 Cal. L. Revision Comm'n Reports 701 (1982)	Enacted. 1982 Cal. Stat. ch. 1198 <i>See 16:2025</i>
153. <i>Division of Joint Tenancy and Tenancy in Common Property at Dissolution of Marriage</i> , 16 Cal. L. Revision Comm'n Reports 2165 (1982), 17 Cal. L. Revision Comm'n Reports 863 (1984)	Enacted. 1983 Cal. Stat. ch. 342 <i>See 17:823</i>
154. <i>Creditors' Remedies</i> , 16 Cal. L. Revision Comm'n Reports 2175 (1982)	Enacted. 1983 Cal. Stat. ch. 155 <i>See 17:824</i>
155. <i>Conforming Changes to the Bond and Undertaking Law</i> , 16 Cal. L. Revision Comm'n Reports 2239 (1982)	Enacted. 1983 Cal. Stat. ch. 18 <i>See 17:825</i>
156. <i>Notice of Rejection of Late Claim Against Public Entity</i> , 16 Cal. L. Revision Comm'n Reports 2251 (1982)	Enacted. 1983 Cal. Stat. ch. 107 <i>See 17:824</i>
157. <i>Wills and Intestate Succession</i> , 16 Cal. L. Revision Comm'n Reports 2301 (1982)	Enacted. 1983 Cal. Stat. ch. 842 <i>See 17:822</i>
158. <i>Liability of Marital Property for Debts</i> , 17 Cal. L. Revision Comm'n Reports 1 (1984)	Enacted. 1984 Cal. Stat. ch. 1671 <i>See 18:20</i>
159. <i>Durable Power of Attorney for Health Care Decisions</i> , 17 Cal. L. Revision Comm'n Reports 101 (1984)	Enacted. 1983 Cal. Stat. ch. 1204 <i>See 17:822</i>
160. <i>Marital Property Presumptions and Transmutations</i> , 17 Cal. L. Revision Comm'n Reports 205 (1984)	Enacted in part (transmutations). 1984 Cal. Stat. ch. 1733 <i>See 18:21</i>
161. <i>Reimbursement of Educational Expenses</i> , 17 Cal. L. Revision Comm'n Reports 229 (1984)	Enacted. 1984 Cal. Stat. ch. 1661 <i>See 18:22</i>
162. <i>Special Appearance in Family Law Proceedings</i> , 17 Cal. L. Revision Comm'n Reports 243 (1984)	Enacted. 1984 Cal. Stat. ch. 156 <i>See 18:21</i>

<b>Recommendation</b>	<b>Action by Legislature</b>
163. <i>Liability of Stepparent for Child Support</i> , 17 Cal. L. Revision Comm'n Reports 251 (1984)	Enacted. 1984 Cal. Stat. ch. 249 <i>See 18:21</i>
164. <i>Awarding Temporary Use of Family Home</i> , 17 Cal. L. Revision Comm'n Reports 261 (1984)	Enacted. 1984 Cal. Stat. ch. 463 <i>See 18:21</i>
165. <i>Disposition of Community Property</i> , 17 Cal. L. Revision Comm'n Reports 269 (1984)	Not enacted. <i>See 18:22</i>
166. <i>Statutes of Limitation for Felonies</i> , 17 Cal. L. Revision Comm'n Reports 301 (1984)	Enacted. 1984 Cal. Stat. ch. 1270 <i>See 18:23; 20:2305</i>
167. <i>Independent Administration of Decedent's Estate</i> , 17 Cal. L. Revision Comm'n Reports 405 (1984)	Enacted. 1984 Cal. Stat. ch. 451 <i>See 18:19</i>
168. <i>Distribution of Estates Without Administration</i> , 17 Cal. L. Revision Comm'n Reports 421 (1984)	Enacted. 1984 Cal. Stat. ch. 451 <i>See 18:19</i>
169. <i>Simultaneous Deaths</i> , 17 Cal. L. Revision Comm'n Reports 443 (1984)	Enacted in part. See 1989 Cal. Stat. ch. 544 (intestate succession) (item 227 <i>infra</i> ); 1990 Cal. Stat. ch. 710 (statutory will) (item 240 <i>infra</i> ) <i>See 18:20</i>
170. <i>Notice of Will</i> , 17 Cal. L. Revision Comm'n Reports 461 (1984)	Not enacted. <i>See 18:20</i>
171. <i>Garnishment of Amounts Payable to Trust Beneficiary</i> , 17 Cal. L. Revision Comm'n Reports 471 (1984)	Enacted. 1984 Cal. Stat. ch. 493 <i>See 18:19</i>
172. <i>Bonds for Personal Representatives</i> , 17 Cal. L. Revision Comm'n Reports 483 (1984)	Enacted. 1984 Cal. Stat. ch. 451 <i>See 18:19</i>
173. <i>Recording Affidavits of Death</i> , 17 Cal. L. Revision Comm'n Reports 493 (1984)	Enacted. 1984 Cal. Stat. ch. 527 <i>See 18:20</i>
174. <i>Execution of Witnessed Will</i> , 17 Cal. L. Revision Comm'n Reports 509 (1984)	Not enacted. <i>See 18:20</i>
175. <i>Revision of Wills and Intestate Succession Law</i> , 17 Cal. L. Revision Comm'n Reports 537 (1984)	Enacted. 1984 Cal. Stat. ch. 892 <i>See 18:19</i>

Recommendation	Action by Legislature
176. <i>Uniform Transfers to Minors Act</i> , 17 Cal. L. Revision Comm'n Reports 601 (1984)	Enacted. 1984 Cal. Stat. ch. 243 <i>See 18:19</i>
177. <i>Statutory Forms for Durable Powers of Attorney</i> , 17 Cal. L. Revision Comm'n Reports 701 (1984)	Enacted. 1984 Cal. Stat. chs. 312 (health care), 602 (general power of attorney) <i>See 18:18</i>
178. <i>Vacation of Streets</i> (technical change), 17 Cal. L. Revision Comm'n Reports 825 (1984)	Enacted. 1983 Cal. Stat. ch. 52
179. <i>Effect of Death of Support Obligor</i> , 17 Cal. L. Revision Comm'n Reports 897 (1984)	Enacted in part. 1984 Cal. Stat. ch. 19. Balance enacted. 1985 Cal. Stat. ch. 362 (item 186 <i>infra</i> ) <i>See 18:21</i>
180. <i>Dismissal for Lack of Prosecution</i> , 17 Cal. L. Revision Comm'n Reports 905 (1984)	Enacted. 1984 Cal. Stat. ch. 1705 <i>See 18:23</i>
181. <i>Severance of Joint Tenancy</i> , 17 Cal. L. Revision Comm'n Reports 941 (1984)	Enacted. 1984 Cal. Stat. ch. 519 <i>See 18:23</i>
182. <i>Quiet Title and Partition Judgments</i> , 17 Cal. L. Revision Comm'n Reports 947 (1984)	Enacted. 1984 Cal. Stat. ch. 20 <i>See 18:22</i>
183. <i>Dormant Mineral Rights</i> , 17 Cal. L. Revision Comm'n Reports 957 (1984)	Enacted. 1984 Cal. Stat. ch. 240 <i>See 18:22</i>
184. <i>Creditors' Remedies</i> , 17 Cal. L. Revision Comm'n Reports 975 (1984)	Enacted. 1984 Cal. Stat. ch. 538 <i>See 18:23</i>
185. <i>Rights Among Cotenants</i> , 17 Cal. L. Revision Comm'n Reports 1023 (1984)	Enacted. 1984 Cal. Stat. ch. 241 <i>See 18:23</i>
186. <i>Provision for Support if Support Obligor Dies</i> , 18 Cal. L. Revision Comm'n Reports 119 (1986)	Enacted. 1985 Cal. Stat. ch. 362 <i>See 18:217</i>
187. <i>Transfer of State Registered Property Without Probate</i> , 18 Cal. L. Revision Comm'n Reports 129 (1986)	Enacted. 1985 Cal. Stat. ch. 982 <i>See 18:216</i>
188. <i>Dividing Jointly Owned Property Upon Marriage Dissolution</i> , 18 Cal. L. Revision Comm'n Reports 147 (1986)	Enacted. 1985 Cal. Stat. ch. 362 <i>See 18:217</i>

<b>Recommendation</b>	<b>Action by Legislature</b>
189. <i>Probate Law</i> (clarifying revisions), 18 Cal. L. Revision Comm'n Reports 216 (1986)	Enacted. 1985 Cal. Stat. ch. 359
190. <i>Creditors' Remedies</i> (technical change), 18 Cal. L. Revision Comm'n Reports 217 (1986)	Enacted. 1985 Cal. Stat. ch. 41
191. <i>Uniform Transfers to Minors Act</i> (technical change), 18 Cal. L. Revision Comm'n Reports 218 (1986)	Enacted. 1985 Cal. Stat. ch. 90
192. <i>Protection of Mediation</i> <i>Communications</i> , 18 Cal. L. Revision Comm'n Reports 241 (1986)	Enacted. 1985 Cal. Stat. ch. 731 <i>See 18:218</i>
193. <i>Recording Severance of Joint Tenancy</i> , 18 Cal. L. Revision Comm'n Reports 249 (1986)	Enacted. 1985 Cal. Stat. ch. 157 <i>See 18:217</i>
194. <i>Abandoned Easements</i> , 18 Cal. L. Revision Comm'n Reports 257 (1986)	Enacted. 1985 Cal. Stat. ch. 157 <i>See 18:217</i>
195. <i>Distribution Under a Will or Trust</i> , 18 Cal. L. Revision Comm'n Reports 269 (1986)	Enacted. 1985 Cal. Stat. ch. 982 <i>See 18:216</i>
196. <i>Effect of Adoption or Out of Wedlock</i> <i>Birth on Rights at Death</i> , 18 Cal. L. Revision Comm'n Reports 289 (1986)	Enacted. 1985 Cal. Stat. ch. 982 <i>See 18:216</i>
197. <i>Durable Powers of Attorney</i> , 18 Cal. L. Revision Comm'n Reports 305 (1986)	Enacted. 1985 Cal. Stat. ch. 403 <i>See 18:216</i>
198. <i>Litigation Expenses in Family Law</i> <i>Proceedings</i> , 18 Cal. L. Revision Comm'n Reports 351 (1986)	Enacted. 1985 Cal. Stat. ch. 362 <i>See 18:217</i>
199. <i>Civil Code Sections 4800.1 and 4800.2</i> , 18 Cal. L. Revision Comm'n Reports 383 (1986)	One of two recommended measures enacted ( <i>Application of</i> <i>Civil Code §§ 4800.1 and 4800.2</i> ). 1986 Cal. Stat. ch. 49 <i>See 18:1717</i>
200. <i>The Trust Law</i> , 18 Cal. L. Revision Comm'n Reports 501 (1986)	Enacted. 1986 Cal. Stat. ch. 820 <i>See 18:1718</i>
201. <i>Disposition of Estate Without</i> <i>Administration</i> , 18 Cal. L. Revision Comm'n Reports 1005 (1986)	Enacted. 1986 Cal. Stat. ch. 783 <i>See 18:1717</i>
202. <i>Small Estate Set-Aside</i> , 18 Cal. L. Revision Comm'n Reports 1101 (1986)	Enacted. 1986 Cal. Stat. ch. 783 <i>See 18:1717</i>

Recommendation	Action by Legislature
203. <i>Proration of Estate Taxes</i> , 18 Cal. L. Revision Comm'n Reports 1127 (1986)	Enacted. 1986 Cal. Stat. ch. 783 <i>See 18:1717</i>
204. <i>Notice in Guardianship and Conservatorship</i> , 18 Cal. L. Revision Comm'n Reports 1793 (1986)	Enacted. 1987 Cal. Stat. ch. 923 <i>See 19:516</i>
205. <i>Preliminary Provisions and Definitions</i> , 18 Cal. L. Revision Comm'n Reports 1807 (1986)	Enacted. 1987 Cal. Stat. ch. 923 <i>See 19:516</i>
206. <i>Technical Revisions in the Trust Law</i> , 18 Cal. L. Revision Comm'n Reports 1823 (1986)	Enacted. 1987 Cal. Stat. ch. 128 <i>See 19:517</i>
207. <i>Supervised Administration</i> , 19 Cal. L. Revision Comm'n Reports 5 (1988)	Enacted. 1987 Cal. Stat. ch. 923 <i>See 19:516</i>
208. <i>Independent Administration</i> , 19 Cal. L. Revision Comm'n Reports 205 (1988)	Enacted. 1987 Cal. Stat. ch. 923 <i>See 19:517</i>
209. <i>Creditor Claims Against Decedent's Estate</i> , 19 Cal. L. Revision Comm'n Reports 299 (1988)	Enacted. 1987 Cal. Stat. ch. 923 <i>See 19:517</i>
210. <i>Notice in Probate Proceedings</i> , 19 Cal. L. Revision Comm'n Reports 357 (1988)	Enacted. 1987 Cal. Stat. ch. 923 <i>See 19:517</i>
211. <i>Marital Deduction Gifts</i> , 19 Cal. L. Revision Comm'n Reports 615 (1988)	Enacted. 1987 Cal. Stat. ch. 923 <i>See 19:517</i>
212. <i>Estates of Missing Persons</i> , 19 Cal. L. Revision Comm'n Reports 637 (1988)	Enacted. 1987 Cal. Stat. ch. 923 <i>See 19:517</i>
213. <i>Public Guardians and Administrators</i> , 19 Cal. L. Revision Comm'n Reports 707 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
214. <i>Inventory and Appraisal</i> , 19 Cal. L. Revision Comm'n Reports 741 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
215. <i>Opening Estate Administration</i> , 19 Cal. L. Revision Comm'n Reports 787 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
216. <i>Abatement</i> , 19 Cal. L. Revision Comm'n Reports 865 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
217. <i>Accounts</i> , 19 Cal. L. Revision Comm'n Reports 877 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>

<b>Recommendation</b>	<b>Action by Legislature</b>
218. <i>Litigation Involving Decedents</i> , 19 Cal. L. Revision Comm'n Reports 899 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
219. <i>Rules of Procedure in Probate</i> , 19 Cal. L. Revision Comm'n Reports 917 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
220. <i>Distribution and Discharge</i> , 19 Cal. L. Revision Comm'n Reports 953 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
221. <i>Nondomiciliary Decedents</i> , 19 Cal. L. Revision Comm'n Reports 993 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
222. <i>Interest and Income During Administration</i> , 19 Cal. L. Revision Comm'n Reports 1019 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
223. <i>Authority of the Law Revision Commission</i> , 19 Cal. L. Revision Comm'n Reports 1162 (1988)	Enacted. 1989 Cal. Stat. ch. 152
224. <i>1988 Probate Cleanup Bill</i> , see 19 Cal. L. Revision Comm'n Reports 1167, 1191–1200 (1988)	Enacted. 1988 Cal. Stat. ch. 113
225. <i>Creditors' Remedies</i> , 19 Cal. L. Revision Comm'n Reports 1251 (1988)	Enacted. 1989 Cal. Stat. ch. 1416 <i>See 20:201</i>
226. <i>No Contest Clauses</i> , 20 Cal. L. Revision Comm'n Reports 7 (1990)	Enacted. 1989 Cal. Stat. ch. 544 <i>See 20:201</i>
227. <i>120-Hour Survival Requirement</i> , 20 Cal. L. Revision Comm'n Reports 21 (1990)	Enacted. 1989 Cal. Stat. ch. 544 <i>See 20:201</i>
228. <i>Compensation of Attorneys and Personal Representatives</i> , 20 Cal. L. Revision Comm'n Reports 31 (1990)	Enacted except for portion relating to compensation of attorneys. 1990 Cal. Stat. ch. 79 <i>See 20:2218</i>
229. <i>Multiple-Party Accounts</i> , 20 Cal. L. Revision Comm'n Reports 95 (1990)	Enacted. 1989 Cal. Stat. ch. 397 <i>See 20:202</i>
230. <i>Notice to Creditors</i> , 20 Cal. L. Revision Comm'n Reports 165 (1990); 20 Cal. L. Revision Comm'n Reports 507 (1990)	Enacted in part. 1989 Cal. Stat. ch. 544 Balance enacted. 1990 Cal. Stat. ch. 140 <i>See 20:201</i>
231. <i>1989 Probate Cleanup Bill</i> , see 20 Cal. L. Revision Comm'n Reports 201, 227 (1990)	Enacted. 1989 Cal. Stat. ch. 21

Recommendation	Action by Legislature
232. <i>Bonds of Guardians and Conservators</i> , 20 Cal. L. Revision Comm'n Reports 235 (1990)	Enacted. 1989 Cal. Stat. ch. 544
233. <i>Brokers' Commissions on Probate Sales</i> , 20 Cal. L. Revision Comm'n Reports 237-42 (1990)	Enacted. 1989 Cal. Stat. ch. 544
234. <i>Commercial Real Property Leases</i> , 20 Cal. L. Revision Comm'n Reports 251 (1990)	Enacted. 1989 Cal. Stat. ch. 982 <i>See 20:202</i>
235. <i>Trustees' Fees</i> , 20 Cal. L. Revision Comm'n Reports 279 (1990)	Enacted. 1990 Cal. Stat. ch. 79 <i>See 20:2218</i>
236. <i>Springing Powers of Attorney</i> , 20 Cal. L. Revision Comm'n Reports 405 (1990)	Enacted. 1990 Cal. Stat. ch. 986 <i>See 20:2220</i>
237. <i>Uniform Statutory Form Powers of Attorney Act</i> , 20 Cal. L. Revision Comm'n Reports 415 (1990)	Enacted. 1990 Cal. Stat. ch. 986 <i>See 20:2220</i>
238. <i>Disposition of Small Estate by Public Administrator</i> , 20 Cal. L. Revision Comm'n Reports 529 (1990)	Enacted. 1990 Cal. Stat. ch. 324 <i>See 20:2220</i>
239. <i>Court-Authorized Medical Treatment</i> , 20 Cal. L. Revision Comm'n Reports 537 (1990)	Enacted. 1990 Cal. Stat. ch. 710 <i>See 20:2219</i>
240. <i>Survival Requirement for Beneficiary of Statutory Will</i> , 20 Cal. L. Revision Comm'n Reports 549 (1990)	Enacted. 1990 Cal. Stat. ch. 710 <i>See 20:2219</i>
241. <i>Execution or Modification of Lease Without Court Order</i> , 20 Cal. L. Revision Comm'n Reports 557 (1990)	Enacted. 1990 Cal. Stat. ch. 710 <i>See 20:2219</i>
242. <i>Limitation Period for Action Against Surety in Guardianship or Conservatorship Proceeding</i> , 20 Cal. L. Revision Comm'n Reports 565 (1990)	Enacted. 1990 Cal. Stat. ch. 710 <i>See 20:2219</i>
243. <i>Repeal of Probate Code Section 6402.5 (In-Law Inheritance)</i> , 20 Cal. L. Revision Comm'n Reports 571 (1990)	Not enacted. <i>See 20:2220</i>
244. <i>Access to Decedent's Safe Deposit Box</i> , 20 Cal. L. Revision Comm'n Reports 597 (1990); 20 Cal. L. Revision Comm'n Reports 2859 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 <i>See 20:2219; 21:20</i>



<b>Recommendation</b>	<b>Action by Legislature</b>
245. <i>Priority of Conservator or Guardian for Appointment as Administrator</i> , 20 Cal. L. Revision Comm'n Reports 607 (1990)	Enacted. 1990 Cal. Stat. ch. 710 <i>See 20:2219</i>
246. <i>New Probate Code</i> , 20 Cal. L. Revision Comm'n Reports 1001 (1990)	Enacted. 1990 Cal. Stat. ch. 79 <i>See 20:2218</i>
247. <i>Notice in Probate Where Address Unknown</i> , 20 Cal. L. Revision Comm'n Reports 2245 (1990)	Enacted. 1990 Cal. Stat. ch. 710 <i>See 20:2219</i>
248. <i>Jurisdiction of Superior Court in Trust Matters</i> , 20 Cal. L. Revision Comm'n Reports 2253 (1990)	Enacted. 1990 Cal. Stat. ch. 710 <i>See 20:2219</i>
249. <i>Uniform Management of Institutional Funds Act</i> , 20 Cal. L. Revision Comm'n Reports 2265 (1990)	Enacted. 1990 Cal. Stat. ch. 1307 <i>See 20:2220</i>
250. <i>Remedies for Breach of Assignment or Sublease Covenant</i> , 20 Cal. L. Revision Comm'n Reports 2405 (1990)	Enacted. 1991 Cal. Stat. ch. 67 <i>See 21:22</i>
251. <i>Use Restrictions</i> , 20 Cal. L. Revision Comm'n Reports 2421 (1990)	Enacted. 1991 Cal. Stat. ch. 67 <i>See 21:22</i>
252. <i>Uniform Statutory Rule Against Perpetuities</i> , 20 Cal. L. Revision Comm'n Reports 2501 (1990)	Enacted. 1991 Cal. Stat. ch. 156 <i>See 21:21</i>
253. <i>Elimination of Seven-Year Limit for Durable Power of Attorney for Health Care</i> , 20 Cal. L. Revision Comm'n Reports 2605 (1990)	Enacted. 1991 Cal. Stat. ch. 896 <i>See 21:22</i>
254. <i>Recognition of Agent's Authority Under Statutory Form Power of Attorney</i> , 20 Cal. L. Revision Comm'n Reports 2629 (1990); 22 Cal. L. Revision Comm'n Reports 965 (1992)	Enacted. 1992 Cal. Stat. ch. 178 <i>See 22:852</i>
255. <i>Debts That Are Contingent, Disputed, or Not Due</i> , 20 Cal. L. Revision Comm'n Reports 2707 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 <i>See 21:20</i>
256. <i>Remedies of Creditor Where Personal Representative Fails to Give Notice</i> , 20 Cal. L. Revision Comm'n Reports 2719 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 <i>See 21:20</i>

<b>Recommendation</b>	<b>Action by Legislature</b>
257. <i>Repeal of Civil Code Section 704 (Passage of Ownership of U.S. Bonds on Death)</i> , 20 Cal. L. Revision Comm'n Reports 2729 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 <i>See 21:20</i>
258. <i>Disposition of Small Estate Without Probate</i> , 20 Cal. L. Revision Comm'n Reports 2737 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 <i>See 21:20</i>
259. <i>Right of Surviving Spouse to Dispose of Community Property</i> , 20 Cal. L. Revision Comm'n Reports 2769 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 <i>See 21:20</i>
260. <i>Litigation Involving Decedents</i> , 20 Cal. L. Revision Comm'n Reports 2785 (1990); 22 Cal. L. Revision Comm'n Reports 895 (1992)	Enacted. 1992 Cal. Stat. ch. 178 <i>See 22:852</i>
261. <i>Compensation in Guardianship and Conservatorship Proceedings</i> , 20 Cal. L. Revision Comm'n Reports 2837 (1990); 21 Cal. L. Revision Comm'n Reports 227 (1991)	Enacted. 1992 Cal. Stat. ch. 572 <i>See 22:853</i>
262. <i>Recognition of Trustees' Powers</i> , 20 Cal. L. Revision Comm'n Reports 2849 (1990)	Enacted. 1992 Cal. Stat. ch. 178 <i>See 22:852</i>
263. <i>Gifts in View of Impending Death</i> , 20 Cal. L. Revision Comm'n Reports 2869 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 <i>See 21:20</i>
264. <i>TOD Beneficiary Designation for Vehicles and Certain Other State Registered Property</i> , 20 Cal. L. Revision Comm'n Reports 2883 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 <i>See 21:20</i>
265. <i>1991 General Probate Bill (miscellaneous provisions)</i> , see 20 Cal. L. Revision Comm'n Reports 2907 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 <i>See 21:20</i>
266. <i>1991 Probate Urgency Clean-up Bill</i> , see 20 Cal. L. Revision Comm'n Reports 2909 (1990)	Enacted. 1991 Cal. Stat. ch. 82 <i>See 21:21</i>
267. <i>Application of Marketable Title Statute to Executory Interests</i> , 21 Cal. L. Revision Comm'n Reports 53 (1991)	Enacted. 1991 Cal. Stat. ch. 156 <i>See 21:21</i>

<b>Recommendation</b>	<b>Action by Legislature</b>
268. <i>Relocation of Powers of Appointment Statute</i> , 21 Cal. L. Revision Comm'n Reports 91 (1991)	Enacted. 1992 Cal. Stat. ch. 30 <i>See</i> 22:853
269. <i>Miscellaneous Creditors' Remedies</i> , 21 Cal. L. Revision Comm'n Reports 135 (1991)	Enacted. 1992 Cal. Stat. ch. 283 <i>See</i> 22:853
270. <i>Nonprobate Transfers of Community Property</i> , 21 Cal. L. Revision Comm'n Reports 163 (1991)	Enacted. 1992 Cal. Stat. ch. 51 <i>See</i> 22:852
271. <i>Notice of Trustees' Fees</i> , 21 Cal. L. Revision Comm'n Reports 191 (1991)	Enacted. 1992 Cal. Stat. ch. 178 <i>See</i> 22:852
272. <i>Nonprobate Transfer to Trustee Named in Will</i> , 21 Cal. L. Revision Comm'n Reports 201 (1991)	Enacted. 1992 Cal. Stat. ch. 178 <i>See</i> 22:852
273. <i>Preliminary Distribution Without Court Supervision</i> , 21 Cal. L. Revision Comm'n Reports 209 (1991)	Enacted. 1992 Cal. Stat. ch. 178 <i>See</i> 22:852
274. <i>Transfer of Conservatorship Property to Trust</i> , 21 Cal. L. Revision Comm'n Reports 227 (1991)	Enacted. 1992 Cal. Stat. ch. 572 <i>See</i> 22:853
275. <i>Family Code</i> , 22 Cal. L. Revision Comm'n Reports 1 (1992)	Enacted. 1992 Cal. Stat. chs. 162, 163 <i>See</i> 22:851
276. <i>Standing To Sue for Wrongful Death</i> , 22 Cal. L. Revision Comm'n Reports 955 (1992)	Enacted. 1992 Cal. Stat. ch. 178 <i>See</i> 22:852
277. <i>1992 General Probate Bill</i> (miscellaneous provisions), see 22 Cal. L. Revision Comm'n Reports 977 (1990)	Enacted. 1992 Cal. Stat. ch. 178 <i>See</i> 22:852
278. <i>Special Needs Trust for Disabled Minor or Incompetent Person</i> , 22 Cal. L. Revision Comm'n Reports 989 (1992)	Enacted. 1992 Cal. Stat. ch. 355 <i>See</i> 22:853
279. <i>1994 Family Code</i> , 23 Cal. L. Revision Comm'n Reports 1, 5 (1993)	Enacted. 1993 Cal. Stat. ch. 219 <i>See</i> 23:922
280. <i>Family Code: Child Custody</i> , 23 Cal. L. Revision Comm'n Reports 1, 15 (1993)	Enacted. 1993 Cal. Stat. ch. 219 <i>See</i> 23:922

Recommendation	Action by Legislature
281. <i>Family Code: Reorganization of Domestic Violence Provisions</i> , 23 Cal. L. Revision Comm'n Reports 1, 23 (1993)	Enacted. 1993 Cal. Stat. ch. 219 <i>See</i> 23:922
282. <i>Deposit of Estate Planning Documents with Attorney</i> , 23 Cal. L. Revision Comm'n Reports 965 (1993)	Enacted. 1993 Cal. Stat. ch. 519 <i>See</i> 23:923
283. <i>Parent and Child Relationship for Intestate Succession</i> , 23 Cal. L. Revision Comm'n Reports 991 (1993)	Enacted. 1993 Cal. Stat. ch. 529 <i>See</i> 23:923
284. <i>Effect of Joint Tenancy Title on Marital Property</i> , 23 Cal. L. Revision Comm'n Reports 1013 (1993)	Not enacted. <i>See</i> 24:568
285. <i>Trial Court Unification: Constitutional Revision (SCA 3)</i> , 24 Cal. L. Revision Comm'n Reports 1 (1994); <i>Trial Court Unification: Transitional Provisions for SCA 3</i> , 24 Cal. L. Revision Comm'n Reports 627 (1994)	Not enacted; Commission recommendations adopted in SCA 3 (1993-94), but SCA 3 not approved by Assembly. Commission recommendations largely enacted in SCA 4 (1996 Cal. Stat. res. ch. 36). <i>See</i> 24:568; 28:707
286. <i>Comprehensive Power of Attorney Law</i> , 24 Cal. L. Revision Comm'n Reports 111 (1994); <i>1995 Comprehensive Power of Attorney Law</i> , 24 Cal. L. Revision Comm'n Reports 323 (1994)	Enacted. 1994 Cal. Stat. ch. 307 <i>See</i> 24:567
287. <i>Orders To Show Cause and Temporary Restraining Orders</i> , 24 Cal. L. Revision Comm'n Reports 603 (1994)	Enacted. 1994 Cal. Stat. ch. 587 <i>See</i> 24:567
288. <i>Family Code Technical Amendments</i> . <i>See</i> 24 Cal. L. Revision Comm'n Reports 621 (1994); 26 Cal. L. Revision Comm'n Reports 175 (1996)	Enacted. 1994 Cal. Stat. ch. 1269; 1996 Cal. Stat. ch. 1061 <i>See</i> 24:567; 26:132
289. <i>Debtor-Creditor Relations</i> , 25 Cal. L. Revision Comm'n Reports 1 (1995)	Enacted in part. 1995 Cal. Stat. ch. 196 <i>See</i> 25:636, 707
290. <i>Administrative Adjudication by State Agencies</i> , 25 Cal. L. Revision Comm'n Reports 55 (1995)	Enacted. 1995 Cal. Stat. ch. 938 <i>See</i> 25:636, 711

<b>Recommendation</b>	<b>Action by Legislature</b>
291. <i>Uniform Prudent Investor Act</i> , 25 Cal. L. Revision Comm'n Reports 543 (1995). See also 25 Cal. L. Revision Comm'n Reports 673 (1995)	Enacted. 1995 Cal. Stat. ch. 63 <i>See 25:636, 673</i>
292. <i>Power of Attorney Law Technical Amendments</i> . See 25 Cal. L. Revision Comm'n Reports 709 (1995)	Enacted. 1995 Cal. Stat. ch. 300 <i>See 25:637</i>
293. <i>Statute of Limitations in Trust Matters: Probate Code Section 16460</i> , 26 Cal. L. Revision Comm'n Reports 1 (1996)	Enacted. 1996 Cal. Stat. ch. 862 <i>See 26:132</i>
294. <i>Inheritance From or Through Child Born Out of Wedlock</i> , 26 Cal. L. Revision Comm'n Reports 13 (1996)	Enacted. 1996 Cal. Stat. ch. 862 <i>See 26:132</i>
295. <i>Collecting Small Estate Without Administration</i> , 26 Cal. L. Revision Comm'n Reports 21 (1996)	Enacted. 1996 Cal. Stat. ch. 563 <i>See 26:132</i>
296. <i>Repeal of Civil Code Section 1464: The First Rule in Spencer's Case</i> , 26 Cal. L. Revision Comm'n Reports 29 (1996)	Enacted. 1998 Cal. Stat. ch. 14 <i>See 28:706</i>
297. <i>Homestead Exemption</i> , 26 Cal. L. Revision Comm'n Reports 37 (1996)	Not enacted. <i>See 26:133</i>
298. <i>Tolling Statute of Limitations When Defendant Is Out of State</i> , 26 Cal. L. Revision Comm'n Reports 83 (1996)	Enacted in part (technical amendments). 1997 Cal. Stat. ch. 1012, §§ 13, 14 <i>See 27:555, 623</i>
299. <i>Administrative Adjudication Technical Amendments</i> , 26 Cal. L. Revision Comm'n Reports 171 (1996)	Enacted. 1996 Cal. Stat. ch. 390 <i>See 26:132</i>
300. <i>Unfair Competition Litigation</i> , 26 Cal. L. Revision Comm'n Reports 191 (1996)	Not enacted. <i>See 27:555</i>
301. <i>Administrative Adjudication by Quasi-Public Entities</i> , 26 Cal. L. Revision Comm'n Reports 277 (1996)	Enacted. 1997 Cal. Stat. ch. 220 <i>See 27:554, 593</i>
302. <i>Marketable Title: Enforceability of Land Use Restrictions</i> , 26 Cal. L. Revision Comm'n Reports 289 (1996)	Enacted in part. 1998 Cal. Stat. ch. 14 <i>See 28:706</i>
303. <i>Attachment by Undersecured Creditors</i> , 26 Cal. L. Revision Comm'n Reports 307 (1996)	Enacted. 1997 Cal. Stat. ch. 222 <i>See 27:554</i>

Recommendation	Action by Legislature
304. <i>Ethical Standards for Administrative Law Judges</i> , 26 Cal. L. Revision Comm'n Reports 335 (1996)	Enacted. 1998 Cal. Stat. ch. 95 <i>See 28:706</i>
305. <i>Best Evidence Rule</i> , 26 Cal. L. Revision Comm'n Reports 369 (1996)	Enacted. 1998 Cal. Stat. ch. 100 <i>See 28:706</i>
306. <i>Mediation Confidentiality</i> , 26 Cal. L. Revision Comm'n Reports 407 (1996)	Enacted. 1997 Cal. Stat. ch. 772 <i>See 27:554, 595</i>
307. <i>Judicial Review of Agency Action</i> , 27 Cal. L. Revision Comm'n Reports 1 (1997)	Not enacted. <i>See 28:708</i>
308. <i>Inheritance by Foster Child or Stepchild</i> , 27 Cal. L. Revision Comm'n Reports 625 (1997)	Not enacted. <i>See 28:721</i>
309. <i>Business Judgment Rule</i> , 28 Cal. L. Revision Comm'n Reports 1 (1998)	Not enacted. <i>See 28:708</i>
310. <i>Trial Court Unification: Revision of Codes</i> , 28 Cal. L. Revision Comm'n Reports 51 (1998)	Enacted. 1998 Cal. Stat. ch. 931 <i>See 28:707</i>
311. <i>Response to Demand for Production of Documents in Discovery</i> , 28 Cal. L. Revision Comm'n Reports 561 (1998)	Enacted. 1998 Cal. Stat. ch. 932 <i>See 28:708</i>
312. <i>Uniform TOD Security Registration Act</i> , 28 Cal. L. Revision Comm'n Reports 577 (1998)	Enacted. 1998 Cal. Stat. ch. 242 <i>See 28:707</i>
313. <i>Effect of Dissolution of Marriage on Nonprobate Transfers</i> , 28 Cal. L. Revision Comm'n Reports 599 (1998)	Enacted. 2001 Cal. Stat. ch. 417 <i>See 31:26</i>
314. <i>Administrative Rulemaking: Consent Regulations and Other Noncontroversial Regulations</i> , 28 Cal. L. Revision Comm'n Reports 625 (1998)	Vetoed. <i>See 29:605</i>
315. <i>Administrative Rulemaking: Advisory Interpretations</i> , 28 Cal. L. Revision Comm'n Reports 657 (1998)	Vetoed. <i>See 29:605</i>
316. <i>Health Care Decisions for Adults Without Decisionmaking Capacity</i> , 29 Cal. L. Revision Comm'n Reports 1 (1999)	Enacted. 1999 Cal. Stat. ch. 658 <i>See 29:604</i>

<b>Recommendation</b>	<b>Action by Legislature</b>
317. <i>Uniform Principal and Income Act</i> , 29 Cal. L. Revision Comm'n Reports 245 (1999)	Enacted. 1999 Cal. Stat. ch. 145 <i>See 29:604</i>
318. <i>Admissibility, Discoverability, and Confidentiality of Settlement Negotiations</i> , 29 Cal. L. Revision Comm'n Reports 345 (1999)	Not enacted. <i>See 30:676</i>
319. <i>Air Resources Technical Revisions</i> , 29 Cal. L. Revision Comm'n Reports 409 (1999)	Enacted. 2000 Cal. Stat. ch. 890 <i>See 30:676</i>
320. <i>Administrative Rulemaking</i> , 29 Cal. L. Revision Comm'n Reports 459 (1999)	Enacted. 2000 Cal. Stat. ch. 1060 <i>See 30:676</i>
321. <i>Trial Court Unification Follow-Up</i> , 29 Cal. L. Revision Comm'n Reports 657 (1999)	Enacted. 1999 Cal. Stat. ch. 344 <i>See 29:604</i>
322. <i>Enforcement of Judgments Under the Family Code: Technical Revisions</i> , 29 Cal. L. Revision Comm'n Reports 695 (1999)	Enacted. 2000 Cal. Stat. ch. 808 <i>See 30:675</i>
323. <i>Eminent Domain Valuation Evidence: Clarification of Evidence Code Section 822</i> , 29 Cal. L. Revision Comm'n Reports 733 (1999)	Enacted. 2000 Cal. Stat. ch. 948 <i>See 30:676</i>
324. <i>Alternate Distributee for Unclaimed Distribution</i> , 29 Cal. L. Revision Comm'n Reports 743 (1999)	Enacted. 2000 Cal. Stat. ch. 17 <i>See 30:675</i>
325. <i>Jurisdictional Classification of Good Faith Improver Claims</i> , 30 Cal. L. Revision Comm'n Reports 281 (2000)	Enacted. 2000 Cal. Stat. ch. 688 <i>See 30:675</i>
326. <i>Authority to Appoint Receivers</i> , 30 Cal. L. Revision Comm'n Reports 291 (2000)	Enacted. 2001 Cal. Stat. ch. 44 <i>See 31:25</i>
327. <i>Stay of Mechanic's Lien Enforcement Pending Arbitration</i> , 30 Cal. L. Revision Comm'n Reports 307 (2000); 31 Cal. L. Revision Comm'n Reports 333 (2002)	2000 Recommendation enacted. 2003 Cal. Stat. ch. 113 <i>See 33:641</i>
328. <i>Trout Affidavit</i> , 30 Cal. L. Revision Comm'n Reports 319 (2000)	Enacted. 2000 Cal. Stat. ch. 167 <i>See 30:675</i>
329. <i>Expired Pilot Projects</i> , 30 Cal. L. Revision Comm'n Reports 327 (2000)	Enacted. 2001 Cal. Stat. ch. 115 <i>See 31:25</i>

Recommendation	Action by Legislature
330. <i>Law Library Board of Trustees</i> , 30 Cal. L. Revision Comm'n Reports 429 (2000)	Enacted. 2001 Cal. Stat. ch. 52 <i>See 31:25</i>
331. <i>Unnecessary Procedural Differences Between Limited and Unlimited Civil Cases</i> , 30 Cal. L. Revision Comm'n Reports 443 (2000)	Enacted. 2001 Cal. Stat. ch. 812 <i>See 31:27</i>
332. <i>Civil Procedure: Technical Corrections</i> , 30 Cal. L. Revision Comm'n Reports 479 (2000)	Enacted. 2001 Cal. Stat. ch. 44 <i>See 31:25</i>
333. <i>Improving Access to Rulemaking Information Under the Administrative Procedure Act</i> , 30 Cal. L. Revision Comm'n Reports 517 (2000)	Enacted. 2000 Cal. Stat. ch. 1060 <i>See 30:676</i>
334. <i>Administrative Rulemaking Cleanup</i> , 30 Cal. L. Revision Comm'n Reports 533 (2000)	Enacted. 2001 Cal. Stat. ch. 59 <i>See 31:25</i>
335. <i>Rulemaking Under Penal Code Section 5058</i> , 30 Cal. L. Revision Comm'n Reports 545 (2000)	Enacted. 2001 Cal. Stat. ch. 141 <i>See 31:26</i>
336. <i>Early Disclosure of Valuation Data and Resolution of Issues in Eminent Domain</i> , 30 Cal. L. Revision Comm'n Reports 567 (2000)	Enacted. 2001 Cal. Stat. ch. 428 <i>See 31:26</i>
337. <i>Estate Planning During Marital Dissolution</i> , 30 Cal. L. Revision Comm'n Reports 603 (2000)	Enacted. 2001 Cal. Stat. ch. 417 <i>See 31:26</i>
338. <i>Health Care Decisions Law: Miscellaneous Revisions</i> , 30 Cal. L. Revision Comm'n Reports 621 (2000)	Enacted. 2001 Cal. Stat. ch. 230 <i>See 31:26</i>
339. <i>Evidence of Prejudgment Deposit Appraisal in Eminent Domain</i> , 31 Cal. L. Revision Comm'n Reports 109 (2001)	Enacted. 2002 Cal. Stat. ch. 293 <i>See 32:601</i>
340. <i>Debtor-Creditor Law: Technical Revisions</i> , 31 Cal. L. Revision Comm'n Reports 123 (2001)	Enacted. 2002 Cal. Stat. ch. 68 <i>See 32:600</i>
341. <i>Municipal Bankruptcy</i> , 31 Cal. L. Revision Comm'n Reports 143 (2001)	Enacted. 2002 Cal. Stat. ch. 94 <i>See 32:600</i>



Recommendation	Action by Legislature
342. <i>Rules of Construction for Trusts and Other Instruments</i> , 31 Cal. L. Revision Comm'n Reports 167 (2001)	Enacted. 2002 Cal. Stat. ch. 138 <i>See 32:601</i>
343. <i>Cases in Which Court Reporter Is Required</i> , 31 Cal. L. Revision Comm'n Reports 223 (2001)	Enacted. 2002 Cal. Stat. ch. 71 <i>See 32:600</i>
344. <i>Electronic Communications and Evidentiary Privileges</i> , 31 Cal. L. Revision Comm'n Reports 245 (2001)	Enacted. 2002 Cal. Stat. ch. 72 <i>See 32:600</i>
345. <i>Administrative Rulemaking Refinements</i> , 31 Cal. L. Revision Comm'n Reports 259 (2001)	Enacted. 2002 Cal. Stat. ch. 389 <i>See 32:601</i>
346. <i>The Double Liability Problem in Home Improvement Contracts</i> , 31 Cal. L. Revision Comm'n Reports 281 (2001)	Not enacted. <i>See 32:602.</i>
347. <i>Statutes Made Obsolete by Trial Court Restructuring: Part 1</i> , 32 Cal. L. Revision Comm'n Reports 1 (2002)	Enacted. 2002 Cal. Stat. ch. 784 (statutory revision); 2002 Cal. Stat. res. ch. 88 (proposed constitutional amendment) <i>See 32:601</i>
348. <i>Common Interest Developments: Organization of Davis-Stirling Common Interest Development Act</i> , 33 Cal. L. Revision Comm'n Reports 1 (2003).	Enacted. 2003 Cal. Stat. ch. 557 <i>See 33:645</i>
349. <i>Common Interest Developments: Association Rulemaking and Decisionmaking</i> , 33 Cal. L. Revision Comm'n Reports 81 (2003).	Enacted in part. 2003 Cal. Stat. ch. 557 <i>See 33:645</i>
350. <i>Exemptions from Enforcement of Money Judgments: Second Decennial Review</i> , 33 Cal. L. Revision Comm'n Reports 113 (2003).	Enacted. 2003 Cal. Stat. ch. 379
351. <i>Probate Code Technical Corrections</i> , 33 Cal. L. Revision Comm'n Reports 145 (2003).	Enacted. 2003 Cal. Stat. ch. 32
352. <i>Statutes Made Obsolete by Trial Court Restructuring: Part 2</i> , 33 Cal. L. Revision Comm'n Reports 169 (2003).	Enacted. 2003 Cal. Stat. ch. 149 <i>See 33:643</i>
353. <i>Obsolete Reporting Requirements</i> , 33 Cal. L. Revision Comm'n Reports 267 (2003)	Enacted. 2004 Cal. Stat. ch. 193

Recommendation	Action by Legislature
354. <i>Authority of Court Commissioner</i> , 33 Cal. L. Revision Comm'n Reports 673 (2003)	Enacted. 2004 Cal. Stat. ch. 49
355. <i>Alternative Dispute Resolution in Common Interest Developments</i> , 33 Cal. L. Revision Comm'n Reports 689 (2003)	Enacted. 2004 Cal. Stat. ch. 754 <i>See 34:81</i>
356. <i>Unincorporated Associations</i> , 33 Cal. L. Revision Comm'n Reports 729 (2003)	Enacted. 2004 Cal. Stat. ch. 178 <i>See 34:71</i>
357. <i>Civil Discovery: Nonsubstantive Reform</i> , 33 Cal. L. Revision Comm'n Reports 789 (2003)	Enacted. 2004 Cal. Stat. ch. 182 <i>See 34:75</i>
358. <i>Common Interest Development Law: Architectural Review and Decisionmaking</i> , 34 Cal. L. Revision Comm'n Reports 107 (2004)	Enacted. 2004 Cal. Stat. ch. 346 <i>See 34:77</i>
359. <i>Preemption of CID Architectural Restrictions</i> , 34 Cal. L. Revision Comm'n Reports 117 (2004)	Enacted. 2005 Cal. Stat. ch. 37 <i>See 35:30</i>
360. <i>Obsolete Cross-References to Former Code of Civil Procedure Section 383</i> , 34 Cal. L. Revision Comm'n Reports 127 (2004)	Enacted. 2005 Cal. Stat. ch. 37 <i>See 35:30</i>
361. <i>Civil Discovery: Statutory Clarification and Minor Substantive Improvements</i> , 34 Cal. L. Revision Comm'n Reports 137 (2004)	Enacted. 2005 Cal. Stat. ch. 294 <i>See 35:77</i>
362. <i>Civil Discovery: Correction of Obsolete Cross-References</i> , 34 Cal. L. Revision Comm'n Reports 161 (2004)	Enacted. 2005 Cal. Stat. ch. 294 <i>See 35:77</i>
363. <i>Ownership of Amounts Withdrawn from Joint Account</i> , 34 Cal. L. Revision Comm'n Reports 199 (2004)	Enacted. 2012 Cal. Stat. ch. 235 <i>See 42:361</i>
364. <i>Emergency Rulemaking Under the Administrative Procedure Act</i> , 34 Cal. L. Revision Comm'n Reports 221 (2004)	Enacted. 2006 Cal. Stat. ch. 713 <i>See 36:31</i>
365. <i>Unincorporated Association Governance</i> , 34 Cal. L. Revision Comm'n Reports 231 (2004)	Enacted. 2005 Cal. Stat. ch. 116 <i>See 35:73</i>

<b>Recommendation</b>	<b>Action by Legislature</b>
366. <i>Nonprofit Association Tort Liability</i> , 34 Cal. L. Revision Comm'n Reports 257 (2004)	Enacted. 2005 Cal. Stat. ch. 116 <i>See 35:73</i>
367. <i>Waiver of Privilege by Disclosure</i> , 34 Cal. L. Revision Comm'n Reports 265 (2004)	Not enacted. <i>See 36:31 n. 62</i>
368. <i>Financial Privacy</i> , 34 Cal. L. Revision Comm'n Reports 401 (2004)	Not enacted. <i>See 36:31 n. 62</i>
369. <i>Common Interest Development Ombudsperson</i> , 35 Cal. L. Revision Comm'n Reports 123 (2005)	Vetoed. <i>See 36:31 n. 62</i>
370. <i>Enforcement of Judgments Under the Family Code</i> , 35 Cal. L. Revision Comm'n Reports 161 (2005)	Enacted. 2006 Cal. Stat. ch. 86 <i>See 36:31</i>
371. <i>Oral Argument in Civil Procedure</i> , 35 Cal. L. Revision Comm'n Reports 181 (2005)	No legislation recommended.
372. <i>Technical and Minor Substantive Statutory Corrections</i> , 35 Cal. L. Revision Comm'n Reports 219 (2006)	Enacted. 2007 Cal. Stat. ch. 263 <i>See 37:28, 37:71</i>
373. <i>Time Limits for Discovery in an Unlawful Detainer Case</i> , 36 Cal. L. Revision Comm'n Reports 271 (2006).	Enacted. 2007 Cal. Stat. ch. 113 <i>See 37:28</i>
374. <i>Statutes Made Obsolete by Trial Court Restructuring: Part 3</i> , 36 Cal. L. Revision Comm'n Reports 341 (2006).	Enacted. 2007 Cal. Stat. ch. 43 <i>See 37:29</i>
375. <i>Revocable Transfer on Death (TOD) Deed</i> , 36 Cal. L. Revision Comm'n Reports 103 (2006).	Not enacted. <i>See 38:28, n. 66</i>
376. <i>Deposition in Out-of-State Litigation</i> , 37 Cal. L. Revision Comm'n Reports 99 (2007).	Enacted. 2008 Cal. Stat. ch. 231 <i>See 38:29, 38:77</i>
377. <i>Trial Court Restructuring: Appellate Jurisdiction of Bail Forfeiture</i> , 37 Cal. L. Revision Comm'n Reports 149 (2007).	Not enacted. But see 2012 Cal. Stat. ch. 470 (item 395 <i>infra</i> ) <i>See 38:28 n. 66</i>
378. <i>Statutes Made Obsolete by Trial Court Restructuring: Part 4</i> , 37 Cal. L. Revision Comm'n Reports 171 (2007).	Enacted. 2008 Cal. Stat. ch. 56 <i>See 38:29</i>

Recommendation	Action by Legislature
379. <i>Trial Court Restructuring: Transfer of Case Based on Lack of Jurisdiction</i> , 37 Cal. L. Revision Comm'n Reports 195 (2007).	Enacted. 2008 Cal. Stat. ch. 56 <i>See</i> 38:29
380. <i>Technical and Minor Substantive Statutory Corrections: References to Recording Technology</i> , 37 Cal. L. Revision Comm'n Reports 211 (2007).	Enacted. 2009 Cal. Stat. ch. 88 <i>See</i> 39:27, 39:71
381. <i>Revision of No Contest Clause Statute</i> , 37 Cal. L. Revision Comm'n Reports 359 (2007).	Enacted. 2008 Cal. Stat. ch. 174 <i>See</i> 38:29, 38:75
382. <i>Miscellaneous Hearsay Exceptions: Present Sense Impression</i> , 37 Cal. L. Revision Comm'n Reports 407 (2007).	No legislation introduced.
383. <i>Miscellaneous Hearsay Exceptions: Forfeiture by Wrongdoing</i> , 37 Cal. L. Revision Comm'n Reports 443 (2007).	No legislation introduced; but see 2010 Cal. Stat. ch. 537, enacting a similar amendment of Evid. C. § 240.
384. <i>Mechanics Lien Law</i> , 37 Cal. L. Revision Comm'n Reports 527 (2007).	Enacted. 2010 Cal. Stat. ch. 697 <i>See</i> 39:27, 40:28, 40:49
385. <i>Donative Transfer Restrictions</i> , 38 Cal. L. Revision Comm'n Reports 107 (2007).	Enacted. 2009 Cal. Stat. ch. 348, 2010 Cal. Stat. ch. 620 <i>See</i> 39:27, 40:28, 40:45
386. <i>Attorney-Client Privilege After Client's Death</i> , 38 Cal. L. Revision Comm'n Reports 163 (2008).	Enacted. 2009 Cal. Stat. ch. 8 <i>See</i> 39:27
387. <i>Revision of No Contest Clause Statute: Conforming Revisions</i> , 38 Cal. L. Revision Comm'n Reports 203 (2008).	Enacted. 2009 Cal. Stat. ch. 348 <i>See</i> 39:27
388. <i>Nonsubstantive Reorganization of Deadly Weapon Statutes</i> , 38 Cal. L. Revision Comm'n Reports 217 (2009).	Enacted. 2010 Cal. Stat. ch. 178, 2010 Cal. Stat. ch. 711 <i>See</i> 40:27, 40:43, 40:107
389. <i>Marketable Record Title: Notice of Option</i> , 39 Cal. L. Revision Comm'n Reports 99 (2009).	Enacted. 2011 Cal. Stat. ch. 46 <i>See</i> 41:28
390. <i>Statutes Made Obsolete by Trial Court Restructuring: Part 5</i> , 39 Cal. L. Revision Comm'n Reports 109 (2009).	Enacted. 2010 Cal. Stat. ch. 212 <i>See</i> 40:28, 42:360

<b>Recommendation</b>	<b>Action by Legislature</b>
391. <i>Trial Court Restructuring: Rights and Responsibilities of the County as Compared to the Superior Court (Part 1)</i> , 39 Cal. L. Revision Comm'n Reports 157 (2009).	Enacted. 2012 Cal. Stat. ch. 470 <i>See 42:360</i>
392. <i>Obsolete Cross-References to Former Code of Civil Procedure Section 116.780(d)</i> , 39 Cal. L. Revision Comm'n Reports 223 (2009).	Enacted. 2011 Cal. Stat. ch. 308 <i>See 41:28</i>
393. <i>Statutory Clarification and Simplification of CID Law</i> , 40 Cal. L. Revision Comm'n Reports 235 (2010).	Enacted. 2012 Cal. Stat. ch. 180 <i>See 42:360</i>
394. <i>Mechanics Lien Law: Clean-Up Legislation</i> , 41 Cal. L. Revision Comm'n Reports 103 (2011).	Enacted. 2011 Cal. Stat. ch. 44 <i>See 41:28</i>
395. <i>Nonsubstantive Reorganization of Deadly Weapon Statutes: Clean-Up Legislation</i> , 41 Cal. L. Revision Comm'n Reports 135 (2011).	Enacted. 2011 Cal. Stat. ch. 285; see also 2012 Cal. Stat. ch. 162, §§ 12-14, 203, 207; 2013 Cal. Stat. ch. 76, §§ 145.5, 145.7, 147.3, 147.5, 153.5; 2013 Cal. Stat. ch. 291, § 2 <i>See 41:28, 43:279</i>
396. <i>Trial Court Restructuring: Appellate Jurisdiction of Bail Forfeiture</i> , 41 Cal. L. Revision Comm'n Reports 265 (2011).	Enacted. 2012 Cal. Stat. ch. 470 <i>See 42:360</i>
397. <i>Statutory Cross-References to "Tort Claims Act,"</i> 41 Cal. L. Revision Comm'n Reports 285 (2011).	Enacted. 2012 Cal. Stat. ch. 759 <i>See 42:360-61</i>
398. <i>Trial Court Restructuring: Writ Jurisdiction in a Small Claims Case</i> , 41 Cal. L. Revision Comm'n Reports 315 (2011).	Enacted. 2012 Cal. Stat. ch. 470 <i>See 42:360</i>
399. <i>Commercial and Industrial Common Interest Developments</i> , 42 Cal. L. Revision Comm'n Reports 1 (2012).	Enacted. 2013 Cal. Stat. ch. 605 <i>See 43:279-80</i>
400. <i>Charter Schools and the Government Claims Act</i> , 42 Cal. L. Revision Comm'n Reports 225 (2012).	No legislation recommended.

Recommendation	Action by Legislature
401. <i>Third Decennial Review of Exemptions from Enforcement of Money Judgments</i> , 42 Cal. L. Revision Comm'n Reports 297 (2012).	Enacted. 2013 Cal. Stat. ch. 15 <i>See 43:279</i>
402. <i>Statutory Clarification and Simplification of CID Law: Clean-Up Legislation</i> , 42 Cal. L. Revision Comm'n Reports 311 (2012).	Enacted. 2013 Cal. Stat. ch. 183 <i>See 43:279</i>
403. <i>Commercial and Industrial Subdivisions</i> , 43 Cal. L. Revision Comm'n Reports 1 (2013).	Enacted. 2013 Cal. Stat. ch. 605 <i>See 43:279-80</i>
404. <i>Statutory Clarification and Simplification of CID Law: Further Clean-Up Legislation</i> , 43 Cal. L. Revision Comm'n Reports 23 (2013).	Enacted. 2013 Cal. Stat. ch. 183 <i>See 43:279</i>
405. <i>Technical and Minor Substantive Statutory Corrections</i> , 43 Cal. L. Revision Comm'n Reports 35 (2013).	Enacted. 2014 Cal. Stat. ch. 913 <i>See 44:27</i>
406. <i>Deadly Weapons: Minor Clean-Up Issues</i> , 43 Cal. L. Revision Comm'n Reports 63 (2013).	Enacted. 2014 Cal. Stat. ch. 103 <i>See 44:27</i>
407. <i>Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act</i> , 43 Cal. L. Revision Comm'n Reports 93 (2013).	Enacted. 2014 Cal. Stat. ch. 553 <i>See 44:27, 44:77</i>
408. <i>Fish and Game Law: Technical Revisions and Minor Substantive Improvements (Part 1)</i> , 44 Cal. L. Revision Comm'n Reports 115 (2015).	Enacted. 2015 Cal. Stat. ch. 154 <i>See 44:522; 44:571</i>
409. <i>State and Local Agency Access to Electronic Communications: Constitutional and Statutory Requirements</i> , 44 Cal. L. Revision Comm'n Reports 229 (2015).	No legislation recommended.
410. <i>Fish and Game Law: Technical Revisions and Minor Substantive Improvements (Part 2)</i> , 44 Cal. L. Revision Comm'n Reports 349 (2015).	Enacted. 2016 Cal. Stat. ch. 546 <i>See 44:782</i>
411. <i>Trial Court Unification: Publication of Legal Notice</i> , 44 Cal. L. Revision Comm'n Reports 385 (2015).	Enacted. 2016 Cal. Stat. ch. 703 <i>See 44:782</i>

<b>Recommendation</b>	<b>Action by Legislature</b>
412. <i>Deadly Weapons: Minor Clean-Up Issues (Part 2)</i> , 44 Cal. L. Revision Comm'n Reports 471 (2015).	Legislation pending.
413. <i>Recognition of Tribal and Foreign Court Money Judgments</i> , 44 Cal. L. Revision Comm'n Reports 611 (2016).	Enacted. 2017 Cal. Stat. ch. 168 <i>See 45:310</i>
414. <i>Government Interruption of Communication Service</i> , 44 Cal. L. Revision Comm'n Reports 681 (2016).	Enacted. 2017 Cal. Stat. ch. 322 <i>See 45:310</i>
415. <i>Mechanics Liens in Common Interest Developments</i> , 44 Cal. L. Revision Comm'n Reports 739 (2016).	Enacted. 2017 Cal. Stat. ch. 144 <i>See 45:310</i>
416. <i>Revocable Transfer on Death Deed: Recordation</i> , 45 Cal. L. Revision Comm'n Reports 1 (2017).	Legislation pending.
417. <i>Homestead Exemption: Dwelling</i> , 45 Cal. L. Revision Comm'n Reports 11 (2017).	No legislation introduced.
418. <i>Relationship Between Mediation Confidentiality and Attorney Malpractice and Other Misconduct</i> , 45 Cal. L. Revision Comm'n Reports 19 (2017).	No legislation introduced.

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## APPENDIX 4

REPORT OF THE  
CALIFORNIA LAW REVISION COMMISSION  
ON CHAPTER 168 OF THE STATUTES OF 2017  
(ASSEMBLY BILL 905)

### Recognition of Tribal and Foreign Court Money Judgments

Chapter 168 of the Statutes of 2017 was introduced as Assembly Bill 905, authored by Assembly Member Brian Maienschein. The measure implements the Commission's recommendation on *Recognition of Tribal and Foreign Court Money Judgments*, 44 Cal. L. Revision Comm'n Reports 611 (2016).

To reflect amendments made to Assembly Bill 905 in the legislative process, the Commission revised its Comments to Code of Civil Procedure Section 1716 and the heading of Chapter 3 (commencing with Section 1730) of Title 11 of Part 3 of the Code of Civil Procedure, and added a Comment to Code of Civil Procedure Section 1737.<sup>1</sup> Those revised Comments superseded the comparable Comments approved by the Commission when it approved its recommendation on *Recognition of Tribal and Foreign Court Money Judgments*.<sup>2</sup>

Ordinarily, the revised and added Comments would be published in an appendix to a Commission *Annual Report*. In this instance however, the revised and added Comments were erroneously incorporated into the published version of the recommendation itself.

Therefore, to preserve the historical record, the Comments originally approved by the Commission in conjunction with its recommendation on *Recognition of Tribal and Foreign Court Money Judgments* are reproduced below. The revised Comments that supersede the Comments set out below, as well as the added

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1. See CLRC Staff Memorandum 2017-22, pp. 3-5 and attachment; Minutes of June 8, 2017, Commission Meeting.

2. For the originally approved Comments, see CLRC Staff Memorandum 2016-44; Minutes of September 22, 2016, Commission Meeting.

Comment to Code of Civil Procedure Section 1737, can be found in the Commission's published recommendation at 44 Cal. L. Revision Comm'n Reports 611 (2016), on pages 653, 669, and 672.

## SUPERSEDED COMMENTS

### **Code Civ. Proc. § 1716 (amended). Standards for recognition [UFCMJRA § 4]**

**Comment.** Section 1716 is similar to Section 4 of the Uniform Foreign-Country Money Judgments Recognition Act (2005) ("2005 Uniform Act").

Paragraphs (b)(1) and (c)(8) state exceptions to recognition of a foreign-country judgment related to the due process offered in the foreign proceeding. Under both paragraphs (b)(1) and (c)(8), the focus of the inquiry "is not whether the procedure in the rendering country is similar to U.S. procedure, but rather on the basic fairness of the foreign-country procedure." See Background from the 2005 Uniform Act *infra*. Unlike the Tribal Court Civil Money Judgment Act, this Act does not attempt to define "due process." *Compare* Code Civ. Proc. § 1732(c) with Code Civ. Proc. § 1714.

Paragraph (b)(2) provides that a foreign-country judgment shall not be recognized if the foreign court did not have personal jurisdiction over the defendant. Section 1717 makes clear that a foreign court lacks personal jurisdiction if either of the following applies:

- (1) The foreign court lacks a basis for exercising personal jurisdiction that would be sufficient according to the standards governing personal jurisdiction in this state.
- (2) The foreign court lacks personal jurisdiction under its own law.

Subdivision (c) lists grounds on which the court may decline to recognize a foreign-country judgment. With the exception of paragraphs (c)(3) and (c)(4), these grounds generally involve the fairness of the foreign proceeding. When the fairness-related grounds apply, the court has discretion to recognize the foreign-country judgment in the unusual case where countervailing considerations outweigh the seriousness of the defect underlying the applicable ground for nonrecognition. Such countervailing considerations could include, for instance, situations in which the opponent failed to raise an objection in the foreign court or the opponent's own misconduct was the primary cause of the harm suffered.

Paragraph (c)(1) provides that a court may decline to recognize a foreign-country judgment if the defendant did not receive notice of the foreign proceeding in sufficient time to enable the defendant to defend. Under this paragraph, a defect in either the timing or the content of the notice could be grounds for nonrecognition if that defect precluded the defendant from defending in the foreign court proceeding.

Paragraph (c)(2) provides that a court may decline to recognize a foreign-country judgment if fraud deprived the losing party of an adequate opportunity to present its case. The Uniform Law Commission's commentary on this provision indicates that the type of fraud that can serve as grounds for nonrecognition is limited to "extrinsic fraud — conduct of the prevailing party that deprived the losing party of an adequate opportunity to present its case." See Background from the 2005 Uniform Act *infra*. The reference to "extrinsic fraud" suggests that the test established by the exception is categorical, permitting nonrecognition in cases of extrinsic, but not intrinsic, fraud. However, the language of the exception establishes a functional test, whether the fraud deprived the party of an adequate opportunity to present its case. Recent judgment recognition case law evaluates fraud by assessing "whether the injured party had any opportunity to address the alleged misconduct during the original proceeding." See Restatement of the Law Fourth: The Foreign Relations Law of the United States: Jurisdiction § 404 Reporters' Note 3 (Tentative Draft No. 1, April 1, 2014). This case law suggests that a key consideration for a court deciding whether alleged fraud could be a ground for nonrecognition is whether there was "a reasonable opportunity for the person victimized by fraud to uncover the misconduct and bring it to the [rendering] court's attention." *Id.*

Paragraph (c)(4) provides that a court may decline to recognize a foreign-country judgment if it conflicts with another final and conclusive judgment. Some commentators suggest that, where the foreign court rendering the later judgment fairly considered the earlier judgment and declined to recognize it under standards similar to those set forth in this Uniform Act, a court should ordinarily recognize the later foreign-country judgment. However, in some situations, other law may require the recognition of one of the conflicting judgments (e.g., where one of the conflicting judgments is entitled to full faith and credit). See *id.* § 404 Comment f, Reporters' Note 6.

Former paragraph (c)(9) is not continued. Federal law includes specific standards governing the recognition of foreign-country defamation judgments. See subdivision (e) (referring to the federal SPEECH Act standards for recognition of defamation judgments).

Subdivision (e) is added to make clear that judgments that are not eligible for recognition under the federal SPEECH Act (codified at 28 U.S.C. §§ 4101-4105) shall not be recognized under this chapter.

The commentary for Section 4 of the 2005 Uniform Act is set out, in relevant part, below. The Law Revision Commission's recommendation (*Recognition of Tribal and Foreign Court Money Judgments*, 44 Cal. L. Revision Comm'n Reports 611 (2016)) does not reproduce all parts of the Uniform Law Commission's commentary. The omission of any part of the Uniform Law Commission commentary does not necessarily imply disapproval of the omitted commentary.

### **Background from the 2005 Uniform Act**

Source: This section is based on Section 4 of the 1962 [Uniform Foreign Money Judgments Recognition] Act [hereafter, "1962 Act"].

1. This Section provides the standards for recognition of a foreign-country money judgment. Section [1719] sets out the effect of recognition of a foreign-country money judgment under this Act.

2. Recognition of a judgment means that the forum court accepts the determination of legal rights and obligations made by the rendering court in the foreign country. *See, e.g.* Restatement (Second) of Conflicts of Laws, Ch. 5, Topic 3, Introductory Note (recognition of foreign judgment occurs to the extent the forum court gives the judgment "the same effect with respect to the parties, the subject matter of the action and the issues involved that it has in the state where it was rendered.") Recognition of a foreign-country judgment must be distinguished from enforcement of that judgment. Enforcement of the foreign-country judgment involves the application of the legal procedures of the state to ensure that the judgment debtor obeys the foreign-country judgment. Recognition of a foreign-country money judgment often is associated with enforcement of the judgment, as the judgment creditor usually seeks recognition of the foreign-country judgment primarily for the purpose of invoking the enforcement procedures of the forum state to assist the judgment creditor's collection of the judgment from the judgment debtor. Because the forum court cannot enforce the foreign-country judgment until it has determined that the judgment will be given effect, recognition is a prerequisite to enforcement of the foreign-country judgment. Recognition, however, also has significance outside the enforcement context because a foreign-country judgment also must be recognized before it can be given preclusive effect under *res judicata* and collateral estoppel principles. The issue of whether a foreign-country judgment will be recognized is distinct from both the issue of whether the judgment will be enforced, and the issue of the extent to which it will be given preclusive effect.

3. [Subdivision (a) of Section 1716] places an affirmative duty on the forum court to recognize a foreign-country money judgment unless one of the grounds for nonrecognition stated in [subdivision (b), (c), or (e)] applies. [Subdivision] (b) states three mandatory grounds for denying recognition to a foreign-country money judgment. If the forum court finds that one of the grounds listed in [subdivision] (b) exists, then it must deny recognition to the foreign-country money judgment. [Subdivision] (c) states eight nonmandatory grounds for denying recognition. The forum court has discretion to decide whether or not to refuse recognition based on one of these grounds. [Subdivision] (d) places the burden of proof on the party resisting recognition of the foreign-country judgment to establish that one of the grounds for nonrecognition [stated in subdivision (b) or (c)] exists.

4. The mandatory grounds for nonrecognition stated in [subdivision (b) of Section 1716] are identical to the mandatory grounds stated in Section 4 of the 1962 Act. The discretionary grounds stated in [paragraphs] (c)(1) through (6) are based on subsection 4(b)(1) through (6) of the 1962 Act. The discretionary grounds stated in [paragraphs] (c)(7) and (8) are new [to the 2005 Uniform Act].

5. Under [paragraph (b)(1) of Section 1716], the forum court must deny recognition to the foreign-country money judgment if that judgment was “rendered under a judicial system that does not provide impartial tribunals or procedures compatible with the requirements of due process of law.” The standard for this ground for nonrecognition “has been stated authoritatively by the Supreme Court of the United States in *Hilton v. Guyot*, 159 U.S.113, 205 (1895). As indicated in that decision, a mere difference in the procedural system is not a sufficient basis for nonrecognition. A case of serious injustice must be involved.” Cmt §4, Uniform Foreign Money-Judgment Recognition Act (1962). The focus of inquiry is not whether the procedure in the rendering country is similar to U.S. procedure, but rather on the basic fairness of the foreign-country procedure. *Kam-Tech Systems, Ltd. v. Yardeni*, 74 A.2d 644, 649 (N.J. App. 2001) (interpreting the comparable provision in the 1962 Act); *accord*, *Society of Lloyd’s v. Ashenden*, 233 F.3d 473 (7th Cir. 2000) (procedures need not meet all the intricacies of the complex concept of due process that has emerged from U.S. case law, but rather must be fair in the broader international sense) (interpreting comparable provision in the 1962 Act). Procedural differences, such as absence of jury trial or different evidentiary rules are not sufficient to justify denying recognition under [paragraph] (b)(1), so long as the essential elements of impartial administration and basic procedural fairness have been

provided in the foreign proceeding. As the U.S. Supreme Court stated in *Hilton*:

Where there has been opportunity for a full and fair trial abroad before a court of competent jurisdiction conducting the trial upon regular proceedings, after due citation or voluntary appearance of the defendant, and under a system of jurisprudence likely to secure an impartial administration of justice between the citizens of its own country and those of other countries, and there is nothing to show either prejudice in the court, or in the system of laws under which it was sitting, or fraud in procuring the judgment, or any other special reason why the comity of this nation should not allow it full effect then a foreign-country judgment should be recognized. *Hilton*, 159 U.S. at 202.

6. [Omitted]

7. [Paragraph (c)(2) of Section 1716] limits the type of fraud that will serve as a ground for denying recognition to extrinsic fraud. This provision is consistent with the interpretation of the comparable provision in subsection 4(b)(2) of the 1962 Act by the courts, which have found that only extrinsic fraud — conduct of the prevailing party that deprived the losing party of an adequate opportunity to present its case — is sufficient under the 1962 Act. Examples of extrinsic fraud would be when the plaintiff deliberately had the initiating process served on the defendant at the wrong address, deliberately gave the defendant wrong information as to the time and place of the hearing, or obtained a default judgment against the defendant based on a forged confession of judgment. When this type of fraudulent action by the plaintiff deprives the defendant of an adequate opportunity to present its case, then it provides grounds for denying recognition of the foreign-country judgment. Extrinsic fraud should be distinguished from intrinsic fraud, such as false testimony of a witness or admission of a forged document into evidence during the foreign proceeding. Intrinsic fraud does not provide a basis for denying recognition under [paragraph] (c)(2), as the assertion that intrinsic fraud has occurred should be raised and dealt with in the rendering court.

8. The public policy exception in [paragraph (c)(3) of Section 1716] is based on the public policy exception in subsection 4(b)(3) of the 1962 Act, with one difference. The public policy exception in the 1962 Act states that the relevant inquiry is whether “the [cause of action] [claim for relief] on which the judgment is based” is repugnant to public policy. Based on this “cause of action” language, some courts interpreting the 1962 Act have refused to find that a public policy challenge based on

something other than repugnancy of the foreign cause of action comes within this exception. *E.g.*, *Southwest Livestock & Trucking Co., Inc. v. Ramon*, 169 F.3d 317 (5th Cir. 1999) (refusing to deny recognition to Mexican judgment on promissory note with interest rate of 48% because cause of action to collect on promissory note does not violate public policy); *Guinness PLC v. Ward*, 955 F.2d 875 (4th Cir. 1992) (challenge to recognition based on post-judgment settlement could not be asserted under public policy exception); *The Society of Lloyd's v. Turner*, 303 F.3d 325 (5th Cir. 2002) (rejecting argument legal standards applied to establish elements of breach of contract violated public policy because cause of action for breach of contract itself is not contrary to state public policy); *cf.* *Bachchan v. India Abroad Publications, Inc.*, 585 N.Y.S.2d 661 (N.Y. Sup. Ct. 1992) (judgment creditor argued British libel judgment should be recognized despite argument it violated First Amendment because New York recognizes a cause of action for libel). [Paragraph] (c)(3) rejects this narrow focus by providing that the forum court may deny recognition if either the cause of action or the judgment itself violates public policy. *Cf.* Restatement (Third) of the Foreign Relations Law of the United States, § 482(2)(d) (1986) (containing a similarly-worded public policy exception to recognition).

Although [paragraph] (c)(3) of this Act rejects the narrow focus on the cause of action under the 1962 Act, it retains the stringent test for finding a public policy violation applied by courts interpreting the 1962 Act. Under that test, a difference in law, even a marked one, is not sufficient to raise a public policy issue. Nor is it relevant that the foreign law allows a recovery that the forum state would not allow. Public policy is violated only if recognition or enforcement of the foreign-country judgment would tend clearly to injure the public health, the public morals, or the public confidence in the administration of law, or would undermine “that sense of security for individual rights, whether of personal liberty or of private property, which any citizen ought to feel.” *Hunt v. BP Exploration Co. (Libya) Ltd.*, 492 F. Supp. 885, 901 (N.D. Tex. 1980).

The language “or of the United States” in [paragraph] (c)(3), which does not appear in the 1962 Act provision, makes it clear that the relevant public policy is that of both the State in which recognition is sought and that of the United States. This is the position taken by the vast majority of cases interpreting the 1962 public policy provision. *E.g.*, *Bachchan v. India Abroad Publications, Inc.*, 585 N.Y.S.2d 661 (Sup.Ct. N.Y. 1992) (British libel judgment denied recognition because it violates First Amendment).

9. [Paragraph (c)(5) of Section 1716] allows the forum court to refuse recognition of a foreign-country judgment when the parties had a valid agreement, such as a valid forum selection clause or agreement to arbitrate, providing that the relevant dispute would be resolved in a forum other than the forum issuing the foreign-country judgment. Under this provision, the forum court must find both the existence of a valid agreement and that the agreement covered the subject matter involved in the foreign litigation resulting in the foreign-country judgment.

10. [Paragraph (c)(6) of Section 1716] authorizes the forum court to refuse recognition of a foreign-country judgment that was rendered in the foreign country solely on the basis of personal service when the forum court believes the original action should have been dismissed by the court in the foreign country on grounds of *forum non conveniens*.

11. [Paragraph (c)(7) of Section 1716] is new. Under this [paragraph], the forum court may deny recognition to a foreign-country judgment if there are circumstances that raise substantial doubt about the integrity of the rendering court with respect to that judgment. It requires a showing of corruption in the particular case that had an impact on the judgment that was rendered. This provision may be contrasted with [paragraph] (b)(1), which requires that the forum court refuse recognition to the foreign-country judgment if it was rendered under a judicial system that does not provide impartial tribunals. Like the comparable provision in subsection 4(a)(1) of the 1962 Act, [paragraph] (b)(1) focuses on the judicial system of the foreign country as a whole, rather than on whether the particular judicial proceeding leading to the foreign-country judgment was impartial and fair. *See, e.g.,* The Society of Lloyd's v. Turner, 303 F.3d 325, 330 (5th Cir. 2002) (interpreting the 1962 Act); CIBC Mellon Trust Co. v. Mora Hotel Corp., N.V., 743 N.Y.S.2d 408, 415 (N.Y. App. 2002) (interpreting the 1962 Act); Society of Lloyd's v. Ashenden, 233 F.3d 473, 477 (7th Cir. 2000) (interpreting the 1962 Act). On the other hand, [paragraph] (c)(7) allows the court to deny recognition to the foreign-country judgment if it finds a lack of impartiality and fairness of the tribunal in the individual proceeding leading to the foreign-country judgment. Thus, the difference is that between showing, for example, that corruption and bribery is so prevalent throughout the judicial system of the foreign country as to make that entire judicial system one that does not provide impartial tribunals versus showing that bribery of the judge in the proceeding that resulted in the particular foreign-country judgment under consideration had a sufficient impact on the ultimate judgment as to call it into question.

12. [Paragraph (c)(8) of Section 1716] also is new. It allows the forum court to deny recognition to the foreign-country judgment if the court



finds that the specific proceeding in the foreign court was not compatible with the requirements of fundamental fairness. Like [paragraph] (c)(7), it can be contrasted with [paragraph] (b)(1), which requires the forum court to deny recognition to the foreign-country judgment if the forum court finds that the entire judicial system in the foreign country where the foreign-country judgment was rendered does not provide procedures compatible with the requirements of fundamental fairness. While the focus of [paragraph] (b)(1) is on the foreign country's judicial system as a whole, the focus of [paragraph] (c)(8) is on the particular proceeding that resulted in the specific foreign-country judgment under consideration. Thus, the difference is that between showing, for example, that there has been such a breakdown of law and order in the particular foreign country that judgments are rendered on the basis of political decisions rather than the rule of law throughout the judicial system versus a showing that for political reasons the particular party against whom the foreign-country judgment was entered was denied fundamental fairness in the particular proceedings leading to the foreign-country judgment.

[Paragraphs (c)(7) and (8) of Section 1716] both are discretionary grounds for denying recognition, while [paragraph] (b)(1) is mandatory. Obviously, if the entire judicial system in the foreign country fails to satisfy the requirements of impartiality and fundamental fairness, a judgment rendered in that foreign country would be so compromised that the forum court should refuse to recognize it as a matter of course. On the other hand, if the problem is evidence of a lack of integrity or fundamental fairness with regard to the particular proceeding leading to the foreign-country judgment, then there may or may not be other factors in the particular case that would cause the forum court to decide to recognize the foreign-country judgment. For example, a forum court might decide not to exercise its discretion to deny recognition despite evidence of corruption or procedural unfairness in a particular case because the party resisting recognition failed to raise the issue on appeal from the foreign-country judgment in the foreign country, and the evidence establishes that, if the party had done so, appeal would have been an adequate mechanism for correcting the transgressions of the lower court.

13. Under [subdivision (d) of Section 1716], the party opposing recognition of the foreign-country judgment has the burden of establishing that one of the grounds for nonrecognition set out in [subdivision] (b) or (c) applies. The 1962 Act was silent as to who had the burden of proof to establish a ground for nonrecognition and courts

applying the 1962 Act took different positions on the issue. *Compare* *Bridgeway Corp. v. Citibank*, 45 F.Supp. 2d 276, 285 (S.D.N.Y. 1999) (plaintiff has burden to show no mandatory basis under 4(a) for nonrecognition exists; defendant has burden regarding discretionary bases) *with* *The Courage Co. LLC v. The ChemShare Corp.*, 93 S.W.3d 323, 331 (Tex. App. 2002) (party seeking to avoid recognition has burden to prove ground for nonrecognition). Because the grounds for nonrecognition in Section [1716] are in the nature of defenses to recognition, the burden of proof is most appropriately allocated to the party opposing recognition of the foreign-country judgment.

[Adapted from the Uniform Law Commission’s Comment to the 2005 Uniform Act § 4.]

### **Heading of Chapter 3 (commencing with Section 1730) (added).**

**Comment.** The heading of Chapter 3 (commencing with Section 1730) is added to locate the Tribal Court Civil Money Judgment Act within Title 11.

The standards of recognition for tribal court civil money judgments set forth in Section 1737 of this Act are derived from Section 4 of the Uniform Foreign-Country Money Judgments Recognition Act (2005) (hereafter, “2005 Uniform Act”). See also Section 1716.

Paragraph (b)(1) of Section 1737 provides that a tribal court money judgment shall not be recognized if the tribal court did not have personal jurisdiction over the respondent. Under this paragraph, a tribal court can lack personal jurisdiction if either of the following applies:

- (1) The tribal court lacks a basis for exercising personal jurisdiction that would be sufficient according to the standards governing personal jurisdiction in this state.
- (2) The tribal court lacks personal jurisdiction under its own law.

The need to evaluate personal jurisdiction under the tribal court’s own law should be rare. In most cases, objections to personal jurisdiction will have been litigated or waived in the tribal court proceeding. “There is authority ... for the proposition that a U.S. court generally will not look behind a foreign court’s finding of personal jurisdiction under its own law.” See Restatement of the Law Fourth: The Foreign Relations Law of the United States: Jurisdiction § 403 Reporters’ Note 7 (Tentative Draft No. 1, April 1, 2014). Generally, the mere fact that a judgment was rendered by a tribal court suggests that personal jurisdiction was proper under tribal law. However, a California court may need to evaluate personal jurisdiction under tribal law when the issue of personal jurisdiction was neither litigated nor waived in the tribal court

proceeding (e.g., the defendant never appeared and a default judgment was entered).

Where a defect in the service of process would defeat personal jurisdiction under tribal law, a court may find that the tribal court lacked personal jurisdiction under tribal law on the basis of that service defect. However, where the service defect is not jurisdictional, the service defect could still lead to nonrecognition under other provisions. E.g., Section 1737(c)(1).

Subdivision (c) of Section 1737 lists grounds on which the court may decline to recognize a tribal court money judgment. With the exception of paragraphs (c)(3) and (c)(4) of Section 1737, these grounds generally involve the fairness of the tribal court proceeding. When the fairness-related grounds apply, the court has discretion to recognize the tribal court judgment in the unusual case where countervailing considerations outweigh the seriousness of the defect underlying the applicable ground for nonrecognition. Such countervailing considerations could include, for instance, situations in which the opponent failed to raise an objection in the tribal court or the opponent's own misconduct was the primary cause of the harm suffered.

Section 1737(c)(1) provides that a court may decline to recognize a tribal court money judgment if the defendant did not receive notice of the tribal court proceeding in sufficient time to enable the defendant to defend. Under this paragraph, a defect in either the timing or the content of the notice could be grounds for nonrecognition if that defect precluded the defendant from defending in the tribal court proceeding.

Section 1737(c)(2) provides that a court may decline to recognize a tribal court money judgment if fraud deprived the losing party of an adequate opportunity to present its case. The Uniform Law Commission's commentary on this provision indicates that the type of fraud that can serve as grounds for nonrecognition is limited to "extrinsic fraud — conduct of the prevailing party that deprived the losing party of an adequate opportunity to present its case." See Background from the 2005 Uniform Act *infra*. The reference to "extrinsic fraud" suggests that the test established by the exception is categorical, permitting nonrecognition in cases of extrinsic, but not intrinsic, fraud. However, the language of the exception establishes a functional test, whether the fraud deprived the party of an adequate opportunity to present its case. Recent judgment recognition case law evaluates fraud by assessing "whether the injured party had any opportunity to address the alleged misconduct during the original proceeding." See Restatement of the Law Fourth: The Foreign Relations Law of the United States: Jurisdiction §

404 Reporters' Note 3 (Tentative Draft No. 1, April 1, 2014). This case law suggests that a key consideration for a court deciding whether alleged fraud could be a ground for nonrecognition is whether there was "a reasonable opportunity for the person victimized by fraud to uncover the misconduct and bring it to the [rendering] court's attention." *Id.*

Section 1737(c)(4) provides that a court may decline to recognize a tribal court money judgment if it conflicts with another final and conclusive judgment. Some commentators suggest that, where the tribal court rendering the later judgment fairly considered the earlier judgment and declined to recognize it under standards similar to those set forth in this Act, a court should ordinarily recognize the later tribal court money judgment. However, in some situations, other law may require the recognition of one of the conflicting judgments (e.g., where one of the conflicting judgments is entitled to full faith and credit). See *id.* § 404 Comment f, Reporters' Note 6.

The commentary for Section 4 of the 2005 Uniform Act is set out, in relevant part, below. The Law Revision Commission's recommendation (*Recognition of Tribal and Foreign Court Money Judgments*, 44 Cal. L. Revision Comm'n Reports 611 (2016)) does not reproduce all parts of the Uniform Law Commission's commentary. The omission of any part of the Uniform Law Commission commentary does not necessarily imply disapproval of the omitted commentary.

### **Background from the 2005 Uniform Act**

Source: [Section 1737] is based on Section 4 of the 1962 [Uniform Foreign Money Judgments Recognition] Act [hereafter, "1962 Act"].

1. [Section 1737] provides the standards for recognition of a [tribal court] money judgment. ...

2. [Omitted]

3. ... [Subdivision (b) of Section 1737] states three mandatory grounds for denying recognition to a [tribal court] money judgment. If the forum court finds that one of the grounds listed in [subdivision (b) of Section 1737] exists, then it must deny recognition to the [tribal court] money judgment. [Subdivision (c) of Section 1737] states [nine] nonmandatory grounds for denying recognition. The forum court has discretion to decide whether or not to refuse recognition based on one of these grounds. [Subdivision (d) of Section 1737] places the burden of proof on the party resisting recognition of the [tribal court] judgment to establish that one of the grounds for nonrecognition exists.

4. [Omitted]

5. Under [paragraph (b)(3) of Section 1737], the forum court must deny recognition to the [tribal court] money judgment if that judgment was "rendered under a judicial system that does not provide impartial

tribunals or procedures compatible with the requirements of due process of law.” The standard for this ground for nonrecognition “has been stated authoritatively by the Supreme Court of the United States in *Hilton v. Guyot*, 159 U.S.113, 205 (1895). As indicated in that decision, a mere difference in the procedural system is not a sufficient basis for nonrecognition. A case of serious injustice must be involved.” Cmt §4, Uniform Foreign Money-Judgment Recognition Act (1962). The focus of inquiry is not whether the procedure ... is similar to U.S. procedure, but rather on the basic fairness of the [tribal court] procedure. *Kam-Tech Systems, Ltd. v. Yardeni*, 74 A.2d 644, 649 (N.J. App. 2001) (interpreting the comparable provision in the 1962 Act); *accord*, *Society of Lloyd’s v. Ashenden*, 233 F.3d 473 (7th Cir. 2000) (procedures need not meet all the intricacies of the complex concept of due process that has emerged from U.S. case law, but rather must be fair in the broader international sense) (interpreting comparable provision in the 1962 Act). Procedural differences, such as absence of jury trial or different evidentiary rules are not sufficient to justify denying recognition under [paragraph (b)(3) of Section 1737], so long as the essential elements of impartial administration and basic procedural fairness have been provided in the [tribal court] proceeding. As the U.S. Supreme Court stated in *Hilton*:

Where there has been opportunity for a full and fair trial abroad before a court of competent jurisdiction conducting the trial upon regular proceedings, after due citation or voluntary appearance of the defendant, and under a system of jurisprudence likely to secure an impartial administration of justice between the citizens of its own country and those of other countries, and there is nothing to show either prejudice in the court, or in the system of laws under which it was sitting, or fraud in procuring the judgment, or any other special reason why the comity of this nation should not allow it full effect then a foreign-country judgment should be recognized. *Hilton*, 159 U.S. at 202.

6. [Omitted]

7. [Paragraph (c)(2) of Section 1737] limits the type of fraud that will serve as a ground for denying recognition to extrinsic fraud. This provision is consistent with the interpretation of the comparable provision in subsection 4(b)(2) of the 1962 Act by the courts, which have found that only extrinsic fraud — conduct of the prevailing party that deprived the losing party of an adequate opportunity to present its case

— is sufficient under the 1962 Act. Examples of extrinsic fraud would be when the plaintiff deliberately had the initiating process served on the defendant at the wrong address, deliberately gave the defendant wrong information as to the time and place of the hearing, or obtained a default judgment against the defendant based on a forged confession of judgment. When this type of fraudulent action by the plaintiff deprives the defendant of an adequate opportunity to present its case, then it provides grounds for denying recognition of the [tribal court] judgment. Extrinsic fraud should be distinguished from intrinsic fraud, such as false testimony of a witness or admission of a forged document into evidence during the [tribal court] proceeding. Intrinsic fraud does not provide a basis for denying recognition under [paragraph (c)(2) of Section 1737], as the assertion that intrinsic fraud has occurred should be raised and dealt with in the rendering court.

8. The public policy exception in [paragraph (c)(3) of Section 1737] is based on the public policy exception in subsection 4(b)(3) of the 1962 Act, with one difference. The public policy exception in the 1962 Act states that the relevant inquiry is whether “the [cause of action] [claim for relief] on which the judgment is based” is repugnant to public policy. Based on this “cause of action” language, some courts interpreting the 1962 Act have refused to find that a public policy challenge based on something other than repugnancy of the ... cause of action comes within this exception. *E.g.*, *Southwest Livestock & Trucking Co., Inc. v. Ramon*, 169 F.3d 317 (5th Cir. 1999) (refusing to deny recognition to Mexican judgment on promissory note with interest rate of 48% because cause of action to collect on promissory note does not violate public policy); *Guinness PLC v. Ward*, 955 F.2d 875 (4th Cir. 1992) (challenge to recognition based on post-judgment settlement could not be asserted under public policy exception); *The Society of Lloyd’s v. Turner*, 303 F.3d 325 (5th Cir. 2002) (rejecting argument legal standards applied to establish elements of breach of contract violated public policy because cause of action for breach of contract itself is not contrary to state public policy); *cf.* *Bachchan v. India Abroad Publications, Inc.*, 585 N.Y.S.2d 661 (N.Y. Sup. Ct. 1992) (judgment creditor argued British libel judgment should be recognized despite argument it violated First Amendment because New York recognizes a cause of action for libel). [Paragraph (c)(3) of Section 1737] rejects this narrow focus by providing that the forum court may deny recognition if either the cause of action or the judgment itself violates public policy. *Cf.* Restatement (Third) of the Foreign Relations Law of the United States, § 482(2)(d) (1986) (containing a similarly-worded public policy exception to recognition).

Although [paragraph (c)(3) of Section 1737] of this Act rejects the narrow focus on the cause of action under the 1962 Act, it retains the

stringent test for finding a public policy violation applied by courts interpreting the 1962 Act. Under that test, a difference in law, even a marked one, is not sufficient to raise a public policy issue. Nor is it relevant that the [tribe's] law allows a recovery that the forum state would not allow. Public policy is violated only if recognition or enforcement of the [tribal court] judgment would tend clearly to injure the public health, the public morals, or the public confidence in the administration of law, or would undermine "that sense of security for individual rights, whether of personal liberty or of private property, which any citizen ought to feel." *Hunt v. BP Exploration Co. (Libya) Ltd.*, 492 F. Supp. 885, 901 (N.D. Tex. 1980).

The language "or of the United States" in [paragraph (c)(3) of Section 1737], which does not appear in the 1962 Act provision, makes it clear that the relevant public policy is that of both the State in which recognition is sought and that of the United States. This is the position taken by the vast majority of cases interpreting the 1962 public policy provision. *E.g.*, *Bachchan v. India Abroad Publications, Inc.*, 585 N.Y.S.2d 661 (Sup.Ct. N.Y. 1992) (British libel judgment denied recognition because it violates First Amendment).

9. [Paragraph (c)(5) of Section 1737] allows the forum court to refuse recognition of a [tribal court] judgment when the parties had a valid agreement, such as a valid forum selection clause or agreement to arbitrate, providing that the relevant dispute would be resolved in a forum other than the [tribal court] issuing the ... judgment. Under this provision, the forum court must find both the existence of a valid agreement and that the agreement covered the subject matter involved in the ... litigation resulting in the [tribal court] judgment.

10. [Paragraph (c)(6) of Section 1737] authorizes the forum court to refuse recognition of a [tribal court] judgment that was rendered ... solely on the basis of personal service when the forum court believes the original action should have been dismissed by the [tribal] court ... on grounds of *forum non conveniens*.

11. ... Under [paragraph (c)(7) of Section 1737], the forum court may deny recognition to a [tribal court] judgment if there are circumstances that raise substantial doubt about the integrity of the rendering court with respect to that judgment. It requires a showing of corruption in the particular case that had an impact on the judgment that was rendered. This provision may be contrasted with [paragraph (b)(3) of Section 1737], which requires that the forum court refuse recognition to the [tribal court] judgment if it was rendered under a judicial system that does not provide impartial tribunals. Like the comparable provision in

subsection 4(a)(1) of the 1962 Act, [paragraph (b)(3) of Section 1737] focuses on the [tribe's] judicial system ... as a whole, rather than on whether the particular judicial proceeding leading to the [tribal court] judgment was impartial and fair. *See, e.g.,* The Society of Lloyd's v. Turner, 303 F.3d 325, 330 (5th Cir. 2002) (interpreting the 1962 Act); CIBC Mellon Trust Co. v. Mora Hotel Corp., N.V., 743 N.Y.S.2d 408, 415 (N.Y. App. 2002) (interpreting the 1962 Act); Society of Lloyd's v. Ashenden, 233 F.3d 473, 477 (7th Cir. 2000) (interpreting the 1962 Act). On the other hand, [paragraph (c)(7) of Section 1737] allows the court to deny recognition to the [tribal court] judgment if it finds a lack of impartiality and fairness of the tribunal in the individual proceeding leading to the [tribal court] judgment. Thus, the difference is that between showing, for example, that corruption and bribery is so prevalent throughout the [tribe's] judicial system ... as to make that entire judicial system one that does not provide impartial tribunals versus showing that bribery of the judge in the proceeding that resulted in the particular [tribal court] judgment under consideration had a sufficient impact on the ultimate judgment as to call it into question.

12. [Paragraph (c)(8) of Section 1737] ... allows the forum court to deny recognition to the [tribal court] judgment if the court finds that the specific proceeding in the [tribal] court was not compatible with the requirements of fundamental fairness. Like [paragraph (c)(7) of Section 1737], it can be contrasted with [paragraph (b)(3) of Section 1737], which requires the forum court to deny recognition to the [tribal court] judgment if the forum court finds that the entire judicial system ... where the [tribal court] judgment was rendered does not provide procedures compatible with the requirements of fundamental fairness. While the focus of [paragraph (b)(3) of Section 1737] is on the [tribal] judicial system as a whole, the focus of [paragraph (c)(8) of Section 1737] is on the particular proceeding that resulted in the specific [tribal court] judgment under consideration. Thus, the difference is that between showing, for example, that there has been such a breakdown of law and order in the particular [tribe] that judgments are rendered on the basis of political decisions rather than the rule of law throughout the judicial system versus a showing that for political reasons the particular party against whom the [tribal court] judgment was entered was denied fundamental fairness in the particular proceedings leading to the [tribal court] judgment.

[Paragraphs (c)(7) and (8) of Section 1737] both are discretionary grounds for denying recognition, while [paragraph (b)(3) of Section 1737] is mandatory. Obviously, if the [tribe's] entire judicial system ... fails to satisfy the requirements of impartiality and fundamental fairness, a judgment rendered in that [judicial system] would be so compromised



that the forum court should refuse to recognize it as a matter of course. On the other hand, if the problem is evidence of a lack of integrity or fundamental fairness with regard to the particular proceeding leading to the [tribal court] judgment, then there may or may not be other factors in the particular case that would cause the forum court to decide to recognize the [tribal court] judgment. For example, a forum court might decide not to exercise its discretion to deny recognition despite evidence of corruption or procedural unfairness in a particular case because the party resisting recognition failed to raise the issue on appeal from the [tribal court] judgment ..., and the evidence establishes that, if the party had done so, appeal would have been an adequate mechanism for correcting the transgressions of the lower court.

13. [Omitted]

[Adapted from the Uniform Law Commission's Comment to the 2005 Uniform Act § 4.]

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## APPENDIX 5

### BIOGRAPHIES OF 2017 COMMISSIONERS

Tom Hallinan, of Ceres, serves as the Chairperson of the Commission, and has been a partner with Churchwell White LLP since 2012. He was previously a partner with Bush, Ackley, Milich and Hallinan from 1994 to 2012, a law clerk at the United States Attorney's Office from 1991 to 1993, and a law clerk at the Judicial Council of California from 1990 to 1992. He has also served on the 38th District Agricultural Association, Stanislaus County Fair Board of Directors. Commissioner Hallinan received a Juris Doctor degree from Lincoln Law School.

Jane McAllister, of Hilmar, serves as the Vice-Chairperson of the Commission, and has been a partner with McAllister and McAllister, Inc. since 1996. She was previously an associate attorney with Damrell, Nelson, Schrimp, Pallios, Pacher and Silva from 1988 to 1996. Commissioner McAllister received a Juris Doctor degree from Humphreys College School of Law.

Diane Boyer-Vine, of Sacramento, has been Legislative Counsel for the State of California since 2002. She was previously a deputy and thereafter a chief deputy in the Legislative Counsel's office from 1988 to 2002, and before that an associate with the law firm of Martorana and Stockman. She also serves as a member of the California Commission on Uniform State Laws. Commissioner Boyer-Vine received a Juris Doctor degree from the University of California, Davis School of Law.

Assembly Member Ed Chau, of Monterey Park, has been a member of the Assembly since 2012. He previously was a general law practitioner in the Law Office of Edwin Chau, a small business owner for over 20 years, an engineer for IBM, and a programmer for Unisys Corporation. He has also previously served as a board member of the Montebello Unified School District, where he acted as Board President three times, and has served as Judge Pro Tem for the Los Angeles Superior Court. Commissioner Chau received a Juris Doctor degree from Southwestern University.

Victor King, of La Crescenta, has been university legal counsel for California State University, Los Angeles since 2002. He was previously a partner with the law firm of Lewis Brisbois Bisgaard and Smith LLP from 2001 to 2002, an associate with the law firm of Lewis Brisbois Bisgaard and Smith LLP from 1999 to 2001, an associate with the law firm of Bottum and Feliton from 1996 to 1999, and an associate with the law firm of Ochoa and Sillas from 1991 to 1995. He was also a trustee of the Glendale Community College District from 1997 to 2009. Commissioner King received a Juris Doctor degree from the University of Michigan Law School.

Susan Duncan Lee, of San Francisco, has been a deputy attorney general and thereafter a supervising deputy attorney general with the California Department of Justice since 1989. Commissioner Lee received a Juris Doctor degree from the University of California, Hastings College of the Law.

Crystal Miller-O'Brien, of Los Angeles, has been general counsel for Medical Management Consultants, Inc. since 2006. She was previously an associate with the law firm of Anderson McPharlin and Connors LLP from 2005 to 2006, an associate with the law firm of Robie and Matthai PC from 2003 to 2004, an associate with the law firm of Bullivant Houser Bailey PC from 2002 to 2003, and a judicial clerk to the Washington State Supreme Court from 2001 to 2002. She also served on the board of directors of the Conference of California Bar Associations from 2009 to 2012, and is a member of Corporate Counsel Women of Color, the Black Women Lawyers Association of Los Angeles, and the National Association of Women Business Owners. Commissioner Miller-O'Brien received a Juris Doctor degree and a Joint Certificate in Alternative Dispute Resolution from Willamette University College of Law.

Senator Richard Roth, of Riverside, has been a member of the Senate since 2012. He previously was a managing partner in the law firm of Roth Carney APC, engaged in the practice of labor and employment law with other Riverside-based firms for over 30 years, an attorney with the National Labor Relations Board, an

adjunct instructor at the University of California at Riverside's Anderson School of Management and in the University's extension division, a Legal Advisor to the Airlift/Tanker Association, and a Lawyer Representative to the Ninth Circuit Court of Appeals Judicial Conference. He has also served in the United States Air Force, and was a member of the JAG Corps, including service in the Pentagon as Mobilization Assistant to the Judge Advocate General of the U.S. Air Force, retiring with the rank of major general. He has also previously served as Chairman of the Board for the Greater Riverside Chambers of Commerce, president of the Monday Morning Group vice-chairperson of the Parkview Community Hospital Board, and trustee of the March Field Museum. He is a member of the Raincross Club, the Riverside Community Hospital Advisory Board, the Thomas W. Wathen Foundation Board (Flabob Airport), the Riverside County Bar Association Board of Directors, the Path of Life Ministries Advisory Board, the Air Force Judge Advocate General's School Foundation Board, and the La Sierra University Foundation Board, and a past member of the Riverside Public Library Foundation Board, and the Riverside Art Museum Board. Commissioner Roth received a Juris Doctor degree from Emory University.

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## APPENDIX 6

### COMMISSION PUBLICATIONS

From 1955 until 2009, the California Law Revision Commission's annual reports, recommendations, and studies were published in separate pamphlets, which were later bound in a small edition of hard-cover volumes. Beginning with the Commission's 2009-2010 Annual Report, the printing of separate pamphlets was generally discontinued. As a general rule, only the hard-cover volumes are now published. (The Commission may occasionally publish a separate report for ease of reference.)

All Commission publications may be downloaded from the Commission's website at [www.clrc.ca.gov](http://www.clrc.ca.gov).

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