

POLICIES AND FOLLOW-UP SERVICES

POLICIES

Our experience in providing legislative history since 1974 has led to the development of certain policies that govern our service. These policies are the terms and conditions of our relationship with you. We enunciate them here so that you are aware of the basis upon which this research is provided to you.

Scope of Analysis: Any analysis provided to you is based upon the circumstances of your case as you have briefly related them to us, as well as a review of the enclosed documents. As such, it is only tentative in nature and should not be considered a legal opinion. A more conclusive statement of the impact of the legislative history in your case would be dependent upon a complete understanding of all of the factual issues involved and the applicable legal principles. You may wish to involve an expert witness who has extensive experience in presenting legislative documents to the courts in this role.

Availability of this Research to All

Clients: It is our policy to furnish materials and research to any and all clients who request them. Our services are not available on an exclusive basis. This policy exists because we are neutral and objective providers of legislative research. Due to this, the Courts of California have regularly [cited](#) our Service.

Confidentiality: Neither Legislative Intent Service, Inc. nor its attorneys are undertaking to represent you as an attorney as a result of providing this research to you. We are researching documents and the history of public acts and are not practicing law. We are working under the attorney work product protections of the Code of Civil Procedure as your agent. It is our policy to strictly preserve and maintain the confidentiality of the identity of those attorneys who request our

services, and the theories, arguments and facts regarding their case that may be divulged to us.

Completeness of the Research

Provided: We cannot represent that every document ever drafted with regard to the enactment researched has been provided. There is no uniform system for retaining legislative materials; in fact, there are as many potential sources for documentation as there are individuals involved with the measure. Furthermore, there is no legal duty on behalf of many of these participants in the process to make public the documents generated.

Consequently, while we represent that we are providing the most complete and thorough research product commercially available on legislative history, and in the vast majority of cases can and will provide every reasonably relevant document, there are occasions where particular documents are not provided either because they are unavailable or because we are unaware of their existence or applicability to the legislation. A particular example is the California Assembly and Senate [Journals](#). The legislative indices for these [Journals](#) are not produced for two to three years subsequent to the legislative session; on-line [Journals](#) are only date searchable. Therefore, we cannot be held responsible for failing to locate substantive comments on recent legislation except where a specific request is made for a page by page search (at additional cost).

Expert Witness Availability: You may wish to separately retain a consultant or expert witness. We recommend Mr. Bill Keller, a founding partner of Legislative Intent Service and former director. Mr. Keller has extensive experience in analyzing and presenting legislative documents to courts. For more information on Mr. Keller, you can view www.calcodes.com or send him an email at billkeller@mindspring.com.

FOLLOW-UP SERVICES

ADDITIONAL DOCUMENTS: We perform research at the time of your request in a thorough and professional manner; however, further materials on the research may become available over time. If your need for this research is ongoing after our first report, we recommend that you periodically call to determine whether further documentation on the enactment has become available.

TAPES AND RECORDINGS: The Legislature has videotaped selected committee and all floor proceedings since August of 1990. The tapes are available upon request, but require a few weeks to acquire. We recommend that you consider requesting tapes only when language you are focusing upon was changed in the committee or floor amendments and the materials do not provide other discussion of the source and purpose for the change. Please call for information on the availability and cost of the tapes.

QUESTIONS: We are at your service. Please do not hesitate to call us with your questions at any time. If the scope of the question is beyond what can be done free of charge, we will frankly say so and quote the fee necessary to proceed. Please call us so that we can talk about your questions.

FREE MCLE TALKS: Legislative Intent Service, Inc. has been approved as a provider of Minimum Continuing Legal Education by the State Bar of California. This program will provide one (1) hour of regular MCLE credit or one (1) hour of ethics MCLE credit. Our attorneys present informed talks on the sources of legislative history and utilization of them to determine legislative intent in construing a statute. We will address interested groups of more than ten attorneys and others. We come at our own expense and at your convenience, without charge to your firm or organization..



LEGISLATIVE INTENT SERVICE, INC.

712 Main Street, Woodland, CA 95695
(800) 666-1917 • Fax (530) 668-5866 • www.legintent.com

SUGGESTIONS FOR UTILIZING LEGISLATIVE INTENT MATERIALS

The documents prepared by those involved in the legislative process are working documents. These documents address the concerns of the participants in the process; they are not generally developed as an historical record to explain all aspects of the legislation.

Because of the nature of the documentation, often one must approach a determination of legislative intent by going beyond simply looking for explicit legislative pronouncements on your particular issue. Careful analysis and study of the materials that we provide can lead to insight and understanding of the purpose for the statute, even in the absence of explicit legislative discussion of a specific issue. To assist you in understanding the significance of the legislative history documents we enclose, we include the following short summary of some basic methods for studying and using legislative intent materials.

The first step in any analysis of legislative intent will usually involve a search of the available documentation for **direct comments** addressing the particular issue you are seeking to resolve. However, it is virtually impossible for legislators considering a piece of legislation to recognize or discuss all the possible ramifications of legislative actions. It is not uncommon for the legislative materials to lack direct comment on an issue or on the language enacted by the legislation.

However, even in the absence of direct comment on a statutory provision, legislative intent analysis can be crucial to proper interpretation of a statute. Fundamental to understanding the language in a legislative bill is your understanding of the **overall purpose** as well as the problems being addressed in the bill. This overall purpose is often the most probative and helpful evidence of legislative intent. It provides a background of **public policy** approved by the Legislature against which the court can measure and weigh the facts of your case.

In addition, **understanding the problems** the Legislature was addressing can help resolve conflicting alternative interpretations of language within the bill. **Inferences** arise from the evolving language in the various amended versions of the bill or from the development of the bill as a whole as it is buffeted by support and opposition on its way through the Legislature. Who authored or sponsored the legislation can reveal **useful facts** about what was likely to be the intent where ambiguities exist.

Finally, understanding the **historical context** and the temper of the times can assist in developing an understanding of what the Legislature intended, particularly for statutes that were enacted many years ago.