

Questions for the Record
Senator Lee

Responses of Madeline Cox Arleo
Nominee, United States District Judge for the District of New Jersey

1. Ms. Cox, how would you describe your approach to statutory interpretation?

Response: Having served as a Magistrate Judge for fourteen years, my approach is guided by the decisions of the Supreme Court and the Third Circuit on statutory interpretation. I consider all sources that those Courts have utilized, including an examination of the plain meaning of a statute, canons of statutory construction, controlling precedent of the Supreme Court and the Third Circuit, and persuasive authority from other circuits.

a. To what sources would you look in deciding a case that turned on interpretation of a federal statute?

Response: I would look first to the plain language of the statute. If the language was clear, my inquiry would end and I would apply the law to the facts of the case. If there was any ambiguity, I would consider the controlling law of the Supreme Court and of the Third Circuit. I would also consider any canons of statutory construction that those courts have approved. If there was no controlling law, I would consider persuasive authority from other courts considering the issue.

b. Does a statute have a purpose beyond the purpose expressed in the enacted text of the legislation and if so, how would a judge be capable of adducing a statute's purpose?

Response: If the purpose is clearly stated in the text of the legislation, the court should accept that purpose and should look no further. If there is ambiguity in the language of the statute, the court should look for interpretive guidance from the Supreme Court, binding law of the circuit, persuasive law from other circuits, and only as a last resort, consider legislative history.