
Thomson Reuters
Law School Survival Guide
Glossary of terms

Do you speak lawyer?

Get the 411 on terms you'll need
to know throughout law school

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Glossary of terms

Are you fluent in 'lawyer' language?

You will be by the end of your third year of law school. As you're exposed to new tasks throughout your education, understanding the right terms will save time and can help you interpret the law.



Get the 411.

**Lawyer
Lingo.**

Glossary of terms

Term	Definition
A	
Act	An alternative name for statutory law. When introduced into the first house of the legislature, a piece of proposed legislation is known as a bill. When passed to the next house, it may then be referred to as an act. After enactment, the terms law and act may be used interchangeably.
Adjudication	The formal pronouncing or recording of a judgment or decree by a court.
Administrative Agency	A governmental authority, other than a legislature or court, which issues rules and regulations or adjudicates disputes arising under its statutes and regulations. Administrative agencies usually act under authority delegated by the legislature.
Administrative Law	Law that affects private parties, promulgated by governmental agencies other than courts or legislative bodies. These administrative agencies derive their power from legislative enactments and are subject to judicial review.
Advisory Opinion	An opinion rendered by a court at the request of the government or an interested party that indicates how the court would rule on a matter should adversary litigation develop. An advisory opinion is thus an interpretation of the law without binding effect.

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Term	Definition
Amicus curiae	Means, literally, friend of the court. A party with strong interest in or views on the subject matter of the dispute will petition the court for permission to file a brief, ostensibly on behalf of a party but actually to suggest a rationale consistent with its own views.
Annotations	(1) statutory: brief summaries of the law and facts of cases interpreting statutes passed by congress or state legislatures that are included in codes; or (2) textual: expository essays of varying length on significant legal topics chosen from selected cases published with the essays.
Answer	The pleading filed by the defendant in response to plaintiff's complaint.
Appellant	The party who requests that a higher court review the actions of a lower court.
Appellee	The party against whom an appeal is taken (usually, but not always, the winner in the lower court). It should be noted that a party's status as appellant or appellee bears no relation to his or her status as plaintiff or defendant in the lower court.
Arbitration	The hearing and settlement of a dispute between opposing parties by a third party. This decision is often binding by prior agreement of the parties.
B	
Bill	A legislative proposal introduced in the legislature. The term distinguishes unfinished legislation from enacted law.

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Term	Definition
Black Letter Law	An informal term indicating the basic principles of law generally accepted by the courts and/or embodied in the statutes of a particular jurisdiction.
Boolean Search	A form of search strategy used in databases, such as Westlaw. In a Boolean search, connectors such as “and, or, and not” are used to construct a complex search to return more specific results.
Brief	A written statement prepared by the counsel arguing a case in court. It contains a summary of the facts of the case, the pertinent laws, and an argument of how the law applies to the facts supporting counsel’s position.
C	
Certiorari	It is most commonly used to refer to the Supreme Court of the United States, which uses the writ of certiorari as a discretionary device to choose the cases it wishes to hear. The term’s origin is Latin, meaning to be informed of.
Citation	The reference to authority necessary to substantiate the validity of one’s argument or position. Citation to authority and supporting references is both important and extensive in any form of legal writing.
Citators	A set of books and online sources that provide the subsequent judicial history and interpretation of reported cases or lists of cases and legislative enactments construing, applying, or affecting statutes. In America, the most widely used citator is KeyCite.

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Term	Definition
Civil Law	(1) Roman law embodied in the code of Justinian, which presently prevails in most countries of Western Europe other than Great Britain and that is the foundation of Louisiana law; (2) the law concerning noncriminal matters in a common law jurisdiction.
Claim	(1) the assertion of a right, as to money or property; (2) the accumulation of facts that give rise to a right enforceable in court.
Class Action	A lawsuit brought by a representative party on behalf of a group, all of whose members have the same or a similar grievance against the defendant.
Code	In popular usage, a compilation of statutes. Technically, in a code, the laws in force and judicial decrees having the force of law, are rewritten and arranged in classified order. Repealed and temporary acts are eliminated, and the revision is reenacted.
Common Law	The origin of the Anglo-American legal systems. English common law was largely customary law and unwritten, until discovered, applied, and reported by the courts of law. In a narrow sense, common law is the phrase still used to distinguish case law from statutory law.
Compiled Statutes	In popular usage, a code. Technically, it is a compilation of acts printed verbatim as originally enacted but in a new classified order. The text is not modified; however, repealed and temporary acts are omitted.

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Term	Definition
Complaint	The plaintiff's initial pleading. Under Federal Rules of Civil Procedure, it is no longer full of the technicalities demanded by the common law. A complaint need only contain a short and plain statement of the claim, an indication of the type of relief requested, and an indication that the court has jurisdiction to hear the case.
Consideration	Something to be done, or abstained from, by one party to a contract to induce another party to enter into a contract.
Conversion	The wrongful appropriation to oneself of the personal property of another.
Counterclaim	A claim made by the defendant against the plaintiff in a civil lawsuit; it constitutes a separate cause of action.
D	
Damages	Monetary compensation awarded by a court for an injury caused by the act of another. Damages may be actual or compensatory (equal to the amount of loss shown), exemplary or punitive (in excess of the actual loss), or nominal (a trivial amount).
Database	In legal research, it usually refers to a commercial service searched online. A full-text database provides the complete text of documents such as court cases or newspaper articles. Westlaw is a full-text database.

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Term	Definition
Demurrer	A means of objecting to the sufficiency in law of a pleading by admitting the actual allegations made but disputing that they frame an adequate legal claim.
E	
En banc	A session in which the entire bench of the court will participate in the decision rather than the regular quorum. The circuit courts of appeals usually sit in groups of three judges but for important cases may expand the bench to nine members, when they are said to be sitting en banc.
Encyclopedia	A work containing expository statements on principles of law, typically arranged, with supporting footnote references to cases in point.
Executive Order	An order issued by the president under specific authority granted to the president by Congress. There is no precise distinction between a presidential proclamation and an executive order; however, a proclamation generally cover matters of widespread interest, and an executive order often relates to the conduct of government business or to the organization of the executive department.
G	
Grand jury	A jury of six to twenty-three persons that sits permanently for a specified period and that hears criminal accusations and evidence and then determines whether indictments should be made.

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Term	Definition
H	
Headnote	A brief summary of a legal rule or significant facts in a case that precedes the printed opinion in reports.
Hornbook	The popular reference to a series of treatises published by West each of which reviews a certain field of law in summary, textual form, as opposed to a casebook that is designed as a teaching tool and includes many reprints of court opinions.
I	
Injunction	A judge's order that a person do, or refrain from doing, a certain act. An injunction may be preliminary or temporary, pending trial of the issue presented, or it may be final if the issue has already been decided in court.
J	
Jurisdiction	The power given to a court by a constitution or a legislative body to make legally binding decisions over certain persons or property, or the geographical area in which a court's decisions or legislative enactments are binding.
K	
Key Number	A building block of the major indexing system devised for American case law, developed by West. The Key Number is a permanent number given to a specific point of this case law. A researcher can use a Key Number to find related materials.

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Term	Definition
L	
Legislative history	Information embodied in legislative documents that provides the meanings and interpretations (intent) of statutes.
Liability	The condition of being responsible either for damages resulting from an injurious act or for discharging an obligation or debt.
M	
Mandatory Authority	The authority that a given court is bound to follow. Mandatory authority is found in constitutional provisions, legislation, and court cases.
O	
Opinion	An expression of the reasons why a certain decision (the judgment) in a case was reached. A majority opinion represents the principles of law that the majority deem operative. A concurring opinion agrees with the result but disagrees with the majority's reasoning. A dissenting opinion disagrees with the majority and thus disagrees with the majority's reasoning and the principles of law.
Oral Argument	A spoken presentation of reasons for a desired decision directed to an appellate court by attorneys for the parties.

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Term	Definition
P	
Parallel Citation	A citation refers to the same case printed in two or more different reports.
Persuasive Authority	That law or reasoning which a given court may, but is not bound to, follow. For example, decisions from one jurisdiction may be persuasive authority in the courts of another jurisdiction. Compare with mandatory authority.
Popular Name Table	A table listing popular names by which some cases and statutes have become known, and identifying for each popular name the official name and citation of the case or statute.
Primary Authority	Constitutions, statutes, administrative regulations issued pursuant to enabling legislation, and case law. Primary authority may be either mandatory or persuasive. All other legal writings are secondary authority and are never binding on courts.

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Term	Definition
R	
Regulations	Rules or orders issued by various governmental departments to carry out the intent of the law. Agencies issue regulations to guide the activity of their employees and to ensure uniform application of the law. Regulations are not the work of the legislature and do not have the effect of law in theory. In practice, however, because of the intricacies of judicial review of administrative action, regulations can have an important effect in determining the outcome of cases involving regulatory activity. United States government regulations appear first in the federal register, published five days a week, and are subsequently arranged by subject in the Code of Federal Regulations.
Restatements of the Law	Systematic restatements of the existing common law in certain areas, published by the American Law Institute since 1923. The restatements are valuable secondary research sources but are not binding as law.
S	
Synopsis	A brief or partial survey; a summary or outline. All Westlaw cases start with a Synopsis, which explain a summary of the case, how it arrived, the outcome, and major holdings.
T	
Treatise	An exposition, which may be critical, evaluative, interpretative, or informative, on case law or legislation. Usually, it is more exhaustive than an encyclopedia article but less detailed and critical than a law review article.

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Term	Definition
Treaty	An agreement between two or more sovereign nations.
Trespass	An unlawful interference with one's person, property, or rights. At common law, trespass was a form of action brought to recover damages for any injury to one's person or property or relationship with another.
U	
Uniform laws	Statutes drafted for adoption by the several states in the interest of uniformity. A considerable number of uniform laws on various subjects have been approved by the national conference of commissioners on uniform state laws, and have been adopted in one or more jurisdictions in the united states and its possessions. The uniform commercial code is now the law in forty-nine states.
Unofficial reports	Court reports published without statutory direction. They are not distinguished from official reports on grounds of varying quality or accuracy of reporting.
V	
Venue	The particular geographical area where a court with jurisdiction may try a case.

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Term	Definition
W	
Waiver	The voluntary relinquishment of a known right.
Westlaw	The computerized legal research system of West. Westlaw provides the full text of court decisions, statutes, administrative materials, ALR annotations, law review articles, reporter services, Supreme Court briefs, and other items. Key Word searches, Natural Language searches, field searches, and citator searches are available.
Writ	A written order, of which there are many types, issued by a court and directed to an official or party, commanding the performance of some act.
Wrongful death	A type of lawsuit brought by or on behalf of a deceased person's beneficiaries, alleging that the death was attributable to the willful or negligent act of another.