

Admin.

May 25, 2023

## Memorandum 2023-30

**Minutes of Meeting on May 18, 2023 (Draft)**

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The California Law Revision Commission held a meeting on May 18, 2023, by teleconference.<sup>1</sup> A draft of Minutes for that meeting is attached for Commissioners to review.

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

The Bagley-Keene Open Meeting Act provides that attendees cannot be required to identify themselves.<sup>2</sup> As a means of observing that rule, the Commission is only listing teleconference attendees who have affirmatively consented to being identified in the Minutes, as part of the registration process required for those who wish to attend the meeting.

Respectfully submitted,

Brian Hebert  
Executive Director

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

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

2. Gov't Code § 11124.

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**DRAFT MINUTES OF MEETING**  
**CALIFORNIA LAW REVISION COMMISSION**  
May 18, 2023

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A meeting of the California Law Revision Commission was held on May 18, 2023. The meeting was held as an online video webinar. Members of the public are only identified in the Minutes as attendees if they expressly consented to being identified.

**Commission:**

*Present:* David A. Carrillo, Chairperson  
Amb. (r.) David Huebner, Vice-Chairperson  
Ana Cubas  
Cara Jenkins, Legislative Counsel  
Victor King  
Richard Simpson

*Absent:* Assembly Member Ash Kalra  
Senator Richard D. Roth  
Xochitl Carrion  
Jane McAllister

**Staff:** Brian Hebert, Executive Director  
Kristin Burford, Staff Counsel  
Steve Cohen, Staff Counsel

**Invited Speaker:** Ausra Deluard

**Other Persons:**

Ilana Kowarski  
Tepring Piquado  
Dan Robbins  
Caleb Williamson

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APPROVAL OF ACTIONS TAKEN

Unless otherwise indicated, the Commission decisions noted in these Minutes were approved by all members present at the meeting. If a member who was present at the meeting voted against a particular decision, abstained from voting, or was not present when the decision was made, that fact will be noted below.

CLOSED SESSION

The Commission met in closed session to consider personnel matters, pursuant to Government Code Section 11126. On returning to open session, the Vice-Chairperson announced the following decisions:

- The Commission approved the appointment of Kristin Burford to the position of Chief Deputy Director.
- The Commission decided to interview six applicants for the position of Executive Director. The interviews will be conducted by a subcommittee in closed session. The subcommittee will recommend finalists to the full Commission, for consideration in closed session at the June 22, 2023, meeting.

MINUTES

The Commission considered Memorandum 2023-23, presenting draft Minutes of the April 20, 2023, meeting. The Commission approved the Minutes without change.

*(Commissioner Carrillo was not present when this decision was made.)*

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ADMINISTRATIVE MATTERS

**Report of Executive Director**

The Executive Director reported on the following matters:

- The Commission received a request for an American Sign Language translator during future meetings, in connection with the study of the Recodification of Toxic Substances Statutes. The staff expects to be able to provide that service at the June meeting and all future meetings.
- Commission extern Grace Wiley received the “outstanding externship student award” for King Hall School of Law at the University of California Davis. That award was granted by the Clinical Legal Education Association (CLEA), a national organization that advocates for legal clinical education. The Commission offered its congratulations and expressed its gratitude to Ms. Wiley for her excellent work.

**Commissioner Suggestions**

There were no suggestions made by Commissioners.

**Response to Legislative Inquiry Regarding Remote Meetings**

The Commission considered Memorandum 2023-24, presenting a draft letter to Senator John Laird, providing information his office requested about the Commission’s experience with teleconference meetings during the COVID-19 pandemic.

The Commission approved delivery of the letter to Senator Laird, without change.

*(Commissioner Carrillo was not present when this decision was made.)*

2023 LEGISLATIVE PROGRAM

The Commission considered Memorandum 2023-25, discussing the Commission’s 2023 legislative program.

The Commission did not approve the Comment revisions proposed in the memorandum.

STUDY B-750 — ANTITRUST LAW

Professor Ausra Deluard made a presentation to the Commission on “Antitrust Mergers.”

1 The Commission also considered Memorandum 2023-27, which provided a  
2 status report on the staff's work on the antitrust study.

3 No Commission decisions were required or made.

4 STUDY I-100 — EQUAL RIGHTS AMENDMENT

5 The Commission considered Memorandum 2023-26 and its First Supplement,  
6 discussing federal constitutional protections that may be in conflict with sex  
7 equality protections.

8 The Commission's discussion touched on the following topics:

- 9 • Definition of religion for the purposes of the Free Exercise Clause.
- 10 • Degree of courts' examination into religious beliefs for which Free  
11 Exercise Clause protection is sought.
- 12 • Assessment for whether a government interest is compelling.

13 No Commission decisions were required or made.

14 STUDY J-1408 — STATUTES MADE OBSOLETE BY  
15 TRIAL COURT RESTRUCTURING: PART 9

16 The Commission considered Memorandum 2023-28, presenting a staff draft  
17 of a tentative recommendation on *Statutes Made Obsolete by Trial Court*  
18 *Restructuring: Part 9 — Repeal of Penal Code Section 1463.5*. The Commission  
19 approved the distribution of the draft as a tentative recommendation, without  
20 change.

21 (*Commissioners Carrillo and Cubas were not present when this decision was made.*)

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