

MEMORANDUM 2024-32

Antitrust Law: Status Report

This memorandum provides an update on the status of the Commission's study of antitrust law.¹ The latest developments are described below.

As the Commission knows, the staff recruited experts to assist the Commission in the study. Those experts were formed into seven working groups as follows:

- Group 1. Single Firm Conduct
- Group 2. Mergers and Acquisitions
- Group 3. Concerted Action
- Group 4. Consumer Welfare Standard
- Group 5. Technology Platforms
- Group 6. Enforcement and Exemptions
- Group 7. Concentration in California

The scope of the groups' work is described in [Memorandum 2023-16](#). The staff has received final reports from each working group. To facilitate public review of the expert reports, the staff posted all seven reports on the Commission's [Antitrust Study webpage](#) at the end of March 2024. The Commission considered two reports at its May 2, 2024, meeting (Groups 1 and 7) and two reports at its June 20, 2024, meeting (Groups 2 and 5). The staff has confirmed that representatives of the three remaining work groups (Group 3: Concerted Action, Group 4: Consumer Welfare Standard, & Group 6: Enforcement and Exemptions) are available to make presentations to the Commission at its August 15, 2024, meeting, as indicated in Memoranda [2024-33](#), [2024-34](#), and [2024-35](#).

In addition, the staff is looking to schedule a few invited speakers to provide comments on the expert reports presented at the August meeting. The staff is seeking speakers that provide a balance of different perspectives. The staff will provide additional information to the Commission on invited speakers for the August meeting in a supplement to this

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.

memorandum.

Further, as a supplement to the expert reports the submitted to the Commission, the staff has requested that a subgroup of experts from the Single Firm Conduct, Concentration in California, and Technology Platforms working groups submit a report on the emerging issue of Artificial Intelligence (AI) in the context of the Antitrust Study. This report should be available to the Commission at its October 10, 2024, meeting.

The staff is extremely grateful for the invaluable assistance that the experts have provided. The reports that they prepared for the Commission will establish a critical foundation for the Commission's deliberations.

Finally, the staff has received public comments that will be provided to the Commission in a separate supplement to this memorandum.

Respectfully submitted,

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