134 Legal Terms Every Lawyer, Paralegal, and Law Student Should Know

Included in the list below are definitions of some of the legal words and phrases you will need to know as law students, lawyers, and paralegals. The list is not exhaustive; consult your law dictionary for terms you do not find. Included here are terms not ordinarily used in lay language, terms whose meanings differ from their lay meanings, and "law Latin" terms.

1. **Action:** Shorthand for "cause of action"; for example, a court action to obtain relief, a judicial remedy to enforce or protect a right, or a proceeding by a plaintiff against a defendant to enforce an obligation of the defendant to the plaintiff.

2. **Acts non facitrem, nisi means sit rear:** An act does not make one guilty. Unless he has a guilty mind. (For crime, there must be both act and evil intent.)

3. **Adhesion contract:** A contract drafted by the stronger party, then presented for acceptance to the weaker party, who has no power to modify its terms.

4. **Ad item:** (Latin: For the suit) A "guardian ad litem" is a guardian appointed to represent a person who is incapable of acting on his own behalf.

5. **Advance sheets, advance pamphlets:** Paperback publications printed and distributed as soon as possible after a judicial decision, in order that the information be available before it appears in a bound volume. (Slip laws are similar publications of acts passed by a legislative body.)

6. **Affirmative defense:** A defense which does more than deny the plaintiff's allegations; it also brings forth new allegations. Aforethought: Arrived at beforehand; a premeditated. Allegation: A statement that a party to a lawsuit intends to prove. Amicus curiae: (Latin: A friend of the court) One who interposes in a legal action.

7. **Appellant:** The party who appeals to a higher court from the judgment against himself in a lower court, sometimes called "petitioner." Appellee: The party against whom a case is appealed from a lower court to a higher court, sometimes called "respondent." Assumpsit's: A common law action to recover damages for the nonperformance of a contract.

8. **Attractive nuisance:** A condition on one's premises that is dangerous to children and yet so alluring to them that they may enter.
9. **Bad faith:** The opposite of "bona fide" (in good faith): motivated by ulterior motives or by furtive intent.
10. **Beyond a reasonable doubt:** The proof required of the prosecutor in criminal proceedings.
11. **Breach:** Violation of a duty; the breaking of an obligation. Burden of evidence; the duty of one party to produce evidence to meet or present a prima facie case.
12. **Burden of proof:** The duty to establish in the trial the truth of a proposition or issue by the amount of evidence required.
13. **Case:** A controversy to be decided in a court of justice. case law: The law set forth in the decisions of appellate courts, that is, in cases that have been decided.
14. **Case in point:** A previously decided case that is similar in important respects to the one now being decided.
15. **Case system:** Analysis of actual cases that have been decided, the method used in many law school courses to teach law students.
16. **Cause sine qua non:** (Latin: cause without which nothing.) The determining cause, without which a result would not have occurred. cause: An action or suit; sometimes used synonymously with "case." caveat: (Latin: Let him beware.) Used in phrases like "caveat emptor," (let the buyer beware).
17. **Certiorari:** Literally, to be made certain? a writ of review or inquiry by an appellate court re-examining an action of an inferior tribunal or to enable the appellate court to obtain further information in a pending cause.
18. **Change of venue:** The removal of a suit for trial from one county to another.
19. **Charged with crime:** Accused of a crime, either formally or informally.
20. **Chattels:** Movable property, in contrast to real estate.
21. **Chose:** From Old French: a thing. An item of personal property, a chattel.
22. **Civil action:** An action to enforce a civil right, as distinguished from a criminal action.
23. **Class action:** An action brought on behalf of a class of persons by one or more nominal plaintiffs.
24. **Clean hands doctrine:** The principle by which the court of equity requires that one who comes to it for relief must not be guilty of wrongful conduct.
25. **Clear and convincing evidence:** A degree of proof higher than that of preponderance of the evidence and lower than that of evidence beyond a reasonable doubt.
26. **Color:** Mere semblance of a legal right.
27. **Common law:** Legal rules, principles, and usage that rest upon court decisions rather than upon statutes or other written declarations.
28. **Condition precedent:** A condition that must occur before something else comes into effect.
29. **Contract:** (Williston) An agreement upon sufficient consideration to do or refrain from doing a particular lawful thing.
30. **Conversion:** A wrongful act of dominion over another’s property.
31. **Convict:** (verb) To find a person guilty of the crime charged.
32. **Court of last resort:** The highest court to which a case may be taken, from which no appeal can be made.
33. **Criterion:** The test on which a judgment or a decision is based.
34. **Damage:** Harm resulting from illegal invasion of a legal right.
35. **Damages:** Compensation imposed by the law to one who has suffered harm due to another’s wrongdoing.
36. **Decision:** The conclusion reached by a court in adjudication of a case, or the decision reached by arbitration; sometimes synonymous with judgment.
37. **Declaratory judgment:** A decision stating the rights and duties of the parties, but involving no relief as a result.
38. **De facto:** (Latin: from the fact) In fact or reality, as contrasted with de jure, by right or by law, defamation: Libel or slander.
39. **Degree of care:** A standard, testing conduct to decide whether the conduct is negligent.
40. **Degree of proof:** The amount of evidence required in action to establish the truth of an allegation.
41. **De minimis non curat lex:** (Latin: The law is not concerned with trifles.)
42. **Demurrer:** A statement that even if the facts as stated are true, their legal consequences do not require that the action proceed further.
43. **Detriment:** (in contract law) some forbearance on the part of one party, as consideration for the contract.
44. **Devise:** A testamentary gift of real estate.
45. **Doctrinal:** A rule or principle of law developed by court decisions.
46. **Due care:** The care that a person of ordinary prudence would take in similar circumstances.
47. **Due process of law:** A course of legal proceedings according to the rule of justice established to enforce and protect private rights.
48. **Earnest money:** A payment of part of the purchase price to bind the contract.
49. **Ejusdem generic:** (Latin: of the same kind.)
50. **Embezzlement:** The fraudulent appropriation of property or money entrusted to one
person by another.
51. **Encumbrance**: A hindrance or impediment that burdens or obstructs the use of land.
52. **Entirety**: The whole as distinguished from a part, as used to refer to the joint estate of spouses.
53. **Equal protection**: Generally refers to the guaranty under the Fourteenth Amendment to the Constitution that all persons should enjoy the same protection of the law.
54. **Equity**: A principle which provides justice when ordinary law may be inadequate.
55. **Escheat**: The reversion or forfeiture of property to the government because persons who have a legal claim to it are absent.
56. **Establish**: In evidence, to settle a disputed or doubtful fact.
57. **E stop**: (From Old French: to stop up.) To bar, preclude, prohibit.
58. **Except**: (verb) to object; to take exception to a court order or ruling.
59. **Facial**: Pertaining to the language on the face of a document, pleading, statute, or writ.
60. **For cause**: For legal cause, as in the challenge of a juror.
61. **Four corners**: The entire face of a document; thus, the construction of a document itself, as a whole.
62. **Frivolous**: So unmeritorious as to require no argument to convince the court of this fact.
63. **Fungible goods**: Goods of a kind in which all units are identical.
64. **Fundamental error**: In appellate practice, an error so material as to render a judgment void.
65. **Garnish**: To warn, summon, or notify.
66. **Good cause**: Substantial legal reason.
67. **Good faith**: Sincere motivation or behavior lacking fraud or deceit.
68. **Guardian**: One entrusted by law with the control and custody of another person or estate.
69. **Guilty mind**: Criminal intent (Latin: mensrea.) harmless error: In appellate practice, error committed during the trial below, but not prejudicial to the rights of the party assigning it, and because of which, therefore, the court will not reverse the judgment below.
70. **Hostile possession**: Possession of land under a claim of exclusive right. hypothetical fact situation: A fictional legal problem, postulated by law professors, in order to sharpen their students' analytical skills.
71. **Id.**: Abbreviation of "idem," (Latin: the same.)
72. **I.e.**: Abbreviation of "id est," (Latin: that is.)
73. **In absentia**: (Latin: In [someone’s] absence.)
74. **In banco**: (Latin: On the bench); that is, when all judges are sitting.
75. **Inferior**: With less legal power, subordinate.
76. **Injure**: (Latin: in law,)
77. **Liguria**: (Latin: a wrong) a violation of a legal right.
78. **In personal**: (Latin: involving the person,)
79. **In rem**: (Latin: involving the matter or thing,)
80. **Inter alia**: (Latin: among others,)
81. **In toto**: (Latin: in total) altogether, wholly.
82. **Ipso facto**: (Latin: by that fact)
83. **Lessee**: One who has leased property from another; tenant.
84. **lessor**: One who has leased property to another; landlord.
85. **lax talionis**: The law of retaliation.
86. **Malfeasance**: Legal misconduct; an act that is legally wrong.
87. **Material**: (adjective): Important, of the essence.
88. **Matter**: Those facts that constitute the entire ground or a part of the ground for an action or a defense.
89. **Mistake**: The doing of a lawful act in an unlawful manner.
90. **Moot**: A part of something. (From Old French: moite: half.)
91. **Moot question**: (1) an academic question; (2) a question which has lost significance because it has already been decided, or for other reasons.
92. **Mortgage**: One to whom a mortgage is made.
93. **Mortgagor**: One who takes out a mortgage on his property?
94. **Natural person**: A real person, in contrast to a corporation.
95. **Negligence per se**: (Latin: negligence in itself?) negligence as defined by the law.
96. **Novo contendere**: (Latin: I do not wish to contend.)
97. **Nonfeasance**: The failure to act, when action is legally required.
98. **n.o.v.:** Abbreviation of Latin: "non obstinate veredicto," notwithstanding the verdict
99. **Notorious possession**: Possession of real property openly.
100. **Nudum pactum**: (Latin: a bare pact) thus a promise lacking consideration.
101. **Nullity**: Something that has no legal effect.
102. **Parole**: Oral, as contrasted to "in writing."
103. **Patent ambiguity**: Obvious upon ordinary inspection; contrasts with "latent ambiguity."
104. **Per curiam**: (Latin: by the court) as a whole.
105. **Person**: Either an individual or an organization, e.g., a corporation.
106. **Perspires:** (Latin: by class); distribution according to the share a deceased ancestor would have taken.

107. **Plaintiff:** The party bringing an action.

108. **Precatory words:** Words expressing desire rather than command.

109. **Prejudicial:** Detrimental to one party in a dispute.

110. **Preponderance of evidence:** The greater weight and value of the evidence adduced.

111. **Presumption:** An assumption about the existence of a fact; a presumption may be either rebuttable or irrefutable (conclusive).

112. **Prima facie case:** A cause of action sufficiently established to justify a favorable verdict if the other party to the action does not rebut the evidence.

113. **Probable cause:** Reasonable cause.

114. **Proximate cause:** that event or occurrence which produces the injury, and without which the injury would not have occurred.

115. **Punitive damages:** Damages beyond compensatory damages, imposed to punish the defendant for his act.

116. **Quantum meruit:** (Latin: As much as it is worth) the amount deserved.

117. **Question of fact:** A question for the jury to decide, upon conflicting evidence.

118. **Question of law:** A question about the law affecting the case, for the judge to decide.

119. **Recovery:** The amount a claimant receives as a result of a judgment.

121. **Res:** (Latin: thing) matter.

122. **Res ipsa loquitur:** (Latin: The thing speaks for itself)

123. **Res judicata:** (Latin: The thing having been adjudicated.) The earlier judgment thus bars a second action.

124. **Respondeat superior:** (Latin: The superior is responsible.) the doctrine that imposes liability upon an employer for the acts of his employees in the course of their employment.

125. **Rule:** A statement of law that will henceforth act as precedent; a principle established by authority.

126. **Satisfaction:** Performance of the terms of an agreement; discharge of an obligation.

127. **Scienter:** (Latin: knowingly.) Often means defendant’s "guilty knowledge."

128. **Seasonable:** Within the agreed time or at the agreed time. If no time is stipulated, a "reasonable" time.

129. **Seisin:** Possession coupled with the right of possession.

130. **Strict construction:** Narrow or literal construction of language.

131. **Sui generis:** (Latin: of its own kind)-, thus the only one of its kind.

132. **Tort:** A wrong, for which a civil action is a remedy, outside of contract law.

133. **Tortfeasor:** One who commits a tort; a wrongdoer.

134. **Vicarious liability:** The imposition of liability upon one person for the acts of another.

See following articles for more information:

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- **Becoming a Lawyer: Things to Know**