



Statutory Construction and Interpretation: General Principles and Recent Trends; Statutory Structure and Legislative Drafting Conventions; Drafting Fe

Tobias A. Dorsey

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The exercise of judicial power often requires that courts construe statutes in applying them in particular cases. Judicial interpretation of the meaning of a statute is authoritative in the matter before the court. However, the methodologies and approaches taken by the courts in discerning meaning can help guide legislative drafters, legislators, agencies, and private parties.

This book reviews the primary rules courts apply to discern a statute's meaning. However, each matter of interpretation before a court presents unique challenges. While there is no unified approach in all cases, all approaches start with the language and structure of the statute itself.

Still, the meaning of statutory language is not always evident. To help clarify uncertainty, judges have developed various interpretive tools in the form of canons of construction.

When drafting federal law, the most important audience is the federal courts--in particular, the Supreme Court. Fortunately, it is not difficult to get inside the mind of the Court and understand how it thinks. The Court makes this process public in its published opinions; collectively, the process is known as statutory interpretation; it is also known as statutory construction.

Also included is a chapter on drafting federal grants statutes. Several rules of drafting have special relevance to statutes in the field of federal assistance (grants), and those are set forth.

Summary Table of Contents

1. Statutory Interpretation: General Principles and Recent Trends, by Larry M. Eig and Yule Kim, CRS Report for Congress 97-589, October 14, 2009
2. Statutory Structure and Legislative Drafting Conventions: A Primer for Judges, by M. Douglass Bellis, Federal Judicial Center, February 2008
3. "Considering the Courts: Statutory Interpretation," Ch. 3 from Legislative Drafter's Deskbook, by Tobias Dorsey.
4. A Guide to Federal Grant Statute Drafting, by Malcolm S. Mason, from "Drafting Federal Grant Statutes: Studies in Administrative Law and Procedure 90-1," Admin. Conf. of the US (ACUS)
5. Tracking Current Federal Legislation and Regulations: A Guide to Resources for Congressional Staff, by Pamela A. Hairston, RL33895
6. Legislative Planning: Considerations for Congressional Staff, by Judy Schneider, RS20991
7. Other Resources from TheCapitol.Net

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