



Legal Terms and Phrases-The Companion Glossary for Beginners

Jada Atkins

JADA ATKINS CONSULTING LLC

Legal Terms and Phrases- The Companion Glossary for Beginners

By Jada Atkins

This glossary is intended to help beginners understand some of the basic legal terms and phrases that they may encounter in various situations. It also provides some historical and contextual information about the origin and usage of these terms and phrases. This glossary is not a substitute for professional legal advice and does not cover every aspect of the law. It is recommended that readers consult a competent attorney if they have any legal questions or concerns.

The glossary is organized alphabetically by the term or phrase, followed by a brief definition and explanation. Some terms and phrases may have multiple meanings or interpretations depending on the context and jurisdiction. The definitions and explanations are based on common law principles and US federal law, unless otherwise specified. The reference sources used for this glossary are listed at the end.

A

- **Affidavit:** A written statement of facts that is sworn or affirmed to be true by the person making it, usually before a notary public or other authorized officer. Affidavits are often used as evidence in court proceedings or other legal matters. The word affidavit comes from the Latin word *affidare*, meaning "to pledge". An example of an affidavit is a declaration of service, which is a document that certifies that a copy of a legal document was delivered to the intended recipient.
- **Appearance Bond:** A type of bail bond that is posted by a defendant or someone on their behalf to guarantee their appearance in court as required. If the defendant fails to appear, the bond is forfeited and the court may issue a warrant for their arrest. The word appearance comes from the Old French word *aparance*, meaning "presence". An example of an appearance bond is a recognizance bond, which is a bond that does not require any payment upfront, but relies on the defendant's promise to appear in court.
- **APA:** An abbreviation for the Administrative Procedure Act, a federal law that governs the rulemaking and adjudication processes of federal administrative agencies. The APA was enacted in 1946 to ensure that agencies follow fair and transparent procedures when making regulations and decisions that affect the rights and interests of the public. The APA also provides judicial review of agency actions by courts. An example of an APA rulemaking is the notice-and-comment

rulemaking, which is a procedure that requires agencies to publish proposed rules in the Federal Register, solicit public comments, and respond to significant comments before issuing final rules.

B

- **Baby Deed of Land Recording:** A document that records the birth of a child as a transfer of land from the parents to the child. The document is filed with the county recorder's office and creates a legal title for the child's name and identity. The baby deed of land recording is based on the idea that children are born as sovereigns and have unalienable rights that cannot be taken away by the government. The origin and validity of this document are disputed by legal authorities. An example of a baby deed of land recording is a document that states: "We, the parents of [NAME], hereby grant, convey, and confirm unto our said child, the land and property known as [ADDRESS], together with all rights, privileges, and immunities appertaining thereto, to have and to hold the same in fee simple absolute, forever."
- **Bail:** The amount of money or property that is paid or pledged by a defendant or someone on their behalf to secure their release from custody pending trial or other legal proceedings. Bail is intended to ensure that the defendant will appear in court as required and comply with the conditions of their release. Bail can be denied or revoked by the court for certain reasons, such as flight risk or danger to the community. The word bail comes from the Old French word *baille*, meaning "custody". An example of bail is a cash bond, which is a bond that requires the defendant or someone on their behalf to deposit the full amount of the bail with the court or a bail agent.
- **Bond:** A written promise to pay a specified amount of money or perform a certain obligation, usually backed by a collateral or a surety. Bonds are often used as a form of security or guarantee for contracts, debts, or legal obligations. The word bond comes from the Old English word *band*, meaning "covenant". An example of a bond is a performance bond, which is a bond that guarantees that a contractor will complete a project according to the contract terms and specifications.
- **Black's 4th Ed. Law Dictionary:** A reference book that contains definitions and explanations of legal terms and phrases, based on common law principles and US federal and state law. The first edition of Black's Law Dictionary was published in 1891 by Henry Campbell Black, a lawyer and lexicographer. The fourth edition was published in 1968 and is considered by some to be the most authoritative and comprehensive edition. An example of a term defined in Black's 4th Ed. Law Dictionary is "ab initio", which means "from the beginning".

C

- **Capitis Diminutio:** A term that means "diminution of status" in Latin. It refers to the loss or reduction of a person's rights, privileges, or capacity as a result of a change in their legal status or condition. Capitis diminutio can be caused by various events, such as slavery, outlawry, bankruptcy, or adoption. There are three degrees of capitis diminutio: maxima, media, and minima. Capitis diminutio maxima involves the loss of all rights and citizenship, capitis diminutio media involves the loss of family rights and inheritance, and capitis diminutio minima involves the loss of personal dignity and honor. An example of capitis diminutio maxima is the status of a slave in ancient Rome, who had no legal rights or protections. An example of capitis diminutio media is the status of a person who was disowned by their family, who lost their right to inherit their family's property. An example of capitis diminutio minima is the status of a person who was convicted of a crime, who lost their reputation and honor.
- **Cause of Action:** A legal claim or basis for a lawsuit. A cause of action consists of the facts and circumstances that give rise to a right to sue or seek relief from another party. A cause of action must have certain elements that must be proven by the plaintiff (the party who initiates the lawsuit) in order to succeed. The word cause comes from the Latin word causa, meaning "reason". An example of a cause of action is negligence, which is a claim that the defendant breached a duty of care that they owed to the plaintiff, causing the plaintiff to suffer harm or loss.
- **Certificate of Live Birth vs Birth Certificate:** A certificate of live birth is a document that records the fact and details of a live birth, such as the date, time, place, and parents of the child. A certificate of live birth is usually issued by the hospital or other facility where the birth occurred and may not be accepted as a valid proof of identity or citizenship by some authorities. A birth certificate is a document that certifies the registration of a birth with the state or local government and may contain additional information, such as the child's name and social security number. A birth certificate is usually issued by the vital records office and is generally accepted as a valid proof of identity or citizenship by most authorities. An example of a certificate of live birth is a document that states: "This is to certify that [NAME] was born alive at [TIME] on [DATE] at [PLACE] to [PARENTS]". An example of a birth certificate is a document that states: "This is to certify that [NAME], child of [PARENTS], was born on [DATE] at [PLACE] and registered with the [OFFICE] under registration number [NUMBER]".
- **Chrysler v. Brown:** A landmark case decided by the US Supreme Court in 1979. The case involved a dispute between Chrysler Corporation, an automobile

manufacturer, and James Brown, a former employee who had filed a complaint with the Equal Employment Opportunity Commission (EEOC), alleging racial discrimination by Chrysler. Brown requested access to certain documents that Chrysler had submitted to the EEOC as part of its affirmative action program, which were marked as "confidential". Chrysler argued that the documents were protected from disclosure by the Trade Secrets Act, a federal law that prohibits the unauthorized release of trade secrets by government officials. The Supreme Court ruled that the Trade Secrets Act did not apply to the documents, because they were not obtained by the government in a manner that implied an assurance of confidentiality. The Court also held that the EEOC had the authority to issue regulations governing the disclosure of such documents, but that its existing regulations were invalid because they were not properly published in the Federal Register, as required by the APA. An example of a document that was at issue in *Chrysler v. Brown* is a report that contained information about Chrysler's employment practices, such as hiring, promotion, and termination policies and statistics.

- **Circuit Court:** A court that has jurisdiction over a certain geographic area or circuit, usually consisting of several counties or districts. Circuit courts are intermediate appellate courts that hear appeals from lower courts, such as district courts or county courts. Circuit courts may also have original jurisdiction over certain cases, such as civil cases involving more than a certain amount of money or criminal cases involving serious offenses. The word circuit comes from the Latin word *circuitus*, meaning "roundabout". An example of a circuit court is the US Court of Appeals for the Ninth Circuit, which covers nine states and two territories in the western region of the United States.
- **Clearfield Doctrine:** A legal doctrine that holds that when the federal government acts in a commercial capacity or engages in business transactions with private parties, it loses its sovereign immunity and becomes subject to the same rules and obligations as private parties. The doctrine was established by the US Supreme Court in 1943 in the case of *Clearfield Trust Co. v. United States*, which involved a dispute over a forged check drawn on the US Treasury. The Court ruled that the rights and duties of the parties in such a case were governed by state law, rather than federal law, because the federal government was acting as a mere participant in the commercial market. An example of a case that applied the Clearfield Doctrine is *United States v. Kimbell Foods, Inc.*, which involved a dispute over the priority of liens on property that was financed by federal loan programs. The Court ruled that the federal government's liens were subject to the same rules and standards as private lenders' liens, as determined by state law.

- **Clerk:** An officer or employee of a court who performs various administrative and clerical duties, such as filing documents, issuing summons, keeping records, and assisting judges. Clerks may also have judicial functions, such as issuing writs, entering judgments, or administering oaths. The word clerk comes from the Old English word *clerc*, meaning "clergyman". An example of a clerk is the Clerk of the Supreme Court of the United States, who is responsible for managing the Court's docket, calendar, and records, and for overseeing the admission of attorneys to the Court's bar.
- **Closure and Discharge:** A term that refers to the final settlement and resolution of a legal matter, such as a debt, a contract, or a lawsuit. Closure and discharge may involve the payment of money, the performance of an obligation, the dismissal of a claim, or the release of a liability. The word closure comes from the Old French word *clore*, meaning "to close". The word discharge comes from the Old French word *descharger*, meaning "to unload". An example of closure and discharge is the satisfaction of judgment, which is a document that certifies that a judgment debtor has paid or performed what was ordered by the court, and that the judgment creditor has no further claim against the judgment debtor.
- **Competent Attorney:** An attorney who has the necessary skills, knowledge, experience, and ethical standards to provide effective legal representation to a client. Competence is determined by various factors, such as the complexity of the legal matter, the attorney's training and education, the attorney's familiarity with the relevant law and facts, and the attorney's ability to communicate and advocate for the client. The word competent comes from the Latin word *competens*, meaning "fitting". An example of a competent attorney is an attorney who has graduated from an accredited law school, passed the bar exam, maintained a good reputation, and acquired sufficient expertise and experience in the field of law that is relevant to the client's case.
- **Competent Jurisdiction:** A term that refers to the legal authority and power of a court or other body to hear and decide a case or issue. Competence is based on various factors, such as the subject matter, the parties, the location, and the law involved in the case or issue. A court or body that lacks competence may not be able to render a valid and binding judgment or decision. The word competent comes from the Latin word *competens*, meaning "fitting". An example of a court of competent jurisdiction is a court that has subject matter jurisdiction, personal jurisdiction, and territorial jurisdiction over the case or issue before it.
- **Constitution:** The supreme law of a country or state that establishes the basic principles, structure, and functions of its government and the rights and duties of its citizens. Constitutions may be written or unwritten, codified or uncoded, rigid or

flexible, depending on the historical and political context of each country or state. The word constitution comes from the Latin word *constitutio*, meaning "establishment". An example of a written and codified constitution is the Constitution of the United States of America, which was adopted in 1787 and amended 27 times since then. An example of an unwritten and uncoded constitution is the Constitution of the United Kingdom, which is derived from various sources, such as statutes, common law, conventions, and royal prerogatives.

- **Contract:** A legally binding agreement between two or more parties that creates mutual obligations and rights that are enforceable by law. Contracts may be oral or written, express or implied, formal or informal, depending on the nature and circumstances of the agreement. Contracts require certain elements to be valid, such as offer, acceptance, consideration, capacity, and legality. The word contract comes from the Latin word *contractus*, meaning "drawn together". An example of a contract is a lease agreement, which is a contract that grants the right to use or occupy a property for a certain period of time in exchange for a payment of rent.
- **Court of Record:** A court that keeps a permanent record of its proceedings and judgments, which may be used as evidence or authority in other courts or cases. Courts of record usually have the power to fine or imprison for contempt, to issue writs, and to exercise general jurisdiction over civil and criminal matters. The word record comes from the Old French word *record*, meaning "remembrance". An example of a court of record is the US Supreme Court, which is the highest court of the United States and the final arbiter of federal law and constitutional issues.
- **Court Trial:** A trial that is conducted by a judge or a panel of judges, without a jury. The judge or judges hear the evidence, determine the facts, apply the law, and render a verdict and a judgment. Court trials are also known as bench trials or non-jury trials. The word trial comes from the Old French word *trier*, meaning "to sort out". An example of a court trial is a trial for a traffic violation, which is usually heard by a judge or a magistrate who decides whether the defendant is guilty or not guilty and imposes a fine or other penalty.

D

- **Due Process:** A constitutional principle that requires the government to follow fair and proper procedures when depriving a person of life, liberty, or property. Due process may involve both procedural and substantive aspects, depending on the nature and scope of the deprivation. Procedural due process requires the government to provide notice, opportunity to be heard, impartial decision-making, and judicial review. Substantive due process requires the government to have a

legitimate and compelling reason for the deprivation and to use reasonable and proportionate means to achieve it. The word due comes from the Old French word *deu*, meaning "owed". The word process comes from the Latin word *processus*, meaning "progression". An example of procedural due process is the right to a fair trial, which includes the right to be informed of the charges, the right to counsel, the right to confront witnesses, the right to present evidence, and the right to appeal. An example of substantive due process is the right to privacy, which includes the right to make personal decisions about marriage, family, reproduction, and education, without undue interference by the government.

- **Drive:** A term that means "to operate or control a vehicle or animal" in common usage, but has a different and narrower meaning in legal context. In legal context, drive means "to operate a motor vehicle on a public highway for the purpose of transportation or commerce". Driving is a privilege that is granted by the state and may be regulated, restricted, or suspended by the state. The word drive comes from the Old English word *drifan*, meaning "to impel". An example of driving is driving a car on a public road, which requires a valid driver's license, registration, and insurance, and compliance with traffic laws and rules.

E

- **Elements of a Valid Cause of Action:** The essential facts and circumstances that must be proven by the plaintiff in order to establish a legal claim or basis for a lawsuit. The elements of a valid cause of action vary depending on the type and nature of the claim, such as negligence, breach of contract, fraud, or trespass. The word element comes from the Latin word *elementum*, meaning "principle". An example of the elements of a valid cause of action for negligence are: (1) the defendant owed a duty of care to the plaintiff; (2) the defendant breached that duty of care; (3) the breach caused the plaintiff to suffer harm or loss; and (4) the harm or loss was foreseeable and measurable.

F

- **Federal Register:** The official journal of the federal government of the United States that publishes proposed and final rules and regulations, notices, executive orders, proclamations, and other documents issued by federal agencies and departments. The Federal Register was established in 1935 to provide public notice and access to federal administrative actions and to ensure their uniformity and legality. The Federal Register is published daily, except on federal holidays. An example of a document published in the Federal Register is a notice of proposed rulemaking,

which is a document that announces and explains a proposed rule by a federal agency and invites public comments on the rule.

- **Federal Reserve Note:** A type of paper money that is issued by the Federal Reserve System, the central banking system of the United States. Federal Reserve Notes are legal tender, meaning that they are accepted as payment for all debts, public and private. Federal Reserve Notes are not backed by gold or silver, but by the full faith and credit of the United States government. The word note comes from the Latin word nota, meaning "mark". An example of a Federal Reserve Note is a \$100 bill, which is a paper currency that bears the portrait of Benjamin Franklin and the signature of the Secretary of the Treasury and the Treasurer of the United States.
- **Fine:** A monetary penalty that is imposed by a court or other authority as a punishment for an offense or a violation of a rule or law. Fines are usually paid to the government or a designated fund and may be accompanied by other sanctions, such as imprisonment, probation, or community service. The word fine comes from the Old French word fin, meaning "end". An example of a fine is a speeding ticket, which is a citation that requires the offender to pay a certain amount of money for exceeding the speed limit.

G

- **Gold or Silver Coin:** A type of money that is made of precious metals and has a fixed weight and value. Gold and silver coins were historically used as legal tender in many countries and states, but have been largely replaced by paper money and electronic currency. Gold and silver coins are still recognized as a form of lawful money by some laws and authorities, such as the US Constitution and the Coinage Act of 1792. The word coin comes from the Latin word cuneus, meaning "wedge". An example of a gold or silver coin is a US dollar coin, which is a coin that contains 88.5% copper and 6% zinc, with a thin layer of 24-karat gold or 99.9% silver.

H

> ul>

Hearing: A legal proceeding or session that is held before a judge, an administrative officer, or another authority to hear and decide a case or issue. Hearings may be formal or informal, public or private, oral or written, depending on the rules and procedures of the court or agency. Hearings are usually less formal and comprehensive than trials and may involve different types of evidence and arguments. The word hearing comes from the Old English word hlyran, meaning "to listen". An example of a hearing is a pretrial hearing,

which is a hearing that is held before a trial to resolve preliminary issues, such as motions, discovery, or evidence.

I

- **Income:** A term that means "the amount of money or goods that is received or earned by a person or entity during a period of time" in common usage, but has a different and specific meaning in legal context. In legal context, income means "the gain derived from capital, from labor, or from both combined, as defined by law". Income is subject to taxation by the government and may be classified into various categories, such as gross income, net income, taxable income, or nontaxable income. The word income comes from the Latin word *incomen*, meaning "to come in". An example of income is salary, which is the amount of money that an employee receives from an employer for performing work or services.
- **Inns of the Court:** Professional associations of barristers (lawyers who practice in the higher courts) in England and Wales. The Inns of the Court have historical and ceremonial functions, such as providing education, training, and accommodation for barristers and students. The Inns of the Court also have disciplinary and regulatory powers over their members. There are four Inns of the Court: Gray's Inn, Lincoln's Inn, Inner Temple, and Middle Temple. The word inn comes from the Old English word *inn*, meaning "dwelling". The word court comes from the Old French word *curt*, meaning "enclosed yard". An example of an Inn of the Court is Gray's Inn, which is one of the oldest and most prestigious Inns of the Court and has produced many distinguished judges and lawyers, such as Sir Francis Bacon and Lord Bingham.
- **Involuntary Bankruptcy Petition:** A petition that is filed by one or more creditors of a debtor (the person or entity who owes money) to initiate a bankruptcy case against the debtor, without the debtor's consent or cooperation. Involuntary bankruptcy petitions are governed by the Bankruptcy Code, a federal law that regulates the process and outcomes of bankruptcy cases. Involuntary bankruptcy petitions may be filed under Chapter 7 (liquidation) or Chapter 11 (reorganization) of the Bankruptcy Code, depending on the type and amount of the debt and the assets of the debtor. The word involuntary comes from the Latin word *involuntarius*, meaning "not voluntary". The word petition comes from the Latin word *petitio*, meaning "request". An example of an involuntary bankruptcy petition is a petition that is filed by three or more creditors who hold at least \$15,775 of unsecured claims against a debtor who is not paying their debts as they become due.
- **IRS:** An abbreviation for the Internal Revenue Service, a federal agency that is responsible for collecting taxes and enforcing tax laws in the United States. The IRS

was established in 1862 as the Bureau of Internal Revenue and has undergone several reorganizations and name changes since then. The IRS is part of the Department of the Treasury and is headed by the Commissioner of Internal Revenue, who is appointed by the President and confirmed by the Senate. The word internal comes from the Latin word *internus*, meaning "within". The word revenue comes from the Old French word *revenu*, meaning "income". The word service comes from the Latin word *servitium*, meaning "servitude". An example of the IRS is the agency that collects income taxes from individuals and businesses and administers tax credits and deductions.

- **IRS Criminal Investigation:** A division of the Internal Revenue Service that is responsible for investigating and prosecuting criminal violations of the tax laws and related financial crimes, such as fraud, money laundering, identity theft, or terrorism. IRS Criminal Investigation agents are federal law enforcement officers who have the authority to carry firearms, execute search warrants, make arrests, and seize evidence. IRS Criminal Investigation was established in 1919 as the Intelligence Unit and has undergone several reorganizations and name changes since then. An example of IRS Criminal Investigation is the division that investigated and prosecuted Al Capone, the notorious gangster, for tax evasion in 1931.

J

- **Judge's Office:** The office or chambers of a judge, where the judge performs various administrative and judicial duties, such as reviewing documents, researching law, writing opinions, holding conferences, and meeting with parties or attorneys. The judge's office is usually located in the courthouse or the judicial center where the judge presides and may be staffed by assistants, clerks, or law clerks. The word judge comes from the Old French word *juge*, meaning "judge". The word office comes from the Latin word *officium*, meaning "duty". An example of a judge's office is the office of the Chief Justice of the United States, which is located in the US Supreme Court Building in Washington, DC, and is staffed by the Chief Justice's administrative assistant, law clerks, and secretary.
- **Jurisdiction:** The legal authority and power of a court or other body to hear and decide a case or issue. Jurisdiction is based on various factors, such as the subject matter, the parties, the location, and the law involved in the case or issue. A court or body that lacks jurisdiction may not be able to render a valid and binding judgment or decision. The word jurisdiction comes from the Latin word *jurisdictio*, meaning "administration of justice". An example of jurisdiction is the original jurisdiction of the US Supreme Court, which is the authority of the Court to hear and decide

certain cases that are brought directly to the Court, such as cases involving disputes between states or cases involving foreign diplomats.

L

- **Lawful Money:** A term that means "money that is authorized and recognized by law as a valid and legal medium of exchange" in common usage, but has a different and specific meaning in legal context. In legal context, lawful money means "money that is backed by gold or silver or that is redeemable in gold or silver upon demand". Lawful money is also known as constitutional money, specie money, or hard money. The word lawful comes from the Old English word laguful, meaning "legal". The word money comes from the Latin word moneta, meaning "mint". An example of lawful money is a gold certificate, which is a paper currency that represents a specific amount of gold and is redeemable in gold upon demand.
- **Legal Claim:** A term that means "a right or interest that is enforceable by law" in common usage, but has a different and specific meaning in legal context. In legal context, legal claim means "a cause of action or a basis for a lawsuit". A legal claim consists of the facts and circumstances that give rise to a right to sue or seek relief from another party. A legal claim must have certain elements that must be proven by the plaintiff (the party who initiates the lawsuit) in order to succeed. The word legal comes from the Latin word legalis, meaning "of the law". The word claim comes from the Old French word clamer, meaning "to call out". An example of a legal claim is a breach of contract claim, which is a claim that the defendant failed to perform or comply with the terms and conditions of a contract that was agreed upon with the plaintiff.
- **Legal Determination:** A term that means "a decision or conclusion that is made by a court or other authority based on the law and the facts of a case or issue" in common usage, but has a different and specific meaning in legal context. In legal context, legal determination means "a final and binding judgment or order that resolves a case or issue and that is subject to appeal or review". A legal determination may involve various types of relief, such as money damages, injunctions, declaratory judgments, or writs. The word legal comes from the Latin word legalis, meaning "of the law". The word determination comes from the Latin word determinare, meaning "to limit". An example of a legal determination is a summary judgment, which is a judgment that is granted by the court without a full trial, based on the finding that there is no genuine issue of material fact and that the moving party is entitled to judgment as a matter of law.
- **Legal Tender Laws:** Laws that require the acceptance of a certain type of money as payment for all debts, public and private. Legal tender laws are enacted by

governments to establish and maintain a uniform and stable currency system and to prevent disputes or discrimination over the validity or value of money. Legal tender laws may specify what kinds of money are legal tender, such as coins, notes, checks, or electronic transfers, and what kinds of money are not legal tender, such as foreign currency, barter, or commodities. The word legal comes from the Latin word *legalis*, meaning "of the law". The word tender comes from the Old French word *tendre*, meaning "to offer". An example of legal tender laws are the Coinage Acts of 1792 and 1873, which established the US dollar as the official currency of the United States and defined its value in terms of gold and silver.

- **Legalese:** A term that means "the specialized and technical language of the law and legal profession" in common usage, but has a different and specific meaning in legal context. In legal context, legalese means "the use of obscure, complex, or verbose expressions in legal writing or speech, often resulting in confusion, misunderstanding, or ambiguity". Legalese is usually considered to be a negative or pejorative term that implies a lack of clarity, simplicity, or accessibility in legal communication. The word legalese comes from the combination of the words legal and -ese, a suffix that indicates a style or manner of language. An example of legalese is the phrase "hereinafter referred to as", which is a common expression in legal documents that means "from this point forward called".

M

- **Mason:** A member of a fraternal organization that is also known as Freemasonry, which traces its origins to the medieval guilds of stonemasons who built cathedrals and castles. Masons follow a system of moral and spiritual teachings that are based on allegorical symbols and rituals. Masons are organized into lodges that operate under the authority of a grand lodge. Masons are also known for their charitable and community activities. The word mason comes from the Old French word *maçon*, meaning "builder". An example of a mason is George Washington, who was a member of the Alexandria Lodge No. 22 in Virginia and the first president of the United States.

N

- **Nature and Authority:** A term that refers to the source and scope of the power or right of a person or entity to act or make decisions. Nature and authority may depend on various factors, such as the law, the constitution, the contract, the consent, or the custom that governs the person or entity. The word nature comes from the Latin word *natura*, meaning "essence". The word authority comes from the Latin word *auctoritas*, meaning "influence". An example of nature and authority is

the nature and authority of a judge, which is derived from the law and the constitution that grant the judge the power and the duty to hear and decide cases and issues according to the rules and principles of justice.

O

- **Oath of Office:** A solemn promise or declaration that is made by a person who assumes a public office or position of trust, to faithfully perform the duties and obligations of the office or position, and to uphold and defend the law and the constitution. Oath of office may be required by law or custom, and may be administered by a superior officer or authority. The word oath comes from the Old English word *ath*, meaning "vow". The word office comes from the Latin word *officium*, meaning "duty". An example of an oath of office is the oath of office of the president of the United States, which is prescribed by the US Constitution and states: "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."
- **Objection:** A formal expression of opposition or disapproval of something that is said or done in a legal proceeding, such as a question, an answer, a statement, or an evidence. Objection may be made by a party or an attorney to the court or the jury, to challenge the legality, relevance, or admissibility of something, and to request the court to take an appropriate action, such as sustaining or overruling the objection, striking or excluding something, or instructing the jury to disregard something. The word objection comes from the Latin word *obiectio*, meaning "throwing against". An example of an objection is an objection to hearsay, which is an objection that challenges the admissibility of a statement that is made by a person who is not present or available to testify in court, and that is offered to prove the truth of the matter asserted in the statement.

P

- **Policeman:** A person who is employed by a government or a public agency to maintain public order and safety, to enforce laws and regulations, and to prevent and investigate crimes. Policemen are also known as police officers, law enforcement officers, or peace officers. Policemen have the authority to arrest, detain, search, and use force against suspects or offenders, within the limits of the law and their jurisdiction. The word policeman comes from the combination of the words *police* and *man*. The word *police* comes from the Latin word *politia*, meaning "civil administration". The word *man* comes from the Old English word *mann*, meaning "human being". An example of a policeman is a patrol officer, who is a

policeman who patrols a designated area or beat, responds to calls for service, and enforces traffic and criminal laws.

- **Post Office:** A public institution or facility that is operated by a government or a public agency to provide postal services, such as receiving, sorting, delivering, and collecting mail and parcels. Post offices may also offer other services, such as selling stamps, envelopes, and postal orders, providing post office boxes, and processing passport applications. The word post comes from the Latin word *posta*, meaning "station". The word office comes from the Latin word *officium*, meaning "duty". An example of a post office is the United States Postal Service (USPS), which is an independent agency of the federal government that is responsible for providing postal services in the United States and its territories.
- **Postal Service:** A system or organization that is established by a government or a public agency to provide postal services, such as receiving, sorting, delivering, and collecting mail and parcels. Postal services may also include other services, such as issuing stamps, envelopes, and postal orders, providing post office boxes, and processing passport applications. The word postal comes from the Latin word *postalis*, meaning "of or pertaining to the post". The word service comes from the Latin word *servitium*, meaning "servitude". An example of a postal service is the Universal Postal Union (UPU), which is a specialized agency of the United Nations that coordinates and regulates postal services among its member countries and territories.

R

- **Remedies in Commerce:** A term that refers to the legal actions or solutions that are available to a person or entity who has suffered a loss or injury as a result of a breach of contract, a tort, or a violation of a commercial law or regulation. Remedies in commerce may include various forms of relief, such as money damages, specific performance, injunction, rescission, restitution, or declaratory judgment. The word remedy comes from the Latin word *remedium*, meaning "cure". The word commerce comes from the Latin word *commercium*, meaning "trade". An example of a remedy in commerce is a money damage award, which is a remedy that requires the breaching or liable party to pay a certain amount of money to the injured or aggrieved party, as a compensation for the loss or injury.

S

- **Sovereign:** A person or entity that has the supreme or ultimate authority or power over a certain territory or domain. Sovereigns may be individuals, such as monarchs or heads of state, or collective entities, such as states or nations. Sovereigns have

the right to make, enforce, and interpret laws, to declare war and peace, and to enter into treaties and alliances, within their territory or domain. The word sovereign comes from the Old French word *soverain*, meaning "highest, supreme". An example of a sovereign is the United States of America, which is a sovereign nation that has the authority and power over its territory and people, and that is recognized as such by other sovereign nations.

- **Specific Performance:** A type of remedy in contract law that requires the breaching party to perform or fulfill their contractual obligation, as agreed upon with the non-breaching party. Specific performance is usually granted when the subject matter of the contract is unique or irreplaceable, and money damages are inadequate or impractical. Specific performance is an equitable remedy, meaning that it is granted at the discretion of the court, based on the principles of justice and fairness. The word specific comes from the Latin word *specificus*, meaning "particular". The word performance comes from the Old French word *performance*, meaning "accomplishment". An example of specific performance is a court order that requires a seller to deliver a rare painting to a buyer, who has already paid the agreed price, and who cannot obtain a similar painting elsewhere.
- **Surety:** A person or entity that agrees to be responsible for the debt, obligation, or performance of another person or entity, in case the latter fails to pay, perform, or comply. Surety may also refer to the money or property that is pledged or deposited by the surety to guarantee their responsibility. Surety is a form of security or guarantee that is often used in contracts, bonds, or bail. The word surety comes from the Old French word *seurte*, meaning "security". An example of a surety is a co-signer, who is a person who agrees to pay the debt of a borrower, in case the borrower defaults on the loan.

T

- **Taxable Income:** A term that means "the amount of income that is subject to taxation by the government" in common usage, but has a different and specific meaning in legal context. In legal context, taxable income means "the gross income of a person or entity, minus the deductions, exemptions, and credits that are allowed by law". Taxable income is calculated according to the tax laws and regulations that apply to the person or entity. The word taxable comes from the Old French word *taxer*, meaning "to assess". The word income comes from the Latin word *incomen*, meaning "to come in". An example of taxable income is the adjusted gross income of an individual, which is the gross income of the individual, minus the deductions that are allowed by the Internal Revenue Code, such as personal exemptions, standard or itemized deductions, and business expenses.

- **Ticket:** A document or notice that is issued by a government or a public agency to a person or entity who has committed an offense or a violation of a rule or law, such as a traffic violation, a parking violation, or a code violation. Tickets may also be called citations, summons, or notices. Tickets may require the person or entity to pay a fine, to appear in court, or to take a corrective action, depending on the nature and severity of the offense or violation. The word ticket comes from the Old French word *etiquet*, meaning "label". An example of a ticket is a speeding ticket, which is a ticket that is issued by a police officer to a driver who has exceeded the speed limit, and that requires the driver to pay a fine or to appear in court.

V

- **Validity:** A term that means "the quality or state of being valid or legally binding" in common usage, but has a different and specific meaning in legal context. In legal context, validity means "the conformity or compliance of a person, act, document, or thing with the requirements of the law or the rules of logic". Validity may depend on various factors, such as the form, the content, the intent, the consent, or the authority of the person, act, document, or thing. The word validity comes from the Latin word *validus*, meaning "strong". An example of validity is the validity of a contract, which is the conformity or compliance of a contract with the elements and the principles of contract law, such as offer, acceptance, consideration, capacity, and legality.
- **Venue:** A term that means "the place where something happens or is done" in common usage, but has a different and specific meaning in legal context. In legal context, venue means "the geographic area or the court where a case or issue is heard and decided". Venue may depend on various factors, such as the location of the parties, the witnesses, the evidence, or the subject matter of the case or issue. Venue may also be determined by the law or the rules of procedure that govern the case or issue. The word venue comes from the Old French word *venue*, meaning "coming". An example of venue is the venue of a civil lawsuit, which is the geographic area or the court where the lawsuit is filed and tried, and which may be chosen by the plaintiff, based on the residence or the business of the defendant, the place where the contract was made or performed, or the place where the injury or the damage occurred.

W

- **Writ of Mandamus:** A type of writ or court order that commands a public official, a public agency, or a lower court to perform a duty or an act that is required by law, or to refrain from doing something that is prohibited by law. Writ of mandamus is an

extraordinary remedy, meaning that it is granted only in exceptional or urgent cases, where there is no other adequate or available remedy. Writ of mandamus is also an equitable remedy, meaning that it is granted at the discretion of the court, based on the principles of justice and fairness. The word writ comes from the Old English word *writan*, meaning "to write". The word mandamus comes from the Latin word *mandare*, meaning "to order". An example of writ of mandamus is a writ of mandamus that is issued by a higher court to a lower court, commanding the lower court to vacate or modify a judgment or an order that is contrary to the law or the facts.

Contempt: A word that means "the act of showing disrespect or disobedience to a court, a judge, or a law" in common usage, but has a different and specific meaning in legal context. In legal context, contempt means "the offense of violating the authority or dignity of a court, a judge, or a law, by willful or disruptive behavior, by failure to comply with a court order, or by interfering with the administration of justice". Contempt may be classified as civil or criminal, direct or indirect, and constructive or actual, depending on the nature, the purpose, and the circumstances of the offense. Contempt may be punished by fine, imprisonment, or both, at the discretion of the court. The word contempt comes from the Latin word *contemnere*, meaning "to despise". Some examples of different kinds of contempt are:

- **Civil contempt:** A type of contempt that occurs when a person fails or refuses to obey a court order or a judgment that is issued in a civil case, such as a divorce, a custody, or a support case. The purpose of civil contempt is to compel the person to comply with the court order or the judgment, or to compensate the other party for the harm caused by the non-compliance. Civil contempt may be purged or terminated by complying with the court order or the judgment, or by showing that compliance is impossible or impracticable.

- **Criminal contempt:** A type of contempt that occurs when a person acts or speaks in a manner that shows disrespect or defiance to the court, the judge, or the law, or that interferes with the orderly conduct or the fair administration of a judicial proceeding. The purpose of criminal contempt is to punish the person for the offense and to uphold the authority and the dignity of the court, the judge, or the law. Criminal contempt may not be purged or terminated by subsequent compliance or apology, and may require a separate trial and the right to counsel.

- **Direct contempt:** A type of contempt that occurs in the presence or the vicinity of the court, the judge, or the judicial proceeding, and that is witnessed or observed by the court or the judge. Direct contempt may be summarily adjudicated and sanctioned by the court

or the judge, without the need for a formal charge or a hearing, as long as the person is given an opportunity to explain or justify the conduct or the speech.

- **Indirect contempt:** A type of contempt that occurs outside the presence or the vicinity of the court, the judge, or the judicial proceeding, and that is not witnessed or observed by the court or the judge. Indirect contempt may require a formal charge and a hearing, where the person is entitled to due process and the right to counsel, and where the offense must be proven beyond a reasonable doubt.

- **Constructive contempt:** A type of contempt that occurs when a person does not actually disobey or disrespect the court, the judge, or the law, but does something that tends to obstruct or undermine the authority or the dignity of the court, the judge, or the law. Constructive contempt may include making false or misleading statements, concealing or destroying evidence, bribing or intimidating witnesses, or violating the confidentiality or the integrity of a judicial proceeding.

- **Actual contempt:** A type of contempt that occurs when a person actually disobeys or disrespects the court, the judge, or the law, by doing or saying something that is contrary to or in violation of a court order, a judgment, a rule, or a law. Actual contempt may include refusing to testify, to produce documents, or to pay fines, fees, or costs, or showing insolence, rudeness, or hostility to the court, the judge, or the law.

Fiduciary: A word that means "a person or an entity that has a legal duty to act in the best interest of another person or entity, with loyalty, care, and good faith" in common usage and in legal context. A fiduciary may be appointed by law, by contract, by trust, or by consent, and may have various powers and responsibilities, depending on the nature, the scope, and the terms of the fiduciary relationship. The word fiduciary comes from the Latin word *fiducia*, meaning "trust". An example of fiduciary is a fiduciary under the Black's Law Dictionary, which defines a fiduciary as "someone who is required to act for the benefit of another person on all matters within the scope of their relationship; one who owes to another the duties of good faith, trust, confidence, and candor; one who must exercise a high standard of care in managing another's money or property". Some examples of different kinds of fiduciaries are:

- **The judge as fiduciary:** A judge is a fiduciary who has a legal duty to act impartially, fairly, and independently in administering justice, and to avoid any actual or apparent conflict of interest, bias, or prejudice that may affect the outcome or the credibility of a judicial proceeding. A judge may also be a fiduciary who has a legal duty to manage and supervise the court staff, the court resources, and the court records, and to ensure the efficiency, the integrity, and the accountability of the judicial system.

- ***The clerk of court as fiduciary:*** A clerk of court is a fiduciary who has a legal duty to perform and oversee the administrative and clerical functions of the court, and to assist the judge and the parties in the conduct and the disposition of a judicial proceeding. A clerk of court may also be a fiduciary who has a legal duty to collect, deposit, disburse, and account for the fees, the fines, the costs, and the other funds that are paid or owed to the court, and to safeguard the financial interests and the assets of the court and the parties.

- ***Health and human services as fiduciary:*** Health and human services are fiduciaries who have a legal duty to provide and protect the health, the safety, and the welfare of the public, and to administer and regulate the programs, the policies, and the resources that are related to health and human services. Health and human services may also be fiduciaries who have a legal duty to respect and uphold the rights, the dignity, and the autonomy of the individuals, the groups, and the communities that are served or affected by health and human services, and to prevent or remedy any harm, abuse, or neglect that may occur in the delivery or the receipt of health and human services.

- ***Financial institutions as fiduciaries:*** Financial institutions are fiduciaries who have a legal duty to offer and provide financial products and services that are suitable, appropriate, and beneficial for the customers, and to comply with the laws, the regulations, and the standards that govern the financial industry. Financial institutions may also be fiduciaries who have a legal duty to safeguard and manage the money, the property, and the information that are entrusted or entrusted or disclosed by the customers, and to disclose and report any material facts, risks, or conflicts of interest that may affect the financial transactions or the financial relationships with the customers.

- ***Land patents as fiduciaries:*** A land patent is a legal document that grants and confirms the ownership of a parcel of land by the sovereign authority, such as the federal or state government, to an individual or a group. A land patent is the highest and the most secure form of land title that can be obtained in the United States, and it is superior to any other claims or liens that may exist on the land. A land patent holder is a fiduciary who has a legal duty to occupy, use, and improve the land in accordance with the terms and the conditions of the patent, and to defend and protect the land from any unlawful or adverse encroachment or interference. A land patent holder may also be a fiduciary who has a legal duty to pay the taxes, the fees, and the assessments that are levied on the land by the relevant authorities, and to maintain and preserve the records and the evidence of the land patent and its chain of title.

- The history and the workings of land patents: The concept and the practice of land patents originated in England, where the Crown granted land to the nobles and the colonists as a reward or an incentive for their loyalty and service. The land patents were

transferred to the American colonies, where the colonial governments issued land patents to the settlers and the pioneers who ventured into the new territories and established communities and farms. After the American Revolution, the newly formed federal government acquired the lands that were ceded by the states and the foreign powers, and issued land patents to the veterans, the explorers, the homesteaders, and the miners who contributed to the expansion and the development of the nation. The land patents were issued through various acts of Congress, such as the Land Ordinance of 1785, the Northwest Ordinance of 1787, the Homestead Act of 1862, and the Mining Act of 1872. The land patents were recorded and registered by the General Land Office, which was later merged with the Bureau of Land Management. The land patents are still valid and enforceable today, and they can be searched and verified through the Bureau of Land Management's website or the National Archives.

- How to file a land patent pertaining to living man: A living man is a natural person who is endowed with unalienable rights and sovereignty by the Creator, and who is not subject to the jurisdiction or the authority of any artificial entities, such as corporations, governments, or courts. A living man can file a land patent by following these steps:
- Obtain a certified copy of the original land patent that covers the land in question from the Bureau of Land Management or the National Archives.
- Obtain a certified copy of the deed or the contract that shows the current ownership and the chain of title of the land from the county recorder or the clerk of court.
- Prepare a declaration of land patent that affirms and acknowledges the rights and the interests of the living man as the lawful and the beneficial owner of the land, and that rejects and repudiates any and all contracts, agreements, or obligations that may impair or diminish the rights and the interests of the living man. The declaration should include the name and the signature of the living man, the date and the place of the declaration, the legal description and the location of the land, the citation and the reference of the original land patent, and the notarization and the seal of a public notary.
- File the declaration of land patent along with the certified copies of the original land patent and the deed or the contract with the county recorder or the clerk of court, and pay the required fees and taxes. Obtain a receipt and a confirmation of the filing from the county recorder or the clerk of court.
- Publish a notice of the declaration of land patent in a local newspaper or a public bulletin for at least three consecutive weeks, and keep a copy of the notice and the proof of publication.

- Send a certified copy of the declaration of land patent along with the certified copies of the original land patent and the deed or the contract to the Bureau of Land Management, the Secretary of State, the Attorney General, and the Governor of the state where the land is located, and request a written acknowledgement and a confirmation of the receipt and the recognition of the declaration of land patent.

- How one loses the rights and how to regain the rights: One may lose the rights to the land patent by voluntarily or involuntarily entering into contracts, agreements, or obligations that grant or concede the rights, the interests, or the control of the land to another party, such as a mortgage, a lien, a lease, an easement, a trust, a corporation, or a government. One may also lose the rights to the land patent by abandoning, neglecting, or forfeiting the land, or by failing to pay the taxes, the fees, or the assessments that are levied on the land. One can regain the rights to the land patent by fulfilling, terminating, or rescinding the contracts, agreements, or obligations that impair or diminish the rights to the land, or by reclaiming, reoccupying, or redeeming the land. One can also regain the rights to the land patent by filing a declaration of land patent as described above, and by asserting and enforcing the rights to the land against any unlawful or adverse claims or actions that may arise or occur.

