Basic legal vocabulary for first year law students — Faculty of Law, Aix-Marseille, November 2007

The definitive version of this glossary is on the internet at http://www.celan.droit.u-3mrs.fr/vocab.htm
You should use the internet version if you can. It contains hyperlinks to the other words on the list as well as links to internet sites that will help you understand and remember the words.

The typography uses a difference in the **size** of the letters to indicate which syllable of the word is stressed. Illustrative sentences are put in *italics*.

ac*cuse* v. to say that someone has done something morally wrong, illegal or unkind
You accuse someone **of** something.
The United States on Thursday charged an Australian citizen, now imprisoned at the American naval base in Guantánamo Bay, Cuba, with fighting for the Taliban in Afghanistan. He is expected to go before a military tribunal sometime in August.
*The prisoner, David Hicks, was formally accused **of** conspiracy to commit war crimes, attempted murder by an unprivileged belligerent, and aiding the enemy...*
*or was accused **of** conspir**ing** to commit war crimes*

n. **accu*sa*tion**
The accusation of fraud was later found to be false.
see also charge

ac*cused* (the)
n. defendant in a criminal proceeding
The accused is said to be a member of a right wing gang.

ac*quit*
v. to find a defendant not guilty in a criminal trial
Acquitted of the killings, Simpson says he holds the news media responsible for persuading a majority of the public that he was guilty.

ac***quit***tal, n.
The acquittal of O.J. Simpson surprised many people who thought he was guilty of murdering his ex-wife.

act
n. (e.g., Civil Rights Act): A perfect example of a word with more than one meaning. An act may be a law on a particular subject such as the Clean Air Act. The word act is also often used in the name of proposed legislation or bills such as in the Working Families Flexibility Act of 1996, proposed legislation introduced in the 104th Congress.
The bill was not enacted and was reintroduced in the 105th Congress. (see **bill**)

***ac*tion:**
n. in court, when one person sues someone else to:
- defend or enforce a right,
- stop something bad from happening or fix something, or
- punish them for a crime.

Unlike criminal proceedings - where the State almost always has the role of prosecuting individuals who are alleged to have broken the criminal law, in a civil action one party takes proceedings against another party.
A civil action can be brought, for instance, if a person defames you or trespasses on your land.

advocate
n.1) someone who speaks or argues in favour of a cause (compare lawyer, attorney, barrister, solicitor, counsel)
"Never before," announced an advocate of the "new internationalism," had "here been such a universal revulsion against force as a means of settling international quarrels."
2) In Scotland, advocates perform the same role as barristers in England and Wales and Northern Ireland. The Faculty of Advocates, whose elected members administer the Scottish Bar, has about 425 practising members. In essence, in Scotland an advocate is a self-employed independent lawyer.
3) in England and Wales, solicitors who have qualified to exercise rights of audience in higher courts are known as solicitor advocates.

affirm
v. to say that the lower court's decision was right (action of an appellate court) [opp. – reverse]
The Supreme Court affirmed the decision of the lower court.

allege
v. To say, declare, or charge that something is true even though it isn't proved yet.
alleged adj. *The accused is alleged to have plotted to kill the queen.*
allegedly adv. *His car allegedly struck and killed the pedestrian.*
allegation n. A statement or claim that is made and hasn't been proved to be true or false.
Allegations of brutality and theft have been levelled at the Army.

appeal n. a formal request for a decision to be changed
There is no right to take an appeal to the House of Lords. Permission to do so must be granted either by the Court of Appeal or by the House of Lords itself.
In the common law system, appeals only concern questions of law, never questions of fact.
appeal v. take a court case to a higher court for review
He said they would appeal the decision. (US)
*He said they would appeal **against** the decision* (UK)
*His appeal **against** the verdict was successful.*
The World Trade Organization ruled Friday that U.S. subsidies to cotton farmers are unfair to producers in Brazil, but the United States said it will appeal the decision.
appellant n. someone who is appealing against a court's decision – [opp. appellee]
appellate adj. an appellate court (US - court of appeals ; UK - court of appeal)
The appellate court overturned the conviction for murder, and so he was released from prison.

arrest
v. If the police arrest someone, they take them away to ask them about a crime which they might have committed
Police arrested five young men in connection with the attacks.
*Police arrested her **for** public nudity.*
arrest *n. She was placed **under** arrest for shoplifting.*

attorney:
n. (US) Someone that is qualified to represent clients in court and to give them legal advice. In the US, the terms attorney (or attorney-at-law) and lawyer describe the same type of legal professional.
In England, the term lawyer can be used, but not attorney, when describing legal professionals. See barrister and solicitor
On Sept. 15, he was approached by the FBI. He said he waived his right to have an attorney present because he felt he had nothing to hide.

--Attorney General n. A country's Attorney General is its chief law officer who advises its king, queen, or government.

--district attorney n. a lawyer whose job is to represent the government in a particular area of the U.S. (abbreviation D.A.)

--**attorney, power of n.** the legal right to act for someone else in their financial or business matters, or the document which gives someone this right
His father gave him a power of attorney to sign the contract for him.

award (damages)
v. to give money following an official decision **by a court or by arbitration**
n. a sum of money that a court decides to give someone to compensate for an injury ; a grant made by a law court
The jury's award of £100,000 in damages for libel was considered excessive.
In the context of arbitration, *award* is often used to talk about the final decision of the arbitrators.
In Brook v. Peak Int'l Ltd., the former employee, Brook, asked the court to vacate an arbitrator's award because the American Arbitration Association (AAA) did not follow the provisions of the parties' arbitration agreement for selecting an arbitrator.

ban
v. to state officially that something is forbidden
Ireland recently banned smoking in all pubs and restaurants.
n. an official order that forbids something from being used or done
The ban on smoking has been surprisingly well observed.

barrister
n.(UK) In England and Wales, a barrister is a lawyer who represents clients in the higher courts of law. Barristers are specialists in advocacy, presenting cases in court under instruction from a solicitor. A barrister has rights of audience in higher courts on contentious matters. — see solicitor

(the) **bench**
n. the judge or magistrate, or the place where they sit, in a court of law
the position of being a judge or magistrate in a court of law:
He was appointed to the bench last year.
serve/sit/be on the bench
She sat on the bench for 30 years before her retirement last June.
the Queen's Bench Division (or King's Bench, when a king is ruling) - a division of the High Court of Justice in England and Wales
adj. A bench trial, in the U.S., is one without a jury.

bill
n. a legislative proposal that will be discussed before being voted on — see act
When a bill is passed in Parliament it becomes law.
The government re-introduced the Hunting Bill to the House of Commons and voted it through in a day.
Bill of Rights
n. The first ten amendments to the U.S. Constitution

bind
v. ir. (bound, bound) To make yourself or someone else legally responsible for something
*If you are bound **by** something (a rule, a decision), you have to act in a certain way.*
A treaty binds all countries who have signed it.
*The new government does not feel bound **by** any agreements made before it took power.*

binding adj. A binding promise (agreement, contract) is one that has to be kept.
That decision is binding precedent.
Secretary of State Colin Powell said today that the United States expected to meet Russia's demand for a "legally binding" agreement on reducing nuclear weapons.

break (a law)
v. ir. (broke, broken) to fail to obey, to disobey
They didn't know they were breaking the law when they lit their cigarettes in the pub.
Whether giving advice to corporate executives or senior government officials, lawyers often walk a fine line between counseling their clients on how to follow the law to avoid prosecution and how to break the law in such a way as to frustrate and impede prosecution.

break in
v. ir. (broke, broken) to enter into a house or other building by force
The burglars broke in through the front door.
n. an occasion when a building is entered illegally by a criminal or criminals, usually by damaging a window or door, especially in order to steal something
The number of break-ins in the neighborhood has been increasing every year.

bring an action
v. ir. (brought, brought) If you bring an action against someone, you start legal proceedings against them. — see action, to sue
The family of the dead man brought an action against General Motors for making a car that it knew was defective.

burden (of proof)
n. the responsibility for proving something — see proof, standard of proof
The burden of proof is on the prosecution in a criminal case.

burglar
n. a thief who enters a house or other building by force
The burglar got in the house by breaking the front window.

burglary
n. the act of entering a house or other building by force
There have been so many burglaries in the neighbourhood this year that people are starting to buy big dogs.

burgle
v. to enter a house or other building by force to steal something — see break in
When they got back from their holiday they found that their home had been burgled.

capital **pu**nishment
n. punishment by death, as ordered by a legal system.
Capital punishment is still possible in over thirty states in the United States.

case
n. This is one of those terms that has several meanings. Technically, a case is a dispute between two or more parties. "Case" also refers to the opinion of a court and its ruling on a particular set of facts and legal issues. Thus, a casebook for a class is a collection of opinions. Case, judgment, ruling, opinion, and decision are often used interchangeably.
The O.J. Simpson case fascinated the entire country that summer.
She won her case before the lower court, but lost on appeal.
The case will probably go before the Supreme Court next year.
In a democracy, judges are supposed to decide cases strictly on their merits.

case law (sometimes caselaw or case-law) n. **uncountable** - Law that has been established by following legal decisions made by judges in earlier cases. — see landmark
Case law has been instrumental in the creation of European Union law.

cause of action
n. The charges (or "counts") that make up the case or lawsuit.
The points a plaintiff must prove to win a given type of case are called the "elements" of that cause of action. (For the cause of action of negligence, for example, the elements are existence of a duty, breach of that duty, causation by that breach, and damages suffered by the plaintiff.)

charge
v. to formally accuse someone of doing something illegal — see accuse
He was charged with murder. (charged with murdering his wife)
n. formal accusation of a crime
The charges against him were reduced because he cooperated with the prosecution.
He has been arrested on a charge of burglary.

civil adj.
1) Civil law is the law that applies to private rights as opposed to the law that applies to criminal matters.
The United States had preserved the right to a jury in civil cases.
2) Civil law may also refer to the body of law developed from Roman law and used in places such as Louisiana, continental Europe, and in many other countries outside of the English-speaking world — see common law
France is usually described as a country of civil law as opposed to a country of common law.

claim
v. If you claim something, you try to get it because you think you have a right to it.
She intends to claim for damages against the doctor who cut off the wrong leg.
n.
She made a claim for damages, but the court found that she, and not the other driver, had been negligent.
A Texas jury found Andrea Yates guilty of capital murder Tuesday, rejecting her claim that she was insane when she drowned her five children in a bathtub last summer.
claimant (UK) n. a person who asks for something which they believe belongs to them or which they have a right to (see plaintiff)
The claimants allege that the defendant sold them a dangerous product.

commit
v. If someone commits a crime, they do something illegal.
He was sent to prison for committing murder, but he was later proven innocent through DNA evidence.

common law

This important term can have at least three meanings :
1) n. legal rules that come from court decisions and not from statutes or constitutions.
Most rules in contract law are common law rules.
2) adj. having to do with legal systems such as England and Wales, or countries which evolved from that system (for example, Ireland, the United States, Canada, Australia, and New Zealand)
The United States, the United Kingdom, and most Commonwealth countries have a common law system as contrasted with the civil law systems of other European countries.
3) Within the English legal system, the part of the law developed in common law courts as opposed to other courts such as the courts of equity which emerged in the 15th and 16th centuries to correct certain defects in the common law court system.
Article VII of the U.S. Constitution provides for jury trials in all suits at common law.

complaint

n. U.S. in civil cases, a written statement filed by the plaintiff that starts a case. It says what the plaintiff thinks the defendant did and asks the court for help. Also called the "initial pleading" or "petition." A complaint is also used to start a criminal case. — see claim
*The complaint for declaratory judgment" was **filed** in the U.S. District Court for the Northern District of California on December 9,1988.*
n.b. You **file** a complaint

condemn **(to death, to life imprisonment)**

v. to say what the punishment of someone who has committed a serious crime will be. *He was condemned **to** death, but later received a pardon from the governor.*
CAREFUL : **a false friend**, see **convict**

contract

n. **con**tract - a legally enforceable agreement
I signed a contract to buy a new car, but now I think I might have made a mistake.
Steelworkers at the nation's sole builder of aircraft carriers voted by a margin of more than 2-1 to approve a proposed contract that would increase wages and pension benefits.

v. con**tract**

adj. **con**tract**ual**
The company has not respected all of its contractual obligations, so it is being sued for breach of contract.

convict

con**vict** (someone **of** something)
v. If someone is convicted of a crime, he is found guilty. (contrast condemn) [opp. acquit]
The jury convicted him of murder (of killing his wife) and sentenced him to life imprisonment.

n. con**vic**tion
The decision upholds the second-degree murder conviction of a Los Angeles County man who was 17 at the time of the crime.

convict
n. a person found guilty of a crime and sent to prison
The escaped convict held the motorists hostage.

COpyright

n. the legal right to control the production and sale of a book, play, film, photograph or piece of music
The musician threatened to bring an action against Napster for breach of copyright.

counsel

n. legal advisor, lawyer — see also attorney, barrister, lawyer, solicitor
The Vienna Convention, ratified by the Senate in 1969, was designed to ensure that foreign nationals accused of a crime are given access to legal counsel by a representative from their home country.

court
n. A judge or group of judges whose job is to hear cases and carry out justice. — see tribunal
Teenagers could be involved in delivering justice in a ground-breaking scheme for a new style of "community" court being considered by the Government.
Yahoo Inc.'s attempt to protect itself against a French court's order forbidding auctions of Nazi memorabilia failed in the 9th U.S. Circuit Court of Appeals Monday.
*In all but exceptional circumstances, the law rightly assumes that juries give their verdicts according to the evidence they see and hear **in court.** **(no article !)***
*Mr. Benham had no legal representation **in court** because legal aid is not available to anyone accused of failure to pay tax.*

crime
n. Something you do, or don't do, that breaks a law that says you can't do it or must do it. If you are found guilty, you can be punished by one or more of the following: death, jail or prison, fine, being removed from office, being unable to hold any office of honor, trust, or profit
Under the Fourth Amendment, which protects against "unreasonable searches and seizures," the police have authority to seize a suspect by arresting him only when they have probable cause to believe that he has committed a crime.

criminal n. Someone who has been convicted of a criminal offense

criminal adj.
On 16 September, the court will hear the defense's motion for a new trial and its second motion for acquittal under Rule 29 of U.S. federal rules of criminal procedure.

custody
n. (1) when someone is under the physical control of the court to make sure they go to court when they're supposed to
The suspect is in the custody of police.
In Atwater v. Lago Vista, the court said it was okay for police to take a driver into custody for violating a seat belt law.
(2) when the court imprisons a person after they are found guilty of a crime
(3) the care and control of children.
The mother was awarded custody of the children after the divorce.
The Supreme Court ruled that Newdow lacked standing to sue because he did not have legal custody of his daughter.
(4) or by extension, the control of pets
Three years ago a Virginia woman ...who had gone through a three-year legal battle with her ex-husband over their dog, started a Web site to help others involved in pet-custody disputes.

cus**to**dial adj.
California law is clear that both parents, custodial and noncustodial, have an equal say in the religious upbringing of their child.
Offenders are not immediately given a custodial sentence, but are put under supervision and treatment orders, which means they are regularly tested to see if they are using drugs.

damages (plural, uncountable)
n. Money that the losing side in a lawsuit must pay to the winning side to make up for losses or injuries. There are several kinds of damages:

(1) com**pen**satory - US (or compen**sa**tory - UK) - meaning money to pay for the actual cost of an injury or loss; and

(2) **pu**nitive (usually US) or ex**em**plary (usually UK) - meaning an amount of money that's more than the actual damages - punishment for willful or malicious acts.
Punitive damages, also commonly called in English exemplary damages, are designed to punish, not to compensate. In general, punitive damages are awarded for socially deplorable conduct, such as fraud or malicious, reckless, or abusive action.
As he often does, Bush suggested that limiting non-economic damages would sharply reduce health care costs for most Americans. Analysis by the Congressional Budget Office found that legislation capping damage awards to $250,000 would lower physician malpractice premiums by 25 percent to 30 percent.
n.b. (US) damage (not damages) award

deci**sion**
n. A court's judgment or decree that settles a dispute. — see judgment
The decision upholds the second-degree murder conviction of a Los Angeles County man who was 17 at the time of the crime.

defen**dant**
n. In a civil case, the person or organization sued by the plaintiff or claimant. In a criminal case, the person accused of the crime.
Those of us who practise in the criminal courts are aware of the adverse feeling which can be generated against a defendant before a trial starts.

de**fence** UK de**fense** US
n. countable - the things that are said in a court of law to prove that someone is not guilty of a crime
One of his defences was that he had been provoked.

the de**fence** UK de**fense** US
n.– the lawyers working for the defendant
The defence proved that he could not have been present at the scene of the crime.
A witness for the defence provided an alibi.

dissent
n. **(US)** A judge's disagreement with the majority of the court. Appellate court cases are heard by a panel of judges which can vary in number depending on the jurisdiction. A judge who disagrees with the majority ruling and opinion will often write a dissenting opinion explaining his or her reasons for disagreement.
"We are encouraged by the strong dissent of Judge May who clearly recognized that the state cannot trump a patient's right to privacy in medical matters," Mr. Black continued. "We will be seeking further appellate review of this decision."
v. for a judge, to disagree with the majority of the judges on the court

dock (the) (UK)
n. an enclosure in a court of law where the defendant sits during the trial
Missing from the dock was the chief accused. Jean-Francois Filippi, the former president of the Bastia Sporting Club, was shot dead on December 26.

duty n.
1) work that you are obliged to perform for moral or legal reasons
The common law approach to rescue is clear and straightforward. Absent a limited number of narrow exceptions, there is no duty to rescue, regardless of the ease of rescue and the consequences of non-rescue.
2) a tax on imports imposed by the customs authority of a country.
Generally, non-European Union nationals are permitted 200 cigarettes, duty-free.

enact
v. to make into a law.
The legislature enacted the law in 1985.
France is within its rights as a sovereign nation to enact hate speech laws against the distribution of Nazi propaganda in response to its terrible experience with Nazi forces during World War II.
n. en**act**ment
The enactment of a law is usually a complicated process.

enforce
v. ensure observance of laws and rules
The laws banning smoking in public places are rarely enforced in France.
Police officers are more likely to enforce the traffic code against black drivers than white ones.
Although laws against same-sex sodomy were rarely, if ever, enforced, they did have many important collateral effects on gays and lesbians in a variety of areas, including adoption and employment.

law enforcement
the activity of making certain that the laws of an area are obeyed
If you're involved in any aspect of law enforcement - as a patrolman, investigator, chief, or special agent - The U.S. Law Enforcement Conference and Exposition is an event you can't afford to miss.

law enforcement official (or Officer) n.

estate
n. everything you own; all of your assets (whether real property or personal property)
All the property, real and personal, owned by a person at the time of his/her death.
You are not obliged to leave any assets to your children but if you do not, they may be able to make a claim on the basis that you have not fulfilled your obligations towards them. Apart from that, you may dispose of your estate in whatever way you like.

evidence
n. (**uncountable)** any proof legally presented at trial through witnesses, records, and/or exhibits.
We say a **piece** of evidence, an **item** of evidence, NOT evidences. — see proof
In rape cases, DNA is usually the best evidence.
The prosecutor has little evidence of his guilt, so his lawyer is hopeful.

fault
n. responsibility for a bad situation or event
not a legal term, see liability
It was John's fault that we were late. He forgot to bring the map.

felony
n. A serious crime for which the punishment is prison for more than a year or death. Crimes of less gravity are called misdemeanors. This term is no longer used in England or other Commonwealth countries but remains a major distinction in the United States.
In California, "unlawful sexual intercourse" - statutory rape - is defined as sex between an adult and anyone under the age of 18 if the couple isn't married...If the age difference between the adult and the minor is more than three years, the crime may be a felony; if the difference is less, it's a misdemeanor.

file
v. to officially give a paper to a court clerk. That paper becomes part of the record of a case.
She filed her suit for divorce as soon as she heard about her husband's mistress.
Microsoft Corp. said Tuesday it has filed its appeal of the European Union's landmark antitrust decision.

fine
n. The money a person must pay as punishment for doing something illegal or for not doing something they were supposed to do.
The fine for smoking in restaurants is at least 500 euros, but it doesn't seem to deter people from lighting up.
v. *The judge fined the motorist for speeding.*

guilty
adj. Found beyond a reasonable doubt to have committed a crime. [opp. – innocent]
You **find** someone guilty (or innocent).
To find the men guilty of theft of government property, the jury had to determine the property was worth more than $1,000.

hearing
n. A relatively formal proceeding similar to a trial, with one or more legal issues to be agreed upon or determined — see trial
A federal appellate court Monday ordered deportation hearings for an Ann Arbor, Mich., Muslim activist open to the public.

hold
v. ir. (held, held) to decide, rule (when the subject is « the court » or « the judge ») — see rule
In Brown v. Board of Education, the Supreme Court held that the kind of separate but equal public schooling allowed under Plessy v. Ferguson violated the equal protection clause of the Fourteenth Amendment.
For more than 40 years, the Supreme Court has held that government-sponsored religious activity is not allowed in public school classrooms.

holding
n. a determination of a matter of law that is essential to a judicial decision. Courts make **findings** of fact and **holdings** of law. [opp. *dictum*, plural *dicta*] see ruling
It used to be the case that an endless investigation of the difference between holding and dictum was a central preoccupation of the first year of law school.

homicide
n. all occasions where one human being, by act or omission, takes away the life of another. Murder and manslaughter are different kinds of homicides. Executing a death-row inmate is another form of homicide, but one which is excusable in the eyes of the law. Another excusable homicide is where a law enforcement officer shoots and kills a suspect who draws a weapon or shoots at that officer.
A Colorado man was indicted Thursday on two counts of vehicular homicide while driving intoxicated in connection with a crash that killed two grandmothers.

House of Commons
The place - known as the chamber - in London where elected Members of Parliament go to debate important matters, make decisions and check up on the government.
The Queen, the House of Lords and the House of Commons must all agree to any new law that is passed.

House of Lords
n. The second chamber in the UK's Parliamentary system - also known as the upper house. Formerly, the Lords made laws, checked up on government, provided independent expert advice and carried out some judicial work. The judicial work of the House of Lords will soon be removed to something which will be called the Supreme Court.
The House of Commons, the House of Lords and the Queen all make up Parliament.

House of Represen**tatives**
n. (US) The lower house of Congress. The number of representatives from each state is determined by the state's population.
The House of Representatives consists of 435 members known as congressmen or congresswomen.

human rights
n. Rights thought to belong to all people simply because they are human beings.
This action was clearly in contravention of Article 5 of the Human Rights Act which prohibits arbitrary arrest and imprisonment.

il**le**gal
adj. against the law, unlawful. [opp. legal]
Divorce was illegal in Ireland until very recently.

impri**sonment**
v. putting someone in prison or in jail as lawful punishment
He was sentenced to five years' imprisonment for theft.

indict
v. to accuse officially of a crime
*(UK) He was indicted **on** drug **charges** at Snaresbrook Crown Court.*
*(US) Five people were indicted **for** mak**ing** and sell**ing** counterfeit currency.*

indict**able** *adj.*
In England, the Crown Court deals with all indictable cases, which are serious offences triable before a judge and jury. These include murder, rape, serious assault, kidnapping, conspiracy, fraud, armed robbery, and Official Secrets Act offences.

indict**ment**
n. The formal charge issued by a grand jury saying there is enough evidence that the defendant committed the crime to justify having a trial. Used primarily for felonies.
The charges on the indictment include murder and attempted murder.

infrac**tion**
n. a violation of a law for which the only penalty is a fine
Experience shows that the police often use minor traffic infractions as an excuse for stopping and harassing racial minorities.

infringe
v. (~ a right, often an intellectual property right)
to do something that is against a law or someone's legal rights, to violate
The surprise ruling in favour of affirmative action found that deliberately preferring female job applicants in the public sector, when both male and female candidates were equally qualified, did not infringe sexual equality or equal opportunity regulations.
Judges at the European Court of Human Rights in Strasbourg held that flights after 11 o'clock at night and before 6am did not infringe the residents' rights to privacy, to a normal family life, or to respect for their property.

infringe**ment n.**
If there is a minor infringement of the rules that you're not happy with, it's more sporting to first informally point this out to the opponents before resorting to calling the Umpire.

innocent **adj.**
Found to be not guilty of criminal charges; acquitted. [opp. guilty] — compare **liable**
One jury found O.J. Simpson innocent of murdering his wife and a friend, and another jury found him liable for damages for the same act.

intellec**tual** pro**perty**
n. The general term for intangible property rights which are a result of intellectual effort. Patents, trademarks, designs and copyright are the main intellectual property rights
Sadly the public domain, the free space within which we can all operate without having to worry about the property rights of others or having to ask permission, is being constantly diminished by privatisation of public spaces and extensions of intellectual property law.

judge
n. a public official authorized to decide questions bought before a court of justice — see magistrate
The trial court judge ruled as a matter of law that the game of professional football was/is violent in nature, and that the only available sanctions were penalties and game expulsion.
The **verb** to express the action of judges is usually to hold, to rule, or to decide.

judgment
n. the final decision of the judge stating which party has won the case and the terms of the decision
(US) The ruling or decision of a court - the result, as opposed to the reasons given for the result. In the US, the term "decision" is often used when judgment would be used in the UK.
The judgment of the European Court of Justice (ECJ) of 29 April 2004 in IMS marks an important new phase in the developing EU case law concerning the relation between competition law and intellectual property.

judicial review
n.(US) The power of a court to judge the constitutionality of the laws of a government or the acts of a government official ;
(UK) A form of legal action in which the court assesses the legality of something done by government, including administrative decisions and the adoption of secondary legislation.
In the U.S., the doctrine of judicial review is often said to have begun with the landmark Supreme Court case of Marbury v. Madison.

jurisdiction — CAREFUL this is a **false friend**
n.(1) The legal authority of a court to hear and decide a case
Which court has jurisdiction in a particular case must be decided on various grounds and not be determined merely by which court heard the matter first.
(2) the geographic area over which the court has authority to decide cases;
(3) the territory, subject matter, or persons over which lawful authority may be exercised by a court.
It is a felony in this jurisdiction to pack a parachute while under the influence of alcohol.

jury
n. A group of citizens picked according to law and authorized to decide the facts of a case
civil ~ (US) - trier of fact in civil cases such as those involving negligence, fraud. (In the U.K. a civil jury exists only for cases concerning libel.)
criminal ~ - trier of fact in criminal cases
grand ~ - body of citizens that determines whether probable cause exists that a crime has been committed and whether an indictment should be issued
juror n. - a member of a jury

landlord/lady
n. A land or building owner who has leased the land, the building or a part of the land or building, to another person
In France, under the regulation which has existed since 1945, the agricultural tenant has a right to the renewal of a lease except where the landlord wishes to exploit the farm himself.

landmark
n. an event marking a unique or important historical change or one on which important developments depend
In the U.S., the doctrine of judicial review is said to have begun with the landmark Supreme Court case of Marbury v. Madison.

law
n.(1) legal document setting forth rules governing a particular kind of activity
There is a law against kidnapping.
Though pets generally are considered personal property under most state laws, pet owners don't always feel they are.
The legislature (Congress, Parliament) passes laws.
(2) the learned profession that is mastered by graduate study in a law school and that is responsible for the judicial system;
She studied law at Yale.
I'm a law student in Aix-en-Provence.
(3) the force of policemen and officers;
The law came looking for him.
(4) rules and principles of conduct promulgated by the legislature, court decisions, or local customs
Our goal is to integrate international intellectual property law with the larger international law issue of why countries comply with international law.
CAREFUL : **no article** with this meaning of law - « ...with ø international law » I am studying ø international law.

lawful
adj. legal, authorized by the law [opp. – unlawful] — see legal
A "green card" gives you official immigration status (Lawful Permanent Residency) in the United States.
Warner Banks said that if the jury accepted that the shots were fired because the police were concerned that Tse could use his gun on the hostage and harm her, they should return a verdict of lawful killing.

lawsuit
n. A legal action started by a (US - plaintiff, UK - claimant) against a defendant based on a complaint that the defendant failed to perform a legal duty, which caused harm to the plaintiff (claimant) — see action, case, suit
The lawsuits target people alleged to have put hundreds of copyright songs onto Internet file-sharing networks and offered them to millions of people worldwide without permission.

lawyer
n. (US) A person qualified to represent clients in a court of law and to advise them on legal matters. (See also attorney, counsel.)
England and Wales - general term for any person who is professionally qualified to practise law (either a barrister or a solicitor)

lease
n. a special kind of contract between a property owner and a person wanting temporary enjoyment and use of the property, in exchange for rent paid to the property owner. Where the property is land, a building, or parts of either, the property owner is called a landlord and the person that contracts to receive the temporary enjoyment and use is called a tenant.
v. to lease - to rent
In France, under the regulation which has existed since 1945, the agricultural tenant has a right to the renewal of a lease except where the landlord wishes to exploit the farm himself.

legal
adj.
1) —connected with the law
~ aid
Legal aid entitles you to free legal representation.
~ profession
Although the numbers of women in the legal profession have doubled in recent years and now account for nearly 30 percent of all lawyers and nearly half of all law students, women still remain significantly underrepresented in positions of greatest status, influence and economic rewards.
~ system
Australia's legal system is based on the common law.
2) — allowed by law [opp. – illegal]
The marriage was legal under French law.
Therapeutic cloning has been legal in Britain since 2002.

legislate
v. to make a law — see enact, bill
Clearly no government can legislate for such a wide array of circumstances, let alone attempt to enforce such legislation.
They're hoping that the video will carry them even further...to Parliament...where they hope to lobby MPs to legislate against hunting.

legislation. (CAREFUL : **uncountable** noun) - law enacted by a legislative body
This site includes the full text of all legislation enacted by the UK Parliament and delegated legislation (Statutory Instruments) whether this applies to the United Kingdom as a whole or only to constituent parts of the UK (e.g. Scotland).
In 1986, the State of California passed legislation restricting the direct importation of wine from another state by California residents unless the originating state allowed the reciprocal privilege of direct shipment from California wineries to residents in that state.

legislature n. the legislative body, the branch of a government which enacts laws
In France, when the codes need amending, the legislature periodically updates them.

liability
n. an obligation to pay money to another party
The principles of civil liability in France are found primarily in articles 1382-1384 of the French civil code.
English law recognizes no general principle of liability for harm caused by fault nor any general strict liability for (dangerous) things.

liable
adj. legally obligated or responsible for something or to someone — used in civil, not criminal matters
French administrative law starts from the premise that public authorities should not necessarily be liable for their actions on the same basis as private individuals.

litigate
v. to take a case to a law court so that an official decision can be made
The question is being litigated (or is in litigation) and we will know more by June.

litigation n. CAREFUL **uncountable and** a **false friend**- the process of taking a case to a law court so that an official decision can be made
The company has consistently denied responsibility, but it agreed to the settlement to avoid the expense of lengthy litigation.
The clinic's work, both civil and criminal, includes cases involving federal agencies and exposes students to litigation in at least two federal appellate courts.

litigant n. one engaged in a lawsuit

magistrate n. CAREFUL a **false friend**, see judge
(Eng) A person who sits in the Magistrates' Court and makes findings about law and fact, imposes sentences and awards damages.
(US) In the federal court system, a person who is appointed to serve as a representative of the court and is often given many responsibilities that would otherwise be performed by the federal judge.

Magistrates' Court
(Eng) The Court where criminal proceedings start and which deals with the less serious offences and sends the more serious offences to a higher court to be dealt with. Deals with civil claims involving property up to $50,000 and with limited family law matters.

manslaughter
n. The unlawful but unintended killing of a person. — see murder, homicide
If you have too much to drink and cause an accident in which someone is killed, you might be charged with manslaughter.

misdemeanor
n.(UK) a minor criminal offense, formerly contrasted with a felony.
(US) a crime of lesser seriousness than a felony where the punishment might be a fine or prison for less than one year.
Woody Allen made a film called Crimes and Misdemeanors in 1989.
Macaulay Culkin, who is best known for his role in the film "Home Alone," was arraigned on two misdemeanor charges in Oklahoma County District Court.

murder
n. Intentional homicide (the taking of another person's life), without legal justification or provocation.
A farmer who opened fire on two burglars who broke into his remote farmhouse has been found guilty of murder.
v. *A 23-year-old man and two friends were charged with conspiring to murder the young man's mother, authorities said.*
murderer n. someone who commits murder

negligence
n. failure to act as a reasonable person would be expected to act in similar circumstances, failure to exercise due care.
Negligence, if it causes injury to another, can give rise to liability in tort. Negligence is always assessed having regards to the circumstances and to the standard of care which would reasonably be expected of a person in similar circumstances. Everybody has a duty to ensure that their actions do not cause harm to others.
In their initial court filing, the organic farmers offered several theories to explain why biotech companies should be liable for the crash of the organic canola market. Their claims included negligence for failing to ensure that the GM seeds they manufactured wouldn't contaminate organic farmland, strict liability for allowing the escape of something likely to do damage, nuisance for interfering with the farmers' use of their land, and trespass for the drift of GM canola onto their farms.
gross ~ - between negligence and the intentional act there lies yet another, more serious type of negligence which is called gross negligence — any action or an omission in reckless disregard of the consequences to the safety or property of another.

negligent
adj. When a person fails to exercise the care that a reasonable, prudent person would exercise under the same circumstances, that person is said to be negligent.
Even if a court has ruled that their lawyer's negligent conduct contributed to their conviction, defendants like Angel Claudio are still required to show that they are innocent in order to have a claim against their lawyer.

offense n. (UK - offence)
Conduct for which a person may be sentenced to a fine or jail. This is a very broad term and includes felonies, misdemeanors, violations and infractions.

offender n.
a person who transgresses moral or civil law ; a person who does harm to others
The guidelines give judges a chart, with the length of a sentence determined by the severity of the crime committed and the extent of the offender's criminal history.
A judge should try to get the attention of the offenders by making the sentence mean something to them.

Onus of proof n. another way of saying burden of proof

overrule
v. to decide that a precedent should no longer be controlling law — see overturn
Truman's Justice Department asked the Supreme Court to overrule Plessy v. Ferguson.
All of the other courts of the Nation are bound to follow the Supreme Court's precedents on federal questions and cannot overrule them.

overturn
v. to change the result reached by a lower court, to reverse [opp. affirm] see overrule
The ruling overturned a lower court decision that the religious reference made the pledge unconstitutional in public schools.

own v. to have or hold as property
They own their own house, but lease their car for tax reasons.

owner n.
Will the owner of the Ford Fiesta parked in the handicap parking place please remove his car.

ownership n. the state, relation, or fact of being an owner
Government versus private ownership of public goods is a constant subject of debate among economists.

patent
n. an exclusive privilege granted to an inventor to make, use or sell an invention for a set number of years (e.g. UK 20 years, Canada, 17 years).
She took out a patent for her new, revolutionary mousetrap, but she's having trouble finding investors.

personal property
n. all property except land — see real property

plaintiff
n. (US) the party which begins a civil action. Today in England the term is claimant. [opp. defendant]

plea
n. plea has come to mean in the popular vernacular the assertion by a criminal defendant...whether he is guilty or not guilty. More generally, a plea is simply an answer to a claim made by someone in a civil or criminal case.
plead v.
Two US Marines pleaded guilty to giving an Iraqi prisoner electric shocks while they were on guard at Al Mahmudiya prison

plea bargain n. an agreement to plead guilty in exchange for a lower sentence

pleadings
n. that part of a party's case where the facts and legal arguments which support that party's position are set out.

precedent
n. a decision about a particular law case which makes it likely that other similar cases will be decided in the same way
From the 1892 Plessy v. Ferguson case, the precedent of "separate but equal" was set, resulting in separate schools for white and black children.
In civil law systems, court decisions do not create binding precedents.

probate
n. legal process used to determine the validity of a will before the court authorizes distribution of an estate — see will
According to probate records, Mrs. Bartush died without a will, and Mr. Bartush, as next of kin, represented the estate before the probate court.

proof
n. (usually **uncountable**) a fact or piece of information which shows that something exists or is true — see evidence
In the United States, you have to show proof of your age to be able to drink alcohol in a bar.
A guilty verdict on the charge of violating the Archaeological Resources Protection Act would have required proof that the men knew or should have known that the petroglyphs were valuable artifacts.
to prove - to show that something is true
Attorneys in Michigan say residents of the state can win damages from drug makers like Merck, however, they must prove a company suppressed or misrepresented drug safety data information that would cause the Food and Drug Administration to refuse approval or withdraw the drug from the market.

property
n. everything a person owns
There are many classifications of property, the most common being between real property or immovable property (real estate such as land or buildings) and chattel, or moveable or personal property (things which are not attached to the land such as a bicycle, a car or a hammer) and between public (property belonging to everybody or to the state) and private property. see personal property, real property
Most of the 2,281 articles in the French Civil Code dealt with the right of property. This was defined by art. 544 as "the right to enjoy and to dispose of one's property in the most absolute fashion."

prosecute
v. To bring a criminal action against a person and to administer it until the conclusion of the court proceedings.
The California official prosecuting Michael Jackson on child abuse charges is "motivated by personal animosity", lawyers for the singer have claimed.

prosecutor n. a government official who conducts criminal prosecutions on behalf of the state
"This is a case about hate and anger," said the prosecutor, Peter Hinckley, an assistant Manhattan district attorney.
(here prosecutor is the function and district attorney is the title of Mr. Hinckley)

the prosecution n. – the lawyers who represent the state (the Crown) in a criminal case.
(UK) Crown Prosecution Lawyers are hired by the government to administer the prosecution of criminal charges in the courts (the Crown Prosecution Service).
(US) see district attorney

real estate
n. (also called "real property") land and anything permanently affixed to the land, such as buildings, fences and those things attached to the buildings
When a British citizen purchases real estate (a house or land) in France, he usually regrets the fact that the transfer of the property is subject to French law.

remedy
n. legal or judicial means by which a right or privilege is enforced or the violation of a right or privilege is prevented, redressed, or compensated.
In a civil action, the usual remedy is financial damages - and sometimes a court order instructing a party either to carry out a particular course of action or to stop doing so (an injunction).

responsibility
n. CAREFUL : **a false friend**, **not** a legal term.
Getting drunk and blaming the barman for an injury you suffered on the way home got much harder yesterday when the High Court said it was time people accepted responsibility for their actions.

reverse
v. to set aside the decision of a lower court because of an error, overturn [opp. – affirm]
A panel of the Court of Appeals reversed the trial court decision.

right
n. a legal entitlement to something — contrast law
Certain rights can never be granted to the government but must be kept in the hands of the people.
Martin Luther King, a famous civil rights activist, was assassinated in 1968.
The idea that human beings have fundamental rights not derived from or dependent upon the political structure of society originally made its way into English law via the political philosophy of Thomas Hobbes and John Locke.

rob
v. to rob someone **of** something — see theft
to take something from someone without their consent, usually in a violent way, by force or the threat of force.
They robbed a bank in London and got away in a stolen car.
He was robbed of all his cash and clothes.
robber n. the person who commits robber
The robber gave him a choice - "your money or your life".
robbery n. the criminal offense

rule
v. to give an official decision
We are waiting for the judge to rule on the admissibility of the evidence.
n. a general order of conduct which says how things should be done
We also speak of the rule of a case, such as the rule in *Donoghue v. Stevenson*, which established a duty of care towards one's neighbour.
ruling n. The ruling of a court is its order or judgment whether on a particular issue or the final verdict. In administrative law a ruling is an interpretation or decision by an administrative agency.
Yesterday's Supreme Court ruling involves some of the most important Austrian art work of the 20th century.

sell
v. ir. (sold, sold) to transfer the ownership of property in exchange for a consideration, usually money
sale n. transfer of something from one owner to another in exchange for a consideration, usually money
The sale of firearms is usually strictly controlled.
They put their art collection up for sale to raise money to buy a bigger house.
seller n. the person who sells something
This transfer can be looked at from the other side, of the person getting something, and then we talk about a **purchase**, to **purchase** (or to **buy)**, a **purchaser (**or a **buyer**).

sentence
n. The punishment given to a person who has been convicted (found to be guilty) of a crime.
In England, it may be time in prison, a Community Penalty Order (formerly community service) or a Community Rehabilitation Order (formerly probation), a fine or discharge.
He was given a suspended sentence and warned to behave himself in the future.
v. sentence someone **to** prison
I take no pleasure in sentencing you to 292 months," the judge told Jamie Olis, "but my job is to follow the law."
He was sentenced to life imprisonment.

settle
v. to agree to end a legal dispute before a final decision by a court
The parties settled the case after the jury was sworn in, just before the plaintiff's opening statement.

settlement n.
Rather than appealing the decision, McDonald's came to a settlement after secret negotiations.
Your honor, the parties have reached a settlement in this case.

solicitor (UK)
n. A lawyer that restricts his or her practice to the giving of legal advice and does not normally litigate. In England and some other Commonwealth jurisdictions, a legal distinction is made between solicitors and barristers, the former with exclusive privileges of giving oral or written legal advice, and the latter with exclusive privileges of preparing and conducting litigation in the courts. In other words, solicitors don't appear in court on a client's behalf and barristers don't give legal advice to clients.
In England, barristers and solicitors work as a team: the solicitor would typically make the first contact with a client and if the issue cannot be resolved and proceeds to trial, the solicitor would transfer the case to a barrister for the duration of the litigation.
Lawyers in some states, such as Canada, sometimes use the title "barrister and solicitor" even though, contrary to England, there is no legal distinction between the advising and litigating roles. Canadian lawyers can litigate or give legal advice (as is the case in the USA, where lawyers are referred to as "attorneys").
You can obtain the appropriate forms to start a civil action from your local County Court, but it is advisable to seek advice from a solicitor.

standard of proof
n. the level of certitude required to reach a verdict — see burden of proof
Proof beyond a reasonable doubt is the standard of proof necessary for a conviction in a criminal trial, whereas the standard in civil cases is merely a fair preponderance of the evidence.
After his acquittal, the victims' survivors sued Simpson in civil court, where a jury, using a lesser standard of proof than required at a criminal trial, found him liable for the murders and ordered him to pay $33.5 million.

statute
n. a written law approved by legislatures, parliaments or houses of assembly (i.e., politicians). — see act, law, legislation
The written laws of the Canadian Province of Newfoundland are in a multi-volume set of books called the Statutes of Newfoundland.

statutory, adj. a statutory rule has its source in legislation, as opposed to case law — see common law (1)
In the common law system, we find a distinction between statutory and common law rules.

steal
v. ir. (stole, stolen) steal **something** from **someone**
to take something from someone without permission
The victim of the crime is indicated either by a possessive adjective -*The thief stole all my parents' traveler's checks.*
or by using from + victim, or both - *The thief took all my parents' money from them.*
theft n. The wrongful taking of the property of another. It is a broad term and includes larceny, pilfering, hold-up, robbery and pick-pocketing.
To find the men guilty of theft of government property, the jury had to determine the property was worth more than $1,000.
thief n. the criminal who steals

sue
v. to take legal action against a person or organization, especially by making a legal claim for money because of some harm that they have caused you — see action
Anthony Passero, a 16-year-old high school junior from New Jersey who was left a quadriplegic after a skiing accident, sued the ski resort where the accident occurred for negligence.
A lawyer for Nazi victims who sued the [Swiss] banks said the agreement could allow the victims or their descendants to obtain hundreds of millions of dollars in unclaimed funds.
suit (or **lawsuit**) n. comprehensive term for any proceeding in a court of law whereby an individual seeks a legal remedy
LICRA and UEJF are within their rights to bring suit in France against Yahoo! for violation of French speech law.

swear (to tell the truth)
v. ir. (swore, sworn) to make a solemn promise
The witnesses were sworn in and testified that they had seen the accused at the scene of the crime with a bloody knife in his hand.
also to take an oath (a solemn promise)

tenant
n. A person to whom a landlord grants temporary and exclusive use of land or a part of a building, usually in exchange for rent. The contract for this type of legal arrangement is called a lease.
A New York Housing Court judge has granted an East Village tenant rent relief because of an infestation of bedbugs.

testify
v. To give evidence under oath as a witness in a court proceeding — see witness
Expert witnesses are used in all types of cases: Economists testify on the value of life and limb in wrongful-death cases; physicians identify the mistakes of their colleagues in medical malpractice suits.
testimony n. Evidence presented orally by witnesses during trials, before grand juries, or during administrative proceedings.
John Baugh, an African-American linguist at Stanford University, ...will provide expert testimony to support the claim that people can often identify a speaker's race from speech alone.

theft n. see steal

title
n. The ownership or evidence of ownership of land or other property.
You shouldn't leave your title papers in your car, you're only making a thief's job easier.

tort
n. Tort refers to that body of the law that will allow an injured person to obtain compensation from the person who caused the injury.
The person who commits a tort is called a **tortfeasor**.
The victim of a tort may have the right to sue for damages to compensate for the harm suffered. Victims of crimes may also sue in tort (in a civil case) for the wrongs done to them.
The landmark case of Donoghue v. Stevenson established the tort of negligence.

trial
n. a trial is the presentation of information in a formal setting, usually a court, with the object of determining whether or not a person (or entity, such as a corporation) has broken a law (a criminal trial) or has committed a civil wrong (a tort) and is liable for damages (a civil trial)
As a trial date approached, she said, she felt pressured by all the parties involved to agree to a settlement, which she did. She would have preferred to go to trial, she said, not because she was looking for a big payday, but because all the details of her case would then have come out publicly.
trial court (U.S.) n. court of first instance where the facts are established
try v. to hear a civil or criminal trial
The court is not competent to try the case.
The accused will be tried in the Crown Court next month.

tribunal
n. CAREFUL - **a false friend** - a specialist court outside the regular judicial system — see court
How many people have been convicted so far by the Rwanda tribunal?
In England, industrial tribunals decide disputes between employers and employees. They have powers to hear unfair dismissal, discrimination and other cases in relation to statutory employment rights as well as some breach of contract actions. An industrial tribunal usually consists of three people - a lawyer (the chairman), one individual nominated by an employer association and another by a union.

uphold
v. (upheld, upheld)
to state that a decision which has already been made, especially a legal one, is correct — opp. reverse
Today there are five justices who have never voted to uphold an affirmative action program based on race, O'Connor among them.
The WTO's final report upholds an April preliminary ruling that American government subsidies cause artificially low international prices, hurting Brazilian farmers.

violate
v. to break or act against something, especially a law, agreement, principle or something that should be treated with respect
They were charged with violating federal law.
A school district was accused Wednesday of violating the civil rights of a student who was suspended for wearing a T-shirt saying "Homosexuality is Shameful."
A federal appeals court has upheld a lower court decision that a large white cross sitting on federal land in the Mojave desert violates the constitutional guarantee of separation of church and state and should be removed.
violation n.
In March, a Miami funeral home was sued for selling a body to Lynn University, where students in mortuary science embalmed it in violation of the dead woman's Jewish faith.
The ACLU considers the program to be in violation of the First Amendment.

will
n. a legal document declaring a person's wishes regarding the disposal of their property when they die — see also estate, probate
Ferdinand Bloch-Bauer died in Switzerland shortly after the war, in extreme poverty, never having retrieved his property, which he left to Maria Altmann and her brother and sister in his will.
will v. leave or give by will after one's death
We usually say *My aunt left me her diamond necklace in her will* rather than *My aunt willed me her diamond necklace.*

witness
n. someone who comes to court and tells what he knows about a matter before the court — see testify
Every day, in courtrooms across the country, economists, statisticians, engineers, doctors, and psychologists raise their right hand and swear to tell the truth. Expert witnesses are used in all types of cases.
v. to perceive an event by seeing, hearing, smelling or other sensory perception
He witnessed the accident on his way home.
The verb for what a witness does in a courtroom is testify.