

Glossary

- accused** (page 40) someone charged with a crime, the defendant in a criminal proceeding
- action in tort** (page 40) case brought in court, seeking damages for a tort (see *tort*)
- actus reus** (page 40) criminal deed or act (compare to *mens rea*, which means the criminal intent)
- adjudicate** (page 107) to act as judge in a dispute; to make a formal decision about something
- administrative law** (page 8) body of law, such as rules, regulations, orders and decisions, created by and related to administrative agencies
- agency law** (page 60) law regarding the relationship where one person (the agent) acts and is authorised to act for another (the principal)
- agreement (international)** (page 94) written agreement between states or nations governed by international laws
- alternative dispute resolution (ADR)** (page 84) form or method of resolving disputes apart from litigation
- arbitrator** (page 84) impartial person given power to decide a dispute
- arbitral tribunal** (page 84) collective body of arbitrators or arbiters
- arbitration** (page 84) form of dispute resolution (an alternative to litigation through the court system) in which disputes are heard and decided by an impartial arbitrator or arbitrators, chosen by the parties to the dispute
- arbitrator** (page 84) impartial person having the power to decide a dispute
- articles of association** (page 51) (UK) document that defines a company's internal organisation (US *bylaws*)
- assault** (page 29) intentional attempt or threat to injure another person that causes them to reasonably expect to be harmed
- assignee** (page 19) person who receives an assignment
- assignment** (page 19) transfer of one's contractual rights to a third party
- assignor** (page 19) person who transfers his/her rights or duties to another
- attorney** (page 83) lawyer
- balance of probabilities** (page 40) where proof of liability must be shown to be more likely than not
- bankruptcy law** (page 60) law regarding a legal procedure for the settling of debts of individuals or businesses unable to pay what they owe. All their property is surrendered to a court-appointed official who liquidates the property to pay the claims of creditors.
- barrister** (page 83) (UK) lawyer admitted to plead at the bar and in superior courts; a member of one of the Inns of Court
- board of directors** (page 51) group of individuals elected by shareholders to make the major decisions of the company
- body (international)** (page 95) organisation or entity (active internationally)
- breach of contract** (page 19) failure to perform a contractual obligation or interference with another party's performance which incurs a right for the other party to claim damages
- breaching party** (page 19) party violating the terms of the contract
- burden of proof** (page 40) requirement of presenting enough evidence to support a claim
- burglary** (page 40) unlawful entering of a building with the intent to commit a crime
- business entity** (page 50) legally recognised organisational structure designed to provide and sell goods and services. Basically, three separate categories of entities exist: sole proprietorships, partnerships, limited liability companies ((US) *corporations*).
- carriage of goods** (page 60) field concerned with the legal relationships between the shipper (or owner) of goods, the carrier, and the receiver/consignee of goods
- certificate of incorporation** (page 51) document issued by a governmental authority granting a company status as a legal entity
- charge** (page 40) to make a formal accusation of a crime
- charter (international)** (page 94) international agreement granting certain rights to an international body by the signatory nations of such agreement
- chattels** (page 73) personal property (excluding freeholds)
- civil cases** (page 84) any case concerned with non-criminal matters, rights and remedies
- civil code (civil law)** (page 61) set of laws in written formulation used in civil-law systems developed from Roman law and used in many European countries
- civil law** (page 106) 1) legal system developed from Roman codified law, established by a state for its regulation; 2) area of the law concerned with non-criminal matters, rights and remedies
- civil wrong** (page 29) injury or damage that is not the result of a crime
- claimant** (page 40) (UK) person who brings a civil action; (US) *plaintiff*
- clause** (page 22) paragraph or section of a contract
- commercial law** (page 8) body of law governing the relations between persons engaged in business
- commercial transactions** (page 60) dealings and acts of carrying out of commercial functions including procedures of creation, transformation, agreements and exchanges, in conducting and negotiating business and economic activities
- common law** (page 106) body of law formed through judicial/court decisions, as opposed to law formed through statutes or written legislation (also *case law*, *judge-made law*)

- community service order** (page 40) alternative to prison, a criminal sentence that requires the offender to do unpaid work in the community
- company** (page 50) (UK) institution created to conduct business, usually an association of persons (US *corporation*). It exists as a separate legal entity from the owners (who are called shareholders). In common usage, it is sometimes used just to refer to a business.
- company formation** (page 51) process of registering a company. Companies can be created by individuals, agents, attorneys or accountants. The majority of companies formed in the UK and the USA today are formed electronically.
- company law** (page 8) body of law related to forming, registering, governing and dissolving companies
- comparative law** (page 106) study of the differences, similarities and interrelationships between different legal systems
- compensation** (page 73) payment for performance of work or for loss sustained
- compensatory damages** (page 29) as a result of a lawsuit, the award of an amount of money to the injured party in an amount equivalent to the financial value of his injury
- competition law** (page 60) (UK) body of law that regulates business activities and markets, especially agreements and practices that limit competition; (US *antitrust law*)
- conflict of laws** (page 94) see *private international law*
- consideration** (page 18) something of value given by one party to another in order to induce the other to contract. In common law, consideration is a necessary element for an enforceable contract.
- constitutional documents** (page 51) documents which define the existence of a legal entity and regulate the structure and control of the entity and its members. The exact form of the constitutional documents depends upon the type of entity. Examples include (UK) memorandum of association ((US) articles of incorporation) and (UK) articles of association ((US) bylaws).
- constitutional law** (page 8) body of law which includes legislation based on the constitution, that is the fundamental law of a nation, as well as judicial decisions which interpret and apply the constitution
- contentious work** (page 60) struggle or effort, causing, involving or characterised by argument or controversy pertaining to causes between opposing parties. It commonly involves the consequences of breach of contract and also maybe be known as litigation.
- convention (international)** (page 94) written agreement between states or nations governed by international laws, e.g. the Bern Convention with respect to the protection of copyrights
- conveyance** (page 72) transfer of property rights in land from one person to another; instrument used to transfer title to property
- conviction** (page 29) finding of guilt in a criminal case
- corporal punishment** (page 40) punishment inflicted on the body, such as whipping
- counsel** (page 83) lawyer representing a party in a legal matter, any person conducting a matter in court
- counter-offer** (page 18) new offer with new terms made as a reply to an offer received
- court** (page 83) place where cases are heard and justice administered. The judges and all other officers and jury are also referred to as the court.
- creditor** (page 51) person or company who is owed a financial obligation
- crime** (page 40) a violation of public law which is subject to punishment such as imprisonment or fine
- criminal law** (page 8) area of law that deals with crime, punishment or penalties (also *penal law*)
- custom** (page 94) long-established practice recognised as having the force of law
- customary international law** (page 94) international law that has not been made manifest or ratified, but is based primarily on natural law and is recognised by the International Court of Justice and the member nations of the UN
- customs union** (page 95) group of nations or tariff areas created to remove customs barriers between them and to agree to a common tariff policy in relation to non-member nations
- damages** (page 19) money awarded by a court in compensation for loss or injury
- debtor and creditor law** (page 60) law in regards to financial obligations and legal interactions where one party is unable to pay a monetary debt to another. It may include insolvency, bankruptcy, foreclosures and repossessions.
- deed** (page 73) a written instrument transferring ownership in property
- defendant** (page 40) person against whom an action is brought in court (also *respondent*). *Defendant* is generally used when referring to the answering party to a civil complaint; *respondent* is generally used when referring to the answering party to a petition for a court order.
- discovery phase** (page 83) period before trial when formal procedures are used to obtain relevant information from the other party/parties
- disposition** (page 72) disposing of, parting with or otherwise giving up of property; transferring care or possession
- dispute** (page 83) conflict or disagreement
- dispute resolution** (page 83) settling of a dispute
- disputing parties** (page 83) persons including companies or agencies involved in a disagreement
- employment law** (page 8) body of law governing the relationship between employers and employees, including the right to organise in unions
- enforce** (page 83) to make effective. In the case of an agreement, it is where one party legally compels performance by the other party.
- enforcement** (page 83) legally compelling performance by the other party
- enforcement of judgments** (page 107) carrying out of judicial mandates, usually orders
- equity and trusts** (page 8) legal principles applied to achieve fairness where the strict rules of law would be too harsh
- essential terms** (page 18) provisions required for a contract to exist
- estate pur autre vie** (page 72) estate granted only for the life of someone other than the grantee
- exclusive possession** (page 73) sole use and benefit of a property
- execution** (page 40) death penalty, capital punishment

- family law** (page 8) body of law related to family relationships especially divorce, child custody and adoption
- fee simple** (page 72) whole interest in a piece of real property; the broadest interest in property allowed by common law
- fee tail** (page 72) estate which lasts as long as the original grantee or any of his descendants live
- felony** (page 40) grave crime punishable by a harsher sentence than a misdemeanour, which is a less serious crime
- file** (page 51) to deliver a document to the custody or records of a court or proper authorities for the purpose of being kept as a matter of record and reference
- formation** (page 18) act of bringing a contract into existence
- framework convention** (page 94) international agreement that provides standards and guidelines for signatory nations to implement on a national level, e.g. the UN Framework Convention on Climate Change
- fraudulent misrepresentation (fraud in the inducement)** (page 29) the act of misleading someone so as to entice them to enter into an agreement
- freehold estate** (page 72) property whose duration of ownership or occupation is not determined
- frivolous litigation** (page 88) a dispute in court that has little chance of success as it lacks merit in law and/or fact
- future expected losses** (page 29) a financial loss which can be reasonably expected to occur in the future
- globalisation** (page 106) the process of moving towards a more interconnected world
- government agency** (page 83) department, authority, administration of government created by legislation
- grantee** (page 73) party who receives title to real property (e.g. the buyer)
- grantor** (page 73) party who transfers (grants) title to real property (e.g. the seller)
- guilty beyond a reasonable doubt** (page 40) amount of proof needed to convict a defendant of a crime
- harmonisation (unification)** (page 106) process of nations adopting laws which are similar to or the same as other nations
- hearing** (page 83) formal proceeding before any body having decision-making powers or authority
- heir** (page 72) person who inherits or is entitled to inherit property on the death of another
- housing law** (page 8) body of law relating to the rights of tenants and homeowners, and the financing of housing
- impartial referee** (page 84) third party appointed to decide a dispute
- imprisonment** (page 40) being confined in jail or prison (also *incarceration*)
- inheritable** (page 72) property which can be transferred upon death to a person designated as heir
- injunction** (page 29) official order from a court for a person to do or stop doing something
- injured party** (page 19) person whose legally protected interests have been harmed
- insider dealing** (page 40) use of confidential, price-sensitive information when trading in stocks and other securities (US *insider trading*)
- instrument** (page 73) written formal legal document
- intellectual property law** (page 60) law of property that protects legal rights associated with products of the mind, creativity or thought like copyrights, patents and trademarks
- intentional tort** (page 29) non-criminal, non-contractual injury in which the person who caused it intended to cause injury
- interference in contractual relations** (page 29) tort of intentionally causing a breach of a valid contract
- intergovernmental organisations** (page 94) international institutions established by governments as opposed to organisations established privately and acting internationally, i.e. non-governmental organisations
- international arbitration** (page 84) arbitration of disputes between parties to international commercial contracts
- judge** (page 40) public official who hears and decides cases in court
- jurisdiction** (page 40) territory or district in which a court has authority to hear cases
- jurisprudence** (page 60) science or philosophy of law, study of legal systems and a collective term used for the body of case law
- jury** (page 40) group of people selected to come to a verdict on questions of fact based on evidence presented in court
- land law** (page 8) body of law relating to the ownership of real estate, that is land and the buildings on it
- landlord and tenant law** (page 60) includes both contract and property law, and governs the commercial and residential property rights and obligations of an owner and renter of a real property interest for a given period of time, usually determined by a lease
- landlord or landlady** (page 73) person who owns property and either rents it or leases it to another for money
- law clinic** (page 8) facility offering free or discounted legal assistance, often run by law schools and staffed by law students under supervision of lawyers
- law firm** (page 8) company formed by lawyers to engage in the practice of law
- law practice** (page 8) See *law firm*
- lawsuit** (page 83) action or proceeding brought in court (also *suit*)
- lease** (page 73) contract for which the use and occupation of a property is conveyed to another, usually in exchange for a sum of money (rent)
- leasehold** (page 72) property whose duration of ownership or occupation is fixed or capable of being fixed
- legal assistance** (page 8) advice and representation in legal matters
- legal framework** (page 95) broad system of rules on which to make decisions
- legal person** (page 50) artificial entity created by law and given legal rights and duties, for example a corporation
- legislature** (page 61) selected body of people, usually elected, invested with the responsibility and power to make and repeal laws for a political unit, such as a state or nation. Congress and Parliament are legislatures.

- liability** (page 29) legal responsibility
- liable** (page 29) to be legally responsible
- licence** (page 73) (UK) a right to use property for a purpose without conferring ownership or possession. Such right can be taken away at the will of the one granting the right (US *license*)
- licensee** (page 73) person to whom the right to use property for a particular purpose is granted
- life estate** (page 72) estate granted only for the life of the grantee
- limited liability** (page 50) limitation of an owner/investor's financial losses or responsibility, usually limited to the value of a person's investment in a company or partnership with limited liability
- litigation** (page 83) dispute brought before a court for determination or solution
- litigation and arbitration** (page 8) litigation entails bringing a lawsuit in the courts, whereas arbitration is a form of alternative dispute resolution conducted outside the courts
- loss of earnings capacity** (page 29) to lose one's ability to make a living
- mediation** (page 84) method of resolving disputes where the parties are actively involved in the decision-making process
- memorandum of association** (page 51) (UK) legal document that sets out the important elements of the corporation, including its name, address, objects and powers. It is one of the two fundamental documents upon which registration of a company is based; (US *articles of incorporation*)
- mens rea** (page 40) criminal intent (compare to *actus reus*, the criminal act)
- mercantile agency** (page 60) institution which deals with the supply of credit information about business organisations to other businesses and financial institutions
- misdemeanour** (page 40) (UK) petty offence, a crime less serious than a felony; (US *misdemeanor*)
- misstatement** (page 29) statement that is false, misleading or contains a mistake
- monopoly right** (page 100) privilege granted by the government (e.g. a patent) to a person or entity to exclude all others from using, producing or selling a certain invention
- mortgage(s)** (page 60) transfer of legal title of a property, often land, to another as security for payment of a debt
- nation state** (page 94) independent state in which the majority of the citizens share the same cultural heritage and, particularly, the same language
- negligence** (page 29) failure to be as careful as the law demands
- negligent tort** (page 29) unintended injury caused by lack of care or a failure to act, in contrast to an intentional tort
- negotiable instruments** (page 60) (UK) written and signed documents which represent an intangible right of payment for a specified sum of money on demand or at a defined time. Some examples are bills of exchange, promissory notes, bank cheques or certificates of deposit (US *commercial paper*)
- negotiation** (page 84) process in which parties who are considering forming a contract discuss and settle on the terms and conditions of the contract
- non-breaching party** (page 19) party to a contract who has suffered a breach by the breaching party
- non-contentious work** (page 60) work that largely involves advising clients and is not between contending parties, such as the drafting of contracts
- norm** (page 95) commonly accepted standard of behaviour or manner of doing things
- not guilty** (page 40) court's finding of acquittal, finding that the defendant is legally blameless
- obligations** (page 19) duties that a party has as a result of the terms and conditions of the contract
- offence** (page 39) crime; (US *offense*)
- offender** (page 40) person who commits a crime
- oral contract** (page 19) unwritten, binding agreement
- order** (page 83) direction or command by an authorised person or body
- outline convention** (page 94) see *framework convention*; used generally in the EU context
- pain and suffering** (page 29) physical, mental and emotional distress or trauma for which compensation is given in a tort case
- parole** (page 40) early release from prison after serving part of the sentence, usually under supervision and upon certain conditions
- partnership** (page 8) business organisation in which two or more people agree to do business together, sharing the profits and losses of the business together
- party** (page 18) person taking part in a business or transaction, person involved in a suit or dispute resolution proceedings
- patent** (page 100) grant from the government giving exclusive rights to an inventor to make, use or sell an invention for a specified period of time
- personal property** (page 73) things that are movable (as opposed to real property) and capable of being owned (also *chattels* in common law)
- personality** (page 50) sometimes called an artificial person or legal entity/person. It is legal fiction of identity in law which allows natural persons to act as if they were a single composite individual for certain purposes such as creating a business entity or structure. It has legal rights, duties and obligations.
- petty theft** (page 40) stealing something of low value (in some jurisdictions less than \$400), in contrast to grand theft, where the value of the stolen goods is greater
- pleadings** (page 83) formal written statements setting out the cause of action or defence in a case
- preponderance of the evidence** (page 40) standard of proof in civil cases requiring that one side's case must be more probable than not
- pre-trial work** (page 83) work carried out before the matter proceeds to trial before a court
- private international law** (page 94) body of law dealing with disputes between private persons living in different jurisdictions and governing such things as applicable law, jurisdiction and enforcement of judgments (also *conflict of laws*)
- private law** (page 60) body of law that is concerned with the aspects of relationships between individuals that are of no direct concern to the state and in which the government is not directly concerned. It includes the law of property and of trusts, family law, the law of contracts and the law of torts.

- probation** (page 40) sentence which allows the convicted offender to be released into the community under supervision instead of going to prison
- proceedings** (page 84) formal process including the steps taken in an action or dispute
- property interest** (page 73) share, claim, title or right in property
- proscribe** (page 40) to prohibit
- prosecution** (page 40) bringing a criminal case before a court
- prosecutor** (page 40) lawyer who brings criminal cases on behalf of the state
- prostitution** (page 40) performing a sexual act in exchange for money
- public international law** (page 94) body of laws governing relationships between states or nations
- public law** (page 60) body of law that deals with the relationship between the state and individuals. Examples may include constitutional law, criminal law, tax law and administrative law.
- public-order crime** (page 40) behaviour that is criminalised because it is not compatible with society's shared values. There is usually no direct victim but the community, as a whole, suffers. Drug crimes, public drunkenness and gambling are some public-order crimes.
- publicly listed company** (page 51) business structure which is permitted to offer its shares for sale to the general public and traded on a public stock exchange
- punitive damages** (page 29) compensation designed to punish the breaching party for conduct found to be reprehensible, e.g. fraud (also *exemplary damages*)
- rape** (page 40) unlawful sexual intercourse committed by force or threat or otherwise without consent
- ratify** (page 61) to adopt, approve and sanction; to make valid; to establish; to settle or affirm by express or implied consent to something done by an agent or servant; as, to ratify an agreement, treaty or contract; to ratify a nomination
- real estate** (page 72) land and anything attached to it
- real property** (page 72) land, including anything attached to it
- real property law** (page 60) law associated with the obligations, use and rights of ownership of land or whatever is growing on it or built on it
- reasonable medical expenses** (page 29) cost of medical care for injuries caused by a tort for which compensation is given in a tort case
- regulation** (page 50) act of regulating by a rule of conduct or order usually issued by a government agency or established authority having the force of law
- regulator** (page 51) official responsible for the control and supervision of a particular activity or area of public interest, who ensures compliance with laws and established rules and regulations
- reliance** (page 23) actions by a party showing that he or she expected another party to act in a certain way
- relief** (page 29) granting of a remedy by a court (e.g. damages, injunction, return of property, etc.)
- religious (or theological) legal systems** (page 106) systems of legal rules based on religious teachings
- remedy** (page 29) to enforce a right, cure a wrong or compensate an injury
- rent** (page 73) payment made to a landlord or landlady for the use of property
- right of use** (page 72) right to specific use of property that is less than a full right of ownership
- rights** (page 19) interests that are recognised and protected by law
- secured transactions** (page 60) loans or credit transactions in which the lender acquires a security interest in certain property owned by the borrower and has the right to repossess the property if the borrower cannot pay
- securities** (page 43) investment instruments like stocks or bonds
- sentence (to)** (page 40) to impose a certain punishment
- settlement** (page 83) 1) agreement reached between the parties to a dispute resolving the dispute; 2) the amount granted or paid under such an agreement is also referred to as the settlement
- shareholders** (page 51) owners of a share of a company/corporation through a proportionate ownership interest of stock or equity
- shareholding members** (page 50) those who invest money in a business entity and receive shares in return representing a proportional ownership
- socialist law** (page 106) used to refer to the system of legal rules used in socialist countries (also *Soviet law*)
- sole practitioner** (page 8) lawyer who practises on his/her own
- sole proprietor** (page 51) single person who earns all the profits and is personally liable for all the debts or losses of the business structure
- solicitor** (page 83) (UK) lawyer who is qualified to give legal advice and prepare legal documents
- specific performance** (page 19) when a court orders the breaching party to perform its part of a contract
- standard of proof** (page 29) amount of evidence needed in a certain type of case, for example the standard of proof in a criminal case is proof beyond a reasonable doubt, whereas the standard of proof in most civil cases is a preponderance of the evidence (see also *guilty beyond a reasonable doubt* and *preponderance of the evidence*)
- Statute of Frauds** (page 73) piece of legislation which declares that certain kinds of contract, for example those regarding land, pending marriage and the sale of goods worth over a certain amount of money, will be invalid unless put into writing and signed by both parties. The original statute was enacted in England in 1677 and serves as a basis for the US statutes.
- statutory forms (statute)** (page 51) standardised documents of basic corporate constitution requirements, which a company may adopt in the creation of a company. These help define the existence of the company, regulate the legal and financial structure and control of the company, and organise the company's internal affairs and management.
- strict liability crime** (page 40) crime that does not require intent to break the law. Among these crimes are parking violations and acts that endanger public welfare, like dumping of toxic wastes.

strict liability tort (page 29) where liability is imposed for damages caused regardless of fault or intent. That means the victim does not need to prove negligence. Strict liability is common in cases regarding defectively manufactured products.

substantive law (page 60) body of law defining rights, duties and obligations and all matters that are not procedural

sue (for) (page 29) to start civil proceedings in a court

supranational law (page 94) international law dealing with the constraint on the rights of states or nations in relation to each other

tax law (page 60) law regulating rates or sums of money which may be assessed on personal and business income, real property values, and commercial transactions paid for the financial support of a government

tenant (page 73) person who has a right to hold or possess property usually in return for the payment of rent

third party (third-party beneficiary) (page 51) person who is not party to an agreement or an action but who may have an interest in it

title interest (page 73) right to control or dispense of property or the right to ownership in property

tort (page 29) any wrongdoing that results in an injury, other than breach of contract, for which the court will give damages

tortfeasor (page 29) person who commits a tort (see *tort*)

tortious conduct (page 29) wrongful acts in the nature of a tort (see *tort*)

trade agreement (page 61) treaty or enforceable arrangement between two nations or multi-nations committing them to specified terms of commerce, usually involving mutually beneficial concessions including eliminating trade barriers

trespass (page 29) unlawful invasion of the person, property or rights of another

trial (page 83) legal examination in court of a dispute between parties

unfair business practices (page 29) acts by businesses against consumers which are misleading or fraudulent

uniform law (page 106) law which has become the same or similar in different nations

victim (page 40) injured party or the person who was the object of a crime or tort

white-collar crime (business/corporate crime) (page 39) non-violent offences usually committed by business people or government officials, typically property crimes and economic crimes. Also includes bribery, environmental law violations and money laundering, among many others.