

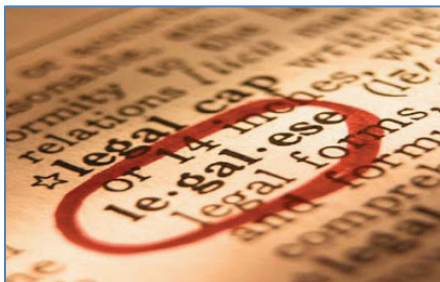
CHAPTER 4

LEGAL TERMINOLOGY

Chapter Outline

VOLUME 1, CHAPTER 4

- § 4.1 Legalese: A New Language
- § 4.2 Legal Terminology: Civil Process
- § 4.3 Legal Terminology: Criminal Process
- § 4.4 Legal Terminology: Additional Terms
- § 4.5 Social Media



Chapter 4 Introduction

CONTEXT HELPS

Legal terminology is usually taught one of two ways. Either it is provided as a list of definitions to be memorized, or it is not taught at all, and instead provided as a glossary or other reference that the student is expected to use as he or she stumbles upon terms that are unfamiliar.

These are both terrible ways to lay a foundation in the language of the law.

In this chapter, we will tell a story based on an actual case. As the story proceeds, the legal terms that pop-up will be defined in the context in which they appear. The result is not only a more effective way of introducing legal terms, but also a more enjoyable experience.

It is recommended that you read this chapter twice. The first time, just read it. Don't get bogged down too much in thoroughly understanding each and every term. The second time you read the chapter, pause on the terms that are not clear to you, studying them more precisely.

As you proceed through this chapter, keep notepaper at the ready. Make a running list of the terms with which you are struggling, or of questions you have about specific terms or processes. Ask your instructor to clarify those for you. As the challenging terms and processes become understood going forward you can cross them off the list until there is nothing left.

IN THIS CHAPTER . . .

**CIVIL
PROCESS
TERMINOLOGY**

**CRIMINAL
PROCESS
TERMINOLOGY**

**ADDITIONAL
TERMS &
PHRASES**

§ 4.1

Legalese: A New Language*In Context***THE CASE OF THE NEAR-SIGHTED OWL**

The following is loosely based on an actual case. Most of the facts really did happen. There was an owl. There were two cars. There was a fatality. There was even a rubber snake and green shag carpet. As the facts are presented, the civil and criminal process will be illustrated, and legal terms introduced and defined in the context of the story being told.

James Leroy is 18 years old. He owns an older model, modified car that some would call a “low-rider.” In his effort to be “ultimately cool,” James had the interior, including the ceiling and dashboard, carpeted in green shag carpet. James placed a large rubber snake on the dashboard to give the effect of a serpent slithering through grass. Hanging from the rearview mirror on an elastic string was a rubber bat. When the elastic gently stretched up and down, the bat appeared to fly.

Despite the strange outfitting of the car everything mechanically met automotive codes for safety. On August 1 of last year, James was driving in a mountainous area of Colorado, coming down a winding road from the Royal Gorge, the world’s highest suspension bridge. At 8:15 p.m., around dusk, James approached a broad, sweeping curve in the two-lane road. A witness later stated that James appeared to be traveling below the 35-mph speed limit. As he entered the curve, an owl suddenly swooped down from a nearby tree, apparently took aim at the vehicle and crashed into the windshield. The glass shattered, according to James, and obstructed his view. James reflexively jerked the steering wheel to the left, heading into oncoming traffic.

At the same time, a 65-year-old woman named Louise Taggart was driving up the road in the opposite direction. A witness stated that Louise appeared to freeze; if she had simply pulled five feet to the right, the accident could likely have been avoided. The cars hit head-on, and Louise was killed instantly. Two possible legal actions can be generated from this situation.


Following is a breakdown of the process for civil and criminal actions.

COLLECTIVE KNOWLEDGE**Other Sources**


The definitions in this chapter, and in the Glossary in the back of this volume, do not attempt to match the precise wording found in legal dictionaries. The definitions here are intentionally gleaned from the day-to-day experience of paralegals and lawyers and are more concerned with the general understanding of the concepts, within context, than with dry dictionary-like language.

However, there is great value in broadening your understanding of the terms presented here. Thus, we recommend that you either purchase a legal dictionary or use one of the excellent online legal dictionaries or apps.


Hardbound Legal Dictionaries

1. Black’s Law Dictionary 
2. Barron’s Law Dictionary
3. Ballentine’s Legal Dictionary

Online Legal Dictionaries

1. Merriam-Webster 
Address: merriam-webster.com/legal
2. Blacks Law Dictionary
Address: dictionary.thelaw.com
3. Law.com
Address: dictionary.law.com

Legal Dictionary Apps

1. Legal Dictionary (Farlex)- Free 
2. Black’s Law Dictionary - \$\$\$
3. Best Law Dictionary Offline – Free