

## Synthesizing a Rule from a Statute

### Steps to analyze a statute

<b>First</b>	Read all relevant sections of the <b>statute</b> , including all relevant <b>definitions</b> .
<b>Second</b>	Read <b>binding case law</b> that interprets relevant sections of the statute.
<b>Third</b>	Apply the <b>plain meaning</b> of a word if the relevant words are not defined in the statute.
<b>Fourth</b>	Consider interpretations from governmental or regulatory agencies (if the statute authorizes an agency to issue regulations).
<b>Fifth</b>	Research any legislative history to determine the <b>intent</b> of the legislature when enacting the statute.
<b>Sixth</b>	<p>Employ canons of construction. Canons of construction are fundamental rules and maxims which aid in the interpretation of a statute.</p> <ol style="list-style-type: none"> <li>1. <b>Rule against surplusage</b>: Where one reading of a statute would make one or more parts of the statute redundant and another reading would avoid the redundancy, the other reading is preferred.</li> <li>2. <b>"of the same kinds, class, or nature"</b>: When a list of two or more specific descriptors is followed by more general descriptors, the otherwise wide meaning of the general descriptors must be restricted to the same class, if any, of the specific words that precede them. For example, where "cars, motor bikes, motor powered vehicles" are mentioned, the word "vehicles" would be interpreted in a limited sense (therefore vehicles cannot be interpreted as including airplanes).</li> <li>3. <b>"the express mention of one thing excludes all others"</b>: Items not on the list are impliedly assumed not to be covered by the statute. However, sometimes a list in a statute is illustrative, not exclusionary. This is usually indicated by a word such as "includes" or "such as."</li> <li>4. <b>"upon the same matter or subject"</b>: When a statute is ambiguous, its meaning may be determined in light of other statutes on the same subject matter.</li> <li>5. <b>"a word is known by the company it keeps"</b>: When a word is ambiguous, its meaning may be determined by reference to the rest of the statute.</li> <li>6. <b>"the general does not detract from the specific"</b>: If a later law and an earlier law are potentially—but not necessarily—in conflict, courts will adopt the reading that does not result in an implied repeal of the earlier statute. Lawmaking bodies usually need to be explicit if they intend to repeal an earlier law.</li> </ol>
<b>Seventh</b>	Evaluate policy arguments.

	<ol style="list-style-type: none"><li>1. Statutes that change long-standing case law should be strictly construed. A statute is strictly construed when it is narrowly read so that it changes the law as little as possible.</li><li>2. Statutes intended to remedy a problem should be liberally construed to accomplish their remedial purpose. A statute is liberally construed when it is read broadly to include more kinds of situations than a narrow reading would allow.</li><li>3. Statutes making certain conduct a crime should be narrowly construed to protect the rights of those accused.</li></ol>
<b>Eighth</b>	Consider non-binding commentary.