

VOCABULARY AND LATIN PHRASES

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| ab initio | From the beginning. |
| action in personam | An action against a person. |
| action in rem | An action as to rights in property, as a foreclosure or partition action. |
| ad litem | A person who acts for the purposes of the particular litigation only, as a person appointed by the court to bring an action on behalf of a minor is called a guardian ad litem. |
| arguendo | By way of argument. |
| bona fide | Good faith. |
| certiorari | A writ issued by a higher court to a lower court to send up the record in a proceeding. |
| chose | A thing. |
| chose in action | A right to recover money or other personal property by a court proceeding. |
| corpus | The main body of a thing, a principal sum, e.g., a trust corpus. |
| ex parte. | Relating to one party only (italicize if in name of case, as <i>Ex parte Miller</i>). |
| habeas corpus | A writ directed to a person having custody of another to produce that person in court. |
| in forma pauperis | To sue as a poor man, hence, to be relieved from costs (as in a bankruptcy proceeding). |
| in propria persona | In one's own behalf or character (where one acts as his own attorney in a lawsuit). [proper] |
| laches | Neglect to enforce a right at a proper time under the law. |
| lis pendens | Notice of pending suit (in California required to be filed in a quiet title action and condemnation action). |
| mandamus | A writ issuing out of court directing a person to do some act by virtue of his office. |
| prima facie | On its face; evidence which appears sufficient in law to establish fact, in absence of contrary evidence. |

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| affidavit | A sworn statement; a written declaration under oath. |
| agreement | An exchange of promises, written or oral. |
| allegation | A formal averment in a complaint, a positive assertion. |
| answer | In law, a document filed in reply to a complaint or cross-complaint. |
| appeal | To make application for trial of a cause to a higher court. |
| appellant | One who appeals a decision. |
| certified copy | Copy of an instrument made from records in a recorder's (or county clerk's) office, and certified to by the recorder (or county clerk) as being an exact copy of the paper on file or of record. |
| code | A collection of laws (as Government Code, Civil Code, Code of Civil Procedure, Probate Code). |
| complainant | The party making complaint. |
| complaint | Legal paper filed in court setting forth a cause of action. |
| counterclaim | An opposing claim filed in response to a complaint as part of an answer. |
| cross-complaint | A document setting up adverse claims against complainant. |
| cross-defendant | The person who must defend the cross-complaint (one of the cross-defendants, at least, will be also the plaintiff or complainant). |
| default | Failing to answer or reply, as to a complaint. |
| defendant | The adverse party to a complaint or the one who must defend. |
| encumbrances | Liens. |
| equitably | Justly or impartially. |
| executed | Signed, finished, or completed, as a person executed his will. |
| ex parte | On one side only; by or for one party; done for, in behalf of, or on the application, one party only. A judicial proceeding is said to be "ex parte" when it is taken or granted at the instance and for the benefit of one party only. |
| guardian ad litem | A guardian for a specific suit. |

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| instrument | A written document. |
| judgment | A decree of a decision of the court. |
| judicial | Of or pertaining or appropriate to the administration of justice, or courts of justice, as judicial power. |
| jury | A body of persons sworn to give a true answer or verdict upon some matter submitted to them. |
| litigate | To contest in law – to make the subject of a lawsuit. |
| misdemeanor | Any crime less than a felony (in California punishable by imprisonment in a county jail). |
| notary public | A public officer who certifies deeds, and other writings. |
| perjury | False swearing. |
| petition | A pleading similar to a complaint. Parties are called “petitioner” and “respondent” instead of “plaintiff” and “defendant.” |
| petitioner | One who petitions the court. |
| plaintiff | One who instigates a lawsuit. |
| plea | An argument. |
| precedent | A judicial decision serving as a rule for future determination in similar cases. |
| prohibition, writ of | Writ issued by court of competent jurisdiction to certain person preventing him from doing certain things. |
| prosecutor | One who conducts an official prosecution before the court. |
| remand | To send back, as to send back to a case to a lower court for further consideration. |
| rescind | To cancel. |
| stipulation | An agreement, between parties to an action, usually through counsel; also, any condition in an agreement. |
| subpoena | An order of court directing witness to appear and testify in court at an appointed time or for taking a deposition. |
| subpoena duces tecum | Order of court directing witness to appear and testify and bring papers, files and records into court. |

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| summons | An order of court directing defendant to appear and answer complaint within 10 days if served in county, 30 days if elsewhere. |
| unlawful detainer | The unjustifiable retention of the possession of lands by one whose original entry was lawful and of right, but whose right to the possession has terminated and who refuses to quit, as in the case of a tenant holding over after the termination for possession by the landlord. |
| venue | Place of trial, county in which court is located. |
| with prejudice | Voluntary dismissal of suit “with prejudice” as part of settlement of litigation is as conclusive of rights of parties as if suit had been prosecuted to final adjudication adverse to plaintiff. |
| without prejudice | Without effect upon or detrimental to any rights that existed prior to a certain act; declaration that no rights or privileges of the party concerned to be considered as waived or lost except as expressly conceded. |
| witness | One who testified or one who saw certain things. |
| writ | Order issued by court of competent jurisdiction, returnable to same, commanding the performance or nonperformance of some act, as a writ of execution, writ of attachment, writ of mandate, write of certiorari, write of supersedeas, writ of prohibition. |