

July 27, 1995

Memo for the Committee on Land and Personal Rights

From: Deanne Siemer

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The proposed legislative history on Article 12 is attached. It is long and detailed. This is primarily for the benefit of lawyers and judges so that they will know what the rules are.

I have tried to put this document in plain English to the maximum extent possible, and to use practical examples. But the subject matter is a technical one, and legal terms must be used in some cases for clarity.

Take your time in reading it. If there are concepts or examples that you do not understand, do not hesitate to ask about them. We will take whatever time is necessary until everyone on the Committee is satisfied that they understand what is being proposed.

This document is the product of extensive consultations with lawyers and judges, and it contains a number of paragraphs to resolve problems about which they were concerned. I have also tried to include the examples requested by delegates who had specific problems that they wanted resolved. In a task like this, it is impossible to satisfy everyone because the legal community is quite divided about the objectives of Article 12 and how to achieve those objectives.

I have made all the decisions internally consistent to the maximum extent possible. I have not knowingly affected the outcome of any pending lawsuit.

The format is not too beautiful because I am finishing this late at night and all our talented staff has gone home. But we will make the next version look better.