

Legal Writing Fundamentals

Abridged: refers to a condensed version of a document, such as a court opinion, that includes only the most essential information. In legal writing, abridged versions of documents are often used to provide a brief summary of the main points. Related terms include abstract, brief, and digest. Abridged versions are commonly used in legal research and writing to help readers quickly understand the key points of a case or document.

Abstract: a brief summary of a document, such as a court opinion or academic article, that provides an overview of the main points. Abstracts are often used in legal research and writing to help readers quickly understand the key points of a document. Related terms include abridged, brief, and digest. Abstracts are commonly used in academic and legal writing to provide a concise summary of a document.

Acknowledgment: a statement that recognizes the contributions or assistance of others, such as in a research paper or brief. In legal writing, acknowledgments are often used to thank individuals who have provided help or guidance. Related terms include citation, credit, and reference. Acknowledgments are commonly used in academic and legal writing to provide a formal expression of gratitude.

Admissibility: the standard by which evidence is deemed acceptable in a court of law. In legal research and writing, admissibility refers to the rules of evidence that determine what evidence can be presented in court. Related terms include evidence, hearsay, and relevance. Admissibility is a critical concept in legal research and writing, as it determines what evidence can be used to support a claim or argument.

Affidavit: a sworn statement made under oath or affirmation, often used as evidence in court. In legal research and writing, affidavits are commonly used to provide firsthand testimony or to verify facts. Related terms include declaration, deposition, and testimony. Affidavits are often used in legal proceedings to provide concrete evidence of a fact or event.

Allegation: a claim or assertion made in a legal document, such as a complaint or petition. In legal research and writing, allegations are used to state the facts and claims of a case. Related terms include claim, complaint, and petition. Allegations are commonly used in legal documents to provide a clear statement of the issues in dispute.

Amicus curiae: a friend of the court, often an expert or organization that provides information or insight to assist the court in making a decision. In legal research and writing, amicus curiae briefs are commonly used to provide additional perspectives or expertise on a particular issue. Related terms include brief, motion, and petition. Amicus curiae briefs are often used in appellate proceedings to provide supplemental information to the court.

Annotated: a document or text that includes notes or comments to provide explanation or context. In legal research and writing, annotated documents are commonly used to provide detailed analysis or

interpretation of a text. Related terms include commentary, footnote, and marginalia. Annotated documents are often used in legal research and writing to provide a comprehensive understanding of a particular issue or topic.

Appeal: a request to a higher court to review and reverse a decision made by a lower court. In legal research and writing, appeals are commonly used to challenge a decision or seek relief from an adverse ruling. Related terms include petition, motion, and writ. Appeals are often used in legal proceedings to correct errors or address injustices.

Appellant: the party that initiates an appeal, often the party that lost the case in the lower court. In legal research and writing, appellants are commonly referred to as the plaintiff or petitioner. Related terms include appellee, respondent, and defendant. Appellants are often required to file a brief or other documents in support of their appeal.

Appellee: the party that responds to an appeal, often the party that won the case in the lower court. In legal research and writing, appellees are commonly referred to as the defendant or respondent. Related terms include appellant, respondent, and defendant. Appellees are often required to file a brief or other documents in response to the appeal.

Argument: a claim or assertion made in support of a position or theory. In legal research and writing, arguments are commonly used to present evidence and persuade the reader or court. Related terms include brief, motion, and petition. Arguments are often used in legal documents to provide a clear and convincing case for a particular position or claim.

Authority: a source or reference that is cited to support a claim or argument. In legal research and writing, authorities are commonly used to establish the validity or credibility of a claim. Related terms include citation, precedent, and reference. Authorities are often used in legal documents to provide a foundational basis for a particular argument or claim.

Binding: a decision or ruling that is mandatory and enforceable, often used to describe a court decision that is final and conclusive. In legal research and writing, binding decisions are commonly used to establish a precedent or settle a dispute. Related terms include final, conclusive, and enforceable. Binding decisions are often used in legal proceedings to resolve disputes and provide certainty.

Brief: a written document that presents arguments and evidence in support of a claim or position. In legal research and writing, briefs are commonly used to advocate for a particular position or persuade the court. Related terms include argument, motion, and petition. Briefs are often used in legal proceedings to provide a clear and concise statement of the issues and arguments.

Burden of proof: the obligation to demonstrate or establish a fact or claim, often used to describe the responsibility of a party to prove their case. In legal research and writing, burden of proof is commonly used to determine the outcome of a case or resolve a dispute. Related terms include evidence, proof, and standard of proof. Burden of proof is often used in legal proceedings to allocate responsibility and determine the outcome of a case.

Case law: the body of law that is based on judicial decisions and precedents, often used to describe the collective decisions of courts on a particular issue or topic. In legal research and writing, case law is commonly used to interpret and apply the law to a particular situation. Related terms include common law, precedent, and statute. Case law is often used in legal research and writing to provide a framework for understanding and applying the law.

Citation: a reference to a source or authority that is used to support a claim or argument. In legal research and writing, citations are commonly used to credit the original author or source of an idea or concept. Related terms include authority, reference, and source. Citations are often used in legal documents to provide a clear and accurate reference to the original source.

Claim: a statement or assertion made in support of a right or interest, often used to describe a party's position or demand in a legal dispute. In legal research and writing, claims are commonly used to present a case or assert a right. Related terms include allegation, argument, and demand. Claims are often used in legal documents to provide a clear and concise statement of the issues and arguments.

Common law: the body of law that is based on custom, tradition, and judicial decisions, often used to describe the law that is not codified or enacted by a legislature. In legal research and writing, common law is commonly used to interpret and apply the law to a particular situation. Related terms include case law, precedent, and statute. Common law is often used in legal research and writing to provide a framework for understanding and applying the law.

Complaint: a document that initiates a lawsuit or proceeding, often used to describe the initial pleading in a case. In legal research and writing, complaints are commonly used to state the claims and allegations of a party. Related terms include petition, motion, and brief. Complaints are often used in legal proceedings to provide a clear and concise statement of the issues and arguments.

Conclusive: a decision or ruling that is final and binding, often used to describe a court decision that is not subject to appeal or review. In legal research and writing, conclusive decisions are commonly used to establish a precedent or settle a dispute. Related terms include binding, final, and enforceable. Conclusive decisions are often used in legal proceedings to resolve disputes and provide certainty.

Counterclaim: a claim or counterdemand made by a defendant against a plaintiff, often used to describe a response to a complaint or allegation. In legal research and writing, counterclaims are commonly used to assert a right or interest that is opposite to the plaintiff's claim. Related terms include claim, complaint, and defense. Counterclaims are often used in legal proceedings to provide a response to a plaintiff's allegations.

Court: a tribunal or forum that has the authority to hear and decide cases, often used to describe a judicial body that has the power to interpret and apply the law. In legal research and writing, courts are commonly used to resolve disputes and provide justice. Related terms include judge, jury, and tribunal. Courts are often used in legal proceedings to provide a fair and impartial forum for resolving disputes.

Declaration: a statement or assertion made under oath or affirmation, often used to describe a sworn statement or affidavit. In legal research and writing, declarations are commonly used to provide evidence or testimony in support of a claim or argument. Related terms include affidavit, deposition, and testimony.

Declarations are often used in legal proceedings to provide a formal statement of facts or circumstances.

Defendant: a party that is sued or accused in a lawsuit or proceeding, often used to describe the party that is responding to a complaint or allegation. In legal research and writing, defendants are commonly referred to as the respondent or accused. Related terms include plaintiff, respondent, and appellee. Defendants are often required to file a response or answer to the complaint or allegation.

Demand: a request or claim made by a party, often used to describe a party's assertion of a right or interest. In legal research and writing, demands are commonly used to state a party's position or request relief. Related terms include claim, complaint, and petition. Demands are often used in legal documents to provide a clear and concise statement of the issues and arguments.

Deposition: a testimony or statement made under oath or affirmation, often used to describe a sworn statement or affidavit that is used as evidence in a case. In legal research and writing, depositions are commonly used to gather evidence or information in support of a claim or argument. Related terms include affidavit, declaration, and testimony. Depositions are often used in legal proceedings to provide a formal statement of facts or circumstances.

Digest: a summary or compilation of cases or decisions, often used to describe a collection of court decisions or precedents on a particular issue or topic. In legal research and writing, digests are commonly used to provide a concise overview of the law on a particular topic. Related terms include abstract, brief, and summary. Digests are often used in legal research and writing to provide a comprehensive understanding of a particular issue or topic.

Discovery: the process of gathering evidence or information in a case, often used to describe the pre-trial phase of a lawsuit where parties exchange information and documents. In legal research and writing, discovery is commonly used to uncover facts or circumstances that are relevant to a case. Related terms include deposition, interrogation, and investigation. Discovery is often used in legal proceedings to provide a fair and efficient means of gathering evidence and information.

Enforceable: a decision or ruling that is binding and mandatory, often used to describe a court decision that is final and conclusive. In legal research and writing, enforceable decisions are commonly used to establish a precedent or settle a dispute. Related terms include binding, conclusive, and final. Enforceable decisions are often used in legal proceedings to resolve disputes and provide certainty.

Evidence: facts or information that are used to support or prove a claim or argument, often used to describe the materials or documents that are presented in a case. In legal research and writing, evidence is commonly used to establish the truth or validity of a claim. Related terms include proof, testimony, and witness. Evidence is often used in legal proceedings to provide a foundation for a claim or argument.

Ex parte: a proceeding or hearing that is held without the presence of the opposing party, often used to describe a situation where one party is not represented or present. In legal research and writing, ex parte proceedings are commonly used to obtain a temporary or emergency order. Related terms include hearing, motion, and petition. Ex parte proceedings are often used in legal proceedings to provide a swift and efficient means of resolving a dispute.

Final: a decision or ruling that is conclusive and binding, often used to describe a court decision that is not subject to appeal or review. In legal research and writing, final decisions are commonly used to establish a precedent or settle a dispute. Related terms include binding, conclusive, and enforceable. Final decisions are often used in legal proceedings to resolve disputes and provide certainty.

Hearsay: a statement or testimony that is not based on the personal knowledge of the witness, often used to describe a statement that is secondhand or indirect. In legal research and writing, hearsay is commonly used to describe a type of evidence that is not admissible in court. Related terms include evidence, testimony, and witness. Hearsay is often used in legal proceedings to challenge the admissibility of evidence.

Injunction: a court order that prohibits or requires a party to take a certain action, often used to describe a type of relief that is equitable or remedial. In legal research and writing, injunctions are commonly used to enforce a right or protect an interest. Related terms include court order, decree, and relief. Injunctions are often used in legal proceedings to provide a swift and efficient means of resolving a dispute.

Interrogatory: a question or inquiry that is used to gather information or evidence in a case, often used to describe a type of discovery that is used to obtain facts or circumstances from a party. In legal research and writing, interrogatories are commonly used to uncover facts or information that are relevant to a case. Related terms include deposition, discovery, and investigation. Interrogatories are often used in legal proceedings to provide a fair and efficient means of gathering evidence and information.

Judge: a person who is authorized to hear and decide cases, often used to describe a judicial officer who has the power to interpret and apply the law. In legal research and writing, judges are commonly referred to as the tribunal or arbiter of a case. Related terms include court, jury, and tribunal. Judges are often used in legal proceedings to provide a fair and impartial forum for resolving disputes.

Jurisdiction: the authority or power of a court to hear and decide a case, often used to describe the geographical or subject matter limits of a court's authority. In legal research and writing, jurisdiction is commonly used to determine the court's authority to hear a case. Related terms include authority, court, and power. Jurisdiction is often used in legal proceedings to establish the court's authority to hear a case.

Jury: a group of people who are sworn to decide a case, often used to describe a panel of individuals who are impartial and unbiased. In legal research and writing, juries are commonly used to hear evidence and render a verdict. Related terms include court, judge, and tribunal. Juries are often used in legal proceedings to provide a fair and impartial means of resolving disputes.

Litigation: a lawsuit or proceeding that is pending or ongoing, often used to describe a case that is in progress or unresolved. In legal research and writing, litigation is commonly used to describe the process of resolving a dispute through the courts. Related terms include lawsuit, proceeding, and trial. Litigation is often used in legal proceedings to provide a formal and structured means of resolving disputes.

Motion: a request or application made to a court, often used to describe a type of pleading or document that is used to seek relief or resolution of a dispute. In legal research and writing, motions are commonly used to present a claim or argument to the court. Related terms include application, petition, and request.

Motions are often used in legal proceedings to provide a swift and efficient means of resolving a dispute.

Opinion: a statement or expression of a judge or court on a particular issue or case, often used to describe a written decision or ruling that is published or made public. In legal research and writing, opinions are commonly used to interpret and apply the law to a particular situation. Related terms include decision, judgment, and ruling. Opinions are often used in legal proceedings to provide a clear and authoritative statement of the law.

Petition: a document that is used to initiate a proceeding or seek relief from a court, often used to describe a type of pleading or application that is used to present a claim or argument to the court. In legal research and writing, petitions are commonly used to state a claim or request relief. Related terms include application, motion, and request. Petitions are often used in legal proceedings to provide a formal and structured means of resolving disputes.

Plaintiff: a party that initiates a lawsuit or proceeding, often used to describe the party that is seeking relief or redress from the court. In legal research and writing, plaintiffs are commonly referred to as the complainant or applicant. Related terms include defendant, respondent, and appellee. Plaintiffs are often required to file a complaint or petition to initiate a lawsuit.

Precedent: a decision or ruling that is used as a guide or authority for future cases, often used to describe a court decision that is binding and mandatory. In legal research and writing, precedents are commonly used to establish a principle or rule of law. Related terms include authority, case law, and decision. Precedents are often used in legal proceedings to provide a clear and authoritative statement of the law.

Proceeding: a lawsuit or case that is pending or ongoing, often used to describe a legal action that is in progress or unresolved. In legal research and writing, proceedings are commonly used to describe the process of resolving a dispute through the courts. Related terms include lawsuit, litigation, and trial. Proceedings are often used in legal proceedings to provide a formal and structured means of resolving disputes.

Proof: evidence or facts that are used to support or establish a claim or argument, often used to describe the materials or documents that are presented in a case. In legal research and writing, proof is commonly used to demonstrate the truth or validity of a claim. Related terms include evidence, testimony, and witness. Proof is often used in legal proceedings to provide a foundation for a claim or argument.

Reference: a source or authority that is used to support or establish a claim or argument, often used to describe a citation or quotation that is used to credit the original author or source of an idea or concept. In legal research and writing, references are commonly used to provide a clear and accurate reference to the original source. Related terms include authority, citation, and source. References are often used in legal documents to provide a clear and concise statement of the issues and arguments.

Relief: a remedy or outcome that is sought or obtained in a case, often used to describe a type of judgment or award that is granted by a court. In legal research and writing, relief is commonly used to describe the outcome or result of a case. Related terms include judgment, award, and remedy. Relief is often used in legal proceedings to provide a fair and just outcome to a dispute.

Remedy: a means or method of obtaining relief or redress in a case, often used to describe a type of judgment or award that is granted by a court. In legal research and writing, remedies are commonly used to provide a means of resolving a dispute or obtaining relief. Related terms include relief, judgment, and award. Remedies are often used in legal proceedings to provide a fair and just outcome to a dispute.

Respondent: a party that responds to a complaint or petition, often used to describe the party that is defending against a claim or allegation. In legal research and writing, respondents are commonly referred to as the defendant or appellee. Related terms include plaintiff, appellant, and defendant. Respondents are often required to file a response or answer to the complaint or petition.

Ruling: a decision or judgment that is made by a court, often used to describe a binding and mandatory decision that is final and conclusive. In legal research and writing, rulings are commonly used to establish a precedent or settle a dispute. Related terms include decision, judgment, and order. Rulings are often used in legal proceedings to provide a clear and authoritative statement of the law.

Source: a document or authority that is used to support or establish a claim or argument, often used to describe a citation or quotation that is used to credit the original author or source of an idea or concept. In legal research and writing, sources are commonly used to provide a clear and accurate reference to the original source. Related terms include authority, citation, and reference. Sources are often used in legal documents to provide a clear and concise statement of the issues and arguments.

Standard of proof: the level or degree of evidence that is required to prove a claim or argument, often used to describe the burden of proof that is required to establish a fact or circumstance. In legal research and writing, standards of proof are commonly used to determine the outcome of a case or resolve a dispute. Related terms include burden of proof, evidence, and proof. Standards of proof are often used in legal proceedings to provide a fair and just means of resolving disputes.

Statute: a law or enactment that is passed by a legislative body, often used to describe a codified or enacted law that is binding and mandatory. In legal research and writing, statutes are commonly used to interpret and apply the law to a particular situation. Related terms include case law, common law, and precedent. Statutes are often used in legal research and writing to provide a clear and authoritative statement of the law.

Testimony: a statement or declaration that is made by a witness or party in a case, often used to describe a sworn statement or affidavit that is used as evidence in a case. In legal research and writing, testimony is commonly used to provide evidence or information in support of a claim or argument. Related terms include affidavit, declaration, and deposition. Testimony is often used in legal proceedings to provide a formal statement of facts or circumstances.

Trial: a hearing or proceeding that is held to determine the outcome of a case, often used to describe a judicial or adjudicative process that is used to resolve a dispute. In legal research and writing, trials are commonly used to present evidence and arguments to a court or jury. Related terms include hearing, proceeding, and litigation. Trials are often used in legal proceedings to provide a fair and impartial means of resolving disputes.

Witness: a person who testifies or provides evidence in a case, often used to describe a party or individual who has personal knowledge of a fact or circumstance. In legal research and writing, witnesses are commonly used to provide evidence or information in support of a claim or argument. Related terms include testimony, affidavit, and deposition. Witnesses are often used in legal proceedings to provide a formal statement of facts or circumstances.

Writ: a formal or official document that is used to command or authorize a particular action or proceeding, often used to describe a type of court order or mandate that is used to enforce a right or remedy. In legal research and writing, writs are commonly used to provide a means of obtaining relief or redress in a case. Related terms include court order, decree, and mandate. Writs are often used in legal proceedings to provide a swift and efficient means of resolving a dispute.