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JAN

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4:06 PM

California legislator launches country's first crowdsourced bill

by **The Stream Team** (/profiles/t/the-stream-team.html)

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The California State Capitol building in Sacramento. Wikimedia Commons



569



162



24



A state assemblyman from Los Angeles County has created a website (<http://mikegatto.wikispaces.com/>) to allow citizens to draft what will become the first piece of crowdsourced legislation in America. Calling it "a great way for people to have a voice in their government," California state Assemblyman Mike Gatto, pictured below, launched a "Wiki Bill" last month to focus on probate code, or the handling of a deceased person's estate.



Gatto has [stated](#) that he believes current legislative texts are drafted by lobbyists and other interests groups, and crowdsourcing as the future of legislation.

The [space](#) so far has four participants: Gatto; Dazza Greenwood, a retired lawyer from Massachusetts; Megan Es open government advocate interested in living trust reform; and "CrazyLiz," a retired lawyer from California who "citizen democracy." Tim Bonnemann, the CEO of a digital engagement start-up in California, is listed as an obse

Meet the Wiki Participants:

Name	Role	Focus area	Introductory note to the community
Assemblyman Mike Gatto	Convener	<ul style="list-style-type: none"> Advocate for using technology as a tool for citizen engagement at the California Assembly Legislative Site: www.asm.ca.gov/gatto 	<p>This is a great way for people to have a voice in their government. Too often, special-interest groups draft legislation. In contrast, 'crowdsourcing' a bill on the Wiki platform will allow for a fully transparent brainstorming, drafting, and editing process that will incorporate ideas from a large group of people. The collective wisdom of the public will choose the final product.</p> <p>I am Chairman of the Appropriations Committee in the California State Assembly. I represent Burbank, Glendale, La Cañada Flintridge, La Crescenta, Montrose, and the Los Angeles neighborhoods of Atwater Village, East Hollywood, Franklin Hills, Hollywood Hills, Los Feliz, and Silver Lake.</p>
Dazza Greenwood	Participant	<ul style="list-style-type: none"> Technology Law & Policy, MIT Media Lab Personal Blog: CIVICS.com 	<p>Assemblyman Mike Gatto, I thank you for the opportunity to participate in the process of drafting the United States' First Ever "Wiki Bill" and look forward to contributing. To my fellow Wiki eCitizens: I look forward to meeting and working with you and discussing your ideas. We have an opportunity with this method and mechanism to really develop the issues and co-create a bill that is better than any of us could draft alone. Let's experiment with and hone how to collaboratively craft the best legislation we are collectively capable of achieving.</p> <p>I am retired from the law now and practices in Massachusetts, not California. This forum is of interest to me because 1) I was born in California and live that great state on and off (most recently until 2009) and will be back home again eventually, and 2) a key area of my professional focus is online civic engagement and technology enabled policy.</p>
CrazyLiz	Participant		<p>I'm another retired lawyer, from California, and I'm also interested in citizen democracy, so I want to participate in this experiment. I've participated in the past in an experiment with rule-making by wiki, which didn't work out so well, but one unsuccessful attempt doesn't mean the idea can't work. It just means there's more to learn.</p> <p>Since I originally set up my Wikispaces account several years ago for a project where I wanted to be anonymous, I'll continue to use the CrazyLiz screen name for now, but if it ever becomes important to disclose true identities (which I think is important in many areas touching on governance of all kinds) I can figure out a way to disclose my real name later.</p>
Tim Bonnemann	Observer	<ul style="list-style-type: none"> Digital engagement (technology-enabled collaborative governance and public participation) Company blog: http://intellitics.com/blog/ 	<p>I'm the founder and CEO of Intellitics, Inc., a digital engagement startup based in San José, CA. We help organizations in the public, private and non-profit sector apply technology to drive collaborative governance.</p> <p>I will be following this effort as an observer. For previous coverage of wiki-enabled policy making, see our blog.</p>
Megan Eskey	Participant	<ul style="list-style-type: none"> Open Government Living trust reform Legislative reform in general 	<p>I am an expert in Open Government. I maintain a blog at http://dad-memorial.blogspot.com/ with an international following. I also maintain a log of relevant posts and articles that cover a wide range of potential legislative reform issues: http://www.whohub.com/megan-eskey/2009 so am interested in seeing efforts like this extended to federal legislation as well. I live in San Jose, California. My interest is personal, as my father's estate has been rolled into a living trust where the trustee has refused to provide copies, an account or any income to the beneficiaries who include my two younger sisters.</p>

Below is the latest version of the proposed bill from the Wiki Bill site.

Enter your text below:

PROBATE CODE SECTION 21350-21356


21350. (a) Except as provided in Section 21351, no provision, or provisions, of any instrument shall be valid to make any donative transfer to any of the following:


(1) The person who drafted the instrument.

(2) Example additional clause here.

PROBATE CODE

SECTION 16060-16069

16069. The trustee is not required to account to the beneficiary, provide the terms of the trust to a beneficiary, or provide requested information to the beneficiary pursuant to [Section 16061](#) , in any of the following circumstances:

- ~~(a) In the case of a beneficiary of a revocable trust, as provided in [Section 16061](#) , for the period when the trust may be revoked.~~
- (a) If the beneficiary and the trustee are the same person.

What do you think of Gatto's idea? Share your thoughts in the comments below.

10 comments ▼

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Megan Eskey ·  Follow · Open Government Consultant at Self Employed and Loving It!

One caveat: good open policy making will require "evidence-based decision making." In order to zero in on my proposed changes to California's probate laws, I looked at a decade's worth of news items about estate fraud, survey data, you-tubes discussing trust fraud, etc. It took me several years to identify what I felt were the troublesome loopholes in California's probate laws, and the flimsy nature of living (revocable) trusts. A couple of high profile estate battles linked to remarriages were for John Lennon and Dennis Hopper, but there are many more examples. These changes are long overdue.

[Reply](#) · [Like](#) ·  2 · [Unfollow Post](#) · January 1, 2014 at 9:07pm



Nora TuHermana Guadalajara ·  Follow ·  Top Commenter · I'm just a soul whose intentions are good..... at Human Rights Activist · 296 followers

outstanding!!!! great "get rid of the box" thinking.



Edward Minger ·  Follow

What a great idea. I think this is a safe starting point, and working out some of the kinks will be very beneficial for future legislative crowd-sourcing. Perhaps a method or forum for experts (lawyers, professors, and those with personal experience) to share their thoughts. I guess that would equate to "lobbying" the people, but numerous eyes and ears that aren't going to get campaign donations for listening to these experts will likely weed out most of the shenanigans.

Reply · Like ·  1 · Unfollow Post · January 2, 2014 at 10:41am



Mark White ·  Follow · Unity College

With moderators to help educate and inform the public on the "issues"...could be good. Now to set up a framework that would encourage neutral(respectful), ethical, and healthy discussions about creating transparent, understandable, and more effective government.

Reply · Like ·  1 · Unfollow Post · January 2, 2014 at 7:59am



Victoria Gooch ·  Follow · ★ Top Commenter · St. Leo University

Well the Crowd might need some correct information about the issues and the cost to budget.

Reply · Unlike ·  1 · Unfollow Post · January 1, 2014 at 8:42pm



Linda Read ·  Follow · ★ Top Commenter

FANTASTIC! This is definitely the wave of the future!

Reply · Like ·  1 · Unfollow Post · January 1, 2014 at 11:46pm



Megan Eskey ·  Follow · Open Government Consultant at Self Employed and Loving It!

In order to get the "big picture" on this wiki-bill, you would have to refer to my whohub log: <http://www.whohub.com/meganesque/log> and to my blog: <http://dad-memorial.blogspot.com/>, which I am quite certain were the impetus for this topic of probate law in California. I've started the "impact analysis" in a sense on these two sites, by referencing lawsuits brought by the state against fraudulent practices associated with living trust mills. What I haven't looked at are the suits brought by individuals, but given the significant wealth in California, I expect these costs to the courts are quite substantial. These changes would shift the burden to processes that are currently in place to remove a Trustee, a much less costly and time intensive process than suing for estate/trust fraud.

Reply · Like · Unfollow Post · January 2, 2014 at 9:30am



Ron Beau Phillips ·  Follow · ★ Top Commenter · Fort Lauderdale, Florida · 135 followers

Good in theory, but in practice? First, four people is not a "crowd", and it takes an actual crowd to provide both enough input and enough oversight. In small groups, I can easily see someone slipping in some loophole or trick to exploit. Second, California's initiative process shows where this can be bad or good – lots of feel-good stuff that isn't workable, such as dedicating a certain percentage of revenue to school funding. And third, the law is a specialized field, where words do not mean the same thing they do in everyday usage. Most of the public can't grasp the difference between the everyday usage of the word "theory" with its meaning in a scientific context. Their ability to craft effective law? I'm doubtful.

Reply · Like · Unfollow Post · January 2, 2014 at 3:45pm



Dazza Greenwood · Works at MIT Media Lab

Hi Ron,
I'm one of the folks currently commenting on the wiki and appreciate your comments as a constructive reality-check. You raise a major issue with the last point about the realism of everyday members of the public being able to grasp and engage with legal issues. On the one hand, the country is founded on the premise that we are self-governing and any citizen needs

to be able to understand and make up their own mind about the basic direction of the country – sometimes that means getting into the laws that are made and interpreted and every once in a while people are expected to form and express a view on revision, repealed or replacement of laws. Anything from public education, to civil liberties, highways or any issue subject to public debate and decision. Yet, as you point out, the details can be complex, especially ... [See More](#)

[Reply](#) · [Like](#) · January 9, 2014 at 9:40pm



William Lahue · College of William and Mary 2008

functions issue ?

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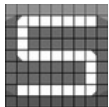
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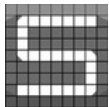


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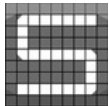


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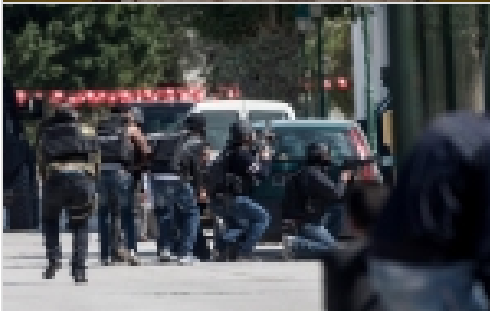
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4 Comments



Juan Mario Inca

441 days ago

Really interesting, thanks!

I think that you would be really interested in some recent research that I have come across explaining crowds and citizen science. In particular I feel you may find these two emerging pieces of research very relevant:

- The Theory of Crowd Capital

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2193115

- The Contours of Crowd Capability

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2324637

Powerful stuff, no?

⌵

REPLY

0



Luke Heisner

442 days ago

This would be good; how about we start with term limits on senators and representatives?

Yeah, like that'd happen.

⌵

REPLY

0

caesari .

442 days ago



ready to make an overhaul to the Department of Veterans Affairs.



REPLY

0



SmallBizBill

442 days ago

Democracy in action! I love it!



REPLY

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