

A grayscale image of a pair of scales of justice and a gavel, symbolizing law and justice. The scales are in the foreground, and the gavel is to the right. The background is a blurred cityscape.

STATUTORY INTERPRETATION

Statutory Interpretation

Abner J. Mikva, Eric Lane



Statutory Interpretation:

Legislative Law and Statutory Interpretation Otto J. Hetzel, Michael E. Libonati, Robert Forrest Williams, 2008 Based on the premise that the study of legislation requires more than simply an inquiry into the courts efforts at legislative interpretation this casebook employs a variety of approaches to convey the legislature s role in shaping the law including political science materials case studies and appellate cases Statutory interpretation is the central element of a course on Legislation and each chapter incorporates the basics of interpretation to clarify how each topic fits in with the course as a whole The authors first introduce students to legislation as the primary vehicle for making the law before discussing the interaction of legislation and common law They then address the structure of operation of the legislature as an institution of government to provide a foundation for approaches to interpretation stressing legislative purpose and legislative history Discussion of the variety of legislative process restrictions applicable to legislative lawmaking introduces students to the anatomy of a statute and the formal and procedural constraints imposed by federal and state constitutions on the lawmaking process With regard to statutory interpretation a new way of organizing text based arguments beyond plain meaning interpretation precedes intent based approaches to interpretation in turn followed by canon based arguments demonstrating the weaknesses inherent in their use Legislative Law and Statutory Interpretation then covers five broad areas generally organized to reflect questions of institutional judicial or legislative competence including materials on clear statement requirements retroactivity severability deference to administrative agency decisionmaking and overruling of statutory precedents and interpretation of state statutes by federal courts and vice versa This book also is available in a heavily discounted three hole punched alternative loose leaf version printed on 8 x 11 inch paper with wider mar

A Dictionary of Statutory Interpretation William D. Popkin, 2007 Statutory interpretation has become the most commonly required skill of the modern lawyer A Dictionary of Statutory Interpretation provides a ready reference to the important terms and ideas that arise in connection with determining the meaning of legislation Chapter 1 includes over 100 entries including the following ambiguity the absurdity canon linguistic and substantive canons legislative intent legislative purpose legislative history textualism Legal Realism Law and Economics Each entry includes a definition an explanation of the relevance of the term and ideas for statutory interpretation some history about its use and a concise discussion of contemporary issues The author expresses his point of view in the discussion of these issues which is generally skeptical about textualism but presents all sides of the debate A reference section allows for further research on each subject Chapter 2 includes over 35 famous quotations dealing with the interpretation of statutes along with historical and critical commentary The entries include Learned Hand Holmes Calabresi Posner Easterbrook Pound Blackstone etc The book will be useful for lawyers judges law professors and law students who want an entry into the contemporary debate about how to interpret legislation along with an insight into what is at stake in those debates filled with usefully extended treatments of important and interesting legal terms

The Green Bag This book will be a useful tool for readers or libraries needing a good single volume guide to statutory interpretation Summing up Highly recommended CHOICE Librarians and researchers should consider A Dictionary of Statutory Interpretation an essential reference work for a very affordable price It will likely become a go to resource when quick but in depth analysis of a statutory interpretation question is sought Legal Information Alert Volume 26 Issue 9 Alert Publications Inc Chicago IL www.alertpub.com

Mastering Statutory Interpretation Linda D. Jellum, 2013 Mastering Statutory Interpretation explains the methods of interpreting statutes including a discussion of the various theories and canons of interpretation The book begins by exploring these theories and identifying the sources of meaning the theorists use to interpret statutes including intrinsic extrinsic and policy based Throughout the text uses the major cases in each area of study to explain how the canons work in practice Finally each chapter provides a concise roadmap and summary to introduce and encapsulate the most important material The second edition adds one new chapter to address the administrative issues that faculty teaching legislation and regulation need as well as a running hypothetical to help students better implement what they are learning

Statutes in Court William D. Popkin, 1999 A history of the discretion accorded U S judges in interpreting legislation from the Revolution to the present culminating in the author's own theory of the proper scope of judicial discretion

The Interpretation and Application of Statutes Frederick Reed Dickerson, 1975 This work discusses the constitutional foundations that govern the relations between the legislature and the courts and the issues of separation of powers with respect to statutes Concepts of legislative meaning intent purpose and context are described in detail

Statutory Interpretation Rupert Cross, 1976

Legal Method Sharon Hanson, 2000-10-17 The competent study of law is a finely tuned balance of excellent language ability good reading and writing skills good personal study discipline a thorough appreciation of the relevant areas of substantive law and excellent argumentative skills Legal method is an important area of study for two main reasons First it is important for the range of techniques that it can offer to break into legal texts both primary and secondary Secondly it exposes reasoning processes concerned with the theory and practise of law The book deals in both the areas mentioned and aims to deal with issues of

The Theory and Practice of Statutory Interpretation Frank B. Cross, 2008-11-19 Today statutes make up the bulk of the relevant law heard in federal courts and arguably represent the most important source of American law The proper means of judicial interpretation of those statutes have been the subject of great attention and dispute over the years This book provides new insights into the theory and practice of statutory interpretation by courts Cross offers the first comprehensive analysis of statutory interpretation and includes extensive empirical evidence of Supreme Court practice He offers a thorough review of the active disputes over the appropriate approaches to statutory interpretations namely whether courts should rely exclusively on the text or also examine the legislative history The book then considers the use of these approaches by the justices of the recent Rehnquist Court and the degree to which they were applied by the justices either sincerely or in pursuit of an ideological agenda

The Language of Statutes Lawrence Solan, 2010-12 We are capable of writing crisp yet flexible laws but Solan explains that difficult cases result when the ways in which our cognitive and linguistic faculties are structured fail to produce a single clear interpretation Though we are predisposed to absorb new situations into categories we have previously formed our conceptualization is not always as crisp as the legislative and judicial realms demand In such cases Solan contends that other values most importantly legislative intent must come into play *The Language of Statutes* provides an excellent introduction to statutory interpretation rejecting the extreme arguments that judges have either too much or too little leeway and explaining how and why a certain number of interpretive problems are simply inevitable Book Jacket

Statutory Construction and Interpretation, 2010-06-15 This book reviews the primary rules courts apply to discern a statute's meaning However each matter of interpretation before a court presents its own challenges and there is no unified systematic approach used in all cases While schools of statutory interpretation may vary on what factors should be considered all approaches start if not necessarily end with the language and structure of the statute itself In analyzing a statute's text courts are guided by the basic principle that a statute should be read as a harmonious whole with its separate parts being interpreted within their broader statutory context

An Introduction to Statutory Interpretation and the Legislative Process Abner J. Mikva, Eric Lane, 1997 In this book Mikva and Lane address *The Interpretation of Statutes* By reading interpretive cases the authors demonstrate that statutory interpretation is not simply the search for legislative meaning or intent but also the exercise of power by a separate branch of government Organized around two types of cases those where the statutory language is clear and where it is unclear this chapter delves into judicial approaches to statutory interpretation and the tools employed for that purpose as well as criticism of such approaches *The Legislative Process* Addresses the environment in which the consideration of legislation takes place and the dynamics of the enactment process *The Enactment of a Statute* Follows a particular bill through the window of the Congressional Record This illustrates the details and language of the legislative process *The Anatomy of a Statute* A dissection of the structure form and generic provisions *The Publication of Statutes* Offers insights From publisher's description

Legislation and Statutory Interpretation William N. Eskridge (Jr.), Philip P. Frickey, Elizabeth Garrett, 2006 Suitable for students or practitioners this authoritative overview of the legislative process and statutory interpretation moves smoothly and understandably between the theoretical and the practical It contains in depth discussion of such topics as theories of legislation and representation electoral and legislative structures extrinsic sources for statutory interpretation and substantive canons of statutory interpretation Reap the benefits of the authors' experience opinions and insight and gain a working knowledge of the area

Statutory Default Rules Einer Elhauge, 2008-02-28 Most new law is statutory law that is law enacted by legislators An important question therefore is how should this law be interpreted by courts and agencies especially when the text of a statute is not entirely clear This book focuses on what judges should do once the legal materials fail to resolve the interpretive question

Interpreting Statutes

Suzanne Corcoran, Stephen Bottomley, 2005 *Interpreting Statutes* was cited 4 times by the High Court in *Momcilovic v The Queen* 2011 HCA 34 8 September 2011. *Interpreting Statutes* has been written for lawyers and judges who must interpret statutes on a daily basis as well as for students and scholars who have their own responsibility for the future. This book takes a new approach to statutory interpretation. The authors consider the fundamental importance of context in statutory interpretation across various fields of regulation and explore the problems which arise from the frequent disjunction between regulatory design and subsequent statutory interpretation. As a result they bring to the fore fundamental theoretical questions underlying interpretive choice and expand our appreciation of how critical interpretive issues are to the proper functioning of our legal system. The book is divided into two parts. The first covers several areas dealing with fundamental theoretical issues. The second deals with particular areas of the law such as criminal law or corporate law addressing the utility and functionality of the general theories from different legal perspectives and illustrating the fact that different interpretive principles may take precedence in different areas of the law. It reveals the complexity of statutory interpretation when applied to actual practice in a particular area of law. Despite this complexity and the unique problems of statutory interpretation within each area of law some major themes emerge including the strong influence of constitutional interpretation, tension between common law rights and statutory innovation, questions about the interaction of domestic law with international law, tension between settled judicial principles of interpretation and principles embedded in legislation, issues concerning the interpretation of delegated legislation and questions about gap filling and discretion in the interpretation of statutes and codes.

Statutory and Common Law Interpretation Kent Greenawalt, 2013. Kent Greenawalt's second volume on aspects of legal interpretation analyzes statutory and common law interpretation suggesting that multiple factors are important for each and that the relation between them influences both. The book argues against any simple textualism claiming that even reader understanding of statutes depends partly on perceived intent. In respect to common law interpretation use of reasoning by analogy is defended and any simple dichotomy of holding and dictum is resisted.

Commercial Law and Commercial Practice Sarah Worthington, 2003-12-31. This book contains essays by legal experts which aim to prompt a critical and constructive reassessment of current commercial law and its practices.

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Statutory Interpretation Francis Alan Roscoe Bennion, 2005-10. For all practitioners of law a keen and informed understanding of the meaning and interpretation of legislation is the key to professional success. This supplement to Bennion *Statutory Interpretation* keeps the reader fully up to date with the key legislative developments since the publication of the fourth edition and includes a fully updated replacement index. It is essential reading for everyone who has to administer or advise, argue or adjudicate on Acts of Parliament and statutory instruments.

Modern Statutory Interpretation Linda D. Jellum, David Charles Hricik, 2009. This book is designed to teach statutory interpretation skills. It uses a combination of traditional cases along with problems to accomplish that objective.

Broadly organized around the process of interpretation it focuses first on the plain meaning of the text and then addresses the question of whether and if so when courts will examine sources other than the text The book addresses the various approaches and theories to interpretation and examines how those approaches have been applied to particular interpretative problems such as implied rights administrative interpretations and the interpretation of uniform statutes Within each chapter subjects are introduced with concise summaries of the core concepts After the introduction a well edited case explores the uncertainties and boundaries of those core concepts The notes and questions following each principal case are designed to help focus the students thoughts and understanding of the case before they come to class Finally problems are included to ensure that the students use the statutory interpretation skills they have just learned Each problem lends itself to at least two arguments often more and allows for further inquiry into the concepts in the chapter The second edition has been revised and updated to include more problems and a few new cases Additionally the legislative and administrative chapters have been substantially revised An electronic Teacher s Manual is available To request the file please email crutan at cap press dot com

Judicial Reasoning under the UK Human Rights Act Helen Fenwick,Gavin Phillipson,Roger Masterman,2007-09-06 Judicial Reasoning under the UK Human Rights Act is a collection of essays written by leading experts in the field which examines judicial decision making under the UK s de facto Bill of Rights The book focuses both on changes in areas of substantive law and the techniques of judicial reasoning adopted to implement the Act The contributors therefore consider first general Convention and Human Rights Act concepts statutory interpretation horizontal effect judicial review deference the reception of Strasbourg case law since they arise across all areas of substantive law They then proceed to examine not only the use of such concepts in particular fields of law privacy family law clashing rights discrimination and criminal procedure but also the modes of reasoning by which judges seek to bridge the divide between familiar common law and statutory doctrines and those in the Convention

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