

STATUTORY CONSTRUCTION

Melissa Goodwin, Senior Justice, Ret.

1

OBJECTIVES

- 1. Describe statutory construction tools and their uses from an appellate judge's perspective.
- 2. Offer drafting and argument tips.
- 3. Provide statutory tools, case law, and secondary references

2

STATUTORY CONSTRUCTION

- An attempt to determine the meaning of a statute?
- An attempt to determine the legislative intent?

3

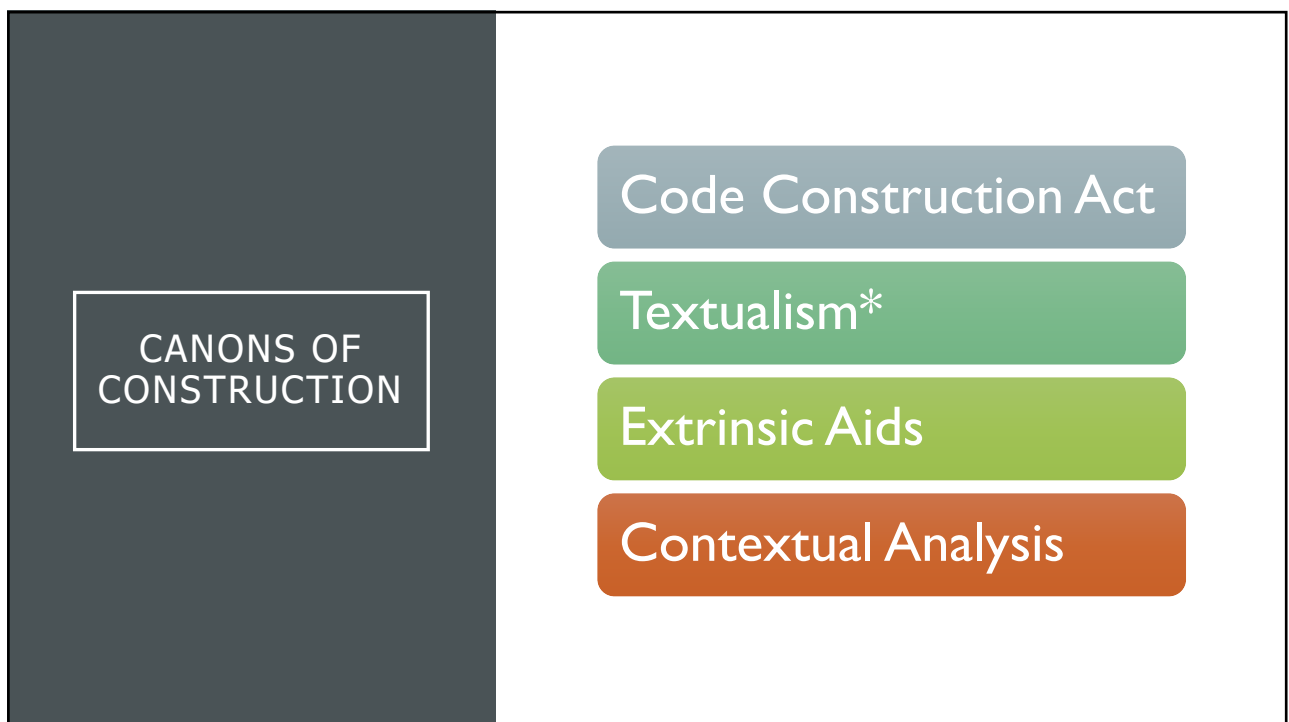
PLAIN LANGUAGE / MEANING, BOYKIN V STATE, 818 S.W.2D 782 (TEX.CR.APP. 1991)

- Begin with the precise language of the statute
- [I]f the meaning of the statutory text ...should have been plain to the legislators who voted on it, we ordinarily give effect to that plain meaning. *Smith v. State*, 789 S.W.2d 590, 592 (Tex.Cr.App. 1990). "Where the statute is clear and unambiguous, the Legislature must be understood to mean what it has expressed, and it is not for the courts to add or subtract from such a statute." *Coit v. State*, 808 S.W.2d 473, 475 (Tex.Cr.App. 1991) (quoting *Ex parte Davis*, 412 S.W.2d 46, 52 (Tex.Cr.App. 1967).

4

AMBIGUOUS	UNAMBIGUOUS
• Proceed to Canons of Construction in Civil & Criminal	• Absurd Result, may proceed to Canons of Construction in Criminal – less so in Civil

5



6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Statutory Construction

Also available as part of the eCourse

[Practical Guidance in Criminal Appeals Practice \(2024\): PDRs, Statutory Interpretation, Findings of Fact, and Judicial Perspectives](#)

First appeared as part of the conference materials for the
2024 Robert O. Dawson Conference on Criminal Appeals session
"Approaches to Statutory Interpretation"