

MEMORANDUM 2026-16

Minutes of Meeting on March 20, 2026 (Draft)

The California Law Revision Commission held a meeting on March 20, 2026, in Sacramento and via teleconference.¹ The public was able to attend the meeting in person or via teleconference.

A draft of Minutes for the March 20, 2026, meeting is attached for the Commissioners to review. The attached draft will be deemed final after it is approved by 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.

Also attached are the revised Minutes for the January 30, 2026, meeting which reflects a correction to the Minutes for Study B-750 – Antitrust Law. The revised Minutes note that the Commission approved the changes to Section 16731 in the Final Recommendation as noted in the [First Supplement](#) to Memorandum 2026-10.² The attached draft will be deemed final after it is approved by 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.³ As a means of observing that rule for teleconference attendees, the attendee list only includes teleconference attendees who have affirmatively consented to being identified in the Minutes as part of the teleconference registration process required for those who wish to attend the meeting or who identified themselves during public comment.

Respectfully submitted,

Sharon Reilly
Executive Director

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

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

² [First Supplement](#) to Memorandum 2026-10, pp. 2-3.

³ Gov. Code § [11124](#).

***DRAFT* MINUTES OF MEETING
CALIFORNIA LAW REVISION COMMISSION**

March 20, 2026

A meeting of the California Law Revision Commission was held in Sacramento and via teleconference on March 20, 2026.

ATTENDANCE

Commission

Present Richard Simpson, Chair
Maria Bee
David A. Carrillo
Ana Cubas
Senator Eloise Gómez Reyes
Cara Jenkins, Legislative Counsel

Absent Victor King, Vice-Chair
Amb. (r.) David Huebner
Assembly member Blanca Pacheco

Commission Staff

Sharon Reilly, Executive Director
Sarah Huchel, Chief Deputy Director
Steve Cohen, Staff Counsel
Christie House, Chief Administrative Officer
Megan Hayenga, Office Technician
Yanan Yan, Student Extern

Antitrust Expert

Cheryl Johnson, Consultant to the Commission

Other Attendees¹

Alejandra Alvarado	Eric Enson
Jess B	Daniela Fernandez-Ulen
Mykala Ballard	Kathleen Foote
Bianca Blomquist	Zachary Freed
Carmen Comsti	Ben Golombek
Andrew Dadasovich	Barbara Goodrich-Welk
David DeRuiter	Connor Gusman

¹ Members of the public are only identified in the Minutes as attendees if they expressly consented to being identified when registering to attend via teleconference, by completing the voluntary visitor register at an in-person meeting location, or by identifying themselves during public comment.

Matthew Hamlett	Leah Newkirk
Lee Hepner	Ben O'Brien
Robert Herrell	Teri Olle
Brock Hrehor	Justin Paddock
Nikki Johnson	Kaitlyn Preston
Tasia Kieffer	Yarissa Ramirez
Stephanie Kimball	Professor Robin Feldman
Ron Knox	Kedharnath Sankararaman
Ilana Kowarski	Bilal Sayyed
Jennifer Kurrie	Sophia
Gilbert Lara	Teja Stephens
Peter Leroe-Muñoz	Rhonda Stevenson
Gretchen Lichtenberger	Carlia Suba
Carl London	Jadene Tamura
Mari Lopez	Loyal Terry
Yarelle Magallon	Abigail Wilson
Mona Masri	

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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 is noted below.

CLOSED SESSION

The Commission met in closed session to discuss a personnel matter pursuant to Government Code Section 11126. No Commission decisions were required or made.

MINUTES

The Commission considered Memorandum [2026-11](#), presenting draft Minutes of the January 20, 2026, meeting. The Commission approved the Minutes without change.

(Senator Reyes abstained)

ADMINISTRATIVE MATTERS

Report of the Executive Director

The Executive Director reported on the following matters:

- Budget update
- Office Space
- Website Contract
- Hiring status

Commissioner Suggestions

There were no suggestions made by Commissioners.

2026 Legislative Program

The Commission considered Memorandum [2026-12](#), presenting an update on pending legislation to implement Commission recommendations and the status of the Commission's Biennial Resolution of Authority. No Commission decisions were required or made.

The Commission also considered the [First Supplement](#) to Memorandum 2026-12 which presented the technical revisions made by the Office of Legislative Counsel to the Final Recommendation for Study B-750, Antitrust: Single Firm Conduct. The Commission approved including the revisions in the Preprint version of the Final Recommendation.

STUDY E-200 — RECODIFICATION OF TOXIC SUBSTANCE STATUTES

The Commission considered Memorandum [2026-13](#), presenting a staff draft of proposed recodified provisions of Chapter 6.5 relating to facility and generator fees for provisional inclusion in a tentative recommendation in this study.

The Commission provisionally approved the proposed revisions with direction to the staff to delete references to past operative dates.

STUDY I-200 — TERMINOLOGY RELATING TO PERSONS WITH DISABILITIES

The Commission considered Memorandum [2026-9](#) and directed staff to explore replacing the defined and undefined terms “dependent adult/person” with “adult/person with a disability.”

STUDY B-750 — ANTITRUST LAW

The Commission considered Memorandum [2026-14](#) presenting draft language for Mergers and Acquisitions as requested by the Commission at its prior meeting, and the [First](#), [Second](#), and [Third](#) Supplements thereto presenting public comments.

The Commission directed the staff to present additional options clarifying “may” within the phrase “may be substantially to lessen competition,” which establishes the threshold for a prima facie case under *Philadelphia National Bank*.

The Commission requested the staff summarize different philosophies on the potential standards for discouraging mergers relative to current federal Clayton Act interpretations and present language specifying those standards.

The Commission further agreed the options should:

- Set a low standard for the plaintiff’s initial burden of proof.
- Clarify the federal standard.
- Include the citation for *Philadelphia National Bank* in any language based the case.
- Not directly refer to Merger Guideline 1 from the 2023 Federal Merger Guidelines, but that the test should be considered persuasive authority.
- Include the Single Firm Conduct purpose statement² as a separate section.

(Senator Reyes was not present for this discussion and Commissioner Cubas and Jenkins were present for the staff presentation of the memorandum but not the Commission’s direction to the staff)

STUDY J-507 — CIVIL DISCOVERY IMPROVEMENTS

The Commission considered Memorandum [2026-15](#) which reactivated a portion of Study J-507 relating to informal discovery conferences. The Commission agreed with the

² [First Supplement](#) to Memorandum 2026-12, p. 2.

staff's proposed next steps for the study. Commissioner Bee suggested additional outreach to the American Board of Trial Advocates.

(Senator Reyes was not present for this discussion)

***APPROVED* MINUTES OF MEETING
CALIFORNIA LAW REVISION COMMISSION**

January 30, 2026

A meeting of the California Law Revision Commission was held in Sacramento and via teleconference on January 30, 2026.

ATTENDANCE

Commission

Present Richard Simpson, Chair
Victor King, Vice-Chair
Maria Bee
David A. Carrillo
Ana Cubas
Amb. (r.) David Huebner
Cara Jenkins, Legislative Counsel

Absent Senator Eloise Gómez Reyes
Assemblymember Blanca Pacheco

Commission Staff

Sharon Reilly, Executive Director
Sarah Huchel, Chief Deputy Director
Steve Cohen, Senior Staff Counsel
Christie House, Chief Administrative Officer
Megan Hayenga, Office Technician

Antitrust Expert

Cheryl Johnson, Consultant to the Commission

Other Attendees¹

Megan Abell	Angie Chua
Ryan Allain	Delilah Clay
Jess B	Jason Dell'Orto
Bianca Blomquist	Lara Dunbar
Robert Boykin	Eric Enson
Catherine Charles	Lucas Evensen
Vanessa Chavez	Braden Fairweather
Lusine Chinkezan	Daniela Fernandez-Ulen

¹ Members of the public are only identified in the Minutes as attendees if they expressly consented to being identified when registering to attend via teleconference, by completing the voluntary visitor register at an in-person meeting location, or by identifying themselves during public comment.

Gabriel	Erin Norwood
Gilbert Lara	Teri Olle
Ben Golombek	Justin Paddock
Devon Gray	Liza Paudel
Kristin Heidelberg	Ayeree Pipersburg
Lee Hepner	Kaitlyn Preston
Robert Herrell	Sophia Quach
Amy Hines-Shaikh	Yarissa Ramirez
Nikki Johnson	Wendy Reynolds
H. Kamran	AJ Rossitto
Stephanie Kimball	Bilal Sayyed
Ron Knox	Aniko Sherry
Dan Kostenbauder	Chris Shultz
Gilbert Lara	Ashonte Smith
Deanna LaTour-Jarquin	Carlia Suba
Peter Leroe-Muñoz	Jennifer Suh
Carl London	Doni Tadesse
Yarelle Magallon	Loyal Terry
Maite Martin	John Valencia
Mona Masri	Alexandra Wilts
Alisa Mastro	Jack Yanos

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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 is noted below.

MINUTES

The Commission considered Memorandum [2026-1](#), presenting draft Minutes of the December 4, 2025, meeting. The Commission approved the Minutes without change.

(Commissioner King was not present when this decision was made.)

ADMINISTRATIVE MATTERS

Report of the Executive Director

The Executive Director reported on the following matters:

- Budget update
- Office space
- Website contract
- Hiring status

Commissioner Suggestions

There were no suggestions made by Commissioners.

New Proposed Topic for Resolution of Authority

The Commission considered Memorandum [2026-2](#), which proposed a new topic for the Commission's Biennial Resolution of Authority relating to writ practice. The Commission approved requesting the Legislature to add the new topic to the resolution.

(Commissioner King was not present when this decision was made.)

Meeting Schedule: Update

The Commission considered Memorandum [2026-3](#), which proposed changing the Commission's 2026 meeting schedule to either move the September 4, 2026 meeting to September 11, 2026, or delete the September meeting. The Commission voted to delete the September meeting.

(Commissioner King was not present when this decision was made.)

2026 Legislative Program

The Commission considered Memorandum [2026-4](#), presenting an update on the staff's efforts to secure authors for prior approved recommendations. No Commission decisions

were required or made.

2025-2026 Annual Report

The Commission considered Memorandum [2026-5](#), presenting a staff draft of the Commission’s 2025-26 Annual Report and an appendix containing a staff draft of Commissioner biographies, and the [First Supplement](#) thereto, presenting a staff draft of a revised Commissioner biography.

The Commission approved the Annual Report and the revised appendix for publication and distribution to the Legislature and the Governor, once the staff finalizes and adds all other required appendices to the report.

(Commissioner King was not present when these decisions were made.)

Open Government Laws

The Commission considered Memorandum [2026-6](#), an annual memorandum updating the Commission on Open Government Law. No Commission decisions were required or made.

STUDY E-200 — RECODIFICATION OF TOXIC SUBSTANCE STATUTES

The Commission considered Memorandum [2026-7](#), presenting a cumulative draft of recodified provisions of Chapter 6.5 of Division 20 of the Health and Safety Code that have been provisionally approved for inclusion in a tentative recommendation in this study.

No Commission decisions were required or made.

STUDY B-750 — ANTITRUST LAW

The Commission considered Memorandum [2026-10](#), presenting the Staff Draft Final Recommendation, update to Commission-approved language, and public comment.

The Commission also considered the [First Supplement](#) thereto, presenting a proposed revision to the Staff Draft Final Recommendation and a summary of public comments, and the [Second Supplement](#) thereto, presenting additional public comment. The Commission voted to approve the change to Section 16731 in the First Supplement.

The Commission requested the staff to clarify language in proposed Section 16730 and the Commission approved the Staff Draft Final Recommendation.

The revised language approved by the Commission reads as follow:

SEC. ____. Section 16730 is added to the Business and Professions Code, to read:

(a) The purpose of this section and Sections 16731 and 16732 is the promotion

and protection of free and fair competition, which is fundamental to a healthy marketplace that protects all trade participants, including workers and consumers, and to an environment that is conducive to the preservation of our democratic, political, and social institutions.

- (b) Protecting competition includes protecting competition between businesses when they compete for workers by prohibiting anticompetitive business practices that impede workers' freedom to choose employment.
- (c) The California Supreme Court has determined that the Cartwright Act is "broader in range and deeper in reach" than the federal Sherman Act; courts shall liberally interpret California's antitrust laws to best promote free and fair competition and be mindful that California favors "maximizing effective deterrence of antitrust violations;" and that the Cartwright Act is not modeled on the Sherman Act. Further, California courts have recognized that the Cartwright Act departs from the Sherman Act in many respects, including, but not limited to, inclusion of indirect purchaser recovery, use of a proximate cause test for Cartwright Act standing, recognition of broader harms and per se conduct, lower actionable market shares, structured rule of reason analysis, and differing burdens of proof.
- (d) Federal case law on the subject of this article is not binding on California courts, but courts may consider federal case law as persuasive authority to the extent they find it consistent with California law, including ~~Section 16730~~ this section.

California agrees with the U.S. Department of Justice and Federal Trade Commission in recognizing that unilateral action and multiparty actions, horizontal and vertical relationships, and various forms of corporate entities can interfere with free and fair competition as reflected in the 2023 Federal Trade Commission and Department of Justice Merger Guidelines.

(Commissioner Jenkins was not present when this decision was made.)