Modern Statutory Interpretation Problems Theories And Lawyering Strategies

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Legal Information Buyer's Guide and Reference Manual Kendall F. Svengalis 2008
Modern Legal Interpretation Marko Novak 2019-01-24 Legalism or legal formalism usually depicts judges as resolving cases by allegedly merely applying pre-existing legal rules. They do not seem to legislate, exercise discretion, balance or pursue policies, and they definitely do not look outside of conventional legal texts for guidance in deciding new cases. For them, the law is an autonomous domain of knowledge and technique. What they follow are the maxims of clarity, determinacy, and coherence of law. This perception of law and adjudication is sometimes designated as “an orthodox lawyering”. However, at least in certain cases, it is very difficult to say that legalism is not an inappropriate theory or a method of legal interpretation. Different theories have attested that legal interpretation is much more than just legalism, which appears to be far too naïve. In the framework of modern legal interpretation, the following questions can be raised. Is it possible to integrate legalism in a coherent theory of legal interpretation? Is legalism as a distinctive theory of legal interpretation still a feasible theory of interpretation? How can such a formalist approach withstand a critique from Dworkinian moral interpretivism or accusations of being a myth, masking political preferences from legal realists? These and many other issues about legal interpretation are discussed in this book by prominent legal philosophers and legal theorists.
Literary Criticisms of Law Guyora Binder 2000-02-22 In this book, the first to offer a comprehensive examination of the emerging study of law as literature, Guyora Binder and Robert Weisberg show that law is not only a scheme of social order, but also a process of creating meaning, and a crucial dimension of modern culture. They present lawyers as literary innovators, who creatively interpret legal authority, narrate disputed facts and hypothetical fictions, represent persons before the law, move audiences with artful rhetoric, and invent new legal forms and concepts. Binder and Weisberg explain the literary theories and methods increasingly applied to law, and they introduce and synthesize the work of over a hundred authors in the fields of law, literature, philosophy, and cultural studies. Drawing on these disparate bodies of scholarship, Binder and Weisberg analyze law as interpretation, narration, rhetoric, language, and culture, placing each of these approaches within the history of literary and legal thought. They sort the styles of analysis most likely to sharpen critical understanding from those that risk self-indulgent sentimentalism or sterile skepticism, and they endorse a broadly synthetic cultural criticism that views law as an arena for composing and contesting identity, status, and character. Such a cultural criticism would evaluate law not simply as a device for realizing rights and interests but also as the framework for a vibrant cultural life.
Mastering Statutory Interpretation Linda D. Jellum 2008 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.This book is part of the Carolina Academic Press Mastering Series edited by Russell L. Weaver, University of Louisville School of Law.
Thinking Like a Lawyer Kenneth J. Vandevelde 2018-04-19 Law students, law professors, and lawyers frequently refer to the process of "thinking like a lawyer," but attempts to analyze in any systematic way what is meant by that phrase are rare. In his classic book, Kenneth J. Vandevelde defines this elusive phrase and identifies the techniques involved in thinking like a lawyer. Unlike most legal writings, which are plagued by difficult, virtually incomprehensible language, this book is accessible and clearly written and will help students, professionals, and general readers gain important insight into this well-developed and valuable way of thinking. Updated for a new generation of lawyers, the second edition features a new chapter on contemporary perspectives on legal reasoning. A useful new appendix serves as a survival guide for current and prospective law students and describes how to apply the techniques in the book to excel in law school.
The Japan Annual of Law and Politics 1966
Stempel and Knutsen on Insurance Coverage Jeffrey W. Stempel 2015-12-15 Unlike most other books in the field, which slant toward either policyholder or insurer counsel, Stempel and Knutsen on Insurance Coverage takes an even-handed nonexcess and umbrella aking it useful to attorneys from all sides. Moreover, it's designed for practitioners from all professional backgrounds and insurance experience. Written in clear, jargon-free language, it covers everything from the basic insurance concepts, principles, and structure of insurance policies to today's most complex issues and disputes. The authors, Jeffrey W. Stempel and Erik S. Knutsen, are well-known authorities on the law of insurance coverage, and this new Fourth Edition of Stempel and Knutsen on Insurance Coverage is completely up-to-date on every aspect of its subject. This one-stop resource provides both a sound historical, theoretical and doctrinal grounding in insurance, as well being practice-oriented and packed with practical guidance. After providing information about insurance policies and issues in general, it focuses on specific types of policies and coverage such as property coverage, liability coverage, automobile coverage, excess and umbrella coverage, and reinsurance, plus such vital areas as employment, defective construction, and terrorism claims...Dandamp;O liability...ERISA...bad faith litigation...and much more. Plus, you'll find extensive examination of the commercial general liability (CGL) policy, the type of insurance involved in most major coverage cases. Among the most important CGL issues covered in Stempel and Knutsen on Insurance Coverage are: Pollution-related coverage Trigger of coverage Apportionment of insurer and policyholder responsibility Business risk exclusions Coverage under the andquot;personal injuryandquot; section of the CGL

Coverage under andquot;advertising injuryandquot; Nowhere else will you find so much valuable current information, in-depth analysis, sharp insight, authoritative commentary, significant case law, and practical guidance on this critically important area. With its clear explanations and thorough, even-handed coverage, Stempel and Knutsen on Insurance Coverage is unlike any other resource in its field.

Lawyers' Language Alfred Phillips 2003-08-29 An interesting examination of law as language use or discourse, this study looks at the transformation of ordinary language into a special discourse for the purposes of the legal system. It is widely accepted that legal discourse is obscure, and often the public resent the fact that access to the law of the land is obstructed by the opaqueness of legal language. This book argues that the development and maintenance of law's special language can be justified. The myth that law can be written in either plain' or ordinary' language is exploded, and the linguistic obscurity of law is traced to its necessary complexity. The notion of representation is applied to the relation that exists between legal language and ordinary language.

Dynamic Statutory Interpretation William N. Eskridge 1994 Contrary to traditional theories of statutory interpretation, which ground statutes in the original legislative text or intent, legal scholar William Eskridge argues that statutory interpretation changes in response to new political alignments, new interpreters, and new ideologies. It does so, first of all, because it involves richer authoritative texts than does either common law or constitutional interpretation: statutes are often complex and have a detailed legislative history. Second, Congress can, and often does, rewrite statutes when it disagrees with their interpretations; and agencies and courts attend to current as well as historical congressional preferences when they interpret statutes. Third, since statutory interpretation is as much agency-centered as judgecentered and since agency executives see their creativity as more legitimate than judges see theirs, statutory interpretation in the modern regulatory state is particularly dynamic. Eskridge also considers how different normative theories of jurisprudence--liberal, legal process, and antiliberal--inform debates about statutory interpretation. He explores what theory of statutory interpretation--if any--is required by the rule of law or by democratic theory. Finally, he provides an analytical and jurisprudential history of important debates on statutory interpretation.

The Army Lawyer 1998

A Dictionary of Statutory Interpretation William D. Popkin 2007 Each entry in this dictionary 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.

African Legal Theory and Contemporary Problems Oche Onazi 2013-11-26 The book is a collection of essays, which aim to situate African legal theory in the context of the myriad of contemporary global challenges; from the prevalence of war to the misery of poverty and disease to the crises of the environment. Apart from being problems that have an indelible African mark on them, a common theme that runs throughout the essays in this book is that African legal theory has been excluded, under-explored or under-theorised in the search for solutions to such contemporary problems. The essays make a modest attempt to reverse this trend. The contributors investigate and introduce readers to the key issues, questions, concepts, impulses and problems that underpin the idea of African legal theory. They outline the potential offered by African legal theory and open up its key concepts and impulses for critical scrutiny. This is done in order to develop a better understanding of the extent to which African legal theory can contribute to discourses seeking to address some of the challenges that confront African and non-African societies alike.

Interpretation and Legal Theory Andrei Marmor 2005-04-25 This is a revised and extensively rewritten edition of one of the most influential monographs on legal philosophy published in recent years. Writing in the introduction to the first edition the author characterized Anglophone philosophers as being ..."divided, and often waver[ing] between two main philosophical objectives: the moral evaluation of law and legal institutions, and an account of its actual nature." Questions of methodology have therefore tended to be sidelined, but were bound to surface sooner or later, as they have in the later work of Ronald Dworkin. The main purpose of this book is to provide a critical assessment of Dworkin's methodological turn, away from analytical jurisprudence towards a theory of interpretation, and the issues it gives rise to. The author argues that the importance of Dworkin's interpretative turn is not that it provides a substitute for 'semantic theories of law' (a dubious concept), but that it provides a new conception of jurisprudence, aiming to present itself as a comprehensive rival to the conventionalism manifest in legal positivism. Furthermore, once the interpretative turn is regarded as an overall challenge to conventionalism, it is easier to see why it does not confine itself to a critique of method. Law as interpretation calls into question the main tenets of its positivist rival, in substance as well as method. The book re-examines conventionalism in the light of this interpretative challenge.

Statutes in Court William D. Popkin 1999 Popkin provides a survey of the history of American statutory interpretation and then offers his own theory of "ordinary judging" that defines the proper scope of judicial discretion."--BOOK JACKET.

English Legal System in Context 6e Fiona Cownie 2013-07-25 This title has been written with a very simple aim in mind - to provide a text which will enable the English legal system to be taught as an interesting, intellectually stimulating course.

Law, Hermeneutics and Rhetoric Francis J. Mootz Iii 2016-04-22 Mootz offers an antidote to the fragmentation of contemporary legal theory with a collection of essays arguing that legal practice is a hermeneutical and rhetorical event that can best be understood and theorized in those terms. This is not a modern insight that wipes away centuries of dogmatic confusion; rather, Mootz draws on insights as old as the Western tradition itself. However, the essays are not antiquarian or merely descriptive, because hermeneutical and rhetorical philosophy have undergone important changes over the millennia. To "return" to hermeneutics and rhetoric as touchstones for law is to embrace dynamic traditions that provide the resources for theorists who seek to foster persuasion and understanding as an antidote to the emerging global order and the trend toward bureaucratization in accordance with expert administration, violent suppression, or both.

Legal Theory and the Social Sciences MaksymilianDel Mar 2017-07-05 Ever since H.L.A. Hart's self-description of The Concept of Law as an 'exercise in descriptive sociology', contemporary legal theorists have been debating the relationship between legal theory and sociology, and between legal theory and social science more generally. There have been some who have insisted on a clear divide between legal theory and the social sciences, citing fundamental methodological differences. Others have attempted to bridge gaps, revealing common challenges and similar objects of inquiry. Collecting the work of authors such as Martin Krygier, David Nelken, Brian Tamanaha, Lewis Kornhauser, Gunther Teubner and Nicola Lacey, this volume - the second in a three volume series - provides an overview of the major developments in the last thirty years. The volume is divided into three sections, each discussing an aspect of the relationship of legal theory and the social sciences: 1) methodological disputes and collaboration; 2) common problems, especially as they concern different modes of explanation of social behaviour; and 3) common objects, including, most prominently, the study of language in its social context and normative pluralism.

Current Publications in Legal and Related Fields 2009

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.

Law, Lawyers and Litigants in Early Modern England Joanne Begiato 2019-06-30 Explores the impact of legal ideas and legal

consciousness on early modern English society and culture.
Logic in the Theory and Practice of Lawmaking Michał Araszkiewicz 2015-10-05 This book presents the current state of the art regarding the application of logical tools to the problems of theory and practice of lawmaking. It shows how contemporary logic may be useful in the analysis of legislation, legislative drafting and legal reasoning concerning different contexts of law making. Elaborations of the process of law making have variously emphasised its political, social or economic aspects. Yet despite strong interest in logical analyses of law, questions remains about the role of logical tools in law making. This volume attempts to bridge that gap, or at least to narrow it, drawing together some important research problems—and some possible solutions—as seen through the work of leading contemporary academics. The volume encompasses 20 chapters written by authors from 16 countries and it presents diversified views on the understanding of logic (from strict mathematical approaches to the informal, argumentative ones) and differentiated choices concerning the aspects of law making taken into account. The book presents a broad set of perspectives, insights and results into the emerging field of research devoted to the logical analysis of the area of creation of law. How does logic inform lawmaking? Are legal systems consistent and complete? How can legal rules be represented by means of formal calculi and visualization techniques? Does the structure of statutes or of legal systems resemble the structure of deductive systems? What are the logical relations between the basic concepts of jurisprudence that constitute the system of law? How are theories of legal interpretation relevant to the process of legislation? How might the statutory text be analysed by means of contemporary computer programs? These and other questions, ranging from the theoretical to the immediately practical, are addressed in this definitive collection.
Suing the Gun Industry Timothy D. Lytton 2009-04-21 "Mass tort litigation against the gun industry, with its practical weaknesses, successes, and goals, provides the framework for this collection of thoughtful essays by leading social scientists, lawyers, and academics. . . . These informed analyses reveal the complexities that make the debate so difficult to resolve. . . . Suing the Gun Industry masterfully reveals the many details contributing to the intractability of the gun debate." -New York Law Journal "Second Amendment advocate or gun-control fanatic, all Americans who care about freedom need to read Suing the Gun Industry." -Bob Barr, Member of Congress, 1995-2003, and Twenty-First Century Liberties Chair for Freedom and Privacy, American Conservative Union "The source for anyone interested in a balanced analysis of the lawsuits against the gun industry." -David Hemenway, Professor of Health Policy & Director, Harvard Injury Control Research Center Harvard School of Public Health Health Policy and Management Department, author of Private Guns, Public Health "Highly readable, comprehensive, well-balanced. It contains everything you need to know, and on all sides, about the wave of lawsuits against U.S. gun manufacturers." -James B. Jacobs, Warren E. Burger Professor of Law and author of Can Gun Control Work? "In Suing the Gun Industry, Timothy Lytton has assembled some of the leading scholars and advocates, both pro and con, to analyze this fascinating effort to circumvent the well-known political obstacles to more effective gun control. This fine book offers a briefing on both the substance and the legal process of this wave of lawsuits, together with a better understanding of the future prospects for this type of litigation vis-à-vis other industries." -Philip J. Cook, Duke University "An interesting collection, generally representing the center of the gun-control debate, with considerable variation in focus, objectivity, and political realism." -Paul Blackman, retired pro-gun criminologist and advocate Gun litigation deserves a closer look amid the lessons learned from decades of legal action against the makers of asbestos, Agent Orange, silicone breast implants, and tobacco products, among others. Suing the Gun Industry collects the diverse and often conflicting opinions of an outstanding cast of specialists in law, public health, public policy, and criminology and distills them into a complete picture of the intricacies of gun litigation and its repercussions for gun control. Using multiple perspectives, Suing the Gun Industry scrutinizes legal action against the gun industry. Such a broad approach highlights the role of this litigation within two larger controversies: one over government efforts to reduce gun violence, and the other over the use of mass torts to regulate unpopular industries. Readers will find Suing the Gun Industry a timely and accessible picture of these complex and controversial issues. Contributors: Tom Baker Donald Braman Brannon P. Denning Tom Diaz Howard M. Erichson Thomas O. Farrish Shannon Frattaroli John Gastil Dan M. Kahan Don B. Kates Timothy D. Lytton Julie Samia Mair Richard A. Nagareda Peter H. Schuck Stephen D. Sugarman Stephen Teret Wendy Wagner
Equity in Early Modern Legal Scholarship Lorenzo Maniscalco 2020-07-20 Equity in Early Modern Legal Scholarship offers a comprehensive account of the development of equity by legal writers in the early modern period, unearthing a time of lively debate about its nature and function.
Statutory Interpretation Douglas Walton 2021-01-21 Combining pragmatics, dialectics, analytics, and legal theory, this work translates interpretative canons into patterns of natural argument.
Challenges to Legal Theory María José Falcón y Tella 2021-01-18 Challenges to Legal Theory offers the reader a fascinating journey through a variety of multi-disciplinary topics, ranging from law and literature, and law and religion, to legal philosophy and constitutional law. The collection reflects some of the challenges that the field of legal theory currently faces. It is compiled by a selection of international and Spanish scholars, whose essays are made available in English translation for the first time. The volume is based on a collection of essays, published in Spanish, in honour of Professor José Iturmendi Morales, of Complutense University, Madrid, and brings the rich scholarship of pre-eminent Spanish scholars of law and legal theory to an international audience.
Qualified Domestic Relations Orders: Strategy and Liability for the Family Law Attorney Raymond S. Dietrich 2013-10-16 While many family law attorneys outsource preparation of QDROs to other professionals, the attorney still requires guidance on how to best protect his client's interests. Author Raymond S. Dietrich provides a tightly focused analysis, the necessary information and the strategies critical to properly positioning a case. Effective strategies in negotiating settlement of interests in retirement benefits are poorly understood partly because many family law attorneys send the task out to a specialist, use a form book to draft a QDRO or accept the pension plan administrator's offer of the "standard provisions." This book provides a succinct education regarding the structure of many pension plans, alerts the practitioner to unknown contingencies, empowers the attorney with negotiating strategies and warns of potential attorney liability. QDRO Strategy and Liability complements all state-specific and national dissolution practice sets and online family law menus in the handling of retirement benefits, one of the most common and important assets in marital dissolution proceedings. This top-of-the-line coverage is a necessary addition for all family law attorneys handling significant asset cases, as well as forensic CPAs and pension plan administrators. A Table of Cases, a Table of Statutes and an Index complement the synopses at the beginning of each chapter to make analysis and authority easy to find.
Stempel on Insurance Contracts Jeffrey W. Stempel 2005-12-30
The Institutional Problem in Modern International Law Richard Collins 2016-11-03 Modern international law is widely understood as an autonomous system of binding legal rules. Nevertheless, this claim to autonomy is far from uncontroversial. International lawyers have faced recurrent scepticism as to both the reality and efficacy of the object of their study and practice. For the most part, this scepticism has focussed on international law's peculiar institutional structure, with the absence of centralised organs of legislation, adjudication and enforcement, leaving international legal rules seemingly indeterminate in the conduct of international politics. Perception of this 'institutional problem' has therefore given rise to a certain disciplinary angst or self-defensiveness, fuelling a need to seek out functional analogues or substitutes for the kind of institutional roles deemed intrinsic to a functioning legal system. The author of this book believes that this strategy of accommodation is, however, deeply problematic.

It fails to fully grasp the importance of international law's decentralised institutional form in securing some measure of accountability in international relations. It thus misleads through functional analogy and, in doing so, potentially exacerbates legitimacy deficits. There are enough conceptual weaknesses and blindspots in the legal-theoretical models against which international law is so frequently challenged to show that the perceived problem arises more in theory, than in practice.

Conceptions and Misconceptions of Legislation A. Daniel Oliver-Lalana 2019-06-14 This volume brings together an international group of legal scholars to discuss different approaches to lawmaking. As well as reflecting the diversity of legisprudence as a re-emerging academic field, it offers a broad overview of current developments and challenges in the theory of legislation, and aspires, moreover, to counterbalance some questionable ideas or misconceptions, widespread among jurists, on what making laws entails. The book is organized into three parts. The first comprises a sample of ‘ways and models of legislation’, ranging from classic legislative ideals to contemporary forms of regulation. The essays in this part, variances of focus notwithstanding, revolve around the notions of legislative rationality, quality, effectiveness, and legitimacy, which may be regarded as the cornerstones of legisprudence. Interwoven with these notions is another core legisprudential concern: the justification of laws. We address it separately in the next part by exploring the connection between lawmaking, argumentation and constitutional democracy: under the heading ‘legislation in a culture of justification’, a number of aspects of this connection are tackled that have not been sufficiently considered so far in legisprudential literature, such as the intricacies of legislative reasoning and balancing, or the justificatory problems posed by special-interest legislation. The under privileged status of legisprudence in legal studies and the need for socially attentive and citizen-oriented legislative research come to the fore in the third part of the book which turns to the relationships between ‘legisprudence, lawyers, and citizens’. All in all, the thirteen articles gathered here provide a stimulating insight into the theory of legislation, and can hopefully contribute to the reconciliation of the study of law and the study of its making.

Houston Business and Tax Law Journal 2007

Mastering Legal Analysis and Communication David T. Ritchie 2008 Mastering Legal Analysis and Communication is designed to help novices navigate the often difficult task of learning new ways of thinking and communicating. Law schools employ methodologies and pedagogical paradigms that law students find mystifying and hard to comprehend. This book aims to explain how these methodologies and paradigms function, why they are used, and what they are meant to accomplish. The topics covered range from the basic concepts of understanding what law is and what ?thinking like a lawyer? means, to making sense out of the structural paradigms of legal writing and rhetoric.Mastering Legal Analysis and Communication will serve as a useful guide for students as they undertake their studies in both their casebook and practical skills courses. In fact, the themes discussed and explanations offered will help students better see that the analytical and communication skills utilized in all their classes fall upon the same continuum of professional competence. As such, this book is a vital reference work for students as they try to make sense of their law school studies in a more comprehensive and connected way. This book is part of the Carolina Academic Press Mastering Series edited by Russell L. Weaver, University of Louisville School of Law.

The American Legal System for Foreign Lawyers Eldon Reiley 2014-11-12 Heavily classroom-tested by the authors and other instructors, this powerful teaching tool puts an emphasis on vocabulary and solid learning aids to introduce the American legal system to foreign law students. Focusing on constitutional law, the authors provide in-depth coverage of major issues such as the health care mandate, Arizona immigration law, the Defense of Marriage Act, affirmative action, the Supreme Court citation on international authority and more. The American Legal System for Foreign Lawyers uses contract law to show the continued development of common law and considers the role and function of judges, characterizing the differences between common and civil law. Other important issues are highlighted such as the differences between judicial review of legislation under constitutional challenge, judicial interpretation of statutes, and judicial development and application of common law contract and property law principles. Interesting cases and solid case-reading coverage combine with tables, graphical material, and glossaries to help students grasp United States law. Features of The American Legal System for Foreign Lawyers: Heavily class-room tested by the authors and other instructors In-depth coverage of major issues Health Care Mandate Arizona immigration law Defense of Marriage Act Absorption of the Second Amendment Affirmative Action Supreme Court citation on international authority Uses contract law to show continued development of common law Considers the role and function of judges, characterizing the differences between common and civil law Highlights important differences judicial review of legislation under constitutional challenge judicial interpretation of statutes judicial development and application of common law contract and property law principles Teaching and learning aids tables charts and graphical materials chapter and whole book glossaries Interesting cases and coverage of case-reading

University of Michigan Official Publication University of Michigan 1989 Each number is the catalogue of a specific school or college of the University.

Contemporary Perspectives On Constitutional Interpretation Susan J Brison 2018-03-08 Current controversies over abortion, affirmative action, school prayer, hate speech, and other issues have sparked considerable public debate about how the U.S. Constitution should be interpreted. Such controversies, along with the changing composition of an often deeply divided Supreme Court, have led to a resurgence of interest in theories of constitutional interpretation. This anthology, edited by Susan J. Brison and Walter Sinnott-Armstrong, presents some of the most exciting and influential contemporary work in this area. Written by ten of the country's most prominent legal scholars, the selections represent a wide variety of interpretive approaches, reflecting different political orientations from the far right to the far left. These theorists have drawn on a variety of other disciplines, including literature, economics, history, philosophy, and politics, and have in turn influenced these fields. The selections were chosen for their accessibility, originality, variety, and importance. Together they provide an excellent introduction to constitutional interpretation as well as a valuable collection for experienced scholars in the field.

Interpreting Statutes Suzanne Corcoran 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.
Modern Statutory Interpretation Linda D. Jellum 2006 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.
The AALS Directory of Law Teachers 2007
International Dispute Resolution and the Public Policy Exception Farshad Ghodoosi 2016-06-10 Despite the unprecedented growth of arbitration and other means of ADR in treaties and transnational contracts in recent years, there remains no clearly defined mechanism for control of the system. One of the oldest yet largely marginalized concepts in law is the public policy exception. This doctrine grants discretion to courts to set aside private legal arrangements, including arbitration, which might be considered harmful to the "public". The exceptional and vague nature of the doctrine, along with the strong push of actors in dispute resolution, has transformed it, in certain jurisdictions, to a toothless doctrine. At the international level, the notion of transnational public policy has been devised in order to capture norms that are "truly" transnational and amenable for application in cross-border litigations. Yet, despite the importance of this discussion—a safety valve and a control mechanism for today’s international and domestic international dispute resolution— no major study has ventured to review and analyze it. This book provides a historical, theoretical and practical background on public policy in dispute resolution with a focus on cross-border and transnational disputes. Farshad Ghodoosi argues that courts should adopt a more systemic approach to public policy while rejecting notions such as transnational public policy, which limits the application of those norms with mandatory nature. Contrary to the current trend, the book invites the reader to re-conceptualize the role of public policy, and transnational dispute resolution, in order to have more sustainable, fair and efficient mechanisms for resolving disputes outside of national courts. The book sheds light on one of the most important yet often-neglected control mechanisms of today’s international dispute resolution and will be of particular interest to students and academics in the fields of International Investment Law, International Trade Law, Business and Economics.
Modern Criminal Law of Australia Jeremy Gans 2016-12-05 Modern Criminal Law of Australia, 2nd edition is a comprehensive guide to interpreting and understanding every statutory offence provision in every Australian jurisdiction. The text takes a unique approach to explaining Australian criminal law, emphasising the importance of statutory interpretation, official discretion, element analysis and sentencing, in order to appreciate the meaning and effect of any offence provision. This book sets out the rules and skills needed to advise clients on the potential application of criminal law throughout Australia. Its scope extends to both serious and minor regulatory regimes, as well as the entire contemporary breadth of criminal law, ranging from pollution to public order, traffic to trafficking, and domestic violence to work safety. It covers the common law, traditional code and model code systems, and includes detailed examples from all states. As such, this unique book provides students with the skills to practice law anywhere in Australia.
Misreading Law, Misreading Democracy Victoria Nourse 2016-09-12 Victoria Nourse argues that lawyers must be educated on the basic procedures that define how Congress operates today. Lawmaking creates winners and losers. If lawyers and judges do not understand this, they may embrace the meanings of those who opposed legislation, turning legislative losers into judicial winners and standing democracy on its head.