Legal Terminology Definitions

Latin Terms:

a fortiori - With stronger reason
a priori - From the cause to the effect
ab initio - From the beginning
actiones in personam - Personal actions
ad curiam - Before a court; to court
ad damnum clause - To the damage, clause in a complaint stating monetary loss
ad faciendum - To do
ad hoc - For this purpose or occasion
ad litem - For this suit or litigation
ad rem - To the thing at hand
ad valorem - According to the value
adversus - Against
aggregatio menium - Contractual meeting of the minds
alias dictus - An assumed name
alibi - In another place, elsewhere
aliunde - From another place, from without (as in evidence outside the document)
alter ego - The other self
amicus curiae - "friend of the court" brief
animo - With intention, disposition, design or will
animus - Mind or intention
ante litem motam - before the suit or before litigation is filed
arguendo - In the course of an argument
assumpsit - He undertook or promised
bona fide - Good faith
capias - Take, arrest
captia - Persons, or heads
causa mortis - By reason of death
caveat - Beware, a warning
caveat emptor - "Let the buyer beware"
certiorari - "send the pleadings up", indicating a discretionary review process
Cestui - Beneficiaries
Cestui que trust - Beneficiaries of a trust
circa - In the area of, about or concerning
compos mentis - Of sound mind
consortium - The conjugal fellowship of husband and wife
contra - Against
coram nobis - Before us ourselves
corpus - Body
corpus delicti - Body of the offense
cum testamento annexo - "With the will annexed"
datum - Information or the thing given

de facto - In fact, in deed or actually
de jure - Of right, lawful
de novo - Anew or afresh
de son tort - Of his own wrong
dies non - Not a day
duces tecum - bring with you
dum bene se gesserit - While he shall conduct himself, during good behavior
e converso - Conversely or on the other hand
en banc - All judges present on the bench to hear a case
eo instanti - Upon the instant
erratum - Error
et alii - And others
et sequentia - And as follows
et ux - And wife
et vir - And husband
ex delicto - Arising from a tort
ex gratia - As a matter of favor
ex officio - From office, by virtue of his office
ex parte - By or for one party only
ex post facto - After the fact
facto - In fact, in or by the law
felonice - Feloniously
fiat - Let it be done, a short order that a thing be done
fieri - To be made up, to become
fieri facias - Writ directing a sheriff to reduce a judgment debtor's property to money
flagrante delicto - In the very act of committing the crime
forum non conveniens - Power to decline jurisdiction over a case and have it tried elsewhere
gravis - Serious, of importance
habeas corpus - Writ commanded to the custodian of a person to produce the body now
habendum clause - The part of a deed beginning "to have and to hold" and defining ownership
honorarium - Fee, gift or compensation from gratitude
idem - The same as above (id.)
idem sonans - To have the same sound, as in names sounding alike but spelled differently
in curia - In court
in esse - In being, existence
in forma pauperis - Permission given to a poor person to sue without liability for court costs
infra - Beneath; below
in limine - At the beginning; At the threshold
in loco parentis - In place of the parent
in pari delicto - In equal fault
in personam - Personally, or against the person
in praesenti - At once; now
in re - In the matter
in rem - A proceeding against a thing
in specie - In the same or in similar form

instanter - Immediately
inter alia, inter alios - Among other things or between other persons
inter se - Among themselves
inter vivos - Between the living; or from one person to another
in toto - In the whole; completely
in transitu - In transit
intra - Within; inside
ipse dixit - He himself said (it), as an assertion made but not proved
ipso facto - By the fact itself
ita est - so it is
jura personarum - Right of a person, rights of persons
jura rerum - Rights of things
jure divino - By divine rights
jure uxoris - In his wife's right
jus - Law or right
jus ad rem - A right to a thing
jus commune - The common law or common right
jus gentium - The law of nations or international law
just habendi - The right to have a thing and retain the profits
jus tertii - The right of a third party
levari facias - Cause to be levied, a writ of execution
lex - Law
lex loci - The law of the place where the cause of action arose
lis pendens - Litigation pending
locus delicti - The place of the crime
locus sigilli - The place for the seal
mala - Bad
mala fides - Bad faith
mala in se - An act that is morally wrong
mala praxis - Malpractice
mala prohibita - An act declared as criminal by statute
mala animo - Acting with evil intent
mandamus - A writ used to compel an official to perform a required act
manu forti - Forcible entry
mens rea - Guilty mind
nihil dicit - He says nothing
nil - Nothing
nil debet - He owes nothing
nisi prius - Distinguishing the trial court from the appellate court
nolle prosequi - Unwilling to prosecute
nolo contendere - "I will not contest it"; a criminal plea
non - Not
non assumpsit - Plea in defense; that he did not promise
non compos mentis - "Not of sound mind"
non est factum - "It is not his deed"

non obstante - Notwithstanding
non sequitur - “It does not follow”
nota bene - Note well; take notice
nudum pactum - A bare agreement lacking consideration
nul tort - “No wrong done”
nulla bona - “No good”
nunc pro tunc - “Now for then”
obiter dictum - A remark made by a court that is not central to a main issue in the case.
onus probandi - Burden of Proof
opus - Work or labor
ore tenus - By word of mouth
pari delicto - In equal fault
pari passu - By equal progress
pater familias - Father of the family
peculium - Private property
pendens - “Pending”
pendente lite - Pending the suit, during litigation
per annum - Annual, by the year
per capita - By the head, equally shared
per contra - “In opposition”
per curiam - “By the court”
per diem - By the day
per se - Taken alone
per stirpes - By the roots or stock (for purposes of inheritance)
post - After, later
post-factum - After the fact
post-obit - Taking effect after death
praecipe - A Writ commanding a person to do some act or show cause to be excused from acting
prima facie - At first sight, on the face of it
pro bono - “For the good” Describes services performed free of charge
pro forma - “As a matter of form” Describing statements or conclusions based on assumed facts
pro hac vice - “For this occasion”
pro rata - A distribution according to the rate or proportion
pro se - Appearing for oneself; personally
pro tanto - For so much, to that extent
pro tempore - For the time being, temporarily
prochein ami - “Next friend”
publici juris - Of public right
pur autre vie - For or during the life of another
quaere - A question or query
quaerens - The plaintiff
quantum - How much, the amount
quare - “Wherefore”
quasi - As if, as if it were true
quid pro quo - “Something for something”

quo warranto - “By what right or authority”
res - the thing, object or subject matter
res gestae - Things done; an excited utterance
res ipsa loquitur - “The thing speaks for itself”
res judicita - “A thing or matter adjudged”
respondeat superior - “Let the master answer”
scienter - Knowledge
scilicet - “To wit; or namely”
scintilla - A spark
scire facias - Give notice
secundum - According to
se defendendo - “In self defense”
semper - Always
seriatim - Severally, separately
sic - Used to indicate an error in original quoted material
sigillum - A seal
sine - “Without”
sine die - “Without a day assigned for a future meeting”
sine qua non - An indispensable condition or part
stare decisis
status quo - “Present state”
sua sponte - Voluntarily
sub nomine - Under the name of
sub silentio - Without notice being taken
sui generis - Of its own kind or class
sui juris - Of his own right
supersedeas - Superseding
supra - Above, cited prior in the document
tenere - To hold, to keep
termininus a quo - The starting point
ultra - Beyond
ultra vires - Without power
venire facias - “That you cause to come”
versus - Against
videlicet - “It is easy to see”
vi et armis - “By force and arms”
vis-a-vis - One who is face to face with another
vivos - Living
voir dire - “To speak the truth”

Legal Terms:

abatement - Reduction, termination
abrogation - Annulment of a former law by a legislative body, constitutional authority or usage
acceptance - Consent to abide by the terms of an offer

accession - That which increases the size or value of property
accommodation - Arrangement made as a favor to another, not for consideration
acknowledgment - Admission, affirmation, or declaration
acquittal - Release or discharge of an obligation
ademption - Satisfaction of a legacy by gift prior to testator's death
adhesion contract - Standard contract form which a party with little bargaining power must accept
adjudication - Judgment or decision of a court
administrative law - Body of law promulgated by an administrative agency
adverse possession - Acquiring title to real estate by hostile possession
affiant - One who makes or swears to the truth of an affidavit
affidavit - Sworn written statement
affirmative defense - an allegation of a responsive pleading negating the allegations in a complaint
agent - A person authorized to act for another with the other's business
agreement - A meeting of the minds
allegation - Assertion made but not proved
amortization - The gradual extinction of a monetary obligation by periodic payments
amnesty - Sovereign forgetfulness of past acts, usually available for a limited time
ancillary - Auxiliary, supplemental, subordinate
annotation - A remark, note or commentary intended to illustrate or explain
annul - Cancel, make void or destroy
answer - Written pleading by which a defendant responds to plaintiff's complaint
antitrust laws - Federal and state laws to prevent restraint of trade or price fixing
appeal - Review by a higher court
appellant - Party who brings / files an appeal
appellee - Party who defends an appeal
appraisal - Valuation or estimate of property value
arbitration - the investigation and determination of a dispute by a neutral decision-maker
arraignment - Criminal hearing where the accused is formally charged and pleas
assault - Threat of imminent bodily harm
asset - Property owned by an estate
assignment - Transfer any right, title or interest to another
attestation - The act of witnessing the signing of a document
assumption of the risk - Bar to recovery where a party voluntarily exposes themselves to a risk
attachment - Pre-judgment seizure of property based upon court order
attest - Certify or affirm to be true or genuine
attorney-in-fact - One appointed to act in specific matters described in a power of attorney
aver - Assert, allege or claim
bailment - Delivery of personal property to another to be held for a particular person
beneficiary - One who benefits from the act of another
bequest - Gift of personal property by will
breach - The unexcused failure to perform when performance is due
brief - A written argument of counsel
capacity - Having legal authority or mental ability
caption - Part of a pleading stating the name of the court, parties, case number, and pleading title
cause of action - Facts giving rise to a legal remedy, or the legal remedy itself

chattel - Personal property
choate - Perfected or complete
chose in action - A personal right not yet reduced to a judgment
civil code - A collection of laws or statutes relating to private rights or remedies
civil law - Laws regulating private rights and remedies as opposed to criminal law
CLA - Certified Legal Assistant
Code Civil - The law of the State of Louisiana
code - Collection of laws or statutes by subject matter
codicil - An addition or change in a will
common law - The law based upon custom, usage and judicial decision
community property - Property owned in common by a husband and a wife
commutation - Substitution of a lesser punishment for a greater one
condemnation - The process of taking private property for public use under eminent domain
consideration - Lawful price, motive, or cause impelling influence or inducement for a contract
contract - An agreement between competent parties to do or refrain from doing a lawful act
conversion - Wrongful taking of personal property with the permanent intent to deprive its owner
copyright - A right to reap the financial benefits of literary property
covenant - An agreement or promise, often restricting the use of real estate
creditor - One to whom a debt or obligation is owned
criminal law - Laws controlling standards of conduct and prescribing punishment for disobedience
debenture - Bond given as evidence of corporate debt
decree - The final order of an equity court
defamation - That which injures one's reputation or holds one up to contempt
deponent - One who gives a deposition
deposition - Sworn testimony given in an oral question & answer setting, transcribed by a reporter
devise - Gift of real property by a will
discharge - To release, annul or dismiss
duress - Unlawful constraint forcing another to perform an act
enjoin - To prevent or forbid by injunction
equity - Justice administered by principles of fairness
escheat - The reversion of property to the state where no heirs exist to inherit the same
estop - To stop, bar, prevent
estoppel - Doctrine preventing legal relief because of a failure to act
eviction - To recover real estate by forced removal from the property
evidentiary - Constituting evidence or proof
exemption - An immunity from a general burden, tax, or charge
felony - A crime punishable by imprisonment for one year or more
fraud - Any artifice used to deceive another
general denial - Pleading denying allegations without making affirmative defenses
grantee - The buyer of real property
grantor - The seller of real property
guarantor - One who agrees to undertake a financial obligation of another
guaranty - An agreement to undertake the financial obligation of another
guardian - One responsible to manage personal matters of another who is incompetent
guardian ad litem - Person appointed by a court to look after the interest of a child in litigation

inchoate - Unfinished, incomplete
indemnify - To restore a loss by repayment or repair
indictment - A grand jury's accusation against a defendant
indorsement - Writing your name on the back of a commercial instrument to assign it to another
infant - One who has not reached the age of majority
information - A prosecutor's written accusation against a defendant
injunction - An court order requiring a person to do or refrain from doing something
insolvent - A condition where total liabilities exceed total assets
interlocutory - Not final, interim, provisional
interrogatories - A series of formal written questions requiring written answers in discovery
intestate - One who dies without a will
judgment - Final order of a court of law
jurat - Clause of a notary public or authorized attesting witness
jurisdiction - Power conferred on a court
jurisprudence - The science of law
laches - Doctrine by which equitable relief is denied to one who has waited too long to seek relief
legal assistant - Assists an attorney in the practice of law
lessee - One who possesses or uses the property of another; tenant
lessor - The title holder of property who contracts for its possession or use by another; landlord
liable - Legally responsible
libel - Written defamation
lien - A charge, security or encumbrance on property
liquidated - Property or claim that has been converted into cash
litigation - Contest in a court of law
magistrate- Court officer with limited judicial authority
malfeasance - Evil doing or performance of an act with bad intent
malpractice - Professional negligence
mediation - An attempt at settlement through a neutral party
memorandum of law - A brief of law submitted to a court or written answer to a legal question
memorandum opinion - A very short opinion of a court
merger - Absorption of one thing or right into another
metes and bounds - Method to describe / measure real property
minor - A person who is not an adult
misdemeanor - A criminal offense punishable by a fine or incarceration for less than one (1) year
misfeasance - The improper performance of an otherwise lawful act
mitigation - Duty to minimize damages
mortgage - A security interest in real estate
mortgagee - One who receives a mortgage
mortgagor - One who gives a mortgage
motion - An application to receive an interim ruling or order
motion in limine - Application requesting a court to rule to suppress evidence in advance to trial
negligence - Failure to use the care which a reasonable and prudent person would
notary public - Public officer who administers oaths and acknowledges documents
novation - Substitution of a new contract for an existing one
nuncupative - Oral; not in writing

oath - A solemn pledge attesting to the truth of a statement
offer - A promise to do or not to do something
offeree - One to whom an offer is made
offeror - One who makes an offer
option - Right to purchase supported by consideration
order - A mandate or command
ordinance - A legislative enactment by a local government
parol evidence - Oral proof of contract terms
parole - Release from imprisonment upon specified conditions
patent - an inventor's right to protect an invention for 17 years
paternity - The father/child relationship
payee - One to whom payment is made
payor - One who makes payment
pecuniary - Monetary or relating to money
perjury - False testimony given under oath
pleading - (In federal court) - a complaint, an answer and a reply
power of attorney - Instrument authorizing another to act as an attorney in fact
precedent - A holding of a case which guides future decisions in similar circumstances
privileged communications - Statements made by persons within protected relationships
probable cause - Justification to believe that a crime was committed
probation - A sentence releasing a person into the community conditionally
promissory estoppel - Doctrine preventing a party from denying consideration for a contract
promissory note - A written promise to pay a specific sum of money at a future time
proximate cause - Legal act; last act leading to an injury
proxy - An instrument authorizing one to cast votes of another at a corporate meeting
punitive damages - Damages to punish the wrongdoer
quash - Suppress
quiet title action - Action to determine clear title to real property
quitclaim deed - A deed that does not contain any warranties
recidivist - A repeat offender
release - The discharge of an obligation
replevin - An action to recover person property
rescission - An equitable remedy invalidating a contract because of fraud or mistake
restitution - Restoration damages
service of process - Delivery of a writ and summons to a named person
settlor - One who creates a trust
slander - Oral or spoken defamation
specific performance - An equitable remedy requiring performance of contract terms
statute - A legislative enactment
statute of limitations - A statute limiting the time that a cause of action may be filed
stipulation - An agreement between parties
subpoena - A writ commanding one's appearance
subpoena duces tecum - A writ commanding the named person to appear and bring documents
summons - Notice that a suit has been filed with a direction to respond
survey - A process to measure a tract of land

temporary restraining order - An emergency injunctive remedy
testimonium clause - “In witness whereof”
tickler system - Reminder system
tort - a civil wrong
trust account - The account for client funds
unconscionable - Grossly unfair
usury - The excess over the lawful interest rate
vendee - The purchaser or buyer of property
vendor - The seller of property
venue - The location where an action is tried
verdict - The finding of fact by a jury or a judge
verification - Confirmation of accuracy
void - Having no legal force or effect
voidable - Tat which is capable of being declared invalid
warranty - A promise to defend the truth
warranty deed - A deed conveying land guaranteeing that the title is free of certain defects
with prejudice - A declaration ending the right to further relief
without prejudice - A declaration preserving rights or privileges
witness - One with personal knowledge about facts related to a case
writ of execution - A post-judgment order to seize property in order to satisfy the judgment