

Reading Law and Legislation 101



14 Points to Look For

- Look at the Title of the Statute
- Look at the Preamble
- Pay Attention to the Definitions Sections
- Look for the "Action" Statements
- Read Statutory Provisions
- Note Any Exceptions
- Check for the Effective Dates
- Be Aware of Severability Clauses
- Look for Operative Terms
- Understand the Order and Organization
- Note Tabulation and Grammar
- Be Aware of the Hierarchy
- Look for Indications of How the New Language is Shown
- Key Terms and Their Function



Look at the Title of the Statute

- **Provides context:** The title often summarizes the statute's main purpose or subject matter, giving you a quick overview before diving into the details.
- **Guides interpretation:** Courts may use the title to help interpret ambiguous language within the statute.
- **Indicates scope:** Titles can reveal the breadth or limitations of the statute's application.
- **Aids in research:** Knowing the title helps in finding related statutes, cases, or secondary sources.



Look at the Preamble

A preamble is an introductory statement at the beginning of a statute that explains its purpose, intent, and sometimes the circumstances that led to its enactment. It sets the context for the law that follows but is not typically part of the enforceable legal text itself.

- **Provides historical context:** Preambles may reference past events or issues that led to the statute's creation.
- **Aids in interpretation:** Courts may use the preamble to resolve ambiguities in the statute's main text.



Pay Attention to the Definitions Section

- **Clarifies key terms:** The definitions section provides precise meanings for important words and phrases used in the statute.
- **Ensures consistent interpretation:** Defined terms help maintain uniform understanding throughout the statute.
- **Expands or limits scope:** Definitions can broaden or narrow the application of the law beyond common understanding.



Look for the “Action” Statements

- **Identifies legal requirements:** Action words like "shall," "must," or "will" often indicate mandatory obligations.
- **Distinguishes discretionary actions:** Words like "may" or "can" typically indicate permissive or optional actions.
- **Reveals timing and deadlines:** Look for words like "within," "before," or "after" to identify important time frames.
- **Indicates procedural steps:** Words like "file," "submit," or "notify" often outline specific processes to follow.



Read Statutory Provisions

Statutory provisions are the specific sections or clauses within a law that set out the actual rules, requirements, prohibitions, or permissions established by the legislation. They are the core content of a statute, detailing what the law actually does or requires.

- **Understand legal requirements:** Read each provision carefully, focusing on what actions are required, prohibited, or permitted.
- **Grasp the law's structure:** Provisions are often organized hierarchically (chapters, sections, subsections).
- **Identify exceptions and conditions:** Look for words like "except," "unless," or "provided that" which may limit the application of a rule.

Note Any Exceptions

- **Ensures accurate understanding:** Exceptions often modify or limit the main rule, so noting them is crucial for a complete grasp of the law.
- **Prevents oversimplification:** Noting exceptions helps avoid the pitfall of assuming the law is more straightforward than it actually is.
- **Tip:** Read the entire section before drawing conclusions.



Check for the Effective Dates

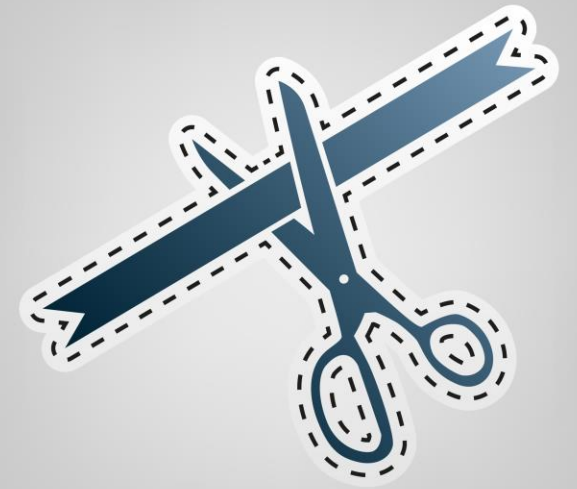
- **Determines when the law becomes enforceable:** Effective dates specify when a statute begins to have legal force, which is crucial for compliance and application.
- **Reveals legislative intent:** The timing of implementation can provide insights into the urgency or complexity of the law.
- **Affects retroactive application:** Understanding effective dates helps determine if a law applies to past events or only future ones.
- **Identifies transitional provisions:** Effective dates may be linked to specific sections, indicating a phased implementation of the law.



Be Aware of Severability Clauses

A severability clause is a provision in a statute that states if any part of the law is found to be invalid or unconstitutional, the remaining parts of the law will still remain in effect.

- **Affects legal interpretation:** Awareness of severability can influence how courts approach challenges to the statute.
- **Tip:** Look for a specific "Severability" section, often near the end of the statute.



Look for Operative Terms

An operative term in a statute is a word or phrase that carries legal weight and defines the essential actions, requirements, or prohibitions established by the law. These terms are crucial for determining how the statute functions and is applied in practice.

Operative terms typically include words like:

- "Shall" (indicating a mandatory action)
- "May" (indicating permission or discretion)
- "Prohibited" (indicating a forbidden action)
- "Must" (indicating a requirement)

These terms define the legal obligations, rights, or restrictions created by the statute, and are key to understanding its practical effects and enforcement.

Understand the Order and Organization

- **Facilitates efficient navigation:** Knowing the structure helps quickly locate relevant sections and provisions.
- **Reveals logical flow:** The organization often reflects the logical progression of the law's application or intent.

- **Tips:**

Start with the table of contents to get an overview of the statute's structure.

Pay attention to hierarchical numbering systems (e.g., chapters, sections, subsections).

Note Tabulation and Grammar

- **Clarifies relationships between provisions:** Tabulation and grammar help show how different parts of a statute are connected or subordinated.
- **Facilitates accurate citation:** Understanding tabulation is crucial for correctly referencing specific parts of a statute.
- **Tip:** Pay attention to indentation levels, which often indicate hierarchical relationships.

CLARIFICATION

Be Aware of the Hierarchy

The hierarchy of a statute refers to its organizational structure, typically arranged from broad, general provisions down to more specific details. This structure is usually organized in descending order of importance and scope:

- Title or Act
- Chapter
- Part or Subchapter
- Section
- Subsection
- Paragraph
- Subparagraph
- Clause



Look for Indications of How New Language is Shown

- **Identify recent changes:** Recognizing new language helps track legislative updates and evolving legal standards.
- **Highlights areas of focus:** New additions often reflect current priorities or responses to recent issues or court decisions.
- **Tip:** Look for visual cues like underlining, italics, or bold text, which often indicate new additions.



Key Terms and Their Function

And V. Or	“And” typically signifies a conjunctive list, meaning each condition in the list must be satisfied, while “or” typically signifies a disjunctive list, meaning satisfying any one condition in the list is sufficient
May v. Shall	Generally, “shall” signifies that certain behavior is mandated by the statute, while “may” grants the agent some discretion
Unless Except	These terms usually signify an exception to the statute

Key Terms and Their Function

Subject to... Within the meaning of For the purposes of	These terms may limit the scope of the statute, or may indicate that a certain part of the statute is controlled or limited by another section or statute
If...then... Upon Before/After Provided that...	Generally, these terms indicate that for one part of a statute to take effect, a precondition or requirement must be satisfied
Notwithstanding	Literally, “in spite of,” this term usually signifies that a certain term or provision is not controlled or limited by other parts of the statute, or by other statutes
Each/Only Every/Any/All	These terms commonly limit the class of objects that are either included in or excluded from the statute

Questions?

Join here:

Email questions to FamilyTEAM@aamft.org



Resources

- <https://www.ashrm.org/sites/default/files/ashrm/MonoStatutes.pdf>
- https://www.americanbar.org/groups/government_public/resources/public_lawyer_career_center/Career_Articles/gruwell-article-five-tips-reading-legislation/
- <https://www.law.georgetown.edu/wp-content/uploads/2018/12/A-Guide-to-Reading-Interpreting-and-Applying-Statutes-1.pdf>
- <https://tlc.texas.gov/readingabill/ReadaBill-4.html>
- <https://www.congress.gov/help/legislative-glossary>
- <https://blog.cambridgecoaching.com/how-to-read-legal-statutes-like-a-lawyer>
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