

Introduction To Legal Writing

A *contrario* is a legal doctrine used in interpreting statutes, which means that a provision should be interpreted in light of its context and the intention of the legislature. This doctrine is often used to resolve ambiguities in the law. For instance, in a case where a statute is unclear, a court might use a *contrario* to interpret the provision in a way that is consistent with the overall purpose of the legislation. Related terms include interpretation, legislative intent, and contextual analysis.

Acceptance is a crucial concept in contract law, referring to the act of agreeing to the terms of an offer. This can be expressed through words or actions, and it must be clear and unequivocal. For example, if someone offers to sell a car for a certain price, and the buyer agrees to pay that price, then there is an acceptance. Related terms include offer, consideration, and contract formation.

Acknowledgment is a formal declaration or admission that something is true or exists. In legal writing, an acknowledgment is often used to verify the authenticity of a document or to confirm that a person has received something. For instance, an acknowledgment might be used to confirm that a person has received a summons or a complaint. Related terms include verification, authentication, and confirmation.

Action is a legal proceeding or lawsuit brought before a court. This can include a wide range of proceedings, such as a civil lawsuit, a criminal prosecution, or an administrative hearing. For example, if someone is suing another person for damages, then that is an action. Related terms include lawsuit, proceeding, and litigation.

Active voice is a grammatical construction where the subject of a sentence performs the action described by the verb. In legal writing, using the active voice can make the writing more clear and concise. For instance, instead of saying "the contract was written by John," it is better to say "John wrote the contract." Related terms include passive voice, clarity, and concision.

Admission is a statement or acknowledgment that something is true or exists. In legal proceedings, an admission can be used as evidence to prove a fact. For example, if a person admits to having committed a crime, then that admission can be used against them in court. Related terms include confession, evidence, and proof.

Adversary system is a legal system where two or more parties with opposing interests present their cases to an impartial decision-maker. This system is used in many countries, including the United States, and is designed to ensure that both sides of a case are presented fairly and that justice is served. For instance, in a civil lawsuit, the plaintiff and defendant are adversaries who present their cases to a judge or jury. Related terms include opposing parties, impartial, and decision-maker.

Affidavit is a sworn statement or declaration that is used as evidence in legal proceedings. This is a written document that is signed and witnessed, and it is often used to prove a fact or to provide testimony. For example, if a person wants to provide testimony in a case but is unable to appear in court, they might provide an affidavit instead. Related terms include sworn statement, declaration, and evidence.

Allegation is a statement or claim that something is true or exists. In legal proceedings, an allegation is often used to assert a fact or to make a claim. For instance, in a civil lawsuit, the plaintiff might allege that the defendant was negligent and caused them harm. Related terms include claim, assertion, and fact.

Alternative dispute resolution is a process or method used to resolve disputes outside of the court system. This can include mediation, arbitration, or other forms of dispute resolution. For example, if two parties are in a dispute over a contract, they might use alternative dispute resolution to resolve their differences without going to court. Related terms include mediation, arbitration, and dispute resolution.

Ambiguity is a condition or situation where something is unclear or open to multiple interpretations. In legal writing, ambiguity can be a problem because it can lead to confusion or misinterpretation. For instance, if a contract is ambiguous, it can be difficult to determine what the parties intended. Related terms include uncertainty, clarity, and interpretation.

Amicus curiae is a friend of the court who provides information or expertise to assist the court in making a decision. This is often used in cases where there is a complex or technical issue at stake. For example, if a court is considering a case that involves a complex scientific issue, an amicus curiae might provide information or expertise to help the court understand the issue. Related terms include friend of the court, expert, and information.

Answer is a response or reply to a complaint or other pleading. In legal proceedings, an answer is often used to respond to allegations or claims made by the other party. For instance, if a defendant is sued, they might file an answer to respond to the allegations made against them. Related terms include response, reply, and pleading.

Appeal is a request or petition to a higher court to review a decision made by a lower court. This is often used when a party is unhappy with the outcome of a case and wants to have it reviewed. For example, if a person loses a case in a lower court, they might appeal the decision to a higher court. Related terms include petition, review, and decision.

Appellant is a party who appeals a decision made by a lower court. This is the person or entity that is seeking to have the decision reviewed by a higher court. For instance, if a person loses a case in a lower court and wants to appeal the decision, they would be the appellant. Related terms include appellee, appeal, and decision.

Appellee is a party who responds to an appeal made by the appellant. This is the person or entity that is opposing the appeal and seeking to have the original decision upheld. For example, if a person wins a case

in a lower court and the other party appeals the decision, they would be the appellee. Related terms include appellant, appeal, and decision.

Application is a request or petition to a court or other authority for a specific relief or remedy. This can include a wide range of requests, such as a request for a stay, a subpoena, or an injunction. For instance, if a person wants to request a stay of a court order, they might file an application with the court. Related terms include petition, request, and relief.

Argument is a statement or claim that is made to support a particular position or point of view. In legal writing, an argument is often used to persuade the reader or to make a case. For example, if a person is writing a brief, they might make an argument to support their client's position. Related terms include claim, statement, and position.

Authority is a source or reference that is used to support a particular argument or claim. In legal writing, authority can include case law, statutes, or other legal precedents. For instance, if a person is writing a brief, they might cite authority to support their argument. Related terms include source, reference, and precedent.

Benefit is a gain or advantage that is received by a person or entity. In legal contexts, benefits can include things like insurance benefits, pension benefits, or other forms of compensation. For example, if a person is injured on the job, they might be eligible for workers' compensation benefits. Related terms include gain, advantage, and compensation.

Binding is a decision or agreement that is enforceable and obligatory. In legal contexts, binding decisions can include things like contracts, judgments, or other forms of agreement. For instance, if two parties enter into a contract, they are bound by the terms of that contract. Related terms include enforceable, obligatory, and agreement.

Brief is a written document that is used to argue a case or to present a position. In legal contexts, briefs are often used to make arguments to a court or to present a case to a judge or jury. For example, if a person is suing another person, they might file a brief with the court to present their case. Related terms include argument, presentation, and case.

Burden of proof is the responsibility or duty to prove a particular fact or claim. In legal contexts, the burden of proof can be on one party or the other, depending on the circumstances of the case. For instance, in a civil lawsuit, the plaintiff typically has the burden of proof to show that the defendant was negligent. Related terms include responsibility, duty, and proof.

Case is a legal proceeding or lawsuit that is brought before a court. For example, if a person is suing another person, that is a case.

Cause of action is a legal claim or right that a person or entity has to sue another party. This can include things like breach of contract, negligence, or other forms of legal wrongdoing. For instance, if a person is

injured in a car accident, they might have a cause of action against the other driver. Related terms include claim, right, and sue.

Certainty is a condition or situation where something is clear and unambiguous. In legal contexts, certainty can be important because it can help to avoid confusion or misinterpretation. For example, if a contract is certain and unambiguous, it can be easier to determine what the parties intended. Related terms include clarity, ambiguity, and interpretation.

Charge is a statement or allegation that is made against a person or entity. In legal contexts, charges can include things like criminal charges, civil charges, or other forms of allegation. For instance, if a person is accused of a crime, they might face charges. Related terms include allegation, accusation, and prosecution.

Citation is a reference or quotation that is used to support a particular argument or claim. In legal writing, citations are often used to provide authority for a particular point or to support a claim. For example, if a person is writing a brief, they might include citations to case law or statutes to support their argument. Related terms include reference, quotation, and authority.

Claim is a statement or allegation that is made to assert a particular right or entitlement. In legal contexts, claims can include things like civil claims, criminal claims, or other forms of allegation. For instance, if a person is suing another person, they might make a claim for damages. Related terms include allegation, assertion, and entitlement.

Clear and convincing evidence is a standard of proof that is used in some legal proceedings. This standard requires that the evidence be clear and convincing, and that it be sufficient to prove a particular fact or claim. For example, if a person is seeking to have a will declared invalid, they might need to provide clear and convincing evidence to support their claim. Related terms include standard of proof, evidence, and burden of proof.

Code is a set of rules or regulations that govern a particular area of law. In legal contexts, codes can include things like civil codes, criminal codes, or other forms of regulation. For instance, if a person is practicing law in a particular state, they might need to be familiar with the state's civil code. Related terms include rules, regulations, and govern.

Comment is a note or explanation that is used to clarify or interpret a particular point or issue. In legal writing, comments are often used to provide additional information or to explain a complex concept. For example, if a person is writing a brief, they might include comments to explain a particular point or to provide additional context. Related terms include note, explanation, and interpretation.

Complaint is a document that is used to initiate a lawsuit or other legal proceeding. This document typically sets out the claims or allegations that are being made against the defendant. For instance, if a person is suing another person, they might file a complaint with the court. Related terms include lawsuit, proceeding, and allegation.

Conclusion is a summary or restatement of the main points or arguments that have been made. In legal writing, conclusions are often used to summarize the key points of a case or to restate the main arguments. For example, if a person is writing a brief, they might include a conclusion to summarize the main points of their argument. Related terms include summary, restatement, and argument.

Condition is a term or provision that must be met or satisfied in order for something to happen or be true. In legal contexts, conditions can include things like contractual conditions, statutory conditions, or other forms of provision. For instance, if a person enters into a contract, they might be subject to certain conditions that must be met in order for the contract to be enforceable. Related terms include term, provision, and satisfaction.

Contract is a binding agreement between two or more parties that is enforceable by law. This can include things like employment contracts, sales contracts, or other forms of agreement. For example, if a person agrees to work for a company, they might enter into a contract that outlines the terms of their employment. Related terms include agreement, binding, and enforceable.

Counterclaim is a claim or allegation that is made by the defendant against the plaintiff. This can include things like counter-suits, cross-claims, or other forms of allegation. For instance, if a person is sued by another person, they might file a counterclaim against the plaintiff. Related terms include claim, allegation, and defendant.

Court is a body or institution that has the authority to hear and decide cases. This can include things like trial courts, appellate courts, or other forms of tribunal. For example, if a person is suing another person, they might take their case to a court. Related terms include tribunal, authority, and jurisdiction.

Cross-examination is a process or procedure where a witness is questioned by the opposing party in a lawsuit. This can be used to challenge the witness's testimony or to elicit additional information. For instance, if a person is testifying in a case, they might be subject to cross-examination by the other party's lawyer. Related terms include witness, questioning, and testimony.

Damages is a monetary award that is given to a person or entity as compensation for a loss or injury. In legal contexts, damages can include things like economic damages, non-economic damages, or other forms of compensation. For example, if a person is injured in a car accident, they might be eligible for damages to compensate them for their losses. Related terms include compensation, loss, and injury.

Decision is a ruling or judgment that is made by a court or other tribunal. This can include things like trial decisions, appellate decisions, or other forms of ruling. For instance, if a person takes a case to court, the court might make a decision in the case. Related terms include ruling, judgment, and tribunal.

Default is a failure or omission to do something that is required or expected. In legal contexts, defaults can include things like default judgments, default notices, or other forms of failure. For example, if a person fails to respond to a lawsuit, they might be subject to a default judgment. Related terms include failure,

omission, and requirement.

Defendant is a person or entity that is being sued or prosecuted in a lawsuit. This can include things like individuals, companies, or other forms of entity. For instance, if a person is sued by another person, they would be the defendant. Related terms include plaintiff, suit, and prosecution.

Discovery is a process or procedure where parties to a lawsuit exchange information and evidence. This can include things like interrogatories, depositions, or other forms of discovery. For example, if a person is involved in a lawsuit, they might participate in discovery to exchange information with the other party. Related terms include information, evidence, and exchange.

Dismissal is a ruling or judgment that is made by a court to dismiss a lawsuit or other proceeding. This can include things like voluntary dismissals, involuntary dismissals, or other forms of dismissal. For instance, if a person's lawsuit is dismissed, they might not be able to pursue their claim. Related terms include ruling, judgment, and proceeding.

Document is a written or printed record that is used to prove or establish a particular fact or claim. In legal contexts, documents can include things like contracts, agreements, or other forms of record. For example, if a person enters into a contract, they might sign a document to memorialize the agreement. Related terms include record, evidence, and proof.

Draft is a preliminary or initial version of a document or writing. In legal contexts, drafts can include things like contract drafts, brief drafts, or other forms of writing. For instance, if a person is writing a brief, they might create a draft to outline their arguments. Related terms include preliminary, initial, and version.

Due process is a principle or concept that is used to ensure that individuals are treated fairly and justly in legal proceedings. This can include things like notice, hearing, or other forms of protection. For example, if a person is facing a lawsuit, they are entitled to due process to ensure that they are treated fairly. Related terms include fairness, justice, and protection.

Element is a component or part of a claim or allegation. In legal contexts, elements can include things like causation, damages, or other forms of component. For instance, if a person is making a claim for negligence, they might need to prove certain elements, such as duty and breach. Related terms include component, part, and claim.

Evidence is a fact or circumstance that is used to prove or establish a particular claim or allegation. In legal contexts, evidence can include things like testimony, documents, or other forms of proof. For example, if a person is trying to prove a fact, they might use evidence to support their claim. Related terms include fact, circumstance, and proof.

Exclusion is a rule or provision that is used to exclude or omit certain evidence or information. In legal contexts, exclusions can include things like hearsay, privileged information, or other forms of exclusion. For

instance, if a person is trying to introduce evidence, they might be subject to an exclusionary rule. Related terms include rule, provision, and exclusion.

Examination is a process or procedure where a witness is questioned in a lawsuit. This can include things like direct examination, cross-examination, or other forms of examination. For example, if a person is testifying in a case, they might be subject to examination by the opposing party's lawyer.

Exhibit is a document or object that is used as evidence in a lawsuit. This can include things like contracts, photographs, or other forms of evidence. For instance, if a person is trying to prove a fact, they might introduce an exhibit to support their claim. Related terms include document, object, and evidence.

Expert is a person who has specialized knowledge or skill in a particular area. In legal contexts, experts can include things like witnesses, consultants, or other forms of expert. For example, if a person is trying to prove a complex technical issue, they might call an expert to testify. Related terms include witness, consultant, and specialized.

Fact is a circumstance or event that is proven or established to be true. In legal contexts, facts can include things like evidence, testimony, or other forms of proof. For instance, if a person is trying to prove a fact, they might use evidence to support their claim. Related terms include circumstance, event, and proof.

File is to submit or deposit a document or writing with a court or other authority. In legal contexts, filing can include things like complaints, motions, or other forms of document. For example, if a person is suing another person, they might file a complaint with the court. Related terms include submit, deposit, and document.

Finding is a conclusion or determination that is made by a court or other tribunal. This can include things like trial findings, appellate findings, or other forms of determination. For instance, if a person takes a case to court, the court might make a finding in the case. Related terms include conclusion, determination, and tribunal.

Hearing is a proceeding or session where evidence is presented and witnesses are questioned. In legal contexts, hearings can include things like trial hearings, pretrial hearings, or other forms of proceeding. For example, if a person is involved in a lawsuit, they might participate in a hearing to present evidence. Related terms include evidence, witness, and proceeding.

Injunction is a court order that is used to prohibit or require a particular action. In legal contexts, injunctions can include things like temporary injunctions, permanent injunctions, or other forms of order. For instance, if a person is trying to stop another person from doing something, they might seek an injunction. Related terms include order, prohibition, and requirement.

Interrogatory is a written question that is used to obtain information from a party or witness. In legal contexts, interrogatories can include things like discovery requests, deposition questions, or other forms of

questioning. For example, if a person is trying to obtain information from another party, they might use interrogatories. Related terms include question, information, and discovery.

Issue is a point or question that is in dispute or controversy. In legal contexts, issues can include things like factual issues, legal issues, or other forms of dispute. For instance, if a person is involved in a lawsuit, they might be trying to resolve a particular issue. Related terms include point, question, and dispute.

Judgment is a final decision or ruling that is made by a court or other tribunal. In legal contexts, judgments can include things like trial judgments, appellate judgments, or other forms of decision. For example, if a person takes a case to court, the court might make a judgment in the case. Related terms include decision, ruling, and tribunal.

Jurisdiction is the authority or power of a court or other tribunal to hear and decide cases. In legal contexts, jurisdiction can include things like subject matter jurisdiction, personal jurisdiction, or other forms of authority. For instance, if a person is involved in a lawsuit, they might need to determine which court has jurisdiction over the case. Related terms include authority, power, and tribunal.