

LEGAL TERMINOLOGY & DEFINITIONS

acknowledgment: the act of going before a qualified officer (e.g., Clerk) and declaring the validity of the document. The officer certifies same, whose certification is known as the acknowledgment.

acquitt: the act of freeing a person from the charge of an offense by means of a decision, verdict or other legal process; to discharge

action: a civil judicial proceeding whereby one party prosecutes another for a wrong done or for protection of a right or prevention of a wrong; requires service of process on adversary party or potentially adversary party

actual place of business: Any location that the defendant, through regular solicitation or advertisement, has held out as its place of business (see: 308.5 CPLR).

ad damnum: clause of a pleading alleging amount of loss or injury

adjournment: a temporary postponement of the proceedings of a case until a specified future time

adjudicate: to hear or try and determine judicially

adversary: An opponent. The defendant is the plaintiff's adversary.

adversary system: the system of trial practice in the U.S. and some other countries in which each of the opposing, or adversary, parties has full opportunity to present and establish its opposing contentions before the court.

affiant: one who swears to an affidavit; deponent

affidavit: a sworn or affirmed statement made in writing and signed; if sworn, it is notarized

affinity: Related by marriage; family relation from one's spouse's family

affidavit of service: an affidavit intended to certify the service of a writ, notice, or other document

affirm: an act of declaring something to be true under the penalty of perjury by a person who conscientiously declines to take an oath for religious or other pertinent reasons

affirmation: A solemn and formal declaration under penalties of perjury that a statement is true, without an oath.

affirmed: Upheld, agreed with (e.g., The Appellate Court affirmed the judgment of the City Court).

allegation: the assertion, declaration, or statement of a party to an action, made in a pleading, setting out what the party expects to prove

allege: To assert a fact in a pleading.

alternate juror: a juror selected as substitute in case another juror must leave the jury panel

amend: To change.

amicus curiae: A Friend of the Court, A non-party to a proceeding that the Court permits to present its views.

annul: to make void, as to dissolve the bonds of marriage

answer: a paper submitted by a defendant in which he/she responds to and/or denies the allegations of the plaintiff

appeal: a proceeding to have a case examined by an appropriate higher court to see if a lower court's decision was made correctly according to law

appearance: the participation in the proceedings by a party summoned in an action, either in person or through an attorney

appellant: the party who takes an appeal to a higher court

appellee: the party against whom an appeal is taken

arbitration: the submission voluntarily or involuntarily of a disputed matter to selected persons and the substitution of their award or decision for the judgment of a court or its confirmation by the court as a judgment of the court

argument: a reason given in proof or rebuttal

at issue: whenever the parties to a suit come to a point in the pleadings which is affirmed on one side and denied on the other, they are said to be "at issue"

attachment: The taking of property into legal custody by an enforcement officer (see specialty section: Recovery of Chattel).

attestation: the act of witnessing an instrument in writing at the request of the party making the same, and subscribing it as a witness

attorney of record: attorney whose name appears in the permanent records or files of a case

award: A decision of an Arbitrator

bail: the security given (or posted) to ensure the future appearance of a defendant

bar: 1. Prohibit - to bar the prosecution of an action. 2. The members of the legal profession.

bench: The Judge's seat or the judge, himself/herself, (e.g., the attorney addressed the bench).

collateral trial: a case in which the trial of the liability issue in a personal injury or wrongful death case is heard separate from and prior to trial of the damages in question

bill of costs: A written statement of the itemized taxable costs and disbursements

bill of particulars: factual detail submitted by a claimant after a request by the adverse party which details, clarifies or explains further the charges and/or facts alleged in a pleading

brief: a written or printed document prepared by the lawyers on each side of a dispute and submitted to the court in support of their arguments - a brief includes the points of law which the lawyer wished to establish, the arguments the lawyer uses, and the legal authorities on which the lawyer rests his/her conclusions.

calendar call: the calling of matters requiring parties, or their attorneys, to appear and be heard, usually done at the beginning of each court day



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S Ashworth



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Table of Contents Legal Terminology And Definitions Speedy Study Guide

1. Understanding the eBook Legal Terminology And Definitions Speedy Study Guide
 - The Rise of Digital Reading Legal Terminology And Definitions Speedy Study Guide
 - Advantages of eBooks Over Traditional Books
2. Identifying Legal Terminology And Definitions Speedy Study Guide
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Legal Terminology And Definitions Speedy Study Guide
 - User-Friendly Interface
4. Exploring eBook Recommendations from Legal Terminology And Definitions Speedy Study Guide
 - Personalized Recommendations
 - Legal Terminology And Definitions Speedy Study Guide User Reviews and Ratings
 - Legal Terminology And Definitions Speedy Study Guide and Bestseller Lists

5. Accessing Legal Terminology And Definitions Speedy Study Guide Free and Paid eBooks
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 - Legal Terminology And Definitions Speedy Study Guide eBook Subscription Services
 - Legal Terminology And Definitions Speedy Study Guide Budget-Friendly Options
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 - Legal Terminology And Definitions Speedy Study Guide Compatibility with Devices
 - Legal Terminology And Definitions Speedy Study Guide Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Legal Terminology And Definitions Speedy Study Guide
 - Highlighting and Note-Taking Legal Terminology And Definitions Speedy Study Guide
 - Interactive Elements Legal Terminology And Definitions Speedy Study Guide
8. Staying Engaged with Legal Terminology And Definitions Speedy Study Guide
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Legal Terminology And Definitions Speedy Study Guide
9. Balancing eBooks and Physical Books Legal Terminology And Definitions Speedy Study Guide
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Legal Terminology And Definitions Speedy Study Guide
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Legal Terminology And Definitions Speedy Study Guide
 - Setting Reading Goals Legal Terminology And Definitions Speedy Study Guide
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Legal Terminology And Definitions Speedy Study Guide
 - Fact-Checking eBook Content of Legal Terminology And Definitions Speedy Study Guide
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning

- Utilizing eBooks for Skill Development
- Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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