

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

J. M. Smits



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

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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

Statutory Interpretation Rupert Cross, 1976 *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

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 practice 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 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

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

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 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

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.

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. **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. *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.

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.

Elgar Encyclopedia of Comparative Law J. M. Smits, 2006 This is a very important and immense book. Single handedly Smits has reviewed and checked this immense work to bring it to its final high standard in quality and accuracy and selection of laws. The Criminal Lawyer This is a very important and immense book. The Elgar Encyclopedia of Comparative Law is a treasure trove of honed knowledge of the laws of many countries. It is a

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the content of legal rules and the systems of legal rules Juridical thinking is the handling of the law by the lawyers To this distinction corresponds a basic distinction between the language of law and the language of juridical thinking and correlatively between L concepts law concepts and J concepts juridical or jurisprudential concepts The monograph is devoted to the J concepts especially of technical not ideological or evaluative J concepts Four kinds of J concepts are investigated morphological J concepts those that help us to structure the law in a logical and functional way topological J concepts those that help us to indicate the phenomena to which the law is applicable and to separate the areas of application for different legal systems praxeological J concepts those that help us to explore the relations between law and action and methodological J concepts those that help us to describe the methods of the professional juridical handling of the law The work can be characterised as presenting a lawyer s philosophy of law

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

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