LEGAL TERMINOLOGY

FOR NON LAWYERS

National Association of Hearing Officials

Professional Development Conference

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What is legal English and why is it so difficult???

AN EXAMPLE

"Service." Used in its broadest and most inclusive sense, includes any and all acts done, rendered, or performed, and any and all things furnished or supplied, and any and all facilities used, furnished, or supplied by public utilities, or contract carriers by motor vehicle, in the performance of their duties under this part to their patrons, employees, other public utilities, and the public, as well as the interchange of facilities between two or more of them, but shall not include any acts done, rendered or performed, or any thing furnished or supplied, or any facility used, furnished or supplied by public utilities or contract carriers by motor vehicle in the transportation of voting machines to and from polling places for or on behalf of any political subdivision of this Commonwealth for use in any primary, general or special election, or in the transportation of any injured, ill or dead person, or in the transportation by towing of wrecked or disabled motor vehicles, or in the transportation of pulpwood or chemical wood from woodlots.

66 PA.C.S. 102

WRITING STYLE

- 10 LINES – ONE SENTENCE
- SUBORDINATE CLAUSES
- REPETITIVE WORDS THAT MEAN THE SAME THING
- INSUFFICIENT OR CONFUSING PUNCTUATION

UNUSUAL PRONOUNS AND ARCHANE PHRASES

- HERETOFORE
- HEREINAFTER
- TO WIT

FOREIGN WORDS A.K.A LATIN….

- Uberimma fides
  ex parte
  ex post facto
  ex tunc
  in curia
  in omnibus
- Status quo
- Sub judice

OTHER RESOURCES FOR LEGAL TERMINOLOGY

- Black's Law Dictionary
- A Dictionary of Modern Legal Usage, Bryan A. Garner
- Cornell Law School Legal Information Institute (LII) – "Wex": https://www.law.cornell.edu/wex
- Google
- YouTube
- Specialized agency vocabulary – "Definitions" section of agency statute or regulations

THE PLAYERS

Who started it:

Plaintiff
Petitioner
Claimant
Applicant
Movant

THE PLAYERS

Who is on the other side:
Defendant
Respondent

Other participants
Intervenor

THE PAPER

Caption
Pleadings
Allegation and Answer
Service
Entry of Appearance
Verification
Motion

OTHER LEGAL PRINCIPLES

- Jurisdiction
- Statute of Limitation
- Standing

DISCOVERY

What is it?

TYPES OF DISCOVERY

- Interrogatories
- Admissions
- Depositions

OTHER DISCOVERY TERMS

- Subpoena
- Motion to Compel
- Motion for Sanctions

MOTIONS

- Preliminary Objection
- Dismiss and Summary Judgement
- Motion to Strike
- Recuse or Disqualify

HEARING

- Opening Statement
- Case-in-chief
- *Prima facie* case
- Burden of Proof
- Burden of Persuasion
- Rebuttal
- Closing Statement

EVIDENCE

- Objection
- Sustained
- Overruled
- Motion *in limine*
- Hearsay
- Business record
- Expert witness

POST-HEARING PAPER

- Brief
- Memorandum of Law
- Transcript
- Record

LATIN YOU CAN'T AVOID

- Ex parte
- Prima facie
- Pro hac vice
- De novo
- In pari materia

LATIN YOU SHOULD KNOW, BUT SHOULD AVOID USING

Latin Word	English word to use instead
Pro se	Self-represented
Inter alia	Among other things
Supra	Above or before
Infra	Below or after

COURT REVIEW

- Appeal
- Reverse
- Remand
- Affirm
- Dismiss

CASE LAW

- Precedent
- Stare Decisis
  - Citation
  - Opinion
  - Majority
  - Dissent
  - Concur
- Per curiam

QUESTIONS?

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