

---

1                                    **APPROVED** MINUTES OF MEETING  
2                                    CALIFORNIA LAW REVISION COMMISSION  
3                                    May 18, 2023

---

4            A meeting of the California Law Revision Commission was held on May 18,  
5            2023. The meeting was held as an online video webinar. Members of the public  
6            are only identified in the Minutes as attendees if they expressly consented to  
7            being identified.

8            **Commission:**

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

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

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

22            **Invited Speaker:**    Ausra Deluard

23            **Other Persons:**

24                            Ilana Kowarski  
25                            Tepring Piquado  
26                            Dan Robbins  
27                            Caleb Williamson

CONTENTS

Approval of Actions Taken.....	2
Closed Session.....	2
Minutes .....	2
Administrative Matters.....	3
Report of Executive Director .....	3
Commissioner Suggestions.....	3
Response to Legislative Inquiry Regarding Remote Meetings.....	3
2023 Legislative Program .....	3
Study B-750 — Antitrust Law .....	3
Study I-100 — Equal Rights Amendment.....	4
Study J-1408 — Statutes Made Obsolete by Trial Court Restructuring: Part 9 .....	4

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

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.)*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33

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.*)

---