

GLOSSARY OF LEGAL ENGLISH TERMS

1. **ACCEPTANCE:** A manifestation of assent to terms provided in an offer.
2. **ACTUS REUS:** "Guilty act;" the wrongful act or omission that is the required conduct for a crime.
3. **ADJUDICATION:** The legal process of resolving disputes.
4. **AFFIDAVIT:** A written or printed declaration or statement of facts, made voluntarily, and confirmed by an oath of the party making it.
5. **AGENCY:** The relationship of a person (called the agent) who acts on behalf of another person, company, or government, known as the principal. "Agency" may arise when an employer (principal) and employee (agent) ask someone to make a delivery or name someone as an agent in a contract. The basic rule is that the principal becomes responsible for the acts of the agent, and the agent's acts are like those of the principal.
6. **AGENT:** A person who is authorized to act for another (the agent's principal) through employment, by contract, or other authority.
7. **AGREEMENT:** A mutually agreeable compromise.
8. **ALTERNATIVE DISPUTE RESOLUTION:** A collection of processes used for the purpose of resolving conflicts or disputes informally and confidentially, such as arbitration or mediation.
9. **ANALOGOUS CASE:** A case that is factually similar to the client's case. An argument based on an analogous case is where the attorney compares and contrasts the facts in a factually similar case with the facts in the client's case to argue that the two cases should be resolved the same way.
10. **ANSWER:** The response of a defendant to the plaintiff's complaint denying in whole or in part the allegations made by the plaintiff.
11. **ANTICIPATORY BREACH OF CONTRACT:** This is when a party to a contract goes back on his obligations under that contract before fully performing those obligations.
12. **APPEAL:** A request to a higher court to review the decision of a lower court or an administrative agency.
13. **APPELLANT:** The party who takes an appeal from one court or jurisdiction to another.
14. **APPELLEE:** The party in a case against whom an appeal is taken.
15. **ARBITRATION:** Arbitration is a procedure in which a dispute is submitted, by agreement of the parties, to one or more neutral parties who make a binding decision on the dispute.

16. **AUTHORITY:** The power to make a decision, the right to exercise powers, to implement and enforce laws.
17. **BREACH:** The breaking or violating of a law, right, obligation, engagement, or duty.
18. **BREACH OF CONTRACT:** Failing to perform any term of a contract, written or oral, without a legitimate legal excuse. Breach of contract is one of the most common causes of lawsuits for damages.
19. **BUYER:** One who buys something or who agrees to make a purchase.
20. **CASE BRIEF:** A concise summary of a legal case, including the facts, procedural history, issues presented, holding, reasoning, and implications (it may also include dissenting views and policy considerations).
21. **CASE LAW:** The collection of decided cases that (1) create common law or (2) interpret other sources of law such as constitutions, statutes, and regulations, thereby creating law.
22. **CAUSE OF ACTION:** Sometimes called a claim, a cause of action is a set of facts sufficient to justify a right of a “plaintiff” to sue to obtain money, property, or the enforcement of a right against a “defendant.”
23. **CHATTEL:** An item of personal property which is movable, as distinguished from real property (land).
24. **CIVIL ACTION:** An action brought to enforce, redress, or protect private rights.
25. **COMMON LAW:** Law developed by decisions of individual judges or panels of judges through decisions in cases before them rather than through legislative statutes or administrative regulations.
26. **COMMON LAW SYSTEM:** A legal system that treats case decisions by individual judges or panels of judges as binding on future cases with similar facts and legal issues. The system exists in countries with Anglo-American history and tradition.
27. **COMPENSATORY DAMAGES:** Damages that compensate the injured party for the injury sustained and nothing more.
28. **COMPLAINT:** The initial pleading that commences an action.
29. **CONCURRING OPINION:** An opinion that agrees with the court's disposition of the case (majority opinion) but is written to express a particular judge's different reasoning.
30. **CONDITION:** A term or requirement stated in a contract, which must be met for the other party to have the duty to fulfill its obligations.
31. **CONSIDERATION:** A vital element in the Anglo-American law of contracts. It is a benefit that must be bargained for between the parties, and is the essential reason for a party entering into a contract. Consideration must have value

(at least to the parties), and is exchanged for the performance or promise of performance by the other party (such performance itself is consideration). In a contract, one consideration (thing given) is exchanged for another consideration. Not doing an act the party has the right to do (forbearance) can also be consideration.

32. **CONTRACT:** An agreement with specific terms between two or more persons or entities in which there is a promise to do something in return for a valuable benefit known as consideration. The existence of a contract requires finding the following factual elements: (a) an offer; (b) an acceptance of that offer which results in a meeting of the minds; (c) a promise to perform; (d) a valuable consideration (which can be a promise or payment in some form); (e) a time or event when performance must be made (meet commitments); (f) terms and conditions for performance, including fulfilling promises; and (g) performance.
33. **CONVENTION ON THE INTERNATIONAL SALE OF GOODS (CISG):** The CISG governs contracts for the international sales of goods between private businesses, excluding sales to consumers and sales of services, as well as sales of certain specified types of goods. It applies to contracts for the sale of goods between parties whose places of business are in different Contracting States, or when the rules of private international law lead to the application of the law of a Contracting State. It may also apply by virtue of the parties' choice. The purpose of the CISG is to

provide a modern, uniform and fair regime for contracts for the international sale of goods.

34. **CONVEYANCE:** A generic term for any written document which transfers (conveys) real property or real property interests from one party to another.
35. **COUNTY:** An administrative or geographic subdivision of a state.
36. **CREDITOR:** A person or entity to whom a debt is owed.
37. **CRIMINAL PROSECUTION:** A judicial proceeding used to bring a criminal offender to justice and impose punishment.
38. **DAMAGES:** A form of legal relief, usually monetary recovery, as compensation for a loss or injury sought for liability under various claims or causes of action. Different areas of law provide for various types of available damages including compensatory damages, exemplary damages, punitive damages, etc.
39. **DE NOVO REVIEW:** Latin for "anew," which means starting over. This is when the appeals court evaluates the appeal as if no trial or lower court proceeding had been held.
40. **DEBTOR:** A person or entity that owes an amount of money or favor (a debt) to another person or entity.

41. **DEFENDANT:** The party sued in a civil lawsuit or the party charged with a crime in a criminal prosecution.
42. **DEFENSE:** The reason offered by the party against whom an action has been brought stating why, in law or fact, the plaintiff or prosecutor should not recover or cannot establish what he seeks.
43. **DEMAND LETTER:** A formal letter from an attorney on behalf of a client, demanding payment or some other action from another party. A demand letter is sent usually to settle the matter without litigation or to put pressure on the other party. In general, a demand letter states (1) what payment or action is demanded, (2) why, (3) how the payment or action may be effected, and (4) a time limit. It usually also carries an express or implied threat that otherwise the sender will sue the recipient.
44. **DICTUM (DICTA):** Latin for "remark," a comment by a judge in a decision or ruling that is not required to reach the decision but may state a related legal principle as the judge understands it. While it may be cited in a later legal argument, it does not have the full force of a precedent (previous court decisions or interpretations) since the comment was not part of the legal basis for judgment.
45. **DISSENT (DISSENTING OPINION):** The opinion of an appellate judge that disagrees with the majority opinion. Sometimes a dissent may eventually prevail as the law or society evolves.
46. **DISTINGUISH:** To point out a difference in law or fact of a precedent case; to prove a precedent case is not applicable.
47. **DONEE:** A person or entity receiving a gift or donation.
48. **DONOR:** A person or entity making a gift or donation.
49. **DUTY:** An obligation in law for a particular standard of conduct toward another.
50. **EQUITY:** The application of general principles of justice and fairness to relieve, correct, or supplement remedies available in a court of law.
51. **ESTOPPEL:** An impediment or obstruction that precludes a person from asserting a fact or a right or an impediment or obstruction that prevents one from denying a fact.
52. **EVIDENCE:** Every type of proof legally presented at trial (allowed by the judge) that is intended to convince the judge and/or jury of alleged facts material to the case. It can include oral testimony of witnesses (including experts on technical matters), documents, public records, objects, photographs, and depositions (testimony under oath taken before trial). It also includes "circumstantial evidence," which is presented to create belief by showing surrounding circumstances that logically leads to a conclusion of fact.

53. **EXPRESS CONTRACT:** A contract in which all elements are specifically stated.
54. **FEDERAL:** A system of government, such as in the United States, in which a national government oversees a federation of local governments, with distinctly defined but overlapping responsibilities.
55. **FEDERALISM:** The allocation of authority and responsibility to the different levels of government in a federal system of government.
56. **FORUM:** A court that has jurisdiction to hold a trial of a particular lawsuit or petition.
57. **FORUM SELECTION CLAUSE:** A clause in a contract stating that all disputes will be resolved in a particular court and waiving the right to file suit in any other court.
58. **FRAUD:** The intentional use of deceit, a trick, or some dishonest means to deprive another of money, property, or a legal right. A party who has lost something due to fraud is entitled to file a lawsuit for damages against the party acting fraudulently, and the damages may include punitive damages as a punishment or public example due to the malicious nature of the fraud.
59. **GIFT:** The voluntary transfer of property (including money) to another person completely free of payment or other obligations while both the giver and the recipient are still alive.
60. **HOLDING:** The determination of or answer to a question of law by a judge or panel of judges, based on the issue presented in the particular case.
61. **HYPOTHETICAL (HYPO):** A fictional legal scenario designed as an analytical exercise or to assess a student's understanding of legal principles.
62. **INFERENCE:** A truth or proposition drawn from another truth or proposition which is assumed to be admitted or true.
63. **IMPLIED CONTRACT:** An agreement which is found to exist based on the circumstances and when to deny a contract in those circumstances would be unfair and/or result in unjust enrichment to one of the parties.
64. **INJUNCTION:** An equitable remedy in the form of a court order, requiring a party to do, or to refrain from doing, certain acts.
65. **JUDGMENT:** The final decision of the court resolving the dispute and determining the rights and obligations of the parties.
66. **JUDICIAL OPINION:** A written statement by a judge or court of the decision reached in regard to a case tried or argued before them, providing the law as applied to the case, and detailing the reasons upon which the judgment is based.
67. **JURISDICTION:** The authority that a legal body or political leader has to deal with

all or specified legal questions or to create new laws or legal rules to issue rulings and opinions and make determinations on legal matters or to administer or enforce laws.

68. **JUROR/JURY:** A group of citizens called to hear a trial of a criminal prosecution or a civil lawsuit to decide the factual questions of guilt or innocence or determine the prevailing party (winner) in a lawsuit and the amount to be paid, if any, by the loser. Once selected, the jury is sworn to give an honest and fair decision. The legal questions are determined by the judge presiding at the trial, who explains those issues to the members of the jury (jurors) in "jury instructions."
69. **LANDLORD:** The owner of land or a property who has leased it to another person called a tenant.
70. **LEASE:** An agreement that gives rise to the relationship of landlord and tenant.
71. **LEGISLATIVE HISTORY:** The collection of documents that were created during the enactment of a statute. It consists of transcripts of hearings, reports, and records of comments made by legislators.
72. **LIABILITY (LIABLE):** An obligation one is bound by law or justice to perform.
73. **MAJORITY OPINION:** The opinion of an appellate court in which the majority of the members agree.
74. **MANDATORY (OR BINDING)**
AUTHORITY: Authority that a court deciding a case must apply. Whether an authority is binding depends on which jurisdiction's law applies, and, within that jurisdiction's law, which has the highest authority. Mandatory authority also is called binding authority.
75. **MEDIATION:** A situation in which a neutral person (a mediator) works with the parties to reach an agreement.
76. **MENS REA:** "Guilty mind;" the required mental state for a crime.
77. **MOTION:** An application made to the court or a judge for the purpose of obtaining a rule or order directing some act to be done in favor of the applicant.
78. **MOTION FOR SUMMARY JUDGEMENT:**
A judgment granted when there is no genuine issue of material fact for the trier of fact to determine.
79. **MOTION TO DISMISS:** A document filed by one of the parties in the lawsuit that asks the court to rule that, even if all of the claims are true, the law does not provide any remedy for the party making the claims. If granted, the lawsuit may be dismissed, or certain causes of action may be dismissed from the lawsuit.
80. **MUNICIPALITY:** An incorporated or chartered city or town.
81. **NEGLIGENCE:** The failure to use care that a reasonably prudent and careful person would use under similar circumstances.

82. **NEGOTIATION:** The process of bargaining in an attempt to reach a mutually satisfying agreement or contract.
83. **OFFER:** A promise or commitment to do or refrain from doing some specified thing in the future.
84. **OPINION (OR ADVICE) LETTER:** A letter written by a lawyer to a client providing the lawyer's legal opinion on the issues in the client's case.
85. **ORDER:** The direction of a court or judge made or entered in writing that directs the parties in the proceeding.
86. **OUTLINE:** Main points of a course or topic, organized to aid in the understanding of legal subjects.
87. **OWNERSHIP:** Legal title with exclusive legal right to possession. Co-ownership, however, means that more than one person has a legal interest in the same thing.
88. **PARTY:** (1) one of the participants in a lawsuit or other legal proceeding who has an interest in the outcome; (2) a person or entity involved in an agreement; (3) a common reference by lawyers to people or entities involved in lawsuits, transactions, contracts or accidents.
89. **PARTNERSHIP:** A business enterprise entered into for profit that is owned by more than one person.
90. **PER CURIAM DECISION:** Latin for "by the court." This is a decision of an appeals court as a whole in which no judge is identified as the specific author of the opinion.
91. **PERFORMANCE:** Fulfillment of one's obligations required by contract.
92. **PERSONAL PROPERTY:** Movable assets (things, including animals) that are not real property, money or investments.
93. **PLAINTIFF:** The party who initiates a lawsuit by filing a complaint with the clerk of the court against the defendant(s) demanding damages, performance and/or court determination of rights.
94. **PLEADINGS:** Formal allegations by the parties to a lawsuit of their respective claims and defenses, with the intended purpose of giving the other parties notice of what is to be expected at trial.
95. **POLICY ARGUMENT:** An argument that a particular interpretation of a statute, regulation, or common law rule is (or is not) consistent with current public policy or the underlying objective of a particular law.
96. **POSSESSION:** (1) any article, object, asset or property that one owns, occupies, holds or has under control; (2) the act of owning, occupying, holding or having under control an article, object, asset or property.
97. **POSSESSOR:** (1) A person who owns something; (2) a person who takes,

occupies, or holds something without necessarily having ownership, or as distinguished from the owner.

98. **PRECEDENT:** A prior reported opinion of an appeals court that establishes the legal rule (authority) in the future on the same legal question decided in the prior judgment.
99. **PRIMARY AUTHORITY:** The law itself. This includes constitutions, statutes, cases, regulations and any other government-created law. Primary authority may be binding or mandatory authority.
100. **PRINCIPAL:** (1) main person in a business; (2) employer, the person hiring and directing employees (agents) to perform his/her/its business. It is particularly important to determine who the principal is since he/she/it is responsible for the acts of agents.
101. **PROMISE:** A statement that binds the person who makes it to do or not do a certain specific act that gives to the person to whom the promise was made a right to expect or claim the performance of the specific act.
102. **REAL ESTATE:** Land, plus improvements and buildings on the land, including attached items and growing things.
103. **REAL PROPERTY:** All land, structures, firmly attached and integrated equipment, anything growing on the land, and all "interests" in use of the

property. It is distinguished from personal property which is made up of movable items.

104. **REGULATION:** A rule created by an administrative agency as authorized by statute that has the force and effect of law.
105. **REASONING:** The explanation or reasons for a court's ruling on a question of law by a judge or panel of judges, based on the issue presented in the particular case.
106. **REASONABLE PERSON:** The standard to determine how someone should have acted in a given situation.
107. **REMEDY:** Relief sought from a court by someone claiming an injury by another person.
108. **REMANDED:** The act of an appellate court sending a case back to the trial court and ordering the trial court to do some proceeding.
109. **REPUDIATION:** The denial of the existence of a contract and/or refusal to perform a contract obligation. Repudiation is an anticipatory breach of a contract.
110. **REVERSE:** Action of an appellate court ordering a lower court to reach a decision opposite to the decision the lower court reached originally.
111. **RULE SYNTHESIS:** The process of pulling together common threads from multiple cases and reconciling

- discrepancies among them to form a general statement of the applicable rule.
112. **SANCTION:** A financial penalty imposed by a judge on a party or attorney for violation of a court rule, for receiving a special waiver of a rule, or as a fine for contempt of court.
 113. **SECONDARY AUTHORITY:** Description or comment on the law, including treatises, law review articles, legal encyclopedias, and all other commentary on the law. Secondary authority is not binding on a court but can be used as persuasive authority.
 114. **SELLER:** One who sells goods or other property to a buyer (purchaser).
 115. **SOCRATIC METHOD:** A teaching technique that uses questioning/inquiry to uncover students' understanding of case facts, rulings, and synthesis.
 116. **STARE DECISIS:** Legal principle under which judges are obliged to respect the precedents established by prior decisions.
 117. **STATE:** The federal or state government and any of its departments, agencies or components.
 118. **STATUTE:** A written law passed by a legislative body and typically enacted by execution of the executive branch.
 119. **SUBSIDIARY:** A company whose controlling interest is owned by another company.
 120. **TERMS AND CONDITIONS:** General and special arrangements, provisions, requirements, rules, specifications, and standards that form an integral part of an agreement or contract.
 121. **TORT:** The area of common law dealing with civil wrongdoings. A person injured by another's wrongful act may be able to use tort law to receive damages from the person responsible for or "liable" for the injury.
 122. **TRANSFER:** (1) The movement of property from one person or entity to another; (2) passage of title to property from the owner to another person.
 123. **TRUST:** An entity created to hold assets for the benefit of certain persons or entities, with a trustee managing the trust.
 124. **UNIFORM COMMERCIAL CODE (UCC):** A set of laws that govern commercial transactions between states with the intention to harmonize the law of sales and other commercial transactions across the country.
 125. **UNJUST ENRICHMENT:** A general principle that one person should not be permitted unjustly to enrich himself at the expense of another but should be required to make restitution for the benefits received where it is just and equitable that such restitution be made. Unjust enrichment of a person occurs when he has and keeps money or

benefits that in justice belong to another.

126. **VERDICT:** The decision of a jury after a trial that a criminal defendant is guilty or not guilty or that a civil defendant is liable or not liable, which must be accepted by the trial judge to be final.
127. **WILL:** A written document that leaves the estate of the person who signed the will to named persons or entities, including portions or percentages of the estate, specific gifts, creation of trusts for management and future distribution of all or a portion of the estate. To be valid the will must be signed by the person who made it, be dated and witnessed by two people (required by most states).
128. **WILLFUL:** Referring to acts which are intentional, conscious and directed toward achieving a purpose.