
Statutory Interpretation Fundamentals

Plain Meaning Rule

A fortiori: This term is used in statutory interpretation to mean that a court will apply a strict interpretation of a statute when the language is clear and unambiguous. Ab initio: This term refers to something that is invalid or void from the beginning, often used in contractual disputes. Absolute immunity: A doctrine that protects certain government officials from lawsuits for their official acts. Accommodation: The process of reconciling conflicting interests or goals in a given situation. Acquiescence: The act of agreeing or consenting to something without explicitly stating it. Action: A lawsuit or proceeding brought before a court to enforce a right or remedy. Actual authority: The power or permission given to an agent or representative to act on behalf of another. Administrative regulation interpretation: The process of interpreting and applying rules and regulations created by government agencies. Admission: A statement or acknowledgment made by a party that is used as evidence in a case. Adverse possession: The occupation or use of property without the owner's consent, which can lead to ownership rights. Ambiguity: A term or phrase that has multiple or conflicting meanings. Appeal: A request to a higher court to review and reverse a decision made by a lower court. Appellant: The party that files an appeal to a higher court. Appellee: The party that responds to an appeal filed by the appellant. Apportionment: The process of determining the amount of liability or responsibility for a particular act or omission. Arbitration: A process in which a neutral third party makes a binding decision in a dispute. Argument: A statement or presentation made to persuade or convince others of a particular point or view. Assumption of risk: A doctrine that holds an individual responsible for injuries or damages resulting from their own actions or decisions. Attorney-client privilege: A doctrine that protects communications between an attorney and their client from disclosure. Bail: The amount of money or property given to a court to secure the release of a defendant from custody. Binding precedent: A court decision that must be followed by lower courts in similar cases. Burden of proof: The obligation of a party to prove or establish a particular fact or claim. Canons of construction: rules or guidelines used to interpret and apply statutes and regulations. Capacity: The ability or authority of an individual or entity to act or enter into a contract. Case law: The body of law created by court decisions and precedents. Causation: The relationship between an act or omission and the resulting injury or damage. Certiorari: A writ or order issued by a court to review and examine a lower court's decision. Chain of causation: The sequence of events or actions that lead to a particular result or outcome. Charter: A document or instrument that grants or establishes the rights and powers of an organization or entity. Civil law: A branch of law that deals with disputes between individuals or entities, as opposed to criminal law. Claim: A statement or assertion made by a party that they are entitled to a particular right or remedy. Codification: The process of compiling and organizing laws or regulations into a single code or document. Collateral estoppel: A doctrine that prevents a party from relitigating an issue that has already been decided in a previous case. Common law: A branch of law that is based on court decisions and custom, as opposed to statutory law. Comparative negligence: A doctrine that apportions fault or responsibility between parties

in a negligence case. Complaint: A document or pleading that initiates a lawsuit or action in a court. Conclusive presumption: A presumption that is irrebuttable and conclusive, meaning that it cannot be overcome by evidence to the contrary. Concurrent jurisdiction: The authority of two or more courts to hear and decide the same case or issue. Condition precedent: An event or action that must occur or be performed before a particular obligation or right arises. Condition subsequent: An event or action that, if it occurs or is performed, will terminate or modify a particular obligation or right. Constitutional law: A branch of law that deals with the interpretation and application of a country's constitution. Constructive notice: A doctrine that holds a party to have knowledge of a particular fact or circumstance, even if they did not have actual knowledge. Contempt of court: An act or behavior that disrespects or disobeys a court or its orders. Contract: A binding agreement between two or more parties that outlines the terms and conditions of their relationship. Contract interpretation: The process of interpreting and applying the terms and conditions of a contract. Contribution: The right of a party to seek reimbursement or indemnification from another party for a particular loss or expense. Copyright: A form of intellectual property protection that grants the creator of a work exclusive rights to reproduce and distribute the work. Counterclaim: A claim made by a defendant against a plaintiff in a lawsuit. Course of dealing: A pattern or practice of behavior between parties that can be used to interpret the terms of a contract. Criminal law: A branch of law that deals with crimes and punishments, as opposed to civil law. Cross-examination: The process of questioning a witness by a party other than the one who called the witness. Custom: A practice or tradition that is widely accepted and followed in a particular industry or community. Damages: A monetary award given to a party as compensation for a loss or injury. Declaratory judgment: A court decision that declares the rights and obligations of parties in a particular dispute. Default judgment: A court decision made in favor of a party because the opposing party failed to respond or appear in court. Defendant: The party being sued or prosecuted in a lawsuit or criminal case. Definition: A statement or explanation of the meaning of a particular term or phrase. Delegation: The transfer of authority or power from one party to another. Demurrer: A pleading that challenges the sufficiency of a complaint or indictment. Deposition: A sworn testimony of a witness taken outside of court. Disclaimer: A statement or notice that limits or excludes a particular liability or responsibility. Discretion: The power or authority of a court or judge to make decisions based on their judgment and discretion. Discovery: The process of obtaining and exchanging information and evidence between parties in a lawsuit. Dispositive motion: A motion that seeks to dismiss or resolve a case without a trial. Dissenting opinion: A statement or opinion written by a judge who disagrees with the majority decision in a case. Diversity jurisdiction: The authority of a federal court to hear and decide cases involving parties from different states. Divestiture: The transfer of ownership or control of a particular asset or property. Due process: A doctrine that requires fairness and procedural regularity in the administration of justice. Easement: A right or interest in a particular property that is granted to another party. Eminent domain: The power of a government to take or condemn a particular property for a public use. En banc: A hearing or review of a case by the full court, rather than a panel of judges. Encumbrance: A claim or lien against a particular property that limits its use or transfer. Equitable estoppel: A doctrine that prevents a party from asserting a particular right or claim when it would be unfair or inequitable to do so. Equity: A branch of law that deals with fairness and justice, rather than strict adherence to law. Error: A mistake or

inaccuracy in a court decision or proceeding. Estoppel: A doctrine that prevents a party from asserting a particular right or claim when it would be inconsistent with their previous actions or statements. Evidence: testimony, documents, or objects presented in a court to prove or disprove a particular fact or claim. Exclusionary rule: A doctrine that prohibits the use of evidence that was obtained illegally or unconstitutionally. Executive order: A directive or order issued by the executive branch of government. Exigent circumstances: emergency or urgent situations that require immediate action. Expert testimony: testimony given by a witness with specialized knowledge or expertise in a particular field. Express contract: A contract that is explicitly stated and agreed upon by the parties. Facial challenge: A challenge to the constitutionality of a statute or regulation on its face, rather than as applied in a particular case. Fair comment: A doctrine that protects statements or opinions that are made in good faith and are based on facts. False imprisonment: The act of confining or restraining someone without justification or authority. Federal question jurisdiction: The authority of a federal court to hear and decide cases involving federal laws or constitution. Fiduciary duty: A relationship in which one party has a trust or confidence placed in them by another party. Final judgment: A court decision that resolves all issues in a case and ends the litigation. Forum non conveniens: A doctrine that allows a court to transfer a case to a more convenient or appropriate forum. Fraud: A false or misleading representation made to deceive or cheat someone. Garnishment: A procedure in which a court orders a third party to withhold or seize assets belonging to a debtor. Good faith: A standard of honesty and fairness that is expected of parties in a particular transaction or relationship. Grand jury: A panel of citizens that investigates and decides whether to indict someone for a crime. Guarantee: A promise or assurance made by one party to secure the performance or obligations of another party. Habeas corpus: A writ or order that challenges the legality of a person's detention or imprisonment. Hearsay: A statement or testimony that is not based on the witness's personal knowledge, but rather on what someone else said or did. Implied contract: A contract that is inferred or implied from the actions or circumstances of the parties, rather than being explicitly stated. Implied warranty: A warranty that is inferred or implied by law, rather than being expressly stated. In camera: A hearing or proceeding that is closed to the public and press. Inculpatory statement: A statement or admission made by a defendant that incriminates or implicates them in a crime. Indemnification: The act of reimbursing or compensating someone for a particular loss or expense. Indictment: A formal accusation made against someone for a crime, usually by a grand jury. Injunction: A court order that prohibits or requires a particular action or behavior. Inquiry notice: A doctrine that holds a party to have knowledge of a particular fact or circumstance when they have been notified or informed of it. Insolvency: The state of being unable to pay one's debts or obligations. Intellectual property: rights and interests in creations of the mind, such as patents, copyrights, and trademarks. Interlocutory appeal: An appeal made during the course of a case, rather than after a final judgment. Interrogatory: A written question or request for information made by one party to another. Intervention: The act of joining or participating in a lawsuit or proceeding as a third party. Intrinsic evidence: evidence that is contained within a particular document or instrument, such as a contract or will. Irreparable harm: harm or injury that cannot be adequately compensated or remedied by monetary damages. Jurat: A certificate or affidavit that authenticates the execution of a particular document or instrument. Jurisdiction: The authority of a court to hear and decide a particular case or issue. Jury

instructions: guidelines or directions given to a jury by a court to assist them in reaching a verdict. Jury nullification: The act of a jury refusing to apply the law as instructed by the court. Justiciable: A dispute or issue that is capable of being resolved by a court. Laches: A doctrine that bars a claim or action due to unreasonable delay in pursuing it. Larceny: The act of stealing or misappropriating someone else's property. Legislative history: The record of the development and enactment of a particular law or regulation. Liquidated damages: A specified amount of money that is agreed upon by the parties as compensation for a particular breach or default. Literal interpretation: A method of interpreting a statute or document that focuses on the plain meaning of the words used. Mandamus: A writ or order that compels a government official or agency to perform a particular duty or act. Mediation: A process in which a neutral third party assists the parties in resolving a dispute or negotiating a settlement. Mens rea: The mental state or intent required for a particular crime or offense. Merger: The act of combining two or more companies or entities into a single entity. Mistake: A doctrine that excuses or justifies a particular action or decision due to lack of knowledge or understanding. Mitigation of damages: The act of reducing or minimizing the amount of damages or loss suffered by a party. Moot: A case or issue that is no longer relevant or controversial. Motion: A request or application made to a court for a particular relief or order. Motion in limine: A motion made to a court to exclude or limit certain evidence or testimony. Negligence: A doctrine that holds a party responsible for injuries or damages resulting from their careless or reckless behavior. Negotiation: The process of discussing and agreeing on the terms of a particular transaction or contract. No contest: A plea entered by a defendant that neither admits nor denies the charges against them. Nolo contendere: A plea entered by a defendant that means "I do not contest" and is often used to avoid admitting guilt. Non obstante veredicto: A motion made by a court to set aside a jury verdict and enter a judgment in favor of the opposing party.