



ENGROSSMENT*

We'll be at the California State Bar 80th Annual Meeting

LEGISLATIVE INTENT SERVICE, INC.

attorneys, Dorothy Thomson and Filomena Yeroshek, will be attending the State Bar's 80th Annual Meeting and co-hosting a program entitled "*Winning Strategies Using Legislative Intent*," on Thursday, Sept. 27th, from 10 a.m. to Noon (No. 18 in your Bar Program). In addition to Dorothy and Filomena speaking at this program, they will be joined by attorney Robert Olson of GREINES, MARTIN, STEIN & RICHLAND LLP. Robert, a knowledgeable contributor on this subject, is certified as an appellate law specialist by the State Bar of California. Come by our Booth (No. 220) and/or attend the Program and learn valuable insight and ideas for using and introducing legislative history documents. If you miss the program, call us to schedule a **free MCLE** at your offices.

The "Happiest Place on Earth"

We could be talking about our office in general, but we're also talking about our entire office closing on September 12th for the full staff to spend the whole day in **Disneyland!** This was an all-expense paid trip by the firm for all of its employees and we had a wonderful day in Anaheim. *Thank you, Tom!*

"Tripping" Through 2007

In 2007, LEGISLATIVE INTENT SERVICE, INC. attended the annual meetings held by the *American Bar Association* in San Francisco, the *Federal Bar Association* in Atlanta, the *Southern California Association of Law Librarians* in San Diego, the *Northern California Association of Law Librarians* in San Francisco, the *American Association of Law Librarians* in New Orleans, and the *California State Bar* in Anaheim. We hope if you were able to attend any of these meetings that you were able to stop by our tables and booths and say hello to our attorneys!

2007 Points and Authorities Trends and Cases related to Legislative Intent

Our firm has now been cited in over 60 cases addressing legislative intent and history! Review the list at: <http://www.legintent.com/cases.php>.

We have also just updated our Points and Authorities. The Courts continue to address the plain meaning rule and the need for ambiguity, stating, for example, as follows:

As with any issue of statutory interpretation, we begin with the text of the relevant provisions. If the text is unambiguous and provides a clear answer, we need go no further. If the language supports multiple readings, we may consult extrinsic sources, including, but not limited to the legislative history and administrative interpretations of the language. Where as here, the Legislature has adopted a uniform act, the history behind the creation and adoption of that act is also relevant.

Microsoft Corporation v. Franchise Tax Board (2006) 39 Cal.4th 750, 758

The State Supreme Court indicated that even when there is no ambiguity, the legislative history can be found to be "consistent" with the plain meaning of the statute:

Because it fully harmonizes the two provisions this construction is favored under the rules of statutory construction. To satisfy ourselves that it is not inconsistent with legislative intent, we consider the legislative history of section. . . .

Cacho v. Boudreau (2007) 40 Cal. 4th 341, 353

See also:

In sum, we conclude that nothing in the statute's structure, terms or language authorizes us to impose a professional or occupational limitation on the definition of "care custodian" . . . or to craft a preexisting personal friendship exception thereto. This conclusion is buttressed by the legislative history of the statute, to which we now turn.

Bernard v. Foley (2006) 39 Cal.4th 794, 809

. . . This statutory language is unambiguous, and makes the filing of a viable anti-SLAPP motion . . . Legislature history buttresses this conclusion. In enacting the anti-SLAPP statute, the Legislature. . .

S.B. Beach Properties v. Berti (2006) 39 Cal.4th 374, 383-384

We noticed that the courts continue to take judicial notice of the numerous and varied documents collected as part of any legislative history, even when the statute is not ambiguous. *Here are two examples, one from the State Supreme Court and the other from the Third District:*

Both the Attorney General and Flatley have asked us to take judicial notice of portions of the legislative history of . . . Flatley's request is in support of his claim that . . . The Attorney General's request is in connection with his response to an argument made by Mauro that . . . Mauro objects on the grounds that the statute speaks for itself and recourse to legislative history is unnecessary. While we have in the past made the same observation regarding the plain language of the statute, and we reach our conclusions in this case based on the statute's plain language, we have nonetheless granted similar requests to take judicial notice of section 425.16's legislative history in past cases. (See, e.g., *Briggs v. Eden Council for Hope & Opportunity*

(1999) 19 Cal.4th 1106, 1120, 81 Cal.Rptr.2d 471, 969 P.2d 564.) Accordingly, we grant the requests. ***Flatley v. Mauro*** (2006) 39 Cal.4th 299, 306, fn.2

A 104-page exhibit containing the legislative history of Assembly Bill no. 743 was prepared by the Legislative Intent Service (hereafter Legis. Hist.) and was submitted and considered by the trial court.

Wirth v. State of California (2006, 3rd District) 142 Cal.App.4th 131, 141, fn. 6

FAVORITE RECENT QUOTE:

Last March 11, 2007, the **NEW YORK TIMES** published an article in its Sunday /Business Section regarding the Library of Congress, entitled "*History, Digitized (and Abridged)*," which was written by Katie Hafner of Salinas, California. In her article, Katie quoted **James J. Hastings, director of access programs at the National Archives**, as follows:

"If researchers conclude that the only valuable records they need are those that are online they will be missing major parts of the story. And in some cases they will miss the story altogether."

YOU CAN CONTACT US!

By email:

Tom Stallard, owner and Attorney at Law
at **tstallard@legintent.com**

Dorothy Thomson, Attorney at Law
at **dthomson@legintent.com**

Filomena Yeroshek, Attorney at Law
at **fjeroshek@legintent.com**

Maria Sanders, Attorney at Law
at **msanders@legintent.com**

By telephone: 800.666.1917

By our website at:

<http://www.legintent.com/contact.php>