

Non-Exhaustive Glossary of Terms

Act

An alternative name for statutory law. *See* Statutes.

Action

An alternative name for lawsuit: the process that starts with a demand (through a document named complaint) for state intervention that one party (named plaintiff) makes in order to have her *status quo* restored and the other party (named defendant) punished physically (in a criminal action) or financially (in both criminal and civil action).

Adjudication

The formal ending of a lawsuit by a court and of a dispute by an administrative agency.

Adjudicative Hearings

Proceedings held by administrative agencies similar to trials held in courts of law.

Administrative Agency

A governmental body that issues rules and regulations and even adjudicates disputes between parties, according to powers delegated to it by the legislature (whether federal or state).

Administrative Rules and Regulations

The law issued by (federal or state) administrative agencies according to the powers delegated to them by legislatures that usually further details rules contained in (federal or state) statutes.

Annotations

Brief summaries of court decisions and other editorial explanations that the commercially published codes feature at the end of each statutory section.

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Answer

The written document (pleading) the defendant files in response to plaintiff's complaint.

Attorney

Members of a profession regulated by state laws. One of their areas of expertise is to represent other people's legal demands for relief in courts for a fee.

Authority

See Binding Authority and Persuasive Authority

Bill

A legislative proposal that has not been enacted as law.

Binding Authority

The authority statutes command on disputes involving issues within their subject matter, and the authority higher courts decisions have on factually similar disputes brought to lower courts from the same jurisdiction.

Brief

- (1) the alternative name for documents that attorneys file in support of their client's legal demands;
- (2) a summary of a court's opinion.

Case

See Lawsuit.

Case Law

Alternative name for common law in its narrow meaning of "judge-made law," different from statutory or regulatory law.

Cause of Action

The legal grounds for a civil action.

Citation

- (1) reference to authority supporting one's legal argument;
- (2) the form used for legal reference.

Civil Law

- (1) the other major world legal system (unlike common law it does not officially recognize the precedential value of earlier decisions from higher courts from the same jurisdiction);
- (2) the body of law that covers non-criminal matters.

Claim

A formal demand for state redress raised in an action.

Code

- (1) a topical compilation of statutes or administrative rules and regulations;
- (2) primary source of law.

Common Law

- (1) the other major world legal system (unlike civil law it officially recognizes the precedential value of earlier decisions from higher courts from the same jurisdiction);
- (2) an alternative name for case law—the body of law that includes only court decisions.

Complaint

The document that starts a civil action.

Constitution

- (1) the fundamental law of most national jurisdictions (written or not);
- (2) primary source of law.

Controversy

See Lawsuit.

Court Decision

See Judgment and Opinion.

Damages

Monetary compensation ordered by a court to restore plaintiff's *status quo*.

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Defendant

The person against whom the plaintiff (the initiating party) brings an action.

Doctrine

- (1) a widely accepted legal principle;
- (2) the product of writings of professors and other scholars that has a pervasive influence on both the making and application of civil and international law.

Due Process of Law

Constitutional guaranty of a person's enjoyment of her rights provided by the Fifth and 14th Amendment of the United States Constitution.

Hearings

See Adjudicative Hearings and Investigative Hearings.

Holding

The conclusion of law reached by a court in deciding a case or controversy.

Injunction

A court's order that the defendant does or refrains from doing a certain act.

Investigative Hearings

Proceedings held by congressional committees prior to enactment of legislation.

Judgment

The formal conclusion of a case or controversy. *See also* Opinion.

Jurisdiction

- (1) the geographical area in which law (in all its forms as court decisions, statutes and administrative rules and regulations) is binding;
- (2) the boundaries of authority given to all law-making bodies to make law (decide cases, enact legislation or adopt rules and regulations).

Law

A double-meaning concept:

- (1) a human ideal of order and predictability—*see* Rule of Law;
- (2) the entire system of rules that materialize that ideal of order and whose enforcement may be state-imposed.

Law Review Articles

One type of secondary sources. Law review articles are usually published by law schools and are student-edited. They contain writings about the law. What distinguishes law review articles from treatises is their narrower scope, its more in depth treatment of the specific legal issue, and its more often acknowledged partisan view.

Lawsuit

A criminal or civil proceeding taking place in a court.

Legislative History

Documents that record the history of a statute from its introduction as a bill sponsored by a legislator to its enactment as a piece of legislation.

Litigate

Asking the state (usually by bringing a lawsuit) to sanction one's demands to restore one's *status quo*.

Litigant

A party to a lawsuit. *See also* Pro Se Litigant.

Motion

A formal request a party to a lawsuit makes to a judge during the lawsuit.

Opinion

The document that records the conclusion reached by a court or administrative agency adjudicating a lawsuit. All court opinions have a well-set structure that contains a heading: the name of the parties, that of their attorneys and the judge issuing the opinion, as well as the name of the court in which the opinion was held down and the date it was pronounced. In addition, court opinions summarize the

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facts of the case, the legal issues involved in the parties' claims, and the reasons on which the court's conclusions are reached.

Persuasive Authority

The authority case law from other jurisdictions and secondary sources command.

Plaintiff

The person initiating the lawsuit.

Primary Sources

The repository of law, whether it is case law (*e.g.*, reporters), statutes (*e.g.*, codes), or rules and regulations (*e.g.*, codes).

Procedural Law

The body of law that covers the rules governing the administration of justice (the operation of the legal system) as opposed to substantive law, which covers the rules that provide the rights and obligations that enable society to function.

***Pro Se* Litigant**

A party to a lawsuit that has no professional legal representation.

Reporters

- (1) primary source;
- (2) alternative name for reports;
- (3) collections of court decisions, usually arranged loosely by period of time and the court making the decision.

Reports

- (1) primary source;
- (2) collections of court or administrative agency decisions.

Repository

- (1) resource containing primary sources (for example reporters are case-law repositories);
- (2) source of individual rights (for example, the Constitution is the repository of our main freedoms).

Rule of Law

A fundamental legal principle of the American legal system.

Secondary Sources

The repository of legal writings about the law that command only persuasive authority (such as law review articles and treatises).

Stare Decisis

Common law principle which states that old cases from higher courts in the same jurisdiction are the bases for new court decisions within the same fact pattern.

Statutes

Acts of a legislature.

Substantive Law

The body of law that covers the rules that provide the rights and obligations that enable society to function, unlike procedural law that cover the rules regarding the administration of justice—how to restore or preserve status quo through litigation of rights and obligations.

Treatise

- (1) secondary source;
- (2) comprehensive legal writing on an area of law, although less detailed or critical than a law review article.

Writ

- (1) the form in which complaints were originally addressed to English courts;
- (2) Writ of *certiorari* refers to the discretionary device used by the U.S. Supreme Court to hear cases.