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## GLOSSARY OF LEGAL TERMS

Методические указания  
по английскому языку  
для студентов и магистрантов юридического факультета

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Составители Е.Г. Баянкина, О.Н. Занина

Рецензент

Кандидат педагогических наук *Н.В. Тененёва*

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## GLOSSARY OF LEGAL TERMS

(adj.) – adjective    (adv) – adverb    (n.) – noun    (v) – verb

**abolish** (v) – to annul or destroy, esp. an ongoing practice or thing.

**abridge** (v) – 1. To reduce or diminish <abridge one's civil liberties>. 2. To condense (as a book or other writing) <the author abridged the treatise before final publication>.

**absolute** (adj.) – 1. Free from restriction, qualification, or condition <absolute ownership>. 2. Conclusive and not liable to revision <absolute delivery>. 3. Unrestrained in the exercise of governmental power <absolute monarchy>.

**absolute right** – A right that belongs to every human being, such as the right of personal liberty; a natural right.

**abstention** (n) – 1. A federal court's relinquishment of jurisdiction when necessary to avoid needless conflict with a state's administration of its own affairs. 2. The legal principle underlying such a relinquishment of jurisdiction.

**abuse** (v) – 1. To depart from legal or reasonable use in dealing with (a person or a thing); to misuse. 2. To injure a person physically or mentally. 3. To damage a thing.

**accuse** (v)– To charge (a person) judicially or publicly with an offence; to make an accusation against <she accused him of the crime><he was accused as an accomplice>

**action** (n) – Action is another word for lawsuit, case, legal matter or litigation. Cause of action refers to a set of facts that make up the grounds for filing a lawsuit.

**adjudication** (n) -The term usually applied to the action of an administrative agency when that agency acts like a court. The legal process of resolving a dispute; the process of judicially deciding a case.

**administrative agency** – A governmental body with the authority to implement and administer particular legislation. – Also termed *government agency; public agency; regulatory agency*.

**admiralty** (n) – 1. A court that exercises jurisdiction over all maritime contracts, torts, injuries, or offences. \*The federal courts are so called when exercising their admiralty jurisdiction, which is conferred by the U.S. Constitution (art. III, §2, cl. 1). – Also termed *admiralty court; maritime court*. 2. The system of jurisprudence that has grown out of the practice of admiralty courts. 3. Narrowly, the rules governing

contract, tort, and workers'-compensation claims arising out of commerce on or over water. – Also termed *admiralty law*.

**adoption** (n) – 1. *Family law*. The statutory process of terminating a child's legal rights and duties toward the natural parents and substituting similar rights and duties toward adoptive parents. 2. *Contracts*. The process by which a person agrees to assume a contract previously made for that person's benefit, such as a newly formed corporation's acceptance of a preincorporation contract.

**advocate** (n) – A person who assists, defends, pleads, or prosecutes for another.

**advocate** (v) – to speak in favor of; support (esp. an idea or plan)

**affirm** (v) – 1. To confirm (a judgment) on appeal. 2. To solemnly declare rather than swear under oath.

**agency** (n) - A governmental body with the authority to implement and administer particular legislation.

**aggression** (n) – *Int'l law*. The use of armed force by a country against the sovereignty, territorial integrity, or political independence of another country, or in a manner inconsistent with the Charter of the United Nations. \*Acts falling within this definition include declaring war against, invading, attacking, blockading, or landing troops on another country's territory.

**agreement** (n) – A mutual understanding between two or more persons about their relative rights and duties regarding past or future performances.

**Agricultural Adjustment Act(AAA)** – A federal statute, enacted in 1933, that paid farmers to not produce crops in an effort to raise crop prices. \*The U.S. Supreme Court declared the act unconstitutional in 1936 on grounds that Congress had overstepped its power to regulate commerce. A second, more limited Agricultural Adjustment Act was enacted in 1938.

**alleged** (adj) – 1. Asserted to be true as described <alleged offenses>. 2. Accused but not yet tried <alleged murderer>.

**ambiguity** (n) – An uncertainty of meaning or intention, as in a contractual term or statutory provision. – **adj.** – **ambiguous**.

**appeal** (n) – A proceeding undertaken to have a decision reconsidered by bringing it to a higher authority; esp., the submission of a lower court's or agency's decision to a higher court for a review and possible reversal.

**appeal** (v) – To seek review (from a lower court's decision) by a

higher court <petitioner appeals the conviction>

**appellate court** – A court with jurisdiction to review decisions of lower courts or administrative agencies. Also termed *appeals court*; *appeal court*; *court of appeals*; *court of appeal*, *court of review*.

**appellate jurisdiction** – The power of a court to review and revise a lower court's decision.

**Appointments Clause** – The Clause of the U.S. Constitution giving the President the power to nominate federal judges and various other officials.

**apprehension** (n) – 1. Seizure in the name of the law; arrest <apprehension of a criminal>. 2. Perception; comprehension <the tort of assault requires apprehension by the plaintiff of imminent contact>. 3. Fear; anxiety <most people approach public speaking with some apprehension>.

**arbitrary power** (ph) – founded on prejudice or preference rather than on reason or fact.

**argument** (n) – 1. A statement that attempts to persuade; esp., the remarks of counsel in analyzing and pointing out or repudiating a desired inference, for the assistance of a decision-maker. 2. The act or process of attempting to persuade.

**asset** (n) – 1. An item that is owned and has value. 2. (pl) The entries on a balance sheet showing the items of property owned, including cash, inventory, equipment, real estate, accounts receivable, and goodwill. 3. (pl) All the property of a person (esp. a bankrupt or deceased person) available for paying debts.

**associate justice** – An appellate-court justice other than the chief justice.

**Atomic Energy Act** - 42 U.S.C. § 2011 et seq. (1946), established the Atomic Energy Commission (AEC) and gave it authority over all aspects of atomic energy, including nuclear warhead research, development, testing, and production. The legislation grew out of the need many outside of government and the military, including scientists who had worked on the Manhattan Project, felt for establishing independent controls over nuclear technology. The act also established a joint congressional committee on atomic energy. In 1954, amendments were added to allow greater participation by private nuclear-industry interests, and in 1974 the AEC and the joint committee were dissolved and their functions transferred to the Nuclear Regulatory Commission, the Energy Research and Development Administration (disbanded in

1977 when the Department of Energy was created), and various congressional subcommittees.

**Atomic Energy Commission** - The Atomic Energy Commission (AEC), established by the Atomic Energy Act of 1946, was given a monopoly on the development of nuclear energy. David E. Lilienthal, previously head of the Tennessee Valley Authority, was its first chairman. In 1954, revisions of the Atomic Energy Act allowed private industry to participate in the development of nuclear technology and gave the AEC regulatory powers in the areas of public health and safety and national security as related to nuclear energy. Because the dual tasks of the AEC--regulation and promotion--often came into conflict, Congress separated the two functions. Throughout the 1960s and 1970s the nuclear energy industry grew larger, leading to greater work loads for the regulators. Reaction against this growth and the fact that one agency both created and regulated the industry prompted passage of the Energy Reorganization Act of 1974, which replaced the AEC with the Nuclear Regulatory Commission and the Energy Research and Development Administration.

**authority** (n) – 1. The right or permission to act legally on another's behalf; the power delegated by a principal to an agent. 2. Governmental power or jurisdiction <within the court authority>. 3. A governmental agency or corporation that administers a public enterprise.

**authorize** (v) – 1. To give legal authority; to empower <he authorized the employee to act for him> 2. To formally approve; to sanction <the city authorized the construction project>

**bail** (n) – 1. A security such as cash or a bond; esp., security required by a court for the release of a prisoner who must appear at a future time <bail is set at \$500>. 2. Release of a prisoner on security for a future appearance <the court refused bail for the accused serial killer>. 3. One or more sureties for a criminal defendant <the attorney stood as bail for her client>.

**bar** (n) – 1. In a court room, the railing that separates the front area, where the judge, court personnel, lawyers, and witnesses conduct court business, from the back area, which provides seats for observers; by extension, a similar railing in a legislative assembly <the spectator stood behind the bar>. 2. The whole body of lawyers qualified to practice in a given court or jurisdiction; the legal profession, or an organized subset of it <the attorney's outrageous misconduct disgraced the bar>. 3. A preventive barrier to or the destruction of a legal action or

claim; the effect of a judgment for the defendant <a bar to any new lawsuit>. 6. A plea arresting a lawsuit or legal claim <the defendant filed a bar>

**bar** (v) – To prevent, esp. by legal objection <the statute of limitations barred the filing of the stale claims>.

**bench** (n) – 1. The raised area occupied by the judge in a courtroom <approach the bench>. 2. The court considered in its official capacity <remarks from the bench>. 3. Judges collectively <bench and bar>. 4. The judges of a particular court <the Fifth Circuit bench>.

**benefactor** (n) – A person who does good or who gives money for a good purpose.

**benefit** (n) – 1. Advantage; privilege. 2. Profit or gain 3. Financial assistance that is received from an employer, insurance, or a public program (such as social security) in time of sickness, disability, or unemployment <a benefit from the welfare office>.

**bias** (n) – Inclination; prejudice <the juror's bias prompted a challenge for cause>. – **bias**, v. – **biased**, adj.

**bill** (n) – A legislative proposal offered for debate before its enactment.

**bill of attainder** – A special legislative act prescribing capital punishment, without a trial, for a person guilty of a high offense such as treason or a felony. \*Bills of attainder are prohibited by the U.S. Constitution. – Also termed *act of attainder*.

**body** (n) – 1. The main part of a written instrument. 2. A collection of laws. 3. An artificial person created by a legal authority.

**brief** (n) – A written statement setting out the legal contentions of a party in litigation, esp. on appeal; a document prepared by counsel as the basis for arguing a case, consisting of legal and factual arguments and the authorities in support of them. – Also termed *legal brief*. – **brief**, v.

**burden** (n) – 1. A duty or responsibility <the seller's burden to insure the shipped goods>. 2. Something that is oppressive <a burden on interstate commerce>.

**caption** (n) 1. The introductory part of a court paper stating the names of the parties, the name of the court, the docket or file number, and the title of the action. 2. The arrest or seizure of a person by legal process.

**case** (n) – A proceeding, action, suit, or controversy at law or in equity <the parties settled the case>

**case stated** (ph) – A formal written statement of the facts in a case, submitted to the court jointly by the parties so that a decision may be rendered without trial. – Also termed *case agreed on*.

**census** (n) – The official counting of people to compile social and economic data for the political subdivision to which the people belong. (pl. **censuses**)

**certification** (n) – 1. The act of attesting. 2. The state of having been attested. 3. An attested statement. 4. The writing on the face of a check by which it is certified. 5. A procedure by which a U. S. court of appeals asks the U. S. Supreme Court or the highest state court to review a question of law arising in a case pending before it on which the court of appeals needs guidance.

**certify** (v) – 1. To authenticate or verify in writing. 2. To attest as being true or as meeting certain criteria. 3. (Of a court) to issue an order allowing a class of litigants to maintain a class action; to create (a class) for purpose of a class action.

**certiorari** – [Law Latin “to be more fully informed”] An extraordinary writ issued by an appellate court, at its discretion, directing a lower court to deliver the record in the case for review. \*The U. S. Supreme Court uses certiorari to review most of the cases that it decides to hear. – Abbr. cert. – Also termed *writ of certiorari*.

**charge** (v) – 1. To accuse (a person) of criminal conduct <the police charged him with murder>. 2. To instruct or command <the dean charged the students to ensure that the entire group acted ethically>. 3. To instruct a jury on matters of law <the judge charged the jury on self-defense>. 4. To impose a lien or claim; to encumber <charged the land with a tax lien>. 5. To entrust with responsibilities or duties <charge the guardian with the ward’s care>. 6. To demand a fee; to bill <the clerk charged a small filing fee>.

**chief justice** – The presiding justice of an appellate court in a jurisdiction and esp. the U.S. Supreme Court. – Abbr. C.J.

**child-labor law** – A state or federal statute that protects children by prescribing the necessary working conditions for children in a workplace.

**citation** (n) – 1. A court-issued writ that commands a person to appear at a certain time and place to do something demanded in the writ, or to show cause for not doing so. 2. A police-issued order to appear before a judge on a given date to defend against a stated charge, such as a traffic violation. 3. A reference to a legal precedent or authority, such



as a case, statute, or treatise, that either substantiates or contradicts a given position.

**cite** (v) – 1. To summon before a court of law <the witness was cited for contempt>. 2. To refer to or adduce as precedent or authority <counsel then cited the appropriate statutory provision>. 3. To commend or honor <the soldier was cited for bravery>.

**civil action** – An action brought to enforce, redress or protect a private or civil right.

**Civil-Rights Act** – One of several federal statutes enacted after the Civil War (1861-1865) and, much later, during and after the civil-rights movement of the 1950s and 1960s, and intended to implement and give further force to the basic rights guaranteed by the Constitution, and esp. prohibiting discrimination in employment and education on the basis of race, sex, religion, color or age.

**class action** – A lawsuit in which a single person or a small group of people represents the interests of a larger group. \*Federal procedure has several requirements for maintaining a class action: (1) the class must be so large that individual suits would be impracticable, (2) there must be legal or factual questions common to the class, (3) the claims or defenses of the representative parties must be typical of those of the class, and (4) the representative parties must adequately protect the interests of the class. – Also termed *class suit*; *representative action*.

**client** (n) – A person or entity that employs a professional for advice or help in that professional's line or work.

**closing argument** – In a trial, a lawyer's final statement to the judge or jury before deliberation begins, in which the lawyer requests the judge or jury to consider the evidence and to apply the law in his or her client's favor. - Also termed *closing statement*; *final argument*; *jury summation*; *summing up*.

**coconspirator** – A person who engages in a criminal conspiracy with another; a fellow conspirator.

**coercion** (n) – 1. Compulsion by physical force or threat of physical force. \*An act such as signing a will is not legally valid if done under coercion. 2. Conduct that constitutes the improper use of economic power to compel another to submit to the wishes of one who wields it. – Also termed *economic coercion*.

**Coinage Clause** – The provision of the U.S. Constitution (art. I, §8, cl. 5) granting to Congress the power to coin money.

**comity** (n) – 1. Courtesy among political entities (as nations, states, or courts of different jurisdiction), involving esp. mutual recognition of legislative, executive, and judicial acts. – Also termed *comitas gentium*; *courtoisie internationale*.

**Commerce Clause** – U.S. Const. art. I, §8, cl. 3. which gives Congress the exclusive power to regulate commerce among the states, with foreign nations, and with Indian tribes.

**commission** (n) – 1. A warrant or authority, from the government or a court, that empowers the person named to execute official acts <the student received his commission to the U.S. Navy after graduation>. 2. The authority under which a person transacts business for another <the client gave her attorney express commission to sign the contract>. 3. A body of persons acting under lawful authority to perform certain public services <the Federal Communications Commission>. 4. The act of doing or perpetrating (as a crime) <the perpetrator fled to Mexico after commission of the assault>. 5. A fee paid to an agent or employee for a particular transaction, usu. as a percentage of the money received from the transaction <a real-estate agent's commission>.

**commissioner** (n) – 1. A person who directs a commission; a member of a commission. 2. The administrative head of an organization, such as a professional sport.

**common defense** (ph) – All measures taken by a nation to protect itself against its enemies.

**compact** (n) – An agreement or covenant between two or more parties, esp. between governments or states.

**company** (n) – A corporation - or, less commonly, an association, partnership, or union – that carries on a commercial or industrial enterprise; a corporation, partnership, association, joint-stock company, trust, fund, or organized group of persons, whether incorporated or not, and (in an official capacity) any receiver, trustee in bankruptcy, or similar official, or liquidating agent, for any of the foregoing.

**compel** (v) – 1. To cause or bring about by force or overwhelming pressure <a lawyer cannot be compelled to testify about a privileged communication>. 2. (Of a legislative mandate or judicial precedent) to convince (a court) that there is only one possible resolution of a legal dispute <the wording of the statute compels us to affirm>.

**compelling-state-interest test** – *Constitutional law*. A method for determining the constitutional validity of a law, whereby the government's interest in the law is balanced against the individual's

constitutional right to be free of the law, and only if the government's interest is strong enough will the law be upheld. \*The compelling-state-interest test is used most commonly in equal-protection analysis when the disputed law requires strict scrutiny.

**compensation** (n) – 1. Remuneration and other benefits received in return for services rendered; esp. salary or wages. 2. Payment of damages, or any other act that a court orders to be done by a person who has caused injury to another and must therefore make the other whole.

**complaint** (n) – 1. The initial pleading that starts a civil action and states the basis for the court's jurisdiction, the basis for the plaintiff's claim, and the demand for relief. 2. (Criminal law) – A formal charge accusing a person of an offense.

**concealment** (n) – 1. The act of refraining from disclosure; esp., an act by which one prevents or hinders the discovery of something. 2. The act of removing from sight or notice; hiding. – **conceal**, (v)

**concurrency** (n) – 1. Agreement; assent. 2. A vote cast by a judge in favor of the judgment reached, often on grounds differing from those expressed in the opinion or opinions explaining the judgment. 3. A separate written opinion explaining such a vote. - Also termed (in sense 3) *concurring opinion*.

**concurrent jurisdiction** - 1. Jurisdiction exercised simultaneously by more than one court over the same subject matter and within the same territory, with the litigant having the right to choose the court in which to file the action. 2. Jurisdiction shared by two or more states, esp. over the physical boundaries (such as rivers or other bodies of water) between them. – Also termed *overlapping jurisdiction*, *coordinate jurisdiction*.

**confiscate** (v) – 1. To appropriate (property) as forfeited to the government. 2. To seize (property) by authority of law.

**constituency** (n) – The residents of an electoral district.

**Constitutional Law** – The body of law deriving from the U.S. Constitution and dealing primarily with governmental powers, civil rights, and civil liberties.

**construction** (n) – The act or process of interpreting or explaining the sense or intention of a writing (usu. a statute, opinion, or instrument), v. – construe

**constructive** (adj) – Legally imputed; having an effect in law though not necessarily in fact. \* Courts usu. give something a constructive effect for equitable reasons <the court held that the shift

supervisor had constructive knowledge of the machine's failure even though he did not actually know until two days later>.

**consul** – A governmental representative living in a foreign country to oversee commercial and other matters involving the representative's home country and its citizens in that foreign country. \*Because they are not diplomatic agents, consuls are subject to local law and jurisdiction. - **adj. – consular, n.- consulship.**

**Contract Law** - that branch of jurisprudence that studies the rights and obligations of parties entering into contracts.

**controversy** – 1. A disagreement or a dispute, esp. in public. 2. A justiciable dispute. 3. *Constitutional law*. A case that requires a definitive determination of the law on the facts alleged for the adjudication of an actual dispute, and not merely a hypothetical, theoretical, or speculative legal issue. – Also termed *actual controversy*.

**convict** (n) – A person who has been found guilty of a crime and is serving a sentence of confinement for that crime; a prison inmate.

**convict** (v) – To find (a person) guilty of a criminal offense either upon a criminal trial, a plea of guilty, or a plea of nolo contendere.

**copyright** (n) – 1. A property right in an original work of authorship (such as a literary, musical, artistic, photographic, or film work) fixed in any tangible medium of expression, giving the holder the exclusive right to reproduce, adapt, distribute, perform, and display the work. 2. The body of law relating to such works.

**Copyright Clause** – U.S. Const. art. I, §8, cl. 8, which gives Congress the power to secure to authors the exclusive rights to their writings for a limited time.

**corporation** (n) – An entity (usu. a business) having authority under law to act as a single person distinct from the shareholders who own it and having rights to issue stock and exist indefinitely; a group or succession of persons established in accordance with legal rules into a legal or juristic person that has legal personality distinct from the natural persons who make it up, exists indefinitely apart from them, and has the legal powers that its constitution gives it.

**counsel** (n) – 1. Advice or assistance <the lawyer's counsel was to petition immediately for a change of immigration status>. 2. One or more lawyers who represent a client <the client acted on advice of counsel>. – In the singular, also termed *counselor*.

**court** (n) – 1. A governmental body consisting of one or more judges who sit to adjudicate disputes and administer justice <a question

of law to the court to decide>. 2. The judge or judges who sit on such a governmental body <the court asked the parties to approach the bench>. 3. A legislative assembly <in Massachusetts, the General Court is the legislature>. 4. The locale for a legal proceeding <an out-of-court statement>. 5. The building where the judge or judges convene to adjudicate disputes and administer justice <the lawyers agreed to meet at the court at 8:00 a.m.>

**court of equity** – A court that (1) has jurisdiction in equity, (2) administers and decides controversies in accordance with the rules, principles, and precedents of equity, and (3) follows the forms and procedures of chancery.

**court of last resort** – The court having the authority to handle the final appeal of case, such as the U.S. Supreme Court.

**court of limited jurisdiction** – A court with jurisdiction over only certain types of cases, or cases in which the amount of controversy is limited.

**creationism** (n) – or creation science, belief in the biblical account of the creation of the world as described in Genesis, a characteristic especially of fundamentalist Protestantism. Advocates of creationism have campaigned to have it taught in U.S. public schools along with the theory of evolution, which they dispute. In 1981, a federal judge ruled unconstitutional an Arkansas law requiring the teaching of creationism, holding it to be religious in nature; a similar Louisiana law was overturned in 1982. In 1999, supporters of creationism in Kansas succeeded in removing the requirement that evolution be taught as part of the state's high school biology curriculum, but after several supporters of the measure were not reelected to the state school board that decision was reversed in 2001. Fundamentalist Christians have also opposed the teaching of scientific theories concerning the formation of the universe.

**credibility** (n) – The quality that makes something (as a witness or some evidence) worthy of belief. – **credible** (adj)

**damages** (n.,pl.) – Money claimed by, or ordered to be paid to, a person as compensation for loss or injury <the plaintiff seeks \$8,000 in damages from the defendant>.

**decedent** (n) – A dead person, esp. one who has died recently. – Also termed *deceased*.

**declaratory judgment** (ph) – A binding adjudication that establishes the rights and other legal relations of the parties without providing for or ordering enforcement. \* Declaratory judgments are

often sought, for example, by insurance companies in determining whether a policy covers a given insured or peril.

**deed** (n) – 1. Something that is done or carried out; an act or action. 2. A written instrument by which land is conveyed. 3. At common law, any written instrument that is signed, sealed, and delivered and that conveys some interest in property.

**defective product** – A product that is unreasonably dangerous for normal use, as when it is not fit for its intended purpose, inadequate instructions are provided for its use, or it is inherently dangerous in its design or manufacture.

**defendant** (n) – a person sued in a civil proceeding or accused in a criminal proceeding.

**designee** (n) – A person who has been designated to perform some duty or carry out some specific role. – Also termed – *designate* (n).

**detriment** (n) – 1. Any loss or harm suffered by a person or property. 2. *Contracts*. The relinquishment of some legal right that a promisee would have otherwise been entitled to exercise. – **adj.** – **detrimental**

**dictum** (n) – 1.(OBITER DICTUM) [Latin “something said in passing”] A judicial comment made during the course of delivering a judicial opinion, but one that is unnecessary to the decision in the case and therefore not precedential (though it may be considered persuasive). – Often shortened to *dictum* or, less commonly, *obiter*. Pl. **obiter dicta**. 2. A statement of opinion or belief considered authoritative because of the dignity of the person making it. 3. A familiar rule; a maximum.

**disbarment** (n) – The action of expelling the lawyer from the bar or from the practice of law, usu. because of some disciplinary violation. – Also termed *striking off the roll*. – **disbar**, v.

**discard** (v) – To drop, dismiss, let go, or get rid of as no longer useful, valuable, or pleasurable.

**discharge** (n) – 1. The payment of a debt or satisfaction of some other obligation. 2. The release of a debtor from monetary obligations upon adjudication of bankruptcy. 3. The dismissal of a case. 4. The canceling or vacating of a court order. 5. The release of a prisoner from confinement. 6. The relieving of a witness, juror, or jury from further responsibilities in a case. 7. The firing of an employee. 8. The dismissal of a member of the armed services from military service <the sergeant was honorably discharged>.

**discovery** (n) – The formal procedures used by parties to a lawsuit to obtain information before a trial is called discovery. Discovery helps a party find out the other side's version of the facts, what witnesses know, and other evidence. Rules dictating the allowable methods of discovery have been set up by Congress (for federal courts) and by state legislatures (for state courts). Common discovery devices include:

**discrimination** (n) – 1. The effect of a law or established practice that confers privileges on a certain class that denies privileges to a certain class because of race, age, sex, nationality, religion, or handicap. 2. Differential treatment; esp. a failure to treat all persons equally when no reasonable distinction can be found between those favored and those not favored.

**disfigurement** (n) – An impairment or injury to the appearance of a person or thing. – **disfigure**, v.

**disperse** (v) – to cause to scatter in different directions.

**disposition** (n) – 1. The act of transferring something to another's care or possession, esp. by deed or will; the relinquishing of property <a testamentary disposition of all the assets>. 2. A final settlement or determination <the court's disposition of the case>.

**disposition without a trial** – the disposal of a criminal case without a trial on the merits, as when a defendant pleads guilty or admits sufficient facts to support a guilty finding without trial.

**dissent** (n) – 1. A disagreement with a majority opinion, esp. among judges. 2. A withholding of assent or approval.

**dissenting opinion** – An opinion by one or more judges who disagree with the decision reached by the majority. – Often shortened to *dissent*. – Also termed *minority opinion*.

**district court** – A trial court having general jurisdiction within its judicial district. – abbr. D.C.

**divided court** – An appellate court whose opinion or decision in a particular case is not unanimous, esp. when the majority is slim, as in a 5-to-4 decision of the U.S. Supreme Court.

**Dormant Commerce Clause** – The constitutional principle that the Commerce Clause prevents state regulation of interstate commercial activity even when Congress has not acted under its Commerce Clause power to regulate that activity.

**due process** – The conduct of legal proceedings according to established rules and principles for the protection and enforcement of private rights, including notice and the right to a fair hearing before a

tribunal with the power to decide the case.

**due process of law** - the administration of justice according to established rules and principles; based on the principle that a person cannot be deprived of life or liberty or property without appropriate legal procedures and safeguards.

**dump** (v) – 1. To drop (something) down, esp. in a heap; to unload. 2. To sell (products) at an extremely low price; specif., to sell (products) in a foreign market at a lower price than at home. 3. The disposal of waste matter into the environment.

**duty** (n) – 1. A legal obligation that is owed or due to another and that needs to be satisfied; an obligation for which somebody else has a corresponding right. 2. Any action, performance, task, or observance owed by a person in an official or fiduciary capacity. 3. *Torts*. A legal relationship arising from a standard of care, the violation of which subjects the actor to liability. – Also termed *duty of care*. 4. A tax imposed on a commodity or transaction, esp. on imports.

**e.g.** [Latin - *exempli grata*] - for example

**effect** (v) – To bring about; to make happen <the improper notice did not effect a timely appeal>

**ejectment** (n) – 1. The ejection of an owner or occupier from property. 2. A legal action by which a person wrongfully ejected from property seeks to recover possession and damages. \*The essential allegations in an action for ejectment are that (1) the plaintiff has title to the land, (2) the plaintiff has been wrongfully dispossessed or ousted, and (3) the plaintiff has suffered damages. – Also termed action for the recovery of land.

**electoral votes - electoral college** - *often cap E&C*. A body of electors; *specif* The body of electors chosen from each state to elect the president and vice president of the U.S. - Under Article II, Section 1 of the U.S. Constitution, each state chooses electors in the same number that the state has senators and representatives. The electors have the discretion to choose the candidate they vote for, but in practice the electors vote for the candidate that wins the most votes in their respective states. In all the states except Maine, the candidate that wins a plurality of the popular votes wins all of the state's electoral votes.

**Emancipation Proclamation** - in U.S. history, the executive order abolishing slavery in the Confederate States of America. In the early part of the Civil War, President Lincoln refrained from issuing an edict freeing the slaves despite the insistent urgings of abolitionists. Believing



that the war was being fought solely to preserve the Union, he sought to avoid alienating the slaveholding border states that had remained in the Union. “If I could save the Union without freeing *any* slave, I would do it; and if I could save it by freeing *all* the slaves, I would do it; and if I could do it by freeing some and leaving others alone, I would also do that.” He wrote these words to Horace Greeley on Aug. 22, 1862, in answer to criticism from that administration gadfly; he had, however, long since decided, after much reflection, to adopt the third course. Lincoln kept the plan to himself until July 13, 1862, when, according to the cabinet diarist Gideon Welles, he first mentioned it to Welles and Secretary of State William H. Seward. On July 22 he read a preliminary draft to the cabinet and acquiesced in Seward's suggestion to wait until after a Union victory before issuing the proclamation. The Antietam campaign presented that opportunity, and on Sept. 22, 1862, after reading a second draft to the cabinet, he issued a preliminary proclamation that announced that emancipation would become effective on Jan. 1, 1863, in those states “in rebellion” that had not meanwhile laid down their arms. On Jan. 1, 1863, the formal and definite Emancipation Proclamation was issued. The President, by virtue of his powers as commander in chief, declared free all those slaves residing in territory in rebellion against the federal government “as a fit and necessary war measure for suppressing said rebellion.” Congress, in effect, had done as much in its confiscation acts of Aug., 1861, and July, 1862, but its legislation did not have the popular appeal of the Emancipation Proclamation—despite the great limitations of the proclamation, which did not affect slaves in those states that had remained loyal to the Union or in territory of the Confederacy that had been reconquered. These were freed in other ways. Nor did the proclamation have any immediate effect in the vast area over which the Confederacy retained control. Confederate leaders, however, feared that it would serve as an incitement to insurrection and denounced it.

**employee** (n) – A person who works in the service of another person (the employer) under an express or implied contract of hire, under which the employer has the right to control the details of work performance.

**employer** (n) – A person who controls and directs a worker under an express or implied contract of hire and who pays the worker's salary or wages.

**en banc** (adv & adj) – [Law French ‘on the bench’] With all

judges present a participating; in full court <the court heard the case en banc><an en banc rehearing>. – Also spelled *in banc*; *in bank*. – Also termed *in banco*.

**enact** (v) – 1. To make into law by authoritative act; to pass <the statute was enacted shortly before the announced deadline>. (Of a statute) to provide <the statute of frauds enacts that no action may be brought on certain types of contracts unless the plaintiff has a signed writing to prove the agreement>.

**enactment** (n) – 1. The action or process of making into law <enactment of a legislative bill>. 2. A statute <a recent enactment>.

**encroachment** (n) – An infringement of another's rights or intrusion on another's property <the court remedied the encroachment by ordering the defendant to cut down the tree limb hanging over the plaintiff's yard>. – Formally also spelled *incroachment*.

**enforce** (v) – 1. To give force or effect to (a law, etc.); to compel obedience to. 2. Loosely, to compel a person to pay damages for not complying with (a contract).

**enjoin** (v) – 1. To legally prohibit or restrain by injunction <the company was enjoined from selling its stock>. – **n. enjoinder**. 2. To prescribe, mandate, or strongly encourage <the graduating class was enjoined to uphold the highest professional standards>. – **n. enjoinder**.

**equal protection** - A guarantee under the Fourteenth Amendment to the U.S. Constitution that a state must treat an individual or class of individuals the same as it treats other individuals or classes in like circumstances called also *equal protection of the law*. The equal protection requirement of the Constitution protects against legislation that affects individuals differently without a rational basis for doing so. In reviewing claims of denial of equal protection, a court will uphold legislation that has a rational basis unless the legislation affects a fundamental right or involves a suspect classification, such as race. In such a case, the court will use a strict scrutiny standard of review and will strike down legislation that does not show a compelling need for discriminating.

**Equal Protection Clause** – The 14<sup>th</sup> Amendment provision requiring the states to give similarly situated persons or classes similar treatment under the law.

**equity** (n) – 1. Fairness; impartiality; evenhanded dealing <the company's policies require managers to use equity in dealing with subordinate employees>. 2. The body of principles constituting what is

fair and right; natural law <the concept of ‘inalienable rights’ reflects the influence of equity on the Declaration of Independence>. 3. The recourse to principles of justice to correct or supplement the law as applied to particular circumstances <the judge decided the case by equity because the statute did not fully address the issue>. 4. The system of law or body of principles originating in the English Court of Chancery and superseding the common and statute law (together called ‘law’ in the narrower sense) when the two conflict <in appealing to the equity of the court, she was appealing to the ‘king’s conscience’>. 5. A right, interest, or remedy recognizable by a court of equity <there was no formal contract formation, so they sued for breach in equity>. 6. The right to decide matters in equity; equity jurisdiction <the court decided that the wrong was egregious enough to ignore the statute of limitations and decide the case in equity>. 7. A share in a publicly traded company <he did not want to cash in his equity>.

**error** (n) – 1. A psychological state that does not conform to objective reality; a belief that what is false is true or that what is true is false. 2. A mistake of law or of fact in a court’s judgment, opinion, or order. 3. An appeal <a proceeding in error>.

**Espionage Act** - 18 U.S.C. § 792 et seq. (1917), served to suppress opposition to the United States entry into World War I by making criticism of U.S. policy a “treasonable” offense. In combination with the Sedition Act of 1918, which amended it, the act was used as the basis for launching an unprecedented campaign against political radicals, suspected dissidents, left-wing organizations, and aliens. The disregard of basic civil liberties during these “Palmer raids,” as they came to be known (because of the prominence of Attorney General A. Mitchell Palmer), drew widespread protest and ultimately discredited some high government officials. Once war opposition waned and the so-called Red Scare (i.e., fear of a perceived Bolshevik conspiracy to overthrow the U.S. government) passed, the law was allowed to expire (1921). This act made it a crime, punishable by a \$10,000 fine and 20 years in jail, for a person to convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States or to promote the success of its enemies.

**establish** (v) – 1. To settle, make, or fix firmly; to enact permanently <one object of the Constitution was to establish justice>. 2. To make or form; to bring about or into existence <Congress has the power to establish Article III courts>. 3. To prove, to convince <the

House managers tried to establish the President's guilt>.

**Establishment Clause** – *often cap E&C*. A clause in the U.S. Constitution forbidding Congress from establishing a state religion.

**estate** (n) – 1. The amount, degree, nature, and quality of a person's interest in land or other property. 2. All that a person or entity owns, including both real and personal property. 3. The property that one leaves after death; the collective assets and liabilities of a dead person. 4. A tract of land, esp. one affected by an easement.

**evidence** (n) – 1. Something (including testimony, documents, and tangible objects) that tends to prove or disprove the existence of an alleged fact <the bloody glove is the key piece of evidence for the prosecution>. 2. The collective mass of things, esp. testimony and exhibits, presented before a tribunal in a given dispute <the evidence will show that the defendant breached the contract>. 4. The body of law regulating the burden of proof, admissibility, relevance, and the weight and sufficiency of what should be admitted into the record of a legal proceeding <under the rules of evidence, the witness's statement is inadmissible hearsay, that is not subject to any exception>.

**ex post facto** (adv) – [Latin – 'from a thing done afterward'] After the fact, retroactively.

**ex post facto law** – A law that applies retroactively, esp. in a way that negatively affects a person's rights, as by criminalizing an action that was legal when it was committed. \*Ex post facto criminal laws are prohibited by the U.S. Constitution.

**excise** (n) – A tax imposed on the manufacture, sale, or use of goods (such as a cigarette tax), or on an occupation or activity (such as a license tax or an attorney occupation fee).

**exclusionary rule** – Any of various rules that exclude or suppress evidence; *specif* A rule of evidence that excludes or suppresses evidence obtained in violation of a defendant's constitutional rights see also fruit of the poisonous tree good faith exception, Mapp v. Ohio and Wong Sun v. United States in the important cases section - The U.S. Supreme Court established the rule that evidence gathered by a governmental agent in violation of esp. the Fourth and Fifth Amendments to the U.S. Constitution cannot be admitted against a defendant. The rule is available primarily in criminal trials or quasi-criminal proceedings (as punitive administrative hearings) and must also be observed by state courts. There are various statutory exclusionary rules in addition to the rule established by the Supreme Court.

**execute** (v) – 1. To perform or complete (a contract or duty) <once the contract was fully executed, the parties owed no further contractual duties to each other>. 2. To charge (as a legal interest) from one form to another <the shifting use was executed into a valid legal estate>. 3. To make (a legal document) valid by signing; to bring (a legal document) into its final, legally enforceable form <each party executed the contract without a signature witness>. 4. To enforce or collect on (a money judgment) <Williams asked the sheriff to execute on the judgment>.

**executive power**(ph) – The power to see that laws are duly executed and enforced.

**executive privilege** – A privilege, based on the constitutional doctrine of separation of powers, that exempts the executive branch of the federal government from usual disclosure requirements when the matter to be disclosed involves national security or foreign policy.

**exercise** (v) – 1. To make use of; to put into action <exercise the right to vote>. 2. To implement the terms of, to execute <exercise the option to buy the commodities>.

**exigency** (n) – A demand for immediate action or performance arising from a circumstance or condition <exigency of a bond>. – adj. – **exigent**

**fact** (n) – 1. Something that actually exists; an aspect of reality <it is a fact that all people are mortal>. 2. An actual or alleged event or circumstance, as distinguished from its legal effect, consequence, or interpretation <the jury made a finding of fact>. 3. An evil deed; a crime <an accessory after the fact>.

**Fair Labor Standards Act (FLSA)** – A federal law, enacted in 1938, that regulates minimum wages, overtime pay, and the employment of minors.

**federal agency** – A department or other instrumentality of the executive branch of the federal government, including a government corporation and the Government Printing Office. \*he Administrative Procedure Act defines the term ‘agency’ negatively as being any U.S. governmental authority that does not include Congress, the courts, the government of the District of Columbia, the government of any territory or possession, courts-martial, or military authority. The caselaw on this definition focuses on authority: generally, an entity is an agency if it has authority to take binding action. Other federal statutes define agency to include any executive department, government corporation, government-controlled corporation, or other establishment in the executive branch, or

federal regulatory board.

**Federal Elections Commission** - The Federal Election Commission (FEC) is an agency created to administer and enforce the Federal Election Campaign Act of 1975 (FECA), the statute that regulates the financing of federal elections in the United States. The duties of the FEC, which is an independent regulatory agency, are to disclose campaign finance information, to enforce the provisions of the law such as the limits and prohibitions on contributions, and to oversee the public funding of U.S. presidential elections. The Commission is made up of six members, who are appointed by the President of the United States and confirmed by the United States Senate. Each member serves a six-year term, and two seats are subject to appointment every two years. By law, no more than three Commissioners can be members of the same political party, and at least four votes are required for any official Commission action. This structure was created to encourage nonpartisan decisions. The Chairmanship of the Commission rotates among the members each year, with no member serving as Chairman more than once during his or her term.

**fetus** (n) – An unborn child is a child *in utero*: "a member of the species homo sapiens, at any stage of development, who is carried in the womb," according to legislation which passed the US Senate in March 2004. Since the 1970s in the United States, a debate has alternately raged or simmered over the "personhood" of the fetus before birth, which has been publicized and has been the spot of media attention thanks to the Laci Peterson case.

**fighting words** (ph) – Words which by their very utterance are likely to inflict harm on or provoke a breach of the peace by the average person to whom they are directed - Fighting words are not protected speech under the First Amendment to the U.S. Constitution.

**file** (v) – 1. To deliver a legal document to the court clerk or record custodian for placement into the official record <Tuesday is the deadline for filing a reply brief>. 2. To commence a lawsuit <the seller threatened to file against the buyer>. 3. To record or deposit something in an organized retention system or container for preservation and future reference <please, file my notes under the heading 'research'>.

**filibuster** (n) – A dilatory tactic, esp. prolonged and often irrelevant speechmaking, employed in an attempt to obstruct legislative action. \*The filibuster is common in the U.S. Senate, where the right to debate is unlimited.

**fiscal** (adj.) 1. Of or relating to financial matters <fiscal year>. 2. Of or relating to public finances or taxation <the city's sound fiscal policy>.

**forestall** (v) – 1. To prevent (an event, result, etc.). 2. *Hist.* To intercept or obstruct (a person on a royal highway). 3. *Hist.* To prevent (a tenant) from coming on the premises.

**forum** (n) – A court or other judicial body; a place of jurisdiction.

**framers** – formulators of the Constitution.

**Free Exercise Clause** – *often cap F&E&C* The clause in the First Amendment to the U.S. Constitution prohibiting Congress from making any law prohibiting the free exercise of religion.

**freedom of assembly** - The right to hold public meetings and form associations without interference by the government. Freedom of peaceful assembly is guaranteed by the First Amendment to the Constitution. \*Segregation has been described as a violation of freedom of assembly.

**freedom of religion**- The right esp. as guaranteed under the free exercise clause of the First Amendment to the U.S. Constitution to practice one's religion or exercise one's beliefs without intervention by the government and to be free of the exercise of authority by a church through the government. The freedom of religion as guaranteed by the First Amendment can be overcome by a showing by the government of a compelling state interest. On this basis, practices used in some religions, such as drug use and bigamy, are prohibited despite the First Amendment guarantee.

**freedom of speech** - liberty to speak and otherwise express oneself and one's opinions. Freedom of speech itself has been absolute in no time or place. The First Amendment to the U.S. Constitution bars the federal government from “abridging the freedom of speech”; since the 1920s the amendment's protections have been extended against state, as well as against federal, action. Although speech is freer in the United States than in many societies, federal and state laws do restrict many kinds of expression. Some kinds of speech regarded as damaging to individual interests (e.g., libel and slander) are limited primarily by the threat of tort action; other forms of speech (e.g., obscenity) are restricted by law because they are regarded as damaging to society as a whole. Speech that is regarded as disruptive of public order has long been beyond protection (e.g., “fighting words” that cause a breach of the peace or false statements that cause general panic). The government also

limits speech that threatens it directly; although sedition laws are rarely prosecuted in the United States, such rationales as a danger to “national security” have been invoked to silence criticism of or opposition to the government. Laws designed to silence opposition to organized religion (e.g., laws against blasphemy or heresy), common in some other countries, would run afoul of the First Amendment. In recent decades speech controversies in the United States have involved, among other issues, whether and how “hate speech” directed at racial or other groups can be suppressed and what limitations may be imposed on speech in an attempt to combat sexual harassment. The definition of speech itself has been broadened to encompass “symbolic speech,” which consists of actions that express opinions; thus, U.S. courts have held that burning the American flag as a protest is protected speech.

**freedom of the press** - In the United States, freedom of the press is protected by the First Amendment to the Constitution and is considered fundamental rights of the people. In practice, though, some kinds of speech and publication are considered outside the amendment's purview, and others, like commercial speech (advertising or product claims), receive a reduced level of protection. In addition, broadcasters are subject to government licensing requirements. The protections to be afforded users of on-line computer services, the Internet, and other new means of publication are the focus of a developing debate; in 1996 a federal district court panel struck down the new Communications Decency Act, holding that Internet communications were entitled to the same degree of protection as printed communications.

**fund** (n) – 1. A sum of money or other liquid assets established for a specific purpose < a fund reserved for unanticipated expenses>. 2. (usu. pl) Money or other assets, such as stocks, bonds, or working capital, available to pay debts, expenses, and the like <Sue invested her funds in her sister's business>. 3. A pool of investments owned in common and managed for a fee; mutual funds <a diverse portfolio of funds>.

**gambling** (n) – The act of risking something of value, esp. money for a chance to win a prize. \*Gambling is regulated by state and federal law. – Also termed **gaming**.

**good** (adj) – 1. Sound or reliable <a good investment>. 2. Valid, effective, and enforceable; sufficient under the law <good title>.

**government** (n) – 1. The structure of principles and rules determining how a state or organization is regulated. 2. The sovereign



power in a nation or state. 3. An organization through which a body of people exercise political authority.

**grand jury** – A body of (often 23) people who are chosen to sit permanently for at least a month – and sometimes a year – and who, in *ex parte* proceedings, decide whether to issue indictments. \*If the grand jury decides that evidence is strong enough to hold a suspect for trial, it returns a bill of indictment (*a true bill*) charging the suspect with a specific crime. – Also termed *accusing jury*; *presenting jury*; *jury of indictment*.

**great seal** – 1. The official seal of the United States, of which the Secretary of State is the custodian. – Also termed *seal of the United States*. 2. The official seal of a particular state. – Also termed *seal of the state*; *state seal*.

**guarantee clause** – 1. A provision in a contract, deed, or mortgage by which one person promises to pay the obligation of another. 2. (cap) U.S. Const. art. IV, §4, under which the federal government ensures for the states both a republican form of government and protection from invasion or domestic violence.

**guardian** (n) – 1. One who has the legal authority and duty to care for another's person or property, esp. because of the other's infancy, incapacity, or disability. \*A guardian may be appointed either for all purposes or for specific purposes. – Abbr. *gdn.* – Also termed *custodian*. – **guardianship**, n.

**guise** (n) – An outer appearance, often one which is intended to deceive. <The thieves came into the house under/in the guise of television repair men>.

**harassment** (n) – Words, conduct, or action (usu. repeated or persistent) that, being directed at a specific person, annoys, alarms, or causes substantial emotional distress in that person and serves no legitimate purpose. \*Harassment is actionable in some circumstances, as when a creditor uses threatening or abusive tactics to collect a debt. – **v. harass.**

**hearing** (n) – 1. A judicial session, usu. open to the public, held for the purpose of deciding issues of fact or of law, sometimes with witnesses testifying <the court held a hearing on the admissibility of DNA evidence in the murder case>. 2. *Administrative law*. Any setting in which an affected person presents arguments to an agency decision-maker <a hearing on zoning variations>. 3. In legislative practice, any proceeding in which legislators or their designees receive testimony

about legislation that might be enacted <the shooting victim spoke at the Senate's hearing on gun control>.

**hearing** (n) - A hearing is a legal proceeding (other than a trial) held before a judge or court commissioner. At a trial, disputed questions of fact and law are resolved and the case is concluded (although the parties may appeal). At a hearing, on the other hand, preliminary issues, procedural issues (including granting an uncontested or default divorce) and post-trial modifications and enforcements are heard.

**hold** (v) – 1. To possess by a lawful title <Sarah holds the account as her separate property> 2. (Of a court) to adjudge or decide <this court thus holds the statute to be unconstitutional> 3. To direct and bring about officially; to conduct according to law <we must hold an election every two years> 4. To keep in custody or under an obligation <I will ask the judge to hold you accountable> 5. To take or have an estate from another; to have an estate on condition of paying rent or performing service <James holds Hungerstream Manor under lease> 6. To conduct or preside at; to convoke, open, and direct the operations of <Judge Brown holds court four days a week> 7. To possess or occupy; to be in possession and administration of <Wendy holds the office of treasure>

**holding** (n) – 1. A court's determination of a matter of law pivotal to its decision; a principle drawn from such a decision. 2. A ruling on evidence or other questions presented at trial. 3. (usu. pl.) Legally owned property, esp. land or securities.

**i.e.** [Latin *-id es*] - that is, in other words.

**immune** (adj) – Having immunity; exempt from a duty or liability.

**immunity** (n) – 1. Any exemption from a duty, liability, or service of process; esp., such an exemption granted to a public official. 2. *Torts*. A doctrine providing a complete defense to a tort action. \*Unlike a privilege, immunity does not negate the tort, and it must be raised affirmatively or it will be waived. 3. *Criminal Law*. Freedom from prosecution granted by the government in exchange for the person's testimony. \*By granting immunity, the government can compel testimony – despite the Fifth Amendment right against self-incrimination – because that testimony can no longer incriminate the witness.

**impartial** (adj) – Unbiased; disinterested.

**impeachment** (n) – 1. The act (by a legislature) of calling for the removal from office of a public official, accomplished by presenting a written charge of the official's alleged misconduct; esp., the initiation of

a proceeding in the U.S. House of Representatives against a federal official, such as the president or a judge.

**impede** (v) – to get in the way of; make (something) difficult to do.

**implication** (n) – 1. The act of showing involvement in something, as in a crime or misfeasance <the implication of the judges in the bribery scheme> 2. An inference drawn from something said or observed <the implication was that the scheme involved several persons>

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**impose** (v) – To levy or exact (a tax or duty)

**impost** (n) – A tax or duty, esp. a customs duty <the impost was assessed when the ship reached the mainland>.

**imprisonment** (n) – 1. The fact of confining a person, esp. in a prison. 2. The state of being confined; a person of confinement.

**in camera** – [Law Latin “in a chamber”] 1. In the judge’s private chambers. 2. In the courtroom with all spectators excluded. 3. (Of a judicial action) taken when court is not in session.

**in camera inspection** – A trial judge’s private consideration of evidence.

**in question** – An issue in controversy; a matter to be determined.

**in utero** (adv or adj.)- [Latin] Before birth

**incidental** (adj) – Subordinate to something of greater importance; having a minor role <the FAA determined that the wind played only an incidental part in the plane crash>.

**incompetence** (n) – 1. The state or fact of being unable or unqualified to do something <the dispute was over her alleged incompetence as a legal assistant>. 2. INCOMPETENCY <the court held that the affidavit was inadmissible because of the affiant’s incompetence>.

**incriminate** (v) – 1. To charge (someone) with a crime <the witness incriminated the murder suspect>. 2. To identify (oneself or another) as being involved in the commission of a crime or other wrongdoing <the defendant incriminated an accomplice>. – Also termed *criminate*. - **adj.- incriminatory**.

**indict** (v) – To charge (a person) with a crime by formal legal process, esp. by grand jury presentation. – Also formerly spelled *endite*;

*indite.*

**indictment** (n) – a charge of a felony (serious crime) voted by a Grand Jury based upon a proposed charge, witnesses' testimony and other evidence presented by the public prosecutor (District Attorney). To bring an indictment the Grand Jury will not find guilt, but only the probability that a crime was committed, that the accused person did it and that he/she should be tried. District Attorneys often only introduce key facts sufficient to show the probability, both to save time and to avoid revealing all the evidence. The Fifth Amendment to the U.S. Constitution provides that "No person shall be held to answer for a capital, or otherwise infamous crime, unless on presentment of a Grand Jury...."

**inferior court** - 1. Any court that is subordinate to the chief appellate tribunal within a judicial system. 2. A court of special, limited, or statutory jurisdiction, whose record must show the existence of jurisdiction in any given case to give its ruling presumptive validity. – Also termed *lower court*.

**infringement** (n) – *Intellectual property*. An act that interferes with one of the exclusive rights of a patent, copyright, or trademark owner. – **v. infringe**.

**injunction** (n) – A court order commanding or preventing an action. \*To get an injunction, the complainant must show that there is no plain, adequate, and complete remedy at law and that an irreparable injury will result unless the relief is granted.

**injury** (n): 1. The violation of another's legal right, for which the law provides a remedy; a wrong or injustice. 2. Harm or damage.

**insurance policy** – 1. A contract of insurance. 2. A document detailing such a contract. – Often shortened to *policy*. – Also termed *policy of insurance; contract of insurance*.

**insurrection** (n) – A violent revolt against an oppressive authority, usu. a government.

**intentional** (adj) – Done with the aim of carrying out the act.

**intercourse** (n) – 1. Dealings or communications, esp. between businesses, governmental entities, or the like. 2. Physical sexual contact.

**interpretation** (n) – 1. The process of determining what something, esp. the law or a legal document means; the ascertainment of meaning. 2. The understanding one has about the meaning of something. – **v. – interpret**.

**interstate** (adj) – Between two or more states or residents of

different states.

**interstate commerce** – Trade and other business activities between those located in different states; esp., traffic in goods and travel of people between states. \*For purposes of this phrase, most statutory definitions include a territory of the United States as a state. Some statutory definitions of *interstate commerce* include commerce between a foreign country and a state.

**Interstate Commerce Commission(ICC)** – The now-defunct federal agency established by the Interstate Commerce Act in 1887 to regulate surface transportation between states by certifying carriers and pipelines and by monitoring quality and pricing. \*In December 1995, when Congress eliminated this agency. The Surface Transportation Board (STB) – a three-member board that is a division of the Department of Transportation – assumed most of the agency’s duties.

**intrastate commerce** – Commerce that begins and ends entirely within the borders of a single state.

**investigate** (v) – 1. To inquire into (a matter) systematically; to make (a suspect) the subject of a criminal inquiry <the police investigated the subject’s involvement in the murder>. 2. To make an official inquiry <after the judge dismissed the case, the police refused to investigate further>.

**irrelevant** (adj) – (Of evidence) having no probative value; not tending to prove or disprove a matter in issue.

**issue** (n) – 1. A point in dispute between two or more parties.

**issue of fact** – A point supported by one party’s evidence and controverted by another’s.

**issue of law** – A point on which the evidence is undisputed, the outcome depending on the court’s interpretation of the law.

**jail** (n) – A place where persons awaiting trial or those convicted of misdemeanors are confined. – Also spelled (esp. in BrE) *gaol*. – Also termed *holding cell*; *lockup*; *jailhouse*. – **jail, v.**

**jeopardize** (v) – to put in danger.

**judge** (n) – A public official appointed or elected to hear and decided legal matters in court.

**judgeship** (n) – 1. The office or authority of a judge. 2. The period of a judge’s incumbency.

**judgment** (n) – A court’s final determination of the rights and obligations of the parties in a case. \*The term **judgment** includes a decree and any order from which an appeal lies.

**judicial activism** (ph) – A philosophy of judicial decision-making whereby judges allow their personal views about public policy, among other factors, to guide their decisions, usu. with the suggestion that adherents of this philosophy tend to find constitutional violations and are willing to ignore precedent.

**judicial bias** – Bias that a judge develops during a trial. \*Judicial bias is usu. insufficient to justify disqualifying a judge from presiding over a case. To justify disqualification or recusal, the judge's bias usu. must be personal or based on some extrajudicial reason.

**judicial review** (ph) – 1. A court's power to review the actions of other branches or levels of government; esp. the court's power to invalidate legislative and executive actions as being unconstitutional. 2. The Constitutional doctrine providing for this power. 3. A court's review of a lower court's or an administrative bodies factual or legal findings.

**Judiciary Act of 1789** - This act of the First Congress established the structure of the federal judiciary, the basic structure of which has remained intact. The Constitution stipulated only that the federal court system should consist of (1) a Supreme Court having original jurisdiction in certain cases and (2) "such inferior Courts as the Congress may ... establish." Congress could have declined to create lower courts, making state courts rule first on almost all federal issues. Such cases would then appear before the single federal court. Instead, the 1789 act created two lower levels of courts. Federal district courts, each with a district judge, composed the lowest level. Their district boundaries generally matched state lines. Every federal district also fell within the circuit of one of the three second-level courts, the circuit courts. Two Supreme Court justices and one district judge composed each circuit court bench; they traveled to each district to hear cases twice a year. When cases involved parties from differing states, they usually received their first hearing in the circuit courts. Occasionally, circuit courts also heard appeals from district courts. In addition to creating courts, the 1789 act granted the Supreme Court a controversial power to order federal officials to carry out their legal responsibilities.

**jurisdiction** (n): 1. A government's general power to exercise authority over all persons and things within its territory. <New Jersey's jurisdiction>. 2. A court's power to decide a case or issue a decree <the Constitutional grant of federal – question jurisdiction>. 3. A geographic area within which political or judicial authority may be exercised. <the accused fled to another jurisdiction>. 4. A political or judicial

subdivision within such an area. <other jurisdictions have decided the issue differently>.

**jury** (n) – A group of persons selected according to law and given the power to decide questions of fact and return a verdict in the case submitted to them.

**justice** (n) – 1. The fair and proper administration of laws. 2. A judge, esp. of an appellate court or a court of last resort <Justice Marshall>.

**juvenile** (n) – A person who has not reached the age (usu. 18) at which one should be treated as an adult by the criminal justice system; MINOR. – **juvenile**, adj. – **juvility**, n.

**ken** (n) – the range of recognition, comprehension, perception, understanding, or knowledge.

**laissez-faire** (n) – [French “let (people) do (as they choose)”] 1. Governmental abstention from interfering in economic or commercial affairs. 2. The doctrine favoring such abstention. – adj. **laissez-fair**.

**landfill** (n) – disposal of trash and garbage by burying it under layers of earth in low ground.

**law enforcement** – 1. The detection and punishment of violations of the law. 2. Police officers and other members of the executive branch of government charged with carrying out and enforcing the criminal law.

**lawmaker** (n) – one who makes laws within a given jurisdiction; a member of a legislative body.

**lease** (n) – 1. A contract by which a rightful possessor of real property conveys the right to use and occupy that property in exchange for consideration, usu. rent. \*The lease term can be for life, for a fixed period, or for a period terminable at will. 2. Such a conveyance plus all covenants attached to it. 3. The written instrument memorializing such a conveyance and its covenants. – Also termed *lease agreement*; *lease contract*. 4. The piece of real property so conveyed. 5. A contract by which the rightful possessor of personal property conveys the right to use that property in exchange for consideration.

**lease** (v) – 1. To grant the possession and use of (land, buildings, rooms, movable property, etc.) to another in return for rent or other consideration <the city leased the stadium to the football team>. 2. To take a lease of; to hold by a lease <Carol leased the townhouse from her uncle>.

**legal entity** – A body, other than a natural person, that can function legally, sue or be sued, and make decisions through agents.

**legal ethics** – 1. The standards of minimally acceptable conduct within the legal profession, involving the duties that its members owe one another, their clients, and the courts. – Also termed *etiquette of the profession*. 2. The study or observance of those duties. 3. The written regulations governing those duties. See **Model Rules of Professional Conduct**.

**legal issue** – A legal question, usu. at the foundation of a case and requiring a court's decision.

**legislate** (v) – 1. To make or enact laws <the role of our lawmakers is to legislate, not to adjudicate>. 2. To bring (something) into or out of existence by making laws; to attempt to control (something) by legislation <virtually every attempt to legislate morality has failed>.

**legislation** (n) – 1. The process of making or enacting a positive law in written form, according to some type of formal procedure, by a branch of government constituted to perform this process. – Also termed lawmaking, statute-making. 2. The law so enacted. 3. The whole body of enacted laws.

**lessee** (n) – One who has a possessory interest in real or personal property under a lease; TENANT

**lessor** (n) – One who conveys real or personal property by lease; LANDLORD.

**liability** (n) – 1. The quality or state of being legally obligated or accountable; legal responsibility to another or to society, enforceable by civil remedy or criminal punishment. 2. (often plural) A financial or pecuniary obligation.

**libel** (n) – 1. Defamatory statement or representation esp. in the form of written or printed words; *specif* A false published statement that injures an individual's reputation (as in business) or otherwise exposes him or her to public contempt. 2. The publication of such a libel. 3. Libel is classified as both a crime and a tort but is no longer prosecuted as a crime. - Although libel is defined under state case law or statute, the U.S. Supreme Court has enumerated some First Amendment protections that apply to matters of public concern. In New York Times Co. v. Sullivan, the Court held that in order to recover damages a public person (as a celebrity or politician) who alleges libel (as by a newspaper) has to prove that “the statement was made with ‘actual malice’ – that is, with knowledge that it was false or with reckless disregard of whether it was false or not” in order to recover damages. The Court has also held that the states cannot allow a private person to recover damages for libel



against a media defendant without a showing of fault (as negligence) on the defendant's part. These protections do not apply to matters that are not of public concern (as an individual's credit report) and that are not published by a member of the mass media. A libel plaintiff must generally establish that the alleged libel refers to him or her specifically, that it was published to others, and that some injury (as to reputation) occurred that gives him or her a right to recover damages (as actual, general, presumed, or special damages). The defendant may plead and establish the truth of the statements as a defense. Criminal libel may have additional elements, as in tending to provoke a breach of peace or in blackening the memory of someone who is dead, and may not have to be published to someone other than the person libeled.

**liberal construction** – An interpretation that applies a writing in light of the situation presented and that tends to effectuate the spirit and purpose of the writing. – Also termed *equitable construction*; *loose construction*; *broad construction*.

**license** (n) – 1. A revocable permission to commit some act that would otherwise be unlawful; esp., an agreement (not amounting to a lease or profit à prendre) that it will be lawful for the licensee to enter the licensor's land to do some act that would otherwise be illegal, such as hunting game. 2. The certificate or document evidencing such permission. – **license** v.

**limit** (n) – 1. A restriction or restraint. 2. A boundary or defining line. 3. The extent of power, right, or authority.

**loan** (n) – 1. An act of lending; a grant of something for temporary use <Trina gave him the laptop as a loan, not a gift>. 2. A thing lent for the borrower's temporary use; esp., a sum of money lent at interest <Larry applied for a car loan>.

**lower court** – A trial court or intermediate appellate court from which a case is appealed. Also termed *court below*.

**lynch** (v) – To hang (a person) by mob action without legal authority.

**magistrate judge** (n) – A federal judicial officer who hears civil and criminal pretrial matters and who may conduct civil trials or criminal misdemeanor trials. – Also termed *federal magistrate*

**majority opinion** – An opinion joined in by more than half of the judges considering a given case.

**majority vote** – A system for electing somebody or making a decision whereby each, having a right to vote, is allowed one vote, and

the person can win or decision made with a simple majority.

**majority-minority district** – A voting district in which a racial or ethnic minority group makes up a majority of the voting citizens.

**maritime** (adj) – 1. Connected with or situated near the ocean. 2. Of or relating to sea navigation or commerce.

**matter** (n) – 1. A subject under consideration, esp. involving a dispute or litigation; CASE <this is the only matter on the court's docket today>. 2. Something that is to be tried or proved; an allegation forming the basis of a claim or defense <the matters raised in the plaintiff's complaint are not actionable under state law>.

**maxim** (n) – A traditional legal principle that has been frozen into a concise expression. \*Examples are “possession is nine-tenths of the law” and *caveat emptor* (“let the buyer beware”). – Also termed *legal maxim*.

**merits** – The elements or grounds of a claim or defense; the substantive considerations to be taken into account in deciding a case, as opposed to extraneous or technical points, esp. of procedure <trial on the merits>.

**militia** (n) – 1. A body of citizens armed and trained, esp. by a state, for military service apart from the regular armed forces. \*The Constitution recognizes a state's right to form a “well-regulated militia” but also grants Congress the power to activate, organize, and govern a federal militia. U.S. Const. amend. II; U.S. Const. art. I, § 8, cl. 15-16.

**Militia Clause** – One of two clauses of the U. S. Constitution giving Congress the power to call forth, arm, and maintain a military force to enforce compliance with its laws, suppress insurrections, and repel invasions. U.S. Const. art. I, § 8, cl. 15-16.

**minimum contacts** (ph) – A nonresident defendant's forum-state connections, such as business activity or actions foreseeably leading to business activity, that are substantial enough to bring the defendant within the forum-state court's personal jurisdiction without offending traditional notions of fair play and substantial justice. – Also termed *minimal contacts*.

**minimum wage** – The lowest permissible hourly rate of compensation for labor, as established by federal statute and required of employers engaged in interstate commerce.

**minimum wage rate** – The lowest permissible hourly rate of compensation for labor, as established by federal statute and required of employers engaged in interstate commerce.

**Miranda rights** (n pl) - [from Miranda v. Arizona, U.S. Supreme Court ruling establishing such rights]. The rights (as the right to remain silent, to have an attorney present, and to have an attorney appointed if indigent) of which an arresting officer must advise the person being arrested. - A reading of the Miranda rights usually includes a warning that anything said could be used as evidence. No statements made by an arrested person or evidence obtained there from may be introduced at trial unless the person was advised of or validly waived these rights. A fresh reading of the Miranda rights may be required by the passage of time after the initial reading, as for example if a previously silent person begins to speak or police interrogate a person more than once.

**misdemeanor** (n) – 1. A crime that is less serious than a felony and is usu. punishable by fine, penalty, forfeiture, or confinement (usu. for a brief term) in a place other than prison (such as a county jail). – Also termed *minor crime*; *summary offense*.

**misrepresentation** (n) – 1. The act of making a false or misleading statement about something, usu. with the intent to deceive. 2. The statement so made; an assertion that does not accord with the facts.

**Model Rules of Professional Conduct.** - A set of ethical guidelines for lawyers, organized in the form of 52 rules – some mandatory, some discretionary – together with explanatory comments. \* Published by the ABA in 1983 these rules have generally replaced the Model Code of Professional Responsibility and have been adopted as law by many states.

**monopoly** (n) – 1. Control or advantage obtained by one supplier or producer over the commercial market within a given region. 2. The market condition existing when only one economic entity produces a particular product or provides a particular service. \*The term is now commonly applied also to situations that approach but do not strictly meet this definition.

**moral turpitude** – 1. An act or behavior that gravely violates the sentiment or accepted standard of the community. 2. A quality of dishonesty or other immorality that is determined by a court to be present in the commission of a criminal offense (a crime involving *moral turpitude*) - Whether a criminal offense involves moral turpitude is an important determination in deportation, disbarment, and other disciplinary hearings. Past crimes involving moral turpitude usually may also be introduced as evidence to impeach testimony. Theft, perjury, vice crimes, bigamy, and rape have generally been found to involve

moral turpitude, while liquor law violations and disorderly conduct generally have not.

**N.B.** [Latin - *nota bene*] - note well.

**national emergency** - A condition declared by the President or the Congress by virtue of powers previously vested in them that authorize certain emergency actions to be undertaken in the national interest. Action to be taken may include partial, full, or total mobilization of national resources.

**natural right** – A right that is conceived as part of natural law and that is therefore thought to exist independently of rights created by government or society, such as the right to life, liberty, and property.

**naturalization** – The granting of citizenship to a foreign-born person under statutory authority.

**Naturalization Clause** – The constitutional provision stating that every person born or naturalized in the United States is a citizen of the United States and of the state of residence. U.S. Const. amend. XIV, § 1.

**Necessary and Proper Clause** – The clause of the U.S. Constitution permitting Congress to make laws “necessary and proper” for the execution of its enumerated powers. U.S. Const. art. I, § 8, cl. 18. \*The Supreme Court has broadly interpreted this clause to grant Congress the implied power to enact any law reasonably designed to achieve an express constitutional power. McCulloch v. Maryland, 17 U.S. (4 Wheat.) 316 (1819). – Also termed *Basket Clause*; *Coefficient Clause*; *Elastic Clause*; *Sweeping Clause*.

**negative right** – A right entitling a person to have another refrain from doing an act that might harm the person entitled.

**negotiate** (v) – 1. To communicate with another party for the purpose of reaching an understanding <they negotiated with their counterparts for weeks on end>. 2. To bring about by discussion or bargaining <she negotiated a software license agreement>. 3. To transfer (an instrument) by delivery or indorsement, whereby the transferee takes the instrument for value, in good faith, and without notice of conflicting title claims or defenses <Jones negotiated the check at the neighborhood bank>.

**net proceeds** – The amount received in a transaction minus the costs of the transaction (such as expenses and commissions). – Also termed *net balance*.

**New Deal** – in U.S. history, term for the domestic reform program of Pres. Franklin Delano Roosevelt. It had two phases. The first (1933-

34) attempted to provide recovery and relief from the Great Depression through programs of agricultural and business regulation, inflation, price stabilizations, e.g., the National Recovery Administration, were established. The second (1935-41) provided for social and economic legislation, e.g., Social Security, to benefit the mass of working people. A number of New Deal measures were invalidated by the Supreme Court, and the program, which had been enthusiastically endorsed by agrarian, liberal, and labor groups, was increasingly criticized. Nonetheless, at the end of World War II most New Deal legislation was still intact.

**nobility** (n, pl) – Persons of social or political preeminence, usu. derived by inheritance or from the sovereign. \*In English law, there are various degrees of nobility, or peerage, such as dukes, marquises, earls, viscounts, and barons, and their female counterparts. Nobility is generally created either by a writ of summons to sit in Parliament or by a royal grant through letters patent, and was once usu. accompanied by a large land grant. Nobility by writ descended to a person's bodily heirs. The modern practice is to grant nobility by letters patent, which provide limitations as to future heirs. The U. S. Constitution prohibits granting a title of nobility . U.S. Const. art. I, § 9, cl. 8.

**notify** (v) – 1. To inform (a person or group) in writing or by any method that is understood <I notified the court of the change in address>. 2. *Archaic*. To give notice of; to make known <to notify the lawsuit to all the defendants>.

**obscene** (adj) – Extremely offensive under contemporary community standards of morality and decency; grossly repugnant to the generally accepted notions of what is appropriate. \*Under the Supreme Court's three-part test, material is legally obscene – and therefore not protected under the First Amendment – if, taken as a whole, the material (1) appeals to the prurient interest in sex, as determined by the average person applying contemporary community standards; (2) portrays sexual conduct, as specifically defined by the applicable state law, in a patently offensive way; and (3) lacks serious literary, artistic, political, or scientific value. Miller v. California, 413 U.S. 15, 93 S.Ct. 2607 (1973).

**offense** (n) – 1. A violation of the law; a crime, often a minor one. 2. *Civil law*. An intentional unlawful act that causes injury or loss to another and that gives rise to a claim for damages. \*This sense of *offense* is essentially the same as the common law intentional tort.

**opening argument** – At the outset of a trial, an advocate's

statement giving the fact-finder a preview of the case and of the evidence to be presented, but not containing argument. – The correct term – **opening statement**.

**opinion** (n) – 1. A court's written statement explaining its decision in a given case, usu. Including the statement of facts, points of law, rationale and dicta. – Also termed *judicial opinion*<sup>2</sup>. A formal expression of judgment or advice based on an expert's special knowledge; esp. a document, usu. prepared at a client's request, containing a lawyer's understanding of the law that applies to a particular case. – Also termed *opinion letter*<sup>3</sup>. A witness's thoughts, beliefs, or inferences about facts in dispute, as opposed to personal knowledge of the facts themselves. – Also termed *conclusion*.

**oral argument** – An advocate's spoken presentation before a court (esp. an appellate court) supporting or opposing the legal relief at issue.

**order** (n) – 1. A command, direction, or instruction. 2. A written direction or command delivered by a court or judge. – Also termed *court order*, *judicial order*.

**original jurisdiction** – A court's power to hear and decide a matter before any other court can review the matter.

**overlapping jurisdiction** (ph) – 1. jurisdiction exercised simultaneously by more than one court over the same subject matter and within the same territory, with the litigant having the right to choose the court in which to file the action. 2. Jurisdiction shared by two or more states, esp. over the physical boundaries (such as rivers or other bodies of water) between them. – Also termed *concurrent jurisdiction*, *coordinate jurisdiction*.

**override** (v) – To prevail over; to nullify or to set aside. <Congress mustered enough votes to override the President's veto>.

**overrule** (v) – 1. To rule against; to reject <the judge overruled all of the defendant's objection>. 2. (Of a court) to overturn or set aside (a precedent) by expressly deciding that it should no longer be controlling law <in Brown v. Board of Education, the Supreme Court overruled Plessy v. Ferguson>.

**panel** (n) – 1. A list of persons summoned as potential jurors. 2. A group of persons selected for jury duty. 3. A set of judges selected from a complete court to decide a specific case; esp., a group of three judges designated to sit for an appellate court.

**pardon** (n) The act or an instance of officially nullifying punishment or other legal consequences of a crime. \*A pardon is usu.

granted by the chief executive of a government.

**pardon** (v) - to use the executive power of a Governor or President to forgive a person convicted of a crime, thus removing any remaining penalties or punishments and preventing any new prosecution of the person for the crime for which the pardon was given. A pardon strikes the conviction from the books as if it had never occurred, and the convicted person is treated as innocent. Sometimes pardons are given to an older rehabilitated person long after the sentence has been served to clear his/her record. However, a pardon can also terminate a sentence and free a prisoner when the chief executive is convinced there is doubt about the guilt or fairness of the trial, the party is rehabilitated and has performed worthy public service, or there are humanitarian reasons such as terminal illness. A pardon is distinguished from "a commutation of sentence" which cuts short the term; "a reprieve," which is a temporary halt to punishment, particularly the death penalty, pending appeal or determination of whether the penalty should be reduced; "amnesty," which is a blanket "forgetting" of possible criminal charges due to a change in public circumstances (such as the end of a war or the draft system); or a "reduction in sentence," which shortens a sentence and can be granted by a judge or an executive.

**party** (n) – 1. One who takes part in a transaction <a party to the contract>. 2. One by or against whom a lawsuit is brought <a party to his lawsuit>.

**pass** (v) – 1. To pronounce or render an opinion, ruling, sentence, or judgment. <the court refused to pass on the constitutional issue, deciding the case instead on procedural grounds>. 2. To transfer or be transferred <the woman's will passes title to the house to her nephew, much to her husband's surprise><title passed when the nephew received the deed>. 3. To enact (a legislative bill or resolution) <Congress has debated whether to pass a balance-budget amendment to the Constitution>. 4. To approve or certify (something) as meeting specified requirements <the mechanic informed her that the car had passed inspection>. 5. To publish, transfer, or circulate (a thing, often a forgery) <he was found guilty of passing counterfeit bills>. 6. To forgo or proceed beyond <the case was passed on the court's trial docket because the judge was presiding over a criminal trial>.

**patent** (n) – 1. The governmental grant of a right, privilege, or

authority. 2. The official document so granting. – Also termed *public grant*. 3. The exclusive right to make, use, or sell an invention for a specified period (usu. 17 years), granted by the federal government to the inventor if the device or process is novel, useful, and nonobvious.

**penalty** (n) (**for**) – punishment imposed on a wrongdoer, esp. in the form of imprisonment or fine. \*Though usu. for crimes, penalties are also sometimes imposed for civil wrongs.

**pending** (adj) – Remaining undecided; awaiting decision <a pending case>.

**pending** (prep) – 1. Throughout the continuance of; during <in escrow pending arbitration>. 2. While awaiting,; until <the injunction was in force pending trial>.

**penumbra** – 1. An area within which distinction or resolution is difficult or uncertain (the public-private penumbra) 2. An extension of protection, reach, application, or consideration; *esp.* A body of rights held to be guaranteed by implication from other rights explicitly enumerated in the U.S. Constitution (the First Amendment has a penumbra where privacy is protected from governmental intrusion - Griswold v. Connecticut, 381 U.S. 479 (1965))

**per curiam** (adv. and adj.) – [Latin] By the court as a whole.

**per se** (adv. and adj) – [Latin] 1. Of, in, or by itself; standing alone, without reference to additional facts. 2. As a matter of law.

**personal injury**. *Torts.* – 1. In a negligence action, any harm caused to a person, such as a broken bone, a cut, or a bruise. 2. Any invasion of a personal right, including mental suffering and false imprisonment. 3. For purposes of worker's compensation, any harm (including a worsened preexisting condition) that arises in the scope of employment.

**personal jurisdiction** (ph) – A court's power to bring a person into its adjudicative process; jurisdiction over a defendant's personal rights, rather than merely over property interests. Also termed – *in personam jurisdiction; jurisdiction in personam; jurisdiction of the person; jurisdiction over the person.*

**personal liberty** – One's freedom to do as one pleases, limited only by the government's right to regulate the public health, safety, and welfare.

**pestilence** (n) – A disease that causes death and spreads quickly to large numbers of people.

**petition** (n) – 1. A formal written request presented to a court or



other official body. 2. In some states, a lawsuit's first pleading; - **petition** – v.

**plaintiff** (n) – The party who brings a civil suit in a court of law.

**plunder** (n) – 1. The forcible seizure of another's property, esp. in war; esp., the wartime plundering of a city or territory. 2. The property so seized or pillaged. – Also termed *pillage*.

**positive right** – A right entitling a person to have another do some act for the benefit of the person entitled.

**power** (n) 1. The ability to act or not act. 2. Dominance, control, or influence over another. 3. The legal right or authorization to act or not act; the ability conferred on a person by the law to alter, by an act of will, the rights, duties, liabilities, or other legal relations either of that person or of another.

**practice** (n) – The procedural methods and rules used in a court of law <local practice requires that an extra copy of each motion be filed with the clerk>.

**practice of law** – The professional work of a duly licensed lawyer, encompassing a broad range of services such as conducting cases in court, preparing papers necessary to bring about various transactions from conveying land to effecting corporate mergers, preparing legal opinions on various points of law, drafting wills and other estate-planning documents, and advising clients on countless types of legal questions. \* The term also includes activities that comparatively few lawyers engage in but that require legal expertise, such as drafting legislation and court rules. – Also termed *legal practice*.

**precedent** (n) – 1. The making of law by a court in recognizing and applying new rules while administering justice. 2. A decided case that furnishes a basis for determining later cases involving similar facts or issues.

**predecessor** (n) – 1. One who precedes another in an office or position. 2. An ancestor.

**preemption** (n) – 1. The right to buy before others. 2. The purchase of something under this right. 3. An earlier seizure or appropriation. 4. The occupation of public land so as to establish a preemptive title. 5. *Constitutional law*. The principle (derived from the Supremacy Clause) that a federal law can supersede or supplant any inconsistent state law or regulation. – Also termed (in sense 5) – *federal preemption*. – v. **preempt**; **adj.** – **preemptive**.

**preside** (v) - 1. To exercise guidance, direction, or control 2. To occupy the place of authority. Direct or regulate proceedings as chief officer.

**prevail** (v) – 1. To obtain the relief sought in an action; to win a lawsuit <the plaintiff prevailed in the Supreme Court>. 2. To be commonly accepted or predominant <it's unclear which line of precedent will prevail>.

**prior restraint** - Governmental prohibition on expression (esp. by publication) before the expression actually takes place - In *New York Times Co. v. United States*, the U.S. Supreme Court restated its position that “any system of prior restraints” bears “a heavy presumption against constitutional validity” and that the government “carries a heavy burden of showing justification for the imposition of such a restraint.”

**privilege** – 1. A special legal right, exemption, or immunity granted to a person or class of persons; an exception to a duty. 2. An affirmative defense by which a defendant acknowledges at least part of the conduct complained of but asserts that the defendant’s conduct was authorized or sanctioned by law; esp., in tort law, a circumstance justifying or excusing an intentional tort. 3. An evidentiary rule that gives a witness the option to not disclose the fact asked for, even though it might be relevant; the right to prevent disclosure of certain information in court, esp. when the information was originally communicated in a professional or confidential relationship.

**pro tempore** (adj) – [Latin] temporarily or for the time being. – shorten *pro tem*.

**probate court** – A court with the power to declare wills valid or invalid, to oversee the administration of estates, and in some states to appoint guardians and approve the adoption of minors. – Also termed *surrogate’s court*; *court of ordinary*; *county court*; *orphan’s court* (abbr. p.c.)

**procedure** (n) – 1. A specific method or course of action. 2. The judicial rule or manner for carrying on a civil lawsuit or criminal prosecution.

**proceeds** (n) – 1. The value of land, goods, or investments when converted into money; the amount of money received from a sale <the proceeds are subject to attachment>. 2. Something received upon selling, exchanging, collecting, or otherwise disposing of collateral. \*Proceeds differ from other types of collateral because they constitute any collateral that has changed in form. For example, if a farmer borrows

money and gives the creditor a security interest in the harvest, the harvested wheat is collateral. If the farmer then exchanges the harvest for a tractor, the tractor becomes the proceeds of the wheat.

**product** (n) – Something that is distributed commercially for use or consumption and that is usu. (1) tangible personal property, (2) the result of fabrication or processing, and (3) an item that has passed through a chain of commercial distribution before ultimate use or consumption.

**product liability** – 1. A manufacturer's or seller's tort liability for any damages or injuries suffered by a buyer, user, or bystander as a result of a defective product. \*Products liability can be based on a theory of negligence, strict liability, or breach of warranty. 2. The legal theory by which liability imposed on the manufacturer or seller of a defective product.

**prohibit** (v) – 1. To forbid by law. 2. To prevent or hinder.

**prohibition** (n) – 1. A law or order that forbids a certain action. 2. An extraordinary writ issued by an appellate court to prevent a lower court from exceeding its jurisdiction or to prevent a nonjudicial officer or entity from exercising a power. Also termed (in sense 2) *writ of prohibition*. 3. 'Prohibition' – The period from 1920 to 1933, when the manufacture, transport, and sale of alcoholic beverages in the United States was forbidden by the 18<sup>th</sup> Amendment to the Constitution. \*The 18<sup>th</sup> Amendment was repealed by the 21<sup>st</sup> Amendment.

**property** (n) – 1. The right to possess, use, and enjoy a determinate thing (either a tract of land or a chattel); the right of ownership <the institution of private property is protected from undue governmental interference>. 2. Any external thing over which the rights of possession, use, and enjoyment are exercised <the airport is city property>.

**pros and cons** – [Latin] for and against

**public figure** (n) – A person who has achieved fame or notoriety or who has voluntarily become involved in a public controversy. – Also termed *public character*.

**public minister** – A high diplomatic representative such as an ambassador, envoy, or resident, but not including a commercial representative such as a consul.

**pursuant to** – 1. In compliance with; in accordance with; under <she filed the motion pursuant to the court's order>. 2. As authorized by; under <pursuant to Rule 56, the plaintiff moves for summary

judgment>. 3. In carrying out <pursuant to his responsibilities, he ensured that all lights had been turned out>.

**quash** (v) - to annul or set aside. In law, a motion to quash asks the judge for an order setting aside or nullifying an action, such as "quashing" service of a summons when the wrong person was served.

**quasi-judicial power** – An administrative agency's power to adjudicate the rights of those who appear before it.

**question of fact** (ph) – 1. An issue that has not been predetermined and authoratively answered by the law. \*An example is whether a particular criminal defendant is guilty of an offense. 2. An issue that does not involve what the law is on a given point. 3. A disputed issue to be resolved by the jury in a jury trial or by the judge in a bench trial. – Also termed *fact question*. 4. An issue capable of being answered by way of demonstration, as opposed to a question of unverifiable opinion.

**quiet** (v) – To make (a right, position, title, etc.) secure or unassailable by removing disturbing causes or disputes.

**rap** (n) – Slang. 1. Legal responsibility for a criminal act <he took the rap for his accomplices>. 2. A criminal charge <a murder rap>. A criminal conviction; esp., a prison sentence <a 20-year rap for counterfeiting>.

**rape** (n) – 1. At common law, unlawful sexual intercourse committed by a man with a woman not his wife through force and against her will. 2. Unlawful sexual activity (esp. intercourse) with a person (usu. a female) without consent and usu. by force or threat of injury. \*Most modern state statutes have broadened the definition along the lines. Marital status is now usu. irrelevant, and sometimes so is the victim's gender. – Also termed (in some statutes) *unlawful sexual intercourse*; *sexual assault*; *sexual battery*; *sexual abuse*.

**ratification** (n) – 1. Confirmation and acceptance of a previous act, thereby making the act valid from the moment it was done. 2. *Int'l law*. The final establishment of consent by the parties to a treaty to be bound by it, usu. including the exchange or deposit of instruments of ratification <the ratification of the nuclear-weapons treaty>.

**reapportionment** (n) – Realignment of a legislative district's boundaries to reflect changes in population. \*The U.S. Supreme Court has required federal reapportionment. – Also termed *redistricting*. – v. **reapportion**.

**reciprocal** (adj) – 1. Directed by each toward the other or others;

mutual. 2. bilateral <a reciprocal contract>. 3. Corresponding; equivalent.

**recover** (v) – 1. To get back or regain in full or in equivalence <the landlord recovered higher operating costs by raising rent>. 2. To obtain by a judgment or other legal process <the plaintiff recovered punitive damages in the lawsuit>. 3. To obtain (a judgment) in one's favor <the plaintiff recovered a judgment against the defendant>. 4. To obtain damages or other relief; to succeed in a lawsuit or other legal proceeding <the defendant argued that the plaintiff should not be allowed to recover for his own negligence>.

**recovery** (n) – 1. The regaining or restoration of something lost or taken away. 2. The obtainment of a right to something (esp. damages) by a judgment or decree. 3. An amount awarded in or collected from a judgment or decree.

**recusal** (n) – Removal of oneself as judge or policy-maker in a particular matter, esp. because of a conflict of interest. – Also termed *recusation*; *recusement*.

**recuse** (v) – 1. To remove (oneself) as a judge in a particular case because of prejudice or conflict of interest <the judge recused himself from the trial>. 2. To challenge or object to (a judge) as being disqualified from hearing a case because of prejudice or a conflict of interest <the defendant filed a motion to recuse the trial judge>.

**redistrict** (v) – To organize into new districts, esp. legislative ones; reapportion.

**regulation** (n) – 1. The act or process of controlling by rule or restriction <the federal regulation of the airline industry>. 2. A rule or order, having legal force, issued by an administrative agency or a local government <Treasury regulations explain and interpret the Internal Revenue Code>. Also termed (in sense 2) *agency regulation*; *subordinate legislation*; *delegated legislation*.

**relief** (n) – 1. A payment made by an heir of a feudal tenant to the feudal lord for the privilege of succeeding to the ancestor's tenancy. 2. Aid or assistance given to those in need, esp., financial aid provided by the state. 3. The redress or benefit, esp., equitable in nature (such as an injunction or specific performance), that a party asks of a court. – Also termed *remedy*.

**remand** (n) – 1. The act or an instance of sending something (such as a case, claim, or person) back for further action. 2. An order remanding a case, claim or person.

**remand** (v) – 1. To send (a case or claim) back to the court or tribunal from which it came for some further action <the appellate court reversed the trial court’s opinion and remanded the case for new trial>. 2. To recommit (an accused person) to custody after a preliminary examination <the magistrate, after denying bail, remanded the defendant to custody>.

**remedy** (n) – The means of enforcing a right or preventing or redressing a wrong; legal or equitable relief.

**render** (v) – 1. To transmit or deliver <render payment>. 2. (Of a judge) to deliver formally <render a judgment>. 3. (Of a jury) to agree on and report formally <render a verdict>. 4. To pay as due <render an account>.

**repeal** (n) – Abrogation of an existing law by legislative act. – **v. repeal.**

**restriction** (n) – 1. A limitation or qualification. 2. A limitation (esp. in a deed) placed on the use or enjoyment of property.

**retaliate** (v) – 1. to return the like for: repay or requite in kind (as an injury). 2. To put or inflict in return; to return like for like; make requital.

**reversal** (n) – An appellate court’s overturning of a lower court’s decision. - **reverse** (v)

**review** (n) - A judicial reexamination and reconsideration of the legality or constitutionality of something (as the proceedings of a lower tribunal or a legislative enactment or governmental action).

**review** (v) – To reexamine judicially.

**revocation** (n) – An annulment, cancellation, or reversal, usu. of an act or power. – **revoke, v.**

**right of privacy** - The right of a person to be free from intrusion into or publicity concerning matters of a personal nature called also *right to privacy*. Although not explicitly mentioned in the U.S. Constitution, a penumbral right of privacy has been held to be encompassed in the Bill of Rights, providing protection from unwarranted governmental intrusion into areas such as marriage and contraception. A person's right of privacy may be overcome by a showing that it is outweighed by a compelling state interest. The right to sexual privacy as set forth in Griswold was one of the main foundations of the court's decision in Roe v. Wade (1973) to overturn state abortion statutes. Later attempts to extend the right of privacy to consensual homosexual acts in *Bowers v. Hardwick* (1986) were initially rejected by the court. In 2003, however,

the court reversed that decision and rejected all antisodomy laws. The Privacy Act of 1974 provides for disclosure of, and personal access to, all federal records containing personal information, regulates their transfer to others, and allows for legal remedies in cases of their misuse under the law. The Right to Financial Privacy Act (1978) limits federal access to financial records but places few restrictions on access by states, businesses, and others. The privacy of most other information is not guaranteed. Computer and telecommunications advances have made credit, medical, and other data a readily available, highly marketable commodity, raising many concerns about individuals' privacy. Although the European Union in 1998 severely limited the buying and selling of personal data, these practices have been generally allowed under U.S. law. Limits exist on the federal government's ability to intercept voice and data communications; these are established by law and related to the Constitution's protection against unreasonable searches.

**rule** (n) – 1. Generally, an established and authoritative standard or principle; a general norm mandating or guiding conduct or action in a given type of situation. 2. A regulation governing a court's or an agency's internal procedures.

**rule** (v) – 1. To command or require; to exert control <the dictator ruled the country>. 2. To decide a legal point <the court ruled on the issues of admissibility>.

**Sabbath** - In Judaism, last day of the week (Saturday), observed as a rest day for the twenty-five hours commencing with sundown on Friday. In the biblical account of creation (Gen. 1) the seventh day is set as a Sabbath to mark God's rest after his work. In Jewish law, starting with both versions of the Ten Commandments, the rules for the Sabbath are given in careful detail. The Sabbath is intended to be a day of spiritual refreshment and joy. Early Christians had a weekly celebration of the liturgy on the first day (Sunday), observing the Resurrection. Hence, among Roman Catholics and Eastern Orthodox, Sunday is a liturgical feast; Protestants, applying the idea of the Jewish Sabbath to Sunday, forbade all but pious activity. The term "Lord's Day" was used, especially by Sabbatarians, to promote such observance. Some denominations (e.g., Seventh-Day Baptists and Seventh-Day Adventists) replace Sunday with Saturday. In Islam, Friday is the weekly day of public prayer.

**sanctum sanctorum** – [Latin] the most holy area of a religious building.

**scrutinize** (v) – to give scrutiny to; examine closely.

**scrutiny** (n) – careful and thorough examination.

**seal** (n) – 1. An impression or sign that has legal consequence when applied to an instrument. 2. A fastening that must be broken before access can be obtained.

**seal** (v) – 1. To authenticate or execute (a document) by use of a seal. 2. To close (an envelope, etc.) tightly; to prevent access to (a document, record, etc.)

**search and seizure** – Is a legal tool of US law whereby police who suspect that a crime has been committed may do a search of the property. The shortest punishment of the crime should be six months prison, but it may be done on mere suspicion of a crime. Confiscation is a seizure without compensation by a government authority, usually related to search and seizure. Asset forfeiture is also the forfeit of property to a government or other authority. There are over 200 offenses which have forfeiture clauses.

**secession** (n) – The process or act of withdrawing, esp. from a religious or political association <the secession from the established church><the secession of 11 states at the time of the Civil law>.

**Secretary of State** – 1. The cabinet member who heads the State Department and directs foreign policy. \* The Secretary of State is fourth in line of succession to the presidency after the Vice President, the Speaker of the House, and the President pro tempore of the Senate. 2. A state government official who is responsible for the licensing and incorporation of businesses, the administration of elections, and other formal duties. \*The secretary of state is elected in some states and appointed in others.

**sedition** (n) – An agreement, communication, or other preliminary activity aimed at inciting treason or some lesser commotion against public authority; advocacy aimed at inciting or producing – and likely to incite or produce – imminent lawless action. \*At common law, sedition included defaming a member of the royal family or the government. The difference between *sedition* and *treason* is that the former is committed by preliminary steps, while the latter entails some overt act for carrying out the plan. But of course, if the plan is merely for some small commotion, even accomplishing the plan does not amount to treason. – adj. **seditious**.

**segregation** – 1. Separation of individuals or groups and esp. racial groups. 2. Separate confinement of prisoners within a penal institution



**seize** (v) – 1. To forcibly take possession (of a person or property).  
2. To place (someone) in possession. 3. To be in possession of property.

**self-incrimination** (n) – The act of indicating one's own involvement in a crime or exposing oneself to prosecution, esp. by making a statement. – Also termed *self-crimination*; *self-inculcation*.

**separate but equal doctrine** – The now-defunct doctrine that African-Americans could be segregated if they were provided with equal opportunities and facilities in education, public transportation, and jobs. \*This rule was established in Plessy v. Ferguson, 163 U.S. 537, 16 S.Ct. 1138 (1896), and overturned in Brown v. Board of Education, 347 U.S. 483, 74 S.Ct. 686 (1954).

**session** (n) – 1. A sitting together or meeting of a court, legislature, or other deliberative body so that it can conduct business <the court's spring session>. – Also termed (for a court) *sitting*. 2. The period within any given day during which such a body is assembled and performing its duties <court is in session>

**set forth** (v) – to recite, explain, narrate, or incorporate (facts or circumstances) <set forth the terms of the contract>. Also termed *set out*.

**sign** (v) – 1. To identify (a record) by means of a signature, mark, or other symbol with the intent to authenticate it as an act or agreement of the person identifying it <both parties signed the contract>. 2. To agree with or join <the commissioner signed on for a four-year term>.

**sit** (v) – 1. (Of a judge) to occupy a judicial seat <Judge Wilson sits on the trial court for the Eastern District of Arkansas>. 2. (Of a judge) to hold court or perform official functions <is the judge sitting this week?>. 3. (Of a court or legislative body) to hold proceedings <the U.S. Supreme Court sits from October to June>.

**small-claims court** – A court that informally and expeditiously adjudicates claims that seek damages below a specified monetary amount, usu. claims to collect small accounts or debts. – Also termed *small-debts court*; *conciliation court*.

**sodomy** (n) – 1. Oral or anal copulation between humans, esp. homosexual. 2. Oral or anal copulation between a human and an animal; bestiality. – Also termed *buggery*; *crime against nature*; *abominable and detestable crime against nature*; *unnatural offense*; *unspeakable crime*; (archaically) *sodomitry*.

**sovereignty** (n) – 1. Supreme dominion, authority or rule. 2. The supreme political authority of an independent state. 3. The state itself.

**special prosecutor** - an attorney from outside of the

government selected by the Attorney General or Congress to investigate and possibly prosecute a federal government official for wrongdoing in office. The theory behind appointing a special prosecutor is that there is a built-in conflict of interest between the Department of Justice and officials who may have political or governmental connections with that department. The most famous special prosecutor was law professor Archibald Cox, originally chosen to investigate White House (and President Richard Nixon's) involvement in the Watergate scandal. President Nixon demanded that Attorney General Elliot Richardson fire Cox, who was being aggressive in his investigation, and Richardson resigned rather than comply, as did Assistant Attorney General William Ruckelshaus. Deputy Attorney General Robert Bork finally discharged Cox.

**standard** (n) – 1. A model accepted as correct by custom, consent, or authority <what is the standard in the ant-farm industry?>. 2. A criterion for measuring acceptability, quality, or accuracy <the attorney was making a nice living – even by New York standards>. – **adj.**  
**standard**

**stare decisis** – The doctrine of precedent, under which it is necessary for a court to follow earlier judicial decisions when the same points arise in litigation. <stare decisis et non quieta movere (Latin) – To stand by things decided, and not to disturb settled points.

**statute** (n) – A law passed by a legislative body.

**stay** (n) – 1. The postponement or halting of a proceeding, judgment, or the like. 2. An order to suspend all or part of a judicial proceeding or a judgment resulting from that proceeding. Also termed *stay of execution*.

**sterilization** (n) - 1. The condition of being sterile or sterilized. 2. The act or procedure of sterilizing. Sterilization also refers to procedures that result in infertility.

**strict construction** – 1. An interpretation that considers only the literal words of writing. – Also termed *literal construction*; *literal interpretation*. 2. A construction that considers words narrowly, usu. in their historical context. \*This type of construction treats statutory and contractual words with highly restrictive readings. – Also termed *strict interpretation*. 3. The philosophy underlying strict interpretation of statutes.

**strict constructionism** – The doctrinal view of judicial

construction holding that judges should interpret a document or statute (esp. one involving penal sanctions) according to its literal terms, without looking to other sources to ascertain the meaning. – Also termed *strict construction*; *literal canon*; *literal rule*; *textualism*.

**strike down** (v) – To invalidate (a statute); to declare void.

**strip** (v) – To divest one of honors, privileges, or functions.

**subject matter** – The issue presented for consideration; the thing in which a right or duty has been asserted; the thing in dispute.

**subject matter jurisdiction** (ph) – Jurisdiction over the nature of the case and the type of relief sought; the extent to which a court can rule on the conduct of persons or the status of things. – Also termed *jurisdiction of the subject matter*.

**Subpoena** (n) - [Latin “under penalty”] Also spelled *subpena*. A subpoena is used to obtain testimony from a witness at both depositions (testimony under oath taken outside of court) and at trial. Subpoenas are usually issued automatically by the court clerk but must be served personally on the party being summoned. Failure to appear as required by the subpoena can be punished as contempt of court if it appears the absence was intentional or without cause.

**subservient** (adj) – habitually willing to do what others want.

**substantive law** (ph) – The part of the law that creates, defines, and regulates the rights, duties, and powers of parties.

**successor** (n) – 1. A person who succeeds to the office, rights, responsibilities, or place of another; one who replaces or follows another. 2. A corporation that, through amalgamation, consolidation, or other assumption of interests, is vested with the rights and duties of an earlier corporation.

**suffrage** (n) - 1. The right or privilege of casting a vote at a public election. 2. A vote, the act of voting.

**superior court** – 1. In some states, a trial court of general jurisdiction. 2. In Pennsylvania, an intermediate court between the trial court and the chief appellate court.

**Supremacy Clause** – The clause in Article VI of the U. S. Constitution declaring that all laws made in furtherance of the Constitution and all treaties made under the authority of the United States are the “supreme law of the land” and enjoy legal superiority over any conflicting provision of a state constitution or law.

**suspend** (v) – To temporarily keep (a person) from performing a

function, occupying an office, holding a job, or exercising a right or privilege <the attorney's law license was suspended for violating the Model Rules of Professional Conduct>

**sustain** (v) – 1. To support or maintain, esp. over a long period. 2. To nourish and encourage; lend strength to. 3. To undergo; suffer. 4. (Of a court) to uphold or rule in favor of <objection sustained>. 5. To substantiate or corroborate <several witnesses sustained Ms. Sipes's allegation>.

**tax** (n) – A monetary charge imposed by the government on persons, entities, or property to yield public revenue. \*Most broadly, the term embraces all governmental impositions on the person, property, privileges, occupations, and enjoyment of the people, and includes duties, imposts, and excises. Although a tax is often thought of as being pecuniary in nature, it is not necessarily payable in money.

**tax rate** – A mathematical figure for calculating a tax, usu. expressed as a percentage.

**tax return** – An income-tax form on which a person or entity reports income, deductions, and exemptions, and on which tax liability is calculated.

**taxation** (n) – The imposition or assessment of a tax; the means by which the state obtains the revenue required for its activities.

**territorial jurisdiction** (ph) – 1. Jurisdiction over cases arising in or involving persons residing within a defined territory. 2. Territory over which a government, one of its courts, or one of its subdivisions has jurisdiction.

**testify** (v) – To give evidence as a witness

**testimony** (n) - Evidence that a competent witness under oath or affirmation gives at trial or in an affidavit or deposition. – Also termed *personal evidence*.

**title** – 1. The union of all elements (as ownership, possession, and custody) constituting the legal right to control and dispose of property; the legal link between a person who owns property and the property itself <no one has title to that land>. 2. Legal evidence of a person's ownership rights in property; an instrument (such as a deed) that constitutes such evidence.

**Tort Law** – **tort**(n). from French for "wrong," a civil wrong or wrongful act, whether intentional or accidental, from which injury occurs to another. Torts include all negligence cases as well as intentional wrongs which result in harm. Therefore tort law is one of the

major areas of law (along with contract, real property and criminal law) and results in more civil litigation than any other category.

**treachery (n)** – A deliberate and willful betrayal of trust and confidence. – **adj.** - **treacherous**

**treaty (n)** – 1. A formally signed and ratified agreement between two nations or sovereigns; an international agreement concluded between two or more states in written form and governed by international law. \*A treaty is not only the law in each state but also a contract between the signatories. – Also termed *accord; convention; covenant; declaration; pact*.

**trial (n)** – A formal judicial examination of evidence and determination of legal claims in an adversary proceeding.

**trial court** – A court of original jurisdiction where the evidence is first received and considered. – Also termed *court of first instance; instance court*.

**unanimous (adj)** – 1. Agreeing in opinion; being in complete accord <the judges were unanimous in their approval of the recommendation>. 2. Arrived at by the consent of all <a unanimous verdict>.

**undermine (v)** – to wear away (something) from beneath, removing support.

**unenforceable (adj)** – valid but incapable of being enforced.

**unindicted coconspirator** – A person who has been identified by law enforcement as a member of a conspiracy, but who has not been named in the indictment charging the person's fellow conspirator with conspiracy. \*Prosecutors often name someone an unindicted conspirator has made in the course and furtherance of the conspiracy is admissible against the indicted defendants.

**uphold (v)** – to declare to be right; confirm.

**valid (adj.)** – 1. Legally sufficient; binding <a valid contract>. 2. Meritorious <that is a valid conclusion based on the facts presented in this case>. **v.** – **validate**; **n.** – **validation, validity**.

**venue [Law French 'coming']** – 1. The proper or a possible place for the trial of a lawsuit, usu. because the place has some connection with the events that have given rise to the lawsuit. 2. The country or other territory over which a trial court has jurisdiction. 3. Loosely, the place where a conference or meeting is being held. 4. In a pleading, the statement establishing the place for trial. 5. In an affidavit, the designation of the place where it was made.

**verdict** (n) – 1. A jury’s finding or decision on the factual issues of a case. 2. Loosely, in a non jury trial, a judge’s resolution of the issues of a case.

**versus** (prep) – against . Abbr. v.; vs.

**vest** (v) - 1. To place in the possession, discretion, or province of some person or authority <a timely notice of appeal vests jurisdiction in the appeals court>; *specif* To give to a person a fixed and immediate right of present or future enjoyment of (as an estate) <an interest vested in the beneficiary>. 2. To grant or endow with a particular authority, right, or property <vest a judge with discretion>.

**veto** (n) – [Latin ‘I forbid’] A power of one governmental branch to prohibit an action by another branch; esp., a chief executive’s refusal to sign into law a bill passed by the legislature. – **v.** - **veto**, **n.** - **vetoer**

**victim** (n) –A person harmed by a crime, tort, or other wrong. - victimize (v); victimization (n)

**vindicate** (v) – 1. To clear (a person or thing) from suspicion, criticism, blame, or doubt <the serial killer will never be vindicated in the minds of the victims’ families>. 2. To assert, maintain, or affirm (one’s interest) by action <the claimants sought to vindicate their rights through a class-action proceeding>. 3. To defend (one’s interest) against interference or encroachment <the borrower vindicated its interest in court when the lender attempted to foreclose>. 4. To clear from censure or suspicion by means of demonstration. 5. *Roman & Civillaw*. To assert a legal right to (a thing); to seek recovery of (a thing) by legal process. – **n.** - **vindication; vindicator**.

**violation** (n) – 1. An infraction or breach of the law; a transgression. 2. The act of breaking or dishonoring the law; the contravention of a right or duty. – **violate, v.**

**violent** (adj) – 1. Of, relating to, or characterized by unlawful physical force. 2. Resulting from extreme or intense force <violent death>. 3. Vehemently or passionately threatening <violent words>.

**War Powers Act** - The War Powers Act is also known as the **Trading with the Enemy Act**, and is commonly confused with the War Powers Resolution (of 1973) Also called the Act of October 6, 1917, it was "An Act to define, regulate, and punish trading with the enemy, and for other purposes." As the United States entered into WWI it became apparent that there were enemies living within the boundaries of the United States, and it became necessary to determine who could be labeled an enemy. The act specifically exempted citizens when it was

written: "other than citizens of the united States." However the Act of March 9, 1933, Section 2, specifically amended that to include: "any person within the United States or any place subject to the jurisdiction thereof." These provisions only take place when the United States is under a state of emergency, which is why every president has declared an emergency since 1933. Several Constitutional protections are subject to this state of emergency (or public danger).

**warn** (v) – to point out of a danger, esp. to one who would not otherwise be aware of it.

**waste** (n) – used, damaged, or unwanted matter <a lot of poisonous waste from the chemical works goes into the river>.

**welfare** (n) – 1. Well-being in any respect; prosperity. 2. A system of social insurance providing assistance to those who are financially in need, as by providing food stamps and family allowances.

**will** (n) – 1. Wish; desire; choice <employment at will>. 2. A document by which a person directs his or her estate to be distributed upon death <there was no mention of his estranged brother in the will>. – Also *termed testament; will and testament*. – **will**, v.

**withholding** (n) – 1. The practice of deducting a certain amount from a person's salary, wages, dividends, winnings, or other income, usu. for tax purposes. 2. The money so deducted. – **withhold** – v.

**witness** (n) – 1. One who sees, knows, or vouches for something <a witness to the accident>. 2. One who gives testimony, under oath or affirmation (1) in person, (2) by oral or written deposition, or (3) by affidavit <the prosecution called its next witness>.

**wrath** (n) - 1. a strong enraged feeling expressed vehemently and accompanied by bitterness, malignancy, or condemnation. 2. Righteous indignation and condemnation esp. of a deity or sovereign; retribution inspired by righteous indignation; justified punishment.

