



# GLOSSARY

## A

**Abandonment** The surrender, relinquishment, disclaimer, or cession of property or of rights. Voluntary relinquishment of all right, title, claim, and possession, with the intent of not reclaiming it. The giving up of a thing absolutely, without reference to any particular person or purpose, as vacating property with the intention of not returning, so that it may be appropriated by the next comer or finder. The voluntary relinquishment of possession of thing by owner with intention of terminating ownership, but without vesting it in any other person. The relinquishing of all title, possession, or claim, or a virtual, intentional throwing away of property. Term includes both the intention to abandon and the external act by which the intention is carried into effect. In determining whether one has abandoned property or rights, the intention is the first and paramount object of inquiry, for there can be no abandonment without the intention to abandon. *Abandonment* differs from surrender in that surrender requires an agreement, and also from forfeiture, in that forfeiture may be against the intention of the party alleged to have forfeited.

**Abatement** A reduction, a decrease, or a diminution. The suspension or cessation, in whole or in part, of a continuing charge, such as rent.

**Abolition** The destruction, annihilation, abrogation, or extinguishment of anything, but especially things of a permanent nature—such as institutions, usages, or customs, as in the abolition of slavery.

**Abortion** The spontaneous or artificially induced expulsion of an embryo or fetus. As used in legal context, usually refers to induced abortion.

**Absentee voting** Participation in an election by qualified voters who are permitted to mail in their ballots.

**Accessory** Aiding or contributing in a secondary way or assisting in or contributing to as a subordinate. In

criminal law, contributing to or aiding in the commission of a crime. One who, without being present at the commission of an offense, becomes guilty of such offense, not as a chief actor, but as a participant, as by command, advice, instigation, or concealment; either before or after the fact or commission. One who aids, abets, commands, or counsels another in the commission of a crime.

**Accusation** A formal criminal charge against a person alleged to have committed an offense punishable by law, which is presented before a court or a magistrate having jurisdiction to inquire into the alleged crime.

**Accused** The generic name for the defendant in a criminal case. A person becomes accused within the meaning of a guarantee of speedy trial only at the point at which either formal indictment or information has been returned against him or her, or when he or she becomes subject to actual restraints on liberty imposed by arrest, whichever occurs first.

**Acquiescence** Conduct recognizing the existence of a transaction and intended to permit the transaction to be carried into effect; a tacit agreement; consent inferred from silence.

**Acquit** To set free, release or discharge as from an obligation, burden or accusation. To absolve one from an obligation or a liability; or to legally certify the innocence of one charged with a crime.

**Acquittal** The legal and formal certification of the innocence of a person who has been charged with a crime.

**Actual cash value** The fair or reasonable cash price for which a property could be sold in the market in the ordinary course of business, and not at forced sale. The price it will bring in a fair market after reasonable efforts to find a purchaser who will give the highest price. What property is worth in money, allowing for depreciation. Ordinarily, *actual cash value*, *fair market value*, and *market value* are synonymous terms.

- Ad hoc** [*Latin, For this; for this special purpose.*] An attorney ad hoc, or a guardian or curator ad hoc, is one appointed for a special purpose, generally to represent the client or infant in the particular action in which the appointment is made.
- Ad valorem** According to value.
- Adjudication** The legal process of resolving a dispute. The formal giving or pronouncing of a judgment or decree in a court proceeding; also the judgment or decision given. The entry of a decree by a court in respect to the parties in a case. It implies a hearing by a court, after notice, of legal evidence on the factual issue(s) involved. The equivalent of a determination. It indicates that the claims of all the parties thereto have been considered and set at rest.
- Adjusted gross income** The term used for income tax purposes to describe gross income less certain allowable deductions such as trade and business deductions, moving expenses, alimony paid, and penalties for premature withdrawals from term savings accounts, in order to determine a person's taxable income.
- Adjuster** A person appointed or employed to settle or arrange matters that are in dispute; one who determines the amount to be paid on a claim.
- Admissible** A term used to describe information that is relevant to a determination of issues in any judicial proceeding so that such information can be properly considered by a judge or jury in making a decision.
- Adoption** A two-step judicial process in conformance to state statutory provisions in which the legal obligations and rights of a child toward the biological parents are terminated and new rights and obligations are created in the acquired parents.
- Adultery** Voluntary sexual relations between an individual who is married and someone who is not the individual's spouse.
- Affidavit** A written statement of facts voluntarily made by an affiant under an oath or affirmation administered by a person authorized to do so by law.
- Affirmative action** Employment programs required by federal statutes and regulations designed to remedy discriminatory practices in hiring minority group members; i.e., positive steps designed to eliminate existing and continuing discrimination, to remedy lingering effects of past discrimination, and to create systems and procedures to prevent future discrimination; commonly based on population percentages of minority groups in a particular area. Factors considered are race, color, sex, creed, and age.
- Age of consent** The age at which a person may marry without parental approval. The age at which a female is legally capable of agreeing to sexual intercourse, so that a male who engages in sex with her cannot be prosecuted for statutory rape.
- Age of majority** The age at which a person, formerly a minor or an infant, is recognized by law to be an adult, capable of managing his or her own affairs and responsible for any legal obligations created by his or her actions.
- Aliens** Foreign-born persons who have not been naturalized to become U.S. citizens under federal law and the Constitution.
- Alimony** Payment that a family court may order one person in a couple to make to the other person when that couple separates or divorces.
- Allegation** The assertion, claim, declaration, or statement of a party to an action, setting out what he or she expects to prove.
- Allege** To state, recite, assert, or charge the existence of particular facts in a pleading or an indictment; to make an allegation.
- Ancillary** Subordinate; aiding. A legal proceeding that is not the primary dispute but which aids the judgment rendered in or the outcome of the main action. A descriptive term that denotes a legal claim, the existence of which is dependent upon or reasonably linked to a main claim.
- Annual percentage rate** The actual cost of borrowing money, expressed in the form of a yearly measure to allow consumers to compare the cost of borrowing money among several lenders.
- Annuity** A right to receive periodic payments, usually fixed in size, for life or a term of years that is created by a contract or other legal document.
- Annulment** A judgment by a court that retroactively invalidates a marriage to the date of its formation.
- Antitrust law** Legislation enacted by the federal and various state governments to regulate trade and commerce by preventing unlawful restraints, price-fixing, and monopolies, to promote competition, and to encourage the production of quality goods and services at the lowest prices, with the primary goal of safeguarding public welfare by ensuring that consumer demands will be met by the manufacture and sale of goods at reasonable prices.
- Appellant** A person who dissatisfied with the judgment rendered in a lawsuit decided in a lower court or the findings from a proceeding before an administrative agency, asks a superior court to review the decision.
- Appellate** Relating to appeals; reviews by superior courts of decisions of inferior courts or administrative agencies and other proceedings.
- Appellate court** A court having jurisdiction to review decisions of a trial-level or other lower court.
- Apportionment** The process by which legislative seats are distributed among units entitled to representation.

Determination of the number of representatives that a state, county, or other subdivision may send to a legislative body. The U.S. Constitution provides for a census every ten years, on the basis of which Congress apportions representatives according to population; but each state must have at least one representative. *Districting* is the establishment of the precise geographical boundaries of each such unit or constituency. Apportionment by state statute that denies the rule of one-person, one-vote is violative of equal protection of laws. Also, the allocation of a charge or cost such as real estate taxes between two parties, often in the same ratio as the respective times that the parties are in possession or ownership of property during the fiscal period for which the charge is made or assessed.

**Appraisal** A valuation or an approximation of value by impartial, properly qualified person; the process of determining the value of an asset or liability, which entails expert opinion rather than express commercial transactions.

**Appraiser** A person selected or appointed by a competent authority or an interested party to evaluate the financial worth of property.

**Appreciation** The fair and reasonable estimation of the value of an item. The increase in the financial worth of an asset as compared to its value at a particular earlier date as a result of inflation or greater market demand.

**Appropriation** The designation by the government or an individual of the use to which a fund of money is to be applied. The selection and setting apart of privately owned land by the government for public use, such as a military reservation or public building. The diversion of water flowing on public domain from its natural course by means of a canal or ditch for a private beneficial use of the appropriator.

**Arbiter** [*Latin, One who attends something to view it as a spectator or witness.*] Any person who is given an absolute power to judge and rule on a matter in dispute.

**Arbitration** The submission of a dispute to an unbiased third person designated by the parties to the controversy, who agree in advance to comply with the award—a decision to be issued after a hearing at which both parties have an opportunity to be heard.

**Arrears** A sum of money that has not been paid or has only been paid in part at the time it is due.

**Arrest warrant** A written order issued by authority of the state and commanding the seizure of the person named.

**Arson** At common law, the malicious burning or exploding of the dwelling house of another, or the burning of a building within the curtilage, the immediate surrounding space, of the dwelling of another.

**Articles of Confederation** The document that set forth the terms under which the original thirteen states

agreed to participate in a centralized form of government, in addition to their self-rule, and that was in effect from March 1, 1781, to March 4, 1789, prior to the adoption of the Constitution.

**Articles of incorporation** The document that must be filed with an appropriate government agency, commonly the office of the secretary of state, if the owners of a business want it to be given legal recognition as a corporation.

**Artificial insemination** The process by which a woman is medically impregnated using semen from her husband or from a third-party donor.

**As is** A term used to describe a sales transaction in which the seller offers goods in their present, existing condition to prospective buyers.

**Assault** At common law, an intentional act by one person that creates an apprehension in another of an imminent harmful or offensive contact.

**Assault and battery** Two separate offenses against the person that when used in one expression may be defined as any unlawful and unpermitted touching of another. *Assault* is an act that creates an apprehension in another of an imminent, harmful, or offensive contact. The act consists of a threat of harm accompanied by an apparent, present ability to carry out the threat. *Battery* is a harmful or offensive touching of another.

**Assent** An intentional approval of known facts that are offered by another for acceptance, agreement.

**Assessment** The process by which the financial worth of property is determined. The amount at which an item is valued. A demand by the board of directors of a corporation for the payment of any money that is still owed on the purchase of capital stock. The determination of the amount of damages to be awarded to a plaintiff who has been successful in a lawsuit. The ascertainment of the pro rata share of taxes to be paid by members of a group of taxpayers who have directly benefited from a particular common goal or project according to the benefit conferred upon the individual or his or her property. This is known as a special assessment. The listing and valuation of property for purposes of fixing a tax upon it for which its owner will be liable. The procedure by which the Internal Revenue Service, or other government department of taxation, declares that a taxpayer owes additional tax because, for example, the individual has understated personal gross income or has taken deductions to which he or she is not entitled. This process is also known as a deficiency assessment.

**Attorney-client privilege** In law of evidence, client's privilege to refuse to disclose and to prevent any other person from disclosing confidential communications between the client and his or her attorney. Such privilege protects communications between attorney and client made for the purpose of furnishing or obtaining professional legal advice or assistance. That privilege