AALS Section on Law & Interpretation Newsletter
Midyear 2018

Note from the Chair
Dear colleagues:

I am very pleased that many of you answered the call to revive the Section on Law and Interpretation. I know that you share my view that questions of interpretation are central to legal education, practice, and theory. I am pleased to report that the Section has 221 registered members, and so we should be able to maintain a strong presence in coming years. I look forward to seeing you at our AALS program on Corpus Analysis, which is co-sponsored by the Section on Legislation. Meantime, I know that you will greatly appreciate this first edition of the Section newsletter prepared by Karen Petroski. Karen has set a high standard, but we have a strong basis on which to build an intellectually vibrant Section.

Best,
Jay

Note from the Chair-elect
Section members,

I’ve prepared this newsletter along the lines I proposed to the executive committee earlier in 2018 after our section election. Starting on page 2, the newsletter collects law-review articles published through May 2018 that (in my understanding) have to do with our section focus. I’ve been thinking about an effort like this for a while and hoped to see how it worked in this forum. If you have feedback on this approach or any other ideas for content you’d like to see in the newsletter, please contact me with your thoughts and suggestions.

Karen Petroski
karen.petroski@slu.edu

Reminder: calls for papers for section panels at January 2019 AALS meeting

The Law & Interpretation Section is organizing a panel on Corpus Linguistics: The Quest for Objective Interpretation. Justice Thomas Lee (of the Utah Supreme Court) will be the panel keynote speaker. Proposals in the form of 2000- to 2500-word-long (15-minute) papers are due to Jay Mootz (jmootz@pacific.edu) by July 31, 2018. Selected presenters will be notified by August 31, 2018.

The Section on Legislation & Law of the Political Process is organizing a panel on 21st-Century Textualism. Proposals in the form of two- to three-page extended abstracts are due to Evan Zoldan (evan.zoldan@utoledo.edu) by July 31, 2018. Selected participants will be notified by September 1, 2018.

If you are interested but missed the full CFP for either of these panels, you can find them on the AALS website, or feel free to contact Karen Petroski for a copy.

Current section officers
Chair
Francis J. Mootz III, Univ. of the Pacific

Chair-elect
Karen Petroski, Saint Louis Univ.

Executive board
Andrea Coles-Bjerre, Univ. of Oregon
Clark D. Cunningham, Georgia State Univ.
Ryan D. Doerfler, Univ. of Pennsylvania
Stanley Fish, Cardozo School of Law
Richard Heppner, Duquesne Univ.
Law review midyear roundup

Introduction (from Karen P.)

This list is based on my review of law-review tables of contents (through May 2018) for pieces addressing legal interpretation and/or the legal treatment of discourse. It includes articles, notes, comments, and book reviews. I sorted entries into categories to help you find what interests you more quickly, but some pieces fall between categories, so you might need to look in more than one place. Within categories, I’ve listed pieces alphabetically by author surname. When a piece’s title does not make its focus self-explanatory, I have included a brief explanation. I welcome ideas for category addition or deletion. Please forgive (and let me know about) any omissions or misjudgments.

Categories included

Constitutional interpretation & construction (in general, including originalism) ............................................ 2
Constitutional interpretation (particular provisions) ................................................................. 3
Constitutional interpretation (state constitutions) ........................................................................ 3
Statutory interpretation (broadly) .......... 4
Statutory interpretation (specific canons & doctrines, including *Chevron*) .................. 5
Statutory interpretation (particular statutes, including preemption) .................................. 5
Lawmaking process ........................................ 6
Contract & will interpretation ....................... 6
Intellectual property ................................... 6
First Amendment ...................................... 7
Judicial, courtroom, & police speech (including interpretation of precedent) ................... 9
Miscellaneous ........................................ 9

Constitutional interpretation & construction
(in general, including originalism)


**Constitutional interpretation (particular provisions)**


**Constitutional interpretation (state constitutions)**


Constance Van Kley, Comment, *Article V, Section 12 of the Montana Constitution*: 1


Statutory interpretation (broadly)


Interpretation in light of executive-branch actions.


Thomas W. Merrill, et al. (Federalist Society panel discussion), Text Over Intent and the Demise of Legislative History, 43 U. of Dayton L. Rev. 103 (Winter 2018).


**Statutory interpretation (specific canons & doctrines, including Chevron)**


**Statutory interpretation (particular statutes)**


**Lawmaking process**


**Contract & will interpretation**


Empirical Analysis, 103 Iowa L. Rev. 663 (Jan. 2018).

**Intellectual property**


Robert Brauneis, Parodies, Photocopies, Recusals and Alternate Copyright Histories: The Two Deadlocked Supreme Court Fair Use Cases, 68 Syracuse L. Rev. 7 (2018). Symposium on forgotten IP cases; also includes pieces by Samuel F. Ernst, Amelia Smith, Jessica Kieser, Bruce E. Boyden, and Zvi S. Rosen.


**First Amendment**


**Judicial, courtroom, & police speech (including interpretation of precedent)**


**Miscellaneous**


