



Engrossment* Spring/2004

Welcome to our 30th Anniversary Celebration!!

1-800-666-1917 www.legintent.com

LEGISLATIVE INTENT SERVICE is proud to announce that 2004 marks this company's 30th Anniversary of doing business as the pre-eminent legislative research firm in the state and country. Founded in 1974 by attorneys Bill Keller and Tom Stallard, LEGISLATIVE INTENT SERVICE is used by attorneys, law firms, state and local agencies, and related legal professionals all over the country to provide the legislative history of enacted laws and regulations. This unique business has amassed an unparalleled private collection of over 3 million historical documents spanning three centuries of state and federal laws, regulations, and constitutional provisions that address every aspect of the law. LEGISLATIVE INTENT SERVICE also occupies the incomparable position of being the only private company cited for the materials it provides in over 48 published court opinions.

Currently situated in a restored historic building located at 712 Main Street in Woodland, California, just a few minutes outside of the state capitol in Sacramento, LEGISLATIVE INTENT SERVICE has maintained its small main street business enterprise serving the entire California legal community, including the top 50 law firms in the state, but with a national outlook that also draws its clients from all over the United States, including Washington D.C. The historical materials document the development of legislative measures in California and other states as well as in Congress, reaching back into the 19th Century for California and into the 18th Century for the federal government.

The Company's staff includes attorneys, researchers and support staff and technicians. There are three staff attorneys: Dorothy Thomson, who has been with the company for 25 years and is an excellent legislative historian, Filomena Yeroshek, who joined the firm seven years ago after practicing law in Sacramento for 10 years and also teaches a law school class on legislative history, and Maria Sanders, who came on board six years ago after practicing law and working as

a senior contributing editor for Barclays Law Publishers. These three attorneys, with their combined practical experience, help clients daily with their research requests and write the reports accompanying the projects. Our research staff includes paralegals and specially trained researchers who are adept at researching and collecting historical documents from the Capitol's public libraries, archives, legislative committees and private holding foundations that retain materials for past legislators and governors. Some of our researchers and support staff have been with us for 10 to 20 years!

Everybody is Talking!

When asked where he would like his company to be in five years, Tom Stallard stated that he would like to continue to ensure that all of our clients are served in the best way possible and that we always exceed their expectations. After 30 years, LEGISLATIVE INTENT SERVICE has achieved that goal on personal and professional levels.

On a personal level, our clients have remained with us over these 30 years because of the service we provide to them. Their comments reflect the range of their satisfaction, from: "The most efficient use of our firm's research dollars" to "We love your work!!" Recently, one client told us that merely the threat of obtaining legislative history from our firm was enough to cause the other side to settle out of court! Nothing is more gratifying to us than when we have made our clients happy.

On a professional level, we are regularly cited by the state courts, noting favorably the materials we provide to our clients. (*See*, for example, People v. Connor (2/6/2004, H02473), People ex rel. Kennedy v. Beaumont Investment Ltd., 111 Cal.App.4th 102 (2003, Sixth District), Board of Retirement v. Superior Court, 101 Cal. App. 4th 1062, 1070 (2002, Second District, Div. Six)). In People v. Connor, the trial court looked at the various committees' analyses and also "summarized some of the exhibits in its decision." (*supra*, fn. 3)

* "The action of writing out in a fair or legal character. Also *concr.* what is thus written; a record." [From the Oxford English Dictionary, 1971]

Business and Professions Code section 17200

Business and Professions Code §17200 has always been popular to research for our clients because attorneys have found it to be useful under a number of different areas of the law pertaining to unfair business practices. You may already know that this section was derived from former Civil Code section 3369, which was enacted in 1933. The bill that enacted this former section went through the Legislature quickly, but we located documents indicating the legislation very likely arose from the devastating 1929 stock market crash, which left merchants overstocked with merchandise, forcing them into a ruthless competitive business environment and commercial abuses.

In 1963, there was an amendment to the 1933 law to add the word “unlawful” at the request of the Attorney General to concur with judicial trends from that time period.

While the section was re-enacted in 1977 without substantive change, it was amended one more time, in 1992, to add “any” before the word “unlawful” and to add “act or” before “practice and unfair.” The background to this last legislation noted that the bill was the result of three unrelated actions against grocery stores. It seems that the 1992 bill was the first step in reform of the state’s civil penalty laws to give retailers and law enforcement the flexibility to differentiate between inadvertent errors and more serious consumer fraud. Given the ongoing popularity of section 17200, it may not be a surprise to learn that there were bills pending in 2003 that proposed amendments to this section.

Authenticating Legislative Documents

Capitol offices of committees, authors, or other sources of crucial legislative documents are reluctant to certify the document copies available in their files. Thus, when an attorney seeks to have a court take judicial notice of these documents, authentication can become a concern. That is why LEGISLATIVE INTENT SERVICE years ago developed a report format that incorporates a declaration by one of our attorneys who prepared the report on the bill. Our declaration can be coupled with a declaration by the submitting attorney, and provides a convenient mechanism for authenticating the material gathered on the bill. (*See People v. Connor* (2/6/2004, H02473))

Join Us in the 21st Century!

LEGISLATIVE INTENT SERVICE is proud to announce that our clients can now download their legislative history research to their computers, or review them on a CD. We can post the materials on a secured website for our client’s download or we can copy the materials on a CD for the client’s convenience. These two types of delivery of legislative history materials provide choices for our clients who want a hardcopy or a digitized format, or both! The net posting and the CD still contain our letters of analysis and our declarations authenticating the materials.

Give us a call for a free CD sample!

Got MCLE?

LEGISLATIVE INTENT SERVICE is an authorized provider of MCLE. We offer 1 hour of MCLE, free, on Legislative history and intent for 10 or more attorneys in your group.

Contact us to schedule a free presentation at your firm.

Recovering the Costs of LEGISLATIVE INTENT SERVICE

The fees paid by your firm that were incurred to have our company research legislative intent can be recovered if your position prevails in court. (Van de Kamp v. Gumbiner, 221 CA3rd 1260 (1990)).

Contact us!

Call *toll-free* at 1-800-666-1917

Or log on to our *website* at: www.legintent.com

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**We are professional legislative historians
at your service in the 21st Century!**