



Elements of Contract Interpretation

Steven J. Burton

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Unclear contracts are common, and a large number of litigated cases in the U.S. require clarification of the parties' agreement. The process of clarifying an unclear contract involves three legal tasks. A judge must first identify the terms to be interpreted, then must determine whether the terms are ambiguous and encompass the rival interpretations advanced by the parties. Finally, if the terms are ambiguous, a finder of fact must resolve the ambiguity by choosing between the rival interpretations. Performing these tasks often involves the question of what evidence may be considered. Further, the courts may decide contract interpretation issues based on the agreement's literal terms, or the parties' objective or subjective intentions.

Steven J. Burton's undertaking in *Elements of Contract Interpretation* is a comprehensive treatment of these issues. By identifying the concrete and legally provable elements that contract interpreters may use, he has written an invaluable resource for both practitioners and scholars alike. This book also proposes an optimal law of contract interpretation for the courts' consideration.

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