

WORDS FOR JUSTICE: A GLOSSARY OF ESSENTIAL LEGAL TERMS

SYSTEMIC JUSTICE

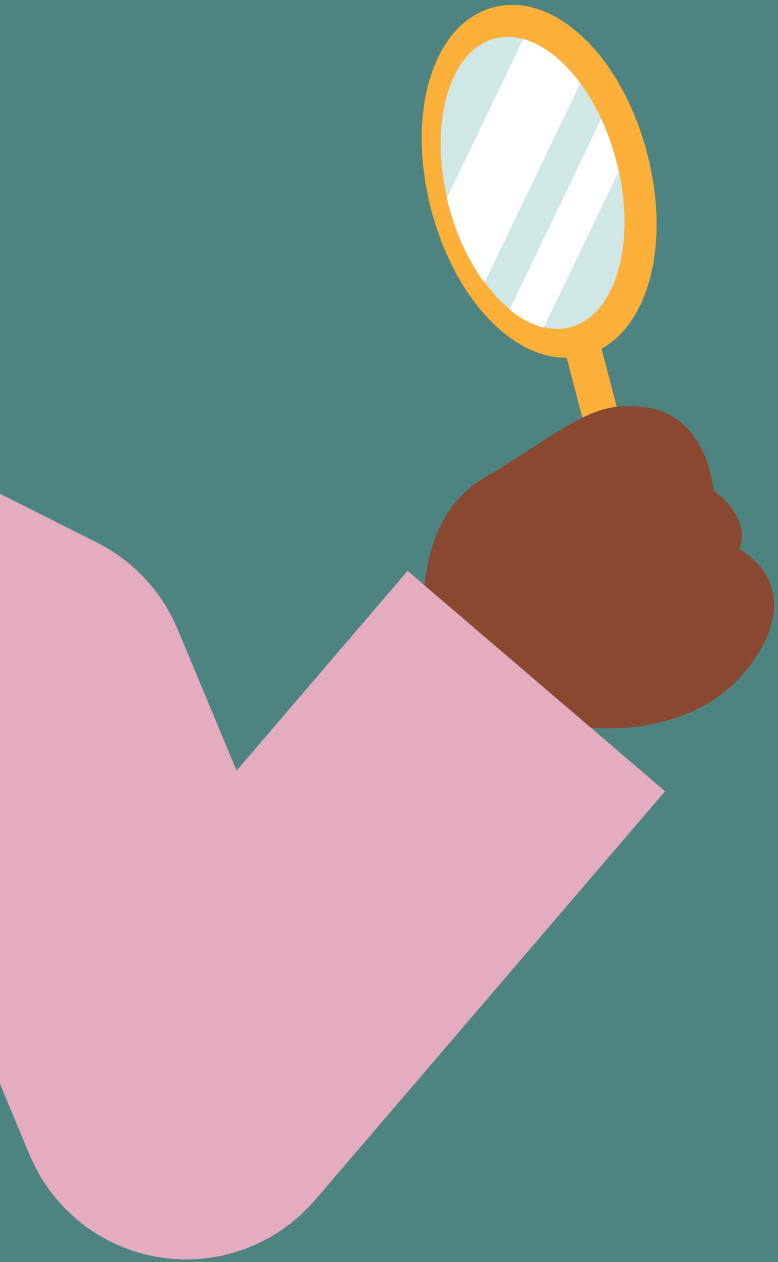


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A NOTE FROM SYSTEMIC JUSTICE

Strategic litigation can be a powerful tool in fighting for racial, social, and economic justice. It can help bring about change in regulation, law, policy, or practice. Yet marginalised communities are often unable to leverage the full potential of litigation for their causes and campaigns.

Communities should be able to make informed choices about how they want to incorporate strategic litigation in their campaigns for change. At Systemic Justice, we aim to help build the knowledge and power of organisations, movements, and collectives by developing resources on strategic litigation, delivering workshops and trainings, and hosting drop-in calls to address communities' questions.

We're not here to take over or set the agenda. The resources we provide are for people who are considering whether legal action is for them, and who wish to learn more about litigation, on their own terms.

SYSTEMIC JUSTICE,
THE MOVEMENTS' LAW FIRM

INTRODUCTION

Legal terminology, sometimes referred to as “legalese”, can often feel like a language of its own. The many words, terms, and expressions that are used by legal professionals to talk about legal processes and the courts can appear to make things harder, rather than easier, to understand. Access to this knowledge is often mediated by lawyers or legal advisors, which can lead to unequal relationships between communities seeking justice and their legal counsel.

Communities and movements are made up of many voices and experiences. When working together to drive racial, social, and economic justice through the courts, we need to have a shared understanding of words and their meanings.

This resource helps communities understand legal terminology so they can consider legal tools and integrate them in their campaigns for change, on their own terms. An understanding of legal terminology is important for communities to sit firmly in the driver’s seat of strategic litigation and, beyond undertaking litigation itself, can also be useful to:

- integrate legal analysis in advocacy and campaign work;
- engage with legal developments in the courts;
- strengthen activism strategies;
- participate in public debate.

Legal knowledge shouldn’t exclusively sit with lawyers or legal advisors. When it does, it cannot serve justice for all. Legal knowledge should be at the service of causes, campaigns, and communities fighting for racial, social, and economic justice.

We would like to thank the law firm Allen & Overy LLP for their support with the research for this glossary.

GUIDE TO THE GLOSSARY

USING THE GLOSSARY

We have divided the Glossary into eight sections that break down different components of a litigation process. These sections are:

1. PEOPLE INVOLVED IN A CASE

2. TYPES OF LAW

3. TYPES OF CASE

4. TYPES OF DOCUMENTS

5. PARTS OF THE LITIGATION PROCESS

6. TYPES OF COURTS AND OTHER BODIES

7. TYPES OF COURT REMEDY

8. WORDS AND PHRASES LAWYERS LIKE TO USE

The sections are designed to not only help gain a better understanding of the terminology itself, but also of the bigger picture and the components that make up the thing we call “litigation”. You can explore a section that interests you, or search for a specific term by referring to the index. The index has been arranged in alphabetical order for easy navigation.

Designed to provide readers with a broad understanding of terms, this glossary is not a substitute for legal advice. It is by no means exhaustive, but we hope this glossary will be a useful resource to carry with you in your toolkit for change.

If you'd like to understand more about components of strategic litigation with practical applications from real cases, you might find it useful to refer to [Strategic litigation: A guide to legal action](#), which can be found on our website.

GUIDE TO THE GLOSSARY

PRODUCTION

This resource has been produced by Systemic Justice, the movements' law firm. Find out more about Systemic Justice [here](#).

This glossary aims to support organisations, movements, and collectives to confidently navigate legal terminology. Whether choosing to engage with strategic litigation for racial, social, and economic justice, producing commentary to combat harmful legal developments, or to provide legal context in support of advocacy and campaigns, this glossary has been created to help you serve your cause.

Providing an essential introduction, this glossary explores some of the most commonly used legal terms across various aspects of litigation and the litigation process. It provides short, descriptive, and standardised definitions of terms based on their most commonly shared legal meanings.

We recognise that these terms and definitions are not apolitical, and do not always represent the reality of how the law is used and applied, especially when it comes to access to justice for marginalised groups and communities. Rather than critically analysing or deconstructing these terms, the glossary aims to provide definitions for the words and phrases that you are most likely to encounter when approaching legal counsel or are involved in strategic litigation.

This glossary has been designed based on needs identified in a consultation process with organisations, communities, and movements working on racial, social, and economic justice in the Council of Europe region. We will continue to develop resources as part of our work to build the knowledge and power of communities fighting for justice. Rather than critically analysing or deconstructing these terms, the glossary aims to provide definitions for the words and phrases that you are most likely to encounter when approaching legal counsel or are involved in strategic litigation.



SECTION 01:

PEOPLE INVOLVED IN A CASE



TERM	DEFINITION
Accused	A term used in criminal law to describe a person against whom a criminal case has been started claiming that they have committed a crime. An accused has the right to defend themselves in court and to be presumed innocent until proven guilty
Adverse or hostile witness	A witness who gives evidence that is unfavourable or harmful to the party who originally called them to give evidence (typically, a witness gives evidence that is favourable to the party that called them to give evidence).
Advocate	A person who presents the case of another person in court or at a tribunal. An advocate may be a lawyer, a social worker, a friend, or a family member of the person they represent. When used in the context of litigation, it is usually referring to a lawyer.
Amicus (Curiae)	A person, organisation, or group who is not a party to a case, but who is either asked by the court to assist it by providing information, expertise, or perspective that may help the court decide the case or who applies to the court and is given permission to join the case because they have helpful information, expertise, or perspective. An amicus may file a written document or make an oral argument with the court's permission.
Appellant	A person who appeals a lower court's decision to a higher court by arguing that the lower court made a mistake that affected the result of the case. The mistake could have been in applying or interpreting the law, in interpreting the facts of the case, or in the procedure adopted by the lower court.
Appellee	The party against whom an appeal is made. When a person files an appeal in a higher court against the decision of a lower court, the person or entity who is on the other side of the case is known as the appellee, i.e. the party who "responds" to the appeal. An appellee is also known as a respondent depending on the type of case and the country where the case is taken.

TERM	DEFINITION
Applicant	A person or group who submits an application to a court or tribunal asking for permission to do something (for example, an accused in a criminal case asking for bail) or asking for a legal remedy (for example, seeking an order from the court ordering a person to do or stop doing something). An applicant may also be called a plaintiff, claimant, or petitioner depending on the country and the type of document filed with the court.
Arbitrator	A neutral person or panel who are appointed either by the parties to an arbitration or by an independent body to make a binding decision, without going to court. The arbitrator usually has expertise in the subject matter of the dispute and follows a set of agreed rules and procedures.
Attorney	A person who is qualified and licensed to practice law and to represent clients in legal matters. An attorney may also be called a lawyer, a solicitor, a barrister, or counsel, depending on the country and the type of legal work they do.
Attorney General	The chief legal officer of a country, who is meant to represent the interests of the general public in legal matters and advises the government on legal issues. The Attorney General may also start or defend cases on behalf of the government, or appoint other attorneys to do so. Some countries also have an Advocate General or Solicitor General, which are similar positions.
Barrister	A type of lawyer who specialises in representing clients in court. In some countries, such as England and Wales, barristers are distinct from solicitors, who handle legal work outside court. A barrister may also be known as an attorney, a counsel, or a lawyer depending on the country and the type of legal work they do.
Bailiff	A court officer who maintains order and security in the courtroom, and who assists the judge and the jury. A bailiff may also deliver legal documents, such as a notice or court summons, or enforce court orders by, for example, collecting debts.
Chief Justice	The most senior judge of a court who is responsible for supervising the administrative work of a court and often performs functions such as allocating cases to judges, approving court budgets and spending, and developing court rules and procedures.

TERM	DEFINITION
Claimant	A person or group who starts a civil case in a court or tribunal against another person or group, claiming that they have suffered some harm or loss due to the other person or group's actions or inactions. The claimant asks for a remedy, such as an amount of money or an order from the court requiring the other person or group to do or stop doing something. A claimant may also be called an applicant, plaintiff, or petitioner depending on the country and the type of document filed with the court.
Clerk	A court official who assists judges and magistrates in performing administrative tasks, like maintaining court schedules, issuing court documents, collecting fees, scheduling hearings, swearing in witnesses, or providing information to the public.
Complainant	A person who makes a complaint or an accusation against another person or entity in a criminal or a disciplinary case. The complainant may also be called a victim, depending on the context and the country.
Coroner	A public official (who is usually a doctor and is also trained as a lawyer) who investigates the cause and manner of death of a person who died in a violent, sudden, or suspicious way, or who died without a known medical history. The coroner may conduct or order autopsies or issue death certificates.
Corporate body or corporation	A legal entity that is created by law and that has its own rights and obligations, separate from its owners or members. There are many different types of corporate bodies – for example, a company or a partnership. A corporate body may be used to run a business, a charity, a club, a government etc. A corporate body may sue others or be sued in its own name, and may also own property, enter into contracts, or pay taxes.
Counsel	A person who gives legal advice to or represents a person in court in a legal matter. A counsel may also be called a lawyer, an attorney, a solicitor, or a barrister, depending on the country and the type of legal work they do.
Court	A place where legal disputes are heard and decided by a judge, a magistrate, a jury, or a tribunal.

TERM	DEFINITION
Court official	A person who works for the court and performs various duties related to the administration and operation of the court, depending on the type and level of court they work for. Court officials may include judges, magistrates, clerks, registrars, bailiffs, court reporters, and interpreters.
Court reporter	A person who works for the court and who prepares a written record of exactly what was said in court during a case. This record is then shared with the court and the parties to the case.
Defence counsel	A lawyer who represents the defendant in court. Defence counsel can advise the defendant on their legal rights, challenge the evidence against them, and make arguments to achieve the best possible outcome for them.
Defendant	A person who is accused of a crime or who is sued in a civil case. A defendant has the right to defend themselves in court by responding to the allegations or claims made against them and providing their own version of the story. A defendant can (in a criminal case) plead guilty or not guilty, or (in a civil case) admit or deny liability. The defendant can also make their own claims or allegations against the person who brought the case against them.
Expert or expert witness	A person who has specialised knowledge, skills, or experience in a particular field, such as medicine, science, engineering, or accounting. With the permission of the court, an expert can be hired by either party in a case to give their opinion, based on their expertise, on an issue. An expert witness usually prepares a written report and may also give evidence in court.
Guardian	A person who is appointed by the court to protect the interests of a child or a vulnerable adult who is involved in a legal case. A guardian can make decisions on behalf of the person they represent, such as consenting to medical treatment, choosing a lawyer, or agreeing to a settlement of a claim. A guardian has a legal duty to act in the best interests of the person they represent.
In-house lawyer	A lawyer who works as an employee for a company, organisation, or government agency, rather than working independently or in a law firm. An in-house lawyer advises their employer on legal matters, such as contracts, compliance, disputes, or transactions and may also represent their employer in court or in negotiations with other parties.

TERM	DEFINITION
Interpreter	A person who works for the court and who helps with translation of things said in court into different languages.
Intervener	A person or organisation who is not a party to a case, but has an interest in a result of a crime, measure, or accident. An intervener can apply to the court for permission to join the case, either to support or oppose one of the parties, or to provide a different perspective on the issues. An intervener may have to follow rules and conditions set by the court, such as limiting their submissions.
Investigating Judge	A judge who is responsible for overseeing the investigation of a criminal case before it goes to trial. An investigating judge can order searches, seizure of items, arrests, interrogations, or other measures to gather evidence and establish the facts of the case. An investigating judge is common in countries such as France, Spain, and Germany.
Judge	A person who is appointed or elected to sit in a court and decide legal cases. A judge can interpret and apply the law, resolve disputes, determine facts, issue orders, impose sentences, or grant remedies. A judge has to be impartial, fair, and knowledgeable, and follow the principles of justice and due process.
Judgment creditor	A party who wins a case and who the court determines is entitled to receive a sum of money from the losing party. If the losing party does not pay, the judgment creditor can ask the court to issue an order requiring the losing party to pay.
Judgment debtor	A party who loses a case and who the court determines must pay a sum of money to the winning party. If the judgment debtor does not pay, the winning party can apply to the court for an order that the payment be made.
Junior barrister or counsel	A barrister or lawyer who is relatively new or inexperienced in their profession, and usually works under the supervision or guidance of a senior barrister or lawyer. A junior barrister or counsel performs tasks such as researching the law, drafting documents, preparing arguments, or appearing in court. A junior barrister or counsel may also assist or “shadow” a senior barrister or lawyer in more complex or high-profile cases.

TERM	DEFINITION
Juror or Jury	A juror is a person who is a member of a jury. A jury is a group of people who are randomly selected from the public to sit in a court of law and decide the result of a case. A jury can consist of 6 to 12 people, depending on the type and level of the case. A jury has to listen to the evidence and arguments presented by both parties and reach a majority decision, based on the law and the facts. A jury is common in countries like the United States, the United Kingdom (for criminal cases), and Canada.
Law firm	A business organisation that provides legal services to clients (who can be individuals or companies). A law firm consists of one or more lawyers who may specialise in particular areas of law. Law firms usually charge fees for their services.
Lawyer	A person who is qualified and licensed to practise law and provide legal services to clients. A lawyer can advise clients on their legal rights and duties, represent them in court or in negotiations, and draft and review legal documents. A lawyer may also be called a solicitor, a barrister, an attorney, or a counsel, depending on their role and the country where they work.
Lay person	A person who has no legal training, knowledge, or experience but is involved in a legal case in some capacity. For example, a lay person can become a magistrate or be a member of a jury.
Lay representative	A person who is not a lawyer but is allowed or appointed by a court to assist or represent another person in a legal case. A lay representative can be a friend, a family member, a volunteer, or a professional, who can provide support, advice, or speak in court on behalf of the person that they represent.
Litigant	A person who is involved in a court case. A litigant can be a plaintiff (the person who initiates the case) or a defendant (the person who responds to the case). A litigant can also be called a claimant, a respondent, an applicant, or a petitioner, depending on the type and stage of the case and their role. A litigant can act on their own behalf, or hire a lawyer to represent them.
Litigant in person	A person who acts on their own behalf in a legal case, without hiring a lawyer to represent them. Any party to a case may be able to be a litigant in person and perform tasks like filing documents, presenting evidence, or making arguments. A litigant in person has to follow the same rules and procedures as a lawyer and so may face challenges due to their lack of knowledge, experience, and resources.

TERM	DEFINITION
Magistrate	A judge in a lower court of law. A magistrate deals with minor crimes such as traffic violations or minor civil disputes. In criminal cases, a magistrate can issue arrest warrants, conduct preliminary hearings, and grant bail. A magistrate does not need legal training but has to be impartial, fair, and competent. A magistrate is common in countries like the United States, the United Kingdom, India, and Australia.
Mediator	A neutral person who helps the parties in a dispute to communicate and negotiate with each other, without taking sides or imposing a solution. The mediator aims to facilitate a voluntary and mutually acceptable agreement.
Notary	A notary is a person who is licensed to certify or verify that a document, such as a contract, is genuine or has been executed properly. A notary is also authorised to verify the identity and signature of the people who have signed or are signing a particular document. A notary may charge a fee for their services and may have a stamp that they use to certify a document.
Paralegal	A person who may or may not be legally trained and who performs legal tasks under the supervision of a lawyer. A paralegal can assist with aspects of a legal case, such as research, drafting, filing, or communication. A paralegal has to follow the law and the ethics of the legal profession but cannot give legal advice or represent clients in court.
Parole Board	A group of people who are responsible for determining whether a prisoner should be allowed to leave jail on parole before completing the full term of their sentence.
Parole officer	A person who is responsible for supervising and monitoring offenders who are released from prison on parole. A parole officer helps former offenders with their re-entry into society, such as finding employment, housing, or counselling. They also enforce any conditions or rules of the parole and report violations or problems to the parole board or the court.
Party	A person or organisation who is involved in a legal case in some capacity. For example, a claimant or defendant is known as a “party to the case”. A party can act on their own behalf, or hire a lawyer to represent them.

TERM	DEFINITION
Petitioner	A person or group who starts a civil case against another person or group, or who files a petition in a court or tribunal, claiming a legal remedy, such as an amount of money or an order from the court ordering a person to do or stop doing something. A petitioner may also be called an applicant, a plaintiff, or a claimant depending on the country and the type of document filed with the court.
Plaintiff	A person or group who starts a civil case against another person or group, claiming that they have suffered some harm or loss due to the other person or group's actions or inactions. The plaintiff asks for a remedy, such as an amount of money or an order from the court ordering the other person or group to do or stop doing something. A plaintiff may also be called an applicant, claimant, or petitioner depending on the country and the type of document filed with the court.
Prosecutor	In a criminal case, the lawyer appointed by the government to conduct the case against the accused in court on behalf of the government.
Public authority or public body	A term that describes organisations that are established by the law and that perform a public role or function, such as a government department, a local council, a police force, or a health board. Public authorities and bodies may also include regulators, tribunals, commissions, and agencies. Public authorities and bodies have duties and responsibilities under the law, and their decisions and actions can usually be challenged in a court if they act unlawfully or unfairly.
Registrar	An official who is in charge of the registry of a court or tribunal, i.e. the administrative side of the court or tribunal which deals with filing of cases and maintenance of records. Depending on the country, registrars may also have some powers of a judge to issue orders or summonses or to hear some applications.
Respondent	A person or group against whom a civil case or appeal is filed by another person or group and who responds to the claims or arguments made against them. The respondent may file a defence, make their own claim against the other person or group, or concede the case. The respondent may also ask for a remedy from the court, such as an amount of money, or ask the court to refuse to continue with or reject the case or appeal.
Senior Advocate or Senior Counsel	A title granted to a senior lawyer, usually by the government, a court, or an independent panel, who is recognised for their excellence and experience in a field of law and their advocacy skills. The title is common in countries that used to be part of the British Commonwealth, like India, Singapore and Nigeria, and is the equivalent of a King's Counsel or Queen's Counsel in England and Wales

TERM	DEFINITION
Solicitor	A type of lawyer who is qualified to provide legal advice and services to clients. Solicitors deal with a wide range of legal matters, such as contracts, property, family, employment, immigration, and criminal law. In countries such as the United Kingdom and Ireland, solicitors usually handle the legal work outside court, like drafting documents and conducting interviews, and instruct barristers to represent their client in court. A solicitor may also be called a lawyer, a counsel or an attorney depending on the country and the type of legal work they do.
Solicitor advocate	A type of solicitor who does legal work outside court and also represents clients in court. A solicitor advocate is therefore a combination of a solicitor and a barrister in England and Wales. A solicitor advocate may also be known as an attorney, a counsel or a lawyer depending on the country and the type of legal work they do.
Third party	A person who is not directly involved in a legal dispute but who may have some interest, right, or obligation that is affected by the result of the case. For example, a third party may be a witness or an insurer. A third party may also become an intervener or party and join a case, with the permission of the court, to protect or assert their interest.
Tribunal member	A tribunal member is a person who sits on a tribunal and decides the outcome of a dispute, much like judges in court. Tribunal members can be judges, lawyers, or lay people with relevant experience or knowledge of the subject matter and often have practical experience or knowledge in the specific area of law.
Vexatious litigant	A person who repeatedly or persistently files legal cases or complaints that have no merit, or that are intended to harass, annoy, or abuse the other party or the court.
Victim	A person who suffers mental or physical harm or financial loss as a result of a crime, measure, or accident. The victim may also be called a complainant, depending on the context and the country.
Ward of court	A person, usually a child or a vulnerable adult, who is under the protection and supervision of a court because they are deemed unable to make decisions or act for themselves. The court may appoint another person to look after the ward's welfare, property, or finances, and to act in their best interests.
Witness	A person who has seen, heard, or knows something that is relevant to a legal case, and who gives evidence or testimony to the court, either orally or in writing. A witness can be "called" to court to give evidence, and can be called by either party, or by the court, to provide factual information, opinions, or expert knowledge, that may help the court to establish the truth or decide a case.

SECTION 02:

TYPES OF LAW



TERM	DEFINITION
Administrative law	Law that deals with the powers, duties, and functions of public authorities, such as government departments, agencies, boards, and tribunals. Administrative law sets out how decisions made by public authorities can be challenged or reviewed by the courts or other bodies.
Asylum	The legal protection granted by a country to a person who has fled from another country because of persecution, violence, or serious harm. If a person is granted asylum by a country they are permitted by that country to stay in the country but must abide by certain rules.
Asylum law	Law that sets out the rules that regulate the legal protection and status of people who flee their home countries due to a fear of persecution, violence, or serious harm. Asylum law establishes the rules as to when someone who is seeking asylum will be granted it, and will often look at whether that person is at risk in their home country.
Bill	A draft or proposed new law presented to a country's parliament for debate or approval. A bill will become law if it is approved by the parliament in accordance with the relevant country's processes.
By-law or bye-law	A rule or law which has application in a particular area or to a particular group only. For example, a by-law made by a local council will generally only apply to the people who live in the area that the relevant local council has power over. A by-law made by a company or organisation will only apply to that company or organisation and the people that work within it. A by-law may also be referred to as a regulation.
Case law	Law that is developed through court judgments and decisions. Case law is sometimes called "common law" or "judge-made law," as it involves judges interpreting and applying existing laws to create new legal principles. Case law is part of the legal system in England and Wales, for example. Not all countries apply this understanding of case law – for example Spain does not allow previous court decisions to become part of the law.

TERM	DEFINITION
Charter	A document that grants rights, privileges, or authority to a person, group, or organisation from a state, organisation, or other entity. A charter can establish or define the functions, powers, or duties of an institution, such as a city, a university, or a corporation. Examples of charters are the Magna Carta, the Charter of the United Nations, and the Charter of Fundamental Rights of the European Union.
Civil and political rights	Rights that protect the freedom and dignity of individuals from interference by the state or other actors. Civil and political rights include the right to life, liberty, security, equality, privacy, expression, association, participation, and justice. Civil and political rights come from an individual's citizenship or membership of a particular society, whilst human rights are available to any person simply for being a human being. However, in practice, "civil and political rights" and "human rights" are often used interchangeably.
Civil law country	If a country is referred to as a civil law country, it means that its legal system is mostly based on extensive written codes or statutes and that the outcomes of previous cases do not generally form part of its law. Examples of civil law countries include France, Spain, Japan, and Mexico.
Common law country	If a country is referred to as a common law country, it means that its legal system includes previous judgments of the courts or case law, as part of its law. Common law countries include England, the United States, and Australia.
Constitution	An overarching set of rules and principles that establish certain fundamental ideas about how a country or organisation should be governed, including key rights of citizens or members of that country or organisation. A constitution is often the most important set of rules in a country or organisation, and every other rule must be compatible with the principles that it establishes. A constitution can be written down (for example the constitution of the Federal Republic of Germany or the Spanish Constitution) or comprised of a mixture of laws, practices, and traditions (as in the United Kingdom, for example).
Contract law	Law that deals with the formation, interpretation, and enforcement of agreements between parties that create legal rights and obligations (i.e. contracts).
Criminal code	A set of laws that establish which actions are crimes to be punished by the relevant country. A criminal code defines and categorises criminal offences and the penalties that apply to those offences. It may also set out the principles and procedures that govern the criminal justice system, such as the idea that a person accused of a crime is "innocent until proven guilty". It may also be referred to as a "penal code".

TERM	DEFINITION
Criminal law	Law that deals with criminal offences and the penalties that apply to those offences. Criminal offences are those considered deserving of punishment by the relevant country and may involve conduct that is harmful or threatening to other individuals, society, the state, or public order. Examples of criminal offences include murder, theft, assault, fraud, and tax evasion.
Decree or order	A command or decision issued by a court, government, or other authority that has the force of law, such as a divorce decree, judicial decree, or executive decree. A decree can require someone to do or not to do something, or to follow certain rules or procedures. It may also be referred to as an “order”.
Economic, social, and cultural rights	Rights that relate to the basic needs and well-being of people, such as the right to education, health, work, social protection, culture, and public participation. The extent of protection of these rights may vary in different countries.
Employment law	Law that regulates the relationship between employers and employees, such as the terms and conditions of work, wages, health and safety, discrimination, dismissal, and trade unions.
Equality law	Law that is aimed at promoting and protecting the equal treatment of people regardless of race, gender, disability, age, religion, sexual orientation, or marital status. Equality law may prohibit discrimination, harassment, and victimisation in areas such as employment, education, housing, goods and services, and public functions.
Family law	Law that deals with the legal aspects of family relationships, such as marriage, divorce, separation, cohabitation, parenthood, adoption, child custody, child support, domestic violence, and inheritance.
Freedom of information	The right to ask for and access information, including information held by public authorities, such as government departments, agencies, local councils, courts, and the police. Each country establishes its own laws around the extent to which its citizens have freedom of information rights. The principle of freedom of information aims to promote transparency and accountability of public institutions, and enable the public to scrutinise and participate in the decision-making processes that affect them. In some jurisdictions this is also referred to as “access to information”.

TERM	DEFINITION
Government policy	The set of principles, plans, actions, and decisions that a government adopts and implements to achieve its goals and address the issues and problems that affect its citizens.
Hard law	Law that is legally binding, such as statutes, legislation, regulations, treaties, contracts, and court judgments.
Human rights	Universal rights that recognise and protect the inherent dignity and worth of every human being, regardless of their status, identity, or situation. Human rights cover a wide range of civil, political, economic, social, and cultural rights, such as the right to life, liberty, expression, privacy, fair trial, education, health, and public participation and are protected to different extents at international and national level. For example, the European Convention on Human Rights has been signed by a number of European states and aims to protect and promote human rights and democracy in Europe by setting out certain obligations on countries to protect human rights.
Immigration law	Law that regulates the movement of people across national borders, such as the entry, stay, exit, and removal of non-citizens, as well as the rights and obligations of refugees, people seeking asylum, migrants, and stateless persons.
Intellectual property law	Law that protects creations of the human mind, such as inventions, designs, artworks, literary works, and slogans, and recognises a person's right to benefit from their original creations. Intellectual property can be protected in various ways, including through trademarks, copyrights and patents. Intellectual property law protects original creations from unauthorised copying, distribution, or adaptation by, for example, controlling the sale or use of the relevant work.
International law	Law that governs the relations and interactions between states, international organisations, individuals, and other actors in the global arena. It establishes binding and non-binding rules and principles in areas such as diplomacy, war, trade, human rights, environmental protection, criminal justice, and international cooperation. This area of law is often also referred to as "public international law".
Jurisprudence	The study and theory of law and its nature, sources, interpretation, application, and validity. It explores the philosophical, historical, sociological, comparative, and critical aspects of law, such as its role and function in society. Jurisprudence is also used to describe the body of law on a certain topic. For example, jurisprudence on social protection sets out the law, including case law, relating to social protection.

TERM	DEFINITION
Land rights	Rights that a party may be entitled to over land depending on the relevant country, for example with respect to ownership, use, access, control, and management of land and natural resources. Multiple parties can have multiple different rights over the same piece of land. Land rights can include, for example, the rights of indigenous persons to land which they have previously been forcibly moved from, collective land rights over, for example, a site of cultural importance, or rights over land that have been acquired by someone through having lived on that land for a long period of time. The extent of protection of land rights will depend on the relevant country that the land is situated in and the laws in that country.
Law	A system of rules and norms that regulate the behaviour and conduct of individuals, groups, and institutions in society, and that are recognised and enforced by the state or other authorities.
Legislation	Law that is made by a country's parliament, congress, or assembly. It is usually a country's primary source of law and includes acts, statutes, bills, laws, and regulations.
Non-discrimination law	Law that prohibits unfair or unequal treatment of people based on protected characteristics such as race, gender, disability, religion, or sexual orientation.
Penal code	A set of laws that establish which actions amount to crimes to be punished by the relevant country. A penal code defines and categorises criminal offences and the penalties that apply to those offences. It may also set out the principles and procedures that govern the criminal justice system, such as the idea that someone accused of a crime is "innocent until proven guilty." It may also be referred to as a "criminal code".
Precedent	An existing decision or ruling by a court that can be used as a guide or example for future cases with similar facts or issues. Precedents can help create consistency and predictability in the law.
Property law	Law that governs the ownership, transfer, use, and protection of rights and interests in property, such as land, buildings, goods, money, intellectual property, and natural resources.

TERM	DEFINITION
Protocol	A set of rules or guidelines that regulate the conduct or procedure of a specific activity, process, or situation, particularly in the field of diplomacy or international relations. For example, a diplomatic protocol can define the typical customs for official visits and meetings between diplomats. In the United Nations context, the term “protocol” refers to an agreement that is less formal than a treaty, but creates binding international law obligations.
Public interest law	Law that focuses on advancing the common good or the welfare of the public. Public interest law can involve litigation, advocacy, or policy reform in areas such as human rights, environmental protection, consumer rights, or social justice.
Public law	Law that deals with the relationship between private individuals and the state, or between branches or levels of government. Public law regulates the powers and duties of public authorities and the rights and obligations of individuals in relation to them.
Regulation	A rule made and enforced by an authority, such as a government, a regulator, or a professional body. A regulation can implement or supplement a law, or set standards or requirements for an activity, sector, or profession.
Soft law	Rules or instruments that are not legally binding or have weaker binding force than hard law, such as principles, recommendations, or guidelines. UN General Assembly resolutions are an example of soft law.
Statute of limitation	A law that sets a maximum time limit within which a party can bring a legal action or claim. Outside of the time limit set out by the statute of limitation, that legal action or claim is no longer valid. The time period will vary depending on the type of claim and the country in which the claim occurs.
Tort law	Law that deals with wrongs or injuries that a person or company causes to another, either intentionally or negligently, which do not amount to crimes. Tort law allows the injured party to seek compensation for the harm or loss they suffered. For example, a tort claim can arise from a breach of privacy, personal injury, damage to property, or medical malpractice.
Treaty	A formal agreement or contract between two or more countries or international organisations, which can be binding or non-binding. A treaty can establish rights and obligations, or set rules or standards, on matters such as trade, security, human rights, and environmental protection.

SECTION 03:

TYPES OF CASE



TERM	DEFINITION
Abuse of law	When someone uses the law or legal procedures in a dishonest or unfair way, for example, to avoid paying taxes, to harass someone, or to delay justice. For example, someone might abuse the law by filing a lawsuit that has no merit to intimidate or harass another person. Abuse of law can also occur when someone exploits a legal loophole or technicality to avoid their obligations.
Abuse of process	When someone misuses the legal system or a legal procedure for a purpose that is different from what it is intended for, for example, to harm someone's reputation, to extort money, or to gain an advantage in another case. An example of abuse of legal process could include bringing a frivolous claim to extort or defame someone, or to obtain evidence or information for an unrelated or illegal matter.
Action	Another word for a lawsuit or a legal proceeding, where one party sues another party for a remedy, such as damages (money), an injunction, or a declaration.
Breach of contract	When one party fails to perform their obligations under a contract, or performs them in a defective or incomplete way, without a valid excuse. This can give the other party a right to sue for damages, specific performance, or termination of the contract.
Breach of duty	When someone fails to act with the standard of care or skill that they owe to another person, for example, as a doctor, a driver, or a lawyer. The standard of care is the level of skill that a reasonable person in the same situation or profession would have, based on what is acceptable in the industry. Following the standard of care means applying the rules and best practices of a respective field, for example in medicine when a doctor is treating a patient or providing medical advice. Failing to act with the required standard of care and skill can give rise to a claim for negligence, if the breach causes harm or loss to the other person.
Case	Another word for a legal dispute or a legal matter that can be resolved by a court, a tribunal, or an alternative dispute resolution method, such as mediation or arbitration.

TERM	DEFINITION
Cause of action	The legal basis or the reason for bringing a claim or a lawsuit, for example, breach of contract, negligence, defamation, or fraud. It usually consists of a set of facts and a legal rule that entitles the claimant to a remedy.
Civil claim or case	A legal action that one person or group brings against another person or group to enforce a right, seek compensation, or prevent harm. Civil claims can involve disputes over contracts, torts, property, family, human rights, or other matters. The person making the claim must prove their case on the balance of probabilities, which means that it is more likely than not (more than 50% likely) that their version of events is true.
Claim	A demand or a request for a remedy, such as money, an injunction, or a declaration, that is made by one party against another party in a legal action. A claim can also refer to the document that sets out the facts and the legal basis of the claim.
Class action	A type of lawsuit where one or more people sue on behalf of a large group of people who have a common interest or a common claim, for example, consumers, employees, or communities. A class action can help to save time, money, and resources, and to ensure consistent outcomes. Note that a class action binds everyone who meets the description of the class, and thus is different from a group action, which only binds the members of a group who bring the claim. A class action is not available in all cases or in every jurisdiction.
Contempt of court	An offence or a behaviour that interferes with the administration of justice or the authority of the court, for example, disobeying a court order, lying under oath, or disrupting a court proceeding. Contempt of court can be punished by a fine, imprisonment, or both.
Counterclaim	A claim that is made by a defendant against a claimant in the claimant's legal action, either to reduce or to cancel the claimant's claim, or to seek a separate remedy, for example, damages, an injunction, or a declaration. A counterclaim can also refer to the document that sets out the facts and the legal basis of the counterclaim. For example, a defendant being sued for careless driving might make a counterclaim alleging the claimant was speeding or driving without insurance. Or, a tenant being sued for unpaid rent might make a counterclaim alleging the landlord failed to maintain the property or violated the lease agreement.
Crime	An act or an omission that violates a law that prohibits or commands it, and that is punishable by the state, for example, theft, assault, or murder.

TERM	DEFINITION
Criminal claim or case	A legal action that the state brings against a person or a group who is accused of breaking the law. Criminal claims can involve offences against the person, property, public order, or national security. The state has the burden of proving the guilt of the accused beyond a reasonable doubt, which means that the jury or judge can conclude with virtual certainty that the defendant committed the alleged offence. This does not mean that all doubt is removed, but that no reasonable alternative explanation is considered to exist based on the evidence provided.
Direct discrimination	A type of unlawful discrimination where someone is treated less favourably than another person because of a protected characteristic, such as race, age, gender, marriage and civil partnership, pregnancy, religion or belief, sexual orientation, or disability. For example if someone is denied a job, a service, or a form of social protection because of their protected characteristic. Direct discrimination can be intentional or unintentional and can be challenged under anti-discrimination laws.
Employment tribunal claim	A type of claim or a lawsuit that is brought by an employee or a worker against an employer or a former employer for a breach of their employment rights, such as unfair dismissal, discrimination, or unpaid wages. An employment tribunal claim is usually heard and decided by an employment tribunal, which is a special court that deals with employment disputes.
Frivolous claim	A type of claim or a lawsuit that is made without a serious or a valid legal basis, or that is made for an improper or a malicious purpose, for example, to harass someone, to delay justice, or to abuse the legal system. A frivolous claim can be dismissed by the court, and can result in sanctions, costs, or penalties for the person bringing such a claim.
Grounds	The reasons or the arguments that support or justify a claim, a defence, an appeal, or a decision, for example, the facts, the evidence, the law, or the policy that are relevant to the legal issue or the legal question. Grounds can also refer to the document that sets out the grounds of a claim, a defence, an appeal, or a decision.
Group action	A type of legal action where a group of people who have a common interest or claim join together to sue or be sued as one. This can help them share the costs and resources of litigation, and avoid inconsistent outcomes. Note that a group action is distinct from a class action, as a group action only binds the members of the group who bring the claim, while a class action binds everyone who meets the description of the class. Group actions may not be available in every claim or in every jurisdiction.
Harassment	A type of unlawful behaviour that involves unwanted and repeated conduct that causes another person distress, fear, or harm. Harassment can take many forms, such as physical, verbal, sexual, or online.

TERM	DEFINITION
Illegality	A term that describes an act or contract that is forbidden by law or contrary to public policy. Illegality can make an act or contract void, unenforceable, or subject to penalties or sanctions.
Indictable offence	In some common law jurisdictions, such as the United Kingdom and Australia, crimes are classified as indictable offences and summary offences. An indictable offence is a serious crime that can only be tried by a judge and jury in a higher court, such as the Crown Court. Examples of indictable offences include murder, rape, robbery, and fraud. Indictable offences usually carry longer sentences and harsher penalties than summary offences.
Indirect discrimination	A type of discrimination that occurs when a rule, policy, or practice that applies to everyone has a disproportionate and unjustified negative impact on a group of people who share a protected characteristic, such as race, age, gender, marriage and civil partnership, pregnancy, religion or belief, sexual orientation, or disability. Indirect discrimination can be intentional or unintentional, and can be challenged under anti-discrimination laws.
Infraction	In the United States, an infraction is a minor violation of the law, such as a traffic ticket or a noise complaint. It does not result in a criminal record, and usually only involves a fine or a warning. Infractions are handled by administrative agencies or courts, and do not require a jury trial or a lawyer.
Inquest	A type of legal inquiry that is held by a coroner, government official, or a judge to establish the facts and circumstances of a person's death, especially when it is sudden, violent, or unnatural. An inquest is not a trial, and does not determine criminal liability or civil responsibility. It can, however, make recommendations to prevent future deaths.
Judicial review	A type of legal action that allows a person or group to challenge the lawfulness of a decision, action, or omission made by a public body, such as a government department or official, a local authority, or a tribunal. Judicial review can examine whether the public body acted within its powers, followed the correct procedures, and respected the rights and interests of those affected.
Jurisdiction	The authority or power of a court or a tribunal to hear and decide a case, or to apply and enforce the law. It can also refer to the geographical area or the legal system within which a court or tribunal operates.

TERM	DEFINITION
Lawsuit	A general term for a legal action that involves a dispute between two or more parties over a matter of law or fact. A lawsuit can be initiated by a claimant or a plaintiff who seeks a remedy, such as damages, injunction, or declaration, from a defendant who is alleged to have caused harm or breached a duty. A lawsuit can be settled out of court or decided by a judge or a jury.
Legal rights	The entitlements or protections that a person or group has under the law. Legal rights can be derived from statutes, constitutions, treaties, or common law. Legal rights can be enforced by courts or other mechanisms, and can be limited or balanced by other rights or interests.
Legal standing	The right and ability of a person or group to bring a case or claim to a court or legal body. Legal standing usually requires the person or group to demonstrate a direct and personal interest in the case or claim, and that they have suffered or will suffer some harm or injury from the other party's conduct.
Litigation	The process of bringing or defending a lawsuit in a court of law. Litigation involves various stages, such as filing pleadings, conducting discovery, attending hearings, and appealing judgments. Litigation can be costly and time-consuming.
Mass action	A type of legal action, particularly in the United States, where a large number of people who have similar or related claims join together to sue or be sued as separate parties. This can help them coordinate their strategies and arguments, and increase their bargaining power. Mass action is different from group action, as each claimant retains their individual identity and control over their claim. Note that a mass action may not be available in every claim or in every jurisdiction. An example of a mass action could include when consumers are injured on a large scale by defective drugs. As the reaction to defective drugs can differ greatly on an individual basis, these cases would rarely fit into a single class, thus requiring a mass action instead of a class or group action.
Negligence or Negligent	A type of tort or civil wrong that involves a breach of a duty of care that causes harm to another person or property. Negligence can occur when a person acts or fails to act in a way that a reasonable person would in the same situation. To prove negligence, a claimant must show that the defendant owed them a duty of care, that the defendant breached that duty, that the breach caused the harm, and that the harm resulted in loss.

TERM	DEFINITION
Offence	A violation of a law or a rule that is punishable by a penalty or a sanction. Examples of offences include murder, fraud, theft, and contempt of court.
Personal injury	A type of legal claim that arises from physical or psychological harm to a person caused by the negligence or wrongdoing of another person or entity. Personal injury can include injuries from accidents, medical malpractice, defective products, workplace hazards, or intentional acts. Personal injury claims can seek compensation for medical expenses, lost income, pain and suffering, and other losses.
Plea	The answer that a person accused of a crime gives in court to the charges against them. There are usually three types of plea: guilty, not guilty, or no contest. A “guilty” plea means the person admits they committed the crime and accepts the consequences. A “not guilty” plea means the person denies they committed the crime and wants to have a trial. In criminal trials in certain United States jurisdictions, a no contest plea means the person does not admit or deny the crime, but agrees to accept the punishment. In other jurisdictions such as England and Wales, a “no contest” plea is not permitted, and the defendant must either plead “guilty” or “not guilty”.
Probate	The legal process of proving that a will is valid and carrying out the wishes of the person who died. Probate involves identifying and valuing the deceased person’s estate, paying any taxes and fees, and distributing the remaining assets according to the will. Probate may be supervised by a court, or done informally by the executor or administrator of the estate, depending on the laws of the country or the complexity of the case.
Procedural unfairness	A flaw or defect in the way a decision, action, or process was carried out by a public body or a private entity. Procedural unfairness can involve a failure to observe the relevant procedures, or a lack of transparency, consultation, impartiality, or reasonableness. Procedural unfairness can be a ground for challenging or appealing a decision or action.
Prosecution	The process of initiating and conducting a criminal case against a person or entity who is accused of committing a crime. Prosecution is usually carried out by a public official, such as a prosecutor, who represents the state or the public interest. Prosecution involves various stages, such as filing charges, presenting evidence, making arguments, and seeking a conviction and a sentence.

TERM	DEFINITION
Public interest litigation	A type of legal action available in some jurisdictions that is brought by a person or group to advance or protect a public good, such as human rights, environmental justice, or social welfare. Public interest litigation can challenge the actions or inactions of public bodies or private entities that affect the rights or interests of a large number of people or a marginalised group. Public interest litigation can also seek to reform or clarify the law or policy on a matter of public concern. In the United Kingdom, however, public interest litigation is not a distinct category of legal action, and a person or group who wants to challenge a public decision or act on public interest grounds would have to use the procedure of judicial review, which is a process of reviewing the lawfulness of a public authority's decision or action.
Representative action	A type of legal action where a person or group who has a claim or interest that is typical or common to a larger class of people or entities acts as a representative of that class or individuals in that class, and sues or is sued on their behalf. Representative actions can be on an individual basis, meaning that one person or group acts as the representative, or on a group basis, meaning that more than one person or group act as the representatives. Representative action can help to avoid multiple or conflicting lawsuits, and to ensure that the interests of the class are adequately represented.
Right	A moral or legal principle that entitles a person or group to have, do, or claim something. Rights can be natural or human, or derived from law or contract. Rights can be exercised, waived, transferred, or enforced. For example, the right to a fair trial is a legal right that ensures a person is subject to the due process of law, while the right to vote is a legal right that grants a citizen the right to participate in elections.
Rights of audience	The legal permission to speak and represent someone else in a court or a tribunal. Not everyone has rights of audience, only those who are qualified and authorised by law or by the court or tribunal itself. Rights of audience are meant to ensure that people have fair and effective access to justice and can defend or pursue their interests.
Strategic litigation	A type of legal action that is designed to achieve a broader social or political change, beyond the immediate interests of the parties involved. Strategic litigation can use the courts or other legal mechanisms to challenge or influence the law, policy, or practice on a matter of public importance, or to raise awareness or mobilise support for a cause.
Sue	To sue means to initiate or pursue a lawsuit against another person or entity, in order to seek a remedy or a relief for a harm or a wrong. To sue someone, a person or group must have a valid legal claim, a standing or a right to sue, and a jurisdiction or a venue to sue. To sue someone, a person or group must also follow the rules and procedures of the court or the tribunal.

TERM	DEFINITION
Suit	A noun that means a lawsuit. A suit is a legal action that involves a dispute between two or more parties over a matter of law or fact.
Summary offence	In some common law jurisdictions such as the United Kingdom and Australia, crimes are classified as indictable offences and summary offences. A summary offence is a type of crime that is usually less serious and can be dealt with by a lower court, for example, a magistrates' court. Summary offences do not have a jury trial. Examples of summary offences include minor traffic violations, public order offences, and some thefts.
Tort	<p>A category of civil wrongs that involve a breach of a duty or a violation of a right that causes harm to another person or property. A breach of duty is the failure of a person or entity to act with the standard of care that a reasonable person or entity in the same or similar situation would exercise, thus exposing another person or entity to an unreasonable risk of harm. The standard of care is the level of skill that a reasonable person in the same situation or profession would have, based on what is acceptable in the industry.</p> <p>Torts broadly fall into three categories: intentional torts (i.e. intentionally hitting a person); negligent torts (e.g. causing an accident by failing to obey traffic rules); or strict liability (e.g. liability for making or selling defective products). Torts can be remedied by damages, injunctions, or declarations.</p>
Unlawful	An act or a state of affairs that is contrary to or prohibited by law. Unlawful can also mean the same as illegal, but sometimes there is a distinction between the two terms, depending on the context and the jurisdiction. Unlawful can imply a civil wrong or a breach of contract, while illegal can imply a criminal offence or a violation of public policy.

SECTION 04:

TYPES OF DOCUMENTS



TERM	DEFINITION
Affidavit	A written statement that is sworn to be true in the presence of a person who can administer oaths, such as a lawyer, notary, or court official. An affidavit can be used as evidence in court.
Agreement or contract	An arrangement or promise between two or more parties that creates legal rights and obligations. It can be written, verbal, or implied by a person or entity's conduct, which means that it arises from the actions, behaviours, or circumstances of the parties involved.
Appearance Notice	A document that informs a person that they are accused of committing a criminal offence and must appear in court at a certain date and time to respond to the case against them. It is usually issued by a police officer or prosecutor.
Application	A request that a person makes to a court or a tribunal to do or authorise something. For example, an application might ask for an injunction to stop someone from doing something. An application can be made before, during, or after a legal proceeding, depending on the circumstances. It must be supported by evidence and arguments, and usually must be served on the other parties involved.
Bibling or bundling	The process of preparing and organising the documents that a lawyer or a party will use in a court hearing or a trial. This involves making copies, paginating, indexing, and binding the documents into a folder. Bibling helps the court and the parties to access and refer to the relevant materials easily and efficiently.
Brief	A document that a lawyer or a party prepares and submits to a court, a tribunal, or to a lawyer instructed in the case to explain the party's position and arguments on a legal issue or a case. A brief can be written or verbal. It must follow the rules and the format of the court or the tribunal, and cite the relevant facts, evidence, and law.

TERM	DEFINITION
Certified Copy	A copy of an original document that has been verified by an authorised person, such as a lawyer or court official. A certified copy can be used as evidence or proof of the original document in legal proceedings. A certified copy is different from a notarised copy, which is a copy that has been witnessed and signed by a notary.
Claim Form	A document that a person uses to start a civil claim against another person or entity. A claim form must contain the names and addresses of the parties, the details and legal arguments forming the basis of the claim, the remedy sought, and the date and signature of the person making the claim. A claim form must be filed with the court and served on the other party.
Court file	A collection of all the documents and records that are filed or submitted to a court in a court case or a legal proceeding. A court file is kept by the court and is assigned a unique number and a name. It can include documents such as the claim form, the defence, evidence submitted by the parties, any orders, details of the claim, and judgment. It can be accessed by the parties, their lawyers, or the public, depending on the rules and the type of case.
Evidence	Any information or material that is used to prove or disprove a fact or a claim. Evidence can be verbal, such a statement by a witness, or documentary, such as a document, email, text, photograph, or a video. A court may exclude evidence because it is not relevant, hearsay, or otherwise inadmissible.
Exhibit	A document or physical object that is attached to a statement or presented in a court or tribunal as evidence. An exhibit can be admitted or rejected by the court or the tribunal, depending on its relevance, reliability, and admissibility.
Filing	The process of submitting or delivering a document to a court or a tribunal. This can be done in person or by mail, fax, email, or other online service, depending on the rules and the system of the court or the tribunal.
Law Report	A publication that contains the official reports of the judgments or decisions of a court or a tribunal. It can be printed or electronic, and can be general or specific, depending on the jurisdiction and the subject matter.

TERM	DEFINITION
Letter of Claim	A document that a person or their lawyer sends to another person or entity to notify them of a potential or actual claim against them. It must include the details and legal arguments forming the basis of the claim, the remedy sought, and the deadline and consequences of not responding to or settling the claim. A letter of claim may be a pre-litigation requirement, or a recommended voluntary step, depending on the rules and the type of claim.
List of Documents	A list that parties in a civil claim exchange, identifying the documents that are relevant to their case and in their possession or control. The list usually describes the documents by their nature, date, author, recipient, and subject matter, and must indicate whether the documents are privileged or confidential. The list may be a requirement or ordered by the court, depending on the rules and the type of claim.
Material facts	The facts that are relevant and important for the outcome of a claim. They are the facts that the parties need to prove or disprove, through the use of evidence, to support their arguments and positions.
Notice	A formal document or communication that informs a party or a person of something that affects their rights, obligations, or interests. For example, a notice of claim, a notice of appeal, or a notice of hearing.
Notice of appeal	A document that a party files to start the process of challenging a decision made by a lower court or tribunal. It usually sets out the grounds of appeal and the remedy sought.
Notice of claim	A document that a party sends to another party to inform them of a potential legal claim or dispute. It usually outlines the facts, the basis of the claim, and the remedy sought.
Notice of hearing	A document that informs the parties or their lawyers of the date, time, place, and purpose of a hearing. It may be issued by the court or by the party who requested the hearing, and may be served on the other party or their lawyer. A notice of hearing may include instructions or requirements for the hearing, such as the filing of evidence, the submission of arguments, or the attendance of witnesses.

TERM	DEFINITION
Notarised copy	A copy of an original document that has been verified and stamped by a notary, who is a qualified person authorised to witness and certify certain documents. A notarised copy may be required for official purposes.
Particulars of claim	A document that sets out the details of the claimant's case against the defendant. It usually includes the facts, the legal arguments forming the basis of the claim, and the remedy sought by the claimant. It is part of the pleadings in a civil claim.
Pleadings or statements of case	The written statements of the parties that are used to define the issues and the scope of the dispute. They outline the parties' claims, defences, and counterclaims in a civil claim. They usually consist of the claim form, particulars of claim, statement of defence, and any reply or further statements.
Power of attorney	A legal document that authorises a person or an organisation to act on behalf of another person or an organisation in specified matters or situations. For example, a power of attorney can allow someone to manage another person's finances, property, or healthcare decisions.
Reply	A document that a claimant can file in response to the statement of defence. It addresses the defendant's defences and any counterclaims. A reply is not mandatory, but may be filed where the defendant raises counterclaims or new issues. It is part of the pleadings in a civil claim.
Statement	A written or oral account of facts, events, or opinions given by a party or a person. For example, a witness statement, a statement of truth, or a statement of case.
Statement of claim	A document that sets out the legal arguments forming the basis of a civil claim in some jurisdictions. It is another name for the particulars of claim.
Statement of defence	A document that responds to the particulars of claim or the statement of claim in a civil claim. It usually admits or denies the allegations, raises any defences, and makes any counterclaims. It is part of the pleadings in a civil claim.

TERM	DEFINITION
Statement of truth	A declaration that a party or a witness makes at the end of a document or a witness statement to confirm that the contents are true to the best of their knowledge and belief. There may be legal consequences if the statement is false or misleading.
Summons	A document that orders a party or a person to appear in court or to do something related to a claim. It is usually issued by a court and applies in both civil and criminal contexts. For example, a summons can require a person to attend court as a witness or a defendant to answer a criminal charge.
Title of proceedings	The formal name and identification of a claim. It usually includes the names of the parties, the name of the court, and the type of case. For example, Smith v Jones, High Court of Justice, Claim No. 123456.
Transcript	A written record of exactly what was said or done in court or in a hearing. It usually includes the names of the speakers, the questions and answers, the evidence and arguments, and the rulings and orders. It is prepared by a court reporter or transcriber either as the case proceeds or from a tape recording made by the court.
Warrant	A document that authorises a person or an organisation to do something that would otherwise be unlawful or restricted. For example, a warrant can allow the police to search premises, arrest a suspect, or seize evidence. It is usually issued by a judge or magistrate.
Witness statement	A document that contains the evidence of a person who has seen, heard, or knows something relevant to a claim. It usually includes the person's name, address, and relationship to the parties, and the facts and opinions that they have knowledge of. It must be dated and signed by the person.
Writ	A formal document that orders a person or organisation to perform a specific action. It is usually issued by a court. In some jurisdictions, a writ is used to start a civil claim, in other jurisdictions it is used for matters such as enforcing a court order.

SECTION 05:

PARTS OF THE LITIGATION PROCESS



TERM	DEFINITION
Abandoned	When a party gives up a legal claim or action.
Acceptance of service	When a party agrees to receive the documents that start or continue a legal action, such as a claim form or a notice of appeal.
Acknowledgement of service	A document that a party must file with the court and give to the other party within a specified time limit, to confirm that they have received the documents that start or continue a legal action, and to indicate whether they intend to contest or admit the claim or appeal.
Adjourn or Adjournment or Postponement	When a court reschedules a hearing, trial, or other proceeding to a later date. This may be for various reasons, including a need for more time, the absence of a witness, or at the request of a party to the case.
Adjudge or Adjudicate or Adjudication	When a court or a tribunal makes a formal decision or judgment on a disputed matter, after considering the evidence and arguments of the parties.
Admissibility of evidence or Admissible evidence	The rules and principles that determine whether a court or a tribunal can consider a piece of evidence, such as a document, a witness statement, or an expert opinion, in a legal action. To be admissible, evidence must be relevant, reliable, and not unfairly prejudicial or misleading. If the evidence is inadmissible this means it cannot be considered and will be excluded or disregarded.
Admission	When a party agrees that a fact or claim that the other side has raised is true.

TERM	DEFINITION
Affirmation or Oath	A solemn promise that a person makes before a court or tribunal, to confirm that they are telling the truth. An oath is typically taken with a religious book, while an affirmation is non-religious.
Alternative dispute resolution	A term that covers various methods of resolving disputes without going to court, such as mediation or arbitration. These methods can be faster, cheaper, and less adversarial or contentious than litigation, and can help the parties reach a mutually acceptable outcome.
Answer	A document that a party files with the court and serves on the other party in response to a claim to deny or admit the allegations, raise any defences, and make any counter-allegations or counter-demands.
Appeal	A legal process by which a dissatisfied party to the case can ask a higher court to review and change the decision of a lower court, on grounds of an error of law, fact, or procedure.
Arraignment	A hearing in a criminal court, where a defendant is formally charged with an offence, and is asked to enter a plea of guilty or not guilty.
Arrest	When a person is taken into custody by a police officer or another authorised person, on the suspicion of committing a crime, or for the purpose of bringing them before a court or a tribunal.
Attest	To witness and confirm the validity or authenticity of a document, such as a will, a contract, or a deed, by signing it or affixing a seal.
Case management	The process of organising the procedure and conduct of a legal proceeding, including matters such as disclosure, evidence, witnesses, timetables, and costs. Case management aims to ensure that a legal case is handled efficiently, effectively, and fairly, and that it meets the objectives and expectations of the parties, the court, and the justice system. Case management can be performed by judges, magistrates, arbitrators, mediators, court administrators, lawyers, paralegals, or case managers.

TERM	DEFINITION
Case stated	When a lower court refers a question of law to a higher court on the basis of a specified set of facts. A case stated may be used for various purposes such as to obtain guidance on a novel or complex point of law, to correct an error of law, or to harmonise conflicting or inconsistent decisions of lower courts on the same or similar issues.
Charge	A formal accusation that someone has committed a crime. This is usually issued by a prosecutor after reviewing the police investigation and the available proof.
Communicated case	A case that is dealt with by the court through written communications, such as letters or emails, rather than oral hearings. This may be done to save time and costs, or because the issues are straightforward or uncontested. In the context of the European Court of Human Rights (ECtHR), a communicated case refers to a case that has been communicated to the government of the country being sued before the ECtHR. In general, communication is a procedural step that indicates that the ECtHR has decided to examine the admissibility of a case.
Conference	A meeting between the parties and their lawyers, or between the lawyers and the judge. This may be done for various reasons, such as to discuss the case and to try to resolve some of the issues in dispute.
Contest	To challenge or oppose something in a legal proceeding, such as a claim, defence, witness statement, or piece of evidence.
Cross-examination	When a witness is questioned by the opposing party in a case, after giving their testimony or evidence. This is done to test the credibility, accuracy, or consistency of the witness and their statements.
Default or Default hearing	Default means failing to do something that is required by the court, such as filing a defence, paying a fee, or attending a hearing. A default hearing is a hearing where the court decides what to do about a default, such as imposing a penalty.
Default judgment	A judgment that is issued without a hearing, usually because the defendant has failed to respond to the claim within a specified period (e.g. by filing an acknowledgement of service, or a defence).

TERM	DEFINITION
Defence	The response of the defendant to the claim. The defence may deny, dispute, or admit part or all of the claim. The defence may also raise any counterclaims or defences that the defendant has.
Disclosure	The process of providing relevant documents or information to the other party or the court for inspection. Disclosure may be voluntary or compulsory in accordance with a court order, and is done to help the parties and the court understand the facts and evidence of the case.
Discontinuance	The act of withdrawing a claim, either by the party who made it or by the court. Discontinuance may have consequences for the rights and liabilities of the parties, and for the costs and fees of the case.
Discovery	A term that is sometimes used interchangeably with disclosure. It refers to a pre-trial process whereby parties exchange documents and information that may be relevant to the case. This may involve, among other things, the production of documents, or obtaining testimony from a witness.
Dismissal	Where the court terminates a claim, either at the request of a party or as an independent decision. This may be done, for example, if the court lacks jurisdiction, or if the statute of limitation on the claim has expired. Dismissal may be done with or without prejudice, meaning that it may or may not affect the ability of the party to bring the same claim in the future.
Examination	The process of questioning a witness to obtain or challenge their testimony. Examination may be done by both the party who called the witness and the opposing party.
Fast track	A procedure designed to deal with cases that are relatively simple or low-value. Fast track cases may have different procedural rules designed to reduce the formalities and costs involved.
Hearing	A session where the court hears the arguments, evidence, and submissions of the parties or their lawyers. A hearing may be held for various purposes, such as to decide a preliminary issue, to review a procedural application, or to conduct a trial. A hearing may be held in public or in private.
Intervention	The entry into a case by a third party who has an interest in the outcome. A third party may have an unconditional right to intervene (called intervention “as of right”) or may do so by applying to the court for permission.

TERM	DEFINITION
Issuing proceedings	The act of starting a legal action or a lawsuit by filing a document that sets out the claim or the application, such as a claim form, a writ, a summons, a complaint, or a petition. Issuing proceedings may also involve paying a fee, serving the document on the other party, or registering the document with the court. Issuing proceedings may trigger certain rights and obligations, such as the right to a trial, the duty to file a defence, or the limitation period.
Judgment	A decision or order of a court or tribunal in a legal case, which determines the rights and obligations of the parties involved. A judgment may also include the reasons for the decision and the remedies awarded.
Motion	A United States term for a request or application made by a party to a court or a judge for a specific order or decision. For example, a motion to dismiss a claim or a motion for summary judgment.
Offer to settle	A proposal that one party makes to another to resolve the case, or part of it, by agreeing to certain terms. Such terms may include paying a sum of money, or performing or refraining from an act. An offer to settle may be made before, during, or after the trial. Rejecting an offer to settle may have implications for the costs of the case.
Paper hearing	A hearing that is held without the physical presence or oral participation of the parties or their lawyers, and that is based solely on the written cases provided to the court. A paper hearing may be held to save time and costs, or because the issues are simple or uncontested. A paper hearing may be ordered by the court or agreed by the parties.
Permission stage	A step that is required for certain cases, where the party who wants to pursue the case has to obtain the permission of the court before they can proceed. This procedure is used to filter out or discourage cases or applications that are frivolous, abusive, or hopeless.
Petition	A document that initiates a legal action, such as divorce, bankruptcy, probate, or judicial review. A petition generally sets out the facts and grounds of the case as well as the petitioner's requested relief. A petition may also be accompanied by other documents relating to the case.
Pre-action disclosure	When one party provides documents to another prior to starting a court case, either upon request or following a court order. This is done to clarify the issues in dispute, avoid unnecessary litigation, and encourage settlement.

TERM	DEFINITION
Pre-action protocol	A set of guidelines that parties should follow before starting a court case. They usually involve exchanging information, narrowing the issues in dispute, and trying to resolve the matter as far as possible prior to litigation. The court may take into account parties' compliance with the protocol when deciding costs and other matters.
Pre-litigation or Pre-action or Pre-dispute	The stage before a lawsuit is filed, where the parties may try to resolve their dispute through negotiation, mediation, or other alternative dispute resolution methods. Resolving the dispute at the pre-litigation stage can save time, money, and stress for both sides, and may avoid the need for going to court.
Pre-trial conference	A hearing in court or meeting between the parties and the judge before the trial. The purpose is to discuss the issues, evidence, witnesses, timetable, and any other matters to ensure a smooth and efficient trial. The judge may give directions or orders at the conference.
Preliminary hearing	A hearing that takes place before the main trial or hearing. The purpose is to deal with preliminary or procedural matters, such as admissibility of evidence, disclosure of documents, or the jurisdiction of the court. The judge can make rulings or orders at the hearing.
Proceeding	A general term for any legal action or process that takes place before a court or tribunal. A proceeding can also refer to a specific part of a legal action, such as a motion, an application, or a trial.
Ratification	When a person or entity confirms or approves a previous act done by someone else on their behalf. For example, a company can ratify a contract that was signed by an employee without proper authority. Ratification can make the act or agreement legally valid and binding. In international law, ratification is the process by which a state declares its consent to be legally bound by a treaty. Ratification usually takes place after the state has signed the treaty and completed its domestic procedures for approval.
Recognisance	A promise that a person makes to a court to abide by certain conditions, such as paying a sum of money, appearing in court, or keeping the peace. A recognisance can be secured by a deposit of money. If the person fails to fulfil the recognisance, they can lose the money or face other consequences.
Record	The official and complete account of a court case or a legal action. The record usually includes the documents filed by the parties, transcripts of the hearings, exhibits admitted into evidence, orders of the court, and the final decision. The record can be used for reference, review, or appeal.

TERM	DEFINITION
Reserve judgment	When a judge or a tribunal decides to take additional time to consider the evidence and the law before giving their final decision. The judge or tribunal can reserve judgment after hearing the parties' submissions, or after asking for further information or clarification. The judge or the tribunal will usually give a timeframe for delivering the judgment.
Revoke	When a person or entity cancels or withdraws a previous act or agreement. For example, a person can revoke a will or revoke their consent.
Rules of court	The procedural rules for a court or tribunal. The rules of court may cover various aspects, such as time limits and extensions of those time limits, evidence and witnesses, hearings, and judgments and appeals.
Service or Serve	The act of formally delivering a document or notice to another party in a legal action. This may be done to prove that the other party has received the document or notice and is aware of the legal action.
Stay (of proceedings)	A temporary or permanent halt to a legal action, usually ordered by a court or agreed by the parties. A stay may be granted for various reasons, such as to allow for settlement negotiations, to await the outcome of another case, or to protect the rights of a party.
Substantive hearing	A hearing where the court decides the main issues of a case, based on the evidence and arguments of the parties. A substantive hearing may be the final stage of a legal action, or it may be followed by further hearings on specific matters, such as damages or costs.
Submission	A statement or argument made by a party or their lawyer to the court, either orally or in writing. A submission may present the facts, the law, or the evidence that support a party's position or request.
Summing up	A summary of the main points of a case, given by a judge or a lawyer to the court, at the end of a hearing. A summing up may highlight the key evidence, the relevant law, and the arguments of the parties. A summing up may also include instructions or guidance for the court to reach a decision, especially if the court is a jury.

TERM	DEFINITION
Testimony	An oral or written statement made by a witness under oath or affirmation to the court. A testimony may provide factual information, opinions, or explanations that are relevant to a case. A testimony may be subject to examination, cross-examination, and re-examination by the parties or their lawyers.
Trial	A hearing where the court assesses the facts and law relevant to a case, and decides the outcome. A trial may involve the presentation of evidence, the examination of witnesses, and submissions from each party.
Upheld	When a higher court confirms the decision of a lower court. For example, if an appeal court upholds the verdict of a trial court, it means that the appeal court agrees with the trial court and does not change the verdict.
Verdict	The final decision of a court or a jury on a case. A verdict may state whether a party is guilty or not guilty in a criminal case, or whether a party is liable or not liable in a civil case. A verdict may also include the reasons for the decision.
Waive	A term used to describe the giving up of a right, claim, or privilege. For example, a party may waive their right to a jury trial, their right to appeal, or their right to object to evidence. A waiver may be intentional, unintentional, or implied.
Withdrawal	Taking back something that was offered, stated, or claimed. For example, a party may withdraw their complaint, a piece of evidence, or an admission. This may have legal consequences.

SECTION 06:

TYPES OF COURT AND OTHER BODIES



TERM	DEFINITION
Appellate Court or Court of Appeal	A court that reviews the decision of a lower court where the lower court's decision has been appealed by one of the parties in the case. The Appellate Court can uphold, overturn, or modify the decision of the lower court, or order a retrial or new hearing. Appellate Courts usually do not hear new evidence or witnesses, but focus on the legal arguments and the application of the law.
Arbitration	A way of resolving disputes without going to court, where the parties agree that the arbitrator(s) (a neutral person or panel who are appointed either by the parties or by an independent body) decide the outcome. The arbitrator(s) issues an "arbitration award". This is usually a legally binding decision, which can be enforced by a court if necessary, unless the parties have agreed that the process will be non-binding. Arbitration can be faster, cheaper, and more private than litigation, but it can also limit the parties' rights to appeal or challenge the decision.
Criminal Court	A court that deals with criminal cases, such as murder, theft, or fraud. The Criminal Court usually has a judge and a jury. The jury decides the guilt or innocence of the accused and the judge decides the sentence if convicted.
Chancery Division	One of the three divisions of the High Court of England and Wales, which handles cases involving civil disputes, including issues concerning property, business, and intellectual property. The Chancery Division can grant various remedies, such as damages, injunctions, declarations, or orders for specific performance. See also the King's Bench Division and the Family Division for the other High Court divisions.
Circuit Court	A court that has jurisdiction over a geographical area, such as a region, district, or state. Circuit Courts can hear civil, criminal, family, or probate cases, depending on the rules and laws of the jurisdiction. Circuit Courts can also be Appellate Courts.
Civil Court	A court that deals with "civil law", i.e. disputes between individuals, groups, or organisations, where the claimant seeks compensation, damages, or another remedy from the defendant. Civil Courts can hear civil law cases involving contracts, torts, negligence, human rights, consumer rights, or employment, among others. Civil Courts usually have a judge, who decides the outcome based on the evidence and the law, but in some limited cases there may also be a jury.

TERM	DEFINITION
Constitutional Court	A court that has the power to interpret and apply the constitution of a country or a state, and to decide whether laws, policies, or actions are constitutional or not. Constitutional Courts can also protect the rights and freedoms of the citizen, and resolve conflicts between levels of government.
County Court	A court that has jurisdiction over a smaller geographical area than a Circuit Court, such as a county or province. County Courts usually have a judge who decides the outcome based on the evidence and the law. In some jurisdictions, County Courts deal with civil matters (such as England and Wales), but in other jurisdictions the County Court deals with more serious civil and criminal offences (such as Australia and the United States)
Court of Cassation	The highest Court of Appeal or Appellate Court in some countries, such as France, Italy, and Turkey. A Court of Cassation can only decide on whether the law has been applied correctly in the lower court, it cannot review the facts or evidence. It can annul or quash lower court decisions that violate the law or the constitution, or refer them back to lower courts for reconsideration.
Court of First Instance	Any court that hears a case for the first time, before any appeals. The name and structure of the Court of First Instance vary depending on the type of case and the country.
Court of Justice of the European Union (CJEU)	A court that interprets and applies the laws of the European Union (EU), such as the treaties, regulations, and directives, so that they are applied in the same way in all EU member states. It consists of two courts of law: the Court of Justice, which hears cases involving whether acts of EU institutions are legal and the obligations of member states; and the General Court, which hears cases brought by individuals, companies and, in some cases, EU governments, involving competition, trade, and intellectual property. It can also give preliminary rulings on questions of EU law referred to them by national courts.
Court of Protection	A court in England and Wales that makes decisions on behalf of people who are considered to lack the capacity to make decisions. This may include people with dementia, brain injury, or certain medical conditions.

TERM	DEFINITION
Employment Tribunal	A tribunal that hears cases involving employment rights and disputes, such as unfair dismissal, discrimination, redundancy, or whistleblowing. It is not a court, but a quasi-judicial body that operates independently of the government, chaired by an employment judge and, sometimes, two non-legal members. It can award compensation or other remedies to the parties. Its decisions can be appealed to higher courts.
Environment Tribunal	A tribunal that hears cases involving environmental issues, such as pollution and waste. It is not a court, but a quasi-judicial body that operates independently of the government, comprised of specialised environmental judges. In some jurisdictions, an Environment Tribunal will handle appeals against the decisions or actions of environmental regulators, agencies, or authorities, and order them to comply with the law, pay damages, or take corrective measures.
Equality Body	A body that has a mandate to promote and protect the equal treatment of people who face discrimination, harassment, or victimisation based on their protected characteristics, such as age, disability, gender, race, religion, or sexual orientation. It is not a court, but a statutory or independent body that operates under the law. It can provide advice and support those harmed by discrimination, and initiate investigations. The powers of Equality Bodies differ across countries. In some countries, Equality Bodies have legal standing, meaning they are able to take cases to court. In others, they are able to make legally binding decisions or legal and policy recommendations.
European Court of Human Rights (ECtHR)	An international court based in Strasbourg, France that hears cases involving the violation of human rights and fundamental freedoms under the European Convention on Human Rights (ECHR), which is a treaty signed by 47 European countries. It is not part of the European Union, but a separate institution. It can receive applications from individuals, groups, or states who claim that their rights have been breached by a country which is party to the ECHR. It can issue binding judgments, declare violations, or award damages or other remedies to the applicants. Also known as the Strasbourg Court.
Family Court or Family Division	A court that hears cases involving family matters, such as divorce, child custody, or domestic violence. It can also hear cases involving the welfare or protection of children, such as abuse, neglect, or care proceedings. It can make orders or agreements that affect the rights and responsibilities of family members, such as who they live with or how they share their assets or debts. An example of a family court is the Family Division, which is one of the three divisions of the High Court of England and Wales. See also the Chancery Division and King's Bench Division for the other High Court divisions.

TERM	DEFINITION
Grand Chamber	A formation of a court that consists of a panel of a larger number of judges than would usually hear a case. It is reserved for cases that are of exceptional importance or complexity. For example, the Grand Chamber of the European Court of Human Rights (ECtHR) consists of 17 judges and is convened in exceptional cases. It is the last instance court of the ECtHR, which means its verdicts cannot be appealed.
High Court of Justice	A mid-level court that hears cases of high value, complexity, or public interest. In England and Wales, the High Court of Justice is the Court of First Instance for all high value or complex civil law cases; it can also hear appeals from lower courts or tribunals. In England and Wales, it is divided into three divisions: the King's Bench Division, the Chancery Division, and the Family Division.
Human Rights Committee	A body of independent experts that monitors how countries implement the International Covenant on Civil and Political Rights (ICCPR), a United Nations' treaty that protects civil and political human rights such as freedom of expression, fair trial, and equality. The committee can review complaints from individuals or groups who claim that their rights have been violated by a country that is a party to the ICCPR. The committee can also provide guidance to countries on how to comply with their obligations.
King's Bench Division (KBD)	The largest of the three divisions of the High Court of England and Wales, which deals with the more complex civil cases involving contract and tort. It also hears specialist matters such as applications for judicial review, and some criminal cases, such as appeals from Magistrates' Courts. The KBD includes within it a number of specialist courts, such as the Administrative, Admiralty, Commercial, Planning, and Technology and Construction courts. See also the Chancery Division and the Family Division for the other High Court divisions.
Lands Tribunal	A specialised Tribunal that hears disputes about land valuation and other property-related matters. The Land Tribunal is a quasi-judicial body comprised of specialised judges and chartered surveyors. It operates in England and Wales, Scotland, and Northern Ireland, with different names and rules in each jurisdiction.

TERM	DEFINITION
Magistrates' Court	A lower-level court that handles criminal cases (such as common assault) and some civil cases. Cases may be heard by District Judges or Magistrates, who can impose fines, community sentences, and short prison terms. More serious cases are referred to higher courts for trial and/or sentencing after the defendant has been found guilty in the Magistrates' Court.
Mediation	A form of alternative dispute resolution that involves a neutral third party, called a mediator, who helps the parties communicate, negotiate confidentially, and reach a voluntary settlement of their dispute. Mediation is usually faster, cheaper, and more flexible than going to court, and can better preserve the relationship between the parties.
National Human Rights Institutions (NHRIs)	Independent bodies that are established by law or constitution to promote and protect human rights in a country. They monitor human rights, receive and investigate complaints, advise the government, educate the public, and cooperate with international human rights mechanisms. The powers of NHRIs differ across countries. In some countries, they handle complaints and provide legal assistance to individuals to enforce their rights.
Ombudsperson	An official who investigates and resolves complaints from the public about the actions or decisions of public authorities, companies, and organisations. An Ombudsperson acts independently and impartially. A person may wish to take their complaint to an Ombudsperson where they have already complained to the organisation and the issue could not be solved through the usual complaints procedure.
Privy Council	A formal body of advisers to the head of state in some countries. Advisers are usually individuals who have held senior political, judicial, or religious positions. In the United Kingdom, the Privy Council is a court that hears final appeals from the courts of some Commonwealth countries.
Supreme Court	The highest Appellate Court in many jurisdictions. The Supreme Court hears cases on appeal from lower courts that involve important points of law, matters of constitutional significance, or human rights issues. In general, the decisions of a Supreme Court are not subject to further review by any other national court. The highest court in some jurisdictions is not called the Supreme Court, such as in Australia where it is referred to as the High Court. There are also Supreme Courts on the state or province level in Canada and the United States for example, which are not the highest court in the jurisdiction.

TERM	DEFINITION
Treaty Body	A committee of independent experts that monitors the implementation of the core United Nations' human rights treaties by the states that have ratified them. A Treaty Body can review state reports, issue comments, hear individual complaints, and conduct inquiries into serious violations. There are ten human rights Treaty Bodies who are elected for renewable four-year terms by state parties.
Tribunal	A specialised body that hears and decides disputes in a specific area of law, such as employment, housing, immigration, or social security. Tribunals may also be administered through local authorities or government departments. Tribunals are usually less formal and more accessible than ordinary courts.

SECTION 07:

TYPES OF COURT REMEDY



TERM	DEFINITION
Acquit	To find a defendant not guilty of a criminal charge.
Aggravated damages	A type of compensation awarded to a claimant for mental and emotional distress or injury caused by the conduct of the defendant.
Annul or Annulment	To officially declare that an agreement or other legal contract is invalid or never existed.
Anton Piller order or Search and seizure orders	A type of court order that permits inspection of a defendant's property and to search for and remove items covered by the order. The defendant is not warned beforehand to prevent the evidence being destroyed or hidden. Anton Piller orders are also known as "search and seizure orders".
Award	A type of court order declaring that a defendant owes money or other benefits to a claimant who has won a legal claim or dispute. For example, a court may award damages to a claimant who has suffered harm from a defendant's negligence or breach of contract.
Binding, Binding effect or Binding precedent	A contract or legal decision that is enforceable by law.
Capital punishment	The legal punishment of death for a crime.
Care order	A type of court order that places a child under the protection and supervision of a local authority or other agency, usually because of abuse, neglect, or risk of harm.
Closing order	A type of court order to close or stop the use of a property. For example, because of danger or illegal activity.

TERM	DEFINITION
Compensation or Compensatory damages or Damages	A monetary award that a court can order a defendant to pay to the claimant where they have suffered a loss or injury due to the defendant's wrongdoing.
Costs	The expenses incurred by a party in a court case, such as lawyer's and court fees.
Court order	A legally binding decision of a judge that may set out what a party must do or must not do.
Decision	A result of a court case made by a judge. A decision can be communicated in the form of a judgment, order, or verdict.
Decision upheld	When a senior court agrees with the decision of a lower court, usually after an appeal or review.
Declaration or Declaratory judgment	A court decision that defines the rights or duties of the parties in a dispute.
Direction	An order from a court that instructs the parties involved in a legal case as to what they must do or must not do, and by when. For example, a direction may require a party to disclose certain documents, or to file and serve a witness statement, before a hearing. Directions are intended to help the case progress fairly and efficiently.
Enforcement	The process of making sure that a party complies with a court order or a particular law.
Exemplary or punitive damages	Damages awarded by a court which are greater than the claimant's loss to make up for the serious harm or humiliation caused by the defendant's wrongdoing. Exemplary or punitive damages are intended to punish the wrongdoer and to prevent them from acting unlawfully again. For example, a court may award exemplary or punitive damages to a victim of police brutality, in addition to compensating them for their injuries and losses.

TERM	DEFINITION
Extraordinary or special damages	Damages awarded by a court to compensate a claimant who suffered a loss that was unpredictable or unusual. Extraordinary or special damages cover the cost of actual harm that someone has suffered. For example, a court may award extraordinary damages to a business that lost a major contract because of a supplier's late delivery, in addition to compensating them for the normal losses caused by the breach of contract.
Final judgment	A final decision by a court that finds a solution to all the issues in a legal case and leaves nothing to be decided other than the execution of the decision. A final judgment is usually binding and enforceable, unless it is appealed or set aside by a more senior court.
Final order	A court order that settles the main matter of dispute in a legal case, and that concludes the case. A final order is usually binding and enforceable, unless it is appealed or set aside by a higher court.
Fine	A monetary penalty that a person convicted of a crime is required to pay to the court or to the state before a specified deadline.
General damages	A type of compensation that a court may award to a party to cover non-financial harm such as pain and suffering, loss of enjoyment, or emotional distress. General damages are also called non-pecuniary damages or compensatory damages.
Grant	A court order that gives a party a right, a power, or a privilege. For example, a grant may give a party the authority to act as an executor of a will, or the permission to appeal a decision of a court. A grant is usually made after a formal application or request to the court.
Imprisonment or Incarceration	A type of penalty that a court may impose on a party who has committed a serious crime or offence. It takes away a party's freedom by confining them to prison for a period of time.
Injunction	A type of court order that requires a party to do something, or refrain from doing something to prevent or remedy a harm or a wrong. For example, an injunction can prevent a party from contacting another person or doing a certain act. An injunction can be made temporarily during court proceedings or at the end of the court process and will last for a fixed or unlimited time.
Interim injunction or Interim order	A provisional court order intended to prevent injustice that is made before a final decision in the main legal case. It tells someone to do something, or not to do something for a period of time.

TERM	DEFINITION
Interlocutory judgment	A decision by a court that deals with some, but not all, of the issues or claims in a legal case. Interlocutory judgments often relate to procedural matters.
Judgment	A decision or ruling by a judge or court that resolves a legal dispute or issue. A judgment may grant or deny a remedy or order, or declare the rights and obligations of the parties. The term judgment may also be used to refer to a written decision of the court.
Judicial discretion	The power or authority of a judge or court to make decisions according to their own judgment, but guided by the law.
Judicial precedent	The rule that courts must follow or respect the decisions of higher courts that have considered the same or similar legal issues. This is to ensure that the legal system is consistent, but allows development of the law over time.
Leave	Permission or approval from a court or judge to take action that would otherwise not be allowed. For example, leave of the court may be needed to appeal a decision, to amend a claim, or to file evidence after a deadline has expired.
Liability	The legal responsibility or obligation to do or not do something. Liability may arise from, for example, a contract. A person or entity may be liable for their own actions or failure to act, or the actions of others. Failure to meet this responsibility or obligation could lead to a lawsuit, which may result in damages or an injunction.
Nominal damages	A small amount of money awarded by a court to a party who has proven a legal right or claim, but has not suffered any significant loss or harm.
Non-pecuniary damages	Damages awarded by a court to compensate a party who has suffered loss or harm that is difficult to quantify in monetary terms, such as pain and suffering, emotional distress, loss of enjoyment of life, or loss of reputation.
Not guilty	A plea by a defendant in a criminal case, that they deny having committed the offence or have a valid defence. It is also a verdict given to a defendant in a criminal case by the court, meaning that the judge thinks they have a valid defence or did not commit the offence, so they are acquitted.

TERM	DEFINITION
Order	A command or direction by a judge or court for a party to do or not do something. An order may be final (at the end of a hearing) or interim (until a final order is made). Not complying with a court order could result in penalties or remedies.
Out-of-court settlement or Settlement	An agreement between parties to resolve their legal issues without the court's involvement. This could mean not going to court at all, or stopping existing legal proceedings. An out-of-court settlement may involve payment of money, performance of an act, or dismissal of a claim. An out-of-court settlement may be formal or informal, and may be subject to court approval or confidentiality.
Pardon	A decision by a head of state or government that reduces or relieves the legal consequences of a crime. A pardon may be granted for various reasons, such as compassion, public interest, or wrongful conviction.
Pecuniary damages	Damages awarded by a court to a person who has suffered a loss or injury because of another's wrongdoing. Pecuniary damages are intended to cover the demonstrable financial losses (i.e. loss of money) that the person has suffered or will suffer in the future. Examples of this include medical expenses, lost income, property damage, or funeral costs.
Redress	The action or process of correcting a wrong or injustice, or restoring a person to their original position.
Rehabilitation	A form of reparation that aims to help a victim to recover their physical, mental, emotional, and social well-being. It may include the provision of medical care, psychological support, legal assistance, education, training, or other services that can help victims to heal, cope, rebuild their lives, and restore their participation in society.
Remedy	A ruling of the court to correct or prevent a wrong, to compensate the party who suffered loss or damage. A remedy can take various forms, such as damages or an injunction.
Remuneration	The payment or reward that a person receives for their work or services. It can include various forms of income, such as salary, wages, commission, bonus, or benefits.
Reparations	A remedy that a court, government, or international body may award to a person or group of people who have been harmed by an unlawful act or injustice, for example violations of human rights. Reparations are meant to acknowledge the wrongs, provide justice, and promote healing by providing a range of material and symbolic benefits to victims or affected parties. Reparation measures include restitution, compensation, rehabilitation, and satisfaction.

TERM	DEFINITION
Repeal	The removal or reversal of a law, so it is no longer binding or enforceable. This can be done by the same authority that enacted the law or regulation, or by a higher authority, such as a parliament or court.
Restitution	A form of reparation that requires a wrongdoer to compensate a victim for the harm or loss they caused by restoring the victim to their original situation before the wrong occurred. For example, the return of property or reinstatement of employment.
Sanction	A penalty or restriction imposed by a court, public authority, or organisation on a party as a punishment for violating a rule, law, or agreement.
Satisfaction	The fulfilment or discharge of an obligation. Satisfaction can occur when a party performs what they have agreed or promised to do, pays what they owe, or receives what they are entitled to. In the context of reparations, satisfaction aims to acknowledge and address the harm or injustice that a person or group of people have suffered, and to restore their dignity, reputation, or rights. For example, an official public apology, a truth commission, or a guarantee to prevent the recurrence of the harm or injustice.
Sentence	A penalty given by a court to someone who has been convicted of a crime. For example, fines, community orders, or prison terms. The purpose of a sentence is usually to punish the offender, deter future crimes, rehabilitate the offender, and protect the public.
Specific performance	A type of court order that requires a party to do or refrain from doing something that they have agreed or promised to do in a contract. It is granted when money damages are not appropriate to remedy the breach of contract, for example, when the loss is difficult to quantify, or when the subject matter of the contract is unique or irreplaceable, such as land or art.
Subpoena	A legal document that commands a person to appear in court, or to produce certain documents or evidence. A subpoena is usually issued by a court, a judge, a lawyer, or a government agency. A person who receives a subpoena must comply with its terms, unless they have a valid reason to challenge or quash (invalidate) it. Failing to obey a subpoena can result in penalties. Also referred to as a summons.

TERM	DEFINITION
Summary judgment	A court decision that ends a legal case at an early stage, without a full trial. It is granted when one party can demonstrate that the other party has no real prospect of winning the case. Summary judgment can be requested by either party, or by the court itself, to save time and resources and avoid unnecessary litigation.
Summons	A document that notifies a person that they must appear in court on a specified date and time. This can be a criminal summons, which notifies someone to appear in court because of charges against them, or a witness summons, which notifies someone to appear in court to give evidence in a criminal or civil case.
Undertaking	A promise or a commitment that a person makes to a court or to another party in a legal matter. An undertaking can be given orally or in writing, and can be voluntary or imposed by the court. An undertaking is legally binding and enforceable, and there are legal consequences for breaking it, such as being held in contempt of court or being ordered to pay damages. For example, a party may give an undertaking to the other party to preserve or return certain documents or property, as part of a disclosure or settlement process.
Void	Where a legal document or action has no effect or validity, a court can declare it void or voidable. A contract, a deed, a will, a judgment, or a statute can be void for various reasons, such as fraud, mistake, illegality, impossibility, or unconstitutionality. A void act or document cannot be enforced or ratified by any party.

SECTION 08:

WORDS AND PHRASES THAT LAWYERS LIKE TO USE



TERM	DEFINITION
Ab initio	Latin for “from the beginning”. It means something that is valid from or applies from the start of a situation or contract, not from a later date. For example: “the contract was declared void ab initio” means that the contract was invalid from the very start.
Abovementioned or Aforementioned or Aforesaid	Something that has been mentioned or referred to earlier in the same document or statement. Using this word avoids having to repeat a full reference and is a more concise way of writing or speaking.
Absolute (right)	A right that cannot be restricted and is not subject to any conditions, limitation, or exceptions. For example, some human rights are absolute rights, such as the right not to be tortured.
Accordingly	In a way that is appropriate or suitable to the circumstances or facts. It can also mean as a result or consequence of something.
Acquiescence	The act of accepting or agreeing (often reluctantly) to something without protest or objection. For example, saying “I don’t mind” or “I will go along with whatever you suggest” shows acquiescence.
Actio popularis	Latin for “popular action”. It is a legal term that refers to a lawsuit brought by a person or group on behalf of the public interest, without having a direct or personal interest in the matter. It can be used to challenge the legality or constitutionality of a law or policy which is viewed as a public rather than a private legal matter

TERM	DEFINITION
Actus reus	Latin for “guilty act”. It is a legal term that refers to the physical or external element of a crime, such as the action, omission, or end result that causes harm or violates the law.
Ad hoc	Latin for “for this”. It means something that is done or created for a specific purpose or situation, without following a general rule or plan. It can also mean something that is improvised or temporary, applying to a specific situation rather than more generally. For example: A lawyer may work for their client on an ad hoc basis, rather than being constantly available to perform work.
Ad idem	Latin for “of the same mind” or “in agreement”. It means that two or more parties are in agreement or have a mutual understanding on a matter. It is often used in contract law to indicate that a valid offer has been made and accepted because the parties have the same (or substantially alike) intentions. The meaning of the more casual phrase “on the same page” is similar.
Ad infinitum	Latin for “to infinity”. It means something that goes on endlessly or without limit. It can also mean something that is repeated or continued in the same way.
Advice	The opinion, recommendation, or guidance that is given to someone on what to do or how to act in a situation. Lawyers often advise their clients on their legal rights and options, and it is typical that advice is sought from someone who is experienced and/or knowledgeable in dealing with a particular situation.
Allegation	A claim or statement that someone has done something wrong or illegal, without providing proof or evidence. Allegations are often made in lawsuits or criminal cases, and they need to be proved or disproved in court.
Ambulance chasing	A derogatory term for lawyers who seek out clients who have been injured or harmed by someone else’s negligence or wrongdoing, often by contacting them directly or through intermediaries. Ambulance chasers may offer to represent the clients on a no-win, no-fee basis, but may also charge high fees or exploit the client’s inexperience.
Ante	Latin for “before” or “in advance”. In law, it may refer to a payment or obligation that is made or incurred before a certain event or condition, such as a contract or a lawsuit. For example, an ante-nuptial agreement is a contract made before marriage.

TERM	DEFINITION
Bar	A collective term for legal professionals who work as barristers and, in some jurisdictions, it includes all those who are qualified to practice law. For example, barristers practising in England and Wales are regulated by the Bar Standards Board. The bar may also refer to the physical barrier or railing that separates the lawyers from the judge in a courtroom, or the examination or qualification that lawyers must pass to join the bar.
Barrister	A qualified legal professional who gives specialist legal advice and can argue a case for the client in court. Barristers work closely with solicitors, who have often taken the initial instructions from the client and provided first advice. A barrister's workplace will primarily be in court or in chambers, whereas a solicitor will often work from an office.
Bench	A collective term for the judges or magistrates who preside over courts of law. For example, a barrister representing his client in court may ask the judges for permission to "approach the bench" to discuss an issue at hand with the judges directly and privately. The bench may also literally refer to the seat or platform where the judges sit in a courtroom, or the office or authority of a judge.
Beyond reasonable doubt	A standard of proof that is required in criminal cases to convict a defendant of a crime. It means that the evidence presented by the prosecution must be so convincing and reliable that no reasonable person would have any doubt that the defendant is guilty. It is a higher standard than the balance of probabilities, which is used in civil cases.
Bona fide	Latin for "in good faith" or "genuine". In law, it may refer to a person or an act that is honest, sincere, and without any intention to deceive or defraud. For example, a bona fide purchaser is someone who buys something without knowing that it was stolen or subject to a legal claim.
Bona vacantia	Latin for "ownerless goods" or "vacant property". In law, it may refer to the property or assets that belong to no one or have no legal owner, such as the estate of a person who dies without a will or any heirs. Bona vacantia may be claimed by the state or the crown, depending on the jurisdiction.
Burden of proof	The obligation or duty of a party in a legal case to prove or disprove a fact or a claim. The burden of proof usually lies with the party who initiates the case or makes the allegation, such as the claimant in a civil case or the prosecution in a criminal case. The burden of proof may vary depending on the type and seriousness of the case, and may shift to the other party in some circumstances.

TERM	DEFINITION
Capacity	The ability or competence of a person to perform a legal act or enter into a legal relationship, such as making a contract or a power of attorney. Capacity may depend on factors such as age, mental health, and consent. A person who lacks capacity may not be legally bound by their actions or decisions, and may need a guardian or a representative to act on their behalf.
Catchwords	Short phrases or keywords that summarise the main points or issues of a legal document, such as a judgment, a statute, or a contract. Catchwords may help lawyers and researchers to find and identify relevant documents quickly and easily. Catchwords may also indicate the legal topics or categories that a document belongs to.
Caveat	Latin for “let him beware” or “a warning”. In law, it may refer to a notice or a request that is filed with a court or a public authority to prevent or suspend a certain action or decision. A caveat may protect the rights or interests of the person who files it, until the matter is resolved or the caveat is withdrawn.
Certiorari	Latin for “to be informed” or “to be made certain”. In law, it may refer to a writ or an order that is issued by a court to a lower court or a public authority, to review or transfer a case or a decision. A certiorari may be granted when the lower court or the authority has acted beyond its jurisdiction or has violated the rules of natural justice.
Chambers	The private offices or rooms of a judge or a barrister, where they conduct their work or meet with clients or colleagues. Chambers may also refer to the group or association of barristers who share the same premises and facilities, and who may work together on certain cases or areas of law (i.e. their office).
Circumstantial evidence	A type of evidence that is not directly related to the fact or the claim that is being proved or disproved, but that may infer or suggest it based on the circumstances or the situation. For example, a fingerprint, a motive, or an alibi may be circumstantial evidence of a person’s involvement or non-involvement in a crime. Circumstantial evidence may be contrasted with direct evidence, which is directly related to the fact or the claim, such as an eyewitness testimony or a confession.
Conditional fee agreement or No-win, no-fee	A type of agreement between a lawyer and a client, where the lawyer agrees to represent the client in a legal case on the condition that the lawyer will charge a fee only if the case is successful or a favourable outcome is achieved. This is the formal term for agreements which are often described as “no-win, no-fee”. This means the client does not have to pay any upfront or ongoing legal costs, but may have to pay a fee to the lawyer if they succeed. The fee may be a fixed amount or a percentage of the compensation or the damages that the client receives. A conditional fee agreement may also include a success fee, which is an additional fee that the lawyer charges for taking the risk of losing the case.

TERM	DEFINITION
Confidentiality	A duty or an obligation of a person or an organisation to keep information or data private, secret, or protected from unauthorised disclosure or use. Confidentiality may arise from a contract, a professional relationship, a statute, or a court order. The duty of confidentiality can be implied where the situation requires it, for example where information is clearly highly sensitive. Confidentiality may be breached or waived in some circumstances, such as with the consent of the owner of the information, or for the purpose of justice or public interest.
Contentious matters	Legal issues or disputes that involve a conflict or disagreement between two or more parties, such as a lawsuit, a divorce, or a criminal case. Contentious matters usually require a court or a tribunal to decide the outcome, and likely involve lawyers representing each side. In contentious matters, the parties will usually have contrasting intentions and want to achieve the opposite outcome to one another. In non-contentious matters, parties will often want the same main goal and cases or transactions are not “won” or “lost”. For example, in a property transaction the buyer and seller will both want the property to change hands.
Corpus delicti	Latin for “the body of the crime”. It refers to the evidence or facts that prove that a crime has been committed, such as a weapon, a motive, or a witness.
Culpa	Latin for “fault” or “blame”. It is used to describe a type of negligence or carelessness that causes harm or damage to another person or property.
De facto	Latin for “in fact” or “in reality”. It is used to describe a situation or condition that exists or operates without being officially recognised or authorised by law. For example, a de facto government is one that controls a country, but is not elected or accepted by the international community.
De jure	Latin for “by law” or “in accordance with the law”. It is used to describe a situation or condition that is legally valid or recognised, even if it is not practiced or enforced. For example, a de jure right is one that is guaranteed by the constitution, but may be violated or ignored by the authorities.
De minimis	Latin for “of minimal importance” or “too trivial to matter”. It is used to describe a small or insignificant amount or degree of something that does not affect the outcome or validity of a legal issue or claim. For example, a de minimis error is one that does not affect the substance or meaning of a contract or document. A “de minimis threshold” is the minimum amount a claim must be worth in order to bring it.

TERM	DEFINITION
De novo	Latin for “from the beginning” or “anew”. In law, it refers to a situation where a court or a tribunal reviews a case or an issue without being bound by the previous decision or evidence of a lower court or authority. For example, an appeal court may conduct a de novo review of a legal question that was wrongly decided by a trial court.
Due process	The requirement that legal matters be resolved according to established rules and principles of fairness and justice. For example, a person must be given notice of the action or decision, a chance to present their side of the case, and an impartial decision-maker who follows the rules of law. Due process is designed to protect against arbitrary or unreasonable actions or decisions by the government or other authorities.
Duty	A legal obligation or responsibility that one person or entity owes to another person or entity. For example, a driver has a duty to follow the traffic rules and not to harm other road users. A breach of duty may result in civil or criminal liability, depending on the nature and consequences of the breach.
Duty of care	A specific type of duty that requires a person or entity to act with reasonable care and skill when performing an activity that could foreseeably cause harm to another person or entity. For example, a doctor has a duty of care to diagnose and treat a patient with competence and diligence. A breach of duty of care may give rise to a claim of negligence.
Et seq	Latin for “and the following” or “and the subsequent”. In law, it is often used to refer to a series of sections or pages in a statute, a contract, or a document. For example, “see section 10 et seq of the Act” means “see section 10 and the following sections of the Act”.
Ex parte	Latin for “from one party” or “on behalf of one party”. In law, it refers to a situation where a court or a tribunal hears or decides a case or an issue without the presence or notice of the other party or parties involved. For example, a judge may grant an ex parte injunction to prevent an imminent harm, based on the application of one party only. Ex parte proceedings are usually exceptional and temporary, and subject to review or challenge by the other party or parties.
Ex post facto	Latin for “from after the fact” or “retroactively”. In law, it refers to a situation where a law or a rule is applied to a past event or action that occurred before the law or rule was put in place or changed. For example, an ex post facto law may criminalise or increase the penalty for an act that was legal or less punishable when it was committed. Ex post facto laws are generally prohibited or restricted by constitutional or human rights principles, as they violate the fairness and certainty of the law.

TERM	DEFINITION
Force majeure	A French phrase that means “superior force” or “unforeseeable event”. In law, it refers to a situation where a person or entity is unable to perform a contractual obligation or a legal duty due to an event or circumstance that is beyond their control and could not have been reasonably prevented. For example, a force majeure clause in a contract may excuse a party from liability for delay or non-performance caused by a natural disaster, a war, or a pandemic.
Habeas corpus	In law, this Latin term refers to a legal remedy that allows a person who is detained or imprisoned to challenge the lawfulness of their detention or imprisonment before a court or a judge. For example, a person who is arrested without a warrant or a charge may apply for a habeas corpus writ to demand that the authorities justify their detention or release them. Habeas corpus is a fundamental right and a safeguard against unlawful detention.
Hearsay	Any evidence that is based on what someone else said or wrote, rather than what the person giving the evidence saw, heard, or experienced themselves. Hearsay evidence is usually not permitted in court, because it is considered unreliable and unfair as it can be viewed as second-hand information. However, there are some exceptions, such as when the person who made the statement is unavailable, or when the statement is part of a public record.
In camera	In private or in secret. Sometimes, a judge may decide to hold a hearing or a part of a trial in camera, without the public or the media present. This may be done to protect the privacy, safety, or interests of the parties, witnesses, or victims, or to avoid prejudicing the case.
Instructions	Giving directions to someone, usually a lawyer or an expert. For example, a client may instruct their lawyer to act on their behalf in a legal matter, or a lawyer may instruct an expert to prepare a report or give an opinion on a technical issue. Lawyers and experts who assist them act on instructions received from their client and cannot take action where they are unsure if it is what the client wants; in these cases, they will often need to take further instructions from their client.
Inter alia	Latin for “among other things”. It is often used in legal documents or arguments to indicate that there are other points or facts that are not mentioned or listed, but are also relevant or important. For example, a court found that the defendant was liable for breach of contract inter alia because he failed to deliver the goods on time. Inter alia indicates that there may also be other reasons for the breach of contract.

TERM	DEFINITION
Justice	A broad concept that refers to the fair and impartial treatment of people and the enforcement of their rights and obligations under the law. Justice can also mean the outcome or result of a legal process or dispute, such as a judgment, a sentence, or a remedy (e.g. compensation) that is delivered or granted by a judge or a person in a similar senior position.
Justice system	The system of courts and tribunals (i.e. specialist courts that hear a range of cases, such as employment cases) that administer and apply the law. Judges and magistrates conduct the proceedings in courts and tribunals.
Know-how	The practical knowledge, skill, or experience that someone has in a particular field or activity. Know-how can be valuable and confidential, especially in business or professional contexts. For example, a company may have know-how in developing a new product, or a lawyer may have know-how in handling a complex case. It is possible to protect the confidential nature of know-how through contracts, intellectual property rights, or legal privilege.
Legal aid	The financial or other assistance provided to people who cannot afford to pay for legal services or representation. Legal aid may be funded by the government, charities, or other organisations, and may cover some or all of the relevant costs. Legal aid may be subject to eligibility criteria, such as level of income, assets owned, or the type and merit of the case.
Legal privilege	The right for communications containing legal advice to be kept confidential and not disclosed to the other party or used as evidence in legal proceedings. Legal privilege usually applies to communications or documents between a lawyer and their client, or between lawyers working on the same case. Legal privilege is based on the idea that people should be able to communicate with their lawyers freely and honestly, without fear of exposure or interference.
Limitation period	The period of time in which a person can bring a legal action or claim to court. Limitation periods vary depending on the type and nature of the case, and are set by law or contract. If a limitation period expires, any claim made after this time period may be dismissed, unless there are exceptional circumstances or reasons to extend or suspend the time limit.

TERM	DEFINITION
Mandamus	Latin for “we command”. It is also the name of a type of court order that directs a public authority or official to perform a legal duty or function that they have failed or refused to do. Mandamus is also a form of judicial review, which is the process of challenging the legality or reasonableness of a decision or action by a public body.
Mens rea	Latin for “guilty mind”. It is one of the elements of a criminal offence that must be proved in court to establish the criminal liability of a person. Mens rea refers to the mental state or intention of the person who committed the crime, such as whether they acted knowingly, recklessly, or maliciously. The degree of mens rea required may vary depending on the type and severity of the crime, and may affect the degree or type of punishment.
Miscarriage of justice	A situation where a person is wrongly convicted or punished for a crime that they did not commit, or where a person is denied a fair trial or where the due process of law is not followed in the course of proceedings. A miscarriage of justice may be caused by errors, bias, discrimination, corruption, or misconduct by the police, prosecuting solicitors, judges, members of the jury, or witnesses. A miscarriage of justice may be corrected by appeals, reviews, or pardons.
Misrepresentation	A false or misleading statement or impression made by one person that is relied upon by another person, and which persuades that other person to enter into a contract or an agreement. Misrepresentations may be innocent, negligent, or fraudulent, depending on the intention of the person who made it. If a misrepresentation is made and a contract or agreement has been entered into, the contract or agreement may not be valid or enforceable, and the suffering party may be able to bring a claim for damages (i.e. compensation) or rescission (i.e. the contract or agreement is cancelled).
Mitigate or Mitigation	Mitigate means to reduce, lessen, or minimise something, especially something harmful or negative. Mitigation may refer to actions or measures taken to prevent or reduce the consequences of something, such as a risk, a harm, or a loss. In criminal law, mitigation refers to factors or circumstances that are considered to lower the severity or extent of a penalty, a sentence, or a liability.
Moot	A legal issue or question that is no longer relevant or has no practical effect, because it has been resolved or superseded by other events. For example, a court may dismiss a case as moot if the parties have settled their dispute or the law has changed.

TERM	DEFINITION
Obiter	Latin for “by the way” or “in passing”. It refers to a remark or opinion expressed by a judge in a court decision that is not essential or binding for the outcome of the case, but may provide guidance or insight for future cases. For example, a judge may comment on a hypothetical scenario or a point of law that was not argued by the parties.
Obligation	A legal duty or responsibility to carry out an activity or perform a function. An obligation can arise from a contract, a piece of legislation, or a court order. For example, a person borrowing money from the bank has an obligation to repay their loan.
Omission	A failure to do something that a person is required or expected to do by law or by a contract. For example, a doctor may be liable for omission if they neglect to diagnose or treat a patient, or a witness may be guilty of omission if they withhold relevant information from the court.
On the balance of probabilities	A standard of proof that is used in civil cases (i.e. cases that do not involve potential criminal liability). The party that has to prove their case to the court or tribunal must show that their version of the facts is more likely than not to be true. This means they must persuade the judge or jury that there is a greater than 50% chance that they are right.
Pari passu	Latin for “on equal footing” or “with equal force”. It refers to a situation where two or more parties, claims, or rights are treated equally or proportionally, without any preference or priority. For example, a trust may assign a pari passu distribution where all the named parties share the assets equally, i.e. they receive the same amount.
Per	Latin for “by” or “through”. It is used to indicate the source or authority of a statement, document, or action. For example, a lawyer may refer to a case “per the Supreme Court,” meaning that the case was decided or explained by the Supreme Court.

TERM	DEFINITION
Per pro	Latin for “for and on behalf of”. It is used to indicate that a person is acting on behalf of another person, who is the party or principal. For example, a lawyer may sign a letter per pro their client, but it is the client who is the party to the letter.
Per quod	Latin for “by reason of which” or “whereby”. It is used to indicate the consequence of an action or event. This term is frequently used in the context of defamation, which is the act of harming someone’s reputation by saying or writing negative and false things about them. A person bringing a claim for defamation per quod, means that they suffered damage or loss as a result of the defamatory statement. For example, a restaurant owner sues a newspaper for per quod defamation, after it published a false review that caused customers to stop coming.
Per se	Latin for “by itself” or “in itself”. It is used to indicate that something is inherently or obviously true, valid, or illegal by its nature, without the need for further evidence or explanation.
Perjury	A criminal offence that involves lying or making a false statement under oath or affirmation, in a court, or in a legal document. For example, a witness may commit perjury if they testify falsely about a material fact or sign a false witness statement. Perjury is a serious crime that can result in imprisonment or fines.
Practice directions	Official guidelines or rules that are issued by courts or judges, to supplement or clarify the procedural steps that must be taken by the parties or the law that applies to a particular type of case or matter. For example, a practice direction may specify the format, content, or deadline of a court document or a witness statement. Practice directions are not laws, but they must be followed by the parties and the lawyers involved in the case.
Practising certificate	A document or licence that is issued by a professional body or regulator, to confirm that a lawyer is qualified, registered, and authorised to practise law in a jurisdiction. For example, a solicitor in England and Wales must have a practising certificate from the Solicitors Regulation Authority to provide legal services in England and Wales. A practising certificate may have conditions or restrictions, and may be suspended or revoked for misconduct or incompetence.

TERM	DEFINITION
Prejudice	A bias or preconception that affects a person's judgment or perception of a person, group, or issue, often based on stereotypes. For example, a person may be prejudiced if they favour or disfavour a party or a witness because of their race, gender, or appearance. Prejudice can also mean a harm or disadvantage that is caused by an action or decision. For example, a party may suffer prejudice if their rights or interests are impaired or reduced by a delay or an error.
Prima facie	Latin for "at first sight" or "on the face of it". It refers to evidence or arguments that are sufficient to establish a fact or a claim, unless they are contradicted or disproved by other evidence or arguments.
Privilege	A legal right or immunity that protects a person or a group of persons from certain obligations, liabilities, or disclosures. For example, legal privilege is the right of a client to keep their communications with their lawyer confidential and not disclose them to anyone else.
Pro bono	Latin for "for the public good". It refers to legal services that are provided voluntarily and without charge to people who cannot afford them, or to causes that serve the public interest. For example, a lawyer may work pro bono on a case involving human rights, environmental protection, or social justice.
Pro rata	Latin for "in proportion". It refers to a method of allocating or distributing something according to a certain ratio or percentage. For example a pro rata salary for a part-time worker is a portion of the full-time salary, based on the number of hours or days worked.
Proviso	A clause or condition that modifies or restricts the scope or effect of another clause or provision. For example, a contract may have a proviso that states that the agreement is valid only if a certain event occurs or a certain requirement is met.

TERM	DEFINITION
Proxy	A person or a document that acts or speaks on behalf of another person or entity. For example, a proxy vote is a vote cast at a meeting by one person for another person who is absent or unable to vote, usually according to their instructions or preferences. A proxy form is a document that authorises someone to act as a proxy for another.
Pursuant	A term that means “in accordance with” or “following”. It is often used to refer to a legal authority, rule, or order that governs or directs an action or a decision. For example, pursuant to the court order, the defendant must pay the claimant damages.
Qualified right	A right that is not absolute or unlimited, but subject to limitations or conditions. For example, the right to freedom of expression under the European Convention of Human Rights is a qualified right, as it may be restricted by laws that protect national security, public order, or the rights of others.
Quo warranto	Latin for “by what authority”. It refers to a legal action that challenges the legitimacy or validity of a person’s or a body’s exercise of power or office. For example, a quo warranto action may be brought to question the appointment of a public official or the incorporation of a company.
Quorum	The minimum number or percentage of members or representatives that must be present or participating to make a decision or conduct a proceeding validly. For example, a quorum for a board meeting of a company may be half of the board members plus one.
Ratio decidendi	Latin for “the reason for the decision”. It refers to the legal principle or rule that underpins a court’s judgment or ruling. The ratio decidendi of a case is the part of the court’s reasoning that binds or guides rulings on future cases on the same or similar issues.

TERM	DEFINITION
Representation	The act or process of acting or speaking on behalf of someone else, especially in a legal context. For example, legal representation is the service of a lawyer or a legal adviser who assists, acts, and speaks on behalf of a client in a legal matter. Representation may also refer to the person or entity who provides such service.
Res ipsa loquitur	Latin for “the thing speaks for itself”. It is a legal principle that allows a court to decide that there has been negligence from the very nature of an accident or injury, without direct evidence of how or why it happened. The occurrence of the accident or injury may be sufficient in itself.
Retainer	A fee paid in advance to a lawyer or other professional for their services. It is usually a lump sum or a periodic payment that covers a specific period of time or a specific project. A retainer may also be a contract that sets out the scope and terms of the services to be provided by the lawyer or other professional. A retainer ensures that the lawyer or professional is available and committed to the client’s case or matter.
Rule of law	A principle that means that everyone is subject to the same laws and that the laws are fair, clear, and enforced by independent and impartial courts. The rule of law protects the rights and freedoms of individuals and limits the power and discretion of the government and other authorities. The rule of law also requires that laws are made and changed through a democratic and transparent process.
Sine die	Latin for “without a day”. It is used to describe a situation where a court or an official body pauses or postpones a session or a case indefinitely, without setting a date for resuming or concluding it. For example, a court may pause a trial sine die if a key witness or a party is unavailable or if there is a procedural issue that needs to be resolved.
Stare decisis	Latin for “to stand by the decision”. It is a legal principle that requires courts to follow the approach taken in previous decisions of the same level or higher level courts on similar issues or facts. Stare decisis is meant to promote consistency, predictability, and stability in the law, and respects the authority and wisdom of past judgments.

TERM	DEFINITION
Sub judice	Latin for “under judgment”. It is a legal term that refers to a case that is currently being heard by a court or a judge and has not been decided yet. Sub judice also suggests that the case should not be discussed or commented on publicly or by the media, to avoid influencing the outcome of the case or the fairness of the trial.
Sui generis	Latin for “of its own kind”. It is a legal term that describes a situation, a category, or a concept that is unique, exceptional, or does not fit into any existing classification or rule.
Sui juris	Latin for “of one’s own right”. It is a term that indicates that a person is capable of managing their own affairs and making their own decisions, without any restriction. For example, a person who is of legal age and not under guardianship is sui juris.
Supra	Latin for “above”. It is a term that is used to refer to a source or an authority that has been referred to or mentioned earlier in the same document or text. For example, if a footnote says “see supra note 5,” it means “see note 5 above”.
Ultra vires	Latin for “beyond the powers”. It is a legal term that describes an action or a decision that goes beyond the authority or jurisdiction of the person, body, or entity making the decision. For example, if a government agency establishes a rule that contradicts the law, it is ultra vires and invalid.
Uncontested	A legal term that means there is no dispute or opposition to a claim, a demand, or a proceeding. For example, an uncontested divorce is one where both spouses agree on all the terms and conditions of the separation, such as custody, property, and support.
Voire dire	A French phrase that means “to speak the truth”. It is a legal term that refers to a mini-hearing that can take place within a trial. In this mini-hearing, the judge determines, in the absence of the jury, whether certain pieces of evidence will be entered into the trial and be seen by the jury. Voire dire can also be the process of questioning and selecting jurors or witnesses before a trial. The purpose of this is to ensure that the jurors or witnesses are impartial, competent, and credible, and that they do not have any bias, interest, or relationship that may affect their judgment or testimony. Voire dire is conducted by the judge, the lawyers, or both, depending on the rules and practices of the jurisdiction.
Without prejudice	A legal term that means that a statement made, a communication (e.g. a notice delivered by email) sent, or an action taken by a person does not affect or remove any existing right, claim, or privilege that a person has. For example, if a party to proceedings makes an offer to settle a dispute “without prejudice”, it means that the offer cannot be used as evidence or as an admission of liability or wrongdoing in court, and that the party can still pursue or defend the case if the offer is rejected.

MORE ABOUT SYSTEMIC JUSTICE

Systemic Justice is “the movements’ law firm”, committed to equipping communities with the knowledge they need to use the law for systemic change.

As an NGO partnering with organisations and communities fighting to radically transform how the law works for racial, social, and economic justice, we put organisations, movements, and collectives in the lead by broadening access to judicial remedies in joint litigation. By doing so, we are dismantling the systems that sustain and fuel injustice everywhere.

If you’re looking to take legal action to resist racial, social, and economic injustice, [Strategic litigation: A guide for legal action](#) aims to answer the essential questions of what strategic litigation is and how you can use it. With practical examples of how the law has been used around the world, the guide provides answers to help you get a sense of the role strategic litigation might play in your own campaigns for change.

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**WORDS FOR JUSTICE: A GLOSSARY
OF ESSENTIAL LEGAL TERMS**

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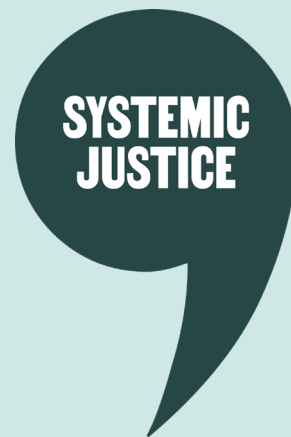
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